UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 95th CONGRESS
FIRST SESSION

VOLUME 123—PART 7

MARCH 17, 1977 TO MARCH 23, 1977

(PAGES 7705 TO 8908)

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MARCH 11, 1957 TO MARCH 27, 1957

(PAGES 8105 TO 9308)

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PROCEEDINGS AND DEBATES OF THE 95th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Wednesday, March 16, 1977*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord is good; His mercy is everlasting; and His truth endureth to all generations.—Psalms 100: 5.

Almighty God, our Heavenly Father, who art everywhere and who dost fill all things with Thy presence, we pray Thee to keep us near You this day as we labor for our country. Help us to continue the onward march of Thy kingdom of righteousness and justice by an increase of courage and faith and with a growing concern for law and order and human rights on our planet.

By Thy Spirit may we learn the high art of getting along together that with good will in every life we may become one nation in mind and heart and will seeking the good of all. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Chirdon, one of his secretaries, who also informed the House that on March 10, 1977, the President approved and signed a bill of the House of the following title:

H.R. 3347. An act to rescind certain budget authority recommended in the message of the President of September 22, 1976 (H. Doc. 94–620), transmitted pursuant to the Impoundment Control Act of 1974.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1746. An act to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome; and

H.R. 3839. An act to rescind certain budget authority recommended in the message of the President of January 17, 1977 (H. Doc. 95–48), transmitted pursuant to the Impoundment Control Act of 1974.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 489. An act to amend the Foreign Assistance Act of 1961; and

S. 925. An act to provide temporary authorities to the Secretary of the Interior to facilitate emergency actions to mitigate the impacts of the 1976–77 drought.

The message also announced that the Vice President, pursuant to Public Law 85–474, appointed Mr. SCOTT to attend, on the part of the Senate, the Interparliamentary Union Meeting, to be held in Canberra, Australia, April 11 to 16, 1977.

ELECTION AS MEMBER OF COMMITTEE ON AGRICULTURE

Mr. FOLEY. Mr. Speaker, as chairman of the Democratic Caucus and by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 407) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 407

Resolution designating membership on a certain standing committee of the House

Resolved, That Charles Whitley of North Carolina be, and he is hereby, elected to the Committee on Agriculture of the House of Representatives.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON SCIENCE AND TECHNOLOGY TO HAVE UNTIL MIDNIGHT, FRIDAY, MARCH 18, 1977, TO FILE REPORT ON H.R. 4991, NATIONAL SCIENCE FOUNDATION AUTHORIZATION, 1978

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the Committee on Science and Technology may have until midnight Friday, March 18, 1977, to file a report to accompany H.R. 4991, to authorize appropriations to the National Science Foundation for fiscal year 1978.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

PROPOSED FDA REGULATION BANNING SACCHARINE

(Mr. JONES of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Oklahoma. Mr. Speaker, like many of our colleagues, I am very concerned about the recent FDA proposed regulation banning saccharine. My concern extends not only to the many people such as diabetics who will be adversely affected by this ruling, but also to the broader question of credibility and commonsense within this most vital agency of government. It used to be that the whole world looked to the U.S. Food and Drug Administration for leadership in protecting public health and well being. In recent months, I have heard representatives of other countries say that they no longer consider the FDA rulings with the same credibility.

If the FDA explanation of its saccharine decision is accurate, Congress must share the blame for this loss of credibility and commonsense. It is up to Congress to help restore it. Today I am introducing legislation to amend current law to require that the FDA perform or to verify appropriate tests before banning a product from the market. Such performance or verification of appropriate tests was not conducted by FDA in the instance of the saccharine decision.

In addition, the bill I introduce today will give the FDA the flexibility to use commonsense by giving that agency the latitude to either ban the product entirely if the appropriate tests so warrant, or to require an appropriate warning label on the product if the risk of harm is slight as is the case with saccharine.

Certainly we cannot legislate commonsense, but we can take action to make it easier for people possessing this quality to come to the forefront of the decision-making process at FDA. I applaud our colleague, PAUL ROGERS, for promptly scheduling hearings on this matter and I urge this body to take quick action which will help restore the commonsense confidence of the American people in the Food and Drug Administration.

ANNOUNCING HEARINGS ON AMENDMENTS TO THE ADMINISTRATIVE PROCEDURE ACT AND ANNOUNCING LOBBYING DISCLOSURE HEARINGS

(Mr. DANIELSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIELSON. Mr. Speaker, I wish to announce that the Subcommittee on Administrative Law and Governmental Relations has scheduled hearings on H.R. 3361 and companion bills providing for an amendment to the Administrative Procedure Act to permit the awards of expenses and attorneys' fees

for public participation in Federal agency proceedings. These hearings will be held on Wednesday and Thursday, March 30 and 31, 1977, beginning at 10 a.m. in room 2141 of the Rayburn House Office Building.

Mr. Speaker, I wish to announce also that the Subcommittee on Administrative Law and Governmental Relations of the Committee on the Judiciary will hold 4 days of public hearings to consider H.R. 1180 and related bills to commence on April 4 and to continue on Wednesday, April 6, and on Thursday and Friday, April 21 and April 22, 1977.

These bills would require those who engage in substantial lobbying activities intended to influence the decisionmaking process of the Federal Government to register as lobbyists and to publicly disclose the nature of those activities.

The hearings will be held in room 2141, Rayburn House Office Building and will begin at 10 a.m. on April 4.

EMERGING AIRLIFT OF MILITARY AND MEDICAL SUPPLIES TO ZAIRE

(Mr. JOHNSON of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Colorado. Mr. Speaker, the so-called emergency airlift of military and medical supplies to Zaire illustrates once again the folly of our military foreign aid programs. It really does not seem to matter whether a Republican or Democratic administration is in power. We cannot resist the urge to be involved in every conflict that occurs anywhere in the world. No fight is too big; no dispute is too insignificant; no conflict can be far enough away for us not to intervene.

In Zaire, we do not know who is fighting, or why, or where, or in what force. We have no treaty obligations to Zaire, but we accelerate our military aid, which was unjustified in the first place, at the request of the government there.

Our penchant for knee jerk intervention has had disastrous results in the past. There will be conflict in Africa during the foreseeable future.

Do we have to repeat the same mistakes in Africa as we have made in Asia? Let us avoid ensnaring ourselves by stopping the administration's aid program to Zaire.

TELEVISED FLOOR PROCEEDINGS CONSTITUTE MAJOR BREAKTHROUGH IN ACCURATE RECORD OF DEBATES

(Mr. STEIGER asked and was given permission to address the house for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STEIGER. Mr. Speaker, the 90-day test of televising House floor proceedings is a major breakthrough in the effort to give the American people an accurate record of our debate. You are to be commended for undertaking this initiative.

If, as I hope, broadcasting of sessions is put permanently into effect, we will have an archival record of our proceedings that cannot be amended, revised or in any way altered. The dichotomy between this permanent record and the record of our proceedings represented by the CONGRESSIONAL RECORD will be considerable unless Members significantly alter the way in which the RECORD is currently used.

The public will for the first time be able to see the stark contrast between the appearance of debate, as embodied in the RECORD, and the reality of it, as recorded by the cameras.

The credibility of the House—and of each of us individually—will be on the line. Our constituents will now know whether those stirring speeches actually were delivered, and whether they may have turned the tide in the course of debate.

For far too long, we have permitted the RECORD to present its readers with a less than forthright picture of the way we conduct our business. Permitting televised broadcasts of our proceedings now alters this situation. Reform of the CONGRESSIONAL RECORD—and of our use of it—will be one more endorsement in our belief in accuracy and truth.

In conjunction with this, I am today reintroducing my resolution to precede and succeed all unspoken remarks with a clearly distinguishable symbol, such as brackets, bullets, or stars. The number of cosponsors is now 129.

I would like to pay special tribute to the 10 Members who have been principal cosponsors in the 94th Congress and again this year for the efforts they have made on behalf of the measure. They are DICK BOLLING, BOB ECKHARDT, DON FRASER, MARTHA KEYS, BERNIE SISK, JIM CLEVELAND, JOHN ERLENBORN, BILL FRENZEL, and LOU FREY, as well as JOHN ANDERSON, who introduced a RECORD reform resolution of his own and joined in cosponsoring mine. BERNIE SISK and JOHN ANDERSON also merit special praise for all they have done to make these televised sessions experiment a reality.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 4877, SUPPLEMENTAL APPROPRIATIONS BILL, 1977

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 403 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 403

Resolved, That during the consideration of the bill (H.R. 4877) making supplemental appropriations for the fiscal year ending September 30, 1977, and for other purposes, all points of order against the following provisions in said bill for failure to comply with the provisions of clause 2, rule XXI are hereby waived: beginning on page 9, line 8 through page 10, line 5; beginning on page 11, line 15 through page 12, line 2; beginning on page 12, line 6 through line 16; beginning on page 12, line 22 through page 13, line 9; beginning on page 30, line 22 through line 28; beginning on page 31, line 5 through line 10; beginning on page 36, line 7 through line 12; beginning on page 41, line 11 through page 42, line 6; and beginning on page 44, line 1 through page 45, line 14.

The SPEAKER. The gentleman from Louisiana (Mr. LONG) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 403 makes in order the bill H.R. 4877, which as reported by the Committee on Appropriations would make supplemental appriations for the fiscal year ending September 30, 1977. House Resolution 403 waives all points of order against certain portions of the bill for failure to comply with the provisions of clause 2, rule XXI, which prohibits legislation in an appropriation measure and prohibits unauthorized appropriations. These waivers are necessary to enable the Committee on Appropriations to bring this bill to the floor today because these programs have not yet been enacted into law.

The committee bill recommends a new budget authority of $27,924,682,271 in this supplemental appropriation. A number of major programs are covered by this measure and include the following:

Increased pay costs for military and civilian personnel	$2,068,311,030
Food stamp program	720,000,000
Commodity Credit Corporation: Reimbursement for net realized losses	710,000,000
Inter-American Development Bank	276,000,000
Annual contributions for assisted housing	13,112,405,000
Federal Housing Administration fund	1,801,344,000
Environmental Protection Agency: Construction grants	1,000,000,000
Veterans Administration: Compensation and pensions (by transfer)	588,450,000
Higher education	3,206,418,000
Public assistance payments	1,225,197,000
Health manpower programs	404,826,000
Postal Service	500,000,000

The Committee on Appropriations has recommended reductions of $4,997,649,395 from the budget requests and has proposed $5,376,100 more in transfers than had been proposed in the budget estimate. In some cases where accounts have unexpended balances determined to be in excess of needs, the committee has recommended such transfers instead of providing additional new budget authority.

House Resolution 403 waives points of order under clause 2 of rule XXI of the rules of House for the following chapters of the bill:

Chapter IV—The language concerning

"Peace Corps" constitutes legislation in an appropriation bill since the bill amends the Foreign Assistance and Related Programs Appropriations Act, 1977. Necessary authorizations for the accounts, "Military Assistance" and "Migration and Refugee Assistance" are now pending in the Committee on International Relations.

Chapter V—The paragraphs titled Annual Contributions for Assisted Housing, Payments for Low-Income Housing and Federal Housing Administration Fund are not authorized, though the authorizations passed the House on March 10th in the Supplemental Housing Authorizations Act of 1977. The program funded under Environmental Protection Agency Construction Grants has not been authorized but is contained in a Senate-passed bill.

Chapter X—The amounts under Acquisition, Operation, and Maintenance of Buildings Abroad, and Contributions to International Organizations are not fully authorized—the authorizations are pending before the Committee on International Relations.

Chapter XI—The "Pollution fund" is not authorized and funds are made available subject to the enactment of authorizing legislation which is in the Committee on Public Works and Transportation.

Chapter XII—Under Federal Buildings Fund, Alterations and Major Repairs, there is an exemption to Sec. 210(f)(4) of the Federal Property and Administrative Services Act of 1949, which is technically subject to a point of order and a waiver is sought on this legislative provision.

Chapter XIII—An amendment is recommended to 31 U.S.C. 724(a)(1970) to provide that all properly adjudicated and certified claims and judgments be made a permanent, indefinite appropriation. This is designed to eliminate the current burdensome and time-consuming process for passing such claims. It will give the Comptroller General sufficient authority to deal with these matters without requiring unnecessary legislative action each time legitimate claims and judgments are properly certified to be paid by the government.

Mr. Speaker, the appropriation of these supplemental funds is an important element of the administration's economic stimulus program, complementing the measure passed by this body yesterday. It is necessary that we act immediately on this bill so that the desired effect of this $27.9 billion stimulus will be put in motion without delay.

I urge the adoption of House Resolution 403 in order that we may consider H.R. 4877.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule provides a waiver of points of order which is necessary for the orderly consideration of H.R. 4877.

The rule waives points of order for failure to comply with clause 2, rule XXI. Clause 2 prohibits appropriations for which authorizing legislation has not been enacted. This same clause prohibits legislation on general appropriation bills.

There are several provisions in the bill to be considered today which require that this clause be waived.

In chapter IV in the accounts entitled "Peace Corps," there is language which constitutes legislation in an appropriation bill. The military assistance and migration and refuge assistance paragraphs lack authorization.

In chapter V, the paragraphs providing funds for the following—annual contributions for assisted housing, payments for operation of low-income housing projects, and Federal Housing Administration fund—are not authorized. Also, in the paragraph covering the Environmental Protection Agency, construction grants—this program is not authorized.

In chapter X, the amounts included for acquisition, operation, and maintenance of buildings abroad, and contributions to international organizations are not fully authorized.

In chapter XI, the pollution fund is not authorized and the language in the bill makes funds available subject to enactment of authorizing legislation.

In chapter XII, under Federal buildings fund, alterations and major repairs, there is an exemption to section 210(f)(4) of the Federal Property and Administrative Services Act of 1949, which is technically subject to a point of order, because it is legislation on an appropriation bill.

In chapter XIII there is an amendment to 31 U.S.C. 724(a)(1970) to provide that all properly adjudicated and certified claims and judgments be a permanent, indefinite appropriation. This is designed to eliminate the current burdensome and time-consuming process for passing such claims. It will give the Comptroller General sufficient authority to deal with these matters without requiring unnecessary legislative action each time legitimate claims and judgments are properly certified to be paid by the Government.

Mr. Speaker, these waivers of points of order are necessary if the supplemental appropriations bill is to be considered today.

Mr. Speaker, this bill provides a grand total of $27,924,682,271 in supplemental appropriations for the fiscal year ending on September 30, 1977. In testimony before the Rules Committee this was described as the largest supplemental appropriation since World War II.

Mr. Speaker, the major items in the bill include the following:

Increased pay costs for military and civilian personnel	$2,068,311,030
Food stamp program	720,000,000
Commodity Credit Corporation: Reimbursement for net realized losses	710,000,000
Inter-American Development Bank	276,000,000
Annual contributions for assisted housing	13,112,405,000
Federal Housing Administration fund	1,801,344,000
Environmental Protection Agency: Construction grants	1,000,000,000
Veterans' Administration: Compensation and pensions (by transfer)	588,450,000
Higher education	3,206,418,000
Public assistance payments	1,225,197,000
Health manpower programs	404,826,000
Postal Service	500,000,000

In spite of all the rhetoric about a balanced budget during the last campaign, it should be noted that the deficit proposed by the new Carter administration is substantially larger than that projected by the former administration for both fiscal year 1977 and fiscal year 1978. If the goal is a balanced budget, we are starting out in the wrong direction.

Mr. SISK. Mr. Speaker, will the gentleman yield?

Mr. LONG of Louisiana. I yield 2 minutes to the gentleman from California (Mr. SISK).

(By unanimous consent, Mr. SISK was allowed to speak out of order.)

DEMOCRATIC STUDY GROUP REPORT ON CONGRESSIONAL PAY RAISE

Mr. SISK. Mr. Speaker, I take this brief time to call attention of my colleagues to a document that was circulated in the last day or two, and to commend an organization which I am sometimes a little critical of, although I am a member of it. I am talking now of the Democratic study group. I want to say this: I think they have done an outstanding job of research in connection with some of the squabbles we are having about our recent salary increase.

I am not going into detail, but I would like to suggest to my colleagues that they read this document. Yes, I am speaking to my Republican colleagues, too. We would be happy to get copies of it for them so that they can read it. I think the Democratic study group has done an outstanding job of outlining really what the facts are regarding the recent salary increase. If the Members do not agree with what is in the document, fine, then they can raise questions.

But, Mr. Speaker, I think the time has come either to put up or shut up, and I mean that so far as the news media is concerned, and particularly so far as Members of Congress are concerned. I want to commend the leadership, and particularly the Speaker of the House, for having been willing to take onto their shoulders the responsibility of carrying forward the burden that they have in connection with what was a desperately needed pay raise.

Mr. Speaker, I urge that my colleagues look at this particular document. For instance, it contains the following statements to prove that the pay raise was justified:

> Congressional salary increases tend to appear unreasonably large because they are few and far between and have lagged far behind those for comparable jobs in the private sector for most of our history. For example, during the entire history of Congress, Members have received only 11 permanent pay increases (including the 1977 increases)—an average of one every 17 years.
>
> All but one of the 11 increases was in excess of 25 percent and the average increase was nearly 50 percent. The 11 permanent increases were:
>
> 33 percent in 1818.
> 138 percent in 1856.*
> 67 percent in 1866.
> 50 percent in 1907.
> 33 percent in 1925.

*Members pay was increased from $8 per day to $3,000 per year. During the 38 years from 1818 to 1856, Congress was in session an average of 157 days per year. Thus, Members' pay averaged $1,256 per year.

25 percent in 1947.
80 percent in 1955.
33 percent in 1965.
42 percent in 1969.
5 percent in 1975.
29 percent in 1977.

Overall, the 11 increases shown above represent an average of $5,200 each. Had Members of Congress received annual pay adjustments as do most Americans, the size of their pay increase would be only a fraction of that shown above. For example, if the total of all congressional pay increases since 1789 were divided into equal annual amounts, Members would have received pay raises of less than $300 per year.

Despite the size of the 1977 increase (29 percent), it is not out of line when compared to increases in the cost of living and pay increases received by other segments of society. The 29 percent increase is less than half the percent of increase in the cost of living since 1969 (61 percent). It is also less than half the percent of pay increase received since 1969 by blue collar workers (70 percent), civil service employees (66 percent), broadcasters and news reporters (over 80 percent), and business executives (60 percent). (See Appendix.) Had congressional salaries increased at the same rate as the pay of most Americans, Members of Congress would have received salary increases totaling $25,000 to $30,000 since 1969.

The pay of Members today, adjusted for inflation, is only slightly more than what they received in the 1930s when serving in Congress was only a part-time job. Today, Members are paid $57,500 per year—the equivalent of $13,750 in 1935 dollars—and Congress is in session for 10 or 11 months each year. In 1935, on the other hand, Members were paid $10,000 per year—the equivalent of $45,000 in today's dollars—and Congress usually was in session less than six months each year.

Thus in 1935 Members could spend half of each year augmenting their income through other occupations, which serving in Congress today is a full-time job with strict limits (effective next Congress) on the amount of outside income a Member may earn.

Also, as the length of the session has increased so has the workload of Members. In fact, the increase in workload over the past decade is unequalled in the history of Congress and has caused numerous Members to leave public service altogether. For example, the number of votes on which Members must be recorded has increased from about 200 per Congress during the early 1960s to nearly 1,300 last Congress. Since 1969 alone, the number of record votes has tripled, the number of committee meetings Members must attend has nearly doubled, and the volume of mail Members must answer has tripled—from an overall House total of 14 million in 1969 to more than 42 million in 1976. Finally, Members have had to increase by five-fold the number of trips home to meet with constituents and to attend to other matters in their districts.

There was nothing devious about the way in which the pay raise took effect. It became effective under the established procedure which was designed to take Congress out of the conflict-of-interest position of setting and voting on its own salary levels, while leaving Congress the power to veto pay recommendations.

The procedure—which was adopted nearly 10 years ago when nearly 70 percent of the current Members of the House were not in Congress—does not require any action whatsoever on pay increases recommended by the Quadrennial Commission and the President. Nor does the law permit Congress to either increase or decrease the proposed pay levels. All Congress can do is permit the pay raises to take effect or veto them.

House consideration of the recent pay raise went according to the law. A House Post Office subcommittee considered disapproval resolutions and twice voted against reporting one to the House—which was why there was no vote on the pay raise on the House Floor. The Senate voted 56 to 42 to table a disapproval resolution.

A three-judge federal district court ruled against a constitutional challenge to the pay raise procedure. Rep. Pressler challenged the procedure on grounds that the Constitution requires Congress to vote affirmatively on any pay increase. The suit is currently on appeal to the Supreme Court.

The concept of deferring congressional pay raises alone is based on two principles: 1) That Members of Congress should not personally benefit—or appear to benefit—from their votes in Congress, and 2) that elected officials should not receive a higher salary than that which existed at the time they were elected.

The first principle does not apply in the case of the 1977 pay increase because Congress did not vote to increase its pay. The pay increase took effect automatically, without an affirmative vote, in accord with the procedure established by law to take Congress out of the business of voting pay increases for itself.

The second principle might be made to apply to Members of the House, but it becomes unrealistic when applied to the Senate because only one-third of the Senate stands for election every two years. Thus, if the pay increase for Members of Congress were to be deferred until after their next election, it would mean that only one-third of the Senate would be eligible for the increase in 1979, while another one-third would not be eligible for the increase until 1981 and the 33 Senators who were elected or re-elected last November would not be eligible to receive the increase until 1983.

Thus, while an across-the-board deferral policy might make some sense, there is no justification for singling out congressional salary increases for deferral while permitting those for Federal judges and Administration officials to take effect immediately.

Mr. Speaker, I am also calling your attention to the following graph:

1. *News Media:* Average reporter top salary in all newspaper guild contracts increased 82 percent (source: American Newspaper Guild); base salary for television news reporters increased about 90 percent (source: American Federation of Television and Radio Artists).

2. *Blue Collar Workers:* Seventy percent. Average hourly non-farm earnings. This is the standard statistic used by the Bureau of Labor Statistics to measure earnings for non-salaried jobs.

3. *Civil Service:* Sixty-six percent. Average General Schedule Civil Service pay for grades 1–15. This does not include supergrades (16–18) which have been frozen along with congressional pay.

4. *Cost of Living:* Sixty-one percent. Based on the Consumer Price Index, the standard measure of cost of living used by the Bureau of Labor Statistics. It measures the average change in prices of about 400 selected goods and services.

5. *Business Executives:* Fifty-nine percent. Average executive pay in private business as measured a survey by the Hay Associates.

6. *White Collar Workers:* Fifty-five percent. Professional, administrative, technical and clerical workers survey, which measures pay in private business and is used to help determine pay levels for federal civil service employees.

7. *Governors:* Forty percent. Average salaries for governors and the five top officials in fifteen major states.

8. *Members of Congress:* Thirty-five percent. Five percent without increase.

Mr. LONG of Louisiana. Mr. Speaker, absent further requests for time, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CONTE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 331, nays 58, not voting 43, as follows:

[Roll No. 77]

YEAS—331

Abdnor	Dellums	Hyde
Addabbo	Derwinski	Ireland
Akaka	Dicks	Jacobs
Alexander	Diggs	Jenkins
Allen	Dingell	Jenrette
Ammerman	Dodd	Johnson, Calif.
Anderson, Calif.	Downey	Johnson, Colo.
	Drinan	Jones, Okla.
Anderson, Ill.	Duncan, Oreg.	Jones, Tenn.
Andrews, N. Dak.	Duncan, Tenn.	Jordan
	Early	Kastenmeier
Annunzio	Eckhardt	Kazen
Ashley	Edgar	Kemp
Aspin	Edwards, Ala.	Keys
AuCoin	Edwards, Calif.	Kildee
Badillo	Eilberg	Koch
Bafalis	Emery	Kostmayer
Baldus	English	Krebs
Barnard	Evans, Colo.	Krueger
Baucus	Evans, Del.	Lagomarsino
Beard, R.I.	Evans, Ga.	Le Fante
Beilenson	Evans, Ind.	Lederer
Benjamin	Fary	Leggett
Bennett	Fascell	Lehman
Bevill	Fenwick	Lent
Biaggi	Findley	Levitas
Bingham	Fish	Lloyd, Calif.
Blanchard	Fisher	Long, La.
Blouin	Fithian	Long, Md.
Boggs	Flippo	Lujan
Boland	Flood	Luken
Bolling	Flowers	Lundine
Bonior	Flynt	McClory
Bowen	Foley	McCloskey
Brademas	Ford, Mich.	McDade
Breaux	Ford, Tenn.	McFall
Breckinridge	Forsythe	McHugh
Brinkley	Fountain	McKay
Brodhead	Fraser	Madigan
Brooks	Frey	Maguire
Broomfield	Fuqua	Mahon
Brown, Calif.	Gaydos	Mann
Buchanan	Giaimo	Markey
Burke, Calif.	Gibbons	Marks
Burke, Fla.	Gilman	Marlenee
Burke, Mass.	Ginn	Martin
Burleson, Tex.	Glickman	Mathis
Burlison, Mo.	Goodling	Mattox
Burton, John	Gore	Mazzoli
Burton, Phillip	Gradison	Meeds
Byron	Grassley	Metcalfe
Carney	Gudger	Meyner
Carr	Hagedorn	Michel
Carter	Hall	Mikulski
Cavanaugh	Hamilton	Mikva
Chappell	Hammer-schmidt	Milford
Chisholm		Miller, Ohio
Clausen, Don H.	Hanley	Mineta
	Hannaford	Minish
Cochran	Harrington	Mitchell, Md.
Cohen	Harris	Mitchell, N.Y.
Conte	Harsha	Moakley
Conyers	Hawkins	Moffett
Corman	Heckler	Mollohan
Cornell	Hefner	Moorhead, Pa.
Cornwell	Heftel	Moss
Cotter	Hightower	Mottl
Coughlin	Hillis	Murphy, Ill.
D'Amours	Holland	Murphy, N.Y.
Daniel, Dan	Holtzman	Murphy, Pa.
Daniel, R. W.	Horton	Murtha
Danielson	Howard	Myers, Michael
Davis	Hubbard	Myers, Ind.
de la Garza	Huckaby	Natcher
Delaney	Hughes	Nedzi

Nichols	Rooney	Thornton
Nix	Rose	Traxler
Nowak	Rostenkowski	Tsongas
O'Brien	Roybal	Udall
Oakar	Ruppe	Ullman
Oberstar	Russo	Van Deerlin
Obey	Ryan	Vento
Ottinger	Santini	Volkmer
Panetta	Sarasin	Waggonner
Patten	Satterfield	Walgren
Patterson	Scheuer	Walker
Pattison	Schroeder	Walsh
Pease	Schulze	Wampler
Perkins	Seiberling	Watkins
Pettis	Sharp	Waxman
Pickle	Shipley	Weaver
Pike	Shuster	Weiss
Pressler	Sikes	Whalen
Preyer	Sisk	White
Price	Skelton	Whitehurst
Pritchard	Skubitz	Whitley
Pursell	Slack	Whitten
Quie	Smith, Iowa	Wiggins
Quillen	Smith, Nebr.	Wilson, Bob
Rahall	Snyder	Wilson, C. H.
Railsback	Solarz	Wilson, Tex.
Rangel	Spellman	Winn
Regula	Spence	Wirth
Reuss	St Germain	Wolff
Rhodes	Stanton	Yates
Rinaldo	Stark	Yatron
Risenhoover	Steed	Young, Fla.
Roberts	Stokes	Young, Mo.
Robinson	Stratton	Young, Tex.
Rodino	Studds	Zablocki
Rogers	Thompson	Zeferetti
Roncalio	Thone	

NAYS—58

Archer	Edwards, Okla.	Myers, Gary
Armstrong	Erlenborn	Poage
Ashbrook	Ertel	Quayle
Badham	Frenzel	Rousselot
Bauman	Goldwater	Rudd
Beard, Tenn.	Hansen	Runnels
Brown, Mich.	Holt	Sawyer
Brown, Ohio	Kasten	Sebelius
Broyhill	Kelly	Stangeland
Burgener	Kindness	Steers
Butler	Latta	Steiger
Caputo	Leach	Symms
Cederberg	Lloyd, Tenn.	Taylor
Clawson, Del	Lott	Treen
Cleveland	McDonald	Trible
Coleman	McEwen	Wydler
Collins, Tex.	Marriott	Wylie
Conable	Moore	Young, Alaska
Corcoran	Moorhead, Calif.	
Crane		
Devine		

NOT VOTING—43

Ambro	Guyer	Richmond
Andrews, N.C.	Harkin	Roe
Applegate	Hollenbeck	Rosenthal
Bedell	Ichord	Simon
Bonker	Jeffords	Staggers
Clay	Jones, N.C.	Stockman
Collins, Ill.	Ketchum	Stump
Dent	LaFalce	Teague
Derrick	McCormack	Tonry
Dickinson	McKinney	Tucker
Dornan	Miller, Calif.	Vander Jagt
Florio	Montgomery	Vanik
Gammage	Neal	Wright
Gephardt	Nolan	
Gonzalez	Pepper	

The Clerk announced the following pairs:

Mr. Ambro with Mr. Montgomery.
Mr. Dent with Mr. Jones of North Carolina.
Mr. Ichord with Mr. Teague.
Mr. Hollenbeck with Mr. Dornan.
Mr. Florio with Mr. Guyer.
Mr. Jeffords with Mr. Stockman.
Mr. LaFalce with Mr. Vander Jagt.
Mr. McKinney with Mr. Dickinson.
Mr. Staggers with Mr. Stump.
Mr. Rosenthal with Mr. Andrews of North Carolina.
Mr. Wright with Mr. Clay.
Mr. Vanik with Mr. Derrick.
Mr. Richmond with Mr. Pepper.
Mr. McCormack with Mr. Miller of California.
Mr. Neal with Mr. Roe.
Mr. Simon with Mr. Gephardt.
Mr. Gammage with Mr. Gonzalez.
Mr. Harkin with Mr. Applegate.
Mrs. Collins of Illinois with Mr. Bedell.
Mr. Bonker with Mr. Nolan.
Mr. Tonry with Mr. Tucker.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 4877, supplemental appropriations bill, 1977, and that I may be permitted to include extraneous material in my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

TENTH ANNUAL REPORT ON OPERATION OF AUTOMOTIVE PRODUCTS TRADE ACT OF 1965—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means:

To the Congress of the United States:

I hereby transmit the Tenth Annual Report on the Operation of the Automotive Products Trade Act of 1965, relating to developments under that act during 1975. This report was prepared prior to the beginning of my term in office.

JIMMY CARTER.

THE WHITE HOUSE, *March 16, 1977.*

SUPPLEMENTAL APPROPRIATIONS BILL, 1977

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4877) making supplemental appropriations for the fiscal year ending September 30, 1977, and for other purposes, and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Michigan (Mr. CEDERBERG) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MAHON).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4877, with Mr. FLOWERS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Texas (Mr. MAHON) will be recognized for 1 hour and the gentleman from Michigan (Mr. CEDERBERG) will be recognized for 1 hour .

The Chair recognizes the distinguished gentleman from Texas (Mr. MAHON), the distinguished chairman of the Appropriations Committee.

Mr. MAHON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is not inappropriate when a committee of the House presents a bill to the House that some statement be made toward establishing the credibility of the bill. This is a 72-page bill. The report in explanation of the bill is 185 pages. The 4 volumes of hearings on this bill conducted by the several subcommittees of the Appropriations Committee contain 4,300 pages. The markups took place in the subcommittees, and there was a 4-hour meeting of the full Committee on Appropriations in consideration of this bill which provides in supplemental appropriations about $28 billion in spending.

It would be, of course, impossible at this moment to discuss the 4,300 pages of hearings or to read the 185 pages of the report or even to read the 72-page bill. This is the way we operate in the House, by having the committees of the House conduct the hearings, mark up the bills, and provide the copies of the bills and of the reports, and then we, of course, work our will.

It seems to me first we might talk about some of the reductions which we have made. To some they may appear to be valid and to others they may not appear to be valid. The administration had requested, for example, in the field of housing $17.3 billion. We provide $14.9 billion, making a reduction of $2.4 billion. This could all be well explained and documented by the members of the subcommittee and by the gentleman from Massachusetts (Mr. BOLAND) and the gentleman from Pennsylvania (Mr. COUGHLIN) and the report is available for Members.

The Environmental Protection Agency request was $4.5 billion. We made there, because of lack of authorization and otherwise, a cut of $3.5 billion.

In foreign aid we made a reduction below the budget of about $200 million.

Some of the money in the bill—$2 billion—is for pay increases for Government employees. The pay increases for Federal workers were put into effect last October. The departments have been able to absorb some of these pay increases but nevertheless it is necessary for us to provide $2.1 billion in pay increase money, a reduction of about $200 million below the President's budget, but this is made possible by reason of shortfalls and otherwise.

Where have we made increases? The

Commodity Credit Corporation requires Federal funds to support farm programs and to accommodate for the drought, and pestilence, and floods, and what-have-you.

We provide in this bill $700 million for the Department of Agriculture, for Commodity Credit. This budget estimate was submitted to us last year. We provided a portion of the budget submission last year in the regular agriculture program and we are providing the remainder in this supplemental bill of $700 million.

In the field of education we provided increases of about $400 million.

As I said earlier, the overall reduction is in the area of $5 billion.

Someone has said, and this is correct, that this is the largest supplemental appropriation bill that has been considered by the Congress since World War II. It is the largest supplemental bill from the Committee on Appropriations that has been considered by the Congress since 1942.

The bill yesterday, the economic package, likewise was larger than any supplemental bill we had presented to the House since World War II.

So, Mr. Chairman, this is where we are at the moment. For a quick view of what the bill does or does not do, if one will turn to page 2 of the committee report he will notice the bill's highlights and he will notice the increased pay costs of $2 billion plus.

In the food stamp program, we provide $720 million. An effort was made to streamline and modify the food stamp program and certain legislative recommendations were made, but they were not implemented. There was a court action that intervened, so there was no way for us to avoid providing about $720 million additional for food stamps.

I have already mentioned the Commodity Credit Corporation.

Then the Inter-American Development Bank, there are additional funds here for that purpose.

Funds for the annual contribution to assisted housing is the largest single amount in the bill. The subsidizing of housing is, of course, a very momumental long-range spending program. For this we are providing some $13.1 billion, $2.4 billion less than the budget request.

We are providing additional funds for veterans' programs as a result of new legislation.

Higher education and some of the health manpower programs that were in last year's budget were not financed in our regular appropriations bill under the gentleman from Pennsylvania (Mr. FLOOD) because of a lack of authorization; so it was necessary to place these funds in the supplemental. These supplemental funds run to several billions of dollars.

We are committed to the Postal Service. There is an authorization of $1 billion additional for the Postal Service. We had provided half of the amount authorized. We are providing another half a billion dollars in this bill.

So I would assume, Mr. Chairman, that the House will want to pass the pending measure. This is not a stimulus appropriations bill. It is not calculated to stimulate the economy, but it does have stimulus effects in some considerable respects.

There will also be certain amendments offered to the bill, so I understand, by the subcommittee chairman and others, which would increase the job creating provisions of some of the measures included in this bill. Mr. Chairman, I would urge that Members support the bill, as the funds in it are necessary to continue operation of many of the present programs of the Government.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Pennsylvania (Mr. FLOOD), the distinguished chairman of the Subcommittee on Health, Welfare, and Education Appropriations.

Mr. FLOOD. Mr. Chairman, chapter VII of H.R. 4877 includes $5,624,931,000 for the Department of Labor, HEW, and Related Agencies. This represents an increase of $561,897,000 over the President's revised budget estimates. There are two principal reasons why we are obliged. To consider supplemental appropriations of such magnitude at this time. One is that, as usual, the requirements for public assistance payments were underestimated in the budget for fiscal year 1977 which was sent to Congress over a year ago. This is in keeping with tradition. Every year, at budget time, we are told that the Department of Health, Education, and Welfare is working on improving the accuracy of these estimates, but almost invariably a large supplemental appropriation is required later in the year. What it boils down to is that it is very difficult to predict the state of the economy 18 months in advance, or to predict how many people will apply for, and receive, aid to families with dependent children, or to predict how much 50 different States will decide to spend on medical assistance. For these reasons, we have before us a supplemental appropriation of $1,225,197,000 for the Federal share of public assistance.

The other major reason for the size of the supplemental appropriation lies in the fact that some important pieces of authorizing legislation extending ongoing programs for higher education, vocational education, alcoholism prevention, and training of health manpower were not enacted until the very last hours of the 94th Congress. Some of them were not actually signed into law until after Congress had adjourned sine die. We had to defer consideration of the budget estimates for these programs, and they are currently funded under a continuing resolution, which expires on March 31. The bill before us today provides $4,213,224,000 for these programs which could not be included in our regular Labor-HEW appropriation bill due to lack of authorizing legislation.

The remainder of the funds recommended in chapter VII, about $186 million, are primarily to deal with various contingencies which have arisen since the committee considered the regular appropriation bill last year. The largest items in this category are a revised estimate for special benefits for disabled coal miners, a revised estimate for Federal Employees Compensation Act payments, and a recommended appropriation of $82,500,000 for the Community Services Administration for assistance to low-income families for winterizing their homes.

I cannot possibly cover all the items in chapter VII in the time available. Here are a few of the other areas in which we think members will be especially interested:

$25,354,000 for the National Health Service Corps, to help get health professionals into communities and areas where they are needed.

$40,125,000 for emergency medical services to help reduce mortality and permanent disability resulting from accidents and sudden illnesses.

An additional $7,000,000 for venereal disease control to help combat the continuing alarming increase in the incidence of this type of disease.

An additional $3,000,000 for immunization of children against measles, rubella, polio, diphtheria, mumps, and pertussis—whooping cough.

$7,500,000 to prevent cutbacks in research on arthritis, digestive diseases, kidney diseases, and bone and skin diseases.

$111,000,000 for community programs to combat alcoholism, which is one of our most serious national health problems.

$119,100,000 for capitation grants for schools of the health professions, to help them meet rising costs.

$25,000,000 for construction at regional schools of veterinary medicine.

$66,400,000 for scholarships and loans for students in the health professions.

$134,436,000 for a series of special programs to improve the quality and distribution of health professionals.

$28,750,000 for educational assistance for Indochina refugees.

$211,605,000 for vocational education.

$2,934,793,000 for loans and grants to students in institutions of higher education, including $1,903,900,000 for basic educational opportunity grants, $430,000,000 for college work-study grants, and $300,000,000 for National Direct Student Loans.

$110,000,000 for strengthening developing institutions of higher education.

$85,000,000 for the "Trio" programs, which provide special assistance to the disadvantaged students.

$13,300,000 for foreign language training and area studies.

$10,750,000 for cooperative education.

$19,475,000 for libraries and instructional equipment.

$37,500,000 for the Teacher Corps, to train teachers to work with disadvantaged students.

$70,000,000 for the National Institute of Education, which supports educational research and development of new teaching methods.

$3,560,000 to strengthen the U.S. Office of Education's capacity to detect and prevent fraud and abuse in student aid programs.

$1,334,000 for enforcement of the child support provisions of the Social Security Act and to strengthen efforts to detect and prevent fraud and abuse in the Medicaid program.

$1,040,000 to start up the new office of the HEW Inspector General.

$1,350,000 for health cost control, and for planning new legislation relating to welfare reform and National Health Insurance.

Mr. Chairman, that concludes a very brief rundown of some of the more significant programs funded in this section. I have left out quite a few, just because of our time constraints. However, they are all discussed in detail in the report, which I urge members to read. I am sure you have been getting letters, telegrams, and telephone calls from your constituents about many of these programs. This is an extremely complex bill. The committee's recommendations were arrived at after careful consideration and discussion. I believe they are responsible and I urge their approval by the House.

Mr. MAHON. Mr. Chairman, I reserve the balance of my time.

Mr. CEDERBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, after a busy day yesterday when we considered the $23 billion plus economic stimulus package, we are here today with a $28.4 billion supplemental appropriations bill. It is made up of $27.9 billion plus the other $1.5 billion, as I said yesterday, by transfer, increases in limitations and liquidation of certain contract authorities.

In this bill, we are providing roughly 2,100 new employees. After we had a very busy day yesterday, I went home, and before I decided to have dinner with my wife, I sat down and I opened up the Washington Star. I was reading it, and I could hardly believe it. There was an article there by Mr. Fred Barnes. It said:

Carter Message to Cabinet: "Less Government."

I read and I read, and in outline here are some of the things that are taking place:

Carter warned his Cabinet officers not to come to him with bids for more money. Budget increases for departments are "something we just can't do," he said, promising to be "tough" in reviewing any requests for increased funds.

"There is only so much of a deficit we can accommodate," he stated. "So I don't want you to get your hopes up too much." Moreover, his pledge to balance the federal budget by 1980 is serious, Carter said. "I did not make that commitment lightly."

So, here in 2 days we have got a total of over $50 billion. Yesterday we added 1,000 plus new employees. Today, there are about 2,100, roughly, so that is 3,100 new employees.

We had a Governor in Michigan who had a very difficult time because he claimed he had been brainwashed. Evidently, the Congress is either trying to brainwash the President, and probably he does not know what is going on here, or the President is trying to brainwash the public by these kinds of statements which just do not jibe with the facts.

So, if all of these Cabinet people are warned not to come up here and ask for more money, I have not found one yet who has not been up here asking for more money.

I might take that back. Secretary Brown from the Department of Defense did come up and gave the illusion that we are going to reduce the defense budget by $2.5 billion in new obligational authority.

Mr. MAHON. If the gentleman will yield, there was a revised budget reflecting a decrease in the Ford budget in the defense function. But, the Ford budget was about $14 billion, as my friend will recall, over the current fiscal year. So, the Carter recommended budget provides for an increase over the current year in the defense function of about $10 billion, so there is no real reduction below the previous figure, but a very sharp increase.

Mr. CEDERBERG. I wanted to be sure that was straight, because I did understand that they did come and ask for about $2.5 billion less in new budget authority, and of course as far as results this year in the total defense budget——

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Texas (Mr. MAHON).

Mr. MAHON. I thank the gentleman for yielding.

Mr. Chairman, in the defense function it was about a $2.7 billion decrease in the Carter budget for fiscal year 1978.

Mr. CEDERBERG. A reduction in new obligational authority?

Mr. MAHON. Right.

Mr. CEDERBERG. Then am I correct that there does not show up one cent of reduction in spending for fiscal year 1977?

Mr. MAHON. The gentleman is correct.

Mr. CEDERBERG. I just want to make sure. Every Cabinet officer I have seen come up here has been asking for more money. Somebody is not getting the message downtown. When the Cabinet officers come up here, we will have to ask them where they got the authority to request the increases, when the Commander in Chief has instructed them that there are not going to be any more increases.

I do not know how many people are in the press gallery today. Probably it is time for lunch, so there may not be too many up there. But it seems to me that somebody ought to start reporting the facts as they are, not as the press releases come out of the White House; because if we compare the press releases with what the actual facts are, there is no relation between the two.

Mr. MAHON. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan (Mr. TRAXLER).

Mr. TRAXLER. Mr. Chairman, chapter V of the bill includes supplemental funding for the Department of Housing and Urban Development, the Environmental Protection Agency, the Veterans' Administration, the Selective Service System, and the Office of Revenue Sharing.

For HUD, the new administration requested $508 million in annual contract authority and $15,530,400,000 in budget authority to provide an additional 164,200 section 8 units in fiscal year 1977. The committee is recommending $413,143,000 in annual contract authority, and $13,112,405,000 in budget authority to provide an additional 134,200 section 8 units in this fiscal year. This is a reduction of $94,900,000 in annual contract authority, $2,417,995,000 in budget authority, and 30,000 units below the supplemental request.

The 134,200 units of subsidized housing provided in this bill, together with the 235,800 units available from current authority, will provide for 370,000 units of subsidized housing in 1977.

The committee reduced the request by 30,000 units because of two simple factors.

First, during 1976 and the transition quarter, approximately 490,000 units of section 8 housing were reserved. Of these, 217,000 were reserved during the 3-month transition quarter. We believe that it is reasonable to assume that many of these units approved in the transition quarter will generate what are called paper reservations. That is a reservation that does not move to final approval and to a start. All contract and budget authority associated with these paper reservations is recaptured and will be available for use in fiscal year 1977 in addition to the authority approved in this bill. Second, and equally significant, through January, with one-third of the fiscal year completed, only 12,000 section 8 units had been reserved.

So it was these factors—the anticipation of additional recaptured authority being available in 1977 and the slow rate of reservations under current authority—which suggested that the full request of $508 million of annual contract authority could not be reserved efficiently and effectively before the end of this fiscal year.

In other HUD areas, we provided $411,500,000 for housing payments. These payments are mandatory and represent the annual cost of funding the various low-income housing programs. The amount recommended in the bill is $28 million less than the budget request and coincides with the reduction recommended in the assisted housing programs.

We provided the full budget request of $20 million to compensate public housing agencies for higher utilities costs.

We restored all the current cumulative losses incurred by the general insurance and special risk insurance funds of the Federal Housing Administration. That totals $1,801,344,000. Without this appropriation, the Department must borrow directly from the Treasury the money necessary to pay off these defaulted mortgages. So in a sense, this is basically a paper transaction, but the committee believes that the time is now to restore these losses and the full budget request is included in the bill.

For the wastewater treatment construction grant program under the Environmental Protection Agency, we have included $1 billion. At the proper time, I will offer a committee amendment reducing this to $500,000,000.

I know that some may be disturbed by the magnitude of this reduction, while other Members may be concerned that we should not provide any funds without an authorization. But what the subcommittee tried to do was attempt to provide enough money so that States which

have slowed construction obligations or which may run out of money soon, will be able to go ahead with many of these projects.

On the other hand, the committee also believes strongly that we should not take away the bargaining position of the House Public Works Committee before it reaches an agreement with the Senate on a number of very sensitive issues. It is the judgment of the distinguished chairman of the Public Works Committee that an appropriation of $1 billion could remove the leverage that committee needs in conference with the Senate. So, I will offer an amendment to reduce the amount to $500,000,000, and the committee will take another look at the need for additional funds for this program in the 1978 bill.

Also under the Environmental Protection Agency, a supplemental appropriation of $69 million was requested for the section 208 areawide planning grant program. The committee recommends no additional funding for this program. A total of $137 million of the original $300 million that was authorized on a backdoor basis remains impounded. The Government has continued to appeal lower court decisions ordering the release of these funds. It is the position of the committee that the EPA should recommend ending these appeals. The $137,000,000 could then be released and the program objectives completed. I should also point out, that of the $15 million provided in the regular 1977 appropriation for this activity, none has been obligated to date.

For the Veterans' Administration, the bill includes an appropriation of $28,942,000 for a number of various program requirements under both medical care and general operating expenses. In addition, the committee recommended a transfer of $588,450,000 from the readjustment benefits account to the compensation and pensions account to cover increased payments primarily resulting from new legislation.

Finally, the committee recommends $350,000 for administrative expenses for the Office of Revenue Sharing—also to meet new legislative requirements of the recently passed extension of the general revenue sharing program—and $870,000 for employee severance payments under the Selective Service System.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. I yield to the gentleman from California.

Mr. JOHNSON of California. Mr. Chairman, I thank the gentleman for yielding.

I was very much interested in what was said concerning the language of the bill on page 12 as it relates to the construction grants. At the present time the Committee on Public Works and Transportation is considering a program in H.R. 3199 to take care of the authorizations for Federal Water Pollution Control Act purposes. We were a little concerned with the amount of $1 billion, and I understood the gentleman to say that he would offer an amendment later cutting that amount to $500 million; is that correct?

Mr. TRAXLER. Mr. Chairman, I will say to the distinguished chairman of the Committee on Public Works and Transportation that that is correct, and that is as a result of a current understanding between the gentleman and the chairman of the HUD Independent Agencies Subcommittee of the Committee on Appropriations, the gentleman from Massachusetts (Mr. BOLAND).

Mr. JOHNSON of California. Very good. Mr. Chairman, I thank the gentleman.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. Yes, I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, apropos of what the distinguished chairman of the Committee on Public Works and Transportation has said, this subcommittee will offer an amendment to chapter V which will reduce the amount for waste water treatment plants from $1 billion to $500 million. We do that at the request of the Committee on Public Works and Transportation, which has the legislative responsibility for this program.

As the chairman of that committee has indicated, H.R. 3199 does extend the Federal Water Pollution Control Act for 3 years. It was not extended last year because of differences between the House and Senate bills. It was the judgment of this subcommittee, after consultation with the chairman of the Committee on Public Works and Transportation, the gentleman from California (Mr. JOHNSON), and with other members, including the ranking Republican member, the gentleman from Ohio (Mr. HARSHA), that the item ought to be reduced so that we would be assisting the House committee in its effort to get a workable extension of the Federal Water Pollution Control Act.

This has been a very difficult problem for the House. Therefore, in a sense, what we are doing is giving some leverage to the House Committee on Public Works and Transportation to accomplish what it wants to accomplish in the extension of the water act.

Mr. Chairman, there are some very great difficulties between the Senate and the House with respect to some criteria and legislative provisions. Consequently, I think it is incumbent upon the Committee on Appropriations to defend the prerogatives of the House and to defend the right of the legislative committees, which is precisely what we will do in the offering of this amendment.

Mr. Chairman, I am delighted that the gentleman from Michigan (Mr. TRAXLER) will do that, and I hope that the members of this committee will support that action.

Mr. TRAXLER. I thank the distinguished chairmen for their contributions, and I yield back the balance of my time, Mr. Chairman.

Mr. YOUNG of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, on the surface, this massive $28 billion supplemental appears to be under the President's recommendations by $5 billion. However, when you eliminate the 40-year contract authority for the section 8 housing program, where there was essentially a paper reduction of $2.4 billion, and the waste treatment construction grant program, where $3.5 billion was in essence just delayed until after the authorizing legislation is enacted, we see that the bill is in actuality almost a billion dollars above the budget.

So, regardless of who is in the White House, the majority in this body are apparently still intent on continuing their free-spending ways. And once again I end up defending the President's budget, but this time we have the spectacle of a Republican defending a Democratic President against the excesses of his own party.

The Labor-HEW chapter is over $600 million above President Carter's recommendations, and also $1.1 billion above the Ford budget.

The amount of $300 million over the Carter request is included for the direct student loan program. The Carter people testified that with $265 million available from collections of prior year loans, and with the guaranteed loan program in full operation, there is no reason for continuing to provide more capital contributions for this program, but funds were included anyway.

The work-study program was increased by $40 million over the Carter budget, to a total of $430 million, and the incentive grants for State scholarships by $16 million, to $60 million.

The amount of $102 million was added over the Carter request for various health manpower programs. This includes an increase of $21.4 million for capitation grants, which are awarded on a formula basis to schools of medicine, dentistry, osteopathy, veterinary medicine, optometry, podiatry, and pharmacy. The total for this item is $119 million, still a million dollars short of what President Ford recommended. The Ford proposal was geared to support institutions willing to participate in a geographic or specialty redistribution initiative. The Carter budget recommendation deleted this criteria, which leads one to wonder whether the Carter administration is really intent on zeroing in on the maldistribution problem.

The bill also contains $66 million for health manpower student assistance, an increase of $10.4 million over the current level. Another $39 million is included for family medicine training, and $6 million was added to assist the training of emergency room specialists.

One million dollars is included for studying what exactly the supply, the requirements, and distribution needs of our various health professionals are. This ought to finally give us an accurate picture of the direction we ought to be

headed when we fund the various health manpower programs.

There is one innocent-looking item in here which, if decided on its merits, would not have been included. Entitled health teaching facilities, it really is a $25 million allocation for three specially earmarked veterinary schools.

There is no present evidence to show that we need any more veterinarians, but we are adding or expanding three schools. The claim is that we are seeking to develop regional schools, but two of the three are in the Northeast, serving much of the same constituency. We are circumventing the machinery that has been established in the executive branch to fairly evaluate grant applications on their merits, not on who has the most pull. The schools funded here are Tufts, in Massachusetts, the University of Pennsylvania, and the University of Washington. Need any more be said as to why they were included?

In running down some of the other items in the bill, we have included $25 million for the National Health Service Corps, and $40 million for emergency medical services, an increase of $6.5 million over the current level. EMS represents one of the better programs we are funding, with numerous examples of successful accomplishment.

Seven million dollars has been added for venereal disease, bringing the total for the year to $25 million. There is no question about the needs in this area, but I am a little concerned about the failure of States and localities to make a larger effort on their own.

We have added $7.5 million for the National Institute of Arthritis, Metabolism, and Digestive Diseases, to help restore funding to some of the disease areas that ended up being reduced when we earmarked increased amounts last year for diabetes and arthritis. That is what happens when you start down the road of providing earmarks for special diseases.

One hundred and eleven million dollars has been included for alcoholism community programs, an amount equal to last year's level.

A total of $212 million is contained in the bill for various vocational education programs, including another $38 million for basic State grants in the upcoming academic year. The total increase for vocational education covers 2 academic years, because we moved to advance funding for this program or the first time in the regular appropriation bill enacted last year.

Moving to student assistance under higher education, in addition to the items I mentioned earlier, we are appropriating $1.9 billion for basic educational opportunity grants, and $240 million for supplemental educational opportunity grants. The total student assistance funding for the upcoming academic year, in net terms, thus amounts to $2,723,000,000, an increase of $340 million over the current level. That represents a 13-percent increase at a time when student enrollment in higher education is actually declining, and at a time when the rate of inflation is less than 5 percent a year.

Eighty-five million dollars is included in the bill for special programs for the disadvantaged, which include Upward Bound, Talent Search, and the educational opportunity centers. This represents a $15 million increase over the current level.

For various categorical institutional assistance programs, $173 million is included in the bill. This includes such things as developing institutions, language training and area studies, university community services, State postsecondary education commissions, and veterans cost of instruction. President Ford sought to end funding for some of these programs, and rightly so, because several of them have outlived their usefulness. If the so-called zero-based budgeting approach is conducted in an unbiased manner, the Carter administration cannot help but reach a similar conclusion.

There is one last item in the educational field which requires mentioning: $6.1 million for Georgetown University, for a so-called intercultural center, a substantial part of which will be a gymnasium for foreign students costing $7 million. Try to explain that one back in your districts, to some of your hard-pressed colleges who are scrimping and scrambling simply to make ends meet. This item smacks of favoritism at its worst, and shows the benefits accruing to a school based in Washington and thereby having the ability to lobby full time at only half the cost.

Once again, we have a big supplemental increase for public assistance. This year it amounts to $1,225,197,000, bringing the overall total for the year up to $19.3 billion.

We have heard quite a bit recently about the funds lost through fraud and abuse and poor management in this field, and there is no question but that the problem is a serious one. I think a little recognition ought to be given, though, to the progress the Ford administration made in trying to bring the problem under control.

Since 1973, the AFDC error rate has been reduced by 44 percent, resulting in a savings of over a billion dollars. A great deal of this was due to the imposition of quality control penalties on the States, which forced the States to tighten up their administrative machinery. We would be making even greater headway if it were not for a court decision last year which struck down the penalties which were being imposed upon the States. I understand that the new administration is now in the process of developing some substantially watered down quality control standards and penalties.

I hope this is not going to slow down the progress we have been making in reducing the error rates, but I cannot help wondering in this regard.

The Ford administration also, with a little help from this Member, substantially increased the fraud and abuse investigations in HEW and established a central Office of Investigations to coordinate this activity. Congress subsequently created an Office of Inspector General to handle this activity, and in this bill, funds are included to launch this new Office and for other fraud and abuse activities.

I would be remiss if I did not report some disturbing developments occurring down at HEW in this regard. The head of the Office of Investigations has resigned, reportedly because the independence he was promised when he was appointed last year was being interfered with by the new Secretary. That individual came, incidently, from the majority staff of the Senate Government Operations Committee.

On top of this development, we hear word that the individual picked to become the new Inspector General, supposedly an independent position, was an old crony of the Secretary without a great deal of experience in the invesgative field. One published report indicates that the selection was based more on personal loyalty than investigative experience.

The Secretary has been making a lot of promises and claims about rooting out fraud and abuse, and there is certainly no one who wants that more than I, but I think his efforts in this regard bear close watching to make sure that there is not any manipulation over there that could result in future coverups.

Finally, the last item I want to mention involves $82.5 million for the winterization of energy conservation program under the Community Services Administration. This represents a threefold increase for the year, bringing the total up to $109.5 million.

I have always been a little skeptical about the effectiveness of this program, particularly as run through the Community Services Administration, but it does have the worthy goal of better insulating homes in order that fuel bills can be reduced. This represents the most sound overall solution to the problem of high fuel bills, particularly as they affect the poor.

It is also important to note, in view of the concern about fuel bills, that a portion of the winterization funds, some $5.6 million, is currently being used to help the poor with their fuel expenses, and substantially more could be so allocated out of the increased funds we are providing if the need is there.

So there is no reason to launch a brand new program at a cost of $200 million to pay fuel bills, as some people are advocating, when we already have substantial moneys in the bill which can be used to assist the truly needy and those in the most dire straits.

Mr. DEVINE. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I will be happy to yield to my friend, the gentleman from Ohio.

Mr. DEVINE. I thank the gentleman for yielding.

I appreciate the explanation the gentleman has made on these many items

contained in this legislation. I agree particularly with his remarks relative to the possibility of a new boondoggle in the area of fuel stamps that will follow the pattern of the food stamp program. My particular area of interest at the moment has to do with the area of student loans, which the gentleman mentioned during his presentation.

Mr. MICHEL. Yes.

Mr. DEVINE. We received information that there have been a considerable number of defaults—I do not know in what amount of millions of dollars or what percentage. But is the gentleman in a position to enlighten us about what is being done in the area of recouping some of these defaults on loans, and whether or not this affects the overall appropriation?

Mr. MICHEL. The gentleman will recall that the chairman of our subcommittee, the gentleman from Pennsylvania (Mr. FLOOD) and I engaged in quite an exchange on this matter, both last year and the year before, because the rate of default was running beyond 15 percent and close to 20 percent, and with the hundreds of millions of dollars involved here, we had to be concerned about it. We provided additional people to monitor the program and to increase the collection of defaulted loans. Frankly, a good part of the problem has been that the institutions themselves have not diligently pursued the collection of loans. Then, of course, the paper being peddled to the financial institutions and having been guaranteed, simply comes back to the Government, and we are left holding the sack to the extent of three or four hundreds of millions of dollars a year. That is why I keep coming down hard on this business of having investigations in-House and on the need to monitor closely so that we don't have another scandal of even larger proportions on our hands.

Mr. DEVINE. If the gentleman will yield further, I think some legislation was introduced in the last session—perhaps before—that if the Government did not make an honest effort to collect some of these defaults or move on them, perhaps they should be turned over to outside or non-Government agencies to seek collection on these, because so many of these students think all Federal funds are benefits, and then they disappear and they lose interest.

I thank the gentleman for yielding.

Mr. MICHEL. In concluding my remarks, I should point out that we are adding 695 Federal jobs in the Labor-HEW chapter alone. When coupled with the 622 added yesterday as part of the economic stimulus bill, it brings the total to 1,317 new jobs added to the bureaucracy, virtually all of them requested by the administration.

I am not being critical of this, but I do think the Members and the news media ought to be aware of it, particularly in view of the statements coming from the White House about how we are going to hold the line on increasing the size of the bureaucracy.

I am reminded of the remarks by my ranking minority member, the gentleman from Michigan (Mr. CEDERBERG), in the well when he was reading from the published account of the President admonishing the Cabinet that he was not going to be standing for increases, but here there are requests for 1,317 new jobs to be added to the bureaucracy in just 2 departments alone.

Mr. MAHON. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. SLACK).

Mr. SLACK. Mr. Chairman, I thank the gentleman from Texas for yielding.

Mr. Chairman, chapter X in title I of the pending bill includes $330,894,709 for program supplements for the Departments of State, Justice, and Commerce, the Federal judiciary, and related agencies. That amount is $10,989,040 less than the total requested for these departments and agencies.

I should also point out that $113,766,000 is provided in title II of the bill for increased pay costs for fiscal year 1977 for these departments and agencies. That amount is $3,028,000 less than the total requested.

I would now like to address several of the more significant items in this area of the bill.

On February 7, 1977, the committee approved a request from the Department of Commerce to reprogram $30.1 million from funds appropriated to the Economic Development Administration to carry out title I of the Public Works and Economic Development Act. These funds will now be used for construction of athletic and related facilities needed for the 1980 Olympic winter games to be held at Lake Placid, N.Y., as authorized by Public Law 94–427. The committee approved the reprograming request in order to avoid delays in the construction of the sports facilities. We were, however, concerned about the diversion of funds appropriated for the regular EDA public works program. The committee therefore recommends the sum of $30,100,000 in the pending bill in order to maintain the level of resources originally provided for title I of the public works programs of EDA.

Another significant item in the Commerce portion of the bill is the $110,000,000 for a coastal energy impact fund, as authorized by the Coastal Zone Management Act, as amended. The fund will be used to provide loans, loan guarantees and repayment assistance for public facilities and services to communities affected by Outer Continental Shelf and coastal dependent energy activity.

The committee bill provides $39,154,999 for payment to the United Nations Educational, Scientific and Cutural Organization—UNESCO—to cover assessments for calendar year 1975 and 1976. Funds to pay the assessment for calendar year 1977 are not included. On December 29, 1976, the President made the certification, concerning UNESCO policies, required by the Foreign Assistance Act of 1974 before funding of dues for UNESCO could be resumed. That certification is supported by the present administration.

The bill includes $6,000,000, the total amount requested, to provide the U.S. Government contribution for expenses associated with the Eighth Pan American Games to be held in San Juan, Puerto Rico, in 1979.

Another item I would like to call to your attention is the $22 million included for construction of a Federal correctional institution at Ray Brook, N.Y., near Lake Placid. This facility, which will later house 500 offenders, will be used initially as housing for athletes participating in the 1980 Winter Olympics to be held at Lake Placid. The facility will then be converted for use as a youth correctional facility.

There are a number of other items included in chapter X of the bill, many of which are of an uncontrollable nature. I do not wish to take the time required to discuss all of these items. They are covered in detail in House Report No. 95–68, which accompanies the bill.

Mr. MAHON. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. YATES), the chairman of the Subcommittee on the Interior.

Mr. YATES. Mr. Chairman, I would like to address my remarks to the chapter of the bill which relates to the Department of the Interior and related agencies.

Mr. Chairman, the chapter on the Department of the Interior and related agencies includes new budget authority in the amount of $827,828,000, an increase of $35,284,000 above the budget request of $792,544,000.

This chapter includes $167 million for job creation programs. At the appropriate time, amendments of $80 million will be offered to provide additional job stimulus. I would like to touch on the highlights of the appropriations in this chapter.

For the Bureau of Land Management, the committee is recommending $145,225,000, an increase of $4,000,000 above the budget estimate. That sum includes $35,000,000 for forest firefighting in 1976 and 1977.

An amount of $4,000,000 above the budget was recommended for drought assistance programs of the Bureau of Land Management. The Bureau testified before the committee that they could put this money to work immediately in a manner which would improve the utilization of water on the public lands in the parched Western States. This will include such activities as range water improvement for both livestock and wildlife, snow management programs, and improvement of critical community watersheds.

The committee recommends $100,000,000 for the appropriation of payments in lieu of taxes. This amount will be in addition to the $6,350,000,000 received by the States from general revenue sharing and the $233,200,000 received by the States from other activities associated with public lands.

The committee commends the admin-

istration for having come forward with a major program for the improvement of the national parks and wildlife areas of the United States. The committee regrets that this program was not shared by the Forest Service recreation areas which have as much visitation as do the national parks. The committee will recommend by amendment to this bill that a similar program be initiated for the national forest recreation areas.

The committee recommends a total of $283,006,000 for this program, a reduction of $3,737,000 below the amount requested. The funding for fiscal year 1977 is the first of five increments which will provide in excess of $1.3 billion for the enhancement of the national resources embodied by our national parks and wildlife refuges. Of the total recommended, $140,743,000 is an appropriation from the land and water conservation fund for the acquisition of land for parks and wildlife refuges. This will provide acquisition for such areas as the Big Cypress National Park, the Big Thicket National Park, the Cuyahoga Valley National Recreation Area, and a number of wildlife refuge areas. An additional $27 million is provided for operation of wildlife refuges and for construction in those areas.

An advance of $10 million is made to the migratory bird conservation account for the acquisition of key wintering areas for wildfowl.

The sum of $105,263,000 is provided for operation of the National Park Service and construction in the national parks; $13 million of that amount is for the addition of 1,000 employees in the National Park Service. The committee has passed over without prejudice requests of $3,737,000 for projects such as construction of a golf clubhouse at Oxon Cove Golf Course, a Rock Creek Park bike trail, a 25-mile bike path at Cape Cod which would have cost in excess of $225,000 per mile, and visitor orientation facilities. The committee will reconsider these and similar projects during proceedings on the 1978 bill.

The committee is recommending $9,259,000 for the planning and construction of a metallurgy research center on the Fort Douglas Military Reservation, Utah. This will replace a research center which is now located in urgently needed space on the campus at the University of Utah.

For the Bureau of Indian Affairs, the committee recommends $10,040,000 for the operation of various Indian programs. This includes $6,000,000 for current and anticipated costs of forest fire suppression and emergency rehabilitation.

An amount of $19,700,000 is recommended for the administration of territories. This includes $10,200,000 for weatherproofing on Guam of public utility transmission and distribution facilities. The committee did not recommend $4,000,000 for relocation of natives to the Enewetok Atoll. The present plan is to take soil and other debris which are contaminated with plutonium, cesium, and strontium-90, to encase it in concrete blocks and place these blocks in a concrete-lined and covered crater on Runit Island. Until it can be demonstrated clearly that these long half-life wastes can be stored without leaking, the natives should not needlessly be endangered by resettling the atoll at this time.

For the Forest Service, the committee recommends $247,339,000, an increase of $39,130,000 over the budget. Of that amount, $3,650,000 is to accelerate expansion of nurseries so as to maintain progress on eliminating the reforestation backlog; $15,000,000 is provided for 9,500 summer youth jobs in the Youth Conservation Corps and $20 million is provided for roads which will enable timber cutters to get at in excess of 240,000,000 board feet of timber which will be needed in order to help meet the national goal of additional building starts. Additional amounts will be proposed by amendment later.

For the Federal Energy Administration, the committee is recommending $32,002,000, a decrease of $10,110,000 below the amended budget estimate.

The committee is providing $12,000,000 to States for development of supplemental State energy conservation plans and $2 million for funding of State consumer advocacy offices. These offices will represent the consumer in utility rate hearings at the State level. The committee denied a request of $5,000,000 for a program called innovative energy conservation because of inadequate justification. The committee recommended a $400,000 study for identifying areas that can be readily commercialized in the solar application. The committee did not recommend an additional $1,500,000 which was transmitted as an administration amendment. Agency witnesses testified that until they got the results of the $400,000 study to indicate what they ought to be doing, there was no point in providing them any additional funding.

For Indian education, the committee recommends $12,200,000, for which there was no budget request. The committee, in the 1977 bill, had reduced the program below the 1976 level. This action adds $12 million to part A to restore the program to the 1976 level and to meet the cost of inflation, and $200,000 for part C—adult Indian education—to meet the cost of inflation.

The committee recommended $100,000 to initiate a program for the Institute of Museum Services. The committee felt that there was no point in providing operating money for this program for which there is no director or board of directors. The funds recommended will permit development of a program for fiscal year 1978.

For the National Foundation on the Arts and the Humanities, the committee recommends a reduction of $10,575,000. Four million dollars of that would have provided for a photography and film project which was justified as a bicentennial program. The other $6 million was in the new challenge grant program. The committee feels that it is not likely that the endowments would be able to match more than an additional $18 million by the end of fiscal year 1977—just 6 months from when the funds will be available.

For the Pennsylvania Avenue Development Corporation, the committee recommends $29,081,000 to begin implementation of the development plan authorized by the Pennsylvania Avenue Development Corporation Act of 1972. I recommend to your reading the statement of the committee that is found on pages 68 and 69 of the report. The committee was troubled by this program and concerned with its cost, and recommended that an investigative study be made to get a better estimate of those costs.

The report showed that costs to the taxpayer over a 15-year period would be between $108 and $183 million with most going for street changes and public improvements. It is anticipated that private resources will be added to the program in the amount of $350 million. The point is, however, unless this Congress repeals the legislation which established the Corporation, a cloud will continue to hang over the development of Pennsylvania Avenue. This is the Nation's ceremonial corridor in the National City and deserves the dignity and beauty with which Washington is identified in the public mind. For that reason, the committee recommended the budget request.

The committee is recommending an unbudgeted appropriation of $4,700,000 for emergency repairs for the John F. Kennedy Center for the Performing Arts as provided for in legislation which passed the House on April 4 by an overwhelming vote. This amount will provide for repairs to the roof and to repair interior facilities which have been damaged as a result of the leaks.

Finally, the committee has recommended a minimum absorption of 5 percent in pay accounts for each organization under its jurisdiction.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. YATES) has expired.

Mr. FLOOD. Mr. Chairman, I yield the gentleman from Illinois 2 additional minutes.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, I want to say to the chairman of the subcommittee that I personally compliment the gentleman and the members of the subcommittee for taking this action.

Recently I have been reading a book often referred to by the late Speaker Sam Rayburn, "Reveille in Washington, 1860–65." Having been aware of the period when the late Speaker Rayburn was trying to clean up things around the Capitol property, and having reread the history of that period, it seems to me that letting the area from here to the White House go down would be a reflection on this Congress. When we look at what we have done in terms of foreign

aid, I am glad to see that under the leadership of the gentleman from Illinois that we are making an effort to have a section in this city of which we can all be proud. Coming at the end of the Bicentennial year, I think it is most appropriate that we take this step.

Mr. YATES. Mr. Chairman, I thank the gentleman from Mississippi for his contribution.

Mr. Chairman, I want to mention one other item. The committee has recommended an unbudgeted appropriation of $4,700,000 for emergency repairs to the roof of the John F. Kennedy Center. The committee was aghast at the fact that the John F. Kennedy Center was opened only 5 years ago, in 1972, and yet 5 years later, to all intents and purposes, a new roof must be constructed on that Center. The committee intends to go into the question of trying to find out why it should have to have a new roof constructed so quickly after the Center was opened.

Mr. ULLMAN. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the distinguished gentleman from Oregon.

Mr. ULLMAN. Mr. Chairman, I want to commend my friend, the gentleman from Illinois, and the members of the subcommittee for their very wise action in including funds for the Forest Service and the BLM and drought relief in the West.

Mr. YATES. Mr. Chairman, I thank the gentleman from Oregon.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as in the case of many bills, and especially a supplemental bill, there are those items that we could enthusiastically support and, of course, there are those items that we find it very difficult to accept.

In the foreign operations section of the chapter of this supplemental bill there are several new items that I do not find too much trouble with. One is the $30-million item for a binational foundation in association with the State of Israel for cooperation in development of certain technological and industrial capabilities that would be helpful to both nations; in fact, very likely to the world.

Another is the $15-million item for Portugal, to aid Portugal in developing a brigade that would become part of our NATO forces. I find I can easily and enthusiastically support these projects; but in the foreign operations section basically I should point out that most of the dollars we are talking about are dollars that this Congress had already rejected for fiscal year 1977 just a few short months ago.

Let me give just a couple of examples. For the United Nations we are being asked in this supplemental to appropriate $28 million more for the United Nations for their Relief and Works Agency for Palestine refugees.

We already have in this fiscal year 1977 appropriation $38.7 million for that purpose. The fiscal year 1978 request, already before the subcommittees for hearings, asks for $52 million for this project. I think it is safe to say that the $28 million being asked for in this supplemental really is not needed. There has been nothing shown the subcommittee or the full committee to indicate that there is a great need for this.

While I am talking about money to the United Nations, let me make this point: If the Members recall, it has been less than 2 weeks since the United Nations rejected—an appeal by England to have the U.N. investigate the question of the violations of human rights in Uganda by decisions and activities of Mr. Amin. That is the same United Nations to which we are now being asked to appropriate an additional $28 million. In fact, the largest portion of the foreign operations money in this supplemental goes to the multinational international financial institutions to which the American taxpayer contributes in fact makes the largest contribution. However, except in one very isolated incident, we have no veto as to how or where these moneys are spent. Yet $300,064,000 of this supplemental would go for those international organizations.

As a matter of fact, many of these dollars would go to the soft loan windows of those organizations. Let me tell the Members about this. The soft loan window of the World Bank is the International Development Association, IDA.

The soft loan section of IDA provides that once the loan is made, whether the United States likes it or not, that loan does not have to be totally repaid for 50 years. There is no repayment required at all during the first 10 years. Then, during the last 40 years, the loan is supposed to be repaid at no interest, but a very, very small, service charge. The truth is that right now there is over $980 million outstanding in past-due debts to the United States from some of these countries which have borrowed money from us and just have not seen fit to repay it.

Another concern I have about this soft loan window is this. If the Members have read the newspapers lately, they will see that IDA, which is the soft loan window of the World Bank, has already sent a mission to Vietnam for the purpose of considering a soft loan through IDA to Vietnam. Later on, as we get into reading this bill for amendment, I intend to offer an amendment which would eliminate those funds that would go to IDA. If I am not successful in that effort, I will offer a second amendment to at least state that we do not want any of our money going through IDA to Vietnam.

Mr. FLOOD. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MCFALL).

Mr. MCFALL. Mr. Chairman, the language on page 126 of the committee report, regarding the National Transportation Policy Study Commission, was amended in full committee. This amended language, however, was not printed in House Report 95–268. In order that the legislative history of this appropriation is clear, I will insert the amended language in the record. The language is as follows:

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

SALARIES AND EXPENSES

The bill includes a supplemental appropriation of $3,000,000 for the National Transportation Policy Study Commission. An initial appropriation of $1,000,000 was previously provided in the Department of Transportation and Related Agencies Appropriation Act, 1977. The Commission, which was authorized by the Federal-Aid Highway Act of 1976, is comprised of 19 members, including 6 from the House of Representatives 6 from the Senate and 7 public members appointed by the President.

The Committee realizes that the funding level recommended will require some restructuring of the Commission's original work plan. In undertaking such a restructuring the Committee believes that the Commission should rely on information which previously has been developed by the Department of Transportation. For example, one of the Commission's study areas was to project transportation supply and demand to the year 2000. Substantial funds have already been appropriated to the Department to develop this data and the Committee does not believe it is necessary for the Commission to duplicate these prior efforts. What is necessary, however, is the molding of this data into a meaningful national transportation policy. This, in the opinion of the Committee, can best be accomplished by a "think tank" operation and does not require extensive field hearings or additional supply and demand studies. The Committee believes that with such a restructuring the Commission will be able to meet the requirements of the enabling legislation and provide input for the major transportation legislative proposals which the Congress will need to consider next year.

Mr. MCFALL. Mr. Chairman, the gentleman from Mississippi (Mr. WHITTEN) is on the floor. He has in the report some language concerning the agricultural conservation program which reads:

Evidence has been submitted to the Committee that because of the severe drought in the West, the Department should allocate uncommitted funds to those areas where cost sharing practices are available to promote essential water conservation practices.

I would like to ask my friend from Mississippi, the chairman of the subcommittee (Mr. WHITTEN), this question: As I know the gentleman is aware from the work that he has done by putting this language in the report, California and the other Western States are presently experiencing a drastic drought. I notice on page 15 of the committee report the language which I have just been privileged to read has been included to direct the Department of Agriculture to allocate the uncommitted funds under the agricultural conservation program to areas where water conservation practices are feasible.

I would ask the gentleman, if I am correct, that these funds will be allocated to California and the other Western States where this drought has been so serious.

Mr. WHITTEN. May I say to my colleagues on the Committee on Appropriations it is because of the California

situation, which also applies to some degree to other States, that this language is included. The gentleman and other colleagues called this to our attention, and we studied the existing law and the existing program. As the gentleman will recall, on this agricultural conservation program for a number of years we have had extreme difficulty in getting the departments to use this program and to allocate the funds. I am told by the Department that something less than one-fourth of the funds that we have made available in the Congress have really been used. I am not thoroughly familiar with the limitations on allocation, but they do have authority to allocate between States; and within a State, they allocate within counties. I am told that they will meet this need, substantially.

In view of that, and with the urgent need to proceed, we have taken this course. It may be that the legislative committee will deal with other aspects of it, but we tried to move as rapidly as we could, and this is the way we could do it.

The CHAIRMAN. The time of the gentleman from California (Mr. McFALL) has expired.

Mr. FLOOD. Mr. Chairman, I yield 2 additional minutes to the gentleman from California (Mr. McFALL).

Mr. McFALL. Mr. Chairman, I want to thank the gentleman for his remarks in this regard. I know he is one of the best informed Members of this Congress on agricultural appropriations, and when he speaks I know he knows what he is talking about.

Mr. WHITTEN. We have checked with the Department and they have in mind what I have said.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from California (Mr. SISK).

Mr. SISK. I appreciate the gentleman's yielding.

Mr. Chairman, I want to join my colleague, the gentleman from California (Mr. McFALL), in the concern he has indicated with reference to the drought. I want to compliment my colleague, the gentleman from Mississippi (Mr. WHITTEN), for his concern and for his indication in connection with the language in the report.

I have been asked by certain individuals to try to amend this bill. I am not going to ask that because, basically, I think it would amount to legislation on an appropriation bill.

I appreciate the comments the gentleman from Mississippi has made and has indicated here.

I would hope, if, in fact, there are any justifiable means for the funds in this regard, it might be considered in the other body.

Mr. WHITTEN. If the gentleman will yield, we were told that this would be done, and if it should develop that this action should be taken, we are certainly in accord with them.

Mr. YOUNG of Florida. Mr. Chairman, I yield 5 minutes to the gentlewoman from Nebraska (Mrs. SMITH).

Mrs. SMITH of Nebraska. Mr. Chairman, this supplemental for fiscal year 1977 has an interesting history. When the fiscal year 1978 Budget was submitted, the Ford administration indicated the need for a $17.6 billion supplemental for fiscal year 1977. That was on January 17 of this year.

Seventeen billion, six hundred million dollars is rather a considerable sum. It did represent 5 months experience, since the fiscal year 1977 budget was adopted, as to additional budget needs.

Roughly 6 weeks after the Carter administration took office, they had raised the total to $32.9 billion. Almost double the amount requested by President Ford.

Lacking the inner music, the inspiration to climb the highest mountain, my House colleagues did "trim" the Carter requests back to $28 billion. The taxpayers can be thankful for small favors, I suppose. Nevertheless, we still have, I am told, the largest supplemental since World War II.

And thus it is, as part of the drive to get the country moving again, our fiscal year 1977 budget deficit has taken wing and soared to $70 billion.

But, we are told, this is noninflationary because $4 billion of requests was "saved," and because many of the other programs added or increased will have a budget impact spread over a number of years.

Suppose we include in our inflation calculations the numerous public works-public service jobs programs in the Economic Stimulus bill passed on Tuesday, and the additional housing and construction grants in the bill today.

The combination of such spending programs cannot help but be inflationary. They will be competing with one another—making for a bureaucrats dream—and they will compete with private sector spending as the economy improves. The fires of more inflation have been ignited. Nor do I see any prospect of change in the fiscal year budget totals.

Now, I would like to comment on the work of the Foreign Operations Appropriations subcommittee, which I had the honor to join this year.

We recommended $441.6 million for various international programs, some $201.1 million—or 31 percent—less than requested.

Our principal cuts were in the requests—by both Presidents Ford and Carter—for replenishment of funds for three international financial institutions. Our able chairman favored additional cuts, and I would have approved these as well.

Our contributions to these institutions have increased sharply the last few years. I suspect this may very well be because the rate of lending by the International Bank and its affiliates has expanded so rapidly. In fact, lending in fiscal year 1976 alone amounted to one-sixth of the total lending during the Bank's entire existence. It was this rather reckless policy which caused our Secretary of the Treasury to "suggest" that sounder banking practices were necessary at the annual meeting in September 1975. As a result, the rate of lending was slowed and charges for so-called market loans increased to cover institutional expenses.

But more was involved. Congress should expect to have some control, at least indirectly, over the use of taxpayers funds appropriated for foreign assistance.

With the international lending institutions we have practically none. The Directors do not testify before our committee. Audits of loan accounts are not available. If Congress imposes guidelines in appropriating funds for these institutions, we find them consistently ignored. We seem to have created a highly paid international bureaucracy—average salary $57,000 per year, tax exempt—answerable to no one.

More and more funds have been going out of the soft-loan windows. These 50-year loans with only a minute service charge have been going to some OPEC countries, some middle-income countries, and to a large number of countries with repressive political regimes.

Certain countries seemed to be consistently favored. Thus, India received over 40 percent of the total funds loaned by the International Development Association in 1976. Our representative on IDA voted against such loan proposals, under the terms of the Long proviso against approving funds for a nation exploding a nuclear device but refusing to sign the Nuclear Non-Proliferation Treaty. Seven times he voted "no," and seven times the loan was approved. We have no internal control over loan decisions in such organizations.

We concluded there was only one way to impress these lending institutions: Cut their funding requests. Make it clear that lending policies must not favor one nation so openly, make it clear we were not interested in loans which propped up oppressive regimes, make it clear we were interested in genuine economic improvement. Make it clear they do not have an open pipeline to the U.S. Treasury.

I urge the Congress to sustain the cuts recommended by the Appropriations Committee.

Mr. MAHON. Mr. Chairman, I have no further requests for time on this side.

Mr. YOUNG of Florida. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Pennsylvania (Mr. McDADE).

Mr. McDADE. Mr. Chairman, I rise in support of title VI of the bill. This is the title under the jurisdiction of the subcommittee chaired by my able colleague, the gentleman from Illinois (Mr. YATES), who has done an outstanding job. All members of that subcommittee have played an important role in shaping this section of the bill.

Mr. Chairman, While there are numerous activities of great value to all Americans contained herein, I particularly want to call to the attention of my colleagues our action with regard to a new and vitally important program, the Bicentennial Land Heritage Act.

Last year, President Ford announced a

major new initiative aimed at cleaning up and preserving our Nations green areas. Today we are appropriating funds, approved also by the Carter administration, to take the first step in implementing that program. This bill contains $283 million for land heritage; $140 million will be earmarked for the land and water conservation fund to acquire lands in the national parks, national forests, and on the lands controlled by the Fish and Wildlife Service; $93 million will go to the National Park Service to help alleviate their most pressing maintenance problems and to upgrade their existing facilities; $13 million more will help the Park Service meet its personnel needs at new and existing national parks.

This bill contains the money and the authority to enable the Park Service to have the necessary staff on hand at the newly created Valley Forge National Park in Pennsylvania. The committee took this action because of the very strong support and interest of two Pennsylvania Congressmen who have been the prime movers behind the Valley Forge Park, Congressman LARRY COUGHLIN of our committee and Congressman DICK SCHULZE in whose district the park is located. The quick action in opening and staffing Valley Forge can be attributed for the most part to their great diligence and perseverence.

Another $27 million contained here will make improvements at the Fish and Wildlife refuges across the Nation and another $10 million will be advanced to the migratory bird conservation account. This valuable program expedites the acquisition of wetlands and has proven to be a vital component in our Nation's efforts at preserving waterfowl and their habitat.

Mr. Chairman, this is merely the first installment in what will be a 5-year, $1.4 billion effort that is, is my opinion, one of the wisest moves the Congress could make in meeting the recreational and environmental preservation needs of our people and their resources. In the previous years, this committee has been in the forefront in advocating such a national commitment to our green areas. Today I know the Members of this Congress will lend their enthusiastic support of this program and to the funds contained herein.

Mr. YOUNG of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. Mr. Chairman, I would like to inform the Members of the House that I intend to offer an amendment in the amending process or as instructions in the recommital motion to reduce the expenditures in the bill by 5 percent. This amendment was offered last year to approximately 13 appropriation bills, providing the opportunity for every Member in the House to reduce at least by a small amount the expenditures that this House has approved.

I think it is very important that we understand one part of the amendment. It does not reduce mandatory spending.

Mr. Chairman, I would like to read the amendment because many times there have been misunderstandings about the amendment and what it will do. The amendment says this:

SEC. 305. Of the total budget authority provided in Title I for payments not required by law, five per centum shall be withheld from obligation and expenditure: *Provided*, that of the amount provided for each appropriation account, activity, and project, for payments not required by law, the amount withheld shall not exceed ten per centum.

Mr. Chairman, what that amounts to is this, that no one line item would be struck completely. Ten percent could be removed. The discretion would be there to reduce some of the line items, but that would leave 90 percent of that line item, and in total, it would be necessary to reduce the 5 percent for all the nonmandatory spending.

Some may ask why we would start something all over again which was not very successful last year. Where are we going and what have we done? The Secretary of the Treasury tells us that we will have an interest payment on the national debt this year of over $46 billion.

Mr. Chairman, I do not know how many Members may have conveyed that message to their constituents back home to the effect that that amounts to about $130 million a day interest on the national debt because of the expenditures that we make right here.

I think it is time that the American people become aware of this fact.

Yes, we have given this bill approximately $28 billion, and we will be driving that national debt up because we will have a deficit of some $70 billion this year.

The 5 percent will be a small amount; and believe me, there will be that much in the pipelines of most of the line items.

However, Mr. Chairman, I would like to go just a little further and express some of the things that I found out about one bill in particular, and we have about $13.1 billion in this bill for housing.

I attempted last year to find out about our housing bill, and I found out that under section 8 of our housing bill we are paying to families a maximum of $873 a month rent subsidy. That is how far we are out of line, and I am sure that this year we are paying a higher amount. I would be surprised if it did not go to $1,000 a month.

Mr. Chairman, I found out from HUD that $873 a month subsidy was being paid to families in New York City in high-rise apartments.

I think we had better take a look at the total picture as to where we are going and what we are asking our constituents back in our districts to pay so that someone else may be able to have an apartment where the Federal Government pays $873 a month subsidy.

Mr. MAHON. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I introduced an amendment accepted by the House Appropriations Committee adding $30 million to the Bureau of Reclamation's emergency revolving fund. This amount would be used this year to enable the Bureau to take immediate steps to help irrigation districts in the West lessen the impacts of drought.

The Bureau is authorized under the Emergency Fund Act of 1948 to spend funds to assure the continuous operation of irrigation and power systems because of unusual or emergency situations, including droughts.

Presently, there is only $2,356,161 in this emergency fund for use by existing contractors on reclamation projects. In view of the worst drought the West has faced since weather records were kept, this is a woefully inadequate amount.

Of the 9 million acres of irrigation served by Bureau of Reclamation projects, 4 million acres face severe water shortage. Two million acres are critically short of supply. Of 16 million people receiving municipal and industrial water from reclamation projects, 2 million will be adversely affected by drought.

I have been advised that the Bureau has already made a preliminary survey of the irrigation districts it serves and listed 20 projects where districts are up to 60 percent deficient in water supply to be in need of emergency work funded by the Emergency Fund Act. These projects are located in California, Oregon, Washington, Idaho, Montana, Utah, Colorado, Nebraska, Kansas, and Texas.

The Bureau identifies four categories of work it could perform using the additional $30 million this year in its emergency fund: drilling wells and supplying equipment, $12 million; furnishing and installing pumps, $12 million; lining canals and laterals, $5 million and construction of diversion structures, $1 million. Specifically, the Bureau would fund the drilling of wells, installation of pumps on drains and rivers, and pipelines, construction of canal lining to conserve and deliver water, installation of pumps to release water from the dead storage of reservoirs and lakes, construction of diversion structures in existing streams and provision of technical assistance to irrigation districts.

Mr. Chairman, this additional money is not another expenditure applied to regular reclamation operation and maintenance, but beefs up a badly needed reimbursable emergency fund. When an irrigation district formally requests the Bureau to perform an emergency service, it is done right away. While work is being done, the Bureau negotiates a contract for repayment of all funds expended under the Emergency Fund Act. Repayments are made under the same conditions of existing contracts and are scheduled in accordance with a district's ability to repay over a carefully negotiated time frame.

The need for additional Bureau of Reclamation emergency services is greater than any year in memory.

Without exaggeration, we in the Northwest are facing the driest year we have ever known. The Washington State Soil Conservation Service reports that

Washington's snowpack was 83 percent below normal on March 1 when 80 to 85 percent of the year's water supply should already have been on the ground. Our irrigation districts depend almost solely on the runoff we get from normal snow-fed streamflow.

We have had some rain in the past few weeks in the Northwest, but it has had the effect of a raindrop on a hot griddle. The soil under the snow we do have is very dry, and much of the rain we get this spring will restore soil moisture; we will get very little runoff to fill our reservoirs.

The Bureau says that water supply for irrigation this year will range from near-nothing to near-normal depending on storage carryover from last year and priority of water rights. The Bureau expects most irrigation reservoirs to be emptied by October 1, assuming the drought has ended and that normal weather conditions exist from now until July 1. Other estimates show that many of our reservoirs will be dry by mid-July unless we get a rain of Biblical proportions. The Bureau warns that this year's carryover supply cannot deteriorate much further for most projects.

Gen. Wesley Peel of the Army Corps of Engineers, North Pacific Division, says the main Columbia Reservoir system is about half full. Depending on the precipitation we are likely to get, the anticipated Columbia Reservoir refill will vary from 75 to 90 percent of full pool this summer, but will not refill unless we have a very unusual spring and summer rainfall. Nothing short of a miracle will turn 1977 into a normal water year. We expect the worst.

Vail Schermerhorn, chief hydrologist at the National Weather Service River Forecast Center in Portland, predicts the lowest Columbia River runoff in the nearly 100 years records have been kept. The lowest recorded runoff occurred in 1944 with 60.6 million acre-feet of flow, or 55 percent of average. This year's prediction is 57 million acre-feet of flow, or 51 percent of normal.

The impacts of a drought of this intensity will be staggering unless we begin at once to assure minimum water supply. The loss of the agricultural share of our State GNP alone would be the worst in decades.

We face a $425 to $550 million crop loss this year, and in my State it is estimated that every dollar a farmer earns is turned over seven times in our economy.

The Yakima watershed in south central Washington could be devastated by drought this year without attempts to provide a continuous supply to priority users.

The five reservoirs that serve the Yakima Valley have already been drawn down to 78 percent of their active capacity; 132,000 acres out of the 462,000 acres the Yakima project serves may get only 7 percent of normal supply this year. The entire watershed will be up to 55 percent water deficient without substantial rainfall. Under present allocations, Kittitas County and the Roza Irrigation District may get no water at all.

Roza's manager Randy Jackson estimates a loss of $56.9 million this year if the district does not get at least 150,000 acre-feet by mid-May when farmers make firm and final planting decisions.

Crop losses in Yakima County could be as high as $92 million. Drought-related job losses in the county could run as high as 20,000 at a cost of $1.4 billion in lost wages.

Losses to perennial growers would be immense. Apple, peach, cherry, and other fruit-bearing orchards in the Roza district are valued at $5,000 to $6,000 an acre on land valued at $1,800 to $2,000 an acre. This represents immediate drought losses if nothing is done to restore minimum water supply.

To replace this initial loss, several thousands per acre would be required to replant and nurse orchards to maturity over a period of up to 10 years; and 10 years of production loss adds another $5,000 per acre.

The effect of such losses border on the incalculable. When a box of apples leaves a farm, it costs $2 or $3. When it leaves the packer it costs $12 to $14. When this box leaves the grocer by sale of individual apples, the value goes up to $20. When such irreplaceable perennials as apples, peaches, plums, apricots, and pears are destroyed by drought, the losses can multiply 10 times.

If we fail to get enough water, we will lose a whole year's mint crop. Mint is a peculiar crop. It can be moved about and replanted in different soils as long as the roots still function. To protect this valuable crop, growers will move it to moisture soils when drought threatens. Half the mint growers in the Roza District have already moved out anticipating no water this year.

The Yakima watershed faces total losses this year of its sugar beet, sweet and savage corn, alfalfa seed, asparagus, grape and bean crops. Drought could also wipe out a year's supply of hops. We are the Nation's major suppliers of hops used to ferment and add flavor to beer.

Without enough water, the watershed will lose up to 50 percent of its hard-to-replace cattle, 50 percent of its timber and most of its dryland production.

To supply perennial growers in the Yakima watershed with enough water to get through this drought, we will need roughly 170,000 acre feet by June. The Bureau of Reclamation says with additional funding it can meet this demand by pumping all the dead storage out of two adjacent lakes. If this amount of water is properly allocated, it would reduce losses tremendously; but we need the water now.

In years of drought, we actually need more water than we do in normal years just to get things started. Heavier applications of water are required to get soil in tillable condition, or at least in a condition where fall plantings will not be lost. This year will be no different.

At present, all the reservoirs in the Yakima watershed would have to be discharged first. If we had the pumps in place by then, the watershed would be assured of a continuing and adequate supply.

I urge the House to support this budget amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, I have asked for this time in order to raise questions about two parts of the supplemental. First of all in the foreign operation supplemental on page 41 there is a provision for $4½ million for the payment to the Foreign Service retirement and disability fund.

I know a number of the Members have become concerned about the enormous growth of Federal retirement liability and I am wondering if anyone here today can tell me what the annual outlay for retirement to the Foreign Service is? Does anyone happen to have that figure readily at hand? I assume that $4½ million is only a portion of it. Is that a safe assumption?

Mr. LONG of Maryland. Mr. Chairman, if the gentleman from Illinois will yield, let me state that the Agency for International Development contributes $22 million per year to the retirement and disability fund but that does not include contributions made by the Department of State to the same fund.

Mr. FINDLEY. That is AID personnel retirement?

Mr. LONG of Maryland. Yes, that is correct and the annual contribution is $22 million.

Mr. FINDLEY. It is $22 million?

Mr. LONG of Maryland. That is correct.

Mr. FINDLEY. Can the gentleman tell us what the budget for salaries for AID for the same period will be?

Mr. LONG of Maryland. I can give the gentleman from Illinois a ball park figure. The operating expenses for AID run about $200 million per year, which includes salaries, travel, rent, and other services.

Mr. FINDLEY. But the gentleman does not know what the salary level is at the present time?

Mr. LONG of Maryland. The salary figure by itself I do not know. We can put that figure in the RECORD later if the gentleman from Illinois wishes.

The request for AID-operating expenses in fiscal year 1978 includes about $130 million for personnel compensation.

Mr. FINDLEY. That would be very helpful. The reason I mentioned this is because I have long viewed Federal retirement as sort of an economic time bomb that is going to explode one of these days. I learned during consideration of the 1 percent kicker in the last Congress that Foreign Service officers can retire at about 50 or 55 years of age, with a life expectancy of some 25 or 30 years, and by the time they die, they can be expected to be drawing as much as $100,000 in retirement pay. That has been adjusted considerably by the change from the 1-percent kicker to the semiannual adjustment in retirement pay, but it still leaves an enormous problem with which I think the Congress should deal.

I would like to ask a question or two

concerning the appropriations section for agriculture. There is an item of a $750,000 increase in the limitation on administrative expenses of the Federal Crop Insurance Corporation. The language of the report indicates to me that this $750,000 is in effect a loan, and it will be paid by increased premiums in time. Is that correct, I will ask the gentleman from Mississippi?

Mr. WHITTEN. If the gentleman will yield, that is correct. This goes a little beyond the gentleman's question, but with the drought in the Western States, and the flood damage and short crop in the Southern States, the Corporation has suffered some tremendous losses this year. Because of the heavy losses there is an administrative costs problem because of all the claims that have to be paid. So it has increased the workload tremendously.

May I say further that with regard to crop insurance, through the years I have always offered to help the insurance companies in case they wish to take over this responsibility. We have compared this approach with the approach we have in the disaster payment area, and crop insurance is by far the most economical. I will say we also have pending an additional $50 million in capital needs which will require authorization. So the administrative funds are there because of the workload. They have to adjust all of these claims. The money is going to be necessary, and to keep it there I think is the most economic way to try and pay for the damage.

Mr. FINDLEY. I share the gentleman's support for Federal crop insurance. I would like to see it expanded I do think the premiums ought to cover the losses, and I do not think we should see the Federal contribution for administrative expenses expanded.

Mr. WHITTEN. If the gentleman will yield further, I can agree with the gentlemen's desire, because I have the same desire. But may I say that we have an extremely difficult problem in getting enough people to sign up for it to be actuarially sound. In my opinion, we have to get enough folks to sign up in a given county to make the program actuarially sound. If we tried to raise the rates to reflect all the administrative costs, the rates themselves would be so high that a whole lot of folks would not sign for the insurance. Then we would lose the program.

Mr. FINDLEY. If the gentleman will permit me, I would like to ask a question about the food stamp program. As I read the committee report, it suggests that 17.7 million U.S. citizens are benefiting from food stamps currently. Is that correct?

Mr. WHITTEN. That was the testimony before the committee.

Mr. FINDLEY. That figure is not the number of households but the number of beneficiaries; is that correct?

Mr. WHITTEN. That is my recollection from the testimony.

Mr. FINDLEY. The provision in this supplemental brings the total outlay over $5 billion a year, which is quite a growth from the infant we saw several years back. I am intrigued with the last paragraph of the section on food stamps in which it is said:

> Therefore, a supplemental appropriation of $720,000,000 is recommended to finance the increased bonus cost until reform is effected, . . .

I wonder if the gentleman can give us any information on when we can expect reform and from whence that reform may come.

Mr. WHITTEN. May I say I have been fortunate in having a subcommittee that was pretty much in accord with almost everything that we have done. We did the best we could. But apparently reform now depends upon the legislative Committee on Agriculture. To review briefly, our subcommittee pointed out that the past Secretary of Agriculture had the authority under the law to make corrections in the food stamp program. He made those corrections, after we pointed that out. Then the Federal court restrained him from carrying them into effect. The new Secretary has withdrawn those regulations. As it now stands we are dependent upon legislation recommended by the legislative Committee on Agriculture, of which we are not members, passing the bill and getting it to the White House and getting it signed. So we are dependent on passage of that law.

Mr. YOUNG of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I rise in support of this bill providing supplemental appropriations for fiscal year 1977. There are a number of very important programs provided for in this bill, and I would like to highlight just a few of them.

The bill includes $3 million for home health services, which will allow for the expansion of the number of home health agencies eligible for medicare certification. This program, which provides an effective alternative to institutionalization for the aging, has proven its worth in a variety of areas.

This bill also provides over $40.1 million for emergency medical services and $6 million for emergency medical training, both of which have had dramatic effects in reducing the number of deaths due to traumatic injuries and burns, and have provided much-needed assistance to our towns and States in the provision of emergency medical equipment and services.

I was pleased that an additional $7.5 million was provided for the National Institute of Arthritis, Metabolism, and Digestive Diseases. Although much more than this could be effectively used, this amount will permit significant support for such research areas as cystic fibrosis, Cooley's anemia, skin diseases, and blood disorders.

For mental health research, we provided an additional $2 million for research on elderly mental health and mental illness. And at the appropriate time, I may offer an amendment to provide for a much-needed increase in funding for the community mental health centers program.

Under "health resources," we have provided for a variety of health manpower programs which were recently reauthorized during the last Congress. Included in that amount is funding for the development of two schools of veterinary medicine and for the expansion of a third. This is a valuable investment in our Nation's health, as there is presently a shortage of veterinarians; and the economic and health implications of such a shortage calls out for the solutions which are provided for in this bill.

Finally, we have provided slightly over $3.2 billion for various higher education programs—programs that will enable deserving students to have access to higher education regardless of their family's wealth.

In the transportation section of this bill, we have provided $10 million for the Coast Guard's pollution fund, an item which is all the more important and necessary because of the recent rash of oil spills and tanker accidents. And we have provided $25 million for Amtrak in conjunction with its purchase of the Northeast Corridor.

Mr. Chairman, this is a needed bill and a responsible bill, and I urge its approval.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. I thank the distinguished gentleman for yielding.

Mr. Chairman, I would like to propose a question either to the gentleman from Texas or an appropriate member of the committee who might wish to respond.

I refer the chairman to page 29 of the bill, which deals with the legislative branch appropriations. Let me put to you the question that has been raised with me. There appears there a paragraph, lines 17 to 20, which in effect allows the Committee on Appropriations, acting by majority vote, I assume, to approve the transfer of legislative appropriation funds and the phrase used is "among accounts." It has been suggested to me by some who have looked into this matter that while the committee claims that there is absolutely no money in this appropriation bill to implement the congressional pay raises which took effect in February as a result of the Commission recommendation, that the language in the bill will permit the use of other funds to finance those pay increases for Members of Congress. Perhaps using, if not the funds in this bill, then by transference among the various House accounts. I would like to have a response or explanation for the concern that I described.

Mr. SHIPLEY. Mr. Chairman, if the gentleman will yield, there is not any funding in this bill for the increased pay raise which became effective as of March 1.

With regard to the lines 17 through 20 of the bill, as I understand it this could be subject to a point of order. There is no authorization for this language.

Mr. BAUMAN. It may well be, I would say to the gentleman.

Mr. SHIPLEY. Yes. it may well be. Although there is no money in here for the raise per se, of course the gentleman knows very well that we will have to face this issue at a later time when we have the regular legislative branch appropriation bill for 1978 before us and we will have also another opportunity during another supplemental appropriations bill for 1977.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. YOUNG of Florida. I yield the gentleman 2 additional minutes.

Mr. SHIPLEY. Mr. Chairman, if the gentleman from Maryland will yield further, as I just said we will have another chance in another supplemental appropriation because we will, as I understand it, need additional moneys in the compensation of Members appropriation accounts sometime in August, because we will have exhausted all of our funds currently available for the Members of Congress. Does that answer the gentleman?

Mr. BAUMAN. I think the gentleman has restated what I already knew to be the committee's position, that there is no money involved in this bill to finance the congressional pay raise. My question is whether or not this language would permit the transference of other funds either under this bill or under those previously passed to meet the increased cost of the pay raises. It would, would it not?

Mr. SHIPLEY. In my opinion I would say to the gentleman it would not.

Mr. BAUMAN. However potentially it could if the Appropriations Committee approved that; could it not?

Mr. SHIPLEY. I do not believe they would.

Mr. BAUMAN. But they could. That is what I am trying to ascertain.

Mr. SHIPLEY. I would not say to the gentleman that it could. I do not believe there would be a transfer other than in the allowances and expenses account which does not include the compensation of Members.

Mr. BAUMAN. I would say to the gentleman, it appears to me the language is plain, that a majority of the Appropriations Committee could act in a manner to allow the transference among accounts of moneys that were appropriated here or previously to satisfy the obligations placed against these accounts for the pay raise that went through in February. And while that might not happen and maybe the gentleman would not support it, certainly a distinct possibility does exist.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, as I interpret this section, this transferability of accounts is only limited to this particular section which does not include any money for our pay raise.

Mr. BAUMAN. It does not say it is limited to just this section or this bill.

Mr. CONTE. "Within this appropriation," and within this appropriation there is no money for the pay raise.

Mr. BAUMAN. If the gentleman will read the language carefully he will see that the transference sought to be effected is among all House accounts.

Mr. CONTE. I will.

Mr. BAUMAN. I would say we differ on interpretation.

Mr. YOUNG of Florida. Mr. Chairman, I have no further requests for time.

Mr. MAHON. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, the committee recommends a total appropriation in the foreign operations chapter of the supplemental bill of $441,555,000, which is a reduction of $201,100,000 below the budget requests. In addition, $3,431,000 in budget authority and $225,000 in administrative expense limitations are recommended in title II of the bill to cover increased pay costs.

I shall summarize briefly the details of the specific subcommittee recommendations but I recommend that each Member review pages 40 through 47 of the supplemental report for further background information.

We recommend an appropriation of $31,000,000 for "International organizations and programs" of which $28,000,000 would be for the UN Relief and Works Agency for Palestine Refugees to help alleviate its critical financial situation and $3,000,000 would be for the International Atomic Energy Agency to strengthen its safeguards program.

We recommend an appropriation of $4,570,000 for payment to the Foreign Service retirement and disability fund to pay the unfunded liability of AID foreign service employees which is required by law; $30,000,000 is recommended to be provided to the Israel-United States Binational Industrial Research and Development Foundation. The foundation is designed to promote and support joint nondefense industrial research and development activities of mutual benefit to both countries.

The subcommittee recommends an appropriation of $15,000,000 in military assistance to Portugal which would be used to strengthen its armed forces enabling her to assume a stronger role in NATO but we denied the $67,500,000 requested in drawdown authority to provide for immediate military assistance.

We have included language in the bill which would allow the Peace Corps an additional $2,077,000 in program support costs to provide support for the volunteer level currently planned in fiscal year 1977. This increase in support funds will not require an appropriation of funds and it would allow the Peace Corps to absorb pay costs of $667,000 previously requested.

The amount of $11,325,000 is recommended for the "migration and refugee assistance program" of which $8,325,000 would be for the care, maintenance and transportation assistance of refugees from the Soviet Union resettling in countries other than Israel and $3,000,000 would be for reception and placement of refugees from the Soviet Union and other Eastern European countries in the United States. This is a reduction of $4,400,000 below the request.

The subcommittee also recommends $3,660,000 for the U.S. Emergency Refugee and Migration Assistance Fund to finance unforeseen emergency refugee situations in fiscal year 1977. This is a reduction of $2,700,000.

The subcommittee has recommended an appropriation of $346,000,000 to finance U.S. contributions to three international financial institutions; namely, the Asian Development Fund—$15,000,000, the Inter-American Development Bank—$276,000,000, and the International Development Association—$55,000,000. This represents a total reduction of $194,000,000 below the budget requests.

The entire amounts requested by these institutions were to restore reductions made by Congress in past requests.

That concludes my brief summation of our recommendations.

Mr. CONTE. Mr. Chairman, Public Law 94–484 authorizes up to $103 million for the construction of health teaching facilities, construction, including schools of veterinary medicine. That law gave priority to regional schools in this category.

The committee has to provide $25 million in this supplemental for three schools: A New England Regional Veterinary School to be located at Tufts University in Boston; a Pacific Northwest Regional Veterinary School to be located at Washington State University; and the expansion of existing veterinary facilities at the University of Pennsylvania. While I cannot speak for the two latter schools, I would like to outline why the reasons that $10 million is needed by Tufts and, therefore, why the requested total of $25 million should be approved.

First of all, there is a national shortage of veterinarians. At present, there are only 21 schools of veterinary medicine in the United States. In order to keep pace with the demand, the number of veterinarians in this country would have to double by 1980. The National Academy of Sciences concluded that the existing schools cannot do the job, and that by 1980 there will be a shortage of some 8,000 veterinarians nationally.

In New England, the shortage is even more acute. Because there is no veterinary school in New England, the number of students from New England who can attend veterinary school is sharply limited to contractual arrangements between the New England States and veterinary schools outside of the region. Although the national acceptance rate for veterinary schools is 1 in 8 or 9—compared to 1 in 3 for medical schools—for New England students the acceptance rate is 1 in 50.

Largely as a consequence of the fact that less than 30 New England students per year can be accepted into veterinary school, it is estimated that the region will have a shortage of 1,064 veterinarians by 1980.

It is important to note that veterinarians aren't just dog and cat doctors. Some 220 diseases are known to be transmitted

from animals to man, including such things as swine flu, equine encephalitis, yellow fever, and sleeping sickness. Veterinarians have a major impact in safeguarding the health and productivity of food-producing livestock and fisheries, caring for and protecting laboratory animals for research, looking after the health of wild animals, and contributing to the conquest of human and animal diseases.

Specialized problems for New England which would be dealt with at the New England Veterinary School at Tufts include aquaculture, equine medicine, nutrition, public health, laboratory animal medicine, and toxicology.

The Tufts University proposal is truly regional in design and scope, representing a close linkage between an outstanding university with existing medical facilities and the six New England States and land-grant universities. Plans call for the basic medicine facilities to be located at Tufts, with animal clinical facilities affiliated with the land-grant universities. Students would do their basic sience work at Tufts, then rotate through the clinical facilities, each of which would specialize in areas of particular importance to that State. Examples would be swine in Massachusetts, cattle in Connecticut and Vermont, horses in New Hampshire, and poultry and aquatic animals in Maine and Rhode Island.

The $10 million in Federal construction funding requested by Tufts is necessary to begin work as soon as final planning is complete this spring. I urge this committee's approval of the full amount.

Mr. SEBELIUS. Mr. Chairman, I want to lend my support to the funds proposed in this bill for the initial implementation of the Pennsylvania Avenue Development Corporation. The Congress has adopted the plan for the redevelopment of Pennsylvania Avenue, and all that stands in the way of getting on with the job is the enactment of appropriations.

Mr. Chairman, I have had fairly lengthy involvement with the substance of this matter over a period of years as it was scrutinized by the Interior authorizing committee, and I feel that this is a most worthy project which must go forward. For any Member who may be at all apprehensive or undecided, I would point out that existing law permits only a portion of the total anticipated cost of the project to be spent. The idea is for the Congress to be able to evaluate the first stages of the project as it proceeds. Further commitment to follow through farther cannot occur until further authorization to do so, also supported by appropriations, is approved by the Congress. Hence, I feel very comfortable that we in the Congress yet retain tight control and oversight over the progress and wisdom of this entire project, and I urge the support of this part of the appropriations bill as it now stands.

Mr. DRINAN. Mr. Chairman, included in this supplemental appropriations request is $22 million for the Bureau of Prisons which will be used to begin construction of a youth offender facility at Lake Placid, N.Y.—site of the 1980 Olympic games. The Bureau of Prisons will construct the athletes' housing facility which will later be converted to a Federal facility for 500 youth offenders.

I fully appreciate the need for an afteruse plan since this construction represents a substantial investment of taxpayers' money. Yet, it is of great concern to me that this decision for afteruse was made without the benefit of full discussion. Although we have reached the sorry state wherein we must provide for our athletes' safety, a seemingly logical conversion of this facility to a correctional institution warrants further study and reflection.

In 1975 the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, of which I am a member, held public oversight hearings on the Bureau of Prisons' construction policy and plans. Many highly respected organizations, including the National Council on Crime and Delinquency and the Task Force on Corrections of the National Advisory Commission on Criminal Justice Standards and Goals, have urged the Congress to halt prison construction until we can make intelligent decisions about what works, what is most cost-effective, and what actions are in our own long-term interest.

One major issue which emerges from future prison construction discussion is the location of facilities. When the Director of the Bureau of Prisons testified before the subcommittee in 1975 he stated:

> Our philosophy is that new institutions should be as close as we can humanly get them to where the offenders are from and where we can find staff and other resources.

The subcommittee was aware of the Bureau's search for a youth offender site to service the northeast region and it was expected that efforts would focus on large metropolitan areas. It was thus most disturbing to me to learn of the plan for Lake Placid. The inmates for this facility will come from New York City which is 300 miles away as well as the metropolitan areas of Boston, Baltimore, Philadelphia, and Washington, D.C., which represent an even greater distance.

It is well recognized and substantiated that in working with youth offenders we should maximize familial and community ties which may constitute the single most effective link to a law-abiding life. The Task Force on Corrections observed that "the goal of youth institutions is reduction of criminal behavior and reintegration into society must be made explicit." The Director of the Bureau of Prisons reflected this attitude when he told the subcommittee that—

> We feel the younger offender is the one whom we ought to invest the maximum opportunities for change. If we can somehow intervene at the earlier age, and help bring about a change in behavior, we can save the taxpayer and criminal justice system a great deal of expense in the years ahead.

I have no doubt that the Lake Placid facility will be adequate in design but there is more to incarceration than the physical structure of the institution. The failure of major youth institutions to reduce crime has been noted. The younger the person when entering the institution, the longer he is institutionalized and the farther he progresses into the criminal justice system, the greater his chance of failure. Isolation is a vital ingredient of this failure. Youths, often alienated already, find themselves in institutions which have no identify with the communities they left or to which they will return.

The ideal in corrections philosophy today is to operate the institution as a resource to meet specific needs without removing responsibility for the offender from the community. This is also a cost-effective approach. Besides the initial expense, the cost of maintaining prisons is constantly rising. The only way we will successfully curtail this growing expenditure is to develop workable alternatives. We still do not know what works and it seems rather irresponsible to continue constructing new institutions which we will be committed to support without the benefit of careful planning.

The location of this facility in the Lake Placid area may prove to interfere with goals of incarceration. We already know that it is difficult to recruit professional staff for these remote areas. Work or study release programs can only exist if there are contractual resources available in the community where the institution is located. As far as I know we have no idea what educational, vocational and community services or resources exist in the Lake Placid area which might be available to the institution. I must question the judgment for this facility in the absence of a clear statement of whatever planning went into the designation.

The Task Force on Corrections has outlined the disadvantages of continuing to construct correctional institutions in sparsely populated areas as follows:

1. The impossibility of using urban academic and social services or medical and psychiatric resources of the city.
2. The difficulty of recruiting staff members—teachers, psychologists, sociologists, social workers, researchers, nurses, dentists and physicians to work in rural areas.
3. The prolonged interruption of offender's contacts with friends and relatives which are important to the reintegration process.
4. The absence of meaningful work or study release programs.
5. Most importantly the consignment of corrections to the status of a divided house dominated by rural white guards and administrators unable to understand or communicate with Black, Chicano, Puerto Rican and other urban minorities.

In the early days of America's prison history, penitentiaries were built where the people were. The selection of rural areas in the last century reflected the fact that this Nation was predominantly farm country. That has changed and the majority of our prison population is from urban areas.

In most all of our human services programs we have moved or are moving away from the dependence on congregate rural institutions. Mental institutions have yielded to the community mental health movement, orphanages to foster homes and other child assistance programs, and so forth. This happens because isolated institutions proved un-

successful, expensive, and even counterproductive as responses to specific human problems. Changes came about because better treatment methods were developed making the isolated institution largely obsolete and treatment in the natural community setting preferable.

In the spring we will again be voting on appropriations for further prison construction. I urge my colleagues to give careful attention to further prison construction plans. Congressman ROBERT KASTENMEIER, chairman of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, noted at the start of the public oversight hearings that—

> If the Bureau of Prisons is to be mandated to build new prisons, this construction must be considered as part of a well-documented, publicly developed long-range plan.

It is irresponsible to do otherwise.

Mr. BROWN of California. Mr. Chairman, I will support the amendment by Mr. OBEY, when it is offered. The question before the House is a simple one: Will the Congress support economic relief for the poor and very low-income people of this Nation who have been hit by a weather disaster? It is quite simply a matter of recognizing that the record cold spell of this past winter was as much a disaster as a flood or a drought. The impact of the cold weather was felt by all to be sure, but the impact fell disproportionately upon the poor and very low income residents of this Nation. As a matter of equity, and as a test of how this Congress will deal with the equity issue in other energy debates. I urge my colleagues to support the Obey amendment. Energy prices are going to be rising, with or without weather disasters. These price increases may be the best way to promote energy conservation with all its long-run benefits. We are going to have to be very careful, however, that the needs of those in lower and middle income brackets, or those hit by temporary economic dislocations, are not ignored as the gradual increases take place. The Obey amendment is the kind of special attention which may be needed as we work on an effective and comprehensive national energy policy.

Mr. HANLEY. Mr. Chairman, the recent cold weather crisis throughout the Nation is easily lost mind of on a day such as this in sun-basking Washington. Even as breezes carry scents of blossoming cherry trees on the Capitol Grounds, the chill winds of March sweep our northern neighbors with a crisp reminder that winter fuel bills are yet to be received. The understanding of this very real—and to some of our citizens very stark—reality should be foremost in our minds as we decide the fate of this appropriations measure today.

Contained in this supplemental appropriation is a request for funding for the Community Services Administration in the amount of $82.5 million for the continuation of its home weatherization program for the balance of this fiscal year. This is a most significant program in my home area of central New York and I would commend its emulation to other areas where it has not yet been demonstrated. I am advised that to date there have been 219 homes in Onondaga County, Madison and Oswego Counties which have been winterized. In addition, 395 applications are pending for work this year and another 1,500 are eligible for the program, but are not likely to be winterized because funding will have disappeared.

Now, we have heard some criticism of the program as overgenerous or as a ripoff with very little help going to the poor or the elderly who desperately need this type of program. Perhaps there have been abuses in the program; maybe there are shortcomings in its administration and failure to supervise work on a fair and aboveboard basis. But I submit that such instances as may have occurred are the result of personal culpability, not program irrelevance. There is concern, too, that the cost of the program is higher than might be the case if there were no Government-sponsored employment involved in the program. And there is the charge that private contractors could do the work more cheaply.

The experience of the program as run by the PEACE, Inc., community action agency in my home district does not bear out any of the horror stories which have been surfacing about this program. Contrarily, the PEACE performance demonstrates what can be done with this two-pronged program of weatherization and employment opportunity. Men and women who are skilled but jobless are given work as installation crews for weatherization projects targeted at lower income, fixed income persons owning their own homes or renting in eligible apartment buildings.

The average project cost totaled $513.09—$147.35 for materials and $365.74 for labor. This is competitive with, and most times, lower than, the price which would be charged by private parties. Thus, if we can agree that it is desirable to insulate the homes of low-income residents at reasonable costs in an effort to make their homes more habitable and healthy and energy saving; and if we can agree that it is desirable to put jobless people who are willing to work into a meaningful jobs program, then we can endorse this portion of the supplemental appropriation bill with confidence that it can accomplish its mission.

It should be noted also that the CSA is a good instrumentality for this program, since it has the widest experience in the field of winterization and has a special focus on the two sectors of the population needing aid—the low-income householder and the chronically unemployed who seek to develop meaningful skills.

In the effort which has culminated in this appropriation request, there has been yeoman work done by the president of the New York State CAP Directors Association, Mr. Glenn Brown, who is also executive director of the PEACE, Inc. CAP in Onondaga County, N.Y. The generation of a statewide and regional consciousness was his most valuable contribution to the salvaging of what could have been a doomed program for the balance of this year.

For this reason, Mr. Chairman, I would like to insert at the conclusion of my remarks background information and project outlines which may prove helpful in bringing understanding of the mission which this effort has accomplished in my home area. Its success may breed emulation.

In addition, our consideration of the suggestion of Mr. OBEY for the inclusion of $200 million for a fuel cost assistance program aimed at citizens who are faced with abnormally high home heating and utility costs bears some attention. The focus on low-income persons who can receive up to $250 this year to help pay fuel bills again reminds us of the personal disasters which our many fixed-income senior citizens face as costs rise despite the conscientious efforts at conservation practiced by many people. While there are serious questions about the administration of such a program and its application to only those who have presently outstanding fuel bills, there seems to be merit in aiding persons who would be pauperized further by large fuel charges. At any rate, I commend your attention to the anticipated remarks of the gentleman from Wisconsin.

[From the office of the Executive Director Glenn W. Brown, People's Equal Action and Community Effort, Inc., Syracuse, N.Y.]

FEBRUARY 18, 1977.

ENERGY CONSERVATION PROGRAMS

P.E.A.C.E., Inc. has been awarded a Community Services Administration Grant for $86,455. in support of Project H.E.A.T. (Heat, Education and Advocacy Team). This program is a comprehensive effort by P.E.A.C.E., Inc. to aid no and low-income persons in dealing with the rising cost of home heating. This CSA Grant will permit P.E.A.C.E., Inc. to continue its weatherization efforts in Onondaga, Madison, and Oswego Counties in 1977.

The CSA Grant will support an energy conservation project which includes the following objectives:

1. Provide 150 low-income families, individuals and elderly with necessary home maintenance services which will weatherize and winterize homes in Onondaga, Oswego and Madison Counties.
2. Provide approximately 100 emergency grants of up to $50 to families and elderly persons who face utility shut-offs or who lack heating fuel.
3. Negotiate with fuel companies and low-income consumers, when necessary, in order to restore heat, or to keep the heat on, and to develop an appropriate payment schedule for paying back utility bills.
4. Provide budget counseling for clients.
5. Make cords of wood available to low-income families who heat their homes through wood burning stoves, fireplaces, etc.
6. Provide information and training on energy conservation methods and techniques through workshops, brochures, news articles, public service announcements, etc.
7. Advocate for consumer needs and for increased consumer protection in meetings, public hearings and through newsletters.

P.E.A.C.E., Inc., the Community Action Agency for Syracuse and Onondaga County, has been operating a number of energy-related programs for the past three years. Among these programs there is a vast amount of human, equipment, and program resources; however, in the past, not all of our energy programs were coordinated by one staff person.

With the recommendation of Samuel R. Martinez, the former Director of the Community Services Administration, P.E.A.C.E., Inc. created an Energy Coordinator position. The Energy Coordinator will assume responsibility for all energy programs at the local level. This new component will better coordinate all of the existing energy-related programs and will enable P.E.A.C.E., Inc. to better utilize future funding possibilities and expand our energy programs.

PROJECT H.E.A.T. ACTIVITIES

P.E.A.C.E., Inc. has established five work crews to carry out the home weatherization activities in Onondaga, Oswego, and Madison Counties. These crews reduce or stop cold air infiltration, repair broken windows and doors, caulk joints and cracks, provide insulation, install weatherstripping, storm windows and doors. These home repairs are carried out to insure that the dwelling is warm as well as energy conserving during summer and winter months.

Project H.E.A.T also distributes firewood to families who use wood as a primary source of heat. This wood is donated by the New York State Department of Transportation and by local tree service firms. The firewood is free of charge to those individuals who meet the guideline.

Fuel vouchers are distributed during the fall, winter and spring months through the Project H.E.A.T. Grant from CSA. During 1976, 130 Project H.E.A.T. Grants were given out totaling over $6,300 to families and elderly persons who either faced imminent utility shut-offs; or were able to purchase needed oil from fuel companies.

The P.E.A.C.E., Inc. Consumer Information Service Center works closely with the Project H.E.A.T. staff and the Energy Coordinator in handling energy problems and investigating complaints concerning utility companies. In many instances P.E.A.C.E., Inc. staff negotiated with Niagara Mohawk to turn utilities back on, or develop a realistic payment schedule for the clients.

As the Community Action Agency of Syracuse and Onondaga County, P.E.A.C.E., Inc. has daily contact with the low and no-income residents of the City and County who are seeking much needed assistance from the various energy programs sponsored by P.E.A.C.E., Inc. The staff have found the current energy crisis to be devastating to the low/no income population.

Whenever any type of an energy crisis exists, contrived or not, the poor and elderly suffer a disproportionate share of the pains of energy shortage. Individuals on fixed incomes have an especially difficult time absorbing any increased costs of energy.

P.E.A.C.E., Inc. currently operates programs involving energy grants, and home weatherization, which soften the blow of this energy crisis; however, the Agency is continually searching for other resources in order to alleviate the suffering of the people we serve.

Additionally, P.E.A.C.E., Inc., along with other N.Y.S. Community Action Agencies, has been developing Congressional support for the continuation of Title X of the Public Works and Economic Development Act of 1965, as amended. The last Congress passed authorization to continue Title X; however, as yet no appropriations have been made.

For additional information on Project H.E.A.T., call 478–4146 or 487–4147 or visit our office which is located at 202–204 South Beech Street, Syracuse, New York 13210.

P.E.A.C.E., Inc. Year-End Report—Project H.E.A.T.—1976–77

I. Number of Structures Weatherized:
A. Onondaga—
1. City—89.
2. County—61.
B. Madison—32.
C. Oswego—37.
D. Total—220.
II. Total of Intakes:
A. Onondaga—324.
B. Madison—35.
C. Oswego—37.
D. Total—395.
III. Total Cost in Tri-County Area:
A. Total for Onondaga County—$22,676.17.
1. City of Syracuse—$13,819.22.
2. Onondaga—$8,856.95.
B. Madison County—$4,152.72.
C. Oswego County—$5,960.87.
IV. Average Cost per Home (material only):
A. Onondaga County—$151.17.
B. Madison County—$129.77.
C. Oswego County—$161.10.
V. Number of Cords of Wood Distributed—86.
A. Value of Wood—$4,300.
*VI. Estimated Reduction in Energy Saving:
A. Homes Under 25 Years of Age—17.4% reduction.
B. Homes Over 25 Years of Age—22.6% reduction.
*Data not complete—pending more information.

VIII. Project HEAT disbursements:

	Number of cases	Number of grants	HEAT cost
January	42	25	$1,277.28
December	35	23	1,956.63
November	26	17	872.00
October	26	14	756.56
September	20	1	50.00
August	15	--	------
July	23	--	------
June	25	2	106.82
May	24	4	200.00
April	68	37	1,878.97
March	50	25	1,248.89
February	53	47	2,291.98
Total	407	195	10,639.13

Note: Recorded payment on cases between May and September were authorized during the Project HEAT season. In most cases, the client was required to come up with a portion of a back bill before we paid.

P.E.A.C.E., Inc. Program Description & Background

In January of 1976 P.E.A.C.E., Inc., implemented Project H.E.A.T. (Heating, Education and Advocacy Teams). This program is a comprehensive effort by P.E.A.C.E., Inc., to aid low-income persons in dealing with the rising costs of home heating. This is done through a variety of means, including a home repair and insulation service, a wood-fuel distribution porgram, direct grants for families faced with fuel shut-offs, and an information and technical assistance program. These services together comprise the major efforts of Project H.E.A.T.

PROGRAM ACTIVITIES

A. Weatherization effort:

(1) Purpose: To provide direct fuel savings to the consumer through insulation and repair of their homes. This is a free service with a maximum investment of up to $350 in materials. Three crews of three persons each install insulation, weatherstripping, storm windows, and make minor repairs to roofing and siding where such repairs will directly aid in stopping heat loss.

Money for materials has been supplied by the Community Services Administration, and unemployed persons were hired on a full-time basis with funds from the New York State Division of Economic Opportunity.

(2) Eligibility: Families whose gross incomes are within program guidelines (see attached) may be considered for this weatherization service. Special arrangements can be made with landlords whose tenants are eligible for Project H.E.A.T.'s services.

B. Wood for fuel program:

(1) Purpose: To distribute firewood to families who use wood as a primary source of heat. This wood is donated by the New York State Department of Transportation and by local tree service firms. It is cut, split and delivered in quantities of one face cord as a free service.

(2) Eligibility: Families must use wood as a primary source of heat, and have incomes within guidelines (attached).

C. H.E.A.T. grants:

(1) Purpose: To assist families faced with fuel shut-offs by providing a $50 grant, or 150 gallons of fuel oil.

(2) Eligibility: Grants are provided once only to families showing financial need, and are available October through April.

D. Other services:

(1) Project H.E.A.T. is the coordinating center for similar programs in the counties of Madison and Oswego.

(2) Project H.E.A.T. coordinates its own weatherization efforts with local home-improvement organizations in order to provide the most comprehensive service possible.

(3) Project H.E.A.T. provides information to local and national statistical energy studies.

(4) Project H.E.A.T. acts as a referral unit, making sure that clients are aware of other options and programs which are open to them.

(5) Project H.E.A.T. makes presentations to community groups on energy and conservation in the home.

(6) Project H.E.A.T. advocates on behalf of its clients in rate hearings, new legislation, etc.

Interested persons may contact Project H.E.A.T. by calling 478–4146 or 478–4147.

The Project H.E.A.T. offices are located at 202–204 South Beech Street, Syracuse, New York 13210.

Project H.E.A.T. income guidelines

Family size	*Income*
1	$3,500
2	4,625
3	5,750
4	6,875
5	8,000
6	9,125
7	10,250
8	11,385
9	12,500
10	13,625

For family units with more than 10 members, add $900 for each additional member in a non-farm family plus 25% of that amount.

P.E.A.C.E., Inc. Regulations Regarding Multiple Dwelling Units and Tenant/Landlord Situations

1. At no time will Project H.E.A.T. commence weatherization or repair of a structure where the owner of that structure owns more than five rentable units, including the one(s) in which the owner resides.

2. Only dwelling units resided in by "clients" may be weatherized or repaired.

3. Only dwelling units held by owners whose property expenses are greater than 30% of their total income may be weatherized and/or repaired.

4. In all cases, the owner will sign a legally binding contract stating that:

(a) he will not raise the rent on the weatherized unit; and

(b) will not sell the property of which the weatherized unit is a part; and

(c) that the above conditions will be in effect for a period of one year, regardless of sale or transfer of the property or individual dwelling unit.

5. Situations in which the owner is responsible for heating fuel costs, he/she will sign a legally binding contract stating that he/she will reduce the rental cost of the weatherized dwelling unit. This rental reduction shall be equal to 1/12th of the cost of materials used in weatherization of that dwelling unit, and such reduction shall be in effect for a period of 12 months from the contract date.

6. The Energy Coordinator and/or Advisory Council may decline service to any owner's property if such service is deemed contrary to the purposes of the program.

7. The Advisory Council may waive any or all of the above regulations on a case-by-case basis by a majority vote of the members present at a duly called Council meeting.

OWNER. The person, persons, corporations, etc., which holds by deed, or otherwise, more than one rental unit; and whose income is greater than that allowed by the Community Services Administration's Income Guidelines for Eligibility.

CLIENTS. A person, or family, whose income is within the Community Services Administration's Income Guidelines for Eligibility.

PROJECT H.E.A.T.

INTRODUCTION

Project H.E.A.T., the weatherization program for Onondaga, Oswego and Madison Counties has been in operation since December of 1975 doing home weatherization repairs and installations for the low-income populations in these three counties.

Within that time the weatherization effort has increased its productivity from 21 homes in the first quarter to 68 homes in the third quarter which represents an increase of 308% in just six months.

The weatherization effort is only one of three distinct parts of Project H.E.A.T., another area is the Emergency Fuel Voucher Program. This effort is maintained in Onondaga County utilizing the resources of the P.E.A.C.E., Inc., Consumer Information Service Center as an intake and distribution center for emergency assistance. During the period December, 1975 through April, 1976, 91 Emergency Vouchers were distributed. Between October, 1976 to the present, 34 Emergency Vouchers have been supplied to needy persons and families.

The third distinct part of Project H.E.A.T. is the Wood-Fuel Program. In the recent months this has been one of the fastest growing aspects of Project H.E.A.T. Throughout the Spring and Summer of 1976 the New York State Department of Transportation has been supplying Project H.E.A.T. much of the wood which it cuts from its right-of-ways in Onondaga County. The wood is then cut and split by Project H.E.A.T. crews and distributed to low-income families who use wood for heating and cooking.

Starting in September and October, with the early advent of winter in Central New York, the requests for wood have more than tripled what they had been in the past. With over 4,000 housing units in Onondaga County, excluding the city of Syracuse, which are not heated or heated by means other than steam, hot water, warm air, electricity or pipeless furnace, it is anticipated that this demand for wood will continue to increase.

A private tree service has joined the N.Y.S.D.O.T. in contributing wood to the program which was essential in meeting our demand for service.

Onondaga County:

1st quarter	12
2d quarter	12
3d quarter	43
4th quarter	63
Total	130

Madison County:

1st quarter	5
2d quarter	4
3rd quarter	15
4th quarter	11
Total	35

Oswego County:

1st quarter	4
2d quarter	9
3d quarter	10
4th quarter	7
Total	30

First quarter totals 21.
Second quarter totals 40.
Third quarter totals 68.
Fourth quarter totals 81.
Grand total 210.

P.E.A.C.E., INC. ENERGY STATEMENT
FEBRUARY 1977

As the Community Action Agency of Syracuse and Onondaga County, P.E.A.C.E., Inc., has daily contact with the low and no income residents of Syracuse and Onondaga County who are seeking much needed assistance from the various energy programs sponsored by P.E.A.C.E., Inc. We have found the current energy crisis to be devastating in the low/no income residents who are suffering a disproportionate share of the pains of the energy shortage.

Whenever any type of an energy crisis exists, contrived or not, the poor and elderly are the ones who suffer most. People on fixed incomes have an especially difficult time absorbing any increased costs of energy.

The Department of Social Services, for instance, has not increased their heat allowance since October 1975 and energy costs have skyrocketed since then. Half of the people helped through the Project HEAT Program are on various Social Service Systems. For a family of four on welfare, the monthly heat allotment for energy is $50.00; for a family of three, it is only $39.00. Through our Project HEAT program, the average monthly bill we see is $90.16. Low-income people now fear death by freezing rather than death by starvation. We see people assigning priorities to how they will spend their meager incomes and find they must choose between food and energy. People should not have to choose between the basic necessities of life.

Although we view this crisis as acute, we are aware of the need to plan on the possibility of another crisis which would have an equally devastating impact on the citizens in this county.

P.E.A.C.E., Inc. currently operates programs involving energy grants and home weatherization, which soften the blow of this energy crisis, however, they are temporary answers to the energy situation. We offer meaningful input which could affect future energy costs and availability of energy to the people we serve. We offer our expertise and ideas to affect policies of interested agencies, governmental commissions and utility companies to assure that low income and elderly people will not suffer a disproportionate share of any future energy shortage.

We will continue to focus on the following concerns in order to alleviate some of the energy problems suffered by the people we serve.

1. Availability and responsible use of alternate fuel sources such as coal, wind, solar, synthetic fuels, wood.

2. Conservation Ethic—make the means available to home insulation, repairs of infiltration, proper working and energy-saving heating equipment, and storm windows and doors.

3. No utility disconnects through May 31, 1977.

4. Deferment of a portion of winter utility bills until summer plus rebates of additional expenses due to wholesale gas price increases.

5. No rate increases for a period of 24 months until proper conservation methods can be initiated and employment stabilizes.

6. Higher subsidies to the poor and elderly through the various social service systems and direct grants for the working poor.

7. Continue to support weatherization; Support and increase continued dollars in Title VII—Materials and Title XX for manpower.

THE USE OF TITLE X FUNDS IN OTSEGO COUNTY, N.Y.

To all Title X Grantees: Please complete the following questionnaire immediately. All figures should be as of February 1, 1977. This information should be forwarded to the New York State Senators and Congressional Representatives by the quickest means available.

What type of work has your Title X project done? Winterization of homes, public education.

How many people did you serve 158 (Homes Winterized).

How many people did you employ? 9.

Welfare recipients: 1.

Unemployment insurance recipients: 1.

Other: 4 from termination CETA I. 1 not qualified from UIB.

How much money was spent? Labor? $32,800 Est. Other? $33,900.

When does the project end if Title X funding is not continued? February 15, 1977.

When the project ends, how many employees will return to:

Welfare: 1.

Unemployment insurance: 3.

Other: 1 hired with C.S.A. funds for 6 months. 3 terminated during 1976 are either on Public assistance or have found another job.

Total 8.

If your Title X program is a weatherization program, please supply this information as February 1, 1977.

Homes weatherized 158.

Family members affected: 610 Est.

Cris is interventions: 0.

Family members affected: 0.

Cubic feet natural gas conserved as of February 1, 1977: N.A.

Gals. home heating oil conserved as of February 1, 1977: 1,7760. Wood: 6,789 Cords—2.5 tons coal.

Units of other fuel conserved as of February 1, 1977: 3,864 gals LP.

Based on your efforts as of February 1, 1977, how much fuel per annum will be conserved?

Cubic feet of natural gas: N.A.

Gals. of home heating oil: 22,200 Est.

Units of other fuels (i.e. cords of wood, tons of coal, etc.) 700 cords wood 4,000 gallons of bottled gas. 2.5 tons coal.

THE USE OF TITLE X FUNDS IN CHAUTAUQUA COUNTY

Type of project efforts: Weatherization and Public Education.

Number of people served: 1,400.

Number of people employed:

Title X monies: 10.

Other funds: 7.

Welfare and public assistance: 1.

Unemployment recipients: 6.

Unemployment exhaustees: 1.

Number of dollars spent: From Nov., 1975 to Dec., 1976—

Title X: $60,000.

CSA funds: $49,500.

CETA: $34,000.

Amount spent in January, 1977:

Emergency (Title X): $4,000.

Title X: $6,500.

CSA: $6,000.

CETA: $2,500.

Project will end: May 5, 1977.
Homes winterized: 180.
Crisis intervention: 270 families (1,000 people) were provided with fuel and/or food vouchers and wood for fuel.
Estimate of energy conserved: Target is 15–25%; at this time, the information is pending and is not available.

THE USE OF TITLE X FUNDS IN NIAGARA FALLS, N.Y.

To all Title X Grantees: Please complete the following questionnaire immediately. All figures should be as of February 1, 1977. This information should be forwarded to the New York State Senators and Congressional Representatives by the quickest means available.
What type of work has your title X project done? Home Weatherization.
How many people did you serve? 139.
How many people did you employ? 11.
Welfare recipients: 7.
Unemployment insurance recipients: 2.
Unemployment exhaustees: 1.
Other: 1.
Total number employed and served: 158.
How much money was spent? Labor? $79,000. Other? $45,000.
When does the project end if title X funding is not continued? February 31, 1977.
Welfare: 2.
Unemployment insurance: 11.
Other: 0.
Total: 11.
If your Title X program is a weatherization program, please supply this information as February 1, 1977.
Homes weatherized: 141.
Family members affected: 232.
Crisis interventions: 8.
Family members affected: 22.
Cubic feet natural gas conserved as of February 1, 1977; gallons home heating oil conserved as of February 1, 1977; units of other fuel conserved as of February 1, 1977: Due to the severeness of this winter and the mildness of last winter it is impossible to tell the effectiveness of the program.
Based on your efforts as of February 1, 1977, how much fuel per annum will be conserved?
Cubic feet of natural gas; gallons of home heating oil; units of other fuels (that is cords of wood, tons of coal, etc.): It has been evaluated that some fuel has been saved. The participants this winter have not used more fuel, but the same amount as they used last winter.

[Mailgram]

FEBRUARY 23, 1977.

GLEN BROWN,
Peace,
Gifford Street,
Syracuse, N.Y.:

Lewis County Opportunities Incorporated in the Community Action Planning Council, Jefferson County (community action agencies) have jointly operated a weatherization program with a manpower funded under title 10 of the Public Works and Economic Development Act of 1965. In addition to weatherizing a total of 154 homes, title 10 workers have provided crises intervention services on fuel problems, and assistance in processing FMHA home improvement loans.
Of a total of 17 people employed one was formerly a welfare recipient, 14 were receiving unemployment compensation and two had exhausted unemployment benefits.
Of $97,000 spent $90,625 or 93 percent has been spent on labor.
If there is no new appropriation for title 10 by March 31, 1977, two of these workers will return to the welfare rolls, 9 to unemployment insurance rolls. A total of 6 title 10 workers were trained and found employment in the private sector in the past year.
Title 10 workers have winterized 154 homes, affecting 587 people and provided crises intervention services to 437 households.
Despite the severity of this winter compared to last year, families in the 154 homes winterized have conserved: 262 cubic feet of natural gas, 1,239 gallons of home heating oil, 123 gallons kerosene. Use of wood for fuel has increased by 23 cords.
Based on our efforts as of February 1st we estimate per annum fuel conservation by these households at: 578 cubic feet natural gas, 2,726 gallons home heating oil.
Title 10 workers vital to continue these efforts. Urge your support of supplemental appropriation for title 10.

MRS. ALICE B. PAYBERG,
Chairman, Lewis County Opportunities, Inc., Board of Directors.

NEW YORK STATE TITLE X WINTERIZATION PROGRAM

Employee/350 goal through turnover, promotion, transition to unsubsidized employment.
Approximately 420 were given jobs.
There were an additional 20 due to special grants.
The figures for all CAPS as of October 31, 1976, for homes winterized: 4,140.
All CAPS state-wide by December 31, 1976: 5,175.
Projection to end of program year March 1, 1977 would be 5,906.
Crisis interventions:
State-wide as of October 31, 1976: 2,026. To December 31, 1976: 2,539.
Number of unemployed persons hired: 342.
Number of persons who exceeded unemployment benefits: 198.
Number receiving unemployment benefits when hired: 129.
Number of individuals receiving public assistance when hired: 228.
The average salary: $6,834.
Fringe: $1,367.
Labor intensified: 93 percent.
Number of unskilled jobs: 81 percent.

Mr. RUPPE. Mr. Chairman, I am pleased to support H.R. 4877 providing supplemental appropriations for fiscal year 1977. This measure contains $100 million to fund the payment-in-lieu-of-taxes program authorized by the 94th Congress.

The authorizing legislation mandates that local governments be compensated at a rate of 75 cents per acre for federally owned land within their jurisdiction. The funding included in the bill before us today will allow full implementation of the new system during the current fiscal year.

This increased payment is particularly important to northern Michigan. The 11th District contains over 2½ million acres of Federal land including several national forests, a wilderness area, a national lakeshore, and a national recreation area.

In the past, local governments have been compensated for Federal ownership of land at an average rate of about 11 cents per acre. This low rate of compensation, when coupled with the large amount of Federal land has represented a real hardship on local governments throughout northern Michigan.

Under the proposal before us today northern Michigan will receive over $1.8 million annually out of a total of $2.1 million earmarked for the State of Michigan.

Mr. Chairman, the $100 million in payment-in-lieu-of-taxes funding in this bill is vital to the continued strength and flexibility of local governments in northern Michigan. I urge my colleagues to support the appropriation and adopt the supplemental apppropriation bill for fiscal year 1977.

Mr. PEPPER. Mr. Chairman, I am very pleased to express my support for H.R. 4877, which provides supplemental appropriations for fiscal year 1977.

As chairman of the Select Committee on Aging, I have reviewed the contents of this bill very carefully to identify what assistance it might provide for the older citizens of this country.

Having completed that review, I offer my congratulations to the Appropriations Committee members who approved it. A particular word of praise is due to the members of the Labor-HEW Subcommittee, chaired by the distinguished gentleman from Pennsylvania (Mr. FLOOD). He was, of course, aided by the presence on the subcommittee of the gentleman from California (Mr. ROYBAL), who also serves with distinction as the ranking majority member of the Aging Committee. It is evident that these Representatives have carefully considered the needs of the elderly in fashioning H.R. 4877.

There are several specific provisions of H.R. 4877 worthy of mention, Mr. Chairman.

HOME HEALTH

The bill contains $3 million for home health demonstration programs. This modest amount of money will fund some 300,000 home visits to about 15,000 people in need of those visits.

Mr. Chairman, if I have a single priority as chairman of the Select Committee on Aging, it is to see put into place a workable system of home care, to keep older people independent longer, and to keep them out of institutions.

Not only are long-term care institutions damaging to the self-image and self-respect of older persons, they are substantially more expensive than maintaining the same persons in home settings. Home health care, with proper safeguards against abuse, can be a cost-effective way to help hundreds of thousands of America's elderly stay where they want to stay—in their own homes.

MENTAL HEALTH OF ELDERLY

Mr. Chairman, I am particularly pleased at the inclusion in H.R. 4877 of $2 million for the Center on Mental Health of the Aging at the National Institute of Mental Health. Hearings and studies conducted by the Aging Committee's Subcommittee on Health and Long-Term Care, which I also chair, have documented the serious need for stepped-up efforts to address the unique mental health needs of older citizens. This particular item, I am happy to note, was one proposed in the Appropriations Committee by the gentleman from California (Mr. ROYBAL), with my strong endorsement.

TV AND AGING—A STEP FORWARD

Also worthy of note, Mr. Chairman is the $2.7 million in the bill to fund an initial season of programs on public tele-

vision, aimed directly at serving older Americans.

This is of interest to all of us concerned about the welfare of the elderly. We all know the power of the broadcast media. It is time for television to provide a forum for a program that depicts our older citizens without bias, without stereotyping, without mockery. I am reviewing the possibility of an inquiry by my committee into the attitudes of broadcast media toward the elderly. If all programing were as thoughtful as the proposed series funded partially by this bill, perhaps no such inquiry would be necessary.

COLD WEATHER AND OLD PEOPLE

Finally, Mr. Chairman, I compliment the Appropriations Committee on its inclusion in H.R. 4877 of $82.5 million for the emergency energy conservation program run by the Community Services Administration.

My colleagues will remember that, during the recent severe cold weather, even the normally balmy temperatures in my home State of Florida dipped to freezing levels. Particularly among older people, whose homes had no capacity for major heating effort, the cold weather meant discomfort, sometimes severe hardship.

I was disappointed, of course, in the decision of the full Appropriations Committee—by a very close vote, I understand—to delete from the subcommittee-approved bill some $200 million for emergency fuel assistance through State grants. This is a badly needed provision, particularly for low-income elderly persons, and I intend to support the amendment to be proposed by the gentleman from Wisconsin (Mr. OBEY).

But certainly, Mr. Chairman, H.R. 4877 is a bill that is sensitive to the needs of older Americans. It is a tribute to the thoughtful and compassionate members of the Appropriations Committee, and I urge the House to approve it overwhelmingly today.

Mr. BADILLO. Mr. Chairman, I rise to support the appropriations asked for in this bill with pleasure. Of course, I have my own prejudices and favorites in such an omnibus package, but in the areas of my concern, the areas that will affect my constituents and mean most to me, the new administration is making an excellent beginning to assuring a shift in the priorities of our spending.

First, I would like to commend the members of the committee for the excellent language they have chosen to introduce increased appropriations for the international financial institutions. As a new member of the Subcommittee on International Development Institutions and Finance, I shall strive to see that the intent expressed in the committee report that "The United States will undertake a vigorous effort to redirect these institutions' development policy * * * away from autocrats and repressive regimes, away from countries that are diverting aid funds * * * to military or nuclear programs; and toward nations that show an active interest * * * in providing direct aid to their poor * * *" is incorporated into all future legislation regarding the international development and finance institutions.

I would like, as well, to applaud the increased appropriation for bilingual education. Two weeks ago, when the Hispanic Congressional Caucus met with President Carter, we received his commitment for increased funding over last year. And he has begun with a $17 million increase—up from $98 million to $115 million, with a projected fiscal year 1978 commitment of $20 million. This is real progress, and it means real hope for the millions of Hispanic-Americans who will benefit from the increase. The opportunity it will afford Latinos to get an education that is on a par with their non-Spanish-speaking schoolmates cannot be underestimated, and it cheers me to have this concrete sign that we are dealing with a responsive new administration.

Finally, I would like to mention the increase in funding for section 8 housing. Section 8, which provides Federal rent subsidies for low- and middle-income housing, has been dreadfully underutilized in New York. In fact, using the simplest indicators about housing in New York, the story becomes painfully obvious. In 1975, there were 3,810 housing units authorized. Of that number 395 were given section 8 funding. In 1976, there were 5,434 units authorized. There were no section 8 units among them. It is my earnest hope that with an increased appropriation, more money will be available for section 8 projects within the city. We have seen over and over again during the past years in New York how construction costs have made new low-income development unavailable to those for whom they were originally meant. And I am hopeful that now there will be more money there to create decent living space for the poor and elderly citizens of New York.

Mr. MAHON. Mr. Chairman, I have no further requests for time, and I ask the Clerk to read.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

INVESTMENT IN INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the United States share of the increase in subscription to (1) paid-in capital stock, (2) callable capital stock, and (3) the United States share of the increase in the resources of the Fund for Special Operations, as authorized by the Inter-American Development Bank of May 31, 1976 (Public Law 94-302), $276,000,000, to remain available until expended.

AMENDMENT OFFERED BY MR. LONG OF MARYLAND

Mr. LONG of Maryland. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LONG of Maryland: On page 10 of the bill, strike out lines 20 through 25, on page 11, strike out lines 1 and 2, and insert the following:

"For payment to the Inter-American Development Bank by the Secretary of the Treasury of the United States share of the increase in subscription to capital stock and in the resources of the Fund for Special Operations, as authorized by the Inter-American Development Bank Act of May 31, 1976 (Public Law 94-302), $316,000,000, to remain available until expended; of which not more than $36,000,000 shall be available for paid-in capital stock, not more than $120,000,000 shall be available for callable capital stock, and not more than $160,000,000 shall be available for the Fund for Special Operations."

Mr. LONG of Maryland. Mr. Chairman, I offer this amendment in the spirit of compromise.

The amendment would provide an additional $40,000,000 for the Fund for Special Operations of the Inter-American Development Bank which would still be a reduction of $40,000,000 below the budget request.

Since the subcommittee markup, a number of Members have expressed concern to me that they felt the amount provided in this supplemental bill for the Fund for Special Operations is too low and should be increased by a larger amount than I am now proposing. In fact, in the full committee consideration of this bill an amendment to increase the Fund for Special Operations by $70,000,000 was offered but it was defeated by a narrow margin. Therefore, because of the strong reaction to the level of funding for the Fund for Special Operations provided in this bill, I have agreed to offer this amendment and I ask that it be adopted.

The Fund for Special Operations is the concessional loan window of the Inter-American Development Bank and provides loans to developing nations of Latin America.

Mr. CONTE. Mr. Chairman, I rise in support of this amendment to increase funding for the Inter-American Development Bank's Fund for Special Operations.

The concessional loan program supported by the fund assists the very poorest countries and the poorest people in Latin America. The projects supported by the Fund include such things as the development of rural farmer cooperatives, rural electrification, local health clinics, and the improvement of sanitation facilities.

It has been alleged that as much as 40 percent of the Fund's loans have gone to such countries as Chile, Argentina, and Brazil. I do not know where that information came from, but it bears little resemblence to the truth. In fact, some 3 percent of the Fund's hard currency loans went to those countries. And if you include local currency, the amount is in the range of 15 percent. Not really excessive amounts, when one looks at the economic conditions which those loans are dealing with.

In order for the replenishment of the Fund to continue as scheduled, it is necessary for the United States to put up its share in this supplemental; otherwise the bank will run out of available funds before the end of this year and would have to suspend operations. This contribution from the United States is necessary to permit the use of the contributions from all of the other donor countries.

Mr. Chairman, the new administration is currently involved in negotiations with

all of these international lending institutions to attempt to revise the policies and procedures which the Congress has found problems with. The provision of these funds is necessary to enable our negotiations to proceed in good faith.

I urge the adoption of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. LONG).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INVESTMENT IN INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment by the Secretary of the Treasury of the remaining portion of the first installment of the United States contribution to the fourth replenishment of the resources of the International Development Association, as authorized by the International Development Association Act of August 14, 1974 (Public Law 93-373), $55,000,000, to remain available until expended.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Florida: On page 11 strike lines 3 through 11.

Mr. YOUNG of Florida. Mr. Chairman, this is the amendment that strikes the paragraph that I mentioned in my earlier comments during general debate. To begin with, this $55 million is appropriated by this bill to remain "available until expended." In all the research and review I have been doing, I can find no authorization for the funds to "remain available until expended."

I believe it would be subject to a point of order. I am not going to raise the point of order because I hope to delete this paragraph.

This is $55 million to IDA, the soft loan window of the World Bank which was rejected by this House for fiscal year 1977. We have already rejected it. In fiscal 1977 we did appropriate $377 million for IDA. There has been nothing which has happened or which has been presented to the Congress since then to demonstrate a need for this extra $55 million. I hope the House will strike the money.

Let me tell the Members something about IDA that maybe they are not aware of. First of all, 33 percent of the money going to IDA comes from the United States. Forty percent of the money that IDA has used has gone to India. Let me give the Members just a very brief history about India. While India was having the pressure removed economically from building roads or powerplants, or whatever they used this IDA money for, they were using their own money to buy war materials from the Soviet Union and to develop their atomic bomb.

These extra funds for IDA are not needed. In the first place, we already have $375 million for IDA in fiscal year 1977. And—IDA still has $900 million on hand and uncommitted at this time. IDA, as I said, is part of the World Bank, and as the gentlewoman from Nebraska (Mrs. SMITH) mentioned earlier, we know that this is not only the soft loan window that we discussed earlier, but if the money ever is paid back to IDA it is not required to be paid back for 50 years.

We know some of the employees who work for the World Bank in IDA and some of these other international institutions are paid as much as 57 percent higher than the comparable employee working for the U.S. Government, and their income is not taxable, as is the income to the employee of the U.S. Government.

But I am concerned about this item because it is IDA that has already sent a delegation to Vietnam to consider the possible future loan of IDA funds to Vietnam. I am against that. The House of Representatives has spoken out time and time again that we do not want these moneys, American dollars, going to Vietnam.

So I suggest a way to solve this problem is to strike out this paragraph, eliminate the $55 million, so that we know that none of it is going to Vietnam and we know that no more of it is going to India so that they can use their own money to develop more and more military equipment. Let us just strike the $55 million because there has not been shown a real need for this $55 million to be in this supplemental bill, anyway.

Mr. LONG of Maryland. Mr. Chairman, I rise with a very heavy heart in opposition to the amendment. My heart is heavy because the gentleman has tried to accomplish exactly what I tried to accomplish in marking up the original bill. I have the same reservations the gentleman has about the International Development Association and the other multinational institutions. I am certainly not pleased with its operation, especially with its huge concentration on loans to countries such as India.

However, the Subcommittee on Foreign Operations included the funds in this bill as an expression of its support of the present administration. As chairman of the subcommittee and an agent of the subcommittee I must regrettably oppose the amendment of my distinguished colleague from Florida (Mr. YOUNG) who has proved himself as one of the most valuable members of the subcommittee.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I strongly urge that the subcommittee's recommendation of $55 million for the International Development Association be maintained.

The International Development Association extends interest free credits for economic development to the poorest nations in the world. In 1976 and 1977, 90 percent of IDA's credits will flow to countries with per capita incomes of less than $200. The remainder will go to countries with per capita incomes between $200 and $300. In the past 2 years, IDA lending has benefited over 18 million of the rural poor, has at least doubled the income of project participants, and has substantially increased food production.

The work of the International Development Association is succeeding in reaching a significant portion of the 700 million rural poor in developing countries; increasing their standard of living, making them active participants in the world economy, and cutting into the local food deficit, which can no longer be covered solely by grain shipments from North America.

The $55 million requested by the administration represents the remainder of our first installment in the fourth replenishment of IDA.

We all recognize that a disproportionate amount of IDA's lending has gone to India. But just 2 weeks ago, Assistant Secretary-Designate of the Treasury for International Affairs, Fred Bergsten, met with the other IDA donor countries to discuss reallocating IDA lending policies. Because our subcommittee had approved this $55 million, the completion of our first installment, Mr. Bergsten said that the other donors were receptive and open to shifting IDA lending away from India and giving more attention to the Sub-Saharan African nations. Without this $55 million, our negotiators will lack the leverage—the appearance of good faith—that will enable us to improve the lending policies of IDA. I urge approval of the full $55 million.

Mr. BAUMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I have heard this argument about replenishment of our IDA commitments and about the pledges our negotiators have made ever since I first sat on the Subcommittee on Foreign Operations of the Committee on Appropriations, and I think the Members of this House ought to know that when they talk about keeping a pledge, they are talking about a pledge of an appropriation of American tax dollars that somebody from the executive branch of Government has made.

It does not make any difference which administration does it; all the administrations have done it. They send their negotiators to Paris or to Geneva or wherever the meeting might be held at that particular time, and the negotiators sit down around a table and they discuss the making of a pledge of American tax dollars.

Mr. Chairman, I submit that they do not have the right to commit U.S. tax dollars until Congress has acted. The Constitution provides that only the Congress can appropriate tax dollars. So when these spokesmen and these negotiators make a pledge, they are, in my opinion, acting outside their constitutional authority. Nevertheless, they come back to Congress and they beat us over the head, and they say, "You have got to keep this commitment, because if you do not, we are going to be embarrassed on the world scene."

Mr. Chairman, many of the politicians who run the governments of countries that will receive much of this money

are using international platforms at every possible opportunity to the embarrassment of the United States any way. So I do not think this is really a valid argument, and in view of the fact they still have $900 million committed, U.N. committed, I do not think IDA is going to miss this $55 million.

Perhaps as the gentleman from Massachusetts has said they are going to divert some of the funds away from India, but let me point out to the Members—and I will be happy to let them read the newspaper articles that have appeared in the last 2 weeks—that they are considering sending some of this IDA money over to Vietnam. I do not think any Member wants that any more than I do.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The question is on the amendment offered by the gentleman from Florida (Mr. YOUNG).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. CONTE. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was agreed to.

Mr. MOORE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to enter into colloquy with the Chairman of the Foreign Operations Subcommittee, the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Yes.

Mr. MOORE. I would like to point out that on page 43 of the committee report dealing with funds to be appropriated for international financial institutions, the second paragraph reads in part:

> The Committee is providing these funds to the international financial institutions with the understanding that the United States will undertake a vigorous effort to redirect these institutions' development policy—

And I skip down to where it says

> toward nations that show an active interest through national policies and specific activities in providing direct aid to their poor through light capital technology and other means.

My question to the Chairman is, does that language intend that additional loans be made by these international lending institutions for the production of palm oil?

Mr. LONG of Maryland. If the gen- have the palm oil matter in mind when tleman will yield, we definitely did not this language was introduced. I developed the language to insure that U.S. assistance provided to these multilateral banks be directed to the poor people within the developing countries and palm oil was not a consideration.

Mr. MOORE. Would it be fair to say that this language does not intend that additional loans are in fact approved or disapproved by his subcommittee for palm oil?

Mr. LONG of Maryland. If the gentleman will yield further, the gentleman is correct. Palm oil was not an issue at the time this language was proposed.

Mr. MOORE. I thank the gentleman. I would point out that I am very concerned about this situation as palm oil exports from countries that have received these loans in the past are posing very significant economic and health problems, for this country.

I point out to the gentleman and his subcommittee and hope they will consider this problem in the full appropriations bill which will come along later this year. In 1975 palm oil imports into this country increased 118 percent, and it was no coincidence that American soybean farmers in that same period lost about $1.5 billion. 26 percent of world palm oil production is now directly attributable to these loans being made by these internattional banks. It is expected that by additional loans already approved and in the pipeline by these three international banks, for palm oil production, that palm oil production will be so increased by those additional loans that well over one-half the world's palm oil production will be attributable to these loans.

The problem is that the United States has absolutely no import quotas or tariffs on palm oil coming in. The palm oil coming in is in direct competition with all of our vegetable oils—such as cottonseed, safflower, peanut, corn, and soybean oils.

It has been proven that palm oil is the vegetable oil with the highest content of satutrated fat, significantly higher than any other vegetable oil that we have on the market. American housewives are buying something labeled as vegetable oil which they think is healthier than animal fat when it is in fact something far worse. So our tax money was being used to create competition with our own crops and to make possible an unhealthy oil getting to our consumers.

On July 29, 1976, in the last Congress, I offered an amendment to the foreign assistance appropriation bill to halt the use of U.S. funds that we are giving to these institutions from being used to finance palm oil production. That amendment failed by only 12 votes, in a vote of 198 to 210.

I simply point this out to the chairman and urge him to consider this when we come to the 1978 appropriation bill. I am glad to know there is nothing in this report that can be interpreted as encouraging the three development banks to make additional palm oil loans.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I yield to the chairman of the full committee.

Mr. MAHON. I want to say I join the gentleman from Louisiana in opposing these massive imports of palm oil from abroad.

Our Government has in the past taken steps to encourage the production of these oils, and that has been very detrimental to U.S. farmers.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

On request of Mr. MAHON, and by unanimous consent, Mr. MOORE was allowed to proceed for 2 additional minutes.)

Mr. MAHON. Mr. Chairman, if the gentleman will yield further, this Government has taken steps in the past to encourage production of palm oil abroad and to help build processing plants. Along with many other Members of the House I have opposed the movement in this direction. I hope we have slowed that down. I share the gentleman's concern about it. I hope proper action can be taken to prevent any acceleration of this program. I am not unaware of the health implications involved in the use of palm oil.

Mr. LONG of Maryland. Will the gentleman yield?

Mr. MOORE. I yield to the gentleman from Maryland, the chairman of the subcommittee.

Mr. LONG of Maryland. Mr. Chairman, the gentleman has raised a very important problem which has concerned me for a long time, and that is, when we give this money to the multilateral institutions we are giving up all control over how the money is going to be used. We have reached the alarming point where about 69 percent of all money given out by the United States in foreign aid is beyond the control of the Congress. This is something to be concerned about and this year we are heading even further in this direction of giving up control, because the requests for the multilateral banks have more than doubled in fiscal year 1978. I hope Congress keeps this in mind when we consider the authorizing legislation for these institutions in the near future.

I thank the gentleman for raising this point.

Mr. MOORE. I thank the gentleman from Maryland. I agree with the gentleman completely. I agree we should not continue to give up control when it in fact injures the economic well-being of our farmers and health of our people. I thank the gentleman.

Mr. CHARLES H. WILSON of California. I do not know what palm oil is, but I hope the dialog we have is not going to establish a congressional policy that may affect other States of the country. The gentleman is rightly representing his own State, but I do not know what the gentleman is talking about there. What is the significance of palm oil?

The CHAIRMAN. The time of the gentleman fom Louisiana has expired.

(By unanimous consent, Mr. MOORE was allowed to proceed for 2 additional minutes.)

Mr. MOORE. Mr. Chairman, I assure the gentleman that I am not only interested in my State. We are worried about soybean production and other oil crops which are produced in most of the farming States of the Union and also about a health problem which affects all our citizens. The point is that there is an unhealthy product coming in with no controls competing with our products. It is becoming a real problem to us and I simply want to be sure that this report is doing nothing to encourage additional loans to worsen the situation.

I think the chairman of the subcommittee has answered my question to the effect that nothing in this report is intended to encourage any such loans.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION GRANTS

For necessary expenses to carry out Title II of the Federal Water Pollution Control Act, as amended, other than sections 206, 208, and 209, $1,000,000,000, to remain available until expended: *Provided*, That the funds shall be allotted in accordance with table I of Committee Print Number 94–39 of the Committee on Public Works and Transportation of the House of Representatives: *Provided further*, That the funds shall not be subject to the reallotment provisions of section 205(b) of the Federal Water Pollution Control Act, as amended, until three years from the date of enactment of this provision.

AMENDMENT OFFERED BY MR. TRAXLER

Mr. TRAXLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAXLER: On page 13, line 1, strike "$1,000,000,000" and insert "$500,000,000".

Mr. TRAXLER. Mr. Chairman, this amendment reduces the amount for construction grants from $1,000,000,000 to $500,000,000. This reflects the agreement reached on Monday by the chairman of the subcommittee, Mr. BOLAND, and the chairman of the Committee on Public Works and Transportation, Mr. JOHNSON, of California.

In recommending $1,000,000,000, the committee gave serious consideration to the difficulties this could cause the Committee on Public Works and Transportation—particularly without an authorization in place. Nonetheless, the committee felt it should provide some funding to insure the continuity of the program.

However, after the committee completed action on the supplemental bill, the Senate passed S. 427, the Public Works Employment Act of 1977. That bill contains an authorization of $9,000,000,000 for the construction grants program—$4,500,000,000 for fiscal year 1977 and $4,500,000,000 for fiscal year 1978. That bill does not address certain sensitive issues that the House Committee on Public Works and Transportation feels very strongly about. The distinguished chairman of that committee, Mr. JOHNSON of California, feels that an appropriation of $1,000,000,000 could sacrifice the leverage needed in conference with the Senate.

We do not want to jeopardize the bargaining position of the House or the Committee on Public Works. That is why we have agreed to offer this amendment to reduce the dollar amount from $1,000,000,000 to $500,000,000. When an authorization has been adopted and signed by the President, the committee will again consider the need for additional funds for this program.

I might add, Mr. Chairman, that the committee has historically and traditionally been very sensitive to the needs for construction grants for sewer and water programs. We would expect to review very favorably the recommendations that come from the authorizing committee. Finally, Mr. Chairman, I want to make it very clear that I strongly endorse both the objectives of and additional funding for this program. I recognize the ultimate need for substantially more than $500,000,000, and I will actively support increased funding at the proper time.

I urge approval of the amendment.

We do not want to put the cart before the horse. We do not want to jeopardize the position of our good colleagues on the Public Works Committee in their dealings with the Senate on this issue. It is not because of a lack of commitment that this amendment is offered, but merely a hope that the issue at stake can be resolved and that the 1978 appropriation bill will then be able to deal effectively and meaningfully with this problem, which all of us are very, very aware of.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. TRAXLER. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, I want to take the time to say that the minority concurs with the amendment, and thinks that it should be agreed to.

Mr. TRAXLER. I think the gentleman for his contribution.

Mrs. MEYNER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan (Mr. TRAXLER) and I feel very strongly that it addresses the critical issue of Federal funding for wastewater treatment in a backward manner.

My home State of New Jersey ran out of its Federal funding for water pollution control construction in December of 1976. Estimates are that between 32 and 45 other States will exhaust their funding before the end of fiscal year 1977. For this reason, it is essential that this supplemental appropriations bill contain adequate funding to maintain State programs.

The President has recommended $4.5 billion for this effort and the Senate has indicated its approval of this level of funding by including it in their version of the public works employment bill. The National Governor's Conference survey estimates that over $3.14 billion in Federal funding could be utilized immediately for priority projects in all the States.

How then, can the House of Representatives reasonably hold the level of funding down to $1 billion—more importantly, how can the House approve an amendment to cut this tiny sum by an additional 50 percent.

I think the answer lies in the crossfire of jurisdictional and political interests among the Members of this body. Make no mistake, Mr. Chairman, I am fully aware of the desire of the House Public Works and Transportation Committee to work its will on much needed reform of water pollution control laws, and of the position that major appropriations such as this should be preceded by authorizations approved by the relevant committees. But this program is too important to allow its funding to be held hostage until these issues are resolved.

Mr. Chairman, the facts in this case indicate that we have what amounts to a national emergency on our hands—an emergency that demands immediate action according to figures from the National Governor's Conference. Alabama needs $50 million for adequate sewage systems and water cleanup programs now. California needs $335 million. Illinois needs $417 million. New Jersey needs $360 million. Texas needs $202 million—and the list goes on and on

In light of the fact that the administration and the Senate have already indicated their strong support for full funding of these EPA programs, I find it unconscionable that the House of Representatives, would be the final stumbling block. This is particularly ironic since, after 5 years of administration impoundments and bureaucratic obstructions, the House today seems to be willing to engage similar delay tactics—tactics that would thwart the objectives of its own goals.

I had planned to offer an amendment at this time to restore the level of funding for the EPA water pollution control construction program to the $4.5 billion level requested by the administration.

However, I get a strong reading that this would be rejected in favor of stalling these funds until the Public Works Committee has a chance to work its will. I regret this, but am hopeful that the conference committee that meets to resolve the funding level of this vital program will accept a level of funding more in line with that recently adopted by the Senate.

I do not wish to jeopardize that conference in any way, and certainly would not like to see a "no" vote on my amendment construed as a rejection of the House of Representatives of this very valuable EPA program.

For these reasons, Mr. Chairman, I will not offer my amendment today. I do hope, however, that I have shed some light on the critical importance of full funding of the EPA water pollution control construction program, and that I have made a strong case for prompt favorable action on this $4.5 billion supplemental budget request.

At this time I will insert for the RECORD several items that will be of inter-

est in this debate that illustrate the consequences of a lack of decisive action:

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., March 11, 1977.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: During my testimony before the Senate Appropriations Committee on March 7, questions arose concerning EPA's need for an appropriation of $4.5 billion in FY 1977 for the construction grants program which assists municipalities in constructing wastewater treatment facilities. The purpose of this letter is to clarify some of the major points made at that hearing.

Since the enactment of the Federal Water Pollution Control Act Amendments of 1972, the construction grants program has been growing steadily. That legislation authorized $18 billion for the planning and construction of municipal wastewater treatment works. Annual obligations have increased from $1.6 billion in FY 1973 to $4.2 billion in FY 1976 and are expected to exceed $6.0 billion in FY 1977. During this four-year period EPA and the State Agencies have been building organizational capability to efficiently administer this complex program.

To meet the national need for additional wastewater treatment facilities, the Administration has proposed an additional $45 billion for the construction grant program, to be allocated in equal $4.5 billion for the construction grant program, to be allocated in equal $4.5 billion increments over a ten-year period. This funding level would permit EPA to address the treatment needs identified in the 1976 Needs Survey at an annual level of funding that can be effectively administered at both the Federal and State level.

The $4.5 billion appropriation is needed in FY 1977 for three basic reasons:

To provide additional funds to those States which will run out of currently available funds prior to the end of FY 1977.

To assure that States do not continue to run out of funds in future years.

To allow the States to continue, without interruption, the long range planning necessary for the continuity of this program.

With regard to the first reason, at the current time we estimate that there are eleven States that will run out of currently available funds prior to the end of FY 1977, and that an additional $400 million to $1 billion could be obligated in FY 1977 if additional funds were appropriated. At the same time, however, we also estimate that eight other States will have critical problems in obligating their currently available funds by the September 30, 1977 reallotment date. To explain this apparent dichotomy it is necessary to look at the construction grants program not as a uniform, nation-wide program but rather as 56 separate programs, one in each State and territory. Each State handles its own program differently, and each State has its own particular problems as far as wastewater treatment is concerned. As the program has matured some States have moved ahead rapidly while others have fallen behind, in several instances because of litigation. Thus we find ourselves in the unusual position of having some States running out of funds while others are having problems using their current allotment.

In order to keep the program operating smoothly throughout FY 1977 and FY 1978, an appropriation of $4.5 billion for FY 1977 will be required. This level of funding is necessary because each State is allotted only that percentage of the appropriation allowed by an allotment formula established by law. Such a FY 1977 appropriation is necessary to provided the needed funds to those States running out. The Administration recognizes that the appropriation of $4.5 billion will result in significant unobligated balances in certain states at the end of FY 1977. But it will allow those States which have experienced problems to smooth out their programs since the allotment will remain available for three years, and it will provide for more effective management of the program than other alternatives which have been identified.

For example, the previous Administration proposed that $400 million be made available only to those States running out of funds. This proposal raised several problems. First, the availability of a limited amount of funds would have created a "run on the bank" situation, with the eleven States and perhaps others applying for a significantly greater amount of funding than would have been available. A second problem would have come in administering the distribution of these funds. It would have been virtually impossible to arrive at an equitable allocation formula. Therefore it would have been necessary to distribute the funds on a first-come first-served basis, raising the possibility that a few States might use the available amount, leaving the other States without funding. Increasing the total amount available for the States running out of funds to a level of $1 billion would certainly diminish this problem, but would not solve the long range planning problems discussed below.

Incidentally, EPA has frequently been asked why the $480 million added to the Public Works Employment Appropriation Act last year has not taken care of those States needing additional funds now. The reason is that under the Talmadge-Nunn formula in that Act the funds are allocated to only 37 States, primarily the Southern and Plains States, while the States running out of money are primarily in the North and the Midwest. There is very little overlap and where there is (as in the case of Nevada and Texas) the Public Works Employment Appropriation Act does not provide sufficient funds to do the job.

The second reason for requesting an appropriation of $4.5 billion for FY 1977—to assure that States do not continue to run out of funds—is less obvious, but its impact could disrupt the planning in this program for many years. The lack of a sizeable appropriation in FY 1977 could set up a situation in which certain States would run out of funds each year prior to the availability of the next year's appropriation. In effect, the States that are moving rapidly would be penalized by an intermittent availability of funds. Let me give an example. It is estimated that New Jersey could use the full allotment available from a $4.5 billion appropriation prior to the end of FY 1977. If this appropriation is not made available, New Jersey has sufficient projects to use its FY 1978 allotment in the first half of the fiscal year, putting the State again next year in the same position it is in now. New Jersey would then have to wait at least six months for the FY 1979 appropriation. This situation could go on indefinitely, unless the State chose to slow down its program. Each of the eleven States currently running out of funds is now in a comparable position. Many additional States could find themselves in this position in FY 1978.

The third reason—the need for long range planning—is extremely important to the momentum of the program. Long range planning is essential to program continuity; it takes two to three years to move a project through the planning and design phases before it is ready to go under construction. To successfully obligate the amounts of money proposed for this program at a steady, well managed rate, it is essential that the States continue planning for a balanced mix of Step 1 (planning), Step 2 (design), and Step 3 (construction) projects. The lack of a FY 1977 appropriation would disrupt this planning process; many States and localities have shown a reluctance to proceed with Step 1 and Step 2 planning and design until sufficient funds have been allocated to move projects through to construction. In short, an effect of not obtaining the $4.5 billion appropriation in FY 1977 would be to gear down certain State programs that have taken four years to build up. These States would then have to rebuild these programs again in FY 1978. This slowdown would also have a direct effect on the construction industry, with secondary effects on equipment manufacturers and other construction related industries.

In summary, the Administration is proposing a long-range program of level appropriations over a ten-year period starting in FY 1977. Such a program will, in the long run, iron out the problems which I have described. It will assure that States do not continually find themselves in the position of running out of funds, or in the uncertainty of not knowing whether future funds will be forthcoming. It will, in short, help to assure an efficient and effective program.

I hope that this letter has clarified the various issues related to the $4.5 billion appropriation requested in FY 1977 and demonstrated its importance to EPA's construction grants program. If you have any questions or wish any further information, please let me know.

Sincerely,

DOUGLAS M. COSTLE.

COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS,
Washington, D.C., March 15, 1977.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR BILL: As you know, the Senate voted to fund the water pollution control program in Title II of the Public Works Jobs bill. In order to stay within the target set by the First Concurrent Budget Resolution for this function and to conform with the new President's supplemental request for budget authority, the authorization for construction grants was reduced from $5 billion to $4.54 billion. It is now essential that the Appropriations Committee provide authority for full obligation of the 1977 construction grants funds.

There are several important reasons for inclusion of $4.54 billion in the supplemental appropriations which you will consider this week:

1. Funding for the construction of sewage treatment facilities is an integral part of the Public Works Jobs Program. This Program is ongoing; its projects are ready for construction; municipalities are ready to hire people; employment will be immediate;

2. As many as 34 States will exhaust their construction grant funds during FY 1977 and all States will require funds in FY 1978. The program must be replenished to keep workers on the job and make new jobs;

3. Any reduction in appropriations below the authorized levels reduces the allotment to each State proportionately. The Appropriations Committee does not have the flexibility to target these funds to specific States. A reduction will be crippling to those States most in need of these funds, some of which even now have demand for funds which would exceed their full share;

4. Full appropriation is needed to assure enough money for the initiation and continuation of construction of large projects. If the funding level is reduced, pressure will be on States to approve small projects in order to maximize use of limited funds, rather than maximize water cleanup or creation of new jobs;

5. Full funding for FY 1977 is needed to carry States through to the next appropriation cycle to enable long-range planning, to

ensure stable work flows, and to avoid added costs due to inflation; and

6. At last, we are gaining momentum in cleaning up our water. That momentum must be maintained.

When the EPA appropriations bill was considered by the Senate last June, we discussed the fact that funds were not included for waste treatment construction grants because the Public Works Committee had not completed work on the authorization. Now action can be expected on an authorization in the near future. Both the House and Senate have passed the jobs bills, and conference is expected soon.

The clean water program is vital. It serves, simultaneously, critical environmental and economic purposes; it cannot be allowed to expire; its momentum cannot be stalled; full funding is required at the earliest possible date.

We know of your commitment to our objectives, and look forward to your cooperation in providing full funding for this important program.

Sincerely,

Robert T. Stafford, Pete V. Domenici, Howard H. Baker, Jr., Jennings Randolph, Daniel Patrick Moynihan, Malcolm Wallop, Gary Hart, Edmund S. Muskie, Quentin Burdick, Mike Gravel, John C. Culver, Wendell R. Anderson, James A. McClure, U.S. Senators.

The CHAIRMAN. The time of the gentlewoman from New Jersey (Mrs. MEYNER) has expired.

(By unanimous consent, Mrs. MEYNER was allowed to proceed for 1 additional minute.)

Governors Conference Survey

	Date [1]	Millions [2]
Alabama	3–77	$50
Alaska	7–77	6
Arizona	6–77	---
Arkansas	2–77	.5
California	8–77	335
Colorado	9–77	4
Connecticut	-----	---
Delaware	-----	---
Florida	8–77	40
Georgia	8–77	133
Hawaii	4–77	72
Idaho	3–77	30
Illinois	6–77	417
Indiana	8–77	364
Iowa	7–77	13
Kansas	9–77	2
Kentucky	-----	---
Louisiana	2–78	---
Maine	3–77	23
Maryland	-----	---
Massachusetts	7–77	80
Michigan	7–78	---
Minnesota	6–77	30
Mississippi	8–77	---
Missouri	9–77	315
Montana	9–77	---
Nebraska	-----	---
Nevada	6–77	6
New Hampshire	7–77	3
New Jersey	12–76	360
New Mexico	6–77	13
New York	9–77	325
North Carolina	7–77	30
North Dakota	4–77	---
Ohio	8–77	60
Oklahoma	8–77	50
Oregon	3–77	71
Pennsylvania	8–77	---
Rhode Island	8–77	---
South Carolina	7–77	52
South Dakota	-----	---
Tennessee	8–77	67
Texas	3–77	202
Utah	6–77	24
Vermont	8–77	25
Virginia	2–77	99
Washington	7–77	90
West Virginia	6–77	18
Wisconsin	7–77	45
Wyoming	1–77	7
American Samoa	-----	---
Guam	9–77	5
Puerto Rico	-----	---
Virgin Islands	9–77	---
Total		3,141.5

[1] Most realistic estimate of the month State will submit to EPA for obligation its last dollar in current allocations.

[2] Estimate of Step III projects which could be submitted to EPA by 9–30–77.

Mrs. FENWICK. Mr. Chairman, will the gentlewoman yield?

Mrs. MEYNER. I yield to the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. I thank the gentlewoman for yielding.

Mr. Chairman, I would like to associate myself with the remarks of the gentlewoman and I would like to congratulate her on this very clear and sound exposition on a bill which is of grave importance, not only to our State, but to many other States, and further than that, to the quality of water and the whole environment.

Mr. VOLKMER. Mr. Chairman, will the gentlewoman yield?

Mrs. MEYNER. I yield to the gentleman from Missouri (Mr. VOLKMER).

Mr. VOLKMER. I thank the gentlewoman for yielding.

Do we have authorization in present law for the spending of the full amount that is in the present bill?

Mrs. MEYNER. No.

Mr. VOLKMER. In other words, we can spend it?

Mrs. MEYNER. The gentleman from Michigan (Mr. TRAXLER), I think, is better informed on that than I am.

Mr. VOLKMER. I would like to get that cleared up.

Mrs. MEYNER. I will yield to the gentleman from Michigan (Mr. TRAXLER) to answer that question.

Mr. TRAXLER. There is no existing authorization to spend a penny in this area.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think a word of clarification at the moment would be in order. Insofar as I know, Members generally are in favor of the $1 billion provided in the bill. Not one penny of it has been authorized, however. And when we appeared before the Committee on Rules, the Committee on Rules granted us a rule waiving points of order because of lack of authorization. However, the representatives from the Committee on Public Works, the chairman, the gentleman from California (Mr. JOHNSON), and the gentleman from Massachusetts (Mr. BOLAND), the chairman of the subcommittee handling this appropriation, agreed in open session before the Committee on Rules that he would offer an amendment reducing the $1 billion to half of that amount, one-half billion dollars, in order to give time for this matter to be worked out. It is not because anyone is opposed to eventually providing these funds and additional funds, but it was a matter of enabling the legislative committee to come to an agreement within a reasonable time with the other body, in order that we would not in effect pull the rug out from under the legislative committee. The Committee on Appropriations does not feel that it is appropriate to undertake to pull the rug out from under the legislative committees. So we worked this out in an open hearing before the Committee on Rules.

Mr. Chairman, I am not out of sympathy at all with the statement of the gentlewoman from New Jersey in wanting the additional funds. The additional funds will be forthcoming, and I think the best way to do it is to accept this amendment and move along, because I am sure that this House and this Congress will see to it that the funds are provided in a timely way. In the meantime the one-half billion dollars provided here will be quite helpful, I think.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. I thank the gentleman for yielding.

The chairman of the committee precisely states the situation. A vote for this amendment is not a vote against water pollution abatement. A vote for this amendment is a vote for strong and effective water pollution abatement.

In 1972 this Congress launched a massive campaign to clean up the streams of this Nation in a hurry. It was an ambitious undertaking. We mandated that $18 billion should be made available to communities throughout this country in matching grants for wastewater treatment facilities in the first 3 years. Those 3 years have passed. And do the Members know how much of that money actually got out into the hands of the communities to clean up the streams during those 3 years? A miserable 9 percent. Nine percent of the money that Congress had made available was actually expended on the fundamental purpose of the program.

Therefore, it is absolutely necessary, if this vital program is to work effectively and not be just a farce, for the Committee on Public Works and Transportation to have the opportunity again this year to bring to us, as it did last year and as the House approved, some midcourse corrections that will get this program on target and free it from this strangulating, convoluted undergrowth of redtape and paperwork.

For that reason I commend the chairman of the committee, Mr. MAHON, for what he said, and I commend the committee for what it is doing by offering this amendment. If we are friends of water pollution abatement, if we want to clean up the streams, we will vote for this amendment and give the Committee on Public Works and Transportation and this House another opportunity to show that we are serious about making that program work.

Mr. JOHNSON of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as chairman of the Committee on Public Works and Transportation, I was concerned, along with all the members, with this matter that appears in the bill on page 12 concerning the construction grants for water pollution control.

The Committee on Public Works and Transportation would be the last committee that would want to do anything that would jeopardize this very much needed program. However, at the same time we have our authorization bill pending in the Subcommittee on Water Resources. They have held hearings and are going to begin markup on this bill on Wednesday of next week. They expect to complete markup on Thursday.

We went before the Committee on Rules and raised the question there with the chairman of the Committee on Appropriations, the gentleman from Texas (Mr. MAHON), and with the chairman of the subcommittee, the gentleman from Massachusetts (Mr. BOLAND), and with the concurrence of the minority side on the same committee we were able to agree upon an amount of $500 million, which will give at least 2-months' grace to the funding of this program. At the end of that time we will have a chance to perfect our bill, and we will be able to take the bill to conference and work out an agreement.

Mr. Chairman, certainly neither I nor any of the members of the Committee on Public Works and Transportation are in disagreement with the program. We do not want to jeopardize it in any way. The Senate has already passed a 2-year program calling for $9 billion. Our bill will call for $17 billion under a 3-year program.

So I think if the Committee today will adopt the amendment offered by the gentleman from Michigan (Mr. TRAXLER), we will move along and have a very effective water pollution control program.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of California. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I wonder if the gentleman can inform me whether the bill he is now discussing, the one which the public works committee is going to start markup next Wednesday, will include a provision allowing for a case-by-case deferral of some of these local water pollution projects such as the Goleta Sanitary District in my district, programs that are not able to be completely funded?

Mr. JOHNSON of California. Yes. Especially in light of the fact that the year of 1977 is upon us at the present time, we must give consideration to that factor.

Mr. LAGOMARSINO. Does the bill contain such a provision?

Mr. JOHNSON of California. Yes, it does.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield for a question?

Mr. JOHNSON of California. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, assuming that Congress does pass a new funding bill, the bill that the gentleman spoke about, what amount does the gentleman contemplate would be needed to provide the additional funds for that authorization bill?

Mr. JOHNSON of California. Mr. Chairman, our bill will call for a 3-year program and an overall appropriation authorization of $17 billion. As stated here by the gentlewoman from New Jersey (Mrs. MEYNER), the Senate has already passed a bill calling for $9 billion in a 2-year program, providing $4.5 billion annually. So in our bill there will be at least that much for each year. Our bill calls for $5 billion, $6 billion, and $6 billion.

Mr. VOLKMER. That is additional?

Mr. JOHNSON of California. Yes.

Mr. VOLKMER. Mr. Chairman, I thank the gentleman.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of California. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Chairman, I thank the gentleman for yielding.

I would like to associate myself with the remarks of the gentleman from California (Mr. JOHNSON). He has accurately stated the case. The committee does have this legislation under review. We will report out a bill as expeditiously as we can. There is no member on the committee who is opposed to water pollution control abatement.

As one of the architects of the 1972 act, I can say without reservation that the minority wholeheartedly supports the continuation of this program.

However, Mr. Chairman, we would like to do it through an orderly process and through the usual legislative procedures. We have agreed with the majority member on the Subcommittee on Appropriations to proceed in this way. This will give us the leeway to enact proper legislation and bring it back to the floor for the consideration of the Members.

Mr. Chairman, I urge the adoption of the amendment of the gentleman from Michigan (Mr. TRAXLER).

Mr. JOHNSON of California. Mr. Chairman, I thank the gentleman.

Mr. MAHON. Mr. Chairman, since all Members already have the privilege of revising and extending their remarks, I ask unanimous consent that all debate close on this amendment at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. TRAXLER).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PRESERVATION OF HISTORIC PROPERTIES

For an additional amount for "Preservation of historic properties," $1,000,000, to remain available until expended.

AMENDMENT OFFERED BY MR. HAGEDORN

Mr. HAGEDORN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HAGEDORN: On page 16, after line 6, insert the following:

GEOLOGICAL SURVEY

SURVEY, INVESTIGATION AND RESEARCH

For an additional amount for "Survey, Investigation and Research", 5,000,000: *Provided*, That this amount shall be available only with cooperation of the states or municipalities for water resources investigations.

Mr. HAGEDORN. Mr. Chairman, the purpose of this amendment, is to increase the appropriation which is needed, I think, to facilitate the ground water and stream flow surveys which are underway right now by State agenices and are, I believe, being conducted in 26 States at the present time.

Mr. Chairman, the drought experienced by many regions of our country over the past year has been, in many respects, the worst experienced in more than four decades. In Oklahoma, less rainfall has been received than during even the peak of the Dust Bowl era in the 1930's. Throughout the Nation, major reductions have occurred in the amounts of crops and feed grains harvested, with the seven-State north-central region of the country suffering estimated losses of 135 million bushels of corn, 63 million bushels of soybeans, 33 million bushels of oats, and 31 million bushels of wheat.

In my own State of Minnesota, farmers experienced declines in production during 1976 of 23 percent for their corn crop, 10 percent for their oat crop, 28 percent for their soybeans, and 27 percent for their hay production. Twenty-four States are currently suffering from substantially below normal ground water levels, with nine of them experiencing levels rivaling the lowest in their recorded history.

The amendment I am offering would provide an additional $5 million to the U.S. Geological Survey for their ground water management activities, increasing the total annual appropriation in this bill to $34 million. The Water Resources Division of the Survey is responsible for investigating the occurrence, quantity, quality, distribution, and movement of surface and underground waters that comprise our country's natural water resources. Included among their major activities are the systematic collection, analysis, and interpretation of data relating to these resources.

It would be my intention that the additional funds provided for by this amendment would specifically be directed toward helping to alleviate regional water shortages attributable to the drought. None are to be made available to the States, except through matching programs administered by the survey, with State and local officials to be fully involved in the determination of objectives and priorities for individual projects.

I would also hope that efforts can be made by the survey to better consolidate their various drought management projects and enable persons impacted by drought conditions to learn the availability of survey studies which may be of benefit. Many farmers do not seem to be aware of the efforts by the Survey to

monitor the effect of natural conditions upon water supply, and to evaluate potential alternative sources of water when necessary.

Mr. Chairman, while the $5 million sum in my amendment is not going to suddenly eliminate the harsh impact of our current drought upon farmers, I am optimistic that at an extremely small cost it might contribute somewhat toward insuring that efforts to ameliorate the impact of future droughts can more quickly be set in motion.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. HAGEDORN. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I think this is a worthy amendment.

I think one of the greatest problems this country faces is the protection and preservation of our water resources, and a principal agency for protecting these vital resources is the Geological Survey.

Mr. Chairman, approximately $29 million was made available in the 1977 appropriation for this program. The appropriation requested for fiscal year 1978 is slightly above $31 million.

Mr. Chairman, the need for additional research by the Geological Survey has been made graphically clear in the hearings pending presently before our subcommittee. For example, it was brought out in the hearing only this morning that in the State of Oklahoma, the salting of old oil wells and gas wells under secondary and tertiary recovery procedures has resulted in the fouling with salt of one of the more important aquifers in the State.

Mr. Chairman, the Geological Survey feels that this may have such a devastating effect that the aquifer will not be usable in the future.

Therefore, Mr. Chairman, I commend the gentleman from Minnesota (Mr. HAGEDORN) for offering his amendment; and we are pleased to accept it on this side of the aisle.

Mr. HAGEDORN. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. HAGEDORN).

The amendment was agreed to.

The CHAIRMAN. The clerk will read.

The Clerk read as follows:

BUREAU OF MINES

MINES AND MINERALS

For an additional amount for "Mines and minerals", $50,000.

AMENDMENT OFFERED BY MR. M'DADE

Mr. McDADE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McDade: On page 16, line 14, strike out "$50,000" and insert in lieu thereof, "$10,050,000".

Mr. McDADE. Mr. Chairman, this is an amendment to beef up the research and development programs that are currently ongoing in the U.S. Bureau of Mines.

I offer this amendment for the purpose of extending a very important program which is underway within the U.S. Bureau of Mines. The $10 million which I propose to add today will be put to use in implementing some very critical mine subsidence control programs in sections of our Nation.

Mr. Chairman, for several years now our committee has funded and the Congress has supported research aimed at alleviating the threat of mine subsidence in areas victimized by improper mining practices. To do this the Bureau of Mines has developed new technology that provides dramatically improved protection from deep mine subsidence. This technique, known as hydrolic or pressure flushing, has proven to be immensely successful in protecting property, improving the environment and making additional land available for diversified use.

Today I am asking for $10 million more to expand that research on projects which are underway in the East St. Louis, Ill., area and in northeast Pennsylvania. The technology we benefit from by investing these dollars has made a substantial contribution to our knowledge of proper land reclamation. If our Nation is to develop its coal reserves to meet our energy crisis then we are going to need technology geared toward proper land restoration. This is one of the most successful research and demonstration programs found anywhere in our bill and I urge my colleagues to support this amendment.

Mr. Chairman, let me cite some specific examples of how this research benefits us.

The Bureau of Mines intends to conduct research on subsidence control in so-called perched water areas. This is where mine water has backed up in underground voids located in layers above deeper voids. We need to know how we can prevent further subsidence from mine waters that travel through layers of underground voids which correspondingly weaken the surface lands. This money will give us those answers.

Another program funded here will be research into flushing areas already badly caved by subsidence. Previous technology provides no answer. This demonstration project can show us how to achieve such surface stabilization and protect the homes and surface investments. The Bureau of Mines has utilized the latest scientific data available to determine if the people of this area can continue to live in their homes or conduct their businesses. These seismic profiles as they are called have demonstrated that there may be a remedy for these people. But we will not know until we demonstrate that pressure flushing works in a caved area. This money should provide that answer.

Another $2 million will attempt to resolve the future of 33 acres of heavily populated sections of Belleville and Maryville, Ill. Last year we began such research and the results are promising. We need to finish the task and refine this technology.

Later in this bill my colleague from Illinois (Mr. YATES) will offer a package of amendments designed to improve the roads, the maintenance needs, and the timber harvest in our national forests. We have a special obligation to preserve the multiple-use principle inherent in our national forest lands. One such use of the future will be how much mining we are going to undertake and how well we will be able to reclaim that green space from the effects of mining.

Some years ago, the Bureau of Mines undertook a unique demonstration project in cooperation with the Forest Service, the National Park Service, and the Bureau of Outdoor Recreation. This project is aimed at demonstrating how mine destroyed lands can be reclaimed and turned into new recreation opportunities. $1 million of this money will assist in the cleanup and rehabilitation of an existing mine located on public property aimed at demonstrating these new rehabilitation techniques. It will be another significant step forward in this program and it will greatly assist us in planning for our Nation's mine reclamation needs.

Finally, $2 million will be used as part of the Bureau's existing research in a related area—that of determining how much and how effectively usable coal can be recovered from mine refuse.

Mr. Chairman, one of the most difficult problems facing us in the area of mine reclamation is what to do with the millions of tons of solid waste obtained as a byproduct of coal extraction. These refuse banks which scar the Appalachian coal fields have been demonstrated at the laboratory level to contain reusable energy. Perhaps, up to 22 percent of this refuse could be recycled as a new energy source. But we need to test this potential new energy source at the demonstration plant stage of development.

Last year the committee began a program directing the Bureau of Mines, FEA, and ERDA to undertake a joint effort to examine the feasibility of a project to bring this useable coal on stream thereby helping meet our energy needs. This initiative is underway and this new money will allow for the construction of this demonstration program.

If we are successful with this initiative we will attack two difficult problems that plague the coal regions—the disposal of solid waste refuse from coal and the feasibility of recycling that refuse to meet our energy needs. I believe these very important initiatives deserve our support and I urge my colleagues' concurrence.

I have discussed this with the chairman of the committee. I believe that I have his support for the amendment and the support of the committee for the amendment.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I am delighted to yield to my friend, the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as I understand this amendment, it is proposed to be offered to the section dealing with the U.S. Bureau of Mines for the purpose of engaging in research and development respecting mine subsidences.

Mr. Chairman, there are so many areas throughout the coal-mining regions of

the country which are sinking because of abandonment of the mines and these areas are not usable for other purposes. The mine-subsidence program will develop methods of providing further use for those lands. I think it is a good amendment. I think the amendment should be adopted.

Mr. McDADE. Mr. Chairman, I thank the gentleman from Illinois for his statement. I urge the adoption of my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. McDADE).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TERRITORIAL AFFAIRS

ADMINISTRATION OF TERRITORIES

For an additional amount for "Administration of territories", $19,700,000, to remain available until expended, including $8,500,000 for grants to the Virgin Islands and $11,200,000 for grants to Guam.

AMENDMENTS OFFERED BY MR. PHILLIP BURTON

Mr. PHILLIP BURTON. Mr. Chairman, I offer two amendments and ask unanimous consent that they may be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. Phillip Burton: On page 17, line 4, delete "$19,700,000" and insert in lieu thereof "$35,200,000".

On page 17, line 6, delete "$11,200,000" and insert in lieu thereof "$26,700,000".

Mr. PHILLIP BURTON. Mr. Chairman and my colleagues, this amendment is designed to provide equivalent recognition to the government of Guam as that which the bill provides to the government of the Virgin Islands in terms of dealing with the mandated reduction in their revenues as a result of the operation of the income tax reduction and rebate legislation of 1974 and 1976.

The background of this particular problem is as follows:

Last year we were able to reach accord with the administration with reference to the Virgin Islands and its problems. We had reached what I deemed to be an essential accommodation with reference to the tax reduction impact with reference to Guam but not with the second portion of the Guam package. Time ran out and the matter was not authorized for Guam.

Our distinguished colleague, Mr. WON PAT, has brought this matter to our attention again this year, and hence, this amendment.

It is my intention, if this amendment is approved—and I have cleared this with our ranking member of the subcommittee for this purpose, our colleague, the gentleman from California, (Mr. DON H. CLAUSEN)—that our authorization will require a dollar-for-dollar reduction in whatever objectively determined amount there is that the government of Guam would be entitled to as a result of this effort to repay them for losses in their revenues not traceable in any way to any of their own governmental actions.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. PHILLIP BURTON. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

The supplemental bill under consideration, contains $8,500,000 for the Government of the Virgin Islands. The reasons for that is because of the revenues lost to the Government of the Virgin Islands because of the rebates that were granted under the tax reduction act of 1975. There will be additional funds that will have to be paid in the future to the Government of the Virgin Islands and to the other territorial governments because of the rebates that are authorized under the tax law that has just been approved by the House—and I assume it will be approved subsequently by the Senate. The Government of Guam has lost the same kind of funds that were the subject of the appropriation for the Government of the Virgin Islands.

The gentleman from California is the chairman of the authorizing committee which has that program under consideration at the present time. He has assured me that the past testimony before his subcommittee indicates that the money that will be payable to the Government of Guam is approximately twice the amount of the amendment he has offered.

Mr. PHILLIP BURTON. That is what I understand.

Mr. YATES. With that understanding, and with the knowledge that the funds will have to be paid to the Government of Guam either in the 1978 appropriation or later, and that this will amount to speeding up the payment of funds and will help the recovery of the typhoon-devastated island, I have no objection to the amendment.

Mr. PHILLIP BURTON. I thank the gentleman.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. PHILLIP BURTON. I yield to the gentleman from Pennsylvania.

Mr. McDADE. I thank the gentleman for yielding.

Mr. Chairman, I just want to indicate that both my colleagues, the gentlemen from California, Messrs. PHILLIP BURTON and DON H. CLAUSEN, who handled this legislation have very persuasively discussed this matter with us. I agree that my friend, the gentleman from Illinois, has stated the case with accuracy. We support the amendment.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. PHILLIP BURTON. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. I thank the gentleman for yielding.

I just want to state for the record that I concur with the amendment as offered by the gentleman from California. It does take on a sense of urgency because of the typhoon problems of Guam, so I concur with his amendment.

Mr. WON PAT. Mr. Chairman, on behalf of the people of the territory of Guam, I rise in support of the amendment offered by the distinguished chairman of the Subcommittee on National Parks and Insular Affairs, Representative PHILLIP BURTON. As many of my colleagues in the House of Representatives are aware, the majority of the revenues of the government of Guam are collected by the territorial income tax Federal law provides that the territorial income tax be a "mirror image" of the U.S. Internal Revenue Code, which means that the Internal Revenue Code is applied on Guam, but the receipts are covered into the treasury of Guam rather than the U.S. Treasury. This procedure gives the government of Guam a sophisticated body of Treasury decisions and Internal Revenue Service regulations interpreting its income tax code. However, the mirror image code unfortunately places the government of Guam in a financial bind every time the Congress approves tax rebates or tax reductions, as such reductions reduce the revenues to the coffers of Guam.

The amendment offered by Mr. BURTON would compensate, in part, the government of Guam for revenues that were lost to it through the Federal income tax revisions in 1974, 1975, and 1976. The amount called for comes from the "Audit Report on the Government of Guam Income Tax Revenue Loss Due to Federal Income Tax Revision—1974, 1975, and 1976" by the Office of the U.S. Government Comptroller for Guam, Department of Interior, July 1976, Report No. RG76–17.

The recent recession has had a severe impact on the island's economy, and on the revenues of the government of Guam. The destructive effects of Typhoon Pamela in April 1976, greatly increased the strain on the budget of the island government. The favorable passage of the amendment offered by Mr. BURTON would partially eliminate the adverse effects of well-intentioned congressional action in reducing tax burdens for U.S. citizens by replacing the revenues to the treasury of Guam which were eliminated by tax reforms in the past 3 years.

I strongly urge my colleagues to vote favorably on this amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California (Mr. PHILLIP BURTON).

The amendments were agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST PROTECTION AND UTILIZATION

For an additional amount for "Forest protection and utilization", $211,805,000.

AMENDMENTS OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer a series of amendments, and I ask unanimous consent that the amendments may be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. YATES:

Amendment No. 1: On page 17, line 23, strike out "$211,805,000" and insert in lieu thereof "$233,005,000".

Amendment No. 2: On page 18, line 3,

strike out "$534,000" and insert in lieu thereof "$21,873,000".

Amendment No. 3: Page 18, line 6, strike out "$15,000,000" and insert in lieu thereof "$29,650,000".

Amendment No. 4: Page 18, line 8, strike out "$7,500,000" and insert in lieu thereof "$14,825,000".

Amendment No. 5: Page 18, line 9, strike out "$7,500,000" and insert in lieu thereof $14,825,000".

Amendment No. 6: On page 18, line 13, strike out "$17,000,000" and insert in lieu thereof "$33,800,000".

Amendment No. 7: On page 18, after line 21, add:

FOREST ROADS AND TRAILS

For expenses necessary for carrying out the provisions of 16 U.S.C. 528–538 and 551, relating to the construction and maintenance of forest development roads and trails $6,000,000, to remain available until expended.

Mr. YATES. Mr. Chairman, these amendments are offered on behalf of the members of the Interior Appropriations Subcommittee. They add $79,989,000 to the bill. The work to be performed under the appropriations will create about 12,000 additional jobs including positions for teenagers, who have the highest unemployment rates by age group in the country.

It is expected that the various agencies which administer these programs will observe several criteria in carrying out these programs, and I want the House to pay attention to this. These funds are not going to be used for the ordinary so-called leaf-raking jobs because of the following criteria.

First, the funds will be used in areas of high unemployment.

Second, to the greatest extent possible, the employment impact should be limited to the actual creation of new jobs.

Third, projects and programs initiated with these funds are not make-work jobs. They will result in acres of trees planted, in hiking trails constructed, in facilities built, in timber roads constructed, in other words, for permanent installations of the kind that were constructed during the Depression years in the national forests, national parks, in the public lands of the West. They are permanent installations which will benefit the Nation.

The $14,650,000 in this amendment for the Youth Conservation Corps brings the funding for this program to the authorized level of $60 million. The additional funds would provide for employment of approximately 9,500 young people between the ages of 15 and 18, bringing the total participants in the program for this coming summer to approximately 43,000 young people.

This program provides a twofold benefit: gainful employment for our youth in the outdoors and improvement of our own forests, parks, and public lands, and the improvement of our national heritage which we want to preserve and protect with pride for the generations to come.

The amendments also include $33,339,000 to rehabilitate the recreation facilities of the U.S. Forest Service. In the course of my remarks earlier this afternoon I commended President Ford for having announced his Bicentennial Land Heritage Program for the national parks. These amendments will provide a comparable program for the national forests. The national forests provides recreation facilities for as many people in our country as do the national parks. The recreation areas of the Forest Service have enormous visitation. This will permit the Forest Service to reopen 181 recreation areas that it has closed for lack of funds. In addition to that it will remove the threat of closing of 100 other recreation areas in the Forest Service, in total 281 areas which receive over 10 million visitor days during the year. The funds will provide for the rehabilitation and replacement of water systems, for new toilets, for the replacement of toilets, rehabilitation of camping and picnic grounds, boat facilities and other facilities of that type.

There is $10 million included for rehabilitation work to take care of construction and reconstruction of new water and sanitary facilities, to establish trails, to establish camp grounds, boat ramps, amphitheaters, and so forth.

The green heritage of this Nation has been neglected for much too long. These amendments correct that situation.

Mr. Chairman, the amendment also includes $32 million for acceleration of timber production in the national forests at a time when timber production should be increased. The housing industry of this Nation needs stimulation and is moving toward an increase in the construction of new homes. As a result of providing the funds in this bill over 700 million board feet of timber will be provided for the housing market a full year sooner than would have been possible otherwise. It is the announced goal of this administration to expand housing starts.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. YATES was allowed to proceed for 1 additional minute.)

Mr. YATES. Mr. Chairman, in order to meet the housing needs of this Nation, if adequate lumber is not available, increased prices will result and it will be even more difficult for people to acquire new homes.

Mr. Chairman, for all the reasons I have stated, I urge approval of my amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Illinois (Mr. YATES.).

The amendments were agreed to.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, today, we are considering H.R. 4876, an appropriations act designed to stimulate the present sluggish economy, through various programs that should result in the creation of one million new jobs in both the public and private sectors.

One important aspect of the unemployment problem which this measure will address is that of providing constructive work for the Nation's young people.

We have a particularly successful program currently, that provides employment and training for young persons aged 15 to 18. It is the Youth Conservation Corps. The popularity of this program can be attested by the fact that 200,000 applications were received last summer for 24,000 available positions. Of those individuals who have participated in the program, 95 percent have found their YCC experience to be worthwhile and enjoyable.

The YCC program has a value in the conservation work accomplished as well. In the summer of 1975 over $14,000,000 worth of projects were completed from a funding level of $13,000,000.

It is for these reasons that I rise in support of the amendment offered by the distinguished chairman of the House Interior Appropriations subcommittee to this bill that will increase the appropriation for the Youth Conservation Corps program by an additional $15,000,000.

This amount, when combined with the Appropriations Committee recommendation for another $15,000,000 increase in the program that is included in the Supplemental Appropriations Act, H.R. 4877, which I proposed will bring the funding level for the YCC to its full $60,000,000 authorization, and provide between 40,000 and 50,000 jobs for young Americans.

I strongly support adding $33,339,000 to improve the recreation facilities of the U.S. Forest Service. The amendment will enable the Forest Service to reopen 181 recreation areas and that 100 additional areas will not be closed. These 281 areas have annual participation in excess of 14 million visitor-days.

I also support adding $32 million for acceleration of timber production in natural forests. It will provide $9.2 million for timber sales preparation and $22.8 million for construction of forest roads. If these amendments are adopted 700 million more feet of additional timber can be made available to the housing market.

I would urge my colleagues to lend their support for these important amendments and to praise the subcommittee chairman, Mr. YATES, for his outstanding leadership.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BOARD OF TRUSTEES OF THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

REPAIR, RENOVATION, AND RECONSTRUCTION

For repair, renovation, and reconstruction of the John F. Kennedy Center for the Performing Arts necessary to correct water leaks in the roof, the terraces, the kitchen, and the East Plaza Drive and to correct any damage which has resulted from those leaks, $4,700,000, to remain available until expended: *Provided*, That this appropriation shall be available only upon enactment into law of H.R. 2846, Ninety-fifth Congress, or similar legislation.

POINT OF ORDER

Mr. ASHBROOK. Mr. Chairman, I make a point of order against this section.

The CHAIRMAN. The gentleman will state the point of order.

Mr. ASHBROOK. Mr. Chairman, I make a point of order that the $4,700,000 called for in this section is not authorized and violates rule XXI.

The CHAIRMAN. Does the gentleman from Illinois wish to be heard on the point of order?

Mr. YATES. Mr. Chairman, the section is not authorized and, regretfully, because of the fact that there are 125 leaks in the roof of the Kennedy Center and have been for the last year or so. May I say that I have to concede the point of order, if the gentleman insists upon the point of order; but I would hope the gentleman would not insist upon it, in view of the fact that the Center is deteriorating rapidly as a result of the leaks in the roof, and I would hope that the gentleman would desist.

Mr. ASHBROOK. Mr. Chairman, I would say to the gentleman that I do not feel too well about it myself, either.

Mr. YATES. Mr. Chairman, I agree with the gentleman.

Mr. ASHBROOK. That $4,700,000 is not authorized and I insist on my point of order.

Mr. YATES. Regretfully, Mr. Chairman, I must concede the point of order.

The CHAIRMAN. The gentleman from Illinois concedes the point of order. Therefore, the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

CENTER FOR DISEASE CONTROL

PREVENTIVE HEALTH SERVICES

(TRANSFER OF FUNDS)

For an additional amount for "Preventive health services" for carrying out, to the extent not otherwise provided, sections 317(g)(1)(A), and 318(d)(2) of the Public Health Service Act and the Occupational Safety and Health Act of 1970, $11,000,000 to be derived by transfer from amounts appropriated in Public Law 94-266 for a comprehensive nationwide influenza immunization program.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wrote the minority views on this particular section.

Mr. Chairman, in the regular appropriations bill for 1977, we provided $26.5 million for community mental health centers. However, because of an underestimation of the costs of supporting continued operations of existing mental health centers, some $8 million had to be shifted out of new starts and into continuation costs.

There are two major reasons for this underestimation. First of all, the community mental health centers legislation enacted in the last Congress (Public Law 94-63) provided for a new method of funding these centers, based upon a percentage of the projected deficit for each center. Because this is the first full year under that funding formula, errors were made in predicting these deficits. As more experience is gained over the years, certainly the estimates will become more accurate.

And second, we are now in the midst of a 2-year process of converting old community mental health centers to new programs offering up to 12 mental health services. Because the legislation provided many different ways to convert in this process, it was not possible to accurately estimate the costs which would be involved. Again, the estimates were low.

The shift of $8 million out of the $26.5 million originally appropriated for new mental health centers would result in the funding of only 20 of the 38 already approved but unfunded community mental health center applications this year. The $8 million increase which I propose would provide for the funding of an additional 11 centers, and would make community mental health services available to an additional 2 million Americans.

There are presently 650 federally funded community mental health centers in the United States, serving approximately 43 percent of the Nation's population. The development of this program has been instrumental in shifting the focus of mental health care in the United States away from the State mental hopitals and toward community-based treatment.

Thanks to the community mental health centers program, the population of State mental hospitals has dropped over 44 percent since the program began. With daily per patient costs running over $37 per day in State hospitals, my colleagues will see the obvious cost benefits involved here, in addition to the therapeutic advantages of community-based treatment.

In 1974, an estimated 1.7 million people were treated in community mental health centers, up from 1.3 million in 1973. And it should be pointed out that these centers are especially important for the low-income families who would otherwise have mental health services available to them. In 1973, over half of the people seen in community mental health centers had incomes below $5,000.

Mr. Chairman, at the current funding rate it will take another 26 years to complete the community mental health centers program. I do not think we can afford to wait that long.

To bring us closer to the goal of adequate mental health services for every American we should add $8 million to this item in the budget.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Chairman, I would like to say that we are aware of the problem described by the gentleman from Massachusetts, and because of that fact we have included in the report language requesting a full report from HEW, by the first of May, on the actual cost of continuing the existing mental health centers.

I can assume, and I assure the gentleman that as soon as we get this report, and as soon as we know exactly how much is going to be needed, we can include this amount in future appropriation bills.

Mr. CONTE. We expect to have another supplemental in June, I believe, and we can take care of it at that time?

Mr. FLOOD. I think so.

Mr. CONTE. Mr. Chairman, I always respect the gentleman's word, and I respect it now. For that reason, I will not offer the amendment at this time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COMMUNITY SERVICES ADMINISTRATION

COMMUNITY SERVICES PROGRAM

For an additional amount for "Community services program", $82,500,000.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY: On page 28, line 12, strike out "$82,500,000" and insert in lieu thereof, "$282,500,000: *Provided*, That no part of the $200,000,000 appropriated in this paragraph for the Emergency Energy/Fuel Assistance Program may be expended for administrative costs."

Mr. OBEY. Mr. Chairman, this amendment is a very simple one. It simply restores $200 million which was originally included by the subcommittee and which was stricken by a 26-to-24 vote in full committee. I am offering it on behalf of 9 of the 11 members of the subcommittee and 13 additional members of the Committee on Appropriations.

The $200 million that we add would be an appropriation for Community Services Administration, which would be distributed by existing CSA formula to Governors of various States, who will in turn distribute it to assist elderly low-income families who cannot pay their heating bills because of the extraordinary cold winter and who face the prospect of utility cutoffs. The Community Services Administration has already been conducting this program for the past several years on a very small scale, and this would merely expand it.

This program has been worked out by HEW. It is strongly supported by the Governors. In fact, I have telegrams from a good many of them in support of it, and the Governors are working now to prepare to administer the program. In fact, some of them have already prepared training programs for those who will administer the program.

The program would work this way: We would simply make available sufficient money to provide for direct payments to fuel or utility suppliers, so that the money would not go in the form of a cash grant to the recipient but would in fact be used to pay bills which are presently due.

Persons eligible for assistance would be persons who are below 125 percent of the poverty level and who can demonstrate that they have a need for assistance by showing, for instance, a notice of cutoff or showing that they have outstanding bills higher than their income could possibly allow them to pay.

There is a limit per family of assistance of $250, and there is a deadline of June 1 to expend the funds, after which any unexpended funds would revert to the U.S. Treasury.

The payments made under this program will not be considered as income for the purpose of determining eligibility for benefits under the other programs, such as ASFE, ASFI, or veterans' benefits.

Mr. Chairman, presently the Community Services Administration reports that the poor will pay 25 percent of their incomes this year for energy, as compared to only 15 percent in 1973. There is an approximate 49 percent increase in the cost of home heating this winter over last. I do not think it takes a mathematician to figure out that if you are an elderly couple getting along on social security and if you are very lucky, with a small pension to go along with it, that you simply cannot afford to pay heating bills which average upwards of $1,000 this winter in New England, for instance, or which average upwards to $700 or $800 in places like Michigan or my home State of Wisconsin.

It is estimated that approximately 2 million households will be unable to pay this winter's fuel bills, and about 180,000 of those are estimated to be heated by electricity. They will not only lose their heating, but they will lose the use of their refrigerators, stoves, water pumps, and lights as well.

Well over half or about 1,200,000 of the households which are unable to meet this winter's heating costs are heated by gas, which in most cases is also the fuel source used for cooking.

I recognize that there will be some objections made to this program. It will be pointed out that it is not a perfect program, and that there might be other delivery systems which would be better able to provide assistance. That is probably true, but unfortunately the hard, cold fact is that we have literally millions of people in this country who are facing shut-offs of utilities within the next month or 5 weeks. We also have the very hard, cold fact that this is the only vehicle which will be presented to the Congress upon which we can take action to ameliorate this very serious problem.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 3 additional minutes.)

Mr. OBEY. Mr. Chairman, I do not know how cold it gets in Florida or in Georgia, I do not know how cold it gets in the Sun Belt, but I know that in my own district, when it gets to 40 or 50 degrees below, it is awfully cold, and in a district like mine, which is composed of a good many poor people with poorly insulated homes. It also gets mighty drafty.

There will be some Members who will suggest, for instance, that this approach discriminates because we are paying bills for people who have been billed, but we are not paying the bills for people who have managed somehow to pay their bills by being very efficient in the use of their funds. They will suggest, for instance, that we are rewarding people who presently have outstanding bills, but we are not doing anything to help the people who are already serious enough about the energy crisis to turn down their thermostats. But, as the gentleman from Pennsylvania (Mr. FLOOD) pointed out, the people we are talking about, the people we are trying to help by this amendmnte, are generally people who have shutoff all the rooms in their houses except one or two, and they are people who are mighty lucky if they have a thermostat to turn down in the first place.

These are the poorest of the poor. We are trying to take care of their real needs, the needs which will be here when these moratoriums on shutoffs occur and their utilities are shut off in the next 2 or 3 months.

Mr. Chairman, this amendment is supported by the Governors. I can read telegram after telegram received from Governors who explain what the delivery mechanisms will be. Governor Wallace also points out that he already has a training program in place to train people in administering this program in order to insure that these things are done in the most efficient way possible.

The amendment is supported by the National Council of Senior Citizens, the Rural Teachers Association, the AFL–CIO, the UAW, the Rural Housing Coalition, the Energy Policy Task Force, and a good many other groups as well.

Mr. Chairman, I urge support of the amendment.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. I want to compliment the gentleman on his presentation, and on the presentation he made before the subcommittee. This amendment was supported overwhelmingly by the subcommittee.

What the gentleman is talking about now is the result of a natural disaster. We have considered items such as this in the House before, and his request is not unusual. He is making his presentation for the poorest of the poor, and I certainly support his amendment.

The Labor-HEW Subcommittee, which I have the honor to chair, included this $200 million in the original subcommittee markup. We included it because we thought it was the right thing to do.

This was knocked out in the full committee by a vote of 26 to 24. A switch of just one vote would have kept it in the bill.

The intention here is that this will be a one-shot program to help poor people, especially the elderly, survive financially after the worst winter in a hundred years.

This money is for the true hardship cases who simply could not make it otherwise. This is for the people who will have their utilities shut off as soon as the weather stays warm.

There is no intention here to start a new program that will go on year after year. Not at all. This is a one-shot, one-time appropriation to deal with the effects of the very bad winter that we have just been through.

In effect, what we are talking about here is a natural disaster. The bitterly cold weather this winter, in effect, constitutes a natural disaster.

When people are financially ruined by a natural disaster, we try to give them temporary relief. That is all we are doing here.

By the way, the amendment makes it clear that none of these funds are to be used for administrative costs of any kind. This will not be siphoned off for administrative costs.

It will all be paid directly to fuel suppliers on behalf of poor people.

I urge you to have compassion for the poorest of the poor and support this amendment.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. OBEY. Absolutely, I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I wish to compliment the distinguished gentleman from Wisconsin (Mr. OBEY) for offering this amendment.

Any Member who represents a district that has a tremendous number of poor people knows the need for this legislation, this is the only opportunity for us to offer an amendment of this type.

It is true enough that we can go 125 percent above the poverty level in those cases that need the most help, that is, a nonfarm family with an income of $5,500 and a farm family with an income of $4,680. We have a well-cut pattern for this type of legislation.

It would be my hope that if anyone has any doubt about the need, he should just call the utility people to find out what are the facts.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(On request of Mr. PERKINS and by unanimous consent, Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. PERKINS. Mr. Chairman, will the gentleman yield further?

Mr. OBEY. I yield to the gentleman from Kentucky.

Mr. PERKINS. As I was saying, Mr. Chairman, if anyone has any doubt about the need for this legislation, I would suggest that he call the utility people throughout the country. They will tell him that we have thousands and thousands of people who are being cut off, unable to pay these bills; and this is just an orderly way to handle the situation in cases where it is mostly needed throughout America.

Mr. Chairman, I wish to compliment the gentleman from Wisconsin (Mr. OBEY) for offering this amendment.

Mr. OBEY. Mr. Chairman, I thank the gentleman, and I agree with what he has said.

Mr. PERKINS. Mr. Chairman, I rise in support of the OBEY amendment to add $200 million to this bill for emergency fuel assistance payments to low-income people.

This amount had been included in the bill reported out by the Labor-HEW Subcommittee, chaired by my distinguished colleague and friend, Mr. FLOOD, but was deleted at the full committee level by a vote of 26 to 24.

None of us need to be reminded how severe the winter has been. Cities and towns have been paralyzed by storms, school systems and factories have been

shut down, and our citizens have been hit with staggering fuel bills running as high as $1,000 for the winter in some areas.

For our low-income citizens, already hard-pressed by a high rate of inflation fuel bills have been a body blow. Some have had their fuel cut off. Others have had to cut down on food and other essentials for their families so that they could keep heat in their homes. Many will have needed utilities cut off in the Spring because they have been unable to keep up with their heating bills.

This is an intolerable situation. We need to give these people some relief. The supplemental appropriations bill we are voting on today can provide that relief, by providing in it $200 million for emergency fuel assistance, to be distributed to hard-hit States by the Community Services Administration.

Those eligible to receive this assistance, which is authorized by section 222 (a) (12) of the Community Services Act, would be those whose incomes are below 125 percent of the poverty level. This means a yearly income below $6,845 for a nonfarm family of four, and an income below $5,850 for a family of four living on a farm.

The money would be distributed to the States through a formula taking into account three factors:

First, average temperature;

Second, number of elderly with incomes less than 125 percent of the poverty level; and

Third, number of poverty households.

This is the same formula used last year in distributing $27.5 million in funds appropriated under section 222(a) (12) for fuel payments and weatherization projects.

The Governor of each State would then decide on the best way to distribute the funds to those most in need—through existing community action agencies or through State welfare agencies. Individual grants can be up to a maximum of $250.

All of these funds will go directly to the people. Any overhead costs incurred by State agencies will be absorbed out of their own funds.

Mr. Chairman, I mentionend a moment ago that there is presently available $27.5 million under section 222(a) (12), most of which is being spent for weatherization projects.

The Appropriations Committee did add an additional $82.5 million for these weatherization projects in this bill, and I commend them for doing so. This expands a highly successful program operated by the Community Services Administration, and is a great investment in the future.

The typical weatherization project for a home costs $219, of which $145 is paid for by CSA. Of the $145 paid for by CSA, $138 goes for materials, and another $7 goes for labor costs, meeting the CSA guidelines that 90 percent of the cost of any weatherization project should go for materials.

Another $74 in labor costs is contributed by other sources, such as the CETA program. These projects provide fine opportunities for training programs, and, in fact, are specifically mentioned in the CETA legislation. Trainees caulk windows, fix up holes in the wall, insulate attics, and so on.

In the years to come, these projects will not only save on the fuel bills for the people who live in these houses, but will help to conserve our Nation's scarce supplies of energy.

Mr. Chairman, with these additional funds provided for weatherization projects, and with the restoration of the $200 million for emergency fuel assistance, we will have really done something for the people of this country who were hurt the most by the severe winter weather.

This program has been well thought out, and the emergency situation we are trying to relieve is well-documented. I congratulate my colleague from Wisconsin, Mr. OBEY, for offering this amendment, and I urge my colleagues to support it.

Mr. COHEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the original author of the proposal to appropriate funds for fuel payment assistance is my distinguished colleague from Maine, Senator MUSKIE. He is justifiably concerned about the devastating effect that the harsh winter that struck the Nation has had on home heating costs.

No Congressman appreciates better than I the fact that his constituents face enormous fuel bills this winter. In Maine and other Northern States where winter lasts nearly 6 months, home heating costs frequently soar over $1,000 for the average household. Maine homeowners, particularly those living on fixed incomes, are hard pressed to pay their fuel bills.

I have just returned from northern Maine. The snow is still piled to the top of the telephone poles in some areas, and the temperature this winter has dropped to 40° below zero. So I am fully sensitive to the problems the people I represent have in paying their fuel bills.

But if this measure is designed to alleviate the burden for only those who have not paid their fuel bills, then I suggest that it is fundamentally unfair to those who fall within the same economic status but who have paid their bills. You will be penalizing those who have had to borrow money or to take from their food allowance, or go into debt to pay heating costs. At the very least, all individuals in a designated income category should be eligible for assistance.

In evaluating the effectiveness of this proposal, we must also consider the long-term return of the Government's investment of $200 million. If, for example, this money were used to further increase funding for CSA's home winterization program—patterned after Project Fuel, which was very successful in Maine—the homeowner would conserve more energy in the years to come. Or, if the $200 million were to be applied toward providing homeowners with tax incentives to install insulation, the result of the Government's investment again would be reduced energy consumption. Helping people pay their fuel bills for one winter will not provide any incentive to conserve energy.

Finally, this proposal also underscores the need for a permanent tax reduction for middle- and low-income individuals.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. COHEN. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me suggest to the gentleman from Maine (Mr. COHEN) that if he really wants to deliver help to anybody, he should support this program as laid out by HEW.

The kind of changes the gentleman is suggesting could require the governors to go back to the drawing boards to reassess who is eligible and who is not. It could greatly slow down the disbursement of funds, and we could have greater amounts of money which would revert to the Treasury by June 1.

Mr. Chairman, we are trying to take care of people who have immediate problems, many of whom are not having their homes heated now. We are trying to take care of an emergency and trying to take care of immediate problems until we will have a better opportunity to put together a better program.

Mr. COHEN. Mr. Chairman, will the gentleman tell me what regulation would be changed if we apply the same standards to those in the same economic circumstances as those whom the gentleman is talking about. What is changed if a person has a $100 bill and has to borrow the money to pay that bill?

Mr. OBEY. The governors have been setting up the program on the basis of their understanding of the program as put together by HEW. If they are told that they have additional requirements or additional categories, I submit that the amount of money that would be delivered to anybody could be minuscule because we could be talking about much larger numbers of people and the $200 million in this bill would not be as effective.

Mr. BURGENER. Mr. Chairman, will the gentleman yield?

Mr. COHEN. I yield to the gentleman from California.

Mr. BURGENER. Mr. Chairman, I thank the gentleman for yielding.

I want to associate my remarks with those of the gentleman in the well, the gentleman from Maine (Mr. COHEN).

There is no question about the need, but this bill is patently unfair, terribly unfair, to the people who, by prudent management, or by borrowing from other sources are giving up other things of importance and still are managing to pay their fuel bills.

I think it is worse to do something that is grossly unfair, really, than to do nothing at all. I commend the gentleman in the well.

Mr. COHEN. Mr. Chairman, I thank the gentleman from California (Mr. BURGENER) for his comments. I think that indeed we are setting quite a precedent for next year, if the forecasts are correct, because we are in for some very hard times in the years to come and we will have a difficult problem next year and after because we will be giving in-

centives for individuals to hold back and not pay their utility bills and then have them coming back to the Congress and seeking a program such as this.

But, Mr. Chairman, if we are going to provide reimbursement and help for those who have not paid their utility bills then I believe we also ought to afford help to those who have paid them.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. ANDERSON of Illinois, and by unanimous consent, Mr. COHEN was allowed to proceed for 2 additional minutes.)

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. COHEN. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I have listened with great interest to what I believe is a very cogent argument which has just been made by the gentleman from Maine (Mr. COHEN).

Mr. Chairman, I checked this morning with the Community Services Administration and I find that they have a so-called crises intervention program and that under their CSA instructions 6143–1A, which was issued on June 12 of last year, that the eligible activities under that program are as follows:

Immediate short-term assistance consisting of intervention to prevent hardship or danger to health due to utility shut-off or lack of fuel. Components include grants, loans, fuel voucher or stamp programs or payment guarantees; mediation with utility companies or fuel suppliers and financial counseling; maintenance of emergency fuel supplies, warm clothing and blankets.

Mr. Chairman, if we are going to go ahead and appropriate this additional money as suggested by the gentleman from Wisconsin (Mr. OBEY) would it not make better sense to substitute for the language of the Obey amendment, words to this effect:

That funds appropriated by this program shall be available to carry out the crises intervention program administered by the Community Services Administration as part of its emergency energy conservation services program.

Would we not then meet the objections the gentleman from Maine (Mr. COHEN) has pointed out that we would be favoring some people who have not paid their bills and ignoring the plight of those people who have made a great sacrifice in order to meet their obligations to the utility companies?

Mr. COHEN. Mr. Chairman, I think the gentleman from Illinois (Mr. ANDERSON) is absolutely correct. I hope the gentleman will offer that as an amendment to the Obey amendment. But, coming back to the major point, my State of Maine has cold winters and the people there certainly suffer from the hardships of winter. There is also no great abundance of wealth in my State.

I would simply say, in closing, that the notion that was offered by the gentleman from Wisconsin (Mr. OBEY) that this would impose a tremendous bureaucratic burden upon the administration simply does not hold up.

The CHAIRMAN. The time of the gentleman has again expired.

(By unanimous consent, Mr. COHEN was allowed to proceed for 1 additional minute.)

Mr. COHEN. Mr. Chairman, I repeat that that notion will not hold up. It seems to me that it does not impose any greater burden upon the Governors of any of the States to simply have the same individuals who were in the same economic strata come forward with a receipt for the amount they paid for their fuel bill and to have that credited against either future fuel bills by the utilities who will be getting reimbursed, or by some other kind of credit. But to simply adopt a program which will pay the bills of those people who have not paid them is, to me, fundamentally unfair.

The CHAIRMAN. The time of the gentleman has again expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. COHEN was allowed to proceed for 2 additional minutes.)

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. COHEN. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would like to understand the position of both the gentleman in the well and the gentleman at the desk. Are the gentlemen suggesting we should object to this assistance because we do not go far enough, or are they suggesting that they want to offer an amendment to expand the assistance payment under this amendment?

Mr. COHEN. I think the gentleman from Illinois intends to offer an amendment to expand the coverage so that the appropriation would not be directed only to those who have not paid their bills but also would include those poor individuals who come within the same regulations that the gentleman is contemplating, who have paid their bills by making other sacrifices. So we will not discriminate on the basis of paid versus unpaid.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. COHEN. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I thank the gentleman for yielding.

Yes, precisely, I share the concern of the gentleman in the well. I am not objecting to the figure, but I should like to substitute language that would provide that the exising crisis intervention program that is administered, as I understand it by the Community Services Administration, and which is currently opoperating under guidelines that would permit the kind of relief that we are interested in, but relief that would be limited not only to those who have not been able to pay their bills or who are delinquent in their bills, but would pay some attention to the people who have sacrificed in order to pay those bills, and as a result have had to skimp in other areas, or perhaps even existed at substandard living levels.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. COHEN. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

Let me say that while I think there is a problem in delay on this, if the House thinks that that is a better way to go, I would have no objection to it. If the gentleman has an amendment to the amendment, I would be happy to accept it.

Mr. COHEN. Mr. Chairman, I yield back the remainder of my time.

Mr. MICHEL. Mr. Chairman, I rise in opposition to the amendment. It was originally added in our subcommittee markup after no hearings, no advance word, very little effective discussion, and no vote. It was a mistake to have added this as a new program, and we rectified that mistake in the full committee as the gentleman from Wisconsin (Mr. OBEY) indicated, by voting to strike the funds from the bill on my motion which prevailed 26 to 24. We did so because there are too many questions about this program which have gone unanswered, because there are too many inequities inherent in the program, and because once we start down this road there will be no pulling back, since high fuel bills will certainly not be vanishing from the scene unless or until cheaper forms of energy are developed.

Regarding this last point, it is rather interesting to note what the head of our community action agency in my home community of Peoria is quoted in the press as saying just the other day:

Next winter promises to be as severe or worse than this winter has been, and these poor people will have the same problems then, and we will not have enough resources to help everyone.

So do not be fooled by the claim here that we are only authorizing this until June 30 and then all of a sudden the program is going to go away and we are never going to hear of it again. Do not get caught in this kind of a bind.

Earlier today we were discussing $700 million in here for food stamps that were mandated by court decision that prevented us from administratively tightening up that program. The food stamp program started out at $200 million, just like this one here, and in a few years it has reached nearly $6 billion. If we start here with just $200 million, mark my word, within a couple of years we are going to be in a multibillion dollar program, because fuel costs are not going to subside or continue to decline.

There is no question but that something has got to be done about our energy problem, including that high cost of fuel, but I do not think we want to get ourselves trapped in this course of action until we have given the overall problem much more thorough consideration. As I said, the proposed program has had no hearings in the House, and only 1 day of hearings in the Senate. I wish the Members could read those testimonies of Governors, Senators, and a few Congressmen on how bad the winter was, that it was just tragic, and we ought to do something about it, That is the extent of the

hearings in the Senate. There was nothing in the House. Are we going to embark on a brandnew program? We have got to be mindless to do a thing like that with so little consideration.

Very few standards have been set for governing the program's operation. One of the few is a formula proposed to determine allocation among the States. Every one of the 50 States qualifies, including Hawaii, and also Puerto Rico. How are they going to subsidize heating bills in those States? The money has to be used to subsidize air conditioning; does it not? But under the formula, every 1 of the 50 States is going to get a little dab of this thing, whether they need it or not.

Another thing the sponsors tell us is that the eligibility would be limited to those with incomes below 125 percent of poverty. In dollar terms this means people under $6,875 for a family of four, or those under $4,625 for a family of two, and that is a social security couple, and below $3,500 for a single individual. Anyone above that would not get cut in on this action at all. It is truly the poorest of the poor.

But now, to my friend, the gentleman from Illinois (Mr. ANDERSON), who proposes to do something in this crisis area, we have got money already in this bill. We put $82 million to add to what we had, which brings it up to $109 million. In my home community they are already taking money from that fund to help the destitute and the poorest of the poor. But do not come in with a brandnew program and expand it to the extent we are going to do here. We are going to be excluding a great many people who are existing solely on social security. The maximum amount one can make now in social security is $4,800 a year or $7,200 as a couple.

Think of the number of people who are excluded. If we want to cover everybody we cannot be content with $200 million. We will have to have something about $2 billion to begin with. How many of us are prepared to do that?

Our President did not offer one proposal in this regard. I am going to support our new President in this regard, to help him hold things in line.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. Mr. Chairman, I am impressed with the statements the gentleman makes about the severity of the problem we face this winter and also the fact that he recognizes it is not just a 1-year program.

He criticizes the subcommittee chairman and the members of the subcommittee for offering this program to try to answer this problem, and yet I do not hear any suggestion from the gentleman as to what should be done. He is right. It is not a problem that is going to be with us just this year. It will be with us also next year and as long as the utility companies increase the fuel costs in the years ahead.

What does the gentleman propose to do?

Mr. MICHEL. How are those utility company rates determined? By the States. How much money are we giving to the States in revenue sharing funds of all kinds? The States and localities as a matter of fact, I think the latest figures will show, have a $5.8 million surplus. I do not know of any surplus we are running in Federal funds. We are running a deficit again this year. There is plenty of money in the States to deal with this problem on a selective basis as the local communities feel and deem appropriate. I do not think we ought to get ourselves tied up in a Federal subsidy program to the extent that would be required if we are going to take care of everybody—and there are many people in that middle-income group who are saying: "How many times do I have to pay through the nose for somebody who does not pay?"

Mr. EVANS of Colorado. If the gentleman will yield further, in the last 30 or 40 years the Federal Government has had to act because the States have failed. We are faced with a crisis. I opposed this in full committee, but if the gentleman from Illinois offers his amendment I intend to support it because we do not have any other route to go and these people need assistance.

Mr. MICHEL. They have money in here. They have $82 million, and coupled with the other moneys we have tripled that program for crisis intervention in that regard.

Much has been said about the support of many Governors for the program. Of course, they support it. They would be given carte blanche authority to allocate the funds—have we ever known of a Governor to turn down free Federal moneys which end up making him look good?

The fact is most Governors will not be able to tell us how they will be able to admininister this program.

The sponsors of the amendment state that the funds would be used to pay "outstanding" fuel bills. This would clearly discriminate against those poor people who have paid their bills and may have sacrificed to do so. We would be rewarding the least conscientious at the expense of those who are most conscientious. This would particularly hurt our elderly citizens, who are usually quite conscientious about paying their bills. The program would also discriminate against those people who have sought to conserve energy and have lower bills as a result, while rewarding those who have made no effort to conserve and have let their fuel bills run up.

On the other hand, if we make everybody within the income limits eligible for a subsidy, as the gentleman from Illinois suggests, we will not only be needlessly making payments to people who have already paid their bills, we will be making 38 million people in this country eligible for a subsidy. What a boondoggle that will create; 38 million people descending upon the local community agency offices demanding payment of their fuel bills. The Anderson substitute will simply compound the many shortcomings of the amendment before us many times over.

The proponents of the Obey amendment have set forth a number of emotional arguments on its behalf, but they have not, or have been unable to, provide answers to serious questions about the implementation of the program. For instance, how many people will have their fuel cut off because they have not paid their bills? Within the income limit proposed, how specifically would eligibility be determined? How much would each eligible family receive, and how would that be determined? How was the $200 million figure determined? With questions as basic as these going unanswered, it is simply irresponsible to launch a program the size of this one at this time.

There is no question but that this has been a hard winter as far as fuel bills are concerned. We certainly do not want to see people have their fuel or power supplies cut off who have in fact sacrificed much to pay their bills. I submit, however, that the States have considerable resources available, as I mentioned earlier, to assist these individuals without the need for Federal assistance. The States regulate the power companies and thus certainly can take steps to protect people against cutoffs or to establish new rate of payment procedures. The states also have revenue sharings and countercyclical funds available, and, as of the last quarter, they along with the localities were running, as I indicated, budget surpluses of $5.8 billion.

In addition, we have added $82.5 million in this supplemental for the winterization program, which brings the total for the year up to $109.5 million. Part of these funds are currently being used to help the poor with their fuel bills, and substantially more could be used for this purpose if needed to help out those in dire straits.

Defeating this amendment will not mean, in other words, that we will be turning people out into the cold. There are other resources available to help out in those cases of real need.

Finally, it should be emphasized that President Carter has not recommended appropriation of these funds. In fact, Senator MUSKIE made a special appeal in person to the administration for support, and was turned down. The President may not veto a bill with such funds included as one item among many, but that is a far cry from saying that he wants the money added. He clearly does not.

In view of the many unanswered questions and inequities that exist, and the lack of effective administrative controls, and the widesweeping nature of this program, and the fact that if it is once started, there will be no turning back, there is no justification for appropriating this very sizable sum at this time, and I urge rejection of the amendment.

Mr. GLICKMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise to speak in favor of the amendment.

Mr. Chairman, I just will talk for a couple of minutes. I support the Obey amendment. I would think the amendment the gentleman from Illinois intends to offer is probably even a little better than the Obey amendment, but I think this entire issue is a very important thing for us. I myself favor deregulation of natural gas. I think deregulation is critical to the formulation of a new energy policy, but we have got to recognize if that occurs or whatever else occurs in the future, our energy crisis is going to continue and energy costs for the homeowner and apartment dweller are going to go up monumentally over the next 5 years. But if we do deregulate gas, which I favor, we will have increased fuel costs of some degree.

Somehow the people at the lower ends of the economic spectrum have to be protected to some degree about these increased energy costs. So I say to the people on both sides of the aisle that if they are in favor of increasing incentives for the exploration of oil and gas, let us be honest about our approach and say, "Yes, that is going to cause gas prices to rise." It will increase prices to the consumer.

Therefore, the amendment speaks to something we are going to have to face over the next 5 or 10 years. How is the consumer going to cope with a gigantic increase in prices especially when price increases for energy may be necessary for increased exploration. These price increases are going to come, whether we deregulate gas or not, which I am in favor of. Therefore, the concepts of the gentleman from Wisconsin and the gentleman from Illinois are good ones.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, the only thing that worries me about the Obey amendment is the fact that those people who were in danger or about to have the utility companies cut their gas off because they could not pay their bills went out and hocked everything they had and paid those bills. They get no help under the Obey amendment.

The person that could not pay his bill and went out and got a legal aid lawyer to file an injunction against the company from cutting off his gas will get his bill paid. I just feel that is not fair. Let us treat all alike.

Mr. GLICKMAN. Mr. Chairman, perhaps then the gentleman will support the amendment of the gentleman from Illinois.

AMENDMENT OFFERED BY MR. ANDERSON OF ILLINOIS AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. OBEY

Mr. ANDERSON of Illinois. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON of Illinois as a substitute for the amendment offered by Mr. OBEY: On page 28, line 12, strike out "$82,500,000" and insert in lieu thereof "$282,500,000: *Provided*, That funds appropriated by this paragraph shall be available to carry out the crisis intervention program administered by the Community Services Administration as part of its Emergency Energy Conservation Services program: *Provided further*, That no part of the $200 million appropriated in this paragraph may be expended for administrative costs for the Crisis Intervention Program.".

Mr. BAUMAN. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. The gentleman from Maryland (Mr. BAUMAN) reserves a point of order.

The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I can assure this House, and I think those of us who have served in this body for a number of years realize that I do not ordinarily arise to redo or unmake the work of the distinguished Committee on Appropriations; but when I received the letter from my dear friend and colleague, the ranking member on my side of the aisle, the gentleman from Illinois (Mr. MICHEL) in criticism of the amendment offered by the gentleman from Wisconsin, I, too, was troubled by the fourth paragraph on the first page of his letter of March 14, 1977, where the gentleman points out, and I think the gentleman said it earlier in debate under the 5-minute rule, that the amendment as offered would clearly discriminate against those poor people who had paid their bills and may have sacrificed to do so and we would be rewarding the least conscientious at the expense of those who are the most conscientious. This would particularly hurt the elderly citizens who are usually quite conscientious about paying their bills and so on.

Mr. Chairman, that troubled me a great deal. I thought the gentleman's point was entirely valid. I called down to the Community Services Agency which has this crisis intervention program and heard stories about elderly people who have sacrificed to pay their utility bills to the point they were literally eating dog food because they wanted to pay those gas bills and utility bills to keep from being shut off; so it seems to me we have the recognition of that fact by the language in this amendment.

Mr. Chairman, I am as concerned as is my friend, the gentleman from Illinois, that we not start a new program like food stamps that is going to balloon up to the $6 billion level and all that; but at the same time, I think we have to realize we have had the worst winter, I believe, according to the climatologists, in 177 years. This is clearly a crisis situation that calls for the intervention of a crisis program. I do not think that we establish thereby the precedent that year after year we are going to continue down this road.

As I read earlier in my colloquy with the gentleman from Maine (Mr. COHEN), who originally raised this point, under the instructions as written presently, the guidelines of the Community Services Administration, there is the authority to administer this kind of program, it seems to me, and to do it through the Governors. I do not want to disturb any of the administrative arrangements that may have been worked out in that regard to letting the Governors of the several States administer the program, but I share the feelings of my friend from Maine. I do not want to discriminate between those who have worked hard and sacrificed and struggled to pay those bills and those, as my friend from Texas said, who maybe through a careless use of energy or through dissipation of those funds in other areas, were not willing to pay the bills when they came due. So, I would suggest that the substitute amendment represents a more adequate solution to the problem.

Mr. COHEN. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Maine.

Mr. COHEN. Mr. Chairman, I would like to point out that under the gentleman's proposed substitute amendment, it seems to be a temporary measure to cope with this past year's crisis problem; is that not correct?

Mr. ANDERSON of Illinois. Yes; it is intended, certainly, as a temporary measure because of the cruel and critical winter.

Mr. COHEN. I want to commend the gentleman for confining it to that 1 year, for that short duration, because the other remark I wanted to make on that is that I think the effects of the program are misdirected. We ought to be concentrating on winterization programs, more importantly; on conservation.

Three years ago, I stood in the well and offered a tax credit program for those people who insulated their homes and installed storm windows, storm doors, and insulated the walls, and low-interest loans to those people who put in new and efficient heating equipment to reduce the consumption of energy. That was dismissed at that time. I think that is the direction in which we have to go in the future as far as tax incentives for insulation and winterization programs, whch are particularly helpful and useful in my State.

Project Fuel in the State of Maine is a significant success. The gentleman from Illinois (Mr. MICHEL) is correct in saying that we ought not take this as a permanent solution, but rather limit it to deal with the program for this last year, and deal with tax credits and other programs.

Mr. ANDERSON of Illinois. I share the gentleman's thoughts completely, and when we get an energy message from the President of the United States, as we are now scheduled to on the 20th of April, I hope very much that he will make the kind of suggestions the gentleman from Maine has spoken of; that we will try to find a permanent solution to this problem through conservation, extending tax credits to encourage people to insulate their homes. This is not intended to be—I repeat for the record—a permanent program, but rather a temporary measure to meet the situation we find ourselves in.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. OBEY and by unani-

mous consent, Mr. ANDERSON of Illinois was allowed to proceed for 2 additional minutes.)

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Wisconsin.

Mr. OBEY. Let me say that I agree with much the gentleman from Maine has said. I offered the amendment in subcommittee 2 years ago to add money to the winterization program. That is, fundamentally, the best way to go in the long run.

What this amendment was originally designed to do in its original form was to address a problem which real people are going to face in the real world 21 days from now, and while I still prefer we go that way, in the interests of speed I would be happy to accept the substitute proposed by the gentleman from Illinois. But, I do want to make clear that the only change you make in this is that the funding would be available for persons who have paid bills in the past, who can prove that they meet the other eligibility requirements; that these funds will still have to go through the Governors so that they will have the ability to control the expenditure of those funds to be sure they are spent in a rational manner.

Mr. ANDERSON of Illinois. But if this program is administered under the type of guidelines which I referred to earlier, and which I will certainly place in the RECORD at the appropriate time in conjunction with my remarks, it is clear to me that there would be the kind of flexibility to aid those people who have sacrificed to pay their bills, as well as those who are delinquent in their bills. That is what many of us are afraid might be in the language as offered in the original amendment.

Mr. OBEY. The gentleman is saying that the other requirements represented in the original committee report language would be followed; is he not?

I wish the gentleman would be a little more specific as to the requirements to which he refers.

The point is that this money will still be funneled through the Governors, and it will go to the Community Services Administration for distribution to the Governors and then distributed in whatever manner the Governors deem is best for their States.

Mr. ANDERSON of Illinois. That would be my intention under the guidelines that I referred to.

The CHAIRMAN. Does the gentleman from Maryland insist upon his point of order?

Mr. BAUMAN. Mr. Chairman, I still reserve my point of order.

The CHAIRMAN. The gentleman from Maryland (Mr. BAUMAN) still reserves his point of order.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the Obey amendment and to the amendment offered by the gentleman from Illinois. People all over this Nation have seen their bills increase. There has been a skyrocketing of the cost of utilities, electricity, and fuel otherwise. That is not typical of any particular area; it is typical of the country. That has been the situation which has confronted us. We are all sympathetic to what inflation is doing to us and what the winter has done to us with respect to utility bills, and so forth. But this is not the time to offer and to accept an amendment adopting an undefined program with very wide-ranging implications. There is no budget estimate whatever for this program. It is not recommended by the President. It has no authorization as such. It is a very unfortunate thing that we are about—it would appear from what I judge to be the sentiment in the House—to launch a program of $200 million to pay people's fuel bills.

Mr. Chairman, let me say that this sum is a drop in the bucket. This will be just the beginning. This is the nose under the tent. This is an extension of the welfare state that is coming closer and closer to us with every passing year. Ultimately, the fuel amendment would require a multibillion-dollar program, to provide fuel assistance to the people of the Nation, and it will grow bigger and bigger and bigger. It will be in terms of many billions of dollars. Let us not start this program today. It is not in the best interest of the country. If we start it, we will never stop it. Not only that, no one really knows how the $200 million will be distributed. It is said that it will be distributed under the direction of the Governors. Can the Members imagine the people on every block in every community, if one man should be selected, maybe for a handout, and the other man not? Think of all of the abuses and the difficulties which will arise. It is going to create more animosity in communities than one can think of. I very much hope that we will not start down this road. If some people want to support such an undertaking, there ought to be extensive hearings and a well-conceived program worked out. Everybody in this Chamber knows if we pass this amendment and it becomes law, it will be the beginning of a long and expensive program.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. I thank the gentleman for yielding.

Mr. Chairman, I see the distinguished chairman of the Committee on the Budget on the floor, and let me read to the Members what he said on March 3, when the third budget resolution was on the floor.

> I want to say that many of our conferees are tremendously concerned over the precedent that an emergency fuel bill program might have. We urge the House to examine this proposal very carefully when it considers the fiscal year 1977 supplemental bill. Such a program should be very carefully designed to provide assistance efficiently and equitably, without getting the Congress on the road to providing aid for a wide variety of goods and services that may be demanded in the future.

Now, in responding to the gentleman's statement, the House has not carefully examined this proposal; the program will not provide assistance efficiently and equitably; and Congress will very definitely be setting a precedent.

If I might make one further observation, even in the substitute offered by my friend, the gentleman from Illinois (Mr. ANDERSON), he does not address himself to the formula. None of the proponents of this program want to talk about the formula. I thought the justification was to pay those high heating bills resulting from a disastrous winter. How do we justify pouring money into Arizona, Puerto Rico, and Hawaii on that argument?

Mr. Chairman, the whole program should be well thought out under a new formula before we start appropriating sums of the size we are talking about here today.

The CHAIRMAN. The time of the gentleman from Texas (Mr. MAHON) has expired.

(By uanimous consent, Mr. MAHON was allowed to proceed for 5 additional minutes.)

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I must say that I think the chairman of the committee has posed some very serious questions here.

Speaking as a Representative from the State of Ohio, I know that the State of Ohio has already taken action for moratoriums on the payment of utility bills to protect people who are unable to pay. They have received hundreds of millions of dollars of various types of Federal funds, revenue sharing and otherwise, which are available for many purposes that will be covered by this bill.

I would like to ask the chairman of the committee and the proponents of this amendment this question: Is this really something that is going to help the people who are unable to pay their bills, or is it really just a prescription to pay more money to utilities and to bail out the utility companies? I ask that because I know the States through their public utility commissions have the authority to handle this problem now, as I understand it.

Mr. Chairman, I wonder if the chairmen of the committee could elaborate on that?

Mr. MAHON. Mr. Chairman, I am not sure of the answer. We do not have any law and we do not have any guidelines, and I am not sure whether the money would be paid to the utility companies or whether it would be paid to the citizens or otherwise. This is a pig in a poke that we buy here.

Of course, if we keep moving in this direction, we will soon have a program to pay air conditioning bills in the summer for people when they are confronted with long hot spells. It is a most regrettable situation.

Mr. KRUEGER. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Texas.

Mr. KRUEGER. Mr. Chairman, I wonder if my understanding is correct

that in this proposed Obey amendment the funds would go to States on the basis of the degree days of cold which those States experienced rather than on the basis of the cost of utilities.

That is my understanding, and if that is correct, then what we have is legislation that is not necessarily directed to those States in which people might face the highest utility bills, but, rather, the money may very well go to those States that simply suffered the coldest days, although they might be States in which the utility bills nonetheless were much lower than in others.

If that is the case, we are not even sending the money to those States that are the hardest struck in terms of cost impact but we are sending the money to States that were the hardest hit by reason of temperature. That, it seems to me, is a most illogical way to solve this problem.

Mr. MAHON. Mr. Chairman, either one of these amendments calls for more or less of a handout of $200 million of Government money, and where it would go nobody could be sure. Undoubtedly it would be inadequate to take care of the fuel bills of the citizens.

It seems to me it would be most ill-advised for us to accept either the Anderson substitute or the Obey proposal. I think one is just as inequitable and indefensible as the other.

Mr. Chairman, I would hope that we might have a rollcall vote and avoid moving in this direction at this time.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, there is an existing mechanism. There is a Community Services Administration. They are administering an intervention program that is in place.

I read earlier the instructions contained in the guidelines that I obtained this morning from that agency, and I will read it again:

> Immediate short-term assistance consisting of intervention to prevent hardship or danger to health due to utility shut-off or lack or fuel. Components include grants, loans, fuel voucher or stamp programs or payment guarantees;

And so forth.

Mr. Chairman, I think there is a program, and there are guidelines. Certainly the program is properly administered, and there is no reason why this is going to be a $200 million giveaway.

Mr. MAHON. Mr. Chairman, everyone knows that we have a multi-billion-dollar public assistance program. It is administered in all the States and in all the counties. Opportunities are taken to try to provide for the poor and prevent disaster to families.

We already have that program, and it is well financed. But to start this fuel program is most ill-advised, and I hope the House will reject the substitute and the amendment.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Chairman, there is a very clean distinction that should be drawn. That winterization program that the gentleman just referred to is not administered through the Governors but by community action agencies. As, I think, the chairman of the committee pointed out earlier, the question is, Who is going to get favored, and who is not going to be favored?

Boy, we are going to have just a real can of worms on our hands if that is the kind of administration of this program we are going to get in our local communities.

As I said, it does not address itself to the inequity of that formula which just spreads this money around 50 States. In keeping with what the gentleman from Texas (Mr. KRUEGER) has said so well, there is just no logic to pursuing this program in that kind of fashion.

As I indicated earlier, the Anderson substitute is going to result in a program several times worse than the amendment itself. It is going to make all 38 million Americans with incomes below 125 percent of poverty eligible for a Federal fuel subsidy. How are you going to select who is going to receive the subsidy? Or is everyone going to get $5. Such an amount is really going to go a long way.

What we are going to have is millions of people descending upon the Community Action Agency offices expecting to be paid, and most of them will go away disappointed and angry, because there will be nowhere near enough funds to go around, and probably many of the people in the worst straits will end up with nothing.

So what we have here is an honest effort to correct an inequity in a bad program to begin with, but an effort which succeeds in only in making a bad program even worse. That is what happens when we try to legislate without thinking things out.

It is simply incredible to me that we are even seriously considering the adoption of a program that has been given as little consideration as this one. Mark my words, this thing is really going to come back and haunt us if we end up adopting it.

Mr. KRUEGER. Mr. Chairman, the Obey amendment is an example of good intentions mandating bad policy. People in all parts of the Nation have faced high utility bills because of unseasonably cold weather and historically faulty energy policy. The cold weather has prompted heavy use of energy for heating. The faulty energy policy has prompted widely variant charges for natural gas in different parts of the Nation.

The intent of Mr. OBEY'S amendment is good. He wishes to assist those who have difficulty in meeting their utility bills. I have no disagreement with his intent to assist those most in need and hardest hit by higher utility costs. But his amendment fails to do this.

It fails for several reasons. First, it directs Federal money to those States which have experienced the coldest weather. It does not, however, consider the cost of energy in those States. Therefore, for example, people in Wisconsin who may pay an average cost for gas of 50 cents to heat their homes would receive financial assistance while those people in Texas who pay $1.50 for the same amount of gas will not. In short, Mr. OBEY'S amendment is directed to assist people living in those areas that have cold weather, but not necessarily to assist those who face higher utility bills. Since all people across the United States will be paying for the appropriation that he wishes to make, his appropriation is inherently regressive in its policy implications. It is regressive because people living in warmer areas who may very well be paying higher utility costs than people in colder areas, and who on average earn less than people living in the North, must pay the utility bills of people living in the North, an area with a higher per capita income. The intent of a proper amendment should be to assist those people hardest hit by increased utility costs. I would be happy to support an amendment of that kind. But this amendment does not succeed in doing this.

Second, the amendment of the gentleman from Wisconsin will assist those who are homeowners, but not those who rent their homes or apartments. Renters are not eligible for these supplementary funds if utilities costs are included in their rent, since these supplementary funds are paid directly to utility companies, and not to the poor who may be needy but who pay their utilities as part of their rent.

There are, therefore, several reasons to vote against the amendment. First, it is directed to people who live in the coldest areas of the country, but not to those who pay the highest utility bills; second, it is regressive, taxing one geographical area of the country with lower per capita income to support another with higher income; third, it helps homeowners, but not renters, and is therefore discriminatory. Although the intent is good, the policy is therefore misguided.

Mr. GIAIMO. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

go nobody could be sure. Undoubtedly it

Mr. Chairman, it is true, as the gentleman from Illinois states, that during the discussion of the third budget resolution I expressed serious concern about this type of proposal. I felt that it should be carefully looked at, carefully studied, before we determined if we go down this road.

Mr. Chairman, this issue did come up before the Committee on the Budget during the consideration of the third budget resolution which provided for a stimulus package, and it was of serious concern to me.

As you know, coincidental with the development of the stimulus package occasioned by the economic slowdown in the Nation, we were hit by a very severe winter. At the time of the markup or during the time of the markup of the budget resolution, the extreme severity of the winter and our awareness of it perhaps had not made the impact on us to the extent that it since has. Therefore,

what happened was that during the markup of the budget resolution, during the debate in the House, and subsequent to that time, during the conference with the other body, tremendous pressure built up for this fuel assistance program.

Mr. Chairman, I have a three-page letter here from my governor in Connecticut in which she tells us that they are already implementing this program in the nature of an emergency situation and that they are paying it with State funds.

Several Members have made arguments that we should study it in the House, as I myself said, and I wish we could and did. However, what we have learned since that time, since February, is that this is a very real emergency matter.

Mr. Chairman, we spend millions of dollars in this body on disasters when they strike, whether they are earthquakes or floods or other.

Many of our governors are telling us that this is an emergency and a crisis because of the tremendously unusual severity of this particular winter. They are saying, "We need help from the Federal Government."

In fact, that is what this bill is designed to do. It is temporary in nature. It is not permanent legislation. It is not designed, as I am told, to start us down this road before we have full congressional study, but it is temporary; it is an emergency effort to help some of those States which need some money to alleviate the suffering of poor people.

Mr. Chairman, that is why I have changed my mind on this matter and urge its adoption.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, I would like to ask the distinguished chairman of the Committee on the Budget if it is not the case that the funds that would be provided under the amendment of the gentleman from Wisconsin (Mr. OBEY) were included in the third budget resolution.

Mr. GIAIMO. The gentleman is absolutely correct.

When we went to conference with the other body, the other body insisted that these funds be included along with weatherization funds which the House conferees proposed and which are provided for in the third budget resolution. We compromised on both of these problems in conference; and these fuel assistance funds are within the budget provided by the third budget resolution.

Mr. BRADEMAS. Mr. Chairman, I thank the gentleman.

I firmly support the amendment of the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me just point out two things: First of all, it has been suggested that because of the moratoriums that have been passed on paying fuel bills, this problem has somehow been eliminated. The fact is that that is not true. All that those moratoriums do is extend the period of time during which the utilities cannot cut off service, and those moratoriums in most States will expire at the end of this month.

In addition to that, Mr. Chairman, even if they would be renewed in some of the more generous States, when those moratoriums eventually expire this summer, the bills will still come due and we will have old people and poor people eating cat food and eating dog food—as the gentleman from Illinois indicated—all summer and all fall so that they can put together money to pay heating bills hanging over their heads so they can again get fuel in September, October, and November. I do not think we want people to have to do that in this country.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I have in front of me a compilation of all of the telegrams that have been received from the Governors of the various States. One is my own Governor, Jim Thompson, and he says:

> Action is needed now to provide relief for these citizens. Therefore, I urge you to support legislation which may come before the House Appropriations Committee which would provide emergency aid to these individuals who are in desperate need of our help.

Mr. GIAIMO. I thank the gentleman from Illinois.

Mr. BURLISON of Missouri. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Illinois (Mr. ANDERSON) has just emphasized the demand of the Governors for his money, the Governor of his State and a number of other Governors. The truth of the matter is that some of these States are better able fiscally to handle this subject than the Federal Government is. None of our States have anything approaching a $700 billion public debt. My State of Missouri has no deficit. Many other States do not. Many States do not have it because their constitutions will not permit them to deficit finance their government operations.

So, Mr. Chairman, I say, let the Governors provide this money if it is essential.

Mr. PEPPER. Mr. Chairman, I rise in warm support of the amendment offered by the gentleman from Wisconsin (Mr. OBEY), to restore to the bill some $200 million in an emergency energy/fuel assistance program.

Members of the House should not be misled by the pleasant temperatures we enjoy in Washington today. Millions of low-income families, a disproportionate number of them with elderly members, bear very real scars from the severe winter most of the Nation has endured.

As chairman of the House Select Committee on Aging, I bear a special responsibility to do everything possible in my power to help alleviate the hardships imposed by the harsh winter on older Americans. I believe that the program to be financed under the pending amendment is a prudent, desirable step in that direction.

The money under the proposal we are considering would be allotted to Governors of States, according to a formula that takes into account the severity of weather in each State, the number of poverty households, and the number of poor and near-poor elderly. This establishes the strong legislative intent that these funds should focus on the fuel and energy needs of older Americans.

I believe it is important, Mr. Chairman, that all of the funds proposed in the pending amendment would go directly for paying the fuel bills of the beneficiaries. There is no allowance for administering the program; those costs will be absorbed by the governments and agencies responsible for the program.

My only regret is that this money could not have been approved some weeks ago, when the crisis was immediately evident. But the payments to be financed under this amendment would still alleviate hardship for hundreds of thousands, perhaps millions, of Americans with lower incomes. We should adopt this amendment, and do it swiftly.

Mr. PATTEN. Mr. Chairman, in the supplemental appropriations bill for HEW there is an item of significant importance to the District of Columbia universities. It is the construction of an Intercultural Center at Georgetown University, which will involve all the universities in the District of Columbia—American, Catholic, Georgetown, George Washington, Howard, and Johns Hopkins International Center.

This facility, which is to be located at Georgetown University, has four integral parts:

First. The Living Component, already completed (Henle Village);

Second. The Library Component, already completed (Lauinger Library);

Third. The Specific Academic Component, to be constructed; and

Fourth. The Athletic-Recreational Component, to be constructed.

The Intercultural Center for the D.C. universities at Georgetown will serve as a demonstration model for the other regional intercultural centers to be built throughout the United States.

New developments are being pursued in intercultural education precisely because older methods have proved unsatisfactory. The integration of the four components in the D.C. model is different; perhaps it may appear strange to some. Basing our judgment on past educational experience, we believe this integration is reasonable and promising; hence it should be seriously considered and tried.

The Intercultural Center is to serve not just American students, nor just foreign students, but both together. From this fact flows the invaluable specific intercultural contribution of the center: the living together, studying together, researching together and recreating to-

gether which only such an integrated campus can offer.

The academic component provides an appropriate setting for intercultural learning by both American and foreign students. The learning involves not merely language proficiency, nor merely substantive knowledge—a variety of courses—but both together. The setting is a building which: First, will create an uplifting physical environment in which intermingling of language and international relations will be stimulated; and second, will form, with the other three components, an integrated whole.

The athletic-recreational component powerfully supports the other components. Each of the four focal points of student life—residence, library, classroom, and recreation—is important, as everyone realizes who reflects on each of them. What educations rarely consider is the total intercultural impact which all of them can have in a united way when American and foreign students live, study, research, and recreate together.

Because there are 4,000 students from other countries here at the D.C. universities with the larger sections of them enrolled at Howard University and Georgetown University, I believe the funds in this bill for this intercultural facility will be far outweighed by the benefits to be derived from the new programs that these facilities will provide, which will enable the students of our Nation to understand those of other countries and vice versa, which is the best basis for our foreign relations programs of the future.

I am delighted that 696 students from New Jersey, who are at Georgetown University, will participate in and benefit from the programs in this center.

Mr. CONTE. Mr. Chairman, I rise in support of this amendment to provide $200 million to the Community Services Administration for fuel bill assistance to low-income families.

In the wake of one of the most severe winters in our Nation's history, millions of poor families simply do not have the resources to pay the resulting high fuel bills. For many of them, the spring thaw will mean collection time and a possible shutoff of services.

Certainly the average social security payment of $225 for an elderly couple is not going to go very far toward heating bills which average upward of $1,000 for the winter in many of our New England States.

People on fixed incomes will have a most difficult time meeting these increased costs.

This program will provide for the distribution of funds through the Governors of the States. Payments would be made directly to fuel suppliers for outstanding bills which individuals can demonstrate they are unable to pay.

This proposal has the strong support of the Nation's Governors, and numerous organizations deeply involved in providing for the well-being of the poor and the elderly. I urge the adoption of this amendment.

The CHAIRMAN. There is a point of order pending raised by the gentleman from Maryland (Mr. BAUMAN). Does the gentleman from Maryland (Mr. BAUMAN) insists upon his point o of order?

Mr. BAUMAN. No, I do not, Mr. Chairman. I withdraw my point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ANDERSON) as a substitute for the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) as amended.

The question was taken; and the chairman being in doubt, the committee divided, and there were—ayes 58, noes 41.

RECORDED VOTE

Mr. MAHON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 233, noes 170, answered "present" 1, not voting 28, as follows:

[Roll No. 78]

AYES—233

Addabbo	Edgar	Luken
Akaka	Edwards, Calif.	Lundine
Allen	Ellberg	McDade
Ambro	Emery	McEwen
Ammerman	Ertel	McFall
Anderson, Ill.	Evans, Colo.	McHugh
Applegate	Evans, Del.	Madigan
Ashley	Evans, Ind.	Maguire
Aspin	Fary	Markey
Badillo	Fascell	Marks
Baldus	Fish	Mazzoli
Beard, R.I.	Fithian	Meeds
Bedell	Flippo	Metcalfe
Bellenson	Flood	Meyner
Benjamin	Flowers	Mikulski
Bennett	Ford, Mich.	Mikva
Biaggi	Ford, Tenn.	Miller, Calif.
Bingham	Fraser	Mineta
Blanchard	Gaydos	Minish
Blouin	Gephardt	Mitchell, Md.
Boggs	Giaimo	Mitchell, N.Y.
Bolling	Gilman	Moakley
Bonior	Glickman	Moffett
Bonker	Goodling	Mollohan
Bowen	Gore	Moorhead, Pa.
Brademas	Hamilton	Moss
Breckinridge	Hanley	Mottl
Brodhead	Harkin	Murphy, Ill.
Brooks	Harrington	Murphy, N.Y.
Brown, Calif.	Harris	Murphy, Pa.
Buchanan	Harsha	Murtha
Burke, Calif.	Hawkins	Myers, Michael
Burke, Mass.	Heckler	Natcher
Burton, John	Heftel	Nedzi
Burton, Phillip	Hightower	Nix
Byron	Hillis	Nowak
Caputo	Holland	Oakar
Carney	Hollenbeck	Oberstar
Carr	Holtzman	Obey
Carter	Horton	Ottinger
Cavanaugh	Howard	Patten
Chisholm	Hubbard	Patterson
Cleveland	Hughes	Pease
Cohen	Hyde	Pepper
Conte	Jeffords	Perkins
Conyers	Jones, Tenn.	Pike
Corman	Jordan	Preyer
Cornell	Kastenmeier	Price
Cotter	Kazen	Pritchard
D'Amours	Keys	Pursell
de la Garza	Kildee	Quillen
Delaney	Kostmayer	Rahall
Dellums	LaFalce	Rangel
Dent	Latta	Reuss
Dicks	Le Fante	Rinaldo
Diggs	Lederer	Risenhoover
Dodd	Leggett	Rodino
Downey	Lehman	Roncalio
Drinan	Lent	Rooney
Duncan, Oreg.	Lloyd, Tenn.	Rose
Duncan, Tenn.	Long, La.	Rosenthal
Eckhardt	Long, Md.	Rostenkowski
Roybal	Stangeland	Wampler
Ruppe	Stanton	Watkins
Ryan	Stark	Waxman
Sarasin	Steers	Weaver
Scheuer	Stokes	Weiss
Schroeder	Stratton	Whalen
Seiberling	Studds	Wilson, Tex.
Sharp	Thompson	Wolff
Simon	Thornton	Wright
Skelton	Traxler	Wydler
Skubitz	Udall	Yates
Slack	Vento	Yatron
Smith, Iowa	Volkmer	Young, Mo.
Solarz	Walgren	Zablocki
Spellman	Walker	Zeferetti
St Germain	Walsh	

NOES—170

Abdnor	Fountain	Nichols
Alexander	Frenzel	O'Brien
Anderson, Calif.	Frey	Panetta
Andrews, N.C.	Fuqua	Pattison
Andrews, N. Dak.	Gammage	Pettis
Annunzio	Gibbons	Pickle
Archer	Ginn	Poage
Armstrong	Goldwater	Pressler
Badham	Gradison	Quayle
Bafalis	Grassley	Quie
Barnard	Gudger	Railsback
Baucus	Hagedorn	Regula
Bauman	Hall	Rhodes
Beard, Tenn.	Hammer-schmidt	Roberts
Bevill	Hannaford	Robinson
Breaux	Hansen	Rogers
Brinkley	Hefner	Rousselot
Broomfield	Holt	Rudd
Brown, Mich.	Huckaby	Runnels
Brown, Ohio	Ichord	Russo
Broyhill	Ireland	Santini
Burgener	Jacobs	Satterfield
Burke, Fla.	Jenkins	Sawyer
Burleson, Tex.	Jenrette	Schulze
Burlison, Mo.	Johnson, Calif.	Sebelius
Butler	Johnson, Colo.	Shipley
Cederberg	Jones, Okla.	Shuster
Chappell	Kasten	Sikes
Clausen, Don H.	Kelly	Sisk
Clawson, Del	Kemp	Smith, Nebr.
Cochran	Kindness	Snyder
Coleman	Krebs	Spence
Collins, Tex.	Krueger	Steed
Conable	Lagomarsino	Steiger
Corcoran	Leach	Stockman
Cornwell	Levitas	Symms
Crane	Lloyd, Calif.	Taylor
Daniel, Dan	Lujan	Thone
Daniel, R. W.	McClory	Treen
Danielson	McCormack	Trible
Davis	McDonald	Tucker
Derrick	McKay	Ullman
Derwinski	Mahon	Van Deerlin
Devine	Mann	Waggonner
Dornan	Marlenee	White
Edwards, Ala.	Marriott	Whitehurst
Edwards, Okla.	Martin	Whitley
English	Mathis	Whitten
Erlenborn	Mattox	Wiggins
Evans, Ga.	Michel	Wilson, Bob
Fenwick	Milford	Wilson, C. H.
Findley	Miller, Ohio	Winn
Fisher	Moore	Wirth
Flynt	Moorhead, Calif.	Wylie
Foley	Myers, Gary	Young, Alaska
Forsythe	Myers, Ind.	Young, Fla.
		Young, Tex.

ANSWERED "PRESENT"—1

Coughlin

NOT VOTING—28

Ashbrook	Guyer	Roe
AuCoin	Jones, N.C.	Staggers
Boland	Ketchum	Stump
Clay	Koch	Teague
Collins, Ill.	McCloskey	Tonry
Dickinson	McKinney	Tsongas
Dingell	Montgomery	Vander Jagt
Early	Neal	Vanik
Florio	Nolan	
Gonzalez	Richmond	

The Clerk announced the following pairs:

On this vote:

Mr. Boland for, with Mr. Coughlin against.

Mr. Florio for, with Mr. Teague against.

Mr. Richmond for, with Mr. Stump against.

Mr. Staggers for, with Mr. Montgomery against.

Mr. TUCKER changed his vote from "aye" to "no."

Mr. COUGHLIN. Mr. Chairman, I have a live pair with the gentleman from Massachusetts (Mr. BOLAND). If he had been present, he would have voted "aye." I voted "no." I withdraw my vote and vote "present."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Such amounts as deemed necessary for the payment of allowances and expenses within this appropriation may be transferred among accounts upon approval of the Committee on Appropriations of the House of Representatives.

POINT OF ORDER

Mr. BAUMAN. Mr. Chairman, I make a point of order against the language on page 29, line 17 through 20, inclusive, on the grounds that the language as it is written constitutes legislation on an appropriation bill.

In previous instances where an appropriation bill has contained similar language—and I emphasize the word "similar"—the Chair has held that it is permissible to allow language that would transfer appropriations from one subhead to another in the same enactment.

The language before us, if it is read carefully, makes it rather clear that what is being permitted is the transfer of amounts, and they may be transferred, as the language says, among accounts upon approval.

It is not in fact an authorization to transfer amongst the various moneys in this bill, but in fact could be used to authorize the transfer of previously appropriated amounts not in this bill.

Therefore, it exceeds the authority of the committee to in fact consider it.

I would make that point of order.

The CHAIRMAN. Does the gentleman from Illinois wish to be heard on the point of order?

Mr. SHIPLEY. Mr. Chairman, I will say to the gentleman from Maryland (Mr. BAUMAN) that this language has been carried for several years in the bill and is subject to a point of order. The committee will concede the point of order.

The CHAIRMAN. The gentleman from Illinois (Mr. SHIPLEY) concedes the point of order. Therefore, the Chair sustains the point of order raised by the gentleman from Maryland (Mr. BAUMAN) and the language is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $569,050, to remain available until September 30, 1978.

AMENDMENTS OFFERED BY MR. M'KAY

Mr. McKAY. Mr. Chairman, I offer amendments, and I ask unanimous consent that they may be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. McKAY: Page 30, line 9, insert:

CHAPTER IX

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for Military construction, Army, $16,796,000, to remain available until expended: *Provided,* That none of these funds may be obligated other than for energy conservation, fuel conversion, or pollution abatement projects authorized in a subsequently enacted military construction authorization act.

MILITARY CONSTRUCTION, NAVY

For an additional amount for Military construction, Navy, $20,330,000, to remain available until expended: *Provided,* That none of these funds may be obligated other than for energy conservation or pollution abatement projects authorized in a subsequently enacted military construction authorization act.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for Military construction, Air Force, $20,000,000, to remain available until expended: *Provided,* That none of these funds may be obligated other than for energy conservation or pollution abatement projects authorized in a subsequently enacted military construction authorization act.

FAMILY HOUSING, DEFENSE

For an additional amount for Family housing, Defense, $65,000,000 (and an increase of $35,000,000 in the limitation on Department of Defense, operation, maintenance; an increase of $15,000,000 in the limitation on Construction, Army; an increase of $5,000,000 in the limitation on Construction, Navy and Marine Corps; and an increase of $10,000,000 in the limitation on Construction, Air Force): *Provided,* That none of the funds appropriated herein shall be obligated until authorization for this appropriation is enacted.

Mr. McKAY. Mr. Chairman, the amendment before us today would add $57 million to energy conservation and pollution control programs of our armed services and $65 million to the operation and maintenance and improvements funds for military family housing. Both of these programs involve light construction that is labor intensive, and both would put people to work this spring and summer. Much of the work could be initiated within 90 days.

This $122 million package is a conservative military public works proposal. Three weeks ago I asked the military services to report on their capability to create employment opportunities through needed military construction projects. The services indicated that they could obligate between $500 and $600 million by the end of the calendar year. This program was then reduced to include only labor intensive, ongoing programs that have been carefully reviewed by the Military Construction Appropriations Subcommittee. There are no major new projects included in the amendment, and there are no projects that cannot be underway this summer. Over half of the funds would be obligated within 90 days and a predominate number of jobs under the proposal would be available in that same time period.

The need for energy conservation construction is critical. The Ford administration deferred about $95 million worth of work in its fiscal year 1978 budget. The estimated impact of this decision would be lost energy savings of $28.2 million and a loss of 1.1 million barrels of oil each year. The $25 million proposed for energy conservation will more than pay for itself within 3 years through energy and cost savings.

Many military installations are in violation of local, State, and Federal air and water pollution standards. For example, there are 90 bases with sources of air pollution that are not in compliance with existing standards. The military services have been pursuing a program to be in full compliance by September 1979, but limited construction funds will force the services to seek an extension of this target. The $32 million proposed for air and water pollution control will permit 14 additional sites to meet existing standards this year.

The Department of Defense maintains an inventory of 388,000 family housing units. As of the end of fiscal year 1977, DOD estimates that the family housing deficiency in maintenance will be almost $517 million. The proposed amendment will provide $35 million to reduce that backlog and $30 million for needed improvements and minor construction. This is the most labor-intensive activity in the military construction program. A relatively small amount of capital will create jobs on the ground almost immediately under this proposal.

We have heard a good deal about economic stimulus and jobs creation during the last 2 days. Let me reiterate that the amendment that I offer today is a modest, but effective package of employment-producing public works. This is not a pork barrel proposal; few of the projects exceed $1 million and they are distributed throughout the country. If the Congress is serious about bringing on the maximum number of jobs in the shortest period of time, it will approve this amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Utah (Mr. McKAY).

The amendments were agreed to.

Mr. MAHON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. BAUMAN. Mr. Chairman, reserving the right to object, is it the intention of the gentleman from Texas, if such permission is granted, to limit debate at any time, or to move to limit debate at any time?

Mr. MAHON. Mr. Chairman, if the gentleman will yield, let me say that I had not planned to move to limit debate. Of course we want to proceed in an orderly manner. We want all Members to have an opportunity to express their views.

Mr. BAUMAN. Would the gentleman from Texas agree not to seek limitation of debate under the circumstances? There are a number of other amendments which people wish to offer; and, quite obviously, if there is going to be an attempt to limit debate, perhaps such Members would be denied a fair opportunity.

Mr. MAHON. As I say, I have no intention of moving to limit debate.

Mr. BAUMAN. Perhaps we could solve the situation if we can limit the gentleman's request to dispensing with the reading of the balance of title II.

Mr. MAHON. Then let me change my request to the balance of title II.

Mr. BAUMAN. If that is the case, then I withdraw my reservation of objection.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that we dispense with the further reading of the balance of title II.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Are there any points of order against any portion of title II?

Are there any amendments to title II? If not, the Clerk will read.

The Clerk concluded the reading of the bill.

AMENDMENT OFFERED BY MR. M'CORMACK

Mr. McCORMACK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCORMACK: Section 204 of the Water Resources Development Act of 1976 is hereby amended to read as follows:

"SEC. 204. Appropriations for any project which is authorized for initial construction by this Act are authorized for those fiscal years which begin on or after October 1, 1977."

Mr. McCORMACK. Mr. Chairman, section 204 of the Water Resources Development Act of 1975 provides that no funds specifically authorized for any project in that act will be available for expenditure prior to fiscal year 1978. his provision has the effect of preventing implementation of modifications to projects where the modifications were authorized in that act. As an example, the project for the construction of additional hydroelectric generating units at the Chief Joseph Dam was modified by section 151 of this act to authorize the Chief of Engineers to provide for the education of dependents of persons engaged in the construction of the additional hydroelectric power units. However, because of the language of section 204, this educational assistance will not be available until fiscal year 1978 although the Corps of Engineers presently has money available.

The amendment which I offer to section 204 is the same language which was contained in the Water Resources Development Act of 1976 as it passed the House last year. The present language in section 204 was adopted at the insistence of the Senate conferees under the belief that it was necessary to comply with the requirements of the Congressional Budget Act. Actually the Senate language went much further by prohibiting the expenditure of appropriated funds instead of merely prohibiting the appropriation of funds for newly authorized projects. The language which passed the House made it clear that it was not intended to halt ongoing projects. In this regard the language contained in the House report on that bill is very informative:

This section provides that appropriations for any project which is authorized for initial construction by this Act, are authorized for those fiscal years which begin on or after October 1, 1977. The purpose of this section is to comply with the requirements of the Congressional Budget Act of 1974. The Committee wishes to emphasize that this provision is limited to those projects authorized for initial construction so as to make it clear that projects under way and already receiving funding are not to be halted simply because some modification in the project may have been authorized.

Mr. Chairman, the language which I offer is necessary to prevent the halting or slowdown of projects which are underway merely because they happen to be modified in the 1976 act. I urge its adoption.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Michigan.

Mr. CEDERBERG. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the gentleman's amendment which would allow fiscal year 1977 funding of certain projects authorized in the 1976 Water Resources Development Act, Public Law 94–587.

In that act a winter navigation demonstration program for the Great Lakes-St. Lawrence Seaway System was extended from December 31, 1976, to September 30, 1979, and the funding authority was increased to $15,968,000.

However, as a result of section 204, added by the Senate, to deny funds prior to fiscal year 1978, no funds could be made available for this and many other important projects. The House did not intend to halt ongoing works and the committee language in the House report made that point very clear.

Section 204 has caused many unnecessary slowdowns and I am enthusiastically in support of the gentleman's amendment so that the Corps of Engineers can follow through with water resources development projects without delay.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I thank the gentleman for yielding.

Mr. Chairman, I support the gentleman's efforts. As one of the conferees last year on this piece of legislation, I can attest to the mischief that the other body wrought upon this House. The gentleman's amendment corrects that mischief, and I do hope it will be adopted.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Texas.

Mr. MAHON. I thank the gentleman for yielding.

Mr. Chairman, I have no opposition to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. McCORMACK).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. JOHN T. MYERS

Mr. JOHN T. MYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHN T. MYERS: On page 72, after line 27, add the following new section:

"SEC. 305. None of the funds appropriated or otherwise made available in this Act shall be obligated or expended for salaries or expenses in connection with the dismissal of any pending indictments for violations of the Military Selective Service Act alleged to have occurred between August 4, 1964 and March 28, 1973, or the termination of any investigation now pending alleging violations of the Military Selective Service Act between August 4, 1964 and March 28, 1973, or permitting any person to enter the United States who is or may be precluded from entering the United States under 8 U.S.C. 1182(a) (22) or under any other law, by reason of having committed or apparently committed any violation of the Military Selective Service Act.".

POINT OF ORDER

Mr. YATES. Mr. Chairman, I make a point of order against the amendment.

Mr. MAHON. Mr. Chairman, I reserve a point of order.

Mr. YATES. Mr. Chairman, I make a point of order that it is legislation in an appropriations bill, obviously legislation in an appropriations bill.

Mr. Chairman, I insist on my point of order.

The CHAIRMAN. The gentleman from Illinois insists on his point of order.

Does the gentleman from Indiana wish to be heard on the point of order?

Mr. MAHON. Mr. Chairman, is the Chair entertaining a point of order?

The CHAIRMAN. The Chairman has heard a point of order.

Mr. MAHON. Mr. Chairman, if the Chair would permit, I would like to have a word with respect to the point of order.

The President of course under the Constitution does have the right to pardon. There are many of us who oppose the pardoning of the draft dodgers, as we all know. It seems to me that this amendment is subject to a point of order. It says:

None of the funds appropriated or otherwise made available in this Act shall be obligated or expended for salaries or expenses in connection with the dismissal of any pending indictments for violations of the Military Selective Service Act alleged.

It would seem to me that the executive branch would be required to make a determination here as to the violations

"alleged to have occurred between August 4, 1964 and March 28, 1973" or to determine if any investigation now pending relates to alleged violations of the Military Selective Service Act between August 4, 1964, and March 28, 1973, so again he would have to make another determination as to whether or not there was an alleged violation of the Military Services Act. It goes on to say:

. . . or permitting any person to enter the United States who is or may be precluded from entering the United States—

Under certain provisions—

by reason of having committed or apparently committed any violation of the Military Selective Service Act.

It seems to me the Executive would have to make a determination as to whether or not there was an apparent violation here. So I make the point of order, or I support the point of order.

The CHAIRMAN. Does the gentleman from Indiana wish to be heard?

Mr. JOHN T. MYERS. Yes, Mr. Chairman.

This is a limiting amendment. This Congress has adopted similar language a great many times limiting how the funds so appropriated may be used. I do not by any means wish to challenge or question the authority the Executive has in issuing a pardon. That is a constitutional responsibility or right that the Executive has. But this Congress has the constitutional responsibility and right to appropriate money. All this amendment does is limit how that money shall be spent again by an exercise that this Congress has used a great many times.

It is a negative restriction of funds. It is consistent exactly with the language that was used in the Executive order relating to the program of pardon. This amendment does not change existing law nor does it impose additional duties. The language of the amendment conforms exactly to the language of that Executive order. Those activities enumerated in the amendment are exactly the same activities which the Executive order directed to be carried out by the Attorney General and by the Immigration and Naturalization Service.

The constitutional argument is a moot one, I feel. Whatever the constitutional powers of the President may be, there is no obligation upon the Congress, there never has been, that we have to appropriate the money. That is consistent with every law we would pass. The two arguments that have been made here could be carried out to the point where it would be a physical impossibility for us ever to limit the funds.

It does not impose an additional burden on the Executive. Under "Deschler's Procedure," chapter 25, sections 10.4 and 10.5, it says:

The fact that the administration of the limitation will impose certain incidental but additional burdens on executive officers does not destroy the character of the limitation.

As far as the salaries are concerned, again I quote from "Deschler's Procedure," chapter 25, section 12.9, which says:

An amendment to an appropriation bill providing that "no part of any appropriation contained in this act shall be available" for the payment of salary of any officer or employee of the U.S. Postal Service who takes certain actions was held in order as a limitation on the use of funds in the bill.

All this amendment does again is limit that no money in this bill shall be used in carrying out this particular Executive order. Any funds from any other source could be used, so it certainly does not attack the President's authority or his right, but it does give us the right to regulate or control the purse strings, and that is all this does.

The CHAIRMAN. Does the gentleman from Illinois (Mr. YATES) desire to be heard on the point of order as well?

Mr. YATES. Mr. Chairman, I just wish to add the point that it requires additional duties on the part of the Executive and, therefore, is subject to a point of order.

The CHAIRMAN. The Chair has considered the points made by those in favor of the point of order and the points made by those in opposition to the point of order.

The Chair is constrained to rule that the amendment does not directly impose additional duties upon the Executive, the amendment may have the effect of restricting Executive discretion by a simple negative use of the appropriation but the determinations to be made are already required by law and the Executive order and are not new determinations. The point of order is overruled.

Mr. JOHN T. MYERS. Mr. Chairman, we are all quite familiar with the action taken on January 21 by the President in, first, the Presidential Proclamation of Pardon, in which the President granted a complete and unconditional pardon for all military violations of the Selective Service Act between August 4, 1964, and March 28, 1973.

The same date, the President issued an Executive order relating to Proclamation of Pardon, requesting the Attorney General to dismiss pending indictments and terminate pending investigations relating to those violations and ordered that persons in actual or apparent violation be permitted to reenter the United States.

The amendment again, as has already been explained, would limit that no funds in this bill could be used for those purposes.

I think all of us are well aware if we have read our mail and talked to the people back home that they are quite concerned with this pardon. My amendment is only a limitation, does not reverse the pardon, but the administration, the Attorney General, the White House, the immigration and the naturalization authorities, could not use funds to encourage or help people get back. It would not deny a pardon, but would not provide the funds. The question is a simple one and possibly the only opportunity you will have to express your views on this issue of the pardon.

If the Members feel the pardon was wrong, that it it will create damage in the future, the vote is yes to restrict and limit the funds. If the Members feel otherwise by favoring the pardon, they can vote against my amendment.

Mr. SLACK. Mr. Chairman, I rise in opposition to the amendment. In the first place, the full impact of this amendment is not readily apparent. It appears to be an attempt to nullify the pardons granted by President Carter. We all know that the President has the constitutional right to grant pardons, and it is unlikely that he would reverse his decision.

In my judgment, Mr. Chairman, this amendment would make it impossible to administer the program and would create a chaotic situation.

Finally, Mr. Chairman, let me say this matter, in my judgment, is a legislative matter and should not be included in an appropriation measure.

For these reasons, Mr. Chairman, I oppose the amendment of the gentleman from Indiana.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. MYERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ASHBROOK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 220, noes 187, not voting 25, as follows:

[Roll No. 79]

AYES—220

Abdnor	Delaney	Huckaby
Ambro	Dent	Hughes
Andrews, N.C.	Derrick	Hyde
Andrews, N. Dak.	Derwinski	Ichord
Applegate	Devine	Ireland
Archer	Dornan	Jacobs
Armstrong	Duncan, Tenn.	Jeffords
Ashbrook	Edwards, Ala.	Jenkins
Badham	Edwards, Okla.	Jenrette
Bafalis	Eilberg	Jones, Okla.
Barnard	Emery	Kasten
Bauman	English	Kazen
Beard, R.I.	Erlenborn	Kelly
Beard, Tenn.	Ertel	Kemp
Bennett	Evans, Del.	Kindness
Bevill	Evans, Ga.	Krueger
Biaggi	Evans, Ind.	Lagomarsino
Bowen	Fish	Latta
Breaux	Flippo	Leach
Brinkley	Flood	Lederer
Brooks	Flynt	Lent
Broomfield	Forsythe	Levitas
Brown, Mich.	Fountain	Lloyd, Calif.
Brown, Ohio	Frey	Lloyd, Tenn.
Broyhill	Fuqua	Long, La.
Buchanan	Gammage	Long, Md.
Burgener	Gaydos	Lott
Burke, Fla.	Gibbons	Lujan
Burleson, Tex.	Gilman	Luken
Byron	Ginn	McClory
Caputo	Goldwater	McDade
Carter	Goodling	McDonald
Cederberg	Gradison	McEwen
Chappell	Grassley	Madigan
Clausen, Don H.	Gudger	Mahon
Clawson, Del	Guyer	Mann
Cleveland	Hagedorn	Marks
Cochran	Hall	Marlenee
Cohen	Hammer-schmidt	Marriott
Coleman	Hanley	Martin
Collins, Tex.	Hansen	Mathis
Conable	Harsha	Michel
Corcoran	Hefner	Milford
Crane	Hightower	Miller, Ohio
D'Amours	Hillis	Mitchell, N.Y.
Daniel, Dan	Holland	Mollohan
Daniel, R. W.	Hollenbeck	Moore
Davis	Holt	Moorhead, Calif.
de la Garza	Horton	Mottl
	Hubbard	Murphy, Pa.

Murtha	Rudd	Thone
Myers, Gary	Runnels	Treen
Myers, Ind.	Russo	Trible
Myers, Michael	Sarasin	Waggonner
Natcher	Satterfield	Walker
Nichols	Sawyer	Walsh
Nix	Schulze	Wampler
O'Brien	Sebelius	Watkins
Pepper	Shuster	White
Pettis	Sikes	Whitehurst
Poage	Sisk	Whitley
Pressler	Skelton	Whitten
Quayle	Skubitz	Wilson, Bob
Quillen	Smith, Nebr.	Wilson, Tex.
Regula	Snyder	Winn
Rhodes	Spence	Wydler
Rinaldo	Stangeland	Wylie
Risenhoover	Stanton	Yatron
Roberts	Steed	Young, Alaska
Robinson	Steiger	Young, Fla.
Rogers	Stockman	Young, Mo.
Rooney	Stratton	Young, Tex.
Rose	Symms	Zeferetti
Rousselot	Taylor	

NOES—187

Addabbo	Fithian	Ottinger
Akaka	Flowers	Panetta
Alexander	Foley	Patten
Allen	Ford, Mich.	Patterson
Ammerman	Ford, Tenn.	Pattison
Anderson, Calif.	Fraser	Pease
	Frenzel	Perkins
Anderson, Ill.	Gephardt	Pickle
Annunzio	Giaimo	Pike
Ashley	Glickman	Preyer
Aspin	Gore	Price
AuCoin	Hamilton	Pritchard
Badillo	Hannaford	Pursell
Baldus	Harkin	Quie
Baucus	Harrington	Rahall
Bedell	Harris	Railsback
Beilenson	Hawkins	Rangel
Benjamin	Heftel	Reuss
Bingham	Holtzman	Rodino
Blanchard	Howard	Roncalio
Blouin	Johnson, Calif.	Rosenthal
Boggs	Johnson, Colo.	Rostenkowski
Bolling	Jones, Tenn.	Roybal
Bonior	Jordan	Ruppe
Bonker	Kastenmeier	Ryan
Brademas	Keys	Santini
Breckinridge	Kildee	Scheuer
Brodhead	Kostmayer	Schroeder
Brown, Calif.	Krebs	Seiberling
Burke, Calif.	LaFalce	Sharp
Burke, Mass.	Le Fante	Shipley
Burlison, Mo.	Leggett	Simon
Burton, John	Lehman	Slack
Burton, Phillip	Lundine	Smith, Iowa
Butler	McCormack	Solarz
Carney	McFall	Spellman
Carr	McHugh	St Germain
Cavanaugh	McKay	Stark
Chisholm	Maguire	Steers
Conte	Markey	Stokes
Conyers	Mattox	Studds
Corman	Mazzoli	Thompson
Cornell	Meeds	Thornton
Cornwell	Metcalfe	Traxler
Cotter	Meyner	Tucker
Coughlin	Mikulski	Udall
Danielson	Mikva	Ullman
Dellums	Miller, Calif.	Van Deerlin
Dicks	Mineta	Vento
Diggs	Minish	Volkmer
Dodd	Mitchell, Md.	Walgren
Downey	Moakley	Waxman
Drinan	Moffett	Weaver
Duncan, Oreg.	Moorhead, Pa.	Weiss
Eckhardt	Moss	Whalen
Edgar	Murphy, Ill.	Wiggins
Edwards, Calif.	Murphy, N.Y.	Wilson, C. H.
Evans, Colo.	Nedzi	Wirth
Fary	Nolan	Wolff
Fascell	Nowak	Wright
Fenwick	Oakar	Yates
Findley	Oberstar	Zablocki
Fisher	Obey	

NOT VOTING—25

Boland	Jones, N.C.	Staggers
Clay	Ketchum	Stump
Collins, Ill.	Koch	Teague
Dickinson	McCloskey	Tonry
Dingell	McKinney	Tsongas
Early	Montgomery	Vander Jagt
Florio	Neal	Vanik
Gonzalez	Richmond	
Heckler	Roe	

Messrs. GOLDWATER, FLOOD, and BIAGGI changed their vote from "no" to "aye".

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. OTTINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time in order to ask the gentleman from Pennsylvania (Mr. FLOOD) one very short question and that is in this supplemental appropriation bill there is some $12½ million in the Emergency Medical Services Act and that is programed to initiate a national burn center program. I would like to have assurances from the chairman, the gentleman from Pennsylvania (Mr. FLOOD) that it is his intention to fund that program and that that program should be initiated out of these funds.

Mr. FLOOD. Mr. Chairman, if the gentleman from New York will yield, let me say that the bill contains funds to initiate a demonstration program for burn injury care on a regional basis. Therefore, the committee expects HEW to start this program as soon as possible.

Mr. OTTINGER. I thank the gentleman.

AMENDMENT OFFERED BY MR. GRASSLEY

Mr. GRASSLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GRASSLEY: On page 72, after line 27, add the following new section, and redesignate the succeeding sections accordingly:

"SEC. 305. None of the funds contained in this Act shall be used for any adjustments or increases in the rates of pay for legislative offices and positions within the purview of subparagraphs (A) and (B) of subsection (f) of section 225 of Public Law 90–206 made effective pursuant to section 225 of the Postal Revenue and Federal Salary Act of 1967 (Public Law 90–206)."

Mr. GRASSLEY. Mr. Chairman, my amendment basically dictates that none of the funds in this bill can be used to cover salary increases of Members of the legislative branch pursuant to the most recent Quadrennial Commission recommendations.

We have been told that there are no funds in this bill for congressional salaries. But, with the uncertainty of the response I want to guarantee that there are none.

To take care of any possibility in this bill that might allow the transfer of funds for that purpose, this amendment is being offered.

I want to nail shut a door I hope is already nailed shut, but I'm not sure.

On as important of an issue as the pay raise is to the people in this country—every Member ought to be sure what this bill says and does.

I want to provide that assurance that no money in this bill will be used for that purpose.

When the time comes to approve money for congressional pay raises, every Member ought to know the amount and exactly where the money is tucked away in the bill. And there should be a vote on the issue.

I want you and me and everyone to know that there is not some cleverly conceived and cleverly worded section of the bill that might permit money appropriated for other purposes to be used for our pay raise.

This amendment will assure that point.

Mr. SHIPLEY. Mr. Chairman, will the gentleman yield?

Mr. GRASSLEY. I yield to the gentleman from Illinois.

Mr. SHIPLEY. Mr. Chairman, let me say to the gentleman from Iowa that the committee has looked over this amendment and finds no objection to it and we accept the amendment.

Mr. GRASSLEY. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GRASSLEY).

The amendment was agreed to.

Mr. SIMON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I made the motion to strike the last word to indicate to the Members that my colleague, the gentleman from Massachusetts (Mr. CONTE) will ask for a separate vote on the amendment of the gentleman from Florida (Mr. YOUNG), and I will join in that request. That amendment knocked out $55 million to Ireland. That is an obligation, 2 years old, of this Nation, supported by President Ford. It is an obligation that President Carter feels very strongly about. It is an obligation that the President not only feels strongly about, but I think it would be embarrassing to this Nation since very shortly he will be speaking to the United Nations. I think it is shortsighted to move in this direction. If we believe we can create prosperity in this Nation and ignore the needs of the poor nations of the world, we are living in a dream world.

Mr. WHALEN. Mr. Chairman, will the gentleman yield?

Mr. SIMON. I yield to the gentleman from Ohio.

Mr. WHALEN. I thank the gentleman for yielding.

I, too, urge that when the vote is taken on the Young amendment, we vote "no." As the gentleman from Illinois has pointed out, this represents a partial funding of the commitment made 2 years ago by Secretary Simon in Nairobi, Kenya, at the meeting of the International Development Association. The Congress then passed this commitment. We are now 2 years in arrears, whereas the other nations are all paid. I think certainly we must honor this commitment and, therefore, I would urge a "no" vote on the Young amendment when it is taken after the Committee rises.

Mr. LAFALCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have just returned approximately one-half hour ago from a conference in Vienna regarding the International Development Association. At that time the representation was made to the delegates of 26 nations by the Assistant Secretary of the Treasury, Fred Bergsten, that the new President

of the United States, Jimmy Carter, strongly backed the International Development Association and called upon all the nations there present to participate in what was known as the fifth replenishment of IDA. France was thinking of withdrawing from the fifth replenishment, but Vice President MONDALE in his visit to France prevailed upon the French people to continue their participation and to continue it fully.

The issue came up in Vienna, however, of what the United States was going to do, not about the fifth replenishment, not about the future, but what the United States was going to do about the fourth replenishment, and not the four installments for the fourth replenishment but the first of the four installments, an obligation that the United States committed itself to in 1973.

I think I can say that every nation of the world participating in IDA feels strongly committed to the concept of multilateral assistance to the underdeveloped countries, that the new administration considers this to be one of the most basic tenets of its foreign policy approach, and that it is absolutely imperative for the United States to honor the commitment it made in 1973 and which has been restated so forcefully by our new President. This is the first step we must make toward that end.

On the day of our completion of pledges for the fifth IDA replenishment, we cannot, here in the House, turn around and vote to delete our past promise in the fourth commitment to IDA.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. LAFALCE. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, I thank the gentleman for yielding.

The gentleman is making a very significant statement. This is the redemption of a pledge that was made on behalf of the United States by the President of the United States, not by this President but by his predecessor. Yet the keeping of this pledge is important tc President Carter, as it should be important to all of us.

We have but one President at any given time, and there are occasions when he must speak for the Nation in the councils of the world. It is incumbent upon us to give substance to what he has pledged when he speaks for the United States. Otherwise, the Presidency and the Nation itself lose credibility. He must be able to speak with an expectation that the Congress will stand behind his word.

These are loans that go to the poorest of the poor. It is my understanding that they are going only to countries where the average income is $300 annually or less. Manifestly, the need is grave. What little we can do to help should not be done begrudingly.

I commend the gentleman for the statement he is making and I hope our colleagues will reject that amendment which was adopted by voice vote in the committee of the whole.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. LAFALCE. Mr. Chairman, I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for yielding.

I would like to support his statement and indicate that I hope the Members of this body will also vote "no" when the vote is taken on this amendment. Our country has the obligation, confirmed both by the current President and his predecessor, to complete the fourth replenishment of IDA.

I hope, and expect, that we will be tougher on making these commitments, and on demanding a review of loan policies, but our course today is clear.

Mr. CEDERBERG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I find myself in a very unusual position today, and that is that I am going to not support the amendment of my dear friend, the gentleman from Florida (Mr. YOUNG).

Some days ago a number of us went to the White House, and with the President and the Secretary of State and others discussed this matter. These negotiations are going on in Vienna at the present time. The President is aware that all is not well with IDA, and he indicated that there are some changes that he wants to make, but he is not going to be able to make those changes if we unilaterally take the position that we are not going to go along with what we have committed ourselves to do.

Mr. LAFALCE. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from New York.

Mr. LAFALCE. Mr. Chairman, an agreement was made that no further commitments would be made until such time as a new review was made of all lending criteria.

Mr. CEDERBERG. That is right. We realize there are many things that need to be corrected here.

Let me just say this. I agree that the new administration ought to have an opportunity to sit down and negotiate these things out, correct some of the things that have been brought out in the various hearings, but I think we ought to be very, very cautious and very, very careful on the action that we take here today.

Mr. RYAN. Mr. Chairman, will the gentleman yield for a very brief time?

Mr. CEDERBERG. I yield to the gentleman from California.

Mr. RYAN. Mr. Chairman, I think it is important for Members to know here that the countries we are talking about are countries that, in order to qualify for this kind of loan, have an average annual per capita income of less than $300 per year. Please remember those countries have to pay the same for oil that we do. That will give the Members an idea of the scale of development in those countries.

Mr. CEDERBERG. Mr. Chairman, it is important that we not tie the hands of the President in this instance and that we allow him the opportunity to negotiate and get the kind of agreement that we think will be healthy for the banks in the long haul.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rejected the invitation to go to the Vienna meeting so I did not get all the big high-pressure sales pitch that someone might have gotten, but I am interested in the comments that "the poorest of the poor" will be receiving this money. Let me tell the Members what that amounts to. In the case of IDA, 40 percent of the money goes to India, and while they have been using this money for domestic development, they have been using their own money to buy Russian arms, guns, and bullets, and things like that, and for developing an atomic bomb.

Now the United States contributes 33 percent of the money that goes to IDA. While Congress rejected this same $55 million in the fiscal year 1977 bill, we did appropriate $375 million for IDA in that bill.

Mr. Chairman, here is something I did not have time to point out in our earlier debate. Do the Members know that today IDA, the soft loan window of the World Bank, has $900 million on account, uncommitted, unobligated, they can use for whatever loan they want to make and they are going to make whatever loan they want whether we like it or not, because we do not have a veto over how they use that money.

Let me say one more thing before I sit down. If the Members here have read their newspapers lately, they have seen where IDA has already sent a mission to Vietnam for the purpose of initiating whatever has to be done to initiate a loan from IDA to Vietnam. If those here want to be in favor of that, that is up to them; but I say this is an opportunity to eliminate from this bill money that IDA does not need and an opportunity to state once and for all that we are not going to take American taxpayers' dollars, give them to IDA for international loans and let them use it however they will, even if it includes a loan to Vietnam.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, as a member of the Committee on Banking and Currency, we have had many hearings on this international development fund. Many of these loans, and we will be voting for them today if we vote to add this $55 million—the people on the Committee on Banking and Currency know this—will provide interest-free loans, no interest paid. Many of the loans go for 40 years and are never paid back.

What I want to ask every one of my colleagues is to make a judgment for their constituents, to name one constituent, if they can get an interest-free loan for 40 years and in addition not have to pay it back.

There is plenty of money in this fund. It is not bankrupt, like our U.S. Treasury.

I ask each one, if we vote for $55 million now we are voting to give interest-free loans to a fund that is well-funded—approximately $900 million. Furthermore OPEC nations say they may

contribute to it out of oil profits. I say, let them contribute. They are bleeding us dry with the prices they charge for oil so OPEC nations can afford it. We cannot.

If we vote for this today we are saying to our constituents, "I am perfectly willing to ship money overseas interest free, while you have to borrow it at 6, 7, 8, 9, and 10 percent where you borrow here in the United States.

I ask this House, can we do that to our 99 million hard-working taxpayers?

Mr. YOUNG of Florida. Mr. Chairman, just in case anyone misunderstood the gentleman from California, a vote to eliminate the $55 million is "aye"; so vote for it.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the distinguished gentleman from Texas.

Mr. MAHON. Mr. Chairman, I would like to say to the gentleman that after the gentleman concludes his remarks, I will move that the Committee now rise.

The CHAIRMAN. The Chair will recognize the distinguished gentleman from Texas for that purpose.

Mr. CONTE. Mr. Chairman, first I would like to give a little background about this amendment. This amendment to eliminate funding for IDA was deleted from the bill when the chairman brought it up before the subcommittee. After a great deal of debate the subcommittee voted for the $55 million. Then we went to the full Committee on Appropriations and the gentleman from Florida offered the same amendment and the gentleman was defeated in the full committee.

Today during debate there were only a half dozen Members on the floor. The gentleman offered the amendment again. The gentleman won it on a voice vote. Unfortunately, there were not enough Members to get a recorded vote. We only got 15 to stand up; but had we gotten a record vote, we would have defeated that amendment.

Mr. Chairman, we have made a commitment for this $55 million. What the gentleman from New York has said is absolutely right. This money is due. We made that commitment several years ago. There is no doubt about it. What the gentleman from Florida says about 40 percent going to India is also true; but in that meeting in Vienna 2 weeks ago, they agreed to consider changing the formula. They agreed to consider cutting down on the amount of money India will get under IDA.

The administration in good faith went out and negotiated this agreement based on the fact we were going to give IDA this $55 million.

I might add, Mr. Chairman, that this $55 million was cut from the 1976 foreign aid appropriations bill. It is not a new item.

Let me tell this House the story that I told in the full committee. When President Kennedy was assassinated in Texas, Vice President Johnson assumed office. Two things occurred.

We had a new chairman of Appropriations, Chairman MAHON. Our former chairman, Chairman Cannon from Missouri, had died. Chairman MAHON called me one Saturday morning and he said:

Silvio, I would like to come over to Room 118 and talk to you.

He did. He said:

You know, we have a new President. We only have one bill left on the floor of the House and in committee. That is the foreign aid bill. The whole world is looking at this new President to see whether he has control of the situation.

At that time, the ranking Republican on the Foreign Operations Subcommittee was JOHNNY RHODES. The second ranking Republican on the Foreign Operations Subcommittee was Jerry Ford. And I was the third. Mel Laird was on the Appropriations Committee then, and dead set against giving President Johnson the foreign aid bill.

My vote, Mr. MAHON told me at that time, would break a tie in subcommittee for the foreign aid bill. And it did. It broke a tie, and I was about as welcome on this side of the aisle as a skunk at a lawn party. It went to the full committee, and we reported that bill by one vote. Then, we came to the floor of the House, and I believe we carried that bill by one vote. I remember that they sent out Air Force One to Puerto Rico, to bring our former colleague, Congressman Celler back to the floor; and one Member, who is still here today, actually refused to come back. It was a close vote.

That was a very difficult position for me as a Republican, as it is a difficult position for me today to stand here and defend a Democratic President. But, President Carter is a new President, just as President Johnson was then, and he deserves our backing on this particular measure. This measure was sent up by President Ford before he left office. So, it is not just a Carter supplemental; it was sent up here by President Ford as well as prior to Mr. Carter's taking office on January 20.

As was mentioned already on this side of the aisle, this money goes to some of the poorest people in the world—700 million rural people, hungry people who go to bed at night knowing that in the morning they will still be without food; without medication; without electricity.

Last year, 90 percent of IDA credits went to countries with per capita incomes of less than $200.

In the last three replenishments of IDA, other governments have repeatedly come forward to make it easier for the United States to participate. First, by allowing U.S. payments to be made after all other countries' payments were in. Second, by making advance contributions to keep the fund going pending American ratification of the necessary agreements. And third, by allowing a reduction of the American share to one-third of the total.

The United States is now in default on its obligations to IDA. Failure to honor our commitments will dissuade other donors from continuing to participate.

Mr. Chairman, at a time when we are preaching to the rest of the world about human rights, about responsible conduct in the international arena, it is incumbent upon us to live up to our commitments.

The administration is negotiating to bring these international lending institutions into compliance with congressional concerns. The administration is negotiating in good faith, and needs these funds to further those negotiations. I think the administration deserves this chance.

I urge my colleagues to defeat the amendment of the gentleman from Florida.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. FLOWERS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4877), making supplemental appropriations for the fiscal year ending September 30, 1977, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. CONTE. Mr. Speaker, I demand a separate vote on the so-called Young of Florida amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: On page 11, strike lines 3 through 11.

The SPEAKER. The question is on the amendment.

Mr. YOUNG of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 171, nays 234, not voting 27, as follows:

[Roll No. 80]

YEAS—171

Abdnor	Beard, R.I.	Chappell
Alexander	Beard, Tenn.	Clausen, Don H.
Allen	Bennett	Clawson, Del
Anderson, Calif.	Bevill	Cochran
Andrews, N.C.	Bowen	Coleman
Andrews, N. Dak.	Breaux	Collins, Tex.
Archer	Brinkley	Corcoran
Armstrong	Brooks	Cornwell
Ashbrook	Broyhill	Crane
Badham	Burgener	Daniel, Dan
Bafalis	Burke, Fla.	Daniel, R. W.
Barnard	Burleson, Tex.	Davis
Bauman	Butler	de la Garza
	Byron	Dent
	Carter	

Derrick	Jones, Okla.	Rahall
Devine	Jones, Tenn.	Risenhoover
Dornan	Kasten	Roberts
Duncan, Tenn.	Kazen	Robinson
Edwards, Ala.	Kelly	Rogers
Edwards, Okla.	Kemp	Rousselot
Eilberg	Kindness	Rudd
Emery	Lagomarsino	Runnels
English	Latta	Ruppe
Ertel	Lederer	Russo
Evans, Ga.	Lent	Santini
Fish	Levitas	Satterfield
Flippo	Lloyd, Tenn.	Schulze
Flowers	Lott	Sebelius
Flynt	Lujan	Shipley
Fountain	McDonald	Shuster
Frey	McEwen	Sikes
Fuqua	McKay	Skubitz
Gammage	Mahon	Slack
Gaydos	Mann	Smith, Nebr.
Gilman	Marlenee	Snyder
Ginn	Marriott	Spence
Glickman	Martin	Stangeland
Goldwater	Mathis	Steed
Goodling	Mattox	Symms
Gore	Michel	Taylor
Grassley	Milford	Thornton
Gudger	Miller, Ohio	Trible
Hagedorn	Moore	Waggonner
Hall	Moorhead, Calif.	Walker
Hammer-schmidt	Mottl	Walsh
Hansen	Murphy, Pa.	Wampler
Harsha	Murtha	Watkins
Hefner	Myers, Michael	White
Hightower	Myers, Ind.	Whitehurst
Hillis	Natcher	Whitley
Holt	Nichols	Whitten
Hubbard	Pettis	Winn
Huckaby	Pickle	Wolff
Ichord	Poage	Wydler
Jenkins	Pressler	Yatron
Jenrette	Quayle	Young, Alaska
Johnson, Colo.	Quillen	Young, Fla.

NAYS—234

Addabbo	Dodd	Lloyd, Calif.
Akaka	Downey	Long, La.
Ambro	Drinan	Long, Md.
Ammerman	Duncan, Oreg.	Luken
Anderson, Ill.	Eckhardt	Lundine
Annunzio	Edgar	McClory
Applegate	Edwards, Calif.	McCormack
Ashley	Erlenborn	McDade
Aspin	Evans, Colo.	McFall
AuCoin	Evans, Del.	McHugh
Badillo	Evans, Ind.	Madigan
Baldus	Fary	Maguire
Baucus	Fascell	Markey
Bedell	Fenwick	Marks
Beilenson	Findley	Mazzoli
Benjamin	Fisher	Meeds
Biaggi	Fithian	Metcalfe
Bingham	Flood	Meyner
Blanchard	Foley	Mikulski
Blouin	Ford, Mich.	Mikva
Boggs	Ford, Tenn.	Miller, Calif.
Bolling	Forsythe	Mineta
Bonior	Fraser	Minish
Bonker	Frenzel	Mitchell, Md.
Brademas	Gephardt	Mitchell, N.Y.
Breckinridge	Giaimo	Moakley
Brodhead	Gibbons	Moffett
Broomfield	Gradison	Mollohan
Brown, Calif.	Guyer	Moorhead, Pa.
Brown, Mich.	Hamilton	Moss
Brown, Ohio	Hanley	Murphy, Ill.
Buchanan	Hannaford	Murphy, N.Y.
Burke, Calif.	Harkin	Myers, Gary
Burke, Mass.	Harrington	Nedzi
Burlison, Mo.	Harris	Nix
Burton, John	Heftel	Nolan
Burton, Phillip	Holland	Nowak
Caputo	Hollenbeck	O'Brien
Carney	Holtzman	Oakar
Carr	Horton	Oberstar
Cavanaugh	Howard	Obey
Cederberg	Hughes	Ottinger
Chisholm	Hyde	Panetta
Cleveland	Ireland	Patten
Cohen	Jacobs	Patterson
Conable	Jeffords	Pattison
Conte	Johnson, Calif.	Pease
Conyers	Jordan	Pepper
Corman	Kastenmeier	Perkins
Cornell	Keys	Pike
Cotter	Kildee	Preyer
Coughlin	Kostmayer	Price
D'Amours	Krebs	Pritchard
Danielson	Krueger	Pursell
Delaney	LaFalce	Quie
Dellums	Le Fante	Railsback
Derwinski	Leach	Rangel
Dicks	Leggett	Regula
Diggs	Lehman	Reuss
Rhodes	Smith, Iowa	Van Deerlin
Rinaldo	Solarz	Vento
Rodino	Spellman	Volkmer
Roncalio	St Germain	Walgren
Rooney	Stanton	Waxman
Rose	Stark	Weaver
Rosenthal	Steers	Weiss
Rostenkowski	Steiger	Whalen
Roybal	Stockman	Wiggins
Ryan	Stokes	Wilson, C. H.
Sarasin	Stratton	Wilson, Tex.
Sawyer	Studds	Wirth
Scheuer	Thompson	Wright
Schroeder	Thone	Wylie
Seiberling	Traxler	Yates
Sharp	Treen	Young, Mo.
Simon	Tucker	Young, Tex.
Sisk	Udall	Zablocki
Skelton	Ullman	Zeferetti

NOT VOTING—27

Boland	Heckler	Roe
Clay	Jones, N.C.	Staggers
Collins, Ill.	Ketchum	Stump
Dickinson	Koch	Teague
Dingell	McCloskey	Tonry
Early	McKinney	Tsongas
Florio	Montgomery	Vander Jagt
Gonzalez	Neal	Vanik
Hawkins	Richmond	Wilson, Bob

The Clerk announced the following pairs:

On this vote:

Mr. Teague for, with Mr. Boland against.
Mr. Stump for, with Mr. Florio against.

Until further notice:

Mr. Staggers with Mr. Gonzalez.
Mr. Roe with Mr. Richmond.
Mr. Early with Mrs. Heckler.
Mr. Hawkins with Mr. Tsongas.
Mr. Vanik with Mr. Vander Jagt.
Mr. Koch with Mr. McCloskey.
Mr. Dingell with Mr. Jones of North Carolina.
Mrs. Collins of Illinois with Mr. Bob Wilson.
Mr. Clay with Mr. Tonry.
Mr. Montgomery with Mr. McKinney.
Mr. Neal with Mr. Dickinson.

Mr. ALEXANDER changed his vote from "nay" to "yea."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MILLER OF OHIO

Mr. MILLER of Ohio. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MILLER of Ohio. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MILLER of Ohio moves to recommit H.R. 4877 to the Committee on Appropriations, with instructions to that Committee to report the bill back to the House forthwith, with the following amendment:

On page 72 after line 27 insert the following:

SEC. 305. Of the total budget authority provided in Title I for payments not required by law, five per centum shall be withheld from obligation and expenditure: *Provided*, That of the amount provided for each appropriation account, activity, and project, for payments not required by law, the amount withheld shall not exceed ten per centum.

Mr. MILLER of Ohio. Mr. Speaker and my colleagues, I offer instructions with the recommittal motion that will do one thing, it will reduce the total amount of the bill by 5 percent. It will not wipe out any one item in the bill. It will only reduce those items that are nonmandatory. It means by best estimation that it would reduce the bill some $1 billion.

We have heard this afternoon about the problems we have in the commitments we have made in the case of IDA.

Let me tell the Members what is in the bill and a commitment that is about ready to be made and that is the commitment for approximately one-half a billion dollars for section 8 of HUD. This would pay rent subsidies, and HUD will tell you that last year they paid rent subsidies and the highest amount that they paid was $873 a month for one family—$873 a month was the maximum they would pay. In the bill we have about a half a billion dollars so that HUD can enter into contracts for section 8, which means that we will be obligated for up to 40 years for over $13 billion. That is almost half of the amount of money that is in the bill that we are about to vote on.

Why do I say we should reduce? I suppose most of the Members are familiar with the fact that the Secretary of the Treasury says that we will pay interest on the national debt this year of $46-plus billion. Let the Members stop to think what does it amount to if we bring it down to daily payments? We pay approximately $130 million a day interest on the national debt, and in this bill under HUD alone we are going to obligate ourselves for the next 40 years for another $13 billion. I believe it is high time that we stand up and be counted.

I also heard this afternoon that we were living in a dream world. We certainly are living in a dream world if we think that we can continue to spend and not go the direction that Great Britain has gone—the map is right before us—and not go the direction that New York City has gone—yes, the map is right before us—but we continue to go in that same direction anyway.

Mr. Speaker, I ask for a yea vote on the motion to recommit.

Mr. MAHON. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. MILLER of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The question was taken; and on a division (demanded by Mr. MILLER of Ohio) there were—ayes 114, noes 194.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. CEDERBERG. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 306, nays 98, not voting 28, as follows:

[Roll No. 81]

YEAS—306

Addabbo	Fountain	Nedzi
Akaka	Fraser	Nix
Alexander	Fuqua	Nolan
Allen	Gaydos	Nowak
Ambro	Gephardt	O'Brien
Ammerman	Giaimo	Oakar
Anderson, Calif.	Gilman	Oberstar
	Ginn	Obey
Anderson, Ill.	Glickman	Ottinger
Andrews, N.C.	Goodling	Panetta
Annunzio	Gore	Patten
Applegate	Guyer	Patterson
Ashley	Hall	Pattison
Aspin	Hamilton	Pease
AuCoin	Hammer-schmidt	Pepper
Badillo		Perkins
Baldus	Hanley	Pettis
Barnard	Hannaford	Pickle
Baucus	Harkin	Pike
Beard, R.I.	Harrington	Pressler
Bedell	Harris	Preyer
Beilenson	Harsha	Price
Benjamin	Heckler	Pritchard
Bevill	Hefner	Pursell
Biaggi	Heftel	Quillen
Bingham	Hightower	Rahall
Blanchard	Hillis	Railsback
Blouin	Holland	Rangel
Boggs	Hollenbeck	Regula
Boiling	Holt	Reuss
Bonior	Holtzman	Rinaldo
Bonker	Horton	Risenhoover
Bowen	Howard	Roberts
Brademas	Hubbard	Rodino
Breaux	Huckaby	Rogers
Breckinridge	Hughes	Roncalio
Brinkley	Hyde	Rooney
Brodhead	Ireland	Rose
Brooks	Jeffords	Rosenthal
Broomfield	Jenkins	Rostenkowski
Brown, Ohio	Jenrette	Roybal
Buchanan	Johnson, Calif.	Ruppe
Burke, Calif.	Johnson, Colo.	Russo
Burke, Fla.	Jones, Okla.	Ryan
Burke, Mass.	Jones, Tenn.	Santini
Burlison, Mo.	Jordan	Sawyer
Burton, John	Kastenmeier	Scheuer
Burton, Phillip	Kazen	Schroeder
Byron	Keys	Schulze
Caputo	Kildee	Seiberling
Carney	Kostmayer	Sharp
Carr	Krebs	Shipley
Carter	Krueger	Sikes
Cavanaugh	LaFalce	Simon
Chappell	Lagomarsino	Sisk
Chisholm	Le Fante	Skubitz
Clausen, Don H.	Leach	Slack
	Lederer	Smith, Iowa
Cochran	Leggett	Solarz
Cohen	Lehman	Spellman
Coleman	Levitas	St Germain
Conte	Lloyd, Calif.	Stanton
Conyers	Long, La.	Stark
Corman	Long, Md.	Steed
Cornell	Luken	Steers
Cornwell	Lundine	Stokes
Cotter	McCormack	Stratton
Coughlin	McDade	Studds
D'Amours	McEwen	Thompson
Danielson	McFall	Thornton
Davis	McHugh	Traxler
de la Garza	McKay	Tucker
Delaney	Madigan	Udall
Dellums	Maguire	Ullman
Dicks	Mahon	Van Deerlin
Diggs	Mann	Vento
Dodd	Markey	Volkmer
Downey	Marks	Waggonner
Drinan	Marlenee	Walgren
Duncan, Oreg.	Mazzoli	Walsh
Duncan, Tenn.	Meeds	Wampler
Eckhardt	Metcalfe	Watkins
Edgar	Meyner	Waxman
Edwards, Calif.	Mikulski	Weaver
Eilberg	Mikva	Weiss
Emery	Milford	Whalen
English	Miller, Calif.	White
Ertel	Mineta	Whitehurst
Evans, Colo.	Minish	Whitley
Evans, Del.	Mitchell, Md.	Whitten
Evans, Ga.	Mitchell, N.Y.	Wilson, Bob
Fary	Moakley	Wilson, C. H.
Fascell	Moffett	Wilson, Tex.
Fenwick	Mollohan	Wirth
Fisher	Moorhead, Pa.	Wolff
Fithian	Moss	Wright
Flippo	Murphy, Ill.	Wylie
Flood	Murphy, N.Y.	Yates
Flowers	Murphy, Pa.	Yatron
Flynt	Murtha	Young, Mo.
Foley	Myers, Gary	Young, Tex.
Ford, Mich.	Myers, Michael	Zablocki
Ford, Tenn.	Natcher	Zeferetti

NAYS—98

Abdnor	Fish	Myers, Ind.
Andrews, N. Dak.	Forsythe	Nichols
	Frenzel	Poage
Archer	Frey	Quayle
Armstrong	Gammage	Quie
Ashbrook	Gibbons	Rhodes
Badham	Goldwater	Robinson
Bafalis	Gradison	Rousselot
Bauman	Grassley	Rudd
Beard, Tenn.	Gudger	Runnels
Bennett	Hagedorn	Sarasin
Brown, Mich.	Hansen	Satterfield
Broyhill	Ichord	Sebelius
Burgener	Jacobs	Shuster
Burleson, Tex.	Kasten	Skelton
Butler	Kelly	Smith, Nebr.
Cederberg	Kemp	Snyder
Clawson, Del	Kindness	Spence
Cleveland	Latta	Stangeland
Collins, Tex.	Lent	Steiger
Conable	Lloyd, Tenn.	Stockman
Corcoran	Lott	Symms
Crane	Lujan	Taylor
Daniel, Dan	McDonald	Thone
Daniel, R. W.	Marriott	Treen
Derrick	Martin	Trible
Derwinski	Mathis	Walker
Devine	Mattox	Wiggins
Dornan	Michel	Winn
Edwards, Ala.	Miller, Ohio	Wydler
Edwards, Okla.	Moore	Young, Alaska
Erlenborn	Moorhead, Calif.	Young, Fla.
Evans, Ind.		
Findley	Mottl	

NOT VOTING—28

Boland	Hawkins	Roe
Brown, Calif.	Jones, N.C.	Staggers
Clay	Ketchum	Stump
Collins, Ill.	Koch	Teague
Dent	McClory	Tonry
Dickinson	McCloskey	Tsongas
Dingell	McKinney	Vander Jagt
Early	Montgomery	Vanik
Florio	Neal	
Gonzalez	Richmond	

The Clerk announced the following pairs:

On this vote:

Mr. Boland for, with Mr. Teague against.
Mr. Florio for, with Mr. Stump against.

Until further notice:

Mr. Staggers with Mr. Gonzalez.
Mr. Roe with Mr. Tsongas.
Mr. Early with Mr. Jones of North Carolina.
Mr. Vanik with Mr. Dingell.
Mrs. Collins of Illinois with Mr. Tonry.
Mr. Clay with Mr. Brown of California.
Mr. Neal with Mr. Montgomery.
Mr. Richmond with Mr. Hawkins.
Mr. Koch with Mr. Vander Jagt.
Mr. Dent with Mr. McKinney.
Mr. McClory with Mr. Dickinson.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO FILE REPORT ON H.R. 4250

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may have until midnight Friday, March 18, 1977, to file a report on the bill H.R. 4250.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERMISSION FOR COMMITTEE ON INTERNATIONAL RELATIONS TO FILE REPORT ON H.R. 5040, TO AUTHORIZE ADDITIONAL APPROPRIATIONS FOR DEPARTMENT OF STATE FOR FISCAL YEAR 1977

Mr. WOLFF. Mr. Speaker, I ask unanimous consent that the Committee on International Relations may have until midnight tonight to file a report on the bill (H.R. 5040) to authorize additional appropriations for the Department of State for the fiscal year 1977.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON ENVIRONMENT, ENERGY, AND NATURAL RESOURCES OF COMMITTEE ON GOVERNMENT OPERATIONS TO SIT TOMORROW DURING 5-MINUTE RULE

Mr. RYAN. Mr. Speaker, I ask unanimous consent that the Subcommittee on Environment, Energy, and Natural Resources of the Committee on Government Operations be permitted to sit under the 5-minute rule tomorrow, if necessary, for the purpose of conducting a further investigation on the Federal Dam Safety Act.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. BARNARD. Mr. Speaker, I ask unanimous consent that all Members may be permitted to include extraneous matter with their remarks on the bill H.R. 4877 which passed the House today.

The SPEAKER pro tempore (Mr. SEIBERLING). Is there objection to the request of the gentleman from Georgia?

There was no objection.

AMENDING SOCIAL SECURITY ACT TO PERMIT UNLIMITED EARNINGS WITHOUT PENALTY

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ALLEN. Mr. Speaker, I am today—together with my colleagues Congressman ALBERT GORE, JR., Congressman ED JONES, Congressman FRANK ANNUNZIO, and Congresswoman MILLICENT FENWICK—reintroducing a bill I proposed at the last session of Congress to change the social security law so that no one would be forced to retire or be limited in the income he or she may earn, in order to receive full social security benefits. I have noted with satisfaction that a great number of my colleagues, both Democrats and Republicans, have introduced similar bills during this session of Congress, which I dare to hope is a harbinger of broad bipartisan support of this measure that will lead to its ultimate passage before this session ends.

Those who have reached the age where they are entitled to receive social security benefits, for which they have already paid their taxes, should not be forced to retire in order to receive full benefits, or be penalized for having other sources of income. This is not required of those who have paid their premiums on annuity policies with private insurance

companies, and it should not be required of those who have paid their premiums in the form of social security taxes. Furthermore, the more wealthy, who own stocks, bonds, real estate, and other assets from which they draw an income, are not limited in the amount of income they may receive in order to qualify for full social security benefits. I can see no justification or defense for this kind of discrimination against the less fortunate of our citizens whose only income outside of social security is in the form of wages and salaries for work performed. Everyone should be treated alike.

The Government's failure to control spiraling inflation has hurt those on modest and fixed incomes. The elderly and people with disabilities, either temporary or permanent, and those who are often without other sources of income, find that the meager increases in their social security payments have been offset by spiraling inflation.

There is no reason for those on a limited income to bear the often devastating consequences of Government policies that do nothing to control inflation. And certainly there is no reason for placing a limit on how much extra income a senior citizen receiving benefits may earn. Our society cannot afford to waste the special skills for our elderly by depriving them of their social security benefits if they choose to continue working.

It is Congress, and only Congress, which can correct this injustice. The right of those on social security to live in dignity, and not despair, is in the hands of the U.S. Congress, and I hope we will correct the present situation by passing this bill.

SHOE INDUSTRY: A MATTER OF ECONOMIC SURVIVAL

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, the chairman of the board of the prestigious First National Bank of Boston, and a man I admire greatly, Mr. Richard Hill, has recently written to Secretary W. Michael Blumenthal urging import relief for the domestic shoe industry.

Mr. Hill and I have approached many issues of trade from differing perspectives in years past; however, this is an issue on which we fully agree. His letter, written from the perspective of a bank that does extensive international business and has taken a strong position on matters of free trade, illuminates the extent of injury this industry has sustained—an industry of extreme importance to the health of the economy of the Northeast.

Trade philosphies aside, I do not think there can be any disagreement on the fact that our trade laws are constructed so that an industry, seriously jeopardized by imports, is to be afforded a breathing space to recover. The shoe industry has demonstrated this need, as pointed out by Mr. Hill, and under our laws should be afforded the relief recommended by the ITC. And while this is an issue that spans many regions of the country, it is particularly crucial to our ailing economy of the Northeast; we simply can not sustain the further job losses that would result if this relief is not forthcoming.

I would also like to enclose a copy of a letter I received from the Boston Chamber of Commerce on this matter.

FIRST NATIONAL BANK OF BOSTON,
Boston, Mass., March 9, 1977.

Congressman JAMES A. BURKE
Cannon Building
Washington, D.C.

DEAR CONGRESSMAN BURKE: Because of your long-standing interest and concern in the problem of import competition, I wanted you to have a copy of the letter Dick Hill recently sent to Secretary Blumenthal supporting the International Trade Commission recommendation for a tariff-quota system.

I believe this is an important step along the way to keeping the New England economy healthy. I look forward to working with you on these matters in the future.

Sincerely

JAMES M. HOWELL.

FIRST NATIONAL BANK OF BOSTON,
Boston, Mass., March 2, 1977.

Hon. W. M. BLUMENTHAL,
Secretary of the Treasury, Treasury Department, Pennsylvania Avenue, N.W., Washington, D.C.

DEAR SECRETARY BLUMENTHAL: You and I last met in Tokyo as members of the Advisory Council on Japan-U.S. Economic Relations and, needless to say, I was proud to learn of your appointment to such a key position in new government.

I am writing with regard to the decision pending in the Administration on a proposal for relief for the United States shoe industry from import competition.

Our Bank has taken a forthright position in support of free trade, as befits an organization with extensive international business. In November, I gave a speech at the National Trade Convention in New York, which dealt with the problems that could arise from the growing external debt held by some developing countries. In particular, I stressed that the United States and other industrialized countries should reduce import barriers to provide growing markets that will assist the orderly servicing of external debt. Some United States industries, I indicated, would suffer in the adjustment. No mention was made in my speech of the shoe industry which has experienced substantial import competition and is still a large employer in the Northeast. At the same time, however, I said that this adjustment will be greatly facilitated if we can achieve steady and stable growth for the American economy and that tax and accounting changes which encourage investment in plants and equipment offer the best promise for long-term growth, more jobs and lower inflation. The economies of the Northeast region have not achieved this improvement in economic activity and investment and accordingly we feel justified in supporting some protective action with respect to an industry which is important to it.

As you know, the degree of import penetration in total United States shoe sales (47 percent) is larger than for almost any other broadly defined industry. There is no question that imports are a major factor in the decline of the domestic industry. Shoe production is concentrated largely in the New England and Middle Atlantic states. The top four shoe producing states are Pennsylvania, Missouri, New York, and Massachusetts. Although leather manufacturing employment will continue to decline, it is still sizable, amounting to 47,000 in New England and the Mid-Atlantic states. In my opinion, it is unwise to allow a further rapid deterioration in this important regional industry.

Some degree of protection for this industry is not inconsistent with a general concern that developing countries be allowed to expand exports to service debt. With respect to shoe imports, competition has been extraordinary and comes primarily from Taiwan, and secondarily from Italy, Korea, Spain, and Brazil, all of which have a wide range of alternative export opportunities.

I respectfully urge that you support the tariff-quota system proposal by the International Trade Commission for shoe imports since it provides effective protection without being excessively rigid.

Sincerely,

RICHARD D. HILL,
Chairman of the Board.

GREATER BOSTON,
CHAMBER OF COMMERCE,
Boston, Mass., March 8, 1977.

Hon. JAMES A. BURKE,
Cannon House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE BURKE: The Greater Boston Chamber of Commerce joins the American Footwear Industry Association and the United Shoe Workers of America, AFL-CIO, in their efforts to effect a modification in the current foreign shoe import trade imbalance and the attendant damaging consequences to numerous American shoe companies and thousands of workers.

The members of the International Trade Commission (ITC) have unanimously concluded on two occasions that the recent level of foreign shoe imports has seriously injured our domestic industry. A majority of the ITC members have recommended that a tariff rate quota be established and this recommendation is supported by the industry and organized labor.

The underlying cause of this critical problem is the level of hourly compensation paid to workers in the principal competing foreign nations. In the past ten years, imports of foreign shoes have more than doubled and market penetration is at an unparalled 50%. This has caused domestic production to fall so sharply that some 240 companies are no longer in business. Employment has declined by 70,000 workers and, in 1976, the industry's unemployment rate was 50% higher than the national average.

The history of the shoe industry in Massachusetts is no brighter, and if the situation is not ameliorated, the outcome could be disastrous for the 21,000 shoe workers in the Commonwealth.

For these compelling reasons, we ask you, as a Representative from Massachusetts, to support the ITC recommendation now before the President and to communicate your position to the Chief Executive.

Respectfully,

THOMAS A. SAMPSON,
President.

REPORT OF AD HOC SUBCOMMITTEE ON PRESIDENTIAL PAY RECOMMENDATIONS

(Mr. FORD of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. FORD of Michigan. Mr. Speaker, I believe it is an appropriate moment to advise my colleagues that the Ad Hoc Subcommittee on Presidential Pay Recommendations has now completed its report.

The report of the subcommittee includes some very important findings and

recommendations for legislative action. Specifically, the subcommittee report recommends deferring all pay adjustments for Members of Congress, insuring a record vote on quadrennial pay recommendations should a majority of Members so desire, and prohibiting any comparability adjustment for officials in a year in which the quadrennial recommendations become effective.

The members of the subcommittee are in agreement with the recommendations and with the need for passing legislation to accomplish these changes.

I wish to stress that this is the first time since the passage of the 1967 Act that a subcommittee of this House has formally considered and recommended changes in that act.

Accordingly, I believe it would be extremely unwise for the House to act precipitously by changing or altering any aspect of the existing pay-fixing mechanism until there has been an opportunity for Members to review the subcommittee's report, and the full Committee to act on legislation. Chairman NIX has assured the subcommittee that he will schedule such legislation for prompt consideration by the committee and arrange for early consideration by the House.

Mr. Speaker, I include the text of the subcommittee report in the RECORD at this point:

REPORT OF THE SUBCOMMITTEE ON PRESIDENTIAL PAY RECOMMENDATIONS

INTRODUCTION

The Subcommittee on Presidential Pay Recommendations was chaired by the Honorable William D. Ford with Mr. Morris K. Udall, Mr. Charles H. Wilson, Mr. William Clay, Mr. Stephen J. Solarz, Mr. Edward J. Derwinski, and Mr. John H. Rousselot, as members. It met on February 16, 1977, and by unanimous consent of the Members, the meeting was open to the press and the public. Media coverage included numerous representatives of all the news media and representatives from three national television networks.

At this meeting, the Subcommittee voted not to approve for full Committee consideration certain resolutions disapproving all or part of the President's pay recommendations for top level positions in the Executive, Legislative, and Judicial branches, and to table all similar resolutions then pending before the Subcommittee.

The actions of the Subcommittee on February 16 followed a period of intense Subcommittee consideration of the pay recommendations themselves as well as issues not related strictly to the merits of the pay recommendations, such as the procedures under which they become effective and the manner in which they are determined. The Subcommittee's experience indicates that there is much misunderstanding with respect to the existing pay setting mechanism, particularly concerning the underlying concept of a citizens commission formulated to provide a nonpartisan and objective basis for the pay recommendations.

In view of the significance of the Subcommittee's actions and of the importance of insuring an understanding of the existing pay setting mechanism, it has deemed it advisable to issue this report which—

(1) summarizes section 225 of the Federal Salary Act of 1967 (Public Law 90–206) and the pay recommendations previously submitted pursuant to that Act;

(2) summarizes the FY 1977 pay recommendations of the Quadrennial Commission and of the President;

(3) reviews the actions of the Committee and the Subcommittee taken with respect to the FY 1977 pay recommendations of the President;

(4) sets forth the Subcommittee's findings with respect to problems under the existing law; and

(5) sets forth the Subcommittee's recommendations for improving the pay-fixing procedures.

SUMMARY OF SUBCOMMITTEE ACTION

On February 7, 8, and 9, the Subcommittee held public hearings on the various disapproval resolutions. Testimony was taken from 34 witnesses.

Prior to and during these hearings, the Subcommittee made every effort to insure that individuals who desired to testify or to submit statements for the record were advised of the opportunity to do so. Testimony was received from 27 Members of Congress, and an additional 96 Members submitted statements for the record.

At its meeting of February 16, after agreeing unanimously to open the hearings to the public and the media, the Subcommittee took the following actions:

1. By a record vote of 1 to 4, defeated a motion offered by Mr. Rousselot to favorably report House Resolution 201 (disapproving all of the President's pay recommendations) to the full Committee.

2. By voice vote, defeated a motion offered by Mr. Rousselot to report House Resolution 152 (disapproving Members' pay increase only) to the full Committee.

3. By a record vote of 1 to 4, defeated a motion offered by Mr. Rousselot to report House Resolution 201, without recommendation, to the full Committee.

4. By voice vote, adopted a motion to table all House Resolutions similar to H. Res. 201 and H. Res. 152, with Mr. Rousselot asking to be recorded in opposition to the motion.

Finally, the Subcommittee agreed to issue a report containing its views and recommendations concerning the pay setting mechanism.

SUMMARY OF RECOMMENDATIONS

The Subcommittee's detailed findings and its specific legislative recommendations are set forth in later sections of this report. If the Subcommittee's recommendations are enacted, major revisions would result in the pay-fixing mechanism for top officials in the Executive, Legislative, and Judicial branches.

Mainly, the recommendations provide that in the future—

(1) any pay raise for Members of Congress, including any comparability adjustment, would not take effect until the beginning of the next Congress;

(2) a record vote in the House on pay raises, based on Quadrennial Commission recommendations, would be guaranteed if a majority of the Members of the House so desire; and

(3) although the October comparability adjustment mechanism would be retained, Public Law 94–82 would be amended to prevent officials from receiving a comparability adjustment in any year in which the Quadrennial Commission recommendations become effective.

The recommendations would work as follows:

The present system of a Quadrennial Commission, would continue on a four-year cycle, with the next one being appointed in January, 1980, and a new Commission appointed in January of every fourth year thereafter. The Commission would study and review the rates of pay for top government officials and recommend adjustments to the President, just as it does presently. The President would be required to submit his first recommendations in January, 1981, the pay raises for Members of Congress only to become effective two years thereafter. Subsequent recommendations would be submitted at four year intervals in January (1985, 1989, etc.), and the pay raises for Members would become effective two years thereafter. This would insure that the President could not alter the statutory timeframe, as has been done in the past, for submitting his recommendations to the Congress.

The pay recommendations would be effective 30 days after they were submitted to Congress unless either House disapproved all or part of the recommendations. The House Rules would be amended to guarantee a floor vote on the recommendations within 30 days, if a discharge motion was filed under a new simplified procedure, and signed by a majority of the Members of the House. The new procedure would provide that such a motion could be filed immediately upon a disapproval resolution having been before a committee for fifteen days, rather than the 30 days required under current House Rules.

In the four-year period between quadrennial reviews, officials covered by the quadrennial system, other than Members of Congress, would receive annual salary adjustments equal to the average comparability adjustments given to General Schedule employees except in those years when Quadrennial recommendations become effective. Members of Congress would not receive annual adjustments, since these would be deferred until the next Congress.

It should be emphasized that with respect to all adjustments in Members' pay, Members would be prohibited from receiving any adjustment approved during the then current Congress. All pay adjustments for Members would be deferred until the Congress next following the effective date of that adjustment for officials in the other two branches. The net result would be that Members' pay, at the most, would be adjusted only once in each Congress, and the nature of that adjustment would be determined during the preceding Congress. Officials in the Executive and Judicial branches would receive no more than one adjustment in any given year.

FEDERAL SALARY ACT OF 1967

Section 225 of Public Law 90–206, approved December 16, 1967, 2 U.S.C. 351, authorized the appointment of a Commission on Executive, Legislative, and Judicial Salaries to serve for the period of the 1969 fiscal year, and the appointment of a new Commission to serve during the period of every fourth fiscal year following the 1969 fiscal year.

The Commission is composed of nine members, three to be appointed by the President, two by the President of the Senate, two by the Speaker of the House, and two by the Chief Justice of the United States.

The Commission is required to conduct quadrennial reviews of, and recommend rates of pay for, Members of Congress, the principal officials of the legislative branch, the judiciary, and the principal officials of the executive branch. The quadrennial review and recommendations are to be submitted to the President, who, in turn, is required to submit to the Congress with his next budget, his recommendations as to the exact rates of pay he deems advisable.

The President's recommendations become effective automatically, unless within approximately 30 days after the recommendations are submitted to the Congress, the Congress enacts a statute establishing different rates of pay, or one of the Houses of Congress disapproves all or any part of the recommendations.

PRIOR RECOMMENDATIONS UNDER 1967 ACT

Fiscal Year 1969

The pay recommendations of the first Commission on Executive, Legislative and Judicial Salaries, appointed for fiscal year 1969, were submitted to the President on December 2, 1968. President Johnson, in turn, submitted his pay recommendations to the Congress with his budget message on January 17, 1969. The recommendations of the Commission and of the President for certain selected positions are set forth below:

	Recommendations	
	Commission	President
Executive level I	$60,000	$60,000
Executive level II	50,000	42,500
Executive level V	40,000	36,000
Members of Congress	50,000	42,500
Chief Justice of the United States	67,500	62,500
Associate Justices of Supreme Court	65,000	60,000
Circuit court judges	50,000	42,500
District court judges	47,500	40,000

In his message to the Congress transmitting his pay recommendations, President Johnson pointed out that while he believed the $50,000 Congressional salary, recommended by the Commission, could be justified, the leaders of Congress felt that an increase to $42,500 was more likely to receive the necessary support.

On February 4, 1969, the Senate, by a vote of 34–47, defeated Senate Resolution 82 which proposed to disapprove the President's pay recommendations. On February 5, 1969, the House Rules Committee voted to table a resolution providing for the adoption of House Resolution 133 which proposed to disapprove the President's recommendations and, at that time, was pending before the House Post Office and Civil Service Committee.

Since neither House adopted a resolution of disapproval before the end of the 30-day period, the President's pay recommendations became effective in February and March 1969, as applicable for each group of officials covered by the recommendations.

Fiscal Year 1973

In fiscal year 1973, which commenced on July 1, 1972, President Nixon delayed making his appointments to the Quadrennial Commission until December 11, 1972. As a result of this delay, it was impossible for the Commission to conduct a review and submit a report to the President in time for him to include pay recommendations in his January 1973 budget. This meant that the President's pay recommendations could not be submitted to the Congress until 1974, an election year.

The Commission's report was submitted to the President on June 30, 1973, and President Nixon submitted his recommendations to the Congress with his budget on February 4, 1974.

The Commission recommended an immediate 25 percent increase in salaries for levels II, III, IV, and V of the Executive Schedule and equivalent positions in the legislative and judicial branches. However, due to the state of the economy, the President recommended that the pay adjustments become effective in three steps of approximately 7½ percent each, beginning in March 1974, January 1975, and January 1976.

Set forth below are the pay recommendations of the Commission and of the President for certain selected positions:

	Commission's recommendation	President's recommendation		
		1974	1975	1976
Executive level I	$70,000	$60,000	$64,500	$64,500
Executive level II	53,000	45,700	49,100	52,800
Executive level V	45,000	38,700	41,600	44,700
Members of Congress	53,000	45,700	49,100	52,800
Supreme Court:				
Chief Justice	72,500	62,500	67,200	67,200
Associate Justices	70,000	60,000	64,500	64,500
Circuit Court Judges	53,000	45,700	49,100	52,800
District Court Judges	50,000	43,000	46,200	49,700

On March 6, 1974, the Senate, by a vote of 71 to 26, adopted Senate Resolution 293 which disapproved all of the President's pay recommendations. In the House, the Post Office and Civil Service Committee reported House Resolution 807, disapproving all of the President's recommendations on March 4, 1974, but the Senate's action made further consideration of H. Res. 807 unnecessary.

FISCAL YEAR 1977 PAY RECOMMENDATIONS

The appointment of the members of the Quadrennial Commission for fiscal year 1977 was completed in August 1976 and the Commission submitted its report and recommendations to the President on December 2, 1976.

In its report, the Commission pointed out that for the last eight years, the highest officials of all three branches of the government have received only one increase in salary, a nominal 5 percent increase in October, 1975. During this eight-year period, average private wages increased by 70 percent, the consumer price index went up by more than 60 percent, and civil pay increased by 65 percent. While these economic indicators clearly would have justified a 50 percent increase in the pay of the government's top officials, the Commission concluded that direct pay comparisons with the private sector are neither feasible nor appropriate for almost all of the positions covered by the Commission's report. Therefore, the Commission recommended salary increases which, in its opinion, would result in the minimum levels of pay necessary to attract and retain first-rate individuals for these positions and not exclude those individuals whose entire standard of living is dependent on current earned income.

In order to restore public confidence in government, the Commission recommended that the proposed pay increases be tied to the establishment of new and more stringent codes of conduct for all three branches of the government. The Commission recommended that such codes of conduct include, as a minimum, the following principles:

1. Full public disclosure of each official's financial affairs.

2. Rigorous restrictions on outside earned income.

3. Strict conflict of interest provisions on investments.

4. Appropriate and accountable expense allowances.

5. Clear and reasonable restrictions on post-service employment.

6. Vigorous and consistent auditing.

President Ford submitted his pay recommendation to the Congress on January 17, 1977. In his message to the Congress, the President strongly endorsed the Commission's recommendation for new and more stringent codes of conduct. The President stated that he would not recommend the salary increases in the absence of a firm commitment to new codes of conduct. In addition, the President advised the Congress that President-elect Carter had endorsed the salary proposals and the recommendation for stronger codes of conduct.

The salary recommendations of the Commission and of the President for certain selected positions are as follows:

	Recommendations	
	Commission	President
Executive level I	$67,500	$66,000
Executive level II	60,000	57,500
Executive level V	49,000	47,500
Members of Congress	57,500	57,500
Chief Justice of the United States	80,000	75,000
Associate Justices of Supreme Court	77,500	72,000
Circuit court judges	65,000	57,500
District court judges	62,000	54,500

COMMITTEE CONSIDERATION OF FISCAL YEAR 1977 RECOMMENDATIONS

On February 1, 1977, two days before the full Committee's organizational meeting, the Honorable Robert N. C. Nix, Chairman of the Post Office and Civil Service Committee, sent a letter to each Member of the Congress, indicating that he would appoint an ad hoc subcommittee to consider the various House Resolutions, pending before the Committee, to disapprove all or part of the President's FY 1977 pay recommendations. Chairman Nix extended the opportunity to all Members of the Congress to testify at the hearings or to submit comments for the record.

The ad hoc Subcommittee on Presidential Pay Recommendations, consisting of seven Members, was appointed at the first meeting of the full Committee on February 3. The Honorable William D. Ford of Michigan was appointed Chairman of the Subcommittee. It should be pointed out that each and every Member of the Committee who expressed his or her desire to serve on the Subcommittee, was appointed by the Chairman.

In a press release dated February 3, 1977, Chairman Ford announced the Subcommittee's schedule of hearings for February 7, 8 and 9, and invited all interested parties to appear before the Subcommittee. On the same date, Chairman Ford addressed a letter to each Member of the House who had introduced or co-sponsored a disapproval resolution specifically inviting such Member to testify at the hearings or to submit comments for the record. Again, on February 7, 1977, Chairman Ford, on the floor of the House, invited each Member who was interested in the pay recommendations to appear before the Subcommittee or submit a statement for the record.

At the time of the Subcommittee's hearings on February 7, 8 and 9, there were pending before the Subcommittee 17 House Resolutions (with 54 sponsors) proposing to disapprove all of the President's pay recommendations. In addition, there were 13 House Resolutions (with 16 sponsors) which proposed to disapprove the President's recommendation with respect to the pay increase for Members of Congress.

During the 3-day period, the Subcommittee took testimony from 34 witnesses (Hearing No. 95–1). Twenty-seven Members of Congress and the former Chairman of the House Post Office and Civil Service Committee appeared before the Subcommittee and 96 Members submitted statements for the record. The Subcommittee heard witnesses from the Carter Administration; the American Bar Association; the Commission on Executive, Legislative, and Judicial Salaries; and a consumer advocate. In addition, the Subcommittee received official letters endorsing the President's pay recommendations from Chief Justice of the Supreme Court Warren E. Burger, the Office of Management and Budget, the Civil Service Commission, and the Comptroller General of the United States.

Of the 123 Members of the House who either testified or submitted statements for the record, 49 Members opposed all of the pay recommendations, 44 opposed only the pay increases for Members of Congress, 30

recommended that the increase be deferred until the next Congress, and 9 Members favored the increase. However, of important significance is the fact that of those 123 Members, 110 recommended that the House be required to vote on any proposed pay increases.

On February 16, 1977, the Subcommittee on Presidential Pay Recommendations, in open session and with a quorum present, took the following actions:

1. By a record vote of 1 to 4, defeated a motion offered by Mr. Rousselot to favorably report House Resolution 201 (disapproving all of the President's pay recommendations) to the full Committee.

2. By voice vote, defeated a motion offered by Mr. Rousselot to report House Resolution 152 (disapproving Members' pay increase only) to the full Committee.

3. By a record vote of 1 to 4, defeated a motion offered by Mr. Rousselot to report House Resolution 201, without recommendation, to the full Committee.

4. By voice vote, adopted a motion to table all House Resolutions similar to H. Res. 201 and H. Res. 152, with Mr. Rousselot asking to be recorded in opposition to the motion.

SENATE CONSIDERATION OF FY 1977 PAY RECOMMENDATIONS

In the Senate, one resolution of disapproval (S. Res. 39) was placed on the printed calendar and another (S. Res. 50) was referred to the Committee on Post Office and Civil Service, but there was no opportunity to vote on either resolution. However, during Senate consideration of S. Res. 4, a resolution reorganizing the committee system of the Senate, an amendment was offered to S. Res. 4 proposing to disapprove all of the President's pay recommendations. A motion to lay the amendment on the table was adopted by a vote of 56 to 42 (Cong. Rec., p. 3240, February 2, 1977).

Since neither House disapproved the President's pay recommendations, they became effective, as to Members, on March 1, 1977.

NEW CODE OF ETHICS FOR HOUSE

As discussed above, the pay recommendations of both the Quadrennial Commission and the President were "tied" to the establishment of strict codes of conduct applicable to the three branches of the government.

After several months of study, the House Commission on Administrative Review, which the House of Representatives established on its own initiative during the 94th Congress (long before the Quadrennial Commission submitted its recommendations to the President), completed action on a comprehensive package of recommendations for a new and more stringent code of ethics and a new financial disclosure system applicable to Members and employees of the House.

On March 2, 1977, the House, by a record vote of 402 to 22, agreed to House Resolution 287 which, essentially, embodied the recommendations of the Commission on Administrative Review. As agreed to by the House, House Resolution 287 amended the Rules of the House of Representatives to—

1. Require full financial disclosure by Members and officers of the House, their principal assistants, and professional committee staff;

2. Limit to 15 percent of salary the amount of earned income a Member may receive from sources outside of Congress;

3. Limit to $750 the fee a Member may receive for making a speech or an appearance or for writing an article;

4. Prohibit the acceptance of gifts of $100 or more in value in any calendar year from any person having a direct interest in legislation before the Congress or who is a foreign national (or agent of a foreign national);

5. Abolish unofficial office accounts, including newsletter funds, and prohibit the conversion of political funds to personal use;

6. Impose new restrictions on the use of the frank, including a prohibition on mass mailings under a frank when the matter is mailed less than 60 days before a primary or general election; and

7. Prohibit official travel by Members who have announced their retirement or have been defeated in the general election.

FINDINGS

1. The concept of a citizens commission to periodically study and recommend salary adjustments for top executives in the Legislative, Judicial, and Executive branches is sound and should be retained.

The history of top level salary adjustments prior to the establishment of the Quadrennial Commission in 1967 presents an erratic picture. For example, during the period 1856 (prior to 1856 Members received per diem) through 1968, there were ten pay adjustments for Members of Congress—or, on an average, one adjustment every 11.2 years. With respect to cabinet officers, from 1789 through 1964 (the year the Executive Schedule was established) there were ten pay adjustments, an average of one every 17.5 years. Supreme Court Justices received eleven adjustments between 1789 and 1968, an average of one every 16.3 years. Clearly a mechanism, similar to the Quadrennial Commission mechanism, is necessary to insure periodic salary review for these positions. Past history affirms that if these salary adjustments are left solely to legislative initiative, political realities insure that review and adjustment of these salaries will return to the haphazard practices of the past.

Close review of reductions in Congressional salaries further emphasizes the political nature of salary adjustments left solely to legislative initiative. On three occasions, Congress has voted to reduce its salary (or per diem). In each instance, the reduction merely repealed the previous year's increase. More recently, the 94th Congress, in effect, repealed an increase by amendment to the Legislative Branch Appropriation Act (P.L. 94–440, approved October 1, 1976). This action blocked the salary increase which Congress had authorized the previous year (P.L. 94–82, approved August 9, 1975).

The Quadrennial Commission concept requires the Commission to review the rates of pay for the purpose of determining and recommending appropriate adjustments (P.L. 90–206, Section 225(f)). Although the Commission's final recommendations are not binding, and in fact, the President has consistently recommended smaller increases than those recommended by each of the three Commissions, the statutory review requirements do provide an empirical basis for the President's recommendations, as well as any action by the Congress. The Commission's review insures that Presidential or Congressional action regarding the pay adjustments will not occur in a vacuum. The Subcommittee strongly believes that comparative and statistical data compiled from the Commission reviews is an essential ingredient when pay adjustments are to be considered.

2. The change in the beginning of the government's fiscal year (from July 1, to October 1) required by the Congressional Budget and Impoundment Control Act of 1974 (P.L. 93–344, Sec. 501), has resulted in an unrealistic time frame during which the Commission must organize, hold hearings, conduct surveys, study available data, deliberate, and formulate and deliver its recommendations to the President.

If the President is to have sufficient time to review the Commission's recommendations in order to formulate his own recommendations for transmission with his budget, the Commission must present its recommendations to the President by early December. Since by law the Commission may not be established until the beginning of the fiscal year (now October 1) this permits a time period of only two months for the Commission to prepare its recommendations.

This clearly is not sufficient time for thorough and complete consideration of the complex issues involved in legislative, judicial, and executive pay. The law should be amended to change the period of time of each commission to serve from a fiscal to a calendar year basis. Thus, the next commission would be for the calendar year 1980 in lieu of fiscal year 1981. The President's recommendations would be required to be submitted in January 1981, the same as under existing law.

3. The 1967 Act permits the President to submit his recommendations in either an election or a non-election year.

Although the Subcommitee is convinced that the Congress intended the President to submit his recommendations in a non-election year, Public Law 90–206 does not require him to do so. By delaying the date in which the Commission must submit its report, or by delaying the appointment of Members to the Commission, the President may create a situation permitting the recommendations to be submitted in an election year. The report of the second Quadrennial Commission was delayed by President Nixon's failure to appoint its members, and as a result, the President's recommendations were not transmitted to Congress until January 1974, an election year. The Senate disapproved those recommendations in toto.

The Subcommittee firmly believes that the politics of any pay-adjustment are such that it must be considered by the Congress in a non-election year. The political pressure experienced by the Subcommittee Members in this non-election year was awesome. Political pressure in an election year appears to be unbearable. Congress has not approved an election year pay increase since 1866, notwithstanding the fact that such pay adjustments have been totally and fully warranted.

4. In the absence of periodic adjustments such as those authorized under Public Law 94–82, a four or eight year time lag between adjustments under Public Law 90–206 and the substantial recommended increases which result create practical and political problems.

When Public Law 90–206 was approved in 1967, it was anticipated that the four year review cycle would result in recommendations for legislative, judicial and executive pay adjustments which were timely and appropriate, but not unduly large. Two factors, however, resulted in this year's recommendations for a 28.9 percent average pay increase for Members.

First, the period between the implementation of the first commission's recommendations and the announcement of the third commission's recommendations (1969–1976) was one of extremely high inflation. During this period, average hourly private non-farm earnings increased by 70.1 percent. The Consumer Price Index increased by 60.5 percent. Pay of civil servants under the General Schedule increased, on an average, 65.7 percent.[1]

Second, the rejection by the Senate in 1974 of the President's recommendations resulted in an eight year period when there were no adjustments pursuant to Public Law 90–206. Thus, with the exception of an October 1975 increase of 5 percent authorized by Public Law 94–82, the pay for incumbents of positions covered by Public Law 90–206 was

[1] "The Report of the Commission on Executive, Legislative, and Judicial Salaries", Committee on Post Office and Civil Service, Committee Print 94–27, 94th Congress, 2nd Session, page 12.

frozen for eight years. If the President's 1974 recommendation of $52,800 for Members had become effective, the current increase to $57,500 would represent only an 8.8 percent increase.

Unless the pay adjustment mechanism is changed to provide for more frequent adjustments, the Subcommittee forsees the following problems.

First, the Congressional Budget Office estimates that General Schedule comparability increases for the next five years will average 5.6 percent annually.

If the Executive Level V salary ceiling ($47,500) is not adjusted prior to the submission of the next Commission recommendations (January 1981), "salary compression" will affect employees in grades GS–15, step 5, and above. A GS–15, step 5, who today receives $38,293 would receive, but for the ceiling, $47,618 as of October, 1980.

Second, if the next scheduled Quadrennial recommendation simply provides an increase equivalent to that received by General Schedule employees, that increase would be approximately 24.4 percent. This is almost as large an increase as that which took effect this year.

Third, recommended increases on the order of twenty to thirty percent, which the Subcommittee believes are inevitable under the existing Quadrennial system, appear outrageous to the average citizen whether or not they are in fact justified. The size of the increase, not its merits, is the focal point of consideration. The fact that an individual's salary was frozen but for one 5 percent increase for eight years was overlooked this year and figures such as 28.9 percent or 30 percent became the sole issue with respect to the recommended increases.

The size of the recommended increases is a special problem for those recipients who are required to consider the recommendations, and whose employment may depend on their stand on those recommendations—Members of Congress. The problem is particularly acute for first and second term Members who, unlike their colleagues, have not experienced a 30 percent decline in the purchasing power of their pay check, and who are especially vulnerable to the charge that "you knew what the pay was when you ran for the job."

The Subcommittee expects that many citizens would not object to a 5 percent per annum increase for individuals whose salaries are adjusted under the Quadrennial mechanism. Many of these same citizens, however, would believe an equivalent 21.5 percent increase following a four year freeze to be exhorbitant.

A fourth problem with the four year review system is that even with the recent salary adjustments, approximately 6,300 individuals will not receive any pay adjustment for four years. This number includes approximately 2,500 individuals whose salaries are adjusted pursuant to the Quadrennial system, plus an additional 3,800 individuals whose salaries are presently limited by the Level V statutory ceiling. This number will increase each year as more salaries reach the ceiling as the result of comparability increases.

The Subcommittee estimates that the total number of frozen salaries could reach 23,000 before the next scheduled Quadrennial recommendations. These individuals will experience a constant decline in the purchasing power of their pay checks.

5. The Executive Salary Cost-of-Living Adjustment Act (P.L. 94–2).

The problems discussed in point 4 would be precluded if Congress retains and does not interfere with the operation of the Executive Salary Cost-of-Living Adjustment Act (P.L. 94–82). The Act provides that salaries for positions subject to the Quadrennial review will be adjusted annually by a percentage equal to the average percentage adjustment for positions under the General Schedule.

General Schedule salaries are adjusted each October pursuant to the Federal Pay Comparability Act of 1970 (P.L. 91–656). Annual General Schedule adjustments are not "cost-of-living" adjustments although they are commonly referred to as such. Rather, pursuant to P.L. 91–656, these annual adjustments result from Bureau of Labor Statistics bility" between Federal salaries and private sector salaries. The primary data used for pursuant to P.L. 91–656, these annual adjustments result from Bureau of Labor Statistics surveys of private sector salaries. The increase in the cost-of-living or the Consumer Price Index is not a determinant in these adjustments except to the extent that any such increase may have affected increases in private sector salaries.

Accordingly, adjustments authorized for officials of the legislative, judicial, and executive branches pursuant to Public Law 94–82, are not based upon increases in the "cost-of-living". Instead they are determined by the average "comparability" increase accorded to General Schedule employees. Nevertheless, last year, and we expect in every subsequent year, it will be charged that Congress and top level goevrnment officials benefit from increases in the cost-of-living. The Subcommittee regrets that this misunderstanding is encouraged by the misnomer "Cost-of-Living Adjustment" in the title of the Act.

Last year, by an amendment to the Legislative Branch Appropriations Act (P.L. 94–440, Congress prohibited the use of funds for any pay increase authorized under Public Law 94–82 to individuals subject to the Quadrennial mechanism. Absent this amendment, those individuals would have received a 4.8 percent pay increase on October 1, 1976, pursuant to Public Law 94–82.

The Subcommittee is concerned by last year's action and foresees problems if the Congress attempts to deny future increases in the same manner.

In his opinion letter of September 21, 1976, to the former Chairman of the House Committee on Post Office and Civil Service (B-145492, dated September 21, 1976) the Comptroller General indicated that last year's amendment did not "suspend or postpone the operation of Public Law 94-82 and it is not therefore a limitation on the rates established thereunder. The language sets a limitation on the use of funds." Thus, the legal pay rates for individuals covered by the Quadrennial mechanism increased by 4.8 percent. This includes the rate for Level V, the statutory ceiling level. The Comptroller General further noted that since the amendment referred only to positions covered by the Quadrennial mechanism, funds could be used to pay individuals, such as those under the General Schedule, at the appropriate legal rate. The end result was that General Schedule employees at the statutory ceiling received pay at the new Level V rate ($39,600) while individuals who actually occupied Level V positions received pay at the old rate ($37,800).

The question of the effect of last year's amendment is now moot in light of the implementation of pay increases pursuant to the Quadrennial mechanism. However, the Congress could enact the same use of funds prohibition this year and in succeeding years. In that event, using the CBO assumption of 5.6 percent annual comparability adjustments, the salary paid individuals in positions in Grades GS-16, step 7 and above would exceed the salary paid for Executive Level V in 1977, for Level IV in 1978, for Level III in 1979, and would be approximately equal to Level II in 1980. The next Quadrennial recommendations are not scheduled until 1981. Before that time, approximately 20,000 individuals would be receiving a salary only slightly less than that paid for Level II which is the rate for Circuit Court Judges and Congressmen.

Another problem could arise if an individual who is subject to a use of funds prohibition should press a claim against the government. It is clear that the individual is not being paid at the rate of pay established by law for his position. The Subcommittee believes that a court could find that the individual is, notwithstanding the prohibition on use of funds, entitled to be paid at his legal rate.

Finally, Public Law 94-82 currently provides for comparability adjustments for Quadrennial officials every year, including a year when the Quadrennial pay recommendations become effective. Thus, every fourth year, there is the possibility that these officials could receive two pay adjustments. This is the case this year.

The Subcommittee does not believe two pay adjustments in any one year are necessary. If, as happened this year, the Quadrennial recommendations become effective, there is no need for a comparability adjustment only seven months later.

The recommendations which become effective in March are based upon study and consideration by an objective, impartial citizens commission. The comparability adjustments which may occur in October are intended to insure that during the period between reports by the commission the serious problems of pay compression and lost purchasing power would not again occur as they have in recent years. In a year in which the Quadrennial recommendations become effective, those problems should be averted by these recommendations. Accordingly, the Subcommittee believes that annual comparability adjustments should not be accorded to Quadrennial officials in any year in which the Quadrennial pay recommendations have become effective.

6. Recommendations for a Biennial Commission.

Both the second and the third Quadrennial Commissions recognized that the four year interval between pay adjustments was too long. As the second commission stated in its report:

"A system involving salary changes every 4 years is simply incompatible with one that is adjusted each year during an inflationary period, particularly when the 4-year system 'puts a lid on' the one year system." (Report of the Commission on Executive, Legislative, and Judicial Salaries, p. 15 (June 1973).)

The second commission recommended that recommendations be made every two years. The third commission suggested "a permanent commission making recommendations as appropriate to the President, but at the very least, of course, once every four years." (Report of the Commission on Executive, Legislative and Judicial Salaries, p. 49 (December 1976).) Such a biennial approach would, it is argued, obviate the need for annual adjustments, such as those authorized under Public Law 94–82.

While a 2-year cycle for recommendations could alleviate the problems resulting from the present 4-year time lag, e.g., salary compression and the necessity of considering sizable increases, there is no guarantee that such a cycle would alleviate these problems. And the Subcommittee doubts that such an approach would solve these problems.

First, if Congress disapproved one set of biennial recommendations, there again would be a 4-year lag. With no annual adjustment mechanism in place, the serious problem of salary compression, explained in point 4, would again occur. Similarly, when the next recommendations were submitted for consideration, the increases recommended would most likely be substantial to compensate for the 4-year period when there were no adjustments.

Second, because of the emotional appeal of the Congressional pay issue, and the ease with which it can be exploited, a 2-year cycle would virtually insure that such issue would be central in every future Congressional campaign. While the Subcommittee believes that constituents' views on the pay issue are important, it also believes that much time would be spent debating that issue (if a 2-year cycle were adopted), which could better be spent on the more significant issues facing the country and the Congress.

Nor would the time consumed by the issue be limited to that spent on the campaign trail. As the Subcommittee's experience aptly demonstrates, enormous amounts of Members' time, rightly or wrongly, must be devoted to the pay issue during the period when the recommendations are pending before the Congress.

7. Increases for Members should not take effect until the beginning of the next Congress.

A substantial number of the Members who testified before the Subcommittee expressed the view that a sitting legislative body should not, either directly or by inaction, increase the salaries of its own Members. It was stated during the hearings (page 205) that 37 states have constitutional provisions barring their legislators from raising their salaries during their current terms.

The Subcommittee agrees that pay adjustments for Members should be deferred until the Congress next following that in which they are considered. Such a practice would lessen the inherent and inescapable conflict of interest charges which Congress faces with respect to establishing its own rate of pay. Members of the House, and one-third of the Senate, would have to stand for reelection before any pay increase takes effect.

Deferring pay adjustments would also alleviate the problem faced by first term Members of Congress. Under the present system, these Members may be faced with a vote on the pay issue during their second month in Congress. Whether or not the recommended adjustments for officials covered by the Quadrennial mechanism are warranted, it is virtually impossible for these first term Members, who have just begun serving at a salary rate known to them in advance of their election, to support the adjustments.

Witnesses who supported deferring Members' pay raises referred only to increases which occurred pursuant to the Quadrennial mechanism. The Subcommittee believes, however, that the deferral principle should apply to any adjustments in salary rates, including annual adjustments pursuant to Public Law 94–82.

Annual adjustments pursuant to Public Law 94–82 are equal to the average comparability increase accorded General Schedule employees under the Pay Comparability Act of 1970. That Act has been in effect for seven years, and in five of those seven years, the President has submitted an Alternative Plan thereby placing the issue of the comparability adjustment before the Congress for its consideration. Thus, past history under the Comparability Act indicates that the issue of annual adjustments is likely to be before the Congress again in the future. Deferring the annual adjustments for Members of Congress will alleviate the potential conflict of interest Congress would face when considering an alternative plan and would eliminate jeopardizing the comparability increases for other officers and employees.

The Subcommittee sees no need to defer pay increases for officials in the executive and judicial branches. It is only Members of Congress who are faced with voting on their own pay. Deferring only Members' pay increases will disturb the traditional, and we think advisable, relationship between salaries of officials in the three branches. Requiring Congressional pay adjustments to temporarily lag behind those in the other branches is, however, justified in terms of minimizing the inherent charges of conflict of interest, and permitting the electorate to know exactly what a Member will be paid during the term for which he is running.

Finally, the Subcommittee recognizes that deferring Members' adjustments until the succeeding Congress may create special problems in the Senate in view of its six-year staggered terms. The Subcommittee defers to the wisdom of that body with respect to the practical application of the deferral concept for Senators.

8. A record vote on Quadrennial pay adjustments.

The witnesses who testified before the Subcommittee overwhelmingly supported changing the law to insure that a record vote could be obtained on the Quadrennial pay recommendations.

The Subcommittee believes that the committee system in the House is essential if the House is to function in a responsible manner. Only in the most extreme circumstances should the full House consider legislation without having first had the benefit of the views of the committee having jurisdiction over that legislation.

The existing committee system has endured these many years because it has proven to be the most practicable and efficient means of considering and developing legislative proposals for action by the full House. In almost all instances it is a committee of the House that initially determines the merits of a proposal and then refines that proposal into legislation that is acceptable generally to the Members of the House. If a committee determines, after thorough consideration, that a proposal is without merit, or for some other reason is unacceptable, the proposal is not reported to the House and for all practical purposes the matter is laid to rest at least for the remainder of that Congress.

Given the proven success of the committee system, this Subcommittee can find no valid basis for circumventing the usual operation of that system in the case of the Quadrennial pay recommendations. The Post Office and Civil Service Committee reported the legislation which established the Quadrennial pay system and now has exclusive jurisdiction over all matters relating thereto. Under the Rules of the House, it is the responsibility of this Committee to consider the merits of any proposal for changes in that pay system and, in particular, the merits of any pay recommendations submitted pursuant to the 1967 Act. The Subcommittee believes that the Committee's responsibility should not, and must not, be completely abrogated by mechanically approving a disapproval resolution simply for the sake of affording Members of the House an opportunity to vote on the specific pay recommendations. If the Members of this Committee or an appropriate subcommittee determine that pay recommendations, based on the Quadrennial Commission's review, are fully justified, it is their responsibility, acting within the established procedures of the House, to take appropriate action, as they did this year, to ensure that such recommendations are placed into effect.

The fact that certain Members find this procedure to be politically unacceptable, notwithstanding the merits of the issue, should have no bearing on the prerogatives and responsibilities of the Committee to act as it sees fit. This procedure is uniform for all committees, and, except for the "politics" involved, the procedural question would have never surfaced.

The procedure for considering the Quadrennial recommendations, however, places the Committee or subcommittee to which the disapproval resolutions are referred in a "no win" situation. If the Members of the Committee or subcommittee, after studying the recommendations and hearing the views of interested individuals, properly discharge their responsibility by voting on the merits of the recommendations, and if a majority of the Members vote not to report a disapproval resolution, the issue is killed. The question cannot, for all practical purposes, reach the House floor. Thus, by voting their conscience on the merits of the issue, subcommittee Members become open to the charge that they denied the full House the opportunity to express its will by a recorded vote.

The Subcommittee believes that Committee or subcommittee consideration of the pay recommendations is important. The subcommittee also believes that one subcommittee or committee should not be placed in a position where, by expressing its views on the merits of the recommendations, it becomes subject to charges of "bottling up" the issue.

Several procedures could be used to insure that the full House will have the opportunity to consider Quadrennial recommendations. The House Rules could be amended to provide that a motion to discharge the committee and consider the issue would be one of high privilege. Such a procedure, however, would permit just one Member of the House to force the issue on the floor. The Subcommittee believes that it would be unwise to subject the Members of the House to what inevitably would be a prolonged and emotional debate at the insistence of only one of the Members of the House.

Rather, the Subcommittee favors a procedure which would permit the issue to be brought up on the floor after a discharge motion is filed and signed by a majority of the Members. This is the normal procedure for bringing a matter out of committee when the committee has failed to report to the full House. The House Rules could be amended to provide that such a petition, with respect to a disapproval resolution, could be filed after a resolution has been before a committee for fifteen days (House Rules presently require 30 legislative days to pass). This would insure that a vote would occur if a majority of Members formally expressed their desire for such a vote by signing the discharge motion, and would preclude the possibility that absent such majority support, this highly political and emotional issue could be taken to the floor solely to serve the political interests of one or a few Members.

The Subcommittee favors retaining the 30 calendar day time limit within which either House must act. To prolong the time period for consideration of this issue, given the intense and time consuming consideration which it generates, could unreasonably divert the attention of the Congress from other more important legislative matters.

RECOMMENDATIONS FOR LEGISLATIVE CHANGES

1. Members of the Commission should be appointed for a period of one calendar year, such period to commence on January 1, 1980, and every fourth year thereafter.

2. The report of the Commission should be submitted to the President during the first week in December of the year for which the Members are appointed, and the recommendations of the President should be submitted to the Congress during the first 15 days of the next Congress.

3. The House Rules should be amended to provide that if a discharge motion is filed fifteen or more calendar days after a resolution disapproving all or part of the President's recommendations has been referred to a committee, and is signed by a majority of the Members of the House, it shall be in order for any Member who has signed the motion to call up that motion for consideration at any time during which the House is in session.

4. Public Law 94–82, relating to annual comparability adjustments for Quadrennial officials, should be amended to provide that such adjustments shall not be accorded in

any year in which the Quadrennial pay recommendations become effective.

5. Any pay adjustment for Members of Congress, pursuant to recommendations submitted by the President under Public Law 90-206 (Quadrennial Commission) or annual adjustments under Public Law 94-82 (Comparability Law), shall not take effect until the next Congress convenes.

Hon. WILLIAM D. FORD,
Chairman.

Hon. MORRIS K. UDALL,
Hon. CHARLES H. WILSON,
Hon. WILLIAM CLAY,
Hon. STEPHEN J. SOLARZ,
Hon. EDWARD J. DERWINSKI,
Hon. JOHN H. ROUSSELOT.

ADDITIONAL VIEWS OF THE HONORABLE EDWARD J. DERWINSKI

I concur in the presentation of this report and its recommendations, with one important exception. In its recommendation No. 4, the subcommittee proposes amending the annual comparability law so that those positions covered by the Quadrennial pay recommendations would not receive the comparability increase in any year in which the quadrennial adjustments are effective. I have introduced legislation (H.R. 2037) to repeal the provisions of the comparability adjustment law which apply to positions covered under quadrennial adjustments.

It is no longer necessary, I believe, to have duplicating pay adjustment procedures for the top legislative, executive, and judicial positions. While I appreciate the so-called "compression" that builds in the upper General Schedule grades during the 4-year interim of quadrennial pay commission action, I feel there must be a better and more practical way to solve that problem.

I cannot, in my own mind, justify both annual and quadrennial pay adjustments for top executives and Members of Congress simply for the reason of providing an escape valve for supergrade salaries.

While I agree with the subcommittee that positions receiving a pay increase under the quadrennial procedure should not receive two pay increases in one year, the recommendation falls short of the proper position, namely that only once every four years should judges, Members of Congress, and top executives receive pay adjustments.

HUMAN RIGHTS IN NORTHERN IRELAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 60 minutes.

Mr. WOLFF. Mr. Speaker, I am privileged today with our colleague from Massachusetts, Mr. MOAKLEY, to join with so many of my distinguished colleagues in a united expression of congressional concern for the continuing plight of the people of Northern Ireland, and to join in testifying publicly today in hopes of compelling American and world attention on the issue of human rights in Northern Ireland.

Mr. Speaker, since President Carter forthrightly spoke out on Irish human rights during the campaign, and as he has courageously backed up his remarks on human rights while President with concrete actions, I feel confident that our pleas today for official U.S. Government scrutiny of the issue of human rights in Northern Ireland will be successful.

Indeed. at the close of my remarks today, I will insert for the record a complete copy of President Carter's speech before the united leadership of the Irish National Caucus in Pittsburgh last October 27.

As the President said at that time:

The world knows . . . that it is a mistake for our country's government to stand quiet on the struggle of the Irish for peace, for the respect of human rights, and for unifying Ireland.

The President also called for the creation of a Commission on International Peace to study and help work for the human rights of all people throughout the world, and not just the people of Northern Ireland.

Since the President's remarks, the European Commission on Human Rights in Geneva has received an admission from the British Government that, as I have tried to call the attention of this House for a number of years, systematic torture has been carried out against people in Northern Ireland.

When I came back from my visit to the British-run concentration camp to Long Kesh, I said in 1974 as I say today, the cleansing light of world and American public opinion is the best source of hope, and the best potential for help that oppressed people all over the world presently have against their torturers.

The British have had the character to publicly confess their crimes, and while we may weep at such words from the nation which gave us Magna Carta, we must hope that such a confession, and even a promise never to carry out such crimes against humanity will never again be necessary. But I think we have learned by now that the only way we in the United States can satisfy ourselves that justice is being done in Northern Ireland is to examine the matter as closely as is possible, so that those who might be tempted will fear to continue to policies of repression which have prompted so much of the violence.

Let me say at this time as I have said many times in the past, that the forces of violence only feed the forces of repression. It is an everexpanding circle of death and destruction for the people of Northern Ireland, where well over a thousand people—innocent people of all ages—have lost their lives in the past few years.

One year ago, on St. Patrick's Day, I took the occasion of the visit of the President of the Republic of Ireland to point out that simply to issue calls for the supression of violence, and the arrest of the violent, is for a government leader to abdicate his responsibility to the police.

The duty of a government is to offer positive programs of hope, real solutions based on the economic, social and political realities which are nearly always the root causes of violence anywhere in the world.

As I said last year, the violence in Northern Ireland is not a simple matter of Catholic or Protestant animosity—it is rather the universal story of the haves trying to keep the have-nots from attaining a fair share of the fruits of society. It is a story of an economic and political majority denying the legitimate rights of the minority to decent homes real jobs, and many of the things which we in the United States take for granted.

In my two missions to Northern Ireland, I have witnessed firsthand how the minority population are forced to live in ghettos, how they are segregated into areas where there is little or no opportunity for a decent job—or even any job at all.

I noted on my first visit that the Wolf Shipyards—and I hasten to say that the owners of this shipyard are no relatives of mine—which is situated squarely in a minority population area, employed more than 10,000 people, and that no more than a dozen of them were members of the minority population: this was not only a gross inequity, but constituted a gross insult to the intelligence and the patience of the minority population.

Similar deprivations of political rights and incarceration without trial have been systematically carried out, and I have already mentioned the horrifying admission of torture, and the conditions at the Long Kesh concentration camp.

Now the issue has frequently been raised that it is none of our business when we issue calls for hearings on human rights in Northern Ireland.

Well, Mr. Speaker, I have found no more eloquent statement of why we should concern ourselves with the issue of human rights in Northern Ireland than the words of President Carter last October, when he stated:

I don't disavow my own Irish Heritage. It would be a mistake for all of us to forget that we have a dual commitment; first and foremost, of course, to our own country, here, the United States. But then, secondly, and very importantly, to the nations from which our families came.

My point here is simply that serious and systematic deprivations of human rights have been going on in Northern Ireland for years, so the official silence of our Government, which represents many millions of Americans with friends and relatives in Ireland and Northern Ireland, simply underscores the sad fact that our Government has preferred to speak out on human rights in Africa, Europe, Asia, and South America—rather than address itself to a situation clearly involving our Nation.

So to conclude, Mr. Speaker, I would again state that we must very clearly differentiate between the issue of human rights, on which we are united, and on the issue of violence, in which we are also united in our opposition to the misguided perpetrators who only serve the forces of repression.

The sorry fact is that despite the recent revelations of the European Court on Human Rights, the outrages such as the British torture of Northern Ireland could have been avoided if the spotlight of world attention could have been focused sooner.

Similarly, the cleansing light of official American Government attention to the issue of human rights in Northern Ireland can go a long way to removing the initiative from the forces of violence on both sides, forces which often feed on the sense of frustration of the people of

Northern Ireland that for them, there is no hope.

The knowledge that the American people are informed and concerned can be a key factor in helping the people of Northern Ireland triumph over those who presently try to grab world attention through the bullet and the bomb.

Again, I would like to thank my colleagues here today for joining in this attempt to illuminate the struggle of a gallant people for their human rights, and I am privileged to present for the record the remarks of President Carter on the issue of human rights for the Irish people:

"It is a great honor for me to come here this afternoon to be with you who come to meet with me from a major part of this nation.

"I don't disavow my own Irish heritage. As I said, in a speech earlier today, it does not matter when our ancestors came here, two years ago or twenty years ago or two hundred years ago or more. . . . it is why we came here and what we do after we arrive to make our nation great.

"It would be a mistake for all of us to forget that we have a dual commitment; first and foremost, of course, to our own country, here, the United States. But then secondly, and very importantly, to the nations from which our families came.

"When I was in Notre Dame two weeks ago last Sunday with Father Hesberg and just a few moments ago, as a matter of fact, with Cardinal Cooke in New York, we talked about the need for the establishment of a Commission on International Peace, to pursue in the multitude of places around the world, the concept of our country's standing firm in its commitment to human rights.

"We see, on the evening news and in national headlines every now and then, some instances where human rights are subjugated and where quite often our nation, as was pointed out by the Father, stands mute and doesn't speak.

"The Democratic National Convention Platform Plank was written jointly, by my own staff and by Mayor Daley from Chicago, to be sure that the world knows that the Democratic party understands the special problems in Ireland and that it is a mistake for our country's Government to stand quiet on the struggle of the Irish for peace, for the respect of human rights, and for unifying Ireland.

"I would like to say that I almost feel like I am a member of the Ancient Order of Hibernians as well.

"For six years in a row I was honored to go to Savannah on Saint Patrick's Day, and if any of you have ever been to Savannah on Saint Patrick's Day, you know that it is one of the fine and wonderful events in the life of a human being and those who come there from Boston and other major cities in the world, say that they have never seen anything like it. Although Savannah is a fairly small city, we have two hundred and fifty thousand people participating in the parade and the beer is green, the grits are green, the streets are green, everything is painted green; in fact, one year we dyed the entire Savannah River green. So Georgia has an awful lot of Irish settlers including my own family, to some degree, and I know the heartache that you feel to see the bloodshed and the disharmony and the deprivation in Ireland. And I am very honored that you come to let me feel a part of a hope that will never be extinguished, that we can have a redressing of grievances, and a realization for hopes of our brave, unfortunate mankind in Ireland."

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I want to thank the distinguished gentleman from New York (Mr. WOLFF) for taking this special order in order to focus our attention upon the abridgement of human rights in Northern Ireland. I know that the gentleman from New York (Mr. WOLFF) has traveled to the concentration camps in Ireland, has personally witnessed some of the problems there, and for a long period of time has been a fighter for freedom and for unity in Ireland. I certainly want to commend the gentleman for his efforts.

Mr. Speaker, it is inconceivable that in 1977 the most civilized people in the world, the people from whom Americans inherited their passion for justice and the tenets of their Bill of Rights, would be accused of perpetrating inhuman acts or torture within their prisons. It is inconceivable that the British, the authors of the Magna Carta, a document which has, for nearly 800 years, illustrated Britain's respect for the law, would sanction inhumane treatment of British prisoners and would confess, before the European Court of Human Rights that these techniques of torture were used for years before the rest of the world became aware of such cruel and unusual punishment.

We have heard about the abridgement of human rights in the Soviet Union, and the subsequent mistreatment of prisoners, the "prisoners of conscience," who, because of their religious and cultural beliefs, are relegated to the status of inferiors, outcasts and aliens from their society. We know about the torturous treatment of Jewish and Catholic prisoners during the Second World War at the hands of the ruthless Nazis. We have learned about, and have grown outraged over, the torture techniques used in the Southeast Asian conflicts. Perhaps we have accustomed ourselves to these incidences of barbarism, and have reconciled ourselves to the fact that these events only occur in nations where violence and humiliation are the prevailing philosophies. But, as we have recently learned, Northern Ireland, a land of gentle grace and beauty, has been beseiged by this type of barbarism. It is hard to reconcile ourselves to the fact that these abuses have been perpetrated by one of the world's most civilized and advanced nations, Great Britain.

In his statement before the European Court of Human Rights, the British attorney, Sam Silkin, pledged to the rest of the world that the British would never again "use the five techniques of interrogation about which Ireland has complained." In a news item in the New York Times, appearing on February 9, 1977, it was reported that the five techniques used by the British to interrogate Irish prisoners included: hooding a prisoner, harassing him with noise, putting him on a strict regimen of bread and water, depriving him of sleep and making him lean against a wall for prolonged periods of time, often 16 hours, with his arms outstretched. The harassment of Irish prisoners has been documented, and the stories of resultant psychological and physical damage are chilling.

In a report prepared by Father Denis Faul of Dungannon and Father Raymond Murray of Armagh, entitled "Brutality in Albany Prison, Isle of Wight," case histories of prisoners are detailed for public information. Throughout the report, it is clear that article 3 of the Human Rights Commission, which forbids torture or inhuman degradation, has been violated. Permit me to share with my colleagues some of the experiences of the prisoners in Albany prison.

The statement of Mrs. Mary Campbell of Mountjoy, County Tyrone and Luton, illustrates the torturous treatment which her husband, Sean, underwent after being accused and jailed by the British Government. Mrs. Campbell states that—

Sean (and three other prisoners) were allowed to go to the Governor, not realizing that this was a carefully contrived attempt to set them up for a brutal beating and loss of remission . . . The Governor treated them alright. The second time they went it was the Assistant Governor and he would not entertain them at all. He would not listen to them . . . The riot squad who "happened" to be standing by, was called and appeared ready with helmets, shields and cudgels; the men were pushed into a small room off the corridor, beaten, stripped and knocked down; the men used what was in the room to defend themselves. They were moved from there to the segregation unit and beaten again.

They thought that Sean was unconscious. They jumped on his legs; they held him down until they broke his leg. Then they said: "I think he has a punctured lung, let's take him to hospital." He was taken to hospital . . .

He lost 690 days remission and got 90 days in solitary with loss of all privileges . . . he got no food or water for two days . . on the third day he was moved to the punishment block. They brought him his food there.

The bed is a piece of foam 3" thick: it is taken away at eight a.m. and brought back at eight p.m. All he has is a hard chair and a table and an old pot. He is locked in for 23 hours; he gets out to the yard on his own for an hour.

They did not give him a basin of water to shave or to wash. On the 11th day he got the plaster off his leg, and got a bath and a wash—the first after he came from the hospital. He has lost a lot of weight . . . is very pale and in pain.

His worst injuries are his chest injuries and his back . . . he keeps spitting up blood. He cannot move his left hand.

Sean wrote two letters to me from the prison and I did not get them . . .

In an article appearing in the New Scientist, August 5, 1976, entitled "Taking the Hood off British Torture," authors William Ristow and Dr. Tom Shallice detail the British torture techniques and contend that the damages sustained from this type of torture are long lasting and may never be forgotten:

These techniques do not leave the obvious scars of physical torture, but they are torture nonetheless. By inducing a temporary

psychosis, they left most men permanently psychiatrically affected.

These techniques, the authors go on to say, are similar to the techniques employed by the KGB in their brainwashing procedures. The torture described before, are sensory stresses which rob prisoners of their dignity and their ability to think clearly and rationally. Loud noise, called white noise reaches decibels of 85–87 and is played continuously into prisoners' ears. The loose fitting black hoods, placed over the prisoners' heads are worn until the actual interrogation, and prisoners are forced to stand against walls in a search position, fingertips lightly touching the walls, until they collapse, at which time the procedure is repeated until a period of 16 hours is reached.

A study conducted by Robert Daly, a professor of psychiatry at University College, Cork, indicated that the tortured men are suffering anxiety, hallucinations, paranoid delusions, and nightmares. Psychological violence, or "sensory deprivation" wreak lifelong results, which are inescapable and terrifying.

When we address ourselves to the question of human rights in Ireland, we should not concentrate solely upon the effects that torture has upon the prisoners. The subtle effects of violence and degradation are illustrated by the children of Northern Ireland: theirs is a pain and a sorrow which will extend into future generations.

In a letter to the then Secretary of State, Henry Kissinger, the chairman of the Rockland County, N.Y., Chapter of the Ancient Order of Hibernians, John Finucane, stated that the toll of violence in Northern Ireland had been taken on the most innocent of victims, Ireland's children. I would like to share with my colleagues an excerpt from his letter:

Recently a group of American citizens here in Rockland County, New York, opened their hearts and homes to a group of Nationalist children from Northern Ireland. During their stay I was made aware of the terrible suffering inflicted upon these children whom I call the "Lost Generation." I have no doubt the damage to their minds and hearts is permanent. . . .

A child who was staying with the family of a New York City busdriver became hysterical when she saw him in uniform. Why? Because the child thought he was a police officer. This is a clear indication of the treatment handed out to Irish Nationalists, both young and old, by the police of Northern Ireland.

Another child, eight years of age, said she was in a hurry to go home. When asked why, her reply was: "It is very quiet here. There is no excitement. No bombs going off, no shooting, no police or soldiers going through the house." Now isn't that something to hear from a child?

Then there was the scene at the airport when the children were going home. The majority of the children became hysterical. They did not want to go home. Some of them were even physical in their efforts not to go. You can imagine the impression this had on us. Grown men became so choked up—they could not talk. These children, who you would think were anxious to get home, were willing to leave their mothers and fathers, their brothers and sisters, behind, rather than once again face the turmoil of Northern Ireland. . . .

The Irish poet, W. B. Yeats, expressed so poignantly the affection that the Irish people have for the innocence of the children, and lamented the thought that the future was, of necessity, so full of uncertainty for Ireland's children. It was in 1914 that Yeats wrote the poem, "To a Child Dancing in the Wind."

Dance there upon the shore;
What need have you to care
For wind or water's roar?
And tumble out your hair
That the salt drops have wet;
Being young you have not known
The fool's triump, nor yet
Love lost as soon as won,
Nor the best labourer dead
And all the sheaves to bind.
What need have you to dread
The monstrous crying of the wind?

It is difficult to imagine the children of Ireland, once so innocent and unburdened, witnessing in 1977, the awful brutality and violence which characterizes the present state of Northern Ireland.

In 1914, Europe was ravished by the rumblings of the First World War; there was the overthrow of governments, the bloodshed and misery that haunted many for years after the signing of the Treaty of Versailles. And during Yeats' lifetime, there was the Easter rebellion, the years of struggle for a free Ireland, the oppression of a people whose song and poetry has inspired the entire world. And in 1977, the bloodshed and oppression are still with the Irish, scarring the psyches of the young and old alike, denying the validity of one's religious beliefs, political philosophies, culture. It is little wonder that the playwright Eugene O'Neill stated in his work "A Moon for the Misbegotten" that "there is no present or future, only the past happening over and over."

Indeed, the innocent child in Yeats' poem has not seen "the best laborer dead," but today the threats to Ireland's best laborers, the young and the loyal, are real and dangerous. The toll of injuries in Northern Ireland, according to a report in the Washington Post of December 12, 1976 has reached 17,200. "According to police figures," the Post reports, "17,200 men and women have been injured by bomb, bullet, fire and riot in the past 8 years. Official figures give little clue to the seriousness of the wounds. Some victims are blinded, limbless, or suffering internal injuries: others have had only superficial cuts. If 17,000 have had physical damage, thousands more have suffered psychologically."

The same article in the Post goes on to relate the story of a victim of the bombing of a Dungannon bar last New Year's Eve. The victim stated:

All I know is that something seemed to hit the back of my head and I was falling, falling, falling. I thought I'd never hit the ground. . . . I was blown right over the bar and was covered with bricks and beer and crates. I blacked out. Then I could hear some fellows dragging others out, and one of them said, "I think that's everyone out." When I heard that, I let out a roar and they found me.

The article's author, Derek Brown then comments:

There were moments in the months ahead when, Robert now confesses, he wished that they hadn't found him. His right leg was amputated; his large intestine was shortened; his kidneys were damaged; his spine was twisted; and his back, where a chair leg was embedded by the blast, was a mass of scars.

The violence in Northern Ireland has taken too large a toll. The spirit of the Irish, an indomitable spirit which is known throughout the world, and praised particularly on St. Patrick's Day is a spirit which cannot and must not be maimed—a spirit which has celebrated life, which has memorialized beauty, and which, in its peculiar brand of melancholy and joy, has given each of us in America a new sense of being alive. The Irish spirit should not be allowed to die at the hands of the merciless and cruel, and should be preserved in a place of peace and harmony. War and strife destroy the very fiber of human life: The discordancy, the declination of families, the suspicion and selfishness which result from conflict are opposites of the values and ideals cherished by the Irish.

I urge my colleagues to join with me today in expressing a sense of the Congress in seeking an end to the hostilities in Northern Ireland. Let us join together in prayer and action to bring about the cessation of violence and bloodshed, to urge the reconciliation of the Irish people, and to lend our support to the needs of these people. Let us conduct hearings into this unfortunate situation, so that we can work together to find an equitable solution to the problems which have scarred so many children and adults, and which have made the lives of the Irish so unhappy. Let us call for the relief of all people who are oppressed because of their religion, their cultural values, and their beliefs, and whether they be in Ireland, the Soviet Union, Africa, or the United States, let us dedicate ourselves, once again, to the guiding principles set forth in the Magna Carta, the Bill of Rights, the Emancipation Proclamation, which call for the granting of human rights to all people.

Mr. WOLFF. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for his comments.

I want to say to the gentleman that his efforts in behalf of freedom and rational procedures in the quest for human rights in Northern Ireland has been going on for a long time now, and I applaud his leadership in that connection.

Mr. GILMAN. Mr. Speaker, I thank the gentleman.

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Speaker, it is a pleasure to join with my colleagues Mr. WOLFF, Mr. GILMAN, and Mr. MOAKLEY, in sponsoring today's special order to discuss the continuing tragedy in Ireland. Tomorrow we will celebrate St. Patrick's Day, but, as has been the case for too many years, the celebration will be tempered by the realities Ireland faces daily.

We conduct this special order in an atmosphere of deep concern over the continuing bloodshed and violence which cloak the citizens of Ireland in con-

stant fear. We also feel a sense of frustration. The Carter administration has established as one of its major foreign policy priorities, the recognition by world nations of fundamental human rights. During this campaign we have made note of several nations which are responsible for denials and outright deprivations of the human rights of their citizenry.

Yet the voices of the Carter administration and many in the Congress have been conspicuously silent about the blatant and long standing violations of human rights practiced by the British and Irish Free State Governments against the citizens of Ireland. The President, having had the opportunity to discuss this issue during the recent visit by British Prime Minister James Callaghan, chose not to, to the disappointment of millions of Irish Americans. We are using this forum today to expose some of these human rights violations and to advocate early congressional action on legislation which will declare the right of self-determination for all citizens of Ireland.

The world community was shocked and outraged this past summer when the European Commission on Human Rights found, and the British Government admitted to charges of torture of Irish political prisoners in English and Irish jails under the jurisdiction of the British Government. In addition to acknowledging their guilt for these practices, the British Government admitted to similar policies of torture in 15 other nations. The Commission found that many of the prisoners tortured by the British Government had suffered permanent, physical, and mental damage.

In response to this indictment, the British Government told the Commission that they would cease these objectionable and reprehensible practices. But, the proof is clear that the British have not honored their word, for as recently as 2 weeks ago, documented cases of torture were still being reported. We must question why we are remaining so silent in the face of these deplorable practices? Why are we allowing the British Government to overtly sabotage our efforts to demand that principles of human rights be established and respected by foreign governments? These are questions which must be answered.

In addition to the torture of prisoners, the presence of British troops throughout Ireland has resulted in other violations of human rights involving innocent citizens. It is widely acknowledged that the British troops stationed in Ireland are obstructing the road to peace.

It is apparent that this Nation should demand more than the word of the British Government with respect to human rights issues. We must have visible signs of their intent to improve conditions in the prisons. One clear way would be to allow for the inspection of prison facilities by impartial observers. Another would be to work for the early repeal of laws, such as the Emergency Special Powers Act, which are being used as the vehicles to repress the human rights of the people of Ireland.

Yet the real culprit which merits the brunt of our indignation is the Irish Free State Government; a government whose leaders, among them Foreign Minister Garret Fitzgerald, have been sanctioning some of the most brutal and repressive policies of any civilized nation. The aforementioned Emergency Special Powers Act provides the most glaring example. While the practice of repression by the Irish Government has been ongoing since 1969, these policies have been greatly intensified in the 5 months following the assassination of Ewert Biggs.

The realities of the enforcement of this law have been horrifying. Civil and human rights of hundreds of innocent Irish citizens have been trampled on repeatedly by the Irish Government which is using the Emergency Special Powers Act as its justification. Among their heinous practices are widespread roundups of individuals, oftentimes in the middle of the night. Suspects are held as long as 7 days, without charges. Trials are often held without any semblance of due process rights afforded the accused.

I wish to bring one specific example to the attention of my colleagues, which was discussed in an article in the New York Daily News. They recounted the story of an individual who was apprehended by Irish authorities, never formally charged, but still subjected to 28 straight hours of interrogation by the Irish authorities. In desperation, the individual attempted suicide.

This is not a story from the Soviet Union or one of its satellite nations where such practices are commonplace. This happened in Ireland, a British Province where the fundamentals of law were established centuries ago. Why now are they being so ruthlessly abandoned?

Several authorities closely affiliated with the Irish question have raised questions about the validity of the emergency which brought about these repressive measures. One noted Irish scholar went so far as to categorize the emergency claim as ludicrous. President O'Dalaigh of Ireland felt compelled to resign, rather than be associated with the policies of the Irish Government.

Another very disturbing element of the Irish laws is the fact that they have in some instances been applied to Irish Americans visiting Ireland. In one case, Dr. Fred Burns O'Brien, information director for the Irish-American caucus, a leading Irish-American political organization, was placed under constant surveillance and was harassed and his life was even threatened on several occasions by Irish police, particularly a detective Hagarty, while conducting a fact-finding mission in Ireland.

Another very disturbing element of the Irish laws is the fact that they have in some instances, been applied to Irish Americans visiting Ireland. Correspondence I had last year with the Department of State reported in effect, that Irish Americans visiting Ireland were not exempt from the indiscriminate law enforcement arm of the Irish Government. This is an issue which merits very close congressional scrutiny.

The silence of the American Government on the Irish question has been deafening. In reality, we have seen instances of the American Government working against the interests of Irish Americans. One primary example is the collusion between the U.S. State Department and the British and Irish Governments in the denial and revocations of the visas of leading Irish figures seeking to visit the United States. I personally visited Dublin in 1975 to discuss this issue and was not offered any explanation which could change my original position—that our State Department was contributing to censorship against the Irish-American community.

It is also worth noting that during my aforementioned Dublin visit in 1975, I sought permission from the Irish Government to visit political prisoners incarcerated in the Portlaoise prison. My request was summarily and arbitrarily denied by the Irish Government. This served to heighten my suspicion that this was an attempt by the Irish Government to cover up the allegations of the abhorrent conditions in the prisons. My fears were somewhat confirmed this past summer by the findings of the European Commission on Human Rights.

The problems of Ireland are complex and emotional. Since 1969, more than 1,600 persons, including innocent children, have been killed in Ireland. We do not have all the solutions. What we can do is make recommendations, such as is contained in the legislation I have introduced in each of the past three Congresses, calling for the people of Ireland to be given the right of self-determination on the disputed question of reunification. We can urge the British Government to make a commitment to set a date for the removal of their troops from Ireland.

Above all, and in light of our renewed interest and commitment to working for human rights throughout the world, we as a nation and as a people, must put pressure on the British and Irish Governments to conform to basic principles respecting human rights. We must call on the leaders of the Irish and British Governments to adopt new policies to restore human and civil rights to those who have been, and are being deprived of them. We must urge the repeal of repressive laws which provide the vehicles for repression and torture of innocent citizens. We must work on behalf of Irish political dissidents who wish to come to this Nation to inform their friends and relatives in America of the issues in Ireland. We must be consistent in our applications of our new human rights oriented foreign policy. Our Government's failure to speak out in condemnation of the policies of the Irish and British Governments has embittered millions of Irish Americans. Tragically, it appears that in the area of human rights the old adage holds true: "No Irish need apply."

I now wish to insert into the RECORD, several articles which elaborate on the violations of human rights touched upon in my remarks:

[From the Irish Times, Feb. 14, 1977]

GARDAI USING NORTH-STYLE BRUTALITY IN INTERROGATION TECHNIQUES

(By Don Buckley, Renagh Holohan, and Joe Joyce)

Brutal interrogation methods are being used by a special group of gardai as a routine practice in the questioning of suspects about serious crimes. This group uses physi-

cal beatings and psychological techniques similar to some used in Northern Ireland, to obtain information and secure incriminating statements.

These methods have evolved over several years and appear to have become more entrenched since the introduction last October of the Emergency Powers Act, which gave the gardai power to detain suspects for seven days.

These conclusions are based on the experiences of victims, lawyers, doctors and social workers involved—and also on information from Garda sources obtained over a period of weeks. The Garda Commissioner has refused to discuss them.

The "Heavy Gang," as the group has been nicknamed within the force, physically assaults and applies severe psychological pressure on suspects. The pressure includes threats, lies, and psychological tricks, and is intensified by depriving suspects of sleep, food and water over long periods.

Deprivation of sleep and food are two of the five techniques used in the North after the ending of internment, which Ireland wants the European Court to outlaw. There are also suggestions that the "Heavy Gang" are using another of the five techniques—forcing people to stand spreadeagled against a wall for lengthy periods.

FLYING SQUAD

The nucleus of the "Heavy Gang" comprises plainclothes detectives drawn from the investigative section of the Garda Technical Bureau. They are assisted at times by members of the Special Branch and other units of the force, directed by some officers of C4, the official title of the Technical Bureau.

They operate from a base at the Technical Bureau headquarters in St. John's Road, Kingsbridge, Dublin, and act as a flying squad traveling to all parts of the country. Local uniformed gardai rarely participate in their interrogations.

The investigative branch of the Technical Bureau is usually known as the Murder Squad, or, more accurately, the Serious Crimes Squad. Unlike the Special Branch, it is not exclusively concerned with politically-motivated crimes. But it has become more involved in investigating these since the start of the Northern troubles and has been known to dispute areas of responsibility with the Special Branch.

The change from the more traditional methods of painstaking detective work to the use of brutal interrogation methods to secure convictions appears to have developed in response to political pressure to get results.

This pressure on the force has been increasing, particularly since the spectacular recent crimes like the murders of Mr. Christopher Ewart-Biggs and Garda Michael Clerkin. The brutality appears to have intensified in the period following these crimes.

CRUDE RESPONSE

The "Heavy Gang" appears to be a crude response to these pressures. This is evident from the unsophisticated way they mix physical beatings with attempts to use more scientific techniques. The psychological methods used differ from those employed in the North in that they are not scientifically applied and consequently are not as effective.

The psychological tactics include alternating groups of "brutal" and "nice" detectives, disorienting people by keeping them in rooms with blinds drawn and lights on day and night so that they lose track of time, and confusing them by constantly giving conflicting orders. Suspects are forced to sit by fires or heaters and refused water and an atmosphere of fear is induced by loud banging, shouting, threats and sometimes screams from outside the room. All these are intended to break the suspect's resistance to reveal information or, more commonly, to signing incriminating statements.

The procedures have been intensified by the introduction of the Emergency Powers Act, which means that they can be applied for seven days instead of two. Another consequence of the Act is that suspects are unsure of their rights under it and the gardai use this to further intimidate them and deny them access to doctors and lawyers.

Since the activities of the "Heavy Gang" must be known to their superiors, it is assumed that they are given at least tacit approval, if not direct orders.

REQUEST REFUSED

The Irish Times last Wednesday requested an interview with the Garda Commissioner, Mr. Edmund Garvey, to discuss allegations of Garda brutality. On Friday the Garda press office said that the application for an interview was "regrettably refused."

An interview was also requested on the same day with the Minister for Justice, Mr. Cooney, but the Government Information Services has not yet responded. The Garda authorities and the Government have continually dismissed all brutality allegations as propaganda and referred complainants to the force's investigative machinery or the courts.

However, an increasing number of gardai are themselves becoming worried about the extent of this practice. They are concerned that the use of these brutal interrogation methods will damage the force's reputation and their own standing in their local communities. Tension has arisen between uniformed gardai and members of the "Heavy Gang" during interrogations and, in some instances, the local gardai have tried to actually stop them.

Mr. Cooney will be asked in the Dail this week to make a statement on allegations of Garda ill-treatment of suspects in custody. A question has been tabled by the Opposition Spokesman on Justice, Mr. Gerry Collins.

[From An Phoblacht, Marta 1, 1977]

PORT LAOISE: CAN WE REMAIN SILENT? AN APPEAL BY REV. PIARAS O'DUILL

By any standards the scale of punishment inflicted on the prisoners in Port Laoise Prison is outrageous, amounting to an appalling degree of cruelty. Such ill-treatment of sentenced prisoners is most serious and disturbing. Conditions in the prison at the moment are worse than at any time previously and certainly as severe as in British and Northern prisons.

Apart from the general and petty harassment of political prisoners by the authorities there are three specific areas of punishment practised in Port Laoise which cause concern: solitary confinement, strip searches, and visiting conditions.

SOLITARY CONFINEMENT

Long spells in solitary confinement for the least infringement of rules is particularly vindictive and can only be described as savage. I am particularly concerned about punishment by solitary confinement—the shortest duration of which is never less than seven days and can be as long as six weeks. Solitary confinement is an ancient and barbarous punishment that should be ended immediately as it is frought with dangers to the physical and mental health of the subject.

This kind of punishment is imposed at the whim of the prison governor and as I stated for the slightest breach of discipline. Examples of such infringements are:

refusing to address a prison warder as 'Sir',

switching on a light without permission.

The prisoner in solitary confinement is kept in a special cell away from other prisoners and held incommunicado for the full duration. For the initial three days he is kept in the cell for the full 24 hours. After that he is then allowed a half-hour exercise alone each day. He is strip-searched going to exercise and again on his return. His cell has no furniture whatsoever during the day. Everything removed, the prisoner is compelled to stand, walk about the cell barefoot or sit on the floor. Shoes are taken from the prisoners during solitary confinement. He eats his food on the floor.

STRIP SEARCHES

Many prisoners in Port Laoise, because of the stringency of discipline and the whimsical moods of the Governor have to endure solitary confinement at some stage of their sentence. Medical evidence corroborates that this type of confinement causes severe mental and physical distress to the prisoner and his family. It certainly does nothing to help the prisoner from a rehabilitation point of view. In fact there is a lot of evidence to demonstrate that this type of punishment and unnecessary hardship is in fact counter productive.

It should also be remembered that the prisoner in solitary confinement is allowed no cigarettes, no writing materials, no handcrafts, visits or letters. In other words, his confinement is complete. No doubt the authorities are aware that reversal of previously held certainties is more easily gained where the individual is isolated. He is subjected to frequent strip searches, a humiliation to which all prisoners, even those not in solitary confinement, are subjected.

THE STRIP SEARCHES

These searches often involve 7 or 8 warders entering a cell and holding the prisoner down while his clothes are torn from him. When completely naked, he is then physically searched and his private parts explored by these warders. Having completed the search, the prisoner is locked in his empty cell where the warders may return several times during the day, sometimes within ten minutes and repeat these search tactics. Some prisoners have been searched five times within 24 hours and some as often as three times within 40 minutes. Prisoners have been turned upside down, while their cheeks are pulled apart and the prison warders probe the prisoner's anus. It is alleged that other warders stand and jeer.

Exploration of the anus is a medical procedure which should be carried out with great care. It is important to relax the patient and lubricate the item which is being used. This procedure can have some dangerous side effects for the person should some basic rules not be observed. These rules are taught in medical and nursing schools throughout the country. To my knowledge none of the warders carrying out this procedure in Port Laoise have ever attended medical or nursing schools. As it is a medical procedure and should it be necessary at all, then it should only be performed by medical/nursing personnel who are bound by ethical codes to conduct it in an ethical manner and not in the barbaric manner with which it is performed in this prison. This type of behaviour by the authorities can only do untold physical and psychological damage to the person—a very high price to pay in the name of security.

S.F. CLLR'S ACCOUNT

The following account was given to me by Councillor Joe O'Neill, a member of the Bundoran Urban District Council. He was recently a remand prisoner in Port Laoise before being cleared of charges.

"During the last week in July, 1976, I was strip searched six times in 24 hours in Port Laoise. Because I removed my own clothes on demand they were not taken off me violently; but even this compliance, under great strain, due to the frequency of the searches, did not prevent the wardens from making me bend over and pulling my buttocks apart

with their bare hands so that they could inspect my anus.

"Because of the utterly degrading nature of such searches and their frequency it was with great difficulty that I managed to restrain myself and refrained from resisting such humiliation. Had I not done so I would have been brutally beaten into submission as happened to some of my colleagues.

"I regard the prison regime in Port Laoise as totally repressive. Men are sentenced to seven and 14 days solitary confinement on the mere whim of the Governor with no avenue of appeal open to them. It is impossible to see how men can serve sentences ranging from 10 to 20 years without becoming physical and mental wrecks".

(Cllr. Joe O'Neill).

The Dept. of Justice acknowledged that wardens use force to inflict these searches. This force has resulted in prisoners being injured. But as visits are suspended at the mention of prison happenings the evidence of these searches are hidden from the public. Prisoners, because they are strip searched before and after each visit, have in many cases developed an aversion to visits from their families and loved ones—such is the terrible effect of strip-searching.

VISITING CONDITIONS

There are further reasons why visiting day in Port Laoise can be painful for the prisoner. Visiting a prisoner in Christian tradition is considered to be one of the corporal works of mercy. In Port Laoise Prison it is a traumatic experience inflicted by the prison authorities not only on the prisoner but also on the innocent party, his relatives.

In recent times in Port Laoise prison—in the name of security—the number of visitors admitted in one day has been drastically curtailed, thereby causing relatives who travel long distances to wait in cold and stormy weather for long periods and tolerate the uncertainty of not knowing if they will get in to see the prisoner or not.

Only recently a prisoner, Earnonn Sullivan of Dublin, who is serving 7 years in this prison, learned that his wife had been served with an order preventing her from ever visiting him again. One would expect that the duty of a prison authority would be to facilitate rather than inconvenience relatives—the contrary is the practice of the Port Laoise authorities. Here is the description of a visit by one father to his son:

"I visited my son in Port Laoise on November 20th, 1976. The 'visit' lasted 20 minutes. The warden in charge insisted that we stand within two feet of him. He was equipped with a notebook on which he took notes of our conversation. Another warden obviously embarrased, was compelled to stand immediately behind my son for the duration of the 'visit'. This is standard practise. And to that, that you view the prisoner through two grills of close mesh and two strips of dirty perspex and you have some measure of the intensity of malevolence which pervades the very atmosphere of this place".

Patrick Stagg, a nephew of Frank Stagg, who died on hunger strike last year because of his treatment in a British Jail, was arrested on Friday, September, 10th last. His father was refused a visit to his son on the following day. On Monday, 13th his mother was told by the Port Laoise authorities that no visit could be granted to her unless she wrote a letter requesting one. She did so and on the following day, Tuesday, 14th she travelled to Port Laoise in order to be there early on Wednesday morning to see her son. She failed to gain admission throughout Wednesday, even after producing her passport as identification and returned home discouraged and distraught.

For 12 days the mother and father failed to see their son, a remand prisoner, and had no idea what condition he was in medically or otherwise. A letter was received by the mother from her son during that time. Written on the 14th and postmarked the 17th, it had eight lines completely blackened out by the prison censor and stamped by him. This left the minimum of information regarding the prisoner's well-being.

Similar hardships are being endured by the families of other prisoners, some of whom are almost totally isolated from the outside world, in fact, there is no question of family visits in the true sense. Visitors must apply individually to the Governor. They must supply a photograph of themselves plus other identification. It may take many weeks before they receive a reply, if any, and in the meantime they are subjected to visits and enquiries by the Special Branch police. Having finally procured a visiting permit, they have to wait outside the prison gates, sometimes for hours in all weathers, before being called in, two at a time, to be searched before being permitted entry to the waiting room. Again they are humiliated by searches before entering the visiting rooms.

Once in the visiting room, the prisoner and his family are separated by two formidable wire grills rising from table level to ceiling level. One grill rises on the visitor's side of the table, about 9" from the edge; the second rises on the prisoner's side, again about 9" from the edge. There is a two foot gap between each grill. The grills are made of rectangular wire mesh with holes approximately 1" x ½". The rectangular mesh runs in opposite directions on either side, making the largest through-space ¼" sq. Attached to the inside of each grill is a perspex partition rising 18" from table level, thus further increasing the difficulty of carrying on a conversation. The grills run the whole length of the room (about 30 ft.) though, at the moment, only one visit is allowed in each room, despite the size. There is also a wire cage at the end of the table in which the supervising warder sits and takes notes of the conversation, writing down the most intimate and personal family details. A second warder stands guard behind the prisoner. Both prisoner and visitor have to stand during the visit in order to see and hear each other over the perspex partitions. Such a situation is degrading and inhuman.

PRIESTS BARRED FROM VISITING

Priests are being refused permission by the Minister for Justice to visit their parishioners in Port Laoise. Listen to this for official claptrap: "There can be no pressing reason for a visit from their parish priest and the visit from Canon McIvor cannot therefore be approved"—this is typical of the many replies from the Department of Justice to requests for clerical visits in a spiritual capacity.

And Canonach Diarmuid Maclomhair (Canon McIvor) of Fochairt, Co. Lough had this to say:

"So strict is the control in Port Laoise that the visit of one pastor cannot possibly menace the secure custody of the prisoners. The more decisive consideration therefore seems to be the want of a pressing reason for the visit. That depends I suppose on how they (the authority) assess the case. If assessment is really strict there will be no need even for visits from close relatives since these can easily convey their concern by letter. But common humanity calls for a personal encounter, even when hampered by prison conditions. The same motive, touched by a higher and more spiritual dimension, is true of the pastor. To debar him from this duty of a personal relationship can only be reckoned a piece of dire rigorism".

All clergymen, other than the official chaplain and priest—relatives, are barred from visiting the prisoners in Port Laoise.

NO EDUCATION ALLOWED

Educational facilities are forbidden in the prison, not indeed by the prison rules but by the prison authorities. Surely the imposition of such limits as the deprivation of education is in this age bordering on the irresponsible. Lectures, whether by outside lecturers or by chosen prisoners are forbidden. The prison Governor's reply to this request was: (unbelievably) "No prisoner is entitled to further the education of another". Educational books are also forbidden as are all classes, debates, correspondence, basic teaching aids such as drawing equipment, textbooks, cassettes and records. Prisoners are forbidden to practice a hobby or undertake handcraft of any description.

All the above issues have been raised on numerous occasions with both Church and Welfare Authorities who, though sympathetic to the demands of the prisoners, admitted that they made no progress with the prison authorities. A wall of indifference has met every reasonable demand for educational facilities and it seems that the considered policy of the authorities is one of forcing the prisoners to vegetate. Is it any wonder that Fr. Denis Faul, that great campaigner for human rights and a critic of all violence had this to say:

"The prison world of the Northern Catholic People exists also in the South, the journey there is longer, the conditions for the visit are harsher, the soldiery are unfriendly.

"A crude, mean, and rigid application of 19th century rules meets poor women and children at the prison. Authority in the south of Ireland is totally deaf to pleas for more human and modern treatment for prisoners, their families and spiritual directors. The heartless official letter written in bad English, is the only response of an Irish Government to a plea for decency".

CAN WE REMAIN SILENT?

When addressing a clerical ecumenical conference in March last, Fr. Faul said that the ex-prisoners he had met from Port Laoise Prison were more socially disorientated than exprisoners from either Six County or British jails. It is my own opinion that the worst prison in these islands is that of Port Laoise. The ill-treatment at present meted out in Six County jails and in prisons in Britain is well known. However, considerably less is known about the plight of the men in Port Laoise who are degraded, beaten and deprived by the authorities of that prison. The families of these prisoners are well used to the curt note received from the Governor stating: "As a result of an incident in the prison all letters and visits to a son/husband have been suspended. You will next be entitled to letters and visits on . . .".

RELATIVES CONCERNED

Relatives and families of the prisoners are very concerned about the psychiatric and physical welfare of their menfolk in Port Laoise. These prisoners may not have received the extreme physical ill-treatment that inmates are enduring in, for example, Albany Prison (Isle of Wight) but there is little doubt that psychological ill-treatment is practised on Port Laoise prisoners to a much finer point than in Six County or British prisons.

The destructive effects of solitary confinement and humiliation of forced stripping which can cripple the personality, distort behaviour and produce permanent psychological scarring of a more serious consequence than bodily injury is borne out by medical evidence. By and large, the existing situation

in Port Laoise prison with its conditions of tension and psychological pressures is injurious to the mental and physical health of prisoners.

When such an attempt is made to undermine the personality of the prisoners by isolation or to rob him of his self respect by the repetitive humiliation of strip searching—under such manipulation and stress the prisoners must break or resort to revolt.

It is an explosive situation that may break at any moment. If you are concerned you cannot remain silent. Speak out and demand an end to this.

Mr. WOLFF. Mr. Speaker, I thank the gentleman from New York (Mr. BIAGGI) for his comments and also for the work that he has done over the years in trying to bring some peace to this troubled land.

Mr. NEDZI. Mr. Speaker, we are all aware of the tragic violence in Northern Ireland, and I trust we will also give more attention to efforts to end the killing and maiming.

I believe it would be useful to review the military realities of the conflict. In this regard, Col. James B. Deerin, N.G. A.U.S., retired, has written an excellent analysis, "Northern Ireland's Twilight War," which appeared in the December, 1976, issue of Army magazine.

Colonel Deerin's article, which is free of the usual heat and emotion attending the issue, provides a helpful background as we discuss the Irish question today.

The article is set forth below:

NORTHERN IRELAND'S TWILIGHT WAR

(By Col. James B. Deerin, NGAUS, Retired)

Not since the days of Rudyard Kipling's *Gunga Din*, when the British Army posted a far-flung empire, has it had such difficult and frustrating duty as it has today in Northern Ireland.

While its involvement in Ulster may not be accurately portrayed as England's Vietnam, there are parallels. It is a war of counterinsurgency in which the army operates under heavy restraint. It is a war in which it is difficult, frequently impossible, to know who is the enemy.

After seven years, it is obvious that under the present rules clear-cut victory over the terrorists is not attainable. It is a twlight war that drains manpower and energy that otherwise would be directed to NATO, Britian's primary defense commitment.

While the British Army has, for many years, maintained three resident regiments in Northern Ireland, a province of the United Kingdom, it has been compelled to nearly quadruple the size of its force here since the outbreak of the current troubles in 1969. At one point, in 1972, the force level exceeded 21,000, a sizeable slice of England's relatively small land force.

There is no intent here to discuss the complex political issues that have fused the current troubles, but, at least, a brief outline of the situation is necessary to understand the difficulties faced by the army and the delicate political environment in which it operates.

The troubles are rooted in nearly two centuries of discontent and bitterness which stem from religious differences and economic disparity. In this small province there are a million and a half citizens, about two-thirds of them Protestant. The minority—the Catholics—are largely poor and their employment opportunities limited.

Before the disbanding of the provincial government, there was little Catholic representation. Few Catholics are members of the Royal Ulster Constabulary or employed by government agencies.

The goal of the Catholics is to unite the six northern counties with the predominantly Catholic Irish Republic, from which they had long been separated when that nation was formed in 1949. For some years before that, the 26 counties in the south had been a self-governing free state.

A united Ireland has been aggressively sought by the Irish Republican Army (IRA) which has, in the past, engaged in violence, but which is currently abiding by a cease-fire it put into effect in 1975.

The war is carried on now by the break-away Provisional IRA (PIRA), the extreme, violent arm of the movement. Opposing it are a number of Protestant paramilitary organizations which can be equally as violent in their efforts to keep the *status quo*, which is to say, continue Ulster as part of the United Kingdom.

The conflict between PIRA and such Protestant extremist organizations as the Ulster Volunteer Force and the Ulster Defense Association is what the British call the "tit-for-tat" war. If two Catholics are killed, two Protestants will be killed. If a Catholic pub is bombed, a Protestant pub will be bombed.

PIRA's prime target is the British government and Protestant-owned businesses. Its strategy is to cripple the economy and continue its campaign of terror to discourage the government to a point where it will withdraw its soldiers and negotiate with PIRA on its terms.

The army is somewhere in the middle, seeking primarily to keep the violence from escalating to open warfare which, its leaders are convinced, would lead to the killing of thousands and total destruction of Ulster s cities and towns.

The mission of the army is to rout out the terrorists, cut off their supplies and destroy their arsenals. In doing this, the responsibility for protecting the lives and property of Ulster's citizens is paramount. The objective is to restore peace, as tenuous as it always is in this land, in order that political negotiations, aimed at permanent solutions, may be resumed.

As the army has found in its seven years here, there are limits to how effectively a military force can carry out its mission when it must operate in an environment in which civil law continues in effect and the rules of engagement are written by politicians.

PIRA and the Protestant paramilitary organizations are hidden armies, scattered over wide areas with their operations well protected by sympathetic segments of the population. While they are not large, truly organized forces, they hold the initiative. There are no fixed engagements, no troop movements to be observed.

The British do not have a force sufficiently large to permit it to do more than it currently does, which is to keep a cap on the terrorists' activities by making it as difficult as possible for them to operate.

Army strength now is about 14,000, scattered through the six northern counties. It is organized in three infantry brigades under the command of Gen. Sir David House, the army's former director of infantry. Headquarters, British Army, N. Ireland, is at Thiepval Barracks, a long-established base at Lisburn, about 15 miles from Belfast.

The largest brigade is the 3rd which has responsibility for four of the six counties, making up the southern half of the province. Its troops patrol the troublesome, ill-defined border between Ulster and the Irish Republic.

The 39th Brigade has the mission of securing Belfast and the surrounding areas. The 8th is posted in Ulster's second largest city, Londonderry, and patrols the northwest corner of the province, including about 40 miles of border.

There are, in all, 16 regiments and battalions (both about the size of a U.S. Army battalion) supported by the usual special detachments—communications, bomb disposal, sappers (engineers), and medical.

The army is augmented by a unique volunteer, citizen-soldier organization—the Ulster Defense Regiment (UDR). It has 11 infantry battalions and a strength of roughly 8,000, of which about 1,600 work full time.

The regiment was activated in 1970 for the defense of Northern Ireland and unlike the British Territorials, the army's traditional reserve, it cannot be deployed outside of the province. The regiment is commanded by a regular brigadier and regulars command the battalion. Other than that, it is a citizen force.

The UDR, which has battalions in all counties, is under tactical but not administrative control of the army. Some battalions have responsibility for specific areas while others may be attached to regular units in operations.

Members of the regiment are expected to spend one or two nights a week on duty and some weekends. In addition, they attend 15 days of summer training, some of which was conducted this year in England. They perform all the duties of a regular unit, except they are not trained in riot control and are excluded from operations in some critical areas of Belfast and Londonderry.

The Royal Air Force provides support with a detachment of helicopters and light fixed-wing aircraft based at Aldergrove Airport. This commercial airport about 15 miles outside Belfast is probably the most strongly secured air terminal and field in the world. It is patrolled by a company of Royal Military Police.

The smaller number of regular army regiments are here on resident tours which extend for 18 months. Members are accompanied by their families and most of these units are stationed at or near permanent army bases such as Thiepval. The rest of the units—most of which come from Britain's Army of the Rhine—are on four-month rotation tours.

Nearly every unit of the United Kingdom Land Forces and the Army of the Rhine, which forms the British NATO commitment, has served in Northern Ireland, most for several tours. Very few officers of the regular army have not served at least one tour here and some have served as many as five.

PIRA is the main enemy force and it is not large. There are probably not more than 100 hard-line activists in a batallion tactical area of responsibility (TAOR), and likely to be fewer in rural areas. But it is organized, disciplined and unrelenting. There is a high command, sometimes believed to be in Dublin, and at least two brigades. The Belfast brigade is known to have three battalions.

The basic unit is the company and in sparsely settled sections these will be separate, probably reporting directly to a brigade headquarters.

While the structure is there, the organizations are skeletal, generally having a staff that includes a commander, deputy-adjutant, intelligence, training, recruiting and armament (bomb) officers and paymasters. There may be a handful of privates in active-service status.

Scattered through a battalion or company area are pools of inactive or reserve members who may be called out as needed. These include women who act as lookouts and messengers, who are essential since PIRA rarely uses the public telephone system. There is a large network of couriers, the backbone of their communications system.

There exists also an organization of teenage boys known as the *Fianna*. Members are used for scouting and hijacking assignments and to steal the cars which are used as bomb carriers.

PIRA has no fixed headquarters but meets in houses and industrial buildings that are considered safe. Except in hot pursuit, the

army may not institute a house search without brigade headquarters' permission.

Training of PIRA members starts with a week of basic for recruits and extends to intensive specialized training that many key PIRA people undergo, sometimes in a school operated in a European or Middle Eastern country by one of the known international terrorist organizations. There are indications that specialists from those organizations have been smuggled into Northern Ireland to train PIRA members.

Like most guerrilla armies, PIRA has a hodgepodge of weapons in its arsenal, many of them purchased from foreign arms dealers, including, reportedly, some in the United States. The preferred rifle is the AR15 (the British use the NATO 7.62-mm rifle), but there are plenty of M1 carbines and Garards around and a few Russian and even Chinese weapons have been captured by the British.

In automatic weapons, the Sten 9-mm and the Thompson submachine gun are favored. PIRA is known to have a modest inventory of rocket launchers and mortars, some of which are manufactured in their own arsenals.

It is, however, in the manufacture of bombs and incendiaries and the necessary detonating devices that PIRA has shown its greatest sophistication.

A great deal more is known and heard about PIRA for a number of reasons, primarily because it is the aggressor force. The Protestant paramilitary organizations tend to be more defensive and engage more in retaliatory actions. The British Army is not *per se*, its enemy, but the Protestants are expected to defend against the army when it moves to capture its personnel or arms.

There are extremists on the Protestant side who would like to see the army withdraw and thus permit open civil war between the two factions on the theory that the Protestants, with twice the manpower, greater economic resources and wider citizen support, would win.

Although the enemy is the same throughout the province—PIRA and the Protestant terrorists—the army seeks him out and fights him on two different types of battlefields. In Belfast, Londonderry and other larger cities and towns, the battlefields are city streets and cluttered housing areas where the army must operate with great caution to avoid harm to the large crowds of citizens who are ever present.

In the rural areas of south and west Ulster, the army fights an enemy rarely seen, in forests, farmland, mountains and lakes. There are long and frustrating periods of surveillance for soldiers seeking to track down the bomber and smuggler.

The game out there is to outguess him—catch him in a surprise road block, spot him setting a culvert bomb and laying a command line for detonation and swoop down on him in a helicopter as he moves over the road transporting explosives or weapons.

In both environments, it is a war against the gunman, bomber and smuggler in which the enemy has the advantage. His tactic is to hit when and where he is least expected. The sniper will squeeze off no more than one or two shots and fade away, his escape route always previously plotted. Frequently, there are accomplices standing by to create diversions to throw off pursuers, and safe houses in which he is hidden.

The bomber has an even greater advantage. He is normally long gone by the time of the blast or, as some here feel, standing in the crowd at a safe distance, watching the results of his work.

The smuggler can pick his border-crossing point and his time, be it by land or water. There is no way to effectively seal off the nearly 300 miles of border with the manpower available.

At all cost, PIRA avoids becoming involved in firefights.

The "patch" patrolled by the 3rd Brigade is some 3,500 square miles. Although it is largely rural, there are several medium-size cities within its borders; thus, it has battalions deployed in both urban and rural environments. To control this relatively vast area, it has six regular and six UDR battalions.

Its critical operational area is currently the southern portion of Armagh County, which is strongly held by PIRA. It is a "no-go" sector where the army operates aggressively but not without caution, and does much of its patrolling by helicopter. Administrative road traffic is kept to a minimum and, where necessary, is by armored car. Supply of many of its units is almost exclusively by chopper.

PIRA fights to hold control in south Armagh because geographically the area suits its operations. A look at the map shows why. Monaghan County, across the border in the Irish Republic, juts northward well into Ulster, thus giving PIRA a short communications line from arsenals and training bases in southern Ireland into Belfast, the focal point of PIRA operations.

It has had reasonable success in securing its supply lines in the area, but only at great expense in personnel and material captured by army patrols.

In addition to land routes from the south, Armagh has access from the Irish Sea for the movement of weapons and ammunition that continue to reach here from other countries.

The problem in guarding the border is to find it, for it is impossible in many areas to know just where the boundary is between north and south. There are few distinguishing features such as mountains and rivers; it is vague, rambling and poorly marked, making it difficult for patrols which are as sensitive about crossing over as the Irish Republican government is to having them in its territory.

In addition to its border patrols, units of the 3rd Brigade also have responsibility for securing the main rail line between Belfast and Dublin. Trains using the rails have been subjected to bombing and sabotage.

In recent months, the border patrols have been strengthened by the assignment of a squadron of Britain's Special Air Service, an organization similar to the U.S. Special Forces.

The 3rd Brigade is also responsible for securing the perimeter of "The Maze," the maximum-security prison that houses some 1,200 convicted Catholic and Protestant activists. It has one company charged with that duty.

It is not there to keep the prisoners in, but to guard against attack by either Catholic or Protestant groups seeking to free the inmates, among whom are leaders of both factions.

Some 40 miles north of south Armagh is an urban "no-go" area—Andersonstown. A sprawling neighborhood in Belfast, it is almost wholly Catholic and is the headquarters and operating base of PIRA's Belfast brigade. It is also headquarters of the 1st Battalion, King's Own Royal Border Regiment, an element of the 39th Brigade based at Thiepval Barracks.

This is a "patch" where they wage a different kind of war.

As one young company commander on patrol said, pointing to a group of small children playing on the front lawns of a shabby housing development, "This is our battlefield—front lawns, backyards, school yards, parking lots and main streets."

"This is the kind of war," he added, "in which more innocent civilians are killed than soldiers and terrorists."

Andersonstown is without law enforcement; the Royal Ulster Constabulary is not strong enough to patrol there and comes in only when escorted by the army. The army does not attempt nor is it authorized to perform normal police duties. Thus, Andersonstown is something of a jungle where vandalism is taking its toll in an already depressed area.

Scrawled on the walls of deserted buildings and the sides of houses are slogans such as, "The Provs rule here." And there is little denying it.

Company commanders are responsible for their TAOR. Based on intelligence passed down from regimental headquarters or gathered by their own patrols or intelligence sections, they normally mount their own patrols and are allowed considerable latitude in operations.

Most of Andersonstown is the TAOR of Somme Company, 1st Battalion, King's Own Royal Border Regiment. It has a strength of 120 men to patrol an area of about a square mile in which live, mainly in multiple dwellings, about 20,000 people. It is one of the most critical areas in the province because here the army comes closest to confrontation with PIRA, but rarely engages him on that ground.

It is here that PIRA plans his moves against the army and Protestant targets which then are carried out in other areas, mainly in the city center. There are, however, occasional attacks on army patrols in the neighborhood, primarily intended to show the people that PIRA is there and free to operate at will.

But Somme Company is there, too, patrolling almost constantly to show the Queen's colors, to deny PIRA freedom of action. This it does with considerable success.

It is important to know your "patch"—the people who live and work there, their habits, their routines. If a suspected or known PIRA member leaves his house an hour earlier than usual or takes a different route from that he normally travels, the information is radioed to company headquarters. If a member is seen driving a car other than his own, he is stopped and the car inspected.

An increased milk delivery, drawn window shades or a housewife carrying what appears to be a larger-than-usual grocery bundle are reasons for increased surveillance. There are "safe" house in the neighborhood known to the military, but there are restrictions on house searches except in hot pursuit.

Although it is assumed army intelligence agents have, from time to time, infiltrated PIRA and extremist Protestant organizations, one battalion commander described Northern Ireland as an intelligence desert. Commanders are quick to admit that intelligence is hard to come by and that most of it is low-grade.

Company commanders and most of their men know the active terrorists in their TAORSs. They see them going about their daily routines and occasionally engage them in conversation. Bulletin boards in company intelligence sections are covered with pictures and descriptions of known activists.

In urban areas such as Andersonstown, most patrols are on foot. The British have developed patrol movements in which every man on patrol covers another and he in turn is covered. As one soldier commented, "We do a lot of walking backwards in Ireland."

Two foot patrols are normally covered by a mobile patrol in a Land Rover or armored car in urban areas and the reserve at company headquarters is rarely more than five minutes away.

Asked how he felt about this type of duty, a soldier responded, "I think I would be safer on a battlefield where I would have a pretty good idea where the enemy would be. He is behind a hedgerow, across the river or off in a tree line. Here you never know."

As the soldier ran a broken line across a

small park surrounded by three-story-high apartment buildings, he made the point that every one of the hundreds of windows looking down on the patrol was a possible sniper firing point.

In addition to patrols, vehicle checkpoints (VCP) are used frequently where there is traffic in and out of activist areas. Normally, a VCP is operated for not more than ten minutes to avoid traffic backups, crowd assembly and, specifically, callout of a sniper who could zero in on the soldiers.

A company commander stated, "We may not know where or when a terrorist is going to make a move, but we manage to keep him off balance by frequent sweeps and mobile checkpoint operations. And he never knows where or when we will make a move to check him."

Fighting the guerrilla in urban areas presents obstacles for the army which serve as advantages for the terrorists. Confinement and limited maneuver area are serious problems. Quickly gathering crowds, which may in some areas deliberately hamper soldiers by screening the getaway of the gunman or bomber, are problems. The need to limit reaction to avoid harm to civilians who may be in the area is especially restrictive and sometimes limits quick response.

Every soldier on coming here is impressed with the restraints under which he must operate and the fact that he is subject to civil law. Troops are issued yellow cards on which are printed the rules of engagement, describing actions they are permitted to take in specific situations and those that are not permitted.

"This is a soldier's war," Brigadier Martin Farndale, director of British Army public relations, made clear at a briefing at the Ministry of Defence in London before leaving for Northern Ireland.

"It is a war," he added, "in which we depend on the junior officers, non-coms and the soldier out on the point to make judgments they would not be expected to make in normal combat operations. They must make decisions in tense situations.

"Our patrols are small, especially in urban areas; situations develop quickly. Reaction must be fast. There isn't time to ask, 'What do I do now?' "

A battalion commander makes the point strongly, "This is not a shoot-to-kill war. It is not the kind of combat for which a soldier is basically trained to 'kill your enemy before he kills you.' ".

A brigade commander reminds his officers that the army is not here to cause bloodshed but to prevent it and that, he admits, makes it tough duty.

Soldiers must adjust to the restraints, be mindful that they are not on a normal battlefield or colonial frontier. They are in a war in which they man machine guns behind barricades which look over streets crowded with citizens of their own country.

A rifleman, crouched in a doorway or behind a mailbox, carefully scans a jammed sidewalk with no way of knowing if anyone out there is carrying a gun or a bomb, knowing most of them are not the enemy but a screen behind which the enemy hides.

The rules of engagement, one is quickly informed, are made by politicians, and within the framework of those rules, the army must go about its mission of routing out terrorists on both sides, destroying their units, depleting their arsenals and stopping the inflow of arms.

It is not an ideal situation in the view of most commanders, but one the army has come to understand as essential where there is warfare in communities in which the majority of people continue to go about their business and attempt to lead normal lives.

The shuttle of organizations back and forth from Germany and England to Northern Ireland undoubtedly is cause for trauma, and there are officers here who feel that the fourth-month tour should be restudied. It is a matter of concern to commanders of units drawn from the three armored divisions which make up the 1st British Corps of Britain's Army of the Rhine.

There is no question but that the drawdown reduces the readiness of the 1st Corps. Among other things, a unit may be getting ready for movement here, be here or be enroute back to Germany when it normally would be engaging in NATO exercises.

Also, commanders view assignment to Northern Ireland not as a four-month commitment but something longer; as long, some insist, as six months, allowing time for training, lay-up of vehicles to be left in Germany and other movement preparation.

The cycle reverses when an organization returns to Germany. Armored vehicles and artillery must be withdrawn from storage; tankers and gunners, who have been operating as infantrymen in Ulster, must be retrained and the organization reconditioned to perform its normal mission as part of a division.

The disadvantages of the British involvement here are to some degree offset by the fact that, of all the armies in the world, Britain's undoubtedly is the most thoroughly trained in anti-terrorist tactics and urban guerrilla warfare.

With the exception of the problem of family separation, morale here—although there certainly is plenty to gripe about—appears to be high. And that is to the credit of army leadership, for living conditions are poor, at least for troops in the urban area. Soldiers live in burned-out hotels, abandoned factories and prefab huts.

In urban areas, again, the duty day may extend from 0500 to midnight. There is a minimum of recreation, especially for those troops in areas where they dare not go off post except into secured zones, which are not always close at hand.

Army statistics reveal some interesting characteristics of the operations here:

There have been, since the start of the troubles in 1969, 1,644 persons killed, the greater number—1,240—civilians. Civilian, in this instance, includes Catholic and Protestant terrorists, but in that category, the far greater number must be assumed to be innocent victims.

The army has lost 256 killed and 2,800 wounded. The figure does not include 61 members of the UDR and 88 members of the Royal Ulster Constabulary.

The figures for 1976 (through August) show that there have been 1,327 shootings, 550 bombings; 18 Catholics have been assassinated and 28 Protestants. The army has lost ten killed and 94 wounded. Thirteen persons described as terrorists have been killed.

It is interesting to note that the UDR lost eight killed and only 12 wounded. These figures are in addition to the army casualties and would appear to indicate that members of the UDR are special targets for PIRA.

In weapons and ammunition captured, army records show a total of 265 machine guns, 5,118 rifles and pistols, 16 rocket launchers, 49 mortars, 783 mortar rounds, nearly a million rounds of ammunition and nearly a quarter-million bombs and parcels of raw explosives.

Army officials estimate that currently there are about 929 Catholic terrorists and 504 Protestant terrorists out of action by virtue of arrest and incarceration in Maze Prison.

The British force here is considered adequate to hold the line against the terrorist organizations and sufficiently large and effective to make it impossible for the situation to escalate to open warfare, if that were the intent of the terrorists.

It is not sufficiently large to gain its objective, which is the same as that of any army in any war: to destroy the enemy.

It is thinly spread over a large area and compelled to operate under what almost any commander would consider to be necessary but restrictive rules of engagement.

The government in Whitehall understands this and, at present, settles for what the army can reasonably be expected to do under the existing conditions. And, to a degree, so do most of the citizens of Northern Ireland.

Mr. ZEFERETTI. Mr. Speaker, freedom is a word we all know and use with familiar frequency. We know what we mean when we say "freedom," but are we always so certain of what the other fellow perceives in the same word?

In 1870 Otto von Bismarck, in promulgating the formation of the Second Reich in Germany, commented that now at last they—the Germans—were free. This sounds strange indeed when one considers that Germany had been liberated from Napolean's rule some 55 years earlier. Yet to Bismarck the Germans were not truly free until their country was reunited.

In this country, a full century after emancipation and the 13th amendment we heard numbers of our citizens crying out for "Freedom now!" Webster's "Third New International Dictionary" gives no fewer than 18 different usages of the word freedom.

Clearly then, when dealing with the word or concept of "freedom" we must understand how this very common term is perceived by others if we are to accurately appreciate its meaning and usage when we are confronted by it. This is an essential guide in the formulation of our own policies.

There is a peculiarly Celtic, Irish approach to the concept of freedom. It is not enough to recognize that the Irish have been in the forefront of the battle whenever the United States have fought in the defense of freedom. We must also recognize the centuries-old struggle for Irish freedom as a unique and special case.

The cause of Irish freedom has been a recurrent political issue in this century. Wars have been, and continue to be, fought in its name. It is important that the Members of this House, and of our Government generally, understand the traditional Irish nationalist meaning and definition of the word "freedom" if we are to deal intelligently with the problems caused by the "troubles" in the tragic land of Ireland today.

I therefore commend to your consideration a speech delivered by Liam Murphy, currently editor of the National Hibernian Digest, at the annual Wolfe Tone Commemoration in San Francisco, Calif., on June 19, 1976. It is entitled, "Keeping Faith With Tone."

On many previous occasions I have recommended to the Congress the importance of respecting the right of the Irish to national self-determination. Most recently I have introduced House Concurrent Resolution 143 on March 8; I cannot emphasize enough the importance of holding congressional hearings on the Irish question in order that our Government might be able to formulate a new Irish policy which will not be counterproductive to the cause of peace, justice, and human rights. It is my conviction that the Irish ought to have the same opportunity which we enjoyed in

1787 of sitting down to write a new constitution in an all-Ireland convention, free of foreign lot or hinderance. Only after a declaration of intent by the British Government to be quit of Ireland by a fixed date can we expect all parties in Ireland to turn from past antagonisms and face the future for the building of a new Ireland, congenial to the needs and and character of the Irish nation. This address, "Keeping Faith With Tone," illuminates the depth and character of the irrepressible cause of Irish freedom:

KEEPING FAITH WITH TONE

"Is marig de ghni go holc agus bhios bocht ina dhaidh," says the Irish proverb. "Woe to him that doeth evil and is poor after it." The men who have led Ireland for fifty years under the treaty have done evil, and they are bankrupt. They are bankrupt in policy, bankrupt in credit, bankrupt now even in words. They have nothing to propose to Ireland, no way of wisdom, no counel of courage. When they speak they speak only untruth and blasphemy. Their utterances are no longer the utterances of men. They are the mumblings and gitterings of lost souls.

One finds oneself wondering what sin these men may have been guilty of that so great a shame come upon them. Is it that they are punished with loss of manhood because in their youth they committed a crime against manhood? . . . Do the ghosts of Parnell and the Men of 1916 hunt them to their damnation?

Even had the men themselves been less base, their failure would have been inevitable. When one thinks over the matter for a little one sees that they have built upon an untruth. They have conceived of nationality as a material thing, whereas it is a spiritual thing. They have made the same mistake a man would make if he were to forget that he has an immortal soul. They have not recognized in their people the image and likeness of God. Hence, the nation to them is not all holy, a thing inviolate and inviolable, a thing that a man dare not sell or dishonor on pain of eternal perdition. They have thought of nationality as a thing to be negotiated about as men negotiate about a tariff or about a trade route, rather than as an immediate jewel to be preserved at all peril, a thing so sacred that it may not be brought into the market place at all or spoken of where men traffic.

He who builds on lives rears on lies. The untruth that nationality is corporal, a thing defined by statutes and guaranteed by mutual interests, is at the base of the untruth that freedom, which is the condition of a hale nationality, is a status to be conceded rather than a glory to be achieved; and of the other untruth that it can ever be lawful in the interest of empire, in the interest of wealth, in the interest of quiet living, to forego the right to freedom. The contrary is the truth, Freedom, being a spiritual necessity, transcends all corporal necessities, and when freedom is being considered interests should not be spoken of. Or, if the terms of the countinghouse be the ones that are best understood, let us put it that it is in the highest interest of a nation to be free.

Like a divine religion, national freedom bears the marks of unity, of sanctity, of catholicity, of apostolic succession. Of unity, for it contemplates the nation as one; of sanctity, for it is holy in itself and in those who serve it; of catholicity, for it embraces all the men and women of the nation; of apostolic succession, for it, or the aspiration after is, passed down from generation to generation from the nation's fathers. A nation's fundamental idea of freedom is not affected by the accidents of time and circumstances. It does not vary with the centuries, or with the comings and goings of men or empires. The substance of truth does not change, nor does the substance of freedom. Yesterday's definition of both the one and the other is to-day's definition and will be tomorrow's. As the body of truth which a true church teaches can neither be increased nor diminished—though truths implicit in the first definition may be made explicit in later definitions—so a truth definition of freedom remains constant; it cannot be added to or subtracted from or varied in its essentials, though things implicit in it may be made explicit by a later definition. If the definition can be varied in its essentials, or added to, or subtracted from, it was not a true definition in the first instance.

To be concrete, if we today are fighting for something either greater than or less than the thing our fathers fought for, either our fathers did not fight for freedom at all, or we are not fighting for freedom. If I do not hold the faith of Tone, and if Tone was not a heretic, then I am. If Tone said 'BREAK the connection with England,' and if I say 'MAINTAIN the connection with England,' I may be preaching a saner (as I am certainly preaching a safer) gospel than his, but I am obviously not preaching the same gospel.

Now what Tone taught, and Pearse and the other fathers of our national faith before and after Tone, is ascertainable. It stands recorded. It has fullness, it has clarity, the sufficiency and the definiteness of dogma. It lives in great and memorable phrases, a grandiose national faith. They, too, have their Credo.

The Irish mind is the clearest mind that has ever applied itself to the consideration of nationality and of national freedom. A chance phrase of Keating's might almost stand as a definition. He spoke of Ireland as 'domhan beag innti fein', a little world in herself. It was characteristic of Irish-speaking men that when they thought of the Irish nation they thought less of its outer forms and pomps than of the inner thing which was its soul. They recognized that the Irish life was the thing that mattered, and that, the Irish life dead, the Irish nation was dead. But they recognized that freedom was the essential condition of a vigorous Irish life. And for freedom they raised their ranns; for freedom they stood in battle through bloody centuries.

Irish nationality is an ancient spiritual tradition, one of the oldest and most august traditions in the world. Politically, Ireland's claim has been for freedom in order to preserve the full and perpetual life of that tradition. The generations of Ireland have gone into battle for no other thing. To the Irish mind for more than a thousand years of freedom has had but one definition. It has meant not a limited freedom, a freedom conditioned by the interests of another nation, a freedom compatible with the suzerain authority of a foreign parliament, but absolute freedom, the sovereign control of Irish destinies. It has meant not the freedom of a class, but the freedom of a people. It has meant not the freedom of a geographical fragment of Ireland, but the freedom of all Ireland, of every sod of Ireland.

The Cause of Irish Freedom, Irish Separatism, and its modern expression, Irish Republicanism, is ultimately a legitimist political movement, but contemporary political theory has not criteria for dealing with legitimacy. Legitimacy reaches to something far deeper than doctrine: it reaches to being. A son is the son of his father, and his own father inherited before him. These truths of being are prior to every legality, prior to all doctrine: they are simply one with the agathonic structure of Existence. Legitimacy is normalcy. When the political order is truly normal, it reflects the principle of legitimacy.

Keeping faith with Tone is the Irish definition of legitimacy. This is the Fenian Faith.

The principle of legitimacy is implicit in the position of the "Provisional" Irish Republican Army (the IRA); as such it is an important factor in the residual of popular support which always exists for the Irish Republican Movement. Regarding Wolfe Tone and the United Irishmen of 1798 as the Phoenix-like regeneration of that Irish national spirit which has never accepted foreign domination, we then trace Republican "apostolic succession" through Robert Emmett, the '48 men and the Fenians to Tom Clarke, Patrick Pearse and the 1916 Eastern Rising.

The Irish Republic, which was proclaimed in arms in the blood sacrifice of Easter 1916 "In the name of God and of the dead generations from which she receives her old traditions of nationhood . . . ," was ratified by the Irish electorate in the 1918 General Election and established *dé jure* by the Declaration of Independence of the First Dáil Éireann in 1919. The First Dáil was succeeded by the Second Dáil Éireann; the Third Dáil Éireann never met, so the mantle of legitimacy remained with the Second Dáil until it dissolved itself in 1939 returning the mantle of Irish Republican legitimacy to the Army Council of the IRA, from whom the First Dáil Éireann had received it as a consequence of their oath of allegiance to the Irish Republic proclaimed in 1916. The essential thing about this Irish Republican legitimacy is that it is a legitimacy of principle rather than of person. How else could Pearse, the son of an Englishman, become the patron saint of twentieth century Irish Republicanism, except by keeping faith with Tone—becoming, in himself, the personification of the traditional Irish heroic ideals of Cú Chulainn, of Saint Patrick, and of Christ himself. Today's legitimate successors of Pearse and the Provisional Government of 1916 are those who most faithfully adhere to their ideals, namely the "Provisional" IRA. Not only through succession, but also through their idealism are the "Provos" a *legitimist* political movement. Daithi Ó Conaill is the personification of that Gaelic ideal today.

The Dublin government of the 26 counties at Leinster House is the lineal descendant of that Dublin government of the Irish Free State established in accordance with the British Government of Ireland Act of 1920. Its heritage therefore is that of a government constituted by foreigners to rule Ireland in the interests of England, a pedigree it shared with the Stormont government in Belfast. Whatever practicality and de facto acceptability the Dublin government may have, and however it may have mutated over the years, the fact remains that the Irish Republican movement can never regard as legitimate any government of Ireland which does not exemplify in deed as well as in word the principles of Wolfe Tone, Patrick Pearse and the 1916 Easter Rising.

We the diaspora of the Irish nation living in America have a dual responsibility: not only to the traditions of our race and blood, but also to the citizenship of our adopted home. We are most fortunate to be living under the Constitution and Flag of the United States. It should be easier than ever to understand, in this bi-centennial year of America's freedom, the true meaning of Robert Emmett's statement that we desire to procure for Ireland "the guarantee which Washington procured for America; . . . not to receive new taskmasters, but to expel old tyrants."

In the struggle to once and for all drive the red flag of England from all of Ireland we recall and heed the words of our late President, John Fitzgerald Kennedy: we

pledge that in Ireland "one form of colonial control shall not have passed away merely to be replaced by a far greater iron tyranny." It is not to be expected that an independent Ireland shall always support the policy of the United States. "But," as President Kennedy said in his inaugural, "we shall always hope to find them strongly supporting their own freedom—".

The support of this freedom, this keeping faith with Tone, is our duty. We need Ireland to be Irish, sovereign and free, as the untainted well-spring of our Celtic culture where we can from time to time refresh ourselves and enrich American life in the same act. (Nor should we forget the legitimate aspirations for national freedom of our brother Celts in Wales, Scotland, Cornwall, the Isle of Mann and Brittany.) In the interests of world peace and the security of the North Atlantic, the United States also needs a free Ireland, whether our political leaders realize it or not. It is our task and duty as American citizens to educate them to this realization; and, through our system of free elections, to replace those who will not be enlightened.

Responsible political action is another way of keeping faith with Tone. To the extent that we are successful in influencing the policy of the United States government, to that extent we will hasten the dawning of a new day of peace for Ireland, while simultaneously brightening the lustre of the honor of these United States, conceived in revolution two centuries ago.

"Ireland unfree, shall never be at peace." This is the fact of history which all must come to recognize. Our task—Keeping Faith With Tone.

Mr. CONTE. Mr. Speaker, nearly 1 year ago, I called for immediate congressional hearings into possible American involvement in the tragic conflict in Northern Ireland.

Apparently, the situation there has not changed—it may well have worsened. Charges that our Government is involved grow stronger every day. I would like to recite some allegations that have been made to me and which obviously concern me.

In recent months, U.S. Customs agents were sent to Belfast to work with Scotland Yard.

Selected Irish, men and women, have had their U.S. visas revoked or denied.

An Irish-American newspaper has been sued by our Department of Justice and, most recently, an Irish-American organization, Irish Northern Aid Committee, has received a similar suit.

I cannot say whether these alleged actions by our Government are helpful, or even necessary. They most certainly are unprecedented in the Irish-American community and that community is very upset. But, we are unable to make a judgment because we do not know the facts.

Perhaps if my call for hearings had been heeded a year ago, these situations could have been avoided. Perhaps we would now be in a position to help that beleaguered country in a positive way.

Our counterparts in the English and Irish Governments come here regularly to air their views and I appreciate having the opportunity to hear them. What bothers me—and bothers my constituents—is the fact that our own citizens have not been afforded the same opportunity to come before the appropriate committee of Congress and tell their side of the story. I think they are entitled to that opportunity.

It is still not too late. I urge my colleagues to join with me in supporting open hearings in the Congress to determine if our Government is involved in that conflict and, if so, the extent and direction of that involvement.

Mr. ROSENTHAL. Mr. Speaker, I appreciate the opportunity afforded me by my colleagues to address the question of human rights and peace in Northern Ireland.

Tomorrow will be a day of celebration and merrymaking for millions of Americans honoring the patron saint of Ireland, Saint Patrick. But on that troubled and bloodied island, March 17 will mark only another day in a nation bitterly divided and at war.

For the friends and relatives of thousands of political prisoners in Northern Ireland, the American celebration of the Irish spirit will be viewed with a certain cynicism. While President Carter has forcefully spoken out on human rights for the citizens of countries on every continent, the tragic plight of the people in Northern Ireland has been acknowledged only with official silence.

Several weeks ago, Great Britain admitted before the European Court of Human Rights it had tortured detainees in Northern Ireland. In making this unique admission the British said the torture techniques were stopped in 1972 and would never be used again.

Much as we are saddened by Britain's shame, we cannot leave the serious subject of human rights in Northern Ireland at rest. At the same time, our concern for human rights cannot be divorced from the equally important and related concern for a just end to the political occupation of Northern Ireland. It is this outside control of political, economic and social life in Ulster that sets the stage for such abuses.

A rallying cry in strife-torn Ireland long has been "Ireland unfree will never be at peace." There is much truth to these universally applicable words and much truth that is familiar to our own history. Yet the American Government traditionally has maintained a distance from the internal tragedy of Northern Ireland.

Five years ago, the Subcommittee on Europe of the Committee on Foreign Affairs held hearings, which I chaired, to highlight this country's concern for human freedom and justice for the people of Ireland.

The justification for our involvement has not changed in the intervening years. At the outset of the 1972 hearings I said, "The burdens of finding solutions to these problems rests primarily on the countries involved. Yet no man of conscience can rest easy with that assertion and no country can subsist any longer behind the fiction that the nation-state system demands or even allows that injustices can continue simply because they occur wholly within national borders."

The time is here to work to end the political stalemate over Northern Ireland by offering diplomatic help and mobilizing the peacekeeping and arbitration machinery of the United Nations.

I would like to direct my colleagues to an excellent and thought-provoking article by Dublin journalist Ulick O'Connor that appeared in the Washington Post of March 13. Mr. O'Connor proposes negotiated independence for Northern Ireland. The concept relies heavily on the responsibility of the warring factions to settle their differences without the presence of what they consider an oppressive force.

I submit Mr. O'Connor's piece for the RECORD for its interesting approach to the tragic situation in Northern Ireland:

POINT OF VIEW

(By Ulick O'Connor)

Northern Ireland has become Britain's Vietnam. Fourteen thousand British troops are at war with a highly skilled guerrilla army. In five years of war, more than 1,600 people have been killed. Almost every day there is a bombing or a shooting.

Is there any solution?

In January, 1974, there seemed hope. A cabinet was created with a majority of Protestants, but with Catholics in key positions. But this was not acceptable to a large section of the Protestant community; a well-organized strike coerced Britain into abolishing that cabinet and governing Northern Ireland directly from Westminster. There have been no initiatives for two years.

In recent months, however, there has been growing support for a new idea, the concept of negotiated independence for Northern Ireland, an independent Ulster. The advantage is this: in order to succeed, the formula would require concessions from all sides.

The Protestant community would have to give up the idea of the British connection. The Catholics would have to put the idea of Ulster nationalism before their aspirations to an all-Ireland republic. The Irish government in Dublin would be asked to remove from its constitution the articles claiming sovereignty over the whole of Ireland. Both Irish and British governments would be required to guarantee the borders of the new state.

If the British were to withdraw, a peacekeeping force would be necessary for a period. This could come from the United Nations or the European Economic Community. Either would seem to be acceptable to the two main paramilitary forces, the Ulster Volunteer Force (Protestant) and the Irish Republican Army (Catholic).

The independent Ulster formula has received strong support from significant sections of both communities. The Ulster Loyalist (Protestant) Central Coordinating Committee has published a policy document supporting it. Paddy Devlin, one of the leaders of a major Catholic party and one-time IRA internee, has come out strongly for the idea.

Devlin admits a current 13 per cent gap between revenue and expenditure in Northern Ireland. But with tax revenue going to an Ulster rather than to a British treasury, he says, "An independent Ulster would be able to expand her markets much more than she can at present, imprisoned as she is within the [British] economy."

Britain would no longer have to pay massive sums in compensation for bombed houses and business premises and for civilians killed in the conflict. And there is hope that, because of both communities' close ties with America, some U.S. help could be expected in building the new Ulster.

What would prevent the Protestants from going to war against the Catholics once the British are gone?

Those favoring an independent Ulster believe that the main cause of the killings has been the British presence. Ulster is the last colony of the British Empire. Protestant exploitation of the Catholic minority has, until now, been sustained by British rule.

If Britain were to declare an unalterable intention to withdraw, the Protestant community would have to reconsider its position. One prominent Protestant told me:

"At least some of the Protestant military leaders know that, if Britain gets out, their only chance of survival on the whole island of Ireland is to act responsibly. In an all-Ireland military confrontation the Protestants could not win. If they declared war on the Northern Catholics, the Irish army in the Republic would have to intervene and there would be support in the North for the Irish army from the IRA."

A document entitled "Ulster Unfettered Free," supported by a number of the Protestant paramilitary leaders, said this:

"Now is the time to negotiate our Independence. Would this stop the terrorist bombing campaigns which have been recurring regularly over the years by the IRA? The IRA have repeatedly said, 'Our fight is with the British, not with Ulstermen.' On the basis of this is it not possible that, if Ulster receives its Independence and is governed by Ulstermen, the Nationalist Republican argument is negated?"

How would the two paramilitary bodies, Protestant and Catholic, be accommodated in the new Ulster? Both sides have a number of effective leaders. If they declare their allegiance to the new state, they can be absorbed into a new security force. No one knows better how to deal with recalcitrant members of their own forces than the guerrilla leaders themselves. They have had to keep discipline in the field. In peacetime they will know who are the psychopaths and who can be employed usefully in working with the state.

Another guarantee for the minority would be economic assistance from Britain and the United States. For this presumably would be conditional on the introduction and implementation of a Bill of Rights.

What is the difference between a United Nations peacekeeping force and a British force? The answer is that to the minority the British army represents the forces of oppression. Even to the Protestant community the army no longer represents an acceptance peacekeeping force.

A British statement of intent to withdraw within a fixed period would have a powerful effect in inducing the IRA to cease operations. It would also help turn the two communities toward consideration of an independent Ulster.

A real difficulty is that the surrender of the Protestants' old position means giving up privilege. No matter how poor the Ulster Protestant was, he always knew that he was better off than the Catholic. The jobs, even when they were few, went to him and his. The Queen's picture in his shabby hallway was his passport to preference. But in an independent Ulster without British support, privilege could wither as quickly as segregation has in the American South.

What is important at present is that there is a growing grassroots acceptance of the idea of a shared community. The Protestant is becoming aware of how little he has in common with Englishmen and how much closer he is in temperament to his Catholic fellow Ulsterman. The Catholic community is coming more and more to see that it has in common with the Protestant qualities of shrewdness, reliability and industry which are not as marked in the easy-going South.

If Britain moves out and an Ulster state is formed, It would mean two republics in the island of Ireland. But the curse of colonialism would have been laid. With Britain out, emerging new structures could lead to the establishment of a federal system such as happened 200 years ago in the first colony to break with the British connection.

Mr. BOLAND. Mr. Speaker, we are all acutely aware of the continued suffering in Northern Ireland. One thing is painfully clear in the long conflict there; the real victims are the Irish culture and the Irish people. It is also clear that the solution to a problem that is hundreds of years old will not be an easy one.

I believe the Members of this House can best approach this dispute with open minds and a willingness to listen to all points of view. Hearings on the situation in Northern Ireland have been proposed by House Resolution 88. As a cosponsor of this resolution, I believe this is the best way for the Congress to listen and become informed of the current situation there.

Mr. Speaker, I decided to participate in this special order because I believe the first step on the road to healing the wounds of Northern Ireland is by listening. Perhaps our consideration of the conflict will lead to new suggestions for peace. I am uncertain as to what role there is for the United States to play in Northern Ireland, but if there is a clearly positive role we could play, I would support it. The best hope for the Irish people is for a lowering of voices, a laying aside of weapons and a time for careful consideration of their common needs as a united country. Only then will peace return to that beautiful land.

Mr. DRINAN. Mr. Speaker, at a time when concern for human rights has finally become an important part of our foreign policy, the infringements upon fundamental human rights occurring in Northern Ireland continue to go largely unnoticed.

The Irish people are largely peaceloving and desire nothing more than an end to the terrible scourge of violence and hatred which has beset their land for far too many years. We in the United States, and indeed all over the world, must realize that only a few radical terrorists are behind the bombings which kill and maim innocent men, women, and children.

History has taught us that the foreign policy of the United States is best served when we hold true to the principles that we cherish and when we attempt to live up to those principles. We therefore must vigorously protest the violation of human rights. It is a policy intended to relieve the present harsh conditions existing within Northern Ireland and elsewhere.

It is a policy that must be applied evenhandedly to our allies as well as to our adversaries.

Great Britain, a nation which cherishes its traditions of tolerance and liberalism, continues to infringe upon the basic human rights of Catholics in Northern Ireland in response to the crimes of a small band of terrorists. Great Britain must seek majority rule in Ireland with the same determination as in Rhodesia. Britain must cease at once the internment and torture of the Catholic minority in Northern Ireland.

It saddens me to state that it seems clear that Great Britain still seeks a military solution to a political problem. In 1973 Parliament passed the Northern Ireland Emergency Provisions Act and in 1975 additional amendments were added which enlarged the authority of British security forces to stop and question individuals, expanded search and seizure practices, made it an offense to recruit members for certain proscribed organizations, and outlawed the collection of information deemed likely to be useful to terrorists.

In August, 1976, the European Human Rights Commission found the British to be guilty of violating article 3 of the European Human Rights Convention, which forbids torture or inhuman or degrading treatment as punishment. The British have carried out such deplorable actions as setting up a "torture school" to train police and army personnel in torture techniques. They have established dreadful internment camps for the alleged purpose of ending violence, whereas, in fact, their very existence has aggravated an already deteriorating situation. Internment without trial today remains in the statute books and the notorious Long Kesh camp, scene of many horrifying and inhumane activities, still contains Irish prisoners.

It is clear that the use or threatened use of force has not ended the political divisions, discrimination, and violence which plagues Northern Ireland. Although the burden of finding solutions to the problems in Northern Ireland rests ultimately upon the parties directly involved, it is our duty to do all we can to end the violations of the human rights of the Catholic minority in Northern Ireland. It is also our obligation to publicize and discuss these human rights violations in appropriate international forums.

Prof. Norman Gibson, commenting recently on the needs of Irish society, said:

If peace in Ireland is to mean anything, it must include the total rejection of violence and the threat of violence.

These words need to be heeded by all who cherish basic human rights and the dignity of man.

Mr. VENTO. Mr. Speaker, it is tragic that while St. Patrick's Day is a day of celebration for millions of Irish-Americans, it is just another day of fear, suffering and death for the citizens of Northern Ireland.

The violence which has beset the citizens of this portion of the United Kingdom since 1969 should not surprise anyone. It is the logical culmination of a history filled with prejudice, discrimination and hatred. Today these feelings still affect the lives of everyone in Northern Ireland. No one is safe on the streets and a citizen's basic rights of work, education and housing are still restricted by his religion.

A cessation of violence is not the solution of the problem. The people of Ireland must move to eradicate the centuries-old hatreds and must deal with the serious human rights questions which have arisen. The promise of freedom held so high and bright by the British has been tarnished by the continuing events in Northern Ireland.

The United States has long suffered

through the evils of prejudice and discrimination and has begun to combat these curses of mankind. It is my hope that Northern Ireland and all the world can learn and benefit from our experiences and that prejudice, and discrimination will be eventually banished from the world.

My hope and that of this country is that the problems of Northern Ireland will be effectively solved in the near future. Our comments today are not idle words designed to satisfy the ethnic constituencies that we represent but are a recognition of a serious problem that we feel compelled to address and represent our effort to extend whatever help we can to resolve the conflict.

Mr. MURPHY of New York. Mr. Speaker, in the few minutes we have today we cannot solve the problems of Ulster. Men and women have been trying to accomplish this since the outbreak of violence 8 years ago. We, as Members of the U.S. House of Representatives, can go on record as abhorring the recent confirmations of torture of prisoners by British troops in Northern Ireland and express our concern and support for an end to the unrest that has been eating away at this small province.

In February of this year Great Britain confirmed before the European Court of Human Rights that its forces in Northern Ireland have used five methods of torture on prisoners. These consisted of hooding the prisoner, harassing him with noise, putting him on a bread and water diet, depriving him of sleep, and making him lean for long periods of time off balance, with arms outstretched, against a wall. The British Government must be condemned for this contemptible behavior which has been carried out to unknown dimensions since the initiation of internment without trial in August of 1971.

The violence in Northern Ireland is in itself far too destructive. There is no need for additional uncalled for actions by the peacekeeping force. Torture, harassment, and other violations of human rights only serve to spur the sides in the conflict to a greater resolve not to relax their activities, and if anything, provoke more gruesome and grisly retaliation.

Civil liberties have been restricted in Northern Ireland for much of the 8 years of conflict, but just as the violence has not been contained in the province, this cancer has now spilled over the boundaries of Ulster. In September of last year, a state of emergency was declared on the Emerald Isle. Police powers have been increased and certain restrictions have been put on freedom of the press and of speech.

Possibly the only bright spot seen in Ulster for many years is the formation of the Peace People, formerly known as the Irish Women's Peace Movement. But this again was spurred by a senseless tragedy which resulted in the death of three young children and the serious injury of their mother. The aunt of the children, Mairead Corrigan and a neighbor who witnessed the accident, Betty Williams, were so outraged that they formed the peace movement. At first only women, both Catholic and Protestant, were sought out, but as the movement progressed, supporters of both sexes joined, bonded by a belief that the violence must end and that the people of Northern Ireland should begin the rebuilding of their land.

Since the incident, which occurred on August 10, 1976, the Peace People have drawn over 200,000 indications of support, staged numerous peace marches and rallies, and have traveled extensively to build international support for their cause. The two leaders, Ms. Williams and Ms. Corrigan, understood from the beginning that they would be fighting an uphill battle, and possibly endangering the lives of themselves, their friends, and their loved ones. But they have persisted in spite of bodily attacks, threats, and slander. They have continued to spearhead a movement toward peace. These women deserve recognition, and I have, as have many of my colleagues, sponsored a resolution applauding these two brave women.

Another significant development for the future of Northern Ireland is a report entitled "Violence in Ireland" prepared by a working group of Roman Catholics and the Irish Council of Churches which is composed of Anglicans, Presbyterians, Methodists and the Society of Friends. In this report for the first time Catholics and Protestants have agreed upon a number of significant issues, notably the origins of the violence and an opposition to the activities of paramilitary groups. As the problems of Northern Ireland revolve around and are fed by religious differences, it is imperative that this type of cooperation continue if an end to the violence is ever to be contemplated.

The toll of the violence in Northern Ireland has been high. Over 1,400 people have been killed since 1968, approximately 20,000 injured and maimed, over 6,000 explosions reported and shooting incidents which are too numerous to estimate. But the toll of the last 8 years, while heavy in the loss of human life and the destruction of property, has also weighed heavy upon the living. Many residents live day after day in fear of their lives if they even step out of their homes onto the street. It is this type of fear which causes the Northern Irish to refuse to give out their addresses except to those whom they know well, to ignore questions as to their religious affiliation, and to abstain from any activity which would cause them to leave their homes after dusk.

There are children in Northern Ireland who have never known anything other than terror. There are young men and women who have had their carefree years stripped from them and who will enter adulthood as hardened, tired people. There are other young people who, when the first civil rights marches began 8 years ago, were encouraged to throw rocks at the British troops and those members of the opposition. Today these young people are throwing bombs and carrying rifles.

A solution to the Irish question will not be found as long as Irishman is killing Irishman and as long as Americans and other groups continue their financial support to organizations supplying arms and explosives to both factions. There will never be a solution as long as violence persists.

What has transpired since 1968 can never be forgotten or in many cases forgiven by those who have lived through it. However, we as world citizens concerned for the well-being of our brothers, and as members of the legislative body of this country, must make our feelings known. We must support with our words, our actions and our prayers a swift resolution of the strife in Northern Ireland. The citizens of Ulster, both Catholic and Protestant, must soon return to the business of living, rather than living with dying.

Mr. DOWNEY. Mr. Speaker, I rise today to bring to the attention of my colleagues in the House of Representatives the systematic violations of human rights in Northern Ireland. This is a matter which deserves our most serious consideration not only because it involves questions of human freedom but because it is being closely watched by millions of Americans of Irish descent. These citizens, and I am one, have been deeply torn as they have witnessed the dramatic erosion of fundamental freedoms in the home of their ancestors.

The issue of human rights is a salient one—already President Carter has expressed official concern over the issue of freedom in many countries. But despite the new administration's concern over events in Africa, Asia, and in the Soviet Union, little concern has been shown toward the innocent men, women, and children who have unduly suffered at the hands of western governments.

This American "cloak of silence" is all the more tragic in light of the recent disclosure before the European Court of Human Rights in which Great Britain confessed that she has carried out systematic torture of human beings in Northern Ireland.

Mr. Speaker, while Britain has indicated that these activities have been halted and will not resume, we, as American citizens whose fundamental freedoms are based heavily upon British tradition, cannot help but wonder whether our failure to recognize these atrocities and take the appropriate action against them has resulted in the needless suffering of hundreds of people.

I think that all of us have heard the rumors of British torture. Yet we failed miserably to focus world interest on the actions of Great Britain despite the fact that millions of Irish Americans warned us of the consequences. True, the atrocities have been exposed, but our silence can only remain a very dark mark upon our history.

We can remain silent no longer. Clearly turning a blind eye toward the atrocities committed by our allies is not the kind of action that can be condoned by the citizens of a country founded on the principles of individual freedom.

The United States can and should accept its world leadership role in the issue of human rights. We are not powerless to halt the acts of torture and repression of other governments. Moreover, we can, by positive and forthright action,

serve as a catalyst for focusing the attention of the world upon the criminal actions of governments in the hope that we can set the forces of freedom and peace in motion.

Mr. KOCH. Mr. Speaker, I am delighted to join my colleagues as we commemorate St. Patrick's Day with our expressions of concern and those of many Americans for the health and safety of friends and relatives in Northern Ireland.

For 7 years, Northern Ireland has suffered under a virtual seige of violence that has shocked the civilized world. The perpetrators of this violence—regardless of their political motivation—deserve universal condemnation, both because of the injury they cause to society and because of the repression they invite. Yet even though I condemn the wanton killing, bombing, and other violence that has been unleashed by zealots at both extremes of the Irish political spectrum, I believe that the public authorities in Northern Ireland who are trying to maintain order must be held to the same standards of fair police conduct as we expect from any civilized nation. The treatment of individuals arrested for engaging in violent acts, including the senseless killing of civilian bystanders is a stringent test of a civilized society's ability to maintain values of decency; in the face of continued violence in Northern Ireland, Great Britain appears to have failed the test.

As one who has championed basic human rights for the citizens of all countries of the world, I was particularly distressed to learn that the Government of Great Britain, one of our oldest and closest allies, was found guilty last year of using torture in interrogating internees in Northern Ireland.

The evidence against Great Britain was compiled by the European Commission of Human Rights in an action brought by the Government of Ireland. British authorities in Northern Ireland were found guilty of official tolerance of torture and inhumane treatment of 14 internees in the months after the introduction of internment without trial in August of 1971. The five techniques of "interrogation in depth" which constituted torture included: hooding prisoners, harassing them with noise, putting them on a bread and water diet, depriving them of sleep, and making them lean against a wall for long periods, off balance with arms outstretched.

Such practices may have been commonplace in centuries past or in cultures less sensitive than our own to the need for fair treatment of prisoners, but to learn that such techniques were used by guards and condoned by officials of a government allied with ours both politically and culturally and from which we have inherited our legal system is a painful disappointment.

Newspaper reports of the commission hearings which were held in France, Norway, and London also indicated that the British Government was uncooperative during the investigation of the charges, instructing its witnesses not to reply to questions about interrogation techniques.

Many times in the past I have condemned the use of torture and the wanton violation of basic human rights by oppressive regimes in Latin America and Asia. It would be hypocritical to ignore a proven case of similar behavior by a European democracy.

Perhaps we can find some hope in the latest chapter of this shameful history. The government of Great Britain last month officially conceded at hearings before the European Court of Human Rights that it had used torture on internees. The attorney general in the current British Government, Sam Silkin, said the torture practices were halted in 1972 and compensation had been paid to those who had suffered. The British Government has also promised never to engage in such practices again.

If there is a bright spot to this tragic story, it may well be the fact that an impartial, international organization was able to investigate charges of torture and that a government found guilty of such charges officially acknowledged its responsibility and solemnly pledged its commitment to avoiding a repeat of its mistakes. It will be a grand day for the cause of international human rights when other nations charged with similar violations follow suit.

A news article from the New York Times summarizing the hearings of the European Court of Human Rights follows:

[From the New York Times, Feb. 9, 1977]

BRITISH ADMIT IRISH WERE TORTURED

STRASBOURG, FRANCE, Feb. 8.—The British Government conceded today that it had used five torture techniques on detainees in Northern Ireland, but gave a solemn pledge to the European Court of Human Rights that it would never do so again.

The British Attorney General, Sam Silkin, gave the pledge in an effort to persuade the Irish Government to drop its proceedings against Britain. It is the first case of its kind to come before the court.

Mr. Silkin told the panel of 18 judges that British forces would never again use the so-called "five techniques" of interrogation about which Ireland had complained.

These are hooding a prisoner, harassing him with noise, putting him on a bread and water diet, depriving him of sleep, and making him lean against a wall for long periods, off balance with arms outstretched.

The preliminary hearing in Strasbourg, which ends tomorrow, is designed to establish the scope of the court's jurisdiction regarding the Irish complaint.

Unless Ireland decides to drop its case against Britain after Mr. Silkin's speech, the court will meet again—probably in April—to discuss specific accusations of ill-treatment.

The Irish Government, in a voluminous dossier submitted to the European Human Rights Commission here in 1971, charged numerous cases of torture and other ill-treatment by British security forces in Northern Ireland in the months after the introduction of internment without trial in August, 1971.

Some of these allegations were upheld by the commission after a four-year investigation in which 119 witnesses were heard, among them senior security officers.

The commission found that in certain cases Britain had violated Article 3 of the Human Rights Convention, which forbids torture or inhuman or degrading treatment as punishment.

Mr. Silkin said today that his Government was not contesting the commission's findings He said that, after an official inquiry into the conduct of the security forces in Northern Ireland, the use of these five techniques had been halted in 1972 and compensation paid to those who had suffered.

Mr. Silkin referred to a submission to the court by the Irish Attorney General, Declan Costello, that Ireland sought a court order obliging Britain to undertake never again to have recourse to those techniques.

Following his Government's solemn pledge, Mr. Silkin said: "We hope that the court will be enabled to face a situation in which the objective of the applicant government has in fact been accomplished."

"We dare to hope also," he went on, "that in doing so we shall enable the applicant government to agree that there is no longer any adequate reason for them to pursue a course which can only divide us in a situation which cries out for the fullest cooperation between us."

Mrs. MEYNER. Mr. Speaker, it is sad and ironic that our thoughts are drawn to the tragic situation in Northern Ireland on a day that should be as joyous as St. Patrick's Day. And yet it is fitting and proper that we should do so.

The statistics on political violence in Northern Ireland are awesome and grisly: Since 1969, more than 1,700 Northern Irish have been killed, more than 18,000 injured, more than 5,500 explosions have occurred. The numbers become even more incredible when you realize that the United States has a population that is 128 times larger than that of Northern Ireland.

And yet, there is finally a glimmer of hope for peace in Northern Ireland. It is the Women's Peace Movement. It sprang up spontaneously after the tragic deaths of three innocent children last August.

Since that time, the movement has captured the imaginations of tens of thousands of Northern Irish, Catholics and Protestants, men and women, who were sick of the endless violence around them. A recent New York Times article stated that:

The Peace Movement has swept across the country, blowing away centuries-old taboos and prejudices, offering an exciting new initiative.

Under the brave leadership of Betty Williams and Mairead Corrigan, the movement has organized impressive demonstrations in Northern Ireland and London despite acts and threats of violence by extremists on both sides. Their efforts have stirred the hearts and won the support of thousands of peace-loving people throughout Europe and the United States.

The powerful appeal of the Peace Movement is the simplicity of its goal—an end to the use of violence as a means of resolving political differences. In January, the movement issued a manifesto calling for a new phase of local democratic organization and "individual dedication to community reconcilation and development." They offer an exciting and promising alternative to the oppression of the religious terrorists and the British occupation forces.

On February 28, I introduced House Resolution 342, "applauding the courageous efforts of the Women's Peace Move-

ment to end the tragic sectarian violence in Northern Ireland." I will reintroduce this resolution tomorrow with over 30 cosponsors. I believe that its passage would be a fitting statement of American support for the forces of peace in that war-torn country. A copy of the resolution follows:

Whereas more than one thousand seven hundred residents of Northern Ireland have been killed and more than eighteen thousands residents have been injured due to political violence since 1969; and

Whereas many of the victims of this violence have been innocent men, women, and children; and

Whereas the Women's Peace Movement of Northern Ireland was a spontaneous response on the part of both Catholic and Protestant women to the deaths of three children in sectarian violence in August 1976; and

Whereas the Movement, under the leadership of Betty Williams and Mairead Corrigan, has moved hundreds of thousands of Northern Irish, men and women, Protestants and Catholics, to demonstrate in peaceful marches their opposition to violence; and

Whereas the Movement has expressed the simple goal of an end to sectarian violence as a means of resolving political differences; and

Whereas the Movement represents a grass-roots effort by residents of Northern Ireland to solve their problems by peaceful dialog; and

Whereas the Movement has not been deterred by acts and threats of violence; and

Whereas the Movement has gained supporters through Europe and the United States; and

Whereas the Movement's manifesto of January 1977 calls for a new phase of local democratic organization and "individual dedication to community reconciliation and development": Now, therefore, be it

Resolved, That the House of Representatives applauds the courageous efforts of the Women's Peace Movement to end the tragic sectarian violence in Northern Ireland.

Mr. EDWARDS of California. Mr. Speaker, it is with a heavy heart I note that another St. Patrick's Day has come, that violence still rages as the order of the day in Northern Ireland.

The songs that will be sung in pubs, the shamrocks pinned to lapels, and the jigs danced in festive parades will mean little to those people in Northern Ireland who have suffered, and who continue to suffer, a vicious divisiveness that kills family and friends; that makes daily, routine outings a dangerous mission to be avoided whenever possible.

Traditional songs of camaraderie exist in most nations to bolster communal good will, but in Northern Ireland communal good will is almost a thing of the past.

There has been one effort to end the sectarian violence. It was born out of the deaths of three small children last August.

The Women's Peace Movement has, literally, Catholic and Protestant women embracing each other in the common courageous cause to end the 7-year siege of terror they have all somehow survived.

I am against violence from wherever it comes. There is no justification for it in terms of religion, politics, or territory. Political rhetoric, religious differences, and man-made boundaries are one thing. But the wanton violence found in Northern Ireland should have no place in a civilized world.

Have not people learned from the horrors of history—from the concentration camps of World War II Germany, from the life and death of our own Martin Luther King—that violence begets violence and that the only victor is suffering?

The Women's Peace Movement is to be praised as the only constructive coalition to come out of Northern Ireland to end the vicious fighting. Any community, whether local or international, that has ever participated in, been a victim of, or fortuitously only experienced vicariously the horrors of violence, cannot help but recognize the unforgivable violence which draws no distinction between the innocent, the children, the old, and the infirm.

It is bad enough when civilized countries fight each other under formal declaration of war, but it is utterly reprehensible whenever violence flourishes as a way of life.

I support any and all individual or collective efforts to appeal to end the violence in Northern Ireland, to oppose violence from any source, and to hail the efforts of the small band of dedicated members of the Women's Peace Movement who pick up banners for peace and march through the death streets in Northern Ireland.

Congresswoman MEYNER has just introduced a resolution (H. Res. 342) applauding the Woman's Peace Movement and I urge unanimous adoption by the House.

"In Belfast, Fear Haunts the Eyes," by Roy Reed, appeared in the New York Times of March 7. It is an all too accurate report of the horrors with which people must live, and shows us what the Women's Peace Movement is trying to stop:

IN BELFAST, FEAR HAUNTS THE EYES

(By Roy Reed)

BELFAST, NORTHERN IRELAND, Feb. 28.—They say that after eight years they are used to the bombing and shooting, but their eyes betray them.

Ask a new acquaintance here where he lives and see him lower his eyes and study his plate. A man entrusts his address only to friends.

Away from the main streets, watch the oncoming pedestrian lift his eyes from the sidewalk and seek yours. It is not a greeting. It is a cold, involuntary look to see who is coming.

Fix his eyes in a tight gaze and hold it until he walks past. The response is a withdrawing stare that seems to come from the other side of a darkness.

For the ordinary citizen living in this terrorized city, the odds are that nothing will happen. But who can say?

Uncertainty is part of the mental equipage here. People live with it as New Yorkers live with noise, and with the same incalculable effect.

They are aware that almost 1,400 people have been killed in Northern Ireland since 1969 in what they call, with more than a hint of euphemism, the troubles.

That figure includes only citizens of Ulster, members of the Protestant majority and the Roman Catholic minority who have been more or less continually at each other's throats for centuries. It does not include the 327 British soldiers who have died trying to keep the more murderous extremists in hand.

The figures will undoubtedly be out of date by the end of the week. The killing and maiming continue almost daily, and with little prospect of a political settlement that might satisfy the two factions in their struggle for power and thus end the violence.

Resigned to living with it indefinitely, the residents make small, daily accommodations—each one exacting some small fee in worry and calculation.

DECISIONS BECOME GAMBLES

Ordinary decisions become petty gambles. Does one take the long, safe way home or shall he risk the street where the soldiers are always on patrol and are shot at once or twice a day? The soldiers, if they are tense, point their guns at the heads of everyone passing by.

Ordinary frets and courtesies become matters of moment. Asking what church a person goes to can be as ill-mannered as asking his address: The answer could classify him as "other."—Protestant or Catholic, as the case may be. Religion largely determines politics and politics is at the heart of the extremist terror.

Even shopping is a grim pastime. All the big stores have guards at the door, not to spot shoplifters but to watch for bombers.

At 2 P.M. last Saturday, several hundred people were in a huge supermarket and department store in suburban Dunmurry. Every one of them had stood in line at the entrance to be searched and frisked by the guards.

CAMERA IS FORBIDDEN

A visitor with a camera joined the queue. A guard told him he had to leave the camera at the door.

"Why?"

"Security."

No further explanation was given. Every public activity is governed by security.

It is a more popular subject than football and it is continually on the tongues of politicians, policemen, soldiers and public figures of all sorts: How much better it is than formerly. How much worse it is. Tightening it, improving it, honing and fine-tuning it like a teen-ager's first car.

But it is never good enough. Over the last weekend, terrorists, apparently from the I.R.A. shot to death three persons here and in surrounding towns. A bomb killed two others. The bodies of those killed in the bombing were so nearly obliterated that the police could not determine their sex.

It is worst at night. In the daytime, people go about their business grimly but fairly casually. At night the streets are almost empty. The police have put up signs warning people not to stand on corners after dark, especially under street lights.

NO MOTIVE BUT RANDOM TERROR

A young man and his wife were walking on a Belfast street at 11 o'clock last night. Someone came by and shot him in the head. If the murderer had a motive other than random terror, it was not immediately known.

A few nights earlier, two gunmen entered the home of a 70-year-old justice of the peace, a well-known Protestant. He was not there, so they held his two aged sisters at gunpoint until he arrived. Then they went into the hall and killed him.

The killers were presumed to be members of the I.R.A., which is predominantly Catholic. A prominent Catholic political leader said the next day that he found it difficult to express the depth of his contempt for people whose idea of revolution was making war on old men.

The violence which comes from extremists on both sides, is condemned regularly and

without much effect by many Protestant and Catholic leaders.

Much has been written about the youthfulness of many of the terrorists, especially those with the I.R.A. Children 6 and 7 years old throw stones at the soldiers of the British peacekeeping force. They rattle garbage can lids to signal the soldier's arrival so that neighbors can give shelter to I.R.A. men who might need to seek safety.

Children who were rattling lids in 1969, when the present troubles started, are now hardened terrorists, expert with rifle and explosives.

ABNORMAL LIFE FOR THE YOUNG

But what of the other young people, the large majority who do not become terrorists?

A hotel housekeeper fell to talking the other day about her 18-year-old daughter, Betty.

"She was just ill when the troubles started," she said. "She's never had any life. No life at all. I had a life when I was young now. Yes, I had a life."

The sad eyes brightened a little in her thin Scotch-Irish face. It might have been a face from Tennessee or the Texas hill country, a homely anticipation of Lady Bird Johnson's neighbors.

The woman's daughter works downtown in the daytime but at night she stays at home. Either that or she goes to her boyfriend's house, even on Saturday nights.

"Before the troubles, there were three theaters between here and town." The woman named them. "Now they're all closed. Bombed. If they want to go to a picture, they have to go to downtown Belfast.

"CAUGHT IN A BOMB SCARE"

"She goes sometimes. She'll say, 'We'll be home half past ten.' Then it gets to be twenty of eleven, quarter of eleven, and I start thinking the worst. She finally comes in 11 or so. Got caught in a bomb scare."

"Sometimes her father has to hit her to snap her out of it when she's been in a bomb scare. She's been in too many of them. She starts screaming, and if it happens at work, sometimes they have to put her in a police car and take her to the hospital to get it stopped."

As the woman cleaned the room, she talked of bomb explosions she had just missed and close calls they all had had.

Did she know anyone who had been killed?

Her back was turned and she seemed not to hear. She moved the teacups with a little clatter, taking away a dirty one, replacing it with a clean one.

The question was repeated. She turned around and her first words were not intelligible. Her eyes shone, not with tears but with something interior. Memory perhaps, or some small failure of the mind.

She told rapidly of three men she had known who had been shot to death. Neighbors and friends.

DEATH OF A POLICEMAN

"One of them lived as close as here to the reception." She pointed toward the registration desk 40 feet down the hall.

"He was a policeman. I saw him leaving the house that day as I was coming in. We stopped and talked. He was wearing his civilian clothes. They don't wear their uniforms now on the way to work, you know. They keep their uniforms at the barracks and change there.

"My Betty come home a little later, and she walked in front of the fireplace and stood there like this." She clasped her hands behind her and began swaying back and forth, imitating her daughter.

"I thought she was hearing some of that new music. She was just getting into that kind of thing, you know. Then all of a sudden she just pitched over on her face. Her father started patting her face and he brought her around, and I said: 'What's wrong, Love? Did somebody say something to you at school or something?' "

"She said, 'Mr. Clark was shot dead.' I said: 'No, Love, it couldn't be. I saw him outside not an hour ago.' She said, 'I just heard it on the news coming home.' "

NOT EVEN 10 MINUTES

Her eyes shone again, now with tears. Her anger seemed directed less at her friend's death than at the swiftness of it.

"He hadn't been to work 10 minutes!" The last two words rang out, and with a show of will she made herself repeat them. "Not 10 minutes!"

She composed herself and talked of the fire drills and the bomb scares and the importance of leaving the building fast and getting well away from it. Her tone was friendly and instructive, only a little more earnest than when she had given directions to get to the supermarket down the street.

She was asked what was to be done to stop the troubles.

"I don't know," she said. "But the old people, now, the old ones like my father. I know what they would have done."

She shook her head firmly and said, "They would not have put up with it."

Mr. HANLEY. Mr. Speaker, on this eve of Saint Patrick's Day, the world seems poised in joyful anticipation of one Nation's celebration of its patron saint. For an Irishman and for most American-Irish it is almost impossible to contain the spirit which swells exultant as March 17 draws nearer and nearer.

Associated all at once in this blended consciousness of happy reminicences, tearful regrets, high-flown rhetoric, and poignant anecdote is the Shamrock and Harp and the all-encompassing green dressings of men and anything else nailed down or not. And indeed it is that color—the color green—which most symbolizes the essence of the Irish experience wherever it is lived. For that elemental and most natural coloration, that photosynthetic creation which is emblematic of life itself, is the adopted color of that island nation which cherishes and husbands every scrap of life's joy and sorrow. It is the duality of that symbolic reference of color manifested in the optimism of the regenerated growth of springtime after winter's cruelty and in the melancholy of the shrouding moss over the ruins of past glories which appeals to the nature of the Irish temperament.

Left to its own devices, unimpeded by the interference of outside elements, aided by enlightened disinterest by friendly parties, encouraged to remedy its ills from the wellsprings of its own imagination and perseverance—Ireland could be as free as she is green. She could be free of violence. She could be free of bigotry. She could be free of the malice which poisons the soul and the body of each generation touched by the pestilence of tyranny. She could be free of the strength-sapping and futile engagement which causes men to fight their brothers, women to betray their sisters, children to hate their neighbors.

Instead of growth, there is decay. Where there might be life, there is certain death. A sickly green masks over the rotting timbers of an ancient civilization—it reflects a corruption of nature which turns what it touches gangrenous.

Just as the green of shamrock and of fungus can represent aspects of this life to which we commit ourselves, so does the disparate nature of humankind find itself reflected in the conduct of the struggling forces in Northern Ireland. On the one hand is the force of darkness, of perfidy, of unreason; while on the other is the force of light, of truth, of sanity. Choose to which side in the raging dispute you will ascribe such a description and you engage in the very discrimination which curses any attempt to restore order and stop the killing and establish internal tranquility in Ireland.

For how can the nature of the struggle—polarized by brutality and repetitious controversy—be assessed in the heat of passion? How can the option be explored amid the smoke of bomb-started fires? How can the voices of tolerance be heard above the clamor of dispute? Some silence and some tongue-biting is very much in order.

The monster of human nature gone wild and distracted is a poor candidate for temperate counseling. What is needed is removal of the disturbing element in the life of Ireland. What is needed is to leave Ireland alone.

This necessitates the removal of the forces of Great Britain from Northern Ireland. This necessitates the observances by all peoples in both Northern Ireland and in the Irish Republic of the truce of arms which could bring on the long-sought amelioration of grievances and disputations. This necessitates the laying aside of grudges which must go unanswered. This means the exercise of domestic leadership all over Ireland which is based on mutual respect as much as on self interest. This means the prompt and certain retribution to any element within either region which seeks to continue unrest, bloodshed, and death.

It may well be the hardest adjustment of the human mind to admit that there is merit to the point of view of one whom it is convinced is a sworn and deadly enemy, but that is what must occur in Ireland, if there is ever to be accord. The economic discrimination, the social apartness, the political suppression which characterize life in the north can never be breached unless there is a reciprocation of openness, candor, and unity among that fratricidal population.

The horrors of the old days repeated daily even to this very moment should spur this country and this government in inquiry and to action on behalf of the rights and lives of the victims of Ireland's present chaos. I do not advocate interference in the internal affairs of north or south Ireland—merely approach of evenhandedness to all parties as mediator and negotiator.

Surely there is a residual of national identity and commonality which can transcend the differences in faith and disposition. The growing demonstrations by citizens seeking peace and the increasing disenchantment that the manipulated events of carnage and turmoil will ever bring redress of just complaints are encouragement that there is another option open to Ireland except its self destruction. We should encourage such efforts and applaud their progress so that they will not be engulfed in counter-efforts by selfish elements promoting discord.

Within the spirit of the lead proposed by President Jimmy Carter when he urged the establishment of a commission on international peace, this Congress must speak out in support of human rights for each citizen of Ireland as for each person of the world. We seek to export no ideology or gain any foothold or take any advantage of Ireland. We seek a common bond of humankind—a warmth of understanding, a tolerance of differences, a purposeful resolve to achieve harmony.

We seek a chance for all men to breathe the air of personal freedom and to enjoy free exercise of opportunities which talent and desires and needs bring to him. As others here have noted, we must call upon each party of interest in the present "troubles" to draw back from confrontation and to reestablish the bond of human kinship which should be the measure of our treatment of others.

The terror of sudden death and the premeditation of torture by either side must be repudiated as the repugnance it has become. The bestiality of either side, or both, should be of little consolation for its victims as they are used to excuse horrendous acts of violence and thereby breed a new generation of victims and revenge-seekers.

So let us urge an end to insanity. Let us urge rebirth of commonsense and common purpose and common decency. Let us seek an end to police and army terror tactics and an end to underground warfare which has lost its direction.

The human rights of no person in any nation are safe while the human rights of another are in jeopardy. We should support no policy nor any program which would undermine this basic appreciation of mankind's dependence on his neighbors for whatever measure of individual freedom is enjoyed.

Let us also join in prayerful plea that there will be an end to inhumanity everywhere and no need for fractious remedies to intolerance and injustices. Let us hope that the full bloom of life's springtime will emerge from the chill ground of discord and that the eternal greenery of humanity's benign nature will endure.

Mr. HARRINGTON. Mr. Speaker, with the advent of the Carter administration, America has made a fresh commitment to the cause of human rights in the world community. We have condemned human rights violations in the Soviet Union, in Uganda, and in Latin America. However, our credibility in the area of human rights is dependent upon our consistency, and to be consistent, it is imperative that we speak out on human rights violations involving ally and adversary alike.

Great Britain, our longtime friend and ally, conceded last month that British security forces had used five torture techniques on Irish prisoners. After a 4-year investigation by the European Court of Human Rights, in which 119 witnesses were heard, it was found that Britain had violated article 3 of the Human Rights Convention, which forbids torture or inhumane or degrading treatment as punishment. To Britain's credit, the British Attorney-General has stated that the use of these techniques had been terminated in 1972 and that compensation has been paid to those who had suffered.

The findings of the Commission with respect to Britain's role in Northern Ireland are a special tragedy, as they involve a nation that has given us the Magna Carta and is universally recognized as the defender of the rights of man.

In all fairness, it should be acknowledged that the root case of human rights violations in Northern Ireland is the social and political system. It is a system in which the Protestant majority remains adamant in its refusal to recognize the rights of the Catholic minority. And it is also only fair to say that Britain is as eager as the rest of the world to see the conflict settled.

Criticism of human rights violations, by itself, provides no solution to underlying causes: social, economic, and political injustice. An active search for a solution to the prevailing injustice in Northern Ireland is the only means by which the human rights violations of all sides can be brought to end. It is my hope that President Carter would offer the good offices of the United States to help bring the conflict to an end, and to insure for all citizens of Northern Ireland the political and social stability that is essential to the fulfillment of human potential.

Mrs. FENWICK. Mr. Speaker, the Prime Minister of Eire, Liam Cosgrave, addressed a joint session of Congress a year ago. And on this day it is still remembered to the honor of Ireland. For those of us who—like me—were ardent Sinn Fein sympathizers years ago, it was an important and proud occasion. Those who used to question whether or not the romantic, poetic, impetuous Irish would be disciplined democrats should have been there to listen.

He spoke, first, to the people of this country, warning them of the effect of their actions no matter how well meant:

> There are in this country some people who contribute in the most direct way possible to violence in Ireland—by sending either guns or explosives—for use in northern Ireland.
>
> Let me tell such people in the most categorical manner possible what they are doing. What they are doing, whatever their motives, with every penny, dime, or dollar they give thoughtlessly for such purposes, is helping to kill or maim Irish men and women of every religious persuasion in Ireland.

In a world where, too often, the bomber, the kidnaper, and the terrorist are defended and given asylum, it was reassuring to hear Prime Minister Cosgrave. But the high point of his address—a tribute not only to him as an individual but also as one who spoke for all who hope for a just and orderly world—was the section of his speech addressing the question of the six northern counties:

> We seek reunification, but we want it only on the basis of a free vote of the people who live there . . . The British government, a partner of Ireland in the European community, declared formally two years ago, and this, is of significance, that it would support Irish unity if and when a majority of the people of northern Ireland accepted it. And this is the only basis on which our people seek unity.

This is the voice of reason, and the world needs to hear more talk like this. One wishes that Lebanon, Korea, Angola, the Middle East, Africa and South America could listen to such calm, moderate reasoning. It is all the more impressive and admirable in that it comes from one who is not speaking from an island of peace and tranquility but from a country torn by bloodshed and troubles, one who—in the midst of such tragedy—is prepared to respect the rights of individuals and abide by the free choice of free people.

And now two women have come forward in Northern Ireland, speaking with the same voice, speaking of peace and an end to slaughter and hatred. This, too, on this day, stands to the honor and glory of Ireland.

Mr. ANNUNZIO. Mr. Speaker, Great Britain has long been a country that cherishes its historical and judicial tradition of tolerance for opposing viewpoints and that nation also officially condemns other countries which use torture as a means of repression. As a member of the United Nations, Great Britain has also signed the 1950 European Convention for the Protection of Human Rights which guarantees in article 3 of its charter, that "no one shall be subjected to torture or to inhuman or degrading treatment."

These aspirations contained in the Statute of the Council of Europe are of the utmost importance to the dignity of all human beings. Yet as important as this statement may be, such an achievement is little more than an empty promise—rhetoric—unless it is accompanied by an effective means of enforcement.

In presenting itself as a concerned member of the international community, Great Britain has a forthright commitment to the protection and advancement of human rights. How inconsistent it is then to find that Britain is guilty of violating those same precepts of human dignity by torturing Northern Irish prisoners.

A report, prepared after careful research and documentation by the European Commission of Human Rights in response to complaints by the Irish Republic, found that sensory deprivation techniques, used by Britain in 1971, amounted to "torture and degrading treatment;" a clear violation of article 3 of the United Nations Human Rights Charter.

In its findings the commission said:

> The systematic application of the techniques for the purpose of inducing a person to give information shows a clear resemblance to those methods of systematic torture which have been known over the ages.

These abuses, among others cited, included five sensory deprivation techniques deemed to be in violation of the charter: wall standing, hooding, subjection to noise, and an unspecified reduction in the amount of food, water, and sleep.

The commission took into consideration the fact that Great Britain had

taken important steps to abide by the convention but the Republic of Ireland felt that to decide to drop the case would be an abuse of the investigative system. In response to the suggestion that the report will damage relations between the two countries, Mr. Michael O'Kennedy, foreign affairs adviser for Ireland's main opposition party, replied:

I feel confident that, in fact, far from damaging cooperation, it could help towards an open and trusting relationship.

While this is a view that could be argued, it is in the best interests of both nations to heal these wounds in order to move to a much more worthy and pressing concern—the resolution of the political violence and suffering which has torn Northern Ireland for over 10 bloody years and resulted in over 1,700 deaths.

It is especially important today that Great Britain and the Republic of Ireland come to terms of mutual understanding and cooperation in order to stem the wave of terrorist-inspired violence that threatens all chances of peaceful political resolution of Northern Ireland's problems. Dublin and London should be encouraged to do all they can do to break the grip of terrorism and violence by sectionalist paramilitary groups who are the common enemy of peace and stability.

Dr. Garret FitzGerald, Ireland's foreign minister, made this clear in stating:

Our two peoples, whose pasts have been so closely linked for good and ill throughout eight centuries, have confounded our common enemy by responding to this tragedy with a deepened sense of interdependence and of our common interest in combatting violence and averting anarchy.

There is no immediate solution to Northern Ireland's internal struggle. It is clear that the only solution for now is to continue the vital efforts for compromise in Northern Ireland and work to discredit the destructive elements of violence. Yet in this difficult task, Great Britain must never lose sight of the safeguards which guarantee citizens the fundamental right to human dignity and personal justice guaranteed by the spirit of the United Nations Charter.

GENERAL LEAVE

Mr. WOLFF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

NIAGARA FALLS: THE START OF A FISCAL COMEBACK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 5 minutes.

Mr. LAFALCE. Mr. Speaker, I would like to bring to the attention of my colleagues and the Nation the major accomplishment made by one of the principal cities in my congressional district, the city of Niagara Falls, N.Y.

For the first time in 9 years, the city's budget showed a surplus. Indeed, the city's financial prudence resulted in a surplus of nearly ¼ million dollars. I am personally very proud of the city manager, the mayor, the city council, and especially the citizens of Niagara Falls who worked so hard and who sacrificed so much to bring this about.

While the name of this city is perhaps as well known as any in the world, thanks to the natural wonder within its boundaries and after which it is named, the real nature of the city of Niagara Falls is not so widely known. It is appropriate, therefore, for me to outline the recent history of this city and, in so doing, emphasize the importance of the achievement of the budget surplus last year.

Thanks to the abundance of relatively inexpensive energy generated by the privately developed hydroelectric plant at the falls, the city of Niagara Falls grew during the early decades of the 20th century to a peak of well over 100,000 people. Many industries requiring large amounts of electrical power, including one of the largest petro-chemical complexes in the world, located in Niagara Falls.

In the 1950's, however, a disaster took place and the effects of it are still being felt. The powerplant was destroyed in one of the largest and most devastating rock slides along the lip of the falls.

New York State organized itself to assist in the rebuilding effort, and the result some years later was one of the most impressive and efficient hydroelectric plants in the world, the Robert Moses plant. But rebuilding the plant took a long time, even with the legendary Moses at the helm, and in the interim an exodus of industry, jobs, and population took place.

Many firms had to close their doors, while others relocated to other parts of the country. The city's population began to recede and, some 20 years later, it stands at 80,000. A 20-percent population loss in the space of 20 years is more than most communities should expect to survive.

The result was a city with municipal systems designed to serve over 100,000 people but which, due to the large loss of population, were serving far fewer than that. Excess school capacity; sewer, street, and other systems larger than required for the remaining people; these and other built-in costs had to be absorbed without having the revenue base provided by the people who had left.

Niagara Falls did not give up, however. The city resolved to do what it could to bring itself back to life. It started a total rebuilding of its downtown area, near the falls, in one of the most ambitious urban renewal programs for a city its size in the country. The goal was to extend the tourism season and to build a new convention-related industry and, at the same time, replace the commercial core of a community of 80,000 people. The city's own commitment to this was to finance one of the most magnificent convention centers in the country, hoping to encourage private investment in hotels, shops, and other convention and tourism-related developments.

These private developments would, of course, add to the local tax base and help meet municipal budgetary needs.

But circumstances far beyond the city's control conspired to delay the anticipated private investment. The national economy took a severe downturn, adversely affecting all of us and contributing even more to the economic distress of the Northeast, which has suffered from regional dislocation for so long.

All of these factors contributed to the fiscal situation faced by the city of Niagara Falls. And, to be fair, the city may have been imprudent in its spending policies from time to time during the late 1960's and early 1970's; 1976 was a year in which the overall economic condition improved, but only slightly. More important, it was the year in which Niagara Falls tightened its belt, faced its problems head on, and took those steps necessary to bring its financial house in order.

Restoring confidence in Government is something that we in Washington have been working hard to accomplish for some time now. Yet it is equally important at other levels of government as well. I believe that the citizens and leaders of the city of Niagara Falls have made a meaningful first step toward restoring confidence in the soundness of the city and its financial condition.

CONGRESSIONAL CAMPAIGN FINANCING ACT OF 1977

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MCHUGH) is recognized for 5 minutes.

Mr. MCHUGH. Mr. Speaker, on behalf of Mr. MAGUIRE and myself, I am today introducing legislation to provide for partial public financing of House and Senate primary and general election campaigns beginning in 1978. The Congressional Campaign Financing Act of 1977 would extend to congressional elections many of the public financing features applicable to Presidential primaries.

THE NEED FOR PUBLIC FINANCING OF CONGRESSIONAL ELECTIONS

The 1976 Presidential election proved that public financing works, and that it works for both primary and general elections. Consequently, I believe that the time has come to extend this basic reform of our political process to elections for the Senate and the House of Representatives.

The very success of public financing of Presidential elections makes public financing of congressional campaigns all the more urgent. Closing the Presidential arena to private contributions has substantially increased the flow of such special interest contributions into House and Senate election races.

What will we have gained by closing off the Presidency and the executive branch to the influence of big money if the result is to open up Congress to a heavier

influx of special interest funds and influence?

The American people have come to understand that the present system of financing congressional campaigns is neither democratic nor fair. Unless a candidate is personally wealthy, he must look to private contributors to finance the expense involved in running for public office. The evidence very clearly suggests that such contributors are often not representative of the Nation as a whole.

In the very recent past, for example, 90 percent of all campaign contributions came from less than 1 percent of the population. This 1 percent represented individuals and groups that often had a substantial interest in the decisions to be made by public officials. The potential for abuse should be clear.

The needed reform is both simple and obvious. We must extend public financing to congressional campaigns, and we must do so in the 95th Congress.

PROVISIONS OF THE BILL

To achieve this goal, the legislation Mr. MAGUIRE and I are introducing today would establish a matching system of partial public financing for House and Senate primary and general elections. I would like to briefly summarize some of the major provisions contained in our bill at this point, Mr. Speaker. A more detailed explanation of its provisions is contained in the factsheet that I am including in the RECORD at the conclusion of my remarks.

One of the most important features of this legislation is that it would reestablish campaign spending limitations for primary and general elections for those candidates who choose to accept public financing.

For the House of Representatives, a general spending limitation of $80,000 per campaign is established for primary and general elections in 1978. This general limitation is tied to the Consumer Price Index and would be adjusted upward on an annual basis thereafter.

For the Senate, a general spending limitation of 8 cents multiplied by the voting age population, VAP, of the State, but not less than $80,000, is established for 1978 primaries. A general spending limitation of 12 cents multiplied by the VAP of the State, but not less than $80,000, is established for 1978 general elections. These general limitations are also tied to the Consumer Price Index.

Candidates who accept public financing would be able to exceed these general limitations in three ways:

First. A candidate would be allowed to raise and spend up to an additional 20 percent of his or her general limitation to cover the actual expenses of fundraising in both primary and general elections.

Second. A candidate for election to the House would be allowed to accept and spend up to $10,000 in additional funds from a State or national party organization in the general election only. A candidate for election to the Senate would be allowed to accept and spend up to 2 cents multiplied by the VAP of the State, or $20,000, whichever is greater, in additional funds from a State or national party organization in the general election only.

Third. Expenditure limitations would be waived for a candidate who accepted public financing if his or her opponent did not accept public funding and exceeded the expenditure limitations contained in this bill. The candidate who had accepted public funds would still be entitled to them, but only up to the levels stipulated in the bill.

To be eligible for Treasury matching, a candidate would have to raise at least $7,500 in amounts of $100 or less from private contributors. After this threshold was reached, the qualifying amount and each additional contribution of $100 or less would be matched by the Treasury on a 1-for-1 basis up to 50 percent of the general limitation applicable. Cash contributions could be matched provided they were properly accounted for. Only contributions of $100 or less from residents of the State in which the election is being held would be eligible for Treasury matching. The qualifying amount would only have to be raised once.

For the House of Representatives, this would mean a maximum allowable Treasury match of $40,000 in 1978 primary and $40,000 in 1978 general election races. For 1978 Senate primary elections, this would result in a maximum Treasury match ranging from $40,000 in the smallest States to $308,720 in Illinois, the largest State with a 1978 Senate primary. For 1978 Senate general elections, the maximum Treasury match would range from $40,000 in the smallest States to $463,080 in Illinois. These estimates for the Senate are based upon 1976 VAP figures.

Candidates of minor parties, and independent candidates, would be eligible for matching payments in both primary and general elections. Our bill makes no distinctions between types of candidates or types of parties. No candidate would be automatically eligible for public funding. Rather, the ability of a candidate to qualify for matching payments is based solely upon demonstrated support in raising the threshold qualifying amount and additional contributions of $100 or less.

Funds for congressional public financing would come from the existing $1 voluntary checkoff on Federal income tax returns, and the program would be implemented by the Federal Election Commission. If sufficient funds were not available, the Secretary of the Treasury would be authorized to reduce the entitlements of candidates proportionately. Alternatively, the $1 checkoff could be increased by law.

The estimated cost of our bill is $93.1 million every 2 years, or $46.5 million annually. I do not believe that this is an unreasonable sum, Mr. Speaker. For example, the estimated cost of financing all Senate primary and general election campaigns is $25.4 million, a reasonable figure when compared to the $21.8 million that President Carter received to finance his general election campaign alone. The estimated cost of financing all House primary and general election campaigns is $67.7 million, or approximately one-third more than it cost to finance the general election campaigns of both President Carter and former President Ford. Moreover, I would stress that the assumptions I have used in estimating the cost to the Treasury probably overstate the real cost of this legislation.

ADVANTAGES OF A MATCHING SYSTEM

Mr. Speaker, a system that matches small private contributions with Federal payments has a number of advantages over plans that fully fund the campaigns of candidates who gain the nomination of a particular political party.

In a matching system, Treasury payments are related as closely as possible to the current strength of a candidate. Party affiliation or performance in some previous election is not a factor. This is very important, Mr. Speaker.

A system of public financing should not artificially prop up candidates who have little current or potential strength. Neither should it put obstacles in the way of a candidate who does have broad support among the general public. Public funding should be related to public support, and should not be used to finance candidates simply because they gain the nomination of a so-called major party. Matching does not lock in the present two-party system. It makes it possible for third party and independent candidates to compete without being put at an artificial disadvantage.

Moreover, a matching system preserves and encourages the role of the small contributor, the citizen who wants to do more than simply vote for a candidate. At a time when too many Americans feel alienated from our political system, when they feel there is little they can do that has an impact on their Government, we should be very cautious of proposals that would further reduce their ability to play an important role. At the same time, we should encourage candidates to show some initiative in seeking out such citizens and encouraging them to participate in the political process.

A matching system also has the advantage of limiting the cost to the Treasury, especially when it is tied to meaningful expenditure limitations. As the fact sheet I am attaching to my remarks indicates, our bill would be significantly less costly than the only other measure that has been introduced to date in the other body. At the same time, I am convinced that this legislation would screen out nonserious candidates by requiring a candidate to raise a threshold qualifying amount.

CONCLUSION

Mr. Speaker, public financing of congressional elections is supported by different individuals for different reasons. Some view it as a way of limiting the escalating costs of congressional campaigns without placing incumbents at an advantage. Others view it as a way of eliminating the influence of big money from our political system while at the same time encouraging the role of the

smaller contributor. Some support public financing but wish to avoid excessive costs to the Treasury. Still others believe it should be used to support major party candidates without unduly inhibiting minor party and independent candidates.

The proposal that Mr. MAGUIRE and I are introducing tries to develop a workable compromise among these diverse goals. It is a deliberate and incremental approach that builds upon the existing system.

If confidence in our system of government is to be restored and maintained, some action must clearly be taken. I believe that the legislation we are introducing today constitutes the best approach to solving this very difficult problem.

FACTSHEET ON THE CONGRESSIONAL FINANCING ACT OF 1977

I. INTRODUCTION

A. This measure is designed to build upon existing legislation which provides for public financing of Presidential elections. It establishes a matching system that would provide for partial public funding of House and Senate primary and general elections. Limitations would be placed on spending by congressional candidates who choose to accept public financing, and small private contributions would be matched by Treasury payments on a 1 for 1 basis up to stipulated levels after an initial qualifying amount was raised. The financing of both primary and general elections is modeled after the public financing provisions contained in present law for Presidential primary elections (Chapter 96 of Subtitle H of the Internal Revenue Code). Funding for congressional matching payments would come from the existing $1 checkoff fund, and the program would be administered by the Federal Election Commission.

II. CAMPAIGN EXPENDITURE LIMITATIONS AND TREASURY MATCHING

A. House of Representatives.—A general spending limitation of $80,000 per campaign is established for primary and general elections in 1978. This general limitation on campaign spending for candidates who accept public financing is tied to the Consumer Price Index and would be adjusted upward on an annual basis thereafter. Candidates who accept public funds would be able to exceed this $80,000 general limitation in three ways:

1) A candidate would be allowed to raise and spend up to 20% of this general limitation ($16,000 in a 1978 primary and $16,000 in a 1978 general election) to cover actual fundraising expenses. These funds would not be eligible for Treasury matching.

2) A candidate would be allowed to accept and spend up to $10,000 in additional funds from a national or state party organization in the general election only. These funds would be eligible for Treasury matching.

3) Expenditure limitations would be waived for a candidate who accepted public financing if (a) his opponent did not accept public financing and (b) his opponent exceeded the expenditure limitations contained in this law. The candidate who accepted public financing would still be entitled to public financing, but only up to the levels stipulated in the law.

To be eligible for Treasury matching, a candidate must raise $7,500 in private contributions of $100 or less. After this threshold is reached, the qualifying amount ($7,500) and each additional contribution of $100 or less would be matched by the Treasury on a 1 for 1 basis up to 50% of the general limitation.

Thus, using 1978 as an example, a candidate could spend up to $96,000 on a primary race and up to $106,000 on a general election race. However, the maximum allowable Treasury matching would be $40,000 (50% of the general limitation) in the primary and $40,000 (50% of the general limitation) in the general election.

As noted previously, the candidate could still receive up to $40,000 in public funds and exceed campaign spending limitations under circumstances outlined in point three above.

B. Senate.—A general spending limitation of 8¢ multiplied by the voting age population (VAP) of the State, but not less than $80,000, is established for 1978 Senate primary elections. A general limitation of 12¢ multiplied by the VAP of the State, but not less than $80,000, is established for 1978 Senate general elections. These general limitations on campaign spending for candidates who accept public financing are tied to the Consumer Price Index and would be adjusted upward on an annual basis thereafter. The limitations can be exceeded in three ways:

(1) A candidate would be allowed to raise and spend up to 20% of the general limitations to cover actual fundraising expenses. These funds would not be eligible for Treasury matching.

(2) A candidate would be allowed to accept and spend up to 2¢ multiplied by the VAP of the State, or $20,000, whichever is greater, in additional funds from a national or state party organization in the general election only. These funds would not be eligible for Treasury matching.

(3) Expenditure limitations would be waived for a candidate who accepted public financing if (a) his opponent did not accept public financing and (b) his opponent exceeded the expenditure limitations contained in this law. The candidate who accepted public financing would still be entitled to public financing, but only up to the levels stipulated in the law.

To be eligible for Treasury matching, a candidate must raise 2¢ multiplied by the VAP of the State, but not less than $7,500, in private contributions of $100 or less. After this threshold is reached, the qualifying amount and each additional contribution of $100 or less would be matched by the Treasury on a 1 for 1 basis up to 50% of the general limitations applicable for primary and general elections.

In 1978 primary elections, this would result in a maximum Treasury matching payment ranging from $40,000 in the smallest States to $308,720 in Illinois, the largest State with a 1978 primary. In 1978 general elections, it would result in a maximum Treasury matching payment ranging from $40,000 in the smallest States to $463,080 in Illinois, the largest State. These estimates are based upon 1976 VAP figures.

As noted previously, a candidate could still receive Treasury matching payments and exceed the campaign spending limitations under circumstances outlined in point three above.

C. Eligibility for matching payments.—The same requirements that apply for establishing eligibility for matching payments in primary elections apply to establishing eligibility for general elections. However, a candidate must raise the threshold qualifying amount only once. Consequently, if the qualifying amount is raised in the primary, contributions of $100 or less for the general election would continue to be matched on a 1 for 1 basis up to the stipulated levels with no further requirements.

D. Third Party and Independent Candidates.—Candidates of minor parties, and independent candidates, would be eligible for matching payments from the Treasury in both primary and general elections to the extent that they meet the qualifying requirements. No distinctions are made between types of candidates or parties. Rather the ability of a candidate to qualify for matching payments is based solely upon demonstrated support in raising threshold qualifying amounts and additional contributions of $100 or less.

E. Applicability of Campaign Spending Limitations.—In accordance with the decision of the Supreme Court in *Buckley* v. *Valeo*, spending limits would apply only to candidates who accept public financing. However, as noted previously, if a candidate not receiving public funds exceeds the overall spending limits contained in this legislation, those limits are waived for his or her opponents using public funds. A candidate using public funds would still be eligible to receive matching payments from the Treasury, but only up to the levels stipulated in the law. To enforce the waiver, candidates who exceed the spending limits contained in this legislation would be required to report to the Federal Election Commission within 48 hours after they make expenditures or commitments for expenditures in excess of the overall spending limit. Failure to report would be a punishable offense. Except as previously noted, a candidate who accepts any public funds would be required to adhere to all spending limitations for primary and general elections.

III. FUNDING AND ADMINISTRATION

A. Funds for congressional public financing would come from the existing $1 check-off. Congressional primaries and general elections would receive fourth priority for checkoff funds after party conventions, the Presidential general election, and Presidential primaries. If the amount in the $1 checkoff is not sufficient, the checkoff would have to be increased by law. However, if such an increase was not approved, the Secretary of the Treasury would be authorized, after determining that the moneys available either are not or may not be sufficient to pay the full amount of entitlements to all candidates eligible to receive payments, to reduce the amount to which each candidate is entitled proportionately. However, in no case would a candidate who had already received public funds be required to repay any amount to the Treasury as a result of such a reduction.

B. Public financing of congressional elections would be implemented by the Federal Election Commission. In order to become eligible for public funds, candidates would have to agree to abide by applicable spending and contribution limits, file required reports, and open their books for audits as required by the FEC.

IV. ESTIMATED COST TO THE TREASURY

A. The estimated cost to the Treasury of this legislation is $93.1 million every two years:

	Senate	House	Total
Primaries	$13,107,904	$37,600,000	$50,707,904
General elections	12,332,565	30,060,000	42,392,565
Both	25,440,469	67,660,000	93,100,469

B. Cost estimation of public financing is difficult. This estimate is based upon a number of assumptions that probably overstate the cost of this legislation to the Treasury. It was derived by applying the provisions of this bill to 1976 House and Senate primary and general elections using the following assumptions:

(1) House Primary Elections.—There were approximately 1,175 viable primary candidates in 1976. A viable primary candidate was defined as one who received at least 20% of the vote in a primary election. The figure of 1,175 viable primary candidates was derived from primary results reported by Congressional Quarterly and includes viable third party and independent candidates. It was further assumed that viable primary candidates would average 80% of the public financing limitation for House primaries ($32,000). Multiplying the number of viable candidates (1,175) by $32,000 yielded an estimated cost of $37,600,000.

(2) House General Elections.—There were approximately 835 viable general election candidates in 1976. A viable general election candidate was defined as one who received at least 10% of the vote in the general election. The figure of 835 viable general election candidates was derived from election results reported by Congressional Quarterly and includes viable third party and independent candidates. It was further assumed that viable general election candidates would average 90% of the public financing limitation for House general elections ($36,000). Multiplying the number of viable candidates (835) by $36,000 yielded an estimated cost to the Treasury of $30,060,000.

(3) Senate Primary Elections.—There were 98 viable primary candidates in 1976. A viable primary candidate was defined as one who received at least 20% of the vote in a primary election. The figure of 98 viable primary candidates was derived from primary results reported by Congressional Quarterly and includes viable third party and independent candidates. It was further assumed that viable primary candidates would average 80% of the public financing limitation applicable to their States. The cost to the Treasury for each viable primary candidate was calculated, and yielded an estimated cost of $13,107,904.

(4) Senate General Elections.—There were 64 viable general election candidates in 1976. A viable general election candidate was defined as one who received at least 10% of the vote in a general election contest. The figure of 64 viable general election candidates was derived from election results reported by Congressional Quarterly and includes viable third party and independent candidates. It was further assumed that viable general election candidates would average 90% of the public financing limitation applicable to their States. The cost of the Treasury for each viable general election candidate was calculated, and yielded an estimated cost of $12,332,565.

C. As mentioned previously, these figures probably *overstate* the likely cost to the Treasury in 1978.

D. S. 926 (introduced by Senator Clark and others in the Senate) is a public financing measure that covers only members of the U.S. Senate. Senator Clark estimated the cost of his legislation for Senate primaries and general elections at $38 million, a figure significantly higher than our estimated cost of $25.4 million. However, application of our assumptions to S. 926 yielded an estimated cost to the Treasury for S. 926 of $50,690,397, almost twice the cost of our legislation. While we do not argue that our assumptions are more valid than those used in defending S. 926, it should be pointed out that the cost of our legislation for Senate primary and general elections would be approximately half the cost of S. 926 whatever assumptions one chooses to make.

V. OTHER PROVISIONS

A. Cash contributions.—Cash contributions are eligible for matching if they are properly certified and if adequate records are kept showing the date and amount of each cash contribution, and the full name and mailing address of the contributor.

B. Eligible contributions.—Only contributions from residents of the State in which the House or Senate election is held are eligible for matching.

C. Timing.—Contributions received after January 1 of the year preceding the year of the election are eligible for matching, but matching payments may not begin before January 1 of the election year. Contributions received after the date of the election may not be matched. Once a candidate raises the required threshold in small contributions, the Federal Election Commission has 10 days to certify the candidate's eligibility for matching payments. The Secretary of the Treasury then has another 10 days to make the payments for which the candidate is eligible.

D. Primary and General Elections treated separately.—The $100 limit on contributions that may be matched applies separately to primary and general elections. Thus, a single contributor may make a matchable $100 contribution for the primary and another matchable $100 contribution for the general election. However, separate accounts must be kept for the primary and general elections for this purpose.

E. Repayments to Treasury.—If a candidate does not use all of the funds raised privately and the Treasury matching payments in the primary, unused funds may be carried over and used in the general election (although the overall spending limitation for the general election may not be breached). A proportionate share of any funds that remain after the general election must be returned to the Treasury. The FEC is required to conduct a detailed post-audit and obtain repayments when necessary.

F. Criminal Penalties.—There are criminal penalties for exceeding the spending limits, and for unlawful use of payments, false statements made to the FEC, kickbacks and illegal payments.

G. Effective date.—The provisions of the bill apply to elections held after January 1, 1978.

VI. CONCLUSION

A. This bill was designed to achieve a workable compromise between a number of different goals:

(1) the desire to limit the escalating costs of congressional races without placing certain types of candidates at an advantage or disadvantage;

(2) the desire to eliminate the influence of big money while at the same time encouraging participation in the political process by the smaller contributor;

(3) the desire to provide for some public financing while avoiding excessive costs to the Treasury; and

(4) the desire to provide funds to major party candidates without inhibiting minor party and independent candidates, thus locking them out from effective participation in our political system.

If you have any further questions regarding the provisions of this bill, please contact Gary Bombardier at 56335.

SUPPORT FOR WORTHWHILE PUBLIC WORKS PROJECTS THAT MAKE REAL CAPITAL IMPROVEMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York, (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, as one Member who has worked hard to secure funding for legitimate and constructive capital improvement projects such as sewage treatment plants, flood control, mass transit, highway construction plus other worthwhile public objectives, I want to discuss recent congressional emergency moneys for public works in the context of the redtape that is holding up thousands of good developments that could put people to work. In H.R. 4876, the House was asked to appropriate $22.6 billion based on the questionable premise that additional Federal spending will alleviate the chronic unemployment plaguing the Nation.

If that were true—if we could really spend ourselves into prosperity—I would be the first to support the appropriation. I would even suggest amendments to increase the amount. After all, why should we settle for only $22.6 billion more prosperity? Why not twice or treble that amount?

But if Federal spending could get people off unemployment rolls and back to work, the problem would have long since been solved. From 1972 to 1976, Federal outlays rose from $232 billion to $373.7 billion, an increase of 61 percent in just 4 years. During the period total Federal spending amounted to a staggering $1.4 trillion.

But unemployment went up. In 1972 the Nation's unemployment rate was 5.6 percent; by 1976 it had risen to 7.8 percent. The failure of Federal spending to curb unemployment is most conspicuous, and of greatest concern, among minority persons for whom special programs such as those funded in this appropriation bill are supposedly targeted. From 1972 to 1976, unemployment among blacks and other minorities increased from 10 to 13.4 percent and at one point rose to nearly 14 percent during this period.

Not only did this massive spending fail to cure unemployment, it probably made the situation worse. Deficits caused by unprecedented Government spending drained financial resources which would have otherwise been available for job-creating private sector investment. And the inflation fostered by such deficits—the dollar lost about 40 percent of its purchasing power in this brief period—also took a heavy toll.

The sour experience of recent years ought to convince anybody that more Federal spending is not the answer to the Nation's economic ills. Moreover, this particular appropriation, H.R. 4876, is especially in need of pruning because of the very nature of the programs being funded.

PUBLIC WORKS

Last August the Appropriations Committee appropriated $2 billion to fund the Public Works Employment Act of 1976. Under this program the Economic Development Administration in the Department of Commerce received approximately 25,000 applications for local public works projects, accepted some 22,000 for review, and selected 1,988 for funding.

My experience with the program to date has essentially been this application process. Project construction has not yet begun, outlays have not yet occurred and, in response to a question on the number of jobs created, the Department testified:

We have not at this point come up with

a firm revised estimate. We will not know the actual job creation figure until we have had a chance to evaluate the projects.

And yet, we acted with considerable haste to double the amount and appropriate an additional $4 billion in this bill at a time when there are close to 20 billions of dollars in more sound projects for capital improvements now held up by redtape and bureaucracy.

This wisdom of this action is further called into question because—

Increased public works spending will not affect employment this year.

A low percentage of the funds appropriated for such projects actually end up as wages—19 to 32 percent according to one estimate.

Projects and employment which would be generated by local communities will be delayed in anticipation of a chance for Federal dollars even though only one out of five applications will be funded.

Financial assistance from the Government in Washington to aid in the planning and construction of works of improvement is a form of aid as longstanding as the Nation itself. Originally justified as an activity designed to facilitate commerce among the States under the Commerce Clause of article I of the Federal Constitution, such assistance has become an important aspect of the Federal-State-local cooperation which has pervaded our sense of national unity. It has resulted in incalculable benefits to the people, especially in the protection it has afforded them and their property against natural disasters.

These works of improvement are designed to carry out important environmental objectives. They are investments to help us protect our environment against the ravages of floods, to improve navigation for both commercial and recreational purposes, to enhance crucially needed water supplies for our municipalities—a problem of rising dimensions again for the first time since the mid-1960's, to reduce losses to our economy, and to alleviate the human misery which accompanies any failure to come to grips with these problems.

The problem in assuring the adequacy of the Government's commitment to these programs is money. And let me spend a moment discussing this point. As my colleagues know, there are few Members who have voted as heavily for reductions in total authorizations and total appropriations as I have. But, as my colleagues are also aware, there are few that have as consistently supported public works programs as I have, provided that their funding did not increase total authorizations or appropriations, but rather came from a shift of authority or funds available to us. It seems to me that we who are Members of the Committees on Public Works and Transportation and Appropriations must do a more effective job of telling our colleagues, the agencies, the media, and our constituents of the crucial importance of using dollars in tight supply to provide benefits to our States and communities which are of a permanent nature.

At a time when the Federal Government must maximize the impact of every dollar it spends, authorizations and appropriations for public works take on a crucial character. How much more intelligent it is and how much more beneficial to our communities and their residents it is to spend money for these permanent works of improvement—which leave lasting, physical benefits—than to spend the same amount of money on make-work, public service jobs.

Calling a job a job does not make it a job. To be a real job, as defined by economists, it must be productive. I do not subscribe to the notion that Government ought to address the problem of high unemployment by automatically putting people on its own payroll. Instead, I believe Government ought to remove the disincentives to jobs creation in the private, productive sector of our economy—disincentives found in our high tax rates, our regulatory policies, etc. But, as long as Government is going to address the problem of high unemployment by using its dollars to create employment and that is the present policy, then I firmly believe we should use those dollars for activities which leave permanent, physical benefits to the Nation.

It makes more sense to me as a matter of policy, economics, logic, and even politics—and to the vast majority of taxpayers as well—to use Federal dollars to complete a pubic works project, than it does to create "make-work jobs."

Within this framework, let me discuss the status of major projects in New York and the Northeast.

A case in point is the threatened loss of untold millions of dollars by the Northeast States because of a timetable for approval of Federal construction grants for wastewater treatment plants that the Federal Government admits it cannot keep. New York State, in particular, faces the loss of $316 million of its allotment for fiscal year 1976 due to the inability of the U.S. Environmental Protection Agency—USEPA—region II office to process all of New York's grant applications in time to meet the September 30, 1977, deadline.

New York State Department of Environmental Conservation Commissioner Peter A. A. Berle has firmly stated that since Governor Carey announced the accelerated environmental public works program on June 3, 1975, his department has given the processing of grant applications for sewage treatment works top priority. The entire allotment of $1.046 billion which New York is entitled to are proceeding on schedule on the New York State level, and will be filed with the region II office by June 30, a full 90 days before the September 30 deadline.

Yet in a letter to Commissioner Berle dated December 2, 1977, Region II Administrator Gerald M. Hansler informed Commissioner Berle that, no matter how well-organized and conscientious New York State was in this effort, the "current staffing level" at the regional level prohibited that office from processing over a quarter of a billion dollars of the remaining funds in the New York State allocation. Commissioner Berle was further notified that "funds not obligated by September 30, 1977, will be subject to reallotment to all States, under the current law."

Repeated contacts by the region II states to USEPA have so far failed to provide the needed 42 additional staff positions—so much for the concern of the Federal Government for the little guy.

And it will be the "little guy" who is affected by this mismanagement of Government programs if New York State is forced out of the running for that $316 million. For each $100 million of grant funds lost to New York State, over 6,000 construction-related jobs will be lost to the State at a time when this industry is suffering the highest unemployment in the Nation, particularly in our State.

Both labor and management are justifiably concerned over this blatant injustice, and I have been working closely with the New York State Department of Environmental Conservation to forestall any loss of these construction funds. In addition to continuing my efforts to obtain additional qualified staff for region II, I have introduced legislation, H.R. 3751, to delegate duplicative review functions to State environmental conservation departments in an effort to speed up the process of review. My bill would amend the Federal Water Pollution Control Act so that "the Administrator may carry out any of his responsibilities for actions, determinations, or approvals—with respect to projects or proposed projects for treatment works by accepting a certification by the State water pollution control agency of itse performance of such responsibilities." Much of the grant application processing, particularly that involving environmental analysis, is duplicative. If this function were transferred to the States, much time could be saved.

If an extension of the September 30 deadline is ultimately needed to insure the retention of New York's full level of funding, I will support a limited extension of time for USEPA to conclude its review of our State's projects. This is the less desirable solution, however, since any delay in funding approval will mean the loss of jobs to New York State, and since the EPA has a record of taking advantage of any and all time extensions to further expand its bureaucratic control regardless of the negative economic impact its actions might bring about.

One example of the shortsightedness of the EPA in these water pollution projects is the proposed elimination of funding for collector sewers from the the new Water Pollution Control Act appropriations. According to the EPA, collector sewers are "not the most effective way" to improve water quality. But in New York State the need for sewage collection systems is extremely strong because the State of New York did not allow State reimbursement for some years while they were eligible for Federal construction grants. As a result, New York State now has an overwhelming need for sewage collection systems—which, I might add, has a much more immediate public im-

pact because of the present poorer quality of septic systems and the adverse impact a denial of collector sewer funding will have on the already devastated construction industry.

The lack of a practical approach to the funding of these environmental projects has been graphically illustrated in my own State of New York, where a State environmental quality review—SEQR—act will go into effect for local municipalities on June 1, 1977. The oversight contained in this act is currently in effect for New York State construction projects, and it is slated to monitor private industry beginning September 1.

Although this law was originally supported by Governor Carey and a wide constituency of well-meaning followers, almost all those concerned with the State's economy have been having second thoughts. In a State which has lost 400,000 jobs in the last 25 years—during a time when 46 of the 48 contiguous States increased their manufacturing employment—labor, business, and government leaders have grown increasingly restive over New York's increasing unpopularity among business concerns and its resulting steady increase in unemployment.

State Commerce Commissioner John Dyson, who is leading the charge against SEQRA, recently warned, "We are beyond crisis. We face a permanent economic decline in New York State if we do not do something now. This is much later in New York State than anybody realizes.

The horror stories of the economic impact of SEQRA pour in to Commissioner Dyson's office almost daily. The Associated General Contactors of New York State has flatly stated, "If the economic ship of the State of New York is currently floundering these rules and regulations will surely sink it." They cite the recent delays in highway construction as a case in point.

"As of mid-1975," AGC points out, "approximately $3.3 billion worth of road improvements in the State of New York, employing some 144,000 workers, were being held up. This includes job losses of approximately 70,000 construction industry workers and 74,000 in related fields—this does not take into effect in any way the so-called 'domino' effect on retail stores, car sales, restaurants, and other related businesses which are dependent, in part, on construction dollars.

"As of mid-year 1975, New York State's accumulation of unobligated Federal aid stood at some $900,000,000. Primarily due to so-called 'environmentalists,' New York State recently lost some $211,000,000 in Federal Interstate Funds, due to the inability of New York State to utilize them. Moreover, when President Ford released some $2 billion in Federal highway funds to the States for the purpose of bolstering the Nation's economy, New York State was unable to share in these funds because construction was not possible in this State."

According to David A. Pietrusza, of the State Office of General Services in Albany:

This virtual halt of highway work in the State, it is estimated, cost New York approximately $1.7 billion in payrolls and would have provided to the State and Federal Governments $325.6 million in income taxes. All this while 36 percent of the State's 107,776 mile highway system was judged deficient by the National Highway Roads Report, and the State's construction industry operated at only one-fourth of its 1971 billion level, and unemployment in certain areas for construction workers ran to and exceeded 80 percent.

The uncertainty of future regulation in construction and devlopment due to the vague language of this legislation, with descriptive language such as "significant effect," "good cause," and "appropriate time," has already succeeded in discouraging private investment, particularly in badly-needed housing starts, and the price in delays and lost opportunities for investment dwarf the increasingly prohibitive financial costs of actual construction. This, coupled with the anticipated massive logjam caused by the mandatory environmental impact statement in areas where they clearly are unnecessary, are expected to undo even the environmental benefits that programs such as pure waters projects are trying to accomplish. "We could have a reaction which would destroy even the gains which environmentalists have already made," says Commissioner Dyson.

Mr. Speaker, the $4 billion in additional public works projects which we voted on yesterday entails the same kind of governmental redtape and bureaucracy. As I have stated earlier, my experience with this same program when it was funded at a $2 billion level has been nothing but frustration and more bureaucracy.

Mr. Speaker, it is the height of arrogance for the U.S. Congress to try to sell the American people a bill of goods that has no more real value than another promise. I for one am not afraid to stand up and be counted in favor of the working American who is going to have to pay for this bureaucracy through hard-earned tax dollars. We need meaningful public works projects and we need them now, but we do not need this $4 billion increase in Government borrowing and false hopes.

IS ANYONE LISTENING?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CONABLE) is recognized for 10 minutes.

Mr. CONABLE. Mr. Speaker, the apparent indifference of the administration to the impending financial crisis in the social security system is appalling.

In fewer than 2 years, the system's disability insurance trust fund will be exhausted, and the old-age and survivors insurance trust fund is not much better off. As far as I can tell, the executive branch is doing nothing about the situation.

What is it waiting for? Is the administration merely playing a fiddling Nero to the system's burning Rome?

Or are there other motives?

It is well known that the gentleman from Massachusetts, the chairman of the Ways and Means Subcommittee on Social Security, long has favored infusing the system with general revenues. He has not been deterred by the absence of general revenues, or the existence of a mammoth Treasury deficit, or the necessity under his proposal of more borrowing, a higher public debt, and resulting inflationary pressures.

From other quarters, we hear rumors of a grand scheme being developed—somewhere in government—to propose a new national sales tax, the proceeds of which would be used to bail out the social security trust funds.

Is it possible that the strategy of the majority is to bide its time on social security, to wait until the last possible moment to take corrective action, and then to burst forth with either of these proposals as the only answer to the financial crisis? Certainly it can be argued that if we wait too long, we can be stampeded more easily into accepting an 11th-hour rescue offer. This is particularly true with a lopsided congressional majority.

Is this the ploy? I fervently hope not, for two overriding reasons:

First. Any move to pay benefits from sources other than contributions would destroy the system's insurance character, which has been primarily responsible for its widespread public support.

Second. The Congress should take the time to give careful and thorough attention to every social security proposal. To do otherwise would be a tragic disservice to the American people, most of whom have a direct interest in our social insurance programs.

THE SACCHARIN CONTROVERSY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MCKINNEY) is recognized for 5 minutes.

Mr. MCKINNEY. Mr. Speaker, like my colleagues, I have been inundated with telephone calls and mail from riled constituents protesting the Food and Drug Administration ban on saccharin. Everywhere I went in Connecticut this past weekend I was accosted by citizens shocked by such flagrant Government interference in their lives. It has been a very long time since I have witnessed such a tumult of outrage over a Government action. It is all the more remarkable because this is not an organized "special interest" protest but represents instead the spontaneous outpouring of the "common interest" of saccharin-consumers.

Let me quote some of my constituents:

It is an insult to the intelligence of the American people to ban a substance based on tests at levels of 800 12-oz. soft drinks for life. Retest both saccharin and cyclamate at realistic dosages.

Let them put warnings on every bottle of "TAB" (etc.) if they must, but allow me the same freedom of choice that I now exercise with tobacco and alcohol. . . . The American public is entitled to freedom of choice.

I am a diabetic and it is vital to my survival not to have direct sugar. . . . Whoever made the law about cancer-producing substitutes should have put in an amendment about producing cancer in humans or else about reasonable levels for rats. . . .

The risks from artificial sweeteners are far less than those from excess amounts of sug-

ar. The heart problems from excess weight are far more serious than any problems coming from cyclamates and saccharin, to say nothing of the impact on diabetics.

I am fed up with government telling me what I can eat and what I can't eat. Warn me all you want, but if I want to eat something that you consider inadvisable, it's none of your business!

The decision of the FDA to ban the use of saccharin in food products . . . has in effect deprived American citizens of a freedom vital to the existence of a democracy, the freedom of choice. For many of us this deprivation is not just a matter of principle but of life and death. . . . There is no way to provide potential immortality for any of us. Having been given the necessary information, we must be free to choose our own pattern of living or the path to the beyond.

While recognizing that the Food and Drug Administration had no alternative but to ban saccharin under the Delaney amendment—which requires the FDA to act against any substance shown to cause cancer in humans or animals, no matter how remote the risks may seem—the public remains puzzled and angered by such an unequivocal requirement. They believe no persuasive case against saccharin has been made, that the Canadian tests do not prove that normal doses of saccharin are unsafe. Moreover, they know it has never been proved that every animal carcinogen causes cancer in man. Needless to say, most consumers feel the analogies of what humans would have to consume to equal the amount of saccharin fed the test rats are bizarre.

There is no denying that the automatic trigger mechanism of the Delaney amendment leaves no room for evaluation of conflicting scientific evidence, nor does it give the FDA any flexibility to assess the tests and ask whether it makes sense to issue a blanket ban. Furthermore, the Delaney clause says nothing about the dosage of the additives to be consumed or the kinds of tests to be conducted. In effect, the law admits no qualifications, while providing no guidelines. Many assert that the unqualified nature of the Delaney amendment prohibits rational decisionmaking for there is no room for weighing the benefits of saccharin or any other substance against its costs.

Outright repeal of the Delaney amendment would be a disservice to the American people for there is no question that the clause has served our citizens well over the years by protecting them from additives which have been proved dangerous.

Indeed, it can be argued that the uncompromising language of the law has been effective for it is difficult, if not impossible, to weigh and define acceptable risks to the public health. No doubt all of us have heard the argument that the effects of repeated contact with carcinogens, even in minute amounts, may not appear for 20 years or more.

However, equally persuasive arguments can be made that we need a more balanced approach to protect the public against carcinogens, to provide alternatives to the FDA other than banning a product when positive test results are reported. There are no absolutes in health today; yet the law provides an absolute. Surely the FDA should be allowed the option of deciding whether the dosage is excessive, whether the tests are reasonable, and whether the risk of exposure to food additives, such as saccharin, is as harmful to the public interest as Government dictates which deny access to that substance.

Since the FDA saccharin ban, a number of bills have been introduced in Congress, aimed at making the Delaney amendment more responsive to today's realities. I applaud the decision of Chairman PAUL ROGERS to schedule hearings on this issue, beginning Monday, under the jurisdiction of his Subcommittee on Health and the Environment. The committee's deliberations and findings should prove informative and I am confident that the Members will exercise the greatest care to insure that any recommendation to amend the existing standards is faithful to the basic principle of the Delaney concept to protect the public interest and health.

EDGAR L. KIEFER—BORN MAY 25, 1892—DIED MARCH 11, 1977

The SPEAKER. pro tempore. Under a previous order of the House the gentleman from Florida (Mr. YOUNG) is recognized for 10 minutes.

Mr. YOUNG of Florida. Mr. Speaker, on Monday I had the sad occasion to attend the funeral of a former member of my staff, Edgar L. Kiefer, who died in St. Petersburg, Fla., at the age of 84. Mr. Kiefer was a man who had been successful in three separate and unrelated careers. He was a performer on the vaudeville stage, and on Broadway when he was a young man. Then he rose to a position of management with Schweppes, Ltd. When he retired at 65, he decided to become involved in Republican politics in Pinellas County. For 16 years he directed the activities in the Republican Party, working full time, with no compensation other than the knowledge that he was doing a good job. Those who knew and worked with Ed Kiefer, or even felt his opposition during his political career, often referred to him as "The Little Giant," even though he was only 5-foot 4 inches tall with his shoes on. Ed and his wife, Carolyn, were married for 36 years. They had three daughters, Dorothy Kollhoffer, June Mysko, and Marjorie Frolich; four grandsons, Bill and Jonathan Mysco, and Peter and Paul Frolich; and a 2-month-old great granddaughter, Claire Mysco.

Michael Richardson, associate editor of the St. Petersburg Evening Independent, wrote a column about the life of Ed Kiefer, which appeared on Saturday, March 12, 1977. I share the feelings so well expressed in Mr. Richardson's column, and I wish to submit them for the RECORD:

THE THREE CAREERS OF ED KIEFER, WINNER

(By Michael Richardson)

I guess I'll never forget the first time I encountered him, the bigtime political boss, the reputed administrator who kept a party machine well oiled.

I expected a Diamond Jim Brady figure in pinstripes and a cigar. He turned out to be a diminutive Camels-smoker who talked about loyalty and patriotism as if he meant it.

Ed Kiefer. He died yesterday, and I'll miss him. One of my favorite politicians, he was. No facade. No pretense. No bull. Just dedicated, selfless, real, willing to admit he made a mistake. Smart enough to never make it twice. Genuinely concerned for his perception of the public interest.

He somehow managed to keep hundreds of people busy working for the party for nothing, maybe because he worked for nothing, too. He wouldn't take any money until the whole party threatened to fire him if he didn't take $100-a-month.

He sat behind a desk big enough to be his bed. (And sometimes, in the heat of a campaign, it did become his bed.)

The huge chair, his 5-foot-4 frame, his balding head and leathery look, all made him look a bit like an Oriental monarch. Indeed, in days long gone by, back in days with Eddie Cantor and the vaudeville stage, he had played a Chinese in a Broadway play.

That was his first career, picking up acting jobs with the boys of old New York—back when it was really new. His rich baritone voice helped him all his days, made him effective in thousands of phone calls through three careers.

On the New York stage, he didn't do badly, enjoyed himself and walked away from it when he was ready.

Then he rose quickly to a management career with Schweppes, Ltd. Successful there too, he picked his own retirement and headed for St. Petersburg.

Somebody suggested he get involved in Republican politics at 65.

"It was a case of doing something or just sitting around," he explained.

(I don't know if it was a hangover from his Schweppes days or the vernacular of his hometown, but Ed explained a lot of things by saying, "It was a case of . . .")

Ed Kiefer never did anything half way or with short cuts. So, starting as a precinct committeeman, he went to work. And when Lyndon Johnson and Barry Goldwater together managed to bury the local GOP in the 1964 campaign, the party faithful didn't have to look far to find the man who could bring the party back from the dead.

In two years he literally walked the county to build the party he believed in.

The rest is his story: Winning elections 1966; winning elections 1968; winning elections 1970; winning elections 1972.

But winning, to Kiefer, wasn't the ultimate experience. I'll let him tell it:

"You've got to like people; then, it's a case of beating the doors. During the time I was organizing, I contacted every precinct man and woman.

"Certain people want to attain something overnight. They're not prepared, they are defeated and they take it out on me.

"There are those who run on the party label, and those who run for the party."

Ed had little patience with the former and a fierce loyalty for the latter. An incumbent was entitled the support of the Kiefer party until he had publicly proven himself a bad official.

"You don't run against an incumbent," was the Kiefer rule. But exceptions were made if you were a poor incumbent. So, in 1970, Kiefer opposed incumbent GOP Gov. Claude Kirk and helped push a merchandising whiz from Bezlleair named Jack Eckerd into Florida politics.

Eckerd was just one of dozens Kiefer persuaded to "get involved."

He'd tell them: "It's a case of somebody's going to make the decisions. If you don't get involved, somebody not as good is going to be making decisions for us."

No cheap talk from Kiefer. Just the basics: Be loyal. Do your homework. Work at the job; don't loaf at the taxpayer's expense.

Show up at the party meetings. Buy your tickets. Shake hands. Don't expect the people to kiss your feet. They don't owe you anything; you owe them.

The way he told it, his favorite "star" was William Cramer, the former congressman, probably because it was Cramer's name at the top of the Pinellas ticket that helped people start down the ballot on the Republican side.

He loved Cramer's successor, U.S. Rep. C. W. Bill Young with whom he almost had an uncle-nephew relationship. Kiefer urged Young to run for Congress in 1970, when Young also entertained notions of running for governor of Florida.

In 1973 the Watergate embarrassment nearly broke the heart that had withstood two coronary attacks already. Kiefer had been honored as "Mr Republican of the South. He earned that title, and the pollution of the Nixonian dirty tricks hurt.

But nothing a few creeps did can tarnish Kiefer's contribution. He raised such a standard that when local Democrats were seeking leadership, they whispered, "We need a Kiefer, who'll work at it."

Ed earned his rest.

CONGRESS MUST TAKE INITIATIVE TO INSURE OUR ENERGY FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. GRASSLEY) is recognized for 5 minutes.

Mr. GRASSLEY. Mr. Speaker, the need for an extensive and coordinated national energy policy has been on the agenda of congressional priorities for the past several sessions, but the Congress has been negligent in attacking the problem of energy misuse and waste. The bitter winter experienced in many sections of the Nation this year have dramatized the consequences of this congressional failure and hopefully the Congress will undertake development of a national energy policy with all due dispatch.

Although the current winter created hardships for many Americans in terms of unemployment and higher fuel bills, the energy shortages that occurred may have produced one beneficial effect. I believe that many more Americans and Members of the Congress realize how closely our prosperity as a Nation is tied to our energy supply.

It is time that we develop a national energy program that will not only encourage conservation, but will make a national commitment to seek new energy sources. We cannot afford further delay in making a national commitment to plan for our future energy needs.

Some States, including my home State of Iowa, have taken the initiative to conserve energy. I was personally proud to be a member of the Iowa Legislature that authorized one of the first energy conservation programs. Iowa has become a recognized leader in energy conservation and my home State was able to escape many of the problems faced by other States.

While Governors in other States were making pompous claims that they did not believe the stories of energy shortages, Iowa Gov. Robert Ray moved ahead to make a State commitment to conserve our fuel. It was apparent that the failure to wisely use our energy resources could result in a devastating impact on our ability to produce food on the rich Iowa farmland. This kind of failure also would have a severe impact on the Iowa economy.

But, in recent weeks, we have found that prudence for the past 4 years could become an unjust and unfair paradox. Governor Ray and many Iowans have expressed a fear that Iowans will eventually be penalized for wise energy management.

As an example, let me cite an editorial comment from KCRG-TV in Cedar Rapids:

It seems almost certain that Iowa will be called upon to provide some natural gas supplies to the eastern United States. Iowa has a reserve because of good planning after the last energy crunch. Governor Ray now says he is worried about future supplies of gas in our state. The governor says losing our natural gas reserves because of poor planning by other states is not fair. It would be good for our Representatives in Washington to heed the governor's remarks and see to it that Iowa is not crippled because of wasteful practices in other states. The Iowa Plan should be held as an example for other states to follow. Perhaps the rest of the nation should be federally mandated to follow the lead set by Iowa.

The Iowa City Press Citizen, in an editorial, has expressed a concern that the potential for penalty to States that have made meaningful efforts to conserve gas may become victims of the emergency energy legislation sent to President Carter. In part, the editorial said:

The penalty comes in the emergency energy bill rushed through Congress to President Carter's desk. Its provisions include an authorization to divert natural gas from areas having adequate supplies to those suffering from a shortage. Or, in another way, it means gas can be taken from Iowa and sent to Pennsylvania.

I believe the vast majority of Iowans are willing to make the necessary sacrifices in times of national crisis and if the energy crisis reaches severe proportions in other States I believe Iowans would be willing to share our supplies. We certainly do not believe Iowa should have supplies while other residents in other States are freezing in their homes. That is why I voted against the Administration's plan to divert natural gas from States such as Iowa to East coast and States which I call comprehensive energy plans.

It is totally unjust and unfair for the people of Iowa to be penalized, because of the shortsighted approach taken by other States to the energy situation. The people of Iowa should be rewarded, not penalized, for their wisdom and commitment to reduce their use of energy. I would encourage other States to take a similar initiative until the Congress acts.

And, we must be careful to maintain energy reserves which may be necessary to our future. In Iowa, it is wise to recognize that 13 percent of the State's natural gas is used in the production of anhydrous ammonia for farm fertilizer. Any cut in ammonia production could result later in reduced farm production.

It was encouraging that President Aide Jack Watson, in a letter to Governor Ray, indicated that—

Any redistribution of supplies will be made with paramount emphasis on equity and fairness for all citizens.

Mr. Watson further recognized Iowa's energy conservation measures as "an example to the rest of the Nation."

Such reassurances from the Carter administration are heartening, but they do not resolve the potential for problems in the future. If we are to erase the doubts of Iowans about the possibility that they may be penalized for their energy conservation efforts and if we are going to achieve the goal of wise energy use, we must make a national commitment to an energy program.

We cannot afford further delays. The time has come for the Congress to take the initiative to establish long-range goals to insure our energy future. To do less will not only result in continued waste, but will set the stage for another crisis which could place our national economy in peril.

MEDICARE REIMBURSEMENT LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. STEERS) is recognized for 10 minutes.

Mr. STEERS. Mr. Speaker, I am pleased to note that my distinguished colleagues, Mr. WILLIAM BRODHEAD and Dr. TIM LEE CARTER are joining me in sponsoring a bill to make more flexible the method of reimbursing medicare recipients for durable medical equipment.

Nearly 5 years ago, in May of 1972, the General Accounting Office issued a report entitled "Savings Available by Purchasing Durable Medical Equipment When Warranted by Anticipated Period of Need." The report cited present medicare law which allows beneficiaries to rent such equipment even when the periods of need as indicated by a physician show that purchase of the medical equipment would be more economical.

GAO analyzed the claims histories for durable medical equipment for five insurance companies in four States. The analysis reveal that out of a statistical sample of 420 reimbursements of the approximately 13,000 beneficiaries, a savings of $234,000, including $47,000 for the patients' share, could have been realized if the equipment had been purchased when the anticipated period of need indicated that purchase would have been more economical than rental.

Claims histories for a statistical sample of the approximately 7,000 beneficiaries at a sixth carrier in another State revealed that approximately $763,000 including $153,000 for the patients' share, could have been realized had the equipment been purchased rather than rented.

Several examples cited by GAO were as follows:

A Medicare patient having heart trouble rented a walker for 16 months. Her physi-

cian's prescription stated that the duration of medical necessity would be one year. The monthly rental charges would have equaled the $90 purchase price in five months. The rental charges for the item through August 1971 were $290.

A Medicare patient having emphysema rented a respirator for three years. His physician's prescription indicated that the patient would need this equipment indefinitely. The rental charges from September, 1968 through August, 1971 were $1,932. The purchase price of this item was $396.

A Medicare patient having a chronic, destructive skin condition rented a manual-crank bed with a trapeze bar for nearly four years. The physicians' prescription indicated that his patient's condition was irreversible and that equipment would be needed indefinitely. The rental charges from November, 1967 through August, 1971 for the bed and trapeze bar were $1,654 and $342, respectively. The purchase of the items would have cost $284 and $34 respectively.

These results are not surprising. Present medicare law reimburses a beneficiary for the purpose of durable medical equipment in small monthly installments equal to the monthly amounts that would have been paid had the equipment been rented. Medicare beneficiaries who live, for the most part, on shoestring budgets find it most difficult to dole out one big payment in any given month when reimbursement comes in the form of such small payments stretched out over a period of months. One of my constituents last summer wrote about this problem. I would like to read a brief exerpt from his letter:

As you can see from the enclosed notice, I bought a wheelchair on 30 September 1976 from Abbey Rents, Inc., for which I paid $147.50. Medicare B has informed me that they will reimburse me for the entire cost of the wheelchair, but that the reimbursement will be on the basis of monthly installments. Social Security laws require such a reimbursement to be made in installments. . . . my difficulty is that I had to pay Abbey Rents the entire amount, but that I will be reimbursed in "dribbles". My total monthly income is $332.40 paid as Disability Insurance by Social Security; the wheelchair cost over one-third of my total income. It was difficult for me to pay that cost then; it will be even more difficult for me to absorb that cost if I must do it in small installments, especially now that Thanksgiving and Christmas are approaching.

Along these lines, GAO concluded that, when the beneficiaries—rather than the carriers—decide whether to rent or purchase durable medical equipment, they often rent even though anticipated periods of need are long enough to justify purchase.

To correct the potential for abuse in this pay out system, I have introduced H.R. 3296, a bill which simply authorizes the Secretary to make a determination on the basis of medical and other evidence, as to whether purchase of the equipment would be less costly than rental. If such a determination is made the Secretary may then authorize purchase on a lease-purchase or lump-sum payment basis.

The bill also provides an incentive to purchase used equipment by waiving the 20-percent coinsurance amount whenever the purchase price of the equipment is at least 25 percent less than the reasonable charge for comparable new equipment.

Finally, the Secretary is authorized to encourage suppliers of durable medical equipment to make such equipment available on a lease-purchase basis whenever possible.

I am, of course, concerned that beneficiaries should not be delayed in acquiring equipment when it is medically necessary. Often, equipment is acquired before a rent-versus-purchase decision is made. In this regard, I would like to point out that 82 percent of the insurance carriers—19 of 23—interviewed by GAO allow the first month's rental of an item to be applied toward its purchase price. GAO concluded that—

Rent-versus-purchase decisions for equipment acquired from those suppliers would have to be made at the time of acquisition but could be made within the first rental month, to permit exercise of the purchase option if warranted.

In short, this legislation would serve both the interests of economy and certain hardship cases where beneficiaries cannot afford to be reimbursed for purchase in small monthly amounts.

I testified about this reimbursement problem and my legislation to correct it before the joint hearings on medicaid and medicare fraud abuse held by both the Health Subcommittee of the Interstate and Foreign Commerce Committee and the Health Subcommittee of the Ways and Means Committee. Both Mr. BRODHEAD and Mr. CARTER are members of those subcommittees and if their enthusiasm is any indication, I am hopeful that these subcommittees will be seriously considering this legislation in markup.

LEGISLATION TO BENEFIT OLDER AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MCDADE) is recognized for 5 minutes.

Mr. MCDADE. Mr. Speaker, today I am pleased to announce my introduction of a legislative package designed to address a number of everyday concerns of older Americans. Specifically, my proposals will freeze the inpatient hospital deductible under medicare at its 1976 level, include prescription drugs as a qualified medicare service, and remove the earnings limitation on social security.

From my many communications with senior citizens in my district, I believe that the measures I am submitting today are among the most widely favored means to assist this group through a financially difficult period. It is a constantly mentioned and universally accepted admission that inflation impacts most severely on individuals living on fixed incomes. Therefore, senior citizens, most of whom are forced to make ends meet on small, stable incomes, are exceedingly vulnerable to increases in rent, utility, food, and medical costs, the basic expenses of life. I am particularly concerned that in our attempts to deal with the effects of our Nation's economic woes on the population at large, we are overlooking the special problems faced by older Americans in this area. Accordingly, I feel it is imperative that we take reasonable and responsible steps to relieve a number of the pressures and anxieties this group now endures.

One area of vital interest to our senior citizens is the sharply rising costs of health care. Even though approximately 40 percent of the health care expenses of the aged are now covered by medicare, the inevitable physical problems caused by advancing years force this segment of the population to expend a disproportionate share of its income on medical services. In fact, according to 1975 estimates, an individual age 65 or older shouldered an average of $390 in out-of-pocket expenses for health care services.

For a person trying to make ends meet on a fixed income, this amount, in my view, is particularly burdensome. It is especially troubling, therefore, that effective on January 1 of this year the medicare beneficiary facing hospitalization is now required to personally contribute $124 for each visit, an increase of $20 over last year's figure.

Although the medicare deductible is established at the beginning of each year to reflect the average cost of a 1-day hospital stay, I feel the most recent adjustment from $104 to $124, an increase of over 20 percent, is an unreasonable amount to ask our seniors to defray.

One way to reduce the elderly's liability in this area is to maintain the inpatient hospital deductible at its 1976 level of $104, which is among the legislative remedies I am proposing today. In this way, we will be able to remove the burden of rapidly rising hospitalization costs from those least able to manage it.

Another important method of holding down seniors' medical expenses is to include prescription drugs as a qualified medicare service. It has been demonstrated that prescription medications have been a principal reason for the sharp increases in the elderly's personal contributions to health care costs and now account for approximately 25 percent of their out-of-pocket medical payments.

Elderly individuals with conditions requiring continuing treatment with prescription drugs find their bills for these items have become major entries in their budgets. In fact, I am particularly concerned that some chronically ill persons requiring extensive and expensive medications may be neglecting their health needs simply because they cannot afford to purchase prescribed remedies.

I believe it is important, therefore, to institute a program which would account for the elderly's considerable drug needs. This can be accomplished by including medications requiring a physician's prescription under the medicare program, which is one of the proposals I have introduced today. This, in my view, is a most reasonable approach to keeping seniors' medical expenses in line with their incomes.

Last, I believe we should take steps to eliminate social security's limitation on

earned income. This is a provision which unfairly penalizes the individual who is otherwise eligible to collect social security benefits but wishes to remain on the job and earns more than the law allows. Currently, a social security recipient may clear up to $3,000 per year without receiving a $1 reduction in benefits for every $2 he earns above the limit.

When an individual reaches a certain age it definitely should not signify that he or she no longer has any productive years remaining. I know that there are a number of older workers who are fully willing and able to continue their employment past the standard retirement age but object to this discriminatory social security provision. These individual's have paid into the social security fund for many, many years but are prevented from recovering contributions simply because they do not meet the official retirement standard.

Additionally, I feel it is unjust to take earned income into account in the computation of social security payments but not subject income from bank accounts, stocks, and other holdings to the retirement test.

Furthermore, the absurdity of the present law becomes apparent through the exemption of individuals age 72 and older from the earned income provision. It is time to correct this most inequitable rule.

I therefore urge my colleagues to examine carefully the special circumstances of the elderly and to act favorably on my proposals.

DOES THE COMPTROLLER OF THE CURRENCY DICTATE FOREIGN POLICY?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, over the past several months a number of reputable newspapers have charged that the Comptroller of the Currency directed U.S. commercial banks to cease and desist from making any more loans to either the government or private industry in Italy. One newspaper, the Italian Tribune News, in a signed article by Enzo de Chiara, charges that American banks have been told by the Comptroller of the Currency that Italy is a bad risk together with other underdeveloped countries, and no more loans should be made by the banks to the Italian Government or private firms.

This charge, that the Comptroller of the Currency directed U.S. banks to cease making loans to Italy, previously appeared in an article by Milo Farneti, in the Journal of Commerce, dated January 6, 1976, under a Rome dateline. The article states that it was understood in Italy that some U.S. banks were exceeding their country limit on lending to Italy, and that Italy was effectively put in the risk country class by the Comptroller of the Currency.

In a January 8, 1976, article in the Journal of Commerce, under a Washington dateline, it was charged by the writer, Mr. Oscar E. Naumann, that the U.S. Comptroller of the Currency told U.S. banks that any non-lira loan to an Italian Government entity for more than 1 year was considered substandard. The article goes on to state that the Comptroller's office was not telling banks they should not make loans to Italy, and that in fact, they had never issued such orders to U.S. banks.

Mr. Speaker, one does not have to accomplish an aim such as this by formal order. It was and is well understood by the U.S. financial community that loans to the Italian Government or private industry within Italy should not be made because such loans would be subject to criticism by the U.S. Comptroller of the Currency's examiners.

Mr. Speaker, having been informed of this situation, I wrote the chairman of the House Committee on Banking, Finance and Urban Affairs, the Honorable HENRY S. REUSS, on March 15, indicating I was shocked to read the Comptroller of the Currency had classified Italy as a bad risk country, and asked for an immediate investigation of the matter.

The chairman of the House Banking Committee graciously consented to my request and wrote the Acting Comptroller of the Currency, Robert Bloom, asking him to examine the charge and respond immediately with all the necessary information to substantiate or refute the charges made in the various newspaper articles I have mentioned above. I insert my letter to the chairman of the Banking Committee and his letter to the Acting Comptroller of the Currency in my remarks at this point:

SUBCOMMITTEE ON CONSUMER AFFAIRS OF THE
COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS,
Washington, D.C., March 15, 1977.

Hon. HENRY S. REUSS,
Chairman, House Committee on Banking, Finance and Urban Affairs, Washington, D.C.

DEAR MR. CHAIRMAN: I was shocked to read in the Italian Tribune News, dated January 28, 1977, that the United States Comptroller of the Currency has classified Italy as a bad risk country and directed U.S. banks to stop making loans.

Mr. Chairman, I cannot believe this is true; therefore, I ask if you would use your good offices to write the Comptroller of the Currency inquiring into this matter. If the facts are correct, I shall immediately request a full-scale investigation by the Committee. Any element of truth to the charge that the Comptroller has engaged in such action would, as I understand it, constitute a flat violation of the law.

Mr. Chairman, I would appreciate your expeditious consideration of this matter. I enclose a copy of the article from the Italian Tribune News for your information.

With every best wish,
Sincerely,

FRANK ANNUNZIO,
Chairman.

WE ITALIANS

(By Enzo de Chiara, Washington Correspondent of the Italian Tribune News)

Primarily, because of the political and economic situation that has developed in Italy, I firmly believe that the only way to further the future of democracy (if this is indeed consistent with the foreign policy of the new administration of the United States) would be to eventuate the following:

1.) The United States should provide assistance through new and solid investments and development of trade with Italy. The red light in American banks, turned on by the comptroller of currency, naming Italy a bad risk, together with other undeveloped countries, should immediately be turned on to green.

2.) The United States should discontinue channeling funds, whether officially or unofficially, to the Italian public enterprises, because those are controlled by the leftists!

3.) Substantial political support to U.S. banks should be provided by the U.S. government in order to expedite loans made internationally to the private industrial and economic sector of Italy. I particularly emphasize this point because strong private industrialists could support the policies of capitalism and therefore guarantee (business man to business man) the continuation of democracy in Italy and continued development of economic prosperity.

As far as I know, Angelo Rizzoli is the only publisher in Italy who is untrammeled by any political influence. He alone is fighting with all his strength to maintain his position as gentleman, publisher and single largest controller of mass media in Italy. How long can a publisher survive in the difficult economic and political climate of Italy without receiving assistance from those who espouse peace, democracy and free enterprise is the major question among Italian leaders in our own capital.

COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS,
Washington, D.C., March 14, 1977.

Hon. ROBERT BLOOM,
Acting Comptroller of the Currency, Department of the Treasury, Washington, D.C.

DEAR MR. BLOOM: Enclosed is a copy of a letter I received from the Honorable Frank Annunzio, Chairman of our Subcommittee on Consumer Affairs, and an article which appeared in the Italian Tribune News on January 28, 1977. The letter from Mr. Annunzio and the article are self-explanatory.

I would appreciate receiving any and all information in refutation, or in support, of the charges contained in Mr. Annunzio's letter. Your immediate attention to this matter would be appreciated.

Sincerely,

HENRY S. REUSS,
Chairman.

Mr. Speaker, it is true that Italy, until recently, has passed through some substantial economic upheavals. However, all of the economic experts indicate that the current economic policy in Italy is leading to a steady, vigorous upturn in economic activity. Industrial production increased 12 percent in 1976; and real GNP has grown by nearly 6 percent in the last year. The Government of Italy does have the situation under control, and we can look forward to our friend and ally—Italy—recouping from its economic crisis of 1974 and 1975.

Mr. Speaker, the action of the Comptroller of the Currency, if it is true, is not only bad policy at any time, but comes at a most unfortunate period of time for Italy. At this precise moment, staff of the International Monetary Fund is surveying the Italian situation, both the Government and private sector, to determine whether or not they will make

recommendations to the International Monetary Fund Board of Directors to grant an IMF loan to the Government.

The Government of Italy has instituted a new tax program, and is getting its labor costs under control. Inflation this year should be substantially reduced as a result of the new tax program, and further deflationary action will be taken. Italy is seeking standby authority to borrow from the International Monetary Fund in the amount of $450 million in special drawing rights, which in U.S. dollars is approximately equivalent to $520 million.

Mr. Speaker, my contacts in Italy indicate the negotiations between the IMF and Italy are proceeding favorably toward an amicable agreement in the very near future. I find it shocking, to say the least, that if the charges against the Comptroller are true, it would allow a minor agency of our Government that has no foreign policy responsibilities to not only interfere without the knowledge of the rest of our Government and our President but to interfere in a very delicate situation and in effect determine or thwart U.S. foreign policy.

I hope these charges against the Comptroller are not true. I know the Chairman of the House Banking Committee will get to the bottom of this matter. He has given me his assurance that this is so.

Perhaps it is true that the Comptroller of the Currency should involve itself in foreign policy matters (although I do not believe it), but certainly this should not be done on a unilateral basis without collaboration with the rest of the Government.

Mr. Speaker, I conclude by making a prediction that the International Monetary Fund will agree to grant Italy a standby credit in the amount of approximately $520 million. I make a further prediction that the Italian economy will continue to improve and we will soon see our friend and ally, Italy and its people, completely recovered from its economic problems of 1974 and 1975.

CAMPAIGN FINANCING ACT OF 1977

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, for the American political system, last year was a real watershed. For the first time in recent memory, we elected a President who does not owe his job in large part to a few wealthy individuals or big money pressure groups.

This was especially gratifying for those of us who helped to write the Federal Elections Campaign Act of 1971 and the 1974 amendments to that law that created the public financing system. We proved that public financing does work, as I have been saying for 10 years, and indeed as Theodore Roosevelt was saying before most of us were born. Now I think we should put the same "not for sale" sign on the Congress.

More than anything else—more than sex scandals or junkets or the issues of pay and fringe benefits—I believe the institution of Congress is damaged, both in public perception and in the integrity of its functioning, by the escalating costs of campaigning and the massive amounts of special interest money being pumped into election campaigns.

In 1976, this trend reached the flood stage, as investments from business, professional and labor groups in congressional campaigns nearly doubled—from $12.5 million in 1974 to $22.6 million. I use the word "investments" advisedly. This money is used, not to buy specific votes, but to assure a generally favorable atmosphere for each group's legislative aims—aims which involve public policies that mean vast amounts of money to those groups at the expense of the general public.

The bulk of this money finds its way into the campaigns of incumbents—particularly senior incumbents on the committees which affect those groups' aims. The result is that, to an increasing degree, only those who are themselves wealthy or are closely tied to special interests can challenge incumbents with any hope of parity in campaign resources. And democracy, like the free market, can only function properly when there is active, spirited competition.

To combat these problems, I believe it is time to take the next logical step after the great success of public financing in the Presidential election. Today, with Representatives PHILLIP BURTON, JOHN ANDERSON, and TIM WIRTH, and more than 70 cosponsors, I am proud to introduce the Campaign Financing Act of 1977.

This bill has been drafted to meet the constitutional requirements enunciated by the Supreme Court, and to reflect the lessons—both good and bad—from our first experience with public financing last year. It would reduce the maximum special interest group to a Federal campaign from $5,000 to $2,500. To halt senseless escalation in congressional campaign costs and enhance the role of the small contributor without freezing out challenges to incumbents, it contains the following provisions:

Matching funds from the dollar checkoff would be available in the general election to candidates who agree to abide by the spending limit, in accordance with the Supreme Court decision in Buckley against Valeo. After meeting a threshold requirement of $10,000 in donations of $100 or less, candidates would receive $1 for each $1 raised, up to a ceiling of $100 for each contributor and $50,000 overall.

The spending limit for candidates who accept matching funds would be $150,000.

Personal spending by candidates accepting matching funds would be limited to $25,000 for House races and $35,000 for Senate races—the same figures as in the 1974 act.

To reduce potential incentives for "opting out" of the public financing system, whenever a non-publicly-financed candidate spent more than $150,000, his opponents would be freed from the $150,000 spending limit imposed on candidates who accept matching funds. In the more usual situation, where all candidates participate in the public financing system or nonpublicly financing candidates do not spend more than $150,000, the spending limits would remain in force.

While I believe the Presidential campaign financing system was a pronounced success, it is clear that in drafting that law we had less than perfect foresight. Like any new concept, it had a few bugs in it. There are some changes needed, and this bill embodies several important amendments. I think these changes will strengthen it even further:

Spending limits in the Presidential general election would be increased from the current $21.8 million to $30 million, composed of a grant of $25 million from the check-off fund and up to $5 million in private individual contributions of $50 or less.

State and local parties would be allowed to raise and spend up to 2 cents per voter to promote their Presidential candidate.

Independent and third-party candidates would be eligible for matching funds during the course of the campaign, rather than after the general election. The eligibility threshold would be the same as in the major-party primaries—$5,000 in gifts of $250 or less in 20 different States.

Mr. Speaker, I urge my colleagues to join us in pushing for this reform to strengthen the Congress and the American political system. I believe it makes sense, I believe it will work, and I believe it is time for the Congress to act.

Mr. STEERS. Mr. Speaker, today I am joining my most distinguished colleagues, Messrs. UDALL, ANDERSON, BURTON and WIRTH in introducing the Campaign Financing Act of 1977. The public financing of congressional campaigns will do much to restore the confidence of the American people in their Government.

Presently, the pressure on candidates for office to gather funds is considerable and excessive. This opens the door for well-funded special interest groups to secure an inordinate amount of access to these candidates through large campaign contributions. Individual voters simply cannot match the financial strength of organized interest groups who are no longer permitted to contribute in large amounts to Presidential campaigns. The passage of this bill would equalize the ability of voters and interest groups to influence candidates for office which is essential for the smooth operation of a representative democracy.

Another advantage of the Campaign Financing Act of 1977 is that incumbents will not have the great fund-raising advantage they now enjoy, due to the fact that potential financial backers are reluctant to support challengers, while they are eager to support incumbents. Under the proposed legislation, if a challenger should be eligible for the funds, he or she would receive sufficient funds adequately to present his or her message to the voters. Put simply, this will enable elections to be won on merits, since the electorate will have well-defined choices to make.

The Campaign Financing Act of 1977 will be a constructive change in our most basic political process, the selection of

our elected representatives, and I strongly urge those of my colleagues who have not yet decided to support this bill to consider doing so.

GENERAL LEAVE

Mr. BARNARD. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks, and to include therein extraneous material, on the subject of the special order today taken by the gentleman from Arizona (Mr. UDALL).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

AMERICAN CONGRESS OF REHABILITATION MEDICINE GOLD KEY AWARDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. PERKINS) is recognized for 10 minutes.

Mr. PERKINS. Mr. Speaker, my dear colleague and good friend, JOHN BRADEMAS, the chairman of the Subcommittee on Select Education and the majority whip, was recently honored with the Gold Key Award by the American Congress of Rehabilitation Medicine. This award, the highest honor bestowed by the American Congress of Rehabilitation Medicine, gives well-deserved recognition to the outstanding leadership and untiring effort that JOHN BRADEMAS has put forth in advancing programs related to rehabilitation of the handicapped.

A Gold Key Award was also presented to Senator HARRISON WILLIAMS in recognition of his vigorous and effective efforts in this field as well.

The third recipient of the Gold Key Award was Prof. Sir Ludwig Guttmann, a distinguished pioneer, innovator and world-renowned scholar in rehabilitation medicine.

Mr. Speaker, I would like to include in the RECORD at this point a recent article describing the Gold Key Awards:

THREE RECEIVE GOLD KEY AWARDS

The American Congress of Rehabilitation Medicine presented its highest honor—the Gold Key Award—to three individuals who have made significant contributions to advancing the cause of rehabilitation medicine. The three are Professor Sir Ludwig Guttmann, director of the Stoke Mandeville Sports Stadium for the Paralyzed and Other Disabled in Aylesbury, England; Rep. John Brademas of Indiana, the Democratic Party whip in the U.S. House of Representatives; and Sen. Harrison A. Williams, Jr., of New Jersey, chairman of the U.S. Senate Labor and Public Welfare Committee.

REPRESENTATIVE JOHN BRADEMAS

The citation accompanying Representative Brademas' Gold Key stated:

"This Gold Key is awarded to John Brademas, for his extraordinary efforts as Chairman of the Select Subcommittee on Education and as deputy whip of the Democratic Party in the House of Representatives on behalf of the handicapped and programs related to rehabilitation of the handicapped. Mr. Brademas was educated at Harvard University and is presently a member of the Board of Overseers of Harvard University. He also was a Rhodes Scholar.

"As Chairman of the Select Education Subcommittee, Congressman Brademas has been responsible for the passage of legislation which has significantly expanded and improved the Rehabilitation Act. Through his efforts, the Act has focused on the severely disabled; a major research and training title has been added to the Rehabilitation Act and special programs regarding spinal cord centers have been established. In addition, through his efforts the Rehabilitation Services Administration has received recognition as an independent legal entity with power over the rehabilitation program being vested in the Commissioner of the Rehabilitation Services Administration, thus eliminating many problems of confusion with regard to program responsibility at the federal level. Not only has the Subcommittee which he chairs been active in legislating with regard to the Rehabilitation Program, but it is also legislated with regard to education programs for handicapped children and programs for the aged, many of whom suffer from disabling conditions. Congressman Brademas, through his chairmanship and his position as deputy whip for the Democratic Party in the House of Representatives, has also been a very strong leader with regard to the civil rights of the disabled, the aged, and other minority groups.

"Of particular importance, however, is that Congressman Brademas has not only served as an able chairman and proponent and manager of legislation, but he has also used his chairmanship and committee to actively oversee the operation of the programs which his subcommittee has created. The oversight function of Congressional committees is one which is extremely important to the effective operation of programs. The oversight function performed by Congressman Brademas's subcommittee with regard to the Rehabilitation Act has produced major change. Congressman Brademas has also always provided an attentive ear to those organizations on behalf of the handicapped which have come to him to plead their case. To those of us in the rehabilitation movement who have worked closely with him, his name is a fitting addition to a list which includes Franklin Roosevelt, Hubert Humphrey, Howard Rusk, Mary Switzer and Mary Lasker."

SEN. HARRISON A. WILLIAMS, JR.

The citation accompanying Senator Williams' Gold Key stated:

"This Gold Key is awarded to Harrison A. Williams, Jr., Chairman of the Senate Labor and Public Welfare Committee for extraordinary service on behalf of the handicapped and the rehabilitation program. As Chairman of the Senate Labor and Public Welfare Committee, Senator Williams is responsible for the passage and review of major programs dealing with the handicapped, as well as nearly all health and education legislation. He has been a major proponent of the rehabilitation program and the major amendments to that program which were enacted in 1973. He has also shown a major interest in rehabilitation research and training activity, as well as in the rehabilitation services supported under the Federal-State Rehabilitation Program. Through his efforts, regulations under the Rehabilitation Act now require the establishment of peer review for research and training activity which had formerly been a part of the Rehabilitation Program but had been abandoned by the Administration after 1970.

"Beyond the Rehabilitation Act and the Education for the Handicapped Act, Senator Williams has been very involved in all major health legislation during the past few years. Through his leadership, rehabilitation services have become an integral part of major health legislation enacted during the past five years, including the Health Revenue Sharing legislation, Health Maintenance Organization legislation, and Health Manpower legislation. In addition, Senator Williams has been a leader in attempts to reform the Workers Compensation laws to, among other things, set national standards for medical and other services to disabled workers. His legislation, unfortunately not yet enacted, would require that comprehensive medical rehabilitation services be provided in all states to disabled workers.

"The nation and the disabled owe much to the efforts of Senator Harrison A. Williams, Jr., and the Gold Key Award is to demonstrate the appreciation of professionals in the medical rehabilitation field for his efforts in support of programs for the rehabilitation of disabled people and health programs generally."

PROFESSOR SIR LUDWIG GUTTMANN

The Congress selected Sir Ludwig to receive the Gold Key in "recognition of his unique contributions to the medical, social and recreational problems of the neurologically disabled througout the world for the past 53 years."

Sir Ludwig's Gold Key citation continued: "As director of the National Spinal Cord Injuries Center for the United Kingdom since World War II, Sir Ludwig's name has become synonymous with, and a symbol of hope and health, for the spinal injured of the world. No one has done more to extend the life expectancies of this group over the past half century.

"He pioneered the sports movement for handicapped persons, organizing what has become the International Olympics for the Paralysed. He has guided the International Wheel Chair games away from the political, racial and religious pressures imposed upon some athletes and their countries into a force for world peace, communication and understanding.

"Sir Ludwig graduated from the Medical School of the University of Freiburg, Germany, in 1923. He subsequently was appointed reader of neurology and neurosurgery at the University of Breslau. When in 1933 the Nazi regime came to power, he became director of the neurology department at Jewish Hospital in Breslau and in 1937 he became the medical director of that hospital. In this capacity he was able to help people persecuted by the Nazis to escape to other countries, ignoring the dangers to his own life. In 1939 he emigrated to England, where in 1943 he was asked to establish a spinal injuries center at Stoke Mandeville Hospital in Aylesbury. It was here that he developed his concept of comprehensive management and rehabilitation of traumatic paraplegics and tetraplegics. He continued to direct the program at Stoke Mandeville after World War II and upon his retirement from the directorship of the center in 1966, he was knighted by Queen Elizabeth II.

"Sir Ludwig has been awarded numerous honorary degrees in law, medicine and science from universities and scientific associations over the world. Spinal injury centers in many countries have been named in his honor and streets in Heidelberg, Germany, and Doorn in the Netherlands bear his name.

"He is an unprecedented author and editor of numerous scientific articles, journals and books. He was founder and president of the International Medical Society of Paraplegia for nine years and he is editor of the *International Journal of Paralegia*. His own management on spinal cord injuries exceeds 400 patient case studies. He has consistently probed the scientific credibility of his own methods and has sought to stimulate

his medical and surgical colleagues around the world to explore with penetrating insight and honesty their own approaches to patient care.

"He is a man of warm and deep compassion, and to all men he has always a word of support and encouragement. He has never retired and is still the director of the Stoke Mandeville Sports Stadium for the Paralyzed and other Disabled, which he built in 1968.

"This Gold Key Award is therefore presented to Sir Ludwig in recognition of his service to the improvement of the quality of life for all mankind disabled by disease or injury, and to the causes of international understanding and peace."

STATEMENT IN SUPPORT OF PENNSYLVANIA AVENUE CORPORATION FISCAL YEAR 1977 APPROPRIATIONS—TITLE I, CHAPTER VI, H.R. 4877, THE FISCAL YEAR 1977 SUPPLEMENTAL APPROPRIATIONS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker, my colleagues will consider today H.R. 4877, a bill introduced by Mr. MAHON, making supplemental appropriations for the fiscal year ending September 30, 1977, and for other purposes. The bill provides appropriations for many agencies and for equally as many projects that are worthy of our support. H.R. 4877 provides appropriations for one project I particularly support, one proposed to revitalize Pennsylvania Avenue. Provisions of title I, chapter VI of the bill, if enacted, will not only appropriate $4.081 million in Federal grants and some $25 million in borrowing authority for the Pennsylvania Avenue plan, but will also initiate actions that will provide the first visible signs of improvement in the avenue's appearance in many years.

The funds that will be appropriated for the Pennsylvania Avenue plan through enactment of H.R. 4877 will be spent for preservation of the Willard Hotel, for new landscaping, for public improvements along the avenue, and for purchases of property to be developed as new housing, office, and commercial facilities within the 21-block Pennsylvania Avenue project area. The impact of the project, when completed, will benefit both citizens of the District of Columbia, and those in other parts of this country.

The history of activities undertaken to revitalize the avenue includes support by four consecutive administrations and by several Congresses. Congressional support for revitalization of the avenue included enactment of the Pennsylvania Avenue Development Corporation Act of 1972 (Public Law 92–578), review of Corporation plans in 1974, and enactment of legislation to finance the Corporation's expenses from 1972 through 1976. To date, in spite of such wide-ranging support for the project, no visible change has been made in the avenue, although several detailed plans have been developed for the project. Favorable consideration of H.R. 4877 will begin the process of changing plans and proposals into actual, visible improvement for Pennsylvania Avenue.

I support favorable consideration of provisions included in H.R. 4877 to appropriate funds for the Pennsylvania Avenue Development Corporation's programs and activities.

BLIND FEDERAL POLICIES CRIPPLE DOMESTIC TUNA INDUSTRY

The SPEAKER pro tempore. Under a pervious order of the House, the gentleman from California (Mr. VAN DEERLIN) is recognized for 5 minutes.

Mr. VAN DEERLIN. Mr. Speaker, the two leading morning newspapers in southern California may well be the Los Angeles Times and the San Diego Union, the latter based in my own congressional district.

On many if not most matters these two dailies do not see eye to eye. In this morning's editions, however, the Times and the Union both come down hard on a matter that should be of concern to us all—the Federal Government's disgracefully shabby treatment of our domestic tuna industry.

The very existence of this industry is threatened by mindless Federal policies. If the industry dies, it will take 30,000 jobs with it, and these are concentrated in areas already suffering painfully high unemployment.

I urge our colleagues to heed well the admonitions in the following editorials:

FISHERMEN GRIEVANCE LEGITIMATE—CARTER MISSING THE BOAT

On the final day of the Senate Commerce Committee hearing on the crisis crippling the U.S. tuna industry, Sen. Daniel Inouye of Hawaii was the only one of the committee's 18 members present. By congressional standards this still constitutes a "hearing," but it points to the problem faced on Capitol Hill by San Diegans trying to save the tuna fleet.

The word around the Senate—and around the House of Representatives as well—is that there is no real interest in amending the 1972 Mammal Protection Act to make it more realistic when it comes to protecting the porpoise.

Members of Congress are capable of reducing the most technical issue to a simple plus or minus on the political scale. Indifference toward the plight of the tuna industry shows how that issue comes out on the bottom line. Should Congress risk the criticism of environmental lobbies because some fishermen out in San Diego are raising a fuss?

Obviously it takes more time and study than Congress is willing to invest to understand what the fuss is all about—why a seemingly innocuous federal law is ruining a way of life deeply rooted in one part of the United States, and why the law is defeating its purpose by consigning the tuna catch to a foreign fleet under no legal restraint to protect the porpoise.

If Congress is presenting a brick wall, San Diego has to press its case elsewhere, and the issue finally comes to rest on the doorstep of President Carter and his Secretary of Commerce, Juanita Kreps.

The administrative machinery of the government is capable of fulfilling the intent of the Mammal Protection Act without making the kind of demands on fishermen that have brought the tuna industry to its knees.

It's easy to recall what happened when the U.S. auto industry was confronted with antipollution requirements under the 1970 Clean Air Act, which were demanding more than Detroit could produce. The government did not shut down the auto industry. Federal agencies worked out timetables which gave Detroit a more reasonable time to develop engine technology that would produce cleaner exhaust. Delay was preferable to the blow to the U.S. economy of closing auto plants.

We see the same issue in microcosm in San Diego, where Mayor Wilson estimates the collapse of the tuna industry would add 3 to 4 percentage points to an unemployment rate already above 10 per cent. Because this economic impact would be regional rather than nationwide does not make it any milder in human terms—or any more sensible in terms of what would be accomplished.

The tuna boats that sail from San Diego and return with their catches are a part of the American heritage worth saving. The porpoise is worth saving, too, and our tuna industry knows how to save it—given a chance. The blind and bungling enforcement of the law has created a senseless hardship for hundreds of American families and is threatening, to destroy a precious bit of character of an American community.

If this doesn't attract the attention of President Carter, what he said during his campaign about the federal government being remote and unsensitive to the people will simply be confirmed by his own Administration.

GUESSING AN INDUSTRY TO DEATH

Congress should act, and quickly, to amend the Marine Mammal Protection Act of 1972 to reflect present realities in the tuna fishing industry.

The statute, as now written, could force American fishermen into bankruptcy, and could also hasten the extinction of the very creatures it was meant to protect.

The California tuna fleet of more than 100 vessels is lying idle in San Pedro and San Diego because the National Marine Fisheries Service, which enforces the statute, has a *suspicion* that the Eastern spinner, one of the species of porpoise that run with schools of yellowfin tuna, *may* be nearing depletion.

The air-breathing porpoises can drown despite the best efforts of ships' crews to free them from the deep folds of their three-quarter-mile-long nets. But there is no reliable information that the spinner is actually in danger of depletion.

Despite that, the fisheries service last week was able to persuade a federal court in Washington to set a zero quota on the killing of spinners, while allowing the U.S. fleet to take 9,972 porpoises of other species before April 30, when new limits will be set.

The American captains had no choice but to bring their ships back to port from the fishing grounds in the far Eastern Pacific. The killing of even one spinner, which is found in six out of ten schools of yellowfin, could bring penalties of up to one year in jail and a $20,000 fine.

The only evidence the fisheries service had to support its insistence on the zero quota for the spinner was an assumption that "the probability of it being depleted was slightly greater than that of not being depleted."

Incredibly, it is that slight probability that threatens to bring a $2 billion annual industry, employing 30,000 workers, to a standstill. No wonder the American vessels came back to port with their flags at half-mast.

But the Marine Mammal Protection Act permits such blind restrictions on American seiners, which have had remarkable success in reducing the porpoise kill, while foreign governments impose no controls whatever on their vessels.

Nor is this the first time that the San Pedro and San Diego fleets have had to leave the seas at great financial loss because of the policies of their own government.

We support the goal of the protection act—to save the porpoise from extinction.

But it serves the opposite purpose when it immobilizes an American fleet that is investing huge sums in research and equipment to lower the porpoise kill, and leaves the fishery to foreign-flag seiners that are responsible for most of the slaughter.

And, again, all of this is done without exact knowledge of the industry's impact on porpoise populations.

Government officials admit that they are only guessing that the spinner faces depletion, and they also admit that their quotas on other species are set on the basis of "approximations that are not very precise."

Reliable information should be forthcoming from a massive air and surface census of porpoise populations that was begun this month by the National Marine Fisheries Service over the 5-million-square-mile area of the tropical Pacific.

Until those results are known, the service should back off from panic quotas that current knowledge does not justify, and Congress should amend the law to forbid regulation by guestimate in the future.

If nothing is done, there are three certain losers: the consumer, who will have to pay higher prices for the smaller American catch; the tuna industry, which cannot operate profitably under the present rules, and the porpoise, which will be left to the mercy of foreign crews that kill them at will and with impunity.

THREAT OF A RED BLITZKREIG IN EUROPE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 15 minutes.

Mr. ASPIN. Mr. Speaker, one of the latest wrinkles in the Russians-are-(or-are-not)-coming debate centers on the threat of a Red Blitzkreig in Europe.

Senators SAM NUNN of Georgia and DEWEY F. BARTLETT of Oklahoma, along with retired Army Lt. Gen. James F. Hollingsworth, have suggested that the Warsaw Pact is geared for just such a blitzkreig.

They are concerned that the pact may be so well prepared that it could send 54 divisions across the border after only 48 hours of intense preparation instead of the 3 weeks assumed in NATO's planning.

On the other side of this debate, I have challenged a number of assumptions about the no-notice attack. It is my belief that the Warsaw Pact could not conduct a no-notice attack with more than a handful of divisions.

However, missing so far from this debate is a calculation of the fiscal impact of the changes proposed by Senators NUNN and BARTLETT and General Hollingsworth. They have made numerous proposals for beefing-up our forces in order to meet the threat of a no-warning attack. But no one has priced them out.

I have now done so. Taking the proposals one by one, I find that the cost of meeting the threat would run on the order of $46 billion. The accompanying chart breaks down the cost of their proposals.

These costs derive from three stated concerns of the Senators and the general: First, that we must prepare to meet a surprise attack and halt it in a quarter of the time now planned; second, that we must organize our forces to fight the war at the Iron Curtain and not fall back across West Germany; and third, that we must reequip our forces to give them much more firepower.

Within these three broad categories, the general and the Senators have made a number of more specific proposals.

The pricing of these proposals was not always easy since the general and the Senators have not always been precise in their recommendations. In fairness to them and to other analysts, I am including a lengthy and detailed explanation of the origin of every single number that appears on my chart.

The proposals fall into four categories of precision: Those which the Senators and the general address specifically with the associated numbers quantified; those addressed specifically with the associated numbers not quantified; those addressed only in broad terms; and those not specified but which follow naturally from their stated goals.

In the first category are those proposals addressed specifically and for which the quantities are crystal clear. For example, it is suggested that we replace our Sheridan light tanks in Europe with M60's. We know how many Sheridans there are and we know the cost of each replacement M60.

The second category encompasses those proposals which are specifically addressed, but which are not quantified. For example, the general and the Senators stated that we would need to bring more reinforcements to Europe and get them there soon enough to stop a Pact attack in one-fourth the time currently envisioned. They did not, however, say how many divisions would have to be brought over. However, it is logical that if they wish to stop an attack within 2 weeks rather than 8 weeks, we must achieve in Europe at the end of 2 weeks the same ratio of Pact to NATO forces that we now plan to have after 8 weeks. That requires the deployment of six additional U.S. divisions in the first 2 weeks of war. They have said we must bring additional units into play through increased air transport and the prepositioning of equipment in Europe for our troops to pick up on arrival. I have, therefore, priced out the cost of bringing six divisions into battle in one-fourth the time now planned by using increased air transport and prepositioned war material.

The third category contains proposals whose need is addressed only in broad and sometimes vague terms. For example, one need is that "the readiness of deployed U.S. forces must be improved." Unlike the guidance to halt an attack in one-fourth the time now planned through airlift and prepositioning, this guidance gives no clue as to how much to improve readiness or by what degree. I have been forced here to go to various specialists to choose logical and specific programs that would fulfill the guidance. I acknowledge that there can be considerable room for different views as to logical programs. That is why I have intentionally chosen relatively conservative and modest programs and not picked the most expensive or outrageous suggestions.

The fourth and final category of proposals encompasses those items which are not specifically mentioned but which derive logically from other proposals. For example, nowhere do the general or the Senators mention the need for additional aircraft shelters to protect planes that will be brought to Europe under their reinforcement program. The shelters are simply a logical derivation of their other proposals; otherwise, the planes will be easy targets sitting in the open or housed in ordinary hangars unprotected from bomb blast.

I wish to point out that 75 percent of all the funds listed in the chart as a cost of the Hollingsworth-Nunn-Bartlett proposals derive from proposals they have addressed in specific terms—categories 1 and 2—and only 25 percent from vague proposals or items not cited—categories 3 and 4.

Now let me address the three concerns of the Senators and the general—the need to meet a surprise attack and halt it quickly; to wage the battle at the boarder; and to give our forces much more firepower. The chart covers each of these concerns in turn.

First, the general and the Senators have said our forces in Europe must be made ready to fight within 48 hours. The items numbered 1 and 2 on the chart provide our forces with the additional men and maintenance budgets so they can fight within 48 hours and will not need 2 or 3 weeks of advance preparation as at present. The general and Senators have also said we must be able to move additional divisions from the United States to Europe in one-fourth the time now assumed. Items 3 through 8 provide principally the air transport capacity needed to accomplish that. Items 9 through 11 provide additional manpower and equipment for these reinforcements so they are ready to get into the transport planes on the new, accelerated schedule.

Second, the general and the Senators have stated that NATO must be prepared to fight the battle at the border and to exchange space—that is, large areas of West Germany—for time, as presently envisioned. Items 12 through 14 accomplish that, as the three have suggested, by bringing half of the U.S. forces up near the anticipated war zone—they are now in south Germany rather than on the north German plain, the traditional invasion route—and by buying the additional small transport aircraft needed to support these forces in a crisis.

Third, and finally, the three call for "a quantum jump in NATO firepower," in the Senators' words, and cite several weapons systems as "representative" of the improvements needed. Items 15 through 21 provide for additional weapons. While the Senators were not specific about the quantities they felt were needed, I have taken examples given by defense specialists for the purpose of compiling this chart. Items 22 and 23 round out the specific improvements suggested to make our forces ready to meet a blitzkrieg.

The chart breaks out the costs that are one-shot and those that recur every year. For example, there will be a one-time cost of $670 million to increase the manpower assigned to Europe by 20 percent.

I have referred here to "the general and the Senators." In some cases one member of the trio has been explicit on one point on which the others have been silent. Since none has repudiated the proposals of the others, I have treated the proposals as a group effort. I do this for the sake of simplicity and I point it out for the sake of fairness.

I should also note that while I am critical of the trio's perception of a threat and their prescription for meeting it, I am not saying that every one of these programs is a waste and ought not to be pursued. Some of the programs, such as that for aircraft shelters, may have merit.

Also I must emphasize that my estimates are intentionally conservative. No attempt was made to price out every single proposal made by General Hollingsworth and the two Senators. For example, the Senators called for "air-and artillery-delivered mines, laser-guided weapons, and tactical applications of cruise missile technology. The new potential of multiple rocket launchers also should be explored." None of these items is on the chart. And some details of the programs listed had to be ignored, because meaningful data were scarce—for example, the costs of keeping $7 billion in additional stored equipment—the war reserve stocks—in operating condition, and the bill for running all the traditional cargo aircraft that would be bought under this program.

Finally I have not touched on the additional costs that would be imposed on our NATO allies under the Hollingsworth-Nunn-Bartlett proposals. The movement of battalions to the north, for example, would require the German Government to purchase large tracts of land on which to build the new bases for our troops.

It is easy to argue whether some particular number on the chart ought to be $100 million higher or $100 million lower. There is, after all, a built-in margin of error on the order of plus or minus 10 percent in any analysis of this sort.

I am not trying to say that these proposals will cost precisely $46.4 billion. I am trying to say that these proposals involve an expenditure of a magnitude that would require an increase in taxes, a huge addition to our national debt or the wholesale obliteration of other national programs. We must not embark on any new program until we know the cost implications.

Mr. Speaker, I include the chart at this point in the RECORD:

RESTRUCTURING U.S. FORCES

[In millions of current dollars]

Hollingsworth-Nunn-Bartlett Guidelines	1 time costs	Recurring costs—1st 5 yr
PREPARE TO MEET AND STOP A SURPRISE ATTACK		
Increase Readiness of Forces in Germany		
1. 20 percent increase in manpower [1]	670	550
2. Raise key operating tempo and maintenance levels 20 percent [1]		800
Speed Up Pace of Reinforcements Sent From United States		
3. Modify current cargo planes to increase capacity sufficient to move 2 fully equipped divisions; add to war stocks [2]	1,610	550
4. Store enough additional equipment in Europe for 2 more mechanized divisions [2]	1,540	
5. Procure new transport capacity sufficient to airlift 200,000 more tons (another 2 divisions) to Europe in 1st 2 weeks [2]	6,080	
6. Purchase of tanker planes for aerial refueling of cargo aircraft listed above and for fighter reinforcements [2]	3,130	
7. More aircraft shelters in Europe to protect fighters brought in as reenforcements [2]	510	
Upgrade Readiness of Reinforcement Units		
8. 10 percent manpower increase in U.S. Army divisions designed as reinforcements [1]		950
9. 20 percent increase in key Army operations and maintenance activities [1]		2,000
10. Fill half of existing equipment shortfalls for in-place and reinforcing Army units [1]	3,000	
WAGE BATTLE AT BORDER		
11. Shift 33 of 67 battalions in Germany closer to border [2]	1,160	
12. Replace Sheridan light tanks with M60's [4]	350	
13. Provide more in-theater transport: 145 additional AMST cargo aircraft [2]	3,120	
QUANTUM JUMP IN FIREPOWER		
Additional Weapons		
14. Nonnuclear Lance missiles [2]	330	
15. Cannon-launched guided projectiles [2]	1,150	
16. Additional standard artillery over and above current funding [2]		4,250
17. Additional antitank systems over and above current plans [2]	760	650
18. More air defense: Additional fighter aircraft and antiaircraft missiles [2]	4,470	
19. Additional buy of Improved Hawk [4]	350	
20. Bare-base kits so Navy fighters can join land battle plus night capability for portion of A-10 force [3]	260	
IMPROVE COMMAND, CONTROL AND COMMUNICATIONS		
21. AWACS radar aircraft over and above current funding [2]	1,160	
RESTORE WAR RESERVE STOCKS		
22. Fill half of current Army deficiencies [2]	7,000	
Total	36,650 46,400	9,750

[1] Addressed in broad terms, associated numbers derived from best sources.
[2] Addressed specifically, but associated numbers not quantified.
[3] Not mentioned at all, but follows naturally from stated goals.
[4] Addressed specifically with associated numbers quantified.

RESTRUCTURING U.S. FORCES

Some of the Hollingsworth-Nunn-Bartlett proposals are very specific and the budget implications are precise. In other cases their proposals are stated in more general terms which make it more difficult to pin down precise dollar figures.

I would now like to make clear the origin of each figure used in the chart and its relation to the series of proposals made by Hollingsworth-Nunn-Bartlett.

PREPARE TO MEET AND STOP A SURPRISE ATTACK

The first Hollingsworth-Nunn-Bartlett concern has been stated by the Senators thus:

> Current U.S. force planning assumptions as to the prior warning time and likely duration of a future conflict in Europe must be revised.[1]

A more detailed formulation, based on information about General Hollingsworth's recommendations, is that: First, the United States must be prepared to meet a 54-division surprise attack on no more than 48 hours warning and; second, the United States must be prepared to halt a pact advantage in one-quarter of the time currently planned—that is, in about 2 weeks instead of 8 weeks.[2]

To accomplish this, the Senators say:

> The readiness for immediate combat of deployed U.S. . . . forces must be improved.[3]

Two specific programs flow from this requirement.

First, 20-percent increase in manpower.

To meet an attack with little notice requires more personnel in Europe so that units are manned at sufficiently high levels to be ready to go at all times. To begin with, this would require roughly a 10-percent increase in manning in Europe so that operating strengths of divisions equal 100 percent of the manning required.[4] But even manning at 100 percent of mobilization requirements is not enough, since some personnel would be on leave—an average of 8 percent of unit manpower—or would otherwise not all be readily available. The requirement for an additional 10 percent to account for these disparities is assumed.

These requirements translate into a 20-percent increase in personnel in Germany—42,500 extra men.[5] If, to be conservative, we assume that these extra personnel are provided not by creating new slots but by transferring servicemen from the United States, there would be one-time basing and relocation costs—$670 million in fixed costs[6]—plus the added expenses associated with keeping personnel in Europe—$550 million in recurring costs over the next 5 years.[7]

Second, raise key operating tempos and maintenance activities 20 percent.

Current Army divisions in Europe that are rated "C–2," substantially ready, would require 3 to 4 weeks to attain a fully trained status. Even divisions rated "C–1" or fully ready can require up to 2 weeks to be fully trained. With little warning time, such delays are unacceptable. To meet a short-notice attack would require larger training and operating budgets so that our forces are at adequate levels of readiness. Also, expanded maintenance budgets would be needed so that more equipment will be ready for deployment on short notice.

Unfortunately, there is no defined relationship between additional operations and maintenance funding and higher states of readiness,[8] other than vague generalizations like more money means preparedness. Almost any added allotments are inherently arbitrary. In this area, funding for only three of a large number of activities affecting the readiness of overseas forces has been increased.[9] The three activities, which ac-

Footnotes at end of article.

count for only 5 percent of all Army and Air Force O&M funding in fiscal year 1977, have been increased by the same proportion used for personnel, 20 percent. This figure does not seem unreasonable when analyzed at a detailed level.[10] The result is an $800 million increase in 5-year recurring costs.

That accounts for the troops already deployed in Europe. But the H–N–B proposals also look at the troops stationed in the United States which will be called on in the event of war. The Senators have written:

> The pace at which U.S. . . . reinforcements can be transferred to the Central Region must be hastened.[11]

There are two reasons the entire schedule of reinforcements to Europe would have to be compressed. First, a massive short-notice attack would eliminate the 3 weeks of warning time assumed until now. Second, and more important, General Hollingsworth has specified that a pact advance must be halted in one-quarter the time currently planned, which is consonant with the Senators' advice that the expected duration of a European conflict be shortened.

This second requirement has staggering implications. Currently, according to Defense Department analyses consistent with the General's and Senators' assumptions, both the pact and our NATO allies mobilize very quickly. Assuming that what determines whether a Pact advance is halted is the ratio of Pact to Allied forces, stopping a Pact assault in one-fourth the time currently planned would require the attainment of a favorable force ratio in one-fourth the time. But because the Pact would mobilize its forces quickly,[12] to stop an advance in one-fourth the time currently planned would require that the United States deploy at D+X÷4 virtually all the forces it currently plans to deploy at D+X.[13]

A more rigorous analysis confirms this general conclusion.[14] To implement the general's prescription for our forces and to meet the Senators' advice on the likely duration of a conflict—that is, to stop a pact advance in about 2 weeks—the United States would have to deploy in those 2 weeks nearly all the divisions it currently plans to deploy in about 8 weeks. Moreover, it would have to begin deployment without the 3 weeks warning time currently anticipated. In practical terms, we would have to deploy about six extra division equivalents to Europe in the first 2 weeks of a European conflict.[15]

As Senators NUNN and BARTLETT have said, these troops can be speeded to Europe "only through an expansion of airlift resources available to NATO and prepositioned stocks of equipment that are both sufficient and properly maintained." [16]

Third, Modify current cargo planes to increase capacity sufficient to move two fully equipped divisions; add to war stocks.

The Air Force has proposed a series of steps involving increased use of existing aircraft and modification of C–141, and commercial aircraft that would in theory double our airlift capacity in the early stages of a conflict. These steps would entail fixed costs of $1,610 million and 5-year recurring costs of $400 million.[17] Reconstituting existing POMCUS—prepositioning of materiel configured in unit sets—stocks involves minor fixed costs after the fiscal year 1977 funded delivery period.[18] Better maintenance of these stocks so that they would be ready for earlier reinforcement involves recurring costs of about $150 million over the next 5 years.[19]

Adoption of these measures would allow the deployment of about two extra divisions in the first 2 weeks of a war. This would still leave us four divisions short of requirements. To get the remaining four divisions to Europe by D+2 weeks, it is assumed that a 50–50 mixture of POMCUS and airlift is used—given that both steps are recommended by the Senators and that exclusive reliance on either route is very ill-advised.

Fourth, store enough additional equipment in Europe for two more mechanized divisions.

For each division added, POMCUS outlays include procurement, transportation and site preparation costs. These would total about $1,540 million for two mechanized divisions.[20] Added recurring costs involved with manning sites and maintaining the equipment have not been included.

Fifth, procure new transport capacity sufficient to airlift 200,000 more tons—another two divisions—to Europe in first 2 weeks.

There would still be a need for a fifth- and sixth-division equivalent to be deployed in the first 2 weeks of conflict, and these would have to be airlifted. Moreover, there would be a need to transport the personnel from the third and fourth divisions cited above to join up with their POMCUS stocks in Europe. Roughly speaking, fulfilling both these needs would require the capability to airlift about 200,000 additional tons in the first 2 weeks of a war.[21]

This added capacity could presumably be obtained either by "enhancing" existing aircraft or by acquiring new planes. Five-year costs of already proposed enhancement options average $30,400 per 1,000 tons of material delivered by D+2 weeks. The least cost effective of enhancement options already proposed entails 5-year expenditures of $69,500 per ton delivered by D+2 weeks.[22] It would cost $95,500 in procurement costs alone to deliver an extra 1,000 tons by D+2 weeks if new C–5A aircraft are acquired and optimally employed.[23]

According to economic theory, the cost of additional airlift capacity beyond enhancement options already proposed should range from a minimum of $69,500 on up per 1,000 tons delivered in the first 2 weeks of a war. The reasoning here is simple. If there are options beyond those already proposed that cost less than $69,500 per 1,000 tons, then surely the Defense Department would have proposed those before proposing ones costing $69,500.

In reality, it is safe to conclude that DOD has not recommended the most cost-effective mix of options. To be conservative, it is assumed that the Defense Department can find a whole new group of enhancement programs that require no new aircraft and that are on the average as cost-effective as those already being proposed; that is, they entail 5-year costs of $30,400 per 1,000 tons delivered in 2 weeks. Using this assumption, the price of providing the needed 200,000 tons of additional material in the first 2 weeks of a war would be $6,080 million.

Sixth, purchase of tanker planes for aerial refueling of cargo aircraft listed above and for fighter reinforcements.

If we merely want to sustain current airlift capabilities, there is no need for an advanced tanker. If, however, we want to meet new reinforcement requirements set by the H-N-B proposals, the ATCA—advanced tanker cargo aircraft—is needed for several reasons:

To assure rapid deployment of tactical aircraft to Europe needed in support of our ground forces;

To meet added refueling demands resulting from airlift expansion programs, particularly in light of pressing time problems; and

To minimize theater fuel availability problems that would otherwise be a critical constraint.

All of these rationales have been offered to justify the ATCA, which would also provide a bonus cargo capacity consistent with expanded requirements. Since an advanced tanker would be an indispensable component of a rapid deployment program, fixed costs of $3,130 million are included.[24]

Seventh, more aircraft shelters in Europe to protect fighters brought in as reinforcements.

To assure that tactical aircraft can effectively reinforce ground forces in Europe, they must survive upon arrival. Those aircraft already in place have been provided shelters, but many more are needed to house the early waves of reinforcements. Fixed costs total $510 million.[25]

At present, the U.S. Army maintains the equivalent of five divisions in Europe. An additional two divisions are currently available for deployment from the continental United States—Conus—on short notice. Beyond those two, divisions would not even arrive in Europe in the time General Hollingsworth recommends that we stop a pact advance and the timely arrival of even these two Conus divisions would be in doubt if a massive short-notice attack is assumed. To assure extremely rapid deployments, most Conus divisions would have to be brought up to and maintained at much higher states of readiness.[26]

Eighth, 10-percent manpower increase in U.S. Army divisions designated as reinforcements.

Merely to bring the operating strengths of the early reinforcing divisions up to wartime-required strengths so that they can be deployed on shorter notice would require about a 10-percent manpower increase. Recurring costs would total on the order of $950 million over 5 years.[27]

Ninth, 20 percent increase in key Army operations and maintenance activities.

Footnotes at end of article.

As above, there is no definable relationship between added O. & M. costs and higher readiness. The same admittedly arbitrary procedure is used to resolve this problem. Three accounts that are most relevant to the readiness of reinforcing Army units—only 25 percent of total Army O. & M. funding—have been increased by 20 percent. Recurring costs would total $2,000 million over 5 years.[28]

Tenth, fill half of existing equipment shortfalls for in-place and reinforcing Army units.

To guarantee that units are fully equipped before battle, and therefore fully effective in meeting the overwhelming Soviet threat, is a very expensive venture. It requires not only the provision of required initial issue quantities to these forces but also sufficient maintenance float equipment to assure that units are in a high state of readiness. To eliminate just half the share of existing equipment shortfalls accounted for by those divisions which could be committed in the early stages of a European war would require an estimated $3,000 million.[29] This includes equipment both for the CONUS-based divisions discussed here and the Germany-based divisions discussed in items 1 and 2.

WAGE BATTLE AT BORDER

The second of the major H-N-B concerns has been described by the Senators this way:

> Current postural deficiencies which threaten NATO's ability to conduct a successful forward defense should be corrected with the aim of permitting the Alliance to wage the main defense battle close to the inter-German border.[30]

Eleventh, shift 33 of 67 battalions in Germany closer to border.

The first way to permit the alliance to fight close to the border is to "shift * * * the weight of NATO's combat firepower deployed in the Central Region to the east and to the North," in the Senators' words.[31] A variety of recommendations have been made concerning the portion of our forces in Europe that should be redeployed. It appears that about half our "firepower" would need to be relocated.[32] In terms of battalions, this means moving about 33 of 67 in Europe to new locations, for a total one-time cost of $1,160 million.[33]

Twelfth, replace Sheridan light tanks with M–60's.

The Senators next write that—

> "Covering forces" . . . should be strengthened to the degree necessary . . .[34]

A number of steps could be taken to do this. Just one that has been recommended by Hollingsworth is to replace Sheridan light tanks in Europe with M–60 tanks, thus "heavying-up" the force. This would involve one-time costs on the order of $350 million.[35]

Thirteenth, provide more in-theater transport: 145 additional AMST cargo aircraft.

A strategy of defending at the inter-German border, adequately supporting such a fight, and assuring that reinforcements arrive at the front in a timely fashion once they enter Europe requires much greater and longer movements of men and equipment within the NATO theater.

To meet the needs outlined thus far, General Hollingsworth has recommended procurement of the advanced medium short takeoff and landing—AMST—transport aircraft. Clearly, the purchase of the AMST represents a decision to increase our tactical airlift capability and, since explicitly recommended, its cost should be attributed to the H-N-B proposals. On the other hand, it can be argued that merely to maintain existing capabilities would require procurement of some AMST's—or some other plane—since by the early 1980's part of the existing inventory may need replacement.

To be consistent with the principles of cost attribution stated in the methodology section of this study, the following approach was used. It was first determined how many AMST's would be required to maintain present capabilities in light of a high level of retirements of existing craft. Then, the cost of all proposed AMST's over and above this number were attributed to the H-N-B proposals.

More specifically, present Air Force tactical aircraft assets could produce about 210 million ton-miles of airlift service per month.[36] Capability is a function of aircraft payload and speed. It was assumed that C–130E's and C–130H's, which have significant service life remaining,[37] would remain in the fleet. All C–130A/B/D's, C–123's, and C–7's were assumed to be retired, even though many would have years of useful life remaining. About 132 AMST's would be needed to replace all of these retiring craft.[38] But 277 TMST's are included in the program endorsed by Hollingsworth. Thus, 145 of the planned AMST's represent an explicit decision to increase our capabilities to meet the threat and fight the war envisioned by the general and the Senators. One-time costs of these planes would total $3,120 million.[39]

QUANTUM JUMP IN FIREPOWER

The third H-N-B concern is stated succinctly:

> A quantum jump is needed in NATO's conventional firepower.[40]

While this is succinct, it is also vague. One man's quantum jump may be another's incremental step. But more specifics have seen supplied by the general and the Senators. For example, Senators NUNN and BARTLETT call artillery procurement "top priority." [41] Several steps, most of which have been specifically recommended by either the general or the Senators, could be undertaken.

Fourteenth, non-nuclear Lance (NNL) missiles.

Thus far, moneys have been appropriated to buy 360 of these missiles. The Rumsfeld budget contained funds to buy 360 more, although President Carter has asked Congress to scrap the entire program. The Army has indicated that a larger number of NNL's could be used to augment firepower.[42] A modest effort to buy NNL's would require one-time costs totaling $330 million.[43]

Fifteenth, cannon-launched guided projectiles (CLGP's).

Senators NUNN and BARTLETT specifically declare their support of an "accelerated exploitation of ongoing technological advances in munitions and delivery systems." [44] Just one of several programs they point to is that of CLGP's, for which one-time costs would be $1,150 million.[45]

Sixteenth. Additional standard artillery over and above current funding.

The Army has recently undertaken a number of studies to determine revised artillery, artillery ammunition, and artillery support requirements. A revision in procurement goals is occurring that is consistent with the H–N–B proposals, although this revision may not go far enough to satisfy these advocates. Budget projections by the outgoing administration included substantial real growth to implement revised artillery goals. If the costs entailed by these measures over and above the level provided for in the fiscal year 1977 budget are counted, added recurring costs for cannon artillery, artillery ammunition, and acquisition systems would average $850 million annually or $4,250 million over 5 years.[46]

Seventeenth. Additional antitank systems over and above current plans.

Two different means of achieving added antitank capabilities are immediately evident. First, a stepup in the funding of Cobra-Tow helicopters could be adopted. Second, the buy of antitank guided missiles could be increased. For one representative program in this area, the costs over and above sustaining the fiscal year 1977 program would be $760 million in one-time costs and $650 million in 5-year recurring costs.[47]

Eighteenth. More Air Defense: additional fighter aircraft and antiaircraft missiles.

A plethora of measures could be adopted to increase our antiair capabilities. Senators NUNN and BARTLETT assert that—

> NATO's air defenses must be transformed into a capability to inflict unacceptable losses upon intruding Soviet tactical air forces.[48]

It is difficult to measure or to put a price tag on requirements like an ability to inflict unacceptable losses. As a minimum, it would entail the procurement of new systems of air defenses for U.S. forces in Europe contemplated by DOD—one-time costs of $4,470 million.[49]

Nineteenth. Additional buy of Improved Hawk.

Since it was singled out by both the Senators and the general, additional procurement of the Improved Hawk antiaircraft missile system has also been included at a one-third cost of $350 million.[50]

Other programs they cite are "air- and artillery-delivered mines, laser-guided weapons and tactical applications of cruise missile technology. The new potential of multiple rocket launchers also should be explored." None of these items are priced out here. Insofar as they are cited by the Senators, they would add an unknown sum to the total cited in the chart.

Twentieth. Bare-base kits so Navy fighters can join land battle plus night capability for portion of A–10 force.

An additional means of increasing firepower, and particularly antitank capabilities, would be through improvements in ground attack aircraft. Two reforms not yet planned by DOD that relate directly to stopping a pact advance in Central Europe are to equip a portion of our A–10 attack force to fight at night in adverse weather and to procure barebase kits so that Navy tactical aircraft could contribute to a land-battle in Europe. Total one-time costs are $260 million.[51]

Twenty-one. AWACS radar aircraft over and above current funding.

H–N–B also call for improved command, control, and communications—CCC—capabilities. In order to deploy the firepower in our forces more effectively—in the words of Senators NUNN and BARTLETT, "to accommodate the demands of the modern battlefield"—the Senators have recommended that the Alliance's present CCC capabilities be enhanced.[52] These improvements could also help meet the other guidelines discussed above.

One system singled out for recommendation by the Senators and the general is the airborne warning and control system—AWACS. Since funds have already been budgeted for many of these planes, they are part of existing capabilities as defined in this paper. However, the cost to procure the remaining number of planes desired by the Air Force has been included. One-time costs total $1,160 million.[53]

Twenty-two. Fill half of current Army deficiencies in war reserve stocks.

The Senators say:

> Restoring and maintaining . . . war reserve stocks must be given top priority.[54]

Several different stocks of equipment and material relate to the different requirements established by Senators NUNN and BARTETT and General Hollingsworth. But particular emphasis has been placed on war reserve stocks. For example, the Senators insist that ammunition stocks—a primary component of war reserves—"be brought up to levels based on revised requirements."[55] Filling out these stocks would not only meet the requirements to improve firepower, but would also be crucial to fighting the short notice and extremely intense conflict postulated. Current shortfalls in war reserve requirements for the Army alone total over $14 billion.[56] A large share of these relate to European needs. If merely half of the current—but not revised—Army deficiences were filled as a means of implementing the Senators' recommendation, one-time costs would total $7,000 million. This does not consider added maintenance and storage costs for such items.

METHODOLOGY

The determination of costs was based on a calculation of the prices of those measures—over and above the continuation of existing capabilities—that flow directly out of new requirements set by the H–N–B proposals or are specifically recommended by the general or the Senators. In general, with respect to personnel and operations and maintenance activities, "existing capabilities" are defined as those provided for in the fiscal year 1977 defense budget. With respect to procurement and construction activities, "existing capabilities" are those in-place at the end of the fiscal year 1977 funded delivery period.

Some of the measures included as part of the H–N–B proposals are already under consideration or are envisoned by the Defense Department.[57] For example, many of the costs in fiscal year 1978 and beyond of the proposed Air Force airlift enhancement program are counted in this study. There are several reasons for this. First, these sorts of measures represent explicit decisions to increase our ability to meet a large short-notice attack which is what Hollingsworth and the two Senators are advocating and therefore cannot be ignored in this accounting of the cost of the full H–N–B system. Second, to exclude the costs of all of these proposals would produce a very arbitrary and ephemeral accounting system. A new administration may drop some of the proposed programs, which would suddenly mean a paper cost increase in the H–N–B system. Similarily, if the Defense Department tomorrow decided it wanted to adopt the entire H–N–B package and projected budgets to accommodate everything proposed, it would not mean that these proposals could suddenly be achieved free of charge.

On the other hand, the vast majority of force improvements envisoned by DOD that affect our capabilities in Europe—and all of those already implemented by DOD[58]—are not attributed to the H–N–B proposals. This is because many of the DOD's force improvements do not flow directly out of the H–N–B requirements, or are not specifically mentioned by General Hollingsworth or Senators NUNN and BARTLETT, or are part of replacement programs needed to maintain existing capibilities.

For example, all of the costs associated with the Army's new tank, new personnel carrier, and new helicopters have been ignored, even though they would improve our defense in Europe. As another illustration, the billion-dollar C–5A wing modification is not included as part of the airlift enhancement programs since it is needed merely to sustain existing capabilities and does not represent a decision to increase our ability to reinforce early in a conflict.

Potential cost savings associated with a new strategy for defending Europe have not been calculated. There may be hedges against a long war that are superfluous, the elimination of which would free additional funds for the purposes envisioned by the general and the Senators. But thus far, neither General Hollingsworth nor Senators NUNN and BARTLETT have pinpointed any. Indeed, in their latest report the Senators state that new plans should be adopted "without weakening powerful hedges in NATO force structure against a protracted war."[59] Moreover, even if such savings were endorsed and readily available, there is no reason to assume that they should automatically finance H–N–B proposals above all other needs.

By any standards, the estimate developed in this study of the cost of the H–N–B prescription for our conventional force posture is conseravtive. No attempt has been made to price out every recommendation made by General Hollingsworth or Senators NUNN and BARTLETT. Many requirements they would impose have been only partially met. Adoption of all measures outlined in the chart would still entail a degree of risk relative to the threat they envision which may be unacceptable. And even in pricing out the proposals, many details have been ignored—especially in the operations area where data are scarce.

In addition, all costs that would have to be borne by our European allies have been ignored. These would be substantial. For instance, West Germany would have to pick up a hefty tab for the costs of additional land needed for the sites of equipments and units that would be moved or newly placed. As another example, the general and Senators strongly recommend that our NATO allies purchase AWACS. Of course, it is possible that our allies would not incur extra commitments or would reduce their contributions to NATO's defense in light of our increases. In either of these cases, the United States would have to spend more money.

For those estimates that have been made, the range of error is on the order of plus-minus 10 percent—and all estimates are rounded to the nearest tens of millions. Costs are in current dollars[60] and are calculated over a 5-year period. Since the general and the Senators have stressed the urgency of their proposals, it is assumed that they would all be implemented in this space of time. In no way does this mean that added outlays would end after 5 years. Substantial budget increases would still be needed thereafter.

Finally, real world political constraints—such as congressional opposition to some of the proposals or opposition by our allies to measures like U.S. redeployments—have been ignored, even though they would pose formidable obstacles to effective adoption.

Mr. Speaker, I include the footnotes to my speech at this point in the RECORD:

FOOTNOTES

[1] Senators San Nunn and Dewey Bartlett, *Nato and the New Soviet Threat*, Report to the Senate Armed Services Committee, 95 Cong. 1 Sess. (1977), p. 18. (Hereafter cited as *New Threat*).

[2] Sen. Sam Nunn, "Gearing Up to Deter Combat in Europe: The Long and the Short of It," address to the New York Militia Association printed in the *Congressional Record*, CXXII (Sept. 13, 1976), p. 29844 suggests planning for "an intense war of two or three weeks."

[3] *New Threat*, p. 20.

[4] Based on published Joint Chiefs of Staff readiness criteria.

[5] OASD (Public Affairs), "Fact Sheet—U.S. Military Personnel Outside the United States, As of Sept. 30, 1976," Dec. 7, 1976 shows total Army and Air Force personnel in Germany as 212,500.

[6] Derived as a portion of cost figures found in Office of the Secretary of Defense, "A Report to Congress on U.S. Conventional Reinforcements for NATO," June, 1976, p. VI 1–2.

[7] *Ibid.*

[8] An assertion consistently supported. For example, see the testimony of Lt. Gen. John A. Kjellstrom, Comptroller of the Army, *Department of Defense Appropriations, 1976*, 94 Cong. 1 Sess. (1975), pt. 2, p. 546.

[9] The activities were Army OMA "General Purpose Forces" activity allocated to "Europe Forces," amounting to approximately $390 million in the FY 77 budget; a Europe-oriented share of Army OMA "Central Supply and Maintenance" activity going to "Depot Maintenance Activities," roughly $220 million; and O & M costs for U.S. Air Forces in Europe (USAFE), about $200 million annually. Data for budget costs were based on "Department of Defense Appropriations Bill, 1977," Report of the Senate Appropriations Committee, 94th Cong. 2 Sess. (1976), pp. 135, 137; and unclassified portions of "Readiness of the Air Force in Europe," Report to Congress by the Comptroller General of the U.S., 1973.

[10] For instance, the added funding would greatly reduce maintenance backlogs that are normally accepted but would not be tolerable if a no-notice attack is assumed.

[11] *New Threat*, p. 20.

[12] Based on OSD "Conventional Reinforcements" report, p. IV–3.

[13] Within the relevant range of time.

[14] Unfortunately, problems of classification preclude a more thorough discussion of this issue.

[15] Richard D. Lawrence and Jeffrey Record, *U.S. Force Structure in NATO* (Washington, D.C.: The Brookings Institution, 1974), Table D–1, p. 132, shows 13 divisions at M+60 vs. 7 at M+15, a difference of 6.

[16] *New Threat*, p. 20.

[17] Fixed costs are for FY 1978 to completion, recurring costs are those for FY 1978, and appear in "Information on the Requirement for Strategic Airlift," Report to the Congress by the Comptroller General of the U.S., 1976, Appendix I, pp. 25–6. Fixed costs are those for C–141 stretch and refueling, CRAF (including incentive payments to airlines), and war reserve material for C–5A and C–141. Recurring costs are for C–5 and C–141 personnel.

[18] Department of the Army information.

[19] Based on General Accounting Office figures.

[20] Figures obtained from the Congressional Budget Office. Included are $670 million in equipment procurement, $20 million in sea transport costs, and $80 million in site preparation for each division.

[21] One infantry division and its support requires over 70,000 tons. A mechanized division requires an additional 18,900 tons in equipment alone, for a total of about 90,000 tons per divisions. See Air Force and Lockheed figures in *The Posture of Military Airlift*, Hearings before the Research and Development Subcommittee of the House Armed Services Committee, 94 Cong. 1 Sess. (1975), pp. 235–351. Roughly speaking, an additional 10,000 tons are needed for each division given POMCUS.

[22] Derived from GAO figures appearing in *supra*, note 20. 15-day period is used, assuming 2 weeks plus 24 hours of 48-hour warning period. Data used were as follows:

Method	15-day tonnage	5-year cost*	5-year cost**
Increase C–5A spares and crews	8,850	$472.5	$53,400
Increase C–141 spares and crews	7,400	$285.3	$38,600
C–141 Mod.: stretch and refuel	9,800	$680.9	$69,500
CRAF. Mod	45,500	$735.0	$16,200
Totals	71,550	$2,173.7	***$30,400

*In millions of dollars.
**Per ton, 15 days.
***Weighted average.

[23] Based on Air Force cost figures for 78 more C–5As in *Posture of Military Aircraft*, p. 383 and tonnage figures for C–5As, as modified, found in the GAO report cited above.

[24] *Supra*, note 20, p. 26 for FY 78 and beyond.

[25] Congressional Budget Office, "Planning U.S. General Purpose Forces" The Tactical Air Forces," January 1977 shows costs of $170 million for planned construction of 217 shelters. Tripling this program would roughly handle reinforcing aircraft arriving in early stages (D+30 or before) of the war.

[26] Added costs associated with readiness of Air Force tactical aircraft requiring rapid redeployment have not been addressed, though costs here would be notable.

[27] Assumes a 10 percent increase in manning of five CONUS divisions or about 1,600 men per division priced out at $23,000 per slot.

[28] The three accounts were Army OMA for CONUS "General Purpose Forces" activity, $312 million in FY 1977; a CONUS share of Depot Maintenance funding, $221 million in FY 77; and Army Combat Operations funding, $1,471 million. See DoD Bill for 1977, Sen. Approp. Report, pp. 135, 137; *Department of Defense Appropriation Bill, 1976*, House Appropriations Committee Hrngs., 94 Cong. 1 Sess. (1975), pt. 7, p. 701.

[29] Existing active and reserve force shortfalls total $27 billion. See Statement by Edwin Greiner, Acting Assistant Secretary of the Army (Installations and Logistics) and Major Gen. Philip R. Feir, Assistant Deputy Chief of Staff for Research, Development and Acquisition, Dept. of the Army, before the House Armed Services Committee, Feb. 3, 1977, p. 16. Based on unclassified samples of AAO requirements, active and Maintenance Float needs probably account for at least a third of these shortfalls, assuming that reserve stocks are the most depleted. Of these needs, about two-thirds relate to early European commitments. Only half of these are filled under the analysis (the assumption being that normal replacement programs account for the rest).

[30] *New Threat*, p. 19.

[31] *Ibid.*

[32] For example, Gen. Haig has indicated that half our battalions are located 50 to 100 kilometers from their necessary defensive positions, indicating a need to shift them. Similarly, two Brookings analysts have recommended that one of two Army corps in Europe be relocated, thus implying a shift of about half the firepower. See Lawrence and Record, *op. cit.*

[33] A figure that is used by Gen. Haig and has also appreared in more popular analyses (see Arnaud De Borchgrave, "Nightmare for NATO," *Newsweek*, (February 7, 1977), p. 37) for the cost of moving one battalion is $35 million. For 33, it would be the amount given.

[34] *New Threat*, p. 19.

[35] Based on the cost of 560 M–60s at $627,000 apiece.

[36] Statement by Leonard Sullivan, Jr., Assistant Secretary of Defense (PA&E), in *Posture of Military Airlift*, p. 546.

[37] Statement by Brig. Gen. Jasper A. Welch, Jr., Assistant Chief of Staff, U.S. Air Force, in *ibid.*, p. 281.

[38] We currently have 84 C–130Bs, 140 C–130A/Ds, 64 C–123s, and 48 C–7s. Air Force figures in *Military Posture*, Hearings before the Research and Development Subcommitee of the House Armed Services Committee, 94 Cong. 2 Sess. (1976), p. 5, p. 678. Because of speed and payload characteristics, the AMST is twice as productive as the C–130. Statement by Lt. Gen. Alton Slay, U.S. Air Force, Deputy Chief of Staff, Research and Development, in *ibid.*, p. 681. Thus, 112 AMSTs would be needed to replicate the capability of the retiring 224 C–130s. C–123s are at best half as capable as the C–130s while C–7As are no more than ⅓ as capable, based on payload characteristics. Industry figures in *Posture of Military Airlift*, p. 329. At most, about 21 AMSTs would be needed to replace them.

[39] GAO Airlift Report, p. 23, shows a program unit cost of $21.5 million.

[40] *New Threat*, p. 19.

[41] *Ibid.*

[42] Testimony by Maj. Gen. Philip R. Feir, *Department of Defense Appropriations for 1977*, 94 Cong. 2 Sess. (1976), pt. 5, p. 901.

[43] This is to buy an additional 1440 missiles, which would provide a total that corresponds to the mid-point of one set of Army proposals for the desirable missile buy. Costs are in current dollars, assuming annual procurement of 360 missiles per year with constant inflation.

[44] *Ibid.*, p. 20.

[45] Based on Defense Department Selected Acquisition Report (SAR) figures minus all costs incurred thus far in the program.

[46] Based on figures in Secretary of Defense, *Annual Defense Department Report, FY 1970*, Jan. 17, pp. 161–2.

[47] Data on Cobra-Tow costs from *ibid.*, p. 160 and involve a doubling of FY 1977 purchase for recurring costs of $130 million. One-time cost for more ATGMs is based on adopting the option suggested by Congressional Budget Office, "Planning U.S. General Purpose Forces: Army Procurement Issues," December, 1976, p. 54.

[48] *New Threat*, p. 20.

[49] Defense Department figures for end FY 81 in-place air-to-air dedicated fighter force aircraft and necessary air-to-air missiles plus SAM–D and Roland deployments to Europe. Does not include non-Europe or CONUS-deployed equipment. *Department of Defense Appropriations*, Cong. 2 Sess. (1976), pt. 4, pp. 1191–2.

[50] Includes enough funds to pay for 2,000 Hawks sent to Iran, Israel, and Jordan alone. Along with other sales drawdowns, these quantities have hurt out capability, the Senators assert.

[51] CBO, "Tactical Air Forces" Issue Paper, Chapter V contains these options with related cost figures.

[52] *New Threat*, p. 20.

[53] Department of the Air Force figures.

[54] *New Threat*, p. 20.

[55] *Ibid.*, p. 19.

[56] Statement by Edwin Greiner, *supra*, note 32, p. 17.

[57] Perhaps on the order of one-third.

[58] For example, the addition of a U.S. brigade in Northern Germany and the addition of an F–111 and an F–15 wing.

[59] *New Threat*, p. 18.

[60] There was no insidious reason for the use of current dollars. It was simply much easier to calculate recurring costs of a variety of different programs in current dollars than to try to change available current dollar costs for a variety of different years and different programs into constant dollars.

DEPARTMENT OF STATE: CONSOLIDATION OF WESTERN HEMISPHERIC AFFAIRS FROM ARCTIC TO ANTARCTIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, as shown by many addresses in and out of the Congress, my major interests have included the fostering of better relations between the United States and other countries of the Western Hemisphere by means of foreign policies derived from reasoned lines of thought.

In the Department of State, as shown by the 1976 Congressional Directory, there are in addition to the Secretary of

State, a Deputy Secretary of State; three Under Secretaries of State: one for Political Affairs, a second for Economic Affairs, and a third for Security Assistance; a Deputy Under Secretary for Management; and 14 Assistant Secretaries of State.

Of the Assistant Secretaries of State, all have regional or other administrative responsibilities. The jurisdiction of the Assistant Secretary for Inter-American Affairs covers all of South America, a large part of North America south of the United States, and the Caribbean. It does not include Canadian relations, which are under the Assistant Secretary for European Affairs, even though Canada is not a part of Europe and, since the 1931 Statute of Westminster, has been an independent nation.

In view of the evolving world situation and the growing importance of Western Hemispheric nations in the defense of Western civilization, the time is opportune for a long over-due demonstration of leadership of the United States in the Western Hemisphere from the Arctic to the Antarctic. This will include Canada, the Caribbean Basin countries and those of the Central American Isthmus.

As an important step in the reorganization of the Federal Government now being undertaken by President Carter, I would urge the statutory increase by the Congress of the rank of the Assistant Secretary of State for Inter-American Affairs to that of Deputy Secretary of State for the Americas, who would report directly to the Secretary of State. To implement this proposal, I have introduced the following measure:

H.R. 4072

A bill to provide authorizations for the Department of State, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "American Foreign Affairs Western Hemispheric Act".

It is the policy of Congress that, to foster and develop a consistent and comprehensive foreign policy, the foreign affairs agencies should recognize the uniqueness of relations which bind the United States of America to other countries and territories located geographically with it in the Western Hemisphere of the world. Known collectively as the Americas, these countries and territories extend from the Arctic to the Antarctic and are bound uniquely to one another.

Taking into account this situation, it is the sense of Congress that there should be located in the Department of State a Deputy Secretary for the Americas, responsible directly only to the Secretary of State.

SEC. 2. (a) For the reasons given in section 1 of this Act, the first section of the Act of May 26, 1949, as amended (22 U.S.C. 2652), is amended to read as follows: "That there shall be in the Department of State, in addition to the Secretary of State, a Deputy Secretray of State, a Deputy Secretary of State for the Americas, an Under Secretary of State for Political Affairs, an Under Secretary of State for Economic Affairs, an Under Secretary of State for Security Assistance, a Deputy Under Secretary of State for Management, and eleven Assistant Secretaries of State.

"(b) The Deputy Secretary of State for the Americas shall answer directly to the Secretary of State, and to the Deputy Secretary of State, only when the latter is acting as Acting Secretary of State; in the absence of the Secretary of State and the Deputy Secretary of State for the Americas shall act as Acting Secretary of State."

(c) This Act shall come into force immediately upon enactment.

HEARINGS ON EMERGENCY CONTROLS ON INTERNATIONAL ECONOMIC TRANSACTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 5 minutes.

Mr. BINGHAM. Mr. Speaker, I rise to announce the commencement on March 29 of a series of hearings on "Emergency Controls on International Economic Transactions," to be held by the Subcommittee on International Economic Policy and Trade, which I chair. These hearings are on two bills which I have introduced: H.R. 1560, a bill to repeal section 5(b) of the Trading With the Enemy Act of 1917, and H.R. 2382, the Economic War Powers Act.

Section 5(b) of the Trading With the Enemy Act is a broad, open-ended emergency authority which goes back to 1917. Over the years, it has come to be used by the President for routine regulation of international economic transactions. Some of the activities currently carried on under this authority are trade embargoes on trade with North Korea, Cambodia, Vietnam, and Cuba, blocking of Chinese and East European assets, export controls on U.S. subsidiaries abroad, and enforcement of the Export Administration Regulations notwithstanding the lapse of the Export Administration Act last September 30.

The National Emergencies Act, enacted last year, terminated most emergency authorities, but exempted section 5(b) of the Trading With the Enemy Act from termination because of that section's importance to the day-to-day functioning of the Government. Under the terms of the National Emergencies Act, the Committee on International Relations is to study section 5(b) with a view to converting as much of the authority contained therein as possible to standard, nonemergency legislation. These hearings will contribute to that study.

Clearly section 5(b), which authorizes the President to do whatever he wants for as long as he wants without reference to Congress, is sloppy legislation. What should take its place? In its broadest sense, that is the question we will be asking in the subcommittee's hearings.

A partial answer lies in H.R. 2382, the Economic War Powers Act, which will also be the subject of these hearings. This bill would prescribe the conditions under which future trade embargoes could be imposed, continued in effect, and terminated, and spells out a role for Congress in these very important decisions.

I am giving active consideration to other possible alternatives to section 5(b), and I urge anyone who wishes to present proposals to contact the subcommittee staff.

These hearings are directed at formulating a policy framework and more satisfactory procedures for any future use of economic sanctions in the foreign policy field. They are not for the purpose of examining the wisdom of existing embargoes.

On March 29, the subcommittee will hear three distinguished legal scholars. They are Prof. Stanley Metzger of Georgetown University Law School, Prof. Andreas F. Lowenfeld of New York University Law School, and Prof. Harold G. Maier of Vanderbilt University Law School. The hearing will take place at 2 p.m. in room 2200 of the Rayburn House Office Building.

We are urging the administration to give high-level consideration to these issues, and I hope soon to announce a further hearing with administration witnesses. We are also in contact with interested members of the public, who will be heard subsequently.

RULES OF PROCEDURE ADOPTED BY SELECT COMMITTEE ON ASSASSINATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STOKES) is recognized for 10 minutes.

Mr. STOKES. Mr. Speaker, on March 7, 1977, the Select Committee on Assassinations adopted Rules of Procedure in accordance with the mandate of the House. These rules contain a stringent set of safeguards which are for the purpose of preserving the civil and constitutional rights of potential witnesses. These formal safeguards prevail both in field investigations and the formal sessions before the committee. The adopted rules which illustrate the extensive concern the committee has for the constitutional and civil rights of all prospective witnesses include rules that witnesses may be accompanied by an attorney and that the committee will provide a witness with an attorney if he is financially or otherwise unable to secure counsel; and that the attorney for a witness may submit written questions to the committee to be asked of his client.

Moreover, the rules provide strict investigative guidelines which provide that no witness shall be recorded without his prior knowledge and consent; that there will be no electronic surveillance or wiretapping of any person; that no witness be subjected to polygraph or voice-stress-analysis examination without specific written authorization of the witness and a majority of the committee or subcommittee; that the results of such tests, or the failure or agreement to take such tests, shall not be used as the basis of finding of fact or used in any report or at a public hearing; that in all field interrogations of prospective witnesses, committee counsel and investigators shall first identify themselves as representing the Select Committee on Assassinations, present official credentials, and advise each prospective witness of the nature of the investigation being conducted; and finally, that the use of any investigative technique must be specifically authorized by the full committee.

In addition, the committee has adopted rules to insure that classified and sensitive materials will be properly safe-

guarded, and which prohibit the staff from discussing committee business outside of the committee unless specifically authorized by the chairman or subcommittee chairman.

The rules as adopted will insure that the Select Committee on Assassinations will be able to conduct a full, complete, and effective investigation into the assassinations of President Kennedy and Dr. King, and that it will be conducted in a manner which is credible and will bring honor to this House.

Mr. Speaker, I anticipate that in the very near future the House will consider a resolution to recreate the Select Committee on Assassinations. In this regard, the committee and I would welcome the comments and suggestions of our colleagues relative to these rules.

The adopted rules will be printed in the RECORD pursuant to the rule today.

A REASONABLE RESPONSE TO THE SACCHARIN BAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. KRUEGER) is recognized for 5 minutes.

Mr. KRUEGER. Mr. Speaker, the proposed ban on saccharin announced last week by the Food and Drug Administration points out the shortcomings of the so-called Delaney amendment to the Federal Food, Drug, and Cosmetic Act.

As you know, this amendment requires the Secretary of Health, Education, and Welfare to ban any food additive which, after "appropriate tests" is found to induce cancer in man or animal.

This amendment does not lodge any additional power in the FDA; that is, the FDA's power to ban food additives is not dependent upon the language of the Delaney amendment. It serves merely as a "red flag," which removes from the Secretary any authority to take less drastic steps than an outright ban against additives found to induce cancer after these "appropriate" tests.

Now, I notice in the Washington Post that the FDA is blaming its decision to ban saccharin upon the Congress, and in light of the existence of the Delaney amendment, there is no doubt but that a great deal of the responsibility for this action does lie here. I do think it my duty, however, to rise to a partial defense of the Congress by pointing out that HEW and FDA determine the meaning of the term "appropriate test"—subject to court review, to be certain—so that it is not entirely the Congress fault that the unfortunate fate of a few Canadian rats has had an equally unfortunate impact upon American consumers of artificial sweeteners.

With this one clarification in mind, we can still proceed to the inescapable conclusion to which the Washington Post article leads us, however. The Delaney amendment is an unwieldy tool with which to judge and act upon questions of a most delicate nature; in a subject area open to much dispute and some conjecture we rely upon an enforcement mechanism which stands flatfooted upon the ground, as if this were a question of black and white.

In my opinion, Congress should act expeditiously to amend the law to allow FDA and the Secretary of HEW greater discretion in selecting the appropriate remedy in the gray areas where they are forced by lack of hard data or precedent to make what amounts to little more than a judgment call.

In 1958, when the Delaney amendment was adopted, our knowledge of carcinogens was not so well developed as today; few of us suspected the extent to which cancer-causing agents may have pervaded our environment. Evidence now seems to indicate that potential carcinogens are so widespread that it is nearly pointless to try to evade them all.

Until we have more information about the nature of the disease and its causes, I fear that the general public has little defense but to become increasingly fatalistic about its continual exposure to substances which, in one forum or another have been labeled as "cancer-causing agents."

In light of all this confusion, the Delaney amendment becomes a greater obstacle to the general public than a safeguard, unless an important change is made. As testing methods become more and more precise, an increasing number of food additives formerly regarded as safe—sometimes for decades—will be swept off the market by the Delaney amendment in much the same way the manager's cane used to whisk bad acts from the vaudeville stage. Please note that more precise tests are not necessarily more valid tests, particularly if the underlying assumptions are incorrect, namely, hypothetically, the rat-human connection.

Obviously, the Congress needs to introduce a modicum of discretion and commonsense into a rigid statute, if we are to keep any food products on the shelves until the time when we unlock the mysteries of cancer and isolate its causes.

Today, I am introducing a bill to do just that. My proposal amends the Delaney amendment to allow the Secretary of HEW to balance the potential danger of a food additive's remaining on the market against the benefits which society might derive from its continued availability. In the case at hand, the Secretary would balance the dangers posed by the continuing availability of saccharin, as demonstrated by the Canadian rat tests, with the demonstrated need which diabetics and chronically overweight people have for this commodity.

Once the Secretary had determined that the potential benefits of keeping saccharine on the market outweighed the drawbacks, three paths lay open to him: First, he could order further testing of the substance to verify or improve upon the results of the previous tests, and the product could remain on the market during this evaluation period; second, he could require all foods containing the additive to be labeled with a public warning that ingestion of the additive may be hazardous to the health of the consumer; or third, in the most severe cases, he could allow the additive to remain on the market only with a physician's prescription.

I think that this is a balanced approach, and do not believe that it in any way compromises the ability of the FDA and HEW to remove a carcinogenic food additive from the market. Realistically speaking, the importance of the Delaney amendment lies in its moral force rather than in its effectiveness as a tool. The legislative history of the 1958 amendments to the Food, Drug and Cosmetic Act make this point clear:

> . . . the bill is aimed at preventing the addition to the food our people eat of any substances the ingestion of which reasonable people would expect to produce not just cancer but any disease or disability . . . the bill reads or means the same with or without the inclusion of the clause referred to (the Delaney amendment). This is also the view of the Food and Drug Administration.

In response to all those Americans who could be asked to forego saccharin in the near future and countless other substances in the long run, I think that the Congress has an obligation to change this law, so that there will be at least as much chance of equity as of inequity arising from its enforcement. The present situation is, I believe, unacceptable, and will grow more so as time goes by.

For instance, a staff member of mine, patriotic in his breakfast beverage, drinks diet soda, not coffee, each morning. He observed last week that even on the hottest Texas summer day, he had consumed, as best he recalled, only 23 cans. Even with substantial force-feeding he saw no way in which he could have consumed many more. Certainly he could not drink the 777 additional cans necessary to imbibe the quantity of sacharin carcinogenic to the bladder of a Canadian rat. And I believe that anyone who can drink 23 cans in a day probably has a bladder of more strength than any rat.

The moral of the story, of course, is that we must be reasonable in our assessments. The text of my reasonable legislation follows:

H.R. 5138

A bill to amend the Federal Food, Drug and Cosmetic Act to provide the Secretary of Health, Education and Welfare with greater latitude in regulating food additives found to induce cancer in man or animal

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 409 (c) (3) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 348(c)(3)) is amended—

(1) by redesignating clauses (i) and (ii) of subparagraph (A) as subclauses (I) and (II) respectively, and by inserting after "shall not apply with respect to" in such paragraph the following: "(i) any food additive intended to be used as an ingredient of food for human consumption with respect to which additive the Secretary has determined that the benefits derived from the availability of the additive outweigh the dangers its availability poses to the public health and safety; and (ii)"; and

(2) by adding after and below subparagraph (B) the following:

"In the case of a food additive with respect to which the Secretary has made the determination described in subparagraph (A)(i), the Secretary may include in a regulation promulgated under this section for such additive such restrictions on the use of the additive as the Secretary considers appropriate. The term "restrictions" includes: (i) continued availability of the additive to the public while appropriate testing continues, to verify the results of prior tests; or (ii) a

requirement that foods containing such additive be labeled with warnings that consumption of such additive may be dangerous to the health of the consumer; or (iii) a requirement, in the instance of greatest public danger combined with the least probable public benefit from continued availability of the additive, that such additive be available to the public by physician's prescription only.".

LEGISLATION PROVIDING FOR DISPOSITION OF FUNDS TO PAY A JUDGMENT IN FAVOR OF COWLITZ TRIBE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. BONKER) is recognized for 5 minutes.

Mr. BONKER. Mr. Speaker, I, along with my colleague, NORM DICKS of the State of Washington, am introducing legislation to provide for the distribution of funds appropriated to pay a judgment in favor of the Cowlitz Tribe of Indians in Indian Claims Commission docket No. 218.

We are introducing this legislation at the request of the Cowlitz Indian Tribe. They assure me that the tribe stands united in this request and that no faction within the enrolled membership is in opposition to this plan.

In 1973 the Cowlitz Tribe accepted a compromise settlement in docket No. 218 and the Indian Claims Commission awarded the tribe $1,550,000 for land taken without benefit of treaty or compensation. The tribe then presented its plan for distribution of the judgment awarded to the Secretary of the Interior.

On November 4, 1974, the Secretary submitted a plan for distribution of the judgment award that was diametrically opposed to that submitted by the Cowlitz Tribe. The tribe, however, was not notified of the Secretary's plan and only became aware of it shortly before it would have become law.

The tribe then appealed to Congressman LLOYD MEEDS and to Senators MAGNUSON and JACKSON from the State of Washington. On March 16, 1975, H.R. 5090 and S. 1334 were introduced. On December 15, 1975, the House passed H.R. 5090 after deleting section III(1) that provided for $10,000 to be set aside by the Secretary for the purchase of lands for the benefit of the Cowlitz Indian Tribe. No action was taken by the Senate after the hearing of record and the bills died with the adjournment of the 94th Congress.

We feel that this session of Congress should settle this matter through legislation which enables members of the Cowlitz Indian Tribe to receive the benefit of this land claim settlement before another year passes.

This bill has one difference from the previous bill. The tribe is requesting that 20 percent of the claim settlement be set aside for the acquisition of land, to be held in trust for the Cowlitz Indian Tribe. The amount requested is $310,000. This is an increase of $300,000 over the amount requested in 1975.

On this request, Congressman DICKS joins with me in requesting that hearings be held by the committee to which the bill is assigned, so that members of the Cowlitz Tribe may present to the committee their reasons for increasing the amount. Also, their reasons why it is absolutely essential that the money for the land acquisition be set aside in this fashion should be shared with the committee. We have no position on this issue. We feel the committee, after hearing the testimony of the Cowlitz Tribe, will be best qualified to make the decision.

Text of the bill follows:

H.R. —

An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Cowlitz Tribe of Indians in Indian Claims Commission docket numbered 218 and for other purposes

Be it enacted b the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of July 1, 1973 (87 Stat. 99), to pay a judgment to the Cowlitz Tribe of Indians in Indian Claims Commission docket numbered 218, together with the interest thereon, after payment of attorney fees and litigation expenses, and such expenses as may be necessary in effecting the provisions of this Act, shall be distributed as provided herein.

SEC. 2. (a) The Secretary of the Interior shall prepare a roll of all persons—

(1) who were born on or prior to and living on the date of this Act;

(2) who are lineal descendants, of one-sixteenth degree or more of Cowlitz blood, of members of the Cowlitz Tribe of Indians as it existed in 1863; and

(3) whose name or the name of a lineal ancestor appears as a Cowlitz Indian on any available census roll or other record or evidence acceptable to the Secretary.

(b) Applications for enrollment must be filed in the manner and within the time limits prescribed by the Secretary for that purpose. The determination of the Secretary regarding the utilization of available rolls or records and eligibility for enrollment of an application shall be final.

(c) No person shall be enrolled pursuant to this section as a descendant of the Cowlitz Tribe if such person has shared in or is eligible to share in a per capita distribution of a judgment against the United States recovered by any other tribe, except through inheritance, nor shall any person be so enrolled if such person is currently enrolled as a member of any other Indian Tribe.

SEC. 3. The funds authorized to be distributed herein shall be distributed as follows:

(1) Three hundred ten thousand dollars shall be set aside by the Secretary (Twenty per cent of judgment award, in compliance with P.L. 93-134) prior to per capita distribution, for the purchase of land to be held in trust for the Cowlitz Tribe. Site of said land to be subject to the approval of the Cowlitz Tribe.

(2) The balance shall be distributed by the Secretary per capita to those eligible for enrollment. Sums payable to adult living enrollees or adult heirs of deceased enrollees shall be paid directly to such persons. Sums payable to living enrollees who are minors or under legal disability shall be paid in accordance with such procedures, including the establishment of trust, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

SEC. 4. The provisions of section 7 of the Act of October 19, 1976 (87 Stat. 466) shall apply to funds distributed pursuant to this Act.

SEC. 5. The Secretary of the Interior is authorized to promulgate rules and regulations necessary to carry out the provisions of this Act.

CONGRESSMEN WEISS, UDALL, AND SEIBERLING URGE PROHIBITION OF SPENDING FOR SST IN H.R. 4088

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WEISS) is recognized for 5 minutes.

Mr. WEISS. Mr. Speaker, we have sent the following letter to our colleagues urging them to halt back door efforts to construct a supersonic transport without explicit congressional consent:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 16, 1977.

DEAR COLLEAGUE: On this Thursday, March 17th, H.R. 4088 (the National Aeronautics and Space Administration Authorizations for Fiscal Year 1978) will be considered on the floor of the House.

At first glance this bill seems to be a routine authorization bill, but in reality it is not.

On page 18 and 19 of the accompanying House Science and Technology Committee report (H. Rept. 95-67), NASA is required to undertake a study for an "overall program plan" for developing and constructing a Supersonic Transport. According to this report it is in the national interest for NASA in conjunction with the Departments of Transportation and Defense and EPA to conduct comprehensive planning to insure that a Supersonic Transport (SST) will be ready for airports in the U.S. by the early 1980's. The Committee mandated that this plan be ready by September 1977.

In mandating the NASA overall plan the House Science and Technology Committee renames the SST as the AST or Advanced Supersonic Transport. The Committee asks that we fund studies for this AST—somehow indicating that this is different from an SST. An SST is still an SST even if you call it an AST!

As you know, on March 18, 1971 (almost 6 years ago to date) both houses of Congress rescinded governmental funding of the SST on the basis of environmental concerns, excessive cost, and apparent lack of profitability.

This bill would permit NASA to carry out research with the prime purpose of developing such an SST as was rejected by Congress six years ago. There are tremendous doubts, already, about the European SST—Concorde. We believe it is an important matter which the whole House should decide.

We will introduce an amendment on the floor Thursday to preclude the use of funds for this study until such funding is specifically authorized by subsequent act of Congress.

We urge your support of this amendment.

Sincerely,

JOHN F. SEIBELING.
TED WEISS.
MORRIS K. UDALL.

SOCIAL SECURITY RIGHTS ACT

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, today I am reintroducing the Social Security Rights Act to insure that the Social Security Administration—SSA—will take the steps necessary to improve its operations in order to eliminate its hearing backlog and claim processing delays.

The need for good government service was eloquently stated by Health,

Education, and Welfare Secretary Califano last week when he announced the reorganization of HEW:

Making government work is not glamorous. It is simply necessary, for without basic competence government cannot—and should not—have the confidence of the American people.

Enactment of the Social Security Rights Act would make the Social Security Administration work again.

In 1975, when the social security "hearings crisis" reached its peak, there were 111,000 requests for hearings pending, mainly on social security disability claims, and the median processing time was 224 days. Subsequently, the Congress passed legislation in December 1975 which SSA indicated would enable it to reduce the huge backlog of cases to approximately 75,000 and the median processing time to 90 days by July 1977. It is now March 1977, and the latest available figures—January 1977—show that although the backlog has been reduced to 81,592, the median processing time is still a long 220 days—after soaring to 304 days in January 1976. In the Cleveland Hearing Office, where my constituents' claims are heard, the median processing time is even higher, 266 days. Clearly, SSA will not reach its processing time goal. In fact, SSA officials report that they have entirely abandoned this goal. It is evident that the Social Security Rights Act is needed more than ever.

The Administrative Procedure Act—section 555h—requires that "within a reasonable time, each agency shall proceed to conclude a matter presented to it." For the last 7 years, the median processing time for SSA hearings has been wholly unreasonable by any standard. Since 1970, hundreds of thousands of social security disability claimants have been denied their right to decisions on their claims within a reasonable time.

On October 29, 1976, the U.S. District Court, District of Connecticut, in White against Mathews, ordered the Department of Health, Education, and Welfare to incrementally reduce hearing processing time in Connecticut to 120 days by July 1978. In his September 29 ruling in this case, District of Connecticut Chief Judge T. Emmet Clarie found the "lengthy and persistent delays" deny "due process rights to aggrieved applicants and conflicts with the statutory purposes and provisions of the Social Security and Administrative Procedure Acts." The court further ordered that HEW "grant prospective payments to those claimants who fail to receive their final decision within the maximum delays" in the order.

The court's finding for reasonable action by SSA is consistent with section 3 of the Social Security Rights Act which would place a limit of 120 days on the amount of time SSA can spend in processing social security benefit claims at the hearing level. It would give claimants the right to request and to receive emergency payments within 10 days, based on their earnings records, if they have not received notification of decisions on their claims within 120 days, or if their claims have been approved but their benefit payments delayed.

The time limits set forth in the Social Security Rights Act are entirely reasonable. They are based on the average processing times SSA experienced in the late sixties before additional program responsibilities and increased claim submissions adversely affected SSA's processing ability and they give SSA an additional 30-days leeway.

The idea of setting time limits for processing Government benefit claims is not new. It has worked well under the food stamp program where applications for benefits must be reviewed and decided within 30 days and in the aid to families with dependent children program where the limit is 45 days. More recently, pursuant to title II of the Social Security Act, which requires that States administer unemployment insurance programs in such a way "to insure full payment of unemployment compensation when due," the Labor Department issued regulations requiring claims to be paid within 15 days.

If time limits are appropriate and workable for these programs, how can we not justify providing needy social security claimants with similar rights? Census Bureau statistics show that approximately 25% of families with incomes below the poverty level are social security recipients. Most claimants have contributed regularly with every paycheck to their social insurance and they deserve to have their cases considered promptly.

When Congress passed the black lung and SSI programs, the social security disability program and the SSA appeals system suffered tremendously. Although at the time, SSA overestimated its ability to take on these programs, surely Congress must take the final responsibility for the imposition of extra burdens on SSA and consequent delays in claim decisions. The Social Security Rights Act will require both the SSA and the Congress to address in a realistic manner how new programs or program revisions can be administered by SSA.

This point is important in view of legislation I understand may pass the Congress this session which would require the review of some 70,000 black lung cases again by SSA and in view of the possibility of the passage of a national health insurance program in the not too distant future. Furthermore, we must now take into account the additional burden being placed on SSA as a result of HEW Secretary Califano's reorganization order which puts the Assistance Payments Administration and other organization units related to aid to families with dependent children under SSA.

In a report issued on October 1, 1976, titled "Problems and Progress in Holding Timelier Hearings for Disability Claimants," the General Accounting Office, GAO, recommended several steps the SSA should take to eliminate its hearing delays, including some which apparently would incur little additional costs. However, the GAO believes, with regard to hearing delays, that "the most serious problem is the backlog." GAO concluded that reasonable processing time cannot be achieved until the "backlog is considerably reduced." In the past 18 months, SSA's Bureau of Hearings and Appeals has reduced the backlog from from 110,000 to approximately 81,500. The Bureau estimates that a workable backlog is around 70,000 cases. It appears that SSA has the capability to reduce its backlog by another 10,000 by the end of 1977. However, passage of the Social Security Rights Act will insure that SSA will stay on the right track and that the kind of crisis which occurred in the early seventies will not happen again.

Furthermore, while the White decision—referenced above—is a most welcome one, the net result will be that SSA will divert administrative law judges from other hearing offices to bring the Bureau of Hearings and Appeals in Connecticut into compliance with the court order—worsening the hearing delays elsewhere. We cannot have piecemeal justice for disability and other SSA claimants depending on where they live and whether they have the resources to take SSA to court to get prompt action on their claims. Clearly, national legislation is needed.

Social security programs reach almost all Americans at some point in their lives. The SSA disability and appeals systems have been in deep trouble for many years, and Congress can no longer ignore its responsibility for this situation. We must act to resolve it by setting fair and reasonable standards for SSA claim processing and benefit services to the public and by providing SSA with any additional personnel and other resources they may require to meet these standards. Enactment of the Social Security Rights Act would insure the achievement of the purpose of social security programs, to provide insurance against loss of earnings in the event of retirement, death, or disability.

A summary and copy of the bill I introduced follows these remarks:

SECTION-BY-SECTION ANALYSIS

The purpose of the Social Security Rights Act is to give individuals the right to receive emergency benefit payments under three circumstances: First, if they experience long delays in obtaining decisions on their social security claims; second, if they experience long delays in obtaining benefits for claims already approved; or third, if they are already receiving social security benefits and their monthly benefits are interrupted for no apparent reason.

Section 2 of the Social Security Rights Act would permit individuals, who are already receiving social security benefits and whose check does not arrive within 5 days of the date regularly fixed for delivery, to submit a request to the Social Security Administration for a replacement benefit check. The Social Security Administration would be required to provide any individual submitting such a request with a duplicate check, or an explanation as to why he or she is not entitled to receive it, within 10 days.

Section 3 of the Social Security Rights Act would place limitations on the amount of time the Social Security Administration can spend in processing

social security benefit claims at all levels of the determination and appeal process as follows: Initial claims, 90 days; reconsideration requests, 90 days; hearing requests, 120 days; and Appeals Council reviews, 120 days. The act would also give claimants the right to request and to receive emergency payments within 10 days, based on their earnings records, if they have not received notification of decisions on their claims within the specified periods of time, or if their claims have been approved but their benefit payments delayed.

H.R. 5151

A bill to amend title II of the Social Security Act to require that procedures be established for the expedited replacement of undelivered benefit checks, to require that decisions on benefit claims be made within specified periods and to require that payment of benefits on approved claims begin promptly

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Social Security Rights Act."

EXPEDITED REPLACEMENT OF LOST, STOLEN, OR UNDELIVERED BENEFIT CHECKS

SEC. 2. (a) Section 205 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"Expedited Replacement of Lost, Stolen, or Undelivered Benefit Checks

"(r) In any case in which the check issued to or for an individual in payment of any benefit due him or her under this title is lost or stolen or for any other reason has not reached him or her on the day regularly fixed for delivery of such check or within five days thereafter, such individual may submit to the Secretary a written request (in such manner and form as the Secretary shall prescribe in regulations) for the issuance of a new check in replacement thereof; and the Secretary shall take such action as may be necessary to assure that, within no more than ten days after such request is submitted, either (1) the replacement check is issued and delivered to such individual as requested or (2) a full and complete explanation of the reasons why the individual is not entitled to the check for which he or she has requested a replacement shall be furnished to the individual in writing.".

(b) Section 205(q) of such Act is amended by adding at the end thereof the following new paragraph:

"(6) Nothing in this subsection shall require any individual to utilize the procedures established under paragraph (1) with respect to any allegation or claim, in lieu of the procedures established under subsection (r), if the allegation or claim is one to which subsection (r) is applicable.".

TIME LIMITATIONS FOR DECISIONS ON BENEFIT CLAIMS AND FOR PAYMENT OF BENEFITS ON APPROVED CLAIMS

SEC. 3. Section 205(b) of the Social Security Act is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraphs:

"(2)(A) Subject to subparagraph (B)—

"(i) the decision of the Secretary as to the rights of any individual initially applying for a payment under this title shall be made within ninety days after application for such payment is filed;

"(ii) the decision of the Secretary on a reconsideration of any decision described in clause (i) shall be made within ninety days after application for such reconsideration is filed;

"(iii) the decision of the Secretary upon any hearing held with respect to any decision described in clause (i), whether affirming, modifying, or reversing such decision, shall be made within one hundred and twenty days after the request for such hearing is filed; and

"(iv) the decision of the Secretary upon any Appeals Council review held with respect to any decision described in clause (i), whether affirming, modifying, or reversing such decision, shall be made within one hundred and twenty days after the request for such a review is filed or after the Appeals Council itself makes a decision to review a decision.

"(B) If any decision with respect to the right of an individual to any monthly benefit under this title is not made within the period specified in the applicable clause of subparagraph (A), such individual shall upon request (and within ten days of making such request) be paid an amount equal to such monthly benefit as determined solely on the basis of such individual's application and the applicable record of wages and self-employment income; and if such decision remains unmade at the end of any calendar month beginning after the close of such period, such individual shall upon request (and within ten days of making such request) be paid an additional amount equal to such benefit as so determined

"(C) Amounts paid to an individual under subparagraph (B) shall in no event be considered overpayments for purposes of section 204.

"(3) Whenever an individual claim to monthly benefits under this title is approved, payment of such benefits shall begin no later than the day regularly fixed for delivery of benefit checks in the second month following the month in which the claim was approved. If the benefit check is not received by such individual on such day or within the succeeding five days thereafter, such individual shall upon request (and within ten days of making such request) be paid an amount equal to the monthly benefit so approved; and if the benefit check is not received by such individual on the day regularly fixed for delivery of checks in any subsequent months or within five days thereafter, such individual shall upon request (and within ten days of making such request) be paid an additional amount equal to the monthly benefit so approved.".

EFFECTIVE DATES

SEC. 4. The amendments made by section 2 shall apply with respect to checks issued in payment of amounts due for months after the month in which this Act is enacted. The amendments made by section 3 shall apply with respect to applications (for payment or reconsideration) and requests (for hearings or appeals Council Review) made, and claims approved, on or after the date of the enactment of this Act.

RULES OF THE SELECT COMMITTEE ON ASSASSINATIONS AS ADOPTED MARCH 7, 1977

(Mr. STOKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STOKES. Mr. Speaker, I submit the following rules adopted by the Select Committee on Assassinations:

RULE 1—GENERAL PROVISIONS

1. The Rules of the House, and in particular the Committee rules enumerated in Clause 2 of Rule XI, are the rules of the Select Committee on Assassinations, to the extent applicable, and by this reference are incorporated. Any subcommittee shall be part of the committee, and subject to the authority and direction of the committee and to its rules so far as applicable.

RULE 2—MEETINGS

2.1 The regular meeting time of the Committee is 10:00 a.m. on every Monday, Tuesday and Thursday of each month when the House is in session. Additional meetings may be called by the Chairman as he may deem necessary or at the request of a majority of the Committee in accordance with Clause 2(c) of Rule XI of the House of Representatives.

2.2 The Committee and any subcommittee thereof may not sit, without special leave, while the House is reading a measure for amendment under the five-minute rule.

2.3 In accordance with Clause 2(g) of Rule XI, each meeting of the Committee or any subcommittee thereof, shall be open to the public except when the Committee or subcommittee, in open session and with a majority present determines by roll call vote that all or part of the remainder of the meeting shall be closed to the public: *Provided However*, that no persons other than Members of the committee, such congressional staff as they may authorize, shall be present at any meeting which has been closed to the public.

2.4 *Record votes.* A roll call vote of the Committee may be had on the request of one Member. The result of each roll call vote shall be recorded and the record shall be made available for inspection by the public at reasonable times at the Committee office. Such record shall include a description of the amendment, motion, order or other proposition; the name of each Member voting for or against, and whether by proxy or in person, and the Members present but not voting.

2.5 *Quorum.* One-third of the committee shall constitute a quorum for the purposes of transacting business other than reporting. However, a quorum for the purpose of taking testimony and receiving evidence by the committee or a subcommittee shall consist of two Members.

2.6 *Records.* It shall be the duty of the Clerk and Staff Director to keep or cause to be kept a verbatim transcript of all committee or subcommittee proceedings, including the record of votes on any matter on which a record vote is taken and of all quorum calls together with all motions, points of order, parliamentary inquiries, rulings of the chair and appeals therefrom. The record shall show those Members present at each meeting.

2.7 *Proxies.* A vote by any Member in the committee or in any subcommittee may be cast by proxy, but such proxy must be in writing for use during each roll call in which such Member's proxy is to be voted. Each proxy shall designate the Member who is to execute the proxy authorization and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a Member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the Member assigning his vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum. The Member does not have to appear in person to present the proxy.

2.8 *Notice of Meetings.* The Chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least 1 week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing

at an earlier date. In the latter event the chairman or the subcommittee chairman whichever the case may be shall make such public announcement at the earlier possible date. The Clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

RULE 3—HEARING PROCEDURES

3.1 *Participation of Members.* All other Members of the committee may have the privilege of sitting with any subcommittee during its hearing or deliberations and may participate in such hearings or deliberations, but no such Member who is not a Member of the subcommittee shall vote on any matter before such subcommittee.

3.2 *Interrogation of Witnesses.* Committee Members may question witnesses only when they have been recognized by the Chairman for that purpose, and only for a 5-minute period until all Members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one Member can be extended only with the unanimous consent of all Members present. The questioning of witness in both full and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority party Member and all other Members alternating between the majority and minority. In recognizing Members to question witnesses, in this fashion, the Chairman shall take into consideration the ratio of the majority to minority Members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the Members of the majority. The Chairman may accomplish this by recognizing two majority Members for each minority Member recognized. The Chairman or any Member may recognize staff counsel for the purpose of questioning a witness for a period to be determined by the Chairman.

3.3 *Additional Rules.* The following additional rules shall apply to all investigative hearing procedures:

(1) The Chairman at an investigative hearing shall announce in the opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The Chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) If the committee determines that evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person, it shall—

(a) receive such evidence or testimony in executive session;

(b) afford such person an opportunity voluntarily to appear as a witness; and

(c) receive and dispose of requests from such person to subpena additional witnesses.

(6) Except as provided in subparagraph (5), the Chairman shall receive and the committee shall dispose of requests to subpena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee.

(8) In the discretion of the Committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Committee.

3.4 Witness' counsel may submit written questions to be propounded to his or her client. Such questions will be asked by the Committee if a majority of the members consent.

3.5 Any objection by witness' counsel must be specifically ruled upon by the chairman or presiding member and such rulings shall be the ruling of the Committee, unless a disagreement thereon is expressed by a majority of the Committee present. In the case of a tie, the rule of the chair will prevail.

3.6 The Chairman of the Committee or subcommittee shall offer each witness and/or counsel, at the conclusion of his or her testimony, the opportunity to explain or amplify that testimony. The time afforded each witness or counsel shall not exceed 5 minutes, unless extended for good cause by the Chairman. The Committee or subcommittee may ask additional questions to the witness at the conclusion of any such explanation or amplification.

3.7 If a witness who desires counsel, but is financially or otherwise unable to secure counsel, informs the Committee in writing at least 48 hours in advance of his or her inability to retain counsel, the Committee will secure *voluntary* independent counsel for the witness. Such attempts by the Committee to secure counsel will not include the payment of fees to an attorney representing a witness at a Committee hearing. Failure of a witness to agree to the counsel provided will not excuse the witness from appearing and testifying.

3.8 A witness shall, upon request, be given an opportunity to inspect the preliminary transcript of his or her testimony to determine whether it was correctly transcribed and may be accompanied by his or her counsel during such inspection. If the testimony was given in executive session, the witness may only inspect the preliminary transcript at a location to be determined by the Committee. Any corrections in the transcription of the testimony of the witness which the witness desires to make shall be submitted in writing to the Committee within 5 days after the transcription of his or her testimony. However, changes shall only be made for the purpose of making minor grammatical corrections and editing, and not for the purpose of changing the substance of the testimony. Any questions arising with respect to such editing shall be decided by the Chairman.

The Committee will furnish the witness a copy of the transcript of his or her testimony when it is made public, at no expense.

RULE 4—STATEMENTS UNDER OATH BY DESIGNATED COUNSEL

4.1 Pursuant to House Resolution 222, Counsel on the committee staff may be designated to obtain statements from a witness who is placed under oath by an authority who is authorized to administer oaths in accordance with the applicable laws of the United States or of any State.

4.2 Subpoenas may not be utilized to obtain such statements. Counsel must advise the person that such statements are voluntary. The person giving a statement shall be provided a copy of that statement by designated counsel. Such statements are not to be considered testimony before the committee, but may be used by the committee or its staff in pursuing investigative leads and as a basis for questioning witnesses before the committee; and may be incorporated as part of the record only when (a) the person is dead or (b) the committee determines that in the interest of justice and economy, with due regard to the importance of presenting oral testimony, the statement should be so used.

4.3 Witnesses giving statements under oath to designated counsel must be advised by counsel that they have the right to have their own counsel while giving such statements.

RULE 5—SUBPENAS

5.1 *Procedure.* Subpenas shall be issued only in accordance with the procedure specified in Clause 2(m)(2)(A) of Rule XI of the Rules of the House of Representatives. Each subpena shall be served with a copy of H. Res. 222, 95th Congress, first session, and a copy o fthe Rules of this Committee which are in effect at the time of issuance of the subpena.

5.2 *Power to Sit and Act; Subpena Power.*

(a) For the purpose of carrying out any of its functions and duties under House Resolution 222 the Committee or subcommittee is authorized (subject to subparagraph (b)(1) of this paragraph)—

(1) to sit and act at such times and places within the United States, including any Commonwealth or possession thereof, or in any other country, whether the House is in session, has recessed, or had adjourned, and to hold such hearings, and

(2) to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tangible objects, and other things of any kind, as it deems necessary. The Chairman of the Committee or subcommittee, or any Member designated by the Chairman, may administer oaths to any witness.

(b)(1) A subpena may be authorized and issued by the Committee or subcommittee under subparagraph (a)(2) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the Members voting, a majority being present. The power to authorize and issue subpenas under subparagraph (a)(2) may be delegated to the Chairman of the Committee or subcommittee pursuant to such rules and under such limitations as the Committee or subcommittee may prescribe. Authorized subpenas shall be signed by the Chairman of the Committee or subcommittee or any Member designated by the Committee or subcommittee.

(c) Compliance with any subpena issued by the committee under subparagraph (a)(2) may be enforced only as authorized or directed by the House.

5.3 Except as otherwise specifically authorized by the Committee, no Member of the Committee or staff shall make public the name of any witness subpenaed by the Committee.

5.4 Witnesses shall be subpenaed at a reasonably sufficient time in advance of any hearing in order to give the witness an opportunity to prepare for the hearing, employ counsel should (s)he so desire, and/or produce the materials called for by a subpena *duces tecum*. The Committee shall determine, in each particular instance what period of time constitutes reasonable notice; however, in no case shall it be less than 24 hours, unless the witness waives such notice.

RULE 6—BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS AND GENERAL PRESS POLICY OF THE COMMITTEE

6.1 Upon approval by the Committee, all Committee and subcommittee hearings which are open to the public may be covered, in whole, or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage.

6.2 The Chairman of the full Committee or the Chairman of the subcommittees are authorized to determine on behalf of the full Committee or its subcommittees, respectively, whether hearings which are open may be broadcast, unless the committee or its subcommittees respectively by majority vote determine otherwise.

6.3 Permission for such coverage shall be granted only under the following conditions:

(1) Live coverage by radio or television shall be without commercial sponsorship.

(2) No witnesses served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in the room. The allocation among the television media of the positions of television cameras in the room shall be in accordance with fair and equitable procedures as devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any Member of the Committee or the visibility of that witness and that Member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Television and radio media equipment shall not be installed in, or removed from, the room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used, except that the television media may install additional lighting in the room, without cost to the government, in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage at the then current state of the art.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the Members of the Committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage by the other media.

(11) Television and radio media personnel shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Still photography personnel shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

6.4 The staff of the Committee shall not discuss with anyone outside the staff either the substance or procedure of their work or that of the Committee unless specifically authorized by the Chairman or the Subcommittee Chairman.

RULE 7—INVESTIGATIVE GUIDELINES

7.1 *Tape Recordings.* No conversation of Committee Members or staff with any person shall be recorded without the prior knowledge and/or written consent of the person whose conversation is to be recorded. A transcribed copy of any recording so made will be furnished to the recorded party upon his or her request, at no expense to the recorded party.

7.2 (a) *Polygraphs.* No person will be required to take a polygraph test, nor shall any such tests be made or given without the specific, written authorization of the person concerned. No such tests may be made or given without the specific, prior and written authorization of a majority of the Committee or subcommittee, a majority being present. No such test may be used as a basis for a finding of fact, or be referred to in any public report or public hearing. Results of any such test shall not be disclosed to any person, other than the person tested, who is not a Member of the Committee or staff employee authorized by the Chairman. Nor shall the failure or agreement to take a polygraph test form the basis of any finding of fact, or be referred to in any public report or public hearing, or be otherwise publicly disclosed.

(b) *Voice Analysis.* No recording made with the permission of the recorded party pursuant to Rule 7.1 shall be subject to mechanical voice analysis without a written consent from the recorded party specifically authorizing such analysis. No such tests may be made or given without the specific, prior and written authorization of the Committee or subcommittee, a majority being present. Results of any such test shall not be disclosed to any person, other than the person tested, who is not a Member of the Committee or staff employee authorized by the Chairman. Neither the results of any such test nor the failure or agreement to take such test shall form the basis of any finding of fact, or be referred to in any public report or public hearing, or be otherwise publicly disclosed.

7.3 *Electronic Surveillance; Wiretapping.* There shall be no electronic surveillance or wiretapping of any person.

7.4 *Interrogations.* In all interrogations of prospective witnesses, committee investigators and counsel shall first identify themselves as representatives of the Select Committee on Assassinations of the United States House of Representatives and shall present official credentials issued by the Clerk of the House. The investigator or counsel shall advise each such person of the nature of the investigation being conducted.

7.5 Prior to the utilization of any investigative techniques not otherwise covered by these Rules, such techniques would be discussed and voted upon by the full Committee.

RULE 8—TRAVEL

8.1 *Travel of Member and Staff.*

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee Members and staff. Travel to be reimbursed for any Member or any staff Member shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any Member and any staff Member in connection with the attendance of hearings conducted by the Committee of any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(1) the purpose of the travel;

(2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) the location of the event for which the travel is to be made; and

(4) the names of Members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of Members and staff of the Committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conference involving activities or subject matter under the legislative assignment of the Committee or pertinent subcommittee, prior authorization must be obtained from the Chairman. Before such authorization is given, there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authoriezd together with a description of the purpose to be served and the areas of Committee jurisdiction involved; and

(E) the names of Members and staff for whom authorization is sought.

(2) Requests for travel outside the United States shall be initiated by the Chairman and shall be limited to Members and permanent employees of the Committee

(3) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or Members and staff attending meeting or conferences) shall submit a written report to the Chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Select Committee on Assassinations pertaining to such travel.

RULE 9—PROCEDURES, REGULATIONS AND RULES

9. The Rules, Regulations, and Procedures of the Select Committee on Assassinations shall be established, modified, amended or repealed only by a majority vote of the committee, a majority of the committee being present, provided that prior written notice of the proposed change has been provided each Member of the committee not less than 48 hours before those changes are to be discussed by the committee.

RULE 10—PROCEDURES FOR HANDLING ASSASSINATIONS INQUIRY MATERIAL

10.1 Before the commencement of any presentation at which testimony will be heard or papers and things considered, each Committee Member will be furnished with a list of all papers and things that have been obtained by the Committee by subpoena or otherwise. No Member shall make the list or any part thereof public unless authorized by a majority vote of the committee, a quorum being present.

10.2 The chief counsel, after discussion with the chairman and the ranking minority Member, shall initially recommend to the Committee the testimony, papers, and things to be presented to the Committee. The determination as to whether such testimony, papers, and things shall be presented in open or executive session shall be made pursuant to the rules of the House and of this Committee.

10.3 Before the Committee is called upon to make any disposition with respect to the testimony or papers and things presented to it, the Committee Members shall have a reasonable opportunity to examine all testimony, papers, and things that have been obtained by the inquiry staff. No Member shall make any of that testimony or those papers or things public unless authorized by a majority vote of the Committee, a quorum being present.

10.4. All examination of papers and things other than in a presentation shall be

made in a secure area designated for the purpose. Copying, duplicating, or removal of classified or other material deemed sensitive by the Committee is prohibited except where authorized by a Member.

10.5 Any Committee Member may bring additional testimony, papers, or things to the Committee's attention.

10.6 Only testimony, papers, or things that are included in the record will be reported to the House; all other testimony, papers, or things will be considered as executive session material.

10.7 The Committee or its subcommittees will at all times endeavor to obtain access to full, complete and unedited material considered relevant for its investigations and now held by any local, state or federal criminal justice or intelligence agency.

Any agreements regarding Committee or subcommittee access to agency files made between the Committee and the appropriate local, state, or federal agency will be made by majority vote of the full Committee.

Rule 11—Rules for the Assassinations Inquiry Staff

In addition to rules of conduct for staff contained in other rules of this Committee and the House, the following rules shall apply:

11.1 Staff officers of the Committee shall operate under strict security precautions. One guard shall be on duty at all times to control entry. All persons entering the Committee area shall identify themselves.

11.2 Classified or other material the Committee deems sensitive shall be segregated in a secure storage area. They may be examined only at supervised reading facilities within the secure area. Copying or duplicating of such documents and other things is prohibited except upon the authorization of a Committee Member.

11.3 Access to classified information supplied to the committee shall be limited by the Committee and chief counsel to those Committee staff members with appropriate security clearances and a need to know and to a designated personal staff member of each Committee Member, that personal staff member also having the appropriate security clearances and a need to know.

11.4 Testimony taken or papers and things received by the staff shall not be disclosed or made public by the staff unless authorized by a majority of the Committee.

11.5 Executive session transcripts and records shall be available to designated staff for inspection in person but may not be released or disclosed to any other person without the consent of a majority of the Committee.

11.6 The professional and clerical staff of the Committee shall be appointed and their remuneration determined in such manner as the Committee shall determine by a majority vote, a majority of the Committee being present, within the budget approved for such purposes by the Committee.

The professional and clerical staff of the Committee:

(A) shall be appointed without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions;

(B) shall not be assigned any duties other than those pertaining to Committee business.

The Committee may terminate the services of any professional or clerical staff member by a majority vote, a majority of the Committee being present.

RULE 12—SUBCOMMITTEES

12.1 Each subcommittee is authorized to exercise all powers conferred on subcommittees by the Resolution establishing the Select Committee on Assassinations, including but not limited to the authority to meet, hold hearings, authorize subpenas, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee Chairman shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee Chairman with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

12.2 There shall be the following standing subcommittees of the Select Committee on Assassinations:

(a) Subcommittee on the Assassination of John F. Kennedy; and

(b) Subcommittee on the Assassination of Martin Luther King, Jr.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STUMP, for March 16 and 17, on account of official business.

Mr. KETCHUM (at the request of Mr. RHODES), for today and the balance of the week, on account of official business.

Mr. BOLAND, for the balance of the day and March 17, on account of official business.

Mr. JONES of North Carolina (at the request of Mr. WRIGHT), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LEACH) to revise and extend their remarks and include extraneous matter:)

Mr. KEMP, for 10 minutes, today.

Mr. CONABLE, for 10 minutes, today.

Mr. MCKINNEY, for 5 minutes, today.

Mr. YOUNG of Florida, for 10 minutes, today.

Mr. GRASSLEY, for 5 minutes, today.

Mr. DON H. CLAUSEN, for 15 minutes, today.

Mr. ASHBROOK, for 1 hour, on March 22, 1977.

Mr. RUDD, for 1 hour, on March 22, 1977.

Mr. STEERS, for 10 minutes, today.

Mr. MCDADE, for 5 minutes, today.

(The following Members (at the request of Mr. BARNARD), to revise and extend their remarks, and to include extraneous matter:)

Mr. SHARP, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. HEFTEL, for 10 minutes, today.

Mr. UDALL, for 5 minutes, today.

Mr. PERKINS, for 10 minutes, today.

Mr. DIGGS, for 5 minutes, today.

Mr. VAN DEERLIN, for 5 minutes, today.

Mr. ASPIN, for 15 minutes, today.

Mr. FLOOD, for 5 minutes, today.

Mr. BINGHAM, for 5 minutes, today.

Mr. KRUEGER, for 5 minutes, today.

Mr. BONKER, for 5 minutes, today.

Mr. WEISS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FORD of Michigan, and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,691.

Mr. PEPPER, remarks to precede vote on Obey amendment.

Mr. PATTEN, remarks to precede vote on Obey amendment.

Mr. CONTE, remarks to precede vote on Obey amendment.

Mr. WON PAT, immediately following the remarks of Mr. PHILIP BURTON on his amendment offered in the Committee of the Whole today.

(The following Members (at the request of Mr. LEACH) and to include extraneous material:)

Mr. KEMP in three instances.

Mr. JOHNSON of Colorado.

Mr. DERWINSKI in three instances.

Mr. STEIGER.

Mr. MCKINNEY.

Mr. MCCLOSKEY.

Mr. HYDE.

Mr. RUDD in six instances.

Mr. STEERS in two instances.

Mr. MARTIN in two instances.

Mr. RINALDO.

Mr. SYMMS.

Mr. ANDERSON of Illinois in two instances.

Mr. GILMAN.

Mr. MCCLORY in three instances.

Mr. ABDNOR.

(The following Members (at the request of Mr. BARNARD) and to include extraneous matter:)

Mr. SOLARZ.

Mr. FARY.

Mr. GONZALEZ in three instances.

Mr. ANDERSON of California in three instances.

Mr. ROSE.

Mr. JACOBS in two instances.

Mr. LE FANTE.

Mr. LONG of Maryland.

Mr. FISHER in two instances.

Mr. MAZZOLI in two instances.

Mr. MOAKLEY.

Mr. MCDONALD in four instances.

Mr. CHARLES H. WILSON of California in two instances.

Mr. HAMILTON.

Mr. SIMON.

Mr. BLOUIN.

Mr. EILBERG.

Mr. DRINAN in two instances.

Mr. BEVILL.

Mr. WIRTH.

Mr. STOKES.

Mr. STARK.

Mr. EDWARDS of California in two instances.

Mr. ZEFERETTI.

Mr. VENTO.

Mr. OBERSTAR.

Mr. EDGAR.

Mr. BONKER.

Mr. OTTINGER.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 925. An act to provide temporary authorities to the Secretary of the Interior to facilitate emergency actions to mitigate the impacts of the 1976–77 drought; to the Committee on Interior and Insular Affairs.

ENROLLED BILLS SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1746. An act to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome; and

H.R. 3839. An act to rescind certain budget authority recommended in the message of the President of January 17, 1977 (H. Doc. 95–48), transmitted pursuant to the Impoundment Control Act of 1974.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following title:

H.R. 1746. To amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome; and

H.R. 3839. To rescind certain budget authority recommended in the message of the President of January 17, 1977 (H. Doc. 95–48), transmitted pursuant to the Impoundment Control Act of 1974.

ADJOURNMENT

Mr. BARNARD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 18 minutes p.m.), the House adjourned until tomorrow, Thursday, March 17, 1977, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1029. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics) transmitting the annual report for fiscal year 1976 on independent research and development and bid and proposal costs, pursuant to section 203(c) of Public Law 91–441; to the Committee on Armed Services.

1030. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting corrections to the Commission's annual report on its activities under the Freedom of Information Act, previously submitted pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1031. A letter from the Acting Comptroller General of the United States, transmitting a report on problems with Government acquisition and use of computers from November 1965 to December 1976 (FGMSD–77–14, March 15, 1977); to the Committee on Government Operations.

1032. A letter from the Public Printer, transmitting his annual report for the 15-month period ended September 30, 1977; to the Committee on House Administration.

1033. A letter from the Administrator, Federal Energy Administration, transmitting an interim report on electric utility rate design proposals, pursuant to section 203 of the Energy Conservation and Production Act (Public Law 94–385); to the Committee on Interstate and Foreign Commerce.

1034. A letter from the Secretary, Foundation of the Federal Bar Association, transmitting a report on the audit of the foundation for the year ended September 30, 1976, pursuant to section 3 of Public Law 88–504; to the Committee on the Judiciary.

1035. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a report on the natural salt pollution control study, Brazos River Basin, Tex., in partial response to a resolution of the Senate Committee on Public Works adopted August 12, 1954, and a resolution of the House Committee on Public Works adopted June 13, 1956 (H. Doc. No. 95–101); to the Committee on Public Works and Transportation and ordered to be printed with illustrations.

1036. A letter from the Acting Comptroller General of the United States, transmitting a report on management deficiencies in the Reserve Officer Training Corps (FPCD–77–15, March 15, 1977); jointly, to the Committees on Government Operations, and Armed Services.

1037. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the second annual report of the Corporation's Office of Bank Customer Affairs, pursuant to section 18(f)(5) of the Federal Trade Commission Act, as amended (88 Stat. 2197); jointly, to the Committees on Interstate and Foreign Commerce, and Banking, Finance and Urban Affairs.

1038. A letter from the Chairman of the Board of Governors, Federal Reserve System, transmitting the Board's second annual report on its activities under section 18(f) of the Federal Trade Commission Act, pursuant to section 18(f)(5) of the Act (88 Stat. 2197); jointly, to the Committees on Interstate and Foreign Commerce, and Banking, Finance and Urban Affairs.

1039. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting the sixth report on abnormal occurrences at licensed nuclear facilities, pursuant to section 208 of the Energy Reorganization Act of 1974 (Public Law 93–438); jointly, to the Committees on Interstate and Foreign Commerce, and Interior and Insular Affairs.

REPORTS OF COMMITTEES OF PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. House Resolution 411. Resolution providing for the consideration of H.R. 4800. A bill to extend the Emergency Unemployment Compensation Act of 1974 for an additional year, to revise the trigger provisions in such act, and for other purposes. (Rept. No. 95–83). Referred to the House Calendar.

Mr. FASCELL: Committee on International Relations. H.R. 5040. A bill to authorize additional appropriations for the Department of State for fiscal year 1977. (Rept. No. 95–84). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN (for himself, Mr. ANNUNZIO, Mr. JONES of Tennessee, Mr. GORE, and Mrs. FENWICK):

H.R. 5100. A bill to amend title II of the Social Security Act so as to prohibit any reduction in the monthly benefits of a fully insured individual, who is otherwise entitled to old-age insurance benefits, by reason of any outside earnings which may be received by such insured individual; to the Committee on Ways and Means.

By Mr. BROWN of California (for himself, Mr. LUJAN, Mr. WIRTH, Mr. AMBRO, Mr. WALGREN, Mr. SCHEUER, Mr. BEILENSON, Mr. WALKER, and Mr. WINN):

H.R. 5101. A bill to authorize appropriations for activities of the Environmental Protection Agency, and for other purposes; to the Committee on Science and Technology.

By Mrs. COLLINS of Illinois (for herself, Mr. BADILLO, Mr. BRODHEAD, Mrs. CHISHOLM, Mr. CLAY, Mr. CONYERS, Mr. DIGGS, Mr. FAUNTROY, Mr. HAWKINS, Mr. METCALFE, Ms. MIKULSKI, Mr. MURPHY of Pennsylvania, Mr. MURPHY or New York, and Mr. SCHEUER):

H.R. 5102. A bill to amend the Public Works and Economic Development Act of 1965, as amended, to establish an emergency Federal economic assistance program, to authorize the President to declare communities of the Nation which meet certain economic and employment criteria to be economic disaster communities, and for other purposes jointly, to the Committees on Public Works and Transportation, and Banking, Finance and Urban Affairs.

By Mr. CONABLE (for himself and Mr. ROSTENKOWSKI):

H.R. 5103. A bill to amend the Internal Revenue Code of 1954 to provide for excise tax refunds in the case of certain warranty adjustments on tires, and for other purposes; to the Committee on Ways and Means.

By Mr. CONTE (for himself, Mr. CLEVELAND, Mr. OBERSTAR, Mr. ROBINSON, Mr. EARLY, Mr. JENRETTE, and Mr. ROE):

H.R. 5104. A bill to amend the Public Health Service Act to provide assistance for the planning and development of schools of veterinary medicine; to the Committee on Interstate and Foreign Commerce.

By Mr. CONTE (for himself, Mr. ROSE, Mr. KASTEN, Mr. PREYER, Mr. HEFNER, Mr. MARTIN, Mr. ANDREWS of North Carolina, Mr. MOORHEAD of California, and Mr. CORNWELL):

H.R. 5105. A bill to amend the Public Health Service Act to provide assistance for the planning and development of schools of veterinary medicine; to the Committee on Interstate and Foreign Commerce.

By Mr. COTTER:

H.R. 5106. A bill to provide for reimbursement through the Federal Disability Insurance Trust Fund to private physicians for services in supplying medical evidence of record needed to evaluate claims for social security disability benefits under title II of the Social Security Act; to the Committee on Ways and Means.

By Mr. DICKS:

H.R. 5107. A bill to authorize construction of the project for navigation and other purposes on the Blair and Sitcum Waterways, Tacoma Harbor, Wash.; to the Committee on Public Works and Transportation.

By Mr. DINGELL (for himself, Mr. BROYHILL, Mr. CLEVELAND, Mr. DUNCAN of Tennessee, Mr. EDWARDS of Alabama, Mr. HORTON, Mr. WHITLEY, Mr. ENGLISH, Mr. RUPPE, Mr. RUNNELS, Mr. BEVILL, Mr. CHARLES WILSON of Texas, Mr. DERWINSKI, Mr. GRADISON, Mr. VANDER JAGT, Mr. WALKER, Mr. DAN DANIEL, Mr. STUMP, Mr. MURPHY of Pennsylvania, Mr. TAYLOR, Mr. MCCORMACK, Mr. JONES of Oklahoma, Mr. COLLINS of Texas, Mr. SYMMS, and Mr. MITCHELL of New York):

H.R. 5108. A bill to amend the Clean Air Act to establish certain motor vehicle emission standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DRINAN (for himself, Mr. ROSE, Mr. JOHN L. BURTON, Mr. HARRINGTON, Mr. MURTHA, Mr. CONYERS, Mr. ROSENTHAL, Mr. LUNDINE, Mr. WOLFF, Mr. DUNCAN of Tennessee, Mr. MOFFETT, Mr. LAFALCE, Mr. BINGHAM, Mr. BLOUIN, Mr. MITCHELL of Maryland, Mr. STARK, Mr. BONIOR, Mr. ROE, Mr. DELLUMS Mr. BRODHEAD, Mr. SOLARZ, Mrs. SPELLMAN, Mr. HARKIN, Mr. STOKES, and Mr. TSONGAS):

H.R. 5109. A bill to amend the Internal Revenue Code of 1954 to deny any deduction for amounts paid or incurred by an employer pursuant to an employee health or accident plan if such plan does not provide certain pregnancy benefits; to the Committee on Ways and Means.

By Mr. EDWARDS of Alabama:

H.R. 5110. A bill to impose quantitative limitations on the importation of shrimp into the United States during calendar years 1977 and 1978, and to impose a duty on imported shrimp; to the Committee on Ways and Means.

By Mr. EDWARDS of Oklahoma (for himself, Mr. QUAYLE, Mr. HANSEN, Mr. MCDONALD, Mr. MOTTL, and Mr. SCHULZE):

H.R. 5111. A bill to provide that the salaries of the Members of Congress shall be subject to reduction if a level of inflation determined by the Congress to be acceptable is exceeded, and to repeal provisions of law allowing cost-of-living adjustments for such salaries; to the Committee on Post Office and Civil Service.

By Mr. FINDLEY:

H.R. 5112. A bill to provide a tax credit for home insulation costs; to the Committee on Ways and Means.

By Mr. HEFTEL:

H.R. 5113. A bill to establish a Department of Education, and for other purposes; to the Committee on Government Operations.

By Mr. LAGOMARSINO:

H.R. 5114. A bill to amend the Administrative Procedure Act to provide that rulemaking hearings required by statute which primarily concern a single unit of local government, geographic area, or State be held within such unit, area, or State; to the Committee on the Judiciary.

By Mr. McDONALD (for himself and Mr. SYMMS):

H.R. 5115. A bill to repeal titles XV and XVI of the Public Health Services Act; to the Committee on Interstate and Foreign Commerce.

By Mr. McHUGH (for himself and Mr. MAGUIRE):

H.R. 5116. A bill to provide for limitations on congressional campaign expenditures and for partial public financing of congressional primary and congressional general elections; to the Committee on House Administration.

By Mr. MEEDS:

H.R. 5117. A bill to provide temporary authorities to the Secretary of the Interior to facilitate emergency actions to mitigate the impacts of the 1976–77 drought; to the Committee on Interior and Insular Affairs.

H.R. 5118. A bill to amend the Ports and Waterways Safety Act of 1972, to amend sections 4417a and 4442 of the Revised Statutes of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PEPPER (for himself, Mr. ROYBAL, Mr. ROONEY, Mr. BIAGGI, Mr. BEARD of Rhode Island, Mr. BLOUIN, Mr. BONKER, Mr. DOWNEY, Mr. FLORIO, Mrs. LLOYD of Tennessee, Mr. FORD of Tennessee, Mr. HUGHES, Mr. DRINAN, Mrs. MEYNER, Ms. OAKAR, Mr. RUSSO, Mr. WALSH, Mr. GRASSLEY, Mr. RINALDO, and Mr. MARKS):

H.R. 5119. A bill to amend the Age Discrimination in Employment Act of 1967 to provide that all Federal employees described in section 15 of such act shall be covered under the provisions of such act regardless of their age; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. BADILLO, Mr. BAUCUS, Mr. BINGHAM, Mr. BONIOR, Mr. BRODHEAD, Mr. CARNEY, Mr. CLAY, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. DODD, Mr. DUNCAN of Tennessee, Mr. EDGAR, Mr. EDWARDS of California, Mr. FASCELL, and Mr. GILMAN):

H.R. 5120. A bill to amend the Age Discrimination in Employment Act of 1967 to provide that all Federal employees described in section 15 of such act shall be covered under the provisions of such Act regardless of their age; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. HARKIN, Mr. HARRINGTON, Mr. HAWKINS, Ms. HOLTZMAN, Mr. HOWARD, Mr. HYDE, Mrs. KEYS, Mr. KILDEE, Mr. KOCH, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LEHMAN, Mr. LONG of Maryland, Ms. MIKULSKI, Mr. MINETA, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, Mr. NEAL, Mr. NIX, Mr. NOLAN, Mr. OTTINGER, Mr. PATTEN, and Mr. RAHALL):

H.R. 5121. A bill to amend the Age Discrimination in Employment Act of 1967 to provide that all Federal employees described in section 15 of such act shall be covered under the provisions of such act regardless of their age; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. RANGEL, Mr. RICHMOND, Mr. RODINO, Mr. RYAN, Mr. ST GERMAIN, Mr. SCHEUER, Mr. STOKES, Mr. TONRY, Mr. UDALL, Mr. WAXMAN, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. YATRON, and Mr. ZEFERETTI):

H.R. 5122. A bill to amend the Age Discrimination in Employment Act of 1967 to provide that all Federal employees described in section 15 of such act shall be covered under the provisions of such act regardless of their age; to the Committee on Education and Labor.

By Mr. PERKINS:

H.R. 5123. A bill to authorize a Federal civil defense program, and for other purposes; to the Committee on Armed Services.

By Mr. RINALDO:

H.R. 5124. A bill to amend the Federal Water Pollution Control Act relating to the adoption of a system of charges for waste treatment services; to the Committee on Public Works and Transportation.

By Mr. STEERS (for himself, Mr. BRODHEAD, and Mr. CARTER):

H.R. 5125. A bill to amend title XVIII of the Social Security Act with respect to payments made under such title for durable medical equipment; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. SYMMS:

H.R. 5126. A bill to repeal the earnings limitation of the Social Security Act; to the Committee on Ways and Means.

By Mr. WALSH:

H.R. 5127. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer a deduction from gross income for expenses paid by him for the education of any of his dependents at an institution of higher learning; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself, Mr. BADILLO, Mr. BRODHEAD, Mrs. BURKE of California, Mrs. CHISHOLM, Mr. CONTE, Mr. DELLUMS, Mr. EDGAR, Mr. HAWKINS, Mr. MILLER of California, Mr. MURPHY of New York, Mr. PATTEN, Mr. PATTERSON of California, Mr. SCHEUER, Mr. SEIBERLING, Mr. SOLARZ, Mr. STARK, Mr. CHARLES H. WILSON of California, and Mr. DRINAN):

H.R. 5128. A bill to amend the National Labor Relations Act to provide that the duty to bargain collectively includes bargaining with respect to retirement benefits for retired employees; to the Committee on Education and Labor.

By Mr. CHARLES H. WILSON of California:

H.R. 5129. A bill to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care; to the Committee on Armed Services.

By Mr. WIRTH:

H.R. 5130. A bill to regulate commerce to assure increased supplies of natural gas at reasonable prices for consumers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. YATRON:

H.R. 5131. A bill to reimburse certain employees of the Government Printing Office for uncompensated leave earned by such employees during fiscal year 1932; to the Committee on Post Office and Civil Service.

By Mr. ABDNOR:

H.R. 5132. A bill to amend the Internal Revenue Code of 1954 to exempt certain agricultural aircraft from the aircraft use tax, to provide for the refund of the gasoline tax to the agricultural aircraft operator, and for other purposes; to the Committee on Ways and Means.

By Mr. CORNWELL:

H.R. 5133. A bill to amend the Disaster Relief Act of 1974 relating to assistance to be provided to States and local governments during any emergency, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. FLOOD (for himself, Mr. MCDADE, Mr. YATRON, Mr. GOODLING, Mr. AMMERMAN, Mr. ERTEL, Mr. SHUSTER, and Mr. WALKER):

H.R. 5134. A bill relating to the appointment of district judges; to the Committee on the Judiciary.

By Mr. GILMAN:

H.R. 5135. A bill to provide for the termination of all American assistance to any country which fails to take adequate steps to control illegal trade in narcotics; to the Committee on International Relations.

By Mr. KEMP (for himself, Mr. MITCHELL of New York, and Mr. MOORHEAD of California):

H.R. 5136. A bill to provide for the elimination of inactive and overlapping Federal programs, to require authorizations of new budget authority for Government programs and activities at least every 4 years, to establish a procedure for zero-base review and evaluation of Government programs and activities every 4 years, to require disclosure of the projected costs and savings of actions proposed through bills and joint resolutions of the Congress, and for other purposes; to the Committee on Rules.

By Mr. KEMP (for himself and Mr. MOORHEAD of California):

H.R. 5137. A bill to reorganize the executive branch; to require rules and regulations proposed by executive agencies to be acted upon by the Congress; to impose certain additional requirements upon the President and executive agencies; and to tighten the standards of official conduct by officers and employees of executive agencies; jointly, to the Committees on Government Operations, the Judiciary, Post Office and Civil Service, Rules, and Ways and Means.

By Mr. KRUEGER:

H.R. 5138. A bill to amend the Federal Food, Drug and Cosmetic Act to provide the Secretary of Health, Education, and Welfare with greater latitude in regulating food additives found to induce cancer in man or

animal; to the Committee on Interstate and Foreign Commerce.

By Mr. LEVITAS (for himself, Mr. ROUSSELOT, Mr. GARY A. MYERS, Mr. MCEWEN, Mr. CARTER, and Mr. EMERY):

H.R. 5139. A bill to amend chapter 49 of title 10, United States Code, to prohibit union organization in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. MARTIN:

H.R. 5140. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the evaluation of the risks and benefits of food additives and to permit the continued use of saccharin until an evaluation is completed; to the Committee on Interstate and Foreign Commerce.

By Mr. McDADE:

H.R. 5141. A bill to amend title II of the Social Security Act to provide for the payment of reduced old-age insurance benefits to women at age 55, and to provide for the payment of full wife's or widow's benefits at such age; to the Committee on Ways and Means.

H.R. 5142. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 5143. A bill to amend part A of title XVIII of the Social Security Act to reduce the inpatient hospital deductible under the medicare program to its 1976 level; to the Committee on Ways and Means.

H.R. 5144. A bill to amend the Tariff Schedules of the United States to repeal the special tariff treatment accorded to articles assembled abroad with components produced in the United States; to the Committee on Ways and Means.

H.R. 5145. A bill to amend title XVIII of the Social Security Act to include the cost of drugs requiring a doctor's prescription among the medical expenses with respect to which payment may be made under the supplementary medical insurance program; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. McEWEN (for himself, Mr. CONABLE, Mr. YOUNG of Alaska, Mr. RANGEL, and Mr. PIKE):

H.R. 5146. A bill to amend the Tariff Schedules of the United States to provide for the duty-free entry of competition bobsleds and luges; to the Committee on Ways and Means.

By Mr. OBERSTAR:

H.R. 5147. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for retirement savings in the case of individuals who have limited participation under pension plans and to expand the cases in which joint and survivors annuity coverage is to be provided under certain pension plans; to the Committee on Ways and Means.

By Mr. REGULA:

H.R. 5148. A bill to amend the worker adjustment assistance provisions of the Trade Act of 1974 in order to provide that workers may be covered under certification of eligibility to apply for such assistance if they are totally or partially separated from adversely affected employment within 2 years before the date of the petition for such certification; to the Committee on Ways and Means.

By Mr. RINALDO:

H.R. 5149. A bill to regulate commerce by establishing a nationwide system to restore motor vehicle accident victims and by requiring no-fault motor vehicle insurance as a condition precedent to using a motor vehicle on public roadways; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL (for himself and Mr. MINETA):

H.R. 5150. A bill to provide for payment by the United States for certain medical services and treatment provided to U.S. citizens and permanent residents suffering from physical injuries attributable to the atomic bomb explosions on Hiroshima and Nagasaki, Japan, in August 1945; to the Committee on the Judiciary.

By Mr. SEIBERLING:

H.R. 5151. A bill to amend title II of the Social Security Act to require that procedures be established for the expedited replacement of undelivered benefit checks, to require that decisions on benefit claims be made within specified periods and to require that payment of benefits on approved claims begin promptly; to the Committee on Ways and Means.

By Mr. SIMON (for himself and Mr. RONCALIO):

H.R. 5152. A bill to amend the Federal Coal Mine Health and Safety Act of 1969 to revise the black lung benefits program established under such act in order to transfer the residual liability for the payment of benefits under such program from the Federal Government to the coal industry, and for other purposes; to the Committee on Education and Labor.

By Mr. TRAXLER (for himself, Mr. CARR, Mr. WEISS, Mr. BLANCHARD, Mr. ERTEL, Mr. BAUCUS, Mr. BEDELL, Mr. MAGUIRE, Mr. CORNWELL, Mr. STARK, and Mr. FITHIAN):

H.R. 5153. A bill to authorize the Secretary of Agriculture to make financial assistance available to agricultural producers who suffer losses as the result of having their agricultural commodities or livestock quarantined or condemned because such commodities or livestock have been found to contain toxic chemicals dangerous to the public health; to the Committee on Agriculture.

By Mr. WEAVER:

H.R. 5154. A bill to amend title 5, United States Code, to extend certain benefits to former employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FOLEY (for himself, Mr. WAMPLER, Mr. POAGE, and Mr. SEBELIUS):

H.R. 5155. A bill to enable wheat producers, processors, end product manufacturers, and consumers of wheat foods to work together to establish, finance on an equitable basis, and administer a coordinated program of research and education to promote and improve human nutrition through the use of wheat and wheat products as human foods within the United States; to the Committee on Agriculture.

By Mr. JONES of Oklahoma:

H.R. 5156. A bill to amend the Federal Food, Drug, and Cosmetic Act to require appropriate tests before a food additive may be banned as inducing cancer in man or animal and to permit the marketing of such an additive with appropriate warning labeling; to the Committee on Interstate and Foreign Commerce.

By Mr. UDALL (for himself, Mr. PHILLIP BURTON, Mr. ANDERSON of Illinois, Mr. WIRTH, Mr. FOLEY, Mr. BOLLING, Mr. BROOMFIELD, Mr. ROSE, Mr. JOHN L. BURTON, Mr. PATTISON of New York, Mr. PANETTA, Mr. STOCKMAN, Mr. MIKVA, Mr. COHEN, Mr. BOLAND, Mr. CONTE, Mr. MITCHELL of Maryland, Mr. RUPPE, Mr. REUSS, Mr. HOLLAND, Mrs. KEYS, Mr. MINETA, Mr. DUNCAN of Tennessee, Mr. WINN, and Mr. MITCHELL of New York):

H.R. 5157. A bill to provide for limited public financing of congressional general election campaigns, to provide that candidates receiving public funds in Presidential elections may accept certain contributions and make increased expenditures, and for other purposes; to the Committee on House Administration.

By Mr. PHILLIP BURTON (for himself, Mr. UDALL, Mr. ANDERSON, of Illinois, Mr. WIRTH, Mr. AKAKA, Mr. ASPIN, Mr. AUCOIN, Mr. BAUCUS, Mr. BEARD of Rhode Island, Mr. BEDELL, Mr. BEILENSON, Mr. BINGHAM, Mr. BLANCHARD, Mr. BLOUIN, Mr. BONIOR, Mr. BONKER, Mr. BRODHEAD, Mr. BROWN of California, Mr. CARR, Mr. CONYERS, Mr. COUGHLIN, Mr. DELLUMS, Mr. DICKS, Mr. DOWNEY, and Mr. DRINAN):

H.R. 5158. A bill to provide for limited public financing of congressional general election campaigns, to provide that candidates receiving public funds in Presidential elections may accept certain contributions and make increased expenditures, and for other purposes; to the Committee on House Administration.

By Mr. ANDERSON of Illinois (for himself, Mr. PHILLIP BURTON, Mr. UDALL, Mr. WIRTH, Mr. ECKHARDT, Mr. EDGAR, Mr. EDWARDS of California, Mr. FASCELL, Mrs. FENWICK, Mr. FISHER, Mr. FLORIO, Mr. FORD of Tennessee, Mr. FRASER, Mr. GEPHARDT, Mr. GILMAN, Mr. HANNAFORD, Mr. HARKIN, Mr. HARRIS, Mr. HOLLENBECK, Mr. HOWARD, Mr. KOCH, Mr. KOSTMAYER, Mr. LEHMAN, Mr. LEVITAS, and Mr. LUNDINE):

H.R. 5159. A bill to provide for limited public financing of congressional general election campaigns, to provide that candidates receiving public funds in Presidential elections may accept certain contributions and make increased expenditures, and for other purposes; to the Committee on House Administration.

By Mr. UDALL (for himself, Mr. PHILLIP BURTON, Mr. ANDERSON of Illinois, Mr. WIRTH, Mr. MAGUIRE, Mr. MARKEY, Mr. MAZZOLI, Mr. MCCLOSKEY, Mr. MCHUGH, Mr. MCKINNEY, Mr. MEEDS, Mrs. MEYNER, Mr. MILLER of California, Mr. MOFFETT, Mr. NOLAN, Mr. OBERSTAR, Mr. OTTINGER, Mr. PATTERSON of California, Mr. PEASE, Mr. PRITCHARD, Mr. PURSELL, Mr. RAHALL, Mr. RANGEL, Mr. Mr. RICHMOND, and Mr. RINALDO):

H.R. 5160. A bill to provide for limited public financing of congressional general election campaigns, to provide that candidates receiving public funds in Presidential elections may accept certain contributions and make increased expenditures, and for other purposes; to the Committee on House Administration.

By Mr. PHILLIP BURTON (for himself, Mr. UDALL, Mr. ANDERSON of Illinois, Mr. WIRTH, Mr. ROSENTHAL, Mr. SANTINI, Mr. SEIBERLING, Mr. SHARP, Mr. SIMON, Mr. SOLARZ, Mrs. SPELLMAN, Mr. STARK, Mr. STEERS, Mr. STOKES, Mr. STUDDS, Mr. TSONGAS, Mr. VENTO, Mr. WALGREN, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. WHALEN, Mr. WOLFF, and Mr. KREBS):

H.R. 5161. A bill to provide for limited public financing of congressional general election campaigns, to provide that candidates receiving public funds in Presidential elections may accept certain contributions and make increased expenditures, and for other purposes; to the Committee on House Administration.

By Mr. CONTE:

H.J. Res. 329. Joint resolution requiring that the Congressional Medal of Honor previously awarded to Dr. Mary Edwards Walker in 1865 be restored to her; to the Committee on Armed Services.

By Mr. OBERSTAR (for himself, Mr. RUPPE, Mr. BREAUX, Mr. EILBERG, Mr. RINALDO, Mr. YOUNG of Missouri, Mr. MARKEY, and Mr. QUAYLE):

H.J. Res. 330. Joint resolution proposing an amendment to the Constitution of the

United States with respect to the right of life; to the Committee on the Judiciary.

By Mr. RUSSO:

H.J. Res. 331. Joint resolution designating February 15 of each year as Susan B. Anthony Day; to the Committee on Post Office and Civil Service.

By Mr. RYAN (for himself, Mr. AUCOIN, Mr. BADILLO, Mr. BURGENER, Mr. CAPUTO, Mr. EDWARDS of California, Mrs. FENWICK, Mr. FISHER, Mr. GILMAN, Mr. HOLLENBECK, Mrs. MEYNER, Mr. MOLLOHAN, Mr. PIKE, Mrs. SPELLMAN, Mr. STEERS, and Mr. WAXMAN):

H. Con. Res. 163. Concurrent resolution urging the Canadian Government to reassess its policy of permitting the killing of newborn harp seals; to the Committee on International Relations.

By Mr. MARTIN (for himself, Mr. ABDNOR, Mr. EMERY, Mr. BLOUIN, Mr. CHARLES H. WILSON of California, Mr. AUCOIN, and Mr. PRESSLER):

H. Res. 408. Resolution expressing the sense of the House that no ban on saccharin should take effect without prior congressional approval; to the Committee on Interstate and Foreign Commerce.

By Mr. SLACK:

H. Res. 409. Resolution expressing the sense of the House that no ban on saccharin should take effect without prior congressional approval; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER (for himself, Mr. QUIE, Mr. RUPPE, Mr. LE FANTE, Mr. VENTO, Mr. NOLAN, Mr. NEAL, Mr. VOLKMER, Mr. D'AMOURS, Mr. DEL CLAWSON, Mr. HUGHES, Mr. EDWARDS of California, Mr. FITHIAN, Mr. DOWNEY, Mr. CARTER, Mr. SAWYER, Mr. STANTON, Mr. GINN, Mr. SCHULZE, Mr. COCHRAN of Mississippi, Mr. PATTISON of New York, Mr. CORCORAN of Illinois, Mr. ZABLOCKI, Mr. FISHER, and Mr. JACOBS):

H. Res. 410. Resolution to require that the Congressional Record contain a verbatim account of remarks actually delivered on the floor, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII:

45. The SPEAKER presented a memorial of the Legislature of the Commonwealth of Virginia, relative to the claims of the Newport News Shipbuilding & Dry Dock Co. against the Navy; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. D'AMOURS:

H. R. 5162. A bill for the relief of Edward R. Davies; to the Committee on the Judiciary.

By Mr. McFALL:

H.R. 5163. A bill for the relief of Marinelle Khristy Cruz; to the Committee on the Judiciary.

By Mr. MADIGAN:

H.R. 5164. A bill for the relief of J. L. Simmons Co., Inc.; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4088

By Mr. GARY A. MYERS:

On page 21 after line 24 add the following new section:

"SUNSHINE IN GOVERNMENT

"SEC. 7(a) Each officer or employee of the Administrator who—

"(1) performs any function or duty under this Act; and

"(2) has any known financial interest in any person who applies for or receives financial assistance under this Act;

"Shall, beginning on February 1, 1978, annually file with the Administrator a written statement concerning all such interests held by such officer or employe during the preceding calendar year. Such statement shall be available to the public.

"(b) The Administrator shall—

"(1) act within ninety days after the date of enactment of this Act—

"(A) to define the term 'known financial interest' for purposes of subsection (a) of this section; and

"(B) to establish the methods by which the requirement to file written statements specified in subsection (a) of this section will be monitored and enforced, including appropriate provision for the filing by such officers and employees of such statements and the review by the Administrator of such statements; and

"(2) report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

"(c) In the rules prescribed in subsection (b) of this section, the Administrator may identify specific positions of a nonpolicymaking nature within the Administration and provide that officers or employees occupying such positions shall be exempt from the requirements of this section.

"(d) Any officer or employee who is subject to, and knowingly violates, this section, shall be fined not more than $2,500 or imprisoned not more than one year, or both."

Renumber the following sections.

Page 21, after line 24, insert the following:

SEC. 7. Notwithstanding any other provision of law, in making appointments to positions within the National Aeronautics and Space Administration which involve any activity with respect to which funds are authorized to be appropriated under this Act—

(1) in the case of any position within the competitive service, the examination rating of any individual who is granted a pardon by Presidential Proclamation 4483 shall be considered to be 5 points below that to which such individual would otherwise be entitled, and

(2) in the case of any position within the excepted service, only individuals who were not granted such a pardon shall be considered unless there are no such individuals who are qualified and available for such position.

Page 22, line 1, strike out "Sec. 7" and insert "Sec. 8".

Page 22, line 6, strike out "Sec. 8" and insert "Sec. 9".

Page 16, after line 19, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(h) no part of any funds available to the Administrator may be used for the preparation of an overall program plan relating to technology for Advanced Supersonic Transports, or for any other study, analysis, planning, research, or development relating to such transports unless such plan is specifically authorized by an Act of Congress enacted after the date of this Act.

H.R. 4250

By Mr. ALLEN:

(Amendment in the nature of a substitute.)

Strike out all language which follows the enacting clause and substitute therefor the following language:

TITLE I—PROTECTION OF ECONOMIC RIGHTS OF LABOR IN THE CONSTRUCTION INDUSTRY

SEC. 101. (a) Section 8(b)(4) of the National Labor Relations Act, as amended, is amended by inserting before the semicolon at the end thereof ": *Provided further*, That nothing contained in clause (B) of this paragraph (4) shall be construed to prohibit any strike or refusal to perform services or any inducement of any individual employed by any employer primarily engaged in the construction industry on the site to strike or refuse to perform services at the site of the construction, alteration, painting, or repair of a building, structure, or other work and directed at any of several employers who are in the construction industry and are jointly engaged as joint venturers or in the relationship of contractors in such construction, alteration, painting, or repair at such site: *Provided further*, That nothing in the above proviso shall be construed to permit a strike or refusal to perform services or any inducement of any individual employed by any person to strike or refuse to perform services in furtherance of a labor dispute, unlawful under this Act or in violation of an existing collective bargaining contract, relating to the wages, hours, or other working conditions of employees employed at such site by any of such employers, and the issues in dispute involve a labor organization which is representing the employees of an employer at the site who is not engaged primarily in the construction industry: *Provided further*, Except as provided in the above provisos nothing herein shall be construed to permit any act or conduct which was or may have been an unfair labor practice under this subsection: *Provided further*, That nothing in the above provisos, shall be construed to prohibit any act which was not an unfair labor practice under the provisions of this subsection existing prior to the enactment of such provisos: *Provided further*, That nothing in the above provisos shall be construed to authorize picketing, threatening to picket, or causing to be picketed, any employer where an object thereof is the removal or exclusion from the site of any employee on the ground of sex, race, creed, color, or national origin or because of the membership or nonmembership of any employee in any labor organization: *Provided further*, That nothing in the above provisos shall be construed to authorize picketing, threatening to picket, or causing to be picketed, any employer where an object thereof is to cause or attempt to cause an employer to discriminate against any employee, or to discriminate against an employee with respect to whom membership in a labor organization has been denied or terminated on some ground other than his failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership, or to exclude any labor organization on the ground that such labor organization is not affiliated with a national or international labor organization which represents employees of an employer at the common site: *Provided further*, That nothing in the above provisos shall be construed to permit any attempt by a labor organization to require an employer to recognize or bargain with any labor organization presently prohibited by paragraph (7) of subsection (b): *Provided further*, That if a labor organization engages in picketing for an object described in paragraph (7) of subsection (b) and there has been filed a petition under subsection (c) of section 9, and a charge under subsection (b) of section 10, the Board

shall conduct an election and certify the results thereof within fourteen calendar days from the filing of the later of the petition and the charge: *Provided further*, That nothing in the above provisos shall be construed to permit any picketing of a common situs by a labor organization to force, require, or persuade any person to cease or refrain from using, selling, purchasing, handling, transporting, in the products or systems of any other producer, processor, or manufacturer. In determining whether several employers who are in the construction industry are jointly engaged as joint ventures at any site, ownership or control of such site by a single person shall not be controlling."

(b) Section 8 of such Act is amended by adding at the end thereof the following new subsections:

"(h) Notwithstanding the provisions of this or any other Act, where a State law requires separate bids and direct awards to employers for construction, the various contractors awarded contracts in accordance with such applicable State law shall not for the purposes of the third proviso at the end of paragraph (4) of subsection (b) of this section, be considered joint venturers or in the relationship of contractors and subcontractors with each other or with the State or local authority awarding such contracts at the common site of the construction.

"(i) Notwithstanding the provisions of this or any other Act, any employer at a common construction site may bring an action for injunctive relief under section 301 of the Labor Management Relations Act (29 U.S.C. 141) to enjoin any strike or picketing at a common situs in breach of a no-strike clause of a collective-bargaining agreement relating to an issue which is subject to final and binding arbitration or other method of final settlement of disputes as provided in the agreement.

"(j) The provisions of the third proviso at the end of paragraph (4) of subsection (b) of this section shall not apply at the site of the construction, alteration, painting, or repair of a building, structure, or other work involving residential structures of three residential levels or less constructed by an employer who in the last taxable year immediately preceding the year in which the determination under this subsection is made had, in his own capacity or with or through any other person, a gross volume of construction business of $9,500,000 or less, adjusted annually as determined by the Secretary of Labor, based upon the revisions of the Price Index for New One Family Houses prepared by the Bureau of the Census, if the employer within 10 days of being served with the notice required by subsection (g)(2)(A) of this section notifies each labor organization which served that notice in an affidavit that he satisfies the requirements set forth in this subsection.".

(c) Section 8(g) of such Act is amended by redesignating the present section 8(g) as section 8(g)(1), and adding at the end thereof the following:

"(2)(A) A labor organization before engaging in activity permitted by the third proviso at the end of paragraph (4) of subsection (b) of this section shall provide prior written notice of intent to strike, picket or to refuse to perform services of not less than ten days to all unions and the employers and the general contractor at the site and to any national or international labor organization of which the labor organization involved is an affiliate and to the Construction Industry Collective Bargaining Committee: *Provided*, That at any time after the expiration of ten days from transmittal of such notice, and subject to prior approval of the Construction Industry Collective Bargaining Committee, in accordance with the provisions of Title II hereof, the labor organization may engage in activities permitted by the third proviso at the end of paragraph (4) of subsection (b) of this section if the national or international labor naitional or international labor organization involved is an affiliate gives notice in writing authorizing such action: *Provided further*, That authorization of such action by the national or interantional labor organization shall not render it subject to criminal or civil liability arising from activities, notice of which was given pursuant to this subparagraph, unless such authorization is given with actual knowledge that the picketing is to be willfully used to achieve an unlawful purpose.

"(B) In the case of any such site which is located at any military facility or installation of the Army, Navy, or Air Force, or which is located at a facility or installation of any other department or agency of the Government if a major purpose of such facility or installation is or will be the development, production, testing, firing or launching of munitions, weapons, missiles, or space vehicles, prior written notice of intent to strike or to refuse to perform services, of not less than ten days shall be given by the labor organization involved to the Federal Mediation and Conciliation Service, to any State or territorial agency established to mediate and conciliate disputes within the State or territory where such site is located, to the several employers who are jointly engaged at such site, to the Army, Navy, or Air Force or other department or agency of the Government concerned with the particular facility or installation, and to any national or international labor organization of which the labor organization involved is an affiliate.

"(C) The notice requirements of subparagraphs (A) and (B) above are in addition to and not in lieu of the notice requirements prescribed by section 8(d) of the Act.".

SEC. 102. The amendments made by this title shall take effect 90 days after the date of enactment of this title except (1) with respect to all construction work having a gross value of $5,000,000 or less which was contracted for and on which work had actually started on April 1, 1977, the amendments made by this title shall take effect one year after such effective date, and (2) with respect to all construction work having a gross value of more than $5,000,000 which was contracted for and on which work had actually started on April 1, 1977, the amendments made by this title shall take effect two years after such effective date.

TITLE II—CONSTRUCTION INDUSTRY COLLECTIVE BARGAINING

SHORT TITLE

SEC. 201. This title may be cited as the "Construction Industry Collective Bargaining Act of 1977".

FINDINGS AND PURPOSES

SEC. 202. (a) The Congress finds and declares that the legal framework for collective bargaining in the construction industry is in need of revision; and that an enhanced role for national labor organizations and national contractor associations working as a group is needed to minimize instability, conflict, and distortions, to assure that problems of collective-bargaining structure, productivity and manpower development are constructively approached by contractors and unions themselves, and at the same time to permit the flexibility and variations that appropriately exist among localities, crafts, and branches of the industry.

(b) It is therefore the purpose of this title to establish a more viable and practical structure for collective bargaining in the construction industry by establishing procedures for negotiations with a minimum of governmental interference in the free collective-bargaining process.

CONSTRUCTION INDUSTRY COLLECTIVE BARGAINING COMMITTEE

SEC. 203. (a) There is hereby established in the Department of Labor a Construction Industry Collective Bargaining Committee. The Committee members shall be appointed as follows:

(1) Ten members shall be appointed by the President from among individuals qualified by experience and affiliation to represent the viewpoint of employers engaged in collective bargaining in the construction industry.

(2) Ten members shall be appointed by the President from among individuals qualified by experience and affiliation to represent the viewpoint of the standard national labor organizations in the construction industry.

(3) Up to three individuals shall be appointed by the President from among individuals qualified by training and experience to represent the public interest, one of whom shall be designated by him to serve as Chairman.

(4) The Secretary of Labor, ex officio.

(5) The Director of the Federal Mediation and Conciliation Service, ex officio.

The employer, labor, and public members shall be appointed by the President after consultation with representative labor and management organizatons in the industry whose members are engaged in collective bargaining. Any alternate members who may be appointed shall be appointed in the same manner as regular members. An organizational meeting of the Committee shall be held at the call of the Chairman at which there shall be in attendance at least five members qualified to represent the viewpoint of employers, five members qualified to represent the viewpoint of labor organizations, and one member qualified to represent the public interest. All actions of the Committee shall be taken by the Chairman or the Executive Director on behalf of the Committee.

(b) The Secretary of Labor may appoint such staff as is appropriate to carry out the Committee's functions under this title and with the approval of the Committee, may appoint an Executive Director.

(c) The Committee shall, without regard to the provisions of section 553 of title 5, United States Code, promulgate such rules and regulations as may be necessary or appropriate to carry out the purposes of this title including the designation of "standard national construction labor organizations" and "national construction contractor associations" qualified to participate in the procedures set forth in this title.

NOTICE REQUIREMENTS

SEC. 204. (a) In addition to the requirements of any other law, including section 8(d) of the National Labor Relations Act, as amended, where there is in effect a collective bargaining agreement covering employees in the construction industry between a local construction labor organization or other subordinate body affiliated with a standard national construction labor organization, or between a standard national construction labor organization directly, and an employer or association of employers in the construction industry, neither party shall terminate or modify such agreement or the terms or conditions thereof without serving a written notice of the proposed termination or modification in the form and manner prescribed by the Committee effective sixty days prior to the expiration date thereof, or in the event such collective bargaining agreement contains no expiration date, sixty days prior to the time it is proposed to make such termination or modification. The notice required by this subsection shall be served as follows:

(1) A local construction lobar organization or other subordinate body affiliated with a

standard national contruction labor organization shall serve such notice upon such national organization.

(2) An employer or local association of employers shall serve such notice upon all national construction contractor associations with which the employer or association is affiliated. An employer or local association of employers, which is not affiliated with any national construction contractor association shall serve such notice upon the Committee.

(3) Standard national construction labor organizations and national construction contractor associations shall serve such notice upon the Committee with respect to termination or modification of agreements to which they are directly parties.

The parties shall continue in full force and effect, without resorting to strike or lockout, all the terms and conditions of the existing collective bargaining agreement for a period of sixty days after the notice required by this subsection is given or until the expiration of such collective bargaining agreement, whichever occurs later.

(b) Standard national construction labor organizations and national construction contractor associations shall furnish forthwith to the Committee copies of all notices served upon them as provided by subsection (a) of this section.

(c) The Committee shall prescribe the form and manner and other requirements relating to the submission of the notices required by this section.

ROLE OF THE COMMITTEE AND NATIONAL LABOR AND EMPLOYER ORGANIZATIONS IN COLLECTIVE BARGAINING

SEC. 295. (a) Whenever the committee has received notice pursuant to section 204 it shall take jurisdiction of the matter, with or without the suggestion of any interested party, by transmitting written notice to the signatory labor organization or organizations and the association or associations, of employers directly party to the collective bargaining agreement, during the ninety-day period which includes and immediately precedes the later of: (1) the ninetieth day following the giving of notice under section 204 (a); or (2) whichever is applicable, (A) the thirtieth day following the expiration of the collective bargaining agreement, or (B) the thirtieth day following the date proposed for termination or modification of such agreement.

(b) The Committee shall take such jurisdiction in accordance with the standards set forth in section 206. When the Committee has taken jurisdiction under this section, it shall in order to facilitate a peaceful voluntary resolution of the matter and the avoidance of future disputes: (1) refer such matter to voluntary national craft or branch boards or other appropriate organizations established in accordance with section 207; (2) meet with interested parties and take other appropriate action to assist the parties; or (3) take the action provided for in both preceding clauses (1) and (2) of this subsection. At any time after the taking of jurisdiction, the Committee may continue to meet with interested parties as provided herein.

(c) When the Committee has taken jurisdiction within the ninety-day period specified in this section over a matter relating to the negotiation of the terms or conditions of any collective bargaining agreement involving construction work between: (1) any standard national construction labor organization, or any local construction labor organization or other subordinate body affiliated with any standard national construction labor organization, and (2) any employer or association of employers, notwithstanding any other law, no such party may, at any time prior to the expiration of the ninety-day period specified in this subsection, engage in any strike or lockout, or the continuing thereof, unless the Committee sooner releases its jurisdiction.

(d) When the Committee receives any notice required by section 204 it is directed to request in writing at any time during the ninety-day period specified in subsection (a) of this section participation in the negotiations by the standard national construction labor organizations with which the local construction labor organizations or other subordinate bodies are affiliated and the national construction contractor associations with which the employers or local employer associations are affiliated.

(e) In any matters as to which the Committee takes jurisdiction under subsection (a) of this section and makes a referral authorized by subsection (d) of this section, no new collective bargaining agreement or revision of any existing collective bargaining agreement between a local construction labor organization or other subordinate body affiliated with the standard national construction labor organization, and an employer or employer association shall be of any force or effect unless such new agreement or revision is approved in writing by the standard national construction labor organization with which the local labor organization or other subordinate body is affiliated. Prior to such approval the parties shall make no change in the terms or conditions of employment. The Committee may at any time suspend or terminate the operation of this subsection as to any matter previously referred pursuant to subsection (d) of this section.

(f) No standard national construction labor organization or national construction contractor association shall incur any criminal or civil liability, directly or indirectly, for actions or omissions pursuant to a request by the Committee for its participation in collective bargaining negotiations, or the approval or refusal to approve a collective bargaining agreement under this title: *Provided*, That this immunity shall not insulate from civil or criminal liability a standard national construction labor organization or national construction contractor association when it performs an act under this statute it willfully achieve a purpose which it knows to be unlawful: *Provided further*, That a standard labor organization shall not by virtue of the performance of its duties under this Act be deemed the representative of any affected employees within the meaning of section 9(a) of the National Labor Relations Act or become a party to or bear any liability under any agreement it approves pursuant to its responsibilities under this Act.

(g) Nothing in this title shall be deemed to authorize the Committee to modify any existing or proposed collective bargaining agreement.

STANDARDS FOR COMMITTEE ACTIONS

SEC. 206. The Committee shall take action under section 205 in order to—

(1) facilitate collective bargaining in the construction industry, improvements in the structure of such bargaining, agreements covering more appropriate geographical areas, or agreements more accurately reflecting the condition of various branches of the industry;

(2) promote stability of employment and economic growth in the construction industry;

(3) encourage collective bargaining agreements embodying appropriate expiration dates;

(4) promote practices consistent with apprenticeship training and skill level differentials among the various crafts or branches;

(5) promote voluntary procedures for dispute settlement; or

(6) otherwise be consistent with the purposes of this title.

OTHER FUNCTIONS OF THE COMMITTEE

SEC. 207. (a) The Committee shall promote and assist in the formation of voluntary national craft or branch boards or other appropriate organizations composed of representatives of one or more standard national construction labor organizations and one or more national construction contractor associations for the purpose of attempting to seek resolution of local labor disputes and review collective-bargaining policies and developments in the particular craft or branch of the construction industry involved. Such boards, or other appropriate organizations, may engage in such other activities relating to collective bargaining as their members shall mutually determine to be appropriate.

(b) The Committee shall, from time to time, make such recommendations as it deems appropriate, including those intended to assist in the negotiations of collective-bargaining agreements in the construction industry; to facilitate area bargaining structures; to improve productivity, manpower development, and training; to promote stability of employment and appropriate differentials among branches of the industry; to improve dispute settlement procedures; and to provide for the equitable determination of wages and benefits. The Committee may make other suggestions, as it deems appropriate, relating to collective bargaining in the construction industry.

MISCELLANEOUS PROVISIONS

SEC. 208. (a) This title shall apply only to activities affecting commerce as defined in sections 2(6) and 2(7) of the National Labor Relations Act, as amended.

(b) Nothing in this title shall be construed to require an individual employee to render labor or services without the employee's consent, nor shall anything in this title be construed to make the quitting of labor by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or services, without the employee's consent; nor shall the quitting of labor by an employee or employees in good faith because of abnormally dangerous conditions for work at the place of employment of such employee or employees be deemed a strike under this title.

(c) The failure or refusal to fulfill any obligation imposed by this title on any labor organization, employer, or association of employers shall be remediable only by a civil action for equitable relief brought by the Committee in a district court of the United States, according to the procedures set forth in subsection (d) of this section.

(d) The Committee may direct that the appropriate district court of the United States having jurisdiction of the parties be petitioned to enforce any provision of this title. No court shall issue any order under section 205(c) prohibiting any strike, lockout, or the continuing thereof, for any period beyond the ninety-day period specified in section 205(a).

(e) The findings, decisions, and actions of the Committee pursuant to this title may be held unlawful and set aside only where they are found to be arbitrary or capricious, in excess of its delegated powers, or contrary to a specific requirement of this title.

(f) Service of members or alternate members of the Committee may be utilized without regard to section 665(b) of title 31, United States Code. Such individuals shall be deemed to be special Government employees on days in which they perform services for the Committee.

(g) In granting appropriate relief under this title the jurisdiction of United States courts sitting in equity shall not be limited by the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932 (29 U.S.C. 101).

(h) The Committee may make studies and gather data with respect to matters which may aid in carrying out the provisions of this title.

(i) Notwithstanding anything in subchapter II of chapter 5 of title 5, United States Code, in carrying out any of its functions under this title, the Committee shall not be required to conduct any hearings. Any hearings conducted by the Committee shall be conducted without regard to the provisions of subchapter II of chapter 5 of title 5, United States Code.

(j) Except as provided herein, nothing in this title shall be deemed to supersede or modify any other provision of law.

(k) In all civil actions under this title, attorneys appointed by the Secretary may represent the Committee (except as provided in section 518(a) of title 28, United States Code), but all such litigation shall be subject to the direction and control of the Attorney General.

COORDINATION

SEC. 209. (a) At the request of the Committee, the other agencies and departments of the Government shall provide, to the extent permitted by law, information deemed necessary by the Committee to carry out the purposes of this title.

(b) The Committee and the Federal Mediation and Conciliation Service shall regularly consult and coordinate their activities to promote the purposes of this title.

(c) Other agencies and departments of the Federal Government shall cooperate with the Committee and the Federal Mediation and Conciliation Service in order to promote the purpose of this title.

DEFINITIONS

SEC. 210. (a) The terms "labor dispute", "employer", "employee", "labor organization", "person", "construction", "lockout", and "strike" shall have the same meaning as when used in the Labor-Management Relations Act, 1947, as amended.

(b) As used in this title the term "Committee" means the Construction Industry Collective Bargaining Committee established by section 203 of this title.

SEPARABILITY

SEC. 211. If any provision of this title or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this title or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

AUTHORIZATION OF APPROPRIATIONS

SEC. 212. There are authorized to be appropriated such sums as may be necessary to carry out this title.

EXPIRATION DATE AND REPORTS

SEC. 213. (a) This title shall expire on December 31, 1982.

(b) No later than one year following the date of enactment of this title and at one-year intervals thereafter, the Committee shall transmit to the President and to the Congress a full report of its activities under this title during the preceding year.

(c) No later than June 30, 1982, the Committee shall transmit to the President and to the Congress a full report on the operation of this title together with recommendations, including a recommendation as to whether this title should be extended beyond the expiration date specified in subsection (a) of this section, and any other recommendations for legislation as the Committee deems appropriate.

EXTENSIONS OF REMARKS

PARDON FOR VIETNAM VETERANS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. DRINAN. Mr. Speaker, President Carter's pardon, which excludes Vietnam veterans from its coverage, raises serious questions of fairness and discrimination. By including only those who violated the selective service laws, the Carter pardon has had the effect of discriminating against poor and minority persons of draft age. During the campaign, President Carter himself recognized that the poor and the minorities were disproportionately represented among our fighting forces in Vietnam.

In the March 7, 1977, edition of the Christian Science Monitor, Representative KASTENMEIER, chairman of the Judiciary Subcommittee which reported an amnesty bill in the 94th Congress, describes in some detail the factual underpinnings of these inequities. He points out that the administrative review system for upgrading less-than-honorable discharges is not an adequate remedy to meet the dimensions of the problem.

After examining Chairman KASTENMEIER's cogent statement, I could hope the reader would conclude, as I do, that President Carter must issue a new pardon to cover those previously excluded. The article is inserted here for that examination:

THE UNFINISHED AMNESTY AGENDA

(By Robert W. Kastenmeier)

President Carter has in a great measure addressed the inequities of the Vietnam era Selective Service System through his pardon of draft violators. The pardon was swift, effective and is being administered well. I urge the President to address the troublesome status of many Vietnam veterans in the same spirit.

The Vietnam war was fought disproportionately by America's poor and minorities; they did not have the resources or sophistication to seek deferments or to find legal specialists to assist in avoiding induction. During the Vietnam era, over 60 percent of the draft age eligible males did not serve in the armed forces and suffered no disruption in their lives. Many are urging that some relief be given to those persons who did serve but who found they could not continue to serve or who simply could not adjust to Vietnam era military life.

A relatively small number of these persons went AWOL and face charges for those absence offenses. A far greater number—suffer the post-service difficulties related to possession of an other-than-fully-honorable discharge. In order to make any judgments concerning possible remedies for these persons, it is important to review recent military discharge policy.

The armed forces issue five types of discharge certificates to enlisted members: honorable, general, undesirable, bad conduct, and dishonorable. The latter two are "punitive" discharges awarded as part of a sentence of a court-martial pursuant to the Uniform Code of Military Justice (UCMJ), an enactment of Congress. The former three are "administrative" discharges; these are not explicitly authorized by act of Congress but rest exclusively on Department of Defense directive.

The standards are administrative procedures in these regulations vary widely from service to service. Most of the regulations have been deficient in providing the rudiments of due process of law, such as proof beyond a reasonable doubt, compulsory attendance of witnesses, a verbatim transcript, or even a judicial officer to make rulings or objections.

During the Vietnam years, use of administrative discharges increased markedly. Regrettably, employers rarely distinguish between the different categories of less-than-fully honorable discharges. Many assume all were given for serious offenses. Consequently, hundreds of thousands find their discharge papers a constant impediment to employment.

Further, the problem goes beyond employment. Veterans holding administrative discharges suffer discrimination of many kinds. They find it harder if not impossible to obtain credit, licenses, rental housing, mortgages, life and medical insurance. Their discharge is perceived to raise questions about their character and makes them "bad risks." Ironically, the term "undesirable" conjures up a far worse image than does "bad conduct" and an undesirable discharge may provoke far more prejudice from society than the bad conduct discharge, awarded only after a full court martial proceeding.

Despite the stigmatizing effect of general and undesirable discharges, they were generally not given for conduct which was genuinely criminal in nature. Literally hundreds of thousands of these discharges were given for medical (bed-wetting, alcoholism) or psychological problems (character and behavior disorders, homosexual tendencies), or a general lack of aptitude for military regimen. Less-than-fully-honorable discharges given for absenteeism were generally received after Vietnam or lengthy stateside service, after denial of applications for conscientious objector status or hardship discharge, or to soldiers who should never have been inducted or accepted for enlistment in the first instance.

Moreover, a particular act or pattern of behavior could result in varying types of discharges from service to service, from year to year, and even from command to command within the same service in a given year.

There are administrative remedies for veterans who want to upgrade their discharges. Each service has a Discharge Review Board (DRB) and a Board for Correction of Military

Records (BCMR). But most applicants cannot afford the time and expense to leave work and travel to the hearing sites. Furthermore, counsel is not provided by the government and free specialized legal advice is not generally available. Each service has its own rules about considering post-service conduct and other types of mitigating factors.

This leads to a review system in which the well-off, well-informed, or lucky prevail. Only those people can realistically take advantage of certain liberalizing trends, retain competent counsel and seek rehearings.

Currently there is a significant backlog of review cases in each of the services. The Army DRB alone has a present backlog of 7,000 cases, and is receiving 1,000 new cases each month. Even if it can be assumed that 50,000 Vietnam era veterans have already applied and that 10,000 cases can be processed a year, it would take 55 years for all the Vietnam era cases to be processed under the current system even if they were given priority.

This discharge system applies only to those who have already left military service with a less-than-fully-honorable discharge. However, a significant group of Vietnam-era military personnel have not yet been discharged.

Some 4,200 Vietnam-era military personnel are now administratively labeled as "deserters at large." These men are disproportionately from lower socioeconomic backgrounds and members of minority groups.

Those men most sincerely opposed to the war would not take President Ford's "virtual amnesty" because they could not accept the premise of the program that they were morally culpable. (Many of these persons were those who applied for "conscientious objector" discharges in the early years of the war when such requests were denied by the Army in 85 percent of the cases.)

Approximately 694,000 veterans received other-than-fully-honorable discharges in the vietnam era by administrative proceedings.

These include 419,000 labeled as "general" and 275,000 labeled as "undesirable." However, a recent report by the Comptroller General indicated that Vietnam-era veterans "get different discharges in apparently similar circumstances," so it is important to note that characterization as "general" or "undesirable" is not, per se, meaningful.

Approximately 50,000 Vietnam-era veterans were given bad conduct or dishonorable discharges by courts martial. Many of these persons committed serious offenses which have a parellel in civilian life. Others, however, suffer the lifelong stigma of a bad discharge and possibly a felony conviction for relatively minor offenses many of which were directly related to opposition to the Vietnam war. For example, black soldiers who spoke out against "racism" in the war, soldiers who published antiwar newspapers or leaflets, and those conscientious objectors who refused orders to carry a gun or participate in further training were issued punitive discharges.

As with other forms of less-than-fully-honorable discharges, minority group persons received disproportionate percentages of courts martial. In a study by the Defense Department of 1,471 random courts martial at selected installations, "34.3 percent involved black servicemen. Blacks represented only 11.5 percent of the entire armed forces population, as of June 30, 1972."

It seems clear that this legacy of arbitrary, and in many cases senseless disruption of individual lives by the government has created a large class of people who are, in a very real sense, victims of the Vietnam war. I urge the President to study this victimization and to rectify it as only he is able.

LITHUANIAN INDEPENDENCE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. HYDE. Mr. Speaker, 1 month ago today marked the 59th anniversary of the reestablishment of independent Lithuania and the 726th anniversary of the founding of the Lithuanian State.

In honor of this occasion, I wish to pay tribute to the courageous, freedom-loving people of Lithuania who are still under Soviet occupation and oppression, and to Lithuanian Americans in my district who yearn for the liberation and independence of their homeland.

I believe all of us in the House of Representatives concur that if our Government intends to emphasize its concern for human rights in the world, there is no better place to begin than with a demand that all of the signers of the Helsinki agreement comply with all of its provisions.

I take great pride in sharing with my colleagues on this important anniversary a resolution passed on February 19 by the Lithuanian Americans of Melrose Park, Ill.; and a statement from the Lithuanian Americans in Cicero, Ill. Both urge that our U.S. representatives to the Belgrade Conference demand that the Soviet Union comply with the full implementation of the basket III provisions of the Final Act of the European Security and Cooperation Conference in Helsinki. I agree wholeheartedly with their sentiments.

The resolution and statement follow:

RESOLUTION

We, Lithuanian-Americans of Melrose Park, Illinois, at a meeting held on February 19, 1977 commemorating the 59th anniversary of the reestablishment of the independent state of Lithnania on February 16, 1918, and the 726th aniversary of the formation of the Lithuanian Kingdom in 1251, send our warmest greetings to the people of the Soviet-occupied Lithuania and pledge our unwavering support for the restoration of Lithuania's sovereignty and unanimously adopt the following resolution:

Whereas in 1918 the independent state of Lithuania was reestablished by the free exercise of the right of self-determination by the Lithuanian people; and

Whereas until 1940 Lithuania was a sovereign nation, a member of the League of Nations and signatore of numerous international treaties with the Soviet Union; and

Whereas the Soviet Union during June 15–17, 1940 invaded and occupied Lithuania, and subsequently, forcibly annexed the Lithuanian Nation into the Soviet Union; and

Whereas the Soviet Union continues to conduct a policy of colonization, Russification, ethnic dilution and religious and political persecution; and

Whereas the people of Lithuania to this day are risking and sacrificing their lives in defiance of the Soviet regime as most recently untold number of Lithuanian and Russian dissidents have been arrested and imprisoned for the publication or dissemination of "The Chronicle of the Lithuanian Catholic Church"; and

Whereas the United States Government maintains diplomatic relations with government of the Free Republic of Lithuania and consistently has refused to recognize the unlawful occupation and forced incorporation of this freedom-loving country into the Soviet Union; and

Whereas the 89th U.S. Congress unanimously passed House Concurring Resolution 416 urging the President to raise the question of the Baltic Nations status at the United Nations and other international forums; now therefore be it

Resolved, That we, Lithuanian-Americans will urge the President to vigorously implement the House Concurrent Resolution 416 to the fullest extent; and further

Resolved, That we urge the Secretary of State, during the Belgrade Conference, in compliance with the humanitarian provisions of the Final Act of the European Conference on Security and Cooperation, to protest the persecution and imprisonment of Lithuanians by the Soviets; and further

Resolved, That copies of this resolution be forwarded to the President of the United States, the United States Secretary of State, the United States Ambassador to United Nations, the United States Senators, members of the House of Representatives, the Lithuanian Minister in Washington, D.C., the Lithuanian Consuls in New York City and Chicago and the press.

THE BELGRADE CONFERENCE: A SECOND OPPORTUNITY

This summer, the United States will be attending the follow up Conference on European Security and Cooperation in Belgrade, Yugoslavia.

The people of Lithuania are anxiously awaiting the outcome of the Belgrade Conference, because it represents the only foreseeable means for them to benefit from the Basket III provisions of the Final Act of the European Security and Cooperation Conference in Helsinki.

Lithuania, a sovereign nation since 1251, reestablished its independence on February 16, 1918, but was invaded by the Soviet Union in 1940 and was forcibly annexed with Latvia and Estonia into the Soviet Union that same year.

For more than three decades, the Lithuanian people have endured religious persecution, political repression, complete denial of their basic human rights, and concentrated programs of Russification of their country by the Soviet Union.

Lithuanians have not suffered in silence. The Western World has seen and heard of the sacrifices of Lithuanian patriots, despite attempts by the Soviet Union to suppress all such communications with the Western World. The underground publications, "The Chronicle of the Lithuanian Catholic Church" and "Ausra" (The Dawn), are published and disseminated by Lithuanians, in spite of the constant threat of arrest and imprisonment by their Russian occupiers.

The Soviet Union has blatantly ignored the human rights provisions of its own constitution, the provisions for human rights in the United Nations Charter, and most recently it has ignored the implementation of the Basket III provisions of the Final Act of Helsinki.

There is world-wide concern for Soviet Jewry, and justly so, however, Lithuanians, Latvians, Estonians and the people of the other Captive Nations also deserve our concern, and actions.

We have a second opportunity, at the Belgrade Conference, to bring the force of world public opinion and the diplomatic power of the Western World to bear on the Soviet Union's disregard of the human rights provisions of the Final Act of Helsinki. The

Commission on Security and Cooperation in Europe, established by the United States Congress last year, has documented evidence of the Soviet Union's non-compliance with these provisions.

We urge the President of the United States, and the Secretary of State to direct our representatives to the Belgrade Conference to confront the Soviet Union about their non-compliance and evidence of bad faith. Since the Soviet Union seeks better relations with the Western World for its own purposes, let us make compliance with the Final Act of Helsinki a condition on which those relationships depend.

TUNA-PORPOISE SOLUTION SOUGHT

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. ANDERSON of California. Mr. Speaker, the following editorial from today's Los Angeles Times gives an excellent perspective of the problems currently facing the United States' tuna industry, due to restrictions on the taking of porpoise while catching yellowfin tuna. Ironically, the strict regulations being enforced by the National Marine Fisheries Service to protect porpoise may actually increase the number of those animals killed.

Because the eastern spinner porpoise may be reaching the point where it might become depleted, a total ban on taking the animal has been set. Since this species occurs in approximately 60 percent of all schools of porpoise associated with tuna, American boats are prohibited from fishing on a majority of the fish they find.

Foreign fishermen in the same waters are not regulated. And since the American fleet is currently tied up in port, they are fishing without competition or enforcement of even the most basic laws of conservation.

The following article from the Los Angeles Times gives a very clear picture of the current situation—and urges Congress to take the prompt action that is required:

GUESSING AN INDUSTRY TO DEATH

Congress should act, and quickly, to amend the Marine Mammal Protection Act of 1972 to reflect present realities in the tuna fishing industry.

The statute, as now written, could force American fishermen into bankruptcy, and could also hasten the extinction of the creatures it was meant to protect.

The California tuna fleet of more than 100 vessels is lying idle in San Pedro and San Diego because the National Marine Fisheries Service, which enforces the statute, has a *suspicion* that the Eastern spinner, one of the species of porpoise that run with schools of yellowfin tuna, *may* be nearing depletion.

The air-breathing porpoises can drown despite the best efforts of ships' crews to free them from the deep folds of their three-quarter-mile-long nets. But there is no reliable information that the spinner is actually in danger of depletion.

Despite that, the fisheries service last week was able to persuade a federal court in Washington to set a zero quota on the killing of spinners, while allowing the U.S. fleet to take 9,972 porpoises of other species before April 30, when new limits will be set.

The American captains had no choice but to bring their ships back to port from the fishing grounds in the far Eastern Pacific. The killing of even one spinner, which is found in six out of ten schools of yellowfin, could bring penalties of up to one year in jail and a $20,000 fine.

The only evidence the fisheries service had to support its insistence on the zero quota for the spinner was an assumption that "the probability of it being depleted was slightly greater than that of not being depleted."

Incredibly, it is that slight probability that threatens to bring a $2 billion annual industry, employing 30,000 workers, to a standstill. No wonder the American vessels came back to port with their flags at half-cast.

But the Marine Mammal Protection Act permits such blind restrictions on American seiners, which have had remarkable success in reducing the porpoise kill, while foreign governments impose no controls whatever on their vessels.

Nor is this the first time that the San Pedro and San Diego fleets have had to leave the seas at great financial loss because of the policies of their own government.

We support the goal of the protection act—to save the porpoise from extinction. But it serves the opposite purpose when it immobilizes an American fleet that is investing huge sums in research and equipment to lower the porpoise kill, and leaves the fishery to foreign-flag seiners that are responsible for most of the slaughter.

And, again, all of this is done without exact knowledge of the industry's impact on porpoise populations.

Government officials admit that they are only guessing that the spinner faces depletion, and they also admit that their quotas on other species are set on the basis of "approximations that are not very precise."

Reliable information should be forthcoming from a massive air and surface census of porpoise populations that was begun this month by the National Marine Fisheries Service over the 5 million-square-mile area of the tropical Pacific.

Until those results are known, the service should back off from panic quotas that current knowledge does not justify, and Congress should amend the law to forbid regulation by guestimate in the future.

If nothing is done, there are three certain losers; the consumer, who will have to pay higher prices for the smaller American catch; the tuna industry which cannot operate profitably under the present rules, and the porpoise, which will be left to the mercy of foreign crews that kill them at will and with impunity.

NATIONAL EMPLOY THE OLDER WORKER WEEK

HON. JOSEPH A. LE FANTE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. LE FANTE. Mr. Speaker, last year, to encourage and support educational efforts designed to make employers more aware of the advantages of hiring older workers, the Congress, by joint resolution, requested the President to designate the week of March 13, 1977, as National Employ the Older Worker Week.

President Carter, in issuing this year's proclamation, has called upon all Americans to recognize the knowledge and dedicated experience that older workers bring to their jobs and to promote opportunities for older Americans to secure employment.

Large numbers of qualified workers have discovered that their age is the only obstacle in the search for a useful rewarding job, the birthright of every American—regardless of race, religion, national origin, or even longevity. All too often, capable and devoted older workers have been discriminated against and stereotyped, resulting in untold economic and psychological damage to both themselves and their families. And while they have been denied the ability to fulfill their potential, our Nation has been deprived of a source of added productivity.

Today, the law acknowledges the special responsibility which we as a people owe to our mature workers who have labored so long and served so well.

Mr. Speaker, the proclamation of National Employ the Older Worker Week is in keeping with the effort to create a more favorable climate for the employment of older Americans and deserves our vigorous and unceasing support. For only through a policy of increased Government concern will the public, and prospective employers in particular, adopt the appropriate attitude that will assure our older Americans of an equal opportunity in the job market, which will culminate in the long awaited and eagerly sought elimination of age discrimination from our society.

WEST POINT'S 175TH BIRTHDAY

HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. FARY. Mr. Speaker, there recently came into my possession some of West Point's historical background which I would like to pass on to my colleagues on this 175th anniversary of the founding of the U.S. Military Academy at West Point.

Mr. Speaker, it is with a great deal of pride that I introduce the following historical data into the RECORD today, because today March 16, 1977, is the 175th anniversary of the founding of our U.S. Military Academy.

West Point's heritage dates from the earliest days of the War of American Independence when the Second Continental Congress recommended that the Hudson River be blocked by fortifications to prevent the British from cutting the American colonies in two. In 1775, patriots began to construct fortifications on Constitution Island, across from the West

Point, and then in 1776 and 1777, built improved positions and installed an iron chain across the Hudson a few miles below West Point at Popolopen Creek. After the British destroyed these works in 1777, during an abortive move to assist Burgoyne's army near Saratoga, American leaders finally decided to fortify West Point.

From January 1778 through 1779, American commanders, with the assistance of American, French, and Polish engineers—Louis de la Radiere, Thomas Machin, Thaddeus Kosciuszko, Rufus Putnam, Louis Duportail, and Stephen RocheFontaine—had their soldiers build a modern fortified zone around West Point. Fortress West Point eventually contained several forts, redoubts, and batteries holding over 90 cannon and mortars and a new iron chain which stretched from West Point to Constitution Island. Fort Clinton, the main bastion, covered the river and the chain. Fort Putnam protected Fort Clinton from inland attack. The new fortification blocked the Hudson River and deterred the British from repeating their 1777 campaign for the duration of the war.

In 1780, Maj. Gen. Benedict Arnold, commanding West Point and the Hudson Highlands, attempted to sell West Point to the British, but he failed, turned his coat and joined the British Army. Arnold's accomplice, Maj. John Andre, was not so fortunate. Washington had the British officer hanged as a spy.

Following the American Revolution, Washington, Hamilton, Knox, and other Americans proposed that a military academy be founded to provide the Army with the engineers and artillerists who were so needed during the war. In 1802, Congress approved such an academy, and it was established at West Point where it has remained for 175 years. Growing and changing with the Nation, the U.S. Military Academy has produced generations of graduates who have served the United States as soldiers and civilians at home, abroad, and in space, during war and peace. Today, Americans can trace the heritage of the Military Academy and the American military tradition to West Point, a key to this continent during the American Revolution.

PHILADELPHIA EXPANDS USE OF 911 EMERGENCY NUMBER

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. EILBERG. Mr. Speaker, Philadelphia's Mayor Frank L. Rizzo has announced the expansion of the city's 911 emergency telephone number to include fire and rescue emergencies as well as police emergencies.

The 911 number has been in use for police emergencies since March of 1974, when Philadelphia became one of the first cities in the Nation to adopt the federally suggested number.

"The use of 911 for fire and rescue calls is being done to simplify and expedite the city's response in any life and death situation," according to Mayor Rizzo.

"At present," the mayor has stated, "many citizens reporting fires waste valuable seconds in calling the telephone operator, who then must repeat the information to the fire department."

"Use of the 911 number will eliminate this duplication, and enable the fire department to respond instantly to calls for assistance."

According to Fire Commissioner Joseph R. Rizzo, in 1976 Bell Telephone operators transferred 20,044 fire calls to the fire department; these constituted about 45 percent of the total 44,781 fire calls from all sources last year.

Mayor Rizzo pointed out that use of the 911 number was extremely successful for police emergencies in 1976.

"The police department handled 3.4 million calls last year; 50 percent of these calls were of an emergency nature," Mayor Rizzo said.

Mayor Rizzo is urging Philadelphians to use 911 only in emergencies involving stopping a crime or saving a life, as well as reporting fires. All routine police calls should be made to 231–3131; routine fire department calls, to 922–6000.

"We hope that all our citizens will immediately begin using 911 for fire and rescue calls," Mayor Rizzo said. "The city administration is determined, in every way possible, to help cut the tragic toll of fire injuries and deaths in Philadelphia."

The mayor said there are 54 trunk lines to the 911 emergency phone service at the police administration building's communications center to insure minimal delay in reporting a crime, fire, or medical emergency.

CONSERVE OUR ENERGY SUPPLIES

HON. MARC L. MARKS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. MARKS. Mr. Speaker, as a member of the Interstate and Foreign Commerce Committee which will consider much of our energy legislation this Congress, and as a resident of a State which was hard hit by the recent winter weather, I am pleased to provide the observations of Mr. Frank Gorell, president of Season-All Industries, on the need to conserve our energy supplies:

THE SIGNIFICANCE OF WINDOWS IN ENERGY CONSERVATION FOR RESIDENTIAL, INSTITUTIONAL, COMMERCIAL, INDUSTRIAL, AND PUBLIC STRUCTURES

In our struggle to cope with our energy problems, emphasis must be placed on conservation, and top priorities must be placed on actions which effect conservation . . . right now.

One of these greatest potentials is in residential and commercial buildings. The Federal Energy Administration has estimated that 25% of our consumption can be saved in our homes and buildings with cost-effective actions. Dennis Hayes in "Energy: The Case for Conservation" points out that we have the capacity in our homes and buildings to reduce our total energy budget by at least 16% over the next quarter century.

When Senator Kennedy introduced the Energy Conservation Act of 1976, he stated, "One of the most potentially productive sectors (for energy conservation) is found in residential and commercial buildings. FEA," he reported, "estimates the potential residential savings to be the equivalent of 900,000 barrels of oil (per day) over the next several years for space heating alone."

Senator Kennedy continued, "FEA currently estimates potential savings in the commercial building sector to be about 250,000 barrels per day."

The importance of windows in energy conservation in our homes and buildings has been dramatized by the National Bureau of Standards, which set us a conventional single-family house to pinpoint causes of heat loss, and scientifically measure the intensity of the different causes.

The results of this testing showed that "adding storm windows (to relatively draft-free primary windows) reduced necessary fuel by a big 24%."

Translating the NBS results to the average size house, the following chart shows that storm windows (over good existing windows) pay back the investment in fuel savings alone in from 2 to 6½ years in most parts of the country when heating fuel is in greatest use.

	Degree days	Payback in years: Electricity	Oil	Gas
Baltimore; Chattanooga; Roswell, N. Mex.	4,000	4.52	5.59	6.54
Pittsburgh; St. Louis; Wichita	6,000	3	3.72	4.35
Buffalo; Omaha; Cheyenne	7,000	2.57	3.18	3.73
Bangor, Maine; Sioux Falls; Minneapolis	8,000	2.25	2.79	3.26

Windows might well be the American home and building owner's single greatest "right now" opportunity to conserve energy . . . but the information being offered to conserve window energy does not, for the most part, recognize all the problems. It ignores the totally worn out window.

Apparently, these recommendations to caulk and weatherstrip and install storm windows are stressed because they are relatively familiar and easy to do, but they are not the solution to all the problems.

Caulking will eliminate leaks between the window frames and the wall, but not around the sashes. Weatherstripping will help, but neither it nor caulking will do anything to prevent the great loss of heat directly through the glass.

Installing storm windows will dramatically reduce heating and cooling losses, but only if the prime window is sound; if it does not permit air infiltration through open cracks. But, if the prime window is badly worn and beyond the help of weatherstripping, there is not much alternative. It has to be replaced. Up until a few years ago, this involved a major investment in time and money. In recent years, however, there is the custom-fit aluminum replacement window. It is an economical way to replace old windows, because custom-fit eliminates structural alteration to the wall.

There's no need to enlarge or reduce the opening, or refinish the outside. On the inside, not even the trim is touched . . . so there's no expense for replastering or new wallpaper.

Even existing draperies and curtains still fit . . . and the simplified installation is done from the inside in practically any weather.

Recently introduced are what is known as "thermally improved" replacement windows . . . custom-fit units which provide insulation in the frame and sash as well as the glass to minimize condensation and maximize fuel economy. In the Architectural Aluminum Manufacturers Association's rec-

ommendation to the FEA that custom-fit aluminum replacement windows be listed as an approved energy conservation measure, AAMA showed that thermalized replacement windows will save from $6.25 to $13.34 per window per year, depending on where the home or building is located and the type of fuel used.

Another similar recommendation to the FEA showed that fuel savings alone will repay the investment in thermally improved windows in from 5 to 15 years anywhere in this country.

The reason window energy conservation is not realizing its full potential was identified by Senator Kennedy, in introducing the Energy Conservation Act of 1976, as an apparent lack of specific knowledge about how to save energy. He submitted a study which indicated that people tend to favor the most obvious, but least significant, ways to save energy. Only 7% were installing ceiling insulation; only 2% were installing storm windows. And the energy conservation measure, replacement windows, was not even mentioned.

A separate survey conducted by National Family Opinion, Inc., to determine which energy conservation measures homeowners would apply if the proposed Insulation Tax Credit became law, showed dramatically improved interest in significant energy conservation measures, simply because those surveyed were first told about the savings potential of different measures. The survey indicated that up to 20% would install storm windows, and 10% would replace their old, worn-out windows with thermally improved windows.

The recommendation here is that windows be given more emphasis in energy conservation legislation. In addition, government publications should treat all the different solutions to the different window energy problems by listing replacement windows as an approved energy conservation measure. And because of the significance of windows and other insulation measures in homes and other buildings, it is recommended that the often proposed Insulation Tax Credit be quickly enacted into law.

PUBLIC FINANCING OF CONGRESSIONAL ELECTIONS

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. SIMON. Mr. Speaker, the Sun Democrat of Paducah, Ky., had an editorial on public financing of congressional election campaigns that I would like to call to the attention of my colleagues.

It is another indication that reflective people around the Nation believe that some major change is needed in the way we finance our campaigns.

PUBLIC FINANCING OF CONGRESSIONAL ELECTIONS

Special interest groups doled out more than $22.5 million to congressional candidates last year, almost double their 1974 contributions, according to a report recently released by Common Cause.

This huge pile of cash was stacked behind favored candidates by business, labor, and other big money interests like the American Medical Association (the largest single contributor) and the dairy industry. It dramatically underlines the need for public financing of congressional as well as presidential elections, a major plank of Jimmy Carter's presidential platform.

The 1976 presidential election was financed mainly by public funds from the voluntary tax check-off. This evidently caused pressure groups to turn most of their attention to Congress. As outgoing Common Cause President John Gardner lamented: "It might be said of the well-heeled special interest groups that being unable to buy themselves a president, they bought as many members of Congress as they could."

Already representatives of these groups are knocking on the doors of victorious senators and representatives with a handshake of congratulations and a hand out for favors in return for their investments."

Public financing of their elections would make congressmen less dependent on interest groups and more responsive to their constituents. At the same time, it would prevent a rich candidate from using his money to the disadvantage of a poorer candidate. Last year, Republican H. John Heinz III, the soup and catsup heir, pumped $2.2 million in personal funds into his successful Pennsylvania Senate campaign—considerably more money than his opponent could spend.

Admittedly, too much federal encroachment into certain areas of American society has caused problems. But in the light of Watergate and shenanigans of several congressmen, public financing of congressional elections deserves a chance.

RURAL TRANSPORTATION NEEDS OF THE ELDERLY AND HANDICAPPED

HON. MICHAEL T. BLOUIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. BLOUIN. Mr. Speaker, yesterday, I had the privilege of submitting testimony to the Department of Transportation's public hearing on the future of a prototype surface mass transit vehicle called "Transbus."

My testimony addressed the general problem of transportation for the elderly and handicapped in rural areas. I know this is a problem which is not unique to Iowa and I would like to enter the text of my prepared remarks in the RECORD:

TESTIMONY BY HON. MICHAEL T. BLOUIN

As I am sure the Department of Transportation is well aware, the number of elderly people in this country continues to grow. At 22.5 million nationwide, the number of people over age 65 now represents over 10 percent of the total population—and that percentage will increase to 11 percent by the year 2000.

The number of physically handicapped individuals in this country is estimated at 12 million nationwide, including 5 million cardiac patients who can no longer climb stairs or walk long distances, 2 million orthopedically impaired individuals and 250,000 wheelchair patients. As the population grows, so does the number of physically handicapped people.

It comes as no surprise to the Department or any of the rest of us that these people—both the elderly and the handicapped—have very special transportation problems. If we needed further evidence of that fact, the House Select Committee on Aging, on which I serve, provided it last year in a comprehensive study of transportation problems. The study concluded that "older Americans are severely hampered in getting to and from places they need to travel." "In many areas, there is no public transportation at all. Often when it exists, it goes to the wrong place at the wrong times for older Americans."

The Select Committee's study also found that even when it exists, public transportation "imposes physical and income demands of its own. High steps, quick movement and ill-designed routes may in effect deny the elderly *access* to existing systems."

Congress recognized the accessibility problem in the Urban Mass Transportation Act which mandated that vehicles financed by the Act be accessible to elderly and handicapped persons. The Department of Transportation responded to that mandate in the specifications it issued for the prototype transit vehicle called "Transbus."

I, for one, support the Transbus specifications, and so did the House Select Committee in its report last year. But at the same time, I hasten to impress upon the Department that the Transbus is a limited solution to a much broader problem.

Elderly and handicapped people in this country are not evenly distributed throughout the population. They are often concentrated in older neighborhoods in major cities, in special housing developments for senior citizens, in separate retirement communities, or in geographic areas with relatively attractive climates. The result is a wide range in the percentage of elderly, even in urban areas themselves. In Sterling Heights, Michigan, for example, the number of people over age 65 represents only 2.3 percent of the total population; by contrast, in Miami Beach, Florida, the over-65 population represents about 48.7 percent of the total population.

In areas like Miami Beach, and other urban or suburban areas, the prototype Transbus will work very well. It answers the accessibility problem for the elderly and handicapped in terms of surface public mass transportation. It may even work well in places like Cedar Rapids or Dubuque, Iowa, where large surface transportation buses are now in use. But it clearly will not work in places like Tipton or Cascade, Iowa, or places like Winneshiek County, Iowa.

For one thing, a bus which meets the Transbus specifications may have a very difficult time negotiating the secondary roads of rural Iowa. Not only are the roads often narrow and sometimes winding, but there are scores of structurally deficient bridges on the nation's secondary road system which are not safe for standard motor vehicles, much less a 12-ton, 45-passenger bus. And that is no exaggeration because I personally know of cases where school buses must be re-routed because county bridges are not sound enough to carry them.

Secondly, even if the Transbus could navigate secondary country roads, it would be rambling around out there more than half-empty, simply because it would be a rare occasion when 45 elderly or handicapped people from any one area would be traveling in the same direction at the same time.

In short, the Transbus is a limited solution to a much broader problem. Its application in rural areas—in places like Iowa—will be severely limited and, in many places, totally impractical.

I feel quite confident that the Department's planners are well aware of that fact, but it bears repeating for the record.

It is particularly important because the transportation problems of elderly and handicapped people in rural areas are particularly acute, and about 31.8 percent of the nation's elderly population lives in rural areas. The House Select Committee made the point very well in its report last year:

"Virtually all rural persons are poorly served by public transit," the report said, "and the rural elderly—between five and six million—are no exception. Distances are greater, populations less dense, and incomes among the elderly are generally lower than in urban areas. . . .

"In rural areas, with the exception of relatively infrequent inter-city bus or rail service, there is often no public transportation of any kind. If the elderly wish to make

trips to clinics, go shopping or just socialize they must either drive themselves or be driven."

The Select Committee's conclusion was hammered home again and again in the course of public hearings which the Aging Committee held at my request in Iowa, and in other areas throughout the country.

It was emphasized again and again in an Intergovernmental Conference on Transportation for the Elderly which I organized in Iowa a year ago.

And it was made particularly poignant in the response of one rural elderly person in Iowa who wrote to officials of the Eastern Iowa Rural Public Transportation Conference in 1975. Explaining her absence from the conference, she wrote: "I wish I could have been there. . . . Someone else is always talking for us. If I had transportation to get there, I would tell them! You ask what we need, well I'll tell you. I need a small bus to come to my house and get me. It should be small enough to come up the gravel road and be able to turn around in my driveway."

I am afraid the Transbus, despite its obvious advantages, could not fulfill that Iowan's expectations—and hers are typical of the needs of rural citizens for effective elderly and handicapped transportation services.

For that reason, I hope to impress upon the Department of Transportation the need to be flexible and much more imaginative in dealing with the transportation problems of elderly and handicapped people in both urban and rural areas.

CHICAGO'S GORDON TECHNICAL HIGH SCHOOL CELEBRATES 25TH ANNIVERSARY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. ANNUNZIO. Mr. Speaker, Gordon Technical High School, located in the 11th District I am honored to represent at 3633 North California Avenue in Chicago, is celebrating the 25th anniversary of its founding throughout this year.

Various jubilee events will be held to commemorate this occasion, including a dinner-dance to be held at the Sheraton O'Hare Hotel on April 30, and a liturgy celebrated on October 31 at the St. Mary of the Angels Church, to be followed by a grand "Open House Reception" at the school.

I am delighted to send greetings and extend my congratulations to Rev. Edwin F. Mitrenga, C.R., principal, and to all of the faculty and students of Gordon Technical High School as they participate in this 25th anniversary celebration, and I extend to them my best wishes for many more years of outstanding service to our Northwest Side Chicago community as they continue their inspiring example.

Mr. Speaker, a history of Gordon Technical High School follows:

HISTORY OF GORDON TECHNICAL HIGH SCHOOL

When Weber High School moved from its old location on Division Street to its present location, Father John Dzielski, C. R. conceived the idea of starting a fully accredited technical high school at the old site. After due consultation with the Provincial, The Very Reverend Casimir Guziel, C.R., as well as the officers of the North Central Association and State Educational Department, the new technical school came into being as a branch of Weber and referred to as Weber Tech. From the beginning, however, plans were made to make the school a separate educational institution.

The idea of a technical high school on the north side proved to be very popular. Therefore, in September of 1952, the former Weber Tech became Gordon Technical High School, named after Father Francis Gordon, former principal of Weber High School and a pioneer in Resurrectionist education. The new Gordon Tech had Father John Dzielski, C.R. as principal and employed a teaching staff of seven priests and five lay teachers.

Under Father Dzielski's guidance, the fledgling Gordon grew by leaps and bounds. In June of 1953, after only a year and a half of existence, Gordon received recognition from the North Central Association, indicating the achievement of high degree of academic excellence. For the 1953–54 school year enrollment rose to 305, and the school became a member of the Catholic High School Athletic League.

In 1954, Father Louis Gracz was appointed to the office of principal. The 1954–1955 school year saw the inclusion of other technical courses, a major one of which was auto shop. Bowling, driver training, and the band became activities of the school. The 1956 graduation class was the first to complete four years at Gordon Tech.

From 1954 to 1958 the school's enrollment doubled, and the school grew too large for the confines of the Division Street building. Father Gracz received permission from the Archdiocese to begin looking for a new site for the expanding Gordon Tech. After two months of searching, a seven and one-half acre site was found on the corner of Addison and California, adjacent to Horner Park. With money supplied by a grant from the Archdiocese, the firm of Fox and Fox was engaged to design a building that would suit the needs of a technical high school.

Monsignor William E. McManus broke the ground for the new site of Gordon Tech on January 3, 1960. By the second semester of 1961, the entire $3,250,000 was ready for use.

Father Gracz continued as principal until 1965, at that time Father Walter Wilczek took over as administrator.

From 1965 to 1973 under Father Wilczek's leadership, extensive improvements were made in administration and curriculum development and a school-wide intramural program. From a purely technical curriculum Gordon expanded to three separate programs for students: college preparatory, trade school prep, and a course of study preparing students for employment directly after high school.

The Language Department expanded to meet the demands of an ever increasing number of students; the Science Department developed a comprehensive and challenging four year program; and departments of Business and Communications were introduced. The enrollment grew to 2,600 boys, making Gordon the largest high school in the Archdiocese of Chicago.

Because of this phenomenal growth, many other improvements were required. It was under the urging of Bishop McManus that Fr. Wilczek worked with the Archdiocesan officials to accommodate the boys who were asking for entrance to Gordon Tech. Cardinal Cody supported these efforts with Project Renewal money. The improvements included an eighteen classroom addition at the north end of the main building; the complete revision and expansion of the library facilities; an addition to kitchen facilities; introduction of computerized programing; a second closed-circuit television station; the Individualized Instructional and Research Program designed for incoming freshmen and sophomores who have deficiencies in Mathematics, English and Science; and enlarged facilities for Physical Education.

In the Fall of 1973, Father Edwin Mitrenga became Gordon's fourth principal. Curriculum development and dedication to the improvement of all educational and religious functions that Gordon performs have been reemphasized.

1974–1977 brought the development of an Honors Program, Catholic League titles in at least one level of every sport, numerous technical and scholastic awards, active and spirited growth in activities and intramurals, remodeling and renovation of the Student Records, Student Services, and Business Offices, and a continued reevaluation of the entire school and its programs.

With continued dedication of administration and faculty, and students, Gordon has high hopes of sustaining what has already become a tradition of enthusiasm and excellence.

H.R. 5054—TO REMOVE RULE OF APPORTIONMENT FOR FEDERAL JOBS

HON. NEWTON I. STEERS, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. STEERS. Mr. Speaker, yesterday my colleague from the Washington Metropolitan Congressional Caucus, HERB HARRIS, introduced H.R. 5054, legislation which will do away with an anachronistic provision of Civil Service law. I am pleased to be an original consponsor of this legislation, along with Mr. FISHER, Mr. FAUNTROY, and Mrs. SPELLMAN.

The Civil Service Reform Act of 1883 established a rule of apportionment for Federal jobs in the Nation's Capital so that the residents of Maryland, Virginia, the District of Columbia and other eastern States would not get too many Federal jobs and thus, exercise too much "power" in the Federal Government. The net effect of this 94-year-old provision is that potential Federal employees from at least a dozen States are denied Federal employment because their State has already met its hiring quota. And of course, this means that the entire system of "merit" hiring in the Federal service is a mockery. Federal agencies can only hire the best applicants for positions if that applicant happens to be from a State which has not yet met its quota—obviously, not a beneficial situation for the Government or for the individuals who are denied Federal employment merely because their State exceeds the quota.

As a Representative of one of the States which is "over-quota", I often hear from individuals who are denied Federal employment solely because of the apportionment rule. I think that a very good example of the present effect of the rule involves one of my constituents who was a Phi Beta Kappa graduate of Wellesley and had a 96.5 rating on the Federal Service Entrance Examination. She had obtained a job with an agency here in Washington as a temporary employee and, when her temporary appointment had to be converted to a permanent slot, she was denied because she was a resident of Maryland, an "over-quota" State. This happened in spite of the fact that her immediate supervisors, and even her superiors' superiors, recommended that she be hired because of the performance record she had established while serving the agency as a temporary employee. Obviously, my constituent was

harmed by the action, as was the agency for which she had worked and proven her abilities.

Mr. HARRIS' legislation will do much to bring about meaningful reform to an antiquated hiring policy of the Federal Government. The need for the quota system may well have been present in 1883—but now the provision only serves to hinder hiring the best applicant.

The apportionment rule is, in this day and age, counterproductive and I hope that the Post Office and Civil Service Committee will review this legislation and recommend favorable action.

LASER FUSION

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. McCLOSKEY. Mr. Speaker, on Friday, March 4, one of my constituents appeared before the House Subcommittee on Fossil and Nuclear Energy Research, Demonstration and Development of the Committee on Science and Technology to testify on the subject of laser fusion.

He is Dr. Robert Hofstadter, Max H. Stein Professor of Physics at Stanford University, and a Nobel laureate. He is former director of the high energy physics laboratory at Stanford. He is credited throughout the world for his contribution as a doctoral candidate to the understanding of the so-called hydrogen bond, which explains the mechanism by which hydrogen combines with so many elements. He is also known for his work in determining the precise dimensions of the nuclei of all elements in the periodic table.

Although Dr. Hofstadter's testimony will appear in the record of the hearings conducted by Mr. FLOWER's subcommittee, I think it appropriate to make it promptly available to Members of Congress, and therefore I submit it for inclusion in the RECORD:

TESTIMONY OF DR. ROBERT HOFSTADTER

My name is Robert Hofstadter. I am appearing as Executive Scientist of KMS Fusion, Inc., Ann Arbor, Michigan, which is a part-time activity in addition to my regular duties as Max H. Stein Professor of Physics at Stanford University.

For many years, I have been a consultant for the Harshaw Chemical Co., on the development of scintillation materials. For the last five years, I have worked on a part time basis with the staff of KMS Fusion in the development of a program designed for the civil applications of laser fusion. I hope laser fusion will become a major source of energy for the future needs of the nation. I have written an article titled, "Laser Fusion," which appeared in the IEEE Transactions on Nuclear Sciences, Vol. NS 24, No. 1, pp. 33 to 47, February 1977. I cite this record to show experience in scientific matters and in industrial work. This background is appropriate since what I am going to say may be at variance with other testimony you may have heard or will hear. I want to assure this Committee that I have given much thought to how civil energy needs may be advanced in the shortest possible time.

To support my point of view I will lean heavily on the work of KMS Fusion. Although this company's work has not been sufficiently appreciated in the past and is still being largely ignored, the company's staff produced the first implosions of thermonuclear fuels, and on May 1st, 1974 produced the first man made thermonuclear neutrons except for those made in hydrogen bomb explosions. Subsequently other laboratories have observed and confirmed these observations.

I regard the future of laser fusion energy as much closer than most others—but only if the program of development in this field is given adequate financial support and scientific freedom of investigation. I want to see laser fusion energy production in my life time and I am 62 years old. If I felt otherwise I would work on other subjects.

Interest is mounting in the civil energy application of laser fusion and I cite as evidence that a University of Wisconsin group under contract from the Electric Power Research Institute is providing an actual reactor design for a 3,000 megawatt unit. On the whole, however, a civil energy laser fusion program is nonexistent. I think our national policy needs a severe prod in order to reverse its direction. I should point out that our national program is essentially oriented toward weapons development, weapons simulation and weapons design. But civil energy needs, I submit, are very different from weapon needs, and there are innumerable deviations in the two approaches. My interest and KMS Fusion's interests are in the civil energy department.

Let me indicate what an industrial approach such as that at KMS Fusion could do to advance our civil energy needs in the shortest possible time.

I shall make a major point first. Civil energy production requires a device, similar to a large automobile engine, that delivers relatively small amounts of energy in each micro-explosion, but relatively often—such as perhaps ten times per second. The needs of weapon development or weapon simulation might be satisfied by only one micro-explosion per day or perhaps only one explosion per week. The aims are very different.

Now, what can an industrial approach do? I will itemize the relevant points below:

1. An industrial approach can define the laser fusion needs for fast cycling lasers, such as gas lasers, and possibly the free electron laser recently invented by my Stanford colleague, Dr. John M. Madey. As I indicated, fast cycling lasers are essential for civil energy.

2. Industry can help with the actual development of fast cycling lasers such as the iodine laser.

3. Industry can determine the usefulness of laser radiations of different wavelengths. The wavelengths of the laser light may be crucial in determining the efficiency of a real energy-producing reactor. KMS Fusion has already done research at two different wavelengths.

4. Our industrial approach can be directed to investigate and develop all-reflective optics so as to avoid power limitations and energy losses in glass lenses and other optical devices in conventional lasers. All-reflective optics will also permit the use of several wavelengths at once.

5. KMS Fusion is interested in exploring a variety of pellet configurations in obtaining the most information about their usefulness and suitability, begining with the hollow spherical pellets now widely used. The suitability and usefulness of a pellet for energy production depends greatly on how well it solves the problems of coupling laser energy to the target—problems that KMSF has spent a great deal of time investigating—and on how cheaply it can be manufactured.

6. In contrast to the largest developments underway in government laboratories, the KMSF approach has been to use a small two-beam reflector system. Most of the fundamental facts in the laser-fusion process can be discovered with this highly efficient technique. This is the same technique that first produced thermonuclear neutrons.

7. Our commercial approach can emphasize pellet technology from the viewpoint of immediate application to reactors. This would involve pellet engineering and automatic characterization and selection of pellets for use in a reactor. This includes learning how to make billions of pellets, quickly and easily, on a mass production basis. This procedure is to be contrasted with the one-target-a-day approach of weapons technology.

8. Industry can develop the best materials for pellets by carrying out a program oriented in this particular direction. It is recognized that KMS Fusion has the best materials group in this field in this country.

9. Industry can develop the pellet-injection system and engineer the suspension devices that may possibly be needed. Alternate modes of feeding pellets quickly into a reactor need to be studied and developed.

10. Industry can develop pellet standards and provide calibration devices for the entire laser fusion field.

11. A most important practical question relates to how the neutron and alpha particle output energies are best transferred from the pellet to the reactor. For example: the most common proposal is to use the particle-developed heat to drive electrical generators using heat exchangers of various types. An alternative proposal, in fact a KMSF suggestion, is to use neutron induced breakup of chemical materials to store energy in the form of hydrogen or methane or other materials. This process is called neutron or particle radiolysis.

12. The KMSF program can be used as the basis of future industrial participation and technology transfer.

The above items are examples of how industry, and specifically KMS Fusion, can help to advance the technology and engineering of laser fusion for civil energy needs. But it is extremely significant, in a newly developing subject of this importance, to recognize that alternative approaches are essential if it is desired to come up with the earliest possible realization of laser fusion energy.

In the case of fission energy, which was developed in war time, alternate methods of separating uranium isotopes were investigated simultaneously and alternate designs of the ultimate bomb were also developed. One of the successful designs was based on the implosion phenomenon, an invention of Dr. Seth Neddermeyer, a close friend of mine.

It is essential, in my opinion, to have several different groups working on the development of laser fusion energy and not to have the work directed exclusively from a single masterminding center. The advantages of a multifaceted approach by different groups are:

(a) new ideas are more easily produced by independent groups;

(b) each group can check on the accuracy and effectiveness of another group's results;

(c) the groups can stimulate each other by competition for the best results, and

(d) only the highest standards can survive.

It is to be noted that Russian competition has been a driving force in this field. In fact, the Russian scientist, Basov, is the inventor of the laser fusion concept.

The laser itself was developed in a private laboratory, namely the Bell Telephone Labs by C. H. Townes and Arthur Chawlow, who is now a colleague of mine at Stanford. Furthermore, the first laser, a ruby laser, was made by Theodore Maiman, a former Stanford graduate student who did his epoch-making work in an industrial laboratory.

Forty years of experience as a physicist have convinced me that several investigators, pursuing their own lines of thought, can make discoveries that no one can anticipate. Thus a single unidirected weapons approach,

such as the one now in effect in the United States, should be changed in my opinion. We need variety, freshness, and freedom of investigation.

I wish to thank the Committee for the opportunity that it has given me to present my point of view on laser fusion.

MINIMUM WAGE LAWS CREATE UNEMPLOYMENT

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. RUDD. Mr. Speaker, the economic advantage by raising the minimum wage to $3 an hour is straight out of dreamland.

If economics can be controlled by legislation, why not make the minimum wage $10 an hour? The truth is that minimum wage laws force the least employable and the least skilled into the ranks of the unemployed.

The President is talking about a billion dollar program to provide jobs in our urban centers for young people who now cannot find work.

Study after study has disclosed that when a minimum wage is imposed, it costs jobs.

Nobel Laureate Milton Friedman asks the question: How can a teenager be better off unemployed at $3 an hour, rather than employed at, say, $1.75 or $2 an hour?

Years ago, University of Chicago economist Yale Brozen offered a study which disclosed that when the minimum wage passed $1 an hour there was a sudden rush to automate elevators, and thousands of elevator operators were thrown out of their jobs.

These elevator operators were people who had no other skill. But they could run an elevator. And a lot of us remember with great fondness the pleasure it was to have a friendly elevator operator stopping the car in response to our request.

Minimum wage laws approach the problem from the wrong end. They inspire automation. The minimum wage forces employers to weed out indifferent workers, and it denies jobs to tens of thousands of young people who would be much better off with a productive job instead of on the streets.

About 50 percent of all unemployed people today are 25 years of age and under. The vast majority of these are age 18 and under. More than 50 percent of all black teenagers are unemployed. Minimum wage laws are largely responsible for this tremendous unemployment among our young people. Most of them could get jobs if they were not priced out of the job market by the high wage floor that makes it economically undesirable to hire unskilled young workers.

We are all in favor of employees earning better salaries. But the way to higher earnings is through increased production, improved skills, and the right mix of manpower and machines.

To attempt to accomplish this by legislative fiat is to again invite disaster.

COMMON SITUS: UNCOMMONLY BAD

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. McDONALD. Mr. Speaker, as the campaign again mounts to allow employees of one contractor to close down an entire construction site, it is important to consider the two most obvious effects of the common situs picketing bill.

First, at a time when inflation and Government regulation is driving up the cost of construction and depressing the housing industry, it is doubly bad to add yet another roadblock to further building and progress.

Second, the additional cost will further retard construction, providing even greater incentive to contractors to use less expensive nonunion labor. Consequently, union workers will be worse off if the common situs bill becomes law. Sometimes one wonders whose side the labor union leadership is on.

This point and others are well argued in the following New York Times editorial urging Congress not to pass common situs.

The article follows:

AN UNCOMMONLY BAD BILL

The "common situs" picketing bill is back again in Congress, not as an Administration bill this year but with strong support from the A.F.L.-C.I.O. leadership and, not surprisingly, from legislators with ties to organized labor. Though altered in committee to provide certain moderating exemptions, the present bill, like the one President Ford vetoed in 1976, would permit the employees of one contractor on a building project to set up picket lines to keep members of other unions from working anywhere on the site.

The bill would accomplish this objective by making secondary labor boycotts legal in the construction industry. In 1976, then Secretary of Labor John Dunlop strongly supported the measure because it was coupled with a bill that advanced labor stabilization in the industry. Mr. Dunlop, in fact, resigned to protest the Presidential veto. The present bill lacks even the attraction it had for Mr. Dunlop and we hope it will not pass. A common situs law would make construction labor even more volatile than in the past, and increase building costs.

Proponents of the bill argue that if the building trades constituted a single union, a picket line would inevitably keep all its members off a struck site. Thus, they say, the common situs bill merely gives these workers the protection they would have if they chose to organize on an industry-wide basis.

This point is not persuasive. If all the building workers on a site were members of the same local, its leaders would surely hesitate before throwing up a picket line that would inconvenience all of its members for the benefit of a few. In any event, the building trades unions have had the same opportunity as other workers to coalesce into a single union. Since they have chosen to continue their separateness, why bless them legally with the benefits of the togetherness which they have rejected?

Shrinkage in the share of construction work now done by union labor has stimulated the demand for common situs picketing. The reason for the shrinkage, however, arises not from the lack of such a bill, but rather from the great differential between the cost of union and nonunion construction labor. By threatening to raise the cost of union labor still higher, the common situs bill would only invite builders to use more nonunion workers. The Congress and the President will, in this case, be helping labor best by ignoring the counsels of its leadership.

THE NEW NATURAL GAS DEREGULATION AMENDMENTS OF 1977

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. WIRTH. Mr. Speaker, one of the most important, most complex, and most politically charged issues facing the United States is the question of what our national policy will be about natural gas—its regulation or deregulation, its price, its use, and its conservation.

This subject, of course, is not new to most Members of this Congress. Both the House and the Senate passed measures last year which would have changed our natural gas policies. The measures were substantially different, though, and a conference committee was never appointed to work out a compromise.

During the 94th Congress, and now in the 95th, I have served as a member of the Commerce Subcommittee on Energy and Power, the panel with jurisdiction over most natural gas issues. From that position, I have worked hard to learn about natural gas. I am continually learning, however, and I am not yet sure that I know the best policy for the Congress to adopt. Still, I would like to share with my colleagues my current thinking on this issue, and describe to them a legislative approach that should be considered.

The need for legislative action is clear. On the one hand, we are running out of natural gas. Our known and measured reserves of gas are sufficient to last us for only about 10 years, at our current rate of consumption. Much more important—and much more frightening—is the fact that since 1967 we have consumed those reserves more rapidly than we have discovered additional gas. As dramatically demonstrated by this year's winter, we will all pay a heavy burden if we run out of gas.

On the other hand, we are already paying more and more for the natural gas that we use, either directly through our home heating bills or indirectly through increased costs for other goods and services. This burden is felt most heavily by retired people and others on fixed incomes, many of whom cannot heat their homes without cutting back on other necessities of life. Further, the increased share that we, as a nation, are paying for higher natural gas bills has a limiting effect on the rest of our economy.

Before addressing what we might do to change our national policy on natural gas, I would like to provide some information on the current situation.

Natural gas is our best fuel and most valuable natural resource. It is used for an extraordinary variety of purposes: Space heating of buildings, generation of

electricity, fertilizer production, and the manufacture of clothing, plastics, and an increasing array of industrial and consumer products. Gas is our best source of heat, since it burns at an even temperature with a flame that can be easily adjusted. Perhaps most importantly, natural gas is by far the cleanest burning of the fossil fuels, making it the most environmentally sound of our current major sources of energy. The use of natural gas, rather than other fuels, keeps our air from being even dirtier than it now is.

Because it is such an excellent fuel, natural gas is consumed in great quantities in the United States. In 1975, we consumed about 20.3 trillion cubic feet of gas, which amounts to about one-third of all the energy that we used. The use of natural gas has been increasing more rapidly than the use of other fuels, with total consumption doubling in 15 years.

In 1938, Congress passed the Natural Gas Act, which gave the Federal Power Commission, FPC, the authority to regulate the transportation of natural gas between States, and to regulate the price of natural gas sold by interstate pipelines to local distributors. The underlying philosophy of this act was a recognition that interstate pipelines—of which there are now slightly more than one hundred—have a relationship with gas distributing companies that is somewhat akin to a monopoly. Since there are relatively few interstate pipelines, which of course are stationary and serve only a certain geographical area, distributors are not free to choose among many sources of supply. To protect the distributors from this situation where the normal marketplace protection of competition among sellers was not present, Congress extended governmental control over the pipelines.

In 1954, a divided Supreme Court ruled that an ambiguous phrase in the Natural Gas Act requires the FPC to also regulate the price of natural gas sold from producers to the pipelines if the natural gas would eventually be sold to a distributor in another State. This extension of the FPC's regulatory to the "wellhead" price of interstate gas had far-reaching effects. This price is the first price for which gas is sold, and inherently becomes a factor in the prices that are charged during subsequent resales of the gas.

The FPC was then faced with the difficult task of setting uniform wellhead prices that would be sufficient to cover the producers' costs and to provide appropriate incentives for companies to enter into the risky business of hunting for additional gas. This task was particularly difficult because even the producers did not have accurate cost figures. Historically, oil producers would find natural gas in the same formations as oil fields. Not recognizing the worth of the gas, the oil companies would burn it off—flare it—so they could get to the oil.

Later, people recognized that a good fuel was being wasted, and the natural gas was captured and sold. But the gas was sold far cheaper than the oil, since the oil was sold at prices sufficient to cover the costs of its discovery and drilling. When setting prices for the gas, however, the producers did not factor in the discovery and drilling costs; these were the costs of getting the oil, and the natural gas was an inexpensive byproduct. As a result, oil was properly priced and gas prices were artificially low.

From this low starting price, FPC regulation has kept natural gas unnaturally cheap. The Commission started with an unreasonable market price because of this historical fluke, and has tried to adjust those prices based upon retroactive calculations of costs—calculations that have not reflected changing situations and increasing costs.

Yet, situations have changed and costs have increased more quickly than regulation can keep up. We have consumed an enormous amount of natural gas in this country. Not surprisingly, that gas has been from the fields that are easiest to discover and tap. Now, the industry is having to search further, and drill deeper, to find additional supplies. As a result, industry productivity—measured as the ratio of gas recovered to depth of drilling—has decreased by more than one-half in the past 10 years.

Further, drilling costs have risen drastically. The gas industry is subject to the universal inflationary pressures on its overhead; in just 7 years, the cost of 1 foot of drilling has increased by over 50 percent for successful wells and by over 100 percent for dry holes. Even this is only part of the story. The industry now has to drill deeper to find untapped gas reserves, and deeper wells cost much more per foot than do shallower wells.

Even with the FPC's highly controversial price increase last summer—to $1.44 per thousand cubic feet (Mcf) for newly discovered gas—the producers' costs often exceed the prices they are allowed to charge. Nobody can expect an industry to sell a product at a loss. Consequently, the known supplies of gas—which are already dangerously low—are being consumed more rapidly than new gas is being discovered.

Worse yet, most of the new gas that is being discovered is not going into the interstate market to feed the gas-starved regions of the country. FPC price controls only apply to gas that is produced in one State and sold in another. If the gas stays in the intrastate market, its price is set by a free market. The intrastate market price is currently around $2.00–$2.25/Mcf, compared to the maximum $1.44/Mcf price in the interstate market; not surprisingly, newly discovered gas that is not yet committed to a long-term market stays in the producing State.

Faced with this system of governmental price control at a level below the free market price and often below production costs, and pointing to the worsening gas shortage, the natural gas industry has argued for immediate and total deregulation of wellhead prices. The industry says that the higher prices that would result from the free market would provide the necessary incentive for the discovery of new supplies. Deregulation would also end the illogical interstate-intrastate distinction, and get gas flowing to the regions where it is most needed.

The case on the other side is also strong. Many consumer groups point to home heating bills, which have increased greatly in recent years, and argue for the continuation of price controls, a rollback in the FPC price level, and extension of price controls into the intrastate market. Further, consumers point out that the Government relies on the natural gas industry as its only source of information about the size of our reserves, and suspect that the industry is conspiring to paint an inaccurate picture of shortages and to withhold known supplies in an effort to stampede Congress toward deregulation.

There groups recognize that the easy-to-produce natural gas is gone, and that reserves that remain to be discovered are scarce. However, maximum drilling can be achieved, they argue, at a price less than the "world" or "market" price. And scarce capital should be devoted to energy conservation and to new energy sources, not just to raising natural gas prices.

Finally, consumer groups will argue that an abrupt decontrol of all fuel prices—oil and/or natural gas—will cause a massive blow to the economy, removing consumer spending power, and plunging us deeper into recession. The United States went through this experience in the early 1970's, with the Arab oil boycott, the quadrupling of the price for imported oils and the subsequent recession in the United States. Why repeat this bitter experience?

My own belief is that the best approach lies somewhere between those two poles.

I believe that our natural gas crisis is real, and is not the product of a conspiracy among the 30,000 domestic oil and gas producers. While our economy is accustomed to an artificially low price for gas, and an abrupt increase in price would be too heavy a burden for consumers, some increased prices are necessary to assure continued gas supplies, and to price natural gas in closer equity with alternative fuels. Without those increased supplies, consumers will face even greater burdens. This past winter has demonstrated how great those burdens can be. Even if the exhaustion of our current supplies happens slowly enough to allow an orderly transition to the use of other fuels, the cost of every alternative fuel is greater than even unregulated gas. Synthetic gas made from coal, for instance, sells for about $4/Mcf, or twice the price of unregulated natural gas.

I am convinced that we need increased supplies of natural gas, and that we need to seek those supplies in a fashion that does not put too great of an immediate burden on consumers. In an attempt to meet this goal, I am today introducing the New Natural Gas Deregulation Amendments of 1977. This is the same bill that I introduced last May in an attempt to facilitate argument on a reasonable policy when the House and Senate could not agree on natural gas legislation. Since I am continuing to learn about this complex issue. I am not convinced that this legislation is in every respect the policy that should be adopted. I am convinced, however, that this is a reasonable approach that should be seriously considered.

The new natural gas deregulation amendments would:

Prohibit any new contracts for the use of natural gas as a boiler fuel, and prohibit existing uses of gas as a boiler fuel within 10 years, except where necessary to comply with air pollution standards. Coal, which is abundant, can be used for boiler fuels; natural gas should be saved for essential uses, rather than being used to produce one-third of industry's electricity.

Give a priority to the use of natural gas for essential agricultural uses and other essential uses.

Deregulate the price of gas from onshore wells if the gas is committed to interstate commerce for the first time after January 1, 1977. This will help to encourage gas to flow from the intrastate market to the interstate market; neither newly-discovered natural gas nor "old" gas that is currently locked away in the intrastate market would be subject to FPC price regulation. While this will mean some increase in consumer bills, it should be pointed out that the price of natural gas at the well-head is only about 17 to 25 percent of the total cost which the consumer pays for natural gas. About 25 percent of the cost is usually attributable to pipeline costs, and 50 percent to local distribution costs. Thus, as natural gas prices at the well-head increase, there is not a proportionate price increase in consumer bills.

Deregulate the price of off-shore gas that is first sold in the interstate market after January 1, 1977, subject to a price ceiling. The price ceiling would originally be the equivalent, on a Btu basis, of maximum weighted average of domestic crude oil. The FPC would revise the ceiling price every 5 years after considering enumerated criteria. Since off-shore gas is required by Federal leases to go to the interstate market, total deregulation is not necessary to keep this gas out of the intrastate market. This revised price will be sufficient to encourage accelerated production.

Require the FPC to biannually review the regulated price for old natural gas, and adjust the regulated price as existing contracts expire, if necessary to meet certain criteria.

Direct the FPC to conduct comprehensive natural gas studies, including independent evaluations of gas reserves.

Extend FPC jurisdiction to cover synthetic gas plants and synthetic gas prices. Synthetic gas would be priced under the same policies as would natural gas.

This legislation will not, of course, completely solve the natural gas crisis; additional programs and policies will be necessary to supplement the new natural gas deregulation amendments. Most importantly, further conservation measures are necessary to insure that we reduce our waste of natural gas. A nationwide plan of financing home implementation of conservation methods—probably by utility financing, with the costs added to consumers bills over an amortized period, but perhaps through tax credits for insulation costs—is sorely needed. Further, assistance is needed to retired people on fixed incomes and other low-income people to help them bear the burden of increased heating bills is necessary. The new Community Services Administration program of grants for this purpose is an excellent idea that should be vigorously pursued.

Other work, too, will have to be done to deal with the problems that we face. As a local official recently said to me:

> The energy crisis didn't happen to us, we created it and the only responsible way to deal with it is to change the policies that brought us to it.

I believe that the new natural gas amendments will be a step in this direction. I welcome any comments or questions from my colleagues; please feel free to contact me or Stephen Saunders of my staff—225–2161.

PREGNANCY-RELATED DISABILITY BENEFITS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. DRINAN. Mr. Speaker, yesterday I joined with Representative HAWKINS, chairman of the Subcommittee on Employment Opportunities, and 90 Members of the House in introducing a bill (H.R. 5055) to overturn the decision of the Supreme Court in General Electric Co. against Gilbert. In that case, the Court held that an employer may refuse to provide pregnancy-related disability benefits to its female employees without violating the Federal equal employment opportunity statute, title VII of the Civil Rights Act of 1964.

The bill we introduced yesterday would amend title VII to define sex discrimination to proscribe employment practices which disadvantage female employees because of pregnancy. It would overturn the precise holding of Gilbert which denied wage continuation benefits during the period of disability. In addition the bill would cover a wide range of other discriminatory employment practices imposed because of pregnancy, such as unequal medical treatment and compulsory leave.

Today I am introducing a second bill to deal with the serious problems of female workers created by the Gilbert decision. This proposal would amend the Internal Revenue Code to deny tax deductions to an employer which does not provide pregnancy-related disability benefits under its accident or health plan. Under existing law, employers may claim deductions for their contributions toward such plans even if they exclude disabilities arising out of pregnancy. In my judgment we should not allow employers to obtain such tax breaks if they do not provide equal treatment for their female employees.

This bill would disallow tax deductions if an employer discriminated against pregnancy-related disabilities while providing benefits for other types of temporary absences from work or related medical conditions. As in the measure introduced yesterday, this bill would thus go beyond the immediate holding of Gilbert to remedy other forms of discrimination related to pregnancy.

To a very large degree, the proposal would be self-executing. Tax deductions provide a great incentive for the beneficiaries—in this case, employers—to comply with the prescriptions of the Internal Revenue Code. Unlike title VII, the need for an individual complaint enforcement mechanism is largely eliminated. This Tax Code approach would also reach more employers since title VII exempts companies with less than 15 employees.

Before concluding, I should also note the introduction of a third bill, which would overturn Gilbert in a less direct fashion. On February 16, Chairman EDWARDS of the Subcommittee on Civil and Constitutional Rights and I introduced H.R. 3504, the Civil Rights Amendments Act of 1977. Title I, the Equal Employment Opportunity Reorganization Act of 1977, would revise and strengthen title VII in a number of ways. Among other things, it would give the Equal Employment Opportunity Commission the authority to issue substantive regulations.

Under existing law, EEOC may promulgate only procedural rules. If the Commission were given substantive rulemaking power, it could prohibit the kind of pregnancy-related discrimination approved by the Supreme Court in Gilbert. Indeed prior to Gilbert, the EEOC had issued such a proscription in the form of a guideline, which the Court declined to follow. Title I of H.R. 3504 would also repeal the exception in title VII which the Supreme Court interpreted to authorize the gender-based compensation differential involved in Gilbert.

Because of the different scope, approach, and enforcement machinery, it is important that these three bills be given serious consideration for enactment. In my judgment, they propose complementary remedies to correct the deleterious impact of the Gilbert case on equal rights for women. I strongly urge all members to join as sponsors of each measure.

The text of the bill follows:

H.R. 5055

A bill to amend the Internal Revenue Code of 1954 to deny any deduction for amounts paid or incurred by an employer pursuant to an employee health or accident plan if such plan does not provide certain pregnancy benefits

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items not deductible) is amended by adding at the end thereof the following new section:

"SEC. 280C. HEALTH OR ACCIDENT PLANS WHICH DO NOT PROVIDE CERTAIN PREGNANCY BENEFITS.

"(a) DENIAL OF DEDUCTION.—No deduction shall be allowed under this chapter for any amount paid or incurred by an employer pursuant to an accident or health plan for the benefit of the employees of such employer—

"(1) if—

"(A) such plan provides for wage continuation benefits to employees during periods in which such employees are absent from work on account of temporary personal injuries, sicknesses, or other physical impairments, which are not work-related; and

"(B) such plan does not provide for wage continuation benefits to employees during periods in which such employees are absent

from work because of pregnancy disabilities on terms and conditions as favorable as the terms and conditions applicable to any other temporary personal injury, sickness, or physical impairment, which is not work-related; or

"(2) if—

"(A) such plan provides for payments (through insurance or otherwise) to employees as reimbursement for expenses incurred by them for the medical care of themselves, their spouses, and their dependents; and

"(B) such plan does not provide for such payments with respect to expenses incurred for medical care required for pregnancy or childbirth, or complications thereof, on terms and conditions as favorable as the terms and conditions applicable to any other type of medical care covered under such plan.

(b) DEFINITIONS.—For purposes of this section—

"(1) WAGE CONTINUATION BENEFITS.—The term 'wage continuation benefits' means the payment (through insurance or otherwise) of wages, salary, or other amounts to an employee during periods in which such employee is absent from work.

"(2) PREGNANCY DISABILITY.—The term 'pregnancy disability' means any personal injury, sickness, or physical impairment resulting from pregnancy or childbirth, or complications thereof.

"(3) MEDICAL CARE.—The term 'medical care' has the meaning given such term by section 213(e)."

(b) The table of sections for part IX of subchapter B of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 280C. Health or accident plans which do not provide certain pregnancy benefits."

(c) The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act in taxable years ending after such date.

H.R. 4877

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. FISHER. Mr. Speaker, today the House passed H.R. 4877, making supplemental appropriations for fiscal year 1977. Included in the bill are funds to carry out the provisions of Public Law 94–405, the Indochina Refugee Children Assistance Act. This legislation, which became law last September, authorizes $300 per child for school districts enrolling under 100 refugee children, and $600 per child for those enrolling 100 or more. The amount recommended by the Appropriations Committee to fund this act is $18,500,000 which I understand was determined based upon an analysis of the refugee population ages 5 to 17 and the formula in the basic law. Also contained in the bill are funds for adult refugees in the amount of $10,250,000.

I commend the committee for its quick action in providing funds for Public Law 94–405. Last session the authorization bill did not pass in time for the House to consider the corresponding appropriations bill; and the school districts which have absorbed an unusually large number of refugees, including my own, have been anxiously awaiting these funds to implement their programs. Both Arlington and Fairfax Counties have designed programs to assist the refugees, but could not begin them until they received word of the fate of the appropriations. I am confident that the programs implemented under the Indochina Refugee Children Assistance Act by school districts across the country will prove effective in helping both young and adult refugees assimilate into their respective communities.

A BIG YEAR FOR THE FARMER

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for March 16, 1977, into the RECORD:

[From Washington Report, Mar. 16, 1977]

A BIG YEAR FOR THE FARMER

This year will be one of major decisions about food and agriculture in the United States Congress. All the major agriculture bills expire and must be reconsidered. This includes the basic farm law, Food for Peace legislation and the Food Stamp Act. These decisions will be among the most important to be made by the 95th Congress. They come at a time of new troubles in agriculture. Instability in prices, higher farm production costs, the future of agriculture and the nature of government policy are all cause for concern.

As in the past, the central problem will be the balancing of needs of different groups with competing interests. The farmer sees the threat of falling prices as the key issue. The consumer worries about higher food prices at the food market. The nation wants to have a reliable and sufficient supply of food. Foreign nations, depending on their particular circumstances, worry about export competition, world prices, or the availability of food aid. It all adds up to a zero-sum game in which there can be winners only to the extent that there are losers.

For many years the American farmer has produced more food and fiber than domestic and foreign markets can accommodate at acceptable prices. The threat of surpluses remains. Government programs have focused on supporting prices and on handling government stocks required with the price supports. In recent years the costs of these government programs have dropped significantly, due less to fundamental changes in agricultural policy than to sharply increased world-wide demand.

Although there has been much talk about getting government out of agriculture, the basic thrust of farm policy has remained very much the same for forty years, with minimum prices for basic commodities putting a floor under farmers' incomes. These supports have not been used in recent years because market prices have been higher than minimum prices.

Farmers continue to face serious difficulties. They are heavily dependent on grain exports as a source of earnings. The better income of recent years has not been uniformly distributed to all of them. For example, livestock producers have been badly hurt by rising feed costs and falling livestock prices. As a general rule, crop producers have done better than livestock producers, though wheat farmers have not been doing well. Farm income has dropped 30% below the peak it reached in 1973. The value of land and the cost of production have increased rapidly. Food prices have contributed to inflation and the trend toward fewer and larger farms has continued.

The major questions for agricultural policymakers are several. First, at what level should commodity prices be supported? The 1973 Agricultural Act established target prices and a procedure through which farmers meeting the eligibility requirements received deficiency payments if the average market price dropped below the target price. The real question this year is whether to continue present target prices or to tie target prices to the cost of production. Farmers have favored the freedom to make their own planting decisions under the present program, but many of them have been critical of the low level of the target prices.

Second, should consumers be protected from high food prices? Currently they have no such protection. A domestic grain reserve might provide it, but the operating rules for such a reserve are critical to its effectiveness in reducing price instability. Moreover, proposals for reserves generate much controversy. They might reduce price instability, but they would also increase budgetary cost. Excessive sales from reserve stocks might be used as a tool to keep prices from rising to fair levels. Consumer groups tend to see grain reserves as a market stabilizer, humanitarian groups tend to see them as necessary to meet the world food crisis, but farmers have traditionally opposed them, fearing that the government could not resist consumer pressure in time of rising prices and would dump surpluses, thereby reducing the prices farmers receive.

Policymakers will also ponder what role the government should have in protecting farmers from natural hazards, and what reforms should be made in the food stamp program. This last question will bring on major battles over costs of the food stamp program, its work registration requirements and its eligibility rules even though declining participation in the program has somewhat cooled criticism of it. The issue of the President's flexibility in selecting the countries to receive U.S. food aid will also come up, as will the issue of an expanded program of agricultural research. With most of the arable land in the U.S. now under cultivation, with chemical fertilizers reaching a point of diminishing returns and with crop yields appearing to reach their peak, many scientists are now urging more research to develop better methods of production.

WALTER W. BATES TO BE AWARDED VAIL MEDAL OF HONOR

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. EDWARDS of California. Mr. Speaker, I want to take a moment to express my deep admiration for Walter W. Bates of Fremont, Calif., who will be awarded the Vail Medal of Honor this May.

At great danger to himself, Walter Bates battled treacherous undertows to pull to safety an elderly fisherman who would have been lost at sea.

Observers of human society know that there is no schedule or formula for heroism. Most often the decision to risk life and limb to save another is a split second one. In fact, such decisions are actually rooted in the fundamental character of an individual.

Acts of heroism, like Walter Bates inspiring rescue, serve as a reminder of the basic goodness of human beings and as an inspirational example to all people. Walter Bates deserves this award and also commendation from each of us who admire his good deed.

TRIBUTE TO MILES C. ALLGOOD

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. BEVILL. Mr. Speaker, on March 4, one of the most distinguished Representatives Alabama ever sent to Congress passed away. I am referring to former Congressman Miles C. Allgood, who died at the age of 99 after a long and illustrious career of public service.

Congressman Allgood served in the U.S. House of Representatives from 1923 to 1935. During that time, he served as chairman of the War Claims Committee, the forerunner of the modern-day Veterans' Affairs Committee. During his six terms, he also served as chairman of the Reclamation and Irrigation Committee.

Congressman Allgood was instrumental in getting the historic Tennessee Valley Authority legislation through the Congress and his opinions and advice on this subject were solicited and greatly respected by the Roosevelt administration, from the President on down.

Following his congressional career, Congressman Allgood served on the Farm Security Administration. He continued in this capacity until 1943, when he retired and returned to his home in Mentone, Ala.

The fact Congressman Allgood resided in my congressional district made my appreciation for his outstanding record as a public servant even greater.

Miles Allgood was a public servant in every sense of the word and his service to the people he represented will long be remembered.

Mr. E. E. "Red" Cox, a resident of the Fourth Congressional District and a former special assistant to the Comptroller of the Currency of the U.S. Treasury Department, has written an outstanding tribute to Congressman Allgood based on personal experiences.

Mr. Cox came to Washington as a result of Congressman Allgood's assistance and later served as administrative assistant to Alabama Congressman Albert Rains.

The article is a fitting tribute to Congressman Allgood and I hereby submit it for the RECORD:

AN OLD FRIEND FADES AWAY

(By E. E. (Red) Cox)

Alabama has lost one of its most distinguished citizens of our time. I have lost a good friend. Former United States Congressman Miles C. Allgood, age 99, of Mentone, a place he loved so much, passed away Friday, March 4. He was buried in Valley Head Cemetery. Funeral services were held in the Chapel of the Wilson Funeral Home.

As I stood by his graveside, along with my lovely wife, in the cold rain, with his wife, and many friends, I recalled some of the accomplishments and contributions he had made to our country.

He served in the House of Representatives 12 years, from 1923 to 1935. I first met Congressman Allgood in 1932 at the old Gadsden Mallard Hotel, where my brother-in-law, W. H. Cummings, was Manager. I had just graduated from Etowah High School. I was a clerk there and attended the Alabama School of Trades. The Congressman would use the lobby to meet with his friends. He was handicapped by the loss of one arm. He had a gregarious personality, hearty laugh, and a heart of gold. I would listen to him tell about Washington, the Panama Canal, Muscle Shoals, and why we should develop the Tennessee Valley. I would cling to every word he would say with amazement. When everything was quiet and we were alone, I would ask him questions about Washington. Such as "Where is Washington?" And "How do you get there?" I remember him saying, "Young man, you seem to be a very fine boy. I will just get you a job up there!" And he did.

I went to Washington and found him to be a great leader, along with Senator John Bankhead and Congressman William Bankhead, who was later Speaker of the House and was also the father of the famous actress, Tallulah. Congressman Allgood was Chairman of the War Claims Committee, now known as the Veterans' Affairs Committee, also Chairman of the Reclamation and Irrigation Committee.

The economic conditions of the farmer were so bad that President elect Roosevelt wanted to do somthing about it. In 1932, before he was inaugurated, he called Congressman Allgood and asked him to come to Warm Springs, Georgia. He was impressed with Congressman Allgood's knowledge of the conditions that existed, and in January 1933 his Secretary, Marvin McEntire, called from Albany, New York, and said President elect Roosevelt was formulating a party to visit and inspect the Muscle Shoals properties. He asked Congressman Allgood to give him a list of representatives interested in the project. Senator Norris of Arizona, some other interested Senators and Congressman Allgood, along with the Alabama Delegation, took the special train out of Washington with Mr. Roosevelt. I remember him telling how hundreds of people were gathered at the railroad stations with the hope of getting a glimpse of the President.

Later that year, Senator Norris introduced President Roosevelt's Tennessee Valley Authority Bill in the Senate. Then, Congressman Lister Hill introduced it in the House. The bill was passed by a large majority. I have a picture of President Roosevelt signing it into law, and beside him is Congressman Allgood who received the Third Pen he used.

On January 15, 1968, Senator Carl Hayden of Arizona, President of the Senate and Dean of the Senate, wrote to Mr. Allgood expressing his gratitude for the help he had given when they were serving in the House of Representatives from 1923 to 1927.

Congressman Allgood joined him in sponsoring the bill which made possible the Grand Coulee Dam on the Columbia River—the greatest water power in our Nation. He also helped to bring about a just settlement of the controversy between Arizona and California over the construction of the Hoover Dam on the Colorado River.

Congressman Allgood was blessed with an excellent secretary, R. Lee Barnes, from Guntersville, and formerly Superintendent of Schools in Marshall County. Lee was one of the best loved men that ever came from Alabama. He was President of the Little Congress (composed of secretaries of Members of Congress and, incidentally, was succeeded by Lyndon B. Johnson, who was then secretary to Congressman Richard Kleberg). Lee was responsible for my ambition to become a secretary to a Congressman. I could see the power they had when it came to dealing with the government. I got my chance when Congressman Albert Rains, one of the greatest, was elected. I worked with him as his Administrative Assistant until he retired.

President Roosevelt had great respect for Congressman Allgood and appointed him as a member of the Farm Security Administration, where he served until his retirement and return to his beautiful home in Mentone in 1943.

Congressman Allgood was a member of the Masonic Lodge of Gadsden and had just recently received the 50th Year Masonic Award.

Mr. Allgood loved to tell the story about the old man who gave his testimony in a church revival. He said he loved everybody and did not have an enemy in the world. He kept repeating this statement until, finally, the minister asked him, "How do you know you haven't an enemy in the world?" The old man replied, "I have outlived all of the old rascals."

I prize a letter I received from Mr. Allgood when I was appointed Special Assistant to the Comptroller of the Currency of the Treasury Department. He wrote me "I wish you to know that I class you and Lee Barnes as two of my top choice of friends and appointees. No one is prouder of you than M. C. Allgood." So you see, I have lost a good friend.

Congressman Allgood is survived by his wife, Mrs. Willie Allgood of Mentone; two sons: Dr. William D. Allgood of Fort Payne and Miles C. Allgood, Jr., of Ocean City, Maryland; and one daughter: Mrs. Mary Boisseau of Lee Hall, Virginia; and seven grandchildren.

My love goes out to his fine family and his many friends. May he rest in peace.

TRIBUTE TO HAROLD DEPUE

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. STARK. Mr. Speaker, I would like to take a moment of our time to reflect upon a gentleman from Castro Valley, Calif., of admirable qualities. Mr. DePue is about to retire from his position as superintendent of Castro Valley Unified School District after a long career of dedicated public service.

A native of the San Francisco Bay area, Mr. DePue has for over 30 years devoted himself to the public schools of that region. Before beginning his career in public service, Mr. DePue served in the military, where his performance was so successful that after only a relatively short period of time, he was promoted to the rank of lieutenant commander in the U.S. Navy. Mr. DePue began his professional career in the educational field as a teacher, moving quickly on at a very early age to the position of superintendent; first in Lodi, and subsequently in other school districts of the bay area including Castro Valley, where he served as superintendent of the entire school district.

The loss of Mr. DePue to the public schools of the San Francisco Bay Area will not pass unnoticed. However, mem-

bers of California communities will be happy to know that Mr. DePue does not plan on vanishing completely from the educational world of that State. His new venture in the field of consultant to regional adult vocational councils in southern Alameda County is certain to continue to bring assets and improvements to our public educational system. I am sure my colleagues join me in applauding Mr. DePue for his longstanding and valuable contributions to the quality of the public schools of our Nation.

CONNECTICUT'S VFW ESSAY CONTEST WINNER—CYNTHIA ELLEN LEVY

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. McKINNEY. Mr. Speaker, among the many important functions of government, perhaps the most fundamental is to stimulate reflection and discussion of important public issues. Basic concepts such as patriotism, loyalty, leadership, and morality are bound in tradition yet must be experienced and redefined by each new generation. This year, the Veterans of Foreign Wars, VFW, conducted a nationwide essay contest to provoke young peoples' expression of "What American Means to Me." It is my pleasure and privilege today to put before my colleagues in the House the thoughts of Cynthia Levy, of Stamford, Conn., whose observations and reflections won her the top Connecticut prize in the 1976–77 VFW Voice of Democracy scholarship program. Ms. Levy, a sophomore at Rippowam High School, is the daughter of Mr. and Mrs. Stanley C. Levy, Stamford, Conn. I found her comments informative and would like to thank both her and the VFW for their part in encouraging an open discussion of this important topic. The essay follows:

"WHAT AMERICA MEANS TO ME"

America is the Statue of Liberty and the Golden Gate Bridge, the Rockies, the Pacific Ocean and the Stone Mountain of Georgia. She is the Grand Canyon and the fifty small white stars on her Flag. But when I think of America, images play across my mind.

I see New York at Christmastime, crisp and cold, with people bustling back and forth, doing last minute errands, but not too busy to wish one another health and happiness for the Holiday Season.

I see a clear rushing stream at the end of a long tramp through the deep, pine-spicy woods.

I see a small child smeared with dirt from ear to ear happily fabricating inedible mudpies.

I see the mid-summer setting sun, reflecting a thousand times in someone's backyard pond.

I feel a puppy's joy when bounding through the first soft powdery snow of the year.

I feel the solemnity while people wait with baited breath to hear the outcome of the election returns.

And while people talk of the death of patriotism, I still feel stirrings when a school band struggles through the Star-Spangled Banner.

I feel a part of the World Series and the Rosebowl, the love of sports that virtually everyone shares in one form or another.

I can smell the apple blossoms at the first signs of spring and the unique blend of turkey and stuffing and all of the trimmings at Thanksgiving.

I hear the pop of a cork from a champagne bottle as everyone toasts for a good New Year.

America is the Robin that dares to appear even while the calendar still proclaims winter.

She is the talking pumpkin that delights toddlers every Halloween.

She is Charlie Brown, Dagwood and Dennis the Menace, all smilingly bumbling their way through life.

She is the cowboy on horseback, tiredly galloping in after a long day of branding, and at the same time. She is Wall Street closing with the Dow-Jones average up ten points.

She is ice cream sundaes and pizza after a late rehearsal. She is the commercials on television: Baseball, hot dogs, apple pie and Chevrolet, which children avidly eat up, and just as avidly deny as they grow older.

She is the first day of nursery school and high school commencement. She is a new born baby and a geriatric patient. She is acid rock and Mozart's Concertos. She is the first man on the Moon.

She is every ideal that her great people have stood for: Abraham Lincoln, Martin Luther King, and Eleanor Roosevelt.

She is all of these things, but more important, She is the people that they represent. The people who came here from all over the world, with their hearts open, ready to realize their hopes and dreams dating back to the time of the earliest Pilgrims. The people who had the strength of character, and determination needed to successfully settle the West, and revolt against the tyranny of England.

America is a truly international Nation, for nowhere else in the world can so many different races, creeds, nationalities and religions be guaranteed the right to work and strive together for a common good.

Nowhere else have people so consistently had the courage of their convictions to do what they felt was right.

Nowhere else have they been so successful, nor come so far.

Just as we were once bound together so that America could be proud of her people, now we are bound together to make her a country we can be proud of. I am proud of my country, proud to be American, to be one of a group of people, that I admire so highly.

The people, that's what makes America so special, for she is all of the thoughts and wishes, ideals and contradictions, hopes, dreams and desires that her people past, present, and future have believed in, but whatever else she may or may not be, I know that however far I may travel, America is the land to which I'll return, America, to me, Means . . . HOME.

WARNING

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. JACOBS. Mr. Speaker, warning: I have determined that the FDA is dangerous to your freedom.

CLEVELAND'S REV. A. A. WOMACK HONORED FOR 20-YEAR PASTORATE

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. STOKES. Mr. Speaker, I rise on this occasion to bring to your attention and to the attention of my colleagues in the House, the outstanding career of the Reverend A. A. Womack of Cleveland, Ohio. This notable theologian has served his church and his community for 20 years with unselfish devotion. As the distinguished pastor of the Mt. Haven Baptist Church, he has been both a religious mentor and a tireless advocate for social and political progress in the black community.

Mr. Speaker, on Sunday, April 24, 1977, the members and friends of Mt. Haven Baptist Church will give a testimonial dinner in honor of Reverend Womack. I can assure you that we in Cleveland are pleased to have the opportunity to demonstrate our affection and our thanks for his years of service to the community. So that my colleagues here assembled can better acquaint themselves with Reverend Womack's illustrious career, I would like to take this opportunity to give you a brief biographical synopsis of his background.

Andrew A. Womack was born in Prince Edward County, Va., one of seven children of the late Lincoln and Virginia Womack. He still holds membership in the Calvary Baptist Church there, where he was baptized.

After receiving his religious training from the Virginia Theological Seminary and College in Lynchburg, he returned to the county of his birth to administer to the Mercy Seat Baptist Church. Other churches who have flourished under the guidance of Reverend Womack have been the Dearington Baptist Church, Lynchburg, Reed Creek Baptist Church, Big Island, Mt. Olivet Baptist Church of Low Moor, First Baptist Church of Iron Gate, and Main Street Baptist Church of Clifton Forge. In March of 1957, Reverend Womack traveled from Virginia to Cleveland to become the pastor of his present church, Mt. Haven Baptist Church.

On April 1, 1938, he was married to the talented and gracious Miss Helen Lightfoot who has been his companion and helpmate throughout his religious career.

Mr. Speaker, Reverend Womack is active in many civic and educational pursuits. He is a 33d degree Mason and member of the Constantine Consistory 103 in Lynchburg, Va.; a member of the faculty of the S.S. and B.T.U. Congress; Local State, and National Financial Secretary of the O.B.G.A. Congress; chairman of the finance committee of N.O.D. Association; instructor in the Progressive Bible and Educational Institute; second vice president and registrar of the Cleveland Bible College and a member of the National Association for the Advancement of Colored People.

At this time, Mr. Speaker, I would like

to call upon my colleagues to join with me in congratulating Reverend and Mrs. Womack for their years of distinguished service. May I end by reading from a recent letter sent to me by one of his parishoners:

The life of Rev. Womack is summed up when it is stated that he is a born leader, a Christian gentleman, a wise counsellor, and exemplar to his people in both secular and religious matters.

Mr. Speaker, the only comment that I can add to such a warm and glowing assessment is a resounding "thank you" to Reverend Womack for all he has done for Cleveland and his people.

A NEW FORM OF TERRORISM

HON. LEO C. ZEFERETTI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. ZEFERETTI. Mr. Speaker, in January this Nation was shocked by the release of Abu Daoud, founder of the Palestinian Black September terrorist group responsible for the 1972 massacre of 11 members of the Israeli Olympic team at Munich. He was released by the French Government despite repeated pleas by West Germany and Israel for extradition.

The United States also had reason to be interested in the fate of Abu Daoud. As Black September's leader he sparked the assassinations of two U.S. diplomats in Khartoum, Sudan, in 1973. Despite the outcry of three world powers Daoud remains at large, unaccountable for the butchery he commanded.

Terrorism has long been a problem of international concern. But with the siege of three buildings in Washington, D.C., by a dozen armed Hanafi Muslims—who held 134 persons hostage for more than 40 hours, threatening to chop off heads, murdering one, and wounding several others—has shifted the battleground to the homefront.

All the elements of international terrorism were present in last week's siege: threats, demands, murder, involvement of public officials, and, once again, diplomats. Only this time the diplomats served as negotiators for the release of the hostages, as well as targets for terrorist gunfire.

And, once again, the terrorist group's leader, Kahlifa Hamaas Abdul Khaalis, was set free. Khaalis still faces prosecution but the fact that he is now free on his personal recognizance, charged with armed kidnaping, underscores the success with which terrorist groups espousing abstract demands are able to manipulate law enforcement procedures and make a mockery of the judicial system.

It is shameful that a court of law can be coerced into granting murdering terrrorists freedom without bail hours before their hostages have been returned to the safety of their homes and days before funeral services have been held for the victim of their fatal gunplay.

Where is justice when the criminals receive more consideration than their victims? How can the judicial system continue to function effectively when a terrorist is treated differently by the courts than any other person who commits a serious crime?

Granting freedom to the leader and other members of the Hanafis has actually promoted terrorism by showing that the greater the threat of violence the greater the criminal's chance of demanding, and receiving, liberal, even preferential treatment.

I feel that meeting the terms of an agreement negotiated under the threat of violence is a very dangerous precedent. We must not be expected to bargain in good faith with terrorists threatening death and destruction. Once we put ourselves in the position of give and take at the point of a gun there is no longer any real exchange, only take take take on the part of the terrorist.

And why should we give anything? As soon as we submit to terrorists' demands we strengthen their position by giving them more time to make more demands and gain more media exposure, which is what they really want.

It has happened time and time again. In the case of the Hanafis their original demand was for the withdrawal of a movie, "Mohammad, Messenger of God," from theaters in the United States because they felt the movie treated their religion offensively.

With each passing hour there was an acceleration of demands. By late afternoon the Hanafis had demanded an apology from Muhammed Ali and custody of the convicted slayers of Malcolm X and members of the Hanafi sect. The terrorists' plan was to revenge the deaths of Malcolm X and others by assassinating the murderers who were already serving time.

That is why we cannot bargain with terrorists, but must take swift strong action which will set positive precedent and discourage future terrorist acts. This action should be reinforced with economic sanctions against nations that give aid and comfort to terrorists. I recommend that trade preferences and foreign aid be cut off to any country that cooperates or condones terrorism.

I have cosponsored legislation currently before Congress that urges the President to accelerate negotiations with other nations in order to prevent and punish acts of terrorism. An international treaty is not only desirable but necessary if we are to come to grips with the oppressive and offensive acts of terrorism that are becoming increasingly prevalent.

I am aware that no agreement, law or plan will completely eliminate the specter of terrorism from the nations of the world, but intelligent plans for affirmative action will eliminate some of the stumbling blocks so often encountered when critical situations requiring split-second decisions arise.

FORMULATING A NATIONAL ENERGY PROGRAM

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. RINALDO. Mr. Speaker, it is common knowledge that the energy crisis is among the most serious problems facing America today. It is also common knowledge that the efforts of Congress and the White House to date have failed to make headway toward solving this grave problem.

It was in 1973 that President Nixon declared "Energy Independence" to be a national goal. Yet, despite reaffirmations by President Ford and President Carter that energy independence is a major national objective, American reliance upon imported oil and imported natural gas has grown dramatically over the past 4 years.

Clearly, energy policies adopted so far have failed even to stabilize the situation, let alone improve it.

Consequently, I welcome President Carter's emphasis on a comprehensive energy program. The current piecemeal approach is simply not sufficient to do the job that must be done.

I also commend President Carter for inviting Members of Congress, as well as private citizens, to offer their views as to what form a national energy program should take.

In a recent letter to Mr. James Schlesinger, the President's adviser on energy, I offered my own recommendations.

Some of these recommendations are proposals which I have supported in the past, but which Congress has failed to enact: tax credits for energy-saving home insulation; increased aid to energy-saving mass transit; reasonable energy efficiency standards for buildings and appliances; increased funding for basic research and development in the fields of solar, fusion, and geothermal power; loan guarantees to encourage development of a coal gasification industry.

Other recommendations were formulated in response to the current natural gas shortage: creation of an emergency stockpile of oil and natural gas, as well as the enactment of emergency Presidential allocation powers—to be held in reserve until authorized by an objective "trigger," such as a 10-percent shortfall of oil or natural gas.

In addition, I have recommended the adoption of general policy guidelines: use of financial incentives to promote energy conservation and avoidance of such heavy-handed measures as gasoline rationing or exorbitant parking and gasoline taxes; careful attention to environmental needs in the planning of specific energy development projects; recognition that increased oil and natural gas production, while imperative over the short run, involves resources too limited to serve as a solution over the long run; increased attention to renewable energy

sources, such as solar power, and abundant energy sources, such as coal.

Since the energy crisis is such a vital and urgent matter, I believe that my fellow Members of Congress may wish to examine my recommendations in detail. I am, therefore, inserting below the full text of my letter to Mr. Schlesinger:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 14, 1977.

Mr. JAMES SCHLESINGER,
National Energy Policy Recommendations Task Force, Washington, D.C.

DEAR MR. SCHLESINGER: I appreciate your invitation to participate in the formulation of the Administration's energy program. I also commend you and President Carter for encouraging private citizens to offer their views on the form which this energy program should take.

I would direct the attention of the Carter Administration to the following points:

Conservation. As you note, the potential for energy conservation in America is enormous. While I do not believe that conservation alone will solve the energy crisis, I do feel that conservation should play a major role in any national strategy for dealing with energy problems.

I would stress financial incentives as the chief tool for promoting energy conservation. For example, I have sponsored legislation to provide tax credits to cover some of the costs of energy-saving home insulation; I believe that this approach should be an integral part of the Federal conservation effort. As another example of financial incentives to promote energy conservation, I would cite the energy-saving potential of mass transit and urge a firm commitment by the Administration to the support of a workable and attractive public transportation system.

There are some instances where mandatory standards would be appropriate; reasonable energy efficiency standards for appliances and new buildings are two prime examples. However, the mandatory approach, in most cases, tends to engender public frustration at a time when massive frustration already exists. I therefore advise you to reject proposals for gasoline rationing, except as a last resort in an extreme emergency, and I likewise urge you to avoid such "private transit disincentives" as exorbitant parking and gasoline taxes.

Imported Energy. I favor accumulation of oil and natural gas stockpiles as a deterrent to future oil embargoes and as an emergency source of supply during severe fuel shortages. I would not favor stockpiles so large that the price of fuel on the private market would be drastically increased.

In the event of an emergency situation, I would advise an immediate move to voluntary conservation appeals and mandatory allocation procedures; in fact, a good case can be made for allowing the President to hold emergency allocation powers in reserve. Such standing allocation powers, however, should not have a vaguely defined "trigger;" objective thresholds—for example, a 10% shortfall of oil or natural gas—should be used to determine when an emergency actually exists.

Supply Development. Of the various energy sources that you mention, I would place the greatest emphasis upon development of solar energy, geothermal energy, and coal-based synthetic fuels. I rank these energy sources high in priority because they are both abundant (at least potentially) and environmentally acceptable.

Of course, oil and gas will remain staples of the energy consuming public for some time to come. However, it is clear that America is beginning to reach the limits of its oil and gas reserves; newly discovered reserves have been declining in number on an annual basis and this trend may well continue. Consequently, while accelerated development of offshore and Alaskan fossil fuels is imperative as a short-term response to the energy crisis, long-term planning must stress the development of renewable resources (such as solar energy) or extremely abundant resources (such as coal).

I also believe that fusion power holds great potential, and I was disturbed by the omission of fusion power from your list of possible energy sources. Particularly in light of the recent breakthrough at Los Alamos, research funding for fusion power should increase.

I have tended to de-emphasize two of the energy sources that you mention: hydroelectric power and commercial nuclear power. The margin for increased use of hydro-electric power is simply not very large, at least in comparison to the potential use of solar or fusion power. As for nuclear energy, the grave safety questions raised about this energy source lead me to believe that America should proceed cautiously in this area; the need for cautious development is particularly clear in the case of the breeder reactor.

Implicit in my remarks is the answer to two of your questions. I believe that the Federal Government should play an extremely active role in conducting the basic research that is necessary for development of new energy sources. I also believe that in cases where the private sector is too cautious to provide the financing needed for pioneering energy enterprises (such as coal gasification plants), the Federal Government should be willing to establish loan guarantees or provide other forms of financing.

Other Issues. I do not believe that energy sources should be—or need to be—developed at a great cost to the environment. For example, although I support loan guarantees for the promotion of coal gasification plants, I have consistently supported the development of reasonable controls over strip mining activities. I believe that coal—which is a vast, largely untapped American resource—offers potential producers enough profit incentive easily to outweigh the additional costs of strip mining regulaton. I also believe that the coal gasification process, through which the problem of sulfur pollutants is largely bypassed, represents a striking example of the manner in which technology can reconcile energy and environmental imperatives.

By the same token, I do not feel that the need for energy development is inconsistent with limited Federal regulation on behalf of the American consumer.

Finally, let me note that I have co-sponsored legislation to implement the President's proposed energy agency reorganization. By placing virtually all present energy programs under the jurisdiction of a single Department of Energy, the plan would facilitate coordinated strategies and reduce duplication of effort. For the same reasons, I have also sponsored legislation to create a single Joint Committee on Energy in Congress.

Let me again thank you for your invitation to offer my views on one of the most pressing issues facing our nation.

Cordially,

MATTHEW J. RINALDO,
Member of Congress.

FANNIE LOU HAMER

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. EDWARDS of California. Mr. Speaker, it is with deep regret that we learned today of the death in Mississippi of Fannie Lou Hamer, a founder of the Freedom Democratic Party, a participant in numerous civil rights marches and voting rights lawsuits in the 1960's, and a leader of national prominence in the civil rights movement.

I first met Mrs. Hamer in the summer of 1963 when I visited Mississippi in support of the voting registration drive then underway in that State. My eldest son, Len, was spending the summer in Mississippi, working with many hundreds of young people in the massive voting registration effort. My son lived for that summer with Mrs. Hamer and her family in Ruleville, and both he and I learned to appreciate her as a dedicated fighter for equal treatment of all Americans and as a dear friend.

Mr. Speaker, the obituary from the New York Times for today is as follows:

FANNIE LOU HAMER DIES; LEFT FARM TO LEAD STRUGGLE FOR CIVIL RIGHTS

(By Thomas A. Johnson)

Fannie Lou Hamer, who became a nationally known advocate of equal rights for blacks during the 1960s, died of cancer yesterday in Mount Bayon Community Hospital in Mississippi, 30 miles north of her home in Ruleville. She was 60 years old.

Mrs. Hamer joined the mostly youthful civil rights activists working in the Mississippi Delta region in 1962, when she was 45, leaving her life as a share-cropper on a cotton plantation.

Over the next 15 years she became one of the most influential, respected and durable of the Deep South's black leaders. She used her thunderous voice and a homespun, rural wisdom to urge blacks in many a cotton or soybean field to register to vote, join labor unions or form agricultural cooperatives.

Mrs. Hamer's tone was quieter, but no less forceful, when she told Congressmen and northern audiences of the arrests, beatings and murders of civil rights workers in her state.

"She electrified this nation with a television appearance during the 1964 Democratic Convention in Atlantic City," a veteran observer of the civil rights scene has said, "She brought the authentic life and death reality of Mississippi into the homes of America."

At that same convention, the black-led Mississippi Freedom Democratic Party that she helped to found challenged the white-led regular party for seats, without success. But some of the black-led party's delegates were seated in 1968, and the black group displaced the whites in 1972.

Although she was beaten, arrested and shot at, Mrs. Hamer did not allow herself to hate whites, explaining many times, "I feel sorry for anybody that could let hate wrap them up. Ain't no such thing as I can hate anybody and hope to see God's face."

In spite of failing health, Mrs. Hamer helped during the winter of 1975–76 to unite the black and white portions of Mississippi's Democratic Party. A single, integrated unit represented the state during last year's Democratic Convention to New York.

Despite her national prominence, she lived in a three-room house in Ruleville, population 2,000.

"Why should I leave Ruleville and why should I leave Mississippi?" she once asked a writer. "I go to the big city and with the kind of education they give us in Mississippi, I got problems. I'd wind up in a soup line there. That's why I want to change Mississippi. You don't run away from problems, you just face them."

Mrs. Hamer was the youngest of twenty children born to Jim and Lou Ella Town-

send, sharecroppers on a Montgomery County plantation.

She worked in the fields from the age of 6. School attendance was allowed after the crops were in; she had a total of about six years of formal schooling. She remembered being hungry much of the time.

She married Perry "Pap" Hamer, a young man who had plowed the cotton fields that the Hamer family planted, in 1945 and they adopted two daughters, Jean and Virgie Ree. Jean died of malnutrition in 1968 "because all her life we were poor," Mrs. Hamer told an interviewer.

In 1962 Mrs. Hamer attended civil rights rallies at a Ruleville Baptist Church. She once said, "They talked about how it was our rights as human beings to register and vote. I never knew we could vote before. Nobody ever told us."

Mrs. Hamer became a field worker for the Student Nonviolent Coordinating Committee in December, 1962, and was immediately ordered out of the shack she shared with her family on Dave Milo's plantation near Ruleville.

"She told her husband, 'I'm going,' and she left the plantation rather than give up her registration work," said Joyce Ladner Carrington, a former S.N.C.C. field worker and the author of the book, "Tomorrow's Tomorrow."

Another former S.N.C.C. organizer, Dora Churnet, now a social worker in Washington, D.C., recalled, "Mrs. Hamer came into the Baptist church in Ruleville and said she had been ordered off the plantation. We sang freedom songs together. Somebody played the piano and Mrs. Hamer sang in that strong, authoritative voice. She said, 'They kicked me off the plantation, they set me free. It's the best thing that could happen. Now I can work for my people.'"

TRIBUTE TO SUPERIOR COURT JUDGE WILLIAM H. ROSENTHAL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. ANDERSON of California. Mr. Speaker, on March 10 of this year a distinguished jurist decided to retire after a particularly productive life in public service. Superior Court Justice William H. Rosenthal is also one of my closest and most valued friends, and I would like to take this brief moment to congratulate him on his many fine accomplishments.

Born in October of 1907 in New York City, Bill Rosenthal has made the Los Angeles area his home for most of his life. After graduating from Southwestern University School of Law, Bill was admitted to the bar in 1934 and began the private practice of law.

William Rosenthal became a deputy city attorney for Los Angeles in 1937, serving with distinction until he was elected to the State Assembly in 1943. It was here that I first came to know Bill well. We sat in adjacent seats in the California Assembly, and I soon came to appreciate his wisdom and honesty as a representative. More importantly, the warm friendship that developed between us has grown through the years. He was my best man when my wife Lee and I were married, and we have kept in touch as we pursued our individual careers.

While a member of the assembly, Bill Rosenthal was responsible for several major accomplishments. He was the main author of the bill which established the law school at the University of California at Los Angeles, the first law school at a public institution outside the one at the University of California at Berkeley. He was also a cosponsor of the bill that outlawed "baby-selling" in the State of California.

Bill stepped down from the assembly in 1953, and returned to the practice of law. In 1959, newly elected Gov. Edmund G. Brown appointed William H. Rosenthal to municipal court. Two years later Governor Brown elevated Judge Rosenthal to the superior court, where he served the public interest in an outstanding manner up to his recent retirement.

As a member of the bench, Judge Rosenthal served in the domestic relations, civil, juvenile, and criminal courts. He is keenly interested in judicial reform, having served as chairman of the superior court's legislative committee on three separate terms. In 1971, he was one of those primarily responsible for the 39-point reform program adopted by the State of California.

In addition, Judge Rosenthal served on the executive committee of superior court during 1976; the personnel and budget on judicial reform committee in 1970, and 1972; and on the judge's special reform committee in 1971.

Outside the courtroom, Judge Rosenthal remained an active and enthusiastic member of many community organizations. He was an active sponsor for the Jewish Big Brothers, and recently completed a term as that organization's vice chairman. In addition, he is a member of the American Bar Association, the Los Angeles County Bar Association, the Lawyers' Club, the Masons, Shriners, and B'nai B'rith. Now that he has stepped down from the bench, I understand that he and his lovely wife, Lilith, plan to spend time at their Los Angeles home and their residence in Palm Springs, Calif.

Mr. Speaker, members of our judicial system constitute perhaps one of our most essential branches of society today. They are charged with upholding the law and at the same time protecting the rights of individuals. With men and women of the caliber that Bill Rosenthal has displayed throughout his career, I am confident that our courts will continue to be placed in good hands.

Few of us are privileged to meet men like Bill Rosenthal during our lifetimes; fewer still have been fortunate enough to know them as close friends. My wife, Lee, joins me in wishing Bill Rosenthal an active and happy retirement after a long career of dedicated public service. His wife, Lilith, and daughter, Lisa, must both be very proud of his many accomplishments.

CONGRESSIONAL CLEARINGHOUSE ON THE FUTURE

HON. CHARLES ROSE III

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. ROSE. Mr. Speaker, I would like to take this opportunity to speak to you and to my colleagues here in the House about the Congressional Clearinghouse on the Future.

In April 1976, 10 Members of the House and I established the Congressional Clearinghouse on the Future, and Anne Cheatham was made the director. The idea for the clearinghouse grew out of a series of sessions led by noted futurists and interested individuals who encouraged us and our staffs to look more carefully at ways we can anticipate our problems. Robert Theobald, John Osman, Hazel Henderson, Ted Gordon, and Dr. Edward Lindaman were early participants in congressional seminars which led to the creation of the clearinghouse.

Our goals are:

First. To assist Members of Congress as they become aware of the ways in which the future is affected by today's decisions.

Second. To help House committee members implement rule X, section 2(b)(1) which states that—

> All committees and subcommittees (except Budget and Appropriations) shall on a continuing basis undertake futures research and forecasting on matters under the jurisdiction of that committee.

Third. To help Members foresee the impact of legislation on State and local governments, on industries, and on private citizens.

Fourth. To let Members know that citizens' groups are eager to work in the planning processes of Government.

Since April 1976, the clearinghouse has been engaged in several activities designed to meet its goals. These four are of particular interest:

1. The publication of a monthly newsletter;
2. The seminar series, "Dialogues on America's Future";
3. Formation of a Congressional Talent Bank;
4. Identification of citizen participation projects around the country which are working on the future.

The newsletter, What's Next?, is read by individuals around the country and by over 400 individuals—Members of Congress and staff—on the Hill. Each newsletter is filled with suggestions about ways we can begin talking about the future with the people back home. Articles appear which explain how various futures research groups function and how they might aid our committee staffs.

An index of the CONGRESSIONAL RECORD is included every month noting entries we make that are directly related to the future. And a comprehensive list of upcoming publications is included in the Book Forecast section, divided into categories that parallel our committee juris-

dictions. The January issue had a cover story on our new President's activities in Georgia including the formation of Goals for Georgia and the Commission on the Future of the South

The seminary series, "Dialogues on America's Future," has already begun. In January, Alvin Toffler, author of Future Shock, urged us to examine how Congress can more easily cope with rapid change and constant transition. He warned that if we do not begin now to think about the future, we may find that our form of government will not survive.

Dr. Margaret Mead has spoken to us about the future of the family in our changing world, and Dr. E. F. Schumacher, author of "Small Is Beautiful: Economics as if People Mattered," has explained his concept of intermediate technology. Herman Kahn, director of the Hudson Institute, Dr. Jay Forrester of MIT, Hazel Henderson of the Center for Alternative Futures, and Barbara Marx Hubbard, chairperson of the Committee for the Future, will make their presentations in the months ahead.

Mr. Speaker, the clearinghouse is doing us a tremendous service by asking these noted thinkers to visit and talk with us and with our staffs. All of them are urging us to think about the future, because they all believe the future is now. And they all share a belief that democracy is worth saving.

The clearinghouse has also created a Congressional Talent Bank composed of individuals from all around the country who are willing and eager to help us look at legislation from a future point of view. By using the expertise which is already existent in the country, we will not have to build another research group empire. The clearinghouse is a clearinghouse, and so we have sought out those who are already doing futures research and forecasting, as well as those who have developed methods of meaningful citizen participation, and we have asked for their help. They come from industry, small business, education, government—local, State, and regional—and from citizens' groups. They can help us sort out the future consequences of our actions today.

And finally, Mr. Speaker, one of our most important emphases has been on ways to involve our people in talking with us about the future. We all know the frustrations of the people back home. We know the anger. We know the hurt. We know the disappointment.

We believe that the citizens of this country must become engaged in the process of setting goals if we are to expect them to adopt the goals we name. The clearinghouse is seeking to find ways to help us begin this process of dialog about the future.

Mr. Speaker, we believe that the information we are sharing is of much importance to the Congress and to our democratic form of government. In this time of rapid change, we must anticipate if we are to survive. As C. P. Snow said:

The sense of the future is behind all good politics. Unless we have it, we can give nothing either wise or decent to the world.

WELFARE REFORM

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. CHARLES H. WILSON of California. Mr. Speaker, it seems that in most every major campaign—Congressional, Senatorial and Presidential—the issue of welfare reform raises its ugly head. Unfortunately, any substantial reform has only surfaced long enough to be recognized and then become buried again in bureaucratic red-tape.

Recently, the Los Angeles Times editorial section printed several articles that deal with the questions involved in reforming our $50 billion welfare system.

I would like to bring these articles to the attention of my colleagues along with my commendation to the Los Angeles Times for their interest in this difficult problem and the fair treatment given to all points of view.

THE LATEST STAB AT WELFARE REFORM

(By Joel Havemann)

If the Carter Administration were designing a national welfare system from scratch, there's no way it would come up with the jumble of programs that now add up to a $50 billion monster.

Who would design a system so unfair that benefits in one state are eight times less than in another? A system so complicated that in one major program nearly a fourth of the recipients are paid too much or too little? A system that can encourage fathers to leave their families, and heads of households not to work?

Jimmy Carter wouldn't. During his campaign, he promised a vastly simplified system, replacing most current programs with a single welfare payment that would vary only with the local cost of living. From the few details that Carter disclosed, his plan sounded rather like the negative income tax that former President Nixon proposed eight years ago. Nixon's plan was shot down in the Senate, and Carter may fare no better.

One source of opposition to Nixon's proposal was conservatives who rejected the idea of paying people who don't work. Carter is well aware of this trap. In discussions with his transition staff before his inauguration, he leaned toward removing the employable poor from the welfare population.

Only 10 or 12% of the present welfare population can work; most of the rest are children, mothers with young children, the aged and the disabled. Under the likely Carter approach, able-bodied adults in the 10 or 12% group would be trained for jobs or paid unemployment compensation. The other 88 or 90% would qualify for a single program of cash assistance.

Liberal opponents of Nixon's plan felt that the benefits from a negative income tax would be too small—they were then calculated at $1,600 a year for a family of four. Carter could have more trouble from this quarter.

He also faces a dilemma if he tries to make welfare benefits approximately equal across the nation: If he doesn't want to increase the total national welfare costs, he will have to slash the benefits now enjoyed by recipients in some states, such as California and New York—and he will face certain opposition from those states. If he raises benefits to the industrial state level, it will cost billions more a year—but the federal deficit is $70 billion, and Carter has promised a balanced budget by 1981.

Carter clearly has learned one lesson from Nixon's failure to solve the problem. Where Nixon planned his negative income tax in secrecy, James A. Califano Jr., Carter's secretary of Health, Education and Welfare, has brought in representatives of Congress and interest groups to develop a welfare reform proposal in full public view.

Consultants include staff members of four congressional committees, including the Senate Finance Committee—which was instrumental in killing Nixon's negative income tax. Lobbyists from five organizations of state and local officials, which have begged the federal government for years to relieve them of their welfare burden, are being asked for proposals. Even three representatives of the poor are being consulted—even though they were added only after a protest at the task force's first meeting Feb. 11.

If this group can unite behind a single welfare reform proposal, it will be very difficult for a majority in Congress to stop it. Indeed, a danger to Carter is that he himself will not be able to reject the task force's recommendations even if he does not agree with them.

The welfare system that the task force must try to reform is one that has developed over more than 40 years as Congress reacted to the needs of specific segments of the proverty population. Welfare programs will cost $49 billion in 1977—$34 billion from the federal government and $15 billion from states, counties and cities.

Aid to Families with Dependent Children (AFDC), enacted in 1935, was the first of the big welfare programs. Supplemental Security Income (SSI), enacted in 1972 to aid the aged, blind and disabled, is the only other major program providing cash assistance. Medicaid, food stamps and housing subsidies are some of the programs that meet specific needs.

The welfare system may be inefficient, but it is not a complete waste. The Congressional Budget Office has reported that without welfare, 11.2 million families would have had incomes below the poverty line (in 1976 $5,764 a year for a family of four). Welfare lifted more than half of these families above the line—but 5.4 million families remained at a level where they could not afford the bare necessities.

Benefit levels in many states are pathetically low. In Mississippi, the maximum AFDC payment for a family of four is $60 a month. In Texas and West Virginia, which do not supplement federal SSI benefits, the maximum SSI payment for a couple (most are elderly) is $251.80 a month. And, as the National Governors' Conference reported last year, "A substantial number of poor persons receive little or no aid at all."

Welfare benefits are distributed unfairly among the states. A study by National Journal of five major welfare programs showed that benefits ranged from $370 per poor individual in Wyoming to more than $3,000 in Hawaii. In the Northeast as a whole, benefits were three times what they were in the South.

Furthermore, welfare programs are strangling in red tape. Eligibility requirements are different for different programs; it takes a mathematician to compute the payments to which a recipient is entitled. In the first half of 1976, 24.6% of all AFDC recipients were paid too much or too little. Some of the errors are due to the "welfare cheats" that politicians love to hate, but the vast majority is the inevitable result of regulations that hardly anyone understands.

In 23 states, the regulations encourage families to break up because those states deny AFDC payments to poor families with unemployed fathers living at home. And the

regulations reward unemployment: If a poor mother earns just enough money to lose her AFDC eligibility, she also may lose her eligibility for Medicaid, which might be worth hundreds or thousands of dollars a year to her family.

Look what the regulations meant for one individual—Ramon Gonzalez, a former Brooklyn factory worker whose legs were crippled in a 1974 car accident. He received $2,275 in retroactive SSI benefits in one lump sum in 1975, and he put most of it in the bank. That meant he was no longer eligible for SSI benefits because he had assets of more than $1,500, and so his assistance was cut off. He was restored only after the New York Times put his case on the front page.

This is the welfare mess that Carter has inherited. Califano has directed the welfare reform task force to examine all the possible solutions, ranging from a single generous cash allowance for everybody to a crackdown on welfare cheats. Two approaches seem the likeliest.

If Carter can mobilize support—and find the money—he will move toward a single cash assistance grant for the unemployable poor coupled with job training for those who can work. A program of this sort could be phased in so that recipients who would lose under the new program could stay with the old.

If this approach doesn't work, Carter may simply seek to overhaul current welfare programs without eliminating any of them.

The task force is to report to the President by the end of May. No matter what options Carter chooses, Congressional procedures mean that nothing new can be put in place before Oct. 1, 1978. Until then, the nation's 11 million poor families are going to have to live with a hodgepodge of welfare programs that nobody really wants.

Modernize the System, Don't Wholly Discard It

(By Richard P. Nathan)

Again there is talk of cleaning up the "welfare mess" by instituting a brand new system which would end red tape and save the taxpayers' money.

My suggestion is that we abandon the search for a utopian solution to welfare problems and instead build on the programs we have. Such a modernization approach is the best way this rich country of ours can provide adequate income assistance for the poor on a basis that is fair, firm and efficient.

Things have changed since welfare economists first began talking about a negative income tax as a way of reforming welfare. Need was greater then; in the past 10 years, however, welfare type programs have grown to such an extent that the "poverty gap" is closing. Today millions of poor people receive non-cash assistance in the form of medical care, food stamps and housing subsidies. While official Census Bureau statistics show that 11.4% of U.S. families are below the poverty level, the figure drops to 6.9% if such non-cash assistance is counted as income.

Thus the nation's progress in meeting social needs over the past decade has eliminated much of the argument for designing a completely new welfare system.

There are many other reasons why the modernization approach is better. Although some states still provide very low welfare assistance under federal programs, many of the wealthier states are providing a level of family aid which can be considered adequate. The institution of a single new national payment level as proposed under negative income tax plans could cause losses for many families and the aged in these wealthier states. This is one reason why I believe the negative income tax idea has become the favorite strategy of conservatives, such as economist Milton Friedman: They see it as a way to reduce and control welfare spending.

Furthermore, the existence of a "welfare mess" tends to be overstated. Any system that provides aid to people in the lowest-income groups, who are highly mobile and often have limited job and literacy skills, is going to be difficult to administer.

Currently there are three major income support programs for the poor: one program for families (Aid to Families with Dependent Children), one for the Aged and disabled, and a food stamp program to supplement low welfare benefits (which in addition boosts the income of the working poor). The reason we have this three-part system is that as a nation we have different ideas about the way in which aid should be provided to the aged and disabled as compared with able-bodied, unemployed heads of families.

Implementing a new supervision under these conditions would be immensely difficult and controversial and would take at least 5 years. In the meantime, needed improvement in the management of current welfare programs would be neglected.

Yes, we do have management problems, and many eligible persons are not receiving adequate aid. We ought to attend to these problems now.

One immediate step we should take is to transfer food stamps from the Department of Agriculture to Health, Education and Welfare and merge it with Aid to Families with Dependent Children. Most AFDC recipients now receive food stamps, but must fill out completely different (and long and complicated) applications. Eligibility rules and waiting periods are different. Such a transfer, along with other important changes, would have far-reaching consequences and produce what I would call a new "Family Benefit System."

Under this approach, aid would be provided to all poor families headed by unemployed fathers. Today in many states, the family is not eligible for aid if the father stays with the family. This is why so many AFDC families are headed by women, and why our welfare system has been accused of weakening family ties. At the same time, welfare program links to employment agencies should be strengthened. Although such links appear on paper, in reality many welfare clients are given little assistance in finding jobs.

Increased child care services also should be part of the Family Benefit System. Although the mothers of children under 6 should not be forced to work outside the home, many women on AFDC, even these mothers, would prefer to be self-supporting if given the choice of a decent job backed up by child care.

For the working poor, not eligible for welfare, the food stamp program should continue to serve as a supplement to income on a basis (as it does currently) that embodies a strong work incentive. But we should remove the requirement that families purchase their food stamps. At present, a family with $300 monthly income must lay out $83 in cash to purchase $166 in food stamps, the theory being that a family *should* eat $166 worth of food. The program forces the poor to spend X dollars on food: In other words, we don't trust them to decide how much food they need. In the case just described, the family should be able to apply for and receive $83 in food stamps without having to lay out a matching sum in cash.

Sen. Charles McC. Mathias (R-Md.) has proposed that food stamps be expanded to include fuel. Such measures to expand the benefits of the food stamp program should be seriously considered as part of this new system.

Another improvement in efficiency would be made if we put the administration of welfare programs, including Medicaid, under state rather than county governments. Many states now have automated data systems. Under computerized state systems, it is much easier to check applications and eligibility across county lines, eliminating one source of error and abuse. States also could take advantage of economies in scale while at the same time relieving county units of administrative burdens.

The aged poor and the disabled receive welfare assistance under the Supplemental Security Income program (SSI), which is administered by the Social Security Administration along with (although not as part of) the social security system. Adopted in 1972, the SSI program is just beginning to work smoothly and should not be tampered with.

Besides combining food stamps and AFDC, and including families headed by unemployed fathers, we should also set a floor under the combined program; the states could then add to that minimum amount. The minimum should be adjusted for cost of living differences among states and urban areas and should be automatically and regularly increased when the inflation rate rises. Simplified national eligibility standards should also be adopted to cut red tape and error rates and make it easier for administrators to assure that only eligible persons receive assistance.

To summarize, the modernization approach would be less controversial and would avoid raising the emotional issue of income redistribution to such a high decibel level. With modernization, people in need would be helped sooner, and the public as a whole would benefit by faster action to make welfare programs operate more efficiently on a basis that eliminates opportunity for error and abuse.

Start All Over Again, Using Simple Cash Grants

(By Caspar W. Weinberger)

If we are truly to reform welfare, we must begin with a definition of our goals and decide the best way to achieve them. If our goal is simply to equalize income and transfer income from the rich to the poor until we have achieved a dull gray mediocrity, then we are well launched on that path.

Our welfare programs—it would be inaccurate to call the existing jerrybuilt accumulation a system—coupled with our taxation policies, will have the inevitable result of government-ordered equality of income before too much longer.

It is my belief that we need a new, unified, coordinated public assistance program to help the poor, the ill, the disabled and the elderly while they need help, and that benefits should be paid permanently only to those who cannot work and help themselves. Further, such a public assistance program should encourage those receiving benefits to help themselves to the greatest extent possible.

Finally, it is essential that this new system replace and not be added to the existing maze of literally hundreds of different federal and state programs which are supposed to help the poor but which for the most part lose sight of that purpose in seeking their ultimate goal, which seems to be redistribution of income.

Yet there has never been any conscious decision by the American people that they want to have their income redistributed.

We are now spending well in excess of $35 billion in federal funds and many billions more at the state and local levels on income security programs. Indeed, if we count Social Security, which is increasingly taking on the aspects of a welfare program,

the federal cost alone for such programs in fiscal 1977 will exceed $177 billion.

What is needed most by the poor is cash to meet their own needs. The Income Supplement Plan, which was strongly recommended by the Department of Health, Education, and Welfare when I was secretary, provides for simple cash grants, based on need and measured by income and assets. Able-bodied adults would be expected to meet a strong work requirement in order to receive income supplements.

This program would be put into effect only if we simultaneously eliminated the three largest federal welfare programs: Aid to Families with Dependent Children, food stamps, and Supplemental Security Income. Any attempt to add a cash grant program to all the public assistance we now have would simply compound the evils that have brought us to the situation where we are today.

The new program would be administered by the Internal Revenue Service. Congress would set a basic income figure. Any family whose income fell below that level would receive a single federal cash grant in whatever amount necessary to bring the family's income up to the point set by Congress. When income exceeded that point, the family would cease to receive the new grant and instead would pay taxes.

The income level at which a family would cease to receive this grant would be the sum of personal exemptions and standard deductions in our tax system. Under the present tax schedule, a hypothetical family of four with no income would have an assured income of approximately $5,800. In another family, income of perhaps $3,200 might be supplemented by a federal grant of $2,600.

It has already been proposed that standard deductions and exemptions be increased. In any event, those deductions and exemptions would be deliberately adjusted to produce a figure which would equal the cash value of the various public assistance programs destined to be eliminated.

Increasing standard deductions and exemptions would have an additional benefit because it would mean a tax cut for low and middle income families.

When the plan was proposed, there were objections to the strong work requirement which I considered to be an essential feature. Experience has shown that without such a requirement, welfare families would not have sufficient incentive to leave public assistance programs. On the contrary, there would be every reason for them to stay, not because they are "welfare loafers" but simply because the present level of public assistance is so high in many situations that there's little if any inducement to leave the public rolls.

Another feature of the Income Supplement Plan which commends itself particularly is that it would be administered by the Internal Revenue Service and would be paid entirely on the basis of need measured by income and assets. This would eliminate at one stroke all of the highly intrusive interviewing of welfare applicants, would reduce the cost of paperwork and eliminate much red tape.

Many who objected to the plan took the position that poor families were unable to make decisions as to their spending, and therefore an all-wise government had to parcel out benefits in the form of food stamps, clothing allowances, housing subsidies, fuel stamps and the like. I've never seen any evidence that poor families are any less able to make decisions as to their own needs than middle or upper income families.

The plan would be substantially more efficient in helping to eliminate poverty. Some 86% of the funds would go to those below the poverty line. In contrast, less than 50% of the funds now being paid into the food stamp program go to people below the poverty line. Administrative costs of the proposed plan would be less than 5% of the gross amount transferred, rather than the 15% or more it now costs to administer the food stamp program.

Furthermore, all low-income Americans would be assisted according to a uniform national criteria. At the moment there are so many anomalies in the vast number of separately administered programs that it is possible for a family with an absent father (conveniently absent or otherwise) to receive substantially more money in public assistance than a similar family across the street can earn—with the father living at home, working and receiving no government benefits.

Finally, with its sliding scale of benefits, the proposed system would automatically adjust for recessions and depressions and provide more income as individual family income diminished during those times. At present, Congress usually reacts to recession or depression by adding a large number of new uncoordinated programs—many of which do not reach the people most in need but all of which become a permanent part of our public assistance payments.

If we keep on adding more programs we will require a larger and larger amount of the Gross National Product to pay for government. This means that less investment capital will be available for the development of jobs, because the only way in which new jobs can be satisfactorily and permanently created is by private sector investment. Enough capital must be available for investment in new factories, businesses, additional agricultural facilities and the like.

DEPOLITICIZING HEALTH CARE

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. McDONALD. Mr. Speaker, Representative STEVE SYMMS and myself today are introducing a bill to repeal titles XV and XVI of the Public Health Services Act, which were created by Public Law 93–641, the "National Health Planning and Resources Development Act of 1974."

The consequences of Federal health planning will be disastrous and thus Public Law 93–641 should be repealed immediately, for the following reasons:

First, the law provides both the mechanism and the means for total, centralized control of health care by the Federal Government. Title XV establishes the mechanism by (1) directing the Secretary of the Department of Health, Education, and Welfare to issue guidelines concerning national health planning policy, (2) setting "national health priorities," and (3) creating a nationwide network of "health systems agencies," "health service areas," and "State health planning and development agencies."

Title XVI provides the means by authorizing Federal aid for developing "health resources"—essentially building new medical facilities or modernizing old ones—and Federal funding for the health systems agencies established in title XV. Acceptance of these funds brings a medical facility under Federal control, if indeed it isn't already taking orders from HEW through prior acceptance of funds from Federal programs such as medicare, medicaid, Hill-Burton, and so forth.

Obviously, this is a major step toward complete nationalization of the health care professions, as was made clear by its proponents:

> The important concept embodied in this legislation, that health financing should be closely related to health planning, has subsequently been reflected in almost all major proposals for national health insurance through a series of devices intended to assure that national health insurance does not pay for costly services which the planning process determines are unneeded. (House Report 93–1382, to accompany H.R. 16804, p. 8)

Aside from the intentions of its sponsors, however, Federal health planning by its very nature will lead to total federal control of health care. One of the law's alleged purposes is to control the cost of health care, which has been rising at a rate higher than that of inflation for the past several years. But it attempts to do this by treating the effect, the rising prices, not the cause, which is the government programs that socialize health care. When payments of medical services are collectivized, as under Medicare and Medicaid, the individual pays the same amount regardless of the cost and frequency of his own treatments. If health care is "free" on demand, demand soars and prices rise.

The health planners propose to stop this by ordering prices to hold still. They propose "maximum allowable cost" for drugs, and "professional standards review" for the elderly and indigent under Medicare and Medicaid, to make sure the government pays for no "unnecessary" services. The Professional Standards Review Organizations, already estabilshed by another law, have the authority to control doctors' fees, to review confidential medical records in order to "standardize" allowable medical services, and to review hospital admissions.

Thus "free" medicine for the elderly and indigent is leading directly to government rationing of health care services to these citizens. And now the health planners are talking about "a series of devices" to insure that the government "does not pay for costly services which the planning process determines are unneeded," thereby extending government rationing of health care to everyone.

Such controls, however, will not work unless they are total. Prices will continue to rise so long as the government continues its involvement in health care, leading the planners to lobby for complete nationalization. There are only two ways to deal with the consequences of the insatiable demand induced by government health care programs. One is to eliminate the government programs and allow the market to bring supply and demand back into balance. The other is to give the government total control over supply.

The health planners leave no doubt which option they choose, and are already claiming Public Law 93–641 to be inadequate. For example, Dr. Charles C. Edwards, former Commissioner of the Food and Drug Administration and former Assistant Secretary for Health at HEW, "renewed his call for a National Health Authority to regulate medicine as a public utility" in a keynote address before a meeting of the American Association for Comprehensive Health Planning last month (American Medical News, July 26, 1976). "I am suggesting," Dr. Edwards said, "that health planning be merged with health cost regulation. Because without such a merger—without effective cost-containment—health planning, even under the best of circumstances, will remain an exercise in frustration and a bitter disappointment." Dr. Edwards continued by endorsing "regional rate-setting agencies operating under Federal guidelines."

In other words, health planning will not work unless the government has total control over the supply of health services, without which those who wish to determine how much, if any, health care each individual American citizen will be allowed, will be "frustrated" and "disappointed".

Second, federal health planning is politicizing the entire field of health care. Instead of market demand determining and directing the supply of medical facilities and services, these decisions increasingly are being made by Government and quasi-government officials. The decision to build a new hospital is not being determined by the demand for medical services by the people in a given area, but by officials of a "health systems agency" who, in conjunction with officials of the "State health planning and developing agency" and officials of HEW's appropriate "regional planning center", attempt to determine if their health plans are in accord with the "national health priorities" set by Congress and the "national guidelines for health planning" issued by the Secretary of HEW. Thus decisions affecting the health of millions of people must go through layer after layer of health planners before anything can be done. And since the decision is political, not economic, those with political pull will get the new hospital, if anyone does, not necessarily those who need it most.

Such a system is designed not to provide health services, but to prevent them from being provided.

Third, this law undoubtedly will distort and disrupt the delivery of health services to rural and non-rural areas. Not only do such areas lack the political pull to compete with the more densely populated urban areas, but the "national health priorities" established by Congress discriminate against less populated regions. These priorities, as mandated by Section 1502 of Title XV, included:

(1) The provision of primary care services for medically underserved populations, especially those which are located in rural or economically depressed areas.

(2) The development of multi-institutional systems for coordination or consolidation of institutional health services (including obstetric, pediatric, emergency medical, intensive and coronary care, and radiation therapy services).

(7) The development by health service institutions of the capacity to provide various levels of care (including intensive care, acute general care, and extended care) on a geographically integrated basis.

Apparently, primary care services are to be provided in rural areas, but other levels of care only on a "geographically integrated" basis. What about a rural hospital which provides intensive care? Must its patients be transferred to urban hospitals? Or what about a rural hospital which wants to add facilities for intensive care? Must it wait until the population in its vicinity reaches some figure arbitrarily determined by a bureaucrat in a regional health planning agency?

Fourth, Public Law 93–641 is unconstitutional, probably on many grounds. At the very least it is a violation of the Tenth Amendment. In fact, several states have already filed suit charging that the law is an illegal intrusion on a state's rights.

If we continue down the road being paved by Federal health planners, the American people will be denied the right to control their own health. Government planners not only will be setting doctor and hospital fees, but rationing medical care as well. Whether or not someone should have an operation no longer will be a medical decision arrived at by the individual and his doctor, but a political decision arrived at by government health planners. In Great Britain, where health planners have been in control for many years under the National Health Service, patients are waiting in line for up to a year for a hospital bed to have a *needed* operation.

This is what government health planning will lead to in our country if we do not change our course and begin systematically eliminating government control of health care.

Repealing Public Law 93–641 would be an excellent first step toward depoliticizing the field of medicine.

EPA AND AMERICAN AGRICULTURE

HON. JAMES P. (JIM) JOHNSON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. JOHNSON of Colorado. Mr. Speaker, I would like to commend to the House the following statement which was made by my friend and colleague, Mr. WILLIAM WAMPLER, ranking minority member of the House Committee on Agriculture, as we began our hearings in the committee last week on EPA's performance in regulating the use of pesticides.

For too long now, EPA has been insensitive to the impact of its decisionmaking on the American agricultural community. Mr. WAMPLER'S comments eloquently and reasonably characterize the perspective we must keep in mind as we proceed to review governmental policies that directly affect the livelihood of the farmer and his ability to provide safe and plentiful supplies of food and fiber to the American consumer and the rest of the world:

STATEMENT OF HON. WILLIAM C. WAMPLER OF VIRGINIA

Mr. Chairman: The prime concern of this Committee is to ensure that the farm policies we establish provide the climate for the production and distribution of an abundant, economical and safe supply of food, fiber and wood products for the use of the American public.

At the same time we must assure those that produce, process and distribute these products that the farm policies we legislate establish a climate in which they too can operate in relative freedom and with reasonable profits.

In recent years our farmers, their suppliers, the processors and the distributors have been able to reduce the back-breaking labors endured by their forefathers to the point that one American farmer can now produce enough to feed over fifty people, a tremendous increase when we remember that the farmer of the Revolution could only feed himself and three other people.

The ability of our farmers to do this occurred mostly in the last quarter of our century, and was due to mechanization, the use of improved fertilizers to increase crop growth, and the use of pesticides and herbicides to reduce pests and control weeds.

All of us on this Committee are aware that mechanization, fertilizers, and pesticides and herbicides require energy. All of these innovations to some degree also affect our environment. We are also aware there is no magic technology available to us on the drawing board which can be substituted for these innovations and still maintain the production of these vital farm products. There are those who point to our current supplies of corn and wheat and say we can afford to cut back on these crops. If we could halt the growth of the world's peoples and have good weather—maybe—but we know better.

The problem we face is to reduce through science and education, sensible policies, laws and regulations where necessary, the undesirable effects of these necessary adjuncts to agriculture to a reasonable level and still permit us to enjoy safe and economical level and still permit us to enjoy safe and economical food, fiber and wood products.

For the past several years I have been critical of the past Administrator of the Environmental Protection Agency for the way he has administered the FIFRA Act. I hasten to add that this has been during a Republican Administration.

The Department of Agriculture, the State Agricultural Departments, our Land-Grant Colleges and a large body of scientists have also disputed the administration of this law and the science practiced by EPA. The Food and Drug Administration and the National Cancer Institute are at variance with EPA's definition of the term Carcinogenicity and with the assessment of carcinogenesis data, that which determines whether or not certain testing and evaluations signify that a chemical substance is cancer causing and therefore should be banned from use. I hasten to add we need one policy definition on this subject and that this subject is the basis for much of the problems facing us in the administration of FIFRA. I might add that other Committees of the Congress have raised some very serious concerns over EPA's scientific tests and evaluations in other environmental areas.

The Department of Agriculture has recently informed this Committee that several hundred pesticides with approximately

15,000 uses are under suspicion at EPA and that the banning of these pesticides could seriously reduce America's agricultural food supply and our ability to export American farm products which in turn pay for much of the oil imported into our country.

Amid all these controversies a new administration has arrived on the scene. I shall, of course, give the new Administrator my full cooperation to straighten out this mess.

During the course of these Hearings I expect to listen to and question as many witnesses as possible in order that we can develop a record to assist the new Administrator and the Congress in resolving the FIFRA controversies.

NEW YORK STATE BLACK AND PUERTO RICAN LEGISLATIVE CAUCUS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. RANGEL. Mr. Speaker, on February 20, 1977, I attended the sixth annual dinner of the New York Black and Puerto Rican Legislative Caucus in Albany, N.Y.

As a former member of the New York Assembly and former chairman of the Congressional Black Caucus, I was interested in the events of that evening.

The highlight of the evening was an exceptionally informative speech by Assemblyman Albert Vann, Democrat of Brooklyn, entitled: "A Time for Unity: A Plan for Action."

I thought my colleagues would be interested in reading it. The address follows:

A TIME FOR UNITY: A PLAN FOR ACTION

AFRICAN PROVERB

(By the time the Fool has learned the game, the players have dispersed.—Ashanti-Ghana, West Africa.)

For too long this axiom has been indicative of Black people and Puerto Ricans, particularly within New York State. By the time we begin to get a fix on the game of politics, the game has changed and in a sense we find ourselves trying to catch up with the players, or to find out who the players were. It is my hope that 1976 was the last year the proverb just mentioned could even be remotely associated with our people. If all of us realize that 1977 is the time for unity and we desperately need a plan for action then our political, economic and social fortunes will grow to the immense proportions that adequately reflect our need, and our political potential.

To me it is most fitting and in concert with the theme of our Sixth Annual Dinner of the New York State Black and Puerto Rican Legislative Caucus, that we also pay tribute to a spokesman for the oppressed and exploited who as much as any single individual changed the course of recent history—and who during the final weeks of his life issued a call for unity and announced a plan for action. Perhaps it was because of his recognition of a time for unity and his revolutionary plan that El Hajj Malik-Shabazz/Malcolm X had his life dramatically snuffed out exactly twelve years ago tomorrow on the twenty-first of February. Malcolm was a powerful force in the cause of unity and action, and all of us, as we continue to struggle would do well to heed his words: "We must strive to ignore or submerge all artificial divisions among us by focusing our activities, energies and loyalties upon one goal—freedom from oppression, exploitation and degradation," all praises due to Malcolm X.

Currently, Black people in this country, Puerto Ricans and other minorities, as a result of last fall's Democratic Party victory over the Grand Old Party in the presidential election have joined the bandwagon of euphoria sweeping the nation generally. Ironically one hundred years ago a similar kind of excitement swept through the Black community because of a Republican victory over the Democrats—during the era of Reconstruction. The elation was short-lived as the GOP quickly abandoned Black folks and turned their attention to urbanization, modernization and imperialism—it was in fact during this period of imperialistic adventure that the United States began to systematically exploit Puerto Rico beginning with a bogus war in 1898 with Spain. This country's attitude toward Blacks was a return to "Business as Usual"—the dream for a better day was deferred. This country's attitude toward Puerto Ricans was and has not been completely eradicated since.

When Franklin D. Roosevelt was inaugurated for his second term in 1937—forty years ago—the election which preceded his swearing in was one, incidently, in which Black voters reached what was at that time a new level of voter sophistication and engaged in a mass exodus from the ranks of the Republican Party—the Party for which they had voted faithfully for seventy years. FDR was re-elected with better than a 90% Black plurality. The Black community had great expectations for the Roosevelt administration. They (perhaps like now) expected to be paid off for putting FDR over the top. The spirit of euphoria was again widespread, but ephemeral—and Franklin D. Roosevelt's New Deal turned out to be a raw deal for Blacks because most of the programs and all of the so-called alphabet agencies (AAA, NRA, CCC, TVA, etc.) discriminated, overtly and covertly against Blacks. In sum, New Deal programs fell far short of Black needs—despite overwhelming Black support for the new Democratic administration.

This brief look at history should be convincing evidence that the charge before us at this point in time is to spend less of our energy celebrating and concentrate on seizing the time for unity and developing our plan for action. While we welcome all of the cooperation and assistance possible from Washington—the Carter administration and the 96th Congress—unlike the past, we must resist being lulled into a false sense of security by dependence on their largesse. The Black & Puerto Rican communities have problems of Herculean proportions in the State of New York, but, following the imperatives of self-reliance and self-determination—what we need desperately is a plan for their resolution. The Black & Puerto Rican Caucus and other coalitions of its kind throughout this State and across the country, among professionals, non-professionals, businessmen, plain hard-working people and students must assign the earliest priority to the development of a comprehensive, viable plan to combat the horrors of deprivation, devastation and degradation which daily visits our communities with such persistence that they appear to be residents.

The noticeable lack of organization, unity, and political astuteness have been impediments to improvements in our communities. We have always been long on diagnosis but found wanting with prognosis. Consequently, we suffer.

I had intended to give a profile of our condition in New York State, but I don't really think that it is necessary because you know our conditions. You know, for instance, that our unemployment rate is two to three times greater than the national averages. You know that our senior citizens on whom we should be able to draw for wisdom and guidance are found too often to be in desperation because they do not have sufficient resources to meet their basic needs. You know, of course, that society is saying that our youth are going to hell and they further propose to hold them in purgatory (jail) until they get there. What they do not express is that if our youth are going to hell it is because the adult society has already gone. It would be easy to continue to elaborate on our inadequate conditions, but let us move on. As bad as things are for us as a community, they can become worse. The proof of this is the Executive Budget of the State of New York, whereby the Governor of this State in his attempt to balance the budget, and perhaps to maintain his political viability, has proposed to devastatingly eliminate vitally needed human services. At the same time, the Governor proposes a reduction in taxes which produce precious little in the way of savings to the State, but reaps havoc for poor people and working people as it translates into additional elimination of education, health and social services.

The responsibility of this Black and Puerto Rican Caucus, along with enlightened legislative leadership, with the support of our colleagues of goodwill, is to balance off this budget of complexed competency with simple compassion and humanity. To restore life and health and hope to the disenfranchised people of the State. And then to move on the offensive with a plan for the future.

With this in mind tomorrow the New York State Black and Puerto Rican Legislative Caucus, in unison with the New York State N.A.A.C.P. will be convening its Sixth Annual Conference to meet this very end.

It is an indication of our peoples commitment to "The Struggle" that we convene this Conference a near 200 miles from the site where the original organizers of the N.A.A.C.P. convened the historic Niagara Movement, back in 1905. It is especially fitting that we can still assemble to organize a plan for action a few months after the forces of racism and injustice had written their premature, postmortem on the N.A.A.C.P., one of our peoples most effective national organizations.

Yes, perhaps we have begun to learn the real essence behind that wise old African proverb. That we will no longer be fooled into merely reacting. That we will now start acting. I am pleased and very proud that we will unite today and tomorrow more ready than ever to follow the charge of W.E.B. Debois, Monroe Trotter and Sister Ida B. Wells Barnett who at their Historic Niagara Movement declared, some 70 years ago, "We will not be satisfied with less than our full manhood rights . . . We claim for ourselves every right that belong to a free-born American—political, civil, and social—and until we get these rights, we will never cease to protest and assail the ears of America with the story of its shameful deeds toward us. We want full manhood sufferage, and we want it now, henceforth and forever."

Finally and in conclusion, we in the Caucus are not so naive that we dismiss lightly or as irrelevant the very pressing concerns of race, and color. Racism, although having suffered some severe blows in the recent past—and perhaps on retreat—is alive and well, and in some places living swell. But racism is no longer an issue to be preoccupied with because racism without political and economic power to back it us "ain't nothin." I repeat, racism without political and economic power to back it up "ain't nothin." Therein lies a major element of our plan for tomorrow, the months ahead and the years to come. The development of our political and economic base of power which is to be used in the cause of social justice and human service and can only be made possible when we come together in unity and "Harambee" pull together.

ASSOCIATION OF NEW YORK STATE EDUCATORS OF THE EMOTIONALLY DISTURBED

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. SOLARZ. Mr. Speaker, last weekend our colleague, RICHARD OTTINGER spoke before the Association of New York State Educators of the Emotionally Disturbed. Mr. OTTINGER made perhaps the clearest and most comprehensive statement on this important human concern to date, and I am proud to bring his erudite comments to the attention of all my colleagues in the Congress.

The article follows:

ASSOCIATION OF NEW YORK STATE EDUCATORS OF THE EMOTIONALLY DISTURBED

It is a very real privilege to be able to participate in the activities of this very important group of people who have dedicated their time and efforts to educating the emotionally disturbed.

It seems that there is still a serious lack of public awareness of what the term "emotionally disturbed" includes. I understand that even the experts cannot agree on a proper definition. Likewise the term "handicapped" poses problems for many people who do not fully realize that this covers a wide range of disabling conditions that include blindness or limited eyesight, deafness or partial loss of hearing, orthopedic impairments, speech defects, mental retardation, emotional disturbances and specific learning disabilities.

Despite these problems, there is a growing attitude that people with handicapping conditions *are* human beings who can lead productive and constructive lives if given the right support and education. Handicapped children do grow and develop, no matter what the affliction. Once grown, many of them are capable of leading productive lives if given the proper opportunities. I think the progress that is taking place in this area is largely due to the efforts of handicapped persons themselves, who were described by The Washington Star newspaper in 1975 as "the newest military minority." Certainly credit is due also to those of you who have entered the field of special education because you recognize the potential that many of the handicapped have.

Since I have been asked to speak about legislation affecting education and the handicapped, and this legislation includes people who have all kinds of disabling conditions, I do want to restrict my remarks to issues involving the emotionally disturbed. I think it might be interesting to cite some of the statistics relating to handicapped persons—a class that includes those with mental and emotional problems as well as physical and learning disabilities.

Estimates on the total number of handicapped individuals in the United States vary. The 1970 census revealed that there were nearly 12 million disabled persons in the United States aged 16 to 64, *not* including those who live in institutions. This is over 11 percent of the total population in that age group. Nearly 10 percent of the population aged 16 to 64 in New York State fell into this category. Ronald Conley, in the Economics of Mental Retardation, has estimated that almost three percent of the total United States population is mentally retarded. With respect to those needing mental health care, the Department of Health, Education and Welfare did an interesting study in 1975. This study estimated that in a typical United States community of 150,000 citizens, of the 3,000 children born in the community annually, at least 600 will need some form of mental health service during their lifetime and that one-quarter of those same children will be treated in mental hospitals.

The Rand Corporation did a study in 1970 that estimated there were close to 10 million handicapped youth in the United States in the age group ranging from birth to 21 years. The Bureau of Education for the Handicapped of the U.S. Office of Education found in 1976 that there were at least 1,310,000 emotionally disturbed children in the U.S. between the ages of birth to 19. It is believed that 81 percent of these children are not receiving adequate educational services.

What are some of the special problems that affect the handicapped? Certainly the inability to achieve economic independence through education and employment and to live independent lives through the provision of proper housing and transportation facilities is the most tragic. We simply have not provided sufficient educational services, employment opportunities and, for those with physical disabilities, the right kind of housing and transportation.

There is also great concern over the labeling of children, especially those who are either learning disabled or emotionally disturbed. Im sure many of you who are teachers will remember at least one tour of a school either as a student teacher or on an interview for a job. The room where the emotionally disturbed and mentally retarded children were "taught"—or perhaps I should say "kept"—was often the last to be shown, if at all. Times are changing, but it really hasn't been all that long since special education was brought out of the closet and up from the basement! Under the recent revisions to New York State's education law, attempts have been made at long last to try and lessen the stigma and remove the derogatory labels so often used to describe our "exceptional" citizens. Gone is the term "feeble-minded"; gone, too, is that horrible phrase "mental defective." Elimination of these words may seem simple, but they were with us in the education law until July of last year.

I think it might be interesting also to look for a moment at the history of attempts to legislate equal opportunity for the disabled. Again, since Federal law does not single out the emotionally disturbed, these laws cover the whole range of handicapping conditions.

Many of the laws that have been enacted at Federal, State and local levels affecting the handicapped provide services and assistance rather than guarantee the civil rights of this group. I think we need both. Regarding assistance, legislation has been passed to provide books and sound production records for the blind and other physically handicapped residents of the U.S. Direct support to the disabled is given through Federal programs like Social Security and Supplemental Security Income. Rent supplements are provided for elderly and handicapped individuals who need assistance in securing adequate housing. The Vocational Rehabilitation Program assists disabled persons who are capable of returning to productive activity to acquire new skills and training and then helps in job placement.

Some of the laws which do affect the civil rights of the handicapped are relatively weak; these ought to be much stronger antidiscrimination statutes which make it quite clear that unequal treatment of the handicapped is not to be tolerated. Some progress has been made. As far back as 1870 statutes existed to protect the rights of the handicapped with respect to literacy tests required for voting. Legislation has been passed to guarantee access to mass transportation facilities and to remove architectural and attitudinal barriers in buildings. The Rehabilitation Act of 1973 specified that each department, agency and instrumentality in the executive branch of the Federal Government must submit an affirmative action program plan for the hiring, placement and advancement of handicapped individuals.

The mere fact that we in the Congress are examining these problems in depth is an encouraging sign, but we must all strengthen and broaden our interest and commitment. A big turning point in increased opportunity for the handicapped came on November 29, 1975, when Public Law 94–142 was signed. Congressman John Brademas, who chairs the House subcommittee that originally drafted this legislation, has called the bill "the most significant education measure enacted into law during the first session of the 94th Congress" and "an historic advance in meeting the challenge of educating America's handicapped children." We can all hope that the Education for All Handicapped Children Act of 1975 will prove to be both significant and effective in insuring that every young person in the United States—regardless of physical, emotional or mental problems that exist—will receive as complete an education as possible. To me, even the title is significant, for it states the intention of the Congress to insure the education of All Handicapped Children.

Public Law 94–142 opens by stating, "It is the purpose of this Act to assure that all handicapped children have available to them . . . a free appropriate public education which emphasizes special education and related services designed to meet their unique needs, to assure that the rights of handicapped children and their parents or guardians are protected, to assist States and localities to provide for the education of all handicapped children, and to assess and assure the effectiveness of efforts to educate handicapped children." In its deliberations on the bill Congress found that there are more than eight million handicapped children in the U.S. today, and more than half of these children are not receiving appropriate educational services. About one million of these children are excluded entirely from the public school system. In addition, there are many handicapped children whose problems go undetected throughout their school years. We have a responsibility to provide a free, appropriate education for all handicapped children and, given the proper resources, State and local educational agencies can and will provide effective programs to meet the special needs of disabled children. Following are some of the results this new Federal law is expected to produce:

1. We all know that it costs far more to educate a handicapped child than it does to educate someone without any disabling condition. The new law will channel Federal funds to States and local school systems to help them meet the burden of educating handicapped children and will do so, beginning in Fiscal Year 1978, by means of a new incentive mechanism linking the amount of Federal funds the local school district or State receives to the number of handicapped children the district or State actually serves. The Federal share of the cost of educating handicapped children will rise gradually until it reaches approximately 20 percent by 1982. In Fiscal 1978 the Federal funds will be equally divided between the State and the local school district. Thereafter, 75 percent of the money will go to the States for administrative costs, technical assistance and supportive services. The legislation requires that the Federal funds received by local or State agencies must be spent only for the additional expense attendant to the higher costs of educating handicapped children.

2. The new law also contains a program of incentive grants to States in the amount of $300 for each handicapped child between the

ages of 3 and 5 already being served in an educational program.

3. Local education agencies must establish and maintain individualized programs of instruction for each handicapped child, and input from parents and other interested parties must be provided for.

4. States are required to furnish a free and appropriate education for all handicapped children aged 3–18 by September 1, 1978, and all handicapped children aged 3–21 by September 1, 1980, if they are to qualify for Federal aid under the Act.

5. Certain safeguards of the rights of handicapped children and their parents are provided, such as the opportunity to examine records on the child's identification, evaluation and educational placement, prior notice of any intention to change a child's educational program, and an impartial due process hearing on any complaint before a State or local educational agency with a right to administrative and judicial appeal of the decision. I know that this requirement has caused alarm in some quarters for people who view this as the establishment of a binding contract to provide a particular education program for a given child. It was not the intent of Congress that this should be used as a binding contract.

6. The Act requires that recipients of Federal aid under the Act must take affirmative action to employ and advance handicapped persons.

7. Funds are authorized to States, local or intermediate educational agencies for the removal or alteration of architectural barriers in educational facilities.

8. The National Center for Educational Statistics is required to report annually to Congress on the numbers of handicapped children in each State and the extent to which the new law is meeting their needs.

9. The term "handicapped" is redefined to include the learning disabled, to specifically exclude those with only cultural or economic hardships, and to change the term crippled to orthopedically impaired.

10. State plans are required to include programs and procedures for the development and implementation of a comprehensive system of personnel development, including inservice training of general and special education personnel, instructional and support personnel and detailed procedures to assure the appropriate and adequate education and training of all personnel necessary to carry out the provisions of the proposal. Personnel development is certainly a critical area. I understand there are presently only 100 colleges in the United States that offer training for special education teachers.

11. In cases where handicapped children are placed in private and other nonpublic schools by the local education agency, State plans are required to contain provisions relieving parents of any cost.

12. If a State education agency determines that a local education agency is adequately providing special educational services to all handicapped children residing within the area of its jurisdiction out of State and local funds, the State education agency may reallocate the Federal funds not required to other local agencies that need the funding in order to expand their services. I know that in cases where the local agency is meeting the needs of its handicapped children, this provision may be viewed as a penalty for providing good services. This provision certainly will require careful oversight, because too frequently State and local agencies don't give education of the handicapped the priority it deserves.

13. States are required to assure that handicapped children are educated with nonhandicapped children and that special classes and segregation will only occur if the nature of the severity of the handicap is such that separate schooling or special programs can provide better educational services.

14. States must make provisions for the establishment of an advisory panel made up of handicapped persons, experts in the area of education of the handicapped and State and local education officials to advise the State on the unmet needs of the handicapped, in the development and reporting of data and in making policy decisions. In the interest of time I will not attempt to cover every single point of this new law, but have tried to select what I believe are some of the more important features.

In order to comply with some of the requirements of the new Federal law, it became incumbent upon the New York State legislature to pass certain revisions of the state education code. This activity was completed last summer and the result is Chapter 853 of the code. While I would not want to attempt to give a detailed analysis of the State law, I do know of some of the concerns that have been raised and will try to go over a few of these with you.

I understand that the State has cut in half the time allowed for identifying and placing handicapped children by the local school district. Many school districts may find it difficult to comply with this time limit, which is substantially more harsh than what federal law and regulations alone would demand.

The due process requirements of the law specify that an outside hearing officer must be hired by the local agency, resulting in extra costs at the local level of perhaps more than $100 per day for such services.

I understand that the State has placed special education directors under the direct supervision of the local Boards of Education, rather than under the Superintendents of Schools. This is viewed by some as having the effect of making Boards administrative, rather than policy-making, units.

Another problem that has arisen is the question of guardianship. The State has specified that once the child has reached the age of 18, he or she must be treated as an adult unless surrogate court proceedings are instituted to designate a legal guardian. Since with certain handicaps children may not be capable of managing their own affairs at age 18, some feel that unnecessary legal procedures will have to be followed and that this will result in extra expense, delays which place a hardship on the child and much bureaucratic red tape.

There may be other concerns that I am not aware of that are based on State law and/or regulations. These will have to be dealt with at a State level, and I would urge you to take your views on these matters to your representatives in the State legislature.

On the Federal level, I know that problems other than those few I touched upon in the course of outlining the provisions of that law will arise. For example, there will continue to be controversy over the proper definition of "learning disabled." Hopefully a rather complex mechanism in the funding formula which determines how much money is going to be necessary for educating the handicapped will force the U.S. Office of Education to come to grips with that definition. I know, too, that there will continue to be problems with identifying children who are truly emotionally disturbed rather than just disruptive pupils, and that it may be some time before we have an accurate and all-encompassing definition of the child who is emotionally disturbed.

Another important question that is bound to arise is what constitutes an appropriate education? Some educators feel that special programs where the handicapped are grouped together are the most effective, while others believe that the handicapped should not be isolated from other children and should have close association with their non-handicapped peers.

On the more positive side, I think an important part of the new legislation is the increased opportunity it provides for involvement of the community. Unfortunately, there still remains a great deal of misunderstanding and fear on the part of many when it comes to interacting directly with those who are handicapped. Perhaps this more widespread involvement will help to put some of the old myths to rest and diminish the prejudices that are bred by ignorance. Earlier this week the television cameras helped us all to get a better look at the lives of emotionally disturbed children through a presentation called "A Circle of Children." Those of you who saw the program noted the look of fear and revulsion that the woman at the swimming pool had when she thought disturbed children might share towels with normal children. The state trooper displayed confusion and lack of understanding when Brian climbed atop the police car.

The need for progress in public understanding is especially important in view of the fact that in New York many handicapped people who have previously been institutionalized are now being sent back out to live in the community. There is a need not only for proper facilities to serve them—shamefully lacking in too many communities—there is a need also for increased community attention and understanding. I'm happy to report that in Westchester County a Committee has already been established to help provide the transitional services that will have to be made available.

I think the intent of Congress in passing P.L. 94–142 was clearly to insure that all the handicapped are educated to the fullest extent of their abilities and to provide the necessary means for accomplishing this. The law was carefully drawn after hearings were held and the testimony of many experts in the field of special education was heard. A total of 404 Members of the House were persuaded to vote in favor of the bill when it came to the floor, and only seven Members voted against it. It passed by a similarly lopsided margin in the Senate. President Ford didn't want to sign the bill, but it was obvious he had no real choice.

In any social welfare program the authorizing legislation attempts to create a flexible framework for implementation. The administering agency has the power, through regulations, to deal with certain specifics in carrying out the will of Congress. The Congress, however, has the power to, and must, keep a close watch on regulations as they develop in order to insure that legislative intent is not thwarted. It may become necessary to pass certain technical amendments to the legislation in order to overcome problems that were not apparent at passage. We have some very well-equipped people on the education committees of both the House and the Senate who keep close watch over these problems and who will be ready to move if and when the need arises.

Another point I think we should all keep in mind is that the money appropriated to carry out the State aid program will need to be increased. It is estimated that in Fiscal 1978 a minimum of $500 million will be appropriated for carrying out the requirements of P.L. 94–142. Since the money is forward funded, it will actually reach its final destination in Fiscal 1979. I hope that Congress and the new Administration will remain committed to providing adequate funding for the implementation of the bill. The interest of Mrs. Carter and her declared intention to establish a Commission on Mental Health are good harbingers of Presidential interest.

In closing, I would like to add a word about

the general philosophy of aid to the handicapped—I have touched on it before. I am encouraged by the emphasis today on guaranteeing the rights of handicapped people to the same types of opportunities we all enjoy. There is a move underway in the 95th Congress to include the elderly and the handicapped as special protected classes under Titles VII and VIII of the Civil Rights Act. The result of this would be the outlawing of the use of a physical, mental or medical disability which is unrelated to the ability to perform a job or secure housing, as grounds to deny individuals equal access to housing or employment in any business or agency, public or private, profit or nonprofit. The enactment of this legislation on a national level should mean that handicapped persons will have a great chance to lead the dignified and independent lives of which so many are capable. The nation, too, will benefit from the increased productivity that will be realized.

I think what I have covered is a little bad news and a lot of good news. The bad news is that the legislation Congress and the State Legislature have enacted has some serious imperfections and presents some problems that have to be addressed. The good news is that we're moving in the right direction toward providing a complete education for handicapped children. I think there is a new mood and inspiration in Washington now to provide real hope that progress will be made.

EARTHQUAKE PREDICTION

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. CHARLES H. WILSON of California. Mr. Speaker, one of the most frightening and dangerous of all natural disaster phenomenon is earthquakes. When they occur, people are left helpless in the wake of vast devastation and resulting hazards such as floods and fire.

Although there is little that can be done when an earthquake does occur, millions of lives and thousands of dollars in property damage can be saved if we can achieve some knowledge of when and where an earthquake might occur and determine what preventive measures could be implemented.

The State of California is particularly vulnerable to the effects of an earthquake. The continuing instability of the San Andreas fault has led to dire predictions that California might drop off into the ocean leaving Las Vegas, Nev., as the Nation's western seaport. But, the idea is not at all humorous when experts in the field of earthquake study say a major quake in California could result in almost 12,000 deaths, 48,000 serious injuries, and anywhere from $15 to $25 billion in property damage.

With those figures in mind, it seems amazing to me that the possibility of a California earthquake has been more in the minds of the movie and television industry than in the minds of Government officials.

Scientists and researchers believe that reliable methods of earthquake prediction can be possible within the next few years. To date, most of our efforts have been directed toward a general study of earthquakes or seismology which has greatly increased our understanding of earthquake phenomenon.

I would like to direct the attention of my colleagues to the success the Chinese have had with regard to earthquake prediction. On February 4, 1975, public officials delivered a warning to the people in the northwestern portion of China that they should move from their homes in preparation for a major quake. That evening an earthquake that hit 7.3 on the Richter scale struck the region almost completely destroying towns. But, casualties were surprisingly minimal, due to the advance warning.

Although their methods relied on what could be called more "primitive" predictions such as changes in animal behavior or changes in water levels, the success of their prediction cannot be faulted. Without sufficient warning many lives could have been lost.

Last year, Congress failed to pass legislation that would have provided the funds necessary to improve earthquake research. The Earthquake Hazards Reduction Act of 1977 has been reintroduced in this Congress by Representative GEORGE BROWN my colleague from California. A companion bill has also been introduced in the Senate from California Senator ALAN CRANSTON. Both of these bills would provide for a central office that would coordinate all Government programs designed to reduce earthquake hazards and to provide support for those programs.

Too often, a tragedy must occur before Government becomes truly committed to stopping something before it happens. This has been evidenced by new Government efforts to improve oil tanker safety after the breakup of the *Argo Merchant* off the coast of Nantucket Island and increased concern over dam safety after the Teton Dam disaster in Idaho.

Currently, the State of California has proposed a study to determine what buildings are structural deficient and cannot withstand the effects of a major earthquake. It is this type of research that we need. But, of course, research in this area requires funding. I cannot agree with those who say a program of this type costs too much money. Where saving lives is concerned, dollar signs, in my opinion, are secondary. For these reasons, I urge my colleagues in the House and the Senate to pass the Earthquake Hazards Reduction Act in this Congress.

SOUTH BOSTON PRIDE WEEKEND

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. MOAKLEY. Mr. Speaker, I am pleased to be able to share with my colleagues the following article which appeared in the Boston Globe recently. State Representative Raymond L. Flynn, who represents my home town of South Boston in the State house of representatives, is the author.

The article follows:

[From the Boston Evening Globe, Mar. 2, 1977]

RENEWED PRIDE IN SOUTH BOSTON

(By Raymond L. Flynn)

The past weekend in South Boston was dubbed "South Boston Pride Weekend." When it was over, Southie was puffing with pride over its success.

First, on Friday afternoon the South Boston High School hockey team, playing a strong Weymouth South High School team at our own Gerry Ridge's Arena in Braintree, triumphed, 4–3, after two sudden-death periods on a brilliant final goal by Bob Flaherty.

The real victory, however, was not in the score but in the fact that there was a real possibility a few weeks ago that South Boston High teams would not be allowed to play at all in postseason games because of the actions of a few mindless spectators at earlier Southie games. The decorum of the crowd at Braintree on Friday is, perhaps, best expressed by the former headmaster at South Boston High School, the much-respected Bill Reid, who praised the efforts of the "Red & Blue Club" and all the fans when, after the game, he urged the whole town be nominated for a good sportsmanship award.

Everywhere throughout the crowd one could see the buttons worn by members of the "Red & Blue Club," a newly-formed group of enthusiastic alumni and supporters dedicated to keeping the spirit of sportsmanship high at the Southie games.

Then, on Sunday afternoon, several thousand marchers, banners flying and placards bearing many original slogans, strode up Broadway to the beat of Eddie Adams's "Southie Bay" (sung to the tune of "Galway Bay"). They renewed their pledge against busing in the shadow of South Boston High School, the school chosen as a target for forced busing in Boston but one that became a symbol and a monument against tyranny of government.

The march, called the Men's March Against Forced Busing, was led by Eddie Meagher and Jimmy Kelly and the South Boston Marshals. After a spirited and orderly march, the crowd was addressed outside the high school by Sen. Bill Bulger, Rep. Mike Flaherty, Councilman Dapper O'Neil and others.

Seen with the marchers were Charlie Senior from Hyde Park, Paul Chin of Ocean Kai, Dan Yotts, Bill "Lunch" Connolly, Jamie Duggan, Paul Manning and Dr. Mike Donovan. Mrs. Hicks, Pixie Palladino and Marie Ryan were in the audience.

But the best, it seems, was saved for last.

On Sunday night more than 1200 flocked into Gate of Heaven Church where the North Shore Philharmonic Orchestra, conducted by John Finnegan, treated the standing-room-only crowd to an ecumenical, concert sponsored by the South Boston Clergy Association. The concert was a benefit to raise funds for the St. Patrick's-Evacuation Day Parade Committee, whose funds have been cut back this year by the city.

Looking across the faces of this enraptured audience one caught the real spirit of South Boston and perhaps the city itself. Predictably, there were no TV cameras to record one of the great happenings in the history of Boston's neighborhoods.

As the concert progressed, each new melody seemed to sound the right note for the appreciative audience. Home from San Francisco, South Boston's own operatic star, Lorie Walsh, sang "God Bless America." A lump rose in the throat and a tear gathered in the eye as the audience gratefully swung into a spirited rendition of "Southie Is My Home Town."

From all parts of the city they were there, singing together. There were Msgr. Powers, Fr. Baltrushunas, Rev. Mr. Martin, all the

priests and nuns, John Donovan, Bill Ryan, Atty. John McDonough, Mrs. Hingston, Rita Mulkern, Frank O'Connor, Helen Nee, Ellie Cherry, the Federicos, Ed Ketvirtus, Vinny Colins, Bob Feeney and the people from the South Boston Savings Bank, the Cashman girls, Dan Horgan of the Tribune, the spirited crowd from Marian Manor and the Foley apartment, members of the Polish-American Club and a thousand other proud and important people. Charles Harvey's group of fine-looking ushers in black tails was a highlight of what must be called "the social event of the season."

A new spirit has come out of the events in South Boston. Perhaps we, by our perseverance, have outlasted our detractors. But it is more than that. It is the growing confidence that people all across the city are beginning to pull together in their determination to bring renewed pride not only in their own neighborhood, but in our great and much-maligned city itself.

LOCKHEED, BOEING AND UNEQUAL JUSTICE

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. McDONALD. Mr. Speaker, Lockheed Aircraft Corp. has been knocked from pillar to post in a journalist orgy of denunciation over the past few months. However, it seems that a standard applies when the same matters come up relative to another aircraft company—Boeing. Mr. Bill Shipp, of the Atlanta Constitution, who is not one of my favorite writers, but "even a blind hog gets an acorn now and then," wrote an article on this matter which appeared in the March 3, 1977 issue of the paper. I invite my colleagues to read and ponder this double standard:

LOCKHEED, BOEING AND UNEQUAL JUSTICE

(By Bill Shipp)

This is about Lockheed and Boeing and the application of justice.

We all know about Lockheed's payoffs to foreign government officials to the tune of about $25 million. We know the names of many of the officials, and the federal court has ordered Lockheed to run out the whole list in the near future.

The Lockheed payoffs played an important role in toppling the government of Japan, and it certainly cast a pall over the Lockheed sales force. Who would want to deal with a Lockheed sales representative if he feared his name might show up in public on orders of the court?

Sen. Frank Church's committee also had a heyday with Lockheed and leaked a lot of names of alleged bribees, at least some of whom turned out to be innocent.

Bribery is bad business. Nobody can argue against that. And Lockheed and many of the persons who received payoffs have suffered the consequences of conducting business with a "black bag," although it should be noted that Lockheed apparently violated no U.S. laws in its hiring big names abroad.

It turns out, however, that Lockheed's $25 million payoffs are peanuts compared to the reported $77 million that the Boeing aircraft company has pumped into purses of at least 18 "highly placed" persons in nations around the world.

Boeing is the world's largest builder of commercial aircraft. And you're really not a first-class potentate if you don't own one of its 747's, just as you've not really a grand field marshal if you don't own some Lockheed hardware.

So you say, here we go again. Another big scandal with a lot of important people being named as takers of big bucks from Boeing. It'll be Lockheed all over again.

Not quite. Boeing got into the same kind of problem that Lockheed was involved in—a Securities and Exchange Commission probe into questionable payments.

The SEC subpoenaed the names of the persons receiving payments from Boeing. Boeing complied but asked that the names be kept secret.

The district federal court in Washington, in what seemed to be reasonable in view of what Lockheed was ordered to do, said no soap. The names would not be sealed.

Boeing appealed to the District of Columbia Circuit Court of Appeals that ruled Friday that the lower court was wrong; the names indeed would be sealed. And wonder of wonders, the SEC has said it has no objection to keeping the names secret.

Because the 18 Boeing "consultants" are officials of foreign governments or "persons closely associated with them," according to a State Department memorandum connected with the case, disclosure could embarrass the governments and Boeing. The SEC said it might eventually seek some kind of disclosure if a complaint against Boeing is filed.

That declaration has the ring of "we aren't really interested in pursuing the matter."

The federal government has all but confessed to paying off a Middle East monarch. And poor Lockheed has laid its soul bare and been vilified as an international bad guy for paying off international big shots.

PENSION LAW AMENDMENTS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. OBERSTAR. Mr. Speaker, today I am introducing legislation amending the Internal Revenue Code with respect to certain persion plans. My bill essentially makes two major changes in the pension law—one dealing with the establishment of individual retirement accounts—IRA's—and the other with the use in ordinary pension plans of the qualified survivor's annuity.

Section I of this bill would change one of the basic requirements of the current IRA law, that the individual seeking to establish an IRA not be covered by another pension or profit-sharing law. The Pension Reform Act of 1974 created the IRA as a means by which individuals not participating in other pension or profit-sharing plans would be able to save for their retirement with tax-deferred savings dollars. The individual not so covered by another pension or profit-sharing plan can establish a custodial account with a bank, savings and loan association, life insurance company, or credit union. This account, known as an IRA, serves as a vehicle for his or her retirement savings, as the participant may add the lesser of 15 percent of earned income or $1,500 a year to the account and receive an income tax deduction for all contributions. Under provisions of the Tax Reform Act of 1976, furthermore, an individual who is eligible to establish an IRA may establish an IRA with two accounts—one for him or her and one for a nonworking spouse. The total contributions to the two accounts may not exceed $1,750 or 15 percent of earned income, whichever is less.

This bill would remove the requirement that an individual not be covered by another pension or profit-sharing plan to establish an IRA. If enacted, the bill would permit those individuals covered by another plan, including plans established by the United States or a State government, to establish an IRA and contribute to that account the difference between the lesser of 15 percent of earned income or $1,500 a year, and the amount contributed to the employee's account in the regular plan by the employer. In the case of a spouse IRA, the difference between the amount contributed by the employer and the lesser of 15 percent of certain income or $1,750 could be added to this supplementary IRA.

The effect of this change would be felt by those individuals whose current pension or profit-sharing plans do not provide for benefits as great as an IRA offers. For example, if an individual is currently covered by a corporate pension plan into which his or her employer contributes an annual 10 percent of his or her salary, and the individual has only $10,000 a year in earned income, he or she would be able to establish an IRA and make deductible contributions up to $500 a year, supplementing the other benefits under the normal pension plan.

This measure is of particular importance to individuals currently covered by only a profit-sharing plan of their employer. Since a profit-sharing plan only requires the employer to make additions to the retirement account of the employee when there are net corporate profits, in years in which no such profits are made there are no contributions.

However, present law on IRA's does not permit the employee covered by only a profit-sharing plan to set up an IRA. Under my bill, such an IRA could be established and in years in which there were no profit-sharing plan contributions, tax-deferred retirement savings could be made with the IRA.

Section 2 of the legislation deals with the so-called qualified joint and survivor's annuity. Under the 1974 pension reform law, any retirement plan which offers the employees an annuity—a monthly or other periodic payment for the life of the employee after retirement—the basic form of such benefit must be the "qualified joint and survivor annuity." This is an annuity for the life of an employee with an annuity for the surviving spouse or designated beneficiary of the employee upon his or her death. The survivor's benefit must be equal to at least one-half the employee's benefit under present law.

Section 2 changes some of the technical rules regarding the point and survivor's annuity offering. Currently, if a participant in the plan is eligible for early retirement, while the joint and survivor's annuity must be available, it does not need to be the primary benefit

but may, instead, be an elective option. Furthermore, if the plan permits early retirement, it does not have to offer a joint and survivors' annuity to an employee who retires at early retirement or within 10 years of participating in the plan. These two rules would be eliminated and a new rule substituted.

Under the new rule for early retirement plans, the plan offering early retirement must provide a joint and survivor's annuity for the surviving spouse at least as substantial as the annuity available had the participating employee retired on the day prior to his or her death. The import of this change is to require a joint and survivor's annuity of reduced size in pension or profit-sharing plans providing for early retirement, a rule not now in effect.

MUST SACCHARIN BE BANNED

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. McCLORY. Mr. Speaker, the decision to ban saccharin as an artificial sweetener, based upon certain Canadian findings resulting from studies conducted on mice, suggests the need for a prompt revision of the Food and Drug Administration regulations and a careful reconsideration of the so-called Delaney amendment upon which the FDA decision is predicated.

Mr. Speaker, several years ago, on the basis of similar type evidence, the FDA banned cyclamate, with consequences adversely affecting millions of Americans who were utilizing cyclamates in connection with dietary and other physical problems and causing financial losses to business concerns and individuals amounting to millions of dollars.

Mr. Speaker, there is no evidence that has come to my attention that cyclamate or saccharin have caused injury to any human beings. On the contrary, these artificial sweeteners are utilized effectively by those who undertake to control their weight for personal or for related health reasons.

Mr. Speaker, I would hope that the FDA order may be withheld, that the ban against saccharin may be rescinded, and that cyclamate may be reintroduced on the market at an early date.

Mr. Speaker, a most enlightening and informative editorial appeared in yesterday's Chicago Tribune, from which my colleagues and the entire Nation should take note. It is as follows:

MUST SACCHARIN BE BANNED?

The ban on saccharin announced by the Food and Drug Administration makes so little sense that it calls for an immediate review and revision of FDA regulations and procedures. The stranglehold the FDA now exercises allows it to outlaw products for the flimsiest reasons and obstruct the development and availability of new medications which may be needed.

The action on saccharin stems from Canadian research showing that when mice are fed the artificial sweetener in massive quantities for long periods, more of them will develop bladder cancer than mice without such dosing. A human being would have to drink 800 12-ounce bottles of a saccharin drink every day for a lifetime to get an equivalent quantity.

FDA regulations now call for the prohibition of any food additive known to cause cancer in animals. At the very least these rules should be revised to take into consideration the amounts of such substance that could be consumed.

Almost every food or drug, taken in massive overdoses, can cause injury, cancer, or death. [Two people, for example, have died in recent days from drinking too much water. One was an emotionally disturbed woman who consumed great quantities of water in fear of stomach cancer; the other was an abused child whose father forced her to drink water until she died.]

Before banning a product long used by humans, the FDA should look for evidence of harm to human beings. Although saccharin has been on the market since 1900, there is no evidence it has triggered cancer or caused any other injury to humans, or that more saccharin users develop bladder cancer than nonusers.

Finally and perhaps most importantly, the FDA should consider the effect of its prohibition. Saccharin is now the only noncaloric artificial sweetener available for dietetic foods. Cyclamate was ruled off the market in 1969 on similarly flimsy evidence [the FDA will begin hearings in April on a reconsideration of the ban]. Aspartame is still not on the market or even under active FDA consideration.

Yet there is a real need for such products beyond the whims of those who want to have their soft drinks and save the calories, too. The lack of a nonsugar sweetener will impose severe dietary limitations on diabetics. It will increase the consumption of sugar and with it, the incidence of cavities. It will make weight control more difficult and increase the risks of obesity in a nation where weight is a health problem. The dangers of the prohibition seem worse than the dangers of saccharin.

The FDA does, indeed, have a duty to protect us from unscrupulous manufacturers and hazardous substances. But it seems to be suffering from a combination of bureaucratic red tape, misguided zeal, and administrative overkill.

Not only is the FDA banning apparently harmless products; it is also keeping many new medications out of reach of the American people. The development of new drugs has come almost to a dead stop. Few pharmaceutical companies can afford the research it takes to prove that improbable overdoses won't harm a laboratory animal somehow. Some physicians are already arranging for patients to get drugs, like the new group of beta-blockers for treating heart disease, from Europe, where they are used effectively and apparently safely.

The FDA is allowing 60 days for public comment on the saccharin ban. Congress should take this occasion to do a like commenting on the FDA itself, and, if necessary, change the statute under which the FDA now operates.

ALTERING FLIGHT PLANS FOR AIRLINES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. DERWINSKI. Mr. Speaker, today's Chicago Tribune's Perspective page carried an article by John E. Robson, Chairman of the Civil Aeronautics Board. Mr. Robson is resigning from his position, effective April 30, after a career marked by a most effective performance.

His comments on the subject of the regulations and reform in the airline industry are most pertinent. The article follows for the Members' attention:

ALTERING THE FLIGHT PLANS FOR AIRLINES

(By John E. Robson)

The winds of government reform that helped blow Jimmy Carter from Plains, Ga., into the Oval Office also have dramatically affected Congress: Sweeping in a battalion of fresh faces and sweeping out most of the former leadership; stimulating internal reorganization and attempts to deal with ethics problems; and altering old provinces and practices of congressional power.

Whether the promise of meaningful reform is realized depends, of course, on what Congress actually does. And one of the early and significant tests of Congress' stomach for change is the issue of airline regulatory reform.

The case has been made for reforming the federal economic regulatory laws enacted 40 years ago in the infant days of commercial aviation. Indeed, the plan to reduce regulatory protection and inject more competitive forces into the aviation system—offering greater freedom to enter the airline business, to expand or contract air service, and to lower or raise fares—has claimed the support of an amazingly broad political and economic spectrum.

Recently, President Carter voiced strong support for airline regulatory reform. In doing so, he joins former President Ford, the chairmen and ranking minority members of the House and Senate Aviation committees, Sen. Edward Kennedy [D., Mass.] and other prominent congressional leaders of both parties, a host of economists, and even the regulator itself, the Civil Aeronautics Board.

Several legislative measures have been introduced to accomplish the needed regulatory changes which can benefit both the traveling public and the aviation industry.

Now, the matter is squarely up to Congress.

Reform always steps on someone's toes. And, in the case of airline regulatory reform, the "toes" are most of the airlines's managements, labor unions, some airport interests, and segments of the financial community.

These resisters of regulatory change see their special interests challenged. Airlines which have long operated under protective regulation do not relish the prospect of a more rigorously competitive climate. Airline labor unions—whose generous pay scales and work rules have for many years kept them at the economic pinnacle of all U.S. workers—share their concerns over a reduction in the insulation they have historically enjoyed under the old regulatory regime.

Airline executives and labor groups already are collaborating to defeat any change in the regulatory laws.

The special pleaders can be expected to raise shrill voices in the legislative process—dramatizing [or overdramatizing] their predictions of lost jobs, diminished air service, and airline financial failures if Congress passes regulatory reform legislation.

Against the backdrop of revelations of airline political contributions and recent surveys which show that the American public ranks Congress, corporate executive and labor leaders well down the institutional totem pole, the regulatory reform squabble among airline chiefs, airline unions, and Congress may seem to cynics like a battle of second division ball clubs.

But airline regulatory reform is an important public issue and the implications of its resolution are broader than the regulatory

future of the American aviation system. For it presents the question of whether the institutions of our industrial society will yield to meaningful reform and possess the courage and resiliency to step forward into environments which may not be familiar and comfortable.

Resolution of airline regulatory reform will not be easy. Rarely has this nation reduced the degree of government regulation once imposed. And even the advocates of reduced regulation do not contend that transition to a more competitive air system will be without any difficulties for the airlines.

Congress' handling of airline regulatory reform will be a real litmus of its resolve to act decisively on contentious reform issues. If the Congress succumbs to special interest pressures and balks at enacting meaningful reform legislation, it may signal that the apparent winds of change are mere zephyrs.

Intuitively, though, I am optimistic that this new Congress will pass the test.

APPROPRIATE TECHNOLOGY AND DEVELOPMENT

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. LONG of Maryland. Mr. Speaker, because of growing capital scarcity in both rich and poor nations, the developing world needs technologies much less extravagant in the use of capital. I should like to share with my colleagues a helpful article from the January 1977, issue of UNIT—a publication about licensing, new product development, joint venture, and acquisition—written by Patricia Stafford of Wakefield Washington Associates, Inc. The article summarizes development and thinking in the field of "appropriate," intermediate," "village" or, as I call it, "light-capital" technology.

The full text of the article follows:

APPROPRIATE TECHNOLOGY AND DEVELOPMENT

(By Patricia Stafford)

Technology transfer is an old issue. However, increasing concern with the larger issue of development has activated a resurgence of interest in the interrelationship of science, technology, and development.

Small is Beautiful, authored by British economist, E. F. Schumacher, and the subsequent research of his Intermediate Technology Development Group have produced widespread interest in the concept of appropriate technology. Most broadly defined, appropriate technology is one perspective on this interrelationship of technology and development.

Schumacher's theory challenges some fundamental assumptions about the use of technology in development. The growing popularity of his ideas among policy makers in the U.S., Japan, Europe, and in developing countries has important implications for buyers and sellers of technology.

WHAT IS APPROPRIATE TECHNOLOGY?

Primarily, the concept of appropriate technology challenges the practice of wholesale technology transfer. That is, when technology is transferred from an industrialized to a developing country, it must undergo some process of adaptation. As an example, Schumacher points out that "the enormous cost and complication of production methods for the sake of labour saving and job elimination is avoided (when) technology is made appropriate for labour-surplus societies." Appropriate technology further implies technology adapted to the use of indigenous materials and is less energy consumptive than is the technology of the industrialized nations. To use the U.S. Agency for International Development's summary definition, "In terms of available resources, appropriate technologies are intensive in the use of the abundant factor, labor; economical in the use of scarce factors, capital and highly trained personnel; and intensive in the use of domestically-produced inputs."

In terms of output, appropriate technologies are scaled to the demands of their market. For example, the average Indian farm is 2.5 hectares. Like most farms in less developed countries its output is intended to be only marginally greater than the consumption requirements of the farmer's family. Agricultural technology designed for a Western industrialized nation where a small percentage of the population produce food in excess of the requirements of the entire nation, is clearly not appropriate. The concept of appropriate technology suggests a range of available agricultural technologies from the crude implements of the Indian farmer to the complex, expensive American tractor.

However, appropriate technology has deeper implications than this simple economic analysis indicates. The concept of appropriate technology actually redefines the concept of economic efficiency. Traditionally, economic efficiency has been viewed as producing maximum output with minimum input or cost. Evaluating the appropriateness of tecnnology emphasizes how production occurs and the consequent implications for the progress of all economic sectors, for the quality of the physical environment, and for the health and quality of life of the individual. The fundamental change in perspective and economic policy which this represents is what makes growing interest in appropriate technology so important.

INTEREST WIDESPREAD

Appropriate technology is becoming increasingly popular as a component of development strategy both nationally and internationally. Internationally the Appropriate Technology workshops organized at the U.N. Conference on Human Settlements at Vancouver in June have led to the establishment of an informal network of organizations interested in keeping abreast of the field and developing common actions and strategies in the international arena, for example, for the 1979 U.N. Conference on Science and Technology. The International Labor Organization is showing a keen interest in the appropriate technology movement, in particular its potential to increase employment opportunities in developing countries. This is reflected in the Declaration of Principles and Program Action approved at the World Employment Conference in Geneva in June. Already there is considerable jockeying for lead positions in the international community, evidenced at the informal workshop on appropriate technology held in Vienna in September. This was co-sponsored by the U.N. Industrial Development Organization and the Phillips Company of Holland.

An International Network for Appropriate Technology (INAT) was established this fall in Paris. The core of the Network consists of the "big five" of the major private voluntary organizations involved in appropriate technology. It is a loose federation designed to increase communication and coordination among organizations in the field and to collaborate in efforts to encourage acceptance of appropriate technology.

The World Bank has impressively documented its concern for and leadership in the field in its recently published internal study, "Appropriate Technology in World Bank Activities" The study states Bank policy concerning the use of technology as:

1. that the technology used in the projects, if financed, should be appropriate to development goals and to local conditions;

2. that the Bank, by itself, or in collaboration with others, should promote innovations needed to make available to developing countries technology appropriate to their needs;

3. that Bank-financed projects should develop local capacity to plan for, select, design, implement, manage, and, when necessary, to adapt and develop appropriate technologies.

Interest in appropriate technology is greatest in the developing countries themselves. A survey commissioned by the Agency for International Development revealed that five African nations—Nigeria, Tanzania, Ethiopia, Ghana and Kenya—have appropriate technology organizations "intended to become nationwide focal points." Further, more than a hundred community development groups, university engineering and agricultural facilities, research institutions and small industry extension units are active in appropriate technology in 32 African nations. In ten East and South Asian nations surveyed, 25 public agencies and universities were identified as being actively involved in appropriate technology. Pakistan, India, and Bangladesh each have appropriate technology units in one of their central ministries. According to the AID survey, government support of appropriate technology is just beginning in Latin America. The survey identified more than 300 organizations, nearly all private, concerned with appropriate technology in Latin countries. Forty-six of these have a very high and direct involvement in appropriate technology.

Developing U.S. interest in appropriate technology is evidenced by the recent establishment of a Center for Appropriate Technology by the U.S. Agency for International Development. For this, the U.S. Congress appropriated $20 million under Section 107 of the Foreign Assistance Act "to expand and coordinate private effort to stimulate the development and dissemination of appropriate technologies in developing countries."

At the U.S. National Conference on Science, Technology, and Development, sponsored by the State Department in November, Congressman Zablocki of the House International Relations Committee reported enthusiastic Congressional support for the goals of the AID appropriate technology efforts. Zablocki anticipated appropriate technology will be a major topic of discussion at the 1979 U.N. Conference on Science and Technology.

IMPLICATIONS

What are the implications of the developing appropriate technology movement for producers and users, buyers and sellers of technology? Perhaps the most certain benefit of the development and implementation of appropriate technologies will be the expansion of international trade. Currently the great majority of all trade takes place between the industrialized nations. Since appropriate technology suggests the introduction of a range of intermediate tools, machines, and processes, and a consequent range of initial and operational costs, it can be assumed that the market for technology will be expanded. A growing market for small and intermediately-scaled technology should also provide a greater export market for firms involved in such production.

A World Bank project is illustrative of an appropriate agricultural technology. The Bank is pursuing the development of a manually-operated hand-pump for lifting irrigation water. "Presently available diesel pumps cost about U.S. $1,300 and present maintenance problems due to the difficulty in procuring spare parts." The distinctive features of the proposed design are that prototypes are made of cheap, corrosion-resist-

ant material (plastic instead of cast iron) and operated by using human labor rather than diesel power. They promise to reduce both the capital and operating costs of the small farmer. The proposed pump is estimated to cost about U.S. $100.

A second Bank project addresses the problem of transportation in rural areas. In conjunction with the Schumacher Intermediate Technology Development Group, the Bank is studying the feasibility of small, powered transport vehicles, single-axle tractors with trailers, and powered utility vehicles that combine transport and agricultural functions. A potential appropriate technology in construction would be the adaptation of local materials (often agricultural or industrial waste products) to low-cost insulation, the reduction of energy costs being a large component of the appropriateness of a technology. The concern for reduction of energy costs, crucial in developing nations, suggests the development of small scale industry in design, construction, installation and maintenance of solar energy. It is clear that trade, licensing, and loan policies of the developing nations and supranational development agencies will increasingly encourage the development and introduction of such technologies in developing nations.

Appropriate technology implies an emphasis on increased production rather than increased output. The central idea is to spread economic development throughout all sectors and regions of the developing economy, to increase employment, to conserve energy use, to reduce production and transportation costs, to encourage the development of an industrial infrastructure throughout all sectors of the economy, and to reduce the cost of technology generally. There are two major criticisms of this approach. One is that the primary use of technology in development should be to maximize output, i.e., produce the most with the least, so as to meet the needs of developing nations as immediately as possible. However, this criticism disregards the fact that the introduction of complex high technology, almost exclusively in urban areas, has not reduced unemployment and has produced goods and services too expensive for the majority of the population. Secondly, appropriate technology has been criticized as technological imperialism. It may be hypothesized that this view stems from a narrow understanding of the concept of appropriate technology. If appropriate technology is construed to mean second-rate, small-scale, or low technology, it follows that promotion of such mechanisms constitutes a desire on the part of developed nations to hoard their best technology and to restrict rather than encourage development. However, if appropriate technology is more broadly defined, as is generally the case, as a range of optional technological approaches to various production tasks, this criticism is not valid. The Agency for International Development's proposal for an appropriate technology fund states that capital-intensive technologies are not invariably inappropriate in developing countries. "In some circumstances, efficient, labor-intensive technologies may not exist (e.g., petrochemical industries) or competitiveness in export markets may require precision machine-made products. Developing countries require a mix of technologies."

The definition of appropriate technology as a mix of technologies or a range of optional technologies is the most constructive. This perspective does not preclude the use of any technology; rather, it takes into consideration factors not previously considered in technology transfer: the managerial, educational, and industrial infrastructure of the developing nation; the optimum capital-labor ratio in terms of output and employment; and the benefits and costs to all sectors of the developing economy. In his keynote address to the National Conference on Science, Technology and Development, U.S. Secretary of State Henry Kissinger emphasized the importance of international economic issues over the next decade. The ability to meet the basic needs of all nations, he stressed, will be the most crucial factor in attaining world peace. If this analysis is accepted, a more rational development approach is clearly suggested. Appropriate technology, while no panacea to development problems, certainly constitutes such a rational approach.

APPROPRIATE TECHNOLOGY COMMUNICATION AND INNOVATION

The development of appropriate technology does not necessarily imply "going back" in history to outdated methods, as Schumacher himself has made a point of emphasizing. But rather it means developing, in many cases, new technologies that are employment generating, energy conserving, environmentally compatible, and highly responsive to current needs of communities here or of developing countries. This requires a great deal of innovation that can be stimulated and fostered by improved international communication among the producers and users, the buyers and sellers of appropriate technology.

The work of Dr. Dvorkovitz & Associates, in their World Bank of Technology and their World Technology Congresses and World Technology Fairs, have a promising potential for improving this communication and innovation process.

In the non-profit sector, the organization recently in Paris of INAT (International Network for Appropriate Technology) should also contribute importantly to the improvement of the international communication process, as should the recent creation in the public sector by the U.S. Agency for International Development of a Center for Appropriate Technology, as noted in the accompanying article.

ROWAN A. WAKEFIELD,
President, Wakefield Washington Associates, Inc.

ANNIVERSARY TRIBUTE TO LA TRIBUNA

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. RINALDO. Mr. Speaker, the oldest Spanish language newspaper in New Jersey is currently marking the 15th anniversary of its founding.

This newspaper, La Tribuna, is published in Newark and circulates in the Hispanic community of the 12th Congressional District, which I represent, and throughout the State of New Jersey.

It is a paper that has established and maintained high journalistic standards, and on this anniversary occasion I am proud to extend congratulations to the publisher, Carlos G. Bidot, and his dedicated staff.

La Tribuna is among newspapers regularly received and read in my Washington office. I find that it provides a valuable link with the Hispanic community and is extremely reliable in its standard of reporting. It is a credit to the Hispanic community of New Jersey and my hope is that it will continue to flourish in the years ahead.

EPA AND THE CORPS OF ENGINEERS SAY THAT THE SECTION 404 PROGRAM IS WORKING

HON. ROBERT W. EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. EDGAR. Mr. Speaker, the House will soon vote on amendments to the Federal Water Pollution Control Act. One of the more critical issues our colleagues will be examining is the issue of protection of our waters from environmentally hazardous discharges of dredge and fill material. Section 404 of the act, which regulates these operations, is a very important component of this Act. I feel that any modifications to section 404 should be attempted only after careful study of what is actually regulated, and how effective these regulations are in preserving water quality.

I would like to insert in the RECORD at this point three of the most definitive and important documents concerning the section 404 issue. They consist of a letter from Senator RANDOLPH and Senator BAKER, chairman and ranking minority member respectively of the Senate Public Works Committee, and replies from the Corps of Engineers and the Environmental Protection Agency.

I hope that my colleagues who wish to modify the section 404 will become familiar with these letters:

U.S. SENATE,
COMMITTEE ON PUBLIC WORKS,
Washington, D.C., November 10, 1976.

Hon. VICTOR V. VEYSEY,
Assistant Secretary of the Army, for Civil Works, Department of the Army, Washington, D.C.

DEAR MR. SECRETARY: Because the House and Senate were unable to resolve various differences in their proposals for amendment of the Federal Water Pollution Control Act before adjournment of the 94th Congress, the present program of regulations under Section 404 remains in effect.

During Senate Public Works Committee hearings on Section 404 authority of the Corps of Engineers, we were impressed that the regulations developed by the Corps, and the Environmental Protection Agency had genuinely attempted to respond to specific administrative problems through the use of an exemption for normal agricultural activities and a provision for the issuance of general permits. We anticipate that the Corps of Engineers will endeavor in its continued implementation of the Section 404 authority to exempt from permits and to issue general permits for appropriate activities. We hope that the careful delineation of such activities incorporated in the Senate amendment will be of assistance in this effort.

While we counsel care in the administration of the Section 404 program, we believe that the program is fundamental to the maintenance of the biological and physical integrity of the nation's waters. It has been the thrust of our legislative effort in the Senate to preserve the valuable protections for the nation's waters afforded by this program while avoiding the problems that have

been brought to our attention during the hearings on the program. We intend to renew this effort in the next Congress.

With that in mind, it would be useful for the Committee to have the report of the Corps and the Environmental Protection Agency on the progress of the Section 404 program (especially in the implementation of Phase II), problems that may have arisen as a result of the program and efforts that have been made to work out these problems at the administrative level.

Specific areas in which information will be helpful to the Committee would be: (1) the nature and extent of permit issuances for non-exempt agriculture, silviculture, and ranching-related activities; (2) the number of permit applications for such activities and an estimate of the number of such activities subject to the permit requirement but for which no application has been filed; (3) a survey of activities covered under the general permit provision of the regulations and the administrative and time requirements for implementation of this provision; (4) the role that control of the disposal of contaminated dredged spoil materials has in the program; (5) the extent to which mining activities are affected by the permit requirement and any problems which have arisen in connection with mining activities; (6) the status of State programs providing similar protections and State capability for assuming control of the Federal program; (7) a brief description of the general environmental impact of the program as of the date of your report.

We anticipate that the Committee will turn its attention to the water pollution program early in the 95th Congress, and request that you forward such a report on or before January 15, 1977.

Thank you very much for your assistance and cooperation.

With warm wishes and best regards.

Sincerely,

HOWARD H. BAKER, Jr.,
JENNINGS RANDOLPH,
Chairman.

DEPARTMENT OF THE ARMY,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, D.C., January 25, 1977.

Hon. JENNINGS RANDOLPH,
Hon. HOWARD H. BAKER, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATORS: I am pleased to provide you with the information you requested in your 10 November 1976 letter concerning Section 404 of the Federal Water Pollution Control Act. As stated in my interim reply to you dated 18 November 1976, I asked the Army Corps of Engineers to report to me on this matter.

You asked for a report on efforts we have made at the administrative level to work out any problems which have arisen as a result of the program. The major effort in this direction has been a complete rewrite of our regulations. I am inclosing a copy (Incl 1) of the Corps' recent first draft of this revision, but ask you to understand that further revisions and coordination within the Administration will be necessary before this draft becomes a final product.

We intend the revised regulations to address many of the deficiencies in our 25 July 1975 interim final regulation, and also to incorporate administratively many of the concepts suggested by various legislative proposals to amend Section 404. These initiatives include clearer definitions and guidance on our jurisdiction under Section 404, streamlining many of our processing procedures, and eliminating the need for individual and general permits for many minor activities through the permitting of these activities by regulation. Based on our experience with the interim regulation, we believe that, when adopted, the new regulation will alleviate many of the concerns and potential problems that have been previously discussed and debated. The cover memorandum on Inclosure 1 explains in details the extent of the changes proposed by the Corps.

We recognize that the draft permit regulation, although simplified, still may be difficult for the general public to understand. The Corps therefore has undertaken to rewrite and update its permit manual, which is basically a layman's guide to the Corps permit program. We anticipate that this manual will be available for public use in the very near future.

There is a need to adopt procedures to lessen impacts of potential overregulation of activities that have minor individual and cumulative environmental impact but which originally required and received individual review. The General Permit is the Corps' major management tool to achieve this lessened impact. As outlined in the Corps' 25 July 1975 interim final regulation, a General Permit goes through essentially the same processing procedure as a regular Department of the Army permit. The processing requires extensive coordination with appropriate Federal, State and local agencies; distribution of public notices; a public comment period and, if necessary, public hearings. All of these stages of public interest review must be accomplished to insure that the integrity of the General Permit concept will not be abused.

During the formative stages of the Corps' General Permit program, it was also necessary for the Corps to refine its policies, procedures and ground rules for General Permits. Instructional guidance was issued to Corps' field elements which, in turn, were required to individually implement this guidance with respect to the types of activities in their region that could be candidates for General Permits. Differences in types and extent of activities and in regional locations have led to differences in processing time, as seen in Item 4 of the Corps report from its District offices (Incl 2).

Although there are still the administrative requirements necessary to process the General Permit, the benefits of the program become apparent when an individual wants to undertake an activity that has already been reviewed and authorized by a General Permit. In most cases, the individual can immediately proceed with his activity without awaiting the processing of a permit application; he must only comply with the conditions of the General Permit. The General Permit procedures also allow the Corps to better utilize its available resources to review those permit activities that have a more significant impact on the environment and the public.

We are now experiencing the first generation of General Permits. As of 28 December 1976, the Corps had issued fifty-nine General Permits, had eighty-one out on public notice, and had forty-four in draft form. These General Permits address activities in such areas as agriculture, ranching, forestry, highway construction, mining, and soil conservation. A summary of General Permits in various stages of processing as of 28 December 1976 is at Inclosure 3.

As another example of our administrative efforts to improve the program, the Corps met with representatives of the forestry industry, environmental groups, the EPA last month to review the impact of the Section 404 program on forestry activities. The Forest Service of the Department of Agriculture arranged this meeting. It resulted in a commitment by the thirteen participants to assist the Corps in developing guidelines for its field offices to follow in processing general permits for forestry activities, and a timetable to achieve this commitment. The Corps has also had contacts with other industry representatives affected by the Section 404 program and is hopeful that these contracts will lead to a work plan similar to that developed with the forestry representatives.

As you know, the Corps began Phase II of a three-phase implementation plan on 1 September 1976, after the President directed the Secretary of the Army to defer Phase II for sixty days. The Corps moved into this expansion of jurisdiction pursuant to its overall policy of reasonableness, with emphasis on the development and use of General Permits. Division Engineers have worked closely with Federal, State, and local agencies in identifying minor activities in Phase II waters which would be candidates for General Permits. The Corps has encountered no major obstacles in implementing Phase II except for a shortage of personnel resources. The Office of Management and Budget has approved an additional 202 people to provide some relief to this problem. Our current plans are to implement Phase III on 1 July 1977 unless legislative changes in direction are forthcoming.

The report on the permit program at Inclosure 2 contains statistics and comments from Corps' District offices. This report provides detailed information in the areas you specified on page 2 of your letter, to include the nature and extent of permit issuances for agriculture, silviculture, ranching, and mining activities.

Statistical variances from District to Distric result from many factors, including the geographical location of the District, the activities prevalent in the District, and the nature and extent of the waterbodies falling under 404 jurisdiction which are within the District boundaries. The Corps is a decentralized organization, with each Division administering its permit program according to the particular needs and types of activities in the area.

Concerning the number of agriculture, silviculture, and ranching activities subject to the Section 404 permit requirement but for which no application has been filed, it must be stressed that the statistics provided by the Corps' District offices are only estimates or even guesses. It would appear that there is reason to suspect that the figures furnished by several Districts may not visualize the same conditions and assumptions. General Permits which will be issued in the near future should significantly lower some of the estimated figures.

The report shows that the Section 404 permits which have been issued for agriculture, silvicuture, ranching, and mining cover a variety of specific activities. However it is too early to draw any conclusive inferences about the impact of Section 404 on the industries and individuals affected by the permit requirements. The Corp is presently developing General Permits as rapidly as possible for activities in the aforementioned areas.

Further to address question 5 on page 2 of your letter the report contains some comments which the Corps' Districts have received from the mining industry.

The time period covered in the report is 1 July 1975 through 1 December 1976. The period 1 October through 1 December 1976 constitutes the beginning of the Corps' implementation of Phase II. During this period the number of Section 404 permits issued has begun to increase; they have not, however, increased to an extent that the Corps cannot administratively handle. Indeed, the totals for Fiscal Year 1976 and 1976 Transition Quarter are far below these which were projected in some early estimates.

To respond to question 4 on page 2 of your letter, the Corps asked the US Army Engineer Waterways Experiment Station (WES), located at Vicksburg, Mississippi, for a report. (Incl 4). The Corps asked WES to respond to this question because WES has been conducting a Dredged Material Re-

search Program (DMRP) since March 1973; the DMRP is a five year $30 million Congressionally authorized program which is now 75% complete. The objectives of the DMRP are to provide definitive information on the environmental impact of dredging and disposal of dredged material and to develop technically satisfactory, environmentally compatible, and economically feasible alternatives for dredging and disposal. The scope of the DMRP includes both freshwater and marine environments. Complete, definitive information on the activities of WES and its DMRP tasks and projects is contained in the report.

Results of the DMRP were used in the development of the Section 404(b) guidelines with EPA. A joint EPA/Corps Committee was also formed to coordinate the individual research efforts of both agencies which will lead to refinement of these guidelines and to the development of final technical and procedural guidance for implementation of Section 404(b). WES, under the auspices of the Office of the Chief of Engineers, also developed interim guidance for implementation on analytical procedures to Section 404(b). This guidance also is discussed at Inclosure 4, with a copy provided as Inclosure 1 to Inclosure 4.

Regarding the capability of the States to assume control of the section 404 program, the Corps contracted with the Standing State Advisory Committee/Interstate Conference on Water Problems (SSAC/ICWP) for a study to determine the scope of State programs similar to or duplicative of Corps' regulations and to determine the interest of the States in accepting delegation of the 404 program. SSAC/ICWP originally was to have completed the study of 15 April 1976. Recently, the contractor informed the Corps that the study would be complete in December 1976 but the Corps has not yet received the study. A copy of the results of the study will be furnished your Committee as soon as it is available.

On 30 June 1976, the Corps did compile a preliminary report based on the responses of the fifty-two States and applicable territories which had responded as of that date. Thirty-four of these indicated their intent, under certain conditions, such as Federal funding, to seek a delegation of Section 404. Six responded that they would not seek delegation, and twelve were undecided.

To examine how many States presently have the necessary capability to assume responsibilities under Section 404, a series of threshold requirements were considered as the minimal that a State would have to meet to qualify for potential delegation. Two threshold tests were developed. Test I dealt with such questions as the extent and scope of the State's program, and how it is implemented. Test II required that, in addition to meeting the requirements of Test I, the States have defined criteria for the placement of dredged or fill material and have defined wetlands for their regulatory program. Of the thirty-four States and territories that would seek delegation, nineteen passed Test I and only six passed Test II. A copy of this interim report is attached as Inclosure 5.

You asked for "a brief description of the general environmental impact of the program." Since the program has focused primarily on Phase I waters (and only recently on Phase II), we can only respond to its environmental impact from that perspective. As a general observation, the program has not resulted in a drastic cessation of water resource development. Some permit applications for activities that would have been performed in environmentally sensitive wetland areas have been denied. No doubt some potential applicants have been discouraged from undertaking the permit process. Most permits, however, have been granted, but have either been modified by the permittee or are subject to specific conditions that were developed during our public interest review and through coordination with interested Federal and State agencies to insure that the activity was performed in an environmentally acceptable manner to fulfill its intended purposes. This review includes an examination of water quality, fish and wildlife values, available alternatives, cumulative impacts, and the extent of beneficial and/or detrimental effects that the proposed discharge will have on the aquatic environment. The Environmental Protection Agency has indicated that it will respond to this question by citing examples of how this regulatory process has worked.

I believe that we have learned a great deal in our experience to date with the implementation of the Section 404 program and have undertaken constructive initiatives, such as the development and use of General Permits, to make the program more manageable administratively. We are committed to carrying out the Section 404 program in a reasonable manner to meet the objectives of restoring and maintaining the chemical, physical and biological integrity of the Nation's waters.

Thank you for your interest. We appreciate the opportunity to provide this information and would be pleased to be further assistance as desired.

Sincerely,

VICTOR V. VEYSEY,
Assistant Secretary of the Army,
(Civil Works).

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., February 3, 1977.

Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works,
Washington, D.C.

DEAR MR. CHAIRMAN: I appreciate the encouraging comments in your letter of November 10, 1976, which requested information on the section 404 program. Our experience since the program began in October, 1972, and in the first eighteen months of implementing the new regulations affirms your assessment that the program is "fundamental to the maintenance of the biological and physical integrity of the Nation's waters."

EPA shares your concern that this valuable program must be made to respond to the administrative problems raised during the hearings last July. The Corps of Engineers and EPA are cooperating to focus their resources to resolve conflicts over potentially harmful discharges of dredged or fill material. Excessive regulation of farming, forestry, highway and mining activities has been avoided. The general permit program is expanding to eliminate the need for individual permits for discharges that have little deleterious effect on waters of the United States. I am confident that the Corps of Engineers and EPA are unified by a common goal to administer an effective, reasonable program.

As Mr. Train observed in his testimony before the Senate Public Works Committee on July 27, 1976, the Federal Water Pollution Control Act mandates that the Agency seek the restoration and maintenance of the chemical, physical and biological integrity of the Nation's waters. I remain convinced that full implementation of the section 404 decisionmaking process is imperative if we are to attain that goal. That process is an essential tool for preventing the unnecessary degradation of water quality. The permit program is our only direct control over discharges of dredged or fill material. Such discharges can irrevocably destroy critical aquatic areas including swamps, marshes, and submerged grass flats that play a valuable role in maintaining the chemical, physical and biological integrity of our water resources. If conserved, these resources can continue to be of value by providing: (1) high-yield production of food for aquatic animals; (2) spawning and nursery areas for commercial and sports fish; (3) removal and recycling of pollutants; (4) recharge of surface and underground water supply; (5) nesting and winter areas for waterfowl; and (6) natural protection from flood and storms. If we pause to contemplate the investment of money and fuel required for man to reproduce these benefits, we should begin to understand those who have cautioned us to conserve the dwindling inventory of swamps, marshes and free flowing streams.

A brief assessment of our response to several problem areas is appropriate before addressing your specific information requests. First, much concern has been expressed over the broad Federal geographical jurisdiction over water. Continuing research and experience in the field underscores the necessity for broad jurisdiction to protect our interrelated and interdependent water resource. Physically locating the edge of many marshes and swamps has created few problems for permit applicants or for our field personnel. EPA has awarded five grants to improve and refine the methodology for establishing jurisdictional lines and to ensure that only aquatic areas are included. The Corps of Engineers is also conducting additional studies on methods for establishing jurisdiction. Second, the Corps of Engineers and EPA have initiated a series of workshops with industry and environmental groups to isolate problems and explore administrative solutions. Our first meeting with the forest products industry was encouraging. While several industry groups continue to oppose the program, they have displayed legitimate concern for moderating the adverse environmental consequences of some of their activities. Third, the statutory structure of the section 404 program deserves credit for requiring the Corps of Engineers and EPA to share responsibility for resolving conflicts between the pressures to alter the aquatic resource and the need to protect beneficial uses. A firm, but realistic, environmental program is emerging. The benefits of encouraging these two agencies to share their resources and institutional experience are already influencing improvements in other program areas as well. Finally, I must commend to you the excellent work of our limited Regional and Headquarters personnel. They have done an exceptional job under severe resource constraints. I am confident that a moderate increase in research, personnel and financial resources would be of substantial benefit to this program.

Of the seven specific areas for which you desire information, I respectfully defer to Secretary Veysey's responses on questions 1 and 2 as those responses will consist primarily of data from field offices of the Corps of Engineers. We are also advised that Secretary Veysey will provide additional information on mining and State participation.

GENERAL PERMITS

While the general permit program is relatively new, several interest groups have actively pursued this form of authorization. Projects for which section 404 general permits are being issued include: shore protection, highway projects, forestry activities, erosion control, minor buried pipeline crossings, State boat ramps, mosquito ditches, bulkheads, fishing camp construction, highway maintenance, culverts and other stream-crossing structures, fishing reefs, summer dams for water conservation, and trenching. All of EPA's Regions have been involved in the general permitting process. Obviously, the general permit program minimizes the personnel resources required for permit processing and substantially reduces the delay to a project operator in initiating a project including discharge of dredged or fill material. The time required for EPA's analysis of a general permit varies from 7 to 10 days to a maximum of about 30 days depending upon the complexity of the issues involved. The general permit program is in an evolutionary stage and the outlook for expansion and im-

provement in the administration of the concept is favorable indeed.

CONTAMINATED MATERIAL

The effects of contaminated dredged material on water resources continues to be of concern to EPA and to the public. EPA and the Corps of Engineers have formed a Joint Executive Research Committee to coordinate research on this and other scientific problems. As reflected in the section 404(b) interim guidelines of September 5, 1975, our comprehension of this problem is somewhat incomplete on the acute, short-term effects, and even more incomplete on the chronic or cumulative long-term effects of contaminated dredged material discharges. Thus, the guidelines provide for a case-by-case selection of analytical methods including the elutriate test, the bulk sediment analysis and appropriate bioassay procedures.

EPA coordinates with other Federal, State and local agencies in the interpretation of test results and the consequent decision on the most acceptable site for disposal of the contaminated material. In the case of severely contaminated material, special consideration is given to those areas with sediments that are chemically similar to that being discharged, areas of low biological productivity, sites in which little or no human activity is anticipated, and the use of confined disposal areas where it is determined that confinement will not accelerate the leaching of toxic substances.

The section 404 administrative process provides the forum for appropriate Federal, State and local agencies to cooperate in full view of the public when reaching decisions on the degree of contamination and the selection of disposal alternatives. The educational process implicit in this public process is indispensable if we expect to respond to the growing apprehension associated with sediments that contain varying quantities of such toxic substances as PCBs, pesticides, cadmium and mercury.

MINING

Mining activities involving the discharge of dredged or fill material in waters of the United States have the potential for seriously degrading water quality. Our experience to date in reviewing this type of activity for the discharge of dredged or fill material through the section 404 program has been limited. Where mining requires road construction, stream diversion or in-stream sediment control impoundments that involve discharges of material into water, individual and general permitting procedures are applicable.

STATE PARTICIPATION

Our Regions have encouraged States to become directly involved in the decision process by taking advantage of the opportunity to certify the acceptability of proposed permits under section 401. Several States with some form of permit program have entered into agreements for joint processing of permits, including joint public notices and joint hearings. Preliminary information, however, indicates that a number of States do not have effective institutions for protecting open water and wetlands from adverse effects of dredged or fill material discharges.

GENERAL ENVIRONMENTAL IMPACT

The general environmental impact of the program varies, of course, with the amount, type and relative contamination of the dredged or fill material discharged. Residential development poses a great threat to the aquatic environment, for example. Vast areas of productive wetlands can be destroyed permanently by such development. Port facilities expansions, highway and bridge crossings of navigable waters, stream channelization, and wetland draining and filling pose particular environmental problems. The most important concerns are those associated with the volume of discharged material and its degree of contamination. Perhaps the most environmentally threatening is the filling of wetlands which causes permanent alteration and loss of this valuable and diminishing resource. Our Region IV office in Atlanta, Georgia, reports that several thousand acres of wetlands have been conserved because of section 404.

All of our Regions report that many projects need not be rejected if they are modified from their original plans to minimize unacceptable effects on the aquatic system. For example, construction of a major residential development was underway at the time of passage of PL 92-500. The system of canals in the first phase of the development was causing water quality problems such as low dissolved oxygen, saltwater stratification and an excess accumulation of organic materials. With the authority of section 404, EPA reviewed proposed plans for the second phase development. The plans provided for construction of a dike parallel to the shoreline at the mean high water line and the filling of approximately 800 acres of wetlands between the dike and the uplands. Upon being advised of the environmental destruction from the deposition of fill into the marshes, the company modified its plan to avoid filling approximately 800 acres of wetlands located primarily above the mean high water line.

Construction of a highway necessitated the bridging of a Phase II stream. To avoid the expense of installing an additional bridge pier, the highway department applied for a section 404 permit to move the stream bed. The project was approved after the department agreed to modifications designed to restore water quality including: the use of boulders, stone, and gravel to form pools and riffles for oxygenating the water and supporting aquatic life, restoration of vegetation along the channelized segment and completion of construction prior to diverting the water from the old stream bed. In another major housing development, the developer proposed to dredge canals and fill several hundred acres of wetlands until section 404 jurisdiction was implemented in marshes above the mean high tide. As a result of several meetings with EPA and other Federal and State agencies, the project was modified to incorporate an experimental "perimeter canal." The canal will be constructed immediately above the wetland vegetation and is designed to ensure "sheet flow" of fresh water to the estuary, biological treatment of runoff from urban development, boating access to the Gulf of Mexico and limited recreational fishing.

Issues remain to be resolved in this program. Personnel constraints within the Agency continue to restrict our efforts associated with this program to less than those efforts that we consider desirable. Despite these constraints, however, I believe firmly in the present program's capability to protect the entire aquatic environment, which is so essential to the needs of this society, and I firmly support the approach of maintaining the existing broad Federal jurisdiction under this program.

Sincerely yours,

JOHN QUARLES,
Acting Administrator.

EXEMPTION FROM THE AIRCRAFT USE TAX AND GASOLINE TAX FOR THE AGRICULTURAL AIRCRAFT OPERATOR

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. ABDNOR. Mr. Speaker, today I am introducing H.R. 5132, a bill that would exempt agricultural aircraft from the aircraft use tax, and would refund the gasoline tax to the agricultural aircraft operator.

Presently, taxes are assessed on airplanes which use federally funded airport facilities. Since agricultural aircraft do not use these facilities, they are being unduly discriminated. My bill will do away with this discrimination.

As a result of the gasoline tax refund, 7 cents per gallon, the agricultural aircraft operator will be able to reduce both his and ultimately the farmer's cost for spraying.

The text of the bill follows:

H.R. 5132

A bill to amend the Internal Revenue Code of 1954 to exempt certain agricultural aircraft from the aircraft use tax, to provide for the refund of the gasoline tax to the agricultural aircraft operator, and other purposes

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 4493 of the Internal Revenue Code of 1954 (special rules relating to tax on use of civil aircraft) is amended by adding at the end thereof the following new subsection:

"(c) EXEMPTION OF AIRCRAFT USED IN AGRICULTURAL OPERATIONS.—No tax shall be imposed by section 4491 on the use of any aircraft by a person who holds a certificate as an agricultural aircraft operator under part 137 of title 14 of the Code of Federal Regulations, if such aircraft is equipped for agricultural operation as provided in such part 137 and if such person uses it primarily for such agricultural operation.".

SEC. 2. Section 6420(c)(3) of the Internal Revenue Code of 1954 (defining farming purposes) is amended by adding at the end thereof the following new sentence: "For purposes of this subsection and section 6427 (c), if (i) the use of any liquid as a fuel on a farm for farming purposes is in an aircraft and by an aerial applicator who was the actual ultimate purchaser thereof.

SEC. 3. The amendments made by this Act shall take effect as of July 1, 1977.

SOUTH KOREAN LAWMAKER LEE HONORED AT EMBASSY RECEPTION

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. McCLORY. Mr. Speaker, last evening at the invitation of my friend, Ambassador Pyong-choon Hahm, I was privileged to attend a reception at the Korean Embassy honoring Chul Seung Lee, Chairman of the New Democratic Party and a member of the National Assembly of the Republic of Korea.

Mr. Speaker, this reception was, in my opinion, an occasion for me and other Members of the Congress to express respect and support for the people of South Korea and for the stable and progressive economic and political system which they have established in this critical part of the world.

Mr. Speaker, in my several brief visits to South Korea and to its capital at Seoul, and in my contacts with our American and Korean military forces adjoining and near the Demilitarized Zone, I

sensed a determination coupled with almost unprecedented courage that the South Koreans intend to maintain their independence and their freedom from Communist domination and control.

Mr. Speaker, my observation of the relatively free economy that these courageous and industrious people have established, evokes a sense of pride in our own Nation. We may be proud that our U.S. military forces fought side by side with our South Korean allies in 1952 and 1953 in defending their independence and to encourage the economic, cultural, and social institutions which they have established and which today form such strong rallying points for Korean citizens.

Mr. Speaker, it would be most unwise for us to try to superimpose upon the Korean Government or its people our traditional and individual concepts of what a democratic society should consist. The apparent restrictions and limitations on individual movement, which include the imposition of curfews in some areas, are undoubtedly deemed by those in authority in South Korea to be essential to the preservation of the independence and autonomy of South Korea.

Indeed, the South Koreans seem to have established a kind of internal security which discourages any guerrilla or other armed revolutionary forces, which could, of course, bring the South Korean Government to its knees within a short period. It would seem wise on our part to respect the rights of the Korean people to maintain their own security and to assure their own independence.

Mr. Speaker, some of the charges that have been made recently concerning political contributions to my colleagues and charges of alleged payments made in connection with industrial and military equipment contracts appear to have diverted attention from our overall national policy of respect and support for this friendly and strongly anti-Communist nation.

I know nothing about such political or campaign contributions nor other alleged payments about which the media have issued reports. What I do know is that in my brief contacts with political leaders of South Korea, including those who represent parties in opposition to the party of President Chung Hee Park, and my observations of the Korean people at work, school, and in their places of worship, as well as my observations at the DMZ, I feel that we should continue to maintain a posture of solid and unqualified support for this anti-Communist outpost on the Asian Continent.

Mr. Speaker, I hope that a vast majority of my colleagues, including many of those who may have stayed away from the reception last evening in honor of Chairman Chul Seung Lee of the South Korean New Democratic Party, will agree with these observations and will give their backing to a policy of continued support to the government and people of South Korea to the end that any misunderstanding or miscalculation which might presently exist may be eliminated and that our United States-South Korean ties of friendship may be reaffirmed and strengthened.

UNIONIZATION IN THE MILITARY FORCES

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. MAZZOLI. Mr. Speaker, debate over the question of unionization in the military forces has heated up due to recent reports that aggressive efforts to organize the military forces will begin in the near future.

I have studied the arguments advanced in support of unionizing the military forces. While I am sure the advocates of military unions are sincere and believe this to be a natural, evolutionary, and inevitable progression of labor activity in America, I am convinced military unions would not be in the national interest. It is a move which could weaken our Nation's ability to defend itself.

An effective defense force is dependent on discipline and quick responsiveness. Military service is by its very nature authoritarian—not democratic. And, the military must operate under different rules and regulations than civilian enterprises operate under.

While I do not want to do anything which jeopardizes the defense of this country, I also do not want to deny our Nation's military personnel the constitutional freedoms on which this country was built—the freedom to peacefully assemble and the freedom to petition their Government for a redress of grievances.

Therefore, we who do not favor unionization of the military services must make sure service in the U.S. Armed Forces does not become a form of involuntary servitude or an indenture in which personal freedoms and guarantees are abrogated almost in their entirety.

Adequate and effective grievance procedures must be available to all military personnel and they must receive proper pay, benefits, living conditions, and working conditions, except in times of national emergency.

Mr. Speaker, I am inserting at this point in the RECORD an article on the subject:

COLLECTIVE BARGAINING WITH THE TROOPS?

(By Hobart Rowen)

How about the question of unionizing our Army, Navy and Marine Corps? I can almost hear the reaction of any drill sergeant at Parris Island, but I'm not sure this newspaper would choose to print it.

President Carter and his Secretary of Labor, Ray Marshall, are opposed to unionization of the armed forces, and do not see it as a likelihood any time in the near future.

But Marshall, asked about his views during his confirmation hearings, said that while he's never advocated unionization of the armed forces, he believes the military services would benefit from a better grievance procedure outside the chain of command.

Support for unionization comes from the American Federation of Government Employees, which plans an organizing drive among military personnel. This, in turn, inspired a number of bills in Congress that bar military unions.

The AFGE argues that since the new recruiting "pitch" stresses civilian-type jobs and experience (rather than military or patriotic appeal), the uniformed man or woman ought to have comparable basic rights to join a union.

The fact of the matter—although it's almost unknown except to the people immediately involved—is that, in one key instance, collective action by U.S. military personnel already exists.

Professor Ezra Krendel of the Wharton School at the University of Pennsylvania points out that the Air National Guard "is made up of units in which about 72 per cent of the civilian/military technicians belong to recognized unions." The ANG is about as important a group as one could find anywhere in the armed services. It makes up about three-fourths of the Interceptor force that guards the United States against air attacks.

The ANG personnel, according to Krendel, include part-time reservists and full-time civilian technicians. The technicians—including officers, airmen, instructor pilots, weather forecasters, and administration specialists—belong to at least eight unions.

Thus, the Management and Labor Division of the Army/Air National Guard engages, in effect, in collective bargaining (except on wages) with these civilian unions. According to the Wharton professor, this has been done "with little publicity and no apparent deterioration in military efficiency."

But military leaders are exceedingly wary of extension of the system. Gen. George S. Brown, chairman of the Joint Chiefs of Staff, told the House Armed Services Committee not too long ago: "I think unionization and the operation of the military forces are totally incompatible."

On his recent visit to the Pentagon, President Carter said it was his strong opinion that "it would not be advisable to have the military personnel unionized." He added that he saw no support for the proposition, even among national union leaders.

We're a long way from accepting military unions as they exist in West Germany, Sweden, Norway, Denmark, the Netherlands and Austria. The U.S. Supreme Court has noted that "the different character of the military community and of the military mission requires a different application of (First Amendment) protections. The fundamental necessity for obedience, and the consequent necessity for imposition of discipline, may render permissible within the military that which would be constitutionally impermissible outside it."

In an interview, Marshall said the important question to be settled relates to "good management"—something that both the armed services and civilian pursuits can't benefit from unless there are good grievance procedures.

"If the troops have a problem with their sergeant," says Marshall, "it's pretty hard to go through the chain of command to correct that." The Army could establish a mechanism for grievances through the existing Uniform Code of Military Justice, Marshall said, or provide some special way for handling complaints without causing reprisals.

Professor Krendel thinks that such a trend—taking effect very slowly—is probably inevitable. Without the explicit development of military unions, such an evolutionary change is bound to be hastened by the all-voluntary character of the armed forces.

SHOULD GOVERNMENT EMPLOYEES POLITICK?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. DERWINSKI. Mr. Speaker, Bert Mills, who is distinguished for his coverage of the Washington scene, comments on the enactment of legislation to compel Government workers to participate in political activities in an article carried in the March 3, edition of the Star Tribune Publications of Cook County, Ill.

His most knowledgable comments are especially timely since there are indications of a politically motivated move to remove the Hatch Act restrictions. The article follows:

MAIN STREET, U.S.A.—SHOULD GOVERNMENT EMPLOYEES POLITICK?

(By Bert Mills)

WASHINGTON, D.C.—Should federal employees have the same rights to engage in political activities as other citizens? Or are government workers in a special situation which makes it desirable that they be as non-political as possible?

This issue is before Congress again, thanks to the AFL–CIO, and most signs point toward enactment this year of legislation which would emasculate a 1939 law. The bill is HR 10, sponsored by Rep. William L. Clay (D-Mo.), who is strategically placed as chairman of the House Subcommittee on Civil Service.

Rep. Clay received an 88 per cent rating by AFL–CIO's political arm last year. He also received thousands of dollars in contributions from labor organizations when he was re-elected from his St. Louis district last year for his fifth term.

The Clay bill was passed overwhelmingly by Congress during the 94th Congress but was killed by the veto of President Gerald Ford. President Jimmy Carter has not endorsed the Clay bill but has gone on record as favoring changes in present law. Of course, AFL–CIO strongly supported Carter in the November election.

The House Post Office and Civil Service committee, of which the Clay subcommittee is a unit, is expected to approve HR 10 in short order, and House passage could come before Easter.

Assuming quick passage of the Clay bill by the House, it will face a new situation in the Senate, which has just eliminated its Post Office and Civil Service committee. This year a new Governmental Affairs committee will handle civil service legislation.

Most Republicans will oppose the Clay bill on the sound theory that most government employees are Democrats, and to free them of restraints against political activity will aid the majority party. But the GOP is not important in this Congress, with the Democrats holding a two-to-one edge plus control of the White House.

One reason why AFL–CIO is so anxious to remove Hatch act restrictions is to organize the civil service. While the Postal Service is dominated by union members, most government employees do not belong to a union. The National Federation of Government Employees has 600,000 members but is a minority of limited influence.

The Clay bill would encourage voluntary political participation by government employees but could lead to abuses. A civil servant aiding the party in power would expect to be rewarded, and probably would be. Conversely, the government worker bold enough to work for the party out of power could expect to be penalized.

It was a good idea back in 1939 to restrict political activities of federal workers. It is still a good idea and the Clay bill ought to be defeated.

ADVICE TO AID

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. BONKER. Mr. Speaker, as the Agency for International Development comes under new management—with the nomination of John Gilligan and others—I have thought it timely and constructive to request some advice from critics of AID's traditional policies.

One of them is a valued acquaintance of mine, Prof. Roy Prosterman of the University of Washington Law School in Seattle. Together with his assistant, Mr. Charles Taylor, he has set forth in a memorandum, which I ask permission to reproduce here, notions of how AID can improve its compliance with congressionally mandated new directions and in general benefit more the poorest of the poor in our world.

The memorandum follows:

FOREIGN AID: WHAT WE WOULD DO

If we were Governor Gilligan, or in the White House, these are the principles by which we would govern our development-aid program, based on our own long experience in field work and in independent, critical evaluation of that program:

1. More resource transfers are needed, and the multilaterals are in general much less effective (and much less answerable to us) than AID; but we could not ask that AID be allowed to administer additional resources until they had gotten themselves more fully "on track" in implementing the New Directions requirements legislated in 1975. To get them "on track", we would do the following:

2. Announce as a minimum principle that the U.S. will not allow a sincere effort of basic self-reform—particularly, the extremely basic but hard-to-decide-on measures to transfer land to the non-owning tillers via land reform—to fail for want of resources in any country ordinarily an object of our aid. There is often a precious, brief moment of time (as in the Philippines in late '72–early '73) when such basic reform is a genuine possibility, and when the availability of resources to carry it through may make all the difference: When a Government has come to that tough decision by itself, and wants our help, we should be ready to move heaven and earth rather than say "no" (as we did to the Philippines, and as we have done to others). This means that reallocation of $100 or $200 million, from within that year's program, or special requests to Congress if needed, should, always, be made under such circumstances: The resources, of course, should be made available only on a "reimbursement" basis, so that, for example, land must have been actually transferred, and its transfer confirmed by random-sample survey or equally assured method, before we reimburse the Government in resources of the previously-agreed-on amount (for example, resources that will allow some ex-landlords to "monetize" their bond compensation in approved productive investments) so that the next round can be carried out, for reimbursement in turn. We should announce this principle, which is an important adjunct to—indeed, which is inseparable from—our avowed support for human rights in the less-developed countries. This paragraph involves, we believe, the minimum possible degree of action in providing help to put in place what is the missing keystone of rural development wherever it is absent, as we have found in our own fieldwork over a nine-year period, and as it is thus expressed at p. 78 of the Second Annual Report of the President on Development Issues (May 1976):

"In most countries rural inequality of income distribution is considerable, largely because of the pattern of land distribution. Research sponsored by AID suggests that redistribution of land, besides improving equity in most cases, can actually increase aggregate domestic savings as well as food output over time. World Bank studies indicate that small farmers, given appropriate price policies, are more efficient in the use of farm resources, than are large farmers. These studies conclude that the single most powerful policy instrument for the combined objectives of rural equity and output growth is land reform."

3. In implementation of the New Directions principles, the total funds available under the Food and Nutrition, Health, and Population categories, should be henceforth allocated approximately according to the following basic formula:

Anywhere from 5% to 50% in support of direct costs (land acquisition and purchase guarantees) of land reform programs, depending on *what* was currently in progress or in immediate prospect around the world.

Of the balance:

20% as non-repayable subsidies to sub-subsistence small owner-operators (those who were already operating under ownership or ownership-like tenure, or who were beneficiaries of land reform programs underway, but who lacked these supportive resources; seed, fertilizer, irrigation improvement.

20% as repayable support to small owner-operators (again, pre-existing,* or pursuant to land reform) who were now producing more than enough for their own food needs and were ready to be connected with markets: that is, to provide true credit for the same purposes as above.

20% as non-repayable, subsidized support to both the above categories: extension services, relevant research, micro-irrigation projects, farm-to-market roads (the last, only for those ready to be connected to market—and truly minimum all-weather roads, not "trunk" routes or highways paved in the Western style). It should be expressly noted here that "rural electrification" is something like eighth or tenth on the list of small farmers' needs in the less-developed countries—an utterly different situation than rural Georgia in the 30's or 40's, for example—and should not be provided via aid funds, but rather should be supplied, in its proper place, through the resources generated in the villages themselves by the successful basic programs which our aid supports.

25% for preventive health and sanitation measures: clean water, environmental sanitation and waste disposal, vaccination of children against basic childhood diseases.

10% for family-planning technology and family planning education, for those ready for it (in particular, those who now had sufficient economic security and sufficiently low infant and child mortality rates to eschew

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* As in already-egalitarian African communal land tenure.

"insurance births" and be ready for family planning).

5% for reforestation, for research and monitoring, and for special projects.

4. Apart from other, more drastic reorganization possibilities for the bilateral aid program (see our memo of November 1, 1976), our aid should be concentrated on fewer countries and projects—at most, one-third to one-half the present 45 countries and 532 projects over which such aid is, thinly and ineffectively, spread—and should be in 100% grant form (contrary to the recent radio "call-in" statement), where we get maximum leverage to see it used effectively, rather than "loans" which are really 70–80% grants in economic terms (because of the very low interest and long period before principal repayment) but which are carried on the books of the recipient as "loans", thought of as "loans", and which carry greatly-diminished leverage for insuring their wise application.

5. Finally, there should also be effective measures to assert centralized policy making and control, strongly implementing the New Directions legislation out of Washington (lacking, paradoxically, despite the presence of 60% of AID's U.S. personnel in Washington). Mission Directors should be called to a central meeting by the Administrator, where policy lines are clearly laid down—not to the chaotic and diverse "happenings" over which the Assistant Administrators presided, region-by-region, in the past Administration; we are told that such a centralized laying down of policy has not occurred in at least twenty years—and this, if true, goes a long way to explain the incredible diversity of performance among different missions (on this see our memos of March 11, 1976 and March 3, 1977 on "Grading Bureaucratic Compliance").

CAMPAIGN FINANCE REFORM BILL

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. ANDERSON of Illinois. Mr. Speaker, today I am pleased to join with Congressmen UDALL, BURTON, WIRTH, and COHEN, and a bipartisan group of over 120 House cosponsors, in introducing the Campaign Financing Act of 1977, which would provide Federal matching payments for small contributions in congressional general election races. At noon today we held a press conference announcing the introduction of this major campaign finance reform bill, and at this point in the RECORD I include the text of my statement at the press conference:

STATEMENT OF THE HONORABLE JOHN B. ANDERSON PRESS CONFERENCE ON CAMPAIGN FINANCE REFORM

Mo Udall and I have been working together for Federal campaign finance reform since 1971, back when Watergate was nothing more than an imposing structure on the Potomac. After Watergate became an imposing symbol on our national political and governmental processes in 1972–73, our reform efforts gained new impetus and culminated in enactment of the Federal Election Campaign Act Amendments of 1974. That law placed limitations on Federal campaign contributions and spending and provided a Federal financing system for presidential primary and general election campaigns. In the 1976 *Buckley v. Valeo* decision, the Supreme Court struck down the spending limits which were not tied to Federal financing, but upheld the contribution limitations and presidential financing system. The Congress acted last year to bring the law into conformity with the Supreme Court decision. Despite some delays resulting from the Supreme Court decision during the crucial primary period, the new Federal financing system for presidential candidates has proved to be remarkably successful—a "quiet revolution" as Common Cause has put it. We had virtually eliminated the influence of big money contributors on presidential politics.

Unfortunately, we had not been successful in instituting Federal financing for congressional general election races, and this tended to have a "balloon squeezing" effect on congressional races. That is, with special interest contributions completely barred from the Federally financed presidential general election campaign, special interest money was squeezed into congressional races. The Common Cause survey of the 1976 races reveals that $22.6 million was poured into congressional races, double the amount given in 1974 races to congressional candidates. Common Cause has correctly labeled this new special interest bulge on the congressional end of the campaign ballon as "a growth industry."

The bill which we are introducing today is designed to eliminate this special interest pressure on congressional campaigns and candidates by reducing from $5,000 to $2,500 the amount their multi-candidate political committees can contribute to each presidential and congressional race, and by substituting a system of Federal matching payments on the first $100 of each contribution to a congressional general election campaign, up to $50,000. Congressional candidates accepting Federal matching payments would also agree to an overall spending limit of $150,000, and a personal spending limit of $25,000 for House races and $35,000 for Senate races. If an opopnent does not accept Federal financing and exceeds the $150,000 spending limit, the Federally financed candidate would not be bound by the spending limit, though he could still not receive more than $50,000 in Federal matching payments.

I think it's important to emphasize two aspects of this new congressional financing system. First, the spending limit is about 50% higher than it was in the 1974 law to make it more realistic in terms of today's campaign costs and to avoid the "incumbent protection" charge which is often attached to low spending ceilings. Secondly, acceptance of Federal matching payments will also require abiding by personal spending limits. While it might be argued that millionaire candidates will reject Federal financing and continue to finance exorbitant campaigns out of their own pockets, I think a Federally financed opponent who agrees to the $150,000 spending limit will bring considerable pressure to bear on the wealthy candidate to abide by the same limit, whether or not he accepts Federal financing. But even if he doesn't, I think the public will be less inclined to vote for someone who ignores this new Federal standard for campaign spending. In short, with public funds available from the tax check-off for partial funding of campaigns at reasonable spending limits, I think it will be much more difficult for a wealthy candidate to buy himself a seat in Congress. The American public's sense of fair play would be greatly offended.

Finally, I'd like to say a word about our amendments to the presidential portion of the campaign act. Three major criticisms have been leveled against the present system: first, that the spending limit in the general elections is too low; second, that individuals and state and local parties have been barred from contributing to the general election campaigns; and third, that independent and third-party candidates have been discriminated against. Our bill addresses all three of these criticisms by (1) raising the Federal grant from $21.8 million to $25 million; (2) permitting individual contributions of $50 or less up to $5 million; (3) permitting state and local parties to raise and spend up to 2¢ per eligible voter on their presidential candidate; and (4) providing Federal funds for independent and minor party candidates on the first $250 of each contribution up to $15 million once a threshhold of $5,000 in gifts of $250 or less has been raised in each of 20-different states. I think these provisions will correct the deficiencies in the presidential system which have come to light as a result of our 1976 campaign experience.

I hope this Congress will take this next logical step in the campaign finance reform process by eliminating special interest bulges from our campaigns and substituting a system of Federal matching payments for small contributions.

A CONSTITUENT'S LETTER

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. TEAGUE. Mr. Speaker under leave to extend my remarks in the RECORD, I wish to include the text of a letter from one of my constituents which I feel is most representative of the letters I have received in the past several months and generally follows th thinking of the people I represent in the Congress:

BRYAN, TEX.,
March 8, 1977.

HON. OLIN E. TEAGUE,
Congressman, Sixth District of Texas, Washington, D.C.

DEAR TIGER: This letter may be a little late, but I have not wanted to contact you while you were in pain or perhaps down in the dumps. I knew in reason that you were being snowed under with letters and messages and I did not want to add to your difficulties. However today I talked to Mrs. Rideout and she told me you were doing fine responding to surgery and even to therapy and would soon be giving your new foot a workout. That is wonderful and I suspect that your health and general wellbeing may be better than it has been for a long time. You are adding to your stature daily and I only wish we had more men of your calibre in Congress. I certainly wish you continued good luck in your recovery period.

I do not know how active you are in keeping your finger on the public pulse, but I am in a position to keep pretty close tabs on the general situation. For what it is worth I will give you a few of my impressions. A lot of people Democrats and Republicans are scared to death of President Carter. They do not like his selections for some of his key appointments, and they are afraid that so many of the new Congressmen will not want to cross the President, that there will be little or no restrictions on some of his too liberal actions. There is no question but that the people generally are becoming concerned over inflation and rising cost of living. The fact that no one has yet come out with the sound idea that, for recovery we must, economically speaking, do more work for less money and work longer hours and thus abandon the old line of higher wages, shorter hours and less production. Our physical volume of production must increase, cost per unit must decrease. This is a tough one and not many people understand enough economics to see

how such a program can work out in the long run. A lot of people are beginning to realize that Unions force out of the productive process a higher percentage of the returns than their contribution of labor justifies. This is a tough one! Labor's recommended policy is to continue to raise wages and increase unionization through forcing people to join unions. This is simply more of the same that has led us into deeper trouble. When the inevitable happens, people are laid off, the answer is in Government funded work projects. This is reverse economics. It only takes capital away from economically sound productive processes through extra taxes to fund the project or increases our debt and adds to inflation. People who have followed the false ideas touched upon above should not be appointed to key positions in Government.

While I strongly believe that there should be some strong controls on Labor, there is another side of the coin. The largest chunk of unearned increment from our productive process, goes to Corporations and the multinational cartels through monopoly control and the forcing the consumer to pay a controlled and too high a price. This is becoming increasingly known, but there are no practical answers, because politics stands in the way. Thus the consumer, who is all of us pays the bill. Thus there is only a slight chance for a small number of consumers to engage their talents in such a way as to counteract the results of this system. So the future for most of we middle class and lower class consumers is to adjust to a lower standard of living and prepare to pay more and more in taxes to support the system, ad infinitum.

Every once in a while I get the desire to unburden myself to you, and now that you are not going to the office regularly I decided that one of these off the top of my head letters might get your attention and maybe influence the direction of your thinking. I am aware that you know everything that I have alluded to in this letter. I am certain you know a hell of a lot more, but you may not know that you have a lot of your constituents that are thinking along these lines. You have a lot of conditions to consider for your future. You may not return to Congress another time, and this term may present you with an opportunity to strike a real blow for the country that you love and fought for and for the preservation of our constitutional government. I am not sure but that such a procedure would be the best politics that you could play. Even people in your district who actively worked against you in the last election, agreed that you were more honest than most congressmen and that your judgement was good when you had the facts. I believe that in this term in Congress you need to stand up and be counted on the right side of every issue that comes to a vote.

You told me a few years back that you were for Rhodesia and certainly would try to head off any scheme to cause the U.S. to have to buy chrome from USSR. From where I sit this appears to be in the offing. I do not think we should give up our rights to the Panama Canal. I do not want Sol Linowitz to represent my interests in negotiating the Panama Treaty. I am not in favor of letting the crooked opposition steal the election to Congress from your Texas Republican friend Ron Paul. To do anything on this would really put you on the spot because Ron Paul is a Republican, but I think we need him in Congress.

Tiger, I could write a book on matters that I have mentioned here, but you would not have time to read it. I apologize for the length of this letter but you got time to read it now. I am not your political advisor, or your god father, or your critic. I am only a long time friend who loves you and hopes for you the very best in every way. I know you have had a rough time. I would like to see you come back strong and wind up as the most respected and best loved Congressman that ever served his country. You are unique—war record, length of service, performance, etc., etc. I hope I have not hurt your feelings in any way. I have just been thinking about you and in this disorganized sort of way picked this letter out myself.

Very best of regards to you and Freddy and I hope you will be fully recuperated in the near future.

Sincerely,

BASSETT ORR.

WHERE THERE'S NO WILL, THERE'S * * *

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. SYMMS. Mr. Speaker, recently, I read with great interest an article which appeared in the Packer, entitled, "Where There's No Will, There's * * *"

This enlightening article points out the costly administrative tangle of injustice, abuse, and inefficiency that is ever present in our Government's welfare system. Although, Mr. Speaker, I do believe there needs to be a simple and coherent way to help financially desperate citizens. Nevertheless, our current welfare program is unequal and unjust, and it will remain that way until welfare's complexity is sacked in favor of a simple means to allot money to people who can prove that their incomes are below some specific level, and that a job is out of their reach.

Mr. Speaker, no one is against helping people who really need help, but they are tired of paying taxes to support people who are perfectly capable of supporting themselves when jobs are readily available.

The following article is an example of the typical everyday abuse that continues in our Government giveaway program. Maybe if we remove some of the bureaucratic tape that has been blinding our Government, we will see the injustice and take action to prevent further abuse.

Mr. Speaker, I commend the full text of the article to my constituents:

WHERE THERE'S NO WILL, THERE'S . . .

It appears that those Florida growers who were so adamantly opposed to having the state declared a disaster area following the recent freeze were absolutely right, and are now paying (along with taxpayers across the country) for the excessive generosity of the U.S. government.

During the freeze, hard luck stories appeared in newspapers and on television concerning the fact that many migrant and other farm workers in Florida were suddenly out of work. What the government and the press did not realize was that this was strictly a short-term situation. In fact, it was so short-term there was actually a labor shortage immediately following the freeze.

Florida growers saw what was going to happen. The government would come in and place thousands of workers on welfare, not understanding that there was still plenty of produce in the state and many jobs to be had, and not caring about the difficulty of getting many of these people off welfare and back in the fields.

Florida growers told us as early as the United convention during the first week of February they were having trouble finding field workers because of government handouts.

In the Feb. 19 issue of *The Packer*, one of our Florida representatives, James Nolan, reported, "Government handouts being freely dispensed under federal disaster relief operations and its accompanying red tape is hindering Florida's agriculture industry and depriving it of badly needed labor."

Both vegetable and citrus growers complained of the bureaucracy involved in dealing with the situation.

Said one grower: "The workers need only to sign a card to get assistance. The growers have to go through reams of bureaucracy."

A more descriptive—and more disgusting—account of the situation was told in the March 5 issue by another *Packer* Florida representative, Larry Waterfield, who was on the spot in Immokalee last week when a planned protest "work in," or what he termed a "media event" occurred.

The event was called by the United Organization of Migrants, a farm worker organizing group. The purpose was to discredit claims by growers that federal aid money was keeping workers out of the field.

According to Waterfield: "Organizers boasted that 1,000 workers would be on hand for the rally; about 40 showed up. The work-in was supposed to demonstrate that workers were willing to work, but that no jobs are available.

"On cue, the workers and crew leaders shouted, protested and chanted while the cameras clicked away."

Ironically, at the same time, growers were looking for workers. One local citrus grower, who was desperate for workers, resorted to hiring passing tourists who thought it would be a novelty to pick citrus and get paid for the effort.

Our reporter said that on the NBC nightly television news, an Immokalee vegetable grower was shown outside a relief center asking existing workers if they wanted jobs. Most said they were not interested in working.

Charges of fraud in the aid program have been heard from a number of counties, and reporters and other investigators have shown it is a simple matter to get aid money, even without showing proof of employment in agriculture.

One housewife from Belle Glade said she simply walked in, signed up and went away with a government check. She later returned the money, her point having been made.

The farm labor shortage in Florida is one more example of what happens when the government offers more incentive not to work than to work. No wonder there is a 7.5 per cent unemployment rate.

STATEMENT ON PUBLIC FINANCING OF CONGRESSIONAL CAMPAIGNS

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. WIRTH. Mr. Speaker, today Representatives UDALL, ANDERSON, BURTON, and I have introduced the Campaign Financing Act of 1977. This act finishes the election reform process that was started over a decade ago when some Members of the House and Senate first proposed public funding of Presidential races. Last year witnessed the first publicly funded Presidential election and, on most accounts, public funding was a success. The bill we are introducing today

will extend public funding, through a mix of private and public contributions, to congressional elections.

This legislation also goes a long way towards eliminating the influence of special-interest money in our electoral process, money that has an undue influence in congressional elections. One simply needs to look at the contributions various political groups have made in the past two congressional elections. The growth of these contributions over the last 2 years has been tremendous. The amount nearly doubled from 1974 to 1976: $12.5 million in 1974 to $22.6 million in 1976. Special interest money that formerly went to Presidential candidates was spread among congressional candidates.

Mr. Speaker, unless we do something, now, I foresee continued growth of special-interest money in congressional races, resulting in ever-escalating campaign budgets. The result could well be the erosion of what little public respect there is for Congress and the electoral process. The Campaign Financing Act contains measures to halt this spending.

A key provision of this act requires that if a candidate accepts matching public funds he/she must adhere to spending limits of $150,000 for House races. According to the Supreme Court, the only way a candidate may be forced to limit his/her expenditures is if he/she accepts public money.

The process by which a candidate becomes eligible for partial public funding and subject to spending limits is as follows: First, the candidate must raise $10,000 in private contributions of $100 or less; $10,000 is a high enough threshold to discourage frivolous and nonserious, publicity-seeking candidates.

Once the threshold limit is reached the candidate is eligible for public matching funds. He/she will receive $1 public money for every $1 raised through contributions up to $100 for every contributor and up to $50,000 overall in public money. The private-public matching applies to general elections only; no public funds can be spent on primary elections.

The candidate is also allowed to contribute $25,000 of his/her own money for House races and $35,000 for Senate races.

Any group contribution will be limited to $2,500 for primary elections and $2,500 for general elections per candidate. The current limit is $5,000 for each election per candidate. This limit, combined with the overall expenditure limit, make up the two most important provisions of this act so far as reducing the influence of special interest money is concerned.

Of course, citizens groups or grassroots movements must be entitled to participate in the electoral process. The $2,500 limit per election is fair and reaches a happy medium between the need to limit special-interest money and and the rights of citizens, and citizen groups to express themselves in the political process.

Mr. Speaker, a few points of this act need special emphasis.

The first and most important is that it is voluntary. A candidate does not have to accept the matching public money and therefore need not be subject to the limits on total campaign spending. So, Mr. Speaker, a candidate has a choice of accepting public funding and overall spending limit, or funding his/her race entirely with private funds and spending as much as he/she chooses.

Therefore, this provision does not penalize a candidate for being a good fundraiser or highly popular. What it does is offer the electorate greater choice of candidates. Limited public funding will break the lock some Members of Congress have on their district by allowing a serious opponent access to funds with which to help mount an effective challenge.

It is a fact that, in most cases, the incumbent has an easier time raising money than a challenger. This bill helps to do away with the incumbent's advantage, placing the incumbent and challenger on more even footing. At the same time, it gives the nonincumbent person of limited personal means or limited exposure a true chance to run for public office.

In the rare case of an election where one candidate is using public funds and the other is not, the one accepting public funds would have to adhere to the overall spending limit—unless his opponent's expenditures exceed the limit. At this point, the candidate accepting public funds would no longer be bound by the overall limit. He/she would not be eligible for more than $50,000 in public funds, but could collect more private contributions, within the existing limitations. This situation would be an exception to the rule, for the proposed limits are surely adequate.

Another important point to note is that the public money would come from a special fund generated by an optional $1 check-off on income tax forms—identical to the existing system for Presidential races. The money will not come from the general treasury.

In the case of lack of funds, the existing funds would be prorated among the candidates. The $10,000 threshold limit and overall spending limit would still apply.

Mr. Speaker, in summary, I would like to underscore a few points.

The essence of this legislation is its provision for partial public financing. This is one-third of the spending limit. Up to two-thirds of a candidate's campaign would be funded through private contributions of $100 or less and special-interest group contributions of $2,500 or less. This will encourage candidates to mount a genuine grass-roots campaign with a broad base of support.

Also, it is a vountary plan. No candidate is forced to accept public money or to adhere to an overall spending limit.

This bill also offers a couple of changes to the existing Presidential funding law. It will increase the spending limit in the general elections from $21 million to $30 million, $25 million being public money and the remaining $5 million being composed of individual contributions of $50 or less.

State and local parties would be able to raise and spend up to 2 cents per voter for their preferred Presidential candidate as compared to the present limit of $1,000 per State and local party.

Also, independent and third-party candidates would be eligible for public funds during the race, and not afterwards, as current law states.

These amendments are designed to iron out the few difficulties that arose during the 1976 Presidential election.

Mr. Speaker, public confidence in our institution has dwindled to an alltime low. The recently adopted code of ethics helped remove the taint of special-interest money from the Halls of Congress. The Campaign Reform Act will help remove it from the election process.

We have the opportunity to make this Congress the most reform-minded and progressive Congress in the history of the United States. Let us not let this opportunity pass. I most strongly urge the speedy passage and adoption of the legislation.

The text follows:

SUMMARY OF PROVISIONS—UDALL/ANDERSON/BURTON/WIRTH CAMPAIGN FINANCING BILL

PRESIDENTIAL CAMPAIGNS

Spending limits in the general election would be increased from the current $21.8 million to $30 million, composed of a grant of $25 million from the check-off fund and up to $5 million in private individual contributions of $50 or less.

State and local parties would be allowed to raise and spend up to 2¢/voter to promote their presidential candidate.

Independent and third-party candidates would be eligible for matching funds during the course of the campaign, rather than after the general election. The eligibility threshold would be the same as in the major-party primaries—$5,000 in gifts of $250 or less in 20 different states.

CONGRESSIONAL CAMPAIGNS

Matching funds from the dollar check-off would be available in the general election to candidates who agree to abide by the spending limit, in accordance with the Supreme Court decision in *Buckley* v. *Valeo*. After meeting a threshold requirement of $10,000 in donations of $100 or less, candidates would receive $1 for each $1 raised, up to a ceiling of $100 for each contributor and $50,000 overall.

The spending limit for candidates who accept matching funds would be $150,000.

Personal spending by candidates accepting matching funds would be limited to $25,000 for House races and $35,000 for Senate races (the same figures as in the 1974 Act).

Special interest contributions to one candidate would be limited to $2,500 in the primary and $2,500 in the general, instead of the current level of $5,000 in each (his provision would apply to House, Senate, and Presidential campaigns).

To reduce potential incentives for "opting out" of the public financing system, whenever a non-publicly-financed candidate spent more than $150,000, his opponents would be freed from the $150,000 spending limit imposed on candidates who accept matching funds. In the more usual situation, where all candidates participate in the public financing system or non-publicly financing candidates do not spend more than $150,000, the spending limits would remain in force.

THE OPEN CONSPIRACY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. OTTINGER. Mr. Speaker, James Reston's recent piece entitled "Open Conspiracy," which appeared in the

New York Times several days ago, explains the historical significance of the Carter posture on human rights, and relates the President's actions to those of our Founding Fathers and many who followed. I commend Mr. Reston's analysis, and want to bring it to the attention of my distinguished colleagues:

THE OPEN CONSPIRACY

(By James Reston)

WASHINGTON, March 5.—The Russians are sneering at President Carter's defense of human rights, as if it were a dreary Sunday school lesson out of Plains, Ga., but it is much more serious than that.

Mr. Carter, is touching something much deeper in the American character. The Russians should read Mr. Jefferson on the Rights of Man, Mr. Lincoln on the universal meaning of America, Woodrow Wilson and the two Roosevelts on the New Freedom, the New Deal, the Square Deal and the dream of a decent world order. And then perhaps they may understand that Jimmy Carter has merely gone back to the old lessons of a country that doesn't quite believe in its old ideals but believes in believing.

The human rights question, however, won't get very far if it is left to occasional pronouncements by the President, Jody Powell and the spokesmen of the State Department. They have revived a fundamental theme of American life, but they sound a little preachy, and need a different platform to be effective.

The Russians have signed the Charter of the United Nations. It is a legal international treaty. It insists on human rights. They have signed it and proclaim that they keep their promises. They have also signed the Helsinki Agreement on human rights which established international standards of freedom, travel and exchange of information. The question is not whether Moscow will listen to Jimmy Carter's sermons, but whether it will be faithful to the agreements it has signed.

What President Carter has revived, either consciously or unconsciously, is the old biblical notion of the human family, that national boundaries do not forbid concerns for human decency and pity, and that there must be what H. G. Wells once called an "open conspiracy" to pull the world together in a common collective consciousness or awakening toward a different world.

Wells saw the problem more precisely 50 years ago than Carter does today, but Carter has an intuition of the modern dilemma. "I see humanity," Wells wrote, ". . . scattered over the world, dispersed, conflicting, unawakened . . . I see life as an unavoidable waste and curable confusion . . . their disorder of effort, the spectacle of futility . . . all these people reflect and are part of the waste and discontent of my life . . ."

If you talk to Carter, or watch him carefully, you hear echoes of this longing for a rational reorganization of human efforts—not only for reform of the executive and the legislative branches of the Government, but for a revival of America as the spokesman for the ideals of the Western World.

Mr. Carter has some friends and supporters who are trying to help him in this objective. His Ambassador to the United Nations, Andrew Young, is trying to persuade him that he can make more progress for human rights through the United Nations than by denouncing the Russians with statements out of Washington.

Others, like Harlan Cleveland, are arguing that the private sector in the United States can help to establish international principles for the conduct of life within national boundaries. What is needed, Cleveland suggests, is an international standard of the decencies of life. How much food, education, how much population control are necessary to make life bearable and avoid chaos and war?

President Carter senses, but has not really dealt with these larger questions of national and world policy. He has put together a Cabinet of pragmatists, of businessmen and lawyers, who are accustomed to dealing with one problem at a time, but have no real philosophy of where we are and where we are going.

For example, it is not at all clear what the new President thinks about his military budget to contain the Russians, or his appropriations for the underdeveloped countries, or his money for the health, education and welfare of the American people. The relationships between these things are obviously critical.

But he does have a strong conviction about human rights. It is not only political but almost theological with Carter, and when in doubt, the guess here is that he will insist on his moral judgment, even if it gets him into serious trouble with the Soviet Union on the control of military arms. And this is the point that the Russians have obviously missed.

Secretary of State Vance, the new head of the National Security Council, Zbigniew Brzezinski, and even Henry Kissinger before them, have advised Soviet Ambassador Dobrynin not to misjudge Carter's defense of human rights or underestimate its historical significance. Carter could have organized his campaign better through the United Nations, but he is dead serious about these moral imperatives—and if he is challenged by the Soviet Government's chirpy sneers, he will almost certainly get the support of the American people.

Like H. G. Wells, he is really bringing the issue of human rights into the open and into the world. He is inviting an "open" conspiracy," and the guess here is that in the process, though it is dicey, he will have the support of the Congress and the American people.

TRIBUTE TO DR. ERNEST P. WILLENBERG

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. ANDERSON of California. Mr. Speaker, one of the most difficult, yet potentially rewarding areas of education is the teaching of handicapped students. Patience, knowledge, and understanding must be matched with a true dedication in order to help these children lead normal, pruductive lives.

Dr. Ernest P. Willenberg has dedicated his life to special education, and in doing so has become a nationally known expert on education for the handicapped. Born in Adon, Ark., in 1918, Dr. Willenberg was told while still a youth that he would probably spend the rest of his life in a wheelchair. Through hard work and determination, he proved them wrong, and by applying those same qualities through the years became the outstanding leader in the field of special education that he is today.

After working his way through the College of Ozarks in Arkansas, Ernest Willenberg earned his doctorate at the University of Oklahoma. Since coming to California in 1940, he has worked as the head of special education for Bakerfield city schools; as chief of the Bureau of Special Education, California State Department of Education; and director of education, Los Angeles Unified School District. Currently, Dr. Willenberg serves as assistant superintendent of special education for the Los Angeles Unified School District.

Dr. Willenberg has advanced the state of special education in a variety of ways. His leadership and knowledge of the field have been widely recognized, and he has applied his energy and talent to benefit those in need of special education throughout his career.

In 1962, he served on President John F. Kennedy's Panel on Mental Retardation as chairman of the Education Committee. These efforts resulted in significant national recommendations for the retarded which opened up new hopes for their future.

Serving on special assignment for President Kennedy, Dr. Willenberg traveled to Denmark and Sweden to study how mental retardation was treated in those nations, and to bring to the United States those methods which were applied here. For over a decade, he has been a consultant to the U.S. Office of Education for the Handicapped.

In addition, Dr. Willenberg has served as national president of the Council on Administrators of Special Education; and served on the California Governors Committee on Mental Health and on the California Commission on Mental Retardation. As international president of the Council for Exceptional Children, he held what is considered to be the highest professional organization post in the field of special education.

Under Dr. Willenberg's guidance, services to handicapped children in the Los Angeles Unified School District have quadrupled, both in regular and special schools. A new Special Education Center for the Los Angeles Harbor area will be formally dedicated on March 29. This center represents the most comprehensive program offered at a single site within the school district to date, and marks a significant step in the further development of special education under Dr. Willenberg's direction.

Mr. Speaker, Dr. Ernest P. Willenberg's lifelong devotion to the needs of the handicapped has reaped many significant benefits for Los Angeles area residents and the Nation. At this time, I would like to extend my congratulations to him for his many accomplishments, and wish him the best of luck as he continues his efforts in the future. His lovely wife, Ethel and their daughter, Joyce, must be very proud of Dr. Willenberg's outstanding career.

SENATE COMMITTEE MEETINGS SCHEDULED

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated

by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the office of the Senate Daily Digest will prepare such information daily for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, March 17, may be found in the Daily Digest section of today's RECORD.

The schedule follows:

MEETINGS SCHEDULED

MARCH 18

9:00 a.m.
Agriculture, Nutrition, and Forestry
Subcommittee on Foreign Agricultural Policy
To hold oversight hearing on P.L. 480 programs (overseas food aid).
Human Resources
Labor Subcommittee
To hold hearings on S. 924, to provide for equal treatment of craft and industrial workers, and to establish a national framework for collective bargaining in the construction industry.
Until 1 p.m. 4232 Dirksen Building
Environment and Public Works
To hold hearings on the nomination of Robert L. Herbst, of Minnesota, to be Assistant Secretary of the Interior for Fish and Wildlife and Parks.
4200 Dirksen Building

10:00 a.m.
Appropriations
Defense
To resume hearings on proposed budget estimates for fiscal year 1978 for research, development, testing and evaluation program.
1223 Dirksen Building
Banking, Housing, and Urban Affairs
To hold hearings on the nominations of Robert Campbell Embry, Jr., of Maryland, and Lawrence B. Simons, of New York, each to be an Assistant Secretary; and Jay Janis, of Florida, to be Under Secretary, all of Housing and Urban Development.
5302 Dirksen Building
Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittees
To hold oversight hearings on ocean shipping practices.
235 Russell Building
Foreign Relations
Subcommittee on Foreign Economic Policy
To resume hearings to receive testimony on an overview of American foreign economic policy.
4221 Dirksen Building

10:30 a.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Alcohol, Drug Abuse, and Mental Health Administration, and Saint Elizabeths Hospital.
S-128, Capitol
Commerce, Science, and Transportation
To continue hearings on bills calling for more stringent oil tanker safety standards (S. 682, 586, 182, 715).
5110 Dirksen Building
Human Resources
Health and Scientific Resources Subcommittee
To consider S. 754 and 755, extending through fiscal year 1978 all expiring health programs under the Public Health Service Act and the Community Mental Health Centers Act; and S. 855 authorizing funds for fiscal year 1978 for the National Science Foundation.
Until 12:30 p.m. 6226 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of HEW.
S-128, Capitol
Commerce, Science, and Transportation
Subcommittee on Science, Technology and Space
To resume hearings on S. 365, authorizing funds for fiscal year 1978 for the National Aeronautics and Space Administration.
235 Russell Building

MARCH 21

9:00 a.m.
Agriculture, Nutrition, and Forestry
Subcommittee on Foreign Agricultural Policy
To continue oversight hearings on the P.L. 480 program (overseas food aid).
322 Russell Building

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to inquire into domestic communications common carrier policies (i.e., telephones, computers, etc.).
1202 Dirksen Building
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills, proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building
Human Resources
Handicapped Subcommittee
To hold oversight hearings on developmental disabilities.
Until 1 p.m. 4232 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the National Aeronautics and Space Administration.
1318 Dirksen Building
Appropriations
Defense and Military Construction Subcommittees
To hold joint hearings on the administration's proposal to close the Uniformed Services University of the Health Sciences.
1223 Dirksen Building
Banking, Housing, and Urban Affairs
Subcommittee on Financial Institutions
To hold oversight hearings on activities of the Electric Fund Transfer System Commission.
5302 Dirksen Building
Energy and Natural Resources,
To hold hearings on S. 977, the proposed Coal Utilization Act.
3110 Dirksen Building
Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to release a "Supplemental Staff Study of Severance Pay-Life Insurance Plans Adopted by Union Locals."
3302 Dirksen Building
Governmental Affairs
Energy Subcommittee
To hold hearings on S. 897, to strengthen U.S. policies on nuclear nonproliferation, and to reorganize certain nuclear export functions.
6226 Dirksen Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for public works programs, to hear representatives of Environmental Research and Development Administration.
Room to be announced

MARCH 22

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the office of the Secretary; the Office of the Solicitor; and the Navajo-Hopi Relocation Commission.
1114 Dirksen Building
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to inquire into domestic communications common carrier policies (i.e., telephones, computers, etc.).
235 Russell Building
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building
Human Resources
Handicapped Subcommittee
To receive testimony on the administration's legislative proposals for programs for the handicapped.
Until 1 p.m. 4232 Dirksen Building

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the defense establishment, to hear officials of the Defense Communications Agency, Mapping Agency, Nuclear Agency, and Supply Agency.
1223 Dirksen Building
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear officials of AID.
S-126, Capitol
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Aeronautics and Space Administration.
1318 Dirksen Building
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Office of the Assistant Secretary of HEW for Education and the Commissioner of Education.
S-128, Capitol
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To continue hearing on proposed budget estimate for fiscal year 1978 for the Department of the Treasury, the Postal Service, and General Government.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
Subcommittee on Financial Institutions
To hold oversight hearings on activities of the Electronic Fund Transfer System Commission.
5302 Dirksen Building

Budget
To hold hearings in preparation for reporting the first concurrent resolution on the fiscal year 1978 budget, to receive testimony on U.S. Monetary policy.
357 Russell Building

Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on proposed authorizations for fiscal year 1978 for the Energy Research and Development Administration.
3110 Dirksen Building

Finance
To hold hearings on legislation to extend the Emergency Unemployment Compensation Act (H.R. 4800).
2221 Dirksen Building

Governmental Affairs
Energy Subcommittee
To hold hearings on S. 897, to strengthen U.S. policies on nuclear nonproliferation, and to reorganize certain nuclear export functions.
6226 Dirksen Building

Governmental Affairs
Subcommittee on Intergovernmental Relations
To hold hearings on S. 2, to require reauthorization of Government programs at least every 5 years (proposed Sunset Act).
6226 Dirksen Building

Judiciary
To hold hearings on the nomination of Peter F. Flaherty, of Pennsylvania, to be Deputy Attorney General.
2228 Dirksen Building

Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Treasury, the Postal Service, and General Government, to hear public witnesses.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Institute of Education.
S-128, Capitol

MARCH 23

9:00 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on proposed legislation, to amend and extend the Agriculture and Consumer Protection Act, to hear Secretary of Agriculture Bergland.
Until: noon 322 Russell Building

Finance
To hold hearings on pending Departments of the Treasury and HEW nominations.
2221 Dirksen Building

Human Resources
Labor Subcommittee
To consider S. 924, to provide for equal treatment of craft and industrial workers, and to establish a national framework for collective bargaining in the construction industry.
Until 2 p.m. 4232 Dirksen Building

9:30 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Bureau of Land Management.
1114 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To held hearings to inquire into domestic communication common carrier policies (i.e., telephone, computer, etc.).

Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on certain proposed reprograming of funds for fiscal year 1977.
1223 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposal budget estimates for fiscal year 1978 for elementary and secondary education programs.
S-128, Capitol

Banking, Housing, and Urban Affairs
To hold hearings on S. 406, the proposed Community Reinvestment Act.
5902 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on proposed authorizations for fiscal year 1978 for the Energy Research and Development Administration.
3110 Dirksen Building

Governmental Affairs
Subcommittee on Intergovernmental Relations.
To hold hearings on S. 2, to require reauthorization of Government programs at least every five years (proposed Sunset Act).
3302 Dirksen Building

Governmental Affairs
Energy Subcommittee
To hold hearings on S. 897, to strengthen U.S. policies on nuclear nonproliferation and to reorganize certain nuclear export functions.
6226 Dirksen Building

Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

Select Small Business
To hold hearings on S. 972, authorizing the Small Business Administration to make grants to support the development and operation of small business development centers.
Until: 1 p.m. 424 Russell Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for school assistance in Federally affected areas and for emergency school aid.
S-128, Capitol

MARCH 24

9:00 a.m.
Foreign Relations
Foreign Economic Policy Subcommittee
To resume oversight hearings on the major international economic issues facing the United States.
4221 Dirksen Building

Select Nutrition and Human Needs
To resume hearings to examine the relationship between diet and health, to receive testimony on beef consumption.
457 Russell Building
Until 1 p.m.

9:30 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Smithsonian Institution.
1114 Dirksen Building

Commerce, Science and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292, and S. 689.

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for programs for education of the handicapped, and for occupational, vocational, and adult education programs.
S-128, Capitol

Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear officials of AID.
1318 Dirksen Building

Banking, Housing, and Urban Affairs
To hold hearings on S. 406, the proposed Community Reinvestment Act.
5302 Dirksen Building

Commerce, Science and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 922 authorizing funds for fiscal year 1978 for the U.S. Railway Association, and on funds for the Office of Rail Public Counsel within the Interstate Commerce Commission.
235 Russell Building

Energy and Natural Resources
To hold oversight hearings on proposal for an international petroleum transshipment port and storage center to be located on the Palau District, Western Caroline Islands, Trust Territory of the Pacific Islands.
3110 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on proposed authorization for fiscal year 1978 for Energy Research and Development Administration.
Room to be announced

Governmental Affairs
Subcommittee on Intergovernmental Relations
To hold hearings on S. 2, to require reauthorization of Government programs at least every five years (proposed Sunset Act).
6226 Dirksen Building

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear officials of AID.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for higher education, welfare programs, and for library resources.
S-128, Capitol

MARCH 25

9:00 a.m.
Agriculture, Nutrition, and Forestry
Subcommittee on Nutrition
To hold oversight hearings on the food stamp program.
322 Russell Building

9:30 a.m.
Commerce Science and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment, to hear congressional witnesses.
1223 Dirksen Building
Banking, Housing, and Urban Affairs
To hold hearings on S. 406, the proposed Community Reinvestment Act.
5302 Dirksen Building
Commerce, Sicence and Transportation
Merchant Marine and Tourism Subcommittees
To hold oversight hearings on ocean shipping practices.
235 Russell Building
Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on proposed authorizations for fiscal year 1978 for Energy Research and Development Administration.
Room to be announced

11:00 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for 1977 from officials of Amvets.
Until Noon. 1202 Dirksen Building

MARCH 28

9:30 a.m.
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development.
1318 Dirksen Building
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Federal Aviation Administration.
1224 Dirksen Building
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings to inquire into domestic communications common carrier policies (i.e., telephones, computer, etc.).
1202 Dirksen Building
Energy and Natural Resources
To hold hearings on proposed legislation dealing with utilization of coal resources.
3110 Dirksen Building
Government Affairs
Subcommittee on Intergovernmental Relations
To hold hearings on S. 2 to require reauthorization of Government programs at least every 5 years (proposed Sunset Act).
3302 Dirksen Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

MARCH 29

9:30 a.m.
Agriculture, Nutrition, and Forestry
Subcommittee on Rural Development
To hold hearings on medicare reimbursements for rural-health care clinics.
322 Russell Building
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Fish and Wildlife Service.
1114 Dirksen Building
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment to hear Congressional witnesses.
1223 Dirksen Building
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development.
1318 Dirksen Building
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Office of Human Development.
S-128, Capitol
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Railroad Administration (Northeast Corridor).
1224 Dirksen Building
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear members of Congress and public witnesses.
Room to be announced
Commerce, Science, and Transportation
To hold hearings on the nominations of Charles Linn Haslam, of N.C., to be General Counsel, Elsa Allgood Porter, of Va., and Frank Alan Weil, of N.Y., each to be an Assistant Secretary, all of the Department of Commerce.
235 Russell Building
Energy and Natural Resources
To hold hearings on proposed legislation dealing with utilization of coal resources.
3110 Dirksen Building
Governmental Affairs
Subcommittee on Intergovernmental Relations
To hold hearings on S. 2, to require reauthorization of Government programs at least every five years (proposed Sunset Act).
6226 Dirksen Building
Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1978 authorization for Government intelligence activities.
S-407, Capitol

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Technical Institute for the Deaf; the American Printing House for the Blind; Gallaudet College, and Howard University.
S-128, Capitol
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear members of Congress and public witnesses.
Room to be announced

MARCH 30

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the National Park Service.
1114 Dirksen Building
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292, and S. 689.
5110 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Subcommittee on Agriculture Production, Marketing and Stabilization of Prices
To hold oversight hearings on problems of Flue-cured tobacco farmers.
322 Russell Building
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment, to hear congressional witnesses.
1223 Dirksen Building
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear officials of the Export-Import Bank, and Overseas Private Investment Corporation.
1318 Dirksen Building
Appropriations
Labor-HEW Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Social and Rehabilitation Service.
S-128, Capitol
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced
Banking, Housing, and Urban Affairs
To mark up proposed legislation on corporate bribery and investment disclosure.
5302 Dirksen Building
Energy and Natural Resources
Subcommittee on Public Lands and Resources
To consider S. 7, to establish in the Department of the Interior an Office of Surface Mining Reclamation and Enforcement to administer programs to control surface coal mining operations.
3110 Dirksen Building
Governmental Affairs
Subcommittee on Intergovernmental Relations

To hold hearings on S. 2, to require reauthorization of Government programs at least every 5 years (proposed Sunset Act).
3302 Dirksen Building

Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1976 authorization for Government intelligence activities.
S-407, Capitol

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

MARCH 31

9:00 a.m.
Select Nutrition and Human Needs
To continue hearings to examine the relationship between diet and health, to receive testimony on the need for fiber in diet.
Until: 1 p.m. 3302 Dirksen Building

9:30 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Bureau of Outdoor Recreation and the Land and Water Conservation Fund.
1114 Dirksen Building

Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the defense establishment, to hear public witnesses.
1223 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Social Security Administration.
S-128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for National Highway Traffic Safety Administration.
1224 Dirksen Building

Commerce, Science, and Transportation
Science Technology and Space Subcommittee
To consider S. 365, authorizing funds for fiscal year 1978 for NASA.
235 Russell Building

Energy and Natural Resources
Subcommittee on Public Lands and Resources
To consider S. 7, to establish in the Department of the Interior an Office of Surface Mining Reclamation and Enforcement to administer programs to control surface coal mining operations.
3110 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To hold hearings on the national water policy, in light of current drought situations.
4200 Dirksen Building

Foreign Relations
Subcommittee on Oceans and International Environment
To hold hearings on S. Res. 49, favoring international agreement to a treaty requiring the propagation of an international environmental impact statement for any major project expected to have significant adverse effect on the physical environment.
4221 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Office for Civil Rights, Inspector General, Policy Research and General Management.
S-128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

APRIL 1

9:30 a.m.
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To hold hearings on the proposed replacement of Locks and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on S. 419, to test the commercial, environmental, and social viability of various oil-shale technologies.
3110 Dirksen Building

APRIL 4

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Treasury, on funds for New York City financing.
1318 Dirksen Building

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

Commerce, Science, and Transportation
To hold hearings on S. 263, to require Federal agencies having jurisdiction over transportation regulations to review their administrative laws.
235 Russell Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

APRIL 5

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Forest Service.
1114 Dirksen Building

Select Small Business
Monopoly Subcommittee
To resume hearings on alleged restrictive and anticompetitive practices in the eye glass industry.
318 Russell Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission.
Room to be announced

Appropriations
Public Work Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear members of Congress and public witnesses.
Room to be announced

Commerce, Science, and Transportation
To hold hearings on S. 263, to require Federal agencies having jurisdiction over transportation regulations to review their administrative laws.
235 Russell Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 562, the proposed Union Station Improvement Act.
5110 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on S. 419, to test the commercial, environmental, and social viability of various oil shale technologies.
3110 Dirksen Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear members of Congress and public witnesses.
Room to be announced

APRIL 6

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior, to hear Congressional witnesses.
1114 Dirksen Building

Select Small Business
Monopoly Subcommittee
To resume hearings on alleged restrictive and anticompetitive practices in the eye glass industry.
1318 Dirksen Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear public witnesses.
1318 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission, Office of Consumer Affairs, and Consumer Information Center.
Room to be announced

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for

public works projects, to hear Members of Congress and public witnesses.
Room to be announced

APRIL 7

10:00 a.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimated for fiscal year 1978 for military construction programs, on funds for NATO and classified programs.
S-146, Capitol

APRIL 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development and Independent Agencies, to hear public witnesses
1318 Dirksen Building
Environment and Public Works
Water Resources Subcommittee
To hold hearings on the national water policy, in view of current drought situations.
4200 Dirksen Building

APRIL 19

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and Related Agencies, to hear public witnesses.
1114 Dirksen Building
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Aviation Administration.
1224 Dirksen Building
Commerce, Science, and Technology
Science, Technology, and Space Subcommittee
To hold hearings on S. 126, the proposed Earthquake Hazards Reduction Act.
5110 Dirksen Building
Environment and Public Works
Water Resources Subcommittee
To hold hearings on the proposed replacement of Locks and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To hold oversight hearings on the activities of the Consumer Product Safety Commission.
235 Russell Building
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine governmental accounting and auditing practices and procedures.
3302 Dirksen Building

3:00 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimate for fiscal year 1978 for the Department of Housing and

MAY 26

10:00 a.m.
Governmental Affairs
Urban Development, to hear public witnesses.
1318 Dirksen Building

APRIL 20

9:30 a.m.
Environment and Public Works
Water Resources Subcommittee
To hold hearings on the proposed replacement of Locks and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building
Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To hold oversight hearings on activities of the Consumer Product Safety Commission.
235 Russell Building

APRIL 21

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building
Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To hold oversight hearings on activities of the Consumer Product Safety Commission.
5110 Dirksen Building
Governmental Affairs
Subcommittee on Reports, Accounting and Management
To hold hearings to examine Government accounting and auditing practices and procedures.
3302 Dirksen Building

APRIL 22

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

APRIL 26

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1976 for Urban Mass Transportation Administration.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Urban Mass Transportation Administration.
1224 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To hold hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

APRIL 28

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To hold hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

APRIL 29

10:00 a.m.
Commerce, Science, and Technology
Consumer Subcommittee
To hold hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

MAY 3

10.00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on U.S. monetary policy.
5302 Dirksen Building

MAY 4

10:00 a.m
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimate for fiscal year 1978 for the Federal Highway Administration.
1224 Dirksen Building
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building

MAY 5

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building

MAY 6

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building

MAY 10

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on U.S. monetary policy.
5302 Dirksen Building

Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine Government accounting and auditing practices and procedures.

MAY 12

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine Government accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 18

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary of Transportation Adams.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary Adams.
1224 Dirksen Building

MAY 24

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine Government accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 26 10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine Government accounting and auditing practices and procedures.
3302 Dirksen Building

CANCELLATION

Energy and Natural Resources
To hold hearings on S. 9, to establish a policy for the management of oil and natural gas in the Outer Continental Shelf.
3110 Dirksen Building

HOUSE OF REPRESENTATIVES—*Thursday, March 17, 1977*

The House met at 11 o'clock a.m.

Rabbi Alex Pollack, Congregation Emanu-El, Philadelphia, Pa., offered the following prayer:

Fervently, we seek Thee and we invoke Thy blessing upon all assembled here. Thy faithful servants who have been chosen to speak for the people, stand upon a pedestal of power, of privilege, and of responsibility. Do Thou, O gracious Guardian ever guide their deliberations that their vision and wisdom may strengthen the foundations of this great Republic.

We are grateful for the religious faith of our early settlers that gave them the courage and the strength to endure. They kept alive the spirit of Israel's prophets and proclaimed that all men are created equal in Thy sight, endowed with the imperishable right to life, liberty, and the pursuit of happiness.

May the Biblical ideals of freedom and fraternity, of justice and equality enshrined in our Constitution become the heritage of all the peoples of the Earth.

Grant us Thy richest gift of "shalom"—peace—peace in our own hearts, peace with our fellow man.

We ask it in Thy name, our Father in heaven. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

RABBI ALEX POLLACK

(Mr. EILBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EILBERG. Mr. Speaker, I am very pleased to have been able to arrange for Rabbi Alex Pollack to deliver today's invocation.

Rabbi Pollack currently fills the pulpit at Congregation Emanu-El in Philadelphia and previously he was spiritual leader at Temple Beth Israel in Lansdale, Pa.

In addition, Rabbi Pollack demonstrates his involvement in community affairs and his concern for his fellow man by serving on the Senatorial Scholarship Committee of Montgomery County, Pa., and as chaplain for Congregation Bet Knesset Shel Kalut at the State Correctional Institution at Graterford, Pa.

Rabbi Pollack is a good and caring person, and I believe strongly that his good works will be of lasting benefit to all those whose lives are touched by them.

ALLEGED KOREAN CIA PAYMENTS TO MEMBERS OF HOUSE

(Mr. PIKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PIKE. Mr. Speaker, 1 week ago today a responsible columnist writing in several responsible newspapers started his column with these words,

Let us now consider the strange origin of the investigation into corruption in the House of Representatives, which—if properly pursued—will lead to the slamming of cell doors behind one out of every ten Congressmen.

These are brutal words and demand more than an embarrassed silence from the Members of this body. In view of the fact that the column made a direct connection between the current investigation into alleged Korean CIA payments to Members of the House and the former House Select Committee on Intelligence, and was specific in its charges, I am pleased that every member of that committee who still serves in the Congress joined with me in a letter to the Attorney General requesting that the charges be investigated and pursued with every resource at his disposal.

The column, by William Safire, as it appeared in the New York Times, and our letter to the Attorney General are submitted for printing in the RECORD:

[From the New York Times, Mar. 10, 1977]

THE BACK CHANNEL

(By William Safire)

SAN FRANCISCO.—Let us now consider the strange origin of the investigation into corruption in the House of Representatives, which—if properly pursued—will lead to the slamming of cell doors behind one out of every ten Congressmen.

In the White House, there was and is more than one channel of intelligence information to the President. The obvious channel is through the Director of Central Intelligence. The other—the back channel—is usually through a member of the National Security Council staff designated by the President to handle the "bureaucratic byproduct" of the collection of foreign intelligence.

This byproduct is usually generated by ELINT, the electronic intelligence operations of the National Security Agency, that part of the Department of Defense that tunes in on all overseas communications, and—we hope—can even detect a computer's order to launch a missile.

The political byproduct is of interest to a President. For example, it enables him to know how foreign governments are evaluating a visit of his Vice President. ELINT tells him what foreign finance ministers are telling their home offices about the negotiating position of our Secretary of the Treasury, enabling the President to give good advice to his representative.

Closer to home, suppose a top White House staffer and a member of the Cabinet attend a dinner, seated at different tables, at an embassy in Washington. After the dinner, the foreign ambassador and his staff often compare notes about the different answers to the same question, giving them a good fix on the political tension within an American administration.

The President is interested in that political assessment, but does not think it is necessary—or thinks it would be an abuse of power—for the Director of Central Intelligence or Secretary of Defense to have it. A close staff aide, beholden to nobody but the President and his National Security adviser, looks over the political byproduct and decides what goes into the Oval Office.

The man who has had more experience than even Laurence Eagleburger in doing that job is William G. Hyland, a highly regarded old pro who was on the N.S.C. staff in the Nixon years, headed State Department intelligence and was Deputy National Security Adviser in the Ford years, and now runs the European "cluster" in Mr. Carter's N.S.C.

In 1974 and early 1975, the byproduct became loaded with information about million-dollar-a-year payoffs to United States Congressmen by the South Korean C.I.A., and was reviewed by the National Security Adviser, then Mr. Kissinger. Control of that kind of information was the reason he fought so hard to retain his N.S.C. "second hat" while Secretary of State. He decided not to transmit most of that information at that time to President Ford.

By mid-1975, however, reporter Seymour Hersh of The New York Times had broken the story of the extensive listening in on

overseas calls, and Otis Pike's House Committee on Intelligence took public testimony from the head of the ELINT operation on Aug. 8, 1975. The Pike committee issued subpoenas for embarrassing information, contempt and perjury were talked about, and Secretary Kissinger (along with Ambassador Richard Helms in Iran) became worried.

In the last week of October 1975 some Congressmen were warned about Administration knowledge of illegal payments handled through the Speaker of the House's office, involving members of the "Board of Education" who ran the House. The implication of the warning was clear: If the Pike committee pushed its investigation or contempt charges further, the targets of that investigation had plenty of ammunition with which to riddle the House.

The Pike committee lost its House leadership support in a hurry, but Mr. Kissinger's "second hat" was taken away on Nov. 3, 1975, and with it his control of the back channel and the byproduct in it.

Those then operating the back channel did their duty and ELINT's byproduct was shown to the President after his Vail vacation. Mr. Ford expressed amazement at the extent of greed and corruption rampant among his old House colleagues and in early 1976 directed that the information be turned over to the Justice Department.

In a few months, a grand jury was impaneled and has been trying to puzzle out the paper trail ever since. In 1977, however, the Democrats took over the Justice Department. Charged last week with trying to deadline the grand jury to death, Attorney General Griffin Bell promised more speed—exactly the opposite of what justice in this complicated case requires.

On Jan. 24, 1977, House Ethics Committee chairman John Flynt wrote Senator Howard Baker asking for more information about the Congressional bribe-taking he spoke about on television. The Senator replied the next day that the Senate Select Committee on Intelligence had begun a staff inquiry into the K.C.I.A–U.S.C.I.A. connection, and would pass along "information collaterally developed."

If Senate Intelligence or House Ethics wants the facts, let them talk to Billy Hyland, or better still, the N.S.A.'s Juanita Moody. "If tough ol' Mrs. Moody starts to spill," one very good source told me, "forty Congressmen go right up the flue."

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 15, 1977.

Hon. GRIFFIN BELL,
Attorney General,
U.S. Department of Justice,
Washington, D.C.

DEAR ATTORNEY GENERAL BELL: On Thursday, March 10, 1977, a column by William Safire entitled "The Back Channel" appeared in The New York Times and presumably other papers around the country. The column began with these words,

"Let us now consider the strange origin of the investigation into corruption in the House of Representatives, which—if properly pursued—will lead to the slamming of cell doors behind one out of every ten Congressmen."

This is the strongest allegation of corruption within the Congress printed by a responsible columnist in a responsible newspaper which we can ever recall. In essence, the column alleges that:

1. There was a channel of communication between the National Security Agency through the National Security Council to the President which bypassed the Director of Central Intelligence.

2. In the years 1974 and 1975, the National Security Council and its then head, Dr. Kissinger, learned that payoffs were being made to U.S. Congressmen by the South Korean C.I.A., but decided not to transmit most of the information to the President of the United States, Gerald Ford.

3. In the Summer and Fall of 1975, this information alleging corruption by Members of the Congress was used to thwart the efforts of a Committee of the House of which we were Members. In essence, the article alleges that the Executive Branch used blackmail against the leadership of the House and the leadership of the House succumbed to that blackmail. The article names two people, William Hyland of the National Security Council staff and Juanita Moody of the National Security Agency, as people who could document these allegations of corruption, blackmail and surrender to blackmail.

We find these allegations so damning to the Congress that we believe they must be investigated and pursued with every resource at your disposal. We feel sure that the ancient argument of "national security" will be raised to thwart or inhibit your investigation. You will be told that the information elicited by the National Security Agency must be kept secret.

We fully agree that the national security is indeed involved. If, in fact, the Chief National Security Adviser to the President has knowledge of criminal acts involving Members of Congress and a foreign government and fails to pass this information on to the President, our national security is indeed affected. If, in fact, the Executive Branch of the government can use blackmail of the type alleged in the article to control the Legislative Branch, the national security is affected. If, in fact, Members of Congress are subject to blackmail because of their relationship with foreign governments, our national security is affected. Therefore, in the name, both of national security and of simple justice to the 90 percent of the Members of Congress who were not alleged to have been involved, we ask that this investigation be pursued vigorously and thoroughly.

Yours very truly,

MORGAN F. MURPHY, JIM JOHNSON, WILLIAM LEHMAN, ROBERT MCCLORY, DAVID C. TREEN, OTIS G. PIKE, LES ASPIN, RONALD V. DELLUMS, ROBERT N. GIAIMO, R. KASTEN, DALE MILFORD.

CONGRESSMAN JOHN BRADEMAS PAYS TRIBUTE TO THREE AMBASSADORS AND DISTRICT OF COLUMBIA POLICE WHO DEALT SO SUCCESSFULLY WITH THE TERRORIST ATTACK

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I want to pay special tribute to the ambassadors of three nations as well as to the Police Department of the District of Columbia, under Chief Maurice J. Cullinane, who were so successful in resolving the tragedy of the hostages last week here in the Nation's Capital.

The cool, patient, and unwavering vigilance of the police at the three sites where the hostages were held stabilized the situation. It prevented other deaths and woundings and preserved a status quo in which negotiations could take place.

The three ambassadors—Ardeshir Zahedi of Iran, Ashraf Ghorbal of Egypt, and Sahabzada Yaquid-Khan of Pakistan, voluntarily risked their lives to communicate with the Hanafi gunmen. The ambassadors—all of the Islamic faith—were able to persuade the head of the kidnappers that the terrorizing of innocents is inconsistent with the Koran's teachings of mercy and graciousness.

These joint efforts of the police and the ambassadors were responsible for the release of some 134 hostages, many of whom did not expect to live through the ordeal. For that result, the entire Nation is grateful, particularly those who had friends or loved ones among the hostages.

The terrorism and the death and woundings that resulted from it were deplorable. The consequences could have been much worse, however, had it not been for the calmness and competence of the District of Columbia police and the assistance of the three distinguished ambassadors to whom I have referred. We owe them our profound thanks.

COMMISSIONER KUHN'S ACTION DAMAGE TO BASEBALL

(Mr. DOWNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DOWNEY. Mr. Speaker, I wish to bring to your attention a rather serious blow to the image of baseball which is a result of Baseball Commissioner Kuhn's shortsighted actions regarding a proposed series of games to be played between the New York Yankees and a team of Cuban all stars in Havana.

As part of our ongoing effort to establish improved relations with the Cuban Government, the State Department recently granted permission to the Yankees for a series with Cuban all stars. However, Commissioner Kuhn apparently intervened and his actions have had the effect of halting plans for the proposed series.

Mr. Kuhn's reason for intervening, according to news reports, dealt with the commissioner's fear that the Yanks might have an inside track to sign Cuban ballplayers. Additionally, Mr. Kuhn may have felt that it would somehow damage this country's prestige if the Yankees were beaten by the Cubans. For that reason Commissioner Kuhn pressed for an American all-star team to play the Cubans. This is unacceptable since the Cuban Government had already extended an invitation to the Yankees.

As a lifelong Yankee fan, I can assure Commissioner Kuhn that the Yankees would represent this country admirably.

I hope the commissioner will reconsider his actions and today I am writing him a letter urging just that. Commissioner Kuhn had needlessly antagonized Congress by his actions. Baseball's political friends in Congress are frankly shocked by the commissioner's head-in-the-sand approach to baseball and to diplomacy. His actions, unfortunately, confirm the public's suspicion that baseball is a business not a sport.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO FILE A REPORT

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may have until midnight, Friday, March 18, 1977, to file

its report on H.R. 3712, a bill to amend and extend the Library Services and Construction Act.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, AND INTERNATIONAL LAW OF COMMITTEE ON THE JUDICIARY TO SIT TODAY DURING 5-MINUTE RULE

Mr. EILBERG. Mr. Speaker, I ask unanimous consent that the Subcommittee on Immigration, Citizenship, and International Law of the Committee on the Judiciary be permitted to sit today during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ALLEGED KOREAN CIA PAYMENTS TO MEMBERS OF HOUSE

(Mr. MILFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILFORD. Mr. Speaker, I want to associate myself with the remarks of the gentleman from New York (Mr. PIKE). I was one of the members who signed the letter, referred to by Mr. PIKE.

In addition to demanding an investigation of these incidents by the Justice Department, I believe that our own House Committee on Official Standards and Conduct should also investigate this matter.

In his newspaper column, Mr. Safire named the sources that prompted him to make the accusations of bribery and blackmail on the part of Members of the House of Representatives. According to these accusations, not only were Members of this body involved, but also the leadership. These are devastating charges.

I, for one, am tired of indictment and trial by press, wherein the accuser is usually an "unnamed source." This becomes extremely frustrating because one cannot subpena an "unnamed source" before a court of law or a congressional committee.

Mr. Safire seems to be a responsible journalist. In any case, he stated the accusation and named those who can either substantiate the charges or deny them.

Mr. Speaker, it is time to resolve this matter one way or another. If we have Members of this House who have been involved in law violations—whether freshmen or Speaker—they should be promptly brought before the courts and/or the bar of the House. Mr. Safire cited the law violations and named the person who could document the crimes.

I have, today, transmitted a letter to the chairman of the Committee on Official Standards and Conduct demanding that action be taken. I include that letter for the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 17, 1977.

Hon. JOHN J. FLYNT, JR.,
Chairman, Committee on Standards of Official Conduct, U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Attached is an article published March 10, 1977 in The New York Times, and a copy of a letter to Attorney General Griffin Bell which is signed by all members of the old Select Committee on Intelligence.

You will note that this article by William Safire clearly charges that some 40 members of Congress, including the House leadership have been involved in crimes and corruption. You will also note that Mr. Safire has named the names of persons who he alleges can testify to and document that crimes and corruption took place.

In view of the fact that Mr. Safire has named names, I demand that your Committee subpoena and question under oath the following persons named by Mr. Safire:

Former Secretary of State Henry Kissinger.

William G. Hyland, formerly a member of the National Security Council staff.

Ms. Juanita Moody of the National Security Agency.

In addition, you should subpoena Mr. Safire, a former member of the White House staff.

Your Committee is conducting an investigation into the activities of the Korean Central Intelligence Agency, specifically allegations of payments by that agency through individuals to various members of Congress.

Here we have a newspaper article, authored by a former member of the White House staff and appearing in a prominent national journal which makes allegations more serious than any I have yet seen in print.

I believe it is incumbent upon you—and I believe you owe it to all of your colleagues in this body—to call these people before your Committee and ask whatever questions are necessary to bring forth the truth of these allegations.

Indeed, in view of the fact that this article has appeared and been widely circulated, I do not see how a proper investigation into the matter can be conducted without hearing from these people.

Sincerely yours,

DALE MILFORD,
Member of Congress.

ALLEGED KOREAN CIA PAYMENTS TO MEMBERS OF HOUSE

(Mr. McCLORY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, as the ranking minority Member on the House Committee on Intelligence that served during the last Congress, I want to join in the communication which all of the Members of our committee have directed to the Attorney General—and to concur in the remarks of my colleague from New York (Mr. PIKE) and my colleague from Texas (Mr. MILFORD).

I might say that the former President, President Ford, according to the article, referred information to the former Attorney General with respect to the allegations that Mr. Safire now says indict Members of Congress. Our communication to the Attorney General at this time urges him to review whatever information he has, and to secure such additional information he may require, and that he should investigate for the purpose not only of identifying those persons that should be formally charged, but for the further reason of exonerating those Members of Congress, 90 percent or more against whom there is no basis for any such allegation or charge whatever.

FROM TREASON TO PATRIOTISM

(Mr. DODD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DODD. Mr. Speaker, in the Irish uprising of 1848, nine men were captured, tried, and convicted of treason against Her Majesty, Queen Victoria. All were sentenced to death. The condemned men were: Patrick Donahue, Charles Duffy, Michael Ireland, Morris Lyene, Thomas McGee, Terrence McManus, Thomas Meagher, John Mitchell, Richard O'Gorman.

Passionate protests from all over the world forced Queen Victoria to commute the death sentences. The men were banished to life to Australia—then equivalent to the Russian Siberia in remoteness if not climate.

Years passed. In 1874 Queen Victoria learned that a Sir Charles Duffy who had been elected Prime Minister of Australia was the same Charles Duffy who had been banished 26 years before. The Queen demanded to know what had become of the other eight convicts. She learned that:

Patrick Donahue became a brigadier general in the U.S. Army.

Morris Lyene became an Attorney General for Australia.

Michael Ireland succeeded Lyene as Attorney General.

Thomas McGee became Minister of Agriculture for Canada.

Terence McManus became a brigadier general in the U.S. Army.

Thomas Francis Meagher was elected Governor of Montana.

John Mitchell rose to become a prominent New York politician and the father of New York's famous mayor, John Purroy Mitchell.

Richard O'Gorman became Governor-General of Newfoundland.

Whether or not you are of Irish ancestry, today, on St. Patrick's Day, we would do well to reflect on the courage and tenacity of the nine Irish convicts and take strength from their experience to deal with the problems that face our own Nation.

LEGISLATIVE PROGRAM

(Mr. RHODES asked and was given permisison to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RHODES. Mr. Speaker, I take this time for two purposes. The first is to wish the Speaker, the acting Speaker and all the Members of the body a Happy St. Patrick's Day, particularly those who are sons and daughters of the Old Sod, but certainly all the rest of us also.

The second purpose, of course, is to ask the distinguished majority leader if

he is in a position to inform the House as to the program for the balance of the week and for next week.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I shall be glad to yield to the gentleman.

Mr. WRIGHT. I thank the gentleman for his good wishes, and after wishing him the best on this happy day, I would be pleased to answer his inquiry to the best of my ability.

For the remainder of today, the House will be considering H.R. 4088, the NASA authorization. It is an open rule with 1 hour of general debate. Assuming Members observe some reasonable restraint in verbalizing their sentimentality, we might expect to be out by a reasonable hour. That having been done, the business of this week will be concluded, and there would be no need for a Friday session.

For next week, the tentative plan is as follows:

On Monday, the House will meet at noon. There are no bills on the Consent Calendar. There is one bill on the Suspension Calendar, H.R. 3712, Library Services and Construction Act Authorization.

There are three bills reported unanimously by the Ways and Means Committee which will be offered for consideration under unanimous consent. They are:

H.R. 422, duty-free treatment of replacement aircraft engines;

H.R. 1404, Smith College relief;

H.R. 3259, to suspend the import duty on certain horses.

Following that, the House will consider H.R. 4800, the Emergency Unemployment Compensation Extension Act.

That would be under a closed rule, with 2 hours of general debate.

On Tuesday, the House again will meet at noon. There are four bills scheduled on the suspension calendar. Votes on those suspensions will be postponed until the end of all the suspensions. They are:

H.R. 3437, Vocational Education Act technical amendments;

H. Con. Res. 97, harassment of Soviet Jews and other minorities;

H.R. 3976, supplemental military assistance to Portugal; and

H. Con. Res. 142, relating to harp seals.

Following that, the Committee on House Administration will be offering another series of committee funding resolutions, as follows:

H. Res. 280, Banking, Finance and Urban Affairs;

H. Res. 393, Administrative Funds for the House;

H. Res. 298, Agriculture;

H. Res. 189, Rules;

H. Res. 310, Armed Services;

H. Res. 328, Government Operations;

H. Res. 283, Interstate and Foreign Commerce;

H. Res. 382, Aging;

H. Res. 378, Interior and Insular Affairs;

H. Res. 343, Outer Continental Shelf; and

H. Res. 370, Small Business.

On Wednesday, it would be our purpose to ask unanimous consent that the House may meet at noon, in order that we may take up H.R. 4250, equal treatment of craft and industrial workers, subject to a rule being granted.

On Thursday and the balance of the week, the House will meet at 11 o'clock. Three bills are presently contemplated. They are:

H.R. 3965, FAA research and development authorization;

H.R. 4991, National Science Foundation authorization; and

H.R. 5040, State Department supplemental authorization.

The foregoing three bills are subject to rules being granted.

It is planned that the House will adjourn by 3 p.m. on Friday, if there is to be a Friday session, and by 5:30 p.m. on all other days except Wednesday, as is the case until May 15.

Conference reports, of course, may be brought up at any time, and any further program will be announced later.

Mr. RHODES. I thank the gentleman.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT TO MONDAY, MARCH 21, 1977

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to reconvene at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT FROM TUESDAY, MARCH 22, 1977, TO NOON, WEDNESDAY, MARCH 23, 1977

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday next it adjourn to meet at noon on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

INTRODUCING JOINT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENT WITH RESPECT TO RIGHT TO LIFE

(Mr. YOUNG of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Missouri. Mr. Speaker, today I have fulfilled a promise to myself and to my constituents by introducing a joint resolution proposing a constitutional amendment with respect to the right to life. This amendment, like previous human life amendments, would recognize the personhood of every unborn child and guarantee the sanctity of all innocent human life. This amendment, though, strengthens previous resolutions by requiring physical evidence to verify a life threat to the mother before medical procedures can be applied.

Last year, according to family planning statistics, 1 million abortions were performed. I sincerely believe that the preservation of even one human life would make all our efforts worthwhile.

Mr. Speaker, I invite all my colleagues to cosponsor this resolution and I ask unanimous consent that all members may have 5 legislative days in which to extend their remarks on the subject of this joint resolution.

GENERAL LEAVE

Mr. YOUNG of Missouri. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the joint resolution proposing a constitutional amendment with respect to the right to life, which I am introducing today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

TO ASSIST THE PEOPLE OF ROMANIA

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the Senate concurrent resolution (S. Con. Res 12) to assist the people of Romania, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore (Mr. BRADEMAS). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 12

Whereas Romania has suffered a disastrous earthquake which resulted in a significant loss of life, much human suffering, enormous physical destruction, and major economic disruption; and

Whereas it is in the tradition of the United States to provide humanitarian assistance to the victims of such disasters: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the United States should do all that is possible to assist the people of Romania in their hour of need following the terrible natural disaster which has just afflicted them; and should join with other nations and international organizations and with public and private organizations for that purpose; and that the people of the

United States express their deepest sympathy to the victims and to their bereaved families.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate Concurrent Resolution 12 was agreed to in the other body on March 14, 1977, and sent to the House. The resolution was subsequently referred to the Committee on International Relations on March 15. This morning, the committee considered the resolution in open session, and by voice vote, ordered the resolution favorably reported.

Romania was struck with a major earthquake disaster on March 4, 1977. The full extent of the loss of life and damage is still unclear but apparently close to 1,500 people were killed and thousands more injured. Thousands of buildings were destroyed.

Senate Concurrent Resolution 12 is a simple expression of sympathy by the Congress toward the Romanian people. As a concurrent resolution, it does not have the effect of law.

I understand that the executive branch is now in the process of assessing the amount of damage done in Romania. The President has already sent a message of sympathy to the Romanians and about $560,000 worth of emergency disaster relief. This concurrent resolution is not intended to in any way pressure the executive branch in its decision on any eventual further aid to Romania, but rather merely as an expression of sympathy from the Congress to the People of Romania.

Mr. Speaker, I urge the adoption of this resolution.

Mr. ROSTENKOWSKI. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. Mr. Speaker, I had already drafted and was prepared to introduce my own concurrent resolution to express the sympathy of the House of Representatives to the people of Romania for the disastrous earthquake which has resulted in so much human suffering. I applaud this expeditious action of the International Relations Committee which now makes my personal effort unnecessary.

We have all seen the vivid photographs and read the various press accounts of this terrible earthquake—the greatest disaster in the history of Romania. My private conversations with representatives of our State Department and with officials of the Romanian Embassy strongly indicate that this tragedy is, in fact, much worse than originally believed. The official report of over 1,500 dead and 3,000 hospitalized deals almost entirely with the urban area around Bucharest. It grieves me to say that the final national figures, which may take months to determine, will most certainly be much higher. Recently, there have been several amazing stories in the press concerning citizens of Bucharest being found alive after spending several days under tons of wreckage. On Tuesday, the official news agency Agerpres reported that Sorin Crainic, a young man trapped for 11 days without food or water, was pulled from the rubble of the 10-story continental apartment house in which about a dozen artists and writers were killed on March 4. It will probably be weeks before we know just how many were actually killed.

Mr. Speaker, I again applaud the swift action of the committee and urge the House to follow suit by quickly agreeing to this timely and compassionate resolution.

Mr. WHALEN. Mr. Speaker, today the Senate has forwarded to us a concurrent resolution expressing our deepest sympathies to the people of Romania who are suffering from the effects of the devastating earthquake of March 4 and resolving that the United States should do all that is possible, together with other nations, international organizations, and private groups to ease the suffering in Romania.

According to official reports, approximately 4,000 buildings in Bucharest were destroyed and another 12,000 seriously damaged and no longer habitable. In Romanian towns and villages another 100,000 dwellings were damaged. Many historical and religious buildings and educational institutions were demolished. In fact, the overall material damage by the earthquake totals more than $1 billion.

In Bucharest alone, 1,391 persons are known to have been killed and 7,576 injured. The national total is 1,541 dead 11,275 injured. Some of Romania's most outstanding artists and writers are among those killed.

Many thousands more have been left homeless and bereaved by the loss of loved ones.

Assistance is coming from many sources. The United States has provided medical supplies, a team of structural engineers, and seismologists to help analyze the effects of the earthquake and the possibility of additional major tremors. Other countries and international organizations are taking steps to alleviate the effects of the earthquake as well.

Mr. Speaker, I urge unanimous passage of the resolution originated in the Senate and reported today by the House International Relations Committee.

Mr. BINGHAM. Mr. Speaker, we are painfully aware of the crippling earthquake that struck Romania over a week ago, and of the substantial damage it caused to that country's economy and citizenry. This earthquake came on the heels of massive floods in Romania in 1975, which followed severe droughts in 1974. I visited Romania in 1976 and saw firsthand the sacrifices the Romanians have made to overcome the difficulties caused by these natural disasters and to get on with the development of their country. It greatly saddens me to think of the inestimable damage now done to the buildings and factories critical to the continuing development of Romania, and also to the numerous public buildings including churches and synagogues. The country may suffer over $1 billion in economic losses.

And that is only the material side of this most recent Romanian disaster. Unofficial estimates place the number of people killed at over 1,387, with over 10,000 injured. Living conditions are grim and many families are homeless.

Aid from a number of countries including the United States, and also from international organizations, has poured into Romania. However, the most impressive help has come from the Romanians themselves. Immediately after the earthquake Romanian work teams were organized round the clock to clear debris and rescue people trapped in collapsed buildings. Paul Hoffman reported in the New York Times that Bucharest's Jewish kosher restaurants have been providing warm meals daily, the recipients of these meals including many non-Jews. Efforts like these by the Romanians have provided at least a semblance of order in even the most severely damaged areas. Romanians are demonstrating their resolve to carry on in the presence of hardship.

Mr. Speaker, at this point let me express my sympathy for the people of Romania, especially for those who have lost family and homes. But at the same time let me voice my profound admiration for the strong character and resilience of the Romanians. Countries which work hard to help themselves in times of emergency are especially deserving of aid from the world community. I would like, therefore, to express my willingness to introduce legislation to provide disaster assistance to Romania if that proves necessary when a precise assessment of damage and need is compiled by the State Department.

I realize that the United States and Romania may have political differences from time to time but these differences need not interfere with the friendship between our peoples. And aid in the form of disaster assistance seems to me only an expression and strengthening of these ties of friendship.

In the meantime, I am glad to support Senate Concurrent Resolution 12 which expresses condolences to the Romanian people for losses they have suffered as a result of the earthquake and urge that all possible assistance be rendered.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the Senate concurrent resolution presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4088, AUTHORIZING APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. DODD. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 405 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 405

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4088) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill as an original bill for the purpose of amendment, and all points of order against said substitute for failure to comply with clause 7, rule XVI, are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the Committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Connecticut (Mr. DODD) is recognized for 1 hour.

Mr. DODD. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. DEL CLAWSON) for the purposes of debate only, pending which I yield myself such time as I may consume.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 405 provides an open rule with 1 hour of general debate for the consideration of H.R. 4088, the National Aeronautics and Space Administration Authorization Act. In order to expedite the amending process, the rule provides that the committee substitute will be in order as an original bill for the purpose of amendment. In addition, the rule provides a waiver of clause 7, rule XVI, which is the germaneness rule. The waiver is necessary because the committee substitute contains material not germane to the original bill. The rule also provides for one motion to recommit with or without instructions.

H.R. 4088 authorizes a total of $4.05 billion for the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management for fiscal year 1978.

Mr. Speaker, during the Rules Committee hearings on this bill this past Tuesday, it was brought to our attention that there exists a loophole in the Budget Act. H.R. 4088 originally authorized funds for fiscal year 1978 and therefore, met the May 15 reporting deadline according to the Budget Act. However, the problem arose when the Science and Technology Committee adopted a committee amendment in the nature of a substitute which authorized funds for fiscal year 1977 as well as fiscal year 1978. The committee was advised that the committee substitute was not germane to the original bill and therefore, a germaneness waiver was required. However, the committee was also told that no Budget Act waiver was necessary since the May 15 reporting requirement applies only to bills and resolutions, but not to amendments. In this case, the new 1977 authorization in the committee amendment did not meet the May 15 reporting requirement but since it was an amendment, a Budget Act waiver was not required.

There is obviously a potential problem because this loophole can be used to avoid the May 15 reporting deadline, without obtaining a waiver of the Budget Act. Since this has now been brought to the attenton of the House, I am confident that this matter will soon be corrected before any abuses occur.

Mr. Speaker, I suggest we adopt the rule and proceed with the consideration of the legislation.

Mr. DODD. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WYDLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The Speaker pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 389, nays 0, not voting 43, as follows:

[Roll No. 82]

YEAS—389

Abdnor	Armstrong	Benjamin
Addabbo	Ashbrook	Bennett
Akaka	Aspin	Bevill
Alexander	AuCoin	Bingham
Allen	Badham	Blanchard
Ambro	Badillo	Blouin
Ammerman	Bafalis	Boggs
Anderson, Calif.	Baldus	Bolling
	Barnard	Bonior
Anderson, Ill.	Baucus	Bonker
Andrews, N.C.	Bauman	Bowen
Andrews, N. Dak.	Beard, R.I.	Brademas
	Beard, Tenn.	Breaux
Applegate	Bedell	Breckinridge
Archer	Beilenson	Brinkley
Brodhead	Gore	Mitchell, Md.
Brooks	Gradison	Mitchell, N.Y.
Broomfield	Grassley	Moakley
Brown, Calif.	Gudger	Moffett
Brown, Mich.	Guyer	Mollohan
Brown, Ohio	Hagedorn	Moore
Broyhill	Hall	Moorhead, Calif.
Buchanan	Hamilton	
Burgener	Hammer-schmidt	Moorhead, Pa.
Burke, Calif.		Moss
Burke, Fla.	Hanley	Mottl
Burke, Mass.	Hannaford	Murphy, Ill.
Burleson, Tex.	Hansen	Murphy, N.Y.
Burlison, Mo.	Harkin	Murphy, Pa.
Burton, John	Harrington	Murtha
Burton, Phillip	Harris	Myers, Gary
Butler	Harsha	Myers, Michael
Byron	Heckler	Myers, Ind.
Caputo	Hefner	Natcher
Carr	Heftel	Nedzi
Carter	Hightower	Nichols
Cavanaugh	Hillis	Nix
Cederberg	Holland	Nolan
Chappell	Hollenbeck	Nowak
Chisholm	Holt	Oberstar
Clausen, Don H.	Holtzman	Obey
	Horton	Ottinger
Clawson, Del	Howard	Panetta
Cleveland	Hubbard	Patten
Cochran	Huckaby	Patterson
Cohen	Hughes	Pattison
Coleman	Hyde	Pease
Collins, Tex.	Ichord	Pepper
Conable	Ireland	Perkins
Conte	Jacobs	Pettis
Conyers	Jeffords	Pickle
Corcoran	Jenkins	Pike
Corman	Jenrette	Poage
Cornell	Johnson, Calif.	Pressler
Cotter	Johnson, Colo.	Preyer
Coughlin	Jones, N.C.	Price
Crane	Jones, Okla.	Pritchard
D'Amours	Jones, Tenn.	Pursell
Daniel, Dan	Jordan	Quayle
Daniel, R. W.	Kasten	Quie
Danielson	Kastenmeier	Quillen
Davis	Kazen	Railsback
de la Garza	Kelly	Rangel
Delaney	Kemp	Regula
Dellums	Keys	Reuss
Dent	Kildee	Rinaldo
Derwinski	Kindness	Risenhoover
Devine	Kostmayer	Roberts
Dicks	Krebs	Robinson
Diggs	Krueger	Rodino
Dodd	LaFalce	Rogers
Dornan	Lagomarsino	Rooney
Downey	Latta	Rose
Drinan	Le Fante	Rosenthal
Duncan, Oreg.	Leach	Rostenkowski
Duncan, Tenn.	Lederer	Rousselot
Edgar	Leggett	Roybal
Edwards, Ala.	Lehman	Rudd
Edwards, Calif.	Lent	Runnels
Edwards, Okla.	Levitas	Ruppe
Eilberg	Lloyd, Calif.	Russo
Emery	Lloyd, Tenn.	Ryan
English	Long, La.	Santini
Erlenborn	Long, Md.	Sarasin
Ertel	Lott	Satterfield
Evans, Colo.	Lujan	Sawyer
Evans, Del.	Luken	Scheuer
Evans, Ga.	Lundine	Schroeder
Evans, Ind.	McClory	Schulze
Fascell	McCormack	Sebelius
Fenwick	McDade	Seiberling
Findley	McDonald	Sharp
Fish	McEwen	Shipley
Fisher	McFall	Shuster
Fithian	McHugh	Sikes
Flippo	McKay	Simon
Flood	Madigan	Sisk
Florio	Maguire	Skelton
Flowers	Mahon	Skubitz
Flynt	Mann	Slack
Foley	Markey	Smith, Iowa
Ford, Mich.	Marks	Smith, Nebr.
Ford, Tenn.	Marlenee	Snyder
Forsythe	Martin	Solarz
Fountain	Mathis	Spellman
Fraser	Mattox	Spence
Frenzel	Mazzoli	St Germain
Frey	Metcalfe	Stangeland
Fuqua	Meyner	Stanton
Gammage	Michel	Stark
Gaydos	Mikulski	Steed
Gephardt	Mikva	Steers
Giaimo	Milford	Steiger
Gibbons	Miller, Calif.	Stockman
Glickman	Miller, Ohio	Stokes
Goldwater	Mineta	Stratton
Goodling	Minish	Studds

Symms	Walgren	Wilson, Tex.
Taylor	Walker	Winn
Thompson	Walsh	Wirth
Thone	Wampler	Wolff
Thornton	Watkins	Wright
Traxler	Waxman	Wydler
Treen	Weaver	Wylie
Trible	Weiss	Yates
Tucker	Whalen	Yatron
Udall	White	Young, Fla.
Ullman	Whitehurst	Young, Mo.
Van Deerlin	Whitley	Young, Tex.
Vento	Whitten	Zablocki
Volkmer	Wilson, Bob	
Waggonner	Wilson, C. H.	

NAYS—0

NOT VOTING—43

Annunzio	Ginn	Richmond
Ashley	Gonzalez	Roe
Biaggi	Hawkins	Roncalio
Boland	Ketchum	Staggers
Carney	Koch	Stump
Clay	McCloskey	Teague
Collins, Ill.	McKinney	Tonry
Cornwell	Marriott	Tsongas
Derrick	Meeds	Vander Jagt
Dickinson	Montgomery	Vanik
Dingell	Neal	Wiggins
Early	O'Brien	Young, Alaska
Eckhardt	Oakar	Zeferetti
Fary	Rahall	
Gilman	Rhodes	

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Rahall.
Mr. Teague with Mr. Montgomery.
Mr. Zeferetti with Mr. Clay.
Mr. Koch with Mr. Gonzalez.
Ms. Oakar with Mr. Carney.
Mr. Vanik with Mr. Dickinson.
Mr. Richmond with Mr. Eckhardt.
Mr. Biaggi with Mr. Gilman.
Mr. Staggers with Mr. Young of Alaska.
Mr. Roncalio with Mr. Stump.
Mr. Roe with Mr. Marriott.
Mr. Ashley with Mr. Wiggins.
Mr. Ginn with Mr. Neal.
Mr. Hawkins with Mr. O'Brien.
Mr. Boland with Mr. Vander Jagt.
Mr. Meeds with Mr. McKinney.
Mr. Fary with Mr. Derrick.
Mrs. Collins of Illinois with Mr. Tonry.
Mr. Early with Mr. Cornwell.
Mr. Dingell with Mr. Tsongas.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR SELECT COMMITTEE ON ASSASSINATIONS TO MEET TODAY DURING 5-MINUTE RULE

Mr. STOKES. Mr. Speaker, I ask unanimous consent that the Select Committee on Assassinations may be permitted to sit today during the 5-minute rule.

The SPEAKER pro tempore. (Mr. BRADEMAS). Is there objection to the request of the gentleman from Ohio?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, could the gentleman tell us whether this is just for the purpose of hearing witnesses?

Mr. STOKES. The select committee is meeting in executive session and is receiving briefing on sensitive materials relating to the investigation.

Mr. ROUSSELOT. But it is primarily to hear witnesses. The gentleman is not planning to take any definitive action of which we should be aware. He is listening to certain witnesses.

Mr. STOKES. There will be no specific action taken with references to witnesses.

Mr. ROUSSELOT. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PERMISSION FOR COMMITTEE ON SCIENCE AND TECHNOLOGY TO HAVE UNTIL MIDNIGHT FRIDAY, MARCH 18, 1977, TO FILE REPORT TO ACCOMPANY H.R. 3965

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that the Committee on Science and Technology may have until midnight Friday, March 18, 1977, to file a legislative report to accompany H.R. 3965, to authorize research, development and demonstration projects relating to aviation, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill H.R. 4088, on which the rule has just been granted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

AUTHORIZING APPROPRIATIONS TO THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. FUQUA. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4088) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. FUQUA).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4088, with Mr. MCKAY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Florida (Mr. FUQUA) will be recognized for 30 minutes, and the gentleman from Kansas (Mr. WINN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the budget of the National Aeronautics and Space Administration—NASA—is today 30 percent less than in its peak funding year—1965. The added effect of the erosion of inflation on buying power is well known. Out of the past 10 years, NASA has had a declining budget in 5 of these years. The budget for fiscal year 1978, which we are recommending today, is a modest increase over last year's of 9.7 percent which will only hold the line on the buying power of NASA.

Even under these circumstances, NASA has been able to propose sound programs for the remainder of this decade. It is a program which will continue to bring a high return on investment and direct benefits to the American people and the people of the world.

The vision and leadership of the gentleman from Texas (Mr. TEAGUE), chairman of the Committee on Science and Technology continues to give strength and direction to our national space program. It's worth noting today that the gentleman's contribution to bring the benefit of the space program to the American public are second to none.

As chairman of the Subcommittee on Space Science and Applications, I want to recognize today the diligent and thoughtful efforts of all Members of the subcommittee in developing the bill before us today. Each Member on both sides of the aisle has made a significant contribution. Particularly, I recognize the contributions of the gentleman from Kansas (Mr. WINN), the ranking minority member of the subcommittee, who, at considerable personal sacrifice, spent the long hours necessary to review the NASA programs in depth. His knowledge and personal insight into these complex programs continue to be of immeasurable help in establishing a sound bill and strong NASA program.

An identical bill (H.R. 5032) to that under consideration today was filed with a number of cosponsors on both sides of the aisle from the membership of the Committee on Science and Technology. Again I commend all the members of the committee who have so diligently worked on bringing this bill to the floor.

My remarks will primarily be directed to the actions taken by your Committee on Science and Technology as a result of the recommendation of the Subcommittee on Space Science and Applications, which it is my privilege to chair. The gentleman from Texas (Mr. MILFORD) distinguished chairman of the Subcommittee on Transportation, Aviation, and Weather will cover those areas of aviation contained within H.R. 4088.

The committee as a whole recommends 14 changes to funding line items, one new section and two new subsections not included in the original bill. A net increase in research and development, and research and program management; and

a small reduction in construction of facilities is proposed. A net overall increase of $19.04 million more than the President's budget submission is recommended. The actions taken by the committee and the program contained in the budget as submitted have the effect of:

First, increasing by $39,500,000 certain programs while decreasing by $20,460,000 other areas of effort;

Second, initiating a Space Telescope and Lunar Polar Orbiter program.

Third, placing emphasis on planning for industrialization of space;

Fourth, strengthening the university and NASA research and technology base effort;

Fifth, placing more emphasis on weather and climate and advanced propulsion research;

Sixth, recognizing the major contribution that NASA can make to the solution of our national energy problems by augmenting solar satellite power studies and general technology development; and

Seventh, providing 16 areas of comment—committee views—for emphasis or improvement through which the committee would seek to insure a strong national space program.

For the benefit of my colleagues, I am including in the RECORD a table which summarizes the budget actions of the committee for fiscal year 1978.

I urge adoption of the bill as recommended by your committee.

Mr. Chairman, the Subcommittee on Space Science and Applications held a total of 22 hearings in September 1976, and January and February 1977, in Washington, D.C., at NASA centers, and key industrial contractors to review the NASA fiscal year 1976–77 budget performance and the fiscal year 1978 budget request. Testimony was also taken from representatives of NASA, the U.S. Air Force, the European Space Agency, and members of the industrial and scientific community on NASA related programs. The aeronautical programs of NASA were covered separately by the Subcommittee on Transportation, Aviation, and Weather.

For use of the Members some of the financial indicators of the NASA fiscal year 1976–77 programs are included.

NASA's operating plan for fiscal year 1977 is equal to the amount appropriated to NASA—$3.69 billion—plus $27 million reprogramed from 1975 funds realized from savings on the Apollo-Soyuz test project, and $31,78 million supplemental appropriation made to meet October 1976 civil service pay increases.

The significant adjustments made to the operating budget for fiscal year 1977 were:

Transfer of $30 million to Space Shuttle to facilitate timely completion of current test objectives,

Transfer of $0.5 million to physics and astronomy and $0.8 million to lunar and planetary exploration for needed supporting efforts,

Transfer of $0.2 million to the technology utilization program,

Earmarking of $0.2 million within the applications program for studies of Earth resources operational systems,

Earmarking of $3.5 million for identification and verification of energy technologies, and $2.5 million for solar satellite power systems studies.

These actions were consistent with positions adopted by your committee. Offsetting internal budget adjustments were made to accommodate these changes.

Unobligated balances for fiscal year 1976, transition quarter, and first quarter of fiscal year 1977 are following normal patterns. Carryover operational funds will amount to no more than several weeks and are consistent with good financial discipline.

Inflation continues to erode the NASA budget; however, the fiscal year 1977 to fiscal year 1978 budget increase approximates the rate of inflation in the last year without increasing the NASA purchasing power. Based on a fiscal year 1973 actual NASA budget of $3.4 billion, a budget of $4.9 billion would be required to maintain the fiscal year 1973 NASA purchasing power—based on the GNP inflator.

NASA's estimate of the total development costs for 15 major programs shows growth in three: the High Energy Astronomy Observatory—HEAO, Viking, and Landsat–C. The Landsat–C increase represents inclusion of sensor development previously carried as a separate item, while HEAO and Viking reflect inflation effects.

The fiscal year 1978 NASA budget request to Congress—$4.035 billion—represents $18.9 million reduction in the NASA research and development request to the Office of Management and Budget—OMB.

Significant reductions and deferrals include:

Reduction in solar power satellite technology studies;

Deferral of Lunar Polar Orbiter program;

Deferral of space industrialization definition studies;

Reduction in advanced programs activity; and

Deferral of solar electric propulsion stage studies.

Budget amendments subsequent to the original submission restored $10 million for Viking follow-on mission studies and $5 million for Landsat–4 backup spacecraft effort.

Total NASA Center requests to NASA Headquarters for research and development was $195 million more than the budget request to Congress. Key among items not recommended to OMB—total $76.1 million—for fiscal year 1978 were:

The High Energy Astronomy Observatory—HEAO–C compatability with the Space Shuttle;

A HEAO–D program;

Elements of the materials processing payload development program; and

Buildup of research and technology supporting effort.

Your committee recommends 13 changes to budget line items in space related areas. I am including a table of those changes in the RECORD for the benefit of the Members. The total net dollar change to the NASA request—exclusive of aeronautical research and development—is $13.54 million which is comprised of $60.9 million of increases and $47.36 million of decreases. These recommended changes are as follows:

Space flight operations: $5 million increase for space industrializations studies; $2 million decrease in operational capabilities development based on projected economies in upper stage procurement.

Expendable launch vehicles: $7 million decrease in support activities associated with conventional launch vehicle procurement and launch.

Physics and astronomy: $5 million increase in supporting research and technology directed to the university fundamental research effort.

Lunar and planetary exploration: $7 million increase for initiation of the lunar polar orbiter program; $5 million decrease in studies for Mars follow-on programs; $1 million increase in supporting research and technology efforts.

Space applications: $5 million increase in weather and climatic research; $26.9 million transferred to earth resources operational systems line item—Landsat–D.

Earth resources operational systems: $26.9 million transferred from space application in recognition of the need for an operational systems line item and the near operational nature of Landsat–D.

Space research and technology: $4 million increase in research and technology base with $2 million specifically earmarked for advanced propulsion research.

Energy technology applications: $5 million increase for technology studies for solar satellite power.

Tracking and data acquisition: $3 million decrease based on expected economics of operation.

Technology utilization: $1 million increase for augmentation of dissemination activities and a cost-benefits analysis of the program.

Construction of facilities: $0.86 million deferral of immersion tank at the Johnson Space Center; $2.60 million deferral of chemical waste disposal facilities, Michoud assembly facilities; $6 million rescission of prior authorization for launch complex-39, Kennedy Space Center—Space Shuttle facilities.

Research and program management: $1 million increase to provide increased travel funds for program-related activities.

H.R. 4088—COMMITTEE ON SCIENCE AND TECHNOLOGY, FISCAL YEAR 1978 NASA AUTHORIZATION: COMMITTEE RECOMMENDATIONS

[In thousands of dollars]

Sub-line: Line item	Fiscal year 1977 House authorization	Fiscal year NASA request	Committee action	Remarks
1(a)(1): Space Shuttle	$1,200,100	$1,349,200	Same	
1(a)(2): Space flight operations	198,200	267,800	270,800	+5M space industrialization studies. —2M decrease, upper stages.
1(a)(3): Expendable launch vehicles	151,400	136,500	129,500	—7M decrease in supporting activities.
1(a)(4): Physics and astronomy	169,800	224,200	229 200	+5M supporting research and technology.
1(a)(5): Lunar and planetary exploration	193,100	158,200	161,200	+7M initiate development of Lunar Polar Orbiter. +1M augment supporting research and technology. —5M decrease Maru Follow-on Definition.
1(a)(6): Life sciences	22,125	33,300	Same	
1(a)(7): Space applications	185,700	233,800	211,900	—26.9M transfer to Earth resource operational systems. +5M augment efforts in weather and climate.
1(a)(8): Earth resources operation system	13,500	----------	26,900	+26.9 transfer of Landsat-D from space application.
1(a)(9): Aero, research and development	192,100	231,000	236,500	+5.5M increase R. & T. base and add agricultural A/C.
1(a)(10): Space research and technology	83,600	97,700	101,700	+4M Research and technology base (+2M adv. prop. tech)
1(a)(11): Energy technology applications	8,500	4,500	9,500	+5M satellite solar power studies.
1(a)(12): Tracking and data acquisition	254,000	281,700	278,700	—3M general reduction.
1(a)(13): Technology utilization	8,400	8,100	9,100	+1M increase to cover inflation and cost benefits study.
Subtotal, research and development	2,768,525	3,026,000	3,047,500	
1(b)(1): Dryden Flight Research Center, central hydraulic system		420	Same	
1(b)(2): Goddard Space Flight Center, technical processing facilities		3,100	Same	
1(b)(3): Jet propulsion laboratory, modification for neismic protection		2,830	Same	
1(b)(4): Johnson Space Center, modification in central heating and cooling plant		2,540	Same	
1(b)(5): Kennedy Space Center, utility control system		2,130	Same	
1(b)(6): Langley Research Center, main heating plant		790	Same	
1(b)(7): Largo-Unitary plan wind tunnel		980	Same	
1(b)(8): Lewis Research Center, modification of central chilled water system		860	Same	
1(b)(9): National Space Technology Laboratories, modification utility control system		620	Same	
1(b)(10): Largo aeronautical facilities				
1(b)(10)(A): Langley Research Center, National transonic facility		23,500	Same	
1(b)(10)(B): Ames Research Center, 40-by-80 subsonic wind tunnel		13,500	Same	
1(b)(11): Rehabilitation and modification of 64-meter antenna components (various locations).		1,750	Same	
1(b)(12): Space Shuttle facilities (various locations)		65,740	62,280	—.86M immersion tank at JSC. —2.6M mods at Michoud.
1(b)(13): Kennedy Space Center, Shuttle payload facility		6,410	Same	
1(b)(14): Rehabilitation and modification of facilities (various locations)		18,900	Same	
1(b)(15): Minor new construction and addition		5,950	Same	
1(b)(16): Facility planning and design		11,700	Same	
Subtotal, construction of facilities	117,000	161,800	158,340	
1(c): Research and program management	810,455	846,989	847,989	+1 increase for travel.

The committee reviewed the bill before you today section by section. In the space related areas, sectional changes in language are proposed which differ from the previous bill enacted:

A new subparagraph (i) paragraph 1 (b) to rescind prior year—fiscal year 1977—authorization for launch complex 39 construction of facilities in the amount of $6 million no longer required with the authorization recommended in the current bill.

A change in language to section 6 which provides continuing authority to NASA for procurement of lease services for a tracking and data relay satellite as proposed by the administration.

A new section 7 which would authorize to be appropriated $95 million for Space Shuttle fiscal year 1977 such sums as may be supplementally appropriated to augment the research, development, test and evaluation phase, and production phase of the Space Shuttle Orbiter program while remaining within the total NASA program cost commitments.

In addition to the budget changes noted, your committee is recommending a number of committee views. These views encompass a number of significant issues of emphasis and policy. These are incorporated into the legislative report accompanying the bill.

The remainder of this report provides in somewhat more detail an analysis of actions recommended and a statement of views recommended by your subcommittee.

SPACE SHUTTLE

NASA requested $1,349,200,000, for Space Shuttle for fiscal year 1978. Your committee reviewed the progress of the Space Shuttle program and found it to be within cost and on schedule. Therefore, the committee recommends no increase in the fiscal year 1978 request for Space Shuttle. However, the committee observes that a highly complex program with a demanding schedule such as the Shuttle could effectively use increased funding for both the design, development, test and evaluation phase and initial Shuttle Orbiter production phase of the program while remaining within the NASA total cost commitments. So that such authority might be available, your committee has added a new section 7 to the bill authorizing an increase not to exceed $95,000,000 for Space Shuttle in fiscal year 1977 bringing the total authorized to $1,383,100,000 for fiscal year 1977 in the event that additional appropriated funds become available.

SPACE FLIGHT OPERATIONS

NASA requested $267,800,000 for space flight operations in fiscal year 1978. Within this line item your committee increased advanced programs $5,000,000 and reduced Space Transportation System operations capability development $2,000,000 resulting in a total recommended authorization of $270,800,000 for space flight operations for fiscal year 1978. NASA requested in submissions to OMB a budget containing studies programs for space industrialization. All funds for this effort were deleted from the fiscal year 1978 budget requests. It has been the position of the committee that all reasonable steps should be taken to gain the full potential of practical space application at the earliest possible time. Studies are required to demonstrate the need for and value of space industrialization in order to address the long-range goals and objectives of the U.S. civilian space program. Continuation of these studies in fiscal year 1978 will provide definitive cost estimates to guide in the determination as to proceeding in subsequent years with industrialization of space.

Recent events indicate that private industry can develop upper stages without Government-funded development. Therefore, the committee reduced space transportation system operations capability development by $2,000,000 in recognition that economies can be realized.

EXPENDABLE LAUNCH VEHICLES

NASA requested $136,500,000 for the expendable launch vehicle program in fiscal year 1978. Within this line item the committee decreased supporting activities by $7,000,000. The committee notes that NASA has made efforts toward consolidating all launch activities in the Office of Space Flight and because of the maturity of the program the committee recognizes the ability to achieve greater economies in this area. Therefore, the committee recommends that a total of $129,500,000 be authorized for the expendable launch vehicle program in fiscal year 1978.

PHYSICS AND ASTRONOMY

NASA requested $224,200,000 for physics and astronomy programs in fiscal year 1978. Within this line item the committee increased supporting research and technology programs by $5,000,000 resulting in a total recommended authorization of $229,200,000 for physics and

astronomy for fiscal year 1978. The committee reviewed the fiscal year 1978 request of $16,800,000 for supporting research and technology and compared the funding history of this line item with previous years. The supporting research and technology budget has been almost constant for a number of years, resulting in a decline of the technology base in the university community and a net decrease in the amount of research that can be accomplished. The efforts supported by these funds enhance the scientific and technological return from flight projects and help assure the continued viability of future research in physics and astronomy. Therefore, the Committee recommends a total authorization of $21,800,000 for supporting research and technology for fiscal year 1978, an increase of $5,000,000 to the NASA request to be used for augmenting the supporting research and technology base in the university community.

LUNAR AND PLANETARY EXPLORATION

NASA requested $158,200,000 for lunar and planetary exploration in fiscal year 1978. Within this line item the committee increased supporting research and technology programs by $1,000,000 and added $7,000,000 for initiation of development of the Lunar Polar Orbiter and reduced the Mars follow-on mission definition by $5,000,000 resulting in a total recommended authorization of $161,200,000 for lunar and planetary exploration in fiscal year 1978.

Supporting research and technology. NASA requested $13,000,000 for lunar and planetary supporting research and technology programs in fiscal year 1978. The committee recommends an increase of $1,000,000 to augment the planned level of activities and to offset the effects of inflation for a total authorization of $14,000,000.

Lunar Polar Orbiter, NASA requested funds for the Lunar Polar Orbiter from the Office of Management and Budget. These funds were deleted from the NASA budget submission to Congress. The investigation of any solar-system object can be divided into three categories: reconnaissance, exploration, and intensive study. It is apparent that the reconnaissance mode of study of the inner solar system is completed and that the general technology for a new generation of exploration studies exists. The most attractive way to learn about the Moon and Moon-like planets at this stage in exploration is by a sequence of missions in which a geochemical/geophysical polar orbiter is placed around each body. For the Moon, geochemical and geophysical orbital mapping are needed to develop a global view, integrated with the sample data. Therefore, the committee recommends an addition of $7,000,000 to initiate development of the Lunar Polar Orbiter mission to study lunar composition, gravity magnetism, heat flow, and imagery. The committee further notes that the design of the Lunar Polar Orbiter spacecraft and experiments should accommodate future mission to the Moon-like planets.

Mars follow-on mission definition. NASA requested $15,000,000 for definition studies of a Mars follow-on mission. The committee fully supports a logical and productive next step to the highly successful Viking mission but believes that the definition of this mission can be accomplished with less funding. Therefore, the committee recommends a decrease of $5,000,000 resulting in a total authorization of $10,000,000 for Mars follow-on definition studies.

SPACE APPLICATIONS

NASA requested $233,800,000 for space applications in fiscal year 1978. Within this line item the committee transferred $26,900,000 for the Landsat-D program to a new line item entitled "Earth Resources Operational Systems" and increased weather and climate observation and forecasting by $5,000,000 resulting in a total recommended authorization for fiscal year 1978 of $211,900,000 for space applications.

Funds for weather and climate observation and forecasting declined from fiscal year 1976 to fiscal year 1977. A further reduction was proposed for fiscal year 1978. Coupled with the effects of inflation this decline was assessed by the committee as having an unfavorable effect on maintenance of an adequate weather and climate research and development effort. Therefore, the increase of $5,000,000 was provided to maintain a reasonably constant level in program effort for fiscal year 1978.

EARTH RESOURCES OPERATIONAL SYSTEMS

The committee has added a new line item entitled "Earth Resources Operational Systems" to the fiscal year 1978 NASA authorization bill and has transferred to the line item the funding requested under space applications for Landsat-D. Landsat-D has been proposed as a new initiative to advance the technology and techniques for Earth resources remote sensing by utilizing the capabilities of the second generation experimental multispectral scanner, the thematic mapper, currently under development. The project will also test a total end-to-end data acquisition, processing, dissemination ,and analysis system by bringing the data to the users in a timely fashion—5 to 7 days—on a routine basis.

The committee believes that the outstanding success of Landsat 1 and 2, the expected results of Landsat-C, and the goals of this project justify moving forward to an operational remote sensing system to assure various users timely and accurate land use data, crop forecasting, and betetr management of our Nation's resources.

The insertion of this new line item should not be interpreted as an inhibition to continuing research and development activity for the improvement of this Nation's remote sensing technology and capability as embodied in such programs as thematic mapper, heat capacity mapping mission, and other application and demonstration activity. Therefore, the committee recommends $26,900,000 for Earth resources operational systems for fiscal year 1978.

SPACE RESEARCH AND TECHNOLOGY

NASA requested $97,700,000 for space research and technology programs in fiscal year 1978. Within this line item the committee increased the research and technology base $4,000,000 to offset inflation and to augment advanced propulsion technology resulting in a total recommended authorization of $101,700,000 for space research and technology programs.

NASA requested $65,900,000 for research and technology base activities in fiscal year 1978. The committee increased this amount $4,000,000 for the total authorization of $69,900,000 for research and technology base programs including $2,000,000 for advanced propulsion technology. The increase for advanced propulsion concepts is based on a belief that a major advance in propulsion is necessary to augment chemical propulsion capability to realize a number of longer term space program opportunities. The $2,000,000 for advanced propulsion technology should be directed toward an expanded program of fundamental research and exploratory development in new propulsion concepts including gaseous nuclear engines, nuclear electric propulsion, atomic and metallic hydrogen, and laser propulsion and excluding "solar sailing" concepts.

ENERGY TECHNOLOGY APPLICATIONS

NASA requested $4,500,000 for energy technology applications activities in fiscal year 1978. Within the line item, the committee increased energy system satellite solar power systems by $5,000,000 resulting in a total recommended authorization of $9,500,000 for energy technology applications in fiscal year 1978. NASA requested $1,000,000 for energy systems/satellite solar power system studies in fiscal year 1978. The committee increased this amount $5,000,000 for a total authorization of $6,000,000 to significantly broaden the system definition effort and to initiate a comprehensive environmental impact and benefit analysis. The committee carefully reviewed the merits of this program and believes that solar satellite systems concepts offer an exciting and challenging possibility for meeting future energy needs.

TRACKING AND DATA ACQUISITION

The committee decreased the tracking and data acquisition program budget request of $281,700,000 for fiscal year 1978 by $3,000,000 as a result of a thorough review of anticipated workload of the total tracking systems.

The committee commends the Office of Tracking and Data Acquisition for their continued excellent performance while recognizing their ability to achieve greater economies in this area. Therefore, the committee recommends that a total of $278,700,000 be authorized for the fiscal year 1978 for the tracking and data acquisition program.

TECHNOLOGY UTILIZATION

NASA has requested $8,100,000 for fiscal year 1978 for activities in technology utilization area which is identical to the fiscal year 1977 request. The committee observes that this is a relatively small investment to guarantee a high return on the research and development dollars invested in the NASA mainline programs. Consequently, the committee increased by $1,000,000 the technology

utilization program to offset the effect of inflation and provide latitude to continue to strengthen the program. Therefore, the committee recommends $9,100,000 for technology utilization for fiscal year 1978. To assure that the technology utilization effort is evaluated, the committee requests that within the increase of $1,000,000 NASA conduct a cost-benefits analysis of the program and report the results of that effort to the committee not later than December 31, 1977.

CONSTRUCTION OF FACILITIES

NASA has submitted a request for $161,800,000 for design, construction, rehabilitation, and modification of facilities in support of program and associated activities. The construction of facilities by program office is:

Space flight	$72,150,000
Space applications	3,100,000
Aeronautical research and technology	37,980,000
Tracking and data acquisition	1,750,000
Center operations	10,190,000
NASA Comptroller	36,630,000
Total	161,800,000

That portion of the facilities associated with space applications is $123,400,000; aeronautical facilities is $38,400,000.

Major increases were for the space shuttle program which totals $65,740,000 to increase launch capability to 40 missions per year, and to support manufacturing of the external tank at Michoud assembly facility.

The committee has reviewed the NASA request and has determined that it is in the best interest of the program to delete the crew training facilities at the Johnson Space Center because existing facilities appear sufficient and more economical to accomplishing the training mission. The amount deleted is $860,000.

The committee has also reviewed the chemical waste facility proposed for the Michoud assembly plant and has concluded that additional design and bench scale testing is necessary to further evaluate the technological process and in order to determine the total estimated cost with a higher degree of certainty. The amount deferred is $2,600,000.

In a review of the facilities for Launch Complex No. 39, it has been noted that $6,000,000 of the prior year authorization—fiscal year 1977—had not been appropriated. NASA, in its current request, had included this unappropriated amount. The committee therefore, recommends rescission of $6,000,000 of the fiscal year 1977 authorization, but is authorizing the full amount requested by NASA for fiscal year 1978.

The amount of $6,500,000 of the fiscal year 1976 authorization for the 40-by-80-foot subsonic wind tunnel at the Ames Research Center has not been appropriated. NASA requested the full amount and the committee recommends the amount requested. However, the committee recommends rescinding $6,500,000 of the fiscal year 1976 authorization.

JOHNSON SPACE CENTER

NASA submitted a request of $860,000 for construction of crew training facilities, principally a water immersion tank, to be constructed at the Johnson Space Center to support the shuttle program. The committee recognizes the need for proper crew training in a weightless environment. However, NASA has not substantiated this facility on the basis of an 8-year life cycle cost. Facilities already exist at the Marshall Space Flight Center and the committee is concerned about the added cost incurred in operating two facilities. Since the cost of operation and maintenance outweigh the cost of initial construction and since existing facilities are available, the committee recommends that $860,000 be deferred and no line item for this facility be included in the bill.

MICHOUD MANUFACTURING FACILITY

NASA requested $18,610,000 for modification of manufacturing and final assembly facilities for External Tanks, Michoud Assembly Facility. Within this line item NASA has requested $2,600,000 for the construction of a chemical waste treatment facility. The committee strongly supports facilities which contribute to maintaining a clean and healthy environment. The waste products emminating from the manufacture of the external tank for the shuttle program are highly toxic.

Presently, NASA uses deep injection well waste disposal which has proved to be satisfactory. The proposed chemical waste treatment facility is to improve waste disposal and conserve water. The committee notes that the proposed chemical waste treatment facility has not been designed and while a preliminary engineering report has been prepared, that report mentions the need for bench scale experiments to support design. The committee believes that the complexity of the facility requires the satisfactory completion of bench scale experiments and completion of final design in order to better evaluate the performance risks and total costs before start of construction. The committee therefore recommends that the $2,600,000 for chemical waste treatment facilities be deferred bringing the total recommended for modification of manufacturing and final assembly facilities for External Tanks, Michoud Assembly Facility to $16,010,000 for fiscal year 1978.

RESEARCH AND PROGRAM MANAGEMENT

The research and program management authorization provides for the civil service staff necessary for the in-house research and development, and the manpower to plan and manage the R. & D. program. It also provides for the operation, maintenance, and administrative support of the NASA headquarters and field centers.

The amount recommended for fiscal year 1978 is $847,989,000 which is essentially level with the amount for fiscal year 1977—exclusive of Federal pay raises. This was achieved in spite of substantial across-the-board increases in the cost of utilities, support contractor labor rates, and travel.

The number of permanent civil service end-of-year positions was reduced by 79, to 23,737. Of the total R. & P.M. amount, 76.6 percent is intended to cover the costs of compensation of these people.

The remaining funds cover travel rental of real property, custodial services, security, maintenance, utilities, communications, business computer support, printing, and supplies. In many cases, the funds actually go to local contractors who perform the work.

RESEARCH AND PROGRAM MANAGEMENT

NASA requested $846,989,000 for civil staff needed to perform in-house research and to manage the R. & D. programs, and other instiutional effort such as utilities, travel, maintenance, operation of facilities, technical and administrative support in fiscal year 1978.

The committee notes with approval the effort that NASA made in holding estimated research and program management costs at essentially the fiscal year 1977 level—except for Federal pay increases. This was achieved despite substantial increases in labor and utility rates, and in the costs of travel.

The committee finds that in the majority of cases the economy measures instituted by NASA have been absorbed without significant impact to the research and development mission. The exception is travel. This budget category has been increasingly constrained in recent years to the point where the amount requested for fiscal year 1978 is inadequate, especially in the area of professional travel. The committee believes that the climate for innovation, and therefore the future viability of NASA as a research institution, will be diminished by further reductions in travel. Accordingly, the committee, to restore travel approximately to the fiscal year 1977 level, added $1,000,000 to the amount for research and program management, for a total authorization of $847,989,000 for fiscal year 1978.

I would now like to address the space applications program.

The objective of the space applications program is to conduct research and development activities that demonstrate and transfer the applications of space-related technology, systems and other capabilities which can be effectively applied and used for down-to-Earth practical benefits. These R. & D. activites are grouped in the following general areas: Earth resources detection and monitoring, Earth dynamics monitoring and forecasting, ocean condition monitoring and forecasting, environmental quality monitoring, weather and climate observation and forecasting, materials processing in space, space communications, and applications explorer missions.

In each of these areas, programs are being conducted and planned to contribute to the solution of pressing national, as well as international, problems and needs.

Earth resources detection and monitoring.—The effective utilization of the world's finite natural resources requires that their extent and accessibility be surveyed, that their changes be monitored and that systems for wisely managing their exploration be developed. In the Earth resources survey area, two objectives have been established: First to develop the capabilities for remotely sensing the Earth's resources from aircraft and spacecraft in order to perform com-

prehensive global surveys; and second, to apply the results to agriculture, water management, mineral and petroleum exploration, land use assessment, and improving the quality of world maps. Achieving these objectives will provide an information base that can be used in the management of the world's resources.

Significant activities are underway in the applications systems verification and transfer—ASVT—and Landsat-C projects. The ASVT activities are designed to demonstrate to the user community that remotely obtained information—from satellites and aircraft—provides new capabilities that may efficiently supplement and/or complement existing data gathering systems. The most significant demonstration taking place is the large area crop inventory experiment—LACIE—an experiment using Landsat data to determine wheat production over the North American continent with extension to the entire world. Landsat-C, the third Earth resources technology satellite, is being prepared for launch in early fiscal year 1978; it will continue to gather multispectral data on Earth resources after Landsats 1 and 2 cease to operate.

The thematic mapper to be flown to Landsat-D will provide a significant improvement in the quality and usefulness of remotely sensed multispectral imagery due to its higher resolving power and additional spectral coverage. These improvements in data quality will enhance the utility of remote sensing for mineral and petroleum exploration, expand the application of crop inventory techniques to small-field agricultural areas worldwide, and significantly increase the number and precision of land and water inventory applications in the United States.

Earth dynamics monitoring and forecasting.—This program's efforts are directed toward observing the physical character and dynamic motions of the Earth. This information will lead to an improvement in our knowledge of the Earth's gravity and magnetic field factors which are important for resource assessment; improvement of geodetic surveying and control techniques and the monitoring of local topographic changes; and improvement of our knowledge of earthquake mechanisms. Continuing efforts will be focused on validation of the various plate motion measurement techniques. The motions of these large solid plates—tectonic plates—which make up the surface of the Earth are one of the causes of large earthquakes. The magnetic field satellite—Magsat—and applications explorer, will provide information needed to allow the U.S. Geological Survey to update maps of the Earth's magnetic field, to develop models of the global magnetic field, and to enhance our knowledge of the geologic structure of the Earth. Studies based on Magsat data are expected to provide useful information for location of natural resources such as coal, oil, and minerals.

Ocean condition monitoring and forecasting.—The monitoring and forecasting of sea state conditions, current systems and ocean circulation patterns have important implications for improving operations and costs associated with ship routing, offshore activities, fishing, and for improved weather forecasting. The program objectives will be achieved through the development of space platforms and related research as part of a concerted NASA/user effort to develop a global monitoring and forecasting capability for the oceans. Data on the sea surface topography are currently being acquired with the geodynamic experimental ocean satellite—GEOS-3—launched in 1975.

Seasat-A will be the first satellite having the extensive capability for observing and monitoring ocean conditions; upon its launch in mid-1978, Seasat is expected to demonstrate and validate the use of ocean data for achieving operating economies in the marine environment.

Environmental quality monitoring.—The pollution monitoring program has as its objective the development and demonstration of systems capable of identifying and measuring pollutants in the air and water on global and regional scales. A major focus of attention is upper atmospheric pollution; in this particular area, efforts are concentrated on: First, determining the present composition of the atmosphere for use as a baseline against which the long-term trends of atmospheric pollutants can be measured; second, monitoring changes in the composition from established patterns with respect to time and place; and third, atmospheric constituents and their behavior into atmospheric circulation-related environmental quality models.

Two spacecraft currently under development will provide a significant amount of new data on atmospheric and water pollution. The first of these, Nimbug-G, is scheduled for a 1978 launch. The second, the stratospheric aerosol and gas experiment, and applications explorer mission, will be launched in 1979.

Weather and climate observation and forecasting.—Reliable short- and long-term weather forecasts can mean savings of life, property, and money. The weather and climate program is directed toward the application of satellite data to problems in detection, prediction, and early warning of severe storms and the improvements of our capability for mid-range—1-14 days—and long-range—climatic—weather prediction. The atmospheric processes associated with these phenomena, that is, severe storms and daily weather and climate, require different approaches and satellite systems to provide data to achieve better forecasts.

The major activities will include: First continued emphasis on research and technology; second, severe storm research; third, the prototype development of third generation NOAA operational weather satellite—TIROS-N; fourth, planning for the first international global atmospheric research program experiment to be conducted in 1978-79; and fifth, definition and development of experiments and payloads to be flown on early Shuttle/Spacelab missions.

Materials processing in space.—The objective of this program is to exploit the unique characteristics of the space environment to prepare and process materials in ways that are not possible or economically practical on Earth. The eventual benefits of the program are expected to include new knowledge of materials and technology improvements. These will be directly applicable to industrial and biomedical processes on the ground, as well as to the production of unique new products produced in space. Space processing studies, investigations, and analysis of potential applications of space processing will be continued, and will include synthesis of space experiment results to identify potentials that are not predictable from ground data alone. Space results are now available from the experiments performed on the Apollo Soyuz test project and the initial two space processing applications rockets—SPAR—missions. The SPAR project offers a continuing opportunity to investigate materials processes in space prior to the Shuttle era. The preliminary design of Space Processing Shuttle payloads was initiated in fiscal year 1977 in preparation for beginning the full scale payload development in fiscal year 1978. These Shuttle payloads will provide for systematic materials research and development in the early years of Shuttle operations so as to make practical applications possible in the later 1980's.

Space communications.—From the inception of the space age, NASA has engaged in a vigorous research and development effort that has clearly demonstrated the viability of communications satellite systems. The current NASA effort is directed toward developing and and providing expert advice and consultation on communications satellites to various Government departments and agencies. The highly successful series of applications technology satellites—ATS-1, 3, 5, 6—and the cooperative United States-Canadian satellite—CAS-C—will continue to be used by various domestic and international experimenters to demonstrate innovative application of communications satellites. A significant effort will be undertaken to provide technical consultation and support to U.S. agencies, including NASA, participating in the 1979 World Administrative Radio Conference—WARC—the first of its kind since 1959. NASA involvement is important to assure frequency assignments for all types of satellites.

Based on NASA experiments and systems studies, the Interagency Committee on Search and Rescue—comprised of members from the Departments of Commerce, Defense, and Transportation, the Federal Communications Commission, and NASA—plus observers from the Aircraft Owners and Pilots Association and the National Association for Search and Rescue, has studied the application of space technology to aid search and rescue operations and has recommended that demonstration of a satellite-aided search and rescue system be implemented. The proposed search and rescue satellite system is a cooperative United States-Canadian program, which will employ sensitive receivers and

high gain antennas to be carried on operational polar-orbiting meteorological spacecraft to demonstrate the feasibility of obtaining a significant increase in the capability to detect and locate the distress signals carried by general aviation aircraft and certain marine vessels. Preliminary calculations indicate that such a satellite can position-fix these signals to an accuracy of about 15–20 kilometers.

Applications explorer missions.—The applications explorer mission—AEM—program was established to develop relatively low cost. Scout-launched spacecraft tailored to specific areas of research and orbital requirements. This program has the following missions under development: First, the heat capacity mapping mission—AEM–A—which will obtain temperature data on identifiable characteristics of various materials to develop heat capacity maps of rock types; the data obtained will have applications in mineral-potential assessments and for studies of soil moisture, mapping of thermal effluents, measurement of plant canopy temperature, and for the mapping of snow coverage; second, the stratospheric aerosol and gas experiment—AEM–B—which will help develop measurement techniques for the detection and mapping of stratospheric aerosols and ozone by observing the attenuation of the solar radiation through the Earth's atmosphere; and third, the magnetic field satellite—Magsat—AEM–C, which will map the magnitude and direction of the Earth's global magnetic field with improved accuracy. Magsat data are needed to refine magnetic field models and charts, to update current magnetic field data for applicable exploration of natural resources and to enhance our knowledge of the geologic structure of the Earth.

PLANETARY EXPLORATION

I would now like to turn my attention to lunar and planetary exploration. We can look with great satisfaction at the recent accomplishments of Viking. Other significant planetary exploration programs are underway. The Mariner Jupiter/Saturn spacecraft will be launched later this year and the Pioneer Venus orbiter and atmospheric probes will be launched in 1978.

Pioneer-Venus is a two-spacecraft project scheduled to be launched in May and August of 1978. One spacecraft is an orbiter and the other contains probes which will be injected into the Venus atmosphere. This two-spacecraft project will collect data on Venus which will have profound significance with respect to one of the objectives of the NASA planetary program; namely, that of "determining the dynamic processes that shape Earth's environment by investigation of other bodies of the solar system."

Also included in this bill are moneys to initiate the Lunar Polar Orbiter, the Jupiter Orbiter and Probe, and definition of a Mars follow-on mission.

The Lunar Polar Orbiter will provide, with a single mission, the first global survey of the surface composition and internal structure of another planet. This information will be widely useful because scientists now believe that the terrestrial bodies—Earth, Moon, Mars, Venus, and some satellites of the outer planets—evolved by means of a series of common processes. Thus data from one planet can tell us something about all. The Earth and Moon are the extreme examples of these planets. The Earth is the largest, the Moon the smallest. The Earth is rich in water and atmospheric gases while the Moon is poor. Better knowledge of both these contrasting bodies should help us understand why they are so different.

Photographs of the Moon make it appear to be a very simple body, but our explorations have proved that it is actually complex. With the data available from past missions, which come only from the near side and from a band about the equator, we know that the lunar crust is thicker on the side nearer the Earth; that the western half of the Moon is richer in iron and radioactive elements than the eastern; and that some areas have rich concentrations of titanium. We do not know why these differences exist. Now it has been predicted that deposits of frozen volatiles—such as water—might exist near the permanently shadowed lunar poles. The Lunar Polar Orbiter will provide global chemical maps from which we can determine the extent of these deposits.

Global measurement of physical properties—gravity, magnetism, and flow of heat from the interior—will give us a better picture of the lunar interior.

In the near term, the scientific data returned from the Lunar Polar Orbiter will be an immediate impetus to our study of comparative planetology. Because the Moon has changed very little in the past 2 billion years, it gives us a window on the first billion-and-a-half years of evolution of the inner solar system. Because the lunar surface has never been eroded by water or wind, it preserves the character of a solid body in a way not possilbe on the weathered Earth. It could give us insights into the formation of the Earth's crust, the mechanisms that create planetary magnetic fields, and the life cycle of a planet's molten core.

In the more distant future, the survey conducted by the Lunar Polar Orbiter will provide an excellent basis for planning. Confirmation of the existence and mapping of the distribution of resources on the Moon will help us to work toward developing means of utilizing them. The discovery of resources in space is almost essential to the eventual manned occupation of a space station or lunar base.

Technologically, the Lunar Polar Orbiter is ready. It does not require any new developments. It is planned to be based upon one of several commercially available spacecraft. A science payload has been tentatively selected. Techniques for analysis of the data were developed during Apollo. The accuracy of these analyses were confirmed by comparison with the ground truth of lunar samples. Launch is either on a Delta or on Shuttle.

JUPITER ORBITER/PROBE

The next logical step in our exploration of the outer planets is an orbiter and probe mission to Jupiter. This Jupiter orbiter/probe—JOP—mission is a new start request this year.

The Jovian atmosphere is of intense interest to atmospheric scientists. Its physical properties and composition, which are not well understood, are of basic importance to understanding the processes by which the planets formed. The entry probe carried by JOP will directly measure the composition, density, pressure, temperature, and energy flux as a function of depth in the Jovian atmosphere. Light scattering by clouds will be detected, and Jovian storms and lightning caused by electrostatic charging of droplets and ice particles may be observable by the probe instruments.

The gigantic hurricanes in the Jovian atmosphere—such as the Great Red Spot—last much longer than those on Earth, but we do not yet understand the dynamics of these storms, nor how the atmosphere transports heat radially and latitudinally away from the Jovian interior. Continual photographic coverage from orbit is essential to understanding these phenomena, in the same way that meteorological satellites are needed to understand the time variations in the Earth's atmosphere.

Studies of the Jovian satellites are also a major objective of the JOP mission. The Jovian system is in many ways an analogy of the Sun and planetary system.

The Galilean satellites, with their partially ice-covered surfaces, are an entirely new class of planetary objects as far as photogeologic investigation is concerned. We can expect to see evidence of processes unique to low temperatures and ice materials—for example, ice-water volcanoes; scientists will be able to study in a completely new context geological processes familiar on the Earth and the terrestrial planets.

A third major thrust of JOP science is an investigation of the Jovian magnetosphere. This vast region of plasma surrounding Jupiter is dominated by the strong magnetic field of the planet. Understanding Jupiter's magnetic field may help to elucidate not only the magnetic field of the Earth, but also the nature of pulsars, and similar electromagnetic phenomena observed elsewhere in the galaxy.

Dynamic processes similar to the geomagnetic storms we have on Earth are also expected to occur on Jupiter, with time scales of the order of several weeks. The Orbiter spacecraft will be placed in a highly elliptical orbit that will pass through the Jovian magnetotail, a region where particles may be accelerated to energies of hundreds of millions of volts. It is not known how plasma escapes the Jovian magnetosphere, and the longitudinal coverage possible with the JOP mission should resolve this basic issue.

The JOP mission will be launched in December 1981 by the Shuttle/interim upper stage.

There is a reasonable likelihood that the Federal Republic of Germany will provide the orbit capture propulsion system for JOP. Discussions with the West German Government have been going on

for the past year, and a draft memorandum of understanding is currently being prepared.

This extremely rewarding mission has been enthusiastically supported by every science advisory group that has examined it. The 1981–82 Jupiter launch window provides the best launch opportunity in a 7-year period, and the availability of the Shuttle/IUS will provide an adequate weight margin that will allow us to return to a maximum of science data at a reasonable cost. Therefore, I am urging my colleagues to support the Jupiter orbiter/probe mission as the next logical and appropriate step in our exploration of the outer solar system.

The Viking results, along with a wealth of information, have presented many unanswered questions that await a follow-on Mars mission for solution. Studies are being conducted and scientific advice sought to define the specific nature of the follow-on mission. Present indications are that the mission should include: First, orbiter instruments to conduct a global resources survey of the planet; second, instruments which directly address the chemistry/biology ambiguity issues raised by Viking; third, a surface rover to address the local diversity of the Mars surface; and, fourth, means for implanting on Mars an instrument network in areas inaccessible to a rover. Such a mission has been strongly endorsed by the Space Science Board. Advanced development will be initiated to bring the instruments and technology to the appropriate readiness state for the 1984 Mars opportunity.

The highly successful Viking mission was ambitious, and the follow-on mission to answer the questions raised by Viking must be similarly ambitious in nature. NASA, the OMB, and the Congress must address the issue of continuing an aggressive program of Mars study while proceeding with a broad-based exploration program to unlock the secrets of the other planets and the interplanetary environments.

A number of studies of possible Viking follow-on missions, ranging from polar orbiters to Mars surface sample return, have been performed over the past several years. However, a specific programatic recommendation was not possible until the Viking results were received. Studies are currently underway to define the Viking follow-on mission which accomplishes the proper scientific objectives, can be developed for the 1984 launch opportunity, and can be performed for an appropriate level of resource expenditure.

A fiscal year 1979 proposal will be considered for this mission. The development of the vital orbiter and lander science instruments, as well as the technological advances necessary for their deployment, require fiscal year 1978 funding at this time.

I urge passage of H.R. 4088.

Mr. WINN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to express my unqualified support of H.R. 4088, the fiscal year 1978 National Aeronautics and Space Administration authorization.

I would also at this time like to express my thanks to the chairman of the subcommittee, the gentleman from Florida (Mr. FUQUA), for furnishing the leadership and the cooperation that was needed to get out this bill and for doing an early and a very thorough job. The gentleman from Florida has been, as most of the Members know, serving as the acting chairman of the full Committee on Science and Technology, and he has also done an outstanding job in his leadership of the Subcommittee on Space Science and Applications.

Mr. Chairman, this authorization represents an increase of less than 10 percent above the fiscal year 1977 authorization. This increase is truly a conservative budget increase which is in line with the current inflation rates.

Included within the NASA program are four new starts:

First. Space Telescope;

Second. Jupiter Orbiter;

Third. Landsat–D; and

Fourth. Lunar Polar Orbiter.

These programs will provide invaluable data to maintain a sound and growing knowledge base. The Space Telescope for example will answer several basic questions in regard to the universe which will undoubtedly have a long-range impact on our understanding of energy. The Landsat–D program represents one of the many advantages that have been reaped from space technology. The program was newly categorized by the committee as an "Earth resources operational system" and will provide remote sensing capability for predicting crop yields, soil moisture content, and crop disease. The other new programs provide equally as important benefits.

Another program, which is not a new start, but is of paramount importance is the Space Shuttle. This program represents over one-third of the NASA research and development budget. An extensive effort was made by the committee to thoroughly evaluate the cost and schedule status of this program. This evaluation was conducted by committee field hearings at all major facilities involved. At this time the program is on schedule and no insurmountable problems are anticipated. This does not mean that it is going to be an easy task to continue on schedule. All of the developmental problems anticipated are typical of the problems encountered during previous development programs such as Apollo. Close monitoring of this program will be required to guarantee successful accomplishment and implementation of our first space transportation system, the Space Shuttle.

I would also like to comment on the space application program with specific emphasis on weather and climate observation and forecasting. Quantum advances have been made in our technology; however, our society is still at the mercy of Mother Nature. Each year vast sums of money and hundreds of lives are lost due to weather-induced disasters. These may come in the form of tornadoes, hurricanes, or floods. As a consequence, it is extremely important to apply this new space technology to developing methods for understanding and anticipating such disastrous weather phenomena to minimize its impact. The weather research program continues to do so.

In closing, I would like to say that I am pleased with the NASA budget and operation. One of the most valuable resources that this country possesses it its technology. It is imperative that we continue to encourage its growth and application to the pending societal problems.

Mr. FUQUA. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. FLIPPO).

Mr. GOLDWATER. Mr. Chairman, will the gentleman yield?

Mr. FLIPPO. I yield to the gentleman from California.

Mr. GOLDWATER. Mr. Chairman, I would like to join my colleagues in support of H.R. 4088, the National Aeronautics and Space Administration authorization bill. I am in agreement that the NASA budget is a cost-effective budget. In fact, NASA should be complimented for maintaining their funding requirements for overhead or institutional cost. In light of the soaring energy cost this is truly remarkable and reflects the management expertise within NASA.

Another commendable aspect of the NASA management is their responsiveness and "can-do" attitude toward technical requests. The cooperative efforts between ERDA and NASA in solution of the national energy problems reveal the versatility and importance of the NASA technology base. Two program examples of this joint effort are the wind turbogenerator development program and the Solar Power Satellite.

Another program which is of special significance to me is the agricultural aircraft development program. It is no secret that this world is facing a food shortage problem, and this Nation can play a dominant role in its solution. The utilization of aircraft for dispensing fertilizers, seeds, herbicides and pesticides has long been recognized as the only viable method in many geographic locations. However, the existing aeronautical technology has not been applied to the design and development of an entire dispensing system. Consequently, the efficiency of these systems is far below what is practically possible. For a relatively small investment of research dollars the potential exists to greatly improve the aircraft dispensing system and impact the world food crisis.

I would like to reemphasize my support of the NASA authorization. This investment of less than 1 percent of the total Federal budget is an investment we cannot afford to neglect.

Mr. FLIPPO. Mr. Chairman, I fully support the recommendations of the Committee on Science and Technology upon which I have the pleasure to serve and recommend passage of H.R. 4088 which authorizes appropriations to NASA for fiscal year 1978. I would like to congratulate Mr. FUQUA, chairman of the Subcommittee on Space Science and Applications, and Mr. WINN, the rank-

ing minority member, for their efforts and the fine work they have done.

I would first like to focus my remarks on the Space Telescope which is proposed as a new start for fiscal year 1978.

The United States has a long record of excellence in astronomy. The fruits of private enterprise in the past were often turned to the general good, by far-sighted businessmen, who donated considerable sums of money to establish astronomical observatories. The most outstanding example is the Mount Palomar telescope. These private businessmen felt that astronomy was so important to man's intellectual progress that they gave their dollars to build telescopes. The telescopes needed to continue this progress are now far too expensive to expect private philanthropy to play a significant role—the Federal Government must provide the funding if the progress is to continue.

The progress that is taking place in astronomy today is nothing short of astounding. The mind reels, in reading of a star that is as massive as the Sun, but no bigger than the Earth—and it turns on and off completely, 30 times a second. I cannot believe that fundamental, incredible discoveries of this type will not in due course act to change our lives in significant ways. In hearing about black holes, I feel the way people must have felt 150 years ago when they heard about electricity experiments—it is astonishing; I do not really see what use it is, but let's back it—anything so amazing must change our future in some way. They were right, and I think we will be right if we support current astronomy vigorously. The astronomers seem to be united in their view that Space Telescope is the overdue next step. They have responded to our very need to restrict spending, by cutting down the size of the Space Telescope. They say it is now the minimum needed to do the job.

The Space Telescope will be a national observatory in orbit around the Earth for 10 to 15 years. It will be placed in orbit, using the Space Shuttle, in 1983. The Space Telescope, by being outside the Earth's atmosphere, will enable astronomers to see images that are 10 times smaller than with ground-based telescopes. Additionally, the color-range over which we can see or photograph the universe will be increased by a factor of more than 1,000.

I am convinced that this is the best defined science program in NASA history. Since 1965 nearly 12 years of definition effort has been expended from initial concepts study through phase B definition studies by two optical telescope assembly contractors and three spacecraft contractors. During this 12 years of feasibility, technology, and definition study NASA has invested approximately $39,000,000 of its own funds. More than 25 major astronomical centers worldwide in the United States, Canada, and Europe have been involved in the science definition of this program.

I would like to address the question of "Why now?" which can legitimately be asked of any new science program. I would first point to the investments already made and the increased capabilities which will result. If the Space Telescope is delayed, the expert teams of scientists and engineers will turn to other areas. Therefore, any restart in future years would require retraining and duplication. Another significant point is the memorandum of understanding between the European Space Agency and NASA, whereby the European Space Agency has committed to spend 80 million accounting units—approximately $88 million—for their participation in the Space Telescope program. I think you would agree that this is a significant commitment which would presumably be lost if the program were delayed.

The Space Telescope is the logical and economical successor to the previous NASA program of short-lived individual space astronomy experiments. The availability of the Space Shuttle will enable NASA to maintain and update a single observatory in space for a period of many years at a fraction of the cost of sending up a series of duplicate spacecraft. There comes a time in the evolution of a scientific discipline when the individual experimenter cannot afford or manage the facilities necessary to make significant advances. As an analogy, high energy and particle physics have already gone through that evolution. The day of the one-man cyclotron is largely over and has been replaced by the advent of the large facility, for example, the Fermilab.

Space astronomy is now at that crossroad with the Space Telescope being the equivalent of the Fermilab. The reality of this big science is that it can create more opportunities for individual investigators than does an agglomeration of many small projects. NASA expects a minimum of 100 astronomers per year to use the Space Telescope and that over its lifetime of 10–15 years a major fraction of the world's astronomers will use the Space Telescope.

Finally, history has shown astronomy as a science that is at the cutting edge of new technology. The Space Telescope will certainly tell us much more about the early stages of our universe and the formation of the galaxies. One powerful hint which we have already is the existence of quasars. Quasars are the most distant and most energetic objects known in the universe. No one knows for sure how quasars manage to produce such great amounts of energy. It is conceivable that an understanding of the way quasars produce energy could lead to improved laws of physics or even some practical applications. As an historical example, we recall that the inspiration for this country's controlled thermonuclear fusion program came from the realization, by astronomers and physicists working in pure research, that the sun shines on the basis of hydrogen fusion.

An additional potential application of the Space Telescope is a better understanding of weather and climate. This will be the first telescope that will be able to study the meterology and the atmosphere of other planets. Just as if somehow, sometimes it is easier to understand your own children if you can look at how your friend's children are behaving; then it may also be easier to understand the Earth's weather if we have a chance to look frequently at the weather of other planets.

I believe, and hope you will agree, that the Space Telescope is of much national and international importance. I urge my colleagues to support the Space Telescope with the passage of this bill.

Finally, I would like to make some remarks concerning the solar satellite power system concepts.

Various alternative energy sources have been proposed in the last few years in response to the energy crisis. The recognition that no one of these energy sources will, by itself, meet all future power needs, together with the large uncertainties inherent in the achievement of full potential for each source, has led to what might appear the most daring proposal so far: large-scale solar-energy conversion in space with a satellite solar powered station located in synchronous orbit around Earth.

First proposed by Dr. Peter Glaser of Arthur D. Little, Inc., in 1968, the satellite power system—SPS—could use one or more of several methods to convert solar energy to electricity. This electricity would be fed to microwave generators incorporated in a transmitting antenna in the satellite, and the antenna would direct a microwave beam to a receiving antenna on Earth. There the microwave energy would be reconverted safely and efficiently to electricity and fed into conventional power-transmission networks. Technical and economic feasibility studies of such systems already indicate that they may provide an economically viable, and environmentally and socially acceptable, option for power generation on a scale substantial enough to meet a significant portion of future energy demands.

The Aeronautics and Space Engineering Board of the National Research Council of the Assembly of Engineering was given a presentation on SPS in September 1976. They stated in a recent letter to Dr. Fletcher:

> As you may recall, the board's first response to the SPS concept was not very enthusiastic (March 1975). It looked to many of us like science fiction or a rather desperate attempt to find uses for space technology. The estimated costs seemed orders of magnitude greater than the benefits. Since that time, the concept has been developed by NASA and others, and the board now feels that despite the very great technical and economic difficulties of such a program, the limited research proposed by NASA is worthwhile.

The board further stated:

> A large part of the basic technological development effort, e.g., microwave power transmission, solar cell development, automated construction, efficient DC to RF transformation, is also important for alternate power generation and transmission.

Dr. Lovelace, Deputy NASA Administrator, in recent remarks to the American Institute of Aeronautics and Astronautics, stated:

> The last example of a space applications area surrounded by unresolved policy issues is perhaps the most controversial, the furthest off in the future, and yet the most sig-

nificant for societal survival. It is the large-scale exploitation of solar radiation for generating terrestrially consumed electrical power. Here the clientele is clear; All America uses electricity delivered through public or private utilities. Here the promise is clear: A new nonpolluting, environmentally acceptable, virtually inexhaustible energy source.

He also stated:

The next decade holds a thousand policy challenges in the area of space applications, but the decisions on whether to exploit the sun for electrical power may dominate them all.

Of the many uses for energy, the largest by far is for the production of electrical power. While projections vary, it is reasonable to expect that the U.S. electrical power demand will triple before the year 2000. Unfortunately, there is no single, obvious energy source to supply this demand. Thus, it appears prudent for us to investigate the potential benefits of a number of candidate approaches for increasing the energy available to our country.

A satellite power system which changes the Sun's energy to electricity in orbit and sends it to Earth for use has been suggested. It has been estimated that as much as 25 percent of the additional U.S. power needs in the first part of the 21st century could be supplied by such systems.

NASA has only scratched the surface in its work to date to completely explore the system concept, but we do know that, as yet, no insurmountable problems have been identified, and it appears that the cost of power from such a system could well be competitive with other candidate energy sources for the future such as the breeder reactor and fusion. We also know that the solar energy available in space is approximately six times as great as that available on the surface of the Earth; that the Sun is an inexhaustible energy source; and that power generated in this manner will not pollute the air we breathe. Additionally, this concept could supply great quantities of power for future industrial activities in space and for sale to power hungry foreign nations. On the other hand, we know that development of such a system will be a very costly undertaking. Therefore, we must look, and look hard, before we leap.

The NASA/ERDA plan is to do just that—to examine the concept in detail to obtain a better understanding of the problems to be resolved, to determine the amount of risk which will be involved and to estimate the resource requirements which will be necessary to develop the system. Then, and only then, will we have adequate facts to make an enlightened decision concerning the potential worth of the system in comparison to other candidate concepts.

ERDA and NASA have developed a plan to pursue this promising concept in a practicable and sensible manner. The plan would allow the generation of information by 1980, from which a rational decision can be made regarding the future direction of the SPS program as a national commitment. How much does the Nation dare risk, in terms of money for investigation of alternative systems, or in terms of foreclosing options that may, in hindsight, have been the most preferable? Could this be done with less cost and risk in the future? Probably, but within the next few years we will be forced to make energy option decisions that, whether good or bad, may well be irreversible. I think that Congress would be remiss not to approve this program and provide the rather modest funding to develop the knowledge required to intelligently make those national decisions.

NASA has been and should continue to work with ERDA in the effort. However, funding for the work has been provided in the NASA budget since that is where the capability resides to obtain the facts we need.

Mr. FUQUA. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY. Mr. Chairman, I rise in support of the national aeronautics authorization bill, H.R. 4088. This bill provides for a balanced and progressive space program and deserves the support of the Members.

As a nation we have accomplished a great deal in acquiring our present abilities to explore and exploit our space environment. We can walk upon the Moon, perform geological exploration, and return samples. We can send spacecraft to the planets to investigate our worldly beginning and send other spacecraft beyond the pull of our solar system to worlds yet unknown. Closer to home, we can place satellites into orbit around the Earth to improve our daily living, satellites which we are increasingly relying upon for communications links throughout the world and for vital information on our environment and resources.

Beyond these accomplishments, Mr. Chairman, I look to further exploration and exploitation of space to meet the challenges we face as a people today as well as in the future. We know the Sun delivers vast amounts of energy to the fringes of our atmosphere, energy which is vitally needed on Earth. We know that the space environment with its low gravity and high vacuum has unique properties for processing materials. We also know that Earth orbit provides a bird's-eye view of essentially all points on the Earth surface, a feature which has the potential of tying all points on the globe together. We are only starting to determine what this all means to us.

In this regard I would like to stress the importance of advanced planning. We must capitalize upon our present abilities and not fail to pursue mind-expanding endeavors which hold great promise. We always want to be certain that the imagination and capabilities of the best minds in this country are being challenged and directed to meet the needs of the future.

I believe that the future program planning in NASA is of extreme importance and well directed. The effort that NASA pursues under the advanced programs area of the budget is one of the most important elements of the budget. It is the "seed corn" from which will grow new programs and new accomplishments in space.

The essentially unlimited potential of space can best be utilized by a vigorous, dedicated and concentrated effort for the benefit and welfare of all. With the advent of the Space Shuttle era a wide variety of mission options are available to the Nation as Earth orbit will become a flight away. Adequate funding for NASA's advanced programs is essential, therefore, to utilize this new space transportation system and assure that our Nation continues to pioneer new paths in space development.

Among the new and revolutionary concepts for future space systems being studied within NASA are large space structures. Giant satellites may someday harness the energy of the Sun and beam the electric power to Earth to be used in our homes thus overcoming much of our dependence on fossil fuels like coal and oil. Other giant satellites may operate with wrist-watch radios that will allow you and me to communicate on a national or global basis as easy as we use a telephone, but without the fixed installations. Services provided by such systems could also include instant electronic mail or global television at the twist of your TV dial.

It may be only a few years from now when demonstration satellite systems can be delivered from Earth by Shuttle which will be the precursors of these large structures. I support these as well as other NASA advanced studies in order to help us put into focus many imposing factors which involve technical, economic, social, environmental and international considerations.

Mr. Chairman, let me compliment the gentleman from Florida (Mr. FUQUA) and the committee staff for the fine work that they have done.

I am somewhat concerned, Mr. Chairman, and I wonder if I might possibly just ask a question with respect to something on page 18. I am not intimately familiar with the technology for the advanced supersonic transport.

How much do we include in our budget on that, or do we include anything?

Mr. FUQUA. Mr. Chairman, let me defer to the gentleman from Texas (Mr. MILFORD), chairman of the subcommittee, to answer that question. That is under his jurisdiction.

Mr. MILFORD. Mr. Chairman, I thank the gentleman for yielding.

There are no added funds. This is a part of NASA's basic work. The Agency does technology development work in all types of aeronautical realms. This is to insure that this country does not get behind our foreign competitors and also to advance our own technology development.

Mr. DOWNEY. I know there has been some concern and also some controversy over this particular item.

I know that the House in 1971 made clear that they were not interested in developing an American supersonic transport.

Is this a departure from that mandate 6 years ago or is this something entirely different?

Mr. MILFORD. No, this in no way either mandates or even implies the development of an SST. This is a technology study, in the same manner that

we study advanced concepts in all fields of aeronautics.

Mr. DOWNEY. It is therefore conceivable that the people doing this study might not recommend the development of an SST or are they likely to ask to develop one that is different, let us say, from the Concorde?

Mr. MILFORD. First of all, what we are talking about here has nothing whatsoever to do with the Concorde or any present SST aircraft because present SST aircraft are a disaster insofar as being either economically viable, fuel-efficient, or environmentally compatible. These are technology studies, theoretical studies. What they would recommend would depend on what the studies themselves reveal. We have no intention here of doing what the gentleman suggests. We have no intention to build any airplane. We have foreign competitors that are working in this field, therefore, we cannot allow our own aeronautical industries to be jeopardized by permitting competitors to get ahead of us.

Mr. DOWNEY. I am not debating that point. My concern is whether or not there is any money in the budget for that. The gentleman has indicated that there is no money in the budget for that.

Mr. MILFORD. No, this is the normal work of NASA.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY. I yield to the gentleman from Ohio.

Mr. SEIBERLING. However, the committee report does indicate that the committee requests an administrator to prepare an overall program with the goal of achieving technology readiness for such an aircraft by the early 1980's

So what it does in effect, it seems to me, is say that if we pass this bill with this report and nothing more that we are saying that there shall be an official goal to achieve the technology on the basis of which we can build an SST. That sounds like we are planning to build an SST.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FUQUA. I yield 1 additional minute to the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY. Mr. Chairman, I would ask the gentleman from Florida (Mr. FUQUA) if it would be possible that the committee would indulge us for an additional 2 minutes; would that cause any problem?

Mr. FUQUA. I yield an additional minute to the gentleman from New York.

Mr. DOWNEY. I thank the gentleman.

Mr. SEIBERLING. Mr. Chairman, will the gentleman continue to yield?

Mr. DOWNEY. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, to continue what I was saying, I would like to ask the gentleman from Texas (Mr. MILFORD) if that is not the clear implication.

Mr. MILFORD. Let me reply to the gentleman from Ohio that the words in the report are "technology readiness." That does not mean the production of hardware or anything like that. If the gentleman from Ohio will continue to read that portion of the report, he will see that there are actually five different categories that are to be studied such as the environmental impacts from the operation of a fleet of supersonic transports, the approaches for developing financing. These are all technological phases.

Mr. SEIBERLING. Mr. Chairman, if the gentleman will still continue to yield, I will ask the gentleman from Texas where the money is going to come from for NASA to do this, for instance, to run and construct the wind tunnels, that will certainly be very expensive.

Mr. MILFORD. That is already what NASA is doing.

Mr. SEIBERLING. They are working on an SST?

Mr. MILFORD. No; they are working on the technological development in all phases of aviation.

Mr. SEIBERLING. It seems to me we ought to confront the issue head on. The Congress made a basic policy decision 6 years ago that we were not going into the SST construction. So if we are going to go into any further kind of SST study, then we ought to put in an authorization and appropriation and give the Congress an opportunity to pass upon that instead of doing it through the back door.

Mr. GOLDWATER. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY. I yield to the gentleman from California.

Mr. GOLDWATER. Mr. Chairman, I would like to remind the gentleman that this involves research of a technical nature into supersonics and into supersonic flights and that this is certainly nothing new to NASA because it has been proceeding on this program for many years and is primarily directed toward answering any questions required for the military application. But Congress clearly spoke when it concluded the SST program. All we want is for NASA to advance the state of the art in case in the future that Congress wants to reexamine the question once again so that it will have the answers. In the past we canceled this because we did not have the answers. We need to have this information so that we can legislate more intelligently.

Mr. SEIBERLING. Then let us refer this to the Congress to appropriate the money to make the study.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WINN. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York (Mr. WYDLER).

Mr. WYDLER. Mr. Chairman, first I wish to compliment the acting chairman of the committee, the gentleman from Florida, Mr. FUQUA, upon the manner in which he has conducted the hearings, and the markup sessions in the committee and also the gentleman from Kansas, Mr. WINN, for the way he has managed this bill on behalf of the minority. Mr. Chairman, I rise in support of H.R. 4088, the fiscal year 1978 authorization bill for the National Aeronautics and Space Administration—NASA.

Mr. Chairman, the authorization levels in H.R. 4088 will permit the NASA programs in space, aeronautics, and applied technology to continue making steady progress. Throughout its history NASA has proven itself to be a conscientious, performance-minded agency. It has set goals, established programs to meet those goals, and then proceeded to implement the programs and achieve their objective.

A decade ago NASA designed and carried out our successful manned lunar program. Today NASA is pursuing a broader range of space and aeronautical objectives. The reusable Space Shuttle has begun its preliminary test flights and they have been remarkably successful. All indications are that its success will match that of our manned lunar program. Other space programs include satellite missions for lunar and planetary investigation as well as Earth oriented applications such as environmental monitoring and weather and agricultural forecasting.

I have been gratified by NASA's increased attention to adapting its programs and applications to provide a more direct benefit to the public in general. While lunar and planetary exploration fulfill legitimate scientific objectives, they do not result in any immediate contribution to our everyday problems. Earth-oriented satellite programs in climatic and environmental monitoring are giving us the data necessary to identify potential environmental problem areas early and allow us to take corrective action sooner than otherwise possible. This is true both for pollution-type situations and agricultural productivity. Agricultural monitoring allows us to make better crop estimates and to identify crop disease and blight at an early stage. The "bottom-line" benefit to the public is seen in the price of a loaf of bread and the favorable balance of payments we derive from agricultural exports.

Beyond space applications NASA is pursuing a strong aeronautical R. & D. program. Its program is designed to establish the technical foundation from which the next generation of U.S. aircraft will emerge. The goal is to develop the technology for more fuel-efficient, quieter, and less polluting aircraft than currently in use. To accomplish these objectives NASA is investigating advanced propulsion systems, improved materials, and better navigation and guidance equipment. It is important to maintain the U.S. position of superiority in aviation not only to serve better our own future needs but also to maintain our impressive level of aviation exports. The latter means more jobs for Americans and a good international balance of payments.

Mr. Chairman, H.R. 4088 authorizes $4.05 billion for fiscal year 1978 for NASA. This amount represents a 9.7-percent increase over fiscal year 1977. This increase is essentially the level of growth recommended by both Presidents Ford and Carter. The readjustments which the committee made resulted in less than a one-half-percent increase over the Presidential request. In light of NASA's im-

pressive track record of performance I am reasonably confident that the increase over last year's level will be spent productively.

Mr. Chairman, I urge my colleagues to join me in supporting H.R. 4088.

Mr. WINN. Mr. Chairman, at this time I yield 3 minutes to the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. Mr. Chairman, I would like to join my colleagues from Kansas and Florida in their support of the NASA authorization bill (H.R. 4088).

This budget should be viewed as an investment—as opposed to just spending money on space. This is true because these investments will grow or multiply to create more economic benefit in the future than was invested in the present.

This does not imply that there are no short-term benefits. On the contrary, the Space Shuttle program alone has approximately 50,000 people in 47 States directly employed—with an even larger number of people indirectly employed through contractors and subcontractors.

NASA programs are highly labor intensive—with an estimated 85 percent of all NASA expenditures going into employment primarily in the private sector of our economy.

The important aspect to keep in mind, though, is that this innovative work tends to create new and unheard of industries—which results in even more jobs.

More importantly from a fiscal viewpoint in terms of Government spending, NASA should be commended for the management of its budget.

NASA has done something that is most unusual in Federal agencies—where the mark of success seems to be how much they can increase their annual budget.

NASA has held its request for institutional or overhead funds to a level that is essentially identical to last year. This was achieved in spite of substantial increases in the cost of utilities, support, contractor labor rates, and travel.

The so-called research and program management authorization of $847,989,000 covers the compensation of NASA's 23,737 in-house civil service personnel—along with all the housekeeping costs at each of the 10 NASA field centers.

These include such things as utilities, travel, maintenance, printing, and supplies.

I know that each of us can relate to the inflation that has occurred in these areas. That is why we can all appreciate and applaud the effort that NASA has made in holding the line on such costs. Other Federal agencies would do well to follow NASA's lead in this regard.

Mr. Chairman, I am happy to support this NASA program and to urge its approval by the full House.

Mr. FUQUA. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. LLOYD).

Mr. LLOYD of California. Mr. Chairman, I rise in support of H.R. 4088 authorizing appropriations for the National Aeronautics and Space Administration for fiscal year 1978.

I would like to call your attention to the excellent work now underway at several research centers of the National Aeronautics and Space Administration, NASA, in the field of general aviation aircraft operations. Scientists, engineers, and research pilots are hard at work on developing advanced technology which will find application in noise abatement, exhaust emissions minimization, reduction of airport congestion, and improved and safer operations in the airport or terminal area. I am sure you realize that many of the same problems which confront the operators of large airline jet aircraft are, although to a lesser degree in some cases, common to aircraft of the general aviation fleet.

We will be much closer to realizing significant noise abatement and exhaust emission reduction benefits next year when NASA commences component testing and assembly of the quiet, clean general aviation turbofan—QCGAT—experimental engines. These experimental engines are in the size and thrust range of those powering the business jet airplanes. Application of technology from this program will greatly benefit our long-suffering airport neighbors.

In the area of flight operations research, I have seen results of NASA research which monitored general aviation aircraft near and in the traffic pattern at several congested and noncontrol tower airports. The results show an amazing lack of adherence to consistent "highways in the sky" and many pilots flying, indeed, as if the sky was theirs and theirs alone.

To bring some semblance of order to this situation, NASA is applying advanced avionics technology to development of a feasibility model of an automatic pilot advisory service—APAS—unit, as unattended, automatic traffic monitor and information broadcasting device which can be set up at an unattended or uncontrolled airport. Approaching an airport with APAS, you would be tracked by low-power radar and be provided automatic airport traffic advisory information over your airplane's radio. Demonstration of the APAS feasibility model in the near future should be a forceful stimulus to consideration of providing APAS units at busy controlled general aviation airports.

I am sure you appreciate that the collective cost of advanced avionics systems—radios, navigation systems, weather radars, transponders, et cetera—represents a significant part of the general aviation purchase price. To encourage the incorporation by general aviation operators of advanced avionic systems which would provide significant safety and operational efficiency benefits, NASA is in the process of showing the avionics industry how low-cost technology can evolve systems of superior performance with no cost increase over the avionics of today. In one example, the NASA Langley Research Center is evaluating a low-cost differential Omega navigation system, which, because of the low frequency at which Omega operates ($\approx$10–13KH$_z$), provides navigation coverage in areas which are not, and in some cases cannot be, covered by the U.S. network of very high frequency ($\approx$108–118MH$_z$) VOR groundbased navigation aids.

In another program, at NASA's Ames Research Center, advanced and low-cost avionics technology is being applied to feasibility models of an airborne receiver which will make it possible for the general aviation and small community user to take advantage of the Microwave Landing System, MLS, a precision landing approach capability which will appear in a few years to replace the instrument landing system, ILS, of the decade of the 1940's.

I have only touched on a few examples of NASA's general aviation technology effort, such as time will permit. The future will without doubt bring the realization of benefits many times the nominal cost of NASA's outstanding general aviation aeronautical research.

Mr. Chairman, I think the point that we ought to make is that this is an excellent bill. I congratulate my chairman for bringing forth a bill that is reasonable and that does not have a lot of fat. I would remind the gentleman from Ohio that in no way is there any game being played to bring forth an SST. I think the will of the Congress was clearly indicated in the past, and there is no intention of doing this. I would tell the gentleman that I personally was involved in supersonic tests as far back as 1946 at Ames Aeronautical Laboratory, and that supersonic tests have been ongoing. These programs have produced such developments as the supercritical wing, the scissors-type wing, and we ought not in any way to debilitate our research in fear that we are going to "develop" an SST by some back-door method. I can assure the Members that that is not the intent whatsoever in this bill.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. LLOYD of California. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I thank the gentleman for yielding.

I simply would like to say that in 1971 when the Congress decided to end the funding of the SST after spending $1 billion on it, we came to three basic conclusions: One, that it was a threat to the environment because of the danger of damage to the ozone; two, that it was economically unsound; three, that it was the most wasteful possible form of transportation yet devised from a fuel standpoint. Everything that has happened since then, including the Concorde and the energy crisis and the crisis over the ozone has increased, has doubled in spades, so why do we even bother to study the SST?

Mr. LLOYD of California. I do not know that it has doubled in spades. Certainly I do not disagree with the conclusions. I may not agree in totality. But the answer is that this in no way will bring an SST into being. I can assure the gentleman from Ohio it was never the intention whatsoever, nor is it at the present moment, and I personally will work to see to it that does not occur.

Mr. SEIBERLING. I must say that does make me feel a little better.

Mr. FUQUA. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. WIRTH).

Mr. WIRTH. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the National Aeronautics and Space Admin-

istration authorization bill, H.R. 4088, and I strongly urge my colleagues to join me in voting its passage. I have the privilege to serve as a member of the Subcommittee on Space Science and Applications which has jurisdiction over the nonaeronautical NASA activities and I can, therefore, personally attest to the amount of effort that went into the preparation of this bill for your consideration today. I would like also to compliment the distinguished chairman of the subcommittee, Mr. DON FUQUA, of Florida, and the capable ranking minority member, Mr. LARRY WINN of Kansas, for their exemplary leadership during the many weeks of intensive hearings.

This is a reasonable budget, not elaborate in its moneys for NASA, but one I feel that NASA can endure under the constrained economic conditions we are facing today. There are no frills nor fat in this budget, only moneys for essential ongoing programs and a few new starts.

We can take pride in the many accomplishments of the NASA space program, not only in the spectacularly successful Apollo lunar landing program of the last decade and subsequent manned space program but also the many achievements of the diverse automated space programs and the recent accomplishments of Viking on our sister planet Mars.

I would like to make some general observations about the budget and space science. The budget submitted this year will, if approved, reinvigorate the NASA space science program. It will establish that the United States intends to maintain world leadership in space science, exploration, and technology. The new start proposal for the Space Telescope, conceived about 15 years ago, is guaranteed to open up new vistas in astronomy, providing insight into physical processes beyond our current comprehension and giving humanity a more profound perspective of its place and relative significance in the cosmos. The Jupiter Orbiter and Probe will enable us to continue the exploration of the solar system, efficiently utilizing and maintaing a national capability built up and nurtured over the past 15 years. The lunar Polar Orbiter is the next logical step in the exploration of the moonlike planets—Earth, Moon, Mars, Venus. The scientific data returned from the Lunar Polar Orbiter will be an immediate impetus to our study of comparative planetology.

On a third front, NASA is initiating development of Spacelab payloads beyond Spacelab 2 in a mode designed to optimize the utility of the Space Shuttle to the scientist.

The conduct of space science is more than simply "doing science"; it is truly exploration, a conscious search for the unknown. I view it as having four major components: Knowledge; vision; national prestige and purpose; and technology, resources and applications.

Space exploration provides a focus for the innovative energies of Americans whose short history is marked by the recognition of frontiers and the drive to conquer those frontiers. Space is undoubtedly the greatest remaining frontier in terms of both its vastness and its potential for as yet unconceived discoveries. The United States has the capability to penetrate that frontier and has been doing so in a rather steady way. It is necessary to maintain that thrust in a visible way which clearly sets the direction, or purpose, toward which we are striving.

Technological advancement is a recognized key to progress but one must ask, what drives technology or more basically, makes it possible? To a large degree, basic science provides the foundation for technology. The drivers on the science are the so-called science requirements. The scientist, in a quest to discover and understand, continually pushes technology to enable him to see smaller objects, to see further into the universe, and to detect smaller amounts of chemicals. The technology, and often the instrumentation, thus developed inevitably find their way into areas of use not conceived of in the initial application.

For example, a mass spectrometer developed to detect miniscule amounts of lead in lunar soil is now used to determine the location of lead in individual human blood cells in an attempt to understand lead poisoning. Similarly, science provides the basis for applications. There is no way to solve aerosol and ozone problems, to understand climate changes, or to comprehend the meaning of magnetic or gravity maps without a firm basis of physics and chemistry, and an appreciation of the vagaries of nature, much of which derive from the space science program.

The supply of terrestrial natural resources is of increased concern as we deplete surface deposits. Much as the natural resources of Antarctica are now openly discussed in terms of economic potential, whereas 50 years ago they were not known to exist; we can now conceive of utilizing the Moon's tremendous titanium deposits—unknown 15 years ago—or of mining an almost pure iron-nickel asteroid whose orbit crosses that of Earth. About 20 new Earth-orbit-crossing asteroids have been discovered in a systematic search over the past couple of years as compared to only 4 previously found at random. We now expect to find close to 1,000.

The acquisition of knowledge is the third major point. All too often we dismiss this concept with the phrase "knowledge for the sake of knowledge." I believe that it is time to accept the responsibility to acquire knowledge because it satisfies a basic human need to determine what is "out there," how does it work, who are we, where did we come from and where are we going? These are important questions for mankind to struggle with and we are encouraged in such inquisitiveness by our culture, and no less by our Government, through far-reaching programs of and stress on education. The quest for knowledge ties to my last point—vision. Vision, I will define for our purpose as the perception of a challenge to be met and of knowledge to be gained, wrapped up in a conviction that we possess the will and the means to pursue those goals and capped off by a firm belief that in so doing humanity is well served. Space science is part of the world of the visionary.

On a practical front, we must face the question of why now. There is no doomsday argument that holds water—rather it is a matter of not turning back on endeavors and directions initiated deccades ago, of efficiently utilizing a science and engineering community established for good reason, and responding to new opportunities occasioned by technological advancement. To turn our backs now could be the regret of the 1980's.

Our effort in the area of physics and astronomy represents a coordinated program using the unique characteristics of space vehicles to probe fundamental questions concerning the structure and history of our universe, and man's place in it. The human environment we are concerned with is the Earth's atmosphere, the solar radiation and particles which impinge on the Earth, and the galactic system of which our Sun and its planets are a part. We are also concerned with the history of our galaxy of stars: its nature, its place in the expanding universe, and the origin and ultimate fate of our universe, including our own galaxy, our Sun, and ourselves.

To a considerable degree, many of the questions we are trying to answer in our physics and astronomy program can be rephrased as a single question: where, when, and how, did the elements of which we ourselves are composed originate?

The scientific community has told us that the Space Telescope represents the next logical step in astronomy. Since ground-based telescopes are approaching their limit in performance, the long-lived—more than a decade—Space Telescope, which scientists feel is the logical successor to the previous NASA program of short-lived astronomy experiments, is the science community's top priority in optical astronomy. NASA has been studying the Space Telescope concept to some degree for nearly 12 years, leading to what is probably the best-defined program, at this stage, that NASA has ever proposed to undertake. Considering this fact, the program could probably never be carried off as efficiently as now. The design is in hand, and the technology is available.

There are a number of logical and economical reasons to go forward with the Space Telescope this year.

First, large numbers of U.S. and foreign astronomers have participated in Space Telescope feasibility and design studies over the past 5 years. If Space Telescope were delayed now, NASA's expert teams would be dissolved, and the individual scientists would turn to other areas of research. A restart would mean retraining and duplication of scientific studies.

Second, many industrial firms have invested heavily of their own internal research and development funds, to provide our Nation with the best possible preliminary design. A delay would dissolve their teams: Could we persuade these companies to do it again?

Third, as a result of congressional initiatives, the European Space Agency—ESA—has been interested in Space Telescope. In October 1976, ESA voted to spend the equivalent of 93 million fiscal year 1978 dollars, as part of their partici-

pation in Space Telescope. In the event of delay, these funds would presumably be redirected to more exclusively European projects.

The time to undertake the Space Telescope is now. I am impressed with the way NASA does what it says it is going to do. The Viking landings have opened literally a new world. It is a fascinating world, but there is also the world of the universe itself waiting to be opened up. I look up at the stars and I can see that world, but the scientists tell me that my eyes see only a fraction of what is there; that Space Telescope, being above Earth's atmosphere, and having instruments that are sensitive to kinds of light that the eye does not see, will reveal a whole new universe to us. I do not believe that things that are not visible to the eye are not important. If the Earth we inhabit is in an environment that we have not been aware of, I want to find out what that environment is, and as quickly as possible. This Earth of ours is precious, and the space program has shown us how isolated life is in the universe. I am told that Space Telecope will provide us for the first time with an extensive ability to take ultraviolet pictures of processes occurring in the universe around us. Ultraviolet light is higher energy light than visible light—the bit of the Sun's ultraviolet light that gets down to Earth is what burns the skin. Space Telescope's ultraviolet pictures will show more energetic processes in space than we can see with the eye. Also, since the Space Telescope will be above the Earth's atmosphere, and its blurring effect—we can expect much sharper photographs from Space Telescope than from the ground. This has got to be important just because these astronomical things are so far away—to get any detail in your picture it must be as sharp as possible. We have reached the limit from the ground.

I believe, therefore, that it is a matter of real practical importance that we get Space Telescope built and launched—starting right now.

Mr. Chairman, the Space Telescope is but one of several very important projects that this bill authorizes. I would urge my colleagues to join me in voting for this measure.

Mr. Chairman, I have a couple of brief questions, if I may, of the chairman of the subcommittee relating to the major new start in this authorization, which is the space telescope. The first question I would ask is: Could the gentleman describe for the Committee the priority which NASA has placed on the space telescope?

Mr. FUQUA. According to NASA the space telescope is their No. 1 priority item for the year. They have been after this for some time and this year it was approved by the Office of Management and Budget. It is of the highest priority not only to the NASA program but also to the academic community.

Mr. WIRTH. I thank the gentleman.

My next question is: Is it not true that this President and the previous administration have included this in both the budgets?

Mr. FUQUA. The gentleman is absolutely correct. It has been included in the budget of both former President Ford and President Carter.

Mr. WIRTH. I thank the gentleman for his answers to those questions.

Mr. WINN. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. FREY).

Mr. FREY. Mr. Chairman, I would like to pay special tribute to the gentleman from Texas (Mr. TEAGUE) who over the years has given this committee special leadership, and to the gentleman from Florida (Mr. FUQUA) and to the gentleman from Kansas (Mr. WINN), who have worked hard on this bill.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. FREY. I yield to the gentleman from California for a question.

Mr. ROUSSELOT. Mr. Chairman, I thank my colleague for yielding. Many of us are indeed grateful for the strong leadership of Chairman TEAGUE.

I recall that last year we had some discussion on the floor, and as I remember also in the 1976 committee report, on some of the programs under Earth resources operations and systems relating to resource surveillance in our country from various satellites. We call them Landsat–1 and Landsat–2, and these satellites do surveillance work relating to agricultural produce, weather conditions, and so forth. Could the gentleman comment as to how that program is proceeding and the value that we might expect from any new satellites that we launch?

Mr. FREY. I would be delighted to. We have basically conducted experiments on Landsat–1 and Landsat–2 and the Skylab program. Landsat–1 and Landsat–2 are now both operational. These satellites gave us the ability to predict the wheat crop several months before the Agriculture Department did last year, within about a 10-percent range. We are in the process of launching this summer the Landsat–C, which is the final generation of the Landsat programs. We also have money for the Landsat–D, which has a thematic mapper, a device that will allow us greater precision and enable us to predict the crops within 1 or 2 percent.

Satellites can be used and are being used to foresee flooding or the lack of water. We are working on experiments in agriculture where we have young tree decline in citrus trees. If it works we can see young tree decline by satellite way before you can identify by any other means. There is no cure for this. The only thing we can do is to pull out the young trees. This is just an example of helping us on Earth.

Mr. ROUSSELOT. I appreciate my colleague's explanation of the value and the various end products of these satellites under the Landsat program. It is important that people in this country have a full appreciation of the immediate and future value of the programs.

Let me review for my colleagues some important items about Landsat–C from last year's report of this committee:

The Landsat–C Earth Resources Technology Satellite is the first operational satellite system dealing with earth resources data for all potential private and institutional users. Landsat–C is a technical improvement over the two predecessor satellites (Landsat 1 and 2) and offers the framework for the implementation of an earth resources operational system.

The objective of the Landsat–C Earth Resources Technology Satellite project is to continue the development of technology which will significantly contribute to more efficient management of earth resources. It accomplishes this objective by providing large area repetitive images in discrete color bands, which can be analyzed by computer and photointerpretation techniques to provide a better understanding of terrestrial conditions than is presently possible. Landsat–C will continue and build on the technology developed by Landsat–1 and –2. Landsat–C will carry an improved Multispectral Scanner (MSS), which will incorporate a new spectral band in the thermal region to more effectively classify terrestrial phenomena which are characterized by temperature changes. This additional capability will be used to improve our ability to classify and measure agricultural crops in the preharvest stage and will also improve Landsat's capability to monitor dynamic changes in many other vital areas such as water pollution, geology, hydrology, and oceanography. The television camera system, called the Return Beam Vidicon, will incorporate a twofold improvement in resolution (80 to 40 meters) over what was flown on Landsat–1 and–2. This capability will permit the identification of smaller agricultural fields and should assist in improving cartography in poorly mapped areas of the world.

I know the gentleman from Florida (Mr. FREY) has been one of those interested in this Landsat–C program, since many of the launches have occurred in the gentleman's area of Florida. The reason it seems timely to discuss Landsat–C because in my Subcommittee of Census and Statistics in the Post Office and Civil Service we have been conducting hearings on the value of various kinds of surveys done in the agricultural field. I think it is important that there be better exchange of information among some of these operating Earth Resources System programs that the gentleman from Florida has mentioned and the other current statistical gathering agencies. As the gentleman from Florida has already pointed out the current Landsat satellite system was able to provide reliable data relating to the Kansas wheat crop several months well in advance of actual weather conditions. It is our hope that those from the farming communities of this country will take time to look at the Science and Technology Committee reports, both this years and last years. The various Landsat programs provide a value that they can utilize now and in the near future. This is no longer "Star Trek" of the distant future.

Our colleague, the gentleman from South Dakota (Mr. PRESSLER) was testifying today before the Subcommittee on Census and Statistics was explaining how the production of statistics through the Census Bureau is delayed rather substantially by the time they get the end result. Yet our colleague knew himself that the satellites now in place or to be in place will be able to give us a better projections and monitoring readings of crops and field production.

I am very appreciative of my colleague's comments on this. I hope that

the whole House can be aware of the tremendous value of the Landsat programs that are included in this authorization.

Now, did my colleague tell me that our new space shuttle program will be able to service these type satellites that are either in orbit now or are soon to be?

Mr. FREY. Mr. Chairman, that is one of the benefits of the space shuttle, to save the cost of satellite replacement and expendable launch costs. We estimate a savings of about $1 billion a year. The Shuttle will be able to take vehicles up and place them in space. If there is something wrong, they can bring them back and fix them and replace it with a part.

Mr. ROUSSELOT. Mr. Chairman, if the gentleman will yield further, I want to thank my colleague for his comments on the importance of the Space Shuttle program and his explanation of the direct benefits the program will soon provide.

Mr. Chairman, I, too, wish to pay a compliment to the chairman of this committee and activist, our good Congressman, the gentleman from Texas (Mr. TEAGUE). The gentleman (Mr. TEAGUE) was present in Palmdale, Calif., last year when the Space Shuttle was rolled out for the world to see. The gentleman from Florida (Mr. FUQUA), and the ranking member on our side of this subcommittee, the gentleman from Kansas (Mr. WINN) were also on hand for this Orbiter 101 rollout. We all felt there was a very great deal of importance to the roll-out of that vehicle. Many people truly realized that this new Orbiter will have a tremendous number of spinoff benefits for the whole country that maybe are not seen, perceived or realized at this time; will soon be acknowledged and felt as tremendous technological advancements on a widespread basis.

I am pleased that more of the news media are beginning to pay closer attention to the good results in these space programs. Although it may appear that the costs are substantial, the Space Shuttle will provide tremendous savings in what they can ultimately give to this whole program of satellite surveillance.

Mr. FREY. I agree with the gentleman, and thank him for his remarks. I would point out that in the area of weather, as a result of the space program it has been estimated that over 50,000 lives have been saved as a result of advance weather warning. I do not know how much value we can put on a human life, but it certainly must be the highest priority.

We are looking forward to solar power stations down the line. We are looking forward to manufacturing in space. The process of developing blood, which costs $50 per ounce on Earth, can cost 25 cents in space. I think it is a tremendously productive period we are looking at.

I would move to one other thing, since the gentleman has brought it up. It has been my feeling and that of the entire committee that in the energy area, NASA is not being properly used. The people, the technology, the facilities are a national asset, and I think have been poorly used by ERDA or whoever is running the entire energy area. We are not getting our money's worth.

Mr. ROUSSELOT. I thank the gentleman for yielding to me.

Mrs. SPELLMAN. Mr. Chairman, will the gentleman yield?

Mr. FREY. I yield to the gentlewoman from Maryland.

Mrs. SPELLMAN. Mr. Chairman, I want to take a moment to say how happy I will be to join my colleagues on the other side of the aisle in the sentiments they have been expressing. I think all too few people in the United States recognize the enormous spinoffs we get from the NASA programs. There are people who sit on this very floor of the House who wear pacemakers, and that is one of the spinoffs from the space program. There are advantages that we have today that are just too numerous to go into at this point, but I was very much enjoying the colloquy because it is an attempt to call to the attention of the American people the really great service that is being done for the people by the NASA programs.

Mr. FREY. I thank the gentlewoman.

As she well knows, one of the most important export items we have, one of the very few in which we have a balance of trade, is in high technology. A great deal of the basic research has gone through NASA. Unfortunately, it has been slowing down to the extent that today we do not have as much airplane exports. Other countries are taking over in that area, and in communications, because we are losing the leadership.

I think when a nation loses its science and technology, it starts to die as a nation. I do not want to see this happen.

Mrs. SPELLMAN. I wonder if I might take just a moment to commend the committee chairman, TIGER TEAGUE, for whom we all have not only the greatest of respect, but affection and love.

Mr. FREY. I thank the gentlewoman.

Mr. Chairman, I would like to express my support for H.R. 4088, the fiscal year 1978 National Aeronautics and Space Administration—NASA—authorization. The funding provided for NASA is probably one of the wisest decisions possible if we as a nation expect to see a continued growth in our technology. This technical capability has opened entirely new horizons in space. With the advent of the space transportation system, which includes the Space Shuttle, this Nation will be able to place payloads in Earth orbit for approximately $160 per pound as compared with $600 per pound for expendable launch vehicles. This system makes space utilization for communications systems, Earth resources monitoring, and solar power stations not only economically feasible but routinely applicable.

This budget is truly a conservative budget. In 1965 the NASA budget was $5.3 billion with the employment at 33,200 people. In 1976 the budget had shrunk to $3.5 billion with an employment of 24,039. It is about time that we recognize the technical capabilities and facilities that exist at NASA and apply these national assets to the solution of the energy crisis. More positive steps need to be taken by ERDA to actively solicit NASA cooperation. This Nation has made a tremendous investment in space exploration but as indicated by the manpower and budget history it is not being utilized. To capitalize on that investment the technology must be used.

In closing I would like to express my compliments to NASA for their efforts in the past year. I also would like to say that the time has come for us to make the same enthusiastic comment to resolving our energy problems that was made to landing on the Moon. The technical capability is available—let us use it.

Mr. DORNAN. Mr. Chairman, will the gentleman yield?

Mr. FREY. I yield to the gentleman from California.

Mr. DORNAN. Mr. Chairman, I represent the aerospace capital of the world, the 27th District of California, where so much of the shuttle technology comes from.

Mr. Chairman I have listened to the debate on the National Aeronautics and Space Administration authorization with great interest. As the Representative of one of the centers of the aerospace industry in this country, I have long been aware of value of the Space Shuttle. The Space Shuttle is not just another "military boondoggle" as some of its opponents have called it. There are real and lasting civilian benefits to be gained from its operation.

So that my colleagues may be better apprised of "down-to-earth" benefits of this amazing vehicle, I would like to list a few of them now:

COMMUNICATIONS

Communications satellites have made intercontinental television possible, and are reducing the costs of transocean telephone calls. The costs will decrease again when the reusable Shuttle takes new and improved satellites into Earth orbit.

PETROLEUM RESOURCES

Photos of the Earth taken from space have led to discoveries of oil and natural gas on three continents. The improved satellites emplaced by Space Shuttle can locate new sources of fossil fuels.

MINERAL RESOURCES

A copper deposit estimated to be worth $10 billion was discovered in northern Nevada as a result of Skylab pictures. The advanced satellites emplaced by Shuttle are expected to make many other valuable mineral discoveries.

POLLUTION

A pollution-mapping satellite can cover the entire continental United States in about 500 photographs. Cameras carried in high-altitude airplanes would need about 500,000. It is possible to monitor from space in a few days what would take years by air.

AGRICULTURE

Sensor systems in space can help the world solve its food problems. The sensors can identify crops in each field, tell the vigor of the crops, the probable yield, the identity of plant diseases or insect infestation, and provide vital inventories of food for mankind.

TIMBER

Shuttle-launched satellites can help conserve our forest resources by discovering fires, by detecting tree disease and infestations of pests, and by providing accurate inventories of our timber lands.

SCIENTIFIC STUDIES

Shuttle is capable of taking into earth orbit completely equipped scientific laboratories and as many as six passengers. In the weightless environment of space, scientists can perform many tasks that cannot be accomplished against earth's gravitational pull.

FISHING INDUSTRY

By mapping the ocean surface temperature, earth resources satellites will help oceanographers understand current patterns. This, in turn, will enable fishing experts to predict the movements of schools of fish.

Mr. FUQUA. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. GAMMAGE).

Mr. GAMMAGE. Mr. Chairman, I represent the other aerospace capital of the world.

Mr. Chairman, I rise in support of H.R. 4088 authorizing appropriations for the National Aeronautics and Space Administration for fiscal year 1978. I would like to congratulate Mr. FUQUA, chairman, Subcommittee on Space Science and Applications and Mr. WINN, the ranking minority member for the leadership they have provided during hearings on this bill.

It is fitting to note that we as a nation have grown to a position of technological preeminence that is the envy of the world. Clearly, the pioneering characterized by our space program is a demonstration of how we attained this position.

Looking toward our Nation's future, it is apparent that we cannot rest if we are to maintain our leadership in this field. Many foreign countries recognize the importance of maintaining a healthy climate for technological innovation and have taken positive steps to encourage the innovative process. Today, we have before us a bill, H.R. 4088, the national aeronautics and space administration fiscal year 1978 authorization which, I believe, is important if we are to continue to reap the benefits that the space program and its generation of new technology has given us in the past.

We must remember that the pursuit of space goals generates innovations in virtually all fields of science and technology and helps stimulate progress in areas not even remotely connected to the original programs. Economists have estimated that these secondary benefits will return $7 billion to the economy in a 14- to 20-year period—about twice the authorization we are considering today. Similarly, each new dollar invested annually on space research will return $23 over the next 10 years.

I want to focus my attention on our future space program including space industrialization and space solar power and the advanced programs studies leading to realization of goals in this area.

The effort that NASA pursues under the advanced programs area of the budget is one of the most important elements of the budget. It is the "seed corn" from which we will grow new programs and new accomplishments in space.

The Apollo, the Skylab, the Apollo-Soyuz, and the Shuttle all emerged from this critical study effort.

Today, new and revolutionary concepts for future space systems are being studied. These vary from giant communications satellites which operate with wristwatch radios that will allow you and I to communicate on a national or global basis as easy as we use a telephone—but without the great fixed installations. Or the possibility of having instant electronic mail or global television at the twist of your TV dial.

On an even larger basis, there is the potential for giant satellites that harness the energy of the sun and beam the electrical power to Earth to be used in our homes, thus overcoming much of our dependence on fossil fuels like coal and oil.

These new concepts—and many more, depend on the use of large structures built and fabricated on orbit by men and women flying in the Space Shuttle.

A whole new era of national growth will come about when we learn to exploit these capabilities and begin to industrialize space.

Again, your committee feels very strongly that much effort is needed in generating the new concepts. We need these new bold approaches to bring forth new products, new industries—new national strength and security.

Industrialization of space involves the use of space flight for commercial and social purposes; that is, the use of space to produce saleable/profitable products or services which companies and citizens are willing to pay for. Other basic uses of space, of course, include scientific research and exploration, typified by the Voyager and Apollo programs and national security. Weather, communications and earth resources satellites have already demonstrated many economic and social benefits achieved by the use of space.

The successful industrialization of space will require the development of Space Platforms—manned facilities to be placed in low earth orbit and periodically serviced by the Space Shuttle. The Space Platform would permit the assembly, erection and placement of permanent large facilities in orbit such as antennas for low-cost public service communications. Such antennas are capable of a wide range of new services, for example, electronic mail, wrist radio communications, search and rescue, and inventory control of items to be tracked nationwide. Commercial processing of valuable materials and pharmaceuticals would also be supported by a Space Platform. The feasibility of large systems for translating solar energy to electrical energy for use on Earth would be investigated.

Mr. Chairman, I wish to express my support for continuing our assessment of the satellite solar power system concept. This intriguing concept appears to have promise for helping meet our Nation's long-term energy needs.

There is in our country a growing understanding of the need to conserve our depletable energy resources and to take measures to protect the environment. In addition, there is a growing awareness of the potential of solar energy to provide nondepletable, environmentally clean energy for use on earth. This Nation has initiated a major effort to advance the technology and demonstrate the use of solar energy as an inexhaustible and clean energy resource.

As part of this effort, the Congress included funds to NASA in fiscal year 1976 for study of the Satellite Solar Power Station concept. In this concept, an earth orbiting power station would collect and convert solar energy in space and transmit this energy to earth by means of microwaves. Congressional support for evaluation of this concept has continued until the present, with recent direction for a joint program by NASA and ERDA.

It is my understanding that NASA and ERDA studies of satellite power systems to date have disclosed no barriers to technical feasibility and have indicated that the concept may be competitive in cost with earth-based power systems in the 1995 time frame and beyond.

The satellite solar power station therefore continues to stand as a potentially major long-term energy option for providing baseload solar energy essentially twenty-four hours a day.

Deeper investigation of the concept therefore appears to be altogether appropriate. In a joint planning effort, NASA and ERDA have identified five major subprogram elements requiring more in-depth investigation, as follows:

a. Definition of a System Concept;

b. Environmental Factors;

c. Comparative Evaluation with Earth-based alternatives;

d. Impacts and Benefits; and

e. Space Related Technology.

Funding of these studies would provide the basis for a decision in mid-1980 whether to continue the program.

I urge my colleagues to join with me in support of these studies. Their implementation would permit a detailed assessment of the potential of this candidate major energy option, and would use more fully the national technological resources developed in the space program.

Mr. Chairman, I urge full support for funding of the proposed satellite solar power system studies.

Mr. FUQUA. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. BRECKINRIDGE).

Mr. BRECKINRIDGE. Mr. Chairman, I rise today to support a program whose fate is now before the Senate Labor, Health, Education, and Welfare Subcommittee of the Senate Appropriation Committee considering the fiscal year 1977 supplemental appropriations for the National Institute of Education. Included in the NIE $70 million supplemental request is a program called the Appalachian education satellite program—AESP.

This program utilizes current satellite technology to aid rural communities

in improving their educational systems. In simple terms, it brings educational opportunities to the people of Appalachia, rather than forcing them to go hundreds of miles to a university or college and to spend additional funds to receive this educational training. The program has represented a strong cooperative effort among Federal, State, and local agencies and citizens since 1974. Over 15 communities, incorporating local input and suggestions as to needs, have been involved during the first phase of the AES program. Over 1,000 rural educators were able to take credit courses that many of them could not otherwise attend, thereby accelerating the quality of education throughout Appalachia. In addition, over 400 small businessmen took part in the needs assessment.

The second phase of the AES program would expand the reach from 15 communities to over 60 rural communities receiving the AESP, and would seek greater course offerings and a larger variety of audiences. The projected new programs would continue to serve educators, but are also planned to aid the business community, industry, health occupations, government workers, and vocational training.

Mr. Chairman, the $70 million fiscal year 1977 supplemental appropriations request for NIE, as passed by the House Appropriations Committee, is presently being considered by the Senate Appropiations Committee. The $70 million figure does not afford sufficient funding for the Appalachian education satellite program beyond June of 1977. This important program to the citizens of rural Appalachia must not be allowed to die. I have urged the members of the Senate Appropriations Committee to amend the supplemental appropriations bill to provide for at least $3.5 million to permit this valuable program to continue and grow.

It is important to point out, Mr. Chairman, that this invaluable program receives support not only from my home district, but broad local support in the rural communities throughout Appalachia. The Congress should also be aware that the improved technology and educational opportunities developed for these proposed 60 rural communities, can best be put to use throughout this Nation in a variety of subject areas. It is readily apparent what such a program could do in the western reaches of America, where distances are so great and the population so relatively sparsely settled, as well as abroad in emerging nations.

We all share the concern of how best to serve the educational needs of our rural and urban citizens. Local interest and support have been demonstrated in this program to show this concern—all the 15 receiving sites of these satellite programs have raised matching local dollars for Federal dollars; in fact, the program is scheduled to become self-supporting by 1981, if the program is continued as proposed. We must not let this local determination and support perish.

Mr. Chairman, may I conclude my remarks by including part of a letter I received from Dr. Lewis W. Cochran, vice president for academic affairs at the University of Kentucky, wherein he outlines the importance of this program and the need for Congress to include a specific $3.5 million for the Appalachian education satellite program to insure adequate funding to continue this laudable and critically important project. Dr. Cochran's remarks follow:

As you are aware, unless an adequate funding level for this fiscal year is received a succesful and significant educational communication project will be seriously affected. Therefore, my purpose in writing this letter is to express my support of the program by reviewing its importance to the State of Kentucky and the Appalachian Region.

In my opinion, the AESP has demonstrated a tremendous potential for the design and implementation of a region-wide, community-based program of educational services for Appalachia. Historically, its dispersed population and rugged terrain have hampered the delivery of quality education services to isolated areas by conventional means. This problem was compounded by the need to coordinate efforts of many diverse organizations toward the same end. The key factor in the success of AESP has been its organizational structure, which has succeeded in facilitating cooperation at local state, regional, and national levels. In fact, the Appalachian Regional Commission, NASA, DHEW, the University of Kentucky and the Regional Education Service Agencies have developed a very productive working relationship. This close cooperation allows AESP programming to be based upon locally identified needs, while utilizing the strengths and resources of the various organizations involved.

AESP has developed an operational plan to serve a broad range of continuing education needs identified in five general areas; education, medical and health services, human resources and services, business and industry, and government. A review of existing courseware will continue throughout the life of AESP to identify programs which can be adapted to meet these needs; new program development is planned where program priorities remain.

A major thrust of the operational plan concerns the expansion of AESP's delivery system from 15 receiving sites in eight states to 60 receiving sites in the 13 Appalachian states. NIE has already provided the additional antennae required to complete the expansion and new sites have been selected. New and existing sites will be located so they can feed into cable systems (when they exist) so citizens can participate in the continuing education activities in their homes. This will increase the number of participants and make it possible to have local classroom sites in schools, hospitals, community colleges, community centers, and other local institutions. This system will provide services not presently available to citizens in a large number of sparsely populated communities and will supplement and enhance services currently provided by ETV, cable and telephone communications. In addition, this expansion will increase the cost-effectiveness of satellite delivery.

AESP exemplifies a most effective way to utilize existing institutions and technology with high-powered public and commercial satellites. This approach is basic: develop programs and services that are needed, in some cases vital, to our communities, then fit the technology to delivering these services.

The advantages inherent in the technology, however, are obvious. We are moving into an era of life-long learning and much of the physical relocation required to travel to university centers for extended periods of training can be eliminated as communications satellite technology improves and we learn how to use the technology effectively. In a short period of time, satellites have changed the pattern and pace of communications by providing reliable high-quality and cost-effective telephone, television, and data transmission services. Dr. Wernher von Braun and other scientists and engineers refer to the 1980–2000 time period as the age of the communication satellite.

The University of Kentucky is committed to a continuing education and public service program to serve the State of Kentucky and Appalachia. Participation in the development of AESP provides the institution with additional opportunities to reach that goal.

Your support in securing funds for the continuation of AESP will be appreciated.

Sincerely,

LEWIS W. COCHRAN,
Vice President, Academic Affairs.

Mr. FUQUA. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas (Mr. GLICKMAN, a new member of the committee.

Mr. GLICKMAN. Mr. Chairman, I rise in support of H.R. 4088 authorizing appropriations for the National Aeronautics and Space Administration for fiscal year 1978.

The role of general aviation in the production of food and fiber probably provides a broad based benefit to the general public. Over the years the aerial application of seeds, fertilizers and pesticides has become a vital part of our agricultural system. The 7,000-plus fleet of aircraft apply over a billion dollars worth of chemicals to some 250 million acres each year. Mounting pressure for higher, more efficient food production foretells of continued growth in this very vital area. This is in spite of very real limits on the capability for accurate delivery and precise placement of chemicals with current aircraft and dispersal equipment.

The development of new technology to improve both the accuracy and efficiency of the aerial application of agricultural chemicals holds the promise of significant benefits, not only to the aircraft users and manufacturers, but to the farmer and the consumer as well. Increased precision of the application can result in an overall reduction in the volume of chemicals used with the attendant lower cost. Reduction of chemical drift outside the intended field reduces the adverse environmental impact and the potential for damage to adjacent crops.

Greater aircraft efficiency in terms of payloads, ferry speed, turning performance and short-field operation can lower the cost of aerial application even further.

NASA's efforts to provide technical improvements in each of these problem areas, properly coupled with supporting activities in the Department of Agriculture and the Environmental Protection Agency, should be aggressively pursued. The original proposal by NASA to allocate $1 million to this effort in fiscal year 1978 permits a slow buildup of in-house activity. It, however, does not provide for the level of industry and university involvement that is absolutely

vital to the rapid application of technology developments.

The subcommittee's action in amending the NASA request to provide $2.5 million in fiscal year 1978 provides for both a more aggressive in-house effort by NASA and the resources to undertake joint activities with manufacturers and universities from the outset of the technology program. I believe it is exceedingly important that NASA, industry, and the universities work together from the outset to develop the needed technology, and the proposed NASA budget addition will provide for this joint activity.

I would like to talk a little bit about the debate of the supersonic transport because I think it is an important one. If the Members will read the report clearly, it is obvious the moneys are not going to be spent for the procurement or construction of any airplane. However, they are going to be spent for research.

Old technology is past as a result of time. The old technology which started to produce the old SST could not solve problems such as environmental problems, economic problems, social problems. But new technology may be able to solve them. They also may be able to solve the problems that the airline industry is going to face when this generation of aircraft, the 727's, the 1011's, and the 747's, are old and have to be replaced. Maybe we will never go with the SST. Maybe we will go with a modified SST. Maybe we will find a way to solve the energy problems. But the point is, if we do not go ahead with the technology of it, we will never find out. And is not that what made this country what it is today, that we can look into the future?

It strikes me that it is very short-range thinking to take the results of the old SST, which, granted, were environmentally bad and economically bad, and jump the gun and say that is what is going to happen to this SST. It does not make any sense. We have been the greatest leaders in the world in aviation production. We have provided the world with the unique technology in aviation because we, the Americans, have taken the lead to produce technology in aviation. It looks to me that this is a good place to continue that technology. As the gentleman from California (Mr. ROUSSELOT) and the gentlewoman from Maryland (Mrs. SPELLMAN) talked about, it is a fantastic field anyway. I think it is extremely shortsighted of this body to vote to take those funds out of here.

Mr. WINN. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLLENBECK).

Mr. HOLLENBECK. Mr. Chairman, I would like to express my support of the fiscal year 1978 National Aeronautics and Space Administration authorization bill, H.R. 4088. Extensive evaluations have been conducted to verify that the budget is a reasonable representation of the national technology needs. One program within the NASA budget that is being funded as a new start is the Space Telescope. This program has received the highest priority possible from the entire scientific community.

Science has evolved in many areas to the point where individual facilities capable of making significant advances can no longer be handled by individual investigators or institutions. Astronomy is an example of such an area. Since large telescopes are required to study distant astronomical objects, modern-day astronomers have tended to pool the use of large instruments rather than distributing funding so that each could have his own much-less-capable instrument. In this way, one large telescope, such as those of the Hale and Kitt Peak Observatories, can enable at least 100 astronomers each year to pursue astronomical research at the forefront of science, as opposed to astronomers being able to conduct only the most routine observational research on a number of smaller, less capable instruments. It was for this reason that two decades ago the astronomers told the National Science Foundation that they would prefer single large national observatories for optical and radio astronomy to which all astronomers would have access to an equivalent amount of money invested in a number of facilities. Astronomers are now telling NASA the same thing. The Space Telescope which should operate for more than a decade is the large observatory which by being above the veiling effects of the atmosphere will represent a very large step in capability above ground-based observatories and will allow large numbers of astronomers from all over the world to work truly on the forefront of science. Its importance to astronomers the world over is evident from the European Space Agency's commitment of significant funding—more than $90 million—for participation in the program.

Throughout history, astronomy has been the basic forerunner of technology. Studies using the greatly broadened capabilities of the Space Telescope over ground-based telescopes is bound to lead to many new technological advancements. We should take steps as early as possible to provide the astronomers of the world with this opportunity to unlock additional secrets of the universe which will undoubtedly lead to technologies which, as in the past, will be important to man's continued comfortable existence on Earth.

Mr. FUQUA. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, the gentleman from Ohio (Mr. SEIBERLING), the gentleman from Arizona (Mr. UDALL), and I are going to propose an amendment to prohibit the expenditure of any of the moneys that are incorporated in this authorization for the development of the SST or the AST, as it is called in the report, until it is specifically authorized by an act of Congress. My concern over what is happening here with the SST is twofold.

No. 1, I am opposed to NASA's doing this at all. No. 2, I am opposed to including an item which went through 10 years of the most controversial, heated kind of debate in this House under the leadership of some of its most prominent Members who are still here. The gentleman from Arizona (Mr. RHODES), the gentleman from Wisconsin (Mr. REUSS), and the gentleman from Illinois (Mr. YATES), among others, led the fight when the House voted to terminate the SST program. It is wrong, I think, to have that item now come back to us, not in the body of the bill, not in a specific authorization, but included in a report, and if none of the Members read the report, we would never know that in fact this NASA authorization is including money for the AST.

I must tell the Members, Mr. Chairman, that although the indication has been that this is not going to cost any money, as I read section 1 of this bill, it provides in paragraph (9) for aeronautical research and technology, $236,500,000. I assume that some of that money is going to be used in order to develop the AST.

I read the charge in the report as to what they are expected to do. They are told in the first place that this is not just theoretical. I am quoting here from the committee report:

> The Committee, in its report, "The Future of Aviation," recommended that it is in the national interest for the United States to build an environmentally acceptable, economically viable, advanced supersonic transport.

Then they say that the committee requests that there be an overall program plan under NASA. They are told to consider "economic analysis covering investment/return aspects of development implementation." What is the role of NASA in that?

They are told to consider "societal benefits of supersonic transportation, including trade and communications." What business does NASA have doing that?

They are told to consider "societal, including environmental impacts from the operation of a fleet of supersonic transports." They are also told to consider "approaches for development financing."

It seems to me, Mr. Chairman, that NASA is being given just too much leeway in this situation for a program on which this Congress has turned thumbs down. It seems to me that if we really value our sense of integrity, what we should do is to take this issue and meet it head on and then decide whether in fact we want to reverse the prior position of the House.

Mr. Chairman, I have a few questions to ask, and since the subcommittee chairman, the gentleman from Florida (Mr. FUQUA), has been so gracious in yielding me time, I wonder if he would allow me to ask him this question:

Could the gentleman tell us whether in fact my conclusion that the financing will come out of the section labeled paragraph (9) is accurate?

Mr. FUQUA. Mr. Chairman, if the gentleman will yield, I will say to the gentleman that that is correct.

Let me further say that in 1971, when that vote came to the floor of this House, I was one of those Members who voted in the majority against the construction of the SST. I have very serious reservations about this, but, as the gentleman mentioned, we did say, "economically viable" and "environmentally acceptable."

Mr. Chairman, I might ask the gentleman, is he opposed to that?

Mr. WEISS. Well, I would not be opposed to having horses fly either, but I do know that they cannot.

Mr. FUQUA. We will not know unless we try to find out.

Mr. WEISS. We have tried to find out, and as the gentleman from Kansas (Mr. GLICKMAN) has said, in this particular framework, the Concorde does not work and yet there are people who tell us to this day it is acceptable because they are fighting in New York about allowing the French and the English to bring in the Concorde. There is serious question as to whether the Concorde is environmentally acceptable and whether it is technically proficient or economically viable.

Therefore, there is no universal agreement on it.

May I ask the gentleman, how much of that $239 million is intended to be used for this bill which has been imposed upon us in the report?

Mr. FUQUA. There is about, I think, $15 million being earmarked for advanced transportation systems. This would come under the AST.

Mr. WEISS. Could the chairman tell us whether, in fact, in the course of the hearings in subcommittee there were witnesses who were asked to come in or who did come in to testify in opposition to the AST?

The CHAIRMAN. The time of the gentleman from New York (Mr. WEISS) has expired.

Mr. FUQUA. Mr. Chairman, I yield 1 additional minute to the gentleman from New York.

Mr. WEISS. I thank the gentleman for yielding.

Mr. FUQUA. Mr. Chairman, I would defer to the gentleman from Texas (Mr. MILFORD), the chairman of the subcommittee which considered that legislation.

Mr. MILFORD. I thank the gentleman for yielding.

The Chair was using the gavel at the time the gentleman asked the question, and I could not hear it.

Mr. WEISS. My question was as to whether there were witnesses in opposition to the SST at the hearings.

Mr. MILFORD. Is the gentleman talking about the future-of-aviation hearings or the authorization hearings?

Mr. WEISS. Any of the hearings.

Mr. MILFORD. No, we had no opposition. We are not involved in building an SST, and there was no reason for it.

Mr. WEISS. In taking up this matter, did the subcommittee have any witnesses to testify against starting a research or development program on the SST?

Mr. MILFORD. We had no hearings on such a thing.

We are dealing here with technology development and study. We are not building SST's.

Mr. WEISS. Are there not certain disagreements in areas of technology that could be pursued?

Mr. MILFORD. None that I am aware of.

Mr. WEISS. Mr. Chairman, I thank the gentleman.

Mr. WINN. Mr. Chairman, I yield 1 additional minute to the gentleman from Florida (Mr. FREY).

Mr. FREY. Mr. Chairman, could the gentleman from Texas (Mr. MILFORD) enlighten me?

It is my understanding that what the committee contemplated was new technology such as new wing technology, new engine technology and efficiency, new flight controls, new kinds of light materials that may be used for all kinds of aircraft. The gentleman from New York's approach reminds me of the argument supposedly made in the late 1800's. Everything we know already has been discovered, so let us do away with the Patent Office.

Is my understanding of the committee action correct?

Mr. MILFORD. Yes, that is correct.

I think many Members misunderstand this matter. We cannot separate what is advanced technology for future aircraft from what is improved technology for present airplanes. The same materials that would be developed for a better next-generation subsonic aircraft might also be used in supersonic or they might be used in washing machines.

One simply cannot separate out in a technology development program what might be used in an AST from what might be used in a present-day aircraft.

Mr. WINN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of H.R. 4088, the NASA authorization bill. There are few Government programs which have resulted in a better return in both scientific knowledge and dollar value than the U.S. space program. In the past 15 years, we have witnessed quantum advances in weather prediction, resource management, medicine, communications, and other fields of direct benefit to the people of the United States and the world—all as a result of NASA programs.

Today, we have an opportunity to continue reaping the benefits of our original investment in space—at a greatly reduced cost. The Space Shuttle which is the major component of this bill, represents the "payoff" phase of our near space program, in terms of both practical science and economics. The Shuttle will be the DC-3 of our space program—cheap, reusable, and efficient. With the Shuttle, we will be able to service, repair, or replace satellites in orbit, resulting in lower initial payload costs and longer usable life. The Shuttle will provide routine and dependable access to near space for scientific, defense, and commercial purposes. In fact, Shuttle cargo space is already being offered on a commercial sale basis both here and abroad.

Nor are the benefits restricted to space alone. The entire authorization in this bill, Mr. Chairman, is only $4 billion, or about the same amount as this body recently agreed to spend on local public works projects to combat unemployment this year. What better way to insure a continued strong base of technology and scientific skills than through a program such as this?

History shows us that the nations on the frontier of exploration and commercial development are the nations which succeed. By maintaining and improving our leading role in the development of near space, we are insuring our future success as a nation, while reaping enormous human benefits for ourselves and mankind.

Mr. Chairman, I urge an aye vote on H.R. 4088.

Mr. FUQUA. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SCHEUER), a member of the committee.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. Mr. Chairman, I rise in opposition to the proposal in this bill to provide funds for research and development of a supersonic transport, the SST.

I think the proposal is unwise in general and also comes at the wrong time.

At the present time the Secretary of Transportation is conducting research on flights into Dulles Airport of the Concorde. We should not embark on any new SST research until we review the results of this study.

Furthermore, embarking on SST research at this time will have a harmful impact on America's relations with France and Great Britain. We have restricted flights of the Concorde into our country on the basis that we had to determine if it violated our noise and environmental laws. France and Great Britain have always suspected that these restrictions were prompted by a protectionist impulse and that we were trying to restrict their SST in order to build our own. Our country, however, has assured France and Britain that this is not the case.

This bill, however, gives credence to the suspicions that America has not acted in good faith, undermines our credibility abroad, and is unwise and dangerous.

Mr. SCHEUER. Mr. Chairman, I was one of those in earlier years who voted against development of the SST. I am as strong an opponent of the entrance of the SST into our airports as any Member of this House inasmuch as I represent the Kennedy Airport and all the surrounding communities which have been so devastated by airport noise.

Mr. Chairman, the reason I opposed its development in the past and the reason

I oppose permission for the SST to land now is that we have not solved the environmental problems; we have not solved the noise pollution problem; we have not solved the ozone problem; and we have not solved the fuel efficiency problem.

Mr. Chairman, those were the reasons we voted against it some years ago, not because this House ever expressed itself, in principle, against the dramatic advance in aviation technology and against travel comfort and convenience SST potentially represents, but because we had not solved the problems that would make this aircraft acceptable to our Nation and to the communities around airports which are a real and continuing party in interest, in every aspect of aviation development, and whose legitimate concerns must not and will not, so long as I am a Member of this body—be ignored or swept under the rug.

Mr. Chairman, I am absolutely determined to keep the SST out of my community in Queens and to keep it out of this country, and I oppose the development of an SST in this country until we have developed an environmentally acceptable, economically viable, and fuel-efficient craft.

But I think it is a far step to say that we should not even begin to do the planning for an environmentally acceptable, fuel efficient and an economically viable aircraft, which would represent no noise or pollution hazard, which would not threaten the health, sanity, convenience, and serenity of the hundreds of thousands of people I represent in the dozen or more communities surrounding Kennedy Airport, and which would constitute a major advance in aviation progress. At what point in the progress of transportation do we say that everything stops now, because horses cannot fly?

I hope the suggested amendment will be defeated.

Mr. UDALL. Mr. Chairman, at times like this, I get a strong feeling of deja vu, of history repeating itself, of fighting the same old battles over and over again. I recall a day 6 years ago when we supposedly dealt the coup de grace to the SST.

But it seems that old turkeys never die—they just continue to fly and fly. With a new name comes the promise of new life.

In the midst of continuing controversy over landing rights for the Concorde, still unanswered questions about their environmental impact on land, air, and population, vigorous efforts to cut back on expensive flying and floating dinosaurs like the B–1 bomber and huge nuclear carriers, with all these issues still unresolved, I am stunned at yet another effort to revive this dead bird.

And I am especially stunned at the method that some of the SST's diehard supporters are using to bring it up. As many of my colleagues will recall, that vote 6 years ago was the first test of a revolutionary new system in this body known as open voting, and under the full glare of public scrutiny this House rescinded funds for the SST. Yet, despite the fact that we now vote openly and on the record, this effort to provide funds once again is being presented through the back door, buried in innocuous language about studies and long-range planning and future programs.

If we want to support an SST program then it should be presented with full public debate in a straightforward manner. It should not be a unilateral decision by a single committee slipped in an authorization bill without hearings on its merits and defects. Let us face it head on if we truly believe this country needs and wants SST's or AST's or whatever they are to be called.

I urge my colleagues to support our amendment to delete funds for the proposed NASA study and bury this misquoted project once and for all.

Mr. WOLFF. Mr. Chairman, as my colleague from New York (Mr. WEISS) has pointed out, the committee report accompanying this NASA authorizations bill (H.R. 4088) requires NASA to prepare an "overall program plan" which has as its goal "achieving technology readiness" for an advanced supersonic transport by the early 1980's.

My colleague objects to this effort by calling forth the ghost of the American SST and the demon which is Concorde.

Mr. Chairman, my colleagues know that I have long been opposed to the imperfect and unacceptable technology of which Concorde is the epitome. I remain steadfast in my opposition.

Yet I am not opposed to any supersonic transport, and would note that the committee report requires the NASA plan to carefully analyze such crucial factors as economics, societal benefits such as trade and communications, societal impact—particularly the environmental hazards—as well as financing and the extent of Federal Government participation in the aircraft's development. Such factors clearly have never been previously explored, and had such factors been considered prior to development, we never would have spent billions on an American SST, nor would we be menaced by the Concorde.

I would like to take this opportunity to put my colleagues on notice that should this NASA study, which is to be completed by September 1977, be in any way incomplete or faulty, then I will be in the forefront of the opposition once again, to protect the health and welfare of our citizens. But if an advanced supersonic transport can be developed that is "environmentally acceptable—and—economically viable," then I am not prepared to reject the notion that this would be in our national interest.

Mr. TEAGUE. Mr. Chairman, we may easily overlook the fact that each and every dollar of our space program is spent in the universities, industry, and Government technical centers to pay for the people and materials necessary to utilize and explore space. In the triumphs of landing men on the Moon and more recently examining the surface of Mars, it is easily overlooked that a less spectacular revolution in the use of space technology has made our world a better place.

Dollars spent in our space program are estimated by economists to return $7 dollars for each dollar spent over a 10-year period. Such a return on our public investment occurs for two reasons; we derive a direct benefit from the space programs undertaken, plus the additional benefit of adding new technology to our industrial sector. Conservative estimates show that from only four sectors of space technology our Nation has derived more than our total investment in the space program since its inception in 1958.

All of these considerations lead me to one conclusion; namely, that our space program is a continuing essential part of our economy. A casual look at our balance of payments over the decade from 1965 to 1975 shows that the aerospace industry has had a net positive balance throughout that period. The only other major positive balance, and single largest, is agriculture. The majority of this positive balance of payments in aerospace has been in the aircraft sector, with the portion of spaceflight related activity slowly growing. Domestically, the infusion of space technology into our economy has continued to make our industry more efficient while encouraging the development of new industry.

This then leads to the conclusion that if we are able to maintain our edge in new technology with the ever increasing world competition, we should and must support those initiatives which foster the new technologies. Our space program is a leader in these new technologies. It deserves our continuing strong Federal support. For example, the vast majority of worldwide business communications is handled by commercial communications satellites. Only a decade ago such worldwide communications were limited to radio and underwater cables. Not only have satellites opened a whole new era of unprecedented telephone/teletype and television international and domestic communications, but the quality of these instant communications has multiplied. A similar occurrence can be expected in Earth resources survey. A series of satellites called Landsat have provided an experimental systems so that crop, forest, watershed, demographic, and geologic information can be obtained on a recurring basis. Our understanding of crop and forest health and water management have been demonstrated to be improved by Landsat information. Receiving stations in the United States and other countries have successfully utilized this information. Over the next several years, I believe that the Landsat system will evolve into a commercial enterprise in many respects paralleling commercial satellite communications.

Space technology also has opened new horizons for space industrialization. Making products in space requires that two conditions be met, namely, that the product be superior to what can be made on Earth or can only be made in space and, second, that the product be profitable or essential to meeting our critical needs. The successful completion of Apollo, Skylab, and the Apollo-Soyuz test project amply demonstrated that products that cannot be fully duplicated on the ground can be made experimentally in space. Skylab further demonstrated that a large structure can be repaired or modified in space by men working in a

space environment. What was a necessity to make Skylab workable can be converted to a virtue in assembling large structures in space in the future. The opportunity exists, as the availability of a low cost transportation approaches—Space Shuttle—to routinely fly to and return from Earth orbit and to build large complex structures in space. By being able to place large complex structures in space, the option to provide worldwide personal services at extremely low cost becomes practical. Personal communications and security, package tracing, location and hazard warning to millions on a worldwide basis will be expanded from relatively limited systems of today to highly accurate, personal services. Here the parallel is the already existing weather and navigation satellites which have been so successful. The new generation of satellites which will become large structures in space again can multiply and expand our direct and essential personal services here on Earth.

Finally it seems to point out that space technology provides for an important contribution to the solution of our needs for an inexhaustable supply of energy. Currently, the technology of solar satellite power is being investigated to determine if it is feasible to generate power in Earth orbit using the Sun's energy and beam it to Earth. The concept at its current stage of development looks extremely attractive. The bill before us today encourages the examination of this technology.

In discussing the space program today, I have tried to place the bill before us in the context of national need and opportunity. If our Nation is to benefit from the full potential of our space program, it requires the will of this body in support of the NASA programs. Therefore, I urge the support of every Member for H.R. 4088 to provide authorization of appropriations to the National Aeronautics and Space Administration for fiscal year 1978.

Mr. WINN. Mr. Chairman, I have no further requests for time.

Mr. FUQUA. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the committee amendment in the nature of a substitute recommended by the Committee on Science and Technology, now printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development," for the following programs:

(1) Space shuttle, $1,349,200,000;

(2) Space flight operations, $270,800,000;

(3) Expendable launch vehicles, $129,500,000;

(4) Physics and astronomy, $229,200,000;

(5) Lunar and planetary exploration, $161,200,000;

(6) Life sciences, $33,300,000;

(7) Space applications, $211,900,000;

(8) Earth resources operational systems, $26,900,000;

(9) Aeronautical research and technology, $236,500,000;

(10) Space research and technology, $101,700,000;

(11) Energy technology applications, $9,500,000;

(12) Tracking and data acquisition, $278,700,000; and

(13) Technology utilization, $9,100,000.

(b) For "Construction of facilities," including land acquisition, as follows:

(1) Construction of central hydraulic system, Hugh L. Dryden Flight Research Center, $420,000;

(2) Construction of additional technical processing facilities, Goddard Space Flight Center, $3,100,000;

(3) Modifications to various buildings for seismic protection, Jet Propulsion Laboratory, $2,830,000;

(4) Modification of chillers in central heating and cooling plant, Lyndon B. Johnson Space Center, $2,540,000;

(5) Modifications for utility control system, John F. Kennedy Space Center, $2,130,000;

(6) Rehabilitation of main heating plant, Langley Research Center, $790,000;

(7) Rehabilitation of unitary plan wind tunnel, Langley Research Center, $980,000;

(8) Modification of central chilled water system, Lewis Research Center, $860,000;

(9) Modifications for utility control system, National Space Technology Laboratories, $620,000;

(10) Large aeronautical facilities.

(A) Construction of national transonic facility, Langley Research Center, $23,500,000;

(B) Modification of 40- by 80-foot subsonic wind tunnel, Ames Research Center, $13,500,000;

(11) Various locations: rehabilitation and modification of 64-meter antenna components, $1,750,000;

(12) Space Shuttle facilities at various locations as follows:

(A) Modifications to launch complex 39, John F. Kennedy Space Center, $40,700,000;

(B) Modifications for solid rocket booster processing facilities, John F. Kennedy Space Center, $1,730,000;

(C) Rehabilitation of barge channels, John F. Kennedy Space Center, $2,090,000;

(D) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, $16,010,000;

(E) Rehabilitation and modification of shuttle facilities, at various locations; $1,750,000;

(13) Space Shuttle payload facility: modifications and addition for shuttle payload vertical processing, John F. Kennedy Space Center, $6,410,000;

(14) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $18,900,000;

(15) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $5,950,000;

(16) Facility planning and design not otherwise provided for, $11,780,000.

(c) For "Research and program management", $847,989,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

(d) Notwithstanding the provisions of subsection 1(g), appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections 1(a) and 1(c), not in excess of $25,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and not in excess of $50,000 for each project, including collateral equipment, may be used for rehabilitation or modification of facilities: *Provided,* That of the funds appropriated pursuant to subsection 1(a), not in excess of $250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

(h) The authorization for appropriation to the National Aeronautics and Space Administration of $6,500,000, which amount represents that part of the authorization provided for in section 1(b)(4) of the National Aeronautics and Space Administration Authorization Act, 1976, for which appropriations have not been made, shall expire on the date of the enactment of this Act.

(i) The authorization for appropriation to the National Aeronautics and Space Administration of $6,000,000, which amount represents that part of the authorization provided for in section 1(b)(14)(B) of the National Aeronautics and Space Administration Authorization Act, 1977, for which appropriations have not been made, shall expire on the date of the enactment of this Act.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (15), inclusive, of subsection 1(b)—

(1) in the discretion of the Administrator or his designee, may be varied upward 10 per centum, or

(2) following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate

on the circumstances of such action, may be varied upward 25 per centum.
to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (16) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and their installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Commerce, Science, and Transportation.

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee.
unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. The National Aeronautics and Space Administration is authorized, when so provided in an appropriation Act, to enter into and to maintain a contract for tracking and data relay satellite services. Such services shall be furnished to the National Aeronautics and Space Administration in accordance with applicable authorization and appropriations Acts. The Government shall incur no costs under such contract prior to the furnishing of such services except that the contract may provide for the payment for contingent liability of the Government which may accrue in the event the Government should decide for its convenience to terminate the contract before the end of the period of the contract. Facilities which may be required in the performance of the contract may be constructed on Government-owned lands if there is included in the contract a provision under which the Government may acquire title to the facilities, under terms and conditions agreed upon in the contract, upon termination of the contract.

The Administrator shall in January of each year report to the Committee on Science and Technology and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate the projected aggregate contingent liability of the Government under termination provisions of any contract authorized in this section through the next fiscal year. The authority of the National Aeronautics and Space Administration to enter into and to maintain the contract authorized hereunder shall remain in effect unless repealed by legislation hereafter enacted by the Congress.

SEC. 7. Paragraph (1) of subsection 1(a) of the National Aeronautics and Space Administration Authorization Act, 1977 (Public Law 94-307), is amended by striking out "$1,288,100,000" and inserting in lieu thereof "$1,383,100,000".

SEC. 8. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1978".

Mr. FUQUA (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDMENT OFFERED BY MR. GARY A. MYERS

Mr. GARY A. MYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GARY A. MYERS: On page 21 after line 24 add the following new section:

"SEC. 7. (a) Each officer or employee of the Administrator who—

"(1) performs any function or duty under this Act; and

"(2) has any known financial interest in any person who applies for or receives financial assistance under this Act;

"Shall, beginning on February 1, 1978, annually file with the Administrator a written statement concerning all such interests held by such officer or employee during the preceding calendar year. Such statement shall be available to the public.

"(b) The Administrator shall—

"(1) act within ninety days after the date of enactment of this Act—

"(A) to define the term 'known financial interest' for purposes of subsection (a) of this section; and

"(B) to establish the methods by which the requirement to file written statements specified in subsection (a) of this section will be monitored and enforced, including appropriate provision for the filing by such officers and employees of such statements and the review by the Administrator of such statements; and

"(2) report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

"(c) In the rules prescribed in subsection (b) of this section, the Administrator may identify specific positions of a nonpolicymaking nature within the Administration and provide that officers or employees occupying such positions shall be exempt from the requirements of this section.

"(d) Any officer or employee who is subject to, and knowingly violates, this section, shall be fined not more than $2,500 or imprisoned not more than one year, or both."

Renumber the following sections.

Mr. GARY A. MYERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GARY A. MYERS. Mr. Chairman, this amendment is the same amendment which former Congressman Hechler from West Virginia and I offered in the last session to a number of authorizing bills. It is simply an amendment which would require the agency to promulgate regulations in which financial conflicts of interest would be disclosed.

It does not prohibit the ability for anyone in the policymaking positions to have any particular financial holdings or limit them in an amount in any way. The only changes that this amendment would require would be that an administrator must set up a system to have those individuals who are involved in a meaningful way in authorizing grants to provide for public disclosure of any possible conflicts of financial interest.

This amendment does not go nearly as far as the traditional concepts of financial disclosure that are included in more comprehensive bills but I think it goes far enough so that those of us who are concerned about the possibility of financial conflicts having a detrimental effect upon the negotiation of the contracts could be satisfied—have some assurance that the issue is being considered.

I do not believe this would be a cumbersome burden on the agency. The fact of the matter is I believe it would be a benefit to the agency and to the administrator to know that he has an awareness of these possible conflicts readily available and thus perhaps prevent future embarrassment of disclosure of some particular type of conflicts.

At this time I would also like to apologize to the committee and subcommittee chairmen for not having offered this in the committee. It was not my intention to simply bring it to the floor. I was unprepared to offer it at the time it came

through the full committee, and as a member of the Committee on Science and Technology I am not offering it to have a crippling effect on this bill. I did ask for some time to speak in support of this bill during general debate and as time ran out, I told the gentleman from Kansas (Mr. WINN) I would take my time during the offering of amendments. Now that I have time, I would like to offer my strong support for the bill. I think the NASA program has given us a continuous train of benefits, particularly in the area of high technology. I believe that many benefits are yet to come are unpredictable at this point, and that we shall be reaping those benefits far into the future.

With that, Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. Does anyone wish to speak on the amendment? If not, the question is on the amendment offered by the gentleman from Pennsylvania (Mr. GARY A. MYERS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WEISS

Mr. WEISS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEISS: Page 16, after line 19, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(h) no part of any funds available to the Administrator may be used for the preparation of an overall program plan relating to technology for Advanced Supersonic Transports, or for any other study, analysis, planning, research, or development relating to such transports unless such plan is specifically authorized by an Act of Congress enacted after the date of this act.

Mr. WEISS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WEISS. Mr. Chairman, this amendment, which the Members will find on page 7808 of yesterday's CONGRESSIONAL RECORD does not for all time and forever prohibit any of the work that is supposed to be done under the reports provision on the SST's or ASST's. It says, however, that no such work, study, analysis, planning, research, or development be undertaken unless such plan is specifically authorized by an act of Congress enacted after the date of this act.

What the amendment proposes, Mr. Chairman, is that if in fact we feel strongly about this issue, we set it forth clearly in advance, call all the witnesses pro and con, and have a full-scale hearing on it.

Mr. Chairman, on the basis of the debate it is now apparent, although it was not at the outset of the debate, that there are some $15 million in this particular authorization that are scheduled to be used for the research and development of the ASST. For us to be doing that without any specific mention of the amount or the ASST in the authorization, I think is wrong for this Congress to do. No matter what we in this body may think about how expeditious we want to be, or how thorough we have been, as far as the rest of the American people are concerned, when we do work in this fashion, where we do not really allow for full exposition of the issues before us, I think that does leave ourselves justifiably open to criticism.

Mr. Chairman, the people who opposed the SST 10 years ago did so after a 10-year fight which began almost the same way as this fight is starting. In 1964 the gentleman from Wisconsin (Mr. REUSS) got up to object to an $11 million authorization that was included in a NASA authorization, with exactly the same arguments as we heard here today. Before we were finished, there was $1 billion spent on that ill-fated SST program. Then Congress said let us terminate it. What I am suggesting is that we make the determination as to whether to proceed or not before we spend $1 billion and not after.

Mr. Chairman, I yield back the remainder of my time.

Mr. MILFORD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let me set the record straight. The report of the Committee on Science and Technology requests NASA to determine what new technologies will be added to solve the environmental and economic problems of the supersonic travel. It is only a study. No additional funds are involved. We are not even suggesting that NASA proceed with the development of the new technology which may be required. We are only asking that it be identified. Above all, and I want to stress this, there is certainly no commitment, implied or otherwise, to building an SST.

I know that most Members of this body recognize the need for NASA to be constantly involved in expanding our fundamental knowledge of aeronautical technology. This is the only way we can continue to lead the world in the field of aviation. And, of course, that leadership is very important to all of us here. It means billions of dollars each year in positive balance of trade from the sale of commercial aircraft. And it means millions of jobs for Americans.

The ongoing program of basic research in advanced supersonic technology is one of many such programs at NASA to increase the pool of knowledge in all flight regimes. It is, and has always been, a low level program. But it is vitally necessary so that our options for the future remain open. We cannot afford to completely abandon this field to the Europeans. Some day there will be acceptable advanced supersonic airplanes carrying people around the world in one-third the time it now takes. I want to make sure that those planes are American-built airplanes. But we must first solve the problems of the current SST. To do that, we must continue the basic research that NASA is doing.

AMENDMENT OFFERED BY MR. WYDLER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. WEISS

Mr. WYDLER. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. WYDLER as a substitute for the amendment offered by Mr. WEISS: Page 16, after line 19, insert the following new subsection (and redesignate the succeeding subsections accordingly):

(h) no part of any funds available to the Administrator may be used for design or procurement of a prototype supersonic transport aircraft.

Mr. WYDLER. Mr. Chairman, I share my colleague's concern that the United States may be moved to embark on the development of a supersonic transport, be it described as SST or AST. The record shows that I was among those who voted to terminate the U.S. supersonic transport program in 1971. I have not changed my views in the slightest.

However, I have followed closely the developing aeronautical technology which is beginning to show some potential for resolving the environmental and energy problems attendant to the first generation SST.

The study of new aeronautical technology which was requested by the committee rather than proposed by NASA, is designed to provide Congress with a comprehensive view of the availability of technology specifically to help us resolve these issues.

The next quantum jump in areonautical propulsion in the high speed flight regime is variable or dual-cycle engine. The concept is not new but involves severe design problems. Basically, the dual cycle would be configured as a low or medium bypass ratio turbofan in takeoff and landing and low altitude flight regime. In high altitude cruise, it would be configured as a straight turbojet. Of course, there are a number of other technologies in the airframe and materials areas which would each contribute to improvements in all areas of performance including subsonic noise, fuel economy and atmospheric emissions.

A major breakthrough in noise suppression technology has already occurred in the dual cycle engine investigation. This is the coannular jet nozzle which has potential for providing a remarkable—on the order of 8 to 12 decibels—noise reduction while not degrading performance.

As a member of the Committee on Science and Technology since coming to Congress in 1963, I have worked for the development of technology to alleviate human problems and to provide a better way of life. I am not at all sure an environmentally acceptable and fuel conservative supersonic transport can ever be built. The purpose of this program is to try to determine as soon as possible whether in the foreseeable future, the United States should pursue this high technology transportation form. There is significant new research and technology base which was not available to SST designers in 1971.

This program does not commit either the Congress or the administration to build or even to support an SST prototype. As everyone can see, the request is accompanied by unprecedented—for aviation programs—requirements for environmental considerations including consultation and cooperative planning

with all levels of government and community organizations.

There is no intent to repeat the errors of the past which resulted in the waste of hundreds of millions of dollars on the U.S. SST program and an even greater amount on the Concorde. By embarking on such a thorough review of technology including not only traditional cost analyses but full environmental and energy conservation requirements, we will be in a better position to determine whether the United States should maintain its leadership in world aviation through high speed flight.

You may be assured that so long as I serve on the Committee on Science and Technology there will be a strong voice for the environment. Indeed, though my colleagues on the committee fully agreed to the requirements for environmental and energy requirements, I am indebted to Mr. WEISS, who has with this proposed amendment, forcefully reminded all of us of these requirements. Obviously, if they cannot be met, the aircraft will not be proposed.

Mr. WEISS. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Chairman, under the gentleman's substitute amendment, would it still be within the power of NASA to address: "(1) Economic analysis covering investment/return aspects of development implementation?"

Mr. WYDLER. Yes, it is required under the language of the report that NASA consult with many agencies of the Federal Government besides itself, and one of those which I wrote into that particular section was the Environmental Protection Agency.

Mr. WEISS. Is it yes or no?

Mr. WYDLER. That is an agency which I know is only interested in protecting the environment. But when we get a report from NASA we would like it to be a meaningful report which would contain all the aspects of the problem so we can consider them together. One of those aspects certainly is the economic aspect of the aircraft. Another is the environmental aspect of the program.

In this way, the Congress will have something meaningful to look at, something we can understand.

Mr. WEISS. Mr. Chairman, under the gentleman's substitute would NASA still be mandated to study and address the societal benefits of the supersonic transport?

Mr. WYDLER. Yes, but they would again, under the language of that report, they would have to consult with people that might be affected adversely by the takeoff and landing of the aircraft. Something that has never been done by NASA in its development programs.

I want to say to the gentleman I appreciate the gentleman bringing forth this amendment. It has given us a lot of discussion on the floor today. It is going to be helpful and I think it will make clear that the imposition of an SST of any kind, on anybody is not going to happen; but it also should be made immensely clear to the people of our Nation that we do not intend in our country to bring progress, in the aircraft industry, to an end. That is exactly what the gentleman's amendment would have the effect of doing.

Mr. WEISS. Mr. Chairman, will the gentleman yield further?

Mr. WYDLER. I yield to the gentleman.

Mr. WEISS. Is it not a fact that what we are talking about here is a civilian supersonic transport development?

Mr. WYDLER. Yes; of course, we are talking about supersonic development in the sense it is an advanced aircraft over the one we have today.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, and at the request of Mr. MILFORD, Mr. WYDLER was allowed to proceed for 1 additional minute.)

Mr. MILFORD. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Texas.

Mr. MILFORD. Mr. Chairman, first, a quick reply to the gentleman's last question. It is not necessarily limited to civil transport. It is technology that may be used by the military or for any use. It is technological development. It is certainly to be used just as much by the military.

The second point is that I think the gentleman has made a very wise compromise in this substitute amendment and I support the gentleman.

Mr. WYDLER. Mr. Chairman, I thank the gentleman from Texas.

Mr. OTTINGER. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong support of the amendment of my good friend and colleague, the gentleman from New York (Mr. WEISS), and in opposition to the substitute amendment proposed by my good friend and colleague, the gentleman from New York (Mr. WYDLER).

I think that the Wydler amendment leaves intact what is the essential thrust of the provision in the NASA bill here, that is, that the proposal that NASA should attempt to achieve "technology readiness" for an "advanced supersonic transport" by the early 1980's. This arouses some suspicion in my mind that within 5 years, in the early 1980's, Congress will again be asked to finance an American SST.

If NASA does such program planning, I can easily foresee a subsequent request for sufficient funding to build a prototype—half a billion dollars, perhaps—and the fact that the substitute by the gentleman from New York (Mr. WYDLER) says we will not be authorized to do that now is very little assurance. Then we will have to think about building a small fleet of prototypes, just to see if more than one can work. Then we will invite development by the private sector. The private sector will find it difficult to raise sufficient capital, as it has in the past, and will come back to the Congress for more support.

The effort of the gentleman from New York (Mr. WEISS) to bring some sanity in this matter deserves the support of all the Members.

Even with the name change, from SST to AST, we are still talking about the same old airplane and the same old problems. "A rose by any other name is still as sweet" or, in this case, smelly.

Furthermore, if we fail to pass the Weiss amendment, there is no question but that the British and French will say, "aha." Our suspicions are justified; the United States just opposes our Concorde to give them time to develop their own SST. It will cause us great international embarrassment.

Mr. Chairman, I urge my colleagues to support the Weiss amendment and defeat the Wydler substitute amendment.

Mr. GOLDWATER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would rise in support of the amendment by the gentleman from New York (Mr. WYDLER), and oppose the amendment of the gentleman from New York (Mr. WEISS). The approach of the gentleman from New York reminds me of the Broadway play, "Stop the World, I Want To Get Off."

As long as man in this country is free, we are not going to stop his penchant or desire to solve problems.

Whether it be solely in transportation or in energy, or anything else, it is the intuitive nature of man's experience in a free society to meet headon those problems which he encounters, and come up with solutions. I am a supporter of supersonic flight, and I predict one day, Mr. Chairman, mankind will be flying completely safely and totally environmentally acceptably on supersonic aircraft, if not, in fact, on hypersonic aircraft.

Perhaps, in retrospect, the action of Congress in stopping the building of a supersonic aircraft was a wise decision in order to analyze the environmental, social and economic impact of modern technology. I have said the same thing concerning computer technology, which is advancing very rapidly. Every once in a while, we need to pause and examine what machines are doing to man.

I would suggest to the Members that this is precisely what we are doing with this approach to supersonic flight; that is, examining the impact upon mankind, upon our environment and the world in which we live. We cannot continue to keep our heads in the sand and say no to man, that he cannot solve these problems. This is an effort to answer questions that were raised several years ago, and that is all it is.

The acceptance of the amendment offered by our friend from New York (Mr. WYDLER) would do precisely what the gentleman is asking for, but at the same time would not stop man's quest for knowledge, and with that knowledge, with those facts, then we can make a decision, an informed, intelligent decision. Please, do not prevent us from doing that.

When we think of aeronautics, we have to be very proud of America. In 1903, a strange craft lifted off the sands of Kitty Hawk. It did not fly very far, but it was a machine built by Americans. In 1927, Charles Lindbergh crossed the ocean in an American-built airplane and revolutionized the whole age of flight. In 1969, an equally strange craft landed

upon the moon, and Neil Armstrong set foot upon another planet—an American craft, manned by Americans.

If we stop man's quest for knowledge by acceptance of this amendment, we are going to stop America's pre-eminence, contribution and greatness in aviation. If that be the majority's desire, then by all means, "Stop the world, so we can get off."

Mr. WEISS. Mr. Chairman, will the gentleman yield for a question?

Mr. GOLDWATER. I certainly would.

Mr. WEISS. Would the gentleman agree that even if this expenditure is only $15 million, a figure which has now been conceded, that before we start down that path there ought to have been at least some witnesses heard on the wisdom, or lack of it, to proceed with this effort?

Mr. GOLDWATER. I would remind the gentleman—and I recognize this is his first year—that members have held hearings for the last 6 years, including this year, taking testimony pro and con on supersonic and hypersonic flight. The record is replete with testimony.

Mr. WEISS. In this committee?

Mr. GOLDWATER. In this committee.

The CHAIRMAN. The time of the gentleman from California has expired.

(On request of Mr. WEISS and by unanimous consent Mr. GOLDWATER was allowed to proceed for 2 additional minutes.)

Mr. WEISS. If the gentleman will yield further, did the gentleman hear the statement by the chairman of the subcommittee that, in fact, there was no testimony at all on this issue and this subject?

Mr. GOLDWATER. I am not speaking for the chairman of the subcommittee. The gentleman asked me a question, and I said the record is full of testimony on this particular question.

Mr. MILFORD. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman from Texas.

Mr. MILFORD. I would like to respond to the question posed by the gentleman from New York as to whether or not in these hearings we had had opponents to the SST.

I would further say to the gentleman from New York that we spent an entire year last year with numerous hearings and inputs from almost 100 experts and that those hearings are readily available for him to read. They are called "The Future of Aviation."

Mr. WEISS. Mr. Chairman, if the gentleman will yield, did any of those witnesses oppose the technology or this proposal to study the technology?

Mr. GOLDWATER. To my knowledge, I believe there is a good record, pro and con, that has been built up over the years. I do not have the record in front of me, so I cannot answer the gentleman's question specifically.

Ms. HOLTZMAN. Mr. Chairman, I rise in opposition to the Wydler amendment and in support of Mr. WEISS' substitute. I will try to be very brief about this subject because there has been substantial debate already.

I think that it is extremely ill-advised for the committee to have presented a bill to the Congress which attempts, through the committee report, to overrule a specific statutory prohibition that the Congress imposed on the development of the SST. The committee action was also ill-advised because at this very time the Secretary of Transportation is undertaking a study to determine whether the Concorde, which has been flying into Dulles Airport, is environmentally, economically, and commercially viable. That report will have to be presented to the American public and to the Congress. Thus, the study provided by this bill is redundant.

Another thing that disturbs me is that this effort on the SST is going to create serious foreign policy repercussions for the United States.

We have argued to the French and to the British that the restrictions we have placed on the Concorde are not motivated by a protectionist interest, a desire to build our own SST. Yet in this bill we turn around and say that we really are funding our own SST. As a result, I think we will see headlines abroad saying that the United States is not acting in good faith.

Mr. WYDLER. Mr. Chairman, will the gentlewoman yield?

Ms. HOLTZMAN. I yield to the gentleman from New York (Mr. WYDLER).

Mr. WYDLER. I thank the gentlewoman for yielding.

Let me assure the gentlewoman that the test and the noise recording that is going on at Dulles Airport is totally unrelated to what we are discussing here today. That is totally complete. We are getting the noise readings of the Concorde SST. We are not talking here about the Concorde SST. We are talking here about some different airplane. We have to get that in our minds before we discuss this any further. What we are talking about is an airplane that would be different from the Concorde SST, would not make the noise that the Concorde SST makes, would not have the environmentally bad effects that the Concorde SST has. We are talking about a good airplane and not about a bad one.

Ms. HOLTZMAN. Mr. Chairman, I appreciate the gentleman's assurance, but there is nothing in the committee language which says that. If we do not adopt Mr. WEISS' amendment, we will open ourselves up for serious criticism abroad.

Mr. FISHER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Weiss amendment.

Very briefly, Mr. Chairman, one has the feeling that the clock has been turned back and we are plowing ground that was well plowed and worked over several years back.

I would like to point out to my colleagues on the other side who extol the virtues of free exploration of the skies and freedom to work out new technology that would benefit the country that there is nothing in the Weiss amendment that would prevent the great private enterprise system of this country from working on the problem of supersonic aircraft, from developing this technology, from placing the investment, and from going ahead. What we are talking about here is at first a Federal Government subsidy for planning or for a study. The subsidy would be in a modest amount, but it would probably lead on to very massive Federal subsidies if the reading from the planning study proved at all favorable. In that event, we would go right down the same road that the British and French Governments have gone, I think much to their regret.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. FISHER. Yes, I yield to the gentleman from New York.

Mr. WYDLER. Mr. Chairman, I just wish to point out to the gentleman that NASA is, of course, our National Aeronautics and Space Administration, and it has as its function, as given to it by the Congress of the United States, the obligation to develop technology for the future of aviation. Certainly it is doing that job, and it has been doing it for probably 50 years in our country under its present organization and under previous organizations. It has always done it in this way.

Those things that are developed which are useful to the aviation community have been adopted and used by the aviation community. That is why we are the preeminent country in the world in the aviation industry. For God's sake, let us not give that up.

Mr. FISHER. Mr. Chairman, we have also saved ourselves a bootful by not going down this SST route several years ago.

I would very much like to encourage private enterprise in this matter. If the private companies see a good product in sight here, they should proceed to develop it, and if they do, God bless them. But I do not think it would be wise to set the Federal Government on this course.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. FISHER. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I would just like to reemphasize the point made by the gentlewoman from New York (Ms. HOLTZMAN). It is a point that my friend, the gentleman from New York (Mr. WYDLER), did not seem to understand. That is that the British and the French are saying that we are preventing their test flights into New York solely because we want to be first in developing a better airplane and take over preeminence from them.

There is no question about it, if we embark on this program, they will say, "See, we told you so. It isn't the noise that bothers you at all. You want to come in and capture this market."

So regardless of whether the arguments of the gentleman from New York (Mr. WYDLER) are correct concerning our own scientific technology moving forward, I believe this is very ill-timed.

Mr. FISHER. Mr. Chairman, I will conclude by saying that for once we should give the free enterprise system full rein in this field to develop an SST if it wants to and if it can.

Mr. BROWN of California. Mr. Chair-

man, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I stand here with some timidity in opposing the amendment offered by the gentleman from New York (Mr. WEISS) because I have not been here during most of the debate and I hesitate to take a chance on saying things that have been said probably several times over. However, the arguments that I have heard during the brief time I have been here do not seem to me to carry a great deal of weight.

I admire the initiative of the private enterprise system as much as any Member of the House, and yet beyond the shadow of a doubt the value of the partnership role of government in the development of advanced aircraft has been fully demonstrated in this country. We must have a role for government research and development on behalf of the industry as a means of furthering the technological advancement of this country.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I would be happy to yield to the gentleman from Florida.

Mr. FUQUA. Mr. Chairman, the gentleman said that he is opposed to the amendment. Does the gentleman mean the Weiss amendment or the Wydler substitute?

Mr. BROWN of California. I am opposed to the Weiss amendment.

Mr. FUQUA. Mr. Chairman, I appreciate the gentleman's response.

Mr. BROWN of California. Mr. Chairman, I recognize the very sincere motivation of those who are concerned about the environmental impact of the supersonic aircraft. I personally opposed the supersonic transport years ago when it was before the House. I have voted to restrict the Concorde, and yet I think the purpose of the Weiss amendment in seeking to restrict the further study of the possibility of developing environmentally sound supersonic aircraft for this country is extremely unwise. We do not want to get ourselves in the position of opposing all research and development and all technological progress.

I have a nostalgia about the ways of the past and would probably like to get along without any aircraft.

I am a supporter, as a matter of fact, the initiator of a resolution calling for a return to lighter-than-aircraft and sailing ships, but I want the best possible technology for lighter-than-aircraft, just as I want the best possible technology for supersonic aircraft, because, in my opinion, it is inevitable that this country at some point will need to bridge the gap between subsonic aircraft and space travel, which means supersonic development.

Mr. Chairman, the whole purpose of the provision in the committee report aimed in this direction is to give us the opportunity to pursue that preliminary work; and I am sure that this has been thoroughly spelled out in our prior debate here. It seems to me that the reaction of my environmental friends, whom I deeply respect and admire, in seeking to prevent this program is an overreaction to a step which I think will benefit this country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WYDLER) as a substitute for the amendment offered by the gentleman from New York (Mr. WEISS).

The question was taken; and on a division (demanded by Mr. WEISS) there were—ayes 65, noes 10.

Mr. WEISS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to rule XXIII, clause 2, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand for a recorded vote made by the gentleman from New York (Mr. WEISS).

A recorded vote was refused.

So the amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEISS), as amended.

The amendment, as amended, was agreed to.

Mr. GARY A. MYERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am not going to take the 5 minutes. I briefly wanted to discuss an amendment which I had intended to offer but which I will not. It was in the RECORD of yesterday. This amendment deals with the provision whereby an agency will be required to revise its point system on hiring with respect to those people who benefit under the President's pardon, Presidential Proclamation 4483. I will bring this issue up at a later time rather than on this bill. I am still vitally interested in making sure that those people who did not violate their System be protected in hiring by agencies.

Mr. Chairman, the exact wording of the amendment I had intended to propose is:

Page 21, after line 24, insert the following:

SEC. 7. Notwithstanding any other provision of law, in making appointments to positions within the National Aeronautics and Space Administration which involve any activity with respect to which funds are authorized to be appropriated under this Act—

(1) in the case of any position within the competitive service, the examination rating of any individual who is granted a pardon by Presidential Proclamation 4483 shall be considered to be 5 points below that to which such individual would otherwise be entitled, and

(2) in the case of any position within the excepted service, only individuals who were not granted such a pardon shall be considered unless there are no such individuals who are qualified and available for such position.

Page 22, line 1, strike out "SEC. 7" and insert "SEC. 8".

Page 22, line 6, strike out "SEC. 8" and insert "SEC. 9".

Mr. Chairman, I yield back the balance of my time.

Mr. RUDD. Mr. Chairman, I wholeheartedly support the amendment that Congressman GARY A. MYERS proposed—and I am sure that the vast majority of the American public will support this effort to show our appreciation to the thousands of Vietnam veterans who served with honor during a trying period of our recent history.

Mr. Chairman, this is an eminently reasonable proposal. As I am sure my colleagues know, NASA is involved in research and construction work that is highly labor intensive.

Approximately 85 percent of all NASA spending goes into labor, employment, and predominantly in the private sector.

By the end of the current fiscal year, NASA will have total primary employment of 122,000 people—with 300,000 jobs directly dependent on NASA programs through contractors and subcontractors.

By the end of fiscal year 1978, NASA will have total primary employment of 131,000—with an estimated 325,000 jobs in the private sector dependent on NASA programs.

As I understand the gentleman's proposal, it would require that all U.S. veterans who serve honorably under the Military Selective Service Act receive preference in consideration for the 10,000 or more primary job openings on NASA programs.

This is entirely consistent with civil service policies and regulations, and should receive overwhelming support in the Congress.

I hope that everyone here will view this as an opportunity to enhance job performance on NASA construction and research sites by giving employment preference to veterans who have already shown their devotion to public service in our Armed Forces.

I support the gentleman from Pennsylvania's proposal.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WRIGHT) having assumed the chair, Mr. MCKAY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4088) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and pro-

gram management, and for other purposes, pursuant to House Resolution 405, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. RAILSBACK

Mr. RAILSBACK. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. RAILSBACK. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. RAILSBACK moves to recommit the bill H.R. 4088 to the Committee on Science and Technology.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROUSSELOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 338, nays 44, not voting 50, as follows:

[Roll No. 83]

YEAS—338

Abdnor	Beard, Tenn.	Burlison, Mo.
Addabbo	Benjamin	Burton, Phillip
Akaka	Bevill	Butler
Alexander	Bingham	Byron
Allen	Blanchard	Caputo
Ambro	Blouin	Carter
Ammerman	Boggs	Cederberg
Anderson, Calif.	Bolling	Chappell
Anderson, Ill.	Bonker	Chisholm
Andrews, N.C.	Bowen	Clausen, Don H.
Andrews, N. Dak.	Brademas	Clawson, Del
Applegate	Breaux	Cleveland
Archer	Breckinridge	Cochran
Armstrong	Brinkley	Cohen
Ashbrook	Brooks	Coleman
Ashley	Broomfield	Collins, Ill.
Aspin	Brown, Calif.	Collins, Tex.
AuCoin	Brown, Mich.	Conable
Badham	Brown, Ohio	Conte
Bafalis	Broyhill	Corman
Baldus	Buchanan	Cotter
Baucus	Burgener	Coughlin
Bauman	Burke, Calif.	Crane
Beard, R.I.	Burke, Fla.	D'Amours
	Burke, Mass.	Daniel, Dan
	Burleson, Tex.	Daniel, R. W.
	Burton, John	Danielson
	Butler	de la Garza
	Byron	Delaney
	Carney	Dent
	Carter	Derrick
	Cavanaugh	Derwinski
	Chappell	Devine
	Clausen, Don H.	Dicks
	Clay	Diggs
	Cochran	Dodd
	Cohen	Dornan
	Conable	Downey
	Conte	Drinan
	Corcoran	Duncan, Oreg.
	Corman	Duncan, Tenn.
	Cornell	Eckhardt
	Coughlin	Edwards, Ala.
	Crane	Edwards, Calif.
	D'Amours	Edwards, Okla.
	Daniel, Dan	Eilberg
	Daniel, R. W.	Emery
	Danielson	English
	de la Garza	Erlenborn
	Delaney	Ertel
	Dent	Evans, Colo.
	Derrick	Evans, Del.
	Derwinski	Evans, Ga.
	Devine	Fascell
	Dicks	Fenwick
	Diggs	Fish
	Dodd	Fisher
	Dornan	Fithian
	Downey	Flippo
	Drinan	Flowers
	Duncan, Oreg.	Flynt
	Duncan, Tenn.	Foley
	Eckhardt	Ford, Mich.
	Edwards, Ala.	Ford, Tenn.
	Edwards, Calif.	Forsythe
	Edwards, Okla.	Fountain
	Eilberg	Fraser
	Emery	Frenzel
	English	Frey
	Erlenborn	Fuqua
	Ertel	Gammage
	Evans, Colo.	Gaydos
	Evans, Del.	Gibbons
	Evans, Ga.	Glickman
	Fascell	Goldwater
	Fenwick	Goodling
	Fish	Gore
	Fisher	Gradison
	Fithian	Grassley
	Flippo	Gudger
	Flowers	Guyer
	Flynt	Hagedorn
	Foley	Hamilton
	Ford, Mich.	Hammer-schmidt
	Ford, Tenn.	Hanley
	Forsythe	Hannaford
	Fountain	Hansen
	Fraser	Harkin
	Frenzel	Harris
	Frey	Harsha
	Fuqua	Hawkins
	Gammage	Heckler
	Gaydos	Hefner
	Gibbons	Heftel
	Glickman	Hightower
	Goldwater	Hillis
	Goodling	Holland
	Gore	Hollenbeck
	Gradison	Holt
	Grassley	Horton
	Gudger	Howard
	Guyer	Hubbard
	Hagedorn	Huckaby
	Hamilton	Ireland
	Hammer-schmidt	Jenkins
	Hanley	Jenrette
	Hannaford	Johnson, Calif.
	Hansen	Johnson, Colo.
	Harkin	Jones, N.C.
	Harris	Jones, Okla.
	Harsha	Jordan
	Hawkins	Kasten
	Heckler	Kastenmeier
	Hefner	Kazen
	Heftel	Kelly
	Hightower	Kemp
	Hillis	Keys
	Holland	Kindness
	Hollenbeck	Krueger
	Holt	LaFalce
	Horton	Lagomarsino
	Howard	Le Fante
	Hubbard	Leach
	Huckaby	Lederer
	Ireland	Leggett
	Jenkins	Lehman
	Jenrette	Lent
	Johnson, Calif.	Levitas
	Johnson, Colo.	Lloyd, Calif.
	Jones, N.C.	Lloyd, Tenn.
	Jones, Okla.	Long, La.
	Jordan	Long, Md.
	Kasten	Lott
	Kastenmeier	Lujan
	Kazen	Luken
	Kelly	Lundine
	Kemp	McClory
	Keys	McCormack
	Kindness	McDade
	Krueger	McDonald
	LaFalce	McEwen
	Lagomarsino	McFall
	Le Fante	McHugh
	Leach	McKay
	Lederer	Madigan
	Leggett	Mahon
	Lehman	Mann
	Lent	Markey
	Levitas	Marks
	Lloyd, Calif.	Marlenee
	Lloyd, Tenn.	Mathis
	Long, La.	Mattox
	Long, Md.	Mazzoli
	Lott	Metcalfe
	Lujan	Michel
	Luken	Mikulski
	Lundine	Milford
	McClory	Mineta
	McCormack	Minish
	McDade	Mitchell, N.Y.
	McDonald	Moakley
	McEwen	Moffett
	McFall	Mollohan
	McHugh	Moore
	McKay	Moorhead, Calif.
	Madigan	Moorhead, Pa.
	Mahon	Moss
	Mann	Mottl
	Markey	Murphy, N.Y.
	Marks	Murphy, Pa.
	Marlenee	Murtha
	Mathis	Myers, Gary
	Mattox	Myers, Michael
	Mazzoli	Myers, Ind.
	Metcalfe	Natcher
	Michel	Nedzi
	Mikulski	Nichols
	Milford	Nix
	Mineta	Nowak
	Minish	Oberstar
	Mitchell, N.Y.	Panetta
	Moakley	Patten
	Moffett	Patterson
	Mollohan	Pattison
	Moore	Pepper
	Moorhead, Calif.	Perkins
	Moorhead, Pa.	Pettis
	Moss	Pickle
	Mottl	Pike
	Murphy, N.Y.	Pressler
	Murphy, Pa.	Preyer
	Murtha	Price
	Myers, Gary	Pritchard
	Myers, Michael	Pursell
	Myers, Ind.	Quayle
	Natcher	Quie
	Nedzi	Quillen
	Nichols	Rangel
	Nix	Regula
	Nowak	Reuss
	Oberstar	Rhodes
	Panetta	Rinaldo
	Patten	Risenhoover
	Patterson	Roberts
	Pattison	Robinson
	Pepper	Rodino
	Perkins	Rogers
	Pettis	Rooney
	Pickle	Rose
	Pike	Rosenthal
	Pressler	Rostenkowski
	Preyer	Rousselot
	Price	Roybal
	Pritchard	Rudd
	Pursell	Runnels
	Quayle	Ruppe
	Quie	Ryan
	Quillen	Santini
	Rangel	Sarasin
	Regula	Satterfield
	Reuss	Sawyer
	Rhodes	Schroeder
	Rinaldo	Schulze
	Risenhoover	Sebelius
	Roberts	Sharp
	Robinson	Shipley
	Rodino	Shuster
	Rogers	Sikes
	Rooney	Sisk
	Rose	Skelton
	Rosenthal	Skubitz
	Rostenkowski	Smith, Iowa
	Rousselot	Smith, Nebr.
	Roybal	Snyder
	Rudd	Solarz
	Runnels	Spellman
	Ruppe	Spence
	Ryan	St Germain
	Santini	Stangeland
	Sarasin	Stanton
	Satterfield	Steed
	Sawyer	Steers
	Schroeder	Steiger
	Schulze	Stockman
	Sebelius	Stokes
	Sharp	Stratton
	Shipley	Symms
	Shuster	Taylor
	Sikes	Thompson
	Sisk	Thone
	Skelton	Thornton
	Skubitz	Traxler
	Smith, Iowa	Treen
	Smith, Nebr.	Trible
	Snyder	Tsongas
	Solarz	Tucker
	Spellman	Udall
	Spence	Ullman
	St Germain	Van Deerlin
	Stangeland	Vento
	Stanton	Waggonner
	Steed	Walgren
	Steers	Walker
	Steiger	Walsh
	Stockman	Wampler
	Stokes	Watkins
	Stratton	Waxman
	Symms	Whalen
	Taylor	White
	Thompson	Whitehurst
	Thone	Whitley
	Thornton	Whitten
	Traxler	Wilson, Bob
	Treen	Wilson, C. H.
	Trible	Wilson, Tex.
	Tsongas	Winn
	Tucker	Wirth
	Udall	Wolff
	Ullman	Wright
	Van Deerlin	Wydler
	Vento	Wylie
	Waggonner	Yates
	Walgren	Yatron
	Walker	Young, Alaska
	Walsh	Young, Fla.
	Wampler	Young, Mo.
	Watkins	Young, Tex.
	Waxman	Zablocki
	Whalen	
	White	
	Whitehurst	
	Whitley	
	Whitten	
	Wilson, Bob	
	Wilson, C. H.	
	Wilson, Tex.	
	Winn	
	Wirth	
	Wolff	
	Wright	
	Wydler	
	Wylie	
	Yates	
	Yatron	
	Young, Alaska	
	Young, Fla.	
	Young, Mo.	
	Young, Tex.	
	Zablocki	

NAYS—44

Badillo	Harrington	Murphy, Ill.
Bedell	Holtzman	Nolan
Beilenson	Hughes	Obey
Bennett	Ichord	Ottinger
Bonior	Jacobs	Pease
Brodhead	Jeffords	Railsback
Burton, John	Kildee	Scheuer
Carr	Kostmayer	Seiberling
Conyers	Krebs	Simon
Cornell	Latta	Slack
Dellums	Maguire	Studds
Edgar	Meyner	Volkmer
Evans, Ind.	Mikva	Weaver
Findley	Miller, Calif.	Weiss
Gephardt	Miller, Ohio	

NOT VOTING—50

Annunzio	Gilman	Oakar
Barnard	Ginn	Poage
Biaggi	Gonzalez	Rahall
Boland	Hall	Richmond
Carney	Hyde	Roe
Cavanaugh	Jones, Tenn.	Roncalio
Clay	Ketchum	Russo
Corcoran	Koch	Staggers
Cornwell	McCloskey	Stark
Davis	McKinney	Stump
Dickinson	Marriott	Teague
Dingell	Martin	Tonry
Early	Meeds	Vander Jagt
Fary	Mitchell, Md.	Vanik
Flood	Montgomery	Wiggins
Florio	Neal	Zeferetti
Giaimo	O'Brien	

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Rahall.
Mr. Fary with Mr. Stump.
Mr. Boland with Mr. Russo.
Mr. Florio with Mr. Richmond.
Mr. Staggers with Mr. Gonzalez.
Mr. Jones of Tennessee with Mr. Carney.
Ms. Oakar with Mr. Cavanaugh.
Mr. Giaimo with Mr. Martin.
Mr. Mitchell of Maryland with Mr. Barnard.
Mr. Biaggi with Mr. Clay.
Mr. Roncalio with Mr. Davis.
Mr. O'Brien with Mr. Dickinson.
Mr. Hyde with Mr. Wiggins.
Mr. Gilman with Mr. Hall.
Mr. Zeferetti with Mr. Dingell.
Mr. McKinney with Mr. Meeds.
Mr. Marriott with Mr. McCloskey.
Mr. Early with Mr. Vanik.
Mr. Koch with Mr. Montgomery.
Mr. Flood with Mr. Stark.
Mr. Ginn with Mr. Tonry.
Mr. Teague with Mr. Roe.
Mr. Corcoran of Illinois with Mr. Neal.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO HAVE UNTIL MIDNIGHT FRIDAY, MARCH 18, 1977, TO FILE CERTAIN FUNDING REPORTS

Mr. DENT. Mr. Speaker, I ask unanimous consent that the Committee on House Administration may have until midnight Friday night, March 18, 1977, to file certain funding reports.

The SPEAKER pro tempore (Mr. WEISS). Is there objection to the request of the gentleman from Pennsylvania?

Mr. CONABLE. Mr. Speaker, reserving the right to object, what does the gentleman mean by "certain funding reports"?

Mr. DENT. Mr. Speaker, if the gentleman will yield, these are funding reports relating to the funding of House committees.

Mr. HYDE. Mr. Speaker, reserving the right to object, I could not hear the request of the gentleman from Pennsylvania.

Mr. DENT. Mr. Speaker, if the gentleman will yield, I will repeat the request.

This is a normal request made at all times when we have to have reports lay over after a day's session. I am asking unanimous consent that the Committee on House Administration have until midnight Friday night to file reports on certain funding resolutions. These relate to the funding of House committees.

Mr. CONABLE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. HYDE. Further reserving the right to object, Mr. Speaker, was there clearance with the minority side with respect to this request?

Mr. DENT. If the gentleman will yield, this has always been done in this manner as long as I have been here.

Mr. HYDE. This is a routine matter?

Mr. DENT. Very routine. I just came from the committee.

Mr. HYDE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, if the request includes the House resolution whose number is, I believe, 393, dealing with certain administrative costs of the House, I would object.

Mr. DENT. Mr. Speaker, I did not hear the gentleman. Would he please let me know what he wants to know.

Mr. BAUMAN. If the request the gentleman is making includes House Resolution 393, I would object.

Mr. DENT. No; that is not contained in this group. These are regular, ordinary filings of the Committee on House Administration.

Mr. BAUMAN. Mr. Speaker, I withdraw the reservation of objection, with the assurance that that resolution is not included in the group.

Mr. DENT. It is not included.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CLARIFICATION OF ACTIVITIES OF CUBA

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. YOUNG of Florida. Mr. Speaker, we really need some clarification on some activities of Cuba and on our own relationship with Cuba. Tomorrow, March 18, 1977, the ban on U.S. travel to Cuba will be lifted. This is the first step in what has been described as a U.S. rapprochement with Cuba in areas which include the bilateral antihijacking pact, fishing rights within the 200-mile limit, the current trade embargo, and an exchange of diplomatic personnel between the two countries.

In February, the President was quoted as saying that—

> If I can be convinced that Cuba wants to remove their aggravating influence from other countries in this hemisphere, will not participate in violence in nations across the ocean, will recommit the former relationship that existed in Cuba towards human rights, then I would be willing to move toward normalizing relationships with Cuba as well.

All indications are that Cuba has not yet met any of those stated requirements. There have been multiple press reports regarding the close relationship between Fidel Castro and the Government of Panama, indicating that Castro has had a strong influence in Panama's efforts to negotiate a new canal treaty which would relinquish U.S. ownership and control of the Panama Canal; 16,000 troops of Cuban military have been reported in Angola; and in Uganda, Castro's name has been frequently linked with Idi Amin. Just yesterday unnamed State Department officials quoted by UPI reporter Jim Anderson stated that "there is good reason to believe Cubans are leading African rebel forces in Zaire," even though U.S. intelligence says it has no "hard evidence" of that. The U.S. officials quoted by Anderson declined to be identified for publication, but cited Zaire as one indication Havana shows no sign of meeting the President's key conditions for resuming full-scale U.S.-Cuban diplomatic relations.

Secretary of State Cyrus Vance, in a Washington Post article by Don Oberdorfer on March 5th said that he proposed that the United States and Cuba "enter into discussions without preconditions" and that in his remarks in February, the President "did not intend to insist on the withdrawal of Cuban troops from Angola prior to the start of Washington-Havana talks."

I submit to my colleagues that this administration, officially and unofficially, appears to be somewhat unclear about our present and future relationship with this Communist-influenced country that is located less than 100 miles from my home State of Florida. The United States position regarding Cuba needs some clarification. If the President's promise to level with the American people about his plans for our Foreign policy, is to be meaningful, a good starting place would be in the naming of one State Department spokesman who would make us all clearly aware of Cuban's involvement in Panama, Africa, and any other areas of the world in which they may be influential.

Personally, I am opposed to any hasty steps to "relax" our status with Cuba until we are all agreed on exactly where Cuba stands in its military and diplomatic relationships with the United States and other nations of the world.

SUSPENSION OF CUSTOMS DUTIES ON BINOCULARS AND TELESCOPES

(Mr. MIKVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MIKVA. Mr. Speaker, today I am introducing a bill which suspends tariffs on the importation of certain binoculars and telescopes. I have my doubts about the advisability of introducing trade legislation on an individual product basis because putting these matters before the Congress can subject them to the most difficult political pressures. But I think that this case is an exception because there is no rational basis for maintaining a protectionist 20 percent ad valorem tariff on products which the United States either no longer produces or only assembles from imported prisms in small amounts. Retaining this tariff results only in higher prices for the American consumer.

It is also noteworthy that this 20 percent rate is excessive in any event. Even though cameras are essentially optical instruments composed of the same type of lenses as binoculars and telescopes, the ad valorem duty is much less. For example, there is a 7.5 percent ad valorem duty on 35mm cameras valued at over $10.

According to the Department of Commerce, there is no known commercial production in the United States of the kind of prisms used in these binoculars and telescopes which are presently being imported from Japan, the United Kingdom, West Germany, and other countries. However, there is some evidence that there may be some U.S. assembling of binoculars from parts which are imported. Domestic commercial production of general consumer-use telescopes and binoculars ceased some years ago because domestic products were targeted for those relatively few consumers who seek expensive, highest quality, outstanding performance optical instruments. As a result, the small number of consumers could not support a viable domestic industry.

In recent years, telescopes and binoculars have become popular consumer items, especially for spectator sports and leisure-time activities. Improved technology and production methods have resulted in moderately priced instruments that are within the purchasing range of a wide element of the American population.

The current tariff of 20 percent ad valorem was reduced some years ago from the 30 percent ad valorem rate following the so-called Kennedy round of multilateral trade negotiations. The 30 percent ad valorem rate dates back to the period when technical difficulties in producing quality optical instruments supposedly required the American industry to be protected in the national interest. The current 20 percent ad valorem duties remaining after the Kennedy Round appear to reflect the continuing belief that the domestic industry requires protestion when, in fact, there is no longer any commercial production in this country.

The temporary elimination of all tariffs on foreign-made binoculars and telescopes proposed by this bill would continue until December 31, 1978. By that time, hopefully the tariff-reducing negotiations in Geneva will have been completed, and the President may determine that the temporary duty-free status for binoculars and telescopes should be made permanent.

Until that time, however, I urge the suspension of these duties because there is no economic, trade, or political reason for maintaining this protectionist 20 percent ad valorem rate when no competitive comparable production exists in the United States and when its elimination would do no injury to any American worker, industry, or community. On the other hand, its eliminaton can mean substantially lower prices for the American consumer of these products.

ADMINISTRATION KNOWS HOW TO SPEND, BUT CAN IT TAX?

(Mr. ARCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ARCHER. Mr. Speaker, we have witnessed an impressive display of Executive largesse in the past month. The new administration has been in the enjoyable position of proposing legislation which promises billions of dollars worth of benefits, through tax reductions and other devices. It has had the pleasure of seeking to spend; it has not experienced the pain of trying to tax.

But the bullet-biting decisions cannot be postponed indefinitely, as the looming social security financial crisis illustrates so clearly. The two major trust funds, used to pay benefits to more than 30 million people every month, are going dry.

Actuaries estimate that the larger fund, which pays benefits to 20.6 millllion retired workers and their dependents, plus 4.6 million survivors of beneficiaries, will run out of money to meet benefit demands in 7 years. The smaller fund, which makes payments to 7.4 million disabled workers and their dependents, will be exhausted just 2 years from now.

I assume that the administration does not want to let these funds run out. But it has yet not made a preventive move, and time is not on its side. In order to get enough money into the system before the trust fund roof falls in, action must be taken very soon.

Other and more difficult problems involving the social security system also require action. To mention just a few: the benefit windfall made possible by a flaw in the automatic benefit provision; the withdrawal of State and local government units; a number of sex discrimination provisions, many of which are now being tested in the courts; and a complex series of troubles within the disability insurance program. Eventually, the administration will have to face these issues, too.

As of now, the Social Security Subcommittee of the Committee on Ways and Means is merely standing by, waiting for the administration to drop the first shoe. The subcommittee majority seems to feel it would be foolish to develop answers to these pressing problems, only to encounter at some point down the legislative road, the diametric opposition of its own administration. I can understand that feeling, and can sympathize with my colleagues.

But all of us know that we simply cannot wait much longer. The tough decisions on social security must be made, and if the administration continues to procrastinate, the Congress simply must take the initiative.

AMENDMENTS TO AGE DISCRIMINATION ACT OF 1967 INTRODUCED

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WEISS. Mr. Speaker, as you know this week is recognized throughout the country as "Employ the Older Worker Week." It is interesting to note that this great country which has endured so much pain to insure that its citizens which have opportunities which are protected by law currently denies to those Americans who are 65 years of age and older protection under the Age Discrimination Act of 1967. Because of a loophole in this act, some have whimsically referred to it as "The Slightly Older Workers Act."

Today, Mr. Waxman and I are introducing two amenmdents to the Age Discrimination Act of 1967 which we believe will close the loopholes which have enabled thousands of older workers to lose their jobs.

The first amendment makes unlawful those senority systems and employee benefit plans which require the retirement of workers at a specific age. The act currently allows such involuntary retirement if it results from a bona fide pension plan. Currently several law suits are pending before the courts on the issue of what constitutes bona fide. Our amendment clearly spells out that a pension plan which mandates an age limit for retirement is illegal.

The second amendment reflects the intention of the Congress when it passed the Age Discrimination in Employment Act in 1967 and when it amended the legislation in 1974; it eliminates arbitrary age limits imposed on employment. This amendment insures that Americans who are 40 and older are protected; it does not retain the upper limit of 65.

Mr. Speaker, we believe that these two amendments will strengthen the Age Discrimination in Employment Act of 1967 in such a way that it will provide American workers with real protection against employment discrimination based on age. It is only fitting that in this week which honors the older worker we take action to meet the mandate of the Age Discrimination in Employment Act.

FURTHER MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2647) entitled "An act to amend the Small Business Act and the Small Business Investment Act of 1958 to increase loan limitations and to increase surety bond authorizations."

COST BASIS CARRYOVER PROVISIONS OF THE TAX REFORM ACT OF 1976

The SPEAKER pro tempore (Mr. WRIGHT). Under a previous order of the House, the gentleman from New York (Mr. CONABLE) is recognized for 60 minutes.

Mr. CONABLE. Mr. Speaker, I reserved this time for a discussion of the cost basis carryover provisions of the Tax Reform Act of 1976. It will be recalled by some of my colleagues that I was exercised about this portion of the Tax Reform Act at the time it came back from conference with the Senate, and I led a fight against it on the floor of the House. One hundred eighty-one of my colleagues, including the few who listened to arguments, voted with me to strip this measure from the provision. It became law, nonetheless. The Tax Reform Act of 1976 had in it many advantageous provisions, and this was not one of them.

The cost basis carryover provisions, I think, will cause a great deal of hardship, and I wish to call to the attention of my colleagues a provision which I have filed repealing this portion of the act. I hope I will receive considerable cosponsorship of this measure, and I hope my colleagues will join me before this has become the cause celebre I think it may become as the lawyers and bankers back home try to administer the estates of decedents who are ensnared in one way or another in this provision.

The cost basis carryover provision was not adopted in simple form. There was considerable opposition to it because it would result in a pyramiding of capital gains taxes on top of estate taxes. Because of the emotional environment in which we considered the Tax Reform Act, the sponsors of this particular provision felt that it was necessary to strip out all appreciation up until January 1, 1977. In short, they decided to accept the principle of a cost basis carryover and to phase it in after that period.

This resulted in a complex formula for linear apportionment of the value of all assets of an estate hereafter as of January 1, 1977, for which no market quotations are available. Any estate asset which is acquired after January 1, 1977, will be subject to the ordinary cost basis carryover provision, but there will be an apportionment to that date of all assets of decedents acquired before that period.

Mr. Speaker, this is not only going to be a complex device in the administration of estates but it is going to result, I think, in some detriment to our capital system in this country. For instance, in many ways it tends to increase the lockin of capital which we have come to associate with the tax on capital gains.

For instance, in the past under previous law we have had the tendency to be locked into assets which had appreciated substantially in value. Forgiveness of capital gains at death encouraged people to hold appreciated assets until they died so there would be a reevaluation under prior law of the cost basis of that asset in the hands of heirs.

We have eliminated this provision, with the result now that a low-cost basis will be carried over to the heirs as well, despite valuation for estate taxes including the full current value. This means that a low-cost basis of an asset effects not only the person who originally bought it but succeeding generations, with the result that, as I said on the floor of the House at the time this measure came up, the IBM stock of the future will become a family heirloom, something which nobody gains consequences of sale following appreciation from one generation to another.

I have, Mr. Speaker, an example of how this lockin will work, how it will add to the taxes of decedents substantially, and I would like to request that this par-

ticular provision be set out in the RECORD at this point.

Mr. Speaker, I insert that material here:

A husband owned a small grocery store and a home. After his death, his wife decided to sell both and move into an apartnment. Due to the carryover basis provision, she must pay a capital gains tax of $7,190 on both the grocery store and home property. The carryover basis provision also causes the minimum tax provisions to come into play, so that she must pay an additional $2,250 tax on the excluded part of capital gains. If there were no carryover basis provision, she would not have to pay these additional taxes.

Faced with the prospect of paying a combined total of almost $9,500 in taxes, the wife decides not to sell either property.

Others in a similar situation may also decide not to sell property they otherwise would; the carryover basis could thus have significant "lock-in" effect, causing economic dislocations.

	Basis [1]	Fair market value 1988
Property:		
Home	$25,000	$45,000
Grocery store	35,000	65,000
Personal and household effects	2,000	6,000
Automobile	3,000	2,000
Insurance		12,000
Total	65,000	130,000

[1] Under Tax Reform Act of 1976.

Assume husband dies in 1987 with adjusted gross estate of $120,000 and that he takes advantage of the marital deduction.

Assume surviving widow, age 60, sells grocery store and home in 1988 for $110,000 and moves into an apartment.

Assume she has other income for 1988 equal to the exemption and allowable deductions.

Tax on husband's estate under pre-1977 or current law	$0
Income tax paid by widow without carryover basis provision	0
Income tax paid by widow with carryover basis provision:	
Tax on capital gains	7,190
Minimum tax	2,250
Total increase in taxes attributable to carryover basis provision	9,440

Mr. Speaker, there are some other issues that have to be dealt with in talking about cost-basis carryover. For instance, it has been called to my attention by some lawyers in my district that very serious problems of valuation are going to result with respect to any estate which includes a considerable collection of any sort; for instance, a stamp collection, a coin collection, or a collection of antiques.

These collections are made up of a lot of individual assets. In many cases, the cost basis of them is obscured in the past; and any executor is going to have to report, in connection with an estate tax proceeding of any sort, substantially accurate records of, in some cases, thousands of capital transactions affecting that collection.

The American College of Probate Counsel has written indicating that this is a very serious problem and that not only postage stamps, coins, and antiques, but art objects or a collection of almost anything, if it is involved in a substantial estate, will be difficult to deal with.

Many of these items, Mr. Speaker, have been collected over long periods of time and result from countless small purchases.

In this case I am afraid that there is likely to be widespread fraud. There also, of course, is a record-keeping problem of major dimensions. Honest collectors and their executors will be confounded by the provisions of this law.

Mr. Speaker, suppose a decedent possessed a $50,000 stamp collection at death, which included several thousand separate stamps obtained by the decedent at various times throughout his life. The executor would be required to determine the dates of acquisition of each of the individual items in order to compute their fair market value on those dates so as to satisfy the provisions of the law. In a few minutes, we will get into the penalties that are involved if he does not do this.

The cost of such an effort in just gathering this information could be grossly disproportionate to the value of the collection and could greatly increase the cost of the administration of an estate.

A sampling of a lot of coin dealers indicates that the serious collector could easily obtain 1,000 coins in a month. If one assumes the keeping of a complete set of records, then the provisions and the fresh-start rule of this law still require the executor to make many thousands of separate computations to meet the requirement that the coin collector comply with the law.

This is so because the act provides that all property other than securities upon which market quotations are available, is to be valued as of December 31, 1976. The rule fixes the basis by assuming that appreciation which has occurred between the acquisition and death, occurred at a uniform rate over the entire period the property was held by the decedent. Thus each item will require a separate computation under the rule to establish the cost basis as of January 1, 1977. They are going to use a linear apportionment process to do that, so you have got to show the difference between the value on the date of death, even now, 3 months after this law went into effect and the value on January 1, 1977. You arrive at that by going through this linear apportionment process, and each item will require a separate computation under the rule to establish the basis of the value of the property in the hands of the beneficiaries.

The provisions of the Tax Reform Act of 1976 require executors to furnish information regarding the basis of the value of the property acquired from the decedent to the Internal Revenue Service and to the beneficiaries.

Executors are subject to penalties of $100 for each instance in which they fail to provide this information. The maximum penalty that can be imposed is a $5,000 penalty. This is going to put great pressure on those who have to administer estates to come up with records from which a cost basis can be computed. I think that in itself is going to be a substantial incitement to fraud and will create very serious problems.

Mr. JOHNSON of Colorado. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I am happy to yield to the gentleman from Colorado.

Mr. JOHNSON of Colorado. Mr. Speaker, I thank the gentleman for yielding and I want to congratulate the gentleman for bringing this to the attention of the House. I am convinced the gentleman is correct, having been engaged in the practice of law myself for some years and having done some estate work, I am convinced that the public, at least, is not aware of the impact of the legislation that we passed last year. I am convinced that people are not yet aware of what is going to be required when somebody has a farm, for instance, and a number of children are the beneficiaries, and that farm has to be liquidated, and the income tax paid in addition to the estate tax.

The same applies for homes or any other kind of property that has to be liquidated for one reason or another. When the public at large realizes the impact of the tax that is levied on not just the rich, but on the average American family that accumulates a house or some property during the course of their lives, they are going to view such a procedure at extreme arm's length.

I think the gentleman from New York is certainly farsighted, and the gentleman will be thanked by a wide number of people for attempting to draw attention to this particular point which is one of the errors we made last year.

Mr. CONABLE. I do not believe that thanks really are in order. This condition will attract plenty of attention to this problem as soon as people start to comply with the new law. As of right now most decedents' estates in the process of administration are those of people who died before January 1, 1977 and are not subject to the provisions of this law, but I think that from here on we will hear a rising chorus of outrage because of the complexities we have inflicted on the estates of those of modest means but who have had the experience of owning property during their lifetimes, property that has appreciated in value.

Mr. JOHNSON of Colorado. Mr. Speaker, if the gentleman will yield further, let me say that I agree with the gentleman from New York. I have already heard from some lawyers in my district and in the State of Colorado with whom I have had contact before and whom I know to be competent and capable practitioners.

We are not talking about people who deal with the wealthy people, we are talking about the average lawyers who deal with the average citizens in this country. They are already bringing to my attention the magnitude of the error we made.

Mr. CONABLE. Let me say that we are not only talking about lawyers and accountants here, although they will be confronted by this law, we are also talking about those who are involved in the estates and their problem is going to be greatly increased through extended delays. There will be considerable complication for those whose parents or other

relatives have died leaving estates that require administration. The problem is going to be vested ultimately in the beneficiary and not in the lawyer or the accountant.

Mr. JOHNSON of Colorado. The gentleman is exactly correct. What we have voted in the name of tax reform is placing a burden on the back of the average citizen, which I hope will be removed.

I thank the gentleman for yielding.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield to the distinguished lawyer, the gentleman from Virginia (Mr. BUTLER).

Mr. BUTLER. I thank the gentleman for yielding.

I want to report to the gentleman that the experience that he anticipates with reference to the reaction to this legislation is already developing in my area in our State, and it is quite apparent that the rsponse is coming a good deal faster than we anticipated when we objected to this provision originally. But I want to congratulate the gentleman and associate myself with his remarks and express by appreciation for his bringing this to the attention of the House.

I also want to express dsappointment that those of the gentleman's committee who had the infinite wisdom to present this legislation are not here to suggest some virtues that may remain in it. I think their absence indicates that they are beginning to see the errors of their ways. I hope we will soon be able to rescind this legislation.

Mr. CONABLE. I am not sure their absence means that, but I am sure their attention will be focused on this issue as the year wears on.

I should like to go back to the reporting requirements, Mr. Speaker, because there have been some more refined issues relating to these reporting requirements that need to be discussed. As presently written, they require the executor to furnish the type of information that I have been mentioning, even where the carryover basis presently does not exceed $60,000 of total value. As many Members will remember, the act provides a minimum step-up in basis to $60,000. That is, if the estate does not amount to that, they do not get that step-up. This provision was intended to eliminate small estates from the application of the carryover basis rules. Since there was no requirement under prior law that basis information be furnished the Internal Revenue Service or the beneficiary of an estate, and all property took on a stepped-up basis as of the date of death, the American College of Probate Counsel is of the view that the reporting requirement should be eliminated for the estates where the step-up will occur under present law. This would eliminate apparently unnecessary new administrative burden and expense placed on small estates.

Some people have said we cannot really afford to repeal this now, this inequitable and complicated provision, because it would have a major revenue impact. The revenue pickup under the carryover basis provisions of the Tax Reform Act of 1976 are comparatively modest because of the restatement of all bases to January 1, 1977. There will be, in most cases, modest appreciation of assets between January 1, 1977, and the end of this fiscal year, or the end of the next fiscal year, so the amount of actual money that will be raised by this law is small despite these terrible, complicated reporting requirements. For instance, for fiscal year 1977 there would be less than 5 million revenue loss if we were to repeal this provision right now. As a matter of fact, for fiscal year 1978 the revenue loss would be still less than $5 million as estimated. In 1979 the revenue loss would go to $36 million; in 1980, to $93 million; in 1981, to $162 million.

These figures indicate that very little revenue is involved. When compared to the complexity that we are loading on the backs of the American taxpayers and the beneficiaries of those estates that will be administered during this period of time, it is obvious that we are going to have slight offsetting benefit to the Treasury.

Also, think of the pyramiding of tax resulting from cost basis carryover.

Frequently farms or small business estates are illiquid. This is the reason we went into estate tax reform last year in the first place. An executor is forced to dispose of appreciated assets to help liquidate estate tax burdens and, when such a sale occurs capital gains taxes may result. For instance, if we have a taxable estate under the new law and that estate is largely illiquid, the money to be raised for estate taxes has to come from a sale of the assets. Any degree of appreciation then results in an additional capital gains tax. Thus, the carryover basis provision substantially increased the total tax liability of the estate in short and particularly so if a portion of the estate has to be liquidated.

This problem will have its harshest effects in the case of farms and small businesses which will be passing from one generation to another if the business is to continue or the farm is to remain in family control.

I think the problem even goes beyond that, Mr. Speaker. It is a fairly standard family situation where a decedent leaves several children, and those of my colleagues who practice law are familiar with the forms that are used in wills which go something like this:

All the rest, residue, and remainder of my estate, both real and personal, and wheresoever situate I give, devise, and bequeath in equal shares to my children to be theirs absolutely.

Now, the division of estates is going to be greatly complicated by the existence of this cost basis carryover rule because in the division of the estate those administering the estate are going to have to consider not only what the current value of the assets may be if they are distributed in kind but are going to have to consider also the cost basis since the after-tax value of such assets distributed in kind may be substantially less than the before-tax value. There is going to be a temptation on the part of a property owner in the drawing of his will to leave low-cost basis assets to his less affluent children and high-cost basis assets to his more affluent children since the possible liquidation of those assets will carry capital gains consequences which will then be loaded in on top of the income tax bracket in which the beneficiary may happen to be as a result of his or her ordinary income.

This suggests another aspect of the Tax Reform Act which I think needs some consideration by my colleagues. We greatly tightened the tax on capital gains in the 1976 Tax Reform Act by increasing the minimum tax. We went to a 15-percent minimum tax rule and as my colleagues know the minimum tax is a very thinly veiled additional tax on capital gains.

With respect to individuals the minimum tax raises 85 percent of its revenue from taxing the previously untaxed portions of long-term capital gains. Now, in this case then not only did we put a capital gains tax on decedents but also we made sure that the capital gains tax is going to be bigger than it was before. It will be particularly so with respect to large transactions, and the kinds of transactions which will follow the liquidation of an estate fall into that category.

The pyramiding of taxes in short is going to be horrendous with respect to many estates considerably less than $1 million in size and the estate tax rates will be very much compounded by the pyramiding of capital gains on top of it.

I do not know if there will be substantial interest in this measure as of right now, Mr. Speaker. I did want to bring it up and talk about it at this time because I suspect as the year wears on more and more people are going to be coming to my colleagues and saying, "What have you done to us in putting a cost basis carryover provision and all these reporting requirements on top of an already complex estate tax law?"

Since the consequences fiscally are extremely modest if we wish to repeal this measure, I think we should repeal it before we cause a lot of hardship to a lot of people. I am personally convinced that most estates hereafter, if parents are involved, are going to have a substantial incentive to liquidate all assets of the estate in order to achieve substantial parity between the children because of the problem of the varying tax bases of the capital assets that might otherwise be transmitted to the children.

In that process the pyramiding of capital gains tax on top of estate tax will result in an almost confiscatory rate.

I have great hopes that my colleagues as they become more aware of the very serious problems we have created in this small part of the Tax Reform Act of 1976 will join in cosponsorship of a bill, H.R. 1563, which I have filed to bring about a complete repeal of this section and to go back to the prior law revaluing all cost bases as to the date of death; thus, much simplifying the administration of estates in relation to what we have now wrought.

Mr. BURLESON of Texas. Mr. Speaker, with passage of the Tax Reform Act of 1976, Congress has for the first time in over 30 years, significantly altered our gift and estate tax laws. I am personally

very proud to have been a part of the effort to change those laws. It was especially gratifying to know that small- and medium-sized estates were finally offered some relief from their heavy tax burdens. The gift and estate tax revisions will allow many family farmers and businessmen to hold their farms and businesses together for continued operation by heirs.

It is very unfortunate that much of the good accomplished by the gift and estate tax revisions will be offset by the carryover basis proven which was also contained in the Tax Reform Act of 1976. Under the law prior to passage of the 1976 Tax Act no tax was imposed on the unrealized appreciation of assets held by individuals at their death. When beneficiaries inherited appreciated property, their basis for calculating capital gains was stepped up to the fair market value of the property at the time of the inheritance. However, under the rules imposed by the Tax Reform Act of 1976, heirs must use—carryover—the decedent's basis when calculating capital gains. The immediate impact of this change was blunted by the further provision that no appreciation occurring before December 31, 1976, would be taxed in this manner.

Despite the limited near term impact of this provision, it is clear that future generations will eventually bear the full burden of this change in the taxation of appreciated properties. If the inflationary trend of the past few years continues, heirs of farmland or other appreciated properties who, subsequently, sell their property at a gain, may very well be faced with paying more capital gains taxes than the estate taxes paid at the time they inherited the property. The same family farms and businesses we were attempting to help by alleviating some of their estate tax liabilities are going to be facing potentially very large capital gains taxes.

Confronted with the higher capital gains liability, most heirs are likely to be forced to hold or lock-in investments. Although I sought changes in our tax laws to eliminate the impact of inheritance taxes because they caused the breakup of family estates, I do not think it is advisable to have tax laws which force the lock-in of investments.

In addition, since the regular estate tax is imposed on the entire value of the property transferred at death, I see no justification for the imposition of a second tax on the unrealized appreciation at any time.

I have introduced H.R. 2674, a bill identical to Mr. CONABLE's, to repeal the carryover basis provision of the Tax Reform Act of 1976. I hope my colleagues will join in support of this legislation, or that you will sponsor legislation of your own to repeal this unnecessary and troublesome provision.

My compliments to Mr. CONABLE for arranging to bring this before the Congress and to show the very serious defects in this section. I am hopeful that at an early date we can have hearings in our Ways and Means Committee which will result in the repeal of this section.

Mr. ABDNOR. Mr. Speaker, I am pleased to join in the highly constructive and most necessary effort by the distinguished ranking minority member of the Committee on Ways and Means, Mr. CONABLE, to bring some order to the difficulties created for many people through enactment of the complex Tax Reform Act of 1976.

Certainly this law amply demonstrates that the road to reform is not only one filled with hazards along the way but that the destination does not always turn out to be the one originally desired.

A case in point is the part of the act which involves estate taxes. Unfortunately, that result which we now have—and which places some new burdens on taxpayers and will not achieve the objective sought—was forecast when the committee enacted the present language dcaling with inheritances and rejected proposals contained in bills in the 95th Congress such as mine (H.R. 6178) and similar ones which enjoyed wide sponsorship.

The legislation on which I am joining as a cosponsor offered by Mr. CONABLE, is the most direct and effective way to deal with problems caused by the provision which requires that all heirs, after January 1, 1977, are required to value inherited property as of the date of purchase by the decedent or its value as of December 31, 1976. The previous law provided that property was valued as of the date of death and if the property was later sold, the capital gains taxes were based on this value.

The legislation introduced today would repeal the cost-basis carryover requirement.

I join with our distinguished colleague from New York in believing this measure provides the best answer to the new law which will; First, complicate the duties of administrators and executors of estates by making it difficult to distribute fairly in kind assets of differing cost basis; second, require a whole new mass of records to be passed from one generation to the next; third, produce litigation with the Government over the value of the property and delay the distribution of assets; and fourth, cause difficulty in family control of the small farm or closely held business.

Mr. Speaker, before this new law even took effect, I started to hear from constituents who early recognized that the 1976 act did not—as most of us hoped—achieve the removal of the harsh inequities of the outmoded etsate tax provisions. Attorneys, tax advisers, and others who work in this area expressed concern over the complicated recordkeeping requirements. And they further warned that instead of preserving and strengthening family-owned farms and businesses the new law would eventually make it impossible for ever-growing numbers of heirs to retain these family enterprises.

One of the concerns expressed over the new law came recently in a letter to all members of the South Dakota congressional delegation from Frank D. Brost, an attorney at Presho, S. Dak.

His observations came following a seminar which he attended in Denver, Colo., sponsored by the Practicing Law Institute. Mr. Brost said the lecturers were "some of the foremost authorities" on estate planning in the American legal profession. And what do these authorities have to say about the carryover section?

Listen to this from Mr. Brost:

> It was the feeling of the Lecturers and most in attendance that this particular section is a terrible bag of worms. It puts record keeping on asset acquisition as an absolute must for years upon years.

And I think Mr. Brost's own assessment is likewise worth repeating. He adds:

> I feel it (the carryover) puts an impossible burden upon the people . . . when the actual contents of this amendment become known to the people, they will become outraged . . . I firmly believe that this law is so complicated and administratively unworkable that it will lead to mass disregard and disobedience.

Mr. Speaker, a prediction of "mass disregard and disobedience" by the people to a law passed by Congress tells us more about Congress than it does the people. And what it tells us about Congress is that once again a terrible blunder under the guise of reform has been perpetrated upon the American people.

We can do something about that blunder and that step is to repeal this cost-basis carryover requirement. Under the leadership of the ranking minority member of the Committee on Ways and Means, I am confident we will do so.

Mr. Speaker, I include in the RECORD at this point, the text of the letter from Mr. Brost:

PRESHO, S. DAK.,
March 7, 1977.

Senator GEORGE MCGOVERN,
Senator JAMES ABOUREZK,
Congressman JAMES ABDNOR,
Congressman LARRY PRESSLER,
Washington, D C.

GENTLEMEN: I feel compelled to write to each of you through this joint letter regarding the Tax Reform Act of 1976. I have just returned from Denver where I attended a three day Seminar sponsored by the Practicing Law Institute. The Seminar dealt with the Fundamental Concepts of Estate Planning, with particular emphasis on the 1976 Tax Reform Act changes. The Lecturers were some of the foremost authorities on the subject in the American Legal Profession.

Included in the Tax Reform Act is the Carry-over Basis Section which I am sure you are all familiar with. It was the feeling of the Lecturers and most in attendance that this particular section is a terrible bag of worms. It puts record keeping on asset acquisition as an absolute must for years upon years. I feel it puts an impossible burden upon the people.

I firmly believe that when the actual contents of this amendment becomes known to the people, they will become outraged. I firmly believe that if we cannot delete the carry-over basis section from the amendment that we would be far better off with the old law. I firmly believe that this law is so complicated and administratively unworkable that it will lead to mass disregard and disobedience.

If the United States Treasury cannot withstand the loss of income due to the increased exemptions and/or credits, I feel we should reduce the exemption or increase the rates. I would urge each of you to familiarize yourselves in depth with the aspect of the Act and hopefully support or sponsor an amend-

ment deleting the carry-over basis section from the Act.

Mr. Tom Foy, and Mr. Jack Costello, both of Rapid City, and Mr. Jack Morgan of Mitchell, all very qualified and able attorneys, were in attendance and could give you more indepth thoughts regarding this matter.

Very respectfully,

FRANK D. BROST.

Mrs. SMITH of Nebraska. Mr. Speaker, I welcome this opportunity to urge an improvement in the method for calculating capital gains taxes in inherited property that is sold. Under the present law, generations of inheritors will be locked into holding inherited property to avoid exorbitant capital gains taxes, The present law also complicates estate planning and administration, and will undoubtedly cause a great deal of litigation.

Prior to the Tax Act of 1976, the value of inherited property was "stepped up" or increased to its fair market value at the time the owner died. This provided each generation with a clean slate. Each generation was taxed only on the appreciation which occurred while they owned the property, not for the capital gains of the previous owner. Thus, if inherited property was sold immediately after the death of the previous owner, there would be no capital gains taxes.

The 1967 act, however, changed the way such property was valued, making the basis for taxation on property currently held its value on December 31, 1976, or the purchase price for property acquired after that date. This inhibits the sale of inherited property, because the new owner must pay tax on any appreciation that may have occurred, due to inflation or other reasons, since the time the previous owner purchased the property. If many years or generations intervene between the initial purchase of the property and the inheritance, it is obvious that the capital gains tax burden could be outrageously excessive. This inequity discriminates most harshly against small businessmen and farmers who characteristically pass appreciated land assets on to their family.

I have introduced H.R. 1733, which will return capital gains evaluation to the equitable method used prior to the 1976 law. I have received great support for this initiative, as is indicated by the 18 other Representatives who have cosponsored this legislation. Therefore, I respectfully urge the Ways and Means Committee to correct the 1976 mistake by granting each generation a fresh start for capital gains on inherited property.

List of cosponsors for H.R. 1733: Mr. MOORHEAD of California, Mr. BROWN of Ohio, Mr. HAGEDORN, Mr. KEMP, Mr. SEBELIUS, Mr. DERWINSKI, Mr. BURGENER, Mr. KINDNESS, Mr. FRENZEL, Mr. QUIE, Mr. TRIBLE, Mr. TREEN, Mr. BUTLER, Mr. SANTINI, Mr. SYMMS, Mr. WALKER, Mr. TRAXLER, and Mr. GRASSLEY.

Mr. FRENZEL. Mr. Speaker, I applaud my distinguished colleague from New York for bringing before us today the issue of the potentially disastrous carryover basis provisions contained in the estate tax section of the Tax Reform Act of 1976. I would like to add several remarks to the colloquy on this issue and to urge my colleagues to support the repeal of the carryover basis provision.

Last year, I joined several of my colleagues in warning that many of the long overdue and beneficial estate tax reforms contained in the Tax Reform Act may be totally wiped out by the carryover basis provision. There is no way we can justify giving additional benefits through increased estate tax exemptions, only to take them away later through capital gains taxes. Furthermore, those people for whom we were primarily trying to provide relief, namely the heirs of modest estates such as farms and closely held businesses, will probably be most harshly affected by the new capital gains tax.

The glaring inequities, administrative nightmares, and potentially disastrous lock-in of capital resulting from the new carryover basis provision are already becoming evident. The formula for determining the basis of each asset in an estate is so complicated that even the most experienced lawyers are having great difficulty in understanding, let alone applying, it. To make matters worse, since very few regulations have been issued covering these provisions, many questions must go unanswered and many estates left in limbo. Each asset in an estate must be evaluated separately, with the basis of marketable securities determined by their value on December 31, 1976, and every other asset according to the specified valuation formula. Since this formula is based on the number of days an asset has been held, the figures which must be used in calculations are ridiculously complicated and change every day. In many cases, four separate bases may have to be kept simultaneously: the income tax basis, the fair market value at the time of death—or the alternate value 6 months later—the special farm valuation, if applicable, and the valuation upon distribution of the asset.

The administration of the new carryover basis is already a nightmare. Lawyers, estate administrators, and owners of estates are faced with tremendous problems due to the extensive and up-to-date recordkeeping and reporting requirements, and the numerous adjustments which must be made for State inheritance taxes and Federal estate taxes. Many hours will have to be spent by lawyers just redoing existing wills and filing the numerous new reports with Treasury and the heirs of the estates. The cost of this revision process alone is estimated to be about $2 billion, all of which must be borne by individual taxpayers. Delays in the administration of estates and the number of litigation cases will undoubtedly begin to skyrocket, costing individuals thousands of dollars, and lawyers and administrators thousands of hours of work.

The responsibilities and liabilities of estate executors are also greatly increased, because they must evaluate each asset's current value and its basis. After trying to balance all of the assets, based upon these calculations, they must decide first, which assets to allocate to the $10,000 personal property exemption or the marital deduction, and second, how to most fairly distribute the various assets among all the heirs. This process will not only require considerable time and, therefore, increase the cost of administering an estate, but it may open the executors up to possible lawsuits. The executor may also be subject to a $100 to $5,000 fine for failing to report information regarding the carryover basis valuation of an estate to the Treasury, and a $50 to $2,500 fine for failing to report such information to the heirs of the estate.

At present, we have seen very few regulations relating to these new provisions in the estate tax laws, and I doubt that they will be forthcoming in the near future. Who knows, it may take even longer to issue these regulations than it has to issue regulations on ERISA. One thing we do know is that the new carryover basis provisions are going to affect everyone, regardless of whether any estate tax is due or not. For example, even if a $100,000 estate may be exempt from paying any tax, the estate executor is still required to go back through the records to determine and report the basis of all the estate's property and assets which were acquired during the decedent's lifetime. In addition, even though an estate may be too small to have to pay estate taxes, the beneficiaries of that estate—often widows of modest means, small farmers, or owners of a small family business—will be required to pay a considerable capital gains tax if some of the property or assets must be sold in order to raise necessary cash. The worst aspect, however, is that this tax will have to be paid immediately and in full. Instead of having the option of a deferred payout system as with the estate tax.

Mr. Speaker, provision in the Code which have been beneficial to the transfer of small, closely held businesses, may also be adversely affected by the carryover basis. Under prior law, if a person wanted to pass a closely held business on to one of his children while still retaining an interest in the company, he could convert his share to preferred stock. This would mean that the value of the stock would be set and a certain dividend would be paid each year.

Should this stock have become part of his estate, it could be sold back into the company treasury at the preferred stock rate to generate sufficient cash to cover the administrative and estate tax costs. No appreciation in the value of the preferred stock would have occurred and been passed on to an heir, because of the stepped-up basis provision. However, with the new carryover basis, the added value of the stock will be treated as ordinary income when it is redeemed. Thus, once again the carryover basis is working against the preservation of small businesses and estates, just the people we were trying to help.

If we are sincerely trying to provide relief from the burden of estate taxes, particularly for modest estates, and also trying to simplify the estate tax system, we should eliminate the carryover basis provision. For small estates which do not have to pay any estate tax, it is simply a short, few year deferral of taking away the initial benefits from the estate tax exemption through capital gains taxes. For larger estates, the carryover basis is

basically a form of double taxation, because not only would estate taxes be assessed, but capital gains taxes would also be assessed when the inherited assets were sold. This is a far cry from sound tax policy, let alone tax reform.

Not only is the carryover basis poor tax policy, but it is also poor economic policy. One of our most acute economic problems today is the slow pace of capital spending, which is essential to sustained economic growth. The carryover basis provision will tend to freeze assets within estates because heirs would not be able to afford to sell them. This, of course, will stifle the free movement of capital and prevent the necessary flow of capital to the priority needs of the marketplace. Further, as time goes on, the liquidity problem will continue to worsen, so that we will eventually be faced with nothing more than a collection of locked-in heirlooms and a severely depleted capital market. As Prof. A. James Casner of Harvard Law School stated in his testimony before the Ways and Means Committee last session:

I think most economists agree that that is probably the worst solution of all to continue the lock-in with the carryover basis.

I have strongly supported the positive efforts to reform our outdated estate and gift tax structure. However, I fear we have negated many of these beneficial reforms with the carryover basis provision, which slaps a new capital gains tax on American individuals and families. If we are serious about preserving family farms and small businesses, and about providing meaningful estate tax relief, the best thing we can do is to repeal the carryover basis provision contained in the Tax Reform Act.

GENERAL LEAVE

Mr. CONABLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. WEISS). Is there objection to the request of the gentleman from New York?

There was no objection.

NATIONAL COMMUNICATIONS POLICY

The SPEAKER pro tempore (Mr. WEISS). Under a previous order of the House, the gentleman from Minnesota, (Mr. QUIE) is recognized for 5 minutes.

Mr. QUIE. Mr. Speaker, the independent telephone companies in Minnesota have contacted me urging that the Congress hold hearings on the Consumer Communications Reform Act for the ultimate purpose of restating the intent of Congress in the Communications Act of 1934. At that time, Congress enunciated as one of the goals of national policy the development of a communications system to provide good service at reasonable cost throughout the country.

I am writing the chairman of the Communications Subcommittee urging that hearings be scheduled on this issue as soon as possible and am submitting the text of my letter and the resolution adopted by the Minnesota Telephone Association on this matter for the public record.

The material follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 15, 1977.

Hon. LIONEL VAN DEERLIN,
Communications Subcommittee, Committee on Interstate and Foreign Commerce, Rayburn House Office Building, Washington, D.C.

DEAR VAN: Enclosed is Resolution No. 1 adopted by the Minnesota Telephone Association. This Association consists of 101 telephone companies in Minnesota. The Resolution urges hearings on legislation reaffirming the intent of the Communications Act of 1934 that there should be a nationwide high quality, low cost telecommunications service available to all persons in the United States.

A number of bills have been introduced ranging from the Consumer Communications Reform Act to resolutions supporting FCC actions leading to competition in certain areas of the telecommunications field.

As a Representative from a Congressional District which is comprised of many rural and suburban communities, I am vitally interested in maintaining a national policy which will assure the best possible telephone service to all of these communities at the most reasonable cost. The availability of telephone service throughout the United States and its reliability attest to the fact that U.S. policy has been effective.

In recent years, FCC decisions appear to be changing U.S. policy in the telecommunications field. I believe this whole matter should be reviewed by your Subcommittee to develop reliable data so the Congress can mandate the policy which will continue to provide consumers with the best possible telephone service at the most reasonable cost. I respectfully request that hearings on this matter be scheduled at the earliest possible moment.

With every good wish, I am
Sincerely yours,

ALBERT H. QUIE,
Member of Congress.

RESOLUTION NO. 1

Whereas, the Congress of the United States, by the passage of the Communications Act of 1934, determined that there should be a nationwide high-quality, low-cost telecommunications service available to all, and

Whereas, the telecommunications industry of Minnesota and the United States has been eminently successful in providing such service over these many years, and

Whereas, changes in both technology and subscriber requirements have produced problems which were not envisioned at the time of the passage of the 1934 Act, and

Whereas, the essential point of the proposed Consumer Communications Reform Act is to reaffirm the original intent of Congress in passing the 1934 legislation, and to apply that policy goal to the problems which have emerged in recent years;

Now, therefore, be it

Resolved, That the Minnesota Telephone Association, in convention assembled in Minneapolis, Minnesota, does hereby endorse and support the concept and purpose of the Consumer Communications Reform Act, as introduced by the members of the Minnesota Congressional Delegation during the 94th Congress; and be it further

Resolved, That the members of the Minnescta Telephone Association respectfully request that the Minnesota Congressional Delegation continue their efforts to bring about meaningful hearings on this subject by reintroducing such legislation during the 95th Congress; and be it further

Resolved, That the members of the Minnesota Telephone Association do hereby express their gratitude to the Minnesota Congressional Delegation for their support in providing the best telecommunications possible for the people of Minnesota and the United States.

KGB SEIZES ANATOLY SCHARANSKY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BURKE), is recogized for 5 minutes.

Mr. BURKE of Florida. Mr. Speaker, I rise to call the attention of the U.S. House of Representatives to the seizure by the Soviet security police—the KGB—of Anatoly Scharansky on March 15, 1977. This move represents yet another attempt by Soviet authorities to challenge President Carter's outspoken support of dissidents in the Soviet Union and throughout Eastern Europe.

Mr. Speaker, Anatoly Scharansky is well-known and highly respected throughout the world by his coreligionists. He is one of the leading spokesmen for Soviet Jews seeking their legitimate rights to emigrate to Israel. At the time of his arrest he was one of a group of Jewish leaders monitoring Soviet compliance with the human-rights aspects of the 1975 Helsinki accords. During the past year this group has been the focal point of dissident activity and the arrest of Anatoly Scharansky signals that Soviet authorities have finally decided to break it up.

Mr. Scharansky has been the target of systematic harrassment by officials of the Soviet Government for some time. Ever since filing his application for permission to emigrate to Israel in 1973, he has been subject to increasing pressures. However, on March 4, 1977 his situation gravely worsened when Izvestia published an infamous letter accusing Mr. Scharansky and other prominent Soviet Jews, along with two American diplomats, of lending themselves to espionage and treasonous activities against the Soviet state. Since that time he has been under extensive KGB pressure until March 15 when he was arrested by Soviet authorities. While these charges are false and without foundation, there can be no doubt that they are serious insofar as treason is a capital crime in the Soviet Union.

Mr. Speaker, Anatoly Scharansky is the fourth human-rights activist taken into custody in the past 6 weeks in what is beginning to emerge as the most concerted crackdown on dissidents in recent years. However, he is the first person picked up who has been publicly accused of treason. This is a major step by Soviet authorities and it shows the extent to which they are prepared to go to suppress dissident activity.

Mr. Speaker, I am gravely concerned about the plight of Mr. Scharansky. His detention constitutes a serious violation of the Helsinki agreement. We here in the United States would be false to our own political values and traditions if we were to stand silent in the face of this kind of political oppression. For in the long hard march of mankind, America has been fortunate to occupy a special

place in history. We have traditionally stood against the forces of tyranny, injustice, and vice. And we have been honored to offer the world a shining symbol of human freedom. Let us continue that tradition and let out with one voice a cry of protest against this most recent example of tyranny against the spirit of man. In conscience, we can do no less.

CONNECTICUT BANK & TRUST HELPS URBAN CENTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 10 minutes.

Mr. COTTER. Mr. Speaker, my colleagues should know about the efforts of the Connecticut Bank & Trust Co. to encourage its employees to move into the State's three major urban centers: Hartford, New Haven, and Bridgeport.

These cities, like cities everywhere in the Northeast, are suffering from declining population and tax base. Under CBT's program, employees who want to buy homes in one of the three cities can obtain a special mortgage discount.

The bank has set up a $3 million fund to finance the program. I believe their efforts are significant because they give us an outstanding example of what private enterprise can do for our cities.

Mr. Speaker, I would like to insert the following into the RECORD:

[From the Wall Street Journal, Jan. 27, 1977]

BANK IN HARTFORD, CONN., LURES EMPLOYES TO CITY

HARTFORD, CONN.—Connecticut Bank & Trust Co. has begun a mortgage-discount program to lure its employes to buy homes within the Hartford city limits.

Under the program, employes are offered mortgages at interest rates one percentage point below the prevailing market rates. The bank has established a $3 million fund for the mortgages.

The bank said that in most cases the mortgage limit is held to $40,000. Employes also are offered down payment loans of up to $5,000.

The bank said about 1,600 employes at its Hartford offices live outside the city and another 280 live in Hartford. The Hartford residents are able to remortgage their homes at the lower rates.

As part of its efforts to encourage employes to live in the city, the fund "will be engaged in activities to make presentations on the advantages of city living," the bank said.

[From the CBT Intercom, Jan. 18, 1977]

NEW HOME OWNERSHIP PROGRAM GIVES CBT EMPLOYEES INCENTIVE TO LIVE IN HARTFORD

CBT today announced a Hartford Home Ownership Program for its employees. This program will give CBT employees an opportunity to purchase good homes in Hartford at special mortgage rates. Additionally, it will also help preserve Hartford's established neighborhoods. This program will be comparable to similar programs established for the Asylum Hill area by two local insurance companies, and will include home ownership counseling, favorable down payment financing and favorable mortgage rates.

CBT will establish a $3,000,000 loan fund for the purpose of offering mortgages at a favorable rate, one percent below market, to its employees. Normally, mortgages will not exceed $40,000, but exceptions may be made with special approval from the senior lending officer in charge of mortgage lending. No individual will be allowed to purchase more than one house under this program, and all houses must be owner-occupied residential buildings not exceeding four units.

Under this program, CBT will also offer down payment loans to qualified employees in an amount up to $5,000, with a maturity not to exceed ten years. A CBT loan officer will be appointed to review the credit eligibility of any employee applying for down payment loans. They will be secured by a second mortgage and can be serviced by payroll deductions.

The Connecticut Housing Investment Fund, Inc. (CHIP) will be engaged to make presentations on the advantages of city living.

Commenting on the home ownership program, CBT Chairman James F. English, Jr., said, "We are delighted to make this Hartford Home Ownership Program available to our employees. We are a part of this city and are committed, as concerned corporate citizens, to help preserve and upgrade its neighborhoods.

"We hope that our program will encourage CBT employees who already live in Hartford, as well as those who live in the suburbs, to purchase homes in our city."

The Home Ownership program will be explained to employees in specific detail during the next several months.

[From the CBA Intercom, Feb. 15, 1977]

HOME OWNERSHIP PROGRAM EXPANDED TO NEW HAVEN AND BRIDGEPORT

CBT today announced expansion of its Home Ownership Program for employees to the cities of New Haven and Bridgeport. The program, initiated last month in Hartford, is designed to help preserve residential neighborhoods in the state's major urban centers and encourage CBT employees to live in the cities, close to their jobs. The home ownership program includes home ownership counseling, favorable down payment financing and favorable mortgage rates.

The expansion of the program, which has received enthusiastic response since its introduction in Hartford last month, is aimed at encouraging CBT employees who already live in New Haven and Bridgeport, as well as those who live in the suburbs, to purchase homes in these two cities.

CBT will establish a $2,000,000 loan fund for the New Haven program and $1,000,000 for Bridgeport's for the purpose of offering mortgages at a favorable rate, one percent below market, to its employees. Normally, mortgages will not exceed $40,000, but exceptions may be made with special approval from the senior lending officer in charge of mortgage lending. No individual will be allowed to purchase more than one house under this program, and all houses must be owner-occupied residential buildings not exceeding four units.

Under the program, CBT will also offer down payment loans to qualified employees in an amount up to $5,000 with a maturity not to exceed ten years. A CBT loan officer will review the credit eligibility of any employee applying for down payment loans. They will be secured by a second mortgage and can be serviced by payroll deductions.

There are an estimated 200 CBT empoyees in the Greater New Haven area and approximately 50 in Greater Bridgeport.

The home ownership program is not restricted to any one area of the cities, but applies city-wide in the three communities.

Assistant Vice President Ernest R. Screen has been appointed loan officer for the Hartford program. Assistant Vice President Antonio M. Camacho will serve as loan officer for the Bridgeport plan, and Assistant Vice President Joseph Werner will act as loan officer for New Haven.

Orientation sessions for CBT employees interested in the home ownership program will begin within thirty days. The Connecticut Housing Investment Fund, Inc. (CHIF) has been engaged to make presentations to CBT employees on the advantags of city living for the Hartford and New Haven segments of the program.

Intercom will report further developments on the CBT Home ownership program in next month's edition.

HOUSE JOINT RESOLUTION 333, THE BALTO-SLAVIC AMERICANS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSI) is recognized for 15 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, today I am introducing what I believe to be the solution to the widespread, recurring, and persistently enduring problem of prima facie anti-Balto-Slavic discrimination—an issue which should be attacked with the utmost tenacity.

Before detailing my resolution to this problem, I first wish to briefly outline the full extent of anti-Balto-Slavic discrimination and governmental lack of response to date.

Two indepth studies by the National Center for Urban Ethnic Affairs and the Michigan Ethnic Heritage Studies Center reviewed hundreds of Chicago and Detroit-based corporations to determine the ethnic complexion of the listed directors and officers. It should be especially noted that both studies concluded that there existed a serious absence of persons of Polish descent in decisionmaking positions. The U.S. Department of Labor in its guidelines on discrimination states that Slavic Americans continue to be excluded from executive, middle management, and other job levels because of discrimination based on national origin.

It further appears that affirmative action programs designed to serve groups suffering from discrimination do not include Polish and other Balto-Slavic Americans. As a result of insufficient data collected on the actual number of Poles presently residing in the United States, affirmative action programs often ignore Polish Americans in the misguided belief that they are numerically insignificant. In fact, however, based on verifiable data compiled by Slavic organizations, there are approximately 15 million Poles and 35 million Balto-Slavics presently residing in this country.

The Census Bureau has been responsible for a major undercount of Polish and other Balto-Slavic Americans. The Bureau counts all generations of ethnic groups which are classified as minorities. Yet Slavic Americans are split into two categories: "Polish foreign stock"—foreign born or one parent foreign born; and "white"—a residual category which absorbs all other Balto-Slavic Americans. Many members of the Polish American community—all grandchildren of Polish immigrants, for example—are not counted as Polish but are absorbed into the "white" category. This has led to a serious undercount of the Balto-Slavic American community, with the result that millions of dollars in Government community programs and thousands of

dollars in scholarships and other cultural benefits have been lost.

Again, more is at stake than statistical accuracy. Allocation formulas for many Federal aid programs are pegged to population breakdowns, and "lost" people mean lost money: millions of dollars a year to central cities and other areas heavily populated with disadvantaged ethnic groups.

It is well-established that statistical profiles of group characteristics are used by the courts to award various entitlements. If group characteristics are beginning to determine official government action in a pervasive and total way, then precise accounting of group profiles is essential.

For these reasons the procedures of the Census Bureau must come under close scrutiny. The Bureau must sharpen questions aimed at eliciting accurate information on ethnic heritage.

The Census Bureau has the capacity to obtain an accurate appraisal of the cultural backgrounds of the American people. Science, public understanding, and policy planning require an accurate profile of the American heritage. Today's heightened sensitivity to racial and ethnic identities, coupled with the increasing importance of population breakdowns in dispensing Federal funds through revenue-sharing and other programs makes this a matter of dominant concern.

Thus there appears to be a clearly identifiable problem which must be dealt with on a national scale. It is clear that a sufficient data base on Balto-Slavic Americans is retrievable. My resolution seeks to remedy the inadequacy of our present collection system.

Section 1 of my resolution instructs the Departments of Labor and Commerce to improve and expand the methods of compiling accurate demographic knowledge on Balto-Slavic Americans and insure an effective data base upon which affirmative action programs can be instituted.

Such a new data collection system must be devised to gather the necessary information concerning ethnic group employment. The data thus collected would determine if a particular ethnic group is being underutilized. If it is established that underutilization is occurring, affirmative action programs should be employed to bring Balto-Slavic Americans into the labor force in numbers that would reasonably conform to their statistical availability. This will further help assure that affirmative action programs will be more effective.

Section 2 requires the statistical data on Balto-Slavic Americans to be published regularly by various Federal departments.

Section 3 instructs the Director of the Office of Management and Budget to develop a Government-wide collection program for data on Balto-Slavic Americans.

Section 4 directs the Department of Commerce to work closely with other Federal agencies and population study groups for developing credible estimates of Balto-Slavic Americans for future census-taking operations.

Section 5 insures that the Census Bureau will establish Slavic language questionnaires and other appropriate methods to obtain a more accurate count of Balto-Slavic Americans.

Section 6 requires the Department of Commerce to implement an affirmative action program within the Bureau of the Census for Balto-Slavic Americans and requires it to report the progress of the program to Congress within 1 year.

It is high time that Congress responds to the problems of Balto-Slavic Americans. President Carter has already promised to conduct a full-scale investigation of the anti-Balto-Slavic discrimination problem. Let us join him in his pledge and take the necessary first steps toward ending this discrimination.

RESOLUTION "APPLAUDING THE COURAGEOUS EFFORTS OF WOMEN'S PEACE MOVEMENT TO END TRAGIC SECTARIAN VIOLENCE IN NORTHERN IRELAND"

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Jersey (Mrs. MEYNER) is recognized for 5 minutes.

Mrs. MEYNER. Mr. Speaker, I am today reintroducing my resolution "applauding the courageous efforts of the Women's Peace Movement to end the tragic sectarian violence in Northern Ireland" along with three cosponsors.

It is my belief that the Women's Peace Movement constitutes a beacon of hope for peace in that war-torn country. It represents a grassroots effort by residents of Northern Ireland to solve their problems by peaceful dialog instead of terrorist violence.

Under the leadership of Betty Williams and Mairead Corrigan, the Peace Movement has organized impressive demonstrations in Northern Ireland and London despite acts and threats of violence by extremists on both sides. I believe it is fitting and proper that we express our support for these friends of peace as we celebrate St. Patrick's Day. They represent the hope that there will be future St. Patrick's Days when all of Ireland will be at peace, and that will be something really worth celebrating.

STATEMENT OF CONGRESSMAN ROBERT CORNELL TO ACCOMPANY INTRODUCTION OF BILL TO MAKE ELECTION DAY A NATIONAL HOLIDAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. CORNELL) is recognized for 5 minutes.

Mr. CORNELL. Mr. Speaker, in recent years much has been done to reduce and eliminate barriers to voting, such as simplifying registration procedures, ending questionable restrictions, and reducing residency requirements. Today I am proposing legislation which would deal with another probable disincentive to voting and would encourage greater participation on the part of our citizens: making election day a national holiday. The voter turnout in the United States has always been a subject of considerable embarrassment to us since we are consistently lower than Western European democracies as well as Japan and Israel.

Because I consider the participation by as many of our electorate as possible a highly desirable goal, the designation of election day as a national holiday—and not just a legal holiday—will enable persons who have had difficulty in casting their vote because of limited polling hours, irregular work shifts, commuting distances, et cetera, to exercise this great democratic privilege.

Every vote is important. We have only to look at several closely decided races for this body in the last election to realize that every vote makes a difference. In Presidential elections, the highest turnout of the last five contests was 63 percent in 1960, and the lowest was last year's 54 percent. Indeed, every Presidential election since 1960 has shown a decline in turnout from the previous election. The percentage of potential voters participating in congressional elections in non-Presidential years is even more disheartening. In 1974 only 40 percent of the voting age population voted in congressional election. Even in the best year for congressional races in recent times the voter response was only 58 percent.

If we compare these U.S. percentages with the Western European countries, we find France with the low of 79 percent, and Italy with the high of 93 percent in 1972 election. Austria had 92.4 percent in 1971, and West Germany had 91 percent in 1972. All of these countries require election day to be either on Sunday or legal holidays. Belgium, 91.5 percent in 1971, has a compulsory participation law for elections which are also held on Sundays. Israel holds its election on a special public holiday, and the turnout was 81 percent in 1969. Japan does not have a specific law designating election day, but 11 out of the last 17 elections have taken place on Sunday. In the 1968 election, 68.9 percent of the eligible Japanese voted in a Sunday election, while in 1959, only 58.7 percent turned out on a Tuesday.

It is my belief, Mr. Speaker, that we in the United States have become complacent about our voting habits, and have taken this precious privilege too much for granted. Every effort must be made to get a much greater participation in our electoral process. I am hopeful that this legislation will serve that end.

PRESIDENT CARTER AND HUMAN RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 5 minutes.

Mr. HARRINGTON. Mr. Speaker, in politics, changes are generally evolutionary—a concept understood to imply both that change is slow and that its effects are difficult to discern until much time has past. But the recent change in national administration has brought a new focus to our foreign policy more swiftly than the normal evolutionary process. That change involves a new approach to the issue of the moral content of foreign policy, and its particular expression through concern with human rights.

Under President Carter's personal guidance, the U.S. Government has once again asserted its moral force on behalf of the individual rights and human freedoms we profess as a nation to represent. The President's human rights positions have been taken without singling out either cold war "enemies" or traditional allies alone—both groups have been treated alike. Both have felt the sting of America's public statements. That is as it should be.

For those of us in the Congress, accustomed to pushing a recalcitrant administration into even admitting the existence of torture in Chile, or even providing an explanation for why arms should continue to be sold to a military dictator, the change is dramatic. The Ford administration grudgingly and quietly released six human rights statements over the New Year's holiday weekend.

The Carter administration followed its announcement of military aid reductions for Uruguay, Argentina, and Ethiopia with public reports on 82 countries, finding fault where fault was to be found. While some may quarrel with particular findings—such as whether our security interests indeed justify the level of military aid given to South Korea, for example—Carter's actions are important because they recognize the validity of concern for human rights. It incorporates that principle into our foreign policy, and makes the political situation in foreign countries a factor in determining the full range of our relations.

Freed from the burden of justifying repressive policies of our allies, just because they are our allies, the Carter approach allows the full expression of America's values on the international scene. Rather than just professing adherence to certain basic human freedoms, we have begun to practice it. We have put the world on notice that we mean what we say.

The detrimental impact of the new policy has already come under increasing debate and criticism. For example, Brazil's cancellation of its military aid contract has been cited as one danger of a human rights-oriented policy. This analysis overlooks the very essence of the new approach: Previous policy neglecting human rights concerns was just as surely a signal to allies and other nations. By selectively ignoring political repression abroad, we encouraged the practice. Against every angry response from a nation like Brazil under the new policy, we must weigh the hundreds of foreign dissidents who suffered as a result of the old.

Beyond that, we must also weigh the loss to our national sense of self inflicted by the old policy on human rights. A State Department survey team, traveling to five American cities during 1976, was struck by the overwhelming longing of Americans for a moral dimension to foreign policy. They found that Americans feel that our international role should be governed by the same principles by which we seek to govern ourselves. The new approach serves that end, and the resulting upsurge in public confidence in Government is the concrete expression of how the United States has gained from a shift in policy.

One sidelight to the new emphasis on human rights has not been given sufficient attention, and that is President Carter's decision to lift the travel ban for American citizens wishing to visit Cuba, Vietnam, North Korea, and Cambodia. The Helsinki Accord, which President Carter has rightly sought to enforce in his dealings with the Soviet Union, calls for the free movement of citizens. By removing the unilateral ban on U.S. travel to these countries, the President has alerted the world that the United States does not intend to act with hypocrisy in human rights issues. By seeking to assure our own compliance with international rights standards, the President has strengthened the moral base from which he speaks.

To ask whether this country will "lose" or "gain" by emphasizing human rights is to play the Kissinger game of diplomacy without morality. The real issue, for those of us who have long advocated honesty in foreign policy, is whether the United States acts in accordance with its professed beliefs, whether we act as the model democracy which we consider ourselves. The Carter approach answers with a rousing "yes" on all accounts, and I applaud it.

LEGISLATION TO REPEAL IRS REVENUE RULING 76–453

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of Oklahoma. Mr. Speaker, I am today introducing a bill that would stop the implementation of IRS ruling 76–453, a ruling that would prove to be disastrous to untold numbers of Americans who travel from their homes to temporary job locations. I use the word "untold" for a particular reason, for the Internal Revenue Service itself has been unable to provide even a "ball park estimate" of the numbers of Americans affected by this proposed rule.

Quite simply put, this rule makes any expense incurred in traveling between a taxpayer's residence and place of work, even though temporary, nondeductible expense for purposes of taxation. The ruling was scheduled to go into effect on December 31, 1976. Because of a storm of controversy, the IRS postponed the effective date of the ruling to July 1, 1977. Despite the delay, the implementation of this regulation hangs over the heads of countless citizens—salesmen, construction workers, taxi cab drivers, lawyers, accountants, many types of Government employees, and even IRS agents. For this reason, it is imperative that Congress exercise its oversight function and call a halt to this madness.

By way of background, let me state that I do not oppose the nondeductibility of travel expenses from a taxpayer's home to a regular, permanent place of business. It is the extraordinary travel—a construction worker that goes straight to a temporary job site instead of to the contractor's office; an accountant that conducts an audit at a client's place of business before reporting to the office; a park ranger that checks the rainfall gage before going to the ranger station—these are examples of such reasonable, deductible travel expenses that ruling 76–453 would reach, and wrongly so.

The imposition of this rule is wrong for several reasons. First, it is a drastic break with prior precedence, precipitated by a Tax Court decision in the Turner case (56 T.C. 27 (1971)). The court in the Turner case ruled that commuting is commuting, whether it is temporary or not. But the court did not reach this decision in a vacuum. Rather it was the unwillingness and timidity of the IRS to come to grips with their rulemaking function in this complicated area that forced the issue. That the court reached the wrong decision in Turner is the combined fault of the IRS and the Congress that is charged with the oversight function of the Service.

Second, the ruling is wrong because of the vast administrative problems it will cause. As I have stated, even the IRS does not know how many individuals the ruling will affect. What is clear is this: a substantial portion of the 3.3 million construction trades workers in the United States, along with the 866,000 accountants, the 164,000 cab drivers, and the 396,000 attorneys will be affected by this ruling. And this is just the tip of the iceberg, as countless other groups and professions often fall into the category reached by ruling 76–453.

In the case of construction workers alone, almost all work agreements contain payment for expenses inccurred in travel as part of the collective bargaining agreement. There are over 10,000 separate collective bargaining agreements in existance at this moment, and you can rest assured that every one of these will be candidates for renegotiation if ruling 76–453 goes into effect July 1, 1977. And despite all the dislocation the ruling will cause, the IRS still cannot come up with a figure for the amount of revenue that might be generated by the ruling. I have always been a foe of increased paperwork and information required by the Government of the private citizen. If there was ever a ruling designed to complicate the lives of employer and employee alike, ruling 76–453 is it.

Lastly, the ruling is wrong because it will cause an unbelievable waste of energy and time on the part of citizens who will drive to the office, only to turn around and drive to the place they should have gone to in the first place. This enforced charade will produce more wasted gasoline, more traffic jams, and more contempt for the Internal Revenue Service and government in general.

My bill would halt implementation of ruling 76–453. It would prevent the IRS from running to the courts to get another Turner-type decision handed down. It would force the IRS to quit shirking its responsibilities and provide reasonable rules and guidance in the areas of travel and commuting costs.

I urge the support of my colleagues in this legislation and would welcome any cosponsors.

CAMPAIGN FINANCE LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

man from New York (Mr. McHUGH) is recognized for 10 minutes.

Mr. McHUGH. Mr. Speaker, yesterday Mr. MAGUIRE and I introduced legislation that would provide for partial public financing of congressional primary and general elections. At the same time, Congressmen UDALL, ANDERSON, BURTON, and WIRTH introduced legislation dealing with the same issue. In addition, Senators CLARK, KENNEDY, CRANSTON, MATHIAS, and SCHWEIKER have introduced a campaign financing measure in the Senate.

As a convenience to Members of the House of Representatives and the Senate, I would like to insert into the RECORD a chart that summarizes major differences in these three bills.

I am also inserting into the RECORD a chart that details more fully estimated candidate spending limits applicable under the legislation that Mr. MAGUIRE and I introduced.

EXHIBIT I.—*Summary of major differences in campaign financing bills*

KENNEDY-CLARK

Coverage: Senate only.

Scope: Primaries and General Elections (Senate).

Spending Limit:

15¢×VAP or $225,000, whichever is greater, for Senate primaries.

20¢×VAP or $300,000, whichever is greater, for Senate general elections.

Add-Ons: Allowed.

Waiver of Limit Allowed: Yes.[1]

Threshold for Treasury matching:

5% of spending limitation or $50,000, whichever is less, in Senate primaries (in contributions of $100,000 or less).

See footnote 2 for general elections.

Maximum Treasury Match: 50% of spending limit in Senate primaries and 62.5% of spending limit in Senate general elections.

Estimated Cost to Treasury:[3]

$50.7 million for Senate primaries and general elections.

Not applicable to House.

UDALL-ANDERSON

Coverage: House only.

Scope: General Elections only (House).

Spending Limit:

No primary limit.

$150,000 for House general elections.

Add-Ons: Allowed.

Waiver of Limit Allowed: Yes[1].

Threshold for Treasury matching: $10,000 (in contributions of $100 or less) in House general elections.

Maximum Treasury Match: 33.3% of spending limit in House general elections.

Estimated Cost of Treasury[3]*:*

Not applicable to Senate.

$37.6 million for House general elections.

M'HUGH-MAGUIRE

Coverage: Senate and House.

Scope: Primaries and General Elections (House and Senate).

Spending Limit:

8¢ x VAP or $80,000, whichever is greater, for Senate primaries.

12¢ x VAP or $80,000, whichever is greater, for Senate general elections.

$80,000 for House primaries.

$80,000 for House general elections.

Add-Ons: Allowed.

Waiver of Limit Allowed: Yes[1].

Threshold for Treasury matching:

$7,500 (in contributions of $100 or less) in House primaries and House general elections (threshold need be met only once).

2¢ x VAP but not less than $7,500 in contributions of $100 or less in Senate primaries and general elections (threshold need be met only once).

Maximum Treasury Match: 50% of spending limit in House and Senate primaries general elections.

Estimated Cost to Treasury[3]*:*

$25.4 million for Senate primaries and general elections.

$30.1 million for House general elections.

$37.6 million for House primaries.

FOOTNOTES

[1] Each bill would allow spending limits to be waived, and a candidate accepting public funds to continue accepting them, if his opponent did not accept public funds and exceeded the spending limit. *Under Kennedy-Clark a candidate using public financing could continue to receive matching funds beyond the spending limit.*

[2] Major party candidates in Senate general elections would automatically be entitled to 25% of their spending limit, and the Treasury would match up to 62.5% of the spending limit. Minor party candidates would have to raise $250,000 or 25% of their spending limit, whichever is less, in contributions of $1,000 or less from individuals and/or $5,000 or less from political committees to be eligible for Treasury matching, *but only contributions of $100 or less would be eligible for Treasury matching.* Independent candidates would be treated as either major party or minor party candidates depending upon their showing in a previous election.

[3] Cost estimates are directly comparable, and are based upon assumptions outlined in detail in the fact sheet explaining the McHugh-Maguire bill. While it is not argued that the assumptions used are the only ones that could be used, application of other assumptions would not yield results that would change the basic relationship detailed above.

EXHIBIT II

ESTIMATED CANDIDATE SPENDING LIMITS

State	Estimated voting age population [1]	Primary limit [2]	Additional spending for fundraising [3]	Total primary spending limit	General election limit [4]	Additional spending for fundraising [3]	Additional party spending [5]	Total general election spending limit
U.S. SENATE								
Alabama	2,501,000	$200,080	$40,016	$240,096	$300,120	$60,024	$50,020	$410,164
Alaska	231,000	80,000	16,000	96,000	80,000	16,000	20,000	116,000
Arizona	1,555,000	124,400	24,880	149,280	186,600	37,320	31,100	255,020
Arkansas	1,503,000	120,240	24,048	144,28	180,360	36,072	30,060	246,432
California	15,294,000	1,223,520	244,704	1,468,224	1,835,280	367,056	305,880	2,508,216
Colorado	1,773,000	141,840	28,368	170,208	212,760	42,552	35,460	290,772
Connecticut	2,211,000	176,880	35,376	212,256	265,320	53,064	44,220	362,604
Delaware	403,000	80,000	16,000	96,000	80,000	16,000	20,000	116,000
Florida	6,326,000	506,080	101,216	607,296	759,120	151,824	126,520	1,037,464
Georgia	3,375,000	270,000	54,000	324,000	405,000	81,000	67,500	563,500
Hawaii	600,000	80,000	16,000	96,000	80,000	16,000	20,000	116,000
Idaho	567,000	80,000	16,000	96,000	80,000	16,000	20,000	116,000
Illinois	7,718,000	617,440	123,488	740,928	926,160	185,232	154,360	1,265,752
Indiana	3,640,000	291,200	58,240	349,44 0	436,800	87,360	72,800	596,960
Iowa	2,010,000	160,800	32,160	192,960	241,200	48,240	40,200	329,640
Kansas	1,610,000	128,800	25,760	154,560	193,200	38,640	32,200	264,040
Kentucky	2,374,000	189,920	37,984	227,904	284,880	56,976	47,480	389,336
Louisiana	2,532,000	202,560	40,512	243,072	303,840	60,768	50,640	415,248
Maine	741,000	80,000	16,000	96,000	88,920	17,784	20,000	106,704
Maryland	2,863,000	229,040	45,808	274,848	343,560	68,712	57,260	469,532
Massachusetts	4,173,000	333,840	66,768	400,608	500,760	100,152	83,460	684,372
Michigan	6,268,000	501,440	100,288	601,728	752,160	150,432	125,360	1,027,952
Minnesota	2,721,000	217,680	43,536	261,216	326,520	65,304	54,420	446,244
Mississippi	1,544,000	123,520	24,704	148,224	185,280	37,056	30,880	253,216
Missouri	3,348,000	267,840	53,568	321,408	401,760	80,352	66,960	549,072
Montana	518,000	80,000	16,000	96,000	80,000	16,000	20,000	116,000
Nebraska	1,080,000	86,400	17,280	103,680	129,600	25,920	21,600	177,120
Nevada	424,000	80,000	16,000	96,000	80,000	16,000	20,000	116,000
New Hampshire	574,000	80,000	16,000	96,000	80,000	16,000	20,000	116,000
New Jersey	5,154,000	412,320	82,464	494,784	618,430	123,686	103,080	845,190
New Mexico	771,000	80,000	16,000	96,000	92,520	18,504	20,000	131,026
New York	12,910,000	1,032,800	206,560	1,239,360	1,549,200	309,840	25,820	1,884,864
North Carolina	3,847,000	307,760	61,552	369,312	461,640	92,328	76,940	630,900
North Dakota	432,000	80,000	16,000	96,000	80,000	16,000	20,000	116,008
Ohio	7,459,000	596,720	119,344	716,064	895,080	179,016	149,180	1,223,270
Oklahoma	1,937,000	154,960	30,992	185,952	232,440	46,488	38,740	317,666
Oregon	1,653,000	132,240	26,448	158,688	198,360	39,672	33,060	271,098
Pennsylvania	8,441,000	675,280	135,056	810,336	1,012,920	202,584	168,820	1,384,322
Rhode Island	648,000	80,000	16,000	96,000	80,000	16,000	20,000	116,004
South Carolina	1,933,000	154,640	30,928	185,568	231,960	46,392	38,660	316,950
South Dakota	469,000	80,000	16,000	96,000	80,000	16,000	20,000	116,002
Tennessee	2,958,000	236,640	47,328	283,968	357,960	71,592	59,660	489,212
Texas	8,503,000	680,240	136,048	816,288	1,020,360	204,072	170,060	1,394,492
Utah	783,000	80,000	16,000	96,000	93,960	18,792	20,000	132,752
Vermont	327,000	80,000	16,000	96,000	80,000	16,000	20,000	116,000

State	Estimated voting age population [1]	Primary limit [2]	Additional spending for fundraising [3]	Total primary spending limit	General election limit [4]	Additional spending for fundraising [3]	Additional party spending [5]	Total general election spending limit
Virginia	3,528,000	282,240	56,448	338,688	423,360	84,672	70,560	578,592
Washington	2,536,000	202,880	40,576	243,456	304,320	60,864	50,720	415,904
West Virginia	1,281,000	102,480	20,496	122,976	153,720	30,744	25,620	210,084
Wisconsin	3,211,000	256,880	51,376	308,256	385,320	77,064	64,220	526,604
Wyoming	266,000	80,000	16,000	96,000	80,000	16,000	20,000	116,000
		Primary limit [6]	Additional spending for fundraising [3]	Total primary spending limit	General election limit [6]	Additional spending for fundraising [3]	Additional party spending [7]	Total general election spending limit
U.S. HOUSE								
Each congressional district		$80,000	$16,000	$96,000	$80,000	$16,000	$10,000	$106,000

[1] Bureau of the Census VAP figures for 1976 election.
[2] Basic primary spending limit is 8 cents multiplied by VAP, or $80,000, whichever is greater. This figure is tied to the Consumer Price Index after the 1978 elections.
[3] Additional spending allowed for fundraising in primary and general election is 20 percent of the basic spending limitation.
[4] Basic general election spending limit is 12 cents multiplied by VAP, or $80,000, whichever is greater. This figure is tied to the Consumer Price Index after the 1978 elections.
[5] In the general election only, national or State parties can spend, on behalf of each party nominee, an amount equal to 2 cents multiplied by VAP, or $20,000, whichever is greater.
[6] This figure is tied to the Consumer Price Index after 1978 elections.
[7] In the general election only, National or State parties can spend, on behalf of each party nominee, an amount equal to $10,000.

QUESTIONS RAISED ABOUT PURPOSE AND EFFECT OF H.R. 4250, TO PROVIDE EQUAL TREATMENT FOR CRAFT AND INDUSTRIAL WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. THOMPSON) is recognized for 15 minutes.

Mr. THOMPSON. Mr. Speaker, many questions have been raised about the purpose and effect of H.R. 4250, the bill to provide equal treatment for craft and industrial workers. Some of these questions have been raised in good faith and some to raise groundless fears. Ten of the most commonly asked questions are set forth here with my answers to those questions:

1. Secondary boycotts.

Q. Does H.R. 4250 legalize secondary boycotts?

A. No. H.R. 4250 does not alter the law one whit as it affects the true or traditional secondary boycott, i.e., when the "secondary" employer is an innocent neutral enmeshed against his will in a labor dispute over which he has no control; the employer, described by the late Senator Taft, as "not in cahoots with" the employer primarily at odds with the striking union.

It is the premise of H.R. 4250 that there is no "secondary boycott" when construction workers strike in protest when a general contractor subcontracts part of his total job obligation to a non-union employer, and thereby undermines union wage scales. Such a strike is "primary," not "secondary."

A "primary boycott" exists when employees go on strike over working conditions at the work site, and post a picket line around the work site. This is traditional, and lawful, primary picketing even though it may have "secondary" impact upon suppliers or customers whose employees refuse to cross the picketline.

In contrast, a "secondary boycott" occurs when the striking employees leave the scene of the dispute to pressure innocent third parties who have no control over the strike issues.

Thus, not a single proponent of the Taft-Hartley Bill's prohibition on secondary boycotts talked about common situs picketing on construction jobs—presumably because no one in Congress thought that a strike by construction workers at the site of construction was anything other than a traditional, lawful, primary strike.

2. Picketing to protest the use of non-union contractors on a construction site.

Q. Suppose a contractor brings onto a job a subcontractor who employs non-union labor. Would H.R. 4250 permit the building trades council to picket the job as unfair?

A. Yes. These are the facts of the Denver Building Trades case. Section 8(b)(4) of the Taft-Hartley amendments made it an unfair labor practice for a union to force "any person" to cease doing business "with any other person." Read literally, this would prohibit any strike where a picket line turns away any supplier or customer. Obviously this was not the intent of Congress. The purpose was to protect the "innocent neutral." Yet in the 1949 Denver case, the Labor Board ignored Congressional intent and held that it was a violation of Section 8(b)(4) for a union to picket the contractor when he brought a non-union subcontractor onto the job site. The Supreme Court affirmed this decision in 1951, primarily because of the "expertise" of the Labor Board.

It generally has been recognized ever since that the decision is unsound and does not reflect the realities in the building and construction industry where the contractor and subcontractor are related allies in a common venture, neither is "innocent," neither "unconcerned" in the labor disputes of the other. It is the purpose of H.R. 4250 to reverse this decision, its spirit and its progeny.

H.R. 4250 permits a union to strike or picket at a construction site against "any of several employers" in the construction industry, when they are "jointly engaged" on a common site as "joint venturers or in the relationship of contractors and subcontractors."

3. The analogy to workers employed in manufacturing.

Q. Would the enactment of H.R. 4250 give workers in the construction industry "special treatment"?

A. No, in 1961 the Supreme Court held in the G. E. Reserve Gate case (*Local 761, International Union of Electrical Workers v. Labor Board*, 366 U.S. 677) that it was lawful for striking employees of a manufacturing concern to picket the gates used exclusively by employees of contractors and subcontractors if the work tasks performed by the independent legal entities "aid the employer's everyday operations" and are not "unrelated to the normal operations of the employer."

Like the work of many contractors employed for special tasks by manufacturing industries the work of the subcontractor employed in construction is also "related" to the "normal operations" of the contractor who employs him.

Rather than giving "special favors," H.R. 4250 simply puts the construction worker on par with the worker in the apparel industry and in manufacturing.

4. Picketing to protest the employment of minority workers.

Q. Does H.R. 4250 authorize a union to picket to force a subcontractor off the job site because he employs blacks, women, or other minority workers?

A. No. H.R. 4250 expressly provides that it is not lawful for a union to picket any job "to remove or exclude from a common construction site any individual employed by the person on the ground of sex, race, creed, color, or national origin."

5. Picketing directed at industrial workers who are employed at a plant adjacent to a construction site.

Q. Suppose United States Steel decided to add a new building to its Gary plant, hired a general contractor to do the job, and a dispute, thereafter, arises at the construction site. Would H.R. 4250 permit the construction workers to picket entrance gates reserved for U.S. Steel's industrial employees and for employees making deliveries to or pickups from the plant?

A. No. H.R. 4250 states that when a separate entrance gate is reserved for individuals regularly employed at an industrial facility or for individuals making deliveries to or receiving shipments from that facility, such a gate is not part of the construction site. Therefore, this separate gate would be insulated from activities pertaining to a dispute involving the construction site.

6. Picketing to protest the use of industrial workers to install manufactured equipment on the construction site.

Q. Suppose Westinghouse, General Electric or some other employer is engaged by the contractor to install some specialized equipment as part of the construction project, and the company utilizes its regular employees for this installation. Would H.R. 4250 permit the building trades unions to picket to secure this work for themselves?

A. No. H.R. 4250 expressly provides that the picketing by the trades unions is not lawful if "directed at a person who is not engaged primarily in the construction industry who, through individuals regularly employed by that person and represented by a labor organization, is installing or servicing products produced by that person, or is doing construction work at a facility owned by that person."

7. Picketing at site "B" when the labor dispute involves conditions at site "A."

Q. Many contractors are engaged simultaneously in several construction projects. If

the building trades unions have a dispute with Contractor X at construction site "A", would H.R. 4250 permit the unions to picket the same Contractor X at construction site "B" at which there is no dispute?

A. No. H.R. 4250 permits strikes or picketing "at the site of construction" against any of several employers in the construction industry who are jointly engaged in such construction, but only when there is a lawful labor dispute "relating to the wages, hours, or other working conditions of employees employed at such site." (emphasis supplied)

8. Picketing against one of several prime contractors required under State law.

Q. Eight states have laws requiring that political subdivisions put out four separate bids on public construction jobs: (1) for general construction, (2) for heating, ventilating and air conditioning, (3) for plumbing work, and (4) for electrical work. Each of these contracts must be let to the lowest responsible bidder in each category. Would H.R. 4250 permit a union in dispute with one of these contractors to picket the other contractors?

A. No. H.R. 4250 specifically provides "where a State law requires separate bids and directs awards to persons for construction, the various persons awarded contracts in accordance with such applicable State law shall not be considered joint ventures or in the relationship of contractors and subcontractors with each other or with the State or local authority awarding such contracts at the common construction site."

9. Picketing for the purpose of recognition.

Q. In 1959 Congress added Section 8(b)(7) to the law regulating organizational and recognition picketing. Will H.R. 4250 permit building and construction unions to engage in conduct which would violate Section 8(b)(7)?

A. No. Such picketing would be "otherwise unlawful under the Act," and therefore would not be permitted by H.R. 4250.

10. Picketing in breach of contract.

Q. Opponents of H.R. 4250 suggest that its enactment would result in strikes in breach of contract. Is there any truth to these allegations?

A. No. It is unlawful under H.R. 4250 to strike "in violation of an existing collective-bargaining contract."

DEVELOPMENTS IN ZAIRE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. BONKER) is recognized for 5 minutes.

Mr. BONKER. Mr. Speaker, the developing confrontation on the Zaire-Angola border should not be overdramatized, but it must be admitted that it holds out the sobering prospect of again involving the United States in an internal African conflict.

The details at this time are hazy enough to caution against a precipitous response that might serve only as a provocation or begin a momentum of American involvement that would be hard to reverse. It does seem to be the case that an invasion has been launched from Angola into Zaire. It is entirely unconfirmed, however, that Cubans are participating or even Angolans themselves. In fact, recent reporting indicates that the military action has been conducted by Zairean rebels who happen now to be based in Angola. These are remnants of the historic Katanganese cessionist movement of Moise Tshombe, chased from the Congo over 10 years ago. They have not abandoned their claim, and news of the recent invasion was immediately cheered by the Paris-based National Front for the Liberation of the Congo. This is a particularly plausible explanation for recent events since the towns Zaire alleges to have been attacked—Kapanga, Dilolo, and Kisengi—are all part of Katanga or what is now called Shaba Province. This would not be the first time that Katangan elements have invaved Zaire, nor would it be the last.

On the other hand it seems likely that this rag-tag revanchisme is condoned if not underwritten by the Angolan Government. MPLA owes the Katanganese gendarmes something of a debt for their assistance during the Angolan conflict of 1975 and may also see them as a vehicle to avenge Zaire's support of the FNLA. It is a marriage of convenience more than ideology, but no doubt Zaire finds it just as troublesome. Although Angola and Zaire took some diffident steps in the last year to a reconcilation, relations have seemed to be heating up again in the last 2 or 3 months. Angola has accused Zaire of continuing to harbor Holden Roberto, whose guerrillas it charged recently with killing 43 Angolan villagers. Furthermore, Angola is piqued by Zaire's continued support for the Front for the Liberation of Cabinda, the oil-rich enclave MPLA controls north of Angola.

It requires only due skepticism to note that, to judge from press accounts, the solitary source of the rumors of Cuban involvement is Zaire's Azap News Agency, and at that it has referred ambiguously only to "mercenaries" which can, of course, mean Katanganese as much as Cubans. Belgians and missionaries on the scene have not so maintained. But President Mobutu would be only too glad to have American support for his government, whether it were fighting a foreign invader or a civil war; and presumably he knows that the specter of the former sells better in Washington. Well—it should—but only if that is really the case.

At least the administration's action has been aboveboard, though it is not clear how widely and deeply Congress was consulted; and the $2 million being provided in medical supplies, combat rations, backpacks, communications equipment, and the like are not sophisticated offensive weapons. Finally, the airlift is largely an accelerated delivery of goods already approved by Congress in the $30.5 million fiscal year 1977 military aid package.

But even if the amounts seem nominal now, the classic danger in these cases is that, before we know it, a commitment can become openended. The more we invest our money and prestige in a cause, the more stake we give ourselves in it, and the more investment we are tempted to make to recoup the original one.

Meantime, plummeting copper prices and general mismanagement have put Zaire's economy in perilous straits; and its political situation, depending more on military power than on popular support, is in the long run tenuous. Supporting narrowly based regimes—as we did in Portugal, Greece, and Vietnam—can be good policy one day but bad policy the next. In the case of Zaire, even though "our boy" is still in power, it is not evident what influence we have achieved for all the hundreds of millions of dollars in economic and military aid we have poured in. President Mobutu is not known for his ringing support of America's policies and principles.

Moreover, his human rights trangressions, as recently documented by the State Department, ought to establish a presumption against aid unless an overriding security interest can be demonstrated. I am not arguing that one can or cannot be demonstrated, but simply at this critical juncture a case must be laid out clearly before Congress.

Maybe it can be argued that our aid at least has the effect of promoting stability and preventing what might be the worse alternative: Chaos, bloodbaths, and inroads by Angola, Cuba or some unworthy internal dissident faction. But that is second guessing. At the moment, we find ourselves in the embarrassing position of propping up a regime of corruption and repression which actually may be guilty of waging the same aggression against Angola that it charges is being waged against itself. If the situation is serious, Congress may be called upon for substantial and increasing amounts of military aid. There is a self-fulfilling aspect to such a policy: At some point, Angola may construe our action as a provocation requiring its counter-action. The conflict would widen.

The balance sheet is that we must tread carefully. Congress is faced with a dilemma, choosing the lesser of two evils; either supporting a repressive and corrupt dictator, or taking tacit responsibility for the chaos and power struggle that might well ensue if he falls. There are millions of people and great wealth involved, not to mention what Secretary Kissinger would have emphasized, the global atmosphere and superpower relations. A new President is under great pressure to regard such a situation as a test of American and personal resolve. Congress must do its best to lend perspective, and that requires close and hard scrutiny of the situation, whichever way our decision goes.

Mr. Speaker, last July I tried to call attention to the ominous situation in Zaire, and the critical need for more information and concern in Congress. I include the statement made at that time in the RECORD at this point:

THE UNITED STATES AND ZAIRE

Mr. BONKER. Mr. Speaker, it is fashionable these days for Congressmen to call for being "consulted" by the administration on matters of foreign policy rather than simply being "informed." Yet even consultation may not be adequate. After all, it does not necessarily assure Congressmen enough objective information—and analysis—that their decisions can be entirely informed and independent.

Let me cite the all too typical example of our consideration in the House International Relations Committee, several months ago, of the administration's fiscal year 1976 request for FMS credit to Zaire. This particular request happened to be a sudden and several-fold increase over last year's level. In the context of Angola, this naturally raised eyebrows. Yet the administration's official justi-

fication of it—submitted last November as part of the congressional presentation documents—amounted only to a superficial two paragraphs to the effect that the program for Zaire was necessary because it was necessary. There was no mention of widespread reports that some of our money might be finding its way, however indirectly, into the service of the FNLA, with whom President Mobutu of Zaire had by tradition, and especially of late, a close relationship.

In any case, one would have thought the administration had the burden of proof to justify aid to Zaire on its own merits. After all, President Mobutu is a notorious spendthrift, an autocrat, and not least an undependable friend. He would not seem to be promoting our Nation's highest ideals of freedom and dignity. Yet at the same time that President Ford was denying Federal aid to New York City, he was recommending a bailout of a much more insolvent irresponsible, and unstrategic Zaire. I wrote to Secretary Kissinger for a more elaborate justification than we had yet received. Only after a month did I get a reply signed by the Assistant Secretary for Congressional Relations—and I am given to understand actually prepared entirely at the desk level. It was not very detailed, and it shed little more light.

My point is not that we should not be supporting President Mobutu, but that Congress simply did not have the information and balanced judgments to make an educated decision about it.

To see better what is involved by way of this example, I think it is worth going into some detail.

There may be legitimate reasons for supporting President Mobutu's regime. As distasteful as some of us may find it, and others that our Government is subsidizing, the fact is that for good or ill the United States has over the years become entangled in a web of relationships. A precipitous renunciation of these might just cause chaos. Even liberals can agree that Zaire is relatively better off now than was the Congo on its immediate post-independence period. Nevertheless, the market economy has disintegrated since the Belgian days, copper prices have plummeted, inflation runs annually at over 30 percent, and the Government swings from one eccentric economic policy to another.

Regrettably, President Mobutu has systematically ridden the military, from which leadership tends to be drawn, of anyone with vision of a sense of social justice who might challenge him. Though one would not want our country to be seen endorsing that, and might prefer neutrality, a sudden withdrawal of aid would be interpreted as a very negative action and lose whatever good comes of our relationship without a guarantee of anything better. Zaire could be plunged into chaos, provoking outside interventions and yet another Angolanization. Rebels, after all, are said to be operating in the eastern regions, and possibly in Kisangani province; Congo-Brazzaville is said to be receiving stepped-up Soviet supplies; the MPLA is alleged to be itching to subvert Mobutu, and leftover Kataganese secessionists to help.

Maybe these are legitimate threats and justifications for our program of arms sales—and maybe not. But I have consulted distinguished experts outside the Government, and they are not so sure. It is not clear, for example, how strong the rebels are, or frankly whether they are to be feared as much as Mobutu; whether the MPLA or Congo-Brazzaville is any more threatening to Zaire than Zaire is to them; whether more arms would sooner promote a balance of power or an arms race in the region, a question that is of course classic in these cases; whether Mobutu would not simply use our weapons for more internal repressions or military adventurism—such as an invasion of oil-rich Cabinda he has been said for some time to be fantasizing—whether our transaction would somehow end up only lining pockets; and whether, above all, our arms are not meant as replenishment for Zaire's own aid already transferred or "loaned" or otherwise used on Angola. These questions are still all up in the air, and yet Zaire is but one obscure entry in the total program for security assistance.

ONE HUNDRED AND FORTY-TWO MEMBERS OF HOUSE OF REPRESENTATIVES PETITION CARTER TO IMPOSE TARIFF-RATE QUOTAS ON SHOE IMPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, 142 Members of the House of Representatives have sent a letter to President Jimmy Carter today urging his affirmative action on import relief to the domestic shoe industry.

I would like to place in the RECORD a copy of this letter and the names of the Members who have signed it:

ONE HUNDRED AND FORTY-TWO MEMBERS OF THE HOUSE OF REPRESENTATIVES PETITION CARTER TO IMPOSE TARIFF-RATE QUOTAS ON SHOE IMPORTS

Congressman James A. Burke (D-Milton, Massachusetts) announced today that a letter signed by 142 Members of the House of Representatives, representing 32 States and the Commonwealth of Puerto Rico, has been sent to President Jimmy Carter urging him to accept the U.S. International Trade Commission's recommendations on relief to the domestic shoe industry.

Burke noted that the entire Massachusetts delegation, including Speaker Thomas P. O'Neill, Jr. signed the letter to the President as well as 15 Members of the House Ways and Means Committee which has legislative jurisdiction over international trade issues.

The text of the letter follows:

MARCH 17, 1977.

THE PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: You now face a decision on import relief for the nonrubber footwear industry. Your decision will have impact upon a quarter of a million workers in shoe and allied industries and upon hundreds of communities throughout our Nation. As Representatives in Congress of these individuals and communities, and as Members of Congress concerned about the disturbing economic conditions in a major American industry, we wish to stress the vital importance of your pending decision.

As you know, the U.S. International Trade Commission, for the second time within a year, has determined that the domestic nonrubber footwear industry is being seriously injured by imports and recommends that you impose tariff-rate quotas to relieve the injury. The facts amassed by the ITC in its investigation demonstrate the perilous economic conditions which have prevailed in the American shoe industry in recent years. The viability of a major national consumer product industry is now in your hands.

We appreciate that this decision has implications for our trade policy, and we share your concern with the necessity of maintaining vigorous international trade and openness of markets between the United States and its trading partners. However, when an entire national industry is gravely threatened by a rising tide of imports, we must be certain that our trade policy is consistent with our national public policy to reduce unemployment in our country. Trade adjustment assistance has proved to be an inadequate remedy in the shoe industry case. The situation now demands effective and affirmative action by you.

In a decade, the number of American shoe plants has dropped from over 1,000 to 650—many in one-factory towns. Unemployment among shoe workers is now almost 50% higher than the national average. You have stated that reducing unemployment is a priority of your Administration; providing import relief for this industry is the single most important step you can take to prevent more layoffs of workers in our shoe factories.

It should be noted, furthermore, that the ITC decision does not attempt to eliminate imported, low-cost shoes now desired by many consumers. In fact, from the Far East alone, over 100 million pairs would enter with no more restrictions than currently exist. These shoes will still be available and the American footwear industry, which already produces 187 million shoes under $6, can be expected to respond to any increase in retail orders for low-cost shoes.

Mr. President, in the past several years, the economic plight of the American footwear industry has so drastically worsened that we now fact a crisis situation. At stake is the possible demise of a vital industry in our Nation unless strong and affirmative import relief is quickly implemented. We join these American companies and their unions in urging your immediate action to provide effective import relief.

Alabama: William Dickinson.

Arkansas: John Paul Hammerschmidt, Bill Alexander, Jim Guy Tucker, Ray Thornton.

California: Glenn Anderson, Edward Roybal, Augustus Hawkins, John McFall, James C. Corman, George Danielson.

Connecticut: Toby Moffett, Stewart McKinney, William Cotter.

Florida: Bill Lehman, Dante Fascell, Claude Pepper.

Georgia: Ed Jenkins, Bo Ginn, Bill Lee Evans.

Illinois: Melvin Price, George Shipley, Frank Annunzio, Morgan Murphy, Cardiss Collins, Tom Railsback, Paul Simon, Dan Rostenkowski.

Iowa: Berkley Bedell.

Kentucky: Carroll Hubbard, Carl Perkins, William Natcher, John Breckinridge.

Louisiana: Joe Waggonner.

Maine: Bill Cohen, David Emery.

Maryland: Parren Mitchell, Goodloe Byron, Barbara Mikulski.

Massachusetts: Thomas P. O'Neill, Jr., James A. Burke, Michael Harrington, Paul Tsongas, Edward Boland, Ed Markey, Robert Drinan, Silvio Conte, Joe Early, Joe Moakley, Gerry Studds, Margaret Heckler.

Michigan: Harold Sawyer, Elford Cederberg, Guy Vander Jagt.

Minnesota: Albert Quie, Bruce Vento.

Mississippi: Sonny Montgomery, Jamie Whitten, Trent Lott.

Missouri: Harold Volkmer, Robert Young, Ike Skelton, Bill Clay, Gene Taylor, Bill Burlison, Richard Ichord, Thomas E. Coleman, Richard Gephardt.

Nevada: Jim Santini.

New Hampshire: Jim Cleveland, Norman D'Amours.

New Jersey: James Florio, Robert Roe, Helen Meyner, Joe Minish, Peter Rodino, James J. Howard, Matthew Rinaldo, Frank Thompson.

New York: Fred Richmond, Donald Mitchell, Jim Hanley, Benjamin Gilman, Robert McEwen, Jim Delaney, Joe Addabbo, James Scheuer, Henry Nowak, Charlie Rangel, Herman Badillo, Matt McHugh, Leo C. Zeferetti, John Murphy, Lester Wolff, Bill Walsh.

North Carolina: James Broyhill, Ike Andrews, Charlie Rose, W. G. Hefner, Lamar Gudger, Charles Whitley.

Ohio: Sam Devine, Bill Harsha, Clarence Miller, John Ashbrook, Mary Rose Oakar.

Oklahoma: James Jones.

Pennsylvania: William F. Goodling, Dick Schulze, Robert Walker, Allen E. Ertel, Joseph McDade, Joshua Eilberg, Gus Yatron, John Dent, Dan Flood, Bud Shuster, Raymond Lederer, Robert Nix, John Murtha, Douglas Walgren, Joe Gaydos, Fred Rooney.

Rhode Island: Edward Beard, Fernand St Germain.

South Carolina: Jim Mann.

Tennessee: James H. Quillen, John Duncan, Marilyn Lloyd, Albert Gore, Jr., Ed Jones, Clifford Allen, Robin Beard.

Texas: Omar Burleson, Robert Krueger.

Virginia: Dan Daniel.

West Virginia: John Slack, Harley Staggers.

Wisconsin: Robert Cornell, Bob Kasten, David Obey.

Puerto Rico: Baltasar Corrada.

THE PLIGHT OF MINORITY TRUCK DRIVERS

(Mr. MITCHELL of Maryland asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MITCHELL of Maryland. Mr. Speaker, I am continuously disturbed and troubled about the plight of minority truckers and the apparent insensitivity of Congress and the Interstate Commerce Commission to the obstacles that restrict entry of minority truckers into the industry. Minority truckers throughout the country write to me expressing their anger and frustration from being prohibited from pursuing opportunities in commercial transportation.

It seems to me that this Congress and the ICC owe a moral and public responsibility to minority truckers throughout America, but thus far, the Congress and the ICC have breached that responsibility.

I was very pleased, however, to note a recent directive from the Department of the Army, Headquarters, Military Traffic Management Command, Washington, D.C., written by Maj. Gen. H. R. Del Mar concerning increasing the opportunities for minority business participation, in DOD's personal property movement and storage program.

This is the kind of commitment that is needed from all agencies and departments of the Federal Government, in order for minority businesses to achieve economic parity in America.

The article follows:

DEPARTMENT OF THE ARMY,
Washington, D.C., February 8, 1977.

Subject: Application of Minority Business Enterprise Program to Transportation Services Related to the Department of Defense Personnel Property Movement and Storage Program.

To: All personal property shipping offices.

1. Executive Order 11625, October 1971, emphasizes that the opportunity for full participation by minority firms in the national economy is essential, and requires Federal agencies to foster and promote minority business enterprises. The Principal Deputy Assistant Secretary of Defense (Installations and Logistics) prescribed broad policy guidance extending this minority business program to Department of Defense (DOD) transportation activities on 2 August 1976. The policy provided that steps should be taken, within legal and regulatory constraints, to seek means to increase the opportunities for such minority business participation.

2. The DOD Personal Property Movement and Storage Program appears to be a viable candidate for the implementation of these policies. Initial review indicates that minority business participation is minimal in this program which resulted in the payment of more than five hundred million dollars to commercial carriers and warehousemen last year.

3. In accordance with existing law, a carrier must possess appropriate authority from a Federal or State regulatory body in order to transport DOD-sponsored shipments. Obtaining such authority is the first, and perhaps most difficult step, a businessman must accomplish in order to be an approved carrier participating in DOD traffic. There are apparently a number of minority-owned household goods agents in just this situation. They have the equipment, facilities, experience, know-how, and desire, but often do not have regulatory authority. Without authority it is impossible for these minority businesses to expand and grow. In order to obtain authority, businesses must normally prove a need for "public convenience and necessity" to regulatory authorities. This proof requires supporting testimony from transportation "users", which may include elements of the DOD.

4. Participation by elements of the DOD in support of carrier's applications for operating authority is limited to four specific examples by DOD Instruction 4500.17. These instances are:

a. There is no commercial carrier authorized to render the service required by the DOD.

b. The services of authorized commercial carriers are inadequate to fulfill the needs of the DOD.

c. Appreciably greater economy, frequency or speed of service to the DOD will result.

d. The discontinuance or abandonment of an operating authority or carrier service would be detrimental to the DOD or the proposed inauguration or expansion of an operating authority or service would be beneficial to the DOD.

5. More detailed guidance is provided in Chapter 105 of the Military Traffic Management Regulation, AR 55-355/NAVSUPINST 4600.70/AFM 75-2/MCOP 4600.14A/DSAR 4500.03). The provisions of that chapter assign responsibility to local transporation officers to make continuing evaluations as to the adequacy of available services by all modes of commercial transportation. When that service is considered inadequate, the facts are to be reported to the Commander, Military Traffic Management Command. Procedures are also established for those situations when requests are made by carriers for support of applications for new or additional operating authority.

6. Participation by DOD personnel in support of applications for authority must be in strict conformance to existing directives and procedures. This does not preclude support of carriers when warranted. Therefore, in the spirit of the policy prescribed by DOD, support should be rendered to minority businessmen in those instances where such capability is required.

H. R. DEL MAR,
Major General, USA, Commanding.

TIME TO ACT ON OIL SPILL LEGISLATION, CONGRESSMAN JOHN BRADEMAS SAYS

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, in the next few days President Carter is expected to recommend to Congress legislation to deal with the problem of control of oil spills. His action comes none too soon. We have all watched with growing outrage and despair the increasing number of ocean oil spills that degrade the environment, waste the precious and irreplaceable resources of crude oil and endanger the lives of the men who transport this cargo.

There is probably no way to prevent such spills completely. However, Congress can and should enact strong new laws requiring the construction of safer, better equipped tankers in which to transport oil.

Our distinguished colleague, Congressman GERRY E. STUDDS of Massachusetts, whose district has been touched by the disaster of an oil spill, has given the matter considerable thought and attention. He has published his conclusions in the March 1977 issue of Trial magazine, which is published by the Association of Trial Lawyers of America.

Mr. Speaker, Congressman STUDDS makes a hard, effective case for the enactment of tougher oil spill liability laws. He points out:

> Tanker owners . . . would think twice about operating with third-rate crews and equipment if they knew in advance they would be forced to pay the high costs of any spill.

Congressman STUDDS outlines legislation now under consideration by the 95th Congress. Whether or not others accept the specific provisions of that bill, all Members certainly are aware of the waste and tragedy of oil spills and of the increasing pressure for legislation. Mr. Speaker, I include the full text of Congressman STUDDS' thoughtful article, "Oil and Water," so that all Members may have the opportunity to read it.

The article follows:

OIL AND WATER

(By Representative GERRY E. STUDDS)

On December 15, 1976, the largest oil spill in the history of the United States began 27 miles off Nantucket Island when the Liberian tanker *Argo Merchant* grounded itself on Nantucket Shoals. After several days of typical Nantucket winter weather, the vessel broke up and spewed oil in a slick which grew to cover some 12,000 square miles of the Northwest Atlantic.

In succeeding weeks, the disaster off Massachusetts was followed by a series of smaller tanker spills, explosions, and groundings, and by the complete disappearance of the Panamanian tanker *Grand Zenith*, a vessel carrying even more oil than the *Argo Merchant*.

These grim events have drawn widespread attention to a host of issues related to oil transportation. Who is and who should be liable for oil spills? Why do we allow unsafe foreign flag vessels to enter our ports? Why is our oil spill cleanup equipment so inadequate?

In this article, I plan to discuss primarily the issue of liability for oil spills. This choice of emphasis is not meant to downplay the importance of improving tanker construction and operating safety standards, or the need to develop as rapidly as possible some far more effective oil spill cleanup and containment equipment. It should be clear from the *Argo Merchant* spill, for example, that while we may have splendid equipment for cleaning up a spill on Walden Pond in good weather, we have nothing for spills in turbulent offshore areas such as Georges Bank.

NEEDED: OIL SPILL LIABILITY LAWS

Effective oil spill liability laws are urgently needed. The US Government has already spent close to $2 million as a result of the *Argo Merchant* spill, but the Coast Guard has no authority to investigate the incident, and no other manner in which to obtain compensation for its expenses. If great damage has been caused to fishing resources or to Georges Bank—the richest fishing area in the world—we will have no way to recover.

By setting high standards of liability for those transporting oil within 200 miles of our shore and by requiring such vessel owners to post a bond equal to their liability in advance of coming into our waters, a strong oil spill liability law would create an important incentive for the prevention of oil spills. Tanker owners such as those of the *Argo Merchant* would think twice about operating with third-rate crews and equipment if they knew in advance they would be forced to pay the high costs of any spill which might occur.

Any comprehensive oil spill liability law should also guarantee that those damaged by a spill will have access to a prompt and equitable mechanism for obtaining compensation for the injuries which they suffer. This is a matter of particular importance to commercial fishermen, and for persons employed in those tourist-related industries which are most vulnerable to the threat of massive economic damage from an oil spill.

In analyzing the form which oil spill liability legislation should take, it is important to look beyond the emotion of the moment to examine our over-all petroleum production and transportation system, to understand the environmental and economic problems posed by oil operations, and to consider our past and current attempts to come to grips with these problems.

Oil pollution on a large scale can result from incidents involving tankers, as with the *Argo Merchant*, or from offshore oil production facilities, as was the case with the Santa Barbara blow-out of 1967. Deepwater ports, which should become operable in the fairly near future, also pose a potential threat.

The best estimates are that we dump from five to ten million tons of petroleum into the world's waterways every year. About 46% of this is from ocean shipping and related operations. Only about 2% to 3% is from offshore drilling. This figure may increase however, as the search for oil drives industry's efforts into more and more new coastal areas.

Scientists do not agree on the cumulative effect of oil pollution on marine life. The seriousness of a particular oil spill depends on the type of oil involved, weather conditions, the ability of the Coast Guard or industry to clean it up, and—most important—on the location of the spill. If the *Argo Merchant* had come aground in the summer, ocean currents and prevailing winds might well have carried the oil into huge fish spawning grounds, enormously productive estuarine areas near shore, and perhaps onto the incalculably valuable beaches of Nantucket itself. The economic and environmental damage from such a spill would have been staggering. One study has estimated the cost of a worst case spill on the east coast at $2.8 billion.

LIABILITY

At present, international, federal, and state oil spill liability laws are a maze of duplicative and contradictory statutes, with gaps in liability so wide you could drive a Liberian tanker through them, even without a functioning gyrocompass.

To date, international activity with respect to oil liability has been centered within the Intergovernmental Maritime Consultative Organization (IMCO), an agency which was born in the same year, 1948, as the Liberian maritime shipping industry.

In response to the huge spill of oil following the grounding in 1967 of the tanker *Torrey Canyon*, IMCO moved in 1969 to suggest worldwide oil spill liability standards. These were set for tanker owners at the lesser of $160/ton or $16.8 million. Two years later, a supplemental "Fund Convention" was proposed, designed to create a cargo-owner financed fund of $36 million to meet the costs of incidents in excess of the limits of liability under the '69 Convention. In response to tanker industry pressure, however, this latter convention would also have further reduced liability limits for most vessels to the lower limit of $120 a ton or $10 million.

The first nation to ratify each of these conventions was Liberia, a country which, incidentally, has as many American citizens as Liberians in its delegation at IMCO. The Liability Convention became effective, without US participation, in the summer of 1975, but the Fund Convention is not yet in effect.

Essentially, the two IMCO conventions would pre-empt domestic oil spill liability laws, and would freeze into law for all time some extremely low limits of liability for all of the world's oil tankers. There is little wonder that these pacts were strongly supported by the Ford Administration and by the oil industry, as well as by tanker fleet owners and by many segments of the international insurance community.

The principal difference in the 94th Congress between the Ford Administration oil spill bill and a bill on the same subject which I had proposed, was whether or not the International Conventions should be ratified. I argued against ratification because the conventions would have failed to create a strong oil spill prevention incentive, and they would have stopped us in the future from taking strong steps to protect our shores and marine resources from oil pollution. After months of wrangling in committee, it became clear that Congress would not accept the conventions, and the Administration agreed to drop them and support a compromise bill. Approved by the House Merchant Marine and Fisheries Committee in September 1976, this bill has been re-introduced, in somewhat stronger form, this year.

The proposed legislation for this year would establish a $300 per ton limit on liability for vessels, with no over-all ceiling. The oil industry is strongly interested in placing a ceiling on liability so that large new supertankers would face a reduced standard. Last year's committee bill, for example, has an over-all ceiling of $30 million, which would have meant that a 200,000 ton ship would have the same liability as a vessel only half as large.

The new bill would require vessel owners to obtain federal certificates of responsibility demonstrating their ability—through insurance or through other means—to meet the costs of an oil spill up to their limit of liability. This provision would apply to both domestic and foreign flag tankers.

More than 95% of our imported petroleum comes in on foreign flag tankers, much of it from so-called "flag of convenience" nations, including Liberia and Panama. The fleets of these nations do have some of the newest and safest ships afloat, but they also have too many rust buckets of the *Argo Merchant* variety. That particular vessel had been involved in some 18 previous safety violations and small oil spill incidents. Despite some occasional claims to the contrary, the safety record of flag of convenience ships is abominable. In 1973, for example, 22.8% of the world's tanker tonnage was flag of convenience, and 50.8% of the marine casualties were from these nations. It is critical that the United States assert its authority over all vessels—of whatever flag—which come into our ports.

The proposed bill would also establish liability limits for deepwater ports and for offshore oil production, storage, and transportation facilities.

THE FUND

Past experience has demonstrated the need to improve the procedures by which those damaged by an oil spill are compensated. Most oil spill damage cases in the past have been settled out of court, apparently due to the reluctance of most damaged parties to take on Exxon, Shell, et al. in court. They have, instead, elected to settle for partial payments of their claims.

The new proposed bill would allow oil spill damage claimants an alternative. While preserving the old options, a damaged party could seek to recover his claim from a specially created government fund. If the claimant's request were to be judged valid and the claim paid, the fund would then move against the spiller to recover the claim.

This fund would be financed, up to $200 million, by a three cents per barrel fee on imported and offshore oil (a sum equal to 1/14 cent per gallon), and would be administered by the Secretary of Transportation. In addition to acting as an intermediary when necesary between claimants and spillers, the fund would be available to provide compensation in those cases where the source of a spill is not known, and in the rare event when the liabilty limit of a particular spiller has been exceeded.

DAMAGES

In the past, common and maritime law have done little to protect victims of oil pollution damage. Maxine Lipeles described the situation as follows:

"Although an owner of a fouled resort or a fisherman with soiled gear may theoretically proceed under the tort principles of negligence, trespass, nuisance, or unseaworthiness, none of those principles offer damage victims a reliable means of recouping their losses. Except when the courts invoke the doctrine of res ipsa loquitur, a claimant alleging negligence faces the difficult tasks of proving that the spiller failed to take care and that such failure caused the particular damage. A suit based upon trespass must demonstrate that the spiller's negligence, deliberation, or intent produced damage arising from direct contact with oil. Nuisance actions succeed only if a claimant suffers losses unique in kind, not in degree, from the general public. In a 1973 nuisance case arising from the *Tamano* spill in Maine, the court awarded damages to commercial fishermen and clam diggers but denied compensation to motel owners and restauranteurs. In 1972, a federal court ruled that unseaworthiness would not establish liability for oil pollution claims. In addition to the formidable burdens of proof imposed upon claimants seeking to establish a spiller's liability, tort recovery is generally limited—except in trespass suits—to physical damages. Economic and consequential losses are usually not compensable." ("Oil: Study of Pollution Insurance Liability Laws." Environmental Policy Institute, 1976.)

The proposed legislation would alter this by specifically including loss of profits or impairment of earning capacity in the list of compensable damages. Also included for various classes of claimants are cleanup costs, the value of injured or destroyed real and personal property, injury to natural resources, and loss of tax revenue for up to one year.

OTHER FUNDS

The new bill would apply to all of the potential sources of oil spills into the marine environment. As a result, its enactment would enable us to reduce the scope of an already small oil spill fund set up under the Federal

Water Pollution Control Act, allow us to completely eliminate separate similar funds authorized by the Deepwater Port and the Trans-Alaska Pipeline Act, and eliminate the need for a fund to handle spills from offshore oil drilling activities, as is currently proposed in amendments to the Outer Continental Shelf Lands Act.

The need for a strong oil spill liability bill is very clear. It is equally clear that our efforts will be opposed—either openly or rather quietly—from several different directions. The oil and tanker industries give lip service support to this type of bill, but their view of fair, specific provisions is a great deal different from that of many members of Congress. The argument will be made that high liability means high insurance, which means, in turn, high oil prices.

Evidence indicates that oil pollution insurance costs are not a significant part of the overall operating costs of most oil production and transportation companies. A strong argument could be made, in any case, that the expense should be where the risk is. If the liability burden is not placed on the tanker owner, or the oil producer, it will continue to rest squarely where it does now—on the taxpayer.

Others will argue that the United States should not take unilateral action with regard to oil spill liability or tanker safety. Oil pollution is a world-wide problem; the maritime industry is a world-wide business. These problems must, some say, be dealt with at the international level. I can understand this argument, as can many others, but I do not believe that it should be accepted in this case.

I do not believe that flag of convenience nations, particularly Liberia, are—or should be treated as—sovereign, independent, and responsible states insofar as their tanker policies are concerned. IMCO delegates from these states are primarily US oil company and world tanker industry people wearing different hats, and their negotiating positions continually reflect this.

If the US is going to make any serious effort to reduce the threat of tanker pollution in our waters it must act on its own. International standards mean lowest common denominator standards, oil industry supported standards, standards over which we will not be able to maintain control.

We must act to prevent tragedies such as that of the *Argo Merchant* from occurring again. Certainly accidents will happen no matter what we do, but we should be satisfied that we have done all we could to prevent them.

When a spill occurs from an apparently unsafe vessel, following an obviously wrong course, using navigational equipment which did not work, whose weather charts were for the wrong month, and whose crew was allegedly incompetent, we are not doing enough. All of this was true with the *Argo Merchant* and it seems recently that this type of incident is the rule rather than the exception.

Congress must change the rules now, while the memory of tanker spill headlines is still firmly imprinted on its mind.

THE ELDERLY AT WORK

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, this week has been designated by Presidential proclamation as "National Employ the Older Worker Week." During this time activities are planned around the country to encourage employment opportunities for older workers.

No nation can hope to achieve its full potential if some of its most experienced and productive citizens are forced to the sidelines. We can only benefit from the skills, wisdom, and experience of this country's elderly. Indeed, we must create a more favorable climate for the employment of mature workers.

Mr. Speaker, a recent issue of the New York Times Magazine carried an article by Harvey D. Shapiro on the employment of older people which I insert at this point in the RECORD:

DO NOT GO GENTLY . . .

(By Harvey D. Shapiro)

It just doesn't make any sense to me," Mike Shapiro says bitterly over his afternoon cup of coffee at Chef's Cafe. "The Social Security Administration says it's running out of money and has to keep raising payroll taxes to support all the old folks. Meanwhile, there's plenty of us old-timers hanging around who'd like to earn our own living, and they won't let us keep on working. . . . It just doesn't make any sense," he says again, pausing to let his coffee cool.

For years Mike Shapiro was the kind of employee who came to work early and went home late without putting in for overtime. When he turned 65, he was forced to retire. "It's an awful thing to do to a person," he says. Still vigorous and active at 76, Shapiro lives modestly on his Social Security and a small pension in Superior, Wis. Although he once took peculiar pride in being the first one up on his block weekday mornings, in recent years he has learned to sleep late. "Otherwise," he says wistfully, "the days seem too long."

Like hundreds of thousands of other older Americans, Mike Shapiro considers himself more a victim than a beneficiary of compulsory retirement, the practice of making employees retire when they reach some predetermined age, regardless of whether they are willing and able to continue working. The retirement age varies—it's 55 for New York City firefighters, 56 for air traffic controllers, 70 for Harvard professors, and 65 for most people. According to a 1975 survey by Louis Harris & Associates, for 61 percent of those working, age rather than ability will dictate when they must retire. And for many older people, their later years are like their earliest ones: they find society unwilling to entrust them with any meaningful tasks.

COMPULSORY RETIREMENT AS POLICY

Several forces have come together to make compulsory retirement a common employer policy. Because older workers often receive higher wages and more benefits than younger workers doing the same job, companies are eager to oust them when times are tough. Then, too, many employers are convinced they couldn't keep talented employees without the prospect of promotions guaranteed by scheduled retirements.

This generational conflict is especially intense these days because members of the post-war baby boom are now in the labor force, dramatically swelling the ranks of younger workers eager to move up. Moreover, the women's movement has brought more and more women into the job market. While the female population of the United States has climbed 52 percent since 1947, the number of working women has risen 123 percent. Finally, minorities and women who were once restricted to dead-end jobs now have court-supported access to promotions. But as Illinois State Representative Alan Greiman notes, "They all see their paths blocked by 63-year-old white males who, they think, will keep on working forever if they're not forced to retire."

Because the issue of mandatory retirement cuts across the generations, the labor movement has had enormous trouble in dealing with it. In September 1975, the AFL-CIO Executive Council declared that "organized labor has opposed and will continue to oppose unilateral imposition of compulsory retirement by employers." But "unilateral" is a crucial word. Many union leaders have signed contracts permitting employers to retire high-salaried older workers in order to provide more jobs for younger workers.

Until this century, older people often kept on working as long as they could, and many never completely retired. But by the 1920's the growth of corporate employers first permitted and then required everyone to quit working at the same time. Adapting the rules to fit individual situations became too troublesome for the bookkeepers. Creation of the Social Security system in 1935 enshrined mandatory retirement at 65—a figure the United States Social Security Administration is reported to have borrowed from Germany, where Otto von Bismarck arbitrarily chose 65 as the age of eligibility for that country's first social welfare system in 1889. As a result, the proportion of men and women over 65 still working has dropped from 69 percent in 1890 to 22 percent in 1974.

Not only has compulsory retirement become widespread, says Canin Clauss, associate solicitor of the United States Department of Labor, "there is a growing trend toward compelling retirement prior to 65." Currently, more than 11 million Americans are locked into pension plans allowing them to be retired as early as age 55 at the employer's discretion.

WORKING AFTER AGE 65

Those who have thought about forced retirement recognize that it flies in the face of overwhelming scientific evidence about the increasing vigor and longevity of older Americans. There is no evidence that an average person's skills decline abruptly, nor is there proof that everyone ages at the same rate. There is no way of telling how long a person can do good work—or even when he or she will do it. When Prof. Ben Duggar retired from the University of Wisconsin at age 70, for example, he had a mildly distinguished academic career. After retirement, however, he became a consultant to Lederle Laboratories, where, at the age of 73, he isolated an antibiotic he called Aureomycin and then another called tetracycline, which has become the world's most widely prescribed antibiotic.

Most government and university research shows that employees from 65 to 70 and even up to 75 generally perform as well as younger workers in jobs not requiring heavy physical labor. While younger workers usually have more education and learn more rapidly, older employees are more likely to display better judgment and have stable work habits. "Most of the handicaps of oldness in our society are social, conventional and imaginary," says Dr. Alex Comfort, a gerontologist. "The physical changes are trifling by comparison."

The idea that retirement is necessary so that older people can "take it easy" in their twilight years is increasingly irrelevant in this era of desk jobs. Furthermore, says the American Medical Association, which has opposed mandatory retirement at 65 on health grounds, "There is ample clinical evidence that physical and emotional problems can be precipitated or exacerbated by denial of employment opportunities." According to the National Center for Career Life Planning, forced early retirement ranks ninth—after the deaths of various family members and divorce—among 40 major stress-producing events in life.

Supporters of compulsory retirement point out that that rule allows elderly employees whose work has not been satisfactory to leave in dignity. "It means nobody has to face saying, 'You can't cut it anymore,' " says Donald J. Povejsil, vice president of personnel and administration at Westinghouse Electric

Company. He adds, "Any other method of retiring people would be extremely difficult to manage."

Dr. Arthur S. Flemming, United States Commissioner on Aging and chairman of the Commission on Civil Rights, contends that mandatory retirement is simply a "lazy person's device for dealing with difficult personnel decisions." He goes on: "Certainly a manager would have to make some difficult decisions without compulsory retirement, but a good manager should always be making those kinds of decisions as he tries to raise the quality of his work force."

As for employers' fears that they would face endless legal wrangling if they had to establish standards to determine when each older worker should retire, Commissioner Flemming says that this will not happen. "It's much easier to apply tests at that end of a career," he says, "since the employer knows the person and his or her work. While hiring always involves some guesswork, termination can be based on actual performance on the job."

FLEXIBLE RETIREMENT POLICIES

Flemming's convictions have been borne out by a number of firms without mandatory retirement rules. At Paddock Publications in Arlington Heights, Ill., which employs 300 people, "it is working out very well," says executive vice president Robert Y. Paddock Sr. "Most of the time an employee feels ready to retire just about when we begin to think they're ready." He cites the case of an advertising salesman in his early 60's whose track record seemed to be worsening. Before the advertising manager could say anything, Paddock notes, "The man kind of lost interest in his work and retired." Paddock, which publishes nine daily and six weekly newspapers for Chicago suburbs, has several employees in their 70's, including some who were hired at 65 after retiring from jobs elsewhere. Robert Paddock, who is in his late 50's, says, "When I retire at about 80, maybe things will change, but I like the way we do it right now."

Most of the jobs not subject to mandatory retirement rules are at small organizations like Paddock, where the boss knows everybody and can respond humanely to individual situations. But big companies can also get along without mandatory retirement. At United States Steel, for example, compulsory retirement rules affect only 19,000 office workers out of a total work force of 172,000. The bulk of the firm's employees can keep on working as long as they can pass annual medical examinations geared to the nature of their jobs, says C. T. Spivey, vice president of personnel.

Even if an employee's medical examination raises questions, Spivey says, "We get the union in and find another job for him if he wants to keep working." At one of the company's plants near Pittsburgh, for example, an older worker recently moved from "second helper" in the open hearth department to the more sedentary job of "weigher" because of medical problems. Similarly, a worker who operated a bulldozer outdoors found his arthritis was bothering him more as he got older, but he didn't want to retire, so he transferred to an indoor job as a repairman.

Spivey says the bulk of United States Steel's employees retire as soon as they put in 30 years and are eligible for a pension, but the firm has no problems in finding work for those who want to stay on. The record-holder is Henry Baude, who retired as a price clerk on August 31, 1973, at the age of 77, after completing 61 years with the company. But United States Steel has had several other 60-year veterans.

An absence of mandatory retirement rules not only works successfully throughout the steel industry, but also at such varied large companies as Walt Disney Productions, the Bankers Life and Casualty Insurance Company, as well as the state governments of Illinois and Pennsylvania. Says John B. Martin, legislative counsel to the American Association of Retired Persons and its affiliate, the National Association of Retired Teachers, "We're not arguing against early retirement. We say an employee ought to have some options. If he wants to retire early—fine. If he wants to continue working—fine. What we're dealing with essentially is the concept of freedom of choice."

The current lack of flexibility in work schedules is hardly a necessity. When they have to, employers can adapt on a massive scale. In retailing, for example, as stores have begun to remain open 12 hours a day or seven days a week in an era of 40-hour workweeks, store managements have been receptive to varied schedules permitting some people to work full time, some part time and some overtime. There's no reason why other employers couldn't adapt in a similar fashion. The automakers, for example, who are plagued with absenteeism on Mondays and Fridays, could bring in retirees to work on those days. Allowing older workers who remain fit and productive to make adjustments in their workdays, workweeks or workyears could lengthen their working career.

ACTION BY THE ELDERLY

There is increasing organization and militancy among the elderly opposed to mandatory retirement. "Because of inflation, more and more older people are realizing that without employment they're just not going to make it economically," says John B. Martin. "Retirement will mean a descent into near poverty." But the complaint goes beyond economics. "This is really a moral issue," says Dr. Flemming, "because personnel policies requiring retirement at a given age without regard to an individual's abilities are in direct conflict with our Judeo-Christian concept of the dignity and worth of each human being."

Persons over 65 make up 14.8 percent of the registered voters and politicians are becoming attuned to "senior power." Major battles over retirement policies are beginning to be played out in courthouses and legislative bodies as well as offices across the country. Since the courts have been the cutting edge in overturning employment practices that discriminated against minorities and women, some senior citizens have hoped legal action would aid them as well. But last spring, the United States Supreme Court dismissed an age discrimination suit filed by Lt. Col. Robert Murgia, who was forced to resign from the Massachusetts State Police when he reached the mandatory retirement age of 50, even though a rigorous medical examination had shown him to be in excellent health. The Murgia case was the latest of several unsuccessful attempts to challenge the constitutionality of compulsory retirement in the courts. Thus, Carin Clauss says, "The only way to get rid of compulsory retirement rules altogether would seem to be through legislation."

LEGISLATION ON RETIREMENT

Several bills to end compulsory retirement were introduced in the United States Congress in the last few years. Representative Paul Findley, Republican of Illinois, first introduced a bill to end mandatory retirement in 1974; it disappeared rather quickly after it was introduced, but when he offered a similar bill in 1976, it gained 99 co-sponsors, ranging from liberal Democrats like Bella Abzug to conservative Republicans like John Rousselot of California. Moreover, Findley's bill was endorsed by Dr. Arthur S. Flemming and former Secretary of Labor Willard Wirtz. Although the bill didn't get out of committee, Representative Findley says he was encouraged by the increasing support and introduced the bill on the first day of the 95th Congress in January.

There are similar stories at the state level. In Illinois, a bill to abolish compulsory retirement passed the House of Representatives by a vote of 117 to 21 before it was killed in the upper house. Illinois Representative Alan Greiman introduced his bill again this year, and he reports increasing interest in such legislation in California, Pennsylvania and other states.

In New York, a bipartisan group of 52 Assemblymen and 21 State Senators introduced a similar bill last spring. That bill disappeared in committee, but was introduced last month. In a statement explaining the bill, Assemblyman Thomas R. Fortune, the chairman of the State Assembly committee on the aging, described mandatory retirement as unjust and economically unsound. He noted that such restrictions contradicted the principle behind prohibitions against sex and race discrimination in employment. "A person should only be forced to leave a job if that person cannot perform the assigned tasks," he said. "Under no circumstances should a person be removed because of physical characteristics that are irrelevant to job performance."

A Department of Labor official is not optimistic about legislative changes on compulsory retirement, however. Business and labor leaders can be expected to support the status quo, he says, and "there is strong unreasoned opposition on Capitol Hill to any tinkering with retirement right now because of ERISA." ERISA—the Employee Retirement Income Security Act of 1974—reformed the rules governing pension plans to help retirees, but it also increased the costs and complexity of maintaining pensions and was followed by a record number of plan liquidations. Thus, the Department of Labor official says older Americans don't have enough supporters at the present time to pass legislation banning compulsory retirement, although there's a good chance of passing a law to increase the mandatory retirement age from 65 to 68 or 70.

Ironically, the growing conviction that change is not far off is based on the plight of the young rather than the old. Though younger workers have generally assumed their interest lay in getting older workers to retire, the economics of the situation are working in the other direction now. As the retired elderly population grows in size, the balance between workers and retirees is tilting precariously. While there were seven workers paying Social Security taxes for every person collecting benefits in 1955, there were only four in 1960 and less than three in 1975. Within 50 years, there will be less than two Americans working for each Social Security beneficiary.

Since those working support those who are retired under Social Security, to raise enough money to pay all those retirees, Social Security taxes will have to rise to 25 percent of average incomes in a few years unless some changes are made. By the same token, private pensions are devouring huge sums that might have been available for wages. United States Steel spent over $200 million on its pension fund last year, and like many employers it is now supporting more people through its pension plans than its payrolls.

In November, former Treasury Secretary William Simon recommended raising the age at which people can retire and claim benefits in order to ward off bankruptcy of the Social Security system. If enough people think about the whopping deductions Social Security and pension costs are already taking out of their paychecks, they will conclude it is costing too much to discriminate against older workers. That many turn out to be a very persuasive argument for letting older people keep on working as long as they can. There's an even more persuasive reason for improving the treatment of the

elderly. The elderly are the only outcast group all of us can expect to join.

CHILDREN'S HOSPITAL NATIONAL MEDICAL CENTER

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, March 6, 1977, marked the dedication of the new Children's Hospital National Medical Center here in Washington. The result of nearly 10 years of planning and construction at a cost of $58 million, this innovative center is the most modern of its kind and provides a unique health resources for children across the Nation. Its advanced research and training facilities will provide an invaluable education for young physicians specializing in pediatrics and will help stimulate new medical breakthroughs in the treatment of children's diseases.

President Carter spoke at the dedication and said he expected Children's Hospital to make possible great advances in the treatment of children and encourage a return to an emphasis on innoculations and preventive medicine:

> I think every family . . . can breathe a little easier knowing that if their children are sick, that poverty or despair will not prevent their children from getting just as good medical care as the little daughter of the President of the United States.

The many dedicated individuals who contributed to the successful completion of Children's Hospital deserve the Nation's thanks. Not only have they set new standards for the future in hospital facilities and design but they have also focused needed emphasis on the total hospital environment for children. With its many playrooms and accommodations allowing parents to stay close by, Children's Hospital encourages its young patients to adjust more comfortably to what can sometimes be, for them, a lonely and frightening experience.

I would particularly like to commend Mr. John Sharon, president of the board of trustees of Children's Hospital, for his dedicated and untiring efforts to bring this project to fruition. Mr. Sharon has been an active leader over the years on issues affecting the health and well-being of children, and has offered valuable assistance to the Education Subcommittee I chair and other subcommittees of Congress on legislation in this important area.

DEPARTMENT OF EDUCATION ACT OF 1977

(Mr. HEFTEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HEFTEL. Mr. Speaker, I have introduced a bill to be known as the Department of Education Act of 1977, which would create a Cabinet-level Department by consolidating all the various educational programs that are now contained in the Department of Health, Education, and Welfare and some 20 more Federal agencies.

Education in America is in trouble, Mr. Speaker. Our children know it; many of them only tolerate school, finding little relevance there to their present or their future. Parents know it; they see more and more of their tax dollars going into education with little to show for the added expense. Teachers know it; achievement scores among their pupils today are declining markedly.

And we in government know education is in trouble. Our Nation's educational programs are divided between more than 20 Federal agencies. The Department of Health, Education, and Welfare has grown to unwieldy proportions, spending approximately $9 billion on education alone, while trying to cope with the complexities of health and welfare as well.

A critical appraisal tells us that education is too important to fragment between the various agencies, too important to leave within HEW as only one of three major areas of concern. Now is the time to remove education from this morass of programs and install it in one Cabinet-level Department—the Department of Education.

Now is the time to streamline our education programs to help us to better cope with the results of poor educational systems and approaches—the offshoots of crime and the criminal, unemployment and the unemployable, substance abuse and the abuser. The Department of Education Act of 1977 would consolidate in one Department all our current education programs, including HEW's Education Division, ith its 138 programs within the Office of Education; the Head-start program, from the Office of Child Development; the operation of the Armed Forces dependents schools; the Education Directorate of the National Science Foundation; operation of the BIA Indian schools; HUD's college housing loan program; and HEW's grant programs for the construction of public broadcasting facilities.

The act calls for the creation of a National Advisory Commission on Education, with 15 members appointed by the President to assist the Secretary of Education in the formulation of Federal education policy. The commission would also review the operation of Federal education programs.

Mr. Speaker, I believe this act is a very important first step in providing sound control and guidance of our educational programs and administration in America. At this point, I am including for the RECORD the full text of the bill that I have introduced today:

H.R. 5113

A bill to establish a Department of Education, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Education Act of 1977".

FINDINGS AND PURPOSES

SEC. 2. The Congress finds that—

(1) education is of fundamental importance to the Nation and it is appropriate to reassess the condition of education in our Nation to insure that all Americans have an equal opportunity for quality education;

(2) existing Federal programs in support of education are fragmented and often duplicative and should be better coordinated in order to promote quality education;

(3) the role and importance of education increases as our society becomes more complex and new technologies and advancements are developed to meet changing needs;

(4) public policy toward education is vital to the present and long-range interests of the United States;

(5) education must be broadly conceived in terms of all those forces, institutions, and agencies which function as educating influences in the United States; and

(6) it is essential therefor to establish a Department of Education to provide Federal leadership, to insure effective enforcement of equal opportunity legislation in education, to weigh and consider major educational policy issues confronting the Nation, and to facilitate a continuing renewal of the educating institutions and policies of the United States.

DEPARTMENT OF EDUCATION ESTABLISHED

SEC. 3. There is established an executive department which shall be known as the Department of Education (hereinafter referred to as the "Department").

OFFICERS

SEC. 4. (a) The Department shall be administered by a Secretary of Education (hereinafter referred to as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate prescribed for level I of the Federal Executive Salary Schedule under section 5312 of title 5, United States Code. The Department shall be administered under the supervision and direction of the Secretary.

(b) There shall be in the Department an Under Secretary of Education who shall be appointed by the President by and with the advice and consent of the Senate. The Under Secretary shall perform such duties and exercise such powers as the Secretary shall prescribe. During the absence or disability of the Secretary, or in the event of a vacancy in the office of the Secretary, the Under Secretary shall act as Secretary. The Under Secretary shall receive compensation at the rate prescribed for level III of the Federal Executive Salary Schedule established under section 5314 of title 5, United States Code.

(c) There shall be in the Department a General Counsel and four Assistant Secretaries of Education as follows:

(1) Assistant Secretary of Education for Legislative and Public Affairs;

(2) Assistant Secretary of Education for Administrative and Management Policy;

(3) Assistant Secretary of Education for Evaluation and Planning; and

(4) Assistant Secretary of Education for Intergovernmental Relations.

Each of such Assistant Secretaries shall be appointed by the President, by and with the advice and consent of the Senate. Each such Assistant Secretary shall perform such duties and exercise such powers as the Secretary shall prescribe. During the absence or disability, or in the event of a vacancy in the office of the Secretary or of the Under Secretary, an Assistant Secretary determined according to such order as the Secretary shall prescribe shall act as Secretary. Each Assistant Secretary and the General Counsel shall receive compensation at the rate prescribed for level IV under section 5315 of title 5, United States Code.

POWERS AND DUTIES OF THE SECRETARY

SEC. 5. (a) The Secretary shall be responsible for the exercise of all functions of the Department, and shall have authority to direct and supervise all personnel and activities thereof.

(b)(1) The Secretary is authorized to appoint and fix the compensation of such officers and employees, and prescribe their

functions, as may be necessary to carry out the purposes and functions of this Act.

(2) The Secretary may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(c) The Secretary may promulgate such rules and regulations as may be necessary to carry out the functions vested in the Secretary or in the Department, and may delegate authority for the performance of any such function to any officer or employee under the Secretary's direction and supervision.

(d) The Secretary shall cause a seal of office to be made for the Department, of such design as the President shall approve, and judicial notice shall be taken thereof.

FUNCTIONS OF THE DEPARTMENT

SEC. 6. (a) It is the principal function of the Department to promote the cause and advancement of education throughout the United States.

(b) In addition to any other function of the Secretary under the provisions of this Act, the Secretary is authorized to—

(1) advise the President with respect to the progress of education, including the recommendation of long-range goals and priorities;

(2) develop and recommend to the President appropriate policies and programs to foster the orderly growth and development of the educational facilities and resources of the United States especially in the light of long-range requirements;

(3) exercise leadership at the direction of the President in coordinating Federal activities affecting education;

(4) conduct continuing comprehensive surveys, and to collect, analyze, and disseminate relevant information, data and statistics, concerning education in the United States;

(5) provide information and such other assistance as may be authorized by the Congress to aid in the maintenance of efficient school, college, and university or other education systems;

(6) encourage comprehensive planning by State and local governments, especially with respect to coordinating Federal, State, and community educational activities at the local level; and

(7) provide leadership by conducting studies, making recommendations, and administering discretionary programs to facilitate the continuing development of the American educational system.

TRANSFER OF FUNCTIONS AND AGENCIES

SEC. 7. (a) There are transferred to the Secretary, all functions of the Secretary of Health, Education, and Welfare or the Commissioner of Education, as the case may be—

(1) with respect to and being administered by the Secretary of Health, Education, and Welfare through the Education Division of the Department of Health, Education, and Welfare;

(2) with respect to and being administered by the Secretary of Health, Education, and Welfare through the Office of Child Development of such Department regarding Head-start;

(3) with respect to any advisory committee in the Department of Health, Education, and Welfare giving advice to and making recommendations which primarily concern education;

(4) under section 394 of the Communications Act of 1934, relating to Federal grants for the construction of television and radio broadcasting facilities to be used for educational purposes;

(5) with respect to and being administered by the Secretary of Health, Education, and Welfare through the Office of Civil Rights for the enforcement of those provisions of law and Education Orders which apply to educational institutions, including title VI (insofar as it relates to educational financial assistance) and titles VII and IX of the Education Amendments of 1972 and Executive Order 11246 (insofar as it pertains to employer's holding Federal contracts in education);

(6) with respect to all functions of the National Foundation on the Arts and the Humanities including all functions of the National Endowment for the Arts and all functions of the National Endowment for the Humanities;

(7) with respect to all Federal laws concerning the relationship between Gallaudet College, Howard University, and American Printing House for the Blind, and the Department of Health, Education, and Welfare.

(b) There are further transferred to the Secretary all functions—

(1) of the Secretary of Defense with respect to the operation of schools for dependents of members of the Armed Forces;

(2) of the Secretary of the Interior with respect to the operation of schools for Indian children being administered through the Bureau of Indian Affairs;

(3) of the Secretary of Agriculture with respect to the National School Lunch Act, and the operation of the Graduate School, United States Department of Agriculture;

(4) of the Secretary of Housing and Urban Development with respect to title IV of the Housing Act of 1950 relating to college housing; and

(5) with respect to and being administered by the Director of the National Science Foundation, the Education Directorate.

(c) In any case where all of the functions of any agency or office are transferred pursuant to this Act, except any committee transferred under subsection (a)(3) of this section, such agency or office shall lapse.

(d) All officers, employees, assets, liabilities, contracts, records, property, leases, obligations, and commitments and unexpended balances of appropriations, allocations and other funds which the Director of the Office of Management and Budget determines are to be employed, held, or used primarily in connection with any office, agency, bureau, foundation, or function transferred under the provisions of this Act, are hereby transferred to the Department.

ADDITIONAL TRANSFERS

SEC. 8. The President is authorized to transfer to the Department of Education any other agency or instrumentality of the Federal Government which the President determines has functions relating to education and should be transferred to the Department of Education to promote efficiency in Government and to carry out the purposes of this Act. Such transfers shall incorporate, to the extent deemed desirable, the recommendations of the Federal Interagency Committee on Education as provided by section 12(c) and shall be completed within one hundred and eighty days after the date of enactment of this Act. A report describing such transfers shall be submitted to the Congress not later than thirty days thereafter.

TRANSFERRED PERSONNEL

SEC. 9. Each officer or employee of the United States or any department or agency thereof who is transferred at any time to the Department of Education shall be deemed, effective as of the date of such transfer, to be an officer or employee of the Department. No reappointment of any such officer or employee shall be required because of his transfer to that Department. Except as otherwise specifically provided by this section, no such officer or employee shall be reduced in rank, grade, seniority, or rate of compensation because of any such transfer.

PROVISIONS OF LAW APPLICABLE TO THE DEPARTMENT

SEC. 10. Except to the extent inconsistent with this Act, all provisions of law applicable to the executive departments generally shall apply to the Department.

REDESIGNATION OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SEC. 11. (a) The Department of Health, Education, and Welfare is hereby redesignated the Department of Health and Welfare, and the Secretary of Health, Education, and Welfare is hereby redesignated the Secretary of Health and Welfare.

(b) Any reference to the Department of Health, Education, and Welfare or the Secretary of Health, Education, and Welfare in any other law, rule, regulation, certificate, directive, instruction, license, or other official paper in force on the effective date of this Act shall be deemed to refer and apply to the Department of Health and Welfare and the Secretary of Health and Welfare, respectively.

FEDERAL INTERAGENCY COMMITTEE ON EDUCATION

SEC. 12. (a) There is hereby established a "Federal Interagency Committee on Education" (hereinafter referred to in this Act as the "Committee").

(b) The Committee shall study and make such recommendations as may be necessary to assure effective coordination of Federal programs affecting education, including—

(1) development of Federal programs in accordance with the educational goals and policies of the Nation;

(2) consistent administration of policies and practices among Federal agencies in the conduct of similar programs;

(3) full and effective communication among Federal agencies to avoid unnecessary duplication of activities with respect to education;

(4) adequate procedures for the availability of information on educational matters requested by the Secretary;

(5) recommendations for the improvement of Federal programs for the purpose of aiding students in their transition from school to work; and

(6) full and effective cooperation with the Secretary on such studies and analyses as are necessary to carry out the purposes of this Act.

(c) The Committee shall, within 90 days of the enactment of this Act or the appointment and qualification of all Committee members, whichever is earlier, recommend to the President the transfer of such additional responsibilities as may be appropriate.

(d) The Committee shall be composed of the Secretary, who shall be the Chairperson, and one appropriate representative of each of the following agencies: The Department of State, the Department of Defense, the Department of Agriculture, the Department of Commerce, the Department of Labor, the Department of Health and Welfare (as redesignated by section 11 of this Act), the Department of Housing and Urban Development, the National Science Foundation, the National Aeronautics and Space Administration. The Committee shall also include the chairpersons of the National Endowment for the Arts, and the National Endowment for the Humanities of the Department.

(e) The Chairperson may invite Federal agencies, in addition to the agencies which are represented on the Committee under the provisions of subsection (d) of this section, to designate representatives to participate in meetings of the Committee on matters of substantial interest to such agencies which are to be considered by the Committee.

(f) The Director of the Office of Management and Budget, the Chairperson of the Council of Economic Advisers, and the Executive Director of the Domestic Council may each designate a staff member to attend meetings of the Committee as observers.

(g) The Committee shall meet at least six times in each year and shall prepare an annual report to the Secretary concerning its recommendations.

(h) Each Federal agency which is represented on the Committee under the provisions of subsection (d) of this section, shall furnish necessary assistance to the Committee in accordance with section 214 of the Act of May 3, 1945 (31 U.S.C. 691).

NATIONAL ADVISORY COMMISSION ON EDUCATION

SEC. 13. (a) There is established a National Advisory Commission on Education (hereinafter referred to as the "National Commission") composed of fifteen members appointed by the President, by and with the advice and consent of the Senate, from among individuals—

(1) who have a demonstrated commitment, in public or private industries or organizations, for the enhancement and development of the educational needs and goals of the Nation;

(2) who have competence in assessing the progress of educational agencies, institutions, and organizations in meeting those needs and achieving those goals; and

(3) who are experienced with the policies or administration of State and local educational agencies and of institutions of higher education.

Members shall be appointed for terms of three years, except that (A) in the case of initially appointed members, as designated by the President, five members shall be appointed for terms of one year, five members shall be appointed for terms of two years, and five members shall be appointed for terms of three years, and (B) any member appointed to fill a vacancy shall serve the remainder of the term for which the member's predecessor was appointed.

(b) The National Commission shall—

(1) assist the Secretary in the formulation of Federal policy with respect to the appropriate role of the Federal Government in each action;

(2) review the administration of, general regulations for, and operation of Federal education programs;

(3) advise the Secretary and other Federal officials with respect to the educational needs and goals of the Nation and assess the progress of the renewal of appropriate agencies, institutions, and organizations of the Nation in order to meet those needs and achieve those goals;

(4) conduct objective evaluations of specific education programs and projects in order to ascertain the effectiveness of such programs and projects in achieving the purpose for which they are intended;

(5) make recommendations (including recommendations for changes in legislation) for the improvement of the administration and operation of Federal education programs;

(6) consult with Federal, State, and local and other education agencies, institutions, and organizations with respect to assessing education in the United States and the improvement of the quality of education, including—

(A) areas of unmet needs in education, national goals, and changing education priorities, and the means by which those areas may be met, developed, and achieved;

(B) specific means of improving the quality and effectiveness of teaching, curriculums, and eduational media and of raising standards of scholarship and levels of achievement;

(7) conduct national conferences on the assessment, improvement, and renewal of education, in which national and regional education associations and organizations, State and local education officers and administrators, and other education-related organizations, institutions, and persons (including parents of children participating in Federal educational assistance programs) may exchange and disseminate information on the improvement of education;

(8) conduct, and report on, comparative studies and evaluations of education systems in foreign countries; and

(9) advise and assist in the coordination of all Federal educational advisory committees, councils, or commissions.

(c) The National Commission shall make an annual report, and such other reports as it deems appropriate, to the President and to the Congress, concerning its findings, recommendations, and activities.

(d) In carrying out its responsibilities under this section, the National Commission shall take, together with the Secretary, whatever action is necessary to carry out section 448 of the General Education Provisions Act, to devise a manageable and effective advisory structure for the Department. The National Commission shall advise the Secretary on the number of advisory bodies that are necessary and the manner in which such bodies relate to one another. The National Commission shall consult with the National Advisory Council on the Education of Disadvantaged Children, the National Advisory Council on Education Professions Development, the National Council on Educational Research, and such other advisory councils and committees as may be appropriate to carry out its functions under this subsection. All Federal agencies are directed to cooperate with the National Commission in carrying out its functions under this subsection.

(e) The National Commission is authorized to procure such technical assistance as may be required to carry out its functions and the Secretary shall, in addition, make available to the National Commission such secretarial, clerical, and other assistance and such pertinent data prepared by the Department as the National Commission may require to carry out its functions.

(f) Members of the National Commission who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the National Commission or while otherwise engaged in the business of the National Commission, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the rate specified at the time of such service for grade GS–18 under section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the National Commission away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(g) The President shall nominate members to the National Commission not later than thirty days after the date of enactment of this Act.

OFFICE OF THE INSPECTOR GENERAL

SEC. 14. (a) As used in this section—

(1) the term "Inspector General" means the Inspector General of the Department;

(2) the term "Deputy" means the Deputy Inspector General of the Department; and

(3) the term "Federal agency" means an agency as defined in section 552(e) of title 5, United States Code, but shall not be construed to include the General Accounting Office.

(b) There is hereby established in the Department an Office of Inspector General.

(c) There shall be at the head of the Office an Inspector General who shall be appointed by the President, by and with the advice and consent of the Senate, solely on the basis of integrity and demonstrated ability and without regard to political affiliation. The Inspector General shall report to and be under the general supervision of the Secretary or, to the extent such authority is delegated, the Under Secretary, but shall not be under the control of, or subject to supervision by, any other officer of the Department.

(d) There shall also be in the Office a Deputy Inspector General appointed by the President, by and with the advice and consent of the Senate, solely on the basis of integrity and demonstrated ability and without regard to political affiliation. The Deputy shall assist the Inspector General in the administration of the Office and shall, during the absence or temporary incapacity of the Inspector General, or during a vacancy in that office, act as Inspector General.

(e) The Inspector General or the Deputy may be removed from office by the President. The President shall communicate the reasons for any such removal to both Houses of Congress.

(f) The Inspector General and the Deputy shall each be subject to the provisions of subchapter III of chapter 73, title 5, United States Code, notwithstanding any exemption from such provisions which might otherwise apply.

(g) It shall be the duty and responsibility of the Inspector General—

(1) to supervise, coordinate, and provide policy direction for auditing and investigative activities relating to programs and operations of the Department;

(2) to recommend policies for, and to conduct, supervise, or coordinate other activities carried out or financed by the Department for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, its programs and operations;

(3) to recommend policies for, and to conduct, supervise, or coordinate relationships between the Department and other Federal agencies, State and local governmental agencies, and nongovernmental entities with respect to (A) all matters relating to the promotion of economy and efficiency in the administration of, or the prevention and detection of fraud and abuse in, programs and operations administered or financed by the Department, or (B) the identification and prosecution of participants in such fraud or abuse; and

(4) to keep the Secretary and the Congress fully and currently informed, by means of the reports required by subsection (j) and otherwise, concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs and operations administered or financed by the Department, to recommend corrective action concerning such problems, abuses, and deficiencies, and to report on the progress made in implementing such corrective action.

(h) In carrying out the responsibilities specified in subsection (g)(1), the Inspector General shall have authority to approve or disapprove the use of outside auditors or to take other appropriate steps to insure the competence and independence of such auditors.

(i) In carrying out the duties and responsibilities provided by this section, the Inspector General shall give particular regard to the activities of the Comptroller General of the United States with a view to avoiding duplication and insuring effective coordination and cooperation.

(j) The Inspector General shall, not later than March 31 of each year, submit a report to the Secretary and to the Congress summarizing the activities of the Office during the preceding calendar year. Such report shall include, but need not be limited to—

(1) an identification and description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the Department disclosed by such activities;

(2) a description of recommendations for corrective action made by the Office with respect to significant problems, abuses, or deficiencies identified and described under paragraph (1);

(3) an evaluation of progress made in implementing recommendations described in

the report or, where appropriate, in previous reports; and

(4) a summary of matters referred to prosecuting authorities and the extent to which prosecutions and convictions have resulted.

(k) The Inspector General shall make reports on a quarterly basis to the Secretary and to the appropriate committees or subcommittees of the Congress identifying any significant problems, abuses, or deficiencies concerning which the Office has made a recommendation for corrective action and on which, in the judgment of the Inspector General, adequate progress is not being made.

(l) The Inspector General shall report immediately to the Secretary and to the appropriate committees or subcommittees of the Congress whenever the Office becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of the Department. The Deputy and Assistant Inspectors General shall have particular responsibility for informing the Inspector General of such problems, abuses, or deficiencies.

(m) The Inspector General (1) may make such additional investigations and reports relating to the administration of the programs and operations of the Department as are, in the judgment of the Inspector General, necessary or desirable, and (2) shall provide such additional information or documents as may be requested by either House of Congress or with respect to matters within their jurisdiction, by any committee or subcommittee thereof.

(n) Notwithstanding any other provision of law, the reports, information, or documents required by or under this section shall be transmitted to the Secretary and the Congress, or committees or subcommittees thereof, by the Inspector General without further clearance or approval. The Inspector General shall, insofar as feasible, provide copies of the reports required under subsections (j) and (k) to the Secretary sufficiently in advance of the due date for their submission to Congress to provide a reasonable opportunity for comments of the Secretary to be appended to the reports when submitted to Congress.

(o) In addition to the authority otherwise provided by this section, the Inspector General, in carrying out the provisions of this section, is authorized—

(1) to have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the Department which relate to programs and operations with respect to which the Inspector General has responsibilities under this section;

(2) to request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this section from any Federal, State, or local governmental agency or unit thereof;

(3) to require by subpena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned by this section, which subpena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court;

(4) to have direct and prompt access to the Secretary when necessary for any purpose pertaining to the performance of functions and responsibilities under this section;

(5) and directed, in the event that a budget request for the Office of Inspector General is reduced, before submission to Congress, to an extent which the Inspector General deems seriously detrimental to the adequate performance of the functions mandated by this section, to so inform the Congress without delay;

(6) to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(7) to obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–18 of the General Schedule by section 5332 of title 5, United States Code;

(8) to the extent and in such amounts as may be provided in advance by appropriations Acts, to enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

(p)(1) Upon request of the Inspector General for information or assistance under section (o)(2), the head of any Federal agency involved shall, insofar as is practicable, and not in contravention of any existing statutory restriction, or regulation of the Federal agency from which the information is requested, furnish to the Inspector General, or to an authorized designee, such information or assistance.

(2) Whenever information or assistance requested under subsection (o)(1) or (o)(2) is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the Secretary and to the appropriate committees or subcommittees of the Congress without delay.

(3) In the event any record or other information requested by the Inspector General under subsection (o)(1) or (o)(2) is not considered to be available under the provisions of section 552a(b) (1), (3), or (7) of title 5, United States Code, such record or information shall be available to the Inspector General in the same manner and to the same extent it would be available to the Comptroller General.

(q) The Secretary shall provide the Inspector General and his staff with appropriate and adequate office space at central and field office locations of the Department, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

(r)(1) The Inspector General shall receive compensation at the rate provided for level IV of the Executive Schedule by section 5315 of title 5, United States Code.

(2) The Deputy shall receive compensation at the rate provided for level V of the Executive Schedule by section 5316 of title 5, United States Code.

(s) There are hereby transferred to the Office of Inspector General such of the functions, powers, and duties of the Office of Inspector General in the Department of Health, Education, and Welfare established under title II of the Act of October 15, 1976 (42 U.S.C. 3521; 90 Stat. 2429), as the Director of the Office at Management and Budget determines to be principally involved in education.

(t) The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of any office or agency the functions, powers, and duties of which are transferred under subsection (s) are hereby transferred to the Office of Inspector General.

(u) Personnel transferred pursuant to subsection (t) shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions except that the classification and compensation of such personnel shall not be reduced for one year after such transfer.

(v) In any case where all the functions, powers, and duties of any office or agency are transferred pursuant to this section, such office or agency shall lapse. Any person who, on the effective date of this section, held a position compensated in accordance with the Executive Schedule, and who, without a break in service, is appointed in the Office to a position having duties comparable to those performed immediately preceding such appointment shall continue to be compensated in the new position at not less than the rate provided for the previous position, for the duration of service in the new position.

SAVING PROVISIONS

SEC. 15. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any agency or office or part thereof, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction, and

(2) which are in effect at the time this Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary of Education by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any agency or office, or part thereof, functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Department of Education. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the agency or office, or part thereof, before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Secretary of Education, by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in the officer's capacity as an officer of any agency or office, or part thereof, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any agency or office, or part thereof, functions of which are transferred by this Act, or by or against any officer thereof in the officer's official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the Department of Education as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If, before the date on which this Act takes effect, any agency or office, or officer

thereof in the officer's official capacity, is a party to a suit, and under this Act—

(A) such agency or office or any part thereof, is transferred to the Secretary of Education, or

(B) any function of such agency or office, or part thereof, or of such officer is transferred to the Secretary of Education,

then such suit shall be continued by the Secretary of Education (except in the case of a suit not involving functions transferred to the Secretary of Education in which case the suit shall be continued by the agency, office, or part thereof, or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any agency, office, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the department or officer in which such function is vested pursuant to this Act.

(e) Orders and actions of the Secretary of Education in the exercise of functions transferred under this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the agency or office, or part thereof, exercising such functions, immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by the Secretary.

(f) In the exercise of the functions transferred under this Act, the Secretary shall have the same authority as that vested in the agency or office, or part thereof, exercising such functions immediately preceding their transfer, and the Secretary's action in exercising such functions shall have the same force and effect as when exercised by such agency or office, or part thereof.

(g) The Secretary, in addition to the authority to delegate or redelegate contained in any other Act in the exercise of the functions transferred in this Act to the Secretary, may delegate any of such functions to such officers and employees of the Department as the Secretary may designate, may authorize such successive redelegations of such functions as the Secretary may deem appropriate, and may make such rules and regulations as may be necessary to carry out functions of the Secretary.

ADMINISTRATIVE PROVISIONS

SEC. 16. (a) The Secretary is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as the Secretary shall find to be desirable in the interest of economy and efficiency in the Department, including such services as a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its agencies; central messenger, mail telephone, and other communications services; office space, central services for document reproduction, and for graphics and visual aids; and a central library service. The capital of the fund shall consist of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized) and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations. Such fund shall be reimbursed in advance from available funds of agencies and offices in the Department or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payments for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus found in the fund (all assets, liabilities, and prior losses) considered above the amounts transferred or appropriated to establish and maintain such fund.

(b) In addition to the authority contained in any other Act which is transferred to and vested in the Secretary as necessary, and when not otherwise available, the Secretary is authorized to provide for, construct, or maintain the following for employees and their dependents stationed at remote localities:

(1) emergency medical services and supplies;

(2) food and other subsistence supplies;

(3) motion picture equipment and film for recreation and training; and

(4) living and working quarters and facilities.

The furnishing of medical treatment under paragraph (1) and the furnishing of services and supplies under paragraphs (2) and (3) of this subsection shall be at prices reflecting reasonable value as determined by the Secretary and the proceeds therefrom shall be credited to the appropriation from which the expenditure was made.

(c)(1) The Secretary is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Secretary.

(2) Upon the request of the Secretary the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States any moneys contained in the fund provided for in paragraph (1). Income accruing from such securities, and from any other property held by the Secretary pursuant to paragraph (1) shall be deposited to the credit of the fund, and shall be disbursed upon order of the Secretary.

(d) Nothing contained in this section is intended to amend, modify, or repeal any provisions of law administered by the Department of Health, Education, and Welfare which authorize the making of contracts for research.

ANNUAL REPORT

SEC. 17. The Secretary shall, as soon as practicable after the end of each fiscal year, prepare a report to the President for submission to the Congress on the activities of the Department during the preceding fiscal year Each such report shall also contain—

(1) objective data concerning changing trends in education (including enrollments), expenditures, numbers of teachers and other categories of professional and related personnel;

(2) special needs of critical concern such as the disadvantaged, rural, and urban education, and progress made toward the continuing renewal of education;

(3) the results and outcomes of education and schooling, including the overall results on generally recognized standard examinations for entrance to undergraduate and graduate institutions;

(4) budget projections for five years based on actual or anticipated appropriations for the fiscal year in which the annual report is issued;

(5) recommendations with respect to the improvement of programs for the handicapped; and

(6) recommendations with respect to (A) the advisory structure of the Department, including the names and composition of advisory committees and councils and the relationships the committees and councils bear to one another and (B) the elimination of overlapping advisory committees and similar data.

CONFORMING AMENDMENTS

SEC. 18. (a) Section 19(d)(1) of title 3, United States Code, is amended—

(1) by striking out "Secretary of Health, Education, and Welfare"; and

(2) by inserting before the period at the end thereof a comma and the following: "Secretary of Health and Welfare, Secretary of Education".

(b) Section 101 of title 5, United States Code, is amended—

(1) by striking out "Health, Education, and Welfare." and inserting in lieu thereof "Health and Welfare."; and

(2) by adding at the end thereof: "The Department of Education.".

(c) Section 5312 of title 5, United States Code, is amended—

(1) by striking out

"(10) Secretary of Health, Education, and Welfare."

and inserting in lieu thereof

"(10) Secretary of Health and Welfare.";

(2) by striking out "(13)" and inserting in lieu thereof "(14)"; and

(3) by inserting immediately after

"(12) Secretary of Transportation."

the following:

"(13) Secretary of Education.".

(d) Section 5314 of title 5, United States Code, is amended—

(1) by striking out

"(6) Under Secretary of Health, Education, and Welfare."

and inserting in lieu thereof:

"(6) Under Secretary of Health and Welfare.";

and

(2) by adding at the end thereof the following:

"(66) Under Secretary of Education.".

(e) Section 5315 of title 5, United States Code, is amended—

(1) by striking out "Assistant Secretaries of Health, Education, and Welfare (5)" and inserting in lieu thereof the following: "Assistant Secretaries of Health and Welfare (4)";

(2) by striking out "General Counsel of the Department of Health, Education, and Welfare." and inserting in lieu thereof the following: "General Counsel of the Department of Health and Welfare."; and

(3) by adding at the end thereof the following:

"(114) Assistant Secretary of Education for Legislative and Public Affairs.

"(115) Assistant Secretary of Education for Administrative and Management Policy.

"(116) Assistant Secretary of Education for Evaluation and Planning.

"(117) Assistant Secretary of Education for Intergovernmental Relations.

"(118) General Counsel, Department of Education.

"(119) Inspector General, Department of Education.".

EXPENDITURES AUTHORIZED

SEC. 19. The Secretary is authorized to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, for lawbooks, books of reference and periodicals, and printing and binding) as may be necessary to carry out the provisions of this Act, and as may be provided for by the Congress from time to time.

APPROPRIATIONS AUTHORIZED

SEC. 20. There are authorized to be appropriated such sums as may be necessary to enable the Department to carry out the provi-

sions of this Act and to perform any other duties which may be imposed upon it by law.

EFFECTIVE DATE

SEC. 21. The provisions of this Act shall be effective on its date of enactment.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Alaska, for March 21 and 22, on account of official business.

Mr. RAHALL (at the request of Mr. WRIGHT), for today, on account of official business.

Mr. JONES of Tennessee (at the request of Mr. WRIGHT), after 1 p.m. today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LEACH) to revise and extend their remarks and include extraneous material:)

Mr. QUIE, for 5 minutes, today.

Mr. CARTER, for 5 minutes, today.

Mr. BURKE of Florida, for 5 minutes, today.

Mrs. SMITH of Nebraska, for 2 minutes, today.

Mr. KEMP, for 10 minutes, today.

(The following Members (at the request of Mr. KOSTMAYER), to revise and extend their remarks and include extraneous material:)

Mr. COTTER, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 15 minutes, today.

Ms. MEYNER, for 5 minutes, today.

Mr. CORNELL, for 5 minutes, today.

Mr. HARRINGTON, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. JONES of Oklahoma, for 5 minutes, today.

Mr. KOCH, for 10 minutes, today.

Mr. MCHUGH, for 10 minutes, today.

Mr. THOMPSON, for 15 minutes, today.

Mr. VANIK, for 60 minutes, March 22, 1977.

Mr. BONKER, for 5 minutes, today.

Mr. KRUEGER, for 5 minutes, today.

Mr. BURKE of Massachusetts, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HEFTEL, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $1,610.

Mr. RUDD, following the remarks of GARY A. MYERS on the amendment on H.R. 4088 today.

(The following Members (at the request of Mr. LEACH) and to include extraneous matter:)

Mr. DERWINSKI in two instances.

Mr. CONABLE.

Mr. JOHN T. MYERS.

Mr. ANDERSON of Illinois.

Mr. GOLDWATER.

Mr. WAMPLER.

Mrs. HOLT.

Mr. PURSELL.

Mr. SAWYER.

Mr. BOB WILSON in two instances.

Mr. KEMP.

Mr. FINDLEY.

Mr. PRESSLER.

Mr. BURGENER.

(The following Members (at the request of Mr. KOSTMAYER), and to include extraneous matter:)

Mr. EILBERG.

Mr. RICHMOND.

Mr. COTTER.

Mr. SOLARZ.

Mr. FORD of Tennessee.

Mrs. BURKE of California.

Mr. RODINO.

Mr. ANDERSON of California in three instances.

Mr. GONZALEZ in three instances.

Ms. MIKULSKI.

Mr. KOCH in two instances.

Mr. KILDEE.

Mr. ASHLEY in two instances.

Mr. JONES of Tennessee.

Mr. FARY.

Mr. RANGEL.

Mr. MOAKLEY in three instances.

Mr. LEHMAN in two instances.

Mr. CHARLES H. WILSON of California in two instances.

Mr. WOLFF.

Mr. NOLAN.

Mr. HARKIN.

Mr. BEDELL.

Mr. UDALL in two instances.

Mr. HARRINGTON.

Mr. OBERSTAR.

Mr. AMBRO in two instances.

ADJOURNMENT

Mr. KOSTMAYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 29 minutes p.m.), under its previous order, the House adjourned until Monday, March 21, 1977, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1040. A letter from the General Counsel, U.S. General Accounting Office, transmitting a report on the release of budget authority for the Army Corps of Engineers, the rescission of which was proposed by the President but not approved by the Congress; to the Committe on Appropriations.

1041. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of a construction project proposed to be undertaken by the Army Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

1042. A letter from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting proposed final regulations for the program of financial assistance in federally affected areas (impact aid) for treatment of payments under State equalization programs, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

1043. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on the Department's activities under the Freedom of Information Act during calendar year 1976, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1044. A letter from the President and the National Executive Director, Girl Scouts of the United States of America, transmitting the organization's 27th annual report, pursuant to section 7 of the act of March 16, 1950, as amended, and section 3 of Public Law 88–504 (H. Doc. No. 95–102); to the Committee on the Judiciary and ordered to be printed.

1045. A letter from the National Adjutant, Veterans of World War I of the U.S.A., Inc., transmitting the proceedings of the organization's 24th national convention and its annual report for the year ended September 8, 1976, pursuant to section 16 of Public Law 85–530, together with a financial report for the 9 months ended June 30, 1976 (H. Doc. No. 95–103); to the Committee on the Judiciary and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAHON: Committee on Appropriations. Report on subdivision to subcommittees of budget totals agreed to in the third concurrent resolution on the budget (Senate Concurrent Resoluion 10) for fiscal year 1977 (Rept. No. 95–85). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 3437. A bill to make certain technical and miscellaneous amendments to provisions relating to vocational education contained in the Education Amendments of 1976; with amendment (Rept. No. 95–86). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of ruleXXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FINDLEY:

H.R. 5165. A bill to amend the Age Discrimination in Employment Act of 1967 to provide that the protection against discrimination established by such act shall apply to all individuals who are at least 40 years of age, to abolish certain Federal mandatory retirement requirements, and for other purposes; jointly, to the Committees on Education and Labor, Post Office and Civil Service, Armed Services, and the District of Columbia.

By Mr. MARTIN (for himself, Mr. BROYHILL, Mr. PREYER, Mr. CARTER, Mr. SCHEUER, Mr. WIRTH, Mr. MADIGAN, Mr. SKUBITZ, Mr. LUKEN, Mr. FRENZEL, and Mr. MAZZOLI):

H.R. 5166. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize an evaluation of the risks and benefits of certain food additives and to permit the marketing of saccharin until such an evaluation can be made of it; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Illinois:

H.R. 5167. A bill to provide Federal financial and technical assistance to the States to encourage the development and implementation of youth camp safety plans and programs; to the Committee on Education and Labor.

By Mr. ANDREWS of North Dakota:

H.R. 5168. A bill to amend section 4481 of the Internal Revenue Code of 1954 to

exempt single unit trucks from the highway use tax; to the Committee on Ways and Means.

By Mr. ASHLEY:

H.R. 5169. A bill to amend the Emergency Natural Gas Act of 1977 to extend for 3 years the emergency authorities granted by such act and to provide that in certain circumstances industrial use of natural gas shall be a high-priority use for purposes of such act; to the Committee on Interstate and Foreign Commerce.

By Mrs. BOGGS (for herself, Mr. BALDUS, Mr. BEVILL, Mr. CLAY, Mr. COUGHLIN, Mr. EDGAR, Mr. EDWARDS of Oklahoma, Mr. ERTEL, Mr. EVANS of Georgia, Mr. FARY, Mr. FASCELL, Mr. FRASER, Mr. FREY, Mr. HIGHTOWER, Mr. HILLIS, Mr. HUGHES, Mr. HYDE, Mr. KILDEE, Mr. KINDNESS, Mr. LEHMAN, Mr. LLOYD of California, Mr. LOTT, Mr. LUJAN, Mr. MCCLOSKEY, and Mr. METCALFE):

H.R. 5170. A bill to provide recognition to the Women's Air Force Service Pilots for their service to their country during World War II by deeming such service to have been active duty in the Armed Forces of the United States for purposes of laws administered by the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mrs. BOGGS (for herself, Mr. MIKVA, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MOORHEAD of Pennsylvania, Mr. MURPHY of Pennsylvania, Mr. NEAL, Mr. PEPPER, Mr. PREYER, Mr. PRITCHARD, Mr. RODINO, Mr. SAWYER, Mr. SIMON, Mr. STEERS, Mr. STRATTON, Mr. UDALL, Mr. WHITE, Mr. WHITEHURST, Mr. WHITLEY, Mr. CHARLES H. WILSON of California, Mr. CHARLES WILSON of Texas, Mr. WOLFF, Mr. YOUNG of Florida, and Mr. EDWARDS of California):

H.R. 5171. A bill to provide recognition to the Women's Air Force Service Pilots for their service to their country during World War II by deeming such service to have been active duty in the Armed Forces of the United States for purposes of laws administered by the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. BRODHEAD:

H.R. 5172. A bill to amend title 38, United States Code, to eliminate the time period in which a veteran has to use his educational benefits; to the Committee on Veterans' Affairs.

By Mr. BROWN of Ohio:

H.R. 5173. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to food additives; to the Committee on Interstate and Foreign Commerce.

By Mr. CHAPPELL:

H.R. 5174. A bill to amend title 28 of the United States Code, to provide for an exclusive remedy against the United States in suits based upon acts or omissions of U.S. employees, and for other purposes; to the Committee on the Judiciary.

By Mr. CONABLE:

H.R. 5175. A bill to amend the Tax Reform Act of 1976 to delay the termination date for deductions for certain transfers of property for conservation purposes, and to amend the Internal Revenue Code of 1954 to limit the recapture of amortization deductions for certain rehabilitation expenditures for certified historic structures to the extent that the deductions exceed otherwise allowable straight line depreciation; to the Committee on Ways and Means.

By Mr. CORMAN (for himself and Mr. STARK):

H.R. 5176. A bill to lower the duty on levulose until the close of December 31, 1980; to the Committee on Ways and Means.

By Mr. CORNELL:

H.R. 5177. A bill to encourage greater participation in Federal elections by designating Election Day a national holiday; to the Committee on Post Office and Civil Service.

By Mr. ROBERT W. DANIEL, JR. (for himself, Mr. ARMSTRONG, Mr. ANDERSON of Illinois, Mr. APPLEGATE, Mr. BROWN of Michigan, Mr. CAPUTO, Mr. CONTE, Mr. EDWARDS of Oklahoma, Mr. EILBERG, Mr. FINDLEY, Mr. GILMAN, Mr. GOLDWATER, Mr. KOSTMAYER, Mr. LAFALCE, Mr. OTTINGER, Mr. PANETTA, Mr. PEASE, Mr. SAWYER, Mr. STUMP, and Mr. WALGREN):

H.R. 5178. A bill to provide that the changes made by the Tax Reform Act of 1976 to the exclusion for sick pay shall only apply to taxable years beginning after December 31, 1976; to the Committee on Ways and Means.

By Mr. EVANS of Colorado:

H.R. 5179. A bill to amend the Clean Air Act to establish certain high altitude performance standards; to the Committee on Interstate and Foreign Commerce.

By Mr. FISH:

H.R. 5180. A bill to limit the power of the President to affect the Veterans' Administration in reorganization plans transmitted to the Congress under chapter 9 of title 5, United States Code; to the Committee on Government Operations.

By Mr. FISHER:

H.R. 5181. A bill to amend title 5, United States Code, to include as creditable service for purposes of the civil service retirement system certain periods of service of civilian employees of nonappropriated fund positions in special services recreation and morale programs of the Armed Forces; to the Committee on Post Office and Civil Service.

By Mr. FISHER (for himself, Mr. ANDERSON of California, Mr. HYDE, and Mr. LE FANTE):

H.R. 5182. A bill to eliminate the complete immunity from criminal, civil, and administrative jurisdiction currently given to all foreign diplomats and their staffs and to establish the Vienna Convention on Diplomatic Relations as the basis for diplomatic privileges and immunities in the United States; to the Committee on International Relations.

By Mr. FORD of Tennessee:

H.R. 5183. A bill to amend the Small Business Act to provide that the Small Business Administration shall, in assisting small business concerns in the sale of materials and services to the Federal Government, give special preference to small business concerns with 100 or fewer employees; to the Committee on Small Business.

By Mr. GEPHARDT:

H.R. 5184. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. HOWARD (for himself and Mr. HUGHES):

H.R. 5185. A bill to amend section 7(b)(2) of the Small Business Act to authorize the Small Business Administration to make loans with respect to disasters resulting from oil spills, fish kills, and certain sewage or sludge deposits; to the Committee on Small Business.

By Mr. JOHNSON of Colorado (for himself and Mr. WIRTH):

H.R. 5186. A bill to amend Public Law 92-314 to authorize appropriations to the Energy Research and Development Administration for financial assistance to limit radiation exposure from uranium mill tailings used in construction and for other purposes; jointly, to the Committees on Interior and Insular Affairs, and Interstate and Foreign Commerce.

By Mr. JONES of Oklahoma:

H.R. 5187. A bill to amend the Social Security Act to provide for nondiscriminatory reimbursement practices of the Social Security Administration in connection with utilization review of Medicare patients and to provide for fair reimbursement for carrying out such activities; to the Committee on Ways and Means.

H.R. 5188. A bill to amend the Internal Revenue Code to permit individuals to deduct all expenses for their medical care, and for other purposes; to the Committee on Ways and Means.

H.R. 5189. A bill to amend the Tax Reform Act of 1976, approved October 4, 1976, to provide for the continuation of a provision for the cancellation of certain student loans; to the Committee on Ways and Means.

H.R. 5190. A bill to amend an act to provide for the continuation of an exemption from the definition of income, for all persons so eligible pursuant to section 4 of Public Law 93-483; to the Committee on Ways and Means.

H.R. 5191. A bill providing that the tax treatment of certain transportation expenses between a taxpayer's residence and place of work shall be determined without regard to Revenue Ruling 76-453; to the Committee on Ways and Means.

By Mr. JONES of Tennessee (for himself, Mr. COLEMAN, Mr. MATHIS, Mr. WAMPLER, Mr. PANETTA, Mr. BAUCUS, Mr. JENRETTE, and Mr. JONES of North Carolina):

H.R. 5192. A bill to provide for an emergency feed program; to the Committee on Agriculture.

By Mr. KASTENMEIER (for himself, Mr. RAILSBACK, Mr. CORNWELL, Mr. COTTER, and Mr. ERTEL):

H.R. 5193. A bill to require candidates for Federal office, Members of the Congress, and officers and employees of the United States to file statements with the Comptroller General with respect to their income and financial transactions; to the Committee on the Judiciary.

By Mr. LEACH (for himself, and Mr. RAILSBACK):

H.R. 5194. A bill to establish requirements for notification of Congress before the closure of, or significant reduction in force at, a military installation is carried out; and to provide Congress, for 5 consecutive years following the closure of or significant reduction in force at a military installation, an analysis of the cost savings and efficiencies achieved; to the Committee on Armed Services.

By Mr. LEACH (for himself, Mr. STANTON, Mr. WYLIE, Mr. GRASSLEY, Mrs. FENWICK, Mr. STEERS, Mr. HOLLENBECK, Mr. HANLEY, Mrs. SPELLMAN, Mr. BADHAM, Mr. DUNCAN of Tennessee, Mr. STEIGER, Mr. SAWYER, Mr. RAILSBACK, Mr. MARLENEE, Mr. WALKER, Mr. QUIE, Mr. MARKS, Mr. PURSELL, Mr. SCHULZE, Mr. PRESSLER, Mrs. SMITH of Nebraska, Mr. HAGEDORN, and Mr. STANGELAND):

H.R. 5195. A bill to amend section 18 of the Federal Deposit Insurance Act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LEACH (for himself, Mr. MOAKLEY, Mr. SIMON, Mr. ICHORD, Mr. RICHMOND, Mr. BEILENSON, Mr. PEASE, Mr. FITHIAN, Mr. ENGLISH, Mr. DICKS, Mr. JENRETTE, Mr. PANETTA, Mr. ERTEL, Mr WALGREN and Mr. TRAXLER):

H.R. 5196. A bill to amend section 18 of the Federal Deposit Insurance Act; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. LLOYD of Tennessee:

H.R. 5197. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise the standard for regulating food additives found to induce cancer in man or animal; to the Committee on Interstate and Foreign Commerce.

By Mr. McCORMACK (for himself, Mr. PRITCHARD, Mr. AUCOIN, Mr. EDWARDS of California, Mr. BURGENER, and Mr. GOLDWATER):

H.R. 5198. A bill to provide temporary authorities to the Secretary of the Interior to facilitate emergency actions to mitigate the impacts of the 1976–77 drought; to the Committee on Interior and Insular affairs.

By Mr. McFALL:

H.R. 5199. A bill to provide temporary authorities to the Secretary of the Interior to facilitate emergency actions to mitigate the impacts of the 1976–77 drought, and to provide for emergency drought assistance loans; to the Committee on Inerior and Insular Affairs.

By Mr. MARKS (for himself, Mr. AMMERMAN, Mrs. CHISHOLM, Mr. MURPHY of New York, Mr. RAHALL, and Mr. VANDER JAGT):

H.R. 5200. A bill to offset the human and economic hardships created by critical shortages of energy supplies of unusually severe weather conditions; jointly to the Committees on Banking, Finance and Urban Affairs, Education and Labor, and Small Business.

By Mr. MARLENEE:

H.R. 5201. A bill to allow Federal employment preference to certain employees of the Bureau of Indian Affairs, and to certain employees of the Indian Health Service, who are not entitled to the benefits of, or who have been adversely affected by the application of, certain Federal laws allowing employment preference to Indians, and for other purposes; to the Committee on Post Office and Civil Service.

By Mrs. MEYNER:

H.R. 5202. A bill to amend the Internal Revenue Code of 1954 to exempt farm vehicles and soil and water conservation vehicles from the highway use tax; to the Committee on Ways and Means.

By Mr. MIKVA:

H.R. 5203. A bill to amend the Tariff Schedules of the United States in order to suspend until the close of December 31, 1978, the duty on certain field glasses, opera glasses, binoculars and other telescopes; to the Committee on Ways and Means.

By Mr. MITCHELL of Maryland:

H.R. 5204. A bill to amend the Internal Revenue Code of 1954 to provide individuals a credit against income tax if a taxpayer, his spouse, or any dependent of the taxpayer is handicapped; to the Committee on Ways and Means.

By Mr. MITCHELL of Maryland (for himself and Mr. D'AMOURS):

H.R. 5205. A bill to authorize the Secretary of the Treasury to invest public moneys, and for other purposes; jointly, to the Committees on Ways and Means, and Banking, Finance and Urban Affairs.

By Mr. PICKLE:

H.R. 5206. A bill to amend the Truth in Lending Act to provide that a creditor may not be held civilly liable under the act if the creditor is in substantial compliance with the provisions of the act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PRESSLER:

H.R. 5207. A bill to establish the National Diabetes Advisory Board and to take other actions to insure the implementations of the Committee on Interstate and Foreign Commerce.

H.R. 5208. A bill to amend the Revised Statutes of the United States to permit any Federal officer or employee to waive the receipt of any portion of his/her compensation; to the Committee on Post Office and Civil Service.

H.R. 5209. A bill to amend title 5, United States Code, to provide for a reduced retirement annuity for a Member of Congress who remains in office after becoming 70 years of age; jointly, to the Committees on Post Office and Civil Service, and House Administration.

By Mr. QUILLEN:

H.R. 5210. A bill to amend the Clean Air Act to establish certain motor vehicle emission standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN (for himself and Mr. EMERY):

H.R. 5211. A bill to provide recognition to the Women's Air Force Service Pilots for their service to their country during World War II by deeming such service to have been active duty in the Armed Forces of the United States for purposes of laws administered by the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. RICHMOND (for himself, Mr. BADILLO, Mr. BEARD of Rhode Island, Mr. BINGHAM, Mr. CARNEY, Mrs. COLLINS of Illinois, Mr. CORNELL, Mr. DIGGS, Mr. DOWNEY, Mr. JEFFORDS, Mr. LEHMAN, Mrs. LLOYD of Tennessee, Mr. MCKINNEY, Mr. MIKVA, Mr. MITCHELL of New York, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. NEAL, Mr. NOLAN, Mr. PATTISON of New York, Mr. ROE, Mr. ROSENTHAL, Mr. ROYBAL, Mr. RYAN, and Mr. SCHEUER):

H.R. 5212. A bill to provide a comprehensive program of employment services and opportunities for middle-aged and older Americans; jointly, to the committees on Education and Labor, and Post Office and Civil Service.

By Mr. RICHMOND (for himself, Mr. SOLARZ, Mrs. SPELLMAN, Mr. STOKES, Mr. WEISS, Mr. YATRON, and Mr. FORD of Tennessee):

H.R. 5213. A bill to provide a comprehensive program of employment services and opportunities for middle-aged and older Americans; jointly, to the Committees on Education and Labor, and Post Office and Civil Service.

By Mr. ST GERMAIN (for himself and Mr. REUSS):

H.R. 5214. A bill to amend section 18 of the Federal Deposit Insurance Act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SARASIN (for himself, Mr. ANDERSON of Illinois, Mr. ASHLEY, Mr. BROWN of Michigan, Mr. BROWN of California, Mr. CEDERBERG, Mr. CLEVELAND, Mr. DOWNEY, Mr. DUNCAN of Tennessee, Mr. EDGAR, Mr. FRENZEL, Mr. GRADISON, Mr. HORTON, Mr. HYDE, Mr. JENRETTE, Mr. KEMP, Mr. MADIGAN, Mr. MAGUIRE, Mr. MIKVA, Mr. MOORHEAD of California, Mr. QUIE, Mr. ROSTENKOWSKI, and Mr. WALKER):

H.R. 5215. A bill to amend the Occupational Safety and Health Act of 1970 to further encourage industrial safety, and for other purposes; to the Committee on Education and Labor.

By Mr. SAWYER:

H.R. 5216. A bill to amend title 38 of the United States Code to make certain that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced because of increases in monthly social security benefits; to the Committee on Veterans' Affairs.

By Mr. SCHEUER (for himself, Mr. WAXMAN, Mr. BADILLO, Mr. JOHN L. BURTON, Mrs. CHISHOLM, Mrs. COLLINS of Illinois, Mr. CORRADA, Mr. DERWINSKI, Mr. DOWNEY, Mr. DRINAN, Mr. DUNCAN of Tennessee, Mr. FLOOD, Mr. FORD of Tennessee, Mr. HAWKINS, Mr. MAGUIRE, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. NEAL, Mr. PATTERSON of California, Mr. ROSENTHAL, Mr. ROYBAL, and Mr. SOLARZ):

H.R. 5217. A bill to establish equal employment opportunities for individuals over 40 years of age under a nationwide program for full employment and balanced growth; to the Committee on Education and Labor.

By Mr. SIMON (for himself, Mr. JENRETTE, Mr. KOCH, Mr. BONIOR, Mr. FLOOD, Mr. LE FANTE, Mr. BARNARD, and Mr. RYAN):

H.R. 5218. A bill to provide meaningful and productive work for the Nation's youths, and to provide comprehensive job counseling and placement services for youths, and for other purposes; to the Committee on Education and Labor.

By Mr. SIMON:

H.R. 5219. A bill to amend title XVIII of the Social Security Act to include hearing aids and eyeglass lenses (and related examinations), and dentures, among the items and services for which payment may be made under the supplementary medical insurance program; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. SISK (for himself and Mr. KREBS):

H.R. 5220. A bill to provide tax incentives to encourage physicians, dentists, and optometrists to practice in physician shortage areas; to the Committee on Ways and Means.

By Mrs. SMITH of Nebraska (for herself, Mr. THONE, Mr. SEBELIUS, and Mr. CAVANAUGH):

H.R. 5221. A bill to provide for the establishment of the George W. Norris Home National Historic Site in the State of Nebraska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SOLARZ (for himself, Mr. BADILLO, Mr. BEDELL, Mr. BLANCHARD, Mr. CARNEY, Mrs. CHISHOLM, Mr. COHEN, Mr. COLLINS of Texas, Mr. CONTE, Mr. DOWNEY, Mr. DRINAN, Mr. EDGAR, Mr. EDWARDS of California, Mr. GIBBONS, Mr. HARRINGTON, Mr. HAWKINS, Ms. HOLTZMAN, Mr. JENRETTE, Mr. KOSTMAYER, Mr. KREBS, Mr. LEACH, Mr. LONG of Maryland, Mr. MAZZOLI, Mrs. MEYNER, and Mr. MIKVA):

H.R. 5222. A bill to amend the Arms Export Control Act to provide the Congress with an opportunity to disapprove proposed transfers from the recipient country to another country of defense articles or related training or other defense services supplied by the United States; to the Committee on International Relations.

Mr. SOLARZ (for himself, Mr. FITHIAN, Mr. MINETA, Mr. MITCHELL of Maryland, Mr. NOLAN, Mr. PATTERSON of California, Mr. PEASE, Mr. RANGEL, Mr. ROE, Mr. ROSENTHAL, Mr. SCHEUER, Mr. SIMON, Mr. STEERS, Mr. STUDDS, Mr. WAXMAN, and Mr. WEAVER):

H.R. 5223. A bill to amend the Arms Export Control Act to provide the Congress with an opportunity to disapprove proposed transfers from the recipient country to another country of defense articles or related training or other defense services supplied by the United States; to the Committee on International Relations.

By Mr. VENTO:

H.R. 5224. A bill to provide for grants to States for the payment of compensation to persons injured by certain criminal acts and omissions, and for other purposes; to the Committee on the Judiciary.

By Mr. WALKER:

H.R. 5225. A bill to permit the marketing of saccharin with labeling warning of evidence of its risk to health; to the Committee on Interstate and Foreign Commerce.

By Mr. WEISS (for himself and Mr. WAXMAN):

H.R. 5226. A bill to amend the Age Discrimination in Employment Act of 1971 to extend the protection against discrimination in employment to individuals who are over 64 years of age, and to make unlawful those seniority systems and employee benefit plans which require the retirement of individuals who are 40 years of age or older; to the Committee on Education and Labor.

By Mr. WHITEHURST (for himself, Mr. BADHAM, Mr. BAFALIS, Mr. BAUCUS, Mr. BEDELL, Mr. BUCHANAN, Mr. CLEVELAND, Mr. COCHRAN, Mr. CORNWELL, Mr. COUGHLIN, Mr. DAN DANIEL, Mr. EMERY, Mr. ERLENBORN, Mr. FAUNTROY, Mr. FINDLEY, Mr. FLOWERS, Mr. FLYNT, Mr. GLICKMAN, Mr. HANNAFORD, Mr. HIGHTOWER, Mr. HYDE, Mr. KEMP, Mr. KINDNESS, Mr. KOSTMAYER, and Mr. LAGOMARSINO):

H.R. 5227. A bill to give the Food and Drug Administration greater discretion in the control of food additives; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITEHURST (for himself, Mr. LOTT, Mr. LUJAN, Mr. MAZZOLI, Ms. MIKULSKI, Mr. JOHN T. MYERS, Mr. NEDZI, Mr. REGULA, Mr. RUNNELS, Mr. SAWYER, Mrs. SMITH of Nebraska, Mr. CHARLES WILSON of Texas, and Mr. CHARLES H. WILSON of California):

H.R. 5228. A bill to give the Food and Drug Administration greater discretion in the control of food additives; to the Committee on Interstate and Foreign Commerce.

By Mr. PICKLE:

H.J. Res. 332. Joint resolution designating National Coaches' Day; to the Committee on Post Office and Civil Service.

By Mr. ROSTENKOWSKI:

H.J. Res. 333. Joint resolution relating to the publication of economic and social statistics for Americans of Balto-Slavic origin or descent; jointly, to the Committees on Education and Labor, and Post Office and Civil Service.

By Mr. BOB WILSON:

H.J. Res. 334. Joint resolution requiring that the Congressional Medal of Honor previously awarded to D. Mary Edwards Walker in 1865 be restored to her; to the Committee on Armed Services.

By Mr. YOUNG of Missouri (for himself, Mr. HYDE, Mr. SNYDER, Mr. EDWARDS of Oklahoma, and Mr. GEPHARDT):

H.J. Res. 335. Joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. COLEMAN (for himself, Mr. BURLISON of Missouri, Mr. GEPHARDT, Mr. SKELTON, Mr. VOLKMER, and Mr. YOUNG of Missouri):

H. Con. Res. 164. Concurrent resolution providing for the printing of additional copies of memorial addresses delivered in the Congress in tribute to Jerry L. Litton; to the Committee on House Administration.

By Mr. FLOOD (for himself, Mr. ANNUNZIO, Mr. BURKE of Massachusetts, Mr. DELANEY, Mr. DERWINSKI, Mr. DODD, Mr. GIAIMO, Mr. KOCH, Mr. MOAKLEY, Mr. PATTEN, Mr. SARASIN, Mr. STRATTON, Mr. WALSH, and Mr. WYDLER):

H. Con. Res. 165. Concurrent resolution relative to rights of Ukrainian citizens; to the Committee on International Relations.

By Mr. PEASE (for himself, Mr. PRICE, Mr. ROE, Mr. OTTINGER, Mr. FITHIAN, Mr. JENRETTE, Mr. BLOUIN, Mr. PATTERSON of California, Mr. DOWNEY, Mr. CARNEY, Mr. WALGREN, Mr. KOSTMAYER, Mr. PANETTA, Mr. AUCOIN, Mr. NIX, Mr. ADDABBO, Mrs. FENWICK, Mr. JOHN L. BURTON, Mr. MURPHY of Pennsylvania, Mr. BINGHAM, Mr. BRODHEAD, Mr. KILDEE, Mr. BRADEMAS, Mr. HANNAFORD, and Mr. WIRTH):

H. Con. Res. 166. Concurrent resolution reaffirming the commitment of the United States to obtain full compliance with the human rights provisions of the Helsinki Accords and to press for global commitment to human rights; to the Committee on International Relations.

By Mr. PRESSLER:

H. Con. Res. 167. Concurrent resolution expressing the sense of the Congress in favor of diverting at least one-fifth of the funds which would otherwise be appropriated for foreign military assistance each year and using such funds instead to improve the financial condition of the social security program; to the Committee on Appropriations.

By Mr. HORTON (for himself, Mr. STEED, Mr. BROYHILL, Mr. ANDERSON of Illinois, Mr. LOTT, Mr. GLICKMAN, Mrs. SPELLMAN, Mr. ERLENBORN, Mr. CHARLES WILSON of Texas, Mr. OTTINGER, Mr. BARNARD, Mr. BLOUIN, Mr. BROWN of Michigan, Mr. LEVITAS, Mr. LLOYD of California, Mr. FISH, Mr. ERTEL, Mr. HANNAFORD, Mr. QUIE, Mr. KETCHUM, Mr. WALKER, Mr. ARCHER, Mr. WATKINS, Mr. MILLER of Ohio, and Mr. ANDREWS of North Dakota:

H. Res. 412. Resolution amending clause 7 of rule XIII of the rules of the House; to the Committee on Rules.

By Mr. HORTON (for himself, Mr. STEED, Mr. HANLEY, Mr. FASCELL, Mr. PEPPER, Mr. SIMON, Mr. MCKINNEY, Mr. AUCOIN, Mr. HEFNER, Mr. HIGHTOWER, Mr. LAGOMARSINO, Mrs. LLOYD of Tennessee, Mr. WINN, Mr. DAN DANIEL, Mr. THONE, Mr. WHITEHURST, Mr. IRELAND, Mr. GRADISON, Mr. MAZZOLI, Mr. SANTINI, Mr. LE FANTE, Mrs. SMITH of Nebraska, Mr. WIRTH, Mr. HALL, and Mr. KINDNESS):

H. Res. 413. Resolution amending clause 7 of rule XIII of the rules of the House; to the Committee on Rules.

By Mr. HORTON (for himself, Mr. STEED, Mr. SISK, Mr. MURPHY of Illinois, Mr. PIKE, Mr. TEAGUE, Mr. PICKLE, Mr. ICHORD, Mr. MOORHEAD of California, Mr. FORSYTHE, Mr. COUGHLIN, Mr. CAVANAUGH, Mr. RAHALL, Mr. YATRON, Mr. COLLINS of Texas, Mr. CLEVELAND, Mr. PRESSLER, Mr. GEPHARDT, Mr. EDWARDS of California, and Mr. PRITCHARD):

H. Res. 414. Resolution amending clause 7 of rule XIII of the rules of the House; to the Committee on Rules.

By Mrs. MEYNER (for herself, Mr. EDGAR, Mr. MURPHY of New York, Mr. METCALFE, Mr. FRASER, Mrs. FENWICK, Mr. MCHUGH, Mr. HUGHES, Mr. MICHAEL O. MYERS, Mr. BADILLO, Mr. KREBS, Mr. MAZZOLI, Mr. MITCHELL of Maryland, Mr. SIMON, Mr. PATTISON of New York, Mrs. SCHROEDER, Mrs. SPELLMAN, Mr. RICHMOND, Ms. KEYS, Mr. JENRETTE, Ms. MIKULSKI, Mr. WEISS, Mr. ROYBAL, Mr. BEDELL, and Mr. EDWARDS of California):

H. Res. 415. Resolution applauding the courageous efforts of the Women's Peace Movement to end the tragic sectarian violence in Northern Ireland; to the Committee on International Relations.

By Mrs. MEYNER (for herself, Mr. MIKVA, Mr. WAXMAN, Mr. SOLARZ, Mr. LEHMAN, Mr. BROWN of California, Mr. THOMPSON, Mr. KASTENMEIER, Mr. STARK, and Mr. QUIE):

H. Res. 416. Resolution applauding the courageous efforts of the Women's Peace Movement to end the tragic sectarian violence in Northern Ireland; to the Committee on International Relations.

By Mr. SCHEUER (for himself, Mr. ALEXANDER, Mr. ALLEN, Mr. BROOMFIELD, Mr. BOWEN, Mr. BRADEMAS, Mr. BROWN of Ohio, Mr. BROYHILL, Mr. BURGENER, Mr. BURKE of Florida, Mr. JOHN L. BURTON, Mr. BUTLER, Mr. DANIELSON, Mr. DEVINE, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. ERLENBORN, Mr. FOUNTAIN, Mr. GIBBONS, Mr. GRADISON, Mr. GUDGER, Mr. HAMILTON, Mr. HARKIN, Mr. KASTENMEIER, and Mr. LONG of Louisiana):

H. Res. 417. Resolution to establish a Select Committee on Population; to the Committee on Rules.

By Mr. SCHEUER (for himself Mr. MADIGAN, Mr. MAGUIRE, Mr. MEEDS, Mr. MIKVA, Mr. MONTGOMERY, Mr. MOORHEAD of California, Mr. MOORHEAD of Pennsylvania, Mr. MURPHY of Illinois, Mr. PATTEN, Mr. QUILLEN, Mr. RAHALL, Mr. RONCALIO, Mr. ROSTENKOWSKI, Mr. RYAN, Mr. SHUSTER, Mr. SISK, Mr. SKUBITZ, Mr. SMITH of Iowa, Mr. STAGGERS, Mr. STEED, Mr. STOCKMAN, Mr. THOMPSON, Mr. WHALEN, and Mr. WIGGINS):

H. Res. 418. Resolution to establish a Select Committee on Population; to the Committee on Rules.

By Mr. SCHEUER (for himself, Mr. WINN, and Mr. ZABLOCKI):

H. Res. 419. Resolution to establish a Select Committee on Population; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GEPHARDT:

H.R. 5229. A bill for the relief of Ebinger Electronics, Inc.; to the Committee on the Judiciary.

By Mr. QUAYLE:

H.R. 5230. A bill for the relief of Jung In Bang; to the Committee on the Judiciary.

PETITION, ETC.

Under clause 1 of rule XXII,

62. The SPEAKER presented a petition of Arthur J. Herrimann, Jr., West Warwick, R.I., relative to the Environmental Protection Agency's program for cleaning up municipal discharge, which was referred; to the Committee on Public Works and Transportation.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4250

(Amendment in the nature of a substitute.)

By Mr. ALLEN:

Strike out all language which follows the enacting clause and substitute therefor the following language:

TITLE I—PROTECTION OF ECONOMIC RIGHTS OF LABOR IN THE CONSTRUCTION INDUSTRY

SEC. 101. (a) Section 8(b)(4) of the National Labor Relations Act, as amended, is amended by inserting before the semicolon at the end thereof ": *Provided further*, That nothing contained in clause (B) of this paragraph (4) shall be construed to prohibit any strike or refusal to perform services or any inducement of any individual employed by any employer primarily engaged in the construction industry on the site to strike or refuse to perform services at the site of the construction, alteration, painting, or repair of a building, structure, or other work and directed at any of several employers who are in the construction industry and are jointly engaged as joint ventures or in the relationship of contractors and subcontractors in such construction, alteration,

painting, or repair at such site: *Provided further,* That nothing in the above proviso shall be construed to permit a strike or refusal to perform services or any inducement of any individual employed by any person to strike or refuse to perform services in furtherance of a labor dispute, unlawful under this Act or in violation of an existing collective bargaining contract, relating to the wages, hours, or other working conditions of employees employed at such site by any of such employers, and the issues in dispute involve a labor organization which is representing the employees of an employer at the site who is not engaged primarily in the construction industry: *Provided further,* Except as provided in the above provisos nothing herein shall be construed to permit any act or conduct which was or may have been an unfair labor practice under this subsection: *Provided further,* That nothing in the above provisos, shall be construed to prohibit any act which was not an unfair labor practice under the provisions of this subsection existing prior to the enactment of such provisos: *Provided further,* That nothing in the above provisos shall be construed to authorize picketing, threatening to picket, or causing to be picketed, any employer where an object thereof is the removal or exclusion from the site of any employee on the ground of sex, race, creed, color, or national origin or because of the membership or nonmembership of any employee in any labor organization: *Provided further,* That nothing in the above provisos shall be construed to authorize picketing, threatening to picket, or causing to be picketed, any employer where an object thereof is to cause or attempt to cause an employer to discriminate against any employee, or to discriminate against an employee with respect to whom membership in a labor organization has been denied or terminated on some ground other than his failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership, or to exclude any labor organization on the ground that such labor organization is not affiliated with a national or international labor organization which represents employees of an employer at the common site: *Provided further,* That nothing in the above provisos shall be construed to permit any attempt by a labor organization to require an employer to recognize or bargain with any labor organization presently prohibited by paragraph (7) of subsection (b): *Provided further,* That if a labor organization engages in picketing for an object described in paragraph (7) of subsection (b) and there has been filed a petition under subsection (c) of section 9, and a charge under subsection (b) of section 10, the Board shall conduct an election and certify the results thereof within fourteen calendar days from the filing of the later of the petition and the charge: *Provided further,* That nothing in the above provisos shall be construed to permit any picketing of a common situs by a labor organization to force, require, or persuade any person to cease or refrain from using, selling, purchasing, handling, transporting, specifying, installing, or otherwise dealing in the products or systems of any other producer, processor, or manufacturer. In determining whether several employers who are in the construction industry are jointly engaged as joint venturers at any site, ownership or control of such site by a single person shall not be controlling".

(b) Section 8 of such Act is amended by adding at the end thereof the following new subsections:

"(h) Notwithstanding the provisions of this or any other Act, where a State law requires separate bids and direct awards to employers for construction, the various contractors awarded contracts in accordance with such applicable State law shall not for the purposes of the third proviso at the end of paragraph (4) of subsection (b) of this section, be considered joint venturers or in the relationship of contractors and subcontractors with each other or with the State or local authority awarding such contracts at the common site of the construction.

"(i) Notwithstanding the provisions of this or any other Act, any employer at a common construction site may bring an action for injunctive relief under section 301 of the Labor Management Relations Act (29 U.S.C. 141) to enjoin any strike or picketing at a common situs in breach of a no-strike clause of a collective-bargaining agreement relating to an issue which is subject to final and binding arbitration or other method of final settlement of disputes as provided in the agreement.

"(j) The provisions of the third proviso at the end of paragraph (4) of subsection (b) of this section shall not apply at the site of the construction, alteration, painting, or repair of a building, structure, or other work involving residential structures of three residential levels or less constructed by an employer who in the last taxable year immediately preceding the year in which the determination under this subsection is made had, in his own capacity or with or through any other person, a gross volume of construction business of $9,500,000 or less, adjusted annually as determined by the Secretary of Labor, based upon the revisions of the Price Index for New One Family Houses prepared by the Bureau of the Census, if the employer within 10 days of being served with the notice required by subsection (g)(2)(A) of this section notifies each labor organization which served that notice in an affidavit that he satisfies the requirements set forth in this subsection.".

(c) Section 8(g) of such Act is amended by redesignating the present section 8(g) as section 8(g)(1), and adding at the end thereof the following:

"(2)(A) A labor organization before engaging in activity permitted by the third proviso at the end of paragraph (4) of subsection (b) of this section shall provide prior written notice of intent to strike, picket or to refuse to perform services of not less than ten days to all unions and the employers and the general contractor at the site and to any national or international labor organization of which the labor organization involved is an affiliate and to the Construction Industry Collective Bargaining Committee: *Provided,* That at any time after the expiration of ten days from transmittal of such notice the labor organization may engage in activities permitted by the third proviso at the end of paragraph (4) of subsection (b) of this section if the national or international labor organization of which the labor organization involved is an affiliate gives notice in writing authorizing such action provided the Construction Industry Collective Bargaining Committee under the provisions of Title II hereof does not disapprove and notify the labor organization of its disapproval prior to the expiration of said ten days, in which event such strike, picketing or refusal to perform services shall be postponed at least thirty days to give time to the parties involved to reconcile their differences or dispute by collective bargaining, with such assistance as the Federal Mediation and Conciliation Service of the Department of Labor may provide; *Provided further,* That authorization of such action by the national or international labor organization shall not render it subject to criminal or civil liability arising from activities, notice of which was given pursuant to this subparagraph, unless such authorization is given with actual knowledge that the picketing is to be willfully used to achieve an unlawful purpose.

"(B) In the case of any such site which is located at any military facility or installation of the Army, Navy, or Air Force, or which is located at a facility or installation of any other department or agency of the Government if a major purpose of such facility or installation is or will be the development, production, testing, firing or launching of munitions, weapons, missiles, or space vehicles, prior written notice of intent to strike or to refuse to perform services, of not less than ten days shall be given by the labor organization involved to the Federal Mediation and Conciliation Service, to any State or territorial agency established to mediate and conciliate disputes within the State or territory where such site is located, to the several employers who are jointly engaged at such site, to the Army, Navy, or Air Force or other department or agency of the Government concerned with the particular facility or installation, and to any national or international labor organization of which the labor organization involved is an affiliate.

"(C) The notice requirements of subparagraphs (A) and (B) above are in addition to and not in lieu of the notice requirements prescribed by section 8(d) of the Act.".

SEC. 102. The amendments made by this title shall take effect 90 days after the date of enactment of this title except (1) with respect to all construction work having a gross value of $5,000,000 or less which was contracted for and on which work had actually started on April 1, 1977, the amendments made by this title shall take effect one year after such effective date, and (2) with respect to all construction work having a gross value of more than $5,000,000 which was contracted for and on which work had actually started on April 1, 1977, the amendments made by this title shall take effect two years after such effective date.

TITLE II—CONSTRUCTION INDUSTRY COLLECTIVE BARGAINING

SHORT TITLE

SEC. 201. This title may be cited as the "Construction Industry Collective Bargaining Act of 1977".

FINDINGS AND PURPOSES

SEC. 202. (a) The Congress finds and declares that the legal framework for collective bargaining in the construction industry is in need of revision; and that an enhanced role for national labor organizations and national contractor associations working as a group is needed to minimize instability, conflict, and distortions, to assure that problems of collective-bargaining structure, productivity and manpower development are constructively approached by contractors and unions themselves, and at the same time to permit the flexibility and variations that appropriately exist among localities, crafts, and branches of the industry.

(b) It is therefore the purpose of this title to establish a more viable and practical structure for collective bargaining in the construction industry by establishing procedures for negotiations with a minimum of governmental interference in the free collective-bargaining process.

CONSTRUCTION INDUSTRY COLLECTIVE BARGAINING COMMITTEE

SEC. 203. (a) There is hereby established in the Department of Labor a Construction Industry Collective Bargaining Committee. The Committee members shall be appointed as follows:

(1) Ten members shall be appointed by the President from among individuals qualified by experience and affiliation to represent the viewpoint of employers engaged in collective bargaining in the construction industry.

(2) Ten members shall be appointed by the President from among individuals qualified by experience and affiliation to represent the viewpoint of the standard national labor organizations in the construction industry.

(3) Up to three members shall be ap-

pointed by the President from among individuals qualified by training and experience to represent the public interest, one of whom shall be designated by him to serve as Chairman.

(4) The Secretary of Labor, ex officio.

(5) The Director of the Federal Mediation and Conciliation Service, ex officio.

The employer, labor, and public members shall be appointed by the President after consultation with representative labor and management organizations in the industry whose members are engaged in collective bargaining . Any alternate members who may be appointed shall be appointed in the same manner as regular members. An organizational meeting of the Committee shall be held at the call of the Chairman at which there shall be in attendance at least five members qualified to represent the viewpoint of employers, five members qualified to represent the viewpoint of labor organizations, and one member qualified to represent the public interest. All actions of the Committee shall be taken by the Chairman or the Executive Director on behalf of the Committee.

(b) The Secretary of Labor may appoint such staff as is appropriate to carry out the Committee's functions under this title and with the approval of the Committee, may appoint an Executive Director.

(c) The Committee shall, without regard to the provisions of section 553 of title 5, United States Code, promulgate such rules and regulations as may be necessary or appropriate to carry out the purposes of this title including the designation of "standard national construction labor organizations" and "national construction contractor associations" qualified to participate in the procedures set forth in this title.

NOTICE REQUIREMENTS

SEC. 204. (a) In addition to the requirements of any other law, including section 8 (d) of the National Labor Relations Act, as amended, where there is in effect a collective bargaining agreement covering employees in the construction industry between a local construction labor organization or other subordinate body affiliated with a standard national construction labor organization, or between a standard national construction labor organization directly, and an employer or association of employers in the construction industry, neither party shall terminate or modify such agreement or the terms or conditions thereof without serving a written notice of the proposed termination or modification in the form and manner prescribed by the Committee effective sixty days prior to the expiration date thereof, or in the event such collective bargaining agreement contains no expiration date, sixty days prior to the time it is proposed to make such termination or modification. The notice required by this subsection shall be served as follows:

(1) A local construction labor organization or other subordinate body affiliated with a standard national construction labor organization shall serve notice upon such national organization.

(2) An employer or local association of employers shall serve such notice upon all national construction contractor associations with which the employer or association is affiliated. An employer or local association of employers, which is not affiliated with any national construction contractor association shall serve such notice upon the Committee.

(3) Standard national construction labor organizations and national construction contractor associations shall serve such notice upon the Committee with respect to termination or modification of agreements to which they are directly parties.

The parties shall continue in full force and effect, without resorting to strike or lockout, all the terms and conditions of the existing collective bargaining agreement for a period of sixty days after the notice required by this subsection is given or until the expiration of such collective bargaining agreement, whichever occurs later.

(b) Standard national construction labor organizations and national construction contractor associations shall furnish forthwith to the Committee copies of all notices served upon them as provided by subsection (a) of this section.

(c) The Committee shall prescribe the form and manner and other requirements relating to the submission of the notices required by this section.

ROLE OF THE COMMITTEE AND NATIONAL LABOR AND EMPLOYER ORGANIZATIONS IN COLLECTIVE BARGAINING

SEC. 205. (a) Whenever the committee has received notice pursuant to section 204 and a written request for its assistance from any interested party to the dispute, it shall take jurisdiction of the matter, and it may do so with or without the request or suggestion of any interested party, by transmitting written notice to the signatory labor organization or organizations and the association or associations of employers directly party to the collective bargaining agreement, during the ninety-day period which includes and immediately precedes the later of: (1) the ninetieth day following the giving of notice under section 204(a); or (2) whichever is applicable, (A) the thirtieth day following the expiration of the collective bargaining agreement, or (B) the thirtieth day following the date proposed for termination or modification of such agreement.

(b) The Committee shall take such jurisdiction in accordance with the standards set forth in section 206. When the Committee has taken jurisdiction under this section, it shall in order to facilitate a peaceful voluntary resolution of the matter and the avoidance of future disputes: (1) refer such matter to voluntary national craft or branch boards or other appropriate organizations established in accordance with section 207; (2) meet with interested parties and take other appropriate action to assist the parties; or (3) take the action provided for in both preceding clauses (1) and (2) of this subsection. At any time after the taking of jurisdiction, the Committee may continue to meet with interested parties as provided herein.

(c) When the Committee has taken jurisdiction within the ninety-day period specified in this section over a matter relating to the negotiation of the terms or conditions of any collective bargaining agreement involving construction work between: (1) any standard national construction labor organization, or any local construction labor organization or other subordinate body affiliated with any standard national construction labor organization, and (2) any employer or association of employers, notwithstanding any other law, no such party may, at any time prior to the expiration of the ninety-day period specified in this subsection, engage in any strike or lockout, or the continuing thereof, unless the Committee sooner releases its jurisdiction.

(d) When the Committee receives any notice required by section 204 it is directed to request in writing at any time during the ninety-day period specified in subsection (a) of this section participation in the negotiations by the standard national construction labor organizations with which the local construction labor organizations or other subordinate bodies are affiliated and the national construction contractor associations with which the employers or local employer associations are affiliated.

(e) In any matters as to which the Committee takes jurisdiction under subsection (a) of this section and makes a referral authorized by subsection (d) of this section, no new collective bargaining agreement or revision of any existing collective bargaining agreement between a local construction labor organization or other subordinate body affiliated with the standard national construction labor organization, and an employer or employer association shall be of any force or effect unless such new agreement or revision is approved in writing by the standard national construction labor organization with which the local labor organization or other subordinate body is affiliated. Prior to such approval the parties shall make no change in the terms or conditions of employment. The Committee may at any time suspend or terminate the operation of this subsection as to any matter previously referred pursuant to subsection (d) of this section.

(f) No standard national construction labor organization or national construction contractor association shall incur any criminal or civil liability, directly or indirectly, for actions or omissions pursuant to a request by the Committee for its participation in collective bargaining negotiations, or the approval or refusal to approve a collective bargaining agreement under this title: *Provided*, That this immunity shall not insulate from civil or criminal liability a standard national construction labor organization or national construction contractor association when it performs an act under this statute to willfully achieve a purpose which it knows to be unlawful: *Provided further*, That a standard labor organization shall not by virtue of the performance of its duties under this Act be deemed the representative of any affected employees within the meaning of section 9(a) of the National Labor Relations Act or become a party to or bear any liability under any agreement it approves pursuant to its responsibilities under this Act.

(g) Nothing in this title shall be deemed to authorize the Committee to modify any existing or proposed collective bargaining agreement.

STANDARDS FOR COMMITTEE ACTION

SEC. 206. The Committee shall take action under section 205 in order to—

(1) facilitate collective bargaining in the construction industry, improvements in the structure of such bargaining, agreements covering more appropriate geographical areas, or agreements more accurately reflecting the conditions of various branches of the industry;

(2) promote stability of employment and economic growth in the construction industry;

(3) encourage collective bargaining agreements embodying appropriate expiration dates;

(4) promote practices consistent with appropriate apprenticeship training and skill level differentials among the various crafts or branches;

(5) promote voluntary procedures for dispute settlement; or

(6) otherwise be consistent with the purposes of this title.

OTHER FUNCTIONS OF THE COMMITTEE

SEC. 207. (a) The Committee shall promote and assist in the formation of voluntary national craft or branch boards or other appropriate organizations composed of representatives of one or more standard national construction labor organizations and one or more national construction contractor associations for the purpose of attempting to seek resolution of local labor disputes and review collective-bargaining policies and developments in the particular craft or branch of the construction industry involved. Such boards, or other appropriate organizations, may engage in such other activities relating to collective bargaining as their members shall mutually determine to be appropriate.

(b) The Committee shall, from time to time, make such recommendations as it deems appropriate, including those intended to assist in the negotiations of collective-

bargaining agreements in the construction industry; to facilitate area bargaining structures; to improve productivity, manpower development, and training; to promote stability of employment and appropriate differentials among branches of the industry; to improve dispute settlement procedures; and to provide for the equitable determination of wages and benefits. The Committee may make other suggestions, as it deems appropriate, relating to collective bargaining in the construction industry.

MISCELLANEOUS PROVISIONS

SEC. 208. (a) This title shall apply only to activities affecting commerce as defined in sections 2(6) and 2(7) of the National Labor Relations Act, as amended.

(b) Nothing in this title shall be construed to require an individual employee to render labor or services without the employee's consent, nor shall anything in this title be construed to make the quitting of labor by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or services, without the employee's consent; nor shall the quitting of labor by an employee or employees in good faith because of abnormally dangerous conditions for work at the place of employment of such employee or employees be deemed a strike under this title.

(c) The failure or refusal to fulfill any obligation imposed by this title on any labor organization, employer, or association of employers shall be remediable only by a civil action for equitable relief brought by the Committee in a district court of the United States, according to the procedures set forth in subsection (d) of this section.

(d) The Committee may direct that the appropirate district court of the United States having jurisdiction of the parties be petitioned to enforce any provision of this title. No court shall issue any order under section 205(c) prohibiting any strike, lockout, or the continuing thereof, for any period beyond the ninety-day period specified in section 205(a).

(e) The findings, decisions, and actions of the Committee pursuant to this title may be held unlawful and set aside only where they are found to be arbitrary or capricious, in excess of its delegated powers, or contrary to a specific requirement of this title.

(f) Sevice of members or alternate members of the Committee may be utilized without regard to section 665(b) of title 31, United States Code. Such individuals shall be deemed to be special Government employees on days in which they perform services for the Committee.

(g) In granting appropriate relief under this title the jurisdiction of United States courts sitting in equity shall not be limited by the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (29 U.S.C. 101).

(h) The Committee may make studies and gather data with respect to matters which may aid in carrying out the provisions of this title.

(i) Notwithstanding anything in subchapter II of chapter 5 of title 5, United States Code, in carrying out any of its functions under this title, the Committee shall not be required to conduct any hearings. Any hearings conducted by the Committee shall be conducted without regard to the provisions of subchapter II of chapter 5 of title 5, United States Code.

(j) Except as provided herein, nothing in this title shall be deemed to supersede or modify any other provision of law.

(k) In all civil actions under this title, attorneys appointed by the Secretary may represent the Committee (except as provided in section 518(a) of title 28, United States Code), but all such litigation shall be subject to the direction and control of the Attorney General.

COORDINATION

SEC. 209. (a) At the request of the Committee, the other agencies and departments of the Government shall provide, to the extent permitted by law, information deemed necessary by the Committee to carry out the purposes of this title.

(b) The Committee and the Federal Mediation and Conciliation Service shall regularly consult and coordinate their activities to promote the purposes of this title.

(c) Other agencies and departments of the Federal Government shall cooperate with the Committee and the Federal Mediation and Conciliation Service in order to promote the purposes of this title.

DEFINITIONS

SEC. 210. (a) The terms "labor dispute", "employer", "employee", "labor organization", "person", "construction", "lockout", and "strike" shall have the same meaning as when used in the Labor-Management Relations Act, 1947, as amended.

(b) As used in this title the term "Committee" means the Construction Industry Collective Bargaining Committee established by section 203 of this title.

SEPARABILITY

SEC. 211. If any provision of this title or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this title or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

AUTHORIZATION OF APPROPRIATIONS

SEC. 212. There are authorized to be appropriated such sums as may be necessary to carry out this title.

EXPIRATION DATE AND REPORTS

SEC. 213. (a) This title shall expire on December 31, 1982.

(b) No later than one year following the date of enactment of this title and at one-year intervals thereafter, the Committee shall transmit to the President and to the Congress a full report of its activities under this title during the preceding year.

(c) No later than June 30, 1982, the Committee shall transmit to the President and to the Congress a full report on the operation of this title together with recommendations, including a recommendation as to whether this title should be extended beyond the expiration date specified in subsection (a) of this section, and any other recommendations for legislation as the Committee deems appropriate.

FACTUAL DESCRIPTIONS OF BILLS AND RESOLUTIONS INTRODUCED

Prepared by the Congressional Research Service pursuant to clause 5(d) of House Rule X. Previous listing appeared in the CONGRESSIONAL RECORD of March 10, 1977, page 7088):

H.R. 451. January 4, 1977. Judiciary. Amends the Civil Rights Act of 1964 to prohibit discrimination based on affectional or sexual preference in: (1) public accommodations; (2) public facilities; (3) public education; (4) federally assisted opportunities; (5) equal employment opportunities; (6) housing; and (7) educational programs receiving Federal assistance.

H.R. 452. January 4, 1977. Ways and Means; Interstate and Foreign Commerce. Establishes a system of survey and certification, rate-setting and audit, and general regulation of long-term care facilities under the Medicaid programs of the Social Security Act. Creates a system of patient need assessment in order to determine the appropriateness of and the initial or continued need for post-hospital home health services, or intermediate health care services.

H.R. 453. January 4, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Titles XVIII (Medicare) and XIX (Medicaid of the Social Security Act to revise the conditions and limitations applicable to home health services under such titles.

Establishes a Home Health Patient Ombudsman in the Department of Health, Education, and Welfare.

Increases the amount of Federal funds which may be made available to public housing agencies for congregate housing under the United States Housing Act of 1937.

H.R. 454. January 4, 1977. Government Operations. Requires, under the Office of Federal Procurement Policy Act, that Federal agencies pay interest at an annual rate of at least 12 percent on any payment which is overdue by more than two weeks on a contract with a small-business concern.

H.R. 455. January 4, 1977. Post Office and Civil Service. Permits postage-free mailing of correspondence to any Member of Congress by residents of the State or district represented by such Member which is sent to the Member's official business address.

H.R. 456. January 4, 1977. Post Office and Civil Service. Amends the Postal Revenue and Federal Salary Act of 1967 to abolish the Commission on Executive, Legislative, and Judicial Salaries.

H.R. 457. January 4, 1977. Public Works and Transportation. Amends the Federal Aviation Act of 1958 to establish a minimum one-year period with respect to a Presidential suspension of an air carrier's right to engage in foreign air transportation with a country which has been determined to be aiding or abetting a terrorist group which uses the illegal seizure of aircraft as an instrument of policy. Removes the present authority of the President to suspend the right of an air carrier to engage in air transportation with a country which maintains air service with a country determined to be engaging in such activity. Sets forth criminal penalties for violation of this Act.

H.R. 458. January 4, 1977. Rules. Requires review of Federal programs to determine if they warrant continuation. Directs the President to conduct such review of the programs covered by the annual budget. Requires Congress to make such review every four years.

H.R. 459. January 4, 1977. Ways and Means. Authorizes any individual who has attained the age of 65 to take a nonrefundable tax credit, under the Internal Revenue Code, for a percentage of the amount of real property taxes or rent constituting real property taxes paid or accrued by the taxpayer during the taxable year.

H.R. 460. January 4, 1977. Rules; Judiciary. Requires any rule proposed by any Government agency to be submitted to Congress with a full explanation of such rule. States that such rule shall become effective no later than 60 days after submission to Congress unless either House adopts a resolution disapproving such rule.

H.R. 461. January 4, 1977. Education and Labor. Amends the Civil Rights Act of 1964 to include as an unlawful employment practice discrimination on the basis of physical handicap.

H.R. 462. January 4, 1977. Agriculture. Establishes a Commission on the Humane Treatment of Animals to study the treatment of animals.

H.R. 463. January 4, 1977. Armed Services. Authorizes the recomputation of the retired or retainer pay for specified members and former members of the uniformed services.

H.R. 464. January 4, 1977. Banking, Finance and Urban Affairs. Amends the National Housing Act to prohibit Federal Housing Administration insurance of blanket mortgages on condominium projects, and

Federal National Mortgages Association purchase of conventional condominium mortgages, where the developer retains a leasehold interest in the common areas and facilities of the project involved.

H.R. 465. January 4, 1977. Education and Labor. Amends the Age Discrimination in Employment Act to expand its coverage to include employers employing 20 employees and deems States and political subdivisions thereof "employers" for purposes of such act.

Directs that employment decisions in Government service be made free of discrimination based on age.

H.R. 466. January 4, 1977. Education and Labor. Amends the Older Americans Act of 1965 to entitle handicapped dependents of eligible individuals to participate in the nutritional programs for the elderly established under such act.

H.R. 467. January 4, 1977. Government Operations. Amends the Federal Reports Act of 1942 to prohibit the use of forms by a Federal agency to collect information from more than 10 persons unless such forms were approved by the Comptroller General. Allows approval only if such information gathering is reasonable, necessary and not overly burdensome on the persons to whom it is directed.

H.R. 468. January 4, 1977. Interstate and Foreign Commerce. Prohibits franchisors from prematurely canceling or failing to renew motor fuel franchises unless written notification is provided and the franchisee has failed to comply with reasonable terms of the agreement.

H.R. 469. January 4, 1977. Interstate and Foreign Commerce. Requires that electric utility rate charges for a subsistence quantity of electric energy provided to residential consumers not exceed the lowest rate charged any other electric consumer.

H.R. 470. January 4, 1977. Judiciary. Establishes within the judicial branch a United States Commission on Sentencing to promulgate sentencing guidelines.

Specifies factors to be considered by a sentencing court in imposing a term of imprisonment.

Requires courts to disclose in open court and in the record reasons for imposing imprisonment.

Sets forth guidelines for court of appeals review of sentences.

H.R. 471. January 4, 1977. Merchant Marine and Fisheries. Directs the Secretary of the Interior to regulate the trapping and capture of mammals and birds on Federal lands. Establishes an advisory commission to recommend to the Secretary acceptable methods for trapping and capture of mammals and birds.

Prohibits use of unacceptable traps in interstate or foreign commerce. Prescribes regulations to prohibit the interstate shipment of hide, skin, feathers, or resulting products of the use of unacceptable traps.

H.R. 472. January 4, 1977. Post Office and Civil Service. Applies to the United States Postal Service provisions requiring that buildings built, leased, or financed by the United States be designed and constructed to insure ready access to and use of such buildings by the physically handicapped.

H.R. 473. January 4, 1977. Public Works and Transportation. Amends the Federal Water Pollution Control Act to increase the maximum civil penalty for discharges of oil and hazardous substances. Imposes criminal sanctions for such illegal discharges.

H.R. 474. January 4, 1977. Veterans' Affairs. Provides that recipients of veterans' pensions and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits. Applies to annual income determinations made for calendar years after 1974.

H.R. 475. January 4, 1977. Veterans' Affairs. Directs the Administrator of Veterans' Affairs to select and acquire land for a national cemetery in Broward County or Dade County, Florida.

Directs the Administrator of the General Services Administration to transfer to the Veterans' Administration without reimbursement or transfer of funds any Government-owned land in the named counties which the Administrator of Veterans' Affairs may determine suitable for a national cemetery.

Directs the establishment of such national cemetery.

H.R. 476. January 4, 1977. Veterans' Affairs. Ends the limitation on the period during which a veteran must use his education benefits. Extends the period of eligibility for such benefits.

H.R. 477. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to provide identical income tax rates for single persons and married couples filing joint returns.

H.R. 478. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to require certain public charities to pay out at least half of their gross revenues in charitable activities and to provide prospective contributors and the general public with detailed accounts of their past revenues and expenditures.

H.R. 479. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to provide a limited, refundable tax credit to persons age 65 or over for the real property taxes, or 25 percent of the rent, they pay for their principal residences.

H.R. 480. January 4, 1977. Ways and Means. Amends title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving benefits.

H.R. 481. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to revise the eligibility requirements for disability insurance benefits for blind persons. Revises the method of computing the primary insurance amount for blind persons under such Act.

H.R. 482. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to provide that an otherwise eligible individual shall be entitled to old-age insurance benefits if such person has attained age 60 and has been required by his employer (after having been employed by such employer for five or more years) to retire at such age in compliance with an Executive order of the President, a regulation or order issued by a Federal department or agency and published in the Federal Register, or a Federal law.

H.R. 483. January 4, 1977. Ways and Means. Amends the Tariff Schedules of the United States to repeal the duty imposed on articles assembled abroad with components produced in the United States.

H.R. 484. January 4, 1977. Judiciary; District of Columbia. Empowers a judicial officer of a Federal or District of Columbia court to deny pretrial release to a person charged with a violent crime upon finding that no conditions of release can reasonably assure that such person will not flee or pose a danger to any other person or to the community.

H.R. 485. January 4, 1977. Small Business; Banking, Finance and Urban Affairs. Amends the Small Business Act to authorize the Small Business Administration to make loans to individuals and homebuilders for the purchase and installation of qualified solar heating or solar heating and cooling equipment from small business concerns.

Directs the Energy Research and Development Administration to: (1) establish procedures for inspecting and evaluating solar heating and cooling equipment; (2) review new equipment as developed; (3) periodically review certifications of such equipment for validity; and (4) transmit pertinent data to the Small Business Administration for its use in certifying equipment for purposes of the loan program created by this Act.

H.R. 486. January 4, 1977. Post Office and Civil Service. Reinstates civil service retirement survivors annuities for surviving spouses of employees whose annuities were terminated due to remarriage before July 18, 1966, and surviving spouses of Members of Congress who died before January 8, 1971, whose annuities were terminated due to remarriage.

H.R. 487. January 4, 1977. Banking, Finance and Urban Affairs. Authorizes the Secretary of Housing and Urban Development to make grants to local agencies for converting closed school buildings into community centers, senior citizen centers and specified educational, medical or social service centers.

Directs the Secretary to serve as a national clearinghouse for local agencies by providing information on possible alternative uses for closed school buildings.

H.R. 488. January 4, 1977. Public Works and Transportation. Makes it unlawful to operate a supersonic aircraft on a commercial basis within the navigable airspace of the United States until such aircraft has met noise, environmental, and safety standards equivalent to those already established for other commercial aircraft.

H.R. 489. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to provide a $5,000 tax exclusion for persons aged 65 or over for amounts received as an annuity, pension, or other retirement benefit.

H.R. 490. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow a limited income tax deduction for commuting expenses incurred by blind individuals, or individuals who can not use public transportation because of the loss of one or more extremities. Provides an additional income tax exemption for certain handicapped individuals.

H.R. 491. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow as a credit against the income tax a limited amount of specified higher education expenses, including tuition, fees, books and supplies, incurred by the taxpayer for himself and any dependents.

H.R. 492. January 4, 1977. Ways and Means. Amends the Tariff Schedules of the United States to temporarily suspend the import duty on menadione dimethylprimidinol bisulphite.

H.R. 493. January 4, 1977. Judiciary. Requires specified minimum prison sentences for any individual who uses or carries a firearm during the commssion of a Federal felonly and for whoever is convicted by a State court of a crime punishable by a term of imprisonment exceeding one year and used or carried a firearm transported in, or affecting, interstate or foreign commerce during the commission of such crime.

H.R. 494. January 4, 1977. Ways and Means. Amends the Social Security Act by removing the limitation upon the amount of outside income which an individual may earn while receiving Old-Age, Survivors and Disability Insurance benefits.

H.R. 495. January 4, 1977. Judiciary; Rules. Requires public notice of, and allows public participation in, rulemaking proceednge conducted by executive agencies. Requires all regulations promulgated by such agencies containing criminal penalties to be submitted to Congress for approval.

H.R. 496. January 4, 1977. Agriculture. Revises the eligibility requirements for food coupons under the Food Stamp Act of 1964 to exclude individuals who receive one-half

of their income from an individual who is not eligible for food coupons.

H.R. 497. January 4, 1977. Agriculture. Establishes in the Department of Agriculture a Bureau of Agricultural Statistics under the direction of a Commissioner appointed by the President. Directs the Bureau to obtain information about prices received by producers and processors of agricultural commodities used for food, and wholesale and retail food prices. Requires the Bureau to make recommendations to Congress twice a year regarding legislative action to lower retail food prices when such prices increase while the prices received by producers drop or remain constant.

H.R. 498. January 4, 1977. Agriculture. Establishes the Federal Farm Assistance Corporation, within the Department of Agriculture, and authorizes the Corporation to negotiate for and purchase farmland or units which may come on the market.

Allows lease of such farm units to eligible applicants, and directs the Corporation's Board of Directors to approve the sale to the lessee of such farm units upon a determination that the lessee can successfully manage and operate such farm unit.

H.R. 499. January 4, 1977. Armed Services. Prohibits the change in status of any member of the uniformed services currently in a missing status due to service in Southeast Asia until certain conditions have been met.

H.R. 500. January 4, 1977. Armed Services. Amends the Federal Civil Defense Act of 1950 to authorize the use of Federal civil defense funds by local civil defense agencies for natural disaster or civil disturbance relief. Increases the Federal contribution for travel expenses and per diem allowances for students in civil defense training programs and increase the Federal financial contribution to States for civil defense personnel and administrative expenses. Increases the authorization for appropriations under such Act for travel expenses, personal equipment for State and local workers, and personnel and administrative expenses.

H.R. 501. January 4, 1977. Banking, Finance and Urban Affairs. Amends the Truth in Lending Act to prohibit discrimination on account of age in credit card transactions.

H.R. 502. January 4, 1977. Banking, Finance and Urban Affairs. Amends the Flood Disaster Protection Act of 1973 to eliminate flood insurance and community participation in the national flood insurance program as prerequisites for Federal approval of financial assistance for acquisition or construction of, or for lending institution loans secured by, any building, mobile home, or personal property located or to be located in an area having special flood hazards.

H.R. 503. January 4, 1977. Education and Labor. Amends the National Labor Relations Act to include as an unfair labor practice an employer's discharge of or discrimination against an employee because such employee gave testimony before a Congressional committee or a Federal department or agency.

H.R. 504. January 4, 1977. Government Operations. Expands the membership of the Advisory Commission on Intergovernmental Relations to include two elected school board officials recommended by the National School Boards Association.

H.R. 505. January 4, 1977. International Relations. Authorizes the President to make grants to American land-grant universities to enable them to offer assistance to land-grant type universities in agriculturally developing nations.

Establishes an International Land-Grant University Advisory Board to assist the President in carrying out the purposes of this Act.

H.R. 506. January 4, 1977. International Relations. Restricts payments of the United States to the United Nations to the ratio of the population of the United States to the total population of member nations.

H.R. 507. January 4, 1977. Interstate and Foreign Commerce. Amends the National Housing Act to authorize the Secretary of Housing and Urban Development to make interest reduction payments with respect to a mortgage covering repair or rehabilitation of a nursing home in order to correct physical deficiencies and comply with Federal minimum standards. States that in order to be eligible for such payments the Secretary of the Department of Health, Education, and Welfare or his designee must certify that the nursing home is in substantial compliance with Federal and State standards except for those deficiencies the sponsor seeks to correct with such payments.

H.R. 508. January 4, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to authorize the Secretary of Health, Education, and Welfare to make loans to any nonprofit organization, church, or association of churches to meet all or a part of the cost of construction or rehabilitation of a nursing home which will be owned and operated by such church, organization, or association.

H.R. 509. January 4, 1977. Interstate and Foreign Commerce. Amends Title XIX (Medicaid) of the Social Security Act to provide Federal payment of the entire cost of financial audits of skilled nursing and intermediate care facilities participating in Federal programs.

H.R. 510. January 4, 1977. Interstate and Foreign Commerce. Amends Title XIX (Medicaid) of the Social Security Act to provide that Medicaid payments to a State shall be dependent upon the operation in such State of an ombudsman program empowered to investigate nursing home complaints, inspect nursing homes, and recommend to the State health department license revocation or other disciplinary action against a nursing home.

H.R. 511. January 4, 1977. Interstate and Foreign Commerce. Prohibits refiners or distributors of petroleum products from cancelling franchises without prior notice. Prohibits distributors and refiners from cancelling petroleum franchises without cause.

H.R. 512. January 4, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to authorize the Secretary of Health, Education and Welfare to make grants and enter into contracts with public or nonprofit colleges and universities for the purpose of developing graduate programs for nurses in geriatrics and gerontology.

H.R. 513. January 4, 1977. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

H.R. 514. January 4, 1977. Interstate and Foreign Commerce. Requires posting of the selling price and unit price on or near consumer products displayed for retail sales.

Transfers authority to promulgate rules under the Fair Packaging and Labeling Act to the Federal Trade Commission from the Department of Health, Education, and Welfare.

H.R. 515. January 4, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to authorize the Secretary of Health, Education, and Welfare to enter into contracts and make grants for the establishment and operation of voluntary Tay-Sachs disease screening, counseling, and information services.

H.R. 516. January 4, 1977. Judiciary. Requires specified minimum prison sentences for felons using or carrying a firearm during the commission of a felony which may be prosecuted in a Federal court. Subjects such felons to possible increased sentence as dangerous special offenders.

H.R. 517. January 4, 1977. Judiciary. Requires candidates for Federal office, Members of the Congress, and certain officers and employees of the United States to file statements with the Comptroller General with respect to their income and financial transactions.

H.R. 518. January 4, 1977. Judiciary. Amends the Omnibus Crime Control and Safe Streets Act of 1968 to condition certain assistance to States, local governments, and agencies thereunder on the adoption of a law enforcement officers' bill of rights.

H.R. 519. January 4, 1977. Post Office and Civil Service. Applies to the U.S. Postal Service provisions requiring that buildings built, leased, or financed by the United States be designed and constructed to insure ready access to and use of such buildings by the physically handicapped.

H.R. 520. January 4, 1977. Public Works and Transportation. Amends the Tennessee Valley Authority Act to allow credits against required power investment return payments for expenditures for certified pollution control facilities.

H.R. 521. January 4, 1977. Rules. Requires Congress under the Congressional Budget Act of 1974 to review one-half of all Federal programs each year using zero-base budgeting techniques. States that any committee conducting such review shall report the service and cost effects of continuing such program at levels higher, lower, and the same as the preceding year. Prohibits the authorization of any appropriation higher than that of the previous year for any program not subjected to a review under this act.

H.R. 522. January 4, 1977. Science and Technology. Authorizes the Administrator of the National Aeronautics and Space Administration to: (1) conduct research and development programs on the nature, forecasting and detection of short-term weather phenomena, and on ways of disseminating information concerning such weather conditions to the public; and (2) prepare a plan for the establishment of an Office of Short-Term Weather Phenomena.

Requires the Administrator to coordinate all such activities with the National Oceanic and Atmospheric Administration.

H.R. 523. January 4, 1977. Ways and Means. Amends Title XVI (Supplemental Security Income for the Aged, Blind, and Disabled) of the Social Security Act to exempt, under specified conditions, residents in nonmedical shelter care facilities from the prohibition against payments to individuals in public institutions.

H.R. 524. January 4, 1977. Ways and Means. Amends Title XVIII (Medicare) of the Social Security Act to provide for the creation of an alternative, reimbursement formula which will allow specified hospitals to provide long-term care without applying proportional allocation of overhead costs to all patients in such facilities.

H.R. 525. January 4, 1977. Ways and Means. Declares all income tax returns to be confidential and prohibits the disclosure or inspection of such returns unless specifically authorized by this Act.

Increases the criminal penalties for unauthorized disclosure of the information contained in tax returns.

Makes it a felony to knowingly receive any such information or material which is criminally disclosed.

H.R. 526. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow the taxpayer either a tax credit or deduction for certain improvements in the thermal design of his principal residence.

H.R. 527. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to provide identical income tax rates for single persons and married couples filing joint returns. Limits the earned income that must be reported by a married person filing a

separate return to the amount actually earned by that individual.

H.R. 528. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to provide that an individual who would be fully qualified for benefits at age 62 may qualify for disability benefits under such program if such individual has 40 quarters of coverage, regardless of when such quarters were earned.

H.R. 529. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow as a deduction the ordinary and necessary expenses paid during the taxable year for the repair or improvement of property used by the taxpayer as his principal residence. Permits an owner of rental property to amortize expenditures for the restoration of rental housing.

H.R. 530. January 4, 1977. Ways and Means. Directs that the benefits received by an individual pursuant to a Federal plan or program, or a plan or program of a State funded by Federal funds, shall not be reduced as a result of a general increase in monthly social security benefits.

H.R. 531. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to extend to two years the maximum period which may elapse between the sale of a residence and the purchase of another in order that gain from such sale will not be recognized for Federal income tax purposes.

H.R. 532. January 4, 1977. Judiciary; Rules. Requires public notice of, and allows public participation in, rulemaking proceedings conducted by executive agencies. Requires all regulations promulgated by such agencies containing criminal penalties to be submitted to Congress for approval.

H.R. 533. January 4, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to establish a Long-Term Care Services program to provide home health, homemakers, nutrition, long-term institutional care, day care, foster home, and outpatient mental health services. Specifies that these services shall be delivered by community long-term care centers under the direction and control of a State long-term care agency.

H.R. 534. January 4, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Titles XVIII (Medicare) and XIX (Medicaid) of the Social Security Act to revise the conditions and limitations applicable to home health services and nursing home care.

Establishes a Home Health Patient Ombudsman in the Department of Health, Education, and Welfare.

Establishes procedures whereby the Secretary of the Treasury may collect debts owed by individuals to a State for certain medical assistance benefits.

Increases the amount of Federal funds which may be made available to public housing agencies for congregate housing under the United States Housing Act.

H.R. 535. January 4, 1977. Ways and Means; Interstate and Foreign Commerce. Amends title XX (Grants to States for Services) of the Social Security Act to direct the Secretary of Health, Education, and Welfare to provide for the continuing inspection of State inspection and enforcement programs with respect to facilities receiving payments under titles XVIII (Medicare) and XIX (Medicaid) of the Social Security Act.

H.R. 536. January 4, 1977. Ways and Means; Interstate and Foreign Commerce. Amends title XVIII (Medicare) and title XIX (Medicaid) of the Social Security Act to include in the coverage provided under such programs the services of licensed (registered) nurses.

H.R. 537. January 4, 1977. Ways and Means; Interstate and Foreign Commerce. Amends titles XVIII (Medicare) and XIX (Medicaid) of the Social Security Act by requiring skilled nursing homes participating in the medicare and medicaid programs to retain a medical director.

H.R. 538. January 4, 1977. Ways and Means; Interstate and Foreign Commerce. Amends title XVIII (Medicare) of the Social Security Act by requiring skilled nursing facilities participating in the medicare program to conclude a contract with each patient upon admission. Specifies that such contract shall cover the rights and duties of the patient and the facility.

H.R. 539. January 4, 1977. Ways and Means; Interstate and Foreign Commerce. Amends title XVIII (Medicare) and title II (Old-Age, Survivors' and Disability Insurance) of the Social Security Act to extend medicare hospital coverage to include drugs. Establishes a formulary committee within the Department of Health, Education, and Welfare to prepare and maintain a listing of qualified drugs.

H.R. 540. January 4, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide that only registered professional nurses or licensed practical nurses shall dispense and administer drugs and biologicals in skilled nursing homes participating in the Medicare program.

H.R. 541. January 4, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide that nursing homes participating in the Medicare program must furnish a physician who visits patients not less than once every 30 days and that a physician be available to furnish necessary care in case of emergency.

H.R. 542. January 4, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to require that nursing homes participating in the Medicare program have in effect procedures for prevention and reporting of epidemic diseases and accidents.

H.R. 543. January 4, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to include services provided by the intermediate care facilities among those covered under Medicare.

H.R. 544. January 4, 1977. Ways and Means; Interstate and Foreign Commerce. Amends Title XVIII (Medicare) of the Social Security Act to provide that, in determining the reasonable reimbursable cost of inpatient nursing care, such coverage at a minimum shall include a salary cost differential of at least eight and one-half percent in recognition of the above-average cost of furnishing such care to aged patients.

H.R. 545. January 4, 1977. Interior and Insular Affairs. Authorizes the Secretary of the Interior to design and construct drainage works to alleviate high groundwater conditions in and adjacent to Moses Lake, Washington.

H.R. 546. January 4, 1977. Public Works and Transportation. Directs the Secretary of the Army to delegate authority to States with respect to planning and location of structures, and excavation, dredging, or filling of the waters of the United States where the Federal interest is minimal.

H.R. 547. January 4, 1977. District of Columbia. Amends the District of Columbia Code to apply provisions relating to pretrial detention of persons charged with capital crimes only to those defendants charged with first degree murder or forcible rape.

Limits the application of provisions relating to pretrial detention of defendants on parole, probation, or mandatory release pending completion of sentence to those persons charged with specified crimes.

Permits institution of pretrial detention hearings by a judicial officer on such officer's own initiative.

Extends the period after which certain defendants who are ordered detailed pending trial must be released.

H.R. 548. January 4, 1977. Judiciary. Makes it unlawful for any person to import, manufacture, sell, buy, transfer, receive, or transport any handgun. Authorizes the Secretary of the Treasury to exempt certain handguns from this prohibition.

H.R. 549. January 4, 1977. Judiciary. Revises the provision authorizing suits against persons acting under the color of State or Territorial law for the deprivation of constitutional and Federal statutory rights to permit suits against: (1) bodies politic, and (2) persons acting under the color of law of the District of Columbia or a United States possession.

H.R. 550. January 4, 1977. Judiciary. Establishes an office of the United States Correctional Ombudsman to: (1) investigate acts of the Bureau of Prisons or the Board of Parole pertaining to the treatment of Federal prisoners or parolees and conditions in certain correctional facilities; and (2) report to Congress on unfair or otherwise objectionable laws relative to corrections.

H.R. 551. January 4, 1977. Merchant Marine and Fisheries; Public Works and Transportation; International Relations; Science and Technology. Prohibits discharges of fuel by vessels into United States territorial waters.

Directs the Secretary of Commerce to initiate comprehensive research on the adverse effects of fuel discharges on coastal, territorial and oceanic waters.

H.R. 552. January 4, 1977. Ways and Means; Judiciary. Amends the Internal Revenue Code to provide reimbursement of all litigation expenses, including attorney's fees, incurred by a taxpayer who has substantially prevailed in any civil proceeding relating to a tax payment.

Requires the return of all subpenaed records obtained in any investigation of possible underpayment or tax law violations within 15 days after any administrative decision to close the investigation, or any final judicial decision in which the taxpayer has substantially prevailed, or after the expiration of the Statute of Limitations, whichever is the earliest.

H.R. 553. January 4, 1977. Education and Labor. Amends the Education Amendments of 1972 to exempt sex segregated gymnastics classes from the prohibition against sex discrimination contained within such Act.

H.R. 554. January 3, 1977. Education and Labor. Excepts musical and social programs and activities designed for parents and students from the prohibition against sex discrimination in federally assisted educational activities imposed by the Education Amendments of 1972.

H.R. 555. January 4, 1977. Banking and Urban Affairs. Sets national standards for the sale of condominium units and for the conversion of existing rental units into condominiums. Requires developers to disclose specified information concerning their condominium projects. Makes provisions for the enforcement of this Act by individual owners of dwelling units and by those who face eviction due to condominium conversions which do not adhere to the requirements of this Act.

H.R. 556. January 4, 1977. Government Operations. Requires the Office of Management and Budget to study the efficiency and effectiveness of each Federal agency every ten years and to recommend to the President and Congress reorganization or abolition of each such agency as may be necessary to improve such efficiency and effectiveness. Abolishes each such agency upon the due date of such report unless during the ten-year period since the last report Congress has passed legislation continuing such agency.

H.R. 557. January 4, 1977. Judiciary. Requires lobbyists to: (1) register with the

Federal Election Commission; (2) make and retain specified records; and (3) file reports with the Commission regarding their activities.

Requires specified officials of the executive branch to record their communications with lobbyists. Repeals the Federal Regulation of Lobbying Act.

H.R. 558. January 4, 1977. Judiciary. Grants a Federal charter to the National Opportunity Camps.

H.R. 559. January 4, 1977. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

H.R. 560. January 4, 1977. Post Office and Civil Service. Prohibits collective bargaining agreements between the United States Postal Service and labor organizations recognized as exclusive bargaining representatives for their respective postal employee units from containing procedures which would preclude employees from being represented in grievance and adverse actions arising under such agreements by representatives of their own choosing.

H.R. 561. January 4, 1977. Veterans' Affairs. Provides that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits.

H.R. 562. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to provide identical income tax rates for single persons and married couples filing joint returns. Limits the earned income that must be reported by a married person filing a separate return to the amount actually earned by that individual.

H.R. 563. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to increase each of the standard personal exemptions to $1,000.

H.R. 564. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow as a credit against the income tax a limited amount of specified higher education expenses, including tuition, fees, books and supplies, incurred by the taxpayer for himself and any dependents.

H.R. 565. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors', and Disability Insurance) of the Social Security Act to allow a State to terminate social security coverage for policemen and firemen without affecting the coverage of other public employees.

H.R. 566. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors', and Disability Insurance) of the Social Security Act to allow the State of New Jersey to establish a divided retirement system for purposes of providing social security coverage of State and local employees under Federal-State agreements.

H.R. 567. January 4, 1977. Small Business; Government Operations; Banking, Finance and Urban Affairs. Amends the Small Business Act to expand assistance under such Act to minority small business concerns. Establishes the Office of Minority Small Business Assistance Personnel to work with all Government agencies having procurement powers. Provides statutory standards for contracting and subcontracting by the United States with respect to minority concerns. Creates a Commission on Federal Assistance to Minority Enterprise.

H.R. 568. January 4, 1977. Interstate and Foreign Commerce. Increases from three to five years the term for which a license to operate a radio broadcasting station may be issued, and for which such licenses may be renewed under the Communications Act of 1934.

H.R. 569. January 4, 1977. Veterans' Affairs. Extends veterans benefits to those persons recognized as members of the United States military forces serving between November 12, 1918, and July 2, 1921.

H.R. 570. January 4, 1977. Rules. Requires review of Federal programs to determine if they warrant continuation. Requires the President to conduct such review of the programs covered by the annual budget. Requires Congress to make such review every four years.

H.R. 571. January 4, 1977. Armed Services. Makes cash awards for suggestions, inventions, or scientific achievements available to individuals who made such suggestion or achieved such accomplishment while in an active reserve status of the armed forces, notwithstanding such individual's death, retirement, or separation from service.

H.R. 572. January 4, 1977. Armed Services. Stipulates that no veteran may be denied care or treatment under the CHAMPUS program for any service-connected disability solely because care or treatment for such disability is available at Veterans' Administration medical facilities.

H.R. 573. January 4, 1977. Education and Labor. Allows the children of parents employed on Federal property who attend school in a State contiguous to the State in which such property is located to be counted in determining the aid entitlement of the local educational agency having jurisdiction over such school.

H.R. 574. January 4, 1977. Veterans' Affairs. Entitles every person who served in the active military or naval service of the United States during World War I to a $100 a month pension, with right of survivorship in his or her spouse, and hospitalization and/or domiciliary care, free of charge, at any Veterans' Administration facility and/or, under certain conditions, medical services from a local medical doctor.

H.R. 575. January 4, 1977. Veterans' Affairs. Provides that recipients of veterans' pension and compensation will not have the amount of such pension or compensation reduced, or entitlement thereto discontinued, because of increases in monthly social security benefits.

H.R. 576. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to exempt the identities of purchasers of .22 caliber ammunition from the purchase records required of vendors under the firearms excise tax.

H.R. 577. January 4, 1977. Ways and Means. Amends Title II (Old-Age, Survivors, and Disability Insurance) of the Social Security Act to provide that an individual who would be fully qualified for benefits at age 62 may qualify for disability benefits under such program if such individual has 40 quarters of coverage, regardless of when such quarters were earned.

H.R. 578. January 4, 1977. Armed Services. Stipulates that National Guard technicians shall not be required to hold a particular military grade in order to be employed, or to continue to be employed, in any position.

H.R. 579. January 4, 1977. Education and Labor. Requires persons acquiring effective control of existing plants or business facilities to give notice to employees and the community of an intention to close or relocate such a plant or facility at least one year and 180 days prior to closing or relocating. Requires owners of plants or business facilities which have been in operation for ten years and employ 200 or more people to give such notice of a determination to close or relocate at least 180 days prior to closing or relocating.

H.R. 580. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow as a deduction the ordinary and necessary expenses paid during the taxable year for the repair or improvement of property used by the taxpayer as his principal residence. Permits an owner of rental property to amortize expenditures for the restoration of rental housing.

H.R. 581. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow a 15 percent investment tax credit for investments certified by the Secretary of Commerce as depressed area property.

Entitles every person to elect a deduction with respect to the amortization of any certified depressed area real property based on a period of 120 months.

H.R. 582. January 4, 1977. Merchant Marine and Fisheries. Amends the Fish and Wildlife Coordination Act to revise interagency coordination requirements with respect to fish and wildlife conservation for approval of federally assisted projects for impoundment, control, or diversion of waters.

Repeals exemptions from such procedures for water impoundment projects where the impoundment has a maximum surface area of less than ten acres, or for programs for land management.

Permits a citizen to bring a civil action in a district court of the United States against persons violating this Act or regulations issued thereunder or against any Federal department for failure to perform its duties under this Act.

H.R. 583. January 4, 1977. Armed Services. Extends the special enlistment and reenlistment bonuses for members of the uniformed services until September 30, 1978.

H.R. 584. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow as a credit against the income tax a limited amount of specified higher education expenses, including tuition, fees, books and supplies, incurred by the taxpayer for himself and any dependents.

H.R. 585. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow an income tax deduction for the expenses incurred in providing special education for a dependent handicapped child.

H.R. 586. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to provide an additional income tax exemption for taxpayers, spouses, or dependents with serious mental or physical disabilities which result in death, or which can be expected to result in death or be of long-continued or indefinite duration.

H.R. 587. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow a limited income tax deduction for food and lodging expenses incurred while receiving medical care away from home.

H.R. 588. January 4, 1977. Ways and Means. Repeals the tax exclusion of income earned by residents of Puerto Rico within the Commonwealth.

H.R. 589. January 4, 1977. Armed Services. Stipulates that no veteran may be denied care or treatment under the CHAMPUS program for any service-connected disability solely because care or treatment for such disability is available at Veterans' Administration medical facilities.

H.R. 590. January 4, 1977. Armed Services. Authorizes the establishment of Reserve Officers' Training programs at public community colleges.

H.R. 591. January 4, 1977. Armed Services. Authorizes the recomputation at age 60 of the retired or retainer pay for members or former members of the unifromed services whose retired or retainer pay was computed on the basis of pay scales in effect prior to January 1, 1972 in order to reflect any retired or retainer pay increases for other members which was based on changes in the Consumer Price Index since that date.

H.R. 592. January 4, 1977. Interior and Insular Affairs. Creates a National Geothermal Energy Commission to grant licenses for the

exploration and development of geothermal energy resources.

H.R. 593. January 4, 1977. Interstate and Foreign Commerce. Amends the Public Health Service Act to authorize the Secretary of Health, Education, and Welfare to establish a program under which epilepetics shall be provided medicine for the treatment of epilepsy.

H.R. 594. January 4, 1977. Judiciary. Repeals the Gun Control Act of 1968.

H.R. 595. January 4, 1977. Judiciary. Grants a Federal charter to the Gold Star Wives of America.

H.R. 596. January 4, 1977. Veterans' Affairs. Removes the time limitation within which programs of education for veterans must be completed.

H.R. 597. January 4, 1977. Veterans' Affairs. Provides veterans' benefits to veterans who served in or along the borders of Mexico from June 1, 1914, through May 8, 1916.

H.R. 598. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to increase each of the standard personal exemptions to $1,200.

H.R. 599. January 4, 1977. Ways and Means. Amends the Internal Revenue Code to allow an income tax deduction for the expenses paid for the higher education of the taxpayer, or a dependent, not exceeding $1,000 for each student.

H.R. 600. January 4, 1977. Amends the Internal Revenue Code to exempt nonprofit volunteer firefighting or rescue organizations from the excise tax on sales of special fuels, automotive parts, petroleum products, and communications services.

H.J. Res. 51. January 4, 1977. Judiciary. Constitutional Amendment—Provides that total appropriations shall not exceed estimated revenues. Authorizes the suspension of such prohibition in time of war or by a concurrent resolution passed by the Senate and the House that a national emergency so requires.

H.J. Res. 52. January 4, 1977. Judiciary. Constitutional Amendment—Permits prayer in public buildings.

H.J. Res. 53. January 4, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate September 8 of each year as "National Cancer Day."

H.J. Res. 54. January 4, 1977. Interior and Insular Affairs. Relinquishes all powers and authority of the United States over the territory of Puerto Rico unconditionally and without reservations.

H.J. Res. 55. January 4, 1977. Government Operations. Authorizes and requests the President to reduce the volume of regulations, orders, decisions, studies, memorandums and other forms of paperwork generated by the executive branch of the Federal Government.

H.J. Res. 56. January 4, 1977. Judiciary. Constitutional Amendment—Amends the Constitution to require Congress to assure that the total expenditures of the Government, during any fiscal year, do not exceed the total receipts of the Government during such fiscal year. Permits an exception to such requirement in time of declared national emergency, but states that expenditures shall never exceed receipts by more than ten percent.

Sets forth a schedule for the elimination of the federal indebtedness.

H.J. Res. 57. January 4, 1977. Judiciary. Constitutional Amendment—Prohibits deficit spending and increases in the national debt. Sets forth a schedule for repayment of the national debt.

H.J. Res. 58. January 4, 1977. Judiciary. Constitutional Amendment—Lowers to 22 years the age requirement for membership in the House of Representatives and to 27 years for membership in the Senate.

H.J. Res. 59. January 4, 1977. Judiciary. Constitutional Amendment—Permits the Government to hold a person to answer for any crime against the United States either on the basis of a presentment or indictment of a grand jury or pursuant to an information signed by an attorney for the Government and stating the essential facts of the crime charged.

States that this amendment shall not affect the power of Congress to enact appropriate legislation to require a presentment or indictment of a grand jury to hold a person to answer for enumerated offenses or classes of offenses.

H.J. Res. 60. January 4, 1977. Judiciary. Constitutional Amendment—Permits the Government to hold a person to answer for any crime against the United States either on the basis of a presentment or indictment of a grand jury or pursuant to an information signed by an attorney for the Government and stating the essential facts of the crime charged.

H.J. Res. 61. January 4, 1977. Judiciary. Constitutional Amendment—Allows the Government to hold a person to answer for any crime against the United States only on the basis of an information signed by an attorney for the Government and stating the essential facts of the crime charged.

States that this amendment shall not affect the power of Congress to enact appropriate legislation to provide for the impaneling of, and procedures with respect to, any grand jury whose sole function shall be to investigate any crime against the United States.

H.J. Res. 62. January 4, 1977. Judiciary. Constitutional Amendment—Permits the Government to hold a person to answer for any crime against the United States either on the basis of a presentment or indictment of a grand jury or pursuant to an information signed by an attorney for the Government and stating the essential facts of the crime charged.

States that this amendment shall not affect the power of Congress to enact appropriate legislation to require a presentment or indictment of a grand jury to hold a person to answer for enumerated offenses or classes of offenses.

H.J. Res. 63. January 4, 1977. Judiciary. Permits the authority administering any school system, educational institution, or other public building supported in whole or in part through the expenditure of public funds to allow voluntary participation by students or others in prayer.

Prohibits such authority from prescribing the form or content of any prayer.

H.J. Res. 64. January 4, 1977. Judiciary. Constitutional Amendment—Provides that total appropriations shall not exceed estimated revenues. Authorizes the suspension of such prohibition in time of war or by a concurrent resolution passed by the Senate and the House stating that a national emergency requires suspension.

H.J. Res. 65. January 4, 1977. Judiciary. Constitutional Amendment—Requires the President and the Speaker of the House of Representatives to review Government revenues and expenditures at specified times and to determine a surtax rate when expenditures exceed revenues to insure that receipts will equal outlays.

Authorizes the suspension of such measures in the case of a grave national emergency declared by Congress.

H.J. Res. 66. January 4, 1977. Judiciary. Constitutional Amendment—Permits prayer in public buildings.

H.J. Res. 67. January 4, 1977. Judiciary. Constitutional Amendment—Permits prayer in public buildings.

H.J. Res. 68. January 4, 1977. Judiciary. Constitutional Amendment—Prohibits assignment of public school students to a particular school based upon their race, creed, or color.

Grants Congress the power to enforce this amendment by appropriate legislation.

H.J. Res. 69. January 4, 1977. Judiciary. Constitutional Amendment—Requires the President to review Government revenues and expenditures at specified times and to determine a surtax rate when expenditures exceed revenues to insure that receipts will equal outlays.

Authorizes the suspension of such measures in the case of a grave national emergency declared by Congress.

H.J. Res. 70. January 4, 1977. Judiciary. Constitutional Amendment—Provides for the direct popular election of the President and Vice President of the United States.

H.J. Res. 71. January 4, 1977. Judiciary. Constitutional Amendment—Prohibits deficit spending and increases in the national debt. Sets forth a schedule for repayment of the national debt.

H.J. Res. 72. January 4, 1977. Judiciary. Constitutional Amendment—Provides that the term of office of the President and Vice President shall be six years, and no person shall be elected to the office of President more than once.

H.J. Res. 73. January 4, 1977. Judiciary. Constitutional Amendment—Limits to six the number of consecutive Congresses in which Senators and Representatives may serve.

H.J. Res. 74. January 4, 1977. Post Office and Civil Service. Designates the period March 1, 1977, through March 7, 1977, as "National Weights and Measures Week."

H.J. Res. 75. January 4, 1977. Judiciary. Constitutional Amendment—Provides that no law varying the compensation for the services of Senators and Representatives shall take effect until an election of Representatives shall have intervened.

H.J. Res. 76. January 4, 1977. Judiciary. Constitutional Amendment—Prohobits deficit spending and increases in the national debt. Sets forth a schedule for repayment of the national debt.

H.J. Res. 77. January 4, 1977. Judiciary. Constitutional Amendment—Provides for a single six-year term for the President and Vice President. Limits to six the number of consecutive Congresses in which Senators and Representatives may serve.

H.J. Res. 78. January 4, 1977. Education and Labor. Expresses the sense of the Congress that the services and contributions of school volunteers be recognized, and requests the President of the United States to issue a proclamation in recognition of this fact.

H.J. Res. 79. January 4, 1977. Merchant Marine and Fisheries; Ways and Means. Amends the Fisherman's Protective Act of 1967 to direct the Secretary of the Treasury to place an embargo on the products of all foreign enterprises engaged in commercial whaling.

H.J. Res. 80. January 4, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the Sunday preceding the fourth Thursday in November of each year as "National Family Week."

H.J. Res. 81. January 4, 1977. Judiciary. Constitutional Amendment—Prohibits assignment of public school students to a particular school based upon their race, creed, or color.

Grants Congress the power to enforce this article by appropriate legislation.

H.J. Res. 82. January 4, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the last Friday of each year as "National Arbor Day."

H.J. Res. 83. January 4, 1977. Judiciary. Constitutional Amendment—Prohibits deficit spending and increases in the national debt. Sets forth a schedule for repayment of the national debt.

H.J. Res. 84. January 4, 1977. Judiciary. Constitutional Amendment—Declares the term "person", with respect to due process and equal protections, applicable to human beings irrespective of age, health, function or condition of dependency, including the

unborn. Prohibits the deprivation of life of an unborn person, except under laws permitting medical procedures required to prevent the death of the mother.

H.J. Res. 85. January 4, 1977. Judiciary. Constitutional Amendment—Permits prayer in public buildings.

H.J. Res. 86. January 4, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the fourth Sunday of November of each year as "National Grandparents' Day."

H.J. Res. 87. January 4, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate February 20 of each year as "Postal Employees Day."

H.J. Res. 88. January 4, 1977. Judiciary. Constitutional Amendment—Prohibits abortion except under laws permitting medical procedures required to save the life of the mother endangered by continuation of pregnancy.

H.J. Res. 89. January 4, 1977. Judiciary. Constitutional Amendment—Permits any State or the Congress to enact laws with respect to the life of an unborn child from the time of conception.

H.J. Res. 90. January 4, 1977. Judiciary. Constitutional Amendment—Prohibits compelling a student to attend a public school other than the one nearest his residence.

Grants Congress the power to enforce by appropriate legislation the provisions of this amendment, and to insure equal educational opportunities for all students wherever located.

H.J. Res. 91. January 4, 1977. Post Office and Civil Service. Designates the John Philip Sousa composition known as "The Stars and Stripes Forever" as the national march of the United States.

H.J. Res. 92. January 4, 1977. Post Office and Civil Service. Designates the fourth Monday in March of each year as "National Agriculture Day."

H.J. Res. 93. January 4, 1977. Post Office and Civil Service. Declares the flower commonly known as the rose to be the national floral emblem of the United States of America. Requests the President of the United States to declare such fact by proclamation.

H.J. Res. 94. January 4, 1977. Judiciary. Constitutional Amendment—Declares vacant the office of any Senator or Representative who fails to be recorded in person on 60 percent of the rollcall votes taken during any regular session of Congress unless such rollcall votes were missed due to hospitalization required by illness or accident.

H.J. Res. 95. January 4, 1977. Judiciary. Constitutional Amendment—Prohibits deficit spending and increases in the national debt. Sets forth a schedule for repayment of the national debt.

H.J. Res. 96. January 4, 1977. Interstate and Foreign Commerce. Authorizes and directs the Secretary of Transportation to conduct a study of the costs, benefits, and methods of acquisition, operation, and maintenance by the Federal Government of all railroad tracks, rights-of-way, signal and train control systems, and other fixed facilities.

H.J. Res. 97. January 4, 1977. Judiciary. Constitutional Amendment—Lowers to 22 years the age requirement for membership in the House of Representatives and to 27 years for membership in the Senate.

H.J. Res. 98. January 4, 1977. Post Office and Civil Service. Designates the period March 1, 1977, through March 7, 1977, as "National Weights and Measures Week."

H.J. Res. 99. January 4, 1977. Post Office and Civil Service. Authorizes the President of the United States to designate the week beginning October 3, 1977, and ending October 9, 1977, as "National Gifted Children Week."

H.J. Res. 100. January 4, 1977. Post Office and Civil Service. Changes the dates of observance of Washington's Birthday, Memorial Day, and Columbus Day.

SENATE—*Thursday, March 17, 1977*

(Legislative day of Monday, February 21, 1977)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray today in the words of St. Patrick.

"May the strength of God pilot us. May the power of God preserve us. May the wisdom of God instruct us. May the hand of God protect us. May the way of God direct us. May the shield of God defend us.

"May the host of God guard us against the snares of the Evil One and the temptations of the world.

"May Christ be with us. Christ before us. Christ in us. Christ over us. May Thy salvation, O Lord, be always ours this day and for evermore. Amen."

(Prayer of St. Patrick, A.D. 439.)

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 17, 1977.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. ROBERT C. BYRD thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, March 15, 1977, be approved.

The PRESIDING OFFICER (Mr. BUMPERS). Without objection, it is so ordered.

COMMITTEE MEETINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet.

Mr. BAKER. Mr. President, reserving the right to object, I have not yet had time to speak with the majority leader on this subject, but I say that it is my intention to object to any committee meeting while the Senate is considering the so-called ethics package. I, therefore, reluctantly object.

Mr. ROBERT C. BYRD. Very well.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERT C. BYRD. Mr. President, let me see if we can resolve it this way, at least for the time being.

Mr. President, I ask unanimous consent that the Senate committees may meet during the session of the Senate today while the code of ethics is not being considered, prior to calling up the code of ethics resolution.

This would, perhaps, allow at least a couple of hours.

Mr. BAKER. Mr. President, I would not object to that with the exception of the Labor Subcommittee of the Committee on Human Resources.

I say to my friend, the majority leader, that beginning tomorrow I will object to all committee meetings.

Mr. ROBERT C. BYRD. Very well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished minority leader for stating what his intentions are in advance, so that committees may govern themselves accordingly.

They will understand that during the Senate consideration of the code of ethics this afternoon, committees will not be permitted to meet, and tomorrow and henceforth as long as the Senate is considering the code of ethics.

I assume that while it is considering the code of ethics only, the Senator would interpose an objection to any committees meeting, just for the purpose of notice.

Mr. BAKER. Mr. President, I ask the majority leader, then, if it is his intention to set aside the code of ethics for any appreciable length of time to turn to other business during that time?

Mr. ROBERT C. BYRD. It might be, from time to time, depending upon the urgency of other business.

As much as I would foresee such events, I suggest that the other business would be taken up during the early part of the day so that committees, at least, could meet until noon, if there is such other business.

Mr. BAKER. Mr. President, I must say with reluctance to the majority leader that for today I will not object to committees meeting except for the Labor Subcommittee of the Committee on Human Resources until the Senate turns to the ethics package. But I cannot now say that I will not object to any committee meeting at all during the time the Senate is in session beginning tomorrow.

I will discuss the matter further with

the distinguished majority leader in the course of the day.

Mr. ROBERT C. BYRD. Very well. I thank the Senator.

ORDER FOR PERIOD FOR ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the orders for the recognition of Senators today, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 10 minutes each, without any resolution coming over under the rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF WAIVER RESOLUTIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar orders numbered 46 and 47, both of which are waivers with respect to S. 650, the bill to provide temporary emergency assistance to wheat producers, which will be taken up after morning business today.

Mr. BAKER. Mr. President, I simply say that Calendar orders 46 and 47 have been cleared on our side. There is no objection to the waivers being adopted by unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAIVER OF CONGRESSIONAL BUDGET ACT WITH RESPECT TO CONSIDERATION OF S. 650

The resolution (S. Res. 107) waiving section 303(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 650, was considered and agreed to, as follows:

Resolved, That pursuant to section 303(c) of the Congressional Budget Act of 1974, the provisions of section 303(a) of such Act are waived with respect to the consideration of S. 650. Such waiver is necessary to permit consideration of statutory authority for new entitlements for wheat producers to become effective in a fiscal year for which the first concurrent resolution on the budget has not yet been adopted. The special program authorized by S. 650 is of an emergency nature, and it is necessary that the producers affected receive the earliest possible assurance that they may use their wheat crop in the manner provided for in the bill.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95–52), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE RESOLUTION

Section 303(a) of the Congressional Budget Act of 1974 provides that it shall not be in order in either the House or the Senate to consider any bill or resolution or any amendment thereto providing new budget authority, new spending authority, or changes in revenues or public debt for a fiscal year until the first concurrent resolution on the budget for such fiscal year has been adopted.

Since S. 650 provides for spending authority for fiscal year 1978, a resolution waiving section 303(a) of the Budget Act with respect to consideration of S. 650 must be adopted before S. 650 can be considered by the Senate. In reporting favorably on the resolution waiving application of section 303(a) of the Budget Act to S. 650, the Budget Committee is recommending that the Senate proceed to full consideration of S. 650, but is not prejudging the merits of the bill.

PURPOSE OF THE BILL

S. 650 amends the Agricultural Act of 1949, as amended, to provide for a special grazing and hay program for wheat acreage. The bill authorizes a wheat producer who elects to participate in the program to be paid for the wheat removed from commercial production and used for grazing or hay production. The program is designed to cover wheat planted prior to January 1, 1977, and becomes effective October 1, 1977, with provisions retroactive to cover payments for the 1977 wheat crop.

COMMITTEE CRITERIA

The Budget Committee is extremely reluctant to recommend the adoption of resolutions waiving section 303(a) of the Budget Act. One of the major purposes of the Congressional Budget Act was to bring the Federal budget under better control. Through the adoption each year of the first and second concurrent resolutions on the budget. Congress sets fiscal policy and national priorities for the fiscal year.

If legislation affecting spending or revenues for a future fiscal year is considered prior to the adoption of a first concurrent resolution on the budget for that year, to that extent Congress loses control of the spending and priority decisions for that year prior to adoption of congressional budget for that year. However, the Budget Act recognized that in some situations it may be appropriate to consider such legislation before the adoption of the first concurrent resolution.

The Budget Committee has concluded that it is appropriate to waive section 303(a) in the case of S. 650 because of the emergency crop conditions which cannot await the adoption of the First Budget Resolution for fiscal year 1978. Specifically, the Committee on Agriculture, Nutrition and Forestry reports that the affected farmers must make a choice within the next few weeks between harvesting the wheat under existing law and producing an oversupply at lower prices or, pursuant to S. 650 if enacted, utilizing a portion of their acreage allotments for grazing purposes or for hay rather than commercial production. Since the program expires with the 1977 crop, S. 650 will be subject to the discipline of the Congressional budget process beginning with the 1978 crop (i.e., fiscal year 1979) even if the waiver is approved by the Senate and the bill enacted.

The committee, in recommending the adoption of the resolution waiving the application of section 303(a) to S. 650, considered the estimated cost of $100 million, limited to fiscal year 1978. But it should be noted that the favorable recommendation on the resolution does not necessarily endorse the bill or its funding levels.

AMENDMENTS TO S. 650

The committee does not intend that this waiver resolution should be interpreted in any fashion as waiving the clear prohibition of section 303(a) against any amendment to S. 650 which would be out of order under section 303(a). Under section 303(a), any amendment to S. 650 will be out of order if it provides:

(1) New budget authority for a fiscal year;

(2) An increase or decrease in revenues to become effective during a fiscal year;

(3) An increase or decrease in the public debt limit to become effective during a fiscal year; or

(4) New spending authority described in section 401(c)(2)(C) to become effective during a fiscal year; before the first concurrent resolution on the budget for such year has been agreed to pursuant to section 301 of the Budget Act.

Thus, any amendment to S. 650 which will increase budget authority or spending authority or increase or decrease revenues or the public debt in fiscal year 1978, or any fiscal year thereafter, is not in order.

The purpose of the prohibition against such amendments to legislation upon which a waiver has been granted is to assure that, in adopting such waivers, the Senate does not open the door to amendments which would increase the levels of budget authority or new spending authority beyond those levels contained in the bill upon which a waiver was granted, nor permit the use of that legislation as a vehicle for amendments to increase or decrease revenues or the public debt other than as provided in the bill upon which the waiver is granted.

Thus, in granting this waiver for the consideration of S. 650, the Committee nonetheless views as out of order any amendments to that bill which if offered separately, would be out of order under section 303(a).

COMMITTEE RECOMMENDATION

Under these circumstances the committee believes that Senate consideration of S. 650 is not so inconsistent with the Congressional budget process as to be inappropriate and recommends that the resolution be adopted.

WAIVER OF THE CONGRESSIONAL BUDGET ACT WITH RESPECT TO CONSIDERATION OF AN AMENDMENT TO S. 650

The resolution (S. Res. 115) waiving section 303(a) of the Congressional Budget Act of 1974 with respect to the consideration of an amendment intended to be proposed to S. 650, was considered and agreed to, as follows:

Resolved, That pursuant to section 303(c) of the Congressional Budget Act of 1974, the provisions of section 303(a) of such Act are waived with respect to the consideration of an amendment intended to be proposed to S. 650. Such waiver is necessary to permit consideration of an amendment which would provide statutory authority for new entitlements for wheat producers with respect to wheat planted after January 1, 1977, to become effective in a fiscal year for which the first concurrent resolution on the budget has not yet been adopted. The special program authorized by S. 650 is of an emergency nature, and it is necessary that all producers affected receive the earliest possible assurance that they may use their wheat crop in the manner provided for in the bill.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95–55), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE RESOLUTION

Section 303(a) of the Congressional Budget Act of 1974 provides that it shall not be in order in either the House or the Senate to consider any bill or resolution or any amendment thereto providing new budget authority, new spending authority, or changes in

revenues or public debt for a fiscal year until the first concurrent resolution on the budget for such fiscal year has been adopted.

Since the amendment to S. 650 provides for spending authority for fiscal year 1978, a resolution waiving section 303(a) of the Budget Act with respect to consideration of the amendment to S. 650 must be adopted before the amendment can be considered by the Senate. In reporting favorably on the resolution waiving application of section 303(a) of the Budget Act to the amendment to S. 650, the Budget Committee is recommending that the Senate proceed to full consideration of the amendment, but is not prejudging the merits of it.

PURPOSE OF THE AMENDMENT

The proposed amendment to S. 650 would include in the new wheat emergency program all 1977 wheat and not just that planted prior to January 1, 1977, as proposed in S. 650 as reported by the Committee on Agriculture, Nutrition and Forestry. The effective date of the amendment, as in the reported version of S. 650, will be October 1, 1977, with provisions retroactive to cover payments for the 1977 crop of winter and spring wheat.

COMMITTEE CRITERIA

The Budget Committee is extremely reluctant to recommend the adoption of resolutions waiving section 303(a) of the Budget Act. One of the major purposes of the Congressional Budget Act was to bring the Federal budget under better control. Through the adoption each year of the first and second concurrent resolutions on the budget, Congress sets fiscal policy and national priorities for the fiscal year.

If legislation affecting spending or revenues for a future fiscal year is considered prior to the adoption of a first concurrent resolution on the budget for that year, to that extent Congress loses control of the spending and priority decisions for that year prior to adoption of a congressional budget for that year. However, the Budget Act recognized that in some situations it may be appropriate to consider such legislation before the adoption of the first concurrent resolution.

The Budget Committee has concluded that it is appropriate to waive section 303(a) in the case of this amendment to S. 650 because it addresses the same subject as S. 650, namely, the emergency crop conditions which cannot await the adoption of the first budget resolution for fiscal year 1978. Specifically, the amendment will perfect S. 650, for which a waiver, Senate Resolution 107, has been favorably reported, by extending the provisions to cover spring as well as winter wheat.

The committee, in recommending the adoption of the resolution waiving the application of section 303(a) to this amendment to S. 650, considered the additional estimated cost of the amendment of $25 million, limited to fiscal year 1978, to be relatively small although this additional cost raises the total cost of S. 650 to an estimated $125 million. It should be noted that the favorable recommendation on the resolution does not necessarily endorse the amendment or its funding level.

AMENDMENTS TO S. 650

The committee does not intend that this waiver resolution should be interpreted in any fashion as waiving the clear prohibition of section 303(a) against any amendment to S. 650 other than this amendment to which Senate Resolution 115 applies. Under section 303(a), any other amendment to S. 650 will be out of order if it provides:

(1) New budget authority for a fiscal year;

(2) An increase or decrease in revenues to become effective during a fiscal year;

(3) An increase or decrease in the public debt limit to become effective during a fiscal year; or

(4) New spending authority described in section 401(c)(2)(C) to become effective during a fiscal year;

before the first concurrent resolution on the budget for such year has been agreed to pursuant to section 301 of the Budget Act.

Thus, any other amendment to S. 650 which is not germane to the bill or which will increase budget authority or spending authority or increase or decrease revenues or the public debt in fiscal year 1978, or any fiscal year thereafter, is not in order.

The purpose of the prohibition against such amendments to legislation upon which a waiver has been granted is to assure that, in adopting such waivers, the Senate does not open the door to amendments which would increase the levels of budget authority or new spending authority beyond those levels contained in the bill upon which a waiver was granted, nor permit the use of that legislation as a vehicle for amendments to increase or decrease revenues or the public debt other than as provided in the bill upon which the waiver is granted.

Thus, in granting this waiver for the consideration of this amendment to S. 650, the committee nonetheless views as out of order any other amendments to that bill which, if offered separately, would be out of order under section 303(a).

COMMITTEE RECOMMENDATION

Under these circumstances, the committee believes that Senate consideration of this amendment to S. 650 is not so inconsistent with the congressional budget process as to be inappropriate and recommends that the resolution be adopted.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time under the order.

The PRESIDING OFFICER. Does the Senator from Tennessee seek recognition?

Mr. BAKER. Mr. President, I do.

For a moment, I ask the Chair to withhold recognition.

Mr. President, I yield 5 minutes of my time under the standing order to the distinguished junior Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. I thank the Senator for yielding.

S. RES 116—COMMEMORATION OF ST. PATRICK'S PARISH IN POTTSVILLE, PA.

Mr. HEINZ. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

Mr. ROBERT C. BYRD. Mr. President, may I say that this resolution has been cleared and I have no objection.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

Whereas Saint Patrick's Parish in Pottsville, Pennsylvania, is celebrating this year the one hundred and fiftieth anniversary of its founding; and

Whereas Saint Patrick's Parish is the oldest disocese in Schuykill County; and

Whereas the people of this parish characterize the spirit of the early immigrants who came to this great country: Now, therefore, be it

Resolved, That the Senate recognize and commemorate the people of Saint Patricks Parish upon this special occasion.

SEC. 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Saint Patrick's Church.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. HEINZ. Mr. President, I think the resolution speaks for itself. Many of us are wearing the green today.

I ask my colleagues to join me in recognizing the 150th anniversary of St. Patrick's Parish in Pottsville.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 116) was agreed to.

Mr. BAKER. Mr. President, I commend the distinguished Senator from Pennsylvania for bringing this resolution to prompt and appropriate passage in the Senate today.

As I look around at our colleagues—those who were here previously and those who are here now—I notice that among those cast in the greenish hues are the distinguished senior Senator from Arizona, who is in Kelly green from top to bottom, I am sure in deference and respect to the extensive population of the distinguished Irishmen in Arizona.

I am also happy to see that there is general support for this resolution today. We all join the Senator from Pennsylvania in paying tribute to St. Patrick, to the wearing of the green.

Mr. GOLDWATER. Mr. President, it may seem peculiar for a fellow named Goldwater to be wearing green, but my mother was Irish and my father was Jewish, and that is a hell of a combination. [Laughter.]

Mr. BAKER. A fact that we have always known.

THE PROPOSED SACCHARIN BAN

Mr. BAKER. Mr. President, the Food and Drug Administration's recent announcement that it will propose a ban on the use of saccharin in food and beverages has created a furor which raises serious questions about the capacity of the Government to protect the public from potentially dangerous substances which increasingly sophisticated methods of scientific research bring to light.

Although saccharin has been used as an artificial sweetener in this country for almost 80 years, it has never been shown to be harmful to people; and the Canadian test results on which FDA is basing its proposal point to the development of cancerous tumors in rats who had been fed a dosage of saccharin equivalent in a human to the drinking of 800 12-ounce diet sodas daily for a lifetime.

Whether these tests, in turn, indicate the probability, or even the possibility, that humans could develop cancer from ingesting small amounts of saccharin is questionable, as is the severity of the possible cancer risk when weighed against the clearly defined health hazards of overconsumption of sugar.

But the FDA has been precluded from weighing relative risks and benefits of a

saccharin ban by the language of the Delaney clause of the Food, Drug and Cosmetic Act. That language requires the prohibition of any food additive:

If it is found to induce cancer when ingested by man or animal or if it is found, after tests which are appropriate for the evaluation of the safety of food additives, to induce cancer in man or animal.

It is clear, therefore, that the FDA's hands are tied and that the ban on saccharin as a food additive is required by the law as Congress drafted it.

Some have proposed that the FDA regulate saccharin as a drug, rather than a food additive, to which the Delaney clause would not apply. Since saccharin is listed in official drug compendia, this alternative is possible and it would make saccharin available in tablet or packet form, if not in soft drinks and other prepared foods.

This suggestion, however, does not address the major public policy questions raised by the application of the unequivocal language of the Delaney clause to a popular food additive, 5 million pounds of which is consumed by millions of Americans each year. Saccharin is not only a convenience for weight-watchers; it has become a major factor in the diet of diabetics and others for whom a reduction in sugar intake is a life-and-death matter. In addition, now that cyclamates have also been banned, saccharin is the only sugar substitute which has been approved for marketing in the United States.

Obviously, then, the FDA's action will have a major impact. I hope that it will encourage the Congress to review the Delaney clause and the differing standards which have been applied to the control of various substances which may be harmful to human health. Is it good public policy to apply so rigid a standard for food additives and a totally different one for tobacco, alcoholic beverages, pesticides, chemicals, and birth control pills?

During the last few years, as a member of the Senate Committee on Commerce, I had the opportunity to participate in the development of Public Law 94–469, the Toxic Substances Control Act. This measure, which is designed to provide an effective means of controlling chemicals with the potential for causing unreasonable risks to human health and the environment, recognizes the risks posed by carcinogenic substances and the need for preventing or minimizing those risks. It does so, however, in a manner which permits some flexibility on the part of those administering the law to weigh all relevant factors and to consider a wide range of regulatory actions, including but not limited to a ban on use, to control those substances.

It seems to me that Congress would do well to consider adopting a similar approach to food additives—one that would permit FDA to consider the benefits as well as the possible hazards of saccharin and similar substances.

Such an approach would, in my view, be more deserving of public confidence than the inflexible requirements of existing law. While the Federal Government unquestionably has a vital role in discovering health hazards and making the public aware of them, we must also be aware of the rational limits beyond which Government should not go in preventing Americans from making decisions for themselves. Our action several years ago to repeal Federal auto safety standards requiring a seat-belt-ignition-interlock system is a good example of this. The saccharin issue gives us an opportunity to reexamine a legislative policy which has far-reaching effects on every American. I hope that we will make the most of that opportunity in the weeks ahead.

Mr. President, saccharin may sound like a small issue, but saccharin is a big issue, judging by the amount of mail I am receiving in my office and the number of comments I have received from around the country.

I do not know what the role of the Government will finally be determined to be in the years just ahead, but I have a strong feeling that Government's role will be not to intrude so thoroughly into the lives of individuals in their daily endeavors that we are entirely protected against ourselves.

I think of the interlock provisions of the seatbelt law, which I am sure had good logic, but I am also sure the country simply would not stand still for it.

Mr. President, I think something fundamental has to be done about this saccharin dilemma. If not, I am afraid that many of us may, in fact, contract terminal fat instead of some other dread illness.

So I hope that the remarks I have just made will be taken seriously and that my colleagues will turn their attention to the question of the future fate and destiny of the so-called Delaney amendment.

I hope the FDA will give us their advice as to how we can get out of this dilemma, before the people start marching on Jenkins Hill.

AIRBORNE WARNING AND CONTROL SYSTEM

Mr. BARTLETT. Mr. President, I am disappointed in the decision by the new administration to cut the procurement of the E–3A airborne warning and control system—AWACS—aircraft in fiscal year 1978 from six aircraft to three. While this cut permits a small reduction in the size of this year's defense budget, in the long run this action will save little if any money. In the short run, this decision will undermine greater cooperation, preparedness, and standardization in the North Atlantic community. No easy solutions exist for the many problems our Armed Forces in Europe. But as Gen. Richard H. Ellis, commander of Allied Air Forces Central Europe stressed to me recently, the E–3A AWACS will greatly reduce the dangers from increased Soviet tactical air power, reduced warning of impending attack, and weak coordination and communications among our NATO allies.

In the AWACS aircraft, advanced electronics, computers, and "downward looking" radar have turned the basic Boeing 707 commercial jetliner into an airborne command post capable of surveying land, sea, and air for hundreds of miles in all directions and of locating aircraft, ships, and electronic emmiters such as radios and radars, both friendly and enemy. Secure communications and data links permit the AWACS crew to direct friendly forces in combat, and an amazing television link provides ground commanders with both the friendly and enemy order of battle, even as it changes.

With the "look down" capability of its doppler radar, the AWACS can detect low-flying aircraft hiding in the "ground clutter" of the Earth's radar reflection. Thus, AWACS is a far more effective surveillance system than our present ground-based radars. It is also more survivable. Flying at high speed and changing its location constantly while distant from any threat, each AWACS aircraft can direct interceptors and surface-to-air missiles in its own defense while continuing its warning and control mission. Flare and chaff dispensers are available should the plane come under direct attack, but studies including airborne exercises have shown that attacking an AWACS aircraft would be extremely costly to any enemy. Furthermore, such an attack would force that enemy to reveal his intentions and divert many valuable resources from the battlefield.

Whether protecting the continental United States against the Backfire bomber, providing the Navy with control of the air over the seas, or preventing a surprise attack against Western Europe, AWACS enhances our ability to deter and to defend. Inflight refueling and on-board maintenance permit the AWACS to be deployed anywhere in the world on short notice. Thus, AWACS can be used to help project American military power, or it can be used to "show the flag" in a manner suitable to the electronic age. Launching additional AWACS aircraft can serve to signal our readiness during heightened international tension and is less provocative than launching our bombers. Also, AWACS can provide assistance to friends and allies without committing American combat forces. Even in crises where the United States is not involved, the presence of an American AWACS can serve to promote peace since AWACS would deprive a potential aggressor of both surprise and propaganda. AWACS brings "real-time" facts to international debate. However, AWACS should not be viewed only as a military and geopolitical tool, since the E–3A aircraft can also provide air traffic control and navigational assistance to civilian aircraft and could, for example, coordinate international relief efforts in remote regions which have suffered natural disasters such as hurricanes and earthquakes.

The E–3A airborne warning and control system is a flexible aircraft with a tremendous potential for growth. It is not a wonder weapon of the future, nor is it a gold-plated laboratory device awaiting some painful decision to be produced. On the contrary, it is a proven system already in production. The 552d

Airborne Warning and Control Wing at Tinker Air Force Base, Okla., will accept the Air Force's first E-3A AWACS aircraft on the 24th of this month and will be fully operational with five aircraft in the fall. Tinker AFB will also have the training and maintenance support function for the entire Air Force AWACS program. In fiscal year 1982, the U.S. Air Force hopes to have a force of 34 AWACS aircraft.

In our report to the Senate Armed Services Committee entitled "NATO and the New Soviet Threat," Senator SAM NUNN, Democrat of Georgia, and I concluded:

> The Alliance's present command, control, and communications capability must be substantially enhanced to accommodate the demands of the modern battlefield. There is an impressive consensus within NATO that procurement of the Airborne Warning and Control System (AWACS) is essential to realization of this objective.

Just yesterday, Aviation Week called AWACS "one of NATO's most urgent requirements," and the Carter administration has stated that it is still committed to the NATO use of AWACS. However, the decision by the new Secretary of Defense to cut this year's AWACS procurement from six to three aircraft delays this vital program, raises the unit cost, and sends the wrong message to European leaders considering joint funding. When leaders of the Congress and the administration met with the West German Defense Minister this week, I hope that they took every step to reassure him that the United States understands the importance of AWACS to NATO and is committed to further standardization.

As a result of conversations that Senator NUNN and I had in Germany with the Minister of Defense, I know that the minister is very concerned about the conventional weapon capability of the NATO forces. The effect of the recent decision to cut AWACS procurement may well be seen next month when the NATO ministers meet to consider procurement of the E–3A AWACS.

It is my hope and strong conviction that we should and must place AWACS back as it was originally, for a procurement of six rather than three aircraft. I believe this is vital to the future security in Europe and for the strength of the military of the United States.

Mr. GOLDWATER. Mr. President, before commencing the remarks for which I asked time this morning, I compliment my friend, the Senator from Oklahoma, on the remarks he has made about AWACS.

I have kept abreast of this development since it was barely on the drawing boards. I have flown the simulator and have flown the contemporary, the E–4. It is an aircraft that I think will revolutionize warfare, particularly in Europe, and will afford the best opportunities that we and our allies have ever had to comprehend what the enemy will be doing and are doing, and it will save our side many, many lives. I hope Congress will allow this equipment to be built.

Mr. NUNN. Mr. President, will the Senator from Oklahoma or the Senator from Arizona yield?

Mr. GOLDWATER. I will yield just so it will not come out of my time.

Mr. NUNN. Mr. President, I commend the Senators from Arizona and Oklahoma on their remarks and statements on AWACS. I share their opinion as to the importance of this system, and I also think it should be emphasized that one of the most critical problems we have in NATO is the diminishing warning time that has come about in the past few years because of dramatic improvements in the Warsaw Pact capabilities.

NATO needs additional warning time. AWACS will give additional warning time.

I commend the Senator from Oklahoma and the Senator from Arizona, and I share their views. I congratulate them on their perceptive remarks.

Mr. BARTLETT. Mr. President, if the Senator will yield, I appreciate very much the remarks of the Senator from Arizona and the Senator from Georgia. I obviously share their feelings, and I think what they have expressed is extremely important regarding AWACS.

I would remind the Senator from Georgia that General Ellis told us when we were in Europe that his No. 1 priority was AWACS, and I think this comes from one of the top people in not only the Air Force but in our whole military system, a very impressive man, so I think we should certainly pay attention to his words.

I thank the Senator from Arizona.

I would like to yield the remainder of my time that I had allotted to me to the Senator from Arizona.

Mr. GOLDWATER. I thank my friend from Oklahoma. I am sure I do not need it, but in the event I do I will have it there. I thank the Senator.

SENATE CODE OF OFFICIAL CONDUCT

Mr. GOLDWATER. Mr. President, today sometime we are going to take up Senate Resolution 110, which is a resolution to propose amending the Senate rules to include a code of conduct, and I want to address myself to this important piece of legislation.

Mr. President, Mark Twain once suggested that—

> It could probably be shown by facts and figures that there is no distinctly native American criminal class except Congress.

Today, about a hundred years later, in the wake of a series of scandals, many of our contemporaries seem to share Mark Twain's opinion on the subject. What is most distressing to me is that the very people who ought to know best that it is not so, the Members themselves, seem the most eager to believe it.

And we in the Senate are so preoccupied with the charge that we stand ready to rise up, fix the Nation with a firm stare, and proclaim to the American people—through legislative enactment, as the House has already done—that "your Congress is not a crook."

Watching the scene we have set in this Chamber, I would not be surprised if the American people in response did not rise up themselves, wondering if perhaps their Congress is not protesting just a little too much.

For a great variety of reasons, not the least of which are some of our own failures, we have gotten to the point where membership in the House or Senate is less and less a position of honor—and more and more a presumption of guilt.

And what is worse, my colleagues are on the verge of pleading no contest to the charges.

Mr. President, the charges are unfair and this proposed response to them is inappropriate.

Of course, there have been some problems, which have given rise to the recent scandals. You have to go no further than some recent headlines to know that a problem does exist. But in terms of the allegations that some Members took money from representatives of a foreign government—the so-called Korean money scandals—the problem is not that we have too few laws on the books to prohibit such transactions.

The problem is that Congress has a few Members who do not pay any attention to the law.

If we limit outside income, for example, one of the major provisions of the Code of Conduct adopted by the other body, we will certainly impose a hardship on those persons who have been both honest and successful in the past and who may choose, or may have already chosen, public service through elective office.

There are Members, after all, whose very success in the business world has afforded them such financial independence that their livelihood need not be dependent upon their voting record. I do not suggest that Members with no other source of income but their Senate salaries cannot be good, conscientious, and principled Senators. I only deny that Senators who have such outside resources must necessarily be unconscientious, unprincipled, and bad. I deny it, though it seems to be the underlying premise of this bill.

Let us not lose sight of the simple fact that the current scandal has to do with Members who apparently took bribes. Preventing those Members—and all others—from earning honest money if they choose to try, is no reform at all.

Mr. President, I am tempted to say, as I have said before in other contexts, that what we are considering here is an effort to legislate morality. Usually when we do so, we try to impose it on the whole country, excluding ourselves, of course. This time we are trying to impose on ourselves a standard none of us would ask our constituents to meet.

I am not sure morality is the right word, though. Certainly there can be nothing immoral in making money honestly and nothing particularly moral about prohibiting it.

What we are doing, instead, is trying to legislate for ourselves a standard of honor, however wide of the mark this standard may be. And at this low point of national esteem for the Congress by the people as a whole, the point cannot be lost on Americans that if the Congress

must force itself and its Members to be honorable, then their lack of confidence in us is justified.

If the people have to accept that their elected representatives cannot tell right conduct from wrong unless they have a formula devised for them, then they would be right to despair.

If these so-called reforms pass—and they seem likely to—I have little doubt that passage will be due to solely political considerations. How many of my colleagues will willingly vote against anything which is called reform? The debate on this subject has been so cast that a vote against this proposal will be perceived as a vote against reform, as a vote against morality, as a vote for continued corruption.

When I vote "nay," though, Mr. President, as I intend to, my vote will be a vote against hypocrisy, a vote against the denial to myself and to my colleagues of our right to earn a living in the manner we choose, and, perhaps most importantly, my vote will be a vote for continued accountability of myself and my colleagues to our own constituents.

Parenthetically, Mr. President, I might say I had promised a group in my State called Common Cause that I would vote for the passage of this bill, but since I have seen the bill passed by the House, and seen the bill suggested by the committee in the Senate, I have informed those people constituting Common Cause in my State that I cannot vote for it unless it receives rather drastic amending.

So my opinion at this time is to vote against it. The voters can and should be the judges of both our effectiveness and our integrity. Pass this so-called reform bill, and in large measure the seat of that judgment will shift from the voters to some arbitrary formula.

A good Senator is one who honestly represents both his own constituents and his conscience when he casts his votes in this Chamber. He may be rich or poor. He may have earned income or unearned income or no income at all apart from his salary. It is the former test, how he casts his vote, and not the latter test of how he makes his money that determines how he should be judged as a Senator.

That is the simple truth, and we are not going to make it untrue by passing this "reform" bill.

We may accomplish one thing, however, we may discourage a lot of good men and women from considering public office. We may even lose some that we now have. If a limit on outside income is adopted along with anything like the full financial disclosure requirements passed in the other body, then a lot of talented but perhaps independent-minded persons are going to exclude themselves from elective office.

It may not be going too far to say that we will be taking away the right to run for office from those who might believe, as is not untraditional in this country, that how much a person makes and what he owns and what he owes, may not be anyone else's business. That happens to be a view I hold. It does not entitle me to win if I choose to run, but it ought not to prevent me from running.

In recent elections, it seems undeniable that some men, some of our own colleagues, have lost because an issue was made of their personal financial situation. The subject does seem of interest to the voters. It certainly seems to fascinate the media.

I have no quarrel with that public interest. If the voters want full disclosure by their representatives, then representatives will either have to give it to them, or suffer the consequences at the polls. In this context, the man who believes such personal information is nobody's business but his own, is at a disadvantage. But he will be at a disadvantage because of what voters demand of him and because of his own free choice, not because some arbitrary ethical formula has labeled him corrupt.

Mr. President, the major issue which this bill seeks to address is the need for restoring public confidence in the Congress, House, and Senate. I believe that need is urgent and compelling.

But we can pass this bill and a dozen more like it and not have come close at all to meeting the real challenge.

We are not solving the people's problems with this legislation. We are salving our own conscience and, in some cases, trying to save our political skins. Nothing in this bill will prevent any Member who wishes to take money illicitly or illegally from whatever source, from doing so.

Taking bribes is illegal under current law. Requiring that Members who do it, then report it, will not stop them from doing it. Recall that the impetus for a new code of congressional ethics arose from the pay raise controversy. We were justifiably criticized for our unwillingness to take a public stand on whether the pay raise was necessary while at the same time we showed no unwillingness at all to accept the raise when it came to pass.

Now, in response to pressure which we could withstand if we took ourselves seriously enough, we are about to pass an inappropriate and very possibly unconstitutional set of restrictions on our own individual economic freedoms.

Have things really come to such a pass in the Senate of the United States, Mr. President, that we can look to our constituents and to the people as a whole and say to them—without any shame whatsoever—that a raise in our pay is the best, if not the only way, to insure we will be honest?

Are we really going to have more integrity at $57,500 a year than we did at $44,500? If the American people were fools enough to believe that, they might have welcomed the raise, or even increased it.

But they are not such fools. They know what many of my colleagues seem to have forgotten. Our integrity can neither be purchased with a pay raise nor diminished by denying it. Our integrity cannot be guaranteed by codes of conduct nor jeopardized by their absence.

Our integrity is ourselves. If we the elected lawmakers for this country do not know that taking a bribe is wrong—and illegal—unless it is written down in some code of conduct, then who are we to pass the laws that govern the rest of our citizens, some 215 million of them who by and large, lead honorable lives?

And who are they to put up with such moral bankruptcy in their representatives?

They will not do it, Mr. President, I can assure you of that. They will not put up with this charade much longer.

And why should they?

Mr. President, having outlined in a broad, general way my objections to the pending ethics bill, let me announce that I will offer at the end of my remarks a breakdown of my financial and property holdings to the best of my ability, and I will, when my income tax is filed in the middle of April, offer that for the public record. I can see only one advantage to me: it will remove the idea that I am a millionaire, which is one of the most expensive reputations that I have. Now, I do not think for one moment that this is going to make me more honest than I am today. In fact, I do not think the passage of this so-called ethics bill is going to change the honesty of this Congress one way or the other. If anyone in this body thinks I am not going to have lunch with whom I want to or go to dinner with whom I want to, or play golf with whom I want to, then he has another thought coming. I would remind my colleagues that this job is now worth in the neighborhood of $345,000 for a 6-year period, and if anyone thinks so lightly of the honesty of any of us to believe that for the price of a cocktail, green fees, or a steak dinner we are going to suddenly become dishonest and untrustworthy people, again, he has another thought coming. I repeat what I have said before, laws do not create morality, laws do not create honesty, and with that I will cast my vote against this bill as it is currently written.

Mr. President, I ask unanimous consent that a statement of the assets of Senator and Mrs. Barry Goldwater of Arizona be printed in the RECORD at this point, and I yield the floor.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Assets of Senator and Mrs. Barry Goldwater

BANK ACCOUNTS

Valley National Bank, joint account	$14,500
Valley National Bank, Margaret	22,000
Trust accounts	36,700

SECURITIES

400 shares Exxon Corp., capital stock	20,700
350 shares General Electric Co., common stock	17,762
57 shares ITT Consumers Service Corp., convertible preferred series A	4,560
200 shares General Motors Corp., common stock	14,200
3,300 shares Associated Dry Goods Corp., common stock	103,125
180 shares Borg-Warner Corp., common stock	5,535
408 shares the Valley National Bank of Arizona, common stock	7,548

REAL ESTATE

Residence at 6250 North Hogahn Drive, Scottsdale, Ariz	450,000

HOME FURNISHINGS

Furniture, furnishings, automobiles	25,000
	721,630
Radio Station AFA7UGA, equipment, furnishings, building	25,000

This station is a member of the Military Affiliate Radio System and is the property of the United States Air Force in time of emergency. It is operated at my personal expense which annually runs around $20,000.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. ALLEN). At this time, in accordance with the previous order, there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with speeches by Senators limited to not more than 10 minutes each. Is there morning business to be transacted at this time?

THE FUTURE OF THE NAVY

Mr. HART. Mr. President, on February 10, I addressed the Senate on the subject of the Soviet naval challenge. At that time I stated that I would offer some further thoughts on the naval situation once President Carter had submitted his naval ship construction budget. The Carter budget has now been submitted to the Congress, and I believe it is time we all began to think about the naval program for fiscal year 1978, and for future years.

As I noted on February 10, the United States faces a serious naval challenge from the Soviet Union. The Soviets have developed substantial naval capabilities in certain areas. While their heavy investment in strategic antisubmarine warfare systems has not yet brought them any real capability against our strategic missile submarine force, we should be concerned by the major research and development effort they are making in this area. The Soviet Navy has successfully developed a new naval concept, anticarrier warfare, and they have put to sea significant numbers of surface ships and submarines, supported by land-based naval aircraft, to serve that concept. Their anticarrier capability gives them a significant ability to confront the U.S. Navy in various crisis scenarios.

In both NATO and non-NATO situations the Soviets large and capable fleet of attack submarines is a serious challenge to the West. It is not clear that these submarines would be used, at least in the initial stages of a NATO war, to disrupt the Atlantic sea lanes; the Soviet expectation of a short war in Europe makes that task somewhat irrelevant. But possible U.S. plans to project ground forces into Europe's northern and southern flanks may be unrealistic in view of the capability of the Soviet submarine force in the Norwegian Sea and the Mediterranean: preventing such operations would be a logical element in a Soviet "short war" plan.

Today's Soviet Navy has a substantial capability to use naval forces as tools of crisis management and for political influence around the world. It is not difficult to foresee the Soviet fleet being used to block U.S. attempts to reinforce friendly states in local crises, or to support friendly elements within a Third World state. Areas in which Soviet naval forces could be used in this role include the eastern Mediterranean, an area where the United States has major commitments.

In sum, these Soviet naval capabilities add up to a new dimension of Soviet military capability, a dimension not present even 20 years ago.

As I also noted in my earlier remarks, the United States cannot afford to ignore the Soviet naval challenge. Unlike the Soviet Union, we are a nation dependent on the sea in fundamental economic and military terms. The Soviet Union is self-sufficient in most resources; we are not. The allies of the Soviet Union lie overland; our allies lie overseas. We cannot permit a potentially hostile power to dominate the sea, any more than the Soviet Union would permit a potentially hostile power to dominate the European land mass.

The question facing us is, what is to be done? At present, the Senate finds itself facing two proposed answers to that question. The first is the Navy shipbuilding plans for fiscal year 1978 and for the 5-year period of 1978–82. The second is the plan offered by the Seapower Subcommittee of the House of Representatives in its February 24 markup, a plan for the fiscal year 1978.

Most observers have found these plans to be significantly different. However, I would suggest that in conceptual terms these plans have more uniting than dividing them. Both plans are evolutionary, even traditionalist, in their thinking. Both plans have as their objective maintaining what might be called a minimum balance, seeking not to reverse the trend of the relative growth of Soviet naval power through bold moves on our part, but rather to prevent that growth from proceeding too rapidly, or at best stabilizing the situation.

Both plans are what might be called old technology plans. The Navy plan puts it main emphasis on frigates, a classic type of ship which has been with us, in much its present roles, since the early 1940's. The House subcommittee plan emphasizes the technology of the 1950's, when some believed that nuclear propulsion would give not only submarines but also surface ships some decisive military advantages. It has since been shown, not surprisingly, that weapons, sensors, and overall ship performance are more important than whether a surface ship generates steam with oil or with atoms. From a technological standpoint, both plans consist of a "more of the same" approach. Neither reflects the realization that the rapid technological change which characterizes our era permits and even requires major changes in military concepts and force structure.

If we look at the Navy program, we see that both the fiscal year 1978 budget and the 5-year defense plan emphasize frigates. Despite the Chief of Naval Operation's emphasis in testimony on a "balanced fleet," the past, present, and future programs of the Navy are heavily tilted in favor of this type of ship. The Navy now has 64 frigates in service. As the overall size of the Navy has dropped from almost 1,000 ships in the late 1960's to fewer than 500 today, only one class of ships has gone up in total numbers: frigates. Only one class of ship in the Navy is completely modern, less than 15 years old: frigates. Despite this existing force of modern frigates, the emphasis in the Navy's future is also on frigates. The fiscal year 1978 program calls for 9 ships of this type; the Navy hopes to build a total of 58 over the next 5 years.

Unfortunatley, the frigate is not an emblem of either conceptual or technological progress. Its main tasks are antisubmarine warfare and air defense; yet aircraft, not classic surface ships, are shown by numerous studies to be more effective platforms for both of these tasks. While maximum submarine speed has increased since World War II by 3 to 4 times and sustained speed by 10 times, frigate speed has not increased at all. Frigate sensors and weapons have improved since World War II, but so have those of submarines, and the latter by a greater margin.

Most importantly, the frigate is not a type of ship which is readily adaptable to changes in weapons/sensors technology. The FFG–7 design, which is the basis of the frigate building program, has little space or weight margin for incorporating new weapon or sensor systems. Whereas a platform for carrying aircraft can be adapted to technological changes by changing the aircraft carried, with comparatively little modifications to the ship, the frigate type ship must undergo substantial and expensive rebuilding.

This is not to say that frigates have no utility, or that we should not build any ships of this type. Frigates retain utility against conventional submarines, and the antiair capability of the FFG–7 would be sufficient against many third world and some Soviet threats. But the Navy is already equipped with many modern ships of this type. It is difficult to see the rationale for continuing a massive building program in this category, at least until alternatives embodying new technology and reflecting new concepts of how to perform the assigned missions are thoroughly investigated.

In terms of aircraft carriers, the Navy 5-year defense plan proposes funding in fiscal year 1979 of the first of a new class. While the exact characteristics of this ship are not yet determined, it is apparently to be about 58,000 tons and have conventional propulsion. Cost is projected at $1 to 1.2 billion, compared to about $2 billion for the 90,000 ton, nuclear propelled *Nimitz* class.

This proposed CVV class of aircraft carrier will be individually less capable than the *Nimitz* class. Naturally, the total number of aircraft carried will be less. Comparing on a 1-for-1 basis, it will not be as cost effective as the *Nimitz*, or as a *Nimitz*-size carrier with conventional propulsion; cost per ton inevitably

drops as a ship gets larger, so that, ton-for-ton, the *Nimitz*-size would be cheaper.

Why then have many people supported smaller aircraft carriers? The reason is that the change in weapons technology has raised the vulnerability of any individual surface ship markedly over the last two decades. Thus, the more we concentrate our naval air power into a small number of large, individually capable ships, the greater our overall vulnerability. Dispersion is required to meet the threat, and assure that some aircraft platforms will still be functioning in most tactical situations even after a hostile attack has been absorbed.

However, it is not clear that the CVV program as proposed to date will result in any significant increase in the number of aircraft platforms by 1990, or even by the year 2000. The 5-year defense plan contains only two CVV's, one in 1979 and one in 1981. Given the need to retire some of our oldest carriers and undertake a major rebuidling of others, it appears that the CVV program will not bring any increase in the number of carriers before 1987, and only a slight increase by the year 2000. Thus, it appears that we may have achieved the classic results of a compromise: The disadvantages of the small and the large carrier combined, with the advantages of neither, Whether this is the case or not will depend on whether the CVV program is projected so as to bring about a significant increase in the total number of aircraft platforms.

Meeting this challenge of technology—the increasing vulnerability of any single surface warship—depends not only on the structure of the CVV program. It also depends on whether the Navy's attitude toward VSTOL aircraft changes. The Navy's current attitude, as reflected in the testimony to the Armed Services Committee, is that a major commitment to building VSTOL carriers must wait until VSTOL aircraft can be developed with performance comparable to catapult-launched aircraft. In my view, this attitude does not take into account three fundamental realities.

First. It underestimates the need for the rapidity of change on our part if we are to meet the Soviet challenge. It is difficult to foresee how we can reverse the trend in the naval balance, which is beginning to favor the Soviet Union, if we expand the number of our aircraft platforms only gradually. Gradual action on our part permits the Soviets to counter our action within a comparable time frame, so that our net position is not improved. In turn, it is difficult to see how we can quickly introduce more aircraft platforms into the fleet unless we move quickly toward building significant numbers of less expensive VSTOL carriers.

Second. It underestimates the utility of aircraft platforms in roles other than those now performed by our carriers. The CVV is an alternative for the large *Nimitz*-class carrier; but this does not mean that aircraft platforms can only be alternatives to large carriers. They can also be alternatives to frigates, destroyers, and cruisers. They can offer projection capabilities which, while not equal to those of large carriers, may nonetheless be adequate for many situations. VSTOL carriers of 6,000 to 10,000 tons could prove extremely useful additions to the fleet, and they could be built in significant numbers within the current 5-year defense plan, possibly as alternatives to some of the projected frigates.

Third. It does not give sufficient weight to the performance requirements for aircraft. It is true that the VSTOL aircraft of today or tomorrow will not be comparable in performance to catapult-launched aircraft. But technology suggests that it may be neither necessary nor desirable to have such high performance aircraft. Increasingly, the sophisticated capability of the weapons and sensors carried by an aircraft can substitute for capability in the aircraft itself. Systems such as the Navy's Phoenix antiair and antimissile system do not require an aircraft capable of dogfighting.

While it is the great advantage of an aircraft carrier that it can meet changes in technology by changing the aircraft carried, new aircraft are quite expensive; the future might be better served by lower performance multipurpose aircraft which can be adapted to a variety of missions through changes in the sensors and weapons carried. With the "smart" weaponry offered to us by today's technology, this is by no means a farfetched concept, and aircraft platforms carrying even today's Harrier VSTOL arcraft, the aircraft equipped with sophisticated standoff weapons, could have significantly greater utility than the Navy seems to accept.

In terms of submarines, the Navy proposes to continue a fairly low building rate of our present class of attack submarines: the 688-class. This submarine, although considerably larger and more expensive than its predecessor 637-class, has only marginally improved capabilities. The 688-class submarine is the equivalent of the *Nimitz*-class carrier in that its high cost prohibits its acquisition in large numbers. Yet our submarine force has been tasked with several new missions over the last few years, and we may need to increase both the planned force level of attack submarines and the building rate.

Another major Navy program is the Aegis system. This is a shipboard anti-aircraft/antimissile system designed to deal with the threat of the 1990's. It has been the subject of extensive debate in terms of the proposed platforms; the nuclear propelled platform, the strike cruiser, has wisely been deleted from the Navy program. There is one conventicnal platform, the DDG–47, in the fiscal year 1978 budget, with a total of 10 in the 5-year defense plan.

Unfortunately, while the Aegis platform issue has been hotly debated, the Aegis system itself has not. Yet here again the pace of technological change must raise some questions. Can a system designed in the early 1970's have a reasonable chance of defeating the antiship missile threat of the 1990's? The 25 years intervening would seem to provide time for the Soviets to go through several complete generations of new antiship missiles, with different speeds, trajectories, and homing characteristics. We have already seen evidence of Soviet efforts to develop a ballistic antiship missile, against which the capability of Aegis would be in doubt. If the Soviets see us making a major commitment to Aegis, will they not make a major commitment to systems designed to render Aegis obsolete before it can be put into service in substantial numbers? These questions should be faced before a major commitment is made to Aegis, regardless of the platform.

Neither the fiscal year 1978 Navy budget nor the Navy 5-year defense plan reflect any serious commitment to the most promising new concepts for hulls. The fiscal year 1978 budget deleted the proposed funds for a tender for the patrol missile hydrofoil, and the Secretary of Defense has indicated he may seek to cancel previous funding for this extremely promising program. It appears no attempt is being made to explore the potential ASW and electronic countermeasures functions of the PHM platform, despite studies and tests which indicate it could have great capability in these roles. The Secretary of Defense has also reduced the surface effect ship program by directing that the 3,000 ton prototype not have the sensors and weapons necessary to prove its operational effectiveness. Work on the larger hydrofoil, the hydrofoil ocean combatant, is proceeding at snail's pace. Little attempt is being made to investigate the very promising SWATH haul concept, despite its potentially great utility in a time when ships should be designed at highly adaptable platforms on which new generations of sensors and weapons can be installed. All of these new hulls have great promise compared to the traditional frigate design, and the reallocation of funds from only a few of the projected frigates into these programs would produce rapid progress. But again, old technology and old concepts seem to dominate, and the new technology approaches are put on the back burner.

Finally, the fiscal year 1978 budget allocates precious naval ship construction funds for four fleet oilers—AO's. Tests have shown that merchant marine tankers can perform this service for the Navy, and a decision to rely on the merchant marine for this service would free funds for construction of needed warships. But the Navy seems to pay little but lip service to the concept of making more use of merchant marine assets.

So much for the Navy program; it seems there that the advocates of new concepts and new technology have been overruled in favor of those who advocate traditional approaches which do not guarantee reversal of the trend toward Soviet naval supremacy.

What of the program proposed by the Seapower Subcommittee of the House of Representatives? Many of the elements are identical with the Navy program. Frigates are authorized at the same level proposed in the program submitted by President Carter: nine for fiscal year 1978. AEGIS is debated only in terms of

the platform. Fleet oilers are authorized, although at a lower level, and no mention is made of using merchant marine assets. No small platforms for VSTOL aircraft are proposed, and no new technology systems have been added by the subcommittee.

In submarines, the subcommittee does show an appreciation for the need for greater numbers. However, they do this by adding one 688 class attack submarine, which apparently cannot be built because of the backlog of orders in the shipyards. No attempt is made to explore alternatives to the 688 class which might enable us to make a truly significant increase in the total number of attack submarines.

The major differences between the subcommittee's program and that of the Navy is in relation to aircraft carriers and platforms for the Aegis system. The subcommittee proposed an additional *Nimitz*-class carrier, the CVN–71. While the utility of nuclear propulsion for any type of surface ship is highly questionable, there is no doubt that a carrier of the size of the *Nimitz* class is more capable and more cost effective, on an individual ship basis, than the CVV proposed by the Navy. Unfortunately, the subcommittee ignores the problem of vulnerability. Unless it is proposed to acquire *Nimitz*-class carriers in large numbers, the *Nimitz* class is no answer to the vulnerability problem. Only numbers offer a chance to disperse aircraft onto a larger number of platforms, and the House subcommittee makes no mention of what number of *Nimitz*-class carriers they see forming the eventually total fleet. By any conceivable measurement, it is difficult to see how carriers of the cost of the *Nimitz* could be procured in substantial numbers.

The subcommittee also proposed to build a strike cruiser as an Aegis platform. This ship, which was well described during last year's debate as a resurrection of the *Bismarck*, would combine extremely high cost—about $1.4 billion for the lead ship—with escort capabilities no greater than those of a much less expensive DDG–747. It would have little projection capability, which is the essence of the independent mission, and would be highly vulnerable to hostile submarines, with no more antisubmarine warfare capability than a destroyer. This ship is an example of the concept that military effectiveness is primarily a function of type of powerplant, rather than sensors and weapons. The strike cruiser was wisely deleted from the Navy's program.

Thus, both the Navy program and the House program are old technology approaches. Both continue to build ships which are called into question by advances in technology. Neither places significant emphasis on new concepts and new technology, and on building a Navy which can adapt rapidly enough to new technological possibilities so as to seize the naval initiate from the Soviets.

Technology is not a threat; it is a promise. It is an area in which the United States has a general advantage over the Soviet Union, so that a technological race can well result in a U.S. victory, provided we structure our forces to run that race. Unfortunately, this does not appear to be the view of the Navy or of the subcommittee. The Navy particularly does not give sufficient weight to the importance of changing our technology, concepts, and force structure rapidly; it is the rapidity of change, the rapidity with which we can transition from one approach to another inside the Soviet's cycle of observation-decision-action, which is the key for seizing the initiate and reversing the naval trend.

The Senate faces a task of considerable importance and difficulty as it confronts these two naval programs.

It is not impossible to visualize changes in the shipbuilding program proposed by the Navy which would bring that program more into line with the technological trends. Last year Senator Robert Taft proposed, in his white paper on defense, a 10-year advanced technology shipbuilding program which offered answers to many of the questions raised by the Navy's proposed program. The Taft program proposed low-mix attack submarines, both nuclear and conventional, to give us greater numbers of submarines; small aircraft carriers for VSTOL aircraft, to be procured in large numbers; surface effect ships; hydrofoils; and greater reliance on the merchant marine for some of our support requirements.

Both the Navy's proposed program for fiscal year 1978 and its 5-year defense plan could be modified so as to reflect an advanced technology approach. Some concrete actions could be:

First. Comprehensive, objective studies could be undertaken of the potentials for new submarine designs, emphasizing lighter weight reactors, less overall complexity, and greater affordability.

Second. The Senate could make clear its understanding of the carrier issue, and insist that the CVV program be justified in terms of significantly increasing the overall number of aircraft platforms within the foreseeable future. Measures could, and, in my view, should be taken to increase our commitment to VSTOL aircraft, not as something potentially interesting for the 1990's, but as something possessing real capability today. Perhaps the F–18 program should be reevaluated in this light.

Third. While the Senate should not deny the Navy all the proposed new frigates, serious questions could be asked as to whether the frigate is the decisive warship of the future, as the Navy's current building program implies. Other types of ships, such as VSTOL aircraft platforms of less than 10,000 tons, could be authorized to supplement the existing frigate force, offering new capabilities in many areas.

Fourth. The Senate could take action to accelerate development of advanced technology hulls, such as surface effect ships, hydrofoils, and SWATH ships.

Fifth. Finally, we could demand that the Navy fully address the potential use of merchant marine assets wherever possible, so as to free naval ship construction funds for needed warships.

Actions such as these would trade resources planned to be allocated for old technology, old concept systems for investment in the future, in new technology and new naval concepts. They would permit the United States to strike at the conceptual heart of the Soviet fleet, by diversifying our naval aircraft onto a significantly larger number of platforms. They would give us greater ability to adapt to changes in technology, and to induce technological and conceptual changes so as to cut inside the Soviet observation-decision-action cycle and render any new investment on their part counterproductive. Through this capability, they would enable us to get away from our current game of "catch up" with the Soviets, and seize the naval initiative from them.

I hope that the Senate will keep these possibilities in mind as it considers both the fiscal year 1978 naval ship construction program and the Navy's proposed 5-year defense plan. We tend to debate the naval program in the terms in which it is presented to us; but the real terms of the debate may be quite different. We live in an era characterized by rapid technological change. In many ways, it is comparable from the naval standpoint to the period from about 1860 to 1890, when effective rifled cannon, breechloading guns, steel hulls, armor plate, and efficient steam engines all came into the world's fleets. The great problem faced by the navies of that period was the rapidity of obsolescence; it was difficult to design, build, launch, and commission a ship before it became obsolete. Navies became disparate collections of types and classes of ships in various states of obsolescence, most of little effectiveness, but all dear to the hearts of one or another groups of admirals. In Great Britain, it took the genius and drive of Lord Fisher to clean out the naval refuse of 30 years when he began the dreadnought program in the early 1900's. In other navies, the reformers, those who saw the implications of modern technology for fleets built over time to traditional concepts, were less successful, and fleets such as the Spanish in 1898 and the Russian in 1904 found most of their supposed assets to be liabilities.

If we are not in the foreseeable future to find the same of the fleet we are building today, we must overcome the intraservice interests and general traditionalism which seem still to guide our proposed naval programs. We must realize that the true requirement is not dictated by the current number of Soviet ship days in the Indian Ocean, or by the characteristics of the latest Soviet antiship missile, but by the need to be adaptable to changes in technology, and resultant changes in concepts and force structures.

We must realize that the true debate is not about whether to build 9 frigates this year and 11 next year or the opposite, but about what conceptual alternatives we have to meet each overall naval requirement, what technological alternatives we have to serve each con-

cept, and by what ideas we orient our approach to shipbuilding so as to find technological change our friend rather than our enemy.

None of these issues is simple, nor can we expect to address them effectively with our usual approach. But I believe the Senate is better qualified to address them than some might think. Senator Taft demonstrated with his white paper that a Senator cannot only evaluate complex defense issues, but also offer innovative proposals in the defense area. The Senate Armed Services Committee has strongly supported some of the important elements of an advanced technology Navy, such as the surface effect ships and the hydrofoil program. Perhaps most importantly, the Senate stands above the intraservice interests which, according to Admiral Zumwalt, offer significant impediments to change within the services.

I believe we can do the job; and I hope that my colleagues will give the necessary time and thought to this crucial area of concern so that we take the necessary initiatives and consider the relevant points in the debate, and move toward a truly modern Navy for the 1980's.

ORDER FOR RECESS UNTIL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

APPROVAL OF BILL

A message from the President of the United States stated that on March 15, 1977, he approved and signed the bill (S. 776) to dedicate the canal and towpath of the Chesapeake and Ohio Canal National Historical Park to Justice William O. Douglas, and for other purposes.

OPERATION OF THE AUTOMOTIVE PRODUCTS TRADE ACT—MESSAGE FROM THE PRESIDENT—PM 50

On March 16, 1977, under authority of the order of March 15, 1977, the following message from the President of the United States was received and referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit the Tenth Annual Report on the Operation of the Automotive Products Trade Act of 1965, relating to developments under that act during 1975. This report was prepared prior to the beginning of my term in office.

JIMMY CARTER.

THE WHITE HOUSE, *March 16, 1977.*

APPROACH OF THE ADMINISTRATION TO FOREIGN ASSISTANCE—MESSAGE FROM THE PRESIDENT—PM 51

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In the years since World War II, the United States has encouraged economic development throughout the world through a variety of economic assistance programs.

Most of our efforts have succeeded. Some have failed. Now we have the opportunity, as with many of our domestic programs, to learn from our experience, and to improve our policies in the future.

Members of my Administration are now testifying in support of our approach to foreign assistance. I am sending you this message to explain some of the principles behind our program—especially, to outline the lessons we have learned about foreign assistance and the goals we now hope to achieve.

The future of the United States will be affected by the ability of developing nations to overcome poverty, achieve healthy growth and provide more secure lives for their people. We wish to join with other nations in combining our efforts, knowledge, and resources to help poorer countries overcome the problems of hunger, disease, and illiteracy. We are seeking important improvements in our program, some of which reflect changes in emphasis and approach:

—We will ensure that lending agencies attach adequate self-help conditions to their loans so that borrowing nations will make effective use of the funds they receive.

—We will make certain that the Congress is able to exercise its legitimate responsibility to monitor the effectiveness of our aid programs.

—We will encourage other wealthy nations to contribute a greater share to the multilateral aid effort, and we will reduce our own share where it has been too high.

—In close cooperation with the Congress we have made sure that our concessional aid goes to those who need it most; we will continue this approach.

—We are now reforming the policies which have, on occasion, awarded liberal grants and loans to repressive regimes which violate human rights.

—We will root out mismanagement and inefficiency where they exist in our foreign assistance programs in order to guarantee that benefits will always be delivered to those for whom the programs were designed.

—We recognize that salaries and living styles of some employees have been too lavish, and we will insist that the international programs we support do more to control their administrative overhead.

—I will work closely with the Congress to see that our aid efforts are more closely correlated to international economic and political circumstances and talk frankly to American citizens about the economic, political, and security benefits we receive from our foreign assistance programs.

Close cooperation and support from the Congress is essential to the effectiveness of our efforts. In a few areas the program I have submitted requires a significant increase in funding—but I have asked for this only where I am sure that the increase will be worthwhile.

To achieve our goals of helping the people of the world toward economic self-sufficiency, relieving the victims of disasters, investing in a healthy world economy, and supporting the security of friendly nations, I ask your favorable consideration for the following:

—Multilateral Development Assistance. International financial institutions such as the World Bank group—in particular the International Development Association—and the Inter-American and Asian Development Banks are major sources of assistance loans to the world's poor nations. These institutions have been highly professional in their work. They help remove political considerations from development efforts, and they encourage developing countries to pursue sound domestic policies. They enable many donors to pool their efforts—including some of the oil-exporting nations. An initial, modest U.S. contribution to the African Development Bank will provide our encouragement to this promising regional effort.

We are asking $540 million in supplemental appropriations for fiscal year 1977 to fulfill past pledges to the international financial institutions, and $2.7 billion in new appropriations for fiscal year 1978. This is an increase (of approximately one-third) for an effort which has proved to be very effective. The largest single expenditure is for U.S. participation in the 5th replenishment of the International Development Association, which makes loans on favorable terms to the world's poorest nations.

The United Nations Development Program, which provides important technical assistance to the developing world, has also proven its effectiveness and worth. We are seeking an appropriation of $130 million for fiscal year 1978, a 30% increase over last year.

—Bilateral Development Assistance. Congress has played a major role in developing our bilateral programs, which provide direct American support for development programs in the poorer countries. Through these programs we have shared our expertise and our resources with other countries. Our bilateral programs are directed at the poorest people in these countries' populations; they emphasize food and nutrition, population and health, education and

human resource development, and science and technology, including energy development.

We have certain expectations of the countries which we help. We have no intention of running their governments or their economies, but we expect them to mobilize their own resources in the effort to develop, to ensure that the poor share in the benefits, and to respect basic human rights.

I am asking the Congress to provide $1.3 billion for the bilateral development assistance program for fiscal year 1978. This is a 20% increase over the amount provided for fiscal year 1977, which I believe is clearly worthwhile.

Last year, the Congress, on its own initiative, appropriated $5 million to help develop a comprehensive long-term recovery plan for the Sahel region, which had undergone a disastrous drought. As the first major U.S. contribution to this program, I am requesting $50 million for fiscal year 1978. We will cooperate with other interested nations in making further contributions to the Sahel development effort in the future.

—The PL–480 Program. The enormous vitality of U.S. agricultural production permits us to share a portion of our bounty in the form of food aid. Our PL–480 programs should not only help the poorer countries improve the quantity and quality of their nutrition, but also encourage self-help programs that will improve their capacity to feed their people in the future. And these programs let us offer relief from famine and privation in the wake of natural and man-made disasters. In fiscal year 1978, our food aid programs will distribute $1.4 billion in agricultural commodities.

—Security Assistance Program. Only where peace and security are assured can free nations devote their full energies to development. Our security assistance programs are keyed to these goals, and to advancing the security interests of the United States in cooperation with our friends and allies. Nearly two-thirds of the funds requested for security assistance will be for economic supporting programs. I have increased the amounts proposed by the previous Administration for the Middle East; this will strengthen the economic underpinnings so essential to achievement of our goal of peace and stability in this vital region.

For FY–1978 the major elements of my program on security assistance are:

Grant military aid—$284.6 million to eight countries, in most of which we also have U.S. military facilities essential to our global interests. This includes $224 million in programs plus $60.6 million in general and administrative costs, most of which will be reimbursed from other sources.

Grant military education—$35.7 million to train future military leaders.

Financing for foreign military sales—$708 million, which will finance $2.2 billion in loans to help foreign governments eventually to meet their essential security needs by themselves, instead of depending on U.S. handouts.

Security supporting assistance—$1.9 billion to finance programs for countries whose economic condition is a factor in our efforts to assure international security. The two areas where most of these funds will be used—Middle East, and depending on events, Southern Africa—testify to the significance of these programs.

These proposals are fully consistent with my wish to limit budget increases to essentials. My assistance program is part of an effort to combine support of our country's economic interests and security with compassion for the impoverished millions of fellow human beings who share the world with us.

I hope that the economic assistance program now before you will receive your careful, prompt, and sympathetic attention. It represents a vital step toward partnership in a peaceful and equitable world order.

JIMMY CARTER.

THE WHITE HOUSE, *March 17, 1977.*

MARINE TRANSPORTATION OF OIL—MESSAGE FROM THE PRESIDENT—PM 52

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States:

To the Congress of the United States:

The recent series of oil tanker accidents in and near American waters is a grave reminder of the risks associated with marine transportation of oil. Though we can never entirely eliminate these risks, we can reduce them. Today I am announcing a diverse but interrelated group of measures designed to do so.

These measures are both international and domestic. Pollution of the oceans by oil is a global problem requiring global solutions. I intend to communicate directly with the leaders of a number of major maritime nations to solicit their support for international action. Oil pollution is also a serious domestic problem requiring prompt and effective action by the federal government to reduce the danger to American lives, the American economy, and American beaches and shorelines, and the steps I am taking will do this.

The following measures are designed to achieve three objectives: First, to reduce oil pollution caused by tanker accidents and by routine operational discharges from all vessels; Second, to improve our ability to deal swiftly and effectively with oil spills when they do occur; and Third, to provide full and dependable compensation to victims of oil pollution damage.

These are the measures I recommend:

Ratification of the International Convention for the Prevention of Pollution from Ships. I am transmitting this far-reaching and comprehensive treaty to the Senate for its advice and consent. This Convention, by imposing segregated ballast requirements for new large oil tankers and placing stringent controls on all oil discharges from ships, represents an important multilateral step toward reducing the risk of marine oil pollution. In the near future, I will submit implementing legislation to the Congress.

Reform of ship construction and equipment standards. I am instructing the Secretary of Transportation to develop new rules for oil tanker standards within 60 days. These regulations will apply to all oil tankers over 20,000 deadweight tons, U.S. and foreign, which call at American ports. These regulations will include:

Double bottoms on all new tankers;

Segregated ballast on all tankers;

Inert gas systems on all tankers;

Backup radar systems, including collision avoidance equipment, on all tankers; and

Improved emergency steering standards for all tankers.

These requirements will be fully effective within five years. Where technological improvements and alternatives can be shown to achieve the same degree of protection against pollution, the rules will allow their use.

Experience has shown that ship construction and equipment standards are effective only if backed by a strong enforcement program. Because the quality of inspections by some nations falls short of U.S. practice, I have instructed the Department of State and the Coast Guard to begin diplomatic efforts to improve the present international system of inspection and certification. In addition, I recommend the immediate scheduling of a special international conference for late 1977 to consider these construction and inspection measures.

Improvement of crew standards and training. I am instructing the Secretary of Transportation to take immediate steps to raise the licensing and qualification standards for American crews.

The international requirements for crew qualifications, which are far from strict, will be dealt with by a major international conference we will participate in next year.

I am instructing the Secretary of Transportation to identify additional requirements which should be discussed, and if not included, may be imposed by the United States after 1978 on the crews of all ships calling at American ports.

Development of Tanker Boarding Program and U.S. Marine Safety Information System. Starting immediately, the Coast Guard will board and examine each foreign flag tanker calling at American ports at least once a year and more often if necessary. This examination will insure that the ship meets all safety and environmental protection regulations. Those ships which fail to do so may be denied access to U.S. ports or, in some cases, denied the right to leave until the deficiencies have been corrected. The information gathered by this boarding program will permit the Coast Guard to identify individual tankers having histories of poor maintenance, accidents, and pollution violations. We will also require that the names of tanker owners, major stockholders, and changes in vessel names be disclosed and included in this Marine Safety Information System.

Approval of Comprehensive Oil Pollution Liability and Compensation Legislation. I am transmitting appropriate legislation to establish a single, national standard of strict liability for oil spills. This legislation is designed to replace the present fragmented, overlapping systems of federal and state liability laws and compensation funds. It will also create a $200 million fund to clean up oil spills and compensate victims for oil pollution damages.

Improvement of federal ability to respond to oil pollution emergencies. I have directed the appropriate federal agencies, particularly the Coast Guard and the Environmental Protection Agency, in cooperation with state and local governments to improve our ability to contain and minimize the damaging effects of oil spills. The goal is an ability to respond within six hours to a spill of 100,000 tons.

Oil pollution of the oceans is a serious problem that calls for concentrated, energetic, and prompt attention. I believe these measures constitute an effective program to control it. My Administration pledges its best efforts, in cooperation with the international community, the Congress, and the public, to preserve the earth's oceans and their resources.

JIMMY CARTER.

THE WHITE HOUSE, *March 17, 1977.*

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the message from the President on oil spills be referred jointly to the Committee on Foreign Relations, the Committee on Commerce, Science, and Transportation, and the Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

Under authority of the order of March 15, 1977, on March 16 a message from the House of Representatives was received stating that the House has agreed to the concurrent resolution (H. Con. Res. 157) authorizing the printing of a compilation of tributes by Members of the House in the Halls of Congress to commemorate the years of service of the Honorable Gerald R. Ford, in which it requests the concurrence of the Senate.

The message also stated that the House has passed the bill (H.R. 4876) making economic stimulus appropriations for the fiscal year ending September 30, 1977, and for other purposes, in which it requests the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further stated that the Speaker has signed the following enrolled bills:

H.R. 1746. An act to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome.

H.R. 3839. An act to rescind certain budget authority recommended in the message of the President of January 17, 1977 (H. Doc. 95-48), transmitted pursuant to the Impoundment Control Act of 1974.

The enrolled bills were also signed by the Acting President pro tempore (Mr. METCALF) on March 16, 1977.

At 12:21 p.m., today, a message from the House of Representatives delivered by Mr. Berry, one of its clerks, announced that the House has passed the bill (H.R. 4877) making supplemental appropriations for the fiscal year ending September 30, 1977, and for other purposes, in which it requests the concurrence of the Senate.

The message also announced that the House has agreed to, without amendment, the concurrent resolution (S. Con. Res. 12) to assist the people of Romania.

HOUSE BILLS AND CONCURRENT RESOLUTION REFERRED

The following bills were each read twice by their titles and referred to the Committee on Appropriations:

H.R. 4876. An act making economic stimulus appropriations for the fiscal year ending September 30, 1977, and for other purposes; and

H.R. 4877. An act making supplemental appropriations for the fiscal year ending September 30, 1977, and for other purposes.

The concurrent resolution (H. Con. Res. 157) authorizing the printing of a compilation of tributes by Members of the House in the Halls of Congress to commemorate the years of service of the Honorable Gerald R. Ford was referred to the Committee on Rules and Administration.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDING OFFICER laid before the Senate the following communications which were referred as indicated:

EC-916. A letter from the President of the Delta Phi Delta requesting that the Senate take public note of the commenoration of the 150th anniversary of the Black Press as an American institution (with accompanying papers); ordered to lie on the table.

EC-917. A letter from the General Counsel of the U.S. General Accounting Office transmitting, pursuant to law, a report of the release of $6,000,000 of budget authority required to be made available for obligation pursuant to section 1012(b) of the Impoundment Control Act of 1974; jointly pursuant to the order of January 30, 1975, to the Committees on Appropriations, the Budget, Environment and Public Works, and Energy and Natural Resources, and ordered to be printed.

EC-918. A letter from the Acting Assistant Secretary of Defense, Installations and Logistics, transmitting, pursuant to law, (1) contractor I.R. & D. and B. & P. advance agreements negotiations completed during Government fiscal year 1976, and (2) independent research and development and bid and proposal costs incurred by major defense contractors in the years 1975 and 1976 (with accompanying reports); to the Committee on Armed Services.

EC-919. A letter from the Administrator of the Federal Energy Administration, transmitting, pursuant to law, the FEA's interim report on electric utility rate design proposals (with an accompanying report); to the Committee on Energy and Natural Resources.

EC-920. A letter from the Secretary of the Interior transmitting a draft of proposed legislation to provide for the relief of certain residents of the Trust Territory of the Pacific Islands (with accompanying papers); to the Committee on Energy and Natural Resources.

EC-921. A letter from the Acting Comptroller General of the United States transmitting, pursuant to law, a report entitled "Reserve Officer Training Corps: Management Deficiencies Still to be Corrected" (with an accompanying report); to the Committee on Governmental Affairs.

EC-922. A letter from the Acting Comptroller General of the United States transmitting, pursuant to law, a report entitled "War on Organized Crime Faltering—Federal Strike Forces not Getting the Job Done" (with an accompanying report); to the Committee on Governmental Affairs.

EC-923. A letter from the Acting Comptroller General of the United States transmitting, pursuant to law, a report entitled "Domestic Energy Resource and Reserve Estimates—Uses, Limitations, and Needed Data" (with an accompanying report); to the Committee on Governmental Affairs.

EC-924. A letter from the President of the Girl Scouts of America transmitting, pursuant to law, the twenty-seventh annual report of the Girl Scouts of the United States of America for the fiscal year ended September 30, 1976 (with an accompanying report); to the Committee on Human Resources.

EC-925. A letter from the Chairman of the Consumer Product Safety Commission transmitting corrections to their previously transmitted report on the administration of the Freedom of Information Act for the calendar year 1976 (with accompanying papers); to the Committee on the Judiciary.

EC-926. A letter from the Secretary of Transportation transmitting, pursuant to law, a report on the administration of the Freedom of Information Act for the calendar year 1976 (with an accompanying report); to the Committee on the Judiciary.

EC-927. A letter from the Public Printer of the United States Government Printing Office transmitting, pursuant to law, the annual report of the Public Printer for the fifteen-month period ended September 30, 1976 (with an accompanying report); to the Committee on Rules and Administration.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions which were referred as indicated:

POM-89. House Concurrent Resolution No. 9 adopted by the General Assembly of the State of Arkansas urging the Arkansas congressional delegation to consider legislation enabling totally disabled veterans to fly free of charge on commercial airliners where there is unsold space available; to the Committee on Commerce, Science, and Transportation:

"HOUSE CONCURRENT RESOLUTION 9 URGING THE ARKANSAS CONGRESSIONAL DELEGATION TO CONSIDER LEGISLATION ENABLING TOTALLY DISABLED VETERANS TO FLY FREE OF CHARGE ON COMMERCIAL AIRLINES WHERE THERE IS UNSOLD SPACE AVAILABLE

"Whereas, there are many thousands of totally disabled veterans in the United States whose disabilities are service-connected and permanent; and

"Whereas, these same disabled veterans can trace their present disabilities directly to the variant service of their country; and

"Whereas, totally disabled veterans have limited abilities to travel, the most significant being the inability in many cases to drive a car or to endure long journeys on a bus, train or passenger car; and

"Whereas, these same veterans face many economic hardships, especially the financial limitations caused by their inability to earn a living and to supplement their disability income; and

"Whereas, many seats on commercial airliners are unsold and unfilled on many flights, and there are many empty seats on government and military aircraft,

"Now therefore, be it resolved by the House of Representatives of the Seventy-First General Assembly of the State of Arkansas, the Senate concurring therein:

"That the Congressional Delegation from

the State of Arkansas be urged to consider legislation requiring domestically-owned commercial airlines to provide veterans with total and permanent service-connected disabilities air travel tickets on a space-available basis free of charge where there are unsold seats in the economy class sections of a flight, and that government and military aircraft make seats available to these veterans where feasible.

"Be it further resolved that upon adoption of this Resolution, the Secretary of State of Arkansas shall cause copies hereof to be mailed to the President of the United States, the Speaker of the House of Representatives, the President of the Senate of the Congress of the United States, and to each member of the Arkansas Congressional Delegation."

POM-90. Senate Concurrent Resolution No. 5 adopted by the Legislature of the State of Utah relating to proposed surface management regulations of the Bureau of Land Management on Public Lands; to the Committee on Energy and Natural Resources:

"SENATE CONCURRENT RESOLUTION No. 5

"Be it resolved by the Legislature of the State of Utah, the Governor concurring therein:

"Whereas, a viable mining industry is essential to the economic and physical well being of the State of Utah and the Nation and independent prospectors and miners are significantly contributing to the discovery and development of mineral resources on public lands;

* * * * *

management rules which do not adversely affect important mining development in this State and Nation and the right of the individual to enter upon public lands for purposes of discovery, exploration and mining of mineral resources; request that the Congress recognize that this State has established an orderly plan for development and reclamation of mining properties, and that the State must be allowed to enforce its reclamation laws; and request that the Congress of the United States immediately evaluate the potential adverse effect of the proposed regulations and pass such legislation as will better serve the public interest and the rights of individuals in the development of mineral resources on public lands.

"Be it further resolved, that a copy of this Resolution be forwarded to all members of the congressional delegation of the State of Utah, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to the Department of the Interior."

POM-91. Senate Concurrent Resolution No. 6 adopted by the Legislature of the State of Utah relating to the recent order of President Carter deleting funds for the Bonneville Unit of the Central Utah Project from his fiscal 1978 budget requests; to the Committee on Energy and Natural Resources:

"SENATE CONCURRENT RESOLUTION No. 6

"Be it resolved by the Legislature of the State of Utah, the Governor concurring therein:

"Whereas, the Central Utah Project was instituted by the Colorado River Storage Project Act with the Bonneville Unit having a cost of approximately $773 million and which would include 10 new reservoirs together with the enlargement of two more reservoirs, 140 miles of aquaducts, tunnels and canals, three power plants, nine pumping plants and 200 miles of pipe drains; and

"Whereas, the adequacy of these Environmental Studies and findings portraying tradeoffs and consequences of development were recently confirmed and upheld by the Federal District and Appellate Courts, and

"Whereas, since 1956, approximately $200 million have already been expended toward the completion of this unit; and

"Whereas, $32 million in federal funding was required for the fiscal year 1978 to maintain the completion schedule of this unit; and

"Whereas, the importance of the Bonneville Unit of the Central Utah Project was particularly evident this year when a recent meeting of the governors of the western and midwestern states in Denver, Colorado, together with the Secretary of the Interior, Cecil Andrus, concluded that the western and midwestern states are facing the worst drought in the history of the United States; and

"Whereas, the drought is expected to be devastating this year and to continue to cause severe water shortages for several years to come; and

"Whereas, this country is currently in the midst of an energy shortage which even the President has indicated will not change in the forseeable future; and

"Whereas, since 1956 the construction and development in Salt Lake County has been established on the basis of the compeltion date set for the Bonneville unit and, absent such construction, the persons living therein would face a severe water shortage even in good water years; and

"Whereas, the termination of funds for this unit at this time, and in view of all of the foregoing, can serve only to extend the devastating impact which Utah and its surrounding states are presently facing and enhance the energy and food shortage facing the United States; and

"Whereas, if any steps changing this funding should be made, the funding should be increased at this time to speed up the completion of the unit in view of the energy shortage and drought facing this country.

"Now, therefore be it resolved, that the 42nd Legislature of the State of Utah, the Governor concurring therein, memorializes the President of the United States to reconsider his deletion of funding for the Bonneville Unit of the Central Utah Project for the fiscal year 1978 and, if he feels further study on the unit is requred, that the study be undertaken while the unit continues.

"Be it further resolved that the Legislature urges Congress to pass a budget which will allow the usage of funds for the continuation of the Bonneville unit, and that the construction of all units of the Central Utah Project should be expedited so that they can meet the existing and rapidly growing water requirements for both Indians and non-Indians within the State of Utah.

"Be is further resolved, that copies of this Resolution be forwarded to the President of the United States, the Speaker of the House, the President of the Senate, and the Congressional Delegations of Utah and the other western and midwestern states, as an expression of the strong feelings of the people of the state in relation to this project."

POM-92. Senate Resolution No. 115 adopted by the Senate of the State of Hawaii requesting the U.S. Congress to amend the revenue sharing program; to the Committee on Finance:

"SENATE RESOLUTION No. 115

"Whereas, the State and Local Fiscal Assistance Act of 1972 commonly known as the Revenue Sharing Act, which was to have expired at the end of 1976, was extended by the 94th Congress for forty-five months; and

"Whereas, the funds appropriated were increased and will total approximately $25.5 billion to be distributed among the state and local governments of the country; and

"Whereas, other amendments have immensely improved aspects of the Act, for example: funds entitled to local entities may now be used to match federal grants; mechanisms have been provided for better public understanding, awareness, and control of the utilization of entitled funds; and the anti-discrimination provisions now include aged and the handicapped; and the priority categories which limited the type of programs for which funds were allowed to be expended have been eliminated; thus Congress, in essence, lessened the spending restrictions of the local entities; and

"Whereas, one provision remains which, because of Hawaii's highly centralized government and small physical size, may prove deleterious; section 107 of the Act provides that the State retain one-third of the entitlement, which the counties dividing the remainder according to a predetermined ratio; and

"Whereas, while the Legislature recognizes the necessity and desirability of the county home rule concept, Hawaii consists of only four counties; and health, education, and welfare services provided by the government sector are primarily the responsibility of, and centralized at, the state level; for example, Hawaii has a statewide system of public school education and the counties have no responsibility in this area; and funds provided by the revenue sharing could be better and judiciously expended for services in the health, education, and welfare area if the state government were allowed to retain a greater proportion of the entitlement; and

"Whereas, Hawaii is entitled to $11.3 million for fiscal year 1977-78; now, therefore,

"Be it resolved by the Senate of the Ninth Legislature of the State of Hawaii, Regular Session of 1977, that the 95th Congress is requested to amend the State and Local Fiscal Assistance Act of 1972 to endow the individual states with greater discretion as to the distribution of the entitlements provided; and

"Be it further resolved that certified copies of this Resolution be transmitted to the Honorable Jimmy Carter, President of the United States, the Secretary of the Treasury, the Speaker, Majority and Minority Leaders of the U.S. House of Representatives, the President Pro Tempore, Majority and Minority Leaders of the U.S. Senate, and the members of Hawaii's Congressional delegation."

POM-93. Senate Resolution No. 3 adopted by the Senate of the State of South Dakota memorializing the United States Congress that amendments to the McCarran-Ferguson Act be rejected; to the Committee on the Judiciary:

"SENATE RESOLUTION No. 3

"Whereas, in 1945 the McCarran-Ferguson Act (Title 15, United States Code, Sections 1011-1015) was enacted into law; and

"Whereas, in that Act it was stated that 'Congress declares that the continued regulation and taxation by the several states of the busines of insurance is in the public interest'; and

"Whereas, in the course of such regulation, the several states have encouraged and required continued improvements in insurance coverage and the provision of insurance at reasonable rates; and

"Whereas, the several states have continually reviewed, experimented with, and altered various approaches to regulation in an effort to assure the public of the availability of insurance at the lowest practicable cost; and

"Whereas, the business of insurance has developed a competitive structure; and

"Whereas, the public has benefited from the competitive structure of the insurance industry, including at the retail level a wide variety of organizations, often small businesses, intensely competing, and from regulation of the industry by the several states; and

"Whereas, federal regulation has repeatedly been shown not to be a panacea; and

"Whereas, it is becoming increasingly clear that the establishment of federal regulation increases the cost of government, often increases the cost of products and services to the consumer, and often without providing offsetting benefits to the public; and

"Whereas, federal regulation often adds confusion and delay; and

"Whereas, there has been no showing that

the several states cannot continue to regulate the insurance industry; and

"Whereas, there has been no showing that federal regulation of the insurance industry by limiting state regulation and permitting the application of the federal anti-trust laws will have a salutory effect upon the industry or otherwise benefit the public; and

"Whereas, it is often necesary, subject to state regulations, to pool the resources of several insurance companies in order to provide for coordinated actions to provide effective insurance coverage of certain risks and to provide the public with reasonable prices, efficiency in which the services are rendered at reasonable cost, and innovation in which new products and services are made available; and

"Whereas, officials of the federal government have publicly, although unofficially, recommended amending the McCarran-Ferguson Act so as to limit state regulation of the business of insurance;

"Now, therefore, be it resolved, by the Senate of the Fifty-second Legislature of the state of South Dakota, to memorialize the Congress of the United States to reject any legislation amending the McCarran-Ferguson Act (15 U.S.C. Sections 1011–1015, 59 Stat. 33 (1945)); and

"Be it further resolved, that copies of this resolution be forwarded to the Secretary of the United States Senate, the Clerk of the United States House of Representatives, and to each member of Congress from this State."

POM–94. A concurrent resolution adopted by the Legislature of the Commonwealth of Puerto Rico expressing the appreciation of the Legislature for the expressions of civic solidarity, friendship and respect addressed to the people of Puerto Rico by the Honorable Gerald R. Ford, former President and the Honorable James E. Carter, President of the United States, regarding our political status; to the Committee on Environment and Public Works.

"CONCURRENT RESOLUTION

"To express the appreciation of the Legislature for the expressions of civic solidarity, friendship and respect addressed to the people of Puerto Rico by the Honorable Gerald R. Ford, former President and the Honorable James E. Carter, President of the United States, regarding our political status

"STATEMENT OF MOTIVES

"Whereas: The preamble of the Constitution of the Commonwealth of Puerto Rico establishes among others, that: 'We, the people of Puerto Rico consider as determining factors in our life our citizenship of the United States of America and our aspiration continually to enrich our democratic heritage in the individual and collective enjoyment of its rights and privileges; our loyalty to the principles of the Federal Constitution; the coexistence in Puerto Rico of the two great cultures of the American Hemisphere; our fervor for education; our faith in justice; our devotion to the courageous, industrious, and peaceful way of life; our fidelity to individual human values above and beyond social position, racial differences, and economic interests; and our hope for a better world based on these principles.'

"Whereas: The right that the Puerto Ricans have as citizens of the United States, to participate effectively in the decisions affecting their present and future well-being is guaranteed by the Constitution of the United States of America and the Constitution of the Commonwealth of Puerto Rico.

"Whereas: Throughout the years and in our historical process there has existed between our people and the rest of the North American nation an absolute identification with the values of the representative democracy, with the individual liberties and with equal opportunities, all of it, within the exercise of the right to free expression and self-determination.

"Whereas: The people of Puerto Rico have freely expressed their wishes to assure and maintain the permanency and irrevocability of the union between the United States and Puerto Rico.

"Whereas: The people of Puerto Rico appraise, treasure and will maintain their cultural heritage, their language, their traditions and their customs deeply rooted in their collective conscience, the conservation of which is constitutionally guaranteed.

"Whereas: The former President of the United States, Honorable Gerald R. Ford, and the President, Honorable James E. Carter, have expressed their wishes of accepting the people of Puerto Rico into the great family of the States of the Union, through the constitutional proceedings which respect and guarantee the free expression of the Puerto Rican people and not by unilateral imposition; averring, further, our right to maintain our culture, our language and our traditions.

"Therefore, be it resolved by the legislature of Puerto Rico:

Section 1.—To express the appreciation of the Legislature for the expressions of civic solidarity, friendship and respect addressed to the people of Puerto Rico by the Honorable Gerald R. Ford, former President and the Honorable James E. Carter, President of the United States, regarding our political status, upon reaffirming their faith in our people by their disposition to welcome Puerto Rico as the 51st State of the American Nation, whenever the people of Puerto Rico express it through the established constitutional processes thus recognizing the feasibility of this political destiny for the people of Puerto Rico.

"Section 2.—To express, moreover, its deep satisfaction and earnest desire that Puerto Rico achieves full recognition of the rights and privileges and obligations inherent to the American citizenship, so as to participate effectively in the decisions affecting its well-being and future. Being in harmony with the platforms of the two great National Political Parties, Republican and Democratic, such expressions have gerater relevance and significance, wherefore, the Legislature, in representation of the People of Puerto Rico, welcomes with pride and with a sense of patriotic responsibility these historic expressions and accepts them for what they are: a token of true affection, respect and adhesion, as well as of faith in the people of Puerto Rico.

"Section 3.—Copies of this resolution, as well as its translation into English, shall be transmitted to the Governor of Puerto Rico, the former President and the President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the United States, to all members of Congress, to the Resident Commissioner of Puerto Rico in the United States, and to all news media.

POM–95. House Joint Memorial No. 1 adopted by the Legislature of the State of Washington requesting relief from certain federal regulations on pesticides; to the Committee on Agriculture, Nutrition, and Forestry:

"HOUSE JOINT MEMORIAL NO. 1

"To the Honorable Jimmy Carter, President of the United States, and to the President of the Senate and the Speaker of the House of Representatives, and to the Senate and House of Representatives of the United States, in Congress assembled:

"We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

"Whereas, The Federal Insecticide, Fungicide, and Rodenticide Act is a general pesticide control act composed for compliance by the entire United States, and the intent of Congress was to promote public health and to safeguard the environment without inhibiting agricultural production; and

"Whereas, The Environmental Protection Agency has promulgated regulations which do violate the intent of Congress; and

"Whereas, The removal of certain pesticide uses from Environmental Protection Agency registered labels is detrimental to Washington State Agriculture; and

"Whereas, The tenth amendment to the United States Constitution indicates that powers not specifically delegated to the federal government by the Constitution are served to the states or the people; and

"Whereas, The State of Washington has carried out pesticide registration since 1941, and pesticide applicator licensing since 1945, and is currently revising its state laws to comply with the federal legislation; and

"Whereas, The State of Washington is committed to a safe and healthy environment;

"Now, therefore, Your Memorialists respectfully pray that the Administration and Congress order that the Environmental Protection Agency not promulgate rules and regulations which exceed the legislation enacted by the Congress and the United States Constitution and that individual states be provided more leeway to make pesticide regulation more responsive to characteristics of a particular region;

"And be it further resolved, That copies of this Memorial be immediately transmitted to the Honorable Jimmy Carter, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WILLIAMS, from the Committee on Banking, Housing and Urban Affairs:

S. 1025. An original bill to amend the Securities Exchange Act of 1934 to increase the amount authorized to be appropriated for the Securities and Exchange Commission for fiscal year 1977 (together with supplemental views) (rept. No. 95–56).

A report of the Committee on Human Resources pursuant to Section 302(b) of the Congressional Budget Act of 1974 (Rept. No. 95–57).

By Mr. McCLELLAN, from the Committee on Appropriations:

With amendments:

H.R. 4876. An act making economic stimulus appropriations for the fiscal year ending September 30, 1977, and for other purposes (together with additional views) (Rept. No. 95–58).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following reports of committees were submitted:

By Mr. WILLIAMS, from the Committee on Human Resources:

Alexis M. Herman, of Georgia, to be Director of the Women's Bureau, Department of Labor.

Francis X. Burkhardt, of Maryland, to be an Assistant Secretary of Labor.

Arnold H. Packer, of Maryland, to be an Assistant Secretary of Labor.

Eula Bingham, of Ohio, to be an Assistant Secretary of Labor.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' committment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. ROBERT C. BYRD (for Mr. SPARKMAN), from the Committee on Foreign Relations:

Gale W. McGee, of Wyoming, to be the permanent representative of the United States of America to the Organization of American States, with the rank of Ambassador.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

POLITICAL CONTRIBUTIONS STATEMENT

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Gale W. McGee.

Post: Ambassador/USOAS.

Nominated: March 14, 1977.

Contributions, amount, date, donee:

1. Self: $25.00 given to George McGovern* on July 25, 1974, Sept. 18, 1974, Oct. 16, 1974, and Oct. 23, 1974. Also $25.00 given to Frank Church* on same dates as above to make a total contribution of $100.00 each.
2. Spouse: None.
3. Children and Spouses: None.
4. Parents: None.
5. Grandparents: None.
6. Brothers and Spouses: None.
7. Sisters and Spouses: None.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

GALE W. MCGEE.

*Note: A Total of $100 was given to George McGovern and a total of $100 was given to Frank Church. They were given in $25 installments on the dates indicated above (dates applicable to both individuals).

ORDER FOR STAR PRINT—S. 138 AND S. 139

Mr. DOMENICI. Mr. President, I ask unanimous consent for a Star print of S. 138 and S. 139, two private relief bills previously introduced by me. Upon original introduction the names of the individuals for which relief is sought were misspelled. A Star print will correct those previous errors.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ROTH:

S. 1011. A bill to amend title 18, United States Code, to prohibit the sexual exploitation of children and the transportation in interstate or foreign commerce of photographs or films depicting such exploitation; to the Committee on the Judiciary.

By Mr. PELL:

S. 1012. A bill to require the establishment of a National Snowmobile Safety Program, and for other purposes; to the Committee on Environment and Natural Resources.

By Mr. CHURCH:

S. 1013. A bill to amend the Internal Revenue Code of 1954 to terminate the operation of those provisions permitting the deferral of income tax with respect to foreign source income; to the Committee on Finance.

By Mr. DOMENICI:

S. 1014. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit or deduction to individuals who maintain within their homes a dependent aged 65 or older; to the Committee on Finance.

By Mr. NELSON (for himself, Mr. ANDERSON, Mr. PROXMIRE, Mr. HART, and Mr. RIEGLE):

S. 1015. A bill to provide for the regulation of certain detergents in the Great Lakes Region of the United States; to the Committee on Environment and Public Works.

By Mr. NELSON (for himself and Mr. PROXMIRE):

S. 1016. A bill for the relief of the Kurz and Root Company, Appleton, Wisconsin; to the Committee on the Judiciary.

By Mr. PROXMIRE (by request):

S. 1017. A bill to extend the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. McINTYRE:

S. 1018. A bill to amend title II of the Social Security Act to increase the amount which individuals may earn without suffering deductions from benefits due to excess earnings; to the Committee on Finance.

By Mr. MAGNUSON (by request):

S. 1019. A bill to authorize appropriations for the fiscal years 1978 and 1979 for certain maritime programs of the Department of Commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAXALT:

S. 1020. A bill to amend title II of the Social Security Act to provide for a phasing out of the earnings limitation for workers of 65 years of age and over; to the Committee on Finance.

By Mr. BAYH:

S. 1021. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

By Mr. McINTYRE:

S. 1022. A bill for the relief of Roland Belhumeur; to the Committee on the Judiciary.

By Mr. DURKIN:

S. 1023. A bill to eliminate restrictions on the use of funds appropriated to the Law Enforcement Assistance Agency for the carrying out of the provisions of the Public Safety Officers' Benefits Act of 1976; to the Committee on the Judiciary.

S. 1024. A bill to appropriate funds to carry out the provisions of the Public Safety Officers' Benefits Act of 1976; to the Committee on the Judiciary.

By Mr. WILLIAMS, from the Committee on Banking, Housing, and Urban Affairs:

S. 1025. An original bill to amend the Securities Exchange Act of 1934 to increase the amount authorized to be appropriated for the Securities and Exchange Commission for fiscal year 1977. Placed on the calendar.

By Mr. BENTSEN:

S. 1026. A bill to prohibit the pretrial release of any person charged with an act of aggravated terrorism; to the Committee on the Judiciary.

S. 1027. A bill for the relief of Franklin R. Helt; to the Committee on the Judiciary.

By Mr. GRAVEL (by request):

S. 1028. A bill to extend certain authorities of the Secretary of the Interior with respect to water resources research and saline water conversion programs, and for other purposes; to the Committee on Environment and Public Works.

By Mr. JACKSON (for himself, Mr. PELL, and Mr. GOLDWATER) (by request):

S. 1029. A bill to authorize the Smithsonian Institution to construct museum support facilities; to the Committee on Rules and Administration.

S. 1030. A bill to make the film "Hirshhorn Museum and Sculpture Garden," produced by the U.S. Information Agency, available for use within the United States; to the Committee on Foreign Relations.

S. 1031. A bill to amend the act of July 2, 1940, to increase the amount authorized to be appropriated to the Smithsonian Institution for purposes of carrying out its functions under such act; to the Committee on Rules and Administration.

By Mr. JACKSON (for himself and Mr. HANSEN) (by request):

S. 1032. A bill to authorize a program of grants to the Government of Guam for capital improvements of public facilities, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JACKSON (by request):

S. 1033. A bill to amend section 2 of the act of June 30, 1954, providing for the continuance of civil government for the Trust Territory of the Pacific Islands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HAYAKAWA (for himself, Mr. MATSUNAGA, and Mr. BAKER):

S. 1034. A bill to provide for a study of the effects of saccharin and for other purposes; to the Committee on Human Resources.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH:

S. 1011. A bill to amend title 18, United States Code, to prohibit the sexual exploitation of children and the transportation in interstate or foreign commerce of photographs or films depicting such exploitation; to the Committee on the Judiciary.

CHILD ABUSE PREVENTION ACT

Mr. ROTH, Mr. President, I am sending to the desk a measure which hopefully will help stop the outrageous practice of selling and distributing pornography exhibiting children.

The sexual exploitation of children through the filming and subsequent distribution of pornographic material is disgusting. Recent public awareness of this immoral activity has brought shock and indignation.

The sexual abuse of children for profit is so despicable that it almost defies words. I am told that in many instances parents are paid to allow their children to be photographed performing some perverted act. Often money received by the parent goes to support a drug habit. Mr. President, I was shocked to learn that some of these children are as young as 3 and 4 years old. The psychological effect these experiences have on a child are devastating. Children who are subject to this type of physical and mental abuse may have a difficult time leading a normal healthy adult life.

The legislation I send to the desk today seeks to prevent the use of children in pornographic films and photographs and to prevent interstate traffic in pornography featuring children.

The bill makes it a felony to cause or knowingly permit a child under age 16 to engage in specified sexual acts if the person has reason to know that the child's sexual conduct could be photographed and transported in interstate commerce. The bill also makes it a felony for any person who knowingly transports or ships child pornography through interstate commerce or receives

for the purpose of selling or sells any photograph or film depicting a child engaging in a prohibited act.

Consistent with my past position, my bill embodies my conviction that the creation of mandatory minimum sentences will be an effective tool to combat this tragic situation. I am convinced that mandatory minimum sentences serve as deterrents to crime. The unscrupulous pornographer or the procurer of innocent children may think twice if he knows punishment will be quick and certain.

For too long, the law has centered its attention on the rights of the criminal defendants. I want all of those who take advantage of children to know that if convicted, there is no judicial discretion. Accordingly my bill, unlike a similar version introduced in the House, calls for both mandatory criminal sentences or fines.

There are those, Mr. President, who would camouflage this type of demented conduct behind the first amendment right of guaranteed speech, I, for one, am confident that an overwhelming majority of Americans cannot find any artistic or social redeeming value in illicit sexual activity by children. We in the Congress can not allow this country's children to be subject to abuse. It is an intolerable and horrible state of affairs.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1011

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Abuse Prevention Act".

SEC. 2. The Congress enacts the provisions of this Act pursuant to the power of the Congress to regulate interstate commerce and foreign commerce.

SEC. 3. (a) Title 18, United States Code, is amended by inserting immediately after section 2236 the following new chapter:

"Chapter 110.—SEXUAL EXPLOITATION OF CHILDREN

"Sec.
"2251. Sexual abuse of children.
"2252. Transportation of certain photographs and films.
"2253. Definitions.

"§2251. Sexual abuse of children.

"(a) Any individual who causes or knowingly permits a child to engage in a prohibited sexual act or in the simulation of such an act shall be punished as provided under subsection (c) if such individual knows, has reason to know, or intends—

"(1) that such act may be photographed or filmed; and

"(2) that any photograph or film depicting such act may be transported, shipped, or mailed through interstate commerce or foreign commerce or may affect interstate commerce or foreign commerce.

"(b) Any individual who photographs or films a child engaging in a prohibited sexual act or in the simulation of such an act shall be punished as provided under subsection (c) if such individual knows, has reason to know, or intends that any photograph or film made by such individual depicting such act may be transported, shipped, or mailed through interstate commerce or foreign commerce or may affect interstate commerce or foreign commerce.

"(c) Any individual who violates subsection (a) or (b) shall be fined not less than $10,000 nor more than $50,000 or imprisoned not less than 4 yrs. nor more than twenty years, or both.

"§ 2252. Transportation of certain photographs and firms

"(a) Any individual who—

"(1) knowingly transports, ships, or mails through, or in such a manner as to affect, interestate commerce or foreign commerce any photograph or film depicting a child engaging in a prohibited sexual act or in the simulation of such an act; or

"(2) receives for the purpose of selling or sells any photograph or film which has been transported, shipped, or mailed through, or in such a manner as to affect, interstate commerce or foreign commerce and which depicts a child engaging in a prohibited sexual act or in the simulation of such an act,

shall be punished as provided under subsection (b).

"(b) Any individual who violates subsection (a) shall be fined not less than $5,000 nor more than $25,000 or imprisoned not less than 2 years nor more than fifteen years, or both.

"§ 2253. Definitions

"For purposes of this chapter:

"(1) The term 'child' means any individual who has not attained age sixteen.

"(2) The term 'prohibited sexual act' means—

"(A) sexual intercourse;
"(B) anal intercourse;
"(C) masturbation;
"(D) bestiality;
"(E) sadism;
"(F) masochism;
"(G) fellatio;
"(H) cunnilingus;
"(I) any other sexual activity; or
"(J) nudity; if such nudity is to be depicted for the purpose of sexual stimulation or gratification of any individual who may view such depiction.".

(b)(1) The table of chapters for title 18, United States Code, is amended by inserting immediately after the item relating to chapter 109 the following new item:

"110. Sexual exploitation of children___2251".

(2) The table of chapters for part I of title 18, United States Code, is amended by inserting immedately after the item relating to chapter 109 the following new item:

"110. Sexual exploitation of children___2251".

SEC. 4. The amendments made by this Act shall apply to acts or omissions occurring after the date of enactment of this Act.

By Mr. PELL:

S. 1012. A bill to require the establishment of a national snowmobile safety program, and for other purposes; to the Committee on Environment and Natural Resources.

NATIONAL SNOWMOBILE SAFETY PROGRAM

Mr. PELL. Mr. President, I am today introducing legislation that would establish a national snowmobile safety program.

My bill, Mr. President, would provide up to $2 million from the highway trust fund for the establishment of a snowmobile safety program. This effort would include, but not be limited to, a voluntary snowmobile safety training program, especially for individuals 18 years of age and younger; a voluntary inspection program for snowmobiles, similar to that sponsored by the U.S. Coast Guard for boat safety; and technical assistance to States for establishment or enhancement of existing snowmobile training programs and the development of environmentally safe snowmobile trails.

This snowmobile safety program would be developed through the National Park Service in consultation with other Federal agencies, as well as parties such as States or the International Snowmobile Industry Association, which presently have extensive programs underway. In this regard, it is of interest to note that at least 10 States have some form of snowmobile grant-in-aid program for trail development, and that since 1970, more than 500,000 young people in the United States have received formal snowmobile operator safety training in 13 States offering such programs.

In regard to the $2 million proposal for the snowmobile safety program, I have proposed an appropriation from the highway trust fund because I believe it an appropriate source of funding. According to State and industry sources, an estimated $6 million in Federal gasoline tax is paid annually on fuel consumed by snowmobile operations. In addition, it should be noted that six States including California, Idaho, Maine, Minnesota, Oregon, and Washington currently transfer a portion of their State fuel taxes attributed to snowmobile operation for improved snowmobile use and safety. Similar transfers are also under consideration by nine other States.

Finally, Mr. President, because of my concern over the National Safety Council data which indicates that head injuries account for 25 percent of the total injuries reported, I also request in my legislation that the Consumer Product Safety Commission review concerns associated with snowmobile helmet use and establish, as soon as practicable, standards for such helmets.

Mr. President, by way of background, in 1973, and again during the 94th Congress, I was especially concerned over alarming reports from the Consumer Product Safety Commission and the National Safety Council regarding snowmobile accidents and fatalities. Statistics reported by the Consumer Product Safety Commission during the period beginning with the 1972–73 season estimated emergency room injuries related to snowmobile use as high as 18,900. This figure rose sharply to more than 26,000 for the 1974–75 season. Fatalities for the same period reported by the National Safety Council rose from 156 in 1972–73 to 170 in 1974–75.

In response to these alarming snowmobile accident trends, I introduced legislation during the 93d Congress to provide for improved safety in the manufacture, operation, and use of snowmobiles. Most importantly, that legislation called for the establishment of mandatory safety standards for snowmobiles. In addition, recognizing that many snowmobile accidents and fatalities were the result of unsafe operation by snowmobile drivers, especially by individuals under the age of 21 years, I added a new provision to my legislation in 1975 to provide funding from the highway trust fund for a national snowmobile safety program.

Mr. President, because of several encouraging developments in the last few years relating to the establishment of snowmobile safety standards for manufacturers and the declining snowmobile fatality rate. I am introducing only that section of my 1975 bill, S. 2827, which would establish the safety program.

In regard to these developments, during the past several years the snowmobile industry, especially through the International Snowmobile Industry Association, has established minimum snowmobile safety standards that for the most part meet or exceed the standards I proposed in my 1973 and 1975 measures.

Furthermore, in several areas of special concern to me relating to sound levels, the throttle control system, and windshields, I understand that new standards based upon current testing and collection of data will be approved and implemented by the International Snowmobile Industry Association by June 30, 1977.

This program, Mr. President, is most encouraging in view of the fact that it has been accomplished on a voluntary basis. I commend the industry for its efforts to respond to the alarming accident trend. I hope that those snowmobile manufacturers not part of the ISIA safety program will make every effort to meet the same minimum safety standards.

Second, I am encouraged by the latest statistics from the National Safety Council on snowmobile fatalities for the 1975–76 season. This data shows a substantial reduction in fatalities from the high of 170 in 1974–75 to 121 during the past season. The National Safety Council has attributed this downward trend primarily to safety education efforts by State officials and club members, expansion and maintenance of snowmobile trails, and improvements in the manufacture of snowmobiles.

Therefore, based upon these industry trends and the National Safety Council statistics, I am focusing my attention on that area where I believe a coordinated national effort relating to the proper operation and use of snowmobiles would further reduce the accident and fatality rate in this important area.

Mr. President, snowmobiles have a capacity to contribute substantially to the work and recreational life in our country. No more clearly was this demonstrated than by the performance of snowmobiles in cities like Buffalo in January and February, and the actions this past winter of snowmobilers across the Nation who rescued many individuals stranded along our highways and in rural areas due to the extraordinary weather conditions.

Recognizing these contributions as well as the reduction in fatalities due to the importance of safety education and trail maintenance programs, it is essential, in my view, that there be strong Federal support for the establishment of a uniform national snowmobile safety program. I hope my colleagues and the snowmobile industry will support my efforts to achieve this important goal.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Snowmobile Safety Program Act of 1977".

DEFINITIONS

SEC. 2. For the purposes of this Act the term—

(1) "snowmobiles" means a self-propelled vehicle, having a weight or not more than one thousand pounds, intended for off-road travel, primarily on show, and which is driven by a track or tracks in contact with the snow;

(2) "Commission" means the Consumer Product Safety Commission established pursuant to section 4 of the Consumer Product Safety Act (15 U.S.C. 2053); and

(3) "helmet" means a snowmobile protective helmet meeting or exceeding the consumer product safety standards established by the Commission pursuant to section 3 of this Act.

HELMET SAFETY STANDARDS

SEC. 3. The Commission shall establish, as soon as practicable, consumer product safety standards for the performance, design, and construction of snowmobile helmets pursuant to its authority under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056). Such standards may include requirements addressing the risks of injury from collision or other harmful contact, cold weather environment, and harmful sound levels for both brief and prolonged periods of exposure to such sounds.

SNOWMOBILE SAFETY PROGRAM

SEC. 4. (a) The Secretary of the Interior through the National Park Service, in consultation with the Bureau of Outdoor Recreation, the United States Forest Service, the Bureau of Land Management, and other interested parties, shall establish a National Snowmobile Safety Program. Such program shall include, but not be limited to—

(1) voluntary instruction of snowmobile operators especially for those individuals eighteen years of age or younger;

(2) technical assistance in the establishment of snowmobile safety programs, or for the enhancement of existing snowmobile safety programs, in the several States of the United States;

(3) technical assistance in the design and maintenance of environmentally safe snowmobile trails;

(4) a voluntary snowmobile safety inspection program; and

(5) such other technical assistance as the Secretary of the Interior may direct.

(b) Assistance may not be provided under this Act to any State that does not impose and enforce a requirement that any individual who operates or is a passenger in a snowmobile or who is being towed or otherwise propelled by a snowmobile on public lands wear a helmet, except that, no such assistance may be withheld until the expiration of one year after the Commission establishes the standards for helmets required under section 3.

(c) There are authorized to be appropriated out of the Highway Trust fund such sums, not to exceed $2,000,000 in any one fiscal year, as may be necessary to operate the National Snowmobile Safety Program established by subsection (a).

(d) Notwithstanding section 209(f)(1) of the Highway Revenue Act of 1956, the Highway Trust Fund shall be available for making expenditures to meet obligations resulting from assistance provided under the National Snowmobile Safety Program established by subsection (a).

By Mr. CHURCH:

S. 1013. A bill to amend the Internal Revenue Code of 1954 to terminate the operation of those provisions permitting the deferral of income tax with respect to foreign source income; to the Committee on Finance.

TAX DEFERRAL OF FOREIGN EARNED INCOME

Mr. CHURCH. Mr. President, I wish to introduce a bill to terminate our practice of deferring taxation of profits earned abroad by U.S.-based companies. This provision encourages corporations to invest in foreign countries instead of in the United States, costing America jobs, tax revenues, and balance-of-payments gains.

President Carter himself declared his intent to remove incentives for investment abroad and referred to deferral as a tax loophole that should be eliminated. In May of 1976, he stated:

We need to remove the tax incentives that encourage multinational corporations to manufacture products in foreign countries when their own employees in this country are out of work. This would save lost tax revenues for the United States.

Then in his first nationally televised debate with then President Ford, Carter said:

. . . we now have a deferral system so that the multinational corporations who invest overseas, if they make a million dollars in profits overseas, don't have to pay any of their taxes unless they bring the money back into this country. When they don't pay their taxes, the average American pays their taxes for them. Not only that, but it robs this country of jobs because instead of coming back with that million dollars and creating a shoe factory, say in New Hampsire or Vermont, if the company takes its money down to Italy and builds a shoe factory, they don't have to pay any taxes on the money.

. . . what I want to do is not to raise taxes but to eliminate loopholes . . . (including) tax deferrals for overseas (income).

Presently, the earnings of U.S.-based corporations are taxed by the United States only when they are brought back home. Until those earnings are repatriated, deferral acts like an interest free loan of cash from the U.S. Government. But even this is not the whole story; the earnings may never be brought back and deferral becomes tantamount to an exemption from U.S. tax.

Complementing our generosity are the incentives granted by many developing countries which insure that there is no tax at all, United States or otherwise, on the earnings abroad of multinational corporations. The Ford Motor Co. for example, in Taiwan, was granted a 5-year tax holiday to locate a Philco electronic facility in that country, along with accelerated depreciation, duty-free import of machinery and exemption from import taxes. In Korea, hearings I held in the Senate Foreign Relations Committee Subcommittee on Multinational Corporations—now the Foreign Economic Policy Subcommittee—showed that Motorola's investment in that country was 100 percent tax free for 8 years. So, of course, U.S.-based companies will have an incentive to locate there, never bring their earnings back home and pay no taxes at all.

Generally less than half of the earnings from the foreign operations of American multinationals are repatriated—and deferral allows those earnings to be brought back whenever the corporation thinks best, thereby minimizing their U.S. tax. Most of the earnings repatriated are from foreign countries that had already assessed high foreign taxes

on them—taxes which then are used as foreign tax credits to directly offset, dollar for dollar, U.S. income tax liability. The revenue loss estimate because of deferral has ranged from over $300 million to as much $1 billion per year.

But the crux of the problem should not focus entirely on the dollar amount lost to the Treasury. By encouraging the exportation of capital and the formation of plant and equipment abroad, deferral costs jobs and labor income here at home. In a study done for the Subcommittee on Multinational Corporations of the Senate Foreign Relations Committee, Professor of Economics Peggy Musgrave concluded that—

[F]oreign investment, as it were, establishes an alliance between U.S. capital and foreign labor both of whom stand to gain, while it is not surprising that U.S. labor and foreign capital should be less than enthusiastic.

In the bluntest terms, American money that builds a factory in Taiwan employs Taiwanese, not Americans. Peggy Musgrave is not alone in her conclusion. Last year, the State Department hired two economists to study the effects of deferral, confident that they would once again bolster their position—and the position of the multinationals—namely that large foreign investments are helpful to our economy. Despite State's expectations, Messrs. Frank and Freeman found that from 1966 to 1973, over 1 million U.S. jobs were lost because of investment abroad instead of at home. In testimony before the Subcommittee on Multinational Corporations they flatly stated that this tremendous foreign investment is undermining employment for our own people.

Particularly at a time when 7.3 percent of our work force is unemployed our tax laws should not "sweeten the pot" abroad and encourage more unemployment at home.

A further irony of deferral is that it, in effect, subsidizes the operations of the foreign subsidiary of a U.S.-based corporation so that it has an extra edge when it competes with our domestic companies. The domestic corporation cannot avoid U.S. taxes; the foreign subsidiary can. That "interest free loan" the U.S. Government is providing to foreign subsidiaries will rebound on the United States as our domestic industries fail or get taken over by worldwide giants. The effects of tax deferral of foreign income are detrimental to the United States.

As Professor Musgrave concluded:

Deferral clearly introduces a non-neutral incentive to invest abroad and is difficult to defend on both equity and efficiency grounds.

John Nolan, formerly Deputy Assistant Secretary of the Treasury for Tax Policy, told the President's Commission on International Trade and Investment:

There is a clear-cut bias in our existing tax structure favoring the manufacturer of goods abroad through foreign subsidiaries as opposed to exporting, in order to benefit from the deferral of U.S. taxes.

Establishing plants in Taiwan or Korea does not help reduce our unemployment at home.

A revenue loss of $300 million to $1 billion does not help reduce our budget deficit.

Products from the industries the American taxpayer helped establish abroad and helped maintain profitable does not provide equity to domestic enterprises bearing their full tax burden.

Deferral offers tremendous advantages to U.S. corporations which invest abroad, nothing to those which invest at home and costs to our economy in unemployment, loss of exports and taxes.

I agree with President Carter. Deferral should be eliminated.

By Mr. DOMENICI:

S. 1014. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit or deduction to individuals who maintain within their homes a dependent aged 65 or older; to the Committee on Finance.

TAX CREDIT/DEDUCTION FOR THE HOUSING OF OLDER AMERICANS

Mr. DOMENICI. Mr. President, I am sending to the desk a bill to amend the Internal Revenue Code to provide a $250 tax credit or a $1,000 tax deduction to individuals who maintain within their homes a dependent aged 65 or older. This legislation would, if enacted, help us to meet the critical shortage of decent housing for our older citizens and expand their options of where to live.

Throughout most of our history, people continued to live and work in their home communities for as long as they were physically and mentally able to do so. There was no compulsory retirement, no concept that one's usefulness to society automatically ended upon reaching a fixed chronological age, and few if any institutions designed specifically for retired persons. Our family structure was multigenerational and the care of the frail elderly rested almost solely upon the younger members of the family.

In recent decades we have encouraged the development of housing for senior citizens, congregate living facilities, retirement homes under HUD's section 202 program, and various types of long-term care facilities—23,000 nursing homes now house over 1 million elderly individuals. In addition, we have established specialized social services, nutrition programs, special medical services—medicare—and so forth, for the needy elderly. I am certainly not leveling criticism at any of these programs, many of which have been established or extended with my active support, but I am aware of the fact that these specialized—categorical programs have sometimes served to separate and isolate older Americans from the rest of our society. America is a youth-oriented society which tragically seems to have no room for its senior citizens.

Some older persons are forced from their apartments by rising rents, while others are driven from their homes of a lifetime by escalating taxes. Many of those who live alone dwell in fear of crime, which all too often victimizes the defenseless elderly.

To date, there has been an unfortunate tendency to deal with these problems by segregating the elderly into separate institutions. In many cases, when an individual needs special care, these residential facilities are necessary. In this regard, the homes for the aged and the nursing homes of this country have done outstanding work; and the abuses in a few should not diminish our appreciation for the great majority of them, which have given dignity and hope to many thousands of the elderly infirm.

But only a small percentage of the elderly belong in institutional settings. All too often, however, no alternatives are available to them or to their families. Financial pressures have combined with the extraordinary mobility of contemporary society to erode our traditional sense of family responsibility.

Let us begin to redress those mistakes. The legislation I am proposing today would be particularly helpful to those who want to keep their elderly relatives with them in one household.

It would provide a significant financial incentive to bring older Americans into private homes. It would encourage children to invite their parents to live with them, as was once the custom in our Nation. Specifically, I am proposing to give a taxpayer a $250 tax credit or a $1,000 tax reduction for each senior citizen, related or not, for whom the tapayer provides housing, free of charge, in his or her own residence. This would be above and beyond any deduction or exemption presently allowed in the case of dependents. I would note, Mr. President, that such a tax benefit would be especially helpful to the family, with limited means, who really want to keep their older relatives with them. Thus it would significantly expand the options of both the family and the older person involved.

This approach to the housing problems of the elderly offers several major advantages. It would be far less costly to the taxpayer than would the construction, with Federal funds of specialized housing projects for senior citizens. And it would provide them with a more personal, home-like, and supportive atmosphere. As we seek realistic ways to strengthen our social fabric we must see to it that older Americans are not treated as second-class citizens.

Mr. President, there are some things we must simply refuse to accept, and the dishonoring of age is one of them. Civilized societies have always valued the wisdom of the aged; but contemporary society too often discounts their usefulness: Throughout history, the young have learned from their elders the lessons of the past and the values that can be distilled only from practical experience.

But many of today's young Americans reach maturity without exposure to the insights and fortitude of age. As one astute scholar of human development has put it, our children are the first generation in history to grow up without grandparents. It should not be surprising, therefore, that our society seems fragmented and disjointed.

The legislation I am introducing today will not solve all of those problems. But it does reaffirm the principles by which we must be guided if we are ever to formulate enduring solutions. We must encourage the exercise of our individual responsibility toward the elderly. We

must allow Government to assist, but never to entirely supplant, the efforts of private citizens in caring for their families. And we must begin to examine all of the present programs of the Federal Government to see that our public policies strengthen, rather than weaken, the basic family structure which is so important to the overall health of our society. The rebuilding of a true multigenerational society would help to reverse the growing trend of isolating the aged.

S. 1014 would harness the constructive aspects of our Federal tax system to achieve a socially desirable objective. Over the years, the Congress has shaped the tax system to achieve various socioeconomic objectives. We encourage home ownership, industrial modernization, day care services, and so forth, through tax incentives and I believe that the same approach would help us to find a meaningful solution to the pressing problem of providing adequate housing for our elderly.

As the ranking minority member on the Senate Special Committee on Aging, I have become convinced that we must reach out to find new solutions—new approaches to meeting the needs of older Americans. There is a popular saying which expresses my concern which goes, "if you are not part of the solution you are not part of the problem." Many of our existing domestic programs were enacted and are administered with the best of intentions. But they have now become part of the problem and it is incumbent upon all of us to seek new and better ways of meeting the needs of our retired citizens.

Mr. President, the enactment of S. 1014 would result in a loss of tax revenue but I believe the cost of this "tax expenditure" would be more than offset by savings in a dozen or more major Federal programs. In the process, we would be improving the quality of life for millions of older Americans, strengthening the family unit, and contributing to the vigor and vitality of our society.

Mr. President, I ask unanimous consent that the text of S. 1014 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1014

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowed) is amended by inserting immediately before section 45 the following new section:

"SEC. 44B. ELDERLY DEPENDENTS.

"(a) GENERAL RULE.—In the case of an individual who maintains a household which includes as a member a dependent (as defined in section 152 (a)) who is 65 years of age or older, there shall be allowed against the tax imposed by this chapter for the taxable year a credit of $250.

"(b) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under—

"(1) section 33 (relating to foreign tax credit),

"(2) section 37 (relating to credit for the elderly),

"(3) section 38 (relating to investment and certain depreciable property),

"(4) section 40 (relating to expenses of work incentive programs),

"(5) section 41 (relating to contributions to candidates for public office),

"(6) section 42 (relating to general tax credit),

"(7) section 44 (relating to purchase of new principal residence), and

"(8) section 44A (relating to expenses for household and dependent care services necessary for gainful employment).

"(c) SPECIAL RULES.—The rules set forth in section 44A (f) apply to this section. For the purpose of applying those rules to this section, the term 'qualifying individual' shall be considered to refer to a dependent of the taxpayer aged 65 or older.".

(b) (1) Section 6096(b) of such Code (relating to designation of income tax payment to Presidential Election Campaign Fund) is amended by striking out "and 44A" and inserting in lieu thereof "44A, and 44B".

(2) The table of sections for such subpart is amended by inserting immediately before the item relating to section 45 the following new item:

"Sec. 44B. Elderly dependents.".

SEC. 2. (a) Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 221 as 222 and by inserting after section 220 the following new section:

"SEC. 221. ELDERLY DEPENDENTS.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual who maintains a household which includes as a member a dependent (as defined in section 153(a)), there shall be allowed a deduction of $1,000.

"(b) RULES.—The rules set forth in section 44A(f) apply to this section. For the purpose of applying those rules to this section, the term 'deduction' shall be substituted for the term 'credit' each place it appears, and the term 'qualifying individual' shall be considered to refer to a dependent of the taxpayer aged 65 or older.

"(c) ELECTION TO TAKE CREDIT IN LIEU OF DEDUCTION.—This section shall not apply in the case of any taxpayer who, for the taxable year, elects to take the credit against tax provided by section 44B (relating to elderly dependents). The election shall be made in such manner and at such time as the Secretary shall prescribe.".

(b) The table of sections for such part is amended by striking out the last item and inserting in lieu thereof the following new items:

"Sec. 221. Elderly dependents.
"Sec. 222. Cross references.".

SEC. 3. The amendments made by this Act apply with respect to taxable years beginning after December 31, 1976.

By Mr. NELSON (for himself, Mr. ANDERSON, Mr. PROXMIRE, Mr. HART, and Mr. RIEGLE):

S. 1015. A bill to provide for the regulation of certain detergents in the Great Lakes region of the United States; to the Committee on Environment and Public Works.

Mr. NELSON. Mr. President, today I am introducing legislation that establishes a stringent limitation on the amount of phosphorus contained in detergents sold within the Great Lakes Basin States—the States of Wisconsin, Minnesota, Illinois, Indiana, Michigan, Ohio, Pennsylvania, and New York.

One of the most serious environmental problems facing all the Great Lakes is eutrophication, the premature aging of lakes due to excessive nutrient fertilization. New scientific research developed by the International Joint Commission—IJC and the U.S. Environmental Protection Agency—EPA, clearly demonstrates that the policies and programs the Congress enacted into law in 1972 to prevent the premature aging of the Great Lakes has failed to adequately solve the problem. The solution of requiring advanced phosphorus removal technology to be installed at secondary sewage treatment plants that discharge effluent into the lakes will not protect the lakes.

In fact, scientific evidence clearly concludes that there is no "technological fix" to this problem. The only way of preventing the eutrophication of this important natural resource is to establish a strict basinwide limitation on the amount of phosphorus contained in detergents.

Scientists from the United States and Canada have determined that the lakes are dying. They have determined that the so-called "limiting factor," the major cause in the acceleration of the aging process is phosphorus. The scientists have determined that at least 40 percent of the phosphorus comes from detergents. And they have determined that even advanced technology will not remove enough of this chemical from the effluent to prevent the lakes from accelerated aging.

For example, the 1972 International Agreement on the Great Lakes signed by this country and Canada established a ceiling of 1 milligram per liter of phosphorus in the effluent from major sewage systems emitting discharges into the Lakes. Current secondary treatment with regular detergents reduces phosphorus content to between 8 to 10 parts per million. The same technology using nonphosphate detergents reduces phosphorus loading in the effluent to between 4 to 6 parts per million, a 45- to 50-percent reduction. Secondary treatment plus advanced phosphorus removal, regardless of the type of detergent used, reduces the loading to the established ceiling of 1 part per million, 1 milligram per liter. However, new research concludes that the 1972 standard is too high. Instead of 1 part per million, the standard should be one one-hundredth part per million to protect the lakes. The only way to obtain this factor is to institute a uniform stringent phosphorus limitation.

Detergents are the major manmade controllable source of phosphorus. Implementing such a limitation for the Great Lakes Basin is the single most important step that can be taken to protect and enhance the environmental quality these five magnificent bodies of water.

Studies by the city of Chicago, the States of Indiana and Minnesota, and further analysis by the EPA, show that such a product limitation will have other positive economic and environmental impacts, at little or no additional cost to the consumer and taxpayer. The amount of sludge produced in sewage treatment plants will be reduced. The amount of chemicals needed to remove the impurities from the effluent will be reduced, saving cities hundreds of thousands of dollars in operating costs. The amount of particulates released in the air during the disposal of sludge will be significantly reduced. Less energy will be used

to operate the plants. And the cost to consumers, depending on the hardness of the water, will be approximately the same.

Former EPA Administrator Russell Train, in a December 3, 1976, memorandum to the EPA's Region V administrator, said:

I was very concerned that our effort thus far, under PL 92-500, to carry out the terms of the Great Lakes Water Quality Agreement of 1972 had fallen so short of the need in respect to eutrophication. . . . I believe that it (a strict detergent limitation) is an effective method of achieving immediate improvements and should be considered the Great Lakes Basin just as recommended by the International Joint Commission.

There is precedent in the Great Lakes basin for such a ban. Indiana, Minnesota, New York, Michigan, and the cities of Chicago and Akron have already believed that the scientific evidence was conclusive enough to warrant implementation of a ban similar to my bill. In every case consumer acceptance has been widespread, and the resulting lowering of the phosphorus loading at the sewage plant has borne out the scientific projections.

My bill would provide a uniform standard of allowable levels of phosphorus in detergent used in the Great Lakes basin. The bill would set an allowable standard not to exceed five-tenths percent phosphorus by weight in laundry detergents and household cleaning agents, set 11 percent phosphorus by weight for household and commercial detergents for automatic dishwashers, and sets chemical water conditioners for machine laundry not to exceed 20 percent by weight.

The policies adopted in 1972 have failed. The scientific evidence, in my judgement, supporting the enactment of a strict limitation on the amount of phosphorus contained in detergents sold in the Great Lakes basin, is conclusive. Immedidate action is needed if we are to save the Great Lakes from premature aging.

I ask unanimous consent that the text of my legislation be printed in the RECORD. More detailed information on this subject may be found at S. 3077 in February 25, 1977's RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1015

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title III of the Federal Water Pollution Control Act is amended by inserting at the end thereof the following:

REGION

"SEC. 319. (a) In recognition of the particular danger to the Great Lakes and the residents of the Great Lakes Region represented by the use of nutrients in cleaning agents and water conditioning agents it is the purpose of this section to regulate such use in such region and to provide for a study to determine whether such regulation should be made nation-wide.

"(b) As used in this section the term—

"(1) 'Great Lakes Region' means the States of New York, Pennsylvania, Ohio, Indiana, Michigan, Illinois, Wisconsin, and Minnesota;

"(2) 'cleaning agent' means a heavy duty laundry detergent, laundry additive, dishwashing compound, household cleaner, industrial cleaner, phosphate compound, or other substance intended to be used for cleaning purposes;

"(3) 'nutrient' means a substance or combination of substances which, if added to waters in sufficient quantities, provide nourishment that promotes growth of aquatic vegetation in densities which—

"(A) interfere with use of the waters by man or by any animal, fish or plant useful to man, or

"(B) contribute to deregulation or alteration of the quality of the waters to an extent detrimental to their use by man or by any animal, fish or plant that is useful to man.

"(4) 'chemical water conditioner' means a water softening chemical, anti-scale chemical, corrosion inhibitor or other substance intended to be used to treat water;

"(5) 'dishwashing machine' means equipment manufactured for the purpose of cleaning dishes, glassware and other utensils involved in food preparation, consumption or use, using a combination of water agitation and high temperature; and

"(6) 'phosphorus' means elemental phosphorus as further defined by the Administrator for the purpose of this section.

"(c) The Administrator shall prescribe regulations to be effective after 180 days following the date of enactment of this section prohibiting the sale, offering for sale, or distribution, for use within the Great Lakes Region of cleaning agents or chemical water conditioners containing nutrients in excess of maximum permissible concentrations prescribed by the Administrator for the purpose of this section. Such regulations shall take into consideration—

"(1) The availability of safe, non-polluting and effective substitutes.

"(2) The difference in the mineral content of water in various parts of the region.

"(3) The differing needs of industrial, commercial and household users of cleaning agents and chemical water conditioners.

The maximum amount of phosphorus allowed in the following cleaning agents or chemical water conditioners shall be as follows:

"(A) laundry detergents and built soaps for machine laundry excluding chemical water conditioners, not to exceed 0.5% phosphorus, by weight;

"(B) household and commercial detergents for machine dishwashing, not to exceed 11% phosphorus, by weight;

"(C) all household cleaning agents except those listed in clauses (1) and (2) intended to be used in the home, not to exceed 0.5% phosphorus, by weight; and

"(D) chemical water conditioners for machine laundry use, not to exceed 20% phosphorus, by weight.

The concentration by weight of prescribed nutrients in any cleaning agent or chemical water conditioner shall be determined by the current applicable method prescribed by the American Society for Testing and Materials.

"(d) In any case where, upon application, the Administrator finds that by reason of exceptional circumstances the strict enforcement of any provision of such regulations would cause undue hardship; that the use of cleaning or water conditioning agents containing phosphorus in excess of the permissible levels set forth herein is necessary for the public health, safety or welfare; or that strict conformities with these limits would be unreasonable, impractical or not feasible under the circumstances, the Administrator may permit a variance therefrom upon such conditions as he may prescribe for prevention, control or abatement of pollution in harmony with the general purpose of such regulations and the intent of this section.

"(e)(1) It shall be unlawful after the effective date of such regulations for any person to sell, offer for sale, or distribute, for use in the Great Lakes Region any cleaning agent or chemical water conditioner, unless such agent or conditioner conforms with regulations prescribed with respect to such agent or conditioner pursuant to this section.

"(2) Any person who violates paragraph (1) of this subsection shall be subject to a civil penalty of not to exceed $10,000 for each such violation.

"(3) Any agent or conditioner which does not conform with regulations prescribed pursuant to this section shall be liable to be proceeded against on libel of information and condemned in any district court in the United States within the jurisdiction of which such agent or conditioner is found in violation of paragraph (1).

"(4) Such agent or conditioner shall be liable to seizure by process pursuant to the libel, and the procedure in cases under this subsection shall conform, as nearly as may be, to the procedure in admiralty; except that on demand of either party any issue of fact joined in such case shall be tried by jury. When libel for condemnation proceedings under this subsection, involving the same claimant and the same issues, are pending in two or more jurisdictions, such pending proceedings, upon application of the United States or the claimant reasonably made to the court of one such jurisdiction, shall be consolidated for trial by order of such court, and tried in (A) any district selected by the applicant where one of such proceedings is pending; or (B) a district agreed upon by stipulation between the parties. If no order for consolidation is so made within a reasonable time, the United States or the claimant may apply to the court of one such jurisdiction, and such court (after giving the other party, the claimant, or the United States attorney for such district, reasonable notice and opportunity to be heard) shall by order, unless good cause to the contrary is shown, specify a district of reasonable proximity to the claimant's principal place of business, in which all such pending proceedings shall be consolidated for trial and tried. Such order of consolidation shall not apply so as to require the removal of any case the date for trial of which has been fixed. The court granting such order shall give prompt notification thereof to the other courts having jurisdiction of the cases covered thereby.

"(5) Any agent or conditioner condemned under this subsection shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this subsection, direct and the proceeds thereof, if sold, less the legal costs and charges shall be paid into the Treasury of the United States; but such agent or conditioner shall not be sold under such decree for a use which would result in the pollution of the navigable waters of the United States contrary to the purpose of this section; except that after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such agent or conditioner shall not be used contrary to the provisions of this section, the court may by order direct that such agent or conditioner be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this section under the supervision of an officer or employee duly designated by the Administrator, and the expenses of such supervision shall be paid by the person obtaining release of the agent or conditioner under bond.

"(6) When a decree of condemnation is entered against the agent or conditioner, court costs and fees, and storage and other proper expenses, shall be awarded against the person, if any, intervening as claimant thereof.

"(7) In the case of removal for trial of any case as provided by paragraph (3) of this subsection—

"(A) the clerk of the court from which removal is made shall promptly transmit to the court in which the case is to be tried all records in the case necessary in order that such court may exercise jurisdiction;

"(B) the court to which such case is removed shall have the powers and be subject to the duties, for purposes of such case, which the court from which removal was made would have had, or to which such court would have been subject, if such case had not been removed.

"(8) The United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this subsection.

"(9) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this subsection, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

"(10) All libel or injunction proceedings for the enforcement, or to restrain violations, of this subsection shall be by and in the name of the United States. Subpenas for witnesses who are required to attend a court of the United States in any district may run into any other district in any such proceeding.

"(f)(1) The Administrator is authorized to conduct examinations, inspections, and investigations for the purposes of this section through officers and employees of the Agency or through any officer or employee of any State, or political subdivision thereof, duly commissioned by the Secretary.

"(2) For purposes of enforcement of this section, officers or employees duly designated by the Administrator, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (A) to enter, at reasonable times, any factory, warehouse, or establishment in which a product subject to this section is manufactured, processed, packed, held, or sold, or to enter any vehicle being used to transport or hold such a product; (B) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment, or vehicle, and all pertinent equipment, finished and unfinished materials; and (C) to obtain samples of such materials. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness.

"(3) If the officer or employee obtains any sample, prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained. If an analysis is made of such sample, a copy of the results of such analysis shall be furnished promptly to the owner, operator or agent in charge.

"(g) The Administrator shall carry out a full and complete investigation and study in order to determine whether the regulations prescribed for the Great Lakes Region pursuant to this section should be applied nation-wide. Such investigation and study shall consider the cost to the consumer, cost to industry, benefits to be gained, and other appropriate factors. The results of such investigation and study shall be submitted to the President and the Congress, together with any legislation necessary to carry out the recommendations, not later than 180 days after the date of enactment of this section.".

Mr. ANDERSON. Mr. President, it is an honor for me to join my colleague, Mr. NELSON, in sponsoring S. 1015, to provide for the regulation of certain detergents in the Great Lakes region of the United States.

In 1971, the Minnesota Legislature, acting upon my recommendation as Governor, enacted a statute authorizing the Minnesota Pollution Control Agency—MPCA—to adopt standards limiting the amounts of nutrients in various cleaning and water conditioning agents. In so doing, the legislature reflected a nationwide concern that the nutrients contained in many of these products overstimulate the growth of aquatic life and lead to an acceleration of the natural eutrophication process in recreational waters. On April 27, 1976, after extensive analysis of the issue and lengthy public hearings the MPCA adopted Regulation WPC–37, limiting as of January 1, 1977, the phosphorus content of laundry detergents and certain other cleaning agents.

Accelerated eutrophication and the excessive fertility of lakes can, in a vast majority of cases, be traced to a single essential element, phosphorus. It is widely recognized that phosphorus plays a key role in limiting the growth of algae in the unpolluted freshwater environment and that sources of excess phosphorus, unlike other algal nutrients, are largely related to the activities of man. Because of this relationship numerous agencies responsible for water quality have instituted programs to control phosphorus inflow. With this objective, several jurisdictions, as Mr. NELSON has indicated, including the States of Indiana, New York and Minnesota, the city of Chicago, and most recently the State of Michigan, have enacted strict detergent phosphorus control measures. While enforcement of the Minnesota regulation has been temporarily enjoined, pending the outcome of litigation in Ramsey County District Court, the MPCA is confident the regulation will be upheld.

In Minnesota, it is currently estimated that 40 to 50 percent of the phosphorus in domestic wastewater, or about 3 to 4 million pounds annually, can be attributed to the phosphorus ingredients of laundry detergents. Eliminating detergent phosphorus in certain areas of the United States and Canada has reduced the phosphorus load to receiving waters, dramatically illustrating the effectiveness of a legislative approach to phosphorus control.

In terms of controlling lake eutrophication, or aging, the elimination of phosphorus from detergents will be helpful, although to a varying degree. It will clearly not help lakes that receive all of their excess phosphorus from storm or agricultural drainage. But detergent controls will help lakes or reservoirs that have sewage effluents or septic tank wastes entering them, either directly or via tributaries. In Minnesota, for example, results from water and wastewater sampling at 50 sewage-impacted lakes studied by the EPA national eutrophication survey indicate that total phosphorus loading to these lakes will be reduced by an average of 27 percent, following implementation of detergent phosphorus control. Twenty-one of these lakes were either partially or fully phosphorus-limited during the summer months and are expected to respond rapidly to the elimination of phosphate detergents. Many of the remaining nitrogen-limited lakes, some of which receive over 80 percent of their annual supply of phosphorus from sewage effluents, can be made phosphorus-limited and are expected to benefit significantly from a lessening of the phosphorus influx from detergents.

In Minnesota, the MPCA considers detergent phosphorus control regulations an integral part of an overall program to limit phosphorus inflow. First and foremost, it would result in approximately 50 percent removal of phosphorus from the entire municipal wastewater stream, without any additional construction. Thus, substantial phosphorus control is exerted over otherwise uncontrolled sources, such as municipal treatment systems where the addition of phosphorus removal technology has not been completed or is not feasible.

Second, treatment plants already removing phosphorus can benefit significantly from the lower level of phosphorus present in incoming sewage. This will reduce chemical costs by 20 to 40 percent for those plants adding chemicals such as alum or ferric chloride. Lowering the chemical dosage will also lessen the sludge handling and disposal problems which frequently accompany chemical addition. The lowered level of sewage phosphorus is also of special importance when operational problems, equipment breakdown and repair, inadequate supervision, cleaning and adjustment of chemical feed equipment, or other factors interfere with the efficient operation of a phosphorus removal facility.

Of course, limitations on the phosphorus content of cleaning products cannot be imposed unless safe, nonpolluting and effective phosphate-free substitutes are available. To eliminate phosphates, detergent manufacturers have developed a variety of viable phosphate-free products capable of achieving consumer acceptance. Advertising claims for these products variously state that they are "powerful" laundry detergents which provide "total cleaning power" at an "economical" and "everyday low price." It is clear that phosphate-free products are effective cleaning agents and are available at prices comparable to phosphated products. Proof of their acceptability comes from the fact that a variety of nonphosphate detergents have become established on supermarket shelves in direct competition with phosphate brands in States where controls are now in place. While phosphates do have the edge in overall cleaning, they are frequently equaled or outperformed by the nonphosphates as soil types, fabric types, and washing conditions vary.

S. 1015 is also an important legislative initiative, because of the necessity to protect and preserve all of the Great Lakes, and the inland waters of the Great Lakes States. The pressures on the Great Lakes and our inland lakes will continue to increase as a result of population increases and the growing demand for quality recreational opportunities. Drastic reductions in nutrient inputs to these waters are needed now and controlling phosphorus in cleaning products is an eminently practical method to help accomplish this goal.

Consumers in areas where phosphate bans are in effect have shown uniformly strong support for such measures. There is little doubt that citizens in those States affected by this legislation will display an equal willingness to forgo the use of phosphorus-containing cleaning products for the sake of environmental improvement.

Mr. President, it is a privilege for me to join my colleague, Mr. NELSON, in sponsoring this important legislation for the reasons stated above and to assist in attaining one of the objectives of the 1972 Great Lakes Water Quality Agreement between the United States and Canada.

By Mr. PROXMIRE (by request):

S. 1017. A bill to extend the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Housing, and Urban Affairs.

Mr. PROXMIRE. Mr. President, at the request of the administration, I am introducing legislation to amend the Export-Import Bank Act of 1945 (12 U.S.C. 635f) to extend the lending authority of the Bank from its present expiration date of June 30, 1978, to September 30, 1978. The proposed expiration date would thus coincide with the end of fiscal year 1978.

Mr. McINTYRE:

S. 1018. A bill to amend title II of the Social Security Act to increase the amount which individuals may earn without suffering deductions from benefits due to excess earnings; to the Committee on Finance.

Mr. McINTYRE. Mr. President, today I am introducing a bill to amend title II of the Social Security Act by increasing the amount an individual may earn without suffering a reduction in his social security benefits.

I understand that a number of measures have been introduced this session calling for a change in the present system. These proposals range from a slight increase to total elimination. While I deeply sympathize with any attempt by my colleagues to help alleviate this unjustifiable burden, I believe that the cost estimates of total elimination make the prospects for such action slim.

My bill would increase the limitation from the present $3,000 to $4,800 as well as reduce the penalty for earnings above this amount from 1 out of every 2 to 1 out of 3 dollars from $4,800 to $9,600. I believe that is a realistic and achievable goal which would reach those individuals who are most adversely affected by the present law.

The problems and hardships of senior citizens are many and varied and the burden imposed by restricting income through this test most severely affects those least able to afford it. Inflation has had a crippling effect on the lives of the elderly and to compound this by removing the incentive to work in effect penalizes an individual for growing old. This is an injustice that is keenly felt and I have received numerous letters from my constituents in New Hampshire calling for a liberalization in the present law.

I am hopeful that we can unite in an effort to eliminate this burden from the lives of older Americans.

By Mr. MAGNUSON (by request):

S. 1019. A bill to authorize appropriations for the fiscal years 1978 and 1979 for certain maritime programs of the Department of Commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MAGNUSON. Mr. President, I introduce, by request of the Department of Commerce, a bill to authorize appropriations for the fiscal years 1978 and 1979 for certain maritime programs of the Department of Commerce, and for other purposes.

I ask unanimous consent that the text of the bill and the statement of purpose and need, prepared by the Department, be printed in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Maritime Appropriation Authorization Act for Fiscal Years 1978 and 1979".

SEC. 2. Funds are authorized to be appropriated without fiscal year limitation as the appropriation Act may provide for the use of the Department of Commerce, for the fiscal years 1978 and 1979, as follows:

(1) For acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships $135,000,000 for fiscal year 1978, and such sums as may be necessary for fiscal year 1979;

(2) For payment of obligations incurred for operating-differential subsidy, not to exceed $372,109,000 for fiscal year 1978, and such sums as may be necessary for fiscal year 1979;

(3) For expenses necessary for research and development activities, not to exceed $18,325,000 for fiscal year 1978, and such sums as may be necessary for fiscal year 1979;

(4) For reserve fleet expenses, not to exceed $5,137,000 for fiscal year 1978, and such sums as may be necessary for fiscal year 1979;

(5) For maritime training at the Merchant Marine Academy at Kings Point, New York, not to exceed $14,633,000 for fiscal year 1978, and such sums as may be necessary for fiscal year 1979; and

(6) For financial assistance to State marine schools, not to exceed $4,020,000 for fiscal year 1978, and such sums as may be necessary for fiscal year 1979.

SEC. 3. There are authorized to be appropriated for the fiscal years 1978 and 1979, in addition to the amounts authorized by section 2 of this Act, such additional supplemental amounts for the activities for which appropriations are authorized under section 2 of this Act, as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law, and for increased costs for public utilities, food service, and other expenses of the Merchant Marine Academy at Kings Point, New York.

STATEMENT OF PURPOSE AND NEED OF THE BILL

To authorize appropriations for the fiscal years 1978 and 1979 for certain maritime programs of the Department of Commerce, and for other purposes

Section 209 of the Merchant Marine Act, 1936, provides that after December 31, 1967, there are authorized to be appropriated for certain maritime activities of the Department of Commerce only such sums as the Congress may specifically authorize by law. This draft bill authorizes appropriations for those activities listed in section 209 for which the Department of Commerce proposes to seek appropriations for fiscal years 1978 and 1979.

"(1) For acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships $135,000,000 for fiscal year 1978, and such sums as may be necessary for fiscal year 1979."

Construction subsidies are based on the difference between United States and foreign shipbuilding prices. These sums are paid to shipyards so that U.S. operators can purchase American-built vessels at prices equivalent to prices for similar foreign-built vessels.

The request for construction subsidies for fiscal 1978 is $135,000,000. This together with $98,000,000 of carry over funds, totaling $233,000,000, will fund seven ships: 1 LASH, 3 LNG's, 2 breakbulk/containerships, and 1 containership.

"(2) For payment of obligations incurred for operating-differential subsidy, not to exceed $372,109,000 for fiscal year 1978, and such sums as may be necessary for fiscal year 1979."

Operating subsidies are based upon the difference between United States and foreign vessel operating costs and are paid to promote the maintenance of a U.S.-flag merchant fleet capable of providing essential shipping services. Essential services are defined as those ocean services, routes and lines, and bulk carrying services essential for the promotion, development, expansion, and maintenance of the foreign commerce of the United States. Operators receiving subsidies for the provision of such services must operate American-built vessels manned by American crews. The fiscal year 1978 and 1979 authorization request will finance operating subsidies to U.S.-flag operators in order to support the continuation of essential American merchant marine services.

An estimated $295,986,000 in subsidy will be paid in 1978 for 202.4 ship years of operation, including $15,161,000 for passenger and combination passenger/cargo ships, $236,396,000 for general cargo ships, and $44,429,000 for bulk carrier ships. An additional $76,123,000 will be paid toward balances estimated to be due for operations in 1974 through 1977. Funds requested for fiscal year 1978 includes $19,276,000 for U.S.-flag carriage of grain purchased under the long-term U.S./U.S.S.R. grain purchase agreement. The requested funding for the 1978 program reflects U.S. and foreign costs escalation, full year costs of ships delivered in 1977, reductions in subsidy resulting primarily from the projected termination of subsidy for two passenger ships, and lower levels of U.S.-flag operations in the carriage of grain purchases to the U.S.S.R.

"(3) For expenses necessary for research and development activities, $18,325,000 for fiscal year 1978, and such sums as may be necessary for fiscal year 1979."

The purpose of the research and development program is to advance technological development to enable U.S. shipyards and ship operators to become more competitive.

The program level for 1978 includes projects for the development of new and advanced shipboard machinery, improved ship design and construction methods, and the improvement of shipboard operations and shipping systems. These activities will assist U.S. shipping and shipbuilding companies in competing in world trade. Cost-sharing and participation by industry in research and development projects assure the practicality and acceptance of the projects and enhances the research effort by obtaining a larger return for the Federal investment.

"(4) For reserve fleet expenses, not to exceed $5,173,000 for fiscal year 1978, and such sums as may be necessary for fiscal year 1979."

The Maritime Administration maintains the National Defense Reserve Fleet to supplement our active merchant fleet in time of war or national emergency.

The 1978 reserve fleet program provides for the preservation and security of retention ships, including those retained for the U.S. Navy, which are distributed among three fleet sites. Funding is also requested for the MarAd portion of the joint Navy-MarAd program to improve the activation response time of selected ships in the reserve fleet. Normal preservation maintenance of hulls, machinery, and electrical components, including dehumidification of portions of ship interiors and cathodic protection to bottoms, comprise the workload of maintaining the remaining retention ships.

"(5) For maritime training at the Merchant Marine Academy at Kings Point, New York, not to exceed $14,633,000 for fiscal year 1978, and such sums as may be necessary for fiscal year 1979."

The 1978 maritime training program provides for the operation of the U.S. Merchant Marine Academy at Kings Point, New York, in accordance with the Merchant Marine Act, 1936. The objective of the Academy is to instruct and prepare selected personnel for service as officers in the U.S. merchant marine.

The 1978 program level is a continuation of the prior year program, with funding increases related primarily to increased operating costs and to the facilities modernization program. The modernization program continues systematic renovation and upgrading of academic buildings and other facilities in accordance with recommendations set forth in the Facilities Master Plan (a multi-year modernization plan).

"(6) For financial assistance to State marine schools, not to exceed $4,020,000 for fiscal year 1978, and such sums as may be necessary for fiscal year 1979."

The 1978 State maritime training program implements the Maritime Academy Act of 1958 by providing assistance to States in the operation and maintenance of maritime academies for the training of merchant marine officers. Assistance is provided to participating States (California, Michigan, New York, Maine, Massachusetts and Texas) in the form of annual grants, allowances to cadets to partially defray costs of uniforms, textbooks and subsistence, and maintenance of ships on loan from the National Defense Reserve Fleet for use as training vessels.

Section 3 of the draft bill would authorize to be appropriated for 1978 and 1979 additional supplemental amounts for the activities for which appropriations are authorized under section 2 of the bill, to the extent necessary for increases in salary, pay, retirement, or other employee benefits authorized by law. The purpose of this section is to provide authorization for supplemental appropriations for these purposes.

Also requested is necessary authority for supplemental appropriations, should they be needed, for uncontrollable cost increases in public utilities, food services and other expenses at the Merchant Marine Academy at Kings Point, New York.

By Mr. LAXALT:

S. 1020. A bill to amend title II of the Social Security Act to provide for a phasing out of the earnings limitation for workers of 65 years of age and over; to the Committee on Finance.

Mr. LAXALT. Mr. President, some 30 Senators have cosponsored S. 146, a proposal to repeal completely the social security retirement test. Although I am included in that number and I wish that legislation every success, I am today introducing legislation to provide an alternative approach which would phase out the retirement test over a 7-year period.

At present, a social security retirement or survivor beneficiary can earn up to $3,000 with no loss of benefits. After $3,000, however, $1 in income is lost for every $2 in earned income. But significantly no benefits are lost for income derived from savings and investments.

In my judgment, the retirement test is deplorable. It is inequitable in that it imposes an oppressive tax on the earnings of elderly workers least able to bear such a heavy financial burden. But, perhaps most seriously, it unjustly deprives those among our elderly who wish to continue in a productive role of benefits to which they and their employers have contributed and to which they are fully entitled.

Unfortunately, although there is a clear need to do away with the retirement test, abolishing it at this time would prove to be a rather expensive undertaking, estimated by the Social Security Administration's Actuary Office at $2.9 billion. In view of the financial difficulty which the social security trust funds currently find themselves, I can understand how some Senators might have difficulty conceiving of incurring such a substantial cost at this time.

My proposal would have a budgetary impact limited to $200 million in fiscal 1978. It would phase out the retirement test by reducing the exempt age 1 year at a time from its present level of 72 down to 65 in 1984 by which time the test would be abolished entirely:

ANNUALIZED COST FIGURES—LAXALT PROPOSAL

Year:	Cost	Age lowered from
1978	$200 million	72–71
1979	$400 million	71–70
1980	$700 million	70–69
1981	$1.1 billion	69–68
1982	$1.5 billion	68–67
1983	$2.0 billion	67–66
1984	$2.9 billion	66–65

SOURCE.—Social Security Administration—Office of Chief Actuary.

Mr. President, it is all too easy to argue that virtues of frugality and the need for individuals to make their own provisions for retirement as a theoretical justification for penalizing those who must work to make ends meet, because they simply cannot make it on their meager social security allowances. But, that argument ignores the suffering which these individuals must endure because of the retirement test while others with substantial investment and alternative pension income utilize full social security benefits for pin money.

Personally, I believe that any citizen who wishes to make a productive contribution should not be discouraged from doing so. As the ranking Republican on the Social Security Subcommittee of the Finance Committee, I recognize the need for a comprehensive look at the financial status of the social security trust funds which the administration has promised. But, within the context of an overall strengthening of the trust funds, we need to gradually do away with the inequitable and counterproductive retirement test.

I ask unanimous consent that the text of my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 203 (j) of the Social Security Act is amended to read as follows:

"EXEMPT AGE FOR DEDUCTIONS FROM BENEFITS ON ACCOUNT OF WORK

"(j)(1) The exempt age at which deductions from benefits on account of work shall cease to be made under this section shall be—

"(A) age 72 for taxable years ending in 1977,

"(B) age 71 for taxable years ending in 1978,

"(C) age 70 for taxable years ending in 1979,

"(D) age 69 for taxable years ending in 1980,

"(E) age 68 for taxable years ending in 1981,

"(F) age 67 for taxable years ending in 1982,

"(G) age 66 for taxable years ending in 1983, and

"(H) age 65 for taxable years ending in 1984 and thereafter.

"(2) For purposes of this section an individual shall be considered to have attained the exempt age during the entire month in which he attains such age.".

(b) Sections 203 (c)(1) and 203 (d)(1) of such Act are each amended by striking out "under the age of seventy-two" and inserting in lieu thereof "under the exempt age (as defined in subsection (j))".

(c) Section 203 (f)(1)(B) of such Act is amended by striking out "was age seventy-two or over" and inserting in lieu thereof "was the exempt age (as defined in subsection (j)) or over".

(d) Section 203 (f)(3) of such Act is amended by striking out "attains age 72" and inserting in lieu thereof "attains the exempt age (as defined in subsection (j))".

(e) Section 203 (h)(1)(A) of such Act is amended by striking out "attained the age of 72" and inserting in lieu thereof "attained the exempt age (as defined in subsection (j))".

SEC. 2. The amendments made by this Act shall be effective on January 1, 1978.

By Mr. BAYH:

S. 1021. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

STABILITY AND REVITALIZATION OF JUVENILE CRIME PROGRAM—GOAL OF BAYH REAUTHORIZATION BILL

Mr. BAYH. Mr. President, today I am introducing the Juvenile Justice Amendments Act of 1977 which is designed to strengthen, implement, and stabilize the congressional commitment of the Juvenile Justice and Delinquency Prevention Act of 1974, which established juvenile crime prevention as the Federal crime priority. The 1974 act was the product of a 4-year effort, which I was privileged to lead, to improve the quality of juvenile justice in the United States and to overhaul the Federal response to juvenile delinquency. The bipartisan nature of its support is reflected by its 1974 cosponsorship in this body—Mr. HRUSKA, Mr. MATHIAS, Mr. COOK, Mr. MCCLELLAN, Mr. FONG, Mr. HART, Mr. HUGH SCOTT, Mr. KENNEDY, Mr. THURMOND, Mr. BURDICK, Mr. GURNEY, Mr. ABOUREZK, Mr. BIBLE, Mr. BROCK, Mr. CASE, Mr. CHURCH, Mr. CLARK, Mr. CRANSTON, Mr. GRAVEL, Mr.

HUMPHREY, Mr. McGee, Mr. Montoya, Mr. Moss, Mr. Pastore, Mr. RANDOLPH, Mr. RIBICOFF, Mr. MONDALE, Mr. CANNON, and Mr. EASTLAND.

I originally introduced this measure as S. 3148 during the 92d Congress when it received strong support from youth-serving organizations and juvenile delinquency experts around the country. I reintroduced S. 821 on February 8, 1973. The Senate Subcommittee To Investigate Juvenile Delinquency of which I am chairman, held extensive hearings that demonstrated the desperate need for this legislation. Expert witnesses, including State and local officials, representatives of private agencies, social workers, sociologists, criminologists, judges, and criminal justice planners testified on the bankruptcy of the current juvenile justice system which provides neither individualized justice nor effective help to juveniles or protection for our communities. In particular, they repeatedly emphasized that large custodial institutions such as reformatories and training schools are nothing more than schools of crime, where juveniles learn the skills of the experienced criminal.

A clear consensus emerged supporting strong incentives for State and local governments to develop community-based programs and services as alternatives to training schools for many youngsters. This consensus was further expressed by the National Advisory Commission on Criminal Justice Standards and Goals, recommendation that no new major institutions for juveniles should be built under any circumstances. The Commission provided additional support for the philosophy of the legislation that many delinquents, but especially noncriminal status offenders and neglected or dependent children, who have previously been institutionalized can be helped successfully in community settings.

State officials testifying before the subcommittee in 1972 stressed the need for effective, coordinated Federal funding to assist the States in carrying out their efforts to treat juveniles in the community. The Governor of Massachusetts, the Honorable Francis Sargent and the Governor of Ohio, the Honorable John Gilligan, were eloquent in describing the urgent need for this legislation. The deputy director of the Kentucky Department of Child Welfare, confirmed the feeling of many State administrators in urging passage of this bill:

> Quite frankly, when I first read the bill and Senator Bayh's comments in the Congressional Record, I wanted to shout "Alleluia," somebody has finally developed a comprehensive piece of legislation that makes sense. It should provide a real opportunity for all of us if we want to be serious about resolving problems facing youthful offenders. I was shocked by the flagrant maltreatment of offenders, by the brutal incarceration of non-criminal runaways and by the bureaucratic ineffectiveness which had marked the grossly inadequate Federal approach to the prevention of delinquency.

These 6 years of hearings and investigations in Washington and throughout the country by my Subcommittee To Investigate Juvenile Delinquency have led me to two important conclusions.

The first is that our present system of juvenile justice is geared primarily to react to youthful offenders rather than to prevent the youthful offense.

Second, the evidence is overwhelming that the system fails at the crucial point when a youngster first gets into trouble. The juvenile who takes a car for a joy ride, or vandalizes school property, or views shoplifting as a lark, is confronted by a system of justice often completely incapable of responding in a constructive manner.

We are all too aware of the limited alternatives available to juvenile court judges when confronted with the decision of what to do with a case involving an initial, relatively minor offense. In many instances the judge has but two choices—send the juvenile back to the environment which helped create the problems in the first place with nothing more than a stern lecture, or incarcerate the juvenile in a system structured for serious, multiple offenders where the youth will invariably emerge only to escalate the level of violations into more serious criminal behavior.

The most eloquent evidence of the scope of the problem is the fact that although youngsters from ages 10 to 17 account for only 16 percent of our population, they, likewise, account for fully 45 percent of all persons arrested for serious crimes. More than 60 percent of all criminal arrests are of people 22 years of age or younger.

The seriousness of the present situation was dramatically underscored in recent testimony submitted at our Subcommittee to Investigate Juvenile Delinquency's inquiry into juvenile delinquency in our elementary and secondary schools. It was estimated at that hearing that vandalism in our schools is costing the American taxpayer over $600 million per year. Moreover, a survey of 757 school districts across the country conducted by the subcommittee staff found that teachers and students are being murdered, assaulted, and robbed in the hallways, playgrounds, and classrooms of American schools at an ever-escalating rate.

These figures are indeed alarming, but what is perhaps more frightening is that the system of juvenile justice which we have devised to meet this problem has not only failed, but has in many instances succeeded only in making first offenders into hardened criminals. Recidivism among youthful offenders under 20 is the highest among all age groups and has been estimated, in testimony before our subcommittee at between 75 and 85 percent.

Yet, you and I are familiar with these miserable statistics. They represent a true picture of our failure to come to grips with crime and delinquency. They represent a failure that can no longer be tolerated.

It is one thing to lament and criticize the failure of our systems of criminal and juvenile justice. But, it is altogether another thing to use the knowledge we have to correct these failures.

I have had the pleasure of working with you to find some solutions to the frequency of delinquency and criminal conduct and recidivism. And one fact is very clear.

Traditional, time worn, antiquated, and unimaginative approaches to the problem of crime and delinquency must be rigorously reexamined and restructured. We do not have to throw out the baby with the bath water while we are cleaning it up. We should build on the past as we look to our future, but, I firmly believe that it is about time that we decide what to hold onto and what to throw away.

While theoreticians, practitioners, correctional authorities, law enforcement officials, rehabilitation specialists, politicians, and others argue about solutions, the intensity of the problems grows, in some communities to epidemic proportions. But, the arguments continue, the beat goes on, and the lives and potential of millions of Americans fall between the cracks of our justice system.

We can trace at least part of this unequal distribution of crime to the idleness of so many of our children.

The rate of unemployment among teenagers is at a record high and among minority teenagers it is an incredible 50 percent. Teenagers are at the bottom rung of the employment ladder, in hard times they are the most expendable.

We are living in a period in which street crime has become a surrogate for employment and vandalism a release from boredom. This is not a city problem or a regional problem. Teenage crime in rural areas has reached scandalous levels. It takes an unusual boy or girl to resist all the temptations of getting into trouble when there is no constructive alternative.

But it is not solely the unemployment of teenagers that has contributed to social turmoil. The unemployment of parents deprives a family not only of income but contributes to serious instability in American households which, in turn has serious implications for the juvenile justice system. Defiance of parental authority, truancy, and the problem of runaways are made materially worse by national economic problems. And it is here that we must confront the dismal fact that almost 40 percent of all the children caught up in the juvenile justice system today fall into the category known as the "status offender"—young people who have not violated the criminal law.

Yet these children—70 percent of them young women—often end up in institutions with both juvenile offenders and hardened adult criminals. In addition, more juveniles adjudicated as status offenders are sent to juvenile institutions than youths convicted of criminal offenses. Twenty-five percent are incarcerated for status offenses; 18 percent for minor offenses and 23 percent for serious crime. Once incarcerated, status offenders spend more time in institutions than their juvenile delinquent counterparts who have been institutionalized for criminal offenses.

James Q. Wilson, the distinguished Harvard criminologist, in his provocative compilation of articles entitled "Thinking About Crime" elaborates persuasively on the policy thrust reflected in the Juvenile Justice and Delinquency Prevention Act when he comments:

> We have a limited (and declining) supply of detention facilities, and many of those that exist are decrepit, unsafe, and over-

crowded. But as important as expanding the supply and improving the decency of the facilities is the need to think seriously about how we wish to allocate those spaces that exist. At present, that allocation is hit or miss. A 1966 survey of over fifteen juvenile correctional institutions revealed that about 30 per cent of the inmates were young persons who had been committed for conduct that would not have been judged criminal were it committed by adults. They were runaways, "stubborn children," or chronic truants—problem children, to be sure, but scarcely major threats to society. Using scarce detention space for them when in Los Angeles over 90 per cent of burglars with a major prior record receive no state prison sentence seems, to put it mildly, anomalous.

Thus, each year scandalous numbers of juveniles are unnecessarily incarcerated in crowded juvenile or adult institutions simply because of the lack of a workable alternative.

The hard facts indicate that juvenile crime has reached crisis proportions. To respond to this crisis with half measures would be worse than doing nothing at all, for it might well give us a false sense of accomplishment. We must face this crisis of delinquency in all its severity, and recognize that our approach must be completely restructured.

A juvenile justice system that resorts to incarceration masquerading as rehabilitation serves only to increase our already critical crime rate by providing new students for what have become institutionalized schools of crime. What is needed is an approach that concentrates on producing productive citizens.

When juvenile crime costs our society billions of dollars each year, such an approach makes good sense not only from a humanitarian point of view, but from an economic point of view as well. So long as we tolerate a system of juvenile justice that turns delinquents, status offenders, and dependent and neglected children into hardened criminals, our crime rate will continue its upward spiral.

The need for alternatives to provide an intermediate step when necessary between essentially ignoring a youth's problems or adopting a course which can only make them worse, was evident.

Some youthful offenders must be removed from their communities for society's sake as well as their own. But the incarceration of youthful offenders should be reserved for those youth, usually the few violent offenders, who cannot be handled by other alternatives.

But today, because the juvenile justice system often fails to differentiate between serious criminal and minor delinquent or noncriminal conduct, many youngsters are wrongly introduced to our penal schools of crime, while others remain free to terrorize our citizens.

Once overloaded as the result of such indiscriminate policies, the juvenile justice system, which is presently under fire for not being able to stem the tidal wave of violent crimes for which only a few predatory law breakers are responsible, is doomed to failure. Each year scandalous numbers of juveniles are unnecessarily incarcerated in crowded juvenile or adult institutions simply because of the lack of a workable alternative. There should be little doubt as to why young people have the highest recidivism rate of any age group. The need for such alternatives to provide an intermediate step between essentially ignoring a youth's problems or adopting a course which can only make them worse, is evident. The tragic impact of these archaic policies is graphically documented in my subcommittee's volume, "The Detention and Jailing of Juveniles."

Our former distinguished colleague, Roman Hruska with whom I worked closely for many years characterized the impact of such "shot gun" or indiscriminate policy when the 1974 Act was introduced in the following way:

. . . in many instances, the criminal justice system is viewed as a catchall for those children too difficult to be dealt with by normal community facilities. Nearly 40 percent—one-half million per year—of the juveniles incarcerated today in institutions, jails, and detention facilities have committed acts which are not classified as crimes when committed by adults. This figure is staggering when viewed with recognition of the detrimental effects that incarceration has been shown to produce with first offenders and juveniles. These children and youth should be channeled to those social service agencies which are more competent to deal with the substantive human and social issues involved in these areas.

Since the traditional juvenile procedures and criminal justice system are ineffective and inappropriate in many instances, there is a strong need to provide a viable diversion mechanism for dealing with these youths. Alternative programs utilizing resources other than the police, courts, and corrections can provide necessary rehabilitation without the harmful stigmatization that sometimes accompanies contact with the criminal juvenile justice system. Efforts must be directed at preventing delinquency but there is an equal need to deliver services and attention in such a way and at such a time as to prevent the development of criminal careers. While involvement with the juvenile justice system is to be minimized, its sanctions are necessary for the control of some juveniles. The quality of this system must be improved so that the youthful offender is helped to become a responsible, law abiding citizen.

He concluded in part by citing the recommendation of the National Advisory Commission on Criminal Justice Standards aind Goals, after its exhaustive study of crime in America, in its report, "A National Strategy To Reduce Crime" that—

The highest attention must be given to preventing juvenile delinquency, to minimizing the involvement of young offenders in the juvenile and criminal justice system and to reintegrating delinquent, and young offenders into the community.

The current overreach of the juvenile justice system and its reliance on detention and incarceration has other shocking ramifications. Senator CLAUDE PEPPER drawing on his decades of commitment to focus Federal dollars on the priority of delinquency prevention and his special experience as the chairman of the House Select Committee on Crime, testified last year before the Judiciary Committee as follows:

For what it costs to keep a youngster in a training school, you can send him to the Phillips Exeter Academy, have him in individual analytical psychotherapy, give him a weekly allowance of between $25 and $50, plus a full clothing allowance. You could send him to Europe in the summer, and when you bring him back, still have a fair amount of money left over.

He continued by emphasizing that—

. . . there is much that remains to be discovered about both the causes and the correction of crime. Like a cancer, its source is not always readily known, but, nevertheless, the symptoms of its existence are highly visible and obviously destructive.

Let me now address myself to something which is known about crime. We do know that juveniles under the age of 18 presently account for 45 percent, or almost one-half, of all serious crime committed in the United States today. Of all serious crimes in the United States, 75 percent, or three-fourths, are committed by youths under the age of 25, and 23 percent of all violent crimes are committed by youths under the age of 18. . . .

Furthermore, 10 years ago President Johnson's Commission on Law Enforcement and the Administration of Justice concluded that "America's best hope for reducing crime is to reduce juvenile delinquency and youth crime." It was true, then, but it is painfully true now.

He concluded his opening remarks on the following note:

With the passage of the Juvenile Justice and Delinquency Prevention Act of 1974, Congress in its findings stated in section 101(b) that:

"The high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss of human life, personal security, and wasted human resources and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal government to reduce and prevent delinquency."

I strongly concur with these findings. Quite obviously youth crime poses an ever-increasing threat to the national welfare, and we must visualize juvenile crime prevention as a national priority.

In 1974, we attempted precisely what he recommended. To assist State and local governments, private and public organizations in an effort to fill these critical gaps by providing adequate alternatives, the Congress overwhelmingly approved by overwhelming bipartisan majorities in both the Senate, 88 to 1 and the House of Representatives, 329 to 20, and President Ford signed into law the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93–415.

The act was designed to prevent appropriate young people from entering our failing juvenile justice system. It is designed to assist communities in developing more sensible and economic approaches for youngsters already in the juvenile justice system. Its cornerstone is the acknowledgment of the vital role private nonprofit organizations must play in the fight against crime. Involvement of the millions of citizens represented by such groups will help assure that we avoid the wasteful duplication inherent in past Federal crime policy. Under its provisions the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, must assist those public and private agencies who use prevention methods in dealing with juvenile offenders to help assure that those youth who should be incarcerated are jailed and that the thousands of youth who have committed no criminal act—status offenders, such as runaways—are not jailed, but dealt with

in a healthy and more appropriate manner.

Federal efforts in the past have been inadequate and have not recognized that the best way to combat juvenile delinquency is to prevent it. This legislation is based on the age-old conviction that an ounce of prevention is worth more than a pound of cure. The act represents a Federal commitment to provide leadership, coordination, and a framework for using the Nation's resources to deal with all aspects of the delinquency problem.

To do this:

The act created an Office of Juvenile Justice and Delinquency Prevention in the Law Enforcement Assistance Administration of the Department of Justice to provide leadership and to coordinate all Federal juvenile justice programs which are now scattered throughout the Federal Government. This will be the one place in the Federal Government where citizens or representatives of States, localities, or public or private agencies can go to find answers and solutions to delinquency problems.

It establishes a National Advisory Committee on Juvenile Justice and Delinquency Prevention to advise the LEAA on Federal juvenile delinquency programs and broadens the representation on State and regional LEAA boards. This vehicle will help to assure vital input from knowledgeable and experienced persons regarding delinquency prevention and control policy, including representatives of private agencies.

It provides for block grant to State and local governments and grants to public and private agencies, including courts, of course, to develop juvenile justice programs with special emphasis on the prevention of delinquency, diversion from the juvenile justice system and community-based alternatives to traditional incarceration, all of which are fashioned to stem the high incidence of juvenile crime and recidivism. Similarly, it provides that status offenders shall not be placed in detention or correctional facilities and that juveniles shall not be detained or confined with adults. The purpose is not to provide a Federal solution to juvenile justice problems, but rather to encourage local initiatives and provide some of the resources necessary for local leaders to do the job.

The act assures that fair and equitable arrangements must be made to protect the interests of employees affected by assassistance under its provisions.

It creates a National Institute for Juvenile Justice and Delinquency Prevention to serve as a clearinghouse for delinquency information and to conduct training, research demonstrations, and evaluations of juvenile justice programs. Its clearinghouse will help to proliferate information on successful prevention techniques and programs.

It incorporates the Runaway Youth Act, a proposal of mine, introduced in 1971 and passed by the Senate in 1972 and 1973, which permits local communities to establish temporary shelter care facilities for the estimated 1 million youngsters who run away each year. It is likely that the availability of these alternatives will help to reduce detention facilities' population problems.

It was the product of reconciliation and compromise that is necessary to obtain passage of any significant piece of legislation. The distinguished former Senator from Nebraska (Mr. Hruska), who was the ranking minority member of the Committee on the Judiciary, played an important role in reaching the compromise which is now law. The Senator from Nebraska and I did not agree on all the features of the bills that I had introduced (S. 3148 and S. 821) but I must say that I thought the way that he and I and our collective staffs worked together was as fine an example as I have seen of what can happen when men and women of good faith are determined to use the legislative processes to try to reconcile differences of opinion and yet move toward making juvenile crime prevention a national priority of importance to all of our citizens.

The distinguished Senator from Arkansas (Mr. McClellan) as the ranking member of the Committee on the Judiciary as well as chairman of the Criminal Laws and Procedure Subcommittee and the distinguished Senator from Maryland (Mr. Mathias) as the ranking minority member of our subcommittee, played important roles in the effort which resulted in the enactment of this landmark legislation.

What we said was that juvenile crime is a critical national problem. Everybody is against it, nobody is for it, but we have not been able effectively to bring adequate forces of Government and human concern to bear on this problem. Juvenile crime continues to escalate. No one has a magic formula for solving the problem of juvenile crime and delinquency. No one can pass a bill or make a speech and make crime disappear. But it was rather obvious that what we had been doing had failed and, hopefully, the new focus mandated in 1974 would be helpful in alleviating some of the problems. I think it is essential that we recognize past mistakes and avoid them.

One basic mistake in this area was the total lack of proper coordination and management. We found that there were several dozen separate and independent Federal agencies and bureaus supposedly dealing with the problems of young people in trouble and juvenile crime. If a sheriff or chief of police or mayor or youth services director sought help from a Congressperson's or Senator's office as to where they could go for assistance to fight juvenile crime in their communities, they needed a road map of the Washington bureaucracy. Thus, the new Office was established to help cut the bureaucratic redtape that, in the past, strangled local community initiatives to prevent delinquency and juvenile crime.

Mr. President, our former distinguished colleague Senator Hruska addressed this very concern when the 1974 bill was introduced by stressing the telltale duplication of earlier Federal delinquency efforts when he said:

> . . . this legislation addresses one of the most pressing national problems of today—juvenile crime. In my view, the Federal Government must make a substantial effort to help prevent and control juvenile delinquency and to offer treatment alternatives to the traditional juvenile justice system.
>
> To date, Federal leadership and coordination have been lacking with various Federal delinquency programs spread among many agencies. The result has been overlapping and duplication. Viewing the juvenile justice system as an entity, the appropriate Federal role must be to provide a comprehensive and coordinated approach to solving this serious problem.

One of the major steps taken in the Juvenile Justice Act was to establish one place in the Federal Government to meet these needs. We established a separate assistant administrator position in LEAA and, for the first time, placed authority in this one Office for mobilizing the forces of Government to develop a new juvenile crime prevention program and to coordinate all other Federal juvenile crime efforts. That responsibility now rests in one clearly identified office, headed by a Presidential appointment, with advice and consent of this body.

In the management area, we made progress by eliminating wasteful duplication and directing that all Federal resources be harnessed to deal more effectively with juvenile crime. We provided that no Federal programs undermine or complete with the efforts of private agencies helping youths in trouble and their families.

An essential aspect of the 1974 act was the "maintenance of effort" provision—section 261(b) and section 544. It requires LEAA to continue at least the fiscal year 1972 level—$112 million—of support for a wide range of juvenile programs. This provision assured that the 1974 act's primary aim, to focus the new Office efforts on prevention, would not be the victim of a "shell game" whereby LEAA merely shifted traditional juvenile programs to the new Office. Thus, it guaranteed that juvenile crime prevention was the priority.

The subcommittee had worked for years to persuade LEAA to make an effort in the delinquency field commensurate with the fact that youths under the age of 20 are responsible for half the crime in this country. In fiscal year 1970, LEAA spent an unimpressive 12 percent; in fiscal year 1971, 14 percent; and in fiscal year 1972, 20 percent of its funds in this vital area. In 1973 the Senate approved the Bayh-Cook amendment to the LEAA extension bill which required LEAA to allocate 30 percent of its dollars to juvenile crime prevention. Some who had not objected to its Senate passage opposed it in the House-Senate Conference where it was deleted.

Fiscal year 1972 was selected only because it was the most recent year for which current and reportedly accurate data were available. Witnesses from LEAA represented to the Subcommittee to Investigate Juvenile Delinquency in June 1973 that nearly $140 million had been awarded by the agency during that year obstensibly to programs for the improvement of the traditional juvenile justice system. It was these provisions when coupled with the new prevention thrust of the substantive program authorized by the 1974 act, which represented a commitment by the Congress to make the prevention of juvenile crime a national priority—not one of several competing programs administered by LEAA, but the national crime-fighting priority.

Unfortunately, in its zealousness to defeat both the 1973 Bayh-Cook-Mathias amendment for the improvement of the juvenile justice system and the bill which eventually became the 1974 act, the administration and its representatives grossly misrepresented their efforts in this area.

In hearings before my subcommittee last year, OMB Deputy Director Paul O'Neill, and other representatives of the administration finally admitted that the actual expenditure for fiscal year 1972 was $111,851,054 or $28 million less than we had contemplated would be required to be spent each year under the maintenance of effort provision of the 1974 act.

The legislative history of the Juvenile Justice Act is replete with reference to the significance of this provision. The Judiciary Committee report, the explanations of the bill, both when introduced and debated by myself and Senator Hruska, as well as our joint explanations to this body of the action taken by the Senate-House conference on the measure each cite the $140 million figure and stress the requirement of this expenditure as integral to the impact contemplated by Congress through the passage of the Juvenile Justice and Delinquency Prevention Act of 1974.

Thus, the passage of the 1974 act, which was opposed by the Nixon-Ford administrations—LEAA, HEW, and OMB—was truly a turning point in Federal crime prevention policy. It was unmistakably clear that we had finally responded to the reality that juveniles commit more than half the serious crime.

Once law, the Ford administration, as if on cue from its predecessor, steadfastly opposed appropriations for the act and hampered the implementation of its provisions.

Despite continued stifled Ford administration opposition to this congressional crime prevention program, $25 million was obtained in the fiscal year 1975 supplemental. The act authorized $125 million for fiscal year 1976; the President requested zero funding; the Senate appropriated $75 million; and the Congress approved $40 million. In January, President Ford proposed to defer $15 million from fiscal year 1976 to fiscal year 1977 and requested a paltry $10 million of the $150 million authorized for fiscal year 1977, or a $30 million reduction from fiscal year 1976. On March 4, 1976, the House, on a voice vote, rejected the Ford deferral and the Congress provided $75 million for the new prevention program.

Mr. President, when we had obtained, over strong administration opposition, 50 percent of the funding Congress authorized for the new prevention program under the 1974 act, the administration renewed its efforts to prevent its full implementation. In fact, the Ford Crime Control Act of 1976, S. 2212, would have repealed the vital maintenance of effort provision of the 1974 act.

It is interesting to note that the primary reason stated for the Ford administration's opposition to funding of the 1974 act prevention program was the availability of the very "maintenance of effort" provision which the administration sought to repeal in their original version of S. 2212.

Mr. President, the same forked-tongue approach was articulated by Deputy Attorney General Harold Tyler before the Senate Appropriations Subcommittee. He again cited the availability of the maintenance of effort requirement in urging the Appropriations Committee to reduce by 75 percent, to $10 million, current funding for the new prevention program or in other words, kill it.

The Ford administration was unable to persuade the Judiciary Committee to fully repeal this key section of the 1974 act, but they were able to persuade a close majority to accept a substitute percentage formula for the present law, the effect of which would substantially reduce the total Federal effort for juvenile crime prevention. But, what President Ford sought and what his supporters diligently pursued was the full emasculation of the program. This intent was clearly evidenced in the original version of S. 2212 and even more importantly in the Ford proposal to extend the 1974 act, for 1 year, which was submitted to Congress on May 15, after the compromise version was reported from the Judiciary Committee. This new Ford proposal again incorporates sections repealing the key maintenance of effort provision. My subcommittee heard testimony on this measure on May 20 and it was clear to me that rather than an extension bill, it is an extinction bill.

It was this type of doubletalk for the better part of a decade which was in part responsible for the annual recordbreaking double-digit escalation of serious crime in this country.

The President repeatedly opposed its implementation and funding and worked first to repeal its significant provisions and to dilute this bipartisan crime program. This dismal record of performance is graphically documented in the subcommittee's two-volume chronicle entitled "Ford Administration Stifles Juvenile Justice Program."

The failure of President Ford, like his predecessor, to deal with juvenile crime and his insistent stifling of an act designed to curb this escalating phenomenon was the Achilles' heel of the administration's approach to crime.

Last summer the Congress rejected, this body by a vote of 61 to 27, the Ford—OMB–LEAA—proposal and a compromise proposal designed to repeal or dilute the key maintenance of effort sections of the 1974 act. Instead the Congress voted overwhelmingly to reaffirm our bipartisan congressional commitment to retaining juvenile crime prevention as the Federal crime priority. I was especially pleased by the dedicated effort of our distinguished subcommittee ranking minority member, Senator MATHIAS, who during the floor debate persuasively supported the amendment, in part, by drawing on the hearings he conducted regarding the need to implement the act in Maryland, and the advocacy of Senator MCCLELLAN of the Senate position as well as our other colleagues, including Senators Hruska and KENNEDY, who collectively labored along with Chairman RODINO and the House conferees. Not only was the concerted effort to modify the maintenance level rejected, but in fact, even with a declining LEAA budget, namely, from $895 million in fiscal year 1975 to $753 million in fiscal year 1977, the Congress increased the level for juvenile crime by $17 million—2 percent of the total fiscal year 1977 budget for LEAA over the original level of $111 million.

Coincidentally, the current level of maintenance of effort for juvenile justice is nearly identical with that set by the 1973 Bayh-Mathias-Cook amendment to the LEAA extension bill, supported by this body without objection, which would have required that 30 percent of LEAA part C and E funds be allocated for improvement of the juvenile justice system.

I was proud that my colleagues in the Congress saw through the inconsistent obstructive rhetoric and strategy of the Ford administration on juvenile crime. Yet Mr. President, if I were not a realist, I would be ashamed to invest only 20 percent of the LEAA Crime Control Act dollars in this area when we know nearly 50 percent of serious crimes are attributable to young people. Last year, however, with strident White House, OMB, and departmental opposition, the best we were able to require was that each LEAA Crime Control Act budget allocate at least one-fifth of its appropriation for juvenile crime prevention programs.

Likewise, I am proud that this bipartisan congressional initiative was strongly endorsed in my party's national platform in the following unequivocable manner:

> A Democratic Congress in 1974 passed the Juvenile Justice and Delinquency Prevention Act to come to grips with the fact that juveniles account for almost half of the serious crimes in the United States, and to remedy the fact that federal programs thus far have not met the crisis of juvenile delinquency. We pledge funding and implementation of this Act, which has been ignored by the Republican Administration.

The measure I introduce today is designed to carry on our congressional commitment and to fulfill my party's commitment to the program by providing the continuity and strengthened features so vital to the full implementation of the Juvenile Justice and Delinquency Prevention Act of 1974.

Never have we had a more opportune setting to fulfill these commitments.

I was especially heartened and gratified by President Carter's February 22, 1977, message to the Congress on the revisions to the fiscal year 1978 budget. The President noted that there were important goals that the revision did not reflect and then, relative to the changes made to date, Jimmy Carter said:

> The 1978 budget is essentially still President Ford's budget, with only such limited revisions as my administration has had time to make. But these revisions do reflect our careful choices among many possible options; they are important first steps toward a Federal Government that is more effective and responsive to our people's needs.

Among those "careful choices" and "important first steps—more responsive to our people's needs" is the first clear presidential endorsement of the Juvenile Justice and Delinquency Prevention Act of 1974.

Mr. President, the Carter administration has requested "additional funds for juvenile justice and delinquency prevention programs that have a high potential

for reducing crime and delinquency" specifically the requested amount for fiscal year 1978 restores the 1977 level of $75 million.

Although I am very pleased by this particular change in White House policy I was not surprised. When Candidate Jimmy Carter was asked last October by the American Bar Association whether he favored an increased share of LEAA and other Federal funds for juvenile justice and delinquency prevention he responded in the affirmative and added:

> Both the commentators and the statistical evidence now point to the fact that court reform, corrections, and juvenile justice are the critical elements in improving crime control.

For one who has struggled to establish such Federal priorities these words and the budget revisions reflecting a commitment to them are indeed sweet music.

Similarly, Attorney General Griffin Bell made a strong commitment to such priorities and to the full implementation of the Juvenile Justice and Delinquency Prevention Act during the Senate Judiciary Committee's confirmation hearings. In response to my inquiries as to whether, if confirmed as Attorney General, he would provide juvenile justice and juvenile crime prevention the priority it deserves and that the 1974 law and the 1976 amendment require, Judge Griffin Bell said that he would and then continued by noting:

> If we are going to do anything about crime in America, we have to start with the juvenile.

He also added the following observation:

> I have never known that our country on a national level had a criminal justice policy. I plan to establish one. If you do have a criminal justice policy, the most important part of it would be juvenile justice—how to prevent juvenile crime—I have a deep interest in that.

The measure that I introduce today will extend and strengthen the Office of Juvenile Justice. It will strengthen and revitalize the program designed to accomplish the very priority on juvenile justice and juvenile crime prevention underscored by President Jimmy Carter and Attorney General Griffin Bell.

PART A: THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The amendments in my bill relating to the role of the Office and its executive head, the Assistant Administrator, are designed to assure that the promise of the 1974 act is fulfilled, that its mandated provisions are effectively implemented and administered. We intended in 1974 that LEAA administer this program through the new office and that its head be delegated all the administrative, managerial, operational, and policy responsibilities relative to all LEAA delinquent programs. We intended that as chief executive officer that the Office head appoint or select the deputies in the Office and other staff. These objectives are facilitated and reaffirmed. These particular amendments have been strongly endorsed by the Presidential Advisory Committee for Juvenile Justice and its Chairman, Mr. J. D. Anderson. Additionally, another deputy position is provided and additional positions are authorized to permit the Office to obtain at least the 51 positions approved for it by the Appropriations Committee for fiscal year 1976.

Consistent with the Ford administration opposition to its passage and funding of the program the LEAA Administrator did not delegate the authority necessary for the Assistant Administrator to fully implement the program. Additionally, this situation was exacerbated by the designation of the Office head as Assistant Administrator. Other Assistant Administrators within LEAA have less authority and are subjected to more levels of review than the Congress had contemplated for the head of the office responsible for all the delinquency programs. It was for this reason that the rank of Assistant Administrator was combined with the status of a Presidential appointment and senatorial approval in order to underscore the importance of the office and to provide the appropriate status and identity required for the national focus on delinquency prevention and the authority and necessary clout to carry out the act's mandates, unfettered by intermediate review or ratification. My bill ameliorates these problems, most of which would not have developed had the administration supported the full implementation contemplated by Congress and now supported by the Carter administration.

The implementation, in part, has been conducted as a mere extension of the crime control and safe streets program—rather than with appropriate rules, guidelines and regulation for the distinct purposes and objectives of this very different act. Rather than a fresh assessment and expected response to Congress' new direction, LEAA inappropriately adopted crime control procedures, policies, and regulations to the new act rather than provide the new focus and identity for the office warranted.

Furthermore, regarding important aspects of the 1974 act the office and its Assistant Administrator, and I believe it is important to stress—who is one of four LEAA officials appointed by the President with the advice and consent of this body—were relegated only marginal or indirect responsibilities. These areas include the responsiiblity relative to the membership of State planning agencies boards and the regional units; the expenditures under the maintenance of effort provisions; the compliance with section 223(a)(12)(13) and (14); the allocation of funds redirected to special emphasis; the eligibility for continuous funding under section 228(a); and the administration and policy direction of all LEAA programs concerned with juvenile delinquency. My bill reaffirms and facilitates the direct role contemplated for the office in these matters and includes a provision to encourage a closer liaison with regional juvenile justice staff.

It is unlikely that the cavalier and frequently obstructive actions pursued under the former administration—for example, the insistence on hard match in spite of clear statutory language indicating a preference for in-kind match or the aggregation of the maintenance of effort requirement rather than the State-by-State and category or program focus required by the act—will characterize the performance of those in the decision-making process that now affect the Office. However, a reiteration of the act's mandates and reaffirmation of the role contemplated for the Office, as provided in my bill, will assist all involved as we put past conflicts behind us and actually implement the act.

My amendments repeal unnecessary reporting requirements, combine others, and require all reports to be concise. It is expected that the report required under section 204(b) will focus more specifically on Federal delinquency dollars than the total Federal youth dollars.

The National Advisory Committee is strengthened by my bill in several respects, including a requirement that several Members have actual experience within the juvenile system. Further, this citizens' committee is authorized to assist State advisory groups and other citizen groups, including the private sector, to become more involved with the juvenile system in each of the States. Thus, my bill expands the cornerstone of the 1974 act which is the integral role of nonprofit agencies and essential citizen involvement and participation in this landmark Federal program. This objective is assisted by providing 1 percent of the appropriation for such purposes.

PART B: FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS. I—FORMULA GRANTS

The formula grant program is improved by eliminating the burdensome recordskeeping associated with in-kind match for nonprofit groups. My bill provides a waiver of match for these groups. Such a provision was in the Senate passed version of the 1974 act. The approach should eliminate any of the past pressures that eroded, by regulatory sleight of hand, the clear preference for in-kind match under these circumstances. Other important provisions of my bill strengthen the State advisory groups by requiring their involvement in policy formulation and the implementation of the act in their own States, by expanding their membership, especially to include the private sector, and by assuring that they keep legislatures informed regarding activities relevant to the act in their State.

Other clarifying changes are made in the formula grant program. Advance technique programs would include programs designed to assure that youths and their families are provided all available services to which they are entitled. The requirement that status offenders be deinstitutionalized within 2 years is clarified with regard to the permissive, rather than mandatory, placement of such offenders and nonoffenders in shelter facilities. It is provided that States' eligibility for delinquency shall only be terminated if compliance is not forthcoming within a reasonable period of time and that funding for an additional 3 years is possible for those States which have achieved substantial compliance. Lastly, a preference is States for the allocation of unused

formula grant funds for special emphasis grants in the State.

SUBPART II: SPECIAL EMPHASIS PROGRAMS

My bill provides that special emphasis school programs will be more closely coordinated with the Office of Education. New categories of youth advocacy, due process and programs to encourage the development of neighborhood courts are emphasized in order to focus upon means of bringing related improvements to the juvenile justice system. These additional sections will help provide what Attorney General Bell has characterized as the need for "fresh emphasis on alternatives to resolution of conflicts in the traditional court settings." Through the encouragement of arbitration, mediation, conciliation by the use of paralegals, ombudspersons, advocates, community participants, and others, while assisting victims, we can encourage the development of more rational and economical responses to minor delinquent conduct. Additionally, there is clarification of the authority of the Office to direct, operate and manage these programs.

Furthermore, authorization is provided to permit up to 100 percent of a State's formula grant funds to be utilized as match for other Federal juvenile delinquency program grants. This will increase flexibility and permit maximum use of these funds in States which have been unable to fully utilize available Federal fund sources. Authority is further provided to waive match for Indian tribes and other aboriginal groups where match funds are not available and to waive State liability where a State lacks jurisdiction to enforce grant agreements with Indian tribes.

THE INSTITUTE: PART C

My bill clarifies the authority of the institute to provide for the preparation of studies in areas which the subcommittee has found to be of national significance and lacking in comprehensive understanding, reaffirms the role of the Office relative to that of the institute as well as the importance of the development of adoptable juvenile justice standards.

TITLE III: THE RUNAWAY YOUTH ACT

This program is amended to provide closer coordination with the Office and to clarify programmatic focus on homeless youth, many of whom had either no home from which to run or the few who are so abused or neglected that leaving was a rational alternative. Additionally, my bill provides renewed focus on the funding of local programs, the need for short-term training and a slight increase, reflective of increased expenses, in the maximum size of grants.

AUTHORIZATION AND FUNDING

My bill authorizes $1 billion for Juvenile Justice Act programs through 1982. Although the amounts authorized are very modest relative to the task of each of the participating States, such additional resources provided in a stable continuous fashion will do wonders to achieve the mandate of the 1974 act. The Ford effort to stifle the program's development and its attendant lack of continuity dissuaded many States from enthusiastically participating in the effort and, in fact, was the basis for the decision of several States to avoid the program entirely. The Ford-OMB 1-year bill which was the subject of our subcommittee hearings last May was almost the final blow. It was, in fact, an extinction bill. LEAA program managers supported a 4-year extension. There is no need for more model programs or further studies. There is an overriding need, however, for a lasting Federal commitment to provide the leadership, knowledge, and resources necessary for a desperately and long overdue fully operational program. I am confident that the Carter administration will support us in this vital commitment.

The dedicated staff of the office and the States participating in the program have worked in a diligent manner, under difficult circumstances these past several years. It is the objective of the bill I introduce today to ease their collective burdens and to facilitate the partnership of public and private interest contemplated by the 1974 act. In the main these amendments are perfecting, technical, or reaffirming existing provisions. Others, including the National Association of Counties, strong supporters of the Act, have made suggestions for additional changes including a special program for probation subsidy and a national conference on learning disabilities. Perhaps the hearings will provide further basis to support these changes this year. Yet, especially in view of the delay in scheduling associated with Senate Resolution 4 and the Budget Act requirement that the Judiciary Committee must report a reauthorization bill, by May 15, I have cautiously limited substantive alterations.

Additionally, my proposal to establish an Office of Children's Justice, within the Department of Justice, will be introduced later this year and will be the subject of hearings either this summer or next fall after the subject of today's legislation is reauthorized.

The overloaded juvenile justice system is under fire for not stemming the tide of youthful criminal violence. We are, however, often and understandably blinded by the lurid publicity given a relative small handful of violent juveniles and we lose sight of the fact that the net of the juvenile system is very wide; that many noncriminal acts and minor delinquencies subject youth to unwarranted and unjust detention and incarceration, grossly disproportionate to the harm, if any, done by the behavior involved. Our collective errors in this regard are compounded by the fact that these indiscriminate incarceration policies which overloaded the juvenile correctional system permit the punishment of ever fewer serious violent youthful offenders.

When we discuss juvenile crime we should address the policies of a State and its respective communities rather than focusing solely on the individual juveniles and the case-by-case emphasis on the needs of individuals which often permits those intimately involved with the implementation of policy to overlook the cumulative impact of their practices.

The Juvenile Justice Act has been a catalyst which has spawned this type of healthy assessment and programmatic development in our States and local communities. Additionally, its mandates regarding the incarceration of noncriminal youth have stimulated the development of State criteria or standards as to whether to impose a term of incarceration on a child and has helped to revitalize the element of certainty of punishment for serious offenders which, when the message of the juvenile system is garbled, as is often the case, has been lost.

Thus, the type of long overdue sentencing reform envisioned by Senator KENNEDY'S S. 181 proposal, which I cosponsored, is being generated by the implementation of the act within the juvenile justice system. Similarly, the development of model standards by the institute will assist the States in their struggle to deliver justice to our citizens.

The act is not a panacea, in fact, there are no Federal answers to the problems of juvenile crime and delinquency, but as Attorney General Bell stated, in his address before the Mexican-American Legal Defense and Education Fund:

> The Department must be the catalyst for development of a national policy on the delivery of justice. We must be the national leader.

I am proud of the leadership provided by this program and of the strong bipartisan support of my colleagues and of their dedication to the conviction that juvenile crime prevention must be the priority of the Federal crime program. The GAO has identified the Juvenile Justice Act as the most cost effective crime prevention program. It is supported by a myriad of groups interested in both the safety of our citizens and the quality of juvenile justice in the Nation.

Our former distinguished colleague and comanager of the 1974 act, Senator Hruska aptly hit the nail on the head when in urging its passage he told us:

> This bill represents a culmination of years of hard work and the expertise and dedication of a great many individuals. The importance of this piece of legislation cannot be overstated. While we in government are attempting to achieve a balanced budget, certain crisis problems such as juvenile delinquency demand an immediate mobilization of Federal resources. The crisis of juvenile delinqency must be met.

I urge my colleagues to support this extension and I look forward to working with you and those in the House of Representatives. This measure will provide the stability so vital to the continuation of this congressional initiative. The 5-year extension, with the adequate funding provided, when coupled with the full implementation of the provisions of the 1974 act will help assure that we have begun to address crime's cornerstone in this country—juvenile crime and violence.

Mr. President, I ask unanimous consent that the bill and accompanying explanatory materials be printed, along with a partial list of those who support the program, at this point in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Juvenile Justice Amendments of 1977".

SEC. 2. Title II, Part A of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended as follows:

(1) Section 201(a) is amended by inserting the following sentence, "The Administrator shall administer the provisions of this Act through the Office." at the end thereof and Section 201(b) is amended to read as follows:

"(b) The programs authorized pursuant to this Act and those affected by § 527 of the Omnibus Crime Control and Safe Streets Act of 1968 shall be administered by the Office."

(2) Section 201(d) is amended to read as follows:

"(d) The Assistant Administrator shall be the chief executive of the Office and shall exercise all necessary powers, subject to the general policy direction of the Law Enforcement Assistance Administration. The Assistant Administrator shall report directly to the Administrator."

(3) Section 201 is amended by redesignating subsection (g) as subsection (h) and by inserting immediately after subsection (f) the following new Subsection:

"(g) There shall be in the Office a Deputy Assistant Administrator who shall be appointed by the Assistant Administrator whose function shall be to supervise and direct Part B program operations under this Title.".

(4) Redesignated Section 201(h) is amended by deleting the word "first" and inserting the word "second" in lieu thereof and by deleting the word "twenty-five" and inserting the word "twenty-six" in lieu thereof.

(5) Immediately after redesignated Section 201(h) insert the following new subsections:

"(i) To assure that the delegation of authority to the Assistant Administrator mandated by this Act, including Section 545, is accomplished, Sections 201 (e) and (f), 202 (a) and (d), 204 (b)(d)(e) and (l)(1) (second appearance), 208(b)(c) and (e), 223 (a) (5) (14) (20) and (21), 224, 225 (except (c)(3)), 243(4), 246, 249, 250 and 251 are amended by inserting the word "Assistant" prior to the word "Administrator" wherever it appears.

"(j) Section 5315 of Title 5, United States Code, is amended by adding at the end thereof the following:

"(105) Assistant Administrator, Office of Juvenile Justice and Delinquency Prevention, of the Law Enforcement Assistance Administration.".

(6) Section 202(a) is amended by inserting after the second word "functions" the words "including such fiscal control and fund accounting procedures as may be necessary to assure prudent use, proper disbursement, and accurate accounting of funds within the responsibility of the Office."

(7) Section 202(b) is amended by deleting the words "The Administrator" through the words "fix their" and inserting in lieu thereof the following words "No more than ten of such officers selected, appointed and employed pursuant to Section 202(a) shall receive" and by deleting the word "not", and (c) is amended by inserting the words "with his concurrence and approval" immediately after the words "Assistant Administrator".

(9) Section 202 is further amended by inserting after subsection (d) the following subsections:

"(e) The Administrator of the LEAA shall place at the disposal of the Office of Juvenile Justice and Delinquency Prevention, all of the available resources of the Administration that are necessary for the Office of Juvenile Justice and Delinquency Prevention to perform the duties enumerated in this Act.

"(f) The Assistant Administrator is granted the authority to allocate funds, issue appropriate directives; administer, modify, extend, terminate, monitor and evaluate all juvenile delinquency grants including authority to reject or deny grant applications submitted to the Administration but not to the Office.".

(10) Section 204(a) is amended by inserting after the word "priorities" the words ", consistent with Section 545,".

(11) Section 204(b) is amended by redesignating paragraph (7) as paragraph "(6)" and by deleting paragraphs (5) and (6) and substituting in lieu thereof the following paragraph:

"(5) develop annually with the assistance of the Advisory Committee and submit to the President and the Congress, after the first year the legislation is enacted, prior to December 31, a concise analysis and evaluation of Federal juvenile delinquency programs conducted and assisted by Federal departments and agencies, the expenditures made, the results achieved, the plans developed, and problems in the operations and coordination of such programs and a brief but precise comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system. The report shall include recommendations for modifications in organization, management, personnel, standards, budget requests, and implementation plans necessary to increase the effectiveness of these programs and a status report on the degree of compliance with Sections 223(a) (12), (13) and (14), 261(b), 542, 544 and 545; and".

(12) Section 204(e) is amended by deleting the words "(6)" and inserting in lieu thereof the word "(5)".

(13) Section 204(g) is amended by deleting the word "part" and inserting the word "title" in lieu thereof, and by deleting all words after the words "this part" and before the words "to any officer".

(14) Section 204(j) is amended by inserting after the word "agency," the word "organization,".

(15) Section 204(k) is amended by deleting the words "the Juvenile Delinquency Prevention Act (42 U.S.C. 3801 et seq.)" and inserting the words "Title III of this Act" in lieu thereof and Section 205 is amended by inserting after the word "advanced" the following words "whenever the Assistant Administrator finds the program or activity to be exceptionally effective or for which the Assistant Administrator finds there exists exceptional needs".

(16) Section 206(a)(1) is amended by inserting after the word "Labor" and before the words "the Secretary of Housing" the following words:

"the Director of the Office of Drug Abuse Policy, the Director of the Office of Management and Budget, the Commissioner of the Office of Education,".

(17) Section 206(c) is amended by inserting the word "concise" immediately after the words "shall make".

(18) Section 206(d) is amended by deleting the word "six" and inserting the word "four" in lieu thereof.

(19) Section 206(e) is amended by deleting all of (1) and (2) and by striking the words "(3) the Executive Secretary" and inserting the words "The Assistant Administrator" and by inserting the words "or staff support" after the word "personnel".

(20) Section 207(c) is amended by inserting after the words "community-based programs" the words "including youth workers involved with alternative youth programs".

(21) Section 207(c) is further amended by deleting all following the word "twenty" and substituting in lieu thereof the following words:

"-two years of age on the date of the appointment of whom at least three shall have been under the jurisdiction of the juvenile justice system.".

(22) Section 207(d) is amended by inserting at the end thereof the following new sentence: "Eleven members of the Committee shall constitute a quorum, but a lesser number may conduct hearings.".

(23) Section 208(c) is amended by inserting the word "concise" before the word "recommendations" and by inserting after the word "Administrator" the words "Congress and President".

(24) Section 208(c) is amended to read as follows:

"(c) The Chairman shall designate a subcommittee of members of the Advisory Committee to advise the Assistant Administrator on particular functions or aspects of the work of the Office, including those mandated by Sections 261(h), 542 and 545.".

(25) Section 208(d) is amended by inserting after the words "subcommittee of" and before the word "five" the words "no less than" and by deleting the words after the word "serve" and before the words "as members".

(26) Section 208(e) is amended by inserting after the words "subcommittee of" and before the word "five" the words "no less than;" and by deleting the words "to the Administrator.".

(27) Section 208(f) is amended to read as follows:

"The Chairman, with the approval of the Committee, shall request of the Assistant Administrator such staff and other support as may be necessary to carry out the duties of the Advisory Committee.".

(28) Section 208 is amended by inserting the following new subsections after the subsection (f):

"(g) In addition to other powers express and implied the Advisory Committee shall have authority—

"(1) to devise and conduct, in various geographical locations, meetings, seminars, workshops, conferences and training programs (including the use of technical teams to aid in the development of same) to assist the advisory groups established pursuant to section 223(a)(3) or comparable public or private citizen groups in non-participating states in the accomplishment of their objectives, including efforts to assure compliance with Sections 223(a)(12)(13) and (14), 261(b), 542, 544 and 545; and

"(2) to make grants and enter into contracts with public or private agencies, organizations, or individuals, for the performance of any of the functions of the Advisory Committee.

"(h) Not less than one per centum of the funds appropriated annually for the purposes of the Act pursuant to Section 261(a) shall be used for the purposes of the Advisory Committee. The Assistant Administrator shall provide with these funds such staff and other support as may be necessary to perform the duties of the Advisory Committee.".

PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

SEC. 3. Title II, Part B of such Act is amended as follows:

(1) Section 221 is amended by inserting the words "the concurrence of the Assistant Administrator" immediately after the word "Administrator" and by inserting after the word "through" the words "grants and".

(2) The third sentence of Section 222(c) is amended by deleting the words "local governments" and inserting the words "units of general local government or combinations thereof" in lieu thereof.

(3) Section 222(d) is amended by deleting the words "not exceed" and inserting the word "be" in lieu thereof and by adding the following sentence at the end thereof: "The Assistant Administrator shall waive this requirement in the case of private nonprofit organizations.".

(4) Section 222 is amended by inserting the following new subsection at the end thereof:

"(e) In accordance with regulations promulgated under this part, a portion of an allotment to any State under this part shall be available to assist the advisory groups. At least 10 per centum of the minimum annual allotment of such State shall be available for such purposes.".

(5) Section 223(a)(3) is amended by deleting all words before "(A)" and inserting in lieu thereof the following: "provide for an advisory group appointed by the chief executive of the State to participate in the development and review of the plan prior to submission to the supervisory board for final action and to participate in the supervision of juvenile delinquency programs funded by the Administration in the State,"

(6) Section 223(a)(3)(C) is amended by inserting after the words "treatment programs" the words ", business groups and businesses employing youth,".

(7) Section 223(a)(3)(E) is amended by striking all after the word "twenty" and adding the words "two years of age on the date of appointment of whom at least three shall have been under the jurisdiction of the juvenile justice system.".

(8) Section 223(a)(3) is amended by inserting the following at the end thereof:

"(F) The advisory group shall advise the State planning agency and its supervisory board, the Governor and the Legislature and shall assist in the activities mandated by paragraph (14) in this Section and by Sections 261(b), 542, 544 and 545. To fulfill these responsibilities the advisory group shall have authority to make grants and enter into contracts with public or private agencies, organizations or individuals.".

(9) Section 223(a)(4) is amended by deleting the words "local governments" the first time they occur and inserting the words "units of general local government or combinations thereof" in lieu thereof and by adding the following at the end thereof: "Provided that nothing in the plan or regulation promulgated thereunder shall be construed as to prohibit or impede the state government for making contracts with or grants to local private agencies or the advistory group.".

(10) Section 223(a)(5) is amended by inserting after the words "local government" the words "or combinations thereof and/or in conjunction with local private agencies or the advisory group.".

(11) Section 223(a)(5) is further amended by deleting all words after the words "for delinquent" and inserting the following words "or other youth are organized primarily on a statewide basis or if the Administrator determines that it will contribute to the purposes of this part.".

(12) Section 223(a)(6) is amended by deleting the words "local government" and inserting the words "unit of general local government" in lieu thereof.

(13) Section 223(a)(6) is further amended by inserting after the words "local government's structure" and before the words "(hereinafter in this part" the words "or to a regional planning agency".

(14) The first sentence of Section 223(a)(10) is amended by inserting after the words "or through" the words "grants and".

(15) The first sentence of Section 223(a)(10) is further amended by inserting the words "and to encourage a diversity of alternatives within the juvenile justice system" after the words "correctional facilities".

(16) Section 223(a)(10)(A) is amended by inserting after the words "health services" the words "twenty-four hour in-take screening, volunteer and crisis home programs, day treatment, home probation,".

(17) Section 223(a)(10) is further amended by deleting all of subparagraph (D) and inserting in lieu thereof the following:

"(D) projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth impacted by the juvenile justice system;".

(18) Section 223(a)(10)(G) is amended by inserting before the word "assistance" but after the word "by" the words "traditional youth".

(19) Section 223(a)(10)(H) is amended by deleting all after the word "that" but before the words "(i) reduce" and insert in lieu thereof the words "are designed to".

(20) Section 223(a)(12) is amended by inserting the words "or such nonoffenders as dependent or neglected children" immediately after the word "adult".

(21) Section 223(a)(12) is further amended by deleting the word "must" and inserting the word "may" in lieu thereof.

(22) Section 223(a)(13) is amended by inserting the words "and youths within the purview of 223(a)(12)" immediately after the word "delinquent".

(23) Section 223(a)(14) is amended by deleting the word "and" before the word "correctional" and by inserting the words "and nonsecure facilities" after the second word "facilities" and before the words "to insure".

(24) Section 223(a)(15) is amended by deleting the word "all".

(25) Section 223(a)(19) is amended by deleting the words ", to the extent feasible and practical,".

(26) Section 223(b) is amended by deleting the word "consultation" and by inserting the words "receiving the directives and recommendations of" in lieu thereof.

(27) Section 223(c) is amended by inserting the words ", consistent with section 545 and section 261(b)," after the word "approve".

(28) Section 223(c) is further amended by inserting the following sentences at the end thereof: "Failure to achieve compliance with the section 223(a)(12) requirement within the two year time limitation shall terminate any State's eligibility for funding under this subpart and shall make such State ineligible for the maintenance of effort portion allocated pursuant to sections 261(b) and 544, unless the Administrator with the concurrence of the Assistant Administrator determines that the State is in substantial compliance with the requirement and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time. For purposes of this subsection the term substantial compliance shall mean that 75 percentum deinstitutionalization has been achieved and that a reasonable time shall be construed as to be no longer than three years beyond that indicated by section 223(a)(12).".

(29) Section 223(d) is amended by inserting after the first word "State" the words "chooses not to submit a plan.".

(30) Section 223(d) is further amended by inserting the words "with the concurrence of the Assistant Administrator" after the second word "Administrator" and by inserting the words "preferably in that State" after the words "private agencies" and by inserting the words "especially programs funded under section 224(a)(7)" at the end thereof.

(31) Section 223(e) is deleted.

SUBPART II—SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

(32) Section 224(a)(3) is amended by inserting after the word "system" the following words, ", including restitution projects which test and validate selected arbitration models, such as neighborhood courts or panels, and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents".

(33) Section 224(a)(4) is amended by striking all after the words "and youth" and inserting in lieu thereof the words "and other youth to help prevent delinquency".

(34) Section 224(a)(5) is amended by deleting the words "on Standards for Juvenile Justice".

(35) Section 224(a)(5) is amended by deleting the word "and" the last time it occurs.

(36) Section 224(a)(6) is amended by placing a comma after the words "develop and implement" and inserting thereafter the words "in coordination with the United States Office of Education, Department of Health, Education, and Welfare,".

(37) Section 224(a)(6) is further amended by deleting the period at the end thereof and inserting in lieu thereof a semicolon.

(38) Immediately after paragraph (6) of section 224(a) insert the following new paragraphs:

"(7) develop and support programs stressing advocacy activities aimed at improving services for and protecting the rights of youth impacted by the juvenile justice system;

"(8) develop, implement, and support, in conjunction with the United States Department of Labor, other public and private agencies and organizations and business and industry programs for youth employment; and

"(9) improve the juvenile justice system to conform to standards of due process.".

(39) Section 225(c)(4) is amended by striking all after the words "or youths" and inserting in lieu thereof the words "and other youth to help prevent delinquency;".

(40) Section 225(c)(6) is amended by deleting the words "or Standards for Juvenile Justice".

(41) Sections 226, 227, and 228 are amended by inserting the words "with the concurrence of the Assistant Administrator" after the word "Administrator" whenever it appears.

(42) Section 227(a) is amended by inserting the word "organization" after the words "private agency".

(43) Sections 227(b) is amended by inserting the word "organization" after the words "private agency".

(44) Section 228(b) is amended by deleting the words "under this part" and inserting the words "by the Law Enforcement Assistance Administration with the concurrence of the Assistant Administrator" in lieu thereof and by deleting the words "25 percentum of."

(45) Section 228(c) is amended by deleting the word "part" and inserting the word "title" in lieu thereof.

(46) Immediately after Section 228(d) insert the following new subsection:

"(e) In the case of a grant under this part to an Indian tribe or other aboriginal group, if the Administrator determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administrator with the concurrence of the Assistant Administrator, may increase the Federal share of the cost thereof to the extent he deems necessary. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administrator is authorized to waive State liability and may pursue such legal remedies as are necessary.

"(f) If the Administrator with the concurrence of the Assistant Administrator, determines, on the basis of information available to him during any fiscal year, that a portion of the funds granted to an applicant under this part for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of Section 509 of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, that portion shall be available

for reallocation under Section 224 of this Title.".

(47) Section 228(c) is amended by deleting the word "money."

PART C—NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 4. Title II, Part C of such Act is amended as follows:

(1) Section 241 is amended by deleting subsections (d) and (e) and by redesignating subsections (f) and (g) as subsections (d) and (e) respectively.

(2) Redesignated Section 241(e) is amended by inserting after "(4)" and before the words "enter into contracts" the words "make grants and."

(3) The subsection letter "(b)" immediately following redesignated Section 241(e) is redesignated subsection "(f)."

(4) Redesignated Section 241(f) is amended by deleting "(g)(1)" which appears immediately after the word "subsection" and inserting "(e)(1)" in lieu thereof.

(5) Section 243(5) is amended by inserting at the end thereof the following words ", such as assessments regarding the role of family violence, sexual abuse or exploitation and media violence in delinquency, the improper handling of youth placed in one State by another State, the possible ameliorating roles of recreation and the arts, and the extent to which youth in the juvenile system are treated differently on the basis of sex and the ramifications of such practices.".

(6) Section 245 is amended to read as follows:

"The Advisory Committee shall advise, consult with, and make recommendations to the Assistant Administrator concerning the overall policy and operations of the Institute.".

(7) Section 247(a) is amended by deleting the words "on Standards for Juvenile Justice established in section 208(e)".

(8) Section 247 is amended by inserting the following new subsection at the end thereof:

"(d) following the submission of its report under subsection (b) the Advisory Committee shall direct its efforts toward refinement of the recommended standards and shall assist State and local governments and private agencies and organizations in the adoption of appropriate standards at State and local levels.".

(9) Sections 241(f), 244(3) and 249(b) are amended by inserting after the words "lay personnel" the words ", including persons associated with law related education programs, youth workers and representatives of private youth agencies and organizations,".

PART D—AUTHORIZATION OF APPROPRIATIONS

SEC. 5. Title II, Part D of such Act is amended by redesignating the title of Part D "Administrative Provisions" and as follows:

(1) Section 261 is amended by deleting subsection (a) and inserting in lieu thereof the following:

"To carry out the purposes of this title there is authorized to be appropriated $150,000,000 for the fiscal year ending September 30, 1978, $175,000,000 for the fiscal year ending September 30, 1979, $200,000,000 for the fiscal year ending September 30, 1980, $225,000,000 for the fiscal year ending September 30, 1981, and $250,000,000 for the fiscal year ending September 30, 1982. Funds appropriated for any fiscal year may remain available for obligation until expended.".

(2) Section 262 is amended by deleting all of subsections (a) and (b) and inserting in lieu thereof the following:

"The Administrative provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, designated as Sections 501, 503,, 504, 507, 509, 510, 511, 516, 518(c), 521 and 524(a) and (c) of such Act, are incorporated herein as administrative provisions applicable to this Act.".

(3) Section 263 is amended by deleting the words "subsection (b)" in subsection (a) and inserting the words "subsections (b) and (c)" in lieu thereof.

(4) Section 263 is further amended by ading after subsection (b) a new subsection (c) as follows:

"(c) The amendments made by the Juvenile Justice Amendments of 1977 shall take effect on October 1, 1977.".

TITLE III—RUNAWAY YOUTH

SEC. 6. Title III of such Act is amended as follows:

(1) Section 311 is amended to read by inserting in the first sentence after the words "technical assistance" the words "and short-term training" and by inserting the words "and coordinated networks of such agencies" after the word "agencies".

(2) Section 311 is further amended by inserting the words "or otherwise homeless youth" immediately after the words "runaway youth" where it first appears and by deleting the words "runaway youth" in the third and fourth sentence and inserting the words "such youth" in lieu thereof.

(3) Section 312(b)(5) is amended by deleting the word "aftercase" and inserting the word "aftercare" in lieu thereof.

(4) Section 312(b)(6) is amended by deleting the words between the words "without" and "to anyone" and inserting the words "the consent of the individual youth and parent or legal guardian" in lieu thereof.

(5) Section 313 is amended by deleting the word "State" therein.

(6) Section 313 is further amended by deleting the sums "$75,000" and "$100,000" and inserting "$100,000" and "$150,000" respectively in lieu thereof.

(7) Part B of such Act is amended by redesignating the title of part B "Records" and by deleting section 321 and redesignating section 322 as section 321 and to read as follows:

"Records containing the identity of individual youths pursuant to this Act may under no circumstances be disclosed or transferred to any individual or to any public or private agency.".

(8) Section 331(a) is amended by deleting all after the word "ending" and inserting the words "September 30, 1978, 1979, 1980, 1981, and 1982, the sum of $25,000,000.".

(9) Section 331 is further amended by deleting all of subsection (b) and inserting in lieu thereof the following:

"(b) The Secretary (through the Office of Youth Development which shall administer this Act) shall consult with the Attorney General (through the Assistant Administrator of the Office of Juvenile Justice and Delinquency Prevention) for the purpose of coordinating the development and implementation of programs and activities funded under this Act with those related programs and activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and under the Omnibus Crime Control and Safe Streets Act of 1968, as amended.".

TITLE IV—EXTENSION AND AMENDMENT OF THE JUVENILE DELINQUENCY PREVENTION ACT

SEC. 7. Title IV of such Act is deleted.

TITLE V—MISCELLANEOUS AND CONFORMING AMENDMENTS

SEC. 8. Title V, part B of such Act is amended as follows:

(1) Section 521 is amended by deleting the word "Deputy" and the words "for the National Institute" in chapter 319, section 4351(b).

(2) Section 545 is amended by adding at the end of section 527 the following:

"The Office shall have responsibility for assuring that the renewal of the plan under section 222(d) of the Juvenile Justice and Delinquency Prevention Act of 1974, is carried out consistent with the mandate of this section.".

COMMITTEE ON THE JUDICIARY—SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY: SECTION-BY-SECTION ANALYSIS OF THE PROVISIONS OF THE JUVENILE JUSTICE AMENDMENTS ACT OF 1977

Section 1 provides that the Act may be cited as the "Juvenile Justice Amendments of 1977".

Section 2 amends Title II, Part A of the Juvenile Justice and Delinquency Prevention Act of 1974 in the following ways:

1. Section 201(a) and (b) are amended to clarify and reaffirm the scope of the Office of Juvenile Justice responsibilities mandated by the 1974 Act.

2. Section 201(d) is amended to clarify the Assistant Administrator's responsibility to report directly to the Administrator.

3. Section 201 is amended to provide a Deputy to supervise Part B program operations.

4. Section 201 is the subject of a technical amendment.

5. Section 201 is amended by adding two new subsections: (a) subsection (i) also to clarify and to reaffirm the responsibilities of the Assistant Administrator mandated by the 1974 Act; and (b) subsection (j) to appropriately reflect the executive stature of the Office.

6. Section 202(a) is amended to clarify the fiscal responsibilities of the Assistant Administrator.

7. Section 202(b) is amended to permit staffing of the Office consistent with that approved by the Appropriation Committee.

8. Section 545 is the subject of a technical amendment.

9. Section 202 is further amended by adding two new subsections: (a) subsection (e) to remove any ambiguity regarding the Administrative support intended for the Office; and (b) subsection (f) to remove any doubt regarding the nature of delegation to the Assistant Administrator necessary to meet the mandates of Sections 201(a), 201(d), 261 (b) and 245.

10. Section 204(a) is amended to clarify the significant role contemplated in the 1974 Act for the Assistant Administrator regarding the area of concentration of federal efforts.

11. Section 204(b) is amended to delete duplicative counter-productive reporting requirements and to assure that future reports are adequate but concise.

12. Section 204(e) is the subject of a technical amendment.

13. Section 204(g) is amended to authorize the Administrator to delegate any functions under all of Title II to any officer or employee of the Administration.

14. Section 204(j) is amended to authorize the Administrator to utilize grants and contracts for private organizations.

15. Sections 204(k) and 205 are amended to require appropriate coordination between LEAA activities funded under Title II and Department of Health, Education and Welfare programs funded under the Runaway Youth Act and to clarify the role of the Office in joint funding proposals.

16. Section 206(a)(1) is amended by adding the Directors of OMB and the Office of Drug Abuse Policy and the Commissioner of the Office of Education to the Coordinating Council.

17. Section 206(c) is amended to assure that reports of the Council are adequate but concise.

18. Section 206(d) is amended to require a minimum of four annual meetings of the Coordinating Council.

19. Section 206(e) is amended to assure staff support consistent with the request of the Council.

20. Section 207(c) is amended to clarify the intent that alternative program youth workers participate as members of the National Advisory Committee.

21. Section 207(c) is further amended to define youths as persons under the age of twenty-two and to require that several selected for the Committee have had practical experience with the juvenile justice system.

22. Section 207(d) is amended to reflect a quorum as a simple majority of the Committee members and to permit hearings by a lesser number.

23. Section 208(b) is amended to assure that reports of the Committee are adequate but concise.

24. Section 208(c) is amended to clarify the intended role of the Committee relative to the Office.

25. Section 208(d) is amended to prevent a reduction in the membership of the Institute subcommittee and to clarify its role.

26. Section 208(e) is amended to prevent a reduction in the membership of the Standards subcommittee and to clarify its title.

27. Section 208(f) is amended to assure staff support consistent with the request of Committee.

28. Section 208 is further amended by adding two new subsections: (a) subsection (g) to authorize the Committee to assist State advisory groups in helping to assure compliance with key mandates of the 1974 Act; and (b) subsection (h) to require that at least one per centum of the appropriation for each fiscal year be allocated to these essential citizen involvement provisions of the Act.

Section 3 amends Title II, Part B of the Act through provisions related to Federal assistance programs:

1. Section 221 is amended to clarify that States have authority to make formula grant funds available to both public and private agencies through subgrants as well as contracts.

2. Section 22(c) is amended to conform with the definitions of "units of general local government" and "combination" set forth in Section 103(8) and (9) of the Act.

3. Section 222(d) is amended to provide a Federal share of ninety per centum and to require the Assistant Administrator to waive match for private non-profit organizations.

4. Section 222 is amended by adding a new subsection (e) to provide at least ten per centum of the State allotment for the purpose and use of the State citizens advisory group.

5. Section 223(a)(3) is amended to assure that the citizen advisory group participates in the development and review of the State plan and in the supervision of Federally funded delinquency programs.

6. Section 223(a)(3)(C) is amended to assure the fuller participation of the private business sector on the advisory groups.

7. Section 223(a)(3)(E) is amended by defining youth as persons under twenty-two and by assuring the participation of persons with practical experience in the juvenile justice system.

8. Section 223(a) is amended by adding a new paragraph (F) to assure that the Governors and Legislators are kept apprised of activities in their states and to permit the citizen advisory groups to help monitor compliance with key requirements of the 1974 Act.

9. Section 223(a)(4) is amended to conform with the definitions of "unit of general local government" and "combination" set forth in Section 103(8) and (9) of the Act and to assure that regulations are promulgated that will encourage citizen and private agencies participation in programs funded under the 1974 Act.

10. Section 223(a)(5) is amended to provide that funds expended through programs of local government include programs sponsored or administered by combination of local government or with citizen groups.

11. Section 223(a)(5) is further amended to prevent the funding of programs that improperly intrude into the lives of youth and to permit a flexible approach in the allocation of funds at the State level.

12. Section 223(a)(6) is amended to conform with the definition of "unit of general local government" set forth in Section 103(8) of the Act.

13. Section 223(a)(6) is further amended to clarify that regional planning bodies may be designated by local chief executives as the "local agency" to perform planning and administration functions on behalf of the unit of general local government.

14. Section 223(a)(10) is amended to again clarify that States have authority to make formula grant funds available to both public and private agencies through subgrants as well as contracts.

15. Section 223(a)(10) is further amended to encourage the support of diverse alternatives in the juvenile justice system.

16. Section 223(a)(10)(A) is amended to strengthen the range of frugal community-based alternatives to be encouraged through the Act.

17. Section 223(a)(10) is further amended to delete duplicative language regarding drug and alcohol programs and to substitute citizens youth advocacy programs on the list of advanced technique programs.

18. Section 223(a)(10)(G) is amended to reflect the encouragement of youth oriented programs.

19. Section 223(a)(10)(H) is amended to focus incentive programs funded by the States on the objectives of the key mandates of the Act.

20. Section 223(a)(12) is amended to clarify the intent to handle youths who have not been involved or charged with a violation of law no more restrictive than status offenders.

21. Section 223(a)(12) is amended to clarify that status offenders may, but need not, be placed in shelter facilities.

22. Section (a)(13) is amended to clarify the intent to handle youths who have not been involved in or charged with a violation of law no more restrictive than status offenders.

23. Section 223(a)(14) is amended to require that alternative non-secure placements are also monitored to assure compliance with the key mandates of the Act.

24. Section 223(a)(15) is amended to reflect a more realistic scope of contemplated activities regarding disadvantaged children.

25. Section 223(a)(19) is amended to prevent the use of Act funds in a manner that supplants State and local programs.

26. Section 223(b) is amended to reflect the strengthened role of citizen advisory groups regarding the approval of the State plan.

27. Section 223(c) is amended to reflect the important role of the Assistant Administrator in the decision-making process for State plan approval.

28. Section 223(c) is further amended to provide that State eligibility for delinquency funds shall be terminated unless unequivocal commitment to full compliance within a reasonable time is demonstrated.

29. Section 223(d) is the subject of a technical amendment.

30. Section 223(d) is further amended to stress the role of the Assistant Administrator in establishing noncompliance and expresses a preference that the State allotment be allocated in the same State for citizen and advocacy activities.

31. Section 223(e) is deleted consistent with the technical amendment to 223(d).

32. Section 224(a)(3) is amended to encourage the development of neighborhood courts or panels designed to assist victims of juvenile crime and provide more rational and economical responses to minor delinquent conduct.

33. Section 224(a)(4) is amended to prevent the funding of programs that improperly intrude into the lives of youths and their families.

34. Section 224(a)(5) is amended to eliminate an inconsistency in a title of the Section 247 subcommittee.

35. Section 224(a)(5) is the subject of a technical amendment.

36. Section 224(a)(6) is amended to mandate coordination with the United States Department of Education in the development of Special Emphasis School programs.

37. Section 224(a)(6) is the subject of a technical amendment.

38. Section 224 is amended by adding three new paragraphs: (a) paragraph (7) to authorize the use of Special Emphasis funds for youth advocacy programs: (b) paragraph (8) to authorize the use of Special Emphasis funds to work in conjunction with the Department of Labor and other organizations in the development of model employment programs designed to help reduce delinquency; and (c) paragraph (9) to authorize the use of Special Emphasis funds to encourage conformity with Constitutional due process in the juvenile justice system.

39. Section 225(c)(4) is amended to prevent the funding of programs that improperly intrude into the lives of youths.

40. Section 225(c)(6) is amended to provide consistency of titles.

41. Section 226, 227 and 228 are amended to clarify the authority of the Office regarding withholding, use of funds and payments.

42. Section 227(a) is amended to permit the use of funds by organizations as well as agencies.

43. Section 227(b) is also amended to permit the use of funds by organizations as well as agencies.

44. Section 228(b) is amended to permit up to 100 percent of a State's formula grant funds to be used as match for other Federal juvenile delinquency program grants.

45. Section 228(c) is amended to permit the Administrator to require a matching contribution from recipients of National Institute grants and contracts under Part C of the Act.

46. Section 228 is amended by adding two new subsections: (a) subsection (e) authorizes the Administrator to waive the non-Federal match for grants to Indian tribes or other aboriginal groups where they have insufficient funds. In addition, where a State lacks jurisdiction to enforce liability under State grant agreements with Indian tribes, the Administrator may waive the State's liability and proceed directly with the Indian tribe on settlement matters; and (b) subsection (f) provides for reallocation as Special Emphasis funds, or any funds not required by a State or which become available following administration action to terminate funding.

47. Section 228(c) is amended to provide that any permissive match must be in kind match.

Section 4 amends Title II, Part C of the Act in several amendments related to the National Institute for Juvenile Justice and Delinquency Prevention:

1. Section 241 is amended to delete the duplicative subsection (d) and (e) provisions for delegation of authority by the Administrator clearly provided for in Part A to employees of the Institute and to redesignate subsections (f) and (g) as sections (d) and (e).

2. Redesignated section 241(e) is amended to clarify the Institute's authority to make grants as well as enter into contracts for the partial performance of Institute functions.

3. Erroneously lettered subsection (b) is redesignated subsection (f).

4. Redesignated subsection (f) is the subject of a technical amendment.

5. Section 243(b) is amended to provide for the preparation of studies and recommendations for the prevention of delinquency in the areas of family violence, sexual abuse, media violence, the interstate placement practices of government agencies and the special manifestations of sex discrimination in the juvenile justice system, and the possible ameliorating roles of recreation and the arts.

6. Section 245 is amended to clarify the intent that the Advisory Committee advise the Assistant Administrator or designee.

7. Section 247(a) is the subject of a technical title amendment.

8. Section 247 is amended by adding a new subsection (d) to assure continuity for the important work regarding the development of juvenile justice standards and the provision of assistance to States and localities in the adoption of standards.

9. Sections 241(f), 244(3) and 249(b) are amended to assure that persons involved with law related education projects, youth workers and citizens groups are guaranteed participation in funded training activities.

Section 5 amends Title II, Part D of the Act by changing the title of Part D to "Administrative Provisions: and in the following respects:

1. Section 261 is amended by deleting subsection (a) relating to level of authorized funding and substituting a five year authorization at an appropriation level of $150,000,000, $175,000,000, $200,000,000, $225,000,000 and $250,000,000 for fiscal years 1978, 1979, 1980, 1981 and 1982 respectively. Funds appropriated are to remain available for obligation until expended.

2. Section 262 is deleted and language substituted that incorporates the administrative provisions of Sections 501, 504, 507, 509, 510, 511, 516, 518(c), 521 and 524(a) and (c) of the Omnibus Crime Control and Safe Streets Act into the Act as administrative provisions.

3. Section 263 is the subject of a technical amendment.

4. Section 263 is further amended to provide that the amendments made by this Act shall be effective on and after October 1, 1977.

Section 6 amends Title III, the Runaway Youth Act in the following respects:

1. Section 311 is amended to permit funding for short-term training or to encourage the coordination of relevant programs.

2. Section 311 is further amended to reflect the reality that many youths who need assistance are involuntarily homeless.

3. Section 312(b)(5) is the subject of a technical amendment.

4. Section 312(b)(6) is amended to assure that proper consent precedes the release of statistical records.

5. Section 313 is amended to encourage the funding of local community programs.

6. Section 313 is further amended by increasing the size of grants to be given priority so as to reflect increased program expenses.

7. Part B is amended by deleting section 321 which required a now completed report and by providing appropriate redesignations.

8. Section 331(a) is amended to authorize funding and to substitute a five year authorization at an appropriation level of $25,000,000 for each of fiscal years 1978, 1979, 1980, 1981 and 1982.

9. Section 331(b) is amended to require closer coordination between the Office of Youth Development and the Office of Juvenile Justice and Delinquency Prevention so as to avoid costly duplication of purpose.

Section 7 deletes expired Title IV.

Section 8 amends Title V, Part B of the Act in the following ways:

1. Section 521 is amended to place the Assistant Administrator or designee on the Advisory Board for the National Institute of Corrections, in lieu of the Deputy Assistant Administrator.

2. Section 545 is amended to clarify and reaffirm the clear responsibility of the Office regarding the approval of State plans and other features of the authority for subjecting all programs concerned with juvenile delinquency to its administration and policy direction.

ORGANIZATIONS ENDORSING THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 (PUBLIC LAW 93-415)

American Federation of State, County, and Municipal Employees.
American Institute of Family Relations.
American Legion, National Executive Committee.
American Parents Committee.
American Psychological Association.
B'nai B'rith Women.
Children's Defense Fund.
Child Study Association of America.
Chinese Development Council.
Christian Prison Ministries.
Emergency Task Force on Juvenile Delinquency Prevention.
John Howard Association.
Juvenile Protective Association.
National Alliance on Shaping Safer Cities.
National Association of Counties.
National Association of Social Workers.
National Association of State Juvenile Delinquency Program Administrators.
National Collaboration for Youth: Boys' Clubs of America, Boy Scouts of America, Camp Fire Girls, Inc., Future Homemakers of America, Girls' Clubs, Girls Scouts of U.S.A., National Federation of Settlements and Neighborhood Centers, Red Cross Youth Service Programs, 4-H Clubs, Federal Executive Service, National Jewish Welfare Board, National Board of YWCAs, and National Council of YMCAs.
National Commission on the Observance of International Women's Year Committee on Child Development Audrey Rowe Colom, Chairperson Committee Jill Ruckelshaus, Presiding Officer of Commission.
National Conference of Criminal Justice Planning Administrators.
National Conference of State Legislatures.
National Council on Crime and Delinquency.
National Council of Jewish Women.
National Council of Juvenile Court Judges.
National Council of Organizations of Children and Youth.
National Council of Organizations of Children and Youth, Youth Development Cluster; members.
AFL-CIO Department of Community Services.
AFL-CIO, Department of Social Security.
American Association of Psychiatric Services for Children.
American Association of University Women.
American Camping Association.
American Federation of State, County and Municipal Employees.
American Federation of Teachers.
American Occupational Therapy Association.
American Optometric Association.
American Parents Committee.
American Psychological Association.
American Public Welfare Association.
American School Counselor Association.
American Society for Adolescence Psychiatry.
Association for Childhood Education International.
Association of Junior Leagues.
Big Brothers of America.
Big Sisters International.
B'nai B'rith Women.
Boys' Club of America.
Boy Scouts of the USA.
Child Welfare League of America.
Family Impact Seminar.
Family Service Association of America.
Four-C of Bergen County.
Girls Clubs of America.
Home and School Institute.
Lutheran Council in the U.S.A.
Maryland Committee for Day Care.
Massachusetts Committee for Children and Youth.
Mental Health Film Board.
National Alliance Concerned With School-Age Parents.
National Association of Social Workers.
National Child Day Care Association.
National Conference of Christians and Jews.
National Council for Black Child Development.
National Council of Churches.
National Council of Jewish Women.
National Council of Juvenile Court Judges.
National Council of State Committee for Children and Youth.
National Jewish Welfare Board.
National Urban League.
National Youth Alternatives Project.
New York State Division for Youth.
Odyssey.
Palo Alto Community Child Care.
Philadelphia Community Coordinated Child Care Council.
The Salvation Army.
School Days, Inc.
Society of St. Vincent De Paul.
United Auto Workers.
United Cerebral Palsy Association.
United Church of Christ—Board for Homeland Ministries, Division of Health and Welfare.
United Methodist Church—Board of Global Ministries.
United Neighborhood Houses of New York, Inc.
United Presbyterian Church, USA.
Van der Does, William.
Westchester Children's Association.
Wooden, Kenneth.
National Federation of State Youth Service Bureau Associations.
National Governors Conference.
National Information Center on Volunteers in Courts.
National League of Cities.
National Legal Aid and Defender Association.
National Network of Runaway and Youth Services.
National Urban Coalition.
National Youth Alternatives Project.
Public Affairs Committee, National Association for Mental Health, Inc.
Robert F. Kennedy Action Corps.
U.S. Conference of Mayors.

By Mr. DURKIN:

S. 1023. A bill to eliminate restrictions on the use of funds appropriated to the Law Enforcement Assistance Agency for the carrying out of the provisions of the Public Safety Officers' Benefits Act of 1976; to the Committee on the Judiciary.

S. 1024. A bill to appropriate funds to carry out the provisions of the Public Safety Officers' Benefits Act of 1976; to the Committee on the Judiciary.

Mr. DURKIN. Mr. President, last session I, along with many others in this Chamber, cosponsored a bill authorizing a payment of $50,000 to the families of policemen, firefighters, corrections officers, game wardens, and other law enforcement officials killed in the line of duty. On September 29, 1976, the Public Safety Officers' Benefits Act became law.

Three days later, on October 2, Ralph W. Miller, a young patrolman with the Manchester, N.H., Police Department, was viciously murdered in the performance of his duties. Since then, 120 other law enforcement officials have been killed in action. No benefits have been paid to date to the widow and young children of Patrolman Miller or the other 120 families. Survivors submitted the proper forms and supporting materials necessary to receive the benefits due then only to watch the wheels of government grind slowly to a halt.

Public safety officers and firefighters risk their lives daily to protect the citizens of towns and cities throughout this country. The financial rewards and benefits are generally minimal and the economic burdens heavy. Too often young police officers and firefighters are murdered or mortally wounded, leaving families with small children and large financial obligations.

The public safety officers' benefits program recognizes the value of the services provided by the dedicated men and women involved in law enforcement and firefighting and is intended to help protect their families against financial disaster. The act provides the mechanism to award benefits but it did not provide the funds. No action has been taken as yet to assure that survivors expeditiously receive the money they have every right to expect.

The PSOB act did not provide for the use of previously appropriated LEAA funds to pay survivors benefits. I am submitting an amendment which will remove this restriction. It will free money already appropriated to grant the 121 families who have faced the loss of a family member the compensation provided by law.

Further, to insure that these families and families that are so stricken in the future receive the benefits they deserve, I am introducing legislation to appropriate LEAA funds to be used exclusively for this program. Adoption of these measures would fulfill the commitment made by Congress to the families which have suffered so much so that we may be safe in our homes and on our streets.

By Mr. BENTSEN:

S. 1026. A bill to prohibit the pretrial release of any person charged with an act of aggravated terrorism; to the Committee on the Judiciary.

Mr. BENTSEN. Mr. President, today I introduce legislation to prohibit bail for accused terrorists if the judge, looking at the facts of the case, determines that releasing the person in question would pose a danger to the community.

This legislation was prompted in part by the recent Hanafi murder case, where the leader of the crime was released without bail even before the funeral of the victim, even before the hostages were returned home. It would amend the Federal and District of Columbia bail laws.

I believe that the actions of these terrorists and others are reprehensible and ought to be met with the most strict and certain action that can be provided. There is a contagious attitude in this land, one that is accepted by a growing number of violent people. This attitude enables them to murder at will, kidnap at will, do violence at will, and to act in a manner that shows a disrespect for the fundamental principles of liberty that our Nation is founded on.

Why do criminals commit such wanton acts? Because their politics or their personal views demand such. Because they are alienated or angry, frustrated or fanatic. They believe that no one will listen unless they commit some act atrocious enough to make the evening news, heinous enough to cause fear among our people, bold enough to draw attention to themselves, even if it risks or costs the lives of others. This kind of activity must be met by strict punishment, long terms in prison, and in the most wanton cases involving the death of a victim, a possible death penalty.

Mr. President, in our country the views of all should and can be considered without resort to violence, without resort to hate. We listen to the pleas of our citizens, not because we stare down the barrel of a gun but because it is right that we listen. Our country has lasted so long because we do have open channels of communication, avenues of thought on which we may engage in the free trade of ideas. Bullets and bombs are not needed to force this Nation to challenge our problems. We do pursue the just society that we should relentlessly strive for.

At the same time, vigilante action and crimes of political passion impede this quest rather than aid it. The cause of freedom is not served by murder, it is not furthered by the mindless and self-indulgent violence of the bomb in the airport locker or torture or kidnaping.

It is indeed ironic that as we engage in the pursuit of human rights in many areas of the globe, there are some who would abuse it at home. Murder cannot be justified by the invocation of some higher cause. No person can become a law unto himself, serving as judge, jury, and executioner. No one has the right to rip apart the most sacred right of all, the right to live with freedom from fear, the right of individuals to weave for themselves the fabric of their own human existence.

Just as we must consider the pleas of our citizens, so must we protect and enforce those laws that protect our liberties. In "A Man for All Seasons," young Will Roper tells Sir Thomas More that he would cut down every law in England to get at the Devil. On hearing this More was outraged. Moving toward Roper, he said:

> And when the last law was down, and the Devil turned around on you—where would you hide, Roper, the laws all being flat?

Mr. President, we should work toward just laws and our laws should be obeyed and enforced. There can be no appeal above those laws to the rule of barbarism, not if our society is to survive, not if our freedom is to exist. We cannot have politics by machinegun or bullets in lieu of ballots. Just as we insure liberty and freedom to all, we must punish those who disobey the laws upon which those liberties are so delicately balanced.

I have introduced legislation to provide for mandatory sentences, without probation or parole, for those convicted of terrorist crimes, including the death penalty in the most aggravated cases. I have introduced legislation to bring about economic sanctions against countries that harbor terrorists. Today I introduce legislation that would prohibit bail in those terrorist cases in which the judge believes that such release would pose a danger to the community. Let the judge determine if such a threat exists, and let the conduct of the person in question serve as a guide.

I would also commend the police for their conduct in the recent Hanafi case, for the courage and wisdom they demonstrated in securing the safety of the victims. I also believe that the three ambassadors who risked their lives in pursuit of right performed a service to their country as well as our own, indeed a service to every concerned person on this Earth.

But one person's death is one too many. We have seen too much violence in recent years. Too many of our leaders have been murdered; too many lives have ended at the barrel of a gun. My legislation will only take one small step in the right direction: It will help to protect society from these highly dangerous criminals. Much more research needs to be done, and we must recognize frankly that perhaps there are no immediate answers at our command.

In the meantime, let us work toward the fairest laws that will be enforced impartially. Let us punish terrorists severely, for there is no other way. This Nation should not tolerate injustice by anyone, for any reason, in any way.

By Mr. JACKSON (for himself, Mr. PELL, and Mr. GOLDWATER) (by request):

S. 1029. A bill to authorize the Smithsonian Institution to construct museum support facilities; to the Committee on Rules and Administration.

S. 1030. A bill to make the film "Hirshhorn Museum and Sculpture Garden," produced by the U.S. Information Agency, available for use within the United States; to the Committee on Foreign Relations.

S. 1031. A bill to amend the act of July 2, 1940, to increase the amount authorized to be appropriated to the Smithsonian Institution for purposes of carrying out its functions under such act; to the Committee on Rules and Administration.

SMITHSONIAN INSTITUTION AUTHORITY

Mr. JACKSON. Mr. President, on behalf of Senator PELL, Senator GOLDWATER, and myself, I am today introducing three bills on behalf of and at the request of the Regents of the Smithsonian Institution. Senators PELL, GOLDWATER, and I serve as the Senate members of the Board of Regents. The legislation we are introducing today has been approved by the full Board of Regents to meet various needs of the Institution.

BARRO COLORADO ISLAND

The first bill would amend the act of July 2, 1940, which set aside Barro Colorado Island in the Canal Zone in order

to preserve and conserve its natural features for research purposes, and authorized the appropriation of $10,000 for necessary administrative and maintenance expenses related to the island. Subsequently, Public Law 89–280, approved October 20, 1965, amended the authorization to $350,000.

At its meeting on January 22, 1976, the Board of Regents requested its congressional members to introduce and support legislation eliminating the ceiling on appropriations. On February 6, Senator SCOTT introduced S. 2946 for this purpose, and on March 15, Mr. MAHON introduced, for himself and Mr. CEDERBERG, a companion measure, H.R. 12506. No action was taken in the House, but it was approved by the Senate on September 14 with an amendment raising the amount authorized to $600,000.

Although current obligations are within the statutory limit, increasing costs and needed improvements indicate that the limit will be reached in the near future, and legislation similar to that approved by the Senate last year is proposed.

HIRSHHORN FILM

Two years ago the U.S. Information Agency produced a color film entitled "Hirshhorn Museum and Sculpture Garden." The film, which is of excellent quality, has been shown extensively in foreign countries and reports indicate that it has been enthusiastically received by viewing audiences.

The law which established the U.S. Information Agency prohibits the distribution within the United States of materials the agency produces. However, from time to time legislation has been enacted exempting specific works and titles from the prohibition.

The Director of the Hirshhorn Museum and Sculpture Garden has requested that the Board of Regents consider and approve the introduction of legislation to exempt the Hirshhorn film and make it available for distribution in this country, by means of sale or rental, through the National Audiovisual Center of the National Archives, an agency of the General Services Administration.

The second bill would amend the existing law to permit the USIA to participate in the distribution of this film.

MUSEUM SUPPORT CENTER

The final bill which we are introducing would authorize appropriations of $21.5 million to prepare plans for and construct a Museum Support Center for the Smithsonian Institution. I ask unanimous consent that a brief statement describing the need for this Center be included in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MUSEUM SUPPORT CENTER

On September 19, 1975, the President signed into law P.L. 94–98 authorizing the Regents of the Smithsonian Institution to prepare plans for museum support facilities. These facilities are intended to restore a significant amount of Mall building space to public use; to provide adequately for the long-range care and use of the Institution's collections; to provide associated research and study space; and to incorporate areas for conservation of the collections, related training, and the dissemination of conservation information.

The Smithsonian's museum activities in the Washington area are concentrated around and near the Mall, an area dedicated to the use, education and enjoyment of the public. These activities, which encompass exhibits, education, collections, conservation, research and support, fully occupy and crowd available Mall space. Economies in the use of space are being pursued which entail the leasing of inexpensive, nearby space for office and workshop purposes and the examination and disposal of materials in various buildings to free up presently held space. Nevertheless, the continuation and expansion of direct public services and the necessary growth of collections require additional space in which to house the less visible services of collections management, conservation, documentation, research, and publication.

During the past eighteen months members of the Smithsonian staff and a consortium of consultants have carefully analyzed existing facilities and space requirements of the Institution, concentrating initially on the critical needs of the National Museum of Natural History. This assessment indicates that a project costing $21,500,000 with approximately 338,000 square feet of office, storage and laboratory space will meet the Institution's most pressing space needs as currently projected through the middle of the next decade. An amount of $325,000 is requested in the FY 1978 budget to initiate architectural and engineering planning for a Museum Support Center. The balance of the planning funds, estimated at $575,000, and construction and equipping funds, estimated at $20,600,000, will be sought by fiscal year 1980.

THE REASON FOR COLLECTIONS AND THEIR GROWTH

Collections of original objects in the fields of science, history, and art are required for use in the identification of similar or related objects, research, education, and exhibitions or simply for aesthetic enjoyment and patriotic inspiration. Their importance spans such activities as the application of collection-based entomological research for the control of insects, the study of human disease in ancient anthropological materials, the historical understanding of technological and engineering developments, and the pleasure a viewer experiences in the presence of a master work of art. In these contexts nothing can take the place of the original object or specimen.

Museums and museum collections must and should grow. Day-to-day history, the practice of the arts, and new technologies are relentless generators of objects to be preserved, exhibited, studied, and interpreted. Archeologists discover, collect, and preserve the evidence of new knowledge of the past. Ethnologists collect at an accelerating pace in order to preserve the material record of rapidly changing cultures. In science there is a spiraling and intensifying need to collect, study and describe the flora, fauna, rocks, and minerals of the earth in order to add to our understanding of the interlocking dependencies for survival. Collections are invaluable baseline records against which to measure and evaluate change.

The Smithsonian has had 130 years of concern for collections, their need, and their use. It has consistently resisted the acquisition of collections it has considered unjustified or inappropriate. At the same time, the Institution has accepted its responsibilities to develop and preserve for use collections required for research and for the scientific, cultural, and technological record.

COMPONENTS OF THE MUSEUM SUPPORT CENTER

Collections storage is the fundamental purpose of the support center and reflects a high priority need to reclaim Mall exhibits space, attics, hallways, basements, and work spaces now encumbered with poorly and hazardously housed and often inaccessible specimens and objects. The proposed Museum Support Center building will provide a major amount of new storage space for the proper housing and care of collections. Included will be 187,000 square feet for the National Museum of Natural History, 28,000 for the National Museum of History and Technology, and 24,000 for other museums and galleries for a total of 239,000 square feet. This storage space will be provided by a utilitarian, single story, double-decked structure.

The National Museum of Natural History tentatively has designated the following percentages of its departmental collections for transfer to the Center: anthropology 95, botany 25, entomology 60, invertebrate zoology 20, mineral sciences 50, paleobiology 20, and vertebrate zoology 20 percent. Relocation of these collections will clear approximately 40,000 square feet of prime exhibits space, thus adding approximately 19 percent to the Museum's capability to present exhibits to its growing number of visitors, now over 4.5 million a year. Other benefits include the freeing of space on the Mall for education and research activities and better care of all collections.

Second only to collection housing requirements is the need to provide a strong research and study program. This will be achieved by including in the proposed building approximately 31,000 square feet of offices and 28,000 square feet of laboratories for the professional and technical staff that will be associated directly with the collections. This space also will accommodate the Smithsonian Oceanographic Sorting Center which would be moved from its present expensive rental quarters to achieve a more efficient relationship to program elements of the Museum of Natural History.

A final principal component of this project proposal is an approximate 31,000 square feet facility for conservation. Included in this first space increment for conservation will be a collections' receiving and fumigation unit, a conservation information referral center, space for the treatment of objects and research on conservation techniques, and a major facility for training staff and visiting interns in scientific theory and practical conservation skills. The provisions for necessary increased activity in conservation research and training, by bringing together Anthropology's processing and conservation laboratories with those of the Oceanographic Sorting Center and the Conservation Analytical Laboratory, will open new opportunities for Smithsonian conservators and trainees.

SITE ACQUISITION

A site suitable for construction of support center facilities in which to house these services is being assembled adjacent to the Institution's current holdings of 21 acres at Silver Hill, Maryland. Sixty-one acres have been transferred to the Smithsonian in recent months by the General Services Administration, and negotiations are underway with respect to another twenty-one acre tract which would complete the assembly.

FUTURE PLANS

Studies on collections and their utilization will continue to assure effective collections policies and management and to provide the best analyses of growth projections and future space requirements.

By Mr. JACKSON (for himself and Mr. HANSEN) (by request):

S. 1032. A bill to authorize a program of grants to the Government of Guam for capital improvements of public facilities, and for other purposes; to the

Committee on Energy and Natural Resources.

Mr. JACKSON. Mr. President, by request, I send to the desk on behalf of myself and the Senator from Wyoming (Mr. HANSEN) a bill to authorize a program to the Government of Guam for capital improvements of public facilities and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication accompanying the proposal from the Secretary of the Interior be printed in the RECORD.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 1032

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Guam Assistance Act of 1977."

SECTION 1. (a) There is hereby authorized to be appropriated to the Secretary of the Interior (hereinafter referred to as the Secretary) for grants to the Government of Guam not to exceed $10,200,000 for construction and upgrading of public facilities.

(b) Funds provided under this Act will be considered to be local revenues of the Government of Guam when used as the local share required to obtain Federal programs and services.

(c) The Government of Guam in carrying out the purpose of this Act may utilize, to the extent practicable, the available services and facilities of agencies and instrumentalities of the Federal Government upon a reimbursable basis. Reimbursements may be credited to the appropriation or fund which provided the services and facilities or the appropriation or fund currently available for providing such services or facilities. Agencies and instrumentalities of the Federal Government shall make available to the Government of Guam upon request of the Secretary such services and facilities as they are equipped to render or furnish, and they may do so without reimbursement if otherwise authorized by law.

SEC. 2. There is authorized to be appropriated to the Secretary not to exceed $1,000,000 to be used to conduct a needs assessment study of the Government of Guam. These studies shall be undertaken under the direction of the Secretary, who shall report the results of these studies to Congress within twelve months of the effective date of this Act.

SEC. 3. Section 3.1.a. of the Organic Act of Guam (72 Stat. 68); 48 U.S.C. 1421i(a) is hereby amended by striking the period at the end thereof and inserting in lieu thereof the following language:

": *Provided further,* That, notwithstanding any other provision of law, the Legislature of Guam is authorized to levy a surtax on all taxpayers in an amount not to exceed 10 per centum of their annual income tax obligation to the Government of Guam."

SEC. 4. Funds appropriated pursuant to this Act shall remain available until expended, and the Secretary may place such stipulations as he deems appropriate on the use of these funds.

U.S. DEPARTMENT OF INTERIOR,
Washington, D.C., March 11, 1977.

HON. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft bill "To authorize a program of grants to the Government of Guam for capital improvement of public facilities, and for other purposes."

We recommend that the bill be referred to the appropriate Committee for consideration and that it be enacted.

This legislation is needed to provide Guam with the necessary funds for the construction and upgrading of certain public facilities which were damaged or destroyed by Super Typhoon Pamela which devastated Guam on May 21, 1976. Further, funds are also necessary for a study of Guam's social economic financial conditions, and assessment of Guam's short term and long range needs and the development of a program plan by which the Federal Government can help the Government of Guam meet those future economical and financial needs so as to provide for the well-being of the people of Guam. Finally, in light of Guam's need for additional revenues, legislation is necessary to authorize the Legislature of Guam to impose a surtax.

THE EFFECTS OF TYPHOON PAMELA

On May 21, 1976, Guam was devastated by Super Typhoon Pamela which wrought hundreds of millions of dollars of damage. The Federal Disaster Assistance Administration (FDAA) has compensated governmental entities, and to some extent individuals, for a substantial portion of the losses resulting from the disaster. The FDAA aid, however, is limited to reporting governmental facilities to predisaster conditions. Further, at the request of this Department, the 94th Congress also appropriated $20 million for emergency grants to the Government of Guam. These funds are to assist in providing governmental services jeopardized by the typhoon and to supplement FDAA aid in repairing those public facilities which were damaged.

While this aid has been extremely beneficial for Guam in the aftermath of facilities and services critical to the continued operation of the Government and to safety of life should be made typhoon-proof. Statistics indicate a probability of one typhoon every seven years significantly affecting the island. Since 1946, Guam has been affected by 27 tropical cyclones. Of these, 13 have produced typhoon force winds on the island and four have inflicted damage with winds over 115 mph. Prior to Pamela, the most intense storm to strike Guam occurred in 1962 when Typhoon Karen passed directly over the island with sustained winds in excess of 160 mph.

Guam was devastated then, as it was in Pamela, and an expenditure of $75 million over the past 12 years was required merely to restore damaged facilities and to construct some typhoon-proof buildings. The post-typhoon survey of the island after Pamela's passage attested to the soundness of the typhoon-proof construction program carried out during this interval. The condition of the typhoon-proof structures built after Typhoon Karen, and which withstood the force of Typhoon Pamela, proved that Federal money could be saved for the long-term by building certain structures and facilities to resist typhoon force winds and the accompanying wind-driven water. Section 1 of the attached legislative proposal would authorize $10.2 million for such typhoon upgrading work in the following areas:

Electrical Service—Typhoon Pamela 's destructive winds inflicted extensive damage to the Islandwide Power Primary Distribution System. About 1,000 existing wood poles were blown down and/or broken into sections by the force of the wind, disrupting power to the entire island. Continuous availability of reliable electrical power generated and distributed by the Guam Power Authority (GPA) is essential to the proper functioning of the civilian and military communities of Guam.

The restoration of electrical service is always a major post-typhoon problem. A full underground electrical system would be the most desirable for Guam, but is prohibitively expensive. However, experience has shown that concrete poles are capable of weathering the storm. At the present time we estimate that $9.8 million would be sufficient to make Guam's primary electrical system typhoon-proof by replacing all wooden poles in the primary system with concrete poles.

Water—We contemplate spending $400,000 to build permanent typhoon shelters for water pumping stations and related facilities. Such construction would insure a potable water supply during and after typhoons.

We would note that $104.5 million has been appropriated to the Department of the Navy and the Air Force for the reconstruction and upgrading of military facilities, excluding family housing, on Guam. In our judgment, simultaneous mobilization of the construction effort for upgrading both Government of Guam and military structures and facilities damaged by Super Typhoon Pamela, especially in the areas of power and water, would result in a significant cost savings.

Section 2 of the draft bill would provide the Secretary of the Interior with funds, which the Government of Guam does not have, to conduct a thorough analysis of conditions on Guam in the areas of: socio-economic trends; financial and revenue problems and trends, government management, and overall needs for planned, orderly growth and development. A program plan, based on the analysis will be developed which will be directed at assisting Guam to meet its short and long-term needs and at solving some of its major problems. This would be accomplished through the Department of the Interior.

The occurrence of Typhoon Pamela also exacerbated the existing fiscal problems confronting the territorial Government of Guam. Therefore, section 3 of the proposed bill would authorize the Legislature of Guam to impose a 10% surtax in order to increase revenues.

The Office of Management and Budget has advised that there is no objection to the presentation of this legislative proposal from the standpoint of the Administration's program.

Sincerely,

CECIL D. ANDRUS,
Secretary.

By Mr. JACKSON (by request):

S. 1033. A bill to amend section 2 of the act of June 30, 1954, providing for the continuance of civil government for the Trust Territory of the Pacific Islands, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. JACKSON. Mr. President, I send to the desk, for appropriate reference, legislation to provide authorization for the continuance of civil government for the Trust Territory of the Pacific Islands. I am introducing this legislation at the request of the Congress of Micronesia in order to allow the Committee on Energy and Natural Resources to consider the needs of the trust territory for fiscal year 1978 and beyond.

Mr. President, I ask unanimous consent that the text of the legislation and the accompanying communication from the Congress of Micronesia be printed in the RECORD at the close of my remarks. Over the last week, administration witnesses have appeared before both the Senate and House Appropriations Committees to present the administration requests not only for the trust

territory authorization, but also for other matters such as rehabilitation of Eniwetok Atoll, compensation for the inhabitants of Rongelap, rehabilitation of Guam, and other measures, but, they have not transmitted the authorizations on which the appropriations request depend. I want to be sure that the people in the trust territory do not suffer because of the delay in the administration's submittal of draft authorization legislation.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 1033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is amended by amendment to draft bill by deleting the words "and such amounts as were authorized but not appropriated for fiscal year 1975," and inserting in lieu thereof the following language, "for fiscal year 1978, $108,862,000, of which amount $13,515,000 shall be appropriated for the Government of the Northern Mariana Islands until the provisions of the Covenant to establish a Commonwealth for the Northern Mariana Islands (90 Stat. 263) (hereinafter the "Covenant") have been met and approved as required in section 1003(b) of the Covenant, at which time the authorization provisions of appropriations contained in Article VII, section 704(b) of the Covenant will take effect. For fiscal year 1979, $95,000,000, for fiscal year 1980, $90,000,000, and up to but not to exceed $6,000,000 for program development and construction of facilities required for a College of Micronesia to serve the Micronesian Community.

SEC. 2. Section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is further amended by deleting the words "and up to $8,000,000 for the construction of such buildings as are required for a four year college to serve the Micronesian Community."

SEC. 3. Section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is further amended by deleting all the language beginning with the words "which amounts for each such fiscal year" to the end of Section 2, and substituting a period for the comma after the word "agencies" which comes before the language to be deleted.

CONGRESS OF MICRONESIA,
March 16, 1977.

Hon. HENRY JACKSON,
Chairman, Senate Committee, Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As in years past, Co-Chairman Bailey Olter and I are representing the views of the Congress of Micronesia in the hearings now being held on the TTPI budget request.

We are greatly distressed to observe the frustrations of both our authorizing and appropriations committees due to the fact that the Department of Interior has not given you a draft authorization bill for even FY 1978. We are fearful that these frustrations may be the cause of losses of programs or construction projects. We know you understand that any such losses do not hurt the bureaucrats responsible for not getting legislation to you, rather it directly affects only Micronesians. The same thing happened to us when your investigation revealed the serious management deficiencies in our construction program. We believe that problem is solved with the complete package put together by OICC but we are having a hard time getting our views across to the appropriations committees because there is no authorization.

Thus, as it appears to us that the Executive Branch is having obvious difficulties in developing a bill, we respectfully request that you introduce the attached on our behalf.

Our request encompasses the following:

1. Provides for a three-year time span which will allow prudent planning well in advance for FY '79 and FY '80.

2. Provides for appropriations not to exceed—

a. $108,862,000 for FY 1978.
b. 95,000,000 for FY 1979.
c. 90,000,000 for FY 1980.

Those levels anticipate implementation of the largest part of the five-year basic infrastructure program set forth by OICC, and includes the Northern Marianas Government only through FY 1978.

3. Provides for appropriations up to $6,000,000 for a College of Micronesia. Under separate cover, we are forwarding the Congress of Micronesia position on Dr. Douglas Harlan's report. It is our belief that the job can be done for less than the current $8 million authorization and anticipates some Congress of Micronesia funding support.

4. Provides for an appropriation not to exceed $10 million for loss or reduction in Federal grant-in-aid programs. For example, the loss of FAA matching funds previously anticipated will cripple the construction effort unless this provision can be maintained and utilized.

The people of Micronesia will be most grateful should you see fit to intercede on their behalf. If we could participate in an early hearing on this bill we could take advantage of OICC's presence in Washington and give you a detailed, complete presentation on the total five-year construction program.

Thank you very much.

Sincerely yours,

RAYMOND SETIK,
Chairman, Joint Committee on Program Planning and Budget.

ADDITIONAL COSPONSORS

S. 8

At the request of Mr. DOLE, the Senator from Missouri (Mr. DANFORTH) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 8, to amend the Watershed Protection and Flood Prevention Act.

S. 92

At the request of Mr. WILLIAMS, the Senator from Massachusetts (Mr. BROOKE) and the Senator from Ohio (Mr. METZENBAUM) were added as cosponsors of S. 92, to amend the Export Administration Act of 1969.

S. 97

At the request of Mr. BROOKE, the Senator from Rhode Island (Mr. PELL), the Senator from New Jersey (Mr. CASE), the Senator from South Carolina (Mr. THURMOND), and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of S. 97, to amend the Internal Revenue Code.

S. 122

At the request of Mr. BROOKE, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 122, the Electric Utility Rate Reform and Regulatory Improvement Act of 1977.

S. 185

At the request of Mr. CHURCH, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 185, to amend the Social Security Act.

S. 198

At the request of Mr. GRIFFIN, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 198, the Residential Insulation Credit Act of 1977.

S. 240

At the request of Mr. DOLE, the Senator from Missouri (Mr. DANFORTH) was added as a cosponsor of S. 240, to amend the Soil Conservation and Domestic Allotment Act.

S. 265

At the request of Mr. MCINTYRE, the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of S. 265, the Elderly and Handicapped Persons Transportation Act of 1977.

S. 459

At the request of Mr. CHURCH, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 459, to authorize reduced fares on airplanes for certain individuals.

S. 594

At the request of Mr. BENTSEN, the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 594, to amend the Trade Act of 1974.

S. 650

At the request of Mr. BELLMON, the Senator from Kansas (Mr. PEARSON) and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of S. 650, to provide temporary emergency assistance to wheat producers.

S. 689

At the request of Mr. KENNEDY, the Senator from South Dakota (Mr. ABOUREZK) was added as a cosponsor of S. 689, a bill to amend the Federal Aviation Act of 1958 to encourage, develop and attain an air transportation system which relies on competitive market forces.

S. 749

At the request of Mr. ANDERSON, the Senator from Missouri (Mr. EAGLETON) and the Senator from South Dakota (Mr. ABOUREZK) were added as cosponsors of S. 749, to amend the Internal Revenue Code of 1954.

S. 801

At the request of Mr. MCINTYRE, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 801, to amend title I of the Housing and Community Development Act of 1974.

S. 808

At the request of Mr. CASE, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 808, a bill to encourage greater emphasis on the production and conservation of energy in developing countries through development and utilization of unconventional energy technologies.

S. 835

At the request of Mr. CHURCH, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 835, to provide a program of income tax counseling for elderly individuals.

S. 845

At the request of Mr. DOLE, the Senator from New Jersey (Mr. CASE) and the Senator from Massachusetts (Mr.

BROOKE) were added as cosponsors of S. 845, the Dole-McGovern Food Stamp Act of 1977.

S. 926

At the request of Mr. CLARK, the Senator from New York (Mr. JAVITS), the Senator from South Dakota (Mr. ABOUREZK), and the Senator from Michigan (Mr. RIEGLE) were added as cosponsors of S. 926, to provide for public financing of primary and general elections for the U.S. Senate.

S. 975

At the request of Mr. WILLIAMS, the Senator from Colorado (Mr. HART) and the Senator from New York (Mr. JAVITS) were added as cosponsors of S. 975, to improve the administration of the National Park System.

S. 995

At the request of Mr. WILLIAMS, the Senator from Connecticut (Mr. WEICKER), the Senator from Hawaii (Mr. INOUYE), the Senator from Arizona (Mr. DECONCINI), the Senator from Oklahoma (Mr. BELLMON), the Senator from Oregon (Mr. HATFIELD), and the Senator from South Dakota (Mr. ABOUREZK) were added as cosponsors of S. 995, to amend the Civil Rights Act of 1964.

SENATE RESOLUTION 105

At the request of Mr. NELSON, the Senator from South Dakota (Mr. ABOUREZK) was added as a cosponsor of Senate Resolution 105, calling for a White House Conference on Small Business.

SENATE RESOLUTION 117—SUBMISSION OF A RESOLUTION DESIGNATING NATIONAL SMALL BUSINESS WEEK

(Referred to the Committee on the Judiciary.)

Mr. NELSON (for himself, Mr. MCINTYRE, Mr. NUNN, Mr. HATHAWAY, Mr. HASKELL, Mr. CULVER, Mr. WEICKER, Mr. BARTLETT, and Mr. PACKWOOD) submitted the following resolution:

S. RES. 117

Resolved,

Whereas the United States of America is entering on a period of economic recovery;

Whereas such recovery can only be accomplished by a revitalization of the nation's small business community;

Whereas 97 percent of the more than 13 million enterprises in the United States are classified as small business;

Whereas these small enterprises provide 52 percent or more of all the non-government employment in the United States;

Whereas said small businesses provide 48 percent of the business output in the United States;

Whereas 43 percent of the Gross National Product of the United States is produced by small business;

Whereas more than one-half of all innovative and technological developments originate in the small business community; and

Whereas the Senate Small Business Committee and the Senate have consistently recommended a greater fostering of the nation's small business community as a resource to reduce unemployment, increase production, combat inflation, and to provide for future avenues of enterprise;

Therefore, be it resolved by the Senate of the United States that it is the sense of the Senate that the President of the United States by proclamation designate the week of May 22 through May 28, 1977 to be Small Business Week, for the purpose of fostering development of the small business community, providing for the discussion of new ideas on how to strengthen the small business community, and presenting an opportunity for the people of the United States to reaffirm the importance of small business to the overall economy of the nation.

Mr. NELSON. Mr. President, today Senators MCINTYRE, NUNN, HATHAWAY, HASKELL, CULVER, WEICKER, BARTLETT, and PACKWOOD, the members of the Small Business Committee, join with me in submitting a resolution asking the President to designate the week of May 22 through 28, 1977, as National Small Business Week.

The Nation's small business community is a vital and important part of our economy. It produces 48 percent of the Nation's business output, employs 52 percent of the nongovernmental work force, and produces 43 percent of the gross national product. The small business community's 13 million members make up 97 percent of all the business in the country.

Small business is a highly important innovative branch of the American economy. Its accomplishments include the introduction of mercury dry cells, air conditioners, power steering, jet engines, FM circuits, and photocopying machines. Independent entrepreneurs have pioneered new farming techniques, and have spurred the development of better manufacturing techniques, speedier distribution of goods, and the betterment of services. The independent, owner-managed business is the backbone of the American way of life.

However, small business is a troubled branch of the American economy.

It is saddled with the costs of complying with the regulations that were designed to control the Nation's largest companies. It faces an inequitable tax burden, as well as an excessive paperwork load. As a result, many small companies now work harder for the Government than for themselves.

Further, the small business community has usually not had access to or influence within the Government bureaucracy. Small companies faced with regulatory or taxation problems, or desirous of entering the Government procurement system have a difficult time in gaining easy access or quick action.

National Small Business Week should provide us with an opportunity to salute the Nation's 13 million small businesses, to call attention to their problems, and to publicly demonstrate their importance.

It would provide the Members of the Senate with an occasion for a dialog on small business, and to express new thoughts on these continuing problems. It could be a significant prelude to the White House Conference on Small Business called for in Senate Resolution 105.

Mr. President, I urge my colleagues to join in calling on President Carter to proclaim a National Small Business Week.

Mr. MCINTYRE. Mr. President, I am pleased to be a cosponsor of the resolution designating the week of May 22 through 28 as "National Small Business Week."

National Small Business Week gives us an opportunity to recognize the achievements of small business, and to focus our attention on the particular problems and needs of small businesses in this country.

There can be no doubt of the importance of small business to the health of the national economy. Small business employs 52 percent of the nongovernmental work force and 43 percent of the Nation's business output. Obviously the health of small business is fundamental to the economic well-being of the country.

I think it is important to remember that small business is also a highly creative and inventive sector of our economy. Indeed, products which have become the basis of major industries—from the light bulb to photocopying—were originated in small workshops and businesses. Small business is important, too, in maintaining the competitive nature of our economy. Not only do they generate new products and processes, such as new alternative energy devices, they are also the closest to the consumer and to the community. These businesses provide the individual attention and care to the product and the customer that means so much. Therefore, to further the interests of small business in this country is to strike a blow for the vitality of the free enterprise system.

We have a full agenda before us, Mr. President. The Senate has already shown that it cares about small business by acting to preserve the Committee on Small Business as an independent voice in the Senate committee structure.

Now we must act to continue our efforts to address the problems of paperwork and overregulation, inequities which do not permit small business to take full advantage of the tax laws, and to make the Federal Government and its programs more sensitive to small business.

SENATE RESOLUTION 118—SUBMISSION OF A RESOLUTION RELATING TO THE FOREIGN ASSISTANCE PROGRAM

(Referred to the Committee on Foreign Relations.)

Mr. PELL submitted the following resolution:

Whereas the United States desires to continue to help the less developed countries in their efforts to acquire the technology and resources necessary for development;

Whereas the idea of providing development, humanitarian, and disaster assistance, pioneered by the United States, has been taken up by multilateral organizations and private organizations as well as by other countries;

Whereas multilateral organizations and private organizations are becoming increasingly important and effective in providing development and other forms of assistance because, among other reasons, their activities are not influenced by national considerations; and

Whereas the President of the United States has called for a restructuring of the Execu-

tive Branch to increase its effectiveness: Now therefore, be it

Resolved, That it is the sense of the Senate that—

(1) continued, heavy reliance by the United States on bilateral assistance programs is no longer necessary or desirable; and

(2) the President should review the foreign assistance program with a view toward providing all United State's development, humanitarian, and disaster assistance through multilateral organizations and private organizations or through the Department of State where bilateral programs are appropriate.

ORGANIZATIONAL CHANGES IN THE PROVISION OF AMERICAN FOREIGN ASSISTANCE

Mr. PELL. Mr. President, today, I am submitting a resolution recommending that the President of the United States examine, in the context of his plans to reorganize the executive branch, the institutional structure of our foreign aid system with a view toward reorganizing it so that developmental, humanitarian and disaster assistance financed by appropriated funds would be channeled through multilateral and private organizations on one hand or the Department of State on the other where bilateral programs are appropriate for political reasons.

The United States has been the pioneer in promoting and implementing the idea of developmental, humanitarian and disaster assistance. We have been so successful in this that the number of nations as well as multilateral and private organizations providing such assistance has grown enormously.

This very success has, at the same time, considerably altered the circumstance surrounding assistance—broadening and diversifying its base—so that it now is another reflection of the great complexity and interdependence of our world. No longer is the United States the only important actor in this field, and no longer are governments the only significant sources of assistance. Indeed one of the most encouraging developments in this area is the growth of assistance activities managed and directed by multilateral organizations like the United Nations, the Organization of American States and the Inter-American Development Bank, and private organizations such as the Save the Children Federation, the Partners of the Americas or National Catholic Relief.

Let me give some examples of this growth: The International Bank for Reconstruction and Development committed $486.4 million to developing countries in 1964. Ten years later in 1974 the figure was $3.2 billion. The Inter-American Development Bank committed $118.2 million in 1964 but $1.1 billion in 1974. European Community commitments grew from $63.8 million in 1964 to $247 million in 1974. Grants from American private voluntary agencies increased from $599 million in 1971 to $735 million in 1974.

I find this trend to larger roles and responsibilities for nongovernmental organizations in the assistance field encouraging for two reasons: First, such organizations foster a shared sense of purpose and common struggle for a decent and meaningful life because they involve many people of diverse backgrounds from both developed and developing nations actively in the planning and implementation of assistance programs. This kind of cooperative behavior, which transcends governments, is an imperative in this era of interdependence. Second, this trend will probably result in more effective programs and, therefore, more useful and meaningful results.

The reasons for this effectiveness are many. The most important, however, is probably the fact that their activities do not jar the national sensitivities of the countries concerned. This permits them to set and enforce higher standards than can bilateral donors or lenders. The attitude of recipient countries is well expressed in the words of Eduardo Frei Montalva, the last Christian Democratic President of Chile:

It is inadmissible that the mere fact of making available financial aid gives any nation the right to demand that another implement specific types of structural changes. This would constitute an intolerable infringement of national sovereignty. That is why in this situation, it is necessary to use multilateral channels for the supply of foreign assistance.

This point was made more explicitly by Eugene Black in his farewell address to the Board of Governors of the International Bank for Reconstruction and Development:

An international organization will make aid available with the sole purpose of helping the country receiving that aid. Because they are known to have no ulterior motive, they can exert more influence over the use of a loan than is possible for a bilateral lender: they can insist that the projects for which they lend are established on a sound basis, and—most important—they can make their lending conditional on commensurate efforts being made by the recipient country itself.

In addition to this general rule of effectiveness of nongovernmental assistance programs, private organizations enjoy some unique additional advantages: Their programs directly involve and release the creative energy of large numbers of people in this country and others. This is a critically important matter for the shaping of cooperative international behavior because it creates constituencies with a concrete interest in it. Second, private programs, because of their diversity and relatively small scale, are likely to be more flexible and innovative than large, bureaucratic, official organizations. Finally, as I know from my own experience when I was vice president of the International Rescue Committee, private programs are generally more cost effective than governmental ones because their overhead costs are much lower—principally because the salaries they pay are lower and the prerequisites they provide to their employees are much less than those received by persons working for nonprivate groups. This, of course, is another expression of the high motivation animating the private groups.

At the same time, bilateral assistance programs are meeting with increased difficulty—principally because of their decreasing acceptability to the less developed countries for nationalistic reasons. This situation lessens their effectiveness and can lead to perversions of the original purpose of the assistance program if the donor or lending country compromises excessively on performance terms with the recipient country for reasons of state.

As I said earlier, the very success of assistance—a matter for which this country is largely responsible—has changed the circumstances surrounding it. The major change is the rise of other than governmental donors and lenders. This is a significant and welcome development and marks a step forward in international cooperation and in economical and effective assistance delivery. This trend should be encouraged, and we should act now to adjust our own official assistance programs to take advantage of this new reality and opportunity.

We are fortunate in that the necessity and opportunity to make such a change have converged. President Carter has frequently called for a reorganization of the executive branch of the Government to make it more effective, efficient and open. I believe that we should reorganize our foreign aid programs with a view toward channeling most U.S. development, humanitarian and disaster assistance through multilateral and private organizations on the one hand or through the Department of State on the other where bilateral programs are appropriate for political reasons. In the resolution which I am introducing today, President Carter is urged to consider such a reorganization.

SENATE CONCURRENT RESOLUTION 13—SUBMISSION OF A CONCURRENT RESOLUTION SETTING FORTH THE STANDARDS AND RIGHTS OF FOSTER CHILDREN

(Referred to the Committee on Human Resources.)

Mr. BARTLETT submitted the following concurrent resolution:

S. CON. RES. 13

Resolved by the Senate (the House of Representatives concurring), That every foster child has the following inherent rights and standards for treatment:

(1) to be cherished by a family of his own, either his family helped by readily available services and supports to reassume his care, or an adoptive family or by plan, a continuing foster family;

(2) to be nurtured by foster parents who have been selected to meet his individual needs, and who are provided services and supports, including specialized education, so that they can grow in their ability to enable the child to reach his potential;

(3) to receive sensitive, continuing help in understanding and accepting the reasons for his own family's inability to take care of him, and in developing confidence in his own self-worth;

(4) to receive continuing loving care and respect as a unique human being, a child growing in trust in himself and others;

(5) to grow up in freedom and dignity in a neighborhood of people who accept him with understanding, respect, and friendship;

(6) to receive help in overcoming deprivation or whatever distortion in his emotional, physical, intellectual, social, and spiritual growth may have resulted from his early experiences;

(7) to receive education, training, and career guidance to prepare him for a useful and satisfying life;

(8) to receive preparation for citizenship and parenthood through interaction with foster parents and other adults who are consistent role models;

(9) to be represented by an attorney at law in administrative or judicial proceedings with access to fair hearings and court review of decisions, so that his best interests are safeguarded;

(10) to receive a high quality of child welfare serviecs, including involvement of the natural parents and his own involvement in major decisions that affect his life.

Mr. BARTLETT. Mr. President, I am today submitting to the Senate a concurrent resolution on the status of foster children. I introduced this during the 1976 National Foster Children's Week, and it still seems appropriate that the Senate, and the Congress as a whole, should review the needs of the foster child.

A number of individuals in my own State of Oklahoma are very active in the organization, National Action for Foster Children Committee, which is an outgrowth of the National Conference of Foster Children held in 1971. It is a volunteer organization of lay citizens with the purpose of creating public awareness for the needs of foster children.

My State is also a very active participant in annual activities related to foster children, and several communities schedule special events and programs during this period.

The needs of foster children are basically the same as any other child's, but because of their unique position in our society, special attention needs to be drawn to their needs. My resolution enumerates rights and standards of treatment which have been endorsed nationally. The standards include family care, education, counseling, legal rights, and social services. I would hope that my fellow Senators would endorse this concurrent resolution for the benefit of the approximately 350,000 foster children of this country, and I encourage rapid consideration and expeditious handling.

SENATE CONCURRENT RESOLUTION 14—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE KILLING OF NEWBORN HARP SEALS

(Referred to the Committee on Foreign Relations.)

Mr. MATSUNAGA (for himself, Mr. CRANSTON, Mr. MAGNUSON, Mr. PACKWOOD, Mr. PELL, and Mr. WILLIAMS) submitted the following concurrent resolution:

S. CON. RES. 14

Resolved by the Senate (the House of Representatives concurring):

Whereas the annual six-week Harp seal hunt in Canada has commenced on March 15, 1977, amidst growing public concern and protest;

Whereas the Canadian Government has increased the quota for this year's hunt by one-third to 17,000 seal pelts;

Whereas the 1977 quota will allow hunters to kill up to 90 percent of the newborn seal pup population;

Whereas it is predicted that the annual hunt will eventually destroy the Harp seal herds;

Whereas seal hunting regulations in Canada allow the barbarous practice of killing the baby seals by repeatedly striking the heads of the animals with clubs; and

Whereas there is a growing international appreciation of the need to preserve the endangered species of animals: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That, because the killing of newborn Harp seals in Canadian waters is a cruel practice which may cause the extinction of that species of seals, the Government of Canada is urged to reassess its present policy of permitting such killing in Canadian waters.

CANADIAN HARP SEAL HUNT

Mr. MATSUNAGA. Mr. President, a cruel and brutal event is presently occurring along the eastern shorelines of Canada. The atrocity to which I am referring is the annual Canadian Harp seal hunt, which officially opened March 15 and will continue for the next 6 weeks, unless the Canadian Goverment takes immediate action to halt this plunder.

Mr. President, I cannot in all honesty and with a clear conscience overlook—nor dismiss—the tragic plight of the newborn Harp seal pups. Because of strong concerns and convictions toward safeguarding the welfare of endangered or potentially-endangered species of animals like the Canadian Harp seals, I along with Senator CRANSTON, Senator MAGNUSON, Senator PACKWOOD, Senator PELL, and Senator WILLIAMS now introduce a resolution urging the Canadian Government to reassess its current policy of permitting the killing of the newborn Harp seals in Canadian waters.

Despite burgeoning and large-scale international alarm and protest against the slaughter of the Harp seals, the Canadian Government continues to condone this violent annual spring rite. Furthermore, it has increased the quota for this year's hunt by one-third. This means up to 170,000 seals would be slain. Conservationists and environmentalists are already predicting that the hunt will eventually destroy the Harp seal herds and that the increased 1977 quota will enable hunters to eliminate up to 90 percent of the newborn seal population.

Every spring on the ice floes in the Gulf of the St. Lawrence and on the drifting ice off the Labrador coast, the Harp seals bear their young—only to have them slaughtered through merciless exploitation by fur hunters. Wielding hardwood clubs 24 to 30 inches long, hunters strike the foreheads of the newborn pups, crushing their paper-thin skulls.

Mr. President, through the companion resolution introduced by Congressman LEO J. RYAN of California along with a substantial number of cosponsors in the other body of the Congress, there is already a strong and fervent move to address the Canadian Government with this callous slaying of the Canadian seal pups. I urge this body to lend strong support and swift action to adopt the concurrent resolution which I propose. Each minute of delay in adopting this resolution endangers the continued existence of the Canadian Harp seal.

Mr. CRANSTON. Mr. President, I am pleased to join as cosponsor of a resolution by the distinguished Senator from Hawaii (Mr. MATSUNAGA) urging the Canadian Government to review its Harp seal hunt policy.

Many Californians have expressed to me their growing concern over the cruel manner in which these hunts are carried out, with clubs, and I believe Canadian officials should review their policy in light of the international concerns over these clearly inhumane seal-kill practices.

Mr. PELL. Mr. President, on March 15 the Canadian Government officially opened the hunting season on baby Harp seals. Thousands upon thousands of these baby seals, most only a few days old, will be slaughtered by both Canadian and Norwegian hunters off the coast of Canada.

Man is undoubtedly the worst predator in the history of the world. We have become inured to some of man's predations such as the slaughter of domesticated animals to provide man with food. The bludgeoning of baby Harp seals, however, assaults our sensitivities, for it is carried out not to provide for man's basic needs; but to provide man with a fine white fur.

The Harp seal has survived the perils of an Arctic existence for thousands of years. Its adaptations to ice and adverse weather are no defense, however, against the threat of man.

In the face of international outrage over these killings, the Canadian Government has made little progress toward halting these mass slaughterings. Faced by the threat of man's hunting, the future of the baby Harp seal is bleak, indeed. If the species is to survive, as surely it must, it will do so only in small numbers, unless action is taken in the very near future.

Mr. President, I believe that each of us must decry, as unconscionable, this inhumane and very unnecessary slaughter of a slowly diminishing species of animal, with which we share this Earth. For that reason I am happy to cosponsor the resolution submitted today by the distinguished Senator from Hawaii (Senator MATSUNAGA) urging the Government of Canada to reassess its policy in regard to Harp seals.

Mr. WILLIAMS. Mr. President, Tuesday of this week marked the beginning of the annual slaughter of baby seals in Canada.

Every spring, Harp seals come to the ice floes off the coasts of Newfoundland and Labrador to bear their young. When they are 3 or 4 days old, the pups' fur turns white, and stays that way for about 10 days. It is during this period that Canadian and Norwegian hunters descend on the seal herds, club the newborn seals to death, and skin them. The pelts are sent to the fur industries in Canada and Europe to be fashioned into coats and other luxury items.

Mr. President, I feel strongly that this hunt is inhumane. And I am convinced that it poses a clear threat to the survival of the harp seal.

In 1972, the Canadian Government itself released a report prepared by a spe-

cial advisory committee, which warned that the Harp seal was approaching extinction. The report recommended a phase-out of the seal hunt, followed by a moratorium on the killing.

Despite this recommendation and growing international protest, the Canadian Government continues to permit and support the annual hunt. In fact, this year's quota of 170,000 baby seals is a substantial increase over last year's.

Because of my concern about the survival of seals and other ocean mammals, I sponsored the Marine Mammal Protection Act, which became law in 1972. The act prohibits U.S. citizens from killing any marine mammal and bans the importation of marine mammals and marine mammal products. There is a specific prohibition on the taking or importation of marine mammals which are nursing or less than 8 months old.

The Marine Mammal Protection Act also encourages international efforts to conserve these species.

It is in the spirit of international cooperation and concern that I sent a telegram to Prime Minister Pierre Trudeau requesting his intervention on behalf of the Harp seal. It is in that same spirit that I join my distinguished colleague, Senator MATSUNAGA, today in sponsoring a concurrent resolution urging the Canadian Government to reassess its policy of allowing the baby seal hunt. I am hopeful that the full Senate will make clear its position on this matter, by passing the resolution without delay.

AMENDMENTS SUBMITTED FOR PRINTING

CODE OF OFFICIAL CONDUCT—SENATE RESOLUTION 110

AMENDMENT NO. 78

(Ordered to be printed and to lie on the table.)

Mr. ALLEN submitted an amendment intended to be proposed by him to Amendment No. 65 proposed to the resolution (S. Res. 110) to establish a Code of Official Conduct for Members, officers, and employees of the United States; and for other purposes.

AMENDMENTS NOS. 79 THROUGH 85 AND NO. 90

(Ordered to be printed and to lie on the table.)

Mr. SCHMITT submitted eight amendments intended to be proposed by him to amendment No. 65 proposed to the resolution (S. Res. 110), supra.

AMENDMENT NO. 86

(Ordered to be printed and to lie on the table.)

Mr. WEICKER submitted an amendment intended to be proposed by him to amendment No. 65 proposed to the resolution (S. Res. 110), supra.

AMENDMENT NO. 92

(Ordered to be printed and to lie on the table.)

Mr. MUSKIE (for himself, Mr. BAYH, Mr. DOLE, Mr. GARN, Mr. INOUYE, Mr. LAXALT, Mr. LUGAR, Mr. MCGOVERN, Mr. PACKWOOD, Mr. SCHMITT, Mr. WALLOP, and Mr. DOMENICI) submitted the following amendment intended to be proposed to amendment No. 65, proposed to Senate Resolution 110, supra:

AMENDMENT NO. 92

On page 24, beginning with line 13, strike out all through line 24 on page 26.

Renumber proposed rules XLV through L (and cross references thereto) as XLIV through XLIX, respectively.

(*Explanation:* This amendment deletes Rule XLIV, "Outside Earned Income," and leaves in force the limitations on honoraria contained in the Federal Election Campaign Act Amendments of 1976.)

AMENDMENTS NOS. 93, 94, AND 95

Mr. MUSKIE submitted three amendments intended to be proposed by him to amendment No. 65 to Senate Resolution 110, supra.

AMENDMENT NO. 93

On page 24, beginning with line 13, strike out all through line 24 on page 26, and inset the following:

"RULE XLIV

"OUTSIDE INCOME

"1. During the period of service in a calendar year of a Senator, or of an officer or employee of the Senate compensated at a rate exceeding $35,000 a year and employed for more than ninety days in a calendar year (unless hired on a per diem basis), the aggregate amount of the outside income of such individual for such period shall not exceed 15 per centum of—

"(a) the aggregate amount of the salary of such an officer or employee disbursed by the Secretary of the Senate during such period; and

"(b) in the case of a Senator, the aggregate amount of base salary paid to Senators and disbursed by the Secretary of the Senate for that period.

"2. For the purposes of this rule, the term 'outside income' means all income (within the meaning of section 61 of the Internal Revenue Code of 1954), other than amounts disbursed by the Secretary of the Senate, reduced by the expenses incurred in the production of such income which are deductible for Federal income tax purposes. Such term includes, but is not limited to (1) income received as a result of personal services actually rendered; (2) income from family enterprises; (3) gains derived from dealings in property or investments; (4) interest; (5) rents; (6) dividends; (7) annuities; (8) income from discharge of indebtedness; (9) distributive shares of partnership income; (10) income from an interest in an estate or trust; and (11) any 'buy-out' arrangement from professional partnerships or businesses.

"3. Notwithstanding the limitations of paragraph 1, a Senator, officer, or employee may receive income in excess of the amount allowed by such paragraph if that excess income is—

"(a) necessary to pay Federal, State, or local income taxes;

"(b) received and expended for the purpose of influencing his nomination for election to, or his election to, public office; or

"(c) necessary to meet expenses forced upon him by extraordinary personal circumstances.

"RULE XLV

"ESTABLISHMENT OF TRUSTS

"1. A Senator, and an officer or employee of the Senate compensated at a rate exceeding $35,000 a year and employed for more than ninety days in a calendar year (unless hired on a per diem basis)—

"(a) who owns and controls property (other than a savings account) which is the source of income shall establish one or more trusts and transfer such property to one of such trusts; and

"(b) who receives income from any property which he does not own and control (including a trust of which he is not the grantor) shall establish a trust and transfer such income to such trust, or shall transfer such income to a trust established for purposes of subparagraph (a).

"2. If a Senator, officer or employee receives income in excess of the amount which may be retained under rule XLIV, he shall establish a trust and transfer such income to such trust, or shall transfer such income to a trust established for purposes of paragraph 1.

"3. For purposes of this rule, the term—

"(a) 'trust' means a trust (1) in which the management, investment and reinvestment of property constituting the corpus, and of the income therefrom, is solely at the discretion and under the control of the trustee, and (2) no distributions of income from which may be made to the grantor or any beneficiary except to the extent authorized under rule XLIV;

"(b) 'savings account' means an account in a financial institution upon which interest (as such term is used for Federal income tax purposes) is paid or credited, and, if an individual makes any withdrawal from a savings account during such year to the extent that the amount of such withdrawal does not exceed the amount of such interest;

"(c) 'dependent' has the meaning set forth in section 152 of the Internal Revenue Code of 1954; and

"(d) an individual shall be considered as owning and controlling any property or interest therein (including a savings account)—

"(1) which he owns jointly with his spouse or a dependent; or

"(2) which is owned and controlled by his spouse or a dependent, but only to the extent that such property (or the amount in a savings account) was acquired from such individual by gift or was acquired, directly or indirectly, with funds or other property provided by such individual.

"4. An individual to whom paragraph 1 applies shall comply with the provisions of such paragraph within 90 days after the date on which such provisions first apply to such individual."

Renumber proposed rules XLV through L (and cross references thereto) as XLVI through LI, respectively.

On page 54, line 17, before "shall" insert "and rule XLV of the Standing Rules of the Senate (as so amended), relating to Establishment of Trusts,".

AMENDMENT NO. 94

On page 24, beginning with line 13, strike out all through line 24 on page 26, and insert the following:

"RULE XLIV

"OUTSIDE INCOME

"1. During the period of service in a calendar year of a Senator, or of an officer or employee of the Senate compensated at a rate exceeding $35,000 a year and employed for more than ninety days in a calendar year (unless hired on a per diem basis), the aggregate amount of the outside income of such individual for such period shall not exceed 15 per centum of—

"(a) the aggregate amount of the salary of such an officer or employee disbursed by the Secretary of the Senate during such period; and

"(b) in the case of a Senator, the aggregate amount of base salary paid to Senators and disbursed by the Secretary of the Senate for that period.

"2. For the purposes of this rule, the term 'outside income' means all income within the meaning of paragraph 3 below, other than amounts disbursed by the Secretary of the Senate, reduced by the expenss incurred in the production of such income which are deductible for Federal income tax purposes.

"3. 'Outside income' shall be limited to (1) income received as a result of personal services actually rendered; (2) income from family enterprises; (3) gains derived from

dealings in property or investments; (4) interest; (5) rents; (6) dividends; (7) mineral and patent royalties; (8) annuities; (9) income from discharge of indebtedness; (10) distributive shares of partnership income; (11) income from an interest in an estate or trust; (12) any 'buy-out' arrangement from professional partnerships or businesses; (13) income from the exercise of stock options; (14) and income from life insurance and endowment contracts.

"4. Notwithstanding the limitations of paragraph 1, a Senator, officer, or employee may receive income in excess of the amount allowed by such paragraph if that excess income is—

"(a) necessary to pay Federal, State, or local income taxes;

"(b) received and expended for the purpose of influencing his nomination for election to, or his election to, public office; or

"(c) necessary to meet expenses forced upon him by extraordinary personal circumstances.

"RULE XLV

"ESTABLISHMENT OF TRUSTS

"1. A Senator, and an officer or employee of the Senate compensated at a rate exceeding $35,000 a year and employed for more than ninety days in a calendar year (unless hired on a per diem basis)—

"(a) who owns and controls property (other than a savings account) which is the source of outside income shall establish one or more trusts and transfer such property to one of such trusts; and

"(b) who receives income from any property which he does not own and control (including a trust of which he is not the grantor) shall establish a trust and transfer such income to such trust, or shall transfer such income to a trust established for purposes of subparagraph (a).

"2. If a Senator, officer or employee receives outside income in excess of the amount which may be retained under rule XLIV, he shall establish a trust and transfer such income to such trust, or shall transfer such income to a trust established for purposes of paragraph 1.

"3. For purposes of this rule, the term—

"(a) 'trust' means a trust (1) in which the management, investment and reinvestment of property constituting the corpus, and of the income therefrom, is solely at the discretion and under the control of the trustee, and (2) no distributions of income from which may be made to the grantor or any beneficiary except to the extent authorized under rule XLIV;

"(b) 'savings account' means an account in a financial institution upon which interest (as such term is used for Federal income tax purposes) is paid or credited, and, if an individual makes any withdrawal from a savings account during such year to the extent that the amount of such withdrawal does not exceed the amount of such interest;

"(c) 'dependent' has the meaning set forth in section 152 of the Internal Revenue Code of 1954; and

"(d) an individual shall be considered as owning and controlling any property or interest therein (including a savings account)—

"(1) which he owns jointly with his spouse or a dependent; or

"(2) which is owned and controlled by his spouse or a dependent, but only to the extent that such property (or the amount in a savings account) was acquired from such individual by gift or was acquired, directly or indirectly, with funds or other property provided by such individual.

"4. An individual to whom paragraph 1 applies shall comply with the provisions of such paragraph within 90 days after the date on which such provisions first apply to such individual."

Renumber proposed rules XLV through L (and cross references thereto) as XLVI through LI, respectively.

On page 54, line 16, strike out "Earned".

On page 54, line 17, before "shall" insert "and rule XLV of the Standing Rules of the Senate (as so amended), relating to Establishment of Trusts,".

AMENDMENT NO. 95

On page 24, beginning with line 13, strike out all through line 24 on page 26, and insert the following:

"RULE XLIV

"OUTSIDE INCOME

"1. During the period of service in a calendar year of a Senator, or of an officer or employee of the Senate compensated at a rate exceeding $35,000 a year and employed for more than ninety days in a calendar year (unless hired on a per diem basis), the aggregate amount of the outside income of such individual for such period shall not exceed 15 per centum of—

"(a) the aggregate amount of the salary of such an officer or employee disbursed by the Secretary of the Senate during such period; and

"(b) in the case of a Senator, the aggregate amount of base salary paid to Senators and disbursed by the Secretary of the Senate for that period.

"2. For the purposes of this rule, the term 'outside income' means all income (within the meaning of section 61 of the Internal Revenue Code of 1954), other than amounts disbursed by the Secretary of the Senate, reduced by the expenses incurred in the production of such income which are deductible for Federal income tax purposes. Such term is limited to (1) income received as a result of personal services actually rendered; (2) income from family enterprises; (3) gains derived from dealings in property or investments; (4) interests; (5) rents; (6) dividends; (7) annuities; (8) income from discharge of indebtedness; (9) distributive shares of partnership income; (10) income from an interest in an estate or trust; and (11) any 'buy-out' arrangement from professional partnerships or businesses.

"3. The term 'outside income' shall not include (1) disability benefits; (2) veterans' benefits; (3) income from pension plans or qualified deferred compensation plans; (4) income from service in the military reserve; (5) royalties from books; and (6) proceeds from the sale of creative or artistic work.

"4. Notwithstanding the limitations of paragraph 1, a Senator, officer, or employee may receive income in excess of the amount allowed by such paragraph if that excess income is—

"(a) necessary to pay Federal, State, or local income taxes;

"(b) received and expended for the purpose of influencing his nomination for election to, or his election to public office; or

"(c) necessary to meet expenses forced upon him by extraordinary personal circumstances.

"(b) who receives income from any property which he does not own and control (including a trust of which he is not the grantor) shall establish a trust and transfer such income to such trust, or shall transfer such income to a trust established for purposes of subparagraph (a).

"2. If a Senator, officer or employee receives outside income in excess of the amount which may be retained under rule XLIV, he shall establish a trust and transfer such income to such trust, or shall transfer such income to a trust established for purposes of paragraph 1.

"3. For purposes of this rule, the term—

"(a) 'trust' means a trust (1) in which the management, investment and reinvestment of property constituting the corpus, and of the income therefrom, is solely at the discretion and under the control of the trustee, and (2) no distributions of income from which may be made to the grantor or any beneficiary except to the extent authorized under rule XLIV;

"(b) 'savings account' means an account in a financial institution upon which interest (as such term is used for Federal income tax purposes) is paid or credited, and, if an individual makes any withdrawal from a savings account during such year to the extent that the amount of such withdrawal does not exceed the amount of such interest;

"(c) 'dependent' has the meaning set forth in section 152 of the Internal Revenue Code of 1954; and

"(d) an individual shall be considered as owning and controlling any property or interest therein (including a savings account)—

"(1) which he owns jointly with his spouse or a dependent; or

"(b) 'savings account' means an account in a financial institution upon which interest (as such term is used for Federal income tax purposes) is paid or credited, and, if an individual makes any withdrawal from a asvings account during such year to the extent that the amount of such withdrawal does not exceed the amount of such interest;

"(c) 'dependent' has the meaning set forth in section 152 of the Internal Revenue Code of 1954; and

"(d) an individual shall be considered as owning and controlling any property or interest therein (including a savings account)—

"(1) which he owns jointly with his spouse or a dependent; or

"(2) which is owned and controlled by his spouse or a dependent, but only to the extent that such property (or the amount in a savings account) was acquired from such individual by gift or was acquired, directly or indirectly, with funds or other property provided by such individual.

"4. An individual to whom paragraph 1 applies shall comply with the provisions of such paragraph within 90 days after the date on which such provisions first apply to such individual."

Renumber proposed rules XLV through L (and cross references thereto) as XLVI through LI, respectively.

On page 54, line 16, strike out "Earned".

On page 54, line 17, before "shall" insert "and rule XLV of the Standing Rules of the Senate (as so amended), relating to Establishment of Trusts,".

AMENDMENT NO. 96

(Ordered to be printed and to lie on the table.)

Mr. CRANSTON submitted an amendment intended to be proposed by him to amendment No. 65 to Senate Resolution 110, supra.

AMENDMENT NO. 97

(Ordered to be printed and to lie on the table.)

Mr. CRANSTON submitted an amendment intended to be proposed by him to amendment No. 65 to Senate Resolution 110, supra.

Mr. CRANSTON. Mr. President, under the resolution before us, gifts to the Senator's spouse or dependents from any one source aggregating more than $100 or $250 for gifts of transportation, food or lodging in any one year must be disclosed. My amendment would raise the annual aggregate gift disclosure level to $500 for an adult dependent.

I am concerned about the adult son or daughter of a Senator who is attending college and is listed as a dependent for income tax purposes even though he or she is living away from home and is leading an independent adult life.

To require the public disclosure of gifts of say jewelry or clothing from a

boyfriend or girlfriend—gifts which might easily aggregate more than $100—would constitute an intolerable invasion of the privacy of these young men and women. A Senator's adult offspring should not be required to live in a fishbowl because of their parent's avocation.

Moreover, where is the equity for the 23-year-old graduate student living away from home but listed as a dependent who must make disclosure when his 21-year-old brother, still living at home, but employed and not a dependent, is not required to disclose gifts? Anyone attempting to influence the Senator by giving gifts to his dependents would hardly differentiate betwen the two sons—yet gifts to the older son would be disclosed—while gifts to the younger son would not be.

However, I do agree that a large gift to an adult dependent whom the Senator is supporting could have financial impact on the Senator. Thus I propose that the disclosure requirement be raised to $500 for an adult dependent.

AMENDMENT NO. 98

(Ordered to be printed and to lie on the table.)

Mr. MUSKIE submitted an amendment intended to be proposed by him to amendment No. 65 to Senate Resolution 110, supra.

AMENDMENT No. 98

After line 12 of page 21, add the following:

"8. Each Senator will submit for public disclosure following each quarter of the calendar year a report on the average number of hours per week in session spent by him engaged in the following official duties: (a) preparation for and attendance at floor activities; (b) preparation for and attendance at committee meetings; (c) conferences with staff; (d) general legislative research and drafting; (e) meetings with and other activities on behalf of constituents or other private citizens; (f) meetings with and other activities involving other Federal, State and local government officials; (g) travel to and from and within home State; and (h) participation in conferences and other public events concerning public issues."

AMENDMENT NO. 99

(Ordered to be printed and to lie on the table.)

Mr. CRANSTON submitted an amendment intended to be proposed by him to Amendment No. 65 to Senate Resolution 110, supra.

Mr. CRANSTON. Mr. President, Senate Resolution 110 prohibits any officer or employees of the Senate from soliciting, holding, or distributing campaign funds for any candidates to Federal office except for one member of the Senator's staff in Washington and one in the home State office whom the Senator specifically designates to handle such funds.

My amendment will give a Senator the option to have both assistants designated to handle campaign funds in the Washington office.

Because a Senator's campaign committee is located in the home State, I personally do not find it necessary to have any member of my field office staff involved in handling campaign money. The campaign committee staff is, after all, charged with fundraising and handling all other financial aspects of a campaign. I try to keep my field office out of campaign financing activities and engaged only in providing constituent services and other official and nonpolitical Senate duties.

For me, and I imagine for other Senators, too, the need is greater to have people authorized to handle campaign funds in the Washington, D.C., office because of that office's distance from the campaign committee in the home State. As we all know, campaign contributions are sent quite frequently to the Senator directly, rather than to the local campaign organization or to the Senatorial Campaign Committees here in Washington.

I believe that in most offices the handling of campaign money requires two persons—besides the Senator—if only to have one acting as a backup in the event the other is ill or absent in the home State on business or on vacation. The two staff assistants generally are administrative or advisory personnel to whom the Senator has assigned responsibility over the nonfundraising political aspects of his office.

Of course, it should be understood that whatever fundraising restrictions are placed on staff, we cannot totally eliminate contact which support personnel such as mailroom assistants or secretaries will have with the fundraising process as contribution checks are channeled to the Senator or his two "political fund" assistants. I do not believe there is any way to control such contact.

AMENDMENT NO. 100

(Ordered to be printed and to lie on the table.)

Mr. ROTH (for himself, Mr. HASKELL, and Mr. WALLOP) submitted an amendment intended to be proposed by them to the resolution (S. Res. 110), supra.

AMENDMENTS NOS. 101 THROUGH 106

(Ordered to be printed and to lie on the table.)

Mr. DURKIN submitted six amendments intended to be proposed by him to amendment No. 65 to Senate Resolution 110, supra.

AMENDMENT No. 101

On page 30, line 7, insert the following: No member should vote, in committee or on the floor, on any matter where he individually or as a fiduciary, or his spouse or dependents, has a direct financial interest, or any other interest that could be substantially affected by the outcome of the vote.

On page 32, after line 1, insert the following new section:

(j) For purposes of this rule "financial interest" means ownership of a legal or equitable interest, however small, or a relationship as director, adviser, or other active participant in the matter being voted, except that:

(j) For purposes of this rule "financial investment fund that holds securities" is not a "financial interest" in such securities unless the member participates in the management of the fund;

(ii) An office in an educational, religious, charitable, fraternal, or civil organization is not a "financial interest" in securities held by the organization;

(iii) The proprietary interest of a policyholder in a mutual insurance company, of a depositor in a mutual savings association, or a similar proprietary interest, is a "financial interest" in the organization only if the outcome of the vote could substantially affect the value of the interest; and

(iv) Ownership of government securities is not to be considered a "financial interest" vote.

AMENDMENT No. 102

On page 26, line 8, through line 11 after the semi-colon strike the following:

(2) income from family enterprises if the services provided by the Senator or officer or employee of the Senate are not a material income-producing factor;

AMENDMENT No. 103

On page 26, line 8 through line 11, strike the following: "income from a family-owned farm employing no more than 10 employees if the services provided by the Senator or officer or employee of the Senate are not a material income producing factor."

AMENDMENT No. 104

On page 28, line 1, inserting the following: After the word "a" strike the word "principal."

AMENDMENT No. 105

On page 12, line 11, insert the following new section:

4. Each individual shall include in each report for each calendar year for which he is required to file a report under paragraph 1 a copy of his or her tax return filed with the Internal Revenue Service for the preceding tax year and a copy of a net worth financial statement setting forth the current fair market value of each asset and liability owned or owed by the reporting individual.

AMENDMENT No. 106

On page 35, line 15, insert the following:

(2) a Senator may mail franked mail with a simplified form of address for delivery within the State for which he was elected; and

(3) franked mail sent with a simplified form of address as provided under paragraph (1)—

(A) shall be prepared as directed by the Postal Service, and

(B) may be delivered to—

(i) each box holder or family on a rural or star route,

(ii) each post office box holder, and

(iii) each stop or box on a city carrier route.

AMENDMENT NO. 107

(Ordered to be printed and to lie on the table.)

Mr. BELLMON submitted an amendment intended to be proposed by him to amendment No. 65 to Senate Resolution 110, supra.

AMENDMENTS NOS. 108 THROUGH 110

(Ordered to be printed and to lie on the table.)

Mr. PERCY. Mr. President, I am submitting three amendments for printing today which I will call up at a later time. Following is a brief description of each of the three amendments.

AGE DISCRIMINATION

The resolution prohibits discrimination in employment of Senate staff on the basis of race, color, religion, sex, national origin, or state of physical handicap. My amendment also prohibits discrimination on the basis of age.

ETHICS COMMITTEE STAFF ACCESS TO TAX RETURNS

This amendment would require the Ethics Committee to promulgate regulations to protect the confidentiality of tax returns examined by the Ethics Committee.

Such regulations shall include dis-

missal for employees disclosing such information to unauthorized persons.

I would have preferred to have written civil and criminal penalties into law for unauthorized disclosure of such information. However, as this is only a resolution, it cannot be used to enact statutory sanctions. The amendment therefore provides only for the Ethics Committee to promulgate rules to protect the confidentiality of tax returns.

At such time, however, that the Senate passes legislation to apply, in law, financial disclosure legislation to all three branches of Government, I will offer an amendment to apply civil and criminal penalties, in law, to employees who violate the confidentiality of tax returns.

STUDY OF CLERK HIRE ALLOWANCES

Senate Resolution 110 requires the Committee on Rules and Administration and the Committee on Appropriations to study Senatorial allowances to determine whether they are adequate to defray necessary and appropriate expenses incurred in connection with the operation of a Member's office.

This amendment would simply require that that study include whether or not clerk-hire allowances should be increased to provide sufficient administrative personnel for Members to comply with the provisions of this resolution.

It may be that the resolution as finally adopted will require bookkeeping and other reporting requirements not otherwise necessary which might involve additional expense.

Mr. President, I ask unanimous consent that the texts of these three amendments be printed at this point in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 108

On page 40, line 7, insert "age," after "origin,".

AMENDMENT NO. 109

On page 19, after line 5, insert the following new paragraph:

"(e) The Select Committee on Ethics shall promulgate regulations and procedures to ensure the confidentiality of tax returns and tax return information examined by the staff of that committee pursuant to subparagraph (b) above. Such regulations shall include the sanction of dismissal for any employee who knowingly and willfully communicates to any unauthorized person information derived from any confidentially filed tax return or tax return information examined pursuant to subparagraph (b) above."

AMENDMENT NO. 110

On page 49, line 22, after the ".", add,

"In considering such legislation, the Committees shall consider the need to increase clerk-hire allowances to provide for additional expenses that might be necessary to comply with the requirements of this resolution."

AGRICULTURE AND CONSUMER PROTECTION ACT—S. 275

AMENDMENTS NOS. 87, 88, AND 89

(Ordered to be printed and referred to the Committee on Agriculture, Nutrition, and Forestry.)

Mr. PEARSON. Mr. President, the authorizing legislation for the food for peace program expires on December 31, 1977, with the expiration of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86). It is appropriate, therefore, to analyze the current program and revise it, if necessary, during this session of the 95th Congress.

The two original goals of the food-for-peace program were to expand U.S. farm trade in order to reduce large surplus stocks which were expensive to store and to use U.S. abundance to assist needy nations. Thus, the goals specifically stated in the Agricultural Trade Development and Assistance Act (Public Law 480) were to develop new markets for American farm products, to dispose of surplus agricultural commodities, to combat hunger and malnutrition, to encourage economic development in developing nations, and to promote the foreign policy of the United States.

Since the beginning of the food-for-peace program in 1954, the United States has provided food assistance to more than 100 countries, at a loss of over $25 billion. Under title I, the United States sells farm commodities to needy nations at long-term, low interest rates. Under title II, the United States donates farm commodities to nations faced with famine or natural disasters. Many nations that required massive food aid in the early years of the program, such as West Germany and Japan, have become major cash customers of U.S. agricultural goods. An illustration of the success of the food aid and marketing goals of the program is that 14 developing countries, which received aid in the 1950's, have become net cash customers in the 1970's.

Mr. President, the world food situation took a dramatic change for the worse in 1972, when inclement weather combined with economic and political factors reduced global food reserves to a precarious level. Many poor areas, unable to purchase needed supplies, required immediate, massive shipments of food to combat famine. In 1972, the United States supplied 9.8 metric tons of food aid.

Tight food supplies throughout 1973, 1974, and even 1975 in some areas of the world influenced legislation emphasizing the humanitarian aspects of the program. The International Development and Food Assistance Act of 1975 (Public Law 94–161) set a minimum of 1.3 million metric tons for food donations under title II. It also required the allotment of at least 75 percent of the volume of title I sales to nations with a per capita GNP of $300 or less. These changes seemed reasonable in mid-1975 in light of the world food situation and the low level of U.S. stocks.

As we approach mid-1977, however, we face an improved world food situation and increasing U.S. grain stocks. Last September, the head of the United Nations Food and Agricultural Organization announced that the world food situation had improved for the first time since 1972 and that world carryover stocks were increasing.

Mr. President, the U.S. Department of Agriculture has estimated increases in the stocks of U.S. wheat and feed grains. The carryover for wheat at the end of this marketing year should top 1 billion bushels, the largest supply on hand since the early 1960's. As of January 1, 1977, U.S. stocks of corn and grain sorghum were 9 percent and 3 percent higher, respectively, than at the beginning of the previous year.

Because of these changes, we need to reexamine the limitations placed on Public Law 480 during the years of scarcity. First, I believe that the 75–25 percent allocation formula for title I has proved unworkable. It has resulted in nations that wish to purchase our food being unable to do so, even when we had the food to sell.

Second, the United States should encourage market development programs in the nations that receive Public Law 480 food. This will increase the amount of food that actually reaches the needy people in these nations by improving the distribution and storage and by increasing the uses to which this food can be put.

Third, the minimum tonnage figures as set in title II should be increased, as the amounts set in 1975 are too low to reflect the agricultural conditions of 1977.

Mr. President, the first amendment which I am introducing today will grant the President an additional option should he feel that "substantially changed circumstances merit a waiving of the 75–25 percent allocation formula for title I.

Mr. President, last year this provision proved counterproductive. Relatively good harvests in some of the poorest countries that usually buy title I commodities reduced their need for U.S. food. As they bought less, the total amount that could be sold also declined. To keep the 75–25 percent formula intact, the United States could not sell large amounts of food to other poor nations with per capita GNP's just over $300 a year.

The Agriculture Department originally predicted that countries below the $300 cutoff would require 3,262,000 tons this budget year. The countries above $300 a year would thus get 1,084,000 tons. Now, because of the bountiful harvests in India, Pakistan, and Bangladesh—all in the below $300 range—those projections stand at 2.6 million tons for the poorest countries. This causes a reduction of roughly 300,000 tons in the available allotments for the nations above the $300 per capita income.

Thus, for example, Morocco will only get half of the 100,000 tons of food which it needs. Jordan is expected to get only 50,000 tons of wheat, but could use up to another 100,000 tons.

Mr. President, both the foreign nations which wanted to buy and the U.S. farmers who wanted to sell were economically injured by the 75–25 percent formula. The formula conceived in 1975 was written for specific world conditions which have now changed.

Senator TALMADGE's bill (S. 275) would allow the President to reallocate food that was not sold under the 75–25 per-

cent provision to those nations with a per capita income over $300. I agree with this provision and hope that it will be included in the final version of the bill.

Mr. President, I would like to add a second criteria allowing the President to waive the 75–25 percent formula. I believe that domestic supplies should also serve as a factor. After the initial offers of food have been made to the nations with the lowest per capita income, remaining surpluses should be made available. The trigger device for this option should be when the surplus of a commodity is in excess of a year's domestic needs. In the case of wheat, for example, this would mean 530 million bushels. The present surplus is over 1 billion bushels, thus this provision would free 500 million bushels of wheat to be included in title I and available for sale to nations eager to buy American food.

Mr. President, the second amendment is concerned with market development.

Many developing nations find it impossible to finance needed technological innovations in their agri-industry sector. I urge that 5 percent of the proceeds of sales from title I shall be set aside and made available to the Secretary of Agriculture to finance projects that will aid in the utilization, distribution and storage of these commodities. This will enable a greater percentage of the food to actually reach the needy people. It will assist in developing new and better uses for the food.

Mr. President, let me give you some examples of the types of projects that would contribute significantly to future expansion of U.S. agricultural commodities. Indonesia would like to build a model bakery. The government of Indonesia recognizes the superiority of a combined rice/wheat versus an all-rice diet. Most bakeries are small and tradition-bound. Construction of the model bakeries would serve as a catalyst for encouraging bakers nationwide to modernize facilities.

Morocco needs financial and technical assistance to establish a pilot beef feed lot. Increased beef production would expand protein supplies for a growing population. The project would increase Morocco's demand for high quality beef animals, feed grains, and protein feeds.

Sudan is interested in construction of large dairy farms with capacities of 6,000 cows. Construction calls for new technology and financial assistance. Increased production of dairy products would help the growing demand in domestic and regional markets. U.S. cooperation would set the stage for expanded trade in dairy animals as well as feed concentrates.

Nigeria imports beans in cans which is costly and reaches only a small segment of the potential market. Domestic cannaries would assure lower priced commodities to the population and expand the demand for imported beans.

Mr. President, many nations which receive food from the United States have inadequate storage and handling facilities. A General Accounting Office report issued last November noted that food losses through spoilage and spillage destroyed approximately 10 percent of the food supply in most developing nations. Insects and rats also consume food that could nourish hungry humans. An emphasis on building adequate food storage facilities in recipient nations would be beneficial to all concerned.

Mr. President, again I commend Senator TALMADGE for his leadership in this field. His bill recognizes the great need for improved market development. This amendment clarifies two issues. First, it gives the control over this program solely to the Secretary of Agriculture. This will minimize jurisdictional disputes. Second, it delineates that the sole support for this program shall come from title I sales. This will simplify the funding for this program.

Mr. President, the third amendment will raise the minimum tonage figure set in title II by the legislation of 1975. Because programming agencies have tended to view the minimum levels as a target, rather than as a minimum, I urge that we increase this level from 1.3 million metric tons to 1.6 million metric tons.

Mr. President, this amendment calls for 100,000 tons to be placed at the disposal of the International Emergency Reserve. This is strictly a reserve of 500,000 metric tons, pledged to the world food program and made available for emergency humanitarian assistance. Placing this food at the disposal of the world food program should not be seen as a commitment by the United States to join the world food reserve program developed at the World Food Conference in 1974.

In addition, I believe that we should institute phased increases in the levels of the minimum amounts of title II donations consistent with the managerial abilities of both government and voluntary agencies.

Mr. President, the three amendments I have submitted today are consistent with the original aims of the food for peace program—to use American agricultural abundance to assist developing nations—and I urge their adoption.

NOTICE OF HEARING

COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referrred to and is now pending before the Committee on the Judiciary:

W. J. Michael Cody, of Tennessee, to be U.S. attorney for the western district of Tennessee for the term of 4 years, vice Thomas F. Turley Jr. resigning.

On behalf of the Committee on the Judiciary notice is hereby given to all persons interested in this nomination to file with the committee in writing, on or before Thursday March 24, 1977, any representations or objections they may wish to present concerning the above nomination with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDITIONAL STATEMENTS

JOINT ST. PATRICK'S DAY APPEAL FOR PEACE IN NORTHERN IRELAND

Mr. KENNEDY. Mr. President, I ask unanimous consent that a joint St. Patrick's Day appeal for peace in northern Ireland, signed by the Speaker of the House of Representatives (Mr. O'NEILL), the distinguished junior Senator from New York (Mr. MOYNIHAN), Gov. Hugh L. Carey of New York, and myself, may be printed in the RECORD.

I also ask unanimous consent that the text of today's joint statement by Secretary of State Vance and Dr. Garret Fitzgerald, the Minister for Foreign Affairs of Ireland, may be printed in the RECORD, together with the text of yesterday's address by Dr. Fitzgerald at Georgetown University.

I commend Dr. Fitzgerald's address as an important and informative statement on the background and current situation in Northern Ireland, and I join many others in welcoming this extremely able minister of the Irish Government to this country on his St. Patrick's Day visit.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT ST. PATRICK'S DAY APPEAL FOR PEACE IN NORTHERN IRELAND, MARCH 17, 1977

The world has looked with increasing concern over the past eight years on the continuing tragedy that afflicts the people of Northern Ireland. Each of us has tried in the past to use our good offices to help see that the underlying injustices at the heart of the Northern Ireland tragedy are ended, so that a just and peaceful settlement may be secured.

It is evident to us, as it is to concerned people everywhere, that continued violence cannot assist the achievement of such a settlement, but can only exacerbate the wounds that divide the people of Northern Ireland.

We therefore join together in this appeal, which we make in a spirit of compassion and concern for the suffering people in the troubled part of Ireland. We appeal to all those organizations engaged in violence to renounce their campaigns of death and destruction and return to the path of life and peace. And we appeal as well to our fellow Americans to embrace this goal of peace, and to renounce any action that promotes the current violence or provides support or encouragement for organizations engaged in violence.

We make this appeal on St. Patrick's Day 1977, a day on which Irish peoples of all traditions everywhere should feel proud to rejoice in our common heritage, and a year in which peace should come at last to Northern Ireland.

EDWARD M. KENNEDY,
THOMAS P. O'NEILL, JR.,
DANIEL PATRICK MOYNIHAN,
HUGH L. CAREY.

TEXT OF JOINT STATEMENT ISSUED BY THE MINISTER FOR FOREIGN AFFAIRS OF IRELAND, DR. GARRET FITZGERALD, AND THE U.S. SECRETARY OF STATE, MR. CYRUS VANCE, FOLLOWING THEIR MEETING ON THE MORNING OF MARCH 17, 1977

1. The Minister for Foreign Affairs and the U.S. Secretary of State discussed the situation in Northern Ireland and expressed concern about the continued violence there.

2. The Minister for Foreign Affairs expressed appreciation to the Secretary of State for the continued efforts of the U.S. Administration to limit support for violence in Northern Ireland by persons mistakenly motivated in the United States, and for its wish to ensure that legitimate concern for human rights is not misused by those who support violence as a means to political ends in Ireland.

3. The Secretary of State reaffirmed the longstanding U.S. Government policy of

non-involvement in the issue of Northern Ireland.

4. Both the Secretary of State and the Minister for Foreign Affairs expressed their commitment to the statement of President Carter made on October 28, 1976 which opposed violence as part of a solution to the Irish question and expressed support for negotiations and peaceful means for finding a just solution involving the two communities of Northern Ireland and which would protect human rights.

TEXT OF SPEECH DELIVERED AT GEORGETOWN UNIVERSITY BY DR. GARRET FITZGERALD ON MARCH 16, 1977

When I travel outside Ireland and discuss the problem of Northern Ireland with people in other countries I am always struck by the different prespective from which this tragic problem is viewed externally. Outside Ireland, it seems to me, the Northern Ireland crisis is, perhaps because of media treatment, seen primarily as one of violent conflict between organizations dedicated to destruction and murder. The political aspect of the situation is little reported and little understood. It is the IRA, its various splinter organisations, and Protestant para-military bodies such as the UDA and UVF, as they kill and destroy, make the headlines, or at least find mention in the media of countries outside Ireland.

To many people in the world the conflict thus may seem to be one primarily between these bodies, which, in some way are seen by much of world public opinion as representing, or at any rate reflecting, the moods and wishes and fears of the two different sections of the population of Northern Ireland with their different ethnic origins.

Of course, within Ireland as outside it, the activities of these organisations make many of the headlines. No one living in Ireland North or South could fail to feel overwhelmed by the torrent of meaningless violence which has continued, seemingly unendingly for so many years, and which from time to time in various ways has overflowed from the North to the Republic and to Great Britain.

The scale of its impact may best be seen and may best be grasped by an American audience, perhaps, by multiplying the consequences of this violence in terms of the population difference between the United States and Northern Ireland. The United States has a population 150 times greater than that of Northern Ireland. Thus the death roll in Northern Ireland if it were to be reproduced on an American scale would have involved over 200,000 deaths and 2½ million injuries over a period of less than 8 years. Moreover the scale of damage to property, as a percentage of the gross domestic product of Northern Ireland would be equivalent in American terms to something like 50 billion dollars a year.

At the same time the arbitrariness of the violence, which puts every member of the community at risks, is a particularly demoralising feature. We are not dealing here with a guerrilla campaign between revolutionary or para-military forces and the institutional forces of law and order—this type of conflict represents only a very small fraction indeed of the violence in Northern Ireland. The vast majority of the murders, especially in recent years, have been sectarian killings in which Protestants are murdered by the IRA simply because they are Protestants, and therefore presumed to support the union with Great Britain, while Catholics are murdered by Protestant paramilitary gangs simply because they are presumed to be opposed to this union. The shooting down of ordinary citizens in their homes and at their places of work, or their mass murder by the bombing of bars, restaurants, shops, etc. has created an atmosphere of total insecurity for the entire community. At certain times the IRA campaign takes marginally different forms—thus at present the Provisional IRA are concentrating on murdering Protestant business men in the hope that in this way they may disrupt the economy of Northern Ireland, as they have failed to do by blowing up property.

This violence has from time to time overflowed into the Republic also. Amongst the crimes committed by Provisional IRA activists in the Republic, have been the murder of one of my political colleagues, a Protestant Senator, who happened to visit the home of his fiancee at a time when a Provincial IRA gang were burning down the house, and throwing the family Bible into the fire. The family happened to be Protestants: the recent murder of a member of the police force of the Republic by setting a booby trap in a deserted house, then phoning the police anonymously to make sure they would come to the house; the burning down of cinemas in the centre of Dublin; the kidnapping of the Dutch businessman, Mr. Herrema; the murder of the British Ambassador and a girl member of the Northern Ireland office staff and hundreds of robberies of post offices, banks and shops.

These facts about the Provisional IRA and its campaign of indiscriminate and largely sectarian violence need to be bluntly stated and cannot be glossed over.

The acts of violence undertaken by these organisations do not however, to us in Ireland, represent the key to the Northern Ireland problem. Indeed by their campaign, which has disgusted the vast majority of the Irish people, North and South, they have made themselves irrelevant to the real problem—the political problem. They are of course relevant to the extent that their violence creates tensions within the Northern Ireland community which make political negotiations between representative groups of the two sections of the community more difficult. But they are relevant only in this negative sense, thus few people in Ireland, North or South, believe for a moment that the problem of Northern Ireland would be resolved by some kind of negotiation involving these violent groups, or negotiation between them. Even their negative impact on the possibility of finding a political solution is probably far from decisive. It is certainly arguable that a much more potent obstacle to agreement between political representatives of the two sections of the community has been the impact of extreme Protestant politicians whose influence has been a powerful barrier to conciliation on the Loyalist side.

To understand why the role of the men of violence is seen in Ireland as not being politically crucial it is necessary to understand how little support they have amongst the people in either section of the community in Northern Ireland or in the Republic. This is to a large degree measurable in political terms because during the period of the Northern Ireland crisis since 1968 many elections have taken place, both in Northern Ireland and in the Republic, which have not merely been completely free elections, but which in the Republic throughout this period and in Northern Ireland in the latter part of this period, have been carried out according to a proportional representation system which provides a very accurate reflection of the voting pattern in the strengths of the different political groups elected to office.

It is true that in a number of instances the extremists have not put forward candidates for elections because of their consciousness of their political weakness. But all the extremist groups have been tested to some extent on some occasions, and all have failed to secure even the most minimal support.

Thus, Provisional Sinn Fein, the political party of the Provisional IRA, put forward candidates in half the constituencies in local government elections in the Republic in 1974 and secured 1½% of the votes. In Northern Ireland Provisional Sinn Fein have not put forward candidates at any election. On occasions candidates however, have gone forward who are known to reflect their viewpoint and in no proportional representation election have any of these been elected to a provincial body—Parliament, Assembly or Convention. In general the position of Provisional Sinn Fein with regard to elections in Northern Ireland has been one of advocating abstention from the polls and it is possible to measure approximately the amount of support implied by this policy by seeing the extent to which the voting strength of the Nationalist Catholic section of the population is under-represented at the polls. Such an analysis does not suggest that their political support has run to more than about five or six per cent at any period.

So far so the Official IRA represented by Official Sinn Fein are concerned, they have presented candidates both in the Republic and in Northern Ireland. Like the Provisional Sinn Fein they secured 1½% of the votes in the local elections in 1974 in the Republic. In Northern Ireland they also secured a somewhat similar small percentage in local elections but have failed on any occasion to have one of their representatives elected to the regional Parliament, Assembly or Convention.

On the Protestant side some of the paramilitary organisations have in certain elections put forward candidates for election. It has been rare indeed for any of these candidates even to secure as many as 1,000 votes in constituencies where the votes run into tens of thousands.

Against this background it is easy to see why in Ireland itself these bodies are regarded as having little political significance, however much death and destruction they can wreak. Therefore the political discussion in Ireland turns around the positions of the political parties in Northern Ireland which actually secure the support of the electorate in frequent free elections that have taken place there during this period of crisis.

These political parties represent the two different sections of this community, which is divided basically on ethnic lines, between the descendants of the original Irish inhabitants of this part of the province of Ulster and the descendants of the 17th century colonists who came there from England and Scotland. Unlike all the earlier colonists—and Ireland has been colonised wholly or partially many times during the millennia—those who came in this last wave of colonisation in the 17th century failed to assimilate with the indigenous inhabitants because of the religious division that had arisen through the reformation in the previous century. It was the lack of intermarriage between the colonists and the earlier inhabitants, caused by this religious division, which ensured that each of these two groups has retained its own sense of indentity over a period of almost four centuries.

The more immediate roots of the present problem lie, however, in the reactions of British governments immediately before and after the first World War to the problem posed by the insistent demand of the great majority of the Irish people for, as a minimum, self-government within the United Kingdom, or Home Rule. The descendants of the post-reformation colonists, Protestant by religion, not merely in North East Ireland, where they represented a local majority, but also in the rest of the island where their numbers were much smaller, feared the consequences of finding themselves under the control of a Home Rule government democratically elected by the majority of the Irish people, Roman Catholic in religion, and, it was feared, likely to feel resentful at the centuries-long domination by the minority of colonists.

Throughout most of the country this Unionist Protestant minority was too small to influence the ultimate decision to grant Home Rule, but in the North East, in parts of which the Protestant Unionists outnumbered the Catholic Nationalists by over 2 to 1, the situation was different. The threat of violent resistance to Home Rule by this local Protestant majority in the North East weakened the resolution of successive British governments to give Home Rule to Ireland *as a unit* and led to the decision in 1920 to set up two Home Rule parliaments, one in the North East and one in the remainder of the country.

The motivation for this decision is something which historians will eventually have to judge. In part at least it certainly reflected an unwillingness on the part of British politicans to take on such a powerful and determined group as the Protestant Unionists majority in the North East corner of the island. There may also, however, have been a further consideration—the apparent desirability from Britain's point of view of ensuring that, in part of Ireland at least, there would be a government backed by a local majority strongly loyal to the British connection and securing for Britain a reliable strategic base in the island, the greater part of which might be expected to move on in due course from Home Rule to independence.

Historians will also have to judge as to the wisdom of this decision to divide Ireland in this way. It seems to me unlikely that they will conclude that the decision was one that was wise in the long-term interests of Ireland or perhaps, indeed, even of Britain.

First, so far as Northern Ireland is concerned the effect of the decision was to give a dominant and controlling position in that area to a local majority which still psychologically felt itself to be a minority in the island as a whole, fearful of the new Irish State evolving to the South of it, and fearful of the nationalist Catholic minority within its own frontiers. This fear-ridden group, determined to hang on to the privileges which the Protestant minority had had in Ireland throughout the period of British rule, reacted to the creation of the new Northern Ireland Home Rule area by taking discriminatory measures against the artificially-created Catholic nationalist minority within this area—measures designed to ensure that wherever possible this minority would not gain control even of local administrations where they had a local majority and to discourage them from finding employment within Northern Ireland, thus minimising the danger of a deeply feared term demographic shift in their favour, based on the higher Catholic birth rate.

Thus, so far as the social psychological, and political situation of Northern Ireland was concerned, the solution, a partition, produced the worst possible result especially as Britain's satisfaction at having, as most British political leaders short-sightedly thought, found a solution to the Irish problem led successive British governments to abdicate completely their responsibility for controlling the discriminatory actions of the provincial governments formed exclusively by representatives of the Protestant Unionists.

In the Republic, too, the division of the island in 1920 had bad effects. When the Home Rule status of this larger part of the island was transformed into Dominion status within the British Commonwealth in 1922, (which became full sovereign independence in 1931), this new State found itself with an overwhelmingly Roman Catholic population—the Protestant minority within this area was only 6% at that time. This had the effect of encouraging successive governments in the Republic to modify some of the laws of the State inherited from the previous period of British rule along lines compatible with the teaching of the Roman Catholic Church on certain moral issues, and led to the introduction of a new Constitution in 1937 which also bore the marks of Roman Catholic influence.

At the same time the new State sought to repay the debt it owed to the language revival movement of the early years of the century by making the use of the Irish language essential for school examination purposes and for entry to the public service. Thus the new Irish State developed along Catholic, Gaelic lines which tended to deepen the divisions that already existed before independence between North and South.

Another consequence of the division of the island so far as the Republic was concerned was that the initial incredulity and non-acceptance of the idea that the island of Ireland could be divided, turned gradually into a form of irrendentism on the part of the new State, best summed up in the phrase "give us back our lost Six Counties" as if these six counties were the property of the other twenty six! Even though this view was not in most cases held with much passion or strong conviction, nevertheless it exacerbated relations between North and South and intensified the already pre-existing fears of the Northern Protestant Unionists.

The situation created by the division of the country and the establishment of a Home Rule system in Northern Ireland was one which clearly carried with it ultimately the seeds of its own destruction. The Catholic Nationalist minority artificially created within Northern Ireland could not be expected indefinitely to accept total exclusion from power at the level of the provincial government and in the late 1960s the resentment of this minority was transformed from a sterile anti-partitionism to a constructive demand for civil rights and the ending of discrimination. This switch in the whole emphasis of the policies pursued by the nationalist minority in Northern Ireland owed much to the example of the American Civil Rights movement of the 1960s.

Because this new movement involved, on the part of the Catholic nationalist minority in Northern Ireland, an implied acceptance of the existance of Northern Ireland, for the time being at least, and a willingness to participate in its institutions, it carried with it the possibility and prospect of at least an interim solution to the Irish problem—had the Protestant Unionist majority had the imagination to grasp the opportunity thus offered. Unfortnately this did not happen. The shock effect of seeing the system of safeguards for their domination through discrimination, built up so carefully over so many decades, destroyed overnight by the reforms imposed by the British government in 1969, following the demands of the Civil Rights movement, had indeed the opposite effect on the Protestant Unionists. To them the Civil Rights movement appeared not as a belated acceptance by the Catholic nationalists of the Northern Ireland statelet, and a willingness to work within the system there, but rather as a threat to what they had come to accept as their natural right to control exclusively and indefinitely the fortunes of this area, without interference from the sovereign British power, and without effective resistance from the Catholic Nationalist minority.

Throughout the whole of the period since the Northern crisis started, it is this psychological attitude of the Protestant Unionist majority which has posed an insuperable obstacle to a solution to the problem of governing Northern Ireland. In other respects, however, the political situation has evolved favourably, and several other major obstacles to a solution have removed themselves.

Thus, quite apart from the highly significant change in the attitude of the Catholic nationalist minority within Northern Ireland, a change also occurred during the early 1970s in the attitude of politicians and public opinion in the Republic. The unthinking irredentism of many decades in this part of Ireland has been displaced by a new, more realistic, and more generous approach, involving a recognition of the impossibility of securing a reunification of Ireland by any other means than the free consent of a majority of the people of Northern Ireland.

This change in attitudes in the Republic is important because it has effectively removed one of the major psychological problems of the Northern Protestant majority—the fear that the larger and more heavily populated Southern Irish State would in some way and at some point seek to impose and succeed in imposing, reunification, against the wishes of the Protestant majority in Northern Ireland.

Yet another obstacle to a solution disappeared around the same time, as British politicians and British public opinion, faced with the intractable character of the political problems of Northern Ireland, woke up to the fact that retaining control of this area brought more problems in its wake than it did advantages. In a nuclear age the presumed strategic advantage of bases in the area was in any event greatly reduced, and the burden imposed on Britain, both financially and strategically in terms of the need to transfer troops from Germany to Northern Ireland, thus weakening the United Kingdom's participation in NATO, has created a completely different situation, in which the great majority of British politicians and British public opinion have lost all interest in remaining in Northern Ireland save to the extent and for the period necessary to find an honourable solution and one that will not leave behind chaos and civil war in an island within a dozen miles of their shores.

While there remain those in Ireland who do not yet recognise this fundamental change in British attitudes, and who still see the Northern Ireland problem in simplistic terms as being merely a question of getting British out of the part of Ireland over which it still exercises sovereignty, this view no longer commands general support; both in Northern Ireland and in the Republic the great majority of people recognise that the real problem is rather the relationship between the two sections of the community in Northern Ireland, whose mutual fears of each other are such that, given the existence of para-military bodies on both sides, the premature withdrawal of the British presence could precipitate a real civil war.

At the same time it has to be said that there is a school of thought that despairs of a solution being found by political means in the foreseeable future and that is prepared, if not to risk the consequences of an actual British withdrawal, at least to take a chance on a declaration by Britain of an intent to withdraw at some future time. However, given the danger that even such a long-term declaration of intent could precipitate a major crisis, by tempting extremists on both sides to move in rapidly to fill the potential vacuum that would be created by such a British declaration, this idea is firmly rejected by the Irish Government, whose first and compelling concern must be the avoidance of the danger of a drastic intensification of violence in the North, where the very survival of the isolated Catholic Nationalist minority who live in so-called "ghetto areas" in the Eastern part of the province would be in danger.

I have spoken of the changes that have taken place in the attitude of the Catholic Nationalist minority in Northern Ireland, of the new perception of the problem in the Republic, and of the—somewhat belated—British recognition that they no longer have an interest in maintaining a presence on Irish soil.

Thus the last seven years have seen major changes taken place in a number of the elements of the Northern Ireland problem so that the previously numerous and in combination apparently insoluble political difficulties have now been reduced to one single issue—the willingness of the Protestant Unionist majority to share power with elected representatives of the Catholic nationalist minority, who are willing to join in the government and administration of

the province, and to work with representatives of the Protestant Unionist majority to put down violence emanating from both extreme—and who are also willing to agree that the question of the reunification of Ireland be left to be determined in the future by a majority decision of the people of Northern Ireland.

Given that in any such power-sharing government or administration the elected representatives of the Protestant unionists would be entitled on a proportional basis to 65–70% of the seats in government, it may not be easy to understand why this issue should be, or have become, the final stumbling block in the way of a political solution to the Northern Ireland problem. To a certain extent at least this difficulty has arisen because of the fact that in the difficult process of mental readjustment to the ending of the period of Protestant Unionist domination, which has led to the break up of the Unionist party monolith into half a dozen political parties, a number of these new parties have fought to retain the support of the Protestant Unionist electorate by making this issue of power-sharing a crucial question—in other words by getting on a political hook on this issue.

But the fact that this has happened is itself a reflection of the depth of the fears and misunderstandings that exist between the two sections of the community in Northern Ireland. A large proportion of the Protestant Unionist electorate, in its fear for the survival of the identity of this section of the community, makes few or no distinctions between the tiny minority of IRA supporters on the one hand, and the vast majority of the Catholic nationalist community who support the constitutional SDLP party which is opposed to violence, and is willing to work within the existing system on a power-sharing basis until such time as a majority in Northern Ireland agree to political reunification of the island.

These fears are easily played upon by the more extremist of Protestant Unionist politicians. And the less extreme political leaders on the Protestant Unionist side clearly fear that any compromise on what has been elevated into the crucial issue—viz. power-sharing in government—will play into the hands of Paisley, and will lead to their being discredited with the electorate, as other Unionist politicians have been discredited in the recent past when they have agreed to compromise on the power-sharing issue.

Another reason why the question of power-sharing has not yet been faced by the leaders of the Protestant Unionist majority is that while it has been the policy of the British Government and Opposition since 1972 that devolved provincial government will be restored only on a power-sharing basis, during a significant part of this period—in particular between 1974 and 1976—this policy was not always clearly enunciated by British political leaders. Fearful of alienating Unionist opinion by too aggressive statement of this policy, both the British Government and Opposition at various periods during this 2-year period have weakened their impact upon Unionist opinion by seeming to water it down or to play it down.

However, since last Autumn there has been a clear recognition in British political circles of the counter-productive character of this trend towards a watering down or playing down of the power-sharing issue and a very positive re-statement of British policy, both by the Government and by the Opposition, has in recent months reconcentrated attention on this question of power-sharing and has faced the Protestant Unionist majority more clearly than for several years past with the need to redefine in some way their policy on this issue, if they are to secure, as the vast majority of them clearly wish to secure, a restoration of devolved provincial self-government. In this situation there exists some possibility of political movement, although past disappointments in this respect have been so numerous that most people continue to regard the possibility of an early political solution with considerable scepticism.

In the meantime the problem facing politicians in Northern Ireland is that of maintaining their role in society over a prolonged period during which they have no formal functions to perform. These politicians were elected less than two years ago to a Convention, designed to seek a political solution; but they failed to agree, and this Convention was dissolved by the British Government. The facilities available to the politicians in the form of the Parliament building at Stormont, near Belfast, were then withdrawn from them, and even the function of representing local constituency interests ceased to be recognized by the British Government.

These British tactics, which many regard as seriously mistaken, have created severe problems for the politicians in Northern Ireland, who need above all to have a positive role to play during the period while opinion evolves towards agreement on some kind of solution to the power-sharing problem. There is a real danger that the political system in Northern Ireland could disintegrate if left too long in this state of limbo, and there is therefore—quite apart from the urgency imposed by the continuing campaign of violence—a very real need for early progress along this road.

CONCORDE LANDING

Mr. GOLDWATER. Mr. President, this rather childish attitude of New York relative to the Concorde landing at the JFK Airport or not, has gone far enough, in my opinion. No one can object to the attitude that is growing in France and England that if we are going to have this attitude against the world's most modern airliner, which is not made in America, then it would be perfectly natural for them to take this same attitude against our jets landing in their country. The Concorde has been landing at Dulles Airport for many months and no one seems to have moved away or raised any unusual objections. I would hope that New York would agree to having this airliner land at its airport. I am sure that those people who, for some reasons known only to themselves, like to build homes near busy airports, would get used to the noise of the Concorde in short order and the United States could join those forward-looking countries which are not afraid of improvements in transportation. Mr. Robert Hotz has written an editorial entitled "New York's Concorde Stall," and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NEW YORK'S CONCORDE STALL

(By Robert Hotz)

The political authorities of New York have no valid reason for banning Concorde operations from John F. Kennedy International Airport, so they are conducting an obfuscating bureaucratic delaying action that is typical of that bankrupt municipality. The Port Authority of New York and New Jersey originally promised a Concorde decision on Dec. 10 based on the six-month test operations at Washington's Dulles International Airport.

British Airways and Air France Concordes have been operating to Dulles for nine months. During this period, about 27,000 fare-paying passengers have flown the Atlantic in half the normal subsonic jet schedule on about 380 flights. The Federal Aviation Administration has monitored noises and environmental effects and made the data available publicly. The Concorde has been flying over the states of Virginia, Maryland and Delaware without a smidgen of sonic boom.

Its airport vicinity noise is about the same as the early-vintage 707 and DC–8 but vanishes quicker because of a faster climb to altitude. Both Washington newspapers, the Post and Star, which were violently anti-Concorde before it arrived on the Washington scene, recently have urged New York to permit a similar Concorde test period. Even President Jimmy Carter, who mouthed some of the now-outdated environmental cliches during his presidential campaign, is now finding that New York's unreasoning intransigence is about to cause him some severe international headaches with Britain and France and is backing off his earlier opposition to supersonic flight.

In Britain, where anti-Concorde hysteria was even worse than in New York, a year of actual operations has dissolved all of the myths its opponents propagated before any facts were available. The resident of greater London and greater Paris, as well as Washington, has been living with Concorde without any of the direct consequences ranging from skin cancer to shattered windows prophesied by the anti-Concorde witch doctors. Dallas is preparing to receive the Concorde to provide the fastest possible link for its burgeoning business community with Europe.

There were three principal bugaboos raised about the Concorde and all supersonic flight operations before Concorde went into transatlantic service. They were:

SONIC BOOM

Even the most hysterical of the boom bombasts must now concede that nobody within acoustical range of any Concorde terminal has ever heard a sonic boom from Concorde. However, the New York Times is still shrilling that Concorde's "vibrations tilt paintings on the wall and rattle dishes on the shelves." We challenge the Times to produce one authenic incident where Concorde's "vibrations" tilted a single painting or rattled a single dish. In actual instrumented tests along the west coast of England during early Concorde flight testing, it was determined that Concorde's high-altitude cruise overpressures had less effect on the ancient cathedrals than the mighty organs that boomed in their interior every Sunday.

ENVIRONMENTAL POLLUTION

The U.S. government has spent $23 million to study the effect of supersonic flight on the environment and concluded its effects, if any, were negligible. The whole mythology of the supersonic environmental pollution of which President Jimmy Carter was a gullible victim has evaporated in the face of scientific study.

AIRPORT NOISE

This is the only problem on which Concorde critics can still make an argument, if not a case. Concorde is about as noisy as earlier U.S. jets that have been operating out of JFK for almost 20 years without any serious attempt to ban them. It is noiser than later model transports equipped with high bypass ratio fan engines. However, Concorde's noise pattern does not spread as far into the surrounding community as the subsonic jets' because of its more rapid rate of climb. Aside from all the engineering-legalistic gobbledygook of the noise measuring profession, Concorde flights in and out of JFK would hardly be perceptible to the surrounding community against the current noise level background. We sympathize with the annoyance of people unfortunate enough to have picked homes in the immediate vicinity of a jet airport, but trying to crucify Concorde will not solve their problems.

The 16-month test period for Concorde operations in the U.S. originally included

New York as well as Washington, but the Port Authority, intimidated by the political thunderers, has steadfastly refused to allow any factual testing. Instead it has commissioned two professors to write studies on the theoretical effects of Concorde operations in New York. It is obvious that the Port Authority does not want to face facts but rather to search for theories that can justify its delays.

New York City has been trying to combat the dry rot that has been eroding its former preeminence as the commercial capital of this nation. At the heart of this problem is its viability as a communications center. Air traffic at JFK has been declining for the past five years as seasoned travelers seek to bypass New York. A high percentage of Concorde passengers using Dulles is siphoned out of New York by special connections. Others from the hinterland are now funneling into Dulles to make Concorde connections instead of using the traditional path to New York to catch the heavy subsonic transatlantic schedules. The New York Chamber of Commerce and labor unions recognize the economic drain a Concorde ban would accelerate. Only a handful of cynical politicians who are wooing constituents by fighting the mythical Concorde dragon and a few thousand long-suffering airport vicinity residents are trying to hold back progress in much the same manner as people who lay down on the early railroad tracks more than a century ago.

The British and French governments should ignore the Port Authority's stalling tactics and press immediately their suit in Federal Courts. Concorde deserves its chance to land in New York, and the sooner it happens, the sooner the clouds of political gas that now hang over Long Island will dissipate.

UNITED JEWISH APPEAL

Mr. MOYNIHAN. Mr. President, in synagogues and temples throughout the country, America's Jews will devote the Sabbath, Saturday, March 19, 1977, to honoring the work of the United Jewish Appeal. It is the Nation's largest fundraising organization and, in its 39-year history, has enabled literally millions of men, women, and children to lead lives of renewed dignity and purpose in Israel, the United States and communities in need elsewhere in the world. I think it is important that all Americans join in recognition of the outstanding work of this organization and in acknowledgement of the depth of humanitarian responsibility that exists within Jewish ethics and religion.

Centuries ago, the sage Rabbi Hillel asked:

If I am not for myself, who is for me? If I am only for myself, what am I? If not now, when?

These questions speak to the heart not only of the Jewish ethos but of the moral dilemma of all mankind. For who will act on our behalf if not we ourselves? How can we limit our responsibility to only the narrow parameters of our own lives? And how much longer must the world wait until it develops an attitude of conscience and justice toward all mankind?

The world was willing to wait in the 1940s. It was willing to ignore the survivors of the holocaust, the remnant of the millions killed and the civilization destroyed. In spite of their shock and outrage, America's Jews—through the work of the Joint Distribution Committee, which is funded by the UJA—cleaned out the concentration and displaced persons camps—brought homeless and stateless Jews to Israel—and helped to rebuild the shattered Jewish communities of Europe.

The world has beeen willing to wait while anti-Semitism has manifested itself in every generation—but, through the efforts of America's Jewry and the work of the United Jewish Appeal, funds have been raised to bring hostages from lands of oppression to lives of freedom in Israel and to house, educate and train them for jobs there so that they can begin new lives in a nation committed to democratic values.

The world has been willing to wait until the Soviet Union, in flagrant disregard for the rights of man, has tried to suppress the freedom movement among Jews and other dissidents. Through the principled example of America's Jewish community, we in government have been reminded of our obligation to continue our support of this struggle for human rights. And it is through the work of the UJA that funds are provided to the Jewish agency in Israel and to the United Hias Service and NYANA in the United States, to help resettle these freedom fighters.

There is an active Jewish Federation and Welfare Fund within most of our own communities. These Jewish philanthropies provide for far more than the Jewish community and reach out to many members of the total American community.

The roots of the Old Testament have been deeply meaningful as a standard of morality and conscience throughout the American experience. It is important for us to recognize, as well, that the people of the Old Testament continue to derive from their religion the source of their concern for the welfare of mankind.

1984: A MORE HOPEFUL VIEW

Mr. CHURCH. Mr. President, in last Sunday's Boston Globe, an article by former Attorney General Elliot Richardson appeared. It is a thought-provoking piece from a man who was at the very center of the efforts to undo the coverup that was so widespread during the Watergate scandal.

Mr. Richardson's basic premise is that, having come through Watergate, and as a result of the investigation by the Senate Select Committee on Intelligence, exposing the whole pattern of abuses by the CIA and the FBI, the United States is moving away from George Orwell's version of big brother which that author so chillingly foretold in his book, "1984."

Writes Mr. Richardson:

One could have constructed a case in 1972 or 1974 that we were likely to meet Orwell's timetable. But, today, only a few years later, I am prepared to argue that quite the contrary situation exists, that in fact the wave of 1984-type activity has crested and that we are farther in a symbolic sense from the evils of 1984 than we were in 1964 or 1974.

In his article, Mr. Richardson outlines the background, including the cold war and the anti-Communist hysteria of the 1950's, that led up to Watergate and the abusive practices of our domestic and foreign intelligence services. He then makes the telling point that—

It is ironic that in our efforts to combat the underpinnings of 1984 in Stalinist Russia, we moved down the road to 1984 at home.

I commend this article to a wider readership, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Mar. 13, 1977]

1984 IS NOT FAR OFF, BUT ORWELL'S WORLD IS NOW BEHIND US

(By Elliot Richardson)

(Three decades ago, George Orwell published "1984," a literary classic describing a future world in which individual thought and action are submerged by an all-encompassing state.

(How near are we to that world? Focus asked Elliot Richardson, who has held a wide variety of high government jobs and is now U.S. ambassador to The Law of The Sea Conference, to give his views.)

As we move ever closer to the year 1984, the temptation to examine our society in light of George Orwell's warnings becomes irresistible.

The world of telescreen, doublethink, and the Thought Police portrayed in "1984" has become more than literary fiction. Indeed, it has had a profound effect upon American political thought in the Cold War era.

The realization has slowly dawned on the so-call "free world" that impersonal forces and strong central governments are not the exclusive property of Iron Curtain countries.

Nor have our concerns been mollified by events of the early 1970s.

Watergate presented the spectacle of top officials in our freely elected government blithely conspiring to violate the law and obstruct justice in the name of national security and executive privilege but in the fact of political opportunity and self-protection.

Wiretapping telephone conversations, bugging what participants thought were private discussions, breaking into the offices of opponents and third parties, using instruments of legitimate government action as weapons to punish political enemies, playing campaign dirty tricks, fabricating and perpetuating an elaborate cover-up—surely these seemed to add up to a long step toward "1984." Even the President's spokesman seemed to be practicing newspeak when he described past statements as "inoperative."

But the advent of "1984"-type activity began long before Watergate and can be seen in retrospect as a response to international Cold War politics.

In the aftermath of World War II and the partitioning of Europe, tensions were higher than many younger Americans today can appreciate. The Berlin Wall, the Korean War, and the strident anti-Communism of the 1950s identified with Sen. Joe McCarthy combined to make the Cold War seem as menacing as a hot war and to require a similar degree of response.

These perceptions led to governmental actions and attitudes which, from today's perspective cannot be reconciled with the democratic process.

Security became an obsession in the emotion-charged atmosphere of the late 1940s and 1950s, when many Americans had survived the second world war in their lifetimes and feared that a third was not far off.

Even casual affiliations of 20 years past were liable to prompt an investigation and charges of subversion. If the growing intelligence establishment committed excesses from time to time in the course of its mission, well, this was "war" and the end justified the means.

While these forces colored the attitude of the general public, they particularly influenced those who worked in government with

the charge of protecting us from the Communist threat.

At the same time, we witnessed an acceleration of the historical trend toward concentration of power within the White House, a trend aided by a passive Congress. There gradually developed what Arthur Schlesinger has called the "Imperial Presidency," which encouraged Presidents to regard themselves as embodying the law and to regard those who opposed their policies as obstructing the national interest.

In this "us-against-them" environment, many leaders acquired an enemy-oriented mentality. Just as the Communists were enemies of the United States, so too were other Americans who held differing political views. This attitude surfaced in concrete form years later in the so-called White House "enemies list."

A blue-ribbon group headed by former Vice President Nelson Rockefeller found evidence of the following activities by the CIA (Central Intelligence Agency), whose legal charter precludes it from "police, subpoena, law enforcement powers, or internal security functions."

Operation CHAOS, operating between 1967 and 1974, catalogued information on the domestic activities of American citizens, exceeding the CIA's statutory authority. The Office of Security infiltrated dissident organizations and followed US citizens in a manner the Rockefeller group termed "unreasonable."

CIA investigations violated constitutional rights of privacy. The report found the domestic use of 32 wiretaps, 32 instances of bugging, and 12 break-ins, none conducted under a judicial warrant and only one with written approval of the Attorney General. Starting in the early 1950s the CIA illegally intercepted mail.

Under a test program, the drug LSD was given by the CIA to persons unaware they were being tested, a clearly illegal activity.

A Senate Committee on Intelligence confirmed these findings and developed similar material on the FBI (Federal Bureau of Investigation), which between 1956 and 1971 operated a counter-intelligence program (Cointelpro) to disrupt target groups on both the right and left ends of the American political spectrum.

What began as a vehicle to gather material against the Communist Party led eventually to 2370 separate acts of counter-intelligence and disruption against such organizations as the Socialist Workers Party, Ku Klux Klan, Dr. Martin Luther King, the Southern Christian Leadership Conference, CORE (Congress of Racial Equality), and Students for a Democratic Society.

While many of the Cointelpro activities were legal and perhaps proper, the program included the leaking of confidential material to the press, the forging of papers and infiltration by agents into target groups.

The Senate Select Committee on Intelligence Activities staff report noted that former FBI Director J. Edgar Hoover had complied with improper requests from Presidents Franklin Roosevelt, John Kennedy, Lyndon Johnson, and Richard Nixon. Involved were telephone taps on aides and press, building FBI files on critics, and the assignment of agents to gather political intelligence at a national party convention.

Thus, the same mentality that saw the ends justfying the means in Cold War terms, that misused the intelligence system, later saw justification for using similar tactics to halt domestic dissent.

It is ironic that in our efforts to combat the underpinnings of 1984 in Stalinist Russia, we moved down the road to 1984 at home.

One could have constructed a case in 1972 or 1974 that we were likely to meet Orwell's timetable. But, today, only a few years later, I am prepared to argue that quite the contrary situation exists, that in fact the wave of 1984-type activity has crested and that we are farther in a symbolic sense from the evils of 1984 than we were in 1964 or 1974.

The pendulum has been swinging in the other direction, and unless I miss my guess, it still has a way to swing.

There are several explanations for this swing, but I think it can largely be explained by citing only two. First, it is fair to say that the American people simply reacted to the frightening glimpse of the abuse of power to which they were exposed. What they saw terrified them, and the previous warnings of people like Orwell played some part in this reaction.

But the degree of public response is better explained by the second argument, namely the environment in which these exposures were made.

In recent years the American people have witnessed a steady growth, in the centralization, pervasiveness, and intrusiveness of governmental power. These disclosures not only revealed a kind and degree of activity we hadn't known existed but came at a time when sensitivity to the pervasiveness and intrusiveness of modern-day government was at a high point.

For the very reason that government today is so very much involved in our lives, we recognize that our vulnerability to the abuse of governmental power has increased.

Fortunately, the disclosure of these abuses triggered a more vigorous exercise of oversight activities by the Congress and stimulated a wave of hard-hitting investigative reporting by the media.

These activities not only spurred on the investigations but heightened public awareness and concern, making similar abuses of power at some future time less likely than they otherwise would have been.

Had Watergate never happened, we almost certainly would still be heading in Orwell's predicted direction today. As it was, the evils surfaced while there was still time to correct them.

But even if we have succeeded for the present in halting the kind of overt totalitarian activity conceived by Orwell in "1984," we must still combat the forces which, while not threatening us in such an obvious way, nonetheless pose dangers of equal significance.

Left unchecked, such mutually reinforcing trends as urbanization, a bigger and more remote government, and ever faster technological change could eventually destroy our capacity for self-government as well as the human dignity and freedom which are its chief end.

And yet it is always a mistake to extrapolate the trends of the present without allowing for the dynamic interplay of counter forces. Orwell's frightening glimpse into the future and the subsequent events that seemed to confirm his prediction evoked forces which served actually to make his warning a self-defeating prophecy.

In the same manner, our present concern for the submergence of the individual, and the consequences this can have, may prompt us to take corrective action.

With determination, creativity, and the common sense that have characterized America, we can come to think of 1984 in terms of a daughter's graduation or a 10th wedding anniversary rather than as a code word for everything antithetical to our national values.

FARM POLICY

Mr. DOMENICI. Mr. President, on March 14 last, the distinguished minority leader, Mr. BAKER, entered into the RECORD my testimony on our farm policy, which was presented before the Agriculture Committee earlier this month. However, at that time the exhibits for my testimony were not available.

I would like to ask that this testimony, along with the full text of these exhibits, be printed into today's RECORD. I feel it is very important since, for the first time, we have actual production costs made available by individual farmers. This information highlights the extreme plight that many members of our agriculture community are now suffering.

It is my sincere belief that the information provided by these farmers is of value to my colleagues and our Nation.

Mr. President, I ask unanimous consent that my testimony and exhibits be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY BY U.S. SENATOR PETE DOMENICI

Mr. Chairman and Members of the Committee, I am pleased to appear before you today and testify on behalf of the Agricultural Producers of New Mexico.

In my testimony, I would like to make some general statements on farm policy and then move into some areas where I will make specific recommendations.

First, Mr. Chairman, let me say that I have not seen a time during the past several years in which more instability and uncertainty afflicted the agricultural community in my state and in the Rocky Mountain Region.

As I have toured my state, farmers, ranchres, and members of the financial community that have dealt for years with the producers of food and fiber have told me of their deep fears about the future of agriculture in this nation. I do not need to remind you all of the great service our agricultural producers have done for Americans and the rest of the world. And the success of American agriculture can at least in part be attributed to the sensitivity this committee has shown to the needs of both producers and consumers.

However, it seems to me that many farmers and ranchers now feel caught up in events out of their control—events that may force them into bankruptcy or into financial hardship. I hope that whatever legislation this committee adopts will pay particular attention to the new equation that our farmers and ranchers confront—increasing costs of energy and fertilizer, decreasing returns on their produce, and, in many areas, an uncertain water supply aggravated by this year's drought. This new equation could spell serious disruption of the nation's agriculture.

When considering legislation on farm and food policy, we realize that a unique set of economic and physical relationships affect our farm markets.

First, major farm crops are harvested only once a year, requiring that supplies be stored and metered out until the next harvest. This metering system relies on future markets that provide buyers and sellers with prices for future purchases or sales. If supplies become scarce, futures prices rise, which tends to reduce purchases by domestic and foreign buyers and assures a supply of the commodity at the end of the marketing year. If supplies increase, futures prices fall, encouraging longer use of supplies and lower carryover at year's end.

Second, in our farm economy a small variation in the supply of a commodity causes a large variation in its price. A shortage of food brings a willingness to pay high prices; too much results in little demand for more at any price. A shift from too much to too little or vice-versa causes dramatic fluctuations in price.

Third, livestock-meat production involves a multi-year process requiring large amounts of grain. As a result, livestock production must be coordinated with feed crop production or unusual instability will occur in livestock cost and profit relationships.

Fourth, one out of every four acres har-

vested in America is exported. Variations in demand for, or in the volume of, our annual export shipments cause sharp fluctuations in market prices with subsequent effects on grain and livestock producers, and eventually on the consumers.

It should be evident that the complexity and uniqueness of our food and fiber production system demonstrate the difficulty of developing any farm and food policy. However, it does suggest certain goals toward which we should aim in legislating a farm policy. I believe the direction we choose to take should take into consideration the following objectives:

1. To assure Americans an adequate supply of food and fiber.

2. To assure adequate production incentives to our nation's farmers.

3. To promote reasonable stability in our farm and food markets with minimal government interference in market forces.

4. To develop and expand foreign markets for our agricultural commodities; and, finally,

5. To provide an adequate amount of flexibility in our programs to allow America's agricultural producers to meet changing conditions.

While these goals and many more, have been suggested by others, I do believe the ones I have briefly summarized here should guide the committee in their deliberations.

Mr. Chairman, I would now like to make specific recommendations on provisions which I feel should be included in any new farm legislation.

First, commodity loan level rates should be set at more realistic levels and target prices should be adjusted, as accurately as possible, to levels close to current costs of production. I should admit that in New Mexico there is some area of disagreement between various farm organizations and individual farmers as to what constitutes realistic loan levels and the concept of target prices set at full cost of production levels. However, many farmers have indicated that if it is the intent of Congress to set target prices at current costs of production levels, they disagree with the figures provided in the Economic Research Service estimates and with the figures contained in several of the legislative proposals which have been introduced. Most New Mexico farmers would ask the committee to take another look at the formulas used to evaluate costs of production, especially in the area of land costs. Along these lines, I would like to submit for the record a series of tables prepared by Milton Townsend, a specialist in farm business management for the State Department of Vocational Education (Exhibit 1).

These tables show the costs of production, gross returns and net returns for various commodities over a period of several years, based upon actual farming operations in Roosevelt County, New Mexico. In addition, I would like to submit testimony prepared by Jack Muse, President of the New Mexico Wheat Growers Association, which discusses recent costs of production increases in the areas of energy and transportation (Exhibit 2).

Second, I recommend that the maturity of commodity loans be extended from one year to any period, not exceeding five years, specified by the producer-borrower, and bearing an interest rate not to exceed 5 per cent.

Third, I recommend adoption of S. 505, introduced by the Senator from Oklahoma, Mr. Bellmon, and which I cosponsored. The purpose of this legislation is to assist wheat and feed grain producers to construct grain shortage facilities on their farms. Loans guaranteed under this bill would be guaranteed up to 90 percent of the total cost of the storage facility, not to exceed $500,000. The size of the storage facility would be based upon the amount of space required to store the average quantity of the commodity produced by the borrower during the two preceding crop years. The term for these loans would be for any period, not in excess of 10 years, as specified by the borrower.

Fourth, I would recommend to the commodities that the Consolidated Farm and Rural Development Act be amended so as to raise the limits on Farmers Home Administration farm ownership and farm operating loans.

Authority should be given for farm ownership loans up to $200,000, instead of the present $100,000, and up to $300,000 for guaranteed loans. Authority should also be given to increase farm operating loan limits from $50,000 to $100,000, and up to $200,000 for guaranteed loans.

At this point I will submit for the record three documents. The first is a statement presented by Ben McAlister, President of the Clovis Production Credit Association, which discusses the problems in financing agriculture (Exhibit 3). The second is a letter from Grant J. Morper, President of the Citizens Bank of Tucumcari, New Mexico, which documents the financial statements of two farms over a five year period, one dryland and the other irrigated (Exhibit 4). And finally, a letter from Mr. Clyde Baisten, Chairman of the Agricultural Committee of the New Mexico Bankers' Association, which discusses their problems with the Farmers Home Administration and the Emergency Livestock Loan Program (Exhibit 5).

There are many other areas of interest in general farm legislation. However, in the interest of brevity, I would recommend to the committee that any new legislation contain provisions which accomplish the following:

Provide incentives for foreign countries who wish to purchase and store grain in this country.

Provide restraints that will insure our foreign customers against an unnecessary interruption in their food supply;

Update crop allotments to reflect more current cropping patterns;

Update and streamline the disaster provisions in the 1973 Act; and

Allow the control of carryover stocks and reserves to remain in the hands of the individual producers. Concerning this issue, I would like to submit for the record a statement by Wayne Baker, President of the Roosevelt County Farm and Livestock Bureau (Exhibit 6).

Let me close by making one final observation. I have recently been approached by several livestock and crop producers who are not in the habit of "crying wolf" and asking for government assistance. They have convinced me of the severity of their situation and of the need for this Congress to develop and expedite the passage of meaningful farm legislation.

P.S. By way of a postscript, Mr. Chairman, I would like to insert in the record a letter sent to Senator Talmadge (exhibit 8) on the need to increase acreage allotments for Valencia peanuts. New Mexico's Valencia peanut industry has been a continuing bright spot in the State's economy and the Congress would be derelict in not doing everything possible to foster this crop. I thank the chair for allowing me to testify on this critical national issue.

Thank you for the opportunity of appearing before you today.

EXHIBIT 1

COW-CALF AND YEARLING SUMMARY

FARM MANAGEMENT ANALYSIS, PORTALES, N. MEX.

[Averages for 7 yr]

Items of comparison	1969	1970	1971	1972	1973	1974	1975	7 yr. average	1976 estimate
1. Number of ranches	4	1	4	6	6	5	5	4.37	5
2. Number of animal units	177	846	474	434	398	444	482	385.50	460
3. Percentage calf crop	79	92	90	91.2	91.6	89.5	94.18	90.59	85
4. Percentage death loss	1.6	3.0	2.89	3.32	7.90	2.18	2.82	3.76	3.0
5. Cost per animal unit	220.08	202.04	166.87	181.75	192.60	157.03	112.56	162.17	123.81
6. Gross returns per animal unit	237.07	233.39	210.82	238.65	252.70	9.40	93.20	171.73	102.52
7. Net returns per animal unit	16.99	31.35	31.35	56.90	60.10	−147.63	−19.36	9.56	−21.29
8. Number of sections				27.77	20.34	22.88	23.96	19.54	23.96
9. Net return per section				1,068.97	1,174.56	−2,867.50	−390.42	307.33	−408.94
10. Land value per animal unit				2,048.73	1,637.43	1,647.52	1,590.70	1,535.40	1,688.94
11. Returns on investment (percent)	3.57	6.89	5.60	2.0	2.83	−9.09	−1.58	0.34	−0.47

Note: Presented to Senator Pete Domenici at Clovis, N. Mex., by Milton Townsend, farm business management specialist, State Department of vocational education.

IRRIGATED COTTON SUMMARY

[Averages for 8 yr]

Items of comparison	1968	1969	1970	1971	1972	Percent change	1973	Percent change	1974	Percent change	1975	Percent change	8-yr average
1. Number of farms	39	33	25	32	27		28		24		23		28
2. Number of acres planted	19.5	25.2	33.3	29.2	52.7		53.3		53.3		48.6		39.3
3. Average yield (pounds per acre)	468	260	361	300	427	+42.33	403	−5.62	229	−43.92	94	−58.45	318
4. Fertilizer (cost per acre)	4.73	4.04	3.68	3.26	4.02	+23.31	3.29	−18.16	7.04	+113.98	8.39	+29.44	4.80

Items of comparison	1968	1969	1970	1971	1972	Percent change	1973	Percent change	1974	Percent change	1975	Percent change	8-yr average
ENTERPRISE RETURNS													
5. Gross returns (per acre)	66.13	40.14	64.73	87.12	66.52	−23.65	177.97	+167.54	61.78	−65.29	62.96	+1.91	78.41
6. Cost (per acre)	73.09	64.03	71.70	133.58	102.41	−23.33	126.57	+23.59	101.81	−19.48	89.71	−3.04	95.36
7. Net return (per acre)	−6.96	23.98	−6.97	−46.46	−35.89	−22.75	51.37	+141.13	−40.03	−77.92	−26.75	−33.18	−16.95
8. Gross returns (per pound) (cents)	14.13	15.44	17.93	30.16	15.58	−48.34	44.14	+183.31	26.93	−38.99	40.52	+50.46	25.60
9. Cost (per pound) (cents)	24.65	32.61	28.84	44.59	23.98	−46.22	31.98	+30.86	44.38	+41.43	95.37	+114.89	40.73
10. Net returns (per pound)	−10.52	−17.17	−10.91	−14.43	−8.40	+41.79	12.76	+151.90	−17.45	−136.76	−54.85	−214.39	−15.13
RETURNS INCLUDING GOVERNMENT PROGRAMS													
11. Gross returns (per acre)	118.54	96.12	138.84	173.50	122.67	−29.30	246.11	+100.63	75.19	+227.32	62.96	+16.27	129.24
12. Cost (per acre)	73.09	64.03	71.70	133.58	102.41	+23.33	126.57	+23.59	101.81	−19.48	89.71	−11.88	96.36
13. Net returns (per acre)	45.45	33.09	67.14	39.92	20.26	−49.25	119.54	+475.22	−26.62	−179.73	−26.75	−3.27	32.88
14. Gross returns (per pound) (cents)	36.99	44.94	38.46	48.62	28.73	−40.91	61.05	+112.50	32.79	−46.29	40.52	+23.57	41.51
15. Net returns (per pound) (cents)	12.34	12.33	9.62	4.03	4.75	+17.87	29.67	+524.63	−11.59	−160.94	−54.85	−373.25	0.79

IRRIGATED MILO SUMMARY
[Averages for 8 yr]

Items of comparison	1968	1969	1970	1971	1972	Percent change	1973	Percent change	1974	Percent change	1975	Percent change	8-yr average
1. Number of farms	38	34	30	37	36	----------	30	----------	34	----------	43	----------	35
2. Number of acres planted	61	60.4	69.1	78.7	76	----------	102	----------	87	----------	74	----------	93
3. Average yield (per hundredweight per acre)	3,693	2,753	3,985	3,243	3,803	+17.27	4,421	+16.25	2,567	−41.94	3,799	+47.99	3,167
4. Fertilized (cost per acre)	4.29	2.75	5.24	5.99	10.05	+67.78	15.42	+53.43	17.12	+11.02	20.48	+19.63	10.16
ENTERPRISE RETURNS													
5. Gross returns (per acre)	64.36	57.26	81.69	63.95	103.98	+62.60	183.35	+76.33	137.93	−24.77	160.47	+16.34	96.95
6. Cost (per acre)	53.28	61.81	83.51	71.26	78.60	+10.30	118.10	+50.25	124.91	+5.77	133.28	+6.70	80.17
7. Net return (per acre)	11.08	−4.55	−1.82	−7.31	25.38	+347.20	65.25	+157.09	13.02	−80.05	27.19	+108.83	16.78
8. Gross return (per hundredweight)	1.74	2.08	2.05	2.06	2.73	+32.52	4.15	+52.01	5.37	+29.40	4.22	−21.42	3.05
9. Cost (per hundredweight)	1.44	2.25	2.09	2.19	2.07	−5.48	2.67	+28.99	4.87	+82.40	3.50	−28.13	2.63
10. Net return (per hundredweight)	0.30	−0.17	0.04	−0.13	0.66	+507.69	1.48	+124.24	0.50	−66.22	0.72	+43.44	0.42
RETURNS INCLUDING GOVERNMENT PROGRAMS													
11. Gross returns (per acre)	76.51	88.88	108.82	82.05	128.12	+56.15	194.45	+51.77	140.00	−28.00	160.47	+14.62	90.34
12. Cost (per acre)	53.28	61.81	83.51	71.26	78.60	+10.30	118.10	+50.25	124.91	+5.77	133.28	+6.70	63.51
13. Net returns (per acre)	23.23	27.07	25.31	10.70	49.52	+362.80	76.35	+54.18	15.09	−80.24	27.19	+80.19	26.83
14. Gross returns (per hundredweight)	2.07	3.22	2.73	2.53	3.37	+33.20	4.40	+30.56	5.45	+23.86	4.22	−22.57	2.97
15. Net returns (per hundredweight)	0.63	0.97	0.64	0.34	1.30	+282.35	1.37	+5.38	0.58	−57.66	0.72	+24.14	0.78

1976 PROJECTIONS, IRRIGATED COTTON AND MILO
FARM MANAGEMENT ANALYSIS, PORTALES, N. MEX.

Items of comparison	Cotton			Milo		
	1975	1976	Percent change	1975	1976	Percent change
1. Number of farms	23	----------		43	----------	
2. Number of acres planted	48.6	----------		74	----------	
3. Average yield per acre	94	250	165	3,799	3,500	−7.87
4. Fertilizer cost per acre	8.39	8.39	0	20.48	20.48	0
5. Gross returns per acre	62.96	120.00	90	160.47	119.00	−25.84
6. Cost per acre	89.71	98.68	10	133.28	146.58	10.0
7. Net returns per acre	−26.75	21.32	179	27.19	−27.58	−201.43
8. Gross returns per unit (cents)	40.52	48.00	18	4.22	3.40	−19.43
9. Costs per unit (cents)	95.37	39.47	58	3.50	4.19	19.71
10. Net returns per unit (cents)	−54.85	8.53	115	.72	−.79	−209.72

EXHIBIT 2

TESTIMONY PRESENTED TO SENATOR PETE DOMENICI AT CLOVIS, N. MEX., BY JACK MUSE, PRESIDENT, NEW MEXICO WHEAT GROWERS ASSOCIATION

Senator Domenici: Thank you for taking the time to come here to discuss our problems in agriculture. I am Jack Muse, 32 years old and have been farming since June of 1964. I am also President of NMWGA. My farming career began when I leased 200 acres of irrigated land, and since that time my farming operation has grown to 1550 acres of irrigated land. 480 acres of the 1550 are mine, and 1070 leased. I raise corn, wheat, and milo. In 1976, my production consisted of 582 acres of wheat, 430 of corn, and 132 of milo, and I utilized 11 irrigation wells and three tailwater return systems to irrigate my crops.

I have been asked to relate some facts concerning the effect of energy costs on my operation. In considering this matter, the fact just kept coming to my mind that the greatest energy shortage or problem lies in the hearts of our farmers. Never before, in the 12 years I have been farming, have I seen the attitude and motivation of farmers at such a low state. The aggressiveness and determination which has for so long characterized the farmers in the Southwest seems to have been eroded by fall embargos, low prices, high production costs, huge carryover projections, and little prospect for any improvement in any of these areas.

I have prepared a chart showing the relationship of fuel costs for my wells and several different equipment items. A quick look at comparisons of 73–76 total costs for fuel give a very vivid picture of what higher energy costs are doing to farmers. It seems that the cost of Natural Gas for pumping is the most severe increase. While diesel fuel and gasoline prices have about doubled, the cost of Natural Gas has tripled, and is projected to be quadrupled by the summer of 1977.

To illustrate more vividly what has happened on my farm . . . . My normal wheat production is about 600 acres with an average yield of 65 bushels per acre, for a total of 39,000 bushels which is worth $91,650 at $2.35 per bushel. Due to many high costs of production items, but principally the high cost of Natural Gas for pumping, I have reduced my wheat average for 1977 to 240 acres of dryland, which has a potential of 20 bushels per acre for a total of 4,800 bushels or $11,280 at $2.35. This amounts to a loss of $80,370 in gross income. I would also like to point out that this is a loss to the local business community, state, and the nation. If the estimated farm dollar is circulated four times, what does this really mean to the local economy?

Another way to illustrate energy cost increase is in the fact that for the month of July, 1976, the Fuel Cost Adjustment for pumping on my farm was $2,762.81. Our base rate is almost equal to this 40¢ PCA adjustment so it makes the total bill about $5,200 for a months' pumping last July. Our rate has now gone from approximately 80¢ to $1.18.

Another area in which farmers are paying higher energy costs is in transportation. Our local grain price is based on Gulf Port bids for the most part. The local elevators get the Port bids and then start subtracting freight and handling to determine prices paid to farmers. Here again, higher energy costs cause higher freight and handling rates which the farmer is unable to pass on, but must absorb.

Grain drying is also another major energy expense for farmers. Fertilizer costs are also tied very closely to Natural Gas prices.

One thing that must be clear about the energy needs of agriculture is that a growing plant won't wait for water or cultivation. Its growth can't be turned off and on. We must have fuel at the right time.

Although most of the information I have given you is related to irrigation farming, it will be apparent from looking at the chart on tractor fuel consumption that the dryland farmers are in much the same shape.

Again, thank you for your concern and for coming here, and if you have any questions, I would be happy to try to answer them.

Well No.	Engine type	Pump lift	Size (inches)	GPM	HP	Natural gas (cu ft/hr)	Use (hrs/yr)	Annual consumption
1	454	410	6	450	70	820	4,000	3,280
2	454	410	6	450	70	820	4,000	3,280
3	454	410	6	450	70	820	4,000	3,280
4	454	410	6	450	70	820	4,000	3,280
5	454	440	6	450	80	940	4,000	3,760
6	702	450	8	800	140	1,600	4,000	6,400
7	478	440	8	650	110	1,300	4,000	5,200
8	748	460	8	1,000	180	1,450	4,000	5,500
9	478	460	6	550	100	1,200	4,000	4,800
10	413	430	8	600	100	1,200	4,000	4,800
11	315	35	----	600	10	120	2,000	2,400
21	292	70	----	600	17	200	3,000	600
31	216	40	----	500	8	110	2,000	220
Total use								44,940

[1] Tailwater recovery systems.

Note: Total use, 44,940 times cost at MCF: 1973, 40 cents—17,796; 1974, 56 cents—24,276; 1975, 73 cents—32,806; 1976, 88 cents—39,547; 1977, $1.50—67,410.

Tractor No.	HP	Diesel (gal/hr)	Use (hrs/yr)	Annual consumption
1	175	12	1,000	12,000
2	145	9	1,000	19,000
3	95	6	1,000	6,000
4	95	6	400	2,400
5	95	6	200	1,200
Combine	95	6	400	2,400
Trucks		[1] 4	[2] 4,000	1,000
Pickups		[1] 10	[2] 70,000	70,000

[1] Miles per gallon.
[2] Miles per year.

Note: Total use, tractor and combine: 33,000 times cost at total cost per year: 1973, 17 cents—5,610; 1974, 34 cents—11,220; 1975, 35 cents—11,550; 1976, 36 cents—11,880. Total use, trucks and pickkps: 8,000 gal times cost at: 1973, 29 cents—2,320; 1974, 42 cents—3,360; 1975, 47 cents—3,760; 1976, 50 cents—4,000. Grand total, cost of diesel and fuel per year: 1973—$25,906; 1974—$38,856; 1975—$48,116; 1976—$55,427.

EXHIBIT 3

A STATEMENT CONCERNING THE PROBLEMS RELATIVE TO FINANCING AGRICULTURE TODAY

(Presented to Hon. Senator PETE DOMENICI, Clovis, N. Mex., December 16, 1976)

Senator Domenici, as a representative of Clovis Production Credit Association, I appreciate this opportunity to meet with you and discuss the problems relative to the financing of agriculture today.

I'm not sure that everyone realizes that Clovis Production Credit Association is the largest agricultural lender in the state of New Mexico. During our last fiscal year we loaned farmers and ranchers of our area, which includes the counties of Curry, Roosevelt, DeBaca, Guadalupe and Quay, a total of $121,162,598. This is a lot of money! According to the last Federal Reserve figures that we have available, our association's penetration in this area has increased dramatically during the last few years. Last year we loaned 50% of all money that we loaned for agriculture on a short-term basis. Our purpose is to loan money to farmers and ranchers so they may improve their standard of living and accomplish the goals they have set for themselves. We are finding this more difficult to do all the time.

The table in Exhibit A shows the lending activity of this association since 1968 when I became President. Shown is the number of members served each year, the average amount of money used per member, the amount of loans that we've had as renewals at the beginning of each year, the percent of increase of these renewals over the previous years, the total amount of money loaned including renewals each year, with a percentage increase over the previous years, and the new money, that is money above the renewals that has been loaned each year. This is a frightening picture of what is happening to agriculture today.

In the last five years the amount of money used per member each year has increased from $138,140.00 in 1972, to $239,452.00 in 1976, or an increase of 73.3 percent. During the same period, due in part to an increase in the number of members served, total loans made by this association have increased from $65,759,282 in 1972 to an all-time high of $121,162,598 in 1976, or an increase of 84.25 percent. This increase is not a problem to the association, what really disturbs us is the fact that the amount of renewals since 1972, $18,271,428, has increased to $49,957,396 at the end of this year. This is an increase of 173.5 percent. Any illusions anyone might have that the farmers and ranchers of this area have been doing well should be dispelled by these figures.

A further study of this chart will show that the association had large increases in renewals during the years of 1973 and 1974 when we had the cattle crash. Then when the supply of grain was down to its lowest ebb in this country and grain prices skyrocketed, the amount of renewals in 1975 dropped to 19%, compared to 32% the previous year. In the beginning of 1976, our renewals were down to just 3.9% over what they were the previous year. This improvement in loans was due to the high grain prices and somewhat better cattle prices. At least our cattlemen were not losing as much money as in previous years. The frightening part of this is that when we geared up the productive capacity of American agriculture, at the urging of the President and Secretary of Agriculture and planted from fence to fence and had a bumper crop, the market fell because our anticipated exports market did not materialize. Our renewals have skyrocketed this year to date. American agriculture cannot survive under such conditions.

There has been a mistaken feeling throughout this country that farmers never had it so good. This is not so! The tremendous amount of money required for capital investments to increase efficiency and the increased cost of production have made it impossible for farmers and ranchers to show any progress. They have been staying in business up until this time because of the appreciation of their land value. We fear that this appreciation in land value has ceased due to the fact that our underground water is diminishing and dwindling energy supplies. We do not expect land values to decrease much, but for the next several years we see no reason for them to continue to appreciate or to be a marketable item. Exhibit B shows the percentage of our loans secured by real estate only.

After studying these facts it should not surprise anyone that many of the commercial banks are closing out their agriculture loans. They tell us that the risks involved in financing agriculture are greater than they are able to take. They realize the necessity of a strong agriculture to the economy, but would rather allow someone else with more expertise do the financing. Another farm lender, Farmers Home Administration, is so strangled with red tape and low lending limits that they are unable to help. This is creating an even larger increase in the amount of money the Production Credit Association must lend under the current hazardous conditions.

I am as firm a believer in the free enterprise system as any man. I believe in this free, market-oriented system, but it will not work under the conditions we have today. Some changes in American agriculture must be made.

The cattle industry has been in a sad situation since 1973. Grain farmers have done better during this period especially in 1974 and 1975 due to agriculture programs that reduced supplies in storage and the huge grain sales to other countries reduced our grain supplies to a manageable level. Farmers received prices that allowed them to make a reasonable profit. With these good years and in response to the government's urging, farmers planted fence to fence. They set a goal of maximum production and reached it. Their assurance of an open, receptive export market disappeared when the world as a whole had bumper crops. Former importers became exporters and purchase commitments were cancelled. Prices plummeted and farmers began to face the specter of bankruptcy. This is not good for our nation which depends on these few to feed and clothe them.

I think it is time for the Congress of the United States to start looking at maintaining a viable agriculture in America. This can be done by farmers securing a price that will pay them their cost of production plus a reasonable margin for their labor. In these periods of high inflation, and I'm convinced that the federal government is not going to stop this, independent, productive, farmers cannot survive the current surpluses and resulting low prices until the world has another bad crop year and we can dispose of our over production.

I do not believe that increasing price supports or target prices is the answer to our problem. Recently President Ford increased the support price for wheat. Today's market price for wheat has plummeted to near the support price. This has been the history of support prices. I'm convinced that if support prices are increased for wheat further and for the other grains that are produced in this country, that whatever price is established as a loan price, will be the market price. American agriculture, though it was stable, never flourished under these conditions.

For the market system to work in this country, we must get production in line with normally expected demand. I think the best hope of doing this is the revival of the old Soil Bank program which in my opinion was one of the best programs that we've ever had for American agriculture. The reason that I say this is because it saved our land and our resources until such time as they were needed. We have too much productive capacity in America today and it is not all needed. Therefore, I think we should re-institute a Soil Bank program whereby farmers can bid to retire their land over a period of time. The primary objective of this should be the retirement of land under irrigation in areas where water is secured from an unrechargeable underground formation. It does not make sense to me or to a lot of other people for a farmer to be pumping water that

can never be replaced, using natural gas that will not be replaced, using fuel imported from overseas at high prices, and go broke in the process. This is what is happening now. Under a Soil Bank program those farmers that want to place their land in the program can do so. Those that want to produce for the free market system have the opportunity to do so, but they will have a chance to make a profit because production will be reduced nearer to demand.

I know that only a small percent of the population of this country is engaged in the production of food and fiber. I know the problems that you as a Senator would face in Congress in trying to get this program enacted, but I believe the strong environmental groups in the nation would be allies in securing a program that would conserve our resources until such time as they are needed. I'm convinced that it will not be too many years in the future until all the productive capacity available will be needed to feed and clothe the people of our nation. We must start now to conserve our water, our energy resources, and above all our economic base, a free and productive agriculture.

EXHIBIT A

	Members served	Average use per Member	Renewals	Percent increase	Total volume	Percent increase	New money
Fiscal year:							
1977			$49,967,396	27.0			
1976	506	$239,452	39,238,400	3.9	$121,162,598	15.0	$81,924,198
1975	468	224,700	37,762,582	19.0	104,865,136	8.4	67,102,554
1974	466	207,610	31,667,448	32.0	96,748,455	5.2	65,081,007
1973	474	194,050	23,897,931	30.8	91,982,584	39.8	68,084,653
1972	476	138,140	18,271,428	29.3	65,759,282	34.9	47,487,854
1971	457	106,650	14,129,479	13.4	48,739,622	74.6	34,610,143
1970	460	88,500	12,453,496	20.5	27,911,492	4.7	15,459,996
1969	451	56,960	10,335,230	−5.4	26,659,000	5.8	16,327,770
1968	478	52,698	10,925,640		25,189,681		14,264,041

EXHIBIT B

	Number loans with RE	Directly supported by RE		
		Number	Estimated amount	Percent of total
Year:				
1970	74	29	$405,800	2.7
1971	98	40	648,500	3.6
1972	114	50	1,201,500	5.3
1973	118	32	739,500	2.6
1974	106	52	4,812,300	13.9
1975	122	53	4,607,200	14.3
1976	102	53	4,754,500	11.5

EXHIBIT 4

TUCUMCARI, N. MEX.,
December 30, 1976.

Senator PETE V. DOMENICI,
U.S. Senate,
Washington, District of Columbia

DEAR SENATOR DOMENICI: On your recent visit to Tucumcari, we discussed briefly with you what we feel a major economic problem, that of Agriculture. You suggested we put our thoughts in writing to you.

I have worked in Agriculture lending for 18 years, 7 years with Farmers Home Administration and 11 years here with Citizens Bank. During these years, increase in land values are the only way farmers in our area have been able to stay in business, but during the past 3 years, the large increases in production cost have caused these land equities to be used up. I can see that without a turn around in this trend, quite a number of family farmers are going to be out of business within 18 months.

This country must simply either, or:

1. Cut production.
2. Sell our commodities abroad.
3. Provide a greater federal subsidy.

I will cite 2 family farm operations that would be typical of our area, one dryland and one under irrigation.

DRYLAND

Age 50, married, 3 children, born and raised in this community. Owns 800 acres, rents 1100 acres, runs 50–70 cows; grain-wheat operation.

	Acres owned	Value	Total assets	Liabilities
1976	800	95,000	125,600	95,000
1975	800	90,000	152,800	82,000
1974	800	80,000	126,250	78,000
1973	800	68,000	109,000	24,770
1972	800	60,000	112,500	44,400

He has now sold his cows, the net worth decreased 37,500 in 5 years, even with land values increasing by 35,000. He must place his debt on long term with FHA and if the trend continues, their loan limit will not be sufficient to stay.

IRRIGATED

Age 35, married, 2 children, raised on farm in this community. Owns 355 acres, runs 40–50 cows; grain, wheat and alfalfa operation.

	Acres owned	Value	Total assets	Liabilities
1976	355	115,000	171,260	108,800
1975	355	105,000	172,560	98,855
1974	355	95,000	161,375	103,850
1973	355	93,000	165,525	90,000
1972	355	90,000	137,470	71,720

Net worth decreased $3,290 during these 5 years, even with land values increasing $25,000.

I believe FHA loan limits for direct real estate loans should be increased to $200,000 from the present $100,000 and their operating loans authority increased from $50,000 to at least $100,000.

I think generally farmers hate to see greater government involvement, but must realize they can not continue with high cost production and depressed crop prices. Past farm programs have been based on allotments, however, many acres in Quay County are not allotted.

It seems to me if two alternatives can be considered, direct payments to farmers to divert acres from production would be better than increasing support levels that would create high government storage cost. We must have a strong agriculture and all taxpayers may have to support it.

Yours very truly,

GRANT J. MORPER,
Vice President.

EXHIBIT 5

CLAYTON, N. MEX.,
January 31, 1977.

Re FHA Emergency Livestock Loan Program.

Mr. PETE V. DOMENICI,
Old Senate Office Building,
Washington, D.C.

DEAR MR. DOMENICI: One of the many topics of consideration during the New Mexico Bankers Association Agricultural Committee Annual Conference was the FHA Emergency Livestock Loan Program. The problems and concerns of the program voiced by the New Mexico agricultural bankers present prompted my writing to you for your consideration, review, and clarification of our interpretations of the program.

The major inconsistencies of the program identified by our state's agricultural bankers are as follows:

1. To many bankers' dismay, the line of credit program cannot be operated in the same manner as most bankers interpret "line of credit". After a herd of cattle has been sold and the operating funds have been applied to the note, the funds have to remain as applied and cannot be used to restock livestock for another season or year.

Many bankers have found that they cannot allow the livestock producer to pay on his note even though the producer made a profit with one season or one year's production of livestock because the funds cannot be reborrowed for the next season or year's production. Payment on the producer's note would leave him with no working capital or means to produce an income for living or further repayment. If the producer is other than a cow-calf operator and has sustained financial losses to warrant or qualify him for participation in this program, it would be impossible to expect the producer's livestock operation to provide enough income from the first year's operation or the first initial investment to repay the loan, pay interest, cover all operational expenses, living expenses, and allow for restocking. The producer and his banker need some means of clarification of this phase of the line of credit to assure both that the successful operator can operate more than one year without fear of foreclosure or discontinuation of funds.

2. Some bankers have been informed that a producer has qualified for the E L Loan, but cannot feed livestock in a commercial feedlot unless he owns the feedlot. Personally, I have not found any mention of this in the regulations, and have not visited with FHA personnel about it. However, it is of concern in some areas.

3. There is a definite problem involving the length of time in getting applications approved for producers. Many bankers indicated that they had not had any applications approved for their financially distressed producers and eventually discontinued their efforts. Other bankers were very disappointed with the time involved in getting qualified producers applications approved. Many indicated that six months was a fairly common time period. Often this delay caused a producer to completely miss a season, or for the yearling operator, resulted in a whole year without any income for living and operating.

Personally, I have worked on two applications for over six months. Before we could get approval, the producers became so dispirited that they sold all land, livestock, and equipment of necessity. Another application took fifteen months to be approved. This long delay in approving programs will make the banker and producer very disconsolate.

Aside from the concerns listed above, the New Mexico Agricultural Committee wants you to know that this program has been appreciated and realizes that it has helped many producers in financial distress. Many of them could not have been financed any other way and could not have survived the duration of our still existing livestock crisis without the assistance of the E L Loan Program.

We are writing in an effort to define problems encountered with the program. Many of the regulations seem unnecessarily cumbersome and have taken from the flexibility and effectiveness of this essentially good program. We recognize that the program was intended for the good of the producer and ask for your assistance in intepretation of these technicalities to facilitate communication between FHA, the producer, and the banker. We fur-

ther ask for an attempt to accelerate processing of the loans.

Thank you for your careful consideration of this extremely important issue involving a production of vital importance to our state as well as our nation!

Respectfully yours,

CLYDE G. HAISTEN,
Chairman, Agricultural Committee,
New Mexico Bankers Association.

(EXHIBIT 6)

Testimony presented to Senator Pete Domenici at Clovis, New Mexico by: Wayne Baker, President, Roosevelt County Farm and Livestock Bureau.

FOOD RESERVES

Food reserves have been thought wise ever since Joseph recommended them to the Pharoah of Egypt, and saved the people from seven years of famine. I don't think the question is, "Should we have reserves or not?" The question is: Where should we have them? Who should own and control them? How, when, and for whom should they be used? And how can they be insulated from the market place without depressing the market?

I believe we have reserves today. When we produce fifty percent more wheat than we use domestically and it averages out to be about one-fourth of all our crop acreage must be exported, we have reserves. Presently, about fifty percent of all grain is owned by the American producer and storage for this grain is paid by the American producer. This is not by choice but the result of, in part, government action. Our government has asked the American farmer to produce to his fullest capacity, then the government has allowed export markets to be lost by embargoes and longshoremen strikes. Our Congress in addition, has consistently legislated cheap food policies.

If we go back to government owned reserves or surpluses as we had in the 1950's and 1960's we would be taking a giant step backwards. This would further depress prices and force more farmers out of the business, which in turn would reduce the supply. Government managed and controlled agriculture is not in the best interest of our nation, or its farmers. This is one of the biggest reasons that Communist countries buy grain from us. I believe the reserve problem is best met when the government's part in agriculture is to preserve a good healthy market oriented agriculture. In this way, farmers and ranchers can do what they like best—produce products efficiently, and have an adequate standard of living for their families.

I do not believe we need government held reserves today, simply because we have a built-in reserve in our nation's ability to produce when the price is conducive to provide an incentive to the grower.

If, however, we have a grain reserve for political reasons, either national or international, I would outline some guidelines to be followed:

1. The reserves should be held and owned by the farmers. This must be done to allow the market to function. We all understand the political numbers game and how it works. If farmers did not retain control of the grain, any amount of government owned grain would depress markets. A government that can create reserves can also release the reserves. All urban legislators would know it was there, as well as importing nations in need of grain. Some have talked about the government going into the market when prices were low and purchasing grain. This would reduce the supply that year, but it would depress prices from then on. I think it would stabilize prices, but at an unreasonably low level.

2. The government should help build and pay for on-farm storage. If reserves are needed for national emergencies or world food shortages farmers cannot bear the burden of the cost.

Presently there is a very inadequate farm storage government loan; this loan provides for: (a) Needed storage space for one year's production of supported crops on a farm. (b) A loan of up to $25,000. (c) If the loan exceeds $10,000 it requires a first lien on the land. (d) All materials must be new. (e) A loan for 70% of the structure, excluding materials and labor for concrete work and electrical wiring. (f) A variable interest rate at the cost of money to CCC presently 7.5% for five years.

These requirements need to be greatly liberalized to be more in line with building costs today, and so that accessory equipment such as legs, dumping pits, etc. could also be built. The first lien requirements on the land make it very difficult to even consider such a loan. The facility should be big enough to hold more than one year's production.

3. Reasonable storage fees should be paid the farmer plus a two-three years recourse loan, based on reasonable average production costs. During this time the farmer himself could shift production to compensate for declining prices and have this time to price his product.

4. International money reserves could be established rather than government owned grain, to buy grain at market value when a famine or whatever emergency existed in another country.

Any establishment of government controlled reserves would have many adverse effects on all segments of agriculture. I believe it will make large supplies of cheap grain and put a ceiling on grain prices rather than a floor. This would encourage excessive feeding of cattle, hogs, and poultry, flooding the meat market quickly. I would like to see more on-farm storage as this would help stabilize farm prices at a more reasonable level with good effects for the livestock industry, the farmers and the American consumer.

EXHIBIT 8

WASHINGTON, D.C.,
March 8, 1977.

Hon. HERMAN E. TALMADGE,
Chairman, Senate Agriculture Committee,
Washington, D.C.

DEAR HERMAN: The Peanut Industry is the bright spot on the agriculture horizon in New Mexico because of the stability it provides for the entire Agricultural community. We are all well aware of the problems the agriculture and farming communities are presently facing. There are now great uncertainties as to production in the West because of the drought conditions.

The New Mexico peanut growers met this week with the Department of Agriculture for the 25th consecutive year to request an increase in Valencia peanut allotment. This year as in the past, they were able to establish the eligibility and need for more Valencia peanuts. The New Mexico State ASCS report on Valencia peanuts produced in 1976 indicates that all eligible Valencia peanuts went into commercial markets and brought 120% of support price to the farmer.

Peanuts have been grown in the State of New Mexico for over fifty years. My research shows that peanut acreage in New Mexico reached a peak during 1945, 1946, and 1947 with 14,000 acres planted in peanuts.

In 1956, an amendment to the farm bill was passed in the Senate, granting Valencia peanuts a 50 percent increase. The House seemed to feel that the Secretary could do this at his discretion so the amendment was rejected in the House. I am enclosing a copy of a letter from Congressman A. M. Fernandez to The Honorable Ezra Taft Benson dated April 6, 1956, describing this action is enclosed for your information.

SURFACE MINING AMENDMENTS

Mr. MELCHER. Mr. President, I ask unanimous consent that amendments No. 66 and 67 to S. 7 be printed in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 66

On page 117, beginning with line 22, strike out all through line 3 on page 118 and insert in lieu thereof the following:

SURFACE OWNER PROTECTION

SEC. 423A. (a) The provision and procedures specified in this section shall apply where coal owned by the United States land the surface rights to which are owned by a surface owner as defined in this section is to be mined by methods other than underground mining techniques. In order to minimize disturbance to surface owners from surface coal mining of Federal coal deposits, the Secretary shall, in his discretion but, to the maximum extent practicable, refrain from leasing such coal deposits for development by methods other than underground mining techniques.

(b) Any coal deposits subject to this section shall be offered for lease pursuant to section 2(a) of the Mineral Leasing Act of 1920 (30 U.S.C. 201a), except that no award shall be made by any method other than competitive bidding.

(c) Prior to placing any deposit subject to this section in a leasing tract, the Secretary shall give to any surface owner whose land is to be included in the proposed leasing tract actual written notice of his intention to place such deposits under such land in a leasing tract.

(d) The Secretary shall not enter into any lease of such coal deposits until the surface owner has given written consent and the Secretary has obtained such consent, to enter and commence surface mining operations, and the applicant has agreed to pay in addition to the rental and royalty and other obligations due the United States the money value of the surface owners's interest as determined according to the provisions of subsection (e).

(e) The value of the surface owner's interest shall be fixed by the Secretary based on appraisals made by three appraisers. One such appraiser shall be appointed by the Secretary, one appointed by the surface owner concerned, and one appointed jointly by the appraisers named by the Secretary and such surface owner. In computing the value of the surface owner's interest, the appraisers shall first fix and determine the fair market value of the surface estate and they shall then determine and add the value of such of the following losses and costs to the extent that such losses and costs arise from the surface coal mining operations:

(1) loss of income to the surface owner during the mining and reclamation process;

(2) cost to the surface owner for relocation or dislocation during the mining and reclamation process;

(3) cost to the surface owner for the loss of livestock, crops, water, or other improvements.

(4) any other damage to the surface reasonably anticipated to be caused by the surface mining and reclamation operations; and

(5) such additional reasonable amount of compensation as the Secretary may determine is equitable in light of the length of the tenure of the ownership: *Provided*, That such additional reasonable amount of compensation may not exceed the value of the losses and costs as established pursuant to this subsection and in paragraphs (1) through (4) above, or $100 per acre, whichever is less.

(f) All bills submitted to the Secretary for any such lease shall, in addition to any

rental or royalty and other obligations, be accompanied by the deposit of an amount equal to the value of the surface owner's interest computed under subsection (e). The Secretary shall pay such amount to the surface owner either upon the execution of such lease or upon the commencement of mining, or shall require posting of bond to assure installment payments over a period of years acceptable to the surface owner, at the option of the surface owner. At the time of initial payment, the surface owner may request a review of the initial determination of the amount of the surface owner's interest for the purpose of adjusting such amount to reflect any increase in the Consumer Price Index since the initial determination. The lessee shall pay such increased amount to the Secretary to be paid over to the surface owner. Upon the release of the performance bonds or deposits under section 419 or at an earlier time as may be determined by the Secretary, all rights to enter into and use the surface of the land subject to such lease shall revert to the surface owner.

(g) For the purpose of this section the term "surface owner" means the natural person or persons (or corporation, the majority stock of which is held by a person or persons who meet the other requirements of this section) who—

(1) hold legal or equitable title to the land surface;

(2) have their principal place of residence on the land; or personally conduct farming or ranching operations upon a farm or ranch unit to be affected by surface coal mining operations; or receive directly a significant portion of their income, if any, from such farming or ranching operations; and

(3) have met the conditions of paragraphs (1) and (2) for a period of at least three years prior to the granting of the consent. In computing the three-year period the Secretary may include periods during which title was owned by a relative of such person by blood or marriage during which period such relative would have met the requirements of this subsection.

(h) Where surface lands over coal subject to this section are owned by any person who meets the requirements of paragraphs (1) and (2) of this subsection (g) but who does not meet the requirements of paragraph (3) of subsection (g), the Secretary shall not place such coal deposit in a leasing tract unless such person has owned such surface lands for a period of three years. After the expiration of such three-year period such coal deposit may be leased by the Secretary: *Provided*, That if such person qualifies as a surface owner as defined by subsection (g) his consent has been obtained pursuant to the procedures set forth in this section.

(i) Nothing in this section shall be construed as increasing or diminishing any property rights held by the United States or by any other landowner.

(j) The determination of the value of the surface owner's interest fixed pursuant to subsection (e) or any adjustment to that determination made pursuant to subsection (f) shall be subject to judicial review only in the United States district court for the locality in which the leasing tract is located.

(k) At the end of each two-year period after the date of enactment of this Act, the Secretary shall submit to the Congress a report on the implementation of the Federal coal leasing policy established by this section. The report shall include a list of the surface owners who have (1) given their consent, (2) received payments pursuant to this section, (3) refused to give consent, and (4) the acreage of land involved in each category. The report shall also indicate the Secretary's views on the impact of the leasing policy on the availability of Federal coal to meet national energy needs and on receipt of fair market value for Federal coal.

(l) This section shall not apply to Indian lands.

(m) Any person who gives, offers, or promises anything of value to any surface owner or offers or promises any surface owner to give anything of value to any other person or entity in order to induce such surface owner to give the Secretary his written consent pursuant to this section, and any surface owner who accepts, receives, or offers or agrees to receive anything of value for himself or any other person or entity, in return for giving his written consent pursuant to this section, shall be subject to a civil penalty of one and a half times the monetary equivalent of the thing of value. Such penalty shall be assessed by the Secretary and collected in accordance with the procedures set out in subsections 418(b), 418(c), 418(d), and 418(e) of this Act.

(n) Any Federal coal lease issued subject to the provisions of this section shall be automatically terminated if the lessee, before or after issuance of the lease, gives, offers or promises anything of value to the surface owner or offers or promises any surface owner to give anything of value to any other person or entity in order to (1) induce such surface owner to give the Secretary his written consent pursuant to this section, or (2) compensate such surface owner for giving such consent. All bonuses, royalties, rents, and other payments made by the lessee shall be retained by the United States.

AMENDMENT NO. 67

On page 59, beginning with line 11, strike out all through line 22 and insert in lieu thereof the following:

"(5) the proposed surface coal mining operations, if located west of the one hundredth meridian west longitude, would—

"(A) not interrupt, discontinue, or prevent farming on alluvial valley floors that are irrigated or naturally subirrigated, but, excluding undeveloped rangelands which are not significant to farming on said alluvial valley floors and those lands that the regulatory authority finds that if the farming that will be interrupted, discontinued, or prevented is of such small acreage as to be of negligible impact on the farm's agricultural production, or,

"(B) not adversely affect the quantity or quality of water in surface or underground water systems that supply these valley floors in (A) of subsection (b)(5):

Provided, That this paragraph (5) shall not affect those surface coal mining operations which in the year preceding the enactment of this Act (1) produced coal in commercial quantities, and (2) were located within or adjacent to alluvial valley floors or had obtained specific permit approval by the State regulatory authority to conduct surface coal mining operations within said alluvial valley floors.".

55 ON THE HIGHWAY: SAVING ENERGY AND LIVES

Mr. PERCY. Mr. President, on January 30 the New York Times published an article by Ben A. Franklin entitled "Truckers Plan National Slowdown to Protest 55-M.P.H. Speed Limit." The article describes a recent effort by the Independent Truckers Association to go slowly on highways—40 miles per hour—as a means of protesting the 55-mile-per-hour national speeed limit.

A 55-mile-per-hour speed limit saves hundreds of thousands of gallons of gasoline. In so doing, we decrease our dependence on foreign producers, as well as decreasing the amount of pollutants our vehicles spew into the air each day.

These factors alone might lead us to retain the 55-mile-per-hour speed limit. There is an even more important consideration, however. Since the lower speed limits went into effect in 1974, over 27,000 lives have been spared from automobile accidents. Do we place so low a value on human life that we are willing to lose thousands of lives for the sake of slightly faster driving? I suggest not.

Mr. President, this article demonstrates how easy it is to forget the benefits of a 55-mile-per-hour speed limit. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TRUCKERS PLAN NATIONAL SLOWDOWN TO PROTEST 55-M.P.H. SPEED LIMIT

(By Ben A. Franklin)

ROANOKE, VA., Jan. 29.—Despite three years of Federal and state efforts to slow highway traffic to the 55-mile-an-hour limit imposed by Congress in 1974, the campaign has not only failed but has also inspired a type of Prohibition-era conspiracy to flout the law.

Starting at midnight tomorrow, the first concerted campaign to repeal the 55-mile-an-hour limit and raise it to at least 65 is to begin with a trucker's slowdown to 40 miles an hour. On Monday, there may be scattered traffic jams on the interstate highway system.

On this stretch of the four-lane interstate highway, the shield-shaped, red and blue route markers proclaiming "I–64" seem to be read by almost all drivers as "I go 64."

At 64 miles an hour, it is widely believed that many state troopers tend to overlook the 9-mile-an-hour excess in speed.

According to the International Association of Chiefs of Police, prosecutors and judges in some states and counties—the association will not say which ones—have been declining to bring to trial cases in which the offender does not exceed the old speed limit. In most states, that was 65 miles an hour.

The risk-taking mood of the majority of motorists was evident in observations by The New York Times in recent months, in which a borrowed police radar was used on three interstate highways in Virginia and Maryland: I–64, I–81 and I–95. The average speed of 70 vehicles clocked, about half of them trucks, was 64 miles an hour.

With citizens' band radio and radar detectors, some drivers, including truckers, were willing to go 70 miles an hour and over if the highway "was clean and green," meaning free of Smokey Bear, a C.B. term for state troopers.

PROHIBITION PARALLEL

The parallel to the Prohibition era, with its good-humored contempt for the law even among otherwise law-abiding citizens, is also evident in a gathering public campaign to repeal the 55-mile-an-hour speed limit.

Thousands of truckers, mostly independent owner-drivers, have been asked by the Independent Truckers Association to cruise on interstate highways on Monday at no more than 40 miles an hour.

The 40-mile-an-hour slowdown is meant to be a legal but nonetheless an attention-getting demonstration. The protesting truckers, marking the anniversary of spontaneous driver demonstration that snarled traffic in 1974, contend that the 55-mile-an-hour limit costs each independent driver—who profits by rapid deliveries and turnarounds—hundreds of dollars a year in traffic fines. The truckers association wants Congress to de-

cree a 65-mile-an-hour limit on interstate highways.

The truckers association grew out of the group that led such widespread demonstrations in 1974 against the 55-mile-an-hour speed limit and rising Federal fuel prices that some states mobilized the National Guard.

The association said that trucks from coast to coast will carry posters opposing the 55-mile-an-hour limit and that truck operators will "evangelize" automobile drivers over CB radio. But the truckers have been urged to stay within the law—not to cruise abreast at 40 miles an hour on a two-lane highway, for example. There are laws against obstructing traffic.

"TOWN MEETINGS" PLANNED

They are to proselytize nontrucking motorists by showing highway courtesy and by urging "four wheelers," or family cars, to join them in a series of "town meetings" opposing the 55-mile-an-hour speed limit at truck stops along the interstate highways.

The demonstration here, on the stretch of I-81 that runs down Virginia's Shenandoah Valley, is to be led by Mike Parkhurst of Los Angeles, president of the truckers association and editor of Overdrive magazine, and Bill Scheffer, a trucker from Breezewood, Pa., who is the association's eastern vice president.

ART MURPHY

Mr. CHURCH. Mr. President, recently Art Murphy, an Idaho State Senator was honored in a "portrait of a distinguished citizen" by the Idaho Statesman of Boise, our largest newspaper.

As the article notes, Art Murphy is truly "a self-made man" who was born in 1898 when Indians were still encamped on the shores of Idaho's Lake Pend Oreille, where he grew up.

Art Murphy has served in the Idaho Legislature—in both its House and Senate—at various times since 1936. He has presently served in the Idaho Senate since 1956, a term of service longer than any present legislator now in office, and the only one to serve as both majority and minority leader in both houses of the legislature.

But as important as politics have been to Art Murphy's life, he is also an avid sports fan and a former professional baseball player.

I ask unanimous consent, Mr. President, that this portrait of one of Idaho's most distinguished citizens be printed in the RECORD.

There being no objection, the portrait was ordered to be printed in the RECORD, as follows:

[From the Idaho Statesman, Boise, Idaho]

PORTRAIT OF A DISTINGUISHED CITIZEN

Art Murphy, state senator for District 4, is a true self-made man.

Born "on the wrong side of the Northern Pacific tracks" in 1898 when the Indians were still pitching their tepees on the shores of Lake Pend Oreille, Murphy remembers throwing coal off coal cars to keep from freezing during the winter.

Murphy dropped out of high school and signed a contract to play baseball with the Pacific International League in 1920. He joined the Northern Utah League in 1921 and the Timber League in 1926, where he led the league in batting with a .425 average.

In 1927, Murphy was purchased by Oakland in the Pacific Coast League, and played on the pennant-winning team. He also managed the minor-league Ogden team for the parent Oakland club in the first half of the 1927 season.

Murphy returned to Mullan in 1928 to work for the Federal Mining Co. and play baseball. He first ran for the Idaho House of Representatives in 1936. Since the salary of politicians in those days was $5 a day, no one campaigned and, Murphy says, he won because of his baseball fame.

Murphy lost in 1938 but returned to the legislature and became assistant House majority leader in 1940, when there were 50 Democrats and only nine Republicans in the House. He was defeated for the Senate in 1944, and did not run again until 1950, when he again was elected to the House.

He served another term in the House, and was first elected to the Senate in 1956, where he has served 11 consecutive terms. He has served longer than any other legislator now in office, and is the only legislator to serve as majority and minority leader in both houses.

Murphy was the first to sponsor a slot-machine bill, and also carried the first bill to establish a fish and game commission.

Murphy led the fight in the Senate for voting rights for 19-year-olds and helped revise the Idaho election laws.

Murphy was director of the board to restore the Cataldo Mission and the Wallace Museum and chairman of the platform committee at the Democratic convention.

He has served as president of the Mullan Chamber of Commerce and as the first civil defense director of Shoshone County.

Murphy, who has served under seven different Idaho governors during his long legislative career, is married to the former Anietta Rolfs of Mullan.

It was the sight of Murphy, affectionately called "Pops" by his friends, that brought tears to the eyes of former Gov. Cecil Andrus as Andrus finished his farewell State of the State address to the legislature upon becoming secretary of the Interior.

"He is a terrific guy," said Lt. Gov. Bill Murphy. "His record shows that the confidence the people at home give him is confirmed by the legislature. He has had a hell of a career."

NOMINEE FOR FTC CHAIRMANSHIP, MICHAEL PERTSCHUK, AN EXCELLENT CHOICE

Mr. PERCY. Mr. President, I would like to voice my heartiest approval of President Carter's nomination of Mr. Michael Pertschuk to the position of Chairman of the Federal Trade Commission. His selection is an excellent indication of what I hope will be a continuing commitment on the part of this new President to seek out the best qualified persons to head the independent regulatory agencies.

The selection also speaks well for the seasoned judgment of my esteemed colleague, the senior Senator from the State of Washington (Mr. MAGNUSON), who, as chairman of the Senate Commerce Committee, years ago had the good judgment and foresight to select the highly talented and respected Mr. Pertshuk as staff director of that committee.

Mr. Pertschuk is one of the most knowledgable persons to be found in the area of consumer protection and business regulation. His 15 years as a Senate staff member, universally respected by his colleagues, have made him intimately familiar with the legislative process and have thoroughly demonstrated his ability to work effectively with the Congress. As chief counsel to the Senate Commerce Committee for more than a decade, Mr. Pertschuk has shown himself to be a capable, imaginative, and conscientious leader.

Particularly gratifying is the fact, based on personal knowledge and acquaintance, that Mr. Pertschuk shares the desire of so many of us in the Congress to see the regulatory process be made more effective and responsive to the felt needs of the American public. Every effort must be extended to make regulations more clear, consistent, and sensible. Yet it seems almost as if the bulk of Federal regulations were drafted with the opposite goals in mind. Without sufficient direction, many of these rules and codes have grown, Topsy-like, to the point that they now diverge from or even contradict the underlying purposes of regulatory legislation—to promote competition and fair business practices.

I am confident Mr. Pertschuk concurs that the time has come for a reassessment of the goals of Federal regulation, a revision of the byzantine rulemaking procedures, and a review of agency performance. To this end, Majority Leader ROBERT C. BYRD, Senator ABRAHAM RIBICOFF, and I, along with 30 additional colleagues, have joined in sponsoring S. 600, the Regulatory Reform Act of 1977, which requires these tasks to be undertaken and completed according to a rigid discipline over the next 8 years.

I look forward to working with Mr. Pertschuk in this endeavor, and I welcome his nomination.

There appeared a short piece concerning Mr. Pertschuk's nomination in the March 7, 1977, issue of Newsweek. Although too brief to do proper justice to his distinguished career, it will nonetheless be of interest to anyone unfamiliar with his background, the respect he enjoys, and his accomplishments.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REGULATION: A TOUGH MAN FOR THE FTC

His name is hardly a household word, but as chief counsel of the wide-ranging Senate Commerce Committee, Michael Pertschuk is one of the most powerful men on Capitol Hill. The commerce committee has oversight powers covering virtually everything involving interstate or foreign commerce—and chairman Warren Magnuson has allowed the 44-year-old Pertschuk to run it as his own personal fiefdom for more than a decade. But while few Congressional staffers wield such influence, Pertschuk may soon be leaving the Hill. Last week, the White House spread the word that, pending an FBI background check, President Carter planned to nominate Pertschuk to head one of the most controversial and important agencies in Washington—the Federal Trade Commission.

The proposed appointment delighted consumer advocates. "Rarely has there been a more perfect match between the technical requirements of a government post and the talents of the nominee," proclaimed Ralph Nader, a longtime friend of Pertschuk. Some businessmen, however, were alarmed—though after weeks of rumors that Carter was considering flamboyant ex-Congresswoman Bella Abzug for the FTC chair, many were clearly

relieved at the choice. "He has a reputation for listening," said legislative-affairs chief Ed Grefe of Philip Morris, which along with the rest of the tobacco industry is currently the subject of an FTC investigation aimed at determining whether cigarette advertising is enticing young people to start smoking. "If Carter was serious in his campaign promise to be concerned with consumer affairs, he picked the most knowledgeable guy on Capitol Hill."

CREDIT

Pertschuk has worked in Washington for 15 years, serving as an aide to former Sen. Maurine B. Neuberger of Oregon before joining the commerce committee staff in 1964. As the committee's de facto boss, Pertschuk can claim at least partial credit for the creation of the Consumer Product Safety Commission, Federal standards for tires and flammable fabrics and many auto-safety and insurance reforms.

But perhaps his most conspicuous accomplishment has been his use of legislative clout to transfer the FTC from a somnolent backwater that rarely exercised its formidable statutory powers into an activist agency that often infuriates business.

It was mainly as a result of Pertschuk's prodding that Congress passed the Magnuson-Moss Act of 1974, which extended the FTC's jurisdiction beyond business "in" interstate commerce to those merely "affecting" it. What's more, it authorized the agency to establish tough new rules of conduct, telling businessmen from funeral directors to hearing-aid dealers just what they can and cannot do. The FTC, for example, is currently preparing regulations that will dictate to food producers which products they can advertise as being wholesome or nutritious.

It is this new activism—the agency currently has 749 separate investigations underway, ranging from the tobacco study to an effort aimed at breaking up the oil industry—that has embroiled the FTC in controversy. Businessmen charge that many of the probes are little more than costly fishing expeditions. And they complain that the blizzard of rules and regulations issued by agency lawyers in recent years seems designed more to harass business than protect consumers. Many businessmen are especially outraged at such actions as the FTC's "shared monopoly" case against breakfast-cereal manufacturers, based on the novel concept that a handful of firms can control the market without any overt conspiracy.

Pertschuk himself is maintaining a discreet silence until he is officially nominated, but friends say that he agrees with much of the criticism—up to a point. According to associates, he believes that FTC regulations have become too cumbersome and its procedures too lengthy.' He also is known to feel that too many of the FTC's bright young lawyers too often evaluate potential prosecutions with an eye to how winnable they are, not how much good they are likely to do.

ASSURANCE

But while Pertschuk will seek to streamline the FTC, associates say he will stress increased corporate competition and fair business practices. Moreover, he may well use his legislative expertise to push for consumer-protection laws that give the FTC even broader enforcement powers. How much he will actually accomplish will depend largely on how much backing he gets from Congress and Carter. But Pertschuk, who at first discouraged White House overtures to take the job, is no stranger to the art of the quid pro quo—and chances are he wouldn't have accepted the nomination without assurances of White House support. "Every industry lobbyist will scream for more staff and more money when Mike is appointed," says a former aide to Virginia Knauer, President Nixon's consumer adviser. "They're all afraid of him."

A BETTER WAY OF SELLING ARMS

Mr. KENNEDY. Mr. President, a recent article in the Christian Science Monitor suggests quite cogently that we explore with far greater enthusiasm cooperative procurement policies with our NATO allies in the areas of defense needs.

Robert E. McGarrah, a professor at the University of Massachusetts School of Business Administration, raises interesting examples of ways in which such standardized weapons use and development might produce significant cost savings.

I urge my colleagues to examine this article which suggests that—

Multinational cooperative programs to develop and export common conventional weapons are practical means for Washington to strengthen its leadership and the solidarity of the Western community and to reduce U.S. defense expenditures without risking Western security.

The only cautionary note I would offer is that the initial decisions as to what weapons are needed and what kind of sales are desirable must be made within a framework of an accepted political policy and a coherent arms sales policy.

To undertake a particular weapons system because of an offer to jointly fund its development from any nation makes no sense when that weapon is not essential to our own needs or conflicts with policies designed to reduce conventional arms in a particular region of the world.

I ask unanimous consent that the article "A Better Way of Selling Arms" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A BETTER WAY OF SELLING ARMS

(By Robert E. McGarrah)

The change of leadership in Washington should occasion a change in the American arsenal of democracy. The goal should be a multinational cooperative arsenal for democracy.

For decades the United States has stood alone as the military-industrial superpower of the noncommunist world. The Pentagon's arms policies of "buy American" *exclusively* and "export American" *aggressively* have evoked similar policies by other democratic governments.

U.S. Government competition with British, French, and West German governments for shares of global arms markets has inflicted unnecessary burdens of keeping redundant American and European arms firms from going bankrupt. Western governments' competition has spread or intensified the arms race in nonaligned countries more than competition between Western and communist governments.

Unlike their counterparts in nonmilitary production, Western arms firms are not free to compete or merge interests in a larger, more efficient North Atlantic or Pacific defense market. Washington refuses to procure arms from foreign industrial sources and demands that allied governments procure arms from American firms to pay cost of deploying U.S. forces abroad.

Although NATO governments are committed to their alliance for political and military security, U.S. policies for military-industrial independence have jeopardized the security of NATO military forces. Gen. Alexander M. Haig, Jr., Supreme Allied Commander of NATO forces, said that the "will, solidarity, and unity" of NATO forces is perceived by Warsaw Pact forces to be weak because of governments' failures to cooperate in developing and deploying standard weapons. Gen. Andrew J. Goodpaster, former Supreme NATO Commander, estimated that common weapons could increase NATO's military effectiveness by 30 to 50 percent for most units and up to 300 percent in the case of some tactical air units. In a recent study commissioned by the Pentagon it was estimated that NATO governments could save from $10 to $12 billion annually if their defense ministries developed and deployed common equipment for their military forces.

During the past several decades Americans spent about 7 percent of their gross national product (GNP) and about 45 percent of their federal budget for military purposes, while Europeans spent about 3.5 percent of their GNP and 18 percent of their national budgets for those purposes. If this burden had been shared equally, the U.S. defense budget could have been reduced, and the West's military-industrial solidarity and effectiveness would be much stronger than they are today.

While Americans have been spending more on defense, their allies have spent more to develop and export civilian products. The U.S. position has declined significantly in world trade of virtually all industrial goods. But U.S. exports of armaments exceed the combined arms exports of all other Western countries.

Of course, growth in technology and industry for military and civilian products requires the same resources now in more limited supply than ever before. The same dollars of federal contract expenditures for civilian products result in higher productivity and employment of more people than for military products.

Civilian products are used immediately after they are produced. But weapons are not, except in wartime. It could be that U.S. overinvestment in redundant arms industry capabilities, which cannot produce returns, has been a cause for the underinvestment, inflation and unemployment in industries for housing, mass transportation, antipollution systems, which do produce returns.

There are precedents for policies of cooperative arms development and exports. A study by the Rand Corporation for the U.S. Air Force found that the Japanese Government increased its funding and procurement of F–104–J aircraft by 20 percent because of cooperative arrangements for Japanese firms to participate with U.S. firms in production.

When, as negotiator for the U.S., this writer was able to offer British firms a fair opportunity to compete for production of "Mallard" field army communications equipment for the U.S. Army, the UK government agreed to fund 30 percent of the development costs. This was far more than its proportionate share of the total number of Mallard systems scheduled for deployment by allied armies.

The Belgian, Danish, and Dutch governments agreed to procure F–16 aircraft after the U.S. Air Force decided to procure the F–16 and U.S. defense firms agreed to cooperative production arrangements with their industries.

Multinational cooperative programs to develop and export common conventional weapons are practical means for Washington to strength its leadership and the solidarity of the Western community, and to reduce U.S. defense expenditures without risking Western security. Moreover, cooperative programs would facilitate international agreements for multinational companies to channel flows of funds, materials, technology,

and to schedule production and employment in the mutual best interests of cooperating nations.

Bribery payments to sell arms would no longer be encouraged. The image and performance of multinational firms could be improved.

Savings from cooperative arms development could be reinvested in contracts with U.S. industries for developing mass transportation, health delivery, or pollution control systems. The funds and centralized organization Washington now employs to promote arms exports could be diverted to promote exports of such civilian equipment.

Policies for U.S. military industrial independence are no longer realistic. Global resource limitations have already forced irreversible commitments to civilian-industrial interdependence for energy, food, and most other industrial materials and products. We should cease standing alone as the West's military-industrial superpower. The new administration and 95th Congress should resolve to authorize and fund Pentagon programs for conventional weapons if they are to be undertaken in cooperation with governments of other industrial, democratic nations.

IN COMMEMORATION OF 150 YEARS OF THE BLACK PRESS OF AMERICA

Mr. LUGAR. Mr. President. I take pride in paying tribute today to the black press of America, which was founded 150 years ago yesterday.

Freedom's Journal, the first newspaper to be published in the United States by men of African descent, appeared on March 16, 1827. The publishers of the weekly paper, John B. Russwurn and Samuel Cornish, were ardent, active abolitionists, and the objective of Freedom's Journal is explicit in its name.

Since that time, many hundreds of newspapers have been published by and for black Americans, and today we also have dozens of excellent "black" magazines—such as Ebony, Jet, Essence, Encore, Tuesday, and Dawn.

In my home State of Indiana we have several excellent black publications, including the South Bend Reformer, Frost Illustrated, the Gary Crusader, the Gary American, the Gary Info, the Indiana Herald, and the Indianapolis Recorder.

These and other black publications have truly become an American institution, and I am pleased to wish them continued success as they maintain the highest traditions of journalism.

GENOCIDE AND REFUGEES

Mr. PROXMIRE. Mr. President, a Washington Post article during the past week has described an often overlooked problem which results from the crime of genocide—refugees.

According to the article, Mr. President, thousands of Ugandan citizens have been forced to flee their homeland because of the determination of Idi Amin to wipe out members of the Acholi and Lango tribes. Christians have also been forced to flee the "tribal and religious genocide" in Uganda, bringing the number of recent refugees in Kenya to between 600 and 10,000.

The fate of these victims of Idi Amin's genocidal purge is difficult to comprehend. The Washington Post described the situation in this way.

> By the thousands, refugees . . . are streaming into Kenya to avoid the brutal regime of Amin. They feel they face death or torture at home. Here they face a hard life in a country that already has more refugees than it can handle.

Whether these people stay in their homes to suffer persecution or whether they flee to an unknown land, their lives will be forever disrupted. This sad legacy is one of the direct results of genocide and it is one reason why I have persistently worked for this body's ratification of the Genocide Convention.

Realistically, our ratification of the Genocide Treaty would probably not have saved the lives of the 2,000 to 5,000 persons who have died in Uganda since January. But our ratification of the Genocide Treaty would have provided more credibility to President Carter's criticisms of the Amin government, perhaps increasing the President's influence in the area.

The Ugandan situation has cast a spotlight on the genocide issue. It has also focused attention on our failure to ratify the Genocide Convention. Now is the time to act. I urge that we ratify the treaty at once.

FOREIGN VIEW OF U.S. ENERGY HABITS

Mr. PERCY. Mr. President, as we regain our footing after another energy shortage, it might be instructive to see what other nations are thinking of us.

The London Times last month carried an editorial entitled "The Price of American Waste." That editorial says in part:

> Energy conservation has always . . . been more profligate in the United States than in any other country. Houses and offices are hotter in winter and cooler in summer than anywhere else. Americans use larger, less efficient cars than any other people.

When I was in Japan recently I learned some of our Japanese friends think of us as "energy hogs."

In an article entitled "Blaming America"—Sunday Times of London, reprinted in the New York Times of February 28—Peter Rodgers writes:

> It is high time that the blame for causing the next energy crisis is put where it belongs, not in the Middle East but in America.

Peoples of underdeveloped nations are amazed at how much energy we waste. In many cases we waste more than another entire nation uses.

When we tally up the costs of our energy guzzling, in addition to considering environmental damage, loss of nonrenewable resources and dependence of foreign cartels, let us not forget also the contempt of other nations. Many of them have already learned to use conservation energy; so must we.

Mr. President, the two articles I mentioned, "The Price of American Waste" and "Blaming America," are reminders to us of how foolish our energy habits look to the rest of the world. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the London Times, Feb. 3, 1977]

THE PRICE OF AMERICAN WASTE

It is the weather that has brought the American energy crisis to the surface. Energy consumption has always, however, been more profligate in the United States than in any other country. Houses and offices are hotter in winter and cooler in summer than anywhere else. Americans use larger, less efficient cars than any other people. For a while, especially under the impact of the 1973 oil price crisis, there was some shift of fashion toward the compact car, with its better fuel performance. But the fashion was short-lived and Detroit is once again producing and selling "gasoline guzzlers" as it did in pre-Opec days.

For decades this profligacy was a matter of purely domestic concern, for the United States was effectively self-sufficient in energy from indigenous sources. From the 1950s onwards, however, American energy consumption has steadily outstripped domestic production. This widening gap has been filled by imports, first from Canada and Venezuela, but now in the main from the Middle East. The consequences, economic and political, of this shift have been profound.

President Nixon reacted to the 1973 oil price rises and the sudden evidence of Opec's political power with the much publicized Project Independence. Its aim was to restore the United States to complete self-sufficiency in energy by the mid-1980s. The Project, though its objectives were subsequently scaled down, must be deemed a failure. The United States is still importing over 40 per cent of its oil requirements and the effective dependence of the entire American economy on Middle East oil producers has increased and will inevitably increase further.

There are many factors contributing to this worsening situation. On the side of supply, the development of nuclear power generation has been slower than was forecast. The expansion of the coal industry has, likewise, lagged behind expectations. In both these cases, the increasingly effective environmental lobby has had a significant influence in slowing development. In addition, with its tenacious objections to the Alaska pipeline, the exploitation of those oil reserves has been long delayed.

On the side of demand, the situation has unquestionably been made worse by a deliberate policy of low pricing. The reserves of natural gas have been exploited to the point of exhaustion by the Federal Pricing Policy, under which low prices have hugely stimulated demand. With all oil products, however, the American economy has enjoyed lower prices, and consequently inflated demand, on a scale unknown in other industrial countries. The concepts of energy conservation have played no effective part in official American policy.

The United States is not unique in having failed to develop and implement a coherent energy policy. The European Community thought seriously about the problem in the shadow of the events of 1973. Today, however, lulled by temporary plenty, it is no nearer to a sensible policy than it was then. There is further the danger that, under immediate pressures from the balance of payments, our own Government will give insufficient weight to the arguments for conservation of the North Sea resources.

It is, however, the American energy economy and its imbalance that creates the international problem, because of its sheer size. The effect has been to destabilize international oil prices. It has effectively created the power of Opec by creating the conditions in which a producer cartel can be effective. By tying the American economy to the political instabilities of the Middle East it has created a whole new dimension of diplomatic and military problems. At an industrial level, also, there is increasing resentment that the

American economy is able to produce and compete with the rest of the world from the highly favourable base of cheap energy costs. For all these reasons, the rest of the world must have the closest interest in President Carter's attempts to produce a domestic energy policy which would be more effective than that of his two predecessors.

[From the New York Times, Feb. 28, 1977]

BLAMING AMERICA

(By Peter Rodgers)

LONDON.—It is high time that the blame for causing the next energy crisis is put where it belongs, not in the Middle East but in America. The land of big cars, overheated houses, stifling offices and half-empty airplanes is doing more to store up trouble for the rest of us on the energy front than the Shah of Iran and all the greedy hordes of the Organization of Petroleum Exporting Countries put together.

The world will be seriously short of oil by 1985, according to the Organization for Economic Cooperation and Development, which published an unusually sharply worded report on energy. But who is doing most to bleed the earth of its energy supplies without replacing them? Who is sucking in vast and increasing quantities of OPEC oil, threatening shortages which are likely to drive up prices a lot more effectively than any gathering of belligerent oil ministers?

None other than the home of the market economy, the United States—which has nothing resembling a free market in energy, and where oil and gas prices are kept down by haphazard legislation which actually promotes the profligate habits of its citizens. And if there is one single villain in this piece who is really helping OPEC, it is the American motorist. Encouraged by low prices and taxes, largely oblivious to the effect of American habits on the outside world, he is an oil gobbler whose return to his love affair with big cars is startlingly obvious. A trifling flirtation with small engines after the 1973 oil crisis seems to be over already.

The United States has a dominating influence on world energy which is worth spelling out. It uses as much as the rest of the 26 nations in the O.E.C.D. put together. It now imports a staggering amount of oil, nearly half of its entire consumption, sucking in this year nearly a third of OPEC's output, equivalent to four times what the British North Sea will produce at full flood. The rise in United States imports between 1974 and 1977 alone is roughly equivalent to an entire British North Sea's worth.

Yet some experts reckon that the United States could without much trouble save half a North Sea's worth of oil imports simply by using smaller and more efficient car and lorry engines. That may be too optimistic, but even the O.E.C.D.'s careful estimates suggest that two simple measures in transport could by themselves save 35 million tons of United States oil imports a year by 1985. These are a statutory increase fuel economy to 27.5 miles per gallon, and pooling of truck and aircraft operations.

The O.E.C.D. says that in theory the United States ought to be able to cut its oil imports by well over half by 1985, with a combination of conservation and encouragement to domestic producers to exploit new supplies. That is more than the rest of the O.E.C.D. countries could contribute together, and would be enough to prevent an otherwise serious oil shortage.

The story of American oil prices, which blatantly encourage higher consumption, shows why. In theory, Federal price controls, which keep domestic oil production well below OPEC price levels are to be phased out by April 1979. In practice, many expect that they will continue, because of the power of consumer lobbies and the opposition of Congress to something as politically unpopular as high prices. The chances of additional gasoline taxes, at a European level high enough to affect consumption dramatically are pretty remote.

If hopes of real conservation through prices are low, what about finding new supplies of energy? This is another side of America's chaotic policy. Forget solar energy and all the other gee-whizz ideas, and look at gas prices. These are a classic example, now enshrined in the text books, of how controlled prices prevent exploration and new production and backfire on the consumer. At this very moment, industrial supplies are being cut off in the United States to protect homes.

Theoretically these controls are being dismantled, but few people believe it will happen fast, despite a faltering start made last year. Yet according to the O.E.C.D., an end to gas price controls could bring the energy equivalent of another 70 million tons of oil a year to market by 1985, indirectly cutting United States oil imports and taking some of t' pressure for supplies off Europe, Japan and the developing world.

If the United States had done something about its imports from 1974 onwards instead of inventing high-sounding nonsenses like Nixon's Project Independence, there might have been no oil-price rise at all in January. It takes only a small world surplus to provoke price shaving, as the experience of 1975 has shown.

With President Carter about to stimulate the economy, some oilmen now fear that this could be a big enough boost to imports to produce world shortages later this year, not in 1985. Market forces and American car owners will be doing OPEC's job for it.

SOARING COST OF THE B–1 BOMBER

Mr. CULVER. Mr. President, the B–1 bomber is likely to cost even more than the latest official estimate of $94 million per plane.

According to information provided to the Senate Armed Services Committee, the price tag is now likely to jump to nearly $117 million for each aircraft.

Last fall, an independent cost analysis team in the Air Force calculated that production of the B–1 could cost 20 percent more than the current program estimates. In addition, recent changes in the program may add another $1.9 billion to the price tag. All together, the B–1 program could cost $28.5 billion.

If these internal Air Force estimates prove accurate, each B–1 will end up costing nearly $117 million, or nearly three times the original estimate of $40 million.

Though all estimates are necessarily imprecise, I believe this latest, much higher, estimate deserves the closest scrutiny. As I understand it, the independent cost analyst team made one estimate of a 4-percent increase in B–1 production costs, based upon the historical experience with a large number of aircraft. The team then made a second estimate, however, considering only the production costs of our most recent generation of combat aircraft, which resulted in the projected 20-percent increase above the current official estimate.

In addition to this Air Force estimate, the General Accounting Office, in a study of the B–1 released on February 16 of this year, concluded that "current estimated program costs could be exceeded by several billion dollars." This is further evidence that the official program estimates are likely to be well below actual costs.

It is clear that the plane we do not need will cost far more than we can reasonably afford. Even at the previous $94 million per copy estimate, the B–1 is not worth its enormous cost.

The marginal improvements promised by the B–1 do not justify these soaring costs. The more we spend on the B–1, the less money is available to meet more urgent military requirements as well as vitally important domestic needs.

For example, the money for each B–1 would be enough to buy 185 modern tanks, or at least seven of our best F–15 fighter planes, or more than 17,000 TOW antitank guided missiles.

If spent on domestic programs, the alternatives are also impressive. For the price of a single B–1 bomber, we could pay the operating costs of 1,000 rural health clinics for an entire year. For the same amount, we could provide a year of daily, family-style hot meals for 160,000 elderly people under current Federal nutrition programs.

In view of the ever-rising B–1 costs and the valuable alternative expenditures, I cannot see how President Carter, who called the B–1 wasteful and unnecessary during the campaign, could now decide to go ahead with this enormously expensive program.

Mr. President, I ask unanimous consent that the summary digest of the latest GAO report on the B–1 be printed in the RECORD.

There being no objection, the digest was ordered to be printed in the RECORD, as follows:

STATUS OF THE B–1 AIRCRAFT PROGRAM

The primary mission of the B–1 aircraft is to deter nuclear aggression by standing ready to deliver weapons from low altitudes at high subsonic speeds. Full-scale development of the B–1 began in June 1970 and flight testing of development aircraft began in December 1974.

From September through November 1976, the B–1 program was reviewed by the Air Force, outside panels, and the Defense Systems Acquisition Review Council. On December 2, 1976, the Secretary of Defense authorized the Air Force to proceed with production of the B–1 aircraft but required a review by the Defense Systems Acquisition Review Council before proceeding with production of the defensive avionics subsystem which is still in the development phase.

The production contracts were negotiated to limit the expenditure of procurement funds to a cumulative rate not to exceed $87 million a month through June 1977. The first production aircraft is scheduled to be delivered in 1979 with initial operational capability scheduled for May 1982.

GAO reviewed the status of the B–1 aircraft program with emphasis on flight and ground test performance and problems. The flight testing of the development aircraft has proceeded reasonably well and has disclosed no major problems which would dictate a delay in production. As with any major developmental program, testing has disclosed a number of areas that will require improvement. (See pp. 13 to 27.)

The major concerns over this program at

the current time are (1) the continuing increases in program costs and (2) the pace of development of avionics subsystems. (See pp. 6, 17, 18, and 28 to 31.)

The following are the important matters noted during GAO's review:

Many of the B–1 mission capabilities were demonstrated during the 417 hours of flight testing completed as of November 30, 1976. Some problems, involving aircraft components, the engine, and the offensive avionics, were not completely resolved and potential solutions must be flight tested further. Planned flight testing will continue into 1982. (See pp. 14 to 21.)

During flight tests, the B–1 was flown on terrain following runs at mach 0.85 at 200 feet. Because of test range limitations, each run was limited to a few minutes. While a complete demonstration of range has not been accomplished during flight testing, the Air Force stated that analyses based on the flight test indicate the B–1 will meet the range requirements. (See p. 10.)

The Air Force Test and Evaluation Center completed an initial operational test and evaluation of the B–1 weapon system in October 1976. Center officials said the B–1 will have the capability to perform the missions for which it was designed. As of January 11, 1977, the final Center report was not yet published and, thus, not available for review by GAO. (See p. 19.)

Static testing of major airframe components to 150 percent design limit load and an airframe to 100 percent of design limit load were completed. Aeronautical Systems Division engineering personnel have expressed concern over the adequacy of the B–1 static testing program. The Air Force recognizes that there is some risk involved in the latter; however, the Air Force considers this risk to be well within an acceptable level. (See pp. 22 and 23.)

Fatigue testing of major airframe components is scheduled to be completed in 1977. Fatigue testing of an entire airframe is scheduled to be done in 1981 and 1982. (See p. 23.)

The engine product verification test program was completed in August 1976. Engine thrust requirements were met or exceeded, but weight and some of the fuel consumption requirements were not met. The tests to date have not demonstrated the capability of the engines to ingest a required number of small birds without significant power loss. Problem solving, further development, and testing of the engine will be part of a continued engineering development program scheduled to last until 1979. (See pp. 24 to 27.)

Testing of the defensive avionics will begin in 1977. Analysis indicated that this subsystem's weight, electrical power, and cooling requirements will not be met but it is expected that when the subsystem is consolidated with other avionics items, the total weight, electrical power, and cooling specifications will be adequate. (See pp. 28 and 29.)

Program cost increased by $1,693.5 million to $22,889.5 million. An independent cost estimate was made in 1974 using different methodology and estimates of inflation then used for developing the current estimate. A comparison of the estimates shows that current estimated program costs could be exceeded by several billion dollars. Air Force officials stated that the differences in the estimates were well within the range of estimating accuracy. An independent cost estimate completed in 1976 was not made available during GAO's review because the Department of Defense considered it to be an internal document being used at the time for decisionmaking purposes. (See pp. 5 to 8.)

Development of the expendable countermeasures subsystem, which dispenses flares and chaff, began in 1976. Flight testing of this subsystem is planned for 1979. (See p. 30.)

The Air Force had not selected a tail warning set to detect the firing of air-to-air missiles so that expendable counter-measures can be more effectively used. (See p. 30.)

Since production of defensive avionics is not scheduled to begin until 1979 and the first delivery is not scheduled until 1981, the first 34 production aircraft will be delivered without defensive avionics and will require retrofit when the equipment becomes available. (See pp. 30 and 31.)

In approving the B–1 for production, the Secretary of Defense directed the Air Force to include in its follow-on testing: (1) nuclear hardening sufficient to meet the threat, (2) evaluation of detection range, and (3) alert response time and mission range. A test and evaluation master plan must also be submitted for review and coordination. (See p. 20.)

RECOMMENDATIONS

GAO recommends that the Secretary of Defense analyze the results of completed static tests to assess the risk of proceeding with B–1 production without static testing an airframe to 150 percent of the design limit load.

In view of the continually increasing cost estimate for the B–1 program, the Congress should require the Secretary of Defense to provide them with information on (1) recent independent cost estimates and the consideration given to these higher estimates in developing the most recent B–1 program cost estimate and (2) the results of the initial operational test and evaluation and the consideration given to the results in approving the B–1 for production.

A draft of this report was reviewed by agency officials associated with management of the program and their comments have been incorporated as appropriate.

THE IMPORTANCE OF THE INTERNATIONAL FINANCIAL INSTITUTIONS

Mr. PERCY. Mr. President, last week the Foreign Assistance Subcommittee conducted hearings on legislation to fund two international development banks, the International Bank for Reconstruction and Development—World Bank—and the Asian Development Bank.

In the hearings, we were considering an administration request for a very large amount of money—a multi-year authorization of over $5 billion. This figure is a little misleading, however, because over $2 billion of these funds are only pledged guarantees for certain types of loans, and would only be used in the event of large defaults. The IBRD has never had a default on a loan, so the chances of these pledged funds being "called" are considered remote.

Nevertheless, many Americans who have had to tighten their belts to pay the heating bills and the tax collector and to put nutritious food on the table are going to ask why—why should we be diverting our resources to other parts of the world?

One very important reason is that in terms of our own national interest, our long-run economic well-being will depend on the cooperation and economic health of the developing world. In this testimony, Treasury Secretary Blumenthal pointed out that the developing countries represent an important market for U.S. exports and are major suppliers of much needed raw materials to this country. Increasing monetary flows to the developing countries can provide a stimulus to world economic recovery by stimulating aggregate world demand. Multilateral lending institutions provide a very effective way of channeling these funds.

As another justification for U.S. participation in the multilateral development effort, I would proudly point out that the people of this country have never shrunk from an opportunity to help those in need. While all of the countries which borrow from the development banks need assistance to improve their standards of living, among these are many countries poor enough to be eligible for "soft loans" with low interest rates, long grace periods and long maturities. For example, the countries which borrow from the International Development Association, the soft-loan facility of the World Bank, have a per capita income of less than $200. The economic growth rates of the "poorest" countries are the slowest among any group of countries in the world. They need substantial concessional assistance just to meet minimum needs.

Almost no one has worked with the economic needs of the developing countries more closely than has Robert S. McNamara, who as President of the World Bank has been a highly effective spokesman on development issues. In his address to the Bank's Board of Governors in Manila last October, he discussed these needs. With regard to the poorest countries of the world, McNamara said:

> By any objective standard, absolute poverty is an anachronistic tragedy in our century. A tragedy because it is a condition of life beneath the level of human decency; and anachronistic because there are now at hand the economic and technological means to end it.

Mr. President, I ask unanimous consent that the text of Mr. McNamara's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS TO THE BOARD OF GOVERNORS

(By Robert S. McNamara, president, World Bank group)

I. INTRODUCTION

We meet this year against the background of a growing recognition that equality of opportunity among men, both within nations and between nations, is becoming a critical issue of our time.

The search for greater social justice, and a more equitable economic environment, is evident at both national and international levels.

At the national level it is leading to serious reexamination of earlier growth strategies. It is causing governments to focus more directly on the massive problems of the absolute poor—the hundreds of millions of individuals whose basic human needs go unmet. It is stimulating a search for new development techniques that can combine substantial economic growth with greater equity in income distribution.

At the international level, it is focusing on the immense income disparities between the developed and developing nations, and it is directing attention to the desperate plight of the very poorest countries.

On our meetings in this forum over the past three years, I have discussed the nature and extent of absolute poverty; the maldistribution of income in developing societies; and the immense disparity in wealth between the developing and the industrialized nations. Within the Bank, we have intensified our study of these problems and the weight of the evidence is that they are continuing to worsen rather than improve.

It is, then, these critical issues—issues that are growing more and more insistent—that I want to explore with you further this morning. In particular, I want to answer the question: how can the World Bank respond most effectively to them?

To develop the answer, I shall:

Review the trend of income growth in the developed and developing countries during the past decade, and project its probable course over the next—distinguishing between the problems of the poorest nations, and of the so-called "middle-income" developing countries.

Consider in the case of the poorest nations the fundamental reforms required if they are to make even minimal progress against the intolerable conditions of absolute poverty—reforms both in their own internal development policies, and in the international community's development assistance.

Examine the prospects of the middle-income developing countries, and the internal and external changes that must be made if they are to achieve their growth potential, and moderate the distortion in their income-distribution patterns.

Point out the contradiction which would result if the operations of the World Bank Group were to be restricted in the face of the demonstrable need of the developing countries for additional external assistance, and the stated intentions of the developed countries—as expressed in the Special Session of the General Assembly, the UNCTAD Meeting in Nairobi, and the North-South Dialogue in Paris—to help provide that assistance.

And finally, outline the action that will make it possible for the World Bank to contribute to meeting that objective.

These are the issues that all of us must face and deal with if we are to respond to the development task that lies before us.

Let us begin by examining income trends.

II. THE TREND OF INCOME GROWTH IN DEVELOPED AND DEVELOPING NATIONS

In the decade, 1965–75, the disparity in average incomes between those fortunate enough to live in the developed world and those who, by accident of birth, live elsewhere, remained immense.

INCOME DISPARITIES BETWEEN NATIONS[1]

[In constant 1975 U.S. dollars]

	Population (in millions)	Income per capita[2]		
		1965	1975	[3] 1985
1. Poorest nations (below $200 per capita)	1,200	130	150	180
2. Middle-income developing countries (above $200 per capita)	900	630	950	1,350
3. Developed nations	700	4,200	5,500	8,100

[1] Data for centrally planned economies are not published and, therefore, are excluded from the table.

[2] Because the per capita income data in the table are based on official exchange rates rather than purchasing power comparisons, which are unavailable, they represent only broad orders of magnitude.

[3] Long-term projections of economic growth are, of course, highly speculative. They are presented here not as predictions, but only to call attention to problems that may develop if action is not initiated in time to prevent them.

Average incomes in the poorest nations, with populations totalling 1.2 billion, grew at an annual rate of only 1.5%—$2 per year—during the period. And for tens of millions of individuals in these countries at the lower end of the income spectrum their already substandard levels of nutrition, housing, health, and literacy deteriorated even further. These societies have been unable to meet even the minimum human needs of the vast majority of their people.

The middle-incomed developing nations have done considerably better. As a group, they have achieved an overall growth rate for the decade of 6.8%—about 4% in per capita terms. As compared with the poorest nations, they have been able to take advantage of their more favorable endowment in resources, of better market opportunities, and of increased capital flows. Combined with their own vigorous efforts, these factors have made it possible for them to make some progress in reducing malnutrition and unemployment, and in expanding literacy and life expectancy.

Finally, there is the performance of the developed nations over the decade. It can be summed up very succinctly: whatever their other domestic and international difficulties may have been, the peoples of the developed nations enjoyed per capita incomes, in real terms, over the ten-year period that rose in absolute amounts more than in any comparable period in history.

The prospects for the next decade

What is likely to happen to income trends over the next ten years?

[4] The term "middle-income" can be seriously misleading as applied to these countries. It vaguely suggests "middle-class" as if they were somehow semi-affluent societies enjoying a broad level of prosperity. But that is a dangerous simplification. By any realistic comparison with the developed nations, these countries must content with serious problems of poverty.

For the poorest countries, the outlook is bleak: a projected per capita growth rate of at best 2% per year. And for tens of millions of human beings that means at most an advance in income of one to two dollars a year. Even if by extraordinary effort per capita growth rates could be expanded beyond 2%—and that itself is doubtful—it might well mean little or no real alleviation of absolute poverty. Growth in the gross national product, as essential as it is, cannot benefit the poor unless it reaches the poor.

It does not reach most of them now in any meaningful measure.

Could a development strategy be implemented that would reverse that?

It could.

But that would require extensive policy changes within these governments, supported by a comparable effort on the part of the developed nations.

The outlook for the middle-income developing countries is much more favorable. But, penalized by recent declines in their terms of trade and by the worldwide recession, they will not be able to recover their per capita income growth rates of the past decade unless a number of major actions are undertaken.

The governments of these countries must themselves take steps to increase internal savings, expand export earnings, and reduce the severe inequities in income distribution. And the international community must find a feasible way of providing them with additional flows of capital on appropriate terms, and reducing the barriers to their exports, particularly their manufactured goods.

I want to examine these matters now in greater detail. Let us begin with the critical situation in the poorest developing countries.

III. THE PLIGHT OF THE POOREST NATIONS

The past decade for most of the people in the poorest nations has been one of almost unrelieved deprivation. And the future offers little promise of improvement unless substantial shifts in policy are undertaken by both the governments of these nations and the international community itself.

We must try to comprehend what we in fact mean when we speak of poverty in this context. The word itself has become almost incapable of communicating the harshness of the reality. Poverty at the absolute level—which is what literally hundreds of millions of men, women, and most particularly children are suffering from in these countries—is life at the very margin of physical existence.

The absolute poor are severely deprived human beings struggling to survive in a set of squalid and degraded circumstances almost beyond the power of our sophisticated imaginations and privileged circumstances to conceive.

The table below compares conditions of life in the poorest nations and in the developed countries.

	Population (in millions)		Infant mortality (per thousand)	Life expectancy (years)	Malnourished (in millions)	Adult illiteracy (percent)
	Total	Absolute poor				
Poorest nations	1,200	750	128	50	600	62
Developed countries	700	<20	16	72	<20	1

Compared to those fortunate enough to live in the developed countries, individuals in the poorest nations have:

An infant mortality rate eight times higher;

A life expectancy one-third lower;

An adult literacy rate 60% less;

A nutritional level, for one out of every two in the population, below minimum acceptable standards; and for millions of infants, less protein than is sufficient to permit optimum development of the brain.

This is what absolute poverty means for some 750 million human beings in these nations. With an average per capita income of less than $100 today, and little more than a faint promise of a miniscule $2 annual increase over the next decade, they are locked into a set of circumstances that they cannot break out of by themselves.

It is not a scene that any one of us here—so favored, so fortunate, so surrounded in our personal lives by privilege and advantage—can contemplate without compassion and resolve.

The blunt truth is that absolute poverty today is a function of neglect—and of our neglect as much as of anyone's. For we here in this hall represent the governments, and the financial resources, and the international institutions best suited to end the curse of absolute poverty in this century.

Poverty tends to perpetuate itself, and unless a deliberate intervention is designed and launched against its internal dynamics, it will persist and grow.

The responsibility for such an effort lies first, of course, with the governments of the poorest countries themselves. Despite the

fact that in the past decade they have financed almost 90% of their development investments out of their own meager incomes—a fact not often recognized in the developed world—they must make an even greater effort in the future. They have, after all, invested less than $5 billion annually in agriculture (only 3% of their GNP and only 18% of their total investment program), less than $100 million in population planning, and wholly inadequate amounts in essential public services. And much of what they have spent has benefitted only a privileged few.

Yet whatever the degree of neglect the governments in the poorest countries may have been responsible for, it has been more than matched by the failure of the international community to assist them in the development task.

In recent years the poorest nations have received:

Only 6% of the total capital raised by all developing countries through long-term bonds;

Only 10% of the total borrowing by all developing countries in the Eurocurrency market;

Only 45% of the total concessional aid to all developing countries. As a result, the countries of South Asia, for example, received only one-third as much concessional assistance on a per capita basis as all other developing countries.

These instances could be multiplied.

But the central issue is that the plight of the poorest nations can be remedied only by deliberate decisive action, and that action must be taken at both the national and international levels. We must all accept two fundamental points.

The first is that the governments of the poorest nations have to redirect their own efforts to accelerate economic growth and reduce absolute poverty. A reasonable objective for them would be to meet the basic human needs of all of their peoples by the end of the century. They must begin by changing national investment priorities and by putting greater emphasis on assisting the poor to become more productive.

This will involve:

Intensifying the effort to expand domestic food production;

Taking more determined action to moderate population growth.[a]

And directing social services more equitably towards the poor.

The second fundamental point is that although nothing can be accomplished unless these governments themselves act, they clearly cannot meet such an objective without outside assistance. Therefore the international community must help them, and help them generously.

There are four principal ways the industrialized nations can make this help available:

By additional transfers of concessional assistance;

By reallocation of some of their existing assistance;

By easing the burden of present and potential debt; and

By expanding the opportunities of the poorest countries to earn more foreign exchange through exports.

Let us examine each one of these measures in turn.

The official development assistance target

The external assistance needed by the poorest nations over the past few years to achieve reasonable rates of economic growth, and to move toward meeting the basic human needs of their people, has been within the ability of the wealthy world to supply. And it would have been made available had the developed nations met the target, agreed on in the United Nations in 1970, of contributing 0.7% of their GNP to Official Development Assistance (ODA)—and had 0.2% out of this been earmarked for programs benefitting primarily the absolute poor.

But the target has not been met. Nor is there any present indication that it ever will be met.

In 1975 the flows of concessional assistance from 17 Development Assistance Committee (DAC) nations amounted to only 0.36% of their total gross national product, one-half of the target. There was a wide variation, however, within this groups of nations: nine countries provided more than 0.5% of their GNP as ODA; two provided less than 0.5%, but more than 0.3%; and the remaining six were below 0.3%.

This is clearly an unsatisfactory situation, and if the current trends are not reversed, ODA levels, as shown in the table below, are projected to fall to 0.33% by 1980.

ACHIEVEMENT OF ODA TARGETS BY OECD COUNTRIES

[In billions of constant 1975 U.S. dollars]

OECD country groups [1]	Share in total DAC GNP	1975 (estimated) ODA	1975 (estimated) Percent of GNP	1980 (projected) ODA	1980 (projected) Percent of GNP
I	22.8	5.5	0.64	7.5	0.70
II	17.1	2.6	.39	2.5	.31
III	60.1	5.5	.24	5.9	.20
Total	100.0	[2] 13.6	.36	15.9	.33

[1] Group I: Sweden, Netherlands, Norway, Australia, France, Belgium, Denmark, Canada, and New Zealand. Group II: Germany, and United Kingdom. Group III: United States, Japan, Finland, Switzerland, Austria, and Italy.

[2] Since 1974 OPEC members have made available about $5,000,000,000 per year in loans to other developing countries, of which approximately ½ could be classified as ODA.

But ways could be found even now to avoid such a wholly unsatisfactory outcome in 1980. If, for example, the countries that are currently lagging so far behind would agree to increase their flows of concessional assistance by adding to them over the next five years merely a small fraction—no more than 2 to 3%—of the amounts by which their per capita incomes will rise each year, the ODA totals by 1980 would be dramatically larger than shown in the table.

I believe it is time that the industrial nations themselves sat down and candidly reviewed their own record. And I believe they can and ought to come to some firm decisions as to what long-term commitments they are able and willing to make to the poorest nations—to nations whose own development efforts and plans depend so much on a more reasonable resolution of the current aid situation.

Reallocation of existing assistance

It will not be enough simply to increase the level of ODA. Its allocation must be improved as well. ODA should be increasingly directed to the poorest nations and, within them, to programs benefiting the poorest segments of their population. The penalty to the middle-income countries of such an adjustment should be offset by broader trade concessions and greater flows of private capital.

Currently the middle-income countries receive over half the total ODA. In fact, the distribution of concessional assistance on a per capita basis is some 60% higher in middle-income countries than in the poorest nations. If, for example, existing ODA were at least distributed equally between the poorest and middle-income countries on a per capita basis, it would mean an additional $1.5 billion each year for the poorest nations. This could have a very significant impact on the growth of their per capita incomes.

The International Development Association (IDA) is, of course, one of the principal instruments for channelling concessional resources to the poorest nations, and for insuring that these resources are allocated to productive projects benefiting the poorest segments of their societies. In recent years we have pursued a deliberate policy of increasing the share of the poorest nations in the allocation of IDA resources. In FY75 and FY76 these nations received 91% of all IDA commitments. Moreover, IDA resources are increasingly being directed to rural development projects, where they reach large numbers of the absolute poor.

I will return to this point later, when I discuss the replenishment of IDA's resources.

Growing debt burden

The dependence of the poorest nations on public as opposed to private sources of external finance is reflected in the table below. In 1975, public sources provided over 80% of the capital flow to these nations, and held over 80% of their outstanding debt.

DEBT STATUS OF THE POOREST NATIONS [1]

[In billions of current U.S. dollars]

	1973	1975	1980
Current account deficit before Interest payments	2.9	7.2	7.1
Interest payments	.5	.7	1.4
Changes in reserves and short-term debt	.2	—.7	.7
Total remaining to be financed	3.6	7.2	9.2
Financed by medium-and long-term capital from:			
Public sources	3.4	6.0	8.6
Private sources [2]	.2	1.2	.7
Total net capital flows:			
Current dollars	3.6	7.2	9.3
1975 dollars	5.1	7.2	6.4
Outstanding medium- and long-term debt:			
Public sources	18.6	23.6	41.7
Private sources	3.1	4.8	7.2
Total:			
Current dollars	21.7	28.5	48.9
1975 dollars	30.6	28.5	34.2
Debt service:			
Interest payments	.5	.7	1.4
Debt amortization	.9	.9	2.1
Interest payments as percent of GNP	.4	.3	.4
Debt service as percent of exports	12.7	11.5	12.2
Price deflator	71	100	143

[1] Excludes oil exporters.

[2] Includes "Direct Foreign Investment."

The table shows that the outstanding debt and the debt service of the poorest nations has risen since 1973, and is likely to rise still further between 1975 and 1980. However, the increases are not large when adjusted for inflation, and they appear still smaller when account is taken of the growth in exports during the same years. Even in 1980, the debt service burden of these nations, in relation to their exports, is likely to be about the same as in 1973.

The real difficulty that the poorest nations face is not the burden of the debt itself, but rather the very low level of capital flows—a level so low as to seriously limit their economic growth. Their growth was restricted by inadequate capital flows in 1973, and it is being similarly restricted today. Moreover, as the table indicates, these capital flows are likely to remain at a very low level in 1980.

The debt problem of the poorest nations is a long-term one which cannot be solved merely by short-term rescheduling and by further relaxation of already liberal terms. The critical issue here is the need for a substantial real increase in the net flow of capital to the poorest nations, from public sources, beyond the levels which now appear likely.

[a] This problem is, of course, of particular urgency, and rather than attempt to deal with it today, I plan to devote a major address to the subject soon.

Some developed countries could contribute to such an increase by enlarging their gross flows and by making future assistance available on grant or grant-like terms. Other countries have more flexibility and could move more directly towards various forms of debt relief. In either case, the principal objective should be a substantial real increase in net capital flows to the poorest nations over the next decade.

Expansion of exports and reduction of imports

Finally, the poorest nations—which have suffered far more than any other group of countries from the deterioration of their terms of trade over the past decade—must move closer to the long-run goal of standing on their own feet by earning, and saving, more foreign exchange. This will require a number of actions on their part, as well as the help of the developed countries. For example:

Economic policies and governmental procedures should be reshaped to stimulate exports. Such action would result in several billion dollars of additional foreign exchange earnings each year in the poorest countries. This is particularly true of those in South Asia, which have had a declining share in the world's exports of both commodities and manufactured goods in the last ten years.

An accelerated effort should be made by the industrialized nations to reduce the stiff tariff and nontariff barriers that continue to discriminate against a number of the exports of the poorest nations. If these could be substantially eliminated over the next decade, it would mean, in 1975 dollars, an additional $3 to $4 billion of export earnings annually by 1985.

The poorest nations must do more to diversify their exports. Some of them rely heavily on earnings from a few weak commodities such as jute, tea, and sisal, which face a very uncertain future in the world market. And yet there are about 15 million families—90 million people—totally dependent on these three crops for their livelihood. These nations need to restructure their patterns of production in order to reduce excessive dependence on weak commodities. They will need financing to help them to initiate such structural adjustments, and to create new sources of employment for the individuals linked to them.

The poorest nations must reduce their reliance on agricultural imports, particularly foodgrains. By increasing their food production, and by limiting their imports to the present level, they could save $4 billion per year in foreign exchange.

* * * * *

These, then, are the key elements in a program to accelerate economic growth and reduce absolute poverty in the poorest nations.

Is there a comparable approach to the problems in the middle-income countries?

Let me turn to that issue now.

IV. PROSPECTS AND PROBLEMS OF THE MIDDLE-INCOME DEVELOPING COUNTRIES [a]

As I have pointed out, the average annual growth rate achieved by the middle-income developing countries exceeded 6.5% over the last decade. In fact, 20 of the fastest developing countries, with 45% of the population of the middle-income group, experienced an average real growth of 8.8% per annum. Their 390 million citizens enjoy by now an average per capita income 75% higher than ten years ago. On the whole, it is fair to say that the middle-income developing countries have begun to establish a promising structure for high economic growth rates.

Given sound economic management at home, and reasonable support by the developed countries, these countries should be able to continue to strengthen their economies. They face, however, two serious problems.

The momentum of the growth of the oil-importing countries has been sharply interrupted since 1973. On a per capita basis, it fell to 1.5% last year as a direct consequence of the recession in their export markets, the increase in their energy costs, the deterioration in their terms of trade, and the persistent worldwide inflation.

Equally disturbing is the fact that in many of these countries there has been a serious neglect of equity in the distribution of employment opportunities, and in the allocation of public services that affect productivity. The inevitable result has been a severely skewed pattern of income distribution.

In some cases this may in part be due to a transitory stage of economic growth. But on the whole, the middle-income developing countries have greater distortions in their income distribution patterns than any growth theory could possibly justify. They have increased their gross national products over the decade, but the benefits of this growth have accrued disproportionately to the already more favored upper-income groups in their societies, and broadened rather than narrowed the gap between the privileged and the deprived.

This has led in a number of these nations to serious economic, social, and political turmoil. It could lead to a great deal more. These countries must devise institutional and policy frameworks within which the benefits of growth can reach the poor and disadvantaged much more equitably than in the past.

Though these countries do enjoy some distinct advantages over the very poorest nations, the fact remains that collectively they, too, contain large numbers of individuals—some 170 million—trapped in absolute poverty.

ABSOLUTE POOR IN THE RURAL AND URBAN AREAS OF MIDDLE-INCOME COUNTRIES

[1975: in millions]

Region	Absolute poor			Absolute poor as percent of population		
	Rural	Urban	Total	Rural	Urban	Total
Middle East and North Africa	10	30	40	25	27	27
Sub-Saharan Africa	32	8	40	29	27	29
East Asia	25	10	35	25	17	22
Latin America	20	35	55	18	18	18
Total	87	83	170	24	21	23

There are hundreds of millions more in what I have termed "relative poverty"; that is, persons with incomes somewhat above the absolute poverty level, but less than one-third of the national average. These individuals may feel even more frustrated than those in the poorest nations, since they live in an environment of visible economic growth. Their societies are progressing rapidly, but they are not.

A critical prerequisite, then, for continued and stable economic growth in these countries is the formation of an institutional and policy framework that will assure more equitable growth of income for all segments of the society.

But even assuming that effective action is taken by the governments of the middle-income developing countries to moderate these severe income inequities, there are at least three other requirements that must be met to assure long-term sustained growth. The first of these calls for action by the countries themselves, and the other two by both the international community and the countries working together:

The governments of the middle-income developing nations must place even greater emphasis than in the past on mobilizing internal resources for development;

The deterioration of the external debt profile must be arrested by more effective debt management, and by longer-term capital assistance;

And export trade must be expanded.

The restoration of economic growth

To recapture the momentum of growth, there must be a more intensified effort to mobilize internal resources. Over the past decade, investment in the middle-income countries averaged over 20% of their GDP. And nearly 90% of these investments were financed from their own domestic savings. External resource flows, while crucial in supplying the scarce foreign exchange and technical assistance, constituted only 2% of their GDP during the period.

But in the future there must be even greater emphasis on mobilizing and effectively utilizing savings. A prudent limit on the growth of overall consumption is required. And to avoid the anomaly of underutilized capital in a capital-scarce economy, governments will have to devise the kind of price and incentive systems that insure full benefit out of the investments made with such sacrifice. They will need to reassess their exchange rates, interest levels, relative prices, tariff structures, and the associated policies in their economies.

Most of the middle-income countries have demonstrated that they possess the management skills necessary to deal with the purely technical problems of growth. What remains far more uncertain today is the international environment in which they are struggling to recapture their growth momentum. In particular, their debt situation and the continuing protectionist sentiment of the industrialized nations tend to constrain their future prospects.

Debt management and external resource flows

If the middle-income countries do act to restrain the growth of their domestic consumption, and to strengthen internal resource mobilization, they will still confront the problem of a large external debt which is rising rapidly, as is shown in the table below.

DEBT STATUS OF THE MIDDLE-INCOME DEVELOPING COUNTRIES [1]

[In billions of current US dollars]

	1973	1975	1980
Current account deficit before interest payments	3.5	26.1	16.4
Interest payments	2.7	5.2	12.5
Changes in reserves and short-term debt	7.5	−3.1	1.4
Total remaining to be financed	13.7	28.2	30.3
Financed by medium- and long-term capital from:			
Public sources	5.2	8.6	10.9
Private sources [2]	8.5	19.6	19.4
Total net capital flows:			
Current dollars	13.7	28.2	30.3
1975 dollars	19.3	28.2	21.2
Outstanding medium- and long-term debt:			
Public sources	24.5	32.5	64.3
Private sources	31.1	55.8	113.9
Total:			
Current dollars	55.6	88.4	178.2
1975 dollars	78.3	88.4	124.6

Footnotes at end of table.

[a] It is obviously a gross oversimplification to consider the approximately 80 countries as one homogeneous group. They are not. Yet despite great differences among themselves, the middle-income developing countries taken as a whole are sufficiently distinct from the poorest developing nations to warrant discussing them as a separate category.

DEBT STATUS OF THE MIDDLE-INCOME DEVELOPING COUNTRIES[1]—Con.

[In billions of current US dollars]

	1973	1975	1980
Debt service:			
Interest payments	2.7	5.2	12.5
Debt amortization	6.2	6.1	22.0
Interest payments as percent of GNP[3]	.6	.8	1.1
Debt service as percent of exports[3]	18.0	17.0	25.0
Price deflator	71	100	143

[1] Excludes oil exporters.
[2] Includes "Direct Foreign Investment."
[3] Based on a sample of 25 countries that account for over 80 percent of the external debt of the oil-importing middle-income nations.

Events of the past three years—persistent inflation, deterioration in the terms of trade, and prolonged recession in the industrialized countries—have, in effect, swept away the progress they had made in reducing their dependence on external capital. All of these conditions have coalesced to increase their current account deficits from $6 billion in 1973 to $31 billion in 1975.

How was this increase of $25 billion financed? Only $3.4 billion came from government loans. A further $10.6 billion came from shifts in transactions affecting reserves. But the most remarkable element has been the unprecedented growth of private capital flows, which provided the other $11 billion.

Not only is this a large absolute sum, but it represents an increase that few would have thought possible. In 1975, the total net flow of private capital to the middle-income countries is estimated at almost $20 billion, nearly two-and-a-half times the estimated private flows of $8.5 billion in 1973, and more than twice the flows from public sources in 1975.

Most of the increase of private net capital flows has come through the commercial banks of the developed world. They provided a surprisingly large volume of resources, which enabled a number of middle-income countries to continue their economic advance in the face of adverse external conditions. If this flow continues it will help to maintain and even accelerate the pace of development. However, the increased role of the banks in financing the progress of the middle-income countries has created some problems of its own.

The most difficult one is the relatively short-term nature of this commercial lending. The present terms are on average far too short, not only because they discourage the use of such funds for longer-range productive investment, but also because, in the aggregate, these terms exacerbate the debt-service problem of these countries, and erode the creditworthiness which many of them have established over the past decade.

This deterioration in the debt structure of the middle-income countries is contributing to a rapid rise in the debt-service ratio. For 25 of the major borrowers, it is expected to increase from 17% in 1975 to 25% in 1980.

A major cause of the high debt-service ratio is the speed at which the short-term debts need to be rolled over. The interest-rate burden, despite a sharp increase from 1973 to 1980, still remains manageable. But the debt-amortization problem will become increasingly serious. Although in 1975 amortization amounted to only $6 billion, in nominal terms the same as in 1973, by 1980 it will rise to $22 billion.

The dilemma of the middle-income countries can, then, be simply stated. The sharp increase in their current account deficits has not been rolled back. Deficits at high levels are likely to continue for at least the next five to ten years if these countries are to generate the GNP growth rates of 6 to 7%, which are the very foundation for their creditworthiness. But continued heavy reliance on private sources for the financing of such deficits will require very large increases in the outstanding loans held by commercial banks and other financial institutions.[a]

To the extent that a large proportion of such debt is short-term, any temporary foreign-exchange liquidity problem—or even the prospect of one—can too easily be turned into a crisis, or the appearance of one.

This situation calls for a series of actions by national governments, the international commercial banking community, and the international financial institutions.

First, the governments of the middle-income developing countries themselves must recognize the new situation that has arisen. They must increase the current reduced level of savings; adjust relative prices so as to provide adequate incentive to expand both exports and food production; and closely monitor, and where necessary limit, additional external debt.

Second, the international banking community must accept the long-term nature of the financing problems of the developing countries. The most important question facing the lenders is what to do when most of the recent medium-term loans fall due during the next three to five years. This will occur at a time when there is likely to be stronger competing demand for credit from the industrialized nations, the centrally planned economies, and several of the oil-exporting countries.

It would be extremely unfortunate if all the good work that has been accomplished in expanding private flows for development in the recent past were to be undone. But can we really expect extraordinary efforts from the international commercial banking community if the official lenders themselves do not try to improve their own performance? That brings me to actions required by the third group I have mentioned—the international financial institutions.

There is no doubt in my mind—and I have discussed this matter with several bankers heavily involved in lending to middle-income countries—that the confidence of the commercial banking community would be substantially increased were it possible to restore the balance between private lending and official long-term lending to the developing nations. In the case of the middle-income countries, the principal sources of official long-term loans are, of course, institutions such as the World Bank and the Regional Banks. Their role is to serve as financial intermediaries between the world capital markets and these nations.

In view of this unique role, there is a manifest need today for a major expansion in both the capital structure, and lending level, in real terms, of the World Bank and the Regional Banks. I will deal with this issue in more detail a bit later.

Need for Trade Expansion

But larger capital flows, as vital as they are, are not the only ingredient needed in order to restore high GNP growth rates in the middle-income countries. In the long run, trade expansion is even more important.

And yet prospects for the needed expansion are far from encouraging.

A recent World Bank study concluded that the manufactured exports of the middle-income countries are likely to grow by only 10 to 11% a year over the next ten years, as compared to 18% in the decade ending in 1974.

This prospective rate of growth could be increased substantially if the developing countries would act to strengthen and broaden their export programs.

Only three groups of goods—clothing, textiles, and electrical machinery—account for over 50% of the middle-income countries' manufactured exports to the developed nations. Given the obstacles to the expansion of the first two groups, efforts must be made to diversify into many other products as well.

To take another example, just six developing countries account for two-thirds of all manufactured exports to the OECD nations. There is ample scope for other developing nations to participate in this trade and they should seek to do so.

The rate of growth of exports from the developing world would increase still more, of course, if the industrial nations were to liberalize access to their own markets. The present barriers to trade have been well documented, and there is no need to repeat them here. But I would emphasize that this is a field in which the interests of the developing countries and those of the consumers in the industrialized world are more complementary than competitive. Dismantling trade barriers, along with appropriate levels of adjustment assistance, will genuinely benefit both sides.

As a target, would it not be reasonable to expect that the remaining trade barriers imposed by the industrialized nations on the exports of the developing countries could be dismantled, or at least very substantially reduced, over the course of the next decade? If this were to be achieved, the potential benefits to the developing countries would exceed by far anything else that the international community could possibly do in the trade field.

Recent World Bank studies suggest that the elimination of tariff and nontariff barriers could increase export earnings of the developing countries by over $30 billion a year by 1985, in 1975 dollars.

ADDITIONAL EXPORTS RESULTING FROM ELIMINATION OF TRADE BARRIERS

[In billions of dollars, 1975 prices]

Country group	Manufactures	Commodities	Total
Poorest nations	3	1	4
Middle-income developing countries	21	8	29
Total	24	9	33

Much of the support for the remaining protectionism in the developed world understandably springs from the fears of those whose jobs and investments might be displaced. But a ten-year period for the dismantling of trade barriers would allow adequate time for the necessary advance planning and phased adjustments. And unless some such specific timetable is adopted, the political pressures of special-interest groups in affluent nations will prevail over the interests of the majority of ordinary citizens in the rich and poor countries alike.

V. THE NEED FOR A BASIC UNDERSTANDING

Let me now underline one of the major points I have made regarding the prospects of the two groups of developing countries.

Although the formula for economic advance in the middle-income countries differs from that applicable to the poorest nations, the action required is similar in one important respect: both groups of nations need additional support from the developed world if they are to achieve acceptable rates of growth.

It is the recognition of this fact which

[a] If the private lenders are to increase their assistance to developing countries, they need better information. The World Bank itself could help meet that need. We compile and publish debt statistics for our borrowing member countries and for the Eurobond and Eurocredit markets. But these data exclude much private lending and all short-term borrowings. If supported by the international banking community, the Central Banks, and the borrowers, we could go further and assist in the preparation and publication of comprehensive debt reports for each borrowing country.

led to the Special Session of the General Assembly last September in New York; to the formation of the Development Committee composed of Governors of the IMF and the World Bank; to the recent meeting of UNCTAD in Nairobi; and to the North-South Dialogues in Paris. And yet, to date, after more than a year of intense debate, there has been no agreement on the level of additional assistance to be provided to the developing nations.

The reason for the lack of agreement is, I think, obvious: the discussions have focused far too much on details—commodity agreements, buffer stocks, and so forth—rather than on fundamentals.

What is needed, in my view, is a basic understanding among the parties as to:

The nature and magnitude of the problem;

The action required to address it;

The relative responsibilities of the parties for taking such action;

The costs and benefits to each of doing so.

Such an understanding—a "global compact" if you will—would make clear in overall terms both the additional trade and aid support to be provided by the developed nations and policy reforms and structural changes to be undertaken by the developing nations. These should have as one of their major objectives the meeting of the basic human needs of the absolute poor in both the poorest and the middle-income countries within a reasonable period of time, say by the end of the century.

Once the broad limits of such an understanding have been established, then the specific form of assistance to be provided by individual developed nations to particular developing countries could be examined. It would then become apparent that it is relatively unimportant whether the assistance is to take the form of commodity agreements, debt relief, trade concessions, bilateral aid, or multilateral financing—or any particular combination of these—provided the overall total is adequate.

Whatever specific form the package of assistance takes, it clearly will need to include additional capital transfer through existing international intermediaries. And it is to that subject that I now want to turn.

VI. THE ROLE OF THE WORLD BANK

I want to consider three fundamental questions:

First, what the World Bank can and should accomplish in the poorest and the middle-income developing countries in the next several years;

Second, what problems must be dealt with if the Bank is to carry out that role in these countries;

And, finally, what actions need to be taken by the Governors to permit these problems to be solved in a timely fashion.

As I have pointed out, the two categories of developing countries each require external assistance, but on different terms. The poorest countries must have increased flows of concessional assistance if they are to attain even minimally acceptable rates of economic growth, and make headway in their efforts to enhance the productivity and income levels of the absolute poor. This is clearly IDA's role. Without an innovative and expanding IDA program, it is virtually inconceivable that the needs of these countries will be met.

The prospects for the middle-income developing countries are brighter, and the range of possible assistance more varied for many of these countries, in addition to improved trading opportunities, increased flows of long-term capital are particularly important. The IBRD and the Regional Banks can do much to help meet that requirement. The very raison d'étre of these institutions is precisely to overcome the reluctance of private capital to invest directly in the long-term debt securities of developing countries.

The uncalled capital subscriptions of these institutions constitute a form of multilateral guarantee, which has proven its acceptability in the market place. They have demonstrated a capacity to mobilize very substantial sums of private capital for development financing, and they have done so without impairing the access of those individual developing countries considered creditworthy by the market.

Moreover, the world Bank, as well as the Regional Banks, provides a great deal more than a simple transfer of resources. its loans and credits help finance high priority projects essential to development, but for which commercial finance is not normally available.

In particular, both the IBRD and IDA are emphasizing projects designed to raise the productivity of the poor in the developing nations. Before discussing the World Bank as a source of finance, I want to report briefly on the programs I have outlined to you previously that deal directly with these problems in both the rural and urban area.

Rural Development: Plans and Progress

Three years ago at our meeting in Nairobi I pointed out a series of measures that would be necessary in order to raise the productivity of the rural poor. Within the framework of a comprehensive program we identified several specific goals for the World Bank itself.

I stated our intention to increase lending to agriculture by over 40% in real terms in the five-year period, FY74–78, as compared to the previous five years; and proposed to direct an increasing share of our total lending to programs which directly assist the small farmer to become more productive. Over the FY74–78 period, our target was that 70% of all our agricultural loans should contain a component for the smallholder.

Where do we now stand on implementing this program?

There is every reason to believe that the goal set at Nairobi will in fact be exceeded.

Total lending to agriculture, in constant dollars on an annual basis, was more than twice as high in the last three years, FY74–76, as in the previous five. Because of this very rapid growth, the share of agriculture in World Bank lending has risen from 15% in FY72 to nearly 30% in FY75 and FY76, a major shift in emphasis over the three-year period.

Within this expanding overall agricultural program, there has also been a substantial increase in the proportion of assistance designed expressly for improving the productivity and incomes of the rural poor. Whereas only 27% of agricultural operations—10 per year—were rural development projects in FY 69–73, some 55% of the agricultural program in the last three years has focused on the rural poor, including 38 operations approved in FY76 alone.

In weighing the significance of these achievements it is important to consider what they mean in human terms. The operations approved in FY75 and FY76 are expected to benefit directly nearly 5.2 million farm families—or more than 30 million individuals.

Within the five years, FY74–78, we expect to finance projects which have as their objective substantially increasing the incomes—generally by as much as 200 to 300%—of 100 million of the poorest people in the developing countries.

Further, the data available for 60 Bank operations approved last year, or scheduled for approval this year, project an increase in rice and wheat production of over 5 million tons—an amount sufficient to meet the nutritional needs of some 25 million people.

Our efforts to assist the rural poor to become more productive are now fully launched, and I outlined to you last year our plans to initiate a comparable program for the cities.

Urban poverty

The profile of urban poverty differs considerably from that of the rural areas, and there is no simple analog to the small subsistence farmer and his family. But the central strategy remains the same: to help the poor become more productive.

What we are doing is expanding and redirecting our investment in the urban areas in order to insure that it results in increased earning opportunities. I indicated that this would be a major objective of our FY76–80 program. This past year we have taken the first steps toward that objective by translating the agreed-upon goals into operational targets, against which progress can be monitored.

Our new lending targets involve both direct lending for identifiable urbanization projects, and the reorientation of previously programmed lending for industry, development finance companies, and water supply and sewerage projects. Close to 50 new urbanization projects are planned for the five-year period, FY76–80. These will include site and services projects, squatter settlement upgrading programs, small-scale enterprise financing, as well as projects to bring to the poor such productivity-related services as transportation, electricity, and basic education.

But as promising as the rural and urban programs are, the truth is that the Bank is facing serious resource constraints which will severely limit its ability not only to finance these projects, but other forms of economic assistance as well. I want to turn now to this issue, and in particular to the relationship between those constraints and the role the World Bank is to play over the next several years.

Level of World Bank lending

In FY76, new financial commitments of the Bank Group totalled approximately $7 billion. As the table below indicates, in recent years the Bank Group has increased its lending very substantially.

	Average per year				
	1964–68	1969–73	1974	1975	1976
Financial commitments:					
Current dollar (billions)	1.2	2.7	4.5	6.1	6.9
Constant dollar (fiscal year 1976 commitment dollar)	2.7	4.1	5.1	6.5	6.9
Number of IBRD and IDA Projects	56	129	174	190	214

The role of the World Bank in the international development effort, and the scale of its operations, are further illustrated by the fact that at the end of FY76 it was supervising the completion of over 1,000 projects in 94 developing countries—projects representing a total investment of $65 billion, of which the Bank itself is financing $27 billion.

Yet if steps are not taken—and taken promptly—to relieve the resource constraints facing the Bank, this record of growing assistance to the developing nations will come to an abrupt halt and one of the world's principal sources of development finance could find its scale of operations being steadily eroded in real terms.

Commitments planned for the current fiscal year, FY77, amount to $7.3 billion, including $5.8 billion for IBRD. This is an increase over FY76 of 6% in nominal terms, but virtually no change at all when allowance is made for inflation. Moreover, without additional increases in the capital of IBRD, there can be no increase in future years in annual IBRD commitments in cur-

rent dollars above the $5.8 billion level. In real terms, therefore, IBRD commitments will actually decline, falling from $5.8 billion in 1977, to $5.5 billion in 1978, $5.0 billion in 1980, and to no more than $3.9 billion in 1985.

It might be argued that such a decline is only to be expected as countries come to rely more heavily on private finance. Yet, with the exception of a handful of nations such as Finland, Israel, Spain, and Greece, which either recently have, or soon will, "graduate" into the developed-member-country category, and can rely primarily upon the private capital markets, the 80 or 90 developing nations now dependent on the World Bank as a major source of external capital will continue to require that assistance for at least the next decade. Indeed, the majority of them will require it for two or three more decades. Clearly, then, we must take these resource constraints seriously, try to understand how they have arisen, and determine what can be done to relieve them.

Resource Constraints

The first constraint I want to examine is that affecting IBRD. As most of you know, there is a ceiling on total IBRD lending that is written into the basic Article of Agreement. The ceiling requires that the total of loans outstanding at any one time not exceed subscribed capital and retained earnings. Currently the Bank's subscribed capital is about $31 billion, and its retained earnings about $2 billion, constituting a statutory limit of $33 billion.

It may be helpful to put the evolution of the Bank's subscribed capital into historical perspective. When the Bank was founded at Bretton Woods 30 years ago, it was provided a capital base of $10 billion.

The framers of the Articles of Agreement were well aware that if the Bank were successful, it would some day be necessary to expand this capital base. After a little more than a decade of operations that point was reached, and in 1958 the first general review of the Bank's capital structure took place. The outcome of this review was an agreement to double the Bank's capital to a level of $20 billion.

During the 1960s and early 1970s there were no further general reviews of the Bank's capital base, though there were periodic increases on a smaller scale. These minor increases were mainly designed to permit adjustment in the relative positions of individual countries in the Bank in parallel with similar changes negotiated in the IMF.

When the IBRD lending program for FY74–78 was first presented to the Executive Directors in late 1971, there was no mention of any requirement to increase the Bank's subscribed capital to permit implementation of that program—and for a good reason. The long-term projections indicated that the statutory ceiling on Bank operations would not be reached until about 1990.

What happened subsequently is a matter of record. The inflation assumptions which seemed reasonable just five years ago—2% per annum—turned out to bear little resemblance to the double-digit inflation that has actually taken place. It is this factor above all others that lies at the root of the IBRD capital problem and which explains why a constraint that once seemed so distant has now become critical to the Bank's role in the immediate future.

The first major revision in the FY74–78 program that took account of the new rates of inflation was presented to the Executive Directors in June 1974. The changes proposed then in the real level of IBRD lending were relatively small, but the changes in nominal commitments, because of the escalating inflation, were large. Whereas earlier IBRD commitments totalling $14 billion for the five-year period had been envisaged, the revised total was over $22 billion.

When allowance was made for the inflation rates expected after FY78, it became apparent that the restrictive effect of the statutory ceiling on Bank lending would be felt before the end of the 1970s. Recognizing the lead time required to negotiate and to obtain legislative approval for a capital increase for the Bank, we announced our intention then, in June 1974, to begin negotiations on the form, size, and timing of such an increase.

In the event, it required two full years to conclude the first step in the recapitalization of the Bank. In May of this year, the Executive Directors recommended to the Board of Governors a Selective Increase in IBRD capital amounting to $8.3 billion. This was a useful and necessary first step.

But the negotiations on the Selective Capital Increase side-stepped the issue of what growth objective would be appropriate for the Bank over the next several years. The Selective Increase was required to permit adjustment in the relative positions of individual countries in the Bank—in parallel with similar changes negotiated in the IMF—and to support continued lending at the modestly higher level planned for FY77, i.e., $5.8 billion. Debate on what positive rate of growth should be sought for future years was deferred. But it can be deferred no longer.

I believe that the discussions of the second step in the recapitalization of the IBRD ought to begin immediately, and ought to seek an early consensus on a desirable growth objective for the Bank over the next decade.

I recognize that support for any program calling for a real rate of growth will carry with it a number of implications that will require careful scrutiny. The associated borrowing requirements will need to be considered against the background funds. The staffing implications will have to be examined. And, of course, the capital structure of the Bank will have to be reviewed and the budgetary costs to member governments of supporting an adequate capital increase will have to be weighed. Such costs, it should be emphasized, would not be reflected in national budgets or in payments to the Bank until the mid-1980s.

I hope it will be possible to reach an early consensus in favor of an IBRD that is growing adequately in real terms and is committed to assisting governments in their efforts to improve the productivity of both the rural and urban poor. But I expect no decision, and am requesting no action, on this matter during this meeting. Beginning this fall, we shall present to the Executive Directors a series of papers addressed to the issues I have mentioned. It is then that the discussion of the role of the Bank over the next decade can begin in earnest.

My purpose in bringing these matters to your attention today is to provide—with respect to the World Bank at least—a sharper focus for the continuing debate on what the relations should be between the developed and developing nations. Moreover, a longer-term perspective is helpful in resolving another issue that is of more immediate concern; namely, how to avoid an interim and, in my opinion, most undesirable reduction in the real level of IBRD assistance to the developing countries during the period when the recapitalization of the Bank is being completed.

If we follow the path of least resistance, and merely maintain IBRD lending at its current level of $5800 million until formal agreement is reached on the Bank's recapitalization, I fear that the developing nations will have lost irretrievably several hundred million dollars of badly needed financial assistance, and this at a time of great financial stress for many of our borrowers.

In a period of persistent inflation, a lending program that is frozen in nominal terms inevitably means a steady erosion in real terms.

I do not believe a reduction in the real value of IBRD lending in the next two or three years is an objective desired by any of the Bank's member countries. If we allow it to happen, it will be by default, not by design. There are viable alternatives. Let me suggest, very briefly, three of them for your consideration.

First, an increase in the level of Bank lending next year could be offset by a further tightening in the repayment terms of IBRD loans. A substantial hardening of repayment terms has already occurred in conjunction with the increase in Bank commitments to $5800 million in FY77. A further hardening is undesirable, but our borrowers would find this alternative preferable to a reduction in the real value of commitments.

A second alternative would be to increase Bank commitments above the level that could be sustained indefinitely without a further capital increase. The adoption of this alternative would mean that if agreement on a further capital increase were not subsequently achieved, it would be necessary in later years to reduce Bank lending, even in nominal terms, below previous levels. However, so long as this cutback did not have to be so large as to seriously disrupt the work of the institution, it would be consistent with the understanding reached by the Executive Directors earlier this year; that is, the Bank operations and financial plans should not presume a capital increase until it has been approved in principle by member governments.

A third alternative would be to structure the discussions of the Bank's recapitalization in a way which would permit an agreement by next June that the second step would be at least as large as that required to permit a reasonable real growth for the Bank in the next two or three years.

Under any of these three alternative approaches it would not be necessary to obtain legislative action to complete the recapitalization of the Bank until 1980, and payments would not need to begin until 1983. Nothing I have said is intended to suggest that these intervals should be compressed.

The consensus concerning the future role of the Bank must be based on full discussion of the issues involved. My concern, which I believe many of you share, is that in taking adequate time for these deliberations we should not accept an unintended and avoidable interim reduction in real IBRD assistance. There are practical alternatives. I commend them to your consideration; and urge that a decision among them be made in the very near future.

Replenishment of IDA

Let me move now to the other major constraint on our activities—the availability of IDA funds.

All of us are aware of the crucial importance of expanded concessional assistance to the poorest nations. It would be a tragic irony if in the very midst of the effort to strengthen economic relations between North and South, the international community were to falter in its support for IDA, a proven and effective institution that has become the largest single source of concessional assistance to the poorest of the poor.

Failure to support IDA will be interpreted—and not unreasonably—as a clear indication that the international community's concern for the poor is little more than empty rhetoric.

In my address to you last year, I pointed out that the new replenishment of IDA's resources should be established at a level sufficient both to offset fully the effects of inflation, and to provide an appropriate measure of real growth. I urged support both by the traditional donors, and by the capital-surplus oil-exporting countries, and emphasized that decisive action was required if we were to avoid procedural delays that in the end penalize not the Association, but the

poorest countries that all of us are trying to help.

Now, a year later, I must report that progress has been painfully slow. Despite meetings of the Deputies of finance Ministers in November 1975, and again in February and June of this year, there is as yet no final agreement on the amount of the Fifth Replenishment. Moreover, the burden-sharing arrangements have not yet been negotiated.

The only encouraging point in this otherwise bleak prospect is the forthright support IDA has received from a number of countries. Several governments have explicitly supported a replenishment level of $9 billion for the three-year period. Moreover, the government of Kuwait has indicated its willingness to accept a more than fourfold increase in its share of IDA financing up to a level of 2.5% of the total, provided that the traditional OECD donors make a contribution sufficiently large so that there is no question of Kuwaiti funds merely substituting for OECD efforts.

Many other countries have concluded that contributions of between $7.2 and $7.5 billion seem reasonable for the OECD countries. Contributions from the oil-exporting countries, and certain others, should then bring the total to between $8 and $9 billion. I am optimistic that a replenishment of this general magnitude can be successfully negotiated.

There is now, however, almost no chance that the negotiations will be completed in time to permit legislative ratification by June 1977. Yet IDA's commitment authority will be exhausted by that date. Indeed, mainly because of erosion in the U.S. dollar value of the contributions agreed upon at Nairobi three years ago, IDA's commitment authority in the current fiscal year will have to be substantially less even in nominal terms than the amount committed last year.

There is no practical action available to repair the reduction in IDA commitment authority this year. But we can and must act to prevent a complete hiatus in IDA operations beginning June 30, 1977.

The first step is for the Governors firmly to commit themselves to conclude the negotiations for the Fifth Replenishment of IDA no later than March 31 of next year. There is no reason why such a deadline cannot be met, given the requisite determination. Without an agreement by then, the task of arranging for bridging commitment authority after June 30 will be immeasurably more difficult. Hence, a firm commitment to complete these negotiations at least 90 days before that date is the first priority.

Given such a commitment, and assuming the negotiations can be successfully concluded, the problem then becomes one of permitting IDA operations to continue in the period prior to legislative ratification of the replenishment agreement.

In the past, IDA has managed to avoid major disruption to its operations through the generosity of donors who have been willing to make all or part of their contributions available to the Association in advance of formal ratification of the agreement. Some of these countries are understandably reluctant to see their voluntary acts of generosity become a standard practice to be invoked every three years. However, I hope that these countries will be reassured by recalling that when in the past they made advance contributions, the other donor countries did eventually come forward with matching commitments. And since the latecomers were then called upon to catch up with the earlier contributions, the actual financial sacrifice by the advance contributors was small.

In any event, the essential point is that the gap be bridged. I have asked that the subject of bridging arrangements be added to the agenda of the meeting of your Deputies scheduled for next week in Kyoto.

I hope and expect that with sufficient goodwill the contributing countries can find a way to deal with the risk that the agreement they reach in the spring will be modified subsequently in the course of obtaining legislative approval. I feel sure that none of the donors would wish to make the poorest countries the victims of this risk by allowing a gap in IDA's commitment authority to emerge.

VII. SUMMARY AND CONCLUSIONS

Let me now summarize and conclude the central points I have made this morning.

If we look about the world today realistically, it is evident that the desire for a greater degree of equity—for a more just and reasonable equality of opportunity among individuals, both within nations and between nations—is becoming a major concern of our time.

It is a trend that has been gathering momentum for a century or more. The rise of the labor union movement, the drive against racial discrimination, the expansion of civil rights, the enhancement of the status of women—these and similar movements have all had an ingredient in common: the surge towards greater social justice and more equitable economic opportunity.

This broad thrust is growing more insistent today in all nations. It is searching for new solutions to the intolerable problems of poverty.

The per capita incomes of the more than one billion human beings in the poorest countries have nearly stagnated over the past decade. In statistical terms they have risen only about two dollars a year: from $130 in 1965, to $150 in 1975.

But what is beyond the power of any set of statistics to illustrate is the inhuman degradation the vast majority of these individuals are condemned to because of poverty.

Malnutrition saps their energy, stunts their bodies, and shortens their lives. Illiteracy darkens their minds, and forecloses their futures. Simple, preventable diseases maim and kill their children. Squalor and ugliness pollute and poison their surroundings.

The miraculous gift of life itself, and all its intrinsic potential—so promising and rewarding for us—is eroded and reduced for them to a desperate effort to survive.

The self-perpetuating plight of the absolute poor simply cuts them off from whatever economic progress there may be in their own societies. They remain largely outside the entire development effort, neither able to contribute much to it, nor benefit fairly from it.

Unless specific efforts are made to bring them into the development process, no feasible degree of traditional welfare, or simple redistribution of already inadequate national income, can fundamentally alter the circumstances that impoverish them.

The governments of the poorest countries must, then, reorient their domestic policies so that they will both accelerate economic advance and begin to reach the poor with measures specifically designed to help them to become more productive.

All of this is feasible, but not without greater help from the international community. If poverty is to be reduced, then developed nations must squarely face the fact that current and projected levels of Official Development Assistance for the poorest countries are disgracefully inadequate. On the basis of present plans, not only is there no hope that the ODA target of 0.7% of GNP can be reached but there is a serious possibility that performance may erode even further.

The principal reason for this is that the strongest and wealthiest of the OECD nations—countries whose gross domestic product accounts for two-thirds of the entire combined GNP of the 17-nation Development Assistance Committee group—are substantially below the average of the others in their response to the target. And the contribution of these nations will decline even further unless they act deliberately to reverse their projected ODA trends.

The economies of these nations—already immensely productive—will become even more productive over the next few years. For them—or indeed for any of the other developed nations—increasing their help to the poorest countries would not require them to diminish in the slightest their own high standards of living, but only to devote a miniscule percentage of the additional per capita real income they will earn over the decade.

If the governments of the poorest countries do not take the internal measures they must, and if the developed nations do not help them with the development assistance they so seriously need, then the outlook for three out of every five of the 1.2 billion human beings who live in these disadvantaged countries is unspeakably grim.

The record of the middle-income developing countries over the past decade has been better, but their achievement has been marred by serious inequities in their income-distribution patterns.

Not only do the 170 million absolute poor in their societies suffer the same deprivations as those in the poorest countries, but hundreds of millions more subsist on income levels less than a third of the national average.

These extremes of inequality have contributed to severe political turmoil in a number of these countries, and could easily trigger further violence. Governments must recognize that if the growth rates of the past are to be resumed and sustained, their benefits must be more widely distributed.

As those measures are taken—and are buttressed by greater efforts to mobilize internal resources, expand employment, and broaden the range of exports—the industrial nations must find practical ways to assist by permitting more equitable access to their own markets, and by making available additional development capital on reasonable terms.

All of this, too, is feasible, given a sense of fairness and realism. The dialogue over these issues within the international community is intense, but is often confused and ineffectual because of the tendency to prolong debate over peripheral questions, rather than come to terms first with what is clearly fundamental.

And what is fundamental is that the developing nations must make a strong commitment to internal policy reforms; and the developed nations must, in their turn, make a comparable commitment to provide a more adequate amount of development assistance.

It is less important initially what specific forms that assistance will take than that a general agreement be concluded on two basic points: the overall magnitude of the trade assistance and capital requirements within a given time frame; and the scope of the internal policy reforms that will assure its cost effectiveness.

Once these two fundamental issues have been agreed upon, the specific negotiations will have a pragmatic framework in which to proceed.

Whatever may be decided, it is obvious that our own institutions in the World Bank—IBRD, IDA, and IFC—will be involved. That is why we must move promptly to consider, and to resolve, the resource constraints that face us.

We can no longer afford to defer the discussion over the IBRD's future growth. Either we should accept in principle that it ought to continue—as it has over the past decade—to broaden its response to the critical capital needs of our developing member countries.

Or we should decide consciously to let its usefulness decline as the limits of its present capitalization are reached, and as inflation erodes the real value of its commitments.

I believe that the latter course would be extremely unfortunate, particularly since there are a number of practical alternatives to immediate and burdensome budgetary requests. But we must meet the basic issue squarely, and not permit procrastination to drain our opportunities away.

Decisions over the Fifth Replenishment of IDA are even more pressing if a complete hiatus in operations is to be avoided at the end of next June. Surely we cannot contemplate the stark realities of absolute poverty in our poorest member countries, and then turn our backs on the 750 million human beings there who are trapped in it.

IDA has become the international community's primary weapon against the worst forms of poverty. We must not let it grow less effective—or lie unused—through our neglect and failure of purpose.

By any objective standard, absolute poverty is an anachronistic tragedy in our century. A tragedy because it is a condition of life beneath the level of human decency; and anachronistic because there are now at hand the economic and technological means to end it.

But in the final reckoning, it will not be simply economics and technology that end it. It will be people—people who care, people who make sacrifices, people who take practical steps to see the task through.

We are those people.

We have to ask ourselves—each one of us—where we really stand.

FLOW OF OFFICIAL DEVELOPMENT ASSISTANCE FROM DEVELOPMENT ASSISTANCE COMMITTEE MEMBERS MEASURED AS A PERCENTAGE OF GROSS NATIONAL PRODUCT[1]

	1960	1965	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980
Australia	0.38	0.53	0.59	0.53	0.59	0.44	0.55	0.61	0.55	0.56	0.57	0.57	0.58
Austria		0.11	0.07	0.07	0.09	0.15	0.18	1.17	0.16	0.16	0.17	0.17	0.18
Belgium	0.88	0.60	0.46	0.50	0.55	0.51	0.51	0.59	0.57	0.61	0.64	0.65	0.68
Canada	0.19	0.19	0.42	0.42	0.47	0.43	0.50	0.57	0.58	0.61	0.65	0.68	0.70
Denmark	0.09	0.13	0.38	0.43	0.45	0.48	0.55	0.58	0.62	0.64	0.67	0.70	0.70
Finland[2]		0.02	0.07	0.12	0.15	0.16	0.17	0.18	0.20	0.22	0.24	0.27	0.29
France	1.38	0.76	0.66	0.66	0.67	0.58	0.59	0.62	0.61	0.59	0.60	0.61	0.62
Germany	0.31	0.40	0.32	0.34	0.31	0.32	0.37	0.40	0.32	0.29	0.28	0.27	0.26
Itlay	0.22	0.10	0.16	0.18	0.09	0.14	0.14	0.11	0.11	0.12	0.12	0.12	0.12
Japan	0.24	0.27	0.23	0.23	0.21	0.25	0.25	0.24	0.23	0.22	0.22	0.21	0.20
Netherlands	0.31	0.36	0.61	0.58	0.67	0.54	0.63	0.75	0.85	0.88	0.89	0.88	0.88
New Zealand[3]			0.23	0.23	0.25	0.27	0.31	0.52	0.42	0.41	0.44	0.46	0.47
Norway	0.11	0.16	0.32	0.33	0.43	0.43	0.57	0.66	0.74	0.86	0.96	0.97	0.97
Sweden	0.50	0.19	0.38	0.44	0.48	0.56	0.72	0.82	0.86	0.89	0.92	0.96	1.00
Switzerland	0.04	0.09	0.15	0.12	0 21	0.16	0.15	0.19	0.16	0.15	0.14	0.14	0.14
United Kingdom	0.56	0.47	0.37	0.41	0.39	0.34	0.38	0.38	0.37	0.37	0.39	0.40	0.41
United States[4]	0.53	0.49	0.31	0.32	0.29	0.23	0.24	0.27	0.26	0.24	0.23	0.22	0.21
Grand total:													
ODA ($b-nominal prices	4.6	5.9	6.8	7.7	8.5	9.4	11.3	13.6	14.6	16.2	18.3	20.5	22.8
ODA ($b-constant 1975 prices)	11.0	12.3	11.5	12.2	12.1	11.6	12.7	13.6	13.6	14.1	14.6	15.3	15.9
GNP ($-nominal prices)	0.9	1.3	2.0	2.2	2.6	3.1	34.	3.8	4.2	4.8	5.5	6.2	6.9
ODA as percent GNP	0.52	0.44	0.34	0.35	0.33	0.30	0.33	0.36	0.35	0.34	0.34	0.33	0.33
ODA deflator[5]	0.42	0.48	0.59	0.63	0.70	0.81	0.89	1.00	1.07	1.15	1.25	1.34	1.43

[1] Figures for 1975 and earlier years are based on actual data. Those for 1976–80 are based on OECD and World Bank estimates of growth of GNP, on information on budget appropriations for aid, and on aid policy statements by governments—they are projections, not predictions, of what will occur unless action not now planned takes place.

[2] Finland became a member of DAC in January 1975.

[3] New Zealand became a member of DAC in 1973. ODA figures for New Zealand are not available for 1960 and 1965.

[4] In 1949, at the beginning of the Marshall Plan, U.S. official development assistance amounted to 2.79 percent of GNP.

[5] Includes the effect of parity changes. Figures through 1975 are based on DAC figures. Deflators for 1976–80 are the same as those for GNP.

THE FORGOTTEN AND "EXPENDABLE" KURDS

Mr. PROXMIRE. Mr. President, the United States has begun to reexamine its policies of supporting regimes which deny their own people basic human rights. Cutting back on military or economic aid to select countries is being applied in a few cases. Certainly, the lack of such a concern for human rights in the past has compounded the repressive nature of several nations.

But what of those cases where the United States was more than a spectator or supplier of military and economic aid? Have there not been circumstances when our country willfully used the aspirations of ethnic minorities for shortsighted parochial reasons totally unrelated to human rights or autonomy?

In one case, the situation involving the Kurdish people of Iran, Iraq, and Turkey, the answer is a regrettable yes. The story of U.S. encouragement to the Kurds in their decade-old struggle against governments which are bent on dispersing and breaking up Kurdish society is one of callous disregard for ethnic and cultural freedoms.

When the United States desired to put pressure on the leftist regime in Iraq, we encouraged and most likely directly supported the Kurdish independence movement. For their own national reasons, so did the nations of Israel and Iran. But as with all things, the times changed. Iran closed its borders to the Kurds, thereby starving the Kurdish guerrilla forces of critical weapons. The United States withdrew its support. The Kurds, deprived of any source of aid, fell victim to the Iraqi Army.

Their peoples were displaced from their traditional homelands—relocated where they could be controlled. The longrun goal appears to be the destruction of the Kurds, at least in Iraq, as a homogeneous group. As Lee Dinsmore, a retired U.S. Foreign Service Officer who served in Iraq has written, "the Kurds were expendable." Mr. Dinsmore's expression, it should be noted, was one of caustic disapproval.

And what was the role of our country? The exact answer is clouded in mystery although enough is known to draw preliminary conclusions. It seems reasonable to assume that we covertly supplied aid to the Kurdish people when it served our political purposes. We encouraged their fight for autonomy. And just as abruptly, we withdrew that support when the political situation changed.

Our concern for their human rights seems no more than a calculated device serving our own interests. It faded from view without comment.

I do not know what the answer is now. I do not know what can be accomplished with the backdrop just described. But I do know that it is not right for our Nation to encourage another people in a desperate fight for autonomy and then callously withdraw that support. This is another example of where covert programs have backfired.

Mr. President, I ask unanimous consent that an article titled "The Forgotten Kurds," by Lee Dinsmore, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Progressive Magazine, April, 1977]

THE FORGOTTEN KURDS

(By Lee Dinsmore)

Mulla Mustafa al-Barzani, the aging leader, father figure, and chieftain-general of the Iraqi Kurdish people, received me recently, here in the United States. We kissed each other in the traditional manner. It was our first meeting, but I had closely followed his cause for a long time.

For three-and-a-half years in the mid-1950s, I served as the U.S. consul at Kirkuk in northern Iraq, where it was one of my responsibilities to report on the Kurds, who constitute about a quarter of Iraq's population. When the Hashemite monarchy of Iraq was toppled in July 1958, the new revolutionary regime closed all the foreign consulates in the North, and I was reassigned to our embassy in Baghdad as a political officer, Al-Barzani had returned to Baghdad from exile in the Soviet Union, but it was out of the question for us to meet at the time; the new Iraqi leadership was highly suspicious of American contacts with the Kurds.

The United States had maintained close and cordial relations with the Iraqi monarchy, but the 1958 revolution changed all that. The new regime took Iraq out of the Baghdad Pact (which became CENTO, the Central Treaty Organization, one of John Foster Dulles's Cold War alliances), and pursued a stridently anti-American line. Suddenly, it suited U.S. policymakers to have insurgent Kurds harass the government in Baghdad.

Millions of Kurds populate northern and

northeastern Iraq, part of the western and northwestern sector of Iran, and part of the eastern end of Turkey. They are mountain people who have lived since ancient times (the Medes were probably their ancestors) in those same Zagros mountains. They speak and write their own Indo-European language, akin to Persian with a large admixture of Arabic. They are Muslims. But though they have lived, cultivated crops, and raised cattle in their mountain valleys and the nearby lower approaches for thousands of years, they have always been ruled by others in their own homelands—in Iraq by an Arab government, in Iran by the Persian Shah, and in Turkey (where they are called "mountain Turks") by a Turkish regime.

The 1920 Treaty of Sevres would have served the Kurdish dream, for it contained an article in which the Ottoman (Turkish) Sultan renounced all claims to non-Turkish territory. However, the surging Turkish nationalists who succeeded the Sultan refused to recognize the treaty, and new terms in the 1923 Treaty of Lausanne made no provision for Kurdish autonomy. Since then the Kurds of Iraq have sought, often violently, to establish an autonomous region within the borders of Iraq. They have never succeeded.

Mulla Mustafa al-Barzani has led the Kurdish movement since 1961, brilliantly directing a dedicated guerrilla force against heavy concentrations of the Iraqi army. From time to time, the Kurds have been encouraged and assisted by the governments of Israel, Iran, and the United States.

Israel believes its interests are served when the Iraqi military is preoccupied with warfare against its own Kurdish citizens, so it has trained Kurdish insurgents on Iranian territory.

Iran has long-standing grievances against Iraq: The Shah particularly resents the terms of a boundary agreement fashioned by the British in the 1930s (and subscribed to by his forebears) which gives Iraq sovereignity over the Shatt al-Arab, the river which flows into the Persian Gulf at the confluence of the Tigris and Euphrates. The open border between the Kurdish regions of Iraq and Iran became the key to the Iraqi Kurds' armed struggle. Across it flowed small arms, ammunition, and even artillery and anti-aircraft weapons for the Kurds.

And the United States, determined to weaken and perhaps topple the leftist regime in Baghdad, assured the Kurds they would continue to receive aid by way of Iran. Such assurances were transmitted by CIA representatives in Baghdad and, according to Kurdish sources, by the White House itself.

The Iraqi Kurds pressed their cause so forcefully that the Baghdad government was compelled, in 1970, to agree to a substantial measure of autonomy in a designated sector of the North. By 1974, however, the Kurdish leadership concluded that the 1970 agreement was a sham. Though a few token Kurds had been taken into the government, they exercised no real power. Thousands of Arabs had been encouraged to move into the Kurdish region to diffuse the population, and some Kurds had been threatened or bribed to move away. Kurds who held responsible positions in the oil fields and production facilities at Kirkuk had been replaced, and the contemplated autonomous regional government, with jurisdiction over education, police functions, agricultural services, road maintenance, and the administration of a budget for such activities had never materialized. A census that was to have been conducted in Kurdish areas was never carried out.

In 1972, Iraq and the Soviet Union concluded an arms agreement, and the Kurds were convinced the Soviet arms would some day be used against them. They felt they had been duped into laying down their weapons in 1970. Mulla Mustafa and his leadership decided they had to resume their armed struggle to force the Iraqis to grant them autonomy.

By early 1975, the Kurds had achieved such success in their armed resistance to the Iraqi army and air force that they felt their goal of a self-governing Kurdish sector of Iraq was in sight. But suddenly, in March 1975, the Iranian and Iraqi governments jointly announced an agreement closing the Iranian border to any further traffic between the Kurds and Iran. With an end to the flow of arms, the Kurdish insurrection was doomed.

What prompted the Shah to reach this surprising agreement with his enemies in Baghdad is still a matter of conjecture. Perhaps, as the traditional leader of the price-raisers in the Organization of Petroleum Exporting Countries (OPEC), he wanted to ensure Iraqi support against the "moderates" of the Arab Peninsula. Perhaps he was impressed by the less strident stance the government in Baghdad has taken in the last few years. Most probably he had in mind the fact that Iran has its own substantial Kurdish minority, which might become restless if Iraqi Kurds achieved autonomy.

In any event, it was clear that Israel and the United States, as well as Iran, had concluded that the Kurdish resistance had served their purposes long enough; the Kurds were expendable.

As thousands of terrified Kurdish villagers fled east into Iran, they were dispersed—some to Teheran, some as far away as Iran's border with Pakistan. In Iraq, some 150,000 to 400,000 Kurds were rounded up and deported to the South, away from the mountains. Egyptian peasants as well as Iraqi Arabs were moved into Kurdish villages that had been emptied by the government. A homogeneous people has been deliberately fragmented and dispersed.

When I met recently with the gravely ill Mulla Mustafa al-Barzani, he said, "Your country sent 50,000 young men to die in Vietnam to help the Vietnamese people. If a half dozen Jews in Moscow raise their voices, your Congress passes laws and threatens the Soviet Union to help them. When I think of what has happened to the Kurdish people, it seems to me that man has become an animal."

The Mulla may be an anachronism in today's sophisticated international politics. He is direct, open, totally dedicated to achieving self-government for his people within the borders of Iraq. He thought the United States was sympathetic toward that objective. He didn't know the Kurds were expendable.

So there is one more place in the Third World where people hate the United States. Still, the CIA probably counts the operation as a success; it kept the Iraqis occupied for fifteen years. And nobody gives a damn about the Kurds.

SENATE ACTION ON WATER PROJECTS

Mr. ANDERSON. Mr. President, I ask unanimous consent that an editorial that appeared in the Washington Star on March 16, 1977, entitled "Protecting the Projects," be printed in the RECORD.

The editorial raises an important perspective on the proposal of President Carter to eliminate construction funds for 19 water projects in the fiscal year 1978 budget. The editorial quotes the important comments that Senators MUSKIE and NELSON made on the Senate floor last week on this issue.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Mar. 16, 1977]

PROTECTING THE PORK

It is clear that a majority of the Senate is upset about President Carter's tentative decision to eliminate construction funds for 19 water projects. What isn't clear is whether the senators who last Thursday voted for legislation to overrule the President's decision knew exactly what they were voting on.

As we understand it, the legislation offered by Sen. J. Bennett Johnston of Louisiana was designed to force Mr. Carter to spend money on the 19 projects, as well as some 300 other water projects, whether he likes it or not. But does it?

Sen. Gaylord Nelson of Wisconsin, who wanted time to study Sen. Johnston's spur-of-the-moment legislation, asked during the debate: "Do I have it clear that the effect of this amendment is to bar the President from utilizing the authority he now has for a deferral or a rescission by legislative action in advance of the President making a decision for deferral or rescission on any of the 19 projects?"

"That is correct," Sen. Johnston replied. (Deferrals and rescissions mean approximately the same thing as former President Nixon's "impoundments" which so angered members of Congress that they enacted the Impoundment Control Act. The act made it more difficult, but not impossible, for a President to cut off funds for a federal project.)

Later in last Thursday's debate, Sen. Dale Bumpers of Arkansas, who like Sen. Nelson wasn't sure the Senate was on the right track in acting so precipitately on the Johnston amendment, also wanted to know what the legal effect of the amendment would be.

Sen. Edmund Muskie of Maine, who supported the Johnston amendment—one of the 19 projects President Carter doesn't like is in Maine—responded:

"What the senator from Louisiana does with his amendment is to warn the President in advance that if he sends us a deferral or a rescission with respect to these projects, we are telling him in advance, 'We don't think you have made a case for them, and you ought to think about it a second time.' I think that is an appropriate message to send the President."

Well, does the Johnston amendment bar the President from using his deferral or rescission authority or does it merely send him a message?

Perhaps members of the House-Senate conference committee to which the matter now goes will find out what the legal effect of the amendment is before approving it.

Better still, they ought to remove it from the jobs bill to which it is attached. At least some of the 19 projects, and no doubt many others, are the result of porkbarrelling rather than of real need.

This matter is too important to be decided in a brief floor debate. What's wrong with taking a good look at the 19 projects, as well as at some of the others among the 320 Corps of Engineers and Bureau of Reclamation projects? Do they fit in with what a national water policy should be?

Senator Nelson was on the right track when he said during the Senate debate that he respects and supports "the instinct of the President to finally say, 'For heavens sake, let us not dam every river, every stream and every watershed in this country just as part of some project that is desired by some groups or members of Congress.'"

BRINGING FEMINIST SENSITIVITY TO GOVERNMENT: MINNESOTA'S KORYNE HORBAL

Mr. HUMPHREY. Mr. President, I bring to the attention of the Senate an

article by John Fleming, entitled "Koryne Horbal and the DFL Machine" in the publication Metropolis, of February 15, 1977.

Koryne Horbal has recently been appointed to serve with Ambassador Andrew Young in the U.S. delegation to the United Nations. She has been a leader and worker in the Democratic-Farmer-Labor Party of Minnesota for over 15 years. She has performed every duty from stuffing envelopes to organizing precinct caucuses, to serving as a party officer and a national committeewoman.

Koryne Horbal has been an effective leader and spokeswoman for the feminist movement. She organized the Minnesota DFL Feminist Caucus and has carried her fight for the participation of women in politics to every part of our Nation.

It has been my privilege to be associated with her in many of these endeavors. I can speak from personal knowledge as to her effectiveness, her perserverance, her courage, and her determination. She has been a constructive force in Minnesota politics and now is bringing to bear her talents as an adviser to the President and to our Ambassador at the United Nations. I am proud of her. Her career is a fine example to those who are interested in the role of women in American life.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Metropolis, Feb. 15, 1977]

KORYNE HORBAL AND THE DFL MACHINE

(By John Fleming)

The best thing about the recent conference of the DFL feminist caucus at the Women's Club in Minneapolis was the elevation of Koryne Horbal to superstardom. The next best thing was Governor Perpich's speech. And it was educational to hear St. Paul City Councilman David Hozza grumble that he felt like a "bull in a cabbage patch." As a well-connected young politician, Hozza is accustomed to being near the center of attention. But at the conference, Hozza encountered what one feminist called "the whole man-woman thing." Men, she said, are basically pests. At any rate, Hozza's stroll across the Women's Club ballroom during the conference "sherry hour"—before the luncheon of quiche Lorraine and chocolate mousse—was not a political success. The clusters of women crowding the ballroom paused in their conversation to politely acknowledge Hozza as he approached and introduced himself, but mostly they ignored him. He was treated like an irritating but essentially harmless little boy.

This year's conference was the first held at the Women's Club. The lavish surroundings might have been responsible for the Junior Leaguish appearance of the feminists. Everyone was smartly dressed. A woman showed me a piece of jewelry she wore on a slender chain around her neck: A miniature gold double-bladed axe. It was a symbol of "the lunar mother," she said.

After the luncheon, Governor Perpich arrived to deliver his speech. The audience clearly expected something special from the Governor. Perpich was, after all, the first Governor to formally address the feminist caucus, and in his State of the State address to the Legislature the previous week he had made a point of declaring his interest in the concerns of women and minority groups. After entering the ballroom and receiving a standing ovation, Perpich said, "I can't think of any cause I'd rather see succeed than yours," and the audience rose again and applauded for a long time; it was an electric moment. In his brief speech, Perpich said that he planned a determined effort to promote more women at all levels of state government. We're not doing this because it's the political thing to do, but because it's the right thing to do." He concluded the speech by promising to appoint a woman to the state Supreme Court when the next vacancy occurs. As Perpich walked through the crowd after the speech, dozens of women left their chairs to shake his hand.

The Governor's speech was a tonic for the members of the feminist caucus—a "demonstration of our clout" was the way Linda Donaldson, a caucus official, put it. Perpich's visit and the happy reception given his speech in some ways confirmed what Gloria Steinem said at a fund-raiser in Minneapolis last fall: The effectiveness of Minnesota feminists in lobbying, electoral politics, and education of women is a model for the rest of the country.

By the end of the conference, one anecdote—frequently and elaborately repeated—had become a matter of political myth, like the stories of Jimmy Carter making his bed while campaigning in Iowa. It was the story of Koryne Horbal's phone call.

Horbal was acclaimed by various speakers as the "embodiment of Minnesota feminism" and "one of the five most powerful women in American politics" and "our Kissinger." She is State Coordinator of the DFL feminist caucus and a representative to the Democratic Party's National Committee. As the story went, Horbal was preparing scalloped potatoes "from scratch" in her kitchen one evening early this year when the phone rang: It was long distance from Georgia. "Be in Plains by 11 tomorrow morning," the man on the phone said, "Jimmy wants your advice." Horbal flew to Georgia the next morning to join four other Democratic Party women meeting with Carter. In the month following her trip to Plains, Horbal has shuttled regularly between Minneapolis and Washington. She's met with Carter six times. Her status as a presidential adviser and national political figure will be assured, I suppose, when that recipe for scalloped potatoes becomes as widely known as Bella Abzug's love of floppy hats.

However, along with the optimism and self-congratulation that characterized the conference, there was also a curious undercurrent in insecurity. It occasionally surfaced when the twelve women legislators (the most ever) elected to the Minnesota House and Senate were hailed: Several times it was pointed out that not all of them are strong supporters of the Equal Rights Amendment (ERA) and the Supreme Court decision permitting abortions. Although the feminist caucus is less than five years old, its expectations have been lowered in the last few years. Mary Ziegenhagen, an original member of the caucus, recalled that in 1973 she was predicting in speeches that the Minnesota Legislature would be one-third women by 1980. "At the rate we're going," she said, "we'll be lucky to make that number by the year 2000."

Horbal's speech—the feminist State of the State address—was strangely understated. She discussed the failure of the New York and New Jersey legislatures to ratify the Equal Rights Amendment (38 states must ratify the ERA by 1979 in order for it to become part of the Constitution; so far 35 have approved it). She referred to accounts in the press that "the women's movement is dead." She worried about restrictions being placed on abortion services—"a woman's right to choose" was the expression she used. The Supreme Court giveth, but it can also take things like abortions away, Horbal said. "It is a highly political body."

In her speech, Horbal referred to a long article published in Harper's magazine last November, "Requiem for the Women's Movement" by Veronica Geng. Geng argues that channeling feminist energy toward electoral politics "creates a neat alibi for a fear of male power," that to be satisfied with a women's faction within the Democratic Party is a cop-out and a violation of the original feminist vision, that the everyday relations between men and women are not touched by politics, that political feminism has failed in making progress toward the "new relations of flesh and sentiment" urged by Simone de Beauvoir in *The Second Sex*. (Many of the women at the conference had read the article, and, as one told me, most found it "shrill" and "unrealistic.")

However, Horbal also found much to be pleased with: That two women have cabinet-level positions in the Carter administration, that Ronnie Brooks is an aide to Governor Perpich, that Sandra Gardebring is director of the Pollution Control Agency (PCA), that the "evolution of the Barbie doll into the Bionic Woman" is happening. The main question facing feminists, Horbal said, is "Do we work on the issues now in the public domain? Or do we also function as the cutting edge? . . . Will we go establishment?" Concluding her speech by quoting Rollo May (*The Courage to Create*), Horbal talked of "bringing a humane and feminist sensitivity to government," and she declared herself "cautiously optimistic" about the future of the women's movement.

Jimmy Breslin's description of political power as "smoke on blue mirrors"—power as the manipulation of symbols and signs—came to mind as I listened to Horbal talk about her career in the DFL Party one morning in the week following the conference. Normally, Horbal is full of energy. This morning, however, she was in a meditative, not-quite-somber mood. She talked about power as an alchemist might talk about gold. "My power is two things," she said. "First, the power I've accumulated. Secondly, what people perceive my power to be. Since I've been to Plains and Washington, my power has changed. Power comes to me now because people think I have it. I gather power through loyalty—that's the name of the game, it never changes—my loyalty to other people and their loyalty to me.

"I come from a family that didn't have a lot, in Northeast Minneapolis. We're Polish. When I graduated from high school, I had to go to work, I had to take care of a father at home while my mother was in a sanitarium. When I got into politics, it became an extension of my education, a place where I could really move up and get some power. The Party has been my vehicle for gathering self-power."

In 1968, when Horbal was DFL Chairwoman, she helped prepare a study called "Women in the DFL Party: Present but Powerless." It created "an incredible awakening among the women of the Party," she said. "After that, I became an advocate for women, I gained a different constituency, my role in the Party changed. I was no longer 'The lovely and gracious Koryne Horbal,' as I'd been introduced at 18,000 Party meetings before. I was controversial." As DFL Chairwoman, Horbal wasn't paid; the Chairman was. She made the drapes for the DFL offices. A truism among feminists, Horbal said, is that "The trail-blazer—the significant feminists—don't get the good government jobs." After seventeen years of work in the DFL Party, Horbal has never had a salaried job in government.

When the Minnesota Legislature is in

session, Horbal is a familiar presence. "It's reached the point where a lot of legislators are frightened of me," she said. "When I have a meeting with one of them, I'm prepared. I have my mental agenda, I know exactly what I want. I'm willing to make the tough calls. We want votes, but more often it's leadership we want, for someone to get up on their feet and say something."

Sitting at her kitchen table and drinking coffee on the morning I talked with her, Horbal looked like an average Columbia Heights wife-and-mother. She was barefoot. The house was spotless. That Horbal is the "embodiment of Minnesota feminism" is probably true. She also represents, perhaps, an even larger idea: Minnesota's capacity to assimilate threatening social movements and make them safe. "In Minnesota," Horbal said, "the word 'feminist' is no longer dangerous. Now, it's very easy to say."

A week later, I saw Horbal again. She was bubbling with news from her latest trip to Washington. She'd sat in President Carter's chair in the Oval Office, watched an episode of "Roots" with Gloria Steinem, and picketed the office of HEW Secretary Joseph Califano (who opposes abortion). Horbal told a funny story about Senator Wendell Anderson trying to carry two suitcases and shake hands at the same time (he couldn't do it).

Horbal was busy that day at the caucus office in St. Paul. A photographer and I wanted her to come with us to the Capitol for a picture. She agreed. Although she dislikes being photographed, Horbal posed on the Capitol's broad front steps, in the rotunda beneath the dome, and in front of a statue of Governor John A. Johnson ("Aren't there any women statues?" she wondered). As we drove back to her office, Horbal talked about her family's recent move from Coon Rapids to a new house in Columbia Heights. Her daughter was harassed in school the day before by a gang. Her husband, a contractor, was working on a job in South Dakota.

Driving to the Capitol, taking the photos, and driving back took over an hour. When we arrived at her office, Horbal stayed in the car several minutes and talked some more. She said President Carter was not fully meeting his pledge to hire women for major jobs in the administration. In spite of vigorous efforts by women and minority groups, Horbal said, the Carter Cabinet strongly represents the "old boy" network, the multinational corporations, the established foreign policy and economics think-tanks. Two women have high-level White House jobs: Midge Costanza is an assistant to the President, and Martha Mitchell is an assistant for special projects. "There's an old trick they like to play," Horbal said. "They'll try to send me to the highest woman, they'll want me to see Costanza. Well, I don't want to see Costanza. When I want something, I want the top. To get anything done, you've got to see the top person." As she left the car, Horbal made one prediction: The ERA will pass this year.

SOME DEFENSE CONTRACTORS ABUSING CWAS PROVISIONS

Mr. PROXMIRE. Mr. President, the General Accounting Office has uncovered thousands of dollars in questionable defense costs passed on to the Government by contractors. These costs cannot be challenged because they are exempt from normal audit. Therefore, I have recommended to Defense Secretary Brown that he abolish the contractor weighted average share in cost risk—CWAS—provisions that allow these exemptions.

The CWAS provisions were originally designed to exempt contractors from certain audits when they had a high percentage of fixed-price Government contracts and nongovernmental business.

The GAO has discovered that some contractors have taken advantage of this special exemption to pass on excessive costs to the Government and thus to the taxpayers.

For example, the GAO found that one contractor charged the Government for $733,000 in private plane expenses above what would have been allowed under normal audits. These were costs above the equivalent charges for commercial travel.

In another case, auditors had to let pass charges to Government overhead of $303,000 for losses incurred at a contractor's executive cafeteria, despite a firm Government policy against allowing such expenses.

Similar inefficiencies were noted with one contractor's leasing of $12.4 million of automatic data processing equipment. If this could have been audited, any excessive lease charges over ownership costs could have been disallowed.

The GAO concludes that the concept that competition and fixed-price contracts motivate contractors to accomplish effective control of costs did not prove valid.

The GAO audit covered only 10 defense plants; two locations at each of five contractors. If the GAO found this much waste at this small number of plants, it is frightening to think what the total cost of this program might be.

I have long been concerned about excessive Government regulations and paperwork that accompany contracts and raise prices for everyone. That is why I am reluctant to recommend elimination of the CWAS program and reinstate complete auditing over more Federal contracts.

But the GAO makes a convincing argument that—

> We found no evidence that CWAS was cost-effective. Indeed, we found examples indicating that * * * it increases costs.

The GAO further concluded that eliminating CWAS—

> Will not necessarily increase overhead audit activity or require more manpower.

From every perspective, elimination of CWAS is called for. It has produced no demonstrable savings. Cancellation will not increase costs or raise audit manpower levels. And the more thorough audits that would result will save the taxpayers hundreds of thousands, possibly millions, of dollars annually.

TO RESTRAIN ARMS TRANSFERS

Mr. CULVER. Mr. President, many of us in Congress are very seriously concerned about the pathological international competition in foreign military sales. We have urged repeatedly that the United States take the lead in promoting a conference of world arms suppliers to work out some cooperative restraints on the dangerously high levels and quality of conventional arms transfers. We are now encouraged by President Carter's interest in international controls on the traffic in arms.

In the March 16, 1977, edition of the New York Times, Andrew J. Pierre, a senior research fellow at the Council on Foreign Relations, wrote an article entitled "To Restrain Arms Transfers." Mr. Pierre points out that the argument "if we don't sell, others will" has resulted unnecessarily in a sense of futility and excuses for inaction. He notes that the economic significance of arms sales is easily exaggerated, and that the four major arms suppliers—the United States, the Soviet Union, Britain, and France—have common national security interests in restraining the level and quality of arms transfers. The article further suggests a number of qualitative and quantitative restraints that would seem to be real possibilities for the international agenda.

Mr. Pierre also raises a most important point concerning the relationship between NATO standardization and international arms transfer restraints, saying that cooperative agreements on arms sales would greatly facilitate NATO standardization. I would add that greater NATO standardization can help sustain national defense industries and thereby make it easier to limit the competition in foreign military sales. NATO standardization policies and programs and arms transfers agreements should be pursued vigorously with the recognition that they are related, complementary objectives.

In closing, Mr. Pierre repeats a central point which has been emphasized by many in the Congress. As the world's leading arms supplier—the United States exported half of the world's total military exports in 1975—we have a special responsibility to lead international efforts to control the foreign sales competition.

I commend Mr. Pierre's article to my colleagues, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TO RESTRAIN ARMS TRANSFERS

(By Andrew J. Pierre)

As the Carter Administration revises United States arms-sales policy, it will become evident that any unilateral, self-imposed restraints can be only part of the solution to the problem.

The argument, "If we don't sell, others will," has validity. But it has too often encouraged a sense of futility and provided an excuse for inaction. The time has now come to seek multinational restraints on the arms trade in cooperation with the other supplier countries. Perhaps we can all agree, in some cases, not to sell.

Only four countries—the United States, Soviet Union, France and Britain, in that order—supply over 90 percent of the major weapons transferred to the developing world. Add their Atlantic alliance and Warsaw Pact allies and the figure is raised to 95 percent. (Much attention has recently been given to new suppliers such as Israel, South Africa and Japan, but they are still a long way from capturing a substantial share of the market.)

The predominant role of the Big Four suppliers provides an opportunity for a cooperative regulation of the flow of weapons to the

developing world, where a large increase in arms purchases is now occurring. The avoidance of a superpower confrontation in the Middle East or Southern Africa, and the maintenance of stability in regions such as the Persian Gulf, involve common concerns that could be facilitated by mutual restraints on arms transfers.

In an international conference on conventional-arms-transfer restraints, it would be possible to discuss criteria for the qualitative or quantitative limitation of arms sales. For example, transfer of sophisticated technologies such as cruise missiles, advanced precision-guided missiles and nuclear-capable weapons might be restricted. Steps might be undertaken to avoid transfers that would destabilize the military balance within a region. Discussions might be held on sales over a certain amount, or on any transfer about which one of the suppliers has serious reservations based on its potential political impact on a region.

A conference on conventional-arms-transfer restraints could provide a permanent, ongoing forum for discussion of weapons-sales decisions as they arise, rather than involve treaty-drafting negotiations such as those in the strategic arms limitations talks.

An early effort should be made to involve the Soviet Union when Secretary of State Cyrus R. Vance visits Moscow in March. If the Soviet Union agreed to participate, it should be possible to gain the participation of Britain and France. At a later date other suppliers such as West Germany, Sweden and Czechoslovakia might be invited.

Two objections are sometimes cited in discussing the practicality of common restraints. The first relates to the economic importance of the export of arms for balance of payments and levels of employment. The manufacture of weapons for sales overseas also serves to lower the per-unit costs of the weapons produced for the suppliers' own armed forces. Such considerations are not unimportant to the United States and the Soviet Union, but they are much more critical for France and Britain, which have a far smaller domestic market for arms and whose defense industries are more dependent upon overseas sales.

But, the economic significance of arms sales can be easily exaggerated. For example, only 3.5 percent of France's total exports in 1975 was accountable by arms exports, and they constituted only one-fifth of the exports to the Middle East oil-producing countries. Of a total work force of 22 million, only 70,000 are engaged in manufacturing weapons for customers abroad. Roughly comparable figures apply to Britain.

The maintenance of viable national defense industries is perceived as an important political goal, but this must be seen in the context of strong technological and economic pressures that, in any case, are driving the Europeans toward greater weapons cooperation among themselves and with the United States.

Moreover, a limited form of international regulation of arms sales, seeking essentially to avoid specific transfers that can have destabilizing, war-producing effects need not lead to a serious curtailment of total arms production at all.

A second objection is that recipient states will see supplier restraints as discriminatory or paternalistic. And yet, one can imagine a number of circumstances in which states in a region may look approvingly on a suppliers' agreement not to introduce certain weapons into an area, thereby avoiding a local arms race. What is important is that the aims of suppliers' restraints be discussed with traditional recipients and when possible be mutually agreed upon.

Cooperative restraints on arms sales would greatly facilitate progress on other issues, such as the achievement of greater North Atlantic Treaty Organization arms standardization and limits on the transfer of arms into the Middle East as part of an Arab-Israeli settlement. They will not be easy to achieve. But as the world's No. 1 arms supplier, the United States has a special responsibility to give such an initiative a try.

AMERICA'S NEWEST RAILROAD

Mr. GRAVEL. Mr. President, one of the most innovative enterprises in the country today is Auto-Train Corp., which has ferried a million and a quarter people and their automobiles between Washington and Florida since it began operations 5 years ago. In a day when railroads are best known for going bankrupt, Auto-Train is making money. This success story qualifies it, I believe, for our special attention. I, therefore, ask unanimous consent that there be printed in the RECORD an address by Eugene K. Garfield, president of Auto-Train Corp., before the Wharton Graduate School on February 14, 1977. Mr. Garfield explains how Auto-Train got its start and some of the philosophy behind its successful operation. His comments will, I am sure, be of interest to anyone sincerely concerned about the direction of transportation policy in this country.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY EUGENE K. GARFIELD

I would like to share with you some of Auto-Train's history, how our operation works, and make a few observations regarding why our enterprise was possible.

The Auto-Train is the only new private rail passenger operation in this country in 50 years, and distinctively, it is the only profit-making passenger railroad in the entire world.

We started in 1969 with $65 in the bank and today our revenues are more than $30 million a year—and, ladies and gentlemen, we are indeed very proud of that growth.

How did we get to where we are today? The first step was a $3 million, three-year study—authorized by the United States Congress in 1965—to determine the feasibility of an auto-ferry service in the United States.

The government report—completed in 1967—concluded that such a service would not only be feasible, but profitable as well—and Congress then determined that its development should be pursued by private enterprise—a rare declaration by the U.S. Government.

Such optimism was further enhanced by a Ford Motor Company Study offering similar conclusions.

In spite of these two favorable, independent opinions, no one was jumping at the auto-ferry opportunity.

I learned of the report when I was working as an Assistant to Alan Boyd, the first Secretary of Transportation in Washington. My job was to represent the Secretary to all the governors in the country—which did not include railroad responsibilities.

I had an appointment with him to give him a report on my day's activities, and the Secretary was busy. And as I sat in the waiting room, there on the table with a bunch of Time and Newsweek magazines was a three-year old report describing the auto-ferry concept between Washington and Florida.

I began to read it, dig into it, and then when I walked into the Secretary's office, I said, "Mr. Secretary, what is this report about? It was started in 1965, completed in 1967, and here it is December, 1969. Is the study going to be used?" He said, "No, Congress didn't appropriate any money." And I said, "Do you mind if I take it home and read it?" He said, "Go ahead." And I did.

I read it again and again and became excited about it, and I knew from that point on that I was going to start my idea of an Auto-Train.

I couldn't get the idea out of my mind in spite of the dismal opinion of so many, "that first wheel would never roll".

I was convinced that the concept was sound. Therefore, I left the Department of Transportation to turn the Auto-Train idea into reality.

As I mentioned, I started on this adventure with $65. Since I didn't have enough money to afford a lawyer, and I was a Florida lawyer myself, I drew up the Charter and filed the Articles of Incorporation in the Secretary of State's Office in Tallahassee.

I explained to the clerk that the Articles were for a new railroad. The clerk looked up at me and said, "Sure they are! Good Luck!" I said, "It'll take a lot more than luck and I want you to ride our trains someday."

After incorporating, I had to identify what needed to be done to give substance to the corporation, and to actualize my idea—and I had to decide upon an order of priorities to accomplish my goals.

The difficulty was—everything was interrelated.

You see, I couldn't obtain ICC licensing for a railroad without a railroad to run and tracks to run on.

I owned no rights of way, no track, no terminals, no locomotives, no passenger cars and no service facilities—nothing but an idea. Even if I had had substantial capitalization—we couldn't begin to afford to build a railroad from the ground up.

I knew what I wanted to do—provide an auto-ferry service, transporting passengers and their cars between Washington and Florida in good, clean, safe equipment, and in the luxury we all remember rail service to be.

Since I couldn't construct a railroad, and the purchase of one was out of the question—especially with $65—I knew I had to utilize someone else's existing route—and the way to do that was to enter into an operating agreement with various railroads for the operation of the Auto-Train over their trackage—much like a lease—and I had to do all of this without sufficient money, before even tackling the myriad of problems of implementation.

I picked my route and arranged a series of meetings with the top corporate officials—and their legal staffs—of the Seaboard Coast Line and RF&P Railroads to negotiate an operating agreement.

The bargain finally reached was hard—but we did reach an agreement which I knew I could live with, because I had paid attention to and assessed the strength of a new untapped market of Auto-Train travelers.

I then found all of the rolling stock I needed to accomplish my task, and I learned that only the locomotives could be financed—and do you know why? Because the bankers knew that they could be resold after repossession. All other railroad rolling stock—even refurbished—was quote unbankable unquote.

With an operating agreement in my hand and the equipment selected and optioned—I now had the ability to put the Auto-Train physically on the tracks. With that, I convinced the ICC that the operating agreement and the optioned rolling stock was my railroad to meet the requirement! They agreed—and we were granted the necessary governmental approvals with an ICC Class One railroad operating certificate. The groundwork had been laid.

Now, I was in a position to finance the project with the public sale of securities.

Wall Street bankers were polite when they

ushered me out of their offices and "suggested" that I go back to the practice of law.

I didn't want to do that.

The rather bleak history of passenger railroads in the late 1960's made it even more difficult for me to start a new railroad.

As a matter of fact, the very same time I was trying to convince people that my idea would work, the Penn Central went bankrupt.

I recall a syllogism by George Bernard Shaw, which aptly describes my plight in those days. "The reasonable man adapts—he said—to the world: the unreasonable one persists in trying to adapt the world to himself. Therefore, all progress depends on the unreasonable man."

I was unreasonable because I wanted progress especially in the railroad industry.

Repeatedly, I was told that the venture was too risky—that the train will never make a profit—and that my concept for the Auto-Train was a classic textbook case of a Harvard business school study destined for failure. But I felt differently.

Mark Twain once said, "A man with a new idea is a crank until that idea is proven a success." I was very much alone in those days because I was that "crank".

The experts allowed theory and guidelines for financial analyses to become rigid and inflexible rules of practice.

They automatically condemned an innovative proposal because the Auto-Train did not meet the standard textbook formula.

Innovation and creativity do not always follow a textbook formula.

Almost after a year and a half of rejections, and that could test anyone—it was finally, a small Florida underwriting firm that had confidence in my idea.

It was like going back home—the largest equity underwriting that they ever did was $2 million. They put together a selling group syndicate across the country—in places such as Tennessee, Arkansas and North Carolina.

We went public in 1971 and raised 7 million dollars which enabled us to buy the equipment, build the terminals, and make my dream a reality.

What the financial experts failed to see, the public grasped at an instant.

700,000 shares of stock were sold within an hour from the time they were initially offered on the over-the-counter market—mostly to small investors. A share block over 500 shares was a rarity.

We received those proceeds at the end of July, 1971—exercised all our options, began refurbishing and rebuilding our equipment and terminals—took delivery of our locomotives—advertised on October 4th and sold out for the first year shortly thereafter—and in 4 months—literally working around the clock—we built a railroad! On December 6, 1971, the first wheels turned.

On the inaugural trip we carried 35 automobiles—I loved every one of them—and 100 passengers south to Florida in full view of CBS, NBC, and ABC network news who traveled with us all the way to Florida—so everything had to be perfect.

Since that inaugural trip, we have carried to and from Florida more than 1 and a quarter million passengers, and have created approximately 700 new jobs.

Last month alone we transported over 10,000 automobiles and approximately 25,000 passengers.

In December, 1975—on our 4th Anniversary—we transported our one millionth passenger, Governor Askew spoke at our ceremonies honoring that event. The Governor compared the Auto-Train to the bumble bee.

"You know," he said, "a group of aeronautical engineers examined the bumble bee to determine its flight characteristics. The scientists concluded, the body is not streamlined enough—it is too dense for its size—the wing span is too small to support its body—the bumble bee could not fly."

"Well, we know otherwise. We know that the bumble bee can fly," the Governor said. "We also know that it is possible to make a good idea fly. It takes dedication, determination and hard work—in spite of general negative attitudes toward new ideas". Governor Askew stated it well.

And I can tell you tonight that the Auto-Train is indeed flying!

As I was building a new railroad, I learned something so very important to me . . . and I hope to you: the sudden realization that the Auto-Train could not have been developed in any country on the face of this earth except in the United States of America—and only because of our country's free enterprise system.

What a priceless freedom!

Nowhere else in the world could I, with $65, start a passenger railroad for profit, and make it work, and have it profitable less than 90 days after the start of operations.

My respect for and devotion to this freedom stems from having worked hard in this system.

My respect is all from firsthand experience, and, therefore, quite indelible.

History tells us that the free enterprise system and its ability to flourish with new ideas helped make this country the world leader it is today.

What troubles me is the ever increasing confrontation between the public sector, striving for control, and the private sector, struggling to retain its identity.

There is a significant percentage of our population who believe, that society may best be improved through greater governmental participation in the country's economic life. If you carry that to its logical conclusion—there could be no Auto-Train.

Fletcher Byron, Board Chairman of Koppers Company, was quoted recently as saying, "In five to ten years we will be moving strongly in the direction of State control of capital intensive industries. Our political system just won't allow corporations to make the profits they need." And we all know that profits are the life blood of free enterprise.

The people rightfully control the political system. But a recent poll showed that 60% of the public believe that corporations make too much money—50% to 75% return on sales, they said. And that's sad.

The true answer is 5%.

Yet there are 33 million Americans who own shares in American business. It is they who should become a leading constituency for the free market economy, and be educated to preserve that system which makes our country so great.

When legislation or regulations are proposed that will adversely effect free enterprise, every American citizen should step forward into the political process and speak up: If they do not, they will not only hurt themselves, their own freedom and productivity, but our country's as well!

Regulations are moving toward telling people what they can do rather than what they can't do—and that is a danger.

It is critically important that we preserve the private sector, because, whether we realize it or not, as this sector shrinks, for any reason, to that degree, individual liberty will also shrink.

I am deeply committed to the free enterprise system, and feel compelled to speak out for its survival, because without that system, I would not be standing before you today.

Brock Adams, the new United States Secretary of Transportation, said, "The Federal Government should be viewed as the banker or lender of last resort for . . . (capital) support . . . a kind of silent partner"—and this, I believe, is the most sensible approach I know to the relationship between government involvement and the private sector.

Ladies and gentlemen, you are the frontline in the very actual struggle to preserve private enterprise. You can protect a society that still cherishes excellence—and still values freedom. Each of you must accept the responsibility of reaching out, grasping and strengthening the freedom which allows new creative ideas to flourish.

As for us at Auto-Train, we will continue to grow, prosper, and become even more successful by working within the free enterprise system and subscribing wholeheartedly to the philosophy of Robert Browning, "A man's reach should exceed his grasp."

ENERGY ACTION NO. 11 CRUDE OIL PRICE CEILINGS

Mr. JACKSON. Mr. President, on March 15, the Federal Energy Administration transmitted to the Senate the President's proposal to continue the presently authorized 10 percent rate of increase in the composite average price for domestic crude oil. This proposal has been designated energy action No. 11. It will become effective, pursuant to section 551 of the Energy Policy and Conservation Act, at the end of 15 days of continuous session of Congress unless either House passes a resolution of disapproval. This period will expire at midnight March 30, 1977.

Section 8 of the Emergency Petroleum Allocation Act—EPAA—added by the Energy Policy and Conservation Act—EPCA—provides that the average price of all domestic crude oil at first sale be subject to a ceiling. The term of mandatory controls provided for in the act extends through April 1979. The price ceiling, set at $7.66 per barrel in February 1976, was initially permitted to increase at an annual rate equal to the sum of the rate of inflation and 3 percent. In August 1976 the Energy Conservation and Production Act—ECPA—amended section 8 of the EPAA to establish a fixed rate of escalation of 10 percent per year. The proposal contained in energy action No. 11 would continue this rate of increase for the remainder of the period of mandatory controls. If energy action No. 11 is disapproved the rate of increase in the domestic average composite price will revert to the rate of general inflation.

Actually, domestic crude oil prices are presently frozen. Thus acceptance or denial of this proposal will have no immediate effect on prices received by domestic producers of crude oil. This freeze has been necessitated by deficiencies in the FEA's ability to monitor actual first sale prices for crude oil at the inception of the EPCA program and also by subsequent definitional adjustments made by FEA which have permitted increased volumes of oil formerly priced at around $5 per barrel to qualify for prices in excess of $11 per barrel.

Mr. President, for the information of my colleagues and the public, the following material describing the FEA proposal should be inserted in the RECORD:

FEA's letter of transmittal for energy action No. 11:

The proposed amendment to FEA's regulations—enclosure A;

The table of contents of FEA's "Historical Summary of the Implementation of Section 8 of the Emergency Petroleum Allocation Act of 1973"—enclosure B; and

FEA's analysis of projected prices assuming energy action No. 11 is accepted and assuming it is rejected—enclosure C.

I ask unanimous consent that this material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL ENERGY ADMINISTRATION,
Washington, D.C., March 15, 1977.

Re: Continuation of the Adjustment as a Production Incentive to the Maximum Weighted Average First Sale Price for Domestic Crude Oil (Energy Action No. 11).

Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Section 8 of the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159 "EPAA"), which was added to that Act by the Energy Policy and Conservation Act (Pub. L. 94-163 "EPCA"), established a crude oil pricing policy. Section 8(a) of the EPAA required the adoption of regulations such that the actual weighted average first sale price for all domestic crude oil would not exceed a maximum of $7.66 per barrel in February, 1976. Adjustments to the $7.66 per barrel maximum price to take into account the impact of inflation as measured by the adjusted GNP deflator and as a production incentive are permitted by section 8(d) of the EPAA. As amended by the Energy Conservation and Production Act (Pub. L. 94-385 "ECPA"), the combined effect of any section 8(d) adjustments shall not result in an increase in the maximum weighted average first sale price in excess of 10 percent per year, and the adjustment which is permitted as a production incentive is the difference between the overall ceiling of 10 percent per year and the rate of inflation as measured by the adjusted GNP deflator.

Section 8(f) of the EPAA provides that the President may submit on March 15, 1977, in accordance with the procedures specified in section 551 of the EPCA (i.e., as an "energy action"), an amendment to continue the adjustment as a production incentive provided for in section 8(d) of the EPAA. Section 8(f) of the EPAA further provides that if no amendment to continue the adjustment as a production incentive takes effect pursuant to section 8(f), no such adjustment may thereafter be applied.

Pursuant to the authority delegated to me by the President (E.O. 11790), I hereby submit as Energy Action No. 11 an amendment which provides for continuation of the adjustment as a production incentive currently provided for by section 8(d) of the EPAA.

Inasmuch as this Energy Action is to provide for a continuation of the existing adjustment as a production incentive, rather than a modification thereof, the "amendment to the regulation promulgated under section 4(a)" which is being submitted pursuant to the provisions of section 8(f) of the EPAA consists of the previously adopted amendments to the crude oil price regulations. Such regulations, which have been amended in contemplation of the continuation of the adjustment as a production incentive, are set forth as Enclosure A.

If, pursuant to the Congressional review procedures of section 551 of the EPCA and the procedures of section 8(f)(2)(5) of the EPAA, this Energy Action were to be finally disapproved, the regulations set forth at Enclosure A would be required to be revised so that no adjustment as a production incentive could any longer be given any effect and only the adjustment to take into account the impact of inflation could thereafter be applied.

Current FEA crude oil price regulations specify ceiling prices for lower tier and upper tier domestic crude oil through July, 1977. (Schedule No. 6 of Monthly Price Adjustments, Enclosure A) Such ceiling prices, which are subject to change, were adopted in order to eliminate fully by June 30, 1977, or at the latest by July 31, 1977, all cumulative excess receipts which have resulted from the actual weighted average first sale price for domestic crude oil (the "actual composite price") having exceeded the maximum weighted average first sale price of such crude oil (the "legal composite price"). Section 8(c) of the EPAA contemplated that actual composite prices might exceed or be less than the legal composite price, and provided procedures whereby excess receipts are required to be taken into account in future prices, and whereby less than maximum allowable receipts are permitted to be taken into account in future prices. A general description of the administration of the composite price system since it was made effective in February, 1976 by section 8 of the EPAA is set forth in Enclosure B. A report on the impact of the regulatory amendments made pursuant to section 8 of the EPAA, including the regulatory amendments required by the statutory amendments to that section made by sections 121 and 122 of the ECPA, has been submitted to the Congress, pursuant to the requirement set forth in section 8(f)(1) of the EPAA.

Because the crude oil ceiling prices have been specified only through July, 1977, FEA will, on or before August 1, 1977, adopt ceiling prices for subsequent months. So that the impact of this Energy Action may be fully evaluated, lower tier, upper tier and composite price levels have been projected in Enclosure C through May, 1979 on the basis of (a) a continuation of the adjustment as a production incentive and the adjustment to take into account the impact of inflation, together amounting to not more than 10 percent per year, and (b) termination of the adjustment as a production incentive and continuation only of the adjustment to take into account the impact of inflation. In each instance, inflation has been projected to be at an average rate of 5.5 percent per year.

In essence, continuation of the adjustment as a production incentive could permit lower tier and upper tier ceiling prices to be restored to and maintained in real dollars at the level that existed in February, 1976 for lower tier crude oil ($5.05 per barrel), and at the level that was intended in February, 1976 for upper tier crude oil ($11.28 per barrel).

Discontinuation of the adjustment as a production incentive would mean, on the other hand, that the legal composite price could be increased at not more than the rate of inflation. Because the projected rate of decline in production of lower tier crude oil results in an increase in the actual composite price of approximately 3 to 3.6 percent annually, a projected inflation rate of 5.5 percent would result in a maximum rate of increase in lower tier and upper tier ceiling prices of approximately only 1.9 to 2.5 percent per year.

Discontinuation of the adjustment as a production incentive would, therefore, effectively prevent maintenance of February, 1976 ceiling price levels for domestic crude oil in real dollars. It would therefore, tend to have a dampening effect on domestic production, particularly in view of the fact that there are indications that the cost of producing crude oil is increasing at a faster rate than the rate of inflation as measured by the GNP deflator.

Until the enactment on August 14, 1976 of the ECPA, the adjustment as a production incentive was limited to not more than 3 percent per year. Section 122 of the ECPA removed the 3 percent limitation and added a new subsection (j) to section 8 of the EPAA, which stated, in part, that:

"As soon as practicable after the date of enactment of this subsection, taking into consideration the greater flexibility provided by the amendments relating to the production incentive adjustment under section 122 of the Energy Conservation and Production Act, the President shall promulgate such amendments to the regulation under section 4(a) (relating to price) as shall (A) provide additional price incentives for bona fide tertiary enhanced recovery techniques and (B) provide for the adjustment of differentials in ceiling prices for crude oil that are the result of gravity differentials which are arbitrary, discriminatory, applied on a regional or local basis without reasonable justification, or fail substantially to reflect current relative market valuations of such differentials."

An extensive notice of proposed rulemaking proposing market level prices for incremental crude oil produced by the application of certain tertiary enhanced recovery techniques, as well as alternative methods for affording additional price incentives for bona fide tertiary enhanced recovery techniques, was issued by FEA on January 6, 1977 (42 FR 2616, January 12, 1977). Hearings on the proposal were held on March 3 and 4, 1977. FEA currently estimates that incremental crude oil resulting from application of tertiary enhanced recovery techniques and eligible to be sold at market level prices could amount to an additional 170,000 to 250,000 barrels per day by May, 1979. At projected market level prices, such additional tertiary production is estimated to generate an additional $164 million to $242 million in crude oil receipts through May 1979. (Enclosure C)

With respect to gravity differentials, FEA adopted amendments to the regulations, effective October 1, 1976, that permitted increases in the ceiling prices for lower tier crude oil produced in California and Alaska by adjusting gravity differentials for such crude oil to more accurately reflect current market conditions. It appears, however, that such adjustments in the ceiling prices have generally not resulted in increased selling prices, apparently because of certain aspects of the regulations pertaining to the entitlements program. Accordingly, FEA is issuing a notice of proposed rulemaking to consider amendments to its regulations that would tend to permit lower tier crude oil produced in California and Alaska to receive its adjusted ceiling price. The impact of any such amendment is expected to be an additional $100 to $200 million in annual crude oil receipts.

Correction of gravity price differential problems and creation of additional price incentives for tertiary enhanced recovery are, as indicated by section 122 of the ECPA, matters of high priority. Accordingly, to the extent that regulatory actions with respect to such matters result in an actual composite price that would limit the increase in lower tier and upper tier prices to less than the rate of inflation, an energy action would be necessary to maintain the upper tier and lower tier prices in real dollar terms.

Finally, it should be noted that FEA is preparing a report for submission to Congress on April 15, 1977 pursuant to section 8(g) of the EPAA, on whether the crude oil price regulations provide positive price incentives for the development of North Slope

Alaskan crude oil production without lessening needed incentives for sustaining or enhancing crude oil production in the remainder of the United States. The FEA is currently soliciting written comments and will hold public hearings on March 21–23 to obtain data necessary to prepare the April 15 report.

If, as preliminary information indicates might be the case, the transportation costs for North Slope oil are so high as to depress wellhead prices for such crude below the composite average, and if a decision is made not to eliminate North Slope prices from the composite average, the composite itself would be reduced, thus providing greater flexibility at least initially to increase prices for upper and lower tier production in the lower 48 states. On the other hand, if the North Slope wellhead prices exceed the composite average and they also are included in the calculation of the composite, the opposite effect will occur. Section 8(g) gives the President authority to submit an energy action to the Congress to eliminate up to two million barrels of North Slope crude oil from calculation of the composite if he finds such action necessary to avoid an adverse effect on incentives for production in the lower 48 states.

As required by Section 8(g), FEA will report to the Congress in April the results of its analysis of likely North Slope wellhead prices, and will at that time propose (1) a rule for the establishment of a ceiling price on North Slope crude and (2) whether or not to exclude North Slope crude from the composite.

Sincerely,

JOHN F. O'LEARY,
Administrator.

ENCLOSURE A

AMENDMENT TO THE REGULATIONS

(Energy action No. 11)

No further amendment to the regulations is required at this time. FEA crude oil price regulations currently in effect (10 CFR Subpart D) are based upon continuation of the adjustment to the maximum weighted average first sale price as a production incentive which is now provided for in section 8 of the EPAA.

SUBPART D—PRODUCERS OF CRUDE OIL

§ 212.71 Applicability.

This subpart applies to each first sale of domestic crude oil except as provided in Subpart C of this part.

§ 212.72 Definitions.

"Base production control level" means: (1) with respect to months ending prior to February 1, 1976:

(A) if crude oil was produced and sold from the property concerned in every month of 1972, the total number of barrels of domestic crude oil produced and sold from that property in the same month of 1972;

(B) if crude oil was not produced and sold from the property concerned in every month of 1972, the total number of barrels of crude oil produced and sold from that property in 1972, divided by 12;

(2) with respect to months commencing after January 31, 1976, except as provided in § 212.76, either:

(A) the total number of barrels of old crude oil produced and sold from the property concerned during calendar year 1975, divided by 365, multiplied by the number of days in the month in 1975 which corresponds to the month concerned; or

(B) if the producer elects to certify crude oil sales for 1972 in accordance with § 212.-131(a)(1), the total number of barrels of crude oil produced and sold from the property concerned during the calendar year 1972, divided by 366, multiplied by the number of days during the month in 1972 which corresponds to the month concerned.

"Current cumulative deficiency" means: (1) prior to February 1, 1976, the total number of barrels by which production and sale of crude oil was less than the base production control level, for all months in which production and sale of crude oil was less than the base production control level subsequent to the first month in which new crude oil was produced and sold, minus the total number of barrels of domestic crude oil produced and sold in each prior month which was in excess of the base production control level for that month, but which was not classified as new crude oil because of this requirement to reduce the amount of new crude oil in each month by the amount of the current cumulative deficiency;

(2) effective February 1, 1976, the total number of barrels by which production and sale of crude oil has been less than the base production control level subsequent to the first month (after February 1, 1976) in which new crude oil was produced and sold, minus the total number of barrels of domestic crude oil produced and sold in each prior month after February 1, 1976, which was in excess of the base production control level for that month, but which was not classified as new crude oil because of this requirement to reduce the amount of new crude oil in each month by the amount of the current cumulative deficiency.

"First sale" means the first transfer for value by the producer or royalty owner. With respect to transfers between affiliated entities, the "first sale" shall be imputed to occur as if in arms-length transactions.

"New crude oil" means, with respect to a specific property: (1) prior to February 1, 1976, the total number of barrels of domestic crude oil produced and sold in a specific month, less (A) the base production control level for that month, and less (B) the current cumulative deficiency;

(2) effective February 1, 1976, the total number of barrels of domestic crude oil produced and sold in a specific month, less (A) the property's base production control level for that month and less (B) the current cumulative deficiency since February 1, 1976; and

(3) shall not in either period include any number of barrels not certified as new crude oil pursuant to the provisions of § 212.131(a)(1) within the consecutive two-month period immediately succeeding the month in which the crude oil is produced and sold, except where such recertification is explicitly required or permitted by FEA order, interpretation, or ruling.

"Old crude oil" means: (1) prior to February 1, 1976, the total number of barrels of crude oil produced and sold from a property in a specific month, less the total number of barrels of new crude oil for that property in that month, and less the total number of barrels of released crude oil for that property in that month;

(2) effective February 1, 1976, the total number of barrels of crude oil produced and sold from a property in a specific month, less the total number of of barrels of new crude oil for that property in that month.

"Property" means the right to produce domestic crude oil, which arises from a lease or from a fee interest. A producer may treat as a separate property each separate and distinct producing reservoir subject to the same right to produce crude oil, provided that such reservoir is recognized by the appropriate governmental regulatory authority as a producing formation that is separate and distinct from, and not in communication with, any other producing formation.

"Released crude oil" means an amount of crude oil produced from a property in a particular month prior to February 1, 1976, which is equal to the total number of barrels of new crude oil produced and sold from that property in that month. The amount of released crude oil for a property in that particular month shall not exceed the base production control level for that property in that month, and shall not include any number of barrels not certified as such pursuant to the provisions of § 212.131(a)(1) within the consecutive two-month period immediately succeeding the month in which the crude oil is produced and sold, except where such recertification is explicitly required or permitted by FEA order, interpretation, or ruling.

§ 212.73 Lower tier ceiling price rule.

(a) *Rule.* Except as provided in § 212.74 with respect to new crude oil, no producer may charge a price higher than the lower tier ceiling price for any first sale of domestic crude oil.

(b) *Lower tier ceiling price determination other than in Alaska and California.* The lower tier ceiling price for a particular grade of domestic crude oil in a particular field other than in Alaska or California is the sum of: (1) The highest posted price at 6 a.m., local time, May 15, 1973, for transactions in that grade of crude oil in that field, or if there was no posted price in that field for that grade of domestic crude oil, the related price for that grade of domestic crude oil which is most similar in kind and quality in the nearest field for which prices were posted; plus (2) $1.35 per barrel.

(c) *Lower tier ceiling price determination in Alaska and California.* In Alaska and California, the lower tier ceiling price for a particular grade of domestic crude oil in a particular field is the sum of: (1) The highest posted price at 6 a.m., local time, May 15, 1973, for transactions in that grade of crude oil in that field, or if there was no posted price in that field for that grade of domestic crude oil, the related price for that grade of domestic crude oil which is most similar in kind and quality in the nearest field for which prices were posted; plus (2) $1.35 per barrel; plus (3) 2 cents for each degree API gravity between 34 degrees API gravity and 40 degrees API gravity that the domestic crude oil being offered for sale is below 40 degrees API gravity, plus (4) 3 cents for each degree API gravity that the domestic crude oil being offered for sale is below 34 degrees API gravity.

§ 212.74 Upper tier ceiling price rule.

(a) *Rule.* Notwithstanding the provisions of § 212.73(a), a producer may in any month charge a price not to exceed the upper tier ceiling price in first sales of new crude oil.

(b) *Upper tier ceiling price determination.* The upper tier ceiling price for a particular grade of domestic crude oil in a particular field is (1) the highest posted price on September 30, 1975, for transactions in that grade of crude oil in that field in September 1975, or if there was no posted price in that field for that grade of domestic crude oil, the related price for that grade of domestic crude oil which is most similar in kind and quality in the nearest field for which prices were posted; less (2) $1.32 per barrel.

(c) *Retroactive increase in price.* No producer may charge or accept a retroactive increase in price for crude oil, other than crude oil which is exempt from this Subpart pursuant to § 212.54 and is sold on September 1, 1976, or thereafter, or crude oil which is exempt from this Subpart pursuant to § 212.55 and is sold on April 5, 1976, or thereafter. Retroactive increase in price means any price charged or offered after the close of the calendar month in excess of the highest price prevailing for that grade of crude oil, in first sales between the producer and the purchaser of the domestic crude oil, during the calendar month in which it was produced and sold.

§ 212.75 Determination of Upper Tier Crude Oil Produced from Unitized Properties.

(a) *Rule.* With respect to each unitized property, a producer shall, as of the effec-

tive date of unitization, establish a unit base production control level.

(b) *Definitions.* For purposes of this section—

"Current unit cumulative deficiency" means the total number of barrels by which production and sale of crude oil from the unitized property was less than the unit base production control level subsequent to the first month (following the establishment of a unit base production control level for that unitized property) in which any crude oil produced and sold from that unit was eligible to be classified as actual new crude oil (without regard to whether the amount of actual new crude oil was exceeded by the amount of imputed new crude oil), minus the total number of barrels of domestic crude oil produced and sold in each prior month from that unitized property (following the establishment of a unit base production control level for that unitized property) which was in excess of the unit base production control level for that month, but which was not eligible to be classified as actual new crude oil because of this requirement to reduce the amount of actual new crude oil in each month by the amount of the current unit cumulative deficiency.

"New crude oil" means either (a) actual new crude oil, which is the total number of barrels of crude oil produced and sold in a specific month from all properties that constitute the unitized property, less (1) the unit base production control level, and less (2) the current unit cumulative deficiency; or (b) imputed new crude oil, which is a number of barrels of crude oil equal to the total number of barrels of new crude oil produced and sold during the 12 month period immediately preceding the establishment of a unit base production control level for the unitized property, from all properties that constitute the unitized property, divided by 12; whichever number is greater.

"Old crude oil" means the total number of barrels of crude oil produced and sold in a specific month from all properties that constitute the unitized property, less the total number of barrels of new crude oil produced and sold from the unitized property in that month, and less the total number of barrels of crude oil sold at the upper tier ceiling price pursuant to the provisions of paragraph (f) of this section.

"Significant alteration in producing patterns" means the occurrence of either (1) the application of extraneous energy sources by the injection of liquids or gases into the reservoir, or (2) the increase of production allowable for any property that constitutes the unitized property.

"Unit base production control level" means, (1) the total number of barrels of old crude oil, as defined in § 212.72, produced and sold during the 12 month period immediately preceding the establishment of a unit base production control level for the unitized property from all properties that constitute the unitized property; plus (2) the total number of barrels of crude oil produced during the 12 month period immediately preceding the establishment of a unit base production control level for the unitized property from all stripper well properties that constitute the unitized property; divided by 365, and multiplied by the number of days in the particular month.

"Unitized property" means the right to produce crude oil that arises from a unitization agreement approved by the applicable governmental regulatory authority (or FEA).

(c) Notwithstanding the provisions of paragraph (a) above, a producer shall not be required to establish a unit base production control level for a particular unitized property, provided that the producer has (pursuant to the provisions of 10 CFR Part 205, Subpart G) certified to FEA its intention to continue to determine volumes of upper and lower tier crude oil separately for all properties that constitute the unitized property, and provided further that the unitized property has not sustained a significant alteration in producing patterns.

(d) Except as provided in paragraphs (e) and (f) below with respect to new crude oil and imputed stripper well property crude oil, no producer of crude oil from a unitized property may charge a price higher than the lower tier ceiling price (as set forth in § 212.73 of this part) for any first sale of domestic crude oil produced and sold from the unitized property.

(e) Notwithstanding the provisions of paragraph (d) above, a producer of crude oil from a unitized property may, in any month, charge a price not to exceed the upper tier ceiling price (as set forth in § 212.74) in first sales of new crude oil produced and sold from the unitized property.

(f) Notwithstanding the provisions of paragraphs (d) and (e) above, the prices charged by a producer of crude oil from a unitized property in any month in first sales of imputed stripper well crude oil (which is a number of barrels of crude oil equal to the total number of barrels of crude oil produced during the 12-month period immediately preceding the establishment of a unit base production control level for the unitized property from all stripper well properties that constitute the unitized property, divided by 12) are exempt.

§ 212.76 Adjustments to Base Production Control Levels.

(a) *Eligibility.*

(1) With respect to each property from which no new crude oil is produced in any month in the 5-month period ending June 30, 1976, a producer may, for each six-month semi-annual period commencing after June 30, 1976, adjust the base production control level for the property concerned for each month during that six-month period in accordance with paragraph (b) of this section.

(2) With respect to each property from which new crude oil is produced in any month in the 5-month period ending June 30, 1976, a producer may adjust the base production control levels applicable thereto in accordance with paragraph (b) of this section, commencing with the six-month semi-annual period immediately following a six-month semi-annual period ending subsequent to June 30, 1976, in which the total amount of crude oil produced and sold from the property concerned was less than the sum of the base production control levels for that period.

(b) *Rule.* The base production control level for properties which qualify for an adjusted base production control level may be adjusted only in accordance with the following formulae:

(1) For the first six-month semi-annual period:

$$ABPCL=(1-ARPD/1.33)(BPCL)$$

(2) For each subsequent six-month semi-annual period:

$$ABPCL=(1-ARPD/2)(ABPCL')$$

Where:

ABPCL=The adjusted base production control level for the month concerned.

BPCL=The base production control level for the month concerned, computed under § 212.72 as revised effective February 1, 1976.

ABPCL'=The sum of the adjusted base production control levels for the immediately preceding six month period as computed to this section, divided by the number of days in that period and multiplied by the number of days in the month concerned.

ARPD=The annual rate of production decline applicable to the property concerned. The ARPD is determined by subtracting the total amount of crude oil produced and sold from the property concerned in 1975 from that property's total amount of crude oil produced and sold in 1972. The result, expressed as a percentage of the total amount of crude oil produced and sold from that property in 1972, is divided by three to obtain the ARPD.

§ 212.77 Adjustments to Ceiling Prices.

(a) *Rule.* Notwithstanding any other provision of this Part, the FEA may, with respect to months commencing after February 29, 1976, provide for adjustments to the ceiling prices established under §§ 212.73 and 212.74 to take into account the impact of inflation, provide a production incentive, and otherwise to achieve compliance with the Act. The adjustment to reflect the impact of inflation shall be measured by the first revision of the quarterly percentage change, seasonally adjusted at annual rates, of the most recent price deflator for the gross national product, except that the combined effect of the adjustment to take into account the impact of inflation and to provide a production incentive may not result in an increase in the maximum weighted average first sale price (as defined in section 8(a) of the Act) in excess of 10 percent per year.

(b) *Procedures.* In providing for price adjustments under paragraph (a) of this section, FEA shall from time to time issue a price adjustment schedule as an Appendix to this Subpart which shall specify the dollar amounts by which lower and upper tier ceiling prices may be adjusted pursuant to this section. Each price adjustment schedule shall be effective only until superseded by a subsequent price adjustment schedule. In subsequent price adjustment schedules FEA shall, as necessary, revise the lower and upper tier price ceilings applicable to the months remaining at the time the subsequent price adjustment schedule is issued, in order to reflect changes in the rate of inflation; to make compensating adjustments when the weighted average first sale price actually charged is found to have exceeded, or is found to have fallen short of, the maximum weighted average first sale price permitted under the Act; and otherwise to achieve compliance with the Act.

(c) *Application of price adjustments.* (1) Price adjustment schedules issued pursuant to paragraph (b) of this section shall reflect application of the price adjustment to take into account the impact of inflation and to provide a production incentive in the following manner. The combined percentage price adjustment to reflect the production incentive and the impact of inflation shall be applied in the same amount to adjust the lower and upper tier ceiling price. To the extent that the full amount of the combined percentage price adjustment cannot be so applied, due to the limitations of section 8(a) of the Act, the available combined percentage price adjustment shall be applied in the same amount to adjust the lower and the upper tier ceiling price until only the percentage price adjustment to reflect the impact of inflation remains to be applied. Thereafter, the full percentage price adjustment to reflect the impact of inflation shall continue to be applied to adjust the upper tier ceiling price, and the portion of the percentage price adjustment to reflect the impact of inflation which remains, if any, shall be applied to adjust the lower tier ceiling price; except that in no event shall the weighted average lower tier ceiling price be reduced pursuant to this sentence below the highest level reached through application of price adjustments pursuant to this paragraph.

(2) Notwithstanding paragraph (c)(1) of this section, FEA may issue price adjustment schedules pursuant to paragraph (b) of this section which, to the extent deemed necessary by the FEA to achieve compliance with the Act, restrict further price adjustments or require reductions in ceiling prices.

APPENDIX.—SCHEDULE NO. 1 OF MONTHLY PRICE ADJUSTMENTS

[Effective Mar. 1, 1976. For limitations on continuing effectiveness, see below.]

Month	Lower tier May 15, 1973, posted price [1]	Upper tier Sept. 30, 1975, posted price [2]
FEBRUARY 1976		
1	+1.35	−1.32
2	1.38	1.25
3	1.41	1.18
4	1.45	1.11
5	1.48	1.05
6	1.51	.97
7	1.54	.90
8	1.58	.83
9	1.61	.76
10	1.64	.69
11	1.68	.62
12	1.71	.55
FEBRUARY 1977		
13	1.74	.47
14	1.77	.41
15	1.80	.34
16	1.83	.28
17	1.87	.21
18	1.89	.15
19	1.93	.08
20	1.96	.01
21	1.99	+.05
22	2.02	.12
23	2.05	.19
24	2.08	.26
FEBRUARY 1978		
25	2.12	.33
26	2.14	.38
27	2.16	.43
28	2.19	.48
29	2.19	.55
30	2.19	.62
31	2.20	.70
32	2.21	.77
33	2.21	.84
34	2.22	.92
35	2.22	.99
36	2.23	1.07
FEBRUARY 1979		
37	2.23	1.14
38	2.25	1.22
39	2.26	1.29
40	2.26	1.35

[1] The price referred to in 10 CFR 212.73(b)(1).
[2] The price referred to in 10 CFR 212.74(b)(1).

This schedule of monthly price adjustments was issued by the Federal Energy Administration on April 8, 1976, pursuant to 10 CFR 212.77. It restates the lower and upper tier price ceilings applicable to crude oil produced and sold in February, 1976, as determined under 10 CFR 212.73 and 212.74, and provides information for determining the adjusted lower and upper tier ceiling prices applicable to crude oil produced and sold in each of the remaining 39 months of the crude oil price control program, beginning with the month of March, 1976.

This schedule is No. 1 in a series of price adjustment schedules to be issued periodically by FEA under § 212.77. Subsequent price adjustment schedules will revise the lower and upper price ceilings applicable to the months remaining at the time the revised schedule is issued, in order to reflect changes in the rate of inflation, to correct for actual composite prices which exceed or fall short of the adjusted statutory composite price, and otherwise to achieve compliance with the Emergency Petroleum Allocation Act, as amended. Consequently, this Schedule No. 1 will remain effective only for a limited number of months until it is superseded by Schedule No. 2. Price projections for the full 39 months of the price-adjustment program are provided in Schedule No. 1 merely as a planning guide for producers, indicating the levels to which prices will rise in the future based on projections of current price and production data estimates and on current price regulations.

APPENDIX.—*Schedule No. 2 of Monthly Price Adjustments*

[Effective July 1, 1976]

	Lower tier 5/15/73 posted price [1]	Upper tier 9/30/75 posted price [2]
February 1976	+1.35	−1.32
March	1.38	1.25
April	1.41	1.18
May	1.45	1.11
June	1.48	1.05
July	1.48	1.05
August	1.48	1.05

[1] The price referred to in 10 CFR 212.73 (b)(1).
[2] The price referred to in 10 CFR 212.74 (b)(1).

This schedule of monthly price adjustments was issued by the Federal Energy Administration on June 30, 1976, pursuant to 10 CFR 212.77. It restates without change the lower and upper tier price ceilings applicable to crude oil produced and sold in the months of February through June, 1976, as determined under 10 CFR 212.73, 212.74, and 212.77, and holds the lower and upper tier price ceilings applicable to crude oil to be produced and scld in the months of July and August, 1976, at the respective ceiling prices for the month of June, 1976.

Effective July 1, 1976, this price adjustment schedule supersedes Schedule No. 1 of Monthly Price Adjustments, as provided in 10 CFR 212.77(b). This Schedule No. 2 of Monthly Price Adjustments will remain effective only for two months, when it will be superseded by Schedule No. 3.

APPENDIX.—*Schedule No. 3 of Monthly Price Adjustments*

[Effective Sept. 1, 1976]

	Lower tier 5/15/73 posted price [1]	Upper tier 9/30/75 posted price [2]
February 1976	+1.35	−1.32
March	1.38	1.25
April	1.41	1.18
May	1.45	1.11
June	1.48	1.05
July	1.48	1.05
August	1.48	1.05
September	1.48	1.05
October	1.48	1.05
November	1.48	1.05

[1] The price referred to in 10 CFR 212.73 (b)(1).
[2] The price referred to in 10 CFR 212.74 (b)(1).

This schedule of monthly price adjustments was issued by the Federal Energy Administration on August 31, 1976, pursuant to 10 CFR 212.77. It restates without change the lower and upper tier price ceilings applicable to crude oil produced and sold in the months of February through August 1976, as determined under 10 CFR 212.73, 212.74, and 212.77, and holds the lower and upper tier price ceilings applicable to crude oil to be produced and sold in the months of September, October, and November 1976, at the respective ceiling prices for the month of June 1976.

Effective September 1, 1976, this price adjustment schedule supersedes Schedule No. 2 of Monthly Price Adjustments, as provided in 10 CFR 212.77(b). This Schedule No. 3 of Monthly Price Adjustments will remain effective only for three months, when it will be superseded by Schedule No. 4.

APPENDIX.—*Schedule No. 4 of Monthly Price Adjustments*

[Effective Dec. 1, 1976]

	Lower tier 5/15/73 posted price [1]	Upper tier 9/30/75 posted price [2]
February 1976	+1.35	−1.32
March	1.38	1.25
April	1.41	1.18
May	1.45	1.11
June	1.48	1.05
July	1.48	1.05
August	1.48	1.05
September	1.48	1.05
October	1.48	1.05
November	1.48	1.05
December	1.48	1.05

[1] The price referred to in 10 CFR 212.73 (b)(1).
[2] The price referred to in 10 CFR 212.74 (b)(1).

This schedule of monthly price adjustments was issued by the Federal Energy Administration on November 30, 1976, pursuant to 10 CFR 212.77. It restates without change the lower and upper tier price ceilings applicable to crude oil produced and sold in the months of February through November 1976, as determined under 10 CFR 212.73, 212.74, and 212.77, and holds the lower and upper tier price ceilings applicable to crude oil to be produced and sold in the month of December 1976, at the respective ceiling prices for the month of June 1976. This schedule is effective only until December 31, 1976. Price ceilings for 1977 will be provided by Schedule No. 5, to be issued in late December, 1976.

APPENDIX.—*Schedule No. 5 of Monthly Price Adjustments*

[Effective Jan. 1, 1977]

	Lower tier 5/15/73 posted price [1]	Upper tier 9/30/75 posted 9/30/75
February 1976	+1.35	−1.32
March	1.38	1.25
April	1.41	1.18
May	1.45	1.11
June	1.48	1.05
July	1.48	1.05
August	1.48	1.05
September	1.48	1.05
October	1.48	1.05
November	1.48	1.05
December	1.48	1.05
January 1977	1.48	1.25
February	1.48	1.25
March	1.48	1.25

[1] The price referred to in 10 CFR 212.73 (b)(1) or in 212.73(c)(1), 212.73(c)(3), and 212.73(c)(4).
[2] The price referred to in 10 CFR 212.74 (b)(1).

This schedule of monthly price adjustments was issued by the Federal Energy Administration on December 31, 1976, pursuant to 10 CFR 212.77. It restates without change the lower and upper tier price ceilings applicable to crude oil produced and sold in the months of February through December, 1976, as determined under 10 CFR 212.73, 212.74, and 212.77, and holds the lower tier price ceilings applicable to

crude oil to be produced and sold in the months of January through March, 1977, at the ceiling price level for the months of June-December, 1976, consistent with statutory composite price requirements. As the schedule indicates, consistent with statutory composite price limitations, a temporary reduction is also made in upper tier ceiling prices below the level of June-December, 1976.

This schedule is effective only through March 31, 1977. Price ceilings for subsequent months will be provided by Schedule No. 6, to be issued no later than March 31, 1977. This schedule may, however, be superseded prior to March, 1977, by early issuance of Schedule No. 6 to reflect further ceiling price adjustments based on unanticipated trends in actual composite price levels.

APPENDIX—*Schedule No. 6 of Monthly Price Adjustments*

[Effective Mar. 1, 1977]

	Lower tier 5/15/73 posted price [1]	Upper tier 9/30/75 posted price [2]
February 1976	+1.35	−1.32
March	1.38	1.25
April	1.41	1.18
May	1.45	1.11
June	1.48	1.05
July	1.48	1.05
August	1.48	1.05
September	1.48	1.05
October	1.48	1.05
November	1.48	1.05
December	1.48	1.05
January 1977	1.48	1.25
February	1.48	1.25
March	1.48	1.70
April	1.48	1.70
May	1.48	1.70
June	1.48	1.70
July	1.48	1.70

[1] The price referred to in 10 CFR 212.73 (b)(1) or in 212.73(c)(1), 212.73(c)(3), and 212.73(c)(4).

[2] The price referred to in 10 CFR 212.74 (b)(1).

This schedule of price adjustments was issued by the Federal Energy Administration on March 1, 1977, pursuant to 10 CFR 212.77. It restates without change the lower and upper tier price ceilings applicable to crude oil produced and sold in the months of February, 1976, through February, 1977, as determined under 10 CFR 212.73, 212.74, and 212.77, and continues to hold the lower tier price ceilings applicable to crude oil to be produced and sold in the months of March through July, 1977, at the ceiling price level for the month of June, 1976. In addition, upper tier ceiling prices, which were reduced under Schedule No. 5 effective January 1, 1977, are further reduced effective March 1, 1977, as indicated in this schedule.

This schedule is effective only through July 31, 1977. Price ceilings for subsequent months will be provided by Schedule No. 7, to be issued on or about July 31, 1977. This schedule may, however, be superseded prior to July 31, 1977, by early issuance of Schedule No. 7 to reflect further ceiling price adjustments based on unanticipated trends in actual composite price levels.

ENCLOSURE B

HISTORICAL SUMMARY OF THE IMPLEMENTATION OF SECTION 8 OF THE EMERGENCY PETROLEUM ALLOCATION ACT OF 1973

(Energy action No. 11)

I. The Energy Policy and Conservation Act.
II. Stage I (February 1, 1976).
A. Number of Tiers.
B. Lower Tier Crude Oil—Base Production Control Level ("BPCL").
C. Upper Tier Crude Oil—"Stripper Well Lease Crude Oil" and "New Crude Oil."
1. Stripper Well Leases.
2. New Crude Oil.
D. Maximum Weighted Average First Sale Price—"Composite Price."
1. Lower Tier Ceiling Price Rule.
2. Upper Tier Ceiling Price Rule.
E. Monitoring Crude Oil Prices.
F. Production and Sale of Stripper Well Crude Oil from Unitized Properties ("Imputed Stripper Well Crude Oil").
III. Stage II (March 1, 1976).
A. Application of Price Adjustments.
1. The Application of Price Adjustments to Both Tiers.
2. Lower Tier Price Adjustments.
3. Price Adjustments to Provide Production Incentives.
B. BPCL Adjustments.
C. Price Adjustments Procedures.
D. GNP Deflator Adjustments.
IV. Stage III Proposal (May 4, 1976).
V. Amendment to the Definition of "Property" (September 1, 1976).
VI. The Energy Conservation and Production Act.
A. The Stripper Well Property Exemption.
1. Change in the Qualifying Period.
2. Imputed Stripper Well Crude Oil.
3. Stripper Well Property Classification for "New" Marginal Properties.
B. Adjustments to Gravity Price Differentials for Heavy Crude Oil.
1. Background.
2. Subsequent Considerations.
VII. Corrective Actions to Comply with Statutory Composite Price Limitations.

ENCLOSURE C

PROJECTED PRICES FOR DOMESTIC CRUDE OIL WITH AND WITHOUT THE ADJUSTMENT AS A PRODUCTION INCENTIVE

(Energy action No. 11)

I. CONTINUATION OF THE ADJUSTMENT AS A PRODUCTION INCENTIVE

FEA has explored uses for the 10% adjustment, if it is retained.

First, FEA has tentatively concluded that the prices of lower tier and upper tier crude oil could be adjusted upward over several months (*e.g.*, four), from their present levels to levels that would represent their real dollar prices at February 1976 levels of $5.05 (lower tier) and $11.28, (upper tier adjusted downward 20¢ to reflect projected prices in February—actual prices were $11.48) and then further escalated.

An attached table shows actual and projected prices for lower and upper tier crude oil using actual quarterly gross national product ("GNP") deflators to date and a projected GNP deflator of approximately 5.5% through May 1979. Maintaining the return in constant dollars to producers of lower and upper tier crude oil is more likely to provide incentives to maintain current production levels.

FEA currently estimates that, because of the annual shift in relative volumes of lower tier and upper tier oil caused by approximate 8% annual rate of decline in production of lower tier oil the entire 10% adjustment permitted by this Energy Action No. 11 would be utilized to maintain upper and lower tier prices at the rate of inflation (5.5% projected), with a minimal amount of cumulative excess receipts through May 1979 (projected to be approximately $96 million). Of course, to the extent actual composite prices were to result in any excess receipts, FEA would take corrective action pursuant to section 8(c) of the EPAA.

Correction of gravity price differential problems and creation of additional price incentives for tertiary enhanced recovery are, as indicated by section 122 of the ECPA, matters of high priority. Accordingly, to the extent that regulatory actions with respect to such matters result in an actual composite price that would limit the increase in lower tier and upper tier prices to less than the rate of inflation, an energy action would be necessary to maintain the upper tier and lower tier prices in real dollar terms.

It should be noted that the maintenance of constant dollar values for the February 1976 $5.05 and $11.28 prices slightly differs from the current regulations.

II. TERMINATION OF THE ADJUSTMENT AS A PRODUCTION INCENTIVE

If this Energy Action is disapproved, the "maximum allowable weighted average first sale price" will not be permitted to increase at a 10% annual rate but only at the rate of inflation, as measured by the GNP deflator, projected to be 5.5%. Because of the annual shift in relative volumes of lower and upper tier oil, prices of lower tier and upper tier oil would be permitted to escalate only 1.9–2.5% annually.

III. PRICE PROJECTIONS

In order to demonstrate the importance of retaining the full ten percent adjustment FEA has analyzed three alternative hypothetical scenarios. A description of these scenarios, referred to hereinafter as Cases 1, 2 and 3, follows. Each case assumes that the future GNP price deflator will be approximately 5.5 percent.

Case 1 assumes that: (1) the ten percent adjustment to the maximum allowable weighted average price is retained; (2) current cumulative excess receipts are eliminated in June 1977 through the existing freeze on the lower tier price and 65 cent rollback of the upper tier price; and (3) FEA will establish a future schedule which escalates lower and upper tier prices individually and which allows their constant dollar prices to remain at the February 1976 levels of $5.05 and $11.28 (assuming a projected average quarterly GNP deflator of 5.5%). Thus actual lower tier and upper tier prices are increased from the June 1977 levels of $5.17 and $10.98 per barrel during July through October 1977 in order to attain the February 1976 values escalated in current dollars to $5.49 and $12.27 in October 1977. If current cumulative excess receipts are not eliminated in June, the adjustments cannot begin in July, but would begin the month after cumulative excess receipts are eliminated.

In May 1979, the resulting legal composite price would be $10.37, the lower tier price would be $5.98 and the upper tier price would be $13.36. Cumulative excess receipts by producers in May 1979 would be $96 million.

Since the analysis of this case shows a final positive balance of excess receipts, FEA would have to restrain slightly the schedule of allowable lower tier and upper tier prices in order to arrive at May 1979 without such a balance. Thus, Case 1 illustrates that, even with continuation of the ten percent escalation of the legal composite price, current projections indicate that the current dollar equivalents of February 1976 lower tier and upper tier prices could not be maintained, even in the face of a reasonable assumption as to the future rate of inflation based on recent history. It follows that in this case adjustments for gravity differentials and special incentives for tertiary recovery, or other high-cost or high-risk exploration or development, such as offshore crude oil production, would require energy actions to increase the 10% maximum allowable adjustment to the legal composite price to maintain a rate of increase in lower tier and upper tier prices at the rate of inflation.

Case 2 assumes that:

(1) the adjustment as a production incentive is not retained,

(2) beginning in June 1977, the legal composite price escalates monthly at a rate of 5.5 percent per year,

(3) FEA will escalate each tier at 1.9–2.5% from the February 1976 prices to arrive at an actual weighted average price in May of 1979 which would yield no excess receipts to producers.

In this case, the May 1979 lower tier ceiling price would be $5.49 and the upper tier ceiling price would be $12.26. There would, of course, be no cumulative excess receipts by producers.

This case demonstrates that failure to continue the ten percent escalation of the legal composite price would not permit lower tier and upper tier prices to be increased at a rate which will even offset the effects of inflation. The May 1979 lower tier price of $5.49 in this case would be only 44 cents higher than the February 1976 price of $5.05 and would be 49 cents lower than the price of $5.98 which would be necessary to maintain a constant dollar value equivalent to the February 1976 price. The May 1979 upper tier price of $12.26 would be only 98 cents higher than the February 1976 price of $11.28 and would be $1.10 lower than the price of $13.36 which would be necessary to maintain a constant dollar value equivalent to the February 1976 price. This case, by failing to offset inflationary increases in allowable prices, would be expected to depress the domestic crude oil production rates in 1980 that would otherwise result from an orderly pattern of price increases offsetting inflation. In this case, any adjustments for gravity differentials and incentives for tertiary recovery could be provided, in the absence of a further energy action, only at the expense of foregoing a significant portion of lower tier and upper tier price increases.

Case 3 analyzes the effect of providing special incentives for tertiary production in addition to all the Case 1 assumptions. FEA assumes in this case that incremental tertiary production would be from 170 to 250 MB/D if incentives took the form of allowing such production to be sold at market prices. This case assumes that OPEC prices are increased at a rate which will maintain a future price of $13.00 in 1975 dollars and is thus consistent with National Energy Outlook forecasts ($13.00 Case).

In this case, cumulative excess receipts by producers would, in May 1979, be $260 million or more, as a result of the monthly differences between actual weighted average transaction prices and the legal composite price. FEA has analyzed this case in order to quantify the amount required, between July 1977 and May 1979, to provide this level of incentive for production from tertiary recovery methods. At projected market level prices, such additional tertiary production is projected to involve an estimated additional $164 million to $242 million in crude oil receipts through May 1979.

Correction of gravity price differential problems and creation of additional price incentives for tertiary enhanced recovery are, as indicated by section 122 of the ECPA, matters of high priority. Accordingly, to the extent that regulatory actions with respect to such matters result in an actual composite price that would limit the increase in lower tier and upper tier prices to less than the rate of inflation, an energy action would be necessary to maintain the upper tier and lower tier prices in real dollar terms.

PROJECTED CRUDE OIL PRICES

Month/year	Case 1		Case 2	
	Upper tier	Lower tier	Upper tier	Lower tier
June 1977	10.98	5.17	10.98	5.17
July 1977	11.30	5.25	11.20	5.21
August 1977	11.62	5.33	11.42	5.24
September 1977	11.95	5.41	11.66	5.28
October 1977	12.27	5.49	11.86	5.31
November 1977	12.32	5.52	11.88	5.32
December 1977	12.38	5.54	11.90	5.33
January 1978	12.44	5.56	11.92	5.34
February 1978	12.49	5.59	11.94	5.35
March 1978	12.55	5.61	11.96	5.36
April 1978	12.60	5.64	11.98	5.37
May 1978	12.66	5.66	12.01	5.38
June 1978	12.72	5.69	12.03	5.38
July 1978	12.77	5.71	12.05	5.39
August 1978	12.83	5.74	12.07	5.40
September 1978	12.89	5.77	12.09	5.41
October 1978	12.94	5.79	12.11	5.42
November 1978	13.00	5.82	12.13	5.43
December 1978	13.06	5.84	12.15	5.44
January 1979	13.12	5.87	12.17	5.45
February 1979	13.18	5.90	12.19	5.46
March 1979	13.24	5.92	12.21	5.47
April 1979	13.30	5.95	12.24	5.48
May 1979	13.36	5.98	12.26	5.49

Note: February 1976 to May 1977 are not shown since these are in the schedules in enclosure A.

COMPOSITE CRUDE OIL PRICES

Month/year	Case 1		Case 2	
	Projected	Legal	Projected	Legal
June 1977	8.22	8.64	8.22	8.61
July 1977	8.42	8.71	8.36	8.65
August 1977	8.63	8.78	8.49	8.69
September 1977	8.83	8.85	8.63	8.73
October 1977	9.04	8.92	8.77	8.76
November 1977	9.09	8.99	8.79	8.80
December 1977	9.15	9.06	8.82	8.84
January 1978	9.21	9.13	8.86	8.48
February 1978	9.27	9.21	8.89	8.92
March 1978	9.34	8.28	8.94	8.96
April 1978	9.41	9.35	9.98	9.00
May 1978	9.49	9.43	9.03	9.04
June 1978	9.56	9.50	9.08	9.08
July 1978	9.63	9.58	9.12	9.12
August 1978	9.70	9.66	9.16	9.16
September 1978	9.77	9.73	9.21	9.20
October 1978	9.85	9.81	9.25	9.25
November 1978	9.92	9.89	9.29	9.29
December 1978	9.99	9.97	9.34	9.33
January 1979	10.06	10.05	9.38	9.37
February 1979	10.14	10.13	9.42	9.41
March 1979	10.21	10.21	9.47	9.46
April 1979	10.27	10.29	9.51	9.50
May 1979	10.36	10.37	9.56	9.54

JACK FROST: ARCTIC EXERCISE ENDS

Mr. STEVENS. Mr. President, I welcome this opportunity to congratulate the men and women of Eielson and Elmendorf Air Force bases and all of those military units involved in the overwhelming success of "Jack Frost 1977."

Eielson AFB hosted units from throughout the Lower 48 that participated in this simulated exercise in combat training in arctic conditions. It was the largest joint exercise held in Alaska, and the military is to be commended.

Mr. President, I ask unanimous consent that the Air Force Times article, "Jack Frost: Arctic Exercise Ends," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Air Force Times, Feb. 14, 1977]

JACK FROST: ARCTIC EXERCISE ENDS

ELMENDORF AFB, ALASKA.—Jack Frost, the largest joint exercise ever conducted in Alaska, was completed last week as aircraft and people swarmed in all directions.

At the peak of the exercise, Gen. Carl K. Carlaton, commander, Military Airlift Command, visited the area and pointed out the mission of his outfit.

"It doesn't matter whether it's a Navy, Army or an Air Force operation," he said. "MAC is usually the first in and the first out."

The C–141s and C–130s that moved some 5000 people and 5000 tons of equipment into the Alaska interior came from the 17th Tactical Airlift Group here and from Air National Guard units in Van Nuys, Calif., and Cheyenne, Wyo.

Jack Frost required communications and Col. Theron L. Jenne, commander of the 1931st Communications Group here, was ready. With him were the 176th Communications Flight, Kulis ANGB, Alaska, the 3d Combat Communications Group, Tinker AFB, Okla., the 4th CC Squadron, Altus, AFB, Okla., the 124th Tactical Control Flight, Blue Ash ANGB, Ohio, and the 252d CC Group, Camp Murray, Wash.

More than 12,000 miles of communications were set up to provide point-to-point and common user voice, secure and nonsecure and weather networks capable of handling thousands of calls each day.

The U.S. Readiness Command at MacDill AFB, Fla., designed the exercise.

Other units and equipment involved in Jack Frost included F–106s from the 84th Fighter Interceptor Squadron, Castle AFB, Calif., which carried out an air defense role for the "friendlies".

The 5010th Combat Support Group's base operations section was responsible for parking all the aircraft which landed at Eielson AFB, Alaska. Maj. Ron Poole, chief of base ops, said his dispatchers handled an aircraft every two to 2½ minutes.

The men and women of Det. 2, 11th Weather Squadron, also at Eielson, did as much work in a week of Jack Frost as they normally did in a month, Maj. Mike Fox, commander, reported.

The reproduction section of the 5010th was on a seven-days-a-week basis and turned out a workload about 40 percent higher than usual. TSgt. Bill Gann was in charge.

One outfit worked for both sides. This was the 25th Tactical Air Support Squadron at Eielson which, flying O–2A forward air control aircraft, performed visual reconnaissance for AF and Army air strikes and search and rescue runs for simulated downed planes.

Heat, light and power were provided by the 5010th Consolidated Aircraft Maintenance Squadron at Eielson, which had 264 portable units available. These played a pivotal role on the flightline, being used to warm and start the aircraft.

Tactical Air Command A–7Ds steadily attacked friendly forces during Jack Frost. They came from the 76th Tactical Fighter Squadron, England AFB, La. The mother organization is the 23d Tactical Fighter Wing, which traces its origins to the Flying Tigers of World War II.

Fast and efficient automotive service for Jack Frost was supplied by the 5010th Transportation Squadron at Eielson. The unit's demand for "taxi" service increased 20 percent in the first week. Included was a shuttle bus route which took people to work and to the show hall.

A single A–10, newest attack aircraft is the AF inventory, took part in Jack Frost. Its pilot, Maj. Francis C. Gideon of the AF Flight Test Center, Edwards AFB, Calif., said the plane, designed for close air support of ground forces, underwent its first test in an actual Arctic battlefield training situation.

Unconventional warfare teams had a busy time placing simulated demolition charges on the hulls of enemy ships and otherwise operating in secret. These missions were supported by the TAC C–130Es and AC–130 gunships from the 1st Special Operations Wing, Hurlburt Field, Fla.

Not the least of the jobs performed in Jack Frost was that done by the battery shot of the 21st Field Maintenance Squadron here. The shop maintains every battery at Elmendorf, at all the Alaska remote sites and in the

Alaska Army National Guard. Douglas Dunn is chief of the three-man shop.

Until the day before Jack Frost began, members of the 616th Aerial Port Squadron combat control team thought they were going to control air traffic from Jeeps. This seemed an unlikely prospect to TSgt. J. C. Bradshaw, so he, with TSgt. John Drozdowski, built a mobile control tower for the job at Clear Creek landing zone. With the tower they literally could set up a small airport in the field.

Part of the "enemy" came from Malmstrom AFB, Mont. These are the people who fly the EB–57 electronic warfare aircraft of the 17th Defense Systems Evaluation Squadron.

A pilot, Capt. Tom Godbold, said, "We simulate a bomber attack and attempt to foil the searching radar from ground sites and F–4 interceptors."

The Montanans chalked up a number of "kills." A kill is registered when an interceptor from the friendly forces flies in front of an E B–57 without seeing it.

Six RF–4 jets from the 363d Tactical Reconnaissance Wing, Shaw AFB, S.C., flew reconnaissance in Jack Frost. Lt. Col. Paul Schmidt, a squadron commander with the 363d, is a veteran of 196 combat missions in Southeast Asia.

Two swing-wing F–111s and an A–7 were able to penetrate friendly air defense systems and inflict heavy damage at Kodiak Island, monitors reported. The all-weather fighters, operating out of Elmendorf, are based with the 474th Tactical Fighter Wing at Nellis AFB, Nev. Strikes also were launched against air defenses around the Ft. Greely air strip.

AF Lt. Gen. W. W. Marshall, deputy CinC, U.S. Readiness Command and director of Jack Frost, said, "This looks like a first class, exercise."

THE IRISH IN AMERICA

Mr. WILLIAMS. Mr. President, St. Patrick's Day affords us an excellent opportunity to acknowledge the wonderful accomplishments of Irish Americans, and the role they have played in the growth and development of this country.

The story of the Irish in America dates back to earliest colonial days. St. Patrick's Day was celebrated in New York and Boston in the early 1700's. Over 4,000 of Washington's soldiers had Irish surnames, and a member of Maryland's Carroll family was the first signer of the Declaration of Independence.

Yet it was during the mid-1800's that the immigration of the Irish into this country began in earnest. Fleeing the poverty of their famine-stricken homeland, this new group of Irish was generally less skilled and less educated than the Irish who had come here before, and they found an America unwilling and unready to accept them on an equal basis. Singled out because of their foreign origin and religion, the Irish were soon forced into the most menial jobs and the most miserable living conditions.

For many years, Irish Americans struggled for full acceptance into American society, and in doing so they became full participants in the unfolding of our history. For example, the great industrial revolution that brought fundamental changes to the character of American life demanded labor, and the Irish had come at the right time to answer that demand. The textile mills of the Northeast, the great railroads stretching out toward the West, and the factories and foundries that were sprouting up in all sections of the country all put the Irish to work, placing them at the center of the process that would make this country the industrial giant of the world.

The crisis of civil war called forth men to fill the ranks of the Union and Confederate armies, and again Irish-Americans responded. Most enlisted in the Union Army. Regiments were formed composed wholly of Irishmen all eager to join in the defense of their adopted country.

By the end of the 19th century, Irish Americans could look back with pride on their contribution to the building of America, and they could look forward with anticipation to a full, meaningful involvement with its future.

With the election of John F. Kennedy in 1960, the last barrier to full participation in American life came crashing down.

In this century, Irish Americans have left their mark on virtually all aspects of the American experience. Such names as F. Scott Fitzgerald, Jack Dempsey, Helen Hayes, George Meany, and John Kennedy can only suggest the profound impact that Americans of Irish descent have had on life in this country.

Irish Americans still maintain strong cultural ties with Ireland, but we are fortunate to have their great contributions here in America.

ANTINUCLEAR PETITIONS NEARING HALF MILLION MARK

Mr. GRAVEL. Mr. President, I am pleased to be able to report to my colleagues that the Task Force Against Nuclear Pollution, Inc.—Post Office Box 1817, Washington, D.C. 20013—has collected, sorted, and computerized according to congressional district over 450,000 petition signatures asking that the Government stop the proliferation of nuclear powerplants.

The petition drive, which is endorsed by Ralph Nader, is no ordinary petition effort. When signatures are received, they are sorted according to congressional district and added to a constantly updated mailing list which is used to keep signers up-to-date on nuclear/solar issues. The petitions are never lost; they are shown to legislators at all levels of government over and over again. Recently, the task force announced that when the half-million mark is reached it will be taking the petitions to the White House.

The task force's primary legislative goal is passage of the Nuclear Energy Reappraisal Act, which was reintroduced in the House on the first day of this session—January 4, 1977—by Representative HAMILTON FISH, JR., of New York. The bill mandates a study by Congress Office of Technology Assessment of all nuclear power issues, including nuclear safety, radioactive waste disposal, nuclear sabotage and terrorism, low-dose nuclear pollution, nuclear economics, uranium availability, nuclear reliability, subsidies to the nuclear industry from the Federal Government—including the insurance subsidy represented by the Price-Anderson Act, et cetera. An appraisal of nonnuclear energy sources, including efficiency, would be required. The study would continue for 5 years, during which time a moratorium would be declared on the licensing of new nuclear plants. Plants currently operating or under construction would not be affected during the 5-year "reappraisal" period. At the conclusion of the study, Congress could decide whether or not to resume licensing, and under what conditions. If Congress took no action, a gradual phaseout of existing plants would begin.

So far, Representative FISH reports the bill (H.R. 882) has 30 sponsors:

LIST OF SPONSORS

Herman Badillo, NY.
Berkley Bedell, IA.
Michael Blouin, IA.
Don Bonker, WA.
Shirley Chisholm, NY.
John Conyers, MI.
Ronald Dellums, CA.
Michael Harrington, MA.
Elizabeth Holtzman, NY.
Hamilton Fish, Jr., NY.
Clarence Long, MD.
Parren Mitchell, MD.
Robert Nix, PA.
Richard Nolan, MN.
Richard Ottinger, N.Y.
Ned Pattison, NY.
Charles Rangel, NY.
Fred Richmond, N.Y.
Peter Rodino, NJ.
Benjamin Rosenthal, NY.
Edward Roybal, CA.
Leo Ryan, CA.
James Scheuer, NY.
John Seiberling, OH.
Paul Simon, IL.
Fortney Stark, CA.
James Weaver, OR.
Theodore Weiss, NY.
Lester Wolff, NY.
Leo Zeferetti, NY.

The bill was referred jointly to three House committees: Interior and Insular Affairs, chaired by Representative MORRIS UDALL of Arizona; Interstate and Foreign Commerce, chaired by Representative JOHN DINGELL of Michigan; and International Relations, chaired by Representative CLEMENT ZABLOCKI of Wisconsin.

Representative UDALL has already announced that his committee will hold hearings on the bill. This is a significant development, since moratorium bills introduced for the past 5 years were routinely introduced to the now-defunct Joint Committee on Atomic Energy, which refused to hold hearings on them.

Mr. President, I think we owe a debt of gratitude to the thousands of citizens who, through the petition drive, are helping to make democracy work to protect us and future generations from the dangers of nuclear power. Their dedication seems to be based on the understanding, becoming ever more widespread, that nuclear power irreversibly mortgages the future for all generations to come. We must acknowledge that it is just plain wrong to produce huge quantities of radioactive waste that could burden not only ourselves, but future generations as well, with epidemics of cancer, birth defects, and other damage caused by exposure to radioactivity. It is a special insult to society to produce plutonium, which, in addition to being an extreme

cancer hazard, invites the proliferation of atomic bombs and nuclear terrorism.

The signatures the task force has collected are on petitions that read as follows, or are similar:

I petition my representatives in government to sponsor and actively support legislation to: (1) foster wide use of solar—including wind—power now; and (2) phase out operation of nuclear powerplants as quickly as possible.

Mr. President, I ask unanimous consent that the January 1977 report of the task force listing numbers of signed petitions be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

TASK FORCE AGAINST POLLUTION, INC. REPORT OF JANUARY 1977

(Representatives listed by last name by Congressional District; those in capital letters are sponsors of nuclear power moratorium legislation. UN—Unidentified by district.)

ALABAMA

1. Edwards	78
2. Dickinson	132
3. Nichols	146
4. Bevill	67
5. Flippo	349
6. Buchanan	393
7. Flowers	315
UN	14
Total	1,491

ALASKA

At Large—Young	291

ARIZONA

1. Rhodes	529
2. Udall	1,226
3. Stump	305
4. Rudd	252
UN	539
Total	2,949

ARKANSAS

1. Alexander	158
2. Tucker	416
3. Hammerschmidt	2,305
4. Thornton	188
UN	15
Total	3,082

CALIFORNIA

1. Johnson	850
2. Clausen	3,055
3. Moss	2,187
4. Leggett	460
5. Burton (John)	1,529
6. Burton, Phillip	1,337
7. Miller	755
8. DELLUMS	4,234
9. STARK	544
10. Edwards	479
11. RYAN	515
12. McCloskey	165
13. Mineta	606
14. McFall	1,023
15. Sisk	1,047
16. Panetta	3,700
17. Krebs	1,191
18. Ketchum	145
19. Lagomarsino	1,054
20. Goldwater	810
21. Corman	380
22. Moorhead	373
23. Beilenson	1,344
24. Waxman	1,957
25. ROYBAL	249
26. Rousselot	381
27. Dornan	1,443
28. Burke	434
29. Hawkins	90
30. Danielson	141
31. Wilson (Charles)	173
32. Anderson	352
33. Clawson	358
34. Hannaford	444
35. Lloyd	263
36. Brown	247
37. Pettis	382
38. Patterson	127
39. Wiggins	347
40. Badham	966
41. Wilson (Bob)	1,041
42. Van Deerlin	534
43. Burgener	1,023
UN	529
Total	39,264

COLORADO

1. Schroeder	1,167
2. Wirth	972
3. Evans	508
4. Johnson	951
5. Armstrong	431
UN	180
Total	4,209

CONNECTICUT

1. Cotter	1,142
2. Dodd	3,033
3. Giaimo	2,314
4. McKinney	1,729
5. Sarasin	1,270
6. MOFFETT	861
UN	1,864
Total	12,513

DISTRICT OF COLUMBIA

At Large—Fauntroy	1,528

DELAWARE

At Large—Evans	4,691

FLORIDA

1. Sikes	196
2. Fuqua	1,226
3. Bennett	129
4. Chappell	284
5. Kelly	214
6. Young	365
7. Gibbons	165
8. Ireland	218
9. Frey	143
10. Bafalis	427
11. Rogers	896
12. Burke	257
13. Lehman	326
14. Pepper	363
15. Fascell	806
UN	131
Total	6,146

GEORGIA

1. Ginn	102
2. Mathis	44
3. Brinkley	107
4. Levitas	592
5. Vacant	48
6. Flynt	137
7. McDonald	163
8. Evans	175
9. Jenkins	118
10. Barnard	401
UN	443
Total	2,330

HAWAII

1. Heftel	518
2. Akaka	208
Total	726

IDAHO

1. Symms	543
2. Hansen	236
UN	2
Total	781

ILLINOIS

1. Metcalfe	91
2. Murphy	13
3. Russo	206
4. Derwinski	752
5. Fary	8
6. Hyde	420
7. Collins	23
8. Rostenkowski	30
9. Yates	121
10. Mikva	1,278
11. Annunzio	28
12. Crane	763
13. McClory	713
14. Erlenborn	371
15. Corcoran	1,373
16. Anderson	816
17. O'Brien	230
18. Michel	109
19. Railsback	356
20. Findley	380
21. Madigan	1,140
22. Shipley	189
23. Price	238
24. SIMON	754
UN	2,041
Total	12,443

INDIANA

1. Benjamin	174
2. Fithian	315
3. Brademas	1,023
4. Quayle	345
5. Hillis	199
6. Evans	85
7. Myers	1,729
8. Cornwell	189
9. Hamilton	799
10. Sharp	388
11. Jacobs	162
UN	317
Total	5,722

IOWA

1. Leach	2,881
2. BLOUIN	1,281
3. Grassley	484
4. Smith	1,947
5. Harkin	970
6. BEDELL	6
UN	6
Total	7,841

KANSAS

1. Sebelius	897
2. Keys	612
3. Winn	804
4. Glickman	2,021
5. Skubitz	1,271
UN	61
Total	5,666

KENTUCKY

1. Hubbard	144
2. Natcher	341
3. Mazzoli	886
4. Snyder	185
5. Carter	291
6. Breckinridge	343
7. Perkins	125
UN	17
Total	2,332

LOUISIANA

1. Tonry	341
2. Boggs	700
3. Treen	56
4. Waggonner	657
5. Huckaby	16
6. Moore	669
7. Breaux	82
8. Long	131
UN	10
Total	2,662

MAINE

1. Emery	1,758
2. Cohen	1,250
UN	27
Total	3,035

TASK FORCE AGAINST POLLUTION, INC. REPORT OF JANUARY 1977—Continued

MARYLAND

1. Bauman	332
2. LONG	284
3. Mikulski	26
4. Holt	529
5. Spellman	619
6. Byron	325
7. MITCHELL	146
8. Steers	1,349
UN	975
Total	4,585

MASSACHUSETTS

1. Conte	6,863
2. Boland	1,619
3. Early	1,003
4. Drinan	589
5. Tsongas	1,305
6. HARRINGTON	1,214
7. Markey	238
8. O'Neill	822
9. Moakley	362
10. Heckler	1,626
11. Burke	388
12. Studds	914
UN	2,665
Total	19,608

MICHIGAN

1. CONYERS	303
2. Pursell	1,151
3. Brown	458
4. Stockman	542
5. Sawyer	305
6. Carr	517
7. Kildee	82
8. Traxler	291
9. Vander Jagt	303
10. Cederberg	373
11. Ruppe	536
12. Bonior	261
13. Diggs	251
14. Nedzi	371
15. Ford	315
16. Dingell	261
17. Brodhead	455
18. Blanchard	398
19. Broomfield	619
UN	22
Total	7,814

MINNESOTA

1. Quie	521
2. Hagedorn	514
3. Frenzel	123
4. Vento	1,256
5. Fraser	1,863
6. NOLAN	304
7. Vacant	325
8. Oberstar	271
UN	76
Total	5,289

MISSISSIPPI

1. Whitten	19
2. Bowen	58
3. Montgomery	21
4. Cochran	163
5. Lott	373
UN	3
Total	637

MISSOURI

1. Clay	446
2. Young	229
3. Gephardt	238
4. Skelton	573
5. Bolling	291
6. Coleman	406
7. Taylor	267
8. Ichord	674
9. Volkmer	192
10. Burlison	64
UN	101
Total	3,481

MONTANA

1. Baucus	492
2. Marlenee	256
UN	3
Total	751

NEBRASKA

1. Thone	326
2. Cavanaugh	125
3. Smith	118
Total	569

NEVADA

At Large—Santini	376

NEW HAMPSHIRE

1. D'Amours	1608
2. Cleveland	1848
UN	1007
Total	4,463

NEW JERSEY

1. Florio	1,279
2. Hughes	4,749
3. Howard	1,015
4. Thompson	1,135
5. Fenwick	2,722
6. Forsythe	1,698
7. Maguire	2,411
8. Roe	1,052
9. Hollenbeck	1,310
10. RODINO	993
11. Minish	1,656
12. Rinaldo	1,363
13. Meyner	1,041
14. Le Fante	481
15. Patten	1,544
UN	2,061
Total	26,510

NEW MEXICO

1. Lujan	2,250
2. Runnels	217
UN	26
Total	2,493

NEW YORK

1. Pike	3,228
2. Downey	918
3. Ambro	2,209
4. Lent	1,520
5. Wydler	1,605
6. WOLFF	904
7. Addabbo	34
8. ROSENTHAL	103
9. Delaney	30
10. Biaggi	98
11. SCHEUER	282
12. CHISHOLM	19
13. Solarz	58
14. RICHMOND	41
15. ZEFERETTI	43
16. HOLTZMAN	37
17. Murphy	1,313
18. Koch	1,428
19. RANGEL	1,144
20. WEISS	2,253
21. BADILLO	17
22. Bingham	22
23. Caputo	2,467
24. OTTINGER	3,105
25. FISH	6,061
26. Gilman	2,340
27. McHugh	10,079
28. Stratton	1,403
29. PATTISON	7,903
30. McEwen	2,803
31. Mitchell	769
32. Hanley	2,192
33. Walsh	1,501
34. Horton	1,060
35. Conable	477
36. LaFalce	5,520
37. Nowak	2,297
38. Kemp	1,766
39. Lundine	2,136
UN	8,636
Total	79,551

NORTH CAROLINA

1. Jones	511
2. Fountain	2,500
3. Whitley	396
4. Andrews	2,137
5. Neal	815
6. Preyer	534
7. Rose	213
8. Hefner	740
9. Martin	637
10. Broyhill	381
11. Gudger	2,236
UN	10
Total	11,110

NORTH DAKOTA

At Large—Andrews	261

OHIO

1. Gradison	1,074
2. Luken	721
3. Whalen	371
4. Guyer	176
5. Latta	363
6. Harsha	231
7. Brown	408
8. Kindness	100
9. Ashley	1,239
10. Miller	330
11. Stanton	674
12. Devine	352
13. Pease	492
14. SEIBERLING	1,058
15. Wylie	331
16. Regula	192
17. Ashbrook	256
18. Applegate	147
19. Carney	586
20. Oakar	326
21. Stokes	206
22. Vanik	1,216
23. Mottl	666
UN	566
Total	12,075

OKLAHOMA

1. Jones	2,231
2. Risenhoover	1,638
3. Watkins	425
4. Steed	628
5. Edwards	264
6. English	678
UN	96
Total	5,960

OREGON

1. AuCoin	4,783
2. Ullman	1,097
3. Duncan	1,496
4. WEAVER	5,636
UN	71
Total	13,065

PENNSYLVANIA

1. Myers	804
2. NIX	1,175
3. Lederer	570
4. Eilberg	729
5. Schulze	923
6. Yatron	521
7. Edgar	900
8. Kostmayer	1,440
9. Shuster	325
10. McDade	3,065
11. Flood	5,000
12. Murtha	757
13. Coughlin	886
14. Moorhead	54
15. Rooney	1,666
16. Walker	2,010
17. Ertel	1,630
18. Walgren	94

PENNSYLVANIA—continued

19. Goodling	1,483
20. Gaydos	164
21. Dent	133
22. Murphy	224
23. Ammerman	1,056
24. Marks	521
25. Myers	211
UN	1,129
Total	27,470

PUERTO RICO

At Large—Corrada	11

RHODE ISLAND

1. St Germain	3,133
2. Beard	6,040
UN	43
Total	9,216

SOUTH CAROLINA

1. Davis	213
2. Spence	759
3. Derrick	810
4. Mann	254
5. Holland	503
6. Jenrette	58
Total	2,597

SOUTH DAKOTA

1. Pressler	96
2. Abdnor	65
Total	161

TENNESSEE

1. Quillen	273
2. Duncan	452
3. Lloyd	345
4. Gore	2,519
5. Allen	6,249
6. Beard	732
7. Jones	62
8. Ford	65
UN	127
Total	10,824

TEXAS

1. Hall	48
2. Wilson	136
3. Collins	449
4. Roberts	101
5. Mattox	338
6. Teague	171
7. Archer	461
8. Eckhardt	99
9. Brooks	157
10. Pickle	5,554
11. Poage	218
12. Wright	169
13. Hightower	32
14. Young	68
15. de la Garza	107
16. White	60
17. Burleson	135
18. Jordan	215
19. Mahon	48
20. Gonzalez	1,654
21. Krueger	790
22. Gammage	176
23. Kazen	565
24. Milford	201
UN	2,044
Total	13,995

UTAH

1. McKay	565
2. Marriott	931
Total	1,496

VERMONT

At Large—Jeffords	6,751

VIRGINIA

1. Trible	236
2. Whitehurst	494
3. Satterfield	272
4. Daniel (Robert)	455
5. Daniel (Dan)	104
6. Butler	175
7. Robinson	1,122
8. Harris	561
9. Wampler	184
10. Fisher	1,328
UN	1,098
Total	6,029

WASHINGTON

1. Pritchard	3,247
2. Meeds	3,780
3. BONKER	6,220
4. McCormack	1,161
5. Foley	476
6. Dicks	1,373
7. Vacant	2,534
UN	667
Total	19,458

WEST VIRGINIA

1. Mollohan	271
2. Staggers	812
3. Slack	299
4. Rahall	122
UN	2
Total	1,505

WISCONSIN

1. Aspin	2,455
2. Kastenmeier	5,390
3. Baldus	6,543
4. Zablocki	329
5. Reuss	991
6. Steiger	1,547
7. Obey	12,710
8. Cornell	1,836
9. Kasten	1,793
UN	542
Total	34,136

WYOMING

At Large—Roncalio	200
Nationwide total	451,652

CLASSIFICATION OF CERTAIN ALASKAN LANDS

Mr. STEVENS. Mr. President, recently I attended a series of meetings with the Governor of Alaska, Senator MIKE GRAVEL, and Congressman DON YOUNG in Anchorage on the congressional considerations of Federal lands which have been withdrawn under section 17(d)(2) of the Alaska Native Claims Settlement Act for study as potential additions to the national parks, wildlife refuges, forests, and wild and scenic rivers systems. At these meetings, representatives of 14 different interest groups spoke to us of their concerns regarding the eventual congressional decision on the classification of these d-2 lands. Since each of you will have to vote on the final disposition of d-2 lands, I feel it is my obligation to share with you the statements prepared by the different interest groups for these meetings. These statements were prepared at our request so that we would have a specific record of the statements made at the meetings we attended.

As you read these statements, I ask that you consider the impacts of d-2 lands on each of the interest groups that these spokesmen represented. The d-2 lands question is one of great importance to the State of Alaska, and it is important for all of us to fully understand the views and concerns held by local Alaskans who will be most greatly affected by the final disposition of these withdrawn lands.

Mr. President, I ask unanimous consent that these statements be printed in the RECORD.

Congressman DON YOUNG is submitting half of these statements, and I am having the rest printed. A list of the statements I am submitting for printing is provided for your convenience.

First. Statement of the Alaska Federation of Natives.

Second. Two statements from the State chamber of commerce.

Third. Statement from the Alaska Miners Association.

Fourth. Three statements from Alaska recreational groups: Izaak Walton League; Alaska Professional Hunters; and the Alaska Wildlife Federation and Sportsmen's Council.

Fifth. Statement from the Alaska Military Command.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALASKA FEDERATION OF NATIVES: STATEMENT OF POSITION ON D2 ISSUES

This statement on D2 issues is the general Alaska Federal of Natives position at this time. Specific recommendations and positions are subject to change as member organizations of AFN review D2 issues. AFN has prepared D2 legislation which is presently in draft from with member organizations reviewing general provisions and proposed classifications.

Subsistence needs of Alaskan Natives must be protected by:

1. Clearly establishing subsistence as the priority use of fish and wildlife.

2. Protection and sound management of subsistence resources and habitat.

D2 legislation must be consistent with the Senate House Conference Committee report on ANSCA, December 14, 1971 (No. 92-581) Section C(2), which states in part: "The conference committee, after careful consideration, believes that all Native interest in subsistence resources lands can and will be protected by the Secretary through the exercise of his existing withdrawal authority. The Secretary could, for example, withdraw appropriate lands and classify them in a manner which would protect Native subsistence needs and requirements by closing appropriate lands to entry by nonresidents when the subsistence resources of these lands are in short supply or otherwise threatened. The Conference Committee expects both the Secretary and the State to take any action necessary to protect the subsistence needs of the Natives."

D2 legislative action necessary to protect the subsistence needs of Alaskan Natives includes:

1. Through land classifications and by means of appropriate regulatory and management policies, the Secretary shall balance the needs, rights and safety of the visting public with customary subsistence practices in such a way that the established subsistence needs of resident Alaskan natives shall not be impaired.

2. The Secretary may permit non-native subsistence activities and sports hunting and fishing but only after a determination that such activities will not be detrimental to the subsistence needs of resident Alaskan Natives.

3. There will be established local regulatory subsistence boards, composed of local subsistence users, which (with the review and final authority of the Secretary or his designee) will develop such regulations and management policies as may be necessary to protect subsistence resources, habitat and the needs of subsistence users.

4. Privately owned subsistence lands must be protected by establishing the Alaska Land Bank.

ALASKA LAND BANK

We propose creation of the Alaska Land Bank, governed jointly by Federal and State Commissioners, for the purposes of fostering long term management of privately owned subsistence resource lands, village and regional land planning and stabilized growth. The Land Bank would function as follows:

1. Any owner of fee title land in Alaska can bank up to 80% of his land holdings.

2. Land banked may be utilized by its owner for all traditional and ordinary uses of ownership except commercial and developmental use.

3. Banked land may be withdrawn from the Land Bank at the rate of 25% every 5 years.

4. Land banked with the Land Bank Commission shall not be subject to State or local real property taxes and shall not be subject to adverse possession.

The Lank Bank would guarantee that a certain portion of regional land would be available on a tax base. The Bank would benefit all Alaskan citizens by creating a more stable land situation, a more controlled process of land transfer from one private owner to another and protection from resource exploitation.

WILDERNESS REVIEW

Within one year of the date of enactment of this Act the Secretaries of Agriculture and Interior should designate certain land to be studied for wilderness classification. Within the following 3 years the Secretaries should submit these recommendations to Congress. We are opposed to the "instant wilderness" concept.

Wilderness designation should not affect subsistence uses of the land and subsistence land uses should not impair an area's suitability for wilderness designation. Customary uses permissible in a wilderness area should include such mechanized transportation, hunting tools and methods and shelter as are customarily used at the time of enactment of this Act.

COOPERATIVE MANAGEMENT AGREEMENTS

D2 legislation should authorize and encourage cooperative management agreements between Federal, State and private land owners. There should be established authority to offer tax relief to private land owners and to lease land from private land owners (at the owner's option) for purposes of land management consistent with management of public interest lands.

ACCESS AND TRANSPORTATION

Access and transportation should be provided by existing law and through development of a statewide transportation policy in cooperation with a joint Federal-State-Native planning institution. Transportation objective should be:

1. Necessary transportation of people and natural resources which will be provided through the prudent use of such railroads, pipelines, roads and other transportation modes as are necessary.

2. Any transportation plan will seek to minimize environmental, social and cultural impact and be particularly sensitive to the needs and desires of those villages which do not wish surface transportation links to metropolitan areas.

AGRICULTURE

Agriculture may be encouraged so long as it does not interfere with established subsistence land use patterns or conflict with subsistence resource management.

FORESTRY

Forestry may be permitted on public interest lands provided that such activities do not interfere with subsistence resources and that only forest with significant commercial value are utilized.

FIFTH MANAGEMENT SYSTEM

No comment at this time.

FEDERAL-STATE CLASSIFICATION ENTITY

At this time, Congressional land classification is recommended. Continuation of the Federal State Land Use Planning Commission in its advisory capacity.

MINERAL DEVELOPMENT

Exploration and development of significant mineral deposits should be permitted under existing laws and regulations pertaining to specific Federal land classifications when such activities will not result in significant environmental, cultural or social impact. Particular attention must be given to the impact of access and increased population on subsistence resources and village life styles.

PUBLIC INTEREST LAND CLASSIFICATIONS

The classification of public interest lands should be consistent with the following considerations:

1. Native village and regional land selections shall take precedence over D2 classifications.

2. Multiple use classifications may be designated in situations where significant beneficial development prospects exist and only in a way which will not result in significant impact on subsistence resources.

3. Habitat and ecological systems should be protected.

4. Restrictive use classifications of public interest lands should not place undue restrictions on the development of adjacent private lands. In some instances restrictive public interest land classification should be buffered with less restrictive classification; for example, a National preserve might provide a buffer between private lands and a National Park.

5. Owners of private land adjacent to public interest lands should have the right of first refusal to provide concessions and services to forest, park, and refuge areas. This would promote private land management consistent with the public interest lands.

STATE SPONSORED 17(d)(2) LANDS ISSUE

(Remarks by Thomas E. Kelly, Consultant, Earth Sciences, Representing Alaska State Chamber of Commerce)

Governor Hammond, Senator Stevens, Senator Gravel and Congressman Young. I am pleased to have this opportunity to discuss with you a matter of great importance to all of us—the resolution of the so-called d(2) lands in Alaska. This presentation is on behalf of the State Chamber of Commerce of which I am a member of the Chamber's land use task force.

Over the past year I have had the privilege of discussing with most of you on an informal basis certain specific areas of concern that are embodied in many of the previously introduced d(2) bills. Today I do not wish to narrowly confine my remarks to specific geographical areas of the state that are or have been included in one of the proposed four-systems withdrawals. I think it is more important at this point to attempt to develop together a meaningful, objective and, hopefully, a successful approach that everyone can accept regardless of their particular self-interest or philosophy of how the public lands should be classified and managed.

First I believe that those of us who advocate multiple use management and wise development with reasonable environmental safeguards are not opposed unilaterally to every proposal to expand a park or refuge boundary or to create new units of the National Parks, Wildlife Refuges, Wild and Scenic Rivers or National Forests. Since those I am representing

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and emphasis is given to National Forest proposals as is given to park or refuge proposals. This has not been the case in the past.

Passage of the Alaska Native Claims Settlement Act provided for many things. Perhaps the most significant for the long range is how land in Alaska would be owned and managed. It gave priority to Native rights to lands but did not, to my knowledge, repeal or diminish the obligation to provide for fulfillment of state entitlement as set forth in the Alaska Statehood Act.

The withdrawal of up to 80 million acres of lands for study and possible inclusion in one of four systems, if deemed advisable by Congress, was not a mandate that there must be 80 million acres set aside specifically in one of the four systems. The 80 million acre ceiling as interpreted under 17(d)(2) has largely been ignored by sponsors of legislation during the current and past session of Congress.

The provision, as I understand it, was to make sufficient land of suitable character available for possible inclusion in one of the four systems so that other uses available under the existing public land laws and mineral leasing acts would not preempt the specific four systems classification. However, the d(2) provision was not intended to deny settlement of native or state land entitlement pursuant to those selections as determined by the natives or the state.

In other words to fairly and honestly carry out the provisions of the Statehood Act and ANSCA with respect to land selection—these two landowners should be statutorily allowed to proceed to finalize all their selections before the Congress decides on how much and where to place up to 80 million acres in one or more of the four systems. To give priority to the four systems is contrary to the intent of Congress and is disruptive to accomplishment of native and state selections.

The areas delineated as d(2) lands were defined by DOI personnel without full knowledge or understanding of the nature or potential value of the lands for various purposes. In effect, a few individuals set down and outlined an area on a map that might be best suited for inclusion in one of the four systems.

Since the passage of ANSCA a great amount of technical and geologic data has been obtained on the probable economic value of specific d(2) lands and the appropriateness or lack thereof other d(2) land for parks, refuges, wild rivers or forests.

All of the information (proprietary or public) needs to be assessed before an arbitrary decision to place x acres in one category or y acres in another is made final.

Many professionals who are well experienced and thoroughly familiar with specific areas of this state are prepared to share with you geologic and biologic facts on specific areas. They are also prepared to argue objectively why certain lands are best suited for a four system category exclusive of all other categories and why certain lands presently identified as d(2) fit none of the criteria that should be utilized if a d(2) proposal is to have beneficial meaning in the long term.

Those of us who are labeled multiple use proponents or more commonly developers or exploiters are far more like the environmentalists than vice-versa. We regard parks as inevitable and believe it is a necessary increment in a total land use program. But where and how much should be determined in light of the country's long range need for natural resources.

In summary we believe that the native selections should proceed to final conveyance without impediment of conflicting d(2) proposals on the same lands. We believe the state should follow and obtain all the lands

to which it is entitled. Then, with the remaining public domain, a careful weighing of all information and comparision of economic with non-economic values should allow reasonable men to determine which lands are best suited for a specific purpose. Esthetic and non-economic values should be carefully compared to known or potential economic values and to the fullest extent possible each should be accommodated.

It can be done. Opposing viewpoints that are emotionally stirred without knowledge or facts can only lead to a solution that nobody really wants.

It is important that you, as our elected representatives, give us the best clue of how to get the full information—without undue bias—before Congress.

If some uncompromising, starry-eyed advocate of single use lands (e.g. parks or wild river proponents) urges that a high alpine meadow with abundant wildlife be preserved for all mankind and someone can show that the high alpine meadow is neither that nor a good habitat but rather a potential large mineralized area or a future oil and gas field—do you think someone with the final decision making authority will listen?

All we ask is a chance to prove what we are saying and not have a preconceived and illogical land use category thrust upon us because of a few who would make utopia where none can exist.

STATEMENT OF CLARENCE KRAMER, FOR THE STATE CHAMBER OF COMMERCE, FEBRUARY 14, 1977

Gentlemen, I am particularly pleased to be here today to take advantage of your gracious offer to confer on the D-2 lands issue. We are certainly concerned in Southeastern Alaska that the Udall Bill, which provides for creation of five instant Wilderness Areas and two instant Wild and Scenic River areas in Southeastern Alaska, without any study whatsoever could be most harmful to not only the timber industry, but also mining, the other multiple uses, and Native selection rights. We are of the view that a careful and thorough inventory and review of the lands should precede their classification. Each of you gentlemen, I realize, has taken a position against the Udall Bill for precisely this reason.

We are concerned that, as with the Udall Bill, many of the proposals for the disposition of the (d)(2) lands have not paid enough attention to inventorying and studying the lands involved. It seems incongruous that those who consistently call upon industry for more planning would, to meet their own land use desires, seek wholesale land classification without planning. It is beyond dispute that there are areas within the Interior of Alaska which should be placed within the four Federal management systems. By § 17 (d)(2) of the Alaska Native Claims Settlement Act (ANCSA) Congress sought to establish a review of those lands which the Secretary of Interior believed included candidates for four system classification. Congress placed an 80 million acre ceiling on this, not for the purpose of requiring that 80 million acres be classified, but to cause selectivity in classification recommendations. Most of the proposals which have been made with respect to the (d)(2) lands seem to be based on premise that at least 80 million acres should be classified within the four systems within the shortest possible time. This is a significant shift in what was intended by Congress and what was expected by the people of Alaska under the Alaska Statehood Act. (Statehood Act). It creates a "land grab" opportunity which if allowed to occur could greatly interfere with the State's ability to make its own selections from a land pool of high quality lands or even to obtain the 103 million acres promised it under the Statehood Act. The "immediate four systems classification" approach could also significantly interfere with the intent of the Alaska Native Claims Settlement Act.

Interference with the Statehood Act and ANCSA occurs in several ways. First, there has simply not been sufficient time for the Land Use Planning Commission to inventory, review, and study 80 million acres to the extent necessary for classification at the present time or within the foreseeable future. We believe it to be bad land use management to take action with respect to any land where that action has not been preceded by sufficient planning. To allow this to happen with respect to § 17(d)(2) lands would recreate the "instant wilderness" approach of the Udall Bill. Incidentally, we recommend against such an approach in full realization that under Interior's Bill most of the commercially forested land in the Interior would go in to National Forests.

Second, since Congress contemplated that only the highest value lands among those withdrawn would be intensively reviewed for four system classification, it provided a procedure for disposition of those lands withdrawn, but not selected for four system classification as follows:

"Any lands withdrawn pursuant to Paragraph (A) not recommended for addition to or creation as units of the National Park, Forest Wildlife Refuge, and Wild and Scenic Rivers system at the end of two years shall be available for selection by the State and the Regional Corporations, and for appropriation under the public land laws." (§ 17(d)(2)(C)).

Thus, forced immediate classification of insufficiently studied land will result in the loss of potentially valuable lands to both State and Regional Corporations selections. Even if there are 103 million acres available for State selection as contemplated by the Statehood Act, the right is meaningless unless high value land is included. The key here is to maximize the pool of land from which the State can select as Congress obviously intended in the above subsection of § 17(d)(2). The same opportunity for selecting from a pool of high value lands holds true with respect to Regional Corporation selections. Thus, forced immediate classification of all the (d)(2) lands could significantly reduce the quality and quantity of the lands available for State and Native selection.

Third, forced immediate classification of at least 80 million acres could interfere with the main purpose of the Act—the transfer of lands to Alaska Natives. After the conveyances contemplated by ANCSA the Native Corporations should be in a position to become economically self-sufficient through use of their lands. However, it is possible that regulations promulgated under the Clean Air Act of 1970 and the Federal Water Pollution Control Act of 1972 in combination with single use classification of (d)(2) lands could deprive Native lands of their economic potential. The Administrator of the Environmental Protection Agency has promulgated regulations designed to prevent "significant deterioration" of air quality in those areas which have air that is already cleaner than the national ambient air quality standards. (See 40 CFR, part 51.) The regulations employ a classification scheme under which these "Clean Air" regions may be designated Class I, II or III. All such areas initially are designated Class II under which specified increments in sulfur dioxide and particulate matter pollution are considered "insignificant". The State, Indian Territory, or Federal Land may be redesignated unilaterally by the Federal land manager after hearing and by application to EPA. Designation as Class I implies a region of very clean air in which relatively small increments in air pollution would be considered significant deterioration. Accordingly, if at least eighty million acres are immediately classified into the four systems then the next step by environmental groups could be to petition the New Secretary of Interior to have some of these lands reclassified from Class II Air Regions to Class I Air Regions. Activities on adjacent lands which interfere with the Class I status of D-2 lands would be subject to prohibition. Therefore, timber processing plants of either the pulp mill or saw mill variety and concentration plants for mining which Native groups may want to use in connection with their newly acquired lands are in jeopardy from the outset.

There is a similar classification scheme under the Federal Water Pollution Control Act of 1972 with respect to water. 40 CFR 130.17 prohibits "significant deterioration of water uses". Accordingly, Native harvesting of timber along streams which pass through their lands could be prohibited if a particular stream flows into a single use (d)(2) area. The impact of the Air Act and Water Act as they presently exist and under proposed amendments obviously need to be carefully analyzed for off land impacts before any four systems classification is done.

Fourth, forced immediate classification of at least 80 million acres without creating easements across the lands could rob many adjacent State and Native lands of any economic significance whatsoever. Without easements the (d)(2) lands could serve as barriers to economic use of the land by the State and Natives alike. The location of such easements will require careful study and review.

These factors suggest development of a common sense approach to the 17(d)(2) land classification problem. As we view it, the first step should be the separation of the unarguably high value ecological lands which should be put into the four systems now from those lands which have demonstrated high natural resource potential or need further review and study. We believe this separation should be accomplished by requiring a near consensus of Alaskans for immediate land classification within the four systems. All other (d)(2) lands should be held in some type of inventory status pending full classification and review. As we understand it, this approach accords with the general thrust of the Governor's preliminary proposal regarding (d)(2) lands. We agree with the Governor that there should be some type of system wherein lands are held in a category other than the four systems until such time as all their values have been determined, transportation corridors have been selected, and we have a better view of how these lands might most efficiently be incorporated into Alaskan social and economic needs. Transfer of lands from unclassified inventory to classified status should be made in small parcels over a long period of time. As part of the review of the lands it would be entirely appropriate to open the unclassified inventory lands to mining so that their mineral potential can be known before classification.

I would like to digress for just a moment and state several concerns that we have with the Governor's preliminary proposal which we hope might be considered as the idea is further developed. As stated, the basic thrust of the Governor's proposal as we understand it, is very much in keeping with our own thinking on this matter. However, at page 15 of the Staff Briefing Paper on the subject there is the following remark regarding the inventory status of the unclassified (d)(2) lands:

"There regulations would establish land classifications, setting forth permitted and prohibited uses. The authority of the Commission would, of course, be limited with respect to Alaska Resource Lands by the *prime value designation* for each area." (emphasis added).

We are of the persuasion that the un-

classified (d)(2) lands should be available for ultimate multiple use classification following appropriate inventory and review. The foregoing quote from the Staff Briefing Paper seems to preclude this. While we doubt that this result was intended we hope that the point will be clarified. Secondly, and connected with first is a question not addressed by the Governor's proposal: Who shall be the land manager? It is our belief that the Forest Service has proven itself to be far and away the best multiple use land manager in Alaska. Of the four designated systems, only the Forest Service has recognized mining as a legitimate land use. However, the Forest Service has a policy of not managing lands for dominant use of prime use. Thus, the idea of classifying land for prime use precludes the Forest Service from being a candidate for land manager.

Since we see the Governor's Preliminary (d)(2) Proposal as one designed to keep open the options for classification of these lands, we believe it inconsistent to either preclude Alaska Resource lands from ultimately being managed in a multiple use classification or preclude the Forest Service from being the land manager of such areas. We respectfully request that there be a review of this matter with an idea of resolving the problem in favor of the Forest Service.

This, incidently is what we particularly like about the Bill proposed by Congressman Don Young. Implicit in his Bill is a recognition of the fact that the Forest Service is the best multiple use land manager. Further, Congressman Young's Bill, like the Governor's, tends to maximize the flexibility of the State by limiting the amount of land which would go into forced immediate single use classification within the four systems. Accordingly even though a different approach has been taken by each of you, we see this common thread between your proposals.

In presenting the Alaska position on the (d)(2) issue we have to impress upon the people of the lower forty-eight the vastness of Alaska. The eighty million acres involved here is two-thirds the size of California. That an area may be open to development does not necessarily mean that it will be developed. In fact, we can expect that a large portion of Alaskan lands will remain de facto wilderness, whether or not they are available for development. Mining development will take place only on those areas where an economically viable operation can be conducted. There will of course be greater impacts upon the land than the mine itself. But, for the most part mining, will be a localized, relatively short-term duration activity which will greatly benefit the State and National economies, and which will be returned to de facto wilderness status within a short period of time after usage is complete. The same thing is true of use of the timber resource. It, too, is available to support State and local economies, particularly Native economic expectations. With careful management under existing environmental safeguards harvested timber lands will return to the de facto wilderness land pool after use. The point is that use of economically recoverable resources will touch only a small portion of the Interior of Alaska, and even, then, the impact will be localized and of short term duration as regards the overall ecological unit.

Most of the (d)(2) proposals we have reviewed do not appear to have considered the establishment of a timber industry within the context of the (d)(2) issue. Since this is our opportunity let me give you a brief overview. In December 1975, the Federal Court for the District of Alaska decided *Zieske* v. *Butz*. It could well have been that the impact of that lawsuit would have shut down the entire industry on the Tongass National Forest. Since Federal timber is the only source of supply in Southeastern Alaska, such a lawsuit would have put 3,500 people out of work in our Region. We are currently engaged in a struggle with the Forest Service regarding timber appraisal. Since we have a single timber supplier on the Tongass it is difficult to determine what the fair market value of timber is and consequently we are each groping in the dark, seeking a good faith solution to the problem. The problem is that we cannot turn to another supplier.

My point is that the timber industry is best off in a situation where there is a mix of Federal, State and private lands. This gives the operator three sources of supply. A wise timber purchaser will purchase from all three so that if one source is threatened he can turn to the others to keep his plant open, his employees working and his customers supplied. This spreads out the environmental impact of the harvesting and allows for an orderly flow of materials to an operator, consistent with the best multiple use principles.

With the exception of the Interior's Bill and the notable exception of Don Young's Bill most of the(d)(2) proposals do not put enough of the 18–28 million acres of estimated commercial forest land into a status which would make it a candidate for forestry management. That these other proposals would put but a fraction of the commercially forested (d)(2) lands into National Forests indicates to us that they have either failed to address the questions of whether or not there should be a forest industry in the Interior or have decided that there should not be one. Under these proposals a forest industry in the Interior would be forced to rely on the State and Native timber were we to operate in the Interior, with no assurance that Native Timber would be available as a result of the Clean Air and Water Act problems we discussed before. This combination of circumstances does not make it attractive at the present time for investors to invest the capital necessary to begin a timber industry in the Interior.

Thus, with respect to an Interior timber industry we believe that we still need to cross the conceptional Rubicon: should there or should there not be a timber industry in the Interior? Right now the wood industry supports 3,500 jobs in Southeastern Alaska and is the most important private employer in the Region. We are doing this with commercial forest lands base of 4.5 million acres, only a fraction of which is harvested at any one time. The Interior forests have a land base of approximately 22.5 million acres of commercial and productive forest land and more than 31 billion board feet of commercial timber. Accordingly, the area could provide up to 36,000 jobs depending of course, on market conditions and how intensively we want to manage the lands. Remember that what we are talking about is the total commercially forested land base in the Interior—Federal, State and Native. The 36,000 jobs (which would be there year after year because the resource is renewable) are based on the economics of scale which could be effected by good utilization of the forested lands of all three owners. Naturally, if an important segment of these forested lands are withdrawn, as is the case with most of the (d)(2) proposals, the economies of scale evaporate, same State and Native forested areas become uneconomic to operate or are rendered inaccessible, and the jobs opportunities tails off.

Do not take our word for this. Before reaching classification decisions with respect to the (d)(2) lands, review the potential for a viable timber industry in the Interior with and without the commercially forested Federal lands included in the operating land base. We believe you will then agree with us that Federal lands must be included to go forward with a viable timber industry in the Interior. There is sufficent time for such a study, particularly if you agree to maintain a large portion of the present (d)(2) lands in unclassified status pending inventory and review.

OUTLINE OF POSITION, ALASKA MINERS ASSOCIATION, (d)(2) MEETING, FEBRUARY 14–15, 1977, ANCHORAGE, ALASKA

I. GENERAL BASIS OF POSITION

The best possible solution to the (d)(2) issue which can be made before December 18, 1978, is to follow the guidelines put down, first, in Sec. 17(d) of the Alaska Native Claims Settlement Act and, second, in other federal acts, including the Federal Land Policy and Management Act of 1976, the Mining and Minerals Policy Act of 1970, and the National Forest Management Act of 1976. The solution also must consider national security and must be consistent with the policies and objectives of the Alaska Statehood Act and the Alaska Native Claims Settlement Act.

The Alaska Statehood Act, with its extensive grants of land to the people of this state, makes it clear that Congress intended to give Alaskans the resources to be economically self-sufficient. Resolution of the (d)(2) issue must be consistent with this objective.

There also can be no doubt that an overriding purpose of the Alaska Native Claims Settlement Act was to provide for the economic well-being of Native Alaskans. Creation of Native corporations could have no other purpose.

Sec. 17(d) of ANCSA in most general terms mandates withdrawal, study, and classification of federal lands, and sets up a process of land-use planning. In stating—in (d)(2)—four systems of diverse purpose and type of management, we believe that Congress intended that lands with a diversity of values and resources could be designated for the type of management provided for by the US Forest Service, just as much as lands of some prime scenic value, or habitat would be recommended, respectively, as National Parks and Wildlife Refuges. Further, in its establishment of a land-use planning commission, Congress intended that the recommendations would be made in the light of the best possible information.

The "BLM Organic Act" has now established that most of the public domain lands will be retained by the United States and managed under multiple use philosophy. The National Forest Management Act of 1976 further refines the management role and public responsiveness of the U.S. Forest Service.

Seven years ago Congress set forth our nation's mineral policy objectives. In the Mining and Minerals Policy Act of 1970, Congress declared that it is the continuing policy of the federal government to encourage private enterprise in the development of an economically sound domestic mining industry and to foster and encourage the orderly development of domestic mineral resources.

In short, Congress, on all of the foregoing occasions, has spoken directly on issues which are at the heart of the (d)(2) matter. We believe it is important that those pronouncements be kept in mind as debate on (d)(2) continues.

II. SPECIFIC CONCERNS OF THE ALASKA MINERS ASSOCIATION

In order to carry out the policy of the United States, as expressed in the Mining and Minerals Policy Act of 1970, the mining industry needs to have access to the public

domain to find and develop deposits, and it needs to have the right to transport mineral products to market if this is warranted by economic conditions.

In turn this implies that most of the federal public domain, and especially that of recognized or suspected mineral potential, be in management systems which allow discovery and transport of minerals—essentially that most public lands be administered by the U.S. Forest Service and/or U.S. Bureau of Land Management. It also means that there should be an attempt to exclude mineral terrains from preservation systems.

Another factor which mandates multiple use of most Alaska land is that we do not know how extensive Alaska's minerals are, and we do not know where they are. Our fear is that to the extent Congress closes the door to mineral activity in Alaska, Congress is locking up uninventoried resources. We believe this action to be unsound and contrary both to good land-use planning and to the Mining and Minerals Policy Act.

Inasmuch as (d)(2) boundaries and management systems affect the opportunities available in adjacent State and Native lands, the (d)(2) settlement must recognize the rights of access of the State and the Native peoples, and because resources do not recognize these man-made boundaries, provision must be made for development of jointly owned resources.

III. POSITION ON OTHER ASSETS OF (d)(2)

The Association recognizes that many problems must be addressed in the (d)(2) legislation. These problems include subsistence, management of critical habitat, the development of agriculture and forestry. Just as in mineral development, the Association proposes that these issues be addressed through careful study of the availability and distribution of resources and needs of the people.

IV. OTHER AREAS OF DISCUSSION

For the record, the Association wants to establish that mining will not, over time, cause loss of other opportunities in land management. Various statistics are available to support this contention. The President's Commission on Materials Policy found that less than 0.3 percent of the land area of the United States has been disturbed by mining to produce all the mineral materials needed since 1776. Much of this disturbance is that of "urban or transportation system mining," such as rock and gravel pits. Since it is highly unlikely that Alaska will ever be generally urbanized, or laced by a highly developed road system, a better figure to use is the 0.01 to 0.02 percent that would be distributed by mining of the locatable minerals. Most of this land can be reclaimed and—with the healing of time—is available even for wilderness, as is recognized in the "Eastern Wilderness Act." Mining must be considered an interim use in any land-use management program.

In summary, the Alaska Miners Association advocates accessibility to most of the public lands for mineral activities and multiple-use management of most Alaska land. We believe that this position is in keeping with the national interest as expressed by Congress.

[From the Izaak Walton League (Anchorage Chapter)]

D–2 LANDS POSITION STATEMENT APPROVED BY BOARD OF DIRECTORS ON FEBRUARY 8, 1977

The Izaak Walton League (Anchorage Chapter) supports the establishment of National Interest Lands in Alaska. Recognizing that large areas of Alaska should be reserved and protected for perpetual Public use, we believe that these lands must be set aside now.

We support the multiple use concept of these lands where proper management allows for the conservation of its total resources. We believe that the nonrenewable resources can, will, and should be developed as the National need requires. Such development shall be controlled for maximum protection of an areas renewable resources. We support laws, rules, and regulations that are essential to manage, develop, preserve, and protect all land and resources under the Public ownership so that their quality is maintained or enhanced for future generations. We believe that these controls are necessary for both commercial uses, such as grazing, timber or mining and the noncommercial uses such as fishing, hunting, camping, rockhounding, or off highway vehicle use.

We support the continuation of hunting in all areas where good wildlife management allows for the perpetuation of the species. Recognizing both the consumptive and nonconsumptive values of wildlife, we would support a management concept that provides for the optimum wildlife population on the land, that an area's ecosystem can sustain. This would be in contrast with the optimum harvest concept.

We oppose the designation of subsistence hunting areas for special use by special groups. Subsistence hunting shall not be reserved for any group but will be restricted to and justified by need alone.

Fishing will be allowed in all areas. The natural perpetuation of the fishery shall be the first goal of its management. We support the use of our fisheries for all of the People, with management for the maximum sustained yield to benefit both sport and commercial users.

ALASKA PROFESSIONAL HUNTERS ASSOCIATION, INC.: POLICY STATEMENT ON D–2 LANDS

It is of concern to the Alaska Professional Hunters Association that fish and wildlife habitat be protected from unwise degradation of lands classified under section 17 D–2 of the Alaska Native Claims Settlement Act.

Alaska Professional Hunters Association was the first group to produce recommendations for disposition of D–2 lands. At the time, we recommended primarily administration by the U.S. Fish and Wildlife Service. Lands classified as D–2 are federal lands and as such will be managed by a federal agency. Under that premise we still feel that our original proposal still stands, and this proposal has been endorsed by the National Rifle Association.

Polarization of two factions representing exploitation and preservation have obscured the issue of wise utilization of both renewable and non-renewable resources. Americans are adjusted to unrestricted use of fossil fuels, minerals, and forestry products. We cannot believe that the extraction of these resources will cease because of preservationist demands. We perceive the issue as natural resource extraction with the least possible wildlife habitat degradation as possible. The Alaska pipeline is a prime example showing the public that you can extract a nonrenewable resource from an area with the least disturbance to our game habitat.

With the exception of the National Park Service, the critical issue is not which agency shall manage D–2 lands, but that their mission be detailed in the enabling legislation. Sport hunting is not only our livelihood, but the great majority of Alaska residents enjoy this great outdoor activity. We desire that provisions to protect this valuable heritage in perpetuity be clearly spelled out in any D–2 legislation enacted by Congress.

It is of vital importance that fish and wildlife resource management by the State of Alaska be specified and detailed in any D–2 legislation. We strongly urge that separate legislation be considered for each area with specific wording allowing the harvest of our renewable game resources under the control and management of the Alaska Department of Fish & Game.

THE ALASKA WILDLIFE FEDERATION AND SPORTMEN'S COUNCIL*—POSITION STATEMENT** ON THE D-2 LANDS OF ANCSA

The Council has on record commented on the EIS prepared by the agencies proposing D–2 withdrawals. The following recommendations are presented for consideration in D–2 legislation.

1. PUBLIC INPUT NECESSARY ON SPECIFIC AREAS

The magnitude and diversity of the D–2 proposals precludes knowledgeable input on all areas from but few citizens. Accordingly, the Council prefers separate legislation for each proposal and thus insure the people's wish and contribution to the separate entity without confusing the whole of agency proposals. Legislation should provide, for each proposal, the objectives and multiple or singular uses or combinations of uses.

Legislation should avoid the deficiencies, in existing Executive orders, in providing objective guidelines for federal administrators without the ultimate bureaucratic decision. Omnibus bills tend to be less specific and complicate legislative processes for both the Congress and the people. All proposals should be accompanied by cost estimates for administration.

2. FISH AND GAME RESPONSIBILITY

Legislation should recognize the State's responsibility for managing the fish and wildlife resources on D–1, D–2 and public domain.

Recent federal statutes have continued to erode the State's responsibility, i.e. Marine Manual, 200 Mile Limit, Endangered Species.

3. WILDERNESS CLASSIFICATION

Legislation should not be confounded by Wilderness classification.

Legislation should follow the precedent of the Wilderness Act, giving the agency ten years to give Congress its recommendation on what areas are to be included in wilderness classification. Present knowledge of minerals, mode of travel, and past and potential use does not permit a reasonable classification at this time.

4. DUAL AGENCY CONTROL

Legislation should avoid dual agency control, a monster we should leave to Loch Ness.

Exchange of expertise between federal and state agencies, if required by statute, may better serve the people and avoid duplication of technical services.

5. NATIONAL FORESTS AND REFUGES

The Council supports, in general, the proposals for National Forests and National Refuges with multiple use.

We are reserving comment on boundaries and the specific wording, in legislation, with respect to objectives and use. The U.S. Forest Service should manage for wildlife on lands primarily suited to wildlife, and U.S. Fish & Wildlife Service should manage for forests on lands primarily suited for forest use.

6. MINERALS, OIL AND METAL, EXPLORATION AND DEVELOPMENT

Given agency authority to control and monitor, consistent with the objectives of a given area, mineral exploration and development should be permitted on all D–2 lands with the exception of portions of monuments and parks and critical fish and wildlife habitat.

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* The Council represents sportsmen groups in Anchorage, Fairbanks, College, Cordova, Haines, Juneau, Ketchikan, Sitka and Palmer.

** This statement has also been approved by the Fairbanks Coalition of Outdoorsmen including snowmobilers, Chena River Sportsmen, trappers, Tanana Valley Sportsmen's Association, Interior Wildlife Association, and outboarders.

The public concern and existing environmental statutes will preclude most of the past mistakes from mineral exploration and development. The need for strategic minerals, mining industry, and energy resources will ultimately dictate these uses. Serious objection to recent BLM mining regulations indicate a need for more reasonable control of mining.

7. NATIONAL PARK PROLIFERATION

The Council has a record of support for National Parks in Alaska and has long supported the need for Congressional mandates to replace Executive orders. The Council is disturbed over the magnitude and inadequate justification of the National Park Service proposals which include vast areas of ordinary landscape without unique features of national significance in flora, fauna, scenery, archaeology, geology or history. These "acre happy" proposals, if accepted by Congress, will unnecessarily exclude many other potential uses.

Of particular concern are the large additions to McKinley and Katmai and the Wrangell-St. Elias and Arctic Parks. The Council would support reasonable additions to the Park system, though not yet justified, and providing the creative legislation specifies objectives and uses.

The Council considers the term "Preserve", used by the "Conservation Coalition" (Sierra Club, Conservation Society, etc.), as a NPS ruse for a holding pattern before landing a park. The EIS by the NPS used a suggestion to permit "subsistence hunting" as a ruse for public support. Preserves, if created, should be managed by an agency (BLM, FWS, FS) other than NPS. The term "subsistence hunting_fishing" is inconsistent, constitutionally and definitively, and should not be used in legislation.

The NPS fishery management is notoriously poor. The Park proposals include important river systems where the anadromous and resident fisheries are the most important singular use not to be subverted to other priority uses.

8. BLM ORGANIC ACT

The new BLM Organic Act may now prompt suggestions for retention of all D–2 lands under BLM. We consider this an appropriate potential for areas of controversy, such as the NPS proposals. The Council, however, supports the concept of National Parks, forests, refuges, and scenic rivers being managed by the respective bureaus and not run the hazard of single agency control. Legislation should also consider lands declassified from D–2 to D–1 and provide guidelines for the BLM.

9. GOVERNOR HAMMOND'S COMANS

The Council supports the concept of Governor Hammond's comans but believes it a compromise defensive position and seriously doubts that it will satisfy the interests of people and the members of Congress who were the D–2 genesis. Controversial areas, where there exists a complicated mix of Federal, State and Native selection lands and where the need exists for similar management, "Comans" may be appropriate. ANCSA conflicts with the Statehood Act in land selection and the D–2 provision restricts Native selection. The State, Native and community needs should be more carefully identified before classification of D–2. "Preserve and protect" is an omnibus phrase implying lands outside of national dedications are of no concern.

10. WILD AND SCENIC RIVERS

Except for disturbance by placer mining, most Alaskan rivers qualify for wild and scenic classification. The existing proposals are deficient in recognition of (1) irregular, ill defined boundaries, (2) valid existing claims, (3) managerial problems and costs, (4) conflicts with corridors for transmission and transport, (5) necessary fishery management, and (6) use for trapping, hunting, fishing, and use of power vehicles.

TERRITORIAL SPORTSMEN, INC.—ALASKA'S NATIONAL INTEREST LAND CONSERVATION ACT, H.R. 39

The Territorial Sportsmen, Inc. of Juneau, a non-profit sportsmen oriented conservation organization dedicated to the principles of multiple use and proper management of our natural resources, have recently received a copy of H.R. 39 introduced by Congressman Udall. The Territorial Sportsmen have had a long, continuing interest in the matters relating to land management and allocations in Alaska. There are numerous sections of H.R. 39 which in our opinion are not in the best interests of the State or the Nation. While we have only had access to a copy for three days, after careful review, we are deeply concerned with the language contained in H.R. 39. The purpose of this release is to provide members of our organization and other interested members of the community and the State with some of the facts.

The proposal would designate 147 million acres of wilderness which would be in addition to existing withdrawals for various purposes including military withdrawals. The 147 million acres, plus the previous dedications and withdrawals, would place 46½ percent (approximately) of Alaska's entire land area of 362,516,000 acres in the wilderness classification. The designation in total of millions in acres of wilderness is greater than the combined areas of the States of California and Washington.

In addition to designation of National Park and National Wildlife areas as wilderness, all wild and scenic rivers would be managed as wilderness by the National Park Service. This would include 23 wild and scenic rivers. These rivers are outside and in addition to proposed parks and refuges. The boundaries of these designated rivers will average two miles on each side. Managed as wilderness by the National Park Service, these 23 proposed wild and scenic rivers will not be available for recreation, development, agriculture, current hunting practices, hydroelectric power site developments, timber harvesting or mining.

Under management by the National Park Service or as National Wildlife refuges, the State of Alaska (Alaska Department of Fish and Game) loses the primary responsibility for management of fish and wildlife species on these areas. The Secretary of the Interior is authorized to publish regulations, prescribe conditions and enforce such regulations and conditions for restrictions of hunting and fishing to subsistence use.

Although the Forest Service, Department of Agriculture, has currently designated approximately 2.5 million acres in seven wilderness study areas in the Chugach and Tongass National Forests and is currently managing them to protect the wilderness values, while the U.S. Geological Survey is completing the required study of mineral values, these designations are ignored by the proposed legislation or supplanted with instant designations of wilderness classification includes:

ADMIRALTY ISLAND

1,030,000 acres excluding only the Angoon Native Village and related selected lands. The Goldbelt and Shee Atika, Inc. Native rights and selections on Admiralty Island are ignored.

MISTY FJORDS

2,400,000 acres instant wilderness classification includes the 590,000-acre Granite Fjords wilderness study area managed by the Forest Service. Although the U.S. Geological Survey minerals survey findings are nearly ready for evaluation, instant wilderness designation precludes consideration of this information. The expanded area of 2,400,000 acres also includes the U.S. Borax Company's Quartz Mountain molybdenum project and would essentially block the development of this project.

The West Chichagof-Yakobi wilderness area proposal of 405,000 acres encompasses the Forest Service Unit Management plan for this area. A 5-year study including a formal environmental impact statement. The final impact statement based on extensive public involvement included designation of a 40,000-acre wilderness study area and management of most of the area as backcountry. The designation of the entire area as wilderness ignores the 5-year study and environmental impact statement, would block the development of Inspiration Mining Company's copper-nickel deposit on Yakobi Island. Several year-long residences and other existing recreation facilities would also be adversely affected by such classification.

The Yakutat Forelands, 300,000 acres and Stikine-LeCente 305,000 acres are also areas on the Tsongas National Forest currently under study in the Forest Service's land management planning process. Although the areas have not been studied for mineral values, instant wilderness classification would be made. Native claims, opportunities for agriculture and other forms of development are also ignored.

The Nellie Juan area on the Chugach National Forest is also designated as instant wilderness. Although this corresponds to the Forest Service's designated wilderness study area, the mineral surveys by the U.S. Geological Survey are not completed and Native claims are ignored.

Management of these National Forest wilderness area designations would be taken over by the National Park Service, eliminating the State of Alaska's responsibility for management of fish and wildlife species and restricting hunting and other opportunities for multiple use management.

The proposed legislation would also modify existing land classifications in southeast Alaska.

COPPER RIVER DELTA AREA

Elimination of the Forest Service's Copper River Delta Game Management Area, where the Forest Service has a cooperative agreement with the State of Alaska Department of Fish and Game, seriously undermines the Forest Service's Multiple Use Management program. The Forest Service also has cooperative efforts underway in this area with the U.S. Fish and Wildlife Service, University of Alaska, and University of Minnesota. The Forest Service should be encouraged to continue such efforts rather than blocking such work.

H.R. 39 FAILS TO RECOGNIZE THE AGRICULTURAL POTENTIAL IN ALASKA

The agricultural potential in Alaska is not considered in the provisions of this proposed legislation. In fact, existing and potential agricultural lands are included in proposals for National Parks, National Wildlife Refuges, and Wild and Scenic Rivers preventing the use of these agricultural lands.

The Subcommittee on Agricultural Production, Marketing and Stabilization of Prices of the Committee on Agriculture and Forestry, U..S. Senate, held hearing in Palmer, Alaska on August 16, 1976, and in Fairbanks on August 17, 1976, on the agricultural potential in Alaska. The record of these hearings has been printed and clearly show the importance of these agricultural lands. The Alska State Legislature and Governor Hammond have also recognized this important agricultural resource and additional agricultural lands have been identified.

It is essential that all of these agricultural lands be recognized and be available for use either as farmlands or as grazing lands. H.R. 39 should be referred to the Senate and House Committees on Agricultural and Forestry to assure these agricultural values are considered and will be available for use.

The Alaska National Interest Land Conservation Act—H.R. 39 also proposes to greatly modify existing land classifications in southeast Alaska and Prince William Sound severely retarding the conservation (wise use) of resources on the Tongass National Forest, Chugach National Forest, and Glacier Bay National Monument.

The Glacier Bay National Monument is enlarged to a total of 2,800,000 acres and is all designated wilderness. These lands include highly significant and economically available minerals critical to the Nation's needs. Opportunities for developed recreation facilities, hunting, aquaculture, and timber harvesting would also be foreclosed by these designations.

Retention of and classification of additional areas as National Forest which will permit multiple use management of these various resources should be made.

In conclusion, we would again urge that everyone become familiar with this proposal. Hearings no doubt will be held. Copies of the entire Act should be available in Alaska in the near future. I suggest you contact the various offices of our State delegation to secure copies or write directly to your Congressman or Senators. We would like to point out, also, that in our opinion this proposal does not recognize the economic factors involved. Certainly the proposals for southeast Alaska would, in our opinon, put southeast Alaska in a very precarious position so far as economics are concerned. I am sure this should be of interest to all Alaskans. We will be commenting further on this legislation. We are advised that other legislation will also be introduced in the very near future. We certainly should have some options.

HEADQUARTERS ALASKAN AIR COMMAND,
February 10, 1977.

HON. TED STEVENS,
U.S. Senator,
Anchorage, Alaska

DEAR SENATOR STEVENS: This is in response to your request of January 11, 1977 for the Department of Defense position on the proposed d–2 land withdrawal.

The basic position of the military in Alaska at this time is substantially the same as previously developed after initial review of the Department of Interior proposal in 1973. The military departments in Alaska have no objection to the d–2 land withdrawal proposals as long as there is no resultant adverse effect upon military training or operating areas in Alaska now in use or proposed to be used in the future.

Certain current activities by the military which could be affected by the d–2 land proposals include such operations as the annual resupply of Air Force installations by sealift barge and commercial barge by coastal and inland waterways, operation of military-controlled aircraft below 1000 feet above ground level when required for emergency or rescue operation and for FAA-approved low-level training routes and military ground maneuver rights.

Additionally, in those instances where a proposed withdrawal affects an area in which the Corps of Engineers has been authorized to perform a civil works study, those withdrawals should be deferred until the study is complete. Currently, there are several ongoing studies which may be affected by the proposed withdrawals; such as, those involving the Upper Susitna River, Copper River, and Yukon River, all of which have tremendous hydroelectric potential. Any withdrawal should provide for ingress and egress to present and potential hydroelectric sites together with easements and rights-of-way for transmission of power.

The protection of the military operation and training interests can, of course, be assured by incorporation of specific safeguards into the withdrawal legislation. Alternatively, the Department of Interior may provide protection from negative impact on military operations by appropriate regulatory provisions.

A few military reservations and some of the identified potential water resource development areas located within the proposed withdrawals are set forth in Attachment 1.

Similar letters have been forwarded to Governor Hammond, Senator Gravel, and Mr. Young.

Sincerely,

M. L. BOSWELL,
Lieutenant General, USAF.
JAMES G. BOATNER,
Brigadier General, USAF.
GEORGE R. ROBERTSON,
Colonel, Corps of Engineers.

EXAMPLES OF MILITARY LANDS AND CIVIL WORKS AFFECTED BY D–2 LAND WITHDRAWALS

1. The following Air Force lands in Alaska are within the proposed boundaries of the currently recommended d–2 withdrawals:

a. Cape Romanzof Air Force Station, within the Yukon Delta National Wildlife Refuge.

b. Big Mountain Radio Relay Site, within the Iliamna National Resource Range.

c. Tatalina Air Force Station, within the Yukon-Kuskokwim National Forest.

d. Cape Newenham Air Force Station, within Togiak National Wildlife Refuge.

e. Naknek Recreation Annex No. 2, in Katmai National Park.

f. Fort Yukon Air Force Station and Porcupine Recreational Annex, in Porcupine National Forest.

g. Cape Lisburne Air Force Station, within the Alaska Coastal National Wildlife Refuge.

2. The following Air Force real estate is located in the ecology zone:

a. The Seward Recreational Annex is within the ecology zone of the Harding Icefield-Kenai Fjords National Monument.

b. Fort Yukon Air Force Station and Porcupine Recreational Annex are located within the ecology zone of the Yukon Flats National Wildlife Refuge as well as the Porcupine National Forest.

c. Naknek Recreation Annex No. 1 and Naknek Recreation Annex No. 2 are located within the ecology zone of the Iliamna National Resource Range.

3. The following potential hydroelectric development projects are partially or totally within the proposed boundaries of the currently recommended d–2 withdrawals:

a. Forty Mile, within the Fortymile National Wild River.

b. Holy Cross, within the Yukon-Kuskokwim National Forest and the Koyukuk National Wildlife Refuge.

c. Ruby, within the Yukon-Kuskokwim National Forest.

d. Crooked Creek, within the Yukon-Kuskokwim National Forest.

e. Naknek, within the Katmai National Park.

f. Dubli, within the Koyukuk National Wildlife Refuge.

g. Ingersol, within the Iliamna National Resources Range and the Lake Clark National Park.

h. Crescent Lake, within the Iliamna National Resources Range.

i. Lake Iliamna, within the Iliamna National Resources Range.

j. Rampart, within the Yukon Flats National Wildlife Refuge, the Yukon-Charley National Rivers, and the Porcupine National Forest.

k. Agashashok, within the Cape Krusenstern National Monument and the Noatok National Arctic Range.

l. Tuksuk, within the Chukchi-Imuruk National Reserve.

m. Tazimina, within the Iliamna National Resources Range and the Lake Clark National Park.

n. Wood Canyon, within the Wrangell-St. Elias National Park.

o. Yukon Taiya, within the Yukon Flats National Wildlife Refuge and the Porcupine National Forest.

p. Woodchopper, within the Yukon Flats National Wildlife Refuge, the Yukon-Charley National Rivers, and the Porcupine National Forest.

q. Porcupine, within the Yukon Flats National Wildlife Refuge and the Porcupine National Forest.

r. Chakachamna, within the Lake Clark National Park.

4. There are no Army real estate interests involved.

(This concludes Additional Statements submitted by Senators today.)

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning busines is closed.

SPECIAL GRAZING AND HAY PROGRAM FOR WHEAT ACREAGE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 650, which will be stated by title.

The legislative clerk read as follows:

A bill (S. 650) to provide temporary emergency assistance to wheat producers by permitting such producers to utilize a portion of their farm wheat acreage allotments for grazing purposes or for hay rather than for commercial production.

The Senate proceeded to consider the bill which had been reported from the Committee on Agriculture, Nutrition, and Forestry, with an amendment to strike all after the enacting clause and insert the following:

That the Agricultural Act of 1949, as amended, is amended by adding at the end of title I a new section as follows:

"SPECIAL GRAZING AND HAY PROGRAM FOR WHEAT ACREAGE

"SEC. 108. Notwithstanding any other provision of law—

"(1) The Secretary shall administer a special wheat acreage grazing and hay program for the 1977 crop. Under the special program, a producer shall be permitted to designate a portion of the wheat acreage allotment for the farm, not in excess of 40 per centum thereof, which was planted to wheat prior to January 1, 1977, and which shall be made available for use by the producer for grazing purposes or for hay production rather than for grain production. A producer who elects to participate in the special program shall be paid a payment as provided in paragraph (3) of this section.

"(2) Any producer who elects to participate in the special program shall designate the specific acreage on the farm which is to

be used for the purposes prescribed in paragraph (1) of this section. No crop other than hay may be harvested from acreage included in the special program.

"(3) The Secretary shall pay any producer participating in the special program an amount determined by multiplying the projected yield for wheat established for the farm times the number of acres included in the special program times $1. The producer shall be ineligible for any other payments or price support on the portion of the wheat acreage allotment for the farm which the producer elects to include in the special program.

"(4) Acreage included in the special program shall be deemed to have been planted for harvest for the purposes of wheat acreage history.

"(5) The Secretary is authorized to issue such regulations as may be necessary to carry out effectively the provisions of this section.

"(6) The Secretary shall carry out the special program authorized by this section through the Commodity Credit Corporation. This section shall become effective October 1, 1977, and the provisions thereof shall be retroactive to cover payments for 1977 crop wheat planted prior to January 1, 1977.".

The PRESIDING OFFICER. Time for debate on this bill is limited to 1 hour, to be equally divided and controlled by the Senator from Oklahoma (Mr. BELLMON) and the Senator from Georgia (Mr. TALMADGE), with 30 minutes on any amendment in the first degree, and 20 minutes on any amendment in the second degree, debatable motion, appeal, or point of order.

Who yields time?

The Senator from Oklahoma.

Mr. BELLMON. Mr. President, I yield myself 10 minutes.

Mr. President, I ask unanimous consent that Brad Gungoll of my staff and the following staff members of the Committee on Agriculture, Nutrition, and Forestry be permitted to be present on the floor during consideration of S. 650, including all rollcall votes thereon: Mike McLeod, Carl Rose, Dale Stansbury, Bill Taggart, and Dale Sherwin.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, I ask unanimous consent that the distinguished senior Senator from Kansas (Mr. PEARSON) and the Senator from Texas (Mr. BENTSEN) be added as cosponsors of S. 650.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BELLMON. Mr. President, I ask unanimous consent that the amendment of the Committee on Agriculture, Nutrition, and Forestry to S. 650 be agreed to and that the bill, as amended, be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, may I interrupt the Senator?

I take it the Senator's request with respect to the committee amendment being agreed to and considered as original text for the purpose of further amendment was cleared with the chairman on this side of the aisle?

Mr. BELLMON. That is correct.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. BELLMON. Mr. President, S. 650 would establish a special 1-year program to provide emergency assistance to wheat producers for the 1977 crop. The bill is designed to prevent a further buildup in wheat stocks and promote a better market balance between supply and demand.

Under the special program—

First. A producer would be permitted to designate an acreage of cropland on the farm not to exceed 40 percent of the wheat acreage allotment. As the bill was reported by the Committee on Agriculture, Nutrition, and Forestry, the designated acreage must have been planted to wheat prior to January 1, 1977.

Senator YOUNG is in the Chamber. He has an amendment, which we plan to accept, which would eliminate that date.

The acreage would be available for use by the producer for grazing purposes or hay production rather than for grain production. No crop other than hay may be harvested from the acreage.

Second. The producer would receive from the Secretary of Agriculture an amount determined by multiplying the number of acres placed in the program times the projected yield for wheat for the farm times $1.

Third. The producer would not be eligible for any other payments or price support on the portion of the wheat allotment placed in the program.

Mr. President, it is clear that there is a need for a special program to halt the growing buildup of wheat stocks.

The most recent figures issued by the Department of Agriculture show that wheat carryover stocks at the end of the 1976–77 marketing year will exceed 1.1 billion bushels. This is up dramatically from 664 million bushels in 1975–76. Even more ominous are estimates that—even with normal growing conditions and expected export sales—the carryover stocks for 1977–78 will approach 1.7 billion bushels—as I said earlier, much of this will wind up in government ownership.

Should this happen, a disastrous drop in farm prices is certain, and a burdensome cost to the Treasury is likely to follow.

Mr. President, the special program authorized by S. 650 will be beneficial to the wheat producer, the rancher, and the taxpayer.

With prospects of a 1.1 billion bushel carryover of wheat for this year, and prospects of an even larger carryover next year, S. 650 will permit a wheat producer to use acreage for food production but not promote the continued destruction of markets through the excess production of wheat for harvest as grain.

The program will open up a new supply of hay and pasture, which will aid beef producers, especially in the drought areas of the Midwest and the Great Plains.

In addition to achieving a better market balance between supply and demand, the program could result in significant savings to the Government. This would result from lower storage costs, loan outlays, and target price payments which would occur under existing law in the case of continued oversupply.

Substantial outlays in target prices for the 1977 wheat crop are likely in the absence of an improvement in the price that farmers receive for their wheat.

The Secretary of Agriculture has announced a target price of $2.47 per bushel for 1977 crop wheat. The February farm level price for wheat was $2.44. Since then, there has been some improvement in the weather, which could tend to further depress farm prices.

Under existing law, if the national weighted average market price received by farmers, as determined by the Secretary, is below the $2.47 per bushel target price during the first 5 months of the marketing year—June through October 1977—payment will be made to eligible producers. This payment will be the difference between the target price and the higher of the 5-month average price received by all farmers or the national loan level, and will be based on an amount of bushels determined by multiplying the farm allotment times the projected yield for the farm.

In its report on the 1973 Farm Act establishing the current target price program for wheat, the Agriculture Committee estimated that target price payments would be $16 million for each 1 cent the 5-month average price received by farmers is below the target price.

Mr. President, the program authorized by S. 650 offers an opportunity to provide needed assistance to wheat producers and avoid unnecessary costs to the Treasury.

Under S. 650, a producer would not be eligible for any target price payments—or disaster payments—on the portion of the wheat allotment placed in the special program.

Mr. President, I urge the adoption of S. 650 and ask unanimous consent to have printed in the RECORD at this point a section-by-section analysis of this bill.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

S. 650 amends the Agricultural Act of 1949 by adding at the end of title I a new section 108.

Paragraph (1). Special wheat program for 1977:

Paragraph (1) requires that the Secretary of Agriculture carry out a special wheat acreage grazing and hay program for the 1977 crop. A producer would be permitted to designate an acreage of cropland on the farm not to exceed 40 percent of the wheat acreage allotment.

The acreage placed in the program must have been planted to wheat prior to January 1, 1977, and would be available for use by the producer only for grazing purposes or hay production.

Paragraph (2). Identification of acreage; restriction on harvesting:

Paragraph (2) requires any producer electing to participate in the special program to designate the specific planted wheat acreage on the farm which is to be used for grazing or hay production.

No crop other than hay may be harvested from the designated acreage.

Paragraph (3). Special payment:

Paragraph (3) provides that the Secretary of Agriculture shall pay any producer who elects to participate in the special program (and who otherwise complies with the provisions of the program) an amount determined by multiplying the number of acres placed in the program times the projected yield established for the farm times $1.

The producer shall be ineligible for any other payments or price support (including deficiency payments and disaster payment under section 107 of the Agricultural Act of 1949) on the portion of the wheat allotment placed in the special program.

Paragraph (4). Wheat acreage history:

Paragraph (4) provides that wheat acreage placed in the special program shall be deemed to have been planted for harvest for the purposes of wheat acreage history.

Paragraph (5). Issuance of regulations:

Paragraph (5) authorizes the Secretary of Agriculture to issue such regulations as may be necessary to carry out the special program.

Paragraph (6). Use of the funds, facilities, and authorities of the Commodity Credit Corporation:

Paragraph (6) provides that the Secretary of Agriculture shall carry out the special program through the Commodity Credit Corporation. The bill is effective October 1, 1977, but would be retroactive to cover payments to participating producers for 1977 crop wheat planted prior to January 1, 1977. The effective date of the bill would not, however, prevent the Secretary from using funds of the Corporation for necessary administrative expenses in conducting a sign-up of producers and otherwise carrying out the program during the period beginning on the date of enactment.

Mr. BELLMON. Mr. President, I yield to the distinguished senior Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

UP AMENDMENT 80

Mr. YOUNG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The amendment is as follows:

The Senator from North Dakota (Mr. YOUNG) proposes an unprinted amendment No. 80.

Mr. YOUNG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, lines 2 and 3, strike out "which was planted to wheat prior to January 1, 1977, and".

On page 5, line 9, strike out "planted prior to January 1, 1977".

Mr. YOUNG. Mr. President, I commend the distinguished Senator from Oklahoma for the excellent statement he has made.

The bill he is introducing will be of help to the drought-stricken, both wheat and cattle farmers, and will help in reducing the burden from expenses of the huge carryover of wheat. It should help both the farmer and the consumer.

Mr. President, the amendment I offer simply makes the special program authorized by S. 650 applicable to all of the 1977 wheat crop, regardless of the date it was planted. As reported by the Committee on Agriculture, Nutrition, and Forestry, the program would only apply to wheat planted prior to January 1, 1977.

Winter wheat acreage has been increasing in recent years and is now produced in about one-fourth of the State of North Dakota. Much the same thing is true of South Dakota and Montana. It seems unfair to me that a farmer producing hard red spring wheat is not eligible to participate in this program, but another farmer in the same area that plants hard red winter wheat is eligible to participate. Both farmers should have the same opportunity.

Mr. President, I do not think that producers of spring wheat will participate in the program to any great extent. However, it is only fair that the program be made available to them. A reduction in the amount of spring wheat harvested for grain would, of course, help achieve a better market balance between the supply of wheat and demand—the primary purpose of S. 650.

I urge the adoption of the amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter by Alice M. Rivlin, Director of the Congressional Budget Office, estimating cost of the amendment I offered at $25 million, that is, if 1 million acres of spring wheat were placed in the program.

My own view is that the spring wheat producers will not make much use of it and the cost will be far less than the estimate she has made.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., March 7, 1977.

Hon. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture, Nutrition and Forestry, U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 650, an amendment to the Agricultural Act of 1949, as amended.

In response to your request, the Congressional Budget Office has also estimated the cost of a possible amendment to this bill, which would permit producers of spring wheat to be eligible for the special grazing and haying program authorized by S. 650. Such an option is estimated to increase the cost of the bill in fiscal year 1977 by $25.0 million. This assumes that 1 million additional acres would be enrolled in the program.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

ALICE M. RIVLIN,
Director.

Mr. BELLMON. Mr. President, I yield myself an additional 2 minutes.

Mr. President, I have had the opportunity to examine the amendment offered by the distinguished senior Senator from North Dakota (Mr. YOUNG). I have also discussed the matter with him.

I believe his amendment has great merit and that the inclusion of spring wheat in this program is appropriate. In fact, as the bill was originally introduced by me, spring wheat was included, but the bill was changed in subcommittee.

I believe this amendment is a great improvement. A reduction in the amount of spring wheat that would otherwise be harvested for grain must balance between supply and demand.

On behalf of the committee, I am prepared to accept the amendment and urge its adoption by the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I yield myself 2 minutes.

I ask the distinguished Senator from Oklahoma as to whether or not there is, to his knowledge, any opposition within the committee on this side of the aisle to the amendment by Mr. YOUNG?

Mr. BELLMON. Mr. President, this amendment was discussed in committee and most of us thought the committee had agreed to the amendment. There was some mix-up in the recordkeeping.

I have talked with Senator TALMADGE and he is totally in agreement and I know of no opposition.

Mr. ROBERT C. BYRD. Does the distinguished Senator from North Dakota know of any opposition to this amendment?

Mr. YOUNG. No, I do not.

As the Senator from Oklahoma explained, we thought the amendment was approved by the committee. But with open hearings and a room full, approval of my amendment was not heard by all Members, so the committee later decided I should offer the amendment on the floor.

Mr. ROBERT C. BYRD. I see.

Mr. President, Mr. TALMADGE is away from the city because of a death in the family. He is not here to manage this bill at this time.

I have had some difficulty in getting other Senators at this point to the floor, Senators who are members of the Agriculture, Nutrition, and Forestry Committee.

I am advised by my staff that the chief counsel of the committee states that there is no opposition in the committee to the amendment by Mr. YOUNG.

Therefore, I will interpose no objection or opposition at this point.

I wonder if we can have a quorum call first so that I may explore the matter further. I simply would like to ascertain further if there is any objection.

Mr. BELLMON. Mr. President, will the Senator be agreeable to allowing Senator DOLE to be recognized at this time for the purpose of making a statement?

Mr. ROBERT C. BYRD. Yes.

Mr. BELLMON. Mr. President, I yield 5 minutes to the Senator from Kansas.

Mr. DOLE. I thank the distinguished Senator.

Mr. President, I say to the distinguished Senator from West Virginia that I know of no opposition. In fact, we felt that the amendment offered by the distinguished Senator from North Dakota (Mr. YOUNG) was included in the measure. The chairman of the com-

mittee had scheduled a meeting to consider the amendment, after some mixup. The bill already had been reported to the floor, so it was decided to offer the amendment, and the Senator has done that. This Senator knows of no objection.

The Presiding Officer of the Senate, the Senator from Alabama (Mr. ALLEN) is a member of the Committee on Agriculture. He might be able to shed light on whether or not there may be opposition on the other side.

Mr. President, I join the Senator from Oklahoma in support of this bill. In the past 3 weeks I have had ample opportunity to discuss the legislation with farmers from Kansas and throughout the Nation.

The fact remains that our wheat farmers are facing disastrous market prices, coupled with drought conditions throughout much of the winter wheat producing areas.

The price currently offered to wheat producers in my home county of Russell, Kans., is about $2.20 per bushel. This is far below the cost of production.

Moreover, the drought has damaged hay producing pasture and rangeland throughout Kansas. The U.S. Soil Conservation Service estimates that since January 1, 1977, nearly 6,000 acres of pasture has been critically damaged in Kansas as a result of the drought conditions. The almost certain shortage of hay this spring and summer lends additional justification to this legislation.

Under the terms of this legislation, the wheat farmer will be limited to the amount of wheat he may place under the program to 40 percent of his allotted acres, and receive $1 per bushel payment for either grazing out that acreage or making hay from the growing wheat. In any event, USDA estimates this will take approximately 4 million acres of wheat out of production.

It should provide some stimulus to the prices being paid to wheat farmers.

It will give the farmers the benefit of the feed value of what wheat is left, either through grazing livestock or by haying it for livestock feed.

The payment will replace the disaster payment which would amount to one-third of the target price—$2.50—or 84 cents per bushel, so actual cost will be little more than the current disaster payment program.

In recent House hearings, the Department of Agriculture testified that the cost of this program would be $115 million. The Congressional Budget Office puts the cost at $100 million. However, unofficial estimates indicate that the program would cost no more than $80 million, minus the offsetting saving from the disaster payments that would otherwise have been made.

I understand that the Kansas Livestock Association has given this bill qualified support since the measure is restricted to calendar year 1977. KLA does not support a multiyear program, and neither do I. However, the limitation to a single year makes the program acceptable as an emergency measure to provide some assistance to the wheat producers of this Nation.

I strongly urge my colleagues to join Senator BELLMON and I in support of this bill. The bill has been discussed thoroughly. So far as I know, it has the unanimous support of Republicans and Democrats on the committee, and I urge its passage.

I yield back the remainder of my time.

Mr. ROBERT C. BYRD. I yield myself 1 minute.

Mr. President, I have ascertained—I think to my satisfaction—that there is no opposition on this side of the aisle to the amendment by Mr. YOUNG.

Mr. BELLMON. Mr. President, I urge the adoption of the amendment, and I yield back the remainder of my time on the amendment.

Mr. ROBERT C. BYRD. I yield back the remainder of the time on the amendment, on this side.

The PRESIDING OFFICER (Mr. METZENBAUM). The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BELLMON. Mr. President, I yield back the remainder of the time on the bill, and I urge its approval.

Mr. ROBERT C. BYRD. Mr. President, I ask that the Senator withhold yielding back his time for the moment.

Mr. BELLMON. Mr. President, I withdraw the request.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be charged against both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished Senator from South Dakota such time as he may desire.

Mr. McGOVERN. Mr. President, the measure that the Senator from Oklahoma has brought to the floor today makes eminently good sense. It is a proposal to deal with a critical shortage of hay that exists in the country as a consequence of the rather widespread drought.

The Senator's bill would authorize the grazing of allotted wheat acreage up to 40 percent to offset the critical shortage of hay and to compensate the wheat farmers for the resulting loss in income. In that sense, it not only makes sense from the standpoint of the producer but also from the standpoint of the consumer, in that it assures us of at least some relief from the shortage of hay for livestock, cattle and farm animals of all kinds.

I assure the Senate that there is no objection to the measure in the Agriculture Committee. The chairman of the commitee is unable to be here today, but he has authorized me to say that he hopes the Senate will accept this measure in the public interest.

Mr. BELLMON. Mr. President, I yield myself 2 minutes.

I appreciate the statement by the distinguished Senator from South Dakota. He was present in the committee when we discussed the bill and fully understands the impact of it. His endorsement is extremely important.

Mr. President, I have no special desire for a rollcall vote. I have no opposition to one, if it is desired. There seems to be no opposition to the bill, and I would just as soon have a voice vote, unless the distinguished majority leader wants a rollcall vote.

Mr. GOLDWATER. Mr. President, how much money are we talking about?

Mr. BELLMON. It is difficult to determine precisely the cost, because no one knows how many farmers will participate or what the total effect will be on the cost of the disaster program or the cost of the target price program. But if the amount of participation is as estimated by CBO, the cost will be somewhere in the range of $100 million. The USDA has estimated the cost to be about $84 million. So it is somewhere in that range. It is one of those programs about which we cannot be precise.

Mr. ROBERT C. BYRD. Mr. President, I am advised that a rollcall vote is desired on the passage of the bill.

Mr. BELLMON. Mr. President, I ask for the yeas and nays.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum at this point, and I ask that the time be taken out of my time.

The PRESIDING OFFICER (Mr. ALLEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, in view of the fact that a rollcall vote will be requested, I ask unanimous consent that the vote occur today at 12:30 p.m. Is that agreeable?

Mr. GOLDWATER. Mr. President, reserving the right to object, there is a meeting of newspaper people here about lunchtime. I do not know how many of us will be there, but 12:30 would mean breaking up a lunch. Not that I mind breaking up a Senate lunch; it is not worth that.

Mr. ROBERT C. BYRD. Would the Senator suggest 12 o'clock, then?

Mr. GOLDWATER. I think 12 o'clock would be fine.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a vote on final passage of this measure occur at 12 o'clock noon today.

The PRESIDING OFFICER. And that the provision of rule XII be waived?

Mr. ROBERT C. BYRD. And that the provision of paragraph 3 be waived.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, there will be a rollcall vote.

I suggest the absence of a quorum at this time, hoping we can get enough Senators to support the demand for the yeas and nays.

The PRESIDING OFFICER. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished Senator such time as he wishes, 3 minutes.

Mr. METZENBAUM. Mr. President, I cannot claim that I know all of the specifics about this legislation, but it concerns me because it appears to be another one of those Government subsidy programs we find coming to the floor of the Senate on such a routine basis.

We talk about budget controls, we talk about holding down the Federal budget, and then there is a drought. I understand the problem of the drought, and suddenly we talk about there being a 1 billion bushel surplus of wheat in this country. I am not certain I am accurate with respect to that figure.

Then we are told this measure may cost $100 million or possibly more. That concerns me, Mr. President. If concerns me that day in and day out we talk about holding down the Federal budget, and then there is an exception made. One day it is for wheat subsidies, and the next day it is for some other kind of program that is of special interest to a particular group.

We have wheat farmers in Ohio, and I am certain they would like to receive the $1 a bushel subsidy as provided for in this legislation.

But, be that as it may, I have difficulty in accepting this legislation, first, without knowing the specific amount that is involved, whether it is $100 million or some figure in excess of that.

I would be very happy to yield to the distinguished Senator from Oklahoma if he can tie down that figure with greater accuracy than I find it in the summary of the scheduled bill which was distributed and put on the desk of each of the Members I think earlier today.

Does the Senator from Oklahoma have a specific figure as to how much this bill will impact on the Federal Treasury?

Mr. BELLMON. Mr. President, I yield myself 2 minutes to respond.

May I say to the distinguished Senator from Ohio that it is not possible in a situation like this to nail down a specific cost. The reason is it is impossible to know how many producers will opt to participate in this program. Also it is impossible to know how much the cost of the disaster program which is already on the books or the cost of the target price program which is a part of our present law will be reduced by virtue of the fact that there will be substantial reduction in the amount of surplus wheat as a result of S. 650.

As the law now stands, if the market price is lower than the target price then wheat producers will be paid an amount by the Treasury to make up for that difference.

The difficulty is—and I am sure the Senator from Ohio knows this—that wheat produced in this country is largely marketed abroad. Roughly two-thirds of all the wheat we grow here is sold in the export market. When the export embargoes were put in place a couple of years ago they interfered with the sale of this commodity, and the result is we have had a very substantial buildup in our surpluses so that much of that wheat is going to wind up in Government ownership.

The farmers take CCC loans on the wheat, and then when the price at the market place is below the loan, the Government takes title. So here is the case where it is impossible to know what the total impact on the Treasury will be.

In my own personal opinion this bill will actually save the Treasury money. The estimate of costs by the USDA is around $87 million, and by the Congressional Budget Office around $100 million. But those do not take into account the anticipated saving in the disaster program or what the Treasury will enjoy because of the smaller outlays due to the target price in Government loans.

Mr. METZENBAUM. Am I correct in my understanding that there is something in the nature of a 1 billion bushel surplus in this country at this time?

Mr. BELLMON. The Senator is correct. The surplus will be between 1 billion and 1.2 billion.

Mr. METZENBAUM. Would the Senator from Oklahoma be good enough to explain to me how if 40 percent of that is to be converted or could be converted, in accordance with the provisions of the bill, into hay how the figure would be as low as $87 million to $100 million? Why would it not approach something in the area, the possible figure of, 40 percent of 1 billion, which would obviously be $400 million or 40 percent of 1.2 billion?

Mr. BELLMON. Mr. President, will the Senator suspend while we ask for the yeas and nays?

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BELLMON. I thank the Senator from Ohio.

In response to the question, the anticipated production of wheat in this country for this current crop year is about 2 billion bushels. If all the wheat that is presently planted goes ahead and produces, as is presently forecast, we will have a 2-billion-bushel crop. Under the terms of this bill much of that production comes from acres planted in excess of the allotment program which is presently not in effect, so under the terms of this bill a producer is limited to grazing out or making hay of from 40 percent of his allotment, and in many areas of the country using wheat for grazing or for haying is not a common practice. It is only in the Great Plains where it is happening. So it is based upon those understandings of past practices that the figures of $87 million by the USDA and $100 million by the CBO are arrived at.

Mr. METZENBAUM. The figure could be substantially in excess of that.

Mr. BELLMON. And it could also be substantially less than that.

Mr. METZENBAUM. Could it be an amount as high as between $200 million and $300 million?

Mr. BELLMON. In my judgment, no.

Mr. METZENBAUM. But it could?

Mr. BELLMON. If the Senator wants to make that assertion he may, but that is not the best understanding of those who know how these programs work.

Mr. METZENBAUM. Let me ask the distinguished Senator from Oklahoma whether he feels he might not better approach this problem of wheat shortages and wheat surpluses by establishing a food reserve, a wheat reserve, in this country that might be available to purchase wheat in times of surplus and might be a balancing factor in times of shortage.

Mr. BELLMON. Mr. President, the Agriculture Committee is presently working on a new farm bill which will be before the Senate in a matter of a few weeks. In that bill, in my judgment, we will have provision for a 3- or a 5-year storage program under which producers will be able to build up stocks against the years when there may be a shortage of production or when there may be an excess export demand.

So to answer the Senator's question the whole program fits together, and this is an important part of it.

Here is a case where we have a surplus of one commodity which can be converted into beef, which will be needed, and at the same time save the Treasury a substantial amount of money.

Mr. McGOVERN. Mr. President, will the Senator from Ohio yield to me for just a moment?

Mr. METZENBAUM. I yield.

Mr. McGOVERN. I think we can appreciate the Senator's concern about the uncertainty of the cost factor in this program. It is a fact that nobody really knows, because you cannot predict how many farmers are going to sign up for the program. But the agency that is in the best position to give us a prediction on that is the Department of Agriculture. They have the statisticians, and they know the crop history. They know the pattern of agriculture better than anyone else, and their predictions are that the bill as reported by the Senator from Oklahoma from the Agriculture Committee would cost $56 million. Their estimate is that the amendment that the Senator from North Dakota added to the bill, and that was accepted on the floor a while ago, would increase that by $28 million, so that the total cost, as nearly as the Department can estimate it, would be $84 million.

It is my own personal judgment that that is on the high side. But in any event, I think the Senator can have some reasonable assurance that it is not going

to go above the figures submitted by the Department of Agriculture.

The same Department estimates savings of some $20 million on the program as a consequence of reductions in what would otherwise have to be paid out in disaster and deficiency payments. So they have revised their original estimates of the cost downward, and what we now end up with, with the action taken here on the floor today, is an estimate by the Department that this program could cost as much as $84 million.

I will just say to the Senate, as a Senator from a wheat State, that I would be very surprised if this estimate does not turn out to be on the high side, rather than too low.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. METZENBAUM. Without yielding the floor, I yield to the Senator from North Dakota.

Mr. YOUNG. One thing that has not been mentioned here is the widespread drought in North Dakota, South Dakota, Wisconsin, and Colorado. Farmers in South Dakota, for example, are hauling hay from as far away as Canada, paying a huge price for the hay in addition to the cost of hauling it, just to keep a foundation herd.

As I said before, I doubt that many farmers in my State would take part in the program. The reason why I offered the amendment was that some of our farmers raise winter wheat and some spring wheat, so it is hard to put one class of farmers in and the other out. That was the reason for offering it.

Mr. METZENBAUM. Mr. President, let me say to the Senators from Western Plains States that I sympathize with those farmers who have been hard hit by the drought. I think it is a national responsibility to be concerned with that problem.

In 1974, when I was in this body, I proposed a world food reserve, because I thought that at that time wheat prices were rising at a tremendous rate. We were talking about exporting wheat, and we were concerned with the cost to American consumers.

The entire farm community rose up in opposition to any American food reserve, and were not particularly supportive of a world food reserve.

I think the problems of the farmers cannot be handled on a partisan, individualistic basis. I think they are national problems. I do not think we can have one solution in 1974 and another in 1977. I do not think we can have some rules that apply when there is an overage and the Government, intervening, provides a subsidy as provided in this bill, and then not have other kinds of Government intervention to protect the consumer when there is a shortage and wheat prices rise.

Mr. BELLMON. Mr. President, will the Senator yield on that point?

Mr. METZENBAUM. Not at this point. I will in a moment, when I finish my thought.

I can understand a concern at this moment concerning the drought, but I think it is high time we tried to put the pieces together with respect to the consumers of this country and the farmers of this Nation, and that we not just have a separate policy applicable only when a subsidy is needed, and then, when wheat prices are rising, the farmers say that the Government has no interest and the rest of the people of this country ought to keep their noses out of the farmers' business.

I want the farmers to be successful. I want them to be economically well off. I want them to continue, so that this Nation may be the most productive farm nation in all of the world. But I also want to be able to attempt to reach a balanced budget in this country. I also want to be concerned about the Federal tax dollar, and about what happens to the consumers of America.

I am afraid that this bill talks only about the problems of the farmers, concerns itself only with this specific situation arising by reason of the drought, and does not have that broad-based approach I think is so imperative if we are going to have a national farm policy to create a food reserve for all of the people of this country.

Mr. McGOVERN. Mr. President, I yield myself 5 minutes.

I think the Senator from Ohio has expressed a concern here that all of us share, but I do not think there are objections to this bill. I happen to favor the development of a food reserve policy, and I think it is in our interests that our agricultural programs be geared in such a way as to take into consideration the consumer interests.

This legislation does that. We are faced with a situation now, because of the drought in large parts of the country, where farmers are being forced to liquidate livestock herds and are being forced to liquidate dairy herds because of the lack of hay, the lack of feed, in many parts of the country.

I suppose no State has been hit any harder by the drought than my own, but it is not confined to South Dakota; it is, in large part, the Nation.

The consumer interest in this legislation comes at this point: If farm producers are forced to liquidate their herds, and they are being forced to do so on a large scale, we do not have to look very far down the road to the point where we are going to be confronted with shortages of meat and shortages of dairy products, and that will mean higher prices. We may get a temporary sag in prices while this liquidation process is going on, but sooner or later the consumer will pay the price of reduced numbers of beef cattle and reduced numbers of dairy herds. Inevitably sharp price increases will flow from those shortages.

One of the purposes of Senator BELLMON's legislation is to enable farmers in these areas where there are critical hay shortages to convert some of their wheat acreage to grazing purposes to sustain their herds. I submit to the Senator from Ohio and others who are concerned about the consumer interest that this legislation is a constructive step in protecting the long-range interest of the consumer. A stable supply of meat and dairy products will be accomplished, at least in a small way, by the passage of this legislation. It is not in any way special interest legislation, that benefits one group to the detriment of another.

It will help, in my opinon, both our farm producers and also the consumers.

Mr. METZENBAUM. Mr. President, will the Senator from South Dakota yield for a question?

Mr. McGOVERN. I yield.

Mr. METZENBAUM. Did we not have this same persuasive argument made, that it was in the interests of the consumer, with respect to the shortage of available hay for the cattle producers, when wheat prices were high and when the availability of hay was in short supply, just 2 or 3 years ago, when the market conditions were absolutely reversed from those which we have at the moment?

Mr. McGOVERN. I do not know that we did have the same argument. I think conditions were different at that time. I will say to the Senator I have no objection to his point that we need to think through the long term implications of the grain reserve. I am for that. I do not have any quarrel with him. I am simply making the point that we are faced with an emergency here in 1977 because of the drought which in some cases has persisted now for 2 or 3 years. This bill relates only to the 1977 crop. It does not pretend to be a long-term answer to some of the problems the Senator is raising here this morning.

I would join with him in efforts to try and develop a long-term reserve policy. It seems to me that is a somewhat different problem than we are faced with here today, which is the question of how we are going to sustain our livestock and dairy herds in an area where there is a critical shortage of hay. This is one way to meet that temporary situation.

Mr. METZENBAUM. Will not conversions to hay take place regardless of whether or not there is $1.50 subsidy by the Federal Government?

Mr. McGOVERN. They may take place in an area where farmers are already going bankrupt because of the squeeze which is on them as a consequence of the drought and as a consequence of an over supply of wheat. It was not the farm producers of this country who instigated the embargo on the shipment of wheat 2 years ago. That was done by an arbitrary executive action, but it had a devastating impact on the wheat producers of this country. It is another reason why the Senator's basic point is a good one, that we need to be looking down the road to the development of long-term guidelines, both in the development of a reserve policy and also in the development of guidelines on trade, so that our producers know what the market conditions are likely to be and can plan for the future.

Mr. METZENBAUM. I thank the distinguished Senator from South Dakota.

This colloquy and the questions I raise today are not raised because I believe they will defeat the legislation, because I

am well aware of the fact that the legislation will pass overwhelmingly. But these questions are raised because I have a genuine concern about development of a national farm policy which is just not a policy for the farmers of the country but which has more broader concerns. I hope in some way it might move us ahead more rapidly in developing a national food reserve, a national wheat reserve, and reserves, as well, in other areas. They are so much needed. I believe such a policy will help the farmers. There will be farm groups which will oppose that type of a program, but it is in our national interest. I hope our discussion today will move us forward along that line.

Mr. BELLMON. Mr. President, in response to the comment earlier by the Senator from Ohio, about the consumers needing protection, let me remind him that one reason we are in this crisis is that largely to protect consumers—and I think it was a misguided action because at that moment we did have adequate grain supplies—largely due to consumer pressures, the recent administration imposed an embargo limiting the export of grain in an attempt to lower food prices. At that time we had the largest wheat crop in history. All that resulted was that it caused the prices of grain to fall and put farmers in the financial situation where they are now getting far less than the cost of production for their grain.

Consumers are adequately protected in our present law because the administration can embargo the export of grain any time they feel the situation so demands. This is not a one-way bill. It is a result of a bad action which never should have been taken.

Also, Mr. President, I would like to suggest to the Senator from Ohio that we are in the process of trying to work out a farm program which will be comprehensive and which, at least in my judgment, will provide for adequate food reserves for the country. We are in the process of considering these suggestions. I feel the Senator has made a valuable contribution to our efforts this morning.

Mr. President, I yield back the remainder of my time.

Mr. McGOVERN. Mr. President, I yield back the remainder of the time on this side.

Mr. BARTLETT. Mr. President, I congratulate my distinguished colleague from Oklahoma, Senator BELLMON, for introducing S. 650 and bringing it to the floor of the Senate so early in the 95th Congress. This bill is extremely important for the hard-stricken agricultural area of this Nation.

The price of wheat and other grains continues to decline, and it is imperative that some relief be provided immediately. Senator BELLMON's bill, S. 650, provides authorization for farmers to select up to 40 percent of their allotted acres for conversion to pasture or hay production. The Secretary of Agriculture is authorized to pay $1 per bushel based on the established average yield of these lands.

This bill has a number of beneficial aspects. It provides additional cheap feed at a time when feed costs have drastically increased and are continuing to spiral upward. This is particularly beneficial to the "cow-calf man" who has been hardest hit.

Traditionally and rationally, the land that is taken out of production in this type of program is the least productive. This land is in the most need of being restored, and therefore, production would not be cut in a direct proportion to the total reduction in acreage.

The 1969 estimate of total pasture acreage is 890 million, which has decreased for a number of reasons, not the least of which has been the Federal Government's encouragement to plant "fence to fence."

Total hay production decreased by 11,853,000 tons between January 1, 1975, and January 1, 1976. This is at a time when hay is running at $3 per bale and $85 per ton in my own State of Oklahoma and higher in other areas. The need for the reduction in total acres and production is also apparent through the figures of wheat carryover. The carryover of wheat from the 1976 crop year ending June 1, was 664 million bushels. Another 2.1 billion bushels will be harvested in 1977 with an estimated carryover of 1.1 billion bushels. The estimates indicate that there will be a carryover of 2 billion bushels from the next harvest season.

Not only is this carryover affecting the price of wheat, but it is also affecting our grain storage capacity. As of January 1, 1976, the total "off farm" storage capacity was 6,103,000,000 bushels. This is an increase of only 174 million bushels, and even though a large number, it is obviously far below the estimated carryover of 1.1 billion bushels.

S. 650 obviously does not resolve the plight of American farmers, but it is a step in the right direction, and when coupled with the more comprehensive farm legislation to be forthcoming from the Agricultural Committee, should provide some of the much needed relief from drought and rising prices.

Again, I congratulate my colleague for his efforts on this legislation, and I encourage my fellow Senators to lend their support to this bill.

Mr. ROBERT C. BYRD. Mr. President, may we have a third reading?

The PRESIDING OFFICER (Mr. METZENBAUM). If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

RECESS UNTIL 11:55 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 20 minutes.

There being no objection, the Senate, at 11:35 a.m. recessed until 11:55 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. METZENBAUM).

SBA LOAN LIMITATIONS AND SURETY BOND AUTHORIZATIONS—CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, at the request of Mr. NELSON, I submit a report of the committee of conference on H.R. 2647 and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. METZENBAUM). The report will be stated by title.

The second assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2647) to amend the Small Business Act and the Small Business Investment Act of 1958 to increase loan limitations and to increase surety bond authorizations, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the proceedings of the House of Representatives on March 8, 1977.)

The conference report was considered and agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SPECIAL GRAZING AND HAY PROGRAM FOR WHEAT ACREAGE

The Senate continued with the consideration of the bill (S. 650) to provide temporary emergency assistance to wheat producers by permitting such producers to utilize a portion of their farm wheat acreage allotments for grazing purposes or for hay rather than for commercial production.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HASKELL). Without objection, it is so ordered.

The question is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Nevada (Mr. CANNON), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that the Senator from West Virginia (Mr. RANDOLPH) is absent on official business.

I also announce that the Senator from Georgia (Mr. TALMADGE) is absent because of death in the family.

I further announce that if present and voting, the Senator from West Virginia (Mr. RANDOLPH) would vote "yea."

Mr. STEVENS. I announce that the Senator from Vermont (Mr. STAFFORD) is necessarily absent.

The result was announced—yeas 72, nays 22, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—72

Allen	Goldwater	Morgan
Anderson	Gravel	Moynihan
Baker	Hart	Muskie
Bartlett	Haskell	Nelson
Bellmon	Hatch	Nunn
Bentsen	Hayakawa	Pearson
Bumpers	Hollings	Pell
Burdick	Huddleston	Percy
Byrd, Harry F., Jr.	Humphrey	Proxmire
	Inouye	Riegle
Byrd, Robert C.	Jackson	Sarbanes
Chafee	Javits	Sasser
Chiles	Johnston	Schmitt
Church	Kennedy	Schweiker
Cranston	Laxalt	Sparkman
Curtis	Leahy	Stennis
Danforth	Long	Stevens
DeConcini	Lugar	Stone
Dole	Magnuson	Thurmond
Domenici	Matsunaga	Tower
Eagleton	McClellan	Wallop
Eastland	McClure	Young
Ford	McGovern	Zorinsky
Garn	McIntyre	
Glenn	Melcher	

NAYS—22

Bayh	Hansen	Ribicoff
Biden	Hatfield	Roth
Brooke	Hathaway	Scott
Case	Heinz	Stevenson
Clark	Helms	Weicker
Culver	Mathias	Williams
Durkin	Metzenbaum	
Griffin	Packwood	

NOT VOTING—6

Abourezk	Metcalf	Stafford
Cannon	Randolph	Talmadge

So the bill (S. 650), as amended, was passed as follows:

S. 650

An act to provide temporary emergency assistance to wheat producers by permitting such producers to utilize a portion of their farm wheat acreage allotments for grazing purposes or for hay rather than for commercial production

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Act of 1949, as amended, is amended by adding at the end of title I a new section as follows:

"SPECIAL GRAZING AND HAY PROGRAM FOR WHEAT ACREAGE

"SEC. 108. Notwithstanding any other provision of law—

"(1) The Secretary shall administer a special wheat acreage grazing and hay program for the 1977 crop. Under the special program, a producer shall be permitted to designate a portion of the wheat acreage allotment for the farm, not in excess of 40 per centum thereof, which shall be made available for use by the producer for grazing purposes or for hay production rather than for grain production. A producer who elects to participate in the special program shall be paid a payment as provided in paragraph (3) of this section.

"(2) Any producer who elects to participate in the special program shall designate the specific acreage on the farm which is to be used for the purposes prescribed in paragraph (1) of this section. No crop other than hay may be harvested from acreage included in the special program.

"(3) The Secretary shall pay any producer participating in the special program an amount determined by multiplying the projected yield for wheat established for the farm times the number of acres included in the special program times $1. The producer shall be ineligible for any other payments or price support on the portion of the wheat acreage allotment for the farm which the producer elects to include in the special program.

"(4) Acreage included in the special program shall be deemed to have been planted for harvest for the purposes of wheat acreage history.

"(5) The Secretary is authorized to issue such regulations as may be necessary to carry out effectively the provisions of this section.

"(6) The Secretary shall carry out the special program authorized by this section through the Commodity Credit Corporation. This section shall become effective October 1, 1977, and the provisions thereof shall be retroactive to cover payments for 1977 crop wheat.".

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BELLMON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, I shall call up Senate Resolution 110.

Mr. FORD. Mr. President, could we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator will proceed.

Mr. ROBERT C. BYRD. Mr. President, may I say that it is my intention to call up Senate Resolution 110 under the order previously entered. But it is also my intention that once it is before the Senate to recess until 1 p.m. so that the managers of the measure and other Senators may have an opportunity to get their lunch, meet constituents, and fill appointments that are already made. But at 1 p.m. the Senate will proceed to the consideration of that measure.

OFFICIAL CONDUCT AMENDMENTS OF 1977

Mr. ROBERT C. BYRD. With that understanding, I now call up Senate Resolution 110.

The PRESIDING OFFICER. The resolution will be stated.

The second assistant legislative clerk read as follows:

A resolution (S. Res. 110) to establish a Code of Official Conduct for the Members, officers, and employees of the United States Senate; and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The Senate proceeded to consider the resolution.

Mr. ROBERT C. BYRD. Mr. President, I think it is a good time to emphasize that, as the distinguished minority leader pointed out this morning, objections will be made to the meeting of committees except those committees which have standing authority from the Senate, of course, Appropriations and Budget, but objection will be made to permission for committees to meet at any time during a day when the Senate is considering the code of official conduct.

In view of the fact that the Senate will be on that code this afternoon, and is on it now, as a matter of fact, the committees, of course, cannot meet beyond this point today.

Mr. FORD and Mr. BAKER addressed the Chair.

Mr. ROBERT C. BYRD. I yield first to the minority leader.

Mr. BAKER. Mr. President, on a point of clarification, I thank the majority leader for making the statement he just did, and I might reiterate that I intend to object, after today, to the meeting of any committees during the time that the Senate is in session, and during the remainder of today. I did not object to the meeting of any committees prior to the consideration of this measure, but I wish to make clear that after today I shall object to committee meetings during the Senate session until after we dispose of the ethics resolution.

Mr. ROBERT C. BYRD. Of course, the Senator realizes that under the rules no objection can be made to committees meeting until the pending business is taken up, or some business has been transacted.

The PRESIDING OFFICER. The Chair might clarify that, that under the provisions of Senate Resolution 4 as agreed to, the first 2 hours of every day the committees may meet. The Parliamentarian informs the Chair that the first 2 hours of each day any committee may meet up to 2 p.m. I would refer the distinguished leaders to section 402(a) of Senate Resolution 4.

Mr. ROBERT C. BYRD. Mr. President, I had forgotten the Stevenson resolution provision. I was going by the old rules.

Mr. BAKER. Mr. President, I will revise my advice to the Members of the Senate, then, to say that I am going to do whatever I can to avoid having the attention of the Senate diverted from the ethics package under the present rules of the Senate, whatever they may be.

Mr. FORD. Mr. President, did the minority leader say this applies only to ethics, or from now on, period?

Mr. BAKER. It applies only during the consideration of the ethics measure. Beyond today there would be objection to the meeting of any committees not in conformity with the rules.

Mr. ROBERT C. BYRD. I do not believe the distinguished minority leader means, though, after the ethics matter has been disposed of.

Mr. BAKER. No, after the ethics measure has been disposed of I do not intend to object.

Mr. FORD. That was my question.

Mr. BAKER. During the time that the ethics measure is the pending business of the Senate, I intend to object to committee meetings insofar as I can under the Senate rules.

Mr. FORD. We already have a unanimous consent agreement under a previous motion for a Senate committee to meet tomorrow afternoon. Do I understand that is being revoked?

Mr. ROBERT C. BYRD. If there was an order entered some days ago——

Mr. FORD. It has been. It is in the RECORD this morning.

Mr. ROBERT C. BYRD. Then that order would prevail, unless and until it was vitiated. If there is such an order, it has not been vitiated up to now.

Mr. FORD. It was entered yesterday, for the Space Subcommittee of the Committee on Commerce. The request for that was made by the Senator from New Mexico.

Mr. BAKER. Mr. President, it must have been the day before yesterday. The Senate was not in session yesterday.

Mr. FORD. I beg the Senator's pardon, the day before yesterday.

Mr. ROBERT C. BYRD. Mr. President, I was not aware of that. It would obviously require unanimous consent to vitiate that order. If there is an order for the Space Subcommittee to meet tomorrow afternoon——

Mr. FORD. At 2 o'clock, yes.

Mr. ROBERT C. BYRD. I would not ask unanimous consent to vitiate that order.

Mr. FORD. I thank the Senator.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the recess I am about to request not count against the time on either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 1 p.m. today.

There being no objection, at 12:28 p.m. the Senate took a recess until 1 p.m., whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. SARBANES).

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session for 2 minutes to consider a nomination that has been cleared on both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I withhold my request, and I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR— S. RES. 110

Mr. GRIFFIN. Mr. President, on behalf of the Senator from South Carolina (Mr. THURMOND), I ask unanimous consent that the following staff members be accorded the privileges of the floor during the debate and votes on Senate Resolution 110: John Napier, Eric Hultman, Jim Schoener, Jim Bennett, Tony Payton, and Larry Smith.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that Alan Holmer, of my staff, have the privilege of the floor during the debate on this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HATHAWAY). The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 13 Leg.]

Allen	Griffin	Ribicoff
Baker	Hansen	Sarbanes
Bartlett	Hathaway	Sasser
Bentsen	Helms	Schmitt
Byrd, Robert C.	Javits	Sparkman
Case	McClure	Stone
Chafee	Morgan	Thurmond
Chiles	Nelson	Williams
DeConcini	Packwood	
Garn	Pearson	

The PRESIDING OFFICER. A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Montana (Mr. MELCHER), the Senator from Nevada (Mr. CANNON), the Senator from South Dakota (Mr. ABOUREZK), the Senator from Colorado (Mr. HART), and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

I further announce that the Senator from West Virginia (Mr. RANDOLPH) is absent on official business.

I also announce that the Senator from Georgia (Mr. TALMADGE) is absent because of death in family.

Mr. STEVENS. I announce that the Senator from New Jersey (Mr. CASE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. GOLDWATER), the Senator from Vermont (Mr. STAFFORD), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

The result was announced—yeas 85, nays 2, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—85

Allen	Gravel	Morgan
Anderson	Griffin	Moynihan
Baker	Hansen	Muskie
Bartlett	Haskell	Nelson
Bayh	Hatch	Nunn
Bellmon	Hatfield	Packwood
Bentsen	Hathaway	Pearson
Biden	Hayakawa	Pell
Brooke	Heinz	Percy
Bumpers	Helms	Proxmire
Burdick	Humphrey	Ribicoff
Byrd, Harry F., Jr.	Inouye	Riegle
	Jackson	Roth
Byrd, Robert C.	Javits	Sarbanes
Chafee	Johnston	Sasser
Chiles	Kennedy	Schmitt
Church	Laxalt	Schweiker
Clark	Leahy	Scott
Cranston	Long	Sparkman
Culver	Lugar	Stennis
Curtis	Magnuson	Stevens
Danforth	Mathias	Stevenson
DeConcini	Matsunaga	Stone
Dole	McClellan	Thurmond
Durkin	McClure	Tower
Eagleton	McGovern	Williams
Ford	McIntyre	Young
Garn	Metcalf	Zorinsky
Glenn	Metzenbaum	

NAYS—2

Huddleston	Weicker

NOT VOTING—13

Abourezk	Goldwater	Stafford
Cannon	Hart	Talmadge
Case	Hollings	Wallop
Domenici	Melcher	
Eastland	Randolph	

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is present.

The PRESIDING OFFICER. The Senate will be in order. The Senator from West Virginia is recognized.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session for not to exceed 3 minutes to take up a nomination, which has been reported today from the Committee on Foreign Relations, of Mr. Gale W. McGee, of Wyoming, to be the Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will state the nomination.

ORGANIZATION OF AMERICAN STATES

The assistant legislative clerk read the nomination of Gale W. McGee, of Wyoming, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador.

Mr. HANSEN. Mr. President, I will take just a few moments to express my high regard for the President's nominee

for this post. I think there are few people that I know of who are better qualified than is he to represent the United States.

I have known our former colleague for many years, since he first became a member of the faculty of the University of Wyoming. His field has been history. He is a highly accomplished speaker. I respect him as a person most knowledgeable in the field of foreign affairs, and I am certain that he will bring expertise and understanding as well as great ability to this post. I applaud the President for the nomination, and assure him of my complete support.

Mr. ROBERT C. BYRD. I thank the Senator from Wyoming.

Mr. McGOVERN. Mr. President, I am pleased and proud to support the confirmation of our former colleague Gale McGee as the U.S. Ambassador to the Organization of American States. The President could not have chosen more wisely.

Gale McGee has been a treasured friend of mine for many years. He and I have in many respects followed parallel paths in our careers. Both of us went through graduate school and earned doctoral degrees in history. Both of us were professors of history. Both of us have had a longtime interest in foreign relations.

Our country is fortunate to have a man of his intelligence and stature to represent us in this important post.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination .

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY MAJORITY LEADER OF THE PARLIAMENT OF LIECHTENSTEIN

Mr. PELL. Mr. President, I would just like to draw attention to the fact that we have with us in the Chamber the Majority Leader of the Parliament of Liechtenstein, a small country but a country with high values, a tradition of peace, a tradition of carrying its own burdens in the world, and a country from which we could all learn a great deal I just wanted to say he is in the back of the chamber so that Senators may meet him.

OFFICIAL CONDUCT AMENDMENTS OF 1977

The Senate continued with the consideration of the resolution (S. Res. 110) to establish a code of official conduct for the Members, officers, and employees of the U.S. Senate; and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I yield myself such time as I may require from the time under my control on the resolution itself.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from Wisconsin (Mr. NELSON) for a unanimous-consent request.

Mr. NELSON. Mr. President, I ask unanimous consent that during the consideration of Senate Resolution 110 and votes on amendments thereon and on the resolution itself, the following staff members, who worked with the committee in the preparation of this resolution, be accorded the privilege of the floor: Ira Shapiro, David Schaefer, Andy Loewi, Brian Conboy, Charles Warren, Mildred Lehmann, and Bob Harris.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Also Steve Gordon and Mann Cool.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I yield to the Senator from Colorado.

Mr. HASKELL. Mr. President, I ask unanimous consent that F. Engstrom of my staff have the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I yield to the Senator from Connecticut.

Mr. WEICKER. I ask unanimous consent that Robert Tobin, Mike Scully, and Claudia Ingram of my staff be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I yield to the Senator from New Mexico.

Mr. SCHMITT. Mr. President, I ask unanimous consent that Tony Peyton of my staff be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I yield to the Senator from Utah.

Mr. McCLURE. Mr. President, I ask unanimous consent that Mr. Jim Streeter of my staff be given the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, I ask unanimous consent that Caroline Randel and/or Perry Pendley of my staff be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I make the same request for Dick Friedman of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. I make the same request for Dick Rosen of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, the Senate finds itself today embarking on a debate which will focus public attention on how this body perceives the obligations and responsibilities that are placed upon U.S. Senators. I believe that the Senate will pass a strong and enforceable code of ethics. But it must also be viewed as such by the American people.

In the report of the Commission on Executive, Legislative, and Judicial Salaries, the Peterson Commission, in its recommendation for a code of public conduct, states it this way, in part:

> We believe it an exercise in political futility (a judgment Congress has confirmed more than once) to propose any significant increase in executive, legislative, and judicial salaries unless you are satisfied that the leaders of the other branches of government will join you in a commitment to major reform. (Speaking for ourselves, we would not have proposed significant salary increases except in the context of such reform.) Such a reform must be sufficiently tangible to persuade a substantial majority of Americans that the post-Watergate era has truly begun. Such a majority is by no means persuaded now.

Mr. President, as all Senators know, I strongly supported the recommendations that were submitted by President Ford and supported by President Carter, which were based on the Peterson Commission's report with respect to an increase in salaries for certain high level, policymaking people in the executive branch, members of the judiciary, and members of the legislative branch. In doing so, I said that whether or not the salary increase went into effect, the Senate was committed, in my judgment, to enact a Code of Official Conduct.

The salary increase went into effect. I know that a good many Members have taken considerable heat, and are still getting the heat, from that salary increase, which, as I say, did not apply just to Members of Congress, but also applies to 2,496 high-level policymaking people in the executive branch, 20,300-plus other employees in the executive branch whose salaries are tied, at least indirectly, to the salaries of Members of Congress, and it went to Federal judges, who, by the way, pay nothing into a retirement fund, but who, when they retire, retire at full salary.

I strongly supported that salary increase, for reasons which I stated at that time. Since that salary increase went into effect, I have offered a resolution, which was cosponsored by the distinguished minority leader, Mr. BAKER, the distinguished Senator from Connecticut (Mr. RIBICOFF), the distinguished majority whip Mr. CRANSTON, Mr. RANDOLPH, and other Senators, which provided that the comparability pay increase scheduled for October of this year would not go into effect for any of the persons in the three co-equal and coordinate branches of the Government who had received the February 20 salary increase.

We stated at that time that we did not look beyond this year, but it was only

the October 1977 comparability pay increase which should be denied to those persons who had received the February 20 increase.

Mr. President, having taken a strong position of support for the salary increase—and, by the way, I have a feeling that the great majority of the people of this country do not yet fully realize that that salary increase went to anyone other than to Members of Congress, at least based on my mail—I feel it my duty to strongly support a code of official conduct.

The distinguished minority leader and I introduced a resolution setting up the Special Committee on Official Conduct. Mr. NELSON was named chairman of that committee. That committee has worked many, many hours; many days; many evenings; late into the nights, and on weekends to develop a Code of Ethics under the mandate that that committee report such a code.

The committee did not utilize any funds for the employment of additional personnel. Committee members used their own staff people and staff members from committees. They were able, of course, to take advantage of some of the facts and figures that had been developed by the Obey commission and which have been very helpful to the Nelson committee.

They have brought back a code. While it is not perfect, while it will be subject to, change—undoubtedly, there will be changes proposed, some of which perhaps will be approved—on the whole, I believe the committee has performed an exemplary piece of work and it is entitled to the thanks of the Senate and of the American people. I congratulate the committee.

I supported the salary increases, as I say, and I support this Code of Conduct. Perhaps there are modifications that will improve the Code of Conduct to make it more workable, to make it a better code, and I may support some of them.

I call attention in this instance to an advertisement which appeared in the Wall Street Journal of Wednesday, February 16, 1977—sponsored by the Citizen's Committee for Restoring Public Trust in Government—addressed as follows:

To the Congress & the American People—

President Carter, former President Ford, and Chief Justice Burger agree:

Only if a strict "Code of Public Conduct is enacted should the salaries of senior government officials be increased.

I ask unanimous consent that this advertisement in its entirety be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ROBERT C. BYRD. To take one extract from the advertisement, "The response of congressional leaders has been prompt and strong."

Senate Majority Leader Robert C. Byrd said the pay raise would be justified if put into effect with a requirement for complete financial disclosure by members of Congress and clear and substantial limitations on outside earned income.

Speaker Thomas P. O'Neill Jr. prodded a House commission to "go all the way," in writing a tighter code of ethics, and urged the commission to make its recommendations for reform by February 8th. (N.Y. Times). That Commission has now made its recommendations.

President Carter put a code of ethics into effect for the Executive Branch even before he took office. And Chief Justice Burger showed leadership earlier by instituting judicial reforms.

Mr. President, what I am saying is that in my judgment, the Senate is committed to enact a code of ethics. The House of Representatives has enacted a code of ethics. Attention has been called to the fact that the President has implemented a code of ethics for the people in his top Cabinet positions. I feel that the American people expect the Senate now to follow suit with a strong code of conduct.

The question in my judgment is not whether or not we should have a code of official conduct, but what form it should take. The Nelson committee substitute amendment to Senate Resolution 110 is a reflection of careful consideration of that form. Unfortunately, in my judgment, and in the judgment of the committee, time has come and gone when total public disclosure would be enough. I know that many Senators feel that public disclosure is a sufficient deterrent to potential abuse and that that concept is as far as we need to go.

Does my friend wish me to yield?

Mr. BAKER. After the majority leader has finished, Mr. President. As I previously indicated, I would withhold my statement until later. But after the majority leader has concluded, I would like to speak briefly.

Mr. ROBERT C. BYRD. Very well.

I believe, Mr. President, we are deluding ourselves as to public confidence in this body if we accept the proposition that public disclosure is a sufficient deterrent to potential abuse and that that is as far as this committee and this Senate should go.

Senate Resolution 110 requires public disclosure. But, as I say, I do not think financial disclosure is enough. There are serious areas of possible abuse that should and must be considered by Senate rules. There are areas in which the Senate has been criticized by the media and by the public many times in the past.

Without going into further detail as to what the committee resolution and the Nelson substiute provides, however, I would like to go quickly to one particular area of the Code of Conduct. I will limit my further remarks to that area at this point.

The new proposed rule 44 limits the outside earned income of Senators to 15 percent of their salary—roughly $8,625 a year. I recognize that restrictions on honoraria, both as to the total allowable under the rule and the individual restriction of $1,000 per appearance, are controversial. Nevertheless, I believe that honoraria pose a particular problem that justifies a tight limitation.

In this regard, quoting again from the advertisement which appeared in the Wall Street Journal to which I have earlier alluded, I quote one paragraph titled, "The Code of Public Conduct."

Rigorous restrictions on outside earned income. (Pay full-time public officials enough to meet their normal obligations without the need for outside earned income and eliminate or rigorously restrict honoraria, legal fees, gifts, proceeds of testimonial dinners and so on for personal use.)

Mr. President, I doubt that there is any single abuse of the public trust that has received more attention in the media and more criticism from the public than the earning of large sums of money by elected officials for making public speeches. The appearance of conflict of interest in many of these cases is one that cannot be avoided. It is true that some forums for such speeches, such as educational institutions, may raise no apparent conflict of interest. However, the greater danger lies in those cases where various business interests, unions, or other pressure groups and special interest groups affected by legislation pay extremely large sums of money for a short speech by a Senator to their group.

Even if there is no hint of impropriety surrounding the honorarium between the Senator and the group, it is obvious that the public reception of such action is that the group is attempting to influence that Senator's vote in areas of interest to the group.

I personally would prefer an outright ban on honoraria. I argued for a higher salary than $57,500 in my discussions with the Peterson Commission and with others who were working with the Commission and that all outside earned income then be eliminated. The House has placed a limitation of 15 percent on outside earned income. That is a level that appears to be generally acceptable at this time outside the Senate, and the Nelson committee has recommended a 15-percent limitation. I support that figure.

I recognize that some Senators have been able to make an extensive number of speeches in Washington and throughout the country without missing many Senate votes, but that is not always the case. A Senator must go to where the group wants him to speak, and that is, oftentimes, not in Washington, D.C. Even if large numbers of votes have not been missed by the Senators who do extensive speaking, the Senate schedule has, from time to time, had to be readjusted to try to accommodate them. We are all familiar with votes that have been delayed to a certain time, upon occasion, because of the efforts of the leadership to facilitate such schedules.

Unfortunately, the honoraria circuit presents the image to the American people that a Senator is not a full-time public servant. We all know that this has long since become a full-time job, whether we are working in Washington or in our respective States. The public expects no less.

It is said that this type of speechmaking by Senators contributes to the public dialog in areas of national im-

portance. Obviously, a Senator's speech can be an important part of such an interplay of ideas in our Government. Therefore, the 15-percent limitation on outside earned income is a compromise on the part of the committee to try to recognize that there is merit in some of the arguments of the opponents to restrictions in this area.

I believe that the committee's recommendation of a 15-percent limitation is the absolute ceiling on what should be allowed in the form of outside earned income. Any lifting of that ceiling will cause serious doubts in the public perception as to the intent of the Members of this body to be full-time Senators and public servants.

The present situation which allows Senators to earn up to $25,000 a year in honoraria is intolerably high, and contributes to doubts in the minds of the public as to why individual groups give so much money to a Senator for his speeches when he is being paid by his constituency to represent their best interests in the Senate.

I call attention to the fact that, when tied to the pay raise which has recently gone into effect, the addition of the 15 percent with respect to outside earned income would raise a Senator's salary to $66,125 a year. This would place a Senator in the top 1 percent among Americans in earning. So, if the Senate were to eliminate this 15-percent limitation, Mr. President, what the Senate will be saying in effect, is that we want to have our cake and eat it, too. I think the Senate will be, in effect, proclaiming to the public that not even $66,125 is enough; we want more; we want more.

Mr. President, when large fees are paid to Senators for short speeches before pressure groups—and I have received such honoraria in the past—we must ask ourselves whether, as private citizens, we would have been able to command such a fee for an equivalent amount of time and effort. I am under no illusions. I do not think any group of citizens would pay me $1,000 or $2,000 to play that fiddle of mine for 5, 10, or 15 minutes if I were still a meatcutter or a welder in a shipyard, or if I were practicing law. It is because I am a U.S. Senator that I get those invitations, and I feel that the same must undoubtedly apply to the invitations that are extended to others in the legislative branch. I do not think that, otherwise, we would be able to command that kind of fee for an equivalent amount of time and effort. So I repeat, I believe that the 15-percent limitation is the absolute ceiling which should be allowed for outside earned income.

I am also aware that there are those who believe that if we are to put a 15-percent limitation on outside earned income, we should have a similar limitation on outside unearned income. I submit, Mr. President, that by the very definition of the terms, the problems we are attempting to deal with in this Code of Official Conduct are caused by "earned" income, not "unearned." Webster's Third New International Dictionary defines "earned income" as "income that results from the personal labor or service of an individual," while Webster defines "unearned income" as "income * * * that is not derived from personal labor or service, but usually merely from ownership of property * * *"

So, the point is that by definition, "earned" income requires personal service to produce it, while "unearned" income does not. The potential for conflict of interest is much greater where a Senator must perform personal services for the income rather than where his role is one of being a passive recipient of dividends or income from personal holdings. There is little potential for abuse of public office from a wealthy man who is elected and who receives unearned income from his previous holdings; the potential abuse we are trying to avoid is the situation where a Senator could attempt to become a wealthy man by the use of his official position. While some Members may have accumulated large investments since attaining high office, most of them, if they have accumulated large investments, did so before.

Also, while some Members may spend a little time managing their investments, most of them do not, but earned outside income takes time away from the public business in all too many instances.

I urge my colleagues to consider carefully our actions on this resolution and, in particular, our action on the restrictions on outside earned income. Our actions, in a large measure, will determine the future public perception of the integrity of our institution and our commitment as individual Senators in recognizing areas of abuse that have existed in the past, which constitutionally, we ought to police ourselves. This resolution and the limitations which it places upon us as individuals is not an easy remedy for the wounds that we have suffered in the past, but I believe that we have no choice but to pass a code of official conduct which will be a matter of pride in the future to those of us who participated in its adoption and to those who will serve here in the future who will benefit from the renewed public confidence in the U.S. Senate. It is not our duty to find ways to equalize the income of Senators.

Ours is a higher duty. We have a duty to the institution, rather than to ourselves.

We have received the benefit of the salary increase—to every penny of which I say Members of this body were entitled. I took that position and I shall continue to take that position.

I must confess that I feel a little resentment when I read hatchet job headlines which refer to a "billion-dollar Congress," or to "the same old gang," which were two characterizations of Congress I recently noted in a well-known periodical.

My examination of those and similar articles has led me to conclude that they do not present an accurate reflection of the facts.

But the time has come now; we have gotten our salary increase. I shall continue to defend it in any forum because I believe in my heart that it was right.

But we cannot have our cake and eat it, too.

Mr. President, I believe that every Member of this body will put the Senate first as we reach our decisions from day to day in connection with this proposed code of ethics. It is not we who are to be considered in the last analysis; it is the institution, the U.S. Senate, a body to which Aaron Burr referred as "a sanctuary, a citadel of law, of order and of liberty." A body to which Gladstone referred as "that remarkable body, the most remarkable of all the inventions of modern politics."

Mr. President, let us consider the Senate—not ourselves—as we deliberate from day to day, and may we govern our decisions accordingly. I urge the Senate to support the committee's recommendation placing a limitation of 15 percent on outside earned income.

I thank the Members for their patience, and their kindness in listening.

I wish to call attention at this time to a telephone call from the Senator from Nevada (Mr. CANNON) who has asked me to state for the record that he is very interested in Senate Resolution 110, the Code of Official Conduct of the Senate. He is very pleased the special committee has adopted some of his specific recommendations. He deeply regrets his inability to participate in the Senate's deliberation of Senate Resolution 110, but is absent due to the death of his mother.

EXHIBIT 1

[Advertisement]

[From the Wall Street Journal, Feb. 16, 1977]

TO THE CONGRESS AND THE AMERICAN PEOPLE—PRESIDENT CARTER, FORMER PRESIDENT FORD AND CHIEF JUSTICE BURGER AGREE: ONLY IF A STRICT "CODE OF PUBLIC CONDUCT" IS ENACTED SHOULD THE SALARIES OF SENIOR GOVERNMENT OFFICIALS BE INCREASED

On January 17th, just a few days before he turned the reins over to President-Elect Carter, President Ford sent a message to Congress containing an unusual "Siamese Twin" pair of recommendations:

On the one hand, President Ford recommended an increase in salaries for the Federal judiciary, Congress and senior officials in the Executive Branch. (Such an increase had been recommended unanimously by a special statutory Commission as being long overdue.)

"At the same time," President Ford told Congress, "I am also strong endorsing the recommendation of the Commission that new and strengthened codes of conduct be adopted by each branch. Like the Commission, I would not recommend the salary increases if there is not a firm commitment to a new code of conduct.

"I have personally discussed this matter with President-Elect Carter and he authorized me to say that he fully supports my recommendations concerning salary levels and the need for stronger codes of conduct for all three branches as recommended by the Commission. Thus, the Executive Branch has made the commitment to the improved code of conduct. I have also spoken to the Chief Justice of the United States and he too supports the recommendations of the Commission and is committed to the code of conduct principles in the report.

"If the Congress commits itself to adoption of the proposed code of conduct reforms, then I believe the Congress should permit their salary increases to take effect. This will not only restore public confidence in national leaders, but it will permit the country to be able to attract the most qualified citizens to these important posts."

THE CODE OF PUBLIC CONDUCT

Rigorous restrictions on outside earned income. (Pay full-time public officials enough to meet their normal obligations without the need for outside earned income and eliminate or rigorously restrict honoraria, legal fees, gifts, proceeds of testimonial dinners and so on for personal use.)

Create tight and sensible conflict of interest provisions on investments that would eliminate or minimize both real and apparent conflicts.

Provide for public disclosure of financial affairs.

Impose consistent and explicit restrictions throughout government on post-government-service employment.

Establish appropriate expense allowances and make them accountable.

Establish vigorous, consistent and publicly reported auditing of this Code and appropriate oversight bodies which would include public members.

THE RESPONSE OF CONGRESSIONAL LEADERS HAS BEEN PROMPT & STRONG

Senate Majority Leader Robert C. Byrd said the pay raise would be justified if put into effect with a requirement for complete financial disclosure by members of Congress and clear and substantial limitations on outside earned income.

Speaker Thomas P. O'Neill Jr. prodded a House commission to "go all the way" in writing a tighter code of ethics, and urged the commission to make its recommendations for reform by February 8th. (N.Y. Times). That Commission has now made its recommendations.

President Carter put a code of ethics into effect for the Executive Branch even before he took office. And Chief Justice Burger showed leadership earlier by instituting judicial reforms.

WHO ARE WE?

This advertisement is the third in a series sponsored by a group of private citizens who would like to see a fresh start made in restoring public trust in government.

(As you run your eyes over the list of signers, you will notice that this is an unusually varied group; we think it is representative of the diverse points of view that have joined together in this effort.)

In our first message, several weeks ago, we pointed out that the Federal government was afflicted with a hidden crisis; that senior executives—particularly in the fields of health, science and the judiciary—were prematurely leaving government service en masse because their salaries had been frozen for nearly eight years, except for a 5% adjustment enacted in 1975; that key positions remained vacant because high-caliber executives could not be recruited and retained; that public officials were regarded with widespread cynicism in America today, and consequently that there is a reluctance to reward them with increased compensation.

We said, "Here then is a profound crisis made up of four interlocking parts: The government has a desperate need for outstanding executives; it will not get and keep them unless the salary freeze is unfrozen; Congress does not dare to take such action until the public is in a more receptive mood, and this will not happen until the people's trust in government is restored."

NOW IT IS UP TO THE CONGRESS

According to law, the salary recommendations will go into effect on February 20th if neither the Senate nor the House disapproves.

However, while the salary increases require no action on Congress' part to become effective, the Code of Public Conduct requires initiative and energetic support if it is to become law—especially if it is to be enacted in undiluted form.

A realistic target for such enactments is by March of this year. Any delay, any attempt to water down the provisions of the code—while allowing the pay increases to take effect—would shatter all hopes among the people for a fresh start in Washington, and leave them more cynical than ever.

If you agree with us, if you feel that a strict Code of Public Conduct must accompany the pay raises, then please write to your Congressman and your Senators and let them know what you expect of them.

NEWSPAPER COMMENTS

"The Commission's logic is impeccable . . . The strategy as well as the logic is just right. It is now up to the Congress and the Executive Branch, acting in concert, to work out the details."

—*The Washington Post.*

". . . There could be no more propitious time for reform. Initiation of such an action would be a fitting farewell gesture by the Ford Administration and support for it would seem to be natural for Jimmy Carter."

—*The New York Times.*

". . . The proposal deserves Presidential and Congressional support, but only if the new Code of Conduct is approved along with the higher salaries. What the Commission is proposing—and this makes sense—is a carrot-and-stick approach . . . The main problem in all of this is to make sure that Congress doesn't simply take the money and run, leaving the proposed Code of Conduct to quietly wither on the vine."

—*The Cincinnati Post and Times-Star.*

". . . We think the recommendations should be followed . . . In implementing the new salaries, the reform must not be forgotten."

—*Los Angeles Times.*

"Higher federal pay, yes, but higher ethics, too . . ."

—*Philadelphia Inquirer.*

". . . The Commission's case for a Code of Conduct as an indispensable prelude to a popular aceptance of a general pay increase is convincing."

—*Washington Star.*

". . . We particularly like the idea of combining raises with ethics . . . The public should let the lawmakers know it doesn't want one without the other."

—*Omaha World Herald.*

CITIZENS' COMMITTEE FOR RESTORING PUBLIC TRUST IN GOVERNMENT

Steering Committee

William Buckley, Jr., Columnist.

Ruth C. Clusen, President, League of Women Voters.

John W. Gardner, Chairman, Common Cause.

Father Theodore M. Hesburgh, President, University of Notre Dame.

Vernon E. Jordan, Jr., Executive Director, National Urban League.

Lane Kirkland, Secretary-Treasurer, AFL–CIO.

Peter G. Peterson, Chairman, Lehman Brothers Incorporated.

Irving S. Shapiro, Chairman, E. I. du Pont de Nemours & Company, Inc.; Chairman, The Business Roundtable.

Ray C. Adam, Chairman, NL Industries.

Robert O. Anderson, Chairman, Atlantic Richfield Company.

Harry S. Ashmore, Editor and Author.

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William O. Beers, Chairman and Chief Executive Officer Kraft Inc.

William Bernbach, Chairman, Executive Committee, Doyle Dane Bernbach Inc.

The Hon. Tom Bradley, Mayor, Los Angeles.

Werner C. Brown, President, Hercules Incorporated.

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Frank T. Cary Chairman, International Business Machines Corporation,

Roy D. Chaplin, Jr.

Dr. James E. Cheek, President Howard University.

The Hon. Tom C. Clark, Associate Justice of the U.S. Supreme Court (Ret.).

A. W. Clausen, President, Bank of America.

General Lucius D. Clay, U.S. Army (Ret.).

Clark M. Clifford, Senior Partner Clifford, Warnke, Glass, McIlwain & Finney.

Sheldon S. Cohen, Former Commissioner of Internal Revenue.

John R. Coleman, President Haverford College.

John T. Connor, Chairman Allied Chemical Corporation, Former Secretary of Commerce.

Joan Ganz Cooney, President Children's Television Workshop.

Norman Cousin Editor, Saturday Review.

Col. Henry Crown, Chairman, Henry Crown and Company.

Joseph F. Cullman, III, Chairman, Philip Morris, Inc.

Charles H. Dahl, President, Crown Zellerbach Corp.

Justin Dart, Chairman and Chief Executive Officer, Dart Industries, Inc.

Professor Samuel Dash, Former Chief Counsel, Senate Watergate Committee.

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John Thomas Dunlop, Lamont Univeristy Professor, Harvard University, Graduate School of Business Administration.

Christopher F. Edley, Executive Director, United Negro College Fund, Inc.

James L. Ferguson, Chairman, General Foods Corporation.

Marshall Field, Publisher, Chicago Sun Times, and Chicago Daily News.

Murray H. Finley, President, Amalgamated Clothing and Textile Workers Union.

Edward H. Foley, Former Under Secretary of U.S. Treasury.

Malcolm S. Forbes, Forbes Magazine.

Henry Ford, II.

Henry H. Fowler, Partner, Goldman Sachs and Co., Former Secretary of the U.S. Treasury.

Lewis W. Foy, Chairman, Bethlehem Steel Corp.

Professor Paul A. Freund.

Ray Garrett, Jr., Partner, Gardner, Carton & Douglas.

Clifton C. Garvin, Chairman, Exxon Corporation.

Arthur J. Goldberg, Former Permanent Representative of the U.S. to the U.N.

Mark Goodson, Goodson-Todman Productions.

E. H. Griffiths, President and Chief Executive Officer, RCA Corporation.

The Honorable Martha W. Griffiths.

Walter A. Haas, Jr., Chairman, Levi Strauss.

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Sherrye Henry, WOR Broadcaster.
The Hon. Walter J. Hickel.
The Hon. Jerome H. Holland.
M. Carl Holman, President, The National Urban Coalition.
Matina S. Horner, President, Radcliffe College.
His Eminence Archbishop Iakovos, Greek Orthodox Archdiocese of North and South America.
Leon Jaworski.
Howard W. Johnson, Chairman of The Corporation, Massachusetts Institute of Technology.
J. E. Jonsson, Former Mayor of Dallas, Texas.
Herman Kahn, Director, Hudson Institute.
Dr. John H. Knowles, President, The Rockefeller Foundation.
Semon E. Knudsen, Chairman, White Motor Corporation.
The Hon. Thomas H. Kuchel, Partner, Wyman, Bautzer, Rothman & Kuchel.
Ralph Lazarus, Chairman, Federated Department Stores, Inc.
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The Honorable Sol M. Linowitz, Senior Partner, Coudert Brothers.
Professor George C. Lodge, Harvard Business School.
John H. Lyons, President, International Association of Bridge and Structural Iron Workers.
Ian K. MacGregor, Chairman, AMAX Inc.
Donald S. MacNaughton, Chairman and Chief Executive Officer, Prudential Insurance Company of America.
Robert H. Malott, Chairman and President, FMC Corporation.
Frank Mankiewicz, Author; Former Press Secretary to Robert F. Kennedy.
Joan D. Manley, Chairman of the Board, Time-Life Books, Inc.
Wm. McChesney Martin.
C. Peter McColough.
Prof. Paul W. McCracken, Edmund Ezra Day, University Professor of Business Administration, University of Michigan.
J. F. Meglen.
Arjay Miller, Stanford Graduate School of Business.
J. Irwin Miller, Chairman, Cummins Engine Co., Inc.
Roger Milliken, President, Milliken & Company.
Newton N. Minow, Former FCC Chairman.
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Thomas A. Murphy, Chairman, General Motors Corporation.
The Hon. Bess Myerson, Former Commissioner of Consumer Affairs.
Barbara W. Newell, President, Wellesley College.
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David Packard, Chairman, Hewlett-Packard Company.
Mollie Parnis.
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The Honorable Dean Rusk, Former Secretary of State.
Terry Sanford, President, Duke University.
Arthur Schlesinger, Jr., Writer and Historian.
Felice N. Schwartz.
Bernard G. Segal, Former President, American Bar Association.
Donald V. Seibert, Chairman, J. C. Penney Company, Inc.
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Justin A. Stanley, President, American Bar Association.
Gloria Steinem, Editor and Writer.
George A. Stinson, Chairman, National Steel Corp.
Robert D. Stuart, Jr., Chairman, The Quaker Oats Company.
Franklin A. Thomas.
Paul A. Volcker, Former Under Secretary of U.S. Treasury.
Martin J. Ward, President, United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry.
Ralph E. Ward, Chairman and President, Chesebrough-Pond's, Inc.
Glenn E. Watts, President, Communications Workers of America.
Robert C. Weaver, Distinguished Professor of Urban Affairs, Hunter College, Former Secretary of Department of Housing and Urban Development.
Dr. Arnold R. Weber, Provost, Carnegie-Mellon University.
Jacqueline G. Wexler, President, Hunter College.
Theodore S. White, Author.
W. S. White, Jr., Chairman and Chief Executive Officer, American Electric Power Company.
Jerome B. Wiesner, President, Massachusetts Institute of Technology.
Roy Wilkins, Executive Director, NAACP.
Eddie N. Williams, President, Joint Center for Political Studies.
Willard Wirtz, Former Secretary of Labor.
Arthur M. Wood, Chairman, Sears, Roebuck and Company.
Leonard Woodcock, President, International Union, UAW.
Walter B. Wriston, Chairman, Citicorp/Citibank.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER (Mr. ANDERSON). The Senator from Tennessee.

Mr. BAKER. Mr. President, it has been only a few weeks since the distinguished majority leader and I announced on the floor of the Senate that we would support the proposal of the pay commission for an increase in salary for Members of Congress and others.

At that time, Mr. President, we assured the Senate that two things would occur.

First, that the matter would be addressed by the Senate and that there would be a vote—and there was, indeed, a vote. It was voted on a motion to table the resolution of disapproval of the recommendation of the pay increase, and the first of those two commitments was redeemed.

The second commitment that was made on the same day was that regardless of the outcome of the debate on the increase in salary for Federal officials, including Members of Congress, in the House and the Senate, that the Senate would turn its attention, if we were able to contrive it, to the matter of considering and hopefully adopting a code of conduct, a code of ethics. That matter is now the pending business under a previous unanimous-consent order that provides a generous 50 hours of debate, as well as additional time for amendments, and amendments in the second degree, and other procedural devices.

So the Senate is now considering the second of those two commitments that were made by my distinguished colleague from West Virginia, the majority leader—to consider a code of ethics.

Mr. President, I commend the members of the special ad hoc committee that were appointed from the majority and minority in order to consider this undertaking: to recommend to Congress and to the Senate a new Code of Ethics. I commend them for a diligent job well done, with careful attention to competing, different points of view, and with an effort to reconcile, where it was possible to reconcile, different opinions and conflicts.

I pay respect as well to the distinguished members of the Standing Committee on Ethics, particularly to the Senator from Illinois (Mr. STEVENSON), who is the chairman of that committee, and the Senator from New Mexico (Mr. SCHMITT), who is the ranking Republican on that committee, for their contribution to this formula of suggestions and ideas.

Having done that, Mr. President, I think I owe it to our colleague to say now on this occasion that I intend to support a code of conduct and a code of ethics for the Senate.

I intend to reserve my judgment, as I am sure most, if not all, of our colleagues will reserve judgment, on the exact terms of that code. But I intend to support a strong code of conduct.

It is my view that the ad hoc committee, as supplemented and augmented by the suggestions of the Ethics Committee, has done a good job.

I think, by and large, their suggestions are good and appropriate to these times, and most of them I can support. Some of them I will disagree with, and I reserve my right in that respect, as does everyone else.

I intend to support, for instance, the proposal for a limitation on outside earned income. Clearly, it is arbitrary. Clearly, it works injustice in some cases. But I intend to support it, not because I think it is the best solution, but because I think it is the best solution at this moment. There will be others debated and I will abide by the final determination of the Senate, of course, in each regard; and will in no way discourage any Member

from expressing his agreement or disagreement on any of the provisions of the code or any of the amendments that may be submitted.

Having said these things, Mr. President, I would conclude with only one general further observation.

Notwithstanding my professed support for this measure; notwithstanding my praise for the members of the ad hoc and ethics committees who worked diligently on this measure; and notwithstanding my belief that the tenor of the times requires that we adopt a code of ethics, I still think we are headed in the wrong direction. I think we are headed right straight in the direction of a corps of professional legislators who are virtually totally dependent on the salary and expenses that we may be allowed from the Federal Treasury.

Add to that the prospect that we may some day have our campaigns financed from the Federal Treasury, as well, and then we very well may have both feet in the Treasury trough.

Mr. President, I think that is the wrong direction. I think we ought to give careful attention to returning to the concept of citizen legislators.

It would be my preference, for example, to see Congress meet for 3 months or 6 months or even 9 months, if need be, but for a briefer period of time, and to return to our districts and to involve ourselves in the mainstream of our communities' activities.

I would like to see us do that and have a decrease in salary. I would like to see us have an opportunity to participate fully in the public and private affairs of our Nation and have a less generous salary than we now have.

I would like to see those things, Mr. President; but, in all candor and honesty, I cannot say that I expect to see these things happen in the next year or so. I do not expect to see them happen as the result of the debate that is about to ensue here.

If those fundamental changes in the nature and the personality of the legislative initiative are to take place, if there is to be a change in that, it is going to take a great deal more effort, a great deal more debate, a great deal more attention, a great deal more exposure, and a great deal more commentary from the press before we can come to that decision.

In the meantime, I think we should go ahead with this code of conduct or something similar to it.

So, Mr. President, I intend to support the code generally. I intend, however, to do one other thing. At some point appropriate to these proceedings, I intend to offer a sunset provision. I intend to provide an amendment that will cause this whole code to self-destruct in 2 or 3 years, so that we can attempt to require that Congress, once again, focus its attention on the general personality and legislative responsibility of Congress, rather than continuing our drift in the wrong direction.

ADDITIONAL STATEMENT SUBMITTED ON SENATE RESOLUTION 110

Mr. CASE. Mr. President, the Senate today begins consideration of a code of official conduct which, if adopted, can do much to restore public confidence in our Government.

We must not falter at this juncture. The canons of conduct which our special committee has developed have received high marks, generally. We must make them our rules and do so with dispatch and as little dilution as is possible in a deliberative body.

My view is that we cannot err in requiring full financial disclosure by our Members, officers, and top staff people. And certainly, the proposed code, founded on requirements for full public disclosure of financial matters, is launched in a commendable direction.

For many years, in fact since about 1958, I have advocated that we deal with the issue of conflict of interest by making public disclosure of financial matters and let the voters—the public which is our ultimate employer—make the decision as to our fitness to hold the public trust.

I would not limit financial disclosure to Members of our Chamber and the House, but would require it of all top employees in the executive branch, including the President and Vice President and all members of the Federal judiciary, including Supreme Court Justices. Once our own code of official conduct is in place, I hope we will proceed to enact legislation to impose similar restrictions on the other branches.

When I appeared before the special committee, I urged that the problem of unofficial office accounts be reviewed and I am pleased that new rule XLVI prohibits the use of privately subsidized office accounts.

It is certain that there have been a number of abuses arising from the use of these unofficial funds. And at this time it is proper that we take steps to stop the abuses and insure that every Senator—regardless of his wealth or lack of it or that of his friends—be equally well equipped to discharge his duties as a Senator.

One other point which I would like to make relates to the enforcement of the official rules. It is necessary to provide a means for enforcement or our other actions in strengthening our rules are hollow and meaningless. It would be wrong to come as far as we have in drawing up a code of official conduct and leave out the essential ingredient of enforcement.

Mr. ROBERT C. BYRD. Mr. President, for the remainder of the day, I yield such time on the resolution itself as I control to the distinguished Senator from Wisconsin (Mr. NELSON).

Mr. BAKER. Mr. President, in a similar vein, I yield control of my time temporarily, under the standing order, to the distinguished senior Senator from South Carolina.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

AMENDMENT NO. 65

Mr. NELSON. Mr. President, before making an opening statement on the resolution, I call up an amendment in the nature of a substitute, amendment No. 65.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. NELSON), for himself and others, proposes an amendment in the nature of a substitute, numbered 65.

The amendment in the nature of a substitute is as follows:

On page 1, strike all after *"Resolved"* and insert in lieu thereof the following:

That this resolution may be cited as the "Official Conduct Amendments of 1977".

TITLE I—CODE OF OFFICIAL CONDUCT

SEC. 101. The Standing Rules of the Senate are amended—

(1) by striking out rules XLI, XLII, XLIII, and XLIV; and

(2) by renumbering rule XLV as rule XLI, and by adding after such rule the following new rules which shall be known as the "Senate Code of Official Conduct":

"RULE XLII

"PUBLIC FINANCIAL DISCLOSURE

"1. (a)(1) Each individual who for a period in excess of ninety days during a calendar year is a Senator, or an officer or employee of the Senate who is compensated at a rate in excess of $25,000 a year, shall file a report containing a full and complete financial statement for that calendar year.

"(2) Each employee designated under rule XLIX to handle campaign funds during any calendar year shall file a full and complete financial disclosure statement for that calendar year.

"(b) Each individual described in subparagraph (a) who during any calendar year ceases to occupy an office or position described in such subparagraph shall file a report containing a full and complete financial statement for that portion of such year beginning on January 1 and ending on the date on which he ceases to occupy such office or position.

"(c) Any individual who seeks nomination for election, or election, to the office of United States Senator shall file in any year in which such individual has—

"(1) taken the action necessary under the law of a State to qualify for nomination for election, or election, or

"(2) received political contributions or made expenditures, or has given consent for any other person to receive political contributions or make expenditures, with a view to bringing about such individual's nomination for election, or election, to such office,

a report containing a full and complete financial statement for the preceding calendar year.

"(d) The Secretary of the Senate shall submit annually to the Select Committee on Ethics (hereinafter referred to as the "Select Committee") a complete list of Members, officers, and employees of the Senate who are required to file a report under this paragraph and shall submit at the close of each calendar quarter a list of individuals required to file such report who have begun or terminated employment with the Senate or been designated pursuant to rule XLIX.

"2. Each individual shall include in each report for each calendar year for which he is required to file a report under paragraph 1 a full and complete statement, in such manner and form as the Select Committee shall prescribe, which contains the following:

"(a)(1) the amount and the identity of each source of earned income (exclusive of honoraria) received during such calendar year which exceeds $100 in amount or value:

"(2) the identity of the source, the amount, and the date, of each honorarium received during such calendar year and an indication of which honoraria, if any, were donated to a charitable organization pursuant to paragraph 2(c) of rule XLIV; and

"(3) the identity of each source of income

(other than earned income) received during such calendar year which exceeds $100 in amount or value, and an indication of which the following categories the amount of value of such item of income is within:

"(A) not more than $1,000,

"(B) greater than $1,000 but not more than $2,500,

"(C) greater than $2,500 but not more than $5,000,

"(D) greater than $5,000 but not more than $15,000,

"(E) greater than $15,000 but not more than $50,000,

"(F) greater than $50,000 but not more than $100,000, or

"(G) greater than $100,000.

"(4) For purposes of clauses (1) and (3), any gift described in subparagraphs (b) and (c) of this paragraph shall not be considered as income.

"(b) The identity of the source, a brief description of, and the value of any gifts of transportation, lodging, food, or entertainment aggregating $250 or more provided by any one source other than a relative during the calendar year except that any food, lodging, or entertainment received as part of the personal hospitality of any individual need not be reported.

"(c) The identity of the source, a brief description of, and the value of all other gifts aggregating $100 or more from any one source other than a relative during the calendar year.

"(d) Gifts with a fair market value less than $35 need not be aggregated for the purposes of subparagraphs (b) and (c) of this paragraph.

"(e) (1) The identity and category of value of each item of real property held, directly or indirectly, during such calendar year which has a fair market value in excess of $1,000 as of the close of such calendar year; and

"(2) the identity and category of value of each item of personal property held, directly or indirectly, during such calendar year in a trade or business or for investment or the production of income which has a fair market value in excess of $1,000 as of the close of such calendar year.

"(f) The identity and category of value of each personal liability owed, directly or indirectly, which exceeds $2,500 at any time during such calendar year.

"(g) The identity, date, and category of value of any transaction, directly or indirectly, in securities or commodities futures during such calendar year exceeding $1,000, except that (1) any gift to any tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code of 1954 involving such a transaction need not be reported, and (2) any transaction solely by and between the reporting individual, his spouse, and dependents need not be reported.

"(h) (1) The identity, date, and category of value of any purchase, sale, or exchange, directly or indirectly, of any interest in real property during such calendar year if the value of the property involved in such purchase, sale, or exchange exceeds $1,000 as of the date of such purchase, sale, or exchange.

"(2) For the purposes of subparagraph (e)(1) of this paragraph and clause (1) of this subparagraph the identity of an item of real property shall include the number of acres of property (if there is more than one acre), the exact street address (except with respect to a personal residence of a reporting individual), the town, county, and State in which the property is located, and if there are substantial improvements on the land, a brief description of the improvements (such as "office building").

"(i) Any patent right or any interest in any patent right, and the nature of such patent right, held during such calendar year.

"(j) The identity of all positions held as an officer, director, trustee, partner, adviser, proprietor, agent, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, and any educational or other institution.

"(k) A description of, the parties to, and the terms of any contract, promise, or other agreement between such individual and any person with respect to his employment after such individual ceases to occupy an office or position described in paragraph 1, including any agreement under which such individual is taking a leave of absence from an office or position outside of the United States Government in order to occupy an office or position described in paragraph 1, and a description of and the parties to any agreement providing for continuation of payments or benefits from a prior employer other than the United States Government.

An officer or employee of the Senate required to file a report under paragraph 1 shall include in such report the identity of any person, other than the United States Government, who paid such individual compensation in excess of $5,000 in any of the two calendar years prior to such calendar year and the nature and term of the services such individual performed for such person. The preceding sentence shall not require any individual to include in such report any information which is considered confidential as a result of a privileged relationship, established by law, between such individual and any person nor shall it require an individual to report any information with respect to any person for whom services were provided by any firm or association of which such individual was a member, partner, or employee unless such individual was directly involved in the provision of such services.

"3. (a) For purposes of subparagraphs (e) through (h) of paragraph 2, an individual need not specify the actual amount or value of each item required to be reported under such subparagraphs, but such individual shall indicate which of the following categories such amount or value is within:

"(1) not more than $5,000,

"(2) greater than $5,000 but not more than $15,000,

"(3) greater than $15,000 but not more than $50,000,

"(4) greater than $50,000 but not more than $100,000,

"(5) greater than $100,000 but not more than $250,000,

"(6) greater than $250,000 but not more than $500,000,

"(7) greater than $500,000 but not more than $1,000,000,

"(8) greater than $1,000,000 but not more than $2,000,000,

"(9) greater than $2,000,000 but not more than $5,000,000, or

"(10) greater than $5,000,000.

"(b) For the purposes of subparagraph (e) of paragraph 2, if the current value of an interest in real property (or an interest in a real estate partnership) is not ascertainable without an appraisal, an individual may list the purchase price of the interest in the real property at the time of purchase and the date of purchase instead of specifying a category of value pursuant to subparagraph (a) of this paragraph. If the current value of any other item required to be reported under subparagraph (e) of paragraph 2 is not ascertainable without an appraisal, such individual may list the book value of a corporation whose stock is not publicly traded, the net worth of a business partnership, the equity value of an individually owned business, or with respect to other holdings, any recognized indication of value but such individual shall include in his report a full and complete description of the method used in determining such value.

"(c) (1) For the purposes of subparagraphs (a) through (j) of paragraph 2, a reporting individual shall, subject to clauses (2) and (3) of this subparagraph, also report the interests of the spouse or dependents of that individual.

"(2) For the purposes of subparagraphs (a) through (c) of paragraph 2, the individual need only report the source, not the amount, of any earned income over $1,000 or gifts over $100 ($250 in the case of transportation, lodging, food, or entertainment) received solely by his spouse or dependents, but with respect to earned income, if his spouse or dependents are self-employed in his or her own business or profession, only the nature of such business or profession need be reported.

"(3) No report shall be required with respect to the interests of a spouse living separate and apart from the reporting individual.

"(d) (1) the holdings of and income from a trust or other financial arrangement, whether 'blind' or not, whether or not created by or under the control of the reporting Senator, officer, or employee or the spouse or dependents of such reporting individual must be publicly reported according to the provisions of paragraph 2, except that the identity of the holdings and the sources of a trust's income need not be disclosed if—

"(A) the trust was not created directly or indirectly by the reporting individual, his spouse, or dependents,

"(B) the reporting individual, his spouse, and dependents have no knowledge of the contents or sources of income of the trust, and

"(C) the reporting individual has requested the trustee to provide information with respect to the holdings and sources of income of the trust and the trustee refuses to disclose the information.

However, where the identity of the holdings and the sources of income of a trust need not be disclosed, the reporting individual must list the category of the net cash value of his interest in the total trust holdings under subparagraph (e) of paragraph 2, and must list the category of the amount of the income from the trust under subparagraph (a)(3) of paragraph 2.

"(2) Since it is the policy of the United States Senate that Senators, and officers and employees of the Senate make full and complete public financial disclosure of financial holdings, it is the sense of the Senate that trusts established for the purpose of being 'blind trusts', whether revocable or irrevocable, shall be dissolved by the creating party to permit the disclosures required by this rule.

"(e) An individual only is required to report information within his knowledge; however, it is the responsibility of a reporting individual to exercise reasonable diligence to obtain the information necessary to comply with this rule.

"4. (a) Each individual required to file a report under paragraph 1(a) for any calendar year shall file such report with the Secretary of the Senate not later than May 15 of the next year.

"(b) Each individual required to file a report under paragraph 1(b) for a portion of a year shall file such report with the Secretary of the Senate on the last day he occupies an office or position described in paragraph 1 during such year.

"(c) Each individual required to file a report under paragraph 1(c) shall file such report with the Secretary of the Senate not later than the thirtieth day following the day on which such individual first fulfills the filing requirements of such paragraph during such year or May 15 of that year, whichever is later.

"(d) A copy of each report filed under subparagraphs (a), (b), and (c) shall be provided to the Select Committee by the Secretary of the Senate.

"(e) Each Senator and each individual required to report under paragraph 1(c) shall

cause his financial disclosure statement to be filed as a public document with the Secretary of State (or, if there is no Office of Secretary of State, the equivalent State offices) in the State which the Senator represents or in which he is a candidate for the position of Senator.

"(f) The Select Committee may grant one or more reasonable extensions of time for filing any report but the total of such extensions shall not exceed ninety days.

"(g) The Comptroller General shall provide assistance in completing any reports required under this rule when requested by a Member, officer, or employee of the Senate.

"5. (a) Except as provided in this paragraph, the Secretary of the Senate shall make each report filed with him under this rule available to the public within fifteen days after the receipt of such report, and shall provide a copy of any such report to any person upon a written request.

"(b) The Secretary of the Senate may require any person receiving a copy of any report under subparagraph (a) to supply his name and address and the name of the person or organization, if any, on whose behalf he is requesting such copy and to pay a reasonable fee in any amount which the Secretary of the Senate finds necessary to recover the cost of reproduction or mailing of such report excluding any salary of any employee involved in such reproduction or mailing. The Secretary of the Senate may furnish a copy of any such report without charge or at a reduced charge if he determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the public.

"(c) Any report received by the Secretary of the Senate shall be held in his custody and made available to the public for a period of seven years after receipt by the Secretary of the Senate of such report. After such seven-year period, the Secretary of the Senate shall destroy any such report.

"(d) The Select Committee shall review all financial statements filed pursuant to paragraph 1 to determine whether such statements are filed in a timely manner and are complete and in proper form.

"(e)(1) The Comptroller General shall, under such regulations as he may prescribe, and which are approved by the Select Committee, conduct, on a random basis, audits of approximately 5 per centum of the reports filed with the Secretary of the Senate (other than those filed by a Member of the Senate).

"(2) The Comptroller General shall, during each six-year period beginning after the date of enactment of this Act, audit at least one report filed by each Member of the Senate except that no such audit shall take place during the calendar year such Member is up for reelection.

"(3)(A) In conducting an audit under clause (1) or (2), the Comptroller General is authorized to request that the Select Committee issue a subpena to require the production of books, papers, and other documents.

"(B) the Comptroller General may use outside consultants to assist him in his responsibilities under this subparagraph.

"(4) The Comptroller General shall transmit the findings of each audit to the Select Committee and the individual being audited.

"6. (a) Each individual who is required to file a financial statement under paragraph 1 for any calendar year shall file with the Comptroller General, in a sealed envelope, a report containing a copy of the returns of taxes, declarations, statements, other documents, and amendments thereto, which he, or he and his spouse jointly, or any fiduciary (regarding income received on behalf of such individual), made for such year in compliance with the income tax provisions of the Internal Revenue Code of 1954. Such report shall be filed not later than the date on which such individual is required to file a financial statement under paragraph 1.

"(b) Except as otherwise provided by this paragraph, all papers filed with the Comptroller General under this paragraph shall be kept by the Comptroller General for not less than seven years, and while so kept shall remain sealed. Upon receipt of a resolution of the Select Committee, adopted by a recorded majority vote of the members of the Select Committee, requesting the transmission to the Select Committee of any of the reports filed by an individual under this rule, the Comptroller General shall transmit to the Select Committee the envelopes containing such reports. Within a reasonable time after such recorded vote has been taken, the individual concerned shall be informed of the vote to examine and audit, and shall be advised of the nature and scope of such examination. When any sealed envelope containing any such report is received by the Select Committee such envelope may be opened and the contents thereof may be examined only by members of the Select Committee in executive session. If, upon such examination, the Select Committee determines that further consideration by the Select Committee is warranted and is within the jurisdiction of the Select Committee, it may make the contents of any such envelope available for any use by any member of the Select Committee, or any member of the staff of the Select Committee, which is required for the discharge of his official duties. The Select Committee may receive the papers as evidence, after giving to the individual concerned due notice and opportunity for hearing in a closed session. The Comptroller General shall report to the Select Committee not later than the 1st day of June in each year the names of Senators, officers, and employees who have filed a report. Any paper which has been filed with the Comptroller General for longer than seven years, in accordance with the provisions of this paragraph, shall be returned to the individual concerned or his legal representative. In the event of the death or termination of service of a Member of the Senate or an officer or employee of the Senate, such papers shall be returned unopened to such individual, or to the surviving spouse or legal representative of such individual within one year of such death or termination of service unless the Select Committee directs that such papers be returned at a later date.

"(c) Notwithstanding the provisions of subparagraph (b), the Comptroller General, after giving notice to the individual being audited, may examine the material filed pursuant to this paragraph for the purpose of conducting an audit as required under paragraph 5(e).

"(d) Whenever in any criminal case pending in any competent court in which a Member, officer, or employee of the Senate is a defendant, or in any proceeding before a grand jury of any competent court in which alleged criminal conduct of the Member, officer, or employee of the Senate is under investigation, a discovery order of such court is served upon the Comptroller General directing him to appear and produce any reports filed pursuant to this rule, the Comptroller General shall—

"(1) within a reasonable time prior to appearing in response to such discovery order of such court, notify the individual whose report is requested of the receipt of the discovery order of such court,

"(2) if such report is in a sealed envelope, unseal the envelope containing such report and have an authenticated copy made of such report, replace such report in such envelope and reseal it, and note on such envelope that it was opened pursuant to this clause in response to a discovery order of such court, a copy of which shall be attached to such envelope, and

"(3) appear in response to such discovery order of such court and produce the authenticated copy so made.

For purposes of this subparagraph, the term 'competent court' means a court of the United States, a State, or the District of Columbia which has general jurisdiction to hear cases involving criminal offenses against the United States, such State, or the District of Columbia, as the case may be; and the term 'discovery order' includes a subpena approved by a competent court.

"7. As used in this rule—

"(a) the term 'commodity future' means commodity future as defined in sections 2 and 5 of the Commodity Exchange Act as amended (7 U.S.C. 2 and 5);

"(b) the term 'Comptroller General' means the Comptroller General of the United States;

"(c) the term 'dependent' has the meaning set forth in section 152 of the Internal Revenue Code of 1954;

"(d) the term 'earned income' means outside earned income (as defined in rule XLIV) and any salary disbursed to an individual by the Secretary of the Senate;

"(e) the term 'employee of the Senate' has the same meaning given to such term in paragraphs 2, 3, and 4 of rule XLIX;

"(f) the term 'gift' means a payment, subscription, advance, forebearance, rendering, or deposit of money, services, or anything of value, including food, lodging, transportation, or entertainment, and reimbursement for other than necessary expenses, unless consideration of equal or greater value is received, but shall not include (1) a political contribution otherwise reported as required by law, (2) a loan made in a commercially reasonable manner (including requirements that the loan be repaid and that a reasonable rate of interest be paid), (3) a bequest inheritance or other transfer at death, or (4) anything of value given to a spouse or dependent of a reporting individual by the employer of such spouse or dependent in recognition of the service provided by such spouse or dependent;

"(g) the term 'income' means gross income as defined in section 61 of the Internal Revenue Code of 1954;

"(h) the term 'political contribution' means a contribution as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431);

"(i) the term 'political expenditure' means an expenditure as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431);

"(j) the term 'relative' means, with respect to a person required to file a report under this rule, an individual who is related to the person as father, mother, son, daughter, brother, sister, uncle, aunt, great uncle, great aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaugther, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of the person reporting;

"(k) the term 'security' has the meaning set forth in section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77b); and

"(l) the term 'transactions in securities and commodities futures' means any acquisition, transfer, or other disposition involving any security or commodity.

"RULE XLIII

"GIFTS

"1. No Member, officer or employee of the Senate, shall solicit or accept a present or future gift, favor, service, or anything of value from any person, business, or other entity under circumstances where he knows by the exercise of ordinary care that such gift, favor, service, or thing of value will,

might tend to, or is intended to affect the present or future performance of official duties.

"2. (a) No Member, officer, or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept or knowingly permit his spouse or dependent to accept, directly, any gift or gifts having an aggregate value exceeding $100 during a calendar year directly or indirectly from any person, organization, or corporation having a direct interest in legislation before the Congress or from any foreign national.

"(b) For purposes of subparagraph (a), only the following shall be deemed to have a direct interest in legislation before the Congress:

"(1) a person, organization, or corporation registered under the Federal Regulation of Lobbying Act of 1946, or any successor statute, a person who is an officer or director of such registered lobbyist, or a person who has been employed or retained by such a registered lobbyist for the purpose of influencing legislation before the Congress; or

"(2) a corporation, labor organization, or other organization which maintains a separate segregated fund for political purposes (within the meaning of section 321 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b)), a person who is an officer or director of such corporation, labor organization, or other organization, or a person who has been employed or retained by such corporation, labor organization, or other organization for the purpose of influencing legislation before the Congress.

"(c) The prohibitions of this subparagraph do not apply to gifts—

"(1) from relatives;

"(2) with a value of less than $35;

"(3) of personal hospitality of an individual.

"3. For purposes of this rule—

"(a) the term 'gift' means a payment, subscription, advance, forebearance, rendering, or deposit of money, services, or anything of value, including food, lodging, transportation, or entertainment, and reimbursement for other than necessary expenses, unless consideration of equal or greater value is received, but shall not include (1) a political contribution otherwise reported as required by law, (2) a loan made in a commercially reasonable manner (including requirements that the loan be repaid and that a reasonable rate of interest be paid), (3) a bequest, inheritance, or other transfer at death, (4) a bona fide award presented in recognition of public service and available to the general public, (5) a reception at which the Member, officer, or employee is to be honored, provide such individual receives no other gifts that exceed the restrictions in this rule, other than a suitable memento, or (6) anything of value given to a spouse or dependent of a reporting individual by the employer of such spouse or dependent in recognition of the service provided by such spouse or dependent; and

"(b) The term 'relative' has the same meaning given to such term in paragraph 7(j) of rule XLII.

"4. If a member, officer, or employee, after exercising reasonable diligence to obtain the information necessary to comply with this rule, unknowingly accepts a gift described in paragraph 2, such Member, officer, or employee shall, learning of the nature of the gift and its source, return the gift or, if it is not possible to return the gift, reimburse the donor for the value of the gift.

"RULE XLIV

"OUTSIDE EARNED INCOME

"1. During the period of service in a calendar year of a Senator, or of an officer or employee of the Senate compensated at a rate exceeding $35,000 a year and employed for more than ninety days in a calendar year (unless hired on a per diem basis), the aggregate amount of the outside earned income of such individual for such period shall not exceed 15 per centum of—

"(1) the aggregate amount of the salary of such an officer or employee disbursed by the Secretary of the Senate during such period; and

"(2) in the case of a Senator, the aggregate amount of base salary paid to Senators and disbursed by the Secretary of the Senate for that period.

"2. (a) A Senator shall not receive honoraria in excess of $1,000 for each appearance, speech, or article.

"(b) An officer or employee of the Senate covered by paragraph (1) shall not receive honoraria in excess of—

"(1) $300 for each appearance, speech, or article, and

"(2) $1,500 in the aggregate in any one calendar year.

"(c) Notwithstanding the limitations under paragraph 1 or 2(b)(2), any Senator, officer, or employee may accept honoraria in excess of the amount allowed in paragraph 1 or 2(b)(2) but not in excess of $25,000, if he immediately donates such honoraria to an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954 and if no tax benefits accrue to such Senator, officer, or employee for such donation.

"3. (a) For purposes of this rule, the term 'outside earned income' shall, subject to the provisions of subparagraphs (b) and (c), mean any income earned by an individual which is income received as a result of personal services actually rendered if such services are material income-producing factors.

"(b) Outside earned income shall include, but is not limited to—

"(1) honoraria and stipends, and

"(2) advances on books other than from an established trade publisher under usual contract terms, or advances on other creative or artistic works.

"(c) Outside earned income does not include the following: (1) royalties from books; (2) income from family enterprises if the services provided by the Senator or officer or employee of the Senate are not a material income-producing factor; (3) gains derived from dealings in property or investments; (4) interests; (5) rents; (6) dividends; (7) alimony and separate maintenance payments; (8) annuities; (9) income from discharge of indebtedness; (10) distributive shares of partnership income if the services provided by the Senator, or officer or employee of the Senate, are not a material income-producing factor; (11) income from an interest in an estate or trust; (12) proceeds from the sale of creative or artistic work; and (13) any 'buy-out' arrangement from professional partnerships or businesses which is reasonably related to the fair market value of his interest in the enterprise at the time of the severance, payable within a reasonable period of time, and not related to future profitability of the enterprise.

"RULE XLV

"CONFLICT OF INTEREST

"1. A Member, officer, or employee of the Senate shall not receive any compensation, nor shall he permit any compensation to accrue to his beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his position as a Member, officer, or employee.

"2. No Member, officer, or employee shall engage in any outside business or professional activity or employment for compensation which is inconsistent or in conflict with the conscientious performance of official duties.

"3. No officer or employee shall engage in any outside business or professional activity or employment for compensation unless he has reported in writing, when such activity or employment commences and on May 15 of each year thereafter so long as such activity or employment continues, the nature of such activity or employment to his supervisor. The supervisor shall then, in the discharge of his duties, take such action as he considers necessary for the avoidance of conflict of interest or interference with duties to the Senate.

"4. No Member, officer, or employee shall knowingly use his official position to introduce or aid the progress or passage of legislation, a principal purpose of which is to further only his pecuniary interest, only the pecuniary interest of his immediate family, or only the pecuniary interest of a limited class of persons or enterprises, when he, or his immediate family, or enterprises controlled by them, are members of the affected class.

"5. A Member, notwithstanding the provisions of Rule XII of the Standing Rules of the Senate, may decline to vote, in committee or on the floor, on any matter when he believes that his voting on such a matter would be a conflict of interest.

"6. No Member, officer, or employee of the Senate compensated at a rate in excess of $25,000 per annum and employed for more than ninety days in a calendar year (unless hired on a per diem basis) shall provide professional services for compensation. For the purposes of this paragraph, 'professional services' shall include services as an engineer, real estate agent, insurance agent, attorney, physician, architect, consultant, or activties of a similar character.

"7. No Member, officer, or employee shall serve as an officer or member of the board of any publicly held or publicly regulated corporation, financial institution, or business entity. This prohibition shall not apply when a Member, officer, or employee serves without compensation as an officer or member of a board of an organization exempt from taxation under section 501(c) of the Internal Revenue Code of 1954 or institutions or organizations that are principally available to Members, officers, or employees of the Senate, or their families.

"8. An employee on the staff of a committee who is compensated at a rate in excess of $25,000 per annum and employed for more than ninety days in a calendar year (unless hired on a per diem basis) shall divest himself of any holdings which may be directly affected by the actions of the committee for which he works, unless he has received permission in writing from his supervisor and the Select Committee on Ethics to retain such holdings.

"9. If a Member, upon leaving office, becomes a registered lobbyist under the Federal Regulation of Lobbying Act of 1946 or any successor statute, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, he shall not lobby Members, officers, or employees of the Senate for a period of one year after leaving office.

"10. If an employee on the staff of a Member, upon leaving that position, becomes a registered lobbyist under the Federal Regulation of Lobbying Act of 1946 or any successor statute, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, such employee may not lobby the Member for whom he worked or that Member's staff for a period of one year after leaving that position. If an employee on the staff of a committee, upon leaving his position, becomes such a registered lobbyist or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, such employee may not lobby the members of the committee for which he worked, or the staff of that committee, for a period of one year after leaving his position.

"11. For purposes of this rule—

"(a) 'employee of the Senate' has the same meaning given to such term in paragraphs 2, 3, and 4 of rule XLIX;

"(b) an individual who is an employee on the staff of a subcommittee of a committee shall be treated as an employee on the staff of such committee; and

"(c) the term 'lobbying' means any oral or written communication to influence the content or disposition of any issue before Congress, including any pending or future bill, resolution, treaty, nomination, hearing, report, or investigation; but does not include—

"(A) a communication (i) made in the form of testimony given before a Committee or office of the Congress, or (ii) submitted for inclusion in the public record, public docket, or public file of a hearing; or

"(B) a communication by an individual, acting solely on his own behalf, for redress of personal grievances, or to express his personal opinion.

"12. For purposes of this rule—

"(a) a Senator or the Vice President is the supervisor of his administrative, clerical, or other assistants;

"(b) a Senator who is the chairman of a committee is the supervisor of the professional, clerical, or other assistants to the committee except that minority staff members shall be under the supervision of the ranking minority Senator on the committee;

"(c) a Senator who is a chairman of a subcommittee which has its own staff and financial authorization is the supervisor of the professional, clerical, or other assistants to the subcommittee except that minority staff members shall be under the supervision of the ranking minority Senator on the subcommittee;

"(d) the President pro tempore is the supervisor of the Secretary of the Senate, Sergeant at Arms and Doorkeeper, the Chaplain, the Legislative Counsel, and the employees of the Office of the Legislative Counsel;

"(e) the Secretary of the Senate is the supervisor of the employees of his office;

"(f) the Sergeant at Arms and Doorkeeper is the supervisor of the employees of his office;

"(g) the Majority and Minority Leaders and the Majority and Minority Whips are the supervisors of the research, clerical, or other assistants assigned to their respective offices;

"(h) The Majority Leader is the supervisor of the Secretary for the Majority and the Secretary for the Majority is the supervisor of the employees of his office; and

"(i) the Minority Leader is the supervisor of the Secretary for the Minority and the Secretary for the Minority is the supervisor of the employees of his office.

"RULE XLVI

"PROHIBITION OF UNOFFICIAL OFFICE ACCOUNTS

"1. No Member may maintain or have maintained for his use an unofficial office account. The term 'unofficial office account' means an account or repository into which funds are received for the purpose, at least in part, of defraying otherwise unreimbursed expenses allowable in connection with the operation of a Member's office. An unofficial office account does not include, and expenses incurred by a Member in connection with his official duties shall be defrayed only from—

"(a) personal funds of the Member;

"(b) official funds specifically appropriated for that purpose;

"(c) funds derived from a political committee (as defined in section 301(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)); and

"(d) funds received as reasonable reimbursements for expenses incurred by a Member in connection with personal services provided by the Member to the organization making the reimbursement.

"2. No contribution (as defined in section 301(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) shall be converted to the personal use of any Member, or any former Member who is defeated for reelection or does not seek reelection. For the purposes of this rule 'personal use' does not include reimbursement of expenses incurred by a Member in connection with his official duties.

"RULE XLVII

"FOREIGN TRAVEL

"1. Unless authorized by the Senate (or by the President of the United States after an adjournment sine die), no funds from the United States Government (including foreign currencies made available under section 502 (b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b))) shall be received for the purpose of travel outside the United States by any Member of the Senate whose term will expire at the end of a Congress after—

"(a) the date of the general election in which his successor is elected; or

"(b) in the case of a Member who is not a candidate in such general election, the earlier of the date of such general election or the adjournment sine die of the second regular session of that Congress.

"2. No Member, officer, or employee engaged in foreign travel may claim payment or accept funds from the United States Government (including foreign currencies made available under section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b))) for any expense for which the individual has received reimbursement from any other source; nor may such Member, officer, or employee receive reimbursement for the same expense more than once from the United States Government. No Member, officer, or employee shall use any funds furnished to him to defray ordinary and necessary expenses of foreign travel for any purpose other than the purpose or purposes for which such funds were furnished.

"3. A per diem allowance provided a Member, officer, or employee in connection with foreign travel shall be used solely for lodging, food, and related expenses and it is the responsibility of the Member, officer, or employee receiving such an allowance to return to the United States Government that portion of the allowance received which is not actually used for necessary lodging, food, and related expenses.

"RULE XLVIII

"FRANKING PRIVILEGE AND RADIO AND TELEVISION STUDIOS

"1. A Senator or an individual who is a candidate for nomination for election, or election to the Senate, may not use the frank for any mass mailing (as defined in section 3210(a)(5)(D) of title 39, United States Code) if such mass mailing is mailed at or delivered to any postal facility less than sixty days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Senator is a candidate for public office or the individual is a candidate for Senator.

"2. A Senator shall use only official funds of the Senate to purchase paper, to print, or to prepare any mass mailing material which is to be sent out under the frank.

"3. (a) When a Senator disseminates information under the frank by a mass mailing (as defined in section 3210(a)(5)(D) of title 39, United States Code), the Senator shall register annually with the Secretary of the Senate such mass mailings. Such registration shall be made by filing with the Secretary a copy of the matter mailed and providing, on a form supplied by the Secretary, information as to the number of pieces included in the mass mailing and a description of the group or groups of persons to whom the mass mailing was mailed.

"(b) The Secretary of the Senate shall promptly make available for public inspection and copying the copy of the mail matter registered, the description of the group or groups of persons to whom the mass mailing was mailed, and the number of pieces mailed.

4. Nothing in this rule shall apply to any mailing under the frank which is in direct response to inquiries or requests from persons to whom the matter is mailed, is addressed to colleagues in Congress or to government officials (whether Federal, State, or local), or consists entirely of news releases to the communications media.

"5. The Senate computer facilities shall not be used to store, maintain, or otherwise process any lists of categories of lists of names and addresses identifying the individuals included in such lists as campaign workers or contributors, as members of a political party, or by any other partisan political designation, or for producing mailing labels or computer tapes for use other than in the service facilities maintained and operated by the Senate.

"6. (a) The radio and television studios provided by the Senate or by the House of Representatives may not be used by a Senator or an individual who is a candidate for nomination for election, or election, to the Senate less than sixty days immediately before the date of any primary or general election (whether regular, special, or runoff) in which that Senator is a candidate for public office or that individual is a candidate for Senator.

"(b) This paragraph shall not apply if the facilities are to be used at the request of, and at the expense of, a licensed broadcast organization or an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

"RULE XLIX

"POLITICAL FUND ACTIVITY; DEFINITIONS

"1. No officer or employee of the Senate may receive, solicit, be the custodian of, or distribute any funds in connection with any campaign for the nomination for election, or the election of any individual to be a Member of the Senate or to any other Federal office. This prohibition does not apply to one assistant to a Senator in Washington, District of Columbia, and one assistant in the Senator's home State wo have been designated by that Senator to perform any of the functions described in the first sentence of this paragraph (except solicitation) and who are compensated at an annual rate in excess of $10,000, if such designation has been made in writing and filed with the Secretary of the Senate and if such assistant files a financial statement in the form provided under rule XLII for each year during which he is designated under this rule. The Secretary of the Senate shall make the designation available for public inspection.

"2. For purposes of the Senate Code of Official Conduct—

"(a) an employee of the Senate includes any employee whose salary is disbursed by the Secretary of the State; and

"(b) the compensation of an officer or employee of the Senate who is a reemployed annuitant shall include amounts received by such officer or employee as an annuity, and such amounts shall be treated as disbursed by the Secretary of the Senate.

"3. Before approving the utilization by any committee of the Senate of the services of an officer or employee of the Government in accordance with section 202(f) of the Legislative Reorganization Act of 1946 or with an authorization provided by Senate resolution, the Committee on Rules and Administration shall require such officer or employee to agree in writing to comply with the Senate Code of Official Conduct in the same manner and to the same extent as an employee of the Senate. Any such officer or employee shall, for purposes of such Code, be treated as an employee of the Senate re-

ceiving compensation disbursed by the Secretary of the Senate in an amount equal to the amount of compensation he is receiving as an officer or employee of the Government.

"4. No Member, officer, or employee of the Senate shall utilize the full-time services of an individual for more than ninety days in a calendar year in the conduct of official duties of any committee or office of the Senate (including a Member's office) unless such individual—

"(a) is an officer or employee of the Senate,

"(b) is an officer or employee of the Government (other than the Senate), or

"(c) agrees in writing to comply with the Senate Code of Official Conduct in the same manner and to the same extent as an employee of the Senate.

Any individual to whom subparagraph (c) applies shall, for purposes of such Code, be treated as an employee of the Senate receiving compensation disbursed by the Secretary of the Senate in an amount equal to the amount of compensation which such individual is receiving from any source for performing such services.

"RULE L

"EMPLOYMENT PRACTICES

"No Member, officer, or employee of the Senate shall, with respect to employment by the Senate or any office thereof—

"(a) fail or refuse to hire an individual;

"(b) discharge an individual; or

"(c) otherwise discriminate against an individual with respect to promotion, compensation, or terms, conditions, or privileges of employment

on the basis of such individual's race, color, religion, sex, national origin, or state of physical handicap.".

TITLE II—PROVISIONS RELATING TO THE SELECT COMMITTEE ON ETHICS

SEC. 201. Section 2(a) of Senate Resolution 338, Eighty-eighth Congress, agreed to July 24, 1964, is amended by inserting after "violations of law," in paragraph (1) "violations of the Senate Code of Official Conduct.".

SEC. 202. Section 2 of Senate Resolution 338, Eighty-eighth Congress, agreed to July 24, 1964, is amended by redesignating subsection (b) as (k), and by inserting after subsection (a) the following new subsections:

"(b)(1) Each sworn complaint filed with the Select Committee shall be in writing, shall be in such form as the Select Committee may prescribe by regulation, and shall be under oath.

"(2) For purposes of this section, 'sworn complaint' means a statement of facts within the personal knowledge of the complainant, alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate.

"(3) Any person who knowingly and willfully swears falsely to a sworn complaint does so under penalty of perjury, and the Select Committee may refer any such case to the Attorney General for prosecution.

"(4) For the purposes of this section, 'investigation' is a proceeding undertaken by the Select Committee after a finding, on the basis of an initial review, that there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

"(c)(1) No investigation of conduct of a Member, or officer, and no report, resolution, or recommendation relating thereto may be made unless approved by the affirmative recorded vote of not less than four members of the Select Committee.

"(2) No other resolution, report, recommendation, interpretative ruling, or advisory opinion may be made without an affirmative vote of a majority of the members of the Select Committee voting.

"(d)(1) When the Select Committee receives a sworn complaint against a Member or officer of the Senate, it shall promptly conduct an initial review of that complaint. The initial review shall be of duration and scope necessary to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

"(2) If as a result of an initial review under paragraph (1), the Select Committee determines by a recorded vote that there is not such substantial credible evidence, the Committee shall report such determination to the complainant and to the party charged, together with an explanation of the basis of such determination.

"(3) If as a result of an initial review under paragraph (1), the Select Committee determines that a violation is inadvertent, technical or otherwise of a de minimus nature, the Select Committee may attempt to correct or prevent such a violation by informal methods.

"(4) If as the result of an initial review under paragraph (1), the Select Committee determines that there is such substantial credible evidence but that the violation, if proven, is neither of a de minimus nature nor sufficiently serious to justify any of the penalties expressly referred to in section 2(a)(2), the Select Committee may propose a remedy it deems appropriate. If the matter is thereby resolved, a summary of the Committee's conclusions and the remedy proposed shall be filed as a public record with the Secretary of the Senate and a notice of such filing shall be printed in the Congressional Record.

"(5) If as the result of an initial review under paragraph (1), the Select Committee determines that there is such substantial credible evidence, the Select Committee shall promptly conduct an investigation if (A) the violation, if proven, would be sufficiently serious, in the judgment of the Select Committee, to warrant imposition of one or more of the penalties expressly referred to in section 2(a)(2), or (B) the violation, if proven, is less serious, but was not resolved pursuant to paragraph (4) above. Upon the conclusion of such investigation, the Select Committee shall report to the Senate, as soon as practicable, the results of such investigation together with its recommendations (if any) pursuant to subsection (a)(2).

"(6) Upon the conclusion of any other investigation respecting the conduct of a Member or officer (as defined in subsection (b)(4)) undertaken by the Select Committee, the Select Committee shall report to the Senate, as soon as practicable, the results of such investigation together with its recommendations (if any) pursuant to subsection (a)(2).

"(e) When the Select Committee receives a sworn complaint against an employee of the Senate, it shall consider the complaint according to procedures it deems appropriate. If the Select Committee determines that the complaint is without substantial merit, it shall notify the complainant and the accused of its determination, together with an explanation of the basis of such determination.

"(f) The Select Committee may, in its discretion, employ hearing examiners to hear testimony and make findings of fact and/or recommendations to the Select Committee concerning the disposition of complaints.

"(g) Notwithstanding any other provision of this section, no initial review or investigation shall be made of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provision of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may conduct an initial review or investigation of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

"(h) The Select Committee shall adopt written rules setting forth procedures to be used in conducting investigations of complaints.".

SEC. 203. The first section of Senate Resolution 338, Eighty-eighth Congress, agreed to July 24, 1964, is amended by adding after subsection (d) (as added by section 102 of Senate Resolution 4, Ninety-fifth Congress) the following new subsection:

"(e)(1) A member of the Select Committee shall be ineligible to participate in any initial review or investigation relating to his own conduct, or relating to any complaint filed by him, and the determinations and recommendations of the Select Committee with respect thereto.

"(2) A member of the Select Committee may, at his discretion, disqualify himself from participating in any investigation pending before the Select Committee and the determinations and recommendations of the Select Committee with respect thereto. Notice of such disqualification shall be given in writing to the President of the Senate.

"(3) Whenever any member of the Select Committee is ineligible under paragraph (1) to participate in any investigation or disqualifies himself under paragraph (2) from participating in any investigation, another Member of the Senate shall, subject to the provisions of subsection (d), be appointed to serve as a member of the Select Committee solely for purposes of such investigation and the determinations and recommendations of the Select Committee with respect thereto. Any Member of the Senate appointed for such purposes shall be of the same party as the Member who is ineligible or disqualifies himself.".

SEC. 204. Section 3 of Senate Resolution 338, Eighty-eighth Congress, agreed to July 24, 1964, is amended—

(1) by inserting after "fix the compensation of" in subsection (a)(7) the following: "a staff director, a counsel, an assistant counsel, one or more investigators, one or more hearing examiners, and"; and

(2) by amending subsection (b) to read as follows:

"(b)(1) The Select Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the executive branch of the Government) whenever the Select Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, which, in the determination of the Select Committee is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee.

"(2) Any investigation conducted under section 2 shall be conducted by outside counsel as authorized in paragraph (1), unless the Select Committee determines not to use outside counsel.".

SEC. 205. Section 2(a) of Senate Resolution 338, Eighty-eighth Congress, agreed to July 24, 1964, is amended by inserting after "disciplinary action" in paragraph (2) the following: "(including, but not limited to, in the case of a Member: censure, expulsion, or recommendation to the appropriate party conference regarding such Member's seniority or positions of responsibility; and, in the case of an officer or employee: suspension or dismissal)".

SEC. 206. Section 3 of Senate Resolution 338, Eighty-eighth Congress, agreed to July 24, 1964, is amended by adding at the end thereof the following new subsection:

"(e)(1) The Select Committee shall prescribe and publish such regulations as it feels are necessary to implement the Senate Code of Official Conduct.

"(2) The Select Committee is authorized to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction.

"(3) The Select Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

"(4) The Select Committee may in its discretion render an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

"(5) Notwithstanding any provision of the Senate Code of Official Conduct or any rule or regulation of the Senate, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraphs (3) and (4) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

"(6) Any advisory opinion rendered by the Select Committee under paragraphs (3) and (4) may be relied upon by (A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered: *Provided, however,* That the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and (B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

"(7) Any advisory opinion issued in response to a request under paragraphs (3) or (4) shall be printed in the Congressional Record with appropriate deletions to assure the privacy of the individual concerned. The Select Committee shall to the extent practicable, before rendering an advisory opinion, provide any interested party with an opportunity to transmit written comments to the Select Committee with respect to the request for such advisory opinion. The advisory opinions issued by the Select Committee shall be compiled, indexed, reproduced, and made available on a periodic basis.".

TITLE III—MISCELLANEOUS; EFFECTIVE DATES

SEC. 301. The Committee on Rules and Administration and the Committee on Appropriations shall, within one hundred and twenty days after the day on which this resolution is agreed to, report to the Senate legislation to adjust the amounts and permissible uses of Senatorial allowances so that such allowances will be adequate to defray the necessary and appropriate expenses incurred in connection with the operation of a Member's office.

SEC. 302. (a) The Committee on Rules and Administration and the Committee on Appropriations, in consultation with the Committee on Finance, shall review the provisions of the Internal Revenue Code of 1954 relating to the tax status of funds raised and expended to defray ordinary and necessary expenses of a Member, the regulations prescribed thereunder, and the rulings made with respect thereto.

(b) The committees shall report the results of their review under subsection (a), together with their recommendations, to the Senate within one hundred and twenty days after the day on which this resolution is agreed to.

SEC. 303. (a) The Committee on Rules and Administration shall review the desirability of promulgating rules and regulations providing for—

(1) periodic audits by the General Accounting Office of the accounts of all committees and offices of the Senate;

(2) a centralized system of recordkeeping and comprehensive reporting relating to the accounts, allowances, expenditures, and travel expenses of all committees and offices of the Senate;

(3) suggested accounting procedures for the handling of the accounts of all committees and offices of Members; and

(4) public disclosure and availability of information on the accounts of all committees and offices of the Senate, which shall be available in a form which segregates the allowances and expenses of each committee and office.

(b) The committee shall report the results of its review under subsection (a), together with its recommendations, to the Senate within one hundred and twenty days after the day on which this resolution is agreed to.

SEC. 304. (a) The Committee on Rules and Administration shall review the desirability of requiring that only official Senate funds may be used to pay for any expenses incurred by a Senator in the use of the radio and television studios provided by the Senate.

(b) The committee shall report the results of its review under subsection (a), together with its recommendations, to the Senate within one hundred and twenty days after the day on which this resolution is agreed to.

SEC. 305. (a) The Committee on Foreign Relations shall review the problem of travel, lodging, and other related expenses provided to Members, officers, or employees of the Senate paid for by foreign governments in the situation where it is not possible to procure transportation, lodging, or other related services or to reimburse the foreign government for those purposes.

(b) The committee shall report the results of its review under subsection (a), together with its recommendations, to the Senate within ninety days after the day on which this resolution is agreed to.

SEC. 306. (a) The Committee on Governmental Affairs shall review whether it is desirable to permit—

(1) a Senator to mail franked mail with a simplified form of address for delivery within the State for which he was elected; and

(2) a Senator to mail franked mail with a simplified form of address as provided under paragraph (1) which is—

(A) to be prepared as directed by the Postal Service, and

(B) to be delivered to—

(i) each box holder or family on a rural or star route,

(ii) each post office box holder, and

(iii) each stop or box on a city carrier route.

(b) The committee shall report the results of its review under subsection (a) together with its recommendations, to the Senate within one hundred and twenty days after the day on which this resolution is agreed to.

SEC. 307. The Committee on Rules and Administration shall study laws relating to contributions solicited from or made by officers or employees of the Senate and report the results of their review, together with their recommendations, to the Senate within one hundred and eighty days after the day on which this resolution is agreed to.

SEC. 308. The Committee on Rules and Administration shall, within one hundred and eighty days after the day on which this resolution is agreed to, report proposals to prohibit the misuse of official staff by holders of public office in campaigns for nomination for election, or election, to Federal office.

SEC. 309. (a) The Committee on Governmental Affairs shall conduct a study of the subject of handling employment discrimination complaints.

(b) The Committee shall report the results of their study under subsection (a), together with their recommendations, to the Senate within one hundred and eighty days after the day on which this resolution is agreed to.

(c) The recommendation of the Committee on Governmental Affairs shall be referred to the appropriate committee for a period not to exceed sixty days.

SEC. 310. (a) Except as provided in this section, the amendments to the Standing Rules of the Senate made by title I and the provisions of title II shall take effect on the day after the day on which this resolution is agreed to.

(b)(1) Rule XLII of the Standing Rules of the Senate (as amended by title I), relating to Public Financial Disclosure, shall take effect on October 1, 1977, and the statement required to be filed thereunder on or before May 15, 1978, shall cover the period October 1, 1977, through December 31, 1977, except that, at the option of any individual required to file such statement, it may cover the calendar year 1977.

(2) Rule XLIV of the Standing Rules of the Senate (as such rules existed prior to the amendments made by title I) shall remain in effect for the period through September 30, 1977, and the statement required to be filed thereunder on or before May 15, 1978, shall cover the period January 1, 1977, through September 30, 1977, except that, at the option of any individual required to file such statement, it may cover the calendar year 1977.

(c) Rule XLIV of the Standing Rules of the Senate (as amended by title I), relating to Outside Earned Income, shall take effect on January 1, 1978.

(d) Paragraphs 6, 7, 8, 9, and 10 of rule XLV of the Standing Rules of the Senate (as amended by title I), relating to Conflict of Interest, shall take effect on April 1, 1978.

(e) Rule XLVI of the Standing Rules of the Senate (as amended by title I) relating to Prohibition of Unofficial Office Accounts, shall take effect as follows:

(1) On the day after the day on which this resolution is agreed to, no contributions to an official office account may be received.

(2) Expenditures from unofficial office accounts shall terminate on December 31, 1977.

(f) Rule XLVIII of the Standing Rules of the Senate (as amended by title I), relating to Franking Privilege and Radio and Television Studies, shall take effect on August 1, 1977.

(g)(1) Paragraph 1 of rule XLIX of the Standing Rules of the Senate (as amended by title I) shall take effect thirty days after the day on which this resolution is agreed to.

(2) Rule XLIII of the Standing Rules of the Senate (as such rules existed prior to the amendments made by title I) shall remain in effect for the period through the

thirtieth day after the day on which this resolution is agreed to.

(h) Rule L of the Standing Rules of the Senate (as amended by title I), relating to Employment Practices, shall take effect on January 3, 1979.

(i) The amendments to Senate Resolution 338 contained in sections 202 and 203 of title II of this resolution shall take effect thirty days after the day on which this resolution is agreed to.

Mr. NELSON. Mr. President, the Special Committee on Official Conduct ordered Senate Resolution 110 reported on February 24. Because the members of the Select Committee on Ethics were recently selected, the special committee was unable to benefit, prior to close of the markup sessions, from the advice of the committee which would actually be responsible for implementing the code. Consequently, after February 24, while the committee was preparing its report the ad hoc drafting subcommittee held several meetings with Senators STEVENSON and SCHMITT, chairman and ranking minority member, respectively, of the Ethics Committee, as well as the joint leadership, to discuss the implementation of the code as drafted, since that would be the responsibility of the Ethics Committee.

The concerns expressed by Senators STEVENSON and SCHMITT were valuable and well founded. It is the belief of the members of the drafting subcommittee that those concerns can be accommodated without altering the basic scope, character, and objectives of the resolution. For that reason, the special committee sent to every Senator a copy of this amendment in the form of a substitute, which has been prepared and unanimously agreed to by the members of the drafting subcommittee, Senators THURMOND, RIBICOFF, JAVITS, CLARK, PACKWOOD, and myself. Notice has been given of my intention to seek unanimous consent to have this substitute be considered as original text and I am aware of no objection to it.

Mr. President, I ask unanimous consent that the amendment in the nature of a substitute be agreed to and considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. NELSON. Mr. President, I send to the desk a number of technical amendments and ask that they be considered en bloc. They have been checked with Senator THURMOND, who is cochairman of the Special Committee on Official Conduct, and they have been approved by both Senator THURMOND and myself.

The PRESIDING OFFICER. The amendments will be stated.

UP AMENDMENT NO. 81

The legislative clerk read as follows:

The Senator from Wisconsin (Mr. NELSON) proposes certain technical amendments, unprinted amendment No. 81.

The technical amendments are as follows:

On page 21, line 1, after "grandmother," insert "grandson, granddaughter,"

On page 26, line 11, after "(3)" insert "capital".

On page 28, line 20, after "employee" insert "employed for more than ninety days in a calendar year (unless hired on a per diem basis)".

On page 38, line 7, delete "State" and insert in lieu thereof "Senate".

On page 46, after line 23, insert the following:

"(3) by amending subsection (c)(1) to read as follows:

"'(c) With the prior consent of the department or agency concerned, the Select Committee may (1) utilize the services, information, and facilities of any such department or agency of the Government, and'."

On page 47, line 19, delete the first "of" and insert in lieu thereof "or".

On page 25, line 14, delete the word "immediately".

The PRESIDING OFFICER. Is there objection to the consideration of the amendment en bloc?

Mr. DURKIN. Mr. President, reserving the right to object, I gather that there will be an explanation of what these technical amendments are.

Mr. NELSON. They are technical. Some of them are typographical errors. If the Senator would like to be entertained by a reading of the typographical errors, I will be glad to do so.

Mr. DURKIN. No. I am not necessarily here for entertainment. That has been proscribed by the code, anyway. [Laughter.]

I would like to know what we are going to adopt and why.

Mr. NELSON. The first one reads:

On page 21, line 1, after "grandmother," insert "grandson, granddaughter,".

Mr. DURKIN. What is the effect of that?

Mr. NELSON. In the definition of relatives on page 21, inadvertently——

Mr. DURKIN. Mr. President, will the Senator yield? Perhaps if we could suggest the absence of a quorum, we could solve this in 2 minutes.

Mr. NELSON. I will have the staff deliver a copy to the Senator.

Mr. President, I suggest the absence of a quorum.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator withhold that request for a moment?

Mr. NELSON. Yes.

Mr. HARRY F. BYRD, JR. Will the Senator yield for a unanimous-consent request?

Mr. NELSON. I yield.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that J. Philip Reberger, of my staff, have the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, will the Senator yield for a similar request?

Mr. NELSON. I yield.

Mr. JAVITS. Mr. President, I ask unanimous consent that Don Kellerman, of my office, have the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. BUMPERS. Mr. President, I ask unanimous consent that Richard Arnold, of my staff, have the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, for the purpose of making a unanimous-consent request, I would ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to considering the amendments en bloc?

Several Senators addressed the Chair.

Mr. DURKIN. If, in the middle of the explanation, I am going to listen to the Senator request to consider it en bloc, then I will object to it.

Mr. NELSON. The purpose was simply to permit a Member to ask unanimous consent for the presence on the floor of one of his staff.

Mr. DURKIN. I have no objection to that, if the Senator will give me 2 more minutes.

Mr. NELSON. We will not transact any business.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CASE. Mr. President, I ask unanimous consent that during the consideration of this measure my assistant Nancy Talmont be accorded the privileges of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I ask unanimous consent that Mark McConaghy and Don Ricketts be permitted the privileges of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

Mr. McCLURE. Mr. President, will the Senator withhold that?

I wonder if the Senator might explain, take this time while the others are looking at these amendments, and would answer a question with respect to the amendments.

Mr. NELSON. To the technical amendments?

Mr. McCLURE. So-called. They are technical, but I am not sure they are simply typographical. For instance, No. 2 on this list given to me reads:

On page 26, line 11, after No. 3, insert the word "capital".

Can the Senator tell me what is intended to be effected by that changed language? What is the difference between a gain from the sale or exchange of property and a capital gain derived from the sale or exchange of property?

Mr. NELSON. May I say to the Senator that the respective majority and minority staffs worked out the technical amendments, and agreed upon them. However, they did not agree on item 5,

so we have stricken it. Staff advises me that No. 2 should be stricken also, at least until we get a description of what it is about.

I ask unanimous consent that item 2 on the amendment sent to the desk be stricken from the amendment.

Mr. McCLURE. Item No. 2 and item No. 5 are both being stricken from this list?

Mr. NELSON. Yes.

Mr. McCLURE. I have no objection.

The PRESIDING OFFICER. The amendment is so modified.

Mr. McCLURE. Would the Senator perhaps answer a question in regard to item No. 3?

Mr. NELSON. I have not looked at any of the items. I was advised by staff, minority and majority, that these were technical amendments worked out. I assume that is what they were, but if the Senator would ask me I would respond to his questions.

Mr. McCLURE. Surely. Certainly, because it seems to me they are not just technical in the sense that they are typographical errors; for instance, item No. 4 is certainly a typographical error, technical in nature.

Mr. NELSON. I did not say they were all typographical.

Mr. McCLURE. Item No. 3 to which I direct attention, what is rationale for excluding employees who are hired on a per diem basis?

Mr. BUMPERS. Mr. President, will the Senator say again what page and what item he is talking about?

Mr. McCLURE. On this list of modifications of amendment No. 65 to Senate Resolution 110, item No. 3, where it says:

On page 28, line 20, after "employee" insert "employed for more than ninety days in a calendar year (unless hired on a per diem basis).

That seems to me to have the effect of excluding someone who is hired on a per diem basis, and I wondered if the proponents of the modification can tell me what the rationale is for excluding someone who may be working more than 90 days per year but is hired on a per diem basis.

Mr. NELSON. The staff advises me that, it is to make that paragraph conform to the paragraph above and the handling of the problem throughout the resolution because we do not wish to cover temporary employees.

Mr. McCLURE. But would it not be possible under this amendment to pay someone on a per diem basis even though he is a full-time employee, and he would thus be exempt from coverage?

Mr. NELSON. Is the Senator suggesting that permanent employees may be paid on a per diem basis?

Mr. McCLURE. Yes, I have seen a lot less artful dodgers around here.

Mr. NELSON. I do not think that that ingenious idea occurred to anybody.

Mr. McCLURE. Well, for instance, the reorganization statute requires that the minortiy be given one-third of the staff of committees. The majority has artfully avoided that by hiring consultants, and consultants are not counted as employees and, therefore, are not subject to the one-third limitation.

I suspect somebody at least as ingenious as the Senator from Idaho is going to say, "Well, we do not have to cover these employees. We will just pay them on a per diem basis. We will pay them for 340 days per year on a per diem basis, and they are not covered."

Mr. BUMPERS. Mr. President, will the Senator yield for a question? Maybe the floor manager will tell us whether there are such persons now employed on a per diem basis and, if so, who they are.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. STEVENSON. Mr. President, will the Senator yield for a unanimous-consent request, and also for an observation in response to the question of the Senator from Idaho and the Senator from Arkansas?

Mr. NELSON. Yes, I would be glad to yield, without losing the floor, to the Senator from Illinois.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the following staff members have the privilege of the floor during the consideration of Senate Resolution 110: James B. Moran, Kenneth E. Gray, Thomas Wagner, and Sherry Towell.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENSON. Mr. President, I think the reason for this provision is evident. The Senate does from time to time have to retain the services of consultants. As a matter of fact, the Ethics Committee of the Senate is doing so now, and those consultants may be distinguished lawyers in the country, they might be a scientist, they might be a writer, and to require such persons, especially those of stature in the country, to divest themselves of all their outside interests, all directorships, for example, in corporations would effectively mean the Senate would be depriving itself of the opportunity to be served by some of the most accomplished persons in the United States. That is the purpose.

Mr. McCLURE. Mr. President, will the Senator yield on that point, because I agree with the desirability of availing ourselves of the help of various experts, whether they be a professor from an institution, an economist attached to an oil company, any of the various types of consultants. But why, if they are going to be on the payroll for an extended period of time, should they be exempt simply because they are paid on a per diem basis rather than a salary?

Mr. STEVENSON. That is how consultants are paid.

Mr. McCLURE. But if they are going to be around for more than 90 days why should they not be covered?

Mr. STEVENSON. I think if they are going to be around for a lot longer than 90 days they should not be paid as consultants and probably would not.

The Senator seeks perfection but will not find it.

Mr. RIBICOFF. Mr. President, will the Senator yield for further clarification?

Mr. STEVENSON. The Senator from Wisconsin has the floor.

Mr. RIBICOFF. Will the Senator yield for clarification?

Mr. NELSON. I yield.

Mr. RIBICOFF. This is what we will often find. For example, when the Government Operations Committee was required to go into the problems of regulatory reform, we called upon experts from law officers and law schools that had considerable experience. They were men who were high-salaried and had high earning capacity but very specialized knowledge. Generally, they do not work continuously. They work intermittently throughout the year.

As a further protection, it is my understanding that no Senator or no committee can hire an expert on a per diem basis without first going through the Rules Committee and getting specific permission from the Rules Committee to put someone on a per diem basis.

So when we go to the Rules Committee to put someone on a per diem basis, the Rules Committee has an opportunity to check the credentials and to check to see if this is justifiable.

We do not wish to deprive the Senate of experts who are only there for a limited purpose and for a limited period. Otherwise, we could not get them if the experts had to give up all connection with their prior employment. That is on item No. 3.

On item No. 2 concerning capital, what the committee was trying to do was instead of gains they were trying to conform with the Internal Revenue Code which talks about capital gains and through error of the staff they left out the word "capital." So what we are trying to do is when we are talking about gains that would go on one's income tax return it is a phrase of art consistent with the Internal Revenue Code which refers to capital gains.

Mr. McCLURE. I thank the Senator for the explanation.

Further reserving my right to object, I am concerned, however, with the provisions that No. 3 would seek to exempt consultants even though they may be paid more than 90 days a year. The Senator certainly is correct when he says that as to the consultants to be hired there has to be presentation to the Rules Committee. It is pretty largely pro forma that the minority is not consulted. There is no requirement that those consultants' background, associations, conflicts of interest, income, expenditures, or interest in the legislation be revealed. There is no provision at all that applies in any way at all to the minority staffing within the Senate.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. McCLURE. I yield.

Mr. RIBICOFF. I do not think that is the case. I know when we had the problem of hiring consultants in the Committee on Governmental Affairs I consulted with Senator PERCY and we both agreed on a group of men who were completely bipartisan. If one goes to the Rules Committee I am sure it would be a surprise to Senator HATFIELD to say Senator HATFIELD was not consulted by Senator CANNON and their staff concerning consultants. My understanding is it is the full Rules Committee and not just a chairman of the Rules Committee. This is a matter subject to the full Rules Commit-

tee in which the minority and majority have an input, and most staffing then is done with experts. We do not have only majority experts.

I see the Senator from New York who is on the Governmental Affairs Committee. When we hire experts we try to make it as bipartisan as possible to serve the entire committee and never only the majority.

Mr. McCLURE. Let me say again, without simply repeating myself, that the consultants are not always hired on the basis of any bipartisanship. I know that as a matter of fact. Maybe they sometimes are. But there is no requirement in the rule that it be done. Indeed, the able Senator from Connecticut exercises his hiring in that manner. I commend him and I am sure that is why he enjoys the kind of representation he does in this body. But it is not done uniformly and there is no such requirement.

But if we are really going to get at the question of the ethics of the Senate with regard to possible conflict of interest, then certainly those consultants who are on board for extended periods of time ought not to be exempted from the same rules that apply to other employees of the Senate. Maybe we do not wish to enforce the divestiture requirement, but certainly it seems to me we ought to at least require the disclosure that is required of other employees of the Senate.

Mr. DURKIN. Mr. President, will the Senator yield?

Mr. McCLURE. I am happy to yield for a question.

Mr. DURKIN. I thank the Senator.

I commend this to the distinguished Senator from Wisconsin. I guess I started this. But No. 2, No. 3, and No. 6 would appear not to be technical amendments. I think it would be in order to lay those aside and the committee bring those up as regular amendments with a full explanation as to what is going on. I wish to suggest that. Then we can go on to more important things, and we can take a look at this and find out the full ramifications because, even though they may be entertaining, I think they are more than technical. I object.

Mr. NELSON. I think that the Senator from New Hampshire is correct. It would save some time to withdraw them.

I withdraw all of these amendments and direct the staff to reach agreement with the minority side on which are in fact technical, and the rest of them will be offered separately.

The PRESIDING OFFICER. The amendments are withdrawn.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. JAVITS. At what point does the Senator wish to get into a technical explanation of these various sections? Does the Senator prefer to do that after he has made his presentation to the Senate?

Mr. NELSON. I had intended to do that. I think it is necessary to make a long statement which explains the substitute on a section-by-section basis.

Mr. JAVITS. I think that is very desirable because I think, if I read the feeling of the Senate, we desire to adopt the code of ethics. I think we wish to adopt, generally speaking, this code; but I think Members wish to have before them some basic background concerning the proposal. Remember we spent long days and nights, with a tremendous amount of work on this. I am rather sympathetic with, for example, Senator DURKIN. I think we ought to wait with our amendments and everything until we have laid out the plan to be followed with the concepts we had. The code must not only provide for full financial disclosure but also certain restrictions and certain restraints.

I also say, if I may make this suggestion, that we have some very basic issues of principle contained in the code, for example, very strong statements about conflict of interest. This is our own home. We will have a Committee on Ethics. That committee will decide whether what a Member, officer, or employee is doing shows an attitude or course of conduct to the outside world which is incompatible with the performance of his duty here in the Senate.

I beg Members to bear that in mind. The underlying foundation of the code is the power of the Ethics Committee to arraign anyone for a violation of the code of conduct, even if it is not specifically included in this particular code, which is incompatible in a serious way with his responsibilities as a Senator, officer, or employee.

That has two points to it. First, it is an ultimate protection; that is, in this particular case we do have a rather open mandate with respect to our conflict of interest section, which is general. Second, Members should know how to conduct themselves, and that is where we try to be as specific as possible.

I would hope, therefore, that Members would hear the whole debate carefully, and study it, and, even if we delayed a day or two in getting to the finite detail, a grasp of what we were trying to do and how we were trying to do it with regard to the Members, including the residual safeguards to which I refer. These include, I think, a very democratic procedural safeguard as to how the Members should be charged. I think that it is essential before we get into the details of it, that Members have the whole rationale before them and I think the Members will be less inclined to get into detail as to this specific or that specific word.

Mr. NELSON. Mr. President, let me say to the distinguished Senator from New York that I join him in the statement that he has just made. As everyone here is aware, the resolution was adopted on January 18. It passed unanimously, and carried a set of instructions to the committee, and we had a very good bipartisan committee, but we were required to perform the task charged to be done in the resolution in a very short period of time.

We did have the benefit of 6 or 7 months of work that had been done on the same issues in the House of Representatives, and Representative OBEY and his staff were very helpful to us. However, as the majority leader mentioned, we did not hire outside staff. We did not have the necessary time to do so. Ira Shapiro of my staff became staff director, and he and other staff members worked together, day and night, and weekends, and did a very good job.

Senator JAVITS is correct; there are a number of important principles involved in the resolution. There are a number of positions taken in the resolution which are open to valid debate, and I think that we will get a valuable contribution from other Members who were not on the committee, and that the resolution can be improved. It is not a work that is beyond improvement by amendment.

I might say also that while the resolution came out of the committee with a unanimous vote of 15 to nothing, this does not mean that each and every member endorsed in toto each and every provision in the resolution, because they did not. We had votes, on which there were, as always, a majority and a minority; but when it was all over with, the members felt that on the whole it was a good resolution.

Those who were members of the committee all have the right and reserved the right to offer amendments on those specific provisions in the resolution with which they disagreed. That is their right. There will be other Senators who will have amendments to offer to the resolution, which should be carefully considered, debated, and voted upon.

There are some changes that I would be happy to accept without any debate so far as I am concerned, because I think they are improvements. But Senator JAVITS is correct that everyone should have an opportunity, now that the issue is before us, and the substitute amendment and a full explanation of the substitute will be furnished for the RECORD today.

I wish to point out that we ordered reported a resolution, and after the resolution was ordered reported, the ad hoc bipartisan subcommittee of six members was given the benefit, in a series of meetings, of the viewpoints of the members of the Ethics Committee. We did not have time, under the constraints under which we were operating, to go back to the full committee and make the changes that we thought ought to be made, and send out a new committee resolution. So the subcommittee unanimously agreed, in 2 days of meetings, on a substitute, which changed some provisions and postponed the implementation of others to later dates, to be studied by the appropriate committees.

That substitute then was offered as an amendment to the committee resolution, sponsored by myself, Senator THURMOND, Senator CLARK, Senator JAVITS, Senator PACKWOOD, and Senator RIBICOFF.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. NELSON. Yes, I yield.

Mr. RIBICOFF. First, just a comment. I want to pay special tribute to the Senator from Wisconsin (Mr. NELSON) for his leadership and dedicated work on a very complex subject, that took so much of his time. Senator NELSON gave everyone an opportunity for input, and the substitute is derived, really, as a re-

sult of serious questions raised by individual Members as well as by the Ethics Committee. The joint leadership, Senator ROBERT C. BYRD and Senator BAKER, had raised a number of rather fundamental questions that had been brought to them by various Members on both sides of the aisle, and as a result of that continuous scrutiny from various Members of the Senate and the leadership in the Ethics Committee, the so-called ad hoc drafting subcommittee felt an obligation to again review the work that we had achieved, to see if we could arrive at greater clarification and greater meaning for the rule that we had worked so hard to achieve.

Mr. NELSON. I thank the Senator.

Mr. President, I think it is appropriate at this point in the RECORD to call special attention to the staff members who worked long hours during the day, at night until midnight, and every weekend once we got started. They are Ira Shapiro, who is of my staff, and acted as chief counsel and staff director; John Napier, chief counsel to the minority; David Schaefer, deputy chief counsel; Andrew Loewi, counsel; Eric Hultman, counsel; Charles Warren, counsel; Brian Conboy, counsel; and Mildred Lehmann, staff consultant. They did especially good work and hard, dedicated work for the past several weeks, and the the Senate is in debt to them for their conscientiousness and their dedication in working on this resolution.

Mr. President, we are now dealing with the substitute amendment.

The substitute amendment proposes changes upon which the bipartisan ad hoc subcommittee agreed. So the remarks I will be making here in more detail than I really wish I had to do, are addressed to the substitute amendment, which is the pending business before the Senate.

Senate Resolution 110 contains three titles. Title I includes proposals for new Standing Rules of the Senate numbered XLII through L which would become the Code of Official Conduct of the Senate. While some of the rules include material which is restated from existing Senate rules, most of the provisions of the proposed rules are new.

Title II proposes amendments to the Senate Resolution 338, the basic charter of the Select Committee on Ethics, to set forth procedures for enforcing the Code of Official Conduct and other rules, regulations or laws within the jurisdiction of the Ethics Committee. Title II is designed to preserve for the Ethics Committee the discretion and flexibility needed to handle minor complaints as they see fit, while insuring accountability to the Senate and to the public when a serious charge is made.

Title III proposes a number of studies by other committees of the Senate on issues touched upon by this committee which the committee did not have the time or jurisdiction to fully resolve. Some of the reforms which the committee considered suggesting required a change in Federal law, rather than Senate rules; some of the steps which the committee proposes in Senate Resolution 110 will necessitate further action.

With this overview in mind, I would like to turn now to a more detailed summary of the contents of the resolution.

Proposed rule XLII mandates full public financial disclosure by Senators, officers and employees of the Senate earning more than $25,000 per year. This rule is at the heart of the code of conduct. At present, Senate rule XLIV, "Disclosure of Financial Interests" requires all Senators declared candidates for the Senate, and employees compensated at a rate in excess of $15,000 a year to file an annual financial statement with the Comptroller General. Only a very small portion of the information required to be filed is made available to the public for inspection, namely gifts or aggregates of gifts from a single source exceeding $50 in value, and the amount and source of each honorarium of $300 or more. All other financial information required to be reported is sealed and held by the Comptroller General and is not available to the public. The special committee agreed that this limited degree of public disclosure was not sufficient.

Proposed rule XLII would require complete financial disclosure of all income, assets, holdings, transactions and liabilities of Members, officers, and employees of the Senate, earning $25,000 or more. With respect to earned income, proposed rule XLII would require the reporting individual to list each source of earned income over $1,000, and the amount received from that source. A gift or gifts from one source with an aggregate value over $100 would also have to be reported, except that all gifts from relatives are exempt from disclosure. Gifts of food, lodging, transportation, or entertainment received from one source, having a value of more than $250 would also have to be reported. Gifts of personal hospitality from an individual, in his residence or in other facilities owned by him, need not be disclosed, because of the difficulty inherent in placing a value on personal hospitality. Because the proposed rule would require reporting of a number of gifts if their aggregate value exceeds $100, the committee realizes that the Members, officers, and employees will necessarily be required to keep records of gifts received. However, in order to avoid onerous or trivial recordkeeping, it would not be necessary to aggregate gifts with a value less than $35.

For disclosure of investment or "passive" income or holdings, assets, or liabilities, proposed rule XLII utilizes the category of value approach. In using categories of value, the committee is following the approach taken by the Carter administration and the House which is endorsed by Common Cause. The use of categories serves the purpose of disclosing one's financial interests without requiring an expensive and burdensome annual appraisal and evaluation of assets. The purpose of financial disclosure is simply to provide information to the public concerning the financial interests of elected officials. Disclosure involves, quite simply, questions of openness and confidence in our public institutions.

Under the category of value approach, a reporting individual would describe an asset or a holding, and place it in the appropriate category of value. For example, if a reporting individual owned stock in XX company, the reporting individual would list: stock in XX company, in the category from $15,000 to $50,000. These categories of value would be used to list all income, other than earned income; holdings of real property; each item of personal property held in trade or business or for the production of income; each liability incurred during the year exceeding $2,500; and each transaction in real estate or securities or commodities exceeding $1,000.

Senate officers and employees would also have to list any agreements they have made concerning employment after they leave the Senate, and identify any person who had paid them compensation in excess of $5,000 in either of the 2 calendar years previous to coming to the Senate.

In setting forth the requirements for disclosure, the special committee has sought to avoid imposing an undue financial or time burden on the individuals required to report. Under the proposed rule, an individual could report a holding of real property by describing the holding, size and location, and listing the purchase price and the date of purchase. For personal property, in which the fair market value cannot be accurately estimated, such as the value of a small business, the reporting individual can list the net worth, if it is a partnership; the equity value, if it is an individually owned business; the book value of a close corporation, or any other recognized indication of value. Each of these methods of valuing an enterprise was chosen because it is a calculation which can easily be arrived at from information the business will have on hand for accounting purposes or for the purposes of obtaining ordinary business loans. It is understood that the valuations arrived at by these procedures will not necessarily equal fair market value, but they sufficiently identify one's economic interests for our appropriate public purpose.

With respect to holdings or assets of personal property, the crucial issue is whether they are held in trade or business or for the production of income. If they are not, such as automobiles, jewelry, works of art, or furniture, they would not have to be reported. Similarly, a life insurance policy, even with a cash surrender value, would not have to be reported because it is not an asset held in trade or business or for the production of income.

In striking the balance between public disclosure and personal privacy, the committee spent significant time discussing the issue of disclosing the income and assets of the spouse of a reporting individual. To request a Member, officer or employee of the Senate to report information about his spouse's income or holdings presents a serious question of invasion of privacy concerning any person who is not working for the Senate. Nevertheless, the committee did not feel that the legitimate governmental interests in public financial disclosure could be accomplished without some reporting with respect to the interests of a spouse. As a general proposition

it is unrealistic to believe that one spouse does not have an interest in investments or other holdings in the name of another spouse or dependent, or that one spouse does not have a continuing interest in the other's ability to earn his or her income.

In light of these very complex problems, the committee attempted to strike a delicate balance which protects to the fullest extent possible the public interest and the interest of the spouse and dependents of a reporting individual. Under the proposed rule, the reporting individual would simply list the identity of any employer which paid the spouse or dependent over $1,000. The amount would not be listed. With respect to investment holdings, liabilities and transactions of the spouse or dependent, the committee concluded that the reporting individual should report these items with the same degree of specificity he reported his own.

The committee also paid careful attention to the issue of blind trusts. A number of Senators have established blind trusts in order to shield themselves from knowledge of their investment holdings. This is an accepted and long established traditional practice. However, the committee concluded that public disclosure is still the best method of securing that public confidence so vital to the effectiveness of all public institutions.

For this reason, the committee has chosen to rely on disclosure, rather than blind trusts. The committee has recognized one exception to the rule that the holdings of a trust must be disclosed. Disclosure is not required if the trust was not created by the reporting individual, his spouse or dependents; if they have no knowledge of the contents or source of income; and they have requested the trustee to furnish information about the holdings of the trust, and the trustee has refused. In all other cases, disclosure is required, and proposed rule XLII includes a statement that it is the sense of the Senate that blind trusts shall be dissolved to permit the disclosure required by this rule. While a Senate rule cannot require the dissolution of an irrevocable trust, the committee feels that this statement of policy will permit anyone who has set up an irrevocable trust principally for the purpose of creating a blind trust to request that the appropriate authority permit him to dissolve that trust.

The proposed rule also provides for "spot" auditing of financial disclosure statements by the General Accounting Office. A Senator would be audited once during a 6-year term. The audit would not occur during an election year. Five percent of the statements filed by officers and employees will be audited each year, on a random basis.

The Committee intends that the Comptroller General to the extent practicable, should pattern such audits after the audits of Federal income tax returns presently performed by the Internal Revenue Service. An audit by the General Accounting Office should generally include a review of the reporting individual's Federal income tax return and other supporting documentation which the auditor requests. The auditor, however, need not certify the accuracy of every figure on the public financial disclosure statement. The auditor should use reasonable means to spot check the accuracy of the disclosure statement, but in the final analysis, the auditor may accept a figure on the disclosure statement, unless in his review of the statement, a doubt is raised.

To facilitate the audits, the proposed rule also provides for the continuation of the current Senate practice of a sealed filing of an individual's tax returns, now required by Senate rule XLIV. The tax return is an indispensible document for the conduct of the audit.

Proposed rule XLII also requires disclosure by candidates for the Senate, once they have taken the steps required under the Federal Election Campaign Act to become a candidate. In any year that a person is a candidate, he must file a financial disclosure statement for the previous year. In this way, the public will have access to the same financial information about candidates for the Senate as they have about incumbent Senators.

This rule takes effect on October 1, 1977. Those required to file under proposed rule XLII will have to do so by May 15, 1978, for the last quarter of 1977. For this year, the requirements of current rule XLIV remain in effect; the reporting individual will have to file for the first 9 months of the year under that rule. In both cases, the reporting individual can report for the whole year if that would be more convenient.

Proposed rule XLII deals with gifts. Under the present rule of the Senate, all gifts in the aggregate value of $50 or more received by a Senator from a single source during a year must be reported, but the reporting is sealed and held by the Comptroller General. As with financial disclosure, the committee concluded that sealed reporting does not adequately promote public confidence. In proposed rule XLIII, the committee has placed a $100 aggregate limit on a gift or gifts from an individual or an organization having a "direct interest in legislation" or a foreign national. However, gifts of less than $35 need not be aggregated toward the $100 limit.

The term "direct interest in legislation" is defined to cover registered lobbyists; officers and directors of such lobbyists and those employed by or retained by such lobbyist to influence legislation; and those corporations, unions or other organizations which have established political action committees under the Federal Election Campaign Act; the officers and directors of such organizations, and those employed or retained by them to influence legislation. The committee's intent was to place a low ceiling on gifts which could be received from certain individuals, organizations, or corporations which are in the business of trying to influence legislative process and have far more regular direct contact with the Members of the Senate and their staff, and the committee believes that there will be little serious dispute that registered lobbyists and organizations establishing PACS fall clearly into this area.

In defining "direct interest in legislation" in this matter, the committee has considered—and rejected—an alternative approach used by the Obey Commission in the House. While also prohibiting gifts from those having a "direct interest in legislation," the Obey Commission defines direct interest in legislation broadly as "including, but not limited to" registered lobbyists. The committee concluded that this definition could pose insoluble problems. If "direct interest in legislation" were not carefully defined, it could be without much imagination stretched to cover every American. The committee felt it preferable to tie the definition to two groups of people and organizations whose distinct interest in influencing legislation is generally recognized.

Exempted from the prohibition on receipt of gifts aggregating over $100 from a single source are all gifts from relatives and gifts of personal hospitality. The "personal hospitality" exemption, however, extends only to entertainment in a residence or facilities owned by an individual. If a residence or boat were owned by the corporation, the gift would have to be valued and subject to the $100 ceiling if the corporation had "a direct interest in legislation."

This proposed rule defines gifts and also spells out certain things which are not "gifts." Not treated as gifts under the rule are: political contributions otherwise reported under law; commercially reasonably loans; bequests, inheritance or other transfers at death; bonafide awards in recognition of public service and available to the general public; receptions at which an individual is honored, provided that the individual receives no other gifts that exceed the restrictions of the rule other than a suitable memento; and something of value given to a spouse of a reported individual by his or her employer in recognition of services performed.

Under this rule, Members, officers, and employees or their spouses or dependents are prohibited from knowingly accepting gifts of an aggregate value of over $100 from an organization or person with a "direct interest in legislation," or knowingly permitting their spouse or dependents to accept such gifts. The requirement of "knowing" acceptance is intended to avoid placing Members, officers, and employees at their peril and to insure against inadvertent acceptance of prohibited gifts. If an individual mistakenly takes a gift, no violation of the rule can occur until the individual knows of the source and value of the gift. If upon finding out that the gift should not have been taken, the individual keeps the gift, only then is the individual in violation of the rule. However, this section is governed by the requirement of "reasonableness" which underlies the whole rule. An individual cannot accept a gift simply by intentionally remaining ignorant as to the source of the gift.

The rule also contains a general admonition against accepting present or future gifts from a person or business under circumstances where the Member,

officer, or employee knows by the exercise of ordinary care that the gift will have, might have, or is intended to have the effect of influencing his present or future performance of official duties. It is not the intention of this provision of the rule to require Members, officers, or employees to imagine from the giving of a gift every possible motive that a donor might have. The "ordinary care" standard affords protection to the recipient. A reasonable person exercising ordinary care would not be surprised to receive a generous gift from a family member or a close personal friend. However, the same gift from a stranger or a casual acquaintance would clearly be suspect. It is the intention of the committee that Members, officers, and employees should not accept gifts which they know or should have reason to know are given with the intention of influencing their performance.

Proposed rule XLIII on gifts interrelates with the provision of the financial disclosure rule XLII relating to gifts. Where the gift rule places a prohibition on gifts over $100 from a class of persons or organizations with a "direct interest in legislation," the disclosure rule requires disclosure of the source and value of all gifts—except from relatives—in the aggregate amount of over $100 in a calendar year. Transportation, lodging, food and entertainment aggregating more than $250 in a year from one source also must be disclosed, with exemptions for personal hospitality and gifts with a value of less than $35.

Proposed rule XLIV would limit the outside earned income of Senators, officers and employees of the Senate compensated at a rate exceeding $35,000 a year to 15 percent of their annual salaries. This rule would apply to full-time employees. The committee intends that consultants or other outside professionals hired on a per diem basis or similar arrangement should not be subject to the 15 percent outside earned income limitation. Under this proposed rule, a Senator cannot receive honoraria in excess of $1,000 per appearance, speech, or article published. At the present time, the Federal Election Campaign Act Amendments of 1976 place a limit on honoraria of $2,000 per appearance, speech or article, and $25,000 on total honoraria for the year. The effect of this rule would be to limit a Senator to honoraria of $1,000 for each appearance, speech, or article and a maximum of $8,625 per year, if the Senator earned no other outside income. The honorarium amount listed is the net honorarium, excluding reimbursements for travel expenses or agent's fees. However, a Senator, officer or employee may accept honoraria in excess of the limit, up to $25,000, if the individual donates such honoraria to a charitable entity and no tax benefits accrue.

Under this rule, outside earned income is defined as any income received as a result of personal services actually rendered if such services are material income-producing factors, and the active and actual participation of the individual is involved.

Outside earned income that falls into this category is income such as wages, salaries, professional fees, bonuses, commissions on sales or on insurance premiums, tips, prizes, or awards in recognition of personal services.

Several matters warrant particular attention. Honoraria have been discussed above. Stipends, according to FEC regulations, are any payments for services on a continuing basis, including a salary or other compensation paid by news media for commentary on events other than the campaign of the individual compensated. Because of the continuing nature of the services involved, stipends are not subject to the $1,000 limitation per appearance which applies to honoraria. However, they are covered by the overall 15 percent limit on outside earned income.

The committee has also excluded from the earned income limitation advances on books from established trade publishers under usual contract terms. In making this distinction, the committee recognized that most book contracts involve a sizable advance against royalties to cover the expenses of research, drafting and printing of an original manuscript. The committee does not wish to discourage advances against royalties from bona fide publishers for serious projects. In contrast, if a corporation or trade association promoted a cash advance arrangement knowing that they could control the number of books sold, the advance would not be "from an established trade publisher under usual contract terms," and it would be treated as within the 15 percent limitation.

While some advances on books, as noted above, are included in outside earned income, royalties actually received from the sale of books are not to be included in outside earned income, since such royalty income is not directly or necessarily related to actual personal services rendered. If an individual writes a book, and it becomes a bestseller, any royalties received based on the sale of the book are, for the most part, beyond his direct control. It is income which is, in effect, a return on a prior investment of time and energy.

Proposed rule XLIV also sets forth a list of sources of income which would ordinarily not be included in outside earned income. Besides royalties, already discussed, the list includes income from family enterprise if the services provided by the Senator, officer or employee are not material income-producing factors; gain derived from dealing in property or investments; interest; rents; dividends; alimony; separate maintenance payments; annuities; income from discharge of indebtedness; a distributive share of partnership gross income if the services provided are not material income-producing factors; income from an interest in an estate or trust; and any reasonably buy out arrangement from a professional partnership or business. Because the decisive factor is whether income results from personal services which have actually been rendered during a calendar year, disability benefits, veterans' benefits, and income from various pension and most deferred compensation plans would not be included under the outside earned income ceiling. However, the key is whether the Member, officer or employee is presently rendering personal services. If a Member is receiving compensation for personal services rendered during the calendar year, he cannot escape the outside earned income ceiling merely by deferring the receipt of compensation.

The committee recognizes that it is not uncommon for a Senator or employee to come to the Senate after having a substantial financial interest in a family enterprise such as a family farm, ranch or business. It is also not uncommon for that individual to maintain some involvement in that business while serving in or employed by the Senate. This is also true of any partnerships of two or more individuals where a distributive share of gross income is received by the Senator or employee. The committee intends that income derived from a family enterprise should be considered as earned income, subject to the 15 percent limitation, if the Senator or employee is providing personal services which are material income producing factors.

Proposed rule XLV contains a series of provisions specifically designed to prevent conflict of interest or the appearance of such conflicts of interest, which can be equally damaging to public confidence. This rule contains a prohibition against a Member, officer or employee receiving compensation or allowing compensation to his beneficial interest from the use of influence improperly exerted from his position. For example, this provision of the rule prohibits Members, officers or employees from intervening with Federal agencies for the purpose of furthering their financial interest or receiving compensation from a constituent for the purpose of furthering the interest of a constituent. The rule also provides, as with current Senate rule XLI, that no Member, officer or employee of the Senate shall engage in any outside business activity or professional activity or employment for compensation which is inconsistent or in conflict with the conscientious performance of official duties. In connection with this prohibition, officers or employees of the Senate are obligated to file a report in writing with their supervisors and to obtain their supervisors' permission to engage in outside activity.

The committee received testimony from witnesses who advocated that procedures be established to insure that Members not be able to serve on committees or vote on issues if they had financial holdings which could be affected by these actions. The committee has carefully considered these suggestions and rejected them. We have found that it is one thing to describe cases which could pose a disturbing conflict of interest, and quite another to formulate a rule which meets the worst case without becoming unreasonable. A rule designed to prevent conflict of interest can easily result instead in depriving the Senators' constituents of full representation and depriving the Senate of valuable expertise.

One section of rule XLV provides that no Member, officer or employee of the Senate shall knowingly use his official

position to introduce or aid the progress and passage of legislation, a principal purpose of which is to further his pecuniary interest, the pecuniary interest of his immediate family, or the pecuniary interest of a limited class of people or enterprises, when he, his family or enterprises controlled by them are part of the affected class. By "limited class," the committee means a class which resembles closely the class of people affected by a private bill, rather than a class making up an economic interest group. The committee recognizes that in many cases, legislation advancing through the Senate will have some impact on the financial situation of a Member, officer or employee. Ordinarily, however, the impact on an individual's holdings is likely to be quite minimal in comparison to the impact of the legislation on the public and the public interest served. This provision addresses itself to the rare case when the relationship between the legislator's private interest and the public interest is dramatically different from the ordinary situation.

Another provision of this rule provides that a Member, notwithstanding the provisions of Senate rule XII, may decline to vote, in committee or on the floor, on any matter where he believes that such a vote could represent a conflict of interest, or the appearance thereof. This provision deals with both committee and floor voting and removes the consent of the Senate required by rule XII in the case of abstention from voting on the floor.

It is not the intent of the committee to encourage abstentions from voting but it is the committee's intention to make it procedurally easier to abstain in those cases where the Member believes that abstention is advisable, because of a conflict of interest, or the appearance of a conflict. In such a case, the Senator would have to state that he was abstaining because of a conflict of interest.

Rule XLV also provides that no Member, officer or employee of the Senate compensated at a rate in excess of $25,000 per year and employed for more than 90 days in a calendar year—unless hired on a per diem basis—shall provide professional services for compensation.

This provision reflects the committee's belief that the practice of a profession usually requires substantial amounts of personal involvement and time and may also present conflicts of interest or in some cases an appearance of such conflicts. While the practice of law poses special difficulties and conflicts because of the obligations imposed by the attorney-client privilege, the committee felt that other professional services also demanded a substantial time commitment and could pose conflict of interest problems. This paragraph reaches the major professions in addition to law, such as medicine, engineering, architecture and similar types of activities. The committee also intends the ban to reach service as a real estate or insurance agent or consultant but it is not intended to deal with jobs such as plumbers, auto mechanics, or hairdressers, which may be considered professional services but rarely pose potential conflict of interest problems. Engaging in part-time teaching or study in a professional field does not constitute practicing a profession or rendering professional services and is therefore not affected by this paragraph.

This proposed rule also provides that no Member, officer, or employee shall serve as an officer or member of the board of any publicly held or publicly regulated corporation, financial institution, or business entity. The prohibition does not apply to service without compensation as officers or directors of entities exempt from tax under section 501(c) of the Internal Revenue Code of organizations that are principally available to Members, officers, or employees of the Senate or their families.

Service on corporate boards or in corporate office may entail an unavoidable conflict of interest or the appearance thereof. The association of the bar in the city of New York in "Congress and the Public Trust" observed that—

> When a Member accepts a corporate office or directorship, he takes on a whole new set of relationships and duties beyond those of a stockholder. Mere ownership of interests carries considerably less potential for impairing independence. As a director or officer, he actually becomes a fiduciary for the corporation and for its stockholders charged with the duty to further their interest. He obviously will find it difficult to do this at times because he is also charged with the duty of furthering the public interest, and the two interests may well be in conflict.

In treating tax exempt organizations differently, the committee recognized that the public would not be and is not equally troubled about a Member, officer, or employee who serves on a board of a nonprofit organization. Consequently, if a Member, officer, or employee wishes to hold office in such an enterprise or be on the board of directors, it would be permissible, except that no compensation could be received for such services.

Rule XLV next provides that full-time employees of Senate committees paid at a rate in excess of $25,000 per annum shall divest themselves of any investment holdings which may be affected by the work of the committee served on by such employees, unless written permission is received from a supervisor, as defined in this rule, and the select committee.

The committee recognizes that this section treats committee staff differently than it treats Senators with regard to investments. However, it is our view that unlike Senators, committee staff are not publicly accountable, and despite public financial disclosure, their affairs are unlikely to get the same kind of scrutiny from the public and the press as Senators. At the same time, committee staff members hold responsible positions. For these reasons, the committee believes that staff holdings should be treated with particular care.

The proposed rule next provides that if a Member upon leaving office becomes a registered lobbyist or is retained by a registered lobbyist under such a statute, that former Member may not lobby Members, officers, or employees of the Senate for a period of 1 year after leaving office.

This provision is designed to prohibit Senators from coming back immediately after leaving the Senate to use their personal relationships with the Senators or Senate staff to influence the course of legislation as a paid lobbyist. It is not our intention to prohibit former Senators from becoming registered lobbyists for the 1-year period. They would still be permitted to carry on lobbying activities directed at members of the executive branch or the House of Representatives. However, if lobbying was directed at Senators or officers and employees of the Senate, the prohibition would apply.

A similar lobbying prohibition applies to employees on personal staffs and committee staffs. An employee on a personal staff of a Senator who becomes a registered lobbyist or an agent or employee of such a lobbyist may not lobby the Member or his staff for a period of 1 year after leaving that office. Employees of committees in the same situation may not lobby any members of the committee or the staff of the committee for a period of 1 year.

The committee recognizes that some staff people can obtain from their Senate service access to influencing future Senate decisions which the general public does not have. Nevertheless, it is necessary to balance possible conflicts of interest against the rights of individuals who have served in the Senate to go out and make a living in the way that they choose. Thus, a 1-year post-service restriction in the area where the individual could have the most influence was agreed upon as a fair resolution of the problem.

Proposed rule XLVI deals with the subject of unofficial office accounts. Many Senators currently spend funds, in addition to the official funds provided by the Senate, to defray expenses incurred in connection with their official duties. Such additional funds are used for food and lodging within the Member's State; for videotaped and recorded messages to the Member's constituents; for business lunches; for assistance rendered by academic, professional, and other expert consultants; for seminars conducted by a Member for constituents; for newspaper subscriptions; for stationary; office supplies and equipment; and for other purposes.

Generally, there are three sources for such funds; the Senator's personal resources; the Senator's official campaign committee, registered with the Federal Election Campaign Commission; or an unofficial office account, maintained by excess campaign contributions and by other contributions specifically designated for the account.

The Federal Election Campaign Act (2 U.S.C. 439a) provides that excess campaign contributions and any other contributions to unofficial office accounts may be used to defray any ordinary expenses incurred as a holder of Federal office. Section 439a further provides that contributions to and expenditures from unofficial office accounts

must be fully disclosed, although Federal Election Commission regulations for such disclosure have yet to take effect.

The present Senate rule XLII limits the use of campaign contributions to certain specified expenses related to official duties. Under present rule XLII, campaign contributions may not be converted to personal use, even though such conversion would be legal under section 439a.

The committee believes there are a number of serious problems with the present situation. No disclosure requirements are yet in force for the accounts. Contribution limits, both as to amount and source, do not exist, and the tax consequences of unofficial office accounts are uncertain. For these reasons, on balance, the committee decided to recommend, in rule XLVI, a prohibition of unofficial office accounts.

Under the rule as proposed, contributions to unofficial office accounts would cease the day after the day the resolution was agreed to. Until December 31, funds previously collected in unofficial office accounts could be expended. After that time, under the committee's proposal, unofficial office accounts would be banned. However, because the committee recognized that certain expenditures will not be eligible for reimbursement by the Senate and at the same time will not be directly related to a campaign for election to public office, the committee provided that funds derived from a political committee—fully disclosed and regulated under the Federal Election Campaign Act—may be used to defray expenses incurred by a Member in connection with official duties.

Since the markup session, at which the proposed rule XLVI was approved by the committee, some members of the committee have given the problems of unofficial office accounts considerable additional thought. While I believe that proposed rule XLVI would represent a significant step forward from the present situation, because of the FECA disclosure and reporting requirements and the limits on accounts and sources of contributions, difficulties remain with this approach.

In the House, the Obey Commission recommended—and the full House adopted—a flat ban on the use of unofficial office accounts and political funds to pay for unreimbursed ordinary and necessary business expenses: in effect, building an absolute wall between political expenses and official expenses. This approach has been widely acclaimed. As a recent Louis Harris Survey makes clear, "the people do not want private funds to be used to pay for the public's business." This approach may also be more satisfactory to the IRS than our proposed rule. An amendment has been prepared, which will ban not only unofficial office accounts to defray ordinary and necessary business expenses, but also the use of campaign or political contributions for this purpose.

Because unofficial office accounts have filled a void for some Senators created by the inadequacy of official allowances, both in terms of permissible uses and amounts, the committee has recommended that the Rules Committee study the problem of the sufficiency and flexibility of official allowances and report back to the Senate within 120 days. For example, it does not seem reasonable that Senators traveling in their State on official business may not be reimbursed for expenses of food and lodging.

Proposed rule XLVI would also prohibit the conversion of campaign contributions to personal use. This provision continues the policy of current Senate rule XLII and extends the prohibition to any former Senator who retires or is defeated for reelection.

Proposed rule XLVII deals with foreign travel.

The committee is recommending the abolition of so-called lameduck travel. If a Member is a candidate for reelection and loses, he may not receive U.S. Government funds for travel outside the United States. If a Senator's term will expire at the end of a session of Congress, and the Senator is not seeking reelection, he may not receive U.S. Government funds for travel after the general election in which his successor is elected or the adjournment sine die of that session of Congress, whichever is earlier.

The committee recognizes that there can be value to foreign travel by a Member in certain instances, even though the Member is not returning to the Senate for the next Congress. The trip by Senator Mansfield last year to China is a recent example. A Member might be requested by the President to represent this country on a diplomatic mission or a Member's knowledge and insight might be desired by the Senate on a factfinding mission even though that Member will not be returning to the Senate. For this reason, rule XLVII provides that in special circumstances, the Senate may authorize the use of U.S. Government funds for that purpose. This would be done by the passage of a resolution by the Senate. If the Senate has adjourned sine die, the rule permits the President to authorize such travel.

Proposed rule XLVII would prohibit a Member, officer or employee engaged in foreign travel from accepting funds from the U.S. Government to cover any expense for which that individual has received reimbursement from any other source, and from receiving reimbursement for the same expense more than once from the U.S. Government. It also prohibits a Member, officer or employee from using any funds furnished to him to defray ordinary and necessary expenses of foreign travel for any purpose other than the purpose or purposes for which such funds were furnished.

Proposed rule XLVIII deals with the franking privilege and the use of the Senate radio and television stations. The purpose of the rule is to preserve the frank as a vital instrument for communicating with constituents, while at the same time attempting to insure that the advantages which the frank gives to incumbents over potential challengers will not be excessive. Therefore, proposed rule XLVIII would extend from 28 to 60 days the period before a primary or general election during which no mass mailing could be sent out under the frank. The rule would also limit the use of the frank for mass mailings, at all times, to material which is prepared or printed at Government expense, eliminating the possibility that an incumbent could absorb the cost of printing a newsletter and then mail it at public expense. Unless such a rule is adopted, a relatively small amount of private funds can lever enormous amounts of public funds to pay for postage.

Proposed rule XLVIII also contains a requirement that mass mailings be filed annually with the Secretary of the Senate and a prohibition against the use of the Senate computer facilities to store, maintain or otherwise process any list or categories or lists for names and addresses identifying individuals as campaign workers or contributors, or by any other such political designation.

Finally, proposed rule XLVIII applies the same 60-day restriction applied to franked mail to use of the radio and television studies in the Senate and House of Representatives. The rationale is the same as in the franking case: The use of a Government-subsidized facility during an election period provides an incumbent with an unfair advantage. However, there is an exception to cover situations where the recording studio may be used for interviews by local broadcast organizations who pay for any expense incurred and for use at the request of tax-exempt organizations such as charities in situations where Members are asked to make fund appeals for those charities.

Proposed rule XLIX prohibits any officer or employee of the Senate from receiving, soliciting, holding or distributing funds in connection with campaign for nomination or election to any Federal office. From this blanket prohibition, two individuals designated by each Senator are exempted, one to be located in Washington, D.C. and the other in the home State of the Senator. These individuals must be compensated at an annual rate in excess of $10,000 and their designations must be filed in writing with the Secretary of the Senate's Office. Because of their designation, these individuals must also file a financial disclosure statement, even if they would not otherwise be required to file.

The proposed rule amends present Senate rule XLIII. The basic intent of the rule is to prohibit Senate employees from getting involved in the process of raising funds for a political campaign. However, the rule also reflects the fact that a Senator's office cannot be fully insulated from the fund raising process. For example, political contributions or payments for tickets may often come to the Senator's office mistakenly. However, the present rule would seem to permit the designation of as many people as the Senator desired; the new rule would limit each Senator to two designees, one in the District of Columbia and one in the home State. Unlike the present rule, the new rule would also prohibit even those designated people from "soliciting" funds or contributions; they could only hold or accept contributions or deposit

them with the appropriate campaign organization.

Proposed rule XLIX also deals with a definitional problem which has recurred throughout the drafting of these rules. It was the committee's intention to define "employee of the Senate" as "any employee whose salary is disbursed by the Secretary of the Senate." However, the committee realized that this definition would be too restrictive to accomplish the purpose of this legislation. There are some people working in the Senate in important policymaking positions whose salaries are not disbursed by the Secretary of the Senate. Some are reemployed annuitants, whose salaries from the Senate may be minimal but are supplemented by their annuities; others are on leave from other Government agencies, but are still receiving their salaries from those agencies. Still other people work in the Senate while on leave from private enterprise or while sponsored by some outside organization. The committee intends that coverage by the Code of Conduct should depend on the fact that the person is working in the Senate, rather than on whether the Senate is actually disbursing the person's salary. For this reason, rule XLIX defines "employee of the Senate" to include retired annuitants. Additionally, this rule would require that before any committee of the Senate could utilize the services of an officer or employee of another agency of the Government, the Rules Committee shall require that individual to agree in writing to comply with the Code of Conduct to the same extent as an employee of the Senate. To insure that such an individual is covered by the proper rules of the code, individuals borrowed or detailed from other Government agencies shall be treated as receiving a salary from the Senate equal to the salary the individual is receiving from another Government department. Individuals who are working in the Senate while on leave from private enterprise would have to agree in writing to comply with the Code of Official Conduct in the same manner and to the same extent as an employee of the Senate.

Proposed rule L would prohibit Members, officers or employees from engaging in discriminatory employment practices—with respect to hiring, firing, promotion, compensation, or terms, conditions, or privileges of employment—on the basis of race, color, religion, sex, national origin, or state of physical handicap. The language of rule L is taken verbatim from paragraph (a) of Senate Resolution 534, 94th Congress, agreed to September 8, 1976.

Because of the complex questions connected with the implementation of this rule, the effective date of the rule has been put off until January 3, 1979. In section 309 of the resolution, the Government Affairs Committee has been asked to fully study the issues relating to the adoption of the rule, and to report back to the Senate in 180 days. That committee's recommendations will be referred to other committees of the Senate as necessary.

Title II of the resolution consists of proposed amendments to Senate Resolution 338, which constitutes the basic charter of the Select Committee on Ethics. As written, Senate Resolution 338 grants the Ethics Committee broad discretion to "receive complaints and investigate allegations of improper conduct which may reflect upon the Senate—and in violations—relating to the conduct of the individuals in the performance of their duties." Title II is intended to preserve for the Ethics Committee the discretion to initiate investigations as it sees fit and to handle all unsworn complaints and sworn complaints against employees by procedures it deems appropriate while at the same time insuring that sworn complaints against Members and officers of the Senate will be handled so as to insure accountability to the Senate and the Public.

Under the proposed amendment set forth in title II, if a sworn complaint is filed against a Member or an officer, the Ethics Committee shall promptly conduct an initial review of length and scope necessary for the Ethics Committee to determine whether there is substantial credible evidence which provides substantial cause for the committee to conclude that a violation within its jurisdiction has occurred.

If, as a result of the initial review, the Ethics Committee determines, by a recorded vote, that there is not such substantial credible evidence, it shall notify the complainant and the accused of its finding and an explanation of the basis for the determination.

If the initial review points to the conclusion that a technical, inadvertent or otherwise de minimis violation has occurred, the Ethics Committee shall notify the complainant, and the Member or officer may correct the violation.

If, as a result of their initial review, the Ethics Committee finds that substantial credible evidence points to a violation which is more than de minimis, but not sufficiently serious to justify the most serious penalties, the Ethics Committee may propose a remedy it deems appropriate. If the matter is resolved, a summary of the committee's conclusions and the remedy proposed shall be filed as a public document with the Secretary of the Senate and a notice of such filing shall be printed in the CONGRESSIONAL RECORD.

If, as a result of an initial review, the Ethics Committee determines that there is substantial credible evidence pointing to a violation which would justify censure, expulsion or a recommendation to the party conference concerning seniority, if a Member is involved; or suspension or dismissal, if an officer is involved, the Ethics Committee must undertake an "investigation."

"Investigation" is used in this title as a term of art with a specific, narrow meaning. Many activities which would ordinarily be called an investigation will not fit within the definition used here. The committee may inquire into a matter and begin collecting information without voting to conduct an "investigation." An "investigation" is the formal part of the committee proceeding which takes place only after the committe has concluded that there is substantial credible evidence which, if true, would constitute a serious violation within the jurisdiction of the committee. By requiring "substantial credible evidence" before an investigation can begin, the committee intended to require a high standard of proof, comparable to "probable cause," without the overtones of criminal activity that probable cause carries with it. If an "investigation" is mandated, the Ethics Committee must report to the full Senate on the matter, together with any recommendations it may have. If an investigation is undertaken, the presumption is that outside counsel will be used, unless the Ethics Committee decides not to.

The committee believes that if an individual files a sworn complaint against a Senator or officer of the Senate, subject to the pains and penalties of perjury, that individual is entitled to be informed of the disposition of the complaint. The committee, after consultation with Senators STEVENSON and SCHMITT, has formulated this proposal outlining the possible avenues by which the Ethics Committee should handle sworn complaints. Of course, the Ethics Committee has total discretion to weigh the evidence and decide the degree of severity of a violation which may have occurred.

Because the Ethics Committee inherits the responsibility of enforcing the Code of Conduct, title II provides them with authority to issue regulations to implement the code and interpretative rulings to clarify its meaning and applicability on difficult issues. The Ethics Committee is also authorized, in its discretion, to issue written advisory opinions in response to a request by an employee and required to issue such opinions in response to requests by Members, or officers of the Senate, of candidates for the Senate. However, these requests for advisory opinions must apply to the personal situation of the individual requesting the advisory opinion. Any individual who receives an advisory opinion and relies on it in good faith cannot be subject to any sanction by the Senate for actions in connection with the advisory opinions, unless the request for an advisory opinion did not include a complete and accurate statement of the factual situation. Advisory opinions can also be relied upon by any other person whose situation is factually indistinguishable in all material aspects from the transaction or activity about which the advisory opinion is rendered. The Ethics Committee is obligated to compile and index the advisory opinions and make them available on a periodic basis, with appropriate deletions to preserve the privacy of the individual involved.

Title III of the resolution mandates certain studies by other committees of the Senate on issues touched upon by the special committee which the committee could not fully resolve.

Sections 301 and 302 concern the implications of proposed rule XLVI, banning unofficial office accounts. Section

301 directs the Committees on Rules and Appropriations to study the adequacy of the amounts and permissible uses of senatorial allowances and make recommendations to the Senate about needed adjustments, in light of proposed rule XLVI. As noted earlier, if the Senate bans unofficial office accounts, there is a serious question whether the existing official allowances are sufficient or flexible enough.

Section 303 of this title provides that the Committee on Rules and Administration shall review the desirability of promulgating regulations providing for first, periodic audits of the accounts of all committees and offices of the Senate; second, a centralized system of record-keeping and reporting relating to the accounts, allowances, expenditures, and travel expenses of committees and Senate offices; third, accounting procedures for the handling of accounts of committees and Senate offices, and fourth, public disclosure of information on the accounts of committees and Senate offices in a form which segregates the allowances and expenses of each committee and office.

Section 304 provides for the Committee on Rules and Administration to consider the desirability of requiring that only official Senate funds be used to pay for expenses incurred by a Senator in the use of the radio and television studio provided by the Senate.

Section 305 of this title provides that the Committee on Foreign Relations shall review the problem of travel, lodging and related expenses of Members, officers or employees of the Senate, paid for by foreign governments when it is not possible to procure such transportation, lodging, or related services, or to reimburse the foreign government. At present, there is a question whether acceptance of travel from a foreign government can violate the Foreign Gifts and Decorations Act, 5 U.S.C., section 7342. In certain countries, however, such as China, only official Government transportation can be used and it is not possible to reimburse the Government for such transportation. The committee believes that this situation should be clarified by a determination of whether the Foreign Gifts and Decorations Act was intended to cover this kind of situation.

Section 306 provides that the Committee on Governmental Affairs shall consider the desirability of permitting Senators to use the postal patron form of address for franked mail and report to the Senate. The use of the postal patron method of mail delivery, whereby the mail is delivered to boxholders or stops or boxes on a city carrier's route, is presently allowed for House Members under the franking statute and results in much less expense being incurred through mailing.

Section 307 requires the Rules Committee to study laws relating to contributions solicited from or made by officers or employees of the Senate. At present, Federal law apparently prohibits Senate employees from making a political contribution to any Senator, Congressman, or candidate for the Senate or House (18 U.S.C. §§ 602, 607). These laws have been honored mostly in the breach, but they remain on the books. There was considerable feeling in the committee that these laws were overbroad and could infringe unreasonably on first amendment rights. At the same time, however, there was considerable sentiment in the committee that employees should be prohibited from contributing to their supervisors, because they will sometimes feel obligated to do so.

Section 308 requires the Rules Committee to study the issue of use of official staff by holders of public office in campaign for nomination for election, or election to Federal office, and report to the Senate on this issue.

In the resolution as reported, the committee had included a prohibition against Senate employees who were substantially engaged in campaign activities remaining on the payroll. The committee found it was extremely difficult to write such a rule without making all political activity related to official duties look suspect. The committee concluded that to the extent a problem exists in this area, it could apply equally to the employees of a House Member or a Governor seeking Federal office, and that it was most appropriately a matter within the jurisdiction of the Federal Election Commission. For all these reasons, the committee has recommended that the Rules Committee, which has jurisdiction over the FECA, to study the problem in the context of its review of the FECA later this year and report proposals dealing with this subject.

Section 309, as noted above, provides for the study of the subject of handling employment discrimination complaints in the Senate.

Section 310 sets forth the effective dates of titles I and II. The effective dates of most of the rules in the Code of Conduct have been delayed for some period of time in order to permit the Senators, officers, and employees to study them, and to allow the Ethics Committee to promulgate regulations and issue interpretive rulings in perceived problem areas. The effective date for rule XLII, pertaining to Public Financial Disclosure, is October 1, 1977, with the first filing taking place on May 15, 1978. The limitation on outside earned income takes effect on January 1, 1978. Those provisions of the Rule of Conflict of Interest, which require some reordering of present financial arrangements, will take effect on April 1, 1978.

Mr. President, in proposing this resolution, particularly the Rules encompassed in title I, the committee is recommending action which it believes will serve the public interest. The committee unequivocally rejects the view of some critics that implies that all Senators, most Senators, or even many Senators or their employees, have engaged in unethical practices or have sought or used their public positions for the purpose of furthering private economic interests. I have frequently stated my belief, based on my political experience, that the ethical standards of public officials are as high, if not higher, than in any other walk of life and that is as it must be. We are dealing with the public interest, not private interests. Improper practices of a few have reflected on the image of the Congress as an institution. Many people who think highly of their own Representatives or Senator lack confidence in the Congress as an institution. A code of official conduct is needed, not to deter or expose the very few who may engage in wrongdoing, but to reassure the public that the vast majority of the Senate, and its employees, are committed public servants.

The public perception of this instituton is not always accurate. But perceptions are vitally important in a democracy; they are the basis for public confidence or a lack of it. If public confidence is reinforced by a strong code, the Senate should adopt one. There is no arbiter of right or wrong in this area; there is only the overriding question of whether the people trust their Government.

We know that "Congress-hating" has long been one of the favorite national pastimes. Nevertheless, we cannot accept public skepticism about Congress, simply because it periodically recurs; the Senate's concern should be addressed to the problem of public disillusionment with all public institutions, including Congress. More than ever before, the decisions of Members of Congress have a direct and daily effect on the lives of virtually all Americans. In this era, perhaps more than any other period in history, major difficult decisions have to be made, and the real issues involved are extremely divisive. Under such circumstances, it is vital that the public understand and believe, whether they agree or disagree with congressional decisons, that all decisions represent the Congress' perception of how the public interest would best be served.

Mr. NELSON. Mr. President, I ask unanimous consent that a staff-prepared section-by-section analysis of the substitute amendment be printed in the RECORD so that it will be available to the Members tomorrow.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 65 TO S. RES. 110: SECTION-BY-SECTION ANALYSIS

TITLE I—CODE OF OFFICIAL CONDUCT: RULES XLII, XLIII, AND XLIV

Except for technical amendments, Rule XLII, Public Financial Disclosure, Rule XLIII, Gifts, and Rule XLIV, Outside Earned Income, are identical to the provisions of S. Res. 110 as reported. (A section by section analysis of these rules is to be found in the report, No. 94-59, on pages 15-40.)

RULE XLV—CONFLICT OF INTEREST

Except for technical amendments and the amendment to paragraph 9 discussed below, Rule XLV, Conflict of Interest, is identical to the provisions of S. Res. 110, as reported. (Report, pages 40-45.)

Paragraph 9 of Rule XLV of the amendment does not include the language appearing in the resolution which prohibits former Senators from seeking access to the Senate floor for a period of one year after leaving office for the purpose of influencing the consideration of legislation. The sponsors believe that the language of paragraph 9, prohibit-

ing former Members from lobbying the Senate for one year, clearly would prohibit the more narrow case of seeking access to the floor for purposes of lobbying. In addition, the sponsors were concerned that, by negative implication, paragraph 9 of the resolution could be construed as *sanctioning* floor lobbying after a year had expired. The sponsors believe that lobbying by former Members on the Senate floor would be improper at any time, but feel that an explicit rule prohibiting this practice is unnecessary.

RULES XLVI, XLVII AND XLVIII

Except for technical amendments, Rule XLVI, Prohibition of Unofficial Office Accounts, Rule XLVII, Foreign Travel, and Rule XLVIII, Franking Privilege and Radio and Television Studios, are identical to the provisions of S. Res. 110 as reported. (Report, pages 46–50.)

RULE XLIX—POLITICAL FUND ACTIVITY; DEFINITIONS

Paragraph 1 of Rule XLIX, Political Fund Activity; Definitions, is identical to paragraph 1 of Rule XLIX in S. Res. 110 as reported.

Paragraphs 2, 3 and 4 of Rule XLIX are new provisions which describe who will be covered by the Senate Code of Official Conduct in addition to Senators and officers of the Senate. Paragraph 2 states that for the purposes of the Senate Code of Official Conduct, an employee of the Senate includes any employee whose salary is disbursed by the Secretary of the Senate. In the case of an officer or employee of the Senate who is a re-employed annuitant, the compensation of that person, for the purposes of this Code, includes amounts received by that person as an annuity and those amounts are treated as if they are disbursed by the Secretary of the Senate. Thus, if a person is a re-employed annuitant and is receiving an annuity of $20,000 and a salary of $10,000, then for the purposes of the Code of Official Conduct, that person is treated the same as an employee who is earning a salary of $30,000 all of which is disbursed by the Secretary of the Senate.

Paragraph 3 requires the Committee on Rules and Administration to require an individual to agree in writing to comply with the Senate Code of Official Conduct in the same manner and to the same extent as an employee of the Senate if that individual is an officer or employee of some other department or agency of the Federal Government and is being used by a committee in accordance with Section 202(f) of the Legislative Reorganization Act of 1946 or with an authorization provided by Senate resolution. Any officer or employee in such a position will be treated for the purposes of the Code of Official Conduct as an employee of the Senate receiving compensation disbursed by the Secretary of the Senate in an amount equal to the compensation he is receiving as an officer or employee of the government. This provision is intended to apply the Senate Code of Official Conduct to employees on assignment to the Senate in the same manner as the Code applies to Senate employees. There are presently employees on assignment from Executive Branch departments, the Library of Congress and the General Accounting Office working for Senate committees in the same way as any other committee staff member. Thus, for example, for the purposes of the rule on financial disclosure, if an employee of an Executive Branch agency is assigned to a Senate committee for a period in excess of 90 days in a calendar year and that employee earns over $25,000 in salary from that agency, then the employee would have to file a financial disclosure statement under Rule XLII.

Paragraph 4 applies the same principle to individuals who are working full time for the Senate but whose salary is paid for by someone other than the Federal Government. This paragraph prohibits a member, officer or employee of the Senate from utilizing the full-time services of an individual for more than 90 days in the calendar year in the conduct of the official duties of any committee or office of the Senate (including a Member's office) unless such individual (a) is an officer or employee of the Senate; (b) is an officer or employee of the government (other than the Senate); or (c) agrees in writing to comply with the Senate Code of Official Conduct in the same manner and to the same extent as an employee of the Senate. An individual who is not paid by the government but agrees in writing to comply with the Code of Conduct, would for the purposes of the Code be treated as an employee of the Senate receiving compensation disbursed by the Secretary of the Senate in an amount equal to the amount of compensation which that individual is receiving from any source for performing his services for the Senate. Thus, if a person is on a fellowship for a one-year period which is financed by a private company and that person provides full-time services to a Senate committee, that person would have to file a financial disclosure statement if the person is paid more than $25,000 by the corporation sponsoring the fellowship. Again, such individuals are serving as employees of the Senate just like any other employee and should be subject to the same ethical standards as an employee of the Senate even though their salary is paid for by someone other than the government. For the purposes of this paragraph, only those providing fulltime services for more than 90 days in a calendar year are covered. The term full-time services refers to the nature of the services the person is providing for the committee and not whether that person is providing services only for the committee and not doing other personal services in his spare time. For example, a person who performs substantially the same amount of services and puts in substantially the same amount of time as full-time employees on the staff of a committee paid for by the Secretary of the Senate should be considered to be providing full-time services. This would be true even if the individual had another source of outside earned income such as a job at night or on the weekend. The committee intends a rule of reason to apply in determining what full-time services are and not a literal interpretation which would circumvent the purpose of this rule. Thus, if a person works one-half hour a day less than any other employee on a committee's staff and is, therefore, working 95% of full time, the intent of the committee is that such a person is substantially providing full-time services and should, therefore, be covered.

RULE L—EMPLOYMENT PRACTICES

Rule L, Employment Practices, is identical to Rule L in the resolution as reported. (Report, page 53.) However, in subsection (1) of section 310, the effective date of this rule has been deferred to January 3, 1979. In the interim, the amendment (in section 309, discussed below) directs the Committee on Governmental Affairs to study the subject of handling employment discrimination complaints and report recommendations to the Senate within one hundred and eighty days.

TITLE II—PROVISIONS RELATING TO THE SELECT COMMITTEE ON ETHICS

Title II consists of amendments to the charter of the Select Committee on Ethics (Senate Resolution 338, Eighty-eighth Congress, as amended by Senate Resolution 4, Ninety-fifth Congress). In Title II of the amendment, the sponsors have sought to incorporate many constructive recommendations offered by Senator Stevenson and Senator Schmitt, the newly-appointed Chairman and Ranking Minority Member, respectively, of the Select Committee on Ethics. The sponsors believe that Title II of the amendment gives the Select Committee more flexibility in conducting its business than was provided in the resolution as reported, while preserving the basic principles of the original proposal.

Because Title II of the amendment is substantially different than Title II in S. Res. 110, a section by section analysis of the entire Title, even those provisions identical to those in S. Res. 110, is provided below. Thus, while there will be some repetition of material presently found in the report on S. Res. 110, it is easier to understand Title II if the entire Title is explained in one place. In the parts of this section by section taken word-for-word from the report on S. Res. 110, the interpretation of the "Committee" is referred to meaning the Special Committee on Official Conduct. In the parts of the section by section covering new or revised provisions, the interpretation of the sponsors of this amendment in the nature of substitute are referred to.

Section 201 provides that any violations of the Senate Code of Official Conduct shall be under the jurisdiction of the Select Committee and gives the Select Committee the authority to prescribe and publish such regulations as the committee feels are necessary to implement the Senate Code of Official Conduct.

Section 202 provides certain new guidelines for the Select Committee in handling complaints, investigations, and other matters, as follows:

Paragraph (1) of subsection (b) provides that any sworn complaint with the Select Committee shall be in writing, shall be in such form as the Select Committee determines by regulation, and shall be made under oath.

The Committee believes that there are a number of statutory provisions which would permit the Select Committee on Ethics to require that sworn complaints be under oath and subject to the pains and penalties of perjury. There are existing statutes which provide for the giving of oaths by the Secretary of the Senate or his designee (2 U.S.C. 24). There are provisions providing authority for judges and clerks of Federal district courts to administer oaths, and there is a recently passed statute which permits the pains and penalties of perjury to attach to certain unsworn statements in the place of the administration of an oath, 28 U.S.C. § 1745. The Committee believes that the Select Committee on Ethics after studying this area should prescribe regulations describing the manner in which a complaint must be sworn so that the complaint is not unreasonably inconvenienced and any false statement on the complaint will subject the complainant to the pains and penalties of perjury.

Paragraph (2) of subsection (b) defines a "sworn complaint" as a statement of facts within the personal knowledge of the complainant alleging a violation of any rule, regulation, or law within the jurisdiction of the Select Committee. The Committee does not intend to limit the meaning of the term "personal knowledge" to situations where the complainant has personally witnessed or participated in the transaction or activity which is the basis of the violation alleged. The Committee does intend to require the complainant to swear to the truth of facts alleged and his belief in the information contained in the complaint and that such information was obtained under circumstances where the complainant has sufficient personal knowledge of the source of the information to reasonably conclude that the facts or information are true. A complainant would not have the requisite personal knowledge simply

because he read an article in a newspaper and believed the article to be true. However, a complainant would have the requisite personal knowledge if the complainant personally inspected public records such as a document filed with a registry of deeds, a government agency or a document executed under oath. If a person directly involved in the alleged violation communicated to the complainant information about the violation, the complainant would have sufficient personal knowledge to file a sworn complaint if the complainant had basis for believing the participant to be telling the truth. Also, the complaint may be comprised or based upon sworn statements from a number of individuals; not all the key sworn statements setting forth the facts which form the basis of the complaint must be made by the complainant.

A sworn complaint must contain enough facts and information to provide a reasonable basis for concluding that a violation has occurred if the information is true. The complaint need not contain sworn personal knowledge of every fact necessary to prove that a violation has occurred.

The Committee recognizes that allegations not presented in the form of a sworn complaint may still require an initial study or investigation; the Committee believes that the decision to undertake such an initial study or investigation should lie in the discretion of the Select Committee.

Paragraph (3) of subsection (b) provides that any person who knowingly and willfully swears falsely to a sworn complaint does so under penalty of perjury, and that the Select Committee may refer any such case to the Attorney General for prosecution. Section 1621 of Title 18, United States Code, provides a criminal penalty for perjury of a fine of $3,000 or imprisonment for not more than five years or both.

Paragraph (4) of subsection (b) defines "investigation" as a proceeding undertaken by the Select Committee after a finding, on the basis of an initial review, that there is substantial credible evidence which if true would constitute a violation within the jurisdiction of the Select Committee. It is important to recognize that the "investigation" is used in this Title as a term of art with a specific, narrow meaning. Many activities which would ordinarily be called an investigation will not fit within the definition used here. By defining "investigation" in this manner, the Committee seeks to do several things. First, the Committee intends to emphasize the clear distinction between an initial review, undertaken by the Select Committee on any complaint, and an investigation. The Committee may inquire into a matter and begin collecting information without voting to conduct an "investigation." An "investigation" is the formal part of the committeee proceeding which takes place only after the Committee has concluded that there is substantial credible evidence which, if true, would constitute a violation within the jurisdiction of the Committee. By requiring "substantial credible evidence" before an investigation can begin, the Committee intended to require a high standard or proof, comparable to "probable cause," without the overtones of criminal activity that probable cause carries with it. It should be emphasized that once an investigation is mandated, a full report will have to be filed with the Senate and the matter will become public, with potentially grave adverse consequences for the person under investigation.

For this reason the rules and regulations of the Select Committee should provide for strict procedural protections to safeguard the interests of the individual under investigation.

Subsection (c) has been changed from the similar provision in S. Res. 110 as reported to loosen the requirements for recorded votes by the Select Committee. Paragraph (1) would require, as did S. Res. 110 as reported, that no investigation of conduct of a Member or officer of the Senate, and no report, resolution, or recommendation related thereto may be made unless approved by the affirmative recorded vote of not less than four members of the Select Committee. Given the composition of the Select Committee, (3 Democrats, 3 Republicans), the sponsors believe this provision is necessary to insure that any action taken by the Select Committee relating to the conduct of a Member or officer will have bipartisan support, and will be accounted for to the Senate and the public. Paragraph (2), however, requires only an affirmative vote of a majority of the members of the Select Committee voting to approve any resolution, report, recommendation, interpretive ruling, or advisory opinion. The sponsors believe that paragraph (2) will provide a sufficient safeguard without unnecessarily hamstringing the Select Committee with potentially endless series of recorded votes on relatively minor matters.

Paragraph (d) of the amendment is a total revision of paragraph (d) of S. Res. 110 as reported and creates a procedure designed to give added flexibility to the Select Committee in the handling of sworn complaints against Members and officers.

Paragraph (1) of subsection (d) provides that the Select Committee shall promptly conduct an initial review of each sworn complaint against a Member or officer. The sponsors believe that the procedure for conducting an initial review is a matter to be left to the discretion of the Select Committee, and notes that the only implicit direction provided for conducting an initial review is that such review should provide the information the Select Committee will need to decide whether or not to undertake an investigation—namely, whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation has occurred. The sponsors recognize that in some cases the initial review may be quite cursory: a telephone call may prove that the complainant is misinformed or the complaint is frivolous. On the other hand, the initial review could entail a more exhaustive examination, following up leads and talking to witnesses.

The sponsors emphasize that while an initial review is required in response to a sworn complaint, nothing in this resolution deals with the great bulk of allegations and evidence which will come to the attention of the Committee by means other than through sworn complaints. Therefore, nothing in this resolution should be construed as limiting in any way the authority of the Select Committee to pursue any evidence that comes to its attention, or to investigate any matter on its own initiative.

Paragraph (2) provides that, upon conclusion of an initial review, if the Select Committee determines by a recorded vote not to conduct an investigation, it shall notify the complainant and the party charged of its decision and the basis for the decision.

In calling for the basis of the Select Committee's decision not to investigate, the sponsors do not intend that the explanation need include any discussion of the evidence collected by the Select Committee or any evaluation of the character or credibility of the complainant. However, the sponsors do intend that the Select Committee state that it did not conduct an investigation because it felt that there was no truth to the allegations made; that there was a parallel on-going criminal investigation and the Committee decided to defer to that investigation until it was completed; that the person against whom the allegations were made is not within the jurisdiction of the Committee; or some other similarly specific reason. The sponsors are well aware of the potential for doing damage to people's reputations by the revelation of evidence collected in an informal investigating process which those charged have not had a chance to refute. The sponsors believe that evidence presented to the Select Committee is analogous to evidence presented before a grand jury and should be treated with similar confidentiality and can unless the Select Committee makes a decision to make such evidence public.

Paragraph (3) provides that, upon conclusion of an initial review, if the Select Committee determines that a violation is inadvertent, technical or otherwise of a de minimus nature, it may attempt to correct or prevent such a violation by informal methods. The sponsors intend that, just as when the Select Committee decides not to proceed, the complainant and the party charged would be informed of any such Committee determination and the basis thereof.

The sponsors recognize that because of the complex nature of the proposed new Code of Official Conduct, there inevitably will be cases involving typographical errors on financial disclosure statements, confusion over filing dates, and other violations of a similar character. The sponsors do not believe that in such cases the Select Committee should be held to strict criteria for investigations of complaints set forth in this title. The sponsors recognize that if a Member is charged with violating the Code of Conduct, and an investigation ensues indicating that the charge has merit, the political consequences can be severe. For this reason, the sponsors believe that violations of the Code which would entail an investigation (as defined above) should be knowing violations, or violations characterized by a willful or reckless disregard for whether the Code was violated or not.

Paragraph (4) provides the Select Committee with additional flexibility to handle cases involving violations which, if proven, are neither of a de minimus nature nor sufficiently serious to justify, in the case of Members, censure, expulsion, or recommendations to the appropriate party conference; or, in the case of officers, suspension or dismissal. In such cases, when the Select Committee believes there is substantial cause to believe that a violation has occurred, the Select Committee may propose on its own initiative a remedy it deems appropriate. If the case is resolved in this fashion, a summary of the Committee's conclusions and remedy must be filed as a public document with the Secretary of the Senate, and notice of such filing must be printed in the Congressional Record. Again, the sponsors intend that the complainant and the party charged would be informed of the Committee's determinations.

The sponsors believe that this procedure will give additional latitude to the Select Committee to handle cases which are neither minor nor of such a grave nature as to require the full investigation process provided in the resolution. At the same time, accountability to the Senate and the public, and the rights of the party charged, would be preserved.

Paragraph (5) provides that, upon conclusion of an initial review, if the Select Committee determines that there is substantial cause to believe that a violation has occurred, the Committee shall conduct an investigation if:

The violation, if proven, would be sufficiently serious to warrant imposition of one or more of the specific penalties referred to in the discussion of paragraph (4) above (such as censure); or

If a violation which the Committee attempted to handle under paragraph (4) could not be resolved in that fashion.

Paragraph (5) further provides that, upon the conclusion of the investigation, the Select Committee must promptly report to

the Senate the results of the investigation and any recommendations for disciplinary action which the Committee deems appropriate.

In addition, paragraph (6) provides that the Select Committee must similarly report to the Senate upon the conclusion of any investigation (as defined in subsection (b)(4)), undertaken by the Committee.

The sponsors believe that, on any matter which the Select Committee finds so serious as to necessitate an investigation, a full report to the Senate on the results of the investigation must be required, both for the protection of the subject of the investigation and to insure that the Select Committee is accountable to the Senate and the public. This report will necessarily contain more detail and information than the explanation of a Committee decision not to conduct an investigation. If a report is filed after an investigation is completed, it means that the Select Committee initially thought that there was substantial cause to conclude that a violation had occurred. Presumably too, the Committee has given all parties involved an opportunity to be heard with respect to the evidence the Committee is considering. If the Committee is requesting that the Senate take some kind of disciplinary action, the findings of its investigation will have to be spelled out in considerable detail. However, even if the findings are that no disciplinary action is required, a fairly detailed report is justified in order to vindicate the subject of the investigation and satisfy the public, since it will more than likely be a matter of public knowledge that a full investigation by the Select Committee has been undertaken.

The provisions of paragraph (e) of S. Res. 110 as reported, providing for a privileged appeal procedure to the full Senate in cases where the Select Committee has decided not to conduct an investigation, have not been included in this amendment. The sponsors believe that, given the safeguards for accountability provided throughout the enforcement process, the appeal procedure is unnecessary and cumbersome. In addition, there would be nothing to prevent any Senator from introducing a simple resolution directing the Select Committee to conduct a particular investigation. Passage of such a resolution by the full Senate would, of course, be binding on the Select Committee.

The new paragraph (e) contained in this substitute amendment provides that the Select Committee may handle sworn complaints filed against employees of the Senate according to any procedures the Committee deems appropriate. If the Committee determines that a complaint is without substantial merit, it shall notify the complainant and the subject of the complaint of its determination. In any event, however, the sponsors intend that the complainant and the subject of the complaint will be informed of the disposition of a complaint.

Paragraph (f) authorizes the Select Committee to employ hearing examiners to hear testimony and make findings of fact and/or recommendations to the Select Committee concerning the disposition of complaints. The sponsors believe that such hearing examiners, used at the discretion of the Committee, may serve to considerably ease the burden on the Committee members by preventing the need for Senators to sit through evidentiary hearings on relatively minor matters.

Paragraph (g) expands upon the retroactivity provision included in paragraph (f) of S. Res. 110 as reported. Paragraph (g) provides that the Select Committee may not take any action with respect to an alleged violation which was not in effect at the time the alleged violation took place. In addition, subparagraph (g) provides that no provision of the Senate Code of Official Conduct (as proposed in this resolution) applies to, or requires disclosure of any act, relationship or transaction which occurred prior to the effective date of the applicable provision of the Code. For example, proposed Rule XLII includes a provision requiring disclosure by Senate employees of certain prior employment. Under subparagraph (g), however, no disclosure would be required if the employment occurred prior to October 1, 1977.

Section 204 amends section 3 of Senate Resolution 338 to provide additional staffing authority to the Select Committee, as follows:

Paragraph (1) of section 204 provides for the hiring of a staff director, a counsel, assistant counsel and one or more investigators and one or more hearing examiners, in addition to such other assistants as it may require, as already is provided for under S. Res. 338.

Paragraph (2) amends section 3 by providing for the hiring of outside counsel, as follows:

Paragraph (1) of subsection (b) authorizes the Select Committee to retain and compensate counsel not employed by the Senate (or by any department or agency of the Executive Branch of the Government) whenever the Select Committee decides that retention of outside counsel is necessary or appropriate for any action it may wish to undertake.

Paragraph (2) of subsection (b) provides that any investigation undertaken by the Select Committee shall be conducted by outside counsel unless the Select Committee specifically decides not to use outside counsel. The Committee believes that in the relatively rare cases which necessitate an investigation, the interests of justice are most often served by having outside counsel conduct it. It is reasonably likely that the staff of the Select Committee will know personally the Member or officer or employee being investigated. If any personal relationship exists, whether positive or negative, it is not conducive to a full and fair investigation. Given the usual relationship between Senators and officers and employees of the Senate, the Committee has particular doubts whether the staff of the Select Committee can be expected to adequately investigate the case of a Member of the Senate. For these reasons, when an investigation is needed, outside counsel, unencumbered by personal relationships and secure in the knowledge that he or she can return to a position outside the Senate, is probably preferable. Therefore paragraph 2 establishes a presumption that the Select Committee will employ outside counsel in the conduct of an investigation.

Clause (3) amends section 3(c)(1) of Senate Resolution 338 to permit the Select Committee, with the prior consent of the department or agency concerned, to utilize the services, information, and facilities of that department or agency of the government.

Section 205 amends section 2(a) of Senate Resolution 338 to provide for specific sanctions which may be recommended by the Select Committee in calling upon the Senate to take disciplinary action against a Member, officer, or employee. In the case of a Member, such sanctions would include but would not be limited to censure, expulsion, or recommendation to the appropriate party conference regarding such Member's seniority or positions of responsibility. In the case of an officer or employee, such sanctions would include but not be limited to suspension or dismissal.

Section 206 amends Section 3 of Senate Resolution 338 by adding at the end of that Section a new subsection (e).

Subsection (e)(1) requires the Select Committee to prescribe and publish whatever regulations it feels are necessary to implement the Senate Code of Official Conduct. It is expected that there will be a number of regulations necessary to implement the Code. For example, procedures must be established with respect to the manner and timing of the registration of mass mailings. Upon promulgating such regulations, it is expected that the Select Committee will publish those regulations so that those subject to the regulations will have notice of them.

Subsection (e)(2) authorizes the Select Committee to issue interpretive rulings explaining and clarifying the application of any law, the Code of Official Conduct or any rule or regulation of the Senate within its jurisdiction. There will inevitably arise questions under the Code of Official Conduct which will require interpretation by the Select Committee. As will be described below, the Select Committee is authorized to issue advisory opinions. However, this provision gives the Select Committee the authority to issue a general interpretive ruling rather than simply being able to respond to requests by individuals for advisory opinions.

Subsection (e)(3) requires the Select Committee to render an advisory opinion in writing within a reasonable amount of time in response to a written request by a Senator or officer of the Senate or a candidate for the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Select Committee's jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion. The Select Committee is not required to give advisory opinions in response to hypothetical situations or with respect to factual situations pertinent to someone other than the person requesting the advisory opinion. Therefore, a candidate cannot ask an advisory opinion about the conduct of an opponent. However, this provision does require the Select Committee to give advisory opinions where a Senator, candidate or officer of the Senate is faced with a specific factual situation and that person wants advice on how the Code of Conduct would apply to their proposed conduct.

Subsection (e)(4) authorizes the Select Committee in its discretion to render an advisory opinion in response to a written request by an employee of the Senate. The requirements with respect to when an advisory opinion may be issued are identical to those in subsection (e)(3) above except that when an employee requests an advisory opinion it is within the discretion of the Select Committee whether it renders an advisory opinion. The Committee may decide not to render an advisory opinion in a situation where the Committee feels that an existing interpretive ruling gives sufficient guidance or, for some other reason, the Committee feels an advisory opinion should not be rendered.

Subsection (e)(5) states that, notwithstanding any provisions of the Senate Code of Official Conduct or a rule or regulation of the Senate, any person who relies upon the provisions or findings of an advisory opinion issued in accordance with the provisions of paragraphs (3) and (4) above and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate. Once an advisory opinion is issued, a person meeting the requirements of subsection (e)(5) described below may rely on that opinion. If at a later time the Select Committee determines to change its policy, it may rescind an advisory opinion or revise the advisory opinion or supercede the advisory opinion by an interpretive ruling or regulation, but those who relied on the advisory opinion before the change in the Committee's policy is made public may still rely on the advisory opinion.

Subsection (e)(6) states that any advisory opinion rendered by the Select Committee under paragraphs (3) and (4) described above may be relied upon by any person involved in the specific transaction or activity with respect to which the advisory opinion is rendered; provided, however, that the request for the advisory opinion included a complete and accurate statement of the specific factual situation. Thus, if the person failed to provide the Select Committee with all the relevant facts, and the facts omitted would have changed the position taken by the Select Committee in the advisory opinion, then the person may not rely on the advisory opinion.

In addition, any person involved in a specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which an advisory opinion was rendered for another can rely on that advisory opinion. So, for example, if one individual asks for an advisory opinion as to whether a ticket to a testimonial dinner is a gift, another person invited to that same dinner may rely on the advisory opinion even though the advisory opinion was not requested by him or issued for his direct benefit. The same rule applies with respect to someone invited to another dinner where the material aspects of the occasion are indistinguishable from those of the original testimonial dinner with respect to which the advisory opinion was issued.

Subsection (e)(7) states that an advisory opinion issued in response to a request under paragraphs (3) or (4) of subsection (e) must be printed in the Congressional Record with appropriate deletions to assure the privacy of the individual concerned. Thus, a full description of the factual situation involved, without reference to the name of any individual or other details which would identify the individual, would be made public. The Select Committee is also required, to the extent practicable, before rendering an advisory opinion, to provide any interested party with an opportunity to transmit written comments to the Select Committee with respect to a request for an advisory opinion. Some advisory opinions will have a significant impact on the way the Code of Official Conduct is interpreted and administered. Also an advisory opinion issued to one person may have very different and significant impacts on other people faced with similar but distinguishable problems. Therefore, whenever it is possible, the Select Committee should give public notice of the request for a significant advisory opinion and permit written comments on the request prior to issuing an advisory opinion. Finally, this subsection requires that the advisory opinions issued by the Select Committee be compiled, indexed, reproduced and made available on a periodic basis. It is the intention of the Committee that there be one pamphlet, notebook or publication which Senators and officers and employees of the Senate can turn to to find all the advisory opinions applicable to a given provision or rule of the Code of Official Conduct in one location.

TITLE III—MISCELLANEOUS; EFFECTIVE DATES

Except for technical changes, and except for the changes specifically referred to below, Title III of the amendment is identical to Title III of S. Res. 110 as reported. (In the report, see pages 61–64.)

Section 301 of the amendment directs the Committees on Rules and Appropriations to report legislation to adjust the amounts and permissible uses of Senatorial allowances so that such allowances will be adequate to defray the necessary and appropriate expenses incurred in connection with the operation of a Member's office. Such legislation must be reported to the Senate within one hundred and twenty days.

The amendment strengthens somewhat the language of S. Res. 110 as reported with regard to this matter. The sponsors believe that neither the amounts nor the permissible uses of Senatorial allowances are sufficient at the present time. With the abolition of unofficial office accounts provided in proposed Rule XLVI, the sponsors believe that appropriate adjustments are necessary, although the nature and amounts of such adjustments should be left to the Rules and Appropriations Committees to determine, in the form of proposals to the Senate.

Section 307 of the amendment directs the Rules Committee to study laws relating to contributions solicited from or made by officers or employees of the Senate, and to report the results of their study, together with their recommendations, to the Senate within one hundred and eighty days. This new section was added to replace paragraph 2 of Rule XLIX as it appeared in S. Res. 110 as reported. That provision sought to prohibit Senators from soliciting political contributions from their employees and to prohibit employees from making political contributions to Senators who are their supervisors. The sponsors have deleted those provisions because of possible conflict with sections 602 and 607 of Title 18 of the United States Code. It is possible to construe those sections to prohibit Senators from soliciting political contributions from any government employees and to prohibit Senate employees from making contributions to any Senator or Representative. The sponsors were concerned that the more narrow prohibitions contained in S. Res. 110 as reported might be read to encourage violations of existing criminal statutes. The sponsors believe, however, that sections 602 and 607 may be unnecessarily broad, and note that there appears to have been little, if any, enforcement of these provisions. Therefore, section 307 directs the Committee on Rules and Administration to review these and other related statutes and report recommendations to the Senate within one hundred and eighty days. The sponsors believe that Senate employees should be free from coercion or the appearance or threat of coercion with regard to making political contributions to their employers. Nevertheless, the sponsors do not believe that provisions to prevent such coercion should be so broad as to restrict unnecessarily the political rights of Senate employees.

Section 308 of the amendment directs the Rules Committee to report proposals to prohibit the misuse of official staff by holders of public office in campaigns for nomination for election, or election, to Federal office. Such proposals must be reported to the Senate within one hundred and eighty days. This section was added to replace parargaph 3 of Rule XLIX as it appeared in S. Res. 110 as reported.

That provision sought to prohibit Senate employees from engaging substantially in campaign activities. The sponsors have deleted that provision for three reasons:

1. *Concern over the effectiveness of the proposed language.* The Special Committee had little time to review this area, and the problem of drafting a rule in this area was formidable. There might be, for example, considerable difficulty in distinguishing between "Substantial campaign activity" which was prohibited in the provision, on the one hand, and "political activity related to official duties" which was permitted, on the other.

2. *Concern over the politicization of the Select Committee on Ethics.* Especially given the perceived vagueness of the language, the Select Committee might have been confronted with numerous complaints alleging violations of the rule in the period immediately before an election. The sponsors were concerned that the Select Committee might not be the best forum for resolving disputes between incumbents and challengers in the heat of a campaign.

3. *Concern over the narrow applicability of the provisions.* The practice of public officials using their staffs for campaign activities is not restricted to Members of the Senate. The sponsors believe that this problem should be addressed in a more comprehensive manner than was attempted in the resolution. The problem may be handled more effectively in the context of possible amendments to the Federal Election Campaign Act.

Deletion of these provisions should in no way be construed as representing a retreat from the sentiment expressed in the report accompanying S. Res. 110 "that the advantages of incumbency not be abused." Therefore, Section 308 of the amendment directs the Rules Committee to report proposals to the Senate, within one hundred and eighty days, to prohibit the misuse of official staff by holders of public office in campaigns for election to Federal office.

Subsection (a) of Section 309 directs the Committee on Governmental Affairs to conduct a study of the subject of handling employment discrimination complaints. Were proposed Rule L to take effect immediately, (its effective date is delayed to January 3, 1979), enforcement of this provision, for lack of any other procedure, would fall to the Select Committee on Ethics. The sponsors do not believe that it would be in the best interest either of the Senate or its employees for a committee of six Senators charged with the responsibility of enforcing all the other provisions of the proposed Code of Official Conduct to be responsible for handling such discrimination complaints. Therefore, this provision directs the Governmental Affairs Committee to consider alternative means for handling employment discrimination complaints.

Subparagraph (b) provides that the Committee shall report the results of their study and their recommendations to the Senate within one hundred and eighty days.

Subsection (c) provides that the recommendations of the Governmental Affairs Committee will be referred to the appropriate committee (that is the committee with jurisdiction over whatever recommendations the Governmental Affairs Committee makes), for a period not to exceed 60 days. If the appropriate committee did not act on the recommendations, that committee would be discharged of its responsibilities with regard to the matter and the recommendations would come before the full Senate at the end of the 60-day period.

Section 310 of the amendment, relating to effective dates, is identical to Section 307 of S. Res. 110 as reported, with the following two exceptions:

(1) In new subsection (h), the effective date of Rule L is set at January 3, 1979, in order that the subject of handling of employment discrimination complaints may be studied in the interim period; and

(2) Subsection (i) (formerly subsection 307(h)) which delays the effective date of many of the enforcement provisions for thirty days, does not contain any reference to section 206, relating to the issuance of regulations, interpretative rulings, and advisory opinions by the Select Committee on Ethics. Section 206 would, therefore, take effect immediately so that the Select Committee would be in a position to provide guidance on those provisions of the Code of Official Conduct which likewise take effect immediately.

Mr. MUSKIE. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. NELSON. I yield to the Senator

from Maine without losing my right to the floor.

Mr. MUSKIE. Mr. President, I ask unanimous consent that Madeleine Albright and Charles Micoleau of my staff and Robert Rackleff and Al From of Governmental Affairs be permitted access to the Senate floor during consideration of Senate Resolution 110.

The PRESIDING OFFICER (Mr. SARBANES). Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I send five amendment to the desk for printing.

Mr. NELSON. This might be an appropriate time to inquire whether any of the Senators on the floor have any amendments that they wish to call up and vote on today or an amendment they wish to lay down today before we conclude the session.

The Senator from Maine?

Mr. MUSKIE. May I put a question to the distinguished Senator? As the Senator knows, I have some amendments, one or two of which are controversial and will require some discussion. I am reluctant to call them up and have the time start running on the amendments, because we are limited to 2 hours, which means 1 hour to make the case for amendments that obviously will take a lot more time. Is there a possibility that we might begin discussing the amendments before they are called up and maybe exhaust some of the questions and discussion before I call up the amendment and begin time running on them? Would the Senator like to discuss that in private?

Mr. NELSON. I would think so.

I do not know what the five amendments are. I am assuming that there will be an amendment by the Senator from Maine respecting the earned income limitation. Is that one of the Senator's amendments?

Mr. MUSKIE. As a matter of fact, four of them deal with that in different forms. I may not call them all up.

There are two basic thrusts, I say to the Senator. I have no objection to making this clear for the record. The first amendment would apply the 15-percent limitation on all income across the board. I have three forms of that amendment to try to anticipate some of the objections that might be offered and that I might be able to respond to in different form. It may well be that I will call up only one of those three, or I might see fit to debate the three.

The second amendment is the one that will apply the disclosure discipline across the board——

Mr. NELSON. The disclosure what?

Mr. MUSKIE. The disclosure discipline across the board to all incomes, leaving the present limits in the law. Those are the two basic amendments.

The third amendment is an interesting one that I shall send the Senator a copy of in due course. I think he might find it amusing. In any case——

Mr. NELSON. I would like to hear something amusing. Would the Senator like to describe it now?

Mr. MUSKIE. I do not think I ought to interrupt the Senator's description of a serious subject at this point. I shall be glad to call attention to it later.

Mr. NELSON. May I say to the Senator from Maine that I know that other Members intend to propose important and serious amendments. I believe there is an intent by one or more Members to offer a substitute at some stage which would simply provide for disclosure and eliminate all other aspects of the bill. It was my understanding that the Senator from Maine intended to offer amendments respecting the earned-income limitation. I would like to say to the Senator that I am perfectly happy for time to be granted off the bill to let us begin the discussion, or, if the amendment were laid down, to take time from the bill. But let me say, it is my expectation that, however we handle that, we shall not vote on the major question of earned income or variations of it until Monday or Tuesday or sometime next week.

We have many issues to take care of but, obviously, I consider that a major issue.

I think the Members ought to have a chance to look at the Senator's proposals. So it would be my wish that we not vote until next week on income limitation amendments.

Is that any problem for the Senator from Maine?

Mr. MUSKIE. Not at all. It could give us each time to mobilize some votes.

But does the Senator know what the schedule is for tomorrow, are we coming in?

Mr. NELSON. I believe we are coming in at 12 noon tomorrow.

Mr. MUSKIE. I suggest to the Senator that perhaps tomorrow afternoon we might engage in a discussion of the principles of my amendments so that Senators who are interested might have the benefit of the RECORD over the weekend of what we have to say, and that dialog might continue the first of the week.

As far as a day for voting, any time next week is fine for me.

Mr. NELSON. I do not know how long we will be in or what other amendments Senators might want to make up. But I am in general agreement with what the Senator says.

The majority leader may not have granted me control of the time, so I do not wish to say what time would be given on the resolution until I check it.

But it is the intent of the leader, I believe, as well as my intent, that on any major amendment, time from the bill can be added to our time limitation on the amendment.

Mr. MUSKIE. That is fine.

Why do I not check with the Senator some time before tomorrow and tentatively see if we can get together in a discussion on the floor that would give us each a chance to bounce off each other our arguments and exceptions?

Mr. NELSON. And those five amendments will be printed by tomorrow, so they will be available.

Are they brief amendments?

Mr. MUSKIE. One is about three pages, the other two are each one page.

Mr. NELSON. If they are brief, would it not be helpful to print them in the RECORD?

Mr. MUSKIE. Yes.

Mr. President, I ask unanimous consent that the amendments be printed at this point in the RECORD.

Mr. DURKIN. Reserving the right to object, Mr. President.

The PRESIDING OFFICER (Mr. SARBANES). Objection is heard.

Mr. DURKIN. Merely a question.

There has been no agreement with respect to what time the Senator's amendment would be brought up, or any amendment will be brought up?

Mr. MUSKIE. Not at all.

What we are talking about is maybe discussing my amendment tomorrow. In an agreement, we would not be voting on my amendment this week, but, rather, some day early next week, along with other major amendments.

So that there is no agreement at this point and we are not in a position to arrive at an agreement until we have consulted with the majority leader.

Mr. DURKIN. Fine. I have no objection to that end.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Without objection, it is so ordered.

(Mr. MUSKIE's amendments are printed in today's RECORD under Amendments Submitted for Printing.)

Mr. MUSKIE. I thank my good friend.

Mr. DURKIN. I thank the Senator from Wisconsin.

Mr. President, in an effort to facilitate matters as the floor manager suggested, that any amendments that may be lurking about be offered today so they can be printed, I have six technical amendments that the distinguished floor manager may be willing to accept.

Mr. NELSON. Are they as technical as the ones we had previously?

Mr. DURKIN. About 50 percent.

Does the Senator want me to give a brief description of the amendments as I offer them?

Mr. NELSON. No, but the Senator is free to do so if he wishes.

Mr. DURKIN. The first amendment would strike the family business exception.

The second amendment would strike the family bsuiness exception, except for a family-owned farm of no more than 10 employees.

The third amendment would, on page 28, line 1, strike the word "principal" and make it unethical for a Senator to introduce and take a position on legislation that the purpose would be to benefit interests of his.

The fourth amendment would be to impose upon the Senators, impose upon the U.S. Senate, the same conflict-of-interest requirements as are imposed upon Federal judges, namely, that they could not vote if they had a stock interest, or they could not vote if they had a substantial benefit, or allies and associates had substantial benefit.

It applies the same conflict of interest to Senators as required of our Federal bench.

The fifth amendment would require that all Members of the Senate make public an assets-and-liabilities statement and turn over full copies of tax returns as part of the disclosures.

The sixth amendment would enable the newsletters, and so forth, the franked mail, to be sent out either by individual addresses, as is now the practice, or, in the alternative, a newsletter could be sent out as the House Members do, to the occupant or the boxholder.

Mr. NELSON. I thank the Senator from New Hampshire.

Mr. DURKIN. Mr. President, I ask unanimous consent that the amendments be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Mr. DURKIN's amendments are printed in today's RECORD under Amendments Submitted for Printing.)

Mr. DURKIN. Mr. President, the confidence of the American public in Congress remains at a low ebb. Congress is attempting to restore and reshape its image by pledging the adoption of a tough new code of ethics. As written, however, our new code of ethics is weakest where it should be strongest. We have pledged to the Nation that we will eliminate all real and potential conflicts of interest. Yet the proposed code of ethics fails to include any direct, clear, prohibition of voting on the interests of a Member's financial involvements.

When the ethics resolution is brought to the floor, I will submit five amendments which are intended to resolve this void by stressing that, ethically, Members of the Senate should not vote on any matter where he has a direct financial interest or any other interest that could be substantially affected by the outcome of the vote. Members of the Senate must be made to vote the interests of the people and not the interests of his financial portfolio.

The code of ethics, as presently written, contains a limitation on outside income but excludes from that restriction the dividend income received from stocks or other investments and income from family enterprises if the services provided are not a material income producing factor. In order to close some obvious loopholes, I intend to introduce the following amendments:

My first amendment will emphasize that no Senator should vote, either in committee or on the floor, where he or his immediate family has a direct financial interest or any other interest that could be substantially affected by the outcome of the vote. Financial interest is defined to mean ownership of a legal or equitable interest, no matter how small. Excluded from the term financial interest is ownership in a mutual or common investment fund that holds securities, office in an educational, religious, charitable, fraternal, or civil organization, and ownership of Government securities. The Congress has emphasized its agreement with these restrictions by imposing them as qualifications for Federal judges of the United States.

My second amendment will delete the word "principal" from paragraph 4 of rule 25. As presently written, a Senator is prohibited from using his official position "to introduce or aid the progress or passage of legislation" when a principal purpose is to further only his pecuniary interest or the pecuniary interest of his immediate family, or the pecuniary interest of a limited class of persons or enterprises.

The report language makes it clear that a Senator can sponsor or urge the passage of legislation even though it has a "significant financial effect" on his personal holdings. This is wrong. No person should be allowed to aid the passage or progress of legislation when that legislation will have a significant personal financial impact. Accordingly, my amendment would prohibit a Senator from aiding the progress of any legislation when in doing so one of his purposes is only the furtherance of his or his family's financial interest.

My third amendment would close another loophole—the family enterprise. If Congress seeks to end potential conflict of interest created by outside-earned income, then the door should be firmly shut. By allowing an exception for the family enterprise, Members and employees are still allowed to devote their time and energy to outside pursuits. We have said that serving in Congress is a full-time job. There should be no exceptions to this rule. Accordingly, my amendment would subject income received from the family enterprise to the 15-percent limitation.

I will also offer two other additional amendments. One would require each reporting individual to file with his disclosure statement a copy of his or her tax return filed with the Internal Revenue Service for the preceding tax year and a copy of a net worth financial statement setting forth the current fair market value of each asset and liability owned or owed by the reporting individual. The second amendment would allow the Senators, pending the recommendations of the Governmental Affairs Committee, to mail franked mail with a postal patron form of address.

If we are to restore the confidence of the American people in the institutions of government, we must exhibit ourselves as guiding moral forces. We must take concrete steps to eliminate even the appearance of a potential conflict of interest. But how is faith to be restored when the American public learns that a Senator with personal financial interest in Exxon, Gulf, Mobil, or Standard Oil votes against oil divestiture? Failure to restrict the ability of Members to vote on matters where they have a direct or substantial interest will result in the Senate's new Code of Ethics being viewed by the people of the Nation as simply another unfulfilled promise. And our governing institutions cannot continue to function effectively without faith and support of its people.

Mr. ROTH. Mr. President, will the Senator yield for a unanimous consent?

Mr. NELSON. I yield to the Senator without losing my right to the floor.

Mr. ROTH. I ask unanimous consent that Ted Farfaglia and Charles Morrison be granted privilege of the floor during the debate and voting on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Is there any Member who wishes to call up any amendments this afternoon?

I am asking for my information as well as that of the Members.

Is there any Member who wishes to lay an amendment before the Senate for action tomorrow?

Mr. STEVENSON. Mr. President, I have an amendment which I could offer at any time.

I would like, if it were possible, to have just a few minutes in which to make a statement this afternoon.

Mr. NELSON. Mr. President, may I say to the Senator from Illinois that Senator THURMOND, who is cochairman of the special committee, has a statement he wishes to make. I will yield the floor, so that Senator THURMOND can present his statement. There are some other Members who wish to make statements. Thereafter, we could take up the amendment of the Senator from Illinois.

I yield the floor.

Mr. THURMOND. Mr. President, I supported Senate Resolution 110 in committee, and intend to do so on the floor.

The resolution contains some excellent provisions. I have reservations about the wisdom and practicality of others, but, on the whole, the thrust is good, and I support the purpose for which it is designed.

Fashioning a balanced, realistic code has been a difficult task. Some of the provisions we adopted in committee will not be popular. The product of our committee work will be pleasing to some, and displeasing to others.

We cannot afford, however, to view standards of conduct simply as they affect each of us personally. More importantly, we should debate the proposed code with the public interest as our paramount consideration. If the code is fair and strong, it will endure longer than the service of any individual Senator, and thus, the debate we are about to begin can serve to strengthen and clarify the standards we and our successors will be called upon to meet.

Without question, Mr. President, these standards are stringent, but I do not hesitate to apply stringent ethical standards to Congress nor to accept them personally.

It is our solemn duty to set an example for honesty and integrity in our Nation. If the Congress, the President, and the judiciary do not bear this responsibility, then, our national leadership will cease to be a leadership based on institutional trust and respect.

Mr. President, under the concept of the public trust, we are expected to hold a fiduciary position in regard to our constituency and thereby to maintain higher standards of official and personal conduct than most individuals.

John C. Calhoun, who was from my home State of South Carolina, one of the great Senators to serve this body, ably defined this aspect of the public trust in an 1835 speech when he wrote:

. . . the very essence of free government consists in considering offices as public trusts, bestowed for the good of the Country and not for the benefit of an individual or party.

Mr. President, it is in this spirit that I support the proposed code.

Mr. President, I shall now briefly review the most important provisions contained in the resolution. The resolution amends the Standing Rules of the Senate by rules 41, 42, 43, and 44, and replacing them with strict rules which lend themselves toward effective enforcement and assure public accountability.

Proposed rule 42 will provide for full, complete, public financial disclosure by Senators, officers, and employees of the Senate who earn in excess of $25,000 per year.

Second, proposed rule 43 will prohibit one from knowingly accepting a gift or gifts having an aggregated value of over $100 during a year from any individual or oranization having a "direct interest in legislation."

Third, proposed rule 44 will impose on Senators, officers, and employees of the Senate earning over $35,000, a 15-percent limitation—based on their salaries—on outside earned income. This is a controversial provision, but I stand firmly for it.

Fourth, proposed rule 45 will prohibit a Senator, officer, or employee earning over $25,000 from practicing a profession for compensation. This is another controversial provision, but greatly strengthens the code.

Fifth, proposed rule 46 will prohibit the so-called unofficial office accounts.

Sixth, proposed rule 47 will limit so-called "lame-duck" travel and will prohibit the practice of "double-dipping," where one may be reimbursed twice for the same expense.

Seventh, proposed rule 48 will place restrictions on the use of the frank and the radio-TV studios.

Eighth, proposed rule 49 will provide that no officer or employee of the Senate may solicit, receive, have custody of, or distribute funds in connection with a political campaign except for one assistant in the Washington office and one assistant in the home office. In any event, solicitation of funds is barred for both individuals.

Ninth, proposed rule 50 will provide that no Member, officer, or employee shall engage in discriminatory employment practices. Rule 50 will take effect January 3, 1979. and in the meantime, the Governmental Affairs Committee will study how to handle employment discrimination complaints.

Title II of the resolution provides for a strong procedural mechanism for enforcement of the code.

Title III of the resolution lists a number of studies recommended by the committee and the effective dates of the various rules.

Mr. President, I believe the code recommended by the committee is a strong, viable one which sets standards for which the most ethical, conscientious men can aspire.

Certain provisions are less well-refined than others, and I am sure amendments will be offered and suggestions will be made in colloquies on the floor.

I shall support any amendment which makes the code more practical and workable, but I shall oppose any amendment designed to weaken the thrust of it.

Finally, Mr. President, as vice chairman of the Special Committee on Official Conduct, I want to state that the resolution is a bipartisan effort. The original resolution mandating our committee effort was jointly introduced by the Democratic and Republican leaders, and the substantive resolution was reported unanimously by Democrats and Republicans alike on the committee. I urge my colleagues to debate the resolution in this bipartisan spirit, and, to paraphrase John C. Calhoun, in the interest of the country, not in the interest of the individual or political party.

In closing, Mr. President, I express my sincere appreciation to the chairman of the committee, the distinguished Senator from Wisconsin (Mr. NELSON), for the capable manner in which he conducted hearings and his zeal and interest in reporting a fair and just measure to the Senate for its consideration.

I also commend the various members of the staff who served without compensation. Some are on the regular payroll of the Senate, and they helped and were of tremendous benefit in this matter.

The PRESIDING OFFICER (Mr. SARBANES). Who yields time?

Mr. THURMOND. Mr. President, I am not sure it has been mentioned for the record as to who the members of this committee are.

I ask unanimous consent that the membership of the Special Committee on Official Conduct and the staff members who assisted them be printed in the RECORD following my remarks.

There being no objection, the Members and staff were ordered to be printed in the RECORD, as follows:

SPECIAL COMMITTEE ON OFFICIAL CONDUCT

Gaylord Nelson, Wisconsin, Chairman.
Strom Thurmond, South Carolina, Co-chairman.
Abraham Ribicoff, Connecticut.
Daniel K. Inouye, Hawaii.
Thomas F. Eagleton, Missouri.
Sam Nunn, Georgia.
Dick Clark, Iowa.
John Glenn, Ohio.
John Melcher, Montana.
Jacob K. Javits, New York.
Robert P. Griffin, Michigan.
Bob Packwood, Oregon.
Robert T. Stafford, Vermont.
Paul Laxalt, Nevada.
John H. Chafee, Rhode Island.
Ira S. Shapiro, Chief Counsel and Staff Director.
John Napier, Chief Counsel to the Minority
David R. Schaefer, Deputy Chief Counsel.
Andrew W. Loewi, Counsel.
D. Eric Hultman, Counsel.
Charles Warren, Counsel.
Brian Conboy, Counsel.
Mildred Lehmann, Staff Consultant.

Mr. THURMOND. Mr. President, does anyone care to speak at this time? If not, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, the Senator from Iowa (Mr. CLARK) wishes to make some remarks on the resolution.

I understood that Senator BROOKE wanted to make some remarks. When remarks on the resolution in general are concluded, then Senator STEVENSON wishes to offer an amendment.

Mr. STEVENSON. Mr. President, I do not have any present intention to offer an amendment this evening. The amendment to which I alluded earlier is one I believe the Senator from Wisconsin is interested in also. I am not sure who will offer that amendment, but what I would like to do, as I mentioned earlier, is just to make a few remarks about this resolution.

Mr. NELSON. I thought the Senator earlier had said he had an amendment.

Mr. STEVENSON. The Senator is correct. I do have an amendment, but I am not sure who is going to offer it. It might be the Senator from Wisconsin. I have no intention of laying that amendment down unless the Senator from Wisconsin would like me to do so, in which case I would be happy to.

Mr. NELSON. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. I yield time on the bill to the Senator from Illinois.

Mr. STEVENSON. Mr. President, I thank the Senator for yielding, and I associate myself with the words earlier of the distinguished majority leader and, in particular, his commendations of Senator NELSON and all the members of his committee for their prodigious labor under severe time constraints and for the Senator's and committee's effective response to the Senate's mandate.

The draft resolution of the committee has been a moving target, changing daily to conform to new insights and suggestions. But in Senate Resolution 110, as amended by the substitute, the target has largely, but not entirely, come to rest.

As chairman of the Senate Ethics Committee, I and other members of that committee have been part of the process which produced Senate Resolution 110. We recognize that we will have a responsibility to enforce not only the vague but long-accepted concepts of appropriate conduct in this body, but also the specific Code of Official Conduct set forth in Senate Resolution 110. The rules of conduct there stated must be feasible and capable of enforcement. The procedures for enforcement must make effective enforcement possible.

We intend, after all, that the Code of Official Conduct be fairly and effectively enforced. I do not welcome that responsibility, but I do not shrink from it. All of us recognize that a spurious complaint or a minor transgression unfairly pursued can destroy the public career of an honorable man. But let us also recognize that if we gloss over abuses of the public trust through an instinctive urge to protect our own, we demean the deliberative body in which we serve. We make more difficult the task of shaping policy for the Nation. Why, after all, should the public trust our judgment on

the issues facing us as a people if it has reason to distrust our response to matters of personal ethics and conduct?

Senate Resolution 110 is not a perfect document. There could be no expectation of perfection. There is no perfection. There is no way to legislate morality or close off every means by which the ingenuity of man can evade the purpose of the most carefully drawn law. No code of conduct for the Senate will materially alter the conduct of men who are honorable.

I am troubled by the emphasis on prohibitions and restrictions. There remains unresolved for me the question whether full disclosure to the public is not the most appropriate restraint in an open democracy where the people choose. A restraint appropriate to the circumstances of one Member may be unreasonable in the circumstanes of another.

Objective standards can be the refuge of the creative scoundrel. But we made a compact with the public some weeks back, and we cannot act in a manner which violates that compact. Our purpose is not to alter conduct already honorable; it is to give the public confidence in our conduct. So I do not question the concept of prohibitions and restraints; I do question the wisdom and feasibility of some of them.

I question whether prohibiting a physician from practicing his profession at all, when there is a ceiling on outside earned income of slightly over $8,000, has any justification. A physician who does not practice will soon be no physician at all. Inherent in that prohibition is a concept of full-time political professionalism repugnant to the notion that citizens can serve in their legislatures and then return to private life.

Some of the concepts in Senate Resolution 110 will be difficult to implement in practice. Particularly troublesome are the prohibitions against earned income. I may be faced with deciding whether to reroof my house or my barn. If I decide to put a new roof on my barn—it is a managerial decision. It is an innocent decision which may depend upon which roof leaks the most. But if I chose to roof the barn, am I then rendering a material income-producing service? What if I prefer, as I do, to spend a summer Saturday getting the hay in instead of playing golf? Does that make me any less a full-time Senator? Or more susceptible to the influence of a conflicting economic interest? Must I be censured or give up my home and farm to serve in the Senate?

Despite such reservations, I support Senate Resolution 110. I believe in disclosure. It is an invasion of privacy. But it is an invasion of privacy which we and senior staff, influencing national policy, implicitly accept. We ask the public to learn about us and to trust us. Each of us becomes a living, breathing prospectus—and that means disclosure of all information which can reasonably be expected to be relevant to the public's judgment. Senate Resolution 110 mandates that disclosure, and it does so in a manner which can be accomplished without undue difficulty.

The enforcement provisions were at first a source of concern. The substitute meets my objectives. It requires the Ethics Committee to act when there may be serious abuses of the public trust. It gives the Ethics Committee considerable latitude in minor matters. It provides a structure but not a straitjacket.

The process of drafting Senate Resolution 110 has required Members to take a hard look at certain practices. Some of these have been referred to other committees, quite properly, for further study. Others, such as unofficial office accounts, have been abolished. And still others, such as the use of political funds for official expenses, have undergone a transformation during discussion.

I spoke in the beginning of Senate Resolution 110 as a moving target, not yet entirely at rest. One amendment will be offered with which I wholeheartedly concur. That amendment would prohibit the use of political funds for expenses related to official duties. Its corollary is an adequate allowance for official expenses. Like most things touching upon a representative, and therefore political, body, the problems are more complex than observers believe. It is time, however, that political funds no longer be used for public expenses, and that a wall be erected between funds for use as a Senator and funds for use as a political figure.

Finally, we should recognize that the Code of Official Conduct is not written in stone. It is a bold, and I believe necessary, experiment. It is imperfect. And it is capable of change. One of the responsibilities of the Senate Ethics Committee is to recommend changes. Ongoing experience will require changes. Some standards or disclosure requirements may be incomplete, impractical, or unfair. I am confident that the Ethics Committee will not shrink from recommending the changes that experience requires.

What we are seeking, after all, is not a passing exercise in self-righteousness or a trap for the unwary. We seek to articulate public standards of conduct which have been inarticulated for too long and then insist upon adherence to them, as we have not in the past. So I commend to the Members Senate Resolution 110, as amended—and as a brave beginning.

The PRESIDING OFFICER. Who yields time.

Mr. ALLEN. Mr. President, will the Senator yield me 7 minutes?

Mr. NELSON. I yield to the Senator from Alabama whatever time he may need.

Mr. ALLEN. I thank the distinguished Senator.

Mr. President, I support Senate Resolution 110 and particularly the amendment in the nature of a substitute, amendment No. 65 by Mr. NELSON and others.

Mr. President, I think it is a sad commentary on the state of affairs in Congress that it is even necessary to have a code of ethics. I feel that the Members of the House of Representatives and the Senate, elected by the people to represent them in the Halls of Congress, should be of such high type and should be so conscientious and dedicated that they would voluntarily follow the highest possible concepts of service and actions both officially and unofficially. But we know, Mr. President, that this lofty concept is not realistic and it is necessary to establish a strong code of ethics.

Mr. President, I do not subscribe to the view that because a salary increase was given to Members of Congress that, therefore, quid pro quo we need to adopt a code of ethics. I believe we need a code of ethics irrespective of whatever action was taken on the pay increase.

I opposed the pay increase. I felt that in this time of unemployment, high prices, and inflation, now is not the time to greatly increase the salaries of the Members of Congress. But I do not believe it ought to be put on any basis that the salary was raised, therefore, we have to establish a code of ethics.

The code of ethics apparently is needed irrespective of the action by Congress on the pay increase. So I favor this resolution.

There are a number of items or one or two items that I wish to see changed possibly. But I have tried since coming to the Senate to conform in general to the principles set forth in Senate Resolution 110.

I wish to see a complete ban on outside earned income, but I realize that is not practical and that what we are going to have to do is to retain the 15-percent limit. I think if we hold that that will be good. But my personal preference is to have a complete ban on outside earned income.

My own policy, since I have been in political life, has been not to accept any honoraria or expense money of any sort. During all of my service both in Alabama State government and in the U.S. Senate, I have never accepted an honorarium from anyone at any time for any purpose, and that is going to continue to be my policy.

Ever since I have been in the Senate I have each year filed a full and complete disclosure, even in greater detail than is required by Senate Resolution 110, of my assets, such as they are, liabilities, and income.

So this Senate Resolution 110 as sought to be amended by amendment No. 65 in my judgment is in the public interest, and I plan to give my full support to the resolution.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CLARK. Mr. President, will the Senator yield 10 minutes?

Mr. NELSON. I yield 10 minutes from the bill to the Senator from Iowa.

Mr. CLARK. I thank the Senator.

Mr. President, we are about to begin what undoubtedly will be a very difficult and heated debate on the proposed Senate Code of Official Conduct. As a member of the special committee that drafted the code, I know firsthand that many of our colleagues find some of its provisions to be punitive, picayune, overly broad, or entirely unnecessary.

And from a certain perspective, Mr. President, they may be right.

I have had the privilege of serving in the Senate for a little more than 4 years, but it has not taken me that long to realize that the levels of integrity, honesty, diligence, and dedication to public service in this body are among the highest of any institution in the land.

But there have been cases, as there are in any profession, where these high levels have not been maintained, and each such case has served to further erode the already declining confidence of the public in the Senate and in Government as a whole.

To a certain extent, it is true that the code we have proposed will limit our income, invade our privacy, and restrict our actions. But it is time that our high level of performance was matched by a high set of standards, standards our people will know are being adhered to and enforced.

That is what we propose to accomplish in Senate Resolution 110 under the able leadership of Senator GAYLORD NELSON—and using as a starting point the recommendations of the Obey Commission, which recently passed the House by an overwhelming margin—we have set forth what we believe are the essential elements of a strong code of conduct:

Strict public financial disclosure;

A ban on expensive gifts from lobbyists;

A limitation on outside earned income;

Elimination of unofficial office accounts—or, as they have often been called, "slush funds";

An end to foreign travel by lame duck Members;

Safeguards against abuse of the franking privilege;

Restrictions on political fund-raising activity by Senate staff; and

A bar to discrimination in employment practices.

But we did not stop there, because a code of conduct would have little meaning without a credible and effective mechanism to guarantee that its standards are maintained. Working from the outstanding proposals developed by the Senator from Massachusetts (Mr. BROOKE), and with considerable assistance from Senators STEVENSON and SCHMITT, chairman and ranking minority member, respectively, of the Select Committee on Ethics, the committee has constructed an enforcement procedure in which the Senate—and the public—can have real confidence.

Those are the essential elements of the resolution now before us. Perhaps it would be worthwhile to take a moment to recall why the Senate is faced, at this particular time, with a proposed code of official conduct. What were the events that brought us to this debate?

Late last year, the Peterson Commission on Executive, Judicial, and Legislative Salaries proposed a substantial pay raise for high-level Government officials—so long as it was accompanied by a tough code of conduct. The majority leader has just spoken of this.

President Ford supported the Commission's proposals and included the pay raise in his budget request—again, with a concurrent request for a tough code of conduct.

President Carter endorsed President Ford's request—for a pay raise, and for a tough code of conduct.

Last month, the Senate and House approved a very substantial salary increase for ourselves and other high-level officials.

The House, to its credit, then passed, by a vote of 402 to 22, a code of conduct that is nearly identical in its major provisions to the proposal now before us.

So the choices we face today are simple, and the consequences of our actions easy to foresee. Public confidence in Government— and in the Congress, in particular—could hardly be lower.

Every public opinion poll tells the same story. Adopting this code of conduct will not by itself restore people's confidence in the Senate. But it will help, and help is desperately needed.

On the other hand, we can weaken this proposal, whittle it down to where it is nothing but a hollow shell. And if we do, we will further weaken our own credibility, and the credibility of this institution.

Mr. President, no matter what the polls show, I believe our people can be proud of the Senate of the United States. In this proposal, we have a chance to show them why they can be proud.

Let me add, Mr. President, the Special Committee on Official Conduct was formed only a few short weeks ago. Its job, by anyone's estimation, was a very difficult one. But that job has been completed, and a lion's share of the credit must go to the distinguished chairman of our committee, GAYLORD NELSON. He has guided the committee with great efficiency and good humor. He has worked long hours, amidst heavy pressures, on a thankless task; and the Senate and the Nation owe GAYLORD NELSON a deep debt of gratitude.

The same can be said, with equal force, of the distinguished majority leader. Along with Senator BAKER, it was he who established the special committee; and at every turn Senator ROBERT C. BYRD has shown that he is a leading voice in the Senate for a strong code of conduct.

Others have made significant contributions as well—Senator RIBICOFF and Senator STEVENSON have been especially helpful. Several Members on the Republican side have also worked long and hard—particularly Senators THURMOND and JAVITS. The Senator from Montana (Mr. MELCHER) has spent many hours working to improve the code.

But we would be particularly remiss, I think, in failing to mention the monumental effort put forth by the staff that has assisted us from the beginning. We have had no separate committee staff; we have borrowed a handful of people from several offices, and they worked every night and every weekend for more than a month to help bring this resolution before the Senate.

Special credit must go to Ira Shapiro of Senator NELSON's office, who has served as staff director, and Dave Schaefer of the Governmental Affairs Committee. Their work on this committee truly has been exemplary.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BAKER. I yield 15 minutes to the Senator from Massachusetts.

Mr. BROOKE. Mr. President, I am very pleased and proud to support Senate Resolution 110, the proposed Senate Code of Conduct. It is an outstanding legislative document.

At the outset I want to commend and thank the distinguished chairman and cochairman of the Special Committee on Official Conduct Senators NELSON and THURMOND, and the other members of the special committee. In just 6 weeks they have drafted a comprehensive Code of Conduct and the means to enforce that Code of Conduct. We are all indebted to them for their hard work and dedication.

Strengthening the Senate's disciplinary process has long been of deep concern to me. As a member of the Senate Select Committee on Standards and Conduct for the past several years, I have been acutely aware of the need for substantial reform. Based upon my experience on that committee, I introduced on January 10 this year Senate Resolution 26, a comprehensive Ethics Committee reform package. This legislation provided for the procedural reform of the Ethics Committee, the enactment of financial disclosure provisions, and the establishment of a Senate Code of Conduct.

Thus I was pleased that the Senate acted promptly on the Code of Conduct proposal and established the Special Committee on Official Conduct. I was also pleased that the Senate Rules Committee, during the consideration of the reorganization proposal, recommended several of the procedural reforms which I had proposed in my legislative package. These reforms which were later adopted by the Senate provided that no Member say serve on the Ethics Committee for more than 6 years and that there must be a balance between veterans and younger Members.

But other reform measures contained in Senate Resolution 26 were not included in the reorganization proposal. Although Senator CLARK, who has been an effective advocate of ethics reform, and others argued eloquently on behalf of the reforms, a majority of the Senate Rules Committee agreed that the committee did not have jurisdiction. However, the Senate Rules Committee indicated in public session that it was the committee's opinion that although these matters were not in the Rules Committee mandate, they would be considered by the new Special Committee on Official Conduct.

Thus on February 2, I testified before the new Official Conduct Committee. I asked the committee to adopt the procedural reforms of Senate Resolution 26. These reforms included broadening the jurisdiction of the Ethics Committee, improving the procedures for investigation of complaints, allowing the disqualification of members in certain proceedings, and providing for additional committee staff.

At that time I emphasized the importance of restructuring and reforming the Ethics Committee itself. For without an

effective enforcement mechanism, the enactment of a code of conduct and comprehensive financial disclosure requirements will be meaningless.

I also made several recommendations which I hoped would be considered and included in the proposed Senate Code of Conduct.

First, and consistent with Justice Brandeis' insightful statement that "sunlight is the best disinfectant," I recommended strict and comprehensive financial disclosure for all Senators and employees and officers of the Senate who earn more than $25,000 per year. My own financial disclosure proposal, modeled after title III of the Watergate Reform Act which passed the Senate last year, would require the annual public disclosure of income, assets, liabilities, business transactions in securities or in commodities futures, purchase or sale of real property, patent rights, and various other financial items.

Second, I recommended that certain outside earned income be banned, including legal fees and gifts of more than $100 in a year from persons with direct interests before Congress. In addition, I recommended that there be restrictions on other outside earned income.

Third, I recommended the abolition of lame duck travel. In my judgment, it is inappropriate for Senators to travel at official expense once they can no longer participate in the legislative process. A Member would be in this category if he or she has not been reelected in November to the succeeding Congress, or once the Senate has adjourned sine-die, whichever day comes first.

Fourth, I recommended that we end unofficial office accounts.

Fifth, I recommended that we prevent the misuse of public funds regarding staff employment. Senators should employ with public funds no one who does not perform duties commensurate with his or her compensation and should utilize employees only for the official purposes for which they are employed.

And sixth, I recommended that conflict-of-interest provisions be drafted. Strict but reasonable provisions should be developed in order to eliminate—or at the very least, minimize—those conflicts that necessarily arise when the economic investment interest of a Senator falls within the scope of his public responsibility.

I am pleased that Senate Resolution 110 incorporates many of the procedural reforms and code of conduct provisions which I recommended. In addition the special committee has added a number of sound amendments and important new sections.

In title II, the enforcement section, there is a provision which authorizes the Ethics Committee to issue interpretative rulings and requires the committee to render advisory opinions to Senators, officers, or candidates upon request. This is an excellent proposal. It will greatly facilitate the implementation of the new Code of Conduct, allowing individuals to quickly obtain guidance on matters of concern to them.

In addition, the special committee, while retaining the necessary procedural reforms, has made title II more flexible. The enforcement section establishes the rules which will serve as guidelines for the Ethics Committee. But the Ethics Committee will still be, of course, responsible for promulgating procedures to implement these rules.

Some Members of the Senate have suggested that title II should not be in the Code of Conduct resolution. They argue that the consideration of an enforcement mechanism is not within the charter of the special committee and that the Senate Ethics Committee should have an opportunity to develop and report out its own rules and procedures.

I must vigorously dissent from this point of view.

First, the prompt establishment of an effective enforcement unit is absolutely essential. Without a viable and strong Ethics Committee, the successful and effective implementation of a code of conduct could be put in serious jeopardy.

Second, there has been more than enough time to consider and debate title II. These proposals have been before the Senate since January 10. Two Senate committees have heard testimony regarding them. And the special committee on official conduct in particular has spent considerable time studying and debating these proposals.

Third, several members of the Senate Ethics Committee have already studied the enforcement section. Initially these members had many reservations. But working with the special committee, they helped draft a reasonable and workable compromise.

And finally, the special committee has already recommended Senate Resolution 110 by a 15–0 vote. To delete title II now will be rightfully perceived as a major retreat by the Senate in its commitment to a strong, comprehensive and effective code of conduct.

The Senate can be rightfully proud of the code of conduct provisions contained in title I of Senate Resolution 110. While many of us could, I am sure, suggest certain modifications, title I is an excellent start for our Senate code of conduct.

In addition to the code of conduct provisions which I discussed previously, title I contains several other important rules. Included are restrictions on gifts, the franking privilege, the use of radio and television studios, and political fund activity.

I am particularly pleased that title I includes a rule which prohibits employment discrimination with respect to promotion, compensation, terms, conditions or privileges on the basis of race, color, religion, sex, national origin, or physical handicap. And I am confident that the appropriate committees will expeditiously report back to the Senate on the implementation of this necessary and important new rule.

Perhaps the most controversial section in title I is the new rule on outside earned income. This provision would limit Senators, officers, and employees making over $35,000 to outside earned income not to exceed 15 percent of their salary.

Mr. President, over the past several weeks, I have listened with interest and sympathy to those opposing this limitation. They argue that there would be a discriminatory impact on those who, by accident of birth, were not born wealthy. It is also argued that comprehensive financial disclosure is sufficient protection against financial conflicts of interest.

As attractive as some of those arguments are, I must support the committee provision. I believe that the limitation on outside earned income is consistent with the principal thrust of the legislation. We are attempting to restore the confidence of the American people in the integrity of their elected officials.

By establishing a limitation on outside earned income we are insuring that being a member of Congress is a full-time job. That is what the public expects. And that is what the public deserves.

We are also eliminating possible sources of financial impropriety. And this is particularly important when we add the factor of the recent pay raise. Of course there were a number of considerations, principally economic, which justified the pay raise. But a major consideration was that by providing reasonable and equitable salaries, while at the same time restricting or eliminating sources of outside earned income, we would be substantially reducing the possibility of financial conflicts of interests.

Mr. President, this is a sound proposal and it merits the support of the Senate.

By adopting Senate Resolution 110 the Senate will go a long way toward restoring public confidence in Congress as an institution. And as we all know this confidence has been appallingly low. Indeed, according to one national survey taken last year, only 9 percent of those polled gave Congress a favorable rating.

The causes for public disenchantment are many. But, in my judgment, a principal cause is the widespread belief that Congress has been unable or unwilling to investigate and, if necessary, discipline, those Members of Congress who have been accused of illegal or unethical conduct. For the truth is that while Congress is always more than eager to investigate members of the executive branch or the activities of the business community, it has been remiss in its constitutional responsibility to tidy up its own Houses.

We must respond now to the legitimate criticisms that have been levelled at our congressional disciplinary procedures. But a perfunctory response will not suffice. We must demonstrate to the American people our resolve, not just our rhetoric, to accomplish comprehensive reform. Just as the enactment of the Budget Reform Act in the last Congress demonstrated our commitment to fiscal discipline, we must now demonstrate our commitment to ethical discipline.

Mr. President, Senate Resolution 110 is such a commitment. I urge my colleagues to vote overwhelmingly for its passage.

I yield the floor.

Mr. BAKER. Mr. President, I yield temporarily the control of time on our side to the distinguished Senator from Michigan.

I thank the Senator for yielding.

UP AMENDMENT NO. 82

Mr. ALLEN. Mr. President, I call up my second unprinted amendment at the desk.

The PRESIDING OFFICER (Mr. SASSER). The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alabama (Mr. ALLEN) proposes unprinted amendment No. 82.

Mr. ALLEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Amend amendment numbered 65 as follows:

On page 35, lines 24 and 25 strike the following words: "information as to the number of pieces included in the mass mailing and"

On page 36, line 6 strike the comma at the end of such line and insert a period.

On page 36, strike all of line 7.

Mr. ALLEN. Mr. President, rule XLVII of Senate Resolution 110 has some very desirable provisions having to do with regulating mass mailing to assure that no advantage is given to an incumbent over a possible challenger through the use by a Senator of mass mailing. In the first instance, it provides that no mass mailing shall take place by a Senator within 60 days of any primary or runoff or general election, which I think is a very fine provision.

Second, it provides that only official funds of the Senate can be used to purchase paper and to print or prepare any mass mailing of material which is to be sent out under the frank, which is a good provision in that it will put a definite limit on the amount of mass mailing that a Senator can engage in, because he cannot use personal funds or campaign funds for the purpose of getting out a newsletter. It can only be appropriated funds; that is, in a Senator's allowances or the paper allowances given to him by the Rules Committee based on the size of his State.

Then provision is made for a Senator, each year, to file with the Secretary a copy of each item of mass mailing that he has sent out during the year, annual reports. He is to file a copy of the newsletter or other item that is mailed in mass, and mass mailing is described as being any mailing of as many as 500 items.

Also, it provides that a description shall be given of the group or groups of persons to whom the mass mailing was mailed, such as to state whether it was to environmentalists or bankers or farmers, or whatever classification.

It goes one step further and requires that the number of the items of the mass mailing should be included in this report. This goes further than the House provision on this subject and is really an unnecessary burden, in view of the other limitations imposed on the mass mailing requirement. What this amendment would do is leave all the reforms in, but eliminate the necessity of giving the actual number included in the mass mailing.

Mr. NELSON. Mr. President, on that amendment, I think it would have been better to leave that this subject out of the resolution to deal with later. The House of Representatives postponed dealing with that question. However, I have no objection to the amendment and am prepared to accept it if nobody else objects.

I understand there is no objection.

Mr. ALLEN. It has also been cleared with the other side.

Mr. WEICKER. If the Senator will yield, I still do not understand the thrust of his amendment.

Mr. ALLEN. The amendment eliminates the requirement that the number of the mass mailing be specified.

Mr. WEICKER. Are you proposing that the matter of mass mailings, be referred to the Rules Committee or the Ethics Committee for further study?

Mr. ALLEN. No, it does not make any requirement. I do have an amendment requiring the whole subject of mass mailing to be sent to the Committee on Rules, but an agreement was made with the committee that this provision would be accepted and not sent to the Rules Committee, the overall subject. Of course, any Senator who desires to may have this amendment be sent to the Rules Committee; that can be done.

Mr. WEICKER. It is my understanding that the Senator is saying is that this in no way changes the thrust of this portion of the bill, which, in effect, eliminates the option of using the franking privilege for mass mailings 60 days before election?

Mr. ALLEN. No, sir, that all stays in. The only change in this amendment is that the number included in the mass mailing is not specified.

Mr. WEICKER. I feel very strongly that there should not be any mass mailings under the franking privilege at any time, never mind 60 days before the election.

This clause is just eliminated and in essence, does not change the thrust of the section as it now stands in the bill; is that right?

Mr. ALLEN. It makes no change other than what I have said.

Mr. WEICKER. I also want to take this occasion to say, because I know it is going to come up during the debate that I notice the distinguished Senator from Wisconsin makes the point that the House did not address franking abuses in its reforms. I want the record straight now that I do not care what the House does. It is going to have no bearing on what we do here. I feel what they did over there is an inane as what we have before us.

I accept the amendment if it is as the Senator stated.

Mr. ALLEN. I thank the Senator.

Mr. NELSON. Just in brief response to that: Without the extensive hearings and work that the Obey commission in the House had done, we would not be here on the floor with a resolution now. They had the benefit of working from July until now and held extensive hearings. As the Senator is well aware, we followed a procedure which is not a good procedure. If we were handling this kind of measure in the normal fashion, the resolution introduced a week ago would now be referred to committee and we would start extensive hearings, and then proceed to draft the final bill. So without the hearings they had going in depth on a number of matters, we would not have been able to have come to this point in such a short time.

Mr. WEICKER. I only respond to my distinguished colleague that that is what gives me pause about this legislation. That is one of the reasons that I am slightly concerned, the fact that the work has been done by the House. This is not to say that the distinguished Senator and my colleagues have not put a certain amount of their time into these deliberations and this product before us. I think what worries me is that apparently, what we have before us is as much the work of the House of Representatives and of Common Cause and other entities, rather than our own work. But now we shall have a chance to go over these matters in the hours ahead.

Mr. NELSON. Let me correct the Senator. It is the work of the committee of 15 members, Republicans and Democrats, who sat there. We had the benefit of the hearings the House conducted and the testimony that was taken on a number of complicated issues. Because of the benefit of those hearings on precisely the same issues, we were able to move much more rapidly than we could have otherwise.

Mr. WEICKER. I think this is a good point to bring up, though. Here is a situation where, as far as I am concerned, the American people are being ripped off. That is the use of the frank for newsletters for mass mailings. I tell the Senator what the House has done in this "ethics" resolution: They have postponed it to some time in the future. I think franking is an issue that should be addressed now, and, in my own opinion—and others may disagree—eliminated now, if indeed this is an "ethics" bill. So here is an area where, far from wanting anything weaker, very frankly, I would hope for something considerably stronger.

But here, as I see it, for those who think all this good work was done, I advocate that they take a close look at what is in this resolution and what is not in this resolution.

This could not be a better example of the real abuse that exists in the franking privilege, in both House and Senate, and this abuse has not been addressed in any way by this resolution.

Mr. NELSON. I say, in some generalized agreement with the Senator, that there are a number of things that are not in the bill that I would like to see taken up and considered and made a part of the rules of the Senate and the law at a future date.

We took up everything that we were specifically requested to take up in the resolution which passed the Senate unanimously, supported by the distinguished Senator. We even went beyond what this body asked us to do. Mr. President, I yield back the remainder of the time.

Mr. ALLEN. I yield back the remainder of time on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALLEN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 91

(Formerly UP amendment No. 83)

Mr. STEVENSON. Mr. President, I have an amendment at the desk which I call up and ask to have made the pending business. I ask unanimous consent that the remainder of this discussion not be taken out of the time of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois (Mr. STEVENSON) for himself, Mr. NELSON, Mr. RIBICOFF and Mr. CLARK, proposes an amendment numbered 91.

The amendment is as follows:

On page 32, strike lines 11–24, and on page 33, strike lines 1–13, and insert in lieu thereof the following:

RULE XLVI—PROHIBITION OF UNOFFICIAL ACCOUNTS

1. No Member may maintain or have maintained for his use an unofficial office account.

2. The term "unofficial office account" means an account or repository into which funds are received for the purpose of defraying otherwise unreimbursed expenses allowable under Section 162(a) of the Internal Revenue Code of 1954 as ordinary and necessary in the operation of a Senatorial office.

3. No funds derived from a political committee (as defined in Section 301(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. § 431)) can be used for the purpose of defraying otherwise unreimbursed expenses allowable under Section 162(a) of the Internal Revenue Code of 1954 as ordinary and necessary in the operation of a Senatorial office.

4. No contribution (as defined in Section 301(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) shall be converted to the personal use of any Member, or any former Member who is defeated for reelection or does not seek reelection. All proceeds from testimonial dinners or other fund raising events or activities shall be treated as campaign contributions.

Mr. GRIFFIN. Mr. President, I yield 10 minutes to the distinguished Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. SCHMITT. Mr. President, as the ranking Republican member of the Ethics Committee, I intend today to make an opening statement and then participate fully in the remainder of the debate on the proposed code of conduct for the U.S. Senate, Senate Resolution 110.

I first would like to make sure that I and my colleagues distinguish between a code of conduct and a code of ethics. Conduct is something we can, in fact, write a code about. Ethics is something that I do not believe can be codified. It is something we either have or do not have, we either do or do not do, and that is about the size of it.

The code of conduct, hopefully, that results from these debates and our votes, will improve the quality of the Republic and will improve the quality of the U.S. Senate, which is such an integral and important part of the Republic.

I think we must evaluate the resolution before us on its merits. We should not evaluate or consider this code as a price for a salary increase. I think that is demeaning to the American people. I think it is demeaning to the Members of Congress.

I, personally, can comply with the code and have already complied with all the provisions applicable within the code because I believe it is most appropriate in my particular case that I do so.

However, we must look at the broad implications of this code.

Mr. President, I believe there are five questions that we must ask ourselves as we evaluate the proposed code of conduct: What should the code do? Does the proposed code, in fact, do it? What should the code not do? Does the code, in fact, do those things that it should not? Finally, is the code enforceable?

First of all, what should the code do? I think there are only a few fundamental things that are absolutely necessary. No. 1, it must require the information to be disclosed that is necessary for the voter to judge the performance of his elected representative. The essential ingredient of such information comes from a full financial disclosure.

From such a disclosure, the voter must evaluate the ethical conduct of his representative, the conduct relative to law of that representative, and finally, whether that representative is devoting adequate attention to the job of being U.S. Senator.

Second, the code must provide guidelines to avoid conflicts of interest, which are easily recognizable and easy to enforce.

Finally, it must insure there is no unfair advantage accruing to an incumbent running for the office of U.S. Senator.

And does the proposed code do these things; does it, in fact, give the voter the information required to exercise the judgment that is necessary to either elect or not elect a Senator?

Full disclosure, I think, should, in addition to what has been recommended by the committee, include a net worth statement, complete and under standard procedures, and also some indication, some solid and factual indication of the tax situation of the Senator, such as the disclosure of the total income, the adjusted gross income, the taxable income, the total deductions and then the taxes paid.

Those five major items can be considered as part of full disclosure without any significant invasion of privacy that would come from a full publication of a tax return.

The proposed code, therefore, does not go far enough in the area of full disclosure, the essential ingredient for voter judgment.

In the guidelines on conflict of interest, full disclosure again is really the only check that can be made by the voter on his or her representative.

I believe that the code as proposed in Senate Resolution 110 does provide, with a little additional information, sufficient disclosure for any conflict of interest to be discerned.

However, with respect to the question of the accruing of unfair advantages to an incumbent running for reelection as U.S. Senator, I am afraid that the code does not go far enough.

The restriction on the franking privilege and on those of radio and television studios is limited to only 60 days prior to an election. If there is anyone here who thinks that a mass mailing, whether 500 or any other number, has no effect 61 days from an election and would have an effect 59 days from an election, he is fooling himself.

So I think we should seriously consider limiting the use of the frank for mass mailings and the use of radio and television studios to a full 1 year prior to the general election, rather than just 60 days prior to an election.

There is an issue that has not been treated by the code which probably should be; and I hope that, in the course of offering amendments, we will adopt one that will at least relegate to a study the question of domestic travel privileges and the possibility of double dipping on expenses on Senatorial business travel.

Now, what should the code not do? I believe, Mr. President, that the code should not limit the categories of citizens who would seek election to Congress and particularly the U.S. Senate. I am a firm believer in the concept of the civilian politician, in contrast to the professional politician.

In this context, I have cosponsored with Senator DANFORTH and others a proposed constitutional amendment that would limit the terms in the U.S. Senate to two, so that there would be a greater accessibility to running for office by other members of our society.

Also, I do not think that it is necessary that we institutionalize a full-time Congress, which I am afraid certain aspects of the proposed Code of Conduct would do. I realize that there is considerable disagreement in this body as to whether we are or should be full-time legislators. I do not think we should be. I think we should spend a great deal more time with our constituents, living and working in the real world of New Mexico or Connecticut or any other State from which we come.

As Senators, we should be concentrating on policy and the oversight of that policy, not on telling the administration and the executive branch how to implement policy. Unfortunately, in my short time in this body, it seems that I spend most of my time evaluating details of implementation of policy, without spending any significant amount of time sitting back and weighing what should be the great directions in which this country should go in many critical areas.

In this regard, does the proposed code do these things that it should not do? Namely, does it eliminate categories of citizens from consideration of running for the elective office of the U.S. Senate,

and does it institutionalize a full-time Congress? I believe that it does, and this happens in two important provisions: in the limit on the earning of outside income and in the prohibition of professional services.

In the limitation of outside earned income, we are telling a broad category of citizens of this country that once they have been successful in a career, in order to consider running for the U.S. Senate, they must divest themselves of——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCHMITT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. SCHMITT. If the Chair will permit, I will yield myself another 5 minutes.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for an additional 5 minutes.

Mr. SCHMITT. Mr. President, the limit on outside earned income and the limit on professional services tells individuals in our society that once they have been successful in their career, they must eliminate almost all contact with that career in order to be in the U.S. Senate. I believe that is wrong, and we must take steps to eliminate such a prohibition on this group of our citizens. For in this group is some of the greatest talent that could be utilized in the conduct of the Government of the United States, and we should do nothing to eliminate the potential of that talent from this body.

The final question I pose in these introductory remarks is this: Is the code enforceable? As the ranking minority member of the Select Committee on Ethics, I compliment the committee, particularly its distinguished chairman, Senator NELSON, for having worked out during the last 2 weeks the difficulties that many of us foresaw in the enforcement of the proposed amendment, however it is adopted, and for now having a code which appears, at least from the surface, that we can enforce. Time will tell whether that belief is correct.

Since there is some uncertainty as to the total workload and the mechanisms by which a code of this kind can be enforced, I will support the recommendation of the distinguished minority leader that we institute a sunset amendment that would cause the code to be reevaluated at an appropriate time in the future and that would enable the Ethics Committee—present and future—to determine whether certain aspects of the code are in fact unenforceable. I hope that none of it is; but, again, I think time will tell.

However, I am not quite so sanguine about the capability of individuals representing this body to enforce their own requirements under the Code of Conduct. The individual recordkeeping and the inception of problems is extremely important, and it will be very tough. We should not underestimate that.

Finally, Mr. President, I should like to caution my colleagues, if I may, with respect to overreacting to special interests that have surrounded the whole question of ethics and tough ethics codes. There is some tendency for these special interests to try to impose on the Senate their own ideas of what our Government should be like. There is some effort on the part of these special interests to impose their own ideas as to who should be elected or who should hold political office.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRIFFIN. Mr. President, I yield the Senator an additional 5 minutes.

Mr. SCHMITT. I thank the Senator.

In the final analysis, as I said when I commenced, the voter is the only judge, and it is the voter to whom we should look for our answers. With full disclosure, complete and unequivocal, the voter is the only judge, and it is the voter to whom we should look for our answers. With full disclosure, complete and unequivocal, the voter will have the information upon which to judge our conduct. The American voters are extremely discriminating, and in no way should we stand between the voters and the judgment they will offer on election day.

Mr. President, I commend Senator NELSON, Senator THURMOND, Senator STEVENSON, and the staffs of the various Senators who participated in the drafting of this resolution. It clearly has been a Herculean task. It has not met with complete agreement—certainly not on my part—but I think we owe them a debt of gratitude for trying to reach the appropriate compromises and for bringing this very important matter to the floor for debate.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENSON. What is the pending business, Mr. President?

The PRESIDING OFFICER. The pending amendment is No. 91 proposed by the Senator from Illinois and others.

Mr. STEVENSON. Mr. President, this amendment would prohibit all so-called unofficial office accounts. It plugs a large hole in Senate Resolution 110.

Mr. President, many of the problems we face in the Senate, which we will be debating in the next few days, are rooted in the high cost of service in Congress.

In addition to all of the personal expenses incurred by a Member of Congress, including two homes, travel for his family, and the like, a Member is compelled to absorb substantial official expenses, expenses associated directly with the conduct of his official duties.

Those expenses include his expenses of travel, lodging, food in his State. It may include supplements for salaries of staff, it may include expenses for nongovernmental publications, taxi or bus fares for staff to and from Government offices. They are manifold, and they are not by any means all covered by official allowances.

To meet these substantial expenses in public office for service in Congress, Members have accepted private contributions not reportable as political funds. These are the unofficial office accounts which are attacked as slush funds.

Others have used political funds for that purpose, a use which is permitted by the Federal Election Campaign Act and by Standing Rule XLII of this body.

Others have used personal income received primarily from services related to our senatorial position. By that I mean honoraria and the like, which are earmarked for expenses related to official duties and not for personal use.

The problem of covering these expenses is real, and none of the present ways of dealing with the problem is, in my judgment, satisfactory. It is wholly inappropriate that private and unreported contributions should be expended for the discharge of the public's business. Both Senate Resolution 110 and this amendment ban the further use of such unofficial accounts after their orderly liquidation.

But Senate Resolution 110 legitimizes the use of political funds for these purposes. In doing so it comes perilously close to condoning the kind of conduct for which this body once censured a Member.

The use of political funds raises serious tax questions also. If political contributions are used for official as opposed to political purposes, they may be taxable to the Member, and the use of those funds for such purposes may not be deductible.

Mr. President, I believe it is time we got private and political money out of the public's business. There should be a wall between political and public money. That means expenses related to official duties should be funded from official funds, and political contributions should be used solely for political purposes. That is what this amendment would do.

This amendment, in conjunction with section 301 of title III of Senate Resolution 110, accomplishes that result. Senate Resolution 110 directs the Committee on Rules and Administration and the Committee on Appropriations to report legislation within 120 days authorizing adequate allowances to cover the necessary and appropriate expenses of our office.

So, Mr. President, this amendment, if adopted, would eliminate all the sleight-of-hand financing of the public's business which we have been witness to and been criticized for in the past. For once and for all, the Checkers funds, the slush funds, whatever they may be called, these uses of political and private contributions, will be ended. They will not be available to defray the expenses of Members, those expenses which are necessary and appropriate for the conduct of Members' official business.

Instead, Mr. President, those necessary, ordinary, reasonable expenses, official expenses, will be paid for by public

funds, as is the practice in industry, and as is the practice in all the other branches of Government, including the other body of Congress. The House has recently afforded itself adequate allowances with which to cover official expenses.

So, Mr. President, if adopted, there will be no more slush funds, no more Checkers funds, no more so-called unofficial office accounts. The official expenses of the Members would have to be defrayed out of their personal expenses, including honoraria, and out of adequate allowances of public funds for those purposes.

With this amendment Senate Resolution 110 will be greatly improved. A major weakness will be corrected, and a major source of criticism of this body will be eliminated.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. NELSON. Mr. President, will the Senator Yield?

Mr. SCHMITT. Mr. President, will the Senator yield?

Mr. STEVENSON. I first yield to the Senator from Alabama.

Mr. ALLEN. I have no objection at all if the Senator yields to the distinguished floor manager of the bill.

Mr. NELSON. I intended to ask a question at some stage.

Mr. ALLEN. Yes.

I state that I feel that I am in complete support of this amendment, because I have personally never had an official office account, slush fund, or fund by any other name that might be used.

I might state to the Senator and to the Senate that I do have a special fund to which I contribute my own personal funds, and I am sure that the prohibition here would not be directed against the use of personal funds in an account set aside for defraying these expenses.

Mr. STEVENSON. If the prohibition is directed at such an account of the Senator from Alabama, it would also be directed to such an account maintained by the Senator from Illinois.

Mr. ALLEN. Yes.

Mr. STEVENSON. We seem to follow the same practice. I do not maintain an unofficial office account with private or political contributions in it. But I do maintain—I think it is a laudatory practice—a bank account into which I make deposits of my own personal funds.

Mr. ALLEN. That is exactly my situation.

Mr. STEVENSON. And they are earmarked in that account for the defrayal of official expenses, and in my case, also, charitable expenses.

Mr. ALLEN. Yes.

I think that is quite obvious but I wished to have the legislative history indicate that.

Mr. STEVENSON. I thank the Senator from Alabama for the opportunity to clarify that important point.

Mr. ALLEN. On item 3 here, no funds derived from a political committee can be used for the purpose of defraying otherwise unreimbursed expenses.

That carries out the Senator's statement that political contributions are to be used only for political purposes. Is that correct?

Mr. STEVENSON. That is the intention of paragraph 3 of this amendment, yes.

Mr. ALLEN. This would not have reference, as I understand it, to any funds that a Senator might possibly have left over from past political campaigns.

Mr. STEVENSON. Yes, it would. This amendment would prevent the use of accumulated political funds, campaign funds, surplus from a past campaign, for the use of Senators to defray their official expenses. And for all the reasons I have mentioned, and we have mentioned the tax implications, those political funds under this amendment even though collected in the past would in the future have to be used for political purposes.

As a matter of fact, since we were discussing personal practices, after my last campaign I found I had a small surplus of campaign contributions and to keep faith with my political contributors I turned that surplus over to the Democratic National Committee.

So there are other possibilities. Those funds could be used for political purposes. They would not have to be used for the campaign of the Member, but under this amendment they would have to be used for political as opposed to personal or official needs and purposes of the Senator.

Mr. ALLEN. I have no objection to whatever the Senator is trying to do under this amendment. But would not the effect of this section, section 3, be to, in effect, amend the Federal election campaign law?

Mr. STEVENSON. No. That is not the intention. We cannot, of course, amend that without the concurrence of the House of Representatives. Its intent is to prohibit Members of this body, the Senate from using political funds which are permitted to be used by the Federal Election Campaign Act for political purposes. They would still under that act be permitted to use them for official expenses, but not under the rules of the Senate.

Mr. ALLEN. In other words, this then would restrict the construction that the Federal Election Commission has placed on the use of these funds, is that not correct?

Mr. STEVENSON. That is another way of putting it. But I do not think this is going to change the construction placed on the act by the Federal Election Commission. This is the Senate adopting a rule wholly apart from the act. The act will still permit the use of political funds for official purposes, but the rules of the Senate will not.

Mr. ALLEN. I see. In effect, then, it does circumscribe the Federal Election Commission policy and rulings?

Mr. STEVENSON. That is the effect, yes.

Mr. ALLEN. What would the Senator define as "political uses"? Would use of such funds for radio and television be permitted?

Mr. STEVENSON. I am not attempting to get into definitions of all political uses for political funds. That would still, I assume, be largely within the purview of the Federal Election Commission and, of course, the responsibility of the Members. But, yes, the use of political funds for political advertising would be an appropriate use of this funds.

Mr. ALLEN. I am not talking about political advertising. I am talking about constituent reports through the Senate radio and TV studios.

Mr. STEVENSON. That would not be regarded, in my judgment, as an ordinary official expense.

Mr. ALLEN. I know it is not an official expense. But is it not politically oriented?

Mr. STEVENSON. If it is not an official expense, then regardless of its political orientation, the political funds could not be used for it.

Mr. DURKIN. They can go out today.

Mr. STEVENSON. Yes; and we are saying they will not be under this rule. Political funds will not be available for official expenses. If I understand the Senator's question, he is asking what I would regard as official as opposed to political expense.

Mr. ALLEN. The Senator is saying a Senator could use these funds to go out and buy radio and TV advertising, and I assume newspaper advertising, but he cannot use them to make a report to his constituents; is that not correct?

Mr. STEVENSON. If they are political funds and he is campaigning for reelection, we can get into some lengthy discussions about when a campaign begins. If he wishes to advertise himself, he can use his political funds for that political purpose.

But that seems to me to be perfectly legitimate. If a Member wishes to advertise himself with mass mailings and newsletters, those political funds could be available for that purpose.

Mr. ALLEN. Of course, rule XLVIII says you cannot use any funds other than Senate-appropriated funds for getting out mass mailings. So you could not use such funds if you were going to use the frank.

I wonder if this is not confusing the present situation, under section 3. I would agree with everything else in the amendment, but I believe this is going to muddy the water instead of clarifying anything, in my judgment.

Mr. SCHMITT. Mr. President, will the Senator from Alabama yield at that point?

Mr. ALLEN. I yield.

Mr. STEVENSON. Wait, Mr. President, who has the floor?

Mr. ALLEN. I am sorry; the Senator from Illinois has the floor.

Mr. STEVENSON. The Senator from Alabama started by saying he supported the amendment. Now he is opposing the amendment.

The thrust of the amendment is in section 3. That is where the prohibition is for the use of political funds for official expenses, notwithstanding that that use is, as he acknowledges, permitted now by the Election Campaign Act.

Mr. ALLEN. Is radio and TV in the Senate studios covered by official funds?

Mr. NELSON. Mr. President, will the Senator yield for a comment?

Mr. ALLEN. Yes; I am glad to yield to the Senator from Wisconsin.

Mr. NELSON. There is, as the Senator knows, a difference between that proposal and what current rule XLII now

says, authorizing certain specified expenses which are clearly delineated and quite limited.

Presently, you also have the statute, the Federal Election Campaign Act, which is much broader. Under the statute, a member could convert campaign funds to personal use or expend them for "any other lawful purpose"; I believe is the language. So we have rule XLII, which limits expenditures to:

To defray expenses for travel to and from each Senator's home State; for printing and other expenses in connection with the mailing of speeches, newsletters, and reports to a Senator's constituents; for expenses of radio, television, and news media methods of reporting to a Senator's constituents; for telephone, telegraph, postage, and stationery expenses in excess of allowance; and for newspaper subscriptions from his home State.

Then we have the statute, which is in conflict with the rule in the sense that it allows for conversion to personal use; and use for any lawful purpose.

In looking at that, the committee, after careful consideration decided to abolish unofficial office accounts, but to permit the use of political contributions to meet ordinary and necessary unreimbursed expenses.

The author of this amendment concluded that there ought to be a complete separation between expenses related directly to official business and expenses that might be called "political," and that all expenses relating directly to official business should be paid for solely from official accounts.

Now, the problem, as the Senator well knows, is that many expenses directly related to official business are in fact not reimbursed from official accounts.

Mr. ALLEN. That is true.

Mr. NELSON. One is travel. For example, if a Member goes to his home State on official business, the Member must pay from his personal funds for the cost of the room in a hotel or motel, or meals. So we have the anomoly that if a Senator is on an official trip, in his State with a staff member, and they check into a hotel, that staff member is reimbursed on a per diem basis for expenses for the room and all other official expenses, but the Member is not, though that expense is now deductible on a tax return as reimbursement for business expenses. Unlike all the other Federal employees. Senators cannot be reimbursed for expenses directly related to official business.

I think it important to draw a line between official expenses and political expenses. Political expenses may be reimbursed from a campaign fund. The problem is what interpretation the IRS will make as to what constitutes a political expenditure and what expenditures are proper from a political fund, whether 5, 4, 3, 2, or 1 year from the election.

When a Member goes to his State to a political meeting, that is not official business, it is political, and you can pay for those expenses from a political campaign fund. There is no doubt about that. IRS is considering a ruling; we do not know yet what that ruling will be, and we have referred that question as to what expenses should be allowed from campaign funds to the Rules and Appropriations Committees, in consultation with Finance, for the purpose of evaluating the question.

What this amendment is attempting to do is make a clean break, so that we would not use campaign funds to pay for official expenses in the course of performing one's duties. That is what the amendment seems to do.

Mr. ALLEN. I understand the Senator. I would like to pose this practical question: Many Senators, I suppose most Senators, send from time to time TV clips or radio reports back to the people. They are not reimbursed under any Senate account. Now the Senator is abolishing slush funds. I have never maintained a slush fund, and I approve of doing that, but now the Senator is saying that, under this proposal, any surplus funds we might have from past campaigns or any other purpose, for that matter; I assume you are not allowed to pay that out of the political funds. Who is going to pay it?

Mr. NELSON. The Senator is correct. On that point, the resolution recommends that the Rules Committee address itself to the question of permitting the payment for TV from official funds.

But, if the theory is sound, which I think it is, that there should be a wall between expenditures for official responsibilities and duties of a Member, then you would have to apply it to TV and radio, and prohibit reimbursement from campaign funds for hotels in the course of official business. Those matters ought to be reimbursed from official funds: so we attempted to begin to draw that line, and then recommended to the appropriate committees that they address themselves to reimbursement. This amendment would draw the line completely.

Mr. ALLEN. What is going to happen in the meantime?

What is going to happen prior to the time the Rules Committee comes up with a policy?

Mr. McGOVERN. One would have to hold his breath, I suppose.

I might say the amendment concerning the official accounts provides for the abolition of unofficial accounts and on the adoption of the rule no further contributions could be made to an unofficial account. Unexpended funds in unofficial accounts could be expended for the balance of this calendar year. Meantime, the appropriate committees are charged with addressing themselves to the question. On this question the Rules Committee has 120 days.

Mr. HART. Will the Senator yield for a question?

Mr. McGOVERN. Yes.

Mr. HART. The key phrase there is "in the meantime." My concern is the same as the concern of the Senator from Alabama. I have noted from the limited time I have been here that it is much easier for wealthy Senators to hold their breath than it is for nonwealthy Senators.

Mr. McGOVERN. I am sure the Senator has had as much practice as I have in that regard.

Mr. GRIFFIN. Will the Senator from South Dakota yield?

Mr. STEVENSON. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. STEVENSON. Mr. President, if the intention is not clear it can be made clear. It was to make this prohibition against the use of political funds for official expenses effective at the end of the year. The amendment not only requires the Committee on Rules and Administration, as is required under section 304(a), to review the question about the use of radio and television studios raised by the Senator from Alabama, but to make a report to the Senate. It is mandated to report within 120 days.

Also, of course, the bill affords Senators an opportunity to put their questions to the Ethics Committee. If they cannot make that judgment about where the wall is, where to draw the line, and they make it every time they use the franking privilege, they could come to the Ethics Committee and get an advisory opinion or an interpretive ruling. It should not be too hard to figure out what is political and what is official. If it is difficult, there will be opportunities for Senators to obtain assistance.

Mr. ALLEN. Is the report to the people through the Senate radio and TV official or unofficial, in the judgment of the Senator?

Mr. STEVENSON. It depends on what the Senator is saying. If the Senator is saying, "I am running for re-election and I urge you to vote for me," it seems that would be political.

Mr. ALLEN. Very few Senators make such statements in the Senate studio.

Mr. STEVENSON. The only question in my mind, as the Senator from Wisconsin indicated, is what happens when it is an official expense, because it has to be paid for.

Mr. BUMPERS. Will the Senator permit me to pursue that?

Mr. STEVENSON. That is why the Committee on Rules and Administration is mandated to report the legislation which addresses that question. It may be that that would be reimbursed as an official expense. As I contemplate in this amendment, the hole gets filled by allowances out of the Treasury for official expenses instead of coming out of political contributions.

Mr. ALLEN. I just wonder if the Senator thinks it logical to allow expenditures out of surplus campaign funds for commercial political announcements and then not to allow such payments to be used for radio and TV reports made through the Senate recording studio facilities. Does that make sense? Commercial ads can be run out of such a fund, but reports cannot be made to the people?

Mr. STEVENSON. Commercial ads presumably would be political expenditures, advertising for some political purpose. I do not see what difference it makes where that advertisement is put together, whether it is in a broadcast studio in Alabama or here on the Hill. A political expense ought to be defrayed by political funds.

Mr. ALLEN. Would the Senator argue that is nonpolitical, then, to make such reports?

Mr. STEVENSON. I have been trying to suggest to the Senator that it seems to me the question of what is and what is not political goes to the content of the message.

Mr. BUMPERS. Who will make the determination? What kind of a Senator would have to pass on it?

Mr. STEVENSON. That is a judgment every Senator in this body makes every time he uses the frank. He cannot use the frank for political purposes. Sometimes there are gray areas. Sometimes Senators stray into those gray areas. I think most Senators err on the side of being prudent.

Mr. BUMPERS. Will the Senator allow one observation?

Mr. STEVENSON. Even so, if by being prudent they have doubts, this resolution does establish, as I indicated earlier, the Ethics Committee, the members of which do not relish their responsibility, which will have the responsibility of rendering advisory opinions upon the request of any Member. Those Senators who obtain those opinions can rely upon them.

Mr. BUMPERS. Will the Senator yield?

Mr. STEVENSON. I yield.

Mr. BUMPERS. First of all, we have certain criteria. We are not allowed to mention our names, to say "Senator" or use a personal pronoun more than five times on a page, which is almost laughable. In any event, it lends itself to diminishing the political content. When one walks into the television studio of this building to make a 5-minute tape to report to the people, there are no such restraints. In determining whether or not a television report to the people is political or official, the Senator says that is a judgmental decision each Senator would have to make. But what if he makes a wrong decision? He has committed a criminal act, has he not?

Mr. STEVENSON. If there is any doubt in his mind, he should protect himself with an advisory opinion.

Mr. BUMPERS. Who would he take with him to the studio to make that judgment?

Mr. STEVENSON. I see the senior Senator from Illinois in the Chamber. For several years he and I delivered joint television messages to the people of our State and they were not political. They were broadcast by stations all over the State. Just as soon as one of us would get into a campaign, we would discontinue that practice. At that point it came close to the edge.

Mr. BUMPERS. What the Senator is saying about what is or is not proper is based upon the time at which he runs for reelection. If he says one thing 2 years before election, it is not political, but 1 year before reelection it would be political.

Mr. STEVENSON. That is one factor to be considered.

Mr. BUMPERS. But this amendment would not go to that decision. The amendment says it is a judgmental thing at all times, maybe 2 months before the election.

Mr. STEVENSON. That is correct. Maybe it is a political expense in connection with a campaign of some other Member of the body or a Presidential candidate. It could be a pure political expense at any time during the term of a Member of this body.

Mr. BUMPERS. Last week, I cut a 5-minute radio tape, the first one I have ever done since I have been here. I have been here a little over 2 years now. I sent it home to the Arkansas Radio Network, and they said they would be happy to run it. My question is, who would pass on whether or not any of the content of that 5-minute radio tape is political?

Mr. STEVENSON. There would not be anybody, unless the Senator wanted to protect himself with an advisory opinion from the Ethics Committee. Based on all the situations that I can remember, I suggest it will not happen. The Senator's message is innocent, just as were the messages that the other Senator from Illinois and I used to send back to Illinois. That is communication with one's constituents.

Mr. BUMPERS. But what if somebody decides that it is not and raises the issue with whatever committee—Rules, Ethics, whatever—and says, "This tape is patently political and a violation of the law"?

I felt quite sure when I cut it that it was a report to the people, that it was not political. But somebody who wants to take me on in 1980 decides otherwise. They raise the issue with the Ethics Committee.

Mr. PERCY. If the Senator will yield for a comment on that.

Mr. STEVENSON. If the Senator will wait a minute, this Senator from Illinois has the floor.

There are procedures available to people now, anybody in the country, if they feel that a Senator has abused his office—has, for example, used the frank for political purposes. They can file their complaint and they can file it with the Ethics Committee. That is exactly what will happen in the future, except that the procedure under the pending resolution is a little more explicit. If there is an abuse by a Senator of this code of conduct or of the statute and regulations with regard to the franking privilege, they can file a complaint with the Ethics Committee and that committee, under the procedures established here, will have to decide if it is a frivolous complaint. If so, it can be dismissed. They can decide it is not and, if not, they will have to decide in time what action to take.

That is one of the reasons that I suggest to the Senator that if, in such situations in the future, there is any real doubt—and I do not think there need be in most situations—about what is political and what is not, then there are opportunities to obtain advisory opinions which the Senator will have.

Mr. DURKIN. Will the Senator yield?

Mr. STEVENSON. Yes.

Mr. DURKIN. Then there is, in fact, a prior restraint on communications with your constituents? If you do not get an advisory opinion, then you run the risk of having someone who is either running against you or planning to run against you, or is a straw for somebody who is running against you, file an official complaint. Unlike the grand jury, the Ethics Committee will have to explain why it does not indict you and make that explanation public as well. That is a chilling effect on communicating with constituents.

Mr. STEVENSON. I am afraid the Senator misunderstands the amendment. This amendment and the resolution do not require any Senator in any circumstance to obtain an advisory opinion.

Mr. DURKIN. But the Senator said if he were smart, he would.

Mr. STEVENSON. I said if he were in doubt. I doubted that there would be many circumstances in which he was, and that he could protect himself by getting an advisory opinion. There is no chilling effect.

The manager of the Senate studio is now under an obligation to refrain from permitting the use of those facilities for political purposes. This is a judgment every Senator has to make, day in and day out. Every time he uses the frank, he has to make that judgment. Every time he uses the studios now, that judgment has to be made. This process will require a Senator to make the same judgment, permit him, if in doubt, to protect himself with an advisory opinion.

That, of course, can be done now, too, and it is done by Senators who are in doubt.

Mr. DURKIN. So the reasonable, prudent Senator will not hazard any communication with his constituents 1, 2, or 3 years before an election to stave off indictment by the Senate Ethics Committee. Or, failing to do that——

Mr. STEVENSON. Reasonable, prudent Senators do this day in and day out, and scarcely a day passes that I do not receive, as chairman of that committee, requests for opinions about what is proper, what is not, what is political and what is not.

That is an old practice and it is a practice that has not been disturbed. It is a practice that continues and the prudent Senator takes advantage of it. He has taken advantage of it in the past; he will have an opportunity to take advantage of it in the rare case where there is doubt, and there are such cases, in the future.

Mr. PERCY. Will the Senator yield?

Mr. STEVENSON. Yes.

Mr. PERCY. One check and balance that does seem to exist and, in our own case, has existed for 8 years is the fact that the station itself has to be a judge. The Senator knows that the station will not run things that are propaganda. They jeopardize the public service time they are using, they jeopardize their own position. So a Senator would be very foolish indeed to send programs back that are sheer propaganda. They are not going to be used. The station is for information purposes and the test is you are up against the editorial board, you are up against the news department of radio stations and television stations that are protected.

Will the Senator from Illinois answer a question while we are on it?

Mr. STEVENSON. Yes.

Mr. PERCY. Because of the importance of this amendment, is there any intention to press forward for a vote on it tomorrow, or could it be held until Monday. I think that we would like, really, a little more time to think about this and vote intelligently on it. I hope there will be no pressure to press forward for a vote on it.

Mr. STEVENSON. There is certainly no intention on my part, and I do not believe there is any likelihood of a vote today. But time is running. Most of it is running on my time.

I think it is the intention of the leadership to wind up the debate and to vote on this amendment tomorrow afternoon.

Mr. ALLEN. Will the Senator yield for a question?

Mr. STEVENSON. Yes; I yield to the Senator from Alabama.

First of all, Mr. President, how much time do I have remaining on this amendment?

Mr. ALLEN. The Senator can get more on the bill. There is no problem.

The PRESIDING OFFICER (Mr. DECONCINI). There are 17 minutes remaining.

Mr. STEVENSON. I yield to the Senator for a short question.

Mr. ALLEN. Mr. President, I ask unanimous consent that 30 minutes be taken from the time for the bill and applied to this amendment.

Mr. ROBERT C. BYRD. Mr. President, will the Senator withdraw his request, and I shall see that he gets his time?

Mr. ALLEN. I thank the distinguished leader.

I was asking a question, if I may.

Mr. ROBERT C. BYRD. I yield 30 minutes to the Senator from the time on the resolution.

Mr. STEVENSON. I thank the Senator.

Mr. ALLEN. I thank the Senator.

For a Senator who does not maintain a slush fund and never has, who wishes to send a TV message back to the TV stations in the State, stating his stand on an issue—for example, he states that he is strong for this ethics resolution. Would the Senator advise me what sources could legally and ethically be used to pay for that television message if the amendment of the distinguished Senator from Illinois is adopted?

Mr. STEVENSON. I would regard that as a nonpolitical communication with one's constituents.

Mr. ALLEN. Payable from what source?

Mr. STEVENSON. As such, it would be payable, if this amendment is approved, from sources that the Senator, as I understood him, now uses. He could use honoraria, he could use his personal funds.

Mr. ALLEN. I do not charge honoraria.

Mr. STEVENSON. In the near future, it is my hope, as I indicated, because this as an official expense, that it ought to be compensated by official funds. The Committee on Rules and Administration and the——

Mr. ALLEN. But there is no provision at this time for payment other than the Senator's own funds, is that correct?

Mr. STEVENSON. The Senator is correct.

Not everything can be done tomorrow. That is one of the difficulties. The Nelson committee was not the Appropriations Committee. All it could do was report a resolution which, if approved, will mandate those committees to adjust the allowances available now to Senators so they can cover their official expenses.

Mr. ALLEN. But pending that action, a Senator would have to pay this out of his own funds; is that correct?

Mr. STEVENSON. No, because I mentioned earlier, and this is the intent, I will make certain it is carried out, if it is not now; my amendment would not become effective until the end of this year. During that time, as is now permitted by the Federal Elections Commission, political funds could be used, though I should underscore, as the Senator from Wisconsin mentioned earlier, that the use of those political funds for such purposes can create serious complications with the Internal Revenue Service for a Senator.

Mr. DURKIN. Not attempting to solve those problems in the resolution itself?

Mr. STEVENSON. Yes, in this amendment, because political funds will not be used for expenses.

Mr. ALLEN. In other words, the Senator is saying political funds can be used for TV and radio reports for the rest of this year; is that correct?

Mr. STEVENSON. That is the intention.

Mr. ALLEN. Then if the Rules Committee makes some provision, then a Senator would resort to such provision as the Rules Committee makes, but if the Rules Committee makes no provision, a Senator would be deprived of reporting to his constituents in that fashion if he did not want to pay for it out of his own funds; is that correct?

Mr. STEVENSON. After the end of the year.

Mr. ALLEN. Yes, the first of the year.

Mr. STEVENSON. But then, of course, the Senate will have an opportunity to reconsider this issue in light of what the Rules Committee and the Appropriations Committee do.

Mr. ALLEN. I see. I thank the Senator.

Mr. DURKIN. Will the Senator yield?

Mr. STEVENSON. Yes, I yield to the Senator for a question.

Mr. DURKIN. Assuming that some form of public financing will pass and assuming there will be a limitation on how much a person can spend from his own funds in a political election or reelection effort, would the items that are political in nature, that are paid from the Senator's own funds, go against that limit?

Mr. STEVENSON. That are paid from his personal funds?

Mr. DURKIN. Say the Kennedy-Clark-Cranston public financing bill; I think it has a limit that, if we accept the Federal funds is $35,000; what we could put in as personal, from our own personal assets.

If the communication, either by radio or TV tape, was political and could not be put out under the official allowance which is yet to appear, would that be using up the $35,000 allowance as provided for and contemplated by the public financing bill?

Mr. STEVENSON. That is going to depend on what legislation the Senate acts on in the future. I cannot tell what the effect or result will be in that situation because I do not know whether the Senate is going to pass any campaign legislation. That is a question that can be addressed when we do.

But it is not my intention to have personal funds used for official purposes counted towards the limit on contributions to political campaigns.

Mr. DURKIN. I have not used a TV tape. We do not use the radio tapes. I have never solicited or accepted funds for a so-called office slush fund. But if the Senator's amendment is adopted, for example, in the State of New Hampshire we have a very extensive constituent service, as has Senator CHILES in Florida, and others, who have a very extensive constituent service office. The allowance now is that they provide us with 4,800 square feet of space for a State the size of New Hampshire, but they do not provide allowance large enough to have telephones for people who would occupy that 4,800 square feet.

In both of the years I have been here, we have had to use excess campaign funds, not for anything political, not for what a great job we are doing for the Republic, but just to pay telephones.

Mr. STEVENSON. Yes.

Mr. DURKIN. I gather that under the Senator's amendment that would be unethical.

Mr. STEVENSON. I do not regard that as unethical; I regard it as a necessity.

Now, the public does not begin to see the expenses of service in the Senate. Not only the personal expenses of maintaining two homes, the extra automobiles, travel for the family, but Senators are also put to the kind of official expenses that the Senator has mentioned, and there are many other such official expenses, expenses that must be absorbed by the Senator if he is to do his duty to his constituents.

So, what my amendment contemplates is that Senators treat themselves the way everybody else in the Government gets treated. The way the Members of the House get treated.

When we have reasonable, ordinary, official expenses, such as the Senator has just enumerated, they are paid for, not out of campaign contributions, political funds, or a fund——

Mr. DURKIN. Let me understand, these are not the type——

Mr. STEVENSON. They ought to be paid out of the public treasury.

Mr. DURKIN. Let me state, this is not the type account I am talking about. This is contributions that were received in a campaign and reported in complete accord with the FEC. Excess campaign funds which went to pay for telephones in the State office has nothing to do with Checkers, unless they call on our citizen toll-free hot line.

I gather what the Senator says is that if this amendment passes—I am not a gambler, they told us we do not bet on the next card—but if this resolution is agreed to today or when finally agreed

to, it would be unethical to pay something as necessary to an office as telephones in a State office from excess campaign funds that have been accounted for and reported, above and beyond the requirements of the Federal Election Commission?

Mr. STEVENSON. This amendment would put up the wall between the political funds and the official funds.

Official expenses would, after this amendment became effective at the end of the year, be defrayed, and only defrayed out of official funds, public funds, or out of the Senator's personal funds, including such earned income as is permitted, namely, honoraria.

Mr. DURKIN. So I gather the answer is, if the Senator's amendment passes and the Rules Committee and the Appropriations Committee do not come up with an additional allowance, then if we run over on telephones, say in the State office, there is only one source they can come from and that is the Member's own pocket.

I might add here that the competition to be the poorest man in the Senate is almost as severe as it was for the leadership on both sides of the aisle in January. But I submit for the record that I am the only Senator that has been able to avail himself of the income averaging provisions in the Internal Revenue Code for his first 2 years in the U.S. Senate.

So we are not talking hypothetical situations, they are not necessarily hypothetical.

Mr. STEVENSON. Mr. President, I think the Senator has put his finger on a serious problem. It is certainly one that I sympathize with him about.

Perhaps there is some way of putting to rest some of the anxieties. It would, of course, be possible for the Senate, if the Rules Committee and the Appropriations Committee did not act, to go back to the old way of conducting business, to permit the use of political funds for official purposes. But it also might be worth considering—and I intend to do so—a modification of this amendment which would only make it effective as of such time the Rules Committee and the Appropriations Committee and the Senate itself have acted to adjust the allowances in order to cover reasonable official expenses associated with the conduct of one's office.

As has been mentioned earlier, that would conform the practices of the Senate to those in the executive branch and to those already adopted in the other body, in the House of Representatives.

Mr. DURKIN. Let me make it very clear. I do not object to the thrust of Illinois. I think it is a long-needed solution to what have been a problem or may well be a problem in the future.

My only concern is that we accepted Common Cause's suggestion that we would put in a citizen toll-free hot line so that anybody in the State could call the Manchester office toll-free. It takes five, six, or seven people just to handle the work generated by that citizen hot line.

I do not think any one wants to be in the position of having to go back and saying that we will cut off this service because the increase in the telephone rates and the Senate allowances do not allow what I think is an extremely successful and excellent method of communication with the constituents I represent.

I do not want the Senator to misunderstand me. I am not opposed to the thrust of his amendment. I hope we are not betting on the next card and that then the Rules Committee will come up with no money, because it will disillusion some people if we have to cut back on some services. I am not talking about sending reports home about what great services I have performed for the public. I am talking about telephone service.

Mr. STEVENSON. Serving the Senator's constituents.

Mr. DURKIN. Yes.

Mr. STEVENSON. The Senator could be worse off. He could represent 20 million constituents.

Mr. DURKIN. Or more fortunate.

Mr. STEVENSON. No.

Mr. DURKIN. It is the greatest public service.

Mr. STEVENSON. I cannot accept the proposition that the allowances go up in proportion to all the burdens of service in the Senate.

The Senator has put his finger on a serious problem, and I share his concern. He has pointed out the risk of prohibiting the use of the only funds that, as a practical matter, are available to a Member of Congress, and he might not later get the official funds to which he is entitled.

I hope we can accomplish the purpose by putting up a wall, eliminating all the unofficial accounts for campaign funds, private funds, surplus funds, Checkers funds.

Mr. DURKIN. That would solve many of the problems.

Mr. STEVENSON. And at the same time assure ourselves that other funds—namely, official funds for official expenses—are available. There should be some way in which we can accomplish that purpose without taking that risk.

I would welcome the opportunity to work with the Senator from New Hampshire to develop a way to do that. Perhaps to make the amendment effective upon action by the Rules Committee and the Appropriations Committee and the Senate in adjusting the allowances is the way. I hope we can do that.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. STEVENSON. I yield to the Senator from Alaska for a question.

Mr. STEVENS. I am interested in paragraph 3 of the Senator's proposed amendment.

I can see a reason for paragraphs 1 and 2, the unofficial office accounts, and certainly agree with him with regard to those two provisions.

Subparagraph 4 certainly meets with my approval, although it is contrary to existing law, in terms of the Federal elections law we passed, which says that the surplus funds that exist after election could be used for any lawful purpose. Just 18 months ago, we passed that law. But if the Senate wishes to restrict the use of the funds left over after the election, I would not object, and I see no problem about that.

However, paragraph 3 bothers me in terms of its interpretation, in view of what I heard as I walked into the Chamber, when the Senator said he wanted to put up a wall with regard to the use of political funds. Did I understand the Senator correctly?

Mr. STEVENSON. Yes. The Senator from Illinois is attempting to put up a wall between the use of political funds on the one hand, for political purposes, and official funds or personal funds for official expenses on the other. That is the line I am trying to draw between political funds for political purposes and other funds for official expenses.

Mr. STEVENS. Let me pursue that a little, in view of my own situation. In view of the limits on official funds that exist today, I do not see us expanding those in the near future. In the resolution before us, we have a prohibition against gifts, with some limitations—either $100 or $250, depending on what the circumstances are.

Let me outline for the Senator a little trip I might take—and it is not hypothetical. I have taken this trip. I go from here to Anchorage by commercial airline, and it is reimbursed from official funds.

I then want to go to take a look at the construction of the Alaska pipeline, where there is a weld problem, and I find that the only access to that area is by company plane. I have gone on company plane, or private plane, to these construction camps.

As I understand the resolution before us, it would bar me from accepting that transportation if it is in excess of $100, if the company has a registered lobbyist or has a PAC.

I assume that I am correct in my interpretation of this resolution. I do have surplus funds from my last campaign. I have a limitation in terms of my transportation. If my campaign committee decided to pay for the private plane to take me to that place, where I could carry on my official duties, is the Senator telling me that I should not take that from the funds left over from my last campaign but that I must pay them out of my own personal money and cannot use this fund for that purpose?

Mr. STEVENSON. I say to the Senator that that is an official expense, not a political expense. Therefore, political funds should not be used for it.

This prohibition would not take effect until the end of the year. I refer the Senator to section 301, on page 49 of Senate Resolution 110, which mandates the Committee on Rules and Administration and the Committee on Appropriations, within 120 days, to report to the Senate legislation to adjust the amounts and uses of senatorial allowances so that they are adequate to defray all the necessary and appropriate expenses, such as the one to which the Senator just referred.

The effort here is to substitute official funds for official expenses, for the political funds.

I think the Senator has a very legitimate concern, as does the Senator from New Hampshire. The conditions in his

State are unique. I am not unfamiliar with the problem, having visited parts of that pipeline. Exactly how to meet the Senator's concern, I do not know. But it is mandated to the Committee on Rules and the Committee on Appropriations to come up with adjustments in the allowances that will make it possible for the Senator from Alaska to use official funds for those official duties instead of political funds.

As the Senator from New Hampshire and I were saying, in order not to take the risk of being left without the official funds after adoption of this amendment or resolution, it might be worth considering making the effectiveness of the amendment contingent upon the adoption or approval of adequate allowances so that the expenses can be covered.

Mr. STEVENS. I can see the point of saying we shall not use, and most of us do not use, official funds for political purposes. But to say when my funds are not sufficient to carry out my responsibilities in my official duties that my constituents cannot pay for that by contributing to a political account I find very strange.

Now, the Senator is on the majority side and he is the chairman of subcommittees, and he has control of committee funds, travel funds. If he wants to go to a meeting in my State all he needs to do is approve them as a committee or subcommittee chairman. If I want to go to Los Angeles for a meeting with people who are working on a project in my State I have no funds I can use. My funds that are in my official travel allowance are available for travel to Alaska or within Alaska.

I might say I have used political funds to go to meet with Alaskans in other places throughout the country to confer on Alaska problems, knowing that the official funds under the system that the Senate has adopted are not available to me. There is no committee meeting there. This is an official business function so far as I am concerned, and the people who have contributed to my campaign—the funds have been reported, reported every quarter, as to what my campaign committee spends. I do not spend it, they spend it. The bill goes directly to them. If they say, "There is nothing there that would further your career as a Senator," they do not pay for it. If they say, "It would further your career as a Senator and, therefore, it has a political impact on your constituency," they pay it.

My question to the Senator is, What is wrong with that? That is not misuse of official funds; it is the use of funds of people who want to keep me in office doing the things I must do to stay in office. Now that is a political purpose.

If my wife goes—and she has gone—up to Point Barrow to go ice fishing and whale hunting with my Eskimo friends, it has a political impact on my future, and my campaign committee has paid that transportation. It is not reimbursable from official funds, and that is part of being a politician, to maintain his contacts with his constituents and to maintain their confidence in what he is doing.

Whether it is wrong in terms of the constituents and the people who contribute is for them to decide. If they see that my committee is spending money to do things they think are frivolous they will stop contributing, No. 1. If my people decide I am doing things I should not be doing I will not be back here in 1979.

But I think the Senator is taking too much of the judgment away from my constituents. I would support him wholeheartedly if he said that official funds shall not be used for any political purpose, and we should have some way to have a firm dividing line there. But I cannot see paragraph 3 that says that my committee that raised the funds for my campaign and to further my career as a Senator cannot make the judgment of what is, in fact, in furtherance of that career. That is what that says.

The Senator from Illinois' wall is like the Berlin wall because, as a practical matter, in the long run only those who are very, very rich will stay here. I can not pay those costs, and there is no way I can pay those costs personally.

You go from here to Point Barrow and you are spending $1,000 plus to go round trip. If I go to Adak, it is probably $1,400 round trip.

There are times when those funds that are provided me by the Senate run out, and there are other times when some of the mixture of what is official business and what is political business comes to be a nice judgment.

I have relied on my campaign committee to tell me whether I should seek reimbursement from the Federal Government or whether I should let them pay that cost out of the political campaign funds we raised for that purpose.

I thought I was protecting the taxpayers in doing it. Now the Senator is telling me he is going to put up a wall and tell them they cannot do that, that I cannot go unless I can get reimbursed from the Federal Government. Where is the advantage of that to the taxpayers of this country?

In our great haste to respond to what some consider "public pressure," we may make this body a body of only multimillionaires.

I am being sincere with my friend from Illinois. The rest of the amendment I would endorse wholeheartedly, but I think the Senator is wrong to make judgment as to what I do with political funds on the advice of my campaign committee.

Mr. STEVENSON. I do not make that and the Senator's contributors do not make that either. He makes that judgment——

Mr. STEVENS. No; I tell the Senator they make that judgment.

Mr. STEVENSON. To go to the pipeline when he proposes, and I am not proposing any additional burdens on the Senator from Alaska. On the contrary, what I am proposing is to relieve him of the burden of going around, tambourine in hand, to the oil companies and everybody else asking for money—maybe it is during a campaign—and it is money with which to defray not only his political expenses but even after serving constituents——

Mr. STEVENS. I am going to make a little analysis of that "oil company money." I take a little affront at that. I have not seen a lot of that money. But, as a practical matter, I do not go around with a tambourine in my hand, holding out my hat. I really have never had to ask for money in my campaigns because it is there from the people who want me to stay there, and if it is not there I will not stay here.

But what the Senator is saying is that unless the Senate is prepared to reimburse what I consider to be an expense necessary to stay here that I cannot seek any help in getting that expense reimbursed. Is that not what the Senator is saying? I agree with him on the unofficial office accounts, and I believe they ought to be outlawed.

Mr. NELSON. Mr. President, I wonder if the Senator would yield at that point?

Mr. STEVENSON. I would be happy to yield to the Senator from Wisconsin.

Mr. NELSON. I am not sure I understand that point. This amendment only says, in essence, that only official funds may be used to defray expenses in the ordinary course of business under the IRS rule. It does not prohibit the expenditure of political funds for political purposes.

So when the Senator from Alaska says he refers this to his committee to make a judgment, if they make a judgment that whatever activity was involved was for a political purpose, the funds can be spent for that.

Mr. STEVENS. I beg the Senator's pardon. That is not what it says. These would be allowable under 162(a) if I had an income to charge them against or if I had the expenses already. But the limitation on expenses is not there.

If the Senator from Wisconsin wants me to start chartering jets and charge them to the Senate, I suggest that the Senate will have to increase the expenses a whale of a lot.

I am talking about this amendment in view of what is in the rest of the resolution because the Senator says I can no longer fly with a company that has a plane that is going into an area where no commercial service goes, and the Senators both know that, that that exists in my State, and I cannot get on if they have a registered lobbyist or if they have a PAC, except to the extent of $100 or $250. So that means it becomes a trip that I must take, and someone must pay for it, and the Senator says I am going to take it out of reimbursable allowances. My reimbursable allowances are like his. For travel they are figured on the basis that I can make so many trips—I think it is 24 now a year—so many round trips to Anchorage.

I can use that money also within my State, and I do so by flying, making certain that I fly, you know, tourist class. These are first-class round trip tickets, and whatnot, and we stretch that money out, and we use it within the State.

All right, now what the Senator is saying is if I want to look at that pipeline the next time, and I flew from Anchorage to the pipeline camp, and then

took a helicopter and went down the pipeline and saw what the problem was, that helicopter would cost me $350 an hour, and I was there 2½ hours; the jet would cost me $650 an hour, and it was about 45 minutes each way, and the Senator is telling me that I am going to have to take that out of my allowance, and what that says is, "Senator, you just lost two round trips from Anchorage to Washington."

Unless we start realizing what we are doing in relation to the other portion of this bill and the arbitrary limitations that are based on them from the point of view of others of us with our own experience and our own lifestyle, I do not think this is going to make any sense.

The Senator may not fly on company planes; he may not fly with people who have private planes. I do it all the time. My people in Alaska know that, and I have been returned and I think will be returned again if I continue to do it. But what the Senator is saying with the other portion of the section is I cannot use that type of transportation any more; I must use official funds. The official funds will not stretch that far, and I am telling the Senator if we pass this I am going to use political funds and I am going to use them because I want to do my job right and my people want me to do it right.

As a matter of fact, we have several organizations that are formed for the express purpose of assisting us with issues that are going on down here. One of them is the Organization for the Management of Alaskan Resources—OMAR—involved in the gas pipeline situation. They have, in fact, paid expenses for me in connection with official duties because I felt they had the money and they ought to do it. I do not see any reason why the Senator should say I cannot. If the Senator from Illinois wants to live according to this third paragraph, he should do it, but I think the Senator is wrong to put that on those of us who are living according to the best judgment of our people and trying to do the job right. That section will not work for the Senator from Alaska. How it will work for the Senator from Hawaii or somewhere else I do not know. Unless the Senate is prepared to increase my allowances to a staggering amount, the Senate will have to leave it to me and my constituents to decide how to raise the money to do the things that we think are necessary to represent Alaska in this Senate and not use official funds.

I object very strenuously to this reference to 162 in the Internal Revenue Code as ordinary and necessary expenses in the operation of a senatorial office. What the Senator is really putting—involved in my life there is the IRS, and someone down at IRS, who has never run for dog catcher, is going to tell me whether it really is a political function, whether it is a political, justifiable political, expense for me to ask my committee to use the funds left over from my campaign to defray the cost of going to Adak, Point Barrow, Kotzebue, or somewhere to go to a basketball game or to go to a combination political and civic function. I think the Senator is wrong. I tell him I think we are going too far and, my friend, if we do not start trusting ourselves the country is never going to trust us.

Again I tell the Senator if he takes this out of there, he makes the judgment about his life, I will make the judgment about mine in consultation with the committee on whom I rely and my people will decide whether I come back here next year or the year after next and I think we will on a different basis. That goes too far, and I am being sincere. I want the Senator to have a good strong tough code of ethics as far as the use of official funds. The use of unofficial funds in terms of office accounts should be barred. The use of political funds should be governed by the concepts of politics and what furthers a Senator's career politically.

That judgment should be made by him and by his committee in terms of the administration of that account. If the Senator wants to strengthen that and require a Senator to rely on the judgment of his committee that manages the funds, fine, and I will tell the Senator that I will show him that I send the bills to them monthly, and they pay the ones they think have a political impact and they send back to me the ones they think are personal or the ones I should pay because they do not have a political impact.

I think that is the best possible way to live within the scope of the existing rules, and I urge the Senator not to change it as I think he is just basically wrong.

If the Senator wishes to build a wall and say that political funds should be used for political purposes, official funds should be used for official purposes, personal funds should be used for the personal expenses of a Senator, then say it.

But do not refer it and put it in the Internal Revenue Service which is what the Senator is doing with 162(a) with the limitations that are there now and that would leave the judgment with my committee as to what is political. It would leave the judgment with the disbursing office as to what is official and leave the judgment to this Senator as to what he must pay personally. I think that would be a significant division of responsibility for these funds and would not be a wall that would mean that if you were very, very rich, Senator, you would not worry about any of the things in this rule.

I will have something to say about other defects in the basic resolution as far as the very, very rich and what they can do under this resolution. But this one invades my lifestyle and I think that lifestyle is necessary to represent the people of Alaska. I urge the Senator to reconsider that reference there and to spell out what he is saying he intends it to do, rather than going into the Internal Revenue Code and leaving to the IRS to decide what is political instead of leaving it to my committee. That is what the Senator is doing. He is deferring to the IRS to decide what is political. I am sorry for the time I consumed.

Mr. STEVENSON. Mr. President, I shall respond briefly, and I see the distinguished majority leader in the Chamber.

Mr. President, I do not doubt the problems the Senator from Alaska has. It is necessary in order to travel in Alaska to obtain gifts and those gifts in this resolution would be prohibited not by my amendment but by other parts of this resolution.

I say to my good friend from Alaska that he is into the IRS right now, and one of the purposes of this amendment is to get him out from under the IRS. Those gifts can be taxable to the Senator. It is possible that his own expenses, if they are expenses from gifts of political funds, may not be deductible. The IRS has already decided what is political and what is not political.

Mr. STEVENS. I might say I wanted to do that, and the IRS and my staff went through it. What the Senator is really talking about is the previous practice some followed where we paid the expenses and the committees reimbursed us. That clearly raises the problem where we had income. Where the expenses are paid directly from the committee out of committee funds I do not see how IRS can compute income to me unless the Senator from Illinois is doing what he is doing here—and I accepted the gracious comment of the majority leader personally here that I have been in error, and I apologize to the distinguished Senator from Illinois. But the Senator from Illinois has, through his amendment, given a greater duty to the IRS than it has right now because he has tied this future conduct of the Senate and every Senator in it to section 162(a) of the Internal Revenue Code which might be amended next month, for all we know.

I want that judgment to be made by the people who maintain my political account. I do not want that judgment to be made by the Internal Revenue Service. If the Senator from Illinois would accept that distinction, I think we can go down the road together, if he lets the disbursing office decide for the Senator from Illinois what is official, let the campaign committee decide what is political, and let the Senator absorb personally the balance, which he must do in any event, and we all do to a certain extent. The difference is the Senator from Illinois, as I understand it, ties us in to section 162(a) of the Internal Revenue Code in terms of their definition of what are ordinary and necessary expenses in the operation of a senatorial office, and I think that is wrong.

Mr. STEVENSON. Mr. President, the Senator from Alaska, is making a reasonable suggestion and maybe we can work something out.

My main purpose is to defray official expenses, and I grant you they are very large in the Senator's State from official funds to put that wall between the political and the official funds. Maybe we can do it without creating all the problems that he raised.

Mr. STEVENS. I thank the Senator from Illinois.

Mr. STEVENSON. I thank the Senator.

ADDITIONAL STATEMENT SUBMITTED ON SENATE RESOLUTION 110

Mr. HASKELL. Mr. President, I shall speak only briefly at this point in the debate on Senate Resolution 110.

I commend the distinguished chairman of the Special Committee on Official Conduct, Mr. NELSON, and the distinguished cochairman, Mr. THURMOND, and the other members of the committee who have worked so hard during the past few weeks to produce this outstanding piece of legislation. I am honored to be a cosponsor of this measure, which in some ways is one of the most important the Senate will consider in this entire Congress.

It is clear that no greater task faces both the President and the Congress than that of restoring faith and confidence in the basic political integrity of America's governmental institutions and in the men and women who hold positions of public trust.

If we fail to meet the challenge of putting our own house in order, then I fear that anything else we might do will seem pale and hollow by comparison.

A few weeks ago, I noted that a great many Americans were very skeptical of all talk of a new code of ethics for the Congress. They have heard such talk for quite some time, and many quite rightly were inclined to believe that all talk of ethics would fade once that pay raise was on the books.

But the ethics code has not quietly faded away. The Special Committee on Official Conduct has reported a bill which provides us with the elements to get on with the business of restoring public confidence in the honesty and integrity of this body.

The most significant aspect of the report of the Peterson Commission on Salaries which was issued last December, was the very deep concern expressed about the widespread loss of faith in Washington found throughout the country.

Citing a long list of scandals involving public officials, the Commission asked:

Is it any wonder that public confidence in Government has never been lower?

The sorry result of that widespread loss of faith is that all public officials have come under the same general civic indictment. They are commonly believed to be taking advantage of their positions of public responsibility in a host of ways unavailable to the ordinary citizen.

However wrong that belief may be with respect to the great majority of officeholders and public officials, it is a belief firmly entrenched in the public mind, and one not without a certain basis in fact.

I think we have to understand that in adopting a code of ethics for the Senate, we are dealing with perceptions as well as objective reality.

And perceptions are in some ways the lifeblood of public and political life. The appearance or suspicion of conflict of interest or of personal aggrandizement is often just as damaging as the reality.

If we are going to counter prevailing perceptions, as well as deal with the many real problems which have been exposed over the past few years, then I think we are going to have to adopt the rather stringent measures advocated by the Special Committee on Official Conduct.

I recognize that there are many Senators who take issue with this legislation, and who have serious objections to aspects of it. I respect their views and their sincerity in articulating them, but I firmly believe that Senate Resolution 110 speaks to very basic principles which must become the basis on which service in the U.S. Senate is predicated.

The first of these principles is simply that public office should not be used for private gain.

Full public financial disclosure is a necessary precondition to implementing that principle. Public financial disclosure provides our constituents with the basis on which to make a reasoned judgment of our integrity, and our use of our public responsibilities.

In an earlier day financial disclosure might have been enough. I recognize that many distinguished Members of this body argue that such disclosure is adequate. I do not agree.

I think the events of the past several years demand that we go beyond mere disclosure—we must strictly monitor that disclosure, and provide an adequate enforcement mechanism. I will be joining with the distinguished Senator from Delaware, Mr. ROTH, in an effort to strengthen the enforcement mechanism contained in the bill.

A second principle that ought to guide our behavior is that being a Member of Congress is a full-time job.

To give anything less than our full talents and energies to this job is simply to shortchange the public. It should go without saying that a Member of Congress should not spend a significant amount of time tending to private investments or interests.

We have a job. We ought to do it, and be paid adequately for it. We ought not to be able to supplement our income beyond the 15-percent limitation imposed on outside earned income with activities which actually engage our services. We have to face facts that fees and honoraria for practicing law or giving speeches are directly related to our positions of influence within the Government.

The prevailing practice of earning large sums of money in these ways simply serves to further the notion that we our busily feathering our own nest while on the public payroll.

The committee's 15-percent limitation on outside earned income is a reasonable one, and must not be weakened.

On this point, I received a letter yesterday from the president of Common Cause, David Cohen, and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HASKELL. Mr. President, Senate Resolution 110, by abolishing the so-called "unofficial office accounts," and by speaking to "lame duck" foreign travel, and the notorious practice of "double-dipping," as well as other less publicized, but vitally important aspects of Senate practice, goes a very long way toward remedying the abuses and potential for abuse which have so weakened public confidence in the Congress of the United States.

I again commend Senator NELSON and Senator THURMOND and the other committee members for their work, and I urge that the Senate adopt this code of ethics without weakening it in any way. This is a serious test of our commitment to high standards of public responsibility. We dare not fail.

EXHIBIT 1

COMMON CAUSE,
Washington, D.C., March 16, 1977.

DEAR SENATOR: On Thursday, March 17, the Senate will consider S. Res. 110, the proposed Code of Conduct, drafted by the Special Committee on Official Conduct, chaired by Sen. Gaylord Nelson.

The bi-partisan Nelson Committee has done an outstanding job in reporting a comprehensive, meaningful package that contains the essential elements of an effective Code, including a 15% limit on earned outside income, a new enforcement procedure, public financial disclosure with auditing of reports, limitations on gifts from lobbyists to an aggregate of $100 per year, abolition of unofficial office accounts, and reform of Congressional foreign travel and in the use of the franking privilege. Common Cause strongly supports the Nelson Committee recommendations.

Public financial disclosure is an absolute necessity if the Senate is going to begin to deal with the problems of conflict of interest. Disclosure, however, is not enough. The key to the Code of Conduct is the stringent limitation on earned outside income (including honoraria) proposed by the Nelson Committee and recently adopted by the House of Representatives. With the pay raise now in effect, there can be no justification for Senators engaging in extensive personal services for compensation. Being in the Senate is a full time job and Senators should not be using their positions to earn outside fees and honoraria which can and do cause real and apparent conflicts of interest.

We strongly oppose the Muskie amendments to the limit on earned outside income. These two amendments—one which would apply the 15 percent limit to unearned income and one which would then totally abolish any income limitation—are both clearly designed to destroy the crucial 15 percent limit on earned outside income. We urge you to vote against the Muskie amendments and to retain the 15 percent limit on earned outside income recommended by the Nelson Committee and adopted in the House of Representatives by the overwhelming vote of 344-79.

A strong enforcement mechanism is absolutely essential if the new Code of Conduct is to work effectively. The enforcement procedure contained in the Nelson Committee package is balanced and workable and establishes a much needed process for investigating significant allegations of wrongdoing. If this enforcement mechanism is not adopted, the rest of the Code of Conduct will be seriously undermined.

The vote on a new Code of Conduct is a crucial ethics test for the Senate. The Nelson Committee recommendations should not be weakened in any way during floor consideration. The decisions made on the floor will give the American people the opportunity to

see if the Senate is serious about writing a meaningful Code of Conduct. Senate adoption of a strong Code, including a 15 percent limit on earned outside income, would send a loud and clear message to the American people that the Senate is serious about restoring trust and confidence in our political institutions.

Sincerely,

DAVID COHEN,
President.

ORDER FOR RECESS UNTIL 1:30 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 1:30 p.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ROUTINE MORNING BUSINESS AND RESUMPTION OF CONSIDERATION OF SENATE RESOLUTION 110 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, after the two leaders or their designees are recognized under the standing order tomorrow, there be a period for the transaction of routine morning business, not to extend beyond the hour of 2 p.m., with statements limited therein to 10 minutes each with no resolutions coming over under the rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, that would mean then that at 2 p.m. tomorrow the Senate would resume its consideration of the resolution concerning the code of ethics, would it not?

The PRESIDING OFFICER. The Senator is correct.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I wonder if the distinguished minority leader can tell me whether or not Mr. HAYAKAWA intends to speak on the pending matter.

Mr. BAKER. Mr. President, it is my understanding that he does not.

Mr. ROBERT C. BYRD. Very well. Then, Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business so that no further time be charged to either side on the pending measure.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes. Shall I withhold this request?

Mr. ALLEN. Yes.

OFFICIAL CONDUCT AMENDMENTS OF 1977

The Senate continued with the consideration of the resolution (S. Res. 110) to establish a Code of Official Conduct for the Members, officers, and employees of the U.S. Senate; and for other purposes.

Mr. ALLEN. While we still have the Stevenson amendment pending, I would like to call for a division of the question in the Stevenson amendment. There are four parts, and I call for a division.

Mr. ROBERT C. BYRD. Mr. President, will the Chair respond?

The PRESIDING OFFICER. The Chair is having the matter studied, to see whether a division is proper, and the Parliamentarian will report forthwith.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. ALLEN. Mr. President, I call the Chair's attention to the fact that there are four separate and distinct amendments in the amendment.

The PRESIDING OFFICER. It is not divisible under rule XVIII, because it is an amendment to strike and insert, and that is specifically not divisible under the rule.

Mr. ALLEN. Very well. I believe that will probably defeat the whole amendment. I would like to ask unanimous consent—Senator STEVENSON is not here; I will withdraw that.

The PRESIDING OFFICER. The Senator may move to strike part of the amendment.

Mr. ALLEN. Very well; we will proceed in that fashion, then.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOHN F. KENNEDY CENTER

Mr. ROBERT C. BYRD. Mr. President, I understand this has been cleared with the minority. I ask the Chair to lay before the Senate a message from the House of Representatives on S. 521.

The PRESIDING OFFICER (Mr. DURKIN) laid before the Senate the amendment of the House of Representatives to the bill (S. 521) to amend the John F. Kennedy Center Act to authorize funds for the repair of leaks.

(The amendment of the House is printed in the RECORD of March 4, 1977, beginning at page 6299.)

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate disagree to the amendments of the House of Representatives on S. 521, and agree to the request of the House of Representatives for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BURDICK, Mr. BENTSEN, Mr. ANDERSON, Mr. MCCLURE, and Mr. DOMENICI conferees on the part of the Senate.

S. 1034—POSTPONEMENT OF BAN ON SACCHARIN

Mr. HAYAKAWA. Mr. President, I have been receiving an avalanche of mail on the subject of banning saccharin. Therefore, I would like to speak on this subject.

Mr. President, I would like to take a few minutes to call attention to some aspects of the ban on saccharin which are not widely understood. In order to explain what I am saying, let me start with a story that may seem on first glance to have little to do with the subject.

At the University of Chicago there is a famous student of child psychology and psychiatry, Dr. Bruno Bettelheim, who is famous especially for his Orthogenetic School, for the treatment of extremely disturbed children.

When these emotionally disturbed children are admitted for residence at this school, the first thing they find is that there are chocolate bars and dishes of candy on the tables in every room, accessible to any who might want them. The reaction of these unhappy children to this freely available candy is both an index of the degree of their emotional disturbance and of the importance of sweets in people's lives. Let me explain what happens.

Some children are so excited by the sight of these sweets that they grab all they can, stuff their pockets with them, take them to bed with them that night and, of course, some make themselves quite ill eating too much candy. Other children are simply frightened. They stare and stare at the candy, but are afraid of touching it, apparently for fear of punishment.

Normal children can eat candy when they want it and leave it alone the rest of the time. It is not a problem to them. But it is a problem for emotionally disturbed children—and the reason is that sweets, in our culture, are laden with emotional significance far beyond their nutritional significance.

We reward our children for good behavior with sweets. We punish them by denying them sweets.

We say to them, "Finish your mashed rutabagas and then you can have your dessert."

Therefore, for almost all of us the taste of sweets is associated with approval—it means that somebody loves you or approves of you. And the denial of sweets means that you are not loved. And this is why unhappy people are often obese. This is why many women, after a shattered romance, console themselves by eating too much candy. We all need the taste of sweetness to assure us that we are approved, that we are loved.

For some, however—those who suffer from overweight, high blood pressure, blood sugar, diabetes—the consumption of sweets is unhealthy. It aggravates their disorder. In extreme cases, the continued eating of sweets can lead to death.

This is why this ban on saccharin has created, it seems to me, such a tremendous reaction.

Let me quote a letter from one of my constituents in San Diego:

With the help of many products containing saccharin I have lost 64 pounds. I am still to lose 100 pounds or I will surely die. I am 34 years old and I am doing everything in my power to avoid early death. One thing I have done is to quit smoking. Smoking can cause cancer. . . . There is no evidence that saccharin has ever caused a single case of cancer in a human being. Please help me by changing the law which forced the FDA to ban saccharin.

The woman obviously needs to avoid sugar if she is to live. What is important to point out is that in her case, as in the case of millions of others, psychologically she needs the taste of sweetness, even if nutritionally sugar can destroy her. Is it necessary to add that a person who is ill needs the taste of sweetness—the assurance that he or she is approved and loved—even more than the person who is well?

Another constituent writes:

I have a disease which requires a very strict diet and sugar is totally banned, because my doctor says that use of sugar would cause an early death.

Saccharin in one of the things that helps to make my sparse diet tolerable. I know sugar will kill me. Saccharin is a medical necessity for me.

A constituent from Berkeley says:

My wife has hypoglycemia, a blood sugar disorder. Artificial sweeteners are necessary for her to control her weight due to this imbalance.

Another letter, from a Mr. Gosnell of North Long Beach, is rather lengthy, but I wish you to hear a portion of it:

I am of a family that traces diabetic origins maternally to the 19th century. I am age 46 and have myself been diabetic over 25 years. As a child I was partially raised by a diabetic uncle and I feel well qualified to express the concern from the diabetic's point of view.

My wife is a naturalized American from Korea and I have assumed responsibility for support of her family and their candidacy for American citizenship, including mother, brother, sister and their families, and we have a son half-Aryan, half-Korean.

So I must earn a living and assume a reasonably normal productive lifestyle to do this.

Although it may seem a small matter, I depend on artificial sweetness to bridge the gap between living as a diabetic and living a normal lifestyle with diabetic adjustments.

Stories we hear on this subject are often very touching.

The psychological problems I am talking about apply with special force to diabetic children. Children need love. They wither without it. And the taste of sweet things is an assurance of love that a child needs.

A Mrs. Carter of Eureka, Calif., writes:

I would like to strongly protest the ban of saccharin. My seven-year-old boy is a diabetic and is highly dependent upon the use of saccharin-sweetened foods because of his intolerance to sugar.

A 12-year-old boy by the name of Kenny in Marysville, Calif., writes:

My best friend's little sister has diabetes and if a law is passed to get rid of saccharin she will have no diet drinks for her or anybody else.

Mrs. Dorothy Clarke of Santa Cruz writes:

As the wife, daughter, and daughter-in-law of diabetics, I am very aware of how difficult it is to cope without the use of sugar. Without saccharin, it will be nearly impossible.

It would indeed be impossible because cyclamates, too, have been banned. It seems to me that the reason there was not more of an outcry against the banning of cyclamates is that there was saccharin to fall back on. But if cyclamates and saccharin are both banned, I am told that it will take years to test adequately and to bring to market another artificial sweetener.

Mr. John Suing of Weed, Calif., tells a particularly touching story. He writes:

We have two diabetic boys and they have few luxuries with regard to the food they can eat. . . . Meals are the high point in a diabetic's day, and we try to make it as pleasant and enjoyable as we can for our boys. When we top a meal off with a sugar-free drink as a real treat to them, they feel just like those of us who are not diabetic and they forget for a few minutes that they have a disease for which there is no cure.

Mr. President, these are only a few of the hundreds of pleas for help I have received since FDA announced its decision late last week to ban saccharin.

Letters, telegrams, and phone calls are coming into my office—and I am sure into the offices of my colleagues as well—at an astounding rate.

Millions of Americans are frankly scared for their health. Most pitiably, many are scared for the lives of their children, and their own lives. We cannot in conscience ignore them.

For this reason, I introduce today emergency legislation to postpone the proposed ban of saccharin for 3 years.

I realize that this postponement cannot fully resolve the possibility that saccharin may be banned. But, I stress that this is an emergency situation, and an emergency bill is called for.

I am also preparing legislation to modify the Delaney clause of the Food, Drug, and Cosmetic Act, which prohibits the use in food of any ingredient shown to cause cancer in animals or man. This clause was the reason that FDA was obliged to announce its ban of saccharin. However, this legislation involves much complex research, and I will introduce it as soon as possible.

My bill today addresses the immediate problem of the ban on saccharin.

I ask my colleagues on both sides of the aisle to study my proposal. I ask their support for what I feel is a humane act, in the true sense of that word.

I ask unanimous consent that the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there are authorized to be appropriated $250,000 for the purpose of conducting a study of the potential cancer-producing effects of saccharin on human users. Such study shall be conducted (or contracted for) by the Secretary of Health, Education, and Welfare and shall be completed not later than two years after the date of enactment of this Act. The Secretary shall submit a report on such study to the President and the Congress not later than 60 days after the completion of the study.

(b) Notwithstanding any other provision of law, neither the Secretary of Health, Education, and Welfare nor any other officer in the executive branch of the Federal Government shall cause the ban or any other restriction on saccharin in interstate commerce for a period of 3 years after the date of enactment of this Act.

Mr. MATSUNAGA. Will the Senator from California yield?

Mr. HAYAKAWA. I yield.

Mr. MATSUNAGA. Mr. President, I associate myself with the statement made by the Senator from California and, if the Senator will permit, I should be more than happy to cosponsor the measure with him.

Mr. HAYAKAWA. I am most grateful to the Senator from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. I ask that my name be included among the cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I commend the distinguished junior Senator from California for his action in a matter of extraordinary interest to the people of this country at the moment. Saccharin may seem like a small thing to some, but it is a great thing to many. In many ways, the proposed ban on saccharin represents a further intrusion into the daily lives of people by Government. It is important, and it will be increasingly important, as the principles involved here might even extend into other things—other food additives, coloring and the like. I think the country is not in the mood for this proposed ban unless it is shown that it is absolutely essential.

Mr. President, if the Senator from California is agreeable, I ask unanimous consent that I may be added as a cosponsor to this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. The Senate will convene tomorrow at 1:30 p.m. After the two leaders or their designees have been recognized under the standing order, there will be a period for the transaction of routine morning business with statements limited therein to 10 minutes each. At 2 p.m. the Senate will resume consideration of this matter, the code of ethics for the Senate.

I suspect that there may be rollcall votes tomorrow afternoon on amendments or motions in relation to this measure.

COMMITTEE MEETINGS

All committees would be permitted to meet until 2 o'clock tomorrow afternoon. I am sure that is one thing the Senator from Mississippi has in mind.

Mr. STENNIS. Yes. I thank the Senator; that helps. That is enough.

Mr. ROBERT C. BYRD. Yes; of course, the Appropriations Committee and the Budget Committee have standing authority to meet without the consent of the Senate.

Mr. BAKER. Mr. President, a parliamentary inquiry, if the Senator will yield to me.

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. I came in after the distinguished majority leader had begun his description of the legislative calendar for tomorrow.

In keeping with our earlier colloquy, I hope our colleagues understand that tomorrow I will object to any committee meetings beyond those permitted under Senate Resolution 4 or the Standing

Rules of the Senate. In recapitulation of that statement, it is my understanding that committees can meet tomorrow until 2 o'clock.

Mr. ROBERT C. BYRD. That is correct.

Mr. BAKER. And that no committee, then, under the objection I now am making to committee meetings, can meet after 2 o'clock tomorrow.

Mr. ROBERT C. BYRD. I do not think the Senator needs to make his objection now, because no unanimous consent has been asked, but the Senator has stated the situation correctly.

Mr. BAKER. I am not making any objection now, if there is no request, obviously; but I want to put my colleagues on notice that objection will be made to any such request.

Mr. ROBERT C. BYRD. The Senator's colleagues are on notice.

There is one subcommittee for which authority was granted the day before yesterday, however. The Science, Technology, and Space Subcommittee received unanimous consent the day before yesterday to meet at 2 p.m. tomorrow. That order is not vitiated, and that subcommittee will be permitted to meet. Other than that, the Budget Committee and the Appropriations Committee are the only committees that have standing authority to meet.

So committees may meet as early as they wish tomorrow, 7:30 or 8 if they wish, and meet until 2 p.m.; and, of course, when the Senate recesses tomorrow evening, they can meet; they can meet on Saturday, and I would urge that committees do the best they can under the extenuating circumstances at this time, which to some extent do place a stricture on their meeting. I hope they will do whatever they can to meet when they can, so as to be able to report legislation to the floor as early as possible, and thus enable the Senate to act on measures sooner than would otherwise, perhaps, be the case.

Mr. President, let me amend my statement in this respect: The Foreign Relations Committee received authority 2 days ago to meet at 2:30 p.m. on Monday. So that committee will be permitted to meet at 2:30 on Monday.

Mr. BAKER. Mr. President, I certainly do not make any question of the authority of the Foreign Relations Committee to meet, or any other committee to meet, pursuant to previously entered unanimous-consent agreements; but I would just say briefly that I think the matter before the Senate is of such unique sensitivity and special importance to the Senate that I would very much hope that those committees might consider the possibility of rescheduling those hearings, so we could have a maximum attendance on the floor during the entire debate on this measure.

I have no authority, of course, to insist upon it; but I would respectfully request that any committees that have authority to meet during the pendency of the ethics measure before the Senate would reconsider that schedule, and accommodate the responsibility of Senators to pay maximum attention to this issue.

I thank the Senator.

Mr. ROBERT C. BYRD. Mr. President, I would hesitate to suggest that committees change their scheduled meetings, especially in view of the fact that consent has already been given for them to meet at such and such a time, in one instance on tomorrow and in another instance on Monday. But I thought it would be appropriate to state for the RECORD and bring to the attention of the distinguished minority leader the fact that the Foreign Relations Committee had already been given consent to meet at 2:30 p.m. on Monday.

I understand and certainly sympathize with the Senator's viewpoint that as much attendance as can possibly be had on the floor during the consideration of the pending matter would be desirable. But I felt that unless we clarified in the RECORD the fact that that consent order for the Foreign Relations Committee has already been entered, the committee might indeed feel that at some point and in some way the previous order had been vitiated. That was my reason for my statement.

Mr. BAKER. I thank the majority leader for making that clarification. I would ask, if the majority leader would yield, if he knows of any other committees that have similar orders.

Mr. ROBERT C. BYRD. As a matter of fact, I do not. I did not recall that until it was called to my attention.

May I ask the Chair, can it be ascertained whether or not any other orders have been entered heretofore for consent for committees or subcommittees to meet tomorrow, Monday, or during any other day next week?

The PRESIDING OFFICER. The Chair is informed that no committee, other than the one just indicated, has been granted the privilege of meeting.

Mr. ROBERT C. BYRD. I thank the Chair.

RECESS UNTIL 1:30 P.M. TOMORROW

Mr. MATSUNAGA. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 1:30 p.m. tomorrow.

The motion was agreed to and, at 6:34 p.m., the Senate recessed until Friday, March 18, 1977, at 1:30 p.m.

CONFIRMATION

Executive nomination confirmed by the Senate, March 17, 1977:

U.S. REPRESENTATIVE TO THE ORGANIZATION OF AMERICAN STATES

Gale W. McGee, of Wyoming, to be the permanent representative of the United States of America to the Organization of American States, with the rank of Ambassador.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

HEALTH CARE BUDGET

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. FISHER. Mr. Speaker, for some months I have been concerned about the rising cost of health care. On March 15, I discussed this issue in an address before the Arlington County Medical Association. The text of my remarks follows:

THE BATTLE OF THE HEALTH CARE BUDGET

Our ears are still ringing with campaign rhetoric, we are now being dragged by the pundits and prognosticators into the great American game of guessing how and when various campaign promises will be translated into programs, budget proposals, statutes, appropriations, and—inevitably—tax dollars. In the health care corner of this big game, the speculation focuses primarily on "the national health insurance question": Is President Carter really going to come up with a firm proposal, or was that just campaign talk? If he is, when will it come, how sweeping will it be, what will it cost, and will the Congress go along with the President? A secondary but related area of speculation centers around the question of slowing down the escalation of health care costs—whether measured in terms of total health expenditures, health insurance premiums or per diem rates for hospital care.

I'm not going to play this questioning game with you tonight. I have no secret knowledge of what the President will propose—or when; about as far as I'm willing to go at this time is to speculate that no major new health program legislation is likely to be enacted by the Congress this year. That may or may not hold true for 1978 as well, but one year at a time is all I'm willing to guess about. This forecast, let me repeat, relates to new program authority only. There may be, indeed probably will be, some significant changes made in existing Medicare and Medicaid legislation this Congress—possibly even this year.

Cost considerations underlie these predictions—both as to new program authorities and as to amendments to current program authorities. Major new program starts will require major additional revenues, but the outlook for raising large new revenues at this stage of our economic recovery is uncertain and will have to await the outcome of the economic stimulation program about to be enacted. Furthermore, the experience with Medicare and Medicaid to date has made the Congress chary about undertaking additional health care obligations until someone can derive new and better ways to keep program expenditures from climbing out of sight. At the same time, however, the Congress is getting increased pressure from back home to "do something" about the rising costs of Medicaid and hospital care. What you can expect in this present Congress, therefore, is a hard new look at our present program commitments, with particular emphasis on (1) measures to provide better protection against fraud and abuse, particularly in the Medicaid program, and (2) new approaches to the containment of cost increases, with particular emphasis on hospital costs.

While the immediate focus of these cost

containment efforts may be centered on somewhat arbitrary "rate regulation" proposals, a somewhat broader inquiry into cost considerations seems likely in the near future. Indeed, it seems to me and to many of my Congressional colleagues that there is a need to back off a bit from our past approaches to cost containment and to reexamine some of our assumptions and concepts with respect to health care economics.

For example, we may need to rethink what should be included in our definition of health and medical care. With a steady rise in the number and proportion of older people in our population, and with institutional health care costs rising even more rapidly, we should look anew at what kinds of facilities are really needed for the care of the elderly. While some progress has been made along this line, there are still many persons in mental institutions whose real problem is senility rather than mental illness. Similarly, a significant portion of the projected need for nursing home beds could probably better be classified as a need for domiciliary facilities—or even day-care facilities—for the elderly. To reclassify or redefine these needs does not mean there are no additional needs, but it may greatly affect the kinds of facilities we build, the composition of their staffs, and the availability of health insurance funds—public or private—to cover institutional operating costs. Redefinition along lines indicated here could result in better utilization of facilities and some cost reduction over all.

Similarly, we need to continue to press, wherever possible to find alternatives for inpatient hospital care—the most expensive and most rapidly rising component of health care costs. A great deal of innovation and progress has already taken place with respect to the kinds of medical procedures that can be provided effectively on an outpatient basis, and the effectiveness and economy of home care services has also been amply demonstrated. Much remains to be done, however, to develop the institutional framework for these cost-saving alternatives to inpatient care, and to assure that economies are not achieved simply by sacrificing quality. This applies particularly to home care services, where professional oversight may be more difficult to apply.

The problem of rapidly escalating medical costs led to renewed interest in cost containment. Cost containment is very difficult, having in mind the expectation that many have for the most advanced kinds of medical treatment involving very expensive medical technology. The high premiums for malpractice insurance almost force physicians to order expensive and protracted forms of diagnosis and treatment. The more medical costs are covered by insurance, the greater the expectation of policy holders is that whatever is wrong with them will be taken care of. This is a most delicate subject but cannot be avoided. Doctors inevitably are caught in the pull and haul of wanting to treat all patients according to the very best medical practice and technology on the one hand, and the knowledge that this course will run medical costs up even more. The widespread adoption of third-party insurance, such as Blue Cross-Blue Shield and the various pre-paid health maintenance programs, means that neither the provider nor the recipient of insured care has strong motivations to contain costs. We probably need to back away from this problem and consider a broad range of approaches to what appears to be the most intractible of all medical problems of our times.

Finally, we must broaden our attack on cost escalation by focusing more attention on the role and responsibilities of consumers of health care services. This is probably the toughest assignment of all. What it means, to put it bluntly, is that we must do a better job of making the American public—your patients and my constituents—understand certain truths that they would prefer to ignore:

(1) That the way they live and behave—their eating, drinking, smoking, exercise and work habits—are probably the most potent determinants of their adult health status;

(2) That the best way to make real reductions in total medical care costs is not to whittle away at the rates for providing curative services, but rather to reduce the need for medical interventions—partly through preventive medicine practices but primarily through individual health maintenance habits;

(3) That our national over-reliance on curative medicine is not only a threat to our individual health status; it is also a major villain in the drama of escalating health care costs. In the battle of the health care budget we must face the reality described in Pogo's classic line: "We have met the enemy, and he is us."

I don't need to tell you practicing physicians how hard it is to persuade people to do what they ought to do for their own good, but we have got to keep hammering away on this basic theme, and by "we" I don't mean just our doctors and nurses, but the educational system, the press and the broadcast media, and others who have skills and opportunities relating to health education. Federal, state, and local government may have important roles to play in preventive care by such means as aid to clinics that emphasize this aspect, assistance to schools with improved preventive care efforts, introduction of preventive care at the very earliest ages in child care centers and kindergartens, life-long programs of preventive care, and emphasis on this welfare programs of all kinds. Last year, Congress enacted legislative authority for new experiments and undertakings in health education. No easy answers can be expected, but our efforts must be increased until some headway is made.

One of the avenues particularly in need of exploration is how to make people generally appreciate the connection between health maintenance and health care costs. I wish, for example, that we could find a health insurance parallel for the "safe driver" premium reductions that are prevalent in the auto insurance field. I'm not sure whether any such provision would be feasible, but I think we should at least search for an equivalent. I realize that the deductible and coinsurance features of some health insurance policies provide some restraints on consumer utilization. The trouble is that they apply the brakes a little too late—after the patient needs medical or hospital care. What would be better would be some financial inducement for the insured person to reduce everybody's costs by preserving his own good health.

Many people in the country now look for immediate extension of health insurance to cover in a comprehensive way all people, not only the elderly or the low-income. This expectation is intensified as a result of a recent election in which comprehensive health insurance has been laid down in the Democratic party platform and less clearly in President's Carter's campaign utterances. A realistic approach might be to reform and improve the medicaid program and less urgently the medicare program, and then move to some kind of catastrophic health insurance coverage. In any case, greatest care must be taken in moving toward comprehensive coverage not to overtax the American people with costs higher than they are willing to bear whether through employment taxes or general taxes. Care must further be taken that the administrative capacities of the various medical systems in the country not be overstrained. And finally care must be taken that too rapid an extension of health insurance doesn't simply run up the cost of providing medical services in an inflationary way.

On this cautionary, but yet hopeful, note, I'll conclude these explanatory thoughts on rethinking some of our health economics concepts. I know I haven't found all the answers yet, but I'm earnestly searching for better ideas. If you people—leaders of the medical profession—will continue your search as well, the problems involved won't seem quite so difficult a few years from now as they do in March of 1977.

TERMINATION OF AID TO COUNTRIES ENGAGED IN ILLEGAL NARCOTICS TRAFFIC

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. GILMAN. Mr. Speaker, today I am introducing legislation terminating all U.S. assistance to any nation which fails to take adequate steps to control illegal trade in narcotics.

In recent years, the devastating impact of drug abuse in the United States, particularly that of heroin, has led to U.S. efforts to obtain the cooperation of other countries in suppressing illegal traffic in narcotics substances, with a priority given to illicit opium—as distinguished from export opium produced in accordance with international agreements to meet the world's legitimate requirements for opium-based drugs. Such increased U.S. efforts to secure multilateral cooperation stem from the fact, as illuminated in a report of the international narcotics control program, that—

The Key drugs of abuse originate abroad and our domestic efforts result in seizures of only 10–15% of that entering the U.S.

This same report emphasized what has been by now universally recognized:

The illicit movement of drugs respects no boundaries. What appeared to be largely an American problem several years ago has now substantially affected foreign populations. The abuse of heroin and other drugs has markedly risen in Southeast Asia, in Europe, and other areas. The international characteristics of the trade have become evident to all, to the point that government leaders in many countries have recognized the virtue of a multilateral attack on the problem.

The United States must continue to support and initiate international cooperative efforts designed to quash the continually proliferating network of illegal narcotics traffic. During the last 15 years, more than 500,000 Americans have succumbed to heroin addiction. The concomitant devastation—in terms of related crimes, and rehabilitation and law enforcement costs—visited upon Ameri-

can society by this inflow of harmful substances from abroad has been estimated at an annual social cost of $17 billion. The United States, while committed to international solutions to the drug problem, cannot fail to act unilaterally if, indeed, that route presents potentially productive alternatives. In the absence of stronger political commitments by foreign governmental leaders to narcotics control, our international programs cannot be fully effective. The legislation I am introducing today is born of recognition of that fact.

Congress must take resoundingly affirmative action as a clear signal to those countries unwilling or unmoved to shoulder their share of the responsibility for this debilitating intrusion of narcotic substances into our Nation.

To those who would contend that this measure would interfere in the internal policies of another nation, I would remind them that we are living in an interdependent world and must encourage each nation, while safeguarding its own interests, to act responsibly as it considers domestic policies which affect other nations.

Accordingly Mr. Speaker, I offer the following bill, which I request be reprinted in full at this point in the RECORD:

H.R. 5135

A bill to provide for the termination of all American assistance to any country which fails to take adequate steps to control illegal trade in narcotics

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 620 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(y) No military, economic, or other assistance may be furnished under this or any other Act and no sales of defense articles and services (whether for cash or by credit, guaranty, or by any other means) may be made under the Foreign Military Sales Act to any country in any fiscal year—

"(1) unless—

"(A) the President determines, and so certifies in writing to the Congress, that such country has taken adequate steps to prevent narcotic drugs and controlled substances (as defined in paragraphs (16) and (6) of section 102 of the Controlled Substances Act), which are produced or processed, in whole or in part, in such country or which are transported through such country, from being—

"(i) illegally transported, directly or indirectly, to the United States, or

"(ii) illegally sold within the jurisdiction of such country, and in particular, from being illegally sold to United States Government personnel or their dependents in such country; and

"(B) neither House of the Congress, by resolution adopted within sixty calendar days after such certification, disapproves such determination; or

"(2) unless the President determines, and so certifies to the Congress, that—

"(A) an emergency exists which requires such assistance or sales in the national security interests of the United States, or

"(B) with respect to humanitarian assistance only, assistance is required immediately for urgent humanitarian purposes.

If either House of Congress disapproves a determination made by the President under paragraph (1)(A) with respect to a country, such country shall remain ineligible for assistance and for sales of defense articles and services until the Congress, by concurrent resolution, declares such country eligible. Any determination by the President under this subsection shall be effective only for the fiscal year for which it is made. The President may, at any time, suspend assistance and sales of defense articles and services to any country which he determines has failed to restrict adequately illegal production of or trafficking in narcotic drugs or controlled substances.".

TRIBUTE TO DR. HAYDEN

HON. JEROME A. AMBRO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. AMBRO. Mr. Speaker, today it is my pleasure to pay public tribute to Dr. Charles W. Hayden, a respected community leader in my North Shore Long Island District and a surgeon whose excellent capabilities are widely recognized by his professional peers.

On March 24 Dr. Hayden will be the guest of honor at a testimonial dinner given by a voluntary group of Glen Cove citizens. Such festive occasions are usually reserved for the conclusion of a successful career. Dr. Hayden, however, is an active and vigorous gentleman of 64 who, I am happy to note, has no intention of retiring from the practice of the good works which have earned him the affection and respect of his neighbors and associates.

Since he came to Glen Cove in 1946 Dr. Hayden, a graduate of Washington University and Harvard Medical School, has dedicated his professional skills to assure that the young and needy receive the same high quality of medical care available to the more fortunate. Beyond his medical services Dr. Hayden has given his valuable time freely to a host of community projects. Just to mention a few of his affiliations indicates the wide scope of his concerns. He is president of the Glen Cove Neighborhood Association and a member of the board of managers of the Glen Cove YMCA, which, I might add, elected him man of the year in 1966. A former member of the Glen Cove Planning Board, Dr. Hayden also serves on the executive committee of the Nassau County Council of Boy Scouts and on the advisory board of governors of Adelphi University.

Recognizing that a vital community depends upon the strength of the individual family, Dr. Hayden has shared his deep love of learning, enthusiasm for life and social commitment with his wife Joan and their three children, Eric, Brian and Carol.

The honor to be given Dr. Hayden on March 24 is, as one of his neighbors said, long overdue. For all who know Dr. Hayden it is a way of saying thank you for being in our midst. The life of our community has been and will continue to be enriched by the character and philanthropy of such generous citizens as Dr. Charles W. Hayden.

FDA'S SACCHARIN BAN SERVES INTEREST OF PUBLIC HEALTH

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. VENTO. Mr. Speaker, the recent FDA ban on saccharin has made headlines throughout the country and has generated a not surprising negative reaction from many segments of our society. Although people who must diet, because of obesity problems and those afflicted with diabetes and related diseases are leading the attack, many other people are raising the logical question, "What will be next?"

That is a fair question. It is time for Congress to take a good hard look at the Delaney clause of the food additive amendments passed by Congress in 1958. Although well intended, the Delaney clause makes absolutely no allowance for dose rates in any cancer-causing substance consumed by people except for tobacco. I question the logic of this clause and believe there exists a case for modifying it now before other additives are swept off the market because, in abnormally large quantities, they may be cancer-causing agents.

Mr. Speaker, I concur with my colleague from North Carolina, the Honorable JAMES MARTIN, an organic chemist himself, who states:

If it is clear that normal use is safe, as it is with saccharin, then people ought to be able to use it.

It would seem to me, in the case of saccharin, that those who depend on it as a sugar substitute are in far less danger than health complications that might result if saccharin is taken off the market. In this regard, I can hardly imagine anyone consuming 800 bottles of diet pop in 1 day, the quantity of saccharin estimated to trigger possible bladder cancer.

Mr. Speaker, I would encourage the FDA to impose a mandatory labeling of all food products which contain saccharin. The American people should be made aware of any possible hazard to their health if consumption of this product is abused.

Furthermore, Congress should encourage both private industry and Government laboratories to develop a sugar substitute that will not jeopardize the health of our society. Hopefully, working together, a safe substitute may be on the market in a relatively short time.

Mr. Speaker, I include the St. Paul Dispatch editorial in the RECORD:

NOT SO SWEET AN ORDER

Working at the Food and Drug Administration must be something akin to front-line soldiering at times. You toss out an order and then duck, for the shrapnel is bound to be thick. Thus with the most recent grenade, a ban against the casual use of saccharin as a substitute for sugar.

The loudest cries of anguish come, of course, from those who make money off sac-

charin: manufacturers of the chemical; those in the soft drink business. It's not a small matter, for Americans use 5 million pounds of the stuff a year, three-fourths of it in soft drinks.

Dieters (and there actually are many who think drinking diet pop will make them thin) resort mostly to ridicule. A person would have to consume 800 bottles of pop a day in order to duplicate the cancer-causing effect detected in rats. This over the period of a lifetime. Not even the most addicted are likely to hit that level.

And then there are those individuals who, for medical reasons cannot tolerate sugar and formed the original market for artificial sweeteners. Their reaction is likely to be, "What next?"

The FDA, of course, will be the object of all the outrage, humor and (pardon) bitterness. This is not justified.

Americans live in fear of cancer and in fear of doing anything meaningful to reduce the incidence of cancer. They hope for a miracle drug or surgical procedure to make the curse go away. It won't. Maybe we need a national cancer policy as well as a national energy policy, for the problems are of the same sort. Good sense dictates certain courses of action; those same courses of action are socially and economically expensive. So we choose not to act, not even to quit smoking but to continue to subsidize the tobacco industry.

Congress reflected America's fear of cancer when it directed the FDA to ban food additives that are shown to cause cancer in humans or in animals. The FDA has little choice in the matter, if it is to be honest with its mission. In this case, if we read the reports rightly, the animal tests weren't even done in this country but in Canada. Maybe we should be wondering why the work was done in Canada instead of here.

At any rate, it is clear that modern America, like other industrialized and wealthy nations, is peppered with cancer-causing agents. They're in our food, our water, the air, the houses in which we live, the cars we drive. The "cure" for many, if not most cancers probably has been found already: eliminate 90 per cent of the products we've come to depend on to provide "the good life."

Well, we won't pay the price, no diet pop and cigarettes, to say nothing of automobiles and heavy industry. So it seems here that the basic questions are these: how safe do we want to be? and who is to do the protecting?

Congress gave the FDA an order that we suspect would ban everything in food, including the food, if the tests were pushed hard enough. Certainly any additive, including salt and pepper, must be lethal if taken in sufficient quantity. Does this mean we should ignore the results of animal studies and wait until some autopsy uncovers a grain of, say, saccharine surrounded by a 10-pound tumor?

Hardly. But Congress handed the FDA a pretty wild weapon and should call it back for a second look. If "cancer policy" is to be near-total protection, as the FDA order indicates, then it is ludicrous to look at one food additive at a time while actively encouraging the production of other suspect-to-probable causes of cancer. If it is to be demonstrable human danger, the people up at Reserve Mining will be happy.

Somewhere in between there has to be reasonable ground. It should not be determined by producers (does America really need 5 million pounds of saccharin a year?) and it should not be some sanitation law that makes the whole program look slightly ridiculous when it is occasionally enforced.

TECHNICAL AMENDMENTS TO TAX REFORM ACT OF 1976

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. CONABLE. Mr. Speaker, today I have introduced some technical amendments to the historic structure provisions of the Tax Reform Act of 1976. My bill would delay the termination date of the provision of the Tax Reform Act of 1976 which allows a deduction for charitable contributions of conservation easements of no less than 30 years' duration and would limit the recapture of amortization of certified rehabilitation expenditures on the disposition of certified historic structures to the excess of the amortization deductions claimed over the otherwise allowable straight line depreciation.

These provisions which this bill amends were added to the Tax Reform Act of 1976 by a Senate floor amendment introduced by Senator Beall. The amendment contained four provisions dealing with the taxation of historic structures, each of which had a 5-year termination date, and the one provision which allowed deductions for charitable contributions of conservation easements of no less than 30 years' duration which had a 1-year termination date.

In his floor statement accompanying the amendment, Senator Beall stated that the termination deadline for the five provisions were included so that the tax expenditures resulting from the provisions would not continue indefinitely without a review by Congress of their effectiveness. I understand that Senator Beall had intended the provision dealing with conservation easements to have a 5-year termination date, but that his amendment inadvertently provided a termination date for this provision of June 14, 1977, instead of the intended termination date of June 14, 1981. Section 1 of the enclosed bill would change the termination date of the provision dealing with conservation easements to the intended termination date of June 14, 1981, and should permit a more reasonable period of time for Congress and the Treasury to evaluate the effectiveness of the provision.

Section 2 of the bill generally limits the recapture of deductions for rapid amortization of certified rehabilitation expenses on the disposition of a certified historic structure to the excess of the amortization deductions claimed over the otherwise allowable straight line depreciation. A technical error was made in the drafting of the Tax Reform Act which provided that the rapid amortization deductions would be recaptured under section 1245 of the code with the result that the gain on the disposition of a historic structure would be recaptured—that is, treated as ordinary income rather than capital gain—to the extent of the full amount of any rapid amortization deductions claimed with respect to property. This is the rule that generally applies with respect to recapture of depreciation or amortization deductions on the disposition of personal property. However, in the case of dispositions of real property, recapture is ordinarily accomplished through section 1250 of the code under which a gain on the disposition of the structure is ordinarily recaptured only to the extent that the depreciation or amortization deductions claimed exceed otherwise allowable straight line depreciation.

Although section 2 of the bill would correct the technical error made in the Tax Reform Act by generally limiting recapture upon the sale of a certified historic structure to the excess of the amortization deductions claimed over otherwise allowable straight line depreciation, recapture of the full amount of the amortization would still be provided to the limited extent that the gain on the disposition of a certified historic structure is attributable to the disposition of an elevator or an escalator. This is the same rule that applies with respect to the recapture of depreciation or amortization deductions on disposition of other types of real property.

AID FOR INNOCENT VICTIMS OF CRIME

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 16, 1977

Mr. MAZZOLI. Mr. Speaker, I would like to share with my colleagues the following editorial which appeared in the Record, the Louisville Archdiocesan newspaper.

This editorial, in citing a worthy program established by the last session of the Kentucky General Assembly, underscores the necessity of speedy action on Federal legislation to assist States in aiding the innocent victims of crime.

As a cosponsor of H.R. 3686, the Victims of Crime Act of 1977, I urge expeditious action by the 95th Congress to usher this important legislation into the statute books:

OUR SOCIETY HAS OVERLOOKED CRIME VICTIMS FOR TOO LONG

Forgiving sinners is a worthy goal for each of us, but we suggest that remembering the sinners' victims is equally important.

That is why we were gratified to see a brief item in the secular press recently. The item noted that payments are being made to victims of serious crime for medical expenses and lost earnings. These payments come through a State agency set up and funded by the last session of the Kentucky General Assembly.

Our gratification comes because of the realities of the contemporary world, in which charity has, perhaps of necessity, been institutionalized. While still arguing that the best charity is the kindness and compassion of one human being for another, we admit that certain need must be served by formal agencies. This is true even within some charitable and social arms of the Church.

This sense of organization has long since spread to the offenders. Convicted criminals

are kept by penal organizations. Persons who are guilty of less serious crimes against society or their fellow humans are counseled by still other formal units.

Watching over all these organizations are various arms of the media who assign reporters to keep an eye on the performance of these different agencies.

Perhaps that is why it may seem to some of us that the rights of criminals are quite widely publicized. It is probably not so much any so-called bleeding heart reaction to the plight of criminals as it is the formal assignment of media representatives to watch and report regularly on the performance of agencies dealing with criminals.

Victims have no such representation or watchdogs of their rights. Victims are one-day wonders in the fast-moving media world. Without discounting the compassionate and effective work of everyone from police officers to medical personnel, few agencies look after a victim beyond the initial post-assault period.

Facing these organizational realities, we are glad to see still another agency alive and functioning. If the Crime Victims Compensation Board continues to function properly, victims will receive at least some of the benefits that come to others in our over-organized society.

JOB CREATION PROPOSAL

HON. MAX BAUCUS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. BAUCUS. Mr. Speaker, I am pleased to take this opportunity to express my wholehearted support of the Congressional Rural Caucus' anti-inflation job creation proposal.

We need to recognize the unique character of many rural problems, and give them the type of special consideration that our urban problems received in the 1960's and early 1970's. Thus, I am encouraged by the attention that the Congressional Rural Caucus proposal has received, and the cooperative effort that it represents.

In contrast to the President's revised budget, the budget proposals drafted by the Congressional Rural Caucus, if enacted, would provide more than $16 billion in stimulas that would be directed toward rural areas. More important, it has been shown that these funds could produce 2 to 3 million private sector jobs.

The most striking feature of the CRC budget proposal is that it provides most of these funds from the private sector, through increased loan guarantees from the Farmers Home Administration and the Small Business Administration. I am not always a supporter of providing Government guarantees for private loans. However, I have found that when the Government guarantees loans to citizens in rural areas, the prospects for default are relatively lower in rural areas than other areas. The chance that the Government will be forced to spend funds on defaulted loans is reduced in rural areas.

Many rural areas are unable to compete on equal footing with urban areas for various forms of Federal assistance. The CRC proposal would be a step in the right direction, by acknowledging the different approaches which must be taken in dealing with either urban or rural economic problems. All we are really calling upon Congress to do is to provide rural residents with their fair share of economic opportunities and public services.

May I join with my colleagues in the Congressional Rural Caucus in expressing hope that we in Congress will move swiftly to approve this much needed piece of legislation, aimed at remedying the economic problems faced by our rural citizens.

WILSON ADDRESSES ISSUE OF POSSIBLE REDUCTIONS IN POSTAL HOME DELIVERY

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. CHARLES H. WILSON of California. Mr. Speaker, the U.S. Postal Service will, as we all know, face continued financial difficulties in the years to come. From some quarters the recommendation has been made that money could be saved by reducing home delivery from 6 to 5 days per week.

No firm decision has been made by postal management to move in that direction at this time, but I have recently begun receiving reports from postal employees in the field that mail is allegedly being held back and manipulated in an attempt by management to show that 5-day delivery is sufficient. While I am receiving reports regarding delayed mail from a number of cities in the country, most of the reports are coming from the Postal Service's western region.

At this time I cannot confirm these alleged delays, but I am in the process of investigating the matter.

No change to 5-day delivery is imminent. According to postal management:

A reduction in the number of delivery days would be a change in the nature of postal services on a nationwide or substantially nationwide basis within the meaning of section 3661 and would require a request by the Postal Service to the Postal Rate Commission for an advisory opinion.

Also, postal management recognizes that:

Any changes in wages, hours and other terms and conditions of employment that derive from such a change as a conversion to a 5-day delivery schedule would, of course, require Postal Service compliance with applicable statutory requirements in the labor relations area and the provisions of extant collective bargaining agreements.

Mr. Speaker, at the heart of this matter is the fact that cutting back to 5-day delivery is really an issue of public policy and should be decided by the Congress.

The Postal Service maintains that savings could be $300 to $400 million annually if such a change took place, although the USPS admits that "potential cost savings are not precise because the savings could vary."

Under legislation which I have sponsored, H.R. 19, a procedure would be established which would prohibit service cuts, such as dropping to 5-day delivery, or rate increases, until Congress was provided a certain amount of time to consider a subsidy in its place.

The impact of 5-day delivery could be significant to many Americans. It is a decision which Congress could consider and decide, if my legislation is approved.

As chairman of the Postal Personnel and Modernization Subcommittee of the House Post Office and Civil Service Committee, I have yet to see any evidence which would persuade me that the reduction of some delivery of mail from 6 to 5 days would be of such a financial benefit to the Postal Service as to offset the reductions in service to the public and the potential loss of jobs to postal employees. At a time when the new administration and Congress is working toward full employment, any action which would eliminate jobs has to be thoroughly researched and completely justified.

Therefore, Mr. Speaker, I plan to oppose any attempt to reduce mail delivery from 6 to 5 days unless it is clearly demonstrated to me that it is to the best interest of all involved—the public, the postal employee and postal management.

THE RULE OF REASON

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. PICKLE. Mr. Speaker, I am today introducing a bill which brings more commonsense to the Truth in Lending Act (15 U.S.C. 1640).

My bill is not designed to harm this law, nor will it do so in my opinion. It will make truth in lending more realistic. The bill is simple, and its full text reads:

A creditor may not be held liable in any action brought under this section for a violation of this title if the creditor is in substantial compliance with the provisions of this title and regulations promulgated hereunder respecting the alleged violation.

This language does one thing to the law—it applies the legal maxim de minimis non curat lex to the Truth in Lending Act. In layman's terms this means that minor, technical, and unintended acts by the creditor are not subject to fine.

My bill grows out of expert counsel of an Austin, Tex., attorney, Mr. Donald Goldston. He is an attorney whose practice includes extensive consumer practice. His everyday experience, plus study of the case St. Germain against Bank of Hawaii, 413 F. Supp. 587 (Ha. 1976), has led him to recommend the language I introduce today.

In the materials I have received from Mr. Goldston, two paragraphs in particular stand out in my mind. I would like to put this in the RECORD.

As I am sure you know, I do not disfavor the basic concepts underlying most consumer

protection laws; I have long advocated that some were needed. But I am appalled at the unrealistic structuring of most such, at the complexities of all such, and at the bureaucratic implementation of all such. Most of the existing consumer protection laws and the implementing regulations thereof are so complex that neither lawyers nor judges can agree upon the proper meaning of such. I did not mention this above; but the law books are filled with one judicial opinion after another which conflict with other judicial opinions about how to comply with the Truth-in-Lending Act.

When there is no general agreement about the law among lawyers and judges, you can just imagine how baffled the layman is. *And those disclosure forms are filled out by laymen, not lawyers.* The consumer protection laws must be readily understood by the moms and pops operating a small retail store, or such laws will continue to be, as they have been for years: (1) more honored in the breach than in the obeyance thereof; (2) legalized means of blackmailing businessmen into coughing up hundreds of thousands of dollars in settling claims based upon such evils as using the wrong sized type in a printed form; (3) meaningless, in terms of disclosing information, to the average person; and (4) inflationary in their impact on our economy.

In short, I would hope that the Congress would pass my bill, and that the Truth in Lending Act be enforced against the real violators, and not the technical, nonsubstantive violators.

GAS PRODUCTION COSTS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. COLLINS of Texas. Mr. Speaker, is the price of gas going to stay high? The answer is "yes," because gas is short and new reserves are expensive to develop.

We have 10 years of gas reserves. The most accessible gas production has been found and produced costs for exploration and development have increased.

Gas is still cheap at $1.95 MCF because compared by Btu energy content to other types of energy gas has similar Btu value at $1.95. The old prices will not come back and here is an example of why that is true.

I received a report from the Total Exploration Co. of Corpus Christi, Tex. To get the full facts, I talked with their president, H. C. Cooke. I reviewed their entire experience on No. 2 Vincent gas well in Refugio County.

At this time, Total Exploration Co. is applying to the Federal Power Commission to increase the price to $1.60. But this would just barely break even. At the old price, he will have to discontinue the well. Read their report as it lists the cost data for one gas production situation. Here is Cooke's statement from Total Exploration Co.:

Enclosed herewith are statements of income and expenses on the Total Exploration Company No. 2 Vincent gas well, Refugio County, Texas. The income covers a period of sixteen months, July 1975 thru November 1976.

Income to the working interest from gas at 76.65 cents per MCF was $27,583.99, total costs were $56,966.33, for a loss of $29,382.34.

Based upon the average home use of 5.3 MCF per month, this gas well will furnish gas for 540 homes. It is quite obvious that Total can no longer produce this well for this price gas, and somewhere down the line 540 homes or their equivalent will be without gas.

If the FPC will increase the price of this gas to $1.60, we will continue producing this well, even though at this figure our total production over the sixteen months of 45,826 MCF would show a loss of $245.57.

In addition to the above costs, this year Total Exploration Company drilled and abandoned two wells on this tract at a cost of $118,000.00, as evidenced by the enclosed contract.

ST. PATRICK'S DAY

HON. PETER W. RODINO, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. RODINO. Mr. Speaker, today, we honor the memory and spirit of the beloved patron saint of Ireland, St. Patrick. Truly there can be no better occasion on which to also pay tribute to the numerous contributions of Irish men and women and their descendents in the building of our great Nation.

Most Americans are well acquainted with the history and legends surrounding the life of St. Patrick. Born a citizen of Rome, while still a youth he was kidnaped by fierce drug marauders. Enslaved for several years in what is now County Antrim, legend records that the assistance of the Almighty enabled Patrick to escape and make his way home. Upon his return he studied for the priesthood, and after his appointment as a bishop, St. Patrick was sent to Ireland to convert to Christianity the Druids he had once served.

Arriving in 431 A.D., he quickly encountered strong resistance to this new faith he preached. His early days in Ireland were perilous, and more than once the saint's life was threatened. Undaunted, Patrick persevered in his missionary labors and, according to legend, first used the shamrock to illustrate the mystery of the Trinity to his skeptical listeners.

Numerous miracles have been attributed to Ireland's patron, perhaps most prevalent being the colorful legend that St. Patrick rid the island of all its serpents.

Without a doubt the saint's zealous efforts eventually proved extremely successful and countless numbers were converted to Christianity. In addition, St. Patrick is known to have established schools, churches, and at least one college. Ceaseless dedication to his flocks earned St. Patrick an eternal place in the hearts of Irishmen. At his death on March 17, 493, thousands of grieving mourners traveled great distances to pay final tribute to the figure who had transformed groups of warlike tribes into a peaceful and civilized community.

Mr. Speaker, as Americans we too acknowledge a debt to St. Patrick through the many and varied contributions of the Irish people to the growth and development of our Nation.

Along with other immigrants the Irish played a key role in constructing the railroads which first linked the coasts of our growing land. The talents of Irishmen and their descendents are represented in diverse fields, ranging from athletics, the arts, to religion where thousands of Irishmen have held important church positions.

And on this day it would be impossible not to recall perhaps the one man who personified Irish success in the United States, our late President, John F. Kennedy.

Mr. Speaker, each year the Newark St. Patrick's Day parade is a long-awaited and major event in my district. Most unfortunately, the parade this year which was scheduled for Sunday, March 13, was canceled due to inclement weather. Perhaps this is an indication of our close ties with Ireland, as I understand rain also interrupted the Dublin parade this morning. However, I wish to highly commend Mr. Tom Conroy, the grand marshal for Sunday's parade, on his superb and diligent efforts in organizing this year's celebration.

Mr. Speaker, an old proverb proclaims that "Everyone is Irish on St. Patrick's Day." I am especially proud to be an "honorary" Irishman and to salute the proud heritage of the magnificent Emerald Isle. Regrettably, today, areas of St. Patrick's beloved Ireland are suffering from a tragic, bitter conflict. Certainly we can imagine no more fitting tribute to the memory of this most inspiring Irish figure than the restoration of peace and tranquillity to beautiful Ireland.

FREE VLADIMIR PRESTIN

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. LEHMAN. Mr. Speaker, I would like to bring to the attention of the House today the story of a Soviet dissident, Vladimir Prestin, who for 7 years has been denied an exit visa for Israel.

Vladimir Prestin is an engineer who has written several articles and has three patents. Since 1969, he has not worked on any projects that could be considered secret, yet is still refused permission to emigrate.

Vladimir is currently employed doing menial work in a factory. He spends his spare time teaching Hebrew, taking part in scientific seminars and other educational and cultural programs for fellow Jews.

Vladimir has a wife, Elena, and a son Misha, who will soon be celebrating his 13th birthday, the age of Bar Mitzvah. In a gesture of solidarity, synagogues throughout the world are having Bar Mitzvahs for Misha on Saturday, March 19.

In honor of the courageous Prestin family, I would like to share this poem written by a member of the South Florida Conference on Soviet Jewry:

IF WE FORGET THEE VLADIMIR PRESTIN

(By Morton E. Freiman)

If we forget thee Vladimir Prestin . . .
The birch trees will wither and die
But the dream of your ancient homeland
Will remain like a prisoner's cry

Imprisoned, deprived and denied
That homeland, so far yet so near
Still the vision of freedom within you
Must grow brighter with each passing year

Abraham, Isaac and Jacob
Are with you whenever you pray
For on their internal passports, too
Was written the word Yevre!

We have not forgotten thee Volodya
The birth trees are thriving and strong
Soon, redeemed, in Yerushalayim
We shall offer in praise a new song

RELEASE OF DR. MIKHAIL SHTERN FROM SOVIET PRISON

HON. JEROME A. AMBRO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. AMBRO. Mr. Speaker, yesterday, I was pleased to learn that the Soviet Union's News Agency Tass has reported the release of Dr. Mikhail Shtern, an eminent Soviet endocrinologist sentenced in 1974 to 8 years at hard labor on trumped-up charges following the application of his youngest son to emigrate to Israel. Dr. Shtern, the senior consultant in the Polyclinic of Vinnitsas—Ukraine—Endocrinological Health Center, was singularly responsible for the elimination of the thyroid diseases endemic to the western Ukraine. Nonetheless, his entire professional career has been dogged by the manifestation of successive waves of Soviet anti-Semitism, including Stalin's infamous "Doctor's plot."

His recent troubles began in September 1973, when his family received an invitation from Mrs. Shtern's sister to join her in Israel. Following his refusal to forbid his sons to emigrate, Dr. Shtern was arrested and placed incommunicado in a basement prison cell for many months. His family did not even know where he was. During this period, anti-Semitic mobs stoned the Shtern home, broke the windows and caused Mrs. Shtern to fear for her life. The Soviet authorities continued to harass the Shterns by confiscating their property and leaving them penniless. Both sons—one a physicist and one a psychologist—were fired from their jobs and threatened with arrest on the charges of "parasitism." After a rump trial—during which attempts were made to prevent his wife and sons from attending—Dr. Shtern was pronounced "guilty" of bribery for "accepting two chickens, one goose, some vegetables, 70 eggs, and 770 rubles" from various patients over a 20-year period. His sentence was 8 years in a Soviet labor camp. He has spent the past 2 years in a labor camp in Kharkov where he has been denied the right to practice as camp doctor and has been forced to work in the camp machine shop with a wrench, despite his ill health and age. His wife has only been allowed to visit him once a year, and every two nights he is moved from barracks to barracks, from sleeping area to sleeping area, so as to disorient him and attempt to create a breakdown.

Since becoming a Member of the Congress in January 1975, I have written to Secretary Brezhnev and to Ambassador Dobrynin several times on Dr. Shtern's behalf. Several months ago, I had the honor of meeting with Dr. Shtern's son, Viktor, after which I drafted another appeal to the Soviet officials. I know that the series of letters sent directly to Dr. Shtern by my colleague, Congressman DOWNEY, must have been a great source of strength and hope for him, and I commend him for it. While I cannot take any of the credit for the release of Mikhail Shtern, I can and do derive pleasure out of this decision by the Soviet leadership, whatever their reasons might be. Now, it is my hope and prayer, Mr. Speaker, that this same leadership will complete their gesture of good will and compassion by granting Dr. Shtern an exit visa so that he may join his sons in Israel. To do anything less would only constitute a cruel hoax on this brilliant physician whose only crime is that he is a Jew.

THE SOVIETS DISCOVER DISTRUST

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. DERWINSKI. Mr. Speaker, a major cause of disturbance in foreign affairs is the complete distrust that the Soviets find themselves in, as a result of their failure to live up to the Helsinki accords. This question of foreign policy is addressed in an editorial, appearing in the Chicago Tribune of March 16. I insert this editorial for the Members' attention:

THE SOVIETS DISCOVER DISTRUST

Pravda has set up a frightful hullabaloo over the support President Carter has given to dissidents in the Soviet Union. It can doom detente, Pravda says. It can dim any hope of a new strategic arms limitation agreement. The Communist Party newspaper goes on to say that "attempts to bring pressure on us . . . are bringing about an atmosphere of distrust."

There is distrust. That's for sure. We know from long experience. The Soviet Union has been sowing distrust in American breasts for years. It has violated agreements with us regularly. The Helsinki agreement of 1975 is no exception. It has been clear almost since the day of the signing that the Kremlin had no slightest intention of honoring this pledge in the agreement: "The participating states will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion, or belief . . ."

It was Moscow's callous, daily violation of this clause that prompted Mr. Carter's criticism. How is it possible to say he has caused "distrust" by pointing to the Kremlin's own breaches of the agreement? Pravda has directed its warning to the wrong party; it should have gone to the Kremlin.

As a matter of fact, for the construction of a good arms agreement it doesn't matter whether Pravda trusts us or not. As a matter of fact, we would be foolish indeed to enter into any agreement based on something as ephemeral as faith in the Soviet Union. Any pact should depend on tangible, reliable things like verification of compliance through mutual inspection of weapons and sites and through other hard-noscd means.

If the Soviets really want a workable arms agreement, one that may help save the world from destruction, they will not be too deeply concerned about the negotiating atmosphere.

Meanwhile, the Kremlin may as well stop telling us to be quiet about human rights violations. If the Kremlin can, as Leonid Brezhnev said, pursue detente on the one hand and at the same time support the creation of Marxist despotisms in any country it chooses, then we have every right to embrace the nobler ideal of pursuing detente while seeking to inspire a movement for individual freedom wherever we choose. Ours is the true effort to support national liberation; to the Soviets, liberation and democracy are merely words to conceal an effort to spread despotism.

If saying this causes the Kremlin to talk of distrust, it is because an evil system can survive only by spreading distrust of a good one.

DISPLACED HOMEMAKERS ACT

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. MOAKLEY. Mr. Speaker, I rise to urge most strongly the swift passage of Congresswoman BURKE's bill, the "Displaced Homemakers Act," H.R. 28. This act deals with women who have been psychologically and economically sheltered from the business world, only to face financial disaster because of possible divorce or widowhood. These women possess few marketable skills and little experience, yet suddenly they must support both themselves and their dependents. The prospects of their financial survival are frighteningly dark.

The extent of this problem is hidden from us by the lack of appropriate statistics. After much research, the Alliance for Displaced Homemakers could only conservatively estimate that in March of 1973, 2.2 million homemakers between the ages of 34 and 64 definitely qualified as "displaced" and in need, another 7.5 million women with children over 18 appeared to be potential candidates, and 15 million more women, presently receiving child care benefits for their children under 18, threatened to join the corps of unskilled mothers seeking financial subsistence, once their children attained maturity. Hundreds of other displaced homemakers, undetected by these figures, may also be enduring the nightmare of sudden economic distress, without hope of governmental assistance.

Since 1973, the divorce rate has been steadily rising, implying ever greater numbers of displaced homemakers. Yet, simultaneously, the rate of alimony awards has been declining, indicating that ever fewer mothers are receiving monetary aid for their dependents. The available figures indicate that only 47 percent of divorced mothers were awarded any child support at all, and of this amount, only 21 percent actually continued to receive regular payments. Even in the marriages that remain stable, women are outliving their spouses to a

significant degree. These women, like their divorced counterparts, are then forced at a late age to face economic demands for which they are unprepared. They need our assistance.

Congresswoman BURKE has responded to the many constituent calls for help in this area, and drafted a bill geared toward easing the displaced homemakers' transition into the working world. Complementing both psychological and practical requirements, the bill creates multipurpose centers which provide both health, education and home management programs and job counseling, training and placement services, besides offering a coordinated referral service to other appropriate programs. Despite long isolation and a tough market, these women can become productive, self-sufficient members of our economic community, given the flexible, comprehensive adjustment aids this thoughtful act provides.

I am sure that a little careful investigation will prove to each Member of Congress that this bill offers services both desirable and relevant to the needs of the homemakers in their districts. Many women already enduring the trauma of loss and displacement, are also poised on the brink of financial disaster. I ask my fellow Members to help me to provide the necessary bridge to financial survival. I urge affirmative action on the "Displaced Homemakers Act," H.R. 28.

SETTING THE RECORD STRAIGHT

HON. WILLIAM C. WAMPLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. WAMPLER. Mr. Speaker, the Washington Post today, March 17, 1977, carried a major headline article, "Nitrogen Fertilizers Seen as Threat to Earth's Ozone Shield," on page A3. The scare impact of this article must be immediately clarified before the public obtains the false impression that official scientific facts have just been announced that the farmers are causing cancer by fertilizing their crops.

Because of the emotional impact this story could generate, especially since the article gives the impression of being an official Government announcement, I contacted the National Science Foundation this morning to find the truth about the Post's article.

A National Science Foundation spokesman stated as follows:

The National Center for Atmospheric Research is a private organization under contract by NSF to perform studies; Dr. John Gille, quoted by the author of the Post article, is not a Federal employee; that the employees of the National Center for Atmospheric Research had been cautioned in the past not to cast statements they made as official Government announcements; that the quotas attributed to Dr. Gille by the Post are "scientific speculation" at this time; that the article is "low in scientific content"; that the "nitrogen cycle" pertaining to fertilizers is not a major concern at the present time, but that fluorocarbons from spray can propellants still are a matter of concern by NSF; and that the National Science Foundation "does not condone this type of article before we know what the facts really are."

This article hit me between the eyes, Mr. Speaker, because only yesterday I was studying the impact of this winter's bad weather on the availability of fertilizers for our farmers this spring to grow crops to feed our people. I found out, incidentally, from the Department of Agriculture that while supplies of fertilizers are improving and probably will be adequate, USDA is still sticking by its earlier estimate that we will have a 750,000 ton loss of fertilizers this year. While this is not a serious shortage, it could—if it materializes—have an impact on the cost of farm products to consumers.

I trust, Mr. Speaker, my statement puts today's Post article into proper perspective.

LIFE FROM THE LAB: WHO WILL CONTROL THE NEW TECHNOLOGY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. OTTINGER. Mr. Speaker, I would like to call the attention of my colleagues to a most important debate that has been raging in the academic and scientific community and has now reached the Halls of Congress. It concerns the highly controversial subject of genetic research—specifically in recombinant DNA—and the ultimate goals we seek to achieve. Put simply, the new science of recombinant NA is the transplating of genetic material from one living organism to another completely unrelated species with the possible result that new life forms are created.

Hearings have been held in the Subcommittee on Health and the Environment of the Interstate and Foreign Commerce Committee on which I serve. Bills have been introduced by Subcommittee Chairman PAUL ROGERS, Congressman SOLARZ, and myself to regulate and supervise this research. Much has been written recently in the press on this subject. One of the most thoughtful and comprehensive pieces was written by Judith Randal and appears in this month's Progressive magazine. I would like to enter it in the RECORD for the benefit of all of us who will soon be asked to make an informed judgment on this most important subject:

LIFE FROM THE LABS: WHO WILL CONTROL THE NEW TECHNOLOGY

(By Judith Randal)

As recently as five years ago, almost anyone who suggested that the species barrier could be broken much more easily and at far less cost than it took to split the atom would probably have been regarded as a science fiction buff at best, and more probably as a nut.

Today this is no longer fantasy. At the very time, ironically, when thousands of species are threatened by man or already extinct, the tools that will cause entirely unrelated species to exchange hereditary material have become a reality. What now confronts us is the problem of weighing the potential benefits of this new technology against the potential risks—without sacrificing the freedom of scientific inquiry or endangering the world on a previously unimagined scale.

Interspecies hybrids are nothing new, but the issue of such unions—the mule is an example—have always been distinguished by an inability to reproduce. Moreover, those forms of life—bacteria and blue-green algae—which do not have distinct cell nuclei and those which do, have always been autonomous biological kingdoms whose boundaries could not be crossed. With the discovery of enzymes that will fit ordinary bacteria with the genes of any plant, animal, insect, or virus a scientist may choose, and with the evidence that generation after generation of germs will then continue to express the characteristics conveyed by the transplants, such distinctions are fading fast.

As they fade, we suddenly face the prospect that man will be moving genes back and forth across boundaries that many millions of years of evolution have set in place. That prospect now engages the scientific community in a furious debate—one of which most Americans are still unaware, while the rest wonder which biologists to believe.

The dilemma of balancing scientific risks and benefits is, of course, a familiar one. In the case of nuclear energy, both the risks and the benefits are at least familiar and more or less quantifiable. And when physicists have created new elements, they have done so with the knowledge that their behavior will be highly predictable. By contrast, even the experts can only guess what will happen when germs are provided with exotic genetic material and what trade-off this new technology will require. And whereas radiation generally decays, novel microbes might multiply indefinitely in a hospitable environment.

Last June, the National Institutes of Health (NIH) published voluntary guidelines which, in effect, sort proposed genetic experiments according to their estimated risk and then define those which can be safely performed under specified conditions and those which are potentially so hazardous that they should be deferred pending further developments, or completely avoided.

Some biologists, including Nobel laureates David Baltimore and James Dewey Watson of the Massachusetts Institute of Technology and the Cold Spring Harbor Laboratory on Long Island, respectively, are satisfied that the NIH guidelines provide adequate safeguards against the escape into our midst of bacteria that might prove to be drug-resistant. There are others, within and without the Nobel ranks, who think such an "Andromeda Strain" scenario is overblown, and who protest that the NIH has imposed needless limitations on scientific inquiry.

But there are still others—and they, too, include a Nobelist, Professor George Wald of Harvard—who are not at all convinced. They point out that accidents have happened under the best-regulated scientific circumstances, and they would, therefore, have the work go forward only in highly secure facilities and sparsley populated places—if at all.

The bacteria that receive gene transplants are called DNA recombinants. DNA, or deoxyribonucleic acid, is the molecule of heredity (except for some viruses). In the course of the experiments, segments of the DNA of two or more species are annealed. The novel micro-organisms created in this process offer insights into biological mechanisms that are not otherwise easily obtained, thus arousing the scientific curiosity of those who long to unravel the mysteries of cancer and other forms of serious disease. If, indeed, these organisms could be counted on to remain laboratory curiosities—and if reputations and money were not riding on them—there would be little reason to give gene-juggled microbes a second thought.

But this is not the case. In at least one university biology department, opposition to the experiments is already construed as an attempt to block scientific progress. Graduate students who balk at using the technique may find it hard to earn a degree or to find a post at the laboratory of their

choice. At the same time, both academia and industry have correctly perceived that programming bacteria to turn out quantities of valuable chemicals and drugs is the stuff of which fortunes may soon be made. Today's fairly modest research project could be the basis of tomorrow's big business deal. (See "One Small Step beyond Mankind," Page 21.)

Last October, for example, Dr. Herbert Boyer of the University of California, San Francisco, was a leader of two research groups that reported they had successfully used recombinant technology to induce the production of beta galactosidase, a milk-digesting protein, in *Escherichia coli*, a species of bacteria whose usual habitat is the human or animal intestine. In this case, the protein was one that *E. coli* are capable of producing anyway. But Boyer was quick to point out that "we've gone out of the area of basic science into the area of practical application" and to predict that bacteria could be induced to become factories for the manufacture of insulin and other medications and chemicals.

What is important here is that the University of California and the California Institute of Technology, which was also represented on the Boyer team, lost no time in applying for patents on the technique. This means that, while the work was done with NIH funding and therefore adhered to the NIH guidelines, the income generated by it in the future could free both institutions—or for that matter any institution in a like position—from such constraint.

Universities, it is true, might be reluctant to incur the displeasure of the NIH. And an NIH regulation (which has never been used) would permit the agency to withhold funding from other projects should a grantee or contractor defy the recombinant guidelines. Nonetheless, the NIH might well be reluctant to discipline the research community. And as universities become more pressed for funds they are being driven to engage in projects that may become ethically dubious, though financially rewarding.

To be fair, there probably would have been no safety guidelines had it not been for the scientists themselves. In mid-1974, eleven prominent molecular biologists—Baltimore and Watson among them—called for and obtained a two-year moratorium on what seemed to be the riskiest gene grafts. It would seem, then, that since scientists initiated and designed the guidelines, they would also have a strong stake in complying with them.

But moral considerations do not necessarily prevail—especially when a recent Federation of American Scientists survey disclosed that 10 per cent of those responding thought the guidelines needlessly strict, and when compliance is entirely voluntary.

Under the NIH guidelines, laboratories engaged in the least potentially dangerous studies are designated P–1 (P standing for precautionary). Those somewhat up the line of potential risk are called P–2, and so on. P–4 laboratories have the most elaborate precautions to prevent the contamination of personnel or the escape of bacteria into the environment, and are the only facilities where the potentially most hazardous experiments are sanctioned.

Laboratories at Fort Detrick, Maryland, built for the Pentagon's now-abandoned germ warfare program and now used by the National Cancer Institute, house a P–4 facility. And the multi-million dollar lunar-receiving laboratory at the Johnson Space Center in Houston, designed for the isolation and containment of those "moon germs" that never materialized, would also qualify as P–4. So does the laboratory on Plum Island, off the eastern tip of Long Island, which the Department of Agriculture maintains for the study of hoof-and-mouth disease.

E. coli bacteria are the focus of most of the experiments conducted to date because this species of germ is the most thoroughly studied, and therefore the best understood. Many scientists would feel more comfortable working with a species that does not infect man, though considerable steps have been taken to disarm *E. coli*.

A special strain, K–12, is used; as far as is known, K–12 will not take up residence in people. And enfeebled substrains of K–12 have been developed that are dependent on any array of special requirements—the presence of certain nutrients, ultraviolet light, and extreme temperatures, for instance—in order to survive or reproduce. The theory is that the needs of such enfeebled strains can be supplied only in the laboratory. One scientist has aptly described the weaknesses that have been bred into the K–12 substrains as "messiah genes."

All this sounds reassuring—more than the facts may warrant. The behavior of bacteria is unpredictable, and the estimates of risk are necessarily crude. And the enzymes that permit scientists to transplant genes from one species to another do not act directly on the bacterial recipients, but on go-betweens. This multiplies the possibilities that something may go wrong.

These go-betweens are viruses known as phages, which naturally infect germs, or tiny, free-floating circlets of hereditary material called plasmids, which do the same. Some scientists worry about what might happen if gene-shuffled phages or plasmids came into contact with bacteria that—unlike the enfeebled K–12 substrains—had not been designed to commit suicide in the event of their escape to the outside world.

Exchanges of plasmids, in particular, are known to occur in nature between strains and even between species of bacteria. Proponents of genetic research generally argue that if it happens in nature, there is probably nothing to fear. Critics are not so sure; their concern is that if sufficiently large numbers of these deviants were rapidly introduced, the situation could get out of hand.

Dr. Stanley Falkow, a microbiologist at the University of Washington in Seattle and an expert on *E. coli*, has questioned the wisdom of introducing certain plasmids even into enfeebled strains of K–12. On the basis of studies he has conducted on calves, he advised the NIH Recombinant DNA Advisory Committee that "it may not be too farfetched to suggest that some DNA recombinant molecules could profoundly affect the ability of this *E. coli* strain to survive and multiply in the gastrointestinal tract." Another of Falkow's worries is that a recombinant might somehow acquire the ability to reproduce in water, and so pose a massive environmental threat. Whatever the present hazards of *E. coli*—and it already causes most urinary tract infections and is dangerous to many who are chronically ill—it cannot ordinarily multiply in the presence of oxygen.

These concerns aside, the chemicals that form the basis of the new technology are, in principle, precision instruments that cut specific segments of DNA from one type of cell to be transplanted into others. When they are prepared by sophisticated scientists experienced in recombinant experimentation, restriction enzymes are exactly that. However, some researchers rely instead on commercial suppliers whose enzymes may or may not behave predictably. Such variability contributes to the inherent risk.

At present, anyone can buy restriction enzymes off the shelf or by mail from such supplies as Miles Laboratories, and there is nothing to prevent the amateur from dabbling in the technology, nor is there any point in licensing the production of restriction enzymes, since anyone who knows anything about biochemistry can concoct his own from readily available ingredients.

A few years ago, a Massachusetts Institute of Technology undergraduate, having read published reports, demonstrated on paper that he knew how to build an atom bomb. Since DNA recombinant work requires only a meager investment in equipment and can be carried out in limited space, a similarly resourceful high school student could conceivably collect the necessary materials and then simply turn the experimental brew loose on the general environment.

DNA recombinants, like radiation, would not make their presence quickly known to the senses should they escape. They might well prove impossible to trace. Geiger counters will detect radiation; an equivalent device for detecting bacteria has not been invented yet.

Other possible hazards in the process are even more troubling. A Government interagency committee formed by White House directive "to review Federal policy on the conduct of research involving new forms of life" reports that the National Science Foundation, the Energy Research and Development Administration, and the Department of Defense have agreed to observe the NIH guidelines and that the Agriculture Department has indicated its probable willingness to go along. But neither the Occupational Health and Safety Administration, the Center for Disease Control, nor the Environmental Protection Agency—all of which might logically be involved—has assumed any oversight responsibilities for recipients of research grants or contracts, and the NIH, too, has demurred. Such loopholes raise the possibility of reckless mischief.

Furthermore, no one knows how much research is in progress. There is reason to wonder whether the Central Intelligence Agency or its equivalents abroad might not secretly carry out experiments their governments officially decried. And there is, as in nuclear science, the possibility of exploitation by lunatics or terrorists.

There is also the inevitability of exploitation by U.S. private industry. The Pharmaceutical Manufacturers Association, the trade group to which the largest drug firms belong, for example, has told the Senate health subcommittee that it generally agrees with the NIH guidelines, but that its members will want to make larger quantities of DNA recombinants than is permitted under the rules that apply to academic researchers.

Meanwhile, seven of these firms—Miles Laboratories, Eli Lilly, Hoffman-LaRoche, Merck Sharpe and Dohme, Abbott Laboratories, Upjohn, and Pfizer—are already at work with recombinants or are gearing up. There are other such firms that do not belong to the PMA; because they are generally smaller and less visible, they are perhaps even more likely to cut corners in striking out on their own.

The drug industry is only one of many that has sniffed potential profits in this new technology. While the public interest may dictate full disclosure about recombinant research, private enterprise operates on the principle that if the costs of bringing experimental findings to commercial realization are to justify the investment, trade secrets must be kept.

Thus, at a Commerce Department meeting last November at which several large firms were represented, the consensus was that the private sector should publicly register its projects, but let it go at that. While nuclear reactors must be licensed before they are built, any corporation wishing to build a containment facility for microbes can simply go ahead with no questions asked. In fact, should it decide to perform recombinant experiments at even the P–3 or P–4 level without proper safeguards, it could do that, too.

Dr. Ronald Cape, who heads a biologically oriented California firm called Cetus and who attended the Commerce Department meeting, said later that there was agreement that "the registry would discourage underground or fly-by-night operations because anybody who decided to go into this field would have to stand up and be identified." But Cape obviously had some misgivings, since he also wondered aloud whether this type of enterprise should be in the profit-making sector at all.

Cetus is now doing nothing wth recom-

binants and, according to Cape, is not in a rush to enter the field: "If we go into the business at all, we'll start off with the safe biological containment kinds of things." But the company numbers among its senior consultants molecular biologist Joshua Lederberg, a Stanford University Nobel Prize winner, who is on record as believing the NIH guidelines are too strict.

Lederberg is not the only academic to find himself in a somewhat ambiguous position. One of the most eloquent critics of the entire recombinant movement is Professor Robert Sinsheimer, chairman of the biology division at the California Institute of Technology, who regards the NIH guidelines as "sorely inadequate." Yet people at Cal Tech are engaged in this work, and the institution, which already has a P-2 laboratory, is building a P-3 facility. Sinsheimer says he would not want to be associated with an institution where a department chairman had veto power over his subordinates. And he doubts the public would benefit if the experiments were halted at Cal Tech while they proliferated elsewhere. As he sees it, this would be as meaningless as having a nation unilaterally disarm.

Even if we were to ignore or resolve the danger of catastrophic accident, the emerging genetic technology would raise formidable and frightening problems—many of them similar to, but much more acute than, those already posed by other scientific developments. The production and promotion of antibiotics, and their consequent overuse, has already led to the existence of drug-resistant germs. Now it is being suggested that bacteria can be programmed to manufacture antimicrobials more cheaply. It is not difficult to envision a new surge of highly promoted drugs—and a new health hazard.

General Electric has applied for patents on a technique which will use plasmids to confer on one strain of pseudomonas bacteria some genes endowing it with the capacity to digest most, if not all, of the various hydrocarbons that constitute crude oil. The new species could obviously prove a godsend for cleaning up oil spills. But what would happen if it found its way into petroleum storage tanks, pipelines, or the wing tanks of a commercial jet aircraft in flight? And what will be the impact on the ocean environment itself? No one knows.

After our experience with antibiotics, pesticides, and many other scientific and technological "advances," we have surely learned that the remedies we devise often create new and acute ailments. An urgent question must, therefore, be asked: Can't at least some of what seems attainable through DNA recombinants be achieved by other, safer means? Perhaps the short-run cost of such alternatives might be higher, but the long-run savings might be immense.

Few people, unfortunately, are even aware that such questions must be raised. But some rearguard actions are being fought. Harvard University, for example, is eager to remodel a floor of its forty-year-old biology building into a P-3 (moderate risk) recombinant research facility, and it has received the approval of the NIH and the promise of some $285,000 of the agency's money. Work has already begun. But some members of Harvard's biology department—notably George Wald and Ruth Hubbard—are convinced that the insect-ridden structure, which by the University's own admission is also subject to floods, is no place for such an endeavor.

When their objections caught the ear of Cambridge's mayor, Albert E. Velluci, and the Cambridge City Council, a classic town-and-gown dispute ensued. Hearings were held, and last July a three-month "good faith" moratorium (which has since been extended) was imposed on P-3 and P-4 experiments at both Harvard and the Massachusetts Institute of Technology.

A citizens' review board appointed at the time has been looking into the situation. Chaired by a former mayor who owns a heating oil firm, the four men and four women—whose occupations range from nurse, social worker, physician, and structural engineer to professor of urban policy and community activists—recommended in January that the experimentation be permitted to resume. But in the belief that "a predominantly lay citizen group can face a technical scientific matter of general and deep public concern, educate itself appropriately to the task, and reach a fair decision," the panel also agreed that the NIH guidelines do not go far enough, and made further safety recommendations of its own. Among these is a proposed city ordinance that would automatically declare any research not in strict conformity to safety requirements to be a public health hazard.

The Cambridge review board obviously arrived at a political compromise. But its report made an essential point: "Knowledge, whether for its own sake or for its potential benefits to humankind, cannot serve as a justification for introducing risks to the public unless an informed citizenry is willing to accept those risks."

But not every town can be expected to react like Cambridge, and there are limitations to the local-option approach. Scientists, like industries, can readily move on if they don't like what they find in one place. Having already complied with a self-imposed moratorium, recombinant proponents are not likely to stand still indefinitely for what they regard as undue interference. They are, in general, an impatient lot, further pressed by what they feel is a need to make up for lost time in the face of competition from abroad.

Scientists of many nations are eager to participate in recombinant research, and some are already doing so with far less disclosure than there has been here. Britain's Official Secrets Act means, for example, that we may know less about what has been going on in British labs than we do about what has been happening in ours. Further, if U.S. firms cannot experiment at home, nothing can stop them from going abroad.

The new genetic technology is seductive—not only because it is cheap, fast, easy, and potentially lucrative, but also because it is intellectually appealing and holds out the promise of impressive benefits in spite of the admitted risks. The opportunity has probably passed, if it ever existed, to impose a total ban on the work—and any such ban would be breached. If there is one nightmare that biologists on all sides of the issue share, it is that Federal legislation might be drawn so inflexibly that it would impede both the progress and the safety of the research.

How, then, will the inevitable compromises be drawn? By making the research unpatentable? By insisting that all experiments be conducted in regional Federal facilities which industry would have to support in order to qualify for profits from the discoveries? By establishing an intricate system of licensure and environmental monitoring?

It is difficult to make even an educated guess. But it is clear that whatever is to be done must have the careful and immediate attention of scientists, and of the rest of us. A population explosion among microbes can occur in a matter of days, or even hours.

FARM CONVENTION

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. BEDELL. Mr. Speaker, I would like to bring to the attention of this body the farm convention which has been held in Washington, D.C., these last few days. Some 270 farmers and farm wives from southwestern Minnesota, and western Iowa have traveled to this city at their own expense to meet with Members of the Congress and other governmental officials in order to learn more about Government programs and policies, and in order to advise people in Government concerning problems experienced in the farm area.

One of the sessions in this program found the group breaking up into groups of 8 or 10, and meeting with individual Members in their offices to talk on an informal basis about farm problems and polices.

It has always been my belief that a democratic form of government can only operate effectively with the involvement of the people. This farm convention has demonstrated to the people of our country the willingness of our rural people to give of their time and money in order to participate in our governmental process.

I believe it serves as a great example of how our governmental system should work, and I believe our Nation owes a vote of thanks to these farm people for the fine example they have set for the rest of our people through their participation in this farm convention sponsored by myself and Congressmen NOLAN and HARKIN.

A TRIBUTE TO THE IRISH-AMERICANS ON THIS ST. PATRICK'S DAY

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Ms. MIKULSKI. Mr. Speaker, it is eminently appropriate on this St. Patrick's Day that we recall the debts of this country to the isle of saints and scholars. The contributions of the Irish people to our history and culture have truly been remarkable. It is a source of immense pride to note that so many Irish men and women have helped to build and develop the United States.

I am proud of the nine men of Irish descent who signed the Declaration of Independence and of the thousands who fought in our Revolutionary Army. We are proud of the anonymous millions who found refuge on our shores during some of the darkest days of Irish history. It is they who courageously and relentlessly provided the labor and the intellectual and spiritual needs to a growing nation.

The first Irish upon our shores concentrated in industries such as railroading and mining. The children of these immigrants in turn gave to this Nation their finest talent. Names such as Meany, Kennedy, Cooke and Yeats, enrich our national heritage. Their generosity, warmth and kindness have made them a welcome addition to our American mosaic.

On this day however a sober note must be interjected into the festivities. I pray that the violence which has torn apart Ireland will soon come to an end. It is

my sincerest desire for a peaceful Ireland. A country joined not through violence but through a common effort by both the north and the Republic, by Catholics and Protestants to establish a system of government in which both communities will live in economic, political, and social harmony. The most hopeful sign in this bloody conflict has been the growth of the women's peace movement. Nonviolent, Protestant and Catholic they are surely the hope of the future.

I am confident that the Irish people will work out their differences. No matter how diverse their political or religious interests or backgrounds, the one thing all Irish men and women share is a love of their fine country. It is upon this love that the foundations of a peaceful Ireland will be formed.

POLITICAL DISSENT AND INSANITY IN THE SOVIET UNION

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. COTTER. Mr. Speaker, in the Soviet Union, political dissent is not always a crime. It is sometimes classified as "mental illness." You have to be insane to defy the power of the Soviet Government.

Soviet psychiatric hospitals are full of prisoners of conscience, their health often endangered by "treatments" which really are a kind of medical torture.

We in Congress recently heard the moving testimony of Vladimir Bukovsky, whose release from a psychiatric prison was forced by international opinion. He was one of the lucky ones. Meanwhile, the imprisonment continues, and we must continue to speak out until all Soviet political prisoners are given their freedom.

Efforts such as those of the Connecticut State Medical Society, which are described at the conclusion of this statement, can only be helpful.

With your permission, Mr. Speaker, I would like to bring the society's actions on behalf of the Soviet Union's psychiatric prisoners to the attention of my colleagues:

THE CONNECTICUT STATE
MEDICAL SOCIETY,
New Haven, Conn., March 8, 1977.

Hon. JAMES E. CARTER,
President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The Connecticut State Medical Society is a voluntary professional organization having as members more than 4,000 doctors of medicine licensed to practice in the State of Connecticut.

At a meeting of the Society's Council, held on February 16, 1977, the Council members were informed that there is no considerable reliable evidence that the psychiatric profession and its institutions in the Soviet Union have been used as instruments to suppress dissent; that dissenters have been incarcerated in mental institutions who show no evidence of mental illness; and that many such dissenting individuals have been subjected to insulin coma, sulfur injections and other discredited forms of "treatment". To validate this information, the Council members received (among others) the following supporting statement: "On the basis of the available documentary evidence, Amnesty International accepts as a fact the general allegation that numerous Soviet citizens have been confined to psychiatric hospitals as a direct result of their political or religious beliefs and with no medical justification."

(Prisoners of Conscience in the USSR, 1975, p. 104)

Reflecting its deep concern about these allegations, the Council voted to adopt a resolution as follows:

"Be it Resolved: That the Council of the Connecticut State Medical Society call for the immediate end to the abuse of psychiatry for political purposes in the USSR, and instruct its officers and representatives to transmit this resolution to the President of the United States, the Secretary of State, Connecticut's U.S. Representatives and Senators and to the Secretary-General and Premier of the USSR as well as to the Soviet Ambassador to the United States."

Knowing of your publicly-stated dedication to working to guarantee full civil rights to all peoples of the world, the Council has directed that its action be brought to your attention and to that of the United States and Soviet Union officials stipulated in the resolution.

With every good wish.

FOR THE COUNCIL,
Respectfully,
WILLIAM R. RICHARDS, M.D.,
Executive Director.

ST. PATRICK CHURCH, POTTSVILLE, PA., CELEBRATES 150TH ANNIVERSARY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. YATRON. Mr. Speaker, St. Patrick's Day is a very special occasion for many Americans. However, this most festive day is of particular significance this year to the Church of St. Patrick of Pottsville, Pa. For March 17, 1977, serves not only as the church's patronal feast day, but as the highlight of St. Patrick's parish's 150th anniversary.

The Church of St. Patrick of Pottsville is the oldest in Schuylkill County and served as a Jesuit mission during the first years of our Nation's history. The parish was named in honor of the patron saint of Ireland, the homeland of the earliest Catholic immigrants in Pennsylvania's anthracite region.

His Excellency Gearoid O'Clerigh, the Irish Consul General in New York, will be the guest of honor and speaker for the occasion.

The church of St. Patrick, throughout its long and glorious history, has played an irreplaceable role in the community of Pottsville and the anthracite region of Pennsylvania as a whole. After 150 years, the structure itself still stands, a monument to the courage and spirit of its first parishoners and to the freedom and opportunity which drew them to America's shores. The memories of those early Irish immigrants and the lives of the members of the present-day congregation, serve as sterling testimony to the Church of St. Patrick's invaluable contributions to the quality of life in Schuylkill County.

Today, I join the parishoners of St. Patrick's in saluting their church for 150 years of community service, leadership, and spiritual guidance.

THE DROUGHT'S IMPACT ON SOUTH DAKOTA

HON. LARRY PRESSLER

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. PRESSLER. Mr. Speaker, I have frequently brought to your attention the terrible impact of the drought on South Dakotans. The following testimony dramatizes the severe impact of the drought on a dairyman from my home town of Humboldt, S. Dak., and his desperate need for Federal assistance:

STATEMENT BY DON LIAS

Mr. Chairman, members of the House Committee on Agriculture, it is a pleasure for me to be here today and I want to thank you for the opportunity to appear before this committee.

My name is Don Lias. I am a dairy farmer and my farm is located approximately one mile east of Humboldt, South Dakota. My farm consists of 700 acres which I operate jointly with my brother. Together we milk 175 cows, and our income is almost entirely dependent upon our dairy production.

Under normal conditions you would not find someone such as myself before your committee, as all my life I have grown used to living with the ups and downs of dairy prices and the risks of farming. Generally, I believe most farmers are willing to take great economic risks without a word of complaint, but today we who live in the drought areas of the country are faced not only with the ongoing low prices for our products, but also with the fact that the very soil of our farms, upon which we depend to raise the feed for our cows, is so dry that it can no longer sustain our operation. It is for this reason, low milk prices and the impact of the drought that I decided to come before you today.

In short, while we in agriculture have traditionally learned to live with low and unstable prices, we simply cannot continue to live with poor prices and a drought which has severely limited our ability to produce.

Gentlemen, I am sure that in your tenure in Congress you have heard the calls of many dairy farmers for higher prices. Perhaps, because you have heard our pleas so often you have become hardened in your reaction to our stories. However, I am here today to tell you that this time our pleas cannot fall on deaf ears, because for many of us this is our last chance.

My family has farmed in Humboldt, South Dakota since 1929; we have experienced numerous crises. We survived the depression, the dust bowl days, the Benson era, and more recently we have had to contend with the drastically rising costs of steel, rubber, plastics and other products which the dairy farmer must always rely upon. Now, in the last three years, a drought has hit us hard. We are paying three times as much for feed now than we were paying just a year ago and this is happening at a time when dairy prices have taken a drop! In short, gentlemen, we have lost our shirts and are about to lose our pants, too!

As I see the situation, dairy farmers at this time need to have milk prices raised to a level of at least 90 percent of parity, with

quarterly adjustments to meet the frequent market changes. For example, the dairy legislation proposed by both Senators Humphrey and Nelson would be a great step forward for our industry.

Good, strong, steady milk prices are one of the quickest ways to revitalize our drought-stricken industry. Fair prices, gentlemen, will make it much easier for us to remain on our feet until the drought cycle has ended.

While this may not be the appropriate time, I wish to touch upon another topic related to the plight of the farmer during this drought era. As Secretary Bergland has noted, "the drought disaster programs are in themselves a disaster." Gentlemen, I know your schedule is a heavy one, but I must ask you to move as rapidly as possible in revamping all agriculture disaster legislation, as by late spring it may be too late for many of us. Simply put, by then thousands of farmers will have lived off their assets as long as possible and will have to sell their farms when faced with another cropless year.

In summary, we American farmers ask very little of society—like other businessmen we ask for help only in times of dire need, but unlike other businesses we are not protected from unfair foreign competition. We are a proud and productive group of Americans who believe strongly in the American work ethic. Yet, at this time of drought, unfair foreign competition and other negative factors, the American farmer is one of the lowest paid groups of American workers.

What we ask for today is your help in the face of disaster. Help to see us through this difficult time for agriculture, and we in return will continue to pay our taxes, produce food for home and abroad, and above all, through farmer consumption of products produced by almost twenty-one million other Americans, continue to have a positive and growing impact on the overall American economy.

Thank you.

ELDERLY SERVICES PERSONNEL TRAINING

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. MOAKLEY. Mr. Speaker, one of my major legislative priorities, and hopefully one of the 95th Congress', is proper protection and care for our older Americans. Congresswoman COLLINS shares this concern, and she has reintroduced a bill specifically geared toward developing qualified personnel to deal with our elderly.

H.R. 15796 approaches this goal in two ways. First, it provides grants through the Higher Education Act of 1965 to institutions developing specific programs to teach skills, attitudes, and services necessitated in dealing with the aged. Second, the bill amends the Older Americans Act of 1965 to require that area agencies offer direct social services to the elderly. In this way, H.R. 15796 gets knowledgeable assistance directly to our deserving senior citizens.

Mr. Speaker, when I say "our" senior citizens, I mean just that. We have the duty to care for aging Americans who have helped to make America the great country that it is. Providing training and jobs for people skilled in serving our elderly seems to me a minimal step toward easing the growing burdens of our senior Americans. They deserve proper attention from our social service agencies. I, therefore, urge swift passage of Congresswoman COLLINS' thoughtful legislation, H.R. 15796.

SAVING HARLEM'S HERITAGE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. RANGEL. Mr. Speaker, Harlem, N.Y., in the 1920's, was the center of America's black art, literature, and drama. The Harlem clubs and theaters, along with the creative atmosphere, inspired many of the entertainers and writers of that period. Now, the streets of Harlem are filled with the unemployed and the addicted, and the great clubs and theaters stand vacant because the small theaters cannot compete with the new, larger theaters that seat more people and yield more money for the performers.

It is shameful to see these great monuments of an American era closed and abandoned because they can no longer support themselves. I believe, with some subsidy funding from the Government, we could return these now vacant buildings to their former vibrance, which would aid in upgrading the Harlem community by implanting some feeling of pride in the inhabitants of the area. The following column by Pete Hamill underscores the need for some form of assistance. I commend my colleagues attention to the article by Mr. Hamill which appeared in the New York Daily News on March 4:

A DIRGE FOR THE LOST SOUL OF HARLEM

(By Pete Hamill)

Outside in the Harlem sunshine, a man with a shine box waited under the marquee of the Apollo Theater for the morning's first customers. Working people hurried along, in a river of dark faces, to the subways or the State Office Building. The neon burned on the Blumstein's sign, and the shopkeepers were rolling up their corrugated iron shades as 125th St. came awake.

But inside the Apollo Theater you could almost hear the ghosts. The ghosts of the dead: of Charlie Parker and Little Willie John of Nat King Cole and Dinah Washington, of Bojangles Robinson and Bessie Smith and Lady Day. And the ghosts of the people who used to come here every year, and don't come around any more: Redd Foxx and Pigmeat Markham, Lou Rawls and Ray Charles, Gladys Knight and the Pips and James Brown and Al Green, and hundreds of others who were here when they were young and poor and the Apollo was one of the greatest theaters in American musical history.

"I get a chill when I come in here now," said Robert Schiffman, who now owns the shuttered theater. His late father, Frank Schiffman, had run the Apollo since 1934; it was a measure of the way Harlem felt about the Apollo and its white management that in the riots of 1935, 1943 and 1966 not a windowpane was broken. "So much fun," Schiffman said. "So much laughter, so much music."

Schiffman was standing on the stage, and he looked over the empty orchestra, and up to the two balconies of the 1,600-seat theater. The theater is small, almost intimate, not like the giant cold barns of Vegas or the mammoth amphitheaters of the road, where black performers now entertain an entire nation.

"YOU HAD CONTACT HERE"

"You had contact here," he said. "The performers and the people were practically on top of each other. They used to say there were two shows at the Apollo, the one on the stage and the one in the audience, Goddammit."

The Apollo has been closed since January 1976, and for allowing that to happen this city should be ashamed of itself. The Apollo was an institution, a monument, a glory of this city that was, in its way, as symbolically important as the Statue of Liberty. London would not allow the Palladium to vanish, nor Paris permit the folding of the Olympia. But the Apollo is closed, an event that has devastated 125th St. between Seventh and Eighth Aves., grievously harmed Harlem and diminished New York City itself.

At bottom, the Apollo was about the refusal to be defeated. And that is why the entertainers kept coming for a long time after the Apollo could no longer compete with Vegas and television. The Apollo was a tough audience; they would run you off the stage if you Uncle Tomed it; they would stiff you with silence if you came on too slick.

But if you were down home and funky, if you let the bloods in the balcony know that the big dollars hadn't changed your heart, then the Apollo would love you back. Any sucker could make it in Hollywood; making it in the Apollo was another matter.

WHAT CAN BE DONE

And now it is closed. And Schiffman works downtown at an agency, and comes uptown once in a while, as he did yesterday, to talk about what can be done to bring it back.

"A combination of things did us in," he said, sitting on a couch below a wall full of awards that he and his father had gathered over the years from black organizations. "First, a 1,600-seat theater, by today's standards, is just too small. The audiences here demanded the best performers, and rightly so. But it became impossible to compete. We could only charge $6 top; the result was that someone like Gladys Knight and the Pips would have to play two shows a night and three on weekends, just for us to break even.

"A lot of them could make in one night, somewhere else, what they could make in the Apollo in a week. A lot of them had loyalties to the Apollo, and continued to come. Redd Foxx, Pearl Bailey, Marvin Gaye, Al Green, James Brown, people like that, and others, would come back. But largely it was a begging job."

Schiffman looked out the window, where the midmorning traffic was beginning to build on 125th St. He lit a cigaret and went on, explaining that some of the big problems happened in the 1960s.

THE FOCAL POINT

"If there were demonstrations in this community, the Apollo was often the focal point," he said, "mainly because they knew you could attract TV cameras at the Apollo when you couldn't get them elsewhere in Harlem. The Apollo was the focal point for a lot of the economic life of this community. It was the catalyst that drew people here. When we flourished, everybody around us flourished.

"And I mean everybody, from the street hustlers, all the way up to the retailers. The store merchants were overwhelmingly concerned about what the hell the Apollo was doing; they knew that if I had Al Green in the theater, there was going to be a tremendous flow of people to the street, and they

would beef up for it, they would change their hours because they knew there would be a lot of people in the street at night. It was Christmastime for them."

But the theater was more than a simple creator of commercial traffic. Schiffman said. "The Apollo was a source of pride. It said to the people of this community that black superstars still wanted to come here, to share in this community's pleasures and pain, when they didn't really have to."

There were other factors. Street merchants, selling their wares on the sidewalks, altered the character of 125th St. Whites who had always made up a small portion of the Apollo audience vanished completely during this period of black nationalistic hostility in the late 1960s.

"Uptown was plagued by the same type of thing that every other part of the city is plagued by," Schiffman said. "And that is crime. Pocketbook snatching, automobile ripoffs. Street crime made it uncomfortable for people to come here. I mean black people."

In addition, the theater had no handy parking facilities. Schiffman and others had pleaded with Kinney, Myers and the other major owners of commercial parking lots to open a lot in Harlem; the Apollo even offered to provide additional security if a lot were built on fallow land on 124th St. The commercial parking people refused; and the city would not build a municipal lot. By the early '70s, it was easier for a black couple to drive to Times Square, park, see a movie and have a good meal than it was to do the same on 125th St.

Schiffman showed me plans for a new Apollo, a complex on 125th St. that would include a new Apollo Theater with 3,000 seats, a 400-room hotel, a ballroom to be called the Savoy, and a rooftop club-restaurant, to be called the Cotton Club and theatrical and dance workshops. He is in the process of raising $200,000 seed money for the venture from 10 black entertainers; and the whole complex would cost $30 million.

"Maybe it's a pipe dream," he said. Maybe in the interim we could get some foundation money, some kind of subsidy to get open again. But for now, we're just waiting for the future to happen."

NATIONAL COACHES DAY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. PICKLE. Mr. Speaker, today I am introducing a resolution to designate October 7 as "National Coaches Day."

In communities across this Nation, coaches of athletic teams have a significant impact on this country's youth. And this influence has been overwhelmingly positive. Quite often a good coach can have more influence for good over a student than the parents do.

Although many coaches in professional sports earn sizable salaries, the average wage earned by coaches in secondary schools is not lucrative. But despite this, coaches put in many overtime hours because of their dedication to the students they work with and a devotion to sports.

It is my feeling that those of us who have had sons and daughters participate in athletic programs in their school are aware of the contribution of coaches and feel that a day in their honor is appropriate.

THE AMERICAN AGENDA FOR WORLD DEVELOPMENT, 1977

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. HARRINGTON. Mr. Speaker, the Overseas Development Council will release tomorrow its fifth annual survey of the issues facing the United States in dealing with the developing world. Entitled "The United States and World Development: Agenda 1977," this year's edition places particular emphasis on the continuing negotiations between rich and poor countries that has been called the North-South dialog. The authors of "Agenda 1977" quite aptly point to the need, at this moment of national and international transition, for a comprehensive approach to the developing world's call for a new international economic order.

I commend this publication to my colleagues, both for the completeness of its documentation and the clarity of its analysis. In particular, I find the ODC's use of new measure for "quality of life," one that states the full range of living conditions in a country much more accurately than such standard measures as gross national product, an especially useful contribution.

I ask that excerpts of ODC's summary of the book be inserted in the RECORD for the information of those concerned with the important international development issues discussed in this new publication.

The excerpts follow:

THE UNITED STATES AND WORLD DEVELOPMENT AGENDA 1977

This summary is a condensation of the Overseas Development Council's fifth annual assessment of U.S. relations with the developing world. The full text of *Agenda 1977*, published by Praeger Publishers, includes:

An introduction by Theodore M. Hesburgh, Chairman of the Board of Directors of ODC, and James P. Grant, President of the Council.

"The United States and World Development, 1977," by ODC Vice President John W. Sewell, director of this year's *Agenda* project, providing the context and the background for the major policy questions facing the new Administration.

"Major U.S. Options on North-South Relations: A Letter to President Carter," by Roger D. Hansen, ODC Senior Fellow, outlining and analyzing three policy options for the Carter Administration: present policies with marginal changes, accelerated international reform, and support of a basic needs approach to development.

"Recommendations for U.S. Policy: Agenda 1977," by the ODC staff, suggesting specific U.S. policies on more than a dozen issues ranging from food security and human rights to arms transfers and the debt of the developing countries.

Five clusters of Statistical Annexes by Florizelle B. Liser: the global poverty-affluence spectrum; food, energy, and raw materials; world trade; world military expenditures; and resource flows.

Copies of The United States and World Development: Agenda 1977 are available at $4.95 each from the Overseas Development Council, 1717 Massachusetts Avenue, N.W., Washington, D.C. 20036. A hardback edition is available from Praeger Publishers, Inc., New York.

"The industrial democracies should resist the temptation to see the current North-South dialogue as a situation in which losses are inevitable and negotiations are primarily designed to gain time or preserve the status quo. Rather, they should treat it as an extraneous opportunity for initiating, in the words of President Carter, "a common effort"—which, by the end of this century, could create a world that not only better serves the already advantaged, but also is free of the worst aspects of absolute poverty and repression."—Theodore M. Hesburgh and James P. Grant; Introduction, Agenda 1977.

AN OPEN MOMENT IN HISTORY

The leadership of the United States passes to President Carter at one of those moments in history when circumstances combine to make change possible on a scale that was previously unthinkable. Developed and developing countries alike are recognizing the need for fresh approaches to solve the global problems that face them all—from food scarcity and energy shortages to nuclear proliferation and the plight of the nearly one billion people in the world living in abject poverty. The United States, under a President who bears no burden of prior identification with past disputes, has a unique opportunity to stimulate cooperation on global problems that one nation can resolve alone. The question is, will the opportunity be seized.

In an unprecedented Inauguration Day statement to the "citizens of the world," President Carter pledged his Administration to "be more responsive to human aspirations" and to take the lead in the effort to guarantee freedom not only from political repression but from poverty and hunger as the U.S. in "a common effort" to pursue these goals. What can the U.S. do now to signal its willingness to respond constructively to global problems? What shape might this "common effort" take? Agenda 1977 analyzes and discusses these questions.

A RAPIDLY CHANGING WORLD SETTING

The international order created after the Second World War has shown itself to be inadequate to changing patterns of economic growth and the increasing interdependence of nations. Both the developed countries of the North and the developing countries of the South agree on the need for a major overhaul of existing economic and political systems. This process of renegotiating the world order is already under way in a variety of forums, where a changing political climate is evidenced by the demands of the developing nations for a greater role in global decision-making. The U.S. has recognized that no one nation dominates the international scene and that it needs to treat its relations with the developing countries as a mainstream element of its foreign policy. It is also clear that the importance of U.S. economic relations with the developing countries continues to grow. The U.S. sells more of its goods to the developing countries than to the European Communities, Eastern Europe, and the Soviet Union combined (see "U.S. Trading Partners" chart, page 3), while developing countries provide it with both critical raw materials and lowcost consumer goods.

A NEW FOCUS ON BASIC NEEDS

The developing countries as a group were well on their way to exceeding the 6 per cent annual growth target set for the 1970s when they were hit in 1974 with sudden and massive increases in the cost of essential imports such as oil, fertilizer, and food, and subsequently by a global economic slump. The stronger of these countries pulled through at the cost of reduced imports, diminished foreign exchange reserves, and a soaring national debt. The weaker required

infusions of emergency aid and lost their chances for any significant development progress for the rest of the decade.

This dramatic change in development prospects hastened a rethinking of development strategies that was already under way. In the previous two decades, the developing countries experienced steady growth, some at rates unparalleled even in Western economic history. Despite this past record, the gap between rich and poor continues to widen today, both between countries and within them. If the per capita income of the world's forty poorest countries (population 1.2 billion people) were to grow at the rate of 3 per cent annually from now until the end of the century—which is highly optimistic—it would only then begin to approximate that of Britain and the U.S. in 1776. The old development strategies raised the gross national product of these countries, yet left almost a billion people living in chronic poverty.

A growing number of experts are coming to the conclusion that only major policy changes can bring about a change in the fortunes of the poorest fourth of humanity. The new strategies being proposed emphasize equity and the need to meet the basic human needs of the poor. Unlike the strategies of the previous twenty-five years, they assume that economic growth and greater equity in the distribution of its benefits are complementary, not contradictory. It is now thought that the right combination of domestic policies and reforms of international economic systems could overcome the worst aspects of chronic poverty by the end of this century.

OPTIONS FOR PRESIDENT CARTER

It is essential that an overall policy for dealing with the developing world be established by the new Administration from the start. Already scheduled North-South negotiations must be prepared for almost immediately. In the first half of 1977, President Carter will make decisions on commodity agreements, trade negotiations, debt management, and arms sales to developing countries; he will have to coordinate strategy with the major Western trade partners of the U.S. in the OECD for important talks at the Paris-based Conference on International Economic Cooperation (CIEC) as well as at the U.N. If these problems are dealt with on an issue by issue basis, what seem like logical policy decisions now may prove in the long run to be mutually inconsistent and in some cases detrimental to U.S. relations with the developing world.

Several differing perspectives and options on North-South relations are examined in detail in *Agenda 1977*, illuminating the complexity of the development policy choices before the Carter Administration. In brief, the United States can attempt to defuse confrontations with the Third World by making only the minimum changes necessary—step by step. Or it can actively explore and adopt new policies to speed change in directions beneficial to developed as well as developing countries. Or, in varying combinations with the first two options, it can support a basic human needs strategy aimed at eliminating the worst aspects of absolute poverty worldwide by the year 2000.

If the Carter Administration selected the first option, it might adjust present policies slightly, implementing them more effectively than the U.S. has in the past. It could, for example, make available some increased support in areas such as development assistance and trade preferences or act on recently proposed measures such as the "development security facility" to stabilize expert earnings put forward by former Secretary Kissinger in 1975. The prime objective of this approach would be to reduce the potential for confrontation between North and South, although the U.S. would presumably continue to emphasize bilateral relations with some of the stronger developing nations, such as Brazil, Saudi Arabia, and Iran.

The second option would take President Carter beyond the marginal change of the first and into a commitment to a broader and more significant range of reforms. The proposals that make up the "New International Economic Order" called for by developing countries at the 1974 and 1975 special sessions of the U.N. General Assembly would be carefully examined, and those judged beneficial to the international economy as a whole would form the nucleus of the U.S. negotiating position. But the U.S. would go beyond these, in some cases supporting proposals which would spur development in the South at some cost to the North—a cost which would be justified on grounds of prudent statesmanship or moral responsibility.

Option three would aim more directly at meeting the basic human needs of the world's poorest billion people. U.S. policy here would be to try to overcome the worst aspects of this poverty and to attain specified minimum standards of nutrition, health services, and basic education by the end of the century.

The three "options" clearly are not watertight alternatives; elements of the basic needs approach presented as option three could be incorporated into either of the first two options.

RECOMMENDATIONS FOR U.S. POLICY

Agenda 1977 suggests an approach that would lay the basis for action on options two and three—the accelerated reform and basic needs strategies—but would start with the swift implementation of option one "marginal" changes that are not inconsistent with the two more ambitious options. This alternative would call for early and simultaneous action to (1) begin some far-ranging reforms of existing international economic institutions and practices, and (2) substantially increase support for programs to provide adequate food, nutrition, health care, and education for the world's poorest people.

Food insecurity

Better weather substantially improved the 1976–77 crop outlook over the previous year, but medium- and long-term world food security is in fact as precarious as ever. The need for food has consistently outstripped food production during the 1970s. Given the rate of growth of the cereals deficit in the developing countries, bad weather in any major producing area could mean an even worse famine than the one experienced in 1972–73.

The World Food Conference of 1974 set three objectives for improving world food security: to establish a minimum level of food aid for the short term, to set up a grain reserve system for the medium term and, as the only long-term solution, to increase food production in the developing countries.

In 1977, Congress is due to reexamine most major U.S. food and agriculture legislation, from Food for Peace to food stamps. It is essential that a unified policy approach be taken to both the international and domestic aspects of the issue.

The U.S. should: (1) encourage increased food production and improved distribution in developing countries through an increased commitment to bilateral and multilateral development assistance programs; (2) resume negotiations aimed at establishing a world food reserve; (3) commit itself to guaranteeing an annual minimum of food aid on the basis of three-year advance commitments. In both food sales and grants, priority should be assigned to countries experiencing the greatest need.

Basic human needs

Of the nearly one billion people living in absolute poverty in the world, 750 million (nearly two thirds) are in the low-income countries, 170 million in middle-income countries, and 20 million in the richer countries. Per capita income in the poorest countries averaged $150 in 1973. These countries are pervasively poor in a way that was not true of today's rich countries in the early stages of their own development.

There is a growing consensus among specialists that economic growth and a more equitable distribution of its benefits are compatible goals—that with political will and an emphasis on programs aimed directly at the poor, the minimum basic needs of the poorest billion could be met over the next twenty-five years. In its recent report to the Club of Rome, the "Tinbergen Group" called for the following global basic needs goals for the year 2000: life expectancy, 65 years or more (compared to the low-income countries' present average of 48); literacy rate, at least 75 per cent (compared to 33); and infant mortality, 50 or less per 1,000 babies (compared to 125).

The goal of meeting the basic needs of this segment of the world's population could be met at an estimated cost of $10–15 billion a year *over present aid levels*. The $10 billion figure would be feasible a) if developed countries would reach or exceed an aid level of one half of 1 per cent of their gross national product; b) if some portion of aid now going to middle-income countries were redirected to low-income countries; and c) if the increases were earmarked for basic needs uses such as jobs, health, and nutrition.

The U.S. should: 1) significantly increase its financial support to basic needs programs in low-income countries; and 2) explore the extent and forms of cooperation among the industrial democracies and developing countries to attain basic needs goals in all developing countries over the next generation.

Population

The world's population has grown rapidly in the past twenty-five years, mainly in the developing countries, because death rates have until recently declined faster than birth rates. Currently, overall population growth rates have begun to decline due to increases in economic and social well-being and greater availability of family planning services. To lower the birth rate as rapidly as possible toward a stable level, much more focus is needed on alleviating negative factors that motivate large family size—on improving health care, nutrition, employment, education, and the status of women.

The U.S. should: (1) assess the impact of basic needs programs on decisions concerning family size; (2) greatly increase research efforts to develop more effective and acceptable methods of fertility control; (3) significantly increase support for expanding acceptable family planning programs in the developing countries.

Human rights

The human rights issue is becoming highly sensitive as developed and developing countries continue to disagree vigorously on defining that term. The industrialized world stresses the political and civil liberties in the first half of the U.N. Universal Declaration of Human Rights, but the developing countries point to the wide-ranging economic and social rights in the Declaration's second half. The situation is complicated by the fact that many Third World governments are, in varying degrees, authoritarian.

Human rights recently has become a subject of contention in the U.S. between the Executive and Legislative branches of government, as the Congress has tied human political rights strings to foreign military and economic assistance legislation. But the legislators have also addressed themselves to economic and social rights, as when both houses passed "Right to Food" resolutions.

Cutting foreign aid to punish human political rights violators is a popular idea, but cutting development assistance in particu-

lar is usually a weak lever on repressive regimes. A more comprehensive and effective approach is needed. Moreover, U.S. aid efforts in recent years have concentrated on reaching the poorest people in recipient countries. Aid cuts are likely to punish them, not their rulers.

The U.S. should: 1) ensure that its development assistance funds go to projects which directly benefit the poor majority in Third World countries; 2) actively seek to establish international criteria for identifying "gross violations" of political human rights—preferably in cooperation with international organizations; 3) consider what range of policies will effectively promote both economic and political human rights.

Development assistance

Most of the *poorest* countries will need aid in one form or another for at least the balance of this century. The U.S. currently contributes less than 0.3 per cent of its gross national product to programs of "official development assistance"—bilateral grants and loans or contributions to multilateral institutions such as the World Bank or the U.N. Development Programme. Adjusted for inflation, the total amount of U.S. development assistance has declined by nearly 50 per cent since 1963. If this country is to support efforts to alleviate the worst effects of absolute poverty, these programs require special attention in 1977. The bilateral legislation that was rewritten in 1973 to direct aid to the poorest people within the poorest countries requires reauthorization, and the U.S. is in arrears in its contributions to the World Bank's International Development Association (IDA), the regional development banks, and some U.N. agencies. The next replenishment of IDA also must be authorized in 1977.

The U.S. should: (1) commit itself to increasing levels of official development assistance to a level of 0.5 per cent of GNP by fiscal year 1981, with at least 75 per cent of these funds going to countries with per capita incomes of under $300; (2) urge an early decision on the fifth replenishment of IDA at a level of $8.1 billion for the OECD countries; (3) support prompt Congressional action to increase the capital of the World Bank; (4) explore with both developed and developing countries ways to provide automatic sources of assistance for low-income countries; (5) complete a comprehensive review of U.S. development assistance by 1978.

Organizing for interdependence

The resumption of North-South negotiations in the immediate future will be complicated by the lack of effective institutions that encompass the broad range of discussions now going on between developed and developing countries.

Existing international structures are accused by some of being too unwieldy (the U.N. General Assembly) or too exclusive (the International Monetary Fund). Perhaps the best indication of the need for mechanisms more acceptable to all sides was the creation of the 27-nation CIEC in Paris, made up of a carefully balanced group of OECD, OPEC, and other developing countries; yet CIEC had only a one year life span and will not be renewed unless all participants want to see it continued. In deciding on new and reformed institutions, it will be important to ensure that the interests of all major groups of nations are represented.

To deal effectively with the global issues outlined in *Agenda 1977*, including the new approaches needed to development cooperation, the Carter Administration also should reorganize and improve coordination among various branches of the U.S. government.

A QUALITY OF LIFE INDEX: THE PQLI

The need for a quality of life index as a supplement to GNP figures has been recognized for some time—notably by the U.N. Secretary-General and by the recent "Tinbergen Group" report to the Club of Rome. The Overseas Development Council has introduced a Physical Quality of Life Index (PQLI) that can be used in conjunction with the per capita GNP indicator to assess each country's progress in terms of human well-being. The PQLI index—which is a rough but useful composite measure of life expectancy, infant mortality, and literacy—is described and shown for all countries in the Statistical Annexes of *Agenda 1977*.

Development performance by two standards—Country groups and sample countries

	Per capita GNP [1]	PQLI index [2]
Lower-Income Countries (average)	152	39
India	140	41
Kerala, India	110	69
Sri Lanka	130	83
Lower Middle-Income Countries (average)	338	59
Malaysia	680	59
Korea, Rep. of	480	80
Cuba	640	86
Upper Middle-Income Countries (average)	1,091	67
Gabon	1,960	21
Iran	1,250	38
Algeria	710	42
Taiwan (ROC)	810	88
High-Income Countries (average)	4,361	95
Kuwait	11,770	76
United States	6,670	96
Netherlands	5,250	99

[1] Dollars.

[2] Composite of life expectancy, infant mortality and literacy figures, each rated on an index of 1 to 100.

THE 1977 WASHINGTON FARM CONVENTION

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. HARKIN. Mr. Speaker, this week, I have been privileged to join with Congressman BERKLEY BEDELL from Iowa and Congressman RICHARD NOLAN from Minnesota in sponsoring the 1977 Washington Farm Convention for farmers here in Washington, D.C. Over 300 farmers and their spouses attended the convention this week. Over 140 farmers came from the Fifth Congressional District of Iowa which I am proud to represent.

Mr. Speaker, these farmers spent their own money to come here to Washington to attend this convention for 3 days. They have had panel discussions covering nearly every aspect of legislation and administrative decisions that affect agriculture. We have discussed climate and weather forecasting, grain reserves, the disaster program, the Environmental Protection Agency, the new farm bill, and many other topics.

Congressman BEDELL first stated this convention idea 2 years ago, and this is the first year that I have joined with him in sponsoring in and having farmers in from Iowa's Fifth District. It has been a tremendous success, and Mr. BEDELL should be commended for taking the leadership in beginning this program.

Another important item on the agenda was for small groups of farmers to meet personally with individual Members of Congress in their offices to discuss what they would like to see in new farm legislation. This gave the farmers a chance to talk directly with other Members of Congress who represent various areas and regions of the United States. I want to take this time to thank all of those Members who gave so graciously of their time to meet with these farmers in their offices and to discuss the problems of agriculture with them. The meetings were beneficial to both the Members and to the farmers who were able to learn of many problems that are faced by Members of Congress who do not represent rural and agricultural areas.

As I said, the convention has been a tremendous success. As I see it, there were really two goals which we wanted to accomplish: First, to send back with the farmers a lot of information that will be helpful to them and which they in turn can pass on to their neighbors and fellow farmers; second, we wanted to impart directly to Members of Congress and to administration officials in the Department of Agriculture and elsewhere the feelings and opinions of the farmers. I feel that both of these goals have been accomplished and have made this convention a great success.

I want to close by thanking all of those farmers from the Fifth Congressional District of Iowa who took their time and their own money to come here to Washington to help me do a better job in representing them and their interests. They have just contributed greatly to our democratic process in the United States.

A WELCOME TO FARM CONVENTION 1977

HON. RICHARD NOLAN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. NOLAN. Mr. Speaker, over 300 family farmers from Minnesota and Iowa have come to Washington this week to meet with Members of Congress and the

administration to explain the need for solid, workable farm legislation.

I want to take this opportunity to thank the 60 Members of the House of Representatives for taking the time to meet with these people yesterday. Our visitors were anxious for the opportunity not only to impress upon urban Representatives the importance of a good new farm bill, but also to learn about the special problems involved in representing nonfarmers who buy the food farmers produce.

Yesterday's sessions were yet another step in the continuing effort of rural and urban people to understand one another, and to work together to assure a fair price for the farmer and a stable supply of reasonably priced food for the consumer in the supermarket.

Those of you who were able to join us during Farm Convention 1977 had the privilege of meeting with some of America's most efficient producers. They have learned how to lobby and they will be back. I know this Congress will join me in welcoming them.

NATIONAL EMPLOY THE OLDER WORKER WEEK

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. RICHMOND. Mr. Speaker, the second week in March was designated as "National Employ the Older Worker Week" in order to direct our attention to the serious problems facing the middle-aged and older worker. It is a means of focusing our attention on the grave consequences resulting from the increasing loss of one of this country's most important resources—productive people.

Because of our failure to recognize the great contribution that the person over 40 still has to make to our society, advancing age has become a serious employment barrier. It is estimated that at least 1.5 million over the age of 40 are unemployed. This is approximately 26.7 percent of all unemployed Americans, and represents a drastic increase over the 596,000 unemployed Americans over the age of 40 in 1969.

If this situation continues, individuals reaching their 40's or 50's will have only several despairing conditions to look forward to—rising joblessness, sharply increased duration of unemployment, seriously limited occupational mobility, and greater chance of poverty.

The saddest figure from among those which have come to our attention regarding the older person is his increasing level of poverty. According to recent figures released by the Bureau of Census, there are more than 25 million people now living in poverty; 5,450,000 of that figure represent heads of households. Of these 5 million, well over 1 million are between the age of 45 and 64, and 728,000 are over the age of 65.

Figures of black unemployment among workers over 40 are even more grim; their rates of unemployment and discouragement are generally twice those of white workers.

These conditions translate into maximum payments for unemployment compensation benefits, increased welfare payments, reduced social security benefits for these individuals when they retire, greater dependence on such programs as the supplemental security income program, unmet mortgage payments, and an increased number of families with no means of support.

What we are faced with, therefore, is a problem of middle-aged and older worker unemployment. This situation has heretofore received very little attention.

However, several Members of Congress have turned their attention to developing solutions to ease this unemployment crisis, by producing greater job opportunities and special services for the worker over the age of 40.

Today, Congressman HENRY WAXMAN, Congressman JAMES SCHEUER, and I are reintroducing two bills with over 40 cosponsors, which seek to alleviate this grim situation. Even though our bills have differences, we believe their goals are the same; the issue they address is so important that we are working together to insure its consideration by the Congress.

The Middle-Aged and Older Worker Employment Act of 1977 and the Equal Opportunities for Second Careers Act of 1977 are two measures which can be used as vehicles for developing specific employment services for the person over the age of 40. These services can include job development and job inventories to catalog available and suitable jobs for this age group. These bills also provide the means for stimulating activity to upgrade the skills and capabilities of older workers, and will enable us to investigate the advantages of such concepts as flextime—allowing an individual to schedule his required work hours around his personal needs—and lifelong education.

I believe the support that these bills have already received is an indication of the desire of the Congress to find the appropriate answers to this problem. As sponsors of two pieces of legislation, Congressmen SCHEUER, WAXMAN, and I believe the situation of the older worker merits close attention, and we commend these measures to our colleagues.

SOYBEAN DAY

HON. RICHARD NOLAN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. NOLAN. Mr. Speaker, today is "Soybean Day" in western Minnesota. In order to acquaint my colleagues with the importance of this observance, I would like to pass along these remarks by Mr. Harold Larson, Soybean Day's vice chairman:

SOYBEAN DAY

Soybean Day originated in 1961 and was organized for the purpose of educating the soybean farmers in improved soybean farming practices in western Minnesota.

The appreciation day is sponsored jointly by the Dawson Chamber of Commerce and Dawson Mills. (Dawson Mills is a processor of soybeans.) The event begins with a noon meal consisting of foods prepared with soybean products, such as pancakes, ham loaf and cookies.

Everyone is welcome to attend this festivity. Attendance has been in excess of twenty-five hundred people. The informative program begins after noon lunch with entertainment, informative speakers and introduction of dignitaries. Persons in responsible positions such as Secretary of Labor—James Hodgson, national president of the American Soybean Association—Gerald Michaleson, National Soybean Crop Improvement president—Bob Judd and many other familiar people have participated.

The merging of the Boyd School with Dawson Public School has incorporated some businessmen from the Boyd community. Ron Stone, president of the State Bank of Boyd suggested the committee list Soybean Day in the Library of Congress for posterity and we thank him for this suggestion.

AL SHANKER OF THE AMERICAN FEDERATION OF TEACHERS DISCUSSES PROPOSED CUTS IN IMPACT AID

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. KILDEE. Mr. Speaker, I should like to bring to the attention of my colleagues a column written by Albert Shanker, president of the American Federation of Teachers, which appeared in the New York Times of March 13, 1977. In his article, Mr. Shanker outlines the disastrous effect the proposed cut in Federal impact aid funds would have on school districts across the Nation.

I know that many of my colleagues share my concern about the financial problems facing school districts, and I believe they will find Mr. Shanker's column of great interest:

DISAPPOINTING START ON FUNDS FOR SCHOOLS

(By Albert Shanker)

Since school districts all across the country are facing financial problems, they all waited hopefully for the first budget proposal by President Carter. That proposal has now been made, and it is disappointing.

The headlines which appeared throughout the country correctly reported that Carter had increased the federal money for schools over what President Ford had proposed. That is true. But when we compare the Carter proposal not with the Ford budget but with what the federal government actually spent on schools last year, we get a different picture.

President Carter is proposing a very slight increase in federal aid to education, but an increase so small that it will not even begin to cover the inflationary costs of this year. In real dollars, schools will be getting less money under the Carter budget than they are getting now under a budget which the Congress compelled President Ford to accept.

One of the most unfortunate aspects of the Administration's proposal is that it drastically reduces "impact aid" by $300 million. This cut, if approved by Congress, is not justified and would be disastrous.

Impact aid, which was first enacted in 1950, is an important school aid program which is not generally understood. Under

the program, the federal government provides financial assistance to local school districts in order to compensate for the special burdens they confront because the federal government owns property within the school districts, and they must educate the children of those who live or work on such property. The idea behind impact aid is simple. School districts get most of their funds from taxes imposed on both residential and commercial property. In the most common situation, schools receive support through taxes which parents pay on their residence and taxes paid by the businesses for which the parents work. But since school districts cannot impose real estate taxes on federal installations, such districts are hard-hit when they must educate children who live with their families on federal property and/or whose parents work on a federally-owned site.

Just imagine the problems faced by a school district in which a large number of the residents live on a local military base or in public low-income housing and where many of the residents work in federal buildings! The taxpayers in the district who live and work on privately-owned property would have to agree to a very high tax rate to cover the education of all the children.

The impact aid formula defines two categories of federally connected children. Category A are those who live on federal property and reside with parents who work on federal property. The federal government now pays roughly 90% of the cost of their education. Category B children are those who either live on federal property or in low-income housing, or reside with parents who work on federal property—so that only one tax source, rather than the usual two, supports their education. Currently the federal government provides about 45% of the cost of educating Category B children.

The Carter Administration proposes to eliminate payment for Category B children. Major cities—which were to be targeted for special help by this Administration—will lose a staggering amount of money for education. The Council of Great City Schools has given the following estimate of the dollar loss for 27 such school systems:

School system and impact aid dollar loss.
Atlanta, $1,208,601.
Baltimore, $771,881.
Boston, $466,405.
Buffalo, $306,824.
Chicago, $5,906,459.
Cleveland, $870,815.
Dade County, $909,936.
Dallas, $766,384.
Denver, $1,176,242.
Detroit, $787,974.
Long Beach, $620,824.
Los Angeles, $2,510,488.
Memphis, $829,944.
Milwaukee, $389,626.
Minneapolis, $357,571.
Nashville, $246,790.
New Orleans, $858,994.
New York City, $19,819,814.
Oakland, $963,836.
Philadelphia, $4,064,721.
Pittsburgh, $778,898.
Portland, $236,866.
St. Louis, $435,874.
San Diego, $3,625,120.
San Francisco, $407,939.
Toledo, $266,608.
Washington, $3,727,528.

Though popular with Congress (impact aid is said to benefit anywhere from 375 to more than 400 congressional districts), impact aid was often opposed by the Executive Branch on the ground, largely, that because some federally-connected children lived in certain wealthy school districts surrounding the capital, where their parents worked, the aid went to districts which did not need it. But in a reform amendment in 1974, such children were gradually phased out and, in their place, children from low-rent public housing were substituted, thus providing assurance that the funds would go to districts with the greatest need. By proposing now to eliminate payments for such Category B children, the Carter Administration is not only undoing the reform but throwing out the baby with the bath water.

It cannot be that the President does not mean to keep his oft-stated commitment to a larger federal support level for education. It must be that the same Nixon-Ford bureaucrats who have opposed impact aid in the past are still around making their irresponsible suggestions. Or perhaps the Carter Administration is not aware of the reforms instituted in 1974 to meet the arguments of the impact aid critics. In either event, the Administration's proposal is unsound and should be re-thought.

THE CAMP SAFETY INCENTIVE ACT

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. ANDERSON of Illinois. Mr. Speaker, today I am introducing the Camp Safety Incentive Act as an alternative to the various pending youth camp safety bills which provide for Federal inspections and enforcement in those States which do not have federally approved youth camp safety programs. By contrast, my bill would simply provide a 3-year Federal grant program to encourage and assist States in developing and operating their own youth camp safety programs. This is nearly identical to the substitute to the youth camp safety bill I offered on April 17, 1975, which was narrowly defeated, 188 to 194.

Mr. Speaker, I have offered this alternative bill because I frankly do not think the camp safety problem warrants the type of massive Federal intervention into this area which the other bills would authorize. About 25 youngsters lose their lives every year in camps—and certainly each death is a tragedy—and the injury rate in camps is about 31 per thousand campers per year—which includes minor injuries. But the injury rate in our Nation's schools is five times greater—150 per thousand per year, despite the fact that schools have a 6-hour day and most camps run on a round-the-clock basis. If one puts these on an equal time basis, it could be concluded that camps are 20 times safer than schools are.

And yet, we are told that the imposition of Federal regulations, inspectors and enforcement are necessary because only 12 States, according to Consumers Union, have meaningful health and safety regulations, including, incidentally, my own State of Illinois. It is also claimed that Federal intervention is necessary because we really do not know how bad the problem really is—we do not have adequate statistics and the HEW report on camp accidents issued in 1971 was faulty and incomplete. In other words, we should legislate blindly, without the full facts, because the problem might be much greater than we think it is.

Mr. Speaker, my bill adopts a more limited, yet I think realistic and reasonable approach, by providing a 3-year Federal grant assistance program for those States which wish to develop and implement their own youth camp safety programs. It provides an incentive, in the form of $22.5 million in grants over that 3-year period, for those States which do not now have adequate camp safety programs, to get such programs off the ground if there is a perceived need for such a program.

This is not an open-ended grant program and would self-destruct after the 3-year period, thus forcing States to make a decision from the outset. My bill also authorizes a new survey of camp deaths, injuries, and illnesses nationwide upon which the Congress could make an informed judgment after 3 years as to whether any further legislation might be necessary. This prospect in turn should provide an additional incentive for States to act now or face possible Federal intervention at a future date.

Under the terms of my bill, the Secretary of HEW would promulgate model youth camp safety standards within 6 months after enactment. States could apply for $1 million in grant assistance during fiscal 1978 to develop State camp safety plans which conform to these model standards. Plan initiation and training grants would be made available to States having approved plans in the amount of $4 million in fiscal 1978, and $5 million in fiscal 1979. And early operation and improvement grants would be made available in amounts of $2.5 million in fiscal 1978, and $5 million in each of the 2 succeeding fiscal years.

Mr. Speaker, I have no doubt that if camp safety is perceived by the people of any State as a significant problem, they will bring pressure to bear on their State governments to take advantage of this limited Federal startup assistance offer for developing their own State camp safety program. In the meantime, the Secretary will be conducting a survey of the camp safety problem over this 3-year period and the Congress will then be in a position to intelligently decide whether anything more in the way of Federal legislation is needed.

I would hope we would see the wisdom in taking this incentive approach to dealing with the problem instead of charging blindly into creating a new junior OSHA.

At this point in the RECORD I include the complete text of my Camp Safety Incentive Act.

H.R. —

A bill to provide Federal financial and technical assistance to the States to encourage the development and implementation of youth camp safety plans and programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Camp Safety Incentive Act."

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to protect and safeguard the health and well-being of young persons in day camps and resident camps by providing for the development of standards for the safe operation of such camps, and to provide Federal financial and technical assistance to the States in

order to encourage them to develop and implement youth camp safety plans and programs, thereby providing assurance to parents and interested citizens that youth camps meet minimum safety standards.

PROMULGATION OF MODEL YOUTH CAMP SAFETY STANDARDS

SEC. 3. (a) The Secretary of Health, Education and Welfare (hereinafter referred to as "the Secretary") shall develop model youth camp safety standards. In developing such standards, the Secretary shall consult with State officials, and with representatives of appropriate public and private organizations, and shall consider existing State regulations and standards developed by private organizations which are applicable to youth camp safety, and shall make such suitable distinctions in such standards as are necessary and appropriate in order to recognize the differences in conditions and operations among different types of youth camps. The Secretary shall promulgate the standards required by this section within six months after the effective date of this Act.

(b) The standards developed by the Secretary shall be directed toward the safe operation of youth camps and related to such matters as—but not limited to—personnel safety qualifications and instruction; ratio of staff to campers; sanitation and public health; first aid and medical services; food handling; mass feeding and cleanliness; water supply and waste disposal; water safety, including use of lakes and rivers, swimming and boating equipment and practices; vehicle condition and operation; building and site design; equipment; and condition and density of use.

FEDERAL GRANT ASSISTANCE TO STATES

SEC. 4. (a) PLAN DEVELOPMENT ASSISTANCE GRANTS.—The Secretary may make grants to States for the development of State Youth Camp Safety Plans in accordance with section 5 of this Act. The amount of any grant under this subsection shall not exceed the amount determined by the Secretary to be the reasonable and necessary cost of carrying out such plan development activities. For the purpose of making payments pursuant to grants under this subsection, there are authorized to be appropriated $1,000,000 for the fiscal year ending September 30, 1978.

(b) PLAN INITIATED AND TRAINING GRANTS.—The Secretary shall make grants to States which have in effect plans approved under section 5 to assist such States with plan initiation and training costs. The amount of any grant under this subsection shall not exceed 50 per centum of the costs (as determined by the Secretary) for establishing and operating a youth camp safety program for the year for which the grant is made. No State shall be eligible to receive a grant under this subsection in more than two fiscal years. For the purpose of making payments pursuant to grants under this subsection, there are authorized to be appropriated for the fiscal year ending September 30, 1978, $4,000,000; and for the succeeding fiscal year, $5,000,000.

(c) EARLY OPERATION AND IMPROVEMENT GRANTS.—The Secretary shall make grants to States for the early operation and improvement of youth camp safety programs, provided he makes a determination on the basis of a review of each approved plan, that it is being administered in compliance with its provisions. The amount of any grant under this subsection shall not exceed 50 per centum of the costs related to the early operation and improvement (as determined by the Secretary) of the youth camp safety program for the year for which the grant is made. For the purposes of making payments pursuant to grants under this subsection, there are authorized to be appropriated $2,500,000 for the fiscal year ending September 30, 1978, and $5,000,000 for each of the two succeeding years.

STATE YOUTH CAMP SAFETY PLANS

SEC. 5. (a) Any State which desires to implement a State Youth Camp Safety Program and to qualify for Federal grant assistance as provided by section 4 (b) and (c) of this Act, shall submit to the Secretary a State plan for the operation of such program.

(b) The Secretary shall approve a plan submitted by a State under subsection (a), or any modification thereof, if such plan in his judgment—

(1) designates a State agency as the agency responsible for administering the plan throughout the State,

(2) provides for the development and enforcement of comprehensive youth camp safety standards, which standards (and the enforcement of such standards) are or will be at least as effective in providing the safe operation of youth camps in the State as the Federal standards promulgated under section 3, and provides that where penalties are not employed as a method of enforcement of such standards, a system of certification is in effect which is at least as effective as penalties,

(3) provides for consultative services to youth camps in the State with respect to comprehensive youth camp safety standards under such State plan,

(4) provides for an inspection of each such youth camp at least once a year during a period the camp is in operation,

(5) provides for a right of entry and inspection of all such youth camps,

(6) contains satisfactory assurances that such State agency has or will have the legal authority and qualified personnel necessary for the enforcement of such standards,

(7) gives satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards,

(8) provides that such State shall coordinate the inspection efforts of such State agency so that undue burdens are not placed on camp operators with multiple inspections,

(9) provides that such State agency will make such reports in such form and containing such information as the Secretary may reasonably require,

(10) provides assurances that State funds will be available to meet the portion of the cost of carrying out the plan which are not met by Federal funds, and

(11) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this Act.

(c) The Secretary shall approve any State plan which meets the requirements of this section, but shall not finally disapprove any such plan, or any modification thereof, without affording the State agency reasonable notice and opportunity for a hearing.

(d) In order to determine whether to make available additional grant assistance as provided by section 4(c), the Secretary shall review each plan, and the enforcement thereof, and make a finding as to whether each plan is administered so as to comply with the provisions of such plan and any assurances contained therein. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that in the administration of a State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), he shall notify the State agency of his withdrawal of approval of such plan and inform such State agency that no future payments will be made to the State under this Act.

REPORTS AND STUDIES

SEC. 6. (a) Any State which has in effect a State plan approved under section 5 shall file an annual report with the Secretary detailing all accidents resulting in death, injury and serious illness, other than minor injuries which require only first aid treatment, occurring in youth camps under the jurisdiction of the State plan. The Secretary shall compile these statistics and include summaries thereof in his annual report required under subsection (c) of this section.

(b) The Secretary shall undertake a survey and study of deaths and serious accidents and illnesses occurring in youth camps in the United States during the three-year period covered by this Act and shall include the results and findings of such survey and study in the final report required under subsection (c) of this section.

(c) The Secretary shall report to the President and to the Congress on or before January 1 of each year, beginning with January 1, 1979, and ending with January 1, 1981, on the activities carried out under this Act during each of the preceding fiscal years.

MISCELLANEOUS

SEC. 7. (a) Nothing in this Act or any standards or regulations issued hereunder shall authorize the Secretary, a State agency, or any official acting under this Act, to restrict, determine, or influence the curriculum, program, or ministry of any youth camp.

(b) Nothing in this Act shall be deemed to authorize or require medical treatment for those who object thereto on religious grounds, nor shall examination or immunization of such persons be authorized or required of such persons during an epidemic or threat of an epidemic of a contagious disease.

(c) Nothing in this Act shall be construed to supersede or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of youth camp operators and campers under any law with respect to injuries, diseases, or death of campers arising out of, or in the course of, participation in youth camp activities covered by this Act.

(d) The Secretary is authorized to request directly from any department or agency of the Federal Government, information, suggestions, estimates and statistics needed to carry out his functions under this Act; and such department or agency is authorized to furnish such information, suggestions, estimates, and statistics directly to the Secretary.

DEFINITIONS

SEC. 8. For the purpose of this Act—

(1) The term "youth camp" means any camp which is advertised or promoted as a youth camp; operates on a permanent campsite as the term is generally understood; operates under the auspices of a profit or nonprofit entity; is conducted for ten or more children under the age of eighteen at any one time; and operates for a period of, or portions of, five consecutive days or more during one or more seasons of the year.

(2) The term "State" includes each of the several States and the District of Columbia, Puerto Rico and the Virgin Islands.

EFFECTIVE DATE

SEC. 9. This Act shall take effect on the date of enactment.

TERMINATION DATE

SEC. 10. (a) The grant assistance program established by this Act shall terminate on September 30, 1980. It is the intent of the Congress that such program shall not be renewed and that States desiring to develop and implement youth camp safety programs eligible for such assistance shall take appropriate action within the three-year period set forth in this Act.

(b) The Secretary shall include in his annual report of January 1, 1981, required by section 6(c), a separate section containing a summary of the three-year operation of the Federal program. Such summary shall include—but shall not be limited to—a listing of those States operating youth camp safety programs under approved State plans,

statistics collected on the incidence of serious injuries, illnesses and deaths as required by section 6(a), and any conclusions and recommendations which he may deem appropriate based on his summary and findings and the national study and survey required by section 6(b).

(c) The termination date in subsection (a) notwithstanding, the Secretary shall continue to provide States with such technical assistance as they may request and as may be within the capability of the Department to provide.

THE LAWNDALE POETS

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. CHARLES H. WILSON of California. Mr. Speaker, the poet Allen Tate sought an answer, 20 years ago, to the question, "What should a man of letters be in our time?" He found an essential truth, but one couched in foreboding. While it was clear that the writer must recreate for his age, in Tate's words, "the image of man, and must propagate standards by which other men may test that image, and distinguish the false from the true," it was by no means obvious that the process was abetted by the advent of the mass-culture control of high-technology communications. Indeed, Tate insisted that the writer must discriminate and defend the difference between mass communication, for the control of men, and the knowledge of man which literature offers us for human participation.

There are writers in this country who have accepted the challenge posed by Tate, and I am proud to represent in Congress seven who live in Lawndale, Calif.

Carol Crumb, Judy Gahan, Jeff Miller, Linda Petrilla, Eddie Saiz, Kim Ulanday, and Kristie Willis have all been selected for national publication in the book, "Young America Sings." This publication is a compendium of the finest poems which America's high schools have to offer. I am extremely proud that Lawndale High School has placed seven students in its selective contents—proof that although southern California is the mass-communications capital of the world, sensitive and distinguished writing still flourishes in the Tate tradition.

My purpose in bringing these talented individuals to the attention of Congress is two-fold. I wish to afford the nation an acquaintance with some first-class California literature; and second, to examine the conditions under which it was produced. I believe there are lessons here which may be usefully replicated elsewhere.

In looking into this phenomenon, I had my district staff conduct interviews with all participants. Certain characteristics of both home life and individual drive seemed consistent throughout. Most importantly, books were always a part of the students' home lives. Noted Carol Crumb's mother:

The whole family lives on books.

Many families had complete sets of encyclopedias. All encouraged their sons or daughters as they wrote.

I was astonished to learn that many of the students lived 13-hour days, taking classes in the morning and working at second careers in the late afternoons. Kristie Willis serves as a technician in a health care facility; Linda Petrilla attends the Regional Occupational Center in Torrance, concentrating in data processing; Eddie Saiz engraves jewelry in a trophy shop. It seems that, as literature often must for those who read it, literature has provided these students with an escape from their heavy schedules into what Judy Cahan called "the Dream-me."

Carol Crumb and Linda Petrilla emphasized the strength of their imagination in their writing. Vivid imagery, often conjuring animals, appears in much of their work. Eddie Saiz found his subjects in the eternal themes of age, the Devil, and God, while Kim Ulanday concentrated on America's commonplace—her dog, her mother, and football.

Yet for all the variety of their imaginations, the students were in accord on one subject, the importance of their teacher. Indeed, many only began to write under her influence.

Mrs. Kathleen R. Perry, teaching for 6 years after raising a family, found that the greatest single obstacle to achievement among her students was their lack of self-confidence. She said:

They want to do their best but the strongest feelings in their lives are that they are not measuring up to expectation.

Mrs. Perry found many writers who were at a loss with what they read, either because they had no feeling for the writing process itself, or because they were intimidated by the very presence of words on a page. Under such circumstances, literature was too remote to be made an integral part of her students' lives.

Noted Mrs. Perry:

Reading a beautiful sonnet throws them into a shell. Their immediate attitude as writers is "I really can't do it."

Consequently, the conventional method of teaching writing through collateral reading was dismissed from the Perry program. The success of her method is attested to by Kristie Willis. Mrs. Perry proved to her that, in Kristie's words:

You don't have to be somebody special to write.

After reading the students' poems, I am convinced that Congress will disagree with Kristie. Those individuals are indeed very special. Their work stands as testimony to their creativity and dedication, and I am privileged to share it with my colleagues.

Carol Crumb, known as "Cookie," began to write as a child and comes from a creative family that has encouraged her interest in writing, interior decorating, and ceramics. It was Mrs. Perry who recognized her talent and encouraged it from outside the normal English curriculum. Carol's published poem was one she wrote on assignment from Mrs. Perry, and is intended for Friendship Cards:

We can write our names in the sand
Follow a blue bird
And try to catch a rainbow
But nothing would make me happier
Than just being by your side.

Judy Gahan, an actress intrigued by arcane words, builds her poems on those words. She firmly believes that an individual's response to literature is determined by whether literature has been made entertainment or chore. A 16-year-old junior, Judy writes from the basics of the craft. Simplicity is her key. She declares:

Describe the flower pot, the room and the person looking on.

And she writes:

PEACE

Wisp of a cloud
Lying motionless
Against the blue
Of a perfect pink morning
Seems to glide
So gently
From day to day
Upon a journey
Of feeling
Everlasting
Peace

Eddie Saiz has a pitching arm you would not believe. And when it comes to poetry, all he needs is that first line, that single intimate thought, and the poem becomes the lyric he hopes one day to set to music. A full-blooded Native Indian, Eddie hopes to go into engineering. His poem, "Psyche," was chosen.

Overtired—just got fired—
Looking for a job today.
Sick in bed, oh my head
Doesn't look like this is my day
I know I've got to straighten out.

Love my life—my kids and wife
No one's gonna take them away
I've got to run—has Satan won?
I think I'm really going insane.
I will pay until I die.

I'm going insane.
And everyone knows that it's true
For some odd reason
I think that my death's day is due.

Kim Ulanday, 17, always had her father reading to her, always asked questions, and read the dictionary right through. She observed:

So many people don't pay attention.

Her poem pays attention:

Beyond the dank and gloomy places
Tucked in a folded dark corner
Above the heart
And behind the brain
Is an oddly warpt and bent space.

It seems somewhat dusty and scarred from use
But when called up it stretches
To impulses far, and wide
Flowing forward never back
Fulfilling whimsicals, it races loose.

Somehow it's not needed more
It contracts back, small and obscure
We become pre-occupied without ourselves
With Time money, we lose touch
Forgetting that Fantasy is the human core.

Mocking the television era, Linda Petrilla's home is full of books. One of four daughters, Linda is a 17-year-old senior who draws her inspiration from greeting cards. She writes:

WONDERING

I lay awake at night wondering where you are
In my eyes I can see you, but when I reach out to touch you, you're not there
I think of only you. I wonder if you will ever come back to me.

Jeff Miller's poems were praised by each of his classmates. A midsemester graduate of Lawndale High, Jeff is attending El Camino College. His writing remains in flux, and he notes a winter-summer contrast in his style. In summer, his writing becomes "lighter," addressing more personal and nature-related themes; in winter, the subjects are more hard, penetrating. "Backroads of My Mind" was selected for publication:

Out of control, and close to the edge,
dangling by the smallest of threads.
Reaching to see the other side,
glimpsing at where inner worlds lie.

What will I see there, who might I find?
And when I get there, will it be mine?

Answers to questions in silver and gold
Each step of the way the story unfolds.
Free for the moment in space and in time.
Walking the backroads in search of what's mine.

Kristie Willis thought she never wrote well enough to be published. Her work has proved her wrong. In fact, like many of her classmates, she has been writing from an early age. While she writes mostly love poems, "party" is too much a part of her personality for the contemplative style associated with that genre. Like Kim Ulanday, she wants to study business; like Linda Petrilla and Judy Gahan, she is an admirer of Edgar Allen Poe. Her poems, however, contain little that is sinister, and owe their force more to Poe's imaginative example than to his subject matter.

I commend the poets to you. I commend their advocate and mentor, Mrs. Kathleen Perry, in whose classroom, in Kim Ulanday's words:

You learn to act as an adult because you learn to control your time.

I commend the principal of Lawndale High School, Mr. Duff Means, for his support and encouragement of an innovative program within the natural financial constraints facing every school. Lastly, I commend the poets' publisher, Mr. Robert Hartman, who is carrying on the work of his father. The senior Hartman, inventor of the self-soaping mustache brush, founded the National Poetry Press in 1937. He was one of those wild talents that seem to thrive only in California.

These poets have obviously been offered valuable support and encouragement from a variety of sources. They have returned the investment tenfold in these magnificent poems.

The tradition of Allen Tate is in good hands.

LET US EMPLOY OUR HANDICAPPED

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. MOAKLEY. Mr. Speaker, President Carter has named the resolution of our unemployment problems a top priority in this administration. Through reduction of unemployment, President Carter seeks not only to diminish unemployment and welfare rolls, but also to restore millions of Americans the dignity and independence which productive work affords. By initiating incentives for greater employment then, this administration provides the individual with the means to self-sufficiency, and the American economy with the promise of greater productivity and subsequent product-demand. Clearly, reduced unemployment can only benefit our country, and it therefore becomes a goal we should strenuously pursue.

One way in which this goal of full employment can be partially achieved is through swift congressional action on behalf of a much-forgotten constituency, our unemployed handicapped. Over 11 million handicapped Americans across our Nation are enduring an unemployment rate of roughly double the national average, yet few efforts are targeted toward aiding this group. Moreover, even those handicapped workers who have managed to find themselves permanent jobs are suffering a pay gap of approximately 22 percent below the national average for working Americans—$131 per week as opposed to $167 per week in 1972. Yet again, little is being done to guarantee these workers their chance for self-sufficiency. This situation is doubly lamentable, not only because of the undemocratic discrimination of an already disadvantaged group, but also because of the vital source of energy and competence our markets are missing due to the reluctance of employers to hire the handicapped.

H.R. 905, developed and introduced by the Honorable HAROLD FORD of Tennessee, effectively attacks this employment prejudice in two ways. By amending the Internal Revenue Code of 1954, allowing tax credits for a certain portion of the wages paid to handicapped workers, this bill encourages employers both to hire handicapped employees and to pay them a living wage. A time limit of 1 year, coupled with a credit limitation of the first $50,000 of tax plus one-half of the tax liability in excess of $50,000, carefully modulates the cost of this program. Its effectiveness, on the other hand, promises to be both widespread and long-lasting, as testified by the results of similar measures used in the successful WIN welfare tax credit program. So far, over 300,000 workers and 91,000 employers have participated in WIN, designed to reduce welfare roles and increase employment rates. Comparable results may be in store for a national handicapped tax credit program.

Both tax reform and creative new methods to decrease our unemployment rate are key issues in today's Government. Both are needed to help our handicapped surmount employer discrimination and gain the jobs they need and deserve. H.R. 905, modeled on the WIN Tax credit formula, promises significant results for this presently disadvantaged group. I urge its swift passage.

EMERGENCY NATURAL GAS ACT

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. ASHLEY. Mr. Speaker, I am today introducing legislation to amend the Emergency Natural Gas Act of 1977 (Public Law 95–2) by extending the period for exercise of Presidential authority in each instance for a period of 3 years, and by including large commercial and industrial usage as a high priority classification of usage, so long as various cautionary conditions have been satisfied.

This much-needed legislation was hurried into law because of the exigent circumstances gripping our Nation. I supported the prior legislation. Due reflection, however, has convinced me that the bill, if extended and expanded, can have a beneficial impact for a period well beyond this winter.

Certainly the Emergency Natural Gas Act of 1977 was viewed by its supporters as only a stop-gap bill, enacted in anticipation of a thorough review and the forging of a realistic and comprehensive national energy policy. In many respects Public Law 95–2 is still so qualified. And there can be no doubt that the adoption of a national energy policy remains as a top priority, and perhaps the top priority, of this Congress.

Nonetheless, it is necessary to consider what is meant by the word "emergency." It has been reliably projected that the cruel, uncompromising winter of 1976 is but a portent of things to come in the next several years. It can only follow in the light of these most disheartening predictions, that natural gas shortages and crisis conditions may become the order of the day in the foreseeable future. Even the passage of a comprehensive, meaningful national energy policy might not forestall the crisis impact for several years. We must have legislation that recognizes that the "emergency" conditions of 1976 and early 1977 will maintain for several years in all likelihood. Should it become apparent that the recent "crisis" was, in fact, a product of contrivance and manipulation, it would be a simple enough process to simply repeal the Emergency Act as extended by this bill, or not invoke its provisions. I am deeply concerned, however, that by not extending the emergency provisions of this bill to cover the period of anticipated crisis, we will find ourselves next year, or in 1980, attempting to deal with a situation that is out of control. It is for this reason that I have offered the 3-year extension of the time provisions of Public Law 95–2.

I have also included large commercial and industrial usages within the definition of "high priority" usage contemplated by the Emergency Natural Gas Act of 1977. For the purposes of this act, I have adopted the classifications set forth in clauses (ii) and (iii) of section 2.78 of title 18 of the Code of Federal Regulations as follows:

(ii) Large commercial requirements (50Mcf or more on a peak day), firm industrial requirements for plant protection, feedstock and process needs, and pipeline customer storage injection requirements.

(iii) All industrial requirements not specified in paragraph (a)(1)(ii), (v), (v), (vi), (vii), (viii), or (ix) of this section.

If the emergency deliveries, transportation and purchases contemplated by Public Law 95–2 are to have an across-the-board palliative effect on current and future energy crisis conditions, then some rational inclusion of large commercial and industrial usage must be recognized as a "high priority." I emphasize that this amendment, while including these additional usages, maintains the thrust of the original legislation to insure the furnishing of natural gas to residential consumers as the first order of business. It is provided in this amendment that the three priority usages of natural gas set forth in Public Law 95–2: Residential, small business, and any other usage which the President determines would endanger life, health, or maintenance of physical property, if terminated, must be satisfied before fulfilling the needs of large commercial or industrial consumers. The amendment further qualifies that there must be a finding that termination of such large commercial or industrial use would result in "* * * significant economic dislocations," and that such usage would be satisfied from supplies coming from lesser priorities of industrial usage. By expanding the "high priority" category in this reasoned and qualified manner, we give the President the power he needs in a crisis situation to make meaningful allocations of natural gas that respect the needs and interests of all Americans.

I urge support of this amendment to extend and expand the Emergency Natural Gas Act of 1977.

THE REAL FARMER IN CARTER'S CABINET

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. JONES of Tennessee. Mr. Speaker, many of us knew our former colleague, Bob Bergland, was a man of the soil. His roots are secure in the soil along Minnesota's Roseau River. For this and other reasons, Bob will be the most successful and effective Secretary of Agriculture we have had in many years.

The April issue of Horticulture magazine has an article written by Hugh Sidey which tells us why Bob Bergland became the man he is. I think it is a fitting tribute to a man we all like and respect and I hope you enjoy it as much as I did.

The article follows:

THE REAL FARMER IN CARTER'S CABINET

(By Hugh Sidey)

The earth was all about him. His adventure. His family's livelihood. His home. His very reason for being. Bob Bergland, the new Secretary of Agriculture in Jimmy Carter's Administration, came out of his land as much as anyone can. He lived the seasons and breathed the violent changes of weather. He was fused with that vast expanse of table top that hugs the Manitoba border and lies a short distance west of Lake of the Woods. He still is. The umbilical from his 600 Minnesota acres along the Roseau River may even be stronger than in his early days when he played on the land and worked it and did not think of being any place else. But as a Congressman from Minnesota's Seventh district before he made his way to the dim warrens of the Department of Agriculture, he found he had to go back for sustenance. Just go back and be on his land and see it and smell it and work in it and then he would know who he was and where he came from and be ready for a few more weeks in Washington.

Bob Selmer Bergland is of pure Norwegian extraction but now he is American. The parents of his mother and father came from Norway when the Scandinavians flowed across the North Atlantic and hurried to find their fortunes in the rich middle distances of Iowa, Minnesota and South Dakota. They were undaunted by the harsh sweep of the winter snows and short growing seasons. They were farmers who understood the rewards of owning land and they went where it was cheap. They had no money. Bob Bergland was born July 22, 1928, in Roseau where his family had an apartment above the Ford garage. His father worked as a mechanic, gathering his meager resources so that he could move to the farm beside the river. In 1933 the time had come and the family began life on 200 acres that still are part of the Bergland holdings. It was the land of prairie grass. There were none of the native trees on Bergland's stretch. The names of the towns nearby spoke of long winters. There was Caribou, Badger and Fox, all places hard by the 50th parallel.

It was not the place for livestock. The weather was too harsh. The need for tight barns increased the cost. Land and growing days were not abundant enough to furnish all the hay and grain needed. The farmers near Roseau grew wheat to sell.

It was hard but not a primitive existence. Machinery was devouring the endless miles and the Norwegians were natural tinkerers. Model T's, the green John Deere tractors and the great new harvesting machines were making themselves felt and they were as welcome as the spring rains. Good men and women, good land, good machines. In those innocent days this was a combination sent by God. In harmony they could produce miracles. The failure of one brought misery. It was the forge of strong people.

Bob Bergland's early memories are a mixture of these elements. His parents attentive and loving, hard working and hard worrying, but then joyous and thankful. His land long, low and flat with the Roseau River a few hundred feet from his house; the stream, only 200 feet wide at the high and dried up where the drought years came. His machines—that first John Deere D, a gleaming tractor which was the pride of the family and whose reassuring chug meant the land would be tilled on time, the grain planted and harvested.

The rhythm of Bergland's childhood was set by the weather. The cloud patterns were read from dawn to dusk. The weather could comfort and soothe and then in a few hours it could devastate. He lived his parents' heartbreak. He was nine the year his father despaired of ever getting his grain harvested as the rains beat day after day on the fields, making them impassable to the machines. "I remember how bad I felt," he recalls. "I was very young and it was very wet. My family had an awful time." He knew how the summer sun could peel a field hand's nose in its brief but blistering assault. And then there were blizzards. Raging slashes of arctic air that drove the snow parallel with the ground. "I rather enjoyed a blizzard," says Bergland, with the farmer's wisdom of what one does when caught in such wintry abuse. "You accommodate the inevitable. You go home and ride it out. Sometimes we were snowed in for days."

That is the kernel of conservatism that is in every farmer whether he calls himself a Liberal or a Farmer-Labor Party member (as Bergland does) or whatever. It is the understanding of natural forces, the joy of standing by oneself before the capricious weather mistress and outwitting her, yielding here, hunkering down there, then using her after she has thrown her fits and wants to be friends again. The challenges of Wall Street or the Detroit production line may be as complex but hardly more thrilling or rewarding.

Bob Bergland walked his land first. As a child he played beside the river, followed the tracks of rabbits in the snow and pulled his first fish from the clear water. "We never had money, he muses. Everything the family did had to be devised by themselves. He explored the fields and examined the machines. One harsh winter when the snow piled up his father put skis on the front wheels of the Model T. What a delightful contraption it proved to be for both man and boy. Inside their modest farm house the family had each other and little else but that, too was enough. The old structure was dry and warm and when the summer's bounty was served up piping hot and fragrant it was enough joy for a whole day. Bergland walked the river to school and he never remembers going off on those frigid mornings without a hot breakfast of pancakes or oatmeal. When his mother baked her dark bread he could hardly wait to get home for thick slices piled with homemade strawberry or raspberry jam.

Bergland's mind was in four parts—summer, fall, winter, spring. He waited and watched for the changes which brought the alterations in the farm metabolism. His favorite time was when the snow would melt and the ice on the river would break. That was the signal—at last release from the cold. It came about April 10 every year. Even as a toddler he got those earthly vibrations. One could see and hear winter leaving the land. The eager daffodils jumped from the earth with the snow nearby. The ice chunks would heave and collapse in the dead of night, sending groans through the dark. For Bergland it meant that things would soon grow.

In those first years, he would be in the family garden with his mother. She would open up the rows of the fresh earth. He would come along and help drop in the seeds—peas, beans, carrots. The smell of the earth enveloped him. He knew it would soon be warm all around him and that the signs of vitality would multiply. The daylight hours would grow. He would find early on that the best time of these fruitful days was at first light. He felt good. So did the earth.

As he grew older Bergland began to hunt the rabbits and pull more pickerel from the river. He built himself a boat with $2 of material he scraped together and sometimes he would drift downstream in it to school before and after the ice came. By the time he was 10 he could drive the tractor and he was trusted to pull the combine. For many, such endless hours under the sun riding back

and forth over the fields was a dreary business. Not Bergland. There was some resonance between himself and his machines and the job he was doing that gave him fulfillment even at that age. In the sixth grade his teacher asked all the kids to stand up and tell the rest of the class what they wanted to do when they grew up. Bergland said he wanted to be a farmer. The other kids laughed at him. In the middle of the 1930s with drought and depression heavy in the Midwest most people talked of leaving. But that never occurred to the young man who lived along the Roseau River.

He was hooked on growing things. The miracle of renewal carried him back to the fields whether it was barley, oats, flax, alfalfa or wheat. By that time he was a member of 4–H and he was competitive. He launched his own gardening projects. Because the natural growing season was so short, he could not under normal procedures get the vegetables he wanted into county fair competition at the end of July. That meant that Bergland had to devise some hot boxes in which to nurture the young plants during the last weeks of winter. He did that and installed them in the window of his upstairs bedroom. He would tend the tiny shoots while he gazed out at the river, waiting for the ice to go. When the signal came he had a healthy stand of carrots, potatoes, peas and tomatoes. He would then transfer them to the family garden plot and in the spare minutes between tractor rides he would tend his special crops. By fair time he usually had a few passable entries. Now and then he would come home with a blue ribbon and the 30 cents prize money.

His world began to widen in high school. He learned about biology and chemistry in books and the school labs. He carried that knowledge with him back to his farm chores. He listened to his father, a man not highly educated but open-minded and curious, a farmer who was among the first to use machines and fertilizer on his land. As long as the summer light would last, Bergland and his brother and father worked their 200 acres. Bergland would ponder the need to leave fields fallow, to plant alfalfa to restore nitrogen. The family bought evergreen seedlings to plant to break the wind and to add beauty to the land. When suddenly his high school days were ending, Bergland had no doubts about the next step. He would go on to the two-year School of Agriculture at the University of Minnesota in St. Paul. World War II was over when he entered in the fall of 1946. The campus was swarming with discharged GIs. It was a serious time. Bergland was a serious young man and he had two good years of learning. He thought he would transfer to a four-year course. But he ran out of money. He went back to farm in partnership with his father. It was not a melancholy move. He loved the life and he had some new ideas to try.

Farm prices were up. So were opportunities. The Bergland holdings began to grow as the family added acres and machinery. Up to that time most farmers in the area had considered chemical fertilizers an expensive luxury. But one summer between his years at the University, Bergland had set out experimental plots. The contrast between the fertilized plots and unfertilized crops could be seen from a distance. Bergland still remembers the expression on his father's face when he viewed the difference. The father and son knew they had to have fertilizers. Their production zoomed. Bergland was ready with another idea. A professor at the University had suggested the potential of raising bluegrass seed. The market for such seed was growing rapidly. The Minnesota conditions for growing it were good. In 1958 Bergland and some neighbors began to develop a seed business. Over the next years it became their main crop.

For a dozen years Bob Bergland's life was totally absorbed in his farming, wife and his family of six children, his small Lutheran church, the community with Sons of Norway, Lions, Eagles and Masons. But his mind reached beyond those limited borders. He wondered about the world as he watched—and felt—waves of the food crisis wash over his Midwest. He began to get interested in politics and in 1970 he ran successfully for Congress. He and his wife Helen loaded their things into the farm truck and drove to Washington.

As a Congressman Bergland saw even better what he calls "the awesome importance" of a proper agriculture policy. He watched from the inside as the Rube Goldberg supply and pricing structure faltered time and time again and the government delivery system of aid for disadvantaged sectors of agriculture failed to provide help. Bergland traveled beyond U.S. shores and viewed first hand the wretched millions in the poor countries, confined to despair because of the limitations of food. He sensed long before it became a fact of diplomatic language that food would become an enormous part of international strategy as the statesmen sparred for power and their shares of the world's goods. As a member of the House Committees on Small Business and Agriculture Bergland deepened his understanding of the economics involved in growing and supplying the nation and other parts of the world with food. From all of this and long before Jimmy Carter came upon the national political scene, Bergland decided that what the country needed and did not have was a "Food Policy." The idea of a farm policy was too limited. The constituency of food was immense and millions of people were vitally involved in producing, processing and transporting food. How closely their actions affected each other was just being understood.

The problems ahead for Bergland and for this nation's agriculture are enormous and he knows it. In his lifetime crop yields in this nation have doubled and tripled. But he knows there is a limit to what can finally be grown on U.S. soil. Yet, there seems to be no limit to population growth. Some 210,000 people are added to the world each day. Inexorably the people are overtaking the globe's ability to produce, even under ideal conditions. A million acres of U.S. land are still being paved over every year. "We cannot do that forever," insists Bergland. "There must be more land-use planning." An immense amount of our urban crisis has come from the earlier rural crisis. It was quiet and remote and not many people paid attention. But this nation has gone through "100 years of benign neglect" of its rural areas, says Bergland. Millions left the farms, drifted to the cities and the problems began. He wants to turn more attention to rural families and communities, to hold those people on the land who are there now and perhaps even lure a few back who have left and would return if there were enough economic opportunity. Bergland also wants his department to get further into studying the weather, to try to figure out the patterns that are changing and what that means. Weather is the big production variable. It can wreck whole economies, strain whole societies.

The slender man who moves quickly through the huge offices of the Department of Agriculture is bursting with more ideas—about food stamps, about helping people, about bolstering American strength in the world with grain production, about stabilizing markets and about creating food reserves to guard against catastrophe.

Perhaps part of Bergland's energy and good cheer comes from his luck. The job of Secretary of Agriculture has until recent years been a position of thanklessness. Agriculture was such a diverse and unorganized mass that pleasing one group inevitably meant alienating others. City interests looked with increasing suspicion and hostility on rural requests. Only when shortages developed and prices generally went high and the importance of food in the world order was recognized, did the Secretary's job smooth out. It is a relatively tranquil scene now in the Department of Agriculture. But more and bigger uncertainties lie just down the road. Water is short already in western growing areas. The winter damage in the Midwest is immense. Demands for different kinds of meat and fiber are increasing. The cries for help from the cities are stronger than ever. But Bob Bergland believes he is ready and that he can do some good.

Along the way he will have to take a few days now and then to go back to Roseau to see his land which will be tended by a step-son. He will walk in the fields and feel the spongy earth beneath his feet and ride his tractor and look at the far horizon and marvel again at nature's profound force.

MINIBUSINESSES

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. FORD of Tennessee. Mr. Speaker, today I rise to introduce the Mini-Business Opportunity Act of 1977, a measure that will greatly aid the economic stability of more than 9.1 million small businesses in our Nation.

The measure states that the Small Business Administration—SBA—will give special preferences to small business concerns with 100 or fewer employees—"minibusinesses"—in the sale of materials and services to the Federal Government. This simple declaration of preference can be utilized to protect the economic interests and well-being of millions of the true small businesses in America, those with 100 or fewer employees.

Mr. Speaker, this act is designed to supplement the protection afforded all small businesses under existing SBA programs, which give them preference in many cases over large businesses when selling to the Federal Government. As you know, small businesses are determined according to several standards, most often by number of employees and yearly revenue.

However, many times these standards are quite unfair to the minibusinesses. For instance, the economic advantages to a firm employing 450 people over a firm employing 15 people is easily seen. Yet, both firms would be classified as "small businesses" during bidding to sell to the Government.

This measure will benefit millions of American workers in minibusinesses. Of the 9.7 million nonagricultural businesses in our Nation, 9.4 million or 97 percent qualify as small businesses under SBA standards. Most important, of these 9.4 million small businesses, 9.1 million or 97 percent have 100 or fewer employees, qualifying as minibusinesses. Despite those large numbers, though, the minibusinesses must continually compete with larger firms for crucial Government contracts and services.

There are other methods for measuring the pressing need for the Mini-Business Opportunity Act of 1977. Dur-

ing these past few years, no section of the American economy has suffered more than the small business industry, most particularly, the minibusinesses. These "smallest of the small" have had to suffer bankruptcies and forced closings in a much higher number than the larger, pseudo-small businesses which have more than 100 employees. These minibusinesses also are the first to feel the effects of higher operating costs, newly imposed Government regulations, and the slowdowns in manufacturing and construction contracts and subcontracts caused by inflation.

The Mini-Business Opportunity Act of 1977 would greatly benefit these minibusinesses by giving them preference to bid competitively through Government procurement operations against the pseudo-small businesses. There is little economic fairness in making firms of 40 employees constantly bid against firms with 10 times that many employees under the existing SBA rules. Thus, the Federal Government would be helping to strengthen an integral part of the American business community.

Mr. Speaker, we in Congress have a great responsibility to render assistance to the 9.1 million minibusinesses in our Nation. By supporting the Mini-Business Opportunty Act of 1977, we will also be helping the millions of employees who work for these companies. I sincerely hope the act receives the closest attention and fullest support of my colleagues, as we attempt to improve the Federal Government procurement procedures administered by the Small Business Administration.

SOLARZ INTRODUCES LEGISLATION TO DEAL WITH ARMS TRANSFERS

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. SOLARZ. Mr. Speaker, I have today reintroduced with a total of 40 cosponsors a bill first submitted on January 6 which is designed to provide Congress with the authority to disapprove most major transfers of American weapons from one country to another.

As a consequence of the vast increase in the overseas shipments of American conventional arms, there has been a geometric increase in the potential for the transfer of these weapons from the recipient countries to third countries to which the United States may or may not want to ship arms.

While Congress now has the authority to disapprove most major arms sales abroad in the legislation authored by Senator GAYLORD NELSON and Representative JACK BINGHAM, we do not have similar authority to stop arms transfers. H.R. 1534, reintroduced today, is designed to close this loophole by providing Congress with the power to veto arms transfers of U.S. weapons from one country to another.

Congress adopted a similar provision in last year's first consideration of the security assistance bill, only to have it dropped when the bill came up the second time in an effort to avoid a veto by President Ford.

Under existing law, if the United States has given or sold weapons under the foreign military sales program to another country, that country can in turn transfer those weapons to a third country only with the approval of the President. The President in turn is required only to provide Congress with a written certification and explanation of the transfer 30 days before giving his consent to the transfer. During the course of 1975, there were a total of 18 such arms transfers from nations to which we had previously given arms to other countries around the world.

My feeling is if Congress has the right to disapprove a sale in the first place, it should likewise have the right to disapprove the transfer of those weapons to other countries. I am particularly concerned that as the volume of actual deliveries of arms that we have contracted to sell over the past few years increases—and the United States has agreed to sell about $29.4 billion in foreign military sales over the past 3 years—the potential for those weapons to get passed to other countries is vastly expanded.

The bill that I am proposing will not stop transfers where a recipient country agrees to give the weapons to a third country without seeking prior American approval. But the United States then has the option of stopping further sales of weapons or the delivery of supplies and spare parts to such a violator nation. My bill would enable Congress to consider potentially controversial transfers where the President has given his permission, such as the transfer of a number of F–5 aircraft from Iran to Jordan.

I might add that the bill includes language which would give the President the right to exercise an emergency waiver permitting a third country transfer, even in the absence of congressional approval, similar to that provided to the President under the terms of the Nelson-Bingham amendment.

Joining me as cosponsors of this legislation are the following Members:

Representatives BADILLO, BEDELL, BLANCHARD, CARNEY, CHISHOLM, COHEN, COLLINS, CONTE, DOWNEY, DRINAN, EDGAR, EDWARDS of California, GIBBONS, HARRINGTON, HAWKINS, HOLTZMAN, JENRETTE, KOSTMAYER, KREBS, LEACH, LONG of Maryland, MEYNER, MIKVA, MINETA, MITCHELL of Maryland, NOLAN, PATTERSON of California, PEASE, RANGEL, ROE, ROSENTHAL, SCHEUER, SIMON, STUDDS, WAXMAN, WEAVER, FITHIAN, MAZZOLI, and STEERS.

NEWSLETTER

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. WOLFF. Mr. Speaker, one of the duties of a Member of Congress is to communicate directly with his or her constituency so as to keep informed as to their views and their needs.

Periodically, I send a newsletter to my constituents reporting on the activities of the Congress and soliciting their views on the issues of the day.

I am today, for the record, asking that a copy of my latest newsletter be printed in the CONGRESSIONAL RECORD. The text is as follows:

NEW CONGRESS FACES VARIED PROBLEMS AS SESSION CONVENES

Dear Friend and Constituent:

The 95th Congress convened with a renewed sense of confidence and spirit that it will respond fully to our nation's troubles and enact meaningful legislation to achieve essential change.

As your Representative, I believe this to be an appropriate time for me to highlight some of my responsibilities in the House. I am looking forward to the months ahead as truly an effective and productive time.

My colleagues and I on the Select Committee on Narcotics Abuse and Control are determined to develop a working blueprint for a national drug policy that will coordinate and unify the various jurisdictions now involved with the overall drug problem. As Chairman, I will report to Congress on new concerted efforts to stop high level narcotics trafficking that transports the deadly menace to our shores and more effective methods for prevention and treatment.

Drug abuse has not waned. New sources have opened up again and a ready market is available. It is estimated that, today, drug abuse in this country costs more than $27 billion a year. Nearly 40 percent of this cost is the direct result of crimes committed by addicts who must cheat and steal to maintain their expensive habits. Serious crime continues to rise for nowhere in the world is drug abuse more acute than in the United States—our country where no hard drugs are grown, but are all smuggled in from abroad.

Why is America's youth into the drug scene?

We intend to find the answers and do something about finding solutions. We will scrupulously investigate the reasons responsible for the widespread increase in narcotics use—international trafficking, organized crime, interdiction methods and law enforcement, existing prevention and rehabilitation programs, and the criminal justice system that deals with narcotics laws and drug related crimes. Our society and future generations cannot be further corroded by this lethal drug culture.

As a ranking member of the House International Relations Committee, I have been selected by my colleagues to be the Chairman of the Subcommittee on Asian and Pacific Affairs, the panel empowered to probe the problems of those areas abroad and to assess their impact and effect upon domestic conditions for the purpose of recommending Congressional action and legislation.

The committee is charged with the responsibility of our overall China policy; the question of whether or not we should resume relations with Vietnam and resolution of the MIA situation with Hanoi; our base agreements with the Philippines; overall U.S. strategy in the Pacific; troop removals from Korea; and our sensitive relationship with Japan.

Included in the committee's mandate are the problems of one-half of the world's population, including that of India, Pakistan, Australia and New Zealand—remote from our shores, but so important to the quest for world peace and the effect upon our everyday life. This committee will help to shape the destiny of the world for years to come.

I also continue to be the New York member of the House Committee on Veterans' Affairs and am the ranking member of the Subcommittee on Veterans' Education and Training, a position that enables me to fo-

cus attention on the critical needs of our nation's veterans and their families.

This session, I introduced the Comprehensive Veterans Readjustment Act of 1977, H.R. 2231, an all-inclusive measure to again update and increase educational and training opportunities for Vietnam veterans. It is the intent of this Act to reform the GI Bill to hopefully reverse the intolerably high unemployment rate (currently more than 550,000) for veterans of this war era. Basic provisions will not increase the total amount of educational benefit payments, but will permit an accelerated use of the allocated funds to provide realistic tuition and living allowances while the veteran is enrolled in a school or college.

We must honor our obligation and afford the Vietnam veteran the chance to attain an enriching and productive life. This goal must be a national commitment to provide opportunities on par with those we offered veterans of previous wars. We owe all our veterans a chance at tomorrow.

Sincerely,

LESTER WOLFF.

PROMPT ACTION ON ENERGY POLICY IS VITAL TO AMERICA'S FUTURE

This past winter's natural gas crisis, that virtually shut down entire cities and forced untold thousands to be out of work, subsided as the weather warmed, but the fundamental problem of providing for America's energy needs remains critical.

I voted for the President's Emergency Energy Bill to ease the immediate crisis just as I have supported past measures to mandate fuel allocations in an effort to assure that no sector of our nation is short-changed. Adequate energy supplies, be they oil or natural gas, are a national problem, not a regional privilege.

However, no amount of stop-gap measures will solve the long range problem of declining energy supplies and rising demand. Priority must be given to enactment of a comprehensive program to meet all of America's requirements if we are to regain our financial stability and economic viability in the foreseeable future.

Our nation's recovery is hampered by questionable shortages and increasingly high prices for essential energy supplies. This condition will continue to accelerate until we implement a National Energy Policy—action I have long advocated—to contain the corporate excesses of domestic suppliers, decrease our reliance on foreign producers, invoke voluntary conservation and realize a meaningful program of extensive research and development into alternate energy sources. We must increase domestic energy production and insure energy reserves. We must encourage conservation while establishing price standards that will not gouge the consumer.

Legislation does not happen in one day or even one year for there are many steps to be taken before a policy becomes law. We have shilly-shallied too long and America is suffering the consequence.

As just one instance, for the past four years I have attempted to secure the cooperation of government, and utility companies in shutting off pilot lights on gas cooking appliances that waste between 30 and 50 percent of all gas consumed by these stoves annually. In New York State alone, pilot lights on appliances burn an incredible 44 billion cubic feet of natural gas every year, enough to service the needs of 220,000 homes. Great Britain, among other European nations, safely eliminated pilot lights on their cooking elements to conserve energy—why can't we?

Accordingly, I have reintroduced my legislation, H.R. 2888, to provide an income tax credit to cover the cost of engaging professional help to safely convert automatic pilot lights to manual ignition.

Further, I am co-sponsoring legislation to give greater impetus to the development of alternate sources of energy and measures to establish a Solar Energy Loan Administration to provide homeowners, builders, and small businesses with low interest loans to expedite the purchase and installation of solar heating and cooling systems. I believe these measures to be essential fuel conservation steps, for this nation's dependence on fossil fuels must end.

I have long warned against the United States being subjected to oil blackmail. The continuous buildup of petrodollars by the oil producing nations (more than $3 trillion by 1980) threatens the future capability and productivity of our country and its citizens. While our need for oil is critical, the third world states are using these petrodollars to gain a stranglehold on our assets and interests by investing heavily in U.S. industry, financial institutions, defense productions, real estate, natural resources and businesses.

I am opposed to indiscriminate offshore oil drilling for we must insure that satisfactory environmental protection safeguards will be in force. We cannot afford the risk of more oil spills that devastate our coastal waters and poison our fishing beds.

Even more intimidating, I believe, is the threat of an Arab takeover of our offshore lands through extensive investments in American firms—an intrusion that can only result in those nations gaining substantial control of U.S. domestic supply lines.

Under our present Outer Continental Shelf statutes, a loophole permits foreign investors to back U.S. front men in bids for offshore drilling leases even though U.S. law forbids foreign nations and corporations from bidding directly on oil and gas leases.

My legislation, HR1367, is intended to thwart such intolerable intrusion by the foreign oil producing nations of OPEC—the very same nations that spawned the energy crisis in the first place and now seek to reap even greater profits at the expense of the American consumer. My bill would close the loopholes in the present OCS statutes and insure that offshore oil and natural gas drilling leases are granted only to U.S. citizens, and American corporations and associations that limit foreign investment and financial interest to 5 percent. We cannot afford to permit the oil barons of the world to own our natural resources—America's life line.

I am hopeful that President Carter's appointment of Dr. Schlesinger as White House energy administrator will bring us closer to the Comprehensive Energy Policy so desperately needed by America.

WOLFF CALLS FOR EPA STUDY OF NORTH HILLS DEVELOPMENT PLANS

The preservation of our cities and communities from the threat of environmental damage is a matter of utmost importance to me, for any careless disregard of potential hazards today, will only jeopardize the future well-being of our families and the lives of our children.

While I do not believe the federal government should impose itself on local zoning and planning matters, I am deeply concerned with the impact an enormous population increase in one community, in this instance the Village of North Hills situated near the Nassau-Queens line, will have on the 6th Congressional District.

Whether our vital natural resources—fresh water and clean air—will remain in sufficient supply to meet new demands, and whether the area's municipal services—waste disposal, police and fire protection, highways and school systems—can withstand further influx without costly tax restructuring, are the questions that must be answered with complete candor.

I have requested the U.S. Environmental Protection Agency to begin an in-depth study of the conditions relevant to the anticipated population change and to issue an environmental impact statement that will guide both the village and the surrounding communities in their efforts to mutually resolve this serious problem.

MORTGAGE BREAK FOR UNEMPLOYED

This nation's high unemployment rate continues to place an intolerable strain on the American family and is a major cause of breaks in the structure upon which our society is based.

Today, many of those unable to find a job are threatened with the loss of their homes because they cannot pay their monthly mortgage commitments.

I have introduced legislation, HR 3389, to offset this painful reality of unemployment. My Bill would establish a Federal Housing Bank to purchase mortgages from the Federal National Mortgage Association and the Federal Home Loan System and refinance these mortgages for families stricken with unemployment.

In brief, this legislation would provide emergency mortgage relief and less expensive mortgage money to financially strapped families and individuals unable to hold onto their homes due to circumstances of unemployment.

FUSION ENERGY EXPERTS LAMENT BUDGET SLASHES

HON. CLAIR W. BURGENER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. BURGENER. Mr. Speaker, in the firm belief that our Nation's energy situation is on the threshold of becoming a major economic, social, and political crisis, I feel obliged to share with my colleagues and the readers of the CONGRESSIONAL RECORD the following thought-provoking article by Mr. Bob Corbett, science writer for the San Diego Evening Tribune.

[From the San Diego Evening Tribune, Feb. 25, 1977]

FUSION ENERGY EXPERTS LAMENT BUDGET SLASHES

(By Bob Corbett)

DENVER.—President Carter's just-announced budget cutbacks could have a "major impact" on the nation's quest for fusion energy, perhaps delaying its realization into the next century, it was asserted here yesterday.

This somewhat dismayed reaction to the proposed $80-million slash in fusion research funds was expressed by several experts in the field.

The cuts would delay several experiments needed for the quick development of fusion, which many scientists view as the ultimate answer to the nation's and indeed the world's, energy problems.

Fusion research represents the scientific effort to tap the power of the hydrogen bomb for peaceful purposes. This power stems from the release of energy that comes by forcing atoms together, or fusing them. It is a much more powerful process than that used by current atomic plants that gain their power by splitting the atom.

The cutbacks, however, apparently will not affect the Doublet III program, a fusion project now being constructed by the General Atomic Co. in San Diego's Sorrento Valley.

Stephan Dean, a leading scientist for magnetic fusion programs with the U.S. Energy

Research and Development Administration in Washington, D.C., indicated that the Doublet project is too important to be pared.

It is one of the two most important fusion experimental programs in the country, Dean said in an interview at the 143rd annual meeting of the American Assn. for the Advancement of Science.

However, Dean said, the fund cutbacks would cause significant delays in other important magnetic fusion projects, some of which are already under construction. They could cause the layoffs of hundreds of scientists and engineers, he said.

The projects are located at top research centers, including Princeton University, the Los Alamos Scientic Laboratories and the Sandia Laboratories in Albuquerque, he said.

Dr. Richard L. Schriever, another ERDA scientist, who deals with laser fusion, echoed some of Dean's dismay.

Important programs investigating how laser beams can be used to touch of the fusion process will be delayed at the Lawrence Livermore Laboratories near Berkeley as well as at Los Alamos and Sandia, he said.

Ironically, the Carter cutbacks have come just at a time when fusing scientists believe they are on the brink of taking fusion power out of the laboratories and into the realm of practical reality.

Dr. Peter L. Auer of Cornell University told an AAAS audience that recent advances indicate a practical demonstration of fusion power could come within about five years. Dr. Edward A. Frieman, associate director of Princeton University's Plasma Physics Laboratory, agreed.

The problem of fusion physics is almost over, the scientists said, and the time has come to begin thinking about the technological developments needed to turn fusion power into a safe, sure and economical source of energy.

It has been pointed out many times that there is enough hydrogen in the sea to fuel fusion plants for millions of years.

These developments were welcomed by Clinton P. Ashworth, a top engineer for the Pacific Gas and Electric Co. Industry has been eager for such words, he said, because it needs to start planning now on just how to build fusion reactors, where to place them and how to work them into an energy delivery system.

The development of fusion energy, the scientists explained, depends on containing the nuclear fuel at high enough temperatures (100 million degrees), at extreme densities for long-enough periods of time for the fusion reaction to take place.

The scientists indicated that the worst of these problems now seem on the verge of solution either by using strong magnetic fields to confine the reaction or through the use of laser beams to implode small pellets of nuclear fuel.

That's why the Doublet III program is so important, Dean said. Construction scheduled for completion in about a year, he said, with testing to start later.

The project, he said, will represent the first attempt to bring these fusion factors of time, density and temperature together in a prototype-like machine.

The hope, scientists indicated, is that some sort of pilot fusion plant could be in operation by the mid- or late 1980s.

The Carter cutbacks, Dean said, are apparently the results of a decision to opt for short-range energy programs such as conservation and coal and to string out long-range solutions like fusion.

If such reductions represent a continuing trend, he said, the fusion program could be delayed for many years, even to a point where it would no longer have a realistic goal.

Fusion scientists, Dean said, have had no opportunity to discuss the problem with Carter administration people.

TO END MANDATORY RETIREMENT

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. FINDLEY. Mr. Speaker, passage by Congress of legislation to outlaw mandatory retirement may prove to be the most important contribution to human rights of any action the 95th Congress can take. Mandatory retirement is the last remaining legal form of discrimination in our society. It permits the Federal Government and private employers to force people to retire simply because they reach an arbitrary age, usually 65.

During my testimony this morning before the House Select Committee on Aging, it became apparent to me that now is the time to close the so-called bona fide loopholes in the 1967 Age Discrimination in Employment Act. Even though the act is designed to protect those between the ages of 40 to 64 from discrimination in employment because of age, section 101, 4(f), (1) and (2) have seriously hindered the successful application of the law. These clauses allow employers to make age a condition of employment and exempt certain pension and retirement plans from the full force of the law.

On the first day of the 95th Congress I introduced H.R. 65, a bill to extend the Age Discrimination in Employment Act to those age 65 and older. That extension will be less than complete if the bona fide loopholes are not closed.

To that end I am introducing today a bill that will close those loopholes and make all necessary statutory changes to assure that an extension of the Age Discrimination in Employment Act will have the desired effect of ending every legal sanction to the cruel practice of mandatory retirement.

The public clearly wants to do so. A recent Harris poll shows that 86 percent of those surveyed oppose policies which require retirement at a set age.

For many retirees lost income is a critical problem. Despite efforts to strengthen pension funds, many retirees live on less than half their working income and watch their standard of living erode with each year of inflation.

Beyond financial hardship, mandatory retirement blocks the fulfillment of a basic need—the self-esteem gained from useful employment. The case files of physicians and psychiatrists bulge with tragedy: the records of patients whose health deteriorates rapidly once they retire. Lacking the challenge that will get them up and going each morning, they literally fall apart and find an early grave. The day of retirement is often as great a shock as the death of one's spouse.

Happily, not all people are forced to retire. Many continue working at advanced ages. They help themselves financially and psychologically. At the same time they enrich economy, helping to create jobs for others.

Many of the names are well known: Eugene Ormandy, 77; Col. Harland Sanders, 87; S. I. HAYAKAWA, 71; George Burns, 81; Ted Geisel, better known as Dr. Seuss, 73; George Meany, 83; Katherine Hepburn, 68.

Benjamin Franklin helped write the U.S. Constitution at 81. Grandma Moses was still painting at 100. Winston Churchill was British Prime Minister at 77. Oliver Wendell Holmes was still a powerful influence in jurisprudence at 90.

Of course, most workers want to retire when they reach age 65. Their right to do so must be protected. But many today are forced to retire even though they correctly sense that they are more effective at work than ever. It is easy to understand why they lose their faith in the American commitment to equal justice for all. It is high time Congress ended this last remaining legal sanction to widespread discrimination.

ORGANIZING FOR DISORDER

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mrs. HOLT. Mr. Speaker, there are those of us who feel the unionization of the military, a goal being pushed by the American Federation of Government Employees to swell its treasury, would have a disastrous impact on the ability of our Armed Forces to defend our country. It would be utterly destructive of the discipline and good order necessary for efficient, combat-ready military forces.

The Baltimore News-American on March 15 ran an editorial on this subject that is worth the attention of every Member of this House. I submit it for the RECORD.

ORGANIZING FOR DISORDER

If you are a member of the armed forces in some western European nations you can grow a beard like Solomon's, shave your head like Telly Savalas, or let it sprout into the most defiant hirsute halo imaginable. You won't even have to salute a superior officer unless you happen to feel like it.

The reason why you could get away with such independence in allied countries like The Netherlands is because you belong to a union, the purpose of which—naturally—is to promote the maximum self-interest of its members.

In Holland, as a result, only the windmills can be depended on, a dismal fact which the present commander of NATO forces would quickly affirm in private. He might also have strong private opinions on the general reliance of this nation's present all-volunteer army.

Nothing is ever so bad that it can't be made worse. And that is precisely what our largest union of federal employes has in mind. Unless a pending referendum of present members nixes the idea, the union this fall will attempt to sign up our 3.2 million uniformed military personnel.

Kenneth Blaylock, president of the American Federation of Government Employes, attempts to take the built-in curse off his ambition by declaring his proposed union never would consider going on strike. Its sole purpose, he claims, would be to organize grievances and better the working conditions of G.I. Joe.

Well, just think that over. If you are a healthy young man or woman unable to find

work elsewhere, you can enlist in our armed forces tomorrow and everything will be provided—the best food, clothing and social insurance available to military personnel anywhere in the world.

In exchange, from any reasonable viewpoint, you are supposed to realize that you are part of a machine whose function depends on coordinated, unquestioned teamwork. You are expected to take orders.

Congress, to its credit, has produced numerous pending bills to block the proposal for a unionized military personnel. President Carter and Labor Secretary Ray Marshall are vehemently opposed. So are we, and so—we are convinced—should be the American people in general.

Collecting dues from a potential 3.2 million persons is a mighty attractive idea to a union leader. What is really due—and far more important to the United States of America—is an organized, committed and reliable force whose sole allegiance is to serve the common cause.

The very idea of unionizing our armed forces is nutty, extremely poisonous, and an invitation to open challenge by those whose fundamental conviction is that might makes right.

It should be shot down, right now, and we urge President Carter to take the initiative with an unqualified statement of renunciation.

COPING WITH THE BUREAUCRACY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. DERWINSKI. Mr. Speaker, an article by Richard E. Friedman, appearing in the January-February edition of the Chicago Bar Record, has just been brought to my attention.

Mr. Friedman is a distinguished public servant who has served as a Regional Director of the Department of Health, Education, and Welfare for region 5, for the past 5 years. Previously, he served as first assistant attorney general of Illinois.

Therefore, his article, "Coping with the Bureaucracy," is based on firsthand knowledge and experience. I especially commend this article to the members of the Carter administration who have expressed interest in restructuring the Federal bureaucratic monster:

COPING WITH THE BUREAUCRACY

(By Richard E. Friedman)

In a recent article published in the Chicago Bar Record,[1] Federal District Judge Frank J. McGarr enunciated McGarr's First Law: "Whatever Government Does, It Does More or Less Badly." The objective of government, according to Judge McGarr, is to act with ". . . clarity of purpose, brisk efficiency, dedicated personnel and a notable record of achievement and success."[2] I sense that much of Judge McGarr's frustration stems from litigation he has heard involving the government. As a well-known party defendant (in my representative capacity, of course), the best defense I can muster is a plea of nolo contendere.

This article analyzes the reasons for the problem, and suggests methods for dealing with it. My observations are based on some 20 years of experience in state and local government and as a professional outside critic of the operation of government. The modest purpose of this article is to move forward the cause of effective government operation. I have provided a specific enumeration of basic problems such as size, volume, complexity, regulatory and organizational problems. Changing this array of problems will require a massive effort, and beneficial changes will not occur immediately.

The first consideration in dealing with the problem Judge McGarr has stated is the size and responsibilities of the various federal agencies. For example, the Chicago Regional Office of the United States Department of Health, Education, and Welfare covers the states of Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin, and serves 45 million people (about 22 percent of the country's population). The office administers some 325 governmental programs and disburses some $21 billion annually (about $2.5 billion in Cook County alone). About 14,000 employees working in 275 branch offices which report to seven major administrative divisions attend to this considerable volume of work.

As part of the 1976 federal budget presentation, we prepared a so-called "mess chart" depicting the various agencies which are required to act as checkpoints for the processing of one funding application on a relatively simple program. Thirty-two separate agency checkpoints were shown, amid a hopeless tangle of lines connecting the various agencies. In looking at this chart, one wonders not about the issue of efficiency, but how anything is ever accomplished.

Plans are being made by the new administration to reorganize government. This concept can be achieved and can result in improved governmental efficiency. However, I offer a note of caution.

Several years ago I served on a task force examining a possible reorganization of one facet of HEW which relates to health care. I had recently purchased a portable television set, and on a trip to Washington I found the schematic electrical wiring diagram for the set in my briefcase. I had a slide made of that diagram and used it (upside down, as I recall) as a reorganization plan in part of my lecture to the task force. The plan was well received, but fortunately only one-third of the participants at the meeting regarded the diagram as feasible for purposes of governmental reorganization.

Another problem relates to the regulations attached to the 325 programs which HEW administers. Each program is congressionally mandated, and a substantial body of rules, regulations and guidelines are associated with the enabling legislation. Regrettably, many of these regulations are needlessly prolix and unclear. This creates problems of interpretation for both the bureaucrat who is responsible for enforcement of the regulation, and for the person or entity being regulated. Moreover, the indexing of regulations is often outdated or nonexistent. A substantial part of the decision-making process becomes dependent upon bureaucratic institutional memory. Thus, a researcher is hampered by an inability to find a nicely indexed body of regulations describing precedents or containing helpful annotations. It should be noted that I am not describing practice before administrative tribunals involving the Immigration and Naturalization Service, the Internal Revenue Service and the Social Security Administration where there is, at least, an indexing system that would permit objective preparation of a matter.

An applicant or grantee usually requires guidance in deciding which program meets its needs. One of the responsibilities of federal bureaucrats is to provide technical assistance to bewildered applicants. Efforts in this area are good, but the applicant is frequently unable to organize the elements of his problem, and to make a clear presentation. The net result is that an applicant does not always receive the benefits of technical assistance.

I have used the term "bureaucrat" in a nonpejorative sense. In my experience as a bureaucrat I have found that my associates are competent people who try very hard to serve their clients—the public at large. Many practitioners have probably never seen a real, live bureaucrat close up, although bureaucrats can be readily identified by a harried look. The reason for this condition is that they must work full time with the complexities and frustrations of government that I have described, whereas an applicant's frustration with government is only intermittent.

Then, too, decisions made by bureaucrats are predominantly ones that make others unhappy. For example, we usually have many applicants for limited funding, and the proportion of disappointed applicants to successful ones is very high. Also, a program manager may be accountable for the expenditure of many millions of taxpayers' dollars. The reward for taking chances is minimal, and the exposure for a wrong decision is very great. Thus, the natural inclination of a bureaucrat is to be cautious.

Moreover, bureaucrats have the unenviable task of dealing with a wide array of social problems—such as student desegregation, busing and health care delivery—which society has not satisfactorily resolved. Another factor that frustrates bureaucrats is that, for the most part, the people with whom they deal have only a minimal understanding of the processes of governmental decision making, and consequently there are often unbridged communication gaps.

Much of the activity involving federal programs occurs at the regional level. Policy is usually made in Washington, while the implementation of policy involving allocation of funds and enforcement of regulations is made in the regions. The advocacy role I have described does not constitute lobbying for new governmental policy, which is a different kind of specialty. Rather, the role of the lawyer is to try to apply policy to a usually confusing factual situation.

I suggest there is an advocacy role that a lawyer can serve on behalf of a client who either is applying for a federal grant or is already participating in a federal program. Such an assignment must be handled knowledgeably and sensitively. On occasion I have seen lawyers create problems with the bureaucracy for their clients by their lack of understanding of the process of government, or by their efforts to formalize what is essentially an informal forum. Snatching defeat out of the jaws of victory is a real peril in this setting.

The lawyer's requisites for this specialty would include a knowledge of the processes of government. While expertise in specific program areas is helpful, it is not an imperative—for two reasons: first, there are approximately one thousand federal human service programs, and it is unlikely that anyone can acquire expertise in more than a few programs; second, the real barrier is usually the identification of one or two key issues—and sufficient knowledge about these kinds of issues can be readily acquired. Problem analysis, a skill of lawyers, could be utilized to cut away extraneous issues so as to reveal issues that are oftentimes rather simple and resolvable.

Many decisions, of necessity, come down to a determination of the shading of gray areas. A practitioner who can array the facts of the matter and make a brief and logical presentation is well received by the bureaucracy—but this happens only infrequently. Often a client may reach an impasse with a government regulator. Hard lines are taken on both sides, scar tissue forms, and a deadlock occurs which must then be resolved by litigation. A skillful lawyer can rescue a

[1] 58 CHI. BAR REC. 22 (1976).

[2] Id. at 22.

client by recognizing the multi-facets of an issue and advising him accordingly.

Perhaps this approach will result in McGarr's Second Law, loosely stated: "Government Does Better Than It Used To." Many costly and time-consuming lawsuits can be avoided by the timely intervention of lawyers, and a lawyer acting in this area performs a service to his client and the government. I sense that Judge McGarr and other federal judges would prefer to hear far fewer cases involving the government, which would relieve judges of the unwanted role of extra-legal bureaucrats.

WATER-THIRSTY CALIFORNIA

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. ROUSSELOT. Mr. Speaker, President Carter's February 21 message to the Congress recommending deletion of funds in the administration's fiscal year 1978 budget for 19 water resources development projects shook water-thirsty California like an earthquake registering 7.4 on the Richter scale. In a totally nonpartisan manner, the 43 members of the California congressional delegation have banded together to encourage an immediate reconsideration of this February 21 recommendation by President Carter. Most Californians are aware that the Auburn-Folsom South, Central Valley project in northern California was directly affected by this Carter decision. This project is an important element in California's total water system. How irresponsible can bureaucrats be—with 71 percent of the foundation treatment construction completed as of the end of January 1977, this project represents an investment of more than $50 million of taxpayers' money. Obviously, Californians cannot afford to wait for mandatory rationing of water before they appeal directly to the President and urge him to rescind this misguided recommendation. Because water projects require careful, long-range planning, we cannot allow certain "environmental extremists" to so conveniently and quickly provide the President with a "hit list" of projects which, by their judgment, should be removed from ongoing construction. We need to raise our voices now in opposition to such one-sided decisions and deletions by fiat.

In February, immediately following the President's announcement that he had instructed the Secretary of the Interior and the Secretary of the Army, working with the Council on Environmental Quality and the Office of Management and Budget, to undertake an evaluation of the 19 water resources projects for which he was not requesting funding for fiscal year 1978, the House Committees on Public Works and Interior and Insular Affairs held hearings to receive testimony on water resource and reclamation projects. The members of the California congressional delegation, together with Senators CRANSTON and HAYAKAWA, have immediately gone to work to make sure that the point of view of the majority of California is heard above the criticism of those in the environmental movement who would hope to return California to the Stone Age.

The chairman of the Public Works Committee, fellow Californian HAROLD T. (BIZZ) JOHNSON, has sent letters to President Carter making the following point: Section 80 of the Water Resources Development Act of 1974—Public Law 93-261—directs the President to study and report to Congress on the principles and standards to be used in the formulation and evaluation of water resources projects and appropriate Federal and non-Federal cost sharing for such projects and project policies should be done in the context of section 80 rather than unilaterally as it is now being done. Chairman JOHNSON has also recommended that observers from the appropriate congressional committees be present during the project evaluation process, that criteria and data collected by the agencies be public information, and that, in the last review, projects which are in difficulty should be subject to public hearings.

In support of the effort to utilize every available resource which will provide water supplies for domestic uses, irrigation and energy development I plan to join with Senator PETE DOMENICI of New Mexico in finding ways to reinstitute the now expired Saline Water Conversion Act of 1971. In view of the serious drought conditions in California, and the entire West, it is essential that we develop water supplies for the future—supplies which are contained in saline river waters, coastal brackish water, and vast brackish or saline aquifers that are known to exist beneath every Western State.

It is appropriate that plans be in effect for long range water delivery systems. Both Senator DOMENICI and I hold the strong conviction that the Federal Government should have a definitive program for water resources research and development. Californians know that the saline waters of the Pacific Ocean provide a potential resource for water conversion. Research will produce the necessary technology to show the most feasible and economic method for development of the water supplies so necessary for human sustenance and survival. The recent shortages of snowfall and rain make it obvious that we cannot fall behind in our responsibility to the people of California. The Congress must move swiftly and forcibly to find both short term and long term solutions to meet our future water needs. Many of us have pledged to work aggressively for legislation which will encourage development of an important natural resource—water.

THOUGHTS ON REHABILITATING DRAFT DODGERS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the Navy Times, Feb. 28, 1977]

THOUGHTS ON REHABILITATING DRAFT DODGERS

(By J. D. Hittle, Brig. Gen., USMC (Ret.))

There isn't much purpose in arguing that the draft dodgers shouldn't be given a pardon. The issue for all practical purposes is closed.

When the President made his decision, that, for now, ended the argument.

But while the argument of whether there should be a pardon is meaningless, there is real meaning in taking a look at what the pardon means.

And that's a big order. This pardon goes so widely and deeply to fundamentals of military service and the obligations of citizenship that this column doesn't have the space even to briefly tick off all the pertinent issues involved.

There are a few things that are already sharply clear. In the first place, the pardon of draft dodgers might be interpreted as giving the citizen the right to decide, in the future, whether or not he believes that the war he is called to serve in is a "just" war. If he doesn't think so, then what can he do? In the light of the pardon, he can well conclude that he can run for Canada, or any other country that will tolerate him. There, in safety from shot and shell, he can wait out the war.

When it is over, there will always be self-appointed moralists who will acclaim border-jumpers as being braver than those who, whether they liked it or not, answered their country's call to arms. And those who ran away will have reason to believe that they will be pardoned and welcomed home.

If that should happen, they would, of course, also be able to come home intact. That's a lot more than can be said for the good citizen who did his duty and was crippled or killed in answering his country's call to arms.

The most disheartening aspect of the entire pardon issue—and this, in fairness, was not an element of the pardon action itself—is the gushing tribute to the "conscience and courage" of the draft dodgers in being spiritually strong enough to refuse to get shot at!

This, obviously to any serviceman, is plain hogwash. It was a lot safer taking a bus to work in Toronto or Vancouver than pushing to the top of a Red-held hill in Vietnam.

Somewhere in all of the talk about justice to the poor draft dodgers something has been widely missed by a lot of people. That something is the matter of justice to the person who didn't cut-and-run, the person who accepted his obligation of citizenship and answered his country's call. The man who runs away from military service, at least from the moral standpoint, commits pretty serious crimes.

The first, and probably the most obvious one, is that he evades the draft. That's bad enough. But there is more to his list of wrongdoings. When he refuses to do his duty, it means that someone else has to take his place. Someone who obeys the law has to take the draft dodger's place in the long line, moving, in a sense, toward the "firing line."

There is no way of ever totaling up the tremendous number of good servicemen who were wounded, maimed or killed by the simple process of moving up ahead of their normal turn because of those who ran away from the draft and military service.

What this, in turn, means is that by not doing their duty, by running away, the draft dodger was in a real way responsible for the wounding or death of the one who was in combat where the evader should have been.

So when we hear all this mush about the conscience of the draft dodger, let's hope that he has enough conscience to realize and remember that another American—a better one than he—may well have suffered, even

died because of his refusal to do his duty as a citizen. The pardon may clear a lot of his legal problems, but if there is a bit of moral fiber in his body, the pardon should never clear his conscience.

Of course, as the years wear on, the draft dodgers will become more mature simply by the process of aging. We can hope that with his maturity will come, at least for some, a realization of the enormity of their crime against their country and against their fellow Americans.

As a means of perhaps hastening that realization—at least in the minds of a few of the border-jumpers—there is something that might be done.

I propose that each draft dodger who benefits from the pardon should receive, from the government on which he turned his back, a reprint of the once-famous story of Philip Nolan.

Philip Nolan was "The Man Without a Country."

As the story relates, Nolan was stationed at a fort on the western frontier following the Revolutionory War. He was an admirer of Aaron Burr, and was eventually accused of being involved in Burr's alleged conspiracy. Nolan was tried by a general court.

In a flash of resentment and anger he told the court, "Damn the United States. I wish I may never hear of the United States again." Well, the court sentenced him to have his wish. Moved from one Navy ship to another, he never again saw U.S. soil, No one was allowed to mention the United States in his presence.

What makes Nolan's tragic story so pertinent is that the draft dodgers, in a real sense, turned their backs, like Nolan, on their country. In skipping across the border to evade service, they, too, in a sense, renounced their country. They were luckier than Lt. Philip Nolan. They were pardoned.

But if they were each sent a reprint of "The Man Without a Country," some few just might read it. They would, then, perhaps better understand the crime they committed, and the fate of self-ostracism from which they were spared by the pardon.

The letter to each one pardoned should ask that he at least take time to read one paragraph of the story. It has the sad advice of Philip Nolan as he neared his death at sea. These were his words, born of the torment of a man who turned his back on his country, and lost her.

"And for your country, boy, and for that flag, never dream a dream but of serving her as she bids you, though the service carry you through a thousand hells. No matter what happens to you, no matter who flatters you or abuses you, never look at another flag, never let a night pass but you pray to God to bless that flag."

Such reading would be pretty strong medicine for draft dodgers. But, for a few, it might keep them from telling their sons to do as their daddies did when it is their turn to answer their country's call.

They would be doing their sons a favor. It's possible, of course, that the next time the border jumpers won't be pardoned. Then they like the tragic Philip Nolan could live out their lives as latter-day men without a country.

It would serve them right.

NORTHERN IRELAND

HON. BRUCE F. CAPUTO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. CAPUTO. Mr. Speaker, we are all painfully aware of the troubles currently besetting Ireland. The conflict in those six of divided Ulster's nine counties known as Northern Ireland is now in its seventh year. All of the solutions that have been tried up to this point have not borne fruit, yet the problem will not go away. It remains not only as a tragedy for modern Ireland, but it prevents the reconciliation of the Irish and British peoples and constitutes a threat to the peace and stability of the North Atlantic community and, therefore, to the security of these United States.

But I do not bring before this House a problem without also bringing a possible solution. The solution which I propose for consideration is one for which precedent exists not only in Irish history, but in the history of the United States. A possible means of insuring local autonomy and the protection of minority rights, while at the same time eliminating the instability inherent in unsatisfied irredentism, might be a Federal solution. That is to say we might consider allowing the people of Ireland the same opportunity which we enjoyed in Philadelphia in 1787, to sit down in convention together, all parties, free of foreign hindrance, and write a new Constitution for a new Ireland which will be as congenial to the needs and traditions of all the people of Ireland as the Constitutions of the Swiss Confederation and of the United States are for their own peoples.

This is not an idea which is historically foreign to the Irish genius. It is an Irish solution found in the decentralized democratic federalism of Ireland's own past in accordance with the principle of subsidiarity.

Over half a century ago, Winston Churchill prophesied the tragedy of keeping Ireland divided:

> It would be a disaster to Ireland, if the Protestant population in the North stood aloof from a national parliament. . . . Whatever Ulster's right may be, she cannot stand in the way of the whole rest of Ireland. Half a province cannot impose a permanent veto on the nation. Half a province cannot obstruct forever the reconciliation between the British and the Irish democracies. . . . I say really what the Southern Irish most desire and what Irishmen all over the world most desire is not hostility against this country but the unity of their own.

In order that the United States might be able to play a constructive role, however passive, in the restoration of peace, justice, and respect for human rights in all Ireland, I urge that congressional hearings be held on the Irish question so that we may have all the facts.

To this end I commend to this House an article by James Kevin Fitzpatrick of Westchester County, N.Y., from National Review magazine of August 30, 1974, entitled "A Way Out of Ireland's Dilemma?" It explores a possible federal solution proposed by a former member of the British Parliament, Hon. Frank McManus.

PUBLIC OFFICE IS A PUBLIC TRUST

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. JOHN T. MYERS. Mr. Speaker, as a member of the House Committee on Appropriations, I share with other Members of the House a continuing concern with seeing that public funds are used in good faith for the purposes for which they are appropriated. In this connection, I am increasingly bothered by what seems to be a violation of the basic principle that a public office is a public trust, and public funds should not be misused for purposes of political advantage.

I refer to current efforts of people in the Department of Agriculture and in the White House to replace Federal employees holding the positions of State director of the Farmers Home Administration and State executive directors of the Agriculture Stabilization and Conservation Service with political supporters of the Carter administration. The Farmers Home Administration is an agency within the Department of Agriculture which provides credit for those in rural America who are unable to get credit from other sources at reasonable rates and terms. The agency operates principally under the Consolidated Farm and Rural Development Act (7 U.S. Code 1921) and title V of the Housing Act of 1949 (42 U.S. Code 1471). Applications for loans are made at over 1,750 local county offices, generally located in county seat towns throughout the United States. I cannot overemphasize the importance of the Farmers Home Administration.

The Agricultural Stabilization and Conservation Service was established by the Secretary of Agriculture in 1961 under authority of an act of Congress (5 U.S. Code 301), and the Reorganization Plan 2 of 1953.

Just as the Farmers Home Administration is managed by a director in each State, so the Agricultural Stabilization and Conservation Service is managed by a State executive director. The ASCS is an agency of the Department of Agriculture that administers specified commodities and related land-use programs designed for voluntary production adjustment, resource protection, and price, market, and farm income stabilization. It is critical to the public interest that the operations of these two agencies be carried forward on a nonpartisan, nonpolitical basis by experienced and professional State directors. Apart from that, any effort by the Department of Agriculture or the White House to replace the present State directors for political reasons would be a violation of the rules of the U.S. Civil Service Commission, certain Federal criminal statutes, and the first amendment of the U.S. Constitution.

These State director positions are listed in schedule A of the Civil Service Commission rules. They are defined as "positions other than those of a confidential or policy-determining character for which it is not practical to examine" (5 CFR 6.2). As pointed out by the House Committee on Post Office and Civil Service in its publication "Policy and Supporting Positions" there is a list of "political jobs" which are listed in schedule C of the Civil Service Commission rules and are defined as "positions of a confidential or policy-determining character". Incumbents of "noncareer executive assignments" and schedule C positions "serve at the pleasure of the agency head because the positions' excepted status reflects such considerations as advocacy of

administration programs or policy-determining responsibilities." However, positions in schedule A are excepted from the competitive civil service solely because it is impractical to hold competitive examinations for the jobs.

Apart from violation of U.S. Civil Service Commission rules, replacement of persons holding these schedule A positions in the Farmers Home Administration and the ASCS by the Carter administration for political reasons would violate the spirit and probably the letter of laws enacted by Congress which makes it a crime for any person directly or indirectly to promise, appoint, or deny employment in a Federal job in consideration for political support. The Supreme Court of the United States has recently in *Elrod* v. *Burns*, 96 S. Ct. 2673, reaffirmed the principle that Federal employees have a first amendment right not to be denied Government employment on the basis of their political views and forbids the imposition of political allegiance as a condition of Federal employment.

My greatest concern at the moment arises from the fact that the Department of Agriculture, recognizing the illegality of replacing State directors of the Farmers Home Administration and executive directors of the Agricultural Stabilization and Conservation Service for political reasons, is now taking the position that these positions are wrongly classified in schedule A and should be reclassified by the Civil Service Commission in schedule C. A United Press International wire story appearing in the Nation's newspapers on March 5, 1977, quoted Secretary of Agriculture Bergland as follows:

> Bergland said in an interview he is asking the Civil Service Commission to reclassify the State ASCS executive directorships from "schedule A" to "schedule C". The "C" category is used for policymaking and confidential assistant posts, and people in such jobs can be replaced at any time with no civil service protection. . . . Another agriculture official said he assumed if the state directorships were reclassified, many of the current occupants would be replaced.

There is being organized a Committee for the Protection of First Amendment Rights of Department of Agriculture Employees under the chairmanship of Carl L. Shipley, a distinguished Washington lawyer who served for many years as a member of the Republican National Committee. I think it would be a tragedy for the Carter administration to try to return us to the discredited "spoils" systems of political patronage, where the winner takes all and fires loyal public servants in order to replace them with his political supporters. Congress established the U.S. Civil Service Commission in 1883 in order to promote a system of Federal employment based on merit instead of political patronage. The rules of the Commission provide generously for Presidential appointees in "political jobs" which involve confidential work or policy-determining activities. And I agree that the President should have the power to appoint his own policymaking colleagues to help him carry out his programs. This is a principal purpose of free elections. But no President can be permitted to subvert the rules of the Civil Service Commission, or evade the law by asking the Civil Service Commission to reclassify schedule A positions as schedule C positions in order to increase the number of "political plums" he can hand out to his supporters. All of us in Congress share a common responsibility to maintain our present system of Federal employment based on merit and competence instead of "political spoils."

BUKOVSKY TELLS AFL–CIO LEADERS ABOUT DENIALS OF RIGHTS IN SOVIET UNION

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. EILBERG. Mr. Speaker, in the wake of the detainment of Anatoly Scharansky by the Soviet security police for questioning and on this, the day that the Helsinki Commission is meeting to hear testimony about the Soviet noncompliance with the right of emigration with respect to Soviet Jewry in accordance with the Helsinki declaration, I would like to enter into the RECORD a transcript of an address given by Vladimir Bukovsky before the AFL–CIO Executive Council at its recent meeting in Bal Harbour, Fla.

Mr. Bukovsky, who recently testified at hearings conducted by the Commission on Security and Cooperation in Europe, spent 12 of his 34 years in Soviet prisons. He has been in the forefront protesting the lack of civil liberties in the Soviet Union and the misuse of psychiatry. He was released last year in exchange for the leader of the Communist Party of Chile.

At this time, I submit for the RECORD a transcript of Vladimir Bukovsky's address:

ADDRESS OF VLADIMIR BUKOVSKY

We, in the Soviet Union, well know that the AFL–CIO is our permanent and dependable friend—a friend whose concept of freedom is not affected by international boundaries.

I would personally like to thank the American workers who took part in the campaign to protect me which ended in my being liberated. American labor unions have proven many times over that for them the word solidarity is not a mere slogan—not mere rhetoric, but day-to-day practice.

We remember that in 1947, when nobody in the West wanted to hear anything about mass terror in the land of the recent ally, it was the American labor unions who collected the testimonies of a great many former Soviet political prisoners and published the first map of the Gulag Archipelago.

When the American government was in one of its periodical states of readiness to save the collapsing Soviet economy and thus strengthen the totalitarian system, the position of the American labor unions turned out to be decisive and the Soviet Union did not receive most-favored nation treatment.

It was only recently that I had the opportunity to read Mr. Meany's address to the Senate Foreign Relations Committee on 1 October 1974 and I can testify that all of my fellow prison inmates would have put their signatures under that speech.

I have come to you as a representative of Soviet political prisoners to discuss with you the best ways of helping those who are persecuted, exploited and deprived of freedom. When I am asked here how many political prisoners there are in the Soviet Union—I answer "250 million". And, this is no joke because we live in a country which is surrounded by barbed wire, in which slave labor exists, in which there is no freedom of movement, where the defense of one's rights is considered to be an offense against the criminal law code.

When the workers in the USSR read in Soviet newspapers numerous, detailed dispatches about all the strikes in the West, many of them seriously believe that you must be dying of hunger: in the Soviet Union only a person directly threatened by starvation would decide on such an extreme act as a strike. The rare, desperate strikes in the Soviet Union do not occur in the demand of better working conditions or a raise in pay—but only when the workers and their families literally have nothing to eat.

The weavers in Ivanovo struck in 1970 when food ceased to be supplied to the city. As the USSR Helsinki Accords Monitoring Group informs us, four port workers in Riga were arrested in May, 1976 and in August sentenced to one and a half to three years deprivation of freedom after a strike which took place because of the absence of meat in the food stores.

The Soviet Union has signed various international conventions recognizing the right of workers to strike. But it has not bothered to formulate this right in its own legislation. Moreover, strikes are regarded as a "rude, group violation of social order," for which one can be deprived of freedom for up to three years. This is for a completely peaceful strike—merely a refusal to work. When it comes to other forms of struggle—such as sit-down or picketing—these are punishable under the article entitled "mass disorders," by deprivation of freedom up to fifteen years or by the death penalty.

In the West, the decision to strike is usually taken by the labor union. In the Soviet Union, this is beyond imagination. Soviet trade unions do not protect the workers against hunger, persecution or exploitation. Labor unions in the USSR are part of the party-government machine, which addresses itself not to the defense of the interests of working people, but only to the implementation of party-government projects. Even the Soviet Supreme Court, having looked into the practice of court cases involving illegal firings, was forced to point out that the labor union organizations are not observing labor legislation and do not defend the workers actively enough. Workers' complaints to labor union organizations are handed over by them to the KGB. In the verdict of the court in the political case of the truckdriver, Vladimir Pavlov (Maikop-town, 1971) his complaint to the district council of labor unions was taken to be material proof of his guilt. So, there is nothing surprising in the fact that for a ten-year period, the chairman of the Soviet labor unions was the former chairman of the KGB.

These fictitious Soviet labor unions exist to prevent a worker's movement from arising. The first article of the Soviet Constitution states: "The Union of Soviet Socialist Republics is a workers' and peasants' state". And every complaint from workers is regarded as an attack on the interests of the working masses.

The Odessa worker, Leonid Seryy, in a letter addressed to western heads of state and to the U.N. Human Rights Committee, writes as follows: "People who defend the right of the workers to strike and make various other protests are put into psychiatric hospitals. People who support the statements of Solzhenitsyn and Sakharov are picked up on the streets and tried on a charge of hooliganism. I, myself, have been a witness to such outrages. Having seen all this and felt it on ourselves, we have become convinced that in our country a working man has no right to protest, our labor unions also have no rights and do not attempt to acquire them."

This letter, which was sent out to the West as an attachment to one of the Soviet Helsinki Group's documents, contains a very concrete picture of the material deprivations and persecutions which are the fate of workers and their families. The highly qualified lathe operator Leonid Seryy is deprived of the opportunity to increase his earnings. In attempting to stick to pay limits imposed from above, the administration falsifies his working time and his production. His family—(a wife and six children) live in semi-starvation.

The workers of Riga struck because of the absence of meat, but Seryy writes: "Very seldom is there meat in the stores, but anyway, we have bought it four or five times in our whole lives, not more. So it doesn't bother us whether it is in the stores or not."

With an officially defined minimum living wage of 70 rubles per month per person. Seryy's family receives—included all bonuses for children—about 230 rubles per month. "We buy two pounds of butter per month . . . Almost all our clothes are hand-me-downs from other people. . . The kids go to school and I go to work without breakfast. . . . We have neither furniture nor a refrigerator. There are not enough blankets." Having received nothing but threats and humiliations—in answer to his complaints and protests, Leonid Seryy is now undertaking unsuccessful measures to emigrate to the U.S. or Canada with his family.

The worker electrician, Valentin Ivanov, of the village of Yermolino in Kaluga District, wrote to you, Mr. Meany, in November 1976 also asking for help in leaving the Soviet Union. In his announcement to the Presidium of the Supreme Soviet explaining his reasons for emigration, Valentin Ivanov writes, in particular: "The low level of pay. I can say with full responsibility that I have spent the best years of my life working for a piece of bread. The worker is completely defenseless against arbitrary action by management because of the absence of free labor unions. For instance in September 1974, I was forced to work for twenty hours on Saturday and Sunday without any pay. The labor union to which I complained took the side of management. I could give you dozens of examples such as this one."

The Ukrainian worker Ivan Sivak writes as follows: "I have been living for thirty years already in the Soviet Union, not living but existing. During these thirty years little has changed in the life of a worker. I live in poverty and need. My pay is barely enough to cover food. In addition, in the Soviet Union there is no justice, no freedom. There are limitations in all spheres of life. Everywhere a man feels himself a slave."

That is the way millions of Soviet workers think and feel, deprived of the right to vote, terrorized by the punitive organs. But the process of spiritual liberation is taking hold of more and more new layers of people, and already far more than one academician or writer is becoming the public voice expressing the needs of society.

We are present at the beginning of the process which will bring us to freedom. The process of realization on the part of the workers that they have rights and human dignity. The fate of our peoples, and not only in the Soviet Union but in Eastern Europe as well, will now depend on your position, on your solidarity and support. From whom can Soviet working people hope for support if not from their brothers in the West?

For decades, we have looked with hope at the West, expecting help from the free nations true to their democratic principles. What have we seen? You know better than I that the greatest building projects of the Stalin's five year plans, using in full force the labor of prisoners, were created through the use of western, above all American techniques and technology. Every time that the hopelessly inefficient Soviet economy is in need of resupply and support, western countries readily come to its support. They come to help—not the people—but the totalitarian regime.

In March 1970, Academician Sakharov and other participants of the civil rights movement in the USSR made a statement to the Soviet Government, pointing out that Soviet backwardness in the field of automation, and computerization of industry can only be overcome in an atmosphere of freedom, with free creative experimentation and scientific research. The western business world answered this warning by increasing deliveries of computers to the Soviet Union.

For me, the fact is symbolic that I was brought out of the Soviet Union in handcuffs of American manufacture, inscribed with the words "Made in USA." Such handcuffs are broadly used in the prisons and camps of the USSR.

KGB agents install audio-surveillance devices of western manufacture in the apartments of Soviet defenders of human rights. In Moscow, exhibitions of western police technology are organized.

These are only examples, not more than symbols: In the last analysis any economic aid to the Soviet Union and Eastern European countries, which is not conditioned on definite and strictly fulfilled demands, serves only to strengthen that prison of people which goes by the eloquent label of "the Socialist camp."

An integral part of the Soviet economy is the unpaid forced slave labor of three million prisoners. These prisoners are used in the most varied enterprises, the products of their labor are often included in the general flow of Soviet exports. The Baikal-Amur line, a railroad of strategic importance, is being built on Japanese money and on the slave labor of prisoners. In our concentration camp in the Urals, in the factory to which we were driven to work, there was an old "Cincinnati" milling machine. At this ancient machine tool, patched up with plaster, with broken handles, whole generations of prisoners had worked since the 1930's. This is a symbol of the "convergence" of American technology and Soviet slavery.

It would seem that we are a long way from the days of slave-holding societies, but even international conventions directed against slave labor accept the possibility of its employment with reservations. It is up to nobody else but workers and free organizations of workers to achieve a review of these conventions.

The question here is not just one of solidarity, but of mutual interests. Thus, western capital investments in the USSR, calculated on the exploitation of cheap labor, do direct damage to the interests of the workers in the West. I am certain that American labor unions—at the very least—have the right to examine all cases of investment of American capital in the USSR, the working conditions and pay in places where American capital is applied, to prevent money being made on the lack of rights of Soviet workers.

The specifics of socialist countries are such that the problem of labor cannot be solved apart from the problem of civil rights. The recent events in Poland have shown this most vividly. There, the workers' movement is much stronger and more mature than in the Soviet Union. But, in our country too the initial growth of this movement is connected with the general struggle for human rights. Hence, it is impossible to defend the interests of Soviet workers without defending the Soviet movement for civil rights and its participants.

The arrests of the participants of the Moscow and Ukrainian Helsinki groups, Yuriy Orlov, Alexander Ginsburg, Mikbla Rudenko and Oles Tikhiy are a blow to the incipient workers' movement.

I see that at present not only western society but also government officials, above all President Carter and his administration, are beginning to take up a firm moral position in regard to violations of human rights in the Soviet Union. I can only welcome this. But I know that voices are already sounding against this position; fears are already being expressed that the Soviet leadership will react and is reacting to this firmness with cruelty and repression and that maybe it is better not to anger the Soviet Union, but to return to the practice of concession and back-stage discussion.

And it is true that the Soviet Union is at present doing everything it can to prove that it scorns all western protests and will not weaken repressions. At this moment, the most important thing is to acquire patience, not lower your guard, not to expect speedy and immediate results. This is exactly my opinion of President Carter's position and I hope that American labor unions, which have great experience in the defense of human rights in the USSR, will support the President in his moral political actions.

I would also like American labor unions to continue to stress the civil rights problem in socialist countries in their contacts with the other labor unions of the free world. The international workers' movement could give very substantive aid to the Soviet workers and defenders of human rights—both through direct support and solidarity and through influence on politicians and statesmen.

CIVIL ENERGY FROM LASER FUSION—A GROWING REALITY

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. PURSELL. Mr. Speaker, with this extension of remarks, I begin a series of installments regarding laser fusion and its applicability and probably of meeting our Nation's growing energy shortage. Recently, at Los Alamos, N. Mex., in the scientific laboratory, scientists produced the world's first thermonuclear fusion reaction generated by a carbon dioxide—gas—laser. This same reactor was obtained by KMS fusion in May of 1974 using a neodyniun glass laser which at the time could be equated to the first controlled fission atomic energy reaction under the stands at Stagg Field. The significance of the Los Alamos accomplishment is that it used a gas laser which is believed to be more adaptable to producing civil energy. The articles follow:

[From the Washington Star, Mar. 4, 1977]

LASER, A-FUSION BREAKTHROUGH CLAIMED

LOS ALAMOS, N. MEX.—Los Alamos Scientific Laboratory yesterday reported its scientists have produced the world's first thermonuclear fusion reaction generated by a carbon dioxide laser.

A spokesman called the achievement a major breakthrough in fusion research that could cut 10 to 20 years off time needed to develop a fusion reactor.

A laser is a device that uses the natural oscillations of atoms for generating light pulses, which then can be beamed at atomic particles. Fusion is the creation of enormous quantities of energy by the uniting of atomic nuclei.

[From the Washington Post, Mar. 4, 1977]

BREAKTHROUGH CLAIMED IN FUSION BY LASER BEAMS

LOS ALAMOS, N. MEX., March 3.—Los Alamos Scientific Laboratory claims its scientists have produced the world's first thermonuclear

fusion reaction generated by a carbon dioxide laser.

A laboratory spokesman called the achievement a breakthrough in fusion research that could cut 10 to 20 years from time needed to develop a fusion reactor.

A laser is a device that uses the natural oscillations of atoms for generating light pulses, which then can be beamed at atomic particles. Fusion is the creation of enormous quantities of energy by the uniting of atomic nuclei.

Dr. Sidney Singer, chief of the lab's carbon dioxide laser systems development of carbon dioxide lasers for fusion energy production.

The carbon dioxide laser has been called unsuitable for fusion projects involving targets of the hydrogen isotopes deuterium and tritium because it generates light with longer wave lengths than other lasers. But carbon dioxide lasers are thought to be more efficient and cheaper than glass lasers of comparable power.

The thermonuclear reaction was achieved with the laboratory's two-beam carbon dioxide laser—the largest and most powerful of its kind in the world.

A carbon dioxide laser facility scheduled for completion in 1981 is designed to achieve the breakeven point—where the amount of energy produced by fusion equals the amount used to trigger the process.

President Carter has proposed an elimination of fusion project construction funds from next year's budget.

The statement issued today by the Los Alamos laboratory did not mention that proposed cutoff.

Experimental laser fusion power generators are not expected to be operating before the 1980s. They would have an advantage over current nuclear power plants because there is no radioactive waste, and heavy hydrogen fuel is available in large quantities from sea water.

CONGRATULATIONS TO JIM DELANEY

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. OBERSTAR. Mr. Speaker, Saturday, March 19, is the 76th birthday of one of the most distinguished Members of the House of Representatives, Congressman JAMES DELANEY, of New York, chairman of the Rules Committee. On that day, as on all the days of his long career in Government, he will be a living exemplar of the true meaning of the Spirit of '76.

It is, of course, customary on certain occasions for Members of the House to offer laudatory remarks about an outstanding colleague. We often do so when they retire, move on to another post in Government, or pass away. But that is not the situation in this case, for I know that Congressman DELANEY is not about to leave this House of the people, where he has served for three decades, under any circumstances.

When JAMES DELANEY first came to Congress, in January 1945, the United States was reaching the end of a long and terrible ordeal, but her sacrifice in World War II had guaranteed that freedom would survive over much of the world. Now, 32 years later, much has changed in international affairs. But JAMES DELANEY's concern for human rights, both here at home and overseas, has not changed.

When he came to Washington, this country was about to lose a leader who had been an inspiration and a hope to millions of the needy and the neglected. I am sure that, had he lived to the present, Franklin Roosevelt would have been satisfied with the way the freshman Congressman from New York carried on his traditions and advanced his ideals. If it is not presumptuous for us to speak today in the stead of a former Chief Executive, perhaps we can say to our colleague what the man from Hyde Park would say to him: "Well done."

As an example of his dedication to the rights of all and his concern for the average American, he has for years been in the forefront of efforts to secure a tax break for the millions of youngsters and parents who support nonpublic and independent schools. This year, he has reintroduced what is known to parents and educators across the country as the Delaney bill (H.R. 3403), which I am pleased to cosponsor. It would provide tax deductions or credits to preserve the diversity of American education and to assist families, especially low-income families, to make their own decisions about their children's schooling. That sensible, equitable proposal is typical of Congressman DELANEY's initiatives over the years. It brings together in a common cause many Members of this Chamber who do not ordinarily see eye to eye. That, too, has been part of the Delaney record: reconciling his colleagues by keeping before us the public interest rather than personal goals.

His constituents, the people of Queens in New York City, know a good public servant when they find one. That is why they have kept him here so long and why they are apt to insist he stay after many of us are gone.

I know that every Member of the House will join me today in offering our congratulations to JAMES DELANEY upon his 76th birthday and in expressing to him our common request: that he share with us his secret of eternal youth.

MILITARY PERSONNEL CRISIS STILL GROWING

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 17, 1977

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

MORE THAN JUST DOOMSDAY RHETORIC—MILITARY PERSONNEL CRISIS STILL GROWING

(By J. D. Hittle, Brig. Gen., USMC (Ret.))

As President-elect Jimmy Carter prepares to take office, one of the most useful briefing papers he could have would be on the military personnel crisis.

This may well come as a surprise to the new Commander in Chief. After all, the serviceman—as far as the campaign was concerned—was the forgotten man.

If there is any such document in the Carter briefing file, it is fervently hoped that it has been written by someone who knows what he is talking about. That means someone who knows what the serviceman is talking about. Such a simple qualification eliminates the computer worshipers whose false economic proposals have generated so many of the military personnel problems the President-elect is going to find on his White House doorstep when he returns from taking his oath of office.

For too long, too many who should know better have been acting as if a personnel crisis doesn't exist because they say it doesn't. This hasn't helped President Ford in his difficult time in office. And such wishful thinking will be a disservice to the new President. He's the one who is going to have to come to grips with the growing crisis in military personnel matters.

There isn't any more space, even under the Pentagon's vast expanse of rugs, to sweep personnel problems.

For anyone who thinks that the talk about a military personnel crisis is doomsday rhetoric, here are a few symptoms to mull over:

Dissatisfaction: This covers a multitude of complaints, such as the unrelenting campaign to undermine and destroy the commissaries. Anyone who can claim that this issue hasn't upset service life hasn't talked with irate wives.

It takes bureaucratic determination and bumbling to get patient, normally shockproof service wives so mad they organize and write letters to their senators and congressmen. But this is just what happened when the budgeteers decided that it would save money to start junking the military commissary system. Of course, the computers that totaled up the theoretical savings didn't show the dollar loss resulting from good people leaving the service because of what they believe is a breach of faith.

Then, there is medical care for dependents. The bureaucratic mishandling of the ill-conceived "40-mile rule" as well as the cutback in Champus, imposed needless confusion and anxiety on service families. The stories of frustrations and difficulties faced by service wives while their husbands were away are not the stuff of which high morale is made.

Unions: Another basic symptom of the personnel crisis is the threat of a military union. This could be one of the most difficult problems facing the new President. A military union would pose huge problems and dangers to military discipline, effectiveness and to national security. But, as things are now going, a union is getting closer.

The threat is serious because the idea of a military union is the result of accumulating dissatisfaction. It is the result of the service person feeling abandoned by the civilian leadership that should be looking out for the military.

All the optimistic claims by officials that the serviceman doesn't need a union, and all of the threats of prohibiting a union by law, won't stop one from happening.

The reason: A military union is the result of such massive and fundamental causes it can't be stopped by saying that there shouldn't or won't be a union.

I haven't forgotten the incident, which I reported in a previous article, when I asked 14 Navy first class petty officers if they thought there would be a military union in the next five years or sooner. They unhesitatingly said yes by a 13–1 margin.

The only way a military union is going to be stopped is to remove the causes. The first thing to do is to restore and follow the principles of leadership. The most important single thing the new President could do, as commander-in-chief, is restore top-level civilian personnel leadership in all its meanings.

First, it would mean real attention to servicemen and their families. It would mean

considering them as people, not as numbers in a computer.

It would mean a return to the sanctity of an agreement. No longer could the destruction of the commissaries, cuts in medical care for dependents, and all the well-earned entitlements of military service be reduced or taken away on the basis of the flimsy legalistic explanation that there never really was a written contract with the serviceman that he would have these things as part of the package of military life.

He knows what he was given to expect when he took his oath and pledged his life in defense of his country. Good civilian leadership at the top should stop insulting his intelligence by telling him that he didn't exactly understand what he was told when he joined up.

Leadership is just what the serviceman is not getting from what has become almost a cult of "personnel management." This has been a root cause of the proposals that have afflicted the serviceman and his family. Ask any fighting man, "Do you want to be led, or do you want to be managed?"

You don't need three guesses to answer that one!

Personnel managers would have had a tough time of it taking the Anzio beachhead, holding the Nazi thrust at the Battle of the Bulge, and getting "Old Glory" planted atop Mt. Suribachi on Iwo Jima.

The military service is *people*. Leadership and people go together. Put it another way: management of military personnel depersonalizes. Leadership emphasizes the person.

To many in the military, the term "personnel management" means somebody they don't know, and never will know, sitting at a desk in a corner of a faraway room deciding how he will manage the lives of military people, he in turn, will never know.

Leadership has been defined as "the sum of those qualities of intellect, human understanding and moral character that enables a person to inspire, motivate and direct people successfully."

Leadership is knowing what makes the fighting man tick. Management is knowing what makes a computer tick.

If there is a real restoration of leadership at the top civilian levels there will be more emphasis on human factors and less on management computers. The trouble with computers, which are inseparable from management—and useful when properly used—is that there isn't a computer that has a key that can be punched for the value of morale, devotion, patriotism, fairness, bravery and good faith.

But this encroachment of the personnel management cult into the military has had some other profound, but not always obvious, effects.

In civilian life, for instance, personnel management thinks in terms of *jobs*. But, when the job concept is carried into the military through the operation of personnel management, it runs contrary to the most basic military attitudes. A person in the military performs a service to our country. He doesn't just do a job.

And the more that the job concept carries over into the military, the more the things civilians connect with jobs comes along into military thinking. What goes with a job? Regular hours, a salary, overtime pay, working conditions, and that leads to you-know-what—a union. All this, in turn, results in a civilianizing of the military.

In conclusion, there is a broad military personnel crisis. It's not getting better. There must be a real return to top-level civilian leadership. Military "personnel management" and all the civilianization that goes with it should be given the old heave-ho.

Let's hope that never again will we hear of a military course in "Squad Management," or of noncommissioned officers and petty officers referred to as "part of management."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the office of the Senate Daily Digest will prepare such information daily for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Friday, March 18, may be found in the Daily Digest section of today's RECORD.

The schedule follows:

MEETINGS SCHEDULED

MARCH 21

9:00 a.m.

Agriculture, Nutrition, and Forestry
To consider the nomination of Carol Tucker Foreman, of the District of Columbia, to be an Assistant Secretary of Agriculture, and a Member of the Board of Directors of the Commodity Credit Corporation.
322 Russell Building

9:30 a.m.

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to inquire into domestic communications common carrier policies (i.e., telephones, computers, etc.).
1202 Dirksen Building

Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills, proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

Human Resources
Handicapped Subcommittee
To hold oversight hearings on developmental disabilities.
Until 1 p.m. 4232 Dirksen Building

10:00 a.m.

Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the National Aeronautics and Space Administration.
1318 Dirksen Building

Appropriations
Defense and Military Construction Subcommittees
To hold joint hearings on the administration's proposal to close the Uniformed Services University of the Health Sciences.
1223 Dirksen Building

Banking, Housing, and Urban Affairs
Subcommittee on Financial Institutions
To hold oversight hearings on activities of the Electronic Fund Transfers Commission.
5302 Dirksen Building

Energy and Natural Resources
To hold hearings on S. 977, the proposed Coal Utilization Act.
3110 Dirksen Building

Finance
To continue consideration of H.R. 3477, to provide for a refund of 1976 individual income taxes, to reduce individual and business income taxes, and simplify and reform certain other tax provisions.
2221 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to release a "Supplemental Staff Study of Severance Pay-Life Insurance Plans Adopted by Union Locals."
3302 Dirksen Building

Governmental Affairs
Energy Subcommittee
To hold hearings on S. 897, to strengthen U.S. policies on nuclear nonproliferation, and to reorganize certain nuclear export functions.
6226 Dirksen Building

2:00 p.m.

Appropriations
Public Works Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for public works programs, to hear representatives of Envirnomental Research and Development Administration.
Room to be announced

MARCH 22

9:30 a.m.

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the office of the Secretary; the Office of the Solicitor; and the Navajo-Hopi Relocation Commission.
1114 Dirksen Building

Armed Services
General Procurement Subcommittee
To resume hearings on proposed military procurement authorizations for fiscal year 1978.
212 Russell Building

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to inquire into domestic communications common carrier policies (i.e., telephones, computers, etc.).
235 Russell Building

Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

Human Resources
Handicapped Subcommittee
To receive testimony on the administration's legislative proposals for programs for the handicapped.
Until 1 p.m. 4232 Dirksen Building

10:00 a.m.

Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the defense establishment to hear officials of the Defense Communications Agency, and Supply Agency.
1223 Dirksen Building

Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear officials of AID.
S-126, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Aeronautics and Space Administration.
1318 Dirksen Building

Appropriations
*Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Office of the Assistant Secretary of HEW for Education and the National Institute of Education.
S-128, Capitol

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To continue hearing on proposed budget estimate for fiscal year 1978 for the Department of the Treasury, the Postal Service, and General Government.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
Subcommittee on Financial Institutions
To hold oversight hearings on activities of the Electronic Fund Transfers Commission.
5302 Dirksen Building

Budget
To hold hearings in preparation for reporting the first concurrent resolution on the fiscal year 1978 budget, to receive testimony on U.S. Monetary policy.
357 Russell Building

Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on proposed authorizations for fiscal year 1978 for the Energy Research and Development Administration.
3110 Dirksen Building

Finance
To hold hearings on legislation to extend the Emergency Unemployment Compensation Act (H.R. 4800).
2221 Dirksen Building

Governmental Affairs
To continue hearings on S. 591 and 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
3302 Dirksen Building

Governmental Affairs
Subcommittee on Intergovernmental Relations
To hold hearings on S. 2, to require reauthorization of Government programs at least every 5 years (proposed Sunset Act).
6226 Dirksen Building

Judiciary
To hold hearings on the nomination of Peter F. Flaherty, of Pennsylvania, to be Deputy Attorney General.
2228 Dirksen Building

Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Treasury, the Postal Service, and General Government, to hear public witnesses.
1224 Dirksen Building

MARCH 23

9:00 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on proposed legislation, to amend and extend the Agriculture and Consumer Protection Act, to hear Secretary of Agriculture Bergland.
Until: noon 322 Russell Building

Finance
To hold hearings on pending Departments of the Treasury and HEW nominations.
2221 Dirksen Building

Human Resources
Labor Subcommittee
To consider S. 924, to provide for equal treatment of craft and industrial workers, and to establish a national framework for collective bargaining in the construction industry.
Until 2 p.m. 4232 Dirksen Building

9:30 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Bureau of Land Management.
1114 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to inquire into domestic communication common carrier policies (i.e., telephone, computer, etc.).

Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on certain proposed reprograming of funds for fiscal year 1977.
1223 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposal budget estimates for fiscal year 1978 for elementary and secondary education programs.
S-128, Capitol

Banking, Housing, and Urban Affairs
To hold hearings on S. 406, the proposed Community Reinvestment Act.
5902 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on proposed authorizations for fiscal year 1978 for the Energy Research and Development Administration.
3110 Dirksen Building

Government Affairs
Subcommittee on Intergovernmental Relations.
To hold hearings on S. 2, to require reauthorization of Government programs at least every five years (proposed Sunset Act).
3302 Dirksen Building

Governmental Affairs
Energy Subcommittee
To hold hearings on S. 897, to strengthen U.S. policies on nuclear nonproliferation and to reorganize certain nuclear export functions.
6226 Dirksen Building

Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

Select Small Business
To hold hearings on S. 972, authorizing the Small Business Administration to make grants to support the development and operation of small business development centers.
Until: 1 p.m. 424 Russell Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for school assistance in Federally affected areas and for emergency school aid.
S-128, Capitol

MARCH 24

9:00 a.m.
Foreign Relations
Foreign Economic Policy Subcommittee
To resume oversight hearings on the major international economic issues facing the United States.
4221 Dirksen Building

9:30 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Smithsonian Institution.
1114 Dirksen Building

Commerce, Science and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292, and S. 689.

*Select Nutrition and Human Needs
To resume hearings to examine the relationship between diet and health, to receive testimony on beef consumption.
457 Russell Building

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for programs for education of the handicapped, and for occupational, vocational, and adult education programs.
S-128, Capitol

Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear officials of AID.
1318 Dirksen Building

Banking, Housing, and Urban Affairs
To hold hearings on S. 406, the proposed Community Reinvestment Act.
5302 Dirksen Building

Commerce, Science and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 922 authorizing funds for fiscal year 1978 for the U.S. Railway Association, and on funds for the Office of Rail Public Counsel within the Interstate Commerce Commission.
235 Russell Building

Energy and Natural Resources
To hold oversight hearings on proposal for an international petroleum transshipment port and storage center to be located on the Palau District, Western Caroline Islands, Trust Territory of the Pacific Islands.
3110 Dirksen Building

Energy and Natural Resources
Subcommittees on Energy Research and Water Resources
To hold hearings on proposed authorization for fiscal year 1978 for Energy Research and Development Administration.
Room to be announced

10:00 a.m.
Governmental Affairs
To continue hearings on S. 591 and 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
3302 Dirksen Building

Governmental Affairs
Subcommittee on Intergovernmental Relations
To hold hearings on S. 2, to require reauthorization of Government programs at least every five years (proposed Sunset Act).
6226 Dirksen Building

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear officials of AID.
1318 Dirksen Building
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for higher education, welfare programs, and for library resources.
S-128, Capitol

MARCH 25

9:00 a.m.
Agriculture, Nutrition, and Forestry
Subcommittee on Nutrition
To hold oversight hearings on the food stamp program.
322 Russell Building
9:30 a.m.
Commerce Science and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building
10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment, to hear congressional witnesses.
1223 Dirksen Building
Banking, Housing, and Urban Affairs
To hold hearings on S. 406, the proposed Community Reinvestment Act.
5302 Dirksen Building
Commerce, Science and Transportation
Merchant Marine and Tourism Subcommittees
To hold oversight hearings on ocean shipping practices.
235 Russell Building
Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on proposed authorizations for fiscal year 1978 for Energy Research and Development Administration.
3110 Dirksen Building
10.00 a.m.
Governmental Affairs
To continue hearings on S. 591 and 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
3302 Dirksen Building
11:00 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for 1977 from officials of Amvets.
Until Noon. 1202 Dirksen Building

MARCH 28

9:30 a.m.
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building
10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development.
1318 Dirksen Building
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Federal Aviation Administration.
1224 Dirksen Building
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings to inquire into domestic communications common carrier policies (i.e., telephones, computer, etc.).
1202 Dirksen Building
Energy and Natural Resources
To hold hearings on proposed legislation dealing with utilization of coal resources.
3110 Dirksen Building
Government Affairs
Subcommittee on Intergovernmental Relations
To hold hearings on S. 2 to require reauthorization of Government programs at least every 5 years (proposed Sunset Act).
3302 Dirksen Building
Governmental Affairs
*Energy Subcommittee
To hold hearings on S. 897, to strengthen U.S. policies on nuclear nonproliferation, and to reorganize certain nuclear export functions.
6202 Dirksen Building
2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

MARCH 29

9:30 a.m.
Agriculture, Nutrition, and Forestry
Subcommittee on Rural Development
To hold hearings on medicare reimbursements for rural-health care clinics.
322 Russell Building
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Fish and Wildlife Service.
1114 Dirksen Building
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building
10:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment to hear congressional witnesses.
1223 Dirksen Building
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development.
1318 Dirksen Building
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Office of Human Development.
S-128, Capitol
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Railroad Administration (Northeast Corridor).
1224 Dirksen Building
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced
Commerce, Science, and Transportation
To hold hearings on the nominations of Charles Linn Haslam, of North Carolina, to be general counsel; Elsa Allgood Porter, of Virginia, and Frank Alan Weil, of New York, each to be an Assistant Secretary, all of the Department of Commerce.
235 Russell Building
Energy and Natural Resources
To hold hearings on proposed legislation dealing with utilization of coal resources.
3110 Dirksen Building
Governmental Affairs
To continue hearings on S. 591 and S. 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
3302 Dirksen Building
Governmental Affairs
Subcommittee on Intergovernmental Relations
To hold hearings on S. 2, to require authorization of Government programs at least every 5 years (proposed Sunset Act).
6226 Dirksen Building
Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1978 authorization for Government intelligence activities.
S-407, Capitol
2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Technical Institute for the Deaf; the American Printing House for the Blind; Gallaudet College, and Howard University.
S-218, Capitol
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1987 for public works project, to hear Members of Congress and public witnesses.
Room to be announced

MARCH 30

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the National Park Service.
1114 Dirksen Building
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689
5110 Dirksen Building
10:00 a.m.
Agriculture, Nutrition, and Forestry
Subcommittee on Agriculture Production, Marketing and Stabilization of Prices
To hold oversight hearings on problems of Flue-cured tobacco farmers.
322 Russell Building

Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment, to hear congressional witnesses.
1223 Dirksen Building

Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear officials of the Export-Import Bank, and Overseas Private Investment Corporation.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Social and Rehabilitation Service.
S–128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

Banking, Housing, and Urban Affairs
To mark up S. 305 to require issuers of registered securities to keep accurate records, and to prohibit the payment of overseas bribes by any U.S. business concern.
5302 Dirksen Building

Energy and Natural Resources
Subcommittee on Public Lands and Resources
To consider S. 7, to establish in the Department of the Interior an Office of Surface Mining Reclamation and Enforcement to administer programs to control surface coal mining operations.
3110 Dirksen Building

Government Affairs
Subcommittee on Intergovernmental Relations
To hold hearings on S. 2, to require reauthorization of Government programs at least every 5 years (proposed Sunset Act).
3302 Dirksen Building

Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1976 authorization for Government intelligence activities.
S–407, Capitol

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

MARCH 31

9:00 a.m.
Select Nutrition and Human Needs
To continue hearings to examine the relationship between diet and health, to receive testimony on the need for fiber in diet.
Until: 1 p.m. 3302 Dirksen Building

9:30 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Bureau of Outdoor Recreation and the Land and Water Conservation Fund.
1114 Dirksen Building

Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the defense establishment, to hear public witnesses.
1223 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Social Security Administration.
S–128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for National Highway Traffic Safety Administration.
1224 Dirksen Building

Budget Committee
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Commerce, Science, and Transportation
Science Technology and Space Subcommittee
To consider S. 365, authorizing funds for fiscal year 1978 for NASA.
235 Russell Building

Energy and Natural Resources
Subcommittees on Public Lands and Resources
To consider S. 7, to establish in the Department of the Interior an Office of Surface Mining Reclamation and Enforcement to administer programs to control surface coal mining operations.
3110 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To hold hearings on the national water policy, in light of current drought situations.
4200 Dirksen Building

Foreign Relations
Subcommittee on Oceans and International Environment
To hold hearings on S. Res. 49, favoring international agreement to a treaty requiring the propagation of an international environmental impact statement for any major project expected to have significant adverse effect on the physical environment.
4221 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Office for Civil Rights, Inspector General, Policy Research and General Management.
S–128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S–407, Capitol

APRIL 1

9:30 a.m.
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To hold hearings on the proposed replacement of Locks and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Budget Committee
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on S. 419, to test the commercial, environmental, and social viability of various oil-shale technologies.
3110 Dirksen Building

APRIL 4

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Treasury, on funds for New York City financing.
1318 Dirksen Building

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

Budget Committee
To markup proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Commerce, Science, and Transportation
To hold hearings on S. 263, to provide for interim regulatory reform of the Interstate Commerce Commission, Federal Trade Commission, Federal Power Commission, Federal Communications Commission, Civil Aeronautics Board, Federal Maritime Commission, and Consumer Product Safety Commission
235 Russell Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

APRIL 5

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Forest Service.
1114 Dirksen Building

Select Small Business
Monopoly Subcommittee
To resume hearings in alleged restrictive

and anticompetitive practices in the eye glass industry.
318 Russell Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcomimttee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission.
Room to be announced

Appropriations
Public Work Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear members of Congress and public witnesses.
Room to be announced

Budget Committee
To markup proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Commerce, Science, and Transportation
To hold hearings on S. 263, to provide for interim regulatory reform of the Interstate Commerce Commission, Federal Trade Commission, Federal Power Commission, Federal Communications Commission, Civil Aeronautics Board, Federal Maritime Commission, and Consumer Product Safety Commission.
235 Russell Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 562, the proposed Union Station Improvement Act.
5110 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on S. 419, to test the commercial, environmental, and social viability of various oil shale technologies.
3110 Dirksen Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear members of Congress and public witnesses.
Room to be announced

APRIL 6

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior, to hear Congressional witnesses.
1114 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To hold oversight hearings on world communications Systems.
235 Russell Building

Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

Select Small Business
Monopoly Subcommittee
To resume hearings on alleged restrictive and anticompetitive practices in the eye glass industry.
318 Russell Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear public witnesses.
1318 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission, Office of Consumer Affairs, and Consumer Information Center.
Room to be announced

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

Budget Committee
To markup proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

APRIL 7

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimated for fiscal year 1978 for military construction programs, on funds for NATO and classified programs.
S-146, Capitol

APRIL 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development and Independent Agencies, to hear public witnesses.
1318 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To hold hearings on the national water policy, in view of current drought situations.
4200 Dirksen Building

APRIL 19

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and Related Agencies, to hear public witnesses.
1114 Dirksen Building

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Aviation Administration.
1224 Dirksen Building

Commerce, Science, and Technology
Science, Technology, and Space Subcommittee
To hold hearings on S. 126, the proposed Earthquake Hazards Reduction Act.
5110 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To hold hearings on the proposed replacement of Locks and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

Commerce, Science, and Technology
Consumer Subcommittee
To hold oversight hearings on the activities of the Consumer Product Safety Commission.
235 Russell Building

Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine governmental accounting and auditing practices and procedures.
3302 Dirksen Building

3:00 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimate for fiscal year 1978 for the Department of Housing and Urban Development, to hear public witnesses.
1318 Dirksen Building

APRIL 20

9:30 a.m.
Environment and Public Works
Water Resources Subcommittee
To hold hearings on the proposed replacement of Locks and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

Commerce, Science, and Technology
Consumer Subcommittee
To hold oversight hearings on activities of the Consumer Product Safety Commission.
235 Russell Building

APRIL 21

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

Commerce, Science, and Technology
Consumer Subcommittee
To hold oversight hearings on activities of the Consumer Product Safety Commission.
5110 Dirksen Building

Governmental Affairs
Subcommittee on Reports, Accounting and Management
To hold hearings to examine Government accounting and auditing practices and procedures.
3302 Dirksen Building

APRIL 22

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

APRIL 26

10:00 a.m.
Appropriations
Transportation Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1976 for Urban Mass Transportation Administration.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Urban Mass Transportation Administration.
1224 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To hold hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

APRIL 28

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To hold hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

APRIL 29

10:00 a.m.
Commerce, Science, and Technology
Consumer Subcommittee
To hold hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

MAY 3

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on U.S. monetary policy.
5302 Dirksen Building

MAY 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimate for fiscal year 1978 for the Federal Highway Administration.
1224 Dirksen Building
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building

MAY 5

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building

MAY 6

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building

MAY 10

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on U.S. monetary policy.
5302 Dirksen Building
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine Government accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 12

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine Government accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 18

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary of Transportation Adams.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary Adams.
1224 Dirksen Building

MAY 24

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine Government accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 26

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting, and Managament
To hold hearings to examine Government accounting and auditing practices and procedures.
3302 Dirksen Building

CANCELLATION
MARCH 21

9:00 a.m.
Agriculture, Nutrition, and Forestry
Subcommittee on Foreign Agricultural Policy
P.L. 480 program (overseas food aid).
To continue oversight hearings on the
322 Russell Building

SENATE—*Friday, March 18, 1977*

(Legislative day of Monday, February 21, 1977)

The Senate met at 1:30 p.m., on the expiration of the recess, and was called to order by Hon. THOMAS J. MCINTYRE, a Senator from the State of New Hampshire.

Mr. McINTYRE. Our convening prayer today will be offered by the Reverend Abe G. Watson, minister of the Universalist Church of Brewton, Ala., and father of our page, David Watson.

PRAYER

The Reverend Abe G. Watson, minister of the Universalist Church, Brewton, Ala., offered the following prayer:

Eternal Spirit, as we begin this session of the Senate, help us to begin by offering thanks to you for the many blessings that have come to us as a nation. We thank you for this day and the new opportunities that it will bring—opportunities to work for a just society and for peace for all men—opportunities to be men and women of courage, of integrity and to bear one another's burdens.

We give thanks for our Nation, for our President, and for the Members of Congress. Grant to each of them wisdom and strength to lead this Nation to peace and justice for all.

Creator of all men, teach us how to live these days. We have been guilty of living in the past and worrying about tomorrow rather than living in the "now." The "now" is what we have; therefore, help us to be good stewards of today.

In the "now" abides faith, hope, and love. The greatest of these is love. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 18, 1977.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. THOMAS J. MCINTYRE, a Senator from the State of New Hampshire, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. McINTYRE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of yesterday, Thursday, March 17, 1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, there are various nominations on the Executive Calendar that have been cleared for action beginning with the Department of Labor. I ask unanimous consent that the Senate go into executive session to consider the nominations on the calendar beginning with the Department of Labor.

Mr. BAKER. Mr. President, I advise the majority leader that our Executive Calendar is cleared through four nominations for the Department of Labor and two for the Council of Economic Advisers and there is no objection on our part to the confirmation of those nominations.

Mr. ROBERT C. BYRD. I thank the Senator.

There being no objection, the Senate proceeded to the consideration of executive business.

DEPARTMENT OF LABOR

The second assistant legislative clerk proceeded to read sundry nominations in the Department of Labor.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered and confirmed en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

COUNCIL OF ECONOMIC ADVISERS

The second assistant legislative clerk read the nominations of Lyle E. Gramley, of Maryland, to be a member of the Council of Economic Advisers, and William D. Nordhaus, of Connecticut, to be a member of the Council of Economic Advisers.

Mr. PROXMIRE. Mr. President, the Committee on Banking, Housing, and Urban Affairs considered these two nominations, Lyle E. Gramley and William D. Nordhaus.

We considered the nominations, as a matter of fact, way back in January. It was not until just 2 days ago we finally got the clearance on the nominations.

These are two extremely important nominations because the Council of Economic Advisers is the principal economic group that advises the President of the United States, that works on the economic group annual economic report, has immense influence in determining the kind of economic policies we follow, tax policies, spending policies, monetary policies, and so forth.

Mr. President, Mr. Nordhaus impressed on us the breadth of his background and the excellence of his record and training. Mr. Gramley also has an interesting and useful background.

I was sufficiently moved by the Gramley nomination, by its implications, to feel that I should make a statement to the Senate when that nomination came before this body.

I have done this in the form of a little rhyme:

LYLE E. GRAMLEY NOMINATION, OR IS THE CEA GOING TO THE DOGGEREL?

Let me state flatly: there's little that's comic
'bout Carter's new counsel on things economic.
Why? 'cause the appointment of Lyle E. Gramley
Comes straight from the bosom of Arthur Burns' family.
Will this make the Council King Arthur's meat?
(For many a year Gramley sat at Burns' feet.)
And when he's through with the Council, where will he go?
Back to the Fed, where the word is: go slow.
That means higher interest, fewer jobs, less housing.
The economy will slumber when it needs arousing.

Now, I like Gramley. He has experience and professional capacity,
But we need an economist who will act with audacity,
Imagination, daring, vigor and verve
To put production back on an upward curve.
The Carter plan calls for full-steam-ahead
While Burns would go slow, take it easy, play dead.
Gramley is *Burns'* man; he comes from the Fed.

One thing the Gramley appointment makes sure
The policies of King Arthur Burns will endure
Tho' he and the Knights of the Fed Round Table
Care too little for jobs—but prices gotta be stable!

Thus does King Arthur expand his domain
With the White House Council but a link in the chain
In the Chairman's quest for the Holy Grail
In the land where tight money and unemployment prevail

On this nomination, then, how do I vote?
Despite my misgivings, Gramley's an economist of note.
Selected by Schultze, by Carter supported.
He has pledged the recovery shall not be aborted.
So with some reluctance here's a hesitant aye,
But on the Council the Senate must keep a skeptical eye.

Mr. President, I am willing to have the Gramley nomination go ahead, but I think we should be aware of Mr. Gramley's record, his attitude, the fact he is very skeptical, for example, about the stimulative housing program, and be conscious of this when the recommendations come before this body.

Mr. President, I yield back my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Without objection, the nominations are considered and confirmed en bloc.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I yield back my time under the standing order.

Mr. BAKER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

FRANCE ASSUMING LEADERSHIP IN NUCLEAR TECHNOLOGY

Mr. BAKER. Mr. President, an article in the March issue of Physics Today entitled "France Gains on U.S. in Nuclear-Power Generation and Trade" provides an up-to-date assessment of the French nuclear power industry. Many feel that the U.S. leadership in this field is unchallenged.

The Physics Today article provides a comparison between the nuclear industry in France and the United States. While the U.S. nuclear policy is momentarily adrift, France is moving ahead to build a nuclear power capability that will provide two-thirds of France's electricity needs by 1985. Nuclear plants in the United States will be hard pressed to supply 22 percent of our Nation's electricity by the same date.

Second, France is well ahead of the United States in the development of the fast breeder reactor. A demonstration liquid metal fast breeder reactor named the Phenix began operating at 250 megawatts of electric power in 1974. Since then it has produced 3 million kilowatt-hours of energy at a 69 percent load factor. The equivalent step in the U.S. nuclear program would be the 380-megawatt electric power Clinch River breeder reactor. While this project is now scheduled to become operational in 1983, this time schedule will be delayed if the administration's proposed cuts in the breeder reactor program materialize.

France does not show signs of joining the United States in a self-imposed moratorium on domestic reprocessing and recycling of plutonium. The problem of disposal of radioactive wastes is being solved by the French. A pilot radioactive waste solidification plant at Marcoule, France, has been operating since 1969. A full-scale solidification plant will go into operation at Marcoule this year.

Mr. President, I seriously question how the United States is going to continue to assert its influence on the important issues of nuclear proliferation and safeguards of nuclear materials if we lose our position of leadership in nuclear technology. I feel that the professional journal Physics Today has done us a service by providing us with an up-to-date assessment of France's nuclear industry. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Physics Today, March 1977]

FRANCE GAINS ON UNITED STATES IN NUCLEAR-POWER GENERATION AND TRADE

The aftermath of the presidential election finds the U.S. energy program floundering in direction and scope. In sharp contrast France is moving ahead to build a nuclear-power capability that will not only provide a nuclear grid satisfying two-thirds of France's electricity needs by the middle of

the next decade but could well enable her to replace the U.S. as leading supplier of nuclear power-plant hardware and services for the rest of the world. At the start of this year U.S. utilities had sixty-odd reactors in operation, representing a total of 47,000 MWe, while the French government utility Electricité de France (EDF) had seven full-scale plants on the line producing less than 3,000 MWe. By 1985 U.S. utilities will be hard pressed to add another 100 nuclear plants to give a combined capacity of 168,000 MWe that would supply 22% of the nation's electricity needs; EDF, on the other hand, is quite confident it will have 40 new plants in operation by this date that will enable nuclear power to provide 60–75% of France's electricity.

Although the absolute number of French reactors will still be less than one-third those in the U.S., the new French reactors will all be of identical design and will employ identical fuel elements, safety features and so on. The U.S. reactors, on the other hand, will be of a variety of different types built by at least four different manufacturers and operated by at least as many utilities as there are states. Hence the French grid will have the largest number of reactors of a single type manufactured by one supplier (the French consortium Framatome) and operated by one utility (EDF). The French believe this intensive experience with a one-of-a-kind plant will give them the edge in being able to optimize performance for their own needs and demonstrate leadership in the world nuclear market.

The nuclear decision. The driving force behind France's ambitious nuclear-power program is the desperate financial plight imposed on the country with the tripling of fuel-oil prices in 1974. Unlike the U.S., France has no large supply of coal to which it may turn. At the current prices of imported oil, nuclear energy is half as expensive as any other form of energy available to the French.

The decision to go nuclear was made shortly after the oil crisis in 1974. In 1975 the French also settled on a reactor type for their 1980's expansion—the enriched-uranium, pressurized-water reactor (PWR) developed by Westinghouse. They had originally started out in the nuclear-power business in the 1950's with a gas-cooled graphite reactor of their own design fueled with natural uranium. Then in the late 1960's they built a prototype gas-cooled heavy-water reactor and, together with Belgium, built a PWR under license with Westinghouse. Also during this period the French built and learned to operate a gaseous diffusion plant to enrich their own uranium.

By 1969, France was convinced that it had an assured supply of enriched uranium and decided to abandon the gas-cooled designs in favor of enriched light-water reactors, which had been brought to a more advanced stage of development by American companies. It remained then to choose between the PWR and General Electric's Boiling Water Reactor (BWR). The French cost estimates indicated that power would be produced at the lowest price by the PWR and they decided to base their near-term nuclear expansion on this reactor design. In 1975 Framatome, the French private consortium that built the first PWR in France, was chosen as the sole supplier of the 40 new PWR's to be added to the EDF grid. At this time the Commissariat à l'Engerie Atomique (CEA) obtained a 30% holding of Framatome stock. Framatome officials boast that the company's new 25,000-m^2 factory at Chalon-sur-Soane is capable of turning out eight PWR plants per year that will not only take care of the EDF contracts but a sizable export market as well. Framatome is vigorously pursuing the foreign market and at this point has orders from Belgium, Iran and South Africa for two PWR's each.

Fast breeders. France's long-term position in the nuclear business looks even brighter than the short-term. The long-term future of nuclear energy, of course, revolves around the development of the fast-breeder reactor that can extend uranium as an energy source by a factor of 70 or so. Here France is already the indisputable front runner. The French experimental fast-breeder Rhapsodie, a 40-MW liquid-metal-cooled system, has been in operation for ten years with an availability of 90%. A demonstration LMFBR named Phenix began operating at 250 MWe in 1974 and since then has produced 3 million KWh at a 69% load factor. The equivalent step in the US fast-breeder program is the 380-MWe Clinch River Breeder Reactor, which had been scheduled to go critical in 1983; this date is now threatened by significant delay arising out of the new Administration's stated intention to back off on the pace of nuclear-energy development. The first commercial-sized breeder, the 1200 MWe Super-Phenix, is already under construction in France near Lyons and will start operating in 1981. This plant is being built in collaboration with Italy and West Germany. The equivalent US plant, the Prototype Large Breeder Reactor, is scheduled by ERDA to begin operating in 1988 but this date now also faces delay.

A major reason for the more bearish attitude in the US towards breeders is the concern, widely publicized during the recent election, about nuclear proliferation—plutonium used by breeders might be diverted to produce nuclear weapons. European nations, especially France and West Germany, disagree with the US on how to resolve the proliferation issue. Both countries have now agreed under pressure from the US to refrain from selling nuclear-fuel reprocessing facilities to other countries. But there is no indication that France and other countries in Europe plan to share the position taken last fall by President Ford that "the US should no longer regard reprocessing of used nuclear fuel to produce plutonium as a necessary and inevitable step in the nuclear fuel cycle." France would appear to have no intentions of joining the US in a self-imposed moratorium on domestic reprocessing and recycling of plutonium; moveover, a CEA spokesman told physics today that France, although it has agreed not to export reprocessing equipment, sees no reason why it should not export fabricated fuel containing plutonium to its nuclear customers as soon as it is commercially feasible.

Waste disposal. Another area of concern about nuclear energy in the US is the problem of long-term disposal for high-level radioactive wastes. Marcus Rowden, Chairman of the US Nuclear Regulatory Commission, observed at a recent conference that, although the US has the basic technology, we have yet to demonstrate a method of disposal that is technically sound and also socially acceptable. In a paper last July Robert Seamans Jr., as administrator of ERDA, pointed out that because commercial reprocessing of nuclear fuel has not been carried out in the US since 1972 no high-level wastes have been generated since that date. ERDA hopes to begin detailed design of a waste solidification plant in 1978 and have a geologic repository (probably a salt bed) in operation by 1985. In sharp contrast, the French have been operating a pilot industrial solidification plant at Marcoule since 1969 that has processed the high-level waste from 800 tons of irradiated fuels to date. A full-scale solidification plant will go into operation at Marcoule this year. The French strategy for ultimate disposal of wastes differs from the US in that the French plan routinely to let the solidified wastes cool down in intermediate storage in concrete wells for 40 years before ultimate storage in a suitable geological formation. This gives them 40 years, they note, to prepare acceptable sites.

OFFICIAL CONDUCT AMENDMENTS OF 1977

Mr. CURTIS. Mr. President, I will offer today an amendment to the ethics bill, and I invite the consideration of the Senate to that amendment.

I believe that the purpose of the ethics proposal is not only to raise the standard of ethics but also to raise the public confidence in the Senate. One of our problems here is that we are involved in such a proliferation of committee assignments and work that, too often, not many Senators are in the Chamber. We understand the reason for it, but still it is not a good procedure.

The amendment I shall offer will provide that in order to conduct any business, 25 Senators must be on the floor and that any time 25 Senators are not on the floor, the Presiding Officer will suspend all business. It is not impossible. It means that it will be the responsibility of the majority to see that 15 Senators are in the Chamber, and it will be the responsibility of the minority to see that 10 are here.

It would mean that we would have to schedule committee meetings so that there would be that minimum number here to transact business. It would also mean that if that many Senators are not here, the business is not very important.

I believe this would do more to improve the legislation enacted and would do more to raise the position of the Senate in the public mind than anything else.

I also call attention to the fact that we waste a great deal of time on quorum calls. Something important is about to come up, or someone who has spent a lot of time on a subject matter wishes to be heard, so they have a quorum call. Then they have a live quorum. What happens is that we are all recorded and then go back to the duties we were performing.

This is simple. I think the country could understand it. I hope Senators can, because they will all have a chance to vote on it.

Mr. President, a parlimentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. CURTIS. May I send the amendment to the desk at this time, or must I wait until the ethics bill is under consideration?

The ACTING PRESIDENT pro tempore. The Senator may send it to the desk.

Mr. CURTIS. Mr. President, I send the amendment to the desk, and I serve notice that there will be a rollcall vote.

Mr. BAKER. Mr. President, I commend the Senator from Nebraska for his initiative in this respect.

One of the great tragedies of present circumstances in Congress is that the quality of a debating quorum is often missing. I think there is too much talent in the Senate, too many people of ex-

perience, judgment and insight, to lose that great asset.

I hope that ways can be found to encourage the attendance of Senators regularly and continuously on this floor.

I said yesterday that it would be my intention to object, insofar as I could object, under the rules of the Senate, to the meeting of committees during the consideration of this measure—that is, the ethics bill. I think that more attention to floor duties and less attention to committee detail while the Senate is in session would move us much closer to the laudable objective expressed by the Senator from Nebraska.

Mr. President, I have no other requirement or requests for my time under the standing order, and I yield back the remainder of my time.

Mr. BENTSEN. Mr. President, I say to the distinguished Senator from Tennessee that I am delighted that we got through the reorganization of the Senate committees, because now we have two committee meetings at the same time instead of four. It is a great step forward.

[Laughter.]

Seriously, it has helped.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 2 p.m., with statements therein limited to 10 minutes each.

THE SACCHARIN BAN

Mr. BENTSEN. Mr. President, I should like to address myself to an immediate problem. I think that the announcement by the Food and Drug Administration of their intention to ban saccharin really insults our intelligence. The ban makes a mockery of the Food and Drug Administration's mandate to assure the safety of food and drugs available to the American public.

The fault is not, however, with the FDA. They are simply following a section of the Food, Drug and Cosmetic Act that was passed 19 years ago. The section says:

> No additive shall be deemed safe if it is found, after tests which are appropriate for the evaluation of the safety of food additives, to induce cancer in man or animal.

That, by itself, sounds reasonable, until you carry it to the extreme.

That legislation may have been a rational approach to assuring the safety of foods and drugs in 1958. However, in the last 19 years, scientific investigation has advanced almost faster than our ability to analyze the information that results from the investigation. Even scientific researchers have pointed out that given the increasing sophistication of cancer research, "a blanket denial no longer makes sense."

Mr. President, I am not a scientist but my commonsense tells me that the level of saccharin fed to the rats in the Canadian tests—an amount equivalent to human consumption of 800 cans of diet soda a day—is not even remotely likely to be consumed by any human being.

In many cases the potential harm from banning saccharin far outweighs the hazard to health that saccharrin may cause. There are an estimated 10 million diabetics in this country for whom sugar is poison. One out of four Americans is overweight and suffers from a greatly increased risk of heart disease and arteriosclerosis. For these people artificial sweeteners like saccharin are essential.

Mr. President, we live in a society that offers cigarettes for sale although they are a known carcinogenic for both smokers and nonsmokers. I am not saying that carcinogenics should be available. I am saying that in cases where the risks are extremely remote and benefits are real and substantial, people are intelligent enough to make up their own minds.

The approach we have taken with cigarettes is to provide people with information on the risks in plain English and then allow them to make their own decisions.

This is the solution I would advocate for saccharin. It makes no sense to ban saccharin, when it is obvious that normal usage is safe. We are creating a greater health hazard than we are preventing.

I intend to introduce legislation to amend the Delaney clause of the Food, Drug, and Cosmetic Act to allow some discretion on the part of the FDA in the actions it can take as a result of its scientific investigations. I urge my colleagues to support me in this effort.

Mr. MATSUNAGA. Mr. President, will the Senator yield?

Mr. BENTSEN. I am delighted to yield to the distinguished Senator from Hawaii.

Mr. MATSUNAGA. Mr. President, I associate myself with the remarks of the Senator from Texas.

Yesterday, I joined the junior Senator from California and the distinguished minority leader in introducing a bill which would suspend the ban on the use of saccharin for 3 years, during which time further study could be made.

I am happy to learn that the distinguished Senator from Texas also has prepared a bill, which is to be introduced. I believe that the support for his bill and the bill which I joined in introducing yesterday will provide more than the necessary majority in the Senate and in the House, and I think we can bring some sense to the FDA.

Mr. BENTSEN. I would be delighted to be a cosponsor of the Senator's bill.

Mr. MATSUNAGA. I thank the Senator.

PRICE SUPPORT FOR MILK

Mr. PROXMIRE. Mr. President, the Secretary of Agriculture is about to announce the support price for milk to take effect on April 1. For tens of thousands of dairy farmers that makes April 1 the most important day in their economic lives in the year.

Secretary Bergland's decision will determine the kind of year they will have.

There should be no doubt about the Secretary's decision. It should reflect the pledge President Carter made about a year ago in Wisconsin when he told our dairy farmers that he would sign a law mandating a minimum price support of 85 percent of parity.

Secretary Bergland's decision should reflect that the present 80 percent level of price supports does not begin to cover the cost of production for dairy farmers. Even 85 percent price supports would leave dairy farmers short of the $10.10 per hundredweight which University of Wisconsin studies establish as the cost of production without even including labor or management costs.

Dairy farmers in my State typically operate large units milking more than 50 cows, having a herd of more than 100, an investment in excess of $200,000 and working 70 or 80 hours a week, with the wife working an additional 50 hours and two children also pitching in on the average for 20 hours each, earn less than $8,000 a year.

Their earnings are less than two-thirds of the earnings of off-farm families. And yet these farm families are the most efficient producers in the world.

Mr. President, the No. 1 victim of economic injustice in this country today is the farmer and especially the dairy farmer. He does everything a person is supposed to do to justify a reasonable income in a free economic society: He takes a big risk, not only on prices but on weather; he makes a large investment of capital; he works tremendously long hours—those cows have to be milked every day, twice a day, 52 weeks of every year; and he is immensely productive. In fact, in the past few years he has doubled his productivity.

And his reward for all this is an income that is an insult.

Mr. President in setting the support level for the year beginning April 1, Secretary Bergland should recognize fundamental facts:

First, the President has told the dairy farmers of this country that he favored 85 percent of parity;

Secondy, to set the support level at 85 percent of parity will provide dairy farmers with a little better break, an opportunity not to earn the income that justice entitles them to earn, but to earn at least part of it.

I conclude, Mr. President, by pointing out that the great difference between this country's and the Soviet Union's economy is not in our factories and not in our commerce. It is in our farms. The fact is in this country only 4.5 percent of our people work on farms. Thirty-three percent of the people in the Soviet Union do. As we know, the Soviet Union has a bigger population, but we produce 20 percent more food.

The simple arithmetic is we are, therefore, 10 times more productive in farming than they are, yet the farmer has been the forgotten man of our economy.

Mr. President, I made a study a few years ago—I am not sure that it still applies—but in virtually every one of our 50 States the No. 1 cash crop is milk. I think if the Senators will check the cash crop in their own States they will find how important this decision by Secretary Bergland is going to be on April 1, and I do hope we get the word to Secretary Bergland that this decision should be on the side of providing economic justice.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ABOUREZK). Is there further morning business?

BAIL REFORM ACT OF 1977

Mr. DOLE. Mr. President, the Bail Reform Act of 1966 was enacted to assure that no person, rich or poor, would be needlessly detained pending trial on an alleged criminal act. The act required release of accused persons in noncapital cases on their own recognizance or upon certain nonfinancial restrictions when release on personal recognizance was not sufficient to deter flight. Detention could only be ordered in capital cases where detention is the only way to assure public safety.

Unquestionably, prior to the 1966 act, too many defendants, unable to post bond, languished in jail until tried, regardless of the strength or the seriousness of the charges and regardless of the risk of flight. The 1966 act addressed a legitimate problem, but I feel now as I did then, that it went too far in responding to that problem. By considering only the reasonable assurances that a defendant would appear at trial in determining whether a pretrial release was justified, the act totally ignores an important factor—public safety.

A most recent example occurred in Washington, D.C., last week when a terrorist was released on personal recognizance before his hostages had regained their composure, and the issues that gave rise to the terrorist activity continued to fester. Although the pretrial release on personal recognizance was apparently an integral part of the negotiations that resulted in the release of the hostages, the fact that a terrorist can one minute be illegally endangering the lives of more than a hundred persons, and the next minute be back on the streets uninhibited, runs contrary to the American sense of justice. Public confidence is an important element in our criminal justice system. Appropriate public safety considerations are the key to retaining public confidence.

CONSIDER COMMUNITY SAFETY

Last week, the Judicial Conference of the United States issued a report endorsing changes in the Bail Reform Act of 1966 which would allow danger to the community to be considered in the evaluation of pretrial release.

An amendment to the Bail Reform Act to authorize a judicial officer to consider "safety to any other person or the community" along with existing considerations in setting conditions for the pretrial release of a defendant in a criminal case.

In accordance with that recommendation, I am today introducing legislation which I feel gives appropriate consideration in pretrial release situations to public safety while also assuring the procedural and due process rights of the defendant. The bill, the Bail Reform Act of 1977, would permit a Federal judge to set strict conditions on release or to detain a defendant in cases of murder in the first degree, forcible rape, armed kidnapping and armed robbery.

SPECIAL TREATMENT FOR HOSTAGE CASES

In addition, the bill would mandate some form of detention or other limitation in those cases where hostages were held by the defendant. If a person charged with any offense seized any hostage during the commission or attempted commission of or during the immediate flight from the commission or attempted commission of an offense and used the hostage for the purpose of negotiating his own release, the bill prohibits the release of that person except on an affirmative ruling of a judicial officer at a formal hearing with the decision being based on appropriate consideration of community safety.

REMOVES DISCRETION

The purpose of the hostage provision is to remove from the U.S. attorney and the judicial officer the unlimited discretion they have in determining pretrial release. When these officials possess total discretion and hostages are being held, the hands of public officials are tied. The judicial process itself is a hostage. It is forced to cave in to any and all demands of the terrorist to insure the safety of the hostages. No consideration of public safety or reasonable assurances of appearance at trial are possible within this situation. The judicial officer and the U.S. attorney are in an untenable situation.

This legislation removes the decision on the issue of pretrial detention from the list of items that can be negotiated when hostages are being held. The judicial officer would still be given substantial discretion in determining what pretrial restrictions are appropriate in each individual case, but this would be decided at a pretrial detention hearing and not in a negotiating environment with the lives of hundreds of hostages at stake. This procedure insures sufficient discretionary latitude to assure room for negotiations. The terrorist would not feel trapped. But he would have to submit to authorities until a pretrial bail hearing could be held. The judicial officer would at that time be forced to take into consideration the need for community safety and the appropriate restrictions needed to assure appearance at trial before granting any form of release.

PRETRIAL DETENTION POSSIBLE

Under provisions of the act, defendants charged with first degree murder, forcible rape, armed kidnapping, and armed robbery would be brought before a judicial officer for an initial hearing in the manner which is now customary. At that time, the U.S. attorney could file a motion for a detention hearing. The judicial officer must then examine the range of release conditions, short of detention, which might be appropriate. If he determines that none of the alternatives will assure community safety, he will grant the hearing.

The U.S. attorney must then show that there is substantial probability that the person actually committed the present offense. Substantial probability is a standard somewhat more stringent than probable cause but less rigid than guilt beyond a reasonable doubt standard necessary to convict. Once the process is complete, the judicial officer, based upon his findings, would be authorized to detain a defendant for up to 90 days prior to trial.

PROTECTS DEFENDANTS' RIGHTS

The procedural safeguards for the defendant are numerous. He has the right to be represented by counsel, to testify, and to present information and witnesses in his behalf. If he wishes to testify, his testimony is not admissible on the issue of guilt in any other proceeding. Detention is limited to a maximum of 90 days, detained pretrial defendants are to be confined separate from convicted defendants to the extent possible, and reasonable opportunities for preparation of a defense are to be granted including limited periods of release if required.

Mr. President, in summary, I point out that the changes would exempt first-degree murder, armed robbery, armed kidnaping, forcible rape from the conditions in the existing law that permits the judge to also consider public safety in consideration of pretrial release.

It seems strange to this Senator that someone who has held more than 100 persons as hostages would be back in his home before they themselves were released. I think, perhaps, it is time we take a hard look.

It provides that any defendant who holds hostages in the commission, attempted commission, or escape from a crime, must surrender to authorities and go before a judicial officer in a pretrial bail hearing before the terms of pretrial release can be considered. The judicial officer is required at the time of the pretrial hearing to appropriately weigh public safety considerations before determining what release conditions are appropriate.

Second, the bill permits public safety to be taken into consideration in determining the pretrial release conditions when the defendant is charged with the crimes of armed robbery, armed kidnaping, forcible rape, or first-degree murder. Previously, public safety was a consideration in pretrial release evaluation only when offenses punishable by death were charged.

Third, the bill authorizes detention prior to trial where noncapital offenses of murder, armed kidnaping, armed robbery, and forcible rape are charged. It also establishes a pretrial detention hearing procedure to protect the rights of the defendant.

Finally, the bill authorizes the imposition of additional penalties where crimes are committed by individuals who are already on bail, parole, or some form a conditional pretrial release.

STARTING POINT

The bill, as drafted, applies to the Federal Criminal Code, and with modifications could readily be incorporated into the criminal code of the District of Columbia Code.

I realize this is far from a cure-all for the problems which exist in this area. But public concern over the number of crimes committed by individuals released prior to trial is growing. Concerns are daily being expressed over public safety which is being threatened by the release on personal recognizance of individuals charged with violent crime. Public confidence in our criminal justice system requires that we address

these issues promptly. I trust this legislation can serve as a starting point.

Mr. President, I yield back the remainder of my time.

ORDER EXTENDING TIME FOR FILING ANNUAL REPORT OF THE SPECIAL COMMITTEE ON AGING

Mr. CHURCH. Mr. President, I ask unanimous consent that the Senate Special Committee on Aging be given until March 31 to file its annual report. This additional time is needed to index the annual report and to obtain Senate action on a resolution for additional copies of this publication.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 86-42, appoints the following Senators to the Canada-United States Interparliamentary Conference, to be held in Victoria, British Columbia, May 27-31, 1977: the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. HATHAWAY), the Senator from Vermont (Mr. LEAHY), the Senator from New Hampshire (Mr. DURKIN), the Senator from Nebraska (Mr. CURTIS), the Senator from Kansas (Mr. PEARSON), and the Senator from Alaska (Mr. STEVENS).

The Chair, on behalf of the Vice President, pursuant to Public Law 86-420, appoints the Senator from Texas (Mr. BENTSEN), chairman, and the Senator from North Carolina (Mr. MORGAN) to the Mexico-United States Interparliamentary Conference, to be held in Guaymas, Mexico, May 27-31, 1977.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON MOBILE HOME STANDARDS—MESSAGE FROM THE PRESIDENT—PM 53

The Presiding Officer laid before the Senate the following message from the President of the United States, which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I herewith transmit the Second Annual Report on mobile home standards as required by Section 626 of the National Mobile Home Construction and Safety Standards Act of 1974.

JIMMY CARTER.

THE WHITE HOUSE, *March 18, 1977.*

MESSAGE FROM THE HOUSE

At 1:40 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its clerks, announced that the House has passed the bill (H.R. 4088) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, in which it requests the concurrence of the Senate.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDING OFFICER laid before the Senate the following communications which were referred as indicated:

EC-928. A letter from the Deputy Assistant Secretary of Defense, Installations and Housing, transmitting, pursuant to law, notice of a construction project that is being undertaken by the U.S. Army Reserve; to the Committee on Armed Services.

EC-929. A letter from the Secretary of Transportation transmitting, pursuant to law, the sixth Urban Mass Transportation Administration Annual Report of Capital Assistance, Technical Studies, and Relocation Grants for the period January 1, 1976, through December 31, 1976 (with an accompanying report); to the Committee on Banking, Housing, and Urban Affairs.

EC-930. A letter from the Chairman of the Federal Deposit Insurance Corporation transmitting, pursuant to law, the second annual report of the Federal Deposit Insurance Corporation's Office of Bank Customer Affairs for the year 1976 (with an accompanying report); to the Committee on Banking, Housing, and Urban Affairs.

EC-931. A letter from the Chairman of Transportation transmitting a draft of proposed legislation to provide a comprehensive system of liability and compensation for oil spill damage and removal costs, and for other purposes (with accompanying papers); to the Committee on Environment and Public Works.

EC-932. A letter from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of Council Act 1-229, "An Act to reorganize the administration of the District of Columbia General Hospital, to establish a Commission to govern that hospital, and for other purposes" (with accompanying papers); to the Committee on Government Affairs.

EC-933. A letter from the Secretary of Health, Education, and Welfare transmitting, pursuant to law, an amended report covering personal property donated to public health and educational institutions and civil defense organizations, and real property disposed of to public health and educational institutions during the transition quarter July 1, 1976 through September 30, 1976, which replaces the report transmitted on December 30, 1976 (with an accompanying report); to the Committee on Human Resources.

EC-934. A letter from the Executive Secretary to the Department of Health, Education, and Welfare transmitting, pursuant to law, a copy of a document that was sent to the Federal Register on the final regulations for treatment of payments under state equalization programs (with an accompanying report); to the Committee on Human Resources.

EC-935. A letter from the Chairman of the Federal Election Commission transmitting, pursuant to law, a copy of a report on the administration of the Freedom of Information Act for the calendar year 1976; to the Committee on the Judiciary.

EC-936. A letter from the Secretary of Health, Education, and Welfare transmitting, pursuant to law, a copy of a report on the administration of the Freedom of Information Act for the calendar year 1976 (with an accompanying report); to the Committee on the Judiciary.

EC-937. A letter from the Chairman of the Federal Election Commission transmitting, pursuant to law, a copy of correspondence which the Commission has sent to the Office of Management and Budget (with accompanying papers); to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HUDDLESTON, from the Committee on Agriculture, Nutrition, and Forestry:

With amendments:

S. 106. A bill to provide for furthering the conservation, protection, and enhancement of the Nation's land, water, and related resources for sustained use, and for other purposes (Rept. No. 95-59).

HOUSE BILL REFERRED

The bill (H.R. 4088) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, was read twice by its title and referred to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated.

By Mr. DOLE:

S. 1035. A bill to amend the Bail Reform Act of 1966 to provide for pretrial detention of certain dangerous persons, and for other purposes; to the Committee on the Judiciary.

By Mr. BARTLETT:

S. 1036. A bill to amend the Water Resources Control Act of 1976 relating to Federal certification of local flood control projects; to the Committee on Environment and Public Works.

By Mr. HUMPHREY:

S. 1037. A bill to alleviate the financial crisis confronting the public schools of the Nation by providing increased financial resources for elementary and secondary education, and by promoting the equitable distribution of such resources within the States through the establishment of a National Education Trust Fund; to the Committee on Human Resources.

By Mr. CURTIS:

S. 1038. A bill to amend the Fair Labor Standards Act of 1938 with respect to an exemption for certain young employees who enter into an agreement with an employer to work for an agreed upon wage that is less than the minimum wage, and for other purposes; to the Committee on Human Resources.

By Mr. ABOUREZK:

S. 1039. A bill for the relief of Jack George Makari; to the Committee on the Judiciary.

By Mr. ROTH:

S. 1040. A bill to amend the Child Abuse Prevention and Treatment Act to prohibit the sexual exploitation of children and the transportation and dissemination of photographs or films depicting such exploitation; to the Committee on Human Resources.

By Mr. SPARKMAN (for himself and Mr. ALLEN):

S. 1041. A bill to amend the black lung benefits provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend those benefits to miners who incur silicosis in iron mines; to the Committee on Human Resources.

By Mr. SPARKMAN (by request):

S. 1042. A bill to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations, and for other purposes; to the Committee on Foreign Relations.

By Mr. BENTSEN (for himself, Mr. CRANSTON, Mr. HATFIELD, Mr. LONG, Mr. JOHNSTON, Mr. GRAVEL, Mr. WEICKER, Mr. INOUYE, Mr. STONE, Mr. MATSUNAGA, and Mr. ALLEN):

S. 1043. A bill to provide for the development of aquaculture in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. STEVENSON:

S. 1044. A bill to permit the vessel *Manatra II* to be inspected, licensed, and operated as a passenger-carrying vessel, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. STEVENSON (for himself and Mr. PERCY):

S. 1045. A bill to change the name of the Indiana Dunes National Lakeshore to the Paul H. Douglas National Lakeshore; to the Committee on Energy and Natural Resources.

By Mr. SCHWEIKER (for himself, Mr. HELMS, Mr. HEINZ, Mr. DOLE, Mr. HATFIELD, and Mr. RANDOLPH):

S. 1046. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize an evaluation of the risks and benefits of certain food additives and to permit the marketing of saccharin until such an evaluation can be made of it; to the Committee on Human Resources.

By Mr. SCHMITT (for himself and Mr. DOMENICI):

S. 1047. A bill to amend the Urban Mass Transportation Act of 1964; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CHILES (for himself and Mr. STONE):

S. 1048. A bill to amend title XVIII of the Social Security Act so as to enable certain aliens to obtain coverage under the supplemental medical insurance program established by part B of such title; to the Committee on Finance.

By Mr. CHILES:

S. 1049. A bill for the relief of C. C. Cannon; to the Committee on the Judiciary.

By Mr. RANDOLPH:

S. 1050. A bill to amend title 39 of the United States Code to extend the period during which there is a moratorium on the increase of any rates, the reduction in levels and types of postal services, and the closing of certain post offices; to the Committee on Governmental Affairs.

By Mr. BIDEN (for himself, Mr. BAYH, and Mr. MCINTYRE):

S.J. Res. 39. A joint resolution to provide for a study of the effects of saccharin; to the Committee on Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BARTLETT:

S. 1036. A bill to amend the Water Resources Control Act of 1976 relating to Federal certification of local flood control projects; to the Committee on Environment and Public Works.

Mr. BARTLETT. Mr. President, included in the Water Resources Development Act of the 94th Congress was a provision authorizing construction of local, urban flood control projects in conjunction with ongoing Federal feasibility studies. The purpose of this provision was to assure local interests that they could initiate flood control improvements with the understanding that the cost of these improvements would be assumed by the Federal Government. The legislation that I am introducing strikes the termination date of December 31, 1977 from this law.

Without the coordination of effort between the Corps of Engineers and local units of government, the process of researching and building flood preventive structures is both costly and time-consuming.

As you know, Mr. President, without the cooperation which this provision affords, completion of flood control projects requires several years of feasibility studies and authorization efforts. After being alerted to a flood control problem, the Corps of Engineers does what is called a reconnaissance report. If this report indicates the need and potential viability of a Federal project, the corps then proceeds with an indepth survey report which takes 2 or 3 years. The survey report is then submitted to Congress, which then may take 2 or more years to study the project before proceeding with authorization.

Once Congress does authorize the proposal, the corps then goes into what they call phase one and phase two, which is planning and design of the project. This ordinarily takes as much as 3 or more years. Finally, after all of these lengthy steps, the construction begins. The indictment of the whole system is that the actual construction is the easiest step, often taking less than 2 years.

District engineers have lived with these procedures for many years and have suffered the abuses of many people, who for good reason, cannot understand why a flood control project requires 10 or 15 years for completion.

Mr. President, I congratulate Congress for approving a new certification procedure which essentially eliminates part of this dilemma. Section 134(a) of the Water Resources Development Act of 1976 enables the Federal Government to participate in a cooperative effort with local units of government on the projects that the local unit has planned and implemented.

The intention of this law is not to have the corps take over every local flood control project initiated by communities across the country, but to create a situation where efforts may be coordinated on certain specific projects which the district engineer has certified.

Unfortunately, the termination date written into the law prevents Congress from honestly evaluating the effectiveness of this cooperative agreement. I believe my colleagues will agree that 1 year does not allow us time to fully realize the potential that this program affords.

When more communities become aware of this program, they will be less reluctant to initiate the construction of badly needed flood control projects. The ability of local interest to raise funds—including issues of bonds—will be greatly enhanced, for people will know that a solution and actual project work are imminent rather than years in the future. Finally, costs will be more accurately fixed without regard to inflation and escalating values.

Mr. President, the benefits from this program may be substantial. In order to test the efficacy of section 134(a), I recommend that the termination date be removed. The continuation of this program may be helpful to many persons in urban areas who must go through the trauma and fear of actual floods, resulting damage, and death. I hope that my colleagues will consider the extreme necessity of this provision, and move expeditiously to enact this provision.

I have received a report from the National Flood Insurers Association which shows the expansion of the flood insurance program, and it also exhibits the continuing need to address urban flooding problems.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL FLOOD INSURERS ASSOCIATION,
Arlington, Va., March 15, 1977.

Hon. DEWEY BARTLETT,
Russell Senate Office Building,
Washington, D.C.

Attention: John Sublett

DEAR MR. SUBLETT: Pursuant to your request for information regarding flood damages sustained and paid under the National Flood Insurance Program, I provide you with the following information:

Fiscal year	No. paid claims	Amount paid
1970	40	$72,818
1971	197	178,500
1972	1,095	2,565,379
1973	7,067	15,040,243
1974	14,457	36,661,867
1975	10,927	26,313,746
1976	20,875	81,359,082
Total	55,468	162,191,635
1977 first six months	6,642	32,918,678

Three particular occurrences in the more recent history of the Program stand out as examples of substantial involvement of the Program in relation to overall flood damages, insured and uninsured:

The first is Hurricane "Eloise" occurring on September 13 through September 26, 1975 causing damages in fourteen states along the East coast from Florida to Massachusetts and Puerto Rico. Over 12,000 claims were reported and over $40 million paid. In Pennsylvania alone, the NFIA paid over $25 million on 8,000 claims. This compares to Hurricane "Agnes" in June, 1972 when we had only 600 policies, 147 losses and paid only $772 thousand in Pennsylvania. As you can see, in the short time span of three years we had increased the policy count from 600 to over 40,000 and increased payments by over 3,000%. The large majority of payments dur-

ing Hurricane "Eloise" were made in the urban areas of the country, like Panama City, Florida, Harrisburg and Wilkes Barre, Pennsylvania and Trenton, New Jersey. Residential, commercial and manufacturing structures and their contents were involved.

A second recent example occurred in your own state on Memorial Day, 1976 when torrential rains caused flash flooding in Tulsa, Oklahoma. The standing water depth relative to grade floor averaged between four and five feet and the average paid claim was the highest for any single occurrence in the Program's history. Over $12.2 million was paid on 1,080 claims. As you are probably well aware, Tulsa proper had experienced four previous floods within a five year span. This is an urban area built almost completely on a flood plain.

The third example is a similar occurrence to that of Tulsa, occurring in the city of Houston, Texas on June 14, 1976, in which 1090 claims were reported and over $8.5 million paid.

After you have had a chance to review the above information, you may have a request for more specific information. We will be happy to assist in any way we can.

Very truly yours,

W. L. KENNELL,
Claims Manager.

By Mr. HUMPHREY:

S. 1037. A bill to alleviate the financial crisis confronting the public schools of the Nation by providing increased financial resources for elementary and secondary education, and by promoting the equitable distribution of such resources within the States through the establishment of a National Education Trust Fund; to the Committee on Human Resources.

NATIONAL EDUCATION INVESTMENT ACT OF 1977

Mr. HUMPHREY. Mr. President, today I am introducing the National Education Investment Act of 1977. When I introduced similar legislation in the past, I stated that we needed to launch "decisive Federal action to address the critical problems confronting school districts across the Nation."

Today, the problems are even more critical, and decisive action is even more urgent. We need to establish a new education policy for America—a policy to guarantee that all children and youth, without regard to circumstances of residence, family income, or race will have a full and equal opportunity to obtain a quality education.

The National Education Investment Act provides for the establishment of a National Education Trust Fund in the Treasury, from which payments would be made to State and local jurisdiction applicants which agree to substantially reduce or eliminate the taxation of real property for the purpose of financing elementary and secondary education, under a program which would promote progressive tax reform in the State and the improvement and balancing of per pupil expenditures among all local school districts.

The title of my bill, the National Education Investment Act, indicates the fundamental commitment that must be made to increasing the Federal investment in education to one-third of all public resources.

One of the most pressing problems is the disparity of the resources available to students among the school districts within a State. In recent years the courts have increasingly noted that the level of educational services provided to a child is largely dependent on the wealth of the district in which he or she lives. Some States are under court order to alter the means by which public education is funded, and pressure for reform is increasing in other States.

Federal funding must make up a substantial share of the total funding of reform in educational financing in order to make a positive change in this area and to avoid raising false expectations. If there is no serious commitment to a substantial and continued amount of Federal funding, the potential improvement in educational financing will be negligible.

The National Education Investment Act proposes that a major advance be launched in Federal policies toward education. It is not the final answer—a number of other important legislative proposals have been made toward the achievement of this objective which is so vital to the future of our Nation.

This bill will not do away with other Federal programs that presently aid public elementary and secondary education. However, it should be anticipated that the enactment and implementation of this legislation would be effectively coordinated with legislative and administrative adjustments in existing Federal programs. This process properly should include the redesignation and technical revision of programs whose continuation is determined to be important in the comprehensive program of Federal assistance envisioned by the National Education Investment Act.

The legislation which I am introducing today has several characteristics which merit the most serious consideration by Congress.

This bill is comprehensive, addressed both to overcoming major fiscal resource disparities among school districts, which undermine equality of educational opportunity for all American children, and to pinpointing special education needs of children which for too long have received a totally inadequate response—including the needs of preschool children, of mentally or physically handicapped children, and of educationally deprived children in areas of poverty.

The National Education Investment Act presents clearly defined measures and a definite time schedule for addressing all these problems—not through just providing more Federal dollars, but through using Federal assistance as leverage to promote counterpart efforts by State and local governments. It calls for a total national effort on behalf of our children.

I urge Congress to take action on this priority national agenda for education without delay.

Mr. President, it is necessary that two subjects be addressed directly with respect to this legislation.

First, the issue of tax reform within the States, and the issue of finding adequate revenues to pay for our schools, must not be dealt with as separate matters, in any legislation before Congress. These issues must be seen as a single, major problem demanding a comprehensive solution. On the other hand, it must not be the function of the Federal Government to dictate the answers, but rather to provide a strong incentive for the States and local jurisdictions to find equitable and constructive solutions. I believe the National Education Investment Act provides an effective program to address tax reform and education financing issues simultaneously, and to encourage State and local governments to accept the primary responsibility for carrying out this task.

Second, the issue of maintaining local control of schools should be addressed fairly and honestly. Some may view this issue as a slogan without adequate philosophical substance or clear definition, or as being used to justify resistance to school desegregation, or as being divorced from reality where school districts are increasingly finding it almost impossible to fund rising school costs and must depend more and more on outside financial resources.

However, this issue also reflects a deep feeling, a strong belief, of our people in cities and towns across America about local responsibility for the education of children. My bill undertakes to respect this belief, subject to the assurance that an equal opportunity will be provided for all children to obtain an education of high quality.

The National Education Investment Act does call upon State and local educational agencies to specify school-age populations being served and to indicate the scope of educational services, in accounting for the use of Federal assistance. And it does place requirements upon such agencies to implement and carry out certain educational programs for groups of children who have been neglected or inadequately served.

But most importantly, this bill takes the basic view that States and localities should now be enabled, through the provision of adequate and dependable Federal assistance—as intended, for example, by the establishment of a National Education Trust Fund—to work out their own answers to the unique problems they confront in guaranteeing the right of every child to a quality education.

Moreover, an important aspect of this legislation is that it will mean more Federal dollars with less Federal involvement in the operations of local school districts, because it will require only certification of an acceptable State plan and do away with the burdensome paperwork and certification requirements under the present various and sundry Federal education program.

Mr. President, I ask unanimous consent that a summary of the National Education Investment Act of 1977, together with the text of the bill, be printed in the RECORD.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 1037

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

That this Act may be cited as the "National Education Investment Act of 1977."

DEFINITIONS

SEC. 2. As used in this Act—

(1) The term "Secretary" means the Secretary of the Treasury.

(2) The term "applicant" means any State, political subdivision of a State, or other public agency or authority, which imposes a tax on real property for the purpose of financing elementary and secondary education.

(3) The term "fund" means the National Education Trust Fund established under section 3 of this Act.

(4) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

ESTABLISHMENT OF FUND

SEC. 3. There is established in the Treasury of the United States a trust fund to be known as the National Education Trust Fund (hereafter referred to as the "fund"). The fund shall consist of—

(1) amounts appropriated to it under the authority of section 4 of this Act.

(2) amounts transferred to it from programs authorized under any other provision of law; and

(3) interest and proceeds credited to it under section 5(c), and receipts from any other source.

APPROPRIATIONS TO THE FUND

SEC. 4. There are authorized to be appropriated to the fund such sums as may be necessary to carry out the purposes of this Act for the fiscal year ending September 30, 1978, and for the two succeeding fiscal years.

MANAGEMENT OF THE FUND

SEC. 5. (a) It shall be the duty of the Secretary to invest such portion of the fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 percent, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(b) Any obligation acquired by the fund (except special obligations issued exclusively to the fund) may be sold by the Secretary at the market price, and such special obligations may be redeemed at par plus accrued interest.

(c) The interest on, and proceeds from the sale or redemption of, any obligations held in the fund shall be credited to and form a part of the fund.

EXPENDITURES FROM THE FUND

SEC. 6. The Secretary is authorized to make and to contract to make payments from the fund to applicants in order to enable such applicants to substantially reduce or eliminate the taxation of real property for the purpose of financing elementary and secondary education, in accordance with further provisions under this act, during the period beginning October 1, 1977, and ending with the close of September 30, 1980.

ELIGIBILITY

SEC. 7. (a) An applicant is eligible to receive payments under this Act only if the Secretary determines, on the basis of an application in such form as the Secretary may prescribe and in accordance with further provisions under this Act, that the applicant has adopted or will adopt a program to substantially reduce or eliminate the taxation of real property for the purpose of financing elementary and secondary education.

(b) The Secretary shall not finally disapprove any application for funds under this Act without first affording the applicant reasonable notice and an opportunity for a hearing. The terms of an application approved under this Act shall be considered a contract, to which the United States shall be deemed a party-in-interest, and such contract shall be specifically enforceable in the appropriate Federal District Court by the Secretary.

LIMITATIONS OF CONDITIONS

SEC. 8. (a) Subject to further provisions under this Act, and except as provided under subsection (g) of this section, the amount of payment under this Act to any applicant, for the first fiscal year in which such application is made, and for the succeeding fiscal year, shall not exceed—

(1) the amount of funds which would otherwise have been received by the applicant from the taxation of real property for the purpose of financing elementary and secondary education during that fiscal year, to the extent that such taxation has been reduced, or

(2) the amount of funds for that year which an applicant in a State would require in order to expend for elementary and secondary education an amount per pupil which is equal to the applicable target per pupil expenditure for that applicant,

whichever is greater.

(b) As used in this section—

(1) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(2) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(3) The term "elementary school" means a day or residential school which provides elementary education, as determined under State law.

(4) The term "secondary school" means a day or residential school which provides elementary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(5) The term "target per pupil expenditure" means the per "weighed pupil" expenditure for elementary and secondary school children, respectively, during the base period fiscal year determined by the Secretary for that State, of that local educational agency within such State with a per pupil expenditure for elementary and secondary school children, respectively, which is exceeded by not more than 10 per centum of the local educational agencies within such State.

(6) The term "weighted pupil" means a unit of pupil need used in determining allocations of funds to local educational agencies, which reflect cost differentials associated with pupils having special educational needs (such as handicapped children, economically disadvantaged children, those in need of bilingual education, and gifted and talented children) and cost differentials associated with sparsity or density of population, cost of living, or special socioeconomic characteristics.

(7) The term "homestead" means the dwelling, whether owned or rented, and so much of the land surrounding it, not exceeding one acre, as is reasonably necessary for the use of the dwelling or multipurpose building used as a home and a part of the land upon which it is built, and of a mobile home if used as a home. Such term does not include personal property such as furniture, furnishings, or appliances whether or not affixed to the realty.

(8) The term "rent constituting real property taxes" means an amount equal to 25 per centum of the gross rent actually paid in cash (or its equivalent) in any calendar year by an individual solely for the right of occupancy of his homestead in a calendar year.

(9) The term "gross rent" means a rental paid solely for the right of occupancy of a homestead, exclusive of charges for any utilities, services, furniture, furnishings or personal property or appliances furnished by the landlord as part of the rental agreement whether or not expressly set out in the rental agreement.

(c) To be eligible to receive payment under this Act for any fiscal year for which application is made, an applicant shall provide satisfactory assurances to the Secretary that where the taxation of real property is employed for the purpose of financing elementary and secondary education, that it will reduce real property taxes or rent constituting real property taxes upon an individual's homestead for the current taxable year.

(d) Prior to receiving payment under this Act in the second fiscal year for which application is made, each State of an applicant shall present data to the Secretary and to the Commissioner of Education demonstrating that, in the preceding fiscal year, all local educational agencies in the State had per pupil expenditures which met the required level for elementary and secondary school children, respectively, as set forth in this section.

(e) In the second fiscal year for which application is made and each year thereafter, the Secretary shall withhold not more than 20 per centum of the payment for which an applicant would otherwise be eligible, unless the Secretary has received proper notification from the Commissioner of Education, under such requirements as the Commissioner may by regulation prescribe, that such applicant has planned and will carry out programs to meet identified needs for early childhood development, vocational education, comprehensive educational programs designed to meet the special education needs of mentally or physically handicapped children and children with specific learning disabilities, and compensatory education for children who are educationally deprived.

(f) In the second fiscal year for which application is made and each year thereafter, the Secretary is authorized to increase the amount of payments to an applicant by not more than 10 per centum per year, upon receiving proper notification from the Commissioner of Education, under such requirements as the Commissioner may by regulation prescribe, that such applicant would require these additional funds in order to meet additional operating costs sustained by the applicant as a result of—

(1) the implementation of such educational programs as may be required under the provisions of this Act;

(2) the acquisition of new educational

equipment or the improvement of existing equipment by the applicant; and

(3) increased salaries for teachers paid out of funds made available by the applicant.

(g)(1) In the third fiscal year for which application is made and each year thereafter, or in any fiscal year for which an application is approved by the Secretary under the provisions of this subsection, the applicant shall be a State, and the amount of payment to such State shall be equal to 33⅓ per centum of the expenditures for elementary and secondary education, respectively, in such State in the fiscal year preceding the fiscal year for which application is made, upon the determination by the Secretary with the concurrence of the Commissioner of Education, subsequent to the presentation to the Secretary and the Commissioner of such information and data as the Secretary and the Commissioner shall jointly by regulation prescribe, including a State plan as further provided under this subsection, that such State has complied with the provisions of this Act with respect to—

(A) the substantial reduction or elimination of the taxation of real property for the purpose of financing elementary and secondary education, as set forth in section 6, section 7, and subsection (c) of this section;

(B) the achievement of the required level of per pupil expenditures by all local educational agencies in the State, as set forth in subsections (a)(2), (b)(5)–(6), and (d) of this section;

(C) the maintenance of combined fiscal effort by all local educational agencies and the State with respect to the provision of free public education by such agencies, and the establishment of a tax system within the State to maintain such combined fiscal effort and for other purposes, as further provided under this subsection;

(D) the planning and carrying out of educational programs, as further provided under this subsection; and

(E) general provisions as set forth in section 9.

(2) The State plan shall—

(A) stipulate measures and programs implemented to assure that the State is in compliance with the requirements of paragraph (1) of this subsection;

(B) provide that the State educational agency shall act as the sole agency for the administration of the State plan;

(C) set forth a program under which payments made to the State under this Act will be used solely by State and local educational agencies for elementary and secondary educational purposes;

(D) have been adopted only after affording local educational agencies in the State an opportunity to review and comment on its provisions;

(E) present data demonstrating that the combined fiscal effort of local educational agencies and the State with respect to the provision of free public education by such agencies for the preceding fiscal year (exclusive of payments received under this Act) was at least equal to such combined effort for the fiscal year preceding the fiscal year in which initial payments were received under this Act: *Provided, however,* That the resultant tax system within the State provides that—

(i) there shall be an equitable distribution within the State of the burden of financing public elementary and secondary education; and

(ii) such financing shall be a function of the total taxable wealth of the State, and is not limited to the taxable wealth of the individual local educational agencies within the State; and

(iii) such financing shall therefore be derived predominantly from State tax collections based upon the personal income of all persons resident in the State;

(F) provide for use by the State educational agency of payments made under this Act for the proper and efficient performance of its duties in implementing this Act, except that such agency may not, in any fiscal year, use for such purpose an amount greater than 1 per centum of the State's total entitlement for payments under this Act in such fiscal year, or $150,000, whichever is the greater;

(G) provide for objective measurements of the number of children in areas served by all respective local educational agencies in the State and for an assessment of their educational needs and achievements, as well as an accounting of educational services provided such children and the number of children served, and for the provision of annual reports to the Commission of Education providing such information and data as the Commissioner shall by regulation prescribe in carrying out the provisions of this subparagraph, where such information and data are provided according to the following categories:

(i) children of pre-school age;

(ii) children in the age group served by elementary and intermediate schools through grade nine;

(iii) children in the age group served by secondary schools in grades ten through twelve;

(iv) children who are mentally handicapped;

(v) children who are physically handicapped;

(vi) children who have specific learning disabilities;

(vii) children who are educationally deprived; and

(viii) children who can be assisted by vocational education.

(3) In the second fiscal year for which application is made by a State and each year thereafter, and upon receiving proper notification from the Commissioner of Education on the basis of information and data provided to the Commissioner by such State applicant in accordance with requirements under the State plan as set forth in subparagraph (G) of paragraph (2) of this subsection, the Secretary is authorized to withhold or increase payments to such State applicant as provided, respectively, under subsections (e) and (f) of this section. In any case in which the Commissioner has not determined that satisfactory data for the purpose of this subsection are available, the Commissioner is authorized to request the Secretary of Commerce to make a special estimate of the number of children specified under the respective categories of subparagraph (G) of paragraph (2) of this subsection, and the Commissioner is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information.

GENERAL PROVISIONS

SEC. 9. (a) The Secretary shall be the trustee of the funds, and shall report to the Congress not later than March 1 of each year on the status and operation of the fund during the preceding fiscal year.

(b) In order to qualify for any payment under this Act, an applicant must establish (in accordance with regulations established by the Secretary, after an opportunity for review and comment by the Governor of a State, with respect to a unit of local government located in such State) to the satisfaction of the Secretary that—

(1) it wil use fiscal, accounting, and audit pocedures which conform to guidelines established therefor by the Secretary (after consultation with the Comptroller General of the United States),

(2) it will provide to the Secretary (and to the Comptroller General of the United States), on reasonable notice, access to, and the right to examine, such books, documents, papers, or records as the Secretary may reasonably require for purposes of reviewing compliance with this Act,

(3) it will make such annual and interim reports to the Secretary as he may reasonably require,

(4) it will establish policies and procedures designed to assure that no more than 5 per centum of the Federal funds made available under this Act will be used for capital outlay and debt service, and

(5) the control of funds provided under this Act, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this Act, and that a public agency will administer such funds and property.

(c) No person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this Act.

JUDICIAL REVIEW

SEC. 10. (a) If any applicant is dissatisfied with the Secretary's final action with respect to the approval of its application under the provisions of this act, or with respect to the withholding of payments as provided under section 8(e), such applicant may, within thirty days after notice of such action, file with the United States court of appeals for the circuit in which the applicant is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

TRANSITIONAL PROVISIONS

SEC. 11. Notwithstanding the provisions of section 7, during the fiscal year ending September 30, 1977, the Secretary is authorized to furnish assistance and make payments to assist applicants in gradually reducing the amount of revenues received by such applicants by the taxation of real property for the purpose of financing elementary and secondary education.

SUMMARY: NATIONAL EDUCATION INVESTMENT ACT OF 1977

Establishes a National Education Trust Fund in the Treasury, from which the Secretary of the Treasury will make payments to State and local jurisdiction applicants, to enable such applicants to substantially reduce or eliminate the taxation of real property for the purpose of financing elementary and secondary education during an initial authorization period beginning October 1, 1977 and ending with the close of September 30, 1980.

Provides that during the first and second fiscal year for which application is made, Federal payments shall not exceed either (1) the amount of funds which otherwise would have been received by the applicant from the

taxation of real property for the purpose of financing elementary or secondary education during that fiscal year, to the extent that such taxation has been reduced, or (2) the amount of funds for that year which an applicant in a State would require in order to expend for elementary and secondary education an amount per pupil which is equal to the applicable target per pupil expenditure for that applicant, as further defined—whichever amount is greater. (Basically, the purpose of federal assistance would be to increase and balance per pupil expenditures among local school districts, without penalty to high-cost or high expenditure areas, and to target increased assistance on areas of educational deprivation).

Provides that to be eligible to receive payments under this Act in any fiscal year, an applicant must reduce real property taxes and rent constituting real property taxes upon an individual's homestead (where such taxes are used to finance elementary and secondary education) for the current taxable year.

Federal payments under this Act in the second fiscal year for which application is made, and thereafter, are made further contingent upon appropriate certification by the State of the applicant that in the preceding fiscal year, all local educational agencies in the State had per pupil expenditures which met the required level for elementary and secondary school children, as provided under this Act. Moreover, the applicant must have planned and will carry out programs to meet identified needs for early childhood development, vocational education, comprehensive educational programs designed to meet the special education needs of mentally or physically handicapped children and children with specific learning disabilities, and compensatory education for children who are educationally deprived. Provision is made for an incentive increase of 10 percent in payments to an applicant to meet such obligations, and for the withholding of 20 per cent of the payment for which the applicant would otherwise be eligible where such obligations have not been assumed.

Provides that in the third fiscal year for which application is made, or in any fiscal year for which application is made by a State which meets certain enumerated requirements, including the presentation of a State plan under which specific obligations are assumed, only the State will be eligible to apply for Federal payments from the trust fund. The amount of payment to such State shall be equal to 33⅓ per cent of the expenditures for elementary and secondary education in the State in the preceding fiscal year.

To be eligible for this assistance, the State must comply with the provisions of this Act with respect to the substantial reduction or elimination of the taxation of real property for the purpose of financing elementary and secondary education, the achievement of the required level of per pupil expenditures by all local educational agencies, the planning and carrying out of educational programs as stated above, and certain general provisions. In addition, the State must have adopted a State tax system under which combined State and local fiscal effort is maintained on behalf of elementary and secondary education, and that assures an equitable distribution within the State of the burden of financing elementary and secondary education, making such financing a function of the total taxable wealth of the State, achieved primarily by basing State taxes upon total personal income.

By Mr. SPARKMAN (by request):

S. 1042. A bill to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations, and for other purposes; to the Committee on Foreign Relations.

Mr. SPARKMAN. Mr. President, by request, I introduce for appropriate reference a bill to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations, and for other purposes.

The bill has been requested by the President of the United States and I am introducing it in order that there may be a specific bill to which members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD, together with the letter from the President to the President of the Senate dated March 10, 1977, and the letter from the Acting Director of the Arms Control and Disarmament Agency.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, The Arms Control and Disarmament Act, as amended, is further amended as follows:

(1) Section 31 (22 U.S.C. 2571) is amended by striking out "United States" in clause (2) of the second sentence.

(2) Section 49(a) (22 U.S.C. 2589(a)) is amended by inserting in the second sentence thereof immediately after "and other nondiscretionary costs," the following: "and for fiscal year 1978 the sum of $13,600,000 (and such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs), and for fiscal year 1979 such sums as may be necessary to carry out the purposes of this Act,".

THE WHITE HOUSE,
Washington, D.C., March 10, 1977.

HON. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I transmit herewith for consideration of the Congress proposed legislation to extend the appropriation authorization for the Arms Control and Disarmament Agency and for other purposes, together with a letter from the Acting Director of the Agency in support of this legislation.

The United States Government's interest in arms control agreements has gained widespread public and bipartisan political support. The ultimate goals of these agreements are to lessen the danger of war and to promote peaceful settlement of disputes. We are currently pursuing these goals in many forums, including negotiations bilaterally with the Soviet Union, and multilaterally with the Warsaw Pact countries, in the Geneva-based Conference of the Committee on Disarmament and in the United Nations.

In the troublesome area of nuclear proliferation, we are continuing to increase the effectiveness of the Treaty on the Non-Proliferation of Nuclear Weapons and the International Atomic Energy Agency. We are taking important initiatives to establish new cooperation with the other major nations supplying nuclear equipment and technology. And I have given my support to a comprehensive nuclear test ban.

In my Administration, the Arms Control and Disarmament Agency will have a very important role in all of these activities. By statute the Director of the Agency serves as the principal adviser to the Secretary of State, the National Security Council, and me on arms control and disarmament matters. In addition, the Director will serve as my chief negotiator at the Strategic Arms Limitations Talks and his Agency will continue to have the principal support responsibility for these negotiations and the negotiations relating to mutual and balanced force reductions in Europe. Its budget supports research in furtherance of these negotiations as well as nuclear non-proliferation, nuclear test limitations, and other important arms control activities.

Current authorization and appropriations for the Arms Control and Disarmament Agency expire September 30, 1977. I am transmitting the attached draft bill in order that the Congress may begin its consideration of future authorizing legislation for the Agency.

The draft bill would also amend the Arms Control and Disarmament Act to delete a requirement that all of the Agency's contracts and agreements for research be with United States institutions or persons. As explained in the letter from the Acting Director of the Agency, this amendment is needed for the Agency to fully carry out its statutory responsibilities.

I urge early enactment of this measure.

Sincerely,

JIMMY CARTER.

U.S. ARMS CONTROL AND
DISARMAMENT AGENCY,
Washington, D.C., February 18, 1977.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: Enclosed for your approval and transmittal to the Congress is a draft bill that would amend the Arms Control and Disarmament Act to extend the authorization for appropriations for the Agency and delete a restriction on the Agency's contracting authority.

The Agency's current authorization expires on September 30, 1977. The proposed legislation would authorize appropriations for the Agency for fiscal year 1978 of $13.6 million (plus such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law and other nondiscretionary costs). The funds authorized by this legislation will be devoted primarily to support of the anticipated third phase of the Strategic Arms Limitation Talks with the Soviet Union, the development of new concepts, techniques and agreements to prevent the further proliferation of nuclear weapons, efforts to improve and refine the verification of nuclear explosions, and exploration of new possibilities in the limitation of conventional weapons.

The draft bill also amends section 31 of the Arms Control and Disarmament Act to delete a requirement that all of the Agency's contracts and grants be with United States institutions and persons. The Agency is increasingly encountering instances where this restriction interferes with important national objectives. For example, because of concern about the possibility that plutonium might be diverted for nuclear weapons use as a result of reprocessing "spent" fuel from light water power reactors, the Agency recently had an urgent need for research on an alternative approach involving use of the spent fuel from U.S.-type light water reactors directly as fuel in Canadian-type heavy water reactors. Canadian private industry is the repository of much useful background information in this area, and the Agency would quite likely have made excellent use of contracts with Canadian organizations were it not for the restrictions in section 31.

Another example of where it is not practical to rely on domestic capability is in field testing innovative safeguards techniques and equipment developed by the Agency and its contractors. It is often necessary to do this developmental work at foreign sites to determine if the techniques and equipment are

effective when used at nuclear installations which differ from those found in the United States. The inability to enter into contracts with foreign organizations for some aspects of this work is a serious handicap to the Agency in developing internationally acceptable safeguards techniques and equipment.

This authorization request is supported by plans for what I believe will be a sound, effective, and well-conceived arms control and disarmament effort by the Agency. Its early enactment is essential to permit timely Congressional consideration of the Agency's 1978 budget.

Respectfully,

ROBERT M. BEHR,
Acting.

By Mr. BENTSEN (for himself, Mr. CRANSTON, Mr. HATFIELD, Mr. LONG, Mr. JOHNSTON, Mr. GRAVEL, Mr. WEICKER, Mr. INOUYE, Mr. STONE, Mr. MATSUNAGA, and Mr. ALLEN):

S. 1043. A bill to provide for the development of aquaculture in the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

NATIONAL AQUACULTURE ORGANIC ACT OF 1977

Mr. BENTSEN. Mr. President, today I am introducing a bill which, if enacted, will enable this country to open us a new major industry. More than that, this bill will enable us to increase our supplies of valuable foodstuffs and lower our dependence on other countries for commodities.

This bill is entitled "The National Aquaculture Organic Act of 1977". It states that it is America's policy that a strong aquaculture industry be established in this country. This national policy will be backed up with a strong commitment to cooperation and coordination among all levels of government and between the public and private sector. This national policy will act as a stimulus to an industry which is still in its infancy in America, but which has proven itself over and over again in other countries.

As my distinguished colleagues are well aware, aquaculture is the culture of fish, shellfish and seaweed. It is used to either add to natural supplies or to produce commercial products for sale to consumers. Currently, U.S. aquaculture is responsible for all trout produced in this country, for over half our catfish and crawfish, and for sizable portions of our oysters and salmon. In 1973 and 1974 aquaculture was a $191 million industry in the United States, accounting for about 3 percent of all fish and shellfish consumed domestically.

When these figures are compared to what has been accomplished in other countries and what could be accomplished in America, they indicate that we have not yet begun to exploit the full potential of this industry. Right now, in the free world, aquaculture accounts for fully 10 percent of all fish and shellfish consumed. In this country we produce only five or six species under conditions that approach commercial success, while in other countries dozens of species are now produced in controlled environments for supply to consumers.

The chief reasons for the success of other countries are three-fold:

First, capital is available and goes further in those countries than in the United States.

Second, consumption and price are higher.

Third, in those countries there is a national policy to promote aquaculture.

U.S. consumption of fish and shellfish is on the increase according to every study on the subject. Demand is growing. However, the technology for U.S. aquaculture has not yet been perfected, and there is still high risk in the industry. Consequently, venture capital, already scarce in these difficult economic times, is not available in sufficient quantity for further development of aquaculture. With more practical knowledge and with a few vivid demonstrations of success, of practicality and of commercial viability, private industry will increase its investment in the industry.

There are several good reasons for us to make aquaculture more attractive to the private sector right now, rather than in the distant future:

Normal international supplies of fish appear to be diminishing while demand is increasing. Too, due to the increase in fuel prices it has become more expensive to send fishing vessels thousands of miles to distant international waters. Greater production of fish and shellfish in inland, coastal, and near-coastal waters will both increase supply and cut down on energy costs.

Currently, the U.S. imports more than 50 percent of our fishery products; in 1974 this amounted to $1.5 billion. With an improved aquaculture industry, we could increase domestic production and alleviate our balance of payments problems. One estimation predicts an annual balance of payments savings of $580 million annually.

Aquaculture is an ideal industry for coastal wetlands, many of which are now being underutilized. In addition, it can make use of thermal effluents from powerplants, and bring value to a resource that is now regarded as a nuisance and largely wasted. Currently, powerplants in New York, Florida, Texas, and California are experimenting with this type of system.

Since it began ages ago, the open-seas and coastal-waters fishing industry has been plagued not only by shortages of fish, but also by fluctuations in the supply of fish available for catching. Introduction of juvenile species, known as ocean ranching, now makes it possible to stabilize and increase this supply to the benefit of the fishing industry.

In general, protein-rich foods are in short supply around the world. Increased yield in the fishing industry, brought about by acquaculture, can make significant contributions toward increasing these supplies of necessary protein-rich foods.

Aquaculture has benefited the large corporations, "Mom and Pop" operations, and small farmers. Facilities may range from multimillion dollar operations yielding thousands of tons per year to small tanks and ponds. For several species, current technology is sufficient to allow small operations; what is needed is the perfection of marketing systems designed to bring fish from small producers to consumers. One object of the National Aquaculture Act is to aid in the development of these marketing systems.

My interest in this industry was prompted by the many successful aquaculture projects carried out by and through the Cooperative State Research Service of the Department of Agriculture. Currently, CSRS sponsors 48 research projects at State agricultural research stations and at land grant colleges. These projects include studies on breeding and genetics, nutrition, disease, and parasite control, and quality control. The scientists involved in these projects take a shirt-sleeve, hard-working approach to their research, and they have done much to further the development of freshwater foodfish.

Mr. President, the major provisions of the National Aquaculture Organic Act are as follows:

The act would establish a National Aquaculture Development Plan under the Secretary of Commerce, who will consult with the Secretary of the Interior and the Secretary of Agriculture. The plan is to identify priority species to which efforts will be devoted.

The act calls for the Federal Government to provide information and technical assistance to persons and organizations interested in aquaculture. One method of accomplishing this will be to establish a public aquaculture information center.

The act will establish an Interagency Committee on Aquaculture, which will include representatives from Commerce, Interior, Agriculture, ERDA, EPA, and FDA.

The act provides for contracts and grants to colleges, universities, and other private industry entities to further develop aquaculture.

The act permits the Secretary of Commerce to guarantee commercial loans and obligations made to persons for the purpose of construction, reconstruction, or reconditioning of aquaculture facilities in the United States.

The National Aquaculture Organic Act of 1977 is of particular importance to those States which have made significant strides in the development of aquaculture industries. To be sure, these include all the coastal States, but they also include many of our inland States. In Texas, shrimp are now being raised successfully in Corpus Christi, utilizing the thermal effluent from a nearby powerplant. Yet we of Texas have found that shrimp need not be raised only on the coast. Hundreds of miles inland near Pecos we are, on an experimental basis, raising these same shrimp in ponds located in a semiarid region. These ponds are fed by the salt waters pumped from an ancient ocean which still exists deep underground.

Too, in the farmlands Texas catfish are raised in ponds and tanks. These fish are sold to local markets or are used to stock other ponds, rivers, and lakes.

Many of our Southern States are also engaged in the raising of several aquaculture species. In the Northeast, oysters and lobsters are now being raised like farm animals. In the Northwest, juvenile salmon are being released into native streams which carry them out to sea where they mature. In just a few years

these salmon return to those same streams to spawn, and there they are harvested by local citizens. On the western coastlands abalone are now being grown commercially.

These are just a few examples of what is happening now in the early stages of the industry. What can happen in the future is even more exciting: the production of fish from old offshore oil platforms; the release of shrimp into coastal waters where they will mature and be harvested by the shrimping industry; the breeding and development of superspecies, larger, better, and more nutritious than those that now exist.

As we farm the land, so can we farm the waters. The National Aquaculture Organic Act of 1977 is a major step in that direction. I hope that my colleagues will join me in support of an act which will bring more progress in an area on which we must place increasing reliance.

Mr. President, I ask unanimous consent that a summary of my proposed legislation be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE NATIONAL AQUACULTURE ORGANIC ACT OF 1976 SPONSORED BY SENATOR LLOYD BENTSEN

PURPOSE

To provide for the development of aquaculture in the United States through:

Basic and applied research.

Coordination of existing and future activities.

Sharing of information.

Guaranteeing loans for the development of commercial aquacultural facilities.

BACKGROUND

Aquaculture is the culture of fish, shellfish and seaweed. Acquaculture is used either to add to natural supplies (as in federal and state fish hatchery release programs) or to produce commercial products for sale to consumers.

The following are representative of species that are cultivated worldwide:

Shrimp, catfish, salmon, crawfish, oysters, seaweed, scallops, carp, sea bream, milkfish, eel, lobster, baitfish, trout, clams, freshwater prawns, yellowtail flounder, and amur.

Of these, the current U.S. industry consists of baitfish, trout, catfish, oysters, salmon and shrimp. Only the first five are produced in what may be termed commercially successful quantities.

Aquaculture was a $191,480,000 industry in the United States in 1973–1974. It accounts for about three percent of all U.S. consumption of fish and shellfish. However, in Japan and Czechoslovakia, aquaculture produces ten percent of their fish and shellfish. The chief reasons for this higher percentage are that in these countries (1) capital is available and goes further, (2) consumption and price is higher, and (3) there is a national policy to promote aquaculture.

U.S. consumption of fish and shellfish is on the increase, so that demand is expected to go up. However, the technology for U.S. acquaculture has not yet been perfected, and there is still fairly high risk in the industry. Consequently, venture capital, already scarce in these tough economic times, is not available in large quantities for further development of aquaculture.

The purpose of the National Aquaculture Act is to establish a national policy to promote acquaculture through further technological development and by making less risky private capital investment in the industry. With more practical knowledge and with examples of successful operations, private industry will increase its investment in the industry.

There are several very good reasons for the promotion of the aquaculture industry:

Normal international supplies of fish appear to be diminishing while demand is increasing. Too, due to increases in fuel prices, it has become more expensive to send fishing vessels to distant international waters. Production of fish and shellfish in inland, coastal and near-coastal waters will both increase supply and cut down on energy costs, resulting in lower consumer payments for these products.

Currently, the U.S. imports more than 50 percent of our fishery products; in 1974, this amounted to $1.5 billion. More domestic production, which would come with aquaculture, will help with our balance of payments problems. One estimation predicts an annual balance of payments savings of $580 million annually.

Aquaculture is an ideal industry for coastal wetlands, many of which are now being underutilized. Also, it can make use of thermal effluents from power plants, thus bringing value to a resource that is now largely wasted; currently power plants in New York, Florida, Texas and California are involved in this type of system.

Since it began ages ago, the open-seas and coastal fishing industry has been plagued by fluctuations in the supply of fish available for catching. Introduction of juvenile species, known as ocean ranching, now makes it possible to stabilize and increase this supply.

In general, protein-rich foods are in short supply. Increased yield in the fishing industry, brought about by aquaculture, can make significant contributions toward increasing the supplies of necessary protein-rich foods.

Aquaculture has benefited the large corporations, "Mom and Pop" operations, and small farmers. Facilities may range from multi-million dollar operations yielding thousands of tons per year to small tanks and ponds. For several species, current technology is sufficient to allow small operations; what is needed is the perfection of marketing systems designed to bring fish to small producers to consumers. One object of the National Aquaculture Act is to aid in the development of these systems.

MAJOR PROVISIONS OF THE NATIONAL AQUACULTURE ORGANIC ACT

(1) Establishes a National Aquaculture Development Plan under the Secretary of Commerce, who will consult with the Secretary of the Interior and the Secretary of Agriculture.

The plan is to establish "priority" species to which efforts will be devoted. Individual plans for the commercial production of each priority species will be developed.

(2) Calls for the Secretary of Commerce to provide information and technical assistance to persons and organizations interested in aquaculture.

Establishes a public aquaculture information center to function as a national clearinghouse for projects and technical data and analysis.

(3) Establishes the Interagency Committee on Aquaculture, which will include representatives from Commerce, Interior, Agriculture, EPA, ERDA, FDA and other Federal agencies which the Committee finds to have functions related to Aquaculture. The Committee will be responsible for coordination of Federal efforts.

(4) Provides for contracts and grants by Federal agencies in furtherance of this Act.

(5) Permits the Secretary of Commerce to guarantee commercial loans and obligations made to persons for the purpose of construction, reconstruction, or reconditioning of aquaculture facilities in the United States.

(6) Requires annual reporting on the implementation of this Act of Congress.

(7) Authorizations:

	1978	1979	1980
Commerce	$1,500,000	$12,500,000	$12,500,000
Interior	1,000,000	7,500,000	7,500,000
Agriculture	1,000,000	7,500,000	7,500,000
Total	3,500,000	27,500,000	27,500,000

Also, $100 million is authorized without fiscal year limitation to the Secretary of Commerce, to be held in trust for purposes of guaranteeing commercial loans and obligations outlined in (5).

By Mr. STEVENSON:

S. 1044. A bill to permit the vessel *Manatra II* to be inspected, licensed, and operated as a passenger-carrying vessel, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENSON. Mr. President, I introduce a bill to permit the vessel *Manatra II* to be inspected, licensed, and operated as a passenger-carrying vessel. *Manatra II*, owned by the Marine Navigation and Training Association, is operated on Lake Michigan to provide nautical training for groups such as Sea Scouts and Sea Cadets. The vessel does not meet the Coast Guard's safety standards for vessels of her size and tonnage. However, I understand that the association has undertaken substantial alterations and has consulted closely with the Coast Guard on steps required to insure the safe operation of the vessel.

I emphasize in introducing this bill that I am not suggesting that the Congress override the expert judgment of the Coast Guard on matters of safety. Instead, it is my purpose to facilitate an inquiry to determine whether a sound arrangement can be made to permit the vessel to be used for the association's training programs without compromising essential safety rules.

By Mr. STEVENSON:

S. 1045. A bill to change the name of the Indiana Dunes National Lakeshore to the Paul H. Douglas National Lakeshore; to the Committee on Energy and Natural Resources.

Mr. STEVENSON. Mr. President, today I am introducing a bill, along with my colleague, Mr. PERCY, to rename the Indiana Dunes National Lakeshore after the man most responsible for preserving the Nation's first urban national park—Senator Paul H. Douglas. The thousands of acres in this most valuable ecological, geological, and recreational resource exist today due to the perseverance of Senator Douglas.

I can think of no better way to pay tribute to the man who was concerned about the pressures and effects of life in the big city and the need to maintain easily accessible open space where city dwellers can rediscover themselves.

Many Indiana citizens wanted the dunes preserved, but had no one to help fight their cause. In 1957, members of the Save the Dunes Council approached Senator Douglas after their pleas for help to their own legislators proved fruitless.

His support of this cause came as a surprise to no one. He always extended his services to people in need—evidenced by his unrelenting efforts for civil rights,

education, medicare, urban renewal, and economic development.

Faced with the resistance of powerful business and development interests, Paul Douglas waged the battle for the lakeshore. It was Paul Douglas who aroused the conservation groups and public opinion. It was Paul Douglas who battled land speculators who sought vast profits. It was Paul Douglas who enlisted the support of Presidents Kennedy and Johnson.

After long and often discouraging conflict, Congress authorized the establishment of the Indiana Dunes National Lakeshore in November 1966. Without his persistence and determination this important part of our national heritage would not be preserved for future generations. All of it would have disappeared in the same manner much of it has already disappeared—lost to industrial growth by invading bulldozers and cement mixers.

Paul Douglas was a man of vision and courage who represented and fought for the millions of people who are the real, but often unrepresented, strength of this country.

At the beginning of his fight, Senator Douglas pleaded with a Senate that was not quite ready:

With all humility, I ask for your support of this bill to create the Indiana Dunes National Monument. I ask it in the name of the people of Indiana to whom it should belong forever; the people of Illinois who depend upon it; the people of the United States who are growing ever more alert to their disappearing natural resources; and the people, the millions upon millions of people who are yet to be born who cannot live and grow and be happy in a tight little world of factories, of smoke and noise and unrelieved pressures.

Mr. President, I believe it is proper that the "millions who are to be born" have a reminder of their debt to this great man—a man of honesty, compassionate understanding and loyalty. The lakeshore should be named the Paul H. Douglas National Lakeshore.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved on November 5, 1966 (80 Stat. 1309), is amended by striking out "Indiana Dunes National Lakeshore", wherever it appears, and inserting in lieu thereof "Paul H. Douglas National Lakeshore".

By Mr. SCHWEIKER (for himself, Mr. HELMS, Mr. HEINZ, Mr. DOLE, Mr. HATFIELD, and Mr. RANDOLPH):

S. 1046. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize an evaluation of the risks and benefits of certain food additives and to permit the marketing of saccharin until such an evaluation can be made of it; to the Committee on Human Resources.

Mr. SCHWEIKER. Mr. President, I send to the desk a bill to amend the Federal Food, Drug, and Cosmetic Act to authorize an evaluation of the risks and benefits of certain food additives and to permit the marketing of saccharin until such an evaluation can be made.

The Food and Drug Administration's recent announcement that it intends to prohibit the use of saccharin in foods and beverages has provoked a great public outcry, as I am sure all of my colleagues are aware. The FDA's decision was based on the results of a Canadian study which found that saccharin, when fed to rats in high doses, caused cancer of the bladder. Previous tests have not demonstrated with any degree of certainty that saccharin poses a risk of cancer, and saccharin has been used by the American people for about 80 years. Many people simply do not believe that sufficient evidence now exists to warrant a ban. But, the terms of the Delaney clause of the Food, Drug, and Cosmetic Act, FDA had no choice but to move against saccharin.

There are 10 million diabetics in this country who must forego normal sugar consumption. Many other Americans suffer from conditions, such as obesity, which make it necessary for them to restrict their intake of sugar. Countless people may run an increased risk of developing heart disease if they must give up artificial sweeteners.

Since cyclamates were banned in 1970, these people have relied exclusively on saccharin as an artificial sweetener. There is no other sugar substitute available to them. If the saccharin ban goes into effect, there will be no artificial sweeteners permitted to be sold in the United States.

We must be diligent in protecting the public health. We must not knowingly allow the American people to be exposed to substances which present a substantial cancer-causing risk. The purpose of the Delaney clause, which was enacted in 1958 when our ability to detect risks was much less advanced, is to insure that unsafe, cancer-causing substances do not enter into our food supply. In light of our increased scientific sophistication, and the fact that there may well be substantial health risks entailed if some additives—such as artificial sweeteners—are prohibited when there are no substitutes available, I think we should explore whether it is wise to give Federal officials some flexibility in administering the law. The bill I am introducing today would accomplish that.

My bill, similar to legislation already introduced on the House side by Representative JIM MARTIN of North Carolina, would not repeal the Delaney clause. Instead, the bill would permit Federal officials to use more discretion in making decisions to remove food additives from the marketplace, by allowing them to make an evaluation of the relative benefits and risks of such decisions.

Specifically, this legislation would allow the Secretary to make a finding that the benefits of permitting estimated use of a food additive outweigh the risks to human health posed by its continued use. The Secretary would have to consult with an advisory committee composed of trained scientists, consumer representatives, industry representatives, nutritionists, and other experts. We would have to provide a reasonable opportunity for comments from interested persons, and his finding could not take effect until 120 days after it was published in the Federal Register.

In making his evaluation of an additive, the Secretary would specifically be required to take into consideration such factors as the reliability of any tests performed with the additive, intake levels, ways to minimize human exposure to any risk posed by the additive, environmental effects, nutritional effects, and other considerations relating to the general public interest.

Lastly, the bill would allow for the continued availability of saccharin until there has been an opportunity for such an evaluation of the benefits and risks presented by its continued use.

I believe we owe it to the American people to be responsive to the deeply felt public concern which has arisen in connection with the decision to ban saccharin. I believe that the issues raised by the FDA decision merit serious consideration by the Congress, and the introduction of this legislation today is a step in that direction.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food Additive Safety Amendments of 1977".

SEC. 2. Section 409(c)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348 (c)(3)) is amended—

(1) by inserting "(A)" after "(3)", by striking out "(i)" and "(ii)" in subparagraph (A), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), by inserting "(I)" after "shall not apply with respect to", and by inserting after the semicolon the following: "(II) any food additive to be used as an ingredient of food for human consumption if, upon petition setting forth the grounds therefor, the Secretary has, in accordance with subparagraph (B), made and published in the Federal Register a finding that based on all the data presented the benefit to the general public from permitting the use of the additive outweighs any risk to human health that permitting such use may present"; and

(2) by adding at the end the following:

"(B)(i) A finding described in subparagraph (A)(i)(II) may be made only after the Secretary has received and considered the recommendations respecting such finding submitted by an advisory committee appointed by the Secretary from (I) individuals who are qualified by scientific training and experience to evaluate the carcinogenic effect of the food additive with respect to which such finding would be made and to evaluate the other effects of the use of such additive, (II) persons representative of the interests of consumers and the food additive industry affected, and (III) nutritionists, economists, scientists, and lawyers. The Secretary shall also provide reasonable opportunity for interested persons to comment on such a finding, and such a finding shall not take effect until the expiration of 120 days after it is published in the Federal Register.

"(ii) In making such a finding with respect to a food additive, the Secretary shall consider and in the finding—

"(I) evaluate the intake level at which the food additive causes cancer in animals in relation to the reasonably expected intake level of the additive by humans,

"(II) evaluate the quality of any test data and the validity of any tests which may have been performed on the food additive,

"(III) assess human epidemiological and exposure data respecting the food additive and statistical data on human consumption of it,

"(IV) evaluate any known biological mechanism of the carcinogenic effect of the food additive,

"(V) evaluate the means available to minimize human exposure to the risks presented by the food additive and the adequacy of the data available on such means, and

"(VI) evaluate the probable effects of prohibiting the use of the food additive and evaluate the probable effects of permitting its use, such evaluations to be made in accordance with the following priorities: first, health risks and benefits; second, nutritional needs and benefits and the effects on the nutritional value, cost, availability, and acceptability of food; third, environmental effects; and fourth, the interests of the general public.".

SEC. 3. The food additive regulation of the Food and Drug Administration applicable to saccharin on March 15, 1977 (Part 180, § 180.37; 52 Fed. Reg. 14638), shall, notwithstanding paragraph (c) of such regulation, remain in effect until such date as the Secretary of Health, Education, and Welfare determines he is unable to make the finding described in subsection (c)(3)(A)(i)(II) of section 409 of the Federal Food, Drug, and Cosmetic Act. Such a determination shall be published in the Federal Register.

By Mr. SCHMITT (for himself and Mr. DOMENICI):

S. 1047. A bill to amend the Urban Mass Transportation Act of 1964; to the Committee on Banking, Housing and Urban Affairs.

Mr. SCHMITT. Mr. President, I am introducing today an amendment to the Urban Mass Transportation Act of 1964, which provides for a clarification of the provisions under section 13(c). I am happy to have my colleague, Senator DOMENICI, as a cosponsor. This clarification of section 13(c) is needed in order to prevent the unnecessary delay of the approval by the Secretary of Labor of funding for mass transit programs in urban areas.

Section 13(c) of the Urban Mass Transportation Act of 1964 includes five provisions which are designed to protect the interests of workers affected by any changes made because of the funding by the Federal Government of local mass transit programs. Unfortunately, a perverse set of circumstances presently prevails to actually harm the interests of the workers which paragraph 13(c) was designed to protect.

It was the intent of Congress that the protective agreements between the city and the union representatives be negotiated at the local level. I quote the report of the House Committee on Banking and Currency:

The Committee wishes to point out that, subject to the basic standards set forth in the bill, specific conditions for worker protection will normally be the product of local bargaining and negotiations.

Presently in the city of Albuquerque, $1 million in urban mass transit funds are being denied to the city because of unnecessary bureaucratic delays here in Washington which is due in part to the unclear statement regarding the negotiation of protective agreement in section 13(c). My amendment would provide a clarification of the law with regard to the negotiation of protective agreements.

In Albuquerque, 15 employees of a local union are about to lose their jobs because of the entanglement of redtape in Washington. As pointed out recently in testimony before the Banking, Housing and Urban Affairs Committee, this problem has developed in other cities as well. I think it is necessary that the clarification provided in my amendment be adopted quickly.

The situation in my home State is well documented in several articles from the Albuquerque papers. I ask unanimous consent that they be printed in the RECORD following my remarks.

I have been in contact with the Secretary of Labor, the Honorable Ray Marshall, concerning this situation in Albuquerque, and he has agreed to look into the present situation. However, corrective legislation is obviously required.

I also ask unanimous consent that the text of my bill be printed in the RECORD.

Thre being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 1047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Section 13 (c) of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following: "Such arrangements shall not include a requirement for approval of any collective bargaining agreements other than by the appropriate local employee representatives."

[From the Albuquerque Journal, Mar. 1, 1977]

BUS RIDERS LOSE OUT

Albuquerque bus riders should ask Congress to change a law which threatens a part of this city's transit system service.

The U.S. Dept. of Labor (DOL) has refused to certify a $1 million grant in operating funds to the system because the international United Transportation Union (UTU) objected to a local labor protection agreement negotiated by the local union and the city. The Urban Mass Transportation Act (UMTA) requires that a labor protection agreement be negotiated between the transit operator and the union before the funds are released. The international union refused to accept the local union's agreement with the city so the DOL refused to certify the loan grant.

The DOL refusal will result in a cutback in city bus service beginning March 21 that will affect an estimated 2,500 rides riders a day and will result in the end of 10 to 15 jobs within the transit system.

The bus riders of Albuquerque should not have to suffer because of the actions of a labor union that has been given virtual veto power over issuance of federal grants to transit systems such as Albuquerque's.

The part of the act which grants such power is absurd and should be removed from the law. Not only does it delegate federal power to the union, it circumvents the intent of Congress which appropriated funds to help public transit systems better serve the public.

The irony is the union's refusal to approve the local labor protection agreement and will cost some transt workers their jobs and thousands of other persons their transportation.

[From the Albuquerque Tribune, Mar. 1, 1977]

DOESN'T MAKE SENSE

The city's dilemma in which it is forced to curtail or cut bus service reads like the cliche about winning the battle and losing the war.

The city will eliminate Sunday and night bus service, phase out two routes and cut back several other routes because Albuquerque did not receive a federal grant totalling more than $1 million.

The grant money has been refused because the United Transportation Union international would not approve a contract between its Local 1745 and the City of Albuquerque.

The grant under which the city sought to receive the federal grant requires that a labor protection agreement be negotiated between the city and the union before the federal funds are released.

The international union refused to ratify the agreement because the local pact does not provide such items as binding arbitration and the right to strike.

The city's chief administrative officer, Frank Kleinhenz, said those items could not be included in the contract because he believed the city would be in violation of state law.

The irony of the United Transportation Union's veto of the local agreement is that 10 to 15 of its members—city bus drivers—will lose their jobs because of the cutbacks in bus service.

In addition to the hardships faced by the drivers and their families, there also will be the loss of public transportation to people who depend on bus service to get them around the city.

The people of Albuquerque are the losers in the United Transportation Union's "victory" in blocking Albuquerque's federal grant

It doesn't make sense.

[From the Albuquerque News, Mar. 3, 1977]

UNION BLACKMAIL

Although abuses of union power seem disturbingly commonplace these days, few are as galling as that currently being perpetrated against the citizens—of Albuquerque by the United Transportation Union International.

Due to an inexplicable act of Congress, the UTU has been given, in effect, the power to determine whether or not Albuquerque receives federal funds for the operation of its bus system. This situation is not as strange as it may seem: special interest groups have often been able to attach "riders" onto worthwhile legislation which then becomes ineffective. But the fact is, the UTU International has deprived Albuquerqueans of adequate bus service.

Because the UTU International has refused to approve the contract its own Local 1745 made with the City, the U.S. Department of Labor will not release funds amounting to more than $1 million that would normally be granted to the City under provisions of the Urban Mass Transportation Act.

As a result, Albuquerqeans will not be able to ride the bus on Sundays or at night. And two bus routes will be eliminated, while the remaining services will be curtailed. Ten to 15 local UTU members will lose their jobs as a result of these cutbacks (adding to Albuquerque's already high unemployment rolls). Our elderly and lower-income families will find it even more difficult to survive economically.

This a clear-cut case of blackmail by the UTU International, which says, "If you don't play the game our way, we'll foreclose on your bus system." What makes the situation even more intolerable is that this blackmail is being financed with taxes paid by those very people who are being blackmailed,

and that the international union has overruled an agreement that was acceptable to most members of its own local union.

It is difficult to understand how the International's action could be in the best interest of its Albuquerque members.

Congress must put an end to this sort of blackmail. We urge you to write your legislators and ask what actions they have taken or will take to prevent such abuses where out-of-state union forces can cripple our transportation system.

By Mr. CHILES (for himself and Mr. STONE):

S. 1048. A bill to amend title XVIII of the Social Security Act so as to enable certain aliens to obtain coverage under the supplemental medical insurance program established by part B of such title; to the Committee on Finance.

Mr. CHILES. Mr. President, I am introducing on behalf of myself and Senator STONE, a bill to amend part B of the medicare program to provide for extended eligibility for participation in this program to elderly and disabled Cuban refugees and other persons in similar situations. This legislation is similar to amendments I offered during consideration of the Supplementary Security Income Act of 1972 that were enacted into law.

There reside today in Florida and throughout the United States a sizable number of Cuban refugees and other persons in a like situation who are not eligible to participate in the medicare part B program. Many of these hard working and productive persons are elderly, and many are disabled. The part B voluntary insurance program provides medical insurance benefits for aged and disabled individuals. Those who are eligible and decide to enroll may receive payments for home health care, diagnostic tests, and pathological and outpatient physical therapy services. This program is financed by payments from the enrollee along with contributions from Federal funds. Under the current law, eligibility is restricted to persons 65 years of age or older and who are either U.S. citizens or have been admitted as resident aliens living here for the last 5 years. The legislation I introduce today would provide for expanded eligibility for aliens who are residing in the United States under color of law, to include those present in this country as a result of the application of the provisions of section 203(a)(7) or section 212(d)(5) of the Immigration and Nationality Act.

Traditionally, we have extended to refugees equal treatment under the law and have accorded them eligibility to participate in various Federal programs. Based upon these past actions, we should not continue to deny their participation in this voluntary insurance program.

I think it is important and necessary that the Congress correct these past oversights and assure that these elderly and disabled members of our society will be able to have the benefits of medicare part B.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1836 (2) of the Social Security Act is amended to read as follows:

"(2) has attained age 65 and is a resident of the United States, and

"(A) is a citizen of the United States,

"(B) is an alien lawfully admitted for permanent residence in the United States, or

"(C) is an alien who is not lawfully admitted for permanent residence in the United States but who is (and on January 1, 1975, was) otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 203 (a) (7) or section 212 (d) (5) of the Immigration and Nationality Act),". (b) For purposes of section 1837 (d) of the Social Security Act, an individual, who does (but would not except for the amendments made by subsection (a)) first satisfy paragraph (2) of section 1836 of such Act on a date which is prior to the date of enactment of this Act, shall be deemed first to satisfy such paragraph (2) on the date of enactment of this Act.

Mr. STONE. Mr. President, through an unfortunate oversight, the opportunity was lost some years ago to amend the medicare part B voluntary insurance program of title XVIII of the Social Security Act. Such an amendment would have enabled many Cuban refugees living in our country and other persons of similar status to be eligible for the benefits offered by this program. It is very important, Mr. President, that these individuals be included in the voluntary insurance program. Many elderly persons are presently excluded despite the fact that they are hardworking and contributing members of our society.

For this reason, I want to cosponsor S. 1048, introduced by my distinguished senior colleague from Florida, Senator CHILES, amending part B of the medicare program—supplementary medical insurance benefits for aged and disabled—in order to include Cuban parolees and other persons of like status among the voluntary beneficiaries of welfare assistance to the blind, aged, or permanently disabled. This program offers benefit payments for home health services, diagnostic tests, and pathological and outpatient physical therapy services. Unlike other welfare programs, there is no requirement of impoverishment for participation in medicare part B.

Certainly, Mr. President, Congress should promptly look into this matter and enact legislation to extend the benefits of this program to all persons who are entitled to them.

By Mr. RANDOLPH:

S. 1050. A bill to amend title 39 of the United States Code to extend the period during which there is a moratorium on the increase of any rates, the reduction in levels and types of postal services, and the closing of certain post offices; to the Committee on Governmental Affairs.

LEGISLATION TO EXTEND MORATORIUM ON THE CLOSING AND CONSOLIDATION OF POST OFFICES, INCREASES IN POSTAL RATES, AND REDUCTIONS IN THE LEVELS OF SERVICE

Mr. RANDOLPH. Mr. President, on September 24 of last year H.R. 8603 became Public Law 94-421. This measure primarily concerns organizational and financial activities of the U.S. Postal Service and the Postal Rate Commission. It also contains a provision to prevent the indiscriminate closing of small post offices throughout America.

During the development of H.R. 8603, I consistently stressed the need to provide for the continuance of established postal services in rural areas and small towns of America. As a result, the bill contained language placing a moratorium on the closing and consolidation of post offices and prohibiting postal rate increases and reductions in levels of service until March 15, 1977. The date of March 15 was selected because on that date the Commission on Postal Service was required to report its findings to Congress and the President.

The Commission on Postal Service, established by Public Law 94-421, consists of seven members: three—including the chairman—appointed by the President, and two each appointed by the President pro tempore of the Senate and the Speaker of the House. The Postmaster General and the chairman of the Postal Rate Commission are ex-officio members without a vote. The general responsibility of the Commission is to conduct a comprehensive study of the Postal Service. However, the Commission is also required to review and issue recommendations on specific areas of interest, including public service aspects of the Postal Service.

The March 15 deadline, of course, has passed and the Commission's report is now due on April 18. I have reviewed the moratorium provisions of the bill and believe there is need for an extension. Congress must have time to review the recommendations of the Commission on Postal Services and to take the necessary steps to develop legislation in response to the recommendations.

The bill I introduce today extends from March 15 to October 31, 1977, the moratorium on rates, service reductions, post office closings and consolidations provided in Public Law 94-421. This extension will give sufficient time for the Congress to develop any legislative proposals on postal operations that should be undertaken as a result of the Commission's report.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1050

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (e) of section 2401 of title 39, United States Code, is amended by striking out "ending on the date on which the Commission on Postal Service is required to transmit the final report required under section 7(f)(1) of the Postal Reorganization Act Amendments of 1976 to the President and each House of Congress," and inserting in lieu thereof the following: "ending on October 31, 1977,".

By Mr. BIDEN (for himself, Mr. BAYH, and Mr. MCINTYRE):

Senate Joint Resolution 39. A joint resolution to provide for a study of the effects of saccharin; to the Committee on Human Resources.

Mr. BIDEN. Mr. President, there is no evidence that saccharin has caused—or will ever cause—cancer in humans. There is, according to the Food and Drug Administration, no immediate hazard to human beings. And, there have been no public hearings on the matter.

And yet, the FDA has ordered that products containing saccharin be removed from the market. This is just another example of the Federal Government going too far. It is also an example of going beyond commonsense.

I am today introducing a joint resolution that will prevent the FDA from carrying out this prohibition until it or the Office of Technology Assessment has conducted adequate research.

Saccharin is an artificial sweetener used in artificially flavored soft drinks, canned fruits, diet jams and jellies, sugarless chewing gum, toothpaste, mouthwash, cosmetics, over-the-counter drugs, and other products. Millions of Americans use it. They want to continue using it.

Some citizens need it—for instance, diabetics. Many of them would die from drinking one can of soft drink. They deserve an alternative.

Also, people with weight problems. There is scientific evidence that this condition can be hazardous to a person's health. Perhaps many more of us ought to use saccharin.

Saccharin is the only artificial sweetener that has been approved for use in food and beverages since the FDA banned cyclamates 7 years ago. And, by the way, some of the evidence that was used to justify that ban has subsequently been contradicted.

Taking products containing saccharin off the market would also be a severe blow to the companies that produce these products. In my view, it would be an unnecessary blow at this time.

Mr. President, I am not a scientist but I know that rats are different from people. I know that the relative quantity of an additive can make a crucial difference in an experiment.

In the Canadian experiment on which the FDA bases its ruling, the rats were fed the human equivalent of 800 cans of artificially flavored soft drinks a day. The Coulston experiments in the United States, which used a smaller amount, found that saccharin was no health hazard to human beings.

We ask only that the FDA or the OTA conduct, on human beings rather than rats, adequate studies that come to indisputable conclusions.

The FDA ban is well meaning, but it will hurt more than it will help. We must bring it to a halt.

ADDITIONAL COSPONSORS

S. 76

At the request of Mr. STONE, the Senator from Idaho (Mr. CHURCH), the Senator from South Carolina (Mr. THURMOND), the Senator from Rhode Island (Mr. PELL), and the Senator from Louisiana (Mr. JOHNSTON) were added as cosponsors of S. 76, a bill to amend title XVIII of the Social Security Act to authorize a payment under the medicare program for certain services performed by chiropractors.

S. 175

At the request of Mr. SCHWEIKER, the Senator from Ohio (Mr. GLENN) was added as a cosponsor of S. 175, a bill to provide a special program of financial assistance to Opportunities Industrialization Centers and to other national community based organizations.

S. 196

At the request of Mr. BURDICK, the Senator from Idaho (Mr. CHURCH) was added as a cosponsor of S. 196, to amend the Internal Revenue Code.

S. 247

At the request of Mr. GOLDWATER, the Senator from New Mexico (Mr. SCHMITT), was added as a cosponsor of S. 247, a bill to provide recognition to the Women's Air Forces Service Pilots for their service to their country during World War II by deeming such service to have been active duty in the Armed Forces of the United States for purposes of laws administered by the Veterans' Administration.

S. 311

At the request of Mr. ROTH, the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 311, a bill entitled the College Tuition Tax Relief Act of 1977.

S. 498

At the request of Mr. STEVENSON, the Senator from Minnesota (Mr. ANDERSON) was added as a cosponsor of S. 498, a bill to amend the Federal Aviation Act of 1958 to provide improved notice to the public of changes in air carrier fares.

S. 506

At the request of Mr. HUMPHREY, the Senator from Washington (Mr. MAGNUSON) was added as cosponsor of S. 506, the Wage Supplements for Handicapped Individuals Act.

S. 514

At the request of Mr. RIBICOFF, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 514, to amend title XVIII of the Social Security Act.

S. 573

At the request of Mr. MATSUNAGA, the Senator from Wyoming (Mr. HANSEN) was added as a cosponsor of S. 573, to amend the Federal Aviation Act of 1958.

S. 689

At the request of Mr. KENNEDY, the Senator from Alabama (Mr. ALLEN) and the Senator from Idaho (Mr. CHURCH) were added as cosponsors of S. 689, a bill to amend the Federal Aviation Act of 1958 to encourage, develop and attain an air transportation system which relies on competitive market forces.

S. 694

At the request of Mr. KENNEDY, the Senator from South Dakota (Mr. McGOVERN), the Senator from Michigan (Mr. RIEGLE), the Senator from Utah (Mr. GARN), and the Senator from South Dakota (Mr. ABOUREZK) were added as cosponsors to S. 694, a bill to adjust the status of Indochinese refugees to that of lawful permanent residents of the United States.

S. 772

At the request of Mr. BARTLETT, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 772, to amend section 1011(d) of the Tax Reform Act of 1976.

S. 779

At the request of Mr. BURDICK, the Senator from California (Mr. CRANSTON), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 779, to amend the Internal Revenue Code.

S. 939

At the request of Mr. BAYH, the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of S. 939, the trade adjustment assistance program amendments.

S. 972

At the request of Mr. NELSON, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 972, a bill to authorize the Small Business Administration to make grants to support the development and operation of small business development centers in order to provide small business with management development, technical information, product planning and development, and domestic and international market development, and for other purposes.

S. 991

At the request of Mr. RIBICOFF, the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 991, to establish a Department of Education.

S. 1015

At the request of Mr. NELSON, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1015, to provide for the regulation of certain detergents in the Great Lakes region.

S. 1034

At the request of Mr. HAYAKAWA, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 1034, relating to the use of saccharin.

SENATE RESOLUTION 105

At the request of Senator NELSON, the Senator from Colorado (Mr. HART) and the Senator from New York (Mr. JAVITS) were added as cosponsors of Senate Resolution 105, calling for a White House Conference on Small Business.

SENATE JOINT RESOLUTION 27

At the request of Mr. DECONCINI, the Senator from Nebraska (Mr. ZORINSKY) was added as a cosponsor of Senate Joint Resolution 27, to limit Senators to two terms.

SENATE JOINT RESOLUTION 28

At the request of Mr. DANFORTH, the Senator from Utah (Mr. GARN) was added as a cosponsor of Senate Joint Resolution 28, to limit the terms of Members of Congress.

SENATE RESOLUTION 119—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL PRINTING

(Referred to the Committee on Rules and Administration.)

Mr. CHURCH submitted the following resolution:

S. RES. 119

Resolved, That there be printed for the use of the Special Committee on Aging one thousand one hundred and sixty additional copies of its report to the Senate entitled "Development in Aging: 1976" (Pt. 1).

SENATE RESOLUTION 120—SUBMISSION OF A RESOLUTION RELATING TO THE BAN ON SACCHARIN

(Referred to the Committee on Human Resources.)

Mr. HUMPHREY submitted the following resolution:

S. RES. 120

Resolved, That it is the sense of the Senate that no ban or prohibition on the production, distribution, or sale of saccharin should take effect unless and until full and complete hearings have been conducted by the Food and Drug Administration to consider whether tests have been appropriate for the evaluation of the safety of this food additive, with respect to inducing cancer in man or animal; and, moreover, whether alternative public health protection measures should be taken in response to alleged carcinogenic effects of saccharin ingestion, where the danger to health of human consumption of normal quantities of saccharin has not been finally established; and, finally, whether an exemption from such ban or prohibition should be granted with respect to saccharin required for special dietary purposes.

FDA BAN OF SACCHARIN IS PREMATURE

Mr. HUMPHREY. Mr. President, the annals of American history are replete with heroic actions. We know that Nathan Hale regretted that he had but one life to give to his country. We remember that Barbara Fritchie never lowered her country's flag.

And now the Food and Drug Administration has stepped right between the calorie-conscious American and the only artificial sweetener on the market.

On March 9, FDA announced that it would ban the use of saccharin in foods after notice in the Federal Register and a period of public hearings.

It explained this action as a compulsory reaction to a Canadian study which alleged that high dosages of saccharin could cause malignant tumors in rats.

First, let me acknowledge that the FDA did not act without some precedent. Doubts about the safety of saccharin have persisted for many years, neither confirmed nor completely dispelled.

In 1972, the FDA imposed limits to discourage the general use of saccharin. A study requested of the National Academy of Sciences in 1974 concluded only that further study was needed. In January 1977, the FDA announced that it would act on the basis of the results of a Canadian study then underway.

The results are in. The FDA action responds to the language of the Delaney clause of the Food, Drug and Cosmetics Act, which flatly prohibits the use in food of any ingredient shown to cause cancer in animals or man.

As a consistent supporter of strict enforcement by the FDA of high safety standards, I am not convinced that this goal precludes any exercise of human or medical judgment.

There has been some tendency to dismiss the passionate public response to this ban as being only a case of protests from persons unwilling to forego self-indulgence in sweets. However, the impact of this ban would be far broader than persons with weight control problems. There are 10 million diabetics, of all ages, who require special sugar-free diets. There are millions of cardiovascular patients who must restrict their sugar intake. And there are millions of Americans who do not use saccharin but who consider the ban an arbitrary and simplistic action that offends commonsense. They believe that human judgment is an appropriate element of any governmental decision affecting the lives and habits of millions of Americans.

The issue is one of reasonableness. Science is not so advanced that it can always provide absolute answers. Rigid, automatic action that admits no weighing of benefit and risk is exaggerated in light of the history and experience with saccharin. I believe we can act rationally without abandoning the important principle of high standards of public safety. My proposal is that the forthcoming hearings should consider whether the evidence in support of the saccharin ban actually permits an evaluation of the safety of this food additive. I personally believe such a ban may be premature when based on a single study carried out elsewhere after at least 40 previous tests failed to develop conclusive evidence of harm. More important, I think the implications for human safety are not clearly established by test amounts equivalent to the human consumption of 800 12-ounce diet sodas daily over a lifetime.

I am happy to know that the House Commerce Subcommittee on Health and Environment has scheduled hearings to consider this action, and possible legislative clarification of the intent of current law.

To support this inquiry, I am today proposing a resolution to assure full hearings on both the necessity of this ban and the possible impact on persons whose special dietary requirements would be affected.

AMENDMENTS SUBMITTED FOR PRINTING

CODE OF OFFICIAL CONDUCT—SENATE RESOLUTION 110

AMENDMENTS NOS. 111 THROUGH 114

(Ordered to be printed and to lie on the table.)

Mr. HELMS submitted four amendments intended to be proposed by him to amendment No. 65 proposed to the resolution (S. Res. 110) to establish a Code of Official Conduct for Members, officers, and employees of the Senate; and for other purposes.

AMENDMENT NO. 116

(Ordered to be printed and to lie on the table.)

Mr. DURKIN (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by them jointly to Amendment No. 65 proposed to Senate Resolution 11, supra.

AMENDMENT NO. 117

(Ordered to be printed and to lie on the table.)

Mr. DURKIN submitted an amendment intended to be proposed by him to amendment No. 65 to Senate Resolution 110, supra.

AMENDMENT NO. 118

(Ordered to be printed and to lie on the table.)

Mr. BAKER submitted an amendment intended to be proposed by him to Senate Resolution 110, supra.

AMENDMENT NO. 119

(Ordered to be printed and to lie on the table.)

Mr. BARTLETT (for himself and Mr. NUNN) submitted an amendment intended to be proposed by them jointly to Senate Resolution 110, supra.

AMENDMENT NO. 120

(Ordered to be printed and to lie on the table.)

Mr. BELLMON submitted an amendment intended to be proposed by him to amendment No. 65 proposed to Senate Resolution 110, supra.

AMENDMENT NO. 121

(Ordered to be printed and to lie on the table.)

Mr. CURTIS submitted an amendment intended to be proposed by him to amendment No. 65 to Senate Resolution 110, supra.

ADDITIONAL DISTRICT COURT JUDGES—S. 11

AMENDMENT NO. 115

(Ordered to be printed and referred to the Committee on the Judiciary)

Mr. STONE (for himself and Mr. CHILES) submitted an amendment intended to be proposed by them jointly to the bill (S. 11) to provide for the appointment of additional district court judges, and for other purposes.

NOTICES OF HEARINGS

FOOD STAMP PROGRAM

Mr. McGOVERN. Mr. President, on behalf of the Subcommittee on Nutrition of the Committee on Agriculture Nutrition and Forestry, I wish to announce food stamp hearings on Friday, March 25 at 9 a.m.

Primarily, the purpose of these hearings is to handle the overflow of witnesses who could not be accommodated at the full committee farm bill hearings. However, a limited number of additional witnesses will be scheduled subject to time constraints.

Oral testimony will be limited to 10 minutes, but written statements may be of any length and will be inserted into the record in their entirety. Anyone wishing to testify should contact the hearing clerk of the committee at 224–2035.

WITNESS LIST

Mr. RIBICOFF. Mr. President, the Governmental Affairs Committee will continue its hearings on S. 826 and S. 591. The following additional dates have been scheduled:

Tuesday, March 29th, 1977:

Mr. Robert W. Fri, Acting Administrator, Energy Research and Development Administration.

Mrs. Patricia Roberts Harris, Secretary,

Department of Housing and Urban Development.

Mr. Brock Adams, Secretary, Department of Transportation.

Mr. Roderick M. Hills, Chairman, Securities and Exchange Commission.

Dr. David A. Hamil, Administrator, Rural Electric Administration.

Dr. John J. Bennett, Assistant Secretary for Naval Installations and Logistics, Department of the Navy.

Mr. George M. Stafford, Chairman, Interstate Commerce Commission.

Wednesday, March 30th, 1977:

Mr. Peter Stern, North East Utilities.

Mr. Arnold Saltzman, Commissioner, Federal Advisory Committee on National Growth Policy Processes

Mr. Edward F. Burke, Chairman, Rhode Island Public Utilities Commission.

Dr. Chauncy Starr, President, Electric Power Research Institute.

Mr. Irving S. Shapiro, Chairman, Board of Directors, E.I. Dupont De Nemours and Company.

OPERATION OF THE BLACK LUNG BENEFITS PROGRAM

Mr. RANDOLPH. Mr. President, I am authorized by the chairman of the Subcommittee on Labor (Mr. WILLIAMS) to announce that hearings will be held by the subcommittee, on the operation of the black lung benefits program and on the need for reform of that program, on Monday, April 4, 1977, and Tuesday, April 5, 1977. The hearings will commence at 10 a.m., and will be held in room 4232, Dirksen Office Building, on both days.

Persons wishing to submit statements or testify should contact Robert Humphreys on 224–7672.

SUBCOMMITTEE ON HEALTH AND SCIENTIFIC RESEARCH

Mr. KENNEDY. Mr. President, the Senate Subcommittee on Health and Scientific Research, chaired by Senator EDWARD M. KENNEDY, will hold a legislative hearing on genetic engineering/recombinant DNA research on Wednesday, April 6, 1977. The hearing will focus on pending legislative proposals for the regulation of recombinant DNA research and the administration's proposal currently in preparation.

Six months ago, in a joint letter with Senator JAVITS, I urged President Ford to extend guidelines written by the National Institutes of Health to assure the safety of the general public and laboratory workers involved in recombinant DNA research so that they would cover all such research in both the public and private sectors. Pursuant to our urgent request, the President created the Federal Interagency Committee on Recombinant DNA Research to study extension of the NIH guidelines to cover all recombinant DNA research. The Interagency Committee made its interim report on March 17, 1976. I have reviewed the report and feel that it represents a major step forward. I am pleased to find that the Secretary of Health, Education, and Welfare has the responsibility for formulating regulations for the use and production of recombinant DNA molecules. There are, however, problem areas.

First. We must assure sufficient and meaningful involvement of laymen and the general public in the formulation of regulations by the Secretary.

Second. We must carefully assess the wisdom of totally preempting State and local laws regulating the recombinant DNA research and applications given our concern to assure involvement of the general public in these issues.

Third. We must broaden the rationale for standards to include not only the safety of laboratory workers and employees, but also the safety of the public and other living things in the environment.

I am confident that these points can be resolved in our hearings.

Since the last hearings on recombinant DNA research before the Senate Health Subcommittee, there has been considerable public discussion and public controversy over this issue. I believe that the vigorous public debate over the potential benefits and uses of this research is extremely beneficial to the public policymaking process.

I believe that we may very well be at an historic point not only in the history of biological science, but also in the maturing of our society in its responsibility for the use of science. It is clear that we as a society must ultimately decide whether and how to proceed with recombinant DNA research and what use to make of this technology.

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. RIEGLE. Mr. President, the Subcommittee on Consumer Affairs of the Committee on Banking, Housing and Urban Affairs will commence hearings on S. 656 and S. 918, bills to regulate debt collection practices, at 10 a.m. on April 25, 26, and 27, in room 5302 New Senate Office Building.

All persons wishing to testify should contact Mr. Lewis M. Taffer, room 5300, New Senate Office Building; telephone 224–0893.

ADDITIONAL STATEMENTS

AGREEMENT BETWEEN THE UNITED AUTO WORKERS AND MEMBERS OF CONGRESS ON AUTO EMISSIONS

Mr. RIEGLE. Mr. President, when the 1977 Clean Air Act Amendments are taken up by the full Senate soon, Senator GRIFFIN and I will offer the Riegle-Griffin amendment to that legislation. Our amendment contains an auto emissions schedule that reflects the recent agreement reached by the United Auto Workers—UAW—with Senator GRIFFIN and me, and Congressmen JOHN D. DINGELL and JAMES T. BROYHILL. We believe that this emissions schedule is technologically and economically feasible while being well balanced in terms of protecting jobs, protecting the public health and the environment, and conserving energy.

Today I am inserting in the RECORD several items which lend support to the Dingell-Broyhill/Riegle-Griffin/UAW auto emissions schedule. I think my colleagues will find these materials useful as they evaluate the 1977 mobile source provisions of the 1977 Clean Air Act Amendments.

The following items appear printed below:

The statements delivered by UAW President Leonard Woodcock, Congressman Dingell and me at our March 1st news conference announcing the auto emissions agreement.

A February 3rd letter from Mr. Woodcock to President Carter—accompanied by a memo detailing the results of an independent study conducted on the auto emissions question by David Ragone, Dean of the College of Engineering at the University of Michigan—urging adoption of the auto emission levels advocated by the UAW.

A February 12th Boston Globe editorial supporting the Dingell-Broyhill/Riegle-Griffin/UAW emissions schedule.

Mr. President, I ask unanimous consent that these items be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT OF LEONARD WOODCOCK, PRESIDENT, UAW

For some time the United Auto Workers has been concerned about the auto emission standards contained in the Clean Air Act and in the pending amendments to that Act. Our goal has always been to see the adoption, enforcement and monitoring of standards that are, first and foremost, consistent with protecting the public health. We have recognized that must utilize practical technology and be done in a manner that helps achieve the national goal of energy conservation through increased fuel efficiency in automobiles.

To this end, the UAW secured the services of a totally independent and highly regarded expert on this issue, David Rogone, Dean of the College of Engineering at the University of Michigan. We have endorsed Dean Ragone's recommendations, which reflect the most recent developments, regarding a timetable and goals for controlling the three principal pollutants in automobile exhausts: hydrocarbons (HO), carbon monoxide (CO), and oxides of nitrogen (NO_x).

Last month, in testimony to the Senate Committee on Environment and Public Works, I set forth the UAW position. That differed from both the Conference Committee action last year and the desires of the auto companies, but I said then that the UAW position "is not put forth as a bargaining position intended to achieve some other objectives." The urgency of the situation required that a focus be established for a realistic and responsible solution.

The key elements of the UAW proposed standards for auto emissions and the attainment schedule, based on Dean Ragone's recommendation, are as follows:

	HC	*CO*	*NO_x*
1978–79	1.50	15	2.0
1980–81	.41	9	2.0
1982 and later	.41	9	[1] 1.0

[1] EPA could increase up to 2.0 if air quality permits. Also EPA is to formulate program of waivers, up to 2.0, for innovative engines—such as diesels—that can produce fuel economy substantially higher than comparable vehicles.

I would be less than candid if I did not acknowledge that this position has been attacked, from different directions, as being either too lenient or too restrictive.

We are convinced, nevertheless, that it is the correct position.

Because of our conviction that the independently arrived at UAW position is correct, we are especially pleased to announce today that Representatives Dingell and Broyhill and Senators Riegle and Griffin have all agreed to adopt and to support the UAW position outlined above.

These able men have all previously intro-

duced legislation with different standards than those proposed by the UAW. The revised legislation that they have now agreed to introduce will include the UAW emission standards, as well as other mobile source provisions of the legislation they introduced earlier in the 95th Congress.

We have already begun discussion with other Senators and Congressmen, of both parties, and are confident that there will be a broad coalition, embracing diverse regional and ideological groups, supporting the Riegle-Griffin and Dingell-Broyhill legislation in their respective bodies of the Congress. What you see today is the emergence of what will be an effort of great breadth with a coalescing of support for the UAW position.

I might say, in anticipation of the inevitable question, that we are talking about a substitute for the proposed amendments to the Clean Air Act only for the portion of the Clean Air Act Amendments on mobile sources. Our proposal will not move to strike nor to amend in any way the stationary source provisions of the pending legislation.

Let me emphasize that adoption of revised automobile emission standards is an urgent requirement.

There is widespread agreement that the law presently in effect imposes requirements, for 1987 and subsequent model years, which are unnecessary and infeasible. The 94th Congress clearly agreed with that conclusion—alternative requirements were approved by the Senate, the House, and the Conference Committee—even though no proposed revision received final approval.

It is important to remember that the 94th Congress did enact mandatory fuel efficiency standards which first become applicable for 1978 model autos. The UAW supported that legislation, and pointed out that our concern about the emission standards was based primarily on the need for increased fuel efficiency. There is a trade-off between increases in fuel efficiency and decreases in emissions. That should not override the concern for public health, but any unnecessary margins of safety in the emission standards should be eliminated.

While each of the auto emission bills, approved last year by the Senate, the House, and the Conference Committee provided the same standards for 1978 models, there was lack of agreement with respect to subsequent requirements. Rapid action is needed to resolve the questions regarding future standards, or auto production will be severely disrupted with widespread economic impact. Production of 1978 models is expected to begin this summer; the industry's only realistic option has been to assume that the applicable standards will be those agreed upon last year. Engineering decisions, certification procedures, and other long lead time actions must be taken quite soon with respect to 1979 models. Equally important preliminary manufacturing decisions must be made soon with respect to 1980 and later models.

Finally, I want to make it clear that because of the emergence of broad-based support for the UAW proposal on emission standards, it is our intention to wage a vigorous fight in both the House and Senate for the proposal outlined above.

STATEMENT OF CONGRESSMAN JOHN D. DINGELL

I am very pleased to participate in this news conference today and in the agreement those of us at this table have reached on a schedule of automobile emission control standards for the model years 1978 and beyond.

We have constructed a schedule of standards that Congress should be able to move forward expeditiously. I am urging that it be adopted as promptly as possible.

By this agreement we have strengthened and balanced from an environmental and energy conservation standpoint, both schedules of standards we have been advocating to date.

In calling this news conference regarding this agreement today, we are also announcing that Congressman Broyhill and I in the House and Senators Riegle and Griffin in the Senate, will shortly introduce this new schedule of emission standards in legislation and will be launching an active campaign for enactment. This campaign will go forward with efforts in the House and the Senate and in conjunction with Mr. Woodcock and the UAW.

The new legislation will be an amendment to the 1970 Clean Air Act which both the House and Senate committees now have under consideration, including the need for revising auto emission regulations.

Both Congressman Broyhill and I and Senators Riegle and Griffin previously this year introduced a mobile source emission control bill, H.R. 2380 and S. 714. containing the Dingell-Broyhill standards that the House overwhelmingly adopted last fall, September 15th, 224 to 169. The Dingell-Broyhill standards, which had the support of the administrator of the environmental protection agency, Mr. Russell Train, were regrettably deleted in the ensuing House and Senate conference report last year, a conference report which later died October 1st, in a Senate filibuster against stationary source emission control provisions.

Mr. Woodstock, testifying before a Senate subcommittee in early February, announced auto emission standards the UAW planned to pursue. Those standards were most similar to the original Dingell-Broyhill/Riegle-Griffin schedule.

The bill we will introduce will contain the new emission schedule and the other provisions of the sections on mobile sources in the current H.R. 2380 (Dingell-Broyhill) and S. 714 (Riegle-Griffin).

This will be a complete package which adequately responds to needed changes in the Clean Air Act regarding mobile sources.

As you will recall those of you who followed the auto emission issue last Congress before it died, legislation Jim Broyhill and I pursued, provided for a gradual tightening of automobile emission standards. Today this agreement will continue the gradual tightening of standards, a schedule which continues to balance environmental objectives and energy conservation goals and savings for consumers while continuing the rate of clean air improvement.

Our new schedule of emission standards establishes portions of Mr. Woodcock's recommendations and includes provisions from the schedule the four of us in the Congress have been pursuing.

It is essential that the phased-in schedule of emission standards we are announcing today move forward to enactment. The production of automobiles for 1978 model year begins in a few months and it is agreed by all parties that the statutory standards in the law cannot be met in 1978. Those levels are unnecessary.

During congressional consideration of this issue last year, the House and Senate both passed bills extending the 1977 current standards through model year 1978. It is essential that those standards be maintained, if due only to the mere passage of time, for model year 1979.

This time table is essential for the purposes of providing certainty in the automotive industry and to continue to assure the workers in that industry their jobs.

This new bill will differ from the original Dingell-Broyhill/Riegle-Griffin proposal in three respects:

1. The hydrocarbon standard for the 1980–81 period is set at the original statutory level of .41 GPM instead of 9 GPM.

2. The final carbon monoxide standard which would have been in effect in model year 1982 is instead carried over indefinitely at the interim 1980–81 standard of 9 GPM.

3. A range of NO_x is given for the ultimate standard instead of leaving it entirely to EPA discretion.

Frankly, I am concerned about the potential fuel economy impact of going to .41 GPM hydrocarbon standards in 1980—two years sooner than my original schedule. We have, however accelerated the HC standards in response to concerns about hydrocarbon emissions generally—even though calculations using EPA methodology show that the two-year pull-ahead will change the health impacts by less than one percent.

This minimal change is because California cars, in the area where the photochemical oxidant problem is acknowledged to be most serious, are already meeting and will continue to meet the more stringent standard. So, most of the health benefits of going to more stringent hydrocarbon standards will have accrued regardless of when the 49-State standard is promulgated.

Present estimate for manufacturers indicate that the fuel economy penalty of a .41 HC standard in 1980 is between 2 percent and 10 percent. I continue to be concerned that this is a high price to pay for these slight gains in air quality. However, of the three pollutants, automotive HC emissions are strongly implicated in smog formations: and, if any clean-up should be accelerated, it is agreed that HC control is probably the priority.

The revision to the ultimate CO standard is based on recent data that indicates that the original 3.4 GPM standard is not needed for health reasons, and technical data which shows that three-way catalyst systems may have great difficulty attaining both low NO_x levels and the 3.4 GPM CO standard. On the health side, there is increasing evidence that a 9 GPM standard is more than adequate to protect public health.

Both the interagency task force report on motor vehicle goals beyond 1980 ("the 300 day study") and the air quality, noise and health panel report prepared by EPA in support of the task force indicate that if a 9 GPM CO standard is established:

The average carbon monoxide concentration in the year 2000 would be 20 percent of the average concentration experienced in 1971–73, yielding an 80 percent reduction even in the presence of growth in vehicle use and in stationary source CO production;

No air quality control region in the United States would violate the carbon monoxide air quality standard in the year 2000; and

There would be no cardiac health deaths attributable to carbon monoxide air quality in the year 2000.

In fact, the executive summary of the motor vehicle goals study (page 22) states: "Control of carbon monoxide (CO) at the present level of 15 gpm is sufficient to reduce projected excess cardiac deaths and persons days of discomfort to zero by 2,000 as emission-controlled cars replace older vehicles. Lower CO emission levels do not change these health indicators."

The State of California has recently decided that a carbon monoxide standard of 9 gpm is sufficient for its needs. At a meeting of the California Air Resources Board on November 23, 1976, long-term standards for all three pollutants (HC, CO, and NO_x) were recommended with the long-term standard for carbon monoxide remaining at today's California level of 9 gpm.

There is a strong case that more stringent CO standards than 9 gpm are not needed and there appear to be some strong technical arguments for holding at the 9 gpm level. Before completing my discussion on our new standards, I must comment on the serious concern that is held regarding the three-way catalytic converter. This device, that is not in mass production, shows some sign of being able to achieve somewhat lower emission levels than those currently in effect. The three-way converter, planned to be placed

on some new cars, is to be combined with an overall complex system of emission control devices which may not have durability even for the EPA 50,000 mile certification test.

There is no indication though that the motorist would have incentive to have the three-way catalyst repaired. Also, there is the question of the availability of repair services for the device that would be sufficient to maintain the Federal Fleet Emission Standards.

It is also known that the three-way converter will require excessive amounts of rhodium at this stage of its development. Rhodium is a rare and expensive metal, a by-product of platinum whose only known sources in any amounts today are South Africa and the U.S.S.R. These are questionable sources. This is a fact that could lead to short supplies of rhodium, especially in construction of mass produced vehicles, 10-million a year.

I question how much dependency can be placed on the three-way catalyst.

The final change made to the original Dingell-Broyhill/Riegle-Griffin emission schedule is on the ultimate oxides of nitrogen standard. Originally we would have authorized EPA to set the NO_x standard to be effective in model year 1982. This approach was recommended: (1) because there continues to be substantial debate over what level of control of oxides of nitrogen is needed for health reasons; and, (2) because of the concern that a final standard too stringent could preclude a number of technologies that show real promise of achieving both air quality and fuel economy improvement. In the revised bill EPA would have authority to set the NO_x standard in the range of 1 to 2 gpm. This appears to be the range that will ultimately represent a balance of fuel economy and air quality goals. Factors to be considered in determining the ultimate NO_x include technical availability and practicability, impact on fuel consumption, and cost of compliance. If these factors determine that the NO_x standard should be revised upward toward 2.0 gpm, the revision will occur if it will not endanger public health.

Also Administrator may grant a waiver up to 2.0 gpm NO_x for innovative technology that is shown to be extremely fuel efficient and if the waiver upwards to 2.0 would not endanger public health. I cite the diesel, the CVCC, stratified charge, and lean burn as some examples.

I think the facts can be said to argue for accelerated HC control although I continue to be concerned about fuel economy impact I also think there is now a strong case for a 9 gpm CO standard. In my opinion, the original Dingell/Broyhill bill offered a reasonable balance among the objectives of air quality and fuel economy improvement, minimized cost and stable auto employment. It appears that the new proposal sponsored by Dingell-Broyhill, Riegle-Griffin, Woodcock-UAW is technologically achievable.

I cosponsor this revised schedule because it is reasonable and balanced and it is critical that we unite and resolve our differences in order to avoid the catastrophic production disruption, product and consumer impacts that will result if we do not get on with the task before us.

STATEMENT OF SENATOR DONALD W. RIEGLE, JR.

I am very pleased to be part of this cooperative and successful effort to reach a joint agreement with the UAW on auto emissions levels. The schedule we are presenting here today has been arrived at after comprehensive and patient discussions between UAW President Leonard Woodcock, Congressmen John Dingell and James Broyhill, and Senator Griffin and myself. It is extremely gratifying to me, as I know it is to all of them, that we have been able to come together on an issue which touches the lives of so many Americans and which is so critical to our environment and to the nation's economy.

I especially want to welcome Leonard Woodcock's support of this measure. His assistance will be a crucial factor in seeing our proposal through Congress this session. I also want to express my thanks and appreciation to Congressmen Dingell and Broyhill for the vast amount of superb work they have put into this issue over the past year.

I sincerely believe that this emissions schedule represents the best balance that can be reached on the auto emissions question—best in terms of our national economy as well as in terms of the public health, air quality and unemployment problems which critically affect our country today. Improvement in each of these areas is a goal we are all trying to reach; the questions to be resolved—that I believe we have made a significant step toward resolving here today—are how, and by whose timetable, we can best achieve these improvements.

The figures we are advocating are significant because, if enacted by Congress, they will achieve two crucial goals. First, our set of numbers will enable production of both model year 1978 and 1979 cars to go ahead. 1979 cars are in an important planning stage, and we are rapidly approaching the July 1st deadline by which Congress must act if 1978 cars are to go into production.

Model year 1978 cars are currently being test run at 1977 emission levels that auto manufacturers have no assurance will be approved by Congress. If they are not approved and Congress adopts stricter standards for 1978—or, if Congress simply fails to act on Clean Air Act legislation before the July 1st deadline—Detroit will come to a virtual standstill in auto production. What that will mean in terms of lost jobs and decreased auto sales is ominous to predict. We are talking, however, about a projected loss of at least 230,000 jobs in auto-related industries and as many as 1 million car sales. And we are talking about these losses against a national unemployment figure of 7.9%, a Michigan figure of 9%, and a Detroit figure of fully 20%.

Second, these emissions figures will provide the most desirable air quality and health improvement standards when measured against statutory fuel economy requirements and costs to the consumer. Our proposal calls for 1980 statutory emissions levels of .41 grams per mile (gpm) of hydrocarbon (HC), 9 gpm of carbon monoxide (CO) and 2.0 gpm of nitrous oxides (NO_x). In 1982, the No_x level is to be reduced to 1 gpm with a waiver and suspension provision by which, under certain conditions, the NO_x level may be increased to 2.0 gpm.

Projections of the Federal Task Force predicts that the proposed .41 gpm figure for HC will reduce incidence of individual chest discomfort by some 5,000 cases in the year 2000; the proposed CO level of 9 gpm is more than sufficient to reduce projected excess cardiac deaths and days of discomfort to 0 in the year 2000, as emission controlled cars replace older vehicles; and the 2.9 gpm figure for NO_x emissions will significantly reduce attacks of lower respiratory disease in children in the years ahead.

Though a cost analysis of this particular schedule has not yet been completed, it is clear from past research on auto emissions levels that the figures we are proposing today will create substantial long-term benefits in energy savings, consumer costs and employment. In fact, major progress has already been made in improving the ambient air quality under current emissions requirements, and EPA maintains that improved air quality benefits of emissions schedules stricter than what we are jointly proposing will be marginal when compared to our figures.

Current emissions standards already represent an 83% reduction of HC and CO and a 38% reduction in nitrous oxides emissions relative to uncontrolled autos. Continued replacement of obsolete high pollution autos with low emission new cars will reduce mobile source related air pollution well into the 1980's even without the imposition of more stringent standards. And the added air quality benefits obtained from moving to tougher standards are not substantial compared to the fuel and dollar costs that will be required.

Moreover, according to EPA, ambient levels of HC and CO will, in 1990, be no lower under stricter auto emissions schedules than under our schedule. NO_x standards will be only somewhat improved by stricter standards; EPA, in fact, has acknowledged that stationary sources already create the majority of NO_x in many cities and that further reductions can be achieved at lower cost by controlling stationary sources. But *regardless* of which standards are adopted, exactly 31 air quality control regions are expected to exceed ambient air quality standards in 1990.

Finally, I should note that adoption of our auto emission schedule with the NO_x figure we recommend is the only way to assure that research can proceed on the development of different technologies for alternative, more fuel efficient, engines. Only catalytic technology appears to have the potential to meet a NO_x standard of less than 1 gpm, while other certainly viable engine alternatives—the diesel, lean burn and stratified charge—appear unable to do so at the present time. Thus, the adoption of tougher standards will prohibit development of these other innovative and fuel efficient engines while locking in the still unperfected catalytic technology. Under our proposed NO_x standards, crucial research and development programs can continue as auto companies work to meet the 1985 fuel economy goals established by the Energy Policy and Conservation Act of 1975.

For many reasons, then, I am firmly convinced that the auto emissions schedule that we have been able to work out with the leadership of Mr. Woodcock and the UAW is indeed a "bottom line" schedule. It has required give and take on the part of us all, but, to everyone's credit, we have been able to accommodate conflicting interests, and have established an emissions schedule that all of us who are vitally concerned with this issue can support and, more importantly, can work with. And I feel good about these emissions numbers because I sincerely believe that they are the most balanced in terms of continued clean air improvements, auto fuel efficiency, lower consumer costs, job production and protection, auto model availability, and future research and development potential.

The value of this agreement will, I think, be tested and proven in both the House and the Senate in the months ahead. Once again, I wish to welcome the support of UAW President Leonard Woodcock and to thank him for his invaluable assistance in resolving our differences. I look forward to working with him, Senator Griffin, and Congressmen Dingell and Broyhill to arrive at Clean Air legislation that really will be in the best interests of our nation. The energy probems that this country faces make it imperative that we move quickly toward achieving this legislative goal.

FEBRUARY 3, 1977.

THE PRESIDENT
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Adoption of revised automobile emission standards is an urgent requirement.

There is widespread agreement that the

law presently in effect imposes requirements, for 1978 and subsequent model years, which are unnecessary and infeasible. The 94th Congress clearly agreed with that conclusion—alternative requirements were approved by the Senate, the House, and the Conference Committee—even though no proposed revision received final approval.

It is important to remember that the 94th Congress did enact mandatory fuel efficiency standards which first become applicable for 1978 model autos. The UAW fully supported that legislation (although we expressed reservations about the 1985 target of 27.5 mpg), and pointed out that our concern about the emission standards was based primarily on the need for increased fuel efficiency. There is the trade-off between increases in fuel efficiency and decreases in emissions. That should not override the concern for public health, but any unnecessary margins of safety in the emission standards should be eliminated.

While each of the auto emission bills approved last year by the Senate, the House, and the Conference Committee provided the same standards for 1978 models, there was lack of agreement with respect to subsequent requirements. Rapid action is needed to resolve the questions regarding future standards, or auto production will be severely disrupted with widespread economic impact. Production of 1978 models is expected to begin this summer; the industry's only realistic option has been to assume that the applicable standards will be those agreed upon last year. Engineering decisions, certification procedures, and other long lead time actions must be taken quite soon with respect to 1979 models. Equally important, preliminary manufacturing decisions must be made soon with respect to 1980 and later models.

The issues involved are very complex, with many uncertainties as to what can and should be done. Even the experts often disagree as to the specific effects of auto emissions on air quality, and as to the effects of air quality upon health. There have been unexpected developments, both favorable and unfavorable. Nevertheless, decisions must be made based on informed judgment. The UAW has been guided by the advice of Dean David V. Ragone*, a nationally recognized authority on automotive power system and related matters. A paper by Dean Ragone is attached. In it he reviews developments that have occurred; in particular, he covers the three-way catalyst technology used by Volvo, new knowledge about the effect of carbon monoxide emissions, and emerging evidence regarding oxides of nitrogen. Therefore, Dean Ragone recommends the following schedule of standards to be enacted.

Model year	HC	CO	NO_x
1978–79	1.5	15	2.0
1980–81	0.41	9	2.0
1982 and later	0.41	9	1.0

EPA could increase up to 2.0 if air quality permits. Also EPA is to formulate program of waivers, up to 2.0, for innovative engines—such as diesels—that can produce fuel economy at least 25 percent higher than comparable vehicles; 0.4 NO_x would be a research objective.

While that proposed schedule differs from those considered by Congress last year, we believe it reflects the most recent information available and is a responsible basis to resolve the disputes about those schedules. It is not put forth as a bargaining position intended to achieve some other objective. Dean Ragone and I share the view that it is best to propose a schedule which will be consistent with health requirements, facilitate achievement of fuel efficiency goals, and impose demanding but attainable production innovations. We believe the schedule described will do that, and we recommend its rapid enactment.

It has been pointed out by others, but is worth repeating here, that the average level of emissions from all cars in use, not just those of new cars, is the significant factor. Since the standards proposed are considerably lower than those of cars already in use, there will continue to be a reduction in the average emission level as old cars are replaced with new ones. In fact, during the next several years, air quality (and fuel efficiency) will be affected more by getting new cars on the road in place of old ones, than by imposing overly restrictive new production standards.

Therefore I urge that prompt action be taken on the changes recommended, so that the auto industry will have a clear mandate regarding future production.

Sincerely,

LEONARD WOODCOCK,
President.

*Dean of the College of Engineering, The University of Michigan.

AUTO EMISSION STANDARDS 1978 AND BEYOND

In March of 1975 I sent you a note in which I discussed the relationship between auto emissions and fuel consumption and then went on to suggest some emission standards for the period 1977–81. Recent developments in commercially available technology and in the current status of automobile regulation call for an update of that memo.

Since March 1975 Volvo has successfully demonstrated an emission control system that—has enabled a four cylinder mid-sized car to meet the stringent statutory emission control standards set forth in the 1970 Clean Air Amendments, apparently without the loss of fuel economy. Their car met the standard using the California test procedure which is only slightly less rigorous than the Federal test procedure. Also since March 1975 Congress has enacted fuel economy legislation and discussed several bills to delay the imposition of the statutory emission levels (0.41 HC, 3.4 CO, 0.4 NO_x) beyond 1978. A bill was passed in the House and another in the Senate. A Conference Committee agreed to a compromise bill, but no bill obtained final approval. In all three versions of the bill the standards in effect in 1977 (1.5 HC, 15 CO, 2.0 NO_x) were to be continued through 1978. The auto manufacturers have planned the 1978 model production based on these continued 1977 standards.

VOLVO DEMONSTRATION

During the summer of 1976 Volvo qualified a car to meet the 1978 California standards (0.41 HC, 9.0 CO, 1.5 NO_x). This model was equipped with an advanced emission control system that has been discussed for a number of years, but never been demonstrated. This system, called Lambda-sond, enabled the car to meet the Federal statutory standard (0.41 HC, 3.4 CO, 0.4 NO_x) using the California test procedure. This striking demonstration has tempted some to recommend the adoption nationally of the standards in 1979 despite the limitations of the demonstration, which Volvo recognized.

In the Lambda-sond system the exhaust emissions are passed over a "three-way" catalyst which enables the unburned hydrocarbons (HC) and carbon monoxide (CO) to react with the oxides of nitrogen (NO_x) in the engine exhaust and thereby eliminates all three. The system, of course, requires a very accurate control of the emissions from the engine so that the amount of HC and CO in the exhaust will just balance chemically the amount of NO_x. This requires the control of the ratio of fuel to air over a wide range of operating conditions. The control is achieved by measuring the chemical composition* of the engine exhaust with a sensor and by feeding the information from the sensor back to the fuel control mechanism (fuel injectors in the Volvo case) in order to correct any imbalance. Very accurate control of the fuel/air mixture is required which means that the sensor must remain accurate for the life of the car. In addition, the special, three-way catalyst must retain its activity.

*Strictly the sensor determines the oxygen potential of the exhaust and does not measure the total composition.

The enormous potential of the three-way catalyst system has been recognized for a number of years, but until last year no one was confident enough to accept the risk involved in a commercial demonstration. Volvo did so.

But even Volvo recognized the limitations of the demonstration. In order to complete the 50,000 mile test, the demonstrated system required a change of exhaust gas sensors every 15,000 miles because the presently available sensors degrade. If a sensor becomes ineffective emissions go out of control, but the driver does not really notice a change in vehicle performance. There is no real penalty to the driver for operating with a bad sensor.

The engine used in the Volvo demonstration was an in-line, four cylinder engine equipped with fuel injection. An in-line engine needs only one sensor in the exhaust. A "V" engine needs two sensors, one in each bank, and requires that the two be balanced. To date the use of the Lambda-sond system in a V–6 engine has not produced results good enough to meet the statutory standards. The problem is more difficult if carburetor-equipped engines are used.

Volvo used a high loading of rhodium, which is the reduction portion of the three-way catalyst, to insure good performance; and rhodium is scarce. Volvo will only produce about 9000 cars for California in 1978. If the total U.S. auto production used the Lambda-sond system with high rhodium loadings there would be a serious question of rhodium supply.

There is some question concerning the fuel economy of cars equipped with the Lambda-sond control system. Data available from EPA testing indicates that the Lambda-sond equipped Volvo car that met the Federal statutory standards (0.41 HC, 3.4 CO, 0.4 NO_x) had slightly better fuel economy . . . 21 mpg . . . than the identical vehicle equipped with older catalyst technology . . . 20 mpg. But it has been argued, and with some merit, that the Volvo with the older catalyst had been designed very conservatively in order to assure compliance with California emission requirements and could actually have been designed for fuel economy in excess of the 20 mpg it achieved.

In spite of all these reservations and qualifications concerning the Volvo demonstration, the state-of-the-art has actually been improved concerning the three-way catalyst. The system is closer to wide-spread commercial realization than was apparent in March of 1975.

In consideration of this demonstration and of the current status of Federal fuel economy regulations, I believe that new emission regulations should be enacted as follows:

Year:	HC	CO	NO_x
1978	1.5	15	2.0
1979	1.5	15	2.0
1980	.41	9	2.0
1981	.41	9	2.0
1982 and beyond	.41	9	1.0*

* With EPA administrative discretion to raise this to 2.0 should air quality permit.

My reasons for recommending these standards are as follows:

THE YEARS 1978–79

It is essentially impossible for auto manufacturers to meet the statutory standards for 1978 models. Based on what seemed to be a Congressional consensus in 1976, production facilities have been planned based on the current 1977 model standards. It is unreasonable to think that statutory standards can be met for the 1978 models.

The decision concerning standards for 1979 models must be made very soon, before March or April, in order to allow motor vehicle manufacturers to prepare production facilities. If we are to approach lower emission levels and maintain good fuel economy in the future, then manufacturers ought to be given the opportunity to use the three-way catalyst system. This system requires extensive testing in order to insure reliability. Accordingly, I suggest that the standards for 1979 remain at the 1977 levels (1.5, 15, 2) in order to allow time for manufacturers to test and perfect reliable and more effective control systems for 1980 and beyond. I note that in addition to the Volvo cars to be sold in California two U.S. manufacturers have stated that they will put some three-way catalyst cars in customer hands in 1978 and in 1979.

It makes little sense to propose a one-year change between the proposed 1978 limits (1.5, 15, 2.0) and the proposed 1980 limits (.41, 9, 2.0). Little would be gained in terms of air quality and the manufacturers would be required to produce yet another system nationally . . . for just one year.

STANDARDS BEYOND 1979

It is reasonable to expect automobile manufacturers to produce substantial numbers of cleaner vehicles for the model years 1980 and beyond. More reliable Lambda-sond technology should become available. I have recommended standards for hydrocarbons, carbon monoxide, oxides of nitrogen based on my understanding of the air quality needs of the nation.

HYDROCARBONS—HC

It is increasingly evident that unburned hydrocarbon emissions are strongly implicated in oxidant (smog) formation. The control of hydrocarbons to the statutory level, .41 grams per mile, is justified especially in those areas where oxidant concentrations rise above minimum air quality limit. Many cities in the country now experience this condition and, accordng to the recent 300 Day Study of the Department of Transportation*, many cities will continue to exceed oxidant limits through the 1990s—even if HC standards are set at 0.41 grams. This calls attention to the additional need to address the emissions for stationary sources.

While on this subject I should remark that the technique for measuring hydrocarbons should be modified by EPA to reflect only reactive hydrocarbons, the non-methane portions. It makes no sense to treat methane as a harmful emission. It does not take part in oxidant formation.

CARBON MONOXIDE—CO

Extensive detailed calculations have been made** of the expected CO concentration in the U.S. cities for various assumed levels of CO emission control. It has been shown that air quality standards can be met throughout the country in 1990 and for a considerable period thereafter using an emission standard of 9 grams of carbon monoxide per mile, and that there would not be a significant rate of improvement between now and then based on lower emissions. The primary gains are to be realized by the replacement of older cars with newer, cleaner ones. Old, uncontrolled cars emit up to 80 grams of CO per mile.

I believe that a 9 gram per mile standard for CO in 1980 and beyond is acceptable, provided there is some assurance of compliance with this standard for vehicles in actual use. The EPA has recently called attention to the ease with which idle speed and mixture controls can be adjusted over a wide range. High CO levels at idle can result. Incidentally, tightening the CO standards to less than 9.0 would not cope with this problem.

The 9.0 emission limit for CO has an interesting interaction with fuel economy. Three-way catalyst cars have some difficulty meeting the 3.4 carbon monoxide standard, especially when they have small engines. During hard accelerations automobile engines require slightly richer mixtures, that is more fuel. This results in higher emissions of carbon monoxide from the engine and from the catalyst. This phenomenon is especially pronounced in small engines that are required to run at a higher fraction of their maximum power output during these accelerations. But it is the small engines that are being introduced in order to achieve better fuel economy. Accordingly, any standard tighter than 9.0 grams per mile would have an impact on the ability of automobile manufacturers to meet the fuel economy standards that have been imposed. And, from an air quality point of view the nation does not need a tighter standard.

OXIDES OF NITROGEN—NO_x

The situation with regard to emission control standards for NO_x is both critical and confused. The situation is critical because fuel economy is strongly affected by NO_x control and confused because of the complexity of the chemistry of smog formation and the uncertainties of atmospheric dynamics.

Tighter controls on NO_x emissions will mean reduced fuel economy. The relationship is well established, but magnitude varies with the technology used. With the exhaust gas recirculation technique presently being used losses of about 15% in fuel economy result when emission levels are tightened from 2.0 to 1.0 grams NO_x/mile. Use of exhaust gas recirculation to reduce NO_x to 0.4 grams per mile would produce much higher reductions in fuel efficiency if it were possible to achieve the 0.4 level at all in production. Estimates as high as 25% and 35% have been made.

The new three-way catalyst technology demonstrated by Volvo does provide a more satisfactory alternative. The dependence of fuel economy on NO_x emissions is not as critical as with exhaust gas recirculation, but a relationship still exists. A demand for 1.0 as compared with 2.0 NO_x would probably cost at least 5 and perhaps 10% in fuel economy plus some additional hardware costs.

While the exact figures concerning fuel economy penalty vary with the manufacturer and with the specific technology used, it is clear that the control of oxides of nitrogen costs us something in terms of fuel economy. The situation is thus critical.

On the question of health effects, EPA has established air quality standards for one of the oxides of nitrogen (NO_2) and for photochemical oxidant (smog). Smog is generated over a period of hours by a complex set of chemical reactions between hydrocarbons and oxides of nitrogen. The control issues are complicated because the air chemistry is not understood in a fundamental sense, although many important measurements and observations have been made. Some are paradoxical. It is observed, for example, that lower NO_x additions to the atmosphere may actually cause a more rapid formation of smog under certain conditions, such as those prevalent in Los Angeles.

In addition to the chemical complexity there is also an uncertainty concerning the role of stationary sources of NO_x. Automobiles are clearly not the only contributors to this problem. The 300 Day Study shows that it would be more cost effective to address the question of controlling the stationary sources. But, this is only true if one assumes that the oxides of nitrogen from the stationary sources (tall stacks) mix with the oxides of nitrogen emitted from cars. This, of course, depends on whether the plume from tall stacks moves skyward or moves toward the ground. Different atmospheric and meteorological conditions yield different movements. There is, to date, no clear-cut accepted answer to this problem. But, in spite of all these uncertainties, emission limits must be set.

In setting NO_x emission standards, one must adequately protect public health without unduly sacrificing fuel economy. In my judgment it is adequate to continue the required level at 2.0 grams NO_x per mile for the years 1980 and 1981, and to plan for a level of 1.0 grams per mile in 1982 in order to insure commercially available technology if it is needed. I believe that the Administrator of EPA should be empowered to raise this 1.0 gram per mile level in 1982 to levels not to exceed 2.0 grams per mile based on future evidence concerning the air quality needs of the nation considering both oxidant and NO_2 standards. The Administrator should be asked to hold hearings on this subject at least two years before the 1.0 standard goes into effect.

To promote further technological progress, I suggest that the level 0.4 in the original statutory requirements be set as a research goal and be approached through demonstration vehicles.

I assume that the law will not limit the right of the Administrator of EPA to grant waivers for more stringent control of NO_x emissions in localities where it is required, such as California. California may, in consideration of the problem in the Los Angeles Basin, require NO_x control even lower than 7.0 grams per mile.

INNOVATIVE ENGINES

The development of fuel efficient engines is extremely important to our accepted national objective of petroleum conservation. Accordingly, I believe that the Administrator of EPA should be asked to formulate a program of waivers for new technology. It might be reasonable to suggest that a waiver from 1.0 NO_x up to a maximum of 2.0 NO_x granted for innovative power trains that can produce fuel economy 25% higher than comparable vehicles, comparable vehicles being defined as vehicles of the same inertia-weight class powered by conventional, spark-ignited gasoline engines. Such a program should also recognize that some regions of the country have air quality problems that would preclude this waiver. But other portions of the nation may be able to save considerable amounts of fuel by taking advantage of newer technology.

[From the Boston Globe, Feb. 12, 1977]

A BREATHER FOR AUTOS

To its credit, the new Congress has been quick to take up one of the most tangled issues facing it in the current session—the revision of laws governing allowable pollution levels for 1978 and later model cars. The auto industry has said it cannot meet the standards, set by law in 1970, sooner than the 1980 model year. One of the problems for American manufacturers has been devising an antipollution system that will last the 50,000-mile "lifetime" of the car.

Last year Congress almost passed a one-year postponement of the stricter new standards. But the effort collapsed with the Oct. 1 adjournment for the election. An issue now is whether to continue postponing the deadline one year at a time, or to enact a two-year postponement to the 1980 model year. Designs for the 1978 models have been fixed for months—without meeting the legally binding standards—and Congress is virtually certain to allow at least a one-year delay.

Leonard Woodcock, president of the United Auto Workers, has lent invaluable support to the industry by joining them in the claim that manufacturers will not be able to reduce emissions in the 1979 models.

Woodcock's role has to be seen in the light of his union's interests, to be sure. Auto workers would pay the heaviest penalty if the auto companies had to shut down rather than violate the law. But Woodcock has long been a critic of the industry, has a history

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*Air Quality, Noise & Health, Report of a Panel of the Interagency Task Force on Motor Vehicle Goals beyond 1980, U.S. Department of Transportation, Washington D.C., March 1976.

**300 Day Study.

of social concern and is knowledgeable about technical problems confronting auto manufacturers in reducing pollution.

Sen. Edmund S. Muskie (D- Maine), author of the original legislation, has agreed to the one-year postponement but insists Congress should not relax the tighter requirements for 1979 models. If the industry and Woodcock are correct and the standards are also unmeetable for 1979, Congress will face another last-minute rush to change the law next year.

Sen. Muskie is not without a conflict of interest in the question. Because he wrote the initial legislation, now found to need revision, he has at least a psychological stake in keeping the postponement as short as possible.

The road to improved auto emissions has not been a smooth one, as anyone driving a car with the new control devices can attest. In the worst single case, it has been found that devices lowering hydrocarbon and carbon monoxide emissions produced larger and potentially dangerous amounts of sulphuric acid emissions.

Making judgments about what can be achieved has also been complicated by the isolated performance of some foreign cars. Volvo, for instance, has begun making a system meeting the stricter standards. But it functions for only 15,000 miles rather than the 50,000 miles required by the law.

The current hassle over the timing of new standards has at least forced the auto industry to set its own timetable for meeting stiffer standards on hydrocarbons and carbon monoxide. While there is still technical argument about both the achievable level and the timing of nitrous oxide controls, the existence of any agreement at all is a step forward that should be pursued.

Sen. Gary Hart (D-Colo.) is unquestionably right when he says that "only the pressure of the law is going to require automobile manufacturers to make the improvements the American people want." But even the law has to recognize the need for time in its implementation, especially when that law has been shown to be flawed.

PRESIDENT CARTER ENDORSES GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, in yesterday's address before the United Nations, President Carter announced his intention to work for Senate ratification of the Genocide Convention. I cannot think of a more appropriate or welcome action.

In explaining his support for the Genocide Convention, the President cited a new and growing world concern for basic human rights and freedoms. It is his concern that the United States takes its rightful place as a leader in this movement. President Carter phrased the world situation in this way:

> I see a hopeful world, a world dominated by increasing demands for basic freedoms, for fundamental rights, for higher standards of human existence. We are eager to take part in the shaping of this world.

Our first step in taking part in this world movement toward human rights is the ratification of the Genocide Convention. For too long we have allowed ourselves to lag behind, to remain the only major nation in the world which has failed to condemn the horrible crime of genocide. Now is the time for us to correct the wrongs of the past. As President Carter stated, no member of the United Nations—

> * * * can avoid its responsibilities to review and to speak when torture or unwarranted deprivation of freedom occurs in any part of the world.

Mr. President, the task is at hand. We have the opportunity to place the United States firmly on the side of human rights. Our Nation's birthright demands that we act. Current events in Africa reemphasize the need for our action. And now President Carter has asked for our ratification of the Genocide Treaty.

Mr. President, if we are to honor the ideals on which this country was founded, if we are to support the new course President Carter has set this Nation upon, if we are to provide real meaning to the President's words at the United Nations yesterday, we must ratify the Genocide Convention.

I believe that the concern for people's basic right to life is a responsibility of our country. I echo President Carter's words:

> We in the United States accept this responsibility in the fullest and most constructive sense. Ours is a commitment, not just a political posture.

Let us honor this commitment by ratifying the Genocide Convention.

RETHINKING FREE TRADE

Mr. HEINZ. Mr. President, I want to bring to my colleagues' attention a recent article by H. Peter Gray in New Republic entitled "Rethinking Free Trade." This article is particularly timely because of the several major trade decisions facing the new administration this spring. President Carter has already declined to provide any substantive relief from imports for the mushroom industry, and he is currently considering a recommendation for tariff-rate quotas on footwear sent to him by the International Trade Commission. He will also soon be sent the ITC decision recommending higher tariffs on color television sets.

The fact that these cases are coming up now is no accident, and I expect to see more of them in the future. The United States is facing increasing competition from foreign countries, particularly those nations with exceptionally low labor costs, as development progresses throughout the world. This has serious implications not only for our balance of trade and our international economic relations, but also for the livelihoods of increasing numbers of American workers. It is ironic that the administration is urging the creation of thousands of public works jobs at the same time its decisions on trade cases may eliminate thousands of existing permanent jobs.

These trade problems are not going to go away, and a blind, ideological refusal to deal with them in a meaningful fashion will only make them worse in the future. The following article discusses some of these issues, explains why retraining—and adjustment assistance—is not an adequate remedy in many cases, and offers some other possible approaches that deserve closer consideration.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New Republic, Mar. 19, 1977]

RETHINKING FREE TRADE

(By Dr. H. Peter Gray)

Since the 1930s, it has become a hallmark of economic enlightenment and liberalism to advocate the complete elimination of tariffs and non-tariff barriers to free trade. The only qualification is that foreign nations are expected to reciprocate. Like any other policy, the free trade argument needs revising when economic conditions change, and refining as the target is approached. The world has greatly reduced barriers to international trade over the last quarter of a century. The doctrinaire approach to free trade overlooks the danger of wasted manpower, acquired skills and machines through unemployment and obsolescence. The Trade Act of 1974 incorporated safeguards for damaged industries. Safeguards are vital for some industries—textiles, color television, shoes and certain kinds of steel.

The analytic basis for the free-trade argument is a very simplified representation of the real world. It has two fundamental weaknesses. The theory assumes that displaced workers (and executives) can find gainful employment in another industry, and it pays no attention to the costs of adjustment and reallocation.

If workers displaced by imports are not able to find other jobs, the argument breaks down. Whether replacement jobs are available depends on the condition of the economy and on whether the displaced worker has a transferable skill. The better educated and more highly skilled the displaced worker, the easier it will be for that person to find another job. The skills used in the "old" industry have no value in the job market if they were unique to that industry, except to show a potential to absorb training. This surge of imports that use high proportions of low-skilled labor and displace our own low-skilled workers, comes from developing nations. There is no foreseeable end to the ability of such nations to supply goods using low-skilled workers. Worse yet, the cost of living in the United States for an unskilled worker is much higher so that there is no hope that a low-skilled worker in the United States can ever compete on a wage basis.

There is a surfeit of unskilled workers in the United States, as shown by the astronomical rates of teenage unemployment (18 percent, and as high as 60 percent for minority group members). The free-trade theory's assumption of available alternative employment is only valid if the labor market is tight, and if displaced worker can receive retraining that they are able to absorb. Unfortunately, the United States never has shown great commitment to or success with retraining programs. The history is one of oratory not of performance. Furthermore, the ability of an economy to absorb unskilled and low-skilled workers depends on the efficiency of the educational system and the technological trend in the nation. "Natural evolution" may reduce the demand for lesser-skilled workers quite apart from the impact of foreign competition. If the educational system does not increase people's ability to absorb training and then provide that training, lesser-skilled workers will become harder and harder to employ. The existence of a reserve army of low-skilled unemployed is not socially responsible, politically safe or economically efficient.

Imperfections in the labor market make it even harder for displaced workers to find new jobs. Lesser-skilled workers tend to be less mobile and less aware of opportunities elsewhere in the economy. In the apparel industry, which lost an estimated 310,000 jobs between 1961 and 1972, the typical displaced worker is a minority-group female with dependents to support. It is difficult to conceive of any workers more likely to be over-

whelmed by imperfections in the labor market. Of course if the economy as a whole is operating at significantly less than full capacity—if there is not an actual labor shortage—there is almost no likelihood that displaced workers will find alternative employment, except at the expense of some other unfortunate.

When lesser-skilled workers lose their jobs to foreign competition, three things can happen: the number of people drawing unemployment benefits and/or welfare can increase; the displaced workers can be hired in domestic industries not subject to foreign competition; or they can receive special training to make them employable in other internationally competitive industries.

Clearly it is inefficient for displaced workers to remain unemployed. The payment of a subsistence grant is not an adequate absolution of national responsibility. Payments may diminish the physical hardships but they do little or nothing to reduce the psychological costs that accompany unemployment in our society.

If there is already a surfeit of lesser-skilled people in the economy, special measures to facilitate employment of displaced workers will have to be inaugurated by the government. Presumably the costs of production will be raised by an increase in employment of lesser-skilled workers (or the firms would have undertaken the measures voluntarily). The increase in costs may require some sort of subsidy to be paid to the industries, or prices might be edged upward. But these expenditures presumably would be less than the alternative welfare doles would be.

Displaced workers can be trained up to higher skill levels and reabsorbed into the employable labor force. Such training is desirable in its own right, and does not depend upon the exposure of the lesser-skilled workers to unemployment because of enslavement to a doctrinaire policy of free trade. It is important to distinguish between giving displaced workers additional skills which do not require any greater capability to absorb training than those which have become worthless through the loss of the old job, and a general upgrading of skills. A requirement for the retraining of displaced workers has been included in the Trade Act of 1974 but such arrangements will attempt merely to replace one industry-specific skill with another of approximately equal "difficulty." A general upgrading of workers' skills is a much more difficult, ambitious and costly project and implies that displaced workers have not reached their potential. It is this latter kind of retraining that is likely to become necessary if foreign goods continue to supply ever more skill-intensive products to the United States.

Protecting vulnerable American industries will bring about retaliation by foreigners. It will also damage the growth of developing nations. The United States might agree to pay a "fine" in the form of compensation to exporting nations frustrated by the protection. This payment would clearly need its own set of safeguards, but it could be computed roughly to offset damage done by the frustrating of imports.

There is also a domestic cost. If the protection is instituted by a tariff the consumer pays more, and if by a subsidy to the industry the taxpayer is burdened. The rationale for such a payment is simply that this payment repairs the deficiencies of the market system in providing jobs for workers otherwise doomed to unemployment.

One final safeguard is needed against the protected industry itself. The purpose of the reunification of the free-trade doctrine is to preserve jobs for unskilled workers. It is vital that any protection does indeed result in the maximum number of jobs. The protected industry must agree, in advance, to a *quid pro quo*. Protection could allow the industry to raise prices and the union to raise wage rates. This is not to be tolerated. One possibility would be to restrict wage increases to a cost-of-living escalator as a condition of the protection, and to rely on competition within the protected industry (and a little regulatory oversight) to ensure that the firms do not impede the expansion of employment. Fortunately the two industries most needing protection (footwear and textiles) are dominated by small firms competing with each other.

Protecting the job opportunities of unskilled workers will be a social problem for many years. Protection from imports gives the nation a breathing space in which to think of solutions to this problem.

The other aspect of the problem is whether or not the state of the domestic economy should be built into the remedy automatically. Certainly the social costs of adjustment are magnified in a recession. If, as the Trade Act of 1974 allows, further negotiated tariff reductions are to be spread out over a period of years, there is an argument for interrupting the process when domestic unemployment rates exceed, say, five percent. The gradual approach involving as much as 15 years, will also ease the costs of adjustment as industries anticipate the effects of the scheduled easing of protection in all countries.

Two industries contribute greatly to the employment of less-skilled persons and stand in need of protection. Textiles have been protected by quotas under the Multi-Fiber Arrangement, but these measures are beginning to lose their effectiveness. Non-rubber footwear may receive protection shortly if President Carter accepts, by Easter Sunday, a recommendation to that effect by the International Trade Commission. The recommendation calls for protection over and above 1974 import rates for five years at a declining rate. With total unemployment levels in this country running at eight percent, it hardly seems wise to eliminate more unskilled from the ranks of the employed. Since tariff reductions from the Kennedy Round began in 1968, employment of unskilled and semi-skilled workers in the footwear manufacturing industry has declined by more than 60,000 persons. The rate of displacement by imports has been growing. There is a good argument for temporary protection. Only if we can make our economy fit the theoretical basis can the free trade argument be accepted without reservation.

FRANCES BOLTON

Mr. METZENBAUM. Mr. President, the death last week of Frances Bolton, Congresswoman from Ohio for 29 years, was a great loss for those who knew her both in Washington and in our home city of Cleveland.

Frances Bolton was a woman who committed herself early in life to humanitarian ideals, from which she never wavered during her 91 years. Her interests ranged from general health and nursing services, to all aspects of the African culture which she studied through extensive travel, to furthering the rights of women. She had a special interest in the preservation of national historical sites, and personally bought 400 acres of land across the Potomac to preserve the area around Washington's Mount Vernon estate from commercial encroachment.

Nursing and health care were her lifelong interests, perhaps as a result of her work early in this century in the tenement areas of Cleveland. She was faced herself with the possibility of becoming an invalid when she was struck with influenza during the great epidemic of 1919. Characteristically, she regained her health through personal discipline and yoga exercises.

It was because of her sponsorship of the Bolton Act that 124,000 women were in uniform under the U.S. Cadet Nurses Corps in World War II—and they received pay equal to that of male officers. She played an active role in the health field in the Cleveland area by serving on many hospital boards and health agencies, including the Metropolitan Hospital of Cleveland, University Hospitals in Cleveland, Meharry Medical College, and others. The Western Reserve College recognized her efforts in the field by naming the school nursing program in her honor.

Frances Bolton had a special talent for helping people both through her private and public actions. We will long remember what she contributed to individual men and women and for her commitment to mankind as a whole.

ALEX ROSE—A CONSUMMATE POLITICIAN

Mr. JAVITS. Mr. President, not long ago. members of the Liberal Party in the State of New York, and progressive Americans everywhere, lost a great political mentor with the death of Alex Rose. A dear friend and esteemed colleague of mine for many years, Alex Rose has been deeply and widely mourned.

I ask unanimous consent that the text of the sermon, preached at the Community Church of New York on January 16 of this year by Dr. Donald Szantho Harrington, senior minister of the Community Church of New York, in memoriam of Alex Rose of New York be printed in the RECORD.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

ALEX ROSE AND THE FUTURE OF LIBERAL POLITICS

(By Dr. Donald Szantho Harrington)

I have something unusual for you this morning. I shall speak of the life and death three weeks ago, of my longtime friend and colleague, Alex Rose, a consummate politican in the best, benevolent sense of the word; a great benefactor of the common people, who never asked and rarely received the credit for what he accomplished, a great and good man.

I shall also speak of the Liberal Party as a progressive, political force, which his genius created and sustained, and prepared to survive his own demise, going on into the future.

I make no apology for the political overtones of this address. Politics is not a dirty word, though it has often been besmirched by the acts of particular politicians. It is derived from the word "polis", which means "the people". Politicians are by definition, and ought to be in fact, the servants of the people—not their rulers. This is what Alex Rose believed. It was the ideal to which he devoted his whole life. Whatever is germane to the lives and welfare of people cannot be foreign to religion. As Mahatma Ghandhi, who all his life combined the two, and was our age's model of the politician-saint, once said: "Anyone who thinks that religion has nothing to do with politics, doesn't know what religion is all about."

I do, in my personal and professional life, try to keep my religious and political careers and responsibilities separate, because I do believe in the separation of the institutions of church and state. But I believe equally strongly that everyone's religion should lead him to assume political responsibilities, and this will require him eventually to become active in the political party of his particular persuasion. The Liberal Party has been my vehicle for political participation, and more than any other, it has been the reflection or shadow of the intellect and moral purpose of Alex Rose.

SERMON

"Hello, Don!" I can hear his alive, urgent voice as it sounded so many times in my ear through the telephone, informing me of some recent development in the current, political situation, or sharing some nuance of strategy that he though we might follow to inform the public of what was going on behind the scenes, but which would affect everyone's well-being. It might be a plan he had dreamed up to make recalcitrant machine Democrats do what they ought, but had no intention of doing, by projecting some Liberal fait-accompli; or again, it might involve our Party's taking a stand on some great issue of the time, and thus shaming others into doing so. Whatever it was, Alex Rose was one of the great minds of our age, and, without question, its most brilliant and progressive political tactician. When he died three weeks ago at the age of seventy eight, all agreed it marked the end of an era. The end of an age—but not the end of his political influence, and by no means the end of the Liberal Party he had nurtured with his whole life as a progressive political force.

He was born Olesh Rols in Warsaw, Poland on October 15, 1898, son of a tanner and dealer in hides. He came to New York in 1913 at the age of fifteen, hoping to study medicine, but World War I cut off his father's support, so he took an Anglicized version on his name, Alex Rose, and went to work as a sewing machine operator in a millinery shop at a wage of six dollars a week. At the same time he became active in the Labor Zionist Movement, like Golda Meir and many other progressive American Jews, and enlisted in the Jewish Legion which fought under the British General, Viscount Allenby, to liberate Palestine from Turkish rule. Alex remained a great friend and benefactor of Israel all his life, and had the great pride and joy of seeing his daughter Karme, move to Israel, marry an Israeli and take Israeli citizenship.

He was a born leader, and moved rapidly up through the ranks of the Hatters, Cap and Millinery Workers Union, becoming its Vice President in 1927 and President in 1950. It was in the union, and especially the savage in-fighting against take-over by the Communists, that he learned and sharpened his political and organizational skills.

All his life he fought for progressive unionism, but never to the point of forgetting the general welfare. When union power begins to affect adversely the common good, he believed it should discipline itself with moderation of its demands, for otherwise it cannot long succeed or survive. Unions, he felt, whether private or municipal, should be careful not to push their employers to the wall financially. During the recent Recession, he repeatedly proposed that teachers and other municipal workers facing large lay-offs of thousands of members—usually the last employed which tended to be the minorities, that they all take a cut of one-fifth of both work and salary, and spread the work around for the duration so no one would need to be fired. Unfortunately, very few other labor leaders were willing to accept this kind of statesmanship. Alex Rose believed that Labor had a special responsibility to provide the public with an example of unselfish leadership and social conscience.

When one of his own employees faced bankruptcy, Alex persuaded his own union to buy the firm, and through improved management made it economically viable again, saving his member's jobs, he himself serving as Chairman of the Board.

He had little thought for himself. He lived simply, in the same Washington Heights apartment for thirty-five years, and never received more than twenty thousand dollars a year in salary, which he insisted on reducing to seventeen thousand five hundred during the recent Recession when, due to a flood of cheap imports, his union had some hard sledding.

After his return from the War, he married his beloved Elsie, who was his partner and support in every enterprise for fifty-six years of happily married life. One loved to hear the tenderness and pride with which she always referred to "My Alex."

It was just forty years ago, in 1936, that Alex Rose's career in politics began when he participated in the founding of the American Labor Party, to try to make an enlightened and newly strengthened labor movement a genuine force in America's political life. Those were the days of the so-called "united front" when many liberals hoped that not all Communists were automatically committed to dictatorship. But Alex, David Dubinsky and other liberals became more and more disillusioned with the Communist's take-over tactics, and in 1944 at the suggestion of a young teacher, Ben Davidson, broke away to form the Liberal Party of New York State. From that point on the American Labor Party steadily disintegrated, while the new Liberal Party under the leadership of labor men like Rose and Dubinsky, religious leaders like Reinhold Niebuhr, Israel Goldstein and John C. Bennett, educators like John Dewey, John L. Childs and William Heard Kilpatrick, LeRoy Bowman and Timothy Costello and many others grew from strength to strength. Especially significant was Alex Rose whose combined understanding of the election law, the public mood, and the political personalities and possibilities in each party made possible daring and imaginative initiatives which had a great deal to do with bringing forward and guiding to political success such great public servants as Governor and Senator Herbert Lehman, Senator Jacob K. Javits, Newbold Morris and Rudolph Halley, Robert F. Wagner, Averill Harriman, John F. Kennedy, Lyndon Johnson, John Lindsay and Hugh Carey. When the Democratic Party in New York State had all but abandoned the Truman candidacy for reelection, it was the Liberals that staged a huge election-eve rally at Madison Square Garden to help pull him through.

Over and over again, public servants like Harriman, Kennedy, Javits and Lindsay have been elected by the margin of the vote on the Liberal Party line. Though small in numbers, it has thus been truly a swing party, strong, united, disciplined and committed enough to be able over and over again to decide the issue by swinging its vote to one side or the other, and always for the purpose of getting better, more honorable government for the people of our city, state or nation. As we used to like to say, "The Liberal Party exists to keep the Republicans liberal and the Democrats honest!"

To me personally, Alex was both my warm, personal friend and mentor. Many others, of course, can say this, for he knew how to involve others in the things which he held to be important and dear. He had many extra heads, hands, arms and legs with which to deal with the recalcitrant political issues of our time, among them Governors and Presidents, and he did not hesitate to entrust heavy responsibilities to his friends. He was a hard man to say No to. Everything he was into seemed so right. Somehow, he could make each one feel that he was the indispensable one, without whose help the project could not go forward.

I have been singularly fortunate in my life in having had the friendship and sponsorship of a number of older men, who were to me both inspiration and example. My own father was the first, whom I immensely loved and respected. Although we are told by Freud that we are all supposed to reject, or be liberated from, our fathers, I must confess that I never felt the slightest need or desire to reject, or be liberated from, mine. He never bound me that way, and let me go so early, so carefully, so lovinglyy, that I wasn't even aware it was happening.

The second such man was Dr. Arthur E. Morgan, President of Antioch, my college, whose companionship in long rambles through Glen Helen in Yellow Springs, Ohio, first awoke fully both my intellect and moral idealism.

Third was Charles Lyttle, Professor of Church History at Meadville Theological School, whose encouragement led me to aim high for scholarship, and to win the year's study abroad which brought me my Vilma.

Fourth was Norman Thomas, the great Socialist orator, who kindled my Social idealism and aroused my passion to serve the poor and downtrodden, and build a truly just, democratic and peaceful social order.

Fifth, was John Haynes Holmes, my beloved Senior Colleague in the ministry of the Community Church, upon whose prophetic ministry I modelled my own, and with whom in twenty years of the most intimate working together I never had a serious quarrel.

Finally, there was Alex Rose, with whom I worked closely for more than twenty years, who revealed to me the subtleties of the political process and its enormous power for both good and evil. He showed me how to put my idealism most effectively to work, and how to translate good intentions into social realizations through the art of politics. He taught me to respect, not despise, the art of politics, by showing that it could be honorably and selflessly exercised for the good of the whole, and that there was no calling more productive of human well-being. He made me feel political participation not only as a high art and extreme mental and moral challenge, but as a democratic citizen's first and finest arena of responsibility.

I was close to Alex Rose by virtue of my position of Chairman of the Liberal Party of New York State for over ten years. I knew him intimately. We met regularly, talked on the telephone at times almost daily, and had the fullest confidence in each other.

Alex Rose was not only a powerful politician. He was an altogether remarkable human being. His political power stemmed almost entirely from his fine, human qualities. His genius structured and sustained, and his personal character defined, the Liberal Party, which was the chief instrument of his social idealism and high, moral purpose.

Alex was often called a "political boss," and it is quite understandable that many should have thought him that. But it was never an accurate or true description of him. True—he wielded immense authority with his associates, within his party, among his political colleagues—and in the eyes of his enemies—which he smiled at, for it was one of his weapons for influencing them to do what he thought they ought—the Alex Rose myth was something he cultivated, and made extraordinarily good use of—but he won the respect and loyalty of his colleagues by virtue of his political genius, his high principles and sterling character.

Alex was one of the most persuasive men I have ever known—but his case was always based upon reason, careful analysis, homely illustrations from past, political experience, and an innovative imagination. He carried in his head a detailed knowledge of political history and past party experience, but was

always the first to come up with a new approach, or to remind us that history never repeats itself exactly. He had a resilient, eternally young and hopeful attitude of mind.

Alex lived politics. It was his life passion. Year by year he became more and more insightful, skillful and effective until he had no peer. (Incidentally, we should remember that an Alex Rose is not made in a day, nor will he be replaced in a day).

He relished the hurly-burly of political maneuver. He made the matching of his purposes and his wits with those of his political antagonists a high art. He knew when to see a political friend or foe, and when not to. He knew when an interview should be on the record, and when it should not, when he should see someone alone, and when he should insist on having a witness. He understood the importance of words, and could summarize a complex political situation in a choice word or phrase, and knew how to drop casually, to a reporter as though it were of no importance, the phrase he would like to see in the headlines. A respected New York columnist told me, "He plays the press as a master organist his organ." Alex knew the paramount importance of the media, that in this age of media-mutuality, he who handles the media best gets the story out and wields the influence. He knew the greater importance of actions which signal more powerfully than words. He knew when to talk, and when not to. He could plead when absolutely necessary for the achievement of a higher purpose relating to the general good, but when his sense of justice or humanity or integrity was affronted, he could become icy cold with contempt, and I have seen with my own eyes some great political and governmental figures squirm before his moral confrontation.

Alex was not overawed by anyone, Mayors, or Governors, or Presidents, or Supreme Court Justices. He knew them all, and many of them held him not only in respect, but in a kind of awe. He had an unusual ability to assess and sift a particular political situation, weighing the requirements of the election law, the political personalities involved, their relationship to their own political parties and to ours, their personal strengths and weaknesses, the depth of their commitment to honest, independent, effective government. Along with this he had an acute sensitivity to the public mood, and was able to put this together into imaginative political proposals around which to rally his Liberal Party forces. All of this happened so easily, rapidly and spontaneously that it appeared intuitive, as though he were a political kind of computer.

Alex believed in the democratic process, in getting as many Party people as possible in on basic Party decisions. Though he was for many, many years, by unanimous Party consent, its manager, chief tactician and day-to-day negotiator, I never knew him to try to force his opinion on anyone, let alone a majority. Quite the contrary, time and again I have seen him back down, or reverse himself, when a majority of his colleagues saw things differently, most recently when he agreed to go along with the effort on the part of several of his top colleageus to get Bella Abzug to run for the Senate on the Liberal Party line, after her defeat in the Democratic Primary. He did not think the effort would succeed, and predicted she would not accept, but he agreed that the effort should be made—and it was. The decision for Senator Moynihan was made ultimately by an overwhelming majority of both our large Policy and then larger state committees.

Alex was meticulous in consulting his colleagues, and touching base with Party leaders, whenever any new situation arose, or whenever he had discussions with key political figures, calling me, as Party Chairman, to relate in detail all that had transpired, and asking whether I thought the situation required a meeting of the Party's Administrative or Policy Committees. Consultation with him was thorough, and at Policy Committee meetings he always recounted in detail exactly what had been said in his meetings with public and political personalities, explaining why he had spoken as he did, and asking our consideration and approval of what had transpired.

He considered public employment of party members, sometimes called "patronage" absolutely essential. "Why go to all this political trouble" he would ask, "if we are not to have liberal people in positions to influence policy decisions." But he insisted that Liberal Party appointees be able, dedicated, effective public servants.

He was an acute judge of human beings, and usually knew how to make good use of their best qualities for long range human advance.

Alex Rose's friendships were fabulous. He walked easily with the high and mighty, but cultivated the rank and file. His leadership of his Union was built on the dedicated loyalty of his lieutenants, who believed implicitly in what he was trying to do. Each Liberal Party associate was also a personal friend. I have not in my lifetime seen anything more beautiful than Alex's long friendship with David Dubinsky. Together they fought against union racketeering, and for clean, democratic politics. Dave helped provide the muscle and the common sense realism, Alex the imagination and political know-how. Together they were unbeatable. They could communicate assent with a glance, or dissent with a nod, and when discussing issues that were thorny and difficult, Dave often called him by a kind of pet name, a form of endearment, "L'Alex." Their loyalty to and friendship for each other and their common good government commitment has been and will always be an inspiration to all of us younger men.

I have been State Chairman of the Liberal Party now for over ten years, equally the record service of a predecessor, Professor John L. Childs. Never in all those years did Alex ever ever let me down. Once when a major supporter threatened to withdraw his very significant financial support because I was urging our Party to oppose the Vietnam War, Alex asked me if I thought the principle at stake was important enough to let all of that money go. And the influence that went with it! I told him I thought the principle was a matter of life and death, for our country and for our Party. Alex shrugged his shoulders in that very special way of his, and said "It is only money." He stood by me, his Chairman in good times and bad.

Many people have asked me across the years if I didn't resent so much attention being paid to Alex Rose, rather than to me, Donald Harrington, the Party Chairman. Frankly, I never could quite understand the sense of this question. Alex and I knew our respective roles. We never pretended they were otherwise to anyone. I was the Chairman, presiding over the Party Organization and its principle committees, representing it before the public. He was the chief tactician and negotiator, guiding us in our thinking-through of the successive electoral situations with which the Party was confronted. Never did he fail to consult me concerning some proposed initiative, nor to report on a significant conversation. Now what sense would it have made for me to try to be another Alex Rose, when we already had Alex doing the job so superbly And why should anyone have thought I would resent his being credited with what he was obviously doing? On the contrary, I was proud to be associated with, and to be able to work helpfully, with him, and I think he appreciated the contributions which I was able to make.

We, and other key members of the leadership, Ed Morrison, Ray Harding, Herbert Rose, Henry Foner and I think here especially of Ben Davidson, long time Party Secretary, and the rank and file of the Liberal Party Family have worked as a team. We have all understood the importance to our Party and its work that he should be our tactician. We all understood that his skill with the media was one of our greatest assets, and that he must be free to use it to the full. We all understood that in our unity of spirit, though never uniformity of viewpoint, was our strength as a Party, and that we should talk things through until we reached a reasonable consensus, which we usually did. It really didn't matter to any of us who got the credit.

So, the years went by, and great good was accomplished for the general welfare and the improvement of American politics, and New York City, New York State, our nation and our world will always be the better for it.

Many are wondering what will happen now? Can the Liberal Party survive without Alex Rose?

Alex would have reminded them that the Liberal Party has always been bigger than any single person. Its power has been in the ability of many people, dedicated to good government and social justice, to work together politically in harmony. Surely, he would say, they have learned something from our years together. Leaders come and go, but our Party will continue and flourish. We have many potential new leaders down in the ranks. They will come forward!

I'll give you a prediction, that the Liberal Party will not only survive, it will grow and spread beyond the bounds of New York State—because its voice, its principles, its methods and its influences are needed all across this land and world.

As we think of the future of Liberal politics in particular, and minority parties in general, there are a number of indications that bespeak a promising future for our kind of liberal politics.

One is the increasing prevalence of independent voters and voters who split their tickets.

Another is the decreasing dependence of candidates on political machines. Radio and TV are providing direct access of candidates to voters, and voters to the candidates. Government campaign financing will further free the candidates.

Then, all over the country today small groups of progressive or liberal-minded voters have been springing up spontaneously, working primarily on local issues, but quite apart from ties to either Republicans or Democrats. They are looking for an independent, liberal third force to associate with on national issues.

Finally, there has been an increasing dissatisfaction with the limited choice available in the two-party system—why not more than just two alternatives—many people ask.

For the past three decades, national election in Western Europe have consistently featured extremely high voter turnout in support of multi-party parliamentary democracy. Conversely, national elections in the United States have consistently demonstrated a proportionally decreasing voter turnout among those eligible, accompanied by a steadily increasing percentage of independent voters among those Americans who do trouble to register and to vote. These trends may indicate substantial public dissatisfaction with the limited "either-or" choice presented by our traditional two-party system.

By contrast the voters of New York State

had for some years a four-party system, with Democrats, Republicans, Conservatives and the Liberal Party.

Though small, the Liberal Party has a record lifespan for an independent third party, having maintained itself longer than any other in the country. The Liberal Party provides a rallying point for all shades of liberal opinion; it provides a voting line for liberal Democrats who may wish to vote for a Liberal-Party-endorsed Democrat, but who would never do so on the Democratic line. Liberal Party endorsements provide easy identification of liberal-minded Democrats and Republicans for their own party members, and help to build a liberal influence and presence in both of the old line majority parties.

A friend of mine once told me, "I've always been a Democrat, and just have to vote that ticket, but I always look for the Democrats you Liberals have endorsed."

There is considerable public awareness of the Liberal Party's two greatest electoral triumphs: one in 1960, when John F. Kennedy's margin on the Liberal ticket won him New York State and, thereby the Presidency of the United States; and the other in 1969, when New York City Mayor John V. Lindsay, running as an independent Liberal candidate, won re-election with more than one million votes. Fewer realize what an important part the Liberal Party played in Governor's Carey's coming to the fore, and almost no one realizes that all the contemporary statewide election victors in New York State were elected as Liberal nominees; the Governor, Lieutenant Governor, and State Comptroller as Democratic-Liberal nominees; the State Attorney General and the senior United States Senator as Republican-Liberal nominees, and, most recently, the junior United States Senator-elect Daniel P. Moynihan was a Democratic-Liberal nominee.

There is even less knowledge of the Liberal Party role concerning the New York State delegation in the United States House of Representatives. Seventeen of the 39 Congressmen from New York State elected this November were elected as coalition Democratic-Liberal nominees. Although, at first glance, seventeen of 39 might not seem so impressive, if the Democratic-Liberal Congressmen-elect were a separate state delegation in the United States House of Represntatives, they would constitute a House delegation larger than the entire state delegation of any of the 43 states. Put another way, the Democratic-Liberal delegation would be tied with the entire Michigan delegation, which also numbers seventeen Congressmen, for seventh largest delegation in the House of Representatives.

On the other side of the political spectrum, but also quite pertinent from a third-party point of view, the Conservative Party participated in the election of eleven Congressmen from New York State, nine coalition Republican-Conservative nominees and two coalition Democratic-Conservative nominees.

And all this does not include the scores of New York State legislators, New York City officials, and other local officials elsewhere in the state elected with the support of the Liberal Party or the Conservative Party. Indeed, one member of the New York City Council—Manhattan Councilman-at-Large Henry J. Stern—was elected exclusively as a nominee of the Liberal Party, and has been regarded by many as its most outstanding member.

So much for the scarcely-known impact of the Liberal Party, and also the Conservative Party, at the polls. But even less is generally know about what, exactly, the third parties stand for on issues.

For example, Carter-Mondale were coalition nominees of both the Democratic and Liberal Parties in New York State, yet little attention was given to the distinctive Liberal Party platform that differed substantially from the national Democratic platform. The Liberals, going far beyond the Democrats, demanded not just the Humphrey-Hawkins employment bill, but an ongoing full employment economy carefully g"ided by comprehensive national planning; not just the Kennedy-Corman national health insurance bill, but full, complete medical and hospital care as a right for all Americans; not just more routine housing bills, but a new federal policy reclassifying housing as a priority national utility, with support to match; sweeping tax reform, and federalization of welfare; greatly strengthened consumer protection, and greatly strengthened environmental protection; and so on. A special platform plank commended the Scandinavian welfare state as "an example to and a model for America and the world."

The Liberal Party also has taken stands on a whole galaxy of international issues. It was the first political party to call for an end to the Vietnam War. As befits a small party, the Liberals have championed the right of smaller nations to democracy and independent self-determination; this has meant not only reaffirmation of pioneering Liberal backing for Israel, but also vigorous defense of democracy in Chile, Portugal and Greece, and even support for Iceland in its "cold war" with Great Britain.

In light of this contribution by the Liberal Party on programs and at the polls, might not the State of New York, with its working four-party system, become a potential political model for the nation? The answer rests with the degree of sophistication of the electorate, which, in turn, depends in large measure upon the effectiveness of the communications media in highlighting and exploring significant public issues. When the voting public as a whole realizes that third parties can and do offer ongoing specific, realistic, constructive policy alternatives to the major parties—and supports their candidates accordingly—third parties will then be able to achieve their full, useful potential in developing, offering, and promoting comprehensive, dynamic alternative programs within the American democratic system.

Out of this may come a spreading of the Party into other states beyond New York.

At the last meeting of the State Committee of the Liberal Party, it was voted that the leadership should explore the possibility of its spreading to other states. Across the years many individuals have written from outside New York asking if they could start a similar group there. Perhaps the time has come.

In any case, I can assure you that the Liberal Party is not going to collapse with Alex Rose's death, but will go on, in his memory and spirit, to accomplish the great ends of good government for which he gave his life. Already its Policy Committee has met and unanimously asked me, as Party Chairman, to take up the responsibilities he has laid down. I can do so only because I am surrounded by men and women trained by him in every aspect of political struggle, and tried and tested over many years, all of whom have pledged me their loyal and dedicated support. We shall not fail.

Right now we face one of our most difficult tasks, to find a candidate for Mayor who is bright enough and tough-minded enough to save this city from destruction. It won't be easy, but working together and with our many friends, I do believe we'll find a way.

So now, to Alex Rose, old friend, beloved comrade. father, mentor, example, we say good night and goodbye. But we say goodmorrow for the upright politics he lived to forward, and we know that his spirit will never be far from us in the difficult, challenging days that lie ahead.

And so we say, good night, Alex Rose, gallant leader, heroic pioneer. And goodmorrow to those great ideas and ideals for which we fought together side by side across the years.

FOOD RESERVES AND THE FARM BILL

Mr. HUMPHREY. Mr. President, I wish to share with my colleagues the recent testimony of Mr. Warren P. Henegar of the Bread for the World group and the testimony of Bishop James S. Rausch, general secretary of the U.S. Catholic Conference, on new farm legislation.

Bread for the World was begun by a number of religious groups, and it is directed toward dealing with hunger on a worldwide basis.

The testimony of Mr. Henegar is largely devoted to the concern that the new farm bill should include provision for the establishment of an on-farm grain reserve as well as an emergency reserve to assist the world's most needy nations.

The testimony of Bishop Rausch emphasizes the moral and religious considerations involved in food policy and legislation. He points out the need to balance the interests of the farmer, the consumer, food importers and the developing countries in establishing food policy.

He also cites the severe strain which many developing countries faced during the 1972–74 period as food supplies became tight and prices escalated.

The U.S. Catholic Conference also, in this testimony, indicates its support for a grain reserve as a part of U.S. agricultural policy.

The testimony points out the sharp increases in food prices as a result of shortages during the 1971–74 period. Bishop Rausch also indicates his belief that a grain reserve would be of major assistance to the developing countries in avoiding major shifts in supply availabilities as well as price changes.

The testimony also argues that a grain reserve would help protect American farmers from wild price fluctuations. An example of this volatility was the swing in prices for wheat from $1.86 per bushel up to almost $6 per bushel and then back down to $2.77.

I am delighted that these groups have come forth to testify on our pending farm legislation and that they have taken the time to develop detailed positions on these issues. I am aware of the intensive efforts which these groups have put into working with both farm and consumer groups in developing their legislative recommendations. I am also encouraged that they have looked on food as a moral issue in these deliberations.

Mr. President, I ask unanimous consent that these two statements be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF WARREN P. HENEGAR

Mr. Chairman and distinguisfned members of the committee: My name is Warren P. Henegar, and I am here representing Bread for the World. I am a member of its board

of directors and a farmer from Monroe County, Indiana. I presently manage several farms that produce corn, soybeans and cattle.

As you know, Bread for the World is a three-year-old Christian citizens' movement whose members are active in every congressional district throughout the country. Last year Bread for the World played a key role in the passage by the Senate and House of Right to Food resolutions.

Much of Bread for the World's strength comes from having in its membership a high proportion of parish pastors and lay leaders who are able, through their congregations, to build public support for morally sound policies. Bread for the World also counts among its members a large number of farmers who have helped to shape our positions on agricultural issues.

In formulating its positions on such issues, Bread for the World has sought approaches that are technically sound, economically workable, and fair to farmers and consumers alike. Our position on grain reserves, for example, was worked out after extensive consultation with farmers, agricultural economists and development specialists.

Among the various issues taken up in the 1977 omnibus farm bill, we are especially interested in improving the food stamp program and extending coverage to those who need to be on the program, but are not; and in revision of the PL 480 food assistance program. We would like to submit written statements on these two issues at a later date.

Today, however, we will limit our testimony to an issue that does not appear in the bill: a domestic grain reserve program and the need for U.S. participation in an internationally coordinated system of national reserves.

Put simply, Bread for the World believes that with increased supplies of grain worldwide, now is the time for the Senate Committee on Agriculture to provide leadership in establishing a grain reserve program. Congress itself in the International Development and Food Assistance Act of 1975 encouraged the President to seek an international reserve agreement. And one of three basic recommendations to emerge from the 1974 World Food Conference was the establishment of a food reserve program. But here we are in 1977 and still no action has been taken on the reserve issue.

In testimony already presented to this committee, a variety of farm organizations have spoken of the need to do something about their price-depressing grain surpluses. The present moment should not be allowed to pass without this committee assuming leadership in establishing a grain reserve tailored both to manage the present supply, and to meet basic food needs in those inevitable food-short years to come. Should it choose to act on the reserve issue, the Committee will find itself supported by a growing portion of the farm community, consumer organizations, humanitarian groups concerned with international development, and the U.S. religious community.

Any effective grain reserve system must meet two requirements. First, it must insure that adequate stocks of grain are available for emergency situations arising from crop shortfalls, natural disasters or other calamities. Second, it must protect both farmers and consumers—especially poverty-stricken consumers—from the effects of rapid and extreme fluctuations in the price of grain. Prices should not be allowed to go so high that they put hungry people out of the market, nor should they be allowed to fall so low that farmers are denied a fair return on their production.

While the implications of reserves for the world's poor are obvious, the less obvious implications for farms in both developed and developing nations should not be overlooked. A system of carefully managed reserves and more stable prices would give all farmers the opportunity to plan their investments. Such reserves offer insurance against depressed prices that put many small U.S. family farmers out of business. At the same time a good reserve program would assure developing nation farmers that large quantities of cheap grain and unnecessary food assistance from the rich nations will not end up on their markets during times of worldwide grain surplus. Such "cheap grain" has, in the past, depressed the prices that developing nation farmers have received for their own crops, and has discouraged them from producing. Those farmers, too, must play a crucial part in helping the world meet its food needs in the years ahead.

Bread for the World recognizes the needs of U.S. farmers and consumers, as well as hungry people abroad, and has attempted to design a reserve proposal that benefits them all. The reserve explicitly meets farmer demand that there be normal market movement within a fairly wide price band, restricting reserve intervention to exceptional instances of price fluctuation. It would put most ownership and control of grain reserve stocks where they belong—in the hands of farmers. And it would associate reserve support and release prices with recent market behavior so as to keep the system market-oriented and prevent either the build-up of undesirable surpluses or the introduction of artificially low support prices. Bread for the World's reserve proposal also includes provision for emergency relief stocks.

I have attached our reserve proposal. Let me identify and briefly describe its essential features.

MARKET OPERATION

A reserve should not obscure the natural operation of the grain market. Ordinary market operations signal producers and consumers to shift production and consumption patterns. Thus, farmers should have the opportunity to profit from increased demand. But they should not be undercut during occasional periods of worldwide overproduction. Consumers, on the other hand, should be protected from spiraling prices, pernicious speculation, and hoarding that accompany occasional periods of undersupply. The solution is for market mechanisms to be complemented by reasonable support and release prices to eliminate the "wild fluctuations" in price that President Carter deplored in his recent radio conversation with the nation.

FARMER OWNERSHIP OF RESERVES

Reserve stocks should be held by farmers so that they can benefit from the storage payments. Farmer ownership would also do much to allay fears that reserves would be used to artificially depress prices. The cost of holding reserves should not fall on the farmer but on the government. This could be done through the existing loan programs of the Commodity Credit Corporation (CCC). Loans could extend up to three years beyond the initial period. Farmers should be offered a premium loan rate for grain put into extended loan (reseal) in exchange for a commitment to release these holdings in stages, at predefined price levels. Bread for the World has suggested that the government should hold a portion of any reserve. Under our proposal two-thirds of a 25 million ton reserve would be held by the farmer and one-third would be under government ownership, but stored primarily on the farm.

A PRICE CORRIDOR

One function of the reserve would be to keep market prices within well-defined limits. Reserves would be drawn from the market or released to it, to dampen only the most extreme fluctuations in prices. At all other times normal market operation would prevail with prices allowed to move in a 4 percent price band—20 percent above and 20 percent below an average of recent prices.

RELATING SUPPORT/RELEASE PRICES TO MARKET HISTORY

Loan rates set without respect to market behavior run the risk of undermining any reserve proposal and the long-term stability of the farm economy. Loan rates set too low, in addition to ruining many farmers, will not allow the accumulation of sufficient stocks to make the reserve program workable. On the other hand, loan rates that are too high will inevitably generate excessive stocks and depress prices. Similarly, release prices that don't reflect recent market developments run the risk of robbing farmers of fair profits, if they are set too low, or of being so high that they place millions of hungry people in grave jeopardy.

EMERGENCY RESERVE

Bread for the World's proposal also provides for an emergency reserve of 10 million tons. This supply would be made available to the world's most needy nations at subsidized prices when the market price of grain rose to a predetermined upper limit that seriously undermined their purchasing ability, or as outright grants in crisis situations. The emergency reserve would be insulated from the market to insure that adequate supplies were available to poor countries facing extreme food shortages.

Bread for the World is prepared to support legislation that includes these essential elements of a workable reserve. We have had discussions with committee staff, and we are engaged in an extensive educational effort on the need for reserves and the essentials of a just plan. We expect this effort to reach a great many people across the country, and to result in the development of substantial consensus on the issue.

The opportunity for historic progress has seldom been better. The United States and the world need and expect a reserve, and look to this committee for leadership in taking the first step toward an internationally-coordinated reserve.

TESTIMONY BY BISHOP JAMES S. RAUSCH

I am Bishop James S. Rausch, General Secretary of the United States Catholic Confertion agency of the Catholic Bishops and which represents the concerns of the Church on a broad range of policy issues.

First, Mr. Chairman, I wish to thank you and the other members of the Committee for affording me this opportunity to register the views of the U.S.C.C. on the question of a U.S. grain reserve. As you may know, Mr. Chairman, the U.S.C.C. in previous Congressional testimony has taken a position strongly in favor of the establishment of such a reserve. We continue to hold to this view. We believe a grain reserve is a necessary policy instrument to help assure people's basic right to food. In my testimony, I propose to address the issue of a grain reserve in the context of (1) the moral-religious principles involved, and (2) the domestic and international dimensions of U.S. food policy.

The perspective from which I propose to develop my presentation is the 1972–74 food crisis. Food shortages and spiraling food costs during that period imposed severe hardships on millions of low-income American consumers and denied essential foodstuffs to many more millions of malnourished and starving people in the developing world. Everyone is agreed that this is an experience that should not be repeated in the future. Yet, there is a growing consensus in the current literature that world food production and prices will be subject to even more ex-

treme fluctuations in the future than in the past.

I. MORAL-RELIGIOUS CONSIDERATION

The U.S. Catholic Conference believes it is essential that the United States as one of the world's largest food producers and the dominant food exporter take the lead in adopting agricultural policies which will help alleviate, if not avoid, the damaging effects of increased food supply instability. Other countries should be encouraged to follow our lead.

In a world of growing dependence on U.S. food supplies, U.S. agricultural policy must take into account our international as well as domestic interests. These international interests must extend beyond such traditional foreign policy objectives as maximizing export earnings and using food to further our perceived political and strategic goals. They must also take account the religious perspective of the uniqueness of food and the moral assessment of our relationship to the hungry in an interdependent world.

The uniqueness of food lies in the biological need people have for it and the impossibility of either substituting for, or postponing this need. The control of food is not the same as the controlling of oil or other natural resources. While there is some moral responsibility toward the international community today in controlling any vital resource, we believe a unique moral responsibility rests on those controlling the production and distribution of much of the world's food supply. Food is not just an important commodity, it is also a sacred trust which derives from its direct connection with life. The U.S. food policy requires the weighing and careful balancing of four main interest groups: (1) the U.S. farmer; (2) the U.S. consumer; (3) traditional food importers; and (4) the developing countries dependent on U.S. food assistance.

All but the latter have either a voice or vote in U.S. food policy or bargaining power and leverage and are, therefore, able at least in some measure to protect their interests. It is the needy people in the food deficit countries who have the least influence on U.S. agricultural policy and yet are most vulnerable to the food shortages and spiraling prices which characterized the 1972–1974 world food crisis.

We argue for a U.S. food policy which shows a greater sense of moral responsibility for the interests and needs of the hungry and starving in the developing world. It is our view we should use the category of social justice to define our responsibilities toward the hungry.

To say we have an obligation in justice to the hungry means determining their claim upon our resources. The claim the hungry make upon us in justice is made by the common humanity they share with us. Social Justice, understood in the context of international interdependence, affirms the responsibility of the international community to protect and preserve the common humanity we share. It is that humanity which defines the boundaries of the international community. If the threat to that humanity is hunger, then those who have the power to determine the allocation of food supply are those upon whom the prime responsibility for achieving minimum justice for the hungry rests. We do not bear the responsibility for other resources in the way we do for food. The way we exercise our responsibilities in justice for food can set a precedent for others. If the rules governing access to resources are not set by some standards of justice, an interdependent international system can become a war of all against all. It is in our moral and political interest to raise the standard of justice as the criterion for determining allocation of vital resources in an interdependent world.

II. DOMESTIC AND INTERNATIONAL DIMENSIONS OF U.S. GRAIN RESERVE

The U.S. Catholic Conference strongly supports the creation of a nationally-held grain reserve over and above normal working stocks as an instrument of U.S. agricultural policy. We share the views of most experts that such a reserve is necessary to minimize the adverse impacts on producers and consumers of periodic world crop shortages and surplus to be expected in the future.

In periods of shortage such a reserve would protect the American consumer against the rapid run-up of food prices such as occurred in 1971–74 when nearly 40 percent of the increase in the consumer price index increase was attributable to food. It also would help insure that commercial export demands as well as humanitarian needs are adequately met at reasonable prices without resort to export embargoes or drastic cutbacks in PL 480 shipments.

A grain reserve is particularly important for the future protection of the developing countries who shouldered much of the burden of the 1972–74 shortages. The developing countries take almost one-half of the world's grain imports. The tripling of grain prices between 1972 and 1974 imposed almost as severe financial burdens and in some cases even more severe hardships on many developing countries as the concurrent rise in petroleum prices. As a result, the financial resources of many developing countries have been strained close to the breaking point. For them, a repetition of the 1972–74 experience any time in the next five years or so would be disastrous. In addition to substantially higher prices for their commercial grain imports the neediest developing countries had to absorb a drastic cutback in food aid. In FY 1974, PL 480 shipments were reduced to approximately one-third the 1972–73 average at a cost of great human suffering and loss of lives. All of this could have been avoided or substantially mitigated if the United States and other major grain exporters had been maintaining adequate grain reserves.

A grain reserve would help protect American farmers from the damaging effects of wild fluctuations in grain prices. Between 1972 and the first quarter of 1977 the price of U.S. wheat went from $1.86 to almost $6.00 a bushel and then back to $2.77. This sort of boom and bust cycle can only impose severe hardships on growers.

Ideally, we believe a U.S. grain reserve should be part of an internationally coordinated system of nationally held stocks providing for an equitable sharing of the financial burdens by both importers and exporters. Such a world system was unanimously endorsed at the World Food Conference in 1974. Ten months later, Secretary of State Kissinger in his September 1975 address before the Seventh Special Session of the UN General Assembly proposed a world reserve for food security of at least 30 million tons of wheat and rice to deal with potential shortfalls. And, again, the International Development and Food Assistance Act of 1975 called on the President to seek international agreement for a system of food reserves to meet food shortage emergencies and to provide against unexpected shortfalls in food production. But, except for some desultory discussions in various international forums, nothing has come of those proposals.

We recognize negotiation of a multilateral grain reserves scheme is apt to prove difficult and time consuming. We believe the question is of sufficient importance and urgency, however, for the U.S. government to make a major diplomatic initiative to get serious negotiations underway as soon as possible. In the meantime, we strongly urge that the United States act without further delay to establish a national reserve which can be integrated into a multilateral arrangement if it can be negotiated. Favorable grain crops here and abroad in 1976 and 1977 provide the first real opportunity since the 1972–74 crisis to begin to build such a reserve.

We do not propose to discuss here the various technical, procedural and managerial problems involved in setting up and operating a grain reserve system on which a considerable body of expert opinion now exists. Suffice it to say, there is a substantial agreement among experts that a grain reserve would not only be a useful tool of U.S. agricultural policy but is also practical.

The general principles governing the operation of a grain reserve are fairly simple. Grain would be acquired when prices are weak and approaching support levels. Sales would be made from the reserve only in terms of relative supply shortage when prices were substantially above acquisition costs so as to safeguard the interests of the farmer and offer him sufficient incentive to maintain adequate levels of production to cover both domestic and international needs including humanitarian food. A certain portion of the reserve might be segregated for the purpose of meeting emergency situations such as famines and shortfalls in availabilities to meet PL 480 requirements. Prices and procedures for acquiring and disposing of reserves should be determined by the government and announced well in advance of each crop season so farmers can shape their planting plans accordingly. In the event a multilateral scheme eventually is negotiated, it will be necesary to closely coordinate national policies regarding such acquisitions and sales if the arrangement so as to accomplish its intended objectives.

OPTOMETRIC MEDICARE STUDY

Mr. DOLE. Mr. President, I have been informed by the Department of Health, Education, and Welfare that they have officially filed their optometric medicare final report with the Congress as mandated by Public Law 94–182. The document is 134 pages long and I wish to call our colleagues' attention to the fact that this is an excellent working document on the profession of optometry which should, once and for all, demonstrate that optometrists should be fully included under the medicare law.

First, I compliment the profession of optometry for permitting itself to be studied on an interdisciplinary basis. This type of introspection shows a great maturity on the part of the profession of optometry and they are to be complimented for their openness and candidness to have the public examine their profession educational level and their scope of practice.

The Department of Health, Education, and Welfare is to be complimented for putting together an outstanding group of consultants including three practicing optometrists, three practicing ophthalmologists, an academician, and two knowledgeable consumers. In addition, as I understand it, there were over 200 professional people in government who had a hand in the final document that has been presented to Congress.

Theodore Cooper, M.D., former Assistant Secretary for Health should be complimented on his fair and expeditious manner in handling this study. Under his

direction, the study was undertaken by the Health Resources Administration, headed by Kenneth Endicott, M.D., Dan Whiteside, D.D.S., and Mr. Tom Hatch—both of the Bureau of Health Manpower, should be especially singled out for their dedication to being responsive to the congressional mandate on this subject. The many other HEW staff professionals who have authored chapters in this study should also be complimented on a very thorough, factual, and analytical study of the independent primary care profession of optometry.

Mr. President, I hope this report will be the basis of immediate legislative enactment correcting the inequities to medicare recipients for covered eye care services presently being denied reimbursement when rendered by a practicing optometrist, but covered when rendered by an opthalmologist. There can be no question about the injustice to our senior citizens and the profession of optometry and I believe because Congress mandated this study, we now must do our part to correct the problems identified and adopt the recommendations of the Health Resources Administration.

THE PREGNANCY EPIDEMIC

Mr. HATFIELD. Mr. President, I have become increasingly distressed by an attitude toward abortion that has been gaining in popularity since the 1973 Supreme Court decision permitting abortions. This attitude is one that denies the relevance to the issue of any moral arguments and that advocates aborting fetuses as a method of birth control and a cure for many societal problems.

This attitude, surely, is a sad one. Let us be clear in our reasoning. The increase in the demand for abortions does not result from healthy trends in our society, but is due to the fact that there is a pregnancy epidemic occurring among those members of the society least prepared and able to bear and raise children—unwed teenagers.

It is possible to understand the motives behind a proabortion stand that is based on a humanitarian concern to spare the child and the unwed teenage mother further problems. I do not agree with this stand, but it is possible to understand it. However, it is the cavalier attitude that encourages abortion and views abortion as a goal, that distresses me. At best, abortion should be viewed as a disagreeable pallative. It is not a cure and we should not rely upon it to get rid of the deadly disease that lies behind its increasing use.

Those who support abortion must not view its free, unimpeded use as their goal. Instead, the objective of us all must be the eradication of the teenage-out-of-wedlock pregnancy epidemic.

For those opposed to abortion, the banning of abortions must not be the goal either. Instead, our goal must be to banish the type of environment that is causing the epidemic and that causes women to decide that the world is not a fit place for their children.

Rev. Jesse Jackson has addressed this matter in a recent article in the Washington Post. He states that abortion must be viewed as another horrible symptom rather than a cure to the societal disease, and then examines one of the causes of the disease—sexually suggestive popular music. I encourage our social scientists, religious leaders and opinion-setters to focus on other possible causes in an effort to responsibly do battle with those causes.

I ask unanimous consent that Reverend Jackson's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PREGNANCY EPIDEMIC

(By Jesse Jackson)

The deadliest poisons are colorless, odorless and tasteless toxins with the power to penetrate anywhere, undetected. No effective way exists to develop resistance against such invisible poisons. Traditional safeguards are ineffective, and to rely on them blindly can be a fatal mistake.

And so it is today, when parents look to traditional institutions either as sources of help or as scapegoats in their frustrating battles to reach or save the minds of their children. Home, school, church and synagogue are no longer strong enough to save children, because their combined power cannot match or overcome the other forces that also shape children's lives and attitudes. Foremost among these is the power of the media.

Consider only one potent media influence on children that parents generally are insensitive or deaf to: the radio. Those parents who do become aware of their children's addiction to radio and the music it broadcasts deal with it by ordering the volume turned down. But loud or soft, the beat goes on and its message comes through.

In the days when popular music first began flirting with sexually suggestive lyrics, program directors dropped the offending songs once they realized what was going on; some even bleeped or muddied the suggestions. But now the songs are sexually directive with explicit instructions, and with radios amplifying their messages.

Do you know what songs radios are beaming into the ears of 14-, 15-, and 16-year-olds, and their 4-, 5-, and 6-year old brothers and sisters? There have been "Shake Your Booty," "Ain't That a Bitch," "I Want to Do it to You All Night Long," "Let's Spend the Night Together," "I Want to Do Something Freaky to You," "It's Alright to Make Love on the First Night," "Squeeze Box," and "Love to Love You, Baby," the short version of which, Time magazine said, features the singer, Donna Summer, having 22 orgasms.

These present-day heroines and heroes of the young use their art, through the medium of radio, to transmit a moral tone and an ethical content that, at the least, encourages their listeners, our children, into premature heat. The pervasiveness of radio and pop music is undeniable. Wherever young people go, their radios are with them, from waking to sleeping, playing through the hours. Are our children its audience or its victims?

This year, our nation is in the midst of a teenage pregnancy epidemic: babies having babies. This year, more than one of every 10 of this country's 15- to 19-year-old girls will be pregnant—and so will 30,000 more 10- to 14-year-old girls. Only a third—or less—of these million-plus child-mothers will conceive in wedlock. Where do you suppose they have been tuned while developing their attitudes about love and love-making?

The victims of the pregnancy epidemic aren't just our children, but their children, too. Children they really don't want, children they don't know how to care for, children they lack the maturity to care for—or love—intelligently. Because they may foresee this, more than a fourth of the teenage girls who will get pregnant this year will have abortions. That's a step we should see as another horrifying symptom, rather than as a cure.

Of those teenagers who will bear their children, nine of 10 will take their babies home. They will take them to homes where, because their mothers are immature, unprepared, too poorly educated to find meaningful employment, these children of children will experience enormous family insecurity and, all too often, be condemned to lives of material and mental poverty, physical and psychic deprivation.

All this defies other trends in American life. For more than a decade, the overall birthrate has been dropping—but not among 15- to 17-year-olds. Not only is pregnancy increasing among younger girls, so is the proportion of them who conceive their children out of wedlock. The birthrate for unmarried 18- and 19-year-olds is now higher than that of unmarried women 20 to 24 years old—a reversal of traditional patterns.

What ideals of love and attitudes about love-making are these young women and their lovers tuning into?

Can anyone doubt that the teenager's constant, transistorized companion doesn't influence him? Does anyone doubt that music heard on the radio doesn't motivate millions of teenagers to spend millions to buy the records the radio stations play—and some they don't, like the 16-minute version of Donna Summers' "Love To Love You, Baby"? Can anyone doubt that radio and other media exercise very real power in directing our children's lives?

If the media are to have power over the minds of children, then they must accept responsibility for the directions they provide. The public has a responsibility to see it's done. Educators have a responsibility, too. And so, too, do the heroes and heroines of the young. It may be too late to save some of our children, but it's not too late to save the children of the children.

It still amazes me that so many of abortion's enlightened proponents only focus on the consequences of decadence, not on causes. Their concern is panicked reaction to immediate impact, not with the roots of a problem for which their panacea is abortion.

Isn't it logical that teaching too little, too late, about sex and failing to teach anything about moral responsibilities has produced too many ignorant and irresponsible young men and women?

We can't wait to see who might be willing to take responsibility. Abortion might prevent the arrival of our children's children, but it won't save our children. We—all of us—need to realize and communicate that we cannot and will not allow our public airwaves to transmit society's lowest and most debased values to our youngest and most impressionable citizens.

NATIONAL EMPLOY THE OLDER WORKER WEEK

Mr. CHURCH. Mr. President, today many ill-founded assumptions exist about the desirability or feasibiilty of hiring older workers.

The net impact is that many workers in their 40's, 50's, and 60's are discovering that advancing age is a serious employment barrier.

Yet, these individuals have much to offer employers.

They are less likely to be absent from work than younger persons.

They usually have more on-the-job experience.

Their productivity compares very favorably with younger persons.

Independent studies also reveal that older persons usually perform as well on the job as their young counterparts, and in some cases noticeably better.

Quite clearly, educational efforts are needed to inform the public—as well as public and private employers—about the true capabilities of middle-aged and older workers.

This takes on added meaning because this week is National Employ the Older Worker Week.

President Carter has already issued a proclamation, calling upon Government officials, labor, business, and other groups to make the American public aware of the value of hiring older men and women.

If appropriately implemented, this action can lead to a more favorable climate for the employment of mature workers.

The need is compelling because middle-aged and older workers have been especially hard hit by the 1974–75 recession and its aftermath.

The latest figures from the Census Bureal reveal that poverty among persons 45 or older increased by 500,000 from 1974 to 1975, the sharpest rise in history.

More than 7 million middle-aged and older Americans have incomes below the poverty line. Another 3.7 million persons 45 or older were marginally poor, having an income slightly above the poverty line but below 125 percent of the poverty threshold.

All totaled, almost 10.8 million middle-aged and older persons—or nearly 17 percent of the 45-plus population—live in official poverty or very close to it.

If poverty is to be appreciably reduced for older and younger Americans, it is essential that our Nation develop policies to maximize job opportunities for all Americans.

It is also essential that we work to eliminate negative stereotypes which may discourage employers from hiring older or younger applicants.

President Carter's proclamation declaring the week of March 13 as National Employ the Older Worker Week is a constructive step in advancing toward this goal.

Mr. President, I ask unanimous consent that this proclamation be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

[Presidential Documents]

PROCLAMATION 4487—NATIONAL EMPLOY THE OLDER WORKER WEEK, 1977

(By the President of the United States of America)

A PROCLAMATION

Our prosperity as a nation rests on our productivity as workers. Our happiness as individuals begins with our ability to find useful, rewarding jobs.

That is why I feel it so important that jobs be available for our people able to perform them—people in every region, of every religion and color, and of every age. Time and again in our history we have benefitted from the skill and dedication of our older workers. But too often prejudices and stereotypes—not limitations of ability—have kept older Americans from fulfilling their full potential at work.

The law now recognizes our special responsibility to assure older workers an equal chance for jobs and promotions. Many private groups and organizations are now working to improve prospects for older workers. The efforts deserve our vigorous support.

To encourage and support educational efforts designed to make employers more aware of the advantages of hiring older workers, the Congress, by joint resolution approved April 21, 1976 (90 Stat. 396), has requested the President to issue a proclamation designating the week beginning March 13, 1977, as National Employ the Older Worker Week.

Now, therefore, I, Jimmy Carter, President of the United States of America, do hereby designate the week beginning March 13, 1977, as National Employ the Older Worker Week. I call upon State and local officials, as well as labor, business, veterans, farm, religious, scientific, professional and other groups, to join with older workers in making the American people aware of the value of employing older men and women. I urge all Americans to observe this week with appropriate ceremonies, activities and programs designed to promote employment opportunities for older workers.

In witness whereof, I have hereunto set my hand this 14th day of February, in the year of our Lord, nineteen hundred seventy-seven, and of the Independence of the United States of America the two hundred and first.

JIMMY CARTER.

A SOVIET SCHOLAR'S ASSESSMENT OF FINANCIAL WOES OF UNITED STATES AND ALLIES

Mr. HELMS. Mr. President, I recently noticed a reference to an article published in the Russian magazine, Ekonomicheskaya Gazeta, a publication of the U.S.S.R. Academy of Sciences Institute of Economics.

I asked the Library of Congress to supply a translation of this article which was written by Ye. Bukhvald and appeared in the December 6, 1976, edition.

Last year, in a dissent from the Banking Committee's report on the International Monetary Fund bill, I said that continued creation of liquidity in the world marketplace will only lead to more inflation: domestic and international.

It is my view that such inflation will cause and has caused great damage to the West and has crippled not only the economies of our allies, but it also has weakened our alliances. It has escalated the cost of defense, and it has encouraged added state intervention in the economies of the United States and our allies.

The Ekonomicheskaya Gazeta predictably attributes the West's financial ills to "objective contradictions" although it makes an interesting assessment of the breakdown of the Bretton Woods monetary system, and the monetary chaos we have witnessed since 1973.

In fact, of course, the "source of the crisis" does not lie in the "nature of the capitalist economy"; it lies in the unwillingness of Congress to stand up to the myriad of pressure groups who advocate programs and policies that result in inflation.

It is too seldom that we have an opportunity to review the opinions expressed in important Soviet journals.

Mr. President, I ask unanimous consent that the article to which I have referred, entitled "Role of Gold in Capitalist Currency Crisis Examined," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ROLE OF GOLD IN CAPITALIST CURRENCY CRISIS EXAMINED

Moscow Ekonomicheskaya Gazeta in Russian No 50 signed to press 6 Dec 76 p 22 LD.

[Article by Candidate of Economic Sciences Ye. Bukhvald, scientific assistant of the USSR Academy of Sciences Institute of Economics: "Gold and the Currency Crisis"]

[Text] The contemporary stage of the crisis of capitalism's currency and financial system is connected with the change in the role of gold as its basis. Considerable changes have taken place in recent years in this sphere. The collapse of the international currency system based on the principles of the gold-convertibility standard (known as the "Bretton Woods system"), and also the appreciable activation of plans for the so-called "demonetization" of gold, that is, the removal of its functions as a monetary commodity and as the basic international reserve medium and medium for payments, attest, in particular, to these changes.

BASIC TRENDS

The evolution of gold's economic role is taking place against a background of the deepening of capitalism's general crisis and the growth of interimperialist contradictions. "Such characteristic features of the present serious crisis," the final document of the June 1976 Berlin conference of European communist and workers parties notes, "as chronic inflation, the crisis of the currency system, the increasing underloading of production capacities, and the unemployment of millions of working people, stand out particularly sharply."

The reasons for this lie in the objective contradictions of the capitalist economic system, the strengthening of the state-monopoly regulation of the economy in the interests of big capital, and the militarization of the economy. As a result, a sharp increase in nonproductive state consumption—and above all military consumption—of goods and services has been noted in recent years. Thus, in the United States in 1975 the volume of this consumption was $340 billion as against $38 billion in 1950. Direct military spending is steadily increasing; more than $100 billion is being appropriated in the United States for these purposes in fiscal 1977.

The growth of the scale of state consumption and financing in the capitalist economy is based, as a rule, on the practice of so-called "deficit financing," that is, budget expenditure systematically exceeds income. For example, over a period of 25 years (the fiscal years 1951–1975) the total U.S. federal budget deficit amounted to $190 billion.

The chronic imbalance of the capitalist countries' finances is leading to an excessive outflow of credit exchange assets [kreditnyye sredstva obrashcheniya], which serves as one of the main sources of inflation and of the depreciation of money. The exacerbation of inflationary processes is directly linked with the growth of the monopolies' profits through the raising of prices, and through an offensive against the vital interests of the working people.

The gold basis of capitalist currencies to a certain degree hindered the growth of the monopolies' super-profits insofar as it restricted the scope for "deficit financing" and price manipulations. Thus, the interests of monopoly capital prompted a restructuring of capitalism's money-credit and currency system. The process of supplanting gold with credit exchange assets has now led to a position where gold has been totally removed from domestic circulation, state and private gold reserves have lost their classic functions

as a monetary reserve in the domestic monetary mechanism, the currencies of capitalist countries have become nonconvertible into gold and, as far as the majority of these currencies is concerned, they have no gold backing at all.

GOLD AND DOLLARS

After World War II, U.S. monopoly capital, relying on U.S. economic might, strove to insure for the dollar the status of gold-equivalent as an international reserve medium and as a medium for payments, which is characteristic of the system of the gold-covertibility standard and, in fact, of the system of the gold-dollar standard.

In those years the stability of the dollar's position as an international currency rested on two basic factors: on the relative stability of its purchasing power, and also on the possibility for a converting dollar accumulations into gold at a fixed price of $35 per troy ounce (31.1 grams).

The situation in the international currency system has now changed radically. Whereas in 1949 the United States' gold and dollar reserves were 2.8 times greater then its short-term obligations abroad, in the middle of 1976 the U.S. reserves stood at $18 billion (of which $11.6 billion were in gold) in contrast to a short-term debt in excess of $130 billion, including about $85 billion dollars owed to the central banks and currency organs of other capitalist states. The simultaneous application for the conversion of these foreign dollars credits into gold would have meant total bankruptcy for the United States as a debtor. However, this possibility has now been excluded. In August 1971, the United States arbitrarily broke the link between gold and the dollar. The world gold-convertibility standard has transformed into something fictitious.

The present economic crisis which began in 1973 exacerbated even further the currency disorders in the capitalist world. The devaluation of a whole series of currencies, the unprecedented fall in the exchange rate of the pound sterling, and the acute worsening of the currency contradictions between the United States, the Common Market, and Japan attest to this. Inflation and the instability of currency exchange rates are intensified even further by periodic "currency fevers" which arise as a result of the monopolies' speculative machinations.

In recent years, during numerous discussions of the questions of the role of gold, leading capitalist countries, opposing the immediate "demonetization" of gold which the United States was seeking, have nevertheless agreed to hand over the functions of a world currency to so-called "paper gold" or "special drawing rights" (SDR)—a sort of international credit money issued by the IMF.

The collapse of the system of the gold-convertibility standard convincingly showed the impossibility of replacing gold with any national currency, even if it is one based on considerable economic potential. SDRs are more stable, having the nature of international credit money, although the possibility of using these rights as a real alternative to metal-backed money are extremely limited.

THE ILLUSIONS OF "DEMONETIZATION" AND REALITY

Bourgeois ideologists are attempting to depict the trends towards the replacement of gold's credit exchange assets as a process of "demonetization." The untenability of these attempts is obvious. In the epoch of state-monopoly relations, capitalism continues to mean commodity production, as a consequence of which the role of gold in the capitalist economy, and especially in the currency-financial sphere, remains extremely considerable.

Whereas a trend has developed in the channels of domestic circulation toward the replacement of gold with paper money and mainly credit exchange assets, in the sphere of external settlements gold itself usually operates in its natural form as a world currency. Gold's function as a reserve purchasing medium, and also as a universal embodiment of public wealth providing a hedge against inflationary depreciations for accumulations of currency, still persists even under contemporary conditions.

At the present time, a kind of "tetragon" of reserve media form the basis of the international currency system: gold, foreign currency, reserve positions (that is right to obtain unconditional loans) in the IMF and, finally SDRs.

International financial statistical data show that the proportion of reserve media which have their basis in the form of international credit is still small in the total liquid assets of the industrially developed capitalist countries—about 15 percent, including SDRs accounting for 7 percent. And if all the capitalist and developing countries that are members of the IMF are considered, the share of SDRs in the official reserves will be even lower—about 5 percent. Moreover, the use of SDRs is basically restricted to a narrow sphere of interstate settlements and, in connection with this, they are not capable of preventing either the processes of depreciation or sharp fluctuations in the exchange rates of capitalist currencies. But the main part of the reserves consists of liquid assets of the "lowest order"—foreign currencies (two-thirds of which are held in U.S. dollars). However, these currency deposits are convertible neither into gold nor into SDRs.

Under these conditions, the stability of the international turnover of trade and payments presupposes that those participating in it possess definite accumulations of gold. The aspiration of the majority of capitalist states to make active use of their gold reserves in international accounting and credit operations attests to this.

Thus, what is taking place is not the "demonetization" of gold but the modification of its functions in the capitalist economy. One of the most important aspects of this process is that the deepening of the instability and inflationary nature of capitalism's currency system is even further enhancing the role of gold as a real world currency, and is intensifying its function as a reserve purchasing medium, and as a guarantee for international obligations.

While trying to "elbow" gold out of its economic mechanisms, the capitalist economy still needs it as a stabilizing element. The source of the crisis of the present currency system lies not in gold or any other components of the system, but in the unstable and contradictory nature of the entire capitalist economy as a whole, and no attempts at "demonetization" are capable of creating conditions for overcoming this crisis.

LIFE FROM THE LABS: WHO WILL CONTROL THE NEW TECHNOLOGY?

Mr. NELSON. Mr. President, revolutionary advances in biology have brought us to the point where the very nature of life on this planet can be changed by man's intervention. That it can be changed for the better by wise application of these new scientific and technological advances is very likely. But there is also the grave danger that unforeseen and possibly irrevocable damage can be done if this activity is allowed to proceed recklessly.

There are now before both Houses of the Congress bills that would regulate the conduct of the so-called DNA recombinant or gene transplant research. In due course, we will be asked to debate and vote on this issue. It is imperative that each of us understands the basic nature of the problem confronting us. An article in the March issue of the Progressive is an excellent overview by the distinguished science writer, Judith Randal.

Mr. President, I ask unanimous consent to print the text of Judith Randal's article, "Life From the Labs: Who Will Control the New Technology?" in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

LIFE FROM THE LABS: WHO WILL CONTROL THE NEW TECHNOLOGY?

(By Judith Randal) *

As recently as five years ago, almost anyone who suggested that the species barrier could be broken much more easily and at far less cost than it took to split the atom would probably have been regarded as a science fiction buff at best, and more probably as a nut.

Today this is no longer fantasy. At the very time, ironically, when thousands of species are threatened by man or already extinct, the tools that will cause entirely unrelated species to exchange hereditary material have become a reality. What now confronts us is the problem of weighing the potential benefits of this new technology against the potential risks—without sacrificing the freedom of scientific inquiry or endangering the world on a previously unimagined scale.

Interspecies hybrids are nothing new, but the issue of such unions—the mule is an example—have always been distinguished by an inability to reproduce. Moreover, those forms of life—bacteria and blue-green algae—which do not have distinct cell nuclei and those which do, have always been autonomous biological kingdoms whose boundaries could not be crossed. With the discovery of enzymes that will fit ordinary bacteria with the genes of any plant, animal, insect, or virus a scientist may choose, and with the evidence that generation after generation of germs will then continue to express the characteristics conveyed by the transplants, such distinctions are fading fast.

As they fade, we suddenly face the prospect that man will be moving genes back and forth across boundaries that many millions of years of evolution have set in place. That prospect now engages the scientific community in a furious debate—one of which most Americans are still unaware, while the rest wonder which biologists to believe.

The dilemma of balancing scientific risks and benefits is, of course, a familiar one. In the case of nuclear energy, both the risks and the benefits are at least familiar and more or less quantifiable. And when physicists have created new elements, they have done so with the knowledge that their behavior will be highly predictable. By contrast, even the experts can only guess what will happen when germs are provided with exotic genetic material and what trade-off this new technology will require. And whereas radiation gradually decays, novel microbes might multiply indefinitely in a hospitable environment.

Last June, the National Institutes of Health (NIH) published voluntary guidelines which, in effect, sort proposed genetic experiments according to their estimated risk and then define those which can be safely performed under specified conditions and those which are potentially so hazardous

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*Judith Randal covers the health sciences for the New York Daily News and writes a nationally syndicated newspaper column.

that they should be deferred pending further developments, or completely avoided.

Some biologists, including Nobel laureates David Baltimore and James Dewey Watson of the Massachusetts Institute of Technology and the Cold Spring Harbor Laboratory on Long Island, respectively, are satisfied that the NIH guidelines provide adequate safeguards against the escape into our midst of bacteria that might prove to be drug-resistant. There are others, within and without the Nobel ranks, who think such an "Andromeda Strain" scenario is overblown, and who protest that the NIH has imposed needless limitations on scientific inquiry.

But there are still others—and they, too, include a Nobelist, Professor George Wald of Harvard—who are not at all convinced. They point out that accidents have happened under the best-regulated scientific circumstances, and they would, therefore, have the work go forward only in highly secure facilities and sparsely populated places—if at all.

The bacteria that receive gene transplants are called DNA recombinants. DNA, or deoxyribonucleic acid, is the molecule of heredity (except for some viruses). In the course of the experiments, segments of the DNA of two or more species are annealed. The novel micro-organisms created in this process offer insights into biological mechanisms that are not otherwise easily obtained, thus arousing the scientific curiosity of those who long to unravel the mysteries of cancer and other forms of serious disease. If, indeed, these organisms could be counted on to remain laboratory curiosities—and if reputations and money were not riding on them—there would be little reason to give gene-juggled microbes a second thought.

But this is not the case. In at least one university biology department, opposition to the experiments is already construed as an attempt to block scientific progress. Graduate students who balk at using the technique may find it hard to earn a degree or to find a post at the laboratory of their choice. At the same time, both academia and industry have correctly perceived that programming bacteria to turn out quantities of valuable chemicals and drugs is the stuff of which fortunes may soon be made. Today's fairly modest research project could be the basis of tomorrow's big business deal.

Last October, for example, Dr. Herbert Boyer of the University of California, San Francisco, was a leader of two research groups that reported they had successfully used recombinant technology to induce the production of beta galactosidase, a milk-digesting protein, in *Escherichia coli*, a species of bacteria whose usual habitat is the human or animal intestine. In this case, the protein was one that *E. coli* are capable of producing anyway. But Boyer was quick to point out that "we've gone out of the area of basic science into the area of practical application" and to predict that bacteria could be induced to become factories for the manufacture of insulin and other medications and chemicals.

What is important here is that the University of California and the California Institute of Technology, which was also represented on the Boyer team, lost no time in applying for patents on the technique. This means that, while the work was done with NIH funding and therefore adhered to the NIH guidelines, the income generated by it in the future could free both institutions—or for that matter any institution in a like position—from such constraint.

Universities, it is true, might be reluctant to incur the displeasure of the NIH. And an NIH regulation (which has never been used) would permit the agency to withhold funding other projects should a grantee or contractor defy the recombinant guidelines. Nonetheless, the NIH might well be reluctant to discipline the research community. And as universities become more pressed for funds, they are being driven to engage in projects that may become ethically dubious, though financially rewarding.

To be fair, there probably would have been no safety guidelines had it not been for the scientists themselves. In mid-1974, eleven prominent molecular biologists—Baltimore and Watson among them—called for and obtained a two-year moratorium on what seemed to be the riskiest gene grafts. It would seem, then, that since scientists initiated and designed the guidelines, they would also have a strong stake in complying with them.

But moral considerations do not necessarily prevail—especially when a recent Federation of American Scientists survey disclosed that 10 per cent of those responding thought the guidelines needlessly strict, and when compliance is entirely voluntary.

Under the NIH guidelines, laboratories engaged in the least potentially dangerous studies are designated P–1 (P standing for precautionary). Those somewhat up the line of potential risk are called P–2, and so on. P–4 laboratories have the most elaborate precautions to prevent the contamination of personnel or the escape of bacteria into the environment, and are the only facilities where the potentially most hazardous experiments are sanctioned.

Laboratories at Fort Detrick, Maryland, built for the Pentagon's now-abandoned germ warfare program and now used by the National Cancer Institute, house a P–4 facility. And the multi-million dollar lunar-receiving laboratory at the Johnson Space Center in Houston, designed for the isolation and containment of those "moon germs" that never materialized, would also qualify as P–4. So does the laboratory on Plum Island, off the eastern tip of Long Island, which the Department of Agriculture maintains for the study of hoof-and-mouth disease.

E. coli bacteria are the focus of most of the experiments conducted to date because this species of germ is the most thoroughly studied, and therefore the best understood. Many scientists would feel more comfortable working with a species that does not infect man, though considerable steps have been taken to disarm *E. coli*.

A special strain, K–12, is used; as far as is known, K–12 will not take up residence in people. And enfeebled substrains of K–12 have been developed that are dependent on an array of special requirements—the presence of certain nutrients, ultraviolet light, and extreme temperatures, for instance—in order to survive or reproduce. The theory is that the needs of such enfeebled strains can be supplied only in the laboratory. One scientist has aptly described the weaknesses that have been bred into the K–12 substrains as "messiah genes."

All this sounds reassuring—more than the facts may warrant. The behavior of bacteria is unpredictable, and the estimates of risk are necessarily crude. And the enzymes that permit scientists to transplant genes from one species to another do not act directly on the bacterial recipients, but on go-betweens. This multiplies the possibilities that something may go wrong.

These go-betweens are viruses known as phages, which naturally infect germs, or tiny, free-floating circlets of hereditary material called plasmids, which do the same. Some scientists worry about what might happen if gene-shuffled phages or plasmids came into contact with bacteria that—unlike the enfeebled K–12 substraints—had not been designed to commit suicide in the event of their escape to the outside world.

Exchanges of plasmids, in particular, are known to occur in nature between strains and even between species of bacteria. Proponents of generic research generally argue that if it happens in nature, there is probably nothing to fear. Critics are not so sure; their concern is that if sufficiently large numbers of these deviants were rapidly introduced, the situation could get out of hand.

Dr. Stanley Falkow, a microbiologist at the University of Washington in Seattle and an expert on *E. coli*, has questioned the wisdom of introducing certain plasmids even into enfeebled strains of K–12. On the basis of studies he has conducted on calves, he has advised the NIH Recombinant DNA Advisory Committee that "it may not be too far-fetched to suggest that some DNA recombinant molecules could profoundly affect the ability of this *E. coli* strain to survive and multiply in the gastrointestinal tract." Another of Falkow's worries is that a recombinant might somehow acquire the ability to reproduce in water, and so pose a massive environmental threat. Whatever the present hazards of *E. coli*—and it already causes most urniary tract infections and is dangerous to many who are chronically ill—it cannot ordinarily multiply in the presence of oxygen.

These concerns aside, the chemicals that form the basis of the new technology are, in principle, precision instruments that cut specific segments of DNA from one type of cell to be transplanted into others. When they are prepared by sophisticated scientists experienced in recombinant experimentation, restriction enzymes are exactly that. However, some researchers rely instead on commercial suppliers whose enzymes may or may not behave predictability. Such variability contributes to the inherent risk.

At present, anyone can buy restriction enzymes off the shelf or by mail from such suppliers as Miles Laboratories, and there is nothing to prevent the amateur from dabbling in the technology, nor is there any point in licensing the production of restriction enzymes, since anyone who knows anything about biochemistry can concoct his own from readily available ingredients.

A few years ago, a Massachusetts Institute of Technology undergraduate, having read published reports, demonstrated on paper that he knew how to build an atom bomb. Since DNA recombinant work requires only a meager investment in equipment and can be carried out in limited space, a similarly resourceful high school student could conceivably collect the necessary materials and then simply turn the experimental brew loose on the general environment.

DNA recombinants, like radiation, would not make their presence quickly known to the senses should they escape. They might well prove impossible to trace. Geiger counters will detect radiation; an equivalent device for detecting bacteria has not been invented yet.

Other possible hazards in the process are even more troubling. A Government interagency committee formed by White House directive "to review Federal policy on the conduct of research involving new forms of life" reports that the National Science Foundation, the Energy Research and Development Administration, and the Department of Defense have agreed to observe the NIH guidelines and that the Agriculture Department has indicated its probable willingness to go along. But neither the Occupational Health and Safety Administration, the Center for Disease Control, nor the Environmental Protection Agency—all of which might logically be involved—has assumed any oversight responsibilities for recipients of research grants or contracts, and the NIH, too, has demurred. Such loopholes raise the possibility of reckless mischief.

Furthermore, no one knows how much research is in progress. There is reason to wonder whether the Central Intelligence Agency or its equivalents abroad might not secretly carry out experiments their governments offi-

cially decried. And there is, as in nuclear science, the possibility of exploitation by lunatics or terrorists.

There is also the inevitability of exploitation by U.S. private industry. The Pharmaceutical Manufacturers Association, the trade group to which the largest drug firms belong, for example, has told the Senate health subcommittee that it generally agrees with the NIH guidelines, but that its members will want to make larger quantities of DNA recombinants than is permitted under the rules that apply to academic researchers.

Meanwhile, seven of these firms—Miles Laboratories, Eli Lilly, Hoffman-LaRoche, Merck Sharpe and Dohme, Abbott Laboratories, Upjohn, and Pfizer—are already at work with recombinants or are gearing up. There are other such firms that do not belong to the PMA; because they are generally smaller and less visible, they are perhaps even more likely to cut corners in striking out on their own.

The drug industry is only one of many that has sniffed potential profits in this new technology. While the public interest may dictate full disclosure about recombinant research, private enterprise operates on the principle that if the costs of bringing experimental findings to commercial realization are to justify the investment, trade secrets must be kept.

Thus, at a Commerce Department meeting last November at which several large firms were represented, the consensus was that the private sector should publicly register its projects, but let it go at that. While nuclear reactors must be licensed before they are built, any corporation wishing to build a containment facility for microbes can simply go ahead with no questions asked. In fact, should it decide to perform recombinant experiments at even the P–3 or P–4 level without proper safeguards, it could do that, too.

Dr. Donald Cape, who heads a biologically oriented California firm called Cetus and who attended the Commerce Department meeting, said later that there was agreement that "the registry would discourage underground or fly-by-night operations because anybody who decided to go into this field would have to stand up and be identified." But Cape obviously had some misgivings, since he also wondered aloud whether this type of enterprise should be in the profit-making sector at all.

Cetus is now doing nothing with recombinants and, according to Cape, is not in a rush to enter the field: "If we go into the business at all, we'll start off with the safe biological containment kinds of things." But the company numbers among its senior consultants molecular biologist Joshua Lederberg, a Stanford University Nobel Prize winner, who is on record as believing the NIH guidelines are too strict.

Lederberg is not the only academic to find himself in a somewhat ambiguous position. One of the most eloquent critics of the entire recombinant movement is Professor Robert Sinsheimer, chairman of the biology division at California Institute of Technology, who regards the NIH guidelines as "sorely inadequate." Yet people at Cal Tech are engaged in this work, and the institution, which already has a P–2 laboratory, is building a P–3 facility. Sinsheimer says he would not want to be associated with an institution where a department chairman had veto power over his subordinates. And he doubts the public would benefit if the experiments were halted at Cal Tech while they proliferated elsewhere. As he sees it, this would be as meaningless as having a nation unilaterally disarm.

Even if we were to ignore or resolve the danger of catastrophic accident, the emerging genetic technology would raise formidable and frightening problems—many of them similar to, but much more acute than, those already posed by other scientific developments. The production and promotion of antibotics, and their consequent overuse, has already led to the existence of drug-resistant germs. Now it is being suggested that bacteria can be programmed to manufacture antimicrobials more cheaply. It is not difficult to envision a new surge of highly promoted drugs—and a new health hazard.

General Electric has applied for patents on a technique which will use plasmids to confer on one strain of pseudomanas bacteria some genes endowing it with the capacity to digest most, if not all, of the various hydrocarbons that constitute crude oil. The new species could obviously prove a godsend for clearing up oil spills. But what would happen if it found its way into petroleum storage tanks, pipelines, or the wing tanks of a commercial jet aircraft in flight? And what will be the impact on the ocean environment itself? No one knows.

After our experience with antibiotics, and many other scientific and technological "advances," we have surely learned that the remedies we devise often create new and acute ailments. An urgent question must, therefore, be asked: Can't at least some of what seems attainable through DNA recombinants be achieved by other, safer means? Perhaps the short-run cost of such alternatives might be higher, but the long-run savings might be immense.

Few people, unfortunately, are even aware that such questions must be raised. But some rearguard actions are being fought. Harvard University, for example, is eager to remodel a floor of its forty-year old biology building into a P–3 (moderate risk) recombinant research facility, and it has received the approval of the NIH and the promise of some $285,000 of the agency's money. Work has already begun. But some members of Harvard's biology department—notably George Wald and Ruth Hubbard—are convinced that the insect-ridden structure, which by the University's own admission is also subject to floods, is no place for such an endeavor.

When their objections caught the ear of Cambridge's mayor, Albert E. Velluci, and the Cambridge City Council, a classic town-and-gown dispute ensued. Hearings were held, and last July a three-month "good faith" moratorium (which has since been extended) was imposed on P–3 and P–4 experiments at both Harvard and the Massachusetts Institute of Technology.

A citizens' review board appointed at the time has been looking into the situation. Chaired by a former mayor who owns a heating oil firm, the four men and four women—whose occupations range from nurse, social worker, physician, and structural engineer to professor of urban policy and community activists—recommended in January that the experimentation be permitted to resume. But in the belief that "a predominantly lay citizen group can face a technical scientific matter of general and deep public concern, educate itself appropriately to the task, and reach a fair decision," the panel also agreed that the NIH guidelines do not go for enough, and made further safety recommendations of its own. Among these is a proposed city ordinance that would automatically declare any research not in strict conformity to safety requirements to be a public health hazard.

The Cambridge review board obviously arrived at a political compromise. But its report made an essential point: "Knowledge, whether for its own sake or for its potential benefits to humankind, cannot serve as a justification for introducing risks to the public unless an informed citizenry is willing to accept those risks."

But not every town can be expected to react like Cambridge, and there are limitations to the local-option approach. Scientists, like industries, can readily move on if they don't like what they find in one place. Having already complied with a self-imposed moratorium, recombinant proponents are not likely to stand still indefinitely for what they regard as undue interference. They are, in general, an impatient lot, further pressed by what they feel is a need to make up for lost time in the face of competition from abroad.

Scientists of many nations are eager to participate in recombinant research, and some are already doing so with far less disclosure than there has been here. Britain's Official Secrets Act means, for example, that we may know less about what has been going on in British labs than we do about what has been happening in ours. Further, if U.S. firms cannot experiment at home, nothing can stop them from going abroad.

The new genetic technology is seductive—not only because it is cheap, fast, easy, and potentially lucrative, but also because it is intellectually appealing and holds out the promise of impressive benefits in spite of the admitted risks. The opportunity has probably passed, if it ever existed, to impose a total ban on the work—and any such ban would be breached. If there is one nightmare that biologists on all sides of the issue share, it is that Federal legislation might be drawn so inflexibly that it would impede both the progress and the safety of the research.

How, then, will the inevitable compromises be drawn? By making the research unpatentable? By insisting that all experiments be conducted in regional Federal facilities which industry would have to support in order to qualify for profits from the discoveries? By establishing an intricate system of licensure and environmental monitoring?

It is difficult to make even an educated guess. But it is clear that whatever is to be done must have the careful and immediate attention of scientists, and of the rest of us. A population explosion among microbes can occur in a matter of days, or even hours.

LABOR PROBLEMS IN THE BEEF INDUSTRY

Mr. CURTIS. Mr. President, the Amalgamated Meat Cutters and Butchers Workmen of North America have struck seven beef packing plants in three States—Nebraska, Iowa, and Missouri.

Every indication points toward a long and heated work stoppage. I have no doubt whatsoever that while the companies and union can withstand the effects of a prolonged strike, cattlemen will be particularly hard hit in light of the depressed market over the last 41 months.

The National Livestock Feeders Association has prepared a report which sheds some light on the current status of this strike.

Mr. President, I ask unanimous consent that this situation report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

SITUATION REPORT: LABOR PROBLEMS IN CATTLE SLAUGHTERING AND PROCESSING PLANTS—MISSOURI RIVER AREA

(Prepared by National Livestock Feeders Association)

The members of the National Livestock Feeeders Association are grossly concerned over the fact that the Amalgamated Meat Cutters and Butchers Workmen of North America has struck seven beef slaughter and processing plants in the Eastern Nebraska-Western Iowa-St. Joseph, Missouri areas. Several plants have been out of operation for a month or more.

Daily slaughter loss in the seven plants has been 7,350 head of cattle, and weekly slaughter loss has exceeded 40,000 head. Besides, there is a breaking and processing loss of 28,000 to 30,000 beef carcasses per week, all at the struck Iowa Beef Processors Plant at Dakota City, Nebraska.

To the producers and feeders of beef cattle it is imperative that the slaughter and movement of cattle and beef be uninterrupted. The very nature of the business dictates that cattle must move to slaughtering plants as they become ready for market in order to avoid penalties through lesser values, and that the beef be moved into channels continuously.

Cattle feeders have been in a loss position for the past 41 months—with the exception of about 7 months in the last 3 quarters of 1975. Producers have been suffering similar losses. Idle slaughtering plants compound the grave financial problems of the cattle feeders who cannot stand the monetary devastation resulting from irresponsible idling of slaughtering and processing facilities.

The companies—particularly Iowa Beef Processors at Dakota City and Dubuque Packing Company at LeMars, Iowa (see details below)—have made what are obviously fabulous offers for 3½ and 3 year contracts, respectively. The union leadership has turned these down and continues the strikes. The strike at IBP was called without any strike vote by the members.

The union leadership has maintained a very arbitrary position. The union insists on bringing the contract wage rates up to what is known as the Master Pork Contract level, and from the beginning of negotiations last fall they have been unwilling to budge even 1¢ per hour from that position. Yet labor arbitrators have determined that specialty beef slaughters such as the plants involved, cannot operate successfully and profitably at the hourly rates contained in the Master Pork Contract.

Specialty beef killers, which slaughter about 85% of the fed cattle in the country, are dealing in a commodity—such as Good, Choice and Prime beef—which their competitors also have; whereas multi-specie slaughterers and straight hog slaughterers are dealing with a product which can be branded—such as Swift Premium Ham or Bacon, Armour Star, etc. The handling of branded products permits an add-on to the price to cover increased costs. Fuprthermore, multi-specie slaughterers can subsidize their beef operations from other sources. The specialty beef killers can do neither.

Thus, the real competition for the specialty beef killers—such as IBP, MBPXL, National, Dubuque-LeMars-Omaha, Flavorland, ABP, etc.—is among themselves, and not with the multi-specie killers who slaughter only a small percentage of the fed cattle. The union leaders refuse to acknowledge this situation, and continue to argue that IBP's wage level is at substandard rates. The fact of the matter is that IBP's wage rates are higher than the vast majority of specialty beef killers. Last fall, the union entered a contract with MBPXL at rates considerably below what IBP is now paying, even before the contract offer.

The credibility of these arguments is further substantiated by the fact that Swift & Company (Esmark) has announced the closing of five plants and there are reports that six more may be closed. The company cites high labor costs as a reason, and has said it plans to move into a number of name-brand "value-added" products, and away from cyclical, basic, commodity lines in an effort to boost profits which have plunged sharply. MBPXL has also reported losses in the quarter ended January 29, 1977, despite an hourly slaughter rate considerably below IBP's current hourly rate.

In the case of the Dubuque Packing Company's plants at LeMars, Iowa, and Omaha, Nebraska, the company has agreed to settle with the union at the LeMars plant for all the union has asked for—every dollar and detail. Yet the union has been unwilling to let the members go back to work unless the company will also include the Omaha plant in the same settlement. The company refuses—justifiably and legally.

Recently, the Dubuque Packing Company purchased the Omaha physical plant from Flavorland. It did not buy the company at Omaha. Thus, Dubuque is completely within its rights to refuse to recognize the union at that Omaha operation. Dubuque has been recruiting new labor at Omaha and announced intentions to open that plant today—March 7. The Company expects trouble.

The Amalgamated Meat Cutters and Butchers Workmen of North America is the same union that is standing in the way of a free flow of beef into many cities by refusing to handle boxed beef. Cities where boxed beef cannot be sold comprise about 16% of the U.S. population. The same union is responsible for the hours restrictions on sale of fresh meat in the Chicago metropolitan area plus some other major cities in the U.S.

These are arbitrary and irresponsible positions taken by the union leadership, all of which are having an adverse effect on the fed cattle market, distribution of beef, and also upon customers.

The table below shows the plants that have been struck by the Amalgamated Meat Cutters and Butchers of North America, the daily and weekly slaughter of cattle at these plants as well as the weekly processing of beef carcasses.

Plants closed—labor on strike	Daily kill (head)	Weekly kill (head)	Weekly processing (carcasses)
Iowa Beef Processors, Dakota City, Nebr.	2,600	14,300	28,000
Flavorland, Sioux City, Iowa	1,450	7,985	----------
Dubuque Packing Co., LeMars, Iowa	900	4,950	----------
Dubuque Packing Co., Omaha, Nebr.	900	4,950	----------
Raskin Packing Co., Sioux City, Iowa	600	3,300	----------
Dugdale Packing Co., St. Joseph, Mo.	600	3,300	----------
Hawarden of Iowa Beef Packers, Hawarden, Iowa [1]	300	1,650	----------
Total	7,350	40,425	28,000

[1] Settlement was achieved late last week at $5.47 per hour at beginning of contract, which is 66¢ less per hour than IBP's offer ($5.87 + 26¢ = $6.13).

In the following table are base hourly pay rates of some beef specialists as of March 1, 1977:

Companies and plant locations

	Base Slaughter Rate	Base Processing Rate
MBPXL:		
Friona, Tex.	$4.65	------
Plainview, Tex.	4.35	$4.35
Rockport, Mo.	5.37	4.61
Wichita, Kans.	5.22	5.09
National Beef	4.65	4.65
Spencer Foods:		
Spencer, Iowa	6.00	------
Schuyler, Neb.	5.72	5.42
Hartley, Iowa	----------	5.03
American Beef Packers:		
Oakland, Iowa	4.80	------
Omaha, Nebr.	4.80	------
Flavorland:		
Sioux City, Iowa (closed)	5.53	------
Omaha, Nebr. (closed and sold)	5.53	------
Fargo, N. Dak.	5.73	------
Iowa Beef Processors:		
Dakota City, Nebr. (closed)	5.87	5.57

The new contract offer by Iowa Beef Processors, which has been turned down by the union leaders and a strike called, is summarized below:

Base hourly pay rate now—slaughtering	$5.87
Hourly rate increases of 26¢ per hour for each year of 42-month contract. Jan. 1977, Jan. 1978, Jan. 1979, July 1979	1.04
Cost of living increase in hourly rate figuring inflation at 6% per year	.81
Base hourly pay rate for slaughtering after 3d year	7.72

In addition, the Company has offered new fringe benefits including insurance and a profit sharing pension plan, bringing total increase to around $2.90 per hour. Total hourly equivalent would be $8.77 by end of 42 months.

As of now, March 1977, the average W–2 income per year of non-management employees at IBP's Dakota City plant is $15,400.00. (Several hourly employees will exceed $20,000.00 this year)

Under the wage increases offered by the company, the average W–2 income per year of non-management employees in 42 months will be $19,840.00.

To these figures would be added all fringe benefits. An astounding wage rate . . . yet union leaders call a strike.

The contract offered by Dubuque Packing Company at LeMars, Iowa, also turned down by union leaders even though it is exactly what the leaders ask for, is summarized below:

Base hourly pay rate now	$5.87
Hourly rate increases at beginning of each year of 3-year contract amounting to 28, 28 and 29 cents	.85
Cost of living increase at .3 index—1 cent per hour increase for every 0.3% increase in 1967 cost of living index. Est.	1.03
Base hourly pay rate for slaughtering at beginning of 3rd year	7.75

In addition, Company has offered—

Non-contributory pension beginning in last month of contract.

Substantial increase in Hospital, Medical & Surgical benefits plus non-contributory optical, dental and drug program for employee and entire family.

Meal allowance of $2.50 if work shift goes beyond 10 hours.

Non-contributory sick leave at rate of $100 per week.

$100,000 major medical program.

This is the contract the union leaders have refused to take at the LeMars, Iowa, plant.

We earnestly solicit the influence of your office in prevailing on the union leaders to settle these strikes, accept the contracts offered, and let the people go back to work.

Actually, the cattle feeders are justified in being up in arms over these fabulous offers. To pay them, the companies have to get the extra money someplace . . . either by buying cattle lower or selling meat higher. Under circumstances today, the latter is not possible.

Thus, it will be the cattle feeder . . .

already in a serious loss position and financial bind . . . who will pay the extra bill.

NATIONAL ENERGY POLICY MUST BE COMPREHENSIVE TO BE EFFECTIVE

Mr. STONE. Mr. President, the Wall Street Journal of March 16, 1977, contains a very instructive article on the difficulty in implementing a national energy policy. Describing the problems of a Missouri Municipal Public Utility in complying with a notice from the Federal Energy Administration to convert from natural gas to coal, this article is an excellent illustration of conflicting Federal Government policy with respect to energy and environmental quality. It documents the almost impossible burden placed upon those who are caught in a "Catch 22" trap of attempting to comply with one Federal Government policy and, in doing so, running the risk of violating another, conflicting Federal Government policy. It also demonstrates the complex and widespread impact of implementing Government policies and regulations.

I assume, Mr. President, that President Carter's April 20 energy message will include some program for conservation of our limited natural gas supplies. I anticipate that such a program will include some effort to require boiler fuel users of natural gas to convert to coal or other fuels in generating electricity. While conversion from natural gas to other, more abundant fuels is probably a necessary component of an effective energy conservation program, I trust that Dr. Schlesinger, the President, and the Congress will take note of the experiences of the Springfield, Mo., City Utilities as outlined by the Wall Street Journal. This article demonstrates that, to be effective, our energy policy must be based on an understanding of the economic, the environmental, and the technological aspects of energy. It also underlines the fact that our energy policy must be comprehensive in its concept and implementation. We can no longer afford the delay and frustration of conflicting Government regulations.

Mr. President, I ask unanimous consent that the Wall Street Journal article to which I refer be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UTILITY'S FORCED SWITCH FROM GAS TO COAL LEADS TO A SERIES OF PITFALLS

(By David P. Garino)

SPRINGFIELD, MO.—John McMahan keeps a bottle of aspirin handy on his desk. As general manager of City Utilities, which operates the municipal electric, gas, water and transit systems here, he has been dealing with quite a few headaches lately.

Because of the natural-gas shortage and a Federal Energy Administration directive, City Utilities has been trying to convert its James River electric-power plant to coal from natural gas.

Besides encouraging a host of financial and operational problems in the conversion process, City Utilities has run afoul of the Environmental Protection Agency over clean-air rules in the burning of coal.

"It's been a hell of a job," the soft-spoken Mr. McMahan says. The problems he has met at this small utility are in effect a microcosm of the woes that may face many utilities that must phase out the use of natural gas in generating electricity.

The FEA has so far given notices to more than 70 power systems besides City Utilities to prepare to stop using natural gas. Electricity generation is an inefficient use of natural gas, which is needed for such things as heating of homes and producing of petrochemicals, the FEA contends. More than 125 power plants that are planned or are under construction are being told to install coal-burning capability.

GAS UNAVAILABLE ANYWAY

City Utilities hasn't received a definitive order about when it must stop using natural gas, but that may be academic anyway. Because of gas shortage, the utility hasn't received any gas during the past two winters from its supplier, Cities Service Gas Co. It has received some gas at other times of the year to help meet peak loads, but there may not be any gas available to City Utilities by 1979.

The James River facility has been using trouble-free natural gas ever since the first two of its five units came on stream in 1957. It was designed to use coal for only 15% of its power requirements.

With the conversion directive, City Utilities had to obtain long-term coal-supply contracts, and these supplies currently are coming from mines in Garland, Kans., and Welch, Okla. Last year, Mr. McMahan says, the plant used 270,619 tons of coal, against just 37,887 tons five years before.

With the use of more coal have come a lot of problems. The plant's coal-feeder pipes are so narrow that workers must use steel rods to keep loosening clogged coal.

RALKY BELT AND A BLAST

The conveyor belt that carries coal into the plant has had to be patched several times, and Mr. McMahan would like to replace it with a bigger belt and improved motors to move coal better. The mills that grind the coal should also be upgraded, he says, because of recurring breakdowns, and new equipment is needed to keep soot from collecting in the boilers.

Last month, a boiler on a 60-megawatt generator blew up, putting it out of service for 12 to 24 months. Although insurance will cover much of the cost, City Utilities will still have to cough up at least $250,000. The cause of the explosion hasn't been pinpointed, but Mr. McMahan suggests that if natural gas had still been the fuel, the blast never would have occurred.

Less than two weeks after the explosion a hopper that feeds coal onto the conveyor belt collapsed from corrosion, so a new hopper with a thicker steel plant will have to be constructed.

Operational costs are also increased by the extra maintenance that the use of coal requires, according to Robert Hogan, assistant general manager of City Utilities. "It's sad to see gas go," he says wistfully.

"YOU COULD EAT OFF THE FLOOR"

Clean-burning gas required "next to no maintenance," says Charles Courtney, a 32-year employe of the utility. "It was almost monotonous," he says: "The plant was so clean, you could eat off the floor." Now, he adds, crews constantly have to sweep up the dirt.

It was the FEA, of course, that ordered the conversion to coal, but the dirt problems with coal have caused new problems with the EPA. "I wish the federal agencies would get their act together," an exasperated executive of the utility says.

The EPA has ordered City Utilities to put electrostatic precipitators on its units to reduce particle emissions into the air around the plant. The utility has received one variance from the order and now has been told to comply with the Clean Air Act by 1979.

At a second plant of City Utilities, built specifically for coal and started up last summer, the EPA has been pressing for installation of a scrubber to treat sulphur dioxide emissions. The scrubber will represent 25 percent of the plant's total cost of $75 million.

All of these problems have put City Utilities in something of a financial bind, so it has sought to float bond issues. But seeking voter approval for the issues has been a frustrating experience for the utility, and has seemed to heighten customers' resentments.

Bond issues of $12.5 million for pollution-control equipment and $4 million for coal-handling equipment were defeated last year. In one vote, in August, a narrow majority favored the bond issue, but technicalities forced a new election. In the November election, the bond issues received only 40 percent acceptance.

"At the heart of the issue," says David Lages, a member of the city board that oversees City Utilities, "was the feeling that Washington isn't going to tell us what to do." An executive says he surmises that "people just didn't believe us."

Amid all the other problems, management of City Utilities was castigated by a self-styled citizens committee as a "self-perpetuating, self-serving monster." The committee also suggested that the utility be sold to private interests.

A long-time resident, however, argues that "given the circumstances, management is doing as good a job as can be expected, or even better. None of this is any of their doing." Besides, sale to a private company would surely entail even higher rates, some residents argue.

Defenders of City Utilities maintain that, as elsewhere in the country, people were long spoiled by low rates. For instance, after Springfield bought the electric system in 1945, the average annual cost of a kilowatt hour dropped from 2.87 cents to a low of 1.83 cents in 1972. Inflation and other factors boosted the cost of 3.51 cents last year, however. "The days of cheap energy are long gone," Mr. Hogan of City Utilities says.

COMPLIANCE "IMPOSSIBLE"

The setback of the bond issues means "it'll be physically impossible for us to meet" the 1979 pollution-compliance deadline, Mr. McMahan says. He has asked the Missouri Air Conservation Commission, which enforces the EPA rules, for a two-year extension.

For its part, the Missouri agency expressed regrets that the bonds failed but added. "This doesn't relieve City Utilities from complying with the regulations." A decision is due in April. City Utilities could be fined if a variance isn't granted to extend the time for complying.

The utility did get some relief from the City Council, which passed a controversial 8% rate increase earlier this year. At best, though, "that'll stretch out to five or six years what we wanted to do in three," Mr. Hogan says.

Because of the boiler explosion and other new problems, City Utilities is asking the city council for an additional 7% electric rate increase, which is, of course, a politically sensitive issue.

NEED FOR EXPANSION

Besides present worries, the utility must plan for future expansion of capacity, Mr. McMahan emphasizes. "A 50-megawatt turbine will probably be needed in 1981–82 and a 250-megawatt unit in 1985–86," he says. As this southwestern part of Missouri has grown, the peak use of electricity has climbed from

18.3 megawatts in 1945 to 322 megawatts last summer.

Despite the recent travail, the 150,000 or so residents haven't experienced a brown-out, "though we've been on the ragged edge," Mr. Hogan says.

A City Utilities executive reasons, "Some people won't believe how serious things are till they turn on the switch and nothing happens."

Robert Schroff, a member of the board that supervises City Utilities, says, "We'd probably get the money we need" if capacity were reduced so that curtailments had to be made. He adds with a broad smile, "Then we'd be in hog heaven."

"SEXPLOITING" KIDS—AN ABUSE OF POWER

Mr. ROTH. Mr. President, yesterday I introduced S. 1011, a bill which provides strong criminal penalties for the dissemination of pornography exhibiting children. The practice of displaying children in sexual conduct cannot be tolerated. An editorial by Ellen Goodman in today's Washington Post calls "sexploitation" of children a matter of "protecting real lives." I direct my colleagues' attention to this editorial.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

'SEXPLOITING' KIDS—AN ABUSE OF POWER

(By Ellen Goodman)

BOSTON.—There is almost a sense of relief in talking about it. At last, a simple matter of right and wrong. There is no "redeeming social value" for "Lollitots" with its sex shots of little girls. There is surely no "community standard" left unviolated by "Moppets" with its children posing in adult fantasies.

No. Finally there is an unequivocal villain. Finally a group we can pursue with a clear sense that "This, we know, is wrong."

After being force-fed the "heroics" of a creep like Larry Flynt, after pondering the defense of an obtuse sexual gymnast like Harry Reems, the question of kidporn is refreshingly uncomplicated.

Our reaction is equally direct: Stop it! Already there are two federal bills and half a dozen pieces of state legislation designed to stop the use of children's bodies as sexual capital.

The speed with which child pornography has become a national concern says a great deal about our gut feelings about pornography in general. Kidporn is just a distillation of the worst of the genre: the perversion of the healthy, the rape of the natural, the sale of people.

But it has been dangerous and difficult to ban the trafficking among "consenting adults"—those who pose and those who peer. The Supreme Court's notion—to determine what is pornographic by "community standards"—is so flexible and flaky that 12 jurors in a remote village could sentence Masters and Johnson to jail.

But the children cut through all of the murkiness. This is not a First Amendment issue. It is not a matter of legislating the sexual fantasies of adults. It's a matter of protecting the real lives of the young models.

We can take kidporn out of the realm of sex and into the realm of power, where it belongs. The children are victims, and kidporn is the exploitation of the powerless by the more powerful. That exploitation is as common to the history of adult-child relationship as is protection.

Children have always been the dependent subjects of adults. Until recently they were the objects as well. For centuries, parents simply owned them as property, and only gradually has society modified that power.

Now adults are not allowed to abuse their children, at least not badly, and not allowed to send them to work, at least not hard work or long work.

Yet it's estimated that thousands of children are killed every year by their "guardians" and that two million are "abused." In the home, the majority are merely "hit." In the schools, others are administered "corporal punishment." In the fields, thousands are put to work beside desperate migrant-worker parents.

Numerically, there are far, far fewer cases of sexploitation than of other forms of misuse. But now the federal legislation against kidporn will appear under two peculiarly appropriate categories. One has been filed under child abuse, the other under child labor statutes. These are the areas that already legislate restraint.

If we take this issue, and look at it as a matter of the abuse of power rather than of sexual deviance, we may begin to look at adult-child relationships more intently and more generally. We can continue to sort out and deal with our own confused notions of what is the appropriate use of power by adults over children. How should we use it and how should we further limit it?

At least on the kidporn question we are sure. As a Village Voice writer noted: Even Lolita, a teenage "seductress," was finally a powerless child. In the novel, after her mother dies, Lolita goes to the bed of the obsessed Humbert, who explains: "You see, she had absolutely nowhere else to go."

ON THE DEATH OF MAURICE WILLIAMS

Mr. BAYH. Mr. President, on Thursday, March 10, our country was shocked by the wave of violence that struck the Nation's Capital. The American people stood by for 2 days while a band of religious zealots attempted to inflict their own brand of justice on their enemies. And in the process of carrying out this ghastly deed, they succeeded in killing a young aspiring reporter, and wounding a member of the Washington, D.C., City Council. Instead of inflicting their brand of justice on their enemies, they unnecessarily inflicted pain and suffering on hundreds of innocent American citizens.

Given the circumstances surrounding the brutal and senseless killings of members of Hanafi Muslim Sect in 1973, one can understand how Hamaas Abdul Khaalis would harbor pent-up feelings of aggression against the murderers. But the one lesson that extremists such as Khaalis always fail to comprehend is that justice cannot be accomplished at gunpoint. It pains me to know that many of our citizens are so filled with bitterness and hatred toward their fellow human beings that they arbitrarily will inflict injustice in pursuit of their distorted form of revenge. In further pains me to know that many Americans have so little confidence in our system that they totally ignore the established legal mechanisms through which to express their grievances.

Though there is no question that those who participate in these acts of terrorism should be promptly brought to justice, it seems to me that we all share, in a small way, in the death of Maurice Williams. For this talented young man's untimely demise was due in part to a lack of compassion, patience, and understanding on the part of a society that is becoming so engrossed in its own pursuits that it can no longer take time to understand the problems and frustrations of its members. Let us hope that Mr. Williams' death can be symbolized as a need for change. Let us hope that such change will lead us toward a greater understanding of our fellow human being on an individual, national, and worldwide basis. And finally, let us hope that Maurice Williams' death will signal the beginning of the end of such nonsensical tragedies. We, as individual Americans, can honor this young man's death by dedicating ourselves to compassion, understanding and patience for our fellow human beings.

POLL SHOWS SUPPORT FOR PRIVATE SECTOR NHI

Mr. HANSEN. Mr. President, earlier this month Dr. Richard Palmer, president of the American Medical Association, delivered a speech on the subject of public attitudes toward health care and health care issues. In that address, he made reference to a recent Gallup organization survey on the same topic.

Because of my longstanding commitment to improving the health care delivery system of our country—consistent with the needs and desires of those it serves—I was particularly interested in what both Dr. Palmer and the Gallup poll had to say. For the same reason, I think many of my colleagues may find the opinion data and accompanying commentary worthy of their personal review.

In calling it to the attention of the Senate, I would like to point out that the conclusions it reaches are very similar to those I myself had made regarding public attitudes before introducing the Comprehensive Health Care Insurance Act, S. 218, back on January 14. We now have additional support, I believe, for the proposition that it is the private sector—not the Federal Government—which should have primary responsibility for financing and administering any type of national health insurance plan.

Mr. President, for the benefit of all Members of the Senate who are concerned with this timely and important issue, I ask unanimous consent that the relevant speech excerpts of Dr. Palmer at St. Petersburg, Fla., and complete Gallup survey which I have described be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS OF SPEECH BY DR. RICHARD PALMER

There are those in government who believe that a paramount way to help people is to enact a national health program run by the federal government—notably by the Social Security Administration with all of its flair for redtape and red ink.

At the other extreme are those in our profession who sincerely believe that organized medicine should avoid offering a Na-

tional Health Insurance bill of its own . . . that the present system of health protection is good enough . . . and that plenty of data shows most people are satisfied with it.

Well, let's look at what the people really are saying.

A Gallup poll, released at the end of last year, shows that the current systems of voluntary health and medical care is favored by only one out of four people—a drop from the 30 percent who favored it in 1972.

A plurality—39 percent of the people polled—endorses the following:

"A system of compulsory health insurance covering everybody who has a job and his or her family, with employers and employees sharing the cost, and the federal government providing health insurance only for people who do not have jobs."

That comes fairly close to being a description of the AMA's comprehensive health insurance measure, which would mandate employers to offer health—care coverage, make acceptance of that offer voluntary for employees, and allow the self-employed to get income-tax credits, scaled inversely to income, to help pay for their coverage.

It would apply federal funds only to the poor and jobless. These funds would come from general revenue, not from any hike in the already burdensome Social Security tax.

If the 39 percent who chose this mixed system of coverage are added to the 25 percent favoring the present system of combined private and public funding, we see some sort of shared responsibility.

This total, when contrasted with only 28 percent who prefer universal coverage paid entirely by taxes, makes it clear that the public has not been convinced that fundamental change is needed.

To repeat, by better than 2 to 1, the people favor a mix of private and public funding.

On the question of who should run an NHI program, only 28 percent of the Gallup interviewees think the federal government should—a drop of 12 percentage points since 1972.

In contrast, there has been growing public confidence in the ability of local government, insurance companies, and "local organizations run by citizens and doctors" to administer NHI. The total partial to these three categories has risen 13 percent since 1972.

As for paying for health insurance, a poll by the NBC network last October showed 48 percent opposing an NHI program paid through increased taxation, 36 percent favoring it, and 16 percent unsure.

But let me return to the Gallup survey.

In general, it reflected a large amount of faith in our profession—including the American Medical Association.

No organization was rated higher in credibility than the AMA, which surpassed the average for four other professional associations, five trade associations, six government agencies, and ten labor unions.

Asked if they have "a great deal of fair amount of trust and confidence" in various groups, the Gallup interviewees gave us the top rating. Physician organizations—such as the AMA—got a 71 percent nod, compared with 68 percent for insurance companies, 63 percent for hospital administrators, only 49 percent for federal health officials, and 47 percent for labor unions.

The complete survey follows:

SUMMARY

To summarize the findings of recent Gallup surveys:

There has been a significant decline in the number of Americans who want to see a national health care plan administered and controlled by the Federal Government. This has occurred over a period of time when trust in government has fallen sharply.

Secondly, there is increased interest in having national health care administered by local organizations. This is occuring in an attitudinal environment in which medical doctors and the A.M.A. are held in high esteem, and there is a greater desire for citizens to have a more direct control over their lives.

On the periphery of this, there are some important demographic trends. The poor and lower socio-economic groups, who have in the past expressed the most interest in national care, continue to express a higher rate of medical deprivation. However, there are increasing signs that the middle and upper socio-economic groups are less satisfied with their health care today.

While the upper socio-economic groups are showing more discontent with health care and more support for national health insurance, they are less likely today to want the Federal Government to administer it.

In conclusion, as policy for national health care is formulated, the degree of public satisfaction with health care and the degree of trust it has in the social institutions which may administer it are some of the factors that will influence public opinion and in turn influence legislation.

Findings of the details

For close to a decade survey organizations have been reporting a lack of public confidence in our social institutions. Although Vietnam and Watergate are passing into the history books, their legacy, public mistrust, remains very much with us today.

The credibility of America's institutions are at issue in virtually every area of public policy. Elections, energy questions, economic policy and problems of health care are and will be affected by the degree of public trust in its institutions. The purpose of this report is to examine public confidence in the medical profession and the American Medical Association itself, compare this to public confidence in other social institutions, and illustrate how such attitudes are affecting opinion about national health care.

An examination of attitudes toward the medical profession and the AMA

In June of this year Gallup asked a nationally representative sample of the public to rate the honesty and ethical standards of 11 occupations. The survey showed that Americans feel that honesty and ethical standards are most evident in professional occupations, such as among medical doctors, engineers, and educators, and are least evident among politicians, labor leaders and advertising practitioners. Of the 11 occupations tested, medical doctors ranked number one on the public scale of honesty and ethical standards. Fifty six percent rated medical doctors as having very high or high standards of honesty and ethics. Engineers and college professors were the only other occupations to be so rated by close to a majority of our sample. Comparatively, 11% gave advertising practitioners high marks for honesty, 12% labor union leaders, and 14% congressmen.

Although medical doctors are held in high esteem relative to the other 10 occupations tested, it should be noted that 44% of the public does not feel that doctors are highly ethical and honest. Critics of the medical profession have a distinct demographic character. Suspicion or skepticism about the honesty and ethical standards of doctors is more evident among the following: low income families, blacks, families where the head of household is a manual worker, and among persons without college educations. In short, the poor of this country have not as much faith in the medical profession as do the middle class and upper socio-economic groups.

This finding is not surprising when examined in the context of other Gallup survey findings. In a global survey, which measured human needs and satisfaction in over 60 countries of the world, we found that reports of medical deprivation were higher in the U.S. than in all countries of Western Europe, Canada and Japan. (See table 3 in Appendix).

In the U.S., 15% reported that in the past year they could not afford the medical care they needed. Comparatively, in Canada 4% made such reports, in Western Europe as a whole 5%, in France 8%, and in Italy 9%. To give this perspective, about as many Americans report incidence of when they could not afford food or clothing. However, in terms of rank order, the U.S. ranks first among industrialized nations in incidences of reported medical deprivation, third in terms of food and ties for fourth place with the United Kingdom for clothing.

Reports of medical deprivation in the U.S. are highly clustered socio-economically. Among the lowest income groups, 44% reported an instance of not having sufficient money for medical care in the past year, and among non-whites 36% made such reports.

In effect, while the medical profession is highly regarded and enjoys a level of public trust above that of other occupations, lower socio-economic groups express significantly less faith in the medical profession.

Turning to the American Medical Association itself, a series of Gallup surveys were conducted in 1976 to access the communications credibility of American social institutions. These studies were designed to determine the degree to which the public believes the communications of government agencies, labor unions, business corporations and professional and trade organizations.

As the public gives medical doctors the highest marks for honesty and ethical standards, the public expresses the most belief in the communications of the American Medical Association.

Of ten well known professional and trade association rated with respect to the credibility of their communications by a representative sample of the American public, the A.M.A. was rated as one of the most credible. The overall credibility rating given to the A.M.A. was 6.8 on a 10 point scale with 10 representing organizations whose statements were most believable.

The public is more believing in what the American Medical Association and other health care associations say, than believing in the communications of many government agencies, and a wide range of social institutions tested by Gallup.

To a large degree the public perceives the American Medical Association to be an organization which regulates and standardizes the medical profession. Relatively small proportions of the public see the A.M.A. as a protective or lobbying organization. When asked an open ended question—"What does the A.M.A. do?" by far the most frequent response was "regulates/standardizes the medical profession," mentioned by 41% overall. A relatively small proportion (8%) felt the A.M.A. protects doctors and a smaller number (4%) felt the A.M.A. serves as a lobby group. Importantly the survey indicates the credibility rating of the American Medical Association is significantly lower among those who define the organization as one which protects or lobbys for doctors. Among those who felt the A.M.A. was a protective or lobby organization the A.M.A. credibility rating was 5.5. Among those who ascribed some other function to the A.M.A. its rating was 7.0.

To this point, the disposition of public opinion is that the actions and policies of the American Medical Association are in the public interest. On a ten point scale the or-

ganization received a 6.6 rating with 10 representing organizations whose policies and activities are in the public interest. Relatedly, the A.M.A. is viewed as effective in performing its work by a majority of the public.

The A.M.A. has a high level of communications credibility among all groups in the population, however, it is found most credible by those groups who expressed the least trust in medical doctors: the grade school educated, lower income, and manual worker groups. The A.M.A. also has a high level of communications credibility among women relative to men.

The A.M. A. achieved somewhat lower credibility ratings and lower ratings as acting in the public interest among the better educated, the more affluent population, and upper socio-economic groups. These groups were also more likely to see the American Medical Association as an organization which seeks to protect doctors and acts as a lobby group. Further analysis of the survey suggests that the lower credibility rating among upper socio-economic groups is related to the fact that these segments of the public are more likely to define the A.M.A. in "protective or lobbyist terms."

To summarize, the medical profession and the American Medical Association itself evoke a high level of public trust, relative to a wide range of occupations and social institutions respectively.

Given such attitudes, it is not surprising that the public has the most trust in doctors' organizations and health insurance companies to propose a fair and workable program. In December 1976 71% had a great deal or fair amount of trust in doctors' organizations such as the A.M.A., and about an equal number had trust and confidence in health insurance companies, such as Blue Cross/Blue Shield. Hospital administrators were positively rated by 63%. However, somewhat less than a majority have trust and confidence in labor unions, and about half have trust and confidence in Federal Health Officials.

These questions were first asked by Gallup in 1971 on behalf of the Potomac Associates. Examining the trend we find:

Slightly fewer reporting a great deal of trust and confidence in doctors' organizations and an increase in the lack of confidence categories.

With respect to insurance companies, there is no significant trend.

Similarly, with respect to hospital administrators and labor unions, opinion is at about the 1971 level, with a slight decrease in confidence in hospital administrators and a slight increase in confidence in labor unions.

However, for federal health officials, a nine point decline in a great deal/fair amount of trust and confidence is observed.

In this regard, there has been a slight decrease in trust and confidence in virtually all groups tested, save labor. This probably reflects an overall erosion in trust and confidence in social institutions since 1971. However, this decline is most precipitous with respect to federal health officials.

Attitudes toward health care issues and national health insurance

In 1971 and again in 1974 the Gallup Organization conducted a study in which a nationally representative sample of Americans were questioned concerning their attitudes toward health care. The study was conducted for the Potomac Associates and published in U.S. Health Care, What's Wrong and What's Right. To investigate how attitudes concerning health care have changed, Gallup recently repeated a number of questions. The recent surveys were conducted in September and December 1976. The first question asked was: "All things considered, how much confidence do you have in being able to get good medical care for you and your family when you need it—a great deal of confidence, a fair amount, not so much, or none at all?

As can be seen. Americans have consistently expressed confidence in being able to obtain adequate medical care. In all three studies, more than 80 percent expressed either a great deal or a fair amount of confidence in being able to get good medical care for themselves and their families when they need it. (See Table 11 in Appendix).

The trend since 1971 would indicate, however, that this confidence has been eroding. In 1971, 45 percent expressed a great deal of confidence, declining to 43 percent in the 1974 study and to 40 percent in 1976.

In analyzing the downward trend, it is interesting to note that most of the loss of confidence has come from among the upper socio-economic groups.

Not surprisingly, in all three surveys the upper socio-economic groups have expressed more confidence in being able to obtain good medical care than those respondents from the lower socio-economic groups. However, it is among the better educated—those with a college or high school education—that confidence has shown a significant decline. As many of the grade school educated expressed a great deal of confidence in being able to obtain good medical care in 1976 as did in 1971. A similar pattern can be seen when this question is looked at by occupation and income.

In the health care study conducted in June 1972, those interviewed were asked who should control a national health insurance program. Respondents were asked: "Congress may soon pass some form of national health insurance partly paid for out of taxes. From among those listed on this card, who would you prefer to have run this program?"

The categories were:

The Federal Government in Washington
The State Government
Local Governments
Private Insurance Companies
Local Organizations run by citizens and doctors together

It is the results of this question that show the most dramatic change in attitude. In 1972, a plurality of all respondents interviewed (40%) felt the Federal Government should run the program, followed by 16% who would prefer State Government, 7% local government, 13% insurance companies, and 13% local organizations run by citizens and doctors.

When the 1972 findings are compared to the September 1976 findings a significant change in attitude as to who should administer a national health insurance program is evident:

The proportion who would like to see the Federal Government run a national health insurance program has dropped dramatically from 40% in 1972 to only 28% today. This shows a decline of 12 percentage points, or about a third. (See Table 14 in Appendix.)

During this same time period, support for local organizations run by citizens and doctors together has increased significantly. From 13% in 1972 to 20% today—an increase of seven percentage points, or over 50 percent.

A preference for local government has also increased slightly from 7% to 11% today.

The results show an obvious change in attitude in favor of more local control. In analyzing the shift in attitude, it was found that the greatest change took place among the upper socio-economic groups and among younger people. Among the college-educated preference for the Federal Government's running a national health insurance program has shown the greatest decline—35% in 1972 and only 21% in the September 1976 study—a loss of 14 percentage points. Among the high school educated there was a decline of 11 percentage points, while the grade school group declined by only 8 percentage points.

On the other hand preference for local organizations is dramatically higher among the college educated compared to those with only a grade school education. This was true in both the 1972 study and the 1976 study.

In the most recent survey, 24% of the college educated would prefer local organizations run by citizens and doctors, compared to only 10% among the grade school educated.

While this question asked specifically about who should control a national health care system, it is likely that the change in attitude seen here reflects, at least in part, a more general change in attitude, rather than a change limited to health care. The results of work done by The Gallup Organization, as well as other organizations, have shown that such factors as the growing interdependence of individuals and institutions, the growth and influence of government, and the increasing domination of big business have left people with a feeling of increasing dependency and the uneasy feeling that they are having less and less control over the direction and well-being of their own lives and the lives of their families.

The end result has been alienation, and a feeling of helplessness and isolation. People view the very institutions which have been portrayed to them as being in disarray and decay, as exerting more and more control over their lives. The desire to regain the feeling that they have some influence, that they have a degree of control over what happens to them, has been growing.

The change in attitude concerning health care which observed here is, at least in part, another manifestation of the public's alienation and desire to be in on the decisions that will affect their lives, and to have a degree of control over what happens to them.

In another survey conducted in 1972, again for the Potomac Associates, respondents were asked which health care system they felt was the best way to provide adequate health care for everyone.

The choices were:

A universal system of health insurance covering everybody and paid for by the Federal Government out of money raised by taxes;

A system of compulsory health insurance covering everybody who has a job and his or her family, with employers and employees sharing the costs. and the Federal Government providing health insurance only for people who do not have jobs;

The present system of voluntary health and medical care.

In 1972, although 40% favored a mixed system of public and private participation, no system was favored by a majority. (See Table 17 in appendix.) Three in ten (30%) expressed a preference for the current system. Only about one in five (22%) thought a universal system paid for through taxes would be the best system.

This question was repeated in December of 1976. The results show a decline in support for the present system of voluntary medical care and an increase in support for a universal system paid for through taxes. As would be expected, as confidence in being able to obtain adequate medical care has declined, support for the present system has also declined.

A mixed system is still favored by a plurality (39%). If those favoring the present system are added, approximately two thirds (64%) of the respondents interviewed favor a mixed system of public and private participation.

The 1971 study also questioned respondents concerning the areas they would like to see the Federal Government most involved in when it comes to medical and health requirements. Respondents were asked the question: "Which of the items on this card would you most like to see the Federal Government involved in when it comes to medical and health needs?"

As might be expected, "seeing that medical costs will not be an obstacle to people get-

ting the care they need" was the most frequently mentioned, followed by "sponsoring health research" and "training doctors' assistants."

When this question was repeated this past September, the results indicated an interesting shift in attitude. While respondents in the most recent survey tended to name all of the areas to a greater extent than they did in 1971, it is the areas that have shown the greatest increase that reveal an interesting pattern. The areas where the greatest increases occurred were:

1. Enforcement of higher standards for hospitals and nursing homes,
2. Sponsoring more research,
3. Conducting periodic re-examination of doctors, and
4. Insuring that the American consumer is represented in the development and management of health services.

Those areas that have shown the least increase were:

1. Training doctors' assistants, and
2. Building more medical schools.

The trend would suggest that there is a growing desire on the part of the public for more policing of the health care system, and less sentiment for the expansion of facilities. However, it should be emphasized that in both surveys "seeing that medical costs will not be an obstacle to people getting the care they need" was the most frequently mentioned item. Medical costs are foremost on the public's mind.

TABLE 1.—HONESTY AND ETHICAL STANDARDS OF 11 OCCUPATIONS, JUNE 1976 (RATINGS OF TOTAL SAMPLE)

[In percent]

	Very high	High	Average	Low	Very low
Medical doctors	17	39	35	6	3
Engineers	10	39	43	3	1
College teachers	9	35	44	7	2
Journalists	7	26	49	13	3
Lawyers	6	19	48	18	8
Building contractors	5	18	54	18	3
Business executives	3	17	58	16	4
Senators	3	16	51	22	7
Congressmen	3	11	47	27	11
Labor union leaders	2	10	38	31	17
Advertising practitioners	2	9	43	29	15

TABLE 2.—*Honesty and ethical standards of medical doctor's analyzed by demographic groups, June 1976*

Rated medical doctors as:

[In percent]

	Very high/ high	Average/ low/ very low
National	56	44
Sex:		
Male	53	47
Female	57	42
Race:		
White	57	42
Nonwhite	44	56
Education:		
College	62	38
High school	52	47
Grade school	52	47
Occupation:		
Professional and business	60	39
Clerical and sales	57	43
Manual workers	52	48
Nonlabor force	57	42
Income:		
$20,000 and over	59	40
$15,000 to $19,999	58	41
$10,000 to $14,999	57	43
$7,000 to $9,999	56	44
$5,000 to $6,999	51	49
$3,000 to $4,999	54	45
Under $3,000	41	59

TABLE 3.—REPORTED INCIDENCE OF NOT HAVING MONEY FOR LIFE ESSENTIALS IN PAST 12 MO

[In percent]

	Medical care	Food	Clothing
Industrialized nations:			
United States	15	14	19
Italy	9	15	28
Japan	8	18	35
France	8	6	26
Benelux	6	4	10
Canada	4	6	12
Australia	4	4	6
Scandinavia	2	6	13
United Kingdom	1	8	19
West Germany	1	7	13
Nonindustrialized nations:			
Africa sub-Sahara	49	59	72
India	46	56	58
Latin America	45	47	56
Far East	44	54	57

TABLE 4.—*Credibility rating on a scale of 1 to 10, August 1796*

American Medical Association	6.8
Professional associations (average of 4 associations)	6.5
Trade associations (average of 5 associations)	5.1
Government agencies (average of 6 agencies)	5.7
Labor unions (average of 10 unions)	5.4

TABLE 5.—*Percentage who have a great deal or fair amount of trust and confidence in each group, December 1976*

[In percent]

Doctor organizations (AMA)	71
Insurance companies	68
Hospital administrators	63
Labor unions	47
Federal health officials	49

TABLE 6.—PUBLIC CONFIDENCE IN MAJOR GROUPS INVOLVED IN HEALTH POLICY

[In percent]

Doctor organizations (AMA)	1971	1976	Change
Great deal	29	26	−3
Fair amount	45	45	0
Not so much	13	17	+4
None at all	5	7	+2
Do not know	8	5	−3
Total	100	100	

TABLE 7.—PUBLIC CONFIDENCE IN MAJOR GROUPS INVOLVED IN HEALTH POLICY

[In percent]

Insurance companies	1971	1976	Change
Great deal	30	29	−1
Fair amount	39	39	0
Not so much	18	22	+4
None at all	6	5	−1
Do not know	7	5	−2
Total	100	100	

TABLE 8.—PUBLIC CONFIDENCE IN MAJOR GROUPS INVOLVED IN HEALTH POLICY

[In percent]

Hospital administrators	1971	1976	Change
Great deal	18	18	0
Fair amount	47	45	−2
Not so much	19	24	+5
None at all	6	6	0
Do not know	10	7	−3
Total	100	100	

TABLE 9.—PUBLIC CONFIDENCE IN MAJOR GROUPS INVOLVED IN HEALTH POLICY

[In percent]

Labor unions	1971	1976	Change
Great deal	13	14	+1
Fair amount	31	33	+2
Not so much	25	25	0
None at all	16	16	0
Do not know	15	12	−3
Total	100	100	

TABLE 10.—PUBLIC CONFIDENCE IN MAJOR GROUPS INVOLVED IN HEALTH POLICY

[In percent]

Federal health officials	1971	1976	Change
Great deal	13	9	−4
Fair amount	45	40	−5
Not so much	23	31	+8
None at all	7	11	+4
Do not know	12	9	−3
Total	100	100	

TABLE 11.—PERSONAL CONFIDENCE IN ABILITY TO OBTAIN GOOD HEALTH CARE

The question: All things considered, how much confidence do you have in being able to get good medical care for you and your family when you need it—a great deal of confidence, a fair amount, not so much, or none at all?

[In percent]

	1971	1974	1976	Change
A great deal	45	43	40	−5
A fair amount	39	42	41	+2
Not very much	11	12	13	+2
None at all	3	2	4	+1
Do not know	2	1	2	0
Total	100	100	100	

TABLE 12.—PROPORTION EXPRESSING A GREAT DEAL OF CONFIDENCE BY EDUCATION

[In percent]

	A great deal of confidence		
	1971 survey	1976 survey	Change
All respondents	45	40	−5
Those with college education	57	49	−8
Those with high school education	46	36	−10
Those with grade school education	37	38	+1

TABLE 13.—*Public preference for administration of national health insurance*

Question: "Congress may soon pass some form of national health insurance partly paid for out of taxes. From among those listed on this card, who would you prefer to have run this program?

[In percent]

	1972 study
Federal Government	40
State government	16
Local government	7
Insurance companies	13
Local organizations run by citizens and doctors	13
Don't know	11

TABLE 14.—PUBLIC PREFERENCE FOR ADMINISTRATION OF NATIONAL HEALTH INSURANCE

The question: "Congress may soon pass some form of national health insurance partly paid for out of taxes. From among those listed on this card, who would you prefer to run this program?"

[In percent]

	1972	1976	Changes
Federal Government	40	28	−12
State government	16	14	−2
Local government	7	11	+4
Insurance companies	13	15	+2
Local organizations run by citizens and doctors	13	20	+7

TABLE 15.—PREFERENCE FOR FEDERAL GOVERNMENT CONTROLLING A NATIONAL HEALTH INSURANCE PROGRAM BY EDUCATION

	Proportion preferring Federal Government		
	1972 survey	1976 survey	Change
All respondents	40	28	−12
College education	35	21	−14
High school education	40	29	−11
Grade school education	45	37	−8

TABLE 16.—PREFERENCE FOR LOCAL ORGANIZATIONS RUN BY CITIZENS AND DOCTORS TOGETHER CONTROLLING A NATIONAL HEALTH INSURANCE PROGRAM BY EDUCATION

	Proportion preferrring local organizations		
	1972	1976	Change
All respondents	13	20	+7
College education	16	24	+8
High school education	14	21	+7
Grade school education	8	10	+2

TABLE 17.—*Health care system believed to be best way to provide health care to everyone*

Question: Which one of the health care systems listed on this card do you think would be the best way to provide adequate medical and health care for all people?

[In percent] *1972*

A universal system of health insurance covering everybody and paid for by the Federal Government out of money raised by taxes	22
A system of compulsory health insurance covering everybody who has a job and his or here family, with employers and employees sharing the costs and the Federal Government providing health insurance only for people who do not have jobs	40
The present system of voluntary health and medical care	30
Don't know	8
Total	100

TABLE 18.—HEALTH CARE SYSTEM BELIEVED TO BE BEST WAY TO PROVIDE HEALTH CARE TO EVERYONE

[In percent]

	1972	1976	Change
A universal system of health insurance covering everybody and paid for by the Federal Government out of money raised by taxes	22	28	+6
A system of compulsory health insurance covering everybody who has a job and his or her family, with employers and employees sharing the costs, and the Federal Government providing health insurance only for people who do not have jobs	40	39	−1
The present system of voluntary health and medical care	30	25	−5
Do not know	8	8	0
Total	100	100	

TABLE 19.—*Medical and health care needs would most like to see Federal Government involved in*

[In percent]

	1971 study
Remove cost obstacle	57
Sponsor health research	35
Train doctors' assistants	34
Provide enough staffed, equipped hospitals	30
Enforce higher standards of hospital care	29
Conduct periodic reexamination of medical doctors	29
Increase public health education	28
Reorganize the system for efficiency	24
Assign new M.D.'s to areas of need for 2 years	23
Build more medical schools	22
Insure consumer representation	17

TABLE 20.—MEDICAL AND HEALTH CARE NEEDS WOULD MOST LIKE TO SEE FEDERAL GOVERNMENT INVOLVED IN

[In percent]

	Study		
	1973	1976	Changes
Remove cost obstacle	57	65	+8
Sponsor health research	35	55	+20
Train doctors' assistants	34	37	+3
Provide engough staffed, equipped hospitals	30	44	+14
Enforce higher standards of hospital care	29	50	+21
Conduct periodic reexamination of medical doctor's	29	47	+18
Increase public health education	28	45	+17
Reorganize the system for efficiency	24	39	+15
Assign new M.D.'s to areas of need for 2 yr	23	30	+7
Build more medical schools	22	28	+6
Insure consumer representation	17	35	+13

THE SUCCESS OF THE ALL-VOLUNTEER FORCE: AN EVALUATION OF THE KING REPORT

Mr. PROXMIRE. Mr. President, today I would like to discuss the recently released Senate Armed Services Committee study of the All-Volunteer Force. Titled "Achieving America's Goals: National Service of the All-Volunteer Armed Force," the study was conducted by Prof. William R. King, of the University of Pittsburgh.

First, I would like to compliment Professor King on a job well done. The report is very thorough and deals with many aspects of the All-Volunteer Army. However, I am afraid that the report has been inaccurately portrayed by publicity citing only its most ominous predictions.

After studying the report, I do not find reason to believe the All-Volunteer Army is in danger of failure. The King report has revealed problem areas in the maintenance of the All-Volunteer concept, but it has not proved that a return to the draft or the establishment of a national service requirement is required.

The report deals equally with an evaluation of the All-Volunteer Forces and the possibility of the institution of a nation service system. I will discuss only the first half of the study because I believe the data concerning the performance of the All-Volunteer Forces have made consideration of a national service unnecessary.

THE AVF HAS WORKED

Concerning the past and current performance of the All-Volunteer armed services, the King report finds that the All-Volunteer concept has been a success. In its own words, the report finds:

Now that the AVF has been in existence for nearly four years, it has shown to be feasible in terms of aggregate measures applied to the recruitment of personnel in sufficient quantity and quality to permit the armed forces to function according to its assigned role.

Thus, in direct contradiction to the issues surrounding the national service concept, the AVF has been demonstrated to be generally feasible—at least under the current peacetime conditions.

In summary, the King report for the Armed Services Committee has found that the All-Volunteer Force has operated adequately, maintaining sufficient manpower levels, both quantitatively and qualitatively.

In relation to recruiting and manpower requirements, the King report cites figures indicating that the Defense Department has met 99-plus percent of its required quota in fiscal year 1976 and projects meeting 99 percent in transition quarter 197t and 99.7 percent in fiscal year 1977.

Concerning quality standards, the report states that today's armed services personnel rate higher than the personnel of 1964 when judged by the standards of high school diplomas and armed services vocational aptitude battery scores—ASVAB.

Military officials emphasize the importance of a high school diploma because statistics show high school graduates are more likely to successfully complete the basic training of the military. Sixty-nine percent of today's enlistees hold high school diplomas as compared to 68 percent in 1964 and 61 percent in 1974.

The ASVAB tests, which measure arithmetic reasoning, word knowledge, tool knowledge and pattern analysis, also show a higher quality recruit today then in 1964. The percentage of recruits falling into test score categories I and II, the highest achievers, is greater than the 1964 percentage, while category IV enlistees have declined.

The King report also measures the representativeness of the All-Volunteer Forces according to geography, race, and family income. The statistics cited by the study show a remarkable degree of representativeness.

On the basis of family income, the report states that 6.4 percent of enlistees come from families with an income of 0 to $2,999. These families make up 5.3 percent of the general population. On the other end of the spectrum, 55 percent of army enlistees come from families making over $11,000, while this income group comprises 58.9 percent of the general population.

What these figures show is that the fear of the All-Volunteer Army becoming predominantly a lower-class fighting force is not valid. Persons from all economic backgrounds are entering the Armed Forces, producing a military force which adequately reflects the backgrounds and values of the populace as a whole.

The other measure of representativeness in the Armed Forces—race—has caused alarm in some individuals and

in the King report itself. The percentage of blacks in the Defense Department has risen from 9.7 in 1964 to 16.6 in 1976. This trend has been more pronounced in the Army, with the black percentage rising from 11.8 percent in 1964 to 23.7 percent in 1976.

This increase in the percentage of blacks in the Armed Forces has stirred concern that blacks are carrying an excessive burden in the defense effort in relation to their percentage of the national population. I cannot share this fear.

The 7-percent rise in the number of blacks in the Armed Forces simply indicates to me that more blacks are taking advantage of the benefits the military offers.

This increase in the black percentage is also reflected in more black officers in the Defense Department, thereby improving the morale and status of blacks in the military. The military is more than 3-to-1 white today, but it is the color of the uniform, not the skin, that matters. Furthermore, military variations from the national percentage racial composition statistics have no clear meaning.

The bottom line of these facts and figures is that the All-Volunteer Force has been operating efficiently, without any loss of manpower quantity, quality, or representativeness. Consequently, the next logical question to ask is how much has this success cost us in Defense Department dollars.

PRESENT AND FUTURE COST OF AVF

In addressing this question, the King report, like most other studies of the same topic, cannot nail down a precise cost of the AVF. However, the study does show that much of the recent personnel cost rise in the military stems from causes other than the AVF, including the increasing number of retired personnel and the placing of military pay on par with civilian pay. These cost-increasing factors would have existed with or without the move to the AVF.

The most important conclusion regarding cost that the King report found is that:

> Whatever may be the true cost of the AVF, the full cost is not recoupable through a return to the draft. Many benefits have been institutionalized so that it is unlikely that draft-era cost levels could again be achieved.

Although the King report states the AVF cannot be blamed for most of the rise in personnel costs and a return to the draft will not allay these costs, the study does warn that the AVF may cause an alarming increase in manpower costs during the coming years. The King report cites a Congressional Budget Office study which predicts a 36-percent increase in personnel costs over the next 4 years if no military policy changes are made.

From another perspective, the King study warns that any increase in the troop quantity levels will be more expensive under an AVF system than under a conscription system. For instance, a return to Vietnam-era troop levels would require $29 billion more under the AVF than under a draft.

These potential cost increases are important and the King study rendered us a service by pointing them out. However, these figures were determined while assuming there would be no military policy changes concerning manpower costs. Yet, it is through the change of existing manpower policies that we can and must reduce personnel costs. A return to conscription labor for the armed services is simply not necessary.

NEEDED POLICY CHANGES

The first and most effective step we can take to control personnel costs is to bring "grade-creep" inflation under control. The vast number of civilian employees in the Defense Department and an average GS grade rise from 7.2 to 7.8 since fiscal year 1964 have cost the Defense Department enormously. If we had the same grade and rank distribution today as existed in 1964, we could save $400 million per year in civilian costs and $700 million per year in military payroll costs. We can also reduce some privileges and overstaffing, such as headquarters staffs and servants. Finally, the King report suggests that current personnel costs can be cut by capital substitution and reenlistment rate improvement.

By combining all of these policy changes, we can control and reduce military manpower costs while still adhering to the All-Volunteer Force concept. We can have our cake and eat it too.

FUTURE RECRUITING PROBLEMS

Perhaps the most ominous conclusion of the King report is that the military will find it increasingly more difficult to attract qualified recruits during the 1980's because of a shrinking number of available males and an improved economic situation. According to the study, recent declining birth rates have already insured a scarce supply of young, qualified males for the military to recruit during the 1980's.

The King report's finding in this matter is considerably more pessimistic than a December 1974 Defense Department study on the same topic. This Defense Department report to the Armed Services Committee concluded that the All-Volunteer Force could be maintained throughout the 1975 to 1990 period because military accession requirements would be lower than the fiscal year 1975 requirement—which was successfully met—for all but three of the next 15 years. The 1974 report was optimistic that the armed services could meet all of its needs in the coming years.

There are also some relatively minor policy changes that could be made to assist the military in meetings its recruiting needs. Women, which comprise only 5.3 percent of the military now, should be recruited in greater numbers for combat and noncombat positions.

The Defense Department can also ease reenlistment restrictions, allowing the military composition to include more than the currently permitted 40 percent reenlistments. Finally, a Congressional Budget Office study has stated that by extending maximum and minimum weight limits by 10 percent the military would increase the pool of potential eligible recruits by 5 percent.

The conclusion to be drawn from this data is that the Defense Department can meet its recruiting quotas with only minimal policy changes. A return to the draft is unnecessary.

MILITARY AND CIVILIAN MORALE

Another concern expressed by the King report is that of increasing first term attrition rates in the military. The study indicates that more recruits leave the armed services before the conclusion of their first term of service today than did during the last years of the draft. This trend is both costly and demoralizing to the Defense Department, according to the King report.

The attrition problem seems of dubious validity when one considers the greater tendency of today's military to allow early releases. As a Martin Binkin article in the Washington Post pointed out, recruits are leaving the service early "partly because of excessively liberal discharge policies." This liberal attitude was hardly present in the military during the Vietnam years.

The AVF concept has also provided many beneficial morale and public image side effects to the armed services. A 1976 U.S. News & World Report study found that young people across the Nation have a much more positive attitude toward the military since the draft ended. With student opposition subsided, schools such as Harvard and Princeton have been able to reinstitute campus ROTC programs.

In the armed services themselves, more than two-thirds of the personnel agree with the AVF concept, while only 18 percent disagree. A 1976 study at Fort Knox, the Nation's third largest military installation, showed an overwhelmingly more positive attitude toward the military on the part of enlistees as compared to draftees. To illustrate their point, Fort Knox officials indicated that the AWOL rate dropped from 36.6 to 13.4 per thousand soldiers in the period from 1972 to 1976.

Finally, it must be stated that 79 percent of all Americans favored abolition of the draft in 1973 and the King report has found "no reason to believe that this overall level of support has declined substantially."

Mr. President, to summarize this entire evaluation is not difficult. The King report has shown that with a few relatively minor policy changes the All-Volunteer Force can continue to exist and perform its function. We can protect the security of our Nation without returning to the conscription of our people. I cannot think of a more welcome situation.

WASP GAIN SUPPORT

Mr. GOLDWATER. Mr. President, it is a pleasure for me to announce that a third national veterans group has publicly declared itself in support of legislation to provide veterans benefits to former Women's Air Force Service Pilots.

Earlier, the Retired Officers Association and the Reserve Officers Association have endorsed the efforts of the women pilots of World War II to obtain

veterans benefits. Now, I am happy to report that the Air Force Association has gone on record in support of the WASP. This action was taken on March 5, when the board of directors of the Air Force Association unanimously approved a resolution calling upon the Congress and the President to enact legislation bringing justice to this long-overlooked group of women.

Mr. President, the Air Force Association is a well-known professional organization which was founded in 1946. It presently has over 150,000 members who represent all elements of the aviation field. I am very proud for the World War II women pilots to have this latest endorsement of their cause by such an esteemed organization.

Mr. Chairman, I ask unanimous consent that the resolution adopted by the Air Force Association be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION RELATIVE TO WOMEN AIRFORCE SERVICE PILOTS

Whereas The service of the Women Airforce Service Pilots (WASP) during World War II (between September, 1942—December, 1944) met the highest aviation standards of the military; and

Whereas These women, who volunteered to serve their country without question and who flew side-by-side with their male counterparts for less compensation, and as Civil Servants were never officially made a part of the military even though they flew more than 60 million miles and lost 38 of their number during operational flights or training missions; and

Whereas This meant, that upon deactivation, they received no veterans' benefits; and yet the record is clear that it was always the intention of the military that this group be militarized; and legislation submitted over the years to correct this inequity has not been favorably acted on and some of these women are in particular need of hospitalization and veterans' pension benefits; therefore be it

Resolved, That the Board of Directors of the Air Force Association calls upon the Congress to enact and the President to execute legislation bringing justice to this long overlooked group of fewer than 1,000 survivors; and be it further

Resolved, That the Air Force Association hereby endorses and supports S 247, a Bill introduced by Senator Barry M. Goldwater, which would provide recognition to the WASP for their W.W. II service by deeming such service to have been active duty in the Armed Forces of the United States for purposes of laws administered by the Veterans' Administration.

S. 995—PREGNANCY DISCRIMINATION

Mr. BAYH. Mr. President, I am very pleased to be a sponsor of S. 995, legislation which will end employment discrimination against pregnant workers. This legislation was made necessary by an unfortunate decision rendered by the Supreme Court in the case of *Gilbert* v. *General Electric*, 45 U.S.L.N. 4031 (1976). In handing down its decision last December, the Court declared that employment discrimination against a woman on account of pregnancy or childbirth did not constitute sex discrimination under title VII of the Civil Rights Act of 1964. In making this finding, the Court specifically held that the General Electric Co., in denying temporary disability benefits to women unable to work due to pregnancy, childbirth, or complications thereof, was not in violation of title VII's statutory prohibition of discrimination on the basis of sex in employment or fringe benefit plans. The Supreme Court decision in Gilbert runs directly counter to six unanimous Federal appellate court decisions, the sex discrimination guidelines implementing title VII issued by the Equal Employment Opportunity Commission, and the intent of Congress in prohibiting sex discrimination in employment under the 1964 Civil Rights Act.

I. GILBERT V. GENERAL ELECTRIC

The particular issue contested in the Gilbert decision concerned the payment of temporary nonoccupational disability benefits to women workers who were medically determined to be physically unable to work due to pregnancy, childbirth or related medical conditions such as miscarriage or hypertension. Temporary disability benefits are defined as payments made on a voluntary basis by companies to compensate workers for wages lost while they are physically unable to work; 63 percent of the civilian workforce has some form of temporary disability coverage.

In the case of General Electric, the company voluntarily provided these benefits to all of its employees in an amount equal to 60 percent of an employee's straight time weekly wages up to a maximum benefit of $150 per week for up to 26 weeks for any one disability. The General Electric plan offered disability payments for all types of male disabilities including vasectomies, circumcisions, prostatectomies, as well as covering hair transplants, injuries incurred as a result of fight, sports injuries, and incapacity due to alcoholism or drug abuse. Specifically excluded from coverage by the GE plan are disabilities which arise from pregnancy, childbirth or complications therefrom. Interestingly, plans such as General Electric represent only 40 percent of all disability plans offered in the United States, 60 percent of the disability plans in this Nation voluntarily cover pregnancy and childbirth. Among the companies offering the more comprehensive, nondiscriminatory coverage are IBM, Line French, Cummins Engines, Martin Marietta, and Polaroid.

The plaintiffs in the Gilbert case brought action against General Electric on the grounds that GE's disability plan excluding pregnancy and childbirth was a violation of title VII of the Civil Rights Act which prohibits employment discrimination on the basis of sex. In support of their case, the planitiffs pointed to the sex discrimination guidelines implementing title VII issued by the Equal Employment Opportunity Commission. According to these guidelines: "Disabilities caused by or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom are, for all job related purposes, temporary disabilities, and should be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment. Written and unwritten employment policies and practices shall be applied to disability due to pregnancy or childbirth on the same terms and conditions as they apply to other temporary disabilities."

Unfortunately, the Court, basing much of its argument on the Court's prior decision in *Geduldig* v. *Aiello*, 417 U.S. 484 (1974), rejected the argument that discrimination on the basis of pregnancy is discrimination against a woman on the basis of her sex. The court in Aiello had rejected an equal protection challenge to a similar disability insurance program financed by the State of California. Holding that the same principle applied in the statutory challenge under title VII, Justice Rehnquist stated:

As there is no proof that the package is in fact worth more to men than to women, it is impossible to find any gender based discriminatory effect in this scheme because women disabled as a result of pregnancies do not receive benefits; that is to say, gender-based discrimination does not result simply because an employer's disability benefit plan is less than all-inclusive. For all that appears, pregnancy related disabilities constitute an additional risk, unique to women, and the failure to compensate them for this risk does not destroy the presumed parity of the benefits . . .

The Court's strained logic in the majority opinion was well articulated by both Justices Brennan and Stevens in their separate dissents. Commenting on the GE plan, Justice Stevens stated:

By definition such a rule discriminates on account of sex; for it is the capacity to become pregnant which primarily differentiates the female from the male.

In addition to setting a disturbing precedent for other pregnancy-related sex discrimination cases, the majority decision in Gilbert has several other far-reaching consequences for working women. First, the decision permits companies to deny temporary disability payments to women who are disabled as a result of medical complication arising from pregnancy or childbirth. This means that a woman who suffers from miscarriage, massive hemorrhaging, or toxemia in connection with pregnancy or childbirth cannot receive disability benefits on the same basis as a man who is disabled from a hair transplant.

Second, the Gilbert decision would allow companies to deny coverage for any nonpregnancy related medical condition or accident occurring while an employee is on pregnancy leave. A spokesperson for General Electric gave a synopsis of how this policy works in testimony before the district court. He stated that if a male employee has taken an unpaid leave of absence, and within the first several days of this leave is struck by a car, he is provided full coverage under the GE plan. If a pregnant woman is on an unpaid leave of absence and within the first few days of her leave is struck by a car, she receives no coverage whatsoever under the disability plan.

Third, the denial of temporary disability benefits for that period when a woman is physically unable to work due to pregnancy, childbirth or related medical conditions has potentially devastating economic consequences for millions of

working women. A brief look at the statistics on working mothers helps to document the importance of disability payments for these women. The number of working mothers has more than tripled since 1950. About 85 percent of all working women will be pregnant at some time during their working lives. Many of these working mothers are the heads of families. Among all families with income the poverty level in 1974, 46 percent are headed by women; 65 percent of such minority families are headed by women.

A more vivid illustration of the economic consequences of denying disability benefits to pregnant workers is revealed in the case history of Mrs. Sherril O'Steen, one of the plaintiffs in the Gilbert case. Mrs. O'Steen went to work for General Electric at its Portsmouth, Va. plant on June 1, 1971, at which time she was given an employee handbook stating that pregnant workers would be required to go on unpaid leave at the end of their sixth month. At no time during her employment at GE was she told that the company's practice in this regard was held unconstitutional. She accidentally became pregnant in 1972.

Shortly thereafter, she was separated from her husband, and became the sole support for her 2-year-old daughter. After going on unpaid leave, Mr. O'Steen was forced to apply for welfare in order to continue to be able to support both herself, her daughter, and her unborn baby. Before she could receive her first welfare check, her electricity and gas were turned off because she could not afford to pay the bills. For the months of November and December, Mrs. O'Steen and her daughter lived without any light, heat, refrigeration, or cooking facilities. Mrs. O'Steen's nervous state over her lack of income threatened the loss of her unborn child.

II. SUMMARY OF LEGISLATION

In handing down its decision in Gilbert, the Court made it clear that, if Congress wanted to make sure that discrimination on the basis of pregnancy was to be considered sex discrimination it would have to make that clear in its legislation. That is precisely what this legislation we are introducing today does—it adds a new section to section 701 of the Civil Rights Act of 1964 specifying that for the purpose of that act discrimination on the basis of sex includes discrimination on the basis of pregnancy, childbirth, or related medical conditions.

Nothing in this legislation would require a company to offer disability insurance to its employees. Under the provisions of our legislation, only those companies which already voluntarily offer disability coverage would be affected.

III. COST OF THE LEGISLATION

There has been a great deal of concern expressed about the potential cost of our legislation. There is no question that covering pregnancy under employer disability insurance plans will entail some cost; however, I feel that the size of this expense has been greatly overblown. Currently 60 percent of the females working for employers with disability plans are already covered for an average of 6 weeks of benefits for pregnancy. The 6-week figure is a reasonable one given that expert medical testimony has indicated that 95 percent of all pregnant working women return to work within a 6- to 8-week period.

The cost for the 60 percent of female workers now covered is $225 million which would mean that it could cost $150 million to cover the remaining 40 percent of women workers which would be affected by our legislation.

I think that it is important to point out as well that many of the companies which have voluntarily covered pregnancy have found this practice to be cost effective in relation to its women workers. For example, the Xerox Corp. found that the rate of return for females after childbirth has risen dramatically since the company instituted its policy of providing full disability benefits for pregnancy and childbirth.

IV. SUPPORT FOR THE LEGISLATION

Mr. President, this legislation has been endorsed by a very wide ranging coalition of interest groups ranging from major labor unions to women's groups. The following list of organizations have indicated support for this legislation:

LIST OF ORGANIZATIONS

AFL–CIO.
Amer. Alliance for Health & Physical Recreation.
Amer. Assn. of University Women.
Amer. Civil Liberties Union.
American Federation of State & County Municipal Employees.
Amer. Federation of Teachers AFL–CIO.
Amer. Newspaper Guild AFL–CIO.
Amer. Nurses Association.
Amalg. Clothing and Textile Workers Union.
Americans for Democratic Action.
Assn. of Flight Attendants AFL–CIO.
Coalition of Labor Union Women.
Comm. Feminist Organizations & Other Non-Aligned Women.
Communications Workers of America AFL–CIO.
Delta Sigma Theta Sorority.
Federally Employed Women.
Int'l. Union of Elec. Radio & Machine Workers, AFL–CIO.
Leadership Conference on Civil Rights.
Mass. Governor's Commssn. on *the Status of Women.*
Mexican-American Womens Nat'l Assn.
Nat'l. Assn. for Advancement of Colored People.
Nat'l. Assn. of Commissions for Women
National Education Association.
National Federation of Business & Professional Women's Clubs, Inc.
National Organization for Women.
National Women's Health Network.
New Jersey Insurance Department.
Penna. Commission for Women.
United Auto Workers.
United Electrical, Radio & Machine Workers.
Urban League.
Women for Racial & Economic Equality.
Women United for Action.
Women Employed.
Women's Equity Action League.
Women's Law Project of Philadelphia.
Women's Lobby, Inc.

I hope that the Congress will join our efforts to speedily overturn the injustices of the Gilbert decision, and help provide true equality for the working women of this Nation.

I ask unanimous consent that a fact-sheet on the legislation be printed in the RECORD.

There being no objection, the fact sheet was ordered to be printed in the RECORD, as follows:

FACT SHEET ON S. 995

AMENDING TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 TO PROHIBIT SEX DISCRIMINATION ON THE BASIS OF PREGNANCY

Purpose of the Bill: To amend Title VII of the Civil Rights Act of 1964 to prohibit sex discrimination in employment based on pregnancy, childbirth, or related medical conditions.

Why this Legislation is Needed:

On December 7, 1976, the U.S. Supreme Court issued its decision in the case of *General Electric* v. *Gilbert,* 45 U.S.L.W. 4031, and ruled that it is not sex discrimination within the meaning of Title VII to exclude pregnancy and related disabilities from otherwise comprehensive insurance plans.

By this action, the Supreme Court overruled the pregnancy guidelines of the Equal Employment Opportunity Commission as well as six Federal Appellate Courts and eighteen Federal trial courts, all of which had ruled that pregnancy-related disabilities must be treated the same as any other temporary disability for all job related purposes—including any health, disability insurance, or sick leave plan.

The Court made it clear that the only way to make sure that pregnancy discrimination does not continue is for Congress to clearly indicate through legislation that such discrimination is illegal.

What Will Happen if the Law is Not Changed?

Many women temporarily disabled by pregnancy and childbirth will be forced to take leave without pay. The resulting loss of income may have a devastating effect on the family unit.

The loss of a mother's salary will make it difficult for many families to provide their children with proper nutrition and health care.

Many pregnant women and their families without alternative sources of support may be forced to dissipate family savings and security and go on welfare.

Many women, especially low income women, may be discouraged from carrying their pregnancy to term.

Employers may be encouraged to cut back on other insurance and benefit programs which affect pregnancy.

Don't most pregnant women have husbands to support them?

Society has changed in recent years, and the family unit has changed with it. These changes and economic conditions have resulted in increasing numbers of women leaving the home to help provide for themselves and their families.

Women have become a major part of our work force. Currently, about 46 percent of all women over the age of sixteen are in the labor force.

There are now thirty-nine (39) million women who are working or seeking work. Twenty-five (25) million of those women are doing so because of the need to support their families—because they have husbands who earn less than $7,000 a year, or because they are single, divorced or widowed.

One out of every ten babies is born to a single, divorced or widowed mother.

Isn't pregnancy voluntary?

In a large percentage of cases it is not. There is no perfect contraceptive.

The National Fertility Survey recently conducted at Princeton showed that 44 percent of births to married women were unplanned; 22 percent of first births occur in the first eight months of marriage.

Opponents argue that pregnancy is voluntary because anyone who does not want a child or can not afford to cease work without pay can have an abortion.

G.E. paid benefits for *all* disabilities incurred by males, voluntary and involuntary. Hence, even if a particular pregnancy was voluntary, the failure to pay was discriminatory.

What time period are we talking about?

This "disability" period includes only that time when a woman is medically certified as unable to work because of pregnancy or childbirth, or related medical conditions.

For most women (95 percent), this period of physical disability is six weeks or less.

This period does *not* include the leave a woman (or man) may wish to take before or after birth to care for the child or to make other arrangements.

Facts brought out in Court revealed that even when employers force pregnant women out of the work force earlier than is medically necessary, most return as soon as they can.

Would This Bill Mandate Compulsory Disability Coverage?

No. It will simply require employers who do provide a disability plan to treat disability due to pregnancy or a related medical condition the same as any other non-work-related disability with respect to benefits and leave policies.

How Much Will Sick Pay and Temporary Disability Coverage for Pregnancy Cost?

Several employers (Xerox, IBM, Martin-Marietta, to name a few) already voluntarily provide regular disability benefits for pregnant workers and have found that doing so is cost effective.

Presently, 60 percent of all women employees who are covered by a temporary disability plan may receive benefits in the event of disability due to pregnancy or a related condition. This leaves 40 percent left uncovered.

Calculations based on actuarial evidence in the court record in Gilbert indicate that it will cost American industry less than $150 million a year to cover the remaining 40 percent and not $1.5 billion has has been widely publicized.

Medical evidence presented by doctors in the case (including G.E.'s doctor) revealed that 90 percent of all childbearing women are disabled for six weeks or less by pregnancy and childbirth. The $1.5 billion figure represents what the cost would be if all women got benefits at the male rate of pay and were absent for 30 weeks each.

Fourteen States including Alaska, California, Connecticut, Hawaii, and New Jersey have laws which require that pregnancy disabilities be treated the same as any other kind of disability.

Thus, in estimating how much a Federal law will cost, all states which already have laws to cover pregnancy discrimination must be excluded.

If you have any further questions on any of these matters, please contact Maria Landolfo of the Labor Subcommittee staff (43674), Chuck Warren in Senator Javits' office (46542), or Barbara Dixon in Senator Bayh's office (48741).

U.S. POLICY IN ASIA

Mr. GLENN. Mr. President, East Asia as a whole is still undergoing some of the most rapid change and development of any region in the world. It is in our interests to be a part of that process of development—and to be aware of the trends and forces in that key area. With that in mind, Mr. President, and as chairman of the Subcommittee on East Asian Affairs of the Foreign Relations Committee, I wish to call to the attention of the Senate an informed article on Asia by my distinguished friend and colleague from Illinois, Senator PERCY. Senator PERCY's remarks, entitled "U.S. Policy in Asia," appeared in the Asia Mail for March 1977, and are well worthy of our consideration. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. POLICY IN ASIA

(By Senator CHARLES H. PERCY)

I have visited Japan a number of times since I came to the Senate in 1966, because Japan is the focal point of U.S. policy in Asia. The range of common interests between our two countries is almost without parallel in today's world.

Last December, the U.S.-Japan Interparliamentary Conference took place in Tokyo under circumstances which might have seemed somewhat awkward. The people of Japan and the United States had just withdrawn the mandates of Prime Minister Miki and President Ford, who had led their nations out of constitutional crises. The new administrations of President Carter and Prime Minister Fukuda were not yet in place. Parliamentary leaders at the conference naturally were eager to exchange views about the emerging leadership and policies in both countries. But the significant fact is that no one from either country had any doubts about the continuity of our alliance, on which the stability of the Western Pacific still depends.

It is true that Japanese leaders have emphasized the importance of avoiding further "shocks," such as the sudden reversal of our China policy in 1971. The Japanese government would be gravely embarrassed if we were to remove our troops from Korea without consulting with them fully in advance.

I think that most American, Japanese and Korean specialists now agree that our troops are not critical to the military balance in Korea. Yet they form an important and visible symbol of our pledge to maintain peace on the peninsula. Therefore we must take care that, when and if we make withdrawals, the people and leaders of Japan and South Korea and the leaders in Pyongyang fully understand that our policy remains unchanged. Vice President Mondale appears to have reassured the Japanese government that Washington is well aware of this need for consultation.

President Carter has reaffirmed this country's support for basic human rights—whether they are threatened by dictators of the left or right. The President's statements reflect the best instincts of the American people and their representatives in Congress. I hope we will never send forces anywhere for the purpose of maintaining a dictator's crumbling power. Our troops in Korea—and our bases in the Philippines—are there only to maintain stability in the region. I think Korea may be an area, like Western Europe, where it would be prudent to maintain some visible U.S. military presence for the foreseeable future. The same, I believe, is true of most of our base facilities in the Philippines.

We should not forget that war followed shortly after the withdrawal of our forces from Korea in 1949—and the announcement, in 1950, that Korea was not within our defense perimeter. Moreover, in 1960, Korean students sparked the one attempt at democratic revolution that their nation has seen in modern times—and they were certainly not inhibited then by the presence of far more U.S. troops that we have there today.

On questions concerning China, Taiwan and Southeast Asia, our Japanese allies seem to have thought through their positions carefully and realistically, no doubt largely because Japan is a part of the Asian community of nations. Regarding China and Taiwan for example, Japan has transferred full diplomatic recognition to Peking—while maintaining close economic links with Taiwan. Our interests in the region—particularly our treaty to defend Taiwan—will require that we develop a formula different from the Japanese formula but hopefully no less appropriate to our purposes.

In Southeast Asia, Japan and the United States are the major trading partners of the five ASEAN states—the Philippines, Thailand, Malaysia, Singapore, and Indonesia. The Association for Southeast Asian Nations are coordinating their economic, social, and cultural activities through informal ministerial meetings rather than elaborate programs and bureaucracies. The drift toward more authoritarian government in each of these countries is regrettable. Yet the people continue to enjoy far more freedom than in neighboring Communist states.

The ASEAN countries comprise an important economic hinterland for Japan, with whom their relations are mutually profitable, although still very brittle because of Japan's present economic dominance and the memory of her actions during World War II. The United States can serve its own interest in promoting regional stability by helping the ASEAN states and Japan broaden their understanding of each other's social and cultural needs.

Japan now has normal diplomatic and economic relations with Vietnam. The ASEAN states and most European powers have also normalized their relations with Hanoi. Initial statements by the Carter Administration appear to indicate that we are heading in that direction as well.

It is clear that the U.S. Congress will not, and should not, authorize payment of "reparations" to Vietnam in any form. I do believe it is one of our country's finest traditions that we have always normalized relations with former enemies after a war.

The new regime in Cambodia—in contrast to Hanoi—does not appear to be interested in establishing relations with the United States, though it has established ties with China and Thailand; Cambodia is no doubt apprehensive about her strong neighbor, Vietnam. It will take time and effort to dispel the morbid atmosphere created by widely credited reports of brutal massacres committed by the new Khmer regime in the name of social revolution. However, if a less inhumane style of leadership should emerge in Phnom Penh, the American people would not want to do anything to discourage this.

East Asia as a whole is still undergoing the most rapid change and development of any region in the world. And it is very much in the U.S. interest to be part of that process of development—while helping wherever we can to promote democratic and humane values.

A U.S. DEPARTMENT OF EDUCATION

Mr. CRANSTON. Mr. President, I am pleased to cosponsor the measure introduced by the distinguished Senator from Connecticut (Mr. RIBICOFF) to create a Cabinet level Department of Education. I believe this is an idea whose time has come. And I believe this is a measure that evidences strong Senate support for a position advanced by President Carter during his campaign—support strong enough to translate the idea into reality.

For some time, while serving as a member of the Senate Education Subcommittee, I have seen the expectations for the Federal effort in education, and

the need for Federal leadership in education, grow with each session of Congress. Yet, the ability to deliver on these important needs and expectations has simply not kept pace. Our education programs have become increasingly vital to the Nation's schools, but also increasingly tangled in a web of conflicting priorities and programs, many of them scattered throughout a dozen different agencies and departments, uncoordinated and sometimes duplicative.

Too, I have become more and more convinced that no matter how hard U.S. education officials try to penetrate the administrative maze that surrounds them, they are simply unable to achieve the priority status other programs hold. HEW Secretary Califano has made some important moves in his efforts to reorganize the vast agency that is the Department of Health, Education, and Welfare. But many of our concerns in health and welfare programs more easily capture public and governmental attention than does education; education programs, by their very nature, achieve less notice than their urgency deserves.

I do have some concerns with regard to this specific legislation, concerns that I know will be addressed by me and by others during Senate hearings. For one, I am concerned that the proposed transfer of Headstart from HEW's Office of Child Development could run counter to the strong community-based orientation of the program.

Traditionally, Head Start has achieved its enormous success outside the schools and with full involvement by the community, especially parents.

It is possible these concerns can be resolved; but until that is done, I would want to leave Head Start with the other human development programs presently carried out in HEW.

Also, Mr. President, I believe we must examine thoroughly the proposed transfer of education-related civil rights programs from HEW's Office for Civil Rights to a new Department of Education. There may be much merit in this approach, but I want to be completely certain that such a bifurcation does not impair overall civil rights strategy and enforcement or lead to unnecessary duplication, overlap, and paperwork.

ADDRESS OF GARRET FITZGERALD OF IRELAND TO THE NATIONAL PRESS CLUB

Mr. KENNEDY. Mr. President, in the course of his address to the National Press Club today in Washington, Dr. Garret FitzGerald, the Foreign Minister of Ireland, delivered an eloquent endorsement of President Carter's concern for human rights as a cornerstone of American foreign policy.

In his address, Dr. FitzGerald also made a number of significant comments on the situation Northern Ireland with respect to human rights and the Irish Government's pending case in the European Court of Human Rights in Strasbourg.

Mr. President, I believe that Dr. FitzGerald's remarks will be of interest to all of us concerned about the cause of peace and human rights in Northern Ireland, and I ask unanimous consent that his text, containing excerpts of his remarks, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM THE REMARKS OF THE IRISH FOREIGN MINISTER, DR. GARRET FITZGERALD, TO THE NATIONAL PRESS CLUB, WASHINGTON, D.C., MARCH 18, 1977

The cause of human rights is one to which the Irish Government and people have been deeply committed since the foundation of our State. In my talks over the past few days with the new Administration of President Carter, I assured them of our warm support for their words and action in this area. My Government has for some time now been seeking to promote in various international organizations, notably the Council of Europe and the United Nations, the policy which President Carter and his new Administration favour of strengthening and making more effective the investigative and judicial powers of these organizations in the area of human rights. What are needed are international bodies with binding supra-national powers so far as participating states are concerned. We in Western Europe have such a body, the machinery enshrined in the European Convention of Human Rights,—which is in marked contrast to the weak and ineffective U.N. Commission on Human Rights. Through this machinery an individual or a state can seek vindication of human rights, as my country has been doing since 1971 in respect of acts of torture and concerted brutality in Northern Ireland. We won our case at the first stage before the European Commission on Human Rights and a final adjudication is now taking place before the European Court of Human Rights. It is our hope that as a result of these proceedings, the use of psychological as well as physical torture, which have become tolerated even by allegedly civilised states in recent decades, will once and for all be banned from Europe at least.

This case has been used—or rather abused—by the Soviet media in an attempt to distract attention from the problem of dissidents in the Soviet Union and other European countries. Pravda's London Correspondent, and two of Izvestia's London Correspondents, have written at length on this subject, adding references to such matters as "the tragic position of the Italian unemployed", alleged persecution of "dissidents" in the Federal Republic of Germany, alleged arbitrary dismissal of workers in Sweden, and in Austria.

All this is quite evidently part of a preparatory campaign before the Belgrade Review of the Conference on Security and Cooperation in Europe, with particular reference to its section devoted to human rights. But what these Soviet correspondents do not bring out is the fact that in the countries they criticise, human rights are recognised as supra-national—transcending national boundaries—and anyone whose rights are prejudiced and are not protected by his own courts can appeal over the heads of his government to the Human Rights Commission and Court in Strasbourg, which is open to the citizens of democratic European countries. No such remedy is open to the citizens of the Soviet Union or Eastern European countries—and that is why the campaign of dissidents in these countries has attracted such sympathy and support in Western Europe and in the United States.

We make no apologies for having taken our action in respect of torture and maltreatment of prisoners in Northern Ireland, but we recognise that this action would have been fruitless but for the fact that the British Government, like our own, accepts the supranational jurisdiction of the Strasbourg institutions; it is that that is important; it is that which must be emphasised in reply to Soviet attempts to confuse the issue in the months before the Belgrade Conference; it is that which—if it existed in Eastern Europe—would give to the dissidents in these countries the chance to vindicate their rights internationally.

It is important, and in this President Carter and Vice President Mondale fully agree with me, that the Governments, legislators and the public be on their guard against those who abuse the noble cause of human rights. There have surely been few more unscrupulous exercises than the attempts made in this city in recent weeks by a few supporters of a campaign of murder and destruction in Ireland to represent themselves as the champions of the human rights of the Irish people. Their purpose was not to promote the welfare and rights of our people. Rather, through a blatant distortion of their unsuccessful efforts to deceive most of those in the new Administration and Congress whom they sought to contact, they tried to represent themselves and the organisation they support, namely the Provisional IRA, to people in Ireland as having secured a degree of support in the capital of the most powerful country in the West. Their efforts, we have been happy to learn, did not succeed in Washington. This did not prevent them from blatantly misrepresenting their lack of success to the Irish people.

The statement issued yesterday by Secretary of State Vance and me records the appreciation of my Government of the wish of the American Government, of which my officials and I have been repeatedly assured by the American Government, to ensure that legitimate concern for human rights is not misused by those who support violence as a means to political ends in Ireland. Most Irish people and most American people would agree—although evidently the men of violence and their supporters would not—that the first and most fundamental human right is the right to live—the right for example of the individual not be murdered in his own home because he is a Protestant or a Catholic. Those who deny this right, those who finance them, those who support them by specious arguments, deserve no hearings from people of good will when they pretend to speak for human rights. I am delighted to be able to tell you and the Irish people that President Carter, Vice President Mondale, Secretary of State Vance and the leadership of the U.S. Congress have assured me that they fully support this important principle.

The Irish people in their own struggle for human rights during the 19th century and early part of the 20th century and during the Civil Rights agitation of the late 60's in Northern Ireland, have always been inspired by the great American tradition of civil rights. Our people were yesterday greatly moved by a statement published by four very distinguished American leaders of Irish descent, the Speaker of the House of Representatives, the Honorable Thomas P. O'Neill, Senator Edward Kennedy, Senator Daniel Moynihan and Governor Hugh Carey from New York who, at their own initiative, have called for peace in Ireland and an end to support for violence in Ireland. This is most encouraging evidence of the growing community of feeling and compassionate understanding between the Irish in Ireland and the Irish in America about the difficult, tragic problem of Northern Ireland, and it augurs well for the future of that relationship, which has always been precious to us Irish, and has sometimes, as at this difficult time, been crucial.

COMMITTEE ON GOVERNMENTAL AFFAIRS SUBCOMMITTEES

Mr. RIBICOFF. Mr. President, I wish to announce the following subcommittees for the Committee on Governmental Affairs:

Permanent Subcommittee on Investigations:

Senator Jackson, Chairman.

Senator Nunn, Vice Chairman.

Senator McClellan, Senator Eagleton, Senator Chiles, Senator Glenn, Senator Percy, Senator Javits, Senator Roth, Senator Mathias, Senator Danforth.

Subcommittee on Intergovernmental Relations:

Senator Muskie, Chairman.

Senator Metcalf, Senator Chiles, Senator Glenn, Senator Sasser, Senator Roth, Senator Percy, Senator Danforth, Senator Heinz.

Subcommittee on Reports, Accounting and Management:

Senator Metcalf, Chairman.

Senator Jackson, Senator Nunn, Senator Danforth, Senator Percy.

Subcommittee on Governmental Efficiency and the District of Columbia:

Senator Eagleton, Chairman.

Senator Sasser, Senator Mathias, Senator Stevens.

Subcommittee on Federal Spending Practices and Open Government:

Senator Chiles, Chairman.

Senator McClellan, Senator Nunn, Senator Jackson, Senator Heinz, Senator Javits, Senator Roth.

Subcommittee on Energy, Nuclear Proliferation, and Federal Services:

Senator Glenn, Chairman.

Senator Eagleton, Senator Metcalf, Senator Muskie, Senator Javits, Senator Stevens, Senator Mathias.

Subcommittee on Civil Service and General Services:

Senator Sasser, Chairman.

Senator Muskie, Senator McClellan, Senator Stevens, Senator Heinz.

(This concludes Additional Statements submitted by Senators today.)

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

OFFICIAL CONDUCT AMENDMENTS OF 1977

The Senate resumed the consideration of the resolution (S. Res. 110) to establish a code of official conduct for the Members, officers, and employees of the U.S. Senate; and for other purposes.

The PRESIDING OFFICER. The pending business is amendment No. 91.

Who yields time?

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally against both sides on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 14 Leg.]

Abourezk	Byrd, Robert C.	Matsunaga
Allen	Curtis	McIntyre
Anderson	Dole	Packwood
Baker	Durkin	Sasser
Bayh	Hansen	Thurmond
Byrd, Harry F., Jr.	Humphrey	
	Lugar	

The PRESIDING OFFICER. A quorum is not present.

Mr. MATSUNAGA. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Hawaii.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Hawaii (Mr. MATSUNAGA) to direct the Sergeant at Arms to compel the attendance of absent Senators. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Arizona (Mr. DECONCINI), the Senator from Maine (Mr. HATHAWAY), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. MELCHER), and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

I further announce that the Senator from Rhode Island (Mr. PELL), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Alaska (Mr. GRAVEL) are absent on official business.

I also announce that the Senator from Nevada (Mr. CANNON) is absent due to the death of his mother.

Mr. STEVENS. I announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from California (Mr. HAYAKAWA), the Senator from Maryland (Mr. MATHIAS), the Senator from Illinois (Mr. PERCY), the Senator from Virginia (Mr. SCOTT), the Senator from Vermont (Mr. STAFFORD), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The result was announced—yeas 78, nays 2, as follows:

[Rollcall Vote No. 62 Leg.]

YEAS—78

Abourezk	Chiles	Haskell
Allen	Church	Hatch
Anderson	Clark	Hatfield
Baker	Cranston	Heinz
Bartlett	Culver	Helms
Bayh	Curtis	Huddleston
Bellmon	Danforth	Humphrey
Bentsen	Dole	Inouye
Biden	Domenici	Jackson
Bumpers	Durkin	Javits
Burdick	Eagleton	Kennedy
Byrd, Harry F., Jr.	Eastland	Laxalt
	Ford	Leahy
Byrd, Robert C.	Glenn	Long
Case	Hansen	Lugar
Chafee	Hart	Matsunaga
McClellan	Pearson	Stennis
McClure	Proxmire	Stevens
McGovern	Randolph	Stevenson
McIntyre	Ribicoff	Stone
Metcalf	Riegle	Talmadge
Metzenbaum	Roth	Thurmond
Morgan	Sarbanes	Wallop
Muskie	Sasser	Young
Nelson	Schmitt	Zorinsky
Nunn	Schweiker	
Packwood	Sparkman	

NAYS—2

Garn	Weicker

NOT VOTING—20

Brooke	Hayakawa	Pell
Cannon	Hollings	Percy
DeConcini	Johnston	Scott
Goldwater	Magnuson	Stafford
Gravel	Mathias	Tower
Griffin	Melcher	Williams
Hathaway	Moynihan	

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Who yields time?

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Chamber will come to order. There will be no business conducted until the Chamber is in order.

The Chair asks all Senators who are conversing to remove themselves from the Chamber.

Mr. STEVENSON. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 91, on which there are 41 minutes of time remaining, all the time under the control of the Senator from Wisconsin (Mr. NELSON).

Mr. DURKIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DURKIN. On the allocation of time, I thought the Senator from Illinois had 6 minutes left before the quorum call began.

The PRESIDING OFFICER. The Senator is correct. However, the quorum call used up 6 minutes.

Mr. ROBERT C. BYRD. Mr. President, my request was the quorum call be charged against both sides on the resolution, not on the amendment.

The PRESIDING OFFICER. The Chair misunderstood. We will correct that. Therefore, the Senator from Illinois has 6 minutes and the Senator from Wisconsin has 61 minutes remaining.

Mr. STEVENSON. Will the Senator from Wisconsin yield me 10 minutes either on the amendment or on the bill?

Mr. NELSON. I yield whatever time the Senator from Illinois wants, 10 minutes or 15 minutes. If in the course of the debate the time runs out and further time is desired, I will yield time from the bill.

Mr. STEVENSON. I thank the Senator from Wisconsin.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. NELSON. Fifteen minutes.

Mr. LUGAR. Will the Senator yield?

UP AMENDMENT NO. 84

Mr. STEVENSON. Mr. President, I send a modification to the desk and ask

that my amendment be modified in accordance with this modification.

Mr. LUGAR. Will the Senator yield for a unanimous-consent request?

The PRESIDING OFFICER. The modification will be stated.

The second assistant legislative clerk read as follows:

The Senator from Illinois (Mr. STEVENSON) proposes a modification, unprinted amendment No. 84, to amendment No. 91.

Mr. STEVENSON. Mr. President, I ask that further reading of the modification be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification is as follows:

On page 32, strike lines 11 through 24, and on page 33, strike lines 1 through 13, and insert in lieu thereof the following:

RULE XLVI

PROHIBITION OF UNOFFICIAL OFFICE ACCOUNTS

1. No Member may maintain or have maintained for his use an unofficial office account.

2. The term "unofficial office account" means an account or repository into which funds are received for the purpose of defraying ordinary and necessary expenses in the operation of a senatorial office.

3. No funds derived from a political committee (as defined in section 301(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) can be used for the purpose of defraying ordinary and necessary expenses in the operation of a senatorial office.

4. No contribution (as defined in section 301(e) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) shall be converted to the personal use of any Member, or any former Member who is defeated for reelection or does not seek reelection.

On page 55, after line 4, insert the following: (3) paragraph 3 of Rule XLVI shall take effect thirty days after the Senate takes final action on the legislation reported pursuant to Sec. 301 of this title.

Mr. STEVENSON. Mr. President, without losing my right to the floor, I yield to the Senator from Indiana for a unanimous-consent request.

Mr. LUGAR. Mr. President, I ask unanimous consent that Pete Schellie, of my staff, be granted the privilege of the floor during the debate and votes on Senate Resolution 110.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, we still do not have order. This is a very important modification.

The PRESIDING OFFICER. The Senator's point is well taken.

The Chair asks all Senators who are conversing to remove themselves from the Chamber so this debate may continue. The Senator will not proceed until the Chamber is in order.

The Senator may proceed.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the amendment, as modified, be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENSON. Mr. President, this amendment prohibits the use of political funds for official expenses. It anticipates that official expenses will be covered in the future by official funds, as is required by the provisions of section 301 of the resolution.

In the debate yesterday, some of the Members expressed what I believe to be a legitimate concern. That concern is, having prohibited the use of political funds, including excess campaign funds, for official expenses, the Senate might not then act to cover those expenses with adequate allowances, as the House has already acted to do.

To respond to that concern, this modification will make the amendment effective only at such time as the Senate has acted, and after the Appropriations and Rules Committees have acted, to establish adequate allowances for all the ordinary and reasonable expenses of service in the Senate.

In addition, Mr. President, a concern was expressed yesterday about the possible involvement of the Internal Revenue Service in determinations as to what is and is not an official expense of Senators. To address that concern, this amendment, as modified, would leave that determination of what is an ordinary and a reasonable expense of service in the Senate to the Senate itself. In the future, it is anticipated that Senators would be reimbursed directly by the Senate for the reasonable, the ordinary expenses of conducting their business. In those circumstances, it is to be hoped that no deductions will be necessary for expenditures by Senators out of their own pockets for such expenses. If such expenditures are required beyond the allowances that are made available by the Senate, they could, of course, continue to be defrayed by the personal funds, including honoraria, of the Members.

That, Mr. President, is what this amendment, as modified, does.

Mr. PACKWOOD. Will the Senator yield for a question?

Mr. STEVENSON. I hope, now, that it would be in order to lay this amendment, as modified, aside. It will be printed and, over the weekend, I hope that all the Members will then have a chance to study it and that we might return to it and vote on it on Monday. In the meantime, starting this afternoon, as I believe many of the Members expect, we can begin to debate certain other amendments, including an amendment which I believe is to be offered by the Senator from Maine.

Mr. DURKIN. Will the Senator yield for a question?

Mr. PACKWOOD. Will the Senator yield for a question?

Mr. STEVENSON. Mr. President, I shall yield for a question or two, but then it is my intention to ask unanimous consent—I believe this is in accordance with the wishes of the leadership—to lay this amendment aside so we can debate certain other matters and return to it and go into debate on this amendment on Monday.

I yield to the Senator from New Hampshire.

Mr. DURKIN. I thank the Senator.

My question is, in an effort to save time and an effort to give everyone a chance to take a look at it, I have an amendment that I would like to attach to the Senator's amendment, have it printed, and then it can lay over until Monday and everyone can get a good look at it and we can have a chance to thrash it out.

My amendment would do two things. In the committee print, the committee allows honoraria in excess of 15 percent if a Senator is going to give those honoraria to charity. That seems to fly in the face of the logic. The logic, to date, has been that taking time away from the Chamber is one of the problems, as well as the potential corrosive influence of the honoraria. So my amendment to the Senator's amendment would strike the provisions that allow anyone to earn beyond 15 percent, even if they were going to devote it to charity, because that is going to take time from the Chamber.

The second part of my amendment to the amendment of the Senator from Illinois would limit even further the honoraria. As to the honoraria, if I understand the logic of the committee report and the logic of the debate so far, what the institution is attempting to do is eliminate any possible corrosive effect of honoraria. So the second part of my amendment would provide that a Senator shall not receive any honoraria from any person, organization, or corporation having a direct interest in legislation before Congress or from any foreign national.

This is the same rationale that the committee used in proscribing, restricting and controlling gifts. If someone has an interest in legislation before this Chamber or if someone has a political action fund, it would be unethical to accept an honorarium from those groups. I think this addresses itself to the very real problem and the apprehension across the country that it is the honorarium from a group who wants to hear you for 10 or 15 minutes on the eve or possibly on the eve of a very key vote. If the ethics code is going to go far enough, then I think what we should do is eliminate and make it unethical to receive honoraria from any group that has a direct interest.

Mr. CLARK. Will the Senator from New Hampshire yield for a 5-second question?

Mr. DURKIN. Yes.

Mr. CLARK. Would not his amendment more appropriately be to rule XLIV, instead of rule XLVI, which deals with outside earned income?

Mr. DURKIN. Well, it may, but I think it still has the same effect. What I am concerned with is that there may not have been—I am still learning the rules. I just arrived. I am not sure that I would be able to get this up in time, with the limitations on amendments and so forth, unless it is offered as an amendment to the amendment of the distinguished Senator from Illinois.

Mr. CLARK. I would suggest that the rules allow any Member to raise that question for 2 hours, an hour on each side, and that we have a perfect right to do so at any point in the debate. I am looking at page 24 of the print. Rule XLIV deals with outside earned income. I think that would be the appropriate place, rather than rule XLVI on page 32, because that deals with prohibition of unofficial office accounts. I just think that would be the right place to offer it.

Mr. DURKIN. That may make the job of the indexer easier, but I would like to get it up now so it can be discussed, so it can be printed, and it can be discussed over the weekend and voted upon as an amendment to the amendment of the Senator from Illinois.

Without objection, I would like to offer that amendment.

Mr. STEVENSON. Mr. President, I concur in the observations of the Senator from Iowa. This amendment raises an important issue, but it has nothing to do with my amendment. In fact, it amends a different part of the resolution.

Mr. President, is this amendment in order as an amendment to my amendment?

The PRESIDING OFFICER. The Chair states that there is no amendment in order to the Stevenson amendment until the time on the Stevenson amendment has expired or been yielded back.

Mr. DURKIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DURKIN. I offered the amendment without objection. I heard no objection in the Chamber.

The PRESIDING OFFICER. The Chair was not aware of any amendment being offered to the Stevenson amendment.

Mr. STEVENSON. Mr. President, I have yet to hear the Senator send up an amendment to the desk. I do not believe it has been ordered. I hope that he will withdraw his amendment. The point has been made. There will be an opportunity to act on this amendment and in a context that is appropriate.

It is not appropriate in this context and I believe it is subject to a point of order, or would be if it were offered.

The PRESIDING OFFICER. The Chair must again state that no amendment is in order until the time has expired on the Stevenson amendment, or until yielded back.

Mr. STEVENSON. Mr. President, I ask unanimous consent that my amendment be laid aside.

Mr. DURKIN. I object.

Mr. President, I ask unanimous consent that the amendment to the Stevenson amendment that I have offered be accepted at this time notwithstanding there are a few minutes left on the rule.

Mr. STEVENSON. Mr. President, I have to object to that request.

The PRESIDING OFFICER. The Chair will ask for order and try to straighten out the parliamentary situation.

Does the Senator from Illinois wish to withdraw his amendment, which he has a right to do without a unanimous-consent request?

Mr. STEVENSON. No, I do not wish to withdraw the amendment. I wish to lay it aside.

The PRESIDING OFFICER. That has been objected to.

Is there objection to the request of the Senator from New Hampshire that his amendment be in order as an amendment to the Stevenson amendment?

Mr. STEVENSON. I object.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

Mr. ALLEN. Will the Senator yield?

Mr. DURKIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Will the Senator yield for a question? It will not be prolonged.

Mr. STEVENSON. Yes, I yield to the Senator from Alabama.

Mr. ALLEN. I ask the distinguished Senator if, in fact, the thrust of his amendment is not that official nonreimbursable expenses of a Senator's office shall be paid by the taxpayer rather than at present to have the ultimate method of paying these expenses from political funds?

Mr. STEVENSON. The Senator is not entirely accurate. That is the thrust——

Mr. ALLEN. Yes, that is what I asked.

Mr. STEVENSON. That is the thrust, not of this amendment, that is the thrust of the resolution, and I refer——

Mr. ALLEN. The resolution with the Senator's amendment, not without the Senator's amendment.

Mr. STEVENSON. That is the thrust of this resolution without my amendment. I refer the Senator——

Mr. ALLEN. I am familiar with section 301.

Mr. STEVENSON. On page 49.

The thrust of my amendment, I believe this is sound, if the Senate in accordance with section 301 designates official expenses that are reimbursable, then there is no need to continue to permit the payment of such expenses out of political funds, and to condone conduct for which the Senate once censured a Member.

Mr. ALLEN. Yes, but without the Senator's amendment, there is no prohibition against using political funds for official nonreimbursable expenses.

Mr. STEVENSON. That is correct, that is the thrust. There would be a prohibition against use of political funds for nonreimbursed expenses.

Mr. ALLEN. So the issue is whether the taxpayer shall pay these expenses or whether they be paid out of political funds.

I just wanted to pinpoint the issue.

Mr. McCLURE. Will the Senator yield for a question?

Mr. STEVENSON. Yes.

Mr. McCLURE. Would the intention of the Senator from Illinois be that those expenses which are not now reimbursed at the taxpayers' expense would automatically be paid at taxpayers' expense?

Mr. STEVENSON. Let me refer the Senator again to section 301, page 49, which reads:

> The Committee on Rules and Administration and the Committee on Appropriations shall, within one hundred and twenty days after the day on which this resolution is agreed to, report to the Senate legislation to adjust the amounts and permissible uses of Senatorial allowances so that such allowances will be adequate to defray the necessary and appropriate expenses incurred in connection with the operation of a Member's office.

My amendment will not become effective, that is to say, the prohibition against use of political funds for such purposes, until and unless the Committee on Rules and Administration and the Senate itself act to adequately fund official expenses. Only at that point would this amendment come into play to prohibit the use of political funds for those purposes.

Mr. McCLURE. I have not seen the revised amendment, but do I understand from the Senator from Illinois that there is an effective date for the amendment, or a triggering device for his amendment, that is conditioned upon the Committee on Rules and Administration and the Committee on Appropriations actually providing the funds for all these expenses?

Mr. STEVENSON. Yes. The Senator is substantially correct.

The amendment, as modified, would not take effect until 30 days after the Senate takes final action on the legislation reported pursuant to the section.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. McCLURE. Would the Senator from Wisconsin yield some time to the Senator from Idaho so I might ask further questions of the Senator from Illinois?

Mr. NELSON. I yield 30 minutes to the Senator from Illinois from the bill.

Mr. STEVENSON. I thank the Senator. I am prepared to answer questions, but I had hoped——

The PRESIDING OFFICER. Would the Senator suspend just briefly?

The Senator from Wisconsin is yielding 30 minutes on the amendment or on the bill?

Mr. NELSON. How much time is left on the amendment?

The PRESIDING OFFICER. Forty-four minutes on the amendment.

Mr. NELSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NELSON. If the time were allowed to expire or were used up, we may still yield additional time from the bill?

The PRESIDING OFFICER. That is correct.

Mr. NELSON. I will yield 30 minutes on the amendment.

Mr. DURKIN. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. DURKIN. Is unanimous consent required to yield further time from the bill?

The PRESIDING OFFICER. No.

Mr. DURKIN. I thank the Chair.

Mr. McCLURE. Will the Senator yield for a further question?

Mr. STEVENSON. Mr. President, I will yield, but I was under the impression that Members and the leadership wanted this amendment laid aside so we could spend this afternoon on an amendment offered by Senator MUSKIE and then return to debate and, hopefully, vote on my amendment on Monday.

Mr. DURKIN. Will the Senator yield?

Mr. STEVENSON. So I will yield, but I hope we will not have many more questions and that the Senator from New Hampshire might let me lay this amendment aside temporarily.

Mr. McCLURE. Will the Senator yield? If the Senator would, I think it might be helpful to have on the record today——

Mr. STEVENSON. Yes.

Mr. McCLURE. Some of the answers to the questions so other Members might then have an opportunity over the weekend not only to read the amendment, but also some of the explanation in determining what further action they might have to take on it on Monday.

Mr. STEVENSON. Very well. But I remind Senators they may be called to act upon some other amendments on Monday, and had expected a chance to discuss them, too.

Mr. McCLURE. I understand and I hope the Senator is correct and we will have the opportunity to discuss some other amendments today and Monday.

But as the Senator knows, there is some restriction on Senator's travel, or I should say not all of the Senator's travel is reimbursed now at taxpayers' expense. The travel of a Senator from the District to his home State and return is covered. But the travel of a Senator from the District or his home State to some other destination is not covered under the existing rules and statutes. Would it be the intention of the Senator from Illinois that that kind of travel would be paid for at the taxpayers' expense?

Mr. STEVENSON. I believe that is the intention of the resolution as it is now drawn, and the intention would not be changed by my amendment.

Yes, reasonable and ordinary official business expense, such as travel within a State, including not only travel but also food and lodging, would be reimbursed, as it is in the executive branch, as it is, I believe, now in the House, as it is in industry. Yes.

Mr. McCLURE. Whenever the Senator was traveling anywhere, not just within his own State, but anywhere else that he was traveling, that would be reimbursed?

Mr. STEVENSON. Only if it is on official business.

Mr. McCLURE. I understand that. But I assume that if he is going to a meeting in Hawaii or one in Miami or one in Chicago, if that meeting were in connection with the business of the U.S. Senate, or on a legislative matter, or information upon public policy, that travel by a Member of the Senate would be paid for by the taxpayers. Am I correct in assuming that that is what the Senator from Illinois has in mind?

Mr. STEVENSON. Yes. But with respect to the kinds of travel to which the Senator has referred, if it is on official business, it is already compensated for.

Mr. McCLURE. Unless I am traveling from here to my State or from my State to here, it is not covered, unless it happens to be on committee business, an official trip. But if I were to travel from here to a meeting in Chicago and return here, I would not be reimbursed for that travel, under existing regulations.

Mr. STEVENSON. If a Senator is traveling as a member of a committee, he can be reimbursed for such travel.

Mr. McCLURE. He can, if he goes through the committee in order to do it and has it allowed as official committee expense.

Mr. STEVENSON. That is correct.

Mr. McCLURE. But unless he does it as official committee business, that would not be allowed. Am I correct?

Mr. STEVENSON. That is the way it is now. If it is official business in the Senator's State, he is not compensated for it. If it is official business outside his State, it is different. With this amendment, the Senator would be compensated for all official expenses presumably up to a certain amount. He would be given an allowance. How much, I do not know. What the guidelines would be, I do not know. That would be up to the Rules Committee to decide, under the mandate of section 301.

Mr. McCLURE. How do we determine when the trigger date goes into effect, the triggering of the Senator's amendment, unless we know what is going to be allowed? How do we know when the provision has been complied with? Do I correctly understand that under the provisions of the Senator's amendment, if the Rules Committee meets and says there will be no further expense allowance and the Appropriations Committee says there will be no money for it, in spite of that negative report, the Senator's amendment will go into effect?

Mr. STEVENSON. No; that is not the intention in that case. I think it is clear from my amendment, as modified, that it would not go into effect.

Mr. McCLURE. I thought it would go into effect when they had complied with the provisions of section 301.

Mr. STEVENSON. Section 301 refers to allowances adequate to defray the necessary and appropriate expenses in connection with the operation of a Member's office.

Mr. McCLURE. And if they came in with a recommendation that says zero or $5 or $10 is sufficient and adequate, that brings the Senator's amendment into play.

Mr. STEVENSON. No. That is not the intention.

Every Member of this body knows that zero dollars is not adequate to defray necessary and appropriate expenses incurred in connection with the operation of a Member's office. One may argue that there should not be any such allowance, but one cannot argue that no allowance at all is adequate to cover the necessary and appropriate expenses incurred in connection with the operation of a Member's office.

Mr. McCLURE. I say to the Senator from Illinois that I understand that he would think that was inadequate, but it might not be the judgment of the Rules Committee that that was inadequate, or the judgment of the Appropriations Committee.

Mr. BUMPERS. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. STEVENSON. I yield for a unanimous-consent request.

Mr. BUMPERS. Mr. President, since the Senator has made a unanimous-consent request that his amendment be laid aside for the precise purpose that this debate is going on, I now ask unanimous consent that the Senator from Illinois be allowed to lay his amendment aside and that the Senator from New Hampshire be allowed to offer what was originally a substitute amendment, immediately after, as an amendment in the first degree.

The PRESIDING OFFICER. Is there objection?

Mr. McCLURE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McCLURE. Mr. President, will the Senator yield so that I might ask one or two additional questions, so that they can be in the RECORD for the perusal of Members?

Mr. STEVENSON. I yield.

Mr. McCLURE. Would such matters as the necessary travel of a Member's wife to such a meeting be an allowable expense, in the view of the Senator from Illinois?

Mr. STEVENSON. In my view, it would not be, but my view is irrelevant. I am not establishing the rules, nor would I presume to establish rules which are the responsibility of the Rules Committee.

Mr. McCLURE. Would the expense of an accountant to audit the books and records of a Member's official account be an allowable expense?

Mr. STEVENSON. That is a question the Rules Committee will consider, along with all the other subjects.

Mr. McCLURE. Does the Senator from Illinois believe that it should be allowable?

Mr. STEVENSON. The expenses of an accountant?

Mr. McCLURE. Of an accountant, to audit the official books in a Senator's office.

Mr. STEVENSON. If he does not request assistance with those expenses, he will be acting unreasonably. Those expenses are going to be increased by the adoption of this resolution.

Mr. President, if there are more questions, it makes little difference to me. I will withdraw the amendment and offer it at a later time, in order to give others the opportunity to speak.

Mr. BROOKE. Mr. President, before the Senator withdraws the amendment, to offer it at another time, I would like to point out that the Senator from Idaho has a valid point. For this is a very important amendment. There are many Senators, even if we do not have a vote on this amendment today, who would like certain points clarified so that they can be prepared to vote on it, if the Senator offers it on Monday for a record vote. So I think the Senator from Idaho is performing a great service in trying to get an understanding as to just what the Senator's amendment does and does not do.

Very simply, it seems to me that the amendment takes out subsection (c) of rule XLVI, funds derived from a political committee defined in section 301.

The Senator asks the question of the distinguished Senator from Illinois as to what would be the triggering device. I think that is very important. If the Rules Committee does not provide official funds or taxpayers' funds, as the Senator from Idaho has specified very adequately, then would the political committee funds be allowable for the pur-

poses for which they are now being used?

Mr. STEVENSON. The purpose of this amendment is to get rid of every last slush fund, from now until doomsday, in the U.S. Senate. That is the purpose.

Mr. BROOKE. We are not talking about funds.

Mr. STEVENSON. If the allowances are inadequate, if there are insufficient funds from legitimate sources for defrayal of official expenses, they will have to come out of the Senator's pocket.

The elimination of slush funds is what this amendment is all about. That is the whole issue. It is whether or not we are going to perpetuate a course of conduct for which the Senate censured a Senator, and that Senator was Thomas Dodd, of Connecticut.

Mr. BROOKE. The Senator knows that "slush" is an inflammatory word. We are not talking about slush funds. We are talking about legitimate funds of a legitimate political committee.

If there is a legitimate political committee, and a Senator wants to send out 1,000 copies of something to his constituents, which are on the record which cannot come out of his official funds, is it not proper then for him to send that out under the political funds that he has?

Mr. STEVENSON. No, I do not believe it is. It is allowed now. It is allowed by the Federal Election Commission Act, but I think it is an improper practice. It means that Senators, in their campaigns, and even between their campaigns, are going to continue going around collecting, with their tambourine and tin cup, funds from labor organizations, from the automobile industry, the oil industry, anybody who has an interest in legislation and therefore an incentive to make such contributions of moneys for the defrayal of office expenses. But in every other branch of this Government, and in industry, such expenses are defrayed from appropriate funds—in this case, official funds.

Eliminating of the use of political funds for official purposes is the purpose of this amendment. I hope the Senate will follow the example of the House, which has been applauded for the action it took, and do the obvious, which is to make official funds allowable for ordinary and reasonable official expenses.

Mr. BROOKE. Suppose the funds are not solicited, suppose there is a surplus in a candidate's previous campaign? He is left with the surplus and he wants to use that money for political purposes, and political purposes might be disseminating something that appeared in the official Record of the Senate. Suppose he wants to send out a thousand copies of that? He obviously could not send it out at the cost of the taxpayers nor should he send it out at the cost of the taxpayers.

Why then could he not send it out from his political committee?

Mr. STEVENSON. If it is a political piece he could, but if it is official business he could not, through an unofficial office account. If he has problems in disposing of such surplus campaign funds, he can do exactly what the Senator from Illinois did with his surplus after the election. He turned it over to the Democratic National Committee.

Mr. BROOKE. I commend the Senator for being so generous to the Democratic National Committee, but there are some of us who do not feel that sense of generosity.

But what is the difference? Who draws the distinction between what is political and what is official? Does the Senator recognize this to be a very valid and a very serious problem?

Mr. STEVENSON. I recognize that it is a problem. I do not recognize that it is a serious problem. It is a problem and it is a decision the Senator from Massachusetts, a conscientious, ethical, always honorable man, makes every day of his political life. It is a decision we make every time we use the franking privilege. It is a decision every time you go down to the television studio. It is a decision a politician can make, and if there is any doubt in the mind of the Senator I would assume he would err on the side of prudence, on the side of public appearances, public confidence. He can do what Senators do day in and day out, and I think the Senator, as a former member of the Select Committee on Standards and Conduct, knows what I mean. You can go to the agencies to get opinions, opinions you can rely on. Scarcely a day passes that the Senate Ethics Committee does not get a request for an opinion in that murky, gray area of what is political and what is nonpolitical. That will be possible in the future just as it has been in the past.

Mr. BROOKE. The distinguished Senator is now the chairman of the Ethics Committee. If he makes a speech on the subject of ethics and he wants to inform his constitutents in the great State of Illinois by disseminating that speech, who would pay for that, the taxpayers or the Senator's political campaign committee?

Mr. STEVENSON. That is a decision that would be made as it is now under the statute and rules which govern the use of the frank. It is a nonpartisan communication with one set of constituents and it is not prohibited.

Mr. BROOKE. I am not talking about the frank but the cost of production. You have a very large constituency. Suppose you want to send out 15,000 or 25,000 or 50,000 copies of that speech to your constituents, which really would not be a large number for the State of Illinois. Who would pay for that, the taxpayers, or would you pay for that out of your political funds?

Mr. STEVENSON. If I understand the Senator correctly that is an expense that the taxpayers pay now.

Mr. BROOKE. Is that official or is that political?

Mr. STEVENSON. If it is not political it is official. It is a communication——

Mr. BROOKE. That does not answer my question. Is it political or is it official? We will be faced with this time and time again. Is that political, your sending out 50,000 copies to your constituents in the State of Illinois? Obviously you made the speech and you think it is a good speech. It has educational value, and you want to inform your constituents. Is that political when you send it out to 50,000 of your constituents or is it official, and if it is official do the taxpayers pay for it or do you pay for it out of your political campaign?

Mr. STEVENSON. If the Senator from Massachusetts would show me the speech I would give him the benefit of my opinion.

Mr. BROOKE. Who is going to sit in judgment on that? Is your committee going to sit in judgment? Is the Rules Committee going to sit in judgment on that?

Mr. STEVENSON. The Senator would have to decide, just as he has to do every time he decides whether a letter is frankable, just as the manager of the television studio downstairs has to make a judgment every time a Senator uses those facilities. They cannot be used for political purposes. Senators and staff are responsible to see they are not.

Mr. BROOKE. Is it the Senator's intent to leave it up to the judgment of each individual Senator as to whether it is official or whether it is political?

Mr. STEVENSON. I might add it is a decision that the Senators have to make for themselves now every time they take political funds and use them for expenses that are official or that may not be official.

Mr. PACKWOOD. Mr. President, will the Senator yield for a further question?

Mr. STEVENSON. There are Internal Revenue tax implications that a Senator has to face every time he uses political funds for nonpolitical purposes.

Mr. BROOKE. But the distinction is so vague. The Senator would agree the distinction is so vague, that almost everything we do has political significance to it. When we stand on the floor of the Senate and we debate a bill it has political significance.

When we vote it has political significance. When we answer a constituent's letter it has a political significance. We cannot kid the public about that. We are constantly campaigning in everything we do. I do not think it is our primary purpose, to be sure. We are working on the Nation's business, but in so working on the Nation's business there is always a political benefit or a political detriment to be derived from it. Every time we stand on this floor and vote we either get a political benefit or a political detriment. The Senator is well aware of it. I am merely trying to point out to him it will be very, very difficult because of the vagueness of it for the enforcement of such a rule.

If you are going to leave it up to each individual Senator as to whether it is political or whether it is official, obviously we are going to have a hodgepodge. I do not want to see any Senator guilty of some violation of a Senate rule or certainly of any law, because he makes a decision that this is official rather than political and, therefore, the taxpayer pays for it. Nor do I want to see a Senator make a decision that it is political rather than official and then have an IRS problem.

If we can avoid that we should avoid it. I am just trying to ask the Senator what he does under this amendment that could clarify this and avoid the situation

in which our Senators might find themselves.

Mr. STEVENSON. Well, the Senator from Massachusetts makes complex, difficult decisions day in and day out. He makes them every time he sends out a letter. Every time he does that he makes a decision. There are any number of provisions in Senate Resolution 110 that will require him to make decisions. They are not decisions it is difficult for a politician to make.

Every time now, as it is now, a Member of the Senate takes a political fund, a surplus campaign contribution, and uses it for official expenses he may be exposing himself to income tax liability for the use of those funds. He may or may not be entitled to a deduction in the use of those funds. Under this amendment, he will not be placed in such difficult, potentially embarrassing, circumstances.

Presumably, the Senate, not the IRS, would make the decision whether it will be in order. I cannot address every different context here. There will be an opportunity for the Rules Committee to lay down some guidelines. There will be an opportunity for the Ethics Committee, as I indicated, to render advisory opinions to the Senate. Within that framework, the Senate will reimburse its Members for reasonable and ordinary official expenses, and relieve them of some of the very difficult decisions that Senators will have to make if they use such funds for official expenses, the same decisions they face now.

(Mr. SARBANES assumed the Chair at this point.)

Mr. BROOKE. The Senator will recognize that the Official Conduct Committee, under the distinguished leadership of Senator NELSON and Senator THURMOND, addressed itself to this question specifically. They debated it, and they voted unanimously upon it. I refer the Senator to the report of the Special Committee on Official Conduct on page 11. The committee says:

The Committee recognizes further that certain expenditures related to official duties inevitably will fall into a "gray area." That is, certain expenditures will not be eligible for reimbursement by the Senate and, at the same time, will not be directly related to a campaign for election to public office. The Committee provides, therefore, in Rule XLVI, that funds derived from a political committee (fully disclosed and regulated under the Federal Elections Campaign Act) may be used to defray expenses incurred by a Member in connection with his official duties. In addition, to deal with potential tax problems mentioned earlier, the Committee recommends that the Rules Committee and the Appropriations Committee, in consultation with the Finance Committee, review provisions of the Internal Revenue Code and related regulations regarding funds used to defray the ordinary and necessary expenses of Members, and report recommendations to the Senate within 120 days.

Does this not take care of what the Senator from Illinois is trying to do? I think the committee has done a very sound and reasonable job in arriving at this decision because the Senator himself agrees that there is a very difficult gray area. Here we are talking about fully disclosed funds. So we are not talking about a slush fund, as the Senator from Illinois has mentioned. And I know what he means by a slush fund. We are not talking about a slush fund. If we were talking about a slush fund, I would personally have no problem with this. But we are not talking about a slush fund. We are talking about a duly organized and registered committee's fully disclosed income and expenditure.

Why then cannot that committee provide expenses for things which should not be paid for by the taxpayer? That is the specific question that I put to the distinguished Senator from Illinois.

Mr. STEVENSON. What we are talking about here are campaign contributions, political contributions, the Checkers Fund, the slush fund, the fund that Senator Dodd once maintained. When it was pointed out to the Nelson committee that its resolution came perilously close to authorizing, if not, in fact authorizing, maintenance of such funds for official expenses and conduct of the kind which brought Senator Dodd censure of this body and have been recently prohibited by the other body, some of the Members changed their minds.

Mr. DURKIN. Mr. President, will the Senator yield?

Mr. STEVENSON. I call the attention of my good friend from Massachusetts to the fact the sponsors of this amendment include the Senator from Iowa (Mr. CLARK), the Senator from Connecticut (Mr. RIBICOFF)——

Mr. DURKIN. Mr. President, will the Senator yield for a question?

Mr. STEVENSON. And, of course, the chairman, Senator NELSON.

Mr. BROOKE. As the Senator will recognize, section 439(a) of the Federal election campaign law provides specifically that political funds can be used for educational purposes.

As to the speech that I referred to earlier, the hypothetical speech that the Senator from Illinois made, it would have educational value to constituents in his home State and copies could be disseminated elsewhere across the country. If he wishes to disseminate that speech, as he should be able to, he cannot do so with official funds. I think the intent of Congress and the President who signed this into law was that he be able to do so by using political campaign funds for that purpose.

As I understand it, the Senator's amendment would deny him the right to use those funds for these additional purposes.

Mr. STEVENSON. The Senator's amendment would not deny any Senator the right to use official funds for the kind of mailings that he is talking about and, in fact, he would be required to do so.

In the rule on page 35 of the resolution, at line 15, the resolution reads:

A Senator shall use only official funds of the Senate to purchase paper, to print, or to prepare any mass mailing material which is to be sent out under the frank.

Mr. BROOKE. The Senator talks about official funds. That is what it says here, if I read it correctly, and I guess the Senator has in mind line 15 on page 35:

A Senator shall use only official funds of the Senate to purchase paper, to print, or to prepare any mass mailing material which is to be sent out under the frank.

So the Senator is talking about official funds. He is talking about taxpayers' money. I am saying we do not have that money.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. STEVENSON. Do we have time remaining?

Mr. DURKIN, Mr. STEVENS, and Mr. JAVITS addressed the Chair.

Mr. DURKIN. Mr. President, I wish to call up my amendment which is at the desk.

The PRESIDING OFFICER. It is not in order for the Senator's amendment to be called up until all time has been used on the current pending amendment.

Mr. STEVENSON. Mr. President, I ask unanimous consent that my amendment be temporarily laid aside.

The PRESIDING OFFICER. Is there objection?

Mr. DURKIN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Reservation is heard.

Mr. DURKIN. Mr. President, reserving the right to object, I will be willing to eliminate my objection if I can get consent to bring up the amendment that I have at the desk which we discussed earlier but which eliminates or prohibits honoraria from any group having a direct interest in legislation before the Senate. If I can get that unanimous-consent request, I have no objection to him withdrawing his amendment temporarily.

Mr. STEVENSON. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. DURKIN and Mr. JAVITS addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. DURKIN. Mr. President, I thank the Chair.

UP AMENDMENT NO. 85

Mr. President, at this time I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. DURKIN) proposes unprinted amendment No. 85.

On page 25, strike lines 11 through 18 and insert the following:

(c) A Senator shall not receive any honoraria from any person, organization, or corporation having a direct interest in legislation before the Congress or from any foreign national.

(d) For purposes of subparagraph (c), only the following shall be deemed to have a direct interest in legislation before the Congress:

"(1) a person, organization, or corporation registered under the Federal Regulation of Lobbying Act of 1946, or any successor statute, a person who is an officer or director of such a registered lobbyist, or a person who has been employed or retained by such a registered lobbyist for the purpose of influencing legislation before the Congress; or

"(2) a corporation, labor organization, or other organization which maintains a separate segregated fund for political purposes

(within the meaning of section 321 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b)), a person who is an officer or director of such corporation, labor organization, or other organization, or a person who has been employed or retained by such corporation, labor organization, or other organization for the purpose of influencing legislation before the Congress.

Mr. JAVITS and Mr. DURKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. DURKIN. Mr. President, could we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DURKIN. Mr. President, this amendment is a very short, simple and direct-to-the point amendment. It does two things.

The first part eliminates the provision in the resolution which will allow Members of the Senate to receive in excess of 15 percent by way of honoraria if they were donating that honoraria to charitable organizations as defined under 501 (c), I believe.

The rationale of the effort of the Senator from Wisconsin—and I commend him for the hard work in producing what he did in such a short time—the rationale for the work of the Select Committee on Ethics was that the less affluent Members of the Senate should not detract their time from the committee deliberations and the floor sessions by pursuing honoraria. I think it is at cross purposes with the general thrust of the act to allow them to receive honoraria in excess of 15 percent, because that would take an even greater amount of time away from the floor and from the committees.

I do not wish to sound as though I am speaking out against clarity. I am not. I am probably going to qualify for it before we are through. As I said yesterday, I realize that the competition for poorest man in the Senate is as severe as the leadership fights on both sides of the aisle this year, but, since I see the distinguished chairman of the Finance Committee is here, I might state that I think I am the only Member of the Senate that has been able to use the income averaging provision for my first 2 years in this body, so I want to set the record straight as to where I am speaking from.

But if time is the problem, then it should be unethical to devote time to making the speeches and gathering the honoraria, and leaving town to do so, even though you are going to devote them to charity.

Mr. ALLEN. Mr. President, will the Senator yield on this point, before he goes on to the second part of his amendment?

Mr. DURKIN. I yield for the purpose of a question.

Mr. ALLEN. Yes; that is my purpose. As I understand the first part of the Senator's amendment, he would maintain the 15-percent limit and would not lift that limit for honoraria that are devoted to charity; the 15-percent limit would be maintained throughout. Is that what the Senator's amendment does?

Mr. DURKIN. Yes. It would not affect the 15 percent except in two ways. It would affect the 15 percent in that you could not earn above 15 percent even if you were going to give it to charity.

Mr. ALLEN. That is the way I understood.

Mr. DURKIN. And the second part of the amendment is that you could not earn the 15 percent—in compiling that 15 percent, you cannot except honoraria from the people you cannot accept a gift from.

If it makes sense, on page 22, to eliminate gifts from anyone who has a political action fund, to eliminate or restrict gifts—and I endorse that—if we are going to eliminate the gifts, because people have a direct interest in legislation, if they cannot buy you a meal at Duke Zeibert's, they ought not to be able to give you an honorarium.

The amendment says that in arriving at that 15 percent, you cannot accept honoraria from a political group or anyone who has a direct interest in legislation before this body, and the definition of who has a direct interest is set forth in the amendment.

I think it is fairly clear. It is simply an organization or group which has a political action fund under the FEC Act which we passed not too long ago, or a corporation, labor organization, or other organization which maintains a political action fund or has a registered lobbyist.

So it is the same definition, the same rationale, as for gifts. If you cannot go to dinner with them, I do not think you should be able to accept an honorarium, because I do not think the people back home can very well understand some of the subtle distinctions set forth in the resolution as currently drafted.

I make this statement: I reject the proposition that ethics and money are tied together, that ethics and money are inextricably entwined. I do not think it is the case that if you pay money, you have——

Mr. NELSON. Mr. President, may we have order? I cannot hear the Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. DURKIN. I thank the Senator. As I say, I reject the connection between ethics and money, and the implication that if we are paid enough we will be ethical. I think in addressing the ethics question, we should address not only the real concern, but the perception that the people back home have with respect to our conduct. That is why I also have several other amendments at the desk, which I shall call up before the 50 hours have expired.

I do not need a tremendous amount of time to explain this. I think the amendment sort of speaks for itself. It eliminates, as I say, the possibility that someone would be tempted to take his time away from the Senate in order to meet charitable urges, wonderful as the works done by those charitable groups may be. It eliminates the apprehension, the appreciation, or the perception that Members of this body are accepting honoraria from groups that have an interest in legislation.

That is why I believe it tracks very well with another amendment I offered yesterday, which says we are going to have to disclose our assets and liabilities, which I do anyway, that we are going to have to turn over our tax returns, and then, like Federal judges, if we are to be treated to the same pay rates the Federal judges are, I think we should be bound by the same code. So the amendment at the desk would say that once you disclose your assets and liabilities statement, you could not vote if you had a conflict represented by your portfolio and your financial holdings, and also that you could not introduce legislation whose purpose was to benefit yourself or a class of people who are in some way connected with it. I think it has the same thrust, and strengthens the good work done by my good friend from Wisconsin and the Ethics Committee.

Mr. President, at this time, while we have a sufficient number of Senators present, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. McCLURE. Mr. President——

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. McCLURE. Will the Senator yield for a parliamentary inquiry?

Mr. DURKIN. I yield for a parliamentary inquiry only.

Mr. McCLURE. Mr. President, is this question subject to a division?

The PRESIDING OFFICER. The amendment is an amendment to strike and insert. No amendment to strike and insert is divisible.

Mr. McCLURE. I thank the Chair.

Mr. NELSON. Mr. President, will the Senator from New Hampshire yield to me for a question?

Mr. DURKIN. I am happy to yield for a question.

Mr. NELSON. Is it the Senator's intention—perhaps one or two other Senators may have some remarks on this amendment—to yield back the time and vote? There are 2 hours on each amendment; I am just trying to find out whether the Senator intends to use all that time.

Mr. DURKIN. This amendment, as I say, speaks for itself. I do not need 2 hours. Whatever the collective wisdom seems to be.

I do not need to have a vote on it today; I am willing to let it go over to Monday, or I am willing to have the vote this afternoon.

Mr. NELSON. Will the Senator yield for another question?

Mr. DURKIN. I yield.

Mr. NELSON. Members will have their opportunity to comment on the amendment of the Senator from New Hampshire, which speaks for itself quite clearly—I do not know whether the Senator was in the Chamber yesterday, but Senator MUSKIE came to the floor and we had a colloquy, and he had a desire to present for the record the position of Senators, including the Senator from Maine, as to the income limitation. We had planned to discuss the issues which were in-

volved, and he has been waiting this afternoon.

My query is: Would the Senator be prepared to allow that colloquy to begin, or did the Senator intend to call up further amendments today?

Mr. DURKIN. I am very flexible on that.

Mr. NELSON. Maybe we could have a vote, then, on the Senator's amendment. I realize the Senator is exercising his rights, but a number of the Senators were notified of the planned colloquy.

Mr. DURKIN. I am not sure of all the rules, as I say. I keep finding new ones every day. Is a unanimous-consent request in order that this amendment be voted upon at a time certain on Monday afternoon, without losing my right to the floor?

Mr. ROBERT C. BYRD. Such a unanimous-consent request would be in order.

Mr. DURKIN. Could I make the unanimous-consent request that the amendment which is the pending business now be voted upon at 4 o'clock Monday afternoon, a time certain?

Mr. ROBERT C. BYRD. I would have to object to that at this point, may I say to my friend, for various reasons. I would like to study his amendment further, for one. I have not been in the Chamber to hear the debate. I want a little better understanding of the amendment before I would agree to a request to vote on it at a particular time.

Mr. DURKIN. Can the distinguished majority leader suggest an agreement that we could all agree to?

Mr. ROBERT C. BYRD. No; not at this point. As I say, I would like to study the amendment a little further.

Mr. DURKIN. I guess we better vote on it this afternoon, then.

Mr. NELSON. That is satisfactory. Would the Senator be willing to permit, after the vote, the presentation by Senator MUSKIE and the dialog on the income limitation question?

Mr. DURKIN. Yes; as long as I can be assured that later on, before the 50 hours have expired, I may call up my other three or four amendments which are at the desk.

Mr. NELSON. The Senator can call them up. There is no question about that.

Mr. DURKIN. As long as there is unanimous consent that I would not be foreclosed from getting a vote on the amendments which are already at the desk——

Mr. ROBERT C. BYRD. The Senator will not be foreclosed.

Mr. NELSON. May I make this very brief comment on the amendment of the Senator from New Hampshire:

The amendment provides there would be a prohibition against speaking before certain interest groups. That is No. 1. No. 2, the amendment provides that the provision in the resolution which allows honoraria to be earned up to $25,000, provided anything in excess of 15 percent were contributed to a charitable organization, would be stricken by the proposal of the Senator from New Hampshire.

I disagree with that proposal.

First, I believe the limitation takes care of the concern about whatever kind of group one may speak before because the limitation is quite strict.

Second, an attempt to define and distinguish on the merits between the kinds of groups it may be permissible to speak to is quite difficult, although I must concede that we tackled that question on gifts.

In any event, we felt, after careful consideration in the committee, that the limitation took care of the problems of conflict or potential conflict.

On the second point, if one wishes to make contributions from an honoraria to charitable organizations, and many do—or conservation groups, as I do, as a matter of fact—I think that should be permitted.

The whole case does not rest upon the proposition of time, though that is quite obviously one element. Those who have businesses of their own are not required to divest and have to spend time looking after that business.

I believe the limitation adequately settles the problem. It would be unfortunate if we were to say that no Member could speak and make contributions to a nonprofit, church, or eleemosynary organization.

Mr. DURKIN. Mr. President, in response to the Senator from Wisconsin, I should point out the amendment prohibits not just speaking, but receiving money from speaking before any group which has a political action fund in connection with legislation. My position is we should be consistent. We have said Senators cannot receive gifts or cannot be guests at a dinner unless they eat at the Roy Rogers, if my understanding is correct. The limitation is $25 or $30 which does not go far in Washington. Of course, it goes a long way at home.

Receiving money for honoraria should be restricted. Many Members who serve in this Chamber feel there is nothing wrong and they have not been influenced or have not voted with a particular group or against a particular group on the basis of honoraria. I do not want that implication to carry.

What I am addressing the amendment to is the perception of the average citizen who calls my office and writes my office. It is their perception that the speaking fees and the votes go hand in hand, no matter what the group. If it is labor, I vote with labor when I think they are representing the average working man and woman in New Hampshire. If I think they are off on their own, I do not so vote, no matter whether I have spoken before them or not.

It is a shame that the individual conscience is not being allowed to make the decision. The whole rationale is that we are saying we do not trust the individual consciences of our Members.

We have to go beyond that and state in the ethics resolution that to accept speaking fees or money from any group that has an interest in Federal legislation, as defined in my amendment, is unethical. I think it has reached that degree. It has reached that in the state of affairs. This amendment is a prerequisite to restoring confidence in our elective process.

On the other rationale set forth, which I believe will be the point the Senator from Maine will be making this afternoon, the thrust is time, time away from the Chamber, time away from committees, time away from reading the mail from home. I do not think that time should be allowed even if the excess over the 15 percent will be given to a charity, though I strongly believe in charitable work. This is not an attack on charity but really is an attack on the public perception of any interconnection between speaking fees and prospective or retrospective voting patterns.

I gather the distinguished Senator from South Carolina, the acting floor manager for the other side, wants to comment.

Mr. THURMOND. Is the Senator through?

I yield 5 minutes to my good friend from Alabama at the present time.

Mr. ALLEN. I thank the Senator.

Mr. President, I believe this is a good amendment. I feel it ought to be adopted. In the first place, it maintains the 15-percent limit on outside income, which includes honoraria. It eliminates this great big fat loophole appearing on page 25, which allows a Senator to receive honoraria up to $25,000 if he immediately contributes that to a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code. That section of the Code permits any number of organizations, puts them in the tax-exempt status.

The disinguished Senator from Wisconsin spoke of environmental groups to which he contributes. There are a whole lot of neo-political organizations that would be exempt from taxation. This would allow Senators to help subsidize that type of organization with their honoraria. I think that the same 15 percent limit should apply no matter what he does with the money.

There is nothing to prevent a Senator, if he wanted to, from donating this 15 percent that he gets to any organization that he wants to. But to add something to the 15 percent, I think, just leaves a great big loophole there.

Also, I do not know how many personal-type foundations might exist that would allow a Senator to funnel funds over to that type of exempt foundation, but it leaves a loophole there where the limit can be evaded. It is a substantial loophole, because it allows—I am not sure whether it is $25,000 in excess of the 15 percent or a total of $25,000; the amendment is not clear.

The second phase of the amendment is certainly good because it prevents a Senator from receiving honoraria from people who have an interest in legislation. People who are engaged in the business of trying to pass legislation in which Senator to speak and receive an honorarium. This amendment of the distinguished Senator from New Hampshire would eliminate that and it would confine honoraria to organizations or per-

sons or groups that do not have an interest in legislation. This amendment is in the interest of good government.

The attitude that I sensed in the Senate was that the amendment is not being taken seriously, but it is a good amendment, and it ought to be adopted. It will strengthen this code of ethics and put the official conduct of Senators on a much higher basis.

I hope the amendment will be adopted.

Mr. RIBICOFF. Will the Senator yield to me?

The PRESIDING OFFICER. Who yields time?

Mr. DURKIN. Mr. President, I think the situation——

Mr. NELSON addressed the Chair.

Mr. DURKIN. I had the floor, Mr. President. I yielded to Senator ALLEN.

The PRESIDING OFFICER. The time is under the control of the Senator from New Hampshire as the mover of the amendment and under that of the Senator from Wisconsin as the manager of the resolution.

Mr. NELSON. I yield to the Senator from South Carolina whatever time he desires.

Mr. DURKIN. Mr. President, I still have the floor.

Mr. NELSON. I beg the Senator's pardon. I thought he had given up the floor.

Mr. DURKIN. No.

Mr. RIBICOFF. Will the Senator yield on the time of the Senator from Wisconsin? I wish to clarify some of the comments made.

Mr. DURKIN. I would like to, but I indicated to the Senator from South Carolina that I would yield to him without losing the floor, then I shall yield to the Senator from Connecticut.

Mr. THURMOND. Mr. President, I thank the Senator from New Hampshire.

I favor the 15-percent limitation. I am going to stand by that. On the other hand, there may be some Senator who wishes to speak for his alma mater or wishes to speak in some other place or to discuss great public issues of the day and can find the time to fit it in without jeopardizing his work here in the Senate. In that case, if there is an honorarium available—I imagine he would do it if there is an horonorium available or not—but if it is available, he would have to give it to some charitable organization.

The other thing is, if there is a worthy organization that gets these proceeds, it seems to me we should not deny a Senator the right to speak for that worthy organization. Nearly every Senator here belongs to a church. There may be some orphanage connected with that church, or there may be some other worthwhile institution that he may wish to go out and speak to on weekends—when ordinarily, he would not—because of the worthiness of this particular organization.

There is really no conflict. He does not have to accept anything. His incentive is probably already not to accept too many or not any, because he is limited already to earning only $8,600. I do not think there is any conflict. I think it merely leaves a Senator a little flexibility if he wishes to help on his own time some organization that he feels is worthwhile, or if he wishes to discuss some great public issue of the day, and there is an honorarium available and he can designate to which charitable organization it will go.

Mr. BROOKE. Will the Senator yield for a question?

Mr. DURKIN. Mr. President, I did not hear the Senator from Massachusetts. What was his request?

Mr. BROOKE. I asked if the Senator would yield for a question.

Mr. DURKIN. I shall in just a minute. I think I must reply to the Senator from South Carolina. I promised to yield to the distinguished senior Senator from Connecticut. Then I shall be happy to yield, without losing my right to the floor, to the Senator from Massachusetts.

Mr. BROOKE. I thank the Senator.

Mr. DURKIN. I point out to my good friend from South Carolina that nothing in my amendment denies a Senator any right to speak to any group, charitable or whatever. Nothing in my amendment says he cannot designate that any fee be sent directly to a favorite charity. I am sure the distinguished Senator has many. The prohibition is that the Senator cannot receive it.

I think the Senator from South Carolina has raised an interesting point, but I do not think it is a valid point in this case, because if the urge to help charity is his primary motivating force and he wants to discuss the issues of the day, he can do that and the group can directly, without it coming through his hands whatsoever, be the incidental beneficiary of that action.

At this time, I yield to the Senator from Connecticut without losing my right to the floor.

Mr. RIBICOFF. I thank the senior Senator from New Hampshire. I just wanted to clarify what was done by the committee because of statements made, implying that it is possible for a Senator who makes such designation to receive a tax benefit.

We were very careful. If the Senator will look on page 25 of the substitute of Senate Resolution 110, he will find, beginning with line 11:

"(c) Notwithstanding the limitations under paragraph 1 or 2(b)(2), any Senator, officer, or employee may accept honoraria in excess of the amount allowed in paragraph 1 or 2(b)(2) but not in excess of $25,000, if he immediately donates such honoraria to an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954 and if no tax benefits accrue to such Senator, officer, or employee for such donation.

In the report, on page 38, we were very careful to nail it down with this language:

The Committee does not wish to discourage those Senators or officers and employees of the Senate who want to give speeches or make appearances and donate the honoraria to charity. The honoraria received in excess of the 15 percent limit and donated to a charity of the individual's choice will be reported as taxable income by that individual and also taken as a charitable deduction on the federal tax return. Thus, there would be no tax benefit to the individual. If no designation is made by the individual, and the payor of the honoraria makes such a designation, then the individual need not report the honoraria as taxable income. This is consistent with present Internal Revenue Service and Federal Election Commission regulations.

So whether we agree or not with the purpose of the $25,000 limitation for charity, it should be made clear that we nail down the fact that under no circumstances could the Senator or employee receive any tax benefits from any excess from $8,600 to $25,000.

Mr. DURKIN. I thank the Senator from Connecticut.

I appreciate what the committee has done as set forth on page 25 in the resolution and page 38 of the report.

What I am trying to do is go a little further and designate, that it can go if we want to designate it, but cannot receive it because I think that goes one step beyond.

It makes it a cleaner transaction in that conceivably if someone donated honoraria to his favorite charity, it could actually result in an additional tax liability and there would be no benefits other than the approval of the community and the people who receive it. But there could be additional tax liabilities.

This way, it addresses the question that a Senator should not be devoting that extra time, if time is the rationale for the limitation on earned income—that even though it is a very noteworthy and wonderful purpose, time is the rationale.

Then I think the excess being for charity can be handled by not having it go to the Senator and that it be designated.

I think it solves the Senators' problem and meets the thrust of what we are trying to do.

I believe the Senator from Massachusetts (Mr. BROOKE)——

Mr. BROOKE. I will withdraw my questions. I think the Senator has said it clearly.

I cannot conceive of anyone who does not have a direct interest in legislation before Congress. Everyone has some direct interest, and that was the only thing I wanted to stress.

But I withdraw my questions.

Mr. DURKIN. It is fairly clear as set forth in the amendment—registered lobbyists, having an interest in legislation which is before this body.

Mr. NELSON. Will the Senator yield?

The Senator from Wisconsin has heard the Senator is prepared to yield back the remainder of his time. If the Senator from New Hampshire is prepared to yield back the remainder of his time——

Mr. MUSKIE addressed the Chair.

Mr. DURKIN addressed the Chair.

Mr. MUSKIE. I wish to say something.

Mr. DURKIN. I will be glad to yield, but I think the Senator from New Hampshire has the floor.

I will be glad to yield to the Senator from Maine without losing my right to the floor.

Mr. NELSON. The Senator from Wisconsin will yield whatever time the Senator from Maine desires on the amendment.

Mr. MUSKIE addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. DURKIN. That is right.

The PRESIDING OFFICER. And has yielded time to the Senator from Maine.

Mr. MUSKIE. I do not need more than 2 minutes.

Mr. DURKIN. I am willing to yield to the Senator from Maine provided I do not lose my right to the floor.

The PRESIDING OFFICER. The time is under the control of the Senator from New Hampshire and the Senator from Wisconsin for 1 hour each on the pending amendment.

Mr. DURKIN. I do not care whose time. He can use mine. I have said all I believe need be said. It speaks for itself.

The PRESIDING OFFICER. The Senator from New Hampshire has yielded time to the Senator from Maine.

Mr. DURKIN. Five minutes. I am happy to yield 5 minutes without losing my right to the floor.

The PRESIDING OFFICER. Five minutes.

Mr. MUSKIE. Mr. President, I do not think I will take 5 minutes.

But I am concerned, I say to the Senator from New Hampshire in all candor, that this issue should have arisen at this time—in this form—for the very simple reason that implicit in his amendment is approval of the limitation on earned income which is contained in the committee resolution.

I find it very difficult to cast a vote when that assumption underlies it.

I would much prefer to get the question of the limitation on earned income decided before we begin laying the ground rules for the earned income which is permitted a Senator once that limitation question is decided.

I do not know how I will vote for the Senator's amendment if I am for removing that limit on earned income that a Senator is entitled to keep for his own purposes and the Senator's amendment forces me to consider the resolution in a form I am not yet prepared to conceive.

So for that reason, I am very unhappy that the Senator's amendment should have been offered at this point.

In the second place, under the limitation on honoraria that we have been living under, I have searched for a way and searched for a way to make speeches for lecture fees that I could turn over to charities in which I am interested, for example, my alma mater and scholarship program. With all its shortcomings, the committee resolution at least made provision for that.

I was never able to find a way under the tax code or under the ethics resolution that controlled this body to do that.

So not only was I not permitted to make lecture fees in the interests of my favorite charities, but I was not able to earn lecture fees for the benefit of other charities. The committee resolution provides for this very well, in my judgment, and I do not like to see that disturbed. The Senator's amendment forces me to disturb that.

With respect to the other part of the Senator's amendment, I have no problem with that, but that is a question we can easily settle at any time, once we settle the main question of how we deal with earned income.

So I think it is premature, No. 1. No. 2, it forces me to accept as an implication that we are going to be limited to 15 percent of our basic salary in terms of lecture fees, because that is implicit in his amendment. Third, it disturbs the best solution I have seen yet on this question:

If there is a limit on earned income, how do we earn above that to benefit charities in which we are interested?

Yet I am forced to choose between those desirable objectives and the other part of the Senator's amendment. If I say "No" to the amendment on the first round, it forces me to approve honoraria from suspect organizations.

It gives me no alternative but to be put in a bad light whichever way I choose to vote on the Senator's amendment, and I do not like it for that reason.

Mr. DURKIN. Mr. President, I might point out as to the concern of the Senator from Maine, if he wants to designate his honoraria to his alma mater, he can do it under my amendment as long as he is not the middleman.

Mr. MUSKIE. If the Senator will yield, if the Senator thinks there is that little difference between the committee report on that matter and his, why does he not eliminate it from his amendment and I will vote for the rest of his amendment? But he confuses a point that is meaningless. He is nit-pocking at the question of how to get lecture fees into the hands of desirable charities and is making it very difficult for us, those of us who are with him on the rest of his amendment, to support it.

Why muddy the waters? There are several ways, many of which I have not discovered, of getting legislation approved in this body.

But I certainly would not mix the two objectives which the Senator has mixed in his amendment, if I was interested in either one of them.

Mr. DURKIN. I do not want to argue with my good friend from the neighboring State of Maine, but I must point out that he can designate it so long as he is not the middle man.

Mr. President, I yield back the remainder of my time.

Mr. McCLURE. Mr. President, will the Senator yield for a question, before he yields back the remainder of his time?

Mr. DURKIN. I yield back the remainder of my time.

Mr. NELSON. Mr. President, the Senator from Wisconsin yields back the remainder of his time. I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from New Hampshire. On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. CRANSTON. I announce that the Senator from Maine (Mr. HATHAWAY), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Louisiana (Mr. JOHNSTON), the Senator from North Carolina (Mr. MORGAN), the Senator from New York (Mr. MOYNIHAN), the Senator from Georgia (Mr. NUNN), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Rhode Island (Mr. PELL), and the Senator from New Jersey (Mr. WILLIAMS) are absent on offical business.

I also announce that the Senator from Nevada (Mr. CANNON) is absent due to the death of his mother.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. MORGAN), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. STEVENS. I announce that the Senator from Utah (Mr. GARN), the Senator from Michigan (Mr. GRIFFIN), the Senator from Utah (Mr. HATCH), the Senator from Illinois (Mr. PERCY), the Senator from Virginia (Mr. SCOTT), the Senator from Vermont (Mr. STAFFORD), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. STAFFORD) would vote "yea."

The result was announced—yeas 65, nays 15, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—65

Abourezk	Eagleton	McGovern
Anderson	Eastland	Melcher
Baker	Ford	Metzenbaum
Bayh	Glenn	Muskie
Bellmon	Goldwater	Nelson
Bentsen	Hansen	Packwood
Brooke	Hatfield	Pearson
Byrd, Harry F., Jr.	Hayakawa	Proxmire
	Heinz	Ribicoff
Byrd, Robert C.	Huddleston	Riegle
Case	Inouye	Roth
Chafee	Jackson	Sasser
Chiles	Javits	Schmitt
Church	Kennedy	Schweiker
Clark	Laxalt	Sparkman
Cranston	Leahy	Stennis
Culver	Long	Stevens
Curtis	Lugar	Stevenson
Danforth	Magnuson	Stone
DeConcini	Mathias	Thurmond
Dole	Matsunaga	Wallop
Domenici	McClure	Young

NAYS—15

Allen	Durkin	McIntyre
Bartlett	Hart	Metcalf
Biden	Haskell	Randolph
Bumpers	Helms	Sarbanes
Burdick	McClellan	Zorinsky

NOT VOTING—20

Cannon	Humphrey	Scott
Garn	Johnston	Stafford
Gravel	Morgan	Talmadge
Griffin	Moynihan	Tower
Hatch	Nunn	Weicker
Hathaway	Pell	Williams
Hollings	Percy	

So the motion to table was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion was agreed to.

AMENDMENT NO. 93

Mr. MUSKIE. Mr. President, I call up my amendment No. 93 and ask the clerk to report.

The PRESIDING OFFICER (Mr. SARBANES). The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Maine (Mr. MUSKIE) proposes amendment No. 93.

Mr. MUSKIE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without object, it is so ordered. The amendment will be printed in full in the RECORD.

The amendment is as follows:

On page 24, beginning with line 13, strike out all through line 24 on page 26, and insert the following:

"RULE XLIV

"OUTSIDE INCOME

"1. During the period of service in a calendar year of a Senator, or of an officer or employee of the Senate compensated at a rate exceeding $35,000 a year and employed for more than ninety days in a calendar year (unless hired on a per diem basis), the aggregate amount of the outside income of such individual for such period shall not exceed 15 per centum of—

"(a) the aggregate amount of the salary of such an officer or employee disbursed by the Secretary of the Senate during such period; and

"(b) in the case of a Senator, the aggregate amount of base salary paid to Senators and disbursed by the Secretary of the Senate for that period.

"2. For the purpose of this rule, the term 'outside income' means all income (within the meaning of section 61 of the Internal Revenue Code of 1954), other than amounts disbursed by the Secretary of the Senate, reduced by the expenses incurred in the production of such income which are deductible for Federal income tax purposes. Such term includes, but is not limited to (1) income received as a result of personal services actually rendered; (2) income from family enterprises; (3) gains derived from dealings in property or investments; (4) interest; (5) rents; (6) dividends; (7) annuities; (8) income from discharge of indebtedness; (9) distributive shares of partnership income; (10) income from an interest in an estate or trust; and (11) any 'buy-out' arrangement from professional partnerships or businesses.

"3. Notwithstanding the limitations of paragraph 1, a Senator, officer, or employee may receive income in excess of the amount allowed by such paragraph if that excess income is—

"(a) necessary to pay Federal, State, or local income taxes;

"(b) received and expended for the purpose of influencing his nomination for election to, or his election to, public office; or

"(c) necessary to meet expenses forced upon him by extraordinary personal circumstances.

"RULE XLV

"ESTABLISHMENT OF TRUSTS

"1. A Senator, and an officer or employee of the Senate compensated at a rate exceeding $35,000 a year and employed for more than ninety days in a calendar year (unless hired on a per diem basis)—

"(a) who owns and controls property (other than a savings account) which is the source of income shall establish one or more trusts and transfer such property to one of such trusts; and

"(b) who receives income from any property which he does not own and control (including a trust of which he is not the grantor) shall establish a trust and transfer such income to such trust, or shall transfer such income to a trust established for purposes of subparagraph (a).

"2. If a Senator, officer or employee receives income in excess of the amount which may be retained under rule XLIV, he shall establish a trust and transfer such income to such trust, or shall transfer such income to a trust established for purposes of paragraph 1.

"3. For purposes of this rule, the term—

"(a) 'trust' means a trust (1) in which the management, investment and reinvestment of property constituting the corpus, and of the income therefrom, is solely at the discretion and under the control of the trustee, and (2) no distributions of income from which may be made to the grantor or any beneficiary except to the extent authorized under rule XLIV;

"(b) 'savings account' means an account in a financial institution upon which interest (as such term is used for Federal income tax purposes) is paid or credited, and, if an individual makes any withdrawal from a savings account during such year to the extent that the amount of such withdrawal does not exceed the amount of such interest;

"(c) 'dependent' has the meaning set forth in section 152 of the Internal Revenue Code of 1954; and

"(d) an individual shall be considered as owning and controlling any property or interest therein (including a savings account)—

"(1) which he owns jointly with his spouse or a dependent; or

"(2) which is owned and controlled by his spouse or a dependent, but only to the extent that such property (or the amount in a savings account) was acquired from such individual by gift or was acquired, directly or indirectly, with funds or other property provided by such individual.

"4. An individual to whom paragraph 1 applies shall comply with the provisions of such paragraph within 90 days after the date on which such provisions first apply to such individual."

Renumber proposed rules XLV through L (and cross references thereto) as XLVI through LI, respectively.

On page 54, line 17, before "shall" insert "and rule XLV of the Standing Rules of the Senate (as so amended), relating to Establishment of Trusts,".

Mr. MUSKIE. Mr. President, I discussed the matter of the timing on this amendment with the distinguished majority leader and the floor manager of the bill, the Senator from Wisconsin (Mr. NELSON), and we have agreed that I call this amendment up today—that we debate it, using time on the bill and not time on the amendment—that we resume consideration of the amendment when the Senate convenes on Monday.

It is conceivable that some time on Monday we may reach an agreement on a time to vote.

Mr. HART. Mr. President, can we have order in the Senate, please?

The PRESIDING OFFICER. The Senator will suspend. The Senate will be in order. Senators will please take their seats and retire from the aisles.

The Senator from Maine.

Mr. MUSKIE. Mr. President, what we agreed to was that we would discuss this amendment this evening, late this afternoon, for maybe an hour to an hour and a half—that the amendment would be the pending business on Monday when the Senate convenes at 1:15—that I would be recognized at that point to continue the debate—that on Monday we would consider whether or not we could reach agreement on a time to vote on the amendment, probably not before Tuesday or even Wednesday.

I hope that Senators will not be tempted then to put the debate behind them. I think it is important that we start today, that we have a meaningful debate, and I am not interested in any prolonged debate. I am interested only in a full exposure of the issue and all elements of it so that when Senators vote on it some time Tuesday or Wednesday they may do so having had a full discussion and, hopefully, a full understanding of what is at stake.

I believe that it is the essence of our agreement, but I will ask the distinguished majority leader.

Mr. ROBERT C. BYRD. I thank the distinguished Senator.

Yes, that is the essence of our understanding.

Mr. President, will the Senator yield to me for a unanimous-consent request only?

Mr. MUSKIE. Yes, I yield.

ORDER FOR RECESS UNTIL 1:15 P.M., MONDAY, MARCH 21, 1977

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 1:15 p.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY; CONSIDERATION OF SENATE RESOLUTION 110; AND RECOGNITION OF SENATOR MUSKIE

Mr. ROBERT C. BYRD. Mr. President, at this time I ask unanimous consent that after the two leaders or their designees are recognized on Monday there be a period for the transaction of routine morning business not to extend beyond the hour of 2 p.m., with statements limited therein to 10 minutes each and, at 2 p.m., of course, the code of ethics resolution will then come back before the Senate; and I ask unanimous consent that at that time Mr. MUSKIE be recognized so that he might continue his statement in support of his amendment.

I have assured him that I will yield time from my time on the resolution as much as he wants within the time that I have.

Mr. BAKER. Mr. President, reserving the right to object, and I shall not object, I simply wish to clarify one point, if I may have the attention of the majority leader for a moment.

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. The arrangement, I think, is a very good arrangement; and I shall reiterate my understanding of it.

The pending business today will be one of the Muskie amendments.

Mr. ROBERT C. BYRD. That is correct.

Mr. BAKER. Which amendment is it?

Mr. MUSKIE. No. 93, and I shall describe it briefly in a moment. I will describe it now. It is the one that will apply the 15-percent limitation on outside income to all outside income.

Mr. BAKER. Earned and unearned?

Mr. MUSKIE. Yes.

Mr. BAKER. All right. That amendment will become the pending business, and time today and on Monday will be yielded by the Senator on his own account earned under the amendment according to the standing order.

Mr. ROBERT C. BYRD. He has 1 hour under the amendment.

Mr. BAKER. Additional time, if necessary, will be under the majority leader's time.

Mr. ROBERT C. BYRD. And will be yielded to him.

Mr. BAKER. Nothing in this arrangement diminishes the amount of time under the control of the minority leader?

Mr. ROBERT C. BYRD. I have heard none.

Mr. BAKER. Mr. President, there is no objection on our part to that. I think that is a good arrangement.

I shall address one other question to the majority leader. I know he anticipates things a little.

After the conclusion of the two Muskie amendments, I ask the majority leader what he would anticipate to be the business of the Senate following that?

Mr. DURKIN. Mr. President, I reserve my right to object to the agreement the leaders are propounding, but I shall wait until they get that settled.

Mr. BAKER. My question of the majority leader is whether he had any view of what might be the business following the two Muskie amendments.

Mr. ROBERT C. BYRD. There will be other amendments, I assume, that would be offered to the Muskie amendments.

Mr. BAKER. I hoped we might be able to establish a sequence of amendments. I have a request, for instance, for the Weicker amendment to follow the two Muskie amendments.

Mr. ROBERT C. BYRD. The Senator is correct. I will not forget that.

Mr. BAKER. Does the majority leader care to include that at this time?

Mr. ROBERT C. BYRD. Yes; I will be glad to include that at this time. I ask unanimous consent?

Mr. MUSKIE. May I suggest to the two leaders that it is conceivable that the pending amendment which I called up might be set aside for consideration of the other amendments on Monday because we have not yet reached agreement on a time to vote, and I rather doubt that we want to take all of Monday to debate this amendment. It is conceivable there might be other amendments that could be called up and discussed then. I am not trying to preempt all of Monday or all of Tuesday on this amendment.

Mr. BAKER. Mr. President, I am not trying to insist that the Weicker amendment follow only after both Muskie amendments have been considered, but rather attempting to establish precedence for the junior Senator from Connecticut. I hope the majority leader might then entertain a request for unanimous consent that after the first Muskie amendment, the Weicker amendment might become the pending business.

Mr. MUSKIE. Depending on how the debate flows, as long as we are trying to follow that, it might be useful at that point to consider the second Muskie amendment. I do not like to foreclose my options at this point. We are all trying, those who are for my amendment and those against it, to gage the timing of the vote to get maximum support. I do not like to foreclose my options. I am hoping the debate will influence Senators' judgment on the merits, and I wish to take advantage of my reading the best time to get a vote to maximize my support, as I am sure the majority leader and minority leader are doing also, and they are more expert at this than I am. I do not want to foreclose the timing of the second amendment. I might conceivably offer a substitute to the first amendment. It depends on timing and how the debate flows. I wish to keep those options open without intending to prolong the discussion of the amendment.

Mr. ROBERT C. BYRD. Why do we not, if I may suggest to the distinguished minority leader, simply try to protect the Senator from Connecticut the best we can in his desire to call up an amendment either after the first Muskie amendment or the second one. I think now that Mr. MUSKIE's amendment is laid before the Senate, of course it is the pending question. So depending on the outcome of that. I take it that the Senator from Maine would want to make a decision then as to whether or not he called up the second amendment immediately, and I would hope that we could help Mr. WEICKER some way. I think at this point, from the statement the Senator from Maine has made, it is difficult for us to assure Mr. WEICKER he would be recognized immediately after disposition of the first amendment because Mr. MUSKIE may wish to call up the second amendment.

Mr. BAKER. Mr. President, on that point I think the majority leader is correct. I think the circumstances are fluid enough so that we do not know what the sequence is and what elaboration of the two Muskie amendments there may be by parliamentary maneuver or substitutes of other amendments. It seems to me we might protect the junior Senator from Connecticut by agreeing that the Muskie amendments would not be temporarily laid aside in preference to amendments other than the Weicker amendment.

Mr. ROBERT C. BYRD. That is all right.

Mr. DURKIN. Mr. President, reserving the right to object, and it is sort of in the form of a parliamentary inquiry, I clearly have propounded what I thought to be a unanimous-consent request, that we would get time to consider other amendments I had at the desk and I did not hear any objection. The majority leader assured me that I would not be foreclosed. My only concern is I do not have the time, but, if we take up until Wednesday with Muskie amendments 1 and 2 and then the Weicker amendment, Mr. BIDEN and I want to come back with the amendment that was just tabled minus the limitation on charity. It seems like charity carried the field. So we are going to eliminate that and bring that amendment back. And I have the two amendments on conflict, an amendment restricting family business exemption, and the amendment requiring fair market value and true assets and liability statement with copies of tax returns. I want to make sure we do not have to consider amendments by the bushel as we get to the 48th and 49th hour.

Mr. ROBERT C. BYRD. I do not think the Senator need be concerned about it. I think he can be assured he will have an opportunity to call up his amendment.

Mr. DURKIN. Then I have no objection to the propounded agreement.

Mr. ROBERT C. BYRD. I thank the Senator.

The PRESIDING OFFICER (Mr. MELCHER). Is there objection?

Mr. BAKER. Mr. President, what is the unanimous-consent request?

The PRESIDING OFFICER. Will the majority leader restate the unanimous-consent request?

Mr. ROBERT C. BYRD. Yes. I ask unanimous consent that, following the recognition of the two leaders or their designees under the standing order on Monday, there be a period for the transaction of routine morning business not to extend beyond the hour of 2 p.m. with statements limited therein to 10 minutes each and that at 2 p.m., when the Senate resumes consideration of the pending measure at which time the pending question would be on the adoption of Mr MUSKIE's amendment, Mr. MUSKIE then again be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I would like to ask if the majority leader intends to make any request now with respect to the Weicker situation?

Mr. ROBERT C. BYRD. I think that based on our understanding I really would not know how to phrase such a request.

Mr. BAKER. I think, if the majority leader will yield then, in deference to the request the junior Senator from Connecticut made and which I discussed with the majority leader, I ought to put our colleagues on notice that in order to try to expedite the consideration of the Weicker amendment, following the Muskie series, I will object to any effort

to lay aside the Muskie amendments and temporarily take up some other measure.

Mr. ROBERT C. BYRD. Wait a minute. I did not include that in my request, but I had so intended and I think we had that understanding, that the Muskie amendments may not be laid aside for any amendment other than the Weicker amendment. I beg the Senator's pardon. I left that out of my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank all Senators.

OFFICIAL CONDUCT AMENDMENTS OF 1977

The Senate continued with the consideration of the resolution (S. Res. 110) to establish a Code of Official Conduct for the Members, officers, and employees of the U.S. Senate; and for other purposes.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. MUSKIE. Mr. President, I wonder if we might have order before I begin this discussion.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MUSKIE. Mr. President, at the outset I wish to address myself to something the distinguished majority leader said yesterday. I know that he is pressed with business off the floor as well as on, and I do not want to make this reference when he is not in the Chamber.

Mr. ROBERT C. BYRD. I am very glad to listen to my distinguished colleague.

Mr. MUSKIE. The Senator does not have to after the first 5 minutes, may I say to my good friend the majority leader.

But in a story that appeared in last night's Washington Star, entitled "Senate Loses Ethics Enthusiasm," there is this paragraph:

> Asked how he thought rejection of the income limitation, coming less than a month after the pay raise, would square with the American people, BYRD replied that in such a case the Senate would be saying, "We have had our cake; now we want to eat it, too."

The implication of that statement, which I find it very difficult to believe the Senator intended, is that unless we rubberstamp the committee resolution—every provision, every paragraph—we are soft on ethics. Or if we raise a question with respect to any provision on the basis of what we consider to be legitimate concerns, we are soft on ethics.

I raise this point, Mr. President, because I detect a reaction of Senators to this whole question something on the order of the panic generated by the reaction of the public to the pay raise—by the reaction of the public to what so many of them conceive to be a lack of congresional ethics—and that Senators are inclined to vote for anything with the name of a "code of ethics," whether it makes sense to them or not.

If we were to enact this legislation under the pressure of that kind of reaction, I say to the Senate we would be making not one mistake, but a lot of mistakes. There are many provisions in this code of ethics that ought to get the closest kind of scrutiny and examination. I doubt that even the members of the Ethics Committee have fully probed the full implications of every new restriction written into this code. I say that not in denigration of the abilities of the people who serve on the Committee on Ethics, but out of my own experience in writing legislation.

Every day I encounter, as a result of examination of this code by my staff, new and serious questions about restrictions that have been written into this proposal, and I urge that my colleagues do examine it closely, that they scrutinize it carefully. Then I urge that our leaders not—even by the remotest implication—refer to that kind of examination as reflecting anything but a commitment to a sound code of ethics.

With respect to my particular concern with a limitation on earned income, I was against such limitations before the pay raise. I would have been against them if they had been attached to the pay raise. And I am against them now, because I think they are wrong, for reasons that, with the cooperation of the majority leader, I am going to have ample time to discuss. But I do not think I have earned the reference to my concern as being "soft on ethics."

I am going to begin my discussion on this matter on a personal note, if I may, because I know of no better way to put the implications of the earned income limitations than in terms of my own experience.

When I was elected Governor of my State in 1954, I had a one-man law office. We struggled, my wife and I, to make a living. We got by—not much more, because I was a young lawyer just starting out.

A year before I ran for Governor, I had broken my back, been hospitalized for weeks, and been without an income for months. So when I was elected, I had thousands of dollars of medical and hospital bills, a law office which I had to decide to keep open or close, and I had to look forward to a salary of $10,000 a year as Governor of my State.

I closed my law office. The option was to do that—or take on some young lawyer and hopefully to stimulate business because of the fact that I was Governor—to attract business because of the fact that I was Governor, and build up a practice in that fashion. I chose not to do it, notwithstanding the bills and notwithstanding the limited salary.

I sold my home, because there was a Governor's mansion in Maine. I do not know how long the non-Indians are going to keep it, but there is a Governor's mansion in Maine. So I sold my home. It would have been hard to maintain it on the Governor's salary, given the ordinary pressures on a Governor's income, so I sold it. The equity brought me $5,000. It was not enough to pay my bills, if I had paid all my bills at that point, but I invested that money in mutual funds as the most ethical kind of investment that I could conceive of from a conflict of interest point of view.

Then I deliberately said to myself, "I have made these two decisions because there is a way for me to augment my income as Governor." There was fresh in my mind the experience of such public figures as Winston Churchill, Eleanor Roosevelt, and others like them who, in a very public way, traveled the lecture circuit, and I was well aware from my own reading of history that the lecture circuit—as a way of enlightening the public, of disseminating information and understanding on the issues—was as old as the Republic. It goes back to the old Redpath Lyceum of the early 19th century and the Chautauqua circuit of the latter part of the 19th century and the early part of this century, a lecture circuit that has been hailed by historians of that period—I will get into that later, because I have had it researched— as the most effective means ever devised for enlightening public opinion on the issues which ought to be of concern to the citizen in a free society.

So I said:

> MUSKIE, there is your answer. You can perform a public service, you can augment your income, and it will be clean, so you can stay in public life and be economically viable.

That was my decision, and I have been on the lecture circuit ever since. My salary as Governor never rose above $10,000. When I came down here to the Senate, my salary was $22,000. Then it rose to $30,000, and I say to you gentlemen that if it had not been for the lecture circuit, ED MUSKIE would not be here today. I would have quit long ago, because I would have had no choice; none whatsoever.

I read in the press comments attributed to aides of the distinguished floor manager that the purpose of this ethics code is to make it impossible for people to come to the Senate and get wealthy here. Well, did I get wealthy on the lecture circuit?

And those mutual funds. What happened? I sold them. What did I do with the proceeds? I paid my bills. What do I own? I bought a house here in Washington that I bought when I arrived here. I own a summer house in Maine so that my family will have a place to stay when we go back to my home State. That is the real estate I own. Both are heavily mortgaged. The bulk of my net worth statement is attributable to those two pieces of real estate.

Real estate values have increased. Inflation has driven them up higher. Both of those houses are worth much more than I paid for them, much more. But I cannot spend a penny of the increase, not a penny, unless I just go to the bank and borrow to reduce the equity, which I have already done for the last 2 years in order to pay bills.

Commensurate with the increase in the values of these houses because of inflation, the cost of maintaining them has increased.

I own a 1970 automobile and a 1968 automobile. I have not felt I could afford to buy another car since 1970.

I have the cash value of my life insurance, which is about $25,000; the cash value of my Senate retirement; a small savings account, and the furnishings of my house.

I think I have disclosed it all. I do not need long forms or an accountant. I have disclosed it all.

Now I come down to the year 1977. The committee report says I used my time as a Senator to become wealthy, to enrich myself, because I have gone on the lecture circuit. It says to me:

MUSKIE, you made a mistake down there. You thought you were avoiding the path of enrichment, that you were choosing the path that avoided that, but you were wrong. Unwittingly, you chose a path that caused you to violate the public interest. On the lecture circuit, you used time that you should have devoted to your public duties.

Mind you, nobody on the committee or committee staff has gone over my record to determine whether or not I neglected my duties. They have just said:

Because you are on the lecture circuit, *a fortiori* you used time that you should have devoted to your public duties.

What is the second judgment they made? That because I was on the lecture circuit, obviously I enriched myself and became wealthy.

What is the third judgment they made? That because I was on the lecture circuit, obviously I must have been involved in conflicts of interest.

They say these three consequences are endemic to the lecture circuit and if I took that route, if I relied on that source of income, I am guilty of neglecting my public duty, of exposing myself to conflicts of interest, and of enriching myself because of my office.

That is the judgment that this committee report makes with respect to my 22 years as Governor and as U.S. Senator. If it says, as it does, that all such activity in the future would have those unavoidable implications, then, obviously, all those implications are unavoidably to be drawn from those who practiced this in the past. How else do you judge it? How else?

There has been an attempt to confuse this. There was an editorial in the New York Times on March 17. Fortunately, I do not think the New York Times is the fount of all wisdom on every subject. They certainly demonstrate that here. Let me quote:

Just imagine the appearances if the ceiling is scrapped. A Senator now earns $57,500 a year. Under the proposed ceiling he could also earn up to 15 percent of that in outside activities, another $8,625. If the Senate eliminates that ceiling, as Senator MUSKIE proposes, it will, in effect, be proclaiming to the public that the new raise is not enough, not even $66,125 is enough. "We want more."

What a pitiful posture I find myself in; what a pitiful posture.

The gentleman who wrote the editorial did not even focus on the issue. What I have said is that if $66,125 is enough for some Senators, it ought to be enough for all Senators. I personally do not think income limitations are the answer to this problem. But if it is the committee's judgment, and if it is the Senate's judgment, that income limitations are the answer, then let us apply them across the board.

I have read everything I could find which has been said in public print by the sponsors of this resolution to find out why they did not do that. The reason is that it is too difficult to do.

What does that mean, may I ask? All it means is that no matter the source of income, once converted to assets that are in place—though by way of investments in securities, in real estate or in any other way—there is something repugnant to the thought of divesting people of it. There is no way of separating the income from the asset. I suppose that is what they mean.

But it is easy to divest someone on the lecture circuit. You just prohibit him from going on it. You divest him of his income just as surely, but it is so invisible, it is so clean. You have not forced anybody to sell assets or to give them away. It is so surgical.

It reminds me of the novel "Call of the Wild," which I have not read since I was a boy. Remember when the dog teams went through wolf country and one dog faltered? Rather than jeopardize the whole team they threw the weakened dog to the wolves, hoping that would appease the wolves and the team could get away, without jeopardizing any others.

Well, so it is with those of us on the lecture circuit. We are being thrown to the wolves. That is why all this exaggerated rhetoric such as I find in the New York Times.

Because we are so visible. Why are we so visible, may I ask? Because we are the only form of income which has been subject to any form of discipline for 10 years. We have had to report and disclose, and not in categories, I might say. Would not it be nice to report in categories of zero to $5,000? Then people would not know whether we had $500 for an honorarium or $5,000.

We had to report everything, and I had no reluctance to do so. But having reported, then we become the visible target, and since there were a few honoraria that carried an aura of conflict, the public record spread it out and tarnished all the others. But the conflicts in other forms of income that did not have to be disclosed—that did not have to be reported—did not become visible so they did not become targets.

But, having become visible, what is the committee's solution? The committee's solution is to punish us all, whether or not we ever accept an honorarium that involved a conflict of interest.

The ridiculous thing about this resolution is this: If I were to go to a college campus on the invitation of a student lecture group and were offered an honorarium of $1,500 to discuss the issues of the day, that is forbidden. But if I had used that $5,000 from the sale of my house, with the advice of all that expert opinion that is available around this town, to invest in speculative real estate, oil ventures, stocks of any kind of companies regulated by Congress or by executive agencies—if I got $50,000 a year from those kinds of investments—that is all right. But that $1,500 lecture to a college student group on the subject of any public issue you want to name, that is forbidden.

That may seem like justice to my colleagues. It does not to me and it never will. There has to be some kind of judgment on the part of the committee that lecture fees are so prone to conflicts, so much more prone to conflicts than any other form of outside income, that they need to be prohibited.

What is your evidence? Did you examine the confidential filings of Senators in the Comptroller General's office? Did you take testimony? Did you examine the holdings of Senators who have access to that source of income? On what basis do you make such a judgment?

I suggest there is not any such testimony, there have been no such hearings, there has been no such search. But just out of the blue, this form of income, made visible by an earlier form of discipline that the Senate refused to apply to unearned income at the time—making one visible, the other invisible—is now used as the basis for imposing an additional discipline, a divestiture discipline, if you will, upon this form of income.

You may think that is justice. I do not and never will.

Then it is argued that this takes time from the full-time job of a Senator, the lecture circuit. The committee did not even attempt to define what a full-time Senator is. There are 168 hours in every week. Do we owe that whole 168 hours to the Senate? Is it permissible to take one day, 24 hours, out of that week for my own personal purposes? Is it? If it is, is it any of the Senate's business how I use that one day, whether it is used for giving that college lecture I described a moment ago or playing golf, or spending the time with my family? Or maybe you might give me 2 days every other weekend.

Last year, I did 19 lectures. That is one every 19 days. Do you really believe that cut into the time I should be devoting to Senate duties? Nineteen days.

I shall tell you how I devoted time last year to my committees. In 1975, on Budget Committee meetings, I attended 44 of 48 meetings; in 1976, 28 of 33 meetings. Most of those I missed because I was attending other meetings of other committees.

The Environmental and Pollution Subcommittee: in 1975, 54 of 58 meetings; in 1976, 16 of 24 meetings.

The Intergovernmental Relations Subcommittee: in 1975, 18 of 19 meetings; in 1976, 10 of 11 meetings.

My voting attendance record for the 4 years: 90.4 percent as compared to a Senate average of 86 percent. During those 2 years, I was campaigning for reelection and spent 1 out of 3 days in my State doing that and attending to the public business there.

Have I been neglecting my duties? I am not going to try to judge anyone else's use of his time. I made 19 lectures; I did my duty. In addition to this, I monitored this floor for 2 solid years in connection with my duties as chairman of the Senate Committee on the Budget, and I think most of you are aware, in a general way at least, of the time I devoted to that responsibility. Now I am told that, because I was on the lecture circuit, I neglected my duties as a Senator.

As a matter of fact, gentlemen, I think it is part of the role of a Senator to discuss public issues in public and I do not think we should limit that role to the

people of our State. We are, after all, U.S. Senators. When I came here and was given my first subcommittee chairmanship, it was the Environmental Pollution Subcommittee. I decided that environmental issues needed a constituency. I conducted hearings all across this country over a 3-year period. I made speeches on the lecture circuit all across this country on environmental issues. I helped build a national constituency for environmental legislation, and I have been so credited in the press. Now, is that or is that not attending to the public business?

To have it said that every single speech on the lecture circuit is contrary to the public interest—either from a conflict-of-interest point of view or a time-consumed point of view—to me, is the kind of restriction that can destroy this institution as a political body. I think there are those not in this body who would like to do that.

In the 19th century—I have mentioned this before—the lecture circuit was already an established and honored forum for public speaking. Public figures like Henry Ward Beecher, Charles Dickens, and Ralph Waldo Emerson could command very high fees. Beecher, for example, made upward of $40,000 a year from lectures at his height. This was more than a century ago.

Daniel Webster is the first Senator whose name appears on available records. In 1837, he spoke to the Concord, Mass., Lyceum for a fee of $100. In the 1840's, Senator Webster lectured throughout New England for $100 an evening on the history of the Constitution.

Araham Lincoln, in 1859, while promoting his candidacy, earned $200 for his famous Cooper Union Address, which also earned him serious consideration for the Republican Presidential nomination.

Senator Charles Sumner also spoke widely before and after the Civil War. He earned between $100 and $300 a lecture in 1861 at various New England lyceums. After the war, he was a principal star of the James Redpath Lyceum Bureau, the first talent agency. By 1880, Sumner received $1,800 a lecture to supplement his Senate salary of $5,000 annually—1880.

Another popular Redpath speaker was Maine Senator James G. Blaine, advertised as "the silver tongued orator from Maine." The oratory declined since his time.

As the growing Chautauqua movement increased demand for speakers, even more Senators were pressed into service. Some of these were Senators Blanche Bruce of Mississippi and Frank Cannon of Utah, who each earned $500 to $800 per lecture.

The superstar of this period, however, was William Jennings Bryan, who promoted his Presidential candidacy and earned upward of $50,000 a year on the Chautauqua circuit. Bryan, in fact, continued to lecture at Chautauqua while he served as Wilson's Secretary of State, on his vacation time.

President Taft and Wilson's Vice President Thomas Marshall also lectured at Chautauqua while in office.

Around the turn of the century and after, Senators with causes to promote crowded the lecture circuit, prompting one journalist to note that "the Progressive Party was formed from a dozen Chautauqua speakers in Iowa and Kansas." Among the Senators managed by the Redpath Agency were George Norris of Nebraska—who ranked on the "star circuit"—Robert LaFollette of Wisconsin, Irvine Lenroot of Wisconsin, James Watson of Indiana, James Vardaman and Byron Harrison of Mississippi, Thomas Gore and Robert Owen of Oklahoma, and Frank Willis of Ohio.

Senator Jonathan Dolliver of Iowa was a popular speaker with the Wright Agency and for a fee of about $800 would lecture on "The Working Man of Nazareth," "A Poor Man's Government and a Poor Boy's Country," or "Public Virtue as a Question of Politics."

Other Senators of this era with other agencies or who booked themselves included Robert Taylor of Tennessee, Albert Cummins of Iowa, Norris Brown of Nebraska and Henry Allen of Kansas.

All the important issues of the 1910's and 1920's were debated on the Chautauqua circuit—labor rights, monopolies, women's suffrage, prohibition, the war in Europe, political corruption—and a stint on the circuit was considered necessary for any political career. For example, four of the six major Presidential candidates in 1924 were veteran Chautauqua speakers.

When the Chautauqua movement was at its peak, one leading historian noted that—

> It has done more toward keeping American public opinion informed, alert and unbiased than any other movement. The press has come to be regarded, like advertising, as warped by special interests. The pulpit is restricted as to subject matter and manner of treatment. The moving picture screen . . . offers possibilities as yet unknown for good or ill. But the Chautauqua platform has kept above suspicion as the greatest agency of popular education.

I learned of the Chautauqua circuit in the 1920's when I was a boy. I lived in a small town, 8,000 people or less. Every summer, the Chautauqua movement came to town, set up its tents, brought us entertainment, brought us speakers, brought us politicians, and everybody in town turned out.

The Chautauqua movement is gone with the incoming of radio and television. The nearest thing to it today is the college lecture circuit and some other smaller circuits around the periphery of that movement.

I happen to believe that when we go on the lecture circuit we perform a public service and a role that is not only consistent with our Senate duties, but even implicit in our role as U.S. Senators.

Can the lecture circuit be abused? Of course it can, and has been. But every form of outside effort can be abused. It carries the potential. Every source.

If it is thought that our public duties will be distorted because of conflict—and that this is so urgent that we ought to be completely anesthetized from any risk of such conduct, then let us form a professional Senator, a professional House, made up of people whose only income—whose only income—with no outside income of any kind—is the salary they draw from the Public Treasury.

I do not think we want that. We would give every Senator a stake in staying in office for life. He would have no outside source of income, no place to turn.

But if we want to professionalize the Senate, that certainly is an option. The committee does not do that. It says, "no."

It is not only this one in this code, but I have only spoken to this one. There are professionals who are dealt with even more stringently. Having given up my law office years ago, I guess I have no personal experience upon which to evaluate that judgment at the moment. There may be other Senators who have.

But I believe that is, basically, my case. I am sure there are other arguments that I have thought about over the last few days that escape me for the time being.

I feel very strongly about this, and I say once more that maybe I did make a mistake 22 years ago. But I do know this, that the only thing that has made it possible for me to stay in public life 22 years was my choice—and I think it was an honorable choice—of this source of income for all of that time.

With that, I close.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. JAVITS. Mr. President, I was one of the parties who drafted this code, and I should like to say a word to the Senator, in all fairness to him.

He has made a very moving speech and has spoken of matters of which I have a deep feeling, with great experience. There is one point I should like to emphasize to my colleagues.

This code has a conflict-of-interest section which is its heart. Senator MUSKIE could go the route he desires by simply leaving in that conflict-of-interest section, plus the disclosure section, plus the enforcement section. He could strike everything else; because if a Senator gets an honorarium or if he engages in practice or if he does any one of a thousand things, such as taking a gift for $15, not $14—we go into great specificity here—and he is guilty under the conflict-of-interest section—that is, he demeans the Senate or he demeans his office—if we left the code that way, the Committee on Ethics could bring charges and take action with the very same effect that it could if these specifications were left in the code.

Impliedly, in everything we discussed, we understood that. I draw the Senator's attention to it, as he will go on with this debate, and over the weekend he might think about this and address himself to it. My colleagues are here: Senator RIBICOFF, Senator NELSON, and Senator PACKWOOD. An enormous amount of effort and brainpower were expended in this matter. There was a feeling that for two reasons we had to be more specific and to implement, in connection

with this conflict-of-interest section, with the specificity which the Senator has found difficult to accept. I understand that completely, but the Senator should understand our dynamics, too.

The two reasons were as follows: one, the feeling that the public demanded that we have these specific restraints on ourselves; that if we left it simply to the general conflict-of-interest section, that would be considered a bailout for us; that our Committee on Ethics never would really do anything about it, and we would just about be back where we started from, which it was felt the public found objectionable, and that that was the reason for the low rating in the public opinion polls. That is one.

Second, we Members were entitled to some specific guidance in individual activities as to what would not represent the appearance of a conflict-of-interest within the conflict-of-interest sections, and that this was necessary for the purpose of administration and for the purpose of the Committee on Ethics.

That is the fundamental structure which underlies this approach. Therefore, I agree with the Senator from Maine that he will be posing to the Senate the fundamental question of principle which is involved, one, in full disclosure, plus a conflict-of-interest section, plus an enforcement section; and that would be, for men of honor, the best plan and would not demean us.

With all due respect to this 15-percent business, I felt demeaned. I have been here for more than 20 years, and I have heard speeches made about the fact that we get an honorarium for 15 minutes of talk to some group, or that we toss it off in 10 minutes, instead of going to Seattle or San Francisco or Minneapolis or Chicago.

In addition, I say to my colleagues—and this is true of many of us here—I can get $5,000 for a speech, whether I was or was not a Senator or whether I had been, even if I had never been a Senator, and there are many here like me. We have many former Governors in this Chamber.

This 15 percent was a demeaning thing to me, so much so that I sought to get the committee to make it $10,000, some round figure—10 speeches at $1,000 each—just so that it was a respectable relationship to the Senate of the United States, which is a very hard place to get to. You really have to be a person of some consequence in order to attain this post. Or, eliminate it altogether, have nothing, if that is the way Senators felt.

So I hope very much that, with the same thoughtfulness and the same seriousness which characterize the Senator from Maine (Mr. MUSKIE), and fully in accord with the tradition of the great Senators from his State whom he has named, the Senator will think over the dilemma with which this draft committee wrestled and will let us have the benefit of his thinking, based upon the explanation I have just made, which Senator NELSON or others may correct if they wish, as to the policy and principle which underlie what we sought to do in our work.

Mr. MUSKIE. If I may give the Senator from New York at least my initial reaction to that, it seems to me that the only area in which he really has been specific is this: The "Call of the Wild" figure of speech is very accurate. The weakest dog is thrown to the wolves, and by being specific with respect to him, it justifies the public relationship to everybody else. I do not buy that. Are we going to legislate in terms of our view or only the public perception?

I read a story in the Washington Post the other day, the headline of which said that the Senate is a rich man's club, that all of us are millionaires. Shall I pay my income taxes on the basis of the public perception of what my income is, or shall I continue to pay them on the basis of what it really is?

The PRESIDING OFFICER (Mr. DECONCINI). The 60 minutes of the Senator from Maine have expired.

Mr. NELSON. Mr. President, I yield from the bill whatever additional time the Senator desires.

Mr. MUSKIE. Are we going to respond to perceptions, or are we going to get down to realities?

The Senator has made a point that I forgot to make, and another point that is implicit in what he has said.

There is a limit on the individual lecture of a thousand dollars. Yet, it is argued that lectures take our time. Well, if the limit were twice that much, it would take half as much time. If it were three times that much, it would take a third as much time.

What connection, for heaven's sake, is there between the limit on individual honoraria if the forum is clean, if there is no potential conflict in the sponsorship? What conceivable connection is there between any legitimate public interest and that limitation?

I have here—I tried to get others but could not get them—the brochures of a talent agency, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TALENT AGENCY BROCHURES

RALPH NADER

Internationally famous consumerist whose principle activities include auto safety, environmental problems and government officials. The dedicated, hard-working reformer is establishing student-based consumer action organizations on campuses across the US, working to involve as many people as possible in the process of upgrading the system.

JOE NAMATH

The brash and exciting "Broadway Joe" brings to the platform a program of anecdotes, observations and his own flamboyant presence. The New York Jets quarterback perhaps epitomizes the modern-day sports hero.

SEN. GAYLORD NELSON (D-WISCONSIN)

Environmentalist, consumerist, the national co-sponsor of the 1970 Earth Day which climaxed a 2-decade campaign to awaken America to ecological perils. The author of US auto and tire safety standards discusses our blind faith in science and technology and disregard for other forms of life.

ANAIS NIN

She gained international prominence for her four-volume *Diary*, a work now regaining in popularity to the extent that it is now used as a text in feminist studies. French-born dancer and author of several novels, she speaks on the personal liberation of women—creatively, sexually and psychologically.

SPENCER OLIVER

The "forgotten man" in the Watergate scandal—Executive Director of the State Democratic Chairmen whose phone at Watergate was the only one known to have been bugged, and who is the foundation of the Democrats' suit against the GOP. Relates his story with charges of collusion on the part of the Democratic heirarchy.

LORD TERENCE O'NEILL

Former Northern Ireland Prime Minister who was forced out of office by his own party when his efforts at peacekeeping were rejected by both factions in Londonderry. A moderate, he discusses the prospects for harmony in Ireland and relates the latest developments in the bloody turmoil he tried to prevent.

KELLEE PATTERSON

Actress and jazz vocalist, Miss Indiana in the 1971 Miss America contest, she has applied her training in Afro-American Studies and Sociology to working with the urban poor and young. Though her opinions may at times be surprising, she states, "I am Black, I am a woman and I am young, so my views will never be one-sided."

PAT PAULSEN

Deadpan political satirist who gained fame on the fondly-remembered Smothers Brothers show. His lecture is spiced with films and other visual aids, and covers, among other things, his own campaigns for the Presidency, which were based on "the premise that any boy can grow up to be President, or if he never grows up—Vice President."

ELLEN PECK

Childless by choice, author of *The Baby Trap*, she has spent years researching the effects of children on the emotional balances of marriage. Nationally syndicated columnist and frequent contributor to many popular magazines, she discusses population growth, sexuality, ecology and individual emotional problems.

REV. TROY PERRY

Ordained minister, homosexual, and author of *The Lord is My Shepherd—And He Knows I'm Gay*. Founder of the Metropolitan Church of Los Angeles, which openly welcomes the gay community, he is an exciting, thought-provoking orator and outspoken champion for the rights of this oppressed minority.

DR. LAURENCE PETER

Author of *The Peter Principle*, creator of "Heirarchiology," a science which maintains that "each employee tends to rise to his level of incompetence." Critics disagree as to whether his theory is an extension of or a parody of Darwinism, but do agree that it is brilliant on either count.

REV. CHANNING PHILLIPS

One of the most thoughtful and rational of the many voices crusading on behalf of Black power, he questions rather than lectures his audience on Black involvement and President of the Housing Development Corporation, he is an expert on urban problems, employment and education.

PIERRE ENDES-FRANCE

Stormy petrel of French politics for two decades, former Gaullist Premier, statesman, economist, author and practical philosopher,

he remains one of the most colorful and articulate political figures on either side of the Atlantic.

DR. EDGAR MITCHELL

Apollo 14 astronaut who conducted telepathy experiments from the moon. A researcher of psychic phenomena, head of the Institute for Noetic Science, his lecture conducts his audiences on a mental space flight to convey the in-space experience. He explores correlations between religious thought, science and parapsychology.

BILL MONROE

Washington editor of NBC's "Today" show, winner of the 1972 Peabody Award for excellence in journalism, his interviews with Washington personalities are credited with the success of his venture in morning TV reporting. Among the names on his conversational roster are: Agnew, Goldwater, Connally, McGovern, Kennedy, Nader and many more.

DR. ASHLEY MONTAGU

Anthropologist, author of *The Natural Superiority of Women,* his is that rare combination of both good-natured and straightforward intellectualism. His interests range across the broadest possible spectrum, encompassing science and religion, American values, evolution, modern art and education, and much more.

SEN. JOSEPH MONTOYA (D-New Mexico)

Member of the Senate Select Committee on Presidential Campaign Activities (the bipartisan so-called Watergate Committee). Prior to Watergate, he was distinguished in his work for the rights of Spanish-speaking Americans.

CHARLES MORGAN, JR.

Noted defense attorney, Southern region director of the American Civil Liberties Union, he characterizes the System as "Law Against the Order." Counsel in some of the celebrated cases of our time, including the draft evasion by Muhammed Ali, the court-martial of Capt. Howard Levy and the Georgia Legislature's attempt to unseat Rep. Julian Bond.

ROBIN MORGAN

Revolutionary poet and editor of *Sisterhood is Powerful,* an anthology of feminist writing. She attacks traditional assumptions about male roles, women and the inequities of society, and offers sometimes shocking solutions. She discusses "The Oppressed Majority" and presents dramatic readings of her feminist poetry.

WAYNE MORSE

Former U.S. Senator from Oregon, educator, arbitrator in labor disputes, he has been a pervasive and outspoken force in America for nearly 40 years. Opposed to the erosion of Congressional power begun during the early years of the Vietnam involvement, he fears a government of men rather than of law.

JAMES MOSELEY

A knowledgeable, articulate and well-documented presentation on Unidentified Flying Objects by America's foremost authority. He offers a revealing, sometimes surprising and even shocking program dealing with UFOs, supplemented by films, radar trackings, documented sightings by pilots, astronauts and astronomers, and even Biblical references.

ROGER MUDD

CBS Washington correspondent and anchorman, voice of the controversial "Selling of the Pentagon," he is a keen, perceptive journalist who has made Capitol Hill his beat for two decades. At the Democratic Convention, half amused and half appalled, he reported on his own name being placed in nomination for Vice-President.

TOM MURTON

Penologist who, in 1967, was appointed to reform Arkansas' prison farm system, and soon found himself ousted after his vigorous investigation uncovered the bodies of nine prisoners. A dedicated advocate of prison reform, he urges courage on the parts of administrators, politicians and the public to end the medieval punishment mentality.

LAURA NADER

Urging a major overhaul in the workings of U.S. justice, she contends that law, as presently practiced, isn't doing the job. A full professor of anthropology, she presents overwhelming documentation of her case in the true style of the Nader family, questioning the relationship of law to the rapidfire developments of the 20th century.

Mr. MUSKIE. Mr. President, who heads the list? Ralph Nader. Does anyone think he delivers lectures for $1,000 apiece? I have followed him on many campuses, with a feeling that I was on a much more stringent standard with respect to the size of the fee than he was. I do not know. But I have heard rumors about what he gets.

Apparently, he sees no conflict, and he is an opinion maker. He travels the circuit, influencing public opinion from his point of view, his values. As an opinion maker, does not the lecture circuit offer some possibilities of conflict for anybody, whether it is a Senator, who converts his opinions into votes, or a Ralph Nader or a John Gardner, who converts his opinion into pressure upon legislators? Is there a difference?

The lecture circuit includes people such as Bill Monroe and Roger Mudd, both newscasters, opinion makers. They are on the circuit. I do not know of any limitation upon the total income they can get or the amount they can get for an individual speech. Also on the list are Laura Nader; Pierre Mendes-France, the former President of France; Pat Paulsen; Rev. Channing Phillips; Lord Terence O'Neill, carrying on the old English tradition of coming over here and traveling the lecture circuit.

If you go to the booking agencies, you can find brochures like this. As a matter of fact, our good friend, Senator GAYLORD NELSON is on this brochure. [Laughter.]

Mr. NELSON. May I respond to the Senator?

Mr. MUSKIE. Of course.

Mr. NELSON. Not with my consent.

Mr. MUSKIE. What is that?

Mr. NELSON. Not with my consent.

Mr. MUSKIE. I do not know anything about that, but I know the Senator has made speeches around the country, whether or not he was on this brochure, and he was one of the originators of the Earth Day Movement. I know he promoted that by travels all across the country, and I applaud it. I was part of it. I did not think I was doing anything evil, and I do not think the Senator from Wisconsin was doing anything evil. I think he was performing a public good. I am not the one who says this is bad; it is the committee who says it is bad.

Mr. NELSON. I have never said it was bad. Where does the committee report say it is bad?

Mr. MUSKIE. Well, if it is not bad why is it so strictly limited?

Mr. NELSON. The Senator's charge was the committee report said it was bad. Where is that in the report?

Mr. MUSKIE. I say to the Senator, there is that old saying when something looks like a duck, walks like a duck, and talks like a duck, it has got to be a duck, and when you cut my income by two-thirds, because I am engaged in this lecture circuit, you must be making a judgment about its public value and about its relevance to the public interest.

If I shorten that——

Mr. NELSON. That is something quite different from what the Senator said.

Mr. MUSKIE. If I shorten that by saying that you are saying it is bad, well then prove me wrong; prove that what I am doing is bad, if you will.

Mr. NELSON. I might say to the Senator I do not know where the line is drawn, but this body drew a line on limitations twice, at $25,000, and at $15,000. So it is not a question of whether it is good or bad. I have never said that, but it is a question of where the line should be drawn, that is all.

Mr. MUSKIE. All right.

Mr. NELSON. But the Senate drew it twice.

Mr. MUSKIE. All right.

Now, I will take some of the blame for that. I did not raise the question those other times.

I panicked, as I think this committee panicked under the pressure of public emotion related to ethics. I did not think either of those limitations was right. The first one came at us out of a House-Senate conference on a totally unrelated matter, it came at us in the conference report, so those of us who raised questions about it had to raise them in terms of trying to defeat a conference report on an important bill. I do not remember what it was. I think it was the campaign reform legislation. So it came at us out from behind the barn, and I did not get up and challenge the campaign reform bill by raising that issue.

All right, I will accept the blame for that. But I do not consider that to have been a deliberate rational Senate decision following complete exposure of the issue, by any means.

Now, the limit last year raised it, suggesting not that the Senate thought the original limit was right but that the Senate thought that the original limit was wrong, and that the new limit—which was the product of more Senate consideration than the first one—is the one presently written into law. My second amendment would leave that new limit in force.

So if the Senator from Wisconsin is that much impressed by previous Senate judgments, maybe he will join me in my second amendment, and I do not gather that is the Senator's inclination.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. MUSKIE. That is not the Senator's inclination at all.

Yes, I yield.

Mr. NELSON. That was not the point I was making.

Mr. MUSKIE. I know, but when the Senator makes a point he has got to expect to get the reverse thrown at him.

Mr. NELSON. Well, all I would expect was a response to the point. That was a beautiful dance around the point.

The Senator asserted that we had said honoraria were bad.

Mr. MUSKIE. And you had.

Mr. NELSON. Then when I said where in the report do we say that, and the Senator from Maine said:

> Well, I am entitled to conclude from the report that with this limit you must assume it is bad.

My response was that this is not the issue. The Senate twice set a limit. I do not believe the Senate set the limit at $15,000 and $25,000, because they thought it was bad per se to give lectures for honoraria. That is my only point. I have never said on this floor or off the floor that they are bad per se, and the Senator has insisted that that is what my position is. That is not at all the position of the Senator from Wisconsin.

This Senator is just trying to correct the RECORD. It is unreasonable for the Senator to take the position that because the committee suggests an $8,600 limit, it means this Senator or the committee believes that it is bad per se, but when the Senate set it at $15,000 or $25,000 that did not mean it was bad per se, the limit must mean the same thing on each occasion.

Mr. MUSKIE. Well, using the Senator's logic, since I cannot find anything enshrined anywhere that tells me that $15,000 or $8,500 is some magic dividing line between what is good or bad——

Mr. DURKIN. Mr. President, may I cut in?

Mr. MUSKIE. Not at this moment—using the Senator's logic, I could argue that you could reduce it to $1,000 or $500 and you would not be making a judgment that it was bad.

How ridiculous can you be, Senator. I mean, you have imposed a discipline that has the effect of cutting out income from some of your colleagues in this body. And if you did not do it, because you thought it was in the public interest, you had no business doing it.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. MUSKIE. I will in a moment. You had no business doing it. You referred me to the committee report. I have looked at the committee report, and in the section dealing with this you do not even talk about conflict of interest. I do not know why.

I assumed this whole code of ethics had something to do with preventing conflicts of interest, but I did not find anything—maybe I overlooked it and the Senator will remind me if I did—but what I find instead is an attempt to convert this argument against lectures into an argument based on the time it takes, and on the enrichment argument that I touched on earlier. Those are the two. We ought not to allow a Senator to take lecture fees because it takes time.

Why did you not say you believed it was, because it has a potential conflict of interest? Because there are other forms of income that carry potential conflicts of interest. So you did not want to say this per se, because you could not prove it in terms of conflict of interest. You could not prove that every lecture fee is bad in terms of conflict of interest. But the result for us, Senator, is exactly the same as though you had said it was bad. If you do not like the word "bad," use your own euphemism; you choose it. It is bad to me.

I do not think a play on words is going to minimize the impact of this one-sided kind of discipline and the lack of justification for it.

I have yet to hear a justification for it. I would like to refer, if I might, to something that is attributed to one of your aides. It appeared in the Washington Post March 17:

> If a Senator comes to the body wealthy, there is not a great deal you can do about it. But if he comes without wealth and engages in personal services to become wealthy that is a different case.

Here I stand convicted as one who came without wealth and who engaged in personal services to become wealthy.

Mr. NELSON. Is that quote attributed to anybody?

Mr. MUSKIE. What is that?

Mr. NELSON. Is that a quote——

Mr. MUSKIE. No; it is not. It says, and I will read it:

> An aide to Senator GAYLORD NELSON, who chaired the Special Committee that drafted the proposed code, said yesterday that the Muskie proposal seemed to be gathering some support. He argued against it, however, saying—

And then the language that I have read.

Mr. NELSON. Will the Senator read it again?

Mr. MUSKIE. Yes; I will read it.

> If the Senator comes to the body wealthy, there is not a great deal you can do about it. But if he comes without wealth and engages in personal services to become wealthy, that is a different case.

So I am grouped presumably with those who came without wealth and engaged in personal services to become wealthy. That judgment is passed on me notwithstanding the fact that I fully disclosed my income and my net worth for the last 10 years. But, alas, I engaged in personal services to become wealthy and had to be disciplined, because there is not a great deal you can do about those who came wealthy.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. NELSON. Let me say I have no notion whether a member of my staff said it or not. But if one did it was a great piece of wisdom. I hope the Senator has a mind subtle enough to recognize that the statement is not an attack, but reflects an exquisite piece of irony. It is true if you come here rich there is not much one can do about it at all.

Mr. MUSKIE. I bring to the Senator's attention my amendment—I have forgotten that—my first amendment.

This provides, as I think the Senator knows, that a Senator with income-producing assets when he comes to the Senate must put them in trust so that he will not spend his time managing his assets. We would not want him to waste a second of time managing his assets. So he appoints a trustee and puts his assets in trust and he can collect income from the trust while he is in the Senate up to 15 percent of his basic Senate salary. He is not divested of income above that percentage, as the proposed limitation would divest me of my income. Rather, it goes into the body of the trust and is available to him when he gets through his Senate service. It might be a temptation to him to retire earlier than he might otherwise, which would give other young people a chance to come to the Senate. There is a technique.

I know what arguments the Senator makes against it:

> Oh, you cannot in effect divest people of assets. You know, it would not be constitutional.

And the Senator can bring up all kinds of examples of inequitable situations it would generate. But there is a way of doing something about it if the Senator means what he says—that we ought to eliminate income that carries a possibility of a conflict of interest.

Mr. NELSON. Will the Senator yield?

Mr. MUSKIE. I yield.

Mr. DURKIN. Will the Senator yield for a question?

Mr. NELSON. The Senator yielded to me just for a moment.

If that proposal were constitutional, which it may be, the Senator does not know * * *

Mr. MUSKIE. The Senator's proposal with respect to us may not be constitutional.

Mr. NELSON. If it were constitutional, and if it could pass and become the rule and not defeat the proposal, I would think very seriously about that.

Mr. MUSKIE. The Senator did not think that seriously about his restriction on my income. I think that is unconstitutional.

Mr. NELSON. It was not the intent of this Senator to bring it up, but three times now the Senator from Maine has complained about my cutting his income. May I suggest to the Senator from Maine that when he voted against the salary increase he was trying to cut mine? I do not shed many tears about those who stand on this floor and complain that we cannot have unlimited outside income and then will not even cast a vote to increase the salary in some orderly fashion for at least half the increased cost of living.

If the Senator had not voted that way, the Senator might have an argument of some merit. But having voted that way, I do not think there is much merit in the argument.

Mr. MUSKIE. I am glad to respond to the Senator. If I voted that way and carried the Senator with me he would be here with this today. He would be here with this limitation today.

Mr. NELSON. I do not understand the Senator's statement.

Mr. MUSKIE. Look, this proposal to limit income has been maturing out there in the outside world and in areas here. It would have been offered whether or not the pay raise was enacted.

The Senator himself has brought up two limitations that were proposed by the Senate, and this issue had nothing to do with my vote on the pay raise.

I am glad to explain that vote to the Senator. For him to suggest by implication that my vote on that was related to this is without any foundation whatsoever. But I happen to have run for office last year, and I have never found my people so concerned about the possibility that this body with the power to bring itself relief by way of income should do so at a time when so many of our people had no such power. I had to campaign from one end of my State to another constantly confronted by this issue, and I had to answer those people in the context of the circumstances in which I saw them living. I took this question on radio call-in shows. I took it in audiences. I had to form a judgment, not in January, but in October, whether I thought they had a legitimate complaint. I formed that judgment. I was not about to come here in February, a few months later, and vote differently on the pay raise increase than I told them in October I would. And I make no apologies to the Senator or any other Senator for that record, and what I did was unrelated to this.

But the second point I make—this also is unrelated—is that the pay raise taken with this proposed limitation means for me a reduction in income, not an increase. It means a reduction in addition to the reduction that I took when the earlier limit on earned income was approved by this body. So I will have taken two reductions in income in the period that the cost of living increased, as the Senator so eloquently pointed out a moment ago. I do not think it is incumbent upon the Senator from Wisconsin and me to debate the moral values which prompted the Senator to follow the course that he did and me to follow the course that I did. I voted against the pay raise for reasons that I thought were good from a public-interest point of view. I am opposing this earned income limit for reasons that I think reflect the basic inequity of what it does, because I think it runs counter to the public interest.

At this point I yield to my good friend from New Hampshire.

Mr. DURKIN. I thank the Senator from Maine. I wonder, in all sincerity and complete respect, if two giants in the Senate are not dancing around the real issue.

Mr. MUSKIE. It is conceivable.

Mr. DURKIN. Is not the real issue not so much how much you take, but is not the real issue whom you take it from? Is not the thing that upsets the American public the perception that we are taking money from those who have an interest in legislation that is before this body?

I wonder if what the limitation really is, is it not an effort to make it a little more palatable back home. Is not the real issue, and what we should be doing here, saying that it is unethical to take honoraria from those who have legislation before this body, those who are registered lobbyists, or those who have political action groups that are in the business of engineering legislation? If those were eliminated, would the problem not be solved?

Mr. PACKWOOD. Mr. President, will the Senator yield for a question?

Mr. DURKIN. In about 2 seconds. I am at a loss as to why the Senator from Maine could not embrace the amendment that was offered before, and I wonder now if the Senator from Maine, if we for the present dropped the whole question of the restriction, or giving the excess to charity, if the Senator would address the real problem, and the Senator from Wisconsin as well, and come out and say there is nothing wrong with following Ralph Nader to the University of New Hampshire and being paid $1,000 out of the student education fund. The students have no direct interest in legislation.

I say there is nothing wrong with going to Alabama and speaking before the Alabama Democratic State Committee during the Jefferson-Jackson Day dinner. I do not think anyone in this body or any cabdriver in America thinks that is wrong. What is perceived to be wrong is taking money from people who have an ax to grind.

Mr. PACKWOOD. Will the Senator yield for a question?

Mr. MUSKIE. Let me answer the Senator's question, and then I will yield to the Senator from Oregon.

I said during the debate on the Senator's amendment that if it did not have that first part in it, I would support it.

Mr. DURKIN. Do you want to add that to your amendment?

Mr. MUSKIE. I will be glad to let it stand on its own.

Mr. PACKWOOD. Mr. President, the Senator said the real issue is not how much we receive in outside income or honoraria, but whom we receive it from; is that right?

Mr. DURKIN. I think that is what the average person back home feels.

Mr. PACKWOOD. Then would the Senator from New Hampshire, if he were to introduce his amendment again, eliminate the 15-percent limitation and allow those on the lecture circuits to earn without limit as long as they do not receive it from the groups the Senator mentions?

Mr. DURKIN. I would not be disposed to do that, for the very reason I have previously suggested to the distinguished Senator from Maine that he incorporate it in his own amendment, and he says it is going to fly on its own weight.

Mr. MUSKIE. Mr. President, to eliminate some confusion, the amendment that is pending does not address the 15-percent limit. My other amendment does. It is inappropriate to attach the amendment the Senator is suggesting to the pending amendment. The suggestion of the Senator from Oregon is appropriate.

Mr. PACKWOOD. If I correctly understood what Senator DURKIN is saying, he objects to outside income coming from anybody with a political ax to grind, any labor organization, and so on.

Mr. DURKIN. Right; as does most of the American public.

Mr. PACKWOOD. Right; I agree with that, and would support it. We should not be receiving honorariums from them. I have always supported that viewpoint.

I have been struck by a seeming blind spot in the position of the Ethics Committee. The Ethics Committee says you can receive money from public-interest groups up to $8,700. If we eliminate any money from the public interest groups, as defined in the amendment of the Senator from New Hampshire, why not eliminate the $8,700 cap? If you can speak to a group that may be legitimate—a university student body, as the Senator mentioned, or the national prayer breakfast—I notice a speaker got $1,000 for speaking at the national prayer breakfast; who is the conflict with there? If the Senator will eliminate the cap, I will support his amendment.

Mr. DURKIN. My amendment was tabled resoundingly. Only myself and 14 other Indians were left on the plain, with no offense to the Senator from Maine, whose State has problems with Indians.

Mr. MUSKIE. You will have to attract the support of a few more Indians.

Mr. DURKIN. I ask unanimous consent, then, to call up my amendment in a modified fashion, without the charitable restriction in the first sentence, and we will see if it is adopted; then we will cross the next bridge.

Mr. PACKWOOD. Not without the cap?

Mr. DURKIN. No, one thing at a time. I have learned you have to walk before you try to run.

Mr. MUSKIE. I suggested that, and the Senator did not like that answer.

Mr. President, my amendment is pending, and I think my proposal should be considered.

Several Senators addressed the Chair.

Mr. DURKIN. Who has the floor, anyway?

Mr. MUSKIE. I have the floor, and my amendment is pending.

The PRESIDING OFFICER. The Senator from Wisconsin has control of the time. Does he yield?

Mr. MUSKIE. I have had the floor for quite a while.

Mr. NELSON. I would like a couple of minutes. We will be in the same discussion next week, and next week we can go into it in some depth, but I did not realize we would be here this late today.

Mr. DURKIN. Mr. President, will the Senator from Wisconsin yield for 30 seconds?

Mr. NELSON. Without losing my right to the floor, I yield the Senator 30 seconds.

Mr. DURKIN. I thank the Senator very much. In answer to the several questions propounded, if my amendment that has been resubmitted on behalf of myself and JOE BIDEN comes up and gets a vote again, I am willing to talk with the Senator, but until the conflict of sources is eliminated——

Mr. PACKWOOD. I am suggesting putting it in the same amendment, so we will have to vote on it as one.

Could I ask the Senator from Wisconsin to do just one thing? I am not even going to ask a question, but before he releases the floor for the night, would he state for the record, so that we have it to look at over the weekend, the reason—because Senator MUSKIE referred

to "bad," and "unethical," and "editorial shifts"—the reason why the Ad Hoc Ethics Committee did indeed put in the 15-percent limitation?

Mr. NELSON. Let me say, in response to the Senator from Oregon, that I have lost the audience with whom I was asked to have the dialog, so I do not wish to get into all the detail of the argument. However, this Senator has not made the argument about enrichment of any type. This Senator has not made a point or suggestion that anyone was in a conflict-of-interest position in making speeches for honoraria. This Senator has said, however, that it is clear from the public viewpoint that speaking to some audiences under some circumstances creates an appearance of conflict, and that in the public sector, appearances are as important as reality.

All of us are aware that public and private institutions in this country—and other countries around the world, too—are under substantial assault. There is a strong feeling, among many in the public, of deep disillusionment with many institutions—schools, corporations, labor unions, State governments, cities, the Federal Government—because people do not feel that the institutions are adequately addressing themselves to the problems that the country faces.

One reason for that, I suspect, is that institutions are imperfect, are not working as they ought to work; and can be improved. But, more importantly the problems confronted by contemporary society are more difficult, more intricate, than problems ever faced before in uncomplicated, rural, agricultural societies.

I say this by way of preface to my main point: That public confidence in public institutions is absolutely vital. It does not make any difference if some corporation with disreputable or questionable leadership manufactures a mousetrap. It does not make any difference what the public may think of that corporation and the corporation president, if they manufacture the best mousetrap at the best cost. The mousetrap will sell.

But we do not sell mousetraps in Congress, in the legislatures, in the city councils, in the county boards. We have just one capital asset—just the one and none other. That capital asset is confidence. When the public loses confidence in public institutions, there is nothing left. I am not suggesting that there is good reason for losing confidence. Nevertheless, the confidence is vital. That is a very fragile cloak that covers this institution, and we in government are obligated to take whatever actions we can to maintain it and restore it. Without that confidence, the difficult task of governing becomes impossible.

Mr. WALLOP. Will the Senator yield for a question?

Mr. NELSON. If the Senator does not mind, I would like to compete a few more remarks and then I will be glad to yield.

It is not a question of Senators enriching themselves. I have never said that. Senator MUSKIE, an old friend, an old personal, social friend, came to Wisconsin when I was a State senator seeking the Governorship. He came and spoke in my behalf. He came back and spoke for my reelection as Governor. He came back and spoke in my behalf for the Senate. There is no man in this institution for whom I have a higher respect. He has absolute integrity.

Senator MUSKIE commented in his remarks that he was not soft on ethics. No one I know has ever suggested that Senator MUSKIE is soft on ethics This is not an ethical question. We all have a tendency to get mixed up in our semantics and misuse words.

This is not an ethics code. An ethics code is a code that says what is right, what is good, and what is bad. It is the concept of morality. This has nothing to do with that at all.

In the resolution creating this committee, it refers to a code of conduct for Members, officers and employees of the Senate. The resolution proposes to establish a code of official conduct for the Members, officers, and employees of the U.S. Senate.

This Senator would hope henceforth we will talk about a code of conduct and not talk about ethics. This whole question of conduct is no different than the sanctions we pass all the time on speed limits, requirements to file tax returns, regulations on safety. We pass codes of conduct in Federal statutes, State statutes, city ordinances and county ordinances day in and day out. That is what this is: a code of conduct. It is not making a judgment, as the Senator from Maine feels, about right and wrong. When we changed the speed limit to 55 miles per hour, did we say it must have been immoral to have been driving 60 or 65 miles per hour in another era? Of course not.

We were saying that circumstances and conditions change, and other values or public interests may necessitate rules of conduct which were not before believed necessary. This is all we are saying with this code of conduct, and that public interest is the deep need to restore and maintain public confidence.

It has nothing to do with ethics or morality. It is a code of conduct to guide us.

One may disagree with all, part, some, or none of the proposed code. I have disagreement with some of it myself. It was hammered out as a compromise, as anyone who has participated in preparing legislation knows. It is not a code of ethics at all.

The Senator has never attacked these speeches for honoraria as a useless exercise. I think it is an important educational dialog for Senators and others to get around the country, on the campuses, before organizations and discuss the issues. I am for that. It has an educational value.

Nevertheless, the public does perceive there is potential for conflict. The public is concerned about having no limits on what one may earn outside in addition to his income. We have addressed ourselves to it in the best way we know how. If one decides that we are going to draw some line on outside earned income and not prohibit wealthy people from spending income that is unearned, that they may have inherited, or earned before they got here, any line drawn is arbitrary. There is no avoiding that. It was arbitrary when the Senate adopted $25,000. It was arbitrary when the Senate adopted $15,000. It is arbitrary in adopting 15 percent.

I feel there is nothing that can be done about the investment income of wealthy people. It is a cruel, unfair world which only made some people wealthy and it did not include me in that selection. There is nothing I can do about that.

But we can do something about earned income, which is different in some respects in that unearned income is passive income and earned income is not.

But that really is not my big point. It is just the general belief on the part of the public, in my judgment that, somehow or other, there ought to be some kind of limit on outside earned income. When one sets a limit, as the committee did, of $8,600, or thereabouts, at least it is a fairly limited amount of money and the dangers that the public may perceive conflict with that amount are substantially reduced, if not totally eliminated.

Senator MUSKIE stirred old memories in my heart when he talked about the Chautauqua circuit. I can remember the Chautauqua circuit, and I heard old Bob La Follette on the Chautauqua circuit, and many others. I can remember going with my dad one time to hear a speaker on the Chautauqua circuit, and I do not suppose that I remember the occasion that exactly happened there, because I was very young, and my dad used to like to take me in the Model T Ford with him.

I remember his repeating the story over the years that, at that Chautauqua circuit tent in Rice Lake, Wis., the speaker from St. Paul did not get there. So here is the whole crowd in this big tent in Rice Lake, with no speaker to listen to.

So, finally, the toastmaster turned and looked around, and he saw an old politician out in the audience who could speak at any time on any subject. So he called upon him.

He said, "We don't have our speaker. Would you come up here and give a speech?"

The old politician, who could speak at any length at any time on any subject, got up. He said, "I don't have a prepared text, I am just trying to think here. You know, this weekend is homecoming at my old alma mater out at Yale." He said, "It is spelled Y-a-l-e."

He said, "Let me use the letters that spell my alma mater's title to spell out subjects that I want to talk about."

He said, "Y stands for youth." He talked for 30 minutes about the wonders and delights of being a youth with no responsibilities.

Then he got to "A." He said "That stands for amity; friendliness between nations," and he talked for 30 or 40 minutes about that.

Then he got to "L." He paused. He thought, that stands for love. He talked for 30 minutes or so about his love affairs as a young man.

Finally, he got to "E." He thought for a moment and he said, "E stands for equality," and he launched into an

eloquent speech about the French Revolution and the founding of the idea of fraternity and equality, and he came across the ocean in a jump and took on the American Revolution and concluded the whole thing at the end of 3½ hours.

He said, "Now, are there any questions?"

An old gent in the rear of the room got up and the old politician said, "Do you have a question?"

The old gent said, "No." He said, "I don't have a question. I just have an observation to make."

The politician said, "What is it?"

The old gent said, "I am just pleased your alma mater wasn't the Massachusetts Institute of Technology."

[Laughter.]

Mr. WALLOP. Will the Senator yield for the question that I had?

Mr. NELSON. Yes, I yield.

Mr. WALLOP. I think the RECORD will show tomorrow, and I think it is one of the things that troubles me the most about this whole proposal, that the Senator said that appearance is as important as reality. Would the Senator really suggest that one who appeared moral and upright and ethical was as important as one who was?

Mr. NELSON. No, I would not. I would not suggest that. Perhaps I spoke with some imprecision if I left the Senator from Wyoming with that impression. What I meant to say and thought I was saying is that so far as public confidence is concerned——

Mr. WALLOP. Sir, that is what is the matter with us right now.

Mr. NELSON. Will the Senator let me finish?

What I was saying was that, so far as confidence of the public is concerned, appearances are as important as reality. I was not talking about the moral question of whether appearances are as important as realities, because obviously they are not.

Mr. WALLOP. But that is the whole problem right now, that we sit here and posture and, by passing a code of conduct or ethics, or whatever you choose to call it, we are telling the public that because we have passed this, we are entitled to a pay raise and we are honorable men, whether or not we are; whereas, we could, in fact, take this route of disclosure that the Senator from Maine is about to propose and that the Senator from New York spoke of earlier, that honorable men could, in fact, justify that in front of the public by their behavior and by their forthrightness and their openness, just with disclosure. But by this posture, we are reducing ourselves in the Senate. It is the first time I have been here that I almost felt ashamed of being in the Senate by reading this proposal as it came out in the report; that, for some reason or other, I have not—though I have spent a life and had the perception of my public as an ethical man—suddenly, because I arrived here, I have not the moral fiber to withstand the temptations.

That is what is the matter with all of this. We are posturing and we are not providing anything. We are just in an exercise in public perception.

Mr. NELSON. The Senator may speak in his own right on his time.

Mr. WALLOP. That is my comment, that we are posturing. We are saying, as the Senator said, that appearance is as important as reality.

Mr. DURKIN. Will the Senator from Wisconsin yield?

Mr. NELSON. Yes, I yield.

Mr. DURKIN. I thank the Senator.

Just to wrap up——

Mr. NELSON. I say to the Senator; I regret that, because of my remarks, I am now 40 minutes late in leaving. I am prepared to spend all the time anyone wishes next week on the floor.

Mr. DURKIN. I can finish up in the time the Senator is explaining, if he will.

Mr. NELSON. Two minutes to the Senator.

Mr. DURKIN. Ethics and honesty really cannot be legislated. I am going to try to be honest no matter what the code says or whether there is a code or not.

I am not saying honoraria are wrong. However, it all depends whether they influence our conduct on the floor or in committee. It is the public perception and it is the source, I think, that is of more concern to the public than the amount.

In response to the Senator from Oregon and others, I am making no deal, no offer of a deal. I am going to push my amendment with JOE BIDEN to eliminate any honoraria from political action groups, lobby groups, those that have any interest in legislation here. If it is adopted, then we shall look at all the other amendments closely, but there is no commitment, no deal whatsoever.

In concluding, I ask, would it not be a stronger code if we restricted the sources of honoraria, restricted those who are lobbying, have a political action group, and have an interest in legislation before this body? Would it not be a stronger code than one with just limits, even if we do not get to the limit question?

Mr. PACKWOOD. I respond to the Senator from New Hampshire that I fail to understand his reluctance to tie the two issues together of the source of the honoraria with an elimination of the amount. As long as we have to vote on the whole issue together. He does not seem to be troubled so much by the amount, and he says the public is not troubled by the amount so much as the source.

Mr. DURKIN. I think the amount can be a problem, too. I think there is definitely a problem. Before the limit was put on, I think some Senators were up to $85,000 or $95,000 a year. That is an awful lot of oratory, no matter what the group is. That is putting a lot of student groups to sleep.

Mr. PACKWOOD. Of those he mentioned, not one of those was defeated, those making $75,000 or $80,000.

Mr. DURKIN. I am not going to argue that. That is not my concern. The Senator from Oregon and Senator MUSKIE are carrying the ball. That is their issue, I do not want to take it away from them. My concern is on limiting the sources. I want to get an up-and-down vote on limiting the sources. That, I think, will take it one step at a time. I think the perception is as to the source and that is greater than with respect to the public concern, maybe, than the amount. I do not know about the amount. I leave that to the two people doing all the work on that; namely, the senior Senator from Maine and the Senator from Oregon.

Mr. President, everyone wants to go home. I am ready to say, "Good night."

ADDITIONAL STATEMENT SUBMITTED ON DISCLOSURE AND THE SENATE CODE OF ETHICS

Mr. CHURCH. Mr. President, I welcome this opportunity to comment on the proposed Senate Code of Official Conduct.

The need to revise the Senate's guidelines for official conduct is more compelling today than ever before. Public confidence in the integrity of public officials has eroded in recent years, and this truly represents a national tragedy. A report issued in September 1976 by the Public Agenda Foundation noted that trust in Government declined from 76 percent in 1964 to 33 percent in 1976. In addition, too many Americans believe that the tactics and morality of the "Watergate era" and other recent scandals represent the norm in the political and governmental process. Although the vast majority of those who seek office or serve in government are individuals of honesty and integrity, their good names and reputations have been tarnished by the misbehavior of a small minority.

As one who has long advocated regular and complete public financial disclosures. I particularly welcome the recommendations of the Special Committee on Official Conduct regarding disclosure of income, assets and other financial transactions. We as public officials have chosen to take on public duties; and we must open our financial records to public scrutiny. Such public disclosure is needed not because of the wrongdoing it may expose, but rather because it will hopefully lay to rest the current doubts of the American people whom we have been elected to serve.

A 1974 Harris poll revealed that 76 percent of Americans believed that "Government leaders were just out for their personal and financial gain." Public disclosure is the best means of policing avoidable conflicts of interest; and it will give all of us the firm ground of truth on which to stand against unfair charges and innuendo.

It was in May 1964 that I first inserted in the CONGRESSIONAL RECORD a voluntary disclosure of my income and assets. I expressed then the hope that Congress would soon enact legislation or adopt procedural rules making such a disclosure mandatory for all its Members.

I said then, that—

> When we insist, as we often do, that a man nominated to a Cabinet post must, as a condition to his confirmation, make a full disclosure of his business interests and private holdings, we in Congress ought to be willing to do likewise . . . I have kept hoping that this regrettable shortcoming of ours might be remedied.

Three years later no such corrective action had been taken, so I again filed a voluntary account, observing once more

that Congress "could help restore popular confidence by adopting a code of ethical standards, including a uniform rule, applicable to all Members, requiring the full disclosure of personal assets."

In 1969, I published and circulated another accounting of my income and holdings. In the interval, Congress had contrived for itself a curious form of partial disclosure which did more to distort than to reveal, and has, therefore, done more to arouse, than to allay public suspicion. I regarded this tell-part-but-not-all arrangement as a hoax on the public.

Nevertheless, it appeared to me that Congress was moving—albeit slowly and grudgingly—toward eventually adopting a tell-it-all principle. So I was moved to comment that:

> Prospects seem to be improving for legislation which will one day require all high officials of the Federal Government, both elected and appointed, to make periodic disclosure of their income and assets. I personally feel that the enactment of such a comprehensive disclosure statute, applicable to the Executive, Legislative, and Judicial Branches of the Government is long overdue.

Well, as it turned out, I was overly optimistic. Another 4 years elapsed, and Congress still had not passed a comprehensive disclosure statute. To its credit, the Senate adopted, as an addendum to its election reform bill, my amendment which would have required all Members of Congress, along with their opponents at election time, to make a complete disclosure of their income, business interests, and property holdings.

In 1974, some 10 years after my first voluntary accounting, I published a full and complete disclosure of my income and assets again. I did so in the continued expectation—and determination—that such a practice would yet be mandated by law for all elected officials and the top appointed Federal office holders.

In 1976 the Senate adopted an amendment to the Federal Election Campaign Act requiring all officers and employees of the United States earning a certain income and all candidates for Federal office, to file annually a public report of their net worth, assets, liabilities, and income. Unfortunately, this amendment was later deleted.

Also, last year the Senate passed the Watergate Reorganization and Reform Act which included requirements for public financial disclosures by the President and Vice President, candidates for Federal office, Members of Congress, and certain other officers and employees of the Government. Again, the House of Representatives failed to pass this bill.

In advocating full and complete disclosure, I want to acknowledge that many Members of Congress hold strong personal feelings against making public their private business affairs. They argue that they are as much entitled as any other citizen to own business interests, stocks, bonds, notes or mortgages, and that their personal dealings should not be regarded as the public's business.

I can sympathize with their argument, but it really misses the point. Naturally, Members of Congress need not, indeed should not, refrain from making private investments. But Representatives and Senators do differ from other citizens in one important respect: they make the laws that affect business; they write the taxes that corporations, as well as individuals, must pay. Since Members of Congress must regularly vote on legislation which reaches every segment of the economy, there is a very legitimate reason for making their private holdings a matter of public record.

Complete disclosure would allow the voter, or anyone having doubts to resolve, to compare the Member's voting record in office with his financial portfolio, and determine for himself whether the Member has voted his private pocketbook interest or the general public interest, in the discharge of his official duties.

Moreover, if periodic disclosures were to reveal an accumulation of wealth without satisfactory explanation, or income which is out of line with listed sources, the public would be alerted to possible misconduct in office, bearing further investigation.

This is a commonsense test, with respect to which I have no doubt that the good judgment of the people can be trusted. The fact that there are other Senators who feel as I do is borne out by the growing number who have adopted a similar practice.

Mr. President, the American people expect and deserve only the highest standards in the Senate. As the late President John F. Kennedy said in a 1961 message to Congress:

> No responsiibilty of Government is more fundamental than the responsibility of maintaining the highest standards of ethical behavior by those who conduct the public business. There can be no dissent from the principle that all officials must set with unwavering integrity, absolute impartiality, and complete devotion to the public interest. This principle must be followed not only in reality but in appearance. For the basis of effective government is public confidence, and that confidence is endangered when ethical standards falter or appear to falter.

Therefore, it is with a great deal of hope that I support the recommendations of the Special Committee on Official Conduct which includes provisions for full disclosure as part of a code of official conduct.

JOINT REFERRAL OF NOMINATION

Mr. ROBERT C. BYRD. Mr. President, I understand that this request has been cleared on both sides.

As in executive session, I ask unanimous consent that a presidential nomination received today relative to Frank Press, to be Director of the Office of Science and Technology Policy, be jointly referred to the Committees on Human Resources and Commerce, Science, and Transportation.

The PRESIDING OFFICER (Mr. HUDDLESTON). As in executive session, without objection, it is so ordered.

ORDER FOR COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY TO HAVE UNTIL MIDNIGHT TO FILE A REPORT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry may have until midnight to file a report on an original bill amending the Grain Standards Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS TO 1:15 P.M. ON MONDAY, MARCH 21, 1977

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 1:15 p.m. on Monday.

The motion was agreed to; and at 6:12 p.m., the Senate recessed until Monday, March 21, 1977, at 1:15 p.m.

NOMINATIONS

Executive nominations received by the Senate March 18, 1977:

DEPARTMENT OF STATE

Joseph D. Duffey, of the District of Columbia, to be an Assistant Secretary of State.

DEPARTMENT OF THE TREASURY

Roger C. Altman, of New York, to be an Assistant Secretary of the Treasury, vice Robert A. Gerard, resigned.

William J. Beckham, Jr., of Michigan, to be an Assistant Secretary of the Treasury, vice Warren F. Brecht, resigning.

DEPARTMENT OF AGRICULTURE

Malcolm Rupert Cutler, of Michigan, to be an Assistant Secretary of Agriculture, vice Robert W. Long, resigning.

COMMODITY CREDIT CORPORATION

Malcolm Rupert Cutler, of Michigan, to be a member of the board of directors of the Commodity Credit Corporation (new position).

DEPARTMENT OF COMMERCE

Sidney Harman, of New York, to be Under Secretary of Commerce, vice Edward O. Vetter, resigned.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Joan Buckler Claybrook, of Maryland, to be Administrator of the National Highway Traffic Safety Administration, vice John W. Snow, resigned.

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Frank Press, of Massachusetts, to be Director of the Office of Science and Technology Policy, vice H. Guyford Stever, resigned.

IN THE AIR FORCE

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be general

Lt. Gen. John W. Roberts, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, sec-

tion 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. John Rutherford McGiffert II, [redacted], U.S. Army.

IN THE MARINE CORPS

In accordance with the provisions of title 10, U.S. Code, section 5232, Maj. Gen. Andrew W. O'Donnell, U.S. Marine Corps having been designated, for commands and other "duties" determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

The following-named (Naval Reserve Officer Training Corps) graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Bagnall, Burleigh H.	Lavinus, John P., III
Banghart, Denise M.	Lemyre, Richard J.
Bendele, Bruce P.	Lewis, Michael A.
Bonham, Harold E., Jr.	Lopez, Karl R.
Borsack, David S.	Mamzic, Curtis E.
Braun, Donald R.	Martin, William J., Jr.
Butler, Larry P.	McDonald, Douglas E.
Canright, Daniel E.	Mead, Patrick J.
Conrad, John C.	Monson, Maynard J.
Daniels, Melvin J.	Munisteri, Robert J.
Darland, Donald R.	Nelson, Michael J.
Davis, Steven T.	Nichols, James D.
Dunphy, James D.	O'Donogue, Patrick
Elliott, Frank M.	Olson, John B.
Fagot, Raymond J., Jr.	Panasuck, George M.
Ferral, Patrick J.	Pike, William B., Jr.
Fielder, Edwin E., Jr.	Poppe, Stephen C.
Finlon, Kenneth D.	Reckart, Richard L.
Forrey, Arthur A.	Rowley, Joseph J.
Gibson, Royce	Salter, David J.
Goodale, Gary M.	Sandrew, Lynette M.
Grenier, Mark H.	Sessis, Steve M.
Gumbel, John D.	Smeltzer, Philip A.
Hancock, Phil R.	Smith, Bertram C.
Hansen, Carl B.	Smith, Herchel C., III
Hawkins, Robert W.	Taylor, Robert W.
Heidkamp, Timothy J.	Todd, James F.
Holst, Lawrence E.	Tucker, Michael E.
Jeck, Clarence H.	Westmore, Montaque
Jones, Robert F.	Woodman, Michael D.
Joseph, Stephen E.	Zonar, James P.

The following-named (Navy enlisted scientific education program) graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Becker, Arlen R.	Inman, Kenneth A.
Comfort, Richard A., Jr.	McElwee, Adrian C.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

The following-named persons to be associate judges of the Superior Court of the District of Columbia for terms of 15 years:

Gladys Kessler, of the District of Columbia, vice George W. Draper II, deceased.

Robert McCance Scott, of the District of Columbia, vice Richard R. Atkinson, retired.

Robert Alan Shuker, of the District of Columbia, vice Harry T. Alexander, retired.

Annice McBryde Wagner, of the District of Columbia, vice Theodore R. Newman, Jr., elevated.

Paul Rainey Webber III, of the District of Columbia, vice Milton D. Korman, term expiring.

IN THE AIR FORCE

The following Air National Guard of the United States officers for promotion in the Reserve of the Air Force under the provisions of Section 593(a), Title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. Robert J. Aldrich, Jr., [redacted]
Maj. Pedro J. Aponte, [redacted]
Maj. Ray Barnes, [redacted]
Maj. Carl E. Batchelor, [redacted]
Maj. Taylor G. Benson, [redacted]
Maj. Ronald K. Blitie, [redacted]
Maj. Gary D. Blink, [redacted]
Maj. John T. Booth, [redacted]
Maj. Mack D. Carlisle, [redacted]
Maj. James D. Chapman, [redacted]
Maj. Elmer E. Cochran, Jr., [redacted]
Maj. Boris G. Evenoff, [redacted]
Maj. Raymond L. Germain, [redacted]
Maj. James W. Hart, Jr., [redacted]
Maj. Robert V. Havron, [redacted]
Maj. James J. Kaifas, [redacted]
Maj. Elgin J. Landry, [redacted]
Maj. Edwin W. Lewis, Jr., [redacted]
Maj. Robert C. Lilljedahl, [redacted]
Maj. Merle P. Martin, [redacted]
Maj. Rufus G. Martin, [redacted]
Maj. Raymond E. Moorman, [redacted]
Maj. James R. Oxford, [redacted]
Maj. George P. Petznick, [redacted]
Maj. Thomas B. Pryor III, [redacted]
Maj. Sherman H. Sawin, [redacted]
Maj. William L. Sawyer, [redacted]
Maj. Ross R. Scott, [redacted]
Maj. Jerald D. Slack, [redacted]
Maj. Willard E. Stockwell, [redacted]
Maj. Eugene F. Sullivan, Jr., [redacted]
Maj. Thomas S. Thomas, [redacted]
Maj. Malcolm M. Thompson, [redacted]
Maj. Charles I. Ward, [redacted]
Maj. Thomas R. Webb, [redacted]
Maj. Raymond D. Weber, [redacted]
Maj. Chistopher Winsor, [redacted]

CHAPLAINS CORPS

Maj. Kerry A. Meier, [redacted]
Maj. John J. O'Malley, [redacted]

IN THE ARMY

To the Senate of the United States:

The following-named distinguished military student for appointment in the Regular Army of the United States in the grade of second lieutenant under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Milner Gary W., [redacted]

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Abbott, Charles R., [redacted]
Abercrombie, Charles O., [redacted]
Ahrens, David A., [redacted]
Alexander, Richard L., [redacted]
Allen, Charles B., [redacted]
Allen, Evelyn M., [redacted]
Allen, Gary W., [redacted]
Andrew, Jami M. A., [redacted]
Angell, Jesse L., [redacted]
Angulo, Samuel J., [redacted]
Apodaca, Miguel S., [redacted]
Arnold, Lisa J., [redacted]
Ashworth, Kenton L., II, [redacted]
Bagwell, William R., [redacted]
Bailey, Michael F., [redacted]
Bailey, Michael J., [redacted]
Baillie, John III, [redacted]
Baker, Terry L., [redacted]
Baldwin, Mary C., [redacted]
Ballantyne, John L., IV, [redacted]
Bartram, Dirk A., [redacted]
Bass, Roger S., II, [redacted]
Bayles, William J., [redacted]
Benavides, Richard A., [redacted]
Benko, Francis M., [redacted]
Bennett, David B., [redacted]
Bierwirth, James G., [redacted]
Biggers, Mark V., [redacted]
Bilodeau, Robert T., [redacted]
Blagojevich, Robert R., [redacted]
Blauvelt, Peter W., [redacted]
Blevins, Leonard C., [redacted]
Bloom, Edward M., [redacted]
Boatner, James G., Jr., [redacted]
Bode, Brian E., [redacted]
Boley, Timothy J., [redacted]
Bonville, John E., [redacted]
Bookert, Phillip, [redacted]
Boozer, Debra L., [redacted]
Bordwell, John H., Jr., [redacted]
Borg, Scott G., [redacted]
Boson, Michael L., [redacted]
Bott, James A., [redacted]
Bouchard, Ronald M., [redacted]
Boucher, Dennis M., [redacted]
Brase, William J., Jr., [redacted]
Breen, James J., [redacted]
Brescia, Robert, [redacted]
Brewer, Dewayne L., [redacted]
Breyfogle, William J., [redacted]
Bridge, Richard H., [redacted]
Briesacher, Jeffrey L., [redacted]
Bromberg, Howard P., [redacted]
Brooks, Curtis R., [redacted]
Brooks, Mark S., [redacted]
Broussard, Anthony W., [redacted]
Broussard, Isaac D., [redacted]
Brown, Dale E., [redacted]
Brown, Frederick R., [redacted]
Brown, Michael E., [redacted]
Browning, Mark H., [redacted]
Bruce, David R., [redacted]
Bryant, Arthur T., [redacted]
Bryant, Mark H., [redacted]
Bryson, Dale A., [redacted]
Buie, John V., [redacted]
Burgess, Thomas A., [redacted]
Burgos, Carlos A., [redacted]
Burkard, Michael C., [redacted]
Burn, Marion L., III, [redacted]
Burns, Harold J., Jr., [redacted]
Busbey, Charles P. B., [redacted]
Butler, Barclay P., [redacted]
Buyers, Michael F., [redacted]
Camp, George M., [redacted]
Carey, Mark D., [redacted]
Caris, John R., [redacted]
Carpenter, William J., [redacted]
Carrico, Harold T., [redacted]
Carroll, Neal E., [redacted]
Castle, Cynthia L., [redacted]
Cathey, Patrick D., [redacted]
Celotto, Paul J., [redacted]
Chamberlain, Samuel C., [redacted]
Chambers, John R., [redacted]
Chandler, Joseph M., Jr., [redacted]
Champan, Kim T., [redacted]
Chappee, Warren P., Jr., [redacted]
Chatterton, William, [redacted]
Cherry, David R., [redacted]
Chladek, James A., [redacted]
Christian, Paul A., [redacted]
Christopoulos, Stephen L., [redacted]
Christy, Betty C., [redacted]
Church, Robert R., [redacted]
Clegg, William J., III, [redacted]
Clemons, Stanley B., [redacted]
Clemons, Stephen L., [redacted]
Coffee, Roger L., [redacted]
Cook, Johnie R., [redacted]
Cooks, Charles E., [redacted]
Cole, William F., [redacted]
Collins, Charles D., [redacted]
Collins, Mark E., [redacted]
Connors, John W., [redacted]
Cope, Kenneth C., Jr., [redacted]
Cory, Timothy J., [redacted]
Cottrell, Pat R., [redacted]
Courter, Stephen E., [redacted]
Cowart, Paul M., [redacted]
Craig, Roger A., [redacted]
Crane, William J., [redacted]
Creedon, John D., [redacted]
Crosby, Robert C., [redacted]
Crumb, Edward F., [redacted]
Crutchfield, William, [redacted]
Cullen, James S., [redacted]

Culp, Joe C., xxx-xx-xxxx.
Curley, Bruce A., xxx-xx-xxxx.
Curry, William L., xxx-xx-xxxx.
Curtis, Winston G., xxx-xx-xxxx.
Dade, Ronald C., xxx-xx-xxxx.
Dahl, David J., xxx-xx-xxxx.
Daniel, John S., III, xxx-xx-xxxx.
Daniels, Jesse E., xxx-xx-xxxx.
Danielson, James H., xxx-xx-xxxx.
Danley, James W., xxx-xx-xxxx.
Darin, Kenneth B., xxx-xx-xxxx.
Daugherty, Virgle E., xxx-xx-xxxx.
Davis, Hal M., xxx-xx-xxxx.
Davis, Jeffrey S., xxx-xx-xxxx.
Davison, Alan D., xxx-xx-xxxx.
Dean, Benjamin P., xxx-xx-xxxx.
Debose, Thomas C., Jr., xxx-xx-xxxx.
Decker, John E., xxx-xx-xxxx.
Deegan, Raphael P., xxx-xx-xxxx.
Delauter, Richard S., xxx-xx-xxxx.
Delis, Dean G., xxx-xx-xxxx.
Denny, Stephen L., xxx-xx-xxxx.
Deplitch, John E., Jr., xxx-xx-xxxx.
Deren, Lawrence A., xxx-xx-xxxx.
Derr, Ricky D., xxx-xx-xxxx.
Devita, Mark R., xxx-xx-xxxx.
Dimmick, Kenneth R., xxx-xx-xxxx.
Dingle, Dennis W., xxx-xx-xxxx.
Doehling, John M., xxx-xx-xxxx.
Donegan, Thomas G., xxx-xx-xxxx.
D'Ooge, Benjamin W., xxx-xx-xxxx.
Dopf, Kevin C., xxx-xx-xxxx.
Dorney, Scott D., xxx-xx-xxxx.
Downey, Edward B., xxx-xx-xxxx.
Dun, Weysan, xxx-xx-xxxx.
Dunkley, Paul N. V., xxx-xx-xxxx.
Dysart, Stanley H., III, xxx-xx-xxxx.
Early, Bradley W., xxx-xx-xxxx.
Edmiston, Howard W., III, xxx-xx-xxxx.
Edwards, James F., xxx-xx-xxxx.
Ehrlich, Michael R., xxx-xx-xxxx.
Elias, Brooke T., xxx-xx-xxxx.
Elliott, James W., xxx-xx-xxxx.
Elm, William C., Jr., xxx-xx-xxxx.
Elmore, Wil'iam C., xxx-xx-xxxx.
England, Steve, xxx-xx-xxxx.
English, Robert W., II, xxx-xx-xxxx.
Erlandson, David C., xxx-xx-xxxx.
Esplin, Delane B., xxx-xx-xxxx.
Evans, Gary C., xxx-xx-xxxx.
Everett, Gary L., xxx-xx-xxxx.
Fadgen, Richard J., xxx-xx-xxxx.
Farley, Daniel H., xxx-xx-xxxx.
Fenoglio, Paul B., xxx-xx-xxxx.
Ferrand, Robert E., Jr., xxx-xx-xxxx.
Ferrer, Mariane, xxx-xx-xxxx.
Ferris, Christopher C., xxx-xx-xxxx.
Filbeck, George P., xxx-xx-xxxx.
Fisher, Timothy P., xxx-xx-xxxx.
Flake, Jackson L., III, xxx-xx-xxxx.
Flanagan, Patrick D., xxx-xx-xxxx.
Flanigan, Alvin C., xxx-xx-xxxx.
Fletcher, James R., xxx-xx-xxxx.
Fletcher, Patrick R., xxx-xx-xxxx.
Flowers, Karen J., xxx-xx-xxxx.
Flowers, Michael C., xxx-xx-xxxx.
Floyd, Charles D., xxx-xx-xxxx.
Floyd, Marcus E., xxx-xx-xxxx.
Fluhler, Herbert U., xxx-xx-xxxx.
Formica, Richard P., xxx-xx-xxxx.
Forward, Ronald L., xxx-xx-xxxx.
Fox, Charles W., Jr., xxx-xx-xxxx.
Fraites, Roger A., xxx-xx-xxxx.
Franke, Henry G., III, xxx-xx-xxxx.
Franklin, Kenneth J., xxx-xx-xxxx.
Franklin, Tony R., xxx-xx-xxxx.
Freeman, John L., Jr., xxx-xx-xxxx.
Freeman, Michael J., xxx-xx-xxxx.
Freese, Carlton D., xxx-xx-xxxx.
Frisina, Michael E., xxx-xx-xxxx.
Fritz, Richard H., xxx-xx-xxxx.
Frye, Jeffrey L., xxx-xx-xxxx.
Fugate, John E., xxx-xx-xxxx.
Fulmer, Kim L., xxx-xx-xxxx.
Furlong, Michael D., xxx-xx-xxxx.
Fuzy, James A., xxx-xx-xxxx.
Gabzdyl, Karl A., xxx-xx-xxxx.
Gaines, Arthur M., III, xxx-xx-xxxx.
Galetti, Christopher L., xxx-xx-xxxx.
Gallop, Dennis K., xxx-xx-xxxx.
Galvin, Mark J., xxx-xx-xxxx.
Garcia, Michael D., xxx-xx-xxxx.
Gardner, Carl G., xxx-xx-xxxx.
Garrett, Robert G., xxx-xx-xxxx.
Gasperini, Gerald F., xxx-xx-xxxx.
Gebhart, Donald L., xxx-xx-xxxx.
General, Thomas, Jr., xxx-xx-xxxx.
Gergel, Donald M., xxx-xx-xxxx.
German, John M., xxx-xx-xxxx.
Gfeller, Bruce E., xxx-xx-xxxx.
Gibert, Jeffrey A., xxx-xx-xxxx.
Gifford, Edward C., III, xxx-xx-xxxx.
Gilmore, Mark R., xxx-xx-xxxx.
Glass, Robert G., II, xxx-xx-xxxx.
Glynn, Richard L., Jr., xxx-xx-xxxx.
Goho, Curtis D., Jr., xxx-xx-xxxx.
Goldsberry, Sharon L., xxx-xx-xxxx.
Golemboski, Diane M., xxx-xx-xxxx.
Goodberlet, Mark A., xxx-xx-xxxx.
Goodwin, Stephen E., xxx-xx-xxxx.
Gordon, John, IV, xxx-xx-xxxx.
Granger, Elder, xxx-xx-xxxx.
Gray, Michael W., xxx-xx-xxxx.
Greenberg, Daniel J., xxx-xx-xxxx.
Greenwood, Thomas G., xxx-xx-xxxx.
Grenier, Marc R., xxx-xx-xxxx.
Grewe, William R., xxx-xx-xxxx.
Griffin, Reba D., xxx-xx-xxxx.
Grigson, Que R., xxx-xx-xxxx.
Grim, Barbara A., xxx-xx-xxxx.
Grimm, Donald O., Jr., xxx-xx-xxxx.
Griswold, Jeffrey A., xxx-xx-xxxx.
Griswold, Robert K., xxx-xx-xxxx.
Grover, Robert A., xxx-xx-xxxx.
Gsteiger, Urs R., xxx-xx-xxxx.
Gutierrez, James D., xxx-xx-xxxx.
Hall, Burnis A., xxx-xx-xxxx.
Hall, John E., xxx-xx-xxxx.
Hall, Michael J., xxx-xx-xxxx.
Halvorson, Corey W., xxx-xx-xxxx.
Hambley Wililam G., xxx-xx-xxxx.
Hamilton, Christopher A., xxx-xx-xxxx.
Hamilton, Harry W., xxx-xx-xxxx.
Hammer, Bradley D., xxx-xx-xxxx.
Hampton, Emanuel, xxx-xx-xxxx.
Hampton, Greg R., xxx-xx-xxxx.
Hanline, Jay D., xxx-xx-xxxx.
Hanshaw, Frank E., III, xxx-xx-xxxx.
Hanson, Larry J., xxx-xx-xxxx.
Hanson, William L., xxx-xx-xxxx.
Hardzinski, Thomas F., xxx-xx-xxxx.
Harker, Keith B., xxx-xx-xxxx.
Harrigan, Patrick K., xxx-xx-xxxx.
Harrison, James R., xxx-xx-xxxx.
Harrison, John L., xxx-xx-xxxx.
Harrop, Royal C., xxx-xx-xxxx.
Harryman, Karen S., xxx-xx-xxxx.
Hartzog, Samuel F., Jr., xxx-xx-xxxx.
Hatfield, Mark C., xxx-xx-xxxx.
Hauck, Jason C., xxx-xx-xxxx.
Head, Jeffrey T., xxx-xx-xxxx.
Healy, Brian D., xxx-xx-xxxx.
Healy, Martin B., xxx-xx-xxxx.
Hedrick, William B., xxx-xx-xxxx.
Hendricks, Prentice C., Jr., xxx-xx-xxxx.
Henson, William N., xxx-xx-xxxx.
Herina, Kevin M., xxx-xx-xxxx.
Hewitt, Richard H., xxx-xx-xxxx.
Hicks, Walter L., xxx-xx-xxxx.
Hiemstra, Michael A., xxx-xx-xxxx.
Hintze, Lynn D., xxx-xx-xxxx.
Hoadley, Michael W., xxx-xx-xxxx.
Hobbs, Bryan B., xxx-xx-xxxx.
Hocker, James S., Jr., xxx-xx-xxxx.
Hoffman, James C., xxx-xx-xxxx.
Hollingsworth, Paul G., xxx-xx-xxxx.
Holloman, Robert R., xxx-xx-xxxx.
Holthus, Michael D., xxx-xx-xxxx.
Holtman, Steven D., xxx-xx-xxxx.
Hoover, Robert S., xxx-xx-xxxx.
Hopkins, John M., xxx-xx-xxxx.
Hopper, Thomas E., xxx-xx-xxxx.
Huggins, James H., II, xxx-xx-xxxx.
Hughes, Richard A., xxx-xx-xxxx.
Hultman, John A., xxx-xx-xxxx.
Hunter, Walter R., Jr., xxx-xx-xxxx.
Hutcherson, Danny L., xxx-xx-xxxx.
Hyle, Christopher M., xxx-xx-xxxx.
Ibbotson, William H., xxx-xx-xxxx.
Ireland, James W., III, xxx-xx-xxxx.
Isar, Andrew O., xxx-xx-xxxx.
James, Theodore H., xxx-xx-xxxx.
Jameson, Bud R., Jr., xxx-xx-xxxx.
Jenkins, Donald W., xxx-xx-xxxx.
Jenkins, Jeffrey A., xxx-xx-xxxx.
Jimmerson, Stephen H., xxx-xx-xxxx.
Johnson, Frederick E., Jr., xxx-xx-xxxx.
Johnson, Jay K., xxx-xx-xxxx.
Johnson, Jerry L., xxx-xx-xxxx.
Jonhson, Robert L., xxx-xx-xxxx.
Johnson, Robert L., Jr., xxx-xx-xxxx.
Jolissant, James G., xxx-xx-xxxx.
Jolliff, Bradley L., xxx-xx-xxxx.
Jones, John R., xxx-xx-xxxx.
Jones, Layne M., xxx-xx-xxxx.
Jones, Ted H., xxx-xx-xxxx.
Joyce, Walter C., Jr., xxx-xx-xxxx.
Juhasz, Charles D., xxx-xx-xxxx.
Kai, Dennis R., xxx-xx-xxxx.
Kaminski, Michael S., xxx-xx-xxxx.
Kaura, Mary A., xxx-xx-xxxx.
Kautz, Joe W., xxx-xx-xxxx.
Keach, Kerry W., xxx-xx-xxxx.
Kelleher, Jean S., xxx-xx-xxxx.
Kelly, Clarence S., Jr., xxx-xx-xxxx.
Kenyon, Susan L., xxx-xx-xxxx.
Kerford, David P., xxx-xx-xxxx.
Kerns, Kevin J., xxx-xx-xxxx.
Kessinger, Stephen H., xxx-xx-xxxx.
King, Robert M., xxx-xx-xxxx.
King, William S., xxx-xx-xxxx.
Klein, Martin L., xxx-xx-xxxx.
Klemencic, John V., xxx-xx-xxxx.
Kline, Keenan J., xxx-xx-xxxx.
Kloeber, Jack M., Jr., xxx-xx-xxxx.
Klunk, Michael S., xxx-xx-xxxx.
Knotts, Kevin R., xxx-xx-xxxx.
Knutson, Kenneth W., xxx-xx-xxxx.
Kobylinski, Edmund A., xxx-xx-xxxx.
Koch, Fernin C., xxx-xx-xxxx.
Koch, James E., xxx-xx-xxxx.
Koenig, Arthur S., xxx-xx-xxxx.
Koester, Kerry W., xxx-xx-xxxx.
Koethe, Richard D., III, xxx-xx-xxxx.
Korolevich, Michael, xxx-xx-xxxx.
Kraut, Jonathan D., xxx-xx-xxxx.
Krouse, Allen J., III, xxx-xx-xxxx.
Kuhn, Kevin H., xxx-xx-xxxx.
Kunkel, Robert D., xxx-xx-xxxx.
Lacey, Dennis V., xxx-xx-xxxx.
Lacey, Edward N., Jr., xxx-xx-xxxx.
Lacquement, David B., xxx-xx-xxxx.
Lake, Gary J., xxx-xx-xxxx.
Lamb, Ronald, xxx-xx-xxxx.
Lamm, David W., xxx-xx-xxxx.
Landes, George M., Jr., xxx-xx-xxxx.
Lange, Douglas J., xxx-xx-xxxx.
Larson, Steven C., xxx-xx-xxxx.
Launey, John D., xxx-xx-xxxx.
Lawless, John N., Jr., xxx-xx-xxxx.
Lebron, Jose A., xxx-xx-xxxx.
Lee Mark W., xxx-xx-xxxx.
Lee William M., xxx-xx-xxxx.
Lemons Charles W., xxx-xx-xxxx.
Lenchinsky, William A., xxx-xx-xxxx.
Lennon, George D., xxx-xx-xxxx.
Lennon, Peter S., xxx-xx-xxxx.
Letton, Kurt N., xxx-xx-xxxx.
Lewis, Roger L., xxx-xx-xxxx.
Leyes, Timothy J., xxx-xx-xxxx.
Liechty, Dennis G., xxx-xx-xxxx.
Light, Thomas W., xxx-xx-xxxx.
Lollie, Bennie J., xxx-xx-xxxx.
Lombardino, Paul E., Jr., xxx-xx-xxxx.
Loomis, Mark M., xxx-xx-xxxx.
Lundgren, Stephen S., xxx-xx-xxxx.
Lynch, Gregory J., xxx-xx-xxxx.
Lyons, Harold D., Jr., xxx-xx-xxxx.
Mabry, Robert W., xxx-xx-xxxx.
MacCary, Kevin G., xxx-xx-xxxx.
Maher, Christopher M., xxx-xx-xxxx.
Majo, Robert M., xxx-xx-xxxx.
Mallette, Rodney A., xxx-xx-xxxx.
Mangold, Douglas W., xxx-xx-xxxx.
Manson, Vennis T., xxx-xx-xxxx.
Manteuffel, Robert L., xxx-xx-xxxx.
Markham, John E., xxx-xx-xxxx.
Marrs, James S., Jr., xxx-xx-xxxx.
Marshall, Steven V., xxx-xx-xxxx.
Martin, William J., xxx-xx-xxxx.
Martinez, Ted., xxx-xx-xxxx.

Mason, Kevin G., xxx-xx-xxxx.
Mateer, Michael E., xxx-xx-xxxx.
Mathews, Michael P., xxx-xx-xxxx.
Maus, Dennis C., xxx-xx-xxxx.
Maxwell, Robin G., xxx-xx-xxxx.
Mayer, Robert M., xxx-xx-xxxx.
Mayorga, Jose S., Jr., xxx-xx-xxxx.
McArdle, John H., xxx-xx-xxxx.
McCarl, James M., Jr., xxx-xx-xxxx.
McCart, Joel W., xxx-xx-xxxx.
McCarthy, Daniel E., xxx-xx-xxxx.
McCarthy, James E., xxx-xx-xxxx.
McChesney, Michael K., xxx-xx-xxxx.
McClure, George B., xxx-xx-xxxx.
McDonald, Mark N., xxx-xx-xxxx.
McDonnell, William E., xxx-xx-xxxx.
McGraw, Terrence J., xxx-xx-xxxx.
McKenney, Patricia J., xxx-xx-xxxx.
McKenzie, Colin S., xxx-xx-xxxx.
McKenzie, Geoffrey M., xxx-xx-xxxx.
McLaughlin, John B., xxx-xx-xxxx.
McLennan, Stuart G., III, xxx-xx-xxxx.
McMillan, Jack O., Jr., xxx-xx-xxxx.
McMillen, Kurt M., xxx-xx-xxxx.
McMillan, Larry D., xxx-xx-xxxx.
McNair, Michael J., xxx-xx-xxxx.
McPherson, Ronald A., xxx-xx-xxxx.
Meacham, William A., xxx-xx-xxxx.
Merkwan, John A., xxx-xx-xxxx.
Merlin, Thomas E., xxx-xx-xxxx.
Michaels, Thomas M., xxx-xx-xxxx.
Mikasa, Austin K., xxx-xx-xxxx.
Miles, Brett M., xxx-xx-xxxx.
Miller, Gregory S., xxx-xx-xxxx.
Miller, Jonathan H., xxx-xx-xxxx.
Miller, Mark L., xxx-xx-xxxx.
Miller, Robert W., Jr., xxx-xx-xxxx.
Minns, Harry I., xxx-xx-xxxx.
Moberg, Kenneth W., xxx-xx-xxxx.
Moore, George E., xxx-xx-xxxx.
Moore, Timmy D., xxx-xx-xxxx.
Moore, Wayne A., xxx-xx-xxxx.
Moran, Terrance G., xxx-xx-xxxx.
Morris, John R., xxx-xx-xxxx.
Moyer, Thomas P., xxx-xx-xxxx.
Muecke, William D., xxx-xx-xxxx.
Mulay, David M., xxx-xx-xxxx.
Muldowney, Jerome T., xxx-xx-xxxx.
Mulhall, John C., xxx-xx-xxxx.
Mulhall, Lawrence P., xxx-xx-xxxx.
Munkeby, Steven H., xxx-xx-xxxx.
Murphy, Thomas M., xxx-xx-xxxx.
Murray, Glenn E., xxx-xx-xxxx.
Myer, Don A., xxx-xx-xxxx.
Myhre, Clayton W., Jr., xxx-xx-xxxx.
Nauss, Jeffrey L., xxx-xx-xxxx.
Neal, Harold E., Jr., xxx-xx-xxxx.
Nearhood, Charles R., xxx-xx-xxxx.
Needham, Michael C., xxx-xx-xxxx.
Neiswanger, Ted W., xxx-xx-xxxx.
Neky, Patrick L., xxx-xx-xxxx.
Nelsen, George W., xxx-xx-xxxx.
Nesmith, Johnnie M., xxx-xx-xxxx.
Nichols, Donald R., xxx-xx-xxxx.
Niemer, Andrew M., xxx-xx-xxxx.
Niggles, Albert D., xxx-xx-xxxx.
Nipp, William I., Jr., xxx-xx-xxxx.
Nix, Dennis R., xxx-xx-xxxx.
Noe, Norman C., II, xxx-xx-xxxx.
Norris, Larry A., xxx-xx-xxxx.
Norton, Robert H., Jr., xxx-xx-xxxx.
Nunez, Joseph R., xxx-xx-xxxx.
Oaksmith, Sidney G., xxx-xx-xxxx.
Oato, Van R., xxx-xx-xxxx.
O'Brien, John J., III, xxx-xx-xxxx.
O'Connor, Shannon P., xxx-xx-xxxx.
O'Driscoll, Dennis J., xxx-xx-xxxx.
O'Haire, Neal T., xxx-xx-xxxx.
Olsen, Howard A., xxx-xx-xxxx.
Olsen, Wayne L., xxx-xx-xxxx.
Olson, Jack D., xxx-xx-xxxx.
O'Neal, Ronald G., xxx-xx-xxxx.
Ooley, Milton R., xxx-xx-xxxx.
Ortiz, Wilfredo, xxx-xx-xxxx.
Oshaughnessy, John F., Jr., xxx-xx-xxxx.
Oswalt, Joel M., xxx-xx-xxxx.
Outlaw, Ted M., xxx-xx-xxxx.
Owens, Stuart G., xxx-xx-xxxx.
Pace, Duane L., Jr., xxx-xx-xxxx.
Packer, Ronald M., xxx-xx-xxxx.
Pankey, Rooney A., xxx-xx-xxxx.
Paparone, Christopher R., xxx-xx-xxxx.
Parish, Michael L., xxx-xx-xxxx.
Parker, Robert N., xxx-xx-xxxx.
Patten, George B., xxx-xx-xxxx.
Patten, Pamela C., xxx-xx-xxxx.
Paulson, Jeffrey D., xxx-xx-xxxx.
Pendergrass, Alva W., III, xxx-xx-xxxx.
Perez, Octavio, xxx-xx-xxxx.
Perkins, Donald J., Jr., xxx-xx-xxxx.
Petrole, Gary P., xxx-xx-xxxx.
Pettigrew, Haywood M., xxx-xx-xxxx.
Phelan, Donna, A., xxx-xx-xxxx.
Phillips, Raymond J., xxx-xx-xxxx.
Pickens, Gary E., xxx-xx-xxxx.
Pierce, Gregory A., xxx-xx-xxxx.
Pincombe, Donald F., xxx-xx-xxxx.
Pinkard, Ronald W., xxx-xx-xxxx.
Pohly, Glenn W., Jr., xxx-xx-xxxx.
Polles, Timothy D., xxx-xx-xxxx.
Poting, Kurt P., xxx-xx-xxxx.
Poole, James M., xxx-xx-xxxx.
Portley, Maurice, xxx-xx-xxxx.
Post, Richard J., xxx-xx-xxxx.
Potter, Michael S., xxx-xx-xxxx.
Powell, Jack L., Jr., xxx-xx-xxxx.
Prangley, Stephen C., xxx-xx-xxxx.
Price, Sam, III, xxx-xx-xxxx.
Prueitt, George C., xxx-xx-xxxx.
Puckett, Timothy R., xxx-xx-xxxx.
Puffer, Roger C., xxx-xx-xxxx.
Pugh, Jesse L., xxx-xx-xxxx.
Punch, Marlon M., xxx-xx-xxxx.
Quackenbush, John E., xxx-xx-xxxx.
Quinones, Deogracia, xxx-xx-xxxx.
Rackley, David W., xxx-xx-xxxx.
Raggio, Paul A., xxx-xx-xxxx.
Ralph, Tony D., xxx-xx-xxxx.
Ralston, Robert M., xxx-xx-xxxx.
Ramos, Raymond, xxx-xx-xxxx.
Ramos, Teddy, xxx-xx-xxxx.
Ramseur, Robert L., xxx-xx-xxxx.
Randolph, Gaston M., Jr., xxx-xx-xxxx.
Raney, Edward H., II, xxx-xx-xxxx.
Ransick, James C., xxx-xx-xxxx.
Ratliff, David A., xxx-xx-xxxx.
Raymond, Guy E., xxx-xx-xxxx.
Record, Jeffrey W., xxx-xx-xxxx.
Redmond, Dennis K., xxx-xx-xxxx.
Redmond, Timothy L., xxx-xx-xxxx.
Reinke, David L., xxx-xx-xxxx.
Rendall, Thomas H., xxx-xx-xxxx.
Rey, Charles F., xxx-xx-xxxx.
Reynolds, Larry R., xxx-xx-xxxx.
Rhoads, Barry D., xxx-xx-xxxx.
Rhoden, Barry L., xxx-xx-xxxx.
Rhodes, Shelton P., xxx-xx-xxxx.
Rhynes, Thomas S., xxx-xx-xxxx.
Richard, Marc N., xxx-xx-xxxx.
Riddle, Thomas H., xxx-xx-xxxx.
Riester, Carl W., xxx-xx-xxxx.
Riggs, Gregory G., xxx-xx-xxxx.
Ringdahl, Robert A., xxx-xx-xxxx.
Riniker, Linford E., xxx-xx-xxxx.
Risney, Robert G., xxx-xx-xxxx.
Rissell, Peter J., xxx-xx-xxxx.
Rombash, Michael D., xxx-xx-xxxx.
Roberts, Henry D., Jr., xxx-xx-xxxx.
Robidart, Gabriel B., III, xxx-xx-xxxx.
Robinson, Fred D., xxx-xx-xxxx.
Robinson, James O., xxx-xx-xxxx.
Robinson, Joseph P., xxx-xx-xxxx.
Robinson, Steven R., xxx-xx-xxxx.
Rubenstein, David A., xxx-xx-xxxx.
Rudman, Peter A., xxx-xx-xxxx.
Salinas, Paul, Jr., xxx-xx-xxxx.
Sample, Lynn R., xxx-xx-xxxx.
Sanders, Jamille B., xxx-xx-xxxx.
Saunders, Edward E., xxx-xx-xxxx.
Savage, Woodrow A., xxx-xx-xxxx.
Schauer, Burt L., xxx-xx-xxxx.
Scheid, Mark E., xxx-xx-xxxx.
Schill, Michael F., xxx-xx-xxxx.
Schleuning, Henry B., xxx-xx-xxxx.
Schlott, John E., xxx-xx-xxxx.
Schmelzle, Michael W., xxx-xx-xxxx.
Schnick, Scott E., xxx-xx-xxxx.
Schuster, Wayne C., xxx-xx-xxxx.
Schwartzman, Richard A., xxx-xx-xxxx.
Schwartz, Charles R., Jr., xxx-xx-xxxx.
Scrocco, Raymond K., xxx-xx-xxxx.
Senterfitt, Danny E., xxx-xx-xxxx.
Sewell, Mark E., xxx-xx-xxxx.
Shaha, Steven H., xxx-xx-xxxx.
Shanahan, Timothy J., xxx-xx-xxxx.
Shapiro, Barry M., xxx-xx-xxxx.
Sharp, Richard E., xxx-xx-xxxx.
Shaw, Wade H., Jr., xxx-xx-xxxx.
Sherar, Craig Z., xxx-xx-xxxx.
Sheridan, Cedric N., xxx-xx-xxxx.
Sheridan, Michael J., xxx-xx-xxxx.
Short, William A., xxx-xx-xxxx.
Shropshire, John W., Jr., xxx-xx-xxxx.
Siefert, Sally D., xxx-xx-xxxx.
Sigtenhorst, Karel H., xxx-xx-xxxx.
Silkowski, Peter A., xxx-xx-xxxx.
Simmons, James L., Jr., xxx-xx-xxxx.
Sipe, Michael K., xxx-xx-xxxx.
Sippo, William C., xxx-xx-xxxx.
Sittnick Stephen M., xxx-xx-xxxx.
Sittnick, Thomas E., xxx-xx-xxxx.
Smith, Charles F., xxx-xx-xxxx.
Smith, Darrell J., xxx-xx-xxxx.
Smith, Don H., xxx-xx-xxxx.
Smith, Ennett E., Jr., xxx-xx-xxxx.
Smith, Kevin M., xxx-xx-xxxx.
Smith, Larry D., xxx-xx-xxxx.
Smith, Marian F., xxx-xx-xxxx.
Smith, Milton T., xxx-xx-xxxx.
Smith, Ronald, xxx-xx-xxxx.
Smith, Ronald L., xxx-xx-xxxx.
Solomon, Alonza, xxx-xx-xxxx.
Solyntjes, Craig P., xxx-xx-xxxx.
South, John H., xxx-xx-xxxx.
Squitier, Judd E., xxx-xx-xxxx.
Stall, Robert P., xxx-xx-xxxx.
Stallsmith, Robert A., xxx-xx-xxxx.
Stanley, John L., xxx-xx-xxxx.
Stautz, Thomas R., xxx-xx-xxxx.
Stein, Michael J., xxx-xx-xxxx.
Steinke, James E., xxx-xx-xxxx.
Steinke, James G., xxx-xx-xxxx.
Stewart, Milton A., xxx-xx-xxxx.
Stott, Harold T., Jr., xxx-xx-xxxx.
Strat, Thomas M., xxx-xx-xxxx.
Streett, St. Clair, III, xxx-xx-xxxx.
Stricklen, Stanley M., xxx-xx-xxxx.
Suarez, Larry A., xxx-xx-xxxx.
Sullivan, Jeffery B., xxx-xx-xxxx.
Sullivan, Randall D., xxx-xx-xxxx.
Sutton, William L., Jr., xxx-xx-xxxx.
Sweatman, John C., xxx-xx-xxxx.
Sweeney, Thomas B., xxx-xx-xxxx.
Sweet, William A., xxx-xx-xxxx.
Sydnor, William W., xxx-xx-xxxx.
Sylvester, Vernon W., xxx-xx-xxxx.
Takao, Robert K., xxx-xx-xxxx.
Taliaferro, William R., xxx-xx-xxxx.
Tanaka, Zena T., xxx-xx-xxxx.
Tarantino, Frederick A., xxx-xx-xxxx.
Taylor, Benjamin H., xxx-xx-xxxx.
Templin, Bobby R., xxx-xx-xxxx.
Terry, Dean P., xxx-xx-xxxx.
Thacker, Royce E., xxx-xx-xxxx.
Theede, Kevin L., xxx-xx-xxxx.
Thomas, James R., xxx-xx-xxxx.
Thomas, Terrence N., xxx-xx-xxxx.
Thompson, Michael A., xxx-xx-xxxx.
Tierney, Paul F., Jr., xxx-xx-xxxx.
Tiffany, John R., xxx-xx-xxxx.
Tilton, Eric M., xxx-xx-xxxx.
Toole, Robert W., xxx-xx-xxxx.
Trimble, Michael D., xxx-xx-xxxx.
Troy, Gregory T., xxx-xx-xxxx.
Tucker, James W., xxx-xx-xxxx.
Turner, John S., xxx-xx-xxxx.
Tussing, Gerald H., xxx-xx-xxxx.
Uhland, David L., xxx-xx-xxxx.
Ulrich, Douglas L., xxx-xx-xxxx.
Umphres, Phillip C., xxx-xx-xxxx.
Unangst, John C., xxx-xx-xxxx.
Utzig, Martin T., xxx-xx-xxxx.
Vander Hamm, Dale G., xxx-xx-xxxx.
Vane, Timothy D., xxx-xx-xxxx.
Vangjel, Peter M., xxx-xx-xxxx.
Van Gorden, Wayne J., xxx-xx-xxxx.
Vankoughnett, Callahan B., xxx-xx-xxxx.
Vann, Claude, III, xxx-xx-xxxx.
Vasgaard, Jeffrey L., xxx-xx-xxxx.
Vawter, Rene, xxx-xx-xxxx.

Vinyard, Shannon, xxx-xx-xxxx.
Visco, Denis S., xxx-xx-xxxx.
Voichoski, Mark A., xxx-xx-xxxx.
Voigts, Kevin D., xxx-xx-xxxx.
Von Bergen, Donald, xxx-xx-xxxx.
Wagenseil, Elise M., xxx-xx-xxxx.
Walker, David L., xxx-xx-xxxx.
Walker, Gary S., xxx-xx-xxxx.
Walker, Irvin D., xxx-xx-xxxx.
Walker, James E., xxx-xx-xxxx.
Wallace, Gary R., xxx-xx-xxxx.
Walsh, Edward W., xxx-xx-xxxx.
Walsh, Michael L., xxx-xx-xxxx.
Walsh, Patrick B., xxx-xx-xxxx.
Walters, Donald E., xxx-xx-xxxx.
Ward, Anthony W., xxx-xx-xxxx.
Watson, Debra D., xxx-xx-xxxx.
Webb, Carl R., Jr., xxx-xx-xxxx.
Webster, Noel R., xxx-xx-xxxx.
Welch, Ronald B., xxx-xx-xxxx.
Wheatley, John B., xxx-xx-xxxx.
Whitehurst, Anthony E., xxx-xx-xxxx.
Whitlock, Warren L., xxx-xx-xxxx.
Wiedenbeck, Alan C., xxx-xx-xxxx.
Willey, Monty E., xxx-xx-xxxx.
Williams, Donald M., Jr., xxx-xx-xxxx.
Williams, Dwight S., xxx-xx-xxxx.
Williams, Grayling O., xxx-xx-xxxx.
Williams, Lester R., Jr., xxx-xx-xxxx.
Williams, Michael W., xxx-xx-xxxx.
Williams, Thomas C., xxx-xx-xxxx.
Williamson, Michael E., xxx-xx-xxxx.
Williard, William C., xxx-xx-xxxx.
Willis, Kevin D., xxx-xx-xxxx.
Willis, Robert G., Jr., xxx-xx-xxxx.
Wilson, John G., xxx-xx-xxxx.
Wilson, Larry K., xxx-xx-xxxx.
Wilson, Michael J., xxx-xx-xxxx.
Wilson, Michael L., xxx-xx-xxxx.
Wilson, Paul W., xxx-xx-xxxx.
Wilson, Walter Jr., xxx-xx-xxxx.
Wineman, Joseph A., xxx-xx-xxxx.
Wise, Mark R., xxx-xx-xxxx.
Witter, Laura A., xxx-xx-xxxx.
Wojciechowski, Paul E., xxx-xx-xxxx.
Womack, Willie T., xxx-xx-xxxx.
Womble, Edward F., xxx-xx-xxxx.
Woods, James J., xxx-xx-xxxx.
Woolridge, Walter B., xxx-xx-xxxx.
Woolman, Bruce A., xxx-xx-xxxx.
Worthington, Roger C., xxx-xx-xxxx.
Wright, Richard E., xxx-xx-xxxx.
Wright, Steven M., xxx-xx-xxxx.
Wright, Thomas C., xxx-xx-xxxx.
Yeakley, Kay A., xxx-xx-xxxx.
Yeater, Robert G., Jr., xxx-xx-xxxx.
Yenchko, Michael A., xxx-xx-xxxx.
Young, John S., III, xxx-xx-xxxx.
Young, Raymond S., xxx-xx-xxxx.
Youngs, Raymond R., xxx-xx-xxxx.
Zak, Gary R., xxx-xx-xxxx.
Zellmer, John G., xxx-xx-xxxx.
Zerishnek, David C. A., xxx-xx-xxxx.
Zib, Louis J., Jr., xxx-xx-xxxx.
Zohner, Jeffrey R., xxx-xx-xxxx.
Zona, Donald S., xxx-xx-xxxx.

IN THE NAVY

The following-named lieutenants (junior grade) of the U.S. Navy for temporary promotion to the grade of lieutenant in the line, pursuant to title 10, United States Code, section 5769, subject to qualification therefor as provided by law:

Aaron, Rex T.
Abshier, Roy, III*
Ackerbauer, Kris T.*
Ackerman, John W.
Adams, Charles N., III *
Adams, Edward B., Jr.
Adams, James P., Jr.
Adams, Ray E.
Adams, Robert S., Jr.
Addison, Stoy W.*
Adkins, Charles C., Jr.
Aegerter, William A.
Ahearn, James V., Jr.*
Ahern, Alfred L.
Ahlberg, Steven J.*
Ainslie, Robert R.
Akers, James L.
Akins, Joseph L.*
Aldrich, David O.
Alexander, Bruce E.
Alexander, John L.
Allard, Gary D.
Allen, Gary L.
Allen, John B.
Allen, Paul S.
Allen, Robert C.*
Alley, James R.*
Allison, Christopher D.
Alsbrooks, Ronald L.
Amirault, Richard B.
Ammann, Clement J., Jr.
Andersen, Lorin E.
Andersen, Richard E.
Anderson, Curtis J.
Anderson, Darl R.
Anderson, Eric B.*
Anderson, Harry R., III
Anderson, Michael T.
Anderson, Ronald D.*
Anderson, William H., Jr.
Anderson, William J.
Andrus, James R.*
Andrus, Ronald P.
Apodaca, Paul J.
Appleby, Charles A., Jr.
Architzel, David
Ariniello, Gary T.
Armentrout, Olin M.
Arnold, Charles D.
Arnold, Judson V.
Arrants, Charels S.
Artley, Fred C.
Ashmore, John R.
Atchison, Laurence J. H.
Attebury, Ervel E.
Aube, Leonard C.
Aupperle, Michael L.*
Auskaps, Andrejs J.
Austin, Johnathan R., III
Averill, Robert C.*
Averyt, Bryant W.
Ayres, James B., Jr.
Azbill, Chris M.
Backman, Bruce M.
Bacon, Sammy C.
Bagby, Glenn M.
Bailes, Michael S.
Bailey, Robert C., Jr.*
Bair, Richard C.
Baldwin, John B.
Bales, James L.
Ball, William R., Jr.
Ballard, James C., III
Bandhauer, William K.
Banek, Edward A., Jr.*
Bangs, George H.*
Bankester, Michael L.
Barber, Arthur H., III
Barber, Richard D.
Barbor, Kenneth E.*
Barger, David L.
Barnes, Harry C., Jr.*
Barnes, Robert C.
Barnes, Timothy J.
Barnett, Douglas J.
Barnett, Eben E., II
Barnhart, Randall G.
Barrentine, Melvin W.
Barrow, John T., III*
Barthold, Lee G., III*
Bartlett, Ralph C., Jr.*
Bartron, Robert P.
Bartron, William D.
Bassett, Charles W., III
Batog, John S.
Bauder, John T.
Bauer, Garrick W. R.*
Baugh, Dennis C.*
Bauman, William J.
Bayer, Karl G.*
Beach, Edwin F.
Beal, Stephen D.
Beane, William L., Jr.
Beard, Roland K., III
Beasley, Ronald L.
Bechtold, Donald W., II
Beck, Neil S.
Beckman, Robert J., Jr.
Becktel, Samuel E., III
Bedker, John L., II
Behre, Christopher P.*
Behrent, Michael R.
Belden, Bruce E.
Belote, Richard H.
Beltz, James D.
Bender, Michael R.
Benjamin, John F.
Benkert, Joseph A.
Bennett, Vaughn P.
Bensur, Robert W.
Bentley, Alan C.*
Bepristis, Donald J.*
Beres, William J.
Bergazzi, Wesley A.
Bergin, Edward H.
Bergner, Brooks B.
Berlo, Andrew J., Jr.
Bernardy, Jerel D.
Bernasconi, Stephen J.
Bernitt, Thomas R.
Berry, George H.*
Berry, Reginald L.
Bertin, Michael S.
Besancon, Michael D.
Beukema, Paul *
Bianchi, Albert P., Jr.
Bianco, Charles E.
Biegler, Loren W.
Biehler, Norman S.
Bishop, Stephen C.*
Bittman, William C.
Black, George M.
Black, William J.
Blackwood, Hugo G.
Blaine, James J.
Blake, David F.
Blake, John H. D., Jr.*
Blake, William R., Jr.
Blanchard, Tyrone R.
Blanton, Gerald B.
Blaser, Daniel F.
Blocher, Ayers H., III
Block, Newell F.
Blough, Allen R.
Bocim, Richard T.
Bodenheimer, Edward C., Jr.
Bodie, Steven F.
Bodine, Daniel L.
Boeckmann, Raymond J.
Boito John A.
Boland, James F., Jr.
Bondy, William D.*
Bonewald, Jack D.*
Bonvouloir, Raoul, Jr.
Book, Roy L.
Boone, William T.*
Borner, Wesley F.
Boryla, Ronald *
Bossio, Frank T.
Boswell, Daniel M.*
Boughton, Bruce E.*
Bowley, Robert F., Jr.*
Bowman, Ronald E.
Boycourt, Ivon G., Jr.
Boyd, Jon T.
Boyington, John E., Jr.
Bradshaw, Richard N.
Brady, Patrick N.
Brandon, Earl L.
Brannan, Tandy T., II
Branson, Edward S.
Branson, Jack R.
Brasco, Frederick J.
Brasfield, Randolph B.
Brathuhn, Robert E., Jr.
Bray, Charles B., Jr.*
Bray, James D.
Brayman, Thomas E.
Breitenbach, Karl W.*
Brendmoen, Jack V.
Brengel, Dexter T.
Brennock, Daniel J.
Breslin, Joseph J., III
Bret, Robert E.
Brewer, Michael H.
Bridge, Burton E., III
Bridges, James D.
Bridges, Robert T.
Briley, Earl D.
Brill, Edward T.
Brill, James L.
Brimson, Richard T.
Britt, Reginald H.
Brittingham, Robert P
Broadus, Jimmy W.
Brodengeyer, James R.*
Broderick, Thomas E.
Bromaghim, Ward M.
Brosh, Lawrence D.
Brower, Michael R.
Brown, Carroll T.
Brown, Carradean L.*
Brown, David A.
Brown, Dean R.
Brown, Frank H.*
Brown, Gary W.
Brown, James B., Jr.
Brown, John D.
Brown, Karl S., Jr.
Brown, Larry W.*
Brown, Martin R., Jr.
Brown, Rex
Brown, Richard M.
Brown, Stuart V.
Brunk, James F.
Bryson, Ronald L.*
Buchanan, James L.
Buchanan, Michael R.
Buck, Bruce E.
Buck, Larry W.
Buckley, Bruce W.
Buckley, Ronald R.
Bueker, Charles D.
Bullard, Bobby J.
Bullard, Donald K.
Bunevitch, Gary J.
Bunn, Dennis M.*
Bunn, Warren L.
Burbridge, William L.
Burdett, Arthur C., III
Burdett, James R.
Burdett, Peter S.*
Burgamy, Kirk S.
Burke, Michael T.
Brigman, William M.
Burkhart, Roger L.
Burkholder, John
Burnes, Robert M.
Burnett, Joseph L.*
Burnett, Michael J.*
Burnette, David P.
Burns, Thomas N.
Burris, William A.
Burt, Raymond P., III
Busch, Daniel E.
Bush, Jack D.
Bushong, John W.*
Butler, Alley C.
Butler, William T., Jr.
Butt, Duncan M.
Buttermore, John R.
Buzzell, Ralph C.
Bybel, Theodore, III
Byrne, Michael F.
Byrnes, John L.
Cabelka, Timmy D.
Caccamo, David P.
Caesar, Frederick W., III
Calabrese, Geoffrey J.
Calhoun, Brian M.*
Caliman, Kerry H.
Calise, Kenneth J.
Call, Richard W.*
Callahan, Alexander J., Jr.
Callahan, John K.
Calviero, Leon P.
Campbell, James A.
Campbell, William A.
Campbell, William L.
Canada, Richard O.
Cannell, Katsumi O.*
Cannon, Miles J., Jr.
Cano, Jose R.
Cantwell, Richard W., III
Capello, Leonard W.*
Carawon, Bruce C.
Carello, Larry D.
Carino, Freddie F.
Carlile, Gary L.
Carlone, Rodney A.
Carlson, Dale R.*
Carlson, Gary S.
Carlson, Raymond H.
Carota, Leonard N., Jr.
Carothers, William J.
Carpenter, John H.
Carpenter, Jonathan V.
Carr, Jack E.*
Carr, Wayne C.*
Carrigan, Michael A.
Carroll, Richard J., Jr.
Carson, Michael H.
Carstens, Paul D.
Carter, Earl F., Jr.
Carter, James R.
Carter, Thomas B., Jr.
Caruso, Ralph Jr.*
Casalegno, Lorenzo P.
Casella, Leonard R.
Casey, Robert A., II
Cashell, George S.
Casper "J" Kip
Cassada, William P.
Cassidy, Patrick T.
Castan, William C., Jr.
Castaneda, Ruben Jr.*
Castleman, Bruce A.
Castro, Kim.
Causey, Lewis A.
Cavallo, Mark B.
Chaffee, Alfred E.
Chaffin, "J" Ross.
Chamberlain, Guy C., III.
Champion, Edward L., Jr.
Chanik, Evan M., Jr.
Chapman, James H., Jr.
Chapman, John L.
Chapski, Stanley R., Jr.
Charles, James L.
Chase, Bruce L.
Chastain, Benjamin L.
Cheezum, Steven B.
Chell, Raymond N., Jr.
Cheney, Charles E.*
Cheney, Robert A.
Cherry, Dewaine R.
Cherry, Stephen W.
Chesser, Steven B.
Chiaverotti, Gary R.
Chisholm, Peter C.*
Christensen, Robert K.
Christiansen, Frank M., Jr.
Christman, Patrick L.
Church, Robert L.*
Ciarula, Thomas A.*
Cirone, Robert.
Clair, William C.
Clapper, Mark F.
Clarey, Robert J.
Clark, Arthur E.*
Clark, Jeffrey A.*

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Clark, Robert M.*
Clarke, Richard B.
Clarkson, Danny L.
Clary, Michael D.*
Clay, Michael B.
Clayburn, Michael W.
Clements, David L.
Cleveland, Carl L.
Clifford, Dennis E.
Cochran, Samuel S.
Cochrane, Michael J.*
Cockrell, Kenneth D.*
Coffeen, Robert C.
Coghill, Cortlandt C., III
Colburn, Timothy G.
Cole, Lonnie W.
Coleman, Frank S., Jr.
Colenda, Robert D.
Colflesh, John A.
Collins, Douglas L.
Collins, James V.
Collins, Stephen C.
Collins, Thomas J., III
Colman, Hubert E.
Colton, Arthur H.*
Columbia, Richard M.*
Comfort, Terrence J.
Compitello, Thomas C.
Conahan, Francis C.
Conant, Michael J.
Conatser, Douglas H.
Conn, Robert H., Jr.
Connell, Guy L.
Connell, James L.
Connor, John H., Jr.
Conroy, John W.
Conway, Robert T., Jr.*
Cook, James D.
Cook, Larry E.
Cook, Norman R., III
Cooke, Wilbur O., Jr.*
Coombs, Barry L.
Cooper, Charles G., III
Cooper, Charles W.
Cooper, Michael R.
Copeland, William T.
Cordes, Bruce A.
Corkum, Kenneth E.*
Cornell, David W.
Corse, William R.
Corteville, Douglas F.
Cory, John A.
Cosden, Christopher E.
Cosgrove, Ronald P.*
Coshow, Douglas E.*
Coste, Peter F.*
Costello, Barry M.
Cotter, Edward F., Jr.
Cotton, John G.
Couch, Daniel P.
Coulter, Daley T.*
Covert, Harold D.
Covey, Dana C.
Cox, Paul S.*
Cox, Richard L.
Cox, Stephen T.*
Crabtree, Charles S.
Crabtree, Richard E.
Craig, Peter A.
Cramer, Ryan C.
Crandall, George P., III
Crane, Larry W.
Crane, Norman H.*
Crawford, George F.
Crawford, John M.
Crews, Jeffrey W.
Crouch, Michael S.
Crowell, Philip H., III
Crowley, Edwin V.
Crum, Stephen M.
Crumbie, George J., Jr.
Cumings, Kenneth W., Jr.
Cummings, Jeffrey W.
Cummings, Robert B.*
Curreri, Michael P.
Currey, Gary A.
Currier, Thomas D.
Cutter, Duane S.*
Dacey, Leo F.
Dahmen, David A.*
Dailey, John C.
Dailey, John L., Jr.
Dalby, John F.*
Daling, Michael E.
Dampier, Kenneth D.*
Daniel, Addison G., III
Darch, Douglas A., Jr.
Daugherty, Terry L.*
Davenport, Robert B. J.
Davidson, Bruce R.
Davis, James C., III
Davis, John M.*
Davis, John R.
Davis, Lavern A.
Davis, Levi
Davis, Mark C.
Davis, William H.
Dawson, David L.
Dawson, Philip M.
Day, James C.
Deafenbaugh, Martin K.
Dean, Kenneth E.
Dean, Robert M.*
Dean, Steven M.
Dean, Steve R.
Decker, Loren E., Jr.
Decker, Wilson B.
Degeorge, Thomas J.
Delaney, Peter J.
Delaney, Richard F.
Delauder, Roy A., Jr.*
Deleon, Victor M.
Delorez, John R.
Demanss, Michael C.
Demasi, Francis D.*
Demo, Willard J., Jr.
Demory, Dean G.
Dempsey, John C., Jr.
Dempsey, Wayne R.
Denam, Harvey E.
Denari, Mark E.
Denham, Stanley A.*
Dennis, Michael F.
Denny, Patrick L.
Dentico, John P.*
Denzer, Daniel C.
Depeder, Andrew A.
Deprez, Gregory R.
Desalvo, Douglas A.
Destafney, James J., Jr
Deulley, Gary W.
Deveer, Stephen A.
Devilbiss, Stephen B.
Devlin, James L.
Dewald, Ted E.*
Deweese, Joe D.
Deyoung, Gary W.*
Dibenedetto, Leo F.*
Dick, John L.*
Dick, Richard L.
Dickie, John A.
Diener, Randall A.*
Dietz, Clyde P.
Dillon, Andrew J.*
Dineen, Patrick D.
Dirkes, Ernest A.*
Ditzler, Donald F., II
Dlugos, Lawrence E.
Dobson, Douglas S.
Dodge, David O.
Doerflein, Lawrence T.
Doerr, Michael R.
Doherty, William G.
Dohse, James T.
Dole, Stephen M.
Domboski, Kenneth F.
Donahue, Conrad J., Jr.
Donaldson, Chase F.*
Donohue, Timothy M.
Dorsett, Charles E.*
Dorso, John M.
Doswell, Joseph W., Jr.
Doty, Arthur G.
Dougherty, William F.
Dougherty, Michael J.
Douglas, Barry C.*
Dowling, Stephen J.*
Downing, Mark S.
Doyel, Roger T.*
Doyle, Merrill C.
Drake, Patrick R.
Drake, Stephen L.*
Drane, Robert L.
Draper, Dennis C.
Driscoll, Raymond M. Jr.*
Driver, John J.
Dubrouillet, Michael
Duchesneau, Francois A.*
Duddy, Daniel F.*
Duggan, Michael J.*
Dull, Timothy J.*
Dunaway, William M.
Duncan, Richard E. III.
Dunn, William H.
Duran, Luis M.
Durling, Paul B.*
Durst, Calvin L.
Dutton, Michael L.*
Dwyer, Dennis M.
Eager, John B.
Eakin, David M.*
Eckert, Gary L.
Eddy, William A., Jr.*
Edelstein, Gunnar A.
Edmunds, Charles A.
Edvardsen, John J.
Edwards, Bruce J.
Edwards, Michael S.
Egeberg, Gerald W.
Eggleston, James M.
Einsidler, Barry D.*
Eisaman, John E., Jr.
Eisenhart, Kenneth C.*
Elam, Harry B.*
Elger, Elroy B.
Elliott, James C.*
Elliott, Kenneth Mc. Jr.
Elliott, William E., Jr.
Ellis, Timothy P.
Ellison, Michael S.
Elston, Gilbert E.
Emerson, Lucian F., Jr.
Emerson, Ralph W., Jr.*
Empeno, Francis A.
Enewold, Steven L.*
Engelhaupt, Thomas A.
Engler, Royce A.
Enos, Russell W., Jr.
Enright, Thomas F.
Enwright, Leo F., Jr.
Epley, Lawrence E.
Erickson, David P.*
Erman, Reginald J., Jr.
Ertel, Philip L.
Espinosa, William M.*
Espitia, Marcus L.
Essel, Wayne E.
Essery, James E.
Esson, Shannon W.
Estep, Alfred J.
Esterlund, Richard C.
Estes, William L.
Etro, James F.
Eurek, Allan J.
Eutermoser, Jeffrey L.*
Evans, Frederick W.
Evans, James M.
Evans, John J.
Evans, Larry J.
Evans, Monty J.
Evans, William L.
Evans, William G.
Everett, Hobart R., Jr.
Eves, Howard D.
Evjen, Bruce P.
Ewing, James L. IV
Fabricius, William A.*
Fahey, James T.*
Fahlberg, Frederick D.
Faison, Claiborne A., Jr.
Farley, Bruce K.
Farmer, Gary L.
Farmer, Kip M.
Farmer, Linwood E., Jr.*
Farrell, Rodney G.
Faulk, James R.*
Faust, Homer L., Jr.
Faust, John L.*
Faust, William A.
Fedison, Dennis P.
Fee, John F.*
Feeks, Thomas M.
Feeney, William J.
Fehlauer, Donald G.
Felshaw, Richard F.
Feltz, Gerard C.
Fenci, David A.
Fenlon, Robert M.
Fennelly, David M.*
Fenner, James H.
Fenton, William C., Jr.
Ferguson, James H., Jr.
Ferguson, Jerry F.*
Ferguson, Michael A.
Fericks, John A.
Ferlic, Kenneth P.
Ferraro, John R.
Ferrell, Curtis L. III
Fichtner, David P.*
Fields, Joseph H. III
Fife, Richard W.
Fike, Delmas G.
Finegan, Barton S.
Fink, James O.
Fischer, Jay P.
Fisher, Alan D.*
Fisher, Edward K.
Fisher, John L. Jr.*
Fisher, Rand H.
Fisher, Richard J.*
Fisher, Robert C.
Fisher, Rory H.
Fishman, Robert E.
Fitzgerald Paul V., III
Flamboe, Edward E.
Flamm, Raymond M., Jr.*
Fleming, John L.
Flenniken, Robert J.
Floberg, John W.
Flor, Gary J.*
Florida, Frank E.
Fluck, John D.
Flynn, Edward C.
Flynn, Robert H.*
Fogarty, William P.
Fogg, John E.
Fone, Raymond B.
Fong, Van Y.*
Fontaine, Gregory N.
Ford, Robert D.
Ford, Terrance J.
Ford, Thom W.*
Forde, Jack D., Jr.
Forgy, James M.
Forrest, Benjamin F., Jr.*
Fortier, Charles H.
Fortson, Frank S., III
Foskett, Arthur K.
Foster, Larry A.*
Foster, Robert L.*
Foster, William K.*
Fournier, Stephen P.*
Foursha, Sammy L.*
Fox, Martin
Fox, Tally B.
Frabotta, Frank J.
Frailing, Richard W.
France, Howard J.
Francisco, Roger B.
Franken, Daniel J.*
Franklin, James C.*
Franze, Charles R.*
Frasch, Lewis G.*
Frederick, Roger H.
Free, James R., Jr.
Freegard, Sidney B., Jr.
Freeman, James K.*
French, Gerald S.
Friestedt, Jonathan D.
Fritsch, David G.*
Froman, James C.*
Fry, Norman J.
Fulcher, David O.
Fulcher, Michael I.*
Fulton, Raymond N., Jr.
Funke, William H.
Furlong, Daniel M.*
Fursman, James M.
Furst, David E.
Gaa, Patrick J.
Gabrynowicz, Mark P.
Gage, Michael J.
Gahnstrom, William E.
Gajan, Raymond J., Jr.
Galecki, Richard M.
Galen, Howard E., Jr.
Gallagher, Thomas P., III
Galligan, Robert M.
Gangewere, Robert R., Jr.
Gantt, Douglas A.
Garban, James R.
Garbarini, Craig B.*
Garfrerick, David P.
Garrett, Patrick M.*
Garrison, James E.
Garvey, Richard S.
Garvey, William G.
Gathercole, Kenneth P.
Gato, David T.*
Gaylor, Steven C.
Gebbia, Frank, Jr.*
Gerken, William J.
Gerlt, Danny H.
German, William E.
Gersh, John R.
Geschke, Mark J.
Gesell, Ernest E., III
Getzfred, Lawrence D.*
Gibbs, Ronald M.*
Gibson, John B.
Gibson, Robert J.
Gibson, William L.*
Giessing, George C., III
Gift, Paul R.
Gilbert, James V.
Gillespie, Dennis M.
Gilbert, Melvin L.
Gissendanner, James T., Jr.
Glaser, Thomas L.*
Glasnapp, Randy E.
Glass, Charles R.
Glidden, Eric S.
Glover, Grey A.*
Godwin, Jackie E.
Golay, Mark A.
Goldberg, Marc D.
Goldenstein, John P.
Goldsmith, Ludwig M.
Goldstein, Jonathan L.
Goode, Randall L.
Gooden, Charles M.*
Gooding, Brent B.*
Goodrich, John R., II
Gordon, James W.
Goreham, Leonard A.*
Gorman, John P.
Gorman, Thomas F., Jr.
Gormly, Richard B.
Gottschalk, John L.
Goudge, Derek A.
Gouge, Michael J.
Goulding, William A.
Graber, Dale B.
Grabulis, Dennis D.
Grady, Quentin R.
Graham, Bret
Graham, John M.
Granlund, Richard
Grant, Jeffery W.
Granzow, Robert H., Jr.
Grassi, Thomas A.
Gravell, William
Gravely, Robert O.*
Graves, Michael M.
Greanias, George H.
Greene, Gary L.
Greene, Ronald M.
Greenen, William R.*
Greeno, James T.
Greer, Arthur W.
Gregoire, Barry L.*
Gregoire, Normand L.
Gregor, John B.
Greve, Kenneth R.
Griffin, Douglas B.
Griffin, Richard A., Jr.
Griffith, David N., Jr.
Griffiths, Geoffrey M.
Griffiths, Gary A.*
Grigsby, Andrew E., Jr
Gripp, Jan W.*
Griswold, David W.*
Groenert, Frederick E. Jr.*
Grosel, Joseph J.
Grover, Craig A.
Groves, Gary O.*
Gruber, James P.
Gschwend, David A.
Guarino, Frank J., Jr.
Gulbrandson, Charles R.
Gullion, Joseph M.*
Gunderson, Edward C.
Gut, Raymond J.
Guzauskis, Steven A.*
Gyolai, James J.*
Hacunda, Michael R.
Hafer, Donald L.*
Hafer, Larry E.
Haggart, James A.
Hagge, Stephen C.
Haines, James W.
Hains, John P.
Hakin, Dennis K.*
Hale, Dennis G.
Hale, Roy G.
Haley, Robert M.
Hall, James C.
Hall, John R.*
Hall, Ralph M.*
Hall, Randal R.
Hall, Raymond T.
Hall, William R.*
Hallam, Stephen C.
Hamlin, James S., Jr.
Hamm, Richard R.
Hammontree, James D.
Hampson, Gary W.
Hamrick, James D.
Hance, Carl E.
Hand, Rexford D.
Handforth, Dwight W.
Haney, Scott C.
Hanley, Claude R.
Hanley, Daniel W.
Hannan, William J.*
Hansen, Allen R.
Hansen, Mark A.
Hansen, Steven P.
Hanson, Clark R.
Harding, Ross M.

* Ad interim.

Harding, Stuart R.
Hardy David M.*
Harger, Tommy C.*
Hargus, Bruce C.
Harkins, Steve R.
Harrell, John B., III
Harris, Jeffrey B.
Harris, Jerry M.
Harris, Michael J.
Harris, Michael M.
Harris, Raymond M., Jr.*
Harris, Ronald E.
Harris, Russell E.
Harrison, James J.
Harrison, Jeffrey A.*
Harrison, Marc A.
Hart, Charles R.*
Hart, Robert S.
Harten, Thomas W.
Hartling, Robert M.
Harvey, John C., Jr.
Hathaway, Carmrid G., III*
Hatton, Peter L.
Hawkins, Jeffrey A.*
Hayes, David L.
Hearty, Frederick R.*
Heck, Michael C.
Heckel, Fredrick R.
Heckrodt, Gregory L.*
Hedderich, Conrad P.
Heggeseth, Eric M.*
Heimann, Frederick E., Jr.
Heimbach, Daniel R.*
Heimgartner, Kenneth F.*
Heinrich, Richard D.
Helbling, Gary S.
Heller, Richard B.
Helling, David W.
Helm, Theodore R.
Helmer, Dale P.
Helmick, Gary L.
Hemberger, Jay M., Jr.
Hemer, Glenn A.*
Hempenius, Howard J.
Henderson, Craig B.
Henderson, Michael D.
Hendrickson, Paul B.
Hendrickson, Scott L.
Henry, Douglas G.
Henry, James P.
Henry, Michael D.
Herbert, George A., Jr.
Herlin, Peter D.
Herman, Richard J.
Herpin, William B., Jr.
Herr, David L.
Herret, Thomas R.*
Herring, Bryan L.*
Herring, Jeff F.*
Herring, Raymond B.
Hertel, "J" Douglas
Hess, Lawrence E.
Hess, Randall J.
Hess, William C.
Hessdoerfer, Ronald C.*
Hester, Samuel G.
Heuchling, Robert K.
Hicks, Gregory P.
Hieronymus, Dennis J.*
Higgins, Kevin D.
Higgins, Lloyd D., Jr.
Hilfer, Roger T.*
Hill, James A.*
Hill, Thomas G.
Hillenmayer, James D.
Hines, John R., Jr.*
Hinson, Steven R.
Hinton, Herbert R.
Hinton, Robert M.*
Hlavka, Stanford H.
Hobbie, Richard J.
Hobbs, Dennis A.*
Hobby, Gray D.*
Hodgins, Bart D.
Hoesly, Michael L.
Hoffman, David R.*
Hoffman, Louis A., Jr.
Hoffman, Robert B., Jr.
Hoffman, William E.*
Hoffmann, Philip P.
Hogue, Charles W.
Hogue, Harry T.*
Holder, Thomas V.
Holgate, Stephen M.
Holk, George B.
Holland, Joe G.*
Hollis, Stephen J.*
Holloway, James C.
Holly, Nelson C.
Holmes, John D.
Holmes, Kenneth R.
Holmes, Robert C., Jr.
Holmes, Robert C.
Holmquist, Derek E.
Holt, Thomas H.
Honer, John G.
Honey, Ronald D.*
Hood, James L.
Hoover, Daniel L.
Hoover, Richard M.
Hopkins, Donald D.
Hopkins, James P. IV
Hopkins, Michael R.
Hopkins, Raymond J., Jr.
Horner, John S.*
Horstmeyer, Robert J.*
Horton, Steven W.
Horvath, David A.*
Hosner, John F.
Hotchkiss, Stephen C.
Houck, Kim C.
Houge, Gary D.
Howard, Carl P.
Howard, John J.
Howard, John L.
Hoyle, Charles D.
Hubbard, Robert L.
Huber, Gregory A.
Huckfeldt, Larry W.
Hudspeth, John M.
Huegerich, Thomas P.
Hughes, David J.
Hughes, Gary J.*
Hughes, Jeffrey A.
Hughes, Louis A.
Hulse, Reynold N.
Humes, Ellsworth D., Jr.
Humphrey, Richard A.*
Hungerford, David L.*
Hunter, Stuart M. III
Hurst, Ernest W.
Huston, Roger W.
Hutchison, Jeffrey A.*
Hynson, Johnnie R.*
Iannetta, John M.
Iden, Douglas C.*
Iiams, Jeffrey A.
Indest, George F., III
Indorf, John W., Jr.*
Ingram, Alfred L. V.
Ingram, Darryl W.
Ingram, Steven R.
Ireland, John A., Jr.
Irlam, Ross E.*
Israel, John E.*
Ivary, Kenneth R.
Jack, Gary M.
Jackson, Frank D.
Jackson, James G.
Jackson, James M.
Jacobsen, Kenneth A.
Jacobson, Jim H.*
James, Robert O.
Janisch, John A.*
Janke, Mark C.*
Janora, Thomas E.
Jansen, Steven C.
Japuntich, John C.
Jarrell, Richard P.
Jennrich, Edward A.
Jerome, Reed W
Jewett, John R.*
Jobe, William D.
Johnson, Charles S.*
Johnson, Dennis G.*
Johnson, Douglas A.
Johnson, Eric Y.*
Johnson, James M.
Johnson, Jacob L., Jr.
Johnson, Jeffrey M.
Johnson, John E., Jr.
Johnson, John L.*
Johnson, Kenneth A.
Johnson, Kenneth R.*
Johnson, Lant A.
Johnson, Lester
Johnson, Nicholas R.*
Johnson, Patrick H.
Johnson, Robert S.
Johnson, Timothy L.
Johnson, Walter R., Jr.
Johnston, John Jr.*
Johnston, William R.*
Jones, Douglas E.
Jones, Howard L.
Jones, Larry E.*
Jones, Larry N.*
Jones, Mack A.
Jones, Maxwell L.
Jones, Norman R.
Jones, Robert P.
Jones, Thomas E.
Jones, William B.*
Jordan, James T.*
Judd, Michael R.
Julian, James S.*
Justet, Patrick K.
Kalafat, Max E.
Kale, Joseph C.
Kane, James C.
Kane, Michael J.
Kannapell, Joseph H.
Karas, John G.*
Karoscik, Steven M.*
Kaufman, David L.
Kaufman, Gregory D.
Kautt, Glenn G.
Kearney, Thomas E.
Kearsley, Harold J.
Keele, James D.
Keen, Michael P.
Keenan, John A.*
Keener, Bruce, IV
Keho, Jeffrey D.
Keifer, Orion P.
Keil, Charles L.
Keil, Robin F.*
Kellar, Gerald R.
Keller, Stephen H.
Kelley, Kevin J.
Kelley, Michael D.
Kelley, William D.
Kellogg, Steven C.
Kelly, Barry L.
Kelley, Herbert C., Jr.
Kelly, James D.
Kelly, John M.
Kelly, Thomas B.
Kemp, Alfred D., Jr.
Kemp, William J.
Kennard, Wayne M.
Kennedy, James W.
Kennedy, John F.
Kennedy, Steven R.
Kenny, John M.
Kent, Frank T., III
Kenyon, Robert J.
Keogh, Ronald J.
Kerekes, William A.
Kerns, Harold E., Jr.
Key, William T.*
Kiehl, Thomas H.
Kiel, Ronald A.
Kiernan, Thomas J.
Kilcline, Thomas J., Jr.
Kiley, Mark C.
Kilgore, Brian J.
Killoren, Kevin M.
Killough, Robert C.*
King, James R.
King, Kim A.
King, Larry A.
King, Martin R.
King, Robert D.
Kinker, Lawrence E.
Kirkland, John A.
Kirkland, Robert J., III
Kirkpatrick, William R.
Kirwan, John R., Jr.
Kiss, Edward P.
Kissell, William C.
Kitchen, Robert H.
Kitts, Joseph C.
Klaas, Adrian L.
Klaus, Robert F.
Klein, Gary D.
Klein, Glenn E., Jr.
Klein, Steven A.
Klingman, John F.
Klinger, Charles N.
Klingseis, Francis J.
Klosterman, David J.*
Klotzbach, Frederick J., Jr.
Kluge, Norman G.
Knapp, Frank C., Jr.
Knapp, Glen W.*
Knight, Robert J.
Knoflick, Arthur L.
Knolhoff, Larry E.*
Knotts, Louis H.
Knox, Alvin F.
Knutson, Charles B.
Knutson, Roy E.
Kobayashi, Roydon M.
Koch, Mark R.
Kodzis, Richard F.*
Koenen, Robert D.*
Kohinke, Edward G.*
Kohlenberg, Clarence M.
Kohler, David R.
Kohler, Joseph G.
Kohls, Charles E., III
Kohn, Walter
Kohring, Mark W.
Koorey, Alfred J., Jr.
Korbelik, Oakley A.
Kordis, William S.
Korejwo, Henry A.
Kornegay, Gary D.
Kosakoski, Edward D.
Kovach, George E.
Kowalski, Norman W.
Kraft, Edward S., Jr.*
Krahe, Lawrence R., Jr.*
Krajnik, Joseph S
Kraus, John S.
Krisiak, Joseph A.
Kroeger, Daniel R.
Krygiel, Joseph J.*
Kucik, David W.
Kuehne, Arthur P.
Kuhn, David M.
Kulig, Daniel A.
Kunkle, Steven A.
Kunkle, William B.
Kuntz, Paul S.
Kupfer, Michael J., Jr.
Kurz, William C.
Kwake, William E.*
Kyle, Alan G.
Kyle, Thomas G.
Kysar, Billy D.*
Labberton, Wells K.
Labrecque, Terence P.*
Lacava, Vincent D.
Lacoss, Terry L.
Ladd, Ronald R.
Laedlein, Paul A.
Laffoon, David M.*
Lamar, James C.
Lamm, David R.*
Landers, Gregory P.
Landers, Paul K.
Lane, James A.
Lane, Milton D.
Lang, John J., Jr.
Langston, Marvin J.
Lankford, Williams R.
Lanning, Roger B.
Lannou, Gordon C., Jr.*
Lapan, Donald P.
Lapoint, John T.
Lapointe, Norman G.
Larimer, Stephen W.
Larocque, David J.
Larson, Duane N.*
Larson, Glenn K.
Larson, Larry E.
Lash, James H.
Lassetter, George C., III.
Laughlin, Frank J.
Law, Douglas J.
Lawler, John C.*
Lawler, Webster R., Jr.
Lawson, James W.*
Layne, Claude R.
Leather, David M.
Leatherwood, Mark A.
Lechleitner, Matthew L.
Lecroy, Carl L.
Lee, George T.*
Lee, Thomas J.*
Lee, William E.
Leech, James N.*
Lees, David G.
Lehman, Richard C.
Leland, Douglas A.
Lengel, David L.
Lennon, Michael A.
Leonard, John E., Jr.
Leonard, Thomas L.
Leverage, Thomas G.
Liechty, John D.
Liedtke, William R.
Lien, Jon M.
Lindberg, David E.*
Lindner, Carl M., III
Lindsey, Claude D., III
Linka, Robert A.
Lion, Raymond A., Jr.
Little, David E.
Littleton, Joseph S., III*
Lloyd, Gregory F.*
Loadwick, James W.*
Lobue, James J.*
Lochausen, Vernon C.
Lockwood, John S.*
Loeser, Paul J., III.
Lombard, Peter N.*
Long, Kerry B.
Looloian, James W.*
Lose, Jay D., Sr.*
Louder, James R., III
Loudon, Lawrence L.
Low, Michael D.
Lowe, Harold C.
Lowell, Robert O.
Luby, Robert E., Jr.
Lucas, Bryan D.
Lucas, David W.
Lucas, Nathaniel
Lucy, John C.
Luczak, Michael A.
Lumsden, John C., Jr.*
Lundberg, Dennis L.*
Lundsager, Soren.*
Lundy, Allen F.*
Lunt, Robert T.
Lupidi, Michael J.
Lussier, Christopher B.
Lynch, William A.
Lynskey, Thomas M., Jr.*
Lyons, Melvin C.
Lyons, Patrick M.
Lytton, Lewis B.*
Maahs, Carl E., Jr.*
Mabry, John P.
MacDermid, Robert C.*
MacDonald, Gordon S.
MacHovoe, Robert E.*
MacKenn, John F.
MacKinnon, David R.*
MacLaren, Donald R., Jr.
MacLuskie, John R.*
MacMillan, Charles A.
MacPherson, Steven M.
Maddelein, Douglas, P
Madden, Daniel F.
Madison, Larry G.
Mah, Arthur S.*
Mahaffey, Joseph W.
Mahaley, Joseph S.
Maher, John D.
Main, Kent A.
Major, Gregory A.*
Malarkey, Robert J.
Malay, Jonathan T.
Malich, Thomas C.
Mallow, Larry E.
Malone, William T.
Mangan, Barry P.
Manganaro, William F
Mann, Leslie III
Marcado, David M.
Marcussen, William J.
Mardula, Walter J.
Maresh, David J.
Markiewicz, Thomas R.*
Marquart, Donald G.
Marsh, Willie C.
Marshall, David W.
Marshall, Robert E., Jr.*
Marshall, William J., III.*
Marszalek, Kenneth J.*
Martin, David W.*
Martin, John J., Jr.
Martin, Michael L.
Martin, Thomas O.
Marvin, George R.*
Marzluff, Peter W.
Mashburn, Robert L., Jr.
Maskell Robert E.
Maslowsky, Robert D.
Mason, Stephen W.
Masoner, Karl L.
Masterson, James J.
Matella, Thomas O.
Mathis, Stanley W.*
Matthews, Julian T.
Matyas, Gary M.
May, Gary D.
McAfee, William T.
McAlpin, Larry T.
McCahon, John M.
McCallum, Keith E.*
McCamant, Robert R.*
McCarthy, John F.*
McCaskey, James W.*
McCauslin, Kevin R.*
McClay, Timothy S.
McClellan, Mark S.
McCleskey, Kevin B.
McClurg, James R.
McConchie, Robert W.*
McConnell, Jerry C.
McCord, Raymond S.
McCormick, Stephen A.
McCoy, Charles K.*
McCracken, William M.
McCrory, Ralph C.*
McCulloch, Robert S.
McDaniel, Charles C.*
McDonald, Edward F.

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McGinnis, Kevin M.
McGinty, Louis L.
McHenry, John S.
McIntosh, John A., III
McKay, Michael A.*
McKay, Michael B.
McKearney, Terrance J.
McKeever, Michael S.
McKenney, William J.
McKenzie, Alan B.
McKenzie, Don M.
McKenzie, Thomas H.
McKinney, James B., Jr.
McLane, John T., Jr.
McLeroy, Ronald J.
McMillan, George M., Jr.
McMillan, Gibson E., Jr.*
McMorrow, Horace M. Jr.
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McNatt, Tobin R.
McNeal, Garrel R.
McNeil, Christopher P.
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McRobbie, Michael D.
McVoy, Peter L.
McWey, Russell E.
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Medved, Richard C.
Mee, Richard E.
Meeks, John D.
Meetze, James*
Mehnert, Arthur F.
Meier, David K.*
Meldrum, Duncan H.
Mello, Charles F.*
Mellor, Martin W.*
Menez, Martin C.*
Mergen, William L.
Mericle, David D.
Merrion, Albert S.
Messervy, James L.
Metcalf, Michael B.
Metrick, Bruce R.
Meyer, Ronald F.
Meyer, Thomas L.
Meyer, Thomas L.*
Meyer, Timothy H.
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Michelsen, Jack D.
Michelsen, Mark A.
Midgett, John R.
Midland, Phil L.
Mihalick, Joachim T.
Mikolai, George A.
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Miller, Burt E.
Miller, David A., Jr.*
Miller, Gary W.
Miller, Guy S.
Miller, John R.
Miller, Lewis F., Jr.*
Miller, Michael J.*
Miller, Paul F.*
Miller, Robert B., II
Miller, Robert L., Jr.
Mills, Craig S.
Minahan, Matthew P.
Minnick, Hubert W.
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Mitchell, Jent P., III
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Mitterling, Russell D., Jr.*
Mocini, Vincent P.
Moeller, Arthur D.*
Mollet, Randall J.
Mondelli, Carmen S., Jr.
Moneghan, John E.
Monson, Charles F.*
Monson, Steven D.
Montee, Michael R.*
Montgomery, William M., Jr.
Montrey, Mark A.
Mooney, Daniel P.
Moore, Bruce R.
Moore, Gary E.*
Moore, Harry G.*
Moore, Herman C., Jr.
Moore, Johnnie C., Jr.
Moore, Kenneth L.*
Moore, Paul A., Jr.*
Moore, Terry L.
Moore, William E.
Moranville, Mary S.*
Moreland, David B.
Morgan, James K.
Morgan, James W.
Morgan, John B.
Morganthall, Gerald O., Jr.
Morin, James B., Jr.
Morris, Charles C.
Morris, Erwin C., Jr.
Morrison, Thomas R.*
Morrison, William M.
Morrissette, Thomas W.*
Morrow, James N.*
Morrow, Leslie P.
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Morton, James D., III
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Moss, Curtis
Moss, Scott F.
Mountcastle, David G.
Mow, Warren C.
Mudge, David C.
Mulcahey, Kevin E.
Muldoon, Edward J., Jr.
Mulhall, Daniel G.
Mullaney, Michael J.
Mullarky, John W.
Mullis, William A., Jr.
Mulroy, Terence P.
Mundy, Merlin E., Jr.
Munnes, Charles L.
Munsell, Richard W.*
Murphy, James S.
Murphy, John S.
Murphy, Richard E.*
Murphy, Robert T.*
Murphy, Robert W.
Murray, James P.
Murray, James P.
Murray, Keith E.
Murray, Michael J.
Murray, Michael K.
Muse, Paul R., Jr.
Musgrave, Clyde*
Musmanno, Daniel G.
Mustin, James O.
Myers, Lawrence C., III
Myers, Michael S.
Myers, Philip A.
Myers, Richard C.
Myers, Stephen E.
Myette, Kevin M.*
Nadeau, Thomas R.
Nading, John H.
Naeve, Fred H., Jr.
Najarian, Harold M.*
Nancarrow, Clifford A.
Nardi, Glen E.
Nash, Ronald E.
Nash, Wayne E.
Navin, Charles J.
Neal, Russell A., II
Neboshynsky, Leonid
Neff, Charles C.
Nejfelt, Gregory M.
Nelson, David E.*
Nelson, David J.*
Nelson, Edward J.
Nelson, Hugh D.
Nelson, James A.
Nelson, Patrick A.
Nelson, Richard W.
Nelson, Robert A.*
Nelson, Stanley W., Jr.
Nestlerode, Robert N.
Netherton, Dana E.
Nettleton, Bruce A.*
Neumeister, Ralph R.
Newbold, John S.
Newport, Paul T.*
Newton, Ivan D.
Neyer, Ronald C.*
Ni, Randolph
Nichols, Steven R.
Nickerson, Thomas J.
Nielsen, William F.
Nigro, Vincent J.
Nims, George E., Jr.
Nitsche, Wayne H.*
Niven, David D.
Noble, John M.
Noble, Russell S.*
Noe, Timothy A.
Nofziger, Charles L.
Noha, Joseph P., Jr.
Nolan, Michael J., II
Nolan, Roger T.
Nolan, Russell P.
Noll, Bruce T.*
Nollet, Michael F.*
Nolte, Thomas E.
Norman, James H.
Norman, Robert M.
Norris, John A., Jr.
North, Albert L.
Norton, Donald G.
Norton, Howard C.
Norton, Kerry M.
Noval, John J.
Nowak, Gary S.
Nowlen, Bernard C.
Nunnery, John S.
Nyman, Steven M.
Obert, Michael P.
O'Connor, David F.
O'Connor, Michael P.
O'Dell, Charles D.
O'Dell Joseph M.
O'Donohoe, Joseph P., II
Ogden, Stephen E.
Ogden, Thomas H.
Oistad, Gary M.
Oja, Alex A.
Oldfield, John C.
Oleary, Mark D.*
Oliver, James C., III
Oliver, John T.
Olmsted, Thomas R.
Olsen, Eric G.
Olsen, Warren R.
Olson, Donald T., Jr.*
Olson, Eric T.
Olson, Larry E.
Olson, Roger R.
Omeara, Dennis J.
O'Neil, Thomas D.
Orchard, Fred G.
Orcutt, Robert E., Jr.
Orlando, Theodore A.*
Osborn, Colin C.
Orlando, Theodore A.*
O'Shaughnessy, Michael J.
O'Sullivan, Michael P.
Oswald, Stephen S.
Ousterhout, Glenn A.
Outcalt, Dudley M.
Ovitz Ernest G., III
Ovsak, Gary A.
Owens, Larry T.
Page, Arthur J.
Pallas, Lewis G.
Palmer, David B.*
Palmer, Paul A.*
Palmisano, Thomas J.*
Papworth, Richard N.
Parish, George R., III
Park, Richard S. G.*
Parks, Thomas K.
Parmley, William A.*
Parrish Robert T.
Parthum, Herbert W., Jr.
Partlow, Robert C.
Parus, John J. E.
Patten, Keith W.
Patton, Donald J.
Patton, Gary D.
Patton, John E.
Paulk, Gerald L.
Peace, Jeffrey D.
Peal, Robert M.
Pearson, Thomas W.*
Peart, James C.
Pease, Andrew J.
Pease, Douglas C.
Pease, Michael W.*
Pebley, James W.*
Pechonis, John S.
Peck, Gerald F.*
Pendleton, Jackie D.*
Perez, Mark R.
Parkins, John P., Jr.*
Perkins, Percy W., Jr.*
Pernell, Larry E.*
Perrich, David W.
Perry, Craig C.
Perry, Daniel R.
Perry, Francis A.*
Perry, John M., Jr.
Peters, Donald E.*
Peters, Frank C.
Peters, Jon C.*
Peters, Robert F.
Peters, Steven L.*
Petersen, Leland R.*
Peterson, James W.
Peterson, Ralph A.
Peterson, Theodore W. J.
Petitmermet, Donald H.
Peyton, Michael T.
Pfrimmer, John G., Jr.
Phaup, Andrew L., Jr.
Phillips, Brock D.
Phillips, Harry C., III
Phillips, Harry J.
Phillips, James W.*
Philpot, Charles W.
Phipps, Donald M.
Phipps, Frank P.
Piccini, Peter G.
Pierce, Craig A.
Pierce, Donald A.
Pilcher, Ray C., Jr.*
Pilli, John F., Jr.
Pine, Edward J., III
Plimmer, Emmett L.
Ploeger, David C.
Poch, Richard R., Sr.
Poe, Deen O.*
Poe, Jeffrey L.
Pohlmeyer, Jack M.
Photos, Robert N.
Poirier, Robert W.
Pollock, Bruce C.
Poltack, Charles T.
Pomorski, Thomas R.
Poppy, Steven C.
Porcelli, Charles R.
Poston, Charles B.
Potter, Gary G.
Powell, Carl A.
Powell, David R.
Powell, Donald E.
Powell, Ronald D.
Powers, Glenn C.
Pozinsky, Gregory
Prebul, John M.
Press, Louis R., Jr.
Presson, Geoffrey F.
Preston, Robert E., Jr.
Prewitt, Ronnie H.*
Price, Donald S.
Price, Ronald J.
Prima, Daniel L.
Prince, William H.
Priolo, Gary P.*
Provencher, Ronald H
Puhrmann, Dale L.
Pullen, James G.
Purciarelo, Gerard J.
Purdy "G" James, Jr.*
Purington, David A.
Quarles, Michael N.
Quick, Gary W.
Rable, William J.*
Rader, Michael T.
Radner, Richard
Radney, James C.
Raetz, Gary M.*
Rahmel, Mark D.
Ramage, Donald B.*
Rambo, Martin B.*
Ramsdell, Lawrence A.*
Ramsey, Edgar B.
Randall, Donald W.
Randall, James D.
Ransburg, Carl F.
Ranum, Gary D.
Rasberry, John H.
Ratcliff, Ronald E.*
Rath, Bradford R.
Rath, Mark L.*
Rausch, John L.
Rautenberg, Steven P.
Ray, Bill C.
Rayhons, George A.*
Reale, Kevin J.
Recker, Paul R.
Redekopp, Richard D.*
Reece, Jerrald D.
Reed, Ralph G.
Reed, Russell A.*
Reed, Thomas W.
Reed, William A.
Rees, Michael C.*
Reese, Raoul B.
Reeves, John R.
Reid, Thomas J.
Reightler, Kenneth S., Jr.
Reimann, Otto G.
Rein, Douglas J.
Reinhardt, Edward R.
Reinhardt, Peter J.
Reisdorfer, James R.
Rejcek, Milton F.
Renner, Ronald E.
Renninger, James B.*
Reppert Donald L.*
Repsholdt Kai T.
Ress Charles M.*
Resser, Stephen F.
Retzke, David E.*
Reynolds, Craig O.
Reynolds, William W.
Rhoads, Gary G.
Rice, Douglas S.
Rich, Brian C.
Rich, Gordan L.
Richards, Daniel R.
Richards, James J.
Richardson, Jerry K.
Richardson, Larry D.
Rickey, Randy J.
Rickgauer, Charles W.
Riggs, Bernard A.
Riley, Richard P.*
Riley, Robert M.
Rimpau, James W.*
Ringen, Walter E., III
Rinko, Christopher E.
Rippel, David A.*
Rippinger, Thomas A.*
Ritchie, Freddie W.
Ritchie, Thomas E.*
Rivers, Robert A.
Robb, Randolph R.
Roberson, Lawrence G.
Roberts, Gregory L.
Roberts, Joseph D.
Roberts, Thomas F.
Roberts, William H.
Robinson, Brenton L.*
Robinson, Evan D.
Robinson, Thomas R.
Robken, James E., Jr.
Rockwell, Charles D.
Rockwell, Richard T.*
Rode, Alexander M.
Rodman, William B. V.*
Rodriguez, William, Jr.
Rogalski, Wayne J.
Rogers, James P.
Rogers, John P.
Rogers, Joseph E.
Rogers, Matthew J.
Rogers, Thomas F.
Rolfes, Robert W.
Rollandi, Victor L.
Romano, Joseph G.
Romeo, Martin
Romine, Steven L.*
Rondestvedt, Christian R.*
Rose, Gergory J.
Roskoph, James E.
Ross, Nicklous J.
Ross, Thomas J.
Rothring, James R.
Roughead, Gary
Roush, James W.*
Rovner, Jerry H.*
Rowe, Wayne J.*
Rowland, Michael L.
Rowley, James W.
Rowson, Michael C.*
Ruberg, Ernest M.
Rubin, Bernard J.*
Ruck, Forrest E.
Rucker, Harry J.
Ruddy, Charles L., Jr.
Rudy, Robert C., Jr.
Ruehe, Frederic R.
Ruete, Edward S.
Rule, George G.
Runyan, Charles E.
Ruputz, Philip*
Russell, James E.
Russell, John M.
Russell Thomas B., III
Ruthazer, Robert P.
Rutland, Rober W.
Rutter, Stephen D.
Ryan, Edward C.
Ryan, Francis P., Jr.
Ryan, Paul J.
Ryan, Stephen I., Jr.
Ryder, John W.
Sadler, David A.
Safford, Russell M.
Sage, William R.
Salazar, Noe A.
Saller, William
Salmen, Mark J.
Salmond, Charles N.
Sammon, Stephen M.
Sample, Gregory L.
Samples, David O.
Samuels, Richard G., Jr.
Samuelson, Gary V.
Sanborn, Michael B.
Sanden, Gary A.*
Sanders, Max F.
Sanders, Robert J., Jr.*
Sanderson, William C.
Sanford, Henry J.
Sanzo, Paul S.
Satterwhite, Bernard M. J.
Savage, Richard J.
Saviello Matthew J.
Saye, William A.
Scala, Peter A.
Scarpelli, Thomas J.
Schaaf, Dean O.
Schaeffer, George III
Schaffer, Van A.*
Schaub, Delbert D.
Scheetz, William A.
Scheib, Timothy E.

* Ad interim.

Scheibl, Frederick J.
Schellhorn, Christopher F.
Schenk, Douglas A.*
Scherer, George S.*
Schide, Alan P.
Schieber, William M.
Schlass, Gregory J.*
Schleicher, John F.
Schmidt, Glenn M.*
Schmidt, William A.
Schneck, Andrew E.
Schneider, Jeffrey W.
Schneider, Mark J.
Scholes, Robert C.
Schooley, John M.*
Schreckengast, Stewart W.
Schreder, David L.
Schulmeister, Arnold R., Jr.
Schultz, Edward J.
Schultz, Paul S.*
Schwab, Richard F.
Schwartz, Gerald M.
Schwartz, Michael N.*
Schwartzel, Joseph H.
Schweikart, Kenneth E.
Schwindler, Frank J.
Scott, Craig W.
Scott, Dennis R.
Scott, Gordon F., Jr.
Scott, Michael F.
Scott, Robert P.*
Scott, Timothy J.
Scrivner, Joe B., Jr.*
Scudder, Ronald L.
Seaberg, John R.
Seebode, William F., III.
Seedorf, Herman L., III
Seigel, Thomas G.*
Seiwald, Michael J.
Selman, William W.*
Severinghaus, Richard J.
Sevier, David M.*
Seymour, Louis E.
Shafer, David D.
Shaffer, Neal D.*
Shallies, Kenneth H.
Shaughnessy, Mark W.
Shaw, John D.*
Shayda, Paul M.
Shea, Dennis J.
Shearer, Geoffrey L.*
Sheehan, Kevin P.
Sheridan, Dennis D.
Sherland, Paul G.
Sherman, John R.
Sherman, Steven S.
Sherrill, Robert N.
Shierling, Johnnie W.
Shirah, Charles E.*
Shirah, Reuben H.
Shiver, Wayne S.*
Shockley, Rodney L.
Shoemaker, Terry L.
Shon, Michael D.*
Short, William E., Jr.
Showalter, Robert C.
Shriver, John M.
Shull, Kenneth G.
Siar, Richard K., Jr.
Sidman, Howard B.
Siegel, Harry M.
Silverberg, Terrence C.*
Silvestri, Michael J.*
Simcoe, Ronald B.
Simcox, John S.
Simeral, Robert L.*
Simmonds, Thomas L.
Simmnos, Nathaniel P. J.*
Simon, Michael F.
Simpson, Daniel L.
Simpson, Michael D.
Simpson, Robert C.
Simpson, William L., Jr.
Sine, Don T.*
Siska, Peter C.
Sitton, William E.
Sklow, Clifford L.
Skorich, Mark S.
Slack, Robert H.
Slagle, Brian A.
Slaven, George E., Jr.
Slavichak, Steven E.*
Sleichter, William T.
Slighter, William J.
Sliva, Thomas E.
Sloan, Joseph W., Jr.*
Sloan, Leo D., III*
Sluys, Richard W.
Smania, David J.
Smilari, Nicholas B.
Smith, Charles D.*
Smith, Charles E.
Smith, David J.
Smith, Donald M.
Smith, George R.
Smith, Guy M.*
Smith, Jim G., Jr.
Smith, John P.
Smith, Kenneth M., Jr.
Smith, Kyle R.
Smith, Michael R.
Smith, Pemberton
Smith, Peter J.
Smith, Robert G.
Smith, Robert D.*
Smith, Russell L.*
Smith, Scott T.*
Smith, Stephen M.
Smith, Terry W.
Smith, William D.*
Smoot, Marc L.
Snead, James C.
Snelson, Leland R.*
Snodgrass, Dale O.*
Snook, Richard E.*
Snow, Terry D.*
Snow, William H.
Snyder, Stephen F.
Sohl, John H., III*
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Sorek, Michael J.
Spalding, Bruce A.
Spangrude, Gene R.
Spann, Joseph D.
Spannagel, David J., Jr.
Sparaco, John R.
Spearman, Walter C.
Spencer, Sterling R.
Spencer, William E.*
Spicer, Ronald W.
Spinks, William H., Jr.*
Springman, Robert E.*
Stack, Robert B.*
Stacy, David R.
Stahler, William D.*
Staiger, John A., Jr.
Stalnaker, Steven D.*
Stamand, Richard A. J.*
Standefer, Barry L.*
Stangl, Frederick William
Staniewicz, Matthew J.*
Stark, Barry A.
Stark, Richard D., Jr.*
Starnes, John H.
Stauter, John A., Jr.*
St. Denis, Thomas G.
Steele, Michael J.
Steffens, Rodney C.
Steib, John F., Jr.
Stein, Kenneth M.
Steinestel, Richard R.*
Stella, John R.
Stencil, John C.
Stengl, Louis C.*
Stephens, Hugh L.
Stephens, Van A.
Stephenson, Robert A.
Stephenson, Walter W.*
Sterling, Clyde E.
Stevens, Charles M., II
Stevens, John F.
Stevenson, John R., Jr.
Stewart, Joseph D.
Stewart, William J
Sticinski, Don L.
Stillwell, John W.*
Stilwell, Joe R., Jr.
St. John, Lawrence G.*
Stockho, Robert E.*
Stoddard, Timothy D.
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Stolarz, Robert M.
Stone, David L.
Storm, Bradley D.*
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Strauss, Lance J.
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Stricklin, Ted A.*
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Strong, Michael*
Strout, Dennis R.
Strudler, Sy
Stuntz, Richard L.
Sturgis, David H.
Stutzman, David L.
Suchy, Joseph W.
Sudkamp, Stephen D.
Suhs, David R.
Sullivan, John A.
Sullivan, Michael P.
Sullivan, William D.*
Sulman, Bernard I.
Summerall, Daniel B.*
Swanson, Eric R.
Swearingen, Gaylen D.
Swierenga, Donald J.*
Swinburnson, Cory M.*
Swinton, Stephen P.
Syverson, William A., Jr.*
Talipsky, Raymond
Tamburello, Charles
Tanner, Leland H.
Tanner, Marshall E. Jr.
Tash, David L.
Tatone Michael A.*
Taylor, James W.*
Taylor, Michael E.*
Taylor, Peter W.
Taylor, Timothy B.
Taylor, Timothy M.
Temple, Ralph D.*
Templer, Robert J., Jr.*
Terrebrood, Gerald F.
Terry, Michael W.
Tesoriero, Thomas J.
Thaxton, Doublas D.*
Theurer, Rober F.
Thiesse, Thomas W.*
Thigpen, Dan I.
Thomas, James W.*
Thomas, John K.
Thomas, Michael R.*
Thomas, Phillip C.*
Thomas, Robert H.*
Thompson, Bruce G.
Thompson, Stelio G.*
Thompson, Stephen C.
Thompson, Thomas A.
Thomson, Homer P., III*
Thomson, Robert J.
Thornton, Davey S.
Thorpe, James W., Jr.*
Thorpe, Lester F.
Thralls, Edmund L.
Throckmorton, John F.*
Thurmond, James E., Jr.
Tilton, Terry W.
Tindell, Joseph T.
Tjader, Theodore R.*
Toalson, Vance L.*
Todd, Jerry L.
Tomlinson, Craig S.
Tompkins, Christopher F., III
Toms, David A.
Toms, Terry J.
Torbenson, David M.*
Toscano, Rick A.*
Trager, Steven C.*
Trahan, Charles R., Jr.
Traughber, John R.*
Trayner, Richard E.
Trent, Michael H.
Trestrail, Calvin D., Jr.
Tripodi, Raymond A., Jr.*
Tripp, Dale P.
Tritz, Thomas R.
Trowbridge, Frank R., Jr.*
Trump, Rodney H.
Tschida, James R.*
Turnblacer, Theodore C.
Turner, Edmund B.*
Turner, Geoffrey W.
Turner, Terry A.
Turpin, Dwayne M.
Twardziak, Anthony J., Jr.*
Twiss, John M.
Tyson, Dan M.
Tyson, William J. III*
Tzavellas, Theodore E.*
Uldrich, John A.
Ulmer, Edwin L.
Umbel, Richard P., Jr.
Ungvarsky, William J.
Unwin, Jay P.
Updegraff, William D. II*
Urban, John L.
Vaillancourt, David P.
Valdes, James F.
Vanbelle, Bruce T.
Vandine, Robert W.
Vanhook, Robert J.
Vanhorn, Robert G.*
Vanicek, Errol D.*
Vanoss, Leland B.
Vansickle, James L.
Verduzco, Gleason H.
Vervoorn, Robert W.
Vienna, Kevin R.
Vining, Pierre G.
Virgilio, Richard L.
Virtue, Patrick M.
Vito, Dennis J.
Vlcek, Ralph M.
Volker, James R.
Vosbury, Frederick W.
Voss, Cary V.*
Vrotsos, Pete A.
Vuchetich, Paul J.*
Vugteveen, Dana L.
Waddell, John W.*
Wagner, David C.
Wagner, David D.
Wagner, Jerry P.
Wakefield, Robert D.
Waldmann, John G.*
Walenga, Craig G.
Walker, Jerry L.*
Wallace, Robert E.
Waller, Donald R.
Walsh, Daniel P.
Walsh, James P.*
Walsh, Vincent A.
Walters, Daniel R.
Walters, William T.
Walthall, James E.
Walther, Clarence W., Jr.*
Ward, Glenn H.
Ward, William H.*
Wardrobe, James E.*
Warford, Walton R., Jr.
Warner, Stephen R.*
Warren, Thomas E.
Watling, John M., Jr.
Watson, Darrel E.*
Watson, Douglass C.
Watson, Joseph A.*
Watt, George P., Jr.
Watts, Robert D.
Watts, Stephen E.
Waylett, Don H.*
Weaver, Jimmie D.
Weavil, Richard L.
Webb, John O., Jr.
Webb, Thomas L., Jr.
Weber, Joel N.
Weddel, David W.*
Weiler, Maurice D.*
Weir, John R.
Weise, William S.
Weitz, Charles A., Jr.
Weldon, Gerold W., Jr.*
Welker, Jeffery G.*
Weller, Joseph D., Jr.
Welles, Franklin G.*
Welsh, Jeffrey D.
Welsh, Raymond M.
Wenderlich, Raymond L.
Werbiskis, James J.
Werson, Jan P.*
Wesley, Allan G.*
Wesolowski, Robert A.
Wessman, Lynn G.
West, William D.
West, William E.
Westergaard, Michael A.
Westhoven, John M.
Whalen, Robert J.*
Wheeler, Mark A.
Whisenhunt, Ronald A.
Whitaker, Kent P.
Whitaker, Randy D.
White, Carroll L.
White, David G.*
White, Donald H.
White, Richard O., Jr.
White, Robert B.
White, William F.*
White, William S.*
Whitfield, Donald B.
Whitney, Leon E.
Wiegand, Roy A., Jr.
Wight, Randy L.
Wilcox, Jerald A.*
Wiletzky, Leslie E.*
Wiley, Donald J.
Wiley, Ronald A.*
Whilhelm, Carl A.*
Wilhelm, Wallace W.
Wilkes, Edward B.
Willard, Robert F.
Willburn, Alan B.
Williams, Claven
Williams, James G., Jr.
Williams, Jay H.*
Williams, Peter A.*
Williams, Robbie L.*
Williams, Ronald D.*
Williams, Steven W.
Williams, Thomas G.
Williams, Thomas L.
Williams, Tyler E., III
Williams, William W.
Willis, Robert B.*
Willkie, William J.
Willmann, David W.
Wilmeth, John P.
Wilson, Craig W.
Wilson, Donald F.
Wilson, Eugene K., Jr.
Wilson, Gerald E.*
Wilson, James H.
Wilson, Richard A.
Wilson, Terence S.
Wilson, Thomas J., III
Winberry, Paul S.*
Winchell, Sherman D.
Wingo, Terry G.*
Winner, Stanley H.
Winter, Randall D.*
Winters, Michael R.
Wise, Carlton J.
Wise, Henry L.
Wiseman, Michael D.
Witherspoon, James W.
Witthauer, Thomas O.
Woerman, William J., II
Woll, Jeffrey R.
Womack, Stephen L.*
Wood, Steven C.*
Woodbury, John S.
Woodhouse, John H., Jr.
Woodrow, Terry R.
Woods, Joseph
Worcester, Stevens J.
Word, Frank B.*
Worthing, Lewis K., III
Wright, David K.
Wright, Richard L.
Wuethrich, Chris A.
Wuichet, John W., II
Wynkoop, Peter
Wynne, Larry D.
Yackus, John S.
Yancey, Patrick C.
Yaremchuk, Arthur W.
Yates, Ronald E.
Yepsen, John D.
Yerkes, William M., Jr.
Yirak, John L.*
Yoe, Louis E.
York, William G.
Young, Austin G.
Young, Brian K.
Young, Ernest C.
Young, Francis I.
Young, Gordon R.
Yuhas, Stephen P.
Zander, Warren E.*
Zanon, Richard J., Jr.*
Zayac, James A.
Zebrowitz, Michael G.
Zeile, Fred C., III
Zell, Ronald J.
Zesk, Edward W.
Zimet, Michael I.
Zimm, Alan D.
Zimmer, Gary W.
Zortman, James M.

*Ad interim.

The following-named lieutenants (junior grade) of the U.S. Navy, for permanent promotion to the grade of lieutenant in the line, pursuant to title 10, United States Code, section 5771, subject to qualification therefor as provided by law:

Adkins, Irene A.
Anderson, Susan E.*

Andino, Carmen D.
Angus, Marlene A.*
Asbury, Theresa A. W.*
Barber, Nancy L.
Barbour, Linda J.
Behn, Marilyn M.*
Billmyer, Carola A.
Bishop, Mary A.
Blanton, Susan M.
Boucher, Joanne P.
Bradley, Mary A.*
Branch, Elsa J.
Brookshaw, Kay F.
Bruno, Mary P.
Burklund, Jo.
Burnette, Deborah A.
Burns, Beverly A.
Campbell, Kay.
Carroll, Patricia A.
Castle, Judith A.
Causey, Kathryn L.*
Claar, Crista L.*
Coachman, Sandra L.*
Collins, Kathy E.
Conatser, Rosemary B.
Conley, Elizabeth K.*
Darrah, Joan E.
DeLuca, Sandra A.S.
Dewey, Marilyn F.
Donley, Barbara A.*
Downing, Jo Anne G.
Drag, Joellen M.
Drahos, Donna J.
Driscoll, Sondra L.
Elster, Eleanor A.
Eno, Christine A.
Enterline, Julie R.*
Erwin, Tina M.
Finch, Marnee L.*
Fishburne, Lillian E.
Folk, Laura A.*
Foster, Linda C.*
Fowler, Carolyn L.
Gallagher, Alison D.*
Gallina, Judith A.
Gatlin, Ellen H.*
Gellner, Linda M.
Gemender, Kathryn M.
Gibson, Deane K.
Giza, Mary C.
Goulding, Deidre A.
Grano, Jacqueline R.
Grant, Mary A.*
Green, Consuella.*
Griffin, Patricia.
Hadrosky, Fern K.*
Hammond, Mardale L.
Hamric, Sharon A.
Harris, Gail.
Heisler, Georgia E.
Hiers, Carol A.
Hill, Eleanor A.*
Horstmann, Cherie A.
Hunter, Sheilah M.*
Hyde, Elizabeth T.
Isaksen, Karen A.
Isom, Linda K.
Jackson, Jody L.
Jacobs, Carol G.
Jeffrey, Loretta A.
Jerome, Cheryl A. B.
Johnson, Janice C.
Jorgensen, Mary L.
Josephson, Marianne S. H.
Kelly, Barbara A.
Knieser, Darlene J.*
Knotts, Linda S.
Kopfler, Dixie E.*
Kral, Susan H.
Ladd, Lelia M.
Lane, Frances C.
Laraway, Rita A.*
Lawless, Patricia A.
Leggitt, Luella R.
Livengood, Christine C.
Locke, Janet B.
London, Susan J.
Lundstrom, Susan K.
MacDonald, Marsha E.
Makela, Irmeli S.
Mandragos, Niki F.
Mansell, Patricia L.
Mason, Katherine
May, Deborah J.
May, Patricia L.*
McCabe, Patricia A.
McCarthy, Kathleen M.
McClure, Martha G.
McCullom, Sarah S.*
McGeorge, Cynthia
Merritt, Susan J.*
Meyer, Ethel
Michael, Carol J.
Milligan, Martha L.
Moore, Kathleen A.
Moore, Mary C.
Moore, Sharon R.
Muir, Kathleen A.
Murphy, Ann K.
Mustain, Vivian B.
Nibbs, Virginia W.*
Nicholas, Margaret M.
Noziglia, Mary M.
O'Brien, Katherine V.
O'Bryant, Rozella E.*
Odea, Janice G.
Orbann, Marilyn G.
Owens, Vicki J.
Pace, Annette.*
Peach, Barbara A.
Rice, Ann L.*
Rizzi, Joellen S.*
Robinson, Katherine S.
Roland, Ellen F.
Rosakranse, Billieann
Rosel, Marianne B.
Rowan, Alice J.
Russell, Charlsie L. M.
Sanborn, Kathryn J.
Schoen, Mary J. M.
Searls, Janet C.
Seil, Anne M.*
Settle, Amy
Simmons, Viva A.*
Skowronek, Leslie J.*
Smith, Mary M.
Sneden, Kathereen M.*
Soltz, Mary A.
Sperry, Catherine E.
Spishock, Patricia M.
Stelling, Gretchen M.
Stout, Kathleen S.
Sumrall, Kathryn H.
Suopis, Cynthia A.
Sutherland, Paula K.*
Tarbox, Judith A.*
Taylor, Linda S.
Tenneson, Linda G.
Thomas, Margaret E.
Thompson, Sherrill L.
Tiene, Mary L.
Tompkins, Jean A.
Torelli, Margaretmary
Usher, Jill R.
Vittetow, Lelia D.
Walsh, Sara M.
Weyburn, Bevan C.
Whitehead, Geraldine
Wicklund, Gail A.
Wilcox, Karen L.
Wingast, Leda B.
Wolf, Kathleen V.
York, Francine F.*
Young, Patricia L.
Zysk, Susan B.

* Ad interim.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 18, 1977:

DEPARTMENT OF LABOR

Arnold H. Packer, of Maryland, to be an Assistant Secretary of Labor.

Eula Bingham, of Ohio, to be an Assistant Secretary of Labor.

Francis X Burkhardt, of Maryland, to be an Assistant Secretary of Labor.

Alexis M. Herman, of Georgia, to be Director of the Women's Bureau, Department of Labor.

COUNCIL OF ECONOMIC ADVISERS

Lyle E. Gramley of Maryland, to be a Member of the Council of Economic Advisers.

William D. Nordhaus, of Connecticut, to be a member of the Council of Economic Advisers.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

TRIBUTE TO ALBERT J. CHRISTOPHER

HON. QUENTIN N. BURDICK

OF NORTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Friday, March 18, 1977

Mr. BURDICK. Mr. President, 7 years ago last fall I traveled to the town of Pembina, N. Dak., and joined numerous others gathered there to honor a man who quietly and effectively served his community and his State for almost half a century. The man we came to see, Albert J. Christopher, was at last retiring as the town's mayor—after having served in that position for 39 years. His patient and painstaking work for the people of Pembina during those years has become a record. It adds up to the longest consecutive term as mayor in any American municipality.

And yet, Mr. President, this man's interest in the needs of his community took him far beyond the community itself. During the 1950's and 1960's he served seven consecutive terms as a representatives from Pembina County in the State legislature. He also found the time and energy to be a State director of the North Dakota Water Users Association, president of the Pembina River Flood Control Association, president of the Economic Development Corp., and president of the Red River Watershed and Flood Control Association.

As much as he was concerned about the future, however, he was also struck by the immense challenges of the state's pioneer past, and by the strength and perseverance of the people who met those challenges. To recall those roots, and to give his community a sense of its own unique history, he helped found and later became a director of the Pembina State Museum. Eventually, he served as a director of the North Dakota State Historical Society.

This remarkable man, Mr. President, was a good friend of mine whose advice I sought and valued. A busy and successful businessman, he took his greatest satisfaction in getting to know the people of his community, in learning from them, and in helping them. In his quiet and unassuming way he was a true public servant for many, many years.

But now those years have ended. Albert Christopher died 2 weeks ago. To his wife, Pat, and to his family, I extend my sympathies. We will miss him, not merely for the practical things he accomplished, but for the spirit in which he set out to do them.

In England, in a church designed by the famous architect, Christopher Wren, there is an inscription which says:

If it's a monument you seek, just look around you.

I think that inscription can do double duty. I think it can apply to another Christopher—Albert Christopher—whose spirit of hard work and quiet achievement will live on around us for a long time.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the office of the Senate Daily Digest will prepare such information daily for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

MEETINGS SCHEDULED

MARCH 21

9:00 a.m.
Agriculture, Nutrition, and Forestry
To consider the nomination of Carol Tucker Foreman, of the District of Columbia, to be an Assistant Secretary of Agriculture, and a Member of the Board of Directors of the Commodity Credit Corporation.
322 Russell Building

9:30 a.m.
Banking, Housing, and Urban Affairs
*Subcommittee on Financial Institutes
To hold oversight hearings on activities of the Electronic Fund Transfers Commission.
5302 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee

To hold hearings to inquire into domestic communications common carrier policies (i.e., telephone, computers, etc.).

1202 Dirksen Building

Commerce, Science, and Transportation
Subcommittee on Aviation

To hold hearings on bills, proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.

5110 Dirksen Building

Environment and Public Works

To hold hearings on the nomination of James Gustave Speth, of the District of Columbia, to be a member of the Council on Environmental Quality.

4200 Dirksen Building

Human Resources
Handicapped Subcommittee

To hold oversight hearings on developmental disabilities.

Until 1 p.m. 4232 Dirksen Building

10:00 a.m.

Appropriations
HUD-Independent Agencies Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1978 for the National Aeronautics and Space Administration.

1318 Dirksen Building

Appropriations
Defense and Military Construction Subcommittees

To hold joint hearings on the administration's proposal to close the Uniformed Services University of the Health Sciences.

1223 Dirksen Building

Appropriations
*Labor-HEW Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1978 for the Office of the Assistant Secretary of HEW for Education and the National Institute of Education.

S-128, Capitol

Energy and Natural Resources

To hold hearings on S. 977, the proposed Coal Utilization Act.

3110 Dirksen Building

Foreign Relations
International Operations Subcommittee

To hold hearings to receive testimony on supplemental authorization requests for fiscal year 1977 for the Department of State.

4221 Dirksen Building

Finance

To continue consideration of H.R. 3477, to provide for a refund of 1976 individual income taxes, to reduce individual and business income taxes, and simplify and reform certain other tax provisions.

2221 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations

To hold hearings to release a "Supplemental Staff Study of Severance Pay-Life Insurance Plans Adopted by Union Locals."

3302 Dirksen Building

Governmental Affairs
Energy Subcommittee

To hold hearings on S. 897, to strengthen U.S. policies on nuclear nonproliferation, and to reorganize certain nuclear export functions.

6226 Dirksen Building

2:00 p.m.

Appropriations
*Public Works Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1978 for public works programs, to hear representatives of Environmental Research and Development Administration.

Room S-146, Capitol

2:45 p.m.

Foreign Relations
Arms Control, Oceans and International Environment Subcommittee

To receive a briefing, in closed session, from Ambassador Richardson on developments of the informal Evensen Law of the Sea Consultative Group.

Room S-116, Capitol

3:00 p.m.

Appropriations
Labor-HEW Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of HEW.

Room S-128, Capitol

MARCH 22

9:00 a.m.

Human Resources
*Handicapped Subcommittee

To receive testimony on the administration's legislative proposals for programs for the handicapped.

Until 12:30 4200 Dirksen Building

9:30 a.m.

Appropriations
Interior Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1978 for the office of the Secretary; the Office of the Solicitor; and the Navajo-Hopi Relocation Commission.

1114 Dirksen Building

Armed Services
General Procurement Subcommittee

To resume hearings on proposed military procurement authorizations for fiscal year 1978.

212 Russell Building

Banking, Housing, and Urban Affairs
Subcommittee on Financial Institutions

To hold oversight hearings on activities of the Electronic Fund Transfers Commission.

5302 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee

To hold hearings to inquire into domestic communications common carrier policies (i.e., telephones, computers, etc.).

235 Russell Building

Commerce, Science, and Transportation
Subcommittee on Aviation

To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.

5110 Dirksen Building

10:00 a.m.

Appropriations
Defense Subcommittee

To continue closed hearings on proposed budget estimates for fiscal year 1978 for the defense establishment to hear officials of the Defense Communications Agency, and Supply Agency.

1223 Dirksen Building

Appropriations
Foreign Operations Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear officials of AID.

S-126, Capitol

Appropriations
HUD-Independent Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1978 for the National Aeronautics and Space Administration.

1318 Dirksen Building

Appropriations
Treasury, Postal Service, and General Government Subcommittee

To continue hearing on proposed budget estimate for fiscal year 1978 for the Department of the Treasury, the Postal Service, and General Government.

1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of HEW.

Room S-128, Capitol

Armed Services
Manpower and Personnel Subcommittee

To resume hearings to receive testimony on authorization requests for active duty, reserve and civilian manpower and training loans, and to receive testimony on the status of the all-volunteer forces.

224 Russell Building

To hold hearings in preparation for reporting the first concurrent resolution on the fiscal year 1978 budget, to receive testimony on U.S. Monetary policy.

357 Russell Building

Energy and Natural Resources
Subcommittee on Energy Research and Water Resources

To hold hearings on proposed authorizations for fiscal year 1978 for the Energy Research and Development Administration.

3110 Dirksen Building

Finance

To hold hearings on legislation to extend the Emergency Unemployment Compensation Act (H.R. 4800).

2221 Dirksen Building

Foreign Relations

To hold hearings on the nominations of Patsy T. Mink, of Hawaii, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, and Terence A. Todman, of the Virgin Islands, to be Assistant Secretary of State for Inter-American Affairs, and to consider several other pending nominations.

4221 Dirksen Building

Governmental Affairs

To continue hearings on S. 591 and 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.

3302 Dirksen Building

Government Affairs
Subcommittee on Intergovernmental Relations

To hold hearings on S. 2, to require reauthorization of Government programs at least every 5 years (proposed Sunset Act).

6226 Dirksen Building

Human Resources
Labor Subcommittee

To resume hearings on S. 924, to provide for equal treatment of craft and industrial workers, and to establish a national framework for collective bargaining in the construction industry.

Until 2 p.m. 4232 Dirksen Building

Judiciary

To hold hearings on the nomination of Peter F. Flaherty, of Pennsylvania, to be Deputy Attorney General.

2228 Dirksen Building

Select Intelligence
Subcommittee on Budget Authorization

To resume closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.

S-407, Capitol

2:00 p.m.

Appropriations
Treasury, Postal Service, and General Government Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Treasury, the Postal Service, and General Government, to hear public witnesses.

1224 Dirksen Building

MARCH 23

9:00 a.m.
Finance
To hold hearings on pending nominations for various positions in the Departments of the Treasury and HEW.
2221 Dirksen Building
Human Resources
Labor Subcommittee
To consider S. 924, to provide for equal treatment of craft and industrial workers, and to establish a national framework for collective bargaining in the construction industry.
Until 2 p.m. 4232 Dirksen Building

9:30 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Bureau of Land Management.
1114 Dirksen Building
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to inquire into domestic communication common carrier policies (i.e., telephone, computer, etc.).
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
*Agriculture, Nutrition, and Forestry
To continue hearings on proposed legislation, to amend and extend the Agriculture and Consumer Protection Act, to hear Secretary of Agriculture Bergland.
Until: noon 322 Russell Building
Appropriations
Defense Subcommittee
To hold closed hearings on certain proposed reprograming of funds for fiscal year 1977.
1223 Dirksen Building
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposal budget estimates for fiscal year 1978 for elementary and secondary education programs.
S-128, Capitol
Banking, Housing, and Urban Affairs
To hold hearings on S. 406, the proposed Community Reinvestment Act.
5902 Dirksen Building
Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on proposed authorizations for fiscal year 1978 for the Energy Research and Development Administration.
3110 Dirksen Building
Foreign Relations
Foreign Assistance Subcommittee
To hold hearings on proposed legislation to authorize funds for development assistance and contributions to international organizations.
4221 Dirksen Building
Government Affairs
*Subcommittee on Intergovernmental Relations.
To hold hearings on S. 2, to require reauthorization of Government programs at least every five years (proposed Sunset Act).
6226 Dirksen Building
Governmental Affairs
*Energy Subcommittee
To hold hearings on S. 897, to strengthen U.S. policies on nuclear nonproliferation and to reorganize certain nuclear export functions.
3302 Dirksen Building
Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol
Select Small Business
To hold hearings on S. 972, authorizing the Small Business Administration to make grants to support the development and operation of small business development centers.
Until: 1 p.m. 424 Russell Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for school assistance in Federally affected areas and for emergency school aid.
S-128, Capitol

MARCH 24

9:30 a.m.
Human Resources
Alcoholism and Narcotics Subcommittee
To hold oversight hearings on existing alcohol and drug abuse education programs, and proposed legislation to extend such programs.
Until 12:30 p.m. 4232 Dirksen Building
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Smithsonian Institution.
1114 Dirksen Building
Commerce, Science and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292, and S. 689.
Select Nutrition and Human Needs
To resume hearings to examine the relationship between diet and health, to receive testimony on beef consumption.
457 Russell Building

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for programs for education of the handicapped, and for occupational, vocational, and adult education programs.
S-128, Capitol
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear officials of AID.
1318 Dirksen Building
Banking, Housing, and Urban Affairs
To hold hearings on S. 406, the proposed Community Reinvestment Act.
5302 Dirksen Building
Commerce, Science and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 922 authorizing funds for fiscal year 1978 for the U.S. Railway Association, and on funds for the Office of Rail Public Counsel within the Interstate Commerce Commission.
235 Russell Building
Energy and Natural Resources
To hold oversight hearings on proposal for an international petroleum transshipment port and storage center to be located on the Palau District, Western Caroline Islands, Trust Territory of the Pacific Islands.
3110 Dirksen Building
Energy and Natural Resources
*Subcommittee on Energy Research and Water Resources
To hold hearings on proposed authorization for fiscal year 1978 for Energy Research and Development Administration.
4200 Dirksen Building
Governmental Affairs
To continue hearings on S. 591 and 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
3302 Dirksen Building
Governmental Affairs
Subcommittee on Intergovernmental Relations
To hold hearings on S. 2 to require reauthorization of Government programs at least every five years (proposed Sunset Act).
6226 Dirksen Building

11:00 a.m.
Foreign Relations
Foreign Assistance Subcommittee
To hold hearings on proposed legislation to authorize funds for bilateral development assistance.
4221 Dirksen Building

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear officials of AID.
1318 Dirksen Building
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for higher education, welfare programs, and for library resources.
S-128, Capitol

3:30 p.m.
Banking, Housing and Urban Affairs
To resume consideration of S. 69 and 92, to amend and extend the Export Administration Act.
5302 Dirksen Building

MARCH 25

9:00 a.m.
Agriculture, Nutrition, and Forestry
Subcommittee on Nutrition
To hold oversight hearings on the food stamp program.
322 Russell Building
Foreign Relations
Foreign Assistance Subcommittee
To hold hearings on proposed legislation to authorize funds for bilateral development assistance.
4221 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building
Human Resources
Alcoholism and Narcotics Subcommittee
To continue oversight hearings on existing alcohol and drug abuse education programs, and proposed legislation to extend such programs.
Until 12:30 p.m. 1224 Dirksen Building

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment, to hear congressional witnesses.
1223 Dirksen Building
Banking, Housing, and Urban Affairs
To hold hearings on S. 406, the proposed Community Reinvestment Act.
5302 Dirksen Building
Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittees
To hold oversight hearings on ocean shipping practices.
235 Russell Building
Energy and Natural Resources
Subcommittee on Energy Research and Water Resources

To hold hearings on proposed authorizations for fiscal year 1978 for Energy Research and Development Administration.

3110 Dirksen Building

Governmental Affairs

To continue hearings on S. 591 and 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.

3302 Dirksen Building

Human Resources

To hold hearings on the nominations of Mary Berry of Colorado, to be Assistant Secretary of HEW for Education, and Ernest L. Boyer of New York, to be Commissioner of Education.

Until 12 noon 4232 Dirksen Building

11:00 a.m.

Veterans' Affairs

To hold hearings to receive legislative recommendations for 1977 from officials of Amvets.

Until Noon. 1202 Dirksen Building

MARCH 28

9:00 a.m.

Appropriations

Agriculture Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear public witnesses.

6202 Dirksen Building

9:30 a.m.

Commerce, Science, and Transportation

Subcommittee on Aviation

To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.

5110 Dirksen Building

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development.

1318 Dirksen Building

Appropriations

Public Works Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.

Room to be announced

Appropriations

Transportation Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1978 for the Federal Aviation Administration.

1224 Dirksen Building

Commerce, Science, and Transportation

Communications Subcommittee

To resume hearings to inquire into domestic communications common carrier policies (i.e., telephones, computer, etc.).

1202 Dirksen Building

Energy and Natural Resources

To hold hearings on proposed legislation dealing with utilization of coal resources.

3110 Dirksen Building

Governmental Affairs

*Energy Subcommittee

To hold hearings on S. 897, to strengthen U.S. policies on nuclear nonproliferation, and to reorganize certain nuclear export functions.

3302 Dirksen Building

Government Affairs

*Subcommittee on Intergovernmental Relations

To hold hearings on S. 2 to require reauthorization of Government programs at least every 5 years (proposed Sunset Act).

6226 Dirksen Building

1:30 p.m.

Appropriations

Agriculture Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear public witnesses.

6202 Dirksen Building

2:00 p.m.

Appropriations

Public Works Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.

Room to be announced

MARCH 29

9:00 a.m.

Appropriations

Agriculture Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear public witnesses.

6202 Dirksen Building

9:30 a.m.

Agriculture, Nutrition, and Forestry

Subcommittee on Rural Development

To hold hearings on medicare reimbursements for rural-health care clinics.

322 Russell Building

Appropriations

Interior Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1978 for the Fish and Wildlife Service.

1114 Dirksen Building

Commerce, Science, and Transportation

Subcommittee on Aviation

To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.

5110 Dirksen Building

10:00 a.m.

Appropriations

Defense Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment to hear congressional witnesses.

1223 Dirksen Building

Appropriations

HUD-Independent Agencies Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development.

1318 Dirksen Building

Appropriations

Labor-HEW Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1978 for the Office of Human Development.

S-128, Capitol

Appropriations

Transportation Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Railroad Administration (Northeast Corridor).

1224 Dirksen Building

Appropriations

Public Works Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.

Room to be announced

Commerce, Science, and Transportation

To hold hearings on the nominations of Charles Linn Haslam, of North Carolina, to be general counsel; Elsa Allgood Porter, of Virginia, and Frank Alan Weil, of New York, each to be an Assistant Secretary, all of the Department of Commerce, and Joan Buckler Claybrook, of Maryland, to be Administrator of the National Highway Traffic Safety Administration.

235 Russell Building

Energy and Natural Resources

To hold hearings on proposed legislation dealing with utilization of coal resources.

3110 Dirksen Building

Governmental Affairs

To continue hearings on S. 591 and S. 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.

3302 Dirksen Building

Governmental Affairs

Subcommittee on Intergovernmental Relations

To hold hearings on S. 2, to require authorization of Government programs at least every 5 years (proposed Sunset Act).

6226 Dirksen Building

Select Intelligence

Subcommittee on Budget Authorization

To resume closed hearings on proposed fiscal year 1978 authorization for Government intelligence activities.

S-407, Capitol

1:30 p.m.

Appropriations

Agriculture Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear public witnesses.

6202 Dirksen Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1978 for the National Technical Institute for the Deaf; the American Printing House for the Blind; Gallaudet College, and Howard University.

S-218, Capitol

Appropriations

Public Works Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1987 for public works project, to hear Members of Congress and public witnesses.

Room to be announced

MARCH 30

9:00 a.m.

Appropriations

Agriculture Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear Secretary Bergland.

1224 Dirksen Building

9:30 a.m.

Appropriations

Interior Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1978 for the National Park Service.

1114 Dirksen Building

Commerce, Science, and Transportation

Subcommittee on Aviation

To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.

5110 Dirksen Building

10:00 a.m.

Agriculture, Nutrition, and Forestry

Subcommittee on Agriculture Production, Marketing and Stabilization of Prices

To hold oversight hearings on problems of flue-cured tobacco farmers.

322 Russell Building

Appropriations

Defense Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment, to hear congressional witnesses.

1223 Dirksen Building

Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear officials of the Export-Import Bank, and Overseas Private Investment Corporation.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Social and Rehabilitation Service.
S-128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

Banking, Housing, and Urban Affairs
To mark up S. 305 to require issuers of registered securities to keep accurate records, and to prohibit the payment of overseas bribes by any U.S. business concern.
5302 Dirksen Building

Energy and Natural Resources
Subcommittee on Public Lands and Resources
To consider S. 7, to establish in the Department of the Interior an Office of Surface Mining Reclamation and Enforcement to administer programs to control surface coal mining operations.
3110 Dirksen Building

Government Affairs
*Subcommittee on Intergovernmental Relations
To hold hearings on S. 2, to require reauthorization of Government programs at least every 5 years (proposed Sunset Act).
6226 Dirksen Building

Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1976 authorization for Government intelligence activities.
S-407, Capitol

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

MARCH 31

9:00 a.m.
Select Nutrition and Human Needs
To continue hearings to examine the relationship between diet and health, to receive testimony on the need for fiber in diet.
Until: 1 p.m. 3302 Dirksen Building

9:30 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Bureau of Outdoor Recreation and the Land and Water Conservation Fund.
1114 Dirksen Building

Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the defense establishment, to hear public witnesses.
1223 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Social Security Administration.
S-128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for National Highway Traffic Safety Administration.
1224 Dirksen Building

Budget Committee
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To consider S. 365, authorizing funds for fiscal year 1978 for NASA.
235 Russell Building

Energy and Natural Resources
Subcommittees on Public Lands and Resources
To consider S. 7, to establish in the Department of the Interior an Office of Surface Mining Reclamation and Enforcement to administer programs to control surface coal mining operations.
3110 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To hold hearings on the national water policy, in light of current drought situations.
4200 Dirksen Building

Foreign Relations
Subcommittee on Oceans and International Environment
To hold hearings on S. Res. 49, favoring international agreement to a treaty requiring the propagation of an international environmental impact statement for any major project expected to have significant adverse effect on the physical environment.
4221 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Office for Civil Rights, Inspector General, Policy Research and General Management.
S-128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

3:30 p.m.
Foreign Relations
To receive a briefing, in closed session, on the general world situation from officials of the Central Intelligence Agency.
S-116, Capitol

APRIL 1

9:30 a.m.
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To hold hearings on the proposed replacement of Locks and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Budget Committee
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on S. 419, to test the commercial, environmental, and social viability of various oil-shale technologies.
3110 Dirksen Building

APRIL 4

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Treasury, on funds for New York City financing.
1318 Dirksen Building

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

Budget Committee
To markup proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Commerce, Science, and Transportation
To hold hearings on S. 263, to provide for interim regulatory reform of the Interstate Commerce Commission, Federal Trade Commission, Federal Power Commission, Federal Communications Commission, Civil Aeronautics Board, Federal Maritime Commission, and Consumer Product Safety Commission.
235 Russell Building

2:00 p.m.
Appropriations
Public Work Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

APRIL 5

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Forest Service.
1114 Dirksen Building

Select Small Business
Monopoly Subcommittee
To resume hearings on alleged restrictive and anticompetitive practices in the eye glass industry.
318 Russell Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission.
Room to be announced
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear members of Congress and public witnesses.
Room to be announced
Budget Committee
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building
Commerce, Science, and Transportation
To hold hearings on S. 263, to provide for interim regulatory reform of the Intertsate Commerce Commission, Federal Trade Commission, Federal Power Commission, Federal Communications Commission, Civil Aeronautics Board, Federal Maritime Commission, and Consumer Product Safety Commission.
235 Russell Building
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 562, the proposed Union Station Improvement Act.
5110 Dirksen Building
Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on S. 419, to test the commercial, environmental, and social viability of various oil shale technologies.
3110 Dirksen Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear members of Congress and public witnesses.
Room to be announced

APRIL 6

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior, to hear Congressional witnesses.
1114 Dirksen Building
Commerce, Science, and Transportation
Communications Subcommittee
To hold oversight hearings on rural telecommunications policy.
235 Russell Building
Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building
Select Small Business
Monopoly Subcommittee
To resume hearings on alleged restrictive and anticompetitive practices in the eye glass industry.
318 Russell Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear public witnesses.
1318 Dirksen Building
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission, Office of Consumer Affairs, and Consumer Information Center.
Room to be announced
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced
Budget Committee
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

APRIL 7

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for military construction programs, on funds for NATO and classified programs.
S-146, Capitol

APRIL 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development and Independent Agencies, to hear public witnesses.
1318 Dirksen Building
Environment and Public Works
Water Resources Subcommittee
To hold hearings on the national water policy, in view of current drought situations.
4200 Dirksen Building

APRIL 19

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and Related Agencies, to hear public witnesses.
1114 Dirksen Building
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Aviation Administration.
1224 Dirksen Building
Commerce, Science, and Technology
Science, Technology, and Space Subcommittee
To hold hearings on S. 126, the proposed Earthquake Hazards Reduction Act.
5110 Dirksen Building
Environment and Public Works
Water Resources Subcommittee
To hold hearings on the proposed replacement of Locks and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To hold oversight hearings on the activities of the Consumer Product Safety Commission.
235 Russell Building
Energy and Natural Resources
To resume hearings on S. 9, to establish a policy for the management of oil and natural gas in the Outer Continental Shelf.
3110 Dirksen Building
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine governmental accounting and auditing practices and procedures.
3302 Dirksen Building

3:00 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimate for fiscal year 1978 for the Department of Housing and Urban Development, to hear public witnesses.
1318 Dirksen Building

APRIL 20

9:30 a.m.
Environment and Public Works
Water Resources Subcommittee
To hold hearings on the proposed replacement of Locks and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building
Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To hold oversight hearings on activities of the Consumer Product Safety Commission.
235 Russell Building

APRIL 21

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building
Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To hold oversight hearings on activities of the Consumer Product Safety Commission.
5110 Dirksen Building
Governmental Affairs
Subcommittee on Reports, Accounting and Management
To hold hearings to examine Government accounting and auditing practices and procedures.
3302 Dirksen Building

APRIL 22

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

APRIL 26

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1976 for Urban Mass Transportation Administration.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Urban Mass Transportation Administration.
1224 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To hold hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

APRIL 28

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To hold hearing on S. 402, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

APRIL 29

10:00 a.m.
Commerce, Science, and Technology
Consumer Subcommittee
To hold hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

MAY 3

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on U.S. monetary policy.
5302 Dirksen Bulding

MAY 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimate for fiscal year 1978 for the Federal Highway Administration.
1224 Dirksen Building
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view of reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building

MAY 5

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view of reporting its final recommendations to the Budget Comimttee by May 15.
5302 Dirksen Building

MAY 6

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee on May 15.
5302 Dirksen Building

MAY 10

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on U.S. monetary policy.
5302 Dirksen Building
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine Government accounting and auditing practices and procedures.

MAY 12

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine Government accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 18

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary of Transportation Adams.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary Adams.
1224 Dirksen Building

MAY 24

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine Government accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 26

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine Government accounting and auditing practices and procedures.
3302 Dirksen Building

CANCELLATION
MARCH 24

9:00 a.m.
Foreign Relations
Foreign Economic Policy Subcommittee
To resume oversight hearings on the major international economic issues facing the United States.
4221 Dirksen Building

HOUSE OF REPRESENTATIVES—*Monday, March 21, 1977*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Trust in the Lord and do good.—Psalms, 37: 3.

Almighty God, our Father, whose grace is sufficient for all our needs, lift our spirits into harmony with Thy spirit and our wills into accord with Thy will that we may continue to walk the ways of life and liberty. Be Thou the refuge and strength of every Member of this House of Representatives and all who labor with them. Keep them loyal to the truth, eager to do right, faithful in daily duties, and ready to work for the highest good of our beloved country.

Bless the people of this dear land that they themselves may do what they call upon their leaders to do—to be persons of sound moral character, honest in all ways, kind in all deeds, seeking the best interests of all. Alive to moral values may we grow in Thy spirit and let goodness and greatness descend upon our land again. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of it clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 650. An act to provide temporary emergency assistance to wheat producers by permitting such producers to utilize a portion of their farm wheat acreage allotments for grazing purposes or for hay rather than for commercial production.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 521) entitled "An act to amend the John F. Kennedy Center Act to authorize funds for the repair of leaks," agreed to a conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BURDICK, Mr. BENTSEN, Mr. ANDERSON, Mr. MCCLURE, and Mr. DOMENICI to be the conferees on the part of the Senate.

The message also announced that the Vice President, pursuant to Public Law 86-420, appointed Mr. BENTSEN (chairman), and Mr. MORGAN to attend, on the part of the Senate, the Mexico-United States Interparliamentary Conference, to be held in Guaymas, Mexico, May 27 to 31, 1977.

And that the Vice President, pursuant to Public Law 86-42, appointed Mr. METCALF, Mr. HATHAWAY, Mr. LEAHY, Mr. DURKIN, Mr. CURTIS, Mr. PEARSON, and Mr. STEVENS to attend, on the part of the Senate, the Canada-United States Interparliamentary Conference, to be held in Victoria, British Columbia, May 27 to 31, 1977.

INDIRA GANDHI AND SANJAY GANDHI DEFEATED: THEIR NEIGHBORS KNOW THEM

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, Prime Minister Indira Gandhi of India was overwhelmingly defeated last week in her own home election district and her Congress Party, which has held power in India ever since India became an independent state, is trailing the opposition in numbers of seats in Parliament. Her son, Sanjay Gandhi, who became a symbol of the authorization rule that began in June 1975 when his mother declared emergency powers and ended constitutional government, was likewise defeated in his home election district. This is good news for the democratic countries of the world, because rarely does a country come back into the democratic column once authoritarian rule takes over.

Because public officeholders are so rarely defeated in the very election district in which their home is located, even when the larger constituency votes out their party, it is most dramatic that both Indira and Sanjay Gandhi lost in those very districts and that this dual defeat took place in India. What accounts for that? There is only one answer: Their neighbors know them.

Hopefully, India will again bear the title of the largest democracy in the world. When that occurs I will be one of those who will urge our financial support of that country, just as I urged an elimination of all U.S. Government financial support when authoritarian rule took over in India.

COMMUNICATIONS FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. ROSTENKOWSKI) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
March 17, 1977.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 4:12 p.m. on Thursday, March 17, 1977, and said to contain a message from the President on Foreign Assistance.

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

FOREIGN ASSISTANCE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 95–104)

The SPEAKER pro tempore (Mr. ROSTENKOWSKI) laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

In the years since World War II, the United States has encouraged economic development throughout the world through a variety of economic assistance programs.

Most of our efforts have succeeded. Some have failed. Now we have the opportunity, as with many of our domestic programs, to learn from our experience, and to improve our policies in the future.

Members of my Administration are now testifying in support of our approach to foreign assistance. I am sending you this message to explain some of the principles behind our program—especially, to outline the lessons we have learned about foreign assistance and the goals we now hope to achieve.

The future of the United States will be affected by the ability of developing nations to overcome poverty, achieve healthy growth and provide more secure lives for their people. We wish to join with other nations in combining our efforts, knowledge, and resources to help poorer countries overcome the problems of hunger, disease, and illiteracy. We are seeking important improvements in our program, some of which reflect changes in emphasis and approach:

—We will ensure that lending agencies attach adequate self-help conditions to their loans so that borrowing nations will make effective use of the funds they receive.

—We will make certain that the Congress is able to exercise its legitimate responsibility to monitor the effectiveness of our aid programs.

—We will encourage other wealthy nations to contribute a greater share to the multilateral aid effort, and we will reduce our own share where it has been too high.

—In close cooperation with the Congress we have made sure that our concessional aid goes to those who need it most; we will continue this approach.

—We are now reforming the policies which have, on occasion, awarded liberal grants and loans to repressive regimes which violate human rights.

—We will root out mismanagement and inefficiency where they exist in our foreign assistance programs in order to guarantee that benefits will always be delivered to those for whom the programs were designed.

—We recognize that salaries and living styles of some employees have been too lavish, and we will insist that the international programs we support do more to control their administrative overhead.

—I will work closely with the Congress to see that our aid efforts are more closely correlated to international economic and political circumstances and talk frankly to American citizens about the economic, political, and security benefits we receive from our foreign assistance programs.

Close cooperation and support from the Congress is essential to the effectiveness of our efforts. In a few areas the program I have submitted requires a significant increase in funding—but I have asked for this only where I am sure that the increase will be worthwhile.

To achieve our goals of helping the people of the world toward economic self-sufficiency, relieving the victims of disasters, investing in a healthy world economy, and supporting the security of friendly nations, I ask your favorable consideration for the following:

—*Multilateral Development Assistance.* International financial institutions such as the World Bank group—in particular the International Development Association—and the Inter-American and Asian Development Banks are major sources of assistance loans to the world's poor nations. These institutions have been highly professional in their work. They help remove political considerations from development efforts, and they encourage developing countries to pursue sound domestic policies. They enable many donors to pool their efforts—including some of the oil-exporting nations. An initial, modest U.S. contribution to the African Development Bank will provide our encouragement to this promising regional effort.

We are asking $540 million in supplemental appropriations for fiscal year 1977 to fulfill past pledges to the international financial institutions, and $2.7 billion in new appropriations for fiscal year 1978. This is an increase (of approximately one-third) for an effort which has proved to be very effective. The largest single expenditure is for U.S. participation in the 5th replenishment of the International Development Association, which makes loans on favorable terms to the world's poorest nations.

The United Nations Development Program, which provides important technical assistance to the developing world, has also proven its effectiveness and worth. We are seeking an appropriation of $130 million for fiscal year 1978, a 30% increase over last year.

—*Bilateral Development Assistance.* Congress has played a major role in developing our bilateral programs, which provide direct American support for development programs in the poorer countries. Through these programs we have shared our expertise and our resources with other countries. Our bilateral programs are directed at the poorest people in these countries' populations; they emphasize food and nutrition, population and health, education and human resource development, and science and technology, including energy development.

We have certain expectations of the countries which we help. We have no intention of running their governments or their economies, but we expect them to mobilize their own resources in the effort to develop, to ensure that the poor share in the benefits, and to respect basic human rights.

I am asking the Congress to provide $1.3 billion for the bilateral development assistance program for fiscal year 1978. This is a 20% increase over the amount

provided for fiscal year 1977, which I believe is clearly worthwhile.

Last year, the Congress, on its own initiative, appropriated $5 million to help develop a comprehensive long-term recovery plan for the Sahel region, which had undergone a disastrous drought. As the first major U.S. contribution to this program, I am requesting $50 million for fiscal year 1978. We will cooperate with other interested nations in making further contributions to the Sahel development effort in the future.

—*The PL–480 Program.* The enormous vitality of U.S. agricultural production permits us to share a portion of our bounty in the form of food aid. Our PL–480 programs should not only help the poorer countries improve the quantity and quality of their nutrition, but also encourage self-help programs that will improve their capacity to feed their people in the future. And these programs let us offer relief from famine and privation in the wake of natural and man-made disasters. In fiscal year 1978, our food aid programs will distribute $1.4 billion in agricultural commodities.

—*Security Assistance Program.* Only where peace and security are assured can free nations devote their full energies to development. Our security assistance programs are keyed to these goals, and to advancing the security interests of the United States in cooperation with our friends and allies. Nearly two-thirds of the funds requested for security assistance will be for economic supporting programs. I have increased the amount proposed by the previous Administration for the Middle East; this will strengthen the economic underpinnings so essential to achievement of our goal of peace and stability in this vital region.

For fiscal year 1978 the major elements of my program on security assistance are:

Grant military aid—$284.6 million to eight countries, in most of which we also have U.S. military facilities essential to our global interests. This includes $224 million in programs plus $60.6 million in general and administrative costs, most of which will be reimbursed from other sources.

Grant military education—$35.7 million to train future military leaders.

Financing for foreign military sales—$708 million, which will finance $2.2 billion in loans to help foreign governments eventually to meet their essential security needs by themselves, instead of depending on U.S. handouts.

Security supporting assistance—$1.9 billion to finance programs for countries whose economic condition is a factor in our efforts to assure international security. The two areas where most of these funds will be used—Middle East, and depending on events, Southern Africa—testify to the significance of these programs.

These proposals are fully consistent with my wish to limit budget increases to essentials. My assistance program is part of an effort to combine support of our country's economic interests and security with compassion for the impoverished millions of fellow human beings who share the world with us.

I hope that the economic assistance program now before you will receive your careful, prompt, and sympathetic attention. It represents a vital step toward partnership in a peaceful and equitable world order.

JIMMY CARTER.

THE WHITE HOUSE, *March 17, 1977.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
March 17, 1977.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 4:12 p.m. on Thursday, March 17, 1977, and said to contain a message from the President on Maritime Oil Pollution.

With kind regards, I am

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

REPORT ON MARINE OIL POLLUTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 95–105)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Merchant Marine and Fisheries and to the Committee on Public Works and Transportation and ordered to be printed:

To the Congress of the United States:

The recent series of oil tanker accidents in and near American waters is a grave reminder of the risks associated with marine transportation of oil. Though we can never entirely eliminate these risks, we can reduce them. Today I am announcing a diverse but interrelated group of measures designed to do so.

These measures are both international and domestic. Pollution of the oceans by oil is a global problem requiring global solutions. I intend to communicate directly with the leaders of a number of major maritime nations to solicit their support for international action. Oil pollution is also a serious domestic problem requiring prompt and effective action by the federal government to reduce the danger to American lives, the American economy, and American beaches and shorelines, and the steps I am taking will do this.

The following measures are designed to achieve three objectives: First, to reduce oil pollution caused by tanker accidents and by routine operational discharges from all vessels; Second, to improve our ability to deal swiftly and effectively with oil spills when they do occur; and Third, to provide full and dependable compensation to victims of oil pollution damage.

These are the measures I recommend:

Ratification of the International Convention for the Prevention of Pollution from Ships. I am transmitting this far-reaching and comprehensive treaty to the Senate for its advice and consent. This Convention, by imposing segregated ballast requirements for new large oil tankers and placing stringent controls on all oil discharges from ships, represents an important multilateral step toward reducing the risk of marine oil pollution. In the near future, I will submit implementing legislation to the Congress.

Reform of ship construction and equipment standards. I am instructing the Secretary of Transportation to develop new rules for oil tanker standards within 60 days. These regulations will apply to all oil tankers over 20,000 deadweight tons, U.S. and foreign, which call at American ports. These regulations will include:

—Double bottoms on all new tankers;
—Segregated ballast on all tankers;
—Inert gas systems on all tankers;
—Backup radar systems, including collision avoidance equipment, on all tankers; and
—Improved emergency steering standards for all tankers.

These requirements will be fully effective within five years. Where technological improvements and alternatives can be shown to achieve the same degree of protection against pollution, the rules will allow their use.

Experience has shown that ship construction and equipment standards are effective only if backed by a strong enforcement program. Because the quality of inspections by some nations falls short of U.S. practice, I have instructed the Department of State and the Coast Guard to begin diplomatic efforts to improve the present international system of inspection and certification. In addition, I recommend the immediate scheduling of a special international conference for late 1977 to consider these construction and inspection measures.

Improvement of crew standards and training. I am instructing the Secretary of Transportation to take immediate steps to raise the licensing and qualification standards for American crews.

The international requirements for crew qualifications, which are far from strict, will be dealt with by a major international conference we will participate in next year. I am instructing the Secretary of Transportation to identify additional requirements which should be discussed, and if not included, may be imposed by the United States after 1978 on the crews of all ships calling at American ports.

Development of Tanker Boarding Program and U.S. Marine Safety Information System. Starting immediately, the Coast Guard will board and examine each foreign flag tanker calling at American ports at least once a year and more often if necessary. This examination will insure that the ship meets all safety and environmental protection regulations. Those ships which fail to do so may be denied access to U.S. ports or, in some cases, denied the right to leave until the deficiencies have been corrected. The in-

formation gathered by this boarding program will permit the Coast Guard to identify individual tankers having histories of poor maintenance, accidents, and pollution violations. We will also require that the names of tanker owners, major stockholders, and changes in vessel names be disclosed and included in this Marine Safety Information System.

Approval of Comprehensive Oil Pollution Liability and Compensation Legislation. I am transmitting appropriate legislation to establish a single, national standard of strict liability for oil spills. This legislation is designed to replace the present fragmented, overlapping systems of federal and state liability laws and compensation funds. It will also create a $200 million fund to clean up oil spills and compensate victims for oil pollution damages.

Improvement of federal ability to respond to oil pollution emergencies. I have directed the appropriate federal agencies, particularly the Coast Guard and the Environmental Protection Agency, in cooperation with state and local governments to improve our ability to contain and minimize the damaging effects of oil spills. The goal is an ability to respond within six hours to a spill of 100,000 tons.

Oil pollution of the oceans is a serious problem that calls for concentrated, energetic, and prompt attention. I believe these measures constitute an effective program to control it. My Administration pledges its best efforts, in cooperation with the international community, the Congress, and the public, to preserve the earth's oceans and their resources.

JIMMY CARTER.

THE WHITE HOUSE, *March 17, 1977.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
March 18, 1977.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 1:17 p.m. on Friday, March 18, 1977, and said to contain a Message from the President wherein he transmits to the Congress the Second Annual Report on mobile home standards as required by Section 626 of the National Mobile Home Construction and Safety Standards Act of 1974.

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

SECOND ANNUAL REPORT ON MOBILE HOME STANDARDS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking, Finance and Urban Affairs:

To the Congress of the United States:

I herewith transmit the Second Annual Report on mobile home standards as required by Section 626 of the National Mobile Home Construction and Safety Standards Act of 1974.

JIMMY CARTER.

THE WHITE HOUSE, *March 18, 1977.*

EXTENSION OF LIBRARY SERVICES AND CONSTRUCTION ACT

Mr. BRADEMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3712) to amend the Library Services and Construction Act to extend the authorizations of appropriations contained in such act.

The Clerk read as follows:

H.R. 3712

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 4(a)(1) of the Library Services and Construction Act (20 U.S.C. 351b(a)(1)) is amended by striking out "and" immediately after "1975," and by inserting immediately before the period at the end thereof the following: "$110,000,000 for the fiscal year ending September 30, 1978, $130,000,000 for the fiscal year ending September 30, 1979, and such sums as may be necessary for the fiscal years ending September 30, 1980, and September 30, 1981".

(b) Section 4(a)(2) of the Library Services and Construction Act (20 U.S.C. 351b(a)(2)) is amended by striking out "and" immediately after "1975," and by inserting immediately before the period at the end thereof the following: ", and such sums as may be necessary for the fiscal years ending September 30, 1978, September 30, 1979, September 30, 1980, and September 30, 1981".

(c) Section 4(a)(3) of the Library Services and Construction Act (20 U.S.C. 351b(a)(3)) is amended by striking out "and" immediately after "1975," and by inserting immediately before the period at the end thereof the following: "$15,000,000 for the fiscal year ending September 30, 1978, $20,000,000 for the fiscal year ending September 30, 1979, and such sums as may be necessary for the fiscal years ending September 30, 1980, and September 30, 1981".

(d) Section 4(a)(4) of the Library Services and Construction Act (20 U.S.C. 351b(a)(4)) is amended by striking out "and" immediately after "1975," and by inserting immediately before the period at the end thereof the following: "and the fiscal years ending September 30, 1978, September 30, 1979, September 30, 1980, and September 30, 1981".

SEC. 2. (a) The Act (20 U.S.C. 351 et seq.) is amended by inserting immediately after section 7 the following new section:

"ADMINISTRATIVE COSTS

"SEC. 8. The amount expended by any State, from an allotment received under this Act for any fiscal year, for administrative costs in connection with any program or activity carried out by such State under this Act shall be matched by such State from funds other than Federal funds.".

(b) Section 102(b) of the Act (20 U.S.C. 353(b)) is amended by inserting immediately after "Subject to" the following: "the provisions of section 8 and".

The SPEAKER pro tempore. Is a second demanded?

Mr. QUIE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Indiana (Mr. BRADEMAS) will be recognized for 20 minutes, and the gentleman from Minnesota (Mr. QUIE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill, H.R. 3712, extends the Library Services and Construction Act for 4 additional years, that is, through fiscal year 1981.

Mr. Speaker, few programs of Federal assistance have won such widespread support as has the Library Services and Construction Act.

Since the Federal Government began to assist public libraries in fiscal year 1957, under the then Library Services Act and, subsequently, the Library Services and Construction Act, the United States has gone a long way toward achieving the objective of providing modern library services for the people of our country.

The stimulation of Federal funds has helped strengthen library services at the local level as well as encourage more effective leadership on the part of State library agencies in providing library services.

The bill under consideration would continue this important support for an activity that is indispensable to a genuinely civilized society.

Let me, Mr. Speaker, describe briefly the purpose of the bill under consideration.

Title I of the Library Services and Construction Act provides funds for the acquisition of books, materials, and equipment as well as paying salaries and operating expenses.

Under title I, States also receive funds to extend library services to those whose access to them is limited, such as the poor, the handicapped, and people who live in remote areas.

This title also supplies support for metropolitan public libraries which function as regional or national resource centers.

Mr. Speaker, in testimony given before the subcommittee, a number of witnesses spoke of the severe financial crisis facing many of our Nation's city libraries, forcing urban public libraries to close branches, curtail book purchases and hours of operation, and discharge employees. The seriousness of this situation underscores, Mr. Speaker, the importance of title I and the support it can provide to metropolitan public libraries.

In addition, the title strengthens the capacity of State library agencies to provide library services.

H.R. 3712 authorizes title I expenditures of $110 million and $130 million for fiscal years 1978 and 1979, respectively.

Title II of the Library Services and Construction Act provides grants to the States for public library construction and alteration and remodeling of library buildings.

The bill under consideration recommends such sums as may be necessary for this title of the act.

I am well aware, Mr. Speaker, that this title of the act has not been funded

in recent years but the committee notes that a substantial backlog of public library construction projects has developed and considers the continuation of this provision of the act, therefore, to be necessary.

I now will say a word about title III of the act, also extended by H.R. 3712, and which encourages cooperation and coordination among libraries of all types.

Such cooperation is made possible by grants to the States for the planning, establishment, and maintenance of cooperative networks of libraries at the local, regional, or interstate level.

These networks are intended to provide for coordination of the resources of school, public, academic and special libraries as well as information centers.

H.R. 3712 provides authorizations for title III of $15 million and $20 million, respectively, for each of the next two fiscal years while authorizing such sums as may be necessary for fiscal years 1980 and 1981.

Let me now, Mr. Speaker, speak of title IV of the Library Services and Construction Act, under which grants are authorized to the States for the provision of library services to the elderly.

Title IV has not yet been funded but the committee, aware from the testimony that there is a genuine need for a program that is targeted on providing library services to older Americans, has extended this provision of the act, authorizing such sums as Congress may deem necessary.

There is, Mr. Speaker, a particular modification in the Library Services and Construction Act made by H.R. 3712 of which I want to say a word. I refer to that language in the bill which requires that the administrative moneys expended by the States in carrying out programs under the act be matched by the States from other than Federal funds.

The General Accounting Office has advised Congress that all States retain large percentages of title I funds at the State level for administration and support services or for statewide projects.

The committee believes that, with respect to the administrative expenses of the States in carrying out programs under the act, the prohibition against the use of Federal funds for matching purposes will encourage greater use of State funds for this purpose. State legislatures will in turn be encouraged to increase their own activities in overseeing the operations of State library agencies.

The committee was reluctant to impose a limit on all States that might work a hardship on some. However, it does expect the Federal administrators of the act to monitor State practices and to advise the committee if corrective legislation seems to be necessary. Administrative expenses in excess of 10 percent of program costs would appear to be unwarranted.

Mr. Speaker, on February 23, 1977, the Subcommittee on Select Education unanimously recommended the extension of the Library Services and Construction Act as reflected in H.R. 3712. The bill was thereafter reported to the House by voice vote of the Committee on Education and Labor on March 8.

The administration has also expressed its support of the bill and I insert at this point a letter received from the Secretary of Health, Education, and Welfare, Joseph A. Califano, Jr.:

MARCH 21, 1977.

Hon. JOHN BRADEMAS,
Chairman, Subcommitee on Select Education, Committee on Education and Labor, Washington, D.C.

DEAR MR. CHAIRMAN: I wish to share with you the Department's views on H.R. 3712, to extend and amend the Library Services and Construction Act.

We are in basic agreement with the bill as reported by your Subcommittee. Although the Administration sought only a one-year extension, in accordance with our across-the-board policy, we believe the bill as reported will not interfere with our general review of education programs. We may recommend amendments before expiration of the authority based on our review and the report of the 1979 White House Conference on Libraries and Information Services.

There may be areas of concern to the Department which are not specifically addressed by the Subcommittee bill. Since the Department has not yet fully formulated its policy, we will wait to make any additional recommendations until the bill is considered in the Senate.

The Office of Management and Budget has advised us that there is no objection to the submission of this report to the Congress.

Sincerely,

JOSEPH A. CALIFANO, Jr.

Mr. Speaker, at this point I would like to thank all of the members of the Committee on Education and Labor for their support of this bill. In particular, I would like to thank the distinguished chairman of the Education and Labor Committee (Mr. PERKINS) and the distinguished ranking minority member (Mr. QUIE) for their help in bringing this measure before you today. I also would like to thank the ranking member of the Subcommittee on Select Education (Mr. JEFFORDS) and all the members of the subcommittee for their efforts to see expeditious action on this bill

This show of bipartisan support demonstrates the commitment of our committee to the continued support of our public libraries.

Mr. Speaker, I urge this same demonstration of support for our public libraries by all the members of the House of Representatives today.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from Kentucky (Mr. PERKINS), the distinguished chairman of the committee.

Mr. PERKINS. Mr. Speaker, I thank the distinguished chairman of the subcommittee, the gentleman from Indiana (Mr. BRADEMAS), for yielding.

Mr. Speaker, to my personal knowledge, the gentleman from Indiana (Mr. BRADEMAS) has persevered in this area for many, many years. I have watched this program grow tremendously under the leadership of the gentleman from Indiana.

As I understand the present legislation, Mr. Speaker, it is a simple extension that we passed last year, with one exception: We place a limitation on the Federal expenditures for administrative purposes in that the State must match the administrative expenses where Federal moneys are utilized. That is the only amendment that is different from the bill which the distinguished gentleman from Indiana (Mr. BRADEMAS) brought before the House last year and which died in the other body.

Mr. Speaker, H.R. 3712 provides for the needed extension of programs carried on under the Library Services and Construction Act—the direct descendant of the Library Services Act we enacted in 1956. That original legislation was approved with strong support on both sides of the aisle, and bipartisan cooperation has been the watchword since that time in consideration of legislation to amend and extend public library legislation.

In 1960, when we extended the act for 4 years, the political platforms of our great political parties contained planks and pledges dealing with the needs for libraries and library services. That was the first time both parties had gone on record in this matter.

Mr. Speaker, I want to take opportunity initially to compliment the distinguished chairman of our Select Subcommittee on Education (Mr. BRADEMAS) for the timeliness and substance of this legislation. A 4-year extension of the act as is proposed will continue these public library programs on a stable basis.

I also wish to compliment the ranking minority member of the committee (Mr. QUIE) and members of the committee on both sides of the aisle for their work and support of H.R. 3712. As I have indicated, the original public library legislation in 1956 received bipartisan support and I am pleased that today the bill we are considering has the same support.

When I first came to the Congress library services were virtually nonexistent in so many of our rural areas. In 1949, a bill which I sponsored to provide desperately needed Federal aid for rural library services failed in the House by only two votes. It then took 6 more years before we were able to secure final approval of the original Library Services Act which was limited to rural areas of the Nation. That act did not authorize assistance for the construction of library facilities.

The Committee on Education and Labor has been most attentive to this legislation through the years and to the needs to which it is addressed. Accordingly, a series of amendments have been enacted to broaden, improve, and extend the original act. The act was expanded to reach all areas of the country and funds were authorized to provide desperately needed assistance for the construction of public library facilities.

In 1966 we expanded the act to authorize services for the physically handicapped, to enable the States to provide library services in State institutions, and to foster many forms of cooperation among libraries. The act was last amended in 1970, and the present law will expire on September 30 of this year.

To give a specific example of how this legislation has helped in my own State of Kentucky, title I has provided assistance in the development of public libraries in 106 of Kentucky's 120 counties. It has enabled the establishment of serv-

ices for 70,000 eligible blind and physically handicapped citizens and provided for the extension of services to 5,007 persons in State institutions. Socially and economically disadvantaged persons have been assisted by this legislation. For example, last year $14,300 was used by the public library in Louisville, Ky., to reach over 50,000 senior citizens.

Under the construction title, 39 libraries in Kentucky have been established. In a recent survey of construction needs, it was found that 13 additional construction projects are needed now. Specifically, in the State of Kentucky alone there is a need today for more than $5 million in Federal moneys to assist in the construction of public libraries.

We now have a 21-year record of limited Federal assistance to libraries under this act with a solid record of benefits derived from the stimulation of Federal grants matched in State and local tax effort. And this has occurred without a hint of Federal control or stifling of intellectual freedom. There has been no compulsion or coercion of the Nation's 30,000 libraries. Indeed, this act has expanded freedom, not curtailed it. Some 17 million Americans have gained access to library services for the first time, and another 90 million men, women, and children have benefited from better public libraries.

Mr. Speaker, a moment ago I mentioned some of the accomplishments which occurred under this act in Kentucky. Much of this success has been due to the admirable and untiring efforts of State and local librarians. For so many years our State was guided in library matters by a good friend and very able individual—Margaret Willis. Her influence is still being felt. Now the libraries are under the able direction of Mrs. Barbara Williams, a former constituent of mine. I want to compliment all librarians in my home State, including those in public libraries, and in college and school libraries.

Despite our accomplishments, however, we are still far from meeting the needs identified in the existing Library Services Act and in fulfilling the promises of that act.

For example, it is estimated that 175,000,000 people, that is 83 percent of the total population, are receiving inadequate public library service. Close to 10 million receive no public library service at all. Ten percent of the counties in this country do not have public library service. Today, there are still 297 counties without any library service at all.

In addition, I would point out that inadequate library service is not a condition solely of urban areas. Rather it is a condition that is particularly prevalent in rural areas of our country. The passage of this legislation, and in particular the extenison of title I, will do much to initiate library services in areas where such services are not now available or where they are inadequate because of insufficient local resources.

The bill before us today is a simple extension and authorization of appropriations for the coming 4 years. It authorizes $110,000,000 for title I, Library Services, for fiscal year 1978, and $130,000,000 for fiscal year 1979. For title III, Interlibrary Cooperation, it authorizes $15,000,000 for fiscal year 1978 and $20,000,000 for fiscal year 1979. For library services under title I and Interlibrary Cooperation under title III of the act, the committee bill would authorize such sums as necessary for fiscal year 1980 and 1981.

For title II of the act, public library construction, and title IV, older readers services, the bill would authorize such sums as may be necessary for fiscal years 1978 through 1981.

We are hopeful that in due time we will have before us the recommendations of the White House Conference on Library and Information Services. Members will recall that the bill we enacted to authorize this conference (Public Law 93–568) requires that the conference be held not later than 1978. I am, of course, pleased that the supplemental appropriations bill approved by the House last week provided $3.5 million for the White House Conference.

The findings and recommendations of the White House Conference on Libraries, and especially of the State conference that will precede it, will provide us with an up to date evaluation from the grassroots of the needs of public libraries.

We do not need a White House conference, however, to tell us that those needs are great and growing. The cost of books, magazine subscriptions, and everything else that a library must obtain for its users has been rising rapidly. Postal fees are upward bound, and so is the cost of fuel and everything else needed to keep a library's doors open to the public. Some of the greatest libraries in the land are reducing their staff, limiting their purchases of new publications, curtailing their hours, and tragically even considering closing some of their facilities.

These are hard times, yes, and belts must be tightened. But it is unthinkable that we would retreat in our support of public libraries in a country where they were invented, any more than we would think of closing the doors of our schools. Both play their part in educating our people for self-government and for useful, productive, rewarding lives in freedom and dignity.

Our libraries and our schools and colleges are the very bedrock on which our democracy and our productivity and progress as a nation are founded.

Mr. Speaker, H.R. 3712 was reported from subcommittee and full committee unanimously. I do not believe there is cause for any Member of the House to vote against this legislation.

Accordingly, I ask for the unanimous approval of H.R. 3712 today by the full House.

Mr. BRADEMAS. Mr. Speaker, I thank the distinguished chairman of the subcommittee, the gentleman from Kentucky (Mr. PERKINS), for his gracious remarks; and I commend him for the vigorous support he has given to library services since he has been a Member of the House of Representatives.

Mr. QUIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, people of this country need to know how to and why, and the library is where they tend to go when they want to find out.

Mr. Speaker, the expansion of public libraries, as brought about by this act, has been of enormous importance to everybody in the country, not only those who attend school, but those who just want to improve their own knowledge.

Therefore, Mr. Speaker, I rise in support of the motion of the gentleman from Indiana (Mr. BRADEMAS) to suspend the rules and pass H.R. 3712, a bill to amend and extend the Library Services and Construction Act.

Mr. Speaker, I commend the gentleman from Indiana (Mr. BRADEMAS) for the work that he has undertaken in devoting himself to making certain that we do have an excellent piece of legislation. I commend him, as the chairman of the committee, the gentleman from Kentucky (Mr. PERKINS), has done; and I urge the Members of the House to support this excellent piece of legislation which really extends and permits us to continue this outstanding work, which, as the gentleman from Kentucky (Mr. PERKINS) indicated, began with a rural library program, expanded to include urban libraries. I believe the measure includes the flexibility necessary to permit the specific needs of certain localities to be carried out that are over and above other local programs.

Mr. Speaker, LSCA and its predecessor, the Library Services Act, have been in existence since 1956, making this one of the oldest programs in the U.S. Office of Education. In that first year of operation, the appropriation was $2 million, and the emphasis was on the provision of services to rural areas with populations of under 10,000.

The history of the role of the Federal Government in the field of public libraries is one of the true success stories of Federal aid. In the 21 years that the law has been in existence, services have been expanded for approximately 90 million Americans and have been provided for the first time to another 17 million. Although LSCA and the previous Library Services Act have not funded all of that expansion, they have been almost entirely responsible for stimulating the expansion of library services.

Construction grants, authorized under title II, have resulted in the building of over 2,000 library buildings serving 64 million people. During the years when construction funds were available, $177 million in Federal funds, matched by $457 million in State and local funds, added enormously to the accessibility of libraries across the Nation.

Title III of the act, providing assistance for interlibrary cooperation, has added nearly 200 projects involving approximately 11,000 libraries across the country. Under this title, all types of libraries have been joined together to provide better service to library users. The assisted libraries have included not only public libraries but college libraries, university libraries, school libraries, and research libraries.

Title V of the act, added in 1973 by the older Americans amendments, has

regrettably never received funding. However, under this title, if funds are provided, grants would be available to States for the provision of library services for the elderly which would include both the purchase of special library materials and the provision of in-home visits by library personnel.

It can truly be said that the library services activities of the Federal Government have been among the real success stories of the efforts of Washington to provide expanded services to people across the country.

During the hearings in the Select Education Subcommittee, much testimony was heard from those who were concerned about the plight of the financing of libraries in our major cities. Although the committee shared those concerns, it was the general feeling that more adequate funding of the existing act, particularly titles I and III, would provide the additional funds needed in those urban areas. Title I, for instance, already includes a priority for strengthening metropolitan public libraries and, in addition, places an emphasis upon the establishment, expansion, and operation of programs to assist the physically handicapped, the disadvantaged, and people of limited English-speaking ability. Witnesses testifying during those hearings agreed that higher funding of the current act was an acceptable alternative to the addition of a new title to the law providing aid only for libraries in urban areas.

The committee was also concerned about the number of counties in the country still lacking any access to public library services. Information prepared for the Committee by the Office of Libraries and Learning Resources of the U.S. Office of Education shows that there are 297 counties still lacking any access to library services. Those counties are located in 19 States ranging from Alaska to Georgia. The States with the most counties which lack access to library services include Indiana with 42 counties; South Dakota, 44 counties; Missouri, 36 counties; North Dakota, 30 counties; and Minnesota with 24 counties.

It was the feeling of a number of members of the committee that although services may have been subject to some cutbacks in urban areas, for the most part the availability of libraries in those areas are still greater than that found in most of the rest of the Nation. It is for that reason and others that the committee chose not to adopt a separate targeted program for urban areas.

The only other issue of major concern to be brought to the committee's attention was the question of State use of funds for State administration. The current law places no limits upon State withholding for that purpose. As a consequence, the pattern across the country is quite varied. For example, 11 States withhold no funds for administration at the State level, and in fiscal 1976 six States withhold in excess of 10 percent of the funds which they received for State administration. Because of the unevenness of this pattern, as well as the need to place some limitation upon the practice of withholding funds, the committee adopted an amendment providing that any funds withheld by the State would have to be matched with an equal amount of State funds for administration. The committee felt that this would be a self-policing mechanism which would have the dual objective of keeping administrative costs low while, at the same time, providing for some oversight into the use of Federal funds by the State legislature.

I wish to make clear that the matching funds for administration must come from State sources. It cannot come from local library funds or from other Federal funds, such as general revenue sharing.

In my own State of Minnesota, figures provided by the Office of Education show that in 1976 the State withheld 1.4 percent of the State allotment or $13,554. Under the provision adopted by the committee, the State could continue to withhold that amount, provided State funds are available in matching quantity, or the State could increase or reduce that amount to whatever level it was willing to match.

Finally, it should be noted that the bill before us today is essentially identical to legislation which passed the House by a very decided majority some 13 months ago as H.R. 11223. The LSCA authorizing legislation expires September 30 so that if the Appropriations Committee is to be able to include funds for these programs in the regular fiscal 1978 Labor-HEW appropriations bill, it is essential that both the House and the other body act as soon as possible to pass this legislation, resolve any differences, and send the bill to the President for his signature. I am convinced of the value of the Library Services and Construction Act. I urge my colleagues to adopt the motion to suspend the rule and pass H.R. 3712 as reported by the Committee on Education and Labor.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I thank the gentleman from Minnesota for yielding to me. I want to join with the gentleman from Minnesota (Mr. QUIE) in the remarks he has made. I also wish to commend the gentleman from Indiana (Mr. BRADEMAS) for bringing this bill before the House under suspension of the rules. I do not know of any finer legislation that we could have on the floor today than this bill. I have been involved on many occasions in the subcommittee handling HEW appropriations in seeking proper funding for library services and I have done this because I believe in it. As the gentleman from Minnesota has said, libraries open up many vistas to the American public.

No one can deny the fact that our Nation's public libraries are among the most valuable basic information resources, not only for the individual citizen, but also for authors of books and articles on current issues, government researchers, social scientists, and, significantly, journalists. Alongside the news media as a bulwark of information and ideas is an equally important institution most of us take for granted—the free public library.

As the Nation becomes more and more aware of the obligation to provide free access to information, many of our public libraries are reducing their hours, cutting back their collections, falling behind in the processing of materials, and even closing their doors. If there is, as many assert, a public right to know—as embodied in the Freedom of Information Act—then that right certainly should extend to access to the vital storehouse of information in our public libraries. The accelerating rate of financial distress of public libraries will undoubtedly have a substantial impact on the knowledge and education of our citizens—and consequently on their participation in our Government and our society.

Modern, well-supplied, easily accessible libraries are essential to the public's continuing right to learn. They offer everyone, from the richest to the poorest, equal access to information.

I urge my colleagues to support this necessary legislation which will assist States not only with moneys for construction of libraries, but with moneys to improve library services, to extend services to the poor, handicapped, and our elderly, and to strengthen State library agency services. Since the enactment of the Library Services and Construction Act, it has supported construction of over 2,000 libraries, but it has been noted that title II has not been funded in recent years, causing a substantial backlog in neded construction. In addition, funding for "older reader services" has been denied since the addition of title IV in 1973.

I cannot overemphasize the value of affording our older Americans extended library services under title IV. This group of individuals, along with the poor and handicapped, should be able to enjoy the benefits of access to books, periodicals, newspapers, and the other sources of information. Support of our public libraries is imperative for the preservation of our basic freedom to information and for the continuation of this valuable service to communities across the Nation.

I will be working in my Labor-HEW Subcommittee on Appropriations for adequate funding levels to implement these valuable and necessary library services programs authorized by this legislation.

Mr. QUIE. Mr. Speaker, I thank my colleague, the gentleman from Massachusetts (Mr. CONTE) on his remarks.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I want to observe to the gentleman from Minnesota that while the goal this bill seeks to achieve is a laudable one and one that I am certain has the support of most Members of the House, it seems to me that the procedure employed is part of a continuing design by the leadership to bring up legislation authorizing hundreds of millions of dollars under suspension of the rules and thus to prevent the right of any Member to offer amendments to reduce the amounts.

It seems to me that if we are going to continue this sort of a procedure, no matter how laudable the matters might be that we are then denying the rights of Members who might wish to offer amendments, or to make changes in such legislation.

So, Mr. Speaker, I would hope the leadership would reconsider this practice of placing bills of this nature under suspension of the rules.

Mr. MOAKLEY. Mr. Speaker, I rise to support an extension of the Library Services and Construction Act of 1977 (H.R. 3712). In the past, the LSCA has done a commendable job in extending and enhancing library services to the people of this Nation. Since 1957, the Library Services Act has provided Federal moneys to the States to aid them in the construction, renovation, equipping and stocking of libraries in both urban and rural areas.

We have before us a measure to extend the Library Service and Construction Act for 4 years and an authorization of $275 millions in fiscal years 1978 and 1979 for continued expansion and improvement of public library services. Funding for fiscal years 1980 and 1981 would not exceed the levels for the 2 previous years. It is urgent that we act swiftly to insure that this legislation is extended to provide for an uninterrupted flow of Federal moneys to the States for the purpose of library enhancement.

In fiscal year 1977, Massachusetts' libraries received over $1.5 million in Federal funds to assist the State in the construction, renovation and servicing of library facilities. The ending of what has been, in the past, an efficient, productive, and creative program could only spell disaster for libraries throughout this Nation.

Mr. GRASSLEY. Mr. Speaker, the legislation which we are considering today, namely H.R. 3712, warrants the support of each and every Member of the House. It would, in summary, amend the Library Services and Construction Act to authorize appropriations for fiscal year 1978 and subsequent years. A bill similar to this passed the House during the 94th Congress but failed to receive consideration in the Senate.

In visiting with constituents and librarians from the Third Congressional District of Iowa I am advised that legislation, such as this, is needed in order to maintain and improve library services for small cities, towns and rural areas alike. The value of bringing books and other library materials to the people cannot be overemphasized. Libraries contribute to an informed electorate and knowledgeable citizenry.

I am particularly pleased that title II of the Library Services and Construction Act will be funded under H.R. 3712. These funds will be put to good use in building and remodeling facilities which house books and other educational materials. In approving this legislation we will be following the trail blazed many years ago by Andrew Carnegie. Therefore, I would respectfully urge my colleagues to join me in voting in favor of the Library Services and Construction Act authorization.

Mr. ALEXANDER. Mr. Speaker, I rise in support of H.R. 3712, legislation that extends the Library Services and Construction Act for 4 additional years through fiscal year 1981.

Though the House passed legislation in February of last year to extend this act, the other body did not take similar action and the Library Services provision was extended for 1 year by the General Education Provisions Act. This vital educational program will expire unless it is reauthorized.

The bill before us today authorizes Federal support for public library services; public library construction; interlibrary cooperation at the local, regional, and interstate levels; and for library services for the elderly.

This legislation also adds a new requirement that expenditures by a State for administrative costs, from allocations received under this act, must be matched by the State from funds other than Federal moneys.

Since the enactment of the Library Services Act in 1956, approximately 17 million people have been provided public library services for the first time and another 90 million have received improved services.

As a member of the House Appropriations Committee, I will urge my colleagues to appropriate adequate construction funding under title II of this act to meet library needs across the Nation. There are 10 construction projects in Arkansas that could be started within 2 years if LSCA funds were available, 3 in my district. Arkansas does not use State money for the construction of library buildings. At least half of these projects could be started within 1 year and two projects could be started tomorrow if money were available.

I urge adoption of this bill.

Mr. BIAGGI. Madam Chairman, I rise in unqualified support of H.R. 3712, legislation to extend the Library Services and Construction Act. I am especially proud to be an original cosponsor of this legislation and feel its passage will represent a sound investment in the future learning opportunities of millions of Americans.

It was 20 years ago when the Federal Government first began to provide funds to assist public libraries. The first Library Services Act provided funds exclusively to rural library systems. In 1964, the act was amended to include urban library systems and was also expanded to include funds for library construction. All told, the result of the LSCA's 20-year history have been outstanding. More than 100 million Americans have received either first time or improved library services in this period, many, a result of the LSCA. The act is worthy of exactly the kind of extension being proposed in H.R. 3712.

I especially support titles I and IV of the bill. My support of title I is based on its ability to respond to the urgent needs of many beleaguered major urban library systems. Fiscal factors far beyond the control of many library administrators have caused many large urban systems to make drastic reductions in services, including the closing of major branches. This problem was especially highlighted during the hearings which the House Select Education Subcommittee held on the bill. We heard stories of major library systems curtailing purchases of new books, and making major reductions in hours of service.

This problem is especially acute in the city of New York. Numerous branch libraries throughout the five boroughs of the city have been forced to lay off hundreds of personnel, reduce hours and services in some cases have even closed. Even the famous main branch of the New York Public Library has felt the effects of the fiscal crunch in the form of reduced services and hours. These problems are very real and affect thousands of New Yorkers.

Title I of H.R. 3712 proposes a solution to this crisis in the form of Federal assistance especially targeted to troubled urban library systems. Funds under title I can be used to meet the overall operating expenses of metropolitan libraries including the purchase of materials and equipment, as well as the payment of salaries of library personnel. Title I also provides grant funds to States to allow them to expand and extend their library services to those whose present access to such services is limited, such as the poor and handicapped. Some $240 million is provided for this section for the next 2 years. It will certainly be an important commitment by the Federal Government to bolstering the library systems in our major systems which presently have been one of the prime casualties of the fiscal problems which many major cities face.

As a member of the House Select Committee on Aging I also warmly endorse title IV of this legislation. This section provides the States with grants to improve library services specifically for the elderly. Funds here can be used to purchase special library materials as well as to pay the salaries of those elderly who work on libraries. A very important feature of title IV is its providing of funds to allow for library personnel to make visits to homebound elderly. This section is consistent with the growing concern of this Nation toward the problem facing the millions of elderly who live alone. The ability of a shut-in elderly to receive a regular visit and be provided with a source of regular reading entertainment can be a tremendous value in reducing the feeling of isolation and loneliness affecting many homebound elderly. Finally, included in title IV are funds to provide for needed transportation services to those elderly interested in receiving library services.

I wish at this time to pay tribute to the distinguished chairman of the subcommittee, Mr. BRADEMAS. His leadership on behalf of this legislation was outstanding and his commitment to the improvement of library services is unquestioned. I urge the swift approval of my colleagues of this legislation today. It represents good fiscal and intellectual sense. Libraries are of tremendous importance to millions of Americans. The citizens of this Nation have participated in their local libraries and with the passage of this legislation we will be expanding the opportunities to participate to millions

more. Let us keep the doors of knowledge open to all our citizens. We can take an important step with the passage of H.R. 3712.

Mr. QUIE. Mr. Speaker, I have no further requests for time.

Mr. BRADEMAS. Mr. Speaker, I have no further requests for time.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill now under consideration, the Extension of Library Services and Construction Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BRADEMAS) that the House suspend the rules and pass the bill H.R. 3712.

The question was taken.

Mr. QUIE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 368, nays 1, not voting 63, as follows:

[Roll No. 84]

YEAS—368

Addabbo	Burton, Phillip	Evans, Ind.
Akaka	Butler	Fary
Alexander	Byron	Fascell
Allen	Caputo	Fenwick
Ambro	Carney	Findley
Ammerman	Carr	Fish
Anderson, Calif.	Carter	Fisher
	Cavanaugh	Fithian
Anderson, Ill.	Cederberg	Flippo
Andrews, N. Dak.	Clausen, Don H.	Flood
		Flowers
Annunzio	Clawson, Del	Flynt
Applegate	Cleveland	Foley
Archer	Cochran	Ford, Mich.
Armstrong	Cohen	Ford, Tenn.
Ashbrook	Coleman	Forsythe
Ashley	Collins, Ill.	Fountain
AuCoin	Collins, Tex.	Fraser
Badham	Conable	Frenzel
Bafalis	Conte	Frey
Baldus	Corcoran	Fuqua
Barnard	Corman	Gammage
Baucus	Cornwell	Gaydos
Bauman	Coughlin	Gephardt
Beard, R.I.	D'Amours	Gibbons
Beard, Tenn.	Daniel, Dan	Gilman
Bedell	Daniel, R. W.	Ginn
Beilenson	Danielson	Glickman
Benjamin	Davis	Goldwater
Bennett	de la Garza	Goodling
Bevill	Delaney	Gore
Bingham	Dellums	Gradison
Blanchard	Dent	Grassley
Blouin	Derrick	Gudger
Boggs	Derwinski	Hagedorn
Bolling	Devine	Hall
Bonker	Dickinson	Hamilton
Bowen	Dicks	Hammer-schmidt
Brademas	Diggs	
Breckinridge	Dingell	Hanley
Brinkley	Dodd	Hannaford
Brodhead	Dornan	Hansen
Brooks	Downey	Harkin
Broomfield	Drinan	Harrington
Brown, Calif.	Duncan, Tenn.	Harris
Brown, Mich.	Edgar	Harsha
Brown, Ohio	Edwards, Ala.	Heckler
Broyhill	Edwards, Calif.	Hefner
Buchanan	Edwards, Okla.	Heftel
Burgener	Eilberg	Hightower
Burke, Fla.	English	Hillis
Burke, Mass.	Erlenborn	Holland
Burleson, Tex.	Ertel	Hollenbeck
Burlison, Mo.	Evans, Del.	Holt
Burton, John	Evans, Ga.	Horton
Howard	Moorhead, Calif.	Selberling
Huckaby	Moss	Sharp
Hughes	Mottl	Shipley
Hyde	Murphy, Ill.	Shuster
Ichord	Murphy, N.Y.	Simon
Jacobs	Murphy, Pa.	Skubitz
Jenkins	Murtha	Smith, Iowa
Jenrette	Myers, Gary	Smith, Nebr.
Jones, Okla.	Myers, Michael	Snyder
Jones, Tenn.	Myers, Ind.	Solarz
Jordan	Natcher	Spellman
Kasten	Neal	Spence
Kastenmeier	Nedzi	Stangeland
Kazen	Nichols	St Germain
Kelly	Nix	Stanton
Kemp	Nolan	Stark
Ketchum	Nowak	Steed
Keys	O'Brien	Steers
Kildee	Oakar	Steiger
Kindness	Oberstar	Stockman
Koch	Obey	Stokes
Kostmayer	Ottinger	Stratton
Krebs	Panetta	Studds
Krueger	Patten	Symms
Lagomarsino	Patterson	Taylor
Latta	Pattison	Thone
Le Fante	Pease	Thornton
Lederer	Pepper	Tonry
Leggett	Perkins	Traxler
Lehman	Pettis	Treen
Lent	Pickle	Trible
Levitas	Pike	Tsongas
Lloyd, Calif.	Poage	Udall
Lloyd, Tenn.	Preyer	Ullman
Long, La.	Price	Van Deerlin
Long, Md.	Pritchard	Vander Jagt
Lott	Quayle	Vanik
Lujan	Quie	Vento
Luken	Quillen	Volkmer
Lundine	Rahall	Waggonner
McCloskey	Railsback	Walgren
McCormack	Rangel	Walker
McDade	Regula	Walsh
McHugh	Reuss	Wampler
McKinney	Rhodes	Watkins
Madigan	Richmond	Waxman
Maguire	Rinaldo	Weaver
Mahon	Risenhoover	Weiss
Markey	Roberts	Whalen
Marks	Robinson	White
Marlenee	Rodino	Whitehurst
Marriott	Roe	Whitley
Martin	Rogers	Whitten
Mathis	Rooney	Wiggins
Mattox	Rose	Wilson, Bob
Mazzoli	Rostenkowski	Wilson, C. H.
Meeds	Rousselot	Wilson, Tex.
Meyner	Roybal	Winn
Michel	Runnels	Wirth
Mikulski	Ruppe	Wolff
Miller, Calif.	Russo	Wright
Miller, Ohio	Santini	Wydler
Mineta	Sarasin	Wylie
Minish	Satterfield	Yates
Mitchell, Md.	Sawyer	Yatron
Mitchell, N.Y.	Scheuer	Young, Fla.
Moakley	Schroeder	Young, Mo.
Moffett	Schulze	Young, Tex.
Mollohan	Sebelius	
Moore		

NAYS—1

McDonald

NOT VOTING—63

Abdnor	Florio	Milford
Andrews, N.C.	Giaimo	Montgomery
Aspin	Gonzalez	Moorhead, Pa.
Badillo	Guyer	Pressler
Biaggi	Hawkins	Pursell
Boland	Holtzman	Roncalio
Bonior	Hubbard	Rosenthal
Breaux	Ireland	Rudd
Burke, Calif.	Jeffords	Ryan
Chappell	Johnson, Calif.	Sikes
Chisholm	Johnson, Colo.	Sisk
Clay	Jones, N.C.	Skelton
Conyers	LaFalce	Slack
Cornell	Leach	Staggers
Cotter	McClory	Stump
Crane	McEwen	Teague
Duncan, Oreg.	McFall	Thompson
Early	McKay	Tucker
Eckhardt	Mann	Young, Alaska
Emery	Metcalfe	Zablocki
Evans, Colo.	Mikva	Zeferetti

The Clerk announced the following pairs:

Mr. Boland with Mr. Abdnor.
Mr. Cotter with Mr. Badillo.
Mr. Florio with Mrs. Burke of California.
Mr. Giaimo with Mr. Cornell.
Mr. Sikes with Mr. Aspin.
Mr. Staggers with Mr. Clay.
Mr. Teague with Mr. Eckhardt.
Mr. Thompson with Mr. Bonior.
Mr. Zablocki with Mr. Conyers.
Mr. Zeferetti with Mr. Gonzalez.
Mr. Biaggi with Mr. Crane.
Ms. Holtzman with Mr. Hubbard.
Mr. Hawkins with Mr. Leach.
Mr. Ireland with Mr. Emery.
Mr. Skelton with Mr. McClory.
Mr. Chappell with Mr. Metcalfe.
Mrs. Chisholm with Mr. Andrews of North Carolina.
Mr. Early with Mr. Jones of North Carolina.
Mr. McKay with Mr. McEwen.
Mr. McFall with Mr. Duncan of Oregon.
Mr. LaFalce with Mr. Johnson of Colorado.
Mr. Rosenthal with Mr. Guyer.
Mr. Roncalio with Mr. Milford.
Mr. Moorhead of Pennsylvania with Mr. Montgomery.
Mr. Mann with Mr. Pursell.
Mr. Mikva with Mr. Rudd.
Mr. Breaux with Mr. Evans of Colorado.
Mr. Johnson of California with Mr. Pressler.
Mr. Sisk with Mr. Tucker.
Mr. Slack with Mr. Young of Alaska.
Mr. Ryan with Mr. Stump.

Mr. YATRON changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DUTY-FREE TREATMENT FOR AIRCRAFT ENGINES IMPORTED AS TEMPORARY REPLACEMENTS FOR CERTAIN AIRCRAFT ENGINES UNDERGOING OVERHAUL

Mr. VANIK. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 422) to amend the Tariff Schedules of the United States to provide duty-free treatment of any aircraft engine used as a temporary replacement for an aircraft engine being overhauled within the United States if duty was paid on such replacement engine during a previous importation, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. ROSTENKOWSKI). Is there objection to the request of the gentleman from Ohio?

Mr. STEIGER. Mr. Speaker, reserving the right to object, I do so only for the purpose of allowing the gentleman from Ohio, the distinguished chairman of the subcommittee, to describe the bill.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. STEIGER. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Speaker, the purpose of H.R. 422 is to amend the Tariff Schedules of the United States to provide duty-free treatment of any aircraft engine used as a temporary replacement for an aircraft engine being overhauled within the United States if duty was paid on such replacement engine during a previous importation.

H.R. 422 was introduced by our colleague, Mr. HUGHES of New Jersey. The committee also considered an identical bill, H.R. 3051, introduced by our colleague, Mr. CORMAN of California.

Firms in the United States engaged in aircraft engine repair when repairing foreign-made aircraft engines, must provide a replacement engine to the aircraft owner or operator while the repair is taking place. Not only is the duty paid on the replacement engine when first imported, but each time the loaned engine is reimported in exchange for the original engine repaired by the U.S. firm, current law requires that a duty be assessed.

It is claimed that the requirement of successive duty payments on each reimportation of "loaner" aircraft engines after the duty has been paid on original importation serves no purpose and is a cost disincentive to U.S.-based firms who compete with overseas repair firms.

Section 1 of H.R. 422 would amend the Tariff Schedules of the United States—TSUS—by the inclusion of a new item, 801.20, which would provide for the duty-free entry of any aircraft engine or propeller or any part or accessory of either, previously imported, on which the duty was paid upon such previous importation. Such duty-free entry would be limited if the reimported duty paid article had not been advanced in value or improved in condition while abroad, if exported under loan, lease, or rent to an aircraft owner or operator as a temporary replacement for an aircraft engine being overhauled, repaired, rebuilt, or reconditioned in the United States, and if reimported by or for the account of the person who exported it from the United States.

Section 2 of H.R. 422 as reported would provide that section 1 of this bill would become effective on the date of enactment.

In the 94th Congress, a similar bill was reported favorably by the Committee on Ways and Means and approved by the House. However, it was not enacted into law prior to the adjournment of that Congress.

Public hearings were held by the Subcommittee on Trade of the Committee on Ways and Means on February 22, 1977, on duty-free entry and temporary duty suspension bills. During these hearings, favorable testimony and written comments were received on H.R. 422 and H.R. 3051. Favorable reports were also received from interested executive branch agencies. No objection to this legislation have been receievd by the Commitee from any source.

The committee was unanimous in reporting H.R. 422 as amended, and I urge its passage.

Mr. STEIGER. Mr. Speaker, I support H.R. 422, which provides duty-free treatment of any previously imported aircraft engine which is exported as a temporary replacement for an aircraft engine being overhauled within the United States. This exemption would apply only if duty was paid on the replacement engine when it was originally imported.

The duty-free treatment described in this bill is limited to those aircraft engines, propellers or parts thereof, that have not advanced in value or condition while abroad. A further limitation requires that the replacement engine be reimported by or for the person who exported it from the United States.

H.R. 422 is designed to assist the aircraft engine replacement and repair industry that in the past has borne the compounded cost of import duties each time a replacement engine was sent abroad for a brief time while repairs were being made on a previously installed engine. This has placed the industry at a competitive disadvantage with similar industries located outside the United States. The passage of this bill would improve the competitive status of U.S. industry and would be beneficial to job development in this industry. The annual customs revenue loss resulting from enactment of H.R. 422 is estimated to be $2.5 million.

Mr. Speaker, in its hearings this year and in the 94th Congress, the committee heard no objection to the elimination of duty in this instance, and reported the bill without dissent. I recommend passage by the House at this time.

Mr. Speaker, I urge support of the bill and withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill, as follows:

H.R. 422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart A of part 1 of schedule 8 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately after item 801.10 the following new item:

" 801.20	Any aircraft engine or propeller, or any part or accessory of either, previously imported, with respect to which the duty was paid upon such previous importation, if (1) reimported without having been advanced in value or improved in condition by any process of manufacture or other means while abroad, after having been exported under loan, lease, or rent to an aircraft owner or operator as a temporary replacement for an aircraft engine being overhauled, repaired, rebuilt, or reconditioned in the United States, and (2) reimported by or for the account of the person who exported it from the United States	Free	Free ",

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

Mr. VANIK. Mr. Speaker, I yield myself such time as I may consume.

Mr. HUGHES. Mr. Speaker, will the gentleman yield?

Mr. VANIK. I yield to my colleague, the gentleman from New Jersey (Mr. HUGHES).

Mr. HUGHES. I thank my colleague for yielding.

Mr. Speaker, I compliment the chairman and members of the Ways and Means Committee for their prompt action on H.R. 422, the duty-free treatment of replacement aircraft engines. This long-needed legislation would correct an inequity in the current Tariff Schedules to allow American businessmen to compete on equal terms in the world marketplace.

When repairing or overhauling foreign-made aircraft engines within the United States, maintenance firms must supply temporary replacement engines to keep their customers planes flying, for the overhaul may take several months. Under present law, duty is paid on these loaner engines when first imported and every time they are reimported in exchange for repaired engines. These successive duty payments serve no purpose except to act as a cost disincentive for servicing foreign engines. American industry and American workers are deprived of this business.

Upon enactment, H.R. 422 would amend the U.S. Tariff Schedules to provide duty-free reimportation of any aircraft engine or propeller or accessory part used as a temporary replacement for an engine being repaired or reconditioned in the United States. In all instances, duty must have been paid on its initial importation and the engine cannot have been increased in value or improved in condition while abroad.

Let me relate some figures that will clearly show the situation faced by domestic concerns. At present, there is an average 5-percent duty on imported engines. Three of the major foreign engines in common use are valued at $90,000, $105,000, and $500,000. The average repair estimates are $35,000, $60,000, and $125,000, respectively. The use of these engines as loaners to support overseas customers would require a payment of duty each time the loaner is reimported, which increases the costs by 5 percent of the value of the engine. These costs cannot be absorbed; they must be passed on to the customer. In this example, the new cost to overhaul would be $39,500, $62,250, and $150,000. These higher costs make domestic concerns noncompetitive, and they often are put in the position of not even attempting to attract such overseas business.

Two situations come to mind that may be of concern to Members. Foreign aircraft engines in service abroad are dealt with in this bill, because there is no problem with domestic built engines or foreign engines in use in this country. When an American manufacturer specifies a certain foreign engine for use in a particular airframe, the repair shop has no choice but to use this same engine as a loaner.

The second point is the estimate of a $2.5 million revenue loss. This loss is really a phantom, however, as the present customs duty effectively prices domestic maintenance shops out of the world market, so there is no real loss.

As explained in a letter from the materials director of one American overhaul shop—

> I feel that there is really no potential loss of revenue to the Customs Service because there is no revenue at the present time and there will be none under the present law.

This legislation should benefit both U.S. business and the economy. Presently our aircraft repair and overhaul centers must compete with Canada, Great Britain, Sweden, France, Brazil, Taiwan, and Australia for much of their business. Today, they work under the additional handicap of customs regulations which unnecessarily penalize their operations. Removal of this tariff burden will allow American industry to compete

even more successfully in this world market.

I strongly urge my colleagues to support the passage of H.R. 422.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DUTY-FREE ENTRY OF CARILLON BELLS FOR SMITH COLLEGE, NORTHAMPTON, MASS.

Mr. VANIK. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 1404) for the relief of Smith College, Northampton, Mass.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. KASTENMEIER. Mr. Speaker, reserving the right to object, I shall not object. However, I take this time to ask the distinguished gentleman from Ohio (Mr. VANIK) about this bill in connection with the following:

As I understand it, the bill has in fact passed the House before, and it is not my intention to frustrate the benefit that Smith College may receive under this bill, nor to frustrate the legislative work which the gentleman from Massachusetts (Mr. CONTE) has done on its behalf.

However, in a similar fact situation 4 years ago, the University of Wisconsin had also applied under similar legislation, that is to say, having duty-free status for imported carillon bells, which is essentially the same situation here.

The Department of Commerce at that time objected, and following that objection the Congress did not in fact grant such preferred tax status. In the interest of tax equity—and I know the gentleman from Ohio is certainly interested in that—I would urge that the gentleman attempt to obtain from the Commerce Department a distinction, if any there exists, for the justification in the way of the treatment of the University of Wisconsin in that situation and in the instant case with Smith College.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. I thank the gentleman for yielding.

Mr. Speaker, I think the gentleman makes a very, very telling point. I think we ought to find out what the distinction is between the two cases. They seem identical. I certainly will carry through with the gentleman's request to determine from the Department of Commerce what distinction, if any, there is between the gift and the request of the University of Wisconsin as distinguished between the college in the instant case. I certainly will report back to the gentleman my findings and what I learn from the Department of Commerce.

Mr. KASTENMEIER. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

Mr. STEIGER. Mr. Speaker, further reserving the right to object, I do so only to allow the distinguished chairman of the subcommittee to explain the bill.

Mr. VANIK. Mr. Speaker, H.R. 1404 was introduced by our colleague from Massachusetts, Mr. CONTE.

Section 1 of H.R. 1404 directs the Secretary of the Treasury to admit free of duty 33 carillon bells—including accompanying parts and accessories—for the use of Smith College, Northhampton, Mass.

Section 2 provides for a refund of duty if there has been a final liquidation of the entry of any article subject to the provisions of section 1.

The purpose of the duty-free provision of H.R. 1404 is to enable Smith College to purchase the bells necessary to complete its carillon. The Paccard Bell Foundry in France supplied the original bells. Furthermore, it is alleged that Paccard is the only source for the new bells since they must match those presently in place and since there are no domestic counterparts.

Under present law, the articles specified in the proposed bill are classified under item 725.36 TSUS and are assessed at the rate of duty of 7 percent ad valorem. The proposed legislation would permit the one-time entry of these items free of duty for use of Smith College, Northampton, Mass.

In the 94th Congress, a similar bill was reported favorably by the Committee on Ways and Means and approved by the House. However, it was not enacted into law prior to the adjournment of that Congress.

Public hearings were held by the Subcommittee on Trade of the Committee on Ways and Means on February 22, 1977 on duty-free entry and temporary duty suspension bills. During these hearings favorable testimony and written comments were received on H.R. 1404. Favorable reports were also received from interested executive branch agencies. No objections to this legislation have been received by the committee from any source.

The committee was unanimous in reporting the bill to the House and urges its passage.

Mr. STEIGER. Mr. Speaker, further reserving the right to object, may I simply say that I think the distinguished gentleman from Wisconsin (Mr. KASTENMEIER) has made a point which I hope the subcommittee will in fact look at carefully.

I would go one step further. The distinguished chairman of the subcommittee has indicated an interest—and I want to join with him in that interest—in seeing if there is not a better way for us to handle all of the bills that fall into this category. We are now, one bill at a time, dealing with some relatively limited areas, and it takes the time and the energy and the attention of Congress.

Mr. Speaker, I am not sure that we need to do that, and I hope, in looking at the situation of the carillon bells for Smith College, we can also take it one step further and see if we can begin to devise a better mechanism for handling these problems.

Mr. Speaker, I support H.R. 1404 providing for the duty-free entry of 33 carillon bells for the use of Smith College in Northampton, Mass.

Although there has been intermittent production of carillon bells in the United States, demand historically has far exceeded domestic production. Currently, only one facility, located in South Carolina, manufactures these bells. The availability of carillon bells in this country therefore continues to be very limited. This is especially true with regard to complete carillon sets containing a large number of bells like the ones required by Smith College.

The bells which are the subject of this legislation are made by the same French foundry which made the bells in the carillon to which they will be added. Since the additional bells must match those already in the carillon, this foundry is the only reliable source for the new bells.

No domestic producer has raised any objection to duty-free treatment of this importation on behalf of Smith College. The administration has issued reports which are, as well, without objection to this legislation. The one-time loss in customs revenue from enactment of H.R. 1404 would be approximately $2,250.

Mr. Speaker, the committee heard no opposition to H.R. 1404 nor did it hear opposition to its predecessor in the 94th Congress. Just as it did last Congress, the committee reports this bill unanimously. I recommend passage by the House at this time.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. STEIGER. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, I would first like to extend my appreciation and sincere thanks to Chairman ULLMAN and minority Member BARBER CONABLE, Congressman VANIK, Congressman STEIGER for reporting H.R. 1404 out of the Committee on Ways and Means early in this session of the 95th Congress. As some of my colleagues may recall, I introduced an identical bill for the relief of Smith College last Congress and it was passed by this body on May 17, 1976. But unfortunately, the other body did not act on passing the bill until mid-September and the conference committee did not complete action before adjournment.

I urge my colleagues to support H.R. 1404, which provides for the duty-free entry of carillon bells to be used at Smith College of Northampton, Mass.

Fifty-eight years ago the Carlile family of Massachusetts made a generous donation to Smith College in memory of Dorothea Carlile, who died as a freshman from an influenza epidemic. Their donation consisted of a set of 12 bells, called a chime. The bells were hung in 1919.

As anyone who has been to Northampton or the college can attest, the bells have been an integral part of Smith College's heritage since that time. The beautiful tones of the bells can be heard throughout the town.

In the 1950's the Carlile family replaced some of the bells and added others. That brought the total number of bells to 23, making the set a carillon rather than a chime. In 1975 new bells were

added again and the remaining original 9 were removed, bringing the total number in the carillon to 47.

The 33 new bells, weighing a total of 9 tons, arrived at Smith College in the summer of 1975. They were cast by the Paccard Fonderie de Cloches in Annecy, France, and are valued at approximately $31,950. The bronze bells are all inscribed to the memory of Miss Carlile with the years of her birth and death.

As you might guess, it was necessary to get bells that would both fit the system at the college and which could be tuned to match the original bells. The Paccard foundry was the only one which could replace the original bells; there are no domestic counterparts.

Sets of tuned bells are classifiable under the provisions of item 725.36 of the Tariff Schedules of the United States, with duty at the rate of 7 percent ad valorem. But since the bells which Smith College received could not have been obtained in the United States, the college is seeking relief from payment of the duty. That is the purpose of this bill, H.R. 1404. The one-time loss in customs revenue is estimated at $2,550 based on the dutiable value of the bells of $31,950.

It is my understanding that the Departments of Labor, Commerce, and the Treasury have no objection to waiving the duty on Smith College's carillon bells. There is no domestic industry to be protected by the imposition of such duty, nor any industry to be harmed if the duty is not paid.

Mr. Speaker, like most institutions of higher education, Smith College has had to tighten its financial belt in recent years. I do not believe the college should have to pay the duty on its carillon, and I respectfully request my colleagues to vote for passage of this bill.

Mr. STEIGER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill, as follows:

H.R. 1404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall admit free of duty thirty-three carillon bells (including all accompanying parts and accessories) for the use of Smith College, Northampton, Massachusetts, such bells being provided by the Paccard Fonderie de Cloches, Annecy, France.

SEC. 2. If the liquidation of the entry for consumption of any article subject to the provisions of the first section of this Act has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONTINUATION OF TEMPORARY DUTY SUSPENSION ON IMPORTATION OF CERTAIN HORSES

Mr. VANIK. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 3259) to continue to suspend for a temporary period the import duty on certain horses.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. STEIGER. Mr. Speaker, reserving the right to object, I do so only for the purpose of giving the distinguished chairman of the subcommittee, the gentleman from Ohio (Mr. VANIK), a chance to explain the bill.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. STEIGER. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Speaker, the purpose of H.R. 3259 is to extend the duty suspension on imports of horses to the close of June 30, 1978.

Under item 903.50 and 903.51 of the tariff schedules, horses, other than for immediate slaughter, were temporarily free of duty until June 30, 1976. In the 94th Congress, a similar bill was reported favorably by the Committee on Ways and Means and approved by the House. However, it was not enacted into law prior to the adjournment of that Congress.

The duty on horses was originally suspended in recognition of the fact that the present tariff structure for horses operates discriminatorily among different breeds. For example, horses may be imported free of duty for breeding purposes under tariff item 100.01. This rule applies, however, only if they are certified by the Department of Agriculture as being of a recognized breed and duly registered on a book of record recognized by the Secretary of Agriculture for that breed. Since the American quarter horse does not qualify under these criteria, importers of such horses for breeding purposes are required to pay duty, usually under item 100.75 at 3 percent ad valorem, while other breeds may be entered duty free.

Insofar as is known at this time, there has been no change in the basic condition under which there is differential duty status among certain breeds of horses. Enactment of H.R. 3259 would continue the suspension of this discriminatory treatment to June 30, 1978, and would permit the liquidation or reliquidation of any entry made after June 30, 1976, and before the enactment of the bill as though such entry had been made on the date of enactment of the bill.

Public hearings were held by the Subcommittee on Trade of the Committee on Ways and Means on February 22, 1977, on duty-free entry and temporary duty suspension bills. During these hearings favorable testimony and written comments were received on H.R. 3259. Favorable reports were also received from interested executive branch agencies. No objections to this legislation have been received by the committee from any source.

The bill was amended to make the bill and any permissible liquidation or reliquidation of an entry prior to the date of enactment of the bill effective as of the date of enactment rather than July 1, 1976.

This bill was unanimously ordered reported by the committee as amended and the committee recommends its passage by the House.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. STEIGER. Mr. Speaker, further reserving the right to object, I yield to the author of the bill, the distinguished gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Speaker, I wish to thank the Committee on Ways and Means and my colleagues Mr. VANIK and Mr. STEIGER and the Subcommittee on Trade for favorably reporting this bill.

H.R. 3259, as reported, would continue the temporary suspension of import duties on certain horses entering the country, a suspension signed into public law on October 26, 1974, Public Law 93-484, as if it had not expired last year. This bill also incorporates a liquidation or reliquidation provision. I introduced this bill on February 8, 1977.

Let me review briefly the history associated with this issue.

Until Public Law 93-484 was enacted, a tariff was imposed upon horses entering the United States at a rate of $2.75 per head for horses not valued over $150 and at a rate of 3-percent ad valorem for horses valued over $150. The tariff posed substantial problems, both for importers of horses and for the U.S. Customs Service. The Customs officers at the various points of entry were faced with the burden of making a determination as to the value of a horse, when in fact acknowledged experts differ as to the worth of a particular horse. The Customs officers were not and are not specialists in determining the value of off-spring in bloodlines. Foals sired by the same stallions and from the same mares are often sold at public auction—the only way of accurately determining the fair market value of a particular horse—at substantially different prices. Because of this lack of expertise, quite understandable in my opinion, the valuations of horses for tariff purposes became inconsistent and, in many owners and importers, unfair.

A second problem created by the tariff arose when a temporary import bond had to be posted on a horse imported and subsequently claimed in a claiming race. A claiming race is a race wherein a claiming price is placed on the race and any horse in the race can be purchased or claimed for that price. Since the owner of the horse is obligated to sell the horse for the claiming amount, an owner obviously will not enter a horse that has a substantially greater value than the claiming price, for, in general, the owner really does not want his horse claimed.

When an imported horse runs in a claiming race, it can be purchased even though the owner did not wish to sell it. The owner might merely have misjudged the value of the horse. When an imported horse is claimed, the importer, who is subject to the foreiture of the bond plus a penalty, is no longer the owner of the horse and cannot, therefore, return the horse to the country of origin within the 1-year period in order to avoid the forfeiture and penalty.

A third problem arises in connection with horses imported for breeding pur-

poses when those horses are not recognize by our Department of Agriculture as being purebred and registered in a book of record recognized by the Department. This discriminates against such breeds as the American quarter horse—which does not qualify under this exception and upon which duty must be paid when these horses are imported into our country.

In reporting H.R. 13631 to the floor and recommending its passage in the 93d Congress—this was the bill which became Public Law 93-484—the Committee on Ways and Means recognized something else too. Traditionally, a tariff is imposed to protect a domestic industry. In this instance—as has been pointed out in the statements of the American Horse Council, our country's principal spokesman for the industry—the industry is in favor of eliminating the tariff. The industry has also made two additional points worth repeating. First, the revenue produced is negligible, and probably does not even cover the costs of administering the regulations. Second, the countries from which the majority of horses are imported into the United States do not impose a tariff on horses exported from this country. Recognizing these points as valid, the committee recommended the temporary suspension, and it became law.

During the last Congress, the committee recommended an extension of the suspension through June 30, 1978. That legislation passed the House. The Senate passed it following its consideration of the Tax Reform Act of 1976, but if incorporated a nongermane amendment on professional sports, offered by Senator BROOKE of Massachusetts. A conference committee was appointed but could not meet in the closing hours of the session. The reasons for last year's delay on the Senate side do not exist this session, and I hope, therefore, we can obtain a speedy passage of this legislation.

I am very grateful, as I indicated a moment ago, for favorable consideration of this bill by the committee. I had hoped the committee would report the bill with a 4-year continuation of the suspension, beginning last July 1 and running through June 30, 1980. Given the nature of the legislative process, the expiration date contained in the bill now before us—June 30, 1978—is already on top of us. Unless the Senate Committee on Finance amends the date, extending it the additional 2 years to June 30, 1978, and that is agreed to by the House, additional legislation will have to be introduced, comments solicited from the departments and agencies, hearings held, testimony presented, and subcommittee, committee and floor action required.

In light of what will be a very crowded agenda before the House Committee on Ways and Means and the Senate Committee on Finance over the next 2 years—particularly a major substantive tax reform bill, and the social security trust fund, not to mention legislation arising from the multinational and bilateral trade negotiations—it just seems easier to me to take care of this all at once.

I urge the enactment of this legislation.

Mr. STEIGER. Mr. Speaker, I thank the gentleman from New York (Mr. KEMP) for his comments.

Mr. Speaker, I support H.R. 3259 continuing for 2 years the temporary suspension of import duty on certain horses. Under the provisions of this bill, suspension of duty on horses imported for purposes other than for immediate slaughter would be extended until June 30, 1978.

The horses involved here generally are of two types—those brought in for racing purposes, mostly from Canada, and the American quarterhorse. Currently, certain breeds approved by the Secretary of Agriculture can enter the country duty-free. These include thoroughbreds and other breeds of racing horses but do not include quarterhorses. The bill would continue the existing suspension on quarterhorses as well as on all other racing horses not already free of duty. The temporary nature of the bill is designed with a view to future negotiation of similar tariff treatment from Canada.

Past suspension of duty in the above instance has resulted in a custom revenue loss of approximately $200,000 each year. No additional loss is expected from the extension contained in H.R. 3259.

Mr. Speaker, the committee heard no objection to enactment during hearings this year and during hearings on the identical matter last Congress. The committee has favorably reported this legislation just as it did in the last Congress.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3259

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That items 903.50 and 903.51 of subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) are amended by striking out the words "On or before 6-30-76" in the last column and inserting in lieu thereof the words "on or before 6-30-78".

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after July 1, 1976.

SEC. 3. Upon request therefor filed with the customs officer concerned on or before the ninetieth day after the date of enactment of this Act, any entry to which the amendment made by the first section of this Act applies shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry had been made on June 30, 1976.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

That items 903.50 and 903.51 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "6/30/76" and inserting in lieu thereof "6/30/78".

SEC. 2. (a) The amendments made by the first section of this Act shall apply to articles entered, or withdrawn from warehouse, for consumption on or after the date of enactment of this Act.

(b) Upon request therefor filed with the customs officer concerned on or before the 90th day after the date of enactment of this Act, the entry or wtihdrawal of any article—

(1) which was made after June 30, 1976, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if any amendment made by the first section of this Act applied to such entry or withdrawal,

shall, notwithstanding the provision of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entry or withdrawal had been made on the enactment of this Act.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VANIK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the three bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 1977

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 411 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 411

Resolved, That upon the adoption of this resolution it shall be in order to move, section 401(b)(1) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4800) to extend the Emergency Unemployment Compensation Act of 1974 for an additional year, to revise the trigger provisions in such Act, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendments shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) for the minority, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 411 provides for the consideration of the bill (H.R. 4800) to extend the Emergency Unemployment Compensation Act of 1974 for an additional year, to revise the trigger provisions in such act, and for other purposes.

It is a 2-hour closed rule which will permit only amendments offered by direction of the Committee on Ways and Means. The rule also waives a point of order under section 401(b)(1) of the Congressional Budget Act of 1974 which would otherwise lie against consideration of the bill.

Within the meaning of the Budget Act, this program is an "entitlement" and this section of the act prohibits consideration in the House of any bill containing entitlement authortiy which would become effective before the beginning of the fiscal year which begins during the calendar year in which the bill is reported.

Since funding under this bill will be effective during fiscal year 1977, a waiver is necessary if the bill is to be considered. The principal function of this provision is to protect the right of the Committee on Budget to review all proposed entitlement authority in conjunction with the appropriate concurrent resolutions on the budget.

In acting on proposed waiver of this and similar provisions of the Budget Act, the Committee on Rules has always been guided by the opinion of the Committee on Budget as to whether a waiver will interfere with the jurisdiction these provisions were intended to safeguard.

The distinguished chairman of the Committee on Budget, the gentleman from Connecticut (Mr. GIAIMO), authorized by vote of his committee, has indicated that he does not oppose a waiver. I would insert the text of his letter at this point in the RECORD:

COMMITTEE ON THE BUDGET,
Washington, D.C., March 8, 1977.

Hon. JAMES C. CORMAN,
Chairman, Subcommittee on Public Assistance and Unemployment Compensation, Committee on Ways and Means, U.S. House of Representatives, Washington, D.C.

DEAR JIM: This is in response to your inquiry as to whether I am authorized to support a Budget Act waiver to permit consideration of H.R. 3723, a bill to extend the Federal Supplemental Benefits program. My comments are directed to the bill as reported from Subcommittee with a further amendment, expected in full Committee, to modify the benefit trigger to an insured unemployment rate of five percent or greater.

The bill as reported and with the modification indicated would fall within the scope of my authority to support waivers for matters assumed in the Third Budget Resolution for FY 1977. Although the bill is not identical in all respects to the measure assumed in the third budget resolution, it substantially corresponds to our assumptions.

You should know, however, that since the bill approved by your Subcommittee exceeds the estimated cost for the Federal Supplemental Benefits Program in the third budget resolution, the total amount of new entitlement authority available to the Committee on Ways and Means would be effectively diminished by the amount of the difference. This may mean that some other entitlement program within the jurisdiction of your Committee will be subject to referral to the Appropriations Committee.

Thank you for your cooperation in this matter. If you have further questions, please do not hesitate to contact me.

Sincerely yours,

ROBERT N. GIAIMO,
Chairman.

There has been no controversy over the waiver in the Committees on Budget, Ways and Means, nor Rules. I am aware of none on the floor.

While this is not entirely true of the closed rule provision, I am prepared to defend the report I have presented from the Committee on Rules on the basis of urgency.

Last year the Committee on Ways and Means reported a number of bills concerned with unemployment compensation. The House has shown substantial resistance to considering such matters under closed rules. Because of this and because I do not personally approve particularly of closed rules, I am somewhat reluctant to present the proposal to consider the bill (H.R. 4800) under this procedure. But I am convinced that the situation warrants such an approach.

If the package—in the form of this rule—is defeated, the statutory authority for paying Federal supplemental benefits to 568,000 American workers in 32 States will expire in 10 days. If the House and the other body have both acted by that time and are nearing final action on this measure, there is hope that the administration would have the authority to extend the program for 3 weeks. But, if the House blocks action by rejecting this rule, it is unlikely that such an extension would be possible.

In the absence of any substantial studies, what happens at such a point is largely speculative.

There is no denying that there are some people on unemployment who have not made the maximum effort to find employent and would locate positions as a result of the expiration of benefits. I personally doubt that the numbers are as large as some would have us believe.

On the other extreme, there are people who are unable to find employment, who are willing to collect under an insurance program like unemployment compensation, but who would not accept public assistance. I have constituents in this category I have spoken with; all Members do. I hesitate to think what happens to them.

But the overwhelming majority will simply transfer from unemployment to public assistance rolls. There are a number of grounds on which such a trend must be viewed as dangerous. Public assistance programs are, by nature, maintenance programs whereas unemployment compensation programs are administered by offices whose function is to put people to work; such a transfer breaks or reduces contact with job placement, counseling, and training personnel at local employment service offices.

Public assistance programs are geared toward need rather than prior earnings. Unemployment benefits are, in virtually all States, limited to half the workers' average prior earnings and that maximum in turn is subject to a ceiling. This system, in most cases, provides adequate incentive to seek employment. For most workers public assistance payments will be lower. But, there are in no way related to prior earnings, so some marginally employed workers and large families will be shifted to programs which pay more for not working than they can earn.

Unemployment compensation provides some incentives to work while public assistance often presents counter-incentives. A UC beneficiary who is offered a week's work can simply take it. If his pay is lower than his benefit, he still gets the difference; if its more, he still can resume UC the following week with no penalty. A welfare recipient, on the other hand, may find the total of his wages and reduced benefit lower than if he had not worked at all. If it is high enough, he may be dropped from the rolls and forced to face the slow, cumbersome process of reapplying. There are substantial economic and administrative pressures on public assistance recipients not to accept temporary or part-time employment.

I am confident that most Members share my determination that FSB not be permitted to lapse and I would hope that all Members understand that this is the issue on which they will be voting when I move the previous question on this resolution.

To provide some indication of the local impact of this bill, I would insert at this point in the RECORD a table. The following table includes the 50 States, the District of Columbia and the Commonwealth of Puerto Rico. It indicates the most recently available data on rate of unemployment, number of weeks of FSB triggered by that rate, and the total number of current recipients under the program. States with unemployment rates below 5 percent do not receive FSB although the regular 26 weeks and 13 weeks of extended benefits are paid. States with rates of unemployment between 5 percent and 5.99 percent qualify for 13 weeks of FSB for a combined total of 52 weeks. States with unemployment rates in excess of 6 percent qualify for 26 weeks of FSB for a combined total of 65 weeks.

The table follows:

TABLE OF UNEMPLOYMENT AND FSB BENEFITS BY STATE

State	Unemployment rate (percent)	Number of weeks of FSB benefits	Number of FSB recipients
Alabama	6.55	26	5,104
Alaska	12.13	26	1,209
Arizona	4.83	0	373
Arkansas	7.03	26	4,497
California	6.47	26	86,224
Colorado	3.43	0	164
Connecticut	7.17	26	24,314
Delaware	6.39	26	2,456
District of Columbia	3.44	0	0
Florida	4.35	0	4,078
Georgia	4.68	0	134
Hawaii	5.21	13	2,603
Idaho	6.66	26	881
Illinois	6.36	26	43,265
Indiana	3.94	0	223
Iowa	4.24	0	31
Kansas	3.89	0	39
Kentucky	6.24	26	6,134
Louisiana	4.42	0	122
Maine	9.17	26	3,589
Maryland	5.45	13	1,290
Massachusetts	6.44	26	25,534
Michigan	7.64	26	57,534
Minnesota	5.42	13	115

State	Unemployment rate (percent)	Number of weeks of FSB benefits	Number of FSB recipients
Mississippi	4.84	0	31
Missouri	5.81	13	9,489
Montana	6.63	26	732
Nebraska	3.33	0	8
Nevada	7.06	26	3,446
New Hampshire	4.00	0	177
New Jersey	8.80	26	53,192
New Mexico	5.11	13	93
New York	7.36	26	111,566
North Carolina	5.44	13	2,612
North Dakota	5.67	13	9
Ohio	4.77	0	230
Oklahoma	4.03	0	170
Oregon	7.18	26	7,517
Pennsylvania	8.42	26	58,340
Rhode Island	8.68	26	6,341
South Carolina	4.97	0	96
South Dakota	3.47	0	10
Tennessee	6.44	26	1,238
Texas	2.14	0	483
Utah	4.81	0	95
Vermont	8.07	26	2,039
Virginia	3.16	0	95
Washington	8.91	26	14,874
West Virginia	7.98	26	1,665
Wisconsin	5.29	13	174
Wyoming	2.92	0	0
Puerto Rico	19.65	26	22,839
Total, FSB recipients			567,474

Mr. Speaker, I feel I should make clear that, in view of the emergency nature of this legislation, all the major questions of revision and reform of the unemployment compensation system pending from the last Congress have been postponed for later action.

This bill does not address benefit standards, coverage of household and agricultural workers, coverage of illegal aliens, rate base or any of the other questions which killed the major unemployment compensation bill in the last Congress. These are tough questions which will have to be faced in this Congress.

But the measure made in order by this rule is a simple extension of the FSB program including some technical amendments. Only two of these present issues of controversy.

I believe the floor procedure recommended by the Committee on Rules is a fair one and I urge the adoption of the rule so that we may proceed to act quickly on the bill (H.R. 4800).

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 411 provides for a closed rule. If I can recall a little history, last year on May 17, 1976, a similar closed rule was brought to the floor on the unemployment compensation bill, H.R. 10210, and the rule was voted down by a record vote of 125 yeas to 219 noes.

I might say, Mr. Speaker, that if this closed rule prevails, the only amendments that will be permitted to this very important piece of legislation are those amendments proposed by the Committee on Ways and and Means.

The rule waives points of order against the bill for the failure to comply with section 401(b)(1) of the Congressional Budget Act of 1974. This section prohibits consideration of new entitlements which become effective before the first day of the fiscal year, beginning during the calendar year in which the bill is reported. The unemployment compensation title of this bill applies to weeks of unemployment ending after March 31, 1977. Since these entitlements take effect before October 1, 1977, the waiver is necessary.

Finally, Mr. Speaker, the rule also provides for a motion to recommit with or without instructions. Hopefully if we have to pass this gag rule we will have an opportunity to make some meaningful amendments in the motion to recommit.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I would be happy to yield to the gentleman from California.

Mr. CORMAN. Mr. Speaker, I would point out to the gentleman that when H.R. 10210 was before the House last year the rule was defeated in large measure because it was a peculiar rule that did not permit recommital with instructions. I am not certain that members of the Committee on Ways and Means understood when the Committee on Rules sent that rule out what was provided. This rule is different in that it does provide for protection of the minorities rights for a motion to recommit with or without instructions.

Mr. LATTA. I think the gentleman from California, when he takes a look at my remarks, will see that I mentioned that the rule did provide for a motion to recommit with or without instructions.

Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, we have again today the ludicrous sight of the Committee on Rules bringing to the House of Representatives another important bill affecting the people's representatives and especially the taxpayers themselves, under a closed rule. We cannot offer the amendments that many of us would like to offer, and we cannot debate those amendments. All we can do is to vote up or down on this very important bill which is supposed to be threatening one of our great national priorities, unemployment compensation.

Mr. Speaker, this is a travesty of the legislative process, and of the representative process to bring forward time after time important bills under closed rules. This is an outrage and I greatly object to this.

Mr. STEIGER. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I am happy to yield to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER. Mr. Speaker, I appreciate very much my distinguished colleague, the gentleman from Minnesota (Mr. FRENZEL), yielding this time to me, and I want to second his remarks that this is an outrage. The concept of a closed rule on an unemployment compensation bill after we had finally gotten last year to the floor of the House, kicking and screaming, a rule that would allow us to offer certain kinds of amendments and to have them voted on. This is a very important bill and there are issues in this bill that some would perhaps like to change. Take, for example, the Pennsylvania delegation. They, I believe, would like to make it for 65 weeks instead of for 52 weeks.

There is also the issue of Federal financing versus a payroll tax.

There is the issue of suitability of work.

There are other serious issues that this House ought to have a chance to express its will upon.

Mr. Speaker, I hope this rule is defeated so that we can have a chance to open it up and have some chance to determine what the policy is going to be on this important issue.

I commend the gentleman from Minnesota (Mr. FRENZEL) for his very good statement.

Mr. FRENZEL. I thank the gentleman for his statement.

Mr. LATTA. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, in case this rule is voted down, I will offer a resolution for a completely open rule. Mr. Speaker, I have no requests for time and reserve the remainder of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the principal purpose of this bill is to extend for 1 year a program which provides compensation to one-half million unemployed workers. That program expires March 31. If both the House and Senate have acted by that date, and final action seems likely, the administration may be able to extend the program for 3 weeks. If the rule is defeated, then it seems quite unlikely that any further benefits can be paid. We are presented with an emergency situation which, in my opinion, Mr. Speaker, justifies the closed-rule procedure.

I would point out that this program will expire in 1 year if this bill is passed, so the program must either die or be presented once again to this Congress. I am not authorized to speak for the Committee on Rules on this matter, but I would state that my position as a member of the Committee on Rules who does not generally favor the closed-rule procedure, and I would assure the gentleman that he will have my support in opposing any routine or blanket protection of the Committee on Ways and Means from full House review of legislation in the future.

At this time I should like to yield 2 minutes to he gentleman from California (Mr. CORMAN).

Mr. CORMAN. I just want to point out to the House that I can understand why my colleagues, the gentleman from Minnesota (Mr. FRENZEL) and the gentleman from Wisconsin (Mr. STEIGER) are leery about a closed rule. They stood shoulder to shoulder with me last year on H.R. 1010 when the closed rule was defeated. This is a very different rule from the rule given to H.R. 10210. It does protect the right of the minority to have a motion to recommit with instructions. I hope that the House would give us a closed rule. I hope that we do not see this program terminate the first of April. If that happens we will probably start it up again the first of May and incur several million dollars in administrative costs necessary to reinstitute the program. I urge the adoption of the closed rule.

Mr. LATTA. Mr. Speaker, I yield 1 additional minute to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I rise again to thank the beneficent majority for allowing the minority the opportunity to have a motion to recommit with instructions. But I would remind my colleagues that the gentleman from Wisconsin was correct when he said there are too many potential amendments to carefully structure any recommital motion other than a total substitute, which, of course, is very difficult to explain, and almost impossible to pass.

There are a large number of items in dispute: the length of the extension, the proper phaseout period, the shifting of the cost burden from corporations to the general taxpayers for this program, the additional deferments to States who should now be beginning to pay back money to the Federal trust funds. There is a wide range of possibilities on which amendments would be offered were it not for the noxious closed rule. Therefore just allowing us to make a motion to recommit is no great generosity.

Mr. MOAKLEY. Mr. Speaker, I move the previous question on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LATTA. Mr. Speaker, I object to the vote on the ground that quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 213, nays 164, not voting 55, as follows:

[Roll No. 85]

YEAS—213

Addabbo	Dent	Jordan
Akaka	Derrick	Kastenmeier
Alexander	Dicks	Kazen
Allen	Dingell	Ketchum
Ambro	Dodd	Keys
Ammerman	Downey	Kildee
Annunzio	Drinan	Krebs
Applegate	Edwards, Ala.	LaFalce
Ashley	Edwards, Calif.	Le Fante
Baldus	Eilberg	Leggett
Barnard	Ertel	Lehman
Beard, R.I.	Evans, Ga.	Levitas
Bellenson	Evans, Ind.	Lloyd, Calif.
Bevill	Fary	Long, La.
Biaggi	Fascell	Long, Md.
Bingham	Fisher	Luken
Blanchard	Fithian	Lundine
Boggs	Flippo	McCormack
Boland	Flood	McDade
Bolling	Flowers	McKinney
Bonior	Flynt	Mahon
Bonker	Ford, Mich.	Markey
Bowen	Ford, Tenn.	Mathis
Brademas	Forsythe	Mattox
Breckinridge	Fraser	Meeds
Brodhead	Fuqua	Meyner
Brooks	Gammage	Mikulski
Brown, Calif.	Gaydos	Mikva
Brown, Mich.	Gephardt	Miller, Calif.
Burke, Mass.	Gibbons	Mineta
Burlison, Mo.	Gilman	Minish
Burton, John	Ginn	Mitchell, Md.
Burton, Phillip	Hall	Mitchell, N.Y.
Byron	Hamilton	Moakley
Carney	Hanley	Mollohan
Carter	Hannaford	Moorhead, Pa.
Cederberg	Harrington	Moss
Collins, Ill.	Harris	Murphy, Ill.
Conte	Harsha	Murphy, N.Y.
Conyers	Heckler	Murtha
Corman	Hefner	Myers, Ind.
Cornell	Heftel	Natcher
Cotter	Hightower	Neal
D'Amours	Holland	Nedzi
Daniel, Dan	Hollenbeck	Nichols
Danielson	Howard	Nix
Davis	Huckaby	Nowak
de la Garza	Ichord	Oberstar
Delaney	Jenkins	Obey
Dellums	Jenrette	Ottinger
Patten	Runnels	Udall
Pease	Russo	Ullman
Pepper	Santini	Van Deerlin
Perkins	Scheuer	Vander Jagt
Pike	Seiberling	Vanik
Preyer	Shipley	Vento
Price	Simon	Waggonner
Rahall	Sisk	Walsh
Rangel	Snyder	Waxman
Reuss	Spellman	Weaver
Richmond	St Germain	Whalen
Rinaldo	Stark	Wilson, Bob
Risenhoover	Steed	Wilson, C. H.
Roberts	Stokes	Wilson, Tex.
Rodino	Stratton	Wirth
Roe	Thompson	Wolff
Roncalio	Thone	Wright
Rooney	Thornton	Yates
Rose	Tonry	Yatron
Rostenkowski	Traxler	Young, Mo.
Roybal	Tsongas	Young, Tex.

NAYS—164

Anderson, Calif.	Frenzel	O'Brien
Anderson, Ill.	Frey	Oakar
Andrews, N.C.	Glickman	Panetta
Andrews, N. Dak.	Goldwater	Patterson
Archer	Gonzalez	Pattison
Armstrong	Goodling	Pettis
Ashbrook	Gore	Pickle
AuCoin	Gradison	Poage
Badham	Grassley	Pritchard
Bafalis	Gudger	Quayle
Baucus	Hagedorn	Quie
Bauman	Hammer-schmidt	Quillen
Beard, Tenn.	Hansen	Railsback
Bedell	Harkin	Regula
Benjamin	Hillis	Rhodes
Bennett	Holt	Robinson
Blouin	Horton	Rogers
Brinkley	Hughes	Rousselot
Broomfield	Hyde	Ruppe
Brown, Ohio	Jacobs	Sarasin
Broyhill	Jones, Okla.	Satterfield
Buchanan	Jones, Tenn.	Sawyer
Burgener	Kasten	Schroeder
Burke, Fla.	Kelly	Schulze
Burleson, Tex.	Kemp	Sebelius
Butler	Kindness	Sharp
Caputo	Koch	Shuster
Carr	Kostmayer	Skubitz
Cavanaugh	Krueger	Smith, Iowa
Clausen, Don H.	Lagomarsino	Smith, Nebr.
Clawson, Del	Latta	Solarz
Cleveland	Leach	Spence
Cochran	Lederer	Stangeland
Cohen	Lent	Stanton
Coleman	Lloyd, Tenn.	Steers
Collins, Tex.	Lott	Steiger
Conable	Lujan	Stockman
Corcoran	McCloskey	Studds
Cornwell	McDonald	Symms
Coughlin	McHugh	Taylor
Daniel, R. W.	Madigan	Treen
Derwinski	Marks	Trible
Devine	Marlenee	Volkmer
Dickinson	Marriott	Walker
Dornan	Martin	Wampler
Duncan, Tenn.	Michel	Watkins
Edgar	Miller, Ohio	Weiss
Edwards, Okla.	Moffett	White
English	Moore	Whitehurst
Evans, Del.	Moorhead, Calif.	Whitley
Fenwick	Mottl	Whitten
Findley	Myers, Gary	Winn
Fish	Myers, Michael	Wydler
Fountain	Nolan	Wylie
		Young, Fla.

NOT VOTING—55

Abdnor	Guyer	Pressler
Aspin	Hawkins	Pursell
Badillo	Holtzman	Rosenthal
Breaux	Hubbard	Rudd
Burke, Calif.	Ireland	Ryan
Chappell	Jeffords	Sikes
Chisholm	Johnson, Calif.	Skelton
Clay	Johnson, Colo.	Slack
Crane	Jones, N.C.	Staggers
Diggs	McClory	Stump
Duncan, Oreg.	McEwen	Teague
Early	McFall	Tucker
Eckhardt	McKay	Walgren
Emery	Maguire	Wiggins
Erlenborn	Mann	Young, Alaska
Evans, Colo.	Mazzoli	Zablocki
Florio	Metcalfe	Zeferetti
Foley	Montgomery	
Giaimo	Murphy, Pa.	

The Clerk announced the following pairs:

Mr. McFall with Mr. Teague.
Mrs. Chisholm with Mr. Stump.
Mr. Badillo with Mr. Montgomery.
Mr. Hawkins with Mr. Breaux.
Mr. Rosenthal with Mr. Hubbard.
Mr. Ryan with Mr. Abdnor.
Mr. Ireland with Mr. Erlenborn.
Mr. Skelton with Mr. Emery.
Mr. Staggers with Mr. Guyer.
Mr. Zablocki with Mr. Johnson of Colorado.
Mr. Zeferetti with Mr. Maguire.
Mrs. Burke of California with Mr. Chappell.
Mr. Diggs with Mr. Jones of North Carolina.
Mr. Florio with Mr. McClory.
Mr. Foley with Mr. Murphy of Pennsylvania.
Mr. Giaimo with Mr. McEwen.
Mr. Metcalfe with Mr. Duncan of Oregon.
Mr. Mann with Mr. Pressler.
Mr. Mazzoli with Mr. Pursell.
Mr. Johnson of California with Mr. Tucker.
Mr. Aspin with Mr. McKay.
Mr. Walgren with Mr. Sikes.
Mr. Jeffords with Mr. Early.
Mr. Eckhardt with Mr. Crane.
Mr. Evans of Colorado with Mr. Clay.
Ms. Holtzman with Mr. Rudd.
Mr. Slack with Mr. Young of Alaska.

Mr. LEHMAN and Mrs. HECKLER changed their vote from "nay" to "yea."

Messers. ANDREWS of North Dakota, HORTON, BAUCUS, BEDELL, MARRIOTT, GUDGER, and McHUGH changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and on a division (demanded by Mr. FRENZEL) there were—yeas 60, nays 74.

Mr. CORMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 236, nays 141, not voting 55, as follows:

[Roll No. 86]

YEAS—236

Addabbo	Daniel, Dan	Hanley
Akaka	Danielson	Harrington
Alexander	Davis	Harris
Ambro	de la Garza	Harsha
Ammerman	Delaney	Heckler
Andrews, N.C.	Dellums	Hefner
Annunzio	Dent	Heftel
Applegate	Derrick	Hightower
Ashley	Dicks	Hillis
Baldus	Diggs	Holland
Barnard	Dingell	Hollenbeck
Beard, R.I.	Dodd	Holtzman
Beard, Tenn.	Downey	Horton
Bevill	Drinan	Howard
Biaggi	Duncan, Tenn.	Huckaby
Bingham	Early	Ichord
Blanchard	Edwards, Ala.	Jenkins
Boggs	Edwards, Calif.	Jenrette
Boland	Eilberg	Jordan
Bolling	Ertel	Kastenmeier
Bonior	Evans, Ga.	Kazen
Bonker	Evans, Ind.	Ketchum
Bowen	Fary	Keys
Brademas	Fascell	Kildee
Breckinridge	Fish	Koch
Brinkley	Fisher	Krebs
Brodhead	Fithian	LaFalce
Brooks	Flippo	Le Fante
Brown, Calif.	Flood	Leggett
Brown, Mich.	Flowers	Lehman
Broyhill	Flynt	Levitas
Burke, Mass.	Ford, Mich.	Lloyd, Calif.
Burlison, Mo.	Ford, Tenn.	Long, La.
Burton, Phillip	Forsythe	Long, Md.
Byron	Fountain	Luken
Carney	Fraser	Lundine
Carter	Fuqua	McCormack
Cederberg	Gammage	McDade
Collins, Ill.	Gaydos	McKinney
Conte	Gephardt	Markey
Conyers	Gibbons	Marlenee
Corman	Gilman	Mathis
Cornell	Ginn	Mattox
Cotter	Gore	Mazzoli
D'Amours	Hamilton	Meeds

Meyner	Quillen	Steed
Mikulski	Rahall	Stokes
Mikva	Railsback	Stratton
Miller, Calif.	Rangel	Thompson
Mineta	Regula	Thone
Minish	Reuss	Thornton
Mitchell, Md.	Rhodes	Tonry
Mitchell, N.Y.	Richmond	Traxler
Moakley	Rinaldo	Tsongas
Mollohan	Risenhoover	Ullman
Moorhead, Pa.	Rodino	Van Deerlin
Moss	Roe	Vander Jagt
Murphy, Ill.	Roncalio	Vanik
Murphy, N.Y.	Rooney	Vento
Murphy, Pa.	Rose	Waggonner
Murtha	Rosenthal	Walgren
Myers, Ind.	Rostenkowski	Walsh
Natcher	Roybal	Wampler
Neal	Ruppe	Waxman
Nedzi	Russo	Weaver
Nichols	Santini	Weiss
Nix	Sarasin	Whalen
Nowak	Sawyer	White
Oakar	Scheuer	Wilson, C. H.
Oberstar	Seiberling	Wilson, Tex.
Obey	Shipley	Wirth
Ottinger	Simon	Wolff
Patten	Sisk	Wright
Pease	Snyder	Yates
Pepper	Solarz	Yatron
Perkins	Spellman	Young, Mo.
Pike	St Germain	Young, Tex.
Preyer	Stanton	Zeferetti
Price	Stark	

NAYS—141

Allen	Frenzel	Mottl
Anderson, Calif.	Frey	Myers, Gary
	Glickman	Myers, Michael
Anderson, Ill.	Gonzalez	Nolan
Andrews, N. Dak.	Goodling	O'Brien
	Gradison	Panetta
Archer	Grassley	Pattison
Armstrong	Gudger	Pettis
Ashbrook	Hagedorn	Pickle
AuCoin	Hall	Poage
Bafalis	Hammer-schmidt	Pritchard
Baucus		Quayle
Bauman	Hansen	Quie
Bedell	Harkin	Roberts
Benjamin	Holt	Robinson
Bennett	Hughes	Rogers
Blouin	Hyde	Rousselot
Broomfield	Jacobs	Runnels
Brown, Ohio	Jones, Okla.	Satterfield
Buchanan	Jones, Tenn.	Schroeder
Burgener	Kasten	Schulze
Burke, Fla.	Kelly	Sebelius
Burleson, Tex.	Kemp	Sharp
Butler	Kindness	Shuster
Caputo	Kostmayer	Smith, Iowa
Carr	Krueger	Smith, Nebr.
Cavanaugh	Lagomarsino	Spence
Clausen, Don H.	Latta	Stangeland
	Leach	Steers
Clawson, Del	Lederer	Steiger
Cleveland	Lent	Stockman
Cochran	Lloyd, Tenn.	Studds
Cohen	Lott	Symms
Coleman	Lujan	Taylor
Collins, Tex.	McCloskey	Treen
Conable	McDonald	Trible
Corcoran	McHugh	Volkmer
Cornwell	Madigan	Walker
Daniel, R. W.	Mahon	Watkins
Derwinski	Marks	Whitehurst
Devine	Marriott	Whitley
Dickinson	Martin	Whitten
Dornan	Michel	Wiggins
Edgar	Milford	Wilson, Bob
Edwards, Okla.	Miller, Ohio	Winn
English	Moffett	Wydler
Evans, Del.	Moore	Wylie
Fenwick	Moorhead, Calif.	Young, Fla.
Findley		

NOT VOTING—55

Abdnor	Foley	Montgomery
Aspin	Giaimo	Patterson
Badham	Goldwater	Pressler
Badillo	Guyer	Pursell
Beilenson	Hannaford	Rudd
Breaux	Hawkins	Ryan
Burke, Calif.	Hubbard	Sikes
Burton, John	Ireland	Skelton
Chappell	Jeffords	Skubitz
Chisholm	Johnson, Calif.	Slack
Clay	Johnson, Colo.	Staggers
Coughlin	Jones, N.C.	Stump
Crane	McClory	Teague
Duncan, Oreg.	McEwen	Tucker
Eckhardt	McFall	Udall
Emery	McKay	Young, Alaska
Erlenborn	Maguire	Zablocki
Evans, Colo.	Mann	
Fiorio	Metcalfe	

The Clerk announced the following pairs:

On this vote:

Mr. Zablocki for, with Mr. Skubitz against.
Mr. Florio for, with Mr. Emery against.
Mr. Coughlin for, with Mr. Guyer against.
Mr. Jeffords for, with Mr. Young of Alaska against.
Mr. Ireland for, with Mr. Crane against.
Mr. Skelton for, with Mr. McClory against.
Mr. Sikes for, with Mr. Badham against.
Mr. Staggers for, with Mr. Goldwater against.
Mr. McFall for, with Mr. Erlenborn against.
Mr. Hawkins for, with Mr. Teague against.
Mrs. Chisholm for, with Mr. Chappell against.

Until further notice:

Mr. Clay with Mr. Breaux.
Mr. Evans of Colorado with Mr. Montgomery.
Mr. Ryan with Mr. Stump.
Mr. Badillo with Mr. Tucker.
Mr. McEwen with Mr. Giaimo.
Mr. Pursell with Mr. Abdnor.
Mr. Rudd with Mr. Beilenson.
Mr. John L. Burton with Mr. Pressler.
Ms. Burke of California with Mr. Duncan of Oregon.
Mr. Mann with Mr. Jones of North Carolina.
Mr. Johnson of California with Mr. Hubbard.
Mr. Slack with Mr. Aspin.
Mr. Foley with Mr. Eckhardt.
Mr. McKay with Mr. Metcalfe.
Mr. Udall with Mr. Patterson of California.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. CORMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4800) to extend the Emergency Unemployment Compensation Act of 1974 for an additional year, to revise the trigger provisions in such Act, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CORMAN).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4800, with Miss JORDAN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. CORMAN) will be recognized for 1 hour, and the gentleman from Michigan (Mr. VANDER JAGT) will be recognized for 1 hour.

The Chair recognizes the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Madam Chairman, I yield myself time as I may consume.

Madam Chairman, H.R. 4800 extends the Federal supplemental benefits—FSB—program for 1 year, until March 31, 1978.

It provides for the payment of up to 13 additional weeks of unemployment compensation to unemployed workers who exhaust regular and extended benefits. These additional benefits can be paid in States and local labor market areas with insured unemployment rates of 5 percent or higher. Under this bill a combined maximum of 52 weeks of regular, extended, and Federal supplemental unemployment compensation benefits will be payable in States and local areas with high unemployment.

The additional weeks of unemployment compensation provided by this extension of the FSB program will be financed directly out of Federal general revenues. Under present law, FSB is financed out of Federal general revenue loans to the Federal unemployment trust fund.

H.R. 4800 requires the States to deny FSB payments to individuals who refuse offers of suitable work or who are not actively engaged in seeking work. If the State agency determines that an individual's prospects for obtaining work in his or her customary occupation are poor, the determination of whether any work is suitable will be made without regard to whether the work involves lower pay or lesser skills than the individual's customary occupation. To be disqualified for FSB, however, the individual would have to refuse a job that paid the minimum wage and paid wages equal to 120 percent of his weekly unemployment compensation benefit.

The bill also delays for 2 additional years, until January 1, 1980, the provisions in Federal law which provide for the automatic recoupment of outstanding Federal unemployment insurance loans to States.

The Federal supplemental benefits program was enacted in December 1974. This program was in response to the sharp increase in the unemployment rate and the large number of workers who were expected in the coming months to exhaust their regular and extended benefits before obtaining suitable employment. Initially FSB contained both National and State triggers to initiate and terminate the additional unemployment compensation benefits. It provided up to a maximum of 13 additional weeks of unemployment compensation benefits—or a combined maximum of 52 weeks of regular, extended and Federal supplemental benefits—in all States when the national insured unemployment rate was 4.5 percent or higher and, if the national insured unemployment rate dropped below 4.5 percent, the 13 weeks of FSB could be paid in States with insured unemployment of 4 percent or higher. As a part of the Tax Reduction Act of 1975 Congress increased from 13 to 26 the maximum number of weeks provided under the FSB program. This increased the combined maximum to 65 weeks of regular, extended, and Federal supplemental benefits.

Public Law 94–45, enacted in June 1975, extended FSB until March 31, 1977. It extended through December 1975 the payment of up to 26 weeks of FSB on the basis of National or State triggers. Beginning January 1, 1976, the national trigger was eliminated and FSB were made payable on the basis of State insured unemployment rates.

Under current law, in States with insured unemployment rates of 6 percent or more, FSB provides a maximum of

26 additional weeks of unemployment compensation—up to a combined maximum of 65 weeks of regular, extended, and Federal supplemental benefits—to unemployed workers covered under the permanent State and Federal unemployment compensation programs. In States with insured unemployment rates between 5 percent and 5.9 percent, FSB provides a maximum of 13 additional weeks of unemployment compensation—up to a combined maximum of 52 weeks—to unemployed workers who exhaust their regular and extended benefits.

As of February 19, 1977, 32 States met the trigger requirements to pay FSB. Eight States has insured unemployment rates between 5 and 5.9 percent, making a maximum of 13 weeks of FSB payable. In 24 States the insured unemployment rate was 6 percent or higher, allowing the payment of up to 26 weeks of FSB to unemployed workers who exhaust their regular and extended benefits. Currently over 500,000 claimants are receiving FSB payments.

Throughout most of last year there was a consistent decrease in the number of States "triggered on" to FSB. In recent weeks, for the first time in almost a year, additional States have not "triggered off." In fact, several have been added. It is expected that over 30 States will be "triggered on" to either 13 or 26 weeks of FSB as of March 31, 1977, when the program expires, and that there will be in excess of 500,000 individuals collecting FSB who will be abruptly terminated.

H.R. 4800 extends the FSB program for one year and limits to 13 the maximum number of additional weeks of unemployment compensation payable to unemployed workers who exhaust regular and extended benefits. The combined maximum would be 52 weeks of regular, extended, and Federal supplemental benefits. FSB would be payable to unemployed workers in States with insured unemployment rates of 5 percent or higher or whose last place of employment is in a local "labor market area"—generally SMSA's of 250,000 population—with an insured unemployment rate of 5 percent or higher.

The State trigger system has been effective in terms of directing FSB payments to unemployed workers in those States with the highest unemployment rates. The State trigger mechanism, however, has excluded from the FSB program some local areas with high unemployment that are within States that do not meet the State trigger requirements.

H.R. 4800 makes FSB payable on the basis of local "labor market area" unemployment levels as well as State unemployment rates in order to provide additional benefits in high unemployment areas that are presently excluded from the FSB program. This will make the FSB program more effective in terms of directing additional weeks of unemployment compensation to those parts of the country with the most severe unemployment problems, and it will make the program more equitable in terms of providing the same assistance to workers facing similar difficulties in obtaining jobs.

H.R. 4800 provides for direct Federal general revenue financing of any FSB paid for weeks of unemployment ending after March 31, 1977.

Under current law, FSB is financed by employer paid Federal payroll taxes—FUTA—which are paid into the Federal unemployment insurance trust fund. Part of the money from the FUTA tax revenue is credited to the extended unemployment compensation account in the unemployment trust fund. This account is used to pay the Federal share of extended benefits and all of FSB. It has been necessary to supply repayable advances from general revenue to the extended unemployment account in fiscal years 1972, 1973, and 1975 through the present. The debt is currently $8.1 billion, of which $5.3 billion is attributable to FSB.

The shift to direct general revenue financing of FSB provided in this bill reflects the view that after a person has exhausted regular and extended benefits the reason for his unemployment can no longer be attributed to his previous employers. Therefore, the financing of any additional unemployment compensation benefits should be shifted from employer-paid payroll taxes to general revenues.

Section 104 of H.R. 4800 would disqualify a FSB claimant from benefits if he or she refused to accept an offer of or referral to "suitable work" or failed to actively engage in seeking suitable work. The period of disqualification would continue until the individual had worked for at least 4 weeks and earned at least 4 times his or her weekly unemployment compensation benefit amount.

Once a State agency determines that an individual's prospects for obtaining work in his or her customary occupation are poor, the determination of whether work is suitable work for the individual is to be made without regard to whether the work involves lower pay or lesser skills than the individual's customary occupation. However, an individual would not be disqualified from FSB for refusing to take a job not offered in writing or not listed with the State employment service, or paying wages less than the minimum wage, or paying wages less than 120 percent of the individual's weekly unemployment compensation benefit, plus any supplemental unemployment benefits—SUB—to which he or she might be entitled because of agreements with previous employers.

It is intended that when an individual applies for FSB the State agency will determine whether the individual may reasonably expect to be reemployed in his or her customary occupation during the period that the individual's benefits will be payable. If the individual may not reasonably expect to be so reemployed then the individual would be required to accept other employment or suffer a disqualification from benefits, provided the work in question satisfied the criteria set forth in the bill. If the individual lacks the training to perform the work in question it may nonetheless be suitable if the employer involved is willing to train the individual, on the job or otherwise, to perform the work.

All State laws now provide for the disqualification of an individual who refuses to accept suitable work. These provisions vary substantially from State to State and were enacted to govern the operation of the permanent unemployment compensation system. The requirements of this section would not override the provisions and practices of State programs as they pertain to benefits under the regular and extended unemployment compensation programs, but would broaden the grounds for disqualification under the Federal supplemental benefits program.

The bill also requires an individual to actively engage in seeking work or be disqualified from benefits. To satisfy this provision an individual would have to engage in a systematic and sustained effort to obtain work. Also, tangible evidence is required to substantiate the claimant's job search activities. The tangible evidence required is some reliable and satisfactory evidence other than merely the statement of the claimant.

It is intended that each FSB recipient actively search for employment opportunity and substantiate his or her activity to the State agency. This is a more stringent requirement than that imposed by most State laws. It requires that FSB recipients be treated differently than beneficiaries of regular and extended benefits because of the duration of their unemployment and their inability to obtain reemployment in their customary occupations.

Section 105 of the bill would establish new statutory authority and procedures pertaining to the treatment of fraud and erroneous payments under the FSB program. It would provide that any individual who obtains FSB by means of a false statement or failure to disclose information, or causes another to do so will be disqualified for FSB in accordance with the corresponding fraud provisions of the State unemployment insurance law. The section also requires repayment of FSB overpayments. Repayment may be waived when an overpayment was received without fault of the individual and such repayment would be contrary to equity and good conscience. States would be required to offset such overpayments against future assistance or benefits payable under any other Federal unemployment compensation or allowance programs.

Section 201 of H.R. 4800 would delay for 2 additional years, until January 1, 1980, the provisions in Federal law which provide for the recoupment of outstanding Federal unemployment insurance loans to States. The recoupment operates through an automatic increase in the Federal unemployment tax paid by employers in States with outstanding loans.

As of February 15, 1977, 22 States had borrowed a total of $3.8 billion from the Federal Government to enable them to continue paying unemployment compensation benefits.

Under permanent law, if all Federal

advances to a State are not repaid within 2 years, the Federal unemployment taxes paid by the covered employers within that State are automatically increased by 0.3 percent per year until the total loan has been repaid. Public Law 94–45 delayed these automatic recoupment provisions until January 1, 1978. In order to qualify for the delay in the automatic tax increase, a State has to take actions aimed at restoring solvency to its unemployment insurance fund, such as increasing the State unemployment tax rate or taxable wage base, or changing the experience rating system.

The States that have been forced to borrow Federal funds are generally those that have been hardest hit by unemployment in recent years. In most cases, these States are still faced with higher than normal levels of unemployment. It is the committee's position that the present suspension of the recoupment provisions be extended two more years in order to delay the increase in employer payroll taxes which would impose an additional burden on State economies still suffering from high joblessness. Furthermore, the additional 2-year delay would provide Congress with time to consider any recommendations pertaining to State and Federal unemployment insurance financing that might be forthcoming from the National Commission on Unemployment Compensation established by Public Law 94–566.

In title III technical and clarifying changes are made in the Unemployment Compensation Amendments of 1976 (Public Law 94–566) to resolve problems with the language as adopted. This section also delays for 6 months the due dates for the interim and final reports of the National Commission on Unemployment Compensation.

FSB has been a necessary program. It has fulfilled the objective of providing additional unemployment compensation during a period when it has taken unemployed workers substantially longer to find work. The additional weeks of unemployment compensation provided by this program have made it possible for thousands of workers to sustain themselves and their families during the past several years.

Even though the economy has shown definite signs of improving, it has not improved enough to justify a complete termination of the FSB program. Total unemployment is still in excess of 7 percent, and over 7 million unemployed workers are searching and competing for existing jobs. The conditions which led Congress to enact the FSB program are still sufficiently severe to warrant its continuation for another year with the modifications provided in this bill.

I urge the members to support the extension of the FSB program as provided in the bill before them. I include in the RECORD following my remarks these tables: First, the Congressional Budget Office cost estimates for H.R. 4800; second, States by EB–FSB trigger rates and FSB status—week ending February 19, 1977; third, SMSA's projected to be on FSB in fiscal year 1977 and 1978; and, fourth, advances to States from Federal unemployment account.

TABLE 1.—CONGRESSIONAL BUDGET OFFICE COST ESTIMATE FOR H.R. 4800

[In millions of dollars]

	Fiscal year—	
	1977	1978
FSB program costs	592	530
Suitability of work offset	−4	−4
Total	588	526

TABLE 2.—*States by EB–FSB trigger rates and FSB status—week ending Feb. 19, 1977*

[Below 5 percent, no FSB being paid]

Arizona	4.80
Colorado	3.38
District of Columbia	3.43
Florida	4.36
Georgia	4.66
Indiana	3.85
Iowa	4.12
Kansas	3.82
Louisiana	4.37
Mississippi	4.84
Nebraska	3.23
New Hampshire [1]	3.86
Ohio	4.69
Oklahoma	3.99
South Carolina	4.94
South Dakota	3.47
Texas	2.14
Utah	4.68
Virginia	3.07
Wyoming [1]	2.71

[5 percent to 5.99 percent (13 weeks of FSB)]

Hawaii	5.24
Maryland	5.45
Minnesota	5.29
Missouri	5.66
New Mexico [3]	5.04
North Carolina	5.45
North Dakota	5.40
Wisconsin	5.22

[6 percent and over (26 weeks of FSB)]

Alabama	6.53
Alaska	11.86
Arkansas	7.01
California	6.42
Connecticut	7.09
Delaware	6.32
Idaho	6.44
Illinois	6.20
Kentucky [2]	6.11
Maine	8.96
Massachusetts	6.34
Michigan [1]	7.52
Montana	6.48
Nevada	7.04
New Jersey	8.66
New York	7.29
Oregon	7.07
Pennsylvania	8.31
Puerto Rico	19.86
Rhode Island	8.49
Tennessee	6.32
Vermont	7.98
Washington	8.84
West Virginia	7.69

[1] Trigger indicator as of Feb. 12, 1977.

[2] Kentucky's rate changed from 5.83 percent Feb. 12, 1977, to 6.11 percent Feb. 19, 1977. The beginning date for the 6 per centum category is Mar. 6, 1977.

[3] New Mexico's rate changed from 4.98 percent Feb. 12, 1977, to 5.04 percent Feb. 19, 1977, thereby starting a new Federal supplemental benefit period, to commence on Mar. 6, 1977.

SOURCE: U.S. Department of Labor, ETA, UIS, Office of Research, Legislation and Program policies, Mar. 7, 1977.

TABLE 3.—*SMSA's projected to be on FSB in fiscal year 1977 with IUR 5 percent or more*

Florida: Miami, Tampa.
Georgia: Atlanta, Augusta.
Indiana: Evansville.
Ohio: Akron, Canton, Toledo, Lorraine, Youngstown.

SMSA's projected to be on FSB in fiscal year 1978 with IUR 5 percent or more

Delaware: Wilmington.
Georgia: Augusta.
Hawaii: Honolulu.
Illinois: Chicago, Rockford.
Indiana: Evansville.
Kentucky: Louisville.
Ohio: Toledo, Youngstown.
Source: Congressional Budget Office.

TABLE 4.—ADVANCES TO STATES FROM FEDERAL UNEMPLOYMENT ACCOUNT

[Millions of dollars]

States	Calendar year— 1972	1973	1974	1975	1976	Through Feb. 15, 1977	Total
Connecticut	$31.8	$21.7	$8.5	$190.2	$111.0	$35.0	[1] $398.2
Washington		40.7	3.4	50.0	55.3		149.4
Vermont			5.3	23.0	9.2	3.7	41.2
New Jersey				352.2	145.0	36.3	533.5
Rhode Island				45.8	20.0		65.8
Massachusetts				140.0	125.0		265.0
Michigan				326.0	245.0		571.0
Puerto Rico				35.0	22.0	10.0	67.0
Minnesota				47.0	76.0	4.0	127.0
Maine				2.4	12.5	1.0	15.9
Pennsylvania				173.8	379.1	149.4	702.3
Delaware				6.5	14.0	6.1	26.6
District of Columbia					$7.0	$26.6	$9.8	$43.4
Alabama					10.0	20.0	5.6	35.6
Illinois					68.8	446.5	135.2	650.5
Arkansas						20.0	3.0	23.0
Hawaii						22.5		22.5
Nevada						6.6		7.6
Oregon						18.5		18.5
Maryland						36.1	2.5	38.6
Montana						1.4	4.3	5.7
New York							29.3	29.3
Total	31.8	62.4	17.2	1,477.7	1,813.3	435.2	3,837.6	

[1] Actual loans received, $437,000,000; less repayment of reduced employer credits ($12,800,000); from trust fund account ($26,000,000); total, $398,200,000.

Note: Balance remaining in Federal Unemployment Account $191,900,000.

Mr. BURLISON of Missouri. Madam Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Missouri.

Mr. BURLISON of Missouri. Madam Chairman, the gentleman from California agrees with me, I am sure, that in the legislation last year there was provided a National Commission of Unemployment Compensation which was to make certain investigations and reviews and then report back to the Congress.

Can the gentleman from California (Mr. CORMAN) enlighten us as to what has happened with respect to that Commission, whether it has been appointed, and if so, who the members of the Commission are?

Mr. CORMAN. Let me say to the gentleman that I will tell all I know. Just prior to his leaving office, President Ford nominated his 7 members. The legislation, however, required that the members be nominated by the President, the President pro tempore of the Senate, and the Speaker of the House, and that the Commission members should be appointed after consultation among these three individuals. Consultation was necessary because the statute required that there be balance among labor, management, and the public. Apparently President Ford made his nominations without sufficient consultation with the Speaker and President pro tempore. There is some question as to whether or not the Ford appointments will remain. At the moment, I understand President Carter is conferring with the Speaker and with Senator EASTLAND of the other body and the matter will soon be resolved. It would be extremely difficult to balance the Commission in the face of President Ford's appointees, if they all stayed.

Incidentally, this bill provides an extension of time within which the commission must report back. Now that we have the rule, the amendment of the gentleman from Ohio (Mr. GRADISON) will have a chance to get adopted.

Mr. BURLISON of Missouri. Madam Chairman, if the gentleman will yield further, will that delay be a period of 6 months?

Mr. CORMAN. I believe it is 6 months, yes.

Mr. BURLISON of Missouri. I presume from what the gentleman has said, the explanation for the delay is the difficulty and the problem the gentleman cited with respect to appointing the members of the Commission; is that correct?

Mr. CORMAN. Yes; that is correct. As a matter of fact, when we passed H.R. 10210 we had hoped that that Commission might get underway very soon, but that did not happen.

Mr. BURLISON of Missouri. Madam Chairman, if the gentleman will yield further, the gentleman will recall that the Member has expressed grave concern about the alleged abuse and fraud that is prevalent in the unemployment compensation program.

The gentleman also will recall that when this Commission was created in the law last year I offered an amendment, approved by the Congress, which specifically required the Commission to look into fraud and abuse.

I would emphasize that with this delay of 6 months for the Commission to report that that will give it more time also to look into these important factors.

I just want the record to reflect my continued concern, and I am sure the concern of many Members of the House.

Mr. CORMAN. I thank the gentleman. The gentleman made a substantial contribution to the legislation last year.

I suspect so far as total numbers are concerned, the abuses are exaggerated, but there undoubtedly are some cases and they certainly should be detected and punished.

Mr. SMITH of Iowa. Madam Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Suppose, for example, a plant in Davenport, Iowa, lays off two individuals. One lives in Iowa, and one lives at the other end of the bridge in Illinois. Illinois has more than 6 percent unemployed, according to the alleged statistics. Iowa has less than 5 percent.

As I understand it, the man in Illinois gets paid extended benefits, but the man in Iowa does not. Is that right?

Mr. CORMAN. The gentleman has correctly stated the law.

Mr. SMITH of Iowa. Does that seem fair?

Mr. CORMAN. No, sir. The problem is that geography is never fair. If we are to adopt any program which attempts to focus in on areas of high unemployment rather than making it a national program, then we do have those harsh, borderline cases. We try to ease that somewhat by triggering in large cities that are in States of low unemployment. The gentleman cites a case that I could not defend.

Mr. SMITH of Iowa. Is not a person that is unemployed, whether he has five neighbors unemployed or six, just as badly off?

Mr. CORMAN. Yes, sir. The Congress has decided, so far as this supplemental benefit program is concerned, that it should be paid only in those areas of high unemployment. But, it is correct that if one is unemployed and unable to find work after 39 weeks, he is still unemployed regardless of where he happens to live or the unemployment rate in his State.

Mr. STEIGER. Madam Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Wisconsin.

Mr. STEIGER. Madam Chairman, I thank my colleague for yielding to me.

I am concerned over the colloquy which just took place between the distinguished gentleman from Missouri (Mr. BURLISON) and the gentleman from California. The longer we go without establishing the commission, the worse the situation gets. The gentleman from Missouri might wish to talk to the distinguished Speaker of the House and urge him to make his appointements, because those three are not yet named. The President pro tem has made the appointments on behalf of the other body, and the President of the United States made appointments.

The 6-month delay in the interim report and the final report is clearly necessary. I do not think there is any doubt about it. I guess that all I can do is express my own hope that whatever is done, it be done quickly. The work of the commission is absolutely essential if we are to take a good look at this program.

Mr. CORMAN. I thank the gentleman, and he certainly did make a substantial contribution to H.R. 10210.

But, the gentleman from Missouri might not want to urge the Speaker to make those appointments at this moment. We might want to see if we can get better balance by having some of the people appointed by President Ford withdraw. But I hope, Madam Chairman, that the Speaker and the President pro tem of the Senate will make their appointments so that the commission can begin its very important work.

Mr. LEDERER. Madam Chairman, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Pennsylvania.

Mr. LEDERER. Madam Chairman, I thank the gentleman from Colorado (Mr. CORMAN) for yielding me this time.

I would like to say a few words on H.R. 4800, Emergency Unemployment Compensation Act of 1977. Since we have adopted a closed rule, I am somewhat limited in what I can do to a bill I feel does not adequately respond to the needs of our unemployed Americans.

H.R. 4800 calls for a 1-year extension of a 52-week program for States where the insured unemployment rate exceeds 5 percent. Since the Subcommittee on Unemployment Compensation began hearings on this program in February. I have fought for a reasonable extension of the program in light of our current No. 1 problem, unemployment. Madam Chairman, many of my constituents will be hit very hard by the reduction in the current program as envisioned in H.R. 4800. However, I realize the mood of the Congress makes any 65-week program impossible. Therefore, Madam Chairman, I would like to address another section of H.R. 4800 which I feel is ill-conceived; that is, the suitable work clause.

Under H.R. 4800, a recipient of FSB benefits could be cutoff if he fails to accept a job paying 120 percent of the benefits he is receiving under FSB. What this means is that any man or woman, regardless of their previous position, will be forced to accept a full time lower paying job or run the risk of losing their only means of survival—FSB benefits. Forced into this unwanted job, they do not have the time or opportunity to look for a job in their own field or previous pay scale.

Madam Chairman, when H.R. 4800 passes this House, we are going to create a situation where large portions of our

fellow citizens will be forced into underemployment situations or on to the welfare roles. I hardly think this is in keeping with the promise of this Congress and this administration to get our Nation back on its feet. I intend to vote for H.R. 4800, simply because unless we pass some program before March 31, 1977, many more Americans will be forced into utter poverty.

Madam Chairman, my hope is that unemployment agencies all over the country are more compassionate in their implementation of H.R. 4800, especially the suitable work clause, than we have been in writing this law.

Mr. VANDER JAGT. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in support of H.R. 4800, the Emergency Unemployment Compensation Act of 1977. I confess that my support is not of the wildly enthusiastic variety, but it is solid support, nevertheless.

The distinguished and able chairman of the subcommittee has, as usual, accurately outlined the provisions of the bill, the changes it would incorporate into law, and the need for this legislation.

In summary, the bill would—

Extend the Federal supplemenal benefits program until March 31, 1978;

Provide for the payment of 13 weeks of unemployment compensation to unemployed workers who have exhausted their regular and extended benefits in State and local "labor market areas" with high unemployment rates;

Deny FSB payments to individuals who refuse offers of suitable work or who are not actively seeking work; and

Grant the Secretary of Labor authority to defer for 2 additional years, until January 1, 1980, the automatic reduction of employer payroll tax credits in those States which are indebted to the Federal unemployment compensation trust fund.

One of the reasons that my support is not wildly enthusiastic is that the subcommittee heard testimony which indicated that as we moved into extended unemployment some individuals with a rather tenuous relationship to the work force, in the first place, were really taking advantage of the system. This is very much to the detriment, I think, of our taxpayers and of the individuals themselves. On the other hand, there is significant evidence that there are a substantial number of people receiving these benefits who desperately need them. They are heads of households; they have worked their entire lives, and they have lost their jobs through no fault of their own or through no fault of the company for which they worked, but because of national problems beyond their control or the employer's control.

Since it is, in a sense, the national situation which has created their problem, I think the Federal Government has some responsibility to try to alleviate that problem. That is why I am so encouraged about the change in the financing of the program. For the first time in this legislation, the 13 weeks beyond the 39 weeks will be financed from several revenues of the Federal Government. There is a recognition, I think, that when we move beyond the 39 weeks we are no longer talking about an insurance program but, rather, moving into the area of welfare. Therefore, we redeem the integrity and the original foundation of the unemployment insurance concept by moving to finance FSB not from the insurance fund but from general revenues.

I had hoped that the Committee on Ways and Means would have gone further and retroactively financed FSB from general revenues. The rationale supporting prospective general revenue financing applies with equal force to post-FSB costs. Retroactive action in this area would have taken a $2 billion debt off the backs of private employers, but efforts in this direction were defeated in both the subcommittee and the full committee. The bill would have been stronger had we taken a wiser course.

There is another change in this legislation which I think is very good and a very important principle established for the first time in this program. There is a requirement that, in order to receive the benefits, the recipient is required to accept a job, if it is offered him, even if the skills are less or the pay is less than he was receiving in his previous job. This provision results from amendments offered by Messrs. KETCHUM, BAFALIS, and FISHER. I think it establishes a very important principle in the Federal supplemental benefits program.

The provision works like this: When an individual who has exhausted both his regular and extended unemployment compensation benefits applies for FSB the State agency must determine whether he can reasonably expect to be reemployed in his customary occupation during the period he would be eligible to receive FSB benefits. If the unemployment compensation office determines that an individual's prospects for obtaining work in his customary occupation are poor, then the determination of whether any particular job is "suitable" is to be made without regard to whether it involves lesser skills or lower pay than the individual's customary occupation. In order for a claimant to be disqualified from benefits for refusing an offer of suitable work the job in question would have to have been offered to him in writing or listed with the State-employment service. Additionally, the job would have to pay at least the minimum wage or 120 percent of the claimant's unemployment compensation weekly benefit amount plus any SUB—supplemental unemployment benefits—to which he might be entitled because of agreements with previous employers. These exceptions were enacted to prevent an individual from being placed in a position where he is financially worse off working than he would have been had he remained on unemployment compensation. It is the intent of the bill that individuals who are able to obtain work ought to be required to work rather than accept unemployment compensation benefits for extended periods of time.

The bill also requires each individual receiving FSB to actively engage in an effort to obtain work and provide tangible evidence of his efforts in this regard to the State agency. It is required that some physical evidence of each applicant's efforts be supplied by the applicant each week. This will enable the State agency to determine, on a case-by-case basis, whether each individual is, in fact actively engaged in seeking work.

This provision is far more stringent than current State practice. It was adopted with the view that once an individual has been unemployed for some period of time longer than that covered by the regular and extended benefits unemployment compensation programs, that individual ought to be treated in a manner differently from that provided under the regular program.

What constitutes tangible evidence of a systematic and sustained effort to obtain employment is of course a matter which will vary from case to case. However, it is the intent of the bill that some physical evidence be provided by the claimant in order to support his contention that he has sought work. A list of telephone numbers and employers called, the dates and times they were visited and similar documentation is required.

The bill also clarifies a provision of existing law which pertains to the denial of benefits to teachers during the summer months. Present law requires the denial of benefits to teachers during periods between academic years for those teachers who have a contract to return to work in the next year or who have reasonable assurance that they will be reemployed in the fall. The bill would expand the denial provision to include periods of time between academic terms as well as years in an effort to clarify the intent of legislation adopted last year. Under the bill teachers will not be able to obtain benefits in periods between terms as well as periods between years.

Lastly, I would like to comment on the provisions of the bill which would provide the Secretary of Labor with authority to defer for 2 additional years, until January 1980, the provisions of Federal law which automatically increase employer payroll taxes in States which have been indebted to the Federal unemployment trust fund for more than 2 years. As the law is now written if advances to a State from the Federal unemployment compensation trust fund have not been repaid within 2 years the unemployment tax imposed on employers by the Federal Government in that State automatically increases by three-tenths of 1 percent per year until all outstanding loans have been repaid.

Congress granted the Secretary of Labor authority to defer the automatic recoupment provision until January 1, 1978, in Public Law 94-45; this bill simply extends that period until January 1, 1980. I hasten to point out that the extension does not automatically defer tax increases. Deferral can only be granted by the Secretary of Labor upon a determination that the State involved has taken appropriate action to bring its unemployment trust fund into balance. This is a reasonable approach to the problem.

It would be very unwise to impose additional tax burdens on employers in those States which have been hardest hit by the recession. This additional deferral authority is warranted.

In conclusion, let me once again ask adoption of H.R. 4800, the Emergency Unemployment Compensation Extension Act of 1977.

Mr. CORMAN. Madam Chairman, I yield 6 minutes to the gentleman from Missouri (Mr. GEPHARDT).

Mr. GEPHARDT. Madam Chairman, I rise in many capacities to urge your approval of the Federal supplemental benefits program as provided in the Emergency Unemployment Compensation Act of 1977 (H.R. 4800).

As an elected representative of the people, I endorse section 101 which would extend the Federal supplemental benefits—or FSB—program for 1 year, until March 31, 1978. Fifty years after the Great Depression we still have the heart-rending problem of unemployment. The United States and other Western democracies have built elaborate income support systems of which unemployment compensation is the most significant. And, with the Wall Street Journal's blessing, I am happy to report that for once our system works (Wall Street Journal, March 7, 1977).

My colleagues on the Ways and Means Committee know, however, that I come to this endorsement reluctantly. The enactment of the FSB program in December 1974 was in response to the sharp increase in the unemployment rate and the large number of workers who were expected in the coming months to exhaust their regular benefits before obtaining suitable employment. I fear its extension to 65 weeks in 1975 and 1976, however, spurred unemployment. A recent study conducted by Prof. Martin Feldstein of Harvard concludes that as much as 2 full percentage points of our unemployment figure is induced simply by the availability of a generous unemployment compensation program. A system abused should have a short fuse, not a long one.

One should not confuse unemployment statistics with unemployment compensation. The latter is not a solution to the causes of unemployment, rather it is a treatment for its system. The solutions we should strive for demand further study. What is and should be the relationship between unemployment compensation and other, less successful income-support systems, such as welfare, food stamps, medicare, and social security? My distinguished colleague from California assures me that this study will begin during the extension period. Contrary to some beliefs, FSB is not an easy answer to a hard problem. But with this assurance I hope your endorsement is made easier as was mine.

In making up my mind on this matter, I also kept in mind the economic stimulus package that the President with the help of the Congress is trying to enact. By 1978, we hope to reduce unemployment closer to 6 percent. Extending the FSB program for 1 year would appear to complement these efforts. It has been said:

> A strong economy is not just our chief hope of achieving full employment in this country, it is our only hope (Financier: Commentary, March 1977).

As an observer of human behavior, which we all are, I likewise endorse section 102's limitation of emergency benefits to 52 weeks. The former standard of 65 weeks was not wholly unreasonable in that it subsidized longer searches for the right job. A large factor in the high unemployment rate is the inability to match job seekers and job openings, rather than lagging employment demand.

Our problem today is a bit different. A Bureau of Labor Statistics study finds that 32 percent of the unemployed have turned down a job offer. Hence, I say a 52-week search for the right job is long enough. Such a reduction is likewise the right direction for the FSB program to go and I urge you to follow.

Section 102 also serves a need that other programs, like local public works, are trying to meet. That is the need for targeting benefits to high unemployment areas. Under H.R. 4800, FSB would be payable to unemployed workers in States with insured unemployed rates of 5 percent or higher or whose last place of employment is in a "local labor market area." This is defined as a standard metropolitan statistical area of 250,000 population or more, with a total unemployment rate of 7 percent or higher. The former State trigger system excluded from the FSB program some local areas with high unemployment that are within States that do not meet the trigger requirements. Directing unemployment benefits to such local pockets is a valid concept about which rational men and women should not disagree.

As a concerned taxpayer, I do not come easily to an endorsement of section 103. Financing emergency unemployment compensation benefits from the Federal general revenue after March 31, 1977, is another hard step to take. Under current law, FSB is financed by employer-paid Federal payroll taxes—FUCA—which are paid into the Federal unemployment insurance trust fund. Since 1972, however, it has been necessary to supply repayable advances from the general revenue because employers have not been able to keep up with payments as Federal supplemental benefits have increased. A current $5.3 billion debt is attributable to FSB.

The subcommittee believes that after a person has exhausted regular and extended benefits, the reason for his unemployment can no longer be attributed to his previous employers. I tend to agree. The problems of long-term unemployment, whether economic or personal, are perhaps bevond the scope of an employer-financed insurance program. The FSB debt must be paid—but future payments, while we study the overall problem, should be shared by all. Compromising the general revenue issue in the manner provided by section 103, in my opinion, serves both corporate interest and the public interest. When it comes to economic growth and full employment, these interests are identical.

In setting up my office as a freshman Congressman, I have become an employer of sorts. The most difficult aspect of this task is finding the right person for the right job. As I said earlier, our problem today is not employment demand. We must find suitable work for the new entrants to our labor market, who comprise 1 percent of our 7.3 percent unemployed. Similarly we must work to find suitable work for the 2 percent reentrants, and the 2.3 percent who have been permanently discharged.

For those who do not actively seek employment or who turn down job offers, another test must be found. As a legislator, I believe that test is in section 104. Therein, we will disqualify an FSB claimant from benefits if he or she refused to accept an offer of suitable work or failed to be "actively engaged in seeking work."

We define suitable work to include "any work for which the individual is reasonably fitted by training and experience" and, if the individual lacks the required skills and training, any work where the necessary training goes along with the job. But suitable work need not be the perfect job. Therefore, the test will be applied without regard to whether the work involves lower pay or lesser skills than the individual's customary occupation. Sometimes a man must be prepared to give it all up, as Rudyard Kipling advised in his poem "If," and build his life over again.

My final role in addressing this issue is as a member of Government. Part of my desire to become a Congressman was to serve as a liaison between St. Louis' local government and Washington. My home State says show me how such intergovernmental cooperation works. A good example is section 201. This delays for 2 additional years the provisions in the Federal law which provide for the recoupment of outstanding unemployment insurance loans to the States. As of February 15, 22 States had borrowed a total of $3.8 billion from the Federal Government. If not repaid, payroll taxes would automatically increase. Those same States, however, have been hardest hit by unemployment in recent years. Such unemployment continues. Therefore, I support the 2-year delay, which will in turn allow Congress time to consider any recommendations as to such financing that may be forthcoming from the National Commission on Unemployment Compensation established in the 94th Congress.

Some have argued that this delay is unfair to those States that have structured their economy to meet the required Federal unemployment insurance payments. This may be true. But as a Missourian, whose State has no deficit, I believe the delay is the equitable approach our Nation of States should take.

In conclusion, I like to think about this bill in the way Franklin D. Roosevelt felt about unemployment insurance when he said:

> The bill has another advantage in establishing a suitable relation of the National Government to unemployment insurance. Under our system of government the task of caring for the unemployed falls primarily on the States. If a State cannot bear the burden, the United States must be prepared to do so and to collect revenue for that purpose (March 1934).

He also once said that, when the States have done their utmost in this regard, it is time for the Federal Government to add its contribution to those of the employers and the States (May 1933). I trust you will feel the same.

Mr. VANDER JAGT. Madam Chair-

man, I yield 5 minutes to the gentleman from Ohio (Mr. GRADISON).

Mr. GRADISON. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I would like to continue the point just raised by my colleague, the gentleman from Missouri (Mr. GEPHARDT), and talk a little bit about what situation we are likely to be in a year from now when this 1-year extension expires.

I think many of us on the full committee and on the subcommittee have been concerned that we might not have the kind of information we would like to have on many of these issues which relate to unemployment compensation, and I hope that we can have more complete information by the time a future extension comes before us, about a year off.

Madam Chairman, it was evident both in the subcommittee and in the full committee, as well as during consideration of this matter by the Committee on Rules, that, to a large extent, the disagreements were not just philosophic, but also had to do with the facts.

What happens if we have an extension of 65 weeks of benefits as compared with 52 weeks or 39 weeks? What happens when benefits are exhausted? Do those whose benefits are exhausted go on public assistance? What will happen to those individuals covered today when the maximum benefit period declines from 65 weeks to 52 weeks, which this bill will provide?

What effects will the new work suitability test really have once it is put into effect? Are benefits too high or too low? To what extent do the present benefits under the present system affect both the rate and duration of unemployment?

Madam Chairman, in June of 1975 Congress mandated the Secretary of Labor to develop a comprehensive report on the Federal supplemental benefits program. The report was to address several important issues as well as to develop information regarding the employment, economic, and demographic characteristics of individuals receiving FSB payments.

The report also was to address the needs of long-term unemployed relating to job counseling, testing, referral, and placement services as well as an examination of the other benefits for which individuals receiving FSB would be eligible.

As a result of this mandate, the Department of Labor recently submitted a report to the Congress entitled, "A Study of Recipients of Federal Supplemental Benefits and Special Unemployment Assistance." The report is exceptionally useful and provides a good deal of significant information with regard to the characteristics of Federal supplemental benefits recipients and their needs. However, in my view, the report simply does not go far enough.

Madam Chairman, I urge the Department of Labor to take the steps necessary to follow up on its earlier report and to obtain additional information concerning those individuals who have exhausted their benefits under the FSB program. I urge the Department to do this with an eye toward determining what happens to these exhaustees. How is their labor market participation affected?

Also, we need more information about job disincentives both across the board and for various subsets of the universe of individuals affected by the program.

This information probably can be obtained through additional interviews with some or all of the individuals who were interviewed in connection with the original Department of Labor report.

Madam Chairman, I sincerely hope that the distinguished chairman of the Subcommittee on Public Assistance and Unemployment Compensation, the gentleman from California (Mr. CORMAN) will consider joining with me, and I believe with the gentleman from Missouri who spoke just before me, in urging the Department of Labor to continue its efforts with regard to further studies which might be helpful to all of us a year from now.

Mr. CORMAN. Madam Chairman, will the gentleman yield?

Mr. GRADISON. I yield to the gentleman from California.

Mr. CORMAN. I certainly join the gentleman in urging the Department of Labor to continue that study and trying to get answers to the questions which the gentleman has raised. It is extremely difficult for us to identify the characteristics of the people whose regular benefits are exhausted, and what happens to people after their final supplemental benefits are exhausted.

Undoubtedly the best way to get at this is to continue the studies which the Department of Labor has already started.

I thank the gentleman from Ohio for calling this to the attention of the Department of Labor and to our attention.

Mr. GRADISON. Madam Chairman, I thank the gentleman.

Mr. VANDER JAGT. Madam Chairman, I yield 7 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Madam Chairman, there are going to be very few votes against H.R. 4800 today, but my own vote will be one of them.

But, lest other Members dismiss my opposition to unwarranted extension of Federal supplemental benefits as excessively negative, they ought to be reminded that the Unemployment Compensation Subcommittee of the Ways and Means Committee last year decided not to extend FSB. That is why the bill now is called an emergency bill. Since that decision, the economy has continued to improve and employment has continued to increase. There is less justification for extending FSB now. It is time for Congress to stop programs designed, and poorly designed at that, for the depths of a recession. Nevertheless, like other forms of congressional largesse, FSB will not fade away. Several speakers have already alluded to further extensions.

Incidentally, although the first 13 weeks of FSB—which we are extending today—were granted through the regular legislative process, the second 13 weeks—which we are repealing—were granted as a result of a Senate nongermane amendment to the Tax Reduction Act of 1975. Thus do we carefully write unemployment compensation law.

FSB, because it adds what is generally conceded to be a wefare aspect to unemployment compensation, has distorted both the intent and operation of the system. The concept of the basic unemployment compensation system is a good one. It provides temporary assistance to people who have had attachment to the labor market and who are actively seeking work. But FSB, in giving benefits up to 65 weeks—which can be "earned" by minimal labor market attachment of two quarters or less—provides a strong disincentive to work. Rather, it is an incentive to remain unemployed.

Extension of FSB will help some unemployed people, who could also be helped through other programs, but it will inevitably help to keep unemployment high. In that sense, FSB is a self-fulfilling prophecy. According to the Department of Labor, from its monthly telephone survey which polls American households, there are about 7 million Americans seeking full or part time work. About half of these people have been laid off. This group nearly always is recalled or finds work, usually in a short period of time. The average duration of unemployment is, of course, an average of many short durations and a few very long ones.

The other half of the people unemployed are those who have quit jobs, new entrants, and reentrants. Since the laid-off group is usually recalled, this second group is the one to which the FSB program is mainly directed.

The program operates under State laws. Therefore, State suitability of work provisions have applied. Disqualifications from benefits for refusing suitable work are very infrequent and occur mostly when employers protest unemployment compensation claims for employees they have recalled but who have not come back, or for people who have quit. The suitability of work provisions in this bill will have no significant effect on encouraging people to return to work because the FSB claimant is typically not a person who is being reoffered a job. Since most job offerings are not listed with the Employment Service, and because employers are no longer liable for benefits, no person will, nor agency can, raise the challenge that a claimant has refused suitable work. The provision in this bill is a nice try, but it will not put many people back to work. Whatever small effect it has will be grossly outweighed by the work disincentive created by the offer of extra weeks of compensation.

One of the bad effects of FSB is that it diverts our attention from the real need to attack structural unemployment. We are simply covering problems under a pile of money rather than attempting to solve them. We could have begun solid work on unemplopment, apprenticeship, and training programs. Instead we are giving people a good excuse not to go to work. A favorite phrase in my State is, "Why should I go to work for $25 a week." That's the difference between unemployment compensation benefits and take home wages for a typical claimant. Unemployment compensation benefits are

not taxable and claimants are relieved of the expenses of union dues, commutation costs, and so forth.

The cost and financing of the program alone are enough to demand the termination of FSB at this time. In 1975, $2.27 billion was paid out for FSB. In 1976, the cost jumped to approximately $2.83 billion. H.R. 4800 would cost taxpayers $588 million, in the remaining part of fiscal year 1977 and $530 million in fiscal 1978, thus totaling over $1 billion.

Until now, the FSB benefits have been paid out of unemployment trust funds with the obligation that States must repay these funds. H.R. 4800 makes FSB benefits payable from the Federal Treasury—from our $75 billion deficit. This throws the unemployment compensation burden on the general taxpayers. They will pay it twice; first, in FSB benefits, then in interest on Federal borrowing and inflation.

The assumption of the costs by general taxpayers replaces the normal unemployment obligations of employers. So H.R. 4800 has the ironic effect of having middle-income taxpayers bail out our large corporations from their normal liabilities. In addition to the corporate bailout, taxpayer financing makes this a genuine welfare plan.

H.R. 4800 also allows States to defer payments on previous borrowings from the trust funds. This feature, and the general taxpayer financing, give the States the hope—false, I hope—that the Federal Government will also bail out past debts. If this bill does not shatter the experience rating concept, this hope certainly does.

We have a chance today to get rid of a disincentive to employment. At the same time we could prevent making the general taxpayers bail out our corporations. We will not accept this opportunity, and that will be a pretty good example of why we have not done a very good job in handling a problem most Americans believe is one of our national priorities.

Mr. CORMAN. Madam Chairman, I yield myself 1 minute to respond to a couple of points just raised.

First of all, the covered unemployment rate at the present time is higher than it was when this program was initiated in December 1974. I agree with the gentleman we would be better off if we required employers to list all jobs with the employment service. The subcommittee recommended that, but the minority and full committee successfully had it stricken from the bill.

If the people in the gentleman's district are saying, "Why should I work for $25 a week?" say, why, indeed?

Madam Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MICHAEL O. MYERS).

Mr. MICHAEL O. MYERS. Madam Chairman, today the House will consider H.R. 4800, the Emergency Unemployment Compensation Act of 1977. Although I will cast my vote in support of this legislation, I do not feel that H.R. 4800 adequately addresses the plight of our Nation's unemployment. This bill is at best a halfway measure that attempts to placate and not to constructively ease the financial conditions of the unemployed worker.

The economic situation in this country has not substantially improved since the Federal supplemental benefits—FSB—program was established in 1974. In February, the unemployment rate nationwide stood at 7.5 percent. In real terms that is 7.1 million Americans who cannot find work. Of that number, 63 percent are eligible to receive and are now receiving unemployment insurance benefits. These figures do not support any idea that the employment situation in this Nation is improving. In my State of Pennsylvania alone there are over 452,000 persons who are unemployed. Almost three-fourths of that group are receiving unemployment compensation of some type. Yet, this bill that we are considering today will decrease by one-half—from 26 to 13—the number of weeks of additional benefits available to these individuals.

Additionally, at the time of enactment of this legislation, the unemployed worker who has already received 52 weeks of benefits will be cut off without notice from further financial assistance. For many of these people unemployment compensation is their only means of support. As of April 1, how will they make their mortgage payments or car payments; how, may I ask, will they buy food for themselves and their dependents? In essence, we will be pulling the rug out from under these citizens. Their only available course of action will be to apply for welfare.

It seems to be the climate of this Congress to consider the FSB program as synonymous with welfare. This is a great injustice to the industrious American worker who has been laid off not through any fault or incompetence of his own, but because of the serious economic situation that faces this Nation.

The rationale used by the administration and others for decreasing the FSB program is that some 600,000 public service jobs will be made available. However, when one considers that only 60,000 jobs will be allotted per month and that they will have to be doled out among all 50 States, the impact is substantially diffused. Even if 1 entire month's allotment were given to the Commonwealth of Pennsylvania, it could be considered as no more than a drop in the bucket toward improving the situation. It is a serious misconception to consider that 600,000 jobs spread out over the 50 States will go any distance toward eliminating the high unemployment rate and thereby eliminate the need for a full unemployment compensation program.

There is another area of this legislation that seriously disturbs me. It is the "suitability of work" clause. Under this provision, should a State unemployment compensation office determine that the chances are poor for an eligible claimant to obtain work in his usual job, then that individual would be required to accept work regardless of whether it pays lower wages or requires lesser skills than his normal occupation. This clause has the potential to entrap many workers in jobs that do not fit their educational background, their technical skills, or their career goals. Once a highly skilled carpenter, for example, has been forced to accept a job as an unskilled janitor or garbage collector, it will become increasingly more difficult for him to seek and to obtain employment in his normal line of work. This problem is even more prevalent in white-collar jobs, As I am sure you can realize, if a college-educated worker is forced to accept a position as a file clerk, he would find it most difficult to ever be considered for a job in an executive position. Once a person has become "stereotyped" into a job beneath his educational or technical experience, it becomes almost impossible for that person to ever climb above that position. The most disturbing factor of this provision is that it has the potential to waste a great deal of this Nation's most valued resource, our citizens, in positions for which they are definitely overqualified.

There is no one, I am sure, who will deny that our Nation is today faced with one of its most serious crises in the form of recession accompanied by spiraling inflation. Also, we know that Government spending must be curtailed at some point. But it should not be done by abandoning our unemployed at a time when they need our assistance the most. Let us not forget that the persons we are discussing have in the past made major contributions not only to the gross national product of this country but also to the Federal Government tax coffers. They deserve from us far better treatment than what we are giving them today.

Mr. CORMAN. Madam Chairman, I yield 7 minutes to the gentleman from Virginia (Mr. FISHER).

Mr. FISHER. Madam Chairman, I would like to speak in favor of H.R. 4800, the Emergency Unemployment Compensation Extension Act of 1977. The bill extends the Federal supplemental benefits—FSB—program of unemployment compensation for 1 more year, permits the benefits to be paid in local areas of high unemployment as well as States, and prohibits the payment of FSB to individuals who refuse suitable work or fail to actively seek work. The bill provides for the payment of a maximum of 13 weeks of FSB for a combined maximum of 52 weeks of various unemployment benefits. This extension of FSB will be financed out of general revenues rather than employer-paid Federal unemployment taxes.

I support this extension of FSB benefits, although I am sorry that it is necessary. The economy has improved since the FSB program was first passed in 1974, but the national unemployment rate is still over 7 percent. In many States and local labor markets all across the country there are hundreds of thousands of workers who have been unemployed long enough to have exhausted their regular and extended unemployment compensation benefits—usually a maximum of 39 weeks. If the economic conditions are such that these workers still cannot find suitable work, as is now the case for most of them, then the Federal Government has an obligation to continue to provide the partial replacement of wages offered by the FSB pro-

gram. Unless this bill is passed some half a million individuals, it is estimated, will be cut off from receiving benefits, and cut off suddenly.

Under present law a worker can be disqualified from unemployment compensation benefits if he or she refuses suitable work. The provisions governing the suitability of work vary from State to State. I have become concerned that, especially in areas of persistent, high unemployment, the suitability of work requirement may actually be operating in a way that inhibits return to work. When an individual is unemployed because his line of work is becoming obsolete or because the factory where he worked has closed down permanently or relocated, then his chances of being recalled to his old job or finding a new job similar to the one he lost are not very strong. If that worker is to be reemployed he will very likely have to change his expectations. He cannot expect a job just like his old one and may well have to take one rather different. Yet the existing suitability of work provision in unemployment compensation laws does not encourage this and in fact permits a worker to decline jobs that differ in certain respects from his previous employment.

The bill reported by the Ways and Means Committee has a new suitability of work provision. The new provision states that suitable work for an individual may have lower pay or require less skills than the worker's customary occupation. This provision would be applied in cases where the State unemployment agency determines that the individual's chances were poor for obtaining work in his customary occupation. Furthermore, the new provision applies only to FSB. Thus a worker would first have 39 weeks to seek work in his customary occupation before he would be required to accept work that might be less desirable. Other protections for the worker include provisions that the suitable work must pay at least as much as the minimum wage or at least as much as the unemployment compensation benefit—plus 20 percent for work expenses, taxes, and so on—plus any supplemental unemployment benefit which the previous employer may be paying. If a worker refuses a suitable job, defined in this way, which was either listed with the State Employment Service or offered in writing by an employer, then he would be disqualified from the FSB program.

I strongly favor the new suitability of work provision. During the debates on the economic stimulus measures recently passed by this House I indicated that part of its benefit would be psychological, that it would get people to thinking positively about spending, hiring, and investing, and so on. I think that this new suitability of work provision is in the same category. The sooner that unemployed workers begin looking for and accepting many different kinds of jobs rather than relying on long-continued unemployment compensation benefits the better the outlook for them and the economy.

Another important element of H.R. 4800 is the change to Federal financing of the 13-week FSB program after March 31, 1977. This bill considers that the worker who has been receiving some form of unemployment compensation for 39 weeks should then be required to accept work meeting less stringent suitability standards because, in many cases, his prospects of returning to his former or a similar job are poor. Similarly, this bill considers that the benefits to be paid after 39 weeks, the FSB payments, are different from the earlier benefits. The workers' unemployment thereafter can more plausibly be attributed to general economic conditions and not solely to the particular business situation of his former employers. For this reason the benefits should be financed by general revenues rather than by the tax on employers.

I think this is a good bill. It breaks new ground with the suitability of work provisions and I look forward to good results. I hope that the 1-year extension of FSB combined with the new economic stimulus measures will be sufficient and that a year from now there will be no need for such a long period of unemployment compensation benefits. I urge my colleagues to join me in supporting this bill.

Mrs. FENWICK. Madam Chairman, will the gentleman yield?

Mr. FISHER. Yes, indeed.

Mrs. FENWICK. Madam Chairman, I have a question of the gentleman, or the chairman of the committee. A most curious case arose in my district. I wonder if this was proper under the bill. A worker was let go only because the worker was discovered to be working without a green card; in other words, had come in on a visitor's permit, had not told the employer that this was illegal and that she had no green card and, therefore, would have to be let go.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. CORMAN. Madam Chairman, I yield 1 additional minute to the gentleman from Virginia.

Mrs. FENWICK. Madam Chairman, if the gentleman will yield, the employer got in touch with me and said he was required to pay unemployment. Is this proper?

Mr. CORMAN. Madam Chairman, will the gentleman yield?

Mr. FISHER. I yield to the gentleman from California.

Mr. CORMAN. Madam Chairman, if one does not have a green card, he or she should not be eligible for work. And if a person is not eligible for work, he cannot be available for employment and, therefore, should not be able to draw unemployment compensation.

Mrs. FENWICK. The woman had been getting unemployment and the State unemployment people said that it was all right.

Mr. CORMAN. The State should be requiring her to be actively seeking employment and available for work. As you describe the situation, she could not be fulfilling those requirements and therefore, should not be given unemployment benefits.

Mrs. FENWICK. She has come back and the Immigration Department allowed her in and she got a green card.

Mr. CORMAN. If she has worked in covered employment, is presently legally in the country under the immigration laws, and is actively seeking employment, she could be eligible.

Mrs. FENWICK. She has refused to return to the job. It is an extraordinary story.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. CORMAN. Madam Chairman, I yield myself 1 minute and I yield to the gentlewoman from New Jersey to conclude her question.

Mrs. FENWICK. Madam Chairman, this woman arrived and was working, as I say, when it was discovered, she had been there about a year. When it was discovered that she had no green card, they had to let her go. Then she disappeared, apparently went back home, came in again. The Immigration Department gave her a visa and she got a green card. Then she applied for unemployment compensation and the employer said, "Look, I want you back."

She said, "I can't come, because I have five children and I can't leave them in Brooklyn."

So she is getting unemployment compensation.

Mr. CORMAN. She lives in a different community from the place she is applying?

Mrs. FENWICK. She apparently is.

Mr. CORMAN. But she did not live in a different community from where she worked?

Mrs. FENWICK. She used to live in Brooklyn, but went home at the day's end.

Mr. CORMAN. Where did she live then?

Mrs. FENWICK. She lived in New Jersey.

Mr. CORMAN. She should be required under State law to seek and accept offers of suitable work. If she refuses suitable employment, she should be disqualified. Of course, the work requirements are administered by States.

Mrs. FENWICK. What can be done about it?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. CORMAN. Madam Chairman, I yield myself 1 additional minute.

Mr. STEIGER. Madam Chairman, will the gentleman from California yield?

Mr. CORMAN. I would be glad to yield to the gentleman from Wisconsin for an answer.

Mr. STEIGER. Madam Chairman, the distinguished gentlewoman from New Jersey raised the very same issue, as the Members will remember, last year. In fact, the gentlewoman asked the subcommittee about this specific case last October.

My understanding was that we were going to refer the specifics of this case to the Study Commission.

The question the gentlewoman has raised is a very interesting one. I think it ought to be examined. The problem is that we do not have a Study Commis-

sion; so the answer to the question as to what to do is being held in abeyance until we give the Study Commission a chance to look at it.

Mr. CORMAN. Madam Chairman, I thank the gentleman for his answer.

Mr. VANDER JAGT. Madam Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER. Madam Chairman, I rise to oppose enactment of this measure. It is probably the most misguided piece of unemployment compensation legislation to come before the House during my service here. I have two basic problems with the bill that is before us.

First of all, last year the Subcommittee on Unemployment Compensation—since abolished by the Committee on Ways and Means, much to my regret—indicated that the program should be allowed to expire. I think there was good reason for that then, and I think we should not now extend it. The deadline is here, and once again we are being asked to extend the termination date. I think it is unreasonable and unnecessary.

There are some who contend—and I disagree with them—that those who are now receiving FSB will be caught unprepared at the end of this month if we let it terminate. I think that, again, is without substance. The subcommitee's action last year was a clear indication of congressional intent to terminate this program.

There are a number of problems with the bill before us, and I must say that I exceedingly regret that I find myself in the position of opposing the gentleman from California and the distinguished gentleman from Michigan regarding this particular bill. I worked to have FSB created. I believe it was appropriate at the time, but I believe there comes a time in the life of every Federal program, including this one, when one must begin to analyze whether, in fact, the program deserves to be continued. I think this program does not deserve to be continued. Economic circumstance do not give any indication that there is justification for extending the program.

There is a second problem; it has to do with whether we want to be giving, in effect, a signal to the States. There are some 22 States which have at this point borrowed about $4 billion from the Federal Government as a result of their own inability to finance unemployment compensation benefits. There has been discussion over the past year to the effect that the Federal Government will, at some point, forgive that indebtedness. I strongly oppose any such action; I think it would be grossly unfair to States, such as Wisconsin, which have taken steps to raise their own revenues. Financing FSB with general revenues is a clear signal to those 22 States and to other States which might be in debt that we will not seriously attempt to recoup these losses.

There is a particular provision in the bill very dear to the heart of my friend from Michigan (Mr. VANDER JAGT). It would defer for another 2 years the repayment of the outstanding debts owed by the States to the Federal Government through reductions in employer payroll tax credits. I think that the provision is wrong, and I am distressed to see us undertake this effort in spite of the fact that I realize there is some political support for it on the part of Members of this House. It is a clear signal to those States now in debt to the Federal Government that they do not have to worry too much or too soon about paying their debts. I find this to be exceedingly unwise.

Thus, Madam Chairman, for these and other reasons I think that the bill is a bad bill. I think it ought not to be adopted and ought not to be passed.

I am most disturbed, may I say, that I have yet to hear from the chairman of the subcommittee, or even my ranking member, any clear indication that this is it. It will not surprise me in the slightest if we are back discussing this very program and calling for another emergency extention into March 1979.

At that point, what we ought to do is go back retroactively and pick up the full burden for this program. We should put it on the general taxpayers instead of putting it on the backs of the employers. I would vote for that concept as a way of shifting the burden, but I have yet to hear from my distinguished, able, and very innovative and creative chairman. Just as sure as I am standing here, we are going to be back again with another emergency at the end of this year, saying, "Let's extend FSB again." Mark my words.

Mr. CORMAN. Madam Chairman, will the gentleman yield?

Mr. STEIGER. Yes, I will be happy to yield to the gentleman from California (Mr. CORMAN) if I have any time left.

Mr. CORMAN. I thank the gentleman for yielding.

The gentleman seemed to be asking my view about extension. I would say it would depend almost entirely on the rate of unemployment in March 1978.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. VANDER JAGT. Madam Chairman, I yield 2 additional minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. CORMAN. Madam Chairman, will the gentleman yield further?

Mr. STEIGER I yield to the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Madam Chairman, I sincerely hope and expect that the covered unemployment rate will be well below 5 percent of the Nation and will be below 5 percent in almost all of the States. Therefore, we will not need to extend FSB.

I would also hope that we might have devised some kind of Federal public assistance program which addresses the needs of the exhaustees who have serious family obligations, no assets, and no opportunity to work; so that we will not continue to use unemployment insurance as we have tended to, to fill the gaps of a very inadequate Federal public assistance program.

Mr. STEIGER. I thank the gentleman very much for his comments. May I say that he has made a valiant effort to give an answer, but his remarks do not answer my question. What the gentleman is saying, and I understand that, is that perhaps circumstances will justify yet another extension. I think at some point, frankly, we have to do what I thought we had done last year, which was to put everybody on notice that it was not going to happen. Having failed to do that, it will not surprise me to see yet another effort to extend this program.

Mr. CORMAN. Madam Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. BENJAMIN).

Mr. BENJAMIN. Madam Chairman, I rise in support of H.R. 4800 with reservations as demonstrated by my voting against the rule which foreclosed all amendments except Committee amendments on this bill.

I do want to thank the distinguished gentleman from California (Mr. CORMAN) for his work and that of his subcommittee in bringing this legislation to the floor, the major part of which I strongly advocate and support.

However, the measure falls short in at least two instances.

First, it appears, by the changes proposed to the 1974 act in this bill, that the unemployed worker who has already received 52 weeks of benefits will be cut off from further financial assistance without notice although they are assured, in some instances, of 65 weeks under present law.

Because the present law is governed by State insured unemployment rate figures, the Gary-Hammond-East Chicago area of northwest Indiana has not received Federal supplemental benefits since April 1976. Therefore, the scheme of local market area trigger or qualification is far superior to any National or State eligibility factor in recognizing the pockets of unemployment.

On the other hand, the "insured unemployment rate" factor leaves much to be desired. For instance, Report No. 95–82, accompanying this bill, indicates on page 5 that Indiana is not eligible as a State because its trigger rate as of February 19, 1977, is 3.85 percent.

On page 15 of the report, the only local market area in Indiana purportedly eligible under the provisions of this bill for Federal supplemental benefits is Evansville. My contact with the Department of Labor also indicates that the Fort Wayne area of Indiana may also be eligible.

I have no qualm with the eligibility of Evansville and Fort Wayne, or even that of neighboring Chicago which is found to be eligible while Gary-Hammond-East Chicago, a part of the same metropolitan area, is not. To expand on this, the Gary-Hammond-East Chicago area has a labor force of 273,300 according to the Department of Labor. By the same source, it has 19,000 unemployed to which I parenthetically add that 19,000 is a very conservative and inaccurate figure being based on the national survey. Regardless, this means a raw unemployment rate of 6.9 percent, seasonably adjusted to 6.3 percent.

Meanwhile, the Fort Wayne area has a 5.5 percent unemployment rate, seasonably adjusted to 4.9 percent. Likewise, Evansville has a 6.2 percent unemploy-

ment rate, seasonably adjusted to 5.3 percent.

On this minute examination, the inequities in Indiana, if not nationwide, are readily apparent.

Earlier, Mr. CORMAN, in a response to Mr. SMITH of Iowa, discussed a similarly defenseless shortcoming of this bill.

The funding of the 1974 act was provided by repayable advances from Federal general revenues to the extended unemployment account in the Federal unemployment insurance trust fund. Under this funding mechanism, there was some justification for the use of the insured unemployment rate as a trigger.

However, under the provisions of this bill. the funding is the general revenue funding for FSB weeks ending after March 31, 1977. The taxpayers or the Nation will provide $588 million in fiscal 1977 and $526 million in fiscal 1978. Some of those taxpayers are from the Gary-Hammond-East Chicago area whose brethren, and family members, form the ranks of unemployed in that area who will get no relief under the provisions of this bill.

Finally, what relevance does the insured unemployment rate have in this bill? Whether the unemployed person is trying to gain admission to the labor market, is returning to the labor market or is being eased out of a job because of existing economics, the competition is for the same job by all of these persons.

My request is that this bill be considered further to maintain Federal supplemental benefits at a maximum of 65 weeks and that the trigger be the unemployment rate of the labor market area and not the insured unemployment rate which is truly inequitable and unfair in its present form.

While I will vote for this bill, it is with reluctance because of the aforementioned shortcomings.

Mr. CORMAN. Madam Chairman, I yield 5 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Madam Chairman, there are many good reasons why this bill should not be passed in its present form, not the least of which is that it is a public assistance bill masquerading under the title of unemployment insurance.

On the whole our unemployment compensation system has worked well since its institution in 1935, during the Great Depression. Employers as well as employees supported the system because it provided relief for those temporarily thrown out of work because of the general state of the economy.

When we first enacted the Federal supplemental benefits program in December 1974, we were told that it was only a "temporary" program. Now, this legislation would extend it through March of 1978 and there may be a few doubting that there will be no attempt to continue it at that time, but I am not among those.

Most recipients of unemployment insurance draw benefits for about 15 weeks before they get their old job back or find a new job. But by allowing people to draw benefits for 1 year we are discouraging people from looking for work. This has been confirmed by many studies, including the works of Harvard economist Martin Feldstein. Professor Feldstein has pointed out that the untaxed payments of recipients in many States replace almost all of their lost wages and in some instances, exceed their previous pay.

During the 94th Congress the Unemployment Compensation Subcommittee of Ways and Means, of which I was a member, decided that the FSB program should be discontinued on March 31, 1977.

The "targeting" provisions in the bill aggravate another inequity. By providing for extended payments in standard metropolitan statistical areas of more than 250,000 and high unemployment we exclude those SMSA's in Texas—Laredo, McAllen, Sherman-Denison—which have high jobless rates but not enough population to qualify.

In addition, the Congressional Budget Office estimates that the cost of area trigger program will add $228 million to the budget over the next 2 fiscal years. Overall, it adds some $588 million in 1977, and nearly the same amount in 1978.

I urge you to put a stop to the dangerous road that the unemployment compensation program has been heading, and vote against the bill.

Mr. VANDER JAGT. Madam Chairman, I yield 7 minutes to the gentleman from California (Mr. KETCHUM).

Mr. KETCHUM. Madam Chairman, it seems as if we are debating this bill with the very same Members who were present in the subcommittee when we debated it there. I do not see very many other Members here.

I would like to concur with the statement of my friend, the gentleman from Texas (Mr. PICKLE), that what we really are talking about is a welfare program. We might call it a middle-class welfare program, if you will. Most people who work for a living object strenuously to welfare payments, as well they might, until they need them. When they do need them they must be sugar-coated with another name, such as an emergency unemployment program. Nonetheless, it is the same type of program. So it is in fact a middle-class welfare program of a sort.

I was also interested in the remarks of my friend, the gentleman from Wisconsin (Mr. STEIGER), who said that he had helped create this program and now felt that it should be phased out. I would only wish that my friend, the gentleman from Wisconsin, felt that strongly about the Occupational Safety and Health Act, of which he was also a parent.

Madam Chairman, I have opposed this bill for the past year or so and find myself now in the position of supporting it nominally for what I consider to be a reason that is at least reasonably good. We have found ourselves over this past winter, as an example, with rather abnormally high unemployment, not created by employers and certainly not created by employees. We are going to find ourselves in the western United States encumbered by the very same problem as unemployment reaches rather unacceptable highs due to the drought situation which we find ourselves in. So we come to the consideration of a bill that attempts to solve, at least on a spot basis, those areas of abnormal unemployment.

Madam Chairman, with the bill constructed as it is, I think that I can support it, at least for the 1-year period.

I think the gentleman from New York (Mr. RANGEL) in his attempt to spot these areas of unemployment did us a favor. Instead of going to a national trigger, he went to an area trigger based upon metropolitan statistical reporting areas.

Madam Chairman, I am not saying, nor did anyone on the committee say, that this is the be-all-and-end-all and the complete answer. The point is that this has not been tried this way before, and perhaps it would be beneficial. If we find that it is not, then it can be changed.

Madam Chairman, there was one gratuitous remark addressed to the committee by my friend and colleague, the gentleman from California (Mr. CORMAN), the chairman of the committee, that deals with reporting, that is, being required to report job availability to the Employment Service.

Quite frankly, there is no reason at all that employers should be required to report to the Employment Service. The gentleman from California (Mr. CORMAN) indicated that the minority thrust this provision into the bill. I need not point out to the Members of this body that the Committee on Ways and Means consists of 25 majority members and 12 minority members. Therefore, it is hardly possible for the minority to thrust anything on anyone.

Madam Chairman, the point is that the Employment Service has had such a dismal record all over the United States that employers simply do not use them because what they get from the Employment Service usually is people who are really not the most desirable.

Consequently, Madam Chairman, the gentleman from Wisconsin (Mr. STEIGER) offered an amendment in committee to allow for either/or—either a written offer of a job or the job being offered through the Employment Service.

I think that perhaps answers that problem when we reach the suitability of work provision.

We do not touch this suitability of work provision as it applies to the insured portion of unemployment in the first 39 weeks. We do feel, however, that after the 39-week period, if we are indeed going to fund it, the very least we can ask anyone to do is to take a job that is offered which will pay at least as much as the benefits the individual would have received from unemployment compensation.

That figure, Madam Chairman, comes to 120 percent of benefits. That is a most generous figure, Madam Chairman, and 109.6 percent would have been an adequate figure. We went to 120 percent to take care of any of those contingencies that might arise which we had not addressed.

Therefore, I think that what we have

before us is about the most reasonable attempt to solve a pressing problem.

There is objection to the Federal payment rather than to dumping this burden onto the employers. I would not hesitate to point out to the body, however, that when we have an earthquake or a flood and now a drought, all of the people of the United States participate in meeting that disaster. That is, in essence, what we are asking here: When these unemployment figures reach unacceptable levels, the Federal Government; that is, all of us, participate in meeting that disaster.

I think, Madam Chairman and Members of the House, that we have a bill that we can support to extend this program for 1 year. At the end of this year, we will know whether the suitability of work provision worked, whether the Federal payment provision worked, and whether or not our unemployment figures have dropped to any appreciable degree.

If none of it works, I will find myself, hopefully, standing in this well asking for a "no" vote. At this time vote "aye."

Mr. CORMAN. Madam Chairman, I yield myself 1 minute.

Madam Chairman, I do not know what the condition of the economy will be in a year from today. I hope unemployment will be considerably lower than it is now. I hope we have seen the last of FSB because in a year from now we will no longer need it. I also hope that between now and next year we come up with a more adequate and equitable Federal public assistance program so that we do not have to use unemployment compensation for, as the gentleman from California (Mr. KETCHUM) very accurately stated, a middle income public assistance program.

Madam Chairman, I urge an aye vote on the bill H.R. 4800.

Madam Chairman, I sincerely thank the gentleman from Michigan (Mr. VANDER JAGT) for the contribution he has made to H.R. 4800 as well as the other members of the subcommittee.

Mr. COTTER. Madam Chairman, I rise in support of H.R. 4800, the Emergency Unemployment Compensation Act of 1977.

I will not take the time of the Members to review each of the provisions of the bill since it was done by the gentleman from California (Mr. CORMAN).

I do, however, want to call the attention of my colleagues to section 201 that delays the 0.3 percent penalty until January 1, 1980, for those States that have been forced to borrow from the Federal Treausry to pay their unemployment compensation payments.

My State of Connecticut and other States which are enjoying the delay in the penalty tax are taking steps to put their unemployment compensation funds in a better financial position. To force these States to accept a penalty tax in 1978 would put an additional burden on those States which are experiencing the highest unemployment rates in the United States.

Under the current law, and under the current 2-year extension of section 201, the Secretary of Labor must make a determination that the State "took appropriate action to substantially accomplish the purposes of restoring the State's unemployment account in the unemployment trust fund * * *."

Those States which are receiving the delay under current law must take appropriate action similar to that taken by Connecticut which last year raised its tax base to $6,200. But to reimpose a penalty tax in 1978 makes no economic sense.

Madam Chairman, I would be remiss if I did not acknowledge the efforts of my colleague from Michigan (Mr. BRODHEAD) a member of the subcommittee who provided invaluable assistance in securing this additional 2-year delay.

The delay will enable the National Commission on Unemployment Compensation to report back on this problem by July 1, 1979.

I include my remarks before the Subcommittee on Unemployment Compensation on this issue at this point in the RECORD, and I urge my colleagues to support H.R. 4800.

TESTIMONY OF HON. WILLIAM R. COTTER, BEFORE THE SUBCOMMITTEE ON PUBLIC ASSISTANCE AND UNEMPLOYMENT COMPENSATION OF THE HOUSE WAYS AND MEANS COMMITTEE

Mr. Chairman, members of the subcommittee: I would not take the subcommittee's time unless I felt the problem of depleted State unemployment compensation funds deserved your attention as you prepare an extension of the Federal supplemental benefits program.

A total of 23 states have been forced to take out loans from the Federal treasury as the demands of high unemployment exhausted their U.C. funds. The failure of these states to recover fully from years of recession is the major reason for their present indebtedness.

Under the terms of the Federal U.C. loans, the states involved have three years to repay the debt, or face an annual employer penalty tax of three-tenths of one percent. For each year the debt remained unpaid, an additional three-tenths of one percent would be added to the penalty.

In 1975, Congress realized that implementation of this tax would impose an additional burden on state economies still suffering from high joblessness. The tax, in fact, would put state employers at a competitive disadvantage and hurt their efforts to restore the jobs lost during the recession. Such a result would make it more difficult for the states involved to reduce their unemployment compensation debt.

Realizing this problem, Congress voted to delay imposition of the penalty tax until January 1, 1978, provided that the States demonstrated an active effort to finance their U.C. funds.

Now, as the new deadline approaches, the problem remains unsolved.

In addition to Puerto Rico and the District of Columbia, 11 States face the penalty tax if the deadline is allowed to pass. These States are: Alabama, Connecticut, Delaware, Illinois, Maine, Massachusetts, Michigan, Minnesota, New Jersey, Pennsylvania and Rhode Island. Six other States, which took out loans in 1976, conceivably could be penalized after their three-year grace period has elapsed.

All of the economic models I have seen show there will be no significant relief for the unemployment compensation burden of these States until the 1980's. I therefore ask this subcommittee to consider an extension of the penalty tax suspension until January 1, 1980. (The suspension provision can be found in Sec. 110(a) of Public Law 94–45 and Sec. 3302(c)(3) of the internal revenue code.)

Such an extension will give Congress the opportunity to review the findings of the national commission on unemployment compensation, which is required to report to Congress by January, 1979, with a plan to overhaul the entire U.C. system.

Thank you very much for allowing me to take a few minutes of your time. With your permission, Mr. Chairman, I would like to insert a more complete analysis of the problem along with my testimony into the hearing record.

INSERT TO TESTIMONY OF HON. WILLIAM R. COTTER, FEBRUARY 22, 1977

Title IX of the Social Security Act authorizes loans to help states pay unemployment compensation when their unemployment compensation funds have been depleted.

As the subcommittee knows, taxable payroll tends to be low when demand for benefits is highest. Therefore, if there were no u. c. loan provision in the Internal Revenue Code, adverse economic conditions could create a situation in which the need for benefits outstripped the state's revenue resources.

The basic law (Sec. 3302(c) of the Internal Revenue Code of 1954) provides not only for loan repayments, but also for penalties to be imposed if repayment is delayed after a specified time period. The penalty, an increase in federal unemployment taxes for employers, is effective if the state has not made full repayment by November 10 of the year which begins on the second January 1 following the date the loan was made.

The law levies an unemployment tax of 3.4 per cent on employers and then forgives 2.7 per cent if the state has an approved unemployment compensation law. Because all states have such a law, the effective federal tax is 0.7 per cent. Revenue from this tax is used to pay both the federal and state administrative costs for the program, to create the loan fund and to finance the federal share of the additional benefits paid in periods of high unemployment.

Section 3302(c) provides that when a state has not repaid its loan within the specified period, the federal employer tax for that state will be increased by 0.3 per cent and that additional increases of the same amount will be added for each subsequent year the loan remains unpaid.

This provision should be unnecessary when high unemployment is a temporary problem. The state should be able to get on its feet quickly and repay the loan without a significant drain on its resources. In 1975, however, Congress recognized that the states still in debt to the federal Treasury were facing a continuing unemployment problem. With high joblessness, their u. c. funds were still depleted and their businesses too pressured to absorb an additional federal tax.

A temporary provision therefore was added to the Emergency Compensation and Special Unemployment Assistance Act of 1975 (P.L. 94–45) to postpone the penalty tax until January 1, 1978, but only in those states where the Secretary of Labor found "appropriate action with respect to the financing of its unemployment programs so as substantially to accomplish the purpose of restoring the state's unemployment account in the Unemployment Trust Fund and permitting the

repayment within a reasonable time of any advances."

The Secretary this year made determinations for three states: Connecticut, Vermont and Washington. Vermont and Washington could not qualify for the penalty tax suspension, and employers in the two states were required to pay the 0.3 per cent levy. Next year. Connecticut and the 12 jurisdictions that took out loans in 1975 wil face the tax. The 12 jurisdictions are: Alabama, Delaware, the District of Columbia, Illinois, Maine, Massachusetts, Michigan, Minnestota, New Jersey, Pennsylvania, Puerto Rico and Rhode Island.

Six additional states took out loans in 1976. The enclosed table (prepared by the Department of Labor) shows the loans made to states through January 15, 1977.

The available evidence suggests that all of these states, even with extraordinary effort, would be unable to repay their loans fully within the next few years. Accordingly, an extension of the present provisions for suspension of the penalty tax may be appropriate. The extension would not apply automatically to all states whose loans remain unpaid, but only to those who can demonstrate that they are doing their best to retire the debt as quickly as possible.

In these states, any increase in the unemployment tax paid by employers might hinder economic recovery.

ADVANCES TO STATES FROM FEDERAL UNEMPLOYMENT ACCOUNT

[In millions of dollars per calendar year]

States	1972	1973	1974	1975	1976	1977 through Jan. 15, 1977	Total
Connecticut	31.8	21.7	8.5	190.2	111.0	24.0	[1] 387.2
Washington		40.7	3.4	50.0	55.3		149.4
Vermont			5.3	23.0	9.2	2.0	39.5
New Jersey				352.2	145.0	15.3	512.5
Rhode Island				45.8	20.0		65.8
Massachusetts				140.0	125.0		265.0
Michigan				326.0	245.0		571.0
Puerto Rico				35.0	22.0	10.0	67.0
Minnesota				47.0	76.0		123.0
Maine				2.4	12.5		14.0
Pennsylvania				173.8	379.1	90.0	642.9
Delaware				6.5	14.0	2.0	22.5
District of Columbia				7.0	26.6	5.5	39.1
Alabama				10.0	20.0		30.0
Illinois				68.8	446.5	32.1	547.4
Arkansas					20.0	1.0	21.0
Hawaii					22.5		22.5
Nevada					7.6		7.6
Oregon					18.5		18.5
Maryland					36.1		36.1
Montana					1.4	2.2	3.6
Total	31.8	62.4	17.2	1,477.7	1,813.3	184.1	3,586.5

[1] Actual loans received, $426,000,000, less repayment through reduced employer credits, $12,800,000, total, $413,200,000.

Mr. WEISS. Mr. Chairman, although I am voting in favor of H.R. 4800, the Emergency Unemployment Compensation Extension Act extending the Federal supplemental benefits—FSB—program, I am deeply disappointed in the bill as it was reported to the House floor today and would have preferred, instead, the passage of H.R. 2235.

H.R. 4800 extends the FSB program, but makes several key revisions in the FSB program. I am opposed to two of the revisions made by this bill. H.R. 2235, on the other hand, would simply have extended the FSB program in its present form.

I would have been inclined to vote in opposition to this bill, if the present FSB program did not expire in the next 10 days.

H.R. 4800 could have been changed to conform with the H.R. 2235 approach through the amending process, but the House decided in an earlier vote today to consider this bill under a rule prohibiting any amendments from individual Members on the floor. I supported an effort to open the bill to floor amendments by voting against the previous question, but unfortunately that effort failed.

Two important revisions are made by H.R. 4800: a reduction in the number of weeks available under the FSB program 26 weeks to 13 weeks and the imposition of overly stringent requirements for acceptance of employment under the so-called suitable work provision. This latter provision requires an individual to take practically any job offer whether or not he is qualified for other employment.

The first revision contains disadvantages to both State governments and unemployed individuals who cannot locate long-term employment. Under the present FSB program, States with unemployment rates of 5 percent or above have been eligible to participate in the FSB program. In these States—over 30—26 additional weeks of unemployment compensation payments are made available to supplement State unemployment programs, when the regular and extended State payments run out—a period of 39 weeks. The FSB program helps ease the financial burden of many States that otherwise could not offer supplemental payments to their extended unemployed individuals. For those individuals who are experiencing difficulty in locating lasting employment, the FSB program since 1974 has assured them that a total of 65 weeks of unemployment compensation would be available.

This reduction in the number of weeks of FSB payments is inappropriate with unemployment hovering over 7 percent nationwide. Many Americans will continue to need the kind of assistance that the FSB program has provided. The prolonged and severe winter cnly accentuates the importance of this point. Passage of H.R. 4800 will mean that only 52 weeks will be available for individuals under the FSB program.

Unemployment in my own State—New York—is over 8 percent. Even though the nationwide rate has declined somewhat, the severity of the recession is still apparent. The Congressional Budget Offce has predicted a national unemployment rate of 6.8 percent at the end of the year. Obviously long-term unemployment will be as much a problem then as it is now. And this is not just a story of statistics; rather it is a gloomy outlook on the status of millions of human beings living in our country.

H.R. 2235, the bill I would have preferred to be under consideration today, could have counteracted those deficiencies in H.R. 4800 which I have pointed to above. This bill, which I cosponsored with Mr. YATRON of Pennsylvania and other Members would simply have extended the FSB program in its existing form—thus maintaining the availability of 65 weeks of FSB and State payments.

In spite of my objections, however, it is unlikely that the kind of solution offered by H.R. 2235, could be enacted in the next 10 days. The alternative to the program contained in H.R. 4800, then, is no program at all. I believe we must assure the large numbers of unemployed that we still care and I cast my vote in favor of this legislation for that purpose.

Mr. MICHEL. Madam Chairman, there are two items I want to make mention of in connection with this bill.

The first has to do with that section of the bill providing for the denial of Federal supplementary benefits of individuals who refuse offers of suitable work.

There is no question but that action needs to be taken in this area, and I congratulate the committee on taking a couple of steps. The fact that we have language in the bill on the subject, including the establishment of standards defining "suitability of work," certainly ought to lead to a tightening up of the administration at the State level, particularly in those States with loose definitions of suitable work.

This said, however, I think the committee could have and should have gone further. For instance, the application of the suitability standard is made dependent upon the State making a determination that an individual's prospects for obtaining work in his or her customary occupation are poor. After 39 weeks, there is really very little doubt but that those prospects are in fact poor. The bill should have simply made the suitable work refusal mandatory in all cases, rather than creating a loophole for inequities by making it dependent upon a State decision.

Additionally, by including in the definition of suitable work a requirement that the job offered must pay wages equal to 120 percent of the FSB claimant's weekly unemployment benefit, we are treating individuals in States with high benefit levels much more generously than those in States with lower levels. In some States, the benefits now range upward of $7,000 or $8,000 a year, which means that the job would have to pay nearly $10,000. In other States, the benefit levels are less than $5,000 yearly, and the benefit levels do not always reflect

differing costs of living. We would have been better off using just the minimum wage criteria.

At some point along the line, we should go further and apply this tighter suitability of work standard to those receiving unemployment benefits in excess of 26 weeks, or perhaps 15 weeks. An individual certainly ought to be given time to find work in his field, but 39 weeks is excessively long. If there are jobs available, they ought to be filled. Unemployment compensation was meant neither to provide a long-term paid vacation nor to provide employers with a permanent source of ready-trained employees. It was designed solely to provide a basic source of income to those who are laid off until they are able to find other work.

With one of the new eligibility requirements for public service jobs being that an individual must have been receiving unemployment benefits for 15 or more weeks, we may need to tighten suitability standards in order to insure that such eligible individuals actually take public service jobs if they are offered to them. There is reason for concern in this regard in view of a survey of FSB beneficiaries conducted for the Labor Department which showed that only 11 percent would be willing to take a public service job paying the minimum wage, and just 31 percent would be willing to take such a job paying $4 an hour.

The other matter pertaining to the bill I wanted to mention has to do with the payment of benefits to teachers over the summer months or between terms. This, of course, has been prohibited, but apparently the language prohibiting such payment does not specifically mention vacation periods, and in my State of Illinois at least, a number of teachers took advantage of that loophole and applied for and received benefits over the Christmas vacation period.

The Labor Department takes the position that since the law does not deal with this matter, State law applies. It seems to me this is a rather narrow interpretation by the Department, but it is, nevertheless, what we are faced with.

I am sure it was never our intent to permit the payment of benefits over the Christmas or Easter vacations, and had this bill not come before us under a closed rule, I would have offered an amendment to close this loophole. Perhaps this can be done in the Senate, and then accepted in conference.

Madam Chairman, I wish to include at this point a letter from Mr. Weatherford of the Department of Labor concerning the eligibility of teachers and other school employees for payments under the special unemployment assistance program:

U.S. DEPARTMENT OF LABOR, EMPLOYMENT AND TRAINING ADMINISTRATION,
Washington, D.C., January 14, 1977.

Mr. ALAN ROTHENBERG,
Assistant Minority Counsel, Committee on Ways and Means, U.S. House of Representatives, Washington, D.C.

DEAR MR. ROTHENBERG: This responds to your letter of December 30, 1976, concerning the eligibility of teachers and other school employees for payments, during the Christmas recess, under the special unemployment assistance (SUA) program.

The newspaper article "Teachers Can Collect for Christmas Layoff", while essentially correct, is somewhat misleading. The "Unemployment Compensation Amendments of 1976", referred to in the newspaper article, did extend the program initiated in December 1974 until December 31, 1977, with final payments to June 30, 1978.

The legislation signed into law on October 20, 1976, did not deal with the ability of professional school employees to secure benefits during vacation breaks. Prior legislation did prohibit payment of benefits under the SUA program to professional employees in the instructional, research and administrative capacity if, after being employed in one school year or term, the individual has a contract (written, oral or implied) to be employed in the next year. This exclusion is not applicable to shutdowns, etc., occuring during the academic year.

The new legislation provides that hourly or nonprofessional employees are not only ineligible between the academic years but also between terms within the academic year.

The position of the U.S. Department of Labor, in administering the SUA program, has been that unemployed school employees when not subject to Federal restrictions should be treated the same as all other unemployed workers eligible to receive benefits under the regular State program. Therefore, since other workers can qualify for benefits during short periods of unemployment, we feel that school employees, who meet the State eligibility conditions, should also be able to qualify for benefits.

The program is a temporary measure designed to provide some financial assistance to individuals not normally covered under regular State or Federal unemployment compensation laws. This program was made possible by the Emergency Jobs and Unemployment Assistance Act of 1974, Public Law 93–567, which provided up to 26 weeks of benefits for eligible claimants. The Emergency Compensation and the Special Unemployment Assistance Extension Act of 1975, Public Law 94–45, dated June 30, 1975, increased the entitlement of SUA payable from a maximum of 26 weeks to 39 weeks, and extended the program for another year to December 31, 1976. Effective October 20, 1976, the President signed into law the Unemployment Compensation Amendments of 1976, Public Law 94–566. This legislation extended the period for filing new SUA claims to December 31, 1977, with payments continuing through June 30, 1978, after which the program will be absorbed through the extension of coverage to these workers under the regular State program.

In order to qualify for SUA, an unemployed individual must not be eligible for compensation under any State or Federal unemployment compensation law, and have had in the most recent base period, prior to filing an initial claim, sufficient employment and wages to meet the employment and wage requirement of the applicable State unemployment compensation law. In addition, an unemployed individual to be eligible for SUA must be able to work, available for work, and seeking work, within the meaning of, or as required by, the applicable State unemployment compensation law and not subject to disqualification under that law.

Although the SUA program is federally funded, the administration of it is under the jurisdiction of the individual States who act as agents for the Secretary of Labor. The States apply their own laws in administering the program (except where contrary to Federal requirements) and, therefore, all determinations for claims filed against Illinois employment would be subject to Illinois State law. Any appeal based upon disagreement with a determination must be subjected to the appellate process of Illinois law.

If I can be of further assistance to you, please let me know.

Sincerely,
LAWRENCE E. WEATHERFORD, Jr.,
Administrator, Unemployment Insurance Service.

Mr. RANGEL. Madam Chairman, I rise to speak in favor of H.R. 4800, the Emergency Unemployment Compensation Act of 1977. While unemployment has decreased from its recession high, it still remains a major problem. The economy has undergone a minor rejuvenation over the past year, but we are far from our prerecession levels of employment. In fact, economic indicators of the past few months give us little prospect of a sustained recovery which would result in a healthy economy and accompanying unemployment.

For that reason, I believe that it is necessary to extend the Federal supplemental benefits, FSB, program for 1 additional year until March 31, 1978.

However, contrary to the wishes of the vast majority of the committee, but in conjunction with the President's desires and corresponding Budget Committee restraints, the period of FSB will only be 13 weeks instead of the 26 weeks under current laws which many unemployed workers are sorely depending upon. Normally, unemployment benefits are for 39 weeks, 26 of which are totally State financed and 13 weeks of which are financed equally by the State and Federal Government. Under the current law, FSB is provided from the 40th through the 52d week to those unemployed who live in States where the insured unemployment rate is above 5 percent, and from the 53d through the 65th week in those States where the insured unemployment rate is over 6 percent.

It is the President's judgment that the economy will improve substantially enough as to preclude the necessity of providing 65 weeks of coverage, but rather that 52 weeks will be adequate. I could not disagree more. Unemployment still remains over 7 percent with over 7 million workers searching and competing for nonexistent jobs. Since we have yet to commit ourselves to full employment legislation, I think it is premature for us to reduce total benefits. We are about to inflict a severe burden on those workers who are in their 53d to 65th week of benefits for they would be cut off as of March 31, 1977. For those workers nearing the end of their 52 weeks of benefits, an equally harsh reality is in store for them. These people deserve better than to be surreptitiously cut off from what they rightly believe to be their just compensation, especially when we have failed to provide them with employment. While many members of the committee wished to challenge the Budget Committee's decision not to provide funds for the 53d through the 65th week of FSB, it was decided that such a move might cause the whole FSB program to lapse as of March 31, 1977. This would have caused greater havoc and suffering than reducing the term for benefits as the President had requested.

The bill does however provide relief to the States in the form of an additional 2-year moratorium on the recoupment of outstanding Federal unemploy-

ment insurance loans to the States. Due to the abnormally high level of unemployment during the past few years, many States have drained their trust funds through which unemployment benefits were originally intended to be paid. This resulted in extensive borrowing from the Federal Government by 20 States. Because of the abnormally high level of unemployment benefit recipients in these States, the funds remain depleted.

Normally, recoupment procedures would require an automatic increase of 0.3 percent per year in the 0.7 percent employer Federal unemployment insurance tax until the borrowed sum is repaid. However, since unemployment remains at such a high level it was felt that the infliction of this tax on employers would only dampen their desire to rehire or hire workers. The States affected by this provision are: Alabama, Arkansas, Connecticut, Delaware, Hawaii, Illinois, Maryland, Maine, Massachusetts, Michigan, Minnesota, Montana, New Jersey, New York, Nevada, Oregon, Pennsylvania, Rhode Island, Vermont, and Washington. Additionally, the District of Columbia and Puerto Rico would be affected by this provision.

A newly enacted provision, which I feel will enhance the equity of the FSB program, is a refinement in the "triggering on" mechanism of the program. Under the current law, the insured unemployment rate must be 5 percent or more, for FSB benefits to begin. When the insured rate drops below 5 percent the whole State is triggered off. However, many States have large pockets of chronic unemployment and these areas are excluded under the current system. In an effort to address this problem, the committee adopted a new concept based upon standard metropolitan statistical areas—SMSA's—of over 250,000 people. When the insured rate in a State drops below 5 percent, then the Bureau of Labor Statistics will be directed to determine whether these SMSA's have an insured rate of unemployment over 5 percent. Such a finding would trigger on FSB for that area.

It is projected that 10 SMSA's, in four States, would be triggered on by this provision in fiscal 1977. They are Florida: Miami and Tampa; Indiana: Evansville; Georgia: Atlanta and Augusta; and Ohio: Akron, Canton, Toledo, Lorraine, and Youngstown. Additionally, in fiscal 1978 the following areas are projected to benefit from this provision: Delaware: Wilmington; Hawaii: Honolulu; Illinois: Chicago and Rockford, and Kentucky: Louisville.

We have also determined that as of April 1, 1977, FSB will be financed out of general revenues. It was felt that after an unemployed worker had exhausted his permanent benefits, the reason for his unemployment could no longer be attributed to his employer and therefore, the fiscal burden should be shifted from the employer to general revenues.

Finally, we did agree on one provision which significantly changes the conceptual format of unemployment insurance benefits. After 39 weeks of benefits, no longer will an unemployed worker be left with his dignity and be allowed to reject a job which is not closely related to his field and which does not pay a similar wage to his previous employment. Rather, he will be forced to accept any job offered which pays more than: the minimum wage; 120 percent of unemployment benefits; and 120 percent of unemployment benefits plus any contractual supplementation he may be entitled to from his previous employer. This provision is a major reversal for the American labor movement. No longer does a worker's training entitle him to reject labor which is alien to him or which pays significantly less than he previously was earning. We are locking workers into jobs for which they are unsuited and thus denying them the opportunity to seek employment commensurate with their skills and background. I fear we are setting a poor precedent in enacting such an archaic provision.

While I believe that this legislation does have some reprehensible provisions, I am also persuaded that there are redeeming qualities to what we are considering today. In any event, I am confident that any deficiences which may be within H.R. 4800 are compensated for by the importance of continuing the Federal supplemental benefits program for another year. Therefore, I urge all my colleagues to join in voting for quick passage of this legislation.

Mr. CORMAN. Madam Chairman, I have no further requests for time.

The bill reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Unemployment Compensation Extension Act of 1977".

TITLE I—AMENDMENTS TO THE EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM

SEC. 101. EXTENSION OF PROGRAM.

(a) GENERAL RULE.—Paragraph (2) of section 102(f) of the Emergency Unemployment Compensation Act of 1974 is amended by striking out "March 31, 1977" and inserting in lieu thereof "March 31, 1978".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to weeks of unemployment ending after March 31, 1977.

SEC. 102. PAYMENT OF EMERGENCY BENEFITS ON THE BASIS OF STATE OR AREA TRIGGERS AND 52-WEEK DURATION OF BENEFITS.

(a) AREA EMERGENCY BENEFIT PERIODS.—

(1) Subparagraph (A) of section 102(c)(3) of the Emergency Unemployment Compensation Act of 1974 is amended—

(A) by striking out "any State" each place it appears and inserting in lieu thereof "any area of a State";

(B) by striking out "a State 'emergency on' indicator" and inserting in lieu thereof "an area 'emergency on' indicator"; and

(C) by striking out "a State Emergency off' indicator" and inserting in lieu thereof "an area 'emergency off' indicator".

(2) Subparagraph (B) of such section 102(c)(3) is amended to read as follows:

"(B) For purposes of subparagraph (A), in the case of any area of a State—

"(i) There is an area 'emergency on' indicator for any week—

"(I) if there is a State or National 'on' indicator for such week (as determined under subsections (d) and (e) of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970), and

"(II) if the rate of insured unemployment in such area for the period consisting of the most recent 3 calendar months ending before such week equaled or exceeded 5 per centum, or if the rate of insured unemployment in the State for the period consisting of such week and the immediately preceding 12 weeks equaled or exceeded 5 per centum.

"(ii) There is an area 'emergency off' indicator for any week—

"(I) if there is a State and National 'off' indicator for such week (as determined under subsections (d) and (e) of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970), or

"(ii) if the rate of insured unemployment in such area for the period consisting of the most recent 3 calendar months ending before such week is less than 5 per centum, and if the rate of insured unemployment in the State for the period consisting of such week and the immediately preceding 12 weeks is less than 5 per centum.".

(b) 52-WEEK DURATION PERIOD FOR EMERGENCY BENEFITS.—Subsection (e) of section 102 of such Act is amended—

(1) by striking out paragraphs (2) and (3) and inserting in lieu thereof the following:

"(2) The amount established in such account for any individual shall be qual to the lesser of—

"(A) 50 per centum of the total amount of regular compensation (including dependents' allowances) payable to him with respect to the benefit (as determined under the State law) on the basis of which he most recently received regular compensation; or

"(B) 13 times his average weekly benefit amount (as determined for purposes of section 202(b)(1)(C) of the Federal-State Extended Unemployment Compensation Act of 1970) for his benefit year.";

(2) by redesignating paragraph (4) as paragraph (3); and

(3) by striking out "amounts determined under paragraphs (2) and (3) with respect to any individual shall each" in paragraph (3) (as so designated) and inserting in lieu thereof "amount determined under paragraph (2) with respect to any individual shall".

(c) DEFINITION OF AREA.—Section 105 of such Act is amended—

(1) by striking out paragraph (5) and redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8), and (9), respectively; and

(2) by inserting after paragraph (4) the following new paragraphs:

"(5) the term 'area' means, with respect to any State—

"(A) a labor market area or part of a labor market area which is located within such State, and

"(B) all other parts of such State which are not located within any labor market area;

"(6) the term 'labor market area' means any area (determined without regard to paragraph (5)) designated by the Secretary as being a contiguous population center with a population of at least 250,000 individuals;".

(d) SPECIAL RULE WHERE BENEFITS ARE NOT IN EFFECT IN AN ENTIRE STATE.—Section 105 of such Act is amended by inserting "(a)" after "SEC. 105." and by adding at the end thereof the following new subsection:

"(b) For purposes of this Act, to the extent that an emergency benefit period is not in effect in all areas of a State, the determination of an individual's period of eligibility or additional eligibility period or of whether there is an emergency benefit period applicable to the individual shall be made by reference to the area in which the individual was last employed during the base period for the benefit year with respect to which such individual most recently received regular compensation."

(e) TECHNICAL AMENDMENTS.—

(1) Paragraph (4) of section 105(a) of such Act (as amended by subsection (d)) is amended by striking out "a State" and inserting in lieu thereof "any area of a State".

(2) Paragraph (2) of section 102(b) of such Act is amended—

(A) by striking out "section 105(2)" and inserting in lieu thereof "section 105(a)(2)"; and

(B) by striking out "section 105(4)" and inserting in lieu thereof "section 105(a)(4)".

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect with the week beginning on April 24, 1977. If for the last week beginning before April 24, 1977, there is an emergency benefit period in effect in a State, any emergency benefit period in effect in any area of such State for the week beginning on April 24, 1977, shall for purposes of section 102(c)(3)(A)(ii) of the Emergency Unemployment Compensation Act of 1974, be treated as a continuation of the emergency benefit period which was in effect in such State for the last week beginning before April 24, 1977.

(2) SUBSECTION (b).—The amendments made by subsection (b) shall apply to weeks of unemployment ending after March 31, 1977.

SEC. 103. FINANCING OF EMERGENCY UNEMPLOYMENT COMPENSATION FROM GENERAL FUNDS.

(a) GENERAL RULE.—Section 104 of the Emergency Unemployment Compensation Act of 1974 is amended to read as follows:

"FINANCING PROVISIONS

"SEC. 104. (a) The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this Act. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State, in accordance with such certification, by transfers of funds appropriated pursuant to the authorization provided by subsection (b) to the account of such State in the Unemployment Trust Fund.

"(b) There are authorized to be appropriated, without fiscal year limitation from the general fund of the Treasury such sums as may be necessary to carry out the purposes of this Act."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to payments to States to the extent that such payments are attributable to emergency compensation paid to individuals for weeks of unemployment ending after March 31, 1977.

SEC. 104. DENIAL OF EMERGENCY COMPENSATION TO INDIVIDUALS WHO REFUSE OFFERS OF SUITABLE WOBK OR WHO ARE NOT ACTIVELY SEEKING WORK.

(a) GENERAL RULE.—Section 102 of the Emergency Unemployment Compensation Act of 1974 is amended by adding at the end thereof the following new subsection:

"(h)(1) Except as provided in paragraph (3), emergency compensation shall not be payable for any week to any individual otherwise eligible to receive such compensation if during such week such individual—

"(A) fails to accept any offer of suitable work or to apply for any suitable work to which he was referred by the State agency, or

"(B) fails to actively engage in seeking work.

"(2) If any individual is ineligible for emergency compensation for any week by reason of a failure described in subparagraph (A) or (B) of paragraph (1), the individual shall be ineligible to receive emergency compensation for any week which begins during a period which—

"(A) begins with the week following the week in which such failure occurs, and

"(B) does not end until such individual has been employed during at least 4 weeks which begin after such failure and the total of the remuneration earned by the indivdual for being so employed is not less than the product of 4 multiplied by the individual's average weekly benefit amount (as determined for purposes of section 202(b)(1)(C) of the Federal-State Extended Unemployment Compensation Act of 1970) for his benefit year.

"(3) Emergency compensation shall not be denied under paragraph (1) to any individual for any week by reason of a failure to accept an offer of, or apply for, suitable work—

"(A) if the average weekly remuneration payable to such individual for the position does not exceed the sum of—

"(i) 120 percent of the individual's average weekly benefit amount (as determined for purposes of section 202(b)(1)(C) of the Federal-State Extended Unemployment Compensation Act of 1970) for his benefit year, plus

"(ii) the amount (if any) of supplemental unemployment compensation benefits (as defined in section 501(c)(17)(D) of the Internal Revenue Code of 1954) payable to such individual for such week;

"(B) if the position was not offered to such individual in writing or was not listed with the State employment service;

"(C) if such failure would not result in a denial of compensation under the provisions of the applicable State law to the extent that such provisions are not inconsistent with the provisions of paragraph (4); or

"(D) the position pays wages less than the higher of—

"(i) the minimum wage provided by section 6(a)(1) of the Fair Labor Standards Act of 1938, without regard to any exemption; or

"(ii) any applicable State or local minimum wage.

"(4) For purposes of this subsection—

"(A) The term 'suitable work' means, with respect to any individual—

"(i) any work for which the individual is reasonably fitted by training and experience; and

"(ii) any work for which an individual lacks the required skills and training if, in connection with the job, the individual is provided with the necessary training to perform the work.

If the State agency determines that an individual's prospects for obtaining work in his customary occupation are poor, the determination of whether any work is suitable work for the individual shall be made without regard to whether the work involves lower pay or lesser skills than the individual's customary occupation.

"(B) An individual shall be treated as actively engaged in seeking work during any week if—

"(i) the individual has engaged in a systematic and sustained effort to obtain work during such week, and

"(ii) the individual provides tangible evidence to the State agency that he has engaged in such an effort during such week."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to weeks of unemployment beginning after the date of the enactment of this Act.

SEC. 105. RECOVERY OF OVERPAYMENTS.

(a) GENERAL RULE.—Section 105 of the Emergency Unemployment Compensation Act of 1974 is amended by adding at the end thereof the following new subsection:

"(c)(1) If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of emergency compensation under this Act to which he was not entitled, such individual—

"(A) shall be ineligible for further emergency compensation under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

"(B) shall be subject to prosecution under section 1001 of title 18, United States Code.

"(2)(A) In the case of individuals who have received amounts of emergency compensation under this Act to which they were not entitled, the State is authorized to require such individuals to repay the amounts of such emergency compensation to the State agency, except that the State agency may waive such repayment if it determines that—

"(i) the payment of such emergency compensation was without fault on the part of any such individual, and

"(ii) such repayment would be contrary to equity and good conscience.

"(B) The State agency may recover the amount to be repaid, or any part thereof, by deductions from any emergency compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the three-year period after the date such individuals received the payment of the emergency compensation to which they were not entitled, except that no single deduction may exceed 50 per centum of the weekly benefit amount from which such deduction is made.

"(C) No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

"(3) Any determination by a State agency under paragraph (1) or (2) shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 106. MODIFICATION OF AGREEMENTS.

The Secretary of Labor shall, at the earliest practicable date after the date of the enactment of this Act, propose to each State with which he has in effect an agreement under section 102 of the Emergency Unemployment Compensation Act of 1974 a modification of such agreement designed to provide for the payment of emergency compensation under such Act in accordance with the amendments made by this title. Notwithstanding any other provision of law, if any State fails or refuses, within the 3-week period beginning on the date the Secretary of Labor proposes such a modification to such State, to enter into such a modification of such agreement, the Secretary of Labor shall terminate such agreement effective with the end of the last week which ends on or before the last day of such 3-week period.

TITLE II—REPAYMENT OF STATE LOANS

SEC. 201. REPAYMENT OF STATE LOANS.

(a) GENERAL RULE.—The last sentence of section 3302(c)(2) of the Internal Revenue Code of 1954 (relating to reduction in credits against unemployment tax) is amended by striking out "January 1, 1978" each place it appears and inserting in lieu thereof "January 1, 1980".

(b) STATE REQUIREMENTS.—The amendment made by subsection (a) shall not apply in the case of any State unless the Secretary of Labor finds that such State meets the re-

quirements of section 110(b) of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975.

TITLE III—TECHNICAL AMENDMENTS TO UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1976

SEC. 301. DELAY IN EFFECTIVE DATES WHERE STATE LEGISLATURE DOES NOT MEET IN 1977.

(a) COVERAGE OF CERTAIN SERVICE PERFORMED FOR NONPROFIT ORGANIZATIONS AND FOR STATE AND LOCAL GOVERNMENTS.—Subsection (a) of section 115 of the Unemployment Compensation Amendments of 1976 is amended to read as follows:

"(d) EFFECTIVE DATE.—

"(1) Except as provided in paragraph (2), the amendments made by this section shall apply with respect to certifications of States for 1978 and subsequent years; except that—

"(A) the amendments made by subsections (a) and (b) shall only apply with respect to services performed after December 31, 1977; and

"(B) the amendments made by subsection (c) shall only apply with respect to weeks of unemployment which begin after December 31, 1977.

"(2) In the case of any State the legislature of which does not meet in a regular session which closes during the calendar year 1977, the amendments made by subsection (c) shall only apply with respect to weeks of unemployment which begin after December 31, 1978 (or if earlier, the date provided by State law)."

(b) PREGNANCY DISQUALIFICATIONS.—Subsection (c) of section 312 of the Unemployment Compensation Amendments of 1976 is amended to read as follows:

"(c) EFFECTIVE DATE.—

"(1) Except as provided in paragraph (2), the amendments made by this section shall apply with respect to certifications of States for 1978 and subsequent years.

"(2) In the case of any State the legislature of which does not meet in a regualr session which closes during the calendar year 1977, the amendments made by this section shall apply with respect to the certification of such State for 1979 and subsequent years."

(c) ELECTION OF LOCAL GOVERNMENTS TO USE REIMBURSEMENT METHOD.—Subsection (c) of section 506 of the Unemployment Compensation Amendments of 1976 is amended to read as follows:

"(c) EFFECTIVE DATE.—

"(1) Except as provided in paragraph (2), the amendments made by this section shall apply with respect to certifications of States for 1978 and subsequent years, but only with respect to services performed after December 31, 1977.

"(2) In the case of any State the legislature of which does not meet in a regular session which closes during the calendar year 1977, the amendments made by this section shall apply with respect to the certification of such State for 1979 and subsequent years, but only with respect to services performed after December 31, 1978."

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 20, 1976.

SEC. 302. CLARIFYING AMENDMENTS.

(a) ILLEGAL ALIENS.—Subparagraph (A) of section 3304(a)(14) of the Internal Revenue Code of 1954 (relating to denial of unemployment compensation to illegal aliens) is amended by striking out "or otherwise" and inserting ", is lawfully present for purposes of performing such services, or".

(b) REIMBURSEMENT METHOD OF FINANCING FOR LOCAL GOVERNMENTS.—Paragraph (2) of section 3309(a) of such Code (relating to State law requirements) is amended by striking out "or group or organizations" and inserting in lieu thereof "or group of governmental entities or other organizations".

(c) DISQUALIFICATION OF TEACHERS.—Clause (i) of section 3304(a)(6)(A) of such Code is amended—

(1) by striking out "instructional research" and inserting in lieu thereof "instructional, research"; and

(2) by striking out "two successive academic years" and inserting in lieu thereof "two successive academic years or terms".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 20, 1976.

SEC. 303. DELAY IN REPORTING DATES FOR NATIONAL COMMISSION ON UNEMPLOYMENT COMPENSATION.

(a) INTERIM REPORT.—Subsection (f) of section 411 of the Unemployment Compensation Amendments of 1976 (relating to interim report of National Commission on Unemployment Compensation) is amended by striking out "March 31, 1978" and inserting in lieu thereof "September 30, 1978".

(b) FINAL REPORT.—Subsection (g) of such section 411 (relating to final report) is amended by striking out "January 1, 1979" and inserting in lieu thereof "July 1, 1979".

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read for amendment. No amendments except those offered by direction of the Committee on Ways and Means are in order and said amendments shall not be subject to amendment.

Are there any committee amendments?

Mr. CORMAN. Madam Chairman, there are no committee amendments.

The CHAIRMAN. There being no committee amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Miss JORDAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4800), to extend the Emergency Unemployment Compensation Act of 1974 for an additional year, to revise the trigger provisions in such act, and for other purposes, pursuant to House Resolution 411, she reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. FRENZEL. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. FRENZEL moves to recommit the bill H.R. 4800 to the Committee on Ways and Means.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken and the Speaker announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 327, nays 63, not voting 42, as follows:

[Roll No. 87]

YEAS—327

Addabbo	Dicks	Lagomarsino
Akaka	Diggs	Le Fante
Alexander	Dingell	Leach
Allen	Dodd	Lederer
Ambro	Downey	Leggett
Ammerman	Drinan	Lehman
Anderson, Calif.	Duncan, Tenn.	Lent
	Early	Levitas
Anderson, Ill.	Edgar	Lloyd, Calif.
Andrews, N.C.	Edwards, Ala.	Lloyd, Tenn.
Andrews, N. Dak.	Edwards, Calif.	Long, La.
	Eilberg	Long, Md.
Annunzio	Emery	Luken
Applegate	Ertel	Lundine
Ashley	Evans, Del.	McClory
Aspin	Evans, Ga.	McCloskey
AuCoin	Evans, Ind.	McCormack
Bafalis	Fary	McDade
Baldus	Fascell	McEwen
Barnard	Fenwick	McHugh
Baucus	Fish	McKay
Bauman	Fisher	McKinney
Beard, R.I.	Fithian	Madigan
Beard, Tenn.	Flippo	Maguire
Bedell	Flood	Markey
Beilenson	Flowers	Marks
Benjamin	Flynt	Marlenee
Bennett	Foley	Martin
Bevill	Ford, Mich.	Mathis
Biaggi	Ford, Tenn.	Mattox
Bingham	Forsythe	Mazzoli
Blanchard	Fountain	Meeds
Blouin	Fraser	Metcalfe
Boggs	Frey	Meyner
Boland	Fuqua	Mikulski
Bolling	Gaydos	Mikva
Bonior	Gephardt	Miller, Calif.
Bonker	Gibbons	Miller, Ohio
Bowen	Gilman	Mineta
Brademas	Ginn	Minish
Breckinridge	Glickman	Mitchell, Md.
Brinkley	Goodling	Mitchell, N.Y.
Brodhead	Gore	Moakley
Brooks	Gradison	Moffett
Broomfield	Grassley	Mollohan
Brown, Calif.	Gudger	Moore
Brown, Mich.	Guyer	Moorhead, Calif.
Brown, Ohio	Hagedorn	
Broyhill	Hamilton	Moorhead, Pa.
Buchanan	Hanley	Moss
Burgener	Hannaford	Mottl
Burke, Fla.	Harkin	Murphy, Ill.
Burke, Mass.	Harrington	Murphy, N.Y.
Burlison, Mo.	Harris	Murphy, Pa.
Burton, John	Harsha	Murtha
Burton, Phillip	Heckler	Myers, Gary
Byron	Hefner	Myers, Michael
Caputo	Heftel	Myers, Ind.
Carney	Hightower	Natcher
Carr	Hillis	Neal
Carter	Holland	Nedzi
Cavanaugh	Hollenbeck	Nichols
Cederberg	Holt	Nix
Clausen, Don H.	Holtzman	Nolan
	Horton	Nowak
Cohen	Howard	O'Brien
Coleman	Hughes	Oakar
Collins, Ill.	Hyde	Oberstar
Conte	Jacobs	Obey
Conyers	Jenkins	Ottinger
Corman	Jenrette	Panetta
Cornell	Jones, Tenn.	Patten
Cornwell	Jordan	Patterson
Cotter	Kasten	Pattison
Coughlin	Kastenmeier	Pease
D'Amours	Kazen	Pepper
Danielson	Ketchum	Perkins
Davis	Keys	Pettis
de la Garza	Kildee	Pike
Delaney	Koch	Preyer
Dellums	Kostmayer	Price
Dent	Krebs	Pritchard
Derwinski	Krueger	Quie
Dickinson	LaFalce	Quillen

Rahall	Shuster	Vento
Railsback	Simon	Walgren
Rangel	Sisk	Walker
Regula	Smith, Iowa	Walsh
Reuss	Snyder	Wampler
Richmond	Solarz	Watkins
Rinaldo	Spellman	Waxman
Risenhoover	Spence	Weaver
Rodino	St Germain	Weiss
Roe	Stanton	Whalen
Rogers	Stark	White
Roney	Steed	Whitehurst
Rose	Steers	Wilson, Bob
Rosenthal	Stokes	Wilson, Tex.
Rostenkowski	Stratton	Wirth
Roybal	Studds	Wolff
Ruppe	Thompson	Wright
Russo	Thornton	Wydler
Santini	Tonry	Wylie
Sarasin	Traxler	Yates
Sawyer	Treen	Yatron
Scheuer	Tribie	Young, Fla.
Schroeder	Tsongas	Young, Mo.
Schulze	Ullman	Young, Tex.
Seiberling	Van Deerlin	Zeferetti
Sharp	Vander Jagt	
Shipley	Vanik	

NAYS—63

Archer	Gammage	Quayle
Armstrong	Goldwater	Roberts
Ashbrook	Gonzalez	Robinson
Badham	Hall	Rousselot
Burleson, Tex.	Hammer-	Runnels
Butler	schmidt	Satterfield
Clawson, Del	Hansen	Sebelius
Cleveland	Huckaby	Smith, Nebr.
Cochran	Ichord	Stangeland
Collins, Tex.	Jones, Okla.	Steiger
Conable	Kelly	Stockman
Corcoran	Kemp	Symms
Crane	Kindness	Taylor
Daniel, Dan	Latta	Thone
Daniel, R. W.	Lott	Volkmer
Derrick	Lujan	Waggonner
Devine	McDonald	Whitley
Dornan	Mahon	Whitten
Edwards, Okla.	Marriott	Wiggins
English	Michel	Winn
Findley	Pickle	
Frenzel	Poage	

NOT VOTING—42

Abdnor	Hubbard	Rudd
Badillo	Ireland	Ryan
Breaux	Jeffords	Sikes
Burke, Calif.	Johnson, Calif.	Skelton
Chappell	Johnson, Colo.	Skubitz
Chisholm	Jones, N.C.	Slack
Clay	McFall	Staggers
Duncan, Oreg.	Mann	Stump
Eckhardt	Milford	Teague
Erlenborn	Montgomery	Tucker
Evans, Colo.	Pressler	Udall
Florio	Pursell	Wilson, C. H.
Giaimo	Rhodes	Young, Alaska
Hawkins	Roncalio	Zablocki

The Clerk announced the following pairs:

Mr. Florio with Mr. Teague.
Mr. Hawkins with Mr. Sikes.
Mr. Ireland with Mr. Montgomery.
Mr. Skelton with Mr. Breaux.
Mr. Badillo with Mr. Stump.
Mrs. Burke of California with Mr. Skubitz.
Mrs. Chisholm with Mr. Abdnor.
Mr. Clay with Mr. Chappell.
Mr. Giaimo with Mr. Young of Alaska.
Mr. Ryan with Mr. Rudd.
Mr. Staggers with Mr. Jeffords.
Mr. Slack with Mr. Jones of North Carolina.
Mr. Roncalio with Mr. Duncan of Oregon.
Mr. Zablocki with Mr. Tucker.
Mr. McFall with Mr. Pressler.
Mr. Mann with Mr. Pursell.
Mr. Johnson of California with Mr. Hubbard.
Mr. Eckhardt with Mr. Erlenborn.
Mr. Evans of Colorado with Mr. Udall.
Mr. Charles H. Wilson of California with Mr. Johnson of Colorado.

Messrs. McKAY and FOUNTAIN changed their vote from "nay" to "yea."

Messrs. HAMMERSCHMIDT, ROBERT W. DANIELS, JR., and MARRIOTT changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTION IN ENGROSSMENT OF H.R. 4800

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that the Clerk, in engrossing H.R. 4800, may make the following clerical correction:

On page 10, line 14, strike the word "or" and insert in lieu thereof the word "and".

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. CORMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION TO FILE REPORT ON HOUSE RESOLUTION 393

Mr. DENT. Mr. Speaker, I ask unanimous consent that the Committee on House Administration may have until midnight tonight to file a report on House Resolution 393.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

IMPROVEMENTS IN COMMON SITUS PICKETING BILL

(Mr. ALLEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ALLEN. Mr. Speaker, it is the overwhelming consensus of congressional leaders with whom I have talked that a common situs picketing bill, in some form, will almost certainly be passed by the House within a matter of a few days.

In an effort to be helpful and constructive in drafting a bill, which, if it becomes law, will be evenhanded and fair to both sides in any labor-management dispute, I have written and will offer an amendment, in the nature of a substitute to H.R. 4250, which I believe will be far more acceptable to all parties concerned.

The main purpose of the amendment I shall offer is to provide the machinery and procedure to assist in bringing about an amicable settlement of such disputes, wherever possible, before they result in needless and costly strikes, lockouts, and construction site picketing, in which the economy, the public, and both sides to the dispute usually lose—and no one really wins.

This substitute amendment, which I have inserted in the CONGRESSIONAL RECORD and which appears on page H1288 of Thursday, March 17, 1977, contains:

First. A provision establishing in the Department of Labor a 25-member Construction Industry Collective Bargaining Committee to be appointed by the President, made up of ten members each from labor and management groups in the construction industry, three public interest members, and the Secretary of Labor and the Director of the Federal Mediation and Conciliation Service, designed to function in addition to the requirements of the National Labor Relations Act as a more viable structure for collective bargaining in the construction industry.

Second, A prohibition against any labor organization "picketing, threatening to picket, or causing to be picketed, any employer where an object thereof is the removal or exclusion from the site of any employee on the ground of sex, race, creed, color, or national origin or because of the membership or nonmembership of any employee in any labor organization."

Third. A prohibition against any labor organization striking or picketing a construction site "to force, require, or persuade any person to cease or refrain from using, selling, purchasing, handling, transporting, specifying, installing or otherwise dealing in the products or systems of any other producer, processor, or manufacturer."

Fourth. A prohibition against "picketing, threatening to picket, or causing to be picketed, any employer where an object thereof is to cause or attempt to cause an employer to discriminate against any employee—or to exclude any labor organization on the ground that such labor organization is not affiliated with a national or international labor organization * * *."

Fifth. A requirement that a labor organization "shall provide prior written notice of intent to strike, picket, or to refuse to perform services of not less than 10 days to all unions and the employers and the general contractor at the site, and to any national or international organization" with which the union is affiliated, "and to the Construction Industry Collective Bargaining Committee; provided, that at any time after the expiration of 10 days from the transmittal of such notice the labor organization may engage in activities permitted"—under the act—only "if the national or international labor organization—gives notice in writing authorizing such action, provided the Construction Industry Collective Bargaining Committee under the provisions of title II hereof does not disapprove and notify the labor organization of its disapproval prior to the expiration of said 10 days, in which event such strike, picketing or refusal to perform services shall be postponed at least 30 days to give time to the parties involved to reconcile their differences or dispute by collective bargaining, with such assistance as the Federal Mediation and Conciliation Service of the Department of Labor may provide."

Sixth. A prohibition against striking

or picketing at the site of construction "of a building, structure, or other work involving residential structures of three residential levels or less constructed by an employer who in the last taxable year had a gross volume of construction business of $9,500,000 or less, adjusted annually as determined by the Secretary of Labor based upon the revisions of the Price Index for New One Family Houses prepared by the Bureau of the Census."

Seventh. A provision that when there is a collective bargaining agreement covering employees of the construction industry, there must be a 60-day notice given by either party prior to any termination or modification of such agreement.

Eighth. A prohibition on strikes and lockouts during the 60 days after notice is given, during which period the contract shall remain in full force and effect.

Ninth. A provision that when the committee receives notice and a written request for assistance from any party to a dispute, it shall be mandatory for the committee to take jurisdiction. Jurisdiction is discretionary with the committee in the absence of such request.

Tenth. Provisions establishing standards for the exercise of the committee's jurisdiction, primarily designed to promote voluntary settlement of disputes, directing the committee to request the participation in negotiations of appropriate national organizations of both labor and management, and directing the committee to meet with interested parties and such appropriate organizations as may be set up under the act.

Eleventh. A prohibition on any new collective bargaining agreement during the time of the committee's jurisdiction unless the national labor organization has agreed to it in writing.

Twelfth. A prohibition against strikes and lockouts during the period when the committee has taken jurisdiction over any dispute between a national construction labor organization—or its subordinate affiliate—and an employer or association of employers.

Thirteenth. A prohibition against the committee's modification of an existing or proposed collective bargaining agreement.

AMERICAN AGRICULTURE DAY

(Mr. FOLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FOLEY. Mr. Speaker, I take this opportunity to inform the Members of the House that today, Monday, March 21, 1977, is "American Agriculture Day."

It is a day set aside to honor agriculture and agricultural producers. It is a day set aside to help all Americans understand the value of American agriculture. It is a day to help us all realize that we are dependent on farmers and ranchers for the food we eat and the fiber we wear and thereby help bring about a more positive attitude toward agriculture and agricultural producers.

Nowhere in the world, and at no other time in history, have a people had available food and fiber in such quality and abundance for such a relatively small share of their daily earnings, as is enjoyed now by the American public.

Today only about 5 percent of our people farm the land. One American farmer feeds 53 people—three times as many as 20 years ago.

What is important is that Americans realize that this has come about and will continue to be true only so long as the farmer and rancher have the incentive to produce in the quantities we need to meet both our domestic and export requirements.

We currently are exporting the production of 1 in 4 acres harvested in the United States. This is highly important in achieving a balance of payments in foreign trade, enabling us to import the petroleum products and the countless other things we use which come from abroad. So we must make sure the American producer has sufficient incentives and profits to remain in production, notwithstanding the risk of financial loss because of droughts, and floods, insects and other natural disasters over which he has little or no control.

Because Americans have for so long taken for granted their good fortune as the world's best clothed and fed people most have failed to credit the farmer for his contribution to our national welfare.

We need to improve communications between the consumer and the farmer. As a step in that direction, the first "American Agriculture Day," was designated just 3 years ago. It is fitting that a day be marked to honor agriculture and those related with it, just as we long have set aside annually a "Labor Day," to honor those who toil in our industries.

On this fourth such "American Agriculture Day," the distinguished actor and Arizona farmer and rancher, John Wayne, is serving as honorary chairman of the occasion. We should all as public officials do what we can to bring about a closer understanding between all Americans as either consumers or producers, or both.

I am happy to observe, incidentally, that we now have in the White House, in President Carter, a man who has a farm background and knows firsthand the efforts and contributions made by American farmers and ranchers to our country's prosperity and further well being.

Mr. BLOUIN. Mr. Speaker, throughout the country today, in schoolrooms, community centers, State legislatures and countless other places, Americans have planned a wide variety of programs to mark "American Agriculture Day."

It is fitting, I think, that we in the House of Representatives take a few moments to mark that special occasion as well.

I have the privilege of representing the Second Congressional District of Iowa, a State with a rich and diverse agricultural heritage.

According to the latest statistics 34.2 million of Iowa's total 35.8 million acres of land are devoted to farming. That is over 92 percent of the State's total land area. Iowa's 131,000 farms, which averaged about 261 acres in size, harvested 7.5 percent of the Nation's total agricultural harvest in 1976. The value of that harvest crop totaled over $4.6 billion—the third highest State total in the Nation last year.

When I say I am from Iowa, people in Washington often reply by saying something like: "My wife has relatives in Ohio," or "I've always wanted to vacation in Oregon." They seem to have a little difficulty grasping the fact that Iowa is a State of its own, or exactly where it is located.

I suspect that many of these individuals, with the best of intentions, have no idea of the very vital contribution which Iowa makes to the Nation's economy or, more particularly, of the vital role which Iowa's farm families play in the Nation's agricultural economy.

American Agricuture Day is a good time to set the record straight on behalf of Iowa's 215,000 farmers and I would like to take just a few moments to do that because I believe that Iowa's farm families deserve all the credit they can get for a job well done.

For example, I am afraid few people realize that Iowa ranks first in the Nation in the production of hogs, second in the production of corn, soybeans, oats and cattle, fifth in the production of beef cows, seventh in the production of milk cows, eighth in the production of milk and turkeys, eleventh in the production of eggs and twelfth in the production of sheep.

As of January 1, 1977, there were 14.2 million head of hogs, 7.6 million head of cattle, 1.9 million head of beef cows, 392,000 head of milk cows, and 318,000 head of stock sheep being raised on Iowa farms.

Last year, Iowa's 1.1 billion bushel corn crop represented 18.5 percent of the Nation's total corn harvest. The State's 204 million bushel soybean harvest represented 16.2 percent of the total American soybean crop in 1976 and its 87 million bushel oat harvest represented 15.5 percent of the Nation's total oat harvest. Iowa crops exported to foreign countries totaled $1.7 billion and represented almost 8 percent of the Nation's total farm export in 1976.

I know many people, especially in large, metropolitan areas, have little idea of the sacrifice, dedication, and hard work which family farmers invest each year in producing an agricultural harvest which is unequalled by any nation on Earth and unparalleled in the history of the world. Iowa's farmers are no exception. In 1975—the latest statistics available—the average gross income for Iowa farms was $52,126. That seems high until you discover that over 80 percent of that income was consumed by expenses. In point of fact, the realized net income for the average Iowa farm was a very modest $10,294.

Unfortunately, statistics alone do not capture the essence of family farming in Iowa or any other State. At best, they indicate how important family farms are to Iowa and to the Nation as a whole.

For farm families, agriculture is more than a business. It is a lifestyle which requires and which expresses a very precious concern about the land, the mystery of nature, and the ability of men and women to work hand-in-hand with nature to produce the food on which we all depend.

The Nation's family farmers have made us the richest and best-fed Nation on Earth, but more than that, they have retained when many of us have forgotten the values and attitudes which constitute the core of the American character and the essence of our American heritage.

GENERAL LEAVE

Mr. JENKINS. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks and to include extraneous material on the 1-minute speech today of the gentleman from Washington (Mr. FOLEY), relative to "Agriculture Day."

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

VETERANS' PROGRAMS SHOULD BE ADMINISTERED BY VETERANS' ADMINISTRATION

(Mr. ROBERTS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROBERTS. Mr. Speaker, a few days ago it was brought to my attention that the Secretary of Health, Education, and Welfare was "calling for an all-out HEW effort to ask the general public how welfare reform should be achieved."

In Secretary Califano's statement of issues for public hearings on the issue of welfare reform and in press releases issued by all HEW Regional Offices the public was informed that veterans' compensation and pension benefits were included under HEW's definition of welfare.

There follows a copy of my letter to Secretary Califano that will be of interest to all Members of the House who share my view that veterans' programs should be administered by the Veterans' Administration and not the Department of Health, Education, and Welfare, or any other Department of the Federal Government.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 17, 1977.

Hon. JOSEPH A. CALIFANO, JR.,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: Your statement of issues for public hearing pertaining to welfare reform has been brought to my attention and it comes as a considerable shock that your invitation for public comments on ways to bring about welfare reform includes two longstanding veterans' programs.

Your inclusion of these two programs leaves the inescapable conclusion that you have assumed jurisdiction over the administration of two veterans' programs, namely, compensation and pension, which have long been administered by the Veterans Administration.

It comes as no surprise to those of us who have been deeply involved in veterans' affairs for so many years that your Agency is once again seeking to extend its empire to control programs administered by the Veterans Administration. Veterans' organizations spokesmen have continuously warned this Committee and the Congress that the goal of social welfare planners always will be to take over the Veterans' Administration programs. Apparently, this urge has reared its ugly head once more.

Your announcement states:

"Welfare reform covers two different types of aid. Social insurance is one, and it includes Social Security, veterans' compensation, Medicare, unemployment benefits, workmen's compensation. and others. Income assistance, the second, includes Aid to Families with Dependent Children, Supplemental Security income, food stamps, housing assistance, general assistance, and pensions for veterans."

Your announcement further states:

"Social insurance benefits are often contingent on prior employment, whereas the primary determinant for income assistance is financial need."

It is obvious that your advisers are not aware of the eligibility criteria for veterans' compensation. The benefit has no bearing whatsoever on one's prior employment nor is the benefit contingent on how much is paid into an employment program. In other words, Mr. Secretary, eligibility for veterans' compensation is not determined by past employment and payment into some employment insurance program.

Of course, a veteran in receipt of compensation is being paid for loss of earning capacity as a result of a service-connected disability. There are more than 2.239 million such veterans receiving benefits today for injuries received during active duty—many occurring in combat. There are more than 200,000 totally and permanently disabled due to service-connected disabilities. These people were employed in the service of their country as members of the United States Armed Forces.

If the President is desirous of obtaining information about compensation and pension programs, he should seek such information from the Administrator of Veterans Affairs. The President recently named a new Administrator who served his country with honor and distinction, having been severely wounded during a tour of duty in Vietnam. Max Cleland, the new Administrator, heads the largest independent agency of the Government, employing 226,000 people with regional offices located in every State throughout the Nation. I would advise the President to contact him as he is quite capable of handling such an assignment.

I'm sure the Administrator would tell the President that veterans' compensation is not predicated on previous employment but is based on disability incurred as a result of military service. He would also be quick to suggest that veterans' pension, although based on need, is not a welfare program but a supplement provided to assist the veteran for service to his country during a period of war or great national peril. These benefits were authorized by Congress in grateful appreciation and recognition for the veteran's contribution to our national interest in the hour of need.

Any attempt to comingle veterans' compensation and pension programs with other general welfare and social programs administered by the Department of Health, Education and Welfare not only goes against long held, established tradition and principles, but serves to sow confusion and despair among the Nation's 20 million veterans, their families and survivors.

Perhaps your announcement was a misinterpretation of the President's request. I should hope so. I don't think this is the first step by the Administration to transfer the programs now being administered by the Veterans Administration to the Department of Health, Education and Welfare, although many think so. Therefore, I would appreciate your letting me know the substance of the President's request in this regard and whether or not it was the President's intention that you and your Department assume jurisdiction over these veterans' programs.

Since I have already personally expressed my opposition to any such attempt in a letter to the President dated February 7, 1977, I look forward to hearing from you as soon as possible.

Sincerely,

RAY ROBERTS,
Chairman.

SKUBITZ OSHA BILL

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, tomorrow I am introducing, along with 100 cosponsors, legislation to amend the Occupational Safety and Health Act of 1970. This legislation would exempt from OSHA rules and regulations all business and farming operations which have 10 or fewer employees. It would also provide that an individual would have to work for a period of 30 consecutive days before he could be counted as an employee under the OSHA Act. Additionally, the bill provides that so long as an employer was not guilty of a willful or serious violation and had employed no less than 11 nor more than 25 employees—the employer would only receive a warning for any first-instance violation. Finally, this bill provides that no civil penalty can be assessed after an investigation or inspection so long as the employer was issued 10 or fewer first-instance, nonserious violations.

Mr. Speaker, I am very pleased by the large number of my colleagues who are joining with me in introducing this legislation. As of today, this bill has garnered a wider degree of support than any other OSHA bill thus far introduced in the 95th Congress. I am also proud of the significant nonpartisan support of this bill. I am also happy to be able to point out that support for this bill extends far beyond the membership of this body. A number of national organizations, with memberships totaling millions of people, have endorsed my bill.

Mr. Speaker, I am offering for the RECORD—five letters which I have received from four national organizations in support of this legislation:

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, D.C., March 4, 1977.

Hon. JOE SKUBITZ,
House of Representatives, Washington, D.C.

DEAR JOE: Thanks for asking NFIB to comment on the new OSHA legislation that you plan to introduce shortly. OSHA remains one of the most pressing problems facing the American small business community today and it is time for Congress to take positive action to alleviate its plight.

The bill that you intend to introduce which would exempt small firms with ten or fewer employees from OSHA and businesses

with 25 or fewer employees from first instance citations and fines, except in the case of serious or willful violations, is in keeping with the traditional position of NFIB and its 490,000 member firms on this issue. Exemption of small firms from OSHA rules and regulations has received overwhelming support from NFIB members in the past and first instance citations without an opportunity to correct violations have always been a sore point with small businessmen across the country.

Your bill along with an effective on-site consultation program and the end of OSHA posting requirements will go a long way towards correcting the arbitrary nature of this onerous law.

Sincerely,

JAMES D. "MIKE" MCKEVITT.

AMERICAN NATIONAL CATTLEMEN'S ASSOCIATION,
Washington, D.C., March 1, 1977.

Hon. JOE SKUBITZ,
House of Representatives,
Rayburn Building,
Washington, D.C.

DEAR JOE: Recently your office was in touch with my associate, Ron Michieli, regarding the beef cattle industry's views on your proposed legislation to amend OSHA.

It is my understanding that this measure, as it is now drafted, would serve to eliminate a great portion of America's agricultural and small business community from burdensome Federal regulations. ANCA's policy supports this legislation, just as we supported your bill last year providing for a one-year agri- which would exempt small firms with ten or fewer workers.

We appreciate the opportunity to review and offer comments in support of this type of legislation.

Cordially,

C. W. MCMILLAN,
Executive Vice President.

NATIONAL COUNCIL OF FARMER COOPERATIVES,
Washington, D.C., March 8, 1977.

Re Proposed OSHA Amendments.

Hon. JOE SKUBITZ,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. SKUBITZ: The National Council of Farmer Cooperatives supports your efforts to rationalize the Occupational Safety and Health Act.

We have reviewed the draft legislation furnished us by Mr. Jim Rinker of your staff, and we believe its enactment would significantly improve OSHA. Small farmer cooperatives have found the detailed compliance and reporting requirements extremely burdensome. The exemption for businesses with less than 10 employees which you propose is the answer to the problem of finding needed relief for small cooperatives.

Furthermore, your limitations on the use of civil penalties for technical violations of OSHA regulations by medium-sized and large businesses are meaningful curbs on picayune inspections. Such legislative direction will let everyone know that OSHA's resources are to be aimed at eliminating serious occupational hazards.

We believe Congress should adopt these amendments to the Occupational Safety and Health Act, and you can count on our support in this endeavor.

Sincerely,

DONALD A. FREDERICK,
Assistant General Counsel.

AMERICAN FARM BUREAU FEDERATION,
Washington, D.C., March 10, 1977.

Hon. JOE SKUBITZ,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. SKUBITZ: We appreciate the opportunity to review the legislation you propose to introduce in the House of Representatives to amend the Occupational Safety and Health Act.

As we understand it, this legislation would prohibit OSHA inspections at establishments that have employed ten or fewer employees during the preceding 30 days. It would further prohibit citations for first instance violations of a nonserious nature by any employer with 25 or fewer employees. Further, any place of employment that is subject to inspection but is found to have ten or fewer nonserious violations shall not receive a citation.

As you are aware, Farm Bureau policy calls for the repeal of the Occupational Safety and Health Act. We shall work toward this objective and hope that you will support our efforts.

Until this policy can be achieved, the American Farm Bureau Federation is pleased to support your legislative proposal as a positive and helpful step toward curtailing OSHA's excesses in the enforcement field.

Sincerely,

JOHN C. DATT,
Director, Washington Office.

NATIONAL ASSOCIATION OF WHEAT GROWERS,
Washington, D.C., March 7, 1977.

Hon. JOE SKUBITZ,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SKUBITZ: The National Association of Wheat Growers wishes to indicate support for your proposal to amend the Occupations Safety and Health Act of 1970 to exempt farm and business employers with 10 or fewer employees from provisions of the Act. We are also in agreement that an individual should work for 30 consecutive days before he could be counted as an employee, and we enclose other proposals you have authored dealing with civil penalties and non-serious first violations.

As you are well-aware, wheat producers and others engaged in agricultural production have had their operations repeatedly impaired by needless and unworkable regulations promulgated by the Occupational Safety and Health Administration. Our members have consistently found OSHA directives and proposals to be completely out-of-touch with conditions at the family farm level, and many orders have imposed economic burdens which we do not feel can be justified on farming operations of this size.

We have hoped over the year that OSHA administration would improve and that opportunities would be made for direct input from the farm sector which would lead to better understanding and rule-making on the part of OSHA. This hope, however, has proved groundless, and the small degree of relief the farm sector has received was gained only through the avalanche of public opinion and strong Congressional criticism.

We are hopeful that your proposals can be enacted quickly and prior to expiration of the current funding limitation on OSHA activities.

Sincerely,

JERRY REES,
Executive Vice President.

Mr. Speaker, as many of my colleagues will recall, I successfully offered an amendment to the Labor-HEW Appropriations bill during the 94th Congress which exempts from OSHA rules and regulations those small farms where 10 or fewer persons are employed. This restriction will, of course, expire at the end of this current fiscal year. Therefore, it is imperative that a permanent exemption for small farms and businesses, as this bill would provide, be enacted as quickly as possible.

I sincerely believe that one of the strongest points which should be considered in weighing my bill is that it recognizes that there are industries which should and can be regulated—but that there are others, such as the small business and farming operations, which cannot be equitably regulated under the present OSHA Act—and therefore should be exempt from that Act. I sincerely hope the Congress considers my bill at the earliest possible date.

ANDERSON SUPPORTS EXPANSION OF REDWOOD NATIONAL PARK IN CALIFORNIA

(Mr. ANDERSON of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDERSON of California. Mr. Speaker, the House Subcommittee on National Parks and Insular Affairs, chaired by my colleague in the California delegation—Congressman PHIL BURTON—began hearings today on his bill to add 74,000 acres to the existing Redwood National Park in northern California.

Because of the damage already caused to the park by logging, erosion, and increased stream sedimentation, I commend this work, and will support the measure on the floor of the House.

RELATIONSHIP BETWEEN CUBA, AFRICA, AND SOVIET UNION SHOULD BE UNDERSTOOD BEFORE CURRENT RESTRICTIONS ARE RELAXED

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. YOUNG) is recognized for 10 minutes.

Mr. YOUNG of Florida. Mr. Speaker, on Thursday, I spoke before this House about the administration's program to relax United States relations with Cuba. On Friday, the first step in a change of relationship between our two countries took place when the travel ban to Cuba was lifted.

I am increasingly alarmed by news reports of Cuba's and specifically Fidel Castro's active involvement in Africa, and I want to be certain that my colleagues are not missing any reports of this activity.

There is absolutely no doubt that Fidel Castro is making an extensive tour of the African countries, meeting with leaders of those countries, right now. Yesterday the Washington Post reported on his visit to Tanzania, and of planned meetings today with Zambian President Kenneth Kaunda in Lusaka. Kaunda has reportedly called for the repatriation of Cuban troops in Angola, which Castro is also scheduled to visit on this trip.

The French press has reported that Cuba and Ethiopia have issued a joint communique calling on progressive forces in the Red Sea region to coordinate their struggle. At the end of a 3-day visit to Ethiopia, Castro took a side trip into Somalia, and is reported to have engaged in shuttle diplomacy aimed at a federation of those two states along with South

Yemen and the French Territory of Afars.

On March 3, the Washington Post reported that Cuban advisers and technicians have been trickling into Uganda to help President Idi Amin train his army, and enforce his economy. The Cubans in Uganda are reported to be black and dressed in civilian clothes, and have made an effort to remain inconspicuous. "Idi Amin spends 25 percent of his nation's gross national product on military hardware and has asked other nations of the world to help train his 20,000-man, Soviet-equipped army, for what he sees as imminent invasion from either Tanzania, Kenya, the United States, Britain, Israel, South Africa, or the Sudan," the Post reported, adding, "Western observers saw the arrival of the Cubans in Uganda as part of the Soviet Union's attempt to exert more influence with the help of Cuba in east Africa." Soviet President Nikoli Podgorny is scheduled to visit Tanzania, Mozambique and Zambia later this month.

On March 16, the Washington Post reported that Zaire now claims that some 5,000 "mercenaries" have crossed the Angola border into Zaire, and Zaire's news agency reported that these "mercenaries were led by other mercenaries who come from across the Atlantic and who enjoy the support of third countries that seek ideological conquests" which was interpreted to mean Kantangese, led by Cubans, supported by the Soviet Union.

An unnamed State Department spokesman was quoted by UPI reporter Jim Anderson as stating that, "if anything, the Cubans are widening their involvement in Africa. Since the fall of the Portuguese in Angola, the Katangese have been fighting on the side of the Angola MPLA, which is directly supported and led by the Cubans. This should give you a pretty good idea of where the direction is coming from." U.S. intelligence estimates Cuba has had more than 10,000 troops stationed in Angola since last year's civil war.

I would apologize for using unsubstantiated press reports and the words of unnamed State Department spokesmen in reporting these activities to my colleagues, except for the fact that these seem to be the only reports that are available. No comprehensive report to Congress or the American people of the full extent of Cuba's involvement in Africa's complex and very serious problems has been forthcoming, from our State Department or from the administration.

It is my opinion that a comprehensive study of Fidel Castro's relationships with the leaders of all of the African nations and with the Soviet Union is very necessary, and that Congress should be informed quickly, accurately, and officially of all reported involvements between his country and other countries by the State Department, especially if those involvements are of a hostile nature.

I feel even more strongly that absolutely no restrictions currently enforced by our Government, particularly those concerned with hijacking, the 200-mile fishing limit, and renewed diplomatic relations between Cuba and the United States, should be relaxed or renegotiated until we understand completely the complex and very active relationship between Cuba, Africa, and the Soviet Union.

MEDICARE COVERAGE OF SERVICES FURNISHED OUTSIDE THE UNITED STATES

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 15 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, I am today introducing a bill designed to deal with the problem of extending medicare coverage to health care services furnished to beneficiaries living or traveling outside the United States.

Under present law, medicare coverage is provided, with a few limited exceptions, only for hospital and medical services rendered within the United States. These exceptions cover only cases in which the beneficiary needs emergency hospital services while traveling in Canada between the 48 States and Alaska, or needs hospital services, because of a medical problem that arose while traveling or residing within the United States near the border, and a Canadian or Mexican hospital is more accessible than the nearest U.S. hospital. This limitation on medicare coverage was originally included in the law, because of the substantial administrative problems involved in verifying the medical necessity for services furnished outside the United States, establishing the qualifications of medical practitioners and institutions in other countries, and determining the appropriate amount of payment to make for services furnished in foreign countries.

Extensive study of these problems by the Congress over several years has failed to yield any wholly satisfactory solution. However, considerations of equity dictate that we continue to search for an approach that offers a reasonably workable arrangement for assuring medicare coverage for beneficiaries who may be traveling or living outside the United States. Although the approach adopted in this bill does not fully overcome the kinds of administrative problems that have impeded congressional action in the past—indeed, it presents special administrative problems of its own—it does offer the possibility of some action, limited though it may be, to eliminate inequity in many cases.

The approach incorporated in the bill involves the negotiation of reciprocal agreements with those countries willing to enter into such agreements under which provision would be made for payment on behalf of entitled medicare beneficiaries for covered hospital and medical services.

Such agreements would have to specify the classes of individuals entitled to benefits under the programs of the countries involved, the services that are covered by those programs, the payments to be made by such programs to or on behalf of entitled individuals for such services, and such other provisions with respect to the effective implementation of a reciprocal arrangement as the President deems appropriate. However, no agreement negotiated under the provisions of this bill may authorize any individual entitled under the program of another country to receive benefits in the United States on a reciprocal basis in excess of those provided for medicare beneficiaries in the United States; nor may such an agreement provide entitlement to benefits in the United States for an individual who does not meet the medicare requirements with respect to age or medical condition.

Pending the conclusion of an agreement with a foreign country, the bill authorizes the Secretary of Health, Education, and Welfare to enter into an interim arrangement with a hospital in that country which is accredited by the Joint Commission on Accreditation of Hospitals, or such other hospitals as the Secretary finds meet health and safety standards equivalent to those required under medicare for hospitals in the United States and which are accredited by that foreign country, under which payment may be made for inpatient hospital services furnished to medicare beneficiaries.

One major advantage that can be claimed for this approach to covering services outside the United States is that it provides the flexibility that may be needed to take into account the unique circumstances surrounding the provision of health care services in other countries.

Late last year I introduced a similar bill for the express purpose of eliciting public discussion and comment on its merits. I must confess, however, that it did not receive the kind of critical scrutiny it warrants, partly, I believe, because it was presented so late in the session. I am, therefore, reintroducing the bill at this time, not in the belief that it represents the only or best answer we can produce, but in the expectation that it will now receive the careful attention it deserves. I am particularly interested in receiving the administration's analysis of this approach and any suggestions the administration may have for either improving the bill or designing a more effective alternative.

I would hope that a careful reexamination of the issue of coverage for services outside the United States will enable us to responsibly modify this restrictive provision of the medicare law.

INCREASING OUR NATIONAL PRODUCTIVITY

The SPEAKER. Under a previous order of the House the gentleman from New York (Mr. LAFALCE) is recognized for 5 minutes.

Mr. LAFALCE. Mr. Speaker, I am today introducing legislation that would create far-ranging programs to stimulate increases in productivity and quality of working life in the sectors of our economy that most need this type of stimulus. The Nation's small business community represents over 96 percent

of the total number of businesses in the United States. At the same time, its resources compared to those of larger firms are very limited, and they most often do not possess the research or managerial capability that enable them to markedly increase their companies' productivity. The same is often true of the smaller end of the public sector—State and local governments.

Small enterprise and State and local governments have productivity problems that are a great deal different from those experienced by larger industries or the Federal Government. Instead of creating some new bureaucracy to help satisfy the needs of smaller companies and local governments, my legislation would make use of an existing and vital public center—the National Center for Productivity and Quality of Working Life.

The purpose of H.R. 5283 is to "foster, encourage, and aid public and nonprofit institutions organized on a local, county, State, or regional basis, to develop programs and provide services for assisting small businesses and State and local governments to improve productivity and the quality of working life." Under the provisions of the legislation, the National Center shall in essence become an independent agency with grant authority so that it can contract with various public or nonprofit agencies to develop necessary programs to help these sectors of our economy.

The scope of the program would be modest. We would be making use of a center which already exists, so the only major increase in cost to the Federal Government would be the amount we are willing to spend in contracts to stimulate productivity increases at the small business and local government levels. Of the main body of research that has been done on productivity gains, precious little is devoted to these areas. By focusing this type of attention on these critical yet heretofore unexplored sectors of the economy for productivity increases, we can make great strides in improving business from the standpoint of the small company manager to that of the employee. I urge my colleagues to consider this approach in renewing the Federal commitment to bolstering private and public sector productivity as well as stimulating improved working environments.

HIGHER SUGAR PRICES MIGHT CHANGE THE BOTTOMLESS CUP INTO THE EMPTY CUP

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, when asked to tighten his belt the American consumer usually comes through. How many ways though must the public sacrifice so one industry or another can make a profit?

Several years ago we suffered through a gasoline shortage which allowed prices to double never to return to a low. This winter we shivered while dutifully reducing our natural gas usage only to discover that the shortage may have been a ploy to hike prices.

Last month I spoke out against the outrageous increase in coffee prices. Coffee "shortages" have allowed prices to soar this week to a wholesale high of $4.13 per pound. The consumer has reduced his intake of coffee according to the latest statistics with no impact on the market price—of coffee that is. Because of increased demand, the London auction price of tea has doubled since March 1.

The final blow has not yet struck. Coinciding with the news of the Food and Drug Administration intent to ban the use of saccharin, the only remaining artificial sugar substitute, we await the President's decision to effectively raise the price of sugar.

It may be argued that Americans indulge themselves too much with "junk" foods including coffee, tea, and sugar. It also might be argued that Americans must learn to change their wasteful habits and conserve. These arguments, however, are really not at issue when deciding the merits of attempting to aid the ailing domestic sugar industry while charging the American consumer an additional quarter of a billion dollars at least per year. The attempt to raise sugar prices cannot even be justified by environmental shortages as in the case of gas or coffee.

What is the situation? The domestic sugar industry is not able to compete with lower price imported sugar. The International Trade Commission voted early this month that indeed that fact is true and they recommended on March 14 that the President protect the domestic industry. A solution to the problem has been proposed by Secretary of Agriculture, Bob Bergland, which would begin by lowering the quota of imported sugar. This solution might have repercussions on other international trade agreements while not insuring benefits for American sugar cane and beet growers. It is true that if the import quota, now 7 million tons, were reduced to 4.3 million tons and if the internal demand remained constant at 4.7 million tons, the domestic sugar producer would probably reap the benefits.

However, the situation is not that cut and dried. An Agriculture Department task force report was quoted in the March 4 issue of the Washington Star. The report reveals that producers of a highly concentrated corn syrup, HFCS, have been making rapid gains in yearly production and consumption. The report also warns Secretary Bergland that—

> Efforts to support market prices [of sugar] . . . will make corn sweeteners even more competitive with sucrose to the detriment of the total market for sugar.

During the sugar price highs of 1974 sales of HFCS almost tripled. Today with the extremely low cost of natural sugar the corn syrup has 10 percent of the domestic "nutritive sweetener" market. This amount probably would increase if corn syrup became more economical than sugar.

The sugar producers will not lose monetarily though according to Secretary Bergland's second proposal. They will be compensated at a rate of 13½ cents per pound of raw sugar, approximately 2½ cents above the current market price. One fact is certain, no matter which industry gains under Secretary Bergland's plan it will be the American consumer who will pay.

President Carter has until the middle of May to make his decision on the proposals; if he says nothing they will automatically take effect.

If in the balances of a free market place sugar growers are losing weight, they should be encouraged to begin production of a more profitable crop and not expect to be pampered and subsidized, to be literally transfused with consumer's rapidly depleting funds.

When Congress decided 3 years ago to let the Sugar Act expire, because the consumer was paying a ridiculous 70 cents or more for every pound of sugar, the sugar producers were reporting record high profits. Perhaps that is the situation they want to recreate. Perhaps they could really discover more economical methods of growing sugar. Or perhaps they would be better off producing a more profitable crop. But surely this spiralling effect of dumping every American industry's setback on the consumer must end.

LEGISLATION TO ESTABLISH A MENTAL HEALTH CLINIC AT FORT DE RUSSY

The SPEAKER. Under a previous order of the House, the gentleman from Hawaii (Mr. AKAKA) is recognized for 5 minutes.

Mr. AKAKA. Mr. Speaker, I am introducing today a bill which would allow the State of Hawaii to establish a mental health clinic at Fort De Russy, an Army base in Waikiki, Hawaii. Adequate mental health care is a greatly needed service in the Waikiki area. Expectations abound of the paradise found in Hawaii that attracts an increasing number of visitors and new residents to the Waikiki area. Sadly, however, the realities do not fulfill the expectations. Highly urbanized and densely populated, Waikiki suffers from the problems commonly attributed to such areas. Mental stress on the inhabitants is just one of these problems.

The Department of Health of the State of Hawaii has operated a mental health clinic in Waikiki for the past 4 years. Serving the Waikiki community, the clinic has benefited not only the residents of Hawaii, but many visitors as well. In fact, 80 percent of the patients who used the services of the clinic were born and reared in States other than Hawaii. While the clinic performs a badly needed service, cramped quarters in a dilapidated cottage limits the potential of the clinic. High rental costs in Waikiki exclude alternative facilities.

Fort De Russy, easily accessible—in the heart of Waikiki—would provide an ideal location for a new mental health clinic. The Department of the Army is willing to allocate space for a mental health clinic at their De Russy location.

The bill I am introducing today would authorize the use of such facilities to allow the State of Hawaii, through the Queens Medical Center, to continue in its selfless mission of helping mankind.

I hope that the measure that I have

introduced today will meet with the approval of the appropriate House committees, the full Houses of Congress, and the President. The future of the facilities lies in your hands. I look to you for support in such a small but important request. Mr. Speaker, I include the text of this bill in the RECORD.

H.R. 5232

A bill to authorize the Secretary of the Army to make available to the State of Hawaii or through it to the Queen's Medical Center physical facilities not needed by the Army at Fort DeRussy, Hawaii, for the purpose of establishing a mental health clinic in such facilities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Army is authorized to make available to the State of Hawaii or through it to the Queen's Medical Center such physical facilities at Fort DeRussy, Hawaii, as he determines are not needed by the Army and which are adequate for the purpose of permitting the State of Hawaii or through it the Queen's Medical Center to establish and operate a mental health clinic for the residents of Hawaii.

(b) The physical facilities made available by the Secretary of the Army under authority of subsection (a) shall be made available without charge to the State of Hawaii or through it to the Queen's Medical Center but shall be subject to such terms and conditions as the Secretary determines necessary to protect the interests of the United States.

THE $730 MILLION COMMERCE DEPARTMENT LOAN GUARANTEE: WHY BURMAH OIL?

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, recently there has been much discussion of the growing volume of U.S. bank loans to developing countries. Much of the lending represents direct loans to governments to finance balance-of-payments deficits. Some developing countries have called for a debt moratorium on loans from official sources. If there is no debt relief on the $100 billion owed by developing countries to official sources, will they be able to repay the $75 billion owed to private banks, of which approximately $50 billion is owed to U.S. banks?

Balance-of-payments deficits resulting from higher prices for oil are a central issue in international economic policy, involving the size of the debts that have been incurred, the means of financing them, and the ability of countries to repay these debts. The focus on the debts of lesser developed countires has obscured the fact that substantial balance-of-payments loans have also been made to developed countries, as well, and that they have been made by commercial banks as well as by official institutions. The economic and political implications of these loans are no less important than are those relating to loans to developing nations.

The foreign loans of U.S. banks seem far more important now than they did in previous years. The fact that the foreign assets of U.S. banks rose $80.4 billion from December 1974 to October 1976 while their domestic assets rose only $43 billion during the same period, raises questions as to the impact of foreign lending on the domestic economy. A number of bankers and economists have discounted this concern, arguing that it merely reflects the role of U.S. banks in recycling OPEC surplus funds to deficit countries.

But this reasoning does not deal adequately with the problem of U.S. bank exposure. Nor does it answer the question: how much will U.S. economic and foreign policy be shaped by the need to shoulder responsibility for the economic and political well-being of other governments in order to assure that they can repay debts to the U.S. banking system?

This is an important and complicated subject. For the moment, I present a case history to illustrate the political and economic implications of foreign loans of U.S. banks. The case involves the recent $730 million loan guarantee approved by former Commerce Secretary Elliot L. Richardson for General Dynamics Corp. to build seven liquified natural gas tankers for lease to the Burmah Oil Co. of Great Britain to transport natural gas from Indonesia to Japan.

Some of the background of the loan guarantee was explained in articles in the Washington Post on January 17 and 24, 1977. These articles note that the guarantee was issued under title XI of the Merchant Marine Act of 1936, which authorizes guarantees for private construction loans for U.S.-flag vessels whose owners and operators are U.S. citizens. The original purpose of the statute was to enlarge the merchant fleet and permit ships to be taken over by the U.S. Government in a national emergency. Since General Dynamics had a contract to build the ships for Burmah, which is not a U.S. company, a dummy corporation, owned by U.S. citizens, was concocted to lease the tankers and then lease them in turn to Burmah in order to keep the arrangement within the letter of the law.

The Post articles also state that Burmah paid a questionable commission of $3 million to Tongsun Park, the South Korean businessman, for his assistance in canceling an oil-charter contract with Japan lines in 1975. A December 10, 1976, article in the Wall Street Journal notes that Burmah also assigned part of its profits on the gas hauling contract for which the General Dynamics' tankers are to be used, under an agreement made in 1973, to undisclosed participants. These agreements included a 20-percent cut to a Hong Kong company which was reputed to be a front for Indonesian interests. The Journal reported that Secretary Richardson's aides were in the process of gathering sworn affidavits that all the agreements with secret participants had been eliminated.

As chairman of President Ford's task force reviewing the overseas payments issue, Mr. Richardson's approval of the loan guarantees might be construed as ignoring possible wrongdoing by foreign companies, while suggesting higher ethical standards for U.S. companies and a greater degree of disclosure. The Securities and Exchange Commission is currently looking into Burmah's foreign payments. SEC Chairman Hills has suggested that the U.S. Government "wield its 'economic authority' to retaliate against foreign businesses that compete unfairly against Americans by paying bribes." Clearly, the Department of Commerce did not wield its economic authority in this case. In fact, Mr. Richardson prejudged the SEC investigation of Burmah. The Journal reports that he told those who questioned the guarantee on those grounds that there was no evidence that the company's $3 million commission to Mr. Park was part of a bribery scheme.

Why was it so urgent that this loan guarantee be made? During a period when major U.S. corporations such as W. T. Grant and a number of real estate investment trusts have experienced severe financial difficulties and the New York crisis is still fresh in our minds, it seems remarkable that a foreign oil corporation should be the beneficiary of this intervention. One would have thought that the oil cartel was at the bottom of the list of favored philanthropies. The Washington Post articles state that intervention by the British Government on behalf of the Burmah Oil Co. was anticipated if the request for a loan guarantee was not approved because of fear of the consequences of a possible bankruptcy of Burmah Oil on Britain's shaky economy. The January 17 Post article also says the incoming Carter administration agreed that it would be better for Secretary Richardson to make the decision, since there would not be time for the new administration to analyze the situation itself.

One justification offered for the loan guarantee was that it would alleviate General Dynamics' financial difficulties and save the jobs of 5,000 workers. The shipyard is the major employer in Quincy, Mass., and massive layoffs could cause unprecedented local hardships. Obviously, none of us is opposed to assisting large-scale shipbuilding in New England. The industry is depressed and so is the area. The prospect of continued employment for 5,000 workers can only be applauded by the new administration, the Congress, and the public.

Nevertheless, the less-than-straightforward nature of the arrangement—the creation of a dummy corporation and the discounting of the SEC investigation—suggests that there was as much concern for maintaining the financial viability of Burmah Oil Co., as that of General Dynamics. The fact that the British Government was prepared to intervene supports this thesis. But in order to explain the interest of the British Government in the case, it is necessary to provide an outline of Burmah's recent financial history.

The banking involvement of Burmah Oil became a subject of interest when the company obtained a $420 million loan from Chase Manhattan Bank in January 1974. At the beginning of 1974, Burmah Oil was apparently a staid, old British company whose principal assets included interests in other oil companies—a 21.5-percent share in British Petroleum and a 2-percent share in Royal Dutch Shell. Its principal business was the operation of a large fleet of

tankers. In the halcyon days of 1973, Burmah decided to expand and become a global oil producer. It borrowed from Chase Manhattan and its London affiliate, Orion Bank Ltd., to buy the Signal Oil & Gas Co., in Houston. It also borrowed from Citibank and Crocker National Bank to finance leases and development in the Gulf of Mexico. Through Signal Oil, it then acquired oil rights in the North Sea. By the end of 1974, its debt to foreign banks had risen to $650 million and its total debt to $1.3 billion.

But even as early as the midsummer of 1974, Burmah Oil began to run into difficulties. That year's collapse of the tanker market as a result of excess capacity reduced the company's earnings from this source to less than $1 million during the last half of the year. This was only a fraction of what was needed to pay the interest on its debts, and its new acquisitions were not as yet producing adequate income to offset the decline in tanker earnings. The company had to rely on dividends from its BP and Royal Dutch Shell holdings both to service its debt and for working balances. The market value of these holdings had fallen sharply in the collapse of the London stock market in the fall of 1974. Prices of these stocks, which had been worth $1.1 billion in January 1974, dropped to less than $500 million by December.

In providing the $420 million for the Signal Oil acquisition, Chase Manhattan appears to have made an inadequate assessment of the credit risk. A February 15, 1975, article in Forbes magazine stated that its loan agreement said nothing about collateral requirements. The only security requirements for the loan was that the BP and Shell stock remain unemcumbered. When the price of the stock began to fall and it became clear that Burmah would not be able to meet its loan payments, Chase extended its loans and raised the rate, adding about $10 million to the company's annual interest costs.

To prevent foreclosure by the U.S, banks and a forced sale of the BP stock at depressed prices, the Bank of England intervened and undertook to guarantee the loan, insisting on an agreement which pledged the BP stock as collateral for its guarantee. The loan was extended under these terms for a year. The Royal Bank of Canada called in a loan it had made to Burmah for which it—unlike other creditors—had required specific collateral. The collateral—the Canadian holdings which Burmah had bought in 1974—was sold and yielded barely enough to pay off Royal Bank. The U.S. banks had only an unsalable tanker fleet and Signal Oil & Gas Co., Houston, as collateral for their loan, and the Houston Co's, worth and salability were not easy to ascertain.

In mid-January 1975, the Bank of England bought the BP shares from Burmah for $430 million. This was enough to pay off the Chase loan, but it was apparently not fully repaid, since a portion of the proceeds from the BP stock was needed to keep the company solvent during 1975. Burmah's losses on tanker operations were substantial throughout the year; it no longer enjoyed dividend income from the BP shares; and its U.S. holdings were not generating enough income to offset losses. In April 1975, Burmah announced it would sell Signal Oil & Gas Co. to pay off the remainder of the $650 million in loans guaranteed by the Bank of England.

Signal Oil was finally sold on June 30, 1976, to R. J. Reynolds for $520 million, enough to pay off Burmah's debt to foreign bank creditors. The sale did not include Burmah's North Sea Oil rights which had been acquired through Signal. These rights had been transferred to the parent company at the time it entered into the agreement for the loan guarantees with the Bank of England. In return for those guarantees, Burmah had also promised to allow the British Government to acquire 51 percent of its North Sea oil rights. The significance of these maneuvers was to assure a substantial degree of British control and income from the North Sea oil fields. Thus the Bank of England, in guaranteeing Burmah's loans, not only saved the company from bankruptcy but protected vital British oil interests as well.

The Bank of England loan guarantees also greatly benefited several large U.S. banks which had outstanding loans to Burmah Oil. In the banking climate of late 1974 to early 1975, this protection was critical. There had been a crisis of confidence following the failures of Franklin National Bank and the Herstatt Bank in Germany, and a precipitous $8 billion decline in interbank deposits in U.S. bank branches overseas, only half of which were replenished by OPEC deposits. Problems with real estate investment trusts and large companies such as W. T. Grant and others, were developing on the home front, together with a major recession and a sharp decline in business borrowing. There had not been a more dangerous moment in the history of American banking since 1933. A default on Chase Manhattan's $430 million could have been catastrophic. The action of the Bank of England in guaranteeing Burmah's borrowings had, therefore, worldwide implications. It was an effective and reassuring counterpart to the Federal Reserve's bailout of Franklin.

Burmah Oil Co., which is now the beneficiary of a $730 million loan guarantee from the United States, was near bankruptcy 2 years ago, and until 6 months ago was dependent on loan guarantees from the Bank of England for its survival. The company now has a contract to haul liquified natural gas from Indonesia to Japan which will assure future earnings. That contract is linked to loan agreements with the Export-Import Bank of Japan involving both insurance and segregation of revenues. The Japanese loan was made in 1973 and was structured in a way to assure production of the natural gas which Japan needs. Therefore, the company which has the contract to haul the gas would appear to be a good credit risk—unless other problems offset the gains it might realize on the gas hauling contract.

And there are other problems. While the security interest in favor of Japan's $1.3 billion loan to Indonesia makes the Burmah contract a desirable prize, it has caused problems for about 50 U.S. banks who are members of syndicates which have also loaned Indonesia over $1 billion. The agreements under which these loans were made prohibit agreements with other lenders which would give their loan preferred status. Morgan Guaranty, the lead bank in a $850 million syndicated loan, has asked the other participating banks to waive their rights in what amounts to a technical default by Indonesia on the loan because of the agreements with the Export-Import Bank of Japan. It has also asked the banks to agree not to accelerate repayment on the loans, since this could jeopardize the already massive total of outstanding loans to Indonesia—$10.2 billion at yearend 1976 by Morgan's estimates—and also some $1 billion of new credits needed by Indonesia in 1977. Some of these new credits are needed just to pay interest and principal on Indonesia's outstanding debt.

The security interest manifest in the Japanese loan agreement is not, however, the only reason that U.S. bank loans to Indonesia are in technical default. There are also several disputed tanker agreements involving $1 billion of overdue payments presumably owed by Pertamina, the Indonesian oil company. In July 1976, Citicorp notified members of a syndicate it had led that it considered an event of default had occurred because shipowners claiming overdue payments had attempted to attach Pertamina accounts in New York banks and were taking legal steps in the New York courts to obtain payment.

Morgan Guaranty properly views Indonesia's problems as legal, not financial, and notes that there has been no delay in payments of interest or principal on its bank loans. But Pertamina, the state-owned oil company, did default on two syndicated loans amounting to $100 million in April 1975. It was at that time that the size of its debt, said to be $3 billion by the Indonesian Government, was discovered, following an audit, to be in excess of $10 billion. Control over Pertamina's affairs was then assumed by the Indonesian Government which began a bailout and restructuring of the company. Morgan Guaranty and nine other banks made a $300 million loan to the Bank of Indonesia to assist in those efforts.

Essentially what happened was that Pertamina's debts were assumed by the Indonesian Government, which then borrowed substantial new credits from U.S. banks in 1975 and 1976 to pay interest and principal on Pertamina's old debts and to wind-down or complete its projects. The Indonesian Government has also attempted to renegotiate tanker leases entered into by Pertamina which involve $1 billion in alleged overdue payments. Burmah Oil Company owns a 50-percent interest in six tankers chartered to Pertamina and a suit involving overdue payments on these leases is still pending.

The events recounted here in detail

may be summarized as follows: Burmah Oil, a minor member of the oil cartel, borrowed $650 million from U.S. banks to expand its operations. Because of losses on tanker operations, it could not repay those loans. The Bank of England bailed out Burmah by guaranteeing its loans and buying its most valuable asset, a significant share in BP Oil Company, in which the British Government already owned a controlling share. The British Government also entered into a partnership agreement with Burmah by getting an option from the company to purchase 51 percent of Burmah's North Sea oil rights. Burmah sold the U.S. oil company it bought with U.S. bank loans and repaid these debts. All would appear to be well.

But Burmah has a contract to haul natural gas from Indonesia to Japan, and it needs the income from this contract to remain solvent and to continue to develop its North Sea oil holdings, since its oil tankers operations are not producing adequate earnings. It paid Tongsun Park $3 million to terminate contracts to haul oil to Japan because it was suffering heavy losses on the operations, and is presently suing the Indonesian Government for back payments on tanker contracts with Pertamina, the Indonesian oil company.

Indonesia's foreign debts exceed $10 billion, and over 20 percent of these debts are owned to U.S. banks. Burmah's contracts with Indonesia have involved it indirectly with that country's relations with U.S. banks. Indonesia needs to borrow more money not only to continue its development projects, but to enable it to continue to pay principal and interest on outstanding loans.

While Burmah's gas hauling contract looks like an excellent asset, it requires sophisticated new tankers. Burmah contracted with General Dynamics to build the tankers, but General Dynamics found it could not obtain bank loans to begin construction without a loan guarantee. The Commerce Department provided the guarantee. Had it not done so, it was believed by many that Great Britain, whose public sector is also substantially indebted to private U.S. banks, would have intervened to assist Burmah Oil.

It could be argued that the Commerce Department's action is somewhat akin to returning the favor for the Bank of England's loan guarantees in 1975. But the British Government has more current concerns as well. The sale of oil from the North Sea fields is viewed as the principal source of future foreign exchange revenues needed by Great Britian to repay its debts to U.S. banks as well as to official institutions, the U.S. Treasury and other governments. Its partnership with Burmah in the North Sea venture gives the British Government direct access to those future revenues. But Burmah must remain financially viable in order to produce the oil. Its contracts to carry natural gas from Indonesia to Japan will provide needed income for the company to continue the North Sea operations. But neither Burmah nor the British Government can afford the cost of the constructing the tankers needed to fulfill the contract, nor would U.S. banks provide the funds to General Dynamics for the purpose without U.S. Government guarantees.

The tankers which General Dynamics will build will not be leased to a U.S. shipping company, as was intended by the Merchant Marine Act of 1936. Nor will these tankers supply critically needed natural gas to the United States. The loan guarantee does help a U.S. shipbuilder, and U.S. banks also benefit from risk-free guaranteed loans. But should not the guarantee be used to benefit U.S. gas consumers and shipping companies as well?

The function of the Commerce Department's loan guaranteee may be to enable Burmah to repay its obligations so that its collapse would not bring on the collapse of General Dynamics with serious consequences for the U.S. economy. Or its function may be to preserve Burmah Oil so that its shares of the North Sea oil holdings will not be acquired by companies beyond the influence of the British Government. The loan guarantee might also enable Burmah to settle its suit with the Indonesian Government and thus remove one of the roadblocks jeopardizing that Government's enormous debt to the banking systems of almost all major developed countries. Any one or all three of these possibilities may be at issue.

Certainly, the anticipated intervention of the British Government, and Secretary Richardson's willingness to permit the creation of a dummy corporation, and to overlook the SEC's investigation of Burmah's $3 million payment to Tongsun Park, indicate that issues of this magnitude must be involved. But we do not really know. What we do know is that the largest loan guarantee in the history of the United States has been extended with very little public knowledge or discussion of the facts involved.

On February 28, 1977, I wrote Commerce Secretary Kreps and raised a number of questions regarding the loan guarantee to General Dynamics. I include my letter to Secretary Kreps in the RECORD:

COMMITTEE ON BANKING,
FINANCE AND URBAN AFFAIRS,
Washington, D.C., February 28, 1977.

Hon. JUANITA M. KREPS,
Secretary, Department of Commerce Building, Washington, D.C.

DEAR SECRETARY KREPS: As you know, on January 19 former Commerce Secretary Elliot L. Richardson approved a $730 million loan guarantee for seven liquefied natural gas tankers. The tankers are being built by General Dynamics Corp. for lease to Burmah Oil Company of England to transport liquefied natural gas from Indonesia to Japan.

The account of the loan-guarantee approval in the Washington Post of January 20 states that the Department of Commerce and the Justice Department had taken into account "allegations that the transaction is not structured appropriately to meet required criteria in the applicable statutes," and were satisfied that "no violations of law were involved." This and a previous Washington Post article of January 17 state, however, that it was necessary to create a new U.S. corporation to lease the tankers from General Dynamics which would in turn lease them to the British company in order to meet the requirements of Title XI of the Merchant Marine Act of 1936 that ships be owned and chartered by U.S. corporations.

Press accounts also reveal that the Securities and Exchange Commission is investigating Burmah in connection with an alleged payment of $3 million to Tongsun Park for negotiating a settlement of an oil tanker dispute between Burmah and Japan Lines involving the transportation of oil from Indonesia to Japan, and that the British government was expected to intervene with the U.S. government if Secretary Richardson had not approved the loan guarantees. In view of the controversial nature of this case and the size of the loan guarantee, it would be useful to have a more complete statement of the facts so that Congress can exercise its proper oversight functions.

The Washington Post states that $4 billion in loans have been guaranteed previously under Title XI. I would like to know the names, dates and amounts of these previous guarantees. I would also like to know the names of bankers providing loans guaranteed under Title XI during the last 5 years and the dates, amounts and names of companies to whom the loans were made.

In the General Dynamics case, I would like to know who initiated the request for the guarantees and to have copies of the correspondence relating to that request. I would also like to know the names of the banks and/or other lenders who will provide the funds to General Dynamics. Was information regarding the amounts or status of other loans by these institutions to either General Dynamics or Burmah Oil Company volunteered to, or requested by, the Commerce Department? If so, please provide a break-down of all outstanding credits to these companies by banks which will provide funds under the loan guarantee approved by Secretary Richardson. Finally, what are the criteria of the Commerce Department in determining the appropriate size of individual loan guarantees and the aggregate amount of all guarantees outstanding?

It is my hope that you will be able to provide this and any other relevant information at your earliest convenience. It will not only assist the appropriate Committees of Congress in assessing the current usefulness and proper limits of Title XI of the Merchant Marine Act of 1936, but will enable Congress to evaluate the merits of other loan guarantees if and when they arise. The information is of particular interest to this Committee which not only has oversight responsibilities for other loan guarantee programs, but also oversees the banking system which benefits as much from such programs as do the recipients of the credits.

Questions concerning the appropriateness of loan guarantees by the Federal government were raised by the previous administration after this Committee reported out legislation providing for loan guarantees for New York City. That legislation was subsequently altered to provide for a direct government loan to avoid a Presidential veto. In view of the approval by the Commerce Department of a loan guarantee three times the size of any previous commitment to a single corporation, it seems appropriate to initiate wider public discussion of the function of Federal loan guarantee programs. Such a discussion would provide useful guidelines for both the Congress and Executive departments in dealing with individual cases or programs. Your views on the subject would be most welcome.

Sincerely,

HENRY S. REUSS,
Chairman.

LEGISLATION URGING CONGRESS TO DETERMINE FUTURE TELECOMMUNICATIONS POLICY OF THIS NATION

The SPEAKER. Under a previous order of the House, the gentleman from In-

diana (Mr. SHARP), is recognized for 5 minutes.

Mr. SHARP. Mr. Speaker, Congress has before it a number of bills relating to telecommunications matters. They result largely from recent Federal regulatory decisions which have raised questions about some of the principles of communications common carrier regulation. The Federal Communications Commission, through a series of decisions, is allowing new companies to provide certain long distance telecommunications services to compete with established carriers, in the belief that such competition will best serve the public interest. Other decisions have assumed Federal jurisdiction over the terms and conditions for connecting nontelephone company equipment to telephone company facilities. One of the major issues yet to be resolved, however, is the impact of these decisions on the cost and efficiency of all telecommunications service.

Opponents of the FCC's policies are concerned that the new approach will upset nationwide pricing practices that they believe have made possible the provision of low cost service to the average American telephone user. Their studies show that continuation of the new policies will result in higher rates for most residential users. Proponents feel that the FCC's competition policies will best serve the public interest, however, and they point to studies showing that there are now no subsidies flowing to residential users.

This issue, and other similar questions raised by the debate over these matters in Congress, must be resolved in order to effectively determine the proper direction of our Nation's telecommunications policy. Both those who support the FCC's decisions and those who are opposed believe the issue should be resolved in a timely fashion.

There is general agreement that telephone service in the United States is superior, both in terms of cost and quality. Before any new interpretations of our national policy are sanctioned it is essential that the impact of those interpretations on the telephone users throughout the country be understood and accepted.

With these considerations in mind I have today introduced a resolution, along with three of my colleagues in the House. The resolution urges that Congress expeditiously determine the future telecommunications policy of this Nation. It further requests a delay in the implementation of further new regulatory policies until such a determination can be made.

MONTHLY LIST OF GAO REPORTS

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. BROOKS) is recognized for 10 minutes.

Mr. BROOKS. Mr. Speaker, the monthly list of GAO reports includes summaries of reports which were prepared by the staff of the General Accounting Office. The January 1977 list includes:

COMMUNITY AND REGIONAL DEVELOPMENT

Major Changes Are Needed in the New Leased-Housing Program. CED-77-19, January 28.

LETTER REPORTS

What should the Department of Housing and Urban Development do to protect new home buyers from builders who will not or cannot correct warranted defects? CED-77-20, January 5.

How to ease the burden imposed by Farmers Home Administration requirements that annual audits be made of association borrowers indebted to FHA. B-114873, May 31, 1973.

Information on a sewer project in Adena, Ohio, financed by the Farmers Home Administration. B-173465, February 22, 1972.

Different methods of disbursing Federal loans and grants by the Farmers Home Administration. B-114873, January 14, 1969.

EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES

Concerted effort needed to improve Indian education. CED-77-24, January 17.

GENERAL GOVERNMENT

Federal supervision of State and national banks. OCG-77-1, January 31.

Highlights of a study of Federal supervision of State and national banks. OCG-77-1A, January 31.

Audit of procurement system of the State of Oregon: A case study. ———, January 10.

Settlement of contractor claims for construction of a Federal building in Hawaii. LCD-77-311, January 12.

Pros and Cons of Linking Postage Rates to the Consumer Price Index. GGD-77-13, January 11.

Summaries of Conclusions and Recommendation on the Operations of Civil Departments and Agencies. HRD-77-33, January 17.

Financial Status of Major Acquisitions, June 30, 1976. PSAD-77-62, January 18.

Safeguarding Taxpayer Information—An Evaluation of the Proposed Computerized Tax Administration System. LCD-76-115, January 17.

Financial Disclosure System for Department of Agriculture. FPCD-77-17, January 31.

An Improved Financial Disclosure System. FPCD-77-14, January 26.

The Food and Drug Administration's Financial Disclosure System for Special Government Employees: Progress and Problems. FPCD-76-99, January 24.

LETTER REPORTS

GAO comments on proposed legislation to set up sunset and zero-base budget reviews of Federal programs. PAD-77-28, December 23.

Recommendations for improving HEW's procedures for recovering overpayments of salaries. FGMSD-76-96, January 5.

Extent of illegal lobbying activities on behalf of the Equal Rights Amendment by the National Commission on the Observance of International Women's Year. HRD-77-26, January 31.

Some Small Business Administration offices are not making required determinations of the effects of late delinquency notices before purchasing delinquent guaranteed loans. CED-77-26, January 26.

Audit of the Marriott Corporation's records for food service operations at the Congressional Visitors Reception Area during the Bicentennial. GGD-77-10, December 14, 1976.

Quality of mail service in Louisiana. GGD-76-110, October 29, 1976.

GENERAL SCIENCE, SPACE AND TECHNOLOGY

Improved Reporting Needed on National Aeronautics and Space Administration Projects. PSAD-77-54, January 7.

HEALTH

Improprieties in Time and Attendance Practices at Medical Facilities. FGMSD-76-79, January 14.

More Civil Service Supervision Needed to Control Health Insurance Costs for Federal Employees. HRD-76-174, January 14.

Returning the Mentally Disabled to the Community: Government Needs to Do More. HRD-76-152, January 7; Summary Report, HRD-76-152A, January 7.

INTERNATIONAL AFFAIRS

Improvements and New Legislation Needed in AID's Contracting for Consultants and Advisors. ID-76-82, December 27, 1976.

United States Participation in INTERPOL, the International Criminal Police Organization. ID-76-77, December 27, 1976.

NATIONAL DEFENSE

Summaries of Conclusions and Recommendations on Department of Defense Operations. PSAD-77-1, January 13.

Comparison of the Shipboard Intermediate Range Combat System with the Acquisition Plan Recommended by the Commission on Government Procurement. PSAD-77-49, January 24.

Comparison of the NAVSTAR Program with the Acquisition Plan Recommended by the Commission on Government Procurement. PSAD-77-50, January 24.

Comparison of the Pershing II Program with the Acquisition Plan Recommended by the Commission on Government Procurement. PSAD-77-51, January 24.

Problems in Supporting Weapons Systems Produced by Other Countries. LCD-76-450, January 4.

The Clemency Program of 1974. FPCD-76-64, January 7.

Millions Being Spent to Apprehend Military Deserters Most of Whom are Discharged as Unqualified for Retention. FPCD-77-16, January 31.

Defense Inactive Item Program Could Be More Effective. LCD-77-204, January 26.

Actions Needed to Strengthen the New Defense Internal Audit Service. FGMSD-77-11, January 27.

Upward Mobility Using Job Restructuring. FPCD-77-9, January 7.

Upward Mobility Using Job Restructuring. FPCD-77-8, January 10.

LETTER REPORTS

Allegations concerning activities of employees of the New York region of the Defense Contract Administration Services. PSAD-77-59, January 13.

The Army's program to modernize its food service operations: need to expedite tests of the central food preparation concept. LCD-77-403, January 24.

Income from renting inadequate family housing to military personnel does not cover expenses. CED-77-35, January 31.

GAO analysis of the Navy's estimates of savings and costs associated with the relocation of the Navy International Logistics Control Office from Bayonne, New Jersey, to Philadelphia. LCD-77-310, December 23, 1976.

NATURAL RESOURCES, ENVIRONMENT, AND ENERGY

Safety and Transportation Safeguards at Rocky Flats Nuclear Weapons Plant. EMD-77-9A, January 11.

Problems and Progress in Regulating Ocean Dumping of Sewage Sludge and Industrial Wastes. CED-77-18, January 21.

An Evaluation of the Federal Power Commission's Rulemaking on Utilities' Construction Work in Progress. EMD-77-7, December 2, 1976.

National Energy Policy: An Agenda for Analysis. EMD-77-16, January 27.

Improvements Needed in the Federal En-

hanced Oil and Gas Recovery Research, Development, and Demonstration Program. EMD–77–3, January 28.

Survey of Publications on Exploration, Development, and Delivery of Alaskan Oil to Market. EMD–77–11, January 14.

Tennessee Valley Authority: Information on Certain Contracting and Personnel Management Activities. CED–77–4, December 29, 1976.

Delays in Constructing Waste Treatment Facilities After Award of Construction Grants—Improvements Made. CED–77–1, November 10, 1976.

Evaluation of a Proposal to Harvest and Rehabilitate Beetle-Infested Areas in Three Oregon National Forests. CED–77–15, December 27, 1976.

LETTER REPORTS

Comparison of Administration policy and GAO assessment of U.S. and international controls over the peaceful uses of nuclear energy. ID–77–7, January 6.

Continued progress in improving fuel economy of new automobiles depends on how well Federal emissions and safety standards can be balanced with fuel economy standards. EMD–77–13, January 13.

How the National Science Foundation awarded and administered a grant to George Washington University for energy policy research. HRD–77–38, January 25.

Is the organization of the Nuclear Regulatory Commission in compliance with the intent of the Energy Reorganization Act of 1974? RED–76–3, July 18, 1975.

REVENUE SHARING AND GENERAL PURPOSE FISCAL ASSISTANCE

Most Federal Assistance to New York City Unlikely To Be Affected by City-Initiated Budget Cuts. PAD–77–27, January 21.

The Monthly List of GAO Reports and/or copies of the full texts are available from the U.S. General Accounting Office, room 4522, 441 G Street NW., Washington, D.C. 20548. Phone (202) 275–6241.

Summaries of significant legal decisions and advisory opinions of the Comptroller General issued in January 1977 are also available as follows:

Solicitation Inconsistent with Delegation of Procurement Authority. B–186855, January 3.

Technical Finding on Computer Security Requires Reopening Negotiations. B–186858, January 14.

Uniformity Needed Between Military and Civilian Contracting Regulations. B–187168, January 12.

Claim Denied for Proposal Preparation Costs. B–186248, December 30.

Temporary Lodging at Family Residence. B–187129, January 4.

Compensation of Members of Regional Fishery Management Councils. B–187905, January 3.

Legislation Ineffective to Achieve Purpose Regarding Canal Zone Employment. B–114839, December 28.

Indirect Cost Reimbursement Between Agencies. B–136318, January 21.

Transportation of Privately Owned Vehicle. B–186578, January 3.

If you need further information regarding these or other decisions, please call (202) 275–5308 or write to the General Counsel, U.S. General Accounting Office, Washington, D.C. 20548.

COMMITTEE ORDER NO. 31—CLERK-HIRE ALLOWANCE

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON. Mr. Speaker, the Committee on House Administration, pursuant to its authority under Public Law 92–184 and Public Law 94–440, has issued committee order No. 31 which is effective April 1, 1977.

Committee order No. 31 ties the maximum annual rate of compensation which may be paid from the clerk-hire allowance to executive schedule level V.

The order follows:

COMMITTEE ORDER NO. 31

Resolved, That effective April 1, 1977, until otherwise provided by order of the Committee on House Administration, each Member, Delegate or Resident Commissioner of the House of Representatives may compensate employees from the clerk-hire allowance at a per annum rate equivalent to, and not to exceed, the highest per annum rate of basic pay, as in effect from time to time, authorized for Level V of the Executive Schedule (5 U.S.C. 5316).

OVERSIGHT HEARING ON FOREIGN MEDICAL GRADUATES

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. EILBERG) is recognized for 5 minutes.

Mr. EILBERG. Mr. Speaker, this is to announce that the Subcommittee on Immigration, Citizenship, and International Law of the House Committee on the Judiciary has scheduled 1 day of public oversight hearings to review title VI of Public Law 94–484, the Health Professions Educational Assistance Act of 1976.

There are numerous questions surrounding the implementation of this law and the primary purpose of the hearing is instructional in nature. In other words, the subcommittee intends to review what actions have been or will be taken by the executive branch to implement those provisions of Public Law 94–484 that relate to the admission of foreign medical graduates into this country as immigrants and nonimmigrants.

Testimony will be received from Mr. Christopher Chapman, Deputy Assistant Secretary for Educational and Cultural Affairs, Department of State; Dr. James Dickson, Acting Assistant Secretary for Health, Department of Health, Education, and Welfare; and Dr. Ray Casterline, Executive Director, Educational Commission for Foreign Medical Graduates.

The hearing will be held in room 2237 and commence at 9:30 a.m. on Thursday, March 24, 1977.

THE PLUTONIUM LICENSING CONTROL ACT

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM), is recognized for 30 minutes.

Mr. BINGHAM. Mr. Speaker, I am today introducing the Plutonium Licensing Control Act. This is a very simple and straightforward bill designed to put the United States on record as rejecting the development of a plutonium economy in which we would be dependent upon plutonium fuel as a principal source of energy. Under this bill no license could be issued by the Nuclear Regulatory Commission to reprocess the spent nuclear fuel from nuclear power reactors or to operate a nuclear reactor using plutonium fuel.

Plutonium is the most toxic manmade substance; microgram quantities can cause cancer in humans. Plutonium does not occur in nature, but rather is a by-product of the nuclear fission process. Less than 20 pounds of this material, once extracted—reprocessed—from the radioactive spent nuclear fuel rods, can be quite easily fabricated into a crude, but terribly potent, nuclear weapon. Thus using a plutonium warhead about the size of a grapefruit, an irresponsible nation or terrorist organization could—employing technical know-how obtainable in any university physics library—detonate a device with an explosive capacity equivalent to that of the bomb we dropped on Hiroshima.

The greatest danger of reprocessing is that it causes the spread of the capability to explode nuclear weapons. As was written by David Lilienthal, first Chairman of the Atomic Energy Commission, in a New York Times editorial last year:

> The world should be made aware that any nation that sets out to extract plutonium from the ashes of an ostensibly innocent electric atomic reactor is on its way to making bombs. No one should be deceived that its purposes are peaceful.

The danger was stated in a similar fashion in a recent report by the Arms Control and Disarmament Agency—ACOA:

> If (plutonium) were made available in a form usable for explosives, then many nations or technically competent terrorist organizations could marshal the manufacturing techniques and know-how to build their own nuclear bombs.
>
> If this should happen, the world would become a much more dangerous place to live.

And then Secretary of State Henry Kissinger put the problem more succinctly in testimony before Congress last year:

> The greatest single danger of unrestrained nuclear proliferation resides in the spread under national control of reprocessing facilities.

If plutonium is kept in the radioactive nuclear fuel assembly, the threat that it will be used for nuclear weapons can be greatly reduced. This is the safest place for plutonium—in the radioactive fuel rods which are extremely difficult to handle and which must be stored in isolation from the environment after use in power generating fission reactors. It is the breaking open of these spent fuel rods at reprocessing plants in order to extract plutonium which can offer nations nuclear weapons capability and it is this reprocessing which the legislation I am introducing today would expressly prohibit.

The separation of plutonium from spent fuel rods in commercial reprocessing facilities requires an extremely complex and expensive technological effort and the plutonium yielded serves only two purposes: Fueling futuristic breeder reactors and making bombs.

Proposed commercial reprocessing facilities which might be built in the United States in the next decade bear $1 to $1.5 billion price tags. Both previous attempts to build commercial reprocessing facilities in the United States—in West Valley, N.Y. and Morris, Ill.—today stand as radioactive white elephants, inoperable and unusable. The West Valley plant, constructed by the Getty Oil Co., through its subsidiary Nuclear Fuel Services, left as its special legacy more than 600,000 gallons of radioactive liquid wastes—some of which are leaking—which Getty has recently turned over to New York State. The most recent cost estimate put on cleanup operations, a price which will ultimately be paid by State and National taxpayers, is $540 million; but the figure is expected to rise closer to $1 billion before the massive efforts to decontaminate the area are completed. A third plant presently under construction in Barnwell, S.C. is less than half completed. Building at Barnwell has come to a virtual halt because of spiraling costs and increasing uncertainty over the plant's licensability and the security of the plutonium its owners, Allied Chemical, Gulf and Royal Dutch Shell, would extract.

During the 1960's, a time when the proliferation risks of reprocessing were not fully assessed and comprehended, certain elements of the U.S. nuclear industry looked to plutonium-based fuels as an inevitable step in nuclear power development. But today it is clear to most dispassionate analysts that even if you ignore the tremendous danger which reprocessing poses to human civilization the economics of reprocessing are in serious doubt. Study after study has showed that the cost of reprocessing nearly match, and in some cases, outweigh, the economic benefits of using plutonium as a fuel. An example is a recent thorough analysis of reprocessing economics conducted by ACDA which concludes that, even if you ignore proliferation dangers, it costs more to separate plutonium for use in nuclear reactors than it is worth as a fuel. Such findings have led to the following conclusions by industry advocates:

It looks, in fact, as if a long deferral of commercial reprocessing would cost little domestically—*Wall Street Journal*, June 25, 1976.

The energy industry should no longer regard reprocessing of used nuclear fuel to produce plutonium as a necessary and inevitable step—President Ford, October 28, 1976.

Reprocessing is not, after all, the holy grail of our nuclear program—Electric World, November 15, 1976.

Another argument advanced by the handful of oil companies which have pushed for Federal subsidies to get into the nuclear fuel business is that reprocessing is the best way to deal with the critical problem of handling radioactive nuclear wastes. Yet it is now clear that reprocessing does not offer a significant reduction in the total volume of wastes. Reprocessing serves only to shift, at enormous expense, the levels of radioactivity contained in the wastes which we must, at any rate, isolate from the environment for periods ranging from hundreds of years to tens of thousands of years. These companies—which express great concern about the accumulation of nuclear waste—might be better advised to save billions of dollars capital by investing in less expensive, but more urgently needed temporary and permanent spent fuel storage facilities of nuclear fuel plants.

Proponents of reprocessing have long maintained that we need the small quantities of uranium extracted at reprocessing plants to fuel our current generation of light water reactors and that it will soon be necessary to use the plutonium to fuel the breeder reactor, which theoretically can produce more fuel than it consumes. The basis for this argument—and for the presumed need for developing breeders and reprocessing technology—was the assumption that the United States will soon run out of uranium. However, it is now apparent that this argument is incorrect—as has been stated by former head of the Federal Energy Administration, John Sawhill.

The U.S. has sufficient uranium reserves to last well into the next century. For this reason we are in the position to defer the decision on plutonium recycling . . . in order to influence foreign suppliers to do the same.

As far as the breeder is concerned, there is serious doubt that this program will—or should—ever get off the ground. President Carter has made large cuts in this year's breeder research and development funding and shares the widespread concern that the breeder poses—in the words of his March 3 letter to me—"a potential security risk." At any rate it is apparent from all ERDA estimates that even if we continue to pour the lion's share of our Federal R. & D. dollars into the breeder, it will supply a maximum of only 3.1 percent of our energy needs by the year 2000—less than our terribly underfunded solar energy program can provide. And recent statements from the former Chairman of the AEC, Presidential Energy Adviser James Schlesinger, who was once a staunch advocate of the breeder, question whether the breeder is practical at all; he says:

The breeder may be an idea whose time has come and gone.

Mr. Speaker, I believe it is clear that by placing a moratorium upon reprocessing in the United States by passing this legislation we would not be giving up any significant energy potential which might serve us in this century. By prohibiting commercial reprocessing at this time, we would certainly not preclude future reconsideration of its merits. What we would achieve would be a major step forward in this Nation's effort to control traffic in nuclear weapons-grade material. We would not in any way cripple our present nuclear program, but rather would greatly increase the amount of funds available for vital alternative energy research, development, and commercialization projects which thus far have not received even one-tenth the largesse which has been bestowed upon nuclear technologies, especially reprocessing and the breeder.

Perhaps the most critical reason why we should take the bold step this year to declare that the United States will not permit commercial reprocessing in this country is the fact that the cornerstone of any truly effective program designed to halt nuclear weapons will have to be an effort to get other nations to forego reprocessing. For once nations develop reprocessing capabilities of their own, they are only days away from exploding a nuclear device if they so choose. One of the major efforts of both the Ford and the Carter administration has been to prevent, through intense diplomatic efforts, the spread of reprocessing facilities to such nonnuclear weapons states as Taiwan, Brazil, Pakistan, and South Korea. How can we expect these nations to forego reprocessing if we tolerate it ourselves? How can we impress upon fellow supplier nations—such as France, West Germany, and Great Britain—the urgency of placing a prohibition on reprocessing if we are continuing to move toward commercialization of this technology at home?

Many nations already suspect that our motives in asking them to forego these reprocessing plant sales are selfish; they point to our continued development of reprocessing and breeder technologies at home as a hypocritical example of the United States lecturing other nations to forego lucrative sales while preparing to take the same steps ourselves. It is imperative that we put ourselves squarely on the record as opposing the development of reprocessing plants at home, as well as anywhere in the world.

It is important to understand that it does not matter a great deal who does the reprocessing, that internationalization of reprocessing does not make it harmless. The danger remains that once the plutonium is separated from the spent fuel it is suitable for ready fabrication into weapons. With nuclear industry proposals afoot to construct as many as 20 such plants in the United States over the next half century, there will be huge amounts of plutonium produced and no way of perfectly controlling it. If a tiny fraction of this material were obtained by a belligerent nation or a terrorist group, in the words of the Second Club of Rome Report:

The lives of millions could easily be beholden to a single reckless and daring individual.

This constant threat of terrorist use of atomic weapons would justify use of daraconian security measures, utterly destructive of civil liberties. In a plutonium economy, extensive surveillance groups or even religious sects—such as the Hanafi Muslim group who, numbering but a dozen, this month managed to hold our Capital City at bay—would be necessary.

A recent analysis of this particular danger, entitled "Policing Plutonium: The Civil Liberties Fallout" and published in the Harvard Civil Rights/Civil Liberties Law Review, concluded that once plutonium is missing, tactics ranging from breaking and entering to torture might well be justified in view of the fact that tens of hundreds of thousands of lives would be at stake. The article stated:

It is virtually impossible to construct a compelling affirmative case for plutonium recycling in the face of the civil liberties objections . . . it is surely within reason to

demand that all other energy sources be proven unworkable or unacceptable and to demand significant long term reduction in the consumption of energy before implementing an energy program with such dire effects upon law and liberty.

It is apparent that there are no such things as safeguards when it comes to monitoring and protecting plutonium once it has been extracted from spent fuel assemblies. After 2 years of study by the House International Relations Committee, we concluded that any international safeguards system is unworkable when plutonium is used as a fuel; as was stated in the committee report on the Export Administration Act:

Safeguards which are adequate and effective when applied to nuclear reactors are inadequate and ineffective when applied to nuclear reprocessing facilities.

Furthermore it is clear that already we cannot keep track of the plutonium under our control that has been used for experimental and military purposes. A study conducted by the General Accounting Office last year for a Small Business Subcommittee chaired by Representative DINGELL found that at ERDA facilities alone, tens of tons of sensitive nuclear materials including plutonium from facilities used to fabricate fuel rods for the experimental breeder reactors, were missing and unaccounted for. ERDA's response to the report was, in essence "it is stuck in the pipes." But the question remains even if none of this material was diverted for clandestine purposes, how do we know where it is? There is nothing to prevent a terrorist group from claiming they have just a fraction of diverted plutonium and from thus holding an entire city for ransom.

These are the types of horrifying scenarios we can realistically construct when we talk of going the plutonium fuel route. To proceed with reprocessing at this time is to make a Faustian bargain with ourselves and future generations: in return for a supposedly renewable energy source, we will require an eternal vigilance of a degree virtually unknown in the history of human civilization and we will be taking an unacceptable risk of worldwide conflagration.

The time to put a stop to the development of a plutonium economy is now. There are only two reprocessing plants in the whole world which are presently suitable for commercial operation. Both of these are in stable nuclear weapons states, France and Britain, which can be looked to for maximum restraint in their treatment of this sensitive technology. Here at home, we have been vigorously studying the physical properties and potential uses of plutonium for more than 30 years and have seen at least three ill-advised attempts to commercialize reprocessing technology end in disastrous failure. So we are not yet committed by any means to commercialization of plutonium facilities, though we have poured billions of dollars of private capital and Federal research and development funds into breeder reactor and plutonium reprocessing technology. We can continue to study plutonium—there is nothing in the bill I am introducing today which would prohibit continued plutonium research once the legislation has passed. And, of course, the Congress is free to reverse its decision anytime. But the key point is that we should start today that, given the great deal we do already know about plutonium reprocessing, the United States will not license facilities for its commercial use.

Mr. Speaker, I would stress that we do not need to reprocess plutonium now. We can continue to utilize nuclear-generated electricity for at least several more decades—well into the next century—without reprocessing. This bill in no way is designed to undermine cautious development of the present generation of nuclear reactors which can serve us well if only we maintain great vigilance. What the legislation does achieve quite simply is to put this Nation on record in opposition to the development of a permanent plutonium economy, a development which could very well spell the end of our society as we know it.

The bill I am introducing today can begin what should be a national, indeed, international debate over the virtues and the risks of the plutonium economy. It has the firm support of the new foreign policy lobby, New Directions. The public interest group's distinguished board of directors, headed by former Governor of Delaware and head of President Ford's Council on Environmental Quality, Russell Peterson, has made passage of this legislation New Directions' top priority in this Congress. The bill will be circulated for cosponsorship in the next 2 weeks and is expected to have the unified support of several major environmental and public interest groups.

Mr. Speaker, in closing I would like to take note of the persuasive conclusions of a 14-month study of all aspects of nuclear energy use sponsored by the Ford Foundation which was released today. The foundation gathered an extremely distinguished panel of experts—including Deputy Undersecretary of State Joseph S. Nye and Secretary of Defense Harold Brown—and excluding all individuals, however intelligent and articulate, who were generally considered to have hardened pronuclear or antinuclear opinions. In the published volume which resulted from this exhaustive study, there is the following conclusion regarding plutonium recycling:

CONCLUSION

There is no compelling national interest to be served by reprocessing. There appears to be little, if any, economic incentive and it is unlikely that reprocessing and recycle could proceed without subsidy. The noneconomic benefits of reprocessing are small: fuel supply for LWRs would be little enhanced; present experience with reprocessing or plutonium stockpiles has little present value since the introduction of breeders is sufficiently far in the future and uncertain; and contemporary waste management risks with reprocessing are likely larger than possible reductions in long-term hazards from disposal. Health hazards and new accident risks argue against reprocessing. But the most severe risks from reprocessing and recycle are the increased opportunities for the proliferation of national weapons capabilities and the terrorist danger associated with plutonium in the fuel cycle.

In these circumstances, we believe that reprocessing should be deferred indefinitely by the United States and no effort should be made to subsidize the completion or operation of existing facilities. The United States should work to reduce the cost and improve the availability of alternatives to reprocessing worldwide and seek to restrain separation and use of plutonium.

Mr. Speaker, at this time I insert the full text of the legislation I am introducing today in the RECORD:

H.R. 5234

A bill to amend the Atomic Energy Act of 1954 to prohibit licensing of commercial nuclear fuel reprocessing facilities and plutonium-fueled reactors

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Plutonium Licensing Control Act of 1977".

SEC. 2. Section 103 of the Atomic Energy Act of 1954 is amended by adding at the end thereof the following new subsection:

"e. No license shall be issued to any person to—

"(1) own or operate any nuclear power reactor fueled in whole or in part with recovered plutonium, or

"(2) process spent nuclear reactor fuel in order to recover plutonium; *provided,* that such prohibition shall not apply to any activities necessary to the conduct of the United States military defense programs."

SEC. 3. Section 11 of the Atomic Energy Act of 1954 is amended by adding at the end thereof the following new subsections:

"dd. The term 'nuclear power reactor' means any commercial nuclear reactor operated for the purpose of generating electricity (whether owned by government or private sources or both) and any such demonstration by prototype reactor, but does not include any such reactor operated solely for basic research and experimental purposes.

"ee. The term 'plutonium' means pure plutonium, plutonium oxide and any other plutonium compound.

"ff. The term 'spent nuclear reactor fuel' means any material which forms part of a used fuel assembly for a nuclear experimental, power or production reactor."

PERSONAL EXPLANATION

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, because of a previous commitment in my district, I was unable to be present for some of the votes last Wednesday and in particular on three amendments to the supplemental appropriation for fiscal year 1977. I would like to state my position on the amendments offered by Mr. OBEY, Mr. YOUNG of Florida, and Mr. JOHN T. MYERS.

Mr. OBEY offered an amendment to restore the $200 million from the Community Services Administration's program. In the full committee, I voted for the program, which will provide for the payment of fuel bills of the elderly poor and the impoverished, and I would have continued my support by voting for it on the floor. This program will assist the thousands of poorer families and older Americans who have suffered this winter and found it impossible to pay their utility bills without sacrificing other essentials such as food, rent, and medical services. The substitution for Mr. OBEY'S amendment by Mr. ANDERSON of Illinois, reduces any inequities that may have occurred in the original amendment. It provides for payments to those who have

already given up essential services and needs to pay their fuel bills. This substitution makes it clear that this is a humanitarian gesture, designed as a short-term measure to aid those who cannot pay their inflated fuel bills, and not as the start of a new program which would encourage people to forgo payments of their bills.

I also agreed with the action the House took last Wednesday in rejecting the Young amendment. This amendment would have deleted the $55 million for the International Development Association. The United States is already 2 years behind in its payments to the IDA, and although there have been a number of criticisms of the IDA, I believe the Carter administration deserves time to make its impact at the World Bank and IDA, before we renege on our multilateral commitments.

Lastly, I am deeply concerned with the approval of Mr. JOHN T. MYERS of Indiana's amendment to prevent funds from being used for President Carter's amnesty program. The passage of this legislation seems to be a deliberate attempt to mullify the President's constitutional right to issue pardons. Through his pardon of Vietnam draft evaders, Mr. Carter has been attempting to heal the wounds and strife left by the war. This amendment only revives the terrible conflicts we hoped had passed.

There are 9,000 convicted draft evaders whose records must be purged before they can continue a normal existence in the United States. My original hope had been for a declaration of amnesty for both Selective Service and military offenders. Now the House has voted for—unwisely in my opinion—an amendment that may prevent these young men from benefiting from their Presidential pardons. I hope it will not have that effect, for if it does, it will be an unwarranted and perhaps unconstitutional limitation on Presidential power. I urge the Senate to reject this amendment. Had I been present I would have voted for the Obey amendment and against the Young and Myers amendments. On the final passage of the bill I would have voted for the bill.

VIETNAM AND OPPRESSION

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the Presidential Commission on Persons Missing or Unaccounted For in Southeast Asia has achieved some results because of its visit to Vietnam; it has opened a dialog with that country's government and has brought back the remains of 12 of our servicemen who died during the war.

I am one of those who believes that we ought to establish normal relations with the Vietnam Government, notwithstanding that it is totalitarian and oppressive, and I condemn it for its repression. I likewise deplore the totalitarian govments that rule most of the nations in the world today, running the gamut from U.S.S.R., China and Cuba to the Republic of South Africa, Uruguay and Chile. Nevertheless, while we must continue to condemn the gross infringements on human rights perpetrated by those governments against their own people, reality requires that we maintain diplomatic relations with those countries. But we should not assist them either economically or militarily in their repression.

President Carter has made it clear that he holds dear the principle of human rights and condemns repression, and he has been courageous in speaking out on this subject. I along with many others applaud President Carter for taking his strong position which contrasts dramatically with the silence on that subject by former President Ford and his administration.

I have stated repeatedly that my opposition to American involvement in Vietnam was predicated on the principle that we ought not to be involved in a civil war, particularly where both parties to that civil war were oppressive and authoritarian governments as were the North and South Vietnam regimes. I deplore the statements of those on the radical left who denounce the repression in countries with right wing governments such as the Republic of South Africa, Uruguay, and Chile, but who refuse to see or deplore similar repression in countries having left wing authoritarian governments such as the U.S.S.R., China, Cuba and Vietnam.

There are efforts now being made to obtain economic and, perhaps, military assistance for the Vietnam regime. I oppose such aid, although I do support our entering into normal diplomatic relations with that country. I urge those who have two standards of conduct for governments, one for the left and one for the right to read the New York Times editorial of today which I am appending. Oppression and the need to resist it, and never to defend it, nor to make excuses for its existence, is everyone's business. Persons of conscience have a duty to denounce repression in all its froms. The New York Times editorial follows:

"LIBERATION" COMES TO VIETNAM

In the swell of opposition to the war in Vietnam during the decade before America's withdrawal, there was always a minority, small but vehement, that looked to the Communists as saviors of that unhappy land. They carried Vietcong flags in peace demonstrations, hailed Ho Chi Minh as the George Washington of his country, and invariably spoke of the North Vietnamese as liberators.

One organ of this celebration was The New York Review of Books, and so it comes as a surprise—a welcome one—to find reprinted in a recent issue an article from the French journal L'Express by André Gelinas, a French-Canadian Catholic priest and Chinese scholar who settled in Vietnam in 1948, and was expelled in July 1976, 15 months after the North Vietnamese troops arrived in Saigon.

The picture that Father Gelinas paints of South Vietnam since its "liberation" is one of widespread misery, constant surveillance, incessant propaganda, endless indoctrinations, arbitrary arrest, executions, imprisonments, and exile to remote areas. He describes a society where an arrogant bureaucracy reaches into every corner of life, where books are burned, citizens are denounced, and informers thrive.

Father Gelinas observes that "the methods, the doctrine and very weight of the police and bureaucratic apparatus" in the South now "are entirely Russian." That seems right. At least, it is in accord with Hannah Arendt's observation, based largely on the experience of Stalinism, that "terror is the essence of totalitarian domination." In the list of countries that are today suffocating the rights of their citizens, Vietnam must rank high.

To be sure, this finding, however repugnant does not make a case in favor of the American intervention in Vietnam. The men we supported were scarcely true-blue democrats. Nor should it impede the ongoing efforts by the Administration to establish relations with Hanoi. There are good reasons for coming to diplomatic terms with regimes that do not share American values, and the United States owes a special debt to the Vietnamese people. But for those who opposed the war, Father Gelinas's report contains bitter and inescapable ironies.

The British magazine Spectator has drawn an interesting parallel between our war against the Vietcong and the British war against the Boers: "The pro-Boers and the pro-Vietcong were wrong about the 'enemy' but right about the war. The Boers were idealized as gallant underdog nationalists, which, like the NLF [the National Liberation Front], they were, but which view overlooked the fact that they were fighting as well to keep their hands on the wealth of the Rand and to continue oppressing the blacks, as the NLF was fighting to institute a mindless totalitarian dictatorship."

The Vietnam experience was always more complex than ideologues of either side could allow. America may have played a villain's role there, but the heroes of that tragedy were never easy to discern.

SHEEN AWARD TO DR. ZOLLINGER

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, an Ohio State University surgeon and reident of my 12th Congressional District, Robert M. Zollinger, will receive the prestigious Sheen Award of the American Medical Association, given annually to the outstanding doctor of medical science in the United States.

Dr. Zollinger has gained international recognition as a surgeon, medical researcher, and author of important medical texts. His career serves as an example for young people considering the health care professions, for Dr. Zollinger has contributed in an important way to his community as well as the Nation.

So that my colleagues can become familiar with the achievements of this distinguished physician, I include the following excellent article from the Columbus Dispatch:

DR. ZOLLINGER TO RECEIVE SHEEN AWARD FROM AMA

(By Mary McGarey)

Dr. Robert M. Zollinger, emeritus professor of surgery at Ohio State University and former department chairman, will receive the Sheen Award of the American Medical Association (AMA) June 19 during its annual convention in San Franciscio.

The $10,000 award has been presented each year since 1968 to a physician selected for a single achievement or for an accumulated career of excellence in medicine.

It was established in a trust fund set up by Thomas G. Sheen, Atlantic City business man, in memory of his brother, Dr. Rodman E. Sheen, a pioneer radiologist. Sheen di-

rected that it be given annually, upon recommendation of the AMA, to "the outstanding doctor of medical science in the United States."

The first recipient, another Ohioan, was Dr. Irvine E. Page, eminent Cleveland heart specialist. Among other Sheen honorees have been such famous medical names as Drs. Robert E. Gross, Charles B. Huggins, Paul Dudley White and Howard A. Rusk.

A native of Millersport, Ohio, and a graduate of the OSU College of Medicine, Zollinger is internationally known as surgeon and surgical researcher, educator, author and editor, and a leader in national and international surgical groups.

A member of the OSU surgical department since 1946 and chairman from 1947 until his retirement in 1974, Zollinger has authored or co-authored more than 280 publications. One is The Atlas of Surgical Operations, originally published in collaboration with the late Dr. Elliott Cutler and more recently with his son, Robert, professor of surgery at Case Western Reserve University.

He also wrote Textbook of Surgery in collaboration with Dr. Warren Cole.

A partial account of Zollinger's professional leadership includes presidencies of the American College of Surgeons, the Society of University Surgeons, the American Surgical Association, and the Central Surgical Society; editor-in-chief of the American Journal of Surgery, and executive vice-presidency of the Pan American Medical Association.

One of his most exclusive affiliations is with the Robert M. Zollinger Club, formed in 1955 by his former residents and associates, a number of whom now head surgical departments at major U.S. medical schools.

Zollinger has served as member and chairman of the Metropolitan Park Board of Franklin County, is an active board member of the American Horticulture Society; and is an accredited, rose judge and past president of the American Rose Society.

He and Mrs. Zollinger live at 83 S. Columbia Ave., Bexley.

JUST WHO AMONG THE MEMBERS OF THIS HOUSE ARE TRULY CONCERNED WITH HUMAN RIGHTS?

(Mr. KETCHUM asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. KETCHUM. Mr. Speaker, last week the House passed legislation to halt the importationn of Rhodesian chrome into the United States. During the debate on the measure, the issue of human rights was raised again and again. In an effort to assure the consistent application of this principle in the conduct of our Nation's foreign policy, an amendment was offered that sought to prohibit the importation of chrome from any country not in compliance with the human rights provisions of the United Nations Charter. Although the bill passed, the amendment was rejected.

The very next day, I received in my office a Dear Colleague letter—which I will now enter into the RECORD—soliciting cosponsors for a resolution expressing congressional support for the Carter administration's position on human rights. The letter was endorsed by 35 Members. Thirty-two of these individuals were present to vote on the above-mentioned amendment, yet, interestingly enough, only two were sufficiently concerned with human rights to support its consistent application. Mr. Speaker, I pose the question—just who among the Members of this House are truly concerned with human rights?

The letter follows:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., March 11, 1977.

DEAR COLLEAGUE: Last week I introduced H. Con. Res. 137. The resolution is an expression of congresisonal support for the human rights stance taken by the Carter Administration. It reaffirms the U.S. commitment to obtaining compliance with the Helsinki Accords and it urges the President to advance the cause of human rights in other countries outside of Eastern Europe such as Chile, South Korea, Iran, Uganda, Argentina, and the Philippines.

The resolution has 34 co-sponsors who are listed below. I will be reintroducing my human rights resolution on Wednesday, March 16th. If you want to be a co-sponsor, please call Bill Goold (5-3401) before next Wednesday morning.

Sincerely yours,

DON J. PEASE,
Member of Congress.

Congressman Zablocki, Congressman Fraser, Congressman Breckinridge, Congressman Metcalfe, Congressman Harrington, Congressman Eilberg, Congressman Hawkins, Congressman Moakley, Congressman Beilenson, Congressman Long (of Maryland), Congressman Udall.

Congressman Rose, Congressman Bedell, Congressman Glickman, Congressman Solarz, Congresswoman Mikulski, Congressman Vento, Congresswoman Spellman, Congressman Corman, Congressman Rosenthal, Congressman Dodd, Congressman Pattison (of New York).

Congressman Richmond, Congressman Roe, Congressman Ottinger, Congressman Fithian, Congressman Jenrette, Congressman Blouin, Congressman Patterson, Congressman Downey, Congressman Carney, Congressman Panetta, Congressman Kostmayer, Congressman Walgren.

SILVER ANNIVERSARY OF THE CIVIL RESERVE AIR FLEET

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE. Mr. Speaker, March 20, 1977, marked the silver anniversary of the Civil Reserve Air Fleet. I have long been a strong supporter of the Civil Reserve Air Fleet and on January 27, 1977, I introduced H.R. 2637, which would authorize the Secretary of the Air Force to enter into contracts with commercial air carriers for incorporation of suitable cargo features into new widebody aircraft and modification of existing passenger aircraft to be used for national defense purposes in the event of war or national emergency.

Using commercial aircraft in time of emergency is not a new concept. The idea of a Civil Reserve Air Fleet capable of forming a partnership with the military in time of need was formulated 25 years ago. Its past missions include the impressive, emergency resupply under hostile fire of Phnom Penh, Cambodia, and evacuation of thousands of South Vietnam refugee families in imminent danger from advancing North Vietnamese forces. While past Civil Reserve Air Fleet accomplishments have been phenomenal, it is vitally important that we look to the future to insure that this remains a healthy and viable program.

Now composed of over 300 aircraft belonging to 21 U.S. carriers, the Civil Reserve Air Fleet is dedicated to augmenting the Department of Defense during emergency conditions. Such an arrangement constitutes the basis for a real civilian/military partnership—reducing our dependence on organic military airlift and its attendant cost during peacetime while providing a significant capability to respond during conflict.

It is only appropriate that this partnership be honored now, when the Civil Reserve Air Fleet is marking its silver anniversary. At this time, I would like to insert in the RECORD an editorial from Aviation Week and Space Technology regarding the white paper blueprint for the future of cargo airlift, developed by Gen. Paul K. Carlton, commander in chief, Military Airlift Command.

Mr. Speaker, General Carlton is a man of vision, and his proposals for a total airlift system provide fresh, new concepts which I commend to my colleagues. I urge that we honor the silver anniversary of the Civil Reserve Air Fleet by supporting H.R. 2637 and the increased funding that the new administration has proposed for this uniquely cost-effective contribution to national security.

The editorial follows:

A TOTAL AIRLIFT SYSTEM

Future airlift requirements are closely related to the world economy, and therefore, international economic developments bear watching. Traditional indicators point to continued inflation and budgetary and financial constraints for both the civil and the military sectors. The prices of raw materials, including petroleum, may continue to rise thereby increasing the costs of end products. Any reduction in the prices of airlift services relative to other prices will result in an increase in traffic of the civil carriers. Therefore, one way to bolster the economic strength of the civil aviation sector is to adopt policies which serve to reduce the costs and relative prices of air transportation. At the same time, increases in domestic and international economic growth will also increase the air cargo market.

Strategic airlift, as a blend of the civil and military sectors, provides an opportunity to achieve economies in air transportation. MAC and the airlines should work together with the aircraft manufacturers to design a large, efficient, "uncompromised" air freighter (termed the C–XX by the military) suited to both civil and military operations. Should this be achieved, the resulting large-volume production of such aircraft would yield lower aircraft prices which, in turn, would benefit the airlines by permitting lower prices for commercial air freight services, thereby increasing traffic. In addition, the improved service quality provided by an "uncompromised" air freighter would increase traffic even more.

MAC would also benefit from being able to purchase its next generation of strategic aircraft at lower prices. Furthermore, it would benefit from having essentially the same aircraft operated by the airlines and committed to CRAF [civil reserve air fleet] for emergency expansion. The commonality in aircraft would also promote standby expansion capability by providing civilian crews familiar with MAC aircraft and by providing stocks of spare parts that could be used interchangeably among military and civil aircraft.

Indeed, some of the existing imbalances of aircraft, equipment and personnel . . . would be reduced by obtaining commonality in aircraft.

. . . As our forces pull back from foreign lands, the demands on our strategic airlift force increase. There is a sense of urgency for us to recognize and exploit the contribution that a civil standby capability has to offer. Our task then is to provide a better blend of civil and military airlift assets so as to achieve a maximum capability from the nation's airlift resources. The result would be an increase in deployment capability at less total cost to the government. We could effectively decrease the need for military transports and still maintain our ability to respond to our commitments abroad. At the same time, the commercial carriers could enjoy reduced operating costs.

. . . A new national airlift policy will have to be developed, unifying the civil and military airlift capabilities. The ultimate goal of this civil-military partnership will be to reduce costs and gain increased airlift capability through efficient utilization of this combined transportation resource. A way must be found to yield a healthy growth rate so as to increase the mobilization base for national security.

A major contribution to this blueprint for the future, which includes all aspects of aviation from the manufacturer to the air carriers as well as the military, is the development of a comprehensive airlift system based on a rational and realistic airlift policy. A major part of such a policy would be the use of the same aircraft type as outlined above. Given agreement on the basic characteristics of this aircraft, a problem arises as to how it would be purchased by the airlines. Assuming the availability of adequate financing, the present system of ownership by the airlines could be continued with the associated mobilization provisions of the CRAF program. Alternatively, the aircraft might be owned jointly by the government and the airlines and used interchangeably. Finally, if financing could not be obtained by the airlines, the government could purchase the aircraft and lease them to the airlines.

Government ownership of aircraft would require new and comprehensive legislation formed from precedents set earlier in the other modes of transportation. The proposed all-encompassing legislation should consolidate, clarify and expand all previous airlift acts and directives. It should also provide for a government airlift commission (somewhat as proposed by Rep. [J.F.] Kennedy in 1949) with broad-based authority to foster and promote the development of the civil-military partnership, but with special emphasis being placed on procurement and operating efficiencies to overcome some of the drawbacks experienced in the Merchant Marine program over the past few decades. The Commission could be authorized to operate and lease property or equipment under its control, enter into contracts, extend or renew loans, and formulate policies that would be meaningful and pertinent to the civil-military air transport sector. Under authority provided by legislation, the Commission could provide construction and operation differential payments as well as various forms of insurance and loan guarantees. With its broad powers, the Commission should be able to accomplish everything from stimulating the air cargo market to developing follow-on aircraft to meet the future demands of the nation. Undoubtedly, a most important task would be the development of recommendations as to airlift policy which would result in a total comprehensive airlift system. This system would emphasize distribution flexibility by reducing the time of movement in transportation pipelines, reducing inventory and warehousing costs, and lessening the chances for loss or damage. . . .

The "total airlift system" could also affect cost savings by attacking areas of duplicated fixed costs such as airfields, support facilities and equipment, storage facilities, freight terminals and systems, and spare parts. The system could include joint tenancy at airfields and other installations. Present military airfields in industrial areas of the country are generally located away from large cities and have good access to highways and railroads, offering excellent transshipment points for commercial air cargo operations.

Economies would be gained by "piggybacking" on maintenance, storage, and freight handling facilities should this yield economies of scale. This, coupled with a common aircraft type featuring standardization of aircrew, maintenance personnel and required supplies, would pay great dividends to the American taxpayer and consumer. . . .

The proposed "total airlift system" would provide the civil industry with cargo capabilities that no other nation could match and, at the same time, provide the military with an augmentation capability to meet the demands of the nation's mobile forces.

The final phase of the "total airlift system" would be the establishment of a worldwide airlift reserve consortium among the civil airlines of our allies. This consortium would insure that future aircraft systems would be complementary and mutually supporting. . . .

THE MILITARY MEDICAL SCHOOL

(Mr. PRICE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE. Mr. Speaker, recently, when the administration announced its budget amendments for fiscal year 1978, I was particularly distressed to hear that the President decided to discontinue funding for the Uniformed Services University of the Health Sciences.

As my colleagues will recall, the military medical school is a part of the Uniformed Services Health Professions Revitalization Act of 1972, which not only established the medical school but also created a complimentary program for health professions scholarships in the Armed Forces. It was hoped by establishing a military medical school that we would encourage physicians and other health care delivery personnel to choose a career in military medicine and not leave the service after a period of obligated duty as is so often the case with those who enter the service from a purely civilian environment.

We on the committee noticed immediately after the establishment of the medical school a surge of professional pride among military medical practitioners in having an institution to which they could relate and to which they could hope to join as teaching and clinical staff members. In short, the school was not only to be a source of career medical personnel but also a source of pride in military medicine.

Specialized training in family medical practice and in tropical medicine has been a principal part of the school's mission to better satisfy the peculiar needs of military personnel and their dependents.

There has been much said about the high cost of training a student in the military medical school as compared to training in civilian institutions. A study which I requested of the General Accounting Office in 1976 encompassing the various factors which reflect Federal support of all medical schools resulted in a finding that the costs of training a student in the military medical school and in the civilian sector were so close as not to present any arguable differences.

Another comment we have heard is that statistics indicate that in the near term there will be sufficient physicians available from private medical training to preclude the need for a military medical school. Those figures are clearly subject to debate, but one fact is evident. We do not foresee sufficient professional manning of career posts in the military medical services unless the military medical school is continued.

Thus, Mr. Speaker, as chairman of the House Armed Services Committee which originally reported the legislation establishing the Uniformed Services University of the Health Sciences and which vigorously supported its construction and funding throughout the intervening years, I trust that the House and the entire Congress will see fit to retain in the basic budget funding in the amount of approximately $11.6 million for fiscal year 1978 and appropriate funding for the years ahead.

FOREIGN POLICY IN THE SUNSHINE

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, the ongoing debate between advocates of "foreign policy in the sunshine" and supporters of Government's legitimate responsibility to withhold certain sensitive and classified intelligence information from the news media continues to generate controversy. Unfortunately, no easy solutions are at hand.

It is not a clear-cut matter of the Government versus the news media. Rather, it boils down to a question of what is in the best interest of American foreign policy and intelligence gathering activities, and who is qualified to make the delicate decisions of what should be made public. The decisions, I might add, bear directly on the security and lives of us all.

Intelligence gathering "in the sunshine" has led in the past to some severely debilitating cases of "sunburn" for our intelligence and diplomatic communities.

In this morning's Washington Post, Ray S. Cline, a former U.S. intelligence official who is currently the executive director of studies at the Georgetown Center for Strategic and International Studies, appealed for a more reasonable attitude on the part of journalists in the area of national security.

We have seen a number of examples recently where sincere investigative reporters and editors went to jail rather than to reveal the sources of information for their stories. These sources may have taken years to cultivate, and without the protection of anonymity, many, if not most, investigative stories would

have never been published. Sensitive sources dry up when exposed to "sunlight."

The parallel in foreign intelligence gathering is obvious. Of all professionals, journalists should understand and respect this rightful role of Government. The inalienable right of a free and vigorous press carries with it the corresponding responsibility of self-limitation when it is in the best interest of our national security. The adversary role of the press should not be an antagonistic one. To criticize American foreign policy is one thing; but to deliberately undermine American foreign policy negotiations and decisionmaking by prematurely exposing them, is quote another.

As Mr. Cline correctly points out about the news media's assumed right "to make concrete and irreversible foreign policy decisions about secret intelligence undertakings" by exposing them in newsprint:

This would be decisionmaking by unelected private authorities without any checks and balances or any right of appeal. I do not believe newspaper managers, editors or reporters are qualified to make the complex judgments involved. Perhaps I am the only man left in Washington who thinks this way, but I feel that the United States should pursue its foreign policy vigorously and act in an energetic way to protect the interest of its allies abroad. Secret measures in support of a sound and moral foreign-policy commitment are not wrong; they are right.

Mr. Speaker, I would like to assure Mr. Cline that he is not alone in the belief that the security of this Nation must be placed above the questionable benefits of a banner headline for an exposé newsstory. I stand solidly with him.

I encourage my colleagues to read "Piety About the Obligation of the Adversary Press," which follows my remarks:

PIETY ABOUT THE OBLIGATION OF THE ADVERSARY PRESS

(By Ray S. Cline)

A Washington Post story by an investigative reporter who helped bring down the imperial presidency, Bob Woodward, raises some fundamental questions about the power of the U.S. press. Should all government secrets be exposed? Do our news media have any responsibility for acting in the public interest and refraining from acting against it?

In a recent article Woodward alleged that the CIA paid secret subsidies over a period of 20 years to King Hussein of Jordan because the king provided confidential reports from his own sources on the troubled Mideast and also guided Jordanian policies along moderate lines helpful to American foreign policy interests in the region. The reportorial tone reflected the standard post-Watergate sense of moral outrage at secrecy.

I cannot, of course, confirm or deny these specific allegations, but from my many years of experience in the CIA and the State Department, I feel obliged to say I cannot see why the journalistic keepers of our conscience are outraged nor can I see what American interest is served by printing a story like this, which, if true, automatically puts a stop to a valuable U.S. secret intellegence activity.

Journalists, above all others, know how tragic it is to lose a good source, not only because of the direct loss of information in any given case but also because of the inhibiting effect on other potential sources who became distrustful that their role cannot be protected.

Beyond that, damaging the regional prestige of a friendly foreign official is hardly a plus for U.S. foreign policy, especially in this case when progress toward peace seems to hinge on Jordan's ability to moderate the anti-Israeli conduct of the Palestine terrorists (the PLO).

To gloss over the injury that may have been done to U.S. interests and U.S. allies in the Mideast by piety about the obligation of the adversary press to expose whatever secrets the government tries to protect is either naive or hypocritical. Does the First Amendment pass over to journalists unrestricted authority to make decisions on such matters, negating careful presidential decisions to the contrary by making them public? This doctrine seems to me dubious and damaging.

The CIA clearly has a legal charter of almost 30 years' standing to act on behalf of the President in carrying out secret missions abroad in the interest of the United States and its allies. One CIA mission is to collect information about efforts by Soviet officials or agents of the KGB or local troublemakers to influence events in ways contrary to U.S. interest in maintaining stability and peace in strategically vital regions like the Mideast. Some foreign political leaders have been able to develop substantial networks of intelligence sources, providing data of value not only to their own country but to the United States. A few have been able to go farther and to use secret American financial aid to set up moderate non-Communist political institutions or political groups to oppose what they perceived as subversion and other hostile political acts by local Communist or terrorist elements financed and directed by outside agents.

For 30 years CIA's role in collecting secret information and taking secret political actions in cooperation with friendly political leaders has not only benefited the nations involved but also strengthened the foreign policy of the United States. When their efforts required secret funds, the money was given; for the most part, it was money well spent.

I do not at all object to having The Washington Post, The New York Times or any other newspaper, for that matter, criticize the foreign policy of the United States. I am rather aghast, however, at their having the right to make concrete and irreversible foreign-policy decisions about secret intelligence undertakings of this kind. This would be decision-making by unelected private authorities without any checks and balances or any right of appeal.

A secret relationship, which may have taken years to build up, is instantly and irrevocably destroyed when exposed. I do not believe newspaper managers, editors or reporters are qualified to make the complex judgments involved.

Perhaps I am the only man left in Washington who thinks in this way, but I feel that the United States should pursue its foreign policy vigorously and act in an energetic way to protect the interests of its allies abroad. Secret measures in support of a sound and moral foreign-policy commitment are not wrong; they are right. Our President under legally established procedures ought to be able to keep such measures secret if they need to be covert to succeed. Please, members of the news-gathering profession, do not blow all the sources of your official counterparts in the foreign intelligence business.

PHYSICISTS ASK FREEDOM FOR YURI ORLOV

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD).

Mr. FASCELL. Mr. Speaker, the arrest in Moscow February 10 of Prof. Yuri Orlov, the head of the unofficial group of Soviet citizens pressing within their own country for observance of the Helsinki Accords, has occasioned protests from many sources. Members of this House and of the Senate have called on Soviet authorities to release Dr. Orlov, as well as the others—Aleksandr Ginzburg, Mikola Rudenko, Oleksei Tykhy, and, most recently, Anatoli Shcharansky—arrested for working to realize the Helsinki promises. Former Attorney General Ramsey Clark, at the invitation of the Committee for the Defense of Soviet Political Prisoners, has agreed to try to assist in the defense of Dr. Orlov and those arrested in the Ukraine. The State Department not only raised the issue of Dr. Orlov's arrest privately with Soviet representatives, it also brought the incident to the attention of members of the United Nations Human Rights Commission.

Now I have learned of another and highly commendable private initiative to obtain just treatment for Dr. Orlov. It comes from scholars—225 physicists in the United States, England, France, Italy, Switzerland, and West Germany—who sent the following telegram to Prof. A. A. Logunov, vice president of the Soviet Academy of Sciences:

We have noted the recent arrest of Dr. Yuri Orlov. He is known to all of us as a distinguished scientist and a respected member of the international community of high energy physics.

We want you to know of our great concern for Dr. Orlov and hope that the matter of his arrest can be favorably resolved in short order.

That telegram carried the signatures of six Nobel laureates in physics: Owen Chamberlain, Edwin H. McMillan, Murray Gell-Mann, Robert Hofstadter, Burton Richter, and Chen-Ning Yang. It is a heartening sign of the commitment of the community of scholars to defend human rights side by side with the search for scientific progress. By their action in aid of Dr. Orlov, these prestigious physicists have expressed not just their own conscience but the values that all scientists, East and West, must encourage as they work together.

I commend them for their initiative and I urge that the Soviet authorities take careful note of it.

TEMPORARY SUSPENSION OF DUTY ON FLUORSPAR

(Mr. ROSTENKOWSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, I am today introducing legislation that would suspend the duty on fluorspar. United States tariff schedules on fluorspar, which reflect the situation of an earlier and more stable period for raw material acquisition, require the imposition of prohibitive duties on the various grades of fluorspar at a time in our history when it would appear to be in the national interest to establish firm sources of supply for any raw material that must be imported in lieu of domestic supplies.

The steel industry supports suspension of existing duties on fluorspar. Additionally, I have been advised that Kaiser Aluminum and Chemical Corp., Oakland, Calif.; Alcoa, Pittsburgh, Pa.; and Noranda Aluminum Inc., New Madrid, Mo., also support the position of the steel industry relative to the suspension of existing fluorspar duties.

The American steel, aluminum, and chemical industries are also totally dependent on the free flow of imported fluorspar. This reliance on foreign imports has been gradually increasing for the last decade, and reached the point in 1974 where domestic production accounted for only 12 percent of U.S. fluorspar requirements. Due to the fact that known domestic reserves are limited, and of lower quality, fluorspar imports will easily continue to maintain their high percentage of the domestic market until such time as technological innovations release us from our dependence on this material.

According to the American Iron and Steel Institute in their testimony before the Subcommittee on Trade of the House Ways and Means Committee, the U.S. output of fluorspar in 1974, which represents about 4 percent of the world's total, declined by approximately 33 percent from the level of the previous year. United States fluorspar production has steadily decreased over the past 10 years. Total U.S. imports of 1,336,000 tons in 1974, a 10 percent increase over 1973 imports, were almost 88 percent of apparent U.S. supply. According to the U.S. Bureau of Mines, domestic demand is expected to increase at an annual rate of 1 percent through 1980, with world demand increasing at an annual rate of 3 percent. Since U.S. production has continuously declined, any increase in domestic consumption must stem from additional imports. The imports of fluorspar into the United States for a 5-year period 1970–74, came from Mexico—80 percent; Spain—14 percent; Italy—3 percent; and other sources—3 percent.

With respect to fluorspar import duties, acid grade is defined as fluorspar containing over 97 percent calcium fluoride. Under TSUS item 522.21 it bears a duty rate of $2.10 per long ton. It is principally used extensively in the manufacture of hydrofluoric acid, essential in aluminum production. Metallurgical grade is defined as fluorspar containing less than 97 percent calcium fluoride—usually between 60 to 85 percent content. Under TSUS item 522.24 it bears a totally unjustifiable duty rate of $8.40 per long ton. It is used primarily as a fluxing agent in steel production. Despite the huge disparity in duty rates assigned to fluorspar grades, both grades are in heavy demand in this country. The outlook for increasing U.S. production is poor, as U.S. reserves are of low quality and are being depleted.

Duties on fluorspar imports were estimated to have been approximately $5 million in 1974. Domestic consumers absorb these duties in the form of higher acquisition costs. The extremely high duty on metellurgical fluorspar has been in effect for 45 years. No justifiable economic reason for retention of current fluorspar duties exists.

If fluorspar duties are suspended, the small increment of consumption domestic producers account for will continue to be purchased from these domestic sources since U.S. consumers will continue to need their domestic sources of supply.

With the world fluorspar supply/demand ratio continually shifting between shortage and adequacy, and domestic requirements forecast at an increased rate of consumption, I urge the suspension of existing duties on fluorspar.

The bill reads as follows:

H.R. 5265

A bill to provide for the temporary suspension of duty on the importation of fluorspar

Be it enacted by the Senate and House of Representatives of the United States, That subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately after item 912.10 the following new item:

" 912.15	Fluorspar (provided for in items 522.21 and 522.24, part 1J, schedule 5).....	Free	No change	On or before 6/30/78 ".

SEC. 2. The amendments made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, on or after the date of enactment of this Act.

EXTENSION OF DUTY SUSPENSIONS ON BICYCLE PARTS

(Mr. ROSTENKOWSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROSTENKOWSKI. Mr. Speaker, I am today introducing legislation that would extend the suspension of duty on bicycle parts such as brakes, hubs, and sprockets which are not presently manufactured domestically. My bill seeks to extend the duty suspensions until the close of June 30, 1979. In addition, the bill removes derailleurs from the duty suspension list since it now appears that there is a domestic source for their manufacture.

Many of our domestic bicycle manufacturers are forced, because of the absence of American-made component parts, to rely on foreign sources of supply for essential parts. One such company is the Schwinn Bicycle Co. of Chicago which is located entirely within the confines of my congressional district. Unless the continued suspension of the duties is effected, our manufacturers will be assessed a duty of 15 percent on imported parts while their foreign competitors will be able to bring assembled bicycles made from the same parts into this country at a duty rate of only 5.5 percent. This tariff differential represents a competitive advantage that is enjoyed by foreign manufacturers.

According to the Bicycle Manufacturers Association of America in their testimony before the Subcommittee on Trade of the House Ways and Means Committee, in the last 10 years imports have increased their share of the market in this country from 18 percent in 1965 to more than 28 percent in 1974. The domestic production of bicycles suffered its sharpest decline in shipments in nearly 100 years during 1975. Prospects for the future look only slightly more promising.

For these reasons I strongly urge that the duty suspensions on bicycles and bicycle parts be extended for a 30-month period and that other component parts not manufactured in this country, specifically coaster brakes, alloy butted frame tubing, alloy cotterless crank sets, alloy rims, and parts of all the foregoing be added to the duty suspension list.

TAX DISCRIMINATION AGAINST U.S. BROADCASTERS

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, the Government of Canada, through bill C–58, implemented on September 21, 1976, is attempting to prevent U.S. border television stations from deriving revenue from Canadian sources—despite the fact that for many Canadian markets the major portion of viewing is from U.S. stations.

Bill C–58 denies a deduction for Canadian tax purposes for the cost of advertising directed primarily to a market in Canada that is broadcast by a U.S. television station. An income tax deduction is permitted, however, for advertisements placed on Canadian stations. United States-originated advertisements are thus subjected to a higher tax rate than advertisements originating in Canada, solely by reason of being imported.

U.S. broadcasters, including KVOS–TV, Bellingham, Wash., a station in my district, are already suffering serious injury as a result of the implementation of bill C–58, and stand to lose as much as $20 million annually.

The Canadian Government has told our State Department that bill C–58 is a matter of internal Canadian tax policy, and is nonnegotiable. What can Congress do to end this tax discrimination against U.S. broadcasters? The answer is simple. We should block Canadian attempts to obtain an immediate exemption from section 602 of the Tax Reform Act of 1976, which limits tax deductions for conventions held outside the United States. Canada has expressed its concern over the adverse impact of section 602 through a note sent to the U.S. Department of State on January 14, 1977.

If Canada is granted an immediate exemption from the U.S. foreign convention provisions, the United States will have lost crucial leverage on the Government of Canada to change its discriminatory anti-U.S. broadcasting provisions. The Congress should make it clear that the limited deductibility of conventions held in Canada is directly related to a satisfactory resolution of the problems raised by section 3 of bill C–58. I believe it is inconsistent and inequitable for Canada to demand national treatment,

or nondiscrimination, with respect to the application of U.S. tax laws, while it continues to blatantly discriminate against the legitimate commercial interests of U.S. broadcasters.

Accordingly, I recommend that if Canada is exempted from the U.S. foreign convention provision, such exemption should be conditioned upon a prior repeal of section 3 of bill C–58, or any other such denial of national treatment directed by the Government of Canada against U.S. broadcasters.

SOURCES OF DISSATISFACTION OF MILITARY PERSONNEL

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, In view of current concern for maintaining an adequate military service force and discussion regarding continuation of the all-voluntary military concept, I have recently met with enlisted men and officers stationed in the Second District of Washington State to consider some of the issues as seen by them.

I have written a letter to President Carter summarizing their perception of the issues and would like to insert this letter in the RECORD. The letter follows:

MARCH 9, 1977.

Hon. JIMMY CARTER,
The President of the United States, The White House, Washington, D.C.

DEAR MR. PRESIDENT: In light of the fact that you are seriously considering changes in the all-voluntary military concept, I wish to delineate some problems which emerged as significant in a recent meeting I had with enlisted men and officers at Whidbey Naval Air Station, Oak Harbor, Washington. I believe they brought out some general issues which represent sources of dissatisfaction for military personnel and which need to be addressed in considering changes or reorganization. Thus, I am taking the liberty of bringing the following to your attention at this time:

Cost of permanent duty station transfer. Moves require out-of-pocket expenditures. Temporary housing is not available on most bases, and travel allowances and temporary housing reimbursements are not adequate. A suggested solution was a Navy lodge on each major base for temporary housing.

Pay raises. The group indicated that pay which keeps up with inflation and cost-of-living could be more desirable than the early and generous retirement provisions; i.e., increase retirement age, but improve pay status.

Medical care. The hospital at Whidbey is grossly inadequate. Patients must often be sent to Bremerton and Madigan Hospitals because it has a prospective eligible population of 28,000 to 35,000, serving the area from Everett to Canada and from the Peninsula to the Cascades. They also expressed a need for a group plan for dependents to cover dental and optical needs.

Failure to reenlist. Reasons given were low salary and diminishing perequisites, lack of re-enlistment bonuses, and better opportunities outside, especially for midmanagement personnel. They noted a much higher retention rate when there were career counselors whose function and effectiveness were highly commended.

Uniform. A survey showed that a great majority were in favor of returning to bell-bottom Navy uniforms.

Congressional demagoguery. A surprising major concern was termed "congressional demagoguery". They indicated that legislation which was introduced with little chance of passage but great value as press release material often became the vehicle of rumors and distortion. Their suggestion was that the Congressional Record be monitored, actual status and chance of passage be assessed and that such information be published in the Navy Times, etc. I will undertake to impress upon my colleagues the importance of their remarks and urge a greater degree of responsibility.

In conclusion, I found morale extremely high and these concerns and suggestions voiced in a constructive manner. The people with whom I spoke were very well motivated, and they articulated the position of enlisted men quite well. I trust that this input from the grass roots level will be of interest and value to you in the decisions you will be making.

Sincerely,

LLOYD MEEDS,
Member of Congress.

SOLAR, NOW

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, solar space and water heating is perfected technically and economically feasible widely throughout the United States—especially in the Northern and Northeastern United States where the worst of last winter's energy emergencies struck.

These are the conclusions of a recent solar energy report by the University of New Mexico and the ERDA Los Alamos Laboratory. This March 13 report on "The Economics of Solar Home Heating" has brought out important economic information on solar energy use. I highly recommend the whole report, but am including the executive summary here.

I urge my colleagues to read this and to consider the legislative recommendations—especially the need for economic incentives, and life-cycle cost techniques. All these appear in the solar package introduced by me and 23 colleagues of the House and Senate on February 23. We have just sent out a Dear Colleague with an additional 80 cosponsors. Let us all join now to pass such legislation and to have the 95th Congress truly remembered as the Congress that brought solar energy into widespread use in this country.

Based on President Carter's campaign espousal of solar energy development, I am hopeful the administration will join with us in backing these legislative measures which attempted to provide for the needs of various economic brackets as well as residential, commercial, and agricultural applications of solar energy.

The summary follows:

EXECUTIVE SUMMARY OF CONTENTS

The rapid depletion of our domestic fossil fuel resource base has been and continues to be an issue of great concern. Shortages, curtailments, and increased dependence upon foreign sources of energy are becoming the rule rather than the exception. This study examines the role of residential solar water and space heating as an alternative source of energy.

Now that some experience has been gained both in manufacturing and installation of solar systems it is apparent that the cost of solar collectors installed, but excluding fixed costs, will be about $\$10/ft^2$. Although this may seem high in comparison to estimates as low as $\$3/ft^2$ used in previous studies, we find that feasibility does occur for solar water and space heating systems between now and 1990 if either decontrolled prices of traditional energy sources are used as the basis of comparison or where curtailments of natural gas occur. The importance of this finding is diminished by the federal government's failure to assist in making capital available for energy conservation. If interest rates are kept high and if money (capital) remains in short supply, the prospects for capital intensive systems in homes, such as solar energy, are diminished greatly.

In this study a scenario of future energy prices both for decontrol and for curtailments with continued controls is developed and consumer costs from traditional sources are projected both on an annualized (life cycle) basis on a current cost basis for residential space heating and domestic hot water. These costs are developed by state through 1990 and are compared to the cost and performance of solar energy systems on a $\$/10^6$ BTU basis to determine year of feasibility for solar energy by state and optimal system design (least cost) given projected energy prices. Potential energy savings in 1990 resulting from utilization of solar energy are also discussed. Finally, policy suggestions to speed the development of solar energy are made both for scenarios of continued price controls and for decontrols.

Regional energy prices for space heating and domestic hot water are developed from an econometric fossil fuel simulation model. The model is based upon estimated relationships which describe the fossil fuel energy sector of the U.S. economy and projects future fossil fuel prices, demand, discovery, and reserves on the assumption of "business as usual". Deregulation of wellhead prices, the ability of OPEC to maintain control of world petroleum prices, and capacity conditions within the energy extraction industry were adopted as basic assumptions. The results for decontrol presented in the study are based on a scenario which assumes: total deregulation of natural gas prices by 1978; a five year (1977–1981) deregulation period in which the price per barrel of domestic crude petroleum is allowed to seek a level consistent with the OPEC price; and the ability of OPEC to maintain the price per barrel at a constant level, adjusted only for inflationary changes.

The results of the fossil fuel model are summarized as follows:

Field prices in dollars per million BTUs show an increasing trend associated with the inevitable exhaustion of nonrenewable fossil fuel energy resources.

Total consumption of fossil fuel energy resources is projected to increase by almost 40 percent in the time span considered.

Domestic discovery of natural gas and crude petroleum is projected to follow a long-run downward trend, although short-run discovery of petroleum is stimulated with deregulation.

With the projected levels of future consumption and the downward trend in discoveries and reserves, natural gas will rapidly approach exhaustion even with price decontrol.

As a result of these conditions solar energy will have its primary near term impact in the areas of residential water and space heating applications as a substitute for natural gas. Therefore, the future of solar energy will, to a great extent, be determined by the structure of the natural gas industry and by

federal pricing policies which pertain to the flow of natural gas. However, because natural gas is in a state of rapid depletion, its price is expected either to rise much faster than other energy sources under decontrol, thereby relinquishing its comparative cost advantage, or with continued controls large scale curtailments will occur. Thus, it was necessary to calculate the price of a competing energy substitute which might replace natural gas. For this purpose, the price per 10^6 BTU of electric heat pumps to provide both space heating and domestic hot water was selected. Oil prices were excluded from the feasibility analysis of solar energy for two reasons. First, as natural gas is exhausted the OPEC determined price of oil might well be expected to rise to match the increase in gas prices. Second, foreign oil cannot reasonably be expected to replace natural gas for home heat and industrial process energy because of the balance of payments problem.

A comparison between decontrolled natural gas and heat pump prices yields the least cost energy alternative to solar. A comparison to the cost in dollars per BTU of solar energy then determines the economic desirability of solar energy. It should be understood that under a policy of complete price decontrol for natural gas, curtailments will not occur because all potential users, wherever they might be located, would be able to competitively bid for natural gas. The feasibility study initially focuses on this idealized situation.

If natural gas prices remain controlled near current (1977) levels, homeowners who can obtain natural gas will have no incentive to substitute solar energy which will invariably cost more on a $/BTU basis. But, even though some homeowners will be able to obtain very cheap energy, others will be forced by curtailment or through moratoriums on new gas hookups to find an alternative energy source for space and water heating. Since we have assumed heat pumps provide the best estimate of future fuel energy costs (excluding natural gas) the appropriate criterion under continued controls is to compare solar energy to electric heat on a regional basis, realizing that some consumers will not consider solar energy systems because of the availability of a declining quantity of cheap gas.

Solar feasibility analysis requires that the performance of a solar energy system be known in terms of the collector area required to provide a given percentage of the space or domestic hot water heating requirements. Although the operation of a solar heating system can be readily understood in a qualitative fashion, the quantitative analysis of a system (i.e., sizing of collector array) involves computer simulation of solar performance using actual hour by hour weather data, and is considerably more difficult. A fairly general method developed at Los Alamos Scientific Laboratories (LASL) was employed to supply the necessary quantative analysis. The heating load must also be known for the performance analysis. For purposes of this study we assume for space heating that we are solar heating an energy efficient, well insulated house with a load of 10 BTUs per degree per square foot and that the house has 1500 square feet of living area. For the domestic hot water analysis we assume a constant daily requirement of 80 gallons at 120° F. where the input temperature is 60° F. This results in an annual hot water load of 15 x 16^6 BTUs.

Cost estimates of solar installations described below are then annualized at some interest rate—in other words the yearly payment required to pay off a loan on the solar system is determined—and this amount adjusted to include operating costs is divided by the BTUs of energy provided by the solar system over a year to determine the cost per BTU for comparison to fossil fuel costs. If annualized fossil fuel costs are used for comparison, and solar energy is cheaper, then feasibility is accepted on a life cycle basis. If current fossil fuel costs are used for comparison, then feasibility is determined on a current cost basis. Economists advocate the former as the appropriate criterion but consumers are likely to respond to the latter, so both criterion are used.

Inflation has been removed from the analysis by specifying all costs and prices in *real* terms (1974 dollars). Therefore, *real* interest rates are used in the feasibility analysis. Because solar energy systems are capital intensive, a narrow range of 2.5 to 4.0 percent real rate of interest typical of the home mortgage market was chosen to test the sensitivity of results (note that these correspond to an 8.5 and 10.0 percent nominal interest rate with 6 percent inflation). The cost of installation for solar space heating on new tract homes in 1974 (1977) dollars was assumed to be $1100 ($1350) as the fixed cost component *plus* a cost of $9.50 ($11.70) per square foot of collector installed. The cost associated with each square foot of collector installed is assumed to drop to $8.00 ($9.80) by 1990. These collector dependent costs include the cost of storage which we assume to be proportional to collector area. Flat plate, air type collectors are assumed in the analysis so operating and maintenance costs per year were assumed to be quite low, .75 percent of total installed cost per year, and the system was assumed to last thirty years. For retrofit of space heating the same collector dependent costs were used. However, it was assumed that the fixed cost component would increase to $3400 ($4200) to account for the individualized engineering and design work required for retrofit. For provision of domestic hot water where liquid collectors are used no difference between new home or retrofit installations was assumed. Here fixed costs were assumed to be $300 ($370) and collector dependent costs to be $11.00 ($13.50) per square foot. Operation and maintenance costs each year were assumed to be 1 percent of installed cost and the water system is assumed to have a twenty year life time.

Typical results for decontrolled energy prices and residential new tract home space heating are shown in Map 2 from the report which employs life cycle costing and a 2.5 percent real interest rate. Raising the interest rate or using current costing generally delays feasibility and eliminates some marginal states, but the pattern of feasibility is similar.

The most important result of the space heating feasibility analysis is the clear picture which emerges: solar feasibility begins in the northern tier of states and with very few exceptions systematically moves southward! There are several important reasons for this type of emerging pattern.

Under a decontrolled energy scenario, conventional fuel prices begin to increase at such a pace that consumers are provided with larger economic incentives to look elsewhere for space heating systems. The cost of natural gas delivered to the states is dependent upon two components; the price at the wellhead plus the price adjustment for transportation and distribution. Thus, with most gas supplies located in the South Central and Southwestern states, prices generally increase as one moves into the Midwestern, North Central, Northeastern and Northwestern States.

Solar energy systems include a fixed cost component, giving rise to a situation in which minimum heating demands will be required to make solar energy competitive. Higher heating loads are evident as one moves northward, allowing the fixed costs to be spread over a larger BTU base.

The results of the feasibility analysis under decontrol for domestic hot water heating as shown in Map 5 for the 2.5 percent real interest rate case do not present as well defined a picture as that exemplified by the north to south movement portrayed for residential space heating. Rather, there is a mixture of Southern and Eastern states demonstrating feasibility in the late 1970s and early 1980s. Generally, Midwestern, Mountain and Northwestern states are excluded during the period of analysis (1976 to 1990).

Major reasons for this type of pattern are based primarily upon three considerations:

Due to higher solar incidence in the Southern and Southwestern states, solar collector areas necessary to deliver a given fraction of domestic hot water demands are measurably lower than elsewhere. This, of course, results in lower costs for the solar systems.

Alternative heating costs in the Eastern states are considerably higher than in most of the remaining states. This makes solar energy competitive in the East Coast states even though larger collector areas are required and subsequently solar costs are greater than in many other states.

Within the states where solar energy was shown not to be competitive by 1990, the combination of higher solar costs due to relatively large collector arrays and alternative backup costs which are not significantly different than those found in the southern tier of states, forced solar feasibility into the 1990s. Further, relatively cheap electricity prices in the Northwestern states kept the alternative energy costs at levels sufficiently low to preclude solar systems during the period of analysis.

Given that solar energy is feasible under decontrol for some portion of residential water and space heating demand, and given better insulated structure potential, the realized energy savings can be fairly significant in many states when contrasted with the possible demand without solar energy systems or better insulation. Based on life cycle costing with a 2.5 percent real interest rate:

Realized energy savings in 1990 from the better insulated residences built between 1976 and 1990 imply a 41 percent reduction in energy demand for space heating. Assuming a midpoint housing production estimate of 1.3 million units annually, and the average residence of the past decade, energy savings in 1990 due to improved insulation of homes constructed during the period of analysis could be 1.04 quads.

Energy savings due to utilization of solar energy for space heating was calculated on the basis of the standard air system analysis. If 85 percent of all new, single-family houses fit solar space heating systems when feasible, the savings in 1990 will be 0.49 quads.

In 1990, energy savings due to utilization of solar energy for domestic hot water will be as much as 0.40 quads (50 percent fit) and 0.69 quads (85 percent fit) or 25 and 41 percent, respectively, of total energy demanded for domestic water heating.

The total national fossil fuel demand in 1990 is projected to be about 90 quads. Although percentages supplied by solar energy appear small at first glance, the economic impact of the industry should not be underestimated. For example, the energy savings due to solar domestic hot water at 85 percent fit (.40 quads) represents 69.5 million barrels of oil saved for the one year. The savings resulting from solar space heating and proper insulation at 85 percent fit (1.33 quads) represents a savings of 229.3 million barrels of oil in 1990. However, it should be made clear that these are upper bound estimates for the role of solar energy in domestic uses, excluding retrofit of space heating.

In the event that price controls are continued, homeowners will need to examine the feasibility of solar energy systems against electricity—either heat pumps or resistance heat. We also examine the more realistic situation of continued control of natural gas prices and the inevitable curtailments in

supply which will result. This analysis is also applicable to retrofits of solar space heating systems for homes that do not presently use natural gas so we consider retrofit as well.

If we assume that natural gas becomes unavailable for home use either through curtailments or moratoriums on new gas hookups as has already occurred periodically throughout the country, solar energy becomes feasible very quickly. Map 9 shows the space heating feasibility pattern for new tract homes using life cycle costing and a 2.5 percent real interest rate. In Map II we represent available retrofit system costs. Here we assume the backup system to be electric resistance with a COP of 1.0. This comparison was made because many homes in states currently suffering curtailments of natural gas already use electric resistance heat. Also, when compared to either form of electric heat solar energy becomes feasible at a much larger fraction of space heat provided, which makes electric heat pumps a rather expensive backup system.

Under the assumptions in Map 9 and with a backup system employing electric heat pumps, two-thirds of the continental United States is already feasible for solar space heating. All but four states demonstrate feasibility by 1990.

When compared to electric resistance heat, even using current prices and the higher 4.0 percent real interest rate (Map 11), we find that a total of thirty-eight states attain feasibility by 1990 with twenty-seven of these states already feasible for this system.

In the case of natural gas curtailment, domestic water heating by solar energy is already feasible compared to electric heating in all states in the continental U.S. except Washington, where it will be feasible by 1983.

Again, in both cases depicted in Maps 9 and 11 it is the northern tier of states, including almost all states which experienced energy emergencies during the winter of 1976–1977 where solar energy is already feasible. This analysis suggests that retrofit of space heating may well be more feasible than is currently accepted. This is an important point because the potential energy savings of such retrofit systems are very large. In summary, the primary result of our analysis is that solar energy for space heating and domestic hot water is widely feasible throughout the continental U.S.

Even with decontrol of traditional energy sources, solar energy will not be competitive unless action is taken to remove the financial and institutional constraints on its efficient use. A federally coordinated program is necessary to facilitate the smooth transition from non-renewable to renewable energy sources. Under a policy of continued price controls, residential users of natural gas must be encouraged to make the transition to solar eenrgy systems before they are faced with the inevitable curtailments of natural gas for home use.

Given the way our financial institutions function it is extremely difficult for homeowners to compare fuel cost savings with either the additional mortgage payment which would be associated with adding solar systems to homes, or the annual cost of the money one might borrow to retrofit such a system to a residence. The reason for this, quite simply put, is that inflation distorts the pattern of yearly payments over time. Thus, where payments on mortgage loans which include solar applications are defined in nominal rather than real dollars, payments actually are biased toward the early years of the loan period. This makes it impossible for the average homeowner to compare the first monthly payment on a solar system with expected annualized energy costs over time for the home. The Graduated Mortgage is a proposal currently under investigation by the Federal Home Loan Bank which would help alleviate this problem.

Although we advocate decontrol of energy prices, we recognize that this may be politically infeasible unless the regressive income effects of such a policy can be corrected. As a viable alternative for the subsidization of solar energy we propose that guaranteed low interest loans be made available for potential solar energy users until such time as other energy prices are fully decontrolled. At that time such subsidies become unnecessary. It is clear from our analysis that interest rate manipulation is the most powerful tool for achieving economic feasibility of solar systems under continued price control of other energy sources. Guaranteed low interest loans would also encourage other important energy conserving technologies such as increased home insulation.

The questions addressed in this study point to the complex interdependencies involved in the transition from exhaustible fossil fuels to renewable energy resources. We strongly recommend that the appropriate agencies and policy making bodies:

Totally deregulate wellhead prices of oil and natural gas by 1981.

Implement a policy which taxes windfall profits accrued by firms as a result of deregulation. These taxes should be effectively transferred to lower income groups to offset adverse income distribution effects associated with higher energy prices.

Provide federal guarantees for loans made on solar installations.

In the event energy price deregulation does not occur:

Design and implement a program which would enable residential homeowners and commercial establishments to obtain low interest rate loans for installing solar devices and investing in energy conserving measures. These loans should also be guaranteed.

Offer economic incentives which would give solar energy the same preferential treatment as enjoyed by the oil and natural gas companies for so many years. These incentives would include income tax credits, property and sales tax exemptions, and other fiscal devices.

Again we stress that such policies are much less efficient than decontrol of energy prices.

Encourage the use of life cycle costing techniques within the public and private sectors:

Require industrial and commercial establishments and government agencies to use life cycle costing in all calculations that pertain to energy financing.

Require all financial institutions to present life cycle costing techniques to clientele considering energy capital investments.

Disseminate information on a widespread national basis concerning the level of future energy prices through the period of deregulation.

Establish new mortgage programs which enable average homeowners to compare their first year's payments for a solar installation with the expected annualized home energy cost over time. Such programs will ameliorate inflationary distortions in the financing of solar home heating units.

FIREWOOD FOR ENERGY

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, I would like to share with my colleagues the idea that a constituent of mine had for our energy quandary. As he states, it is "one small and folksy solution to the problem." However, it is a good idea.

The letter follows:

DEAR MR. OTTINGER: Amid all the larger questions involving energy conservation, I would like to suggest one small and folksy solution to the problem. Knowing that some people do have fireplaces that for the most part are used only during the winter holidays, I'd like to suggest that they get more use out of them during fall, spring and late summer when it is necessary only to get a chill or a bit of dampness off the house. That is a time when the expensive ornament can be of use, and practically so.

As for the source of firewood, the department of agriculture has an interesting pamphlet on firewood that suggests the use of windfalls, pruned branches, and whatever is salvageable from demolition sites. It is not really required that people use prime hickory. And there are ancient apple trees more dangerous than picturesque.

Granted this is a simple method to save some fuel. I have no idea what ten chilly mornings in September or April could add up to in heating days for January. But it is a way to test American endurance for the profitable side.

Sincerely yours,

CARSTEN JOHNSON II.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. GILMAN (at the request of Mr. RHODES), on March 23 and 24, on account of official business.

Mr. JEFFORDS (at the request of Mr. RHODES), for today, on account of official business.

Mr. NEAL (at the request of Mr. WRIGHT), for March 17, on account of official committee business.

Mr. RUDD (at the request of Mr. DEVINE), for such portion of today as may be necessary in order to participate in the Presidential panel hearings of the Department of Interior to take further testimony with regard to the central Arizona project.

Mr. STUMP, for March 21, 1977, on account of attending hearings on the central Arizona project at the Department of Interior.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MARKS) to revise and extend their remarks and include extraneous material:)

Mr. YOUNG of Florida, for 10 minutes, today.

Mr. KEMP, for 5 minutes, today.

(The following Members (at the request of Mr. JENKINS) to revise and extend their remarks and include extraneous material:)

Mr. ROSTENKOWSKI, for 15 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. AKAKA, for 5 minutes, today.

Mr. REUSS, for 30 minutes, today.

Mr. MOFFETT, for 30 minutes, today.

Mr. SHARP, for 5 minutes, today.

Mr. BROOKS, for 10 minutes, today.

Mr. THOMPSON, for 5 minutes, today.

Mr. EILBERG, for 5 minutes, today.

Mr. BINGHAM, for 30 minutes, today.

Mr. WAGGONNER, for 15 minutes, March 22, 1977.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MARKS) and to include extraneous material:)

Mr. MARKS.
Mrs. PETTIS.
Mr. SCHULZE.
Mr. KETCHUM.
Mr. DICKINSON.
Mr. BADHAM in two instances.
Mr. CORCORAN of Illinois.
Mr. BROWN of Ohio.
Mr. KASTEN.
Mr. ERLENBORN.
Mr. ASHBROOK in two instances.
Mr. THONE.
Mr. FISH.
Mr. LENT.
Mr. FINDLEY.
Mr. STOCKMAN.
Mr. KEMP.
Mr. QUIE.

(The following Members (at the request of Mr. JENKINS) and to include extraneous matter:)

Mr. MOAKLEY.
Mr. ASHLEY.
Mr. ANNUNZIO in six instances.
Mr. GONZALEZ in three instances.
Mr. BROWN of California in 10 instances.
Mr. KREBS.
Mr. ASPIN in 10 instances.
Mr. BURKE of Massachusetts.
Mr. JONES of Oklahoma in two instances.
Mr. ROSE.
Mr. WON PAT.
Mr. RANGEL.
Mr. CHARLES H. WILSON of California.
Mr. GIBBONS.
Mr. ROBERTS.
Mr. JOHN L. BURTON.
Mr. FARY in two instances.
Mr. FORD of Tennessee.
Mr. HOLLAND.
Ms. OAKAR.
Mr. VENTO in two instances.
Mrs. COLLINS of Illinois.
Mr. JACOBS.
Mr. BEARD of Rhode Island.
Mr. FRASER.
Mr. SCHEUER.
Mrs. CHISHOLM.
Mr. TEAGUE.
Mr. MOTTL.
Mr. DINGELL.
Mr. EDWARDS of California.
Mr. MURTHA.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 650. An act to provide temporary emergency assistance to wheat producers by permitting such producers to utilize a portion of their farm wheat acreage allotments for grazing purposes or for hay rather than for commercial production; to the Committee on Agriculture.

ENROLLED BILL SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2647. An act to amend the Small Business Act and the Small Business Investment Act of 1958.

ADJOURNMENT

Mr. JENKINS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 22, 1977, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1046. A letter from the Deputy Secretary of Defense, transmitting three reports of violations of the Anti-Deficiency Act, pursuant to section 3679(1)(2) of the Revised Statutes; to the Committee on Appropriations.

1047. A letter from the Acting General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize adjustment in the annuities payable under subchapter I of chapter 73 of title 10, United States Code, whenever retired or retainer pay is increased under section 1401a of that title; to the Committee on Armed Services.

1048. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Act No. 1-229, "To reorganize the administration of the District of Columbia General Hospital, to establish a Commission to govern that hospital, and for other purposes," pursuant to section 602 (c) of Public Law 93-198; to the Committee on the District of Columbia.

1049. A letter from the Chairman, Federal Election Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1976, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1050. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1051. A letter from the Attorney General, transmitting notice of a proposed change in a records system, pursuant to 5 U.S.C. 552a (o); to the Committee on Government Operations.

1052. A letter from the Attorney General, transmitting notice of proposed new and changed records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1053. A letter from the Chairman, Federal Election Commission, transmitting the Commission's comments on the proposed Universal Voter Registration Act of 1977, pursuant to section 310(d)(2) of the Federal Election Campaign Act of 1971, as amended; to the Committee on House Administration.

1054. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on International Relations.

1055. A letter from the Executive Director, Federal Communications Commission, transmitting reports on the backlog of pending applications and hearing cases in the Commission as of November 30, and December 31, 1976, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

1056. A letter from the Administrator, Federal Energy Administration, transmitting a revised copy of the report (Executive Communication No. 850) submitted February 28, pursuant to section 8(f)(1) of the Emergency Petroleum Allocation Act, as amended; to the Committee on Interstate and Foreign Commerce.

1057. A letter from the Secretary of Transportation, transmitting a report covering calendar year 1976 on utilization of authority to designate and rent inadequate quarters, lease family housing and hire quarters at or near Coast Guard installations, pursuant to 14 U.S.C. 475(f); to the Committee on Merchant Marine and Fisheries.

1058. A letter from the Secretary of Transportation, transmitting the sixth annual report on the special bridge replacement program, pursuant to 23 U.S.C. 144(h); to the Committee on Public Works and Transportation.

1059. A letter from the Acting Administrator of General Services, transmitting the final environmental impact statement for the proposed John F. Kennedy Library, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; to the Committee on Public Works and Transportation.

1060. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms during October 1976, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Small Business.

1061. A letter from the Acting Comptroller General of the United States, transmitting a report on the status of the Navy's light airborne multipurpose system program (PSAD-77-43, March 18, 1977); jointly, to the Committees on Governmental Operations, and Armed Services.

1062. A letter from the Acting Comptroller General of the United States, transmitting a report on the status of the Navy's SSN-688 attack submarine program (PSAD-77-45, March 18, 1977); jointly, to the Committees on Government Operations, and Armed Services.

1063. A letter from the Acting Comptroller General of the United States, transmitting a report on the mission effectiveness of U.S. antiarmor weapon systems (PSAD-77-67, March 18, 1977); jointly, to the Committees on Government Operations, and Armed Services.

1064. A letter from the Comptroller General of the United States, transmitting a report on the issues surrounding the controversy over nuclear versus conventional power in major strike force surface combatant ships (PSAD-77-74, March 21, 1977); jointly, to the Committees on Government Operations, and Armed Services.

1065. A letter from the Acting Comptroller General of the United States, transmitting a report on the Federal effort to coordinate the fight against organized crime through the Justice Department's strike forces (GGD-77-17, March 17, 1977); jointly, to the Committees on Government Operations; and the Judiciary.

1066. A letter from the Comptroller General of the United States, transmitting a report on the Urban System highway program authorized by the Highway Act of 1973 (CED-77-49, March 18, 1977); jointly, to the Committees on Government Operations, and Public Works and Transportation.

1067. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to provide a comprehensive system of liability and compensation for oil

spill damage and removal costs, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, and Public Works and Transportation.

1068. A letter from the Acting Comptroller General of the United States, transmitting a report on the usefulness of resource and reserve estimates of the Nation's primary energy fuels—oil, gas, coal, and uranium (EMD-77-6, March 17, 1977); jointly, to the Committees on Government Operations, Interior and Insular, and Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Pursuant to the order of the House on Mar. 16, 1977, the following reports were filed on Mar. 18, 1977*]

Mr. PERKINS: Committee on Education and Labor. H.R. 4250. A bill to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers and to establish collective-bargaining procedures in the construction industry; with amendment (Rept. No. 95-96). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE: Committee on Science and Technology. H.R. 4991. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes (Rept. No. 95-98). Referred to the Committee of the Whole House on the State of the Union.

[*Pursuant to the order of the House on Mar. 17, 1977, the following reports were filed on Mar. 18, 1977*]

Mr. DENT: Committee on House Administration. House Resolution 189. Resolution providing funds for the Committee on Rules (Rept. No. 95-87). Referred to the House Calendar.

Mr. DENT: Committee on House Administration. House Resolution 280. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Banking, Finance and Urban Affairs; with amendment (Rept. No. 95-88). Referred to the House Calendar.

Mr. DENT: Committee on House Administration. House Resolution 298. Resolution to provide funds for the expenses of the investigations and studies to be conducted by the Committee on Agriculture with amendment (Rept. No. 95-89). Referred to the House Calendar.

Mr. DENT: Committee on House Administration. House Resolution 310. Resolution to provide for the expenses of investigations, and studies to be conducted by the Committee on Armed Services (Rept. 95-90). Referred to the House Calendar.

Mr. DENT: Committee on House Administration. House Resolution 343. Resolution to provide for the expenses of investigations and studies to be conducted by the Ad Hoc Select Committee on Outer Continental Shelf; with amendment (Rept. No. 95-91). Referred to the House Calendar.

Mr. DENT: Committee on House Administration. House Resolution 370. Resolution to provide funds for the further expenses of the investigations and studies of the Committee on Small Business; with amendment (Rept. No. 95-92). Referred to the House Calendar.

Mr. DENT: Committee on House Administration. House Resolution 378. Resolution providing for the expenses for the first session activities of the Committee on Interior and Insular Affairs; with amendment (Rept. No. 95-93). Referred to the House Calendar.

Mr. DENT: Committee on House Administration. House Resolution 382. Resolution to provide for the expenses of investigations and studies to be conducted by the Select Committee on Aging (Rept. No. 95-94). Referred to the House Calendar.

Mr. TEAGUE: Committee on Science and Technology. H.R. 3965. A bill to authorize research, development, and demonstration projects relating to aviation, and for other purposes; with amendment (Rept. No. 95-95). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 3712. A bill to amend the Library Services and Construction Act to extend the authorizations of appropriations contained in such Act (Rept. 95-97). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted Mar. 21, 1977*]

Mr. RYAN: Committee on International Relations. House Concurrent Resolution 142, Concurrent resolution urging the Canadian Government to reassess its policy of permitting the killing of newborn harp seals (Rept. No. 95-99). Referred to the House Calendar.

Mr. ZABLOCKI: Committee on International Relations. House Concurrent Resolution 97. Concurrent resolution expressing the concern of Congress regarding the harassment of Soviet Jews and other minorities; with amendment (Rept. No. 95-100). Referred to the House Calendar.

Mr. DENT: Committee on House Administration. House Resolution 393. Resolution authorizing additional funds for the leadership offices, and for other purposes; with amendment (Rept. No. 95-101). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRECKINRIDGE:

H.R. 5231. A bill to provide for the duty-free entry of chlorendic acid; to the Committee on Ways and Means.

By Mr. AKAKA (for himself and Mr. HEFTEL):

H.R. 5232. A bill to authorize the Secretary of the Army to make available to the State of Hawaii or through it to the Queen's Medical Center physical facilities not needed by the Army at Fort DeRussy, Hawaii, for the purpose of establishing a mental health clinic in such facilities; to the Committee on Armed Services.

By Mr. ANNUNZIO (for himself, Mr. ADDABBO, Mr. BEDELL, Mr. DAVIS, Mr. DENT, Mr. HAMMERSCHMIDT, Ms. MIKULSKI, Mr. MOAKLEY, Mr. RODINO, Mr. ROSE, Mr. VENTO, and Mr. ZEFERETTI):

H.R. 5233. A bill to increase for a 5-year period the duty on certain hand tools, and for other purposes; to the Committee on Ways and Means.

By Mr. BINGHAM:

H.R. 5234. A bill to amend the Atomic Energy Act of 1954 to prohibit licensing of commercial Nuclear fuel reprocessing facilities and plutonium-fueled reactors; to the Committee on Interior and Insular Affairs.

By Mr. BRINKLEY:

H.R. 5235. A bill to amend title 38 of the United States Code to shorten the World War I service requirement for the purposes of establishing eligibility for pension under such title; to the Committee on Veterans' Affairs.

H.R. 5236. A bill to amend title XVIII of the Social Security Act to authorize payment under the medicare program for certain services performed by chiropractors; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. BROOMFIELD:

H.R. 5237. A bill to direct the Food and Drug Administeration to withhold its announced prohibition of the use of saccharin in foods and beverages pending further study by the National Academy of Sciences; to the Committee on Interstate and Foreign Commerce.

By Mr. PHILLIP BURTON:

H.R. 5238. A bill to require an employer which assumes the ownership or operation of a business to honor the terms and conditions of a collective-bargaining contract; to the Committee on Education and Labor.

H.R. 5239. A bill to prohibit discrimination on the basis of affectional or sexual preference, and for other purposes; jointly, to the Committees on the Judiciary, and Education and Labor.

By Mr. CARNEY (for himself and Mr. BALDUS):

H.R. 5240. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CONABLE (for himself, Mr. ARCHER, Mr. DUNCAN of Tennessee, Mr. WAGGONNER, Mr. RHODES, Mr. ABDNOR, Mr. BROWN of Ohio, Mr. BROWN of Michigan, Mr. COLLINS of Texas, Mr. DAN DANIEL, Mr. DICKINSON, Mr. ERLENBORN, Mr. EMERY, Mrs. FENWICK, Mr. HAGEDORN, Mrs. HOLT, Mr. HORTON, and Mr. HYDE):

H.R. 5241. A bill to repeal the carryover basis provisions added by the Tax Reform Act of 1976; to the Committee on Ways and Means.

By Mr. CONABLE (for himself, Mr. JOHNSON of Colorado, Mr. KINDNESS, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LEACH, Mr. LENT, Mr. LOTT, Mr. MCEWEN, Mr. MILLER of Ohio, Mr. QUIE, Mr. RAILSBACK, Mr. RUNNELS, Mr. SAWYER, and Mr. SHIPLEY):

H.R. 5242. A bill to repeal the carryover basis provisions added by the Tax Reform Act of 1976; to the Committee on Ways and Means.

By Mr. COUGHLIN:

H.R. 5243. A bill to amend title 18 of the United States Code and the Omnibus Crime Control and Safe Streets Act of 1968 for the purpose of designating certain electric weapons as destructive devices; to the Committee on the Judiciary.

By Mr. DUNCAN of Tennessee:

H.R. 5244. A bill to amend title 5, United States Code, to remove the restriction that survivor compensation to any widow or widower will be terminated if such widow or widower remarries; to the Committee on Education and Labor.

By Mr. FITHIAN (for himself, Mr. JACOBS, Mr. HAMILTON, Mr. SHARP, Mr. BRADEMAS, Mr. EVANS of Indiana, Mr. HILLIS, Mr. QUAYLE, Mr. BAUCUS, Mr. OTTINGER, Mr. BROWN of California, Mr. LONG of Louisiana, Mrs. FENWICK, Mr. SIMON, Mr. DOWNEY, Mr. VOLKMER, Mr. CARR, Mr. RYAN, and Mr. BEDELL):

H.R. 5245. A bill to deauthorize the Lafayette Dam and Reservoir, Wabash River, Ind.; to the Committee on Public Works and Transportation.

By Mr. FLYNT:

H.R. 5246. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of food additives; to the Committee on Interstate and Foreign Commerce.

By Mr. FOLEY:

H.R. 5247. A bill to authorize the marketing of saccharin under section 409 of the Federal Food, Drug, and Cosmetic Act; to the Committee on Interstate and Foreign Commerce.

By Mr. GUDGER:

H.R. 5248. A bill to amend the Land and Water Conservation Fund Act of 1965, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HANNAFORD:

H.R. 5249. A bill to repeal the provisions of law allowing cost-of-living adjustments in the salaries of Members of Congress based on increases in the General Schedule; to the Committee on Post Office and Civil Service.

By Mr. KASTEN:

H.R. 5250. A bill to provide that the price support of milk be adjusted quarterly; to the Committee on Agriculture.

H.R. 5251. A bill to protect the public health and welfare by providing for the inspection of imported dairy products and by requiring that such products comply with certain minimum standards for sanitation and that the dairy farms on which milk is produced and the plants in which such products are produced meet certain minimum standards of sanitation, and for other purposes; to the Committee on Agriculture.

H.R. 5252. A bill to amend title 13, United States Code, to require the Secretary of Commerce to use sampling methods in taking agricultural censuses; to the Committee on Post Office and Civil Service.

H.R. 5253. A bill to increase the maximum Federal contribution to the cost of any State meat or poultry inspection system from 50 to 80 percent; to the Committee on Agriculture.

H.R. 5254. A bill to repeal the carryover basis provisions added by the Tax Reform Act of 1976; to the Committee on Ways and Means.

H.R. 5255. A bill to amend the Internal Revenue Code relating to the estate tax treatment of property held subject to joint tenancies; to the Committee on Ways and Means.

By Mr. KOCH:

H.R. 5256. A bill to amend the Urban Mass Transportation Act of 1964 to increase the authorization of funds for the act and to change the formula for the distribution of certain funds under the Act, and for other purposes; jointly, to the Committees on Public Works and Transportation, and Ways and Means.

By Mr. McCLOSKEY:

H.R. 5257. A bill to amend the Renegotiation Act of 1951 to provide that such act shall only be in effect when the President, during a period of national emergency, determines that having the provisions of such act in effect would be in the best interest of the country; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MOLLOHAN (for himself, Mr. AKAKA, Mr. APPLEGATE, Mr. BURKE of Massachusetts, Mr. CARNEY, Mr. CONTE, Mr. EDWARDS of California, Mr. MITCHELL of New York, Mr. Mr. MURPHY of New York, and Mr. SIMON):

H.R. 5258. A bill to authorize the disposal of tin from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. GARY A. MYERS:

H.R. 5259. A bill to amend the Motor Vehicle Information and Cost Savings Act to require the Environmental Protection Agency to compute realistic automobile fuel consumption rate statistics based on actual road tests; to the Committee on Interstate and Foreign Commerce.

By Mr. NOLAN (for himself, Mr. BROWN of California, Mr. SIMON, Mr. BALDUS, and Mr. AKAKA):

H.R. 5260. A bill to direct the Secretary of Agriculture to make payments to owners of cattle who sell their cattle in order to avoid excessive losses which would force such owners out of the business of dairy farming or producing beef cattle; to the Committee on Agriculture.

By Mr. O'BRIEN:

H.R. 5261. A bill to amend the Federal Food, Drug and Cosmetic Act to provide for the evaluation of the risks and benefits of food additives and to permit the continued use of saccharin until an evaluation is completed; to the Committee on Interstate and Foreign Commerce.

By Mr. REUSS:

H.R. 5262. A bill to provide for increased participation by the United States in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Asian Development Bank and the Asian Development Fund, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROSTENKOWSKI:

H.R. 5263. A bill to suspend until the close of June 30, 1979, the duty on certain bicycle parts; to the Committee on Ways and Means.

H.R. 5264. A bill to amend the Social Security Act to authorize international agreements with respect to social security health insurance benefits; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI (for himself, Mr. CONABLE and Mr. ARCHER):

H.R. 5265. A bill to provide for the temporary suspension of duty on the importation of fluorspar; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 5266. A bill to amend titles XVIII and XIX of the Social Security Act to include services of licensed (registered) nurses, physician extenders, and nurse practitioners among the services for which payment may be made under the medicare and medicaid programs; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. RUPPE:

H.R. 5267. A bill to amend the Ports and Waterways Safety Act of 1972, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ST GERMAIN:

H.R. 5268. A bill to authorize recomputation at age 60 of the retired pay of members and former members of the uniformed services whose retired pay is computed on the basis of pay scales in effect prior to January 1, 1972, and for other purposes; to the Committee on Armed Servicees.

By Mr. SEIBERLING:

H.R. 5269. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for any contribution, bequest, or gift to the United Nations; to the Committee on Ways and Means.

By Mr. STEIGER:

H.R. 5270. A bill to reduce the duty on aspen wood for wood particle board; to the Committee on Ways and Means.

By Mr. TUCKER:

H.R. 5271. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize the Secretary increased flexibility in issuing regulations regarding food additives; to the Committee on Interstate and Foreign Commerce.

H.R. 5272. A bill to amend the Internal Revenue Code of 1954 to exempt certain agricultural aircraft from the aircraft use tax, to provide for the refund of the gasoline tax to the agricultural aircroft operator, and for other purposes; to the Committee on Ways and Means.

By Mr. WHITEHURST (for himself, Mr. BAUCUS, Mr. BEDELL, Mr. BROADHEAD, Mr. CARR, Mr. COLLINS of Texas, Mr. ROBERT W. DANIEL, Jr., Mrs. FENWICK, Mr. FINDLEY, Mr. FRENZEL, Mr. LAGOMARSINO, Mr. MARTIN, Mr. PEPPER, Mr. RINALDO, Mr. SIMON, Mr. TREEN, and Mr. WINN):

H.R. 5273. A bill to amend the Internal Revenue Code; to the Committee on Ways and Means.

By Mr. WHITEHURST (for himself, Mr. CARR, Mr. COLLINS of Texas, Mr. ROBERT W. DANIEL, Jr., Mr. EDWARDS of Oklahoma, Mrs. FENWICK, Mr. FINDLEY, Mr. LAGOMARSINO, Mr. TREEN, and Mr. WINN):

H.R. 5274. A bill to amend the Internal Revenue Code of 1954 to provide for individual supplemental retirement savings; to the Committee on Ways and Means.

By Mr. YOUNG of Florida:

H.R. 5275. A bill to regulate lobbying and related activities; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. BLOUIN, Mr. JENRETTE, Mr. KRUEGER, Mrs. LLOYD of Tennessee, Mr. McHUGH, Mr. MITCHELL of Maryland, Mr. MOORE, Mr. PANETTA, Mr. PRESSLER, Mr. RYAN, Mr. SKELTON, Mrs. SPELLMAN, and Mr. TRAXLER):

H.R. 5276. A bill to require that imported meat and meat food products made in whole or in part of imported meat be subjected to certain tests and that such meat or products be identified as having been imported; to require the inspection of imported dairy products and that such products comply with certain minimum standards of sanitation; to require that the cost of conducting such tests, inspections, and identification procedures on imported meat and meat food products and on dairy products, as the case may be, be borne by the exporters of such articles, and for other purposes; to the Committee on Agriculture.

By Mr. BEARD of Rhode Island:

H.R. 5277. A bill to provide for the national accounting of the social, health, and Nation's welfare; to the Committee on Government Operations.

By Mr. BURLESON of Texas (for himself, Mr. PICKLE, and Mr. MARLENEE):

H.R. 5278. A bill to repeal the carryover basis provisions added by the Tax Reform Act of 1976; to the Committee on Ways and Means.

By Mr. CLAY (for himself, Mr. MITCHELL of Maryland, Mr. FARY, Mr. CHARLES H. WILSON of California, Mr. MOAKLEY, Mr. DUNCAN of Oregon, Mr. SIMON, Mr. McHUGH, Mrs. SPELLMAN, Mr. CARR, Mr. STOKES, Mr. JENRETTE, Mr. SOLARZ, Mr. LLOYD of California, Mr. OTTINGER, Mr. BADILLO, and Mr. GILMAN):

H.R. 5279. A bill to provide that the Federal Government will reimburse any individual who prevails in a court action if such court action is the result of harassment or other unreasonable conduct by the Federal Government; jointly, to the Committees on the Judiciary and Ways and Means.

By Mr. DICKINSON:

H.R. 5280. A bill to give the Food and Drug Administration greater discretion in the control of food additives; to the Committee on Interstate and Foreign Commerce.

By Mr. DICKINSON (for himself, Mr. MCDONALD, Mr. DORNAN, and Mr. MANN):

H.R. 5281. A bill to amend the Food Stamp Act of 1964, to exclude from coverage under the act households which have members who are on strike, and for other purposes; to the Committee on Agriculture.

By Mr. FORSYTHE (for himself, Mr. MURPHY of New York, Mr. LEGGETT, Mr. BREAUX, Mr. PRITCHARD, Mr. EVANS of Delaware, Mr. AKAKA, Mr. EMERY, Mr. LENT, Mr. AUCOIN, Mr. STUDDS, Mr. TRIBLE, Ms. MIKULSKI, and Mr. HUGHES):

H.R. 5282. A bill to amend the Marine Protection, Research and Sanctuaries Act of 1972 regarding the issuance of interim permits for ocean dumping, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. LAFALCE:

H.R. 5283. A bill to increase the productivity and quality of working life of small enterprises and local governments throughout the Nation; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LE FANTE:

H.R. 5284. A bill to amend the United States Housing Act of 1937, and the National Housing Act, to provide that future social security benefit increases shall be disregarded in determining eligibility for admission to or occupancy of low-rent public housing or the rent which an individual or family must pay for such housing, and that such increases shall also be disregarded in determining eligibility for (and the amount of) other Federal housing subsidies; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LEDERER:

H.R. 5285. A bill to amend the Tariff Schedules of the United States with respect to the tariff treatment accorded to sheets manufactured from acrylic resin materials; to the Committee on Ways and Means.

H.R. 5286. A bill to amend the Tariff Schedules of the United States with respect to the tariff treatment accorded to acetone; to the Committee on Ways and Means.

By Mr. LEGGETT:

H.R. 5287. A bill to authorize the Secretary of Agriculture to subsidize the freight cost of exporting certain surplus agricultural commodities by ship; jointly, to the Committees on Agriculture, and International Relations.

By PEPPER (for himself, Mr. MURPHY of Illinois, and Mr. CORNWELL):

H.R. 5288. A bill to direct the Coordinating Council on Juvenile Justice and Delinquency Prevention to organize and convene a national conference on learning disabilities and juvenile delinquency, and for other purposes; to the Committee on Education and Labor.

By Mr. CARNEY (for himself, Mr. HEFNER, Mr. LEACH, Mr. MANN, Mr. CLEVELAND, Mr. WEISS, Mr. MURPHY of New York, Mr. MURPHY of Illinois, Mr. GRASSLEY, and Mr. WHALEN):

H.J. Res. 336. Joint resolution authorizing the President to proclaim the week beginning November 6, 1977, and ending November 12, 1977, as National Volunteer Firemen Week; to the Committee on Post Office and Civil Service.

By Mr. HANLEY (for himself, Mr. CARNEY, Mr. FISH, and Mr. DELLUMS):

H. Con. Res. 168. Concurrent resolution recommending the creation by the President of a special task force to report on factors relating to the need to deregulate the price of natural gas in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN (for himself, Mr. ANDERSON of California, Mr. CORRADA, Mr. EVANS of Georgia, Mr. GEPHARDT, Mr. SIMON, Mr. STARK, and Mr. KOSTMAYER):

H. Con. Res. 169. Conurrent resolution urging the Canadian Government to reassess its policy of permitting the killing of newborn harp seals; to the Committee on International Relations.

By Mr. SCHULZE:

H. Con. Res. 170. Concurrent resolution to urge the President to reduce the risk of chemical warfare; jointly, to the Committees on Armed Services and International Relations.

By Mr. BROOKS:

H. Res. 420. Resolution to continue the work of the Joint Committee on Congressional Operations by establishing a select committee of the House to perform the functions of such Joint Committee for the House; to the Committee on Rules.

By Mr. GAYDOS:

H. Res. 421. Resolution disapproving a proposed regulation of the Federal Election Commission; to the Committee on House Administration.

By Mr. SHARP (for himself, Mr. EVANS of Indiana, Mr. HAMILTON, and Mr. JOHN T. MYERS):

H. Res. 422. Resolution that Congress move expeditiously to resolve pending issues regarding national telecommunications policy, and for other purposes; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

46. By the SPEAKER: Memorial of the Legislature of the State of Alaska, relative to the proposed Alaska National Interest Lands Conservation Act; to the Committee on Interior and Insular Affairs.

47. Also, memorial of the Legislature of the Commonwealth of Puerto Rico, relative to Puerto Rico's political status; to the Committee on Interior and Insular Affairs.

48. Also, memorial of the Senate of the State of New Hampshire, relative to the pardoning of draft evaders; to the Committee on the Judiciary.

49. Also, memorial of the Legislature of the State of Oregon, reaffirming its ratification of the proposed amendments to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

50. Also, memorial of the Legislature of the Commonwealth of Virginia, ratifying the amendment to the Constitution of the United States relating to denial of the right to vote for failure to pay taxes; to the Committee on the Judiciary.

51. Also, memorial of the House of Representatives of the State of Hawaii, relative to amending the Internal Revenue Code to promote the sale of residential land subject to leaseholds; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GIBBONS:

H.R. 5289. A bill for the relief of Joe Cortina of Tampa, Fla.; to the Committee on Ways and Means.

By Mr. HAGEDORN:

H.R. 5290. A bill for the relief of Young Shin Joo; to the Committee on the Judiciary.

By Mr. MARRIOTT:

H.R. 5291. A bill for the relief of Ah Young Cho Kwak; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

63. By the SPEAKER: Petition of the city council, Philadelphia, Pa., relative to the proposed Consumer Communications Reform Act of 1977; to the Committee on Interstate and Foreign Commerce.

64. Also, petition of the Confederation Francaise du Travail, Paris, France, relative to the Concorde; to the Committee on Public Works and Transportation.

65. Also, petition of the Assembly of the Ketchikan Gateway Borough, Alaska, relative to approval of an all-Alaska, all-American gas pipeline; jointly, to the Committee on Interstate and Foreign Commerce, and Interior and Insular Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4250

By Mr. EDWARDS of Oklahoma:

Page 20, line 25, strike out "This subsection (b)" and insert in lieu thereof "clause (B) of this paragraph (4)".

Page 24, line 3, insert immediately after the word "site" the following: ", and, for the purpose of the preceding provisions, the term 'site' means one single physically contiguous location at which employees are engaged in interrelated construction, alteration, painting, repair, or other work towards a common objective and in close physical proximity to each other".

Amend section 101(b)(2)(A) of title 1, page 25, line 5, by inserting, ": *Provided further*, That once written authorization of such activities by the national or international labor organizations is given, a secret ballot election shall be held by all affected workers, union and non-union, construction and industrial, to approve or disapprove a strike, and only upon the approval of a majority of the ballots cast shall a strike begin." after the words, "achieve an unlawful purpose."

Amend section 101(b)(2) of title 1, page 26, by adding a new subsection (D) which reads as follows: "Any local union that engages in a common situs picketing action without written national or international approval shall be liable to all contractors, subcontractors, their employees and agents for double direct economic loss caused by their actions."

Page 26, line 6, strike out "ninety days after the date of enactment" and insert in lieu thereof "during the period which begins ninety days after the date of the enactment of this Act and ends on December 31, 1980",

Page 40, beginning with line 5, strike out "this" and everything that follows down through "(b)" on line 7, and on line 12, strike out "(c)" and insert in lieu thereof "(b)".

Page 40, beginning with line 14, strike out "recommendations" and everything that follows down through "other" on line 17.

SENATE—*Monday, March 21, 1977*

(Legislative day of Monday, February 21, 1977)

The Senate met at 1:15 p.m., on the expiration of the recess, and was called to order by Hon. DONALD W. RIEGLE, JR., a Senator from the State of Michigan.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, Creator of all that is beautiful and good and true, we thank Thee for the beauty of this world which Thou has given to us for our home. Forgive us, if in any way we have marred or disfigured Thy creation. Tune our hearts to the beauty of sight, the beauty of sound, the beauty of thought, and the beauty of the innerspirit. Guide us as we work that our speech and our actions may be in harmony with the beauty of the world and the mind and spirit of the Creator, in whose name we make our prayer. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 21, 1977.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DONALD W. RIEGLE, JR., a Senator from the State of Michigan, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. RIEGLE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Friday, March 18, 1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THOUGHTS THAT BLOOM IN THE SPRING

Mr. ROBERT C. BYRD. Mr. President:

The year's at the spring
And day's at the morn;
Morning's at seven;
The hillside's dew-pearled;
The lark's on the wing;
The snail's on the thorn:
God's in his heaven—
All's right with the world.

As Henry Van Dyke said around the turn of the century:

It may be the first day of spring, but it is not necessarily the first spring day.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, I commend the majority leader for his remarks, and I hope his recitation warms up the temperature a little on this first day of spring.

SERVICEMEN MISSING IN SOUTHEAST ASIA

Mr. BAKER. Mr. President, it was with a mixture of sadness and frustration that I read Saturday of the return of the bodies of 12 U.S. pilots by the Government of Vietnam. At least for the families of these men, the long years of waiting are over.

For so many others, however, the wait continues and the frustrations continue. For those families who now know, I am relieved; but I have to wonder how many years ago they could have known. I have to wonder how many families are still waiting who could be told. The release of these 12 men engenders in me no sense of gratitude and, certainly, no sense of debt to the government in Hanoi.

Eventually, Mr. President, I will accept our dealings with Vietnam; because, like it or not, we have to live in and deal with the world as it is. Vietnam will be only one of the multitude of nations with whom we trade and for whom we provide economic assistance whose boundaries encompass a conquered people and whose government was established by force.

I cannot say that I ever will like it, but I will accept it but, not, Mr. President, before we are completely satisfied; not before men like Leonard Woodcock and SONNY MONTGOMERY are satisfied, that the Vietnamese Government has provided us every possible assistance and cooperation in accounting for those servicemen still missing in Southeast Asia.

To that end, Mr. President, I believe we were well served by the Presidential Commission returning today from Southeast Asia. For the distinguished members, Mr. Woodcock, Congressman MONTGOMERY, Senator Mansfield, Ambassador Yost, and Mrs. Edelman, it was a sensitive, and in many respects, a painful assignment.

Mr. President, the return of those pilots eloquently reminds us that the Vietnam war is still very much with us. The strong emotions rekindled by the pardon of the draft evaders and the commission of a study to determine what action could be taken for the deserters and those less than honorably discharged was a similar reminder.

The President said that accommodating the desires of the draft resisters and the deserters would help to heal the wounds of the Vietnam war—maybe; I do not think so; but maybe. In any event, that point is past arguing; but there is another point, Mr. President, that we have not even begun to consider.

If we are going to be so concerned, so solicitous, for the draft resisters and deserters, is there no way for this Government to express its appreciation to those who did not run, who did not desert. There were so many more who took their oath, served and served honorably, and returned with no special recognition or favor. Indulge me to read that oath, in part, Mr. President. It says,

I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same . . .

A lot of men and women, regardless of their feeling about this war, kept that oath.

In World War II, our troops left with bands playing, fought courageously in places with names that have become a part of our heritage, and returned to more bands and ticker-tape parades. Vietnam was a different war and a different kind of war. Men who went there went anonymously; they fought in places whose names we cannot pronounce, much less remember; and they returned to Travis or El Toro with no bands to greet them, no recognition of the service they had performed, or the oath they had kept.

I want to change that, Mr. President. I believe it is time that we say to those people, "Look, we know it was an unpopular war. We know now we probably had no business even being there. And, for the most part, we weren't; but you were. And, for doing what was asked of you, we are grateful."

There needs to be some recognition, Mr. President, that they served and served honorably. There is no way we can compensate for the disruptions to their lives. Tragically less can we compensate for the agony of the wounded or for the loss of the families of those who did not return at all. But, however inadequate, however much of a mere token, there must be something that this Government can do to say that this Government still reveres honorable service. There may be a day when, once again, this country will call upon its young men and women to serve on its behalf. And, when that day comes, I would not want the last remembered vestige of the Vietnam war to be the pardon of the draft resisters.

I am not prepared yet to say what we should do, but something needs to be done. There needs to be some substantative action by which the Government honors those who did not desert, who did not run from the draft. It may be as simple as a citation and commendation, or an appropriate bonus to Vietnam veterans who served honorably. I think the Congress should turn its attention to this matter in the near future. I will not now argue with the President's decision to act as he has on behalf of those who did not serve, but I believe there must be a balancing equity for those who did.

I urge this matter for the consideration of my colleagues.

Mr. President, I have no further requirement for nor no request for time under the standing order, and I yield it back.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 2 p.m. with statements therein limited to 10 minutes.

Is there morning business?

Mr. ALLEN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 3:40 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed H.R. 2647, an act to amend the Small Business Act and the Small Business Investment Act of 1958.

The enrolled bill was subsequently signed by the President pro tempore (Mr. EASTLAND).

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDING OFFICER laid before the Senate the following communications which were referred as indicated:

EC–938. A letter from the Secretary of Defense transmitting, pursuant to law, three reports of violations of the Anti-Deficiency Act, and of Department of Defense Directive 7200.1, "Administrative Control of Appropriations within the Department of Defense." (with accompanying papers); to the Committee on Appropriations.

EC–939. A letter from the President of the National Academy of Sciences transmitting, pursuant to law, a report entitled "Perspectives on Technical Information for Environmental Protection" (with an accompanying report); to the Committee on Appropriations.

EC–940. A letter from the Acting General Counsel of the Department of Defense transmitting a draft of proposed legislation to authorize adjustment in the annuities payable under subchapter I of chapter 73 of title 10, United States Code, whenever retired or retainer pay is increased under section 1401a of that title (with accompanying papers); to the Committee on Armed Services.

EC–941. A letter from the Secretary of Transportation transmitting, pursuant to law, the sixth annual report to the Congress on the special bridge replacement program (with an accompanying report); to the Committee on Environment and Public Works.

EC–942. A letter from the president of the Overseas Private Investment Corp. transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1961, as amended, to authorize additional authority for the Overseas Private Investment Corp. (with accompanying papers); to the Committee on Foreign Relations.

EC–943. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Nuclear or Conventional Power for Surface Combatant Ships?" (with an accompanying report); to the Committee on Governmental Affairs.

EC–944. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Why Urban System Funds were Seldom Used for Mass Transit" (with an accompanying report); to the Committee on Governmental Affairs.

EC–945. A letter from the General Manager of the Tennessee Valley Authority transmitting, pursuant to law, two copies of a report of the TVA's intention to alter five systems of records, in accordance with the Privacy Act (with accompanying reports); to the Committee on Governmental Affairs.

EC–946. A letter from the Deputy Assistant Secretary of Defense transmitting, pursuant to law, two copies of a Department of the Army proposal on a new system of records, in accordance with the Privacy Act (with accompany reports); to the Committee on Governmental Affairs.

EC–947. A letter from the Chairman of the National Commission for Manpower Policy transmitting, pursuant to law, Special Report Number 13, "Directions for a National Manpower Policy: A Report on the Proceedings of Three Regional Conferences" and special report No. 14, "Directions for a National Manpower Policy: A collection of Policy Papers Prepared for Three Regional Conferences" (with accompanying reports); to the Committee on Human Resources.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions which were referred as indicated:

POM–96. Senate Joint Resolution No. 7 adopted by the Legislature of the State of Alaska opposing H.R. 39, the "Alaska National Interest Lands Conservation Act"; to the Committee on Energy and Natural Resources:

SENATE JOINT RESOLUTION NO. 7

Be it resolved by the Legislature of the State of Alaska:

Whereas the development of a wise national interest resource policy requires that public land be utilized on an enlightened multiple-use basis, accommodating all reasonable uses for which the land is suited; and

Whereas H.R. 39, designed to implement sec. 17(d)(2) of the Alaska Native Claims Settlement Act, unreasonably shifts the emphasis from multiple-use management of land in the general interest to exclusive resource management in the interests of a few; and

Whereas the thrust of H.R. 39 is illustrated by the creation of 56.0 million acres of national parks, monuments, and preserves, as well as adding 8.1 million acres to those already in existence, thereby precluding the use of that land for mineral development, hunting (except in limited zones yet to be designated), and overall multiple-use management; and

Whereas the overall designation of portions of the national interest areas in the bill as components of the National Wilderness Preservation System creates enclaves of land which will involve serious access problems, be entirely restrictive to any sort of conventional development, and ultimately against the best public interest of most Alaskans; and

Whereas provisions relating to Native subsistence rights are uncertain and imprecise, leaving most substantive questions to be answered by regulations to be adopted in the future; and

Whereas, subject to valid existing rights, all the land designated as national interest land in H.R. 39 is withdrawn from all forms of appropriation under the mining laws and from mineral leasing, thereby placing an untenable burden on the entire nation in this time of energy and raw materials shortage; and

Whereas sec. 704(b) of H.R. 39 arbitrarily revokes land selections by the state in the national interest land areas, granting the state equal acreage, but relegating it to the undesirability of choosing lands of unspecified character and quality elsewhere; and

Whereas only 1.6 million acres are authorized to be designated as National Forest land, the only land category of those to be considered which approaches multiple-use management and considers diverse interests; and

Whereas Title V of H.R. 39 directs that the U.S. Fish and Wildlife Service exert primary interim management control of National Petroleum Reserve 4, representing an inappropriate shift of control considering the resource involved; and

Whereas a cooperative management program administered by a federal and state appointed commission would create a climate for determining the best use of land in Alaska; and

Whereas recognizing that there is a valid national public interest in public land in Alaska, including state land, as well as a valid interest on the part of the people of Alaska in federal land in Alaska, such a cooperative management program would allow land to be jointly administered until such time as its best value can be determined; be it

Resolved by the Alaska State Legislature that it opposes H.R. 39, the "Alaska National Interest Lands Conservation Act", as premature and not in the best interest of the citizens of the state and the nation; and be it further

Resolved That the Alaska State Legislature supports a strong common management program of administering public land and developing a selection policy.

Copies of this resolution shall be sent to the Honorable Jimmy Carter, President of the United States; the Honorable Cecil D. Andrus, Secretary of the Department of the Interior; the Honorable Robert S. Bergland, Secretary of the Department of Agriculture; the Honorable James O. Eastland, President Pro Tempore of the U.S. Senate; the Honorable Thomas P. O'Neill, Jr., Speaker of the U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

POM–97. Resolution No. 31 adopted by the 14th Guam Legislature relative to commending Senator DANIEL K. INOUYE for introducing the Hawaiian and U.S. Pacific Island Surface Commerce Act and requesting U.S.

Congress action on such measure; to the Committee on Human Resources:

RESOLUTION NO. 31

Be it resolved by the Legislature of the Territory of Guam:

Whereas, Guam and her Pacific Island neighbors are uniquely dependent upon surface commerce originating from the west coast ports of the continental United States; and

Whereas, the west coast shipping strike of 1972 caused a tremendous consumer hardship and significant price increases on Guam, some of which have never been reduced; and

Whereas, the mere and recurring threat of stoppage itself causes great economic damage as merchants and other economic interests in Guam and her Pacific Islands neighbors are forced to follow an expensive process of stockpiling merchandise; and

Whereas, the trade between the west coast and the United States Pacific Islands, including Hawaii, has almost no influence on the collective bargaining process because it constitutes such a small percentage of total west coast maritime trade; and

Whereas, the current peace between labor and management in the west coast longshore and maritime trades cannot be taken for granted; and

Whereas, United States Senator Daniel K. Inouye has been sponsoring legislation to protect Hawaii and the United States Pacific Islands from shipping strikes or threats of such since 1971, with revised legislation passing the Senate during the 93rd Congress; and

Whereas, on January 10, 1977, Senator Inouye reintroduced the Hawaiian and United States Pacific Islands Surface Commerce Act as S. 23, which recognizes the principle that we should interfere as little as possible, consistent with the objective of protecting Pacific Island Commerce, with the normal economic forces which are operative in labor management negotiations; and

Whereas, the proposed solution contained in Senator Inouye's measure is one which has been regularly used on a voluntary basis to transport military cargo including post exchange and commissary supplies during previous shipping stoppages; now, therefore, be it

Resolved, That the members of the Fourteenth Guam Legislature hereby express their support for S. 23, and commend Senator Inouye for his tenacity and concern for this very important problem facing the United States Pacific Island communities; and be it further

Resolved, That the members of the Fourteenth Guam Legislature, on behalf of the citizens of Guam, respectfully request that the United States Congress enact S. 23 to resolve the unique problem facing the Pacific Island communities which depend primarily upon United States products shipped from the west coast; and be it further

Resolved, That the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Presiding Officer of the United States Senate; the Speaker, U.S. House of Representatives; the Chairman, Senate Committee on Commerce; the Chairman, House Committee on Merchant Marine and Fisheries; Senator Daniel K. Inouye; Honorable Antonio B. Won Pat; and to the Governor of Guam.

POM-98. Senate Joint Resolution No. 1 adopted by the Legislature of the State of California relative to the electoral college; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 1

Whereas, Since customarily all the states' electoral votes go to the candidate receiving the most popular votes in the state, those who vote for the loser are effectively disenfranchised in the electoral college; and

Whereas, If an election is thrown into the House of Representatives because neither candidate wins a majority of the electoral votes, the nation would go for three months without knowing who would be President and then he might not have been the choice of the most voters; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the Congress of the United States to adopt Senate Joint Resolution No. 1 as introduced in the 94th Congress, 1st Session, proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States, and to enact laws necessary to implement this procedure; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

COMMITTEE REPORT SUBMITTED DURING RECESS

Under authority of the order of March 18, 1977, the following report was submitted, during the recess of the Senate:

On March 18, 1977, by Mr. HUDDLESTON, from the Committee on Agriculture, Nutrition, and Forestry:

S. 1051. An original bill to amend the U.S. Grain Standards Act with respect to recordkeeping requirements and supervision fees, and to establish an advisory committee to provide advice to the administration of the Federal Grain Inspection Service, and for other purposes (Rept. No. 95-60).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1070. An original bill to authorize additional funds for housing assistance for lower income Americans in fiscal year 1977, to extend the Federal riot reinsurance and crime insurance programs, to establish a National Commission on Neighborhoods, and for other purposes, together with additional views (Rept. No. 95-61).

ORDER FOR STAR PRINT—SENATE JOINT RESOLUTION 4

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Hawaii (Mr. INOUYE), I ask unanimous consent that Senate Joint Resolution 4, which was introduced on January 10, 1977, be reprinted as a star print containing corrections of certain inadvertent errors in the original printing.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I further ask unanimous consent that an explanation by Mr. INOUYE of the corrections requested be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR INOUYE

I wish to request a star print on S.J. Res. 4 which I introduced on January 10th with the cosponsorship of my colleague from Hawaii, Senator Matsunaga. On line 22 of page 2, the name of the last Queen of Hawaii, Queen Liliuokalani, is misspelled. Of greater importance, however, is line 1 on page 4 which should read . . . to 1778 (hereinafter "Native blood"), two of whom shall. Drop the existing line 1 which is identical with line 5 on page 4.

It is my hope that this measure will receive early action by the Committee and the Senate as it was reported favorably by the Interior Committee in the previous Congress but too late for action on the floor.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated.

(On March 18, 1977, during the recess:)

By Mr. HUDDLESTON, from the Committee on Agriculture, Nutrition, and Forestry:

S. 1051. An original bill to amend the U.S. Grain Standards Act with respect to recordkeeping requirements and supervision fees, and to establish an advisory committee to provide advice to the administration of the Federal Grain Inspection Service, and for other purposes. Placed on the Calendar.

By Mr. STAFFORD:

S. 1052. A bill for the relief of Brian Patrick Webb and his wife, Laurene Ann Webb; to the Committee on the Judiciary.

By Mr. SCOTT (for himself and Mr. TOWER):

S. 1053. A bill to amend the Clean Air Act to establish certain motor vehicle emission standards, and for other purposes; to the Committee on Environment and Public Works.

By Mr. INOUYE (by request):

S. 1054. A bill to amend the International Travel Act of 1961 to provide for the cooperative regulation of the travel agency industry; to the Committee on Commerce, Science, and Transportation.

By Mr. HUMPHREY (for himself, Mr. PERCY, Mr. CRANSTON, Mr. TOWER, Mr. MCGOVERN, Mr. ANDERSON, Mr. BAYH, Mr. DECONCINI, Mr. STAFFORD, Mr. JOHNSTON, and Mr. GLENN):

S. 1055. A bill to declare a national policy on investment in the private sector of the U.S. economy; to the Committee on Governmental Affairs.

By Mr. HATHAWAY:

S. 1056. A bill to amend the Ports and Waterways Safety Act of 1972 and section 4417a of the Revised Statutes in order to extend the provisions of such laws to the fishery conservation zone and to establish additional requirements for certain foreign flag vessels; to the Committee on Commerce, Science, and Transportation.

S. 1057. A bill to provide a comprehensive program with respect to liability and compensation for damages and cleanup costs caused by oil pollution; to the Committee on Environment and Public Works.

By Mr. BELLMON:

S. 1058. A bill to provide for a 50 per centum reduction of the burden on respondents in the censuses of agriculture, drainage, and irrigation taken in 1979 and thereafter, and for other purposes; to the Committee on Governmental Affairs.

By Mr. JOHNSTON:

S. 1059. A bill for the relief of Soon Bok Yoon; to the Committee on the Judiciary.

By Mr. EAGLETON:

S. 1060. A bill to amend the Act of Febru-

ary 9, 1821, to restate the charter of the George Washington University; to the Committee on Governmental Affairs.

S. 1061. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act with respect to the borrowing authority of the District of Columbia, and for other purposes; to the Committee on Governmental Affairs.

S. 1062. A bill to amend section 441 of the District of Columbia Self-Government and Governmental Reorganization Act; to the Committee on Governmental Affairs.

S. 1063. A bill to amend Public Law 93–198; to the Committee on Governmental Affairs.

By Mr. RIBICOFF:

S. 1064. A bill to authorize Donald G. Carpenter, retired colonel in the U.S. Air Force, to accept an office or position in King Faisal University in Saudi Arabia; to the Committee on the Judiciary.

By Mr. GRIFFIN:

S. 1065. A bill to amend the Federal Unemployment Tax Act to provide that States shall not be required to provide unemployment compensation to employees of educational institutions during established and customary vacation periods and to establish certain minimum requirements for payment of unemployment compensation to substitute teachers; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. TOWER, Mr. DOLE, and Mr. DECONCINI):

S. 1066. A bill to establish an Office of Hispanic Affairs in the Executive Office of the President, and in various executive agencies, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DOMENICI:

S. 1067. A bill to provide for a study of the suitability and feasibility of designating the Vietnam Veterans Chapel, Eagle Nest, N.M., as a national memorial to the Vietnam veterans; to the Committee on Energy and Natural Resources.

By Mr. BARTLETT:

S. 1068. A bill to require an annual contribution to the United States from U.S. territories and possessions which impose income taxes; to the Committee on Energy and Natural Resources.

By Mr. DURKIN:

S. 1069. A bill to amend the Toxic Substances Control Act; to the Committee on Commerce, Science, and Transportation.

By Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs:

S. 1070. An original bill to authorize additional funds for housing assistance for lower income Americans in fiscal year 1977, to extend the Federal riot reinsurance and crime insurance programs, to establish a National Commission on Neighborhoods, and for other purposes. Placed on the Calendar.

By Mr. HART:

S. 1071. A bill to establish a national system of child and maternal health care and a system of protection against catastrophic health care costs; to the Committee on Finance.

By Mr. SCOTT:

S.J. Res. 40. A joint resolution to authorize and request the President to issue a proclamation designating May 13 of each year as "American Business Day"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCOTT (for himself and Mr. TOWER):

S. 1053. A bill to amend the Clean Air Act to establish certain motor vehicle emission standards, and for other purposes; to the Committee on Environment and Public Works.

Mr. SCOTT. Mr. President, today I am introducing a measure to revise automobile pollution control standards in a way that will maintain our national goal of clean air, encourage development of fuel-efficient engines, and avoid production and job losses in auto-related industries nationwide. Of course, all of us want to continue efforts to clean up the Nation's air resources and to protect our citizens' health, but we need to exercise a rule of reason in this regard by weighing carefully the need for maximum environmental purity against the potential cost of such regulation and the impact on jobs and the economy generally. This proposal would phase in tougher standards for all three major automotive pollutants over the next few years and is similar to legislation recommended by the United Auto Workers, and for the most part, supported by the auto industry. Therefore, both union and management appear to be generally in favor of this approach.

As you know, action by the Congress is needed soon to resolve the auto emission standards issue, which was considered last year but not enacted. It seems reasonable, therefore, that we weigh the various alternatives and provide Detroit with a fixed target for meeting tougher standards not only for this fall's 1978 models but those being planned for future years. It is understoood that the law presently in effect imposes emission requirements, which many believe are unnecessary and impractical, particularly in light of Federal fuel efficiency standards. With 1978 model cars unable to meet the tough statutory standards, it seems imperative that the act be amended so manufacturers can make the necessary production decisions without undue delay of penalties being imposed.

The issues involved are quite complex and technical, with uncertainties as to what can or should be done. It appears we have in the past legislated clean air and other environmental goals without recognizing the potential costs and health risks involved or without having the appropriate technology to meet stringent standards by a date certain. This, of course, is contrary to our national interest and sound policymaking.

My proposal would continue nationwide improvement in air quality as newer, less polluting cars replace older ones without pollution controls and would permit localities, such as those areas in California with major smog problems, to impose stricter standards if desired. It also provides authority for waivers to be granted to encourage the availability and use of innovative engines that can substantially save fuel, without endangering public health.

In my opinion, Mr. President, these changes in the law are urgently needed if we are to intensify our efforts to build more fuel-efficient cars and to avoid unreasonable economic hardships that might otherwise result.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Motor Vehicle Emission Control and Fuel Economy Act of 1977".

LIGHT DUTY MOTOR VEHICLE EMISSIONS

SEC. 2. (a) Subparagraph (A) of section 202 (b) (1) of the Clean Air Act is amended to read as follows:

"(A) The regulations under subsection (a) applicable to emissions of carbon monxide and hydrocarbons from light-duty vehicles and engines manufactured during model years 1977 through 1979 shall contain standards which provide that such emissions from such vehicles and engines may not exceed 1.5 grams per vehicle mile of hydrocarbons and 15.0 grams per vehicle mile of carbon monoxide. The regulations under subsection (a) applicable to emissions of carbon monoxide and hydrocarbons from light-duty vehicles and engines manufactured during and after the model year 1980 shall contain standards which provide that the emissions from such vehicles and engines may not exceed 0.41 gram per vehicle mile of hydocarbons and 9.0 grams per vehicle mile of carbon monoxide.".

(b) Subparagraph (B) of section 202 (b) (1) of such Act is amended to read as follows:

"(B) The regulations under subsection (a) applicable to emissions of oxides of nitrogen from light-duty vehicles and engines manufactured during model years 1977 through 1981 shall contain standards which provide that such emissions from such vehicles and engines may not exceed 2.0 grams per mile. Such regulations for model year 1982 and thereafter shall, subject to paragraph 5 of this subsection, provide that such emissions from such vehicles and engines may not exceed 1.0 gram per mile.

(c) Section 202(b) of such Act is amended by striking out paragraph (5) thereof and substituting the following:

"(5) The Administrator, after notice and opportunity for hearing, may—

"(A) promulgate, at any time prior to two years before the standards go into effect, regulations containing standards applicable to emissions of oxides of nitrogen which shall apply to light-duty vehicles or engines manufactured during the model year 1982, and, in the discretion of the Administrator, subsequent model years, which allow emissions in excess of 1.0 gram but not in excess of 2.0 grams per mile, but such standards shall provide for the maximum reduction of emissions which the Administrator determines to be technologically practicable for the model year to which they apply, giving appropriate consideration to the cost of compliance, the need for such standards to protect public health and the impact of such standards on motor vehicle fuel consumption, and such standards may be revised in accordance with this clause; or

"(B) waive the standard for emission of oxides of nitrogen (but not to exceed 2.0 grams per mile) for model year 1982 or thereafter in any case in which he determines that a waiver is necessary to permit the use of an innovative power train technology that can produce a substantial energy saving compared to conventional power trains, and that such waiver will not endanger public health.

"(6)(A) Upon promulgation of a regulation under paragraph (5)(A), the Administrator shall report to the Congress respecting the motor vehicle fuel consumption consequences, if any, of the standards in relationship to the motor vehicle fuel consumption associated with the standards applicable for the model year immediately preceding the period of such regulation.

"(B) The Secretary of Transportation and the Federal Energy Administration shall each submit to Congress, as promptly as practicable following submission by the Administrator of the fuel consumption report re-

ferred to in subparagraph (A), separate reports respecting such fuel consumption.".

By Mr. INOUYE (by request):

S. 1054. A bill to amend the International Travel Act of 1961 to provide for the cooperative regulation of the travel agency industry; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, by request I am introducing the following proposal to provide for Federal regulation of those "engaged in the business of conducting a travel agency."

I wish to emphasize that at this time I am not fully convinced that circumstances warrant further legislation in this area. Existing laws and regulations, if vigorously enforced, may be adequate to deal with any abuses that may exist. On the other hand, they may not.

Moreover, if additional legislation does appear to be necessary, I am also not convinced that the measure I am introducing today by request is the appropriate one. Changes may be required.

At a future unspecified date in this Congress my subcommittee will hold hearings to determine answers to these questions as part of our national tourism policy study.

Mr. President, those who sell travel to the public provide a valuable service. They not only contribute to the economic prosperity of our Nation, they help enrich the quality of life for millions of Americans.

The overwhelming majority of these men and women are dedicated and thoroughly professional.

As in every profession, however, there are the unscrupulous few. They cause hardship, disappointment, and financial loss to the traveling public. In the process they also cast a stigma on the integrity and honesty of their colleagues, and make it more difficult for the legitimate agents to conduct business and serve the public effectively.

Currently, the Federal Trade Commission has an extensive investigation of the industry in progress which is aimed at discovering what, if any, abuses exist; how extensive they are; and the adequacy of the Commission's authority and regulations to deal with any widespread problems that may exist.

When hearings are held, we will, of course, be most interested in hearing from the Commission and its staff which is investigating this matter.

Other affected Government agencies, State and local officials, organized labor, consumers, and proponents and opponents of the bill will, of course, also have an opportunity to testify on the issues at that time.

At the conclusion of hearings the committee will make whatever recommendations it deems appropriate based on the hearing record and its own determinations.

By Mr. HUMPHREY (for himself, Mr. PERCY, Mr. CRANSTON, Mr. TOWER, Mr. MCGOVERN, Mr. ANDERSON, Mr. BAYH, Mr. DECONCINI, Mr. STAFFORD, Mr. JOHNSTON, and Mr. GLENN):

S. 1055. A bill to declare a national policy on investment in the private sector of the U.S. economy; to the Committee on Governmental Affairs.

INVESTMENT POLICY ACT OF 1977

Mr. HUMPHREY. Mr. President, achieving and sustaining a full employment economy means that 8 million new jobs are going to have to be created during the next 4 years alone for people entering the labor force for the first time.

This responsibility is added to the need to provide adequate job opportunities for the more than 9 million people who are currently unemployed or underemployed.

One of the keys to successfully meeting this challenge is an adequate pool of investment capital for plant and facilities to provide these jobs. But here, too, there are tremendous obstacles. Studies indicate there may be an investment capital shortfall ranging as high as $500 to $600 billion in the next 10 years.

We cannot expand our labor market by this degree nor set the stage to meet massive capital formation needs without clearly established national policy to do so.

ENDING THE DECLINE

Failure to take this step will assure the continued decline of U.S. share of world markets. Our low rate of personal savings, a major source of capital investment, reinforces this dismal prospective. The rate of personal savings in the United States was only 5 percent in the period 1963 to 1972, the rate in Japan was 16.8 percent, Italy 13.3 percent, and Germany 11.3 percent.

While venture capital is drying up in the United States, the German Government has implemented new rules designed to encourage the formation of venture capital groups. Japan has established a special institution to guarantee bank loans to innovative companies. And Canada is employing a number of imaginative methods to encourage venture capital investments.

Investments by the venture community totaled only $181.9 million in the United States during 1974 and dropped to $111.3 million in 1975. But as little as these sums are, a much smaller portion of these totals went into new venture activities. Only $80.6 million went into new projects in 1974. The situation got even worse in 1975 when only $52.4 million flowed from the venture community into new enterprises. The remains of the totals for 1974 and 1975 were directed toward open market investments, leverage buy-outs, and special situation financing of relatively old and well-established companies.

That is why, with Senators PERCY, CRANSTON, TOWER, MCGOVERN, ANDERSON, BAYH, STAFFORD, JOHNSTON, GLENN, and DECONCINI, I have today introduced the Investment Policy Act of 1977. The bill is a revised and improved version of legislation which Senator PERCY and I introduced last year and which was the subject of Banking Committee hearings toward the close of the 94th Congress.

POLICY AND RESPONSIBILITY

The bill declares that—

It is the policy and responsibility of the Federal Government, in cooperation with State and local governments, to use all practical means . . . to provide sufficient incentives to assure meeting the investment needs of private enterprise, including the needs of small and medium size businesses. . . .

The policy statement of the bill includes commitments to increase productivity, reduce and control inflation, and promote private investment in depressed urban and rural areas to eliminate the alarming levels of unemployment that exist there.

The legislation would require the President to make an annual investment policy report to Congress dealing with the levels of capital needed by small, medium, and large businesses, and submit proposals to carry out the measure's declared investment policy.

EROSION OF LEADERSHIP

Without enactment and faithful adherence to such a national investment policy, I fear that the ability of our private enterprise system to successfully compete in both domestic and international markets is in jeopardy. The loss of large segments of some of these markets is already an accomplished fact. We cannot and must not tolerate any further erosion of our economic strength nor the ability that strength gives us to assume a position of world leadership.

Mr. President, our success in providing those 17 million new private section jobs to reach and hold a full employment economy will be directly proportionate to the establishment and growth of new businesses in the years ahead. A study performed for the Commerce Department provides dramatic support for this conviction. Conducted by the staff of the MIT Development Corp., the study compared the performance of young, high growth companies, older but highly innovative firms, and old, well established companies. It found that 5 young, high-growth firms created 35,000 new jobs in a 5-year period ending in 1974. Five innovative and somewhat older firms increased their labor force by 100,000 jobs, while 6 older companies had a total increase of 25,000 jobs over the same period.

The very foundation of our competitive enterprise system rests on the quality and scope of opportunities for the establishment of new business, which is to say small business. Most of our new technology and technological innovation—new and improved tools, products, and methods for the delivery of services—have sprung from small firms headed by people who have the imagination, and skill as well as determination to find ways of entering existing markets on creating entirely new markets. Their better ideas enabled them to carve out a share of the marketplace for themselves.

THE BEDROCK OF THE ECONOMY

The bedrock place of small business in our economy is also indicated by its share of the Nation's business population. By Small Business Administration standards, small business comprises 96 percent or more of all commercial and industrial entities in the Nation. There are nearly 10 million of them. Small business provides employment opportunities for 58

percent of the country's work force. It provides 50 percent of the Nation's gross business product.

Yet small business has always been deprived of adequate investment capital.

Mr. President, this is the reason why the Investment Policy Act of 1977 emphasizes the needs of small- and medium-size businesses which have always had to struggle for investment capital. Data disclosed by the Federal Reserve Board indicates that in the 20-year period ending in 1973, investments in small, independently owned business declined by almost 50 percent in terms of this category's share of gross domestic investment. During that period the small business share of gross domestic investment declined from 15 to 7.5 percent.

Just to stand still and maintain its present share of the Nation's economy, small business will need $300 billion to $600 billion in investment capital during the 11-year period 1975 to 1985. Studies indicate that a continuation of present circumstances will cause a small business capital formation shortfall of over $70 billion in the next 10 years.

DRIED UP CAPITAL MARKETS

The Nation's worst recession since the end of World War II, from which we are now only slowly and hesitatingly emerging, has dried up capital markets for virtually all small business. Its share of long-term debt and equity investment is still less than 25 percent of the totally inadequate level that existed a decade ago. These circumstances constitute major elements contributing to the fact that during the past 10 years more than 204,000 businesses have filed for bankruptcy, almost all of them small businesses. During this period, business bankruptcy filings, which is to say small business bankruptcy filings, increased by an average annual rate of more than 30 percent as compared to previous years.

Absent any new policy, the future looks anything but bright for small and medium-size businesses. Although some $896 million in new equity issues flowed to smaller companies in 1972, drastic curtailments occured in subsequent years. The flow was cut to $205 million in 1973, and plunged to $16.1 million and $16.5 million in 1974 and 1975, respectively.

These reductions occurred despite the increased volume of all common stock offers in 1975. In that year all common stock offerings totaled $6.8 billion as compared to $2.6 billion in 1974. But initial offerings made by companies going into the market for the first time increased at a much slower pace during 1975. In that year initial offerings totaled $230 million—$113 million more than the previous year. And the average size of initial stock offerings was almost $10 million, hardly typical of a small business.

Mr. President, I hope these examples provide convincing evidence of the imperative need for a national investment policy. That policy is spelled out in the Investment Policy Act of 1977 which I urge be acted on as quickly as possible so that a maximum effort can be initiated by the administration and Congress to develop and implement programs to meet the urgent capital needs of American business, particularly small- and medium-size business.

Mr. President, I ask unanimous consent that the Investment Policy Act of 1977 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1055

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Investment Policy Act of 1977".

FINDINGS

SEC. 2. (a) The Congress concludes that the lack of a national policy on investment is a serious deficiency which can adversely affect the economic health and well-being of the Nation. This conclusion is based on the following findings:

(1) The success of a modern and expanding private enterprise system in terms of the production of goods, the providing of services, the employment of workers, the opportunities for profit, and the payment of taxes, is essential to the well-being of the Nation.

(2) The ability of our free enterprise system to compete successfully in both domestic and international markets and the development of new technology and technologically innovative methods for the production of goods and the delivery of services in order to remain competitive depend on the availability of adequate capital at reasonable cost to commerce and industry, including small and medium size businesses which comprise more than 95 percent of the Nation's business entities.

(3) Ultimate success in competition for United States and world markets depends on the availability and better use of essential resources—human, financial, material, plant, and equipment.

(4) Efficient and modern plant and equipment are a prerequisite for American enterprises becoming more productive, improving working conditions, increasing individual skills, enhancing the ability of each individual to achieve full economic potential, and providing job opportunities.

(5) Continually improving productivity and efficiency, together with maximum utilization of plant capacity, are absolutely essential to reduce and control inflation.

(6) Private enterprise investment is necessary to revitalize depressed urban and rural areas in order to achieve significant reductions in the severe and intolerable levels of unemployment that exist there.

(7) Improvements in plant and equipment and the financial resources for working capital are affordable only from savings, namely that part of income which citizens and their enterprises decide to put to work for future benefits rather than their being directly and presently consumed.

(8) These private savings put to work in our competitive enterprises for plant and equipment and working capital are termed investments.

(9) More productive enterprises also require additional financial resources for investment in working capital to meet larger payrolls and expenditures, as well as to carry larger inventories and customer receivables.

(b) The Congress also recognizes that—

(1) In recent years business enterprises in other nations have made very large and significant investments in proportion to their nation's gross domestic product enabling many non-Untied States business enterprises to improve their competitive positions vis-a-vis similar United States enterprises.

(2) United States enterprise should be encouraged to increase its ability to be competitive in all markets of the world as worldwide demand for goods and services continues to increase.

(3) Productive capactiy to satisfy this increasing demand requires new plants, production equipment, and working capital.

(4) Production equipment wears out or becomes obsolete and must be replaced and modernized at increasingly higher cost due to inflation.

(5) Compliance with governmental health, safety, and environmental standards requires sizable investments for many enterprises in the United States.

(6) Private investment must be encouraged so as to provide new plants and equipment together with the working capital required.

(7) Government actions sometimes create uncertainty which results in decreased investment.

DECLARATION OF NATIONAL POLICY

SEC. 3. The Congress declares that it is the policy and responsibility of the Federal Government, in cooperation with State and local governments, to use all practical means consistent with other essential considerations of national policy to provide sufficient incentives to assure meeting the investment needs of private enterprise, including the needs of small and medium size businesses, in order to increase the production of goods, the provision of services, employment, the opportunity for profit, the payment of taxes, and to reduce and control inflation. To the extent it is reasonably possible to do so, private enterprise investments in depressed urban and rural areas should be promoted to reduce the high levels of unemployment that exist there.

FEDERAL AGENCY COORDINATION AND COOPERATION

SEC. 4. In order to carry out the policy set forth in this Act, it is the continuing responsibility of each department, agency, and instrumentality of the Federal Government to use all practicable means to improve and coordinate Federal plans, functions, programs, policies and resources over the short and long term so that the Nation may—

(1) optimize the returns from its allocation of resources to education and training which, among other objectives, prepares citizens for professional responsibility in the economy;

(2) provide an environment in which each citizen has the opportunity and is encouraged to achieve his or her full economic potential and thereby secure the benefits of the fullest utilization of his or her capabilities;

(3) allow United States private enterprise, including small and medium size businesses, to have effective competitive access to world markets, including the United States domestic market;

(4) encourage the effective use of advanced technology in the development and use of natural and manmade economic resources consistent with the preservation of a healthy environment, our social and political values, and our national heritage;

(5) enjoy quality goods and services produced and provided at reasonable prices to consumers and at profitable price levels resulting from higher productivity by producers; and

(6) create an economic environment in which there will be the incentive to invest sufficiently and to allocate an adequate portion of savings for investment in necessary plant and equipment to strengthen the private sector of the national economy, including investments which generate employment

opportunities in depressed urban and rural areas, and to reduce and control inflation.

INVESTMENT POLICY REPORT

SEC. 5. The President shall include in his annual Economic Report to the Congress an Investment Policy Report which shall include—

(1) an assessment of the levels of investment capital available, required by and applied to small, medium and large business entities;

(2) an analysis of current and foreseeable trends in the levels of investment capital available to such entities;

(3) a review of the economic programs of the Federal Government, and other economic conditions affecting the level of capital investment in the United States; and

(4) a description of programs and proposals for carrying out the policy set forth in section 3.

The President shall also transmit to the Congress as a part of the Economic Report such other recommendations as he may deem necessary or desirable to achieve the policy set forth in section 3. The Investment Policy Report, when transmitted to the Congress, shall be referred to the Joint Economic Committee.

COUNCIL OF ECONOMIC ADVISERS

SEC. 6. It shall be the duty of the Council of Economic Advisers (1) to analyze and interpret economic developments, (2) to appraise programs and activities, including those of the Federal Government, relating to the policy set forth in section 3, and (3) to formulate and to recommend to the President measures and activities designed to promote the generation and use of investment for the Nation's competitive private enterprise system.

Mr. PERCY. Mr. President, I am delighted to join again in the introduction of the Investment Policy Act.

Senator HUMPHREY and I first introduced this legislation in July of last year. Since that time we have circulated it to interested individuals and organizations both in and out of government. I made a point of discussing it with my business advisory committee, which is composed of top business leaders in Illinois. And on November 19 of last year, the distinguished chairman of the Senate Committee on Banking, Housing, and Urban Affairs, (Mr. PROXMIRE) held hearings on this proposal.

From each of these sources we were fortunate enough to receive several suggestions and recommendations for improving the act and I believe the bill we are introducing today is significantly improved due to that input.

Specifically, we have emphasized the importance of investment in the private sector in controlling inflation, in keeping the United States competitive in international markets, in revitalizing depressed urban and rural areas, in insuring the continued viability of small- and medium-size businesses and, of particular importance at this time, in assuring adequate jobs and job expansion.

We introduced, and are reintroducing this legislation along with several of our distinguished colleagues, because of our commonly held concern that both elected and appointed policymakers focus on the need for sufficient capital investment in the private sector, today and in the years ahead.

Capital investment is not a new subject, but it is one of particular concern at this time. During the final quarter of 1976, capital outlays, adjusted for inflation, rose at an annual rate of only 3 percent. The average increase during corresponding stages of earlier economic recoveries was 15 percent. While early business surveys indicate that investment may pick up later in this year, there is still cause for concern and action.

The correlation between investment and jobs and investment and productivity is indisputable. Our ability to raise wages without fostering inflation and our ability to open up new jobs at home through new markets abroad all depend on continuing advances in U.S. productivity. And investment does more than lay the basis for future jobs; it creates jobs in the process. Economists now estimate that it takes from $20,000 to as much as $50,000 in capital to back up every worker. In some industries, the figure is even higher. Capital investment must be an integral part of our efforts to cut unemployment and accommodate our growing work force.

While we can agree on the need for sufficient investment, there is considerable disagreement over what the measure of sufficiency is and what incentives Government should employ. We now have direct incentives such as the investment tax credit. An employment tax credit for hiring new workers is also receiving serious consideration. Some believe we should rely on indirect incentives such a general lowering of tax rates on individuals or business. Other have advocated incentives that fall in between, such as integration of corporate and shareholder taxes on dividends and rapid capital recovery on new plant and equipment.

The primary goal and function of the Investment Policy Act is to help us focus on the important subject of capital investment and to help us determine our economy's capital needs so that the decision of what approach to take can be made. The act does not determine the approach, it provides the vehicle which will lead to that determination. Like the Employment Act of 1946, it recognizes an important national priority, providing a framework within which a consensus can be reached.

I have been very pleased by the breadth of support for this legislation. During the hearings held last fall, Alan Greenspan, on behalf of the President's Council of Economic Advisers; Henry Wallich, on behalf of the Board of Governors of the Federal Reserve System; and Sidney Jones, on behalf of the Treasury Department, all endorsed the principle and purpose of the act. In addition, Robert Galvin, chairman of the board of Motorola Corp., who has contributed in so many ways to this act, and Robert Nathan of Robert Nathan Associates also gave their strong endorsement to it.

The recognition of the need to assure adequate capital investment in the private sector is as strong among leaders of the current administration. In a March 3 speech, Secretary of the Treasury Blumenthal stated:

In my view . . . our free enterprise economy can grow and remain healthy, can do the job of providing enough employment for all, only if we ensure that enough private capital flows into financial markets to finance the plant and equipment, the research and development, and the entrepreneurial activities of large and smaller companies alike.

I ask unanimous consent that the full text of Secretary Blumenthal's comments on the need for capital investment be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PERCY. On February 10, during hearings on the President's economic report, Secretary of Labor Marshall pointed out the clear need for a partnership and cooperation between the private and the public sectors in insuring sufficient investment in the private sector. And finally, Secretary of Commerce Kreps and OMB Director Bert Lance have both told me of their support for the national policy established by the Investment Policy Act.

Mr. President, I am hopeful that the Senate Banking Committee will move expeditiously on this measure. The principles laid down by the act are of great importance as we deal with measures to strengthen our delicate economic recovery in the months ahead.

EXHIBIT 1

THE GOVERNMENT'S ROLE IN THE CAPITAL FORMATION PROCESS

(Remarks by the Secretary of the Treasury W. Michael Blumenthal, Waldorf Astoria, March 3, 1977)

In analyzing what the Federal Government can do to promote capital formation, it is best to begin at the beginning.

And the beginning, in my view, is to remind ourselves of the simple, yet oft-overlooked proposition that our free enterprise economy can grow and remain healthy, can do the job of providing enough employment for all, only if we ensure that enough private capital flows into financial markets to finance the plant and equipment, the research and development, and the entrepreneurial activities of large and smaller companies alike.

If that is not the case—and there is increasing concern that it may not be—nothing else that the government can do in shaping an economic program will succeed. An adequate flow of capital is the lifeblood of our economy. Without it, our economy cannot function for long, and our many political, social and cultural goals will remain unfulfilled.

Has there been a shortage of capital? There is no simple answer to that question.

To begin with, difficulties arise simply in defining what we are talking about. There has been a lot of debate in recent years as to whether there is or will be a "capital shortage." But it's not always clear what kind of capital the participants in these debates are referring to. Is it a shortage of financial capital—of means of financing outlays for bricks and mortar? Or is it a shortage of the physical capital itself—the stock of physical assets with which to produce the stream of goods and services called the Gross National Product? Too often, the debate slips back and forth betwen the two without

regard for the fact that they are distinct—albeit interrelated—concepts.

Turning first to physical capital and looking at current numbers on capacity utilization—imperfect as they are—one might be tempted to describe our current stock of plant and equipment as adequate. With operating rates for manufacturing as a whole in the low 80 percent range, there is little to suggest a present shortage. Moreover, the share of total output dedicated to new business fixed investment has been somewhat higher in the past decade than in the preceding two decades—10 percent of real GNP as against 9 percent earlier.

What, then, suggests a shortage of physical capital required to sustain the balanced, noninflationary growth we are all seeking?

To begin with, some industries appear to be nearing the point at which capacity could constrain production. There are at least half a dozen, including food processing, petroleum refining and mining, in which current operating rates are edging close to those that prevailed during the most recent period of high utilization (1973). Moreover, a number of studies have pointed to potential capacity problems in other industries, where even moderate sustained growth in economic activity, can push them to their capacity ceilings, creating "bottleneck" situations long before the total economy was fully utilizing its resources.

Second, we have to look at the changing balance between factor inputs, that is, the balance between growth in the stock of physical capital and growth in the stock of human capital. Respectable though recent growth rates in physical capital may be by historical standards, capital stock has not grown commensurately with growth in the labor force. In the first half of this decade, the average amount of business capital per worker grew at only have the rate at which it had been growing in the 50's and 60's. In other words, we were not providing tools of production as fast as the growth in workers to use them.

This shortfall in the availability of capital for the growing labor force has unpleasant ramifications for the economy. It has contributed in an important degree to the slowing of productivity gains in recent years, a period when output per worker has risen far more slowly than in the 1950's and 1960's. Diminishing rates of gain in productivity put upward pressure on prices, limit improvement in living standards, adversely affect profits, lower incentives for capital investment, and reduce the possibilities for creating jobs in the private sector.

Therefore, if we are to move toward a full employment economy over the balance of this decade, investment in productive capacity will have to absorb a higher proportion of our national output. We will have to achieve a better balance in distributing the results of economic growth between current consumption and investing for even greater future growth.

How do we accomplish this? The first prerequisite for an adequate volume of capital formation, as we see it, is to ensure a sound economy overall, stable and growing, one in which investors can have confidence.

By Mr. HATHAWAY:

S. 1056. A bill to amend the Ports and Waterways Safety Act of 1972 and section 4417a of the Revised Statutes in order to extend the provisions of such laws to the fishery conservation zone and to establish additional requirements for certain foreign flag vessels; to the Committee on Commerce, Science, and Transportation.

S. 1057. A bill to provide a comprehensive program with respect to liability and compensation for damages and cleanup costs caused by oil pollution; to the Committee on Environment and Public Works.

Mr. HATHAWAY. Mr. President, the series of oil tanker accidents this past winter, and most especially in December and January, resulted in intense review of the adequacy of both United States and international regulations governing tanker traffic. The series of mishaps included the largest ever to occur off the U.S. coast—the breakup of the Liberian tanker, the *Argo Merchant*, off the coast of Nantucket, Mass. This spill resulted in nearly 8 million gallons of heavy, No. 6 oil being dumped into the rich Georges Bank area off New England, threatening the fishing, recreational and related industries for an unknown number of years to come. Following this major disaster came a series of tanker mishaps and spills ranging from Los Angeles Harbor to the Thames River in Connecticut.

While we are familiar with many of the immediate impacts of oil spills such as blackened beaches and stranded and dying sea birds, the long-term effects of oil pollution on the marine environment are not known with great certainty. Despite improved technology and sophistication, the *Argo Merchant* spill graphically demonstrated how limited our resources are in combating a major oil spill disaster both in the area of prevention of such accidents, in containing them once they have occurred, and in providing adequate compensation for damages which result. Further, the tanker casualty rate has not been decreasing.

A recent report of the Office of Technology Assessment states that the tanker casualty rate has not shown any decrease over the past years; in fact, both the number of collisions and the associated oil pollution from collisions have actually increased over the original 1969–70 casualty data, while the actual number of operating tankers throughout the world has remained nearly constant.

One estimate of the cost of merchant marine casualties to the United States alone, and excluding the loss of human life, indicates that over $300 million per year is lost. Furthermore, growth in tanker traffic is continuing in the carrying of hazardous cargo such as oil, chemical carriers, liquified natural gas carriers, and others. With the prospect of the growth of very large crude carriers, and the ultra large crude carriers, the potential for major disasters threatening large segments of the ocean and coastal environments also increases.

The shock of the series of oil spills this past winter, as well as the future prospect for continued spillage, is particularly distressing to persons from the coastal States which are heavily dependent upon the coastline's natural resources and ecosystem. Fishing, recreational, and tourist industries are vital to a State such as Maine, with its long and beautiful coastline. The State itself has taken steps to protect its own resources through measures such as the coastal conveyance law which provides for liability for oil spillers, but much remains to be done at the national level.

Pollution of the oceans represents an international as well as a national and State problem. The case of the *Argo Merchant* illustrated the international aspect of the problem well. It occurred outside the territorial seas of the United States, and the provisions of the 1969 Convention on Intervention had to be invoked to permit U.S. action to take action to take action on the grounds of preventing grave and imminent danger to its coastline or related interests from oil pollution. This convention was not adopted until after the 1967 *Torrey Canyon* disaster and is intended to be used in only the most serious accidents. A special and limited international convention had to be invoked in order to permit the United States to attempt to protect resources on which the New England region's economy in great part depends, and resources which we now claim the right to manage with the institution of the 200-mile fisheries limit.

Even after the fact, and with U.S. intervention, however, little was able to be done to contain the oil in the *Argo Merchant* case.

It is apparent that prevention is the key to bringing the high rate of oil spillage and tanker casualties under control. One area for improving the prevention of oilspills immediately presents itself; that of tanker construction and navigational equipment. Internationally, some minimum standards would be provided for new tankers through the International Convention for Prevention of Pollution by Ships; this Convention, however, has not been ratified by the United States and is not in effect. The ongoing Law of the Sea negotiations have included the prevention of vessel source pollution in the revised negotiating text; the U.S. Representative to the Law of the Sea Negotiations testified that official U.S. policy has recognized that the present international regime for vessel pollution prevention is inadequate and that further action is needed. But the history of the 200-mile fisheries limit illustrates graphically how time consuming it may be to obtain ultimate agreement at the LOS conferences.

Legislation has been introduced to upgrade existing tanker requirements in the area of construction, maintenance and navigational equipment.

Preventing the carriage of oil and other hazardous substances in "rust buckets," as the *Argo Merchant* has frequently been described, can improve the safety record in the area of merchant marine personnel. A representative of a maritime consultant firm testified before the Senate's National Ocean Policy Study Group as to the importance of this factor in the prevention of oilspills. He stated:

Merchant marine casualties can result from a number of factors, including a series or combination of events and circumstances. In most cases, human error or personnel fault is a contributing, if not fundamental, causal factor. According to Lloyd's Register, the

greatest number of vessel losses can be traced to groundings, collisions, fires and founderings, all of which invariably involve human judgments. In 1972, the Chairman of the American Hull Insurance Syndicate revealed that 85 percent of his claims payments were for human error caused casualties. U.S. Coast Guard figures for Fiscal Year 1975 show that only 8 percent of the vessels involved in casualties cited material or mechanical failures as the primary cause. These and other data point to the overriding importance of human performance in the operation of our merchant fleets.

Human error cannot be eliminated entirely. It can, however, be mitigated. There is little doubt that the U.S. merchant marine licensing and training requirements are among the most stringent in the world. Yet virtually all of the tankers used for the importation of oil into the United States are registered in foreign countries under so-called flags of convenience. Part of the convenience offered by these flags is the ability to hire foreign crew at low wages. These foreign flag countries often have no real control over the qualifications of the seagoing personnel on the vessels registered under their flags. Very often such personnel, particularly officers and engineers, do not have proper training and are not adequately familiar with navigational equipment.

Recognizing the need for the continued use of some portion of foreign-flag tankers for the carriage of imported oil and other hazardous substances to U.S. ports, I am introducing legislation today which requires that every foreign flag vessel operating within the navigable waters or the Fisheries Conservation Zone of the United States have on board at least two U.S.-licensed mates and one U.S.-licensed engineer. In addition, one of these U.S. citizens would be required to be on watch during the time the vessel is operating in such navigable waters or the Fishery Conservation Zone.

While human error can never be entirely eliminated, the employment of U.S. licensed seamen who are familiar with U.S. waters, owe allegiance to the United States and who possess high navigational skills, can greatly reduce the risk of accidents resulting from human failure. Such a provision may also be easily and quickly implemented.

At the same time, I am also introducing legislation to provide for a comprehensive clean-up program and compensation scheme for victims of damaging oil spills once they have occurred. Existing law for such liability is clearly inadequate and does not serve as an incentive either to those who are in the business of transporting and handling oil by requiring them to assume adequate liability, nor does it protect those who suffer losses as a result of the damage wrought by an oil spill. Hence, I have long supported the enactment of a scheme of strict liability for clean-up costs and compensation for damages.

Several bills have been introduced this Congress to provide for an improved liability system. The bill I am introducing today is similar to one which I have supported both last Congress and this, but it also incorporates ideas from other proposals in an attempt to pull together the best of various bills now under consideration.

The bill establishes strict and unlimited liability for cleanup costs themselves, as well as unlimited liability for damages when the discharge results from gross negligence, willful misconduct, or the violation of applicable safety or operating standards. Otherwise, the owner or operator of a vessel, or facility, is held strictly liable to a maximum liability and a fund established from a fee on the transfer of oil is available for further compensation if needed.

The bill further provides for an accelerated program of research and development in cleanup technology, to be funded from the moneys in the fund established under the act. Disclosure of ownership of vessels is also provided to prevent the use of corporate structures to hide the true ownership of the vessels transporting oil to our ports.

Work has begun on legislation in this area, including that of tanker standards themselves, and I look forward to favorable and rapid committee action on legislation in this vital area of protection of our ocean resources from devastating oil disasters.

By Mr. BELLMON:

S. 1058. A bill to provide for a 50 per centum reduction of the burden on respondents in the censuses of agriculture, drainage, and irrigation taken in 1979 and thereafter, and for other purposes; to the Committee on Governmental Affairs.

AGRICULTURE CENSUS AMENDMENTS ACT OF 1977

Mr. BELLMON. Mr. President, today I am introducing legislation which is intended to streamline the amount of paperwork associated with the agricultural census. The primary purpose of this bill is to reduce the paperwork burden on respondents to the agricultural census by 50 percent. In addition, this bill would require the Department of Commerce to continue to collect certain limited information on very small forms, and to continue to consider them as forms as well as to require the Department of Commerce to improve its statistics on ownership-structure of American farms.

Mr. President, the most recent census of agriculture was a disaster. It was too long, too complex, and too irrelevant. While it is important that reliable agricultural information be collected and published regularly, it is neither necessary nor desirable for farmers to be forced to fill out incredibly detailed forms which many times ask questions for which farmers do not have answers.

The most recent census of agriculture has met with great resistance throughout rural America because of the unreasonable burden it has placed on the farmers. Clearly, too little thought and effort went into considering the average farmer's time and frustration in filling out these forms. The end product was an agricultural census which was a marketer's dream, but a farmer's nightmare. This legislation is designed to meet this problem by forcing a 50-percent reduction in the paperwork burden of the American farmer.

Mr. President, the Bureau of the Census estimates that it took an aggregate of 3.4 million hours to fill out forms for the most recent census of agriculture. Although this is probably an understatement, it points out in graphic terms what the net results of this legislation would be—a reduction by at least 1.7 million hours of the time required to fill out unnecessary Government forms. In order to reduce the paperwork so dramatically, the Bureau of Census would be forced to cut back the size of its questionnaires and to make much greater use of sampling techniques—something that it should have been doing all along.

Everyone talks these days about how redtape and forms are strangling the Nation—but little is done. I am convinced that this legislation presents an opportunity to reduce substantially the work burden of one sector of our economy without damaging in any way the information needs of our society. Additionally, I believe it is necessary to mandate a reduction of this magnitude; otherwise, experience clearly indicates that, even given the best of intentions, the Bureau of the Census—which does not have exclusive control of the content of the census of agriculture—will not be able to reduce appreciably the work burden by the next agricultural census which is planned for 1979. If the provisions of this legislation are not implemented, it is safe to say that the agricultural census of 1979 will be as great a failure as the agricultural census of 1974.

Mr. President, many people have advocated transferring the function of conducting the census of agriculture to the U.S. Department of Agriculture. The finished product of the agricultural census of 1974 would certainly give credence to these claims and I am not convinced that this is such a bad idea. However, I am somewhat skeptical in advocating such a transfer at this particular time. For one reason, there is good indication that USDA is not adequately prepared to conduct an agricultural census by 1979. I am also inclined to believe that the census of agriculture is better conducted by a purely statistical agency in order to negate any potential charges of political manipulation of agricultural statistics.

However, I think the Bureau of Census should be put on notice that if there is not a considerable improvement in the 1979 census of agriculture—including the time that it takes to process and publish the information—then the Congress will give every consideration to transferring the agricultural census to another agency. Consequently, the provisions in this legislation should enable the Bureau of the Census to conduct and produce a more useful agricultural census which would go a long way in stemming the opposition to this agency's continued function of conducting the census of agriculture.

Mr. President, this legislation will do two other things. First, it would require

the Bureau of the Census to continue to collect certain limited information on very small farms, and to continue to consider them as farms. Two years ago, the Bureau of the Census and the Department of Agriculture wanted to increase by 400 percent the minimum sales required for an establishment to be considered as a "farm." This apparently would have resulted in hundreds of thousands of farms being technically redefined out of existence. Because of an adverse congressional response to this redefinition, the action was later rescinded. I believe the Congress ought to preclude anticipated future attempts to redefine large numbers of farms out of existence. Therefore, this bill provides any future changes in definition which would increase sales needed to qualify as a "farm" cannot exceed inflationary trends using 1969 as a base year.

It must be noted that this legislation is not intended to require the Department of Commerce to continue to collect the same information on very small farms as it does on larger units. But some information on small farming enterprises would be useful, and even necessary, if we are ever to develop a comprehensive rural policy for this Nation. One of the components of that policy should be an attempt to help small farm operations become self-sufficient—they are already quite efficient. If the Bureau of the Census stops counting very small establishments as farms, then there will be a self-fulfilling prophecy established. Our Government will find that small farms are no longer viable in America. For "proof" one would need only to look at the most recent Bureau of the Census statistics showing the precipitous decline in the number of farms in the United States which was caused, in fact, by technical redefinition.

Finally, Mr. President, this legislation recognizes the fact that there have been great changes in the ownership structure of American farms in recent years which are not fully understood or documented. Therefore, the bill calls upon the Department of Commerce to improve upon its collection of data in the farm ownership pattern within the United States.

In summary, Mr. President, this legislation is the only sensible means of developing a useful agricultural census. Having been engaged in farming throughout my life, I can attest to the fact that the questionnaires prepared by the Bureau of the Census for the gathering of agricultural information are too long, too complex, and too irrelevant. Since the Bureau of the Census has not been able to recognize its problem, it is incumbent on the Congress to assist the Bureau in developing a census questionnaire which is less burdensome upon our Nation's farmers. The information contained in agricultural census is important to this Nation. By reducing the amount of paperwork burden on the respondents to the agricultural census, we insure against ambivalence on the part of the farmer in responding to these questionnaires. Prompt passage of this legislation is needed so that the Bureau of Census can begin making preparation for the 1979 agricultural census.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Agriculture Census Amendments Act of 1977".

STATEMENT OF FINDINGS

SEC. 2. The Congress hereby finds—

(1) that the census of agriculture, drainage, and irrigation has increased in complexity and detail to the extent that the reporting burden now imposed on farmers is unreasonable and possibly counterproductive;

(2) that the respondent burden of such census can be substantially reduced by the increased use of sampling and survey techniques without any loss of necessary data;

(3) that in order to develop a comprehensive policy for the rural areas of the United States, and to recognize the continued existence of small farming enterprises and their contributions to our Nation, it is necessary to continue to collect and publish information on such farming enterprises; and

(4) that significant changes in ownership structure of farms in the United States have developed in recent years which need to be better understood and documented.

REDUCTION OF RESPONDENT'S BURDEN BY 1978 AGRICULTURE CENSUS

SEC. 3. The Secretary of Commerce shall—

(1) determine the reporting burden on establishments which, on an annual basis, have average sales of agricultural products of $50,000 or less, and such burden on all other establishments, in the 1974 census taken under section 142 of title 13, United States Code.

(2) take steps which he considers to be consistent with the purposes of such section and which will assure that in the census taken in 1979 under such section—

(A) in the case of establishments which, on an annual basis, have average sales of agricultural products of $50,000 or less, the reporting burden will be equal to or less than one-half of the reporting burden determined by him under paragraph (1) with respect to such establishments, and

(B) in the case of other establishments, the reporting burden will be reduced to the maximum extent feasible, and

(3) not later than 120 days after enactment of this Act, prepare and transmit to the Congress a report which—

(A) sets forth his determinations under paragraph (1) of the respondent burden in the 1974 census, and

(B) states what steps have been or will be taken under paragraph (2) to reduce the respondent burden in the census taken in 1979 under such section and his evaluation of such steps.

CLASSIFICATION OF FARMS USED FOR 1974 AGRICULTURAL CENSUS

SEC. 4. (a) The statistical classification of farms in effect on June 30, 1976, with respect to the 1974 census taken under section 142 of title 13, United States Code, shall be effective, for purposes of that census, on and after the effective date of this Act.

(b) The Act of March 15, 1976, (Public Law 94-229), is amended by striking out section 2 thereof.

CLASSIFICATION OF FARMS TO BE USED IN FUTURE AGRICULTURAL CENSUSES

SEC. 5. The statistical classification of farms effective with respect to censuses taken in 1979 and thereafter under section 142 of title 13, United States Code, shall be prescribed in such a manner as not to exclude any establishment which, for the calendar year to which the data collected relates, has sold or would normally sell more than a minimum value of agricultural products. For purposes of the preceding sentence, the term "minimum value" means, with respect to any census, $250 adjusted by a percentage equal to the percentage change in the index of prices received by farmers (maintained by the Department of Agriculture) from January 1, 1969, through January 1 of the year to which the data collected in such census relate.

OWNERSHIP STRUCTURE OF UNITED STATES FARMS

SEC. 6. The Department of Commerce, in cooperation with the Department of Agriculture, shall develop methods of improving the collection, analysis, and publication of data relating to the ownership structure of farms within the United States, and the Department of Commerce shall collect, analyze, and publish such data.

By Mr. GRIFFIN:

S. 1065. A bill to amend the Federal Unemployment Tax Act to provide that States shall not be required to provide unemployment compensation to employees of educational institutions during established and customary vacation periods and to establish certain minimum requirements for payment of unemployment compensation to substitute teachers; to the Committee on Finance.

UNEMPLOYMENT COMPENSATION AND SCHOOL EMPLOYEES

Mr. GRIFFIN. Mr. President, today I am introducing a bill to avert some potentially serious financial problems faced by many school districts and educational institutions, whose employees will be covered, beginning January 1, by the Unemployment Tax Act.

Although Congress did not intend it, loopholes in the new law could result in an unexpected multimillion-dollar windfall for teachers—at the expense of taxpayers, who already are overburdened and reluctant to pay more taxes to support their local schools.

My bill would plug the loopholes, now—before millions of tax dollars begin in January to seep through them.

When Congress passed the Unemployment Compensation Amendments of 1976, mandatory Federal unemployment insurance coverage was extended for the first time to State and local Government workers, including school employees.

Of course, these units of Government will be required to contribute to unemployment insurance funds for each of their workers covered by the program, just as businesses now do.

In bringing State and local government workers under the unemployment compensation umbrella, Congress recognized that school employees are in a unique category because of the seasonal nature of the school calendar.

Accordingly, provisions were included reflecting an awareness that, although school employes are paid on an annual

basis, most do not in fact work the entire year at their school jobs. For example, the 1976 law stated that school employes who have contracts or reasonable assurances of employment for the following academic year would not be eligible to receive unemployment benefits during the summer months between academic years.

Despite such provisions, the 1976 law creates several enormously expensive financial problems for many school districts and educational institutions around the country—problems which clearly were unintended and not considered by Congress.

For example, it appears that one effect would be to mandate payment of unemployment benefits to school employees during periods of vacations and holiday recesses—such as those scheduled at Christmas and Easter.

Under Michigan law there is no waiting period required in order to establish eligibility for unemployment benefits. This could result in additional costs to school districts in Michigan of nearly $100 per teacher for every week of recess or vacation, or a total of nearly $15 million a year. Seven other States—Alabama, Connecticut, Delaware, Kentucky, Maryland, Nevada, and New Hampshire—similarly have no waiting period for unemployment compensation eligibility, and they could also be affected by this unintended effect of the 1976 law.

In order to correct this flaw in the 1976 law, the bill I am introducing today would amend section 3304(a)(6)(A) of the Internal Revenue Code to provide that the States are not required to pay unemployment compensation to employees of educational institutions during established and customary vaction periods or holiday recesses. This proposed change in the law is entirely consistent with the purposes of the 1976 amendments and would result in significant savings for many school districts—and their taxpayers—around the country.

Another deficiency in the 1976 amendments results from a drafting oversight. Although it was clearly the intent of Congress to designate breaks between school terms as denial periods for unemployment benefits, the actual statutory language does not do so, at least it is ambiguous on this point.

The ambiguity potentially could result in large unemployment benefit expenditures for many schools—particularly colleges and universities.

My bill would correct this oversight by specifically designating term breaks as denial periods. An identical amendment was recently adopted by the House Wavs and Means Committee as part of H.R. 4800, legislation before the House today to extend the supplemental Federal unemployment benefits program.

Finally, my bill would amend section 3304(a)(6)(A) of the Internal Revenue Code so States could deny unemployment benefits to the occasional substitute teacher who works less than one quarter, or 45 days, of the normal 180-day academic year.

As noted, the effect of the 1976 law was to mandate coverage of all school employees. Thus, in many States even substitute teachers who provide only occasional services would be eligible for unemployment compensation benefits. The impact of coverage for all substitute teachers could be very costly for school districts across the country. In Michigan, for example, it is estimated that the 1976 amendments would raise the average daily cost of a substitute teacher from about $25 a day to about $43 a day.

Separate treatment of the occasional substitute teacher under the unemployment compensation laws is justified, I believe, by the unusual employment relationship between substitutes and school districts. Unlike the private employer—who in most cases can get along without filling vacancies created by short-term employee absence—the school employer usually brings in a substitute to fill every spot left open by a teacher's absence.

It should be emphasized that my legislation would not preclude all substitute teachers from qualifying for unemployment benefits. In fact, this bill recognizes the equity of providing benefits for one who works regularly as a substitute teacher. My bill would allow States to deny benefits to those substitutes who work only on an occasional basis; however regular substitutes—those working 45 days or more in any State-determined base period—would not be prejudiced. I believe this represents an appropriate balancing of competing interests in this situation.

The unemployment compensation program was not intended to provide benefits to those who are temporarily on vacation or to those who are not truly unemployed.

My legislation would not deny benefits to those who are truly unemployed. It is designed, however, to insure that taxpayers will not be unduly burdened by quirks in the law that would make school employees—in George Orwell's phase—"more equal than others."

All of us must face the harsh reality that financing education in our country today is a difficult and burdensome responsibility. As the costs of education climb, taxes will have to climb also to keep pace.

It is obvious to me that as we work to improve the quality of education, we must work harder here in Congress to help States and local school districts to control their costs wherever possible. It is with this thought in mind that I am introducing this legislation today.

Mr. President, I ask that the text of the bill, S. 1065, be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1065

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3304 (a)(6)(A) of the Internal Revenue Code of 1954 (relating to approval of State unemployment laws) is amended—

(1) in clause (i) by striking out "two successive academic years" and inserting in lieu thereof "two successive academic years or terms";

(2) in clauses (i) and (ii) by striking out the word "and" at the end thereof; and

(3) by adding at the end thereof the following new clauses:

"(iii) with respect to any services described in clause (i) or (ii), compensation payable on the basis of such services may, if the State law so provides, be denied to any individual for any week which commences during an established and customary vacation period or holiday recess if such individual performs such services in the period prior to such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period following such vacation period or holiday recess, and

"(iv) with respect to services performed by substitute teachers in an instructional, research, or principal administrative capacity for an educational institution to which section 3309(a)(1) applies, compensation payable on the basis of such services may be denied to any individual who is paid on a per diem basis and is employed for less than 45 days in a base period (as defined by State law), and".

(b) The amendments made by this Act shall be effective on the date of enactment of this Act.

By Mr. DOMENICI (for himself, Mr. TOWER, Mr. DOLE, and Mr. DECONCINI):

S. 1066. A bill to establish an Office of Hispanic Affairs in the Executive Office of the President, and in various executive agencies, and for other purposes; to the Committee on Governmental Affairs.

OFFICE OF HISPANIC AFFAIRS

Mr. DOMENICI. Mr. President, it is my pleasure to introduce a bill of critical importance to Hispanic Americans. The bill has two basic components. First, it establishes an Office of Hispanic Affairs in the Executive Office of the President. This would replace a Cabinet-level executive committee for Hispanics that expired on December 31, 1974. Second, the bill establishes offices of Hispanic Affairs throughout the various agencies of the executive branch.

Both components complement each other. An Office of Hispanic Affairs in the White House would insure that Hispanic concerns are heard at the highest policymaking levels of Government. Moreover, the office could serve as a focal point for gathering and disseminating data on the social and economic status of Hispanic-Americans.

Individual offices in each of the agencies would provide an operational arm to the White House Office. They could implement guidance and decisions made by the White House Office and, in turn, provide the central office with the field experience and data on which to base future policy.

Implicit in the introduction of this bill is the belief that despite their contributions to American life, the Hispanic community has failed to receive a proportional share of the benefits of American life. Hispanics continue to be this Nation's most disadvantaged group in terms of education, health, housing, employment, and earning power. And with-

out swift, positive action, this sad state of affairs will continue. I would like to emphasize that this bill has its origins in several years of rising concern by the New Mexico delegations over the inability of Hispanic Americans to make themselves heard. Accordingly I believe that as a first step, Hispanic needs and perspectives must be integrated into governmental decisionmaking. I believe my bill represents an important advance in this direction.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1066

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to (1) assure that Federal programs and resources are reaching all Mexican Americans, Puerto Rican Americans, Cuban Americans, and all other Hispanic Americans and providing the assistance they need, (2) assure that the laws, policies, and practices of the Federal Government are providing equal opportunities for Hispanic Americans in all areas, including employment, education, health, housing, and community development, economic development, and grant and contract procurement, and (3) seek out and develop new programs and resources that may be necessary to handle problems that are unique to such persons.

ESTABLISHMENT

SEC. 2. There is established in the Executive Office of the President and various executive agencies the Office of Hispanic Affairs (hereinafter referred to as the "Office").

OFFICE OF THE PRESIDENT

SEC. 3. (a) The Office in the Executive Office of the President shall have a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be paid at the rate of basic pay in effect for Level V of the Executive Schedule.

(b) The Director may appoint and fix the pay of such personnel as he deems desirable.

(c) The Director may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule.

DUTIES

SEC. 4. (a) The Director shall—

(1) advise Federal departments and agencies regarding appropriate action to be taken to help assure that Federal programs are providing the assistance needed by Hispanic-Americans;

(2) advise Federal departments and agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of Hispanic-Americans and on priorities thereunder;

(3) advise and assist Hispanic-American groups and individuals in receiving assistance available by law;

(4) establish and maintain an Hispanic information clearinghouse which shall collect, analyze, and disseminate information concerning the social and economic conditions encountered by Hispanic individuals; and

(5) appraise the laws, policies, and performance of the Federal Government with respect to the achievement or denial of equal opportunities for Hispanic-American individuals, and report such appraisal annually to Congress and the President in the report required under section 6 of this Act.

(b) In carrying out his duties, the Director may foster such surveys, studies, research, and demonstration and technical assistance projects, establish such relationships with State and local governments and the private sector, and promote such participation of State and local governments and the private sector as may be appropriate to identify and assist in solving the special problems of Hispanic-Americans.

POWERS

SEC. 5. (a) The Director may prescribe such rules and regulations as he determines necessary to carry out the provisions of this Act.

(b) The Director shall consult with and coordinate the activities of the Office with appropriate Federal departments and agencies, particularly those established under section 9 of this Act, and shall utilize the facilities and resources of such departments and agencies to the maximum extent possible in carrying out his duties.

(c) The Director, in carrying out his duties, may enter into agreements with Federal departments and agencies as he deems appropriate.

(d) The Director shall operate such regional offices as may be necessary to efficiently carry out the provisions of this Act.

ADVISORY TASK FORCES

SEC. 6. (a) The Director may appoint one or more advisory task forces from among persons who are representative of and involved in the affairs of the Mexican American, Puerto Rican American, Cuban American, and other elements of the Hispanic-American community. Any such task force shall—

(1) advise the Director with respect to his functions under the Act;

(2) be approved by either the House or Senate Government Operations Committee;

(3) be subject to the provisions of the Federal Advisory Committee Act (86 Stat. 770);

(4) transmit to Congress and the President a report of its activities on an annual basis or upon completion of work, whichever occurs first.

(b) Each task force member who is appointed from private life shall receive $100 a day for each day during which he is engaged in the actual performance of his duties as a member of the task force. A member of the task force who is an officer or employee of the Federal Government shall serve without additional compensation. All members of the task force shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

OBTAINING INFORMATION AND STAFF

SEC. 7. (a) The Director may secure directly from any Federal agency information necessary to enable him to carry out this Act.

(b) Upon request of the Director, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Office to assist him in carrying out his duties under this Act.

(c) Upon request of the Director, the head of any Federal agency is authorized to furnish such services and facilities to the office as is appropriate to carrying out the provisions of this Act.

ANNUAL REPORT

SEC. 8. The Director shall, within six months after the end of each fiscal year, submit a report to the President and the Congress of the activities of the Office for the preceding year, including in such report an appraisal of Federal performance as described in section 3(a)(5) and any recommendations he deems appropriate to accomplish the purposes of this Act.

OFFICES IN VARIOUS EXECUTIVE AGENCIES

SEC. 9. (a) The President shall take such measures as he determines are necessary to insure that an Office of Hispanic Affairs is established and maintained in the Departments of Agriculture, Commerce, Defense, Health, Education, and Welfare, Housing and Urban Development, Interior, Justice, Labor, Transportation, Treasury, the Community Services Administration, the Veterans' Administration, the Civil Service Commission, the Federal Communications Commission, the Small Business Administration, the Energy Research and Development Administration, National Aeronautics and Space Administration, National Science Foundation, Federal Home Loan Bank Board, and such other departments or agencies as the President may designate. The Director of this office, who shall be designated by the head of such department or agency, shall also serve as Special Assistant for Hispanic Affairs to the head of such department or agency.

(b) The Special Assistant for Hispanic Affairs designated within each department or agency may participate in all policy planning and development for all programs within each of the executive departments and agencies to insure the consideration of factors impacting on the various Hispanic communities. The head of each executive department and agency shall insure the participation of the Special Assistant for Hispanic Affairs in the review of all pertinent and relevant rules, regulations and guidelines, and other management directives to assure that the laws, policies, and practices of the Federal Government are providing equal opportunities for Hispanics in all areas; including education, health, housing, and community development, economic development, grant and contract procurement, and employment. The Special Assistant shall, under the direction of the head of each executive department and agency, make recommendations to the head of the executive department or agency to problems and special needs that are unique to Hispanics, and shall be available to advise and assist Hispanic groups and individuals who seek assistance or services from the department or agency.

FEDERAL REGIONAL COUNCILS

SEC. 10. The President may also take such measures as he determines are necessary to instruct the chairpersons of the ten Federal regional councils (established pursuant to Executive Order 11647 of February 10, 1972), to insure that the problems and needs of Hispanics are taken into consideration in decisions related to Federal assistance to State and local governments made by the Federal regional offices. Member agencies of the ten Federal regional councils shall provide available data and information, generated through their Hispanic liaison function, to the Federal regional councils, in order to insure equitable consideration of Hispanic needs in pertinent council decisions.

DUTIES OF THE SECRETARY OF COMMERCE

SEC. 11. The Secretary of Commerce shall take necessary steps to insure that existing information clearinghouse functions within the department shall encompass collection and dissemination of Hispanic information in easily accessible form concerning the social, economic, employment, health, and housing needs and conditions of the Hispanic population of the Nation.

COORDINATION

SEC. 12. The Director in the Executive Office of the President for Hispanic Affairs shall provide leadership and coordination for all departments and agencies of the executive

branch, particularly those established under section 9 of this Act, and such guidance as the President determines is appropriate in implementing this Act. Each department and agency shall issue appropriate rules and regulations to further the purposes of this Act.

BAN OF PARTISAN POLITICAL ACTIVITIES

SEC. 13. No part of any funds authorized to carry out this Act shall be used to finance any activities designed to influence the outcome of any election to Federal office or any voter registration activity, or to pay the salary of the chairperson or any employee of the committee after the date on which such persons engage in such activity, as determined by the United States Civil Service Commission. For the purpose of this section, the term "election" shall have the same meaning as prescribed for such term by section 301(a) of the Federal Election Campaign Act of 1971 (86 Stat. 3), and the term "Federal office" shall have the same meaning as prescribed for such term by section 301(c) of such Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 14. There is hereby authorized to be appropriated for fiscal years 1978 and 1979 such sums as may be necessary to carry out the provisions of this Act.

By Mr. DOMENICI:

S. 1067. A bill to provide for a study of the suitability and feasibility of designating the Vietnam Veterans Chapel, Eagle Nest, N. Mex., as a national memorial to the Vietnam veterans; to the Committee on Energy and Natural Resources.

VIETNAM VETERANS CHAPEL

Mr. DOMENICI. Mr. President, I am introducing a bill today which would authorize the Secretary of the Interior to conduct a study of the feasibility of administering the Vietnam Veterans Chapel as a national memorial to the Vietnam veteran.

As my colleagues will recall, I introduced this measure during the 94th Congress; however, it was not considered by the committee. Since that time, public support for this bill has grown nationally because of a recent CBS news story on the chapel.

The Vietnam Veterans Chapel is permeated with a unique spirit since its conception, construction, and financial and moral support have been derived from next of kin of Vietnam war dead. It appears to me that it would be appropriate for the Federal Government to assume the responsibility of insuring that future generations are given the certain knowledge that Americans did care about their countrymen who valorously bore the brunt of the battles, and who suffered deaths, wounds, and mental traumas as consequences.

A national memorial should exist not only as a tribute to Vietnam veterans, but also as a symbol which will inspire citizens of this country to strive more diligently than we have for a genuine, enduring peace.

The memorial is located high in the Sangre de Cristo Mountains near Angel Fire and Eagle Nest, N. Mex. The memorial is located on a knoll in the Moreno Valley and during much of the year there is line of snow on the ridges around the valley. The structure of the memorial is compelling and is at one with its natural setting.

Mr. President, I have received many letters from around the Nation and the overwhelming desire of those writing is to see this established as part of the national memorial system.

By Mr. BARTLETT:

S. 1068. A bill to require an annual contribution to the United States from U.S. territories and possessions which impose income taxes; to the Committee on Energy and Natural Resources.

Mr. BARTLETT. Mr. President, today I am introducing legislation which will provide for a percentage of Federal income taxes imposed on U.S. citizens living in U.S. possessions and territories to be paid to the Federal Treasury. Though presently the citizens of these territories pay taxes under a Federal law, none of the revenues are paid to the Federal Treasury, but are retained by the territorial government.

Last year, the Congress, after lengthy debate, passed legislation making the Northern Marianas Islands a commonwealth in political union with the United States. During the Armed Services Subcommittee hearings on this legislation, I expressed great concern that the covenant provided for no payment of Federal taxes directly to the U.S. Treasury.

Rather than single out the Northern Marianas for what could be regarded as unequal treatment among all of the territories and other possessions of the United States, I am introducing this bill which would address the issue equitably and in relation to all U.S. possessions.

Federal programs abound for Puerto Rico, the Northern Marianas, the Virgin Islands, Guam, and other possessions. The indigenous populations have U.S. citizenship and many other benefits that are derived therefrom.

A look at several of the Federal programs for one of these territories, Puerto Rico, underlines the extent of Federal assistance to U.S. possessions.

In fiscal year 1975 Puerto Rico received $26.5 million for social and rehabilitation services, $8.7 million more than my own State of Oklahoma received. For low-rent public housing Puerto Rico received $40 million, compared with $18 million for Oklahoma.

Facilities grants for economic development in Puerto Rico totaled $11.2 million, the highest of any State or territory. Disaster relief assistance to Puerto Rico amounted to $11.2 million, also the highest of any State or territory. Puerto Rico received $41 million for elementary and secondary education, $10 million more than Oklahoma received. In total Federal aid to States and territories for fiscal year 1975, Puerto Rico received $630 million. That exceeds the amount received by 24 of the 50 States.

Mr. President, I do not mean to single out Puerto Rico unnecessarily, but it serves as a startling example of what has happened with Government programs.

Obviously the association between the United States and its territories provides mutual benefits. However, it also implies mutual responsibilities. I believe the citizens of these territories can acknowledge this, further enhancing their relationship with the United States. According to a Congressional Research Service estimate my bill will increase Federal revenues by more than $190 million.

I am not asking for increased taxation, or that a new tax be levied. The population already pays taxes under Federal law. I ask only that a moderate portion of it be paid to the U.S. Treasury instead of being retained by the territorial governments or rebated to the population.

By Mr. DURKIN:

S. 1069. A bill to amend the Toxic Substances Control Act; to the Committee on Commerce, Science, and Transportation.

Mr. DURKIN. Mr. President, perhaps the most important new program enacted last Congress was the Toxic Substance Control Act. The enactment of that legislation was meant to mark the beginning of a serious governmental effort to solve the serious health and environmental problems created by the release of tens of thousands of untested chemicals into the environment over the years. It is no exaggeration to say that we have been treating the human environment, especially the workplace, as one giant research laboratory.

It is not enough to pass a law and applaud the accomplishment. The Toxic Substances Control Act must be implemented. The executive branch must devote the necessary manpower and Congress must authorize and appropriate the necessary moneys to assure effective implementation.

Russell Train, the former Administrator of EPA, spoke candidly about the ability of the EPA to administer the various acts under its jurisdiction shortly after leaving his post. He expressed particular concern over whether the agency had the manpower and financial resources to administer properly the Toxic Substance Control Act. There is little doubt in my mind that the Carter administration will provide EPA with the necessary manpower. The question with which we in Congress must be concerned is the adequacy of the financial resources necessary to administer the act properly.

Today, therefore, I have introduced a bill to increase the authorizations contained in the Toxic Substances Control Act. At the time of enactment, all concerned seemed to recognize that the authorizations contained in the act were inadequate for proper implementation. For fiscal year 1978, the authorization is $12.625 million and for fiscal year 1979, the authorization is $16.2 million. While in absolute terms, these millions of dollars may seem like a lot of money, when compared to the task and when compared to the authorizations contained in legislation for similar programs, they are at best paltry. The Clean Air Act and the Federal Water Pollution Control Act, which in some ways are less expensive and less difficult to administer, have authorizations more than 10 and 20 times greater than provided for implementation of the Toxic Substances Control Act.

The authorizations I propose today are $50 million for fiscal year 1978 and $100

million for fiscal year 1979. These figures are not derived from the EPA, and may be further increased during the hearing process should EPA indicate additional funds are necessary. Our efforts to obtain figures from EPA so far have been unsuccessful, in part because of the natural confusion incident to the change of administration. The figures we have arrived at, however, are sound. The fiscal year 1978 figure is based upon an EPA request to the Office of Management and Budget during the Ford administration, which was not approved. The fiscal year 1979 figure is based on authorizations for similar programs.

I am sympathetic to the difficulties in implementing an act so complex as the Toxic Substances Control Act, and the added problems imposed by a change of administrations. I am not willing, however, to allow these problems to cause the vital increases in authorizations to fall between the cracks this year. Congress has imposed a very tight and strict budgetary process upon itself. There are deadlines that must be met, and it is my intention to assure that the deadlines are met for increased funding with respect to the Toxic Substances Control Act.

By Mr. HART:

S. 1071. A bill to establish a national system of child and maternal health care and a system of protection against catastrophic health care costs; to the Committee on Finance.

COMPREHENSIVE MATERNAL AND CHILD HEALTH PROTECTION ACT

Mr. HART. Mr. President, today I am reintroducing the Comprehensive Maternal and Child Health Protection Act which provides for comprehensive health care services for children and pregnant women, and for catastrophic health insurance.

Mr. President, over the past decade, the effectiveness of our Nation's medical care system has ranked among the leading domestic concerns in Congress and throughout the country. Inaccessibility of care, shortages and maldistribution of medical personnel, and skyrocketing health care costs are only a few of the deficiencies which have led many individuals to charge that our health care system is in a crisis. It is widely maintained that the need for a unified, coordinated national health care policy grows increasingly stronger.

As a consequence, in the last few years a large number of national health insurance bills have been introduced in Congress. These bills have been diversely sponsored by organized medicine, the health insurance industry, labor unions, and businessmen. While a sensible national health insurance proposal should be fiscally possible, administratively manageable, politically feasible, and likely to improve America's health without further inflating the already disastrous rate of medical inflation, few—if any—of the existing proposals meet these basic criteria. Despite this, however, each proposal does offer valuable ideas and mechanisms which, when molded together, could help provide the country with an effective national health care system.

Mr. President, the bill I am offering today reflects the state of learning to date. In particular, my proposal draws on the expertise of Senator KENNEDY who is widely recognized for his contributions and excellence in the health care field. His expertise is reflected in the administrative mechanisms incorporated in my proposal.

The Comprehensive Maternal and Child Health Protection Act initiates a national health insurance program through a comprehensive plan for pregnant women and preschool children, while also providing protection for all Americans against medical expenses that are catastrophically high in relation to family income. I have briefly summarized my proposal below:

TITLE I. MATERNAL AND CHILD HEALTH PROTECTION PROGRAM

COVERAGE

In the first year of the program, all children from birth to six years of age, and all pregnant women will be eligible for comprehensive health care benefits. Each subsequent year, for the next four years of the program, eligibility for child health care services will be expanded by adding two years to the eligibility level, so that by the fifth year of the program, all children fourteen years of age and under would be considered eligible for the program.

BENEFITS

The bill provides for comprehensive health care benefits. Included would be most "preventive" health care as well as a wide range of other services including broken bones, renal dialysis, prenatal and postnatal care for mothers, etc.

REIMBURSEMENT

The only form of payment would be capitation. Physicians, or other qualified health care providers, would sign up eligible children and women annually. The Maternal and Child Health Protection Board (responsible for administering the program on the federal level) would issue an annual lump sum payment to a physician for each eligible individual he or she had enrolled. All those eligible individuals wishing to purchase care in a regular fee for service system would, of course, be free to do so; however, they would not receive federal financial assistance under this program.

FINANCING

The program would be financed from general revenues, and would be partially offset by a reduction in the $750 personal income tax exemption for children.

COST

The Maternal and Child Protection Board will determine the capitation fees. Such fees will reflect the average yearly cost of health care for the eligible categories. If, for example, the Maternal and Child Health Protection Board were to set the capitation rate at $200 per child per year on an average (in 1974, per capita expenditures for those under nineteen years of age was $183), the cost would be $1.8 billion. If we add prenatal and postnatal care for an estimated 3.2 million births, the cost would be an additional $4 billion. The total program cost has been estimated to be approximately $6 billion; however, it is important to remember that this figure is only an estimate.

ADMINISTRATION

At the federal level, the programs would be administered by the Maternal and Child Health Protection Board established within the Department of Health Education, and Welfare. The Board will determine capitation rates; establish systems of quality and program review; be responsible for the formulation of program policy and implementation. The Board will be assisted by a National Maternal and Child Health Protection Advisory Council which will recommend policy and evaluate performance of the program.

On a local level, the program will be administered through HEW regional offices and local health service area offices. Regional advisory councils, similar in nature to the National Advisory Council, will advise the regional offices.

TITLE II. CATASTROPHIC PROTECTION PLAN

COVERAGE

All individuals will be eligible to participate in this program.

BENEFITS

Under this plan, an individual is responsible for those medical expenses amounting to 15 percent of his total taxable income. Any amounts in excess of that amount may either be claimed as a credit against personel income taxes or be refunded to the individual as a cash rebate.

FINANCING

This catastrophic plan will be financed through tax expenditures.

ADMINISTRATION

The Internal Revenue Service will administer the program.

COST

Experts have estimated that this system credits and rebates would cost approximately $5.5 billion.

TERMINATION OF THE PROGRAMS

The bill includes a provision for the termination of the Comprehensive Maternal and Child Health Protection Program and the Catastrophic Protection Tax Credit after the fifth year of operation unless the programs are continued by Act of Congress.

Mr. President, while neither I nor any other Senator would advocate that Congress move recklessly in its efforts to establish a national health care system, the approach I have just described is well within our current fiscal, political, and administrative grasp. Because this program is limited, it will be very manageable and we will be able to learn from the process of implementation and to expand as appropriate.

COMPREHENSIVE MATERNAL AND CHILD HEALTH PROTECTION PROGRAM

The selection of children and pregnant women as the initial category to be covered by a comprehensive program is logical from a number of standpoints. Children are the citizens and the producers of the future. Investment in their health will result in rich dividends to the Nation in the form of increased productivity and reduced medical care expenditures as they reach adulthood.

The care children most need is readily producible, predictable, and is most likely to have an improving effect on their current and future health status. It is also relatively inexpensive. Note that in 1974, per capita expenditures for those under 19 years of age was $183 as compared with $420 for those aged 19 to 64, and $1,218 for those 65 and over.

Similarly, good health care for pregnant women is readily producible. fairly predictable, and though not minimal in cost, has—as we have demon-

strated time and time again—been tremendously valuable in improving the health of newborn infants.

In sum, the uniformity and routine nature of the health care needs of both these categories has several important implications. The overall program costs will be fairly predictable and, therefore, less susceptible to soaring inflation; a large portion of health care services can be delivered by physicians extenders; nurse and child practitioners; and quality review will be much easier for this group than almost any other.

By using children as the starting point for comprehensive health benefits, we will have an excellent opportunity to implement preventive policies and practices. It is widely recognized that preventive policies can play a major role in preserving the health of our people and in reducing the Nation's soaring health care bill. Unfortunately, very little has been done in the past to encourage preventive policies. Under my proposal, incentives to develop and practice preventive medicine will be high—primarily because of the capitation method of payment used to reimburse physicians participating in the program.

In order to obtain benefits under the program, eligible individuals would sign up for health care services with a specific physician or other qualified health care provider participating in the program. That physician will be paid on a lump sum basis and will be responsible for insuring that all necessary health care services are provided to an enrolled individual. Thus, the capitation method of payment will not only provide economic incentives to keep patients well, but it will serve to discourage unnecessary or overutilization of health care resources.

CATASTROPHIC PROTECTION TAX CREDIT PROGRAM

While the merits of this child and maternal health care system are many, this system alone will not begin to respond to one of the most widespread fears of Americans; namely, the possibility of financial ruin from ill health. The United States remains one of the few industrial nations in the world where one can be made destitute by medical care costs.

Because of the unprecedented rise in medical costs, the ability to afford adequate medical care is no longer a problem affecting only the poor. Arguably, private health insurance and public programs have alleviated many of the problems Americans face in paying the high costs of medical care, but they have failed to protect all individuals from the adverse impact of large medical bills. Over a million Americans have no coverage, because the insurance industry has categorized them as "uninsurable." Self-employed individuals, people who work for small firms, or who work in low-wage industries are often unable to buy private insurance at group rates. These individuals then either go without insurance or pay exorbitant premiums for even the most limited coverage.

Currently some 4 percent of the population spends more than a quarter of their income on illness. For families with large medical bills, private insurance is woefully inadequate. Only half of the population carry any major medical coverage. For those with major medical policies, strict limits on "covered" expenditures and requirements for large patient payments are the rule, not the exception. At a time when the average cost of health care for such conditions as terminal cancer exceeds $20,000, even those with insurance can face bankrupting medical outlays.

Because a responsible health care system should respond to the fears of financial ruin, the proposal I am introducing also provides catastrophic protection for the entire population. This protection is incorporated into a reform of our current tax policy for medical expenses and operates on a system of tax credits and rebates.

Under the program, a family would be fully responsible for its medical expenses up to 10 percent of income, the Federal Government would pay half of all additional medical expenses until the cost to the family exceeds 20 percent. After a family had expended 20 percent of its income for medical care, the Federal Government would pay all further costs.

The Federal contribution to catastrophic care would be paid through income tax credits. If medical expenses were so high—or family income so low—that tax liability reached zero, the family would be eligible for a refundable tax credit or direct payment.

I would like to emphasize that this program would not provide financial assistance for minor expenses which can be afforded by the individual, nor would it cover expenses paid for by private insurance. It is also important to note that individuals at different income levels would be required to spend different—though relatively proportionate—amounts of their income before Federal financial assistance would be available. Since the very definition of catastrophe depends upon the relative burden on illness expenses of individual wealth, such a scheme works well in responding to the real needs of individuals for financial help.

The IRS would be responsible for administering this protection plan and the payments of benefits would be integrated into the current tax cycle. That would mean annual adjustments for most; however, the Secretary of the Treasury and HEW are directed to investigate, and provide for more timely payments to individuals claiming a credit or rebate.

This system contains important cost control features insofar as the patient pays a percentage of his health care bill and no services are paid for that are not received. Most importantly, however, such a plan would allay the fears of impoverishment, particularly from cancer, stroke, heart disease, and mental illness. The "deductible" provisions of the tax credit plan limit its overall costs. Although the actual number of beneficiaries of this catastrophic plan would be relatively small, everyone will benefit in terms of freedom from fear. The credit extends a substantial amount of security to all insofar as it assures that no person would become destitute from medical expenses.

Mr. President, it is doubtful that any single plan can cope with all the ills of the health care system. The proposal I am offering is a reasonable step forward, a new approach to our national health care crisis. It is no secret that the present economic and political milieu requires substantial attention to those forms of national health care that can be well administered, are of modest cost to the Federal Treasury and are unlikely to worsen the inflation rate in health. At a time when we are concerned about the size of the Federal budget, this type of program makes fiscal sense.

Mr. President, this proposal is not cast in granite. I am offering this as a new approach to our health care problems and I would urge others, having interest or expertise in this particular area, to contribute to this proposal. Many of the concepts outlined that the bill has been backed by experienced health policy analysts and others vitally interested in insuring the good health of our people through the implementation of a sound, fiscally responsible system. Although Congress has debated comprehensive health care with varying intensity over the past several years, it is likely that during the next Congress there will be concerted effort to enact legislation along these lines. Because the Comprehensive Maternal and Child Health Protection Act is manageable, relatively modest in cost, and unlikely to adversely influence the inflation rate in health care, it merits full consideration in the upcoming discussions on this vital issue.

Mr. President, I ask unanimous consent that the text of the bill be printed in the record.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1071

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Comprehensive Maternal and Child Health Protection Act".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress finds and declares that—

(1) the children of the United States are vital to national development and hold the promise of the Nation's future;

(2) the health of pregnant mothers and children has been demonstrated to be among the highest priority of our health and medical needs in the country; and

(3) all individuals should be protected against the ruinous costs of illness.

(b) The purpose of this Act is—

(1) to establish a comprehensive system of health care services for children and pregnant women;

(2) to establish a nationwide system which will protect individuals against ruinous financial costs of illness.

TITLE I—COMPREHENSIVE MATERNAL AND CHILD HEALTH PROTECTION BENEFITS

PART A—GENERAL PROVISIONS AND ELIGIBILITY

DEFINITIONS

SEC. 101. For the purposes of this Act the term—

(1) "Secretary" means the Secretary of Health, Education, and Welfare;

(2) "Board" means the Maternal and Child Health Protection Board established in section 141;

(3) "Child" means an individual from the time of birth to the age of 6 years;

(4) "Council" means the National Maternal and Child Health Protection Council, established in section 145;

(5) "Health Care Services" means all health care services described in section 111; and

(6) "Participating Provider" means any provider of health care services who has entered into an agreement with the Secretary to provide health care services to eligible persons under this Act.

ELIGIBILITY FOR MATERNAL AND CHILD HEALTH SECURITY BENEFITS

SEC. 102. (a) Every pregnant woman and every child residing in the United States who is—

(1) a legal resident or a citizen of the United States; or

(2) the spouse of a legal resident or a citizen of the United States

shall be eligible for benefits under this Act.

PART B—NATURE AND SCOPE OF BENEFITS

SEC. 111. (a) An eligible child under this title who is enrolled with a participating provider, is entitled to receive from his provider either directly or indirectly all health care services related to the diagnosis and treatment of any disease, injury, or disability, as well as any other health care services necessary for the adequate protection, maintenance, or restoration of his mental and physical health.

(b) An eligible woman under this title who is enrolled with a participating provider, is entitled to receive from her provider, either directly or indirectly, all health care services related to the diagnosis and treatment of pregnancy; the diagnosis and treatment of disease or injury during pregnancy which could threaten the healthy development of the unborn child; any injury, disability or disease relating to or resulting from pregnancy that occurs during the period of twelve weeks immediately following the termination of a pregnancy, including but not limited to the mental and physical well-being of the woman.

PART C—PARTICIPATING PROVIDERS AND PAYMENTS TO PARTICIPATING PROVIDERS

SEC. 121. A provider of health care services shall be a participating provider if such provider enters into an agreement with the Secretary, in a manner determined by the Board, to—

(1) provide directly or indirectly health care services (described in section 111) to eligible persons, without discrimination on the grounds of race, creed, or national origin; and

(2) accept the amount specified in the capitation payment schedule, as established annually by the Board, as the full payment for health care services provided to an eligible person enrolled with that provider.

PAYMENTS TO PROVIDERS—METHOD AND AMOUNT OF PAYMENT

SEC. 122. (a) The Secretary is authorized to make payments to participating providers in accordance with this part. Such payments shall be made from the amounts authorized under section 131 of this Act.

(b) (1) Every participating provider shall be paid by the capitation method, consisting of one annual payment per eligible individual enrolled with that participating provider.

(2) Such payment shall be made by the Secretary to the participating provider on a prospective basis for the year during which health care services are to be furnished to the eligible person by the provider.

(c) The Board shall annually determine the capitation payments to be made under this Act to participating providers for—

(1) health care services described in section 111(a) rendered to eligible children.

(2) health care services described in section 111(b) rendered to eligible women.

(d) Such payments as determined by the Board shall be no less than an amount equal to the annual costs of providing such reasonable health care services as described in section 111 (a) and (b).

(e) The Board may, in consultation with the Council vary capitation payments by geographic region, where the Board has directly or indirectly determined such varaition would be instrumental in providing relief to areas suffering shortages of providers.

PAYMENTS TO NON-PARTICIPATING PROVIDERS

SEC. 123. The Secretary is authorized to establish a program to reimburse or make payments on behalf of eligible individuals who are residing in areas not adequately served by participating providers.

PART D—FINANCING OF THE COMPREHENSIVE MATERNAL AND CHILD HEALTH PROTECTION PROGRAM

AUTHORIZATION OF APPROPRIATIONS

SEC. 131. (a) There are hereby authorized to be appropriated for the fiscal years 1978, 1979, 1980, 1981, and 1982, those amounts necessary for the administration, and operation of the Comprehensive Maternal and Child Health Protection program as described under this title.

ADJUSTMENT IN EXEMPTION FOR DEPENDENTS

SEC. 132. (a) Section 151(e)(1) of title 26 of the Internal Revenue Code of 1954 (relating to the exemption for dependents) is amended by striking "$750" and substituting "$600".

PART E—ADMINISTRATION

ESTABLISHMENT OF THE MATERNAL AND CHILD HEALTH PROTECTION BOARD

SEC. 141. (a) There is hereby established in the Department of Health, Education and Welfare a Maternal and Child Health Protection Board to be composed of 5 members to be appointed by the President, by and with the advice and consent of the Senate. During his term of membership on the Board, no member shall engage in any other business, vocation or employment. Not more than 3 members of the Board shall be members of the same political party.

(b) Each member of the Board shall hold office for a term of 5 years, except that (1) a member appointed to fill a vacancy occurring during the term for which his predecessor was appointed shall be appointed for the remainder of that term, and (2) the terms of office of the members first appointed shall expire, as designated by the President at the time of their appointment, at the end of one, two, three, four and five years, respectively, after the date of enactment of this Act. A member who has served for two consecutive five-year terms shall not be eligible for reappointment until two years after he has ceased to serve.

(c) The President shall designate one of the members of the Board to serve, at the will of the President, as Chairman of the Board.

DUTIES OF THE SECRETARY AND THE BOARD

SEC. 142. (a) The Secretary acting through the Board shall carry out the functions described in subsection (b).

(b) The Board shall—

(1) establish capitation rates to be paid to participating providers;

(2) establish standards and qualifications for participating providers;

(3) establish basic agreements to be entered into between the Secretary and participating providers;

(4) continually monitor and study the operation of the provisions of this Act with special emphasis with regard to the provision of health services to eligible persons;

(5) promulgate such rules and regulations as it deems necessary to carry out the provisions of this Act; and

(6) report annually to the Congress on the administration of this Act.

(c) The Secretary shall make available to the Board all information available to him, from sources within the Department or from other sources, pertaining to the functions of the Board.

(d) The Civil Service Commission, in consultation with the Board, shall to the greatest extent practicable facilitate recruitment, for employment by the Board in the competitive service, of qualified persons experienced in the administration of health prepayment plans, or experienced in other fields pertinent to the administration of this title.

(e) The Secretary is authorized to establish on the staff of the Board, and to fix the compensation for, not more than 20 positions in the professional, scientific, and executive service, each such position being established to effectuate those research and development activities of the Board which require the services of specially qualified scientific, professional, and administrative personnel. The rates of compensation for positions established pursuant to the provisions of this subsection shall not be less than the minimum rate of grade 16 of the General Schedule of the Classification Act of 1949, as amended, not more than the highest rate of grade 18 of the General Schedule of such Act, and the rates of compensation for all such positions shall be subject to the approval of the Civil Service Commission. Positions created pursuant to this subsection shall be included in the classified civil service of the United States, but appointments to such positions shall be made without competitive examination upon approval of the proposed appointee's qualifications by the Civil Service Commission or such officers or agents as it may designate for this purpose.

EXECUTIVE DIRECTOR; DELEGATION OF AUTHORITY

SEC. 143. (a) There is hereby established the position of Executive Director of the Maternal and Child Health Protection Board. The Executive Director shall be appointed by the Board with the approval of the Secretary, and shall perform such duties in the administration of this title as the Board may assign to him.

(b) The Board is authorized to delegate to the Executive Director or to any other officer or employee of the Board or, with the approval of the Secretary (and subject to reimbursement of identifiable costs), to any other officer or employee of the Department, any of its functions or duties under this title other than (1) the issuance of regulations, or (2) the annual determination of the capitation rates under section 122.

REGIONS AND HEALTH SERVICE AREAS

SEC. 144. (a) This title shall be administered by the Board through the regions of the Department (as they may be established from time to time) and, within each region, through health service areas. The areas shall be the same as the health service areas established by the Secretary under section 1511 of the Public Health Service Act, except that with the approval of the Secretary the Board may divide an area established under section 1511 into two or more areas for purposes of this title.

(b) The Board shall establish in each local health service area a local maternal and child health protection office and such branch offices as the Board may find necessary. The local offices and branch office, in addition to such informational and other administrative duties as the Board may assign

them, shall have the function of receiving and investigating complaints by eligible persons or their guardians and by providers of services concerning the administration of this title and of taking or recommending appropriate corrective action.

NATIONAL MATERNAL AND CHILD HEALTH PROTECTION ADVISORY COUNCIL

SEC. 145. (a) There is hereby established a National Maternal and Child Health Protection Advisory Council, which shall consist of the Chairman of the Board, who shall serve as Chairman of the Council, and 12 members, not otherwise in the employ of the United States, appointed by the Secretary on the recommendation of the Board, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The appointed members shall include persons who are representative of providers of health services, and of persons (who shall constitute a majority of the Council) who are representatives of eligible consumers of such services. Each appointed member shall hold office for a term of four years, except that (1) any member appointed to fill a vacancy occurring during the term for which his predecessor was appointed shall be appointed for the remainder of that term, and (2) the terms of the members first taking office shall expire, as designated by the Secretary at the time of appointment, three at the end of the first year, three at the end of the second year, three at the end of the third year, and three at the end of the fourth year after the date of the enactment of this Act. Members of the Council who are representative of providers of health care shall be persons who are outstanding in fields related to maternal and child health care; medical, hospital, or other health activities; or who are representative of organizations or associations of professional health personnel; members who are representative of eligible consumers of such care shall be persons, not engaged in and having no financial interest in the furnishing of health services, who are familiar with the needs of the eligible population for personal health services and are experienced in dealing with problems associated with the furnishing of such services.

(b) The Advisory Council is authorized to appoint such professional or technical committees, from its own members or from other persons or both, as may be necessary to carry out its functions. The Council, its members, and its committees shall be provided with such secretarial, clerical, or other assistance as may be authorized by the Board for carrying out their respective functions. The Council shall meet as frequently as the Board deems necessary, but not less than four times each year. Upon request by seven or more members it shall be the duty of the Chairman to call a meeting of the Council.

(c) It shall be the function of the Advisory Council (1) to advise the Board on matters of general policy in the administration of this title, in the formulation of regulations, and (2) to study the operation of this title and the utilization of health services under it, with a view to recommending any changes in the administration of the title or in its provisions which may appear desirable. The Council shall make an annual report to the Board on the performance of its functions, including any recommendations it may have with respect thereto.

(d) Appointed members of the Advisory Council and members of technical or professional committees while serving on business of the Council (inclusive of traveltime), shall receive compensation at rates fixed by the Board, but not in excess of the daily rate paid under GS–18 of the general schedule under section 5332 of title 5, United States Code; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

REGIONAL AND LOCAL ADVISORY COUNCILS

SEC. 146. (a) The Board shall appoint for each of the regions of the Administration and for each health service area a regional or local advisory council, consisting of the regional or local representative of the Board as chairman and (in such numbers as the Board may determine) representatives of providers of health services and representatives (who shall constitute a majority of the members of each council) of eligible consumers of such services. So far as possible, representatives of eligible consumers shall be selected so as to represent the population to be served. Each council shall meet as often as its members may decide, but in no event less than four times each year. It shall be the function of each such council to advise the regional or local representative of the Board, as the case may be, on all matters directly relating to the administration of this title in the region or area, including methods and procedures in the handling of complaints.

(b) The provisions of section 145 (d) shall be applicable to the members of the councils appointed under this section.

PROFESSIONAL AND TECHNICAL ADVISORY COMMITTEES

SEC. 147. (a) The Board shall appoint such standing professional and technical committees as it deems necessary to advise it on the administration of this title with respect to the services described in part B. Each such committee shall consist of experts (in such numbers as the Board may determine) drawn from the health professionals (particularly those professions involved in maternal and child health care), from medical schools or other health educational institutions, from providers of services, or from other sources, whom the Board deems best qualified to advise it with respect to the professional and technical aspects of the furnishing and utilization of, the payment for, and the evaluation of, health care services.

(b) The Board is authorized to appoint such experts and consultants (employed in accordance with section 3109 of title 5, United States Code), and to appoint such temporary professional and technical committees, as it deems necessary to advise it on special problems not encompassed in the assignments of standing committees appointed under subsection (a), or to supplement the advice of standing committees.

(c) In connection with its duties under section 142(c) the Board is authorized to appoint such standing or temporary committees of fiscal, actuarial, and other experts as it deems necessary.

(d) Committees appointed under this section shall be subject to the supervision of the Board.

(e) The provisions of section 145 (d) shall be applicable to experts and consultants and to the members of committees appointed under this section.

PARTICIPATION BY STATE AGENCIES

SEC. 148. (a) The Board shall consult with State health agencies (including agencies established pursuant to title XV of the Public Health Service Act) or other appropriate State agencies in administering health benefits, with a view to coordinating the administration of this title with related State and local activities. Insofar as practicable, the Board shall conduct such consultation through the regional offices of the Administration.

(b) The Board shall make an agreement with any State which is able and willing to do so under which the State health agency or other appropriate State agency will be utilized by the Board in determining whether providers of services meet or continue to meet the qualifications and requirements established in regulations issued by the Board. Such an agreement shall fix the frequency of inspection of providers and shall establish the qualifications required of persons making the inspections. Determinations by State agencies based upon inspections made in accordance with such agreements, and determinations with respect to professional practitioners, may be given by the Board the same effect as determinations by the Board.

(c) An agreement under subsection (b) may provide that a State agency, either directly or through local public agencies, will undertake activities, specified in the agreement, directed to the maintenance and improvement of the quality of services furnished in the State.

(d) The Board shall pay to a State, in advance or otherwise as specified in the agreement, the reasonable cost of services and activities pursuant to an agreement under this section; and may pay a part or all of the cost of training (or may train) State personnel to enable them to meet the qualifications established by the Board for inspectors.

(e) In any State which is unable or unwilling to make inspections in accordance with subsection (b), the Board shall make such inspections either through its own personnel or through contract with an organization or organizations which it finds qualified to perform this function.

(f) Within 90 days after the completion of an inspecton of any provider under subsection (b) or subsection (e), the Board shall make public in readily available place and form the findings of such inspection which pertain significantly to compliance of the provider with those qualifications and requirements issued in regulations by the Board, except that if the State agency or the Board, on the basis of such inspection, has made a determination respecting compliance by the provider, the publication shall be based on such determination.

DISSEMINATION OF INFORMATION; STUDIES AND EVALUATIONS

SEC. 149. (a) The Board shall disseminate, to providers of services and to the public, information concerning the provisions of this title, the persons eligible to receive the benefits of the title, and the nature, scope, and availability of covered services; and to providers of services, information concerning the conditions of participation, methods and amounts of compensation to providers, and other matters relating to their participation.

(b) The Board is authorized, either directly or by contract—

(1) to make statistical and other studies, on a nationwide, regional, State, or local basis, of any aspect of the operation of this title, including studies of the effect of the title upon the health of the people of the United States and the effect of comprehensive health services upon the health of persons receiving such services;

(2) to make such other studies as it may consider necessary or promising for the evaluation, or for the improvement, of the operation of this title.

(d) The Board is authorized to develop, and to test and demonstrate, through agreements with providers of services, methods (including business methods) designed to achieve, through additional incentives or in any manner, improvement in the coordination of services furnished by providers, improvement in the adequacy, quality, or accessibility of service, or decrease in their cost.

(e) The Board shall study the adequacy of the Maternal and Child Health Protection

program in meeting the health care needs of those eligible women and children and the adequacy of the program to function as an alternative to all other related federal medical assistance and health care programs. The Board shall report to Congress on its findings and conclusions not later than the first day of September 1979. The report made by the Secretary under this section shall include recommendations as to whether such federal medical assistance and health care programs should be terminated, reduced or changed in any respect.

DETERMINATIONS; SUSPENSION OR TERMINATION OF PARTICIPATION

SEC. 150. (a) Determinations of entitlement to benefits under this title, determinations of who are participating providers of services, and determination of capitation rates to be paid by the Board to participating providers, shall be made by the Board in accordance with regulations.

(b) If the Board finds that a participating provider of services no longer meets the qualifications and requirements as set forth in regulations issued by the Board, or that a participating provider has intentionally violated the provisions of this title or of regulations, or that he has failed substantially to carry out the agreement entered into with the Secretary, the Board may issue an order suspending or terminating the participation of the provider, or suspending or terminating such provider with respect to particular classes of services.

(c) If the Board has reason to believe that a participating provider or a professional practitioner furnishing services on behalf of another participating provider, has in a substantial number of cases—

(1) furnished to eligible persons covered services—which were not of a quality meeting professionally recognized standards of care, or

(2) neglected to furnish necessary services to eligible persons who were his patients, under circumstances such that the neglect constituted a breach of his professional obligation,

the Board shall submit the evidence in its possession either to an appropriate professional organization or to a committee constituted by the Board after consultation with such an organization (which committee may, when the Board deems it proper, include nonprofessional persons). The Board shall request the organization or committee, with or without further investigation, to recommend what action, if any, should be taken by the Board. Taking into consideration any recommendation so made to it, the Board may issue an order suspending or terminating the participation of the provider or, in the case of a practitioner furnishing services on behalf of another provider, requiring the other provider, as a condition of continued participation, to suspend or discontinue the furnishing of covered services by the practitioner.

(d) The Board, shall, either in advance or by way of reimbursement, pay to an organization or committee established under subsection (c) its reasonable cost incurred in so doing.

(e) No determination under subsection (a) that a person, previously determined to be eligible for benefits, is not eligible therefor, and (unless the Board finds that eligible persons are endangered) no order under subsection (b) or (c) shall be effective until after the person or provider has been afforded an opportunity for a hearing under section 151.

HEARINGS: JUDICIAL REVIEW

SEC. 151. (a) Any person who is aggrieved by a determination made or an order issued under section 150 shall, upon request therefor filed in accordance with regulations, be entitled to a hearing before a hearing officer or a hearing panel of the Board. The hearing shall be held as promptly as possible and at a place convenient to the provider or other person requesting the hearing. For the purpose of reviewing the determinations of hearing officers or panels, the Board shall establish appeals tribunals (which may include regional or other intermediate appeals tribunals), and shall by regulation prescribe the jurisdiction of such and procedures for appeal to them. Decision of hearing officers or hearing panels shall, subject to appeals under this subsection, constitute final decisions to the Board.

(b) In any case in which the Board finds (on the basis of the request for hearing and the records of the Board) that a substantial issue of professional practice or conduct, in a health profession specified for this purpose in regulations, will be involved in the hearing, the hearing shall be held either before a person who is qualified in an appropriate health profession or before a panel which includes a person or persons so qualified, and an appeal in a such a case shall be heard before an appellate tribunal (or a panel thereof) which included a person or persons so qualified. In any case in which a single person qualified as a health professional, or a panel composed entirely of persons so qualified, conducts a hearing or hears an appeal, the Board shall assign an attorney to assist the professional hearing officer in the conduct of the hearing or the appeal and to advise upon the decision of issues of law.

(c)(1) Any provider of services or other person, after any final decision of the Board made after a hearing to which he was a party, (notwithstanding the amount in controversy), may obtain a review of such decision by a civil action commenced within 60 days after the mailing to him of notice of such decision or within such further time as the Board may allow. Such action shall be brought in the district court of the United States, for the judicial district in which the plaintiff resides or has his principal place of business, or, if he does not reside or have his principal place of business within any such judicial district, in the District Court of the United States for the District of Columbia. The Board shall file a certified copy of the transcript of the Board, including the evidence upon which its findings and decision were based.

(2) The Court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Board, with or without remanding the case for a rehearing. The findings of the Board as to any fact, if supported by substantial evidence, shall be conclusive.

(3) Where a claim has been denied by the Board or a decision is rendered which is adverse to a provider or other person who was a party to the hearing before the Board, because of failure of the claimant or such a provider or other person to submit proof in conformity with any regulation prescribed by the Board, the court shall review only the question of conformity with the regulation and the validity of the regulation. The Court shall not review a finding by the Board under subsection (b), or a refusal to find, that a substantial issue of professional practice or conduct will be involved in a hearing.

(4) The court shall, on motion of the Board made before it files its answer, remand the case to the Board for further action by the Board, and may, at any time on good cause shown, order additional evidence to be taken before the Board. The Board shall, after the case is remanded, and after hearing such additional evidence if so ordered, modify or affirm its findings of fact or its decision, or both, and shall file with the court any such additional and modified findings of fact and decision and a transcript of the additional record and testimony. Such additional or modified findings of fact and decision shall be reviewable only to the same extent as the original findings of fact and decision.

(5) The judgment of the court shall be final except that it shall be subject to review in the same manner as judgments in other civil actions.

PART F—EXPANSION OF AND TERMINATION OF THE MATERNAL AND CHILD HEALTH PROTECTION ACT

EXPANSION OF PROGRAM

SEC. 161. (a)(1) Effective October 1, 1979, section 101(3) is amended by striking "6" and substituting "8".

(2) Effective October 1, 1980, section 101(3) is amended by striking "8" and substituting "10".

(3) Effective October 1, 1981, section 101(3) is amended by striking "10" and substituting "12".

(4) Effective October 1, 1982, section 101(3) is amended by striking "12" and substituting "14".

(b) The Board shall promulgate such rates and regulations as it deems necessary to carry out the amendments made by subsection (a).

TERMINATION OF THE MATERNAL AND CHILD HEALTH PROTECTION ACT

SEC. 162. (a) The provisions of this title shall terminate at the end of the 1981 fiscal year, unless continued by an Act of Congress.

TITLE II—CATASTROPHIC PROTECTION TAX CREDIT

PART A—ALLOWANCE OF CREDIT

SEC. 201. (a) In General.—Subpart A of part IV of subchatper A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by inserting before section 45 the following new section:

"SEC. 44B. MEDICAL EXPENSES.

"(a) In General.—In the case of an individual there is allowed as a credit against the tax imposed by this chapter an amount, not compensated for by insurance or otherwise, equal to the sum of—

"(1) 50 percent of the amount by which the medical expenses paid or incurred by him during the taxable year exceed 10 percent but are less than or equal to 20 percent of his modified adjusted gross income, plus

"(2) 100 percent of the amount by which such medical expenses exceed 20 percent of his modified adjusted gross income.

"(b) Definitions.—For purposes of this section—

"(1) Medical expenses.—The term 'medical expenses' means amounts paid or incurred by the taxpayer for medical care expenses for himself or for a dependent (as defined in section 152).

"(2) Medical care expenses.—The term 'medical care expenses' means expenses incurred for—

"(A) the diagnosis, cure, mitigation, treatment, or prevention of disease, or for the purpose of affecting any structure or function of the body; or

"(B) transportation primarily for and essential to medical care referred to in clause (1); and

"(C) insurance (including amounts paid as premiums under part B of title XVIII of the Social Security Act, (relating to supplementary medical insurance for the aged) covering medical care referred to in subparagraphs (A) and (B).

"(3) Modified adjusted gross income.—The term 'modified adjusted gross income' means adjusted gross income (as defined in section 62), reduced by the amount of the deductions for personal exemptions allowed under section 151, and increased by—

"(A) the deduction allowed by section 1202 (relating to deduction for capital gains), and

"(B) the sum of any amounts received during the taxable year which are excluded from gross income under section 103 (relating to interest on certain governmental obligations).

"(4) Insurance.—In the case of an insurance contract under which amounts are payable for other than medical care referred to in subparagraphs (A) and (B) of paragraph (2)—

"(A) no amount shall be treated as paid for insurance to which paragraph (2)(C) applies unless the charge for such insurance is either separately stated in the contract, or furnished to the policy holder by the insurance company in a separate statement,

"(B) the amount taken into account as the amount paid for such insurance shall not exceed such charge, and

"(C) no amount shall be treated as paid for such insurance if the amount specified in the contract (or furnished to the policyholder by the insurance company in a separate statement) as the charge for such insurance is unreasonably large in relation to the total charge under the contract.

Subject to the limitations of this paragraph, premiums paid during the taxable year by a taxpayer before he attains the age of 65 for insurance covering medical care for the taxpayer, his spouse, or dependents after the taxpayer attains the age of 65 shall be treated as expenses paid during the taxable year for insurance which constitutes medical care (within the meaning of subparagraphs (A) and (B) of paragraph (2)) if premiums for such insurance are payable (on a level payment basis) under the contract for a period of 10 years or more until the year in which the taxpayer attains the age of 65 (but in no case for a period of less than 5 years).

"(c) ELECTION TO APPLY CREDIT TO PRECEDING YEAR.—

"(1) IN GENERAL.—Notwithstanding the provisions of subsection (a), at the election of the taxpayer, medical expenses paid or incurred in a taxable year may be claimed as a credit against the tax imposed by this chapter for the preceding taxable year.

"(2) LIMITATION.—The amount of the credit claimed under paragraph (1) for the taxable year preceding the taxable year in which the medical expenses were paid or incurred may not exceed the amount of the credit—

"(A) allowable for the preceding taxable year, or

"(B) allowable for the taxable year in which the medical expenses were paid or incurred."

(b) PAYMENTS TO INDIVIDUALS WHOSE CREDITABLE EXPENSES EXCEED THEIR TAX LIABILITY.—

(1) Section 6401(b) of the Internal Revenue Code of 1954 (relating to excess credits) is amended—

(A) by inserting after "earned income credit)" the following: ", 44B (relating to medical expenses),"; and

(B) by striking out "sections 31, 39, and 43" and inserting in lieu thereof "sections 31, 39, 43, and 44B".

(2) Section 6102(a)(4) of such code (relating to assessment authority) is amended—

(A) by striking "or 43" in the caption of such section, and inserting in lieu thereof "43, or 44B", and

(B) by striking out "or section 43 (relating to earned income)" and inserting in lieu thereof ", section 43 (relating to earned income), or section 44B (relating to medical expenses)".

(c) Taxpayer Must File Return to Claim Credit.—Section 6012(a) of the Internal Revenue Code of 1954 (relating to persons required to make returns of income) is amended—

(1) by striking out "and" at the end of paragraph (5),

(2) by inserting "and" after the semicolon at the end of paragraph (6), and

(3) by inserting after paragraph (6) the following new paragraph:

"(6) Every individual who has attained the age of 18 years and who claims the credit allowed by section 44B;".

(d) Repeal of Deduction for Medical Expenses.—

(1) Repeal.—Section 213 of the Internal Revenue Code of 1954 (relating to medical, dental, etc. expenses) is repealed.

(2) Technical amendments.—

(A) Subsection (a) of section 104 of such Code (relating to compensation for injuries or sickness) is amended by striking out "deductions allowed under section 213 (relating to medical, etc., expenses)" and inserting in lieu thereof "credits allowed under section 44B (relating to medical expenses)".

(B) Subsection (b) of section 105 of such Code (relating to amounts received under accident and health plans) is amended—

(i) by striking out "deductions allowed under section 213 (relating to medical, etc., expenses) and inserting in lieu thereof "credits allowed under section 44B (relating to medical expenses)", and

(ii) by striking out "section 213(a) (relating to medical, dental, etc., expenses)," and inserting in lieu thereof "section 44B(a) (relating to medical expenses)".

(D) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking out the item relating to section 213.

(e) COORDINATION WITH CHILD CARE CREDIT.—Section 44A of the Internal Revenue Code of 1954 (relating to expenses for household and dependent care services necessary for gainful employment) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following:

"(g) EXCLUSION OF CERTAIN AMOUNTS.—Any expense allowed as a credit under section 44B shall not be treated as an employment related expense under this section.".

(f) CLERICAL AMENDMENTS.—The table of sections for such subpart is amended by inserting after the item relating to section 44A the following:

"SEC. 44B. MEDICAL EXPENSES.".

(g) EFFECTIVE DATE.—The amendments made by this section apply to taxable years beginning after December 31, 1979.

PART B—REGULATIONS

SEC. 211. (a) The Secretary of the Treasury and the Secretary of Health, Education, and Welfare shall jointly promulgate within 12 months following the date of the enactment of this Act such detailed regulations, forms, and other documentation as may be necessary to—

(1) prevent fraudulent claims for credits or rebates of medical expenses as provided under this title, and

(2) provide for timely payments to individuals claiming a credit or rebate pursuant to this title.

PART C—TERMINATION OF THE CATASTROPHIC PROTECTION TAX CREDIT

SEC. 221. (a) The provisions of this title shall terminate on December 31, 1982.

By Mr. SCOTT:

S.J. Res. 40. A joint resolution to authorize and request the President to issue a proclamation designating May 13 of each year as "American Business Day"; to the Committee on the Judiciary.

Mr. SCOTT. Mr. President, I am introducing today a joint resolution to authorize and request the President of the United States to proclaim May 13 of each year as "American Business Day."

Ours is a nation with an economy that provides very well for its 216 million citizens, and said to have assets of $6.2 trillion or $28,600 for each citizen. It should be remembered that our country was in the beginning a colony sponsored by an English trading company, and that private initiative has produced a standard of living that is truly the envy of the world.

New ideas, inventions, machines and technology, new ways of making more and better goods and services for our people—these are the bounty of our free enterprise system.

A similar resolution introduced in the 94th Congress, was reported favorably by the Judiciary Committee, passed by the Senate but the House failed to act upon it prior to adjournment. While the Senate-passed version limited the observance of an "American Business Day" to May 13, 1976, it would appear that the contributions made by the American business community deserve recognition each year.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 40

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue annually a proclamation designating May 13 of each year as "American Business Day", and calling upon the people of the United States and interested groups and organizations to observe such day with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. DOLE, the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 4 to amend the Internal Revenue Code with respect to certain disability pay.

S. 47

At the request of Mr. STAFFORD, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 47, to allow mental health services to be covered under medicaid and medicare.

S. 104

At the request of Mr. INOUYE, the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 104, to amend the Social Security Act.

S. 175

At the request of Mr. SCHWEIKER, the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 175, to provide a special program of financial assistance to Opportunities Industrialization Centers and to other national community based organizations.

S. 258

At the request of Mr. RIBICOFF, the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 258, the Children and Youth Camp Safety Act.

S. 384

At the request of Mr. HATHAWAY, the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 384, the Commercial Fisheries Improvement Fund Act of 1977.

S. 528

At the request of Mr. WILLIAMS, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 528, relating to collective bargaining contracts.

S. 657

At the request of Mr. FORD, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 657, Earth Resources and Environmental Information Systems Act of 1977.

S. 772

At the request of Mr. BARTLETT, the Senator from Idaho (Mr. MCCLURE) was added as a cosponsor of S. 772, to amend section 1011(d) of the Tax Reform Act of 1976.

S. 834

At the request of Mr. SCHWEIKER, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 834, to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct, or to claim a credit for, amounts paid as tuition to provide education for himself, or his spouse, or for his dependents.

S. 926

At the request of Mr. CLARK, the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 926, to provide for the public financing of primary and general elections for the U.S. Senate.

S. 942

At the request of Mr. EAGLETON, the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 942, a bill to amend title II of the Social Security Act to reduce from 20 to 10 years the period of time that a divorced woman's marriage to an indivdiual must be lasted for her to qualify for wife's or widow's benefits on the basis of the wages and self-employment income of such individual.

S. 982

At the request of Mr. THURMOND, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 982, to amend the Internal Revenue Code to provide that an unmarried individual without any dependents who owns or is purchasing his principal residence shall be treated as a head of household for purposes of the Code.

SENATE RESOLUTION 110

At the request of Mr. NELSON, the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Alabama (Mr. ALLEN), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Florida (Mr. CHILES), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HASKELL), the Senator from Montana (Mr. METCALF), the Senator from Georgia (Mr. NUNN), the Senator from Rhode Island (Mr. PELL), and the Senator from Tennessee (Mr. SASSER) were added as cosponsors of Senate Resolution 110, providing for a Code of Official Conduct for the Senate.

SENATE RESOLUTION 121—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT WITH RESPECT TO S. 1025

(Referred to the Committee on the Budget.)

Mr. WILLIAMS, from the Committee on Banking, Housing, and Urban Affairs, reported the following original resolution, which was referred to the Committee on the Budget:

S. RES. 121

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1025. Such waiver is necessary because the need for the additional funds arose after May 15, 1976. The supplemental request, transmitted to Congress on January 18, 1977, covers the pay increase which went into effect in October 1976, and additional funds needed to complete the modernization of the automated data processing and record system of the Securities and Exchange Committee.

Mr. WILLIAMS. Mr. President, I am today reporting a resolution requesting a waiver of section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1025.

SENATE RESOLUTION 122—SUBMISSION OF A RESOLUTION RELATING TO PARLIAMENTARY ELECTIONS IN THE REPUBLIC OF INDIA

(Referred to the Committee on Foreign Relations.)

Mr. MOYNIHAN submitted the following resolution, which was referred to the Committee on Foreign Relations:

S. RES. 122

Whereas, Americans believe that support for representative institutions and individual rights is an important objective of the foreign policy of the United States;

Whereas, the effective functioning of democratic societies in other parts of the world is of deep and permanent interest to the United States and its allies;

Whereas, the largest democratic election in history, involving more than 200 million citizens casting their free ballot, was recently held in the Republic of India: Now, therefore, be it

Resolved,

SEC. 1. That the Senate congratulate the free people of the Republic of India for the successful holding of their recent parliamentary elections.

SEC. 2. That the Secretary of the Senate is hereby directed to provide a copy of this resolution to the Secretary of State for transmittal to the Acting President of India.

SENATE CONCURRENT RESOLUTION 15—SUBMISSION OF A CONCURRENT RESOLUTION TO REDUCE THE RISK OF CHEMICAL AND BIOLOGICAL WARFARE

(Referred to the Committee on Foreign Relations.)

Mr. WEICKER submitted the following concurrent resolution:

S. CON. RES. 15

Resolved by the Senate (the House of Representatives concurring), That the Congress finds that—

(1) the policy of the United States is not to make first use of lethal and incapacitating chemical weapons in war;

(2) in 1972 the United States signed the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, and such Convention declared that "[e]ach State Party to the Convention affirms the recognized objective of effective prohibition of chemical weapons and, to this end, undertakes to continue negotiations in good faith with a view to reaching early agreement on effective measures for the prohibition of their development, production, and stockpiling and for their destruction";

(3) in 1975 the United States ratified the Geneva protocol prohibiting the use of chemical and biological weapons in warfare; and

(4) the United States supports the continuing negotiations being conducted by the Conference of the Committee on Disarmament toward this end of an effective chemical weapons treaty.

SEC. 2. It is the sense of the Congress that—

(1) the President should declare a moratorium of three years on the further United States manufacture of lethal and incapacitating nerve and mustard agents and the so-called binary agents;

(2) the President, as a sign of good faith to the world, should order the destruction of three thousand tons of lethal chemical mustard agents from existing United States stockpiles over the three years of such moratorium, and invite interested international organizations, such as the Conference of the Committee on Disarmament to send delegations to view the destruction process;

(3) the President should invite the Union of Soviet Socialist Republics and other nations which possess quantities of lethal chemical weapons to indicate their sincerity in seeking a chemical weapons treaty by following the example of the United States, and should urge the Third World Nations to refrain from seeking the introduction of chemical weapons into their arsenals; and

(4) the President should urge th participants of the Conference of the Committee on Disarmament to rapidly conclude an international treaty banning the manufacture and possession of lethal chemical weapons. Such a treaty, in order to be meaningful, should provide for the destruction of existing stocks and production facilities over a specified period of time. Such a treaty must also provide independent, international procedures for verifying the disposal of stocks and facilities, investigating and challenging suspect activities, and establishing on-site inspections.

Mr. WEICKER. Mr. President, today I am introducing, along with Congressman SCHULZE, a joint resolution urging the destruction of chemical weapons stockpiles and the banning of future production of chemical weapons by all nations of the world.

This is the first major congressional initiative calling for the reduction of chemical weapons stockpiles. It places Congress on record as favoring an international treaty to control these weapons and challenges the Soviets to initiate similar weapons reduction. This proposal sets as the highest priority for the nations of the world the question of weapons control and disarmament.

Chemical weapons are easier to produce, hide and use than other weapons. The details of the chemistry of chemical agents is common knowledge. The technology for producing chemical weapons

is available. This available technology along with existing chemical weapons stockpiles, poses the danger of chemical weapon proliferation throughout the nonnuclear world community. And, the frightening possibility exists that politically motivated; well-financed terrorists organizations can secure lethal chemical weapons and create global havoc. The importance of this pending threat cannot be underestimated.

Chemical weapons have no limits. They can be used any time, anywhere, under any circumstances. They do not discriminate between soldiers or civilians—innocent men, women, or children.

The United States must take the leadership role in seeking an arms control agreement on chemical weapons and force the Soviet Union to reveal its true position. Mr. President, I believe this resolution can set an example for the world that the United States is indeed concerned with the future of chemical weapons.

Senate Concurrent Resolution 15 calls for a 3-year moratorium on the production and stockpiling of new chemical agents, including binary, and on the construction of facilities and equipment related to the production of these agents. Furthermore, it would urge the President to order the destruction of 3,000 tons of mustard gas from our current stockpiles. By taking such initiatives, the United States will demonstrate to the world community our resolve to reach a meaningful international treaty on chemical weapons. Hopefully, these steps will help to move the current negotiations of the Conference on Chemical Disarmament off dead center in Geneva.

Both the United States and the Soviet Union, through the ratification of the Geneva Protocol, have agreed not to use chemical and biological weapons in war. Thus, in the chemical area, we have already achieved a general basis for understanding. No type of warfare evokes such horror and revulsion as the use of chemical weapons. Their use is an affront to humanity; it is abhorrent to the civilized world. Today, Congressman SCHULZE and I are calling on the United States to take some tangible first steps in the hopes of achieving an international agreement which would eliminate an entire class of weapons, namely chemical agents.

Mr. President, although chemical warfare has been practiced since the days of the early Greeks, its sophistication has taken on frightening new dimensions in recent years. With the advent of the new fail-safe "binary" weapons, production, transportation and stockpiling of chemical agents would become safer and easier. The binary weapons are essentially two nonlethal weapons which would be produced, stored, and shipped separately. They only become lethal weapons when they combine at some point during their flight to a target.

In fiscal year 1976, the Congress rejected a Defense Department's $8.8 million request for production facilities for the 155mm binary chemical artillery projectile and the Navy's $1.6 million request for the development of a binary chemical nerve agent bomb, referred to as Big Eye. According to recent press reports, the Defense Department will once again seek funding for this particular project.

Despite the obvious advantages of these weapons, placing a moratorium on the production of binaries and their associated facilities will have an important diplomatic impact on the nations watching this development. No nation could seriously believe that we were sincere in searching for an international treaty banning such weapons if we merely throw out obsolete weapons and replace them with new, improved ones. Also, the construction of new facilities or the modernization of existing ones to handle future binary production, would only be viewed as the preliminary step toward a new round of chemical stockpiling.

Another major provision of this resolution calls for an onsite inspection of the chemical destruction process by invited guests and/or groups. In order to gain a wide range of world opinion in support of this program, it is contemplated that a delegation from the CCD as well as other concerned international organizations, such as the Pugwash Society, would be invited to review the destruction process and facility.

The Weicker-Schulze resolution would include a challenge to the Soviet Union to initiate the same type of reductions over the same period of time and under similar conditions as the one called for in the United States. This would be the least our opponents could do to indicate their sincerity in seeking an international treaty banning chemical weapons. Along with this, the United States would call on the Third World nations to refrain from seeking the introduction of chemical weapons into their arsenals.

The final provision of this resolution includes a plea to the world body to urge the members of the CCD to rapidly conclude an international treaty banning the manufacture and possession of lethal chemical weapons by all nations. This treaty should seek the complete prohibition of the development, production, acquisition, stockpiling or transfer of chemical warfare agents and munitions. It should also provide for the destruction of existing stocks and production facilities in a phased manner over a specified period of time. In this respect, there must be provided a process of verification of the disposal of stocks and facilities through independent, international procedures. And finally, the treaty must establish an international mechanism for investigating suspicious activities, including provisions for challenge and onsite inspections.

There is no doubt that chemical weapons are a byproduct of our highly sophisticated science and technology. But production of nerve gas, mustard gas, binary weapons and the rest is clearly a technology gone mad. It is not the purpose of genius to cavort with insanity.

Mr. President, let the United States take the first vital step. Let us limit our chemical weapons stockpiles. Let us halt this mockery of our own human potential.

AMENDMENTS SUBMITTED FOR PRINTING

FOOD AND AGRICULTURE ACT OF 1977—S. 275

(Ordered to be printed and referred to the Committee on Agriculture, Nutrition, and Forestry.)

Mr. PERCY (for himself, Mr. McGOVERN, and Mr. STEVENSON) submitted an amendment intended to be proposed by them jointly to S. 275, a bill to provide price and income protection for farmers and assure consumers of an abundance of food and fiber at reasonable prices, and for other purposes.

EMERGENCY DROUGHT ASSISTANCE WATER TRANSPORTATION ACT

Mr. PERCY. Mr. President, I am submitting today an amendment to S. 275 to help alleviate some of the problems facing millions of people in drought-stricken areas throughout the United States. This amendment would authorize the U.S. Secretary of Agriculture tc pay up to three-fourths of the actual cost of transporting a maximum 90-day supply of water from areas in which water is in plentiful supply to rural residents and livestock producers in drought-striken aeras.

It has become apparent from working with the major disaster programs such as the Federal crop insurance program and the disaster payments program—DDP—established by the Agriculture and Consumer Protection Act of 1973, that present disaster programs are not designed to provide adequate aid for prolonged natural disasters like drought.

The State of Illinois is suffering from an extreme shortage of water, not only on farms but also in rural towns. In January 1977, some 24,100 families in 49 counties were hauling water at a cost of almost $1 million. Currently, the water shortage in Illinois has reached disastrous proportions in at least 37 counties. The effects of the drought are of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments.

At present, over 23,000 Illinois farmers are hauling water for family and livestock use. This burden has steadily affected more farmers, as the shallow wells continue to run dry. Some 77 public water systems in Illinois face severe supply problems. There is a shortage of potable water for cooking and drinking and also for use in sanitation, sewerage, and fire suppression. Many public water systems are, therefore, unable or unwilling to sell water to farmers. As a result, farmers must haul water from further distances at greater expense.

Livestock producers have been particularly hard hit by the drought. They are selling off their beef and swine because they can no longer afford to buy and haul water. Cattlemen have been consistently losing money on their herds over the past 3 years. At times the losses have been as much as $100 a head. Although at some time in the future beef prices are going to have to rise as supplies de-

cline, thereby allowing cattlemen to recoup their losses, it is not at all clear that they will be able to sustain this added financial burden caused by the drought.

Farmers, livestock producers, and rural residents in drought stricken areas need financial relief. I urge my colleagues to support this amendment.

ECONOMIC STIMULUS APPROPRIATIONS, 1977—H.R. 4876

AMENDMENT NO. 123

(Ordered to be printed and to lie on the table.)

Mr. NELSON submitted an amendment intended to be proposed by him to H.R. 4876, an act making economic stimulus appropriations for the fiscal year ending September 30, 1977, and for other purposes.

SEWAGE TREATMENT PLANT CONSTRUCTION PROGRAM

Mr. NELSON. Mr. President, I intend to offer an amendment to H.R. 4876, the economic stimulus appropriations bill, to restore the $300 million recommended by the House and deleted by the Appropriations Committee for the section 206 (a) sewage treatment plant construction program.

In 1966 and again in 1972, the Congress and the President made a legal and moral obligation to cities to reimburse them for up to 55 percent of the construction costs of treatment works started between 1966 and 1972, if the cities used their own funds prior to the availability of Federal matching funds. With this promise, over 5,300 projects were started. Yet, 11 years after this commitment was made, the Congress has not fully reimbursed the eligible communities.

The Environmental Protection Agency now estimates that $30 million will eliminate the outstanding Federal obligation. Based on this estimate, the House included $300 million in the bill they sent to the Senate.

It is important to note that the second concurrent budget resolution specifically envisions this additional appropriation.

The cities have been waiting over a decade for this money. They should have to wait no longer. If these funds are appropriated, local moneys will be freed and the cities will have greater flexibility in managing their budgets.

I ask unanimous consent that the text of my amendment and a table showing how this language affects each State be printed in the RECORD.

There being no objection, the amendment and table were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 123

On page 2, after line 18, insert the following:

ENVIRONMENTAL PROTECTION AGENCY

CONSTRUCTION GRANTS

For payment of reimbursement claims pursuant to Section 206(a) of the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500), as amended, $300,000,000, to remain available until expended.

MUNICIPAL CONSTRUCTION DIVISION
CONSTRUCTION OPERATIONS BRANCH

Status of Reimbursement, under section 206, PL 92-500, for construction grant projects January 1977

	Estimated total reimbursement needed	Allotment of total appropriated funds	Estimated balance
Totals	2,668.5	2,100.0	568.5
Alabama	9.3	7.3	2.0
Alaska	7.4	5.8	1.6
Arizona	5.1	4.0	1.1
Arkansas	7.0	5.5	1.5
California	45.6	35.9	9.7
Colorado	10.0	7.9	2.1
Connecticut	116.0	91.3	24.7
Delaware	13.0	10.2	2.8
District of Columbia	1.5	1.2	.3
Florida	68.0	53.5	14.5
Georgia	74.5	58.6	15.9
Hawaii	4.8	3.8	1.0
Idaho	1.8	1.4	.4
Illinois	121.4	95.5	25.9
Indiana	22.5	17.7	4.8
Iowa	7.8	6.1	1.7
Kansas	7.6	6.0	1.6
Kentucky	12.5	9.8	2.7
Louisiana	9.0	7.1	1.9
Maine	13.6	10.7	2.9
Maryland	52.6	41.4	11.2
Massachsetts	12.8	10.1	2.7
Michigan	141.7	111.5	30.2
Minnesota	28.5	22.4	6.1
Mississippi	4.4	3.5	.9
Missouri	7.6	6.0	1.6
Montana	1.8	1.4	.4
Nebraska	2.9	2.3	.6
Nevada	3.2	2.5	.7
New Hampshire	13.0	10.2	2.8
New Jersey	74.3	58.5	15.8
New Mexico	1.7	1.3	.4
New York	1,294.9	1,019.0	275.9
North Carolina	18.9	14.9	4.0
North Dakota	1.0	.8	.2
Ohio	108.6	85.5	23.1
Oklahoma	6.2	4.9	1.3
Oregon	18.3	14.4	3.9
Pennsylvania	76.4	60.1	16.3
Rhode Island	.2	.2	—
South Carolina	18.3	14.4	3.9
South Dakota	1.7	1.3	.4
Tennessee	44.2	34.8	9.4
Texas	30.9	24.3	6.6
Utah	3.0	2.4	.6
Vermont	.8	.6	.2
Virginia	36.3	28.6	7.7
Washington	22.3	17.6	4.7
West Virginia	3.1	2.4	.7
Wisconsin	75.2	59.2	16.0
Wyoming	.4	.3	.1
Guam	—	—	—
Puerto Rico	3.9	3.1	.8
Virgin Islands	1.0	.8	.2
American Samoa	—	—	—
Tr. Terr. of Pac. Isids	—	—	—

AMENDMENT NO. 136

(Ordered to be printed and to lie on the table.)

Mr. SCHWEIKER (for himself, Mr. PROXMIRE, and Mr. GARN) submitted an amendment intended to be proposed by them jointly to H.R. 4876, supra.

CODE OF OFFICIAL CONDUCT—SENATE RESOLUTION 110

AMENDMENT NO. 124

(Ordered to be printed and to lie on the table.)

Mr. DURKIN (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by them jointly to amendment No. 65 to Senate Resolution 110, to establish a code of official conduct for Members, officers, and employees of the U.S. Senate, and for other purposes.

AMENDMENT NO. 125

(Ordered to be printed and to lie on the table.)

Mr. JOHNSTON submitted an amendment intended to be proposed by him to Senate Resolution 110, supra.

AMENDMENT NO. 126

(Ordered to be printed and to lie on the table.)

Mr. HANSEN submitted an amendment intended to be proposed by him to Senate Resolution 110, supra.

AMENDMENTS NOS. 127 THROUGH 132

(Ordered to be printed and to lie on the table.)

Mr. JAVITS submitted six amendments intended to be proposed by him to Senate Resolution 110, supra.

AMENDMENT NO. 133

(Ordered to be printed and to lie on the table.)

Mr. PERCY submitted an amendment intended to be proposed by him to Senate Resolution 110, supra.

Mr. PERCY. Mr. President, under the amendment I am submitting herewith, professional services would be treated like all other forms of outside earned income such as honoraria. Specifically, the amendment deletes the prohibition against the provision of professional services for compensation in rule XLV, but retains the provisions prohibiting outside activities which would conflict with the conscientious performance of official duties. In addition, it retains the provision requiring staff to report to their supervisor on any outside activities and the amendment adds a new provision requiring Senators to report to the Secretary of the Senate when they commence and terminate any such activities. Finally, under the amendment, income received from providing professional services would be subject to the 15 percent of income limitation which applies to all other outside earned income.

Thus, while the amendment removes the prohibition against providing professional services for compensation, it limits the total amount of income which can be received from such activities and insures adequate disclosure.

Mr. President, I ask unanimous consent that the text of this amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 133

On page 26, line 3, strike out "and";

On page 26, line 6, strike out "works." and insert in lieu thereof "works, and";

On page 26, between lines 6 and 7, insert the following:

"(3) compensation for professional services.";

On page 27, line 13, insert "(a)" immediately after "3.";

On page 27, between lines 22 and 23, insert the following:

"(b) No Member shall engage in any outside business or professional activity or employment for compensation unless he reports in writing to the Secretary of the Senate upon the commencement and the termination of such activity or employment, including a description of the nature of such activity or employment. Any such report shall be made available for public inspection and copying.";

On page 28, strike out lines 12 through 19, and renumber paragraphs 7 through 12 of proposed rule XLV as paragraphs 6 through 11, respectively;

On page 54, line 18, strike out "9, and 10" and insert in lieu thereof "and 9".

AMENDMENT NO. 134

(Ordered to be printed and to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed to Senate Resolution 110, supra.

Mr. STEVENS. Mr. President, my previous comments on this resolution have dealt with the need to provide flexibility for Members of the Senate in the conduct of their official duties and to establish a system under which the conduct of a Senator's official duties are open to full public scrutiny. The best way to accomplish this is to provide for full disclosure of gifts which the Senator accepts under the circumstances defined by proposed rule 43 of Senate Resolution 110. I think that full public disclosure would more than adequately protect the public from any abuses of Senatorial office which might otherwise occur. However, I understand the goal of the Special Committee of Official Conduct in recommending a specific set of limitations pertaining to gifts accepted by Senators.

In a previous statement, I explained the difficulties which the adoption of this rule as reported would create in my home State. There simply are too many situations in which transportation, food, and other services must be supplied by parties who under the proposed rule would be considered as having an interest in affecting legislation before the Senate. Adoption of this rule would prevent me from traveling in many places throughout the State of Alaska because some of these locations are serviced only by private air and ground facilities. In essence, rule 43 as proposed will prevent me from doing the job I was elected to do and deprive me of the ability to function properly as a Member of the U.S. Senate.

My State is not unique, and I know that the problems which I speak of are shared by other Senators. All of us share the need to obtain full knowledge of problems facing our States and still maintain integrity and partiality required of us by the office in which we serve. In final analysis, our success at this endeavor will be judged by our constituency. They will decide whether we have served them or special interest groups, the influence of which proposed rule 43 has been designed to reduce or eliminate.

Because the final decision rests with the electorate, it makes sense to allow each Senator to present his individual case to his own constituency. He serves at their pleasure, and he is ultimately answerable only to them.

Today, I submit an amendment which provides an alternative to the limitation provisions established by rule 43 of the proposed official code on conduct. This amendment would act as an alternative to the limitation provisions of rule 43 and would permit a Member, officer, or employee of the Senate to comply with rule 43 by making a regular public disclosure of any gift, favor, service, or anything of value exceeding $35 which has been accepted by him, his spouse, or a dependent from a person, business, or other entity under circumstances which he knows are intended to affect the present and future performance of his duties. The amendment requires the disclosure to include the identity of the contributor, the nature of the gift, and the date and location of the receipt of such gifts. Furthermore, each supervisor as defined by the proposed code of conduct shall be responsible for the review of and must sign disclosure statements filed by an employee under his supervision.

As an alternative to the limitation provisions of rule 43, Members of the Senate are given the opportunity to choose the particular situation which suits their working situation best. In no case is one system considered to be superior to the other. Rather, the two together provide flexibility and safeguards to insure that the public has the opportunity to decide whether they approve of the manner in which their own Senators conduct their official business.

This is what our goal should be. The voters elect us and the voters should be provided with all relevant information to decide how well we are serving them. This amendment will do just that.

AMENDMENT NO. 135

(Ordered to be printed and to lie on the table.)

Mr. MUSKIE submitted an amendment intended to be proposed by him to Senate Resolution 110, supra.

NOTICES OF HEARINGS

AGRICULTURE AND RELATED AGENCIES APPROPRIATIONS SUBCOMMITTEE

Mr. EAGLETON. Mr. President, I wish to announce that the Appropriations Subcommittee for the Department of Agriculture and Related Agencies has scheduled hearings for Members of Congress and public witnesses for March 28, 29, and 30. By that time, it is anticipated that all of the Federal witnesses will have been heard, and these hearings will conclude the hearings on the appropriations bill for fiscal 1978.

Anyone wishing to present or submit testimony for the appropriations bill for fiscal 1978 should contact the subcommittee staff, room 1320, Dirksen Senate Office Building, telephone number 224–7272, and the necessary arrangements will be made.

ADDITIONAL STATEMENTS

ENERGY OBSTRUCTIONISTS

Mr. BARTLETT. Mr. President, the president of the U.S. Industrial Council, Mr. John G. Hutchens, has some timely and accurate comments for us in the USIC Bulletin of February 15, 1977. That my colleagues and the public might benefit from it, I ask unanimous consent that Mr. Hutchens' column, titled "Energy Obstructionists," be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

ENERGY OBSTRUCTIONISTS

It is very important that the American people realize that the energy crisis they are facing could have been avoided if the counsel of businessmen had been heeded. Unfortunately, energy obstructionists in Congress, the media, and environmental groups have been successful in recent years in blocking essential energy projects.

Since the early 1970s, businessmen have urged rapid development of new energy sources, including opening of new surface coal mines, a speed-up of nuclear power production, a prompt start on offshore drilling in the Atlantic, and deregulation of natural gas prices. In every case, however, energy obstructionists threw up massive roadblocks.

The energy obstructionists are still at work, despite the severity of this winter. *Access To Energy* reports that "A massive hydroelectric project in Maine is to be abandoned because it would uproot 30 specimens of the furbish lousewort, a small plant so named because sheep were thought to get infested with vermin after feeding on it." *Access To Energy* also reports that "400 construction workers were laid off last month at the site of the $2 billion Seabrook nuclear power plant in New Hampshire after some petty EPAcrat reversed a previous decision approving the world's most complex cooling system."

In other words, the people who gave this country its energy shortage are still at work, sounding off in Congress, appearing on radio and TV, writing editorials and drafting letters of environmental protest. It is important to call the roll and point a finger of blame. For example, only a year ago U. S. Rep. John Moss (D-Calif.) said that the gas shortage "has been overstated dramatically by deregulation advocates."

What's most needed is real presidential leadership on the energy front—not public relations gestures and gimmicks. Those who specialize in developing political images can admire President Carter's decision to give his first fireside chat in front of a White House fireplace while dressed in a warm sweater. Such gestures won't create new sources of energy, however. Turning off the outside lights at the White House and the Washington monument won't provide fuel needed to reopen schools and factories in the Middle West.

If Mr. Carter is to meet the test of presidential leadership, he must tell the Congress that permanent deregulation of natural gas prices is the only way to boost production.

Mr. Carter also must restrain the Environmental Protection Agency which cares not a whit for the economic protection of the American people. He must issue orders to the EPA to facilitate, not hinder, the opening of new coal mines. The same type instructions must go to officials who have delayed licensing of nuclear power plants. While other countries are building nuclear power plants in five or six years, American electric utilities must plan for a 10-year development time.

These are imperatives of authentic presidential leadership, given the situation facing the country today. If Mr. Carter won't act on them, the American people will suffer cruelly in the years to come.

VOCATIONALIZING THE WORK EXPERIENCE PROGRAM: THE MINNESOTA STORY

Mr. HUMPHREY. Mr. President, one of the most successful work-experience programs in this country is conducted by the public schools in my own State of Minnesota. This program permits secondary school students in the 10th through 12th grades who have discipline, absenteeism, or grade problems to spend part of each school day working on a job.

Participating youths receive personalized counseling, extensive assistance in choosing a job, and a daily class on occupational relations which covers career planning, applications and interviews, conduct on the job, human relations, employee-employer relations, and other subjects needed for work. There are group guidance sessions, in which participants are encouraged to keep up their grades and where they analyze their strengths and weaknesses.

The jobs—such as waiter or waitress, gas station attendant, dishwasher, jobs in light assembly work, supermarket stock work—provide the opportunity to gain work experience and explore different kinds of jobs and careers.

This program is outlined in an article by Donald Spotts, work experience coordinator for the Centennial School District, Circle Pines, Minn., entitled "Vocationalizing the Work Experience Program—The Minnesota Story."

As Spotts points out, one side benefit of this program is that the jobs provide the best incentive for kids to stay in school and upgrade their educations and themselves.

The Minnesota story is an excellent example of the kinds of work-study programs that would be established nationwide under the Comprehensive Youth Employment Act of 1977, which Senator JAVITS and I introduced on January 11. This bill, if enacted, would set up a work experience for inschool youth program under the CETA prime sponsors that would provide school systems with the funds needed to develop work-study programs in secondary schools. These programs would help young people gain work experience and develop occupational information and would make their educational experiences more relevant.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VOCATIONALIZING THE WORK EXPERIENCE PROGRAM: THE MINNESOTA STORY

(By Donald Spotts)

It's time to tell the story of Minnesota's involvement in work experience programs. In Minnesota, we think they are some of the best programs available for potential dropouts. Our aim is to take students out of unstable school situations, place them in a work experience program, work with them individually, and eventually get them into a secondary vocational education program.

We also have a work experience career exploration program for 14- and 15-year-olds (mostly ninth graders), but this story is about those in the work experience program, students 16 years of age and older in the tenth through twelfth grades. Candidates are students with discipline and behavioral problems, absenteeism, total lack of interest in school, incomplete or F grades, and those who have financial or social problems. Some, many, or all of these problems qualify a student for the program.

To identify these potential dropouts, we use a staffing method involving the teacher-coordinator, principals, counselors, teachers, and interested laymen in the community (probation officers, police, clergy, etc.). Since many students qualify, the staff meets to decide which students have the greatest need. Fifteen to 25 students are usually the maximum for any coordinator. The number is kept fairly small, primarily because of the time and attention devoted to every student. Students, themselves, can request admittance by completing an application blank stating their reasons for wanting to get into the program.

Minnesota now has 200 schools in this work experience program, which started with seven schools in 1969.

ACADEMICS PLUS EMPLOYABILITY

Keep in mind that there is some variation in the program throughout the state, but here is the general pattern:

Work experience students have their class schedules rearranged so that they can spend at least two hours a day working on a job (or seeking a job). Academic subjects include English, history, and an elective, usually a math class. In some schools the schedule will include certain required classes such as science or physical education.

All work experience students are enrolled in a daily, 55-minute occupational relations class. Typical subjects covered are career planning, application and interviewing procedures, human relations, employer-employee relations, conduct on the job, income taxes, unions, legal considerations, etc. Whatever the typical worker might encounter on the job is grist for the mill. The class is flexible. Time can be taken out to help any student who is having trouble with his academic subjects. Because the occupational relations class is small, a close relationship builds up between the students and their coordinator, who also acts as counselor. His interest and concern gives the student someone who will listen to his problems and help him make decisions. Through this relationship and group guidance sessions, the students are encouraged to maintain passing grades in their other subjects. It also helps them to analyze their strengths and weakness and develop self-confidence. Another plus is, of course, assistance in selecting an occupation.

Many work experience coordinators are on extended teaching contracts that include three working weeks before school starts. They use that time to locate job sites, contact employers, and set up training stations. Besides teaching the occupational relations class, the coordinator maintains records, gets work permits, visits employers and parents frequently, and serves as liaison between the student and the school, home, and employer.

TROUBLE ON THE JOB

Not all students get jobs. Some have to try many times before they land the right one, and some get fired during the year. Sometimes the coordinator can lose a training station because of the performance of his students.

Several options are open to the coordinator in helping the student who has trouble getting or holding a job. He can pull the student back into the occupational relations class for more sessions directed toward changing his behavior, talk to his employer, step up parental visits, or send the student on more interviews. Or he can seek help from the school's guidance counselor and other teachers.

The jobs that students usually get are those of waitress, waiter, bus-boy, dishwasher, cook's helper, gas station attendant, car wash, sod helper, jobs in light assembly work, or stock and carryout jobs in supermarkets. Part of the two-week introduction class includes intensive counseling to help the students decide what kind of employment they want. Some students claim they want any kind of job, but when you get down to counseling them, you find there are many they don't want.

So it's important to make the students understand that the purpose of their jobs is not only to teach them employability skills but to help them discover what kinds of occupations are suitable for them, and just as important, what kinds are unsuitable. It doesn't take long for a student to recognize that a job such as dishwashing is really a dead end, and that the way out or up is more education and training.

STUDENT CAN'T LOSE

And that is the whole concept of the program. We take the potential dropout, change his attitude and behavior problems, encourage responsibility, and help him move into a cooperative education program or regular vocational program. Most often it works. Sometimes we keep them two years, sometimes they drop out, but whatever happens to them, they have had the advantage of a coordinator who cared—who had them in class, saw them on the job, met with their employers, and visited their families to talk about their problems.

The number of students who complete the program, transfer to co-op programs, or go back to regular school is surprisingly high. Most coordinators claim that 70 percent of their students stay in school and graduate.

AMERICAN AGRICULTURE DAY

Mr. DOLE. Mr. President, I call your attention to the fact that today—March 21, 1977—has been designated by the National Agri-Marketing Association and other farm groups as American Agriculture Day. This is a day to pause, reflect and pay homage to the several million farmers and ranchers who constitute American agriculture.

Local organizations throughout the Nation are mounting campaigns to make this day and the week ahead a memorable time for the farm community. Thousands of farm and rural people have pooled their time, talents and money in a nationwide effort that will culminate this week. From farm wives, schoolchildren, local business people, and Government representatives to teachers and the media, thousands will be involved in celebrating the achievements and contributions of American agriculture.

The purpose of Agriculture Day is to increase the awareness and visibility of agricultural producers at a time when only 5 percent of our national population consists of farmers and ranchers. The Senator from Kansas, for one, hopes that a great deal of attention may be focused on the central importance of the family farmers to the Nation's economic prosperity, to the maintenance of social

stability, and to the furtherance of our positive spiritual values.

Another purpose of Agriculture Day is to bring producers and consumers closer together in their mutual understanding and appreciation. Today a single average farmer produces enough food in one year to feed 53 consumers—three times as many as 20 years ago when there were twice as many farm workers. In the last 10 years, agricultural production has climbed 20 percent on 6 percent fewer acres. Thanks to the hard work, efficiency and ingenuity of producers, American consumers pay a lower percentage of their annual income on food than consumers in any other industrial society.

The American farmer has accomplished impressive achievements, and his story needs to be told. We can all be proud that our farmers and ranchers are the most productive in the world. Now we must make sure that the farmers and ranchers have sufficient incentive and profit to remain in production, and we must make sure that consumers and urban people understand these facts.

Mr. President, Agriculture Day comes at an appropriate time. This is the second day of spring, and the rich Earth is once again being broken to receive new seed. Those of us who celebrate Agriculture Day are also planting a seed that may one day blossom into a keener appreciation of the mutual interpendence of producers and consumers.

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. TALMADGE. Mr. President, pursuant to the requirement of section 133B of the Legislative Reorganization Act of 1946, as amended, I submit herewith, and ask that they be printed in the RECORD, the Rules of the Committee on Agriculture, Nutrition, and Forestry, as adopted by the committee on Monday, March 21, 1977.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

1. Regular meetings shall be held on the first and third Wednesday of each month when Congress in is session.

2. Voting by proxy authorized in writing for specific bills or subjects shall be allowed whenever a majority of the committee is actually present.[1]

3. To assure the equitable assignment of members to subcommittees, no member of the committee will receive assignment to a second subcommittee until, in order to seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

4. Five members shall constitute a quorum for the purpose of transacting committee business: *Provided*, That for the purpose of receiving sworn testimony, a quorum of the committee and each subcommittee thereof shall consist of one member.[1]

[1] For further restrictions with respect to proxies and quorums in the reporting of measures and recommedations, see section 133(d) of the Legislative Reorganization Act of 1946, supra.

A MODERN TALE OF TWO CITIES

Mr. JAVITS. Mr. President, on February 10, 1977, our colleague, Senator MATHIAS, addressed the Student Symposium on Cities on the problems of our cities with a focus on the sunbelt versus the frostbelt areas of the country. Senator MATHIAS offers some interesting solutions and perspectives to this problem and I feel it should be brought to the attention of my colleagues.

I ask unanimous consent that the text of Senator MATHIAS' speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

A MODERN TALE OF TWO CITIES

(By Senator CHARLES MCC. MATHIAS, JR.)

I would like to congratulate the Student Symposium Committee for conceiving this program on the future of the American City and for bringing together so many of those who are actually in the frontline trenches of urban management and budget balancing. I admire them but I don't envy them.

The financial and management picture for many American cities is pretty bleak. New York—the Big Apple—Fun City—is the best example of this, so I'd like to take a moment to review details of the fiscal melodrama that starred New York two years ago.

In late 1975, the Congress worked feverishly to hammer out a Seasonal Financing Act for New York, while the city tottered on the verge of bankruptcy. What triggered this Congressional action was New York City's sudden inability to roll over its short term debt. Without short term—30 to 90 day—cash, the City was not going to be able to pay its employees and faced the prospect of a shut down in vital services, such as schools, hospitals, fire and police, street cleaning and trash removal.

For several months the City alternately cajoled, threatened, and begged the Federal Government to "bail it out" of its short term cash bind, while an unmoved Administration and some elements in Congress "stonewalled" New York. The stalemate was protracted and painful.

But, gradually, it began to dawn on the Congress and on most of the nation that New York's financial crisis wasn't going to go away and couldn't be ignored indefinitely. Like it or not, the nation's economy and growth rate was inextricably tied to New York and, if the bell tolled for the Big Apple, it would toll all over the land.

Spurred by visions of the financial and legal catastrophe that would follow New York's bankruptcy, Congress framed the New York City Seasonal Financial Act. This Act staved off disaster by providing New York with $2.3 billion in loans from the U.S. Treasury over a three year period. In exchange, Mayor Beame was forced to make major changes in his budget management practices and in the city's priorities. These included reducing the municipal payroll, cutting out some social service programs, putting a freeze on hiring, and improving workforce productivity.

Mayor Beame also paid dearly in terms of New York's political autonomy. Now, Big Brother Federal Government keeps a sharp, wary eye on New York's every move to be sure that its $2.3 billion is being prudently used. At regular intervals, the Mayor and the Governor of New York appear before Congressional Committees to account for their stewardship of the giant federal loan.

The brinksmanship which both the Administration and the City of New York practiced as a prelude to settling the crisis did nothing to engender mutual confidence. Both sides suffered a loss of credibility: the City's threats of impending doom never quite materialized, while the Administration's obdurate let-them-go-bankrupt policy promised a financial crisis far worse than default would bring.

Some critics considered New York City an unmanageable, unrepentant spendthrift that deserved to be punished. But more thoughtful observers discerned in the New York crisis broad implications for the economic growth and stability of the rest of the country. They realized that the problems which had come to a head in New York were by no means unique.

In fact, New York's problems are mirrored to some extent in almost all of the cities in the so-called Frostbelt. This area, which includes the Northeast, Mid-Atlantic and Great Lakes' states, is characterized as a declining region in terms of population, economic base, energy resources and income growth rates. It stands in marked contrast to the parts of the country where those same indicators reflect unprecedented growth. That region, known as the Sunbelt, generally takes in all of the South Atlantic, Mid-South, South West and Western parts of the country.

Just as New York epitomizes the problems of the Frostbelt cities, Houston, Texas, is pretty typical of the rapidly growing cities of the Sunbelt. Since 1960 Houston's population has grown by more than 40 percent. Located in oil rich country, Houston has become the darling of the so-called footloose industries—ones that don't need to be close to markets or to manufacturing plants. Knowledge-based industries, which feed off government contracts, particularly space contracts, have established themselves close to the Houston Space Flight Center. They claim their employees like the change of scenery and climate, particularly if the company has relocated from an older, big city. They say there are fewer hassles in the basics of living—better schools, less crime, lower fuel costs, lower cost of living in general.

While Houston and other Sunbelt cities are enjoying remarkable growth and prosperity these days, their sister cities in the Frostbelt are trying with varying degrees of desperation to make ends meet.

A quick statistical comparison of Houston and New York will tell us a lot about the whys and wherefores of their financial condition.

New York's population is 7.5 million; Houston's is 1.4 million.

Between 1970 and 1974, New York City lost 300,000 jobs. The manufacturing sector shrunk by 43,000 jobs annually, with the garment industry alone losing 12,000 jobs a year. Wholesaling, retailing, finance, insurance and real estate averaged combined losses of 24,000 jobs a year.

The only job growth in New York City from 1969 to 1974 was in the service and government sector which showed yearly gains of 8,800 jobs. In other words, year after year as the tax base dwindled, the government payroll grew.

From 1970 to 1973, while New York experienced a 5.3 percent decline in employment, Houston enjoyed a 17.6 percent gain in employment. Houston's unemployment rate is 5.2 percent, New York's a whopping 10.6 percent.

In 1972 New York City had 12.2 municipal workers for every thousand residents, Houston had 7.2 workers.

The high number of New York City workers is partially explained by the variety of services New York provides its residents and commuters, which Houston does not. For example, New York employs thousands of workers to police public housing and the transit system, to operate the subways, to teach college at the tuition free university and to staff city-run hospitals.

Differences in wage costs between the two

cities are also revealing. The average monthly wage for a New York City policeman in 1972 was $1,568, in Houston it was $831. But, to have a discretionary income of $6,000, a New York family must have an annual income of $27,071, while a Houston family needs only $20,000.

There is about a 20 percent difference in the cost of living between the two cities. In 1972 a family of four with an intermediate standard of living spent $2,916 for housing in New York, but only $1,629 in Houston.

Houston's population explosion produced a housing boom of unprecedented proportions. In 1975 and 1976 Houston led the nation in housing starts. 40,000 new houses were started last year. By contrast New York had only 7,840 starts last year.

Since 1970, Houston has increased from 447 square miles to 509 square miles. New York with no place to expand has remained 300 square miles in size.

Another feature of Houston which attracts business is that there are no state or city income taxes although there is a 4 percent state sales tax and a 1 percent city sales tax.

Fun City, on the other hand, socks you with city and state income taxes, a 4 percent state sales tax, a 3 percent county tax and a 1 percent city sales tax. For suburban commuters who work in the city, there is a separate one half percent payroll tax.

The per capita income in Houston in 1974 was $5,954, in New York it was $6,668.

In 1975 taxes per capita in Houston averaged $299, in New York they averaged $634.

Houston spends $3 per capita on welfare, New York spends $337. This is because the State of Texas foots most of the welfare bill while in New York State the costs are shared.

Houston spends $34 per capita for health and hospitals, New York spends $210.

Public Education in Houston costs the city an average of $237 a person, it costs New York $352. Police and fire protection cost Houston $55 a person, New York pays $103.

In all, Houston spends $541 a person on city service and New York spends $1,574, or triple the Houston outlay.

But, statistics alone cannot convey a true picture of these cities, Houston and New York—one riding high, the other floundering. It is important to put this tale of two cities into historical perspective if we are to understand the dynamics of change that govern America's cities today.

America's first towns grew up on rivers and on harbors where trading of goods and services could be centralized and where a market existed. As those port towns of Boston, New York, Philadelphia, Baltimore, Pittsburgh, Cincinnati, Charleston, New Orleans and St. Louis grew into cities, local governments invested vast amounts of capital in public services—roads, sewers, water, mass transport, fire and police protection, schools, sanitation and cultural facilities.

The railroad towns—Atlanta, Chicago, Kansas City, Denver and others—followed suit. They began with the essentials and quickly moved on to the finer things in life—to music and the performing arts, libraries, museums, opera houses, city parks, ice skating, band concerts.

Life was rich and good for most city dwellers in the first two decades of the Twentieth Century in America.

Then things changed. Inventions and new technology; rising expectations confronted by periods of recession, depression and inflation, all brought severe economic dislocation.

The gasoline engine, the horseless carriage, the telephone, the airplanes, the interstate highway system—all were agents of change. People no longer had to be in the same place to transact their business.

Pierre La Clede's fur trading center at St. Louis, with its easy river and rail access to the unsettled West, began to grow. The city's population burgeoned, suburbs appeared. The American Dream home was available on easy terms to suburbanites, courtesy of FHA and VA. Personal income rose. As in-town land became scarce and expensive, jobs shifted to the suburbs, now easily accessible by highway. People began to move out of the inner city in droves—that is, the people who could afford to move out.

The race to the suburbs in the 40's and 50's and the race to the Sun-belt cities of the 60's and 70's have much in common. Brian Berry of the University of Chicago would attribute both to an American tendency to view anything aging or old as discardable.

Professor Berry has identified several cultural traits which he believes distinguish us, as a people. They include:

Love of newness

An overwhelming desire to be near nature

Need to move freely and to occupy virgin territory

A melting pot tradition, with an upward mobility mechanism which encourages high achievers to move up, out and away from the masses.

I think Professor Berry has put his finger on some important cultural traits which dominate our behavior as a people. Our pop culture stars express and reinforce these traits by glorifying the country life style. The State of Colorado may rue the day it ever heard of John Denver and his Rocky Mountain Highs; the City of Galveston may regret its acquaintance with Glen Campbell. But those places are "in".

Now, if we could just get those fellows to do a few tunes on Cleveland or Detroit or Pittsburgh, we might be able to reverse the trend. Our older cities used to have songs written about them—Chicago, New York—I can remember some of them. But that was three decades ago.

Today, the thrill is gone—the Frostbelt cities have an image problem. I think government at all levels must share the blame for this, for not anticipating the changes that have hurt the Frostbelt cities so badly—for not planning ahead.

We let our towns and cities grow like Topsy in a haphazard way. As urban affairs expert Wilbur Thompson puts it: "We sort of woke up one day and there was Cleveland. There was Detroit, with four and a half million people, the biggest factory town on earth".

Now, if these cities offend, we cannot simply cast them from us. Any American city regardless of its geographic location is part of a national economic system. Each city provides unique goods and services to cities in other parts of the country. And, in return, receives goods and services from them.

If a city or region falters, the effect ultimately spreads throughout the system. For example, since the New York City fiasco the interest rate on municipal bond offerings generally has risen everywhere, irrespective of the varying economic health of the cities involved.

Our rapidly growing cities too need help with special problems. They are buffeted by demands from "no-growth" or "slow-growth" advocates, from environmental groups, from their burgeoning population for more and better city services and facilities, and from big businesses for land.

These Sunbelt cities will need all the help they can get in managing local resources—land or people, services or budgets. They can learn from some older cities of the Northeast whose experience in urban management has sifted out the workable from the unworkable.

Every city has lessons to teach and lessons to learn. St. Louis learned the hard way but now can teach how not to design, locate, and manage public housing. The demise of Pruitt-Igoe was unfortunate, but we've learned its lesson. Now you don't find cities proposing to concentrate large numbers of female-headed households in high rise apartment buildings.

Mayors and City Councils of American cities must see their city in the perspective of its region and of the national economy. The Mayors need expert help to identify, plan and manage their resources. They must recognize that pirating industries or other resources from one another is counter productive. There's enough action in America for everyone to have a piece of it. But, to stay in the game, older cities must be innovative in promoting and facilitating new ways to generate revenue and attract population.

So the pressure is on those Mayors in Frostbelt cities to maintain a creative perspective on potential resources. For example, the unemployed are a resource for certain kinds of industries. Old buildings are a resource to be recycled to a new use. Even the old Frostbelt railbeds are a resource to accommodate high speed freight and passenger trains. They could be repaired.

The growth of leisure time and increased mobility, have made tourism a big industry. Changes in our lifestyles suggest changes in city styles.

Historic buildings and places take on a new importance as more and more people hit the road in search of America—in search of roots. Our older cities are the warp and woof of American history and culture. They should capitalize on it. In a country which produces such unique artifacts as the recreational vehicle (or R.V. as it is known), no city with something to offer should have trouble finding takers.

We must also look to businesses and technology to help us innovate. Mayors must recognize that what is quaintly called "the private sector" is the very lifeblood of their city. Too often mutual reservations between Mayors and business have kept them at arm's length.

But, business is the main resource of any city. It is its reason for existence. A healthy city must forge partnerships between government and the local business community. Only when the entrepreneur and the elected official share their thoughts and their goals for the City, will the process of growth and change work.

There are encouraging signs that business is beginning to see its interests best served by investing some capital in "risk" ventures in cities—in the not-so-good neighborhoods and in job training programs.

Neighborhood Housing Services, which operates in more than 30 cities around the country, is one successful program of this type. The concept is simple. "Risk" loans for home repair and purchase are made available to residents of a neighborhood that is beginning to go downhill. The city's lending institutions all chip in small amounts toward a repair and mortgage fund. The pooled money is then loaned to residents who want to paint up and fix up their homes. Money repaid is loaned out again and again as the idea catches on and residents take renewed pride in their homes and their neighborhood. I understand a similar idea is being tried in fourteen neighborhoods here, sponsored by St. Louis lending institutions and the Federal National Mortgage Association.

Our older city neighborhoods could provide new jobs and entirely new kinds of jobs. Vacant buildings await mobilization of youth trained in rehabilitation skills. Many of those older homes have unique brick, iron and woodwork needing repair or reproduction. The promotion of such craft industries would not only speed reoccupation of vacant, deteriorating housing, but could provide jobs for unemployed youth.

Secondary and postsecondary schools need

to gear themselves better to the job market and to enlist businessmen to provide apprentice training in new vocational fields.

The city government must weigh its priorities to see if local property tax or zoning changes should be made to encourage rehabilitation while keeping prices, rents and property assessments within reach of those most in need.

In the metropolitan context, the region's residents must recognize they are all part of one living urban organism. They must be willing to share both the load and the wealth. This means accepting regional special purpose taxes, low income housing on a "fair share" basis, and the elimination of exclusionary zoning. It also means we must move from "no-growth" concepts to "managed-growth" thinking.

Federal policies must take into account the changes going on in our country which I've described here. The Federal Government spends billions of dollars on contracts for goods and services; for office leasing and facility construction. Yet there is little oversight of where those dollars go, whom they benefit and whom they harm.

The effects of Federal spending are most visible in the location and relocation of defense and aerospace installations. In my home State of Maryland this past year the Navy decided to relocate 1,300 employees in its Naval Oceanographic Office from Suitland, Md., to Bay St. Louis, Miss. The cost and benefits of that move were never adequately explored. The hardship it worked on the local economy is still being felt in the high vacancy rate in housing, the decline in local revenues, and the uprooting of families and friends.

Certain local education and welfare costs must be scrutinized to see if the Federal Government should be paying a larger share. Disparities in cost of living and spending for education and welfare at the local level need reexamination. The Federal role should be to assure equal access to these programs at the local level and equal spending, relative to varying costs of living.

I am introducing in this Congress just such a bill. It is designed to help both declining and rapidly growing cities. My "Urban Resources and Management Assistance Act" provides for restructuring several Federal formulas in order to target funds for housing and economic development to cities with the greatest need. The bill takes into account differing costs of living around the country. It establishes a transportation trust fund to facilitate local development of mass transit tailored to each city's particular needs. It calls for recognition at the Federal level of regional growth disparities and the impact Federal spending has on growth rates. It provides investment tax credits for business to locate within city limits. And it makes professional technical assistance available to rapidly growing cities, small towns and rural areas at their request.

Dynamic changes is always at work in this country—in our cities, metropolitan areas and regions. It demands that we keep our antennae tuned to the future; that we be alert to trends, to technological changes and to the opportunities and the dangers they present.

Government at all levels must keep up with the changes that are taking place in population, economic base, natural resources and life style. There's no holding back the tide of change. The challenge which today's mayors face, which we all face as a nation, is how to adapt ourselves and our cities to the new forces at work.

This conference is a step in the right direction. I thank you for asking me to be part of it.

AMERICAN SCHOOL FOOD SERVICE ASSOCIATION LEGISLATIVE ACTION CONFERENCE

Mr. HUMPHREY. Mr. President, I would like to share with my colleagues the remarks I made at the American School Food Service Association dinner on March 14, 1977.

The current school lunch program was enacted approximately 31 years ago, and many changes and improvements have been made in the program, especially in recent years. I pointed out that the program is now available to 90 percent of the children in elementary and secondary schools.

I also suggested that further improvements are needed, such as improving the quality and acceptability of the food offered to children, simplfying the program regulations, and establishing a uniform nutrition education program which would combine the principles of good nutrition in the classroom with the practical application in the school cafeteria.

Recently I introduced a nutrition education bill, S. 720. Increasingly, it is clear that there is a definite correlation between good health, intellectual capabilities, and adequate nutrition. Our children should be exposed to the best nutrition information in order to develop to their full potential.

I also reiterated the need for a universal nutrition program for all children. I have supported such legislation in the past and will do so again.

Mr. President, I ask unanimous consent that the text of my prepared remarks be printed in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR HUBERT H. HUMPHREY

Thank you very much, Mrs. White, for your very kind and gracious introduction.

I am delighted to see President Martin, Dr. Jean Mayer, Congressman Perkins and other distinguished guests in attendance. I have worked with the school Food Service people for many years, and I truly feel that I am among good friends.

This occasion touches me deeply. But I should point out that I am only one of an army of dedicated individuals who have worked for many years to build and improve our child nutrition programs. It is clear that our strength has been growing, as well as support for our programs.

As you are aware, I have an undeserved reputation for never being at a loss for words. Regardless of this obviously fallacious reputation, I simply do not have the words to express my appreciation and gratitude for your generosity and the warmth of your friendship.

Therefore, let me quote just two lines from Shakespeare:

"I can no other answer make but thanks, and thanks and ever thanks."

I understand that this is the fifth annual ASFSA legislative action conference. You are to be congratulated for sponsoring and organizing such a large meeting with attendance from nearly every state.

Your leadership has developed a comprehensive agenda of all work and no play. I am pleased that a full day has been set aside to meet your congressional representatives on Capitol Hill.

As you meet with these members of Congress, don't be reticent about telling them about the accomplishments and problems you face in developing a better program.

And you have no need to be on the defensive about your work. There is no more noble profession than that of providing food to our children for the full development of body and mind.

Now let's look briefly at the past accomplishments in building the child nutrition programs and then try to take a glimpse at the future. We can be justly proud of our many accomplishments, but the job is not finished.

Many changes have occurred since the school lunch program's inception in 1946, and especially in the last six or seven years.

The school lunch program is now available to 90 percent of the children enrolled in elementary and secondary schools. In a number of states this figure approaches 100 percent.

A successful and growing breakfast program has been established.

Eligibility for federal assistance has been extended to virtually any type of non-profit school or child care institution. In effect, we have universal coverage from the standpoint of eligibility.

State matching of federal funds is now required. Moreover, state legislative bodies, especially in the larger states, are responding by the enactment of landmark legislation in support of these programs. I know many of you have been the prime movers in the passage of this legislation.

The service of free and reduced-priced lunches for needy children has been mandated by federal legislation. This program has been remarkably successful. In the late sixties, only about 2.5 million needy children were being reached, but this number now exceeds 10 million.

The level of federal funding for these programs has been guaranteed in specific amounts, adjusted semi-annually to reflect increased costs. This has contributed greatly to facilitating financial planning for state and local governments.

As to the future, I would hope that we would direct our efforts and energies in several areas:

First, we must increase our efforts to improve the quality and acceptability of the food offered to children. Cafeteria facilities in many situations must be made more attractive, and children must be given sufficient time to enjoy their food in a social and friendly atmosphere. Moreover, the sale of other food items in the schools must be controlled to avoid interfering with the nutritional objectives of the program.

Second, we must work to simplify program regulations, procedures and record keeping requirements which have become increasingly difficult for local school officials to understand and administer.

Third, after some 31 years, we still do not have a uniform nutrition education program in our schools to blend the principles of good nutrition in the classroom with the practical application in the school cafeteria. The media is giving more attention to the importance of good nutrition, and greater recognition is being given to this subject in the school curriculum.

But this is not enough. We must build a bridge of communication and exchange of information between school employees in the cafeteria and the teaching and administrative staffs. If this can be done, a nutrition education program can be meaningful, understandable and effective.

Last month, I introduced a bill in the Senate designed to achieve these purposes. This bill was co-sponsored by six other Senators, and an additional five Senators have since joined in sponsoring it.

In dollars, my bill is very modest. It would make no spectacular overnight changes. But

it could well be the beginning step that often results in major progress over a period of time. I commend it to your attention, and I would appreciate your comments and suggestions.

Lastly, I want to talk with you about a universal nutrition program for all children.

In the near future I again will introduce a bill embracing the principle that all children in schools and child care institutions should be offered good nutrition on an equal basis.

I will do this because I believe that it is very important to get the Congress, the Executive Branch and the American public to focus their attention on this vitally important principle. Personally, I am convinced that this approach ultimately will be adopted because it makes sense and is in the best interest of the nation's children.

I have never heard any objection to the universal nutrition approach except that it would cost more money. But when you examine a program, you must consider the cost issue from two angles: First, what will it cost on an immediate basis? Second, what will be the cost to taxpayers, both in terms of money and human suffering, if the program is *not* adopted.

I believe that we must begin to measure the true cost of a program on the basis of the second perspective.

We ought to be demanding answers to three questions:

The poor child entering kindergarten or first grade perhaps does not understand or care that he has been singled out to receive a free lunch. As he grows older, he does understand and he is resentful. How many disciplinary, attendance and juvenile delinquency problems are caused by this misunderstanding?

Second, to what extent does a lack of nutrition education in the schools lead to poor diets, malnutrition and reduced performance? As a result, how many children leave school unable to earn a living, thereby becoming a financial burden to society?

Finally, how closely are poor nutrition and poor dietary habits related to the need for dental and health care in later life? We are all aware of the billions of dollars it costs to meet these needs, and there is a mountain of evidence that many kinds of illnesses are nutrition related.

I am reminded of the TV ad where the mechanic has just done a costly engine overhaul because the oil filter was not replaced regularly. The mechanic says "You can pay me now,"—for a simple oil filter—"or you can pay me later."

If we neglect our nation's health we will continue to pay later in terms of ever increasing medical bills. Unfortunately, we don't know the specific answers to these questions. But I do believe the answers can be found.

For this reason, I plan to ask the Secretary of Agriculture to assemble a group of experts to make a comprehensive study of the feasibility of a universal nutrition program for children, its costs, and its impact on other cost areas. Such a study also would be concerned with the cost savings that would accrue through simplifying and streamlining program administration.

Your organization should lend its talent and experience to assist in this undertaking.

This has been a happy and joyous occasion for me. I wish you well. And, I shall continue to work with you to help improve the health and nutrition of all children.

FORMATION OF THE MESOTHELIOMA RESEARCH CENTER

Mr. HATCH. Mr. President, the Occupational Safety and Health Act has traveled a very rocky road since its creation. The goals of OSHA are, indeed, laudable and worthy of continued support: to assure safe and healthful working conditions for working men and women across our great land.

Yet the act and its administration have been attacked by protagonists as well as antagonists as being both entirely too weak and overly tough. Somewhere between these two extreme positions reflects OSHA's true state.

There are serious problems regarding the act's administration; it is not fiction. OSHA's deficiencies have been pointed out over and over again in Labor Committee oversight hearings and yet no remedial legislation of any kind seems to be forthcoming from that committee. For example, I am told that even a single proposal amending OSHA to provide for voluntary onsite consultation and education services to help employers comply with the act could not be enacted by the Senate last Congress. This was the case despite widespread bipartisan support for the proposal in this body as well as House approval of the concept.

Mr. President, some of the Members of this body must accept the responsibility for allowing OSHA to languish in this state of dissension and ineffectiveness. While the debate continues as to OSHA's fate, my colleagues should know that some private parties are rolling up their sleeves to get the job done. Specifically the Johns-Manville Co. and the International Association of Heat and Frost Insulators have formed a joint labor-management effort to eliminate the needless tragedy of job-related illness by creating the Mount Sinai Cancer Research Center.

This organization was formed to conduct research into the early detection, prevention, and treatment of mesothelioma—the asbestos-related disease which has affected so many industrial workers. This spirit of cooperation and determination by labor and industry to work together to fight against job-related illnesses is commendable. Hopefully it will begin a trend whereby other labor and management groups will in a similar way combine to accomplish OSHA's mission with a minimum of conflict. The health and safety of employees should not be caught in the struggle between OSHA's competing forces and the Mesothelioma Research and Therapy Center underscores this principle.

Mr. President, I ask unanimous consent that an article appearing in the Asbestos Worker which gives a fuller explanation of the joint project be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Asbestos Worker, February 1977]

UNION, JOHNS-MANVILLE SET UP MOUNT SINAI CANCER RESEARCH CENTER

General President Andrew T. Haas joined with Johns-Manville Corporation President John A. McKinney and members of the medical and scientific community in New York last month to announce a unique new center for research into early detection, prevention, and treatment of mesothelioma.

The center, to be located at the Mount Sinai Medical Center, is a joint venture of the International Association of Heat and Frost Insulators and Asbestos Workers and the Johns-Manville Corporation. Initial funds for the center are being provided equally, with the Union's $250,000 contribution coming from the Insulator's Health Hazard Fund.

The new center will concentrate on research into pre-clinical diagnosis and treatment of the asbestos-related disease of the pleural lining for which, so far, there has been no cure.

Secretary-Treasurer William G. Bernard and General Executive Board members accompanied President Haas to the press conference which was attended by major news media representatives including reporters from The New York Times, the Medical World News, ABC–TV News, and other newspaper and broadcast journalists.

Addressing the conference, President Haas welcomed the "spirit of cooperation and determination on the part of labor and industry in the fight against job-related illnesses which threaten the health and well-being of all workers."

Referring to the Occupational Safety and Health Act of 1972 and the Toxic Substances Control Act of 1976 as "the outgrowth of increased recognition and concern for the health and safety of American workers," he added, "beneficial as they are, however, these laws do not represent a total solution to the threat of human pain, suffering, and death inflicted by the work environment.

"The Mesothelioma Research and Therapy Center at Mount Sinai is an example of what can further be done, in a spirit of labor-management cooperation, to reduce and ultimately eliminate the needless tragedy of job-related illness."

In his remarks before the press conference, Johns-Mansville President McKinney cited his firm's cooperation with the union noting, "I don't think there could be any more eloquent testimony as to the urgency of this work to be done at Mount Sinai in the months ahead than this partnership."

Mr. McKinney added that Johns-Manville "is particularly eager to do anything it can, not just to correct old errors, but also to take preventive measures to see that the workers of today and tomorrow are not subjected to health hazards."

Both President Haas and Mr. McKinney noted that the new center is the second joint venture for the union and the company. In the late 1960's, a contribution from the two groups enabled Mount Sinai researchers to discover through an electron microscope the dangers of sprayed asbestos in the construction industry.

Also participating in the press conference were Drs. Irving J. Selikoff and James F. Holland, who will be co-directors of the new program; Dr. Thomas C. Chalmers, Mount Sinai president and dean; Sheldon W. Samuels, director of the Department of Occupational and Environmental Health, Industrial Union Department, AFL–CIO; U.S. Representative Millicent Fenwick (R-N.J.); Dr. Frank J. Rauscher Jr. of the American Cancer Society Research Department; and Dr. Paul Kotin of the Health, Safety and Environment Department of Johns-Manville Corporation.

Dr. Chalmers welcomed the participants and noted that the new program "goes beyond a partnership between industry and labor. The new project offers the combined efforts of two major Mount Sinai facilities"—the Department of Neoplastic Diseases, under the direction of Dr. Holland, and the Environmental Sciences Laboratory under the direction of Dr. Selikoff.

"This is a merger of epidemiology, public health, basic science, and clinical application all aimed at a single enemy, environmental cancer," he explained.

Dr. Selikoff told the conference that the

identification and significance of new cases of occupational cancer have brought with them a new problem—"what to do about the millions of individuals exposed to (cancer-causing) agent in the past, with increased risk of cancer in the future."

Dr. Selikoff explained that research in the past 10 to 20 years has been "extraordinarily important" in teaching that certain conventional materials in our environment are having adverse impact on world health.

"In the 1930s, 40s, and 50s we did not have any idea about the impact of what we were doing to our environment by improper use of certain materials," Dr. Selikoff said.

"In the 1960s, however," he added, "we began to realize this impact and now we are taking the results of research into causes of cancer and accepting an obligation to find a cure."

The results of such efforts in other areas are evident, Dr. Sleikoff noted. "Fifteen to 20 years ago a diagnosis of Hodgkins disease would almost certainly have been a death warrant and I think the known cases of cure could have been counted on one hand. Today, however, we can cure about 50 per cent of the cases."

Co-director Dr. Holland termed the new center "a venture to set the pattern for joint participation. The problem is not one of building a center, but, rather, it is a problem of bringing together the representatives of the various areas of concern.

"The Asbestos Workers Union and Johns-Manville Corporation represent both ends of the spectrum of concern," he said.

Dr. Holland noted that the new center "offers the promise of significant findings and a rare opportunity to create a practical model for the study of other environmentally caused cancers.

"Not only is it essential that we study the causes of environmental cancer and its early diagnosis, but we must know more about biochemical changes in tissues as cancer develops and use this knowledge to develop effective treatment for these cancers."

The Mesothelioma Center offers this opportunity, Dr. Holland said.

The overall thrust of the program will be to, first, determine who is likely to develop mesothelioma and why; second, to determine by what means prevention is possible; and, finally, the development of effective treatments and, hopefully, a cure for mesothelioma.

The program will be concentrated in five specific areas:

Studies conducted with a group of selected patients.

The use of early diagnostic techniques.

The use of personnel at the highest levels of science and medicine.

The use of chemotherapy and other forms of treatment, including immunotherapy, surgery, and radiotherapy.

The translation of findings to the world medical community.

Participants in the press conference noted that 85 per cent of all mesothelioma cases are directly caused by asbestos, accounting for a 7 per cent death rate among asbestos workers and others coming in direct contact with the material over prolonged periods of time.

Mesothelioma, a malignant tumor of the lining of the chest or abdomen, was very rare prior to 1960. In recent years, however, it has appeared with increasing frequency and it is often associated with previous exposure to asbestos by the victim, generally 20, 30, or more years before detection. Among individuals exposed occupationally to asbestos as insulators on construction sites, mesothelioma is a serious threat that so far has resisted treatment.

Surgical removal has invariably proven to be unsuccessful. Individuals usually die within two years following first diagnosis.

Moreover, the unusually long period of time between first exposure to asbestos and detection of disease underscores the need for effective legislation to provide financial assistance to those who are stricken.

Representative Fenwick stressed this need while announcing at the press conference that she intends to introduce in Congress a "white lung bill" to provide such assistance.

"I have the beginnings of this bill right here," she said, holding up the manuscript, "and I have been discussing it with President Haas."

Dr. Kotin of Johns-Manville termed the new center a "bridging of concerns which are triangular in nature. First, we must provide a safe work place. Second, we must educate the worker, the consumer, and the general public about environmental safety and health. And, third, we must commit our resources to undo the bad practices of the past."

Dr. Kotin added that "most importantly, this center will address the problem in a way most likely to achieve results."

Mr. Samuels of the AFL–CIO's Industrial Union Department expressed his feeling that the center represents "a prayer and an injunction" in which mankind has chosen to commit himself to the protection of life above all else.

He added that the center is an attempt to reduce the "polarization between union and management, both of which have the health and safety of the worker at stake.

Support for the program "in any way possible" was pledged during the conference by Dr. Rauscher on behalf of the American Cancer Society.

Throughout the press conference, participants expressed optimism for the success of the new research program and collectively issued an invitation to other groups to join in the effort not only in the attack against mesothelioma, but for additional information useful in the detection, prevention, treatment, and cure of other, equally tragic forms of cancer.

Beyond these hopes, however, the creation of the new center at Mount Sinai offers a lesson as expressed by Congresswoman Fenwick.

"We see a model for society in this center," said the congresswoman. "We see a union concerned for its members and a great corporation concerned about its workers.

"We (in government) and others (in the private sector) can learn the lesson of cooperation in this attempt to solve a mutual problem. Can this lesson not be applied to all of society? Let us hope so and let us work in that direction."

LAKE LANIER ISLANDS

Mr. TALMADGE. Mr. President, the Georgia General Assembly, while in session in Atlanta, adopted a resolution which, for myself and my colleague, Senator NUNN, I bring to the attention of the Senate, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

[General Assembly]

RESOLUTION

To petition the United States Congress for funds as a grant to the Georgia Department of Transportation for the purpose of constructing a partially controlled access road from Georgia Highway 365 to the "Lake Lanier Islands"; and for other purposes

Whereas, the "Lake Lanier Islands" are within the United States Corps of Engineers impoundments of Lake Sidney Lanier; and

Whereas, the "Lake Lanier Islands" are leased by the United States Corps of Engineers to the Lake Lanier Islands Development Authority, an instrumentality of the State of Georgia, for the purpose of development and operation as a public recreational area; and

Whereas, the "Lake Lanier Islands" are accessible only by Georgia Highway 347 which has an "at grade" railroad crossing and which crosses major North/South traffic arteries; and

Whereas, the "Lake Lanier Islands" visitation is expected to be in excess of two million visitors annually before 1980.

Now, therefore, be it resolved by the General Assembly of Georgia that the United States Congress be requested to provide from funds other than those normally apportioned to Georgia for highway purposes, such funds as necessary to construct a partially controlled access highway to the "Lake Lanier Islands" from Georgia Highway 365.

Be it further resolved that the Clerk of the House of Representatives is hereby authorized and directed to transmit an appropriate copy of this Resolution to the Representatives to the United States Congress from the State of Georgia.

Be it further resolved that the Representatives to the United Sttaes Congress from the State of Georgia are requested to present this Resolution as being in the best interest and safety of the citizens of the United States of America.

TAX ON AMERICANS ABROAD

Mr. BARTLETT. Mr. President, I noted with pleasure that the Senate Finance Committee voted on March 16 to include the provisions of my bill, S. 772, in the tax portion of the President's economic stimulus package. I would like to commend all the members of the committee for doing so. S. 772 would change the effective date of those provisions of the 1976 Tax Reform Act which affect Americans living or working abroad from January 1, 1976 to January 1, 1977.

Aside from correcting an injustice, this change will further the goals of President Carter to stimulate our economy. The Treasury had estimated that the changes made in the 1976 Tax Reform Act would cost American taxpayers in the neighborhood of $40 million per year. Information I have leads me to believe that the effects of the changed tax treatment for Americans working abroad will be very much greater. In discussions with just one company, I have learned that they expected to pay an extra $9 million in taxes just to cover last year's operations. Changing the effective date of these provisions will save them that cost this year; however, they face the same increased costs next year. As a result, their competitive position in the world market will be severely damaged. America's competitive position in general will also be severely damaged by our current tax policies.

I hope that the provisions of S. 772 remain in H.R. 3477 through the floor debate and through the conference committee. We will then have the remainder of this year to reconsider the whole question of taxation on Americans working abroad. I think any realistic analysis will demonstrate that our tax policy in the past, and certainly as it now stands, has hindered American business operations overseas.

I ask unanimous consent that the following article from the March 17, 1977, issue of the Wall Street Journal concerning this issue be printed in the RECORD following my remarks. I think this story graphically points out the pernicious effects of our tax policy in regard to America's international economic standing. In this season when the foul winds of protectionism are beginning to stir in the land again, we in Congress must squarely face the realities of international economic competition and their far-reaching effects.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 17, 1977]

U.S. FIRMS IN MIDEAST HAVE TOUGHER GOING; TAX REFORM ACT CITED

(By Ray Vicker)

RIYADH, SAUDI ARABIA.—U.S. exports of goods and services are running into tougher competition in the Middle East, and Americans and others in the region say the Tax Reform Act of 1976 isn't helping matters one bit.

The Middle East is the world's fastest-growing market, and its most important countries for U.S. companies are Iran and Saudi Arabia, in that order. The Saudi Arabian market has long been dominated by the U.S.; in 1976, U.S. exports here climbed to $2.8 billion from $1.5 billion the previous year. But the U.S. share of the market has fallen, from 31% in 1974 to an estimated 25% now.

American sales to Iran actually declined last year, to $2.8 billion from $3.2 billion in 1975. At the same time, West Germany's sales to Iran increased by 11%, France's by 19%.

Over all, U.S. nonmilitary trade with the 19 countries of the Middle East and North Africa increased by only 10% in 1976 from 1975, after an increase of more than 300% from 1972 to 1975. Some tapering off was to be expected—the oil producers couldn't indefinitely increase their purchases at the rate set immediately after the quadrupling of oil prices in 1973—but the tough competition also hurt.

Now comes the new law, which many observers say is making things worse by increasing U.S. firms' costs and by touching off an exodus of Americans from the Middle East.

NOW IN EFFECT

The law, which takes effect with the current tax returns, tightens Washington's tax treatment of Americans abroad. Its impact varies from country to country, but it has been estimated that the U.S. income tax paid by an American in the Middle East may rise by thousands of dollars. Often the tax will exceed the tax he would have paid had he stayed in the U.S. at the same salary but without those large, and taxable, allowances he gets so that he can live in his accustomed manner in this high-cost area—an area where an ordinary meal may cost $20 and a decent apartment may rent for $2,000 a month.

Overseas Americans first tax returns under the new law aren't due till June 15, but the measure's impact on U.S. firms could be assessed last October when Congress passed it. Here in the Middle East at least, the repercussions are already being felt.

Many big American banks and other firms, especially companies with manufacturing operations abroad, compensate employes for any added taxes they incur in an overseas post. In such cases, the Americans are often an insignificant cost item in a sizable operation, and the added costs may be absorbed without too much trouble.

But the kind of U.S. firm most common in the Middle East—a construction company, service firm, individual entrepreneur or one-shot exporter of a major installation—operates on a contract basis and may not be able to bear any added costs. A construction company, for example, may have a 3,000-man operation that includes 500 Americans. The margin of profit in the contract may not permit the firm to assume their added tax burden.

A COMPANY'S OPTIONS

If the burden isn't assumed, the Americans may quit and go home, and the foreign expatriates hired to replace them may not fit the operation so well. Disrupting though it may be, the hiring of foreign expatriates to replace Americans is already occurring as other Americans are no longer so eager to accept overseas assignments.

If, on the other hand, the firm does assume the tax burden, then the profit is slashed. The bid on the next contract will have to be high enough to reflect the burden; hence that contract may be lost to, say, a British or Japanese firm.

Other key Americans in the Middle East are business consultants; still others are advisers to ministries of the host government. Many of them make purchasing decisions to the tune of millions of dollars and, because of their backgrounds, usually favor American products. Although an adviser might persuade his ministry to give him a hefty raise, generally there is no one to pay these Americans' added taxes except themselves. These people are experts who feel they can easily find jobs in the U.S., and many of them are going home. They are being replaced by other nationals, who won't be disposed to recommend American products.

COMPETITOR'S MOVES

All this comes at a time when Japan, West Germany, France, Italy and other countries are already giving strong support to their hard-working companies in the Middle East. One $953 million contract in Saudi Arabia has been lost by American companies to a South Korean construction firm. France has the inside track on some water desalination projects; French President Valery Giscard d'Estaing recently visited Saudi Arabia, plugging France as an economic and political friend. West German companies are pushing much harder into Iran. Italy dominates the Libyan market, and its share of sales is increasing. In a press conference at the International Hotel here, a member of a Japanese trade delegation emphasizes his country's "total readiness" to provide Saudi Arabia with Japanese industrial and technical know-how.

"America is losing out, and it is your own government which is accelerating that trend," says Faisal Beshir, Saudi Arabia's deputy minister of planning. "I recognize the right of your government to pass any laws which it wants. But in this case it is America which will suffer, not us. There are many other countries who are only too happy to replace America in supplying us with the things we need." Most countries don't tax nonresident citizens.

Not everyone, it seems, agrees that the new tax law is having such dire effects. Tax "reformers" in the U.S. say Americans abroad have simply been avoiding paying their fair share of U.S. taxes, and a House Ways and Means Committee task force has recommended that the treatment of overseas earnings be tightened still further.

Among other things, the 1976 act reduces to $15,000 a year—from $20,000 and in some cases $25,000—the amount of income that an overseas taxpayer can exclude from reported earnings. The Ways and Means task force recommends repeal of the entire exclusion. It argues that living costs abroad are often lower than in some parts of the U.S. and that in those cases where living costs are indeed higher abroad, these costs "should not be provided for through a government subsidy."

The panel does propose some tax relief in lieu of the exclusion. It urges, for example, that overseas workers be allowed a tax deduction for expenses of educating their children when these are reimbursed by employers. And it recommends retention of the exclusion for construction and engineering workers. It also notes that if the exclusion is designed to spur U.S. exports, it could be limited to individuals involved in the export trade.

Whatever the merits of the argument so far as the Middle East is concerned, the U.S. Department of Commerce certainly seems undaunted. "Business opportunities in the Middle East and North Africa region for aggressive U.S. companies will continue to expand in 1977. U.S. exports may top $14 billion (versus $11 billion in 1976)," Kathleen Keim of the Bureau of International Commerce says in a recent report.

ADVANTAGES IN AREA

America does enjoy advantages in the Middle East. For one thing, 30,000 Americans are in Saudi Arabia now, and there are at least as many elsewhere in the area. They plug the American way, sell U.S. goods and show the Saudis how to apply American technology to their problems. Seventy-five American consulting firms operate in Saudi Arabia. Contracts outstanding with American companies total $17 billion. Yet company officials display anxieties.

Costs may rise no matter how a company reacts to the tax law. If it hires foreign expatriates, the turnover will lower efficiency, at least for a while; also, the company may have to set up personnel departments in foreign lands. If the company flies Americans in and out on a rotating basis so that they remain residents of the U.S.—the firm thereby holding on to Americans without assuming any added tax burden—that costs money, too, even if it is cheaper than compensating employes for added taxes.

"Our costs have been increasing and that makes us less competitive," says Ben Dorfman, vice president of the Dhahran subsidiary of Fluor Corp., the engineering and construction company, as he discusses the tax law's effects. A quarter of Fluor's work force here, or 600 men, are Americans and they hold some of the top jobs. They work on a giant gas-collecting network being built with Arabian American Oil Co. (Aramco) in Saudi Arabia's Eastern Province. That project alone could have a final price tag of over $16 billion. "A lot of our Americans," Mr. Dorfman says, "are thinking of going home."

Similar comments come from Lindell E. Montgomery, manager in Saudi Arabia for Geophysical Services International, a Texas Instruments subsidiary operating in Dhahran. "That tax bill is adding to our cost of doing business," Mr. Montgomery says. He heads a staff of 175 senior-rated expatriates, which over the years has been predominantly American. The Americans now constitute less than 30% of the total and the firm is looking to foreigners to fill even more of its jobs. Geophysical Services studies terrain and rock structure in connection with oil explorations.

Neither Fluor nor Geophysical Services will say how it is handling individual Americans' added tax burden—perhaps the companies are helping some of the employes. But both firms face rising turnover and both have set up recruitment programs in foreign lands. A spokesman for Geophysical Services says the tax bill has lowered the firm's margin of profit on each contract by a percentage point.

"IRREVOCABLE" DECISIONS

"One thing that our government doesn't seem to realize is that sometimes decisions affecting trade may be irrevocable," says Frank Jungers, Aramco's chairman. Mr. Jungers notes that Aramco built the first electricity network in Saudi Arabia's East-

ern Province for its own operations. It had American engineers and so they went for the American system of 110 volts 60 cycles.

"So this became standard here," Mr. Jungers says, "and this has had a continuing good effect upon sales of American-made refrigerators, ranges and other electrical appliances."

Now he worries that Saudi Arabia is at a turning point in many industrial areas. If certain jobs go to foreign firms, he feels, the long-range effects may be as great as the effects of that electricity networks were, but in the opposite direction.

Recently Aramco investigated costs of giving preference to Americans when hiring expatriates. It found that it could hire 2.8 Britons in key executive and technical posts for the cost of one American, and 2.3 Britons for one American in jobs for young engineers just out of college. Aramco now has 850 Britons on its staff compared with "only a handful a few years ago." It still employs close to 1,800 Americans. How many it will still have a year from now is a question.

"There will be an exodus of Americans," Deputy Planning Minister Beshir says. The planning ministry itself is laced with American advisers, and although Mr. Beshir says he can easily hire Germans, Britons, Frenchmen and other expatriates, he isn't enthusiastic about the possibility of having to replace Americans. Like many in the Saudi government, Mr. Beshir is U.S.-educated (University of Oregon) and U.S.-biased (he spent nine years in the U.S., including a stint as a door-to-door salesman).

A COMMISSIONER'S VIEW

That same attitude is encountered in the office of Faroul Akhdar, head of Saudi Arabia's Royal Commission for Juball and Yanbu. The commission is building the infrastructure for a $30 billion project to create mammoth ports at Jubail on the Persian Gulf and Yanbu on the Red Sea. Thus, it is deeply involved in letting contracts for goods and services, and Mr. Akhdar, who attended the University of California, says he has always been partial to American products and technology.

But American advisers are giving up their jobs for tax reasons, Mr. Akhdar says and are being replaced by West Europeans, who almost automatically think of European companies when something must be procured.

In Iran, too, says Frank I. Gurney, manager of Pan American Airways in Tehran, "an exodus of American expatriates has already started." Last September, there were about 31,000 Americans in Tehran. According to a rough estimate made by Americans there, the number has declined to 28,000 and is still dropping. Under normal circumstances, the total would probably rise.

R. P. M. Carlson, managing director of Melli Industrial Group, an Iranian conglomerate, says, "The sad part of it is that once these Americans leave, they are very unlikely to come back no matter what happens in the future to American taxes."

The new tax law may harm U.S. political relations with Mideast lands. An Iranian official tells about a U.S. firm whose 500 Americans in Iran perform a service considered important by the Iranian government:

"The company approached us and said that the new American tax is costing them $8 million to $10 million a year extra. They said they couldn't continue their contract with us if they didn't get help, so we made an adjustment in our contract with them.

"If taxes are being collected on Americans in Iran, the money should be going to Iran, not to the United States. Your government is actually forcing us to pay taxes to the United States if there are technicians that we want to keep here."

YOUR FIRST ANSWER IS ALWAYS RIGHT

Mr. DURKIN. Mr. President, most of us have heard the adage "your first answer is always right" or "never second guess yourself." This advice is most often given to students taking examinations.

Mr. President, the Senate must by now be feeling like the student who changed a correct answer on an examination to a wrong answer at the last minute, with respect to its confirmation of S. John Byington as Chairman of the Consumer Product Safety Commission. Most of us recall that when his nomination first came to a vote in the Senate, the vote was against confirmation. Confirmation came several days later on a motion to reconsider the initial vote.

In the Wall Street Journal of March 19, 1977, appeared an article on the performance of S. John Byington in his new post. It is a sad story that portrays an egotistical, arrogant man who is abusing a position of trust for personal political benefit. It is a story that saddens me greatly when I think how important the work of the Commission is to the safety of millions of children and adults alike.

Mr. President, I ask unanimous consent that the March 17, 1977, Wall Street Journal article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHIEF OF AN AGENCY STUMPS TO PROMOTE IT AND MAYBE HIMSELF

(By Bruce F. Freed)

WASHINGTON.—When S. John Byington took over as chairman of the Consumer Product Safety Commission nine months ago, his big worry, he says, was that not enough people knew about the agency.

So he set out to change that. He hired two public-relations firms to tell him to make the agency more widely known, and he began traveling the country making scores of speeches.

"It's imperative that I be an aggressive public speaker to get the commission known," Mr. Byington says. Soon he will speak in Seattle and San Francisco, and this summer he will carry the word about the commission to a conference in Japan.

Although the 39-year-old chairman argues that the agency cannot be effective unless it is more widely known, Mr. Byington's critics contend that what he really wants is to make himself better known—so he can get elected to political office. These critics, whose number is growing inside the commission and within the consumer movement generally, claim that he is an absentee chairman, and that under his leadership the agency's work has lagged and staff morale has dropped.

ADVICE FROM A CONSUMER

"Why don't you stay home and run the commission?" demanded Carol Foreman, who was then head of the Consumer Federation of America, during a question-and-answer session at the federation's annual meeting last December. (Mrs. Foreman recently left the federation and has been appointed to an Agriculture Department post.)

Mr. Byington denies that his traveling and speechmaking are in preparation for a political career in his home state of Michigan. But some of his friends believe that is the case—and there is some evidence to support that view. "I think John wants to be governor of Michigan," says a longtime acquaintance, "or maybe a U.S. Senator."

If Mr. Byington does seek higher office, he will be part of a common Washington phenomenon—the ambitious young man who uses a relatively obscure federal job as a base for seeking higher office. Among others who have followed this course in recent years are Rufus Edmisten, a Senate Watergate committee aide who became North Carolina's attorney general and now apparently hopes to become a Senator or governor, and Lewis Engman, former chairman of the Federal Trade Commission who ran for Senator in Michigan last year but lost in the Republican primary.

Mr. Byington was deputy director of the White House Consumer Affairs Office when President Ford nominated him to be chairman of the commission. Consumer spokesmen fought his nomination, charging that he lacked the necessary background for the job and arguing that his apparent opposition to a proposed new consumer protection agency proved he was anticonsumer. The controversy held up his confirmation by the Senate for six months.

Mr. Byington has never made clear his attitude about a new consumer protection agency, but he has argued that alternative ways already exist for consumers to get their views expressed before federal regulatory agencies. During the Senate debate on the Byington nomination, Sen. John Durkin of New Hampshire complained to his colleagues: "We had a very difficult job in the hearings getting the nominee to tell us whether he would support the consumer protection agency or not. He was extremely evasive throughout the hearings, and I am afraid I have to say . . . that he would not tell you if your coat was on fire."

When he finally took over the commission, Mr. Byington found that the agency was being heavily criticized by consumer groups and some lawmakers as failing to carry out its primary task of setting federal safety standards for consumer products. Mr. Byington promised to turn the commission into "the best regulatory agency in town."

In fact, it has become one of the most quarrelsome agencies in the capital. Determined to show he was boss, Mr. Byington immediately redrew the agency's organization chart, setting up new offices and hiring outsiders to run them. That provoked cries of "one-man rule" and charges that he was thwarting the congressional intention that agency policy be set by the full five-member commission.

"Government by ambush," charged R. David Pittle, the panel's vice chairman. The Civil Service Commission blocked some of the Byington appointments because civil-service rules weren't followed. Late last year, Mr. Pittle and the other commissioners finally forced Mr. Byington to agree to give them advance notice before making further personnel or organizational changes.

But the damage already had been done, according to agency staff members, many of whom have become bitter opponents of their chairman.

Staff members contend that the serious work of the agency—setting product safety standards—is lagging and the lag is mainly the chairman's fault. Since Mr. Byington took over, only a standard on architectural glass has been approved (and it had been in the works since 1973). Mr. Byington has proposed only three other standards; affecting refuse bins, baby pacifiers and lead-based house paint, and they are a long way from adoption.

Staff members complain that for four months many of them were diverted to prepare "product profiles," which Mr. Byington has said would help the commission decide which products it should set safety standards for. The staff members say the profiles

are "publicity gimmicks" that have turned out to be worthless to the commission.

A sample of the product-profile prose: "Substantial amount of front end R&D has been conducted by NBS. Therefore, CPSC regulatory development effort should be minimal. Development of an MSR under Section 7 could incorporate NBS work with few, if any, modifications. Adoption of UL Standard 217 (standard for single and multiple-station smoke detectors) might provide the basis for a satisfactory MSR."

Consumer advocates are even more opposed to Mr. Byington today than they were when trying to block his appointment. "I never thought John would be as disruptive an influence at the commission as he's turned out to be," says Carol Foreman. Robert J. McEwen, a member of an outside advisory council named by the full commission, says Mr. Byington should resign. "He's put on a reorganization that's more show than substance," Mr. McEwen says, "and he's more interested in advertising and his industry contacts than in producing standards."

Mr. Byington, a Republican, says he is being unjustly criticized. "My main task when I came here was to reorganize the commission and to get it running effectively," he says. "Whatever opposition I encounter comes from the fact that I've reorganized the agency." He contends that it is only natural for employes who had been comfortable with the status quo to object to the changes he has made.

Regarding criticism from consumer leaders, he says, "I don't understand why the consumer groups in Washington are still hostile toward me. I don't feel that hostility in my dealings with consumer groups around the country." He notes that consumer groups have long maintained that the agency was doing a poor job and that they therefore should praise him for "trying to turn it around."

Mr. Byington says he hasn't any intention of resigning. Unlike most other regulatory agencies, the commission operates under legislation granting the chairman and the other four commissioners (two Democrats and two Republicans) fixed terms. Mr. Byington was appointed to fill a vacancy, and his term expires in October 1978.

Meantime, Mr. Byington will keep traveling around the country to spread the word about the commission—and about himself. In a November speech in San Francisco, Mr. Byington said he had gone to Washington "after helping Gov. George Romney reorganize the government of the state of Michigan." He added, "We reduced the number of agencies from 144 to 19." He didn't mention that his job as assistant press secretary was mainly to write speeches and help set up radio and television coverage of the governor.

Mr. Byington's speeches sometimes range rhapsodically far beyond the subject of product safety. Election Day found him in Los Angeles, telling a civic group:

"I believe in America's greatness. I believe this great nation embodies the great hopes and dreams of mankind. If you agree, then let us shake off the cynicism and despondency that surrounds us. Let us individually and collectively accept the challenge of such a radical idea as believing that we can make a difference."

In December, he took a government-financed, six-day tour of Europe, making several speeches and observing a Common Market meeting. Why Europe? "It was a chance," he says, "for me to make the Product Safety Commission better known to consumer leaders there."

Some of Mr. Byington's speaking engagements are lined up by a Los Angeles public relations firm, Terzian Associates, to which the commission paid $17,878 in consulting fees last year, although the commission itself employs six full-time public-affairs specialists.

"John called me soon after he took over the commission," recalls Carl Terizian, the firm's president, "and said he wanted me to look at the commission's reputation and the public's concept of it." The Terzian firm proceeded to do an analysis for Mr. Byington of ways to improve the commission's image. (The chairman already had employed, at a cost to the commission at $9,500, a Washington consulting firm to do a study of the commission's public-affairs operation. That firm recommended an advertising campaign, later carried out, to "raise the image of the commission and give it position and credibility within the industrial and consumer communities.")

While trying to improve the commission's image, the Terzian firm also has worked on Mr. Byington's image. Mr. Terzian says he has arranged several Byington speeches, has persuaded magazines to publish articles about the chairman, has set up broadcast coverage of some of his speeches, and has introduced him to "key business people."

Mr. Terzian says some of the work for Mr. Byington was paid for by the commission and some was "volunteered," but he won't be more specific.

Within the commission, the Terzian firm reports only to the chairman. Mr. Byington presumably knows how to evaluate a public-relations firm's work. His first Washington job, in the early 1960s, was as a public-relations man for the American Pharmaceutical Association.

SHADOW OPEN MARKET COMMITTEE

Mr. HATCH. Mr. President, the Shadow Open Market Committee is a group of academic and business economic experts who meet semiannually to encourage discussion of alternative economic policies and to recommend policies that promote economic stability. They carefully watch the fiscal policy of the administration and the monetary policy of the Federal Reserve.

At its semiannual meeting this month the committee took note of what it regards as a disquieting change in economic policy that threatens continued increased employment and reduced inflation. The committee warns that a policy of stimulating demand now may produce a temporary increase in employment at the expense of higher inflation and higher unemployment later. As the committee points out, production of money is no cure for the shortfalls in the production of goods.

In place of economic policies that will increase the money supply to allow for more spending, we need to lower the tax rates in order to increase the incentives to hire, to work, and to invest.

I ask unanimous consent that the policy statement of the committee be printed in the RECORD.

There being no objection, the policy statement was ordered to be printed in the RECORD, as follows:

POLICY STATEMENT OF THE SHADOW OPEN MARKET COMMITTEE

For the past several years the Administration and the Federal Reserve have pursued policies that fostered recovery, increased employment and reduced inflation. The economy is now closer to the long-term goal of high employment without inflation than many believed possible a year or two ago.

Currently, statements by the Administration and actions of the Administration and the Congress suggest that this approach has ended. Emphasis appears to have shifted to the system of priorities and fine tuning based on the mistaken belief that policymakers can reduce unemployment without increasing inflation. Fine tuning, whenever it has been tried, has resulted in higher inflation and often higher unemployment.

At its meeting today, the Shadow Open Market Committee took note of some disquieting policy proposals and actions. These include (1) a package of stimulants to bring about a short-term blip in employment and consumption, but little encouragement to capital formation—a crucial determinant of productivity increases that sustain long-term growth of employment and standards of living; (2) proposed changes in taxes and in minimum wages that increase unemployment and reduce incentives to work; (3) pressure on foreign governments to inflate their economies in the hope of gaining support for inflationary policies in the United States; (4) an increased growth rate of money, currency and demand deposits that stimulates the economy now, but raises the rate of inflation in future years.

We do not accept the view that capital formation can be encouraged only by stimulating consumption expenditures. Lagging investment is more likely to revive if businessmen can confidently look forward to an environment in which government deficits do not absorb $100–$150 billion of private sector savings in the next two years. Real savings would then be available to finance expenditures on plants and equipment.

It is misguided to attempt to stimulate consumption expenditures by expansive monetary and fiscal policies in response to supply cutbacks in a period such as the extremely cold winter of 1976–77? Production of money is no cure for the shortfalls in the production of goods.

If the proposal to raise minimum wages is adopted, this will lead to higher unemployment, particularly for new entrants into the labor force. The result will be to increase pressure on the Federal Reserve to increase the monetary growth rate and ultimately to raise the inflation rate.

We should refrain from pressuring foreign governments to inflate their economies. They are better judges than we are of their own national interests.

A return to high employment without inflation will not be achieved by fine tuning the economy. It is doubtful that employment and output will be increased, on average, during the next three to five years, by a policy of increasing employment now and slowing inflation "later." A lasting recovery with low inflation can be achieved if, instead of fine tuning, we proceed gradually to achieve both goals; higher employment and a stable price level.

The Committeee recommends that the growth rate of money—currency and demand deposits—be held in the range of 4 to 4½ percent for the next year. A 4 to 4½ percent rate of monetary growth would bring the stock of money to approximately $320-billion in the third quarter 1977 and to $326-billion in the first quarter 1978. These projections are made from the average $313-billion that would have prevailed in first quarter 1977 if our previous recommendations had been followed. Currently, we anticipate an average money stock of $315-billion for the first quarter, so the policy we recommend requires the Federal Reserve to offset the recent surge in money and then maintain a less inflationary policy.

THE CHOICES BEFORE US

We recognize that the policy we recommend reduces the measured growth rate of money, temporarily, by removing the recent

bulge in money growth. From 4th quarter 1976 to 4th quarter 1977, our proposal brings the growth of money to approximately 4½ percent, near the lower end of the Federal Reserve target for money, but is still far above the rate ultimately required to achieve price stability. The recommended rate of growth is one percentage point lower than the growth rate endorsed by Chairman Reuss of the House Banking Committee and more than thirty members of Congress.

A more rapid growth of money in the next few quarters might possibly lead to a temporary increase in employment and real product.

The effects of higher monetary growth are not, however, limited to the response of output in 1977 or 1978. Increased monetary growth raises actual and anticipated inflation. The increase in inflation is not immediately apparent but would become apparent in 1978 and 1979. Once again, we would be faced with the choice we had in 1966, 1969, 1974 and in the intervening years—to accept more inflation or to shift "priorities" from reducing unemployment to reducing inflation. Guidelines and guideposts—under old or new names—will neither reduce inflation nor change the outcome.

The choice before us is to trade a short-term increase in employment for higher steadily move toward high employment without inflation. The Administration and much of the Congress appear to have chosen a course that will lead to higher inflation. The Federal Reserve flirts with the prospect of supporting the policy by increasing the rate of monetary growth.

The rate of monetary expansion consistent with high employment and stable prices is in the neighborhood of 2 percent per year. Higher rates of monetary expansion move us away from our long-term goals and increase the difficulty of restoring full employment and ending inflation.

SHADOW OPEN MARKET COMMITTEE MEMBERS

Prof. Karl Brunner, Director of the Center for Research in Government Policy and Business, Graduate School of Management, University of Rochester, Rochester, N.Y.

Prof. Allan H. Meltzer, Graduate School of Industrial Administration, Carnegie-Mellon University, Pittsburgh, Pa.

Mr. H. Erich Heinemann, Morgan Stanley & Company, Inc., New York, N.Y.

Dr. Homer Jones, retired senior Vice President and Director of Research, Federal Reserve Bank of St. Louis, St. Louis, Mo.

Dr. Jerry Jordan, Vice President and Chief Economist, Pittsburgh National Bank, Pittsburgh, Pa.

Prof. Thomas Mayer, University of California at Davis, Calif.

Prof. A. James Meigs, Dept. of Economics, Claremont Men's College, Claremont, Calif.

Prof. Wilson Schmidt, Dept. of Economics, Virginia Polytechnic Institute, Blacksburg, Va.

Dr. Beryl Sprinkel, Senior Vice President and Economist, Harris Trust and Savings Bank, Chicago, Ill.

Dr. Anna Schwartz, National Bureau of Economic Research, New York, N.Y.

Dr. William Wolman, Senior Editor, Business Week, New York, N.Y.

WATER POLLUTION CONTROL

Mr. MUSKIE. Mr. President, on February 23, the Supreme Court issued a decision in the case of DuPont against Train which affirmed the water pollution control program as created by the Congress in the 1972 Clean Water Act and the way that the Environmental Protection Agency has implemented that act. The Court, in an 8-to-0 opinion, recognized that Congress meant to require a strong, expeditious, and nationally uniform program of effluent reduction; upheld EPA's strategy of issuing binding effluent limitation guidelines for subcategories of industry; and upheld the Agency's refusal to provide a variance mechanism in new source performance standards.

This decision should successfully conclude the 10-year effort made by the Congress to establish a uniform, binding pollution control program. And it should end the 4-year effort to distort the precise intent of Congress that effluent guidelines result in uniform application of effluent controls.

The latter effort had limited success in lower courts. The eighth circuit in CPC International, Inc. against Train found that EPA could only provide guidance to permit writers with regard to existing facilities and the Fourth Circuit in DuPont against Train found that a variance procedure must be included in new source regulations. But the Supreme Court overturned the lower courts and held that these decisions were contrary to congressional intent.

The Supreme Court's decision should also put to rest other issues which have stalled the water clean-up effort. For example, the third circuit, in American Iron and Steel Institute against EPA, ordered the Agency to issue its existing source regulations in ranges of numbers. The Supreme Court held that congressional statements concerning "ranges" referred only to the range created by single number limitations for various subcategories within any one industry category, not that each subcategory's requirements be expressed as a range of numbers.

The Supreme Court also held that EPA properly satisfied the requirements of section 304 of the act in its regulations. Thus, the confusion caused by the "range of numbers" controversy should not be clear. Similarly, there is now hope that the confusing notion that existing source regulations are only "presumptively applicable" will be replaced by a recognition that EPA has properly implemented the law and that its variance provision for the 1977 regulations is appropriately narrow in scope.

Of course, the Supreme Court did not dispose of all unresolved questions of interpretation of the 1972 law. But most questions were addressed and decided. The contention by some industries that EPA must do a cost-benefit analysis of its application of "Best Available Technology, 1983" requirements to individual sources, a view flatly contradicted by the language and legislative history of the Clean Water Act, has been rejected.

Mr. President, there is an important practical benefit of the Supreme Court's opinion. The Court has made clear that review of effluent limitation guideline regulations resides solely in Federal Courts of Appeals and not in Federal district courts. This adheres to the congressional intent, expressed in section 509 of the act, that persons affected by such regulations have the due process of law to which all citizens are entitled, but that judicial review should proceed in the most expeditious manner possible.

To date that review has hardly been expeditious. The only result of review has been to delay and frustrate the Nation's clean water effort.

I hope with the Court's unanimous affirmation of congressional intent that those who have been resisting compliance with this law will cease this resistance and join in the national effort to clean up our vital and scarce water resources.

I ask unanimous consent that the full text of this decision be printed in the RECORD.

There being no objection, the text of the decision was ordered to be printed in the RECORD, as follows:

[Supreme Court of the United States]

SYLLABUS: E. I. DUPONT DE NEMOURS & CO. ET AL. *v.* TRAIN, ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY, ET AL.

(NOTE.—Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.*, 200 U.S. 321, 37.)

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 75-978. Argued December 8, 1976—Decided February 23, 1977 *

The Federal Water Pollution Control Act Amendments of 1972 (Amendments) authorized a series of steps to be taken to eliminate all discharges of pollutants into the Nation's waters by 1985. The first steps are described in § 304, which directs the Administrator of the Environmental Protection Agency (EPA) (the agency charged under § 101 with administering the Amendments) to develop and publish various kinds of technical data as guidelines for discharging responsibilities under the Amendments. Section 301(a) proscribes the discharge of any pollutant unless the discharge complies with certain sections, including § 301 itself, § 306, and § 402. Section 301(b) defines the effluent limitations that must be achieved for existing "point sources" (conveyances from which pollutants are discharged) in two stages: (1) No later than July 1, 1977, such limitations for point sources must require the application of the "best practicable control technology currently available," and (2) by July 1, 1983, the limitations for "categories and classes of point sources" must require application of the "best available technology economically achievable." Section 301(c) authorizes the EPA Administrator to grant variances for the 1983 limitations for any point source for which a permit application is filed after July 1, 1977. Section 301(b) directs the Administrator to publish regulations establishing national standards for new sources within each category of sources discharging pollutants, and § 306(e) makes it unlawful to operate a new source in violation of the applicable standard. Section 402 authorizes the Administrator to issue permits for individual point sources, and also to review and approve the plan of any State desiring to administer its own permit program. Section 509(b)(1)(E) provides that review of the Administrator's action in approving or promulgating

* Together with No. 75-1473, *E. I. duPont de Nemours & Co. et al.* v. *Train, Administrator, Environmental Protection Agency*, and No. 75-1705, *Train, Administrator, Environmental Protection Agency* v. *E. I. duPont de Nemours & Co. et al.*, also on certiorari to the same court.

any effluent limitation under § 301 or § 306 may be had in the courts of appeals. The EPA, which is empowered under § 501 (a) to make "such regulations as are necessary to carry out" its functions, promulgated industry-wide regulations imposing three sets of limitations on petitioner inorganic chemical manufacturers' discharges of pollutants into waters. The first two impose progressively higher levels of pollutant control on existing point sources (a) after July 1, 1977, and (b) after July 1, 1983, and the third set imposes limits on "new sources" that may be constructed in the future. Petitioner manufacturers filed both a suit in the District Court to set aside the regulations and a petition for review of the regulations in the Court of Appeals, contending that § 301 is not an independent source of authority for setting effluent limitations by regulation but is merely a description of such limitations which are set for each plant on an individual basis during the permit-issuance process, and that § 402 provides the only authority for issuance of enforceable limitations on the discharge of pollutants by existing plants. The Court of Appeals affirmed the District Court's dismissal of the suit to set aside the regulations on the ground that the Court of Appeals had exclusive jurisdiction to consider the validity of the regulations, and held on the petition for review that the EPA was authorized to issue "presumptively applicable" effluent limitations and new source standards, and was required to provide a variance procedure for new sources. *Held:*

1. The EPA has authority under § 301 to limit discharges by existing plants through industry-wide regulations setting forth uniform effluent limitations for both 1977 and 1983, provided some allowance is made for variations in individual plants. Pp. 12–22.

(a) Both the language of § 301 and the legislative history of the Amendments support the view that § 301 limitations are to be adopted by the Administrator, that they are to be based primarily on classes and categories, and that they are to take the form of regulations. Pp. 12–17.

(b) The legislative history also makes it clear that § 304 guidelines are not merely aimed at guiding the discretion of permit issuers in setting limitations for individual plants, but § 304 requires that the guidelines survey the practicable or available pollution control technology for an industry and assess its effectiveness, and then describe the methodology the EPA intends to use in the § 301 regulations to determine the effluent limitations for particular plants. Pp. 17–18.

(c) The above construction of the Amendments is also supported by §§ 101(d) and 501(a). Pp. 18–19.

2. Section 509(b)(1)(E) unambiguously authorizes court of appeals review of EPA action promulgating an effluent limitation for existing point sources under § 301, and the reference in § 509(b)(1)(E) to § 301 was not intended only to provide for review of the grant or denial of an individual variance under § 301(c). Since effluent limitations are typically promulgated in the same proceeding as the new source standards under § 306, there is no doubt that Congress intended review of the two sets of regulations to be had in the same forum. Pp. 22–23.

3. Variances for individual plants unable to comply with the new source standards issued under § 306 are not authorized. Congress clearly intended regulations under § 306 to be absolute prohibitions, as is indicated by the use of the word "standards" in § 306, as well as by the description of the preferred standard as one "permitting *no* discharge of pollutants." Pp. 23–25.

No. 75–978, 528 F.2d 1136, affirmed; Nos. 75–1473 and 75–1705, — F.2d —, affirmed in part and reversed in part.

STEVENS, J., delivered the opinion of the Court, in which all Members joined, except POWELL, J., who took no part in the consideration or decision of the cases.

[Supreme Court Of The United States,
No. 75–978, 75–1473 and 75–1705]

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT.

E. I. duPont de Nemours and Company et al., Petitioners, 75–978 *v.* Russell E. Train, Administrator, Environmental Protection Agency, et al.

E. I. duPont de Nemours and Company, et al., Petitioners, 75–1473 *v.* Russell E. Train, Administrator, Environmental Protection Agency.

Russell E. Train, Administrator, Environmental Protection Agency, Petitioner, 75–1705 *v.* E. I. duPont de Nemours and Company, et al.

[February 23, 1977]

MR. JUSTICE STEVENS delivered the opinion of the Court.

Inorganic chemical manufacturing plants operated by the eight petitioners discharge various pollutants into the Nation's waters and therefore are "point sources" within the meaning of the Federal Water Pollution Control Act Amendments of 1972, 86 Stat. 816, 33 U. S. C. § 1251 *se seq.* (Supp. IV) ("The Act").[1] The Environmental Protection Agency[2] has promulgated industry-wide regulations imposing three sets of precise limitations on petitioners' discharges. The first two impose progressively higher levels of pollution control on existing point sources after July 1, 1977, and after July 1, 1983, respectively. The third set imposes limits on "new sources" that may be constructed in the future.[3]

These cases present three important questions of statutory construction: (1) whether EPA has the authority under § 301 of the Act to issue industry-wide regulations limiting discharges by existing plants; (2) whether the Court of Appeals, which admittedly is authorized to review the standards for new sources, also has jurisdiction under § 509 to review the regulations concerning existing plants; and (3) whether the new source standards issued under § 306 must allow variances for individual plants.

As a preface to our discussion of these three questions, we summarize relevant portions of the statute and then describe the procedure which EPA followed in promulgating the challenged regulations.

THE STATUTE

The statute, enacted on October 18, 1972, authorized a series of steps to be taken to achieve the goal of eliminating all discharges of pollutants into the Nation's waters by 1985, § 101(a)(1).

The first steps required by the Act are described in § 304, which directs the Administrator to develop and publish various kinds of technical data to provide guidance in discharging responsibilities imposed by other sections of the Act. Thus, within 60 days, 120 days, and 180 days after the date of enactment, the Administrator was to promulgate a series of guidelines to assist the States in developing and carrying out permit programs pursuant to § 402. §§ 304 (h), (f), (g). Within 270 days, he was to develop the information to be used in formulating standards for new plants pursuant to § 306. § 304(c). And within one year he was to publish regulations providing guidance for effluent limitations on existing point sources. Section 304 (b)[4] goes into great detail concerning the contents of these regulations. They must identify the degree of effluent reduction attainable through use of the best practicable or best available technology for a class of plants. The guidelines must also "specify factors to be taken into account" in determining the control measures applicable to point sources within these classes. A list of factors to be considered then follows. The Administrator was also directed to develop and publish, within one year, elaborate criteria for water quality accurately reflecting the most current scientific knowledge, and also technical information on factors necessary to restore and maintain water quality. § 304(a). The title of § 304 describes it as the "information and guidelines" portion of the statute.

Section 301 is captioned "effluent limitations."[5] Section 301(a) makes the discharge of any pollutant unlawful unless the discharge is in compliance with certain enumerated sections of the Act. The enumerated sections which are relevant to this case are § 301 itself, § 306, and § 402.[6] A brief word about each of these sections is necessary.

Section 402[7] authorizes the Administrator to issue permits for individual point sources, and also authorizes him to review and approve the plan of any State desiring to administer its own permit program. These permits serve "to transform generally applicable effluent limitations . . . into the obligations (including a timetable for compliance) of the individual discharger[s.] . . ." *EPA* v. *State Water Resources Control Board*, 426 U.S. 200, 205. Petitioner chemical companies' position in this litigation is that § 402 provides the only statutory authority for the issuance of enforceable limitations on the discharge of pollutants by existing plants. It is noteworthy, however, that although this section authorizes the imposition of limitations in individual permits, the section itself does not mandate either the Administrator or the States to use permits as the method of prescribing effluent limitations.

Section 306[8] directs the Administrator to publish within 90 days a list of categories of sources discharging pollutants and within one year thereafter, to publish regulations establishing national standards of performance for new sources within each category. Section 306 contains no provision for exceptions from the standards for individual plants; on the contrary, subsection (e) expressly makes it unlawful to operate a new source in violation of the applicable standard of performance after its effective date. The statute provides that the new source standards shall reflect the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology.

Section 301 (b) defines the effluent limitations that shall be achieved by existing point sources in two stages. By July 1, 1977, the effluent limitations shall require the application of the best *practicable* control technology currently available; by July 1, 1983, the limitations shall require application of the best *available* technology economically achievable. The statute expressly provides that the limitations which are to become effective in 1983 are applicable to "categories and classes of point sources"; this phase is omitted from the description of the 1977 limitations. While § 301 states that these limitations "shall be achieved," it fails to state who will establish the limitations.

Section 301 (c) authorizes the Administrator to grant variances from the 1983 limitations. Section 301 (e) states that effluent limitations established pursuant to § 301 shall be applied to all point sources.

To summarize, § 301 (b) requires the achievement of effluent limitations requiring use of the "best practicable" or "best available" technology. It refers to § 304 for a definition of these terms. Section 304 requires the publication of "regulations, pro-

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viding guidelines for effluent limitations." Finally, permits issued under § 402 must require compliance with § 301 effluent limitations. Nowhere are we told who sets the § 301 limitations, or precisely how they relate to § 304 guidelines and § 402 permits.

THE REGULATION

The various deadlines imposed on the Administrator were too ambiguous for him to meet. For that reason, the procedure which he followed in adopting the regulations applicable to the inorganic chemical industry and to other classes of point sources, is somewhat different from that apparently contemplated by the statute. Specifically, as will appear, he did not adopt guidelines pursuant to § 304 before defining the effluent limitations for existing sources described in § 301 (b) or the national standards for new sources described in § 306. The case illustrates the approach the Administrator followed in implementing the Act.

EPA began by engaging a private contractor to prepare a Development Document. This document provided a detailed technical study of pollution control in the industry. The study first divided the industry into categories. For each category, present levels of pollution were measured and plants with exemplary pollution control were investigated. Based on this information, other technical data, and economic studies, a determination was made of the degree of pollution control which could be achieved by the various levels of technology mandated by the statute. The study was made available to the public and circulated to interested persons. It formed the basis of "effluent limitation guideline" regulations issued by EPA after receiving public comment on proposed regulations. These regulations divide the industry into 22 subcategories. Within each category, precise numerical limits are set for various pollutants.[9] The regulations for each subcategory contain a variance clause, applicable only to the 1977 limitations.[10]

Eight chemical companies filed petitions in the United States Court of Appeals for the Fourth Circuit for review of these regulations.[11] The Court of Appeals rejected their challenge to EPA's authority to issue precise, single-number limitations for discharges of pollutants from existing sources. It held, however, that these limitations and the new plant standards were only "presumptively applicable" to individual plants.[12] We granted the chemical companies' petitions for certiorari in order to consider the scope of EPA's authority to issue existing-source regulations. We also granted the Government's cross-petition for review of the ruling that new source standards are only presumptively applicable. 426 U.S. 947. For convenience, we will refer to the chemical companies as the "petitioners."

THE ISSUES

The broad outlines of the parties' respective theories may be stated briefly. EPA contends that § 302(b) authorizes it to issue regulations establishing effluent limitations for classes of plants. The permits granted under § 402, in EPA's view, simply incorporate these across-the-board limitations, except for the limited variances allowed by the regulations themselves and by § 301(c). The § 304(b) guidelines, according to EPA, were intended to guide it in later establishing § 301 effluent limitation regulations. Because the process proved more time consuming than Congress assumed when it established this two-stage process, EPA condensed the two stages into a single regulation.[13]

In contrast, petitioners contend that § 301 is not an independent source of authority for setting effluent limitations by regulation. Instead, § 301 is seen as merely a description of the effluent limitations which are set for each plant on an individual basis during the permit-issuance process. Under the industry view, the § 304 guidelines serve the function of guiding the permit issuer in setting the effluent limitations.

The jurisdictional issue is subsidiary to the critical question whether EPA has the power to issue effluent limitations by regulation. Section 590(b)(1) provides that "[r]eview of the Administrator's action . . . (E) in approving or promulgating any effluent limitation under section 301" may be had in the courts of appeals. On the other hand, the Act does not provide for judicial review of § 304 guidelines. If EPA is correct that its regulations are "effluent limitations under section 301," the regulations are directly reviewable in the Court of Appeals. If industry is correct that the regulations can only be considered § 304 guidelines, suit to review the regulations could probably be brought only in the District Court, if anywhere.[14] Thus, the issue of jurisdiction to review the regulations is intertwined with the issue of EPA's power to issue the regulations.[15]

I

We think § 301 itself is the key to the problem. The statutory language concerning the 1983 limitations, in particular, leaves no doubt that these limitations are to be set by regulation. Subsection (b)(2)(A) of § 301 states that by 1983 "effluent limitations *for categories and classes* of point sources" are to be achieved which will require "application of the best available technology economically achievable *for such category or class.*" (Emphasis added.) These effluent limitations are to require elimination of all discharges if "such elimination is technologically and economically achievable for a *category or class* of point sources." (Emphasis added.) This is "language difficult to reconcile with the view that individual effluent limitations are to be set when each permit is issued." *American Meat Institute* v. *EPA*, 526 F. 2d 442, 450 (CA7 1975). The statute thus focuses expressly on the characteristics of the "category or class" rather than the characteristics of individual point sources.[16] Normally, such class-wide determinations would be made by regulation, not in the course of issuing a permit to one member of the class.[17]

Thus, we find that § 301 unambiguously provides for the use of regulations to establish the 1983 effluent limitations. Different language is used in § 301 with respect to the 1977 limitations. Here, the statute speaks of "effluent limitations for point sources," rather than "effluent limitations for categories and classes of point sources." Nothing elsewhere in the Act, however, suggests any radical difference in the mechanism used to impose limitations for the 1977 and 1983 deadlines. See *American Iron & Steel Institute* v. *EPA*, 526 F. 2d 1027, 1042 n. 32 (CA3 1975). For instance, there is no indication in either § 301 or § 304 that the § 304 guidelines play a different role in setting 1977 limitations. Moreover, it would be highly anomalous if the 1983 regulations and the new source standards[18] were directly reviewable in the Court of Appeals, while the 1977 regulations based on the same administrative record were reviewable only in the District Court. The magnitude and highly technical character of the administrative record involved with these regulations makes it almost inconceivable that Congress would have required duplicate review in the first instance by different courts. We conclude that the statute authorizes the 1977 limitations as well as the 1983 limitations to be set by regulation, so long as some allowance is made for variations in individual plants, as EPA has done by including a variance clause in its 1977 limitations.[19]

The question of the form of § 301 limitations is tied to the question whether the Act requires the Administrator or the permit issuer to establish the limitations. Section 301 does not itself answer this question, for it speaks only in the passive voice of the achievement and establishment of the limitations. But other parts of the statute leave little doubt on this score. Section 304 (b) states that "[f]or the purpose of adopting or revising effluent limitations . . . the Administrator shall" issue guideline, regulations; while the judicial review section (§ 509(b)(1)) speaks of "the Administrator's action . . . in approving or promulgating any effluent limitation or other limitation under section 301. . . ." See *infra*, at 22–23. And § 101(d) requires us to resolve any ambiguity on this score in favor of the Administrator. It provides that "[e]xcept as otherwise *expressly* provided in this Act, the Administrator of the Environmental Protection Agency . . . shall administer this Act." (Emphasis added.) In sum, the language of the statute supports the view that § 301 limitations are to be adopted by the Administrator, that they are to be based primarily on classes and categories, and that they are to take the form of regulations.

The legislative history supports this reading of § 301. The Senate Report states that "pursuant to subsection 301(b)(1)(A), and Section 304(b)" the Administrator is to set a base level for all plants in a given category, and "[1]n no case . . . should any plant be allowed to discharge more pollutants per unit of production than is defined by that base level." Leg. Hist., at 1468.[20] The Conference Report on § 301 states that "the determination of the economic impact of an effluent limitation [will be made] on the basis of classes and categories of point sources, as distinguished from a plant by plant determination." Leg. Hist., at 304. In presenting the Conference Report to the Senate, Senator Muskie, perhaps the Act's primary author, emphasized the importance of uniformity in setting § 301 limitations. He explained that this goal of uniformity required that EPA focus on classes or categories of sources in formulating effluent limitations. Regarding the requirement contained in § 301 that plants use the "best practicable control technology" by 1977, he stated:

"The modification of subsection 304(b)(1) is intended to clarify what is meant by the term 'practicable.' The balancing test between total cost and effluent reduction benefits is intended to limit the application of technology only where the additional degree of effluent reduction is wholly out of proportion to the costs of achieving such marginal level of reduction for *any class or category* of sources.

"The Conferees agreed upon this limited cost-benefit analysis in order to maintain *uniformity within a class and category* of point sources subject to effluent limitations, and to avoid imposing on the Administrator any requirement to consider the location of sources within a category or to ascertain water quality impact of effluent controls, or to determine the economic impact of controls on any individual plant in a single community." Leg. Hist., at 170 (emphasis added).

He added that:

"The Conferees intend that the factors described in section 304(b) be considered only within classes or categories of point sources and that such factors not be considered at the time of the application of an effluent limitation to an individual point source within such a category or class." Leg. Hist., at 172.

This legislative history supports our reading of § 301 and makes it clear than the § 304 guidelines are not merely aimed at guiding the discretion of permit issuers in setting limitations for individual plants.

What, then, is the function of the § 304(b) guidelines? As we noted earlier, § 304(b) requires EPA to identify the amount of effluent reduction attainable through use of the best practicable or available technology and to

Footnotes at end of article.

"specify factors to be taken into account" in determining the pollution control methods "to be applicable to point sources . . . within such categories or classes." These guidelines are to be issued "[f]or the purpose of adopting or revising effluent limitations under this Act." [21] As we read it, § 304 requires that the guidelines survey the practicable or available pollution control technology for an industry and assess its effectiveness. The guidelines are then to describe the methodology EPA intends to use in the § 301 regulations to determine the effluent limitations for particular plants. If the technical complexity of the task had not prevented EPA from issuing the guidelines within the statutory deadline,[22] they could have provided valuable guidance to permit issuers, industry, and the public, prior to the issuance of the § 301 regulations.[23]

Our construction of the Act is supported by § 501(a), which gives EPA the power to make "such regulations as are necessary to carry out" its functions, and by § 101(d), which charges the agency with the duty of administering the Act. In construing this grant of authority, as Justice Harlan wrote in connection with a somewhat similar problem:

"'[C]onsiderations of feasibility and practicality are certainly germane' to the issues before us. *Bowles* v. *Willingham* [321 U.S.], at 517. We cannot, in these circumstances, conclude that Congress has given authority inadeqaute to achieve with reasonable effectiveness the purposes for which it has acted." *The Permian Basin Area Rate Cases*, 390 U.S. 747, 777.

The petitioners' view of the Act would place an impossible burden on EPA. It would require EPA to give individual consideration to the circumstances of each of the more than 42,000 dischargers who have applied for permits (Respondent's Br., at 30 n. 22), and to issue or approve all these permits well in advance of the 1977 deadline in order to give industry time to install the necessary pollution control equipment. We do not believe that Congress would have failed so conspicuously to provide EPA with the authority needed to achieve the statutory goals.

Both EPA and petitioners refer to numerous other provisions of the Act and fragments of legislative history in support of their positions. We do not find these conclusive, and little point would be served by discussing them in detail. We are satisfied that our reading of § 301 is consistent with the rest of the legislative scheme.[24]

Language we recently employed in another case involving the validity of EPA regulations applies equally to this case:

"We therefore conclude that the Agency's interpretation . . . was 'correct,' to the extent that it can be said with complete assurance that any particular interpretation of a complex statute such as this is the 'correct' one. Given this conclusion, as well as the facts that the Agency is charged with administration of the Act, and that there has undoubtedly been reliance upon its interpretation by the States and other parties affected by the Act, we have no doubt whatever that its construction was sufficiently reasonable to preclude the Court of Appeals from substituting its judgment for that of the Agency." *Train* v. *Natural Resources Defense Council*, 421 U.S. 60, 87.[25]

When as in this case, the Agency's interpretation is also supported by thorough, scholarly opinions written by some of our finest judges, and has received the overwhelming support of the courts of appeals, we would be reluctant indeed to upset the Agency's judgment. In this case, on the contrary, our independent examination confirms the correctness of the Agency's construction of the statute.[26]

Consequently, we hold that EPA has the authority to issue regulations setting forth uniform effluent limitations for categories of plants.

Our holding that § 301 does authorize the Administrator to promulgate effluent limitations for classes and categories of existing point sources necessarily resolves the jurisdictional issue as well. For, as we have already pointed out, § 509(b)(1) provides that "[r]eview of the Administrator's action . . . in approving or promulgating any effluent limitation or other limitation under sections 301, 302, or 306, . . . may be had by any interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts such business . . . ."

Petitioners have argued that the reference to § 301 was intended only to provide for review of the grant or denial of an individual variance pursuant to § 301(c). We find this argument unpersuasive for two reasons in addition to those discussed in Part I of this opinion. First, in other portions of § 509, Congress referred to specific subsections of the Act and presumably would have specifically mentioned § 301(c) if only action pursuant to that subsection were intended to be reviewable in the Court of Appeals. More importantly, petitioners' construction would produce the truly perverse situation in which the Court of Appeals would review numerous individual actions issuing or denying permits pursuant to § 402 but would have no power of direct review of the basic regulations governing those individual actions. See *American Meat Institute* v. *EPA*, 526 F. 2d 442 (CA7 1975).

We regard § 509(b)(1)(E) as unambiguously authorizing Court of Appeals review of EPA action promulgating an effluent limitation for existing point sources under § 301. Since those limitations are typically promulgated in the same proceeding as the new source standards under § 306, we have no doubt that Congress intended review of the two sets of regulations to be had in the same forum.[27]

III

The remaining issue in this case concerns new plants. Under § 306, EPA is to promulgate "regulations establishing Federal standards of performance for new sources. . . ." § 306(b)(1)(B). A "standard of performance" is a "standard for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, . . . including, where practicable, a standard permitting no discharge of pollutants." § 306(a)(1). In setting the standard, "[t]he Administrator may distinguish among classes, types, and sizes within categories of new sources . . . and shall consider the type of process employed (including whether batch or continuous)." § 306(b)(2). As the House Report states, the standard must reflect the best technology for "that category of sources, and for class, types and sizes within categories." Leg. Hist., at 798.

The Court of Appeals held that:

"Neither the Act nor the regulations contain any variance provision for new sources. The rule of presumptive applicability applies to new sources as well as existing sources. On remand EPA should come forward with some limited escape mechanism for new sources." 541 F. 2d, at 1028.

The Court's rationale was that "[p]rovisions for variances, modifications, and exceptions are appropriate for the regulatory process." *Ibid.*

The question, however, is not what a court thinks is generally appropriate to the regulatory process; it is what Congress intended for *these* regulations. It is clear that Congress intended these regulations to be absolute prohibitions. The use of the word "standards" implies as much. So does the description of the preferred standard as one "permitting *no* discharge of pollutants." (Emphasis added.) It is "unlawful for *any* owner or operator of *any* new source to operate such source in violation of any standard of performance applicable to such source." § 306(e) (emphasis added). In striking contrast to § 301(c), there is no statutory provision for variances, and a variance provision would be inappropriate in a standard that was intended to insure national uniformity and "maximum feasible control of new sources." Leg. Hist., at 1476.[28]

That portion of the judgment of the Court of Appeals requiring EPA to provide a variance procedure for new sources is reversed. In all other aspects, the judgment of the Court of Appeals is affirmed.

It is so ordered.

Mr. JUSTICE POWELL took no part in the consideration or decision of these cases.

FOOTNOTES

[1] A "point source" is "any discernible, confined and discrete conveyance, . . . from which pollutants are or may be discharged." § 502(14), 33 U.S.C. § 1362(14).

[2] Throughout this opinion we will refer interchangeably to the Administrator of the EPA and to the Agency itself.

[3] The reasons for the statutory scheme have been described as follows: "Such direct restrictions on discharges facilitate enforcement by making it unnecessary to work backward from an overpolluted body of water to determine which point sources are responsible and which must be abated. In addition, a discharger's performance is now measured against strict technology-based effluent limitations—specified levels of treatment—to which it must conform, rather than against limitations derived from water quality standards to which it and other polluters must collectively conform." *EPA* v. *State Water Resources Control Board*, 426 U.S. 200, 204–205 (footnotes omitted).

[4] Section 304(b) provides:

"(b) For the purpose of adopting or revising effluent limitations under this Act the Administrator shall, after consultation with appropriate Federal and State agencies and other interested persons, publish within one year of enactment of this title, regulations, providing guidelines for effluent limitations, and, at least annually thereafter, revise, if appropriate, such regulations. Such regulations shall—

"(1)(A) identify, in terms of amounts of constituents and chemical, physical, and biological characteristics of pollutants, the degree of effluent reduction attainable through the application of the best practicable control technology currently available for classes and categories of point sources (other than publicly owned treatment works); and

"(B) specify factors to be taken into account in determining the control measures and practices to be applicable to point sources (other than publicly owned treatment works) within such categories or classes. Factors relating to the assessment of best practicable control technology currently available to comply with subsection (b)(1) of section 301 of this Act shall include consideration of the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, and shall also take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements), and such other factors as the Administrator deems appropriate;

"(2)(A) identify, in terms of amounts of constituents and chemical, physical, and

biological characteristics of pollutants, the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods, and other alternatives for classes and categories of point sources (other than publicly owned treatment works); and

"(B) specify factors to be taken into account in determining the best measures and practices available to comply with subsection (b)(2) of section 301 of this Act to be applicable to any point source (other than publicly owned treatment works) within such categories or classes. Factors relating to the assessment of best available technology shall take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, the cost of achieving such effluent reduction, non-water quality environmental impact (including energy requirements), and such other factors as the Administrator deems appropriate; and

"(3) identify control measures and practices available to eliminate the discharge of pollutants from categories and classes of point sources, taking into account the cost of achieving such elimination of the discharge of pollutants." 33 U.S.C. § 1314(b).

[5] Section 301 provides in pertinent part:

"SEC. 301. (a) Except as in compliance with this section and section 302, 306, 307, 318, 402, and 404 of this Act, the discharge of any pollutant by any person shall be unlawful.

"(b) In order to carry out, the objective of this Act there shall be achieved—

"(1)(A) not later than July 1, 1977, effluent limitations for point sources, other than publicly owned treatment works, (i) which shall require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of this Act, . . .

"(2)(A) not later than July 1, 1983, effluent limitations for categories and classes of point sources, other than publicly owned treatment works, which (i) shall require application of the best available technology economically achievable for such category or class, which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b)(2) of this Act, which such effluent limitations shall require the elimination of discharges of all pollutants if the Administrator finds, on the basis of information available to him (including information developed pursuant to section 315), that such elimination is technologically and economically achievable for a category or class of point sources as determined in accordance with regulations issued by the Administrator pursuant to section 304(b)(2) of this Act.

"(c) The Administrator may modify the requirements of subsection (b)(2)(A) of this section with respect to any point source for which a permit application is filed after July 1, 1977, upon a showing by the owner or operator of such point source satisfactory to the Administrator that such modified requirements (1) will represent the maximum use of technology within the economic capability of the owner or operator; and (2) will result in reasonable further progress toward the elimination of the discharge of pollutants.

"(d) Any effluent limitation required by paragraph (2) of subsection (b) of this section shall be reviewed at least every five years and, if appropriate, revised pursuant to the procedure established under such paragraph.

"(e) Effluent limitations established pursuant to this section or section 302 of this Act shall be applied to all point sources of discharge of pollutants in accordance with the provisions of this Act." 33 U.S.C. § 1311.

[6] There is no provision for compliance with § 304, the guideline section.

[7] Section 402(a)(1) provides:

"Except as provided in sections 318 and 404 of this Act, the Administrator may, after opportunity for public hearing, issue a permit for the discharge of any pollutant, or combination of pollutants, notwithstanding section 301(a) upon condition that such discharge will meet either all applicable requirements under sections 301, 302, 306, 307, 308, and 403 of this Act, or prior to the taking of necessary implementing actions relating to all such requirements, such conditions as the Administrator determines are necessary to carry out the provisions of this Act." 33 U.S.C. § 1342(a)(1).

Under § 402(b), the Administrator may delegate this authority to the States, but retains the power to withdraw approval of the state program, § 402(c)(3), and to veto individual state permits, § 402(d). Finally, under § 402(k), compliance with the permit is generally deemed compliance with § 301. Twenty-seven States now administer their own permit programs.

[8] The pertinent provisions of § 306, 33 U.S.C. § 1316, are as follows:

"(a) For purposes of this section:

"(1) The term 'standard of performance' means a standard for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

"(b)(1) . . .

"(B) As soon as practicable, but in no case more than one year, after a category of sources is included in a list under subparagraph (A) of this paragraph, the Administrator shall propose and publish regulations establishing Federal standards of performance for new sources within such category. . . .

"(2) The Administrator may distinguish among classes, types, and sizes within categories of new sources for the purposes of establishing such standards and shall consider the type of process employed (including whether batch or continuous).

"(3) The provisions of this section shall apply to any new source owned or operated by the United States.

"(e) After the effective date of standards of performance promulgated under this section, it shall be unlawful for any owner or operator of any new source to operate such source in violation of any standard of performance applicable to such source."

[9] Some subcategories are required to eliminate all discharges by 1977. *E. g.*, 40 CFR §§ 415.70–415.76. Other subcategories are subject to less stringent restrictions. For instance, by 1977 plants producing titanium dioxide by the chloride process must reduce average daily discharges of dissolved iron to 0.72 pounds per thousand pounds of product. This limit is cut in half for existing plants in 1983 and for all new plants. 40 CFR §§ 415.220–415.225.

[10] These limitations may be made "either more or less stringent" to the extent that "factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharges are fundamentally different from the factors considered" in establishing the limitations. See, *e. g.*, for the two subcategories discussed *supra*, n. 9, 40 CFR §§ 415.72 and 415.222, respectively.

[11] Because EPA's authority to issue the regulations is closely tied to the question whether the regulations are directly reviewable in the Court of Appeals, see p. 11, *infra*, some of the companies also filed suit in District Court challenging the regulations. The District Court held that EPA had the authority to issue the regulations and that exclusive jurisdiction was therefore in the Court of Appeals. 383 F. Supp. 1244 (WD Va. 1974), aff'd, 528 F. 2d 1136.

[12] The Court of Appeals issued two separate opinions. In *Du Pont I*, 528 F. 2d 1136, the court held that it had exclusive jurisdiction to consider the validity of the regulations. It therefore affirmed the District Court's dismissal of a suit to set aside the regulations. See n. 11, *supra*. In *Dupont II*, 541 F. 2d 1018, the court held that EPA was authorized to issue "presumptively applicable" effluent limitations and new source standards. No. 75–978 is the companies petition for certiorari in *DuPont I*, which we granted last Term, 425 U.S. 933. No. 75–1473 is their petition in *DuPont II*. We granted that petition, consolidated it with EPA's cross-petition, No. 1705, and ordered that they be argued *in tandem* with the companies' petition in *DuPont I*. 426 U.S. 947.

[13] Section 304(b) calls for publication of guideline regulations within one year of the Act's passage. EPA failed to meet this deadline and was ordered to issue the regulations on a judicially imposed timetable. *National Resources Defense Council, Inc.* v. *Train*, —— U.S. App. D.C. ——, 510 F. 2d 694 (1975).

[14] Although the Act itself does not provide for review of guidelines, the Eighth Circuit has held that they are reviewable in the District Court, apparently under the Administrative Procedure Act. *CPC International, Inc.* v. *Train*, 515 F. 2d 1032, 1038 (1975). It has been suggested, however, that even if the EPA regulations are considered to be only § 304 guidelines, the Court of Appeals might still have ancillary jurisdiction to review them because of their close relationship with the § 301 effluent limitations, and because they were developed on the same record as the § 306 standards of performance for new plants, which are directly reviewable in the Court of Appeals.

[15] The courts of appeals have resolved these issues in various ways. Only the Eighth Circuit, the first to consider the issues, has accepted the industry position. In *CPC International, Inc.* v. *Train*, 515 F. 2d 1032 (1975), it held that EPA lacked the authority to issue effluent limitation regulations and that jurisdiction to review the regulations as § 304 guidelines was in the District Court. The Fourth Circuit, in *DuPont II*, 541 F. 2d 1018 (1976), and the Tenth Circuit, in *American Petroleum Institute* v. *EPA*, 540 F. 2d 1023 (1976), held that EPA has the authority to issue effluent limitation regulations, but that these regulations are only presumptively applicable to individual sources. The majority position, adopted by the Third Circuit, *American Iron & Steel Institute* v. *EPA*, 526 F. 2d 1027 (1975); the Seventh Circuit, *American Meat Institute* v. *EPA*, 526 F. 2d 442 (1975); the District of Columbia Circuit, *American Frozen Food Institute* v. *Train*, 539 F. 2d 107 (1976); and the Second Circuit, *Hooker Chemicals & Plastic Corp.* v. *Train*, 537 F. 2d 620 (1976); is that EPA has the authority to issue regulations setting forth effluent limitations which individual plants may not exceed. Even these courts are not in complete agreement about the form the regulations should take. The commentators have also divided on these problems. See Parenteau & Tauman, The Effluent Limitations Controversy, 6 Ecology Law Quarterly 1 (1976); Note, Judicial Maelstrom in Federal Waters, 45 Ford. L. Rev. 625 (1976); Comment, The Application of Effluent Limitations and Effluent Guidelines to Industrial Polluters, 13 Houst. L. Rev. 348 (1976); Note, Effective National Regulation of Point Sources Under the 1972 Federal Water Pollution Control Act, 10 Ga. L. Rev. 983 (1976).

The difference in opinion among the Cir-

cuits may be less significant than might appear. The Eighth Circuit has concluded that:

"Under our ruling, the limitations written into individual permits for existing point sources should be substantially similar to those written into permits if the EPA's theory of the Act were to be adopted.

"The only practical difference resulting from the Court's interpretation of the statute is that the § 304(b) guidelines for *existing* sources must be reviewed first in the District Court, while the § 306(b) standards of performance for *new* plants—often based on the same scientific research and conclusions—must be reviewed first in the Court of Appeals." *CPC International, Inc.* v. *Train*, 540 F. 2d 1329, 1331–1332 n. 1 (1976) (*CPC II*). See also *American Meat Institute, supra*, 526 F. 2d, at 449 n. 14.

While this Court has not had occasion to rule directly on this question, our discussion of the Act in a case decided last Term is suggestive of the answer. We then described § 402 permits as "serv[ing] to transform *generally applicable effluent limitations* . . . into the obligations (including a timetable for compliance) of the individual discharger. . . ." 426 U.S. 200, 205 (emphasis added). This description clearly implied that effluent limitations of general application are to be established before individual permits are issued.

[16] The Court of Appeals noted that "[t]he 1983 and new source requirements are on the basis of categories." *DuPont II*, 541 F. 2d, at 1029.

[17] Furthermore, § 301(c) provides that the 1983 limitations may be modified if the owner of a plant shows "that such modified requirements (1) will represent the maximum use of technology within the economic capability of the owner or operator; and (2) will result in a reasonable further progress toward the elimination of the discharge of pollutants." This provision shows that the § 301(b) limitations for 1983 are to be established prior to consideration of the characteristics of the individual plant. *American Iron & Steel Institute* v. *EPA*, 526 F. 2d 1027, 1037 n. 15 (CA3 1975). Moreover, it shows that the term "best technology economically achievable" does not refer to any individual plant. Otherwise, it would be impossible for this "economically achievable" technology to be beyond the individual owner's "economic capability."

[18] Section 509(b)(1)(A) makes new source standards directly reviewable in the Court of Appeals. The Court of Appeals in this case did not believe that Congress "intended for review to be bifurcated," with the new source standards reviewable in a different forum than regulations governing existing sources. 528 F. 2d, at 1141. The Eighth Circuit has acknowledged the practical problems and potential for inconsistent rulings created by bifurcated review. *CPC II*, 540 F. 2d 1329, 1332 n. 1 (1976). We consider it unlikely that Congress intended such bifurcated review, and even less likely that Congress intended regulations governing existing sources to be reviewable in two different forums, depending on whether the regulations require compliance in 1977 or 1983.

[19] We agree with the Court of Appeals, 541 F. 2d, at 1028, that consideration of whether EPA's variance provisions has the proper scope would be premature.

[20] All citations to the legislative history are to "A Legislative History of the Water Pollution Control Act Amendments of 1972," prepared by the Environmental Policy Division of the Congressional Research Service of the Library of Congress (Committee Print 1973).

[21] Petitioners rely heavily on selected portions of the following passage from the Senate Report to support their view of § 301:

"It is the Committee's intention that pursuant to subsection 301(b)(1)(A), and Section 304(b) the Administrator will interpret the term 'best practicable' when applied to various categories of industries as a basis for specifying clear and precise effluent limitations to be implemented by January 1, 1976 [now July 1, 1977]. In defining the best practicable for any given industrial category, the Committee expects the Administrator to take a number of factors into account. These factors should include the age of the plants, their size and the unit processes involved and the cost of applying such controls. In effect, for any industrial category, the Committee expects the Administrator to define a range of discharge levels, above a certain base level applicable to all plants within that category. In applying effluent limitations to any individual plant, the factors cited above should be applied to that specific plant. In no case, however, should any plant be allowed to discharge more pollutants per unit of production than is defined by that base level.

"The Administrator should establish the range of best practicable levels based upon the average of the best existing performance by plant of various sizes, ages, and unit processes within each industrial category." Leg. Hist. 1468.

If construed to be consistent with the legislative history we have already discussed, and with what we have found to be the clear statutory language, this language can be fairly read to allow the use of subcategories based on factors such as size, age, and unit processes, with effluent limitations for each category normally based on the performance of the best plants in that subcategory.

[22] As the Court of Appeals held (541 F. 2d, at 1027), EPA's response to this problem was within its discretion. Accord, *American Frozen Food Institute* v. *Train* — U.S. App. D.C. — 539 F. 2d 107, 130–131 (1967). Even if we considered this course a procedural error, it would not invalidate the § 301 regulations themselves since the purposes for issuing the guidelines were substantially achieved, see n. 23, *infra*, and no prejudice has been shown.

[23] The guidelines could have served at least three functions. First, they would have provided guidance to permit issuers prior to promulgation of the § 301 effluent limitation regulations. Second, they would have given industry more time to prepare to meet § 301 regulations. Third, they would have afforded a greater opportunity for public input into the final § 301 regulations, by giving notice of the general outlines of those regulations. These functions were substantially served by EPA's practice of obtaining public comment on the development document and proposed regulations. In addition, the guidelines could furnish technical guidance to companies lacking expertise in pollution control by informing them of appropriate control methods. See Leg. His. 1463. This function is served by the Development Document and supporting materials.

[24] See *American Iron & Steel Inst.* v. *EPA*, 526 F. 2d 1027, 1037–1041 (CA3 1975); *American Meat Inst.* v. *EPA*, 526 F. 2d 442, 450–452 (CA7 1975); *American Frozen Food Inst.* v. *Train*, 539 F. 2d 107, 116–131,— U.S. App. D.C. —, (1976). As these Courts have noted, a number of provisions of the Act seem to assume that § 301 effluent limitations have some existence apart from § 402 permits. Section 301(a) makes any discharge unlawful "[e]xcept as in compliance with this section and section [] . . . 402 . . . of this Act." Similarly, § 509(b), the judicial review provision, refers separately to the Administrator's action "(E) in approving or promulgating any effluent limitation or other limitation under section 301 . . . and (F) in issuing or denying any permit under section 402." Likewise, § 505(f), defines "effluent standard or limitation," for purposes of the citizen enforcement provision of the Act, to include "(2) an effluent limitation or other limitation under section 301 or 302 of this Act," and "(6) a permit or condition thereof issued under section 402 of this Act." The legislative history also recognizes a distinction between permit conditions and § 301 limitations. For instance: "The [House] Committee further recognizes that the requirements under [section] 301 . . . will not all be promulgated immediately upon enactment of this bill. Nevertheless, it would be unreasonable to delay issuing of permits until all the implementing steps are necessary." Leg. Hist., at 813.

These Court of Appeals decisions have also thoroughly considered the arguments the Eighth Circuit found to be persuasive. The most important contrary arguments are these:

(1) The Eighth Circuit was impressed by the differences between § 301 and sections explicitly authorizing EPA to issue regulations. These differences are less than the Eighth Circuit believed. For instance, the Eighth Circuit stressed that the explicitly authorized regulations were referred to as "standards," and that this term is not used in § 301. *CPC I*, 515 F. 2d, at 1038. But § 316(b) refers to "any standard established pursuant to section 301." Other differences between § 301 and sections providing explicitly for enforceable regulations, such as the lack of any statutory timetable for § 301 limitations, can be explained on the basis of the greater difficulty of drafting § 301 regulations.

(2) There was heated debate in Congress concerning whether EPA should be able to veto individual state permits, as the Act now provides. The Eighth Circuit believed that "creation of the veto power would make no sense if the EPA was already empowered to promulgate regulations under § 301." *CPC I*, 515 F. 2d, at 1040–1041. We disagree. "[A] veto power could have been considered just as necessary to ensure compliance by the permit grantors with section 301 limitations as with section 304 guidelines." *American Iron & Steel Inst.*, 526 F. 2d, at 1041. The veto power would be especially important because large numbers of permits could be issued before the § 301 regulations were promulgated. During this interim period, inconsistency with the § 304(b) guidelines could be a ground for vetoing a permit. (Moreover, we disagree with the Eighth Circuit's contention that EPA's power to object to "the issuance of such permit as being outside the guidelines and requirements of this act," § 402(d)(2), can only refer to § 304(b) guidelines. 515 F. 2d, at 1038–1039. Section 304(h) provides for guidelines governing the procedure for issuance of permits; EPA can veto permits if "the issuance of such permit" violated these guidelines.)

We are also unconvinced by the argument that our view of the Act violates the congressional intent to leave the States a major role in controlling water pollution. See *American Meat Institute, supra*, 526 F. 2d, at 452.

[25] Petitioners contend that the administrative construction should not receive deference because it was not contemporaneous with the passage of the Act. They base this argument primarily on the fact that EPA's initial notices of its proposed rulemaking refer to § 304(b), rather than § 301, as the source of authority. But, this is merely evidence that the Administrator originally intended to issue guidelines prior to issuing effluent limitation regulatons. *American Frozen Food Inst.* v. *Train*, 539 F. 2d 107, 130 n. 6 — U.S. App. D.C. — (1976). In fact, in a letter urging the President to sign the Act, the Administrator stated that "[t]he Conference bill fully incorporates as its central regulatory point the Administrator's proposal concerning *effluent limitation in terms of industrial categories and groups* ultimately applicable to individual dischargers through a permit system." Leg. Hist. 149

(emphasis added). Finally, the EPA interpretation would be entitled to some deference even if it was not contemporaneous, "having in mind the complexity and technical nature of the statutes and the subjects they regulate, the obscurity of the statutory language, and EPA's unique experience and expertise in dealing with the problems created by these conditions." *American Meat Inst.* v. *EPA*, 526 F. 2d 442, 450 n. 16 (CA7 1975).

[26] This case exemplifies the wisdom of allowing difficult issues to mature through full consideration by the courts of appeals. By eliminating the many subsidiary, but still troubling, arguments raised by industry, these courts have vastly simplified our task, as well as having underscored the reasonableness of the agency view.

[27] It should be noted that petitioners' principal arguments are directed to the proposition that § 301 did not *mandate* the promulgation of industry-wide regulations for existing point sources. But that ultimate proposition is not necessarily inconsistent with EPA's position that it was *authorized* to proceed by regulation if the aggregate effect of thousands of individual permit proceedings would not achieve the required effluent limitations by the 1977 and 1983 deadlines. Even with respect to the permit programs authorized by § 402, it is clear that EPA can delegate responsibilities to the States without surrendering its ultimate authority over such programs as well as over individual permit actions.

[28] Petitioners attach some significance to the fact that compliance with a § 402 permit is "deemed compliance, for purposes of sections 309 [the federal enforcement section] and 505 [the citizen suit section], with section[ ] ... 306 ...." § 402(k). This provision plainly cannot allow deviations from § 306 standards in issuing the permit. For after standards of performance are promulgated, the permit can only be issued "upon condition that such discharge will meet ... all applicable requirements under section[ ] ... 306 ...." § 402(a)(1); and one of the requirements of § 306 is that no new source may operate in violation of any standard of performance § 306(e) The purpose of § 402(k) seems to be to insulate permit holders from changes in various regulations during the period of a permit and to relieve them of having to litigate in an enforcement action the question whether their permits are sufficiently strict In short, § 402(k) serves the purpose of giving permits finality.

PRESIDENTIAL PARDONS

Mr. GARN. Mr. President, President Carter has recently issued a pardon that has deeply troubled and, I believe, divided the Nation. I opposed that pardon, believing that the cases should be dealt with compassionately but individually.

I have received a letter from one of Utah's most distinguished citizens, Ernest L. Wilkinson, in which Dr. Wilkinson expresses his opposition to the pardon. Dr. Wilkinson is a distinguished lawyer, author, retired president of Brigham Young University, and church official. He has also taken an active role in politics and is a recipient of the George Washington Medal of the Freedom Foundation.

I ask unanimous consent that his letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BRIGHAM YOUNG UNIVERSITY,
Provo, Utah, January 27, 1977.

The EDITOR,
Salt Lake Tribune,
Salt Lake City, Utah.

DEAR SIR: As a veteran of World War I and one who, as president of Brigham Young University, encouraged students of that institution, whenever drafted, to respond to the call of their country and do their duty as American citizens, I did not vote for Jimmy Carter for President because of his announced statement that he would pardon draft evaders, and for other reasons. I still clung to the hope, however, that when faced with the responsibility of the presidency he would consult with our military leaders and with Congress on the matter before taking any final action.

I was encouraged in this belief by his acceptance address in which he quoted from Micah 6:8, confirming that the Lord requires of all men, including the President, "to do justly, and to love mercy, and to walk humbly with thy God." I was shocked, however, the very next day, when he brazenly violated this commandment to be "just" by pardoning hundreds of thousands of deserters who had failed to respond to the call of their country. In doing this, how can it be said that the President is dealing justly with the 57,000 American boys who were killed in Vietnam and the 300,000 who were wounded, many of whom themselves were opposed to the Vietnam War but who, as patriots, responded to the call of their country by either volunteering or accepting the draft. Or how can it be said he dealt justly with the 28,000,000 who served.

The President's precipitous action in doing this the first day of his administration was also an insult to the Congress of the United States, where one of their most distinguished Senators, Allen, of Alabama, in behalf of himself and eight other Senators, including Senator Hatch, had already introduced a resolution "to express the sense of the Senate in opposition to a general presidential pardon by proclaiming an Executive order of Vietnam draft evaders."

This was in direct violation also to the many utterances Carter made during his campaign that he proposed to work with Congress on all matters. By issuing his pardon proclamation the first day he was in office he obviously intended to prevent an effective presentation by the Senators, most of whom are of his own party, of their views on this subject. This precipitous action in order to prevent a proper expression of the will of Congress is hardly a fair way for a new president to cement his relations with Congress, and if persisted in in other matters could cause an open breach between himself and the Senate. Indeed, some have already been alienated by this throttling of their Senatorial prerogatives.

Indeed, as late as January 26, Senator Byrd, the Democratic leader, moved to have the resolution of Senator Allen struck from the calendar. His motion carried by a vote of 49 to 45, indicating that a very large number of the President's own party are opposed to the President's action. Some voted in favor of Byrd's motion because the President had already acted. Except for this the resolution may have carried. This is probably the reason the President planned to beat the Senate to it.

One of the aspects of Carter's action which disturbs me most is that draft evaders who have become teachers in educational institutions in other countries may now return to the United States and teach their students in the United States the same disloyal acts which they practiced and for which they have been fully pardoned.

An attempt is made to justify the action of President Carter by equating it with the pardon of the Confederates by General Grant and President Lincoln after the Civil War. The Civil War pardon was necessary to again unite us as a nation, and then only after a a complete surrender of all Confederate troops. Considering the relatively small number of deserters in the Vietnam War as opposed to the large number of patriots who shouldered arms, the comparison is not even relevant. Indeed, the Department of Justice estimates the numbers now being pardoned to be only about 10,000.

Briefly stated, the pardon of President Nixon, who of all people should obey the law of the land, by President Ford, and the pardon of thousands of draft evaders by President Carter were, to my mind, glaring abuses of the President's pardoning power by both Presidents.

Respectfully submitted,
ERNEST L. WILKINSON.

BUSINESS LEADERS' VIEWS ON ECONOMIC PLANNING

Mr. HUMPHREY. Mr. President, last summer, the Joint Economic Committee conducted a survey of business leaders' opinions on national economic planning. The purpose was to obtain the views of business leaders on the issue of planning, with specific focus on the Humphrey-Javits bill, in a purely informal context.

A member of the staff of the committee visited with 28 business executives, many of whom are the chief executive officers of some of the largest corporations in the Nation. And the firms represented in the survey included companies such as: Exxon, Procter & Gamble, IBM, Bank of America, Alcoa, General Electric, Kennecott Copper, General Motors, Citicorp, and many others.

The principal result of the survey, in my judgment, is the remarkable consensus that seems to exist within the business community concerning many of the principles underlying the economic planning proposal introduced by Senator JAVITS and myself. Although there are some differences of opinion within the business community, the survey concludes that business generally supports:

The need to improve the quality of our economic information in order to allow more intelligent debate on issues and to upgrade the quality of decisions;

Efforts to examine the tradeoffs and interactions of alternative policy proposals through such mechanisms as economic impact statements and cost-benefit analyses;

The employment of economic forecasts in order to test different assumptions concerning future economic behavior and outcomes;

Improved Government planning of its own activities; and

Actions by the Federal Government to find solutions to specific national, social, and economic problems such as unemployment.

A number of the businessmen interviewed, opposed the idea of new Government agencies to perform the planning functions. Rather, they suggested using existing agencies such as an expanded Council of Economic Advisers and the Office of Management and Budget in the

executive branch, and the Budget Committees, the Congressional Budget Office, and the Office of Technology Assessment in the legislative branch.

I believe that the proponents of the economic planning policy and the business community are in substantial agreement with regard to the major features of the proposal advanced by Senator JAVITS and myself. The survey, which was performed by Mr. Robert Fuller, who was with the staff of the Joint Economic Committee, as a conference board congressional intern during 1976, provides many interesting insights into the attitudes and convictions of the business community and is a significant contribution to the dialog about economic planning.

Mr. President, I ask unanimous consent that the "Survey of Business Leaders' Opinions on National Economic Planning," prepared for the Joint Economic Committee, and a list of the business leaders interviewed, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SURVEY OF BUSINESS LEADERS' OPINIONS ON NATIONAL ECONOMIC PLANNING

During late July and early August 1976, twenty-eight business leaders were interviewed as to their views on national economic planning. Most of the companies were large national firms and were diversified by industry and headquarters locality. Since all of the interviews were off-the-record, no individuals are quoted, but a list of the participants is attached. In general, all the businessmen were very well-informed, had strong opinions about the subject, and appreciated the Committee's interest in hearing their views. As one put it, "You (Chairman Humphrey) were characteristically fair-minded in soliciting the views of businessmen on this issue, and I know that you would want nothing less than candor and frankness in their responses."

SUMMARY

The general business view of planning is as follows:

First, business supports the need to improve the quality of our economic information and feels that having a centralized unit to collect and analyze data would be practical. They believe there is some risk that the information could be misused, but think that the benefits of better information about our economic system outweigh the risks.

Second, business approves of having this centralized unit do forecasting, particularly in showing the ranges of outcomes on which various policy alternatives may have an effect. Impact statements showing cost-benefit analysis of every piece of legislation were considered very worthwhile.

Third, business believes that government has a role to set standards of behavior for our society (pollution, safety, anti-trust, etc.), but then the market system should be allowed to operate as freely as possible. Although it has imperfections, the marketplace is, in their view, the most flexible, responsive and democratic system ever developed. They believe planning seeks to modify this system and thereby to restrict consumers' right of free choice.

Fourth, business believes a planning effort takes on too much if it tries to set goals for the whole economy. They believe our system is so complex that there will never be general agreement on goals and the goals will be so broad that the public will have little idea how their actions can affect the overall goals. Consequently, there would be no general support for the goals.

Fifth, they believe that the goals established through the political process will promise a good deal more than can be achieved. Because of the adversary relationship between business and government, they believe that business will be blamed for not "doing its part" when the goals are not achieved. This will establish a regulatory atmosphere which will result in giving government more control over the private sector.

Sixth, business recommends that, rather than try to plan the whole society, it would be better to identify specific problem areas (teenage unemployment, energy, etc.). By going narrower and deeper, the chances of success will be much improved. This is because:

(a) The information base should be easier to accumulate because the problem is more quantifiable.

(b) Predicting the effects of policy decisions on narrower goals will be easier and more accurate.

(c) Reaching general consensus on the best policy decision to implement will be expedited because the narrower issue will be more clearly understood.

(d) Groups affecting the economy—business, labor, consumers, government—will all have a better understanding of how their actions could affect the achievement of the goals and thus would be more willing to cooperate to achieve them.

Even if the planning effort focuses on specific issues, the business leaders were not optimistic that this would help to solve our nation's problems. The recent experience with attempts to plan in the energy area was very disillusioning to them because no satisfactory energy policy emerged from the effort. They question whether political factors will not always override economic factors.

Seventh, business does not believe it is necessary to create a new government agency to undertake planning. Expanding the powers of existing executive or legislative branch organizations or possibly commissioning a private or quasipublic group could achieve the same ends. There was concern that a national planning agency would become very powerful and upset the current balance of power in our political and economic systems.

ASSUMPTIONS

In the interviews, it was apparent that businessmen have strong beliefs about how our economy, our government, and our whole society interrelate, which affect their view of planning.

The first assumption businessmen make is: the less government—the better for the economy and society in general. Besides government's role to set standards for behavior in our society, it also has a role to monitor society to ensure that standards are being observed. In emergency situations, the government has a role in the allocation of resources. Once these basic guidelines are established, however, the market system should be allowed to operate as freely as possible to allocate resources. Although they concede that it has imperfections, the free marketplace is in this view the most efficient and fair economic system ever developed. They feel that the market is a basically stable system, and that government control tends to be a destabilizing influence. In general, the businessmen believe that the advocates of planning assume that the present marketplace system needs to be modified, which they equate to mean that consumers' rights to free choice would then be modified. They quote statements by sponsors of planning legislation such as, "Do we really need so much plastic packaging when it litters the land and is energy intensive?," to support their views that consumer choice would be restricted.

A second assumption businessmen make concerns the nature of government bureaucracies. Businessmen assume that, once created, agencies often have a mind of their own and have significant discretionary authority to interpret laws. This can lead to having an elitist group deciding for the electorate what is best for them. Bureaucracies have a natural tendency to increase their powers and often are kept in existence long after their original reason for existence has been fulfilled. Nearly all those interviewed related experiences about how some agency had treated their company in a belligerent or autocratic way. Business is consequently fearful about the effects that admittedly well-intended legislation may have on them because of previous dealings with government agencies.

Third, businessmen believe that our society is a culture of individualism, decentralization, competition, and advocacy. We are not a society of consensus like Japan, where some individuals voluntarily subordinate their own self-interest for the national good. Unless we are in an emergency situation, they believe most Americans will seek to maximize their own self-interest.

The advocacy nature of our society also affects the relationship between business and government and leads to a fourth assumption. Businessmen sense an adversary relationship with the government. They perceive a distinct possibility that planning may be used against them. The fact that several noted critics of big business such as Professors Leontief and Galbraith and some major labor leaders have endorsed planning legislation has reinforced this view.

A fifth assumption is that political leaders always will promise more than can be achieved. This is seen to be a natural outcome of the electoral process. Most feel that national economic planning would intensify this bias. They also note that making decisions in our legislative process is a laborious process because our system allows all the divergent views to be heard. Once goals are established, they may add an element of rigidity to the economy when in fact flexibility is crucial to meet new and unforeseen challenges. Business notes that their own plans have often been quite inaccurate, but the marketplace forces them to adjust quickly or suffer the consequences. They see no such pressure on the government.

A sixth assumption is that business believes economics is an art and its ability to forecast is quite limited. There are so many interrelated variables in our system that evaluating the effects of any particular input are far from certain. They do not believe the economy can be fine-tuned because "surprises" (droughts, energy embargoes, etc.) can't be predicted with any accuracy. Business feels the planning efforts place too much reliance on the ability of economists to make fairly accurate projections. They note that despite government sponsored planning in other countries, all countries have experienced inflation, unemployment and economic setbacks in the past three years.

GENERAL VIEWS

A problem with the discussion of planning is a definition of the word. In interviewing, the term was broken down into several components:

(a) Improvement of the quality and quantity of economic information;

(b) Government planning of government activities;

(c) Goal-setting by the government; and

(d) Government planning of private sector activities.

Business generally supports the need to improve the quality of our economic information. They feel that improving the sta-

tistical base would upgrade the quality of decisions we make, and also allow more intelligent debate on issues. Having a common data base might also reduce the incidences of different agencies asking for essentially the same information to be prepared in a slightly different manner. The businessmen do not have objection to some new centralizing agency collecting the information and consolidating the inputs from all the sources who now collect economic information.

However, most of them would prefer to expand the Council of Economic Advisers to fulfill this need rather than create a new agency. Because of the assumed adversary relationship between business and government, some concern was expressed about possible misuse of information, either by leaking confidential data or distortion of the facts. Line-of-business reporting is a particularly worrisome development because of the possible leak of proprietary information. Despite the concerns about the information gathering, these business leaders clearly feel the benefits of improving our economic statistics outweight the potential risks.

In addition to supporting efforts toward the collection of historical data, business also supports efforts to examine the trade-offs and interactions of alternative policies. They feel the economic impact statements should be an integral part of new legislation as well as government agency decisions. This cost-benefit analysis might help to reduce the occurrences where the intent of legislation is far different from the outcome.

Business also supports efforts to make economic forecasts, or "anticipatory analysis" as one termed it. Rather than make one specific forecast, most interviewees would prefer to have a range of outcomes using differing assumptions. This might help business, consumers, labor, etc. in their own planning to determine areas of opportunity for development.

The second aspect of planning—government planning of its own activities—is strongly endorsed by business. The budget process and efforts in zero-based budgeting were taken as encouraging signs that progress is being made in this area. However, business would feel a lot more comfortable about planning if the government did a better job of planning its own activities before it tries planning for the whole economy.

In the goal-setting area lies the heart of most businessmen's objections to planning. They recognized that legislative proposals for planning currently only recommend indicative goals in broad policy areas; initially, no goals would be set for specific production sectors or individual industries. The business leaders asume, however, that the goals reached by the legislative process will be unrealistically high. The planners claim setting high goals will push people to achieve maximum output, but business fears that public disenchantment may result when the goals are not achieved. The pro-planners believe that establishing goals will help to focus our national energies toward some agreed on national purpose. Business does not believe this collective voluntarism works unless there is a national emergency and the public has a very clear understanding of the issue. They feel it will be difficult for the public to identify what it can do to help achieve broad policy goals and, therefore, the natural tendency of Americans to act in their own self-interest will prevail. Theoretically, if the goals are only voluntary and are not met, nothing happens.

However, business believes that the planners (either in Congress or a national planning agency) would not admit that their goals were unrealistic, but rather would seek to blame someone for not doing his part to achieve the national goals. Business believes that they would be blamed and this would establish a regulatory atmosphere to "help business do its share." The original advisory planning agency would then be given powers to control actions in the private sector. Business sees goal-setting for the national economy as the first step which will inevitably lead to more government control of the private sector.

Rather than attempt to plan the whole economy, most of the businessmen recommend attempts to solve specific problem areas in our economy. They feel that national economic planning is an attempt to use macro-solutions to solve micro-problems. They believe that a more effective way to find solutions to our nation's social and economic problems is to break them down into specific problem areas, for example, teenage unemployment or establishing job opportunities for every American who wants to work. By identifying the micro-problems, business, government, labor, consumers, etc., would have a clearer understanding of the effects of their actions toward achieving established goals.

However, even if the planning were broken down into more manageable portions, the businessmen were somewhat skeptical about the results that could be achieved. Many cited the attempt at planning in the energy area as one example of their reservations. In energy, there are more comprehensive statistics available to analyze the situation than nearly any issue today. There have been panels of experts to study the situation; government agencies have been established or given responsibility to make recommendations for planning in energy. Despite all this information, the government has not been able to accomplish the objectives which seem to have been clearly agreed upon by everyone; that is, to increase our self-reliance. Business feels that political factors have been more important than economic factors in trying to resolve this issue. The actions taken by the legislative branch and supported by the executive branch have done nothing to make America more energy independent. As one stated it, "This leads many businessmen to believe that the political process would make national planning more of a political football than a means of accomplishing better results for the citizens of our nation."

Because of business' rather negative assumptions about government bureaucracies, many question if it is necessary to establish a new agency to undertake planning in any form. There are already several organizations in place that could carry out the planning function. In the legislaive area, there are the Congressional Budget Office, the Budget Committees and the Office of Technology Assessment; on the executive side, the Office of Management and Budget and the Council of Economic Advisers could easily be expanded. Business agrees that our economy has not performed well in many areas, but do not feel a new hierarchy is necessary to better address and recommend solutions to improve our performances.

Several businessmen suggested that, rather than have a government agency do planning, possibly a private or quasipublic organization would be better. This might help to minimize the political influences of the planning function. Some suggested using organizations like the National Planning Association or The Conference Board. Others felt that a new independent corporation, comparable to COMSAT, should be established. Minimizing the effect of political influences is an important element of planning. Most businessmen who have supported national planning have stated this as a pre-condition that must be undertaken before planning can work. The energy example led most of the interviewees to believe that it is not possible to de-politicize the goal-setting process.

Another element of national planning that the sponsors of the planning bills want to achieve is to broaden the base of our economic decision-making. Most businessmen felt our existing methods of economic policy-making allowed sufficient inputs. Many government agencies have outside advisory boards. The hearing process allows a wide range of ideas to be presented. In fact they worry that a government planning agency might become isolated, and thereby reduce the level of inputs.

Several businessmen question whether the sponsors of national economic planning are setting purely indicative goals, or in fact intend to coerce the private sector. The following are examples used to exemplify their concern:

Sec. 208(a)(3) of S. 1795: "recommend legislative and administrative actions necessary or desirable to achieve the objectives of the plan, including recommendations with respect to money supply growth, the Federal budget, credit need, interest rates, taxes and subsidies, anti-trust and major policies, changes in industrial structure and regulation, international trade, and other policies and programs of economic significance."

Senator Humphrey quote in Challenge magazine, March/April 1975 from "Planning Economic Policy":

"What can government do about it? Government can do a lot about it. For example, the size of automobiles, and consequently energy consumption, can be influenced a great deal by taxing cubic displacement, horsepower, or weight . . . Government can also influence industry by giving an investment tax to companies that produce fuel-efficient automobiles. These are just two ways in which government policy can influence the private economy."

Statements by the Initiative Committee for National Economic Planning like: "The heart of planning is to go from information to action" or "The Plan would induce industry to comply."

Consequently, most businessmen do not feel certain that proposed planning legislation would be purely advisory. Several suggest that a hypothetical model showing how the legislation might be carried out would be very helpful to their understanding of the issue.

BUSINESS LEADERS INTERVIEWED

Roger E. Anderson, Chairman, Continental Illinois Corporation, Chicago, Illinois.

Thomas G. Ayers, Chairman, Commonwealth Edison Company, Chicago, Illinois.

Norton Belknap, Vice President of Corporate Planning, Exxon Corporation, New York City.

B. F. Biaggini, President, Southern Pacific Company, San Francisco, California.

Jack Black, Vice President of Public Affairs, Pacific Telephone & Telegraph Company, San Francisco, California.

Owen B. Butler, Vice Chairman, Procter & Gamble Company, Cincinnati, Ohio.

Fletcher L. Byrom, Chairman, Koppers Company, Inc., Pittsburgh, Pennsylvania.

Frank T. Cary, Chairman, International Business Machines Corporation, Armonk, New York.

A. W. Clausen, President, Bankamerica Corporation, San Francisco, California.

R. Hal Dean, Chairman, Ralston Purina Company, St. Louis, Missouri.

James L. Ferguson, Chairman, General Foods Corporation, White Plains, New York.

W. H. Krome George, Chairman, Aluminum Company of America, Pittsburgh, Pennsylvania.

John W. Hanley, Chairman, Monsanto Company, St. Louis, Missouri.

Robert S. Hatfield, Chairman, Continental Group, Inc., New York City.

Leon Hess, Chairman, Amerada Hess Corporation, New York City.

Reginald H. Jones, Chairman, General Electric Company, Fairfield, Connecticut.

Reynold C. MacDonald, Chairman, Interlake, Inc., Oakbrook, Illinois.

Jerry McAfee, Chairman, Gulf Oil Corporation, Pittsburgh, Pennsylvania.

Robert McClellen, Vice President, FMC Corporation, Chicago, Illinois.

Harold W. McGraw, Jr., Chairman, McGraw-Hill, Inc., New York City.

Frank R. Milliken, President, Kennecott Copper Corporation, New York City.

Thomas A. Murphy, Chairman, General Motors Corporation, Detroit, Michigan.

Leif Olsen, Senior Vice President and Chief Economist, Citicorp, New York City.

Norman Robertson, Senior Vice President and Chief Economist, Mellon Bank N.A., Pittsburgh, Pennsylvania.

Irving S. Shapiro, Chairman, E. I. duPont de Nemours & Company, Inc., Wilmington, Delaware.

Richard R. Shinn, President, Metropolitan Life Insurance Company, New York City.

Arthur R. Taylor, President, CBS Inc., New York City.

Rawleigh Warner, Jr., Chairman, Mobil Oil Corporation, New York City.

JOB CREATION

Mr. HATCH. Mr. President, reducing the current unacceptably high rate of national unemployment is one of the greatest challenges faced by the 95th Congress. I think most observers will agree that creating more jobs is the best long-term solution—however, there is substantial disagreement as to the most effective manner by which full employment is to be achieved. I suspect the debate will vigorously continue before we find a consensus or a combination of solutions for this most serious problem.

In this continuing dialog, at some point we will be forced to wrestle with the question of which philosophies are best implemented to solve or alleviate the problem. For example, should big powerful Government be the primary instrument for the solution through a massive public service jobs program? Or, are we best advised to rely upon the expansion of the private enterprise system through acceptable tax or other appropriate incentives? Or are these two approaches mutually exclusive?

One of the clearest thoughts I have seen on this subject is reported in a speech recently delivered by James H. Evans, president of the Union Pacific Corp., upon his receipt of the International Businessman of the Year Award given by the College of Business, Graduate School of Management, Brigham Young University. I believe Mr. Evans' speech merits the attention of my colleagues and I ask unanimous consent that its text now be printed in full in the RECORD.

There being no obection, the speech was ordered to be printed in the RECORD, as follows:

JOBS CREATION: TODAY'S CHALLENGE TO THE ENTERPRISE OF FREE MEN

(By James H. Evans)

President Tanner, President Oaks, Dean Bateman, Chairman Sears, Governor-elect Matheson, and honored guests. It is a great pleasure and a distinct honor to be invited to Brigham Young University by your distinguished National Advisory Council, which is functioning so effectively under the leadership of my good friend, Robert N. Sears. I regard it as a rare privilege to be asked to speak to such a magnificent group of business leaders, educators, and churchmen in the intellectual environment of this great university.

Moreover, I am pleased beyond measure to be selected by the National Advisory Council of the Graduate School of Management and the College of Business as International Businessman of the Year. I regard it as one of the most gratifying events of my life.

It is also a great personal pleasure for Mrs. Evans and me to be back among the wonderful people of Utah and of Brigham Young University. We at Union Pacific feel very much at home in Utah, since our roots started growing here early and are now very, very deep.

Brigham Young was one of the first members of the Board of Directors of the Union Pacific Railroad Company. He served with characteristic distinction and foresight during the trying birth period of the 1860s. He and the Mormon pioneers helped us to build the final, hard-won miles of railroad track in Utah that linked us with the Central Pacific Railroad at Promontory, not far from here.

Brigham Young also helped to transform the Union Pacific Railroad from a single iron band of trank across the prairie into a far-flung network of rail which tied the West and the nation together. He supported the construction of branchlines from Ogden to Salt Lake City and throughout the Rocky Mountain region. This concept eventually led Union Pacific to open up channels of commerce to Los Angeles and to Portland and across the wide Pacific.

Brigham Young once called Union Pacific a "gigantic work which will . . . bind the country together." Here again, he demonstrated that prophetic instinct for destiny that marked his words throughout a long and fruitful life.

Many other prominent men of Utah and the LDS Church, including Joseph F. Smith, Heber J. Grant, and Harold B. Lee, have served us magnificiently, helping to build the modern Union Pacific. Harold B. Lee was a member of our Board of Directors for nearly seventeen years until his untimely death in December 1973. President Lee's flawless character, great wisdom, personal charm, innate kindliness, and foresight were a tremendous inspiration to all of us who were privileged to serve with him.

The University library named for him is a fitting—a really perfect—memorial to President Lee because the pursuit of excellence through knowledge was a hallmark of his life.

With regard to Utah and its continuing influence on the ongoing vitality of Union Pacific, two of your distinguished citizens, George S. Eccles and his nephew Spencer F. Eccles, are presently members of our Board of Directors. George Ecceles has served with great distinction since 1957, and Spencer Eccles agreed just this year to help us in the tasks for the future.

We have always considered our relationship with Utah a two-way obligation—one in which we hope to give as well as to receive. Just last Tuesday, for instance, you chose Scott Matheson, who served until August 1 as Union Pacific Railroad Company's General Solicitor and Senior Railroad Legal Officer in the Intermountain Region, to be your next governor. We are confident that Scott will serve Utah well, although he will have his work cut out for him in matching the splendid record of our great and good friend, Governor Calvin Rampton.

One other tie that binds me personally to your great University is that your esteemed President Dallin Oaks and I have had the common privilege, albeit at different times, of sitting at the feet of Edward Levi, who was then teaching the philosophy of the law at the University of Chicago Law School. Edward Levi was later Dean of the University of Chicago Law School and then the University's Provost and President. Now, of course, he is Attorney General of the United States.

Our mutual involvement under the aegis of Edward Levi with the natural law, wherein we studied Plato, Aristotle, and St. Thomas Aquinas before we even looked at a legal case per se, imparted what I believe to be a broader view of our responsibility as lawyers. Therefore, it is only natural that Dallin and I would be impelled to attempt to serve society beyond the bounds of our respective callings. I'm sure that this has helped strengthen Dallin's resolve in his imaginative and commendable campaign to use the precious guarantees embodied in the First Amendment to defend academic freedom against the pernicious and growing influence of Big Government on higher education. He has spoken eloquently on this subject on several occasions, and I commend him for continuing to speak out.

I am confident that President Oaks is not the only one here this evening who is disturbed by the increasingly dominant role that Big Government is playing in the field of higher education. Many of use are deeply concerned about that and also about Big Government's influence in our daily personal and business lives.

This leads me to observe that, with 1984 only a little over seven years away, George Orwell's frightening prophecy of a "Big Brother" who is watching all of us seems ever closer to fulfillment.

Indeed, one of the dominant theories or philosophies of government today is what might be called the "Big Brother" approach. Its basic assumption is that big, powerful government can and should be the primary instrument for the solution of all our major economic and social problems.

According to this theory, Big Government, making full use of its great and growing power—particularly its power to tax both individuals and businesses—provides the only means of meeting challenges that have become too unmanageable to be handled successfully in any other way. And along with this belief goes its corollary: that only government has the wisdom to deal with these issues.

There is another philosophy, however, that is directly opposed to Big Government's approach. The basic contention of this school of thought is that the only real and lasting way to solve major economic and social problems is through private enterprise—the enterprise of free men, who, each day, as individuals, make the millions of decisions that combine to give us direction through collective wisdom.

The proponents of this second philosophy—and I assure you that I am one of them—believe that we have had enough of Big Government. We furthermore believe that if we remove the fetters with which individuals endeavor has been increasingly bound, we will once again release in this nation the vigor and energy of our private enterprise system and will achieve thereby a vital and growing economy—and a healthy and resilient social fabric in our broader society.

The fundamental differences between these two philosophies can be clearly illustrated by contrasting proposals that have been put forward at the national level to create jobs and reduce unemployment.

Creating jobs presents all of us with a serious challenge. The current unemployment rate of 7.9 percent in October—up from the September figure of 7.8 percent—is nearly twice as high as any rate that most economists or businessmen would consider "acceptable." It means that more than seven-and-a-half million Americans out of our total civilian labor force of ninety-six mil-

lion people are looking for jobs and are not able to find them.

In saying this, I am not overlooking the fact that, despite the high rate of unemployment, more people are working today than ever before. About eighty-eight million Americans are now at work each day. This is five-and-a-half million more than were employed in early 1975, and fifteen million more than were employed in 1966. If one thinks back to 1956, just twenty years ago, the number of people employed has increased by a truly remarkable figure of twenty-four million. The steady rise in total employment speaks well for the long-range vitality of our economy and for the long-range prospect for jobs.

Nevertheless, at present we have an unemployment rate that is just too high. This is a problem now—and it requires a solution now—because we will not be able to pretend that we are out of the economic woods until it is solved. A thoroughly healthy economy and a high rate of unemployment are simply incompatible.

Two proposals to create jobs were presented to Congress this year. They were the Humphrey-Hawkins Bill, representing the public-sector or Big Government approach, and the Kemp-McClure Bill, which took what I believe to be the more progressive and productive private-enterprise approach.

It is particularly gratifying that James A. McClure, that wise and farsighted senator from neighboring Idaho, was the co-sponsor of this landmark legislation.

The Ninety-fourth Congress is now, of course, a matter of history, and these bills died with its adjournment. But it is generally accepted that they will be revived in much the same form in the Ninety-fifth Congress when it convenes after the first of the year. For the sake of convenience. I will continue to refer to them by the names that have become familiar to the public.

The Humphrey-Hawkins concept seems to me to represent one of those 1948 "Big Brother" schemes that would eat up taxes while offering, at best, only a temporary solution to the unemployment problem. In spite of recent window-dressing amendments that attempt to soften its devastating inflationary effects, the prime aim of the Humphrey-Hawkins Bill is still to provide a government-financed job to every person who is employable but who cannot find work in private business.

It seems to me that this approach is both old-fashioned and wrong-headed. It is old-fashioned because it is the same approach taken in the 1930s, nearly forty-five years ago. Back then, this country—along with the rest of the world—was plunged into a depression so deep it seemed unlikely that our economic system would survive unless extraordinary measures were taken. In 1933, for example, nearly thirteen-million Americans were unemployed—or more than 25 percent of the total civilian work force.

Certainly the times we live in now are very much different. We have come through a recession, and the economy is on the upswing—despite some pauses and hesitations.

In the economy of 1976, there must be—and there are—better ways of tackling our nagging unemployment problem than turning back to the kind of solutions devised in a different era now far behind us. To me it is ironic that those who are advocating the Big Government approach think of themselves as innovative and forward-looking, when, in fact, they are looking backward for all their answers.

The formulas of the past—some based on ideas that date back not just to the 1930s, but to the nineteenth century—have become weary economic cliches. The problems of this, the last quarter of the twentieth century, require a fresher, more hopeful and progressive approach. New times call for new ideas and new solutions that are right for today. And what is right for today is the creation of jobs in private business.

The public-sector approach is not only old-fashioned, but, as I said, wrong-headed. It turns things upside down. To put people to work in public service jobs—that is, to put them on the government payroll—requires a lot of government money—that is, tax money. To reduce adult unemployment to the 3-percent level, as required by even the amended Humphrey-Hawkins Bill, would mean putting some three-million people to work, according to estimates by the Congressional Budget Office. If each were to be paid $10,000 a year, the total cost to the taxpayers could be $30 billion. Many critics of the bill think it might cost far more.

There is no way this money could be provided except by raising taxes substantially or by printing more money. Private purchasing power would diminish, jobs in private business would decrease, the rate of capital formation would slow, and, if deficits were incurred by printing money, inflation would be stimulated enormously.

I submit that what we want to accomplish is just the opposite: the creation of jobs in private industry, as proposed by the Kemp-McClure Bill. This bill would provide more jobs by offering tax incentives to business to expand and modernize plants and equipment. And the kind of jobs created by the Kemp-McClure Bill would be real jobs that would help increase national productivity, as opposed to public jobs supported solely by taxes.

The Kemp-McClure Bill would change tax laws not only for businesses, but for individuals. To put it simply, individuals would be given tax credits on a percentage of that amount by which they increased their personal savings or investments. This would give people a powerful incentive to save, and thus would boost capital formation. One estimate is that this provision alone would provide capital for some two-million new jobs in the first year after the Bill's enactment.

Other provisions of the Kemp-McClure concept include:

1. Ending the double taxation of corporate earnings by excluding the dividends of domestic corporations from the taxable income of individuals;

2. Lowering the corporate tax rate;

3. Providing a permanent investment credit for smaller business; and

4. Changing depreciation provisions. Estimates of what this bill could accomplish are truly remarkable. In the first three years after its enactment, it could:

1. Create as many as twenty-eight million jobs in private industry;

2. Raise real Gross National Product by $600 billion;

3. Increase capital expenditures by $234 billion; and

4. Increase federal revenues by $45 billion.

Not everyone agrees with these estimates, to be sure—but if they turned out to be even 50 percent accurate, we would have taken a major step toward solving our unemployment problems for a long time to come.

The choice between these approaches is absolutely clear. The Kemp-McClure Bill would result in solid, sustainable growth in the economy. The Humphrey-Hawkins Bill would, in my opinion, institutionalize inflation.

As a businessman and as president of a major corporation, I freely admit to having a vested interest in a solution that would benefit all American enterprise, including Union Pacific. And why shouldn't I? Who has more experience with creating jobs than the businessman? Free enterprise is responsible for creating over 82 percent of the jobs in our country. Moreover, compassion is not the monopoly of the professional liberal, nor vision the monopoly of the bureaucrat.

Does a vested interest invalidate my argument? I think not. I favor a sound and healthy economy. I favor orderly growth. I favor a reduction in unemployment. I favor a sensible approach to taxation, one that makes possible the formation of the capital we need to move this country forward.

And let us remember that there are many others who have a vested interest in the growth and prosperity of the private sector. The millions of Americans who hold the capital stock and thus share in the earnings of corporations have this same interest.

It is significant that a major part of American business is now owned by working people. The pension funds of millions of working men and women in this country are now invested in large businesses. They represent a 30-percent ownership, and it is predicted that this will soon reach 50 percent. The idea of a "vested interest" thus goes far beyond the mere businessman. It reaches into every nook and cranny of modern society.

I believe that the Kemp-McClure concept deserves wide support. It should have a high priority on the agenda of the Ninety-fifth Congress, and it should be the centerpiece of President-elect Jimmy Carter's economic program for 1977. Its approach is the right one because it deals not only with unemployment, but also with capital formation, which will in turn create new jobs.

The economy's need for capital in the years ahead is truly astounding. Capital needs between now and 1985 have been estimated at between $4.6 and $4.9 trillion. Where is such a vast sum going to come from? I submit that it will not come from spending, but from saving.

There is widespread agreement that the only way to achieve the needed level of capital formation is to restructure the tax system so as to provide greater incentives for saving and investment. The Kemp-McClure Bill provides a start in that direction. It is a recipe for economic growth, not economic stagnation.

This is the creative, progresive approach to job creation. People who hold jobs in private industry are net producers—instead of net consumers—of tax revenues. When more jobs are created in private business, total tax revenues from both businesses and individuals rise, because the tax base has been broadened and earnings have been increased. It may seem daring to suggest that reduced tax rates can produce higher tax revenues. But in 1963, President John F. Kennedy proved that it could be done, and he had to do it over the strong objections of his own Treasury Department.

Using the resources of private enterprise to create jobs and thus reduce unemployment to manageable level would mean, of course, resuming the pattern of economic growth that has characterized this country through most of its history, right up until the early 1970's. At that time, certain economically secure and well-employed critics began to tell the world that growth was a bad word.

They claimed that a concept we had always assumed to be a good thing might instead be undesirable—even ruinous—not only to America, but to the whole world.

The "zero growth" concept was largely a product of the environmental concerns of the 1960s. It gained major impetus from meetings of the Club of Rome held in 1970 and from its book, *The Limits to Growth*. Now, six years later, the other side of the story has been presented by Herman Kahn and his colleagues at the Hudson Institute in their study, *The Next 200 Years*.

The Hudson Institute scholars assert that "the application of a modicum of intelligence and good management in dealing with current problems can enable economic growth

to continue for a considerable period of time, to the benefit, rather than the detriment, of mankind."

Whatever may be true of mankind in general, I am sure that a "zero growth" concept would work a disaster on America.

It is worth noting here that the idea of "zero growth" was enthusiastically embraced by many who call themselves "liberal." But it is hardly a progressive concept.

Stop economic growth, and you choke off the aspirations of millions of Americans who benefit from growth. The very groups which many no-growth advocates particularly champion—minorites, the poor, women, young people, workers hoping to move into the middle class—would be stopped in their tracks if there were no growth. Ironically, "zero growth" would benefit no one except those who have already gained all the benefits that growth might bestow.

I am convinced that sutained, moderate growth is what the vast majority of the American people not only want, but expect. They want an economy that continues to bring them the affluence and abundance they are used to. They do not want to accept the bleakness of a life of austerity and self-denial—a 1984 without sunshine and hope—that the no-growth advocates would force upon them.

For these reasons, I would like to see this nation re-embrace the philosophy of growth, to believe in it, and to make it work. I would like to see this country unlock the energy of the free enterprise system—or, as I like to call it, "the enterprise of free men"—and use it to create jobs. It seems to me that if we don't work to enlarge the size of the pie that we all share, we'll end up quarreling over the size of the evershrinking slices.

Let me summarize my main contentions.

To achieve goals such as sound growth, fuller employment, and adequate capital formation, we should look to the enterprise of free men, not to Big Government.

What is needed is growth in the private sector of our economy—growth nutured by tax incentives—growth that creates and maintains productive, permanent jobs.

This is not just a theory or an ideal that cannot be realized. It is a solid and progressive program that follows the private-enterprise philosophy. We know that it works, because this country, by the application of this philosophy, has produced a standard of living that is the envy of people all over the world.

Can we maintain it? Can we improve it? I believe we can, if we have the will and determination to do so, through orderly growth—and we can do it without "Big Brother" looking over our shoulder. But we can do it only if we are willing to look "Big Brother" straight in the eye—and knock him back where he belongs.

Thank you for honoring me this evening—and, through me, honoring the entire Union Pacific family. It has been a rich privilege for Mrs. Evans and me to be with you in these everlasting hills, and we hope you'll invite us back again soon.

DIPLOMATIC RELATIONS WITH THE REPUBLIC OF CHINA

Mr. TALMADGE. Mr. President, the Georgia House of Representatives, in session in Atlanta, has adopted a resolution which, for myself and my colleague, Senator NUNN, I bring to the attention of the Senate, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE RESOLUTION No. 382

A resolution urging the Government of the United States to maintain its diplomatic relations and the Mutual Defense Treaty with the Republic of China; and for other purposes

Whereas, the Republic of China was a founding member of the United Nations and has always been a law abiding member of the community of nations; and

Whereas, the people of the Republic of China have built a successful, prosperous, free economy out of the ashes of a half century of revolution, invasion and civil war and now serve as an important trading partner of the American people; and

Whereas, the Republic of China is of great strategic importance in the defense of East Asia and the Pacific and has always utilized its military power in the interests of the free world; and

Whereas, the people of the Republic of China have been among the most trusted friends and allies of the people of the United States since the founding of the Chinese Republic in 1912; and

Whereas, President Jimmy Carter has repeatedly stated that he will pursue an open and just foreign policy, based on morality; and

Whereas, President Jimmy Carter has also repeatedly stated that he will not compromise the freedom and security of the people of the Republic of China and will stand by the U.S. commitments to that country.

Now, therefore, be it resolved by the House of Representatives that this body strongly endorses the positions of President Jimmy Carter as stated above.

Be it further resolved that the Government of the United States and the Congress is hereby strongly urged to maintain its diplomatic relations and the Mutual Defense Treaty with the Republic of China.

Be it further resolved that the Clerk of the House of Representatives is hereby authorized and directed to transmit an appropriate copy of this Resolution to the President and the Secretary of State of the United States of America, the members of Congress from the State of Georgia and the Ambassador of the Republic of China to the United States.

COMMON SITUS PICKETING

Mr. THURMOND. Mr. President, I have before me a news release issued on Thursday, March 17, 1977, by the National Right to Work Committee on the common situs picketing matter which each Member of the Senate should study carefully.

A recent report of the Roper organization reveals that 77 percent of those questioned oppose common situs picketing. I am pleased to take note of this important poll, as it substantiates my feeling that the majority of Americans feel common situs picketing is a bad idea.

Mr. President, in order to share the results of the poll and the news release with my colleagues, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEW ROPER STUDY SHOWS NEARLY 80% OF PUBLIC OPPOSES COMMON SITUS PICKETING

WASHINGTON, March 17.—The National Right to Work Committee today released details of a new nationwide opinion study showing that more than three-fourths of the American people—including 64 percent of all union members—feel building trades union officials should not have the power to picket an entire construction site.

Commissioned by the Right to Work group, the study was conducted by The Roper Organization, one of the country's most highly respected research organizations.

Overall, the study showed that 77 percent of the public feels that a construction union "should only be allowed to picket the work of the contractor with whom it has a dispute and not the whole building site." This opinion was expressed by 73 percent of the blue collar workers, 64 percent of the union members, 73 percent of the Democrats, 79 percent of the Independents, 84 percent of the Republicans, 80 percent of the people who describe themselves as being Conservative, 76 percent of the people who call themselves Liberal, and 78 percent of the self-identified Moderates.

Only 12 percent of the people questioned took an opposing point of view, that a union "should be allowed to picket the whole building site even if it stops work of all other contractors and employees."

The results will be presented to the Senate Human Resources Committee as part of the Right to Work Committee's testimony against legislation which would legalize this type of job site picketing, which is known as "common situs."

CONSISTENT WITH OTHER POLLS

Right to Work Committee president Reed Larson stressed in his testimony that the findings are consistent with every reliable and fair public opinion study that has ever been conducted on the issue. A similar study last year, for example, showed substantially the same opposition to "common situs"-type picketing. It was conducted by another nationally known research organization, Opinion Research Corporation, Princeton, N.J. That study showed 16 percent of the public favoring the expanded picketing power, while 73 percent said construction unions should only be allowed to picket the contractor with whom they have a dispute.

The more than 2,000 people who were questioned by the Roper Organization were asked the following question:

"On building sites many unions represent different kinds of employees of contractors working there—electricians, carpenters, plumbers, and so forth. When one of the unions is striking against one of the contractors, which of these two rules do you think should apply?

"Rule A.—The union should only be allowed to picket the work of the contractor with whom it has a dispute and not the whole building site."

"Rule B.—The union should be allowed to picket the whole building site even if it stops work of all other contractors and employees."

The respondents were handed cards containing the alternative answers, and were asked to choose. "By an overwhelming margin," Larson said, "the people decided that fairness dictates that the building trades unions should not have the power to coerce people with whom they have no real dispute."

JUST PLAIN UNFAIR

Larson stressed that the Right to Work Committee's objections to the bill were philosophical, as well as practical. Philosophically, he said, "It is just plain unfair for union officials to have the power to keep hundreds and maybe thousands of hard-working people from their jobs just because they have an alleged grievance with one of the employers. We are all very aware that the one 'grievance' which stands out among all the rest is the fact that some employers refuse to force their employees into unions. It becomes apparent, then, that what the union officials really want is the power to keep non-union work-

men from their jobs, and the power to turn the construction industry into a nationwide closed shop.

"On a practical vein, it is also quite clear that most construction workers are not going to be easily intimidated from their jobs without putting up some kind of resistance. It is our belief that passage of the situs bill will promote and encourage violence."

Larson said the poll findings should provide incentive for the large group of Senators who are planning to mount a campaign to defeat the bill with a filibuster (extended debate). "There is no way the Senate majority leader, officials of organized labor, or anyone else can claim that the extended debate is being used by a minority to block the will of the majority. It is precisely those Senators who will be participating in the filibuster who will be representing the majority. The others, and hopefully they will be few, will be telling the American people that all they really care about are the narrow special interests of top union officials."

Larson said union officials are trying to push the legislation through Congress at break-neck speed "because they know it is a bad, unfair, and unpopular piece of legislation. And the more it gets discussed, the more their political support erodes."

Headed by Burns Roper, The Roper Organization has had extensive experience conducting studies in the fields of social and political science—for a wide range of clients. including Harvard University, the U.S. Department of Health, Education, and Welfare, the Peace Corps, Metropolitan Life Insurance Company, Columbia University, and others. The organization maintains and supervises a large nationwide field force of experienced interviewers. For the Right to Work Committee study, the organization used a scientifically selected sample of 2,004 voting age adults.

Q.28.—WHETHER UNION SHOULD BE ALLOWED TO PICKET SPECIFIC CONTRACTOR IN A STRIKE OR THE WHOLE BUILDING SITE

[In percent]

		Sex		Age				Income					Race		Geographic area				Market size			
	Total	M	F	18–29	30–44	45–59	60+	Und. 6M	6M–und 12M	12M–und 18M	18M+		Wht.	Blck.	NE.	MW.	So.	Wst.	A	B	C	D
Union should only be allowed to picket contractor in specific dispute	77	76	77	78	77	77	75	69	75	75	86		80	57	72	79	77	79	70	80	83	83
Union should be allowed to picket the whole building site	12	16	8	13	12	13	9	10	12	15	10		11	16	10	12	12	15	13	13	10	8
Don't know/no opinion	11	7	14	9	10	10	16	21	12	10	4		9	27	18	9	11	6	17	7	7	9
No answer				1					1							1						

		Education			Occupation			Religion		Political affiliation			Political philosophy			Other key analysis groups					
																		Have kids			
	Total	Coll.	HS	Grd.	Exec. prof.	Wht. coll.	Blue coll.	Prot.	Cath.	Dem.	Rep.	Ind.	Cons.	Modr.	Libl.	Pol. soc. actv.	Union mbrs.	Und. 13	13–18	Empl. fems.	Single
Union should only be allowed to picket contractor in specific dispute	77	86	75	64	87	83	73	78	75	73	84	79	80	78	76	84	64	76	73	81	79
Union should be allowed to picket the whole building site	12	10	13	12	7	10	19	11	13	14	9	11	10	12	14	12	30	13	15	9	12
Don't know/no opinion	11	4	11	23	4	8	8	10	11	12	7	10	9	10	9	3	5	11	12	10	8
No answer				1	1				1						1	1					1

QUESTION N10—ON BUILDING SITES MANY UNIONS REPRESENT DIFFERENT KINDS OF EMPLOYEES OF CONTRACTORS WORKING THERE—ELECTRICIANS, CARPENTERS, PLUMBERS, AND SO FORTH. WHEN 1 OF THE UNIONS IS STRIKING AGAINST 1 OF THE CONTRACTORS, WHICH OF THESE 2 RULES DO YOU THINK SHOULD APPLY?

RULE A—THE UNION SHOULD ONLY BE ALLOWED TO PICKET THE WORK OF THE CONTRACTOR WITH WHOM IT HAS A DISPUTE AND NOT THE WHOLE BUILDING SITE

RULE B—THE UNION SHOULD BE ALLOWED TO PICKET THE WHOLE BUILDING SITE EVEN IF IT STOPS WORK OF ALL OTHER CONTRACTORS AND EMPLOYEES

	Number of interviews				
	Unwtd	Wtd	Rule A	Rule B	No opinion
Total, U.S. public	2,127	6,796	73	16	11
Men	1,068	3,163	70	21	9
Women	1,059	3,634	76	11	13
18 to 29 years of age	578	1,982	79	16	5
30 to 39 years of age	412	1,187	73	18	9
40 to 49 years of age	284	1,127	69	18	13
50 to 59 years of age	296	1,008	73	14	13
60 years or over	556	1,490	70	12	18
Less than high school complete	720	2,371	69	14	17
High school complete	714	2,621	71	19	10
Some college	676	1,756	83	12	5
Professional	300	852	86	8	6
Managerial	233	716	80	12	8
Clerical, sales	170	590	79	13	8
Craftsman, foreman	375	1,260	74	19	7
Other manual, service	478	1,633	66	24	10
Farmer, farm laborer	65	259	69	4	27
Rural	319	1,097	75	11	14
Old suburb	484	1,514	72	17	11
New suburb	194	590	83	10	7
City 1-family	620	1,966	71	18	11
City multifamily	142	426	66	21	13

	Number of interviews				
	Unwtd	Wtd	Rule A	Rule B	No opinion
City apartment	193	585	75	17	8
Northeast	528	1,640	71	16	13
North-central	622	1,886	72	18	10
South	625	2,180	75	13	12
West	352	1,089	78	15	7
Under $5,000 family income	388	1,611	72	10	18
$5,000 to $6,999	244	614	65	20	15
$7,000 to $9,999	348	985	67	20	13
$10,000 to $14,999	404	1,359	75	17	8
$15,000 or over	700	2,101	80	15	5
No children in household	1,071	3,362	74	13	13
With children under 18	1,056	3,434	73	17	10
With teenagers 12 to 17	510	1,859	72	17	11
Race:					
White	1,837	5,955	75	15	10
Nonwhite	278	797	58	22	20
Own home	1,482	4,701	74	16	10
Rent home	622	2,022	72	16	12
Union members	357	1,116	56	37	7
Union families	617	1,977	63	29	8
Nonunion families	1,481	4,725	78	10	12
Republican	402	1,177	79	10	11
Democrat	970	3,124	70	20	10
Independent	529	1,686	81	12	7

MILITARY UNIONIZATION

Mr. GARN. Mr. President, the American Enterprise Institute, in its first defense policy review, has addressed itself to the controversial issue of the unionization of the military. Our colleague, Senator STROM THURMOND, discusses in this review the legislation he has introduced to prohibit unionization of the military and the reasons he so strongly opposes the idea.

Mr. President, the defense of our country must not be jeopardized by this movement to allow unions in our Armed Forces. I ask unanimous consent that Senator THURMOND'S statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MILITARY UNIONS: NO

(By STROM THURMOND)

In late 1975, it became clear to me that a strong effort would soon be made to unionize our military forces. I did not reach this conclusion quickly or lightly. I reached it after loud warnings from the media and after careful observation of the planning going on

within the American Federation of Government Employees union. The late Clyde Webber, the former president of the union, clearly signaled the intentions of the AFGE in his testimony before the Defense Manpower Commission on August 18, 1975.

The occasion had been preceded by ominous reports in the *Wall Street Journal* and the *Army Times* and in an interview that was printed in the *Times*'s magazine. But the transcript of his testimony before the Defense Manpower Commission convinced me beyond a doubt that this dangerous scheme was already under way and that something had to be done to stop it.

In his testimony, Mr. Webber said: "Since it appeared that AFGE and armed forces personnel would have a continuing mutual concern in pay adjustments in the future, I recommended to the AFGE National Executive Council—our policy board—that we consider offering membership within the AFGE to members of the uniformed military." Furthermore, at the same time AFGE was planning unionization of the military, two other unions were looking into the same possibility.

Prior to advocating legislative action, I communicated my concerns to the civilian leadership of the Defense Department and others in the government. In their responses, they flatly denied that legislation was needed and they suggested that AFGE was pursuing this matter only as a ploy for publicity. Underlying these responses, there seemed to be a feeling that I was unnecessarily alarmed, that AFGE was not serious, that other unions were not interested, that nothing should be done.

On March 4, 1976, together with twenty-four other senators who agreed that the unions should not enter the uniformed sector of our armed forces, I introduced a bill, S. 3079, which would have prohibited unionization of our military forces.[1] It included criminal sanctions against those in uniform, as well as civilians, who attempt to organize our military. The bill also included a provision empowering courts to fine any organization found guilty of making such attempts, with the penalty set at not less than $25,000 or more than $50,000.

Unfortunately, although I made a number of attempts to schedule hearings, S. 3079 was a victim of the election year. The bill died when the 94th Congress adjourned in 1976.

Two events which took place in the waning days of the 94th Congress should convince skeptics that unionization of the military is an issue which must be squarely faced in the 95th Congress. First, the Association of Civilian Technicians began to recruit military members from our reserve component forces. Then, in late September 1976, AFGE voted in convention to amend the union's constitution to permit recruiting of members of our military forces.

Early in the 95th Congress, on January 18, 1977, I introduced S. 274, a bill to prohibit unionization of our uniformed military forces. In addressing this subject, I repeated my previous assurance and that of the cosponsors: This is not legislation against unions; it is legislation for a sound defense force for our nation.[2]

MILITARY UNIONS IN EUROPE

Some people have argued that experience with military unions in several European countries should relieve any concern that might be felt over possible unionization here. The official line in those countries is that all is well with military unionization, but this is only to be expected. The leaders of these countries would hardly admit publicly that their policies had been a mistake.

Those who saw the presentation of the unionized Dutch army on "NBC Weekend" on August 28, 1975, will not be fooled. It was worth many thousands of words. To all appearances, the Dutch army today is responsible to the union as much as to the government. After a train hijacking in the Netherlands last year, Lt. Col. Hendrik Bjil, the Dutch battalion commander of the soldiers on the scene, was reported to have said: "I am speaking personally, you understand, but the best kind of army we can have is where a soldier can say, 'No, I will not do that because I do not believe in it.' Ideally, soldiers should have the right to elect—and dismiss—their officers."[3] He had few problems on this operation because the soldiers believed in their task, but in other circumstances, he stated, they might all disobey: "In a strike by a union, I cannot say that the army is fully prepared to fulfill its mission—and I am glad to say that."

General Marcel Bigeard, a legend in his own time in the French army and now France's secretary of state for defense, had this to say on the unionization of the European military services: "There is afoot an enterprise of demoralization of armies on a French and European level which has been going on for five or six years . . . the matter is serious . . ."[4] It certainly is. In several documented instances, members of unionized armies in Europe elected to demonstrate loyalty to the union at the expense of a mission.

Some of the so-called military unions in Europe that have the best record are not truly unions. They fit more into the pattern of our associations. They have no bargaining power.

The argument has been made that, in countries with different cultures, the expectations of the people are different and norms of behavior are different. According to this line of reasoning, a military union in the United States would not necessarily behave in the same way as one in Germany. This approach, however, is entirely too speculative. If military unions have proved irresponsible in other countries, we can hardly permit them to be organized in the United States on the flimsy hypothesis that they may possibly be more responsible here.

I draw a simple conclusion from the way unions work in European countries. Unionization of certain defense forces in Europe has not improved their readiness to defend their countries, which, after all, is the reason for the existence of a military force. The evidence points the other way. The division of authority between the government and the unions has left some European forces less ready and responsive. The all-important question of how a unionized military will perform in battle is yet to be answered. It must not be answered at the risk of American lives and liberties.

CONSTITUTIONALITY

Some have suggested that to prohibit military personnel from unionizing would be an unconstitutional deprivation of the First Amendment right to freedom of association. An examination of this proposition is in order.

The starting point is the Constitution. Article I, section 8, clause 14, specifically grants Congress the power "to make rules for the government and regulation of the land and naval forces."

In addition, in a decision upholding Articles 133 and 134 of the Uniform Code of Military Justice, the U.S. Supreme Court said: "This Court has long since recognized that the military is, by necessity, a specialized society separate from civilian society."[5]

Thus, while members of the military are not derprived of the freedom of association granted by the First Amendment, the different character of the military community and of the military mission requires a different understanding of this right. The fundamental need for obedience and the consequent need for discipline make it impossible for servicemen to do some of the things that civilians are entitled to do.

The "separate society" doctrine enunciated by the Court plainly suggests that prohibiting unionization of the military would be a valid exercise of legislative authority. Moreover, this doctrine prevents the application of cases involving civilian government employee unions to the question of military unionization. The distinction between military and civilian society is critical.

Without retracing the path of older decisions, two recent cases decided by the U.S. Supreme Court confirm the power of Congress to prohibit unionization of the military. In the first case, *Middendorf* v. *Henry*, the Court declared that members of the armed services may not be entitled to military lawyers in circumstances where a civilian defendant would have a right to appointed counsel. In the second, *Greer* v. *Spock*, the Court held that an armed forces post commander has substantial power to limit political activity on a military post—more than civilian authorities have in the civilian community.

Dr. Benjamin Spock brought this freedom-of-speech case against the commander of Fort Dix, New Jersey, after being refused permission to hold campaign rallies on the military post in 1972, when he was the Peoples Party candidate for President. Lower courts had ruled in favor of Spock, who challenged the ban as a violation of the First Amendment. The Supreme Court, however, reversed the lower courts and affirmed the political speech ban. In writing the opinion, Justice Potter Stewart said, "The military as such is insulated from both the reality and the appearance of acting as a handmaiden for partisan political causes or candidates. Such a policy is wholly consistent with the American constitutional traditions of a neutral military establishment under civilian control."

The underlying premise of these decisions is clear. The First Amendment rights of our uniformed military must give way to the extent that they conflict with the duties required by servicemen in accomplishing their mission. This small abridgement of rights is necessary to guarantee citizens the protection of a disciplined, responsive, and effective defense force.

Accordingly, Congress would be well within its constitutional authority in passing legislation that would prevent union activity within the uniformed part of our military. To split the authority over our servicemen between the President and Congress on the one hand and a union on the other would clearly undermine our national security.

THE NEED FOR LEGISLATION

There are already some legal barriers to military unionization. Such a barrier is implied by article 2, section 2, of the Constitution: "The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States." Moreover, Presidential Executive Order 11491 precludes unions from engaging in contract and grievance negotiations with the armed services concerning uniformed servicemen.

In addition, the secretary of defense (under the authority given by Title 10, USC 133b) has declared, "Commanders are not authorized to recognize or to bargain with a so-called servicemen's union" (in Department of Defense Directive 1325.6).

There are also statutory provisions which would provide some restrictions on union activities in the uniformed military. The following crimes are punishable under Title 18 of the United States Code: enticing desertion (18 USC 1381); entering government prop-

Footnotes at end of article.

erty for any purpose prohibited by law or regulation (18 USC 1382); and striking against the government (18 USC 1918), though there is some question whether this statute applies to the military. In addition, a private citizen is prohibited (by 18 USC 2387 and 2388) from counseling a serviceman to mutiny, disloyalty, subordination, or refusal of duty.

Finally, the Uniform Code of Military Justice contains criminal sanctions which are relevant to the issue. Various articles prohibit the following: soliciting or advising another to desert, to mutiny, to misbehave before the enemy, or to commit sedition (Article 82); desertion (Article 85); absence without leave (Article 86); disrespect toward a commissioned officer (Article 89); insubordinate conduct toward a warrant officer, noncommissioned officer or petty officer (Article 91); disobedience of an order or regulation (Article 92); mutiny or sedition (Article 94); aiding the enemy (Article 104); malingering (Article 115); and riots or breach of the peace (Article 116). Article 134, the general article, prohibits disorders and conduct to the prejudice of good order and military discipline. Unionization would open the door to violations of any or all of these articles.

These laws and regulations are numerous and broad in scope. Taken together, they strongly discourage unionization. However, they do not forbid it. Given the seriousness of the possible consequences, we need a law which does forbid it—openly, flatly, and unchallengeably.

WHY UNIONS WILL NOT WORK IN THE MILITARY

The issue is not what is best for unions, individual servicemen, or, for that matter, any particular group or interest whatsoever. The military union issue must be considered in the context of what is best for our country.

The right of workers to form unions has been recognized in our nation for over a hundred years. The right to strike peacefully for higher wages and better working conditions is almost as old. Moreover, it is a lofty goal indeed that trade unions have pursued in becoming a national institution—to ensure the working man his fair share of economic benefits. In achieving this goal, the trade unions give a clear psychological and moral boost to the working man and, more importantly, an effective voice in bargaining. They also benefit society at large by counterbalancing the strong influence of industry.

But the valuable services of unions in civilian society are no argument for unions in the military. Civilian and military society, as we have seen, are simply too different from each other. Now let us consider other arguments that are made on behalf of military unions.

On September 23, 1976, the American Federation of Government Employees voted to change its constitution to permit recruiting of soldiers, sailors, airmen, and marines. The reasons for this course of action are presented in the transcript of a meeting of AFGE officers held in July 1976.

National Vice President Allen H. Kaplan had been charged with the responsibility, together with others of the leadership, of looking into the question of whether or not to unionize the military. His recommendation was affirmative, and his first reason was that unionization would give AFGE more power with Congress. As National Secretary Nicholson J. Nolan said bluntly, "What is important to the government and to our own status within the labor movement is that we have this weapon in the holster, and I think you should bear that in mind." A statement by the new AFGE president, Kenneth Blaylock, supported this line of thinking. As reported by the *Indianapolis News*, on September 25, 1976, Mr. Blaylock noted that other unions might attempt to organize the military, and it was important for AFGE "to be in a position to get a piece of the pie." AFGE has approximately 260,000 members. Mr. Blaylock's "pie" consists of the 2 million members of the uniformed military. This reason obviously carries little weight for those outside the union.

A second reason given by National Vice President Kaplan at the July 1976 meeting was that the military is tied to the classified pay system. He said, "We are carrying the military on our backs so to speak. And as long as we have got this system, it makes sense for them to pay their way." But who is carrying whom? As a practical matter, the military and veterans' associations consist of 5 million members. Their representatives are well informed and press their programs very successfully with the Congress. The AFGE can hardly claim to be the actual or rightful spokesman for the military. From a historical perspective, the members of our armed services have paid their way many times over. Their dues have gone not to unions but to the American people, and must be measured not in dollars, but in toil, sweat, and blood.

Another reason given by National Vice President Kaplan for organizing the military was to help the workers, a notion based on the false premise that uniformed military members are workers. There are similarities—just as workers have pride in their skills and jobs, members of our armed services have pride in their units, customs, and services. Again, however, we come back to the "separate society" doctrine, which has been sanctioned by the Supreme Court. Employment as a civilian, notwithstanding the rhetoric of union organizers, is not truly comparable to service as a uniformed member of our armed services. Distinctive features such as separations from family, the inability to quit, and, above all, the possibility of facing the enemy in battle make military service unique as a profession.

Just before the executive council voted, National Vice President Kaplan again spoke up, this time to state that by unionizing the military "we are really furthering the ideals of democracy." He went on to say, "We now have a professional army. It is subject to very little control. . . . The rank and file in the military have their associations which are quite broad and quite extensive, but they are weak. . . . The Congress have very little check on what happens in the military."

These surprising remarks require a second look to become clear. Apparently, Mr. Kaplan believes that the President, the Congress, and the civilian secretaries and their assistants have no effective control over our military. His idea is that, if AFGE gains control or a big share of control over our military, then civilians will be in charge, as they should be, and the country and the uniformed members of our military will be better served. He is wrong. Union control is not civilian control. Civilian control is nothing more or less than the system the Constitution calls for—command by the President and his deputies and appropriation and regulation by Congress. That system, regardless of what Mr. Kaplan says, is what we already have.

In my opinion, if the President and the Congress were to permit unionization of our military forces, both would be subject to attack in the courts for abrogating their constitutional responsibilities. Such an attack would not be difficult to support. If the President and the Congress should at any time fail to exercise their control over the military, the judicial branch of our government could step in to prevent any other person or organization from attempting to assume this power. The courts could act similarly to prevent any person or organization from sharing control. The President and the Congress are not at liberty to surrender or impair their constitutionally prescribed powers to an extent. This is particularly true of control of the military, for the language of the Constitution is exceptionally clear and precise.

So much for the reasons advanced by union leaders for military unionization. Where they are not false, these reasons are essentially self-serving. One reason that has not been mentioned, at least not openly, is the desire to see servicemen gain the right to strike. There are times, however, when true intentions may be learned less from words than from what has actually been done.

In September 1976, at the same time Mr. Kaplan was advocating military unions and AFGE was voting to open its rolls to the military, members of AFGE voted to remove the no-strike clause from its constitution. As reported in the *Washington Post* on September 25, 1976, "the fact that strikes or slowdowns against government are illegal did not seem to faze delegates here. There were constant reminders that nothing happened a few years back when 220,000 postal workers walked off the job."

The words of former AFGE President Clyde Webber are again helpful in determining what may be down the road. Before the debate became heated, he warned that the union could not guarantee control of a unionized military with respect to strikes: "The thing about it is that you cannot control individual elements of an organization, whether it happens to be the U.S. Army, as has been demonstrated a couple of times in the last three or four years . . . or the AFGE. People take into their own hands what they think they have to do." [6]

The prospect of a military strike is almost too horrible to imagine. Even if it did not exist, though—even if we could count on military union members to do without the traditional weapon of the labor movement—serious questions would be raised. For example, suppose AFGE civilian members voted to strike. AFGE civilian members and locals are located at installations throughout our defense establishment. If the military were unionized, would AFGE ask military members not to cross picket lines?

AFGE leaders and the rank-and-file members are all civilians. The primary interest of the union has been in federal civilian jobs. How would the unionization of the military affect the continuing differences between the manpower of the federal civilian establishment and the armed forces? Unions in the civilian sector have always had a considerable influence over the allotment and assignment of jobs. How much influence would AFGE demand over the people, positions and organizations in the military forces?

In view of all AFGE has won for civilian employees over the years, what benefits could we expect the union to demand for the military that have not already been won by the professional military associations? How much of an increase in the defense budget would result from military unionization?

If only combat support forces were organized, who would supply and administer combat forces in the event of a wildcat "sickout" by the union members in these support forces?

It has been suggested that the union would cease to represent the uniformed military in time of war. How would a military force accustomed to and trained with union representation function without it? Could the union withdraw that easily?

These questions, unanswered and perhaps unanswerable, point to only one conclusion. Add to them the possible catastrophe of a military strike and that conclusion becomes unassailable. The military must be protected from unionization.

Footnotes at end of article.

ATTITUDES OF THE MEDIA, THE PUBLIC, AND OTHERS

A question of great importance is how military unionization is perceived by the media, by our nation's civilian and military leaders, and by the public as a whole. The views they express give legislators valuable insights into the issue. What do the people of our country want?

The media

Excerpts from the most cogent articles I have seen on this subject are included at the end of this paper in Appendix A. For present purposes, it is enough to cite some of the far-flung and highly respected papers that published them. In my home state of South Carolina, we find opposition from the *News and Courier* of Charleston, the *State* of Columbia, the *Spartanburg Herald*, the *Aiken Standard*, and the *Sumter Daily Item*. Nationally, the notion of military unionization has received strong disapproval from the *Hartford Times* of Hartford, Connecticut, the *Bridgeport Telegram* of Bridgeport, Connecticut, the *Indianapolis News*, the *Washington Star*, and the *Dallas Morning News*.

Typical of the editorial outcry are these words of John Chamberlain in his column of April 23, 1976, in the *Richmond Times Dispatch:* "This sounds so idiotic that it is hard to write about. But the movement to unionize the armed forces of the U.S. has been gathering momentum. . . . The business of introducing a shop steward between buck privates and the non-commissioned officers may be closer than we realize."

Radio and television commentator Paul Harvey of ABC News used equally strong language on February 26, 1976, asking: "Can you imagine how our nation's potential adversaries must be responding to this national hara-kiri in the U.S.? . . . And now we contemplate subjecting our military leaders to the supervision of shop stewards with the inevitable potential for mass mutiny. One looks on and wonders." Commentator Ned Hinshaw of WTMJ television, WTMJ radio, and WKTI radio in Milwaukee, Wisconsin, made an important point on April 28 and 29, 1976: "Citizen control of the military has kept the army, navy, marines and air force out of politics in this country. It is imaginable that a unionized armed force who doesn't like the nation's leaders might try to take things into their own hands. It's a frightening thought."

Remember, these media reactions are representative, not exhaustive. Furthermore, I am not aware of a single newspaper, radio station, or television station that has supported military unionization. The public opinion polls that have come to my attention show the same consistent opposition to the idea. One conducted by Decision Making Information of Santa Ana, California, for the Public Service Research Council obtained resutls from a total of 1,529 in-home interviews across the nation between March 20 and March 30, 1976, which were summarized by the sponsors as follows:

"The survey reveals where Americans stand on unionization of the armed forces, with 82 percent opposed. The percentages are the same on permitting the armed forces to go on a strike. . . . The highest percentage of those opposed to military unions were among public sector non-union employees who were 87 percent against military unionization and 90 percent against strikes. This contrasted sharply with unionized public sector respondents who were only 71 percent opposed to military unionization and 72 percent opposed to strikes. Both union and non-union private employees likewise were overwhelmingly opposed to both unionization and strikes for the military."

A more detailed statistical breakdown is given in Appendix B.

Don G. Windle of Oxnard, California, conducted a more limited survey, mostly among servicemen. Of the 144 respondents, 131 of whom were members of the U.S. Navy, a majority of 89 percent proclaimed itself against military unionization. Alarmingly, though, 51 percent thought it possible that an attempt at unionization would be made.

A third poll was taken by Joseph D. Gleason, national vice president, second district, American Federation of Government Employees. Although Mr. Gleason's findings were based on only sixty-two ballots, his poll adds weight to the other two, since it was conducted by a member of the union that has been most outspoken about unionizing the military. Mr. Gleason found that 89.8 percent of those questioned were opposed to such an effort by his union and that 86.8 percent said that, if undertaken, it would not be successful.

The mail I have received on this issue provides yet another expression of public opinion on unionization of the military. In addition to many letters from associations and organizations, all opposing military unionization, some 262 letters on this subject have arrived at my office since I introduced S. 3079 in the United States Senate. Approximately a third of these letters came from my South Carolina constituents, and the rest from all other sections of the country. Only 19 were in favor of unionization of the armed services, and 243 opposed it.

Two trends appeared in the arguments of my correspondents. On the one hand, the general public is vehemently opposed to the unionization of our military forces. On the other hand, it is equally clear that some service members perceive an erosion of the benefits guaranteed to them, legally or morally, when they entered the service. Members of this group believe that leaders in Congress and the Defense Department have not protected their interests. I shall have more to say about this subject later.

Civilian leaders

Many civilian leaders have spoken out against unionization of the military. Secretary of Defense Donald Rumsfeld recently stated the position of the Department of Defense:

"The people of the military establishment are in fact the military establishment. They're fundamental to its importance and their morale and their treatment is of great importance. The idea of unionizing members of the armed services is fundamentally incompatible with the command structure of wonderful line from, I believe, H. L. Mencken, that for every human problem there's a solution that's simple, neat and wrong. That [unionization] is one." [7]

Through his campaign chairman, Rogers C. B. Morton, President Ford took a position in opposition to military unionization. Among members of Congress, vocal opposition has come from most of the best military experts [8] Congressman William Whitehurst, in a poll of his district in Virginia, found 93 percent opposed to unionization. The great number of military personnel in his district, which includes Norfolk, makes this figure particularly striking.

Congressmen Spence and Young have introduced bills in the House which, like my Senate bill, would ban military unionization.

Military leaders

Nor can there be any doubt that our military leaders, active and retired, oppose any union role in the uniformed military with almost a single voice.

Admiral James L. Holloway III, U.S. Navy, chief of naval operations, could speak for all: "I believe unionism in the sense that there would be collective bargaining to determine whether or not certain operations would be undertaken is unthinkable in a military sense." [9]

General Bernard W. Rogers, U.S. Army, recently sworn in as chief of staff of the army, said: "We don't need any unions to represent our soldiers—that is a responsibility of the Army leadership." [10]

General Russell E. Dougherty, the commander-in-chief of the Strategic Air Command of the U.S. Air Force, stated the same view in a speech in October 1976 to the Air Force Sergeants Association: ". . . As long as there are perceptive, responsible men and women administering the affairs of our nation and intense, professional responsible officers and noncommissioned officers working together to keep intact this unique miracle that is the armed forces of the U.S., I see no need for changing the relationship of our country with its servicemen and women." [11]

Military and veterans associations

The military and veterans associations, with over 5 million members, include almost all of our present and past military leaders. Also included are the soldiers, sailors, airmen, and marines who brought this nation through troubled times in the past. Many of these organizations are on record on the subject of unionization of our armed services. They are well worth listening to.

Veterans of Foreign Wars: "Unions would interfere with the chain of command—would impair discipline and response to orders." [12]

Fleet Reserve Association: "If all enlisted men belonged to military associations, they would be more effective and get better representation. The associations provide a viable alternative to unions." [13]

The Retired Officers Association: "Unions are alien to our defense system. We and all concerned Americans must stand firm against them." [14]

The list can go on almost indefinitely.[15] Associations of a nonmilitary character have also taken a stand against military unions. No association that I know of, military or nonmilitary, favors them.

The unions themselves

Finally, we come to the unions themselves. Apart from the hopes and intentions of AFGE, there seems to be significant opposition to military unions even among labor leaders. George Meany, president of the AFL–CIO, has gone on record against military unions as recently as November 1976, according to Clark Mollenhoff.[16] Perhaps the most important figure in the labor movement in the United States, Mr. Meany is a patriot through and through and knows that the interests of the country are paramount.

The rank and file well support Mr. Meany's position. In a letter I received recently, one local expressed itself as follows:

"We concur with the opinion that in the area of the armed forces, the trade union should not enter. As strong supporters of unions in the civilian sector of our country, we feel that the union has no role in the military. . . . The armed forces are our Defense Posture, which is one of the main arteries to the heart of our government and community; it assists and makes possible our democratic way of life."

Comments like these, taken in conjunction with other indications of public opinion, make one wonder just where the prounion sentiment is coming from. In other words, what is all the fuss about?

THE PROBLEM OF MORALE

In my opinion, this issue has emerged mainly because of the trend I mentioned earlier—servicemen regard their government as insensitive to their problems and unresponsive to their needs. Frustrated and disillusioned, they have become susceptible to the wiles of self-interested union advocates, such as the leaders of AFGE.

The Defense Manpower Commission has

Footnotes at end of article.

apparently observed the same regrettable development. After field visits last year, it made the following statement in its April 19, 1976, report: "Many members of the armed forces felt dismayed and disillusioned because of what they perceive to be neglect, disinterest, or a breach of faith on the part of their government; and there appears to be a significant communications gap between departmental policy-makers and troops in the units in the field."

Howard Flieger, in *U.S. News and World Report*, October 25, 1976, came to the identical conclusion in his second editorial opposing military unions:

"[My first] article produced a torrent of mail from readers. Most agreed with the central point, but many argued that the armed forces are being doublecrossed by Congress and the Department of Defense.

"That is, indeed, a serious charge. It is one thing to say that people who volunteer for a military service forego the "accepted rights" of civilian workers. But in so saying, it should be understood that management—in this case Congress and the Government—must keep faith with those they recruit. If that faith is broken, it is understandable that servicemen and women will feel cheated by the uniforms they wear. . . . A unionized armed force makes no sense as a front line of national security. But neither does a disillusioned armed force. It is a situation that needs urgent attention by Washington."

This is not news to those of us in Congress who take a serious interest in our armed services. On January 31, 1975, I wrote to the President to protest the erosion of military benefits, particularly a proposed reduction in commissary subsidies. My letter concluded:

"As you well know, our government has broken faith with our military community in many areas, especially our retired personnel, such as changing the long-established method of computing retired pay, slashes in the CHAMPUS program, and now medical and dental services and the commissaries are being chipped away.

"I strongly urge reconsideration of your proposal. In my view, the disadvantages far outweigh any possible limited and short-term advantages which might scarcely help our nation's economic ills."

My mail on S. 3079 has supported the findings of the Defense Manpower Commission and Howard Flieger, as well as my own position.

This problem of morale must be faced immediately. Loyalty must go from the top down as well as from the bottom up. Our military service members have a right to expect loyalty from the commander-in-chief, Congress, civilian leaders within the military departments, and the uniformed leadership of the armed services. If they do not get it, no legislation or directive will instill loyalty in them. What should the authorities do to reassure our servicemen that their interests are being protected?

To begin with, penny-wise and pound-foolish actions, which have affected our servicemen so adversely, must be defeated. The dispute whether service personnel, active or retirees, should be allowed to continue to buy goods at military commissaries provides a good example. Some leaders have tried to eliminate this benefit by using a technique I call bureaucratese. That is, although it is plain to see that something is being lost, they try to hide the loss in a fog of ambiguous or meaningless words.

Other leaders have said that salary increases have eliminated the need for some benefits, even though recruiting continues on the basis of those benefits, just as it has for years. Other techniques of equal guile have been employed at the expense of our servicemen. I have fought against such practices. Senator Barry Goldwater and others have also spoken out against them. Erosion or perceived erosion of benefits cannot continue if we are to have a well-motivated volunteer force.

The credibility of the leadership needs to be restored. Budget considerations must be given due weight, but keeping faith and telling the truth come first. When unpopular decisions must be made, we must be prepared to explain why. Honesty should replace guile. Our military people have always recognized, respected, and accepted the truth.

The military associations have a definite role to play in this endeavor. They have been heard with attention and respect. They must continue the activist role they have recently assumed, and they must continue to urge policies for the good of both our nation and our service members. They must keep their members informed and urge their increased participation in the electoral process. By so doing, they will help to dissipate whatever pressure may be felt for military unions. They will make our military union-proof.

SUMMARY OF THE ISSUE

To sum up, an effective defense force is built and maintained upon a foundation of discipline, patriotism, command authority, and quick responsiveness. This foundation cannot exist with loyalty divided between the chain of command and a union. Divide and conquer is one of the oldest maxims of war. Unionization of the American armed services would cause the enemies of freedom to rejoice all over the world. That is why I shall again introduce legislation prohibiting unionization of our armed services.

There is simply no substitute in the armed forces for unqualified obedience to authority. The security and tranquility of our nation in peace, and its defense in war, depend upon it. When our men are called upon to defend the country, a commander must have the unquestioned authority to order them into battle and the power to enforce his order. Any action that would weaken this power and authority would amount to a self-inflicted wound to our defense effort—one from which we might never recover.

FOOTNOTES

[1] Joining me as cosponsors of S. 3079 were Senators James B. Allen (Democrat, Alabama), Dewey F. Bartlett (Republican, Oklahoma), William E. Brock III (Republican, Tennessee), Lawton Chiles (Democrat, Florida), Carl T. Curtis (Republican, Nebraska), Pete V. Domenici (Republican, New Mexico), James O. Eastland (Democrat, Mississippi), Paul J. Fannin (Republican, Arizona), Jake Garn (Republican, Utah), Barry Goldwater (Republican, Arizona), Clifford P. Hansen (Republican, Wyoming), Jesse Helms (Republican, North Carolina), Roman L. Hruska (Republican, Nebraska), Paul Laxalt (Republican, Nevada), John L. McClellan (Democrat, Arkansas), James A. McClure (Republican, Idaho), Robert Morgan (Democrat, North Carolina), Frank E. Moss (Democrat, Utah), Sam Nunn (Democrat, Georgia), William L. Scott (Republican, Virginia), Robert Taft, Jr. (Republican, Ohio), Herman E. Talmadge (Democrat, Georgia), John G. Tower (Republican, Texas), and Milton R. Young (Republican, North Dakota). Soon after the bill was introduced, Senators Hugh Scott (Republican, Pennsylvania), Quentin N. Burdick (Democrat, North Dakota), Henry L. Bellmon (Republican, Oklahoma), James L. Buckley (Conservative/Republican, New York), Robert Dole (Republican, Kansas), and J. Glenn Beall, Jr. (Republican, Maryland) joined as cosponsors.

[2] Joining me as cosponsors of S. 274 were Senators James B. Allen (Democrat, Alabama), Howard H. Baker, Jr. (Republican, Tennessee), Dewey F. Bartlett (Republican, Oklahoma), Henry L. Bellmon (Republican, Oklahoma), Lloyd M. Bentsen (Democrat, Texas), Harry F. Byrd, Jr. (Independent, Virginia), Lawton Chiles (Democrat, Florida), Carl T. Curtis (Republican, Nebraska), John Danforth (Republican, Missouri), Robert Dole (Republican, Kansas), Pete V. Domenici (Republican, New Mexico), James O. Eastland (Democrat, Mississippi), Jake Garn (Republican, Utah), Barry Goldwater (Republican), Arizona), Clifford P. Hansen (Republican, Wyoming), Orrin G. Hatch (Republican, Utah), Jesse Helms (Republican, North Carolina), Ernest F. Hollings (Democrat, South Carolina), Paul Laxalt (Republican, Nevada), Richard G. Lugar (Republican, Indiana), John L. McClellan (Democrat, Arkansas), James A. McClure (Republican, Idaho), Robert Morgan (Democrat, North Carolina), Sam Nunn (Democrat, Georgia), Harrison H. Schmitt (Republican, New Mexico), William L. Scott (Republican, Virginia), Ted Stevens (Republican, Alaska), Richard Stone (Democrat, Florida), Herman E. Talmadge (Democrat, Georgia), John G. Tower (Republican, Texas), Malcolm Wallop (Republican, Wyoming), Milton R. Young (Republican, North Dakota), and Edward Zorinsky (Democrat, Nebraska).

[3] *Washington Post*, February 16, 1976, p. E6.

[4] *Newsweek*, March 8, 1976, p. 43.

[5] Parker v. Levy, 417 U.S. 733, 743, 1974.

[6] David Cortright, "Organizing the Military: The Union Wants to Join You," *Nation*, February 21, 1976, p. 208.

[7] U.S. Department of the Army, *Retired Army Bulletin*, Pamphlet 600–1, HQDA vol. 5 (October 1976), p. 1.

[8] Besides the senators who cosponsored my bill, lined up firmly against unionization are Senator Church (Democrat, Idaho) and Congressmen George Mahon (Democrat, Texas), J. P. Johnson (Republican, Colorado), John W. Wydler (Republican, New York), Bob Wilson (Republican, California), Lionel Van Deerlin (Democrat, California), Clair Burgener (Republican, California), Olin Teague (Democrat, Texas), Samuel S. Stratton (Democrat, New York), Sonny Montgomery (Democrat, Mississippi), Bill Young (Republican, Florida), Floyd Spence (Republican, South Carolina), William L. Dickinson (Republican, Alabama), and William Whitehurst (Republican, Virginia).

[9] *Naval Affairs*, March 1976, cover.

[10] *Army Times*, October 25, 1976, p. 8.

[11] Supporting these prominent leaders are many others. To name only a few: Major General Winant M. Sidle, U.S. Army, retired, the highly respected former chief of information of the army; Admiral John S. McCain, Jr., U.S. Navy, retired, commander-in-chief in the Pacific from 1968 to 1972; Major General C. G. Cleveland, U.S. Air Force; Major General John Forrest, U.S. Army; Rear Admiral C. N. Mitchell, U.S. Navy; and Brigadier General William Fleming, U.S. Marine Corps. The last four of these men voiced their opinions at hearings before the Manpower and Personnel Subcommittee of the Senate Armed Services Committee.

[12] *Federal Times*, June 3, 1976, p. 5.

[13] Ibid.

[14] Ibid.

[15] Besides those already named, we find among the opponents of military unions the following: the American Legion; the National Association of the Uniformed Services; the Air Force Sergeants Association; the Non-Commissioned Association; the Navy League; the Air Force Association; the Association of the U.S. Army; the National Guard Association; Disabled American Veterans; Disabled Officers Association; Jewish War Veterans; Legion of Valor; Marine Corps League; Military Order of the Purple Heart of the U.S.A.; National Association of Concerned Veterans; Naval Enlisted Reserve Association, Inc.; Naval Reserve Association; Paralyzed Veterans of America, Inc., Polish Legion of Amer-

ican Veterans, U.S.A.; Regular Veterans Association; Retreads; Veterans of WWI of the U.S.A.; Blinded Veterans Association; Catholic War Veterans; Congressional Medal of Honor Society, U.S.A.; and the Combined National Veterans Association of America, which includes American X-POWs, AMVETS, and Army and Navy Union, U.S.A., Inc.

[16] *Des Moines Register*, November 21, 1976, p. 1.

NEWSPAPER COMMENT ON MILITARY UNIONIZATION

(From the News and Courier, Charleston, South Carolina, March 8, 1976:)

Literature coming into this office indicates that—despite what individual Members of Congress may say at the moment—military unionism is closer than most Americans think. Work has been quietly going on behind the scenes for a long time to set the stage. . . .

Our story of March 5 which announced Senator Thurmond's plan to try to forestall unionization also quoted a majority of the State's House Delegation as believing that unions have no place on the military scene. We hope that feeling, tested as the unionization debate is just beginning, will continue to hold up as the argument gets hotter, which it surely will. . . .

To be for military unionism is to be for a reduction in discipline and hence efficiency. Anybody who doesn't believe that should consult the occasions in American history when military affairs were a matter of bargaining between troops and leaders. The inevitable outcomes of such a system are, first, disaster; next, an eager return to discipline. The American army learned the lesson in the Civil War. The Soviet army learned it in Finland. Other armies—and navies—which are trying collective bargaining on for size will learn it when they go to war.

(From the State, Columbia, South Carolina, March 10, 1976:)

The prospective of a unionized army is chilling and bizarre. . . . There is no way a democratized military force can function efficiently in its ultimate mission, which is too close in combat with an enemy. . .

Most American unions, of course, are anything but pro-communist. In fact, they contain some of the staunchest anti-communists in the world today. We suspect with Senator Thurmond, that many U.S. labor leaders and their members are cool to the plans of certain unions to invade the military arena. Why shouldn't they be? Continuance of the precious rights of the American workingman might well depend on day on an effective defense force, a force whose discipline, command authority, and responsiveness might be impaired by union activities.

Still, we will be watching to see what approach organized labor as a whole will take on this bill. Many Senators and Congressmen are beholding to the union leaders and labor's attitude could be critical. We urge labor to put patriotism and its real self-interest ahead of its apparent self-interest on this occasion and support the Thurmond bill.

(From the Hartford Times, Hartford, Connecticut, May 29, 1976:)

The talk of unionizing the nation's military forces is disturbing and has frightening implications that this nation cannot afford to risk. . . . Unionization is by no means a dirty word. The vital gains which have been made on workers' behalf by labor unions are widely recognized and acclaimed. But there is absolutely no room for unions in the U.S. military services.

Some hard questions must be addressed to those unions seeking military unionization. The first must be the question of the role of the military in a free society. The military does not represent just any job. The military is totally unique in our society. No other occupation compares in mission and purpose. . . .

The allegiance that a citizen in the military has to a country is again by necessity, more rigid than the non-military individual. This rigidity is necessitated by the fact that, as Senator Thurmond writes in the Congressional Record "an effective military force is built and maintained upon a foundation of discipline, command authority, patriotism and quick responsiveness." In order to effectively fulfill its duties as a defender of a free society, it must not be allowed to embrace the misguided notion that it is the same as "any other job." It is not.

Yet it is a voluntary force. Unfortunately, military recruiting occasionally borders on misrepresentation, but in spite of that, the contractual arrangement can be allowed to lapse after a relative short period of time if the individual is not satisfied with the situation.

Another question which must be directed to those unions involved relates to the purpose behind their action. Is the action being taken out of altruistic concern for the individuals involved, or, is it, as is more likely the case, that the motivating force is the irresistible presence of more than 2 million "potential" members for unions seeking to vastly increase the riches and power of their coffers?

Either way, the military and U.S. do not need unionization. There are, no doubt, flagrant abuses within the military which drastically need attention. The on-going Congressional investigation into the recruitment and training practices of the Marine Corps is an excellent example of how discrepancies must be handled.

This country is a free democracy. It is governed, at least ideally, by the people. The military assumes a vitally unique role in the preservation of this style of government. This uniqueness demands differences in organization and mission. And one of the differences is the fact that it is not a democratic organization, and must never lose sight of its role. This definition excludes all talk of unionization of the military services.

The military must remain efficient, strong, and under control. Unionization would not provide this stability.

The Congress should enact, without further delay, Senator Thurmond's legislation banning military unionization as a threat that would seriously undermine the ability of this nation's fighting forces.

(From the Bridgeport Telegram, Bridgeport, Connecticut, June 2, 1976:)

Strong opponents of unionization vehemently warn that diluting the single-purpose of a national defense force would inevitably undermine the military chain of command and invite complexities involving picketing and picket lines and temptation for insubordination and strikes. They argue that although a union initially might focus on pay and benefits, it would certainly widen the scope of its concern to include disciplinary procedures and working conditions. . . .

There is nothing in the 200 year history of the nation and its armed forces to suggest any excuse for the measures the unions are considering. Such unionization would be an intolerable and profound menace to the nation's welfare, and Congress has only one choice—ban it promptly.

(From the Indianapolis News, Indianapolis, Indiana, September 25, 1976:)

The unionization of the U.S. armed forces came a step closer to being a reality Thursday when the national convention of the American Federation of Government Employees voted to make military eligible for membership in the union of Federal Employees.

In addition to approving this change in the union constitution, the AFGE elected the aggressive Kenneth Blaylock of Montgomery, Alabama, as its new President. Observers in the unions have predicted that he will bring a "Jerry Wurf" type of militancy to the AFGE.

Jerry Wurf is the President of the American Federation of State, County, and Municipal Employees. Strikes by AFSCME affiliates have shut down police, fire, sanitation and transit services in numerous cities over the last few years.

That union militancy of this kind might become a part of the Federal labor relations is disturbing. The possibility that it might be extended to the military is down right alarming, and legislative prohibitions are clearly in order. The threat of an active organizing effort, it is clear, will also be used as a club to extract concessions from the government in other areas. In the words of one AFGE official, it is something "the establishment would have to deal with."

While union leaders may pledge that nothing destructive of military discipline and effectiveness will be done, there is little reason to take such pledges seriously. In defending the proposal, President-elect Blaylock pointed out that other unions, notably, the Teamsters, may attempt to unionize the military and it was important for AFGE "to be in a position to get a piece of the pie."

That remark illustrates much of what is wrong wtih unions in both the private and public sectors—a tendency to view workers and the public they serve as a piece of the pie to be divided up.

While the union literature claims that servicemen are mistreated and clamoring for some kind of union representation, there is little actual evidence of such sentiments. To the contrary, a poll of both civilian and military personnel in AFGE's largest district, the fifth, showed a preponderance of opinion to be against it.

The President of the fifth district noted that the only support for unionization came from the younger, lower-ranked military personnel who resent such characteristically military regulations . . . saluting and rules about beards and hair lengths.

He observed that unionization is backed only by those temporary, non-career personnel who have no commitment to the effective functioning of the military.

They are, of course, entitled to their preferences, but our elected officials have a very definite commitment and we call on them to pass promptly a bill sponsored by Senator Strom Thurmond (R-S.C.), forbidding unions in the armed services. We also call on the Presidential candidates—despite the endorsement of Carter by the AFGE—to declare the unqualified opposition to military unions.

(From the Washington Star, Washington, D.C., October 2, 1976:)

The idea of unionizing the armed services is so preposterous that it is difficult to believe that the AFGE was serious last week when it authorized such a move.

But the AFGE, which seems steadily to be getting more militant, is not one to play games. So we have to assume that it is earnest about trying to put the union label on members of the Army, Navy, Air Force, Marine Corps and Coast Guard.

The military cannot be compared to private industry, or even to Federal civilian employment. Rules that govern bargaining between management and labor in industry or in federal civilian employment cannot be imposed on military organizations which are necessarily authoritarian.

Discipline is the indispensable ingredient in military operations. The military is not, and cannot be, a democratic organization. There is no room for negotiation or vote on whether commands are to be followed. National security requires that military orga-

nizations be able to count on instant obedience to orders.

Imagine the situations that might develop in a unionized military. Union negotiators and military leaders might haggle over the weight of the soldier's pack, how much paint a sailor should chip off in a day, how many miles a drill sergeant can make a marine march, whether a G.I. has to slog through the mud on maneuvers or can wait for a dry day, how many times hash can be served for breakfast, whether a recruit can be assigned K.P., or be required to pick up cigarette butts around the barracks, whether soldiers can be required to live in a barracks or at least in non-air-conditioned ones.

In combat situations, perhaps union leaders would demand a vote on whether units should assault this hill or that, or whether it should assault any hill. Suppose enemy ships were posed off the U.S. coast ready to put soldiers ashore; wouldn't it be a good time for U.S. union troops to demand a pay raise? . . . While we presume the AFGE has intentions of pursuing the matter (Why else would it have changed its constitution to allow servicemen as members?), we also presume that some authority—the courts or the Congress—will have the good sense to stop such a unionizing effort before it gets off the ground.

(From the Dallas Morning News, Dallas, Texas, October 7, 1976:)

A union, any union, looks to the strike as the ultimate weapon to enforce its demands.

But with the military matters, it would be infinitely more serious. The armed forces depend on obedience to superior authority; there can be no resort by dissatisfied infantrymen to the mediation of shop stewards. An order is to be carried out because it is an order. As for the Dutch Army, which has become a rabble, unionization would destroy discipline.

But should there be a military strike! That is the truly awful possibility. Such a strike would constitute mutiny. It will lay the whole country open to physical danger.

Not for a moment can such an eventuality be discounted—and never mind the glib assurances of the American Federation of Government Employees. These assurances are as ephemeral as gunpowder smoke. We cannot build a strong military upon them—nor should we even try unless as a nation, we have gone stark staring mad.

PUBLIC OPINION POLL ON MILITARY UNIONS AND STRIKES

[In percent]

	Military unionization		Military strikes	
	Favor	Oppose	Permit	Not permit
All respondents	18	82	18	82
Age:				
18 to 24 years old	33	67	33	67
25 to 34 years old	25	75	19	81
35 to 44 years old	16	84	19	81
45 to 54 years old	15	86	17	83
55 to 64 years old	11	89	13	87
65 years and over	13	87	11	89
Education:				
Less than high school	22	78	19	82
High school graduate	18	82	18	82
Some college/vocational	14	86	16	84
College graduate	15	85	18	82
Post graduate	20	80	15	85
Sex:				
Male	16	84	15	85
Female	20	80	21	79
Labor union affiliation:				
Yes	24	76	25	75
No	15	85	14	86
Employment/union status:				
Private sector union	21	79	23	77
Private sector nonunion	16	84	14	86
Public sector union	29	71	28	72
Public sector nonunion	13	87	10	90

Source: Decisionmaking information for Public Service Research Council, Santa Ana, Calif.

EDUCATION OF HANDICAPPED CHILDREN

Mr. WEICKER. Mr. President, I would like to bring to the attention of my colleagues a notable speech by Senator BROOKE of Massachusetts on the subject of education of handicapped children and the implementation of Public Law 94–142. This speech was made to the international conference of the Association for Children with Learning Disabilities here in Washington on March 11, and will be of interest not only to the parents of handicapped children, but also to school boards and administrators across the country. Senator BROOKE's speech deals with the regulations issued in compliance with Public Law 94–142 and more importantly with the question of appropriations for the education of handicapped children in fiscal year 1978. As a fellow member of the Appropriations Committee, I was particularly interested in Senator BROOKE's call for an absolute minimum increase in these funds of $120 million rather than the $50 million increase requested by the President. I am sure that the members of the Appropriations Committee will find this speech most useful in their deliberations. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR BROOKE

It is good to be here with you today as yet another step in the collaboration between those of us in the Congress who work for the advancement of handicapped children and organizations like yours which have led the fight and continue to lead the fight for their right to equal opportunity. And I appreciate this opportunity to discuss with you the challenges and priorities remaining and to celebrate with you the victories we have won in the past few years after decades of shameful neglect. For we cannot forget that the increasing national concern for the needs of handicapped children, including the learning disabled child, is of recent origin.

Perhaps the main impetus for establishing the right of the handicapped child to an equal education opportunity came in 1954 in *Brown* v. *Board of Education*, the historic Supreme Court decision on school desegregation. Relying on the legal principles of the *Brown* decision, parents of handicapped children sought to secure their constitutional rights in the courtroom. They argued that their children, regardless of handicap, were entitled to a free and adequate education.

The federal court responded to their arguments in 1971 in *Pennsylvania Association for Retarded Children* v. *Pennsylvania*, holding that all mentally retarded children have a right to a free public education, and in *Mills* v. *The District of Columbia* extended that right to *all* handicapped children in 1972.

At the time of these decisions there were approximately 8 million handicapped children in our country. Yet less than half of these children were receiving an appropriate education. And tragically, one and three-fourths million handicapped children were not receiving any education at all.

The shocking statistics, reflecting the nation's neglect and waste of human potential, compelled the Congress to act. The legal rights established by the courts compelled the Congress to act. And most tellingly you, and others who joined with you compelled the Congress to act. The impact of your important work cannot be overstated. For it was your hope, your time, your effort, and your resources that began to end the centuries of isolation of our handicapped children.

As you know, the first major breakthrough which you brought about in Federal support for the education of handicapped children and children with learning disabilities came in 1965 with Title VI of the Elementary and Secondary Education Act. The second breakthrough came with the passage of the Education of the Handicapped Act in 1970.

This legislation provided that children with specific learning disabilities receive educational services. Unfortunately, it also stated that more educational and medical research would be needed before the specific learning disabilities term could be included in the official Federal definition of the handicapped.

But despite this serious deficiency, the Education of the Handicapped Act did establish the basis for more comprehensive Federal attention to learning disabled children. It initiated a new Part G of the Education for the Handicapped Act entitled "Special Programs for Children with Specific Learning Disabilities." Part G has to this day provided an excellent program of demonstration models. These high quality centers deliver specialized services to children with specific learning disabilities. The Learning Disabilities Program is presently supporting 40 Model Demonstration Centers in rural and urban settings and a Technical Assistance Project in Merrimac, Massachusetts, of which I am particularly proud. That project has helped the 40 Centers develop by providing staff and program development assistance through workshops and consultations, by disseminating Model Center programs, by aiding in the development of materials and publications, and by establishing an effective communications network between the Model Centers and their constituencies.

The Education of the Handicapped Act is now before the Congress for reauthorization until 1982. However, this extension proposes to drop Part G. There are those who claim that Part G can be eliminated because learning disabled children have been covered by subsequent legislation. I think Part G has been invaluable. And I am by no means ready to accept the proposal that it be eliminated. It must not be dropped under any circumstances unless we can be sure that its splendid work will be fully carried on by its successor.

In 1975, as a result of our united efforts, we scored an even greater breakthrough with the passage of that landmark legislation, the Education for All Handicapped Children Act. In all the years I have been in the Congress, there is no bill which I have been prouder to support.

Frequently characterized as the "Bill of Rights for Handicapped Children," PL 94–142 embodies the major features of the overall Federal commitment to handicapped children in the fundamental areas of rights and revenue. It sets in place the permanent Federal financial contributfon, a gradually escalating monetary commitment which is fixed permanently in 1982, and sets forth those guarantees of educational rights that must be adhered to by the States and their local school districts.

As a citizen of Massachusetts, I must again note with a great sense of pride that the Massachusetts Comprehensive Special Education Act of 1972, better known as Chapter 766, served as a model for the Federal Education for All Handicapped Children Act. Both laws focus on the needs of children rather than labelling or categorizing them. Both laws:

Guarantee a free, appropriate public education for all handicapped children.

Order the development of individualized education programs to meet the unique needs of each exceptional child.

Seek a remedy against the evaluations of children which may prove racially or culturally biased by ordering comprehensive team assessments.

Guarantee full due-process procedures for parents and their children in all matters of educational assessment and placement.

Emphasize the critical importance of the parent-teacher partnership throughout.

Seek to guarantee that handicapped children are educated in the least restrictive environment, in the regular classroom with their non-handicapped peers, unless that simply cannot be done to meet their particular educational needs.

To those who doubted that all handicapped children could be educated, Chapter 766 offers proof that PL 94–142 can work. For in contrast to the 80,000 handicapped children who were being served in Massachusetts prior to the passage of 766, 152,000 are now successfully being educated.

And finally, it is in PL 94–142 that the special educational needs of children with specific learning disabilities are clearly and forthrightly brought under the larger umbrella of funding support and educational rights protection belonging to other children requiring special education and related services.

However, despite its advantages, we all know that PL 94–142 is not a cure-all for children with learning disabilities.

I am aware of the concern of so many in your association with the ceiling that has been placed on the number of children with learning disabilities that can be counted under PL 94–142 for purposes of the Federal fiscal entitlement. This ceiling provides that not more than one-sixth of the school-age children aged five to seventeen, who may be counted as handicapped children served, may be children with specific learning disabilities.

But, the statutes do provide a basis for removing this ceiling in the near future without the necessity of further legislation. I am hopeful that with your assistance, we can resolve this particular problem.

In addition, Congress in PL 94–142 required that regulations relating to handicapped and learning disabled children be published by November 29, 1976. And this has been done.

However, there are several difficulties with the published regulations. First, it appears that the regulations might mandate labelling children, a practice which sensitive organizations like yours have long fought against.

Second, according to the regulations, parents would not be part of the evaluation process, which I find unacceptable.

And finally, a difficulty lies in the regulations' definition of a learning disabled child as one who has a "severe discrepancy between academic achievement and intellectual ability." To accomplish this, the regulations propose the use of a mathematical formula based primarily on the child's age and I–Q. This would be most unfortunate. As one expert comments, "The history of services to children with disabilities is filled with countless tragic instances of children educationally abused by being excluded from programs because of IQ scores." It is a well known fact that IQ tests discriminate against non-white and non-English speaking children, the very children whose parents are least able to pay for a special education. And in addition, IQ tests present dangers you have long recognized, dangers of tracking and segregation.

The use of such a formula might have drastic results. One informal survey suggests that as many as 55 percent of the learning disabled now being served by the Part G Centers could not be served under the severe discrepancy formula.

Since the publication of the proposed regulations, six public hearings have been held throughout the country, and the Bureau of Education for the Handicapped is receiving 20 letters of comment each day.

The comment period on these proposed regulations ends on March 28. The revised regulations then come to Congress for final approval. Therefore, I urge you to share with us in the Congress, as well as with the Bureau, the benefits of your experience and concern in this area. The intent of Congress was to sensitively reflect the needs of each handicapped child. And that intent must be carried out.

I turn now to a discussion of the crucial matter of appropriations for PL 94–142. For as we veterans of Washington know, authorizing legislation is only the first step in the legislative process.

For we fail if we establish the right of every handicapped child to an appropriate public education and then do not appropriate adequate funds to enable states and local school districts to provide that education.

Thus we must realize that we have only just begun. And we must realize the need for increased vigilance. For when we see attacks upon the rights of women and minorities, which like the rights of the handicapped have so recently been established, we recognize that there can indeed be back-tracking upon national commitments. We must not allow this to happen with the education of handicapped children. We must persevere in the fight, and that fight is now largely one of funding.

And when we speak of funding for education of the handicapped, we are by necessity speaking of substantial amounts of money. For the education of a handicapped child is on the average one and a half times more expensive than that of an ordinary child. We must never forget, however, that education of the handicapped is an investment in human resources. And when it succeeds, in addition to fulfilling the hopes of parents for their children, it pays us back many fold in economic and social benefits to the entire community.

However, the costs of special education do weigh heavily upon the financial capacity of the states and local school districts. The financial needs will be still greater by 1978 when PL 84–142 mandates total compliance with the requirement to provide an appropriate public education to each handicapped child. Indeed it is estimated that by that date several billion more dollars will be required.

It would be naive to hope that these funds will or can be raised by local and state governments alone. For even if we were to put special education aside, states and local school boards would still be hard pressed to meet their escalating expenses, ordinary and extraordinary.

We need only look at the effects of our severe winter to see how vulnerable local school budgets are. The extreme cold temperatures drastically increased school fuel costs in the East, and in many parts of the West drought is depressing property values and hence, the property taxes on which education depends.

Neither can we ignore the pressures to end other educational inequities. For example, funds are, of course, still needed for Title I of ESEA. And with just cause there is growing pressure for states to cqualize the present disgraceful discrepancy in funding between school districts. California, for example, is now under court order to equalize its school district funding—a compliance which will cost that state an estimated $1 billion. And it is entirely possible that other states will be ordered or will decide to follow suit in this matter.

The paramount question is who will, or indeed who will be able, to pay the costs of special education for our handicapped. Few local school districts have the luxury of being able to assume substantial new expenditures without substantial assistance. In too many school districts, property taxes are already at the straining point. And the states are unable to do the job alone. Again, if you will pardon my personal reference, my own state of Massachusetts gives indication of what is involved. In 1974 when Massachusetts Chapter 766 went into effect, the state was spending $40 million on special education out of a total of $425 million state aid in education. Only two years later, in 1976, Massachusetts spent $133 million on special education out of a total of $453 million. Thus special education funds went up dramatically from 10 percent of total state aid to more than 25 percent. However, there is in Massachusetts, evidence of mounting trouble ahead, for this year there is a deficit of $27 million in state funds for special education which must be made up next year. And this will result in cuts in general education to 241 towns and cities in the state.

I focus on Massachusetts and its funding crisis for special education only because Massachusetts will probably be the first state to comply with PL 94–142, and thus may well be the portent of things to come.

The choices are clear, if for the most part, unacceptable. If we are to comply with the requirements of the law to provide each handicapped child with an appropriate public education, either state taxes must be increased, local property taxes raised, general or special education programs cut or more federal funds appropriated. As I have said, the first two choices have limited viability. And it would be tragic if either general or special education programs were cut.

I must also stress that it would be even more tragic if we began to experience bitter conflicts between the financial claims of special and general education. It would also be disastrous if cities were forced to choose to fund either bilingual education or special education, to fund either sorely needed compensatory programs for the disadvantaged or equally sorely needed special education programs for the handicapped. Such conflicts must be avoided if we are to avert a potential backlash against special education.

I believe the first three funding choices are untenable. And therefore, suggest we must do all that we can to assure that the Federal Government keeps the commitment it made when it passed almost unanimously the Education of all Handicapped Children Act. The passage of that Act was a Congressional promise to be kept. It is our job to see that it is honored.

Therefore I have, first as a member and then for the past two years as ranking minority member of the Labor-HEW Appropriations Subcommittee, made adequate funding of education programs for the handicapped a personal priority.

I am pleased with the record of the Congress during these years. In fiscal 1973, under the old Education of the Handicapped Act, Congress appropriated only $37½ million. For fiscal year 1975, Senator Mathias of Maryland and I fought for—and obtained—$100 million.

With the passage of PL 94–142 in 1975, the Federal Government promised to assume a more realistic share of the cost of educating our handicapped, and by 1982 Congress has authorized $3.16 billion in federal funds.

With your unstinting support, we on the Senate Labor-HEW Appropriations Subcommittee have thus far been able to fulfill much of the promise of PL 94–142. In FY 1976 $200 million was appropriated, doubling the appropriations of the preceding year. And in the current fiscal year, 1977, we appropriated $315 million, another substantial increase. I would also like to point out more specifically

that I was able to increase the 1977 funds for the Specific Learning Disabilities program from $5 to $9 million over the appropriations for 1976.

But we must now look ahead to fiscal year 1978 and prepare to work together again. Based on the child count formula, $570 million is authorized for FY 1978. However, despite Candidate Carter's declared support for education of the handicapped during the campaign, President Carter has requested only $365 million for this program in his budget requests. This is only $50 million above this year's appropriation and over $200 million short of what the formula allows.

I believe that this Presidential budget request is clearly inadequate considering the crisis state of funding for special education in too many states and school districts and the heavy start up costs in states with little or no special education programs. PL 94–142 established a partnership between the states and the federal government. The role accepted by the federal government was not an unreasonable one, for the total federal financial commitment is finally to assume only 25 percent of the total cost of special education.

We must adhere to the terms of the partnership between the federal government, the states, and the local school districts.

Therefore I want to assure you today that I shall seek adequate funding for PL 94–142 for FY 1978. It is estimated that based on the child count of this year as much as $70 million in this year's funds will not be expended. At the very least, we must see that this $70 million is added to the Carter budget request of $365 million, for a total of $435 million. But in addition, I will work for an appropriation above that amount for I know how much these funds are needed by our school districts all across the country.

To achieve this goal I need your help, I need your active assistance. I urge you to make your support for increased appropriations known to your Senators and Representatives, particularly those who serve on the Appropriations Committees.

And I urge you to make your wishes known to the President as well.

Please know that I am fully aware of the many constraints upon our federal budget in these difficult days. And, be assured that I am even more aware of the many legitimate and worthy claims upon that budget. But I would remind you of the lines of Stephen Spender who said:

"No cause is just unless it guards the innocent
"As Sacred trust: no truth but that
"Which reckons this child's tears an argument."

I believe that our nation wants our handicapped children to receive the best education possible, an education to make them as free as possible, and an education which will allow them to go as far as possible. And they can get that education if we work together in the days and years ahead.

EXCELLENT CHOICE FOR ASSISTANT SECRETARY OF AGRICULTURE: CAROL FOREMAN

Mr. PERCY. Mr. President, I noted with great pleasure recently that President Carter is nominating Carol Foreman to be an Assistant Secretary of Agriculture. Her responsibilities will be for consumer services and nutrition, managing about $9 billion of the Agriculture Department's $14 billion budget. Food stamps, school breakfasts and lunches, meat and poultry plant inspection, and produce grading are among the important programs she will administer.

Mrs. Foreman is an outstanding selection for the position. For the last 3 years she has been executive director of the Consumer Federation of America. She has earned a reputation for indepth knowledge of her subject and effective dealings with others. Those who know Mrs. Foreman have respect for her abilities, her judgment, her persuasiveness, and her integrity.

Before working with the Consumer Federation, Mrs. Foreman served as a congressional liaison officer for the Department of Housing and Urban Development. That experience will certainly be useful as she consults with the Congress in her new position.

Mr. President, anyone who has followed Mrs. Foreman's career knows that she is extremely capable and energetic. She represents the best in public service. I fully anticipate that she will be fair in her determinations and will be responsive to the felt needs of farmers, consumers, and everyone else involved in the distribution chain of foodstuffs. I wish her every success as she applies her considerable talents and energies to her new role.

Mr. President, I ask unanimous consent to have printed in the RECORD a release issued by the Department of Agriculture on March 7, and an article about Mrs. Foreman appearing in the Washington Star on March 12, 1977.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the U.S. Department of Agriculture News]

PRESIDENT NOMINATES CAROL TUCKER FOREMAN TO HEAD FOOD, CONSUMER SERVICES

WASHINGTON, MARCH 7.—President Carter today nominated Carol Tucker Foreman, former executive director of the Consumer Federation of America, to be assistant secretary of agriculture for food and consumer services.

Mrs. Foreman, 38, with headquarters in Washington, also is executive director of the Paul Douglas Consumer Research Center and a member of the board of three organizations: the National Committee on Household Employment; the Secretary's Advisory Council, U.S. Department of Commerce; and the advisory committee on national growth policy processes of the National Commission on Supplies and Shortages.

She formerly was president of the Women's Equity Action League, executive director of the Citizens Committee on Population and the American Future, director of policy development of U.S. Commission on Population Growth, and member of the staff of Planned Parenthood-World Population, and of the D.C. Council on the Status of Women. She also formerly was an aide to Rep. James Roosevelt of California and Sen. John McClellan of Arkansas.

Born May 3, 1938 in Little Rock, Ark., Mrs. Foreman attended William Woods College, Fulton, Mo., and graduated from Washington University, St. Louis, Mo. She has done graduate work at American University here.

As assistant secretary, Mrs. Foreman would direct the Food and Nutrition Service, the meat and poultry inspection activities of the Animal and Plant Health Inspection Service, and six functions presently performed by the Agricultural Marketing Service: meat grading, poultry grading, inspection and grading of dairy products, egg products inspection, fruit and vegetable grading and so-called "Section 32" commodity purchases. She also will serve as a director of the department's Commodity Credit Corporation.

Mrs. Foreman is married to Jay H. Foreman and they have two children.

CAROL FOREMAN—STATUS FOR THE CONSUMER MOVEMENT

(By Goody L. Solomon)

Less than a year ago, consumer advocates criticized the Department of Agriculture's plan for consumer representation. They called it "vacuous" and "a fraud" because it had no provisions for a consumer spokesperson in a policy role.

Now, President Carter has reached into the ranks of consumer advocates and appointed Carol Foreman, executive director of the Consumer Federation of America (CFA), to be an assistant secretary of agriculture. Foreman will be right up there in a position of power. She will head the department's nutrition and feeding programs, which include foods stamps, school lunch and breakfast programs, among others. Altogether they absorb $9 billion or two-thirds of USDA's $14 billion budget. She will also head meat and poultry plant inspection and grading of meat, poultry, fruits and vegetables.

Beyond her immediate duties, she will be a member of Agriculture Secretary Robert S. Bergland's policy council, which is composed of all six assistant secretaries. There, "she could influence decisions touching on all the department's responsibilities," said a Bergland staffer. He added that "Bergland clearly wants to have an effective consumer voice throughout the department, not just in an isolated area." Judging from the secretary's own words of praise for Foreman's intelligence and ability, her views might well carry some weight. Bergland, of course, had submitted her name to Carter.

Mike Pertschuk, general counsel of the Senate Commerce Committee, a leading proponent of consumer legislation, called the appointment the "maturation of the consumer movement." He said. "First came Ralph Nader, next the growth of institutional consumer advocacy when the advocates demonstrated their own credibility and were no longer Nader's people, and now one generation, beginning with Foreman, has moved into statesmanship and a position of responsibility in government."

Foreman, 38, is from Arkansas. She is married to Jay Foreman, an attorney who is special assistant to the president of the Retail Clerks International Assn., AFL–CIO. They have two youngsters, Tucker, 9, and Rachel, 6, who attend a Montessori school.

Foreman has an enviable slight and wiry figure that reflects her love of athletics—especially tennis, golf and running—but belies her love of cooking.

She came to Washington in 1960 for graduate work in government at American University. After a year, she decided that she "wanted to get involved instead of study." She went to work for Sen. McClellan, D-Ark. Then she became a lobbyist for a company that represented trade associations and small businesses and in that job met Jay, who was counsel for the House Education and Labor Committee. They married in 1964 and went to California to campaign for the Johnson-Humphrey ticket.

Before joining CFA in December 1973, Foreman's experience also included a congressional liaison job at the U.S. Department of Housing and Urban Development. During her three years directing the country's largest consumer organization, she won a reputa-

tion as a hard worker who studied her facts and acted with reason plus a touch of tact.

In Congress, particularly, where she spent a great deal of her time as a lobbyist, she disproved the once-popular notion that consumer activists were emotional, brash and tactless. Many on the Hill describe Foreman with the same glowing terms as those of Sen. Jacob Javits' aide, Brian Convoy. He called her "an extraordinarily effective lobbyist . . . very reasonable . . . not dogmatic." He also said, "She has a great deal of credibility around here. Her opinions are sought as much as she comes to us. She is as well prepared on the facts as the best people who come up to talk to us representing labor, business or what have you. And while she is clearly pro-consumer, she knows how to do that without being anti-business."

Sen. James Abourezk, D-S.D. said, "She's a first rate person. Very competent and very tough." In an attempt to create a dialogue between small farmers and consumers, he arranged for Foreman to spend some time in South Dakota, talking to farmers and living on a farm for a brief time. Abourezk said the farmers all were quite taken by her.

Within the consumer movement and notably within CFA, which is composed of numerous disparate interests including labor, farm and consumer groups, Foreman is lauded for her skillful handling of internal politics and cross-currents.

At USDA, Foreman will need all her tact and diplomacy and then some. As she put it herself, "I will be an administrator, not a paid advocate. I hope the agency will be more responsive to consumer interests than it has in the past. But all government involves a balancing of interests. I expect to be in an advocacy role with some of the consumers some of the time. Someone said to me the other day, 'I am one of your former friends'."

Viewing the effect on the consumer movement, Pertschuk said, "another generation must take over to prod Foreman."

Prodding she'll surely get. From all sides. Her job has a bucketful of difficulties. In the food stamp program alone, she will take on one of the most inefficient, problem-ridden areas of the federal bureaucracy. Among the complex questions facing her are the extent of fraud within the system and how to correct it; who should be eligible for food stamps, how to reduce administrative costs and errors, how to enroll the most needy who often don't know about and therefore don't apply for food stamps.

School lunch and breakfast programs aren't in much better shape. Among other things, they've been attacked for serving poor quality, bad tasting and inadequately nutritious meals.

In her domain, as well, fall such hotly contested matters as nitrites in cured meats and the marketing of products containing mechanically deboned meat (MDM), which has been criticized as containing finely pulverized bone.

Foreman is optimistic. She thinks the odds are in her favor. USDA will be more sympathetic with public needs, she said, not only because of the new regime coming on board. "As I look at the list of nominees for assistant secretaryships, I see a vast change from what has run the department in the last eight years. I don't anticipate being under a siege situation internally," she said.

But Foreman isn't in the post yet and no one is clinking champagne glasses. Senate confirmation comes first. Although she has the votes, the hearings won't be a piece of cake. Making sure of that are some agricultural people who aren't keen on her selection. In fact, because of intense opposition from certain farm groups, Foreman's job is not the one for which she was originally recommended to Bergland. This is what happened:

Traditionally, USDA has an assistant secretary for marketing and consumer services. When word got out during the transition period that the incoming Carter administration had Foreman's name on the list for that job, agriculture groups mustered an onslaught against her. Commodity groups headed the brigade. These are the producers of fruits, vegetables, grain and milk—items that are regulated by complicated marketing order systems. While consumer groups have criticized those marketing systems for keeping retail prices high, Foreman hasn't. Nevertheless, Alan Lambert of the National Milk Producers Federation (NMPF) said there was fear that she might. NMPF and other groups claimed that Foreman lacked expertise to handle marketing responsibilities.

Bergland hit upon a compromise: dividing the traditional post into two, one for consumer services and nutrition, to be held by Foreman, and one for marketing, to be held by Robert H. Meyer, a California farmer.

Most of the commodity groups say they're satisfied with the compromise. But the meat industries are worried. They, too, hit hard at her inexperience, particularly on technical matters germane to plant inspection. but what really troubles them is Foreman's past criticism of agribusiness and what one spokesperson called her "built-in biases." Richard Lyng, president of the American Meat Institute (AMI), a trade group of packers and processors, said his members are "skittish like cats when a new dog enters the family. In time, they may learn to get along."

Neither AMI nor the American National Cattleman's Association (composed of producers) intend to testify against the appointment. They've been advised not to by the Senate Agriculture Committee, whose members, according to a staffer, largely believe Foreman is a reasonable person; and they hesitate voting against a woman.

However, individual packers and producers have been talking to their senators. The game plan is to see to it that the committee throws her some tough questions.

In the meantime, Foreman has been working as a consultant to Bergland, learning about her job and boning up for the confirmation hearings. If past is prologue, she'll come through with flying colors.

NUCLEAR POWER STUDY

Mr. HART. Mr. President, a report entitled "Nuclear Power Issues and Choices" sponsored by the Ford Foundation and administered by the Mitre Corp. was released today by the Nuclear Energy Policy Study Group. As indicated in the preface to the report, the study was prepared in the hope that it would help to clarify the issues underlying current debate on nuclear power. The year-long study brought together individuals with a wide variety of expertise, experience, and viewpoints, none of whom had taken a strong position for or against nuclear power.

Mr. President, the Senate Committee on Environment and Public Works' Subcommittee on Nuclear Regulations, which I chair, will be considering many of these critical issues in the months ahead. I believe this report can make a substantial contribution to our deliberation of those issues, I hope that my colleagues who will have to deal with nuclear issues in other committees and on the Senate floor will take the time to review this report before taking action on vital national energy policy issues.

The report is a balanced one and cannot be characterized as being biased either for or against nuclear power. While it recognizes that conventional light water reactors do offer an economically and environmentally attractive alternative to coal fired power plants, the report also makes recommendations against current programs and plans for breeder reactors and plutonium recycling.

Mr. President, rather than try to summarize the further conclusions reached by this report, I ask unaimous consent that the summary overview section of the report be printed in the RECORD so that it might be easily available for my colleagues and their staff to review.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NUCLEAR POWER ISSUES AND CHOICES

OVERVIEW

The debate over the future of nuclear power has become increasingly dominated by dedicated advocates and opponents of this source of energy. While polemics may focus attention on the problem, they do not provide a sound basis for public understanding of the issues or for national decisionmaking. In this study we have tried to take a fresh and independent look at the role that nuclear power should play in the United States and the rest of the world in this century. We have sought to develop a framework for assessing the difficult problems relating to nuclear power now before the U.S. government. Imminent decisions with far-reaching domestic and international consequences must be made on the following issues: (1) the reprocessing and recycle of plutonium. (2) the breeder reactor program, (3) the management of nuclear wastes, (4) the expansion of uranium enrichment capacity, and (5) the export of nuclear technology and materials.

In assessing the role of nuclear power, we have examined a broad range of difficult and controversial questions, including:

How important is nuclear power to the economic growth and prosperity of the United States, of our major allies and other advanced countries, and of developing countries?

How do the economics of nuclear power compare with those of coal and other alternatives?

What are the extent and distribution of the world's uranium resources, and how do they affect the future of nuclear power?

What are the economic prospects and developmental time scales of energy sources such as solar and fusion energy that may be alternatives to nuclear and fossil energy?

What are the effects of nuclear power on the environment and human health as compared with those of coal and other alternatives?

How safe is nuclear power, and how does the possibility of accidents affect the comparisons between coal and nuclear power?

Can nuclear wastes be disposed of in an acceptable manner?

How serious are the possibilities of sabotage to nuclear facilities, or of the diversion of materials to make nuclear weapons?

What is the relationship between the worldwide growth of nuclear power and the

proliferation of nuclear weapons, and how can the decisions of the United States affect the likelihood of proliferation?

While such questions are now being debated most actively in the United States, they are relevant to the rest of the world as well. Even in this country these questions have until recently been largely ignored by the public and, to a disturbing extent, have been treated complacently by the government itself. For more than twenty years, it has been the clear and almost unchallenged policy of the government to promote the development of peaceful nuclear energy at home and abroad.

The intense debate of recent years between those who emphasize the promise of nuclear energy and those who fear its consequences has identified but generally failed to clarify the underlying issues. Many critics attack nuclear power as an unacceptably dangerous source of energy that is being forced on the public despite unfavorable economic prospects. They question its economic benefits by pointing to escalating costs of nuclear construction and fuel, poor reactor performance, and hidden subsidies. They emphasize the gravity of the health hazard inherent in the nuclear fuel cycle, pointing to the possibility of catastrophic accidents and to a persistent threat from nuclear wastes, which may endanger civilizations thousands of years in the future. Finally, they assert that nuclear power will lead inevitably to the proliferation of nuclear weapons throughout the world and that every reactor and fuel cycle facility is a potential target for terrorists interested in sabotage or materials for bombs. Some critics conclude that the only solution to these dangers is a moratorium on further construction of nuclear plants.

Its proponents advocate nuclear power as a safe, clean source of energy that is indispensable to the future U.S. and world economies. They assert that it can generate baseload electricity at significantly lower cost than any fossil fuel alternative and that without it the rising demand for electricity cannot be met. They argue that it is demonstrably less dangerous to the environment and to human health than fossil fuel alternatives. They point to the excellent safety record of reactors and calculate that, while an accident could be serious, the probability of its occurence is vanishingly small. Nuclear wastes, they assert, can be handled in ways that essentially eliminate the possibility of future accidents. They emphasize that nuclear power is an essential component of energy independence. Finally, they maintain that the hazard of nuclear weapons proliferation exists independently of American nuclear power and warn that restrictions on programs or exports would simply turn potential markets over to foreign competitors and reduce U.S. influence over nuclear power developments abroad. Some advocates conclude that future energy demands can only be met by a massive government-supported program to accelerate nuclear power, including early introduction of plutonium reprocessing and recycle and the plutonium breeder.

The "energy crisis" arising from the oil embargo of 1973 and the subsequent large increase in OPEC oil prices introduced a new and confusing element into the debate. Although these events did call attention to the limits of oil resources, they did not themselves define—much less determine—the much larger and more complex issues of long-range energy policy.

In our study, we have found merit in many of the points raised by both the advocates and the critics of nuclear power, but we have not been persuaded by their conclusions as to the future role of nuclear power. We have also been concerned about broader economic and security issues raised by the current "energy crisis" but we believe that great care must be taken to relate these issues properly to the question of nuclear power.

To put nuclear power in some perspective, it must be recognized that the world is not running out of energy. Although the relative contribution that oil and gas make to the world's energy supplies will diminish before the end of the century, substantial amounts of these fossil fuels remain. Coal resources are vast, and uranium resources are probably much larger than currently estimated. Further in the future, solar energy, probably fusion energy, and possibly geothermal energy can provide essentially unlimited sources of power. If these options are successfully pursued, the world can have plenty of energy in the future, although probably at costs significantly higher than those of 1976. Thus, the long-range energy problem is one of higher costs rather than one of absolute limitations on energy availability.

Over a reasonable period of time, the impact of increased energy costs on the world's economy in general, and the U.S. economy in particular, will not be as great as is often assumed. Sudden sharp increases in the price of energy can cause serious temporary hardships and dislocations, as was demonstrated by the post-1973 quadrupling of oil prices. Permanently higher real energy costs will reduce the economic resources available for other needs—an effect of particular importance in developing countries. The cost of energy, however, is a small enough factor in the overall economy that long-term cost increases of the magnitude we foresee will not cause major changes in the economic or social future. Economic growth can be sustained even with large increases in the price of energy. In any case, higher future energy costs, which are probably inevitable, are largely independent of the rate at which nuclear power is developed and deployed over the next twenty-five years.

Our analysis indicates that nuclear power has and will probably continue to have a small economic advantage on the average over coal, the closest alternative for the generation of electricity in the United States. Regional and other variations in the cost of electricity from nuclear power and coal, however, are sufficiently large that coal is and will continue to be a competitive source of energy in many areas. Moreover, the ranges of possible social costs, such as health and environmental impacts, associated with coal and nuclear power also overlap to such an extent that neither has a clear advantage. We find such large uncertainties and unknowns in both the economic and social costs that the average comparative advantage could shift either way in the future.

In these circumstances, we believe that there is time for a broad and sustained approach to energy problems. While nuclear power is one of the options that should be pursued, it is not as critical to future economic development as its advocates claim. There is time therefore to assess carefully the potential risks as well as the benefits of nuclear power and to avoid hasty and uncritical decisions.

At present, the range of uncertainties in the comparative costs of coal and nuclear power is such that a mix provides a useful hedge against uncertainties. Since there is considerable overlap in the present costs of coal and nuclear power, economic forces may be expected to produce such a mix of coal and nuclear plants. For the longer term, a balanced research and development program should develop additional options based on improved use of coal and nuclear power as well as solar, geothermal, and fusion energy. These energy sources should play a role in the future when and where they can compete economically.

In general, this analysis also applies to the role of nuclear power in other advanced nations. However, countries that lack domestic supplies of coal, as well as oil and gas, face a more difficult problem than the United States in obtaining assured, diversified energy sources and in dealing with balance of payments problems. While complete dependence on nuclear power is not a solution for such countries, they may have, or may think they have, a special interest in nuclear power.

Nuclear power, with its large, complex, capital-intensive plants poses special problems for developing economies. The higher capital costs per unit of generating capacity of small nuclear plants, suitable for small power grids and limited demands, would tend to eliminate the economic advantage of nuclear power even against imported fossil fuels. Nevertheless, some fifteen to twenty developing countries may find economic justification for nuclear power in this century.

By far the most serious danger associated with nuclear power is that it provides additional countries a path for access to equipment, materials, and technology necessary for the manufacture of nuclear weapons. We believe the consequences of the proliferation of nuclear weapons are so serious compared to the limited economic benefits of nuclear energy that we would be prepared to recommend stopping nuclear power in the United States if we thought this would prevent further proliferation. However, there are direct routes to nuclear weapons in the absence of nuclear power, and the future of nuclear power is not under the unilateral control of the United States. Most advanced countries are now actively developing and utilizing nuclear power, while less developed countries count it among their expectations. In fact, abandonment of nuclear power by the United States could increase the likelihood of proliferation, since the United States would lose influence over the nature of nuclear power development abroad. With continued nuclear power development, however, the U.S. government must give greater weight to the proliferation problem in its decisions on nuclear matters and its relations with other nations.

Nuclear energy is now a fact of international life and will provide a significant portion of the world's electricity by the end of the century. At the same time, nuclear power is only one of several energy options, and decisions about it should be made on the basis of sound national and international economic considerations, realistic accounting of social costs, and a paramount concern to avoid further proliferation of nuclear weapons.

THE CURRENT STATUS OF NUCLEAR POWER

Nuclear power is a present reality, not a future prospect. In mid-1976, nuclear power plants in the United States accounted for about 40,000 megawatts of electric capacity (MWe), or about 8 percent of total national capacity. Abroad, nuclear power totaled about 35,000 MWe. In the United States, some 170,000 MWe of additional nuclear capacity are under construction or on order and scheduled to begin operation by the mid-1980s; abroad, construction and orders are reported to amount to about 130,000 MWe. While there has been a substantial cutback in plans for both U.S. and foreign nuclear power plants in the past two years, this reduction appears to be primarily the result of economic recession and reduced projections of electricity demand rather than a rejection of nuclear power.

Projections of U.S. nuclear power capacity for the year 2000 vary greatly, and have been sharply reduced recently. In 1975 the Energy Research and Development Administration (ERDA) estimated that nuclear power capacity could be as high as 1,250,000 MWe by the year 2000. These estimates were revised

downward by ERDA in July 1976, to range from 450,000 to 800,000 MWe, and in September 1976, were further reduced to range from 380,000 to 620,000 MWe.

Measured against the total use of energy, the present contribution of nuclear power is still small, amounting to about 2 percent in the United States. For the foreseeable future, nuclear power will only be used for generation of electric power, which currently consumes some 28 percent of the primary energy used in this country. In contrast, fossil fuels can be used not only for electric power but also for transportation, industry, residential heating, and petrochemicals. It is generally expected, however, that the use of electric power will grow more rapidly than overall energy consumption. Moreover, in producing electricity, nuclear power releases some oil for other purposes. In the future, it could also release coal for other uses such as the production of synthetic oil and gas if there are constraints on the utilization of coal.

Nuclear power has become international. Thirty countries, in addition to the five nuclear weapon states, have nuclear power plants in operation, under construction, or on order. There is now highly competitive international commerce in reactors, uranium (natural and enriched), and supporting equipment. The principal suppliers in addition to the United States are West Germany, France, the United Kingdom, Canada, Japan, South Africa, and the Soviet Union.

The principal motive for this interest in nuclear power is the desire for a cheaper source of energy. Although the original promise of abundant nuclear electric power at a fraction of the cost of other sources has faded, the more modest belief persists that economic benefits will accrue over the lifetime of current plants. Buying into nuclear technology is widely believed necessary to share in future economic payoff. This economic rationale, which is central to the nuclear power debate, is examined in detail in the following section.

Considerations other than economic have also undoubtedly influenced some nations' interest in nuclear power. One of these is the desire to develop a diversified energy base to increase the security of supply. While a reliable energy supply is an objective to which most nations must give attention, only a few countries have the resources for total independence or self-sufficiency. Since much of the present world economy relies on oil and gas and since nuclear power cannot directly substitute for oil in such areas as transportation and petrochemicals, an assured supply of nuclear power would not eliminate the need for other fuels. Substitution of electricity for other energy uses would be a lengthy and gradual process involving major changes in capital equipment. In the next few decades, nuclear power can do little to reduce the impacts of sudden changes in energy supplies such as oil. Principal reliance during this period must be placed on stockpiles, resource sharing, and other measures. However, concern about the long-term security of energy supplies, particularly of oil, will probably lead to a preference of nuclear power, particularly in Japan and Western Europe.

In the longer term, nuclear power may present advantages in guarding against interruption in supply since uranium stockpiles are more manageable and less costly than comparable stockpiles of oil or coal. Some countries may see breeder reactors as providing greater independence from external fuel supplies for electricity. Countries seeking independence through the breeder, however, would have to be able to reprocess plutonium and fabricate new fuel within their own borders, and aside from Japan and Western Europe, would still be dependent on a few outside suppliers for reactors and critical equipment. The level of economic and political cost individual nations may be prepared to bear in pursuit of energy independence is a hard choice each will have to make for itself.

Another motive for acquiring nuclear power is prestige. The status accorded nuclear power as a high technology industry was initially stimulated in large part by U.S. promotion of the Atoms for Peace program, beginning in 1955. Today, even in less developed nations for whom the investment may be disproportionately large and the benefits questionable, nuclear power may be politically attractive for its perceived glamour.

A final motive for the development of nuclear power is to acquire a technical base for a nuclear weapons option. Even if a country has no present plans to manufacture weapons, it may want to be in a better position to acquire a nuclear weapons capability in response to a future threat. That a shortened lead time toward a potential nuclear weapons capability may be a motive for acquiring nuclear power indicates the close tie between energy policy and foreign policy.

ECONOMIC CONSIDERATIONS

The principal argument for nuclear power has been that it would produce cheaper electricity than alternative energy sources. The present worldwide level of investment in nuclear power may suggest that nuclear power has achieved a clear economic advantage. The charge is frequently made, however, that if costs were properly accounted for and subsidies stripped away, nuclear power would not be competitive. To clarify this fundamental issue, we have examined the economics of nuclear power as compared with coal, the closest competitor, and with other alternative energy sources. We have also considered the broader significance of the differences in cost between nuclear power and alternative sources to general economic growth and prosperity.

Comparison of coal and nuclear power

Like so much else in the nuclear debate, the comparative economics of nuclear power and other energy sources for electric power has become shrouded in controversy. The comparative economics of coal and nuclear power is a genuinely complex problem about which there can be honest differences of opinion. Plants committed today will not begin operation until 1986 and are intended to have a useful life of thirty years. On such a time scale, the projection of lifetime costs is a very speculative business. Not only have construction costs of both coal and nuclear power plants escalated substantially in recent years but so too have the prices for uranium and coal. Moreover, stricter environmental controls on nuclear power and fossil fuels could have far-reaching economic effects. Finally, new scientific information on long-range environmental effects or events relating to safety or nuclear proliferation could lead to decisions that would have major economic effects. In such an uncertain environment, projections must be made with considerable caution.

Despite these large uncertainties, our analysis leads us to the conclusion that nuclear power will on the average probably be somewhat less costly than coal-generated power in the United States. However, coal will continue to be competitive or preferable in many regions since there are large regional cost differences and wide variations even within a region. The advantage for nuclear power is likely to be most significant in New England and in parts of the South. In large areas of the West, containing a small fraction of the country's population, coal-generated power is likely to be less costly than nuclear power. In much of the country, however, the choice is so close and the uncertainties sufficiently large that the balance could easily shift either to increase or to eliminate the small average advantage that nuclear power presently enjoys.

Conclusions on the comparative economics of coal and nuclear power depend on estimates of future capital charges, which include construction costs and interest, and the cost of uranium and coal. Each of these cost factors involves special problems that contribute to the uncertainty and possibility of different interpretations.

Capital Charges

The cost of electricity from nuclear plants is dominated by the capital charges for the plant.[a] At present, more than 70 percent of the cost of electricity from a light-water reactor (LWR) is attributable to capital charges. Over the past decade, construction costs of nuclear power plants have risen markedly faster than the rate of inflation. In addition, as a result of outages and reduced operation, the average capacity factor[b] for nuclear plants has been less than expected, particularly for the large new 1,000 MWe plants. Reductions in the capacity factor have the same effect on power cost as increases in capital charges.

Analysis of capital charges of nuclear power is complicated by the surprisingly wide range in the construction costs of plants of similar design, depending on the location, the builder, and the method of doing business. If one starts with high-cost examples and assumes that costs will continue to rise as they have in the past, it is indeed possible to conclude that nuclear power will become economically noncompetitive. Our analysis indicates, however, that construction costs (in constant dollars) will tend to level off in the future. Costs of labor and materials have escalated more rapidly than the general rate of inflation. The regulatory process has lengthened the construction period and necessitated numerous design changes and retrofits. The rate of escalation in costs should not continue to diverge from the regular rate of inflation, and the construction and licensing period (now typically ten years) should not continue to lengthen and may be shortened. With experience and standardization, design changes and retrofits should be brought under progressively better control. Finally, although aging factors not yet encountered might further reduce the capacity factor, it seems more likely that the somewhat disappointing operating experience to date is part of the shakedown experience typical of a new technology and that capacity factors will improve in the future.

Capital charges are a smaller fraction of the total cost of electricity from coal than from nuclear power plants. Nevertheless, these charges still represent a substantial portion of the cost of coal-generated electricity (35 to 65 percent depending on location). Construction costs of coal plants have also increased in recent years for some of the same reasons as for nuclear plants. In addition, the use of new equipment (scrubbers) to reduce sulfur emissions may increase construction costs as much as 20 to 25 percent. In view of evolving pollution standards and technical responses, the uncertainties in construction costs of coal plants are probably as great as for nuclear plants. Nevertheless, with

[a] Costs are for electricity at the point of generation; distribution costs add 50 to 200 percent to the price to the consumer.

[b] The "capacity factor" of a plant is the ratio of electric energy actually delivered during the year to that which would have been delivered if the plant operated 100 percent of the time at full capacity.

experience the construction costs of coal plants should also level off and capacity factors should improve.

Uranium. At present, uranium accounts for only 5 to 10 percent of the cost of electricity at the powerplant. The recent rapid rise in the price of uranium from around $6 per pound in the early 1970s to spot prices reportedly as high as $40 per pound has further clouded the economic picture. Although the increase from $8 to $40 per pound (if sustained) would only increase the cost of electricity by around 20 percent, such a rapid advance in prices raises basic questions about the future price and availability of uranium. If uranium is indeed in short supply and becomes very expensive, the current generation of light-water reactors (LWRs) will have difficulty competing with coal plants. This asserted future shortage of uranium is the principal argument advanced for early introduction of breeder reactors, which in theory might expand the power produced by a given supply of uranium by a factor of as much as 100.

Our review convinces us that current official estimates of uranium reserves and resources substantially underestimate the amounts of uranium that will be available at competitive costs. We believe that there will be enough uranium at costs of $40 (1976 dollars) per pound to fuel light-water reactors through this century and, at costs of $40 to $70 per pound, well into the next century.

While mineral reserves are commonly understood to be identified resources (i.e., known in location, quantity, characteristics, and economically recoverable with current technology), uranium reserves are specified over a range of estimated costs, which at the higher end will only become of commercial interest in the future. Indeed, early estimates of uranium reserves reflected industry judgment on how much uranium could be produced profitably at the government-set price of $8 per pound. Consequently, there was little commercial interest in more expensive uranium, and presently identified higher cost deposits represent principally the by-product of exploration for low-cost reserves. In the past two years, uranium prices have risen sharply in response to an anticipated expansion in demand, present low production levels and doubts about the pace of expansion, and the increase in oil prices. It is difficult to estimate the increased supplies that will become available at higher prices. This is not unusual, since mineral reserves estimates almost always lag when prices rise and markets expand.

It is not enough to wait for market forces to press firming up of potential resource estimates and the discovery of these "new" reserves, since more reliable estimates are needed for long-range decisions on future energy policy and technical programs. Although the National Uranium Resource Evaluation (NURE) program has been established for this purpose, we do not believe it will produce better estimates soon enough, since it is almost entirely dependent on private efforts to locate, define, and report reserves. This program should be reoriented with higher priority assigned to improving estimates of uranium reserves and resources.

Coal

In a coal-fired electric power plant, the cost of mining and transporting the coal accounts for 30 to 60 percent of the total cost of the electricity. This wide spread in fuel charges reflects differences in costs of transportation, of the sulfur content of coal, and of mining methods. The price of coal increased in response to OPEC's increase in the price of oil and is now about twice the pre-embargo level. The real cost of coal mining, however, has not increased very much in spite of increased labor and envioronmental charges.

Unlike uranium, U.S. coal reserves are definitely known to be very large. Reserves are estimated at more than 400 billion tons in place with 50 to 80 percent recoverable, compared with an annual production in 1975 of just over 600 million tons. Total coal resources are estimated at some 4 trillion tons, most of which would be available only at higher costs since it is contained in seams too thin or deep to qualify as reserves. In view of the enormous coal reserve, the real cost of mining coal should not increase substantially until well into the next century. Cost increases due to increased mining safety standards, environmental controls, or more difficult deposits should be at least partly offset by technological improvements in mining and transportation.

Recent official policy has projected a doubling of coal production by 1985. Although production has not expanded significantly in the past three years, we believe that it should be possible to achieve this production by the 1985–90 period and to double it again by the turn of the century if the demand appears. Doing so would require an increase in production of some 6 percent annually, a rate we judge achievable if basic problems are resolved. Large investments will be required to open new mines and to improve transportation. Public conflicts will have to be resolved on environmental and land use issues before adequate commitments will be made by private investors.

Three years after the Arab embargo, the coal industry is still not operating at full capacity; and in the absence of new demand, coal prices have fallen from their peak. Nevertheless, the prospects for coal should not be underestimated since coal will be generally competitive with nuclear power for a long time to come and will in all probability become the material from which synthetic gas and oil will be manufactured. A larger role for coal exports in the international energy trade is also foreseeable and desirable. In these circumstances, the priority and expectations for coal should not be less than for nuclear energy. Both government and the private sector should demonstrate this priority by increased efforts to develop more efficient mining technology, improved transportation systems, better control of sulfur oxides and other emissions, radically improved long-distance electrical transmission, and development of more efficient, lower cost synthetic gas and oil conversion. Equally important is a climate of confidence with regard to land use regulation, public energy policy, and federal-state regulatory relations.

Comparative economics in other countries

The foregoing comparison of coal and nuclear electric power is based on expectations in the United States. Most other countries have fewer resources and less access to technology and investment capital. Nevertheless, the arguments concerning the comparative costs are similar in all countries, as long as fossil fuels and uranium can be relied on as items of international commerce.

Considerable emphasis on nuclear power has developed in Western Europe and Japan. These countries have experienced a gradual reduction of coal reserves and persistent difficulties with their coal industries. As a result, following World War II they turned to low-cost Middle East oil, which, together with natural gas, became their principal energy source. These countries are now planning extensive nuclear power programs to reduce their reliance on oil, which is no longer cheap and constitutes a far larger share of imports for them than for the United States. For most of them, a shift to heavy reliance on coal would require increasing dependence on imports from the United States and Eastern Europe. The political acceptability of such dependence is not clear. There is also a question as to how large a foreign market this country could supply and still meet its own growing domestic demand. For these reasons, a greater preference for nuclear power should be expected in these countries than in the United States. While official pronouncements affirm this preference, there are also indications of increasing public opposition to nuclear power in these countries. On balance, a diversified energy program appears to be the best choice for Western Europe and Japan both economically and politically.

In less developed countries, the share of future energy demands that will be supplied by nuclear power is very uncertain. Nuclear power may be competitive in some twenty developing countries by the year 2000, and others may install it for noneconomic reasons. As a practical matter, the large 1,000 MWe nuclear power plants now being built to achieve economies of scale are not matched to the small power grids of most developing countries. More suitable, smaller plants (less than 600 MWe) would have significantly higher capital costs per kilowatt and, in the absence of demand, are no longer being built. For these reasons, nuclear power may be ruled out as an economic energy option for many developing nations.

Alternative sources of energy

It is frequently argued that solar, geothermal, or fusion energy would be viable alternatives to nuclear power if they received a fair share of the research and development funds. It is our judgment that these forms of energy cannot compete with nuclear, coal, or other fossil fuels as major sources of electric power until well into the next century. We believe, however, that vigorous research and development should be carried out in these fields to develop the long-range options and to provide a hedge against possible unforeseen problems with fossil or nuclear power.

For the long run, solar energy is especially interesting, since it is essentially unlimited. It takes many forms, from direct radiation to energy stored in the ocean, waves, winds, and vegetation. Applications such as house heating will be practical in the near future in favorable situations and, in conjunction with improved insulation and other conservation measures, can reduce the growth in demand for electricity. However, solar electric power will become competitive only after considerable research and development and a large increase in the cost of electricity. While we favor a continuing effort to develop solar electric power, we see little prospect, given the state of the technology and the high capital costs, that solar electricity can compete with nuclear and coal plants in this century.

Geothermal energy, which is being exploited on a very limited scale at a few unique locations, constitutes a huge potential resource. Most of this energy, however, will be very difficult to exploit. We see little prospect therefore that geothermal energy will prove competitive for electric power on a large scale in this century.

Fusion, like solar energy, offers the promise of practically unlimited energy. Important scientific progress has been made recently in this extremely sophisticated technology. Although it is still premature to predict success, we believe that fusion reactors will probably demonstrate a useful energy output by the year 2000. There is little prospect, however, that fusion will supply electricity on a competitive basis in the next fifty years. Fusion reactors will involve large capital costs and complex systems with unknown capacity factors, and it remains for future generations to see when they will become competitive.

Despite our pessimistic assessment of the near-term prospects of these alternative energy sources, they support our optimistic assessment that in the longer view of human affairs, adequate energy will be available—at a price.

In the search for new sources of energy, a variety of proposals have been advanced that make use of the energy in nuclear explosives. The proposed applications of Peaceful Nuclear Explosives (PNEs) range from the stimulation of gas and oil and "in-situ" retorting of oil shales to the direct heating of steam for power plants. The economic merit of these proposals ranges from highly dubious to clearly noncompetitive. All of the proposals that could have any serious impact on the energy situation would require a frequency of nuclear explosions and the production and transportation of nuclear devices on a scale that would dwarf nuclear weapons activities. For example, two 50 kiloton explosions per day would be required for a single hypothetical 1,000 MWe power plant. The security implications are staggering since PNEs are fundamentally indistinguishable from military explosives. We believe, therefore, that the now dormant U.S. PNE program should not be reviewed even as a research and development effort and that the United States should discourage interest in PNEs abroad, since they provide a convenient cover for weapons development.

Long and expensive research and development efforts will be required before advanced technologies can be commercially competitive. With such time horizons, there is little prospect that the private sector will support these activities. Energy research and development is currently funded by the government at over $3 billion per year, about 4 percent of the current value of the energy output. Further development of nuclear power, particularly breeders, and improved utilization of fossil fuels, compete for these funds. While these more developed technologies deserve a large share of the government effort, we believe that a serious effort should continue on advanced technologies to provide assurance of long range energy supplies and to provide a hedge against the possibility that limitations may have to be placed on either fossil or nuclear energy for some reason.

The research and development chain includes the following steps: fundamental research, basic applicable research, applied research, development, and finally commercialization. Costs increase dramatically as one moves from fundamental research to commercialization. Since the advanced technologies aim at targets as far as fifty years away, the decision to go forward with full-scale development should be taken with great care. The transition from federally supported programs to unsubsidized commercial use can be achieved only if the private sector finds investment in plants economically attractive. Thus there is little value in demonstrating clearly noncompetitive technology unless the demonstration substantially advances the engineering of the technology at a cost commensurate with the value of the advance. If the demonstration takes place before it is economically justified, the government may have to subsidize the program at a high level for a long time after demonstration, and the ultimate product may also be inferior to that which would have resulted from continued development. In addition, premature commitment to expensive demonstration programs can distort the balance of the federal energy program. We believe that the government must exercise greater care in the future before moving into the very costly phases of the development chain.

The economic significance of nuclear power

Whatever is done about nuclear power over the next few decades, real energy costs will continue to increase into the next century. We have considered the likely effects of this overall cost increase on growth, income and employment, and have estimated the differences that would result from possible variations in the timing and character of the U.S. nuclear future. We find that nuclear power choices have limited bearing on these larger social and economic conditions.

Energy is an important factor in an economy, and any unexpected interruption in supply, such as an oil embargo, will have serious disruptive effects. But the cost of energy is less critical than assured supply. Even after OPEC quadrupled oil prices, primary energy costs are only about 5 percent of the U.S. GNP. Another doubling in real energy costs would result in the shifting of up to 5 percent of the economy from the production of final products to the production of energy or of goods to pay for imports. If such a shift occurred rapidly, it could be accompanied by serious, short-term dislocations in the economy, including increased unemployment, loss in output, and a reduction in growth. The rate of investment might have to be increased permanently from 10 percent to 12 or 13. percent of GNP to provide the larger amounts of capital needed, and current consumption expenditures would be reduced by 2 or 3 percent. In the long run, however, the economy should be able to absorb higher energy costs with little effect on growth or employment.

In actual practice, the impact of higher energy costs on income and capital needs will probably be reduced significantly by the market response to the higher prices and by other energy conservation actions. Energy-saving industrial processes such as the cogeneration of electricity with process heat, energy-efficient building designs and transportation systems, and less energy-intensive consumption habits are widespread in other developed economies where higher energy prices have long prevailed. Now that even higher energy costs are expected everywhere, new conservation opportunities will be developed and exploited as an alternative to expansion of supply. Market forces will produce most of these conservation measures, but the government must play an important role by helping market forces to operate, by providing information and leadership, and by modifying policies which may uneconomically encourage greater energy use.

Although we anticipate that the market response will significantly reduce the growth of energy use, there are hazards in formulating long-range energy policy on specific predictions based on such inherently uncertain factors, Projections of U.S. energy demand in the year 2000 differ by a factor of 2. For example, the Institute for Energy Analysis has estimated that U.S. energy demand, which was about 70 quads (one quad is 10^{15} BTU) in 1975, would grow to 101–124 quads by the year 2000, while the Edison Electric Institute has estimated a demand of as much as 194 quads by then. Because of the large uncertainties in demand determination, we attach little credence to long-term projections that rely on extrapolations from historical experience. Although there has been historical correlation between energy and economic growth, there is no reason to believe that the same relationship will hold under conditions of rising rather than falling energy prices. Fundamental energy policy decisions should therefore be designed to meet a broad range of possible future conditions.

Whatever the income loss due to higher energy costs, nuclear power can do little to reduce it in this century since nuclear power will at best have only a small cost advantage over coal. To understand the ranges of the economic benefits associated with nuclear power, we have used a simple computer model of the U.S. economy to explore the effects of various economic assumptions and program decisions. Even with assumptions favorable to nuclear power, the benefits from the continued growth of light-water reactors (LWRs) and the early introduction of the breeder are very small in this century (a small fraction of 1 percent of GNP), and only 1 or 2 percent in the next century. Relatively conservative assumptions for the reduction in demand in response to higher energy prices were used in the calculations. If, as we anticipate, demand reduction turns out to be easier than assumed in this formula analysis, the income effect of higher energy costs will be even less. Even though it will not affect the long-range economic growth of the country, 1 or 2 percent of the large GNP anticipated for the next century is a large absolute dollar amount of income and should be given up only if there are strong noneconomic reasons for doing so.

The desirability of maintaining or changing any particular style of life has not entered into our analysis. Some critics of nuclear power include among their arguments disapproval of industrial society and of continued economic growth. The broad range of issues relating to the style of life of our society is not, however, central to nuclear power. These issues should be addressed directly on their merits. The style of life that evolves in the future will depend on many factors other than the existence of nuclear power or central power stations or the price of energy. Increases in the price of energy may gradually modify attitudes toward specific energy-intensive activities relative to other activities. But in themselves, higher prices for energy need have relatively little effect on the evolution of the basic style of life of the future.

We have analyzed the impact of energy on the economy from a long-range perspective that smooths out short-term effects. While substantial changes in energy prices can be accommodated in the long run, sudden stoppages or sharp increases can indeed force severe temporary cutbacks in industrial operations with attendant unemployment and hardship. The level of economic activity will be affected since individual and institutional plans and attitudes take time to adjust. The amount of nuclear power available will have little to do with the cause, severity, or duration of such events. The choice made between coal and nuclear power will have little or no effect in insulating the United States from the short-term effects of sudden changes in oil prices and availability. The response to these situations must be by other means.

Although our analysis has focused on the U.S. economy, the same conclusions are broadly applicable in other industrialized countries willing to rely on world markets for fuel supplies and to assume the associated foreign exchange costs. The situation in less developed countries is more serious. In these countries, economic growth is more dependent on expansion of the industrial base, which requires capital and energy, particularly for industry and transportation. Higher energy costs may therefore have a more serious effect on their economic growth. Moreover, the already stringent balance of payments problem of many less developed countries will be further aggravated by the necessity of importing fuel at higher costs. This constraint immediately affects their prospects for economic growth. Nuclear power, however, is not well suited to the needs of many of these countries, since it is capital-intensive and limited to the production of large amounts of electricity. Moreover, the need for increased energy for transportation, industry, and agriculture implies the use of nonelectrical energy that cannot be supplied by nuclear power. The extent to which nuclear power is an economic response to high world oil prices will therefore depend on the circumstances of individual countries.

The assessment of the economic impact of

nuclear power has been dominated by market considerations. Responsible policy decisions must also consider the external social costs of risks to public health and the environment and the implications for national security and world peace. In the following section, we consider the social costs that are not included in ordinary market calculations.

HEALTH, ENVIRONMENT, AND SAFETY

Nuclear power has been widely attacked as a threat to human health. Critics are primarily concerned about the possibility of catastrophic reactor accidents and the health and environmental problems associated with nuclear wastes and plutonium. These risks are real and must be considered in any assessment of nuclear power.

As with market economics. the risks and social costs of nuclear power should be compared with those of coal, which is the principal energy alternative for electric power in this century. This comparison is not an easy task. The possible social costs of coal and nuclear power involve such diverse health effects as prompt and delayed deaths, genetic diseases, illness, and discomfort; the environmental effects range from land use problems to the possible modification of the atmosphere leading to worldwide climatic changes. Some of these social costs (such as the costs of improving the safety of reactors, reducing pollution from coal, and payments to miners with black lung disease) are reflected in the market economic comparisons between coal and nuclear power since they are included in the cost of electricity. However, the general effects of emissions from coal and nuclear power plants are not included in such cost comparisons.

Analysis of social costs raises difficult and controversial methodological problems in valuing human life and health now and in the future. The greatest difficulty, however, is the uncertain state of knowledge regarding the effects on health and the environment of low levels of chemical and radioactive pollution and regarding the probability of nuclear accidents. Since there is little operating experience with nuclear power, it is impossible to estimate accident probabilities with any precision. Some risks may be unknown. In the case of coal, several hundred years of experience have not produced quantitative understanding of the health consequences and even less understanding of the possible effects on the world's climate of the carbon dioxide and particulates released during coal combustion.

The range of uncertainty in social costs is so great that the balance between coal and nuclear power could be tipped in either direction with resolution of the uncertainties: It is unlikely, however, that the principal uncertainties will be resolved in the near future. We do not believe therefore that consideration of social costs provides a basis for overriding our conclusions, based on economic analysis, of the comparative attractiveness of the two technologies and the desirability of maintaining a mix.

Public health—normal operations and accidents

In principle, one can compare the impact on public health of coal and nuclear power directly in terms of the deaths and illness they cause. In normal operations, a 1,000 MWe nuclear power plant has been estimated to produce roughly one fatality per year from occupational accidents and radiation risks to workers and to the public. A comparable new coal plant, meeting current new source standards, has been estimated to produce from two to twenty-five fatalities per year. Accidents in coal mining and transportation account for roughly two fatalities per year, and the rest of the range is attributed to the health effects of sulfur-related pollutants. This wide range results from the very large uncertainties in the actual effects on human health of the pollution chains resulting from sulfur oxides and from significant differences resulting from plant location with respect to population. The analysis of the risk at specific locations is complicated by uncertainties in meteorology, chemistry, synergistic effects involving other pollutants, and existing backgrounds. In addition to fatalities, pollution from coal plants contributes to large-scale nonfatal illnesses and discomfort for which there is no nuclear counterpart. There may also be significant effects from nitrogen oxides, carcinogenic hydrocarbons, and heavy metals for which a quantitative basis has not yet been established.

Thus, in a comparison of normal operations, nuclear power has smaller adverse health costs than coal. However, in an overall comparison of health effects, the possibility of accidents must also be taken into account. The possibility that nuclear accidents could have very serious consequences for public health has long been recognized as a unique problem associated with nuclear power. It is difficult to compare such rare but extremely severe events with the continuous health burden due to fossil fuels, but some perspective is gained from averaging the consequences of estimated accidents over an extended period. This requires knowledge of the probabilities and consequences of a spectrum of possible nuclear accidents.

To date, the safety record of nuclear power reactors in the United States has been excellent, at least as far as public health is concerned. However, the experience of some 200 reactor years of commercial nuclear power does not provide an adequate statistical basis for risk predictions covering the 5,000 reactor years expected during the rest of this century. Probabilistic judgments must be made on related technical experience and theoretical computations. Such an analysis of the current light-water reactors was undertaken in The Reactor Safety Study (WASH–1400, frequently referred to as the Rasmussen Report), published by the Nuclear Regulatory Commission (NRC) in October 1975. This report examined in a systematic fashion a large number of possible paths that could lead to an accident, estimated the overall probability of a nuclear core meltdown and breach of containment, and developed a probabilistic assessment of the consequences of such an accident, averaged over location and weather. Although WASH–1400 is a valuable resource for the study of the safety problem, we believe that it seriously underestimates and has methodological flaws that are discussed in our report.

Without attempting to duplicate the massive analysis of WASH–1400 but taking its uncertainties into account, we have attempted to gain some perspective on the possible social costs of reactor accidents by considering the following questions:

How does the predicted rate of reactor accidents affect the average rate-of-loss comparison between nuclear power and coal?

How serious might the consequences of a reactor accident be?

How likely might an extremely serious nuclear accident be if the associated uncertainties are all viewed pessimistically?

The average rate-of-loss due to reactor accidents calculated in WASH–1400 is only about 0.02 fatalities per year for a 1,000 MWe nuclear power plant. This rate is very low compared with the one fatality per year predicted for normal nuclear operations or the two to twenty-five fatalities per year attributed to a comparable new coal plant. Although we have not made an independent estimate of this average value, for losses due to nuclear accidents, our analysis indicates that with extremely pessimistic assumptions the WASH–1400 estimate might be low by a factor of as much as 500. On the other hand, it could be on the high side as well. In the most pessimistic case, which we consider very unlikely, the average rate-of-loss could be as high as ten fatalities per year for a 1,000 MWe nuclear power plant. However, even in this extremely unlikely situation, the average fatalities would not exceed the pessimistic end of the range of estimated fatalities caused by coal. Thus, on an average rate-of-loss basis, nuclear power compares favorably with coal even when the possibility of accidents is included.

An extremely serious accident under very adverse conditions is estimated by WASH–1400 to kill as many as three or four thousand people over a few weeks, cause tens of thousands of cancer deaths over thirty years, and cause a comparable number of genetic defects in the next generation, as well as more than $10 billion in property losses. Despite large uncertainties in biological effects, this appears to be a reasonable assessment of the potential consequences. While such an accident would clearly be a major disaster, the consequences would not be out of line with other peacetime disasters that our society has been able to meet without long-term social impact. For example, the United States has experienced a number of hurricanes that have taken over a thousand lives, produced physical damage in the billions of dollars, and required massive evacuation. In such a nuclear accident, the delayed deaths from cancer would not be an immediate effect but might result in a 10 percent increase in the incidence of cancer in the exposed population over a period of thirty years. It must be emphasized that a nuclear accident would probably have much less severe consequences than those estimated for this extremely serious accident and that most nuclear accidents would result in few, if any, fatalities.

The most serious accident considered in WASH–1400 is assigned an exceedingly low probability of occurrence (only one chance in 200 million years of reactor operation). This calculation is based on the combination of a number of low probability estimates for a series of events, most of which are extremely uncertain. When the uncertain factors are viewed in the most pessimistic light, there is a significant chance that such an event might occur during this century if the nuclear program grows at the projected rate. While it is very unlikely that this pessimistic assessment correctly describes the probability of such accidents, it does place an upper bound on the problem.

Having examined nuclear accidents from each of the above perspectives with very pessimistic assumptions, we have concluded that, even when the possibility of reactor accidents is included, the adverse health effects of nuclear power are less than or within the range of health effects from coal. At the same time, this analysis underscores the importance of continuing efforts to reduce the probability and consequences of accidents by improved safety designs and siting policies.

A foreign reactor accident would not necessarily be evidence of risk in this country, since some foreign reactors may be less safely constructed or operated than those in the United States. Nevertheless, a foreign nuclear accident could have a major psychological impact in this and other countries. A high premium should be put on reducing the probability and consequences of reactor accidents wherever they might occur.

Nuclear wastes

The potential health hazards of radioactive wastes and plutonium produced during reactor operation are unique to nuclear power. Plutonium and other waste components present special problems since they decay very slowly and remain dangerous for hundreds of thousands of years. Critics of nuclear power question the morality of creating this threat to future generations or even to future civilizations.

We are convinced that nuclear wastes and plutonium can be disposed of permanently in a safe manner. If properly buried deep underground in geologically stable formations, there is little chance that these materials will reenter the environment in dangerour quantities. Even if material were somehow to escape eventually in larger quantities than seems possible, it would not constitute a major catastrophe, or even a major health risk, for future civilizations.

Despite our confidence in the feasibility of permanent disposal, nuclear wastes remain a very serious potential health problem until isolated from the environment. We are, therefore, more concerned about the current worldwide management of nuclear wastes before they are sequestered permanently than we are about the unlikely prospect that they will affect society subsequently. Inadequate management of wastes from the nuclear weapons and earlier civilian power programs here and abroad has already created potential contamination problems that can only be overcome at considerable cost.

Until very recently, all decisions on waste disposal were deferred apparently in anticipation that the problem would be resolved as a by-product of the assumed early introduction of plutonium reprocessing and recycle. As a consequence, it is widely believed that reprocessing is a necessary stage in waste management and disposal, when in fact it may simply complicate the process. If spent fuel is reprocessed to recover plutonium, the possibilities of waste management failure increase because of the additional steps involved. The risks in permanent waste disposal, however, appear to depend little on whether reprocessing has occurred. The impact of reprocessing on waste management is that it substitutes a larger immediate contamination risk for a small reduction in the long-term hazard from permanent disposal.

Environmental effects

In addition to direct effects on human health, the generation of electricity by either nuclear power or coal has environmental effects on air, land, and water, and potentially on global climate as well. On balance, however, nuclear power has significantly less adverse environmental impact than coal.

Local thermal pollution is common to both sources, although somewhat more severe for nuclear power. In other respects, however, the coal cycle presents the more serious problems. Coal mining has a more disruptive effect on the land than uranium mining and milling, although this difference will diminish as lower grades of uranium ore are mined. Coal mining results in acid runoff that pollutes waterways, and combustion of coal leads to acid rain that damages land and crops.

The most serious potential environmental impacts from greatly increased power generation are changes in global climate. The thermal output of both coal and nuclear power plants contributes directly to the long-term heating of the atmosphere. A much more immediate atmospheric heating problem, however, results from the carbon dioxide produced when coal is burned. The carbon dioxide, which probably cannot be prevented from entering the atmosphere, heats the earth by the so-called greenhouse effect since it is transparent to incident solar radiation but absorbs some of the heat that the earth reradiates. It has been estimated that the carbon dioxide from fossil fuels burned in the last two centuries has increased the mean temperature about 0.3° C above what it would otherwise have been. However, the extent of the actual heating is complicated by the uncertain, possibly compensating, effects of particulates and other pollutants that are also emitted by coal combustion. More fundamentally, the current unpredictability of natural climate variations, which can be significant over relatively short periods, makes an empirical assessment of the actual impact of increased use of fossil fuels very difficult. Moreover, since short-term fluctuations would generally mask any trend for a number of years, these questions are not likely to be resolved for some time.

Despite these uncertainties, major increases in the use of fossil fuels could have a significant effect on climate. Whether the impacts of carbon dioxide will combine with natural changes in climate to the net disadvantage or advantage of mankind or to particular regions such as the United States cannot be judged at this time. On the basis of greater knowledge, however, this effect could take on overriding significance in a comparison of coal and nuclear power. This factor argues against putting complete reliance on coal power at this time.

Risk reduction

Much better information is needed for the comparative assessment of the social costs of coal and nuclear power. There is little prospect, however, that this information will be available soon. While it is being developed, much can be done to reduce the risks of both coal and nuclear power.

For nuclear power, we have been particularly impressed by the variability of risk with location in case of accident. The predicted consequences of accidents at different sites can vary a hundredfold depending upon the distribution of population and prevailing weather. A more restrictive siting policy would increase somewhat the costs of nuclear power in some locations, but we believe it is warranted by the uncertainties in the probabilities of accidents and by the large risk reductions that are possible. Special measures such as underground siting should be considered if nuclear power is to be sited at high risk locations.

We believe that in research and development more emphasis should be placed on actually improving safety as compared with proving that reactors are "safe enough." The present government safety program, which is oriented toward the latter confirmatory approach, will ultimately narrow the range of uncertainty, but it is unlikely to reduce the probability of accidents. Steps should also be taken to ensure that the regulatory process does not inadvertently create disincentives to improvements in safety design.

For coal, stricter regulations have greatly reduced occupational hazards in mining and substantially reduced the levels of pollutants. Improvements in current technology such as scrubbers and new combustion technologies such as fluidized-bed combustion can further greatly reduce the health hazards to the public. With scrubbers, for example, the health effects from sulfur-related pollutants could be reduced by as much as a factor of 10 below present levels for new plants if low-sulfur coal were also used. The land damage from strip mining can be largely eliminated with only a small increase in the cost of coal. With these and other measures being taken on their own merit, the comparison between the social costs of nuclear power and coal will present a constantly evolving picture.

NUCLEAR PROLIFERATION

In our view, the most serious risk associated with nuclear power is the attendant increase in the number of countries that have access to technology, materials, and facilities leading to a nuclear weapons capability. The growth and diffusion of nuclear power thus inevitably enhance the potential for the proliferation of nuclear weapons. If widespread proliferation actually occurs, it will prove an extremely serious danger to U.S. security and to world peace and stability in general. By 1985, most advanced and many industrializing countries will have nuclear power plants in operation and be only a few steps from a weapons capability.

Expectations, knowledge, and trade in nuclear facilities and materials are so widespread that the United States is not in a position to stop the expansion of nuclear power. Moreover, advanced countries, and some developing countries, are not dependent on nuclear power to produce nuclear weapons. None of the present nuclear weapon states developed its weapons through nuclear power. Each followed the direct path of producing the fissionable materials for its weapons in facilities designed specifically for the purpose.

Despite this somber appraisal of the technical situation, nuclear weapons are not an inevitable consequence simply because the technical capability has been achieved, as West Germany, Japan, Canada, and Sweden demonstrate. The perils of proliferation are recognized by most countries. For most, nuclear weapons offer little advantage and considerable risk. There is widespread though not complete support for the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the international safeguards on peaceful nuclear programs administered by the International Atomic Energy Agency (IAEA). These institutions, which reflect an international consensus against the acquisition of nuclear weapons by additional states, provide a framework for a nonproliferation policy and legitimize bilateral and multilateral restraints of nuclear trade.

Not all nonweapon states have foresworn nuclear weapons, and some may seek a nuclear weapons capability. Their possible motives are understandable if questionable: achieving prestige and status for some; overcoming isolation and insecurity for others. The response to these motivations is to give such countries confidence and standing, internationally and regionally, without recourse to nuclear weapons, and to limit the desires for nuclear weapons by regional settlements and easing of tensions and by security alliances and support for insecure states.

The motivations and responses to states seeking weapons capability underscore the essentially political nature of the nuclear proliferation problem. A strategy to constrain proliferation must be complex and comprehensive. U.S. nuclear power policies and programs can be shaped to support such a strategy, but they can be only partially effective unless they are meshed with broader political actions and international arrangements.

Some of the elements of a U.S. nonproliferation strategy that are broader than nuclear power are: a foreign policy in support of international security, peace, and stability; security commitments to reduce the perceived need for nuclear weapons; use of influence to discourage apparent preparatory moves for a nuclear capability; arms limitation agreements (e.g., a comprehensive test ban) to build additional barriers to proliferation; deemphasis of nuclear weapons in military policy, particularly doctrines that present nuclear weapons as acceptable and necessary armaments for limited application or political pressure; and cooperation in international development of the full range of energy resources.

Other measures more specifically related to nonproliferation include: support of the NPT and encouragement of present nonparties to adhere, and increased financial and technical support of the IAEA as it undertakes the increased burden of applying safeguards to a rapidly expanding, worldwide nuclear power industry. IAEA safeguards play a limited, but important, role in the effort to control proliferation. These safeguards cannot prevent proliferation but can discourage it by providing a system for warn-

ing that material has been diverted from proper peaceful uses. Such a system, while not foolproof, is a valuable deterrent. It would not be an attractive choice, for most states, to base a nuclear weapons program on clandestine diversions in violation of a formal international treaty.

There are also actions and policies that relate directly to nuclear power and the nuclear fuel cycle that would help to control nuclear proliferation in important ways. The nonproliferation system will inevitably be flawed and unstable if plutonium and highly enriched uranium, materials suitable for nuclear weapons, and the facilities to produce them become increasingly widespread. The time required for achieving a nuclear weapons capability would be greatly reduced and the temptation to make an irreversible decision to fabricate, and even use, nuclear weapons might be difficult to resist in a crisis. Facilities for plutonium separation and enrichment of uranium are thus particularly sensitive.

Fortunately, current reactors do not require plutonium or highly enriched uranium and instead use slightly enriched or natural uranium that cannot be used directly for weapons. These reactors do generate plutonium as part of normal operation, but it is mixed with highly radioactive fission products in the spent fuel and requires separation before it can be used in weapons. If this plutonium is chemically separated (reprocessing), it can be used again (recycled) in current reactors. The plutonium breeder reactor, which produces more plutonium than it consumes, requires reprocessing and recycle of plutonium for fuel. The potential danger of these technologies to proliferation is abundantly clear.

Current uranium enrichment facilities, located in the five weapon states, use gaseous diffusion technology, which inherently requires large capital investment and consumes large amounts of electricity. New methods that can be applied on a smaller scale are in various stages of development. Centrifuge plants, suitable for smaller programs and easily modified to produce highly enriched material, are beginning operation in Western Europe; most other countries would need to import the main equipment. Laser separation, which could prove successful in the 1980s, may permit production of highly enriched uranium on a small scale for relatively little capital investment and very small amounts of electricity. If not controlled, these new technologies will further complicate the proliferation problem.

International arrangements to control the nuclear fuel cycle are imperative to buttress the NPT and its safeguards system. Continued adherence by the United States to its long-standing policy of banning export of reprocessing and enrichment facilities is one contributing measure. Coordination with other suppliers of nuclear technology and materials is also essential. A few suppliers, however, cannot impose an enduring fuel cycle arrangement on the rest of the world. There must be developed a significant consensus among buyers as well as suppliers that it would be in their common interest to control the nuclear fuel cycle and thus establish physical constraints against a chain reaction of proliferation that could undermine international stability. Within the framework of such a common appreciation, it should be possible to develop effective constraints on the export of sensitive technologies.

The early introduction of plutonium recycle and plutonium breeders has been widely believed to be critical to the economic use of uranium and nuclear power. These beliefs have been encouraged by the emphasis on these programs in the nuclear development activities of the United States and the other principal nuclear suppliers. If the nuclear fuel cycle is to be controlled internationally, other countries will have to be convinced that there are no significant economic penalties in deferring these technologies. This will be hard to do if the United States is proceeding with reprocessing and breeder commercialization. While deferral of these programs would not necessarily convince all others that they should foreswear trading or acquisition of such facilities, it probably would convince some and would seriously influence the thinking of all countries. Deferral would also remove the appearance of discrimination in asking developing countries to forego these technologies and in achieving common supplier action to ban the export of such technology. Conversely, a decision by the United States to proceed with plutonium reprocessing and recycle would probably ensure worldwide movement to incorporate plutonium in the fuel cycle.

Postponing plutonium recycle and the plutonium breeder will increase concern about the availability of slightly enriched fuel for the present generation of light-water reactors. Conversely, assured supplies of such fuel from the United States and other suppliers will reduce the pressure for the new technologies directed at extending fuel supplies. Assured supplies of slightly enriched uranium at reasonable prices will also greatly reduce the economic rationale for other countries to build indigenous enrichment plants. The fact that a number of countries will be able to furnish enrichment services should provide further confidence of assured supplies.

Within such a framework of national and international constraints on the nuclear fuel cycle, we believe that, with concerted efforts by the United States and the international community to meet national security concerns and to reduce international tensions, the risk that nuclear power will lead to proliferation can be substantially reduced. The specific nuclear power decisions that the United States will have to take to accomplish this objective are considered below under "Issues for Decision."

Terrorism

A particularly disturbing aspect of nuclear proliferation is that it could extend to subnational terrorist groups. While a completed nuclear weapon would be a more convenient target, a highly organized terrorist group might have the capability to fabricate a crude nuclear weapon from stolen plutonium or highly enriched uranium. Since neither of these materials is available in the present fuel cycle, this threat will only emerge if plutonium is reprocessed and recycled or if reactors requiring highly enriched uranium are introduced.

The difficulty and danger of designing, planning, and constructing a crude weapon from reactor-grade plutonium should not be underestimated. Although it would not prove as easy as sometimes suggested, it is conceivable that a well-organized group supported by knowledgeable individuals could construct a device that might have a yield equivalent to a few hundred tons of TNT. When one considers that the largest conventional bombs of World War II contained only a few tons of TNT, the destructive potential of such a weapon is apparent.

A terrorist group might sabotage a nuclear facility in an attempt to inflict damage or threaten sabotage of a seized facility to blackmail authorities. The most serious target would be an operating nuclear reactor, where trained and knowledgeable saboteurs could cause a major accident. This threat cannot be qantified, but it clearly adds to the probability of an accident. Whatever that additional probability is, it can be reduced by measures designed to prevent or deter sabotage.

We believe that additional measures should be taken to reduce the possibility of terrorist acts to divert materials or sabotage facilities. Physical and personnel security should be improved at nuclear power plants and fuel cycle facilities. At present, the responsibilities of federal, state, and local agencies with respect to jurisdiction over crimes involving nuclear facilities are ill-defined, a situation that could lead to an inappropriate response to an emergency. The federal government should lead in developing improved security practices, coordinating procedures for law enforcement, and making expertise available.

We are convinced that measures to improve security substantially can be taken without infringing on the civil liberties of employees of the nuclear industry and the general public. Overzealous and ill-conceived measures, however, could endanger civil liberties and set dangerous precedents. The government should, therefore, be particularly sensitive to the broader legal implications of measures undertaken to improve security against, or the ability to respond to, terrorist activities.

Nuclear terrorism is international in scope. Terrorist acts in the United States could result from materials or devices seized abroad and smuggled into this country. The United States thus has a critical interest in the improvement of nuclear security and should encourage the development and implementation of effective physical security measures in all countries.

INSTITUTIONAL FRAMEWORK

Formulation of policy on nuclear power is affected by the institutional framework within which decisions must be made and implemented. Nuclear power interacts with public health and safety, the environment, foreign policy and national security as well as the economy. At the same time, nuclear power is, or should be, part of overall national energy policy, which in turn should be part of broader national economic policy. As a result, the complex issues have increasingly cut across institutional lines within the Executive Branch, regulatory agencies, Congress, state and local government, and the private sector.

In some respects, this institutional complexity is characteristic of energy in general. In other respects, nuclear power presents unique institutional problems arising from the original government monopoly in nuclear energy, the special risks of accidents and theft, the risks of nuclear proliferation, and the complex of treaties and agreements that have developed in the field. Until 1974, the government's role in nuclear power was largely the monopoly of the Atomic Energy Commission (AEC), which served as both promoter and regulator of the industry. This arrangement, while effective in developing nuclear power as an energy alternative, tended to make nuclear energy an end in itself, isolated from broader energy policy and potentially out of balance with other domestic and international considerations.

In a major organizational reform, the AEC was abolished in 1974 and the Nuclear Regulatory Commission (NRC) was created to deal with the regulatory aspects of nuclear power. The Energy Research and Development Administration (ERDA) was given responsibility for all research and development in energy including nuclear power. This action eliminated the anomalous situation where the same institution was both promoter and regulator, and placed the development of nuclear power in a common framework with all energy development activities, Although these institutional reforms have corrected some of the obvious problems with the AEC, the decision process remains fragmented. Despite its new charter, ERDA has to some extent continued to place emphasis

on nuclear energy, in part because it inherited the substantial organization and facilities of the AEC.

Despite the extensive reorganization of energy institutions and the intense interest and activity in the field since the 1973 embargo, the government has not formulated a clear national energy policy. We believe that such a policy is necessary to provide a basis on which the various agencies concerned with energy can establish priorities and make and implement specific decisions. Such a policy need not, and we believe should not, be a highly structured long-range plan but rather a strategy for developing choices for the future. The policy should establish consistent and achievable objectives and priorities in areas such as the development of new energy supplies, conservation, energy independence, emergency supplies, and the weight to be given to nonproliferation.

We are convinced, after a year's exposure to the range of problems involved, that the President must be directly involved in the formulation of both overall energy and nuclear energy policy. There is no lower level that can have the authority to resolve the diverse domestic, foreign policy, and security interests. While not attempting to advise the President on how to organize the Executive Office, we believe that some arrangement should be devised to assist him directly in this area. Although this approach can be criticized as establishing a pattern that would break down if extended, as will be suggested by some, to many other complex areas such as resources and food, we believe the energy problem does merit priority attention.

Even where energy policy has been established, there is no clear mechanism for implementing it within the Executive Branch, and agencies are often left to interpret government policy independently. The Executive Office must play a stronger role in seeing that policy is understood and carried out responsibly by each lead agency and coordinated with other agencies having responsibilities for various aspects of the nuclear power problem.

With the demise of the AEC, the Joint Committee on Atomic Energy lost its unique position and has now been abolished. Other Congressional committees have acquired increased responsibilities for separate aspects of nuclear power. This has been a useful process in developing broader Congressional and public understanding of the issues. However, Congressional responsibility for nuclear power has become too diffuse, and there should be some consolidation so that Congress can deal effectively with nuclear power in the broader perspective of overall energy and foreign policy. In the final analysis, the ability of Congress to contribute to the policy-making process and produce constructive legislation will depend on the presentation of an overall energy plan to Congress by the President.

In a narrower sense, there are important institutional problems affecting nuclear power in the relations of the federal government with state and local governments. Regulatory authority over nuclear energy facilities is widely dispersed among federal, state, and local authorities. The licensing of a power plant requires dozens of separate permits and approvals. Each authority considers the question not only in a limited geographical setting, but also from a narrow functional perspective—economic, safety, environmental, or aesthetic. The licensing process can become an obstacle course, resulting in delays and increased costs and frustrating sound decision-making.

Under the Constitution, Congress could pass legislation establishing federal control over the whole licensing process, but the variety and intensity of local and regional interests argue strongly against wholesale displacement of their authority. Short of this, it would be desirable to act at the federal level to simplify and rationalize this process by reducing the number of separate hearings and proceedings required before final approval. Federal statute could provide for a single consolidated proceeding at which all aspects of the problem could be covered with all interested parties having an opportunity to appear and present evidence. This would produce a consolidated record on which local, state, and federal authorities could make decisions which could be reviewable in a single appeal to a Federal Court of Appeals.

From the perspective of a rational overall energy policy, one might argue that provision should be made for federal preemption over decisions by state or local authorities. However, in keeping with our conclusion that economic factors and appraisals of social costs should lead to an appropriate mix of coal and nuclear power plants, we believe that it is desirable to allow considerable leeway for local preferences. If it should develop that the cumulative effect of local preferences would endanger a reasonable national mix of coal and nuclear power plants, the case for federal preemption would be stronger.

Government-industry relations in the nuclear power area are currently in some disarray. The government has historically taken the leading role in nuclear development, originally a government monopoly. Private firms were initially contractors or chosen instruments. Even today, nuclear power is not really a private industry in the normal sense, since the government retains a dominant role in such areas as uranium enrichment, waste management, and research and development.

It is in the interest of a sound U.S. energy economy to let the market establish the rate of nuclear power growth. This does not mean, however, complete private ownership of the fuel cycle in view of the large capital requirements, technical and economic uncertainties, and security sensitivity of facilities such as those for uranium enrichment, plutonium reprocessing, or permanent waste disposal. Siting policy is also an appropriate area of government responsibility in view of the strong dependence of accident risks, affecting large and widely dispersed populations, on the specific location of power plants. Working out a government-industry relationship that is economically and managerially sound and provides a clear basis for planning is an important national objective; doctrinaire assignment of proper roles for government and the private sector is not warranted.

In sum, we do not believe nuclear power can be treated as just another industry. Utility choices between coal and nuclear plants should be based on market considerations, within a regulatory framework that deals adequately with social costs external to the industry. At the same time, the special security implications of nuclear power demand continued close government control and participation in critical stages of the nuclear fuel cycle.

ISSUES FOR DECISION

The United States faces a number of early decisions having an important bearing on the future of nuclear power and on the worldwide risks in the nuclear fuel cycle. These decisions, which are closely interrelated, must be considered in the context of the economic, energy supply, social costs, and international security issues discussed above. From this broader perspective we have examined the pending decisions: whether to proceed with plutonium reprocessing and recycle; how to conduct a breeder program most appropriate to long-term energy needs; how to manage and dispose of nuclear waste; when and how to expand enrichment capacity; and how to develop a nuclear export policy which minimizes threats to international peace and stability.

The significant common thread in these decisions is the question of whether plutonium should be introduced into the nuclear fuel cycle. We have concluded that there is no compelling reason at this time to introduce plutonium or to anticipate its introduction in this century. Plutonium could do little to improve nuclear fuel economics or assurances here or abroad. This conclusion rests on our analysis of uranium supply, the economics of plutonium recycle in current reactors, and the prospects of breeder reactors. In the longer term, beginning in the next century, there is at least a possibility that the world can bypass substantial reliance on plutonium. If this is not the case, the time bought by delay may permit political and technical developments that will reduce the nuclear proliferation risks involved in the introduction of plutonium.

Plutonium reprocessing and recycle

The principal immediate issue affecting nuclear power is whether the United States should proceed with the reprocessing and recycle of plutonium. Until recently, it was generally assumed that spent fuel from light-water reactors (LWRs) would be reprocessed to recover the plutonium produced during operation and that the plutoinum and any unused uranium-235 would be recycled as fuel in LWRs. The expectation was that this process would take place on a commercial scale as soon as the nuclear power industry had expanded to the point to justify the large facilities needed for economic operation. The decision whether to license this activity is now before the NRC. Statements by both candidates during the 1976 Presidential campaign indicated, however, that these assumptions are being challenged on a bipartisan basis and that a consensus is emerging not to proceed at this time with reprocessing.

In a major statement on nuclear policy on October 28, 1976, President Ford announced that "reprocessing and recycling of plutonium should not proceed unless there is sound reason to conclude that the world community can overcome effectively the associated risks of proliferation." This does not, however, constitute a decision on reprocessing but rather an identification of the issue. Although the Administrator of ERDA was directed not to assume that reprocessing would proceed, he was also directed "to define a reprocessing and recycle program consistent with our international objectives." During his campaign, President Carter stated in San Diego on September 25 that he would "seek to withhold authority for domestic commercial reprocessing until the need for, the economics, and the safety of this technology is clearly demonstrated."

The risks associated with reprocessing and recycle of plutonium weigh strongly against their introduction. The use of plutonium in the commercial fuel cycle would expose to diversion and theft material directly usable for weapons. With widespread adoption of the plutonium fuel cycle, there would be increased pressures for independent national reprocessing facilities. The proliferation of such facilities would reduce the time necessary for a national decision to develop weapons.

Despite these widely recognized problems, it has been argued that the economics of reprocessing and recycle of plutonium in LWRs is so compelling as to make their introduction inevitable. Although plutonium and unburned enriched uranium have substantial value, the recovery of these materials from the highly radioactive wastes in spent fuel has proven to be much more difficult and expensive than anticipated. As reprocessing and recycle have moved closer to commercial practice, cost estimates have escalated rapidly. The first two U.S. commercial reprocessing ventures failed, one for eco-

nomic and the other for technical reasons. The Allied Chemical plant at Barnwell, South Carolina, the only remaining U.S. commercial venture in this field, is likely to incur substantial losses and is seeking government support. European ventures are not yet operating on a commercial basis and are unwilling to contract except on a cost-plus-fee basis.

The most recent government analysis of reprocessing and recycle shows at best a 1 or 2 percent reduction in the cost of electricity in the latter part of the century. These estimates, however, are based on assumptions that appear to underestimate some elements of plutonium fuel cycle costs. Our own analysis of the costs indicates that any net economic benefit during this century is questionable.

Even if plutonium recycle proves of little economic importance, some countries may consider the plutonium inventory in spent fuel reassuring in view of the uncertainties in future uranium supply. In the case of the U.S. program, however, recovery of plutonium and unburned enriched uranium from spent fuel would only reduce uranium fuel requirements by some 20 percent. The incremental value of recycle would be largely irrelevant if access to reasonably priced supplies of fuel can be assured. Specific measures to accomplish this are discussed below.

It has been argued that early reprocessing of LWR fuels is important to build up plutonium inventories for future breeders. Our analysis indicates that the time when breeders may be economically competitive is sufficiently distant, that the present value of establishing plutonium inventories now for future breeders is very small and thus recovery of plutonium is not economically justified for many years. Furthermore, spent fuel can be stored retrievably, so that the plutonium could be recovered if plutonium breeder reactors are actually deployed in the future.

An incentive to defer reprocessing and recycle also comes from the complexity it introduces into the waste management problem. Wastes are converted in these operations from relatively easy to manage spent fuel to a number of new forms—high level waste, acidic liquid waste, cladding hulls, process trash contaminated by plutonium, and others. As experience with reprocessed military and civilan wastes has shown, these operations introduce opportunities for waste management failures. While it has been commonly believed, particularly abroad, that reprocessing to remove plutonium decreases the long-term hazards of waste, we have concluded that any reduction in long-term risk is small in comparison with the more immediate risks potentially arising in reprocessing and in the use of plutonium in the active fuel cycle.

On the basis of our analysis of plutonium reprocessing and recycle, we have concluded that the international and social costs far outweigh economic benefits, which are very small even under optimistic assumptions. We believe therefore that a clear-cut decision should be made by the U.S. government to defer indefinitely commercial reprocessing of plutonium. Although the question of plutonium reprocessing and recycle is now before the NRC, we believe that, in view of the important international implications, the President should make the decision to defer plutonium reprocessing. If a decision to postpone this technology indefinitely is articulated and carried out effectively, it can have a major influence on the assessment of costs and benefits of reprocessing and recycle by other countries that are, or soon will be, facing similar decisions. Conversely, a U.S. decision to go ahead with reprocessing or actions that appeared to foreshadow such a decision would accelerate worldwide interest in the plutonium fuel cycle and undercut efforts to limit nuclear weapons proliferation. For this reason, we conclude that the government should not take over or subsidize the completion and operation of the Barnwell facility.

The Breeder Reactor program

The priority and timing of the plutonium breeder is inevitably a central budget and policy issue since the commitment to this program currently dominates federal energy research and development activities. The plutonium breeder, which produces more plutonium than it consumes in operation, can in principle improve the utilization of uranium by a factor of as much as 100. When used in light-water reactors (LWRs), current estimated uranium reserves would provide only one-tenth the energy of coal reserves; in breeders, these same uranium reserves could in principle provide ten times the energy of coal reserves. The breeder thus opens up a vast additional energy resource and answers the criticism that nuclear power will price itself out of the market as soon as low-cost uranium is exhausted.

The Liquid Metal Fast Breeder Reactor (LMFBR) has become the centerpiece in the U.S. energy research and development program. The LMFBR program is focused on the early commercialization of a power plant to compete with the current generation of LWRs. ERDA has estimated that this program will cost at least $12 billion to complete, assuming utilities will be able and willing to start buying breeders within ten years without government subsidies.

The plutonium breeder involves a full commitment to the plutonium fuel cycle and would introduce tremendous quantities of plutonium into national and international commerce. In these circumstances, the pressure for indigenous plutonium reprocessing facilities would grow rapidly and be difficult to oppose. The breeder would thus greatly complicate the proliferation problem and increase the possibility of theft or diversion of material suitable for weapons. The economics of the breeder have generally been considered so persuasive that this serious disadvantage has until recently been largely dismissed in government planning.

Past government policy on the LMFBR has been predicated on a belief that nuclear power would exhaust reserves of low-priced uranium in a few decades, making breeder introduction economically attractive by the early 1990s. Our analysis, however, indicates that the early economic potential of the breeder has been significantly overstated. The LMFBR, as presently envisaged, will have higher capital costs than the LWR and must therefore operate as a significantly lower fuel cycle cost to be economically competitive. There appears to be little prospect that these fuel cycle costs can be reduced to a point that would give the LMFBR a significant economic advantage over the LWR in this century or the early decades of the next century. The current assessment of uranium reserves probably substantially understates the supplies that will become available; uranium, at prices making light-water reactors competitive with breeders, will be available for a considerably longer time than previously estimated. New enrichment technologies may also extend these supplies. Moreover, coal available at roughly current costs will look increasingly attractive if the costs of nuclear power rise. Finally, demand projections on which breeder economic assessments have been made in the past were unrealistically high and have already been substantially reduced. These considerations lead us to the conclusion that the economic incentive to introduce breeders will develop much more slowly than previously assumed in government planning.

This conclusion applies to other countries, as well, provided that they have access to low-enriched uranium to meet their nuclear fuel requirements. Moreover, the contribution of breeders to energy independence is questionable for most countries since the complexity and scale of the breeder fuel cycle would make an autonomous breeder system too costly for all but the largest industrial economies. Therefore, the prospect of a large export market for breeders in this century is illusory.

Despite this negative assessment, we believe that a breeder program with restructured goals should be pursued as insurance against very high energy costs in the future. This situation could develop if additional uranium reserves do not become available, environmental problems place limits on the utilization of coal, and other alternative energy sources do not become commercially viable at reasonable prices in the first decades of the next century. The present U.S. program, directed at the early commercialization of the LMFBR, is not necessary to the development of the breeder as insurance. The ultimate success of the breeder may even be compromised by telescoping development stages to meet an early deadline, freezing technology prematurely. We believe therefore that the breeder program should deemphasize early commercialization and emphasize a more flexible approach to basic technology. In such a program, with a longer time horizon, the Clinch River project, a prototype demonstration reactor costing $2 billion, is unnecessary and could be canceled without harming the long-term prospects of breeders. In fact, premature demonstration of a clearly noncompetitive breeder could be detrimental to its ultimate prospects.

Although long lead times are required for a project as complex as the breeder, we believe that the decision on commercialization, now set for 1986, can safely be postponed beyond the end of the century. The cost, if any, of such postponement will be small, and there is a strong possibility that postponement will help in restraining large-scale, worldwide commerce in plutonium and buy time to develop institutions to deal with this problem. The option of bypassing the plutonium breeder altogether should not be prematurely foreclosed since there is at least a possibility that the plutonium breeder may never become necessary, or even economically competitive, compared to other energy sources that may become available in the next century.

Nuclear waste management

The United States must greatly improve the management of its rapidly growing accumulation of nuclear wastes and decide soon on the strategy for its disposal. This long-deferred action is closely related to decisions on plutonium reprocessing and the timing of the breeder program. The need for action on this problem was recognized by President Ford in his directive on October 28, 1976, calling on ERDA to undertake an accelerated program to demonstrate all components of waste management technology by 1978 and a complete disposal repository by 1985. However, the question as to what strategy should actually be followed in managing and disposing of wastes has yet to be resolved.

As indicated in the earlier discussion, we are persuaded that nuclear wastes can be disposed of permanently with acceptable safety by deep burial in salt and other stable geological formations that are isolated from ground water intrusion. This conclusion holds equally whether the nuclear wastes are contained in spent fuel or in processed form. Until they are securely isolated from the environment, however, nuclear wastes are potentially extremely dangerous.

In the past, the waste disposal problem has generally been approached on the as-

sumption that spent fuel would be reprocessed to recover plutonium for recycle. Decisions on disposal were continually deferred pending successful introduction of plutonium recycle. As a consequence, it is widely believed that reprocessing is a necessary stage in the waste disposal process. However, if plutonium is not recycled in light-water reactors or used eventually in breeders, there is no reason to reprocess spent reactor fuel. In fact, reprocessing potentially increases short-term risks associated with management of nuclear wastes and does not significantly reduce long-term risks after disposal. Spent fuel can be disposed of directly, and probably at costs comparable to those for reprocessed wastes. Therefore, if plutonium reprocessing for recycle in LWRs is deferred indefinitely as we recommend, waste disposal is made no more difficult.

The breeder, which we believe should continue as insurance against the uncertainty of future energy needs, presents a more difficult problem since large inventories of plutonium (or highly enriched uranium) would be required to start a commercial breeder program. The time scale of commercially competitive breeders is sufficiently distant, however, that separation of plutonium for this purpose will not be justified economically for some time. Nevertheless, as part of the breeder insurance program, some portion of the spent fuel should be retrievable and not disposed of permanently. The retrievable fraction should depend on the evolving time schedule of breeder development.

In the immediate future, spent fuel can be kept in the cooling ponds at nuclear power plants where it is presently stored. These facilities can easily be expanded when necessary. While this arrangement is acceptable as a temporary measure, it is not satisfactory for extended storage of large quantities of material that can be anticipated with the growth of the nuclear power industry. Therefore, we believe that the waste management and disposal program should develop both permanent and retrievable and irretrievable storage for spent fuel in stable geological formations. While security of storage will have to be balanced against ease of retrieval, the emphasis should be placed on security since retrieval may be long delayed or perhaps unnecessary.

We believe that liquid wastes accumulated from the military program and the abandoned West Valley commercial plant should be disposed of permanently to eliminate a potential safety hazard and to demonstrate the seriousness of the government's concern about the waste management problem. Experience gained in this activity could be applied to handling and disposal of wastes from future reprocessing plants if a decision is made eventually to use breeder reactors.

Our confidence in the ability to manage spent fuel is sufficiently high that we believe the United States should be willing to take back spent fuel from countries lacking waste facilities for retrievable storage or disposal if this will reduce risks to international health or of proliferation of nuclear weapons.

Expansion of uranium enrichment capacity

The United States must have a clear policy on its long-term role in providing enriched uranium fuel to both domestic and foreign nuclear power programs. If future requirements are to be met, present facilities will eventually have to be expanded. The timing and magnitude of this expansion depend not only on the anticipated growth of domestic demand for enriched uranium fuel but also on the extent to which this country wishes to be able to assure fuel for others. The issue has become entangled in the question whether expansion would best be carried out by the private sector or the government. At present all enrichment facilities are owned by the government but operated under contract by private firms.

An assured supply of uranium fuel is a major factor in limiting worldwide proliferation capabilities. The assured availability of fuel at reasonable prices limits the pressure on other countries to seek indigenous enrichment facilities that would provide a capability leading to weapons. An assured fuel supply also reduces the incentive to recycle plutonium or to develop breeders in an attempt to stretch available fuel supplies.

In 1974, when projected demand appeared to call for more enriched uranium than the United States could supply, this country stopped entering into long-term commitments to supply fuel for new reactors abroad. This unwillingness to guarantee supply (even when the purchaser was willing to supply natural uranium for "toll" enrichment) is reportedly the main reason for Brazil's 1975 agreement with West Germany that provides for Brazil's eventual purchase of both enrichment and plutonium reprocessing facilities.

Present U.S. plans for new enrichment capacity are still based on earlier demand projections that are now being revised sharply downward. Cutbacks in nuclear construction plans here and abroad have delayed the time when additional fuel facilities will be required. Requirements recently estimated for the mid-1980s now seem unlikely to be reached before 1990. The ongoing program to upgrade existing U.S. enrichment plants will increase capacity by more than 50 percent in the mid-1980s. By the mid-1980s, Eurodif, in France, and URENCO, a West German/British/Dutch consortium, plan to have a combined capacity approaching, and possibly greater than, present U.S. capacity. The new private and government facilities proposed in legislation submitted to Congress in 1976 would be equal to or greater than the total present U.S. capacity. This would bring the total free world capacity in the mid-1980s to three or four times present levels, well beyond currently projected needs. The Soviet Union also has excess capacity and is selling toll enrichment services on the world market. In short, no shortage of enriched uranium need occur in the 1980s, and there is ample time to meet the needs beyond 1990.

The rapid pace of technological development further complicates decisions on expansion of uranium enrichment since new separation techniques may significantly reduce the cost of enrichment. While two of the proposed U.S. plants would employ the same gaseous diffusion technology as existing plants, three others would employ the centrifuge technology which may prove less expensive. More significant is the prospect that laser isotope separation will reduce drastically the cost of enrichment. If, as we anticipate, this new technique proves commercially feasible, both the construction and operating costs of an enrichment plant will probably be much less than those of either the new gaseous diffusion or centrifuge plants. Laser separation may also stretch uranium supplies and reduce costs by making the extraction of a larger portion of available uranium-235 economically feasible. In these circumstances, it would appear to be prudent to let the technology of centrifuges and lasers evolve further before making major new commitments unless they are urgently required.

While centrifuge and laser technology may support nonproliferation objectives by making enriched fuel available at lower costs, they also create proliferation problems since they make possible much smaller plants that can be converted to the production of weapons-grade enriched uranium. This could prove to be a particularly serious problem with laser enrichment plants, although it may be somewhat compensated by the very high technology and special lasers associated with some of the approaches to laser isotope separation. The inherent size and capital cost of gaseous diffusion plants have provided something of a natural barrier to the spread of indigenous enrichment facilities.

We believe the United States should maintain adequate uranium enrichment capacity to meet worldwide nuclear power requirements. However, in view of rapidly changing demand projections and the possibility of radical technological developments, decisions in this area should not be taken hastily. Nor should the United States attempt to monopolize the world market, since availability of alternative suppliers of safeguarded fuel will enhance confidence in fuel supply. Decisions on expansion should therefore take account of worldwide enrichment capabilities, which should be looked on as an added resource.

The present argument for private ownership of new capacity is not persuasive. Proposals involve extensive government guarantees and few of the advantages of a competitive market. Although we favor the principle that nuclear energy should be judged by unsubsidized competition with other energy sources, we believe that the government should at this time retain control of both enrichment facilities and new enrichment technologies. If this is done, the U.S. government will be in a stronger position to use this resource in support of its nonproliferation policy and in dealing with the security problems that may be created by new enrichment technologies.

Export policy

Most countries have access to nuclear facilities and fuel only through imports from a small number of supplier states. The terms of such trade can contribute significantly to nonproliferation objectives. The United States cannot, however, unilaterally determine international nuclear trade policy, since a growing number of countries are competing for the nuclear export market. Attempts to restrict trade in nuclear fuel cycle facilities msut take into account the U.S. commitment in the NPT to facilitate the peaceful use of nuclear energy in exchange for the commitment of other states to forgo nuclear weapons. Moreover, attention must be given to the impact of export policies on the political concerns of the few key countries that must reach their own decisions not to develop nuclear weapons.

Despite these limitations and complications, U.S. export policy can significantly support its nonproliferation objectives. As the long-time leader in the field, the United States has considerable influence with other suppliers, most of whom are allies. Although the ultimate response to proliferation is political, important actions can be taken in the export field in conjunction with a broader diplomatic effort to develop a consensus on the merits of a nuclear fuel cycle without plutonium.

From the nonproliferation standpoint, the focus of concern must be on exports of facilities that can separate plutonium or produce highly enriched uranium. Such facilities provide a capability for all but the final steps in the production of weapons. This capability might significantly influence a nation's political decision to develop nuclear weapons in a time of crisis. Such facilities also greatly increase the threat that material suitable for weapons might be stolen by terrorists.

Fortunately, at the end of 1976, other major nuclear suppliers seemed to be moving in the direction of U.S. policy, which has always refused to license exports of these sensitive facilities. The United States should build on these emerging attitudes to develop a consensus among supplier and consumer nations alike against the spread of national plutonium separation and uranium enrichment facilities. This agreement should be built upon a common recognition that it is more in the interests of both suppliers and consumers to reduce the possibility of nu-

clear proliferation than to pursue marginal economic gains or status from the sale or acquisition of these sensitive facilities. The success of such an effort will depend largely on the extent to which it is widely recognized as a major U.S. priority with strong Presidential support.

A U.S. proposal for international reexamination of the economics of plutonium recycle and breeders will hardly be credible unless the United States is itself prepared to defer its own plutonium recycle and breeder commercialization programs on valid economic and energy supply grounds. Such cation will not necessarily convince all countries but will certainly influence their thinking and will preempt charges of discrimination or of failure to honor NPT commitments.

If plutonium reprocessing and recycle and attempts to commercialize breeders are postponed, there will be increased concern about the future availability of enriched fuel for light-water reactors. U.S. export licensing procedures should permit the United States to make credible guarantees of fuel supply to countries that are in compliance with the NPT or other agreements in the operation of their nuclear programs.

Although safeguards cannot prevent a nation from developing a nuclear weapons capability, they can help to deter it and provide assurances to others that it has not done so. The value of safeguards is obviously greatly weakened if they do not apply to all of the nuclear facilities in a country and, in particular, to any indigenous facilities for reprocessing plutonium or enriching uranium. While the NPT obligates nonnuclear weapon states that are members to place all their nuclear facilities under safeguards, the United States and other suppliers have interpreted their treaty obligations on exports to nonNPT members as requiring that the nonmembers place under safeguards only the exported facilities or materials and not *all* their nuclear facilities. To strengthen safeguards, the United States should seek in future agreements with nonNPT members to have all nuclear facilities placed under IAEA safeguards. An effort should also be made to renegotiate existing agreements to include this provision and to persuade other suppliers to adhere to a similar policy. To emphasize that inspection is not intended to serve a discriminatory purpose, the United States should move promptly to implement its offer made in late 1967 in connection with the negotiation of the NPT to put all U.S. peaceful nuclear facilities under IAEA safeguards. The United States should give generous financial and technical assistance to the IAEA so that it will be in a position to handle its rapidly growing responsibility for safeguards.

Above all, in approaching the energy problem, the United States should discard the promotional approach to nuclear energy that has characterized so much of its program since the initiation of the original "Atoms for Peace" program. In all countries, but particularly in developing countries, the United States should encourage realistic assessments of energy needs and options and not press the nuclear option.

In this overview, we have endeavored to put nuclear power in realistic perspective relative to broader economic, social, and security objectives and to develop a framework for considering the current policy decisions on nuclear power. In the body of the report, we examine the elements of the nuclear power problem in greater detail. The report is divided into four parts: Part I deals with the economics of energy, energy supplies, comparative costs of nuclear power, and potential alternative energy sources; Part II deals with the impact of nuclear power on human health and the environment in normal operations and the potential effects of reactor accidents and nuclear waste; Part III examines the relationship of nuclear power to the proliferation of nuclear weapons and nuclear terrorism; and Part IV presents a more detailed analysis of the specific decisions currently facing the U.S. government.

TIME TO OVERHAUL FEDERAL ENERGY APPARATUS

Mr. PERCY. Mr. President, on October 21, 1976, the Washington Post carried a very perceptive editorial entitled "Criticism of the FPC." The editorial comments on recent criticism of the Federal Power Commission by a House subcommittee. The subcommittee attacks the Commission for "conscious disregard of its statutory mandate" in approving price increases for natural gas.

The Post points out, however, that:

The FPC has not consciously disregarded its legislative mandate . . . but rather that mandate has become impossible to fulfill in a way that squares with the economic facts of life.

The point is a significant one. The world has changed tremendously since the FPC was given its legislative mandate in 1930. Today's technology would be unrecognizable to even the best scientists of 1930. We have new power sources, new power uses, and new power problems. It is time we took a long, hard look at the FPC legislative mandate. To intelligently deal with 1977's energy issues, we must have agencies equipped with 1977's legislative tools.

The need to rethink our Government's approach to energy is not limited to the FPC. Energy has become such a critical issue that wide-scale restructuring of the entire Federal energy apparatus is warranted. Too often we have created agencies with ill-defined relationships to one another and society as a whole. This may have worked when energy was abundant and cheap. Indeed, the agencies' structures may have been ideal for the times in which they were created. But Government's energy authority today is a "Rube Goldberg" contraption that works only part of the time.

To address this problem I have introduced S. 591, The Omnibus Energy and Natural Resources Reorganization Act of 1977. It is an attempt to make sense out of our contorted energy hierarchy. I have also cosponsored the administration bill introduced by Senator RIBICOFF to create a new Department of Energy.

S. 591 is no panacea nor is it an administration bill. They are meant to be a first iteration toward intelligent energy structure. But it is only if we take such first steps that we can be on our way toward resolving our energy problems.

Mr. President, the Washington Post editorial is thoughtful journalism on an important issue, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CRITICISM OF THE FPC

It is not surprising that a House subcommittee has rated the Federal Power Commission the worst federal regulatory agency. A majority of the subcommittee, chaired by Rep. John E. Moss (D-Calif.), wants to keep the price of natural gas low, and the FPC has been attempting to raise it. The antagonism between the two groups is deep, and it shows through in the subcommittee's report.

The subcommittee contends that the FPC has departed from its traditional decision-making method in recent years and is now approving price increases based on flimsy economic and legal analyses. There is considerable justification for this view, and it may well be true that the $1.42 price placed on "new" gas by the FPC last summer will be overturned by the courts. But we think the subcommittee has gone too far in charging that the FPC "has demonstrated a conscious disregard of its statutory mandate to protect the consuming public from exploitation, especially by natural gas producers."

Undoubtedly, the FPC could have avoided the wrath of Rep. Moss and his colleagues by keeping the price of natural gas low. But it can be argued fairly that by doing so the FPC would have been jeopardizing the other part of its mandate—that of ensuring adequate supplies. Thus, it seems to us, the subcommittee has failed to grasp the fundamental problem of the FPC. The task assigned the FPC—given the law it has to work with—is impossible. The commission is required to base the prices it sets on the cost of production. But in almost 40 years of existence, the FPC has never been able to come up with a formula for determining costs that works equitably. And this basic problem has now been compounded by the energy crisis and the inflation rate.

So the story of the FPC as laid out by the Moss subcommittee tells us something about the regulatory process that is quite different from what the subcommittee thinks it is. The FPC is a disaster as a regulatory agency. But it is a disaster not because it has consciously disregarded its legislative mandate, as the subcommittee contends, but rather because that mandate has become impossible to fulfill in a way that squares with the economic facts of life. The committee is wrong in believing that the need now is for new commissioners selected "in accord with the Commission's statutory mandate." The need is for a reform of that mandate as part of a national energy policy. At the moment—and in large part because of Congress' default—there is no such policy.

THE CENTRAL ARIZONA PROJECT IS NEEDED

Mr. DECONCINI. Mr. President, the Arizona delegation testified at a public hearing this morning on President Carter's proposal to eliminate funding in fiscal year 1978 for the Central Arizona project. The Arizona delegation is solid in its support of the Central Arizona project even though we are split by party affiliation and geographic base. We are, Mr. President, just as committed to this project as the constituents whom we represent.

If we had no information other than that supplied by the President and the press, the conclusion might be drawn that the Central Arizona project was enacted on a whim by irresponsible legislators rolling the pork barrel. The truth, however, is far different. Neither the Congress of the United States nor the people of Arizona have acted precipitously. The Central Arizona project was first discussed in Congress in 1947 after the State of Arizona had considered its impending water crisis for many years.

It was not until 1968 that the legislation authorizing the Central Arizona project was signed into law by President

Lyndon Johnson—21 years after Congress first began its examination of the project. I think we can dismiss both the innuendo and the allegation that this was a hastily and ill-conceived undertaking that was not seriously considered by the Congress. The Central Arizona project has probably been scrutinized more closely than any proposal of this type ever authorized by Congress.

I must express to my colleagues the tremendous sense of disappointment I feel at President Carter's precipitous decision to cancel funding for the CAP. To the best of my knowledge, the President's decision did not follow a long and careful examination of this project, such as the one which preceded its enactment. In fact, no Member of the Arizona delegation was brought into the confidence of the President. Each of us learned of his decision in the press. The public hearings today are not public hearings in the proper sense. They are de facto—called after the decision was announced; presumably, they are designed to respond to the tremendous outpouring of opposition from the people and the elected officials of my State.

At the hearings today, Congressman UDALL, chairman of the House Interior Committee, and Gov. Raul Castro presented the case for the Central Arizona project. In their testimony, they review, once again, the reasons why the Central Arizona project is needed. Since the final decision on this matter will ultimately be resolved in the Senate and in the House of Representatives, I ask my colleagues to review the testimony anew. I ask them to judge for themselves if the Central Arizona project does not stand on its merits. Toward that end, Mr. President, I ask unanimous consent to have Congressman UDALL's and Governor Castro's testimony printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF RAUL H. CASTRO TO THE DEPARTMENTAL WATER PROJECTS REVIEW TEAM

Mr. Chairmen and members of the Committee; Ladies and Gentlemen: As Governor of the State of Arizona I welcome the opportunity to defend the CAP before this committee.

The delegation from Arizona here today is a united delegation—united by a dedication to the orderly economic development and growth of our state, the well-being of our citizens, and the preservation of our unique environment.

Regardless of partisan political differences among our delegates on other issues, we stand united in defense of the Central Arizona Project. Without the CAP we believe our State's economy, our people's well-being and our unique environment will be imperiled.

GOALS OF THE CAP

Specifically, we count on the CAP:

1. To provide sufficient water to sustain present and projected population growth and increased economic activity;

2. To relieve demands on groundwater supplies in order to slow or stop depletion of aquifers in excess of their recharge capacities;

3. To provide water for energy and copper production;

4. To sustain agriculture, one of Arizona's most important industries; and

5. To provide needed flood control.

6. To ensure continued economic development for Indian tribes.

These goals are consistent with Title III, Section 301 of the original Colorado River Basin Project Act, Public Law 90–537 of 1968, which clearly states that the Central Arizona Project was designed:

"For the purposes of furnishing irrigation water and municipal water supplies to the water-deficient areas of Arizona and Western New Mexico through direct diversion or exchange of water, control of floods, conservation and development of fish and wildlife resources, enhancement of recreation opportunities, and for other purposes. . ."

Implicit in that statement of purpose is the statement of need-summed up in the five words "water-deficient areas of Arizona." Nine years have passed since Congress recognized our need, and in these nine years our need has grown not less but more! The need will continue to grow in the future.

ARIZONA'S WATER SUPPLY SITUATION

Arizona has been a water-deficient state since the 1940's, when it was acknowledged that withdrawals of groundwater exceeded the natural recharge. This resulted in water tables dropping at rates of up to 17 feet a year.

In 1949 there was an attempt to deal with the overdrafting of groundwater supplies in the State Legislature. Legislation was enacted for critical groundwater areas which prohibited the drilling of any new wells without a permit from the State, and limited expansion of farm land to situations in which other farmland was retired from production. But legislation of this type, although helpful, has fallen far short of resolving Arizona's groundwater imbalance.

To begin with, most Arizonans live in a desert, where annual precipitation may be as low as four inches. By a curious quirk of nature, Arizona was provided with generous groundwater supplies beneath her desert soils. However, it took 2 billion years to create this valuable underground resource. And, like the fossile fuels which took equally long to form it is difficult to treat such a resource as "renewable" when we are depleting supplies faster than nature can replenish them. Once water is mined, for all practical purposes, it is gone. We need the CAP to alleviate the situation.

THE DEMAND FOR WATER IN ARIZONA

Arizona has a population of 2,270,000 of which 1,779,800 or 79 percent live in Pima, Pinal and Maricopa Counties—the three counties to be served by the CAP.

The demands from agricultural, municipal and industrial users on available water supplies are much greater than can be supplied without over-drafting groundwater reserves. A dangerous imbalance exists amounting to a perpetual water crisis which could lead to eventual water bankruptcy.

Only by constantly drawing on our groundwater reserves—these 2-billion-year-old reserves—can we meet the demands of water users. To expect Arizona to give up CAP and to continue to deplete groundwater reserves until they are gone is comparable to expecting Americans to develop and consume all available fossil fuels as quickly as possible with no alternative energy resources in sight.

Arizonans, statewide, are presently consuming approximately 2,200,000 acre-feet more water annually than is being replenished. In the three counties to be served by CAP, the combined overdraft is 1,800,000 acre-feet or 82 percent of the statewide total. Economic, hydrologic and demographic characteristics of these three counties explain their large share of the overdraft and justify their choice as the target area for the CAP.

As you probably know, Arizona has the fastest growing population in the United States. The three counties in the Central Arizona Water Conservation District accounted for 79 percent of the population growth rate during this same period was 28 percent.

AGRICULTURE AND MINING

It was part of the original intent of CAP to save agriculture in our state. In these times of worldwide food shortages we cannot ignore the contributions that Arizona agriculture makes to the state and national economies.

Arizona in fact contributes significantly to the national economy in many ways. Arizona's water was used to help produce approximately 63% of the nation's newly mined copper in 1976. Arizona is also the nation's fourth largest cotton producer. Statewide agricultural employment of 23,600 is nearly equal to employment in our mining sector. In the CAP Service Area agricultural employment is approximately 14,200 and mining employment stands at about 15,760. Agriculture made a significant contribution to the State's economy and the CAP cannot be considered in isolation of these facts.

We recognize and accept the intent of the CAP legislation to limit non-Indian agriculture to lands currently in production. Non-Indian farmers will be required to decrease their pumping of ground water by the amount of CAP water they receive.

Besides serving as a major source of income for our state, agriculture also helps to preserve the natural character of our landscape which is a primary basis of our tourist industry. For while the Grand Canyon is undeniably Arizona's greatest tourist attraction, a significant portion of domestic and international travelers and retired citizens come to our state because of the open spaces. Agricultural land tends to serve as a desirable buffer between the deserts and our urban developments. While tourists contribute significantly to Arizona's economy they add one more pressure on Arizona's limited water supply.

INDIANS

While there are disputes in regards to the water to be allocated to the five central Arizona Reservations, the CAP will be the delivery vehicle for whatever allocations are agreed upon. The Project will permit the development of new agriculture and a new economy on these Indian Reservations. The Indians desire to be self-sufficient and the water resources of the CAP will help them to achieve that desired goal.

CONSERVATION

Over the past four months I have sponsored a series of public water hearings throughout the state. It was reassuring to witness the heightened public awareness and concern for Arizona's water problems.

These hearings were valuable in revealing many in-state water conflicts, inequities, and misunderstandings. They also revealed a willingness on the part of our citizens to make personal sacrifices for water conservation.

As a result of the hearings, a Legislative Task Force has been established to work with my staff on revision of Arizona's antiquated water laws. This will strengthen our water conservation efforts and lead to more equitable water distribution policies.

We fully recognize the urgency of practicing sound water conservation principles. I have, accordingly, directed the Arizona Water Commission to prepare a state water conservation plan within 90 days and I have called upon the citizens of Arizona to use water prudently.

With or without CAP we have every intention of improving water conservation practices in Arizona. I intend to encourage conversion from flood-irrigation to drip and sprinkler mechanisms, conversion of some agricultural production to less water-inten-

sive crops, and research into efficient wastewater recycling.

ENVIRONMENT

I am well aware that a balance must be maintained between economic development and environmental degradation. Having lived in the Southwest most of my life, I am fully cognizant of the fragile nature of a desert ecology.

One environmental benefit that the CAP will bring that has not received adequate attention is the prevention of accelerated ground subsidence. This ground subsidence is a problem when groundwater levels are lowered at too rapid a rate. The CAP will help to alleviate this problem.

Another environmental issue that has received much publicity concerns the Orme Dam. Orme Dam is the most cost-effective way to provide water storage and flood control for the CAP. However, there is major opposition to the construction of Orme Dam, including some from the Ft. McDowell Mohave-Apache Indian Community whose position should be respected. Alternatives to Orme Dam are under study. Let me emphasize that it is not necessary to make a final decision on Orme Dam now.

If Orme Dam is not a viable project, there are adequate alternatives. In any event—and I cannot emphasize this point enough—CAP is a strong and viable project with or without Orme Dam.

In sum, the Central Arizona Project is central to Arizona's plans for the future.

A decision to stop construction of the Central Arizona Project would not save tax payers of these United States money in the long run. The CAP is not funded by a grant, but by a loan—an investment in the nation's future. The people of Arizona have already entered into a contract with the Secretary of the Interior guaranteeing repayment of all reimbursable costs. We have agreed to amortize these costs over a 50-year period and we shall do so. In addition, the economy supported by the water supplies made available to central Arizona by the Project will return to the federal treasury billions of tax dollars. The CAP, will pay for itself many times over.

The CAP commitments that have been made over the past decade span Democratic and Republican administrations in both Arizona and Washington. To date the effort has been truly non-partisan, and will continue to be so. We pledge our future efforts to make the CAP more beneficial economically, socially and environmentally. We also pledge our efforts to conserve existing water resources in Arizona, so that the CAP will help us protect and preserve our most precious natural resource for future generations.

STATEMENT OF CONGRESSMAN MORRIS K. UDALL, DEPARTMENTAL WATER PROJECTS REVIEW TEAM

INTRODUCTION

Governor Castro has outlined in graphic terms the dimensions of Arizona's water problems. He and the delegation have asked me to present the reasons why we believe the Central Arizona Project is a necessary part of any response to our water needs. My portion of the presentation will include the historical events that led to project authorization, and will outline the repeated scrutiny it has undergone at the federal level; I will show the impact of CAP operations on our water situation; and I will give attention to the critical environmental considerations which have played a major part in my decision to support continuation of the project.

A couple of points at the outset: The first is that I do not pretend that the Central Arizona Project is a panacea. There are many other steps that need to be taken to improve the water outlook for the three-county area and the State of Arizona as a whole. Indeed, significant progress to this end is already being made. But, under any reasonably foreseeable combination of legal reforms, conservation programs, and other measures, we will continue to face serious water overdraft unless the population and agricultural centers of central Arizona have access to the Colorado River water to which we are entitled by act of Congress, by Supreme Court decision, and by interstate agreement.

Second, I want to urge you, as you consider the testimony of both supporters and opponents of this Project, to remember that the Central Arizona Project is not a single structure. It is a project, a complex program involving several distinct elements—the intake and pumping station, the Granite Reef Aqueduct, the Orme Dam, the Salt-Gila Aqueduct, and the Buttes Dam. In my presentation I will distinguish between impacts of the Project as a whole, and impacts of specific elements; and I will stress that supporters of the Project have been from the start—and remain—eager to accommodate valid criticisms of any component.

HISTORY-BACKGROUND

At the turn of the century the Federal Government invested approximately $13 million in the construction of the Theodore Roosevelt Dam, a feature of the Salt River Project. This was one of the very first projects completed under the new Reclamation Act of 1902. On the basis of this modest investment we have seen develop a multi-billion dollar economy and one of the 25 largest metropolitan areas in the country. Over a million people now live and work where only a handful were able to subsist before. The Government's initial investment has been repaid by the water users and, in addition, many times over through the federal taxes that flow from the economic activity which the Salt River Project made possible.

Pioneer Arizonans recognized, however, that water supplies developed by Roosevelt Dam would not indefinitely satisfy Arizona's thirst. Even before Arizona achieved statehood, they began to plan to import Colorado River water in a second Reclamation project. They recognized, of course, that the introduction of Colorado River water to central Arizona would be an expensive and difficult undertaking. But as hundreds of thousands of Americans migrated to the southwest, and greater quantities of groundwater were pumped from ever increasing depths and it became obvious that our storehouse of groundwater was being used at a rate much greater than nature was replacing it, the plans for this Project became more definitive. During the period of construction of Hoover Dam on the Colorado River, Congress allocated 2,800,000 acre-feet of river water annually to the State of Arizona.

By 1944, importation of Colorado River water had moved beyond the speculation stage; the Arizona Legislature appropriated $200,000 to be used with matching federal money by the Bureau of Reclamation to develop a plan for delivering about a million acre-feet of Colorado River water into central Arizona. In 1947, plans were presented to the Congress and Arizona Senators Carl Hayden and Ernest McFarland conducted the first committee hearings on the CAP. Although the Senate twice approved the CAP, California challenged Arizona's claim to the right to 2,800,000 acre-feet of mainstream Colorado River and the House of Representatives in 1951 directed Arizona and California to settle their argument either by negotiated agreement or by submitting the question to the U.S. Supreme Court.

Arizona took its case to the Supreme Court in 1952 and during the 12 years of litigation that followed CAP was placed under microscopic judicial scrutiny. Availability of water supply was the major issue, along with interpretation of the Colorado River Compact, the Boulder Canyon Project Act and all other laws, contracts and court decrees that constitute what is called "the law of the River."

After extended argument before the Supreme Court, the Court in 1963 ruled that Arizona did indeed have the right to beneficially consume 2,800,000 acre-feet of the first 7½ million acre-feet of mainstream water available for consumption in the three lower basin states. Arizona immediately returned to the Congress seeking authorization of the CAP.

Another five years of detailed study and extended hearings followed. Numerous modifications were made in response to the interested parties. For example, at the suggestions of environmentalists the controversial Bridge Canyon and Marble Canyon hydroelectric dam proposals were scrapped, and coal-fired Navajo Power Station was built to provide both revenues and energy for the CAP. Finally, the legislation authorizing the Central Arizona Project was enacted by Congress and signed by President Johnson in September of 1968. It looked like we were on the way.

With passage of the National Environmental Policy Act in 1969 the Project was once again subjected to exhaustive study. This restudy continues today and will not be completed for several more years when the final environmental impact statement is to be submitted on the last feature of the Project to enter construction. An overall environmental impact statement on the Project was filed with CEQ in final form in September of 1972. This statement is being supplemented by detailed environmental impact statements on a feature by feature basis. Final statements have already been filed for the Navajo Project; the Havasu Intake Channel, Havasu Pumping Plant and Buckskin Mountain Tunnel; the Granite Reef Aqueduct and the Granite Reef Aqueduct Transmission System. The draft environmental impact for Orme Dam and Reservoir has also been filed.

The actual construction of the Project began in 1970. To date, $390,000,000 have been appropriated by the Congress, the Power Plant at Page has been completed, and when the appropriated funds are expended, 50 percent of the 190 miles of aqueduct between the River and Phoenix will either have been completed or be under construction. The Project is approximately 20 percent completed.

I cite this history to demonstrate that the decision to construct the Project was not lightly arrived at. CAP has had a quarter century of intense scrutiny in a number of forums. As a front-line participant in the last fourteen years of congressional consideration of the CAP, I assure you that all steps in this decision have been reasoned and deliberate.

As a believer in continued oversight and reassessment, I welcome this opportunity to review with you the merits of the Project. I firmly believe that an objective examination will once again demonstrate that this Project is a worthwhile federal/state undertaking.

Certainly the desirability of the Central Arizona Project, like most other significant political, economic, or environmental questions, is one on which reasonable people disagree. Opponents of the Project include some of my oldest friends and political supporters, and I respect the considerations that led them to their positions. But I can assure you that the great majority of Arizonans have supported the Project since its inception. They recognize the great need for additional water supplies in central Arizona and the importance to the State of the 50 percent augmentation of our supply that the CAP will provide.

I think most Arizonans would agree that the Tucson area I represent is a major center of environmental concern in our State. Yet even here, solid majorities are in favor of the Project. For example, some 15,000 of my constituents responded .ast July to a detailed legislative questionnaire. Asked if they believed we could maintain both a strong economy and strong environmental laws, 88 percent said "yes." More than two-thirds felt that we should toughen safety regulations on nuclear power plants "even if such efforts raise costs and cause delays." That questionnaire also asked whether CAP construction should be continued—and the response, by a margin of 3⅔ to 1, was "yes."

A statewide survey of registered voters conducted during 1976 by the Institute of Government Research at the University of Arizona gave similar results with 69 percent agreeing that the CAP should be completed, 6 percent disagreeing and 25 percent not sure.

ECONOMIC JUSTIFICATION

The benefits of the Central Arizona Project will be widespread and will ultimately impact directly on at least five million people at all economic levels, including the Indians who reside on five reservations in central Arizona. By bolstering our water supply, as Governor Castro has explained, the Project will permit orderly growth of our economy without unduly disrupting our standards of living. Together with reform of water laws, a phasing-in of water conserving technologies, and the other kinds of steps I mentioned a few moments ago, the CAP will enable us to balance our water account, continue supplying high quality food and fiber to American and global markets, and assure both economic opportunities and the intangible "quality of life" for our children and for the thousands of newcomers who arrive every year.

More specifically, the Project will provide to Arizona some 60 million acre-feet of water during its first 50 years of operation—water Arizona owns but cannot presently use. Municipal and industrial water will be utilized by 75 to 100 different cities, towns and industrial users. This water will not only fill our drinking glasses, but it will be used to generate electricity, to mine copper and to extend the life of our agricultural economy. In the case of my own home, Tucson, the Project will rescue the City and mines that produce one-fourth of the nation's copper from an intolerable overdraft situation and will permit our area of the state to continue as a vibrant part of the state's economy.

Cancellation of CAP would result in severe constraints on Arizona's economy. The Bureau of Reclamation tells us that on large scale reclamation projects such as CAP, each million dollars in construction expenditures provides 37.3 man years of employment. Based on this figure, ($26,800/man year) Dr. Timothy Hogan of Arizona State University has calculated that cancellation would cost Arizona 46,000 man years of employment. The total loss in personal income to the State during the construction period, alone, would be about three-quarters of a billion dollars. During this same period, over $11 million in State taxes would be lost. Dr. Hogan also calculated that Arizona unemployment in 1978 would increase by 15 percent if CAP is not funded. The Bureau tells us that annual benefits from the Project would total about $250 million dollars. Dr. Hogan suggests that the true benefits might range as high as $350 million dollars per year. Most of these benefits would accrue directly to Arizona and Arizonans. The prospect of losing them is not a particularly happy one.

Construction of the Central Arizona Project will provide additional jobs for workers here in Arizona and elsewhere in the nation at a time when the addition of jobs is critical. When completed, the Project will have created a permanent asset that will help maintain a high level of economic activity and will help conserve existing resources—our groundwater "bank"—for future generations. Darwin Aycock, Secretary-Treasurer of the Arizona AFL-CIO will discuss this with you in greater detail later in our presentation.

The dikes constructed to protect the aqueduct system will also provide substantial flood control benefits to home owners, businessmen and farmers along much of its course. The construction of Orme Dam, or a suitable alternative on the Salt and Verde Rivers, would protect the cities of Mesa, Tempe and Phoenix—home to more than a million people—against potentially devastating floods.

The Project will provide about four million visitor-days of additional recreational opportunity per year within ready access of our urban centers. It is true that the nature of water oriented recreation that is currently available will be modified but the importance of recreational opportunity added by the Project must not be underestimated.

THE STAKES FOR ARIZONA INDIAN TRIBES

The Project, under water allocations made by the Secretary of the Interior to the Indian tribes, will permit the development of some new agriculture and a new economic base on the five central Arizona reservations. The Indians desire to be self-sufficient and see the water resources of the Central Arizona Project as a means of achieving that position. As you will hear directly from them, the five tribes are not entirely satisfied with the allocations promulgated by the Secretary. Two of the tribes have filed legal actions seeking to set the Secretary's allocation aside and to obtain substantially greater quantities of water from the Project. But whatever allocation is finally determined, one thing is clear: if there is no CAP, there is no water for Indians or non-Indians. These reservations need CAP.

The authorizing legislation provides numerous benefits in addition to water supply to the central Arizona Indian reservations. They include the right to develop and operate recreation facilities along the Orme Reservoir shoreline adjacent to both the Salt River and Fort McDowell Indian Reservations. The Fort McDowell Reservation is also given the opportunity to select 2,500 acres of adjacent land to be added to the reservation. The Act authorizes $20 million (subject to escalation) of non-reimbursable funds to construct irrigation distribution systems on Indian lands. The Act authorizes deferred repayment under the Leavitt Act of all costs allocated to Indian lands.

A recent study conducted by the Natleson Company of Los Angeles indicates that significant losses in personal and tribal income and severe setbacks in tribal attempts to achieve self-independence on the reservations would result from failure to complete the CAP. At delivery levels established by the Secretary of the Interior—assured to the tribes regardless of the outcome of their lawsuits—CAP would become the water source for approximately 55 percent of the 100,000 acres which would be farmed by the tribes. In the case of the Ak-Chin Reservation, CAP water would support 76 percent of the total farming operation (if the present rate of use from the local supply is maintained.)

From use of this water a personal income of between 2 and 2.5 million dollars a year would be realized by the Indians of the five reservations. Per capita personal income on the reservations would increase about 10 percent and the income of 175 families would be raised above the poverty level. In addition to personal income, the tribes would realize $150 million to $250 million in tribal income over the first 20 years of project operation. This money is desperately needed to achieve the tribal goals of self-determination and self-sufficiency. Removing CAP water from the tribes' future would drastically slow the attainment of these goals.

BENEFIT-COST RATIO

At the time that the Central Arizona Project was authorized by the Congress, the discount rate used in Project evaluations was 3¾ percent. The benefit-cost ratio based on direct benefits only at that time was 1.5 to 1.0. The benefit-cost ratio based on both direct or indirect benefits was 2.5 to 1.0. In 1974, Congress enacted PL 93-251, Section 80(b) of which requires that "the discount rate to be used in the computation of benefits and costs for projects authorized before January 3, 1969, shall be the rate in effect immediately prior to December 24, 1968, and that rate shall continue to be used for such project until construction has been completed. . . ." This may or may not be good policy, but it is the law of the land.

Nevertheless, we have been advised that the current evaluation will be made on the basis of evaluation of remaining costs and benefits at a discount rate of 6⅜ percent. On this basis, the benefit-cost ratio for direct benefits alone is 1.6 to 1 and for both direct and indirect benefits is 2.0 to 1. Obviously the CAP is not just "marginally justified" as reported by CEQ. Its economic justification is above dispute in that its benefit-cost ratio exceeds the 1.9 to 1 criterion established by the Review Team by at least 50 percent. CAP comfortably passes the test of economic justification.

Incidentally, the benefit-cost ratio computed for the Project do not include quantification of the social benefits that will occur from the Project. In making his allocation to the Indians, the Secretary cites the fact that the Supreme Court's decision in *Arizona* v. *California* noted that the allocation of a limited water supply has significant public welfare consequences. The Secretary acknowledged these public welfare consequences as a reason for giving the Indians a "moderate advantage" over non-Indian irrigators in the allocations he finalized late last year. I am confident that the Department will observe the same criterion, over and above the very favorable benefit-cost ratio, in the present review and decision-making process.

WATER SUPPLY

A central argument of CAP opponents is that there isn't sufficient supply in the Colorado River to justify the Project. Some even go so far as to claim that the aqueduct will be dry from the beginning and will never carry water at all. The U.S. Supreme Court in *Arizona* v. *California* ruled that over 900,000 acre-feet per year of water presently being diverted by southern California belongs to Arizona. This water will be transferred from California to Arizona the first day CAP goes online. It represents almost 75 percent of the CAP water supply. The other 25 percent will come from waters being stored in Lake Powell and Lake Mead.

It is fact that the Colorado River for a number of years has been experiencing a drought. But this does not support a contention that the River is somehow "bankrupt." Even though flow has been below normal during the past 14 years, reservoirs on the River have stored an additional 35,000,000 acre-feet. This is water surplus to present needs. This storage demonstrates beyond question that the flow of the River is not being utilized fully even during years in which flows are significantly less than normal. To put it more graphically, without taking any water away from users who are now exceeding their entitlements, you could have operated two Central Arizona Projects

for the last 14 years and still not have taken a drop out of then-existing storage.

The 35 million acre-feet that have been added to storage during the last 14 years—years of subnormal runoff—coupled with the water supply to be withdrawn from California use assures a water supply sufficient to satisfy average deliveries to CAP for 117 years even if there were no flows in the future surplus to needs—an unlikely prospect. On the basis of studies of future reservoir operations, the Bureau of Reclamation has already begun to warn people and governments along the Lower River that all reservoirs on the River will probably fill and spill before CAP goes on-line and serious flooding conditions may occur.

As I indicated earlier, the water supply of the Colorado River and of the Central Arizona Project has been the subject of repeated, lengthy, detailed, meticulous, painstaking consideration by the U.S. Supreme Court, the Congress, this Department and the states of the Colorado River Basin. All have found the supply adequate to justify construction of the CAP.

As a member of the Congressional committee that considered the CAP under the zealous stewardship of Chairman Wayne Aspinall of Colorado, I can assure you that the Congress would not have authorized a project of this magnitude if there were any substantial doubt as to the adequacy of the water supply. We were well aware of the differing opinions as to the availability of water for the Central Arizona Project. The House Interior and Insular Affairs Committee, report[1] on the bill authorizing the CAP stated:

"* * * so as far as the history of modern civilization is concerned, the record is full of controversies over the water supply of various river systems. It is doubtful that any other river system in the world—and certainly no other river in the western hemisphere—has been the subject of so many disputes of such wide scope during the last half century as the Colorado River of the southwest."

The report goes on to discuss several studies of the water supply situation. As its last conclusion on water supply, the report states:

"Notwithstanding the anticipated water shortage on the Colorado River, if there is no augmentation, the committee finds that the Central Arizona Project is feasible with the presently known water supply."

This report was not produced by the Bureau of Reclamation, or by the Arizona Water Commission, or by any other group which might have a self-serving interest in the Project. Chairman Aspinall exercised very close control of the committee and spent many days developing the record relative to the Colorado River water supply. As a zealous guardian of Upper Basin rights, he was not inclined to overestimate streamflow or to underestimate upstream diversions. Only after he was assured that the Upper Basin was protected and that water remained for a feasible project did he move the CAP legislation.

Both the Bureau of Reclamation and the Arizona Water Commission have made detailed studies which demonstrate the adequacy of water supply for the CAP. These studies were made for three future levels of projected development throughout the basin. They utilize the Colorado River water supply period 1906 to 1970 with an average annual virgin flow at Lee Ferry of 14.95 million acre-feet. The River and reservoir systems were operated through the entire 65-year runoff period under the conditions and constraints estimated to be in effect in each of the future development periods with the level of development projected for that period of time. The studies incorporated the very important provisions of the "Criteria for Coordinated Long-Range Operation of Colorado River Reservoirs" adopted by the Secretary of the Interior on June 10, 1970, and utilized much of the basic river flow and water use data that were developed during the preparation of these criteria. Upper Basin development and accompanying water depletions are assumed to increase by more than two-thirds—from present levels of approximately 3.4 million acre-feet per year up to the same maximum of 5.8 million acre-feet per year used by the Bureau of Reclamation in its studies. Reservoir storages were maintained at or above minimum power operating levels at Lake Mead and Upper Basin reservoirs at all times, even though the "law of the River" gives water supply a higher priority than power production and permits the reservoirs to be drawn down below minimum power-head when needed, to produce additional water supplies.

The accompanying table shows Arizona's estimates, based on these conservative assumptions, of the water supply available to the State and to the CAP from the Colorado River for development years 1985, 2005, and 2035. Average annual diversions from the Colorado River for CAP range from 1.67 million acre-feet in 1985 to 1.05 million acre-feet in year 2035. Average annual Project deliveries, including 50,000 acre-feet per year that would be developed by CAP facilities on the Gila and San Pedro Rivers, are estimated at 1.55 million acre-feet in 1985, 1.20 million acre-feet in 2005 and 0.98 million acre-feet in 2035. The resulting 50-year average annual delivery for the 1985–2035 period is 1.21 million acre-feet.

The above quoted averages for water available for CAP in any particular development year include years of surplus diversions, years of normal diversions (2.8 million acre-feet for Arizona), and years of reduced or shortage diversions. The studies showed conclusively that a firm delivery of 550,000 acre-feet per year could be sustained each and every year without violating any of the operating criteria rules mentioned previously even under conditions in which both the most critical drought period on record, and development levels assumed for the year 2035, coincide.

ARIZONA WATER COMMISSION

SUMMARY OF COLORADO RIVER OPERATION AND WATER SUPPLY STUDIES

[Averages for 1906–70 period, in thousands AF]

Item	Year 1985	Year 2005	Year 2035	50-yr average
Glen Canyon releases	10,224	9,467	9,268	9,559
Net gain, Glen Canyon to Hoover	820	800	777	797
Lake Mead:				
Inflow	11,044	10,267	10,045	10,356
Evaporation	818	714	708	733
Spills	505	204	122	240
Regulated releases	9,721	9,349	9,215	9,383
Net losses, Hoover to Mexico	605	555	555	565
Delivery to Mexico	1,500	1,500	1,500	1,500
Available for use in United States	7,616	7,294	7,160	7,318
California	4,545	4,516	4,522	4,524
Nevada	161	196	286	216
Arizona	2,910	2,582	2,352	2,578
Other than CAP:				
Rights prior to CAP	1,186	1,220	1,230	1,216
Rights assumed equal to CAP	54	84	84	78
Central Arizona project diversion (3,000 cfs aqueduct maximum)	1,670	1,278	1,038	1,284
System losses (10 percent)	167	126	104	128
percent)	167	126	104	128
Supplied from Colorado River	1,503	1,150	934	1,156
Supplied from Gila River	50	50	50	50
Project deliveries	1,553	1,200	984	1,206

There is one more very important consideration in any study of Colorado River water supply that deserves further comment. That is the estimated rate of growth of water depletion in the Upper Colorado River Basin. The Bureau of Reclamation in the past has made a number of estimates of the level of future Upper Basin depletions. These estimates have been made both before and since authorization of the CAP. In every instance, the actual rate of growth has lagged behind the projections. Each new set of forecasts, however, has shown the same or slightly higher levels in future time frames. In other words, despite slower-than-expected growth in Upper Basin use, each successive projection has posited greater growth rates in the early years of the future period. This can be seen on Attachment 1.

Both the 1965 and 1968 Bureau schedules represent estimates of future depletions measured at the Lee Ferry Compact point, the dividing point between the Upper and Lower Basins. The Congress authorized the Central Arizona Project on the basis of the 1965 schedule of estimated Upper Basin depletions. The 1968 schedule was developed for use in formulating the operating criteria. Both projections forecast about the same level of depletions for the year 1975. The results are now in, and actual depletions as computed by the Bureau of Reclamation for 1975 were approximately 650,000 acre-feet below those projected for that year. The Arizona Water Commission's water supply studies are based on the 1968 U.S. Bureau of Reclamation schedule adjusted 5 years into the future.

In other words, the Water Commission assumes that the 1975 consumption level forecast by the Bureau 9 years ago will actually come to pass in 1980. On the chart it is still apparent that this results in a high estimate of Upper Basin use and a correspondingly conservative estimate of the amount of water that will be available to the State and to the Central Arizona Project. This shift of 5 years is the principal reason for the differences between estimates of CAP water supply by the Bureau of Reclamation and the Arizona Water Commission.

We believe Arizona's estimates of CAP water supply are reasonable, on the conservative side, and adequately demonstrate the feasibility of the Project from the standpoint of water supply.

WATER QUALITY

Another frequent objection to the CAP is that the waters of the Colorado River are too salty for municipal use. One simple response is the fact that these same waters have been used for years along the River and in the Los Angeles-San Diego metropolitan areas. One might also ask why southern California fought Arizona so desperately over the waters of the Colorado River if they are, in fact, unusable. However, a more positive response is in order.

Currently, the salinity of the Colorado River at the CAP diversion point on the Bill Williams arm of Lake Havasu averages 750 milligrams per liter. The Environmental Protection Agency has established water quality standards on the Colorado River to assure that the salinity content does not rise above this level.

In comparison, mixed streamflow from the Salt and Verde Rivers available at the Granite Reef diversion structure has an average salinity of about 470 milligrams per liter. Blended with Colorado River water at Orme, this will produce an average mineral content of approximately 512 milligrams per liter.

By way of comparison, 76 percent of the water now used in the three-county Project service area comes from the ground, where the weighted average quality of water pumped is 1,000 milligrams per liter—that is, one-third more saline than the Colorado River. The supply that will be available from

[1] House Report 1312 of the 90th Congress, 2nd Session in support of H.R. 3300, April 1968.

the CAP conforms to all applicable state and federal standards and for most water users, the CAP water supply will represent an improvement in quality.

The summary information released by CEQ, on which the President's decision to delete funding for the CAP appears to have been based, erroneously reports that CAP would result in increased salinity of the Colorado River downstream from Lake Havasu, the CAP diversion point. There will be no return flows to the Colorado River from uses in central Arizona. Waters pumped into the aqueduct system at Lake Havasu will include a proportionate share of the salt load of the River source. The supply for CAP will consist in substantial part of waters now being diverted from the other side of Lake Havasu to southern California. The balance of the supply for the Project will come from waters now being stored in the reservoir system on the main stem. The flow in the Colorado River below Parker Dam will not change when the CAP goes on-line except that rare floods may be of slightly less intensity and shorter duration. Hence, it can be said with some certainty that the CAP will not adversely affect the salinity of waters received by users downstream in the United States or the Republic of Mexico.

SAFETY—ORME DAM

The summary information released on February 23 by the Council on Environmental Quality, which has been cited as one factor in the preliminary decision to delete funding, states: "A study by the Arizona Bureau of Mines questions the safety of the Orme Dam." This is simply not the case.

The Bureau of Mines in commenting on the draft environmental statement for Orme Dam, did state, that there were geologic conditions including faults in the vicinity of the Orme Dam site that should be discussed in the environmental statement. This memorandum has been misconstrued as questioning the ability to construct a safe structure at the Orme site. Such concern is understandable in the wake of tragedies such as Teton Dam and Buffalo Creek. But if those incidents hold any lesson, it is that there is no substitute for careful, concise, factual analysis and design—with a full appreciation of all relevant information and all potential consequencees.

The unfortunate misunderstanding was identified and the position of the Bureau of Mines clarified in a subsequent memorandum from its Director, Mr. W. H. Dresher, dated July 16, 1976. In a letter of July 15, 1976, to Mr. Wesley E. Steiner, Executive Director of the Arizona Water Commission, Mr. Dresher further clarified the position of the Bureau of Mines. Following a review of geologic investigations of the Orme site conducted by the Bureau of Reclamation, Mr. Dresher concluded: "that the Bureau of Reclamation personnel have been thorough in the preliminary examination of the geological aspects of the Orme Dam site and that they are fully aware of potential problems of the site and that they recognize the need for additional investigations before a final decision is made on how the dam should be designed. Our only point of disagreement with the Bureau personnel is how much and what geological information should be included in the EIS. Lastly, we deplore the conclusion of the news media that the presence of fractures or faults automatically precludes the competency of any dam structure. This is a decision which ultimately must be made by engineers based on the engineering aspects of the site with respect to the structure to be built on the site. The important thing, however, is to have in hand the geologic criteria essential to overall project viability."

Copies of the two memorandums and the letter from Mr. Dresher are attached to my statement as Attchment 2.

Most dam sites involve some kind of geologic "fault." As indicated in the quotation from Mr. Dresher the faults at the Orme Dam site are known and have been mapped as a part of the geologic drilling and mapping program of the Bureau of Reclamation. At the request of the Arizona Water Commission, William A. Wahler, internationally renowned consulting engineer and geologist and dam design expert, has reviewed the site geology and preliminary design concepts. A copy of his letter report to the Arizona Water Commission appears as Attachment 3. He finds, "The geology of the area is complex but not particularly adverse." Concrete deterioration which currently exists in the Stewart Mountain Dam "is a potential problem but it should not be exaggerated by the Orme reservoir inundation and operation."

Mr. Wahler also states: "The possibility of a hazard potential to Orme Dam in the event of a failure of the Stewart Mountain Dam exist but should be minimal and not of a potentially catastrophic nature. Under a failure hypothesis it is my opinion that the most likely mode would be the rapid drawdown of the Orme reservoir at which time there would be sufficient capacity in the combined reservoirs for the liberated water."

He continues: "... There is currently no evidence to indicate that particularly difficult design or construction problems exist at the site. Remaining questions are not related to either economic or safety feasibility but are design detail question." And again: "There is no evidence of major geologic hazards at the site that could pose serious technical feasibility questions."

I want to recall what I said at the outset. These geological questions relate only to the dam site. No question of safety has been raised for any other feature of the Project. Abandoning the Project in its present condition, however, would create some safety and environmental problems. Neutralizing the hazard and aesthetic incompatibility of empty canal sections would in itself be an expensive task. Furthermore, unless a new, separate outlet structure were constructed for the flood detention reservoirs lying above the canal section through Paradise Valley and North Scottsdale as a replacement for programmed discharge into the Granite Reef Aqueduct and thence into Orme reservoir, these structures would constitute a definite hazard to the residential and commercial areas downstream.

ENVIRONMENT

Permit me a personal word. As the members of this Review Team may be aware, I consider myself—in fact, I take some pride in being—sensitive to the environmental considerations in government actions, policies and projects. I have tried to be objective in this dispute. I have listened with care to the criticisms of the CAP raised by my friends in the conservation community. I have studied their objections carefully, and I have scrutinized once again the arguments of CAP supporters. I have concluded that the adverse environmental effects—and there are some—have been exaggerated. I believe, on balance, the Project should not be set aside on environmental grounds.

There is a great deal of confusion surrounding the environmental ramifications of the CAP. This confusion stems primarily from (1) a lack of understanding of the whole picture concerning the Project and (2) to a tendency to ascribe environmental effects of certain features of the CAP to the Project as a whole. The first misunderstanding creates an impression that the Project results only in adverse environmental consequences, which is manifestly not the case, and that no attempt is being made to mitigate these adverse impacts. The second misconstruction creates an impression that certain claimed adverse impacts concerning a particular feature of the CAP will be felt over the entire length and breadth of the Project. For example, it is claimed by some that the construction of Orme Dam and reservoir will destroy critical habitat for two of only seven pairs of nesting bald eagles in Arizona. Quite apart from the merits of this claim, which I shall discuss presently. it has absolutely no bearing on the aqueduct system from the Colorado River to Tucson.

In an effort to set the record straight on what the environmental impacts of the CAP are in fact, a brief summary of the net effects of the Project is in order. But first let me urge once again that you recognize in your evaluation of the Project that the CAP is viable and economically justified with or without Orme Dam, the most controversial feature of the Project from an environmental standpoint; the State believes that the CAP is a better project with Orme than without, but it could accomplish most of its water supply objectives without Orme and would still maintain a benefit/cost ratio of 1.2, calculated at a discount rate of 6⅜ percent and based on direct benefits only.

In the discussion that follows, then, I would urge that you isolate Orme from consideration of the rest of the Project. As you know, comprehensive studies of alternatives to Orme are underway. A rational decision on the construction of Orme or an alternative cannot be made until these studies are completed. Since the CAP is justified without Orme or an alternative regulatory structure, the decision should be made to proceed with construction of the aqueduct features while reserving to the Secretary or the Congress the decision on Orme or Orme alternatives, once the studies have been completed.

WILDLIFE HABITAT

Of the 57,000 acres needed for the Project, some 47,000 are typical southwestern desert, sparsely vegetated and containing a low wildlife population. The 20,000 acres required for the aqueduct system would include only 25 acres designated as riparian, and 21 of those 25 acres would be restored. Restoration is possible because the primary impact on riparian habitat is temporary disruption during the construction of siphons under the major watercourses.

Only six acres of wetland would be eliminated or substantially modified by construction of all proposed features of the Central Arizona Project, and only three of these acres are attributable to construction of the aqueduct system.

The most significant impact on riparian vegetation would be at Orme, and this fact is high on the list of considerations being examined now in evaluating Orme's alternatives. Bringing water to the desert would induce habitat growth and increase wildlife merely by the existence of open water and the seepage incidental to normal aqueduct and canal operation even if no further steps were taken. The Bureau of Reclamation and the Arizona Department of Game and Fish, however, are pursuing definite programs along the aqueduct system to enhance wildlife and there is no reason to doubt that they will be successful.

STREAM EFFECTS

Some 58 miles of streams and rivers will be affected by the Project. None of this, however, is attributable to the aqueduct system. Some 27 miles on the Salt and Verde Rivers would be affected by Orme Dam if constructed. It should be noted, however, that these streambeds are already affected by the six reservoirs upstream on the Salt and the Verde, even to the extent that there are periodic dry-ups below the reservoirs. The entire flow of these rivers is diverted some 3½ miles below their confluence to the cities and farms of Maricopa County.

Were Orme constructed as proposed some 27,000 fisherman days of stream fishing on the 27 miles inundated would be eliminated and in a 36-to-one switch approximately

980,000 fisherman days of lake fishing substituted. Again, this exchange is being evaluated in assessing Orme and its alternatives. Arizonans are aware that the Salt and Verde Rivers below the reservoirs are heavily used for recreation. Against this must be balanced the fact that construction of Orme Dam would nearly quadruple the available amount of recreation time for Maricopa County residents and visitors from other counties and other states. The aqueduct system alone will add one million days of recreation to the opportunities available in central Arizona. CAP as a whole would increase available recreation days in the Project area by a factor of 8. Gross numbers alone cannot tell the whole story, of course. The final decision will include such non-quantifiable factors as the quality of the recreational experience and the need to offer a choice among diverse forms of activity.

ENDANGERED OR THREATENED SPECIES

There has been considerable concern over the adverse effects of CAP on endangered or threatened species. The only endangered species for which such a claim has been made against the aqueduct system is for the species of bird known as the Yuma clapper rail. While this bird remains at present on the endangered species list, the Bureau of Reclamation's careful conservation and enhancement of marsh areas on the Colorado River has actually increased its habitat and numbers in Arizona to the point that it is now a candidate for removal from the list. In fact, the Yuma clapper rail situation has improved so much that it now appears that these valuable birds may be migrating to various parts of central Arizona where appropriate water and marsh habitat conditions exist. CAP might create more of such habitat!

The greatest amount of controversy has focused on the potential impact of the Project on the southern bald eagle. May I assert that this Arizonan and other Arizonans who favor CAP are also Arizonans who cherish this grand bird and are concerned for its continued well being. However, at the risk of being tiresome, I stress again that if the claim of adverse impact on the bald eagle has any validity, it cannot be attributed to the aqueduct system but is primarily attributable to Orme Dam.

There is some dispute among scientists knowledgeable about eagles as to whether or not a "southern" bald eagle in fact exists as differentiated from its northern relative. There is considerable scientific doubt as to whether bald eagles in the United States should be treated as a single species or as geographically separated northern and southern subspecies.

As related to CAP, the bald eagle is claimed to be endangered by Orme Dam because floodwaters backed up in the Verde River arm of the reservoir would inundate one cottonwood tree in which one pair of bald eagles nest. I am told that unfortunately age has taken the tree and it has blown down. The eagles formerly resident there apparently have moved to another nest on a cliff. But the entire eagle situation concerning Arizona has been based on some premises that have been called into serious question. For instance, it was assumed that the eagle population in the State of Arizona was on the decline and was a remnant of a former much larger population. Bureau of Reclamation studies being performed as a part of the environmental evaluation of Orme and alternatives now indicate that this may not be the case. Rather, as information is collected and developed, it appears that bald eagle populations are on the rise in Arizona and that the species is, as biologists put it, "invading." Second, it has been assumed that eagles and people cannot coexist. This, too, has been placed in doubt by information gathered about eagle populations around reservoirs which are subject to recreational uses in other parts of Arizona and in other states.

It has also been assumed that, in Arizona at least, eagles require a streamside habitat. Study has shown, however, that eagles actually seem to prefer lake or reservoir habitat. The absence of eagle population in certain stream or reservoir areas appears to result from a lack of places to perch to wait for their staple diet: dead or dying fish. Indeed, the availability of perches and nesting sites around artificial and natural lakes in other areas has allowed eagles to coexist alongside man. I direct your attention to Attachment 4, a letter from Professor Alfed H. Grewe, a nationally recognized expert on eagles for confirmation of this fact.

The Bureau of Reclamation has already undertaken a program of erecting artificial perches along the Verde River in an attempt to enhance the habitat of the bald eagle in central Arizona and is continuing in its investigation of Orme and suitable alternatives to consider ways of enhancing eagle habitat regardless of what decision is made on Orme.

ARCHAEOLOGY

Arizona's long history of Indian habitation has created an area rich in archaeological resources. As the CAP aqueduct system has been constructed, very careful study has been made of archaeological resources that may be in the path of aqueduct construction. These resources have been investigated and cleared by competent professionals before being disturbed. In some cases, the Project has been redesigned around such sites. In relation to its length and the acreage involved, the aqueduct system itself will have, and has had, a very small impact on the archaeological resources of the State. Indeed, investigations of these resources, especially between the Phoenix metropolitan area and the Colorado River, has turned up data of prehistoric Indian movement between those locations not previously thought possible. In short, the Project has provided an impetus through its financing for considerable archaeological study that would not otherwise have been possible. This of course applies as well to studies of wildlife habitat and other environmental considerations stimulated by the CAP planning process.

It is not surprising that more archaeological sites are found along watercourses in our desert environment than out in the open desert. Nor should it be surprising that the four dams proposed for the Project would impact on more archaeological sites than the entire aqueduct system. These comparisions can be misleading because they do not relate to the significance of the sites. The area behind the proposed Buttes Dam and reservoir appears to have more archaeological significance in many respects than that behind Orme, although Orme reservoir would be many times larger. In any event, the Bureau of Reclamation is committed to a program of mitigating damage to archaeological sites by providing funds available from Project appropriations under the Reservoir Salvage Act for investigation and retrieval of data and artifacts. The ceiling Congress has placed on the amount of funds available from Project appropriations limits the investigation that can take place. Recognizing this, the Bureau has studied those areas where archaeological sites could be protected rather than excavated, and it has established an advisory committee to recommend additional sources of funds to assist in the archaeological recovery process. This too is part of the evaluation system of Orme and its alternatives as well as of the evaluation of the other proposed reservoirs. We believe that optimum protection of archaeological resources will result from this program.

LAND USE

The Project will require some 57,000 acres of land. Of this amount 20,000 acres is required for the aqueduct and the remaining 37,000 acres is involved in the four authorized reservoirs. Of the lands needed for the aqueduct system, Indian lands make up only 3 percent; private lands in non-Indian ownership, 30 percent; and State lands, 27 percent. The owners of private lands, both Indian and non-Indians, are compensated when the property is taken and State lands are either exchanged or credited against later in lieu selection. Land use impact from the aqueduct system is minimal. Land use impact on the Fort McDowell Indian Reservation would be high if the decision is eventually made to construct Orme Dam—and I do not believe such a decision should be made without the clear approval of the majority of the Indians affected. This and other impact areas are being carefully scrutinized under the NEPA process in weighing the impacts of Orme against those of its alternatives.

Bear in mind, moreover, that 60 percent of Arizona lands are in public ownership and an additional 26.7 percent are held in trust by the Federal Government for Indian tribes. Only 16.5 percent is privately held. By and large our residences must occupy and our job opportunities must take place on this 16.5 percent. Most of the 60 percent in public ownership remains for non-development—for wildlife, for national and State parks and for wilderness experience. Small increments of the public domain may be needed from time to time to maintain the habitability of the 16.5 percent on which we must live and work. For all features of the CAP all that is needed is 0.13 percent of public lands. Given the public benefits this Project would confer, this is not too much to ask.

There is no doubt that the building of the Central Arizona Project, like any public works project, will have adverse environmental consequences on the area of construction during construction. Some adverse impacts undoubtedly will persist thereafter. Most of the permanent impacts are attributable to the commitment of lands to project purposes. Right-of-way for the aqueduct system and reservoir areas will require changes in use of lands from existing desert and riparian vegetation to aqueduct and reservoir. These kinds of impacts cannot be avoided if the benefits to be achieved from CAP are to become a reality for the people of central Arizona.

The recognized adverse impacts of the CAP are under serious study at the present time, as ways are sought to mitigate them and to enhance the human and natural environment in central Arizona. I reject any claim that these matters are not being given serious consideration. The Congress has established standards by which environmental matters must be considerd and has dictated processes that must be accomplishd before action can be taken. The National Environmental Policy Act, Endangered Spcies Act, and the National Historic Preservation Act have provided significant opportunities for review of environmental consquences, impacts on endangered species and consideration of historic and archaeological resources. These processes are rigorous and demanding, as can easily be seen by the number of impact statements and other reports that have been generated on the Central Arizona Project already. The protection for environmental consideration in these statutory schemes is buttressed by the continuing Congressional oversight and appropriations processes, and by administrative reviews such as this hearing.

I am convinced that the net impact of this Project on man's environment in central Arizona will be one of enhancement. The

CAP will permit us to maintain and enhance our standard of living, it will permit us to maintain agricultural greenbelts around our cities for a much longer period of time than would otherwise be possible without the Project and will assure sufficient time for adequate reclamation of lands eventually withdrawn from production. It will increase our recreational opportunities and will permit support of additional wildlife.

The overdrafting of groundwaters in central Arizona has resulted in rapidly lowering water tables and the demise of mesquite basques and other varieties of desert vegetation as groundwater levels fell below the plant root zones. This phenomenon continues and will continue until overdrafting is alleviated. Extended overdrafting results in subsidence of the land surface as water pressures are relieved and the aquifers compress. Up to 12 feet of subsidence have been experienced in some parts of Arizona. Environmentally destructive earth fissures are associated with this subsidence. To date these cracks in the earth, by and large, have been confined to agricultural areas.

With continued mining of groundwater by the cities, however, it is only a matter of time until the effects of differential subsidence and earth cracking are experienced by urban dwellers. The cost of city government, to residents and businesses will be enormous and must be avoided if at all possible. I believe that we can avoid some of these consequences with the introduction of Central Arizona Project water and the attendant relief of groundwater overdrafting. The water supply and repayment contract for the CAP entered into with the Secretary of the Interior requires that agricultural users decrease their pumping of groundwater by the amount of CAP water they receive. In addition, allocations of municipal and industrial water will be made on the basis of effecting a balance between water supply and demand, city by city. These provisions will have a material impact on reducing overdraft, particularly if coupled with the kind of groundwater law reform I believe Arizona must enact.

Before leaving the subject of environment I would discuss the alternative to CAP advocated by some of its opponents, that of moving the farms of central Arizona to lands lying closer to the Colorado River. I cannot believe that a serious environmentalist would not strongly oppose such a move were it in the offing which, of course, it is not. The environmental consequences of such a move are staggering. In the first place, farms abandoned take a very long time to heal and to blend back into the desert. In most cases, complete restoration probably can never be achieved. In the meantime, abandoned farms constitute a dust and aesthetic problem. On the other hand, virtually all lands that could be diverted to agriculture in the vicinity of the lower Colorado River are in public ownership and are undisturbed desert. I can well imagine the clamor that would arise from environmentalists from all over this nation if we were to suddenly propose carving 350,000 acres out of the public domain and out of the remaining desert habitat to subject it to the plow.

Furthermore, the development of new agriculture close to the Colorado River would be accompanied by highly saline return flows to the river as the salts in the desert lands were leached to permit the production of crops and as excess water was applied in subsequent operational years to maintain salt balance within the crop root zone. The Republic of Mexico could be expected to protest vigorously such development. The current agreement with Mexico, Minute 242, involving the salinity of waters delivered to that nation is based on the understanding that there will be no additional agricultural development along the Lower Colorado River.

Transfer of central Arizona's farms to the Colorado River is not a very desirable alternative to the CAP for many reasons, including the undeniable fact that central Arizona needs the water to alleviate current rates of overdraft and to provide the water supplies necessary to support growth of central Arizona's cities and industries.

CONCLUSION

I was born and raised in Arizona. In my youth it was small in population, isolated, little subject to change. Frankly, I liked it better that way. But times change and events overtake us. My State is now the fastest growing in the union; that growth is accelerating. I wish it were not so; I wish our growth patterns had given us smaller, more diverse population centers.

But Arizonans can do little to stop the flow of people who seek its climate and special way of life. We can only try to be farsighted, to shape as best we may, the quality of our environment. Water is life in the desert. We have not always used our water wisely, but we are moving to correct our mistakes.

The Central Arizona Project is a very old dream. I first heard of it from my grandfather. It will not solve all our problems, but it will help. A large majority of our people support it. It can stand this additional review.

Our bi-partisan unanimous Congressional Delegation, our Governor, our Legislature, the elected officials of our cities all support it. We ask that the President lift this cloud from its future.

ATTACHMENT 1

(Chart not reproducible in the RECORD.)

ATTACHMENT 2

[From the University of Arizona, Arizona Bureau of Mines, Tucson, Ariz., June 29, 1976]

MEMORANDUM

To: State Clearinghouse, Arizona.
From: W. H. Dresher, Director, Arizona Bureau of Mines.
Re: State Clearinghouse Document No. 76–80–0031 (Draft Environmental Statement, Orme Dam Site).

Inasmuch as the Arizona Bureau of Mines is concerned with "geologic hazards," we have examined the subject draft environmental impact statement for the Orme Dam site as regards the general geology as depicted on our Maricopa County Geologic Map*. We were not able to locate a geologic map in the EIS as presented so we have enlarged a section of the map so as to emphasize some apparent (not to say obvious) relationships that we think should at least be recorded. Perhaps some questions are in order if only because they are not disposed of in the EIS.

Even a cursory look at the County map suggests that there are at least seven possible fracture trends that project through or very close to the proposed site. The rivers themselves, especially straight segments, likely are controlled by weakness zones. Independent from the question of presently viable seismicity is the ground condition inherited from the past tectonic activity. The dam abutments are in two different rock types of diverse ages. The contact between these is a weakness zone that the river already has located. If the contact is a fault, which it might be, the extent of shattering beneath the site is an important question. If the contact is near vertical then this possible trouble zone could extend to depth beyond the limits of excavation, grouting, etc. This is but one contact question. When grouped with the other trends the site appears to be a focus of fracture intersection. This is emphasized by the fact of intersection of two major regional drainages, the Verde and Salt River systems. Ground condition, then, seems very important, especially when its relevant characteristics are buried from view. It would scem to be essential to ask whether or not the site study budget and effort was sufficient to evaluate the geologic complexities that appear to be involved.

Regarding seismicity, the youngest rocks, other than alluvium, are volcanic rocks—basalts. Because magma finds its way to the surface via fractures these volcanics provide two types of information: (1) possible directional trends, and (2) the date of the magmatic event. There is no indication in the EIS that any dating was done on these volcanics.

At the very least it seems logical to conclude that there has been more than one tectonic event in the general dam site region, that is, there is a sense of repetition in the past.

In summary, the Orme Dam site, from a cursory and generalized review, represents a site with sufficient geologic complexity to warrant considerable sensitivity on the part of the site investigators. The EIS gives no indication that there are any abnormal geologic conditions worth mentioning. Indeed, the EIS gives no indication that a geologic hazard analysis was even considered for the project!.

*This map is available to the public for $0.75.

THE UNIVERSITY OF ARIZONA,
ARIZONA BUREAU OF MINES,
Tucson, Ariz., July 15, 1976.

Mr. WESLEY E. STEINER,
Executive Director,
Arizona Water Commission,
Phoenix, Ariz.

DEAR MR. STEINER: This letter is in response to your questions by phone of 7/14/76 concerning the details of our statement to the Arizona State Clearinghouse regarding State Clearinghouse Document No. 76–80–0031, "Draft Environmental Statement, Orme Dam Site", and our findings resulting from subsequent discussions with the Bureau of Reclamation, U.S. Department of the Interior, concerning their professional evaluation of the geologic aspects of the Orme Dam Site.

First, by way of background, the Arizona Bureau of Mines is an agency of the State of Arizona and exists as a division of The University of Arizona. Among other functions, the Arizona Bureau of Mines has historically served as the geological survey of the State. Such surveys exist in nearly every state of the nation under various organizational formats. The principal value of these organizations is their knowledge and interpretive capability of the geological environment of their respective states. The Arizona Bureau of Mines is a participant in the State Clearinghouse review process and generally reviews project proposals with a view to either the mineral potential or the geological hazard potential of the region to be involved in the project. The Arizona Bureau of Mines employs professionally trained people in the fields of geology, mineralogy, mining and mineral processing. Part of the function of these people as part of the review process is to render an opinion based on their technical knowledge of the subject of the document submitted for review. These opinions are ultimately examined and consolidated by my office and the reply made to the State Clearinghouse over my signature.

The Orme Dam Site Draft EIS was reviewed by Dr. H. Wesley Peirce, the staff geologist who is responsible for environmental geology (which includes geological hazards). I have appended a copy of our review statement dated 6/29/76 as prepared by Dr. Peirce. Basically, the review statement submitted to the

Clearinghouse states it is our opinion that the subject draft EIS was deficient in its treatment of the geologic setting of the dam site as regards possible problems worthy of detailed investigation as well as a summary of the general results of any detailed studies made in this regard. This opinion was based upon data in our files and generally available to the public which indicates that the Orme Dam site is potentially significantly fractured and may contain one or more faults lying between the two abutments of the dam.

We included a general geologic map of the area surrounding the dam site and emphasized on it faults and fracture trend possibilities indicated on the Maricopa County geologic map as prepared by Dr. Peirce and others of our staff in 1957. The EIS contained no geologic map, therefore there was no way for us to evaluate the level of the Bureau of Reclamation's sensitivity to potential geologic problems. Our review statement was mailed to the State Clearinghouse. No copies other than our file copies were made and no press release was made. It was our belief that our review of the EIS would be compiled with others received by the Clearinghouse and submitted to the Bureau of Reclamation for their consideration and, hopefully, inclusion and discussion in their Final Environmental Statement on the project.

We now know that a citizen visited the offices of the State Clearinghouse sometime the week of July 4th and asked for and received copies of the submissions of the various respondents to the Orme Dam Site Draft EIS. This individual then singled ours out, apparently fed it to one or more of the Phoenix newspapers. Subsequently, at 5:15 PM, July 9th, Mr. Tom Kuhn of the Arizona Republic phoned my office and requested the content of our "press release". I informed Mr. Kuhn that we had made no press release and that our only public comment on the Orme Dam Site project was to the State Clearinghouse. Inasmuch as Mr. Kuhn seemed to be ignorant of the State Clearinghouse review process I explained it to him. I then dictated the text of our review statement to him. I also indicated that it was my opinion that even if fracturing or faulting was found at the site an engineering evaluation would have to determine if the site was feasible or not, i.e., the presence of fractures and/or faults does not necessarily preclude the construction of a dam. A simple comparison of Mr. Kuhn's articles in the Arizona Republic on July 10th, the Arizona Daily Star on July 12th and 14th, with the Arizona Bureau of Mines review statement reveals the "journalistic license" of the news media in describing the situation.

On Monday, July 12th, Mr. Tom Clark, of your office, phoned me to discuss the situation and to assure me that he was certain that the Bureau of Reclamation had performed test borings at the proposed site but had considered their data to be sufficiently technical, and that it wasn't appropriate for the Draft ETS. He then invited either me or Dr. Peirce to accompany him on a visit to the Bureau of Reclamation on the following day.

On Tuesday, July 13th, Dr. Peirce met with Mr. Clark and accompanied him to the Bureau of Reclamation offices in Phoenix. Mr. Pugh and several of his Bureau of Reclamation staff, including geologists, discussed their status and position on the subject with Mr. Clark and Dr. Peirce. The conversation was open and friendly with mutual appreciation of the professional aspects of the problem. Dr. Peirce reports the following findings: 1) the Bureau of Reclamation was aware of the most important of the possible geologic problems described by Dr. Peirce; 2) the Bureau of Reclamation has focused on these problems in the past and intends to conduct additional studies of certain of the geologic conditions. Apparently time, money, and lack of cooperation of the local Indian tribe has impaired their progress to this point; 3) at the time the Draft EIS was drawn up it had been the opinion of Mr. Pugh and his staff that technical matters such as pertained to the geologic conditions of the site would not be the concern of the public and therefore the Bureau's knowledge and considerations of this matter was not included in the Draft EIS; 4) a single sentence expressing their concern for faulting at the site had inadvertently been omitted from the Draft EIS sometime during or prior to printing the document.

It is our conclusion that the Bureau of Reclamation personnel have been thorough in their preliminary examination of the geological aspects of the Orme Dam site and that they are fully aware of the potential problems of the site and that they recognize the need for additional investigations before a final decision is made on how a dam should be designed. Our only point of disagreement with the Bureau personnel is how much and what geological information should be included in the EIS. We contend that such information is not too technical for public understanding (if for no other reason, we too are members of the "public") and that potentially hazardous situations caused by geological phenomena or conditions can be a significant impact on the environment inasmuch as physical and mental health and safety should also be a part of environmental considerations, especially those who are downstream from a large reservoir!

Lastly, we deplore the conclusion of the news media that the presence of fractures or faults automatically precludes the competency of any dam structure. This is a decision which ultimately must be made by engineers based on the engineering aspects of the site with respect to the structure to be built on the site. The important thing, however, is to have in hand the geologic criteria essential to overall project viability.

Sincerely yours,

WILLIAM H. DRESHER,
Director.

[From the University of Arizona, Arizona Bureau of Mines, Tucson, Ariz., July 16, 1976]

MEMORANDUM

To: State Clearinghouse Agency, Arizona.
From: W. H. Dresher, Director.
Regarding: A supplemental statement applicable to State Clearinghouse Document No. 76–80–0031 (Draft Environmental Statement, Orme Dam Site).

The Arizona Bureau of Mines first commented on the subject document in a response dated June 29, 1976. This original commentary was directed to the Bureau of Reclamation via the Clearinghouse. From the Clearinghouse, a copy was obtained by an individual and used in a manner not originally intended by us. Newspaper headlines wholly distorted our position, therefore we feel compelled to insert clarification to accompany our original comments.

Our initial effort was a response to the draft (preliminary) Environmental Impact Statement. It was our intention to encourage the Bureau of Reclamation to render a more complete statement regarding geologic phenomena known to be a part of the local geologic scene. A clear distinction should be made between what Bureau of Reclamation geologists actually know and what little was shared in the Environmental Statement.

By personal contact with staff members of the Bureau of Reclamation on July 13, 1976, (including two geologists) we were able to ascertain that the Bureau of Reclamation not only is aware of the geological factors we cited but plans to conduct a more thorough investigation of these factors.

In summary, the Arizona Bureau of Mines has no criticism to make of the program of geologic investigation of the Bureau of Reclamation. However, we do think that it is important for the Bureau of Reclamation to render a more complete statement as to the nature of the local geology and to especially point out the more important geologic influences that affect the design of a dam at this site as part of their environmental impact statement. We urge them to do so in this Final Environmental Statement. Additionally, we should like a review of any known geologic factors that might influence the escape of significant quantities of water beyond the immediate confines of the dam.

ATTACHMENT 3

PALO ALTO, CALIF.,
March 12, 1977.

Subject: Review of status and findings of Orme Dam and Reservoir site evaluation and preliminary design concepts.

Mr. WESLEY STEINER,
State Water Engineer, Arizona Water Commission, Phoenix, Ariz.

DEAR MR. STEINER: At the request of the Arizona Water Commission I have reviewed various general and specific documents pertaining to the Orme Dam and Reservoir site investigations which have been curtailed pending a reevaluation of the projects viability. In addition to various general documents, state and federal maps, etc. which discuss regional geology, seismicity and similar matters I have specifically studied the following:

1. Geologic Exploration—Resume for McDowell Orme Damsite, dated 1976.

2. Maxwell Project, Maxwell Dam and Reservoir, Geologic Data for Feasibility Estimates, U. S. Bureau of Reclamation, Robert A. Vehrs, dated January 1963.

3. Draft Environmental Statement, Orme Dam and Reservoir, U. S. Bureau of Reclamation Lower Colorado Region.

In addition I have discussed the project in the office and at the Orme and Stewart Mountain Dam sites. In addition I have been driven over much of the reservoir area with Mr. Benson Scott (Engineer), and Mr. Gerald Cox (Geologist) from the Arizona Water Commission, and Messrs. Joe Kreutz (Engineer), Richard Raymond (Geologist), and Paul D. Wold (Geologist) from the U.S. Bureau of Reclamation.

At present, the completed investigations have only proceeded to the feasibility and environmental statement level. Design studies which were being initiated to provide additional needed detail have been temporarily curtailed.

The reservoir area has relatively gentle topography with a stable parameter from both the shore stability and seepage loss potential standpoints. The reservoir is surrounded by a thick mass of relatively impervious high elevation bedrock around the reservoir perimeter except at the dam and dike sites. The reservoir water retention capability has been adequately proven for the site therefore, no real additional concern for this factor should be involved except to determine the detailed information necessary to design and construct a water tight dam and dike.

The geology of the area is complex but not particularly adverse. The dam site is broad and topographically gentle. There is plenty of working space for construction and river diversion, therefore, with the existing upstream reservoir storage capacity available there should be relatively few construction site or schedule problems. The geologic information to date does not indicate any particularly difficult or expensive safety or seepage control requirements for the dam or the dike. Although considerable additional surface and subsurface exploration and

analysis will be prudent to minimize the possibility for unforeseen problems affecting the construction schedule and costs, the available data establish to a reasonable degree for the present stage of investigation that a safe dam and dike can be developed at the site without any major unusual or expensive provisions.

The presently conceived design of the dam and dike as compacted earthfill structures with positive cutoffs to bedrock is proper. Provided that any bedrock fractures and/or openwork fault breccia are grouted. With adequate investigational data, analysis, and design coupled with proper monitoring of construction and operations the safety of the dam and dike can be assured.

Because the dam and reservoir are in a moderately seismic area continued consideration of the seismicity of the project is necessary. The faults at the dam site should be further defined, however they appear to be a Tertiary Age and long inactive.

Because the flood pool could impinge on the Stewart Mountain Dam and Power House we visited this facility to review the Bureau of Reclamation studies of the probable problems associated with its occasional inundation. This dam is buttress arch structure with a gated spillway on the left abutment. There are potential safety problems involved with raising the reservoir level above the conservation level, however, they are all amenable to economical solution. Chief among the problems being addressed are drainage provisions in the abutments to preclude the development of high pressures in the rock downstream of the dam which could conceivably cause instability upon rapid drawdown of the Orme reservoir. Equally important is the reconsideration of the operation of the spillway chute during flood discharge due to high backwater occasioned by the downstream reservoir pool level which will change the spillway operation from that contemplated in the original design. Concrete deterioration which currently exists in the dam is a potential problem but it should not be exaggerated by the Orme reservoir inundation and operation. The spillway chute should however, be redesigned.

The possibility of a hazard potential to Orme Dam in the event of a failure of the Stewart Mountain Dam exists but should be minimal and not of a potentially catastrophic nature. Under a failure hypothesis it is my opinion that the most likely mode would be the rapid drawdown of the Orme reservoir at which time there would be sufficient capacity in the combined reservoirs for the liberated water.

On the basis of my studies of available data, discussion with knowledgeable professional engineers and geologists working on the project, and my personal site inspection and observations, I believe that the site investigations have been progressing well for the present stage of development and that they should be carried to completion as a basis for final evaluations because there is currently no evidence to indicate that particularly difficult design or construction problems exist at the site. Remaining questions are not related to either economic or safety feasibility but are design detail questions. This does not mean that the studies that are still required are unimportant or can be shortened. I mean that the geomorphic and engineering geology work must be completed to permit final cost evaluations to be made and final designs to be undertaken. There is no evidence of major geologic hazards at the site that could pose serious technical feasibility questions.

W. A. WAHLER,
Registered Engineer, Arizona No. 7747
Registered Engineering Geologist, California No. EC944.

ATTACHMENT 4

ST. CLOUD STATE UNIVERSITY,
COLLEGE OF LIBERAL ARTS AND SCIENCES,
St. Cloud Minn., January 7, 1977.

JACK B. WOODY,
Endangered Species Coordinator, U.S. Department of the Interior, Fish and Wildlife Service, Albuquerque, N. Mex.

DEAR MR. WOODY: In response to your letters of July 20, August 6, and December 16, 1976, I am submitting comments on the recommended critical habitat proposed for Bald Eagles in Arizona. These comments are based on:

1. Memoranda dated May 14 and July 2, 1976, from the acting regional director, Bureau of Reclamation, Boulder City, Nevada.

2. The Southern Bald Eagle in Arizona. Endangered Species Report #1. 1976 U.S. Fish and Wildlife Service, Albuquerque, NM.

3. An undated compilation entitled: Recommended Critical Habitat for Southern Bald Eagles in Arizona.

4. My own knowledge of eagle behavior and ecology in the northern portions of the eagle ranges. I am at a disadvantage in that I do not have, and have not read, the document upon which the comments of Mr. Robert Jantzen, Mr. William D. Hurst, and Mr. Fred Wirth apparently have been made.

I. I do not, at this time, wish to enter into a dialogue on the subspeciation of Bald Eagles. Let it be enough to acknowledge that the possibility of one, two or more forms exists, that some populations are in greater danger of extirpation. Whatever the causes, than are others, and that all populations should be maintained for as long as possible for their aesthetic benefits to the human population. At the same time it must be recognized that the disappearance of an eagle population anywhere, anytime, is due, entirely, to the activities of, by and for those same human populations.

II. Description, enumeration and/or evaluation of habitat requirements is difficult, even when a great amount of field data has been collected. I realize that a standard distance from a river's edge or a nest site is the most practical way to establish a protected area. However, requirements more important than boundaries must be met, i.e. food, in the form of fish primarily, and fishing sites; suitable nest sites; an abundance of loafing sites; and, unfortunately, isolation. This latter not, however, because it is called for by the eagles, but because it is the only way to protect them from what is, I think, the number one destroyer of these populations—rifles and shotguns.

The several proposals indicate that all areas within (a) 500 miles, (b) ¼ mile, (c) ½ mile of the rivers are to be included in the critical area. From what I have observed, that much space is not necessary for most eagle pairs, and for a rare few pairs that would not be nearly enough. In all raptors, including the nocturnal species, there is a great variation in individual pair behavior and even between members of a pair so far as their protection of nest sites and eggs, attention to young, fleeing the site, abandonment, etc.

Behavior also changes constantly during the nesting season. There may be a long period of residency at a site prior to the actual nesting or almost none, and attention to the nest may continue long into the summer, and even into late fall. Especially, nests may be repaired in fall.

A wide area along a river is not necessary, even when/if it is economically possible, and nothing will be wide enough to keep gunners out! (I am a hunter; I don't dislike guns.)

III. Last winter during our visit in Arizona we saw only a relatively few miles of river vegetation. We suggested that many of the trees being used by eagles were apparently quite old and would not last long and that there were not many potential nest tree replacements. I've been told that one nest tree did fall later in the year. Fortunately Arizona eagles do use cliffs and pinnacles which are in many ways safer and certainly, if the records are correct, the nests last longer. But, any long range plan should have a nest-loaf tree replacement project as part of it.

I am a firm believer in artificial nest site and loafing site construction, especially where these structures may hold a population or a pair of birds in an area until natural sites can be developed. An artificial nest, constructed by my students and me in Wisconsin, was utilized by a pair of eagles and was successful to hatching. Other workers in Michigan, Ohio and California are attempting to make use of them in special situations. (An engineer or prop man who can build a giant shark or a King Kong or even a domed stadium can surely build fake trees.)

IV. Some persons have suggested that reservoirs are not used by eagle populations. I believe that large impoundments may be much like large Minnesota lakes which are heavily utilized by resident-breeding eagles. As many as fifty pairs may be nesting around Winnibigoshish and Leech Lakes. The necessities are there: fish, nest trees, loaf trees.

Extensive fishing in the winter by large numbers of eagles is common below the dams forming the Missouri River reservoirs in South Dakota. Recent reports from friends suggest much use of several large reservoirs in the Western states. I admit published communications to support this are not easy to find. I also suspect that the waterfowl which are attracted to these areas and which have a high mortality are part of the attraction for the eagles.

V. Feeding and food supplies should be no problem—so long as the fish are free of biocides. Fishing in many reservoirs is very good so far as sport fishermen are concerned—why not as well for eagles—especially since eagles do not disdain carp and shad and other rough fish as many fishermen do.

Fish, dead or injured and discarded, or hooked and lost by fishermen provides a large part of the food of many eagles on heavily fished lakes in Minnesota, Wisconsin and Michigan. Dozens of baits, leaders, bobbers and other gear are found in eagle nests and hooks have caused the death of more than one individual.

I do not believe a shortage of prey species is likely and the size utilized does not seem to be important. I've seen hundreds of 3–5 inch and 6–10 inch fish being eaten each year. Eagles will also use large individuals, or in some cases, where fisheries have refuse, i.e. heads and guts, only these parts when placed out for them will be eaten.

If necessary, on a temporary basis, carp could be provided as forage fish in shallow ponds as has been done for breeding wood storks in Florida. However, I do not think it is a good idea to feed any species in this way.

VI. I do not believe that most human disturbances are a factor in nest success, or winter population concentration, or nest location. There is a great amount of documentation of eagle-human compatibility. Nesting territories in the Chippewa Forest in northern Minnesota are rarely isolated, and eagles live in downtown Prescott, Wisconsin and Yankton, South Dakota all winter.

Boats do not bother, nor do fixed wing aircraft, but I view with great alarm the use by your survey crews (and others too) of helicopters. Eagles are afraid, possibly terrified by them. At the Bald Eagle symposium held in Ohio in 1965, all eagle biologists agreed not to use helicopters in their investigations and to my knowledge none of them do. I am reasonably certain that my own artificial nest with piping eggs, as well as a near-

by osprey nest, was abandoned because of low-flying helicopters on military maneuvers. (By the way, Todd, 1971 is not included in the literature reference section of my copy of the Endangered Species Report.) Whatever happens in Arizona, I honestly believe all helicopter flights within a mile of eagle nests should be banned. I know nothing about aircraft safety, maneuverability and speed, but it seems to me that if the aerial checks necessary for eagle studies can't be done in fixed-wing aircraft they ought not be done.

Visits by foot or by boat to a nest site, and up into a nest for banding purposes or other checks, even weekly for the whole of two seasons in one case, have not caused abandonment in any of my studies.

In our area operation of snowmobiles in the early part of the nesting period, especially at night, is suspected of being detrimental. It may be below zero here when eagles have eggs, at least below freezing. It would seem likely that A.T.V.s or O.R.V.s would also be disrupting especially early in the incubation period. Use of chain saws in the close vicinity of eagle nests might be detrimental too.

VII. I have read and re-read all of the documents provided. I am in agreement with the Bureau of Reclamation statement. "The future of the bald eagle in Arizona would seem to rest not on the locking up of vast areas of land under the label of critical habitat, but in learning just what factors within the habitat are actually the limiting ones and developing those factors where deficient." and with the following excerpt, "It offers no explanation of how the criteria used were arrived at and no basis for why the land so selected is critical to the survival of the species. In fact, it contains no biological information whatsoever. What are the habitat requirements of the Southern bald eagle? How are these requirements satisfied by the lands proposed for critical habitat designation? Why is this the most important and the minimal amount of habitat the species needs for survival as set forth in the recommendation?"

Further, I urge that the Fish and Wildlife Service join with as many other agencies and individuals as is necessary to carry out the "Program for Bald Eagle Conservation" as proposed by the Bureau of Reclamation. Especially, points 2, 3, 6, 7 of the inventory segment; points 6, 7, 8, 10, 11, 12 of the research segment and 1, 2, 5, 7 of the management segment should be carried out immediately.

Thank you for allowing me to make these comments.

Sincerely,

ALFRED H. GREWE,
Professor.

NEED

In Arizona we are using water almost twice as fast as the natural replenishment rate to support the State's existing population and economy. This is possible only by overdrawing our groundwater bank account. In the service area of the Central Arizona Project, we are overdrawing our groundwater resources at a rate of 1.8 million acre-feet per year. Obviously, this is a practice that cannot continue without limit. Unless we find a way to balance supply and demand a catastrophic day of reckoning lies ahead.

Phase II of the Arizona State Water Plan is at the printer's and should be available for distribution later this month. As soon as it becomes available I would like to file a copy as a part of the record of this hearing. In Phase II the Arizona Water Commission has attempted to articulate the alternative futures available to Arizona.

At this time I would like to show you in chart form some of the conclusions of the Phase II study as they relate to the counties that make up the principal service area of the Central Arizona Project. Those who oppose the CAP contend that we don't need the Project, that we have plenty of water without it. I believe that the charts that I will show you from the Phase II effort demonstrate the absurdity of this claim.

First let's look at the water supply situation in Pima County for the period 1970 to 2020. Bear in mind that Arizona's second largest city, Tucson, is located in Pima County and that one-quarter of the nation's copper is produced within its boundaries. The upper line marked Alternative I shows the water requirements associated with population projections of the Arizona State Office of Economic Planning and Development. This projection was selected by the Arizona Water Commission to represent the upper limit of what might be anticipated in the way of growth. Alternative II represents a median level of growth as projected by the Arizona Department of Economic Security. Alternative III represents median growth with a reduction in agricultural acreage to effect a balance between water supply and use.

The blue line, the lowest line on the chart, represents the dependable water supply. The difference between this line and any of the others represents the amount of overdraft or deficiency. The surge in the water supply line, the blue line, between 1985 and 1990 represents the supply added by the CAP.

In Alternative III for Pima County, all agricultural acreage has been retired by year 2000. Currently, use is occurring at a rate equal to 4.7 times dependable supply and results in an overdraft of approximately 270,000 acre-feet per year. In year 2000, were all agricultural uses of water retired the use rate would still be 3.3 times dependable supply. By year 2020, with modest growth and zero agriculture this imbalance would increase to 3.7 times dependable supply and an annual rate of overdraft of approximately 200,000 acre-feet per year would prevail. Under these circumstances, absent Central Arizona Project, there is no way that the water resources of the area can be managed to meet needs over a long period of time, short of retiring all agriculture and closing down all major industrial users of water. The only other alternative would be to move out a substantial number of those people living there today.

The next chart shows that with the Central Arizona Project delivering anticipated supplies to Pima County, balanced conditions are achievable with the retirement of agriculture. The introduction of this additional supply enables management of water resources and demands to achieve a balance. Without the introduction of CAP imports an acceptable management plan is impossible.

The third chart presents the water supply use situation in Pinal County where water today is being used 3.3 times as fast as Mother Nature replenishes it and an annual overdraft of 620,000 acre-feet per year is being experienced. With the importation of CAP water, overdrafting will be eliminated and a recharging of groundwater reserves will be experienced for a number of years, with the length of the period of recharge depending upon the actual growth rate experienced in the county. The chart shows that with the importation of CAP water and a retirement of agricultural lands under Alternative III, a balance between water supply and demand can be maintained throughout the study period. By year 2020 existing harvested acreage would have been reduced by approximately 40 percent.

The fourth chart shows the situation in Maricopa County. Currently, Maricopans are using water almost twice as fast as the replenishment rate so that an annual overdraft of slightly over 900,000 acre-feet per year results. With the importation of Colorado River water and a 61 percent reduction in harvested acres, it is possible to achieve balance between supply and use in Maricopa County.

A comparison of supply and use for the County as a whole, however, masks a multitude of institutional constraints to making existing agricultural supplies available for municipal use. Most of the dependable supplies available to Maricopa County attach to lands in the Salt River Project, the Roosevelt Irrigation District, and the Salt River Indian Reservation. The water rights to these supplies belong to the water users and landowners lying within the district and reservation boundaries and under existing laws and/or contractual constraints, these supplies cannot be moved to areas lying outside those boundaries. In any event, the studies of the Water Commission indicate that the full supplies available to the Salt River Project and Roosevelt Irrigation District will be required to meet the needs of urbanization within district boundaries.

As depicted on the next chart, the areas of Maricopa County that lie outside the Salt River Indian Reservation and the service areas of the Salt River Project and the Roosevelt Irrigation District have a very limited dependable supply. Current uses are over six times dependable supply and an annual overdraft of 770,000 acre-feet persists. Even if all agricultural lands were retired as shown under Alternative III a balance could not be achieved and an overdraft of 125,000 acre-feet per year would prevail by 2020.

The last chart shows that with the importation of Central Arizona Project supplies to the areas of Maricopa County that lie outside the boundaries of the Salt River Project, Roosevelt Irrigation District and Salt River Indian Reservation it is possible to balance supply and demand with a 66 percent reduction in the harvested acreage of agriculture. The 84,000 acres of harvested cropland remaining in year 2020 will permit maintenance of greenbelts in the major metropolitan areas of Maricopa County.

There is no practicable way of meeting the needs of this large area in Maricopa County or of the Tucson metropolitan area in Pima County other than completion of the CAP and importation of Arizona's remaining entitlement in the Colorado River.

Opponents of the Central Arizona Project argue that there is sufficient water available in central Arizona to support a population of 10 million people. Even if it were possible to disregard legal water rights, and it is not, and to collect and transfer at enormous costs the dependable water supplies currently in use by agriculture, the total annual dependable water supply of 1,245,000 acre-feet per year available to meet all uses within the three-county service area of the Central Arizona Project is clearly insufficient to meet the needs of 10 million people. At current per capita rates of use, this supply if devoted entirely to municipal needs would support only 3,713,000 people, a population which is rapidly being approached.

If existing use habits are changed and efficiencies of use improved to effect a one-third reduction in a per capita use rate from 300 gallons per day to 200 gallons per day, approximately 5½ million people could be supported by the supply currently available to central Arizona were all other uses eliminated. Of course we cannot eliminate water supplies necessary to support our industries or our jobs. Neither would it be desirable to eliminate our agricultural economy and the greenbelt environment that it provides.

The Central Arizona Project will increase Arizona's dependable water supply by 50 per-

cent. It will permit a two-thirds reduction in the current rate of overdraft in its service area. It will put us within reach of a balance between supply and demand, a balance that can then be achieved through the institution of changes in types of use and use habits.

With completion of the Central Arizona Project, 60 percent of Arizona's dependable supply will come from the Colorado River. Is it any wonder that every Governor, every Congressman, every Senator from the State of Arizona has supported the CAP and has worked tirelessly for its early completion? All members of Arizona's Delegation are here with me today; we are united in our commitment to do everything possible to see that funding is restored and that the Federal Government keeps its commitment to the people of our State.

[Charts attached not reproducible in the RECORD.]

SUPPLEMENTAL APPROPRIATION FOR THE CHALLENGE GRANT PROGRAM OF THE NATIONAL ENDOWMENT FOR THE ARTS

Mr. BROOKE. Mr. President, in a few days we shall be voting on the first supplemental appropriations bill for this fiscal year. Part of that measure provides increased funds for the National Endowment for the Arts and, most particularly, $12 million for the Endowment's vitally needed new challenge grant program.

The Endowment richly deserves these funds. It has participated, partnered, encouraged, and helped to guide a renaissance in the arts in our country with wisdom, discretion, and insight.

During this growth period, there has been a marked increase in the size of audiences and in the number and scope of cultural activities. And there has also been a growing recognition of the arts as a necessary prerequisite for a life of fullness and quality. That recognition is underscored by the fact that, for the first time in our history, both President Ford and President Carter in the last election campaign took an affirmative, active posture about the problems facing the arts and the need to make the arts more widely available to all Americans.

They knew when they took that stance what the cruel fiscal facts were. For there has been a frightening acceleration of costs in meeting the interest and demands of the American people in the arts. The earnings gap—the difference between the revenues from all sources and the operating costs of institutions and the exhibitions and productions they mount—has widened despite greater box office revenues, houses sold out almost continually, a shift in corporate and foundation giving to the arts, the enactment of municipal funding formulas to promote cultural activities, and substantial increases in State appropriations for the arts. In this last respect alone, State appropriations for the arts nearly doubled, from $34 million to $61 million, in the 2-year period between 1974 and 1976. And legislatures are proposing and expected to enact additional increases in 1977.

In the past 2 or 3 years it has become starkly apparent that these deficits of and in our great arts institutions are the overwhelming problem facing the arts in America today.

The litany of adverse examples mounts. We have all read of major dance companies in New York City who were forced to curtail their season because of rising costs which they simply could not absorb. And the problem of overwhelming deficits is not endemic to New York City alone.

The plight of arts institutions in my home State of Massachusetts is another poignant reminder of the precarious state of such institutions all across our country. One Bay State institution alone, the Boston Museum of Science, illustrates the problems faced by our cultural institutions. In the last 10 years, attendance at the museum has increased from 528,000 a year to 820,000. Yet at the same time, operating expenses more than doubled, increasing from $1.049 million to $2.476 million—the net result of which leaves a total deficit from $500,000 to $700,000 per year. Another major venerable cultural institution in Boston, the Museum of Fine Arts, is operating at a deficit of more than a half million dollars a year. The world renowned Boston Symphony Orchestra has a difference between earned income and operating expenses of $2½ million a year and even after fundraising drives and grants, has a yearly deficit of almost $750,000. These are some of the oldest, most established, and best managed institutions in the country. What is true of their finances is equally true of younger and less generously endowed institutions in Massachusetts and all the other 49 States.

And these deficits are occurring despite herculean efforts by the institutions themselves to hold expenses down in the face of inflation and increased demands. Staff has been reduced. Needed salary increases have been drastically cut or deferred. Physical plant repairs have been postponed. Admission prices have been increased. And in the cases of museums, hithertofore free to the public, admission charges have been instituted.

Often services have had to be cut, as the case with museums closing certain days and curtailing the evening hours which made it possible for more working people to enjoy the privilege of appreciating fine art.

But, only so much can be done to hold down costs. It is not possible simply to lop off a cellist or a couple of violinists in the Boston Symphony Orchestra without a corresponding cut in quality. It is not possible to remove guards from a priceless art collection. It is not possible for these often vast physical plants to avoid increased energy costs, which have quadrupled in Massachusetts in the last 4 years.

And I feel, with a conviction I cannot too strongly state, that there is one more alternative which is also not possible, and that alternative is further raising the price of admission to our arts institution. Indeed I fear, no I know, that too many people are already discouraged from attending arts performances because of the prices that are now being charged.

We cannot make enjoyment of the arts an elitist recreation, a byproduct of wealth. We must instead make it possible for those who love the arts, who want the joy and fulfillment they bring—of any and all incomes—to participate in cultural activities in America. And to insure this we must attack the problem of deficits and assure greater financial stability for our Nation's cultural institutions.

This problem of financial stability was the great challenge facing the Senate and House Education Subcommittees when the National Endowment for the Arts was reauthorized last year. And to solve this dilemma the Congress authorized a new Endowment program, the challenge grants.

Challenge grants will be one-time grants for up to 3 years. Their purpose is to help our cultural institutions mount campaigns which reach into their communities to encourage new contributors. And such campaigns do offer permanent succor, for pilot studies show that 75 percent of new contributors continue to give after the initial fund raising drive is over. That regenerating fact cannot be overemphasized.

Unlike most Endowment grants which require a dollar to dollar match, challenge grants will require three non-Federal dollars to match each Federal dollar. Thus, if the Congress appropriates the full $12 million of the Endowment's request for challenge grants in fiscal year 1977, that amount will generate $36 million in the first year and, according to fund-raising experts, $27 million in succeeding years. Very modest amounts of Federal money will therefore go a very long way in addressing the problem of negligible cash reserves which affects most of our cultural institutions and makes them particularly vulnerable to economic pressures.

Our cultural institutions have traditionally relied on many sources of financial support, and this pluralism must be sustained if they are to remain independent and vital. Challenge grants will strengthen these independent sources of funds and will put institutions on notice that they must be more concerned with long-range stable funding sources and in digging roots deeper into their communities. And the constituents of these institutions will be forced to recognize what a loss it would be in their lives if the cultural activities they enjoy and too often take for granted were no longer a part of their lives.

The need for the new challenge grant program is very immediate and very real. More than 350 applications have been received at the National Endowment requesting nearly $126 million in grants. Twenty-six institutions in Massachusetts alone have applied for challenge grants.

The first Endowment review, which eliminated those applications requiring more work, still brought total requests of $80 million. Even limiting funds to the very best applications, the Endowment's proposed funding of $12 million will fall far short of demand.

The challenger grant program is not intended to require more and more Federal dollars year after year. The program

is now authorized for 4 years and Nancy Hanks, Chairman of the Endowment, has testified that the job of providing our great cultural institutions with some measure of financial security can be accomplished within this 4-year timespan.

However, unless we act now, in a few years the situation will be so drastic that our arts institutions will be turning to the Congress in need of massive infusions of Federal funds.

That is why I truly believe it is essential that we appropriate at the very minimum the budget of $12 million for the new challenge grants. Regretfully, the House of Representatives has denied $3 million of the Endowment's request for challenge grants for fiscal 1977. Considering the overwhelming need for these funds, I urge my fellow Members of the Appropriations Committee and the Senate as a whole to restore the $3 million. I shall actively support the full $12 million both in committee and on the floor.

There are few programs, if any in government, that have rewarded Federal investment as well as moneys appropriated for the Arts Endowment—in terms not only of encouraging matching funds but also in creating and making it possible for new audiences to enjoy the arts all across our country, in the inner city as well as the wealthier suburbs, in small towns as well as larger cities. We have built in the Johnson, Nixon, and Ford administrations a magnificent beginning. A faltering Federal commitment at this time will jeopardize much of the good work that has been done and endanger the viability, if not the very existence, of some of our most treasured cultural and arts institutions. We must not allow this to happen.

LAWRENCE APPLEY AND THE AMERICAN MANAGEMENT ASSOCIATION

Mr. PERCY. Mr. President, in 1967, Finance magazine interviewed me and asked for my opinion of a prominent American on whom they were preparing a cover story and to whom they referred as "Management's Manager"—Lawrence A. Appley. Here is what I told them:

> There are few men in American business who have had a greater influence on me early in my career than Larry Appley. I attended the first president's seminar conducted by AMA and was greatly impressed with the philosophy that he espoused, his wisdom and his vision. He reaffirmed my own feeling that a corporation is more than bricks and mortar, but is essentially people, and it is the difference many times between a successful and an unsuccessful company.
>
> Under Larry Appley's guidance, AMA has helped convince American business that knowledge is power and that management is a profession.
>
> And now AMA has increasingly turned its attention to taking these principles abroad to strengthen the free world. AMA's impact has been great in the past and with the foundation laid by Larry Appley, will be even greater in the future.

On July 1, 1974, Lawrence A. Appley retired as chairman of the board of trustees of the American Management Association. He is now chairman emeritus. During his 26 years of leadership in this organization and his 46 years in the management profession he has made incalculable contributions to the philosophy and practice of management around the world.

Larry Appley became a member of AMA more than three dacades ago, when he left a faculty position at Colgate University for the Socony Mobil Oil Co. At that time AMA had only 45 employees and about 9,000 members, but it had already established a reputation for bringing together those who believed in—to use Larry Appley's words:

> The conscious, organized, systematic, and human approach to the performance of management responsibility as contrasted with a day-in-day-out, hit-or-miss, rule-of-thumb approach."

It was clear that AMA attracted Mr. Appley because it emphasizes making professional managers out of those who were merely running things.

One clear concept shaped his rise to the presidency of AMA and his subsequent rise to chairman of the board:

> Certainly, leaders are born, but so are they made, and there are not enough of them born. . . . There is a discipline of management that can be taught, and it not only will be taught—it has to be taught.

A seasoned practitioner of management in governmental as well as industrial settings—he served on various Presidential commissions—he stressed that "management is to be found in any segment of human activity," not just in business and industry.

His belief in the professionalization of management led to the establishment of a management course, an executive action course and a presidents' course, with which I was personally involved—as well as a unique program exposing young adults to the facts and realities of our system. All of these benefitted from Larry's personal involvement, although he tried never to forget the maxim that "management is getting things done through other people."

Those who attended the Appley lectures in the late forties and early fifties, and who read his books and columns, were hearing about the problems of the seventies. For example, in his very first "Scratchpad" column in the AMA's Management News—Now Manager's Forum—in 1948, he discussed a pressing issue of the times: inflation. "The causes of the inflation that now grips our economy are open to argument; it has been variously blamed on high wages, profiteering, the Government debt, and on combinations of these and other causes," he wrote. Then he zeroed in on the key question for AMA readers: "What is management's responsibility for inflation?" The answer: "The greatest potential for the defeat of inflation—is the power to produce more."

In 1951, he said:

> The emphasis now is on provision of human satisfactions out of work . . . This is attained by greater attention to human values, dignity, motivation and productivity.

He also wrote:

> An executive can no longer operate independently of the community in which he exists.

His decisions were always made with a firmness that caused one member of his family to remark on an occasion, "Dad may sometimes be wrong, but he's never in doubt." His strong personality often concealed his sensitive nature, and as a result, like all of us, he has had some detractors, but in his case also a host of devoted friends and admirers through the years—and I would not want to take second place to anyone in this category. Larry Appley was—and is—a humanist as well as a producer of results. As busy as he was, Larry never missed an opportunity to give recognition to his beloved wife Ruth, who became as dedicated to the AMA as he and whose passing last week brought both sorrow and recollections of happy times together to so many of us who knew and respected her.

In retirement, Larry Appley continues to keep an active and productive schedule, and he retains an intense interest in what he refers to as the management movement. In that movement, he himself has played an extremely significant part. I am pleased to pay tribute to him today in the U.S. Senate.

JAPAN'S AMBASSADOR TOGO'S VISIT TO ALABAMA

Mr. ALLEN. Mr. President, I view with optimism the visit to Washington this week of Prime Minister Takeo Fukuda of Japan who is discussing with President Carter economic and political problems of mutual concern and interest.

Alabama and Alabamians are directly concerned with these problems because the South traditionally has depended in great part on international trade for our livelihood. Alabama's interest in continuing good trade relations with our Japanese friends is heightened today because Japan has played a long-standing role as a top world customer for Alabama coal and agricultural exports, and in recent years Japanese companies have joined the growing list of businesses with industrial plants in our State.

Mr. President, just a few weeks ago Japan's Ambassador to the United States, Fumihiko Togo, and his wife, spent 3 days touring Alabama as the guest of Gov. George Wallace and the people of Alabama. On February 23, Ambassador Togo spoke at the annual dinner meeting of the Huntsville/Madison County Industrial Development Association in Huntsville, Ala. His remarks are pertinent to the talks now going on between President Carter and the Prime Minister and should be recommended reading for all Members of the Senate.

Mr. President, in order to make that possible. I ask unanimous consent that Ambassador Togo's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

JAPAN AND ALABAMA: PARTNERS IN ECONOMIC DEVELOPMENT

(Address by His Excellency Fumihiko Togo, Ambassador of Japan)

Only ten days after the inception of the new Administration in Washington, Vice

President Mondale was in Tokyo and had a very good talk with the new Prime Minister of Japan. The importance that President Carter attaches to the relations between our two countries is well understood and highly appreciated in Japan.

Japan and the United States have come a long way in the last three decades. This evening I should like to review with you where we stand in the economic partnership between my country and the State of Alabama.

We are honored to be guests this evening of your Industrial Development Association and to be able to see with our own eyes the remarkable results of your one-third-of-a-century of industrial-development efforts. We are especially pleased to see that Japanese private investment is beginning to play a partnership role in Alabama's economic development, in addition to Japan's long-standing role as a top world customer for Alabama coal and agricultural exports.

I have done some home-work before coming here and learned that Huntsville is a handsome and thriving city, the home of many diversified industries, elegant old landmarks, and a growing modern skyline. One statistic which caught my interest was that, between 1953 and 1973, per capita incomes in this city grew by 400 percent. That happens to be exactly the same as Japan's per capita income growth for that same period.

Even with this high growth rate, however, you have managed to avoid the blight which affects many industrial cities, including too many Japanese cities. You have also made yourselves one of the great medical and educational centers of the region, and a lively cultural center.

All these achievements are monuments to the quality of the people of this county, and of your leadership. I can say this with sincerity because I know that Japan's achievements also flow from the imagination, skills and energy of her own people, rather than from any accidents of nature. In fact, in our mountainous and crowded islands, we lack both the natural resources to feed our industries and sufficient arable land to feed our 115 million people. We must trade to survive, let alone to maintain our hard-earned position as the world's third most-productive economy, after the United States and the Soviet Union.

Whether in Alabama or in Japan, successful economic development requires an educated people, willing to work hard, take risks, and welcome competition in the pursuit of a better life for all. We call it free enterprise in both our countries, and it works well for both of us. It is also an important reason why we are partners in each other's economic development.

There are several levels at which this Japanese-American economic partnership works. The level closest to your interests is, of course, right here in the State of Alabama. Being an Ambassador, I am in no position to forecast whether, when, or how much, new Japanese investment will come to Alabama. These are private-sector decisions, made on hard-headed and competitive grounds. Besides, as you know, the outlook for new investment is still cloudy throughout the industrialized world, as we all struggle together to recover from the recent global recession and inflation.

But I can say, on the basis of talks I have had with Japanese industrialists who have visited Huntsville and other parts of Alabama and the Southeast, that the new American South holds great attractions for them. As Japanese manufacturing wages approach American levels, Japanese industry can consider more seriously your other assets of plentiful land, water, natural resources, energy and transportation, and your new-investment incentives. In addition, you demonstrate a free-enterprise spirit which is most appealing to Japanese businessmen.

I am confident about the future of the broader Japanese-American partnership, and for some of the same reasons, I have devoted a considerable portion of my diplomatic career to Japanese-American relations, the downs as well as the ups. I was involved in such uncomfortable problems as the textile dispute or other difficulties several years ago. But I also had a part in much happier developments, such as the reversion of Okinawa to Japanese administration, the most welcome visit of President Ford to Japan—the first such visit by an incumbent President—and the equally unprecedented visit to the United States of Their Majesties The Emperor and The Empress of Japan.

Viewed in the perspective of several decades, it is gratifying to note the steady strengthening of our ties. We have come to know each other better. We have learned to communicate with each other more easily. We have developed habits of consultation and cooperation which give power and effectiveness to our alliance, not only in our relations with each other, but also in the world at large.

There are problems or disagreements between us that have to be attended to. Our trading partnership is the largest and most diversified trade between any two overseas partners in history, doubling in value every five years or so. We have occasional frictions, such as the recent difficult negotiations over offshore fishing, and current complaints about the surge in American imports of color TVs and steel. Yet we have learned to deal with such problems responsibly and without passion, looking for mutually satisfactory solutions.

On the American side, there is now much wider appreciation of the fact that Japanese competition is no longer based on low wages and cheap prices. In fact, some of the best-known Japanese TV imports—along with Japanese cars, cameras and many other consumer products—actually sell at higher prices than comparable American products. American consumers, in other words, are willing to pay a premium for Japanese quality, design and performance.

I should add as a footnote that Americans ought to be very happy that the wage gap between this country and Japan is closing rapidly. This means that affluent Japanese consumers are demanding more American meat and food and feed grains—including Alabama soybeans. Greater Japanese leisure is creating a boom market for American sporting goods, and larger Japanese apartments have made room for American-scale home appliances.

On the Japanese side, there is now greater appreciation that it is not always good business to press a competitive advantage too far. Japanese exporters must be sensitive to the impact of any sudden increases in the volume of exports to a particular country. This is especially true in a period of general economic uncertainty and high unemployment throughout the industrialized world.

Both sides have learned one other vital lesson in recent years. This is the fact of our growing interdependence, not only with each other, but also with the rest of the global economy. It is no longer possible for any country, even the richly endowed United States, to go it alone. We all must turn somewhere else for material goods that are essential to our survival—oil, minerals, other industrial raw materials, food, and even the advanced technologies which form an increasingly important part of international trade. And we need each other's markets, under a free and fair division of international labor. The world economy is rapidly becoming indivisible.

This is the ultimate dimension of the partnership between Japan and the United States, the two largest and most dynamic economies in the free world. We have the responsibility to work together to insure that the future world economy will be an open trading system, where all nations will have fair access to each other's raw materials, manufactured goods, technologies, and markets. It must be a world system where people, ideas and capital can move freely, and where freedom itself is secure for future generations.

These are some of the topics that will probably be on the agenda when my Prime Minister, Mr. Fukuda, meets a month from now in Washington with President Carter. The same topics will also be pursued in a few months' time when the leaders of the largest industrial democracies—from Western Europe, North America and Japan—meet in the third West-plus-Japan summit in less than two years. The common challenge facing all of us is how to work harmoniously together to build a more stable, peaceful and prosperous world in which all peoples may share fairly in the Earth's resources, and the fruits of their own labor.

There is a direct connection in other words, between the partnership that is developing between Japan and Alabama, and the wider world mission of our two countries. On the basis of shared values, our two peoples are working together toward common goals of world economic development, and world peace and stability. With this common purpose, ours is a natural partnership between two vigorous, productive and freedom-loving peoples.

TESTIMONY ON DOMESTIC COMMUNICATIONS COMMON CARRIER POLICIES

Mr. GOLDWATER. Mr. President, although I did not appear as one of the witnesses at this morning's hearing by the Senate Subcommittee on Communications relative to the effect of and difficulties raised by domestic communications common carrier policies, I did submit a written statement for the committee record. I ask unanimous consent that the text of my statement may be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

RESTORING THE FIRST PRINCIPLES OF THE COMMUNICATIONS ACT OF 1934

(Statement of BARRY GOLDWATER)

Mr. Chairman, I welcome your hearings into domestic communications common carrier policies.

Now, I see that one of your major purposes is to examine difficulties raised by these policies. Well, I can tell you that there are serious difficulties which you can look into.

One which is of tremendous importance to the entire nation and to millions upon millions of telephone users in this country is what effect new policies of the Federal Communications Commission will have upon the excellent system of universal, low-cost telephone service which the United States presently enjoys.

What will these decisions do to the quality of telephone service citizens now receive?

What will happen to the telephone rates of the vast majority of Americans if these policies continue?

What will the long term effect of such decisions be upon the general public's expectation of newer and improved products and services that they have begun to take for granted in their telephone service?

What will the impact be upon the 1,618 independent telephone companies that now serve a fifth of our population and half of our territory?

Mr. Chairman, I am referring to experiments with a very selective type of competition which the FCC began in the late 1960's.

The FCC first opened up the terminal equipment market in 1968 and then the inter-city private line market in 1969. The Commission promised that this would uniquely benefit certain customers by bringing new services to meet new needs. This, I say, is the theory behind the FCC's decisions.

However, the actual and potential consequences of those decisions is exactly the opposite. Competition is the wrong word. It is a propaganda word that diverts attention from what the FCC policy really does. For the "competitors" are unregulated and can pick and choose whom they will serve. They can cut or raise rates at will.

Actually, the competition has for the most part duplicated inter-city private line routes and services that were already supplied by the telephone companies. A somewhat larger variety of terminal equipment might have become available, but the overwhelming majority of this equipment is presently imported and may even have had an adverse effect on jobs in this country.

But, Mr. Chairman, the real problem is not in what has been done by the FCC to date. The serious question which must be confronted by this Committee is what effect these experimental policies will have on the telephone service and rates of the general public in the future.

Mr. Chairman, I have studied voluminous materials on this issue. I am convinced from this personal review that the almost totally universal system of low-cost telephone service, which is now available to Americans of all income groups and to residents of the most isolated places, is gravely threatened by the trend of FCC decisions.

Mr. Chairman, it is my feeling that there has been a sudden and giant shift in the direction of our nation's telecommunications policy. As I understand it, the purpose of the original Communications Act of 1934 was to provide the widest possible availability of high quality telephone service at the lowest feasible price to all of the public. If I am correct in this interpretation, then it is clear that the direction of recent FCC policies is contrary to this aim.

For this reason, I believe it is essential for Congress, as the elective representatives of all the people, to consider what is going on. Do we, the law-makers, want to change the course of national telecommunications policy—as is being done by the FCC? Do we wish to reaffirm the original purpose of the Communications Act of 1934?

We must focus on this issue. We must not allow an unelected agency to alter the future of the telecommunications industry beyond change without our approval.

Mr. Chairman, I personally want to reaffirm the 1934 law. But whatever the decision, it is the Congress as an institution who must make it.

Now, there are many factors which cause me to feel strongly on this issue. Not the least of them is proof that the average home telephone bills of Arizona's 2.3 million citizens may go up by more than 75 percent if the trend of FCC decisions is not halted. Also, I am shocked at evidence that rates in rural areas may increase even more, to over 85 percent. On top of that, I might note, there are taxes imposed on telephone service by some local goevrnments that will make these bills even higher.

Mr. Chairman, I am also surprised that anyone—be it a Federal Commission or any other body—would want to tamper with a telephone system that is far superior to anything seen in any other nation. Americans who have visited abroad will have a standard of reference and will know what I mean.

Advances have been made in the quality, convenience and even appearance of telephone service in the United States on a steady basis. These accomplishments have been accompanied by small price increases that have stayed far below the rises in the Consumer Price Index. In fact, average Arizona home telephone rates have gone up only by a total of 19% since 1954.

In fact, I believe it is fair to say that the telephone industry as a whole has performed exactly as proponents of a competitive, free-enterprise system would expect at its best. Costs have stayed low; reliability is outstanding; service is guaranteed without limit; and service is provided on a nearly universal basis.

Mr. Chairman, in view of the importance of the subject, I will discuss briefly the most common arguments used for the FCC policies and my answers to them.

First, it is said competition in terminal equipment and private line services will have an insignificant effect on telephone company revenues.

My answer is that FCC policies have not been fully felt at this time because the major portion of the terminal interconnection program has been stayed by the courts. Also, the more formidable, giant competitors have not yet entered the field.

Second, it is claimed the FCC policies are "pro-competition."

My answer is that what is happening is not competition. Other firms are being permitted to take only the profitable part of service without any obligation to furnish *all* services to *all* the public.

Moreover, this kind of unregulated competition would destroy many of the 1,618 independent telephone companies who now connect to the Bell System for long-distance service. There are seven independents operating in Arizona alone. If several of these independents go out of business, there will be *less* competition than exists in the industry today and *less* service available to home users.

Third, It is charged the telephone industry has arrogated to itself the decision to tax business and long-distance customers and allot the tax to home users.

Now, I believe this is a badly misinformed claim. For the present rate structure has evolved over a great many years and was not dictated by the telephone industry, but by various State regulatory Commissions. In my opinion, the telephone industry does wish to encourage the widest possible availability of service by keeping local rates low; but this aim has been mandated not by them but by official orders of State Commissions directing the telephone companies to derive most of allowed rate increases from their business users, rather than residential users.

Fourth, it is argued unregulated competition will promote a wider and better variety of services and equipment.

My answer is that, in fact, the predictable result of dividing up the most lucrative of the telecommunications market to competition by unregulated companies, who can pick and choose what business they wish to provide and who their customers may be, will hinder the introduction of high-capacity, and thus cost-saving, technology.

And, let us remember, it is the telephone industry who introduced electronic switching, satellite, communications, direct overseas dialing, Touch-Tone calling, and other advances. The telephone industry has not been a slouch in bringing forth innovations, and the implication is not substantiated that unregulated competition could do any better for the public than the telephone industry has already done.

Fifth, the charge is made that growth in the market will increase telephone company revenues faster than competition will cut into them.

My answer is that the only way telephone industry revenues could increase or keep pace with wide open competition from unregulated companies is by a *restructuring of rates* that will bring much higher phone bills to home customers and the likely destruction of numerous independent telephone companies.

This is the real question. What will unregulated competition do to the existing rate structure? And, how will home telephone service be priced if the trend of FCC decisions continues?

Sixth, it is argued there is no evidence residential service is supported by other services.

My reply is that the telephone industry has presented voluminous evidence that business and long distance service now help to offset the costs of home service.

Mr. Chairman, these studies prove that increased competition from unregulated companies would force the telephone companies to lower the price of services in these specialized fields. In turn, this would result in lower contributions from these services to home rates.

It is true that large businesses and higher income families who do a lot of long distance calling may gain, but charges will increase dramatically for the great bulk of telephone users with home phones. In fact, almost 90 percent of all home phone customers would pay more due to these policies! This is 60 million households.

Moreover, the payments independent telephone companies now receive from the Bell System for their part in handling long distance calls would be cut so drastically that many of these companies would be forced to go out of business. The independents typically depend upon the flow-through of toll payments for 70 to 85 percent of their revenues. For example, the Arizona independent telephone company which serves the most isolated Indian people in America, the Havasupai Indians who live at the bottom of the Grand Canyon, testified before Congress that it "could lose everything" if the trend of FCC decisions is not corrected.

Mr. Chairman at least eight different studies verify the potential for sharp rises in home telephone rates and the damaging impact of unregulated competition on independent telephone companies. These studies have been reviewed by several independent auditors and economists who verify the truthfulness of these conclusions and the reasonableness of the study methods.

These reports include a study by Systems Applications, Inc., a research firm previously used by the FCC. It was commissioned by the United States Independent Telephone Association and is entitled "Regulatory Policy Changes and the Future of the Independent Telephone Industry." The Final Report Abstract is dated January, 1976. It concludes that industry wide losses to independent telephone companies caused by FCC policies will grow to nearly $2.4 billion in 1985.

Also, Walter S. Baer and Bridger M. Mitchell, independent consultants to the Continental Telephone Corporation, have published a significant study bearing upon this issue. It is entitled "The Economic Impact of Competition on Telephone Operations in the Continental Telephone System" and is dated March, 1975. The study uses a methodology based on principles prescribed by the FCC and State regulatory commissions.

This study proves beyond any doubt that local residential service among Continental's two million customers required $59 of support from business and other services in 1974. This is a conservative estimate. Using

tions, the contribution required for residential customers is $68 annually, a major help in reducing home phone bills.

The Committee on Communications of the National Association of Regulatory Utility Commissioners, a body representing the State officials who are responsible for regua different approach followed by Dittberner Associates for the Office of Telecommunicalating local rates, also issued a report which accepted the conclusion that unregulated competition will have "a substantial adverse economic impact of local exchange telephone subscribers." This paper is called the Report After Investigation of May, 1974. The State Commissioners also adopted a resolution in March of 1976 declaring that recent FCC policies "serve to divert revenues which would otherwise flow to the benefit of the local basic telephone service consumer."

Then, there is the Arthur D. Little Study relative to the impact on technological progress of multiple suppliers in the telecommunications industry.

Also, we have the finding made by the Western Governors' Conference that the FCC is pursuing a policy of extending its jurisdiction in such a way as "to divert revenues that would otherwise flow to the benefit of the local basic residential telephone service customers." This appears in the Resolution for Support of Basic Telephone Service passed by the Western Governors' Conference in September of 1976.

And finally, there are the 1975 Residential Cost Study, the Business Exchange Cost Study, and the study relative to the Impact of Cost Pricing on Home Telephone Customers by the Bell System and the Bell Laboratories Multiple Supplier Network Study.

Mr. Chairman, I urge that you hold full scale hearings on this specific FCC policy. And, I believe the bill S. 530, which I am sponsoring with the Senator from Wyoming, Mr. Hansen, would be an ideal subject for those hearings.

THE GENOCIDE CONVENTION: A FUNDAMENTAL HUMAN RIGHT

Mr. PROXMIRE. Mr. President, for years now I have had difficulty understanding why the Senate will not ratify a human rights statement as fundamental as the Genocide Convention.

The treaty condemns the intent or attempt to eliminate the members of a particular race, religion, nationality, or ethnic background. It is a simple statement upholding the sanctity of life and human dignity for all people, regardless of their beliefs.

The world today has more people, more societies, and more conflicting beliefs than ever before. As our population continues to increase and life becomes increasingly complex, the need for mutual consideration and respect between nations becomes more and more urgent. Over 80 other nations have ratified the Genocide Convention, affirming their respect for life and the rights of individuals. Can we not do the same?

We are not faced solely with being one of many nations; we are a major world power. Our responsibility as a powerful economic leader is also to be a moral leader. As former President John F. Kennedy said, the United States "cannot afford to be materially rich and spiritually poor." What can be said for our spiritual strength if we fail to condemn such abhorrent acts as mass murders?

Mr. President, we must ratify the Genocide Convention at once. It is an embarrassment that we have not used our moral influence to advocate this fundamental human right.

"THE UNFINISHED AGENDA" OF ENERGY CONSERVATION

Mr. PERCY, Mr. President, Marquis Childs recently authored an article entitled " 'The Unfinished Agenda' of Energy Conservation." The article appeared in the February 15 issue of the Washington Post.

Mr. Childs describes a recent book published by the Rockefeller Brothers Fund entitled "The Unfinished Agenda." The book explains that "the energy well is running dry," and we must endeavor to become a "conserver society." Laurence Rockefeller has long been a prominent advocate for energy conservation, and I am very pleased that he is a member of the advisory board of the Alliance to Save Energy.

Mr. President, the imperative of energy conservation is unavoidable. Mr. Childs' analysis and comments deserve attention, and I ask unanimous consent that his article may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"THE UNFINISHED AGENDA" OF ENERGY CONSERVATION

(By Marquis Childs)

No other family in America can remotely parallel the Rockefellers. The founding father, John D., used the most ruthless means to establish the Standard Oil Company, a nationwide monopoly subsequently broken up into regional and state Standards. The promotion of oil and gasoline by this giant monopoly helped to feed the auto economy that in one way or another has come to dominate at least a third of the nation's economic life.

Now the grandsons of John D., the beneficiaries of the ever-accumulating wealth that the founder established, have initiated a propaganda to conserve on basic energy sources, with oil and gas at the head of the list. This means drastic cutbacks toward a "conserver society," the phrase used in "The Unfinished Agenda," a 184-page book launched here with great fanfare and the presence of Laurence Rockefeller.

"The Unfinished Agenda" was financed by the Rockefeller Brothers Fund, a private philanthropy of the four Rockefeller brothers. The fund is only one of a number of Rockefeller philanthropies that cover just about every field of human endeavor from medicine to agricultural production.

One can speculate on what it was that led the conservation drive which has long been Laurence's speciality. Was it a carryover of the Baptist conscience that old John D. professed to the end of his long life? Or was it a realization that the sources of energy squandered in such reckless waste by American users are coming to an end? Or was it a combination of these motives that inspired the brothers to launch with their private fund propaganda for the "conserver society?"

In all probability it was a combination of motives such as have led the third generation of Rockefellers into public life, Nelson the conspicuous example, and a variety of good works. Certainly in the short book, the cornerstone of what will presumably be a continuing conservation effort, no doubt is left that the energy well is running dry.

Nor is any hope held out that the growing deficit can be made up by nuclear power. Quite on the contrary, according to the report. No safe means of storage has been found for the large amounts of radioactive waste that have very possibly a life of up to hundreds of millions of years. Already there are many examples of leakage of high level wastes in the 30 years that nuclear plants have tried to cope with the problem.

The nuclear materials now created by the ton may in a few more decades be created by the thousands of tons. They are readily available to those willing to take risks, the report points out, including subnational groups, terrorists and criminal syndicates. This is true not only in the U.S. but in countries the U.S. has encouraged and subsidized in nuclear technology.

The Rockefeller Brothers report takes a glancing blow at television, pointing out that the commercial message over 121 million television sets is that happiness is yours if only you could consume more. In this is a fine irony. The smooth voice of the Exxon commercial, Exxon being the biggest of the grandchildren of old John D.'s Standard Oil, is, "We're finding new forms of energy all the time and there's no reason for you to worry."

The tocsin has been sounded so often on the perils of pollution, waste, the drying up of the resource well, that one may ask whether the public has not long since grown indifferent to cries of alarm even though they come from such authoritative sources as were enlisted in preparation of "The Unfinished Agenda." But the example of the hardships inflicted in this bitter winter by the shortage of natural gas may hit harder than any words.

The report warns of an impending shortage of electricity with the likelihood of brownouts next summer. Even if it were not for the risks of accident or theft in nuclear power plants, the large amounts of capital required for nuclear development are a handicap hard to overcome in light of the drain on the capital market resulting from the huge Federal deficts.

It is hard to envision a nation of wasteful affluence converted to cautious scarcity. That would mean a radical change in national habits. There was loose talk about conservation after the oil embargo of 1973—car pooling or public transportation instead of the one passenger, one car. But little came of it, as the Federal government continued, in effect, to subsidize gasoline prices and the flow of oil, greatly increased in the past three years, from the Middle East, was resumed. But if the well is really running dry there will be no choice.

ENERGY ACTION NO. 10, FEA'S STRATEGIC PETROLEUM RESERVE PLAN

Mr. JACKSON. Mr. President, the Federal Energy Administration's strategic petroleum reserve plan is currently before the Congress for review under procedures specified in sections 159 and 551 of the Energy Policy and Conservation Act. This proposal, energy action No. 10, will become effective on midnight April 6, 1977, the 45th day after transmittal to the Congress, unless one House passes a resolution of disapproval.

The Senate Committee on Energy and Natural Resources held a hearing on the FEA plan on February 4, 1977, and materials further clarifying aspects of the plan generated as a result of that hearing were inserted in the RECORD of March 7, 1977, at page S3614. In addition, the General Accounting Office on February 16, 1977, released a report entitled "Issues Needing Attention in Developing the Strategic Petroleum Reserve." I subsequently asked the FEA to review the GAO report and provide the committee with comments on the questions GAO raised.

In the interest of providing Members of Congress and the public with the most complete information with respect to this issue, I ask unanimous consent that copies of my letter to FEA requesting an analysis of the GAO report, the GAO report itself and FEA's reply be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
February 22, 1977.

Hon. JOHN F. O'LEARY,
Administrator, Federal Energy Administration, Washington, D.C.

DEAR MR. O'LEARY: On February 16, 1977 the Comptroller General transmitted to the Committee on Interior and Insular Affairs a report entitled "Issues Needing Attention in Developing the Strategic Petroleum Reserve". A copy of this report is enclosed.

GAO believes that the Strategic Reserve Plan submitted to Congress raises questions which require further analysis. As you know, the plan will be before the Congress for review as specified in the Energy Policy and Conservation Act for 45 days beginning March 22, 1977.

I believe that FEA should respond to the questions raised in the GAO report. Moreover, this response should be available for review by members of Congress well in advance of the effective date of the plan.

Therefore, I am requesting that you direct the appropriate personnel at FEA to carefully review the GAO report and provide the Committee with a full analysis of the points it raises.

In addition, your response should indicate the parts of the present plan—whether discussed by GAO or not—which, in your view, will require amendment at a later time and an assessment by you of the probable timing of submission of such amendments.

I expect you will agree that this matter deserves your prompt attention.

Sincerely yours,

HENRY M. JACKSON,
Chairman.

ISSUES NEEDING ATTENTION IN DEVELOPING THE STRATEGIC PETROLEUM RESERVE

FEDERAL ENERGY ADMINISTRATION

GAO's monitoring of the Strategic Petroleum Reserve Program has raised questions which need further analysis in three key areas.

FEA expects to spend up to $8 billion to establish a Reserve of 500 million barrels of crude oil—90 days of oil imports—by 1982. Unanswered questions regarding the relationship between the type of Reserve outlined by the agency and the 120-day reserve in industry crude oil and product stocks previously reported by the Government to the International Energy Agency need further analysis.

FEA plans to fill the Reserve by purchasing oil on the open market. There are options to the agency's planned open market purchases. Specifically, under certain circumstances oil produced from Outer Continental Shelf and onshore Federal leases—on which royalties are paid—and oil from the Naval Petroleum Reserve at Elk Hills could offer substantial cost savings to the Government.

The Reserve will be financed from general tax revenues. There are alternative ways of financing. Imposition of a user fee such as a tariff on imported oil or an excise tax on gasoline would result in those benefiting from the Reserve paying for it.

B–178205.

WASHINGTON, *D.C.*

To the President of the Senate and the Speaker of the House of Representatives:

This report discusses a number of issues pertinent to the effective development of the Strategic Petroleum Reserve. The authorization of this reserve is the major action which has been legislated so far to lessen U.S. dependence on imported oil. This report is intended to aid the Congress in its consideration of the Federal Energy Administration's Strategic Petroleum Reserve Plan which was submitted for congressional approval on December 15, 1976.

We made our review pursuant to the Budget and Accounting Act of 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

Copies are being sent to Mr. James R. Schlesinger, Assistant to the President; the Director, Office of Management and Budget; the Administrator of the Federal Energy Administration; the Secretaries of Interior, State, Defense, and Navy; the Chairman, Senate Committee on Interior and Insular Affairs; the Chiarman, House Committee on Interstate and Foreign Commerce; the Chairman, Subcommittee on Energy and Power, House Committee on Interstate and Foreign Commerce; and the Chairman, Subcommittee on Interior, House Committee on Appropriations.

ELMER B. STAATS,
Comptroller General of the United States.

ISSUES NEEDING ATTENTION IN DEVELOPING THE STRATEGIC PETROLEUM RESERVE—FEDERAL ENERGY ADMINISTRATION

DIGEST

By law, the Federal Energy Administration must create a Strategic Petroleum Reserve containing an estimated 500 million barrels of crude oil and/or petroleum products by December 1982. The purpose is to diminish U.S. vulnerability to the effects of a severe interruption in energy supplies and provide short-term protection from the consequences of interruptions in petroleum product supplies.

As part of the Reserve, an Early Storage Reserve is to be established to contain at least 150 million barrels of oil or products by December 1978. The Energy Policy and Conservation Act also gives the agency the authority to establish an Industrial Petroleum Reserve and a Regional Petroleum Reserve. The quantities of oil to be contained are to be part of, and not in addition to, the Strategic Petroleum Reserve.

The Federal Energy Administration submitted its Strategic Petroleum Reserve Plan to the Congress for approval on December 15, 1976.

The proposed Reserve will contain only crude oil which will be stored underground in salt dome caverns or in mines, primarily along the Gulf Coast. The agency expects to purchase the oil through normal Federal procurement procedures at near the national average composite price. The agency does not believe establishment of industrial and regional reserves to be necessary at this time. The estimated cost to design, construct, fill, and maintain the 500 million barrel Reserve through 1982 will be between $7.5 and $8 billion.

GAO recognizes the newness and complexity of the Strategic Petroleum Reserve Program and the time constraint placed on the Federal Energy Administration to develop its Plan.

In this report GAO identifies several issues which require further analysis and warrant consideration by the Congress before it formally approves the Plan. The issues relate to three basic questions.

Is a Strategic Petroleum Reserve of the type outlined in the Federal Energy Administration's Plan needed?

If so, how will the oil be purchased to fill it?

What ways other than general tax revenues are available to finance a Strategic Petroleum Reserve?

GAO plans to continue its monitoring of this Program because of its magnitude and importance as a cornerstone of national energy policy.

Is there a need for the type of strategic petroleum reserve as outlined in the Federal Energy Administration's Plan?

A Government-owned 500 million barrel Strategic Petroleum Reserve as planned by the Federal Energy Administration may not be needed because the potential exists for using industry crude oil and product stocks for the Reserve at significant dollar savings. As reported by the Government to the International Energy Agency, U.S. industries maintain commercially held stocks of crude oil and products equivalent to 120 days of oil imports. (See p. 3.) GAO has not determined the extent to which these stockpiles can be used to satisfy the objectives of the Strategic Petroleum Reserve. Such a determination should be made and adjustments made as necessary in the Strategic Reserve Program as currently planned.

In order for these inventories to be used effectively as part or all of a Strategic Reserve, the Government must impose controls so that specified quantities of oil are maintained and appropriately used in the event of an embargo. This system would be similar to the Government controlled and industry owned oil storage programs of France and Japan.

The Federal Energy Administration agreed that further analysis is needed regarding the extent to which industry inventories can be used during a severe supply interruption and is studying the matter. However, the agency stated that it would be inconsistent with the Energy Policy and Conservation Act to designate existing industry inventories as part of the Reserve and not develop any new Storage.

GAO believes that, if these inventories are usable the Federal Energy Administration should determine the extent to which they are legally available. If additional authority is neeed to allow their inclusion in the Reserve, the agency should seek such authority.

How should the Strategic Petroleum Reserve be filled?

The Federal Energy Administration intends to fill the Strategic Petroleum Reserve through purchase of oil on the open market at a price near the national average composite price. However, other options exist for acquiring the oil in addition to open market purchase.

Oil produced from Outer Continental Shelf and onshore Federal leases, and oil from the Elk Hills Naval Petroleum Reserve, under certain circumstances, offer substantial cost

savings to the Federal Government. If price controls remain in effect, significant savings can be incurred if such oil—on which royalties are paid—were purchased for the Reserve. For the approximately 356 million barrels of oil which could be purchased by the end of 1982, a savings of $3.08 a barrel totaling about $1.1 billion would result.

In its Plan the agency said a major reason for rejecting the purchase of such oil was because it would have an adverse financial impact on small refiners. However, such oil could be acquired with little or no adverse financial impact. Generally, the cost of crude oil to refiners is equalized by the agency's pricing regulations, regardless of the actual purchase price.

If the price of crude oil is decontrolled, the purchase of Elk Hills oil for the Reserve is a viable option. The Federal Energy Administration ruled against purchasing Elk Hills oil because during price controls its cost would be higher than the national average composite price and there would be little or no budgetary benefit compared with purchases at world prices. For January 1977, although the average Elk Hills selling price of $12.31 exceeded the projected national average composite price of $11.73, it is below the projected world price of $14.47. The agency maintains that under decontrol of oil prices, the price of domestic oil will rise to the world price. Based on information obtained by GAO, however, it appears that Elk Hills oil will remain below world oil prices under decontrol.

The Federal Energy Administration believes that using royalty oil for the Reserve is undesirable, but has no objection to using Elk Hills oil. The agency's position on royalty oil is that its use would result in indirectly passing some of the Reserve costs on to petroleum users since higher cost foreign oil would have to be obtained by the private sector as a substitute. The Federal Energy Administration points out that a particularly large share of the Reserve costs would be placed on a relatively few small refiners now obtaining a significant benefit from royalty oil.

Passing some of the Reserve costs to petroleum users should not preclude the agency from using royalty oil when it will result in reducing the costs of the Reserve. Minimizing Reserve costs is an objective of the Energy Policy and Conservaation Act. GAO disagrees that relatively few small refiners now obtaining royalty oil would bear a particularly large share of the Reserve costs.

How should the strategic petroleum reserve be financed?

The plan does not specify how the Reserve is to be financed; it implies that general tax revenues, largely personal and corporate income taxes, will be the source of financing. Consideration should be given to having those who will benefit directly from the Reserve bear its cost. This could be accomplished through imposing a user fee.

The benefits of the Reserve accrue to those who buy imported crude oil and the products derived therefrom by providing protection against the economic costs they would incur in the event of a supply interruption. GAO has not analyzed all available options for imposing a fee; however, it has identified two options—a tariff on imported crude oil and an excise tax on gasoline. (See p. 15.) Fees collected should be placed in the general funds of the U.S. Treasury and remain subject to congressional oversight.

The Federal Energy Administration stated that, as pointed out in the Plan, it is studying several options for financing the Reserve, including the options discussed by GAO.

CHAPTER 1—INTRODUCTION

The 1973–1974 Arab oil embargo demonstrated U.S. vulnerability to interruptions in imported petroleum supplies. FEA has estimated that the embargo and accompanying oil price increases resulted in a loss of up to $45 billion in gross national product and 500,000 jobs. Of the loss in the gross national product, FEA attributes up to $20 billion directly to the embargo. Future interruptions would likely have more severe impacts on gross national product, employment, and price indices than the 1973–1974 embargo since the economy has become increasingly dependent on imported oil and would likely be less able to adjust to a sharp decline in petroleum supplies.

The major action taken by the U.S. to provide protection against future oil embargoes has been the creation of a Strategic Petroleum Reserve under the Energy Policy and Conservation Act (P.L. 94–163). The Act requires FEA to develop a national plan, which must provide, by December 22, 1982, a Strategic Petroleum Reserve equal to the amount of crude oil imported into the U.S. during the three consecutive highest import months of 1974 and 1975—approximately 500 million barrels. The purpose of the Reserve as stated in the Act is to diminish U.S. vulnerability to the effects of a severe energy supply interruption and provide limited protection from the short-term consequences of petroleum product supply interruptions.

The Act also requires FEA to create an Early Storage Reserve and gives the agency authority to create an industrial and a regional reserve. The quantities of oil to be contained in these reserves are to be a part of, and not in addition to, the Strategic Petroleum Reserve.

The Early Storage Reserve is to contain at least 150 million barrels of petroleum products by December 22, 1978. FEA submitted its Early Storage Reserve Plan to the Congress on April 22, 1976.

On December 15, 1976, FEA submitted its Strategic Petroleum Reserve Plan to the Congress for approval as required under the Act. The Plan details FEA's proposals for designing, constructing, and filling the Reserve. The Plan calls for the Reserve to contain only crude oil to be stored in underground salt dome caverns or in mines, primarily located along the Gulf Coast. FEA expects to purchase the crude oil to fill the Reserve through normal Federal procurement procedures at near the national average composite price. FEA does not plan to establish industrial and regional reserves at this time. FEA estimates that through 1982, the cost to design, construct, fill, and maintain the 500 million barrel Reserve will be between $7.5 and $8 billion.

We recognize the newness and complexity of the Strategic Petroleum Reserve Program and the time constraint placed on FEA to develop its Plan for submission to the Congress. On April 26, 1976, the Administrator, FEA, formally requested GAO to monitor the agency's efforts in developing the Strategic Petroleum Reserve Program. GAO has been closely monitoring FEA's planning and development activities. In carrying out its work, GAO has received excellent cooperation from FEA's Office of Strategic Petroleum Reserve.

In our review of the Plan, we have identified several issues which we believe require further analysis by FEA and warrant consideration by the Congress in its deliberations over approving the Strategic Petroleum Reserve Plan. The issues identified by us relate to three basic questions.

Is a Strategic Petroleum Reserve of the type as outlined in FEA's Plan needed?

If so, how will the oil be purchased to fill it?

What ways other than general tax revenues are available to finance a Strategic Petroleum Reserve?

Scope of review

We interviewed FEA officials, reviewed the Strategic Petroleum Reserve Plan and related FEA records, and reviewed legislation pertinent to the Strategic Petroleum Reserve Program. We also interviewed officials of the Department of the Interior; Central Intelligence Agency; and Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy.

GAO plans to continue its monitoring of the Strategic Petroleum Reserve Program because of its magnitude and importance as a cornerstone of national energy policy.

CHAPTER 2—IS THERE A NEED FOR THE TYPE OF STRATEGIC PETROLEUM RESERVE AS OUTLINED IN FEA'S PLAN?

GAO has supported the concept of a system of national emergency energy reserves to guard against future disruption of oil imports. GAO continues to support the concept. However, at this point, we believe unanswered questions still exist regarding whether the Strategic Petroleum Reserve Program as outlined in FEA's Plan is the most efficient approach. FEA's approach calls for the creation of a new centralized, Government-owned and controlled Reserve. With 500 million barrels of oil, this Reserve would make the U.S. essentially invulnerable to a loss of 45 percent of its imports for approximately six months. FEA cost estimates for such a Reserve are between $7.5 and $8 billion.

We believe that another approach may be available for creating a Reserve which was not given sufficient consideration by FEA. This approach relates to the use of industry crude oil and product stocks. To the extent that industry stockpiles could be used to offset the purchase of 500 million barrels of oil and related storage facilities, significant savings would result to the Federal Government.

Entirely separate from the new Strategic Petroleum Reserve Program, U.S. industries maintain commercially held stocks of crude oil and products equivalent to 120 days of oil imports. The U.S., through the Department of State, reported these stocks to the International Energy Agency, founded in November 1974 by 19 industrial oil-consuming nations. These nations entered into an Agreement on an International Energy Program to reduce members' vulnerability to oil supply interruptions through emergency allocation planning, encouragement of energy conservation measures, and the maintenance of oil stockpiles. Under the agreement, member countries are required to maintain emergency reserve stockpiles equivalent to at least 60 days of oil imports and are to increase these stockpiles to an equivalent of 90 days of oil imports by 1980. The U.S., however, has reported its stockpiles to be well in excess of these requirements.

According to the agreement, the oil stockpiles may be satisfied by

Oil stocks,

Fuel switching capacity, and

Stand-by oil production.

Oil stocks include crude oil, major refined petroleum products, and unfinished oils stored in refinery tanks, bulk terminals, pipeline tankage, barges, intercoastal tankers, oil tankers in port, inland ship bunkers, and storage tank bottoms. They also include working stocks and stocks held by large consumers as required by law or otherwise government controlled. Stocks excluded are crude oil not yet produced and crude oil, major refined petroleum products, and unfinished oils held in pipelines, rail and truck

tank cars, sea-going ship bunkers, service stations, retail stores, and tankers at sea. Also, excluded are stocks held by other consumers and the military.

Fuel switching capacity is defined as normal oil consumption that can be replaced by other secure fuels in an emergency. In addition, this capacity must be (1) subject to government control in an emergency and (2) able to be brought into operation within one month.

Stand-by oil production is defined as a member country's potential domestic oil production in excess of normal oil production. This production must be subject to government control and be able to be brought into use during an emergency.

We did not analyze in detail the 120-day oil stockpile reported by the U.S. to the International Energy Agency nor the extent to which it can be used to satisfy the objectives of the Strategic Petroleum Reserve Program.

FEA maintains that it is misleading to assume that U.S. industry has inventories equal to 120 days of oil imports because much of industry inventories are not usable and are required just to keep the distribution system functioning, e.g., oil in pipelines, domestic ships and barges in transit, tank botttoms, etc. However, FEA's position is questionable, unless the U.S. has reported emergency energy reserves to the International Energy Agency that are not in fact usable as reserves. It is questionable to consider the 120-day stockpile as reserves for the purpose of meeting the requirements of the International Energy Agency and then disregard it in making a decision on the nature of a domestic Strategic Petroleum Reserve.

To the extent the stockpiles and the facilities included in the 120-day stockpile are usable, Government costs of the Strategic Petroleum Reserve Program would decrease. Additionally, it would appear that the Program would be accelerated and environmental problems associated with facility construction reduced.

At present, the Government has no control over industry inventories. However, if these inventories are to be used for the Strategic Reserve, then Government controls must be imposed to insure that specified quantities of oil are maintained and that they will be appropriately used in the event of an embargo. During the 1973–1974 oil embargo, industry stocks increased rather than decreased. This was likely due to the anticipation that oil prices would rise once the embargo was lifted. The prices did, in fact, rise substantially; and, unless the Government can require industry to draw down its stocks during future embargoes, it is possible that industry will increase stocks again rather than draw them down to offset the impact of an embargo.

While such authority does not now exist, the concept of a government controlled/industry owned oil storage program is not new. Government controlled/industry owned oil storage programs currently exist in other countries, but responsibility and control of these programs involve a variety of relationships. While West Germany is a combination of government and industry control, France and Japan control the storage facilities with industry owning and operating them. By contrast, the Strategic Petroleum Reserve Program as proposed by FEA will be owned and operated by the Federal Government.

The U.S. would have to adopt a relationship similar to that of the programs of France and Japan if it chooses to use the industry stockpiles in lieu of, or as a part of, the Strategic Petroleum Reserve Program.

In comenting on a draft of this report, FEA agreed that further analysis is needed regarding the extent to which industry inventories can be used during a severe supply interruption and stated that it is no undertaking a major study for this purpose. FEA stated this analysis may impact future decisions regarding the ultimate size of the Reserve if it is concluded that more or less reliance should be placed on industry inventories as a partial substitute for the Reserve. FEA expressed concern, however, that the draft report suggested that it should have considered existing industry inventories for part or all of the Reserve.

FEA stated that it believes the intent of the Energy policy and Conservation Act is to provide for additional petroleum storage over and above the amounts normally maintained by industry. FEA further believes it would be inconsistent with the Act to simply designate existing industry inventories as part of the Reserve and not develop any new storage.

As discussed above, and as agreed to by FEA, GAO believes that further analysis is needed to determine the extent to which the 120-day industry stockpile, as reported to the International Energy Agency, is unusable in lieu of, or as part of, the Strategic Petroleum Reserve. If these inventories are usable, FEA should determine the extent to which they are legally available consistent with the requirements of the Energy Policy and Conservation Act. If additional authority is needed to allow their inclusion in the Reserve, FEA should seek such authority.

The Energy Policy and Conservation Act requires FEA to establish a Reserve equivalent to 90 days of crude oil imports—500 million barrels. FEA assumes that the 500 million barrels would make the U.S. essentially invulnerable to a loss of 45 percent of its crude oil imports for approximately 180 days. However, to the extent the industry stockpile equivalent to 120 days of total oil imports could be used, the need for a Government-owned Reserve would be reduced or eliminated.

CHAPTER 3—HOW SHOULD THE STRATEGIC PETROLEUM RESERVE BE FILLED?

FEA intends to fill the Reserve by purchasing oil on the open market at a price near the national average composite price through sale proposals from all potential oil sellers—both foreign and domestic. We believe that other opportunities exist in addition to or in lieu of open market purchase. We have identified the following:

Acquisition of royalty oil produced from Outer Continental Shelf and onshore Federal leases, and

Acquisition of oil from the Elk Hills Naval Petroleum Reserve.

Acquisition of royalty oil

Royalty oil from Federal Outer Continental Shelf and onshore oil leases could be used—directly or through exchange agreements—for filling the Reserve. Under applicable laws, the Federal Government may collect all royalties in kind, i.e., as oil or natural gas, from Outer Continental Shelf and onshore Federal oil producing properties. According to officials of the Department of the Interior, the Federal Government presently collects less than 50 percent of its oil royalties in kind. These officials advised us that for fiscal year 1976, if the Federal Government had collected all of its oil royalties in kind, it would have collected about 74 million barrels. Royalty oil production is expected to remain about the same through 1982.

During fiscal year 1976, the Federal Government collected about 34 million barrels of oil in liue of royalty payments. It sold this oil to small refiners at an average price of $7.95 a barrel—the average price for total royalty oil production. As of September 1976, the most current information available, the average price for a barrel of royalty oil was $7.66. As of January 1977, 55 small refiners had contracts with the Department of the Interior to purchase royalty oil. Most of these small refiners do not physically take possession of the royalty oil because they are not located near the royalty oil producing properties. Instead, they enter into exchange agreements with other refiners to exchange their royalty oil for oil which is more accessible to them.

FEA considered acquiring royalty oil for filling the Reserve and concluded that it is not as desirable as the currently planned oil purchase policy. Reasons for this conclusion as stated in the Plan were:

It would adversely impact financially on small refiners now relying on access to royalty oil.

It would be necessary to terminate existing Interior Department royalty oil contracts to use this oil.

The supply of royalty oil is not sufficient for the Strategic Reserve, and even if this approach were adopted, other oil would be required.

Transportation costs for moving this widely dispersed oil to any market will be substantially greater than the cost of unloading ocean tankers into Reserve facilities.

The reasons cited by FEA, in our opinion, do not adequately reflect the royalty oil situation, as discussed below.

Adverse financial impact on small refiners

We believe that royalty oil could be used for the Reserve with little or no adverse financial impact on small refiners. Generally, the cost of crude oil to refiners is equalized by FEA pricing regulations, regardless of the actual purchase price.

FEA's crude oil pricing regulations are designed to substantially equalize average crude oil costs at the refinery level through the use of entitlements which permit refiners to share the benefits associated with access to price controlled crude oil. Under the regulations, all refiners report monthly to FEA their volume of crude oil processed and the volume of price controlled oil included in the refiners' crude oil receipts. FEA issues each refiner enough entitlements to permit it to process the national average ratio of price controlled oil to total crude oil processed. Generally, refiners with a ratio of price controlled oil higher than the national price controlled oil supply ratio must buy entitlements to cover the excess; whereas, refiners with a lower ratio must sell entitlements for the amount they are under the national ratio. Therefore, the average cost to refiners with less than the average amount of price controlled oil is reduced because of the money they receive from the sale of entitlements. On the other hand, costs to those who process more than the average price controlled oil ratio are increased because they must purchase entitlements.

The regulations also contain an entitlement adjustment for small refiners in addition to the entitlements otherwise issued to which grant them access to price controlled crude oil. According to an FEA official, this adjustment allows small refiners to acquire oil, on the average, for $.54 a barrel less than the cost of oil to other refiners after entitlements.

The sales price of entitlements is determined by FEA each month based on the difference between the weighted average cost of decontrolled oil (imported oil, stripper well oil and oil produced from the Naval Petroleum Reserves) less $.21[1] less the weighted average cost of price controlled oil.

[1] The $.21 is the amount fixed by FEA regulation to give domestic oil a price advantage over imported oil (and decontrolled oil) and thus provide refiners an incentive to purchase domestic oil.

FEA, however, grants to small refiners "exceptions relief" from the regulations when they can demonstrate that compliance with the program would cause them financial hardship. Exceptions relief means that these refiners do not have to buy entitlements if they have more price controlled oil than the national ratio. As a result, their crude oil costs, on the average, are lower than those of other refiners.

Currently, there are 19 small refiners who are getting full or partial exceptions relief. As of mid-January 1977, 13 of these refiners had contracts with the Department of the Interior to purchase royalty oil. These contracts are all scheduled to expire in mid-1979 and total 32,399 barrels a day or about 12 million barrels a year. It is apparent, therefore, that only the refiners getting exceptions relief and having royalty oil contracts would be adversely affected—13 of 55 small refiners—if royalty oil were not available to them and they could not obtain comparable priced oil elsewhere. Other refiners with royalty oil contracts would not be adversely affected—42 of 55 small refiners—because their prices are, in effect, equalized by FEA's pricing regulations.

Termination of existing royalty oil contracts

In its Plan, FEA stated that use of royalty oil would require the termination of existing Interior Department royalty oil contracts with refiners. As pointed out above, of the 74 million barrels of royalty oil produced in 1976, only 34 million barrels were sold under contract to small refiners. All of these contracts are scheduled to expire by mid-1979. Until mid-1979, the royalty oil not under contract—40 million barrels—could be used for the Reserve. After mid-1979, the additional 34 million barrels could be used, making the total annual royalty oil production of 74 million barrels available for use.

Royalty oil supply

FTA in its Plan stated that the supply of royalty oil is not sufficient for the 500 million barrel Strategic Petroleum Reserve, and even if this approach were adopted, other oil would have to be purchased. We agree with FEA on this position. However, in our view there is a substantial supply of royalty oil available and to the extent that royalty oil is acquired, significant cost savings to the Federal Government would result as discussed below.

Assuming the 13 small refiners' contracts totaling 12 million barrels a year are not terminated before their mid-1979 expiration date and not renewed; royalty oil could provide 356 million of the 500 million barrels for the Reserve by the end of 1982, based on FEA's schedule for filling the Reserve. If, on the other hand, their contracts were renewed after mid-1979, royalty oil could provide 314 million barrels.

The cost savings associated with the purchase of royalty oil are very significant when compared to the purchase of oil at the national average composite price and are greater still when compared to the world price. Comparing costs for September 1976—the most current month for which royalty oil prices are available—the per barrel savings associated with acquiring royalty oil rather than acquiring oil under FEA's current plan would be $3,08. This is the difference between the price FEA would have paid to acquire oil in September 1976 under its current plan ($11.04) and the price of royalty oil plus transoprtation costs ($7.68+$.30). Applying this $3.08 savings to the 314 or 356 million barrels of royalty oil that could be provided by the end of 1982 (depending on the treatment of the 13 small refiner contracts), savings would range from about $967 million to $1.1 billion.

It should be pointed out, however, that the savings are contingent upon royalty oil remaining under price controls. Royalty oil is priced significantly below the national average composite price because it is subject to price controls. Therefore, as long as price controls remain in effect, acquiring royalty oil for filling the Reserve will result in significant savings.

Transportation costs for royalty oil

In its Plan FEA stated that transportation costs for moving royalty oil to any market will be substantially greater than the cost of unloading ocean tankers into Reserve facilities because royalty oil is more widely dispersed. In our view, the more valid approach would be to compare the costs of transporting royalty oil to storage facilities on the Gulf Coast with the costs of transporting the oil FEA plans to purchase to the same storage facilities. In any event, as pointed out above, the total cost of purchasing royalty oil including transportation costs of $.30—FEA's estimated average transportation cost for domestic oil—is substantially less than the natonal average composite price of oil. Additionally, if royalty oil were acquired for the Reserve, the Federal Government would not be precluded from entering into exchange agreements with other refiners to trade the royalty oil for oil which is more accessible to the storage sites.

Acquisition of Elk Hills oil

Elk Hills Naval Petroleum Reserve contains estimated reserves of 1.2 billion barrels of oil. Under its current developmnet plan the Navy expects Elk Hills to reach its maximum efficient rate of production of 300,000 barrels a day by April 1979. Elk Hills oil is free of price controls under the Naval Petroleum Reserves Production Act of 1976 (P.L. 94–258), and is sold competitively on the open market. In our view, contingent upon decontrol of oil prices and Elk Hills oil remaining below the world oil price, Elk Hills oil has the potential for filling a portion of the Reserve at considerable cost savings to the Federal Government.

FEA does not expect to use Elk Hills oil to fill the Reserve because it would have higher budget costs than the national average composite price during price controls and would have little or no budgetary benefit compared with purchases at world market prices.

Based on pricing data obtained from FEA, the projected national average composite price of crude oil for January 1977 is $11.73 a barrel. This is below the Navy's average January 1977 selling price for Elk Hills oil of $12.31 a barrel. Therefore, at this time, Elk Hills oil is more expensive than oil purchased at the national average composite price.

FEA stated in its Plan that use of Elk Hills oil would have little or no budgetary benefit compared with oil purchased at world market prices. Elk Hills oil, however, is priced blow the world price. The projected January 1977 world oil price is $14.47 a barrel compared to the average Elk Hills January 1977 sale price of $12.31 a barrel.

FEA has stated that, if domestic prices are decontrolled, domestic oil will rise to the world price. However, based on information obtained by us, it appears that Elk Hills oil, under decontrol, will remain below world prices. We were advised by an official of the Office of Naval Petroleum and Oil Shale Reserves, Department of the Navy, that West Coast decontrolled crude oil prices have historically been below average domestic decontrolled crude oil prices and are expected to remain lower primarily due to the excess oil supply on the West Coast. Given that excess, Elk Hills oil would be expected to be priced below the world price. According to Navy and FEA officials, California producers have been complaining that they have had to shut in producing wells because refiners were canceling contracts with them and purchasing Elk Hills oil.

FEA, in commenting on a draft of this report, stated that although using royalty oil to fill the Reserve is undesirable, it has no objection to purchasing Elk Hills oil.

With respect to royalty oil, FEA stated that the issue of whether to use royalty oil is not really a question of how to fill the Reserve but part of the question of how the Reserve should be financed. FEA commented that using royalty oil would be an undesirable approach because of the inequitable distribution of the impact and the potential disruption of established supply relationships for small refiners. FEA's position is that using royalty oil for the Reserve would be an indirect way of passing some of the Reserve costs on to petroleum users since higher cost foreign oil would have to be obtained by the private sector as a substitute. In this case, FEA points out that a particularly large share of the Reserve costs would be placed on a relatively few small refiners now obtaining significant benefits from royalty oil.

FEA's statement that use of royalty oil would indirectly pass some of the Reserve costs on to petroleum users may be true; however, this should not preclude the agency from using royalty oil when it will result in reducing Reserve costs. In this connection, the Energy Policy and Conservation Act requires that FEA, to the greatest extent practicable, acquire petroleum products for the Reserve with the objective of minimizing its costs. We believe that royalty oil, when purchased at costs less than FEA would otherwise have to pay, is consistent with that objective.

As far as the indirect financing issue which the agency believes would exist, we believe it to be part of a broader question of how the Reserve should be financed which is discussed in Chapter 4. FEA's position that use of royalty oil would be undesirable for the reasons stated appears inconsistent with its Plan which concludes that if changes in the availability or the cost of royalty oil make it attractive, FEA will use it to meet a portion of Reserve requirements. This conclusion was reaffirmed by the Administrator, FEA, on February 4, 1977, in hearings on the Plan before the Senate Committee on Interior and Insular Affairs.

Contrary to FEA's position that use of royalty oil would result in inequitable distribution of the impact and place a large financial burden on a relatively few small refiners, we believe this not to be the case. As discussed on page 8 of this report, royalty oil could be used for the Reserve with little or no adverse financial impact on small refiners. Royalty oil contracts for the 13 small refiners receiving exceptions relief from FEA's entitlements program need not be terminated. In addition 40 million barrels of royalty oil are produced annually which are not being sold under contract to small refiners. In any event, all contracts that small refiners currently have with the Federal Government to purchase royalty oil are scheduled to expire in mid-1979.

With respect to use of Elk Hills oil, FEA stated that it has no objection to purchasing Elk Hills oil, to the extent it is suitable for storage and it costs no more than other available oil. FEA further stated that it would make cost comparisons as it proceeds with the purchase of oil for the Reserve.

We agree that cost comparisons should be made. Additionally, we believe that Elk Hills oil is suitable for Reserve storage. We were advised by an official of the Navy's Office of

Naval Petroleum and Oil Shale Reserves, that 75 percent of Elk Hills oil production will be of the quality specified by FEA in its Plan as being the most desirable for Reserve storage.

CHAPTER 4—HOW SHOULD THE STRATEGIC PETROLEUM RESERVE BE FINANCED?

FEA's Plan does not explicitly state how the Reserve will be financed; however, it implies that the Reserve will be funded from general tax revenues. We believe that consideration should be given to having those who will benefit directly from the Reserve bear its cost. In our view this can be accomplished through imposition of a user fee, such as a tariff on imported oil or an excise tax on gasoline.

If the Strategic Petroleum Reserve Plan is implemented the costs will be great. FEA estimates that the 500 million barrel Reserve will cost between $7.5 and $8 billion. As discussed in Chapter 3, the costs could be reduced by acquiring royalty oil or Elk Hills oil to fill the Reserve. Even if Government-owned crude oil is used, substantial cost will be involved to create the Reserve.

FEA's Plan implies that general tax revenues, largely personal and corporate income taxes, will be the source of financing for the Reserve. However, it is both efficient and equitable to pay for public services through "user fees" when the users of a service can be identified and the fee collection is administratively feasible. The Strategic Petroleum Reserve is an insurance policy for all U.S. buyers of imported crude oil and through them, all consumers of petroleum products. It "insures" those who buy imported crude oil (and products derived therefrom) against the economic costs they would incur in the event of a disruption in supply. It may also prevent embargoes from occurring at all. The benefits of this insurance and protection are directly received by the users of imported crude oil and petroleum products. We believe that it is reasonable to tax users of imported crude oil and the products derived from it to pay the costs of the Reserve. While we have not analyzed all available options for imposing such a fee or tax, we have identified two such options for consideration—a tariff on imported crude oil and an excise tax on gasoline.

There may be several ways to establish a user fee. Perhaps the simplest would be a flat rate indexed to inflation. A flat rate could be imposed for a set period, i.e., five years, and be renewed only if collections were insufficient to cover actual Reserve Program expenditures plus any expected additional costs. For instance, if imports averaged 2.5 billion barrels annually over the next five years which is slightly less than 1980 projections, a tariff of $.60 a barrel would result in $7.5 billion being collected over a five-year period. In the case of an excise tax on gasoline, if gasoline consumption were to remain at current levels—105 billion gallons annually—over the next five years, an excise tax of 1.5 cents a gallon would result in over $7.5 billion being collected in a five-year period. Actual collections would depend both on the amount of the tariff or excise tax and the quantity of oil imported or gasoline consumed. It is our view that the fees collected should be placed in the general funds of the U.S. Treasury and remain subject to congressional oversight.

A tariff of $.60 a barrel would cause about a 4 percent rise in the cost of imported crude oil. Under FEA's entitlements program, this increase would, in effect, be spread equally among refiners purchasing domestic as well as imported crude oil, and the additional costs would be passed through ultimately to all users of petroleum products. This price increase would have a modest upward impact on domestic prices of petroleum products, probably about 0.8 cents a gallon.

Both a tariff and an excise tax are advantageous in that they are administratively feasible to collect. A tariff on imported oil would be more equitable than an excise tax on gasoline. The tariff would ultimately be paid by all consumers of petroleum products and, therefore, by those who would directly benefit from the Reserve. However, the excise tax would place the cost burden only on consumers of gasoline. The tariff is an indirect tax on consumers; whereas, the excise tax is a direct tax and more visable to the consumer.

In commenting on a draft of this report, FEA stated that, as pointed out in the Plan, it is now studying several options for financing the Reserve, including the two options discussed by GAO.

CHAPTER 5—SUMMARY

FEA is required to create a Strategic Petroleum Reserve containing an estimated 500 million barrels of crude oil and/or petroleum products by December 1982. On December 15, 1976, FEA submitted its Strategic Petroleum Reserve Plan to the Congress for approval. This Plan details FEA's proposals for designing, constructing, and filling the Reserve. The Plan states that the Reserve will contain only crude oil which will be stored underground in salt dome caverns or in mines, primarily along the Gulf Coast. FEA expects to purchase the crude oil through normal Federal procurement procedures at near the national average composite price. FEA states in the Plan that the estimated cost to design, construct, fill, and maintain the 500 million barrel Reserve through 1982 will be between $7.5 and $8 billion. These funds will be generated from general tax revenues.

We believe reasonable questions exist as to the need for a Reserve of the type outlined in FEA's Plan. In our view, far more serious consideration needs to be given to the potential for using industry crude oil and product stocks for the Reserve.

The U.S. Government, through the Department of State, has reported to the International Energy Agency that U.S. industries have crude oil and product stocks equivalent to 120 days of oil imports. We do not know the extent to which it is feasible to use the entire 120-day industry stockpile for the Reserve. However, we believe the extent to which these reserves could be used should be determined and adjustments made as necessary in the Strategic Petroleum Reserve Program as currently planned by FEA. In order for these inventories to be used effectively as part or all of a Strategic Reserve, the Government must impose controls to insure that specified quantities of oil are maintained and that they will be appropriately used in the event of an embargo.

FEA agrees that further analysis is needed regarding the extent to which industry inventories can be used during a severe supply interruption and is studying the matter. However, FEA believes that it would be inconsistent with the Energy Policy and Conservation Act to designate existing industry inventories as part of the Reserve and not develop any new storage.

We believe that, if these inventories are usable, FEA should determine the extent to which they are legally available. If additional authority is needed to allow their inclusion in the Reserve, FEA shoud seek such authority.

FEA plans to purchase oil for the Reserve at near the national average composite price. We believe that alternative oil purchase options should be considered; specifically, royalty oil produced from the Outer Continental Shelf and onshore Federal leases and oil from Elk Hills. We believe that as long as price controls remain on domestic oil, royalty oil could be acquired to fill the Reserve and would result in significant dollar savings with little or no adverse financial impact on small refiners currently contracting for royalty oil.

At current prices, acquisition of Elk Hills oil to fill the Reserve is a more costly approach than oil acquired under FEA's current plans. However, if domestic oil is decontrolled and reaches the world price, we believe Elk Hills oil is a desirable alternative if its price continues to remain below the world price.

FEA believes that using royalty oil for the Reserve is undesirable, but has no objection to using Elk Hills oil. FEA's position on royalty oil is that its use would result in indirectly passing some of the Reserve costs on to petroleum users since higher cost foreign oil would have to be obtained by the private sector as a substitute. FEA points out that a particularly large share of the Reserve costs would be placed on a relatively few small refiners now obtaining a significant benefit from royalty oil.

Passing some of the Reserve costs to petroleum users should not preclude FEA from using royalty oil when it will result in reducing the costs of the Reserve. Minimizing Reserve costs is an objective of the Energy Policy and Conservation Act. We disagree that relatively few small refiners now obtaining royalty oil would bear a particularly large share of the Reserve costs.

FEA plans to finance the Reserve from general tax revenues. We believe that it may be more efficient and equitable to have those who will benefit directly from the Reserve bear its costs. This could be accomplished through imposing a user fee such as a tariff on imported oil or an excise tax on gasoline. In addition, it is GAO's view that the fees collected should be placed in the general funds of the U.S. Treasury and remain subject to congressional oversight.

FEA is studying several options for financing the Reserve, including the options discussed by GAO.

FEDERAL ENERGY ADMINISTRATION,
Washington, D.C., February 10, 1977.

Mr. MONTE CANFIELD, Jr.,
Director, Energy and Minerals Division,
General Accounting Office, Washington, D.C.

DEAR MR. CANFIELD: This letter is to confirm the key comments that we provided to your staff on February 9, regarding the General Accounting Office's draft report on the Strategic Petroleum Reserve (SPR).

Our principal comments are as follows:

1. Use of Industry Inventories:

The draft report suggests that the Federal Energy Administration (FEA) should have considered using existing industry inventories for part or all of the SPR. FEA believes that the intent of the Energy Policy and Conservation Act was to provide for additional petroleum storage, over and above the amounts normally maintained by industry. We believe it would not be consistent with the Act to simply designate existing industry inventories as part of the SPR and not develop any new storage.

We agree, however, that further analysis is needed regarding the extent to which industry inventories can be utilized during a severe supply interruption. We are now undertaking a major study of industry inventories for this purpose. This analysis may impact future decisions regarding the ultimate size of the Reserve if it is concluded that we should place more or less reliance on industry inventories as a partial substitute for the Reserve. The current SPR Plan

proposes to place considerable reliance on industry inventories, as discussed in Chapters II and V.

2. Use of Royalty Oil:

The issue of whether to use royalty oil is not really a question of how we fill the Reserve. It is a part of the question of how the Reserve should be financed. If FEA were to use royalty oil for the Reserve it would simply be an indirect way of passing some of the SPR costs along to petroleum users. If FEA used the low cost royalty oil, higher cost foreign oil would have to be obtained by the private sector as a substitute. In this case, a particularly large share of the SPR costs would be placed on a relatively few small refiners who now obtain a significant benefit from the royalty oil.

We are now studying several possible options for financing the SPR, but we believe that using royalty oil would be an undesirable approach because of the inequitable distribution of the impact and the potential disruption of established supply relationships for small refiners.

3. Use of Elk Hills Oil:

As explained to your staff, FEA has no objection to purchasing Elk Hills oil, to the extent it is suitable for SPR storage, if it costs no more than other oil available for storage. We will make these cost comparisons as we proceed with the purchase of oil for the SPR.

4. Financing the Reserve:

As we stated in the SPR Plan, FEA is now studying several options for financing the Reserve Program, including the two options suggested in your report.

We appreciate the opportunity to comment on the draft report, and we look forward to the continued useful input from your staff on this important Program.

Sincerely,

THOMAS E. NOEL,
Assistant Administrator Strategic Petroleum Reserve.

PRINCIPAL OFFICIALS RESPONSIBLE FOR ADMINISTERING ACTIVITIES DISCUSSED IN THIS REPORT

FEDERAL ENERGY ADMINISTRATION

Administrator, and tenure of office:

John F. O'Leary, February 1977 to present.

Gorman C. Smith (Acting), January 1977 to February 1977.

Frank G. Zarb, December 1974 to January 1977.

John C. Sawhill, April 1974 to December 1974.

William E. Simon, December 1973 to April 1974.

FEDERAL ENERGY ADMINISTRATION,
Washington, D.C., March 16, 1977.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of February 22, 1977, concerning the General Accouting Office's (GAO) report dealing with the Strategic Petroleum Reserve (SPR).

The GAO analysis raised three major issues, which are addressed below in the order of their presentation in the report.

Is there a need for the type of Reserve as outlined in the Federal Energy Administration's (FEA) Plan?

GAO cites the commercially held stocks of crude oil and product which have been reported to the International Energy Agency (IEA) by the United States, and suggests that FEA consider use of these stocks to the maximum extent possible, thereby possibly reducing the need for Government reserves.

In analyzing the requirement for the reserve, FEA reviewed the commercially held stocks and estimated that about 60 million barrels of crude oil stocks could be used to assist in responding to an interruption. No use of refined product stocks was planned because of the uncertainty regarding the impact on the industry and the economy of such use.

FEA was directed by the Energy Policy and Conservation Act (P.L. 94–163) to establish a reserve to reduce the impact of severe energy supply interruptions. FEA's interpretation of this mandate is that impacts on the economy should be minimized to the maximum extent practicable.

Based on preliminary studies that FEA was able to do last year, it was estimated in the SPR Plan that only about 20 percent of the crude oil inventories could be relied upon as a partial substitute for the SPR. It was concluded that we needed to thoroughly analyze the ability to draw down industry inventories without causing significant economic impacts before deciding whether any additional inventories could be utilized as a partial substitute for the SPR. A major study is now being undertaken by FEA to try to obtain a better understanding regarding the ability to draw down those inventories. If our analysis indicates that substantial industry inventories are available to assist in offsetting an interruption, this will be reflected in future recommendations or Plan amendments on the size of the Reserve.

Conceptually, there are three classes of inventories in the petroleum industry: absolutely unavailable inventories; inventories to maintain deliveries under normal conditions; and buffer stocks.

Unavailable stocks include tank bottoms (i.e., sludge and water which have dropped to the bottom of tanks over a period of years) and pipeline charge and line fill. Both of these represent inventories which cannot be used during an embargo. Tank bottoms, of course, are not usable for any purposes, while pipeline charge cannot be used without shutting down operations or eventually interrupting the flows of crude and product. They must be recharged if the system is to work.

The last estimate of unavailable inventories made by the National Petroleum Council in 1974 estimated that 70 percent of crude and 32 percent of refined product inventories are absolutely unavailable.

Inventories are also required to maintain delivery schedules under normal and known conditions, e.g., if demand, supply, and delivery schedules could be known with absolute certainty. Because many demands in the petroleum industry, e.g., refinery feedstocks, are relatively constant over time, while deliveries are made in large quantities at specific points in time (crude tankers), inventories can be expected to fluctuate at any one site from the largest delivery quantity to zero, while, on average over time, the inventory level is one-half the delivery quantity. This inventory is required at every point in the distribution system, from crude deliveries to refineries through bulk plants, and represents the largest portion of all inventories. Further, these inventories can be expected to fluctuate on a seasonal basis. For example, distillate inventories would be expected to be higher in November than in May, in order to meet home-heating delivery requirements during the winter.

If these normal, delivery-time related inventories were used during an embargo, severe impact would occur after their use. Premature or accelerated use at one time would eventually result in shortages and stockouts later on in the delivery system. The only way to prevent these stockouts, once these normal inventories had been used prematurely, is to make deliveries in smaller quantities in shorter periods of time. The ability to do this is unknown.

Finally, the petroleum companies maintain buffer or safety stocks, over and above normal inventory requirements, to deal with uncertainty. A stockout means a lost sale and a potential lost customer for the oil companies. Thus, these safety stocks guard against vagaries such as colder-than-normal winters, frozen rivers, etc. These safety stocks may be available during an embargo if the other uncertain events do not come to pass.

It has not been possible to estimate how much safety stock might exist and be available during an embargo, since the analysis is required on a site-by-site basis. However, to approximate the amount of safety stocks, a range estimate of the maximum possible safety stock was made. To do this, we reviewed inventory data from 1972 to the present. By month and by product, the lowest inventory and the highest inventory were noted. We assumed that the lowest inventory recorded represents that amount of inventory which is necessary to allow smooth functioning of the distribution system, while the difference between the highest and lowest represents the maximum amount of safety stock ever available under the most favorable circumstances. Even this estimate may be very optimistic. The low inventory levels are almost all for 1973 and 1974, when spot shortages developed. Thus, the low inventory values may be less than that required to adequately maintain the distribution system. Similarly, the high inventory levels for each product occur at different years; never were all the high figures simultaneously reached. As a result, the high side is an overstatement.

The results of this rough analysis show that the maximum crude buffer stock, under optimum conditions, is in the range of 41 to 74 million barrels over the course of a year. For products, the range is from 79 to 124 million barrels.

These inventories would only be available under "favorable" conditions preceding an embargo (e.g., warm winter, an unpredicted slowdown of the economy), and it may be risky to rely upon them to avoid economic impacts.

The fact that the United States has reported all of these inventories to the IEA does not mean that they can be considered a strategic stockpile. Rather, as required under IEA rules, all oil stocks are reported using IEA defined criteria. With these criteria, the member countries report oil stocks—including crude oil, major refined petroleum products, and unfinished oils stored in refinery tanks, bulk terminals, pipeline tankage, barges, intercoastal tankers, oil tankers in port, inland ship bunkers, and storage tank bottoms. It is commonly accepted among the member countries of IEA that the days of reserve calculated using this aggregate data greatly overstate the actual days a country could continue normal operations based on these reserves.

Enclosure 1 contains a more detailed explanation of the industry inventory levels reported to the International Energy Agency, and the basis for that system.

In analyzing inventory availability, we have reviewed the changes in inventory levels during the 1973–1974 embargo. The data indicate that industry inventories during that crisis did not substantially differ from normal operations. There were no dramatic drawdowns of products, despite the shortages experienced. Data on industry inventory levels are shown in the first table in Enclosure 2, comparing in detail the embargo period of 1973–1974, with the winter of 1975–1976. The simi-

larity of stock levels is marked. The second table in Enclosure 2 shows a complete monthly history of crude and major product stocks from 1969 through our most recent reporting month, November 1976, and we see no major changes of primary inventories in terms of days-of-supply in any product compared with the years prior to the 1973–1974 embargo. The table does show that inventories of some products were relatively low just prior to the 1973–1974 embargo, which may have affected the ability of the industry to make further reductions at that time.

How should the SPR be filled?

The second question raised by GAO concerns how the SPR should be filled. Both Elk Hills oil and royalty oil are suggested by GAO as sources for filling the reserve.

Elks Hills oil is being considered for the reserve, and will be used if it is found to be cost effective. Steven's Zone oil is compatible with the types of oil planned for storage in the reserve, but transportation costs to the Gulf Coast may make the use of this oil more expensive than selling it in West Coast markets and using the revenues to buy oil that is more accessible to the SPR. The Navy recently sold Elk Hills oil for an average price of $12.31 per barrel. with higher bids for some of the more desirable oil. With transportation costs to the Gulf Coast, this oil may be more costly than obtaining other oil at world market prices, and it would be substantially higher than the national composite average price.

The possible use of royalty oil for the SPR is a much more complex issue. It is discussed in some detail in Enclosure 3. In brief, FEA continues to believe that the use of royalty oil would have an undesirable impact on small refiners as well as significantly disrupt established supply relationships and create an administration burden for the Government.

The use of royalty oil would be one means of passing a portion of the SPR costs along to petroleum users. If the Government takes that oil, the private sector will have to replace it with higher priced imports. It now appears that there are more appropriate and less disruptive ways to finance the SPR. The GAO report suggested two options, an oil import tariff or an excise tax on gasoline, which would remove any reason to use royalty oil. The SPR Plan proposes to revise the Crude Oil Entitlements Program to permit purchase of the SPR oil at the national composite price and pass a portion of the SPR costs along to petroleum users. This approach achieves all of the benefits of using royalty oil, while avoiding the impact on small refiners and the disruption of established supply arrangements.

FEA believes that any further consideration of the possible use of royalty oil should be in the context of options for financing the SPR, and we will be studying this further as part of the review of alternatives for financing the reserve, as discussed below.

How should the SPR be financed?

The third major issue discussed in the GAO report concerns financing the reserve. The report questions the use of general tax revenues, and suggests that the cost of the reserve should perhaps be paid by the beneficiaries of the program.

FEA does not disagree with the arguments for this type of financing. On the other hand, there are precedents for financing major strategic programs of this type by means of general tax revenues. We also have found in our study of this question that it is very difficult, if not impossible, to identify the real beneficiaries of the SPR. As we have informed GAO, we are now studying alternatives for financing the reserve, including the import tariff and excise tax options discussed in the GAO report. We expect to provide a review of our analysis and conclusions in the Annual Report to the Congress on the SPR Program in December.

Possible Amendments to the SPR Plan.—You requested information on the parts of the present SPR Plan which, in my view, will require amendment at a later time, and my assessment of the probable timing of submission of such amendments.

At this time I have made no final decisions regarding specific amendments to the Plan now being reviewed by the Congress, but several amendments are likely:

The President has decided to propose an accelerated schedule for developing the reserve. This proposal would provide for 250 million barrels in storage by the end of 1978, and 500 million barrels by the end of 1980. This is expected to result in some amendments to the Plan, which would likely be submitted in the next couple of months.

The Plan will be amended to include more details regarding the Distribution Plan, including more specific transportation plans. We now plan to be able to submit the amendment by December 15, 1977.

Upon completion of the above details of the Distribution Plan and a reexamination of the need for regional product storage and storage in noncontiguous areas, there may be a need to submit a Plan Amendment regarding regional or noncontiguous area storage. We expect to be able to submit a report on the results of this reexamination by December 15, 1977.

When the final storage sites have been selected for the SPA, a Plan Amendment or Amendments will be submitted, with full descriptions of the selected sites. We expect that most or all of the sites will be selected by early 1978.

I appreciate this opportunity to comment on the GAO report and to inform the Committee of our plans. We will be pleased to respond to any further requests you may have for elaboration or other information.

Sincerely,

JOHN F. O'LEARY,
Administrator.

AN ANALYSIS OF INDUSTRY RESERVES AS REPORTED BY THE UNITED STATES TO THE INTERNATIONAL ENERGY AGENCY

Under an international agreement of November 1974, which includes the United States and 18 other industrial oil-consuming nations, members have agreed to three commitments designed to help reduce the effects of a petroleum supply interruption. These commitments include:

1. Building emergency reserves consisting of oil stocks, fuel-switching capacity, and standby oil production;

2. Developing demand restraint programs; and

3. Allocating total available oil supplies (domestic production and imports, but would not include the Strategic Petroleum Reserve) in order to share a shortfall evenly among member nations.

This paper addresses the first commitment listed above, building emergency reserves, which has consisted exclusively to date of measuring oil stocks. At the present time, IEP members are expected to maintain emergency reserves of at least 70 days. By 1980, these reserves are supposed to increase to 90 days. The latest United States report to the International Energy Agency would indicate that as of September 1976, the U.S. had oil reserves in excess of 120 days.

The General Accounting Office (GAO) in a recent report to the Congress on the Strategic Petroleum Reserve (SPR) questioned the need for an SPR as proposed in the plan submitted to the Congress by the Federal Energy Administration.

A major area for GAO questioning concerned the proposed size of the SPR given that "U.S. industries maintain commercially held stocks of crude oil and products equivalent to 120 days of oil imports." This estimate of reserves was based on earlier information provided by the United States to the IEA. Following is an analysis of the data used to arrive at the measurement of days of industry inventory reserve for purposes of the IEA reporting.

BASIS FOR REPORTING

Even prior to the 1974 International Energy Agreement, the European Common Market countries were reporting petroleum stocks through the Organization for Economic Cooperation and Development. When the IEA was founded, those countries insisted on many of the same counting conventions to which they were accustomed. It is commonly accepted among the member countries that the days of reserves calculated using this aggregate stocks data overstate the actual days a country could continue normal operations based on these reserves. This practice has been accepted for a number of reasons.

Although the IEA specified that member nations will have 70 days of reserves (90 by 1980), current "real" estimates of actual usable reserves are only around 20 days. Most countries (including the U.S.) would not be able to identify those quantities of stocks that could actually be used during an emergency. Given this difficulty, the U.S. pushed for the 90 day level by 1980 with the intent that 90 days as reported to the IEA would perhaps provide each country with a 30 day cushion of actual reserves.

METHODOLOGY FOR REPORTING

Data showing stocks, imports, exports, etc. of crude and petroleum products are obtained from the Bureau of Mines, restated by FEA according to IEA requirements and then submitted to the IEA in the form shown in the attached tables. The IEA uses these data to calculate days of sufficiency according to the following methodology:

Stocks of crude oil less 4 percent (average IEA naptha yield) plus *stocks of refined product* multiplied by 1.065 (crude equivalent conversion factor) equals crude equivalent *less 10 percent* (to account for unavailable stock equals available supplies.

Available supplies divided by average daily net imports of last calendar year equals the number of days of self-sufficiency.

The major problem with these data is determining the usability of these stocks. A step was taken to improve this accounting with adoption of the guidelines established in the annex "Emergency Reserves" to the Agreement on an International Energy Program (see attached).

That annex identifies stocks accepted as unavailable, and which are excluded from total supplies reported. There continue to be a number of stocks, however, which are still counted as available which obviously are not, such as 100 percent of those in working stocks. As indicated above, the IEA attempts to compensate for this definition weakness by deducting 10 percent from the crude equivalent figure in calculating available supplies. No country, including the United States, has devised a better method of accounting for unavailable stocks. Nevertheless, based on a number of National Petroleum Council surveys, the percentage of petroleum stocks found to be necessary for continuing refinery operations and product deliveries varies from 60 to 98 percent—the latter figure based on the most recent survey (1974 stocks).

CONCLUSION

While the U.S. figures reported to the IEA conform to IEA definitions, and are consistent with data provided by other IEA member nations, they should not be taken at face value, i.e., used as estimates of actual days of supply available to the United States during a supply interruption.

It also is important to recognize that even if inventories can be reduced during an emergency, this may cause distribution problems and shortages, with severe economic impacts. The purpose of the SPR is to reduce the vulnerability of the United States to these impacts.

OECD—QUARTERLY OIL AND GAS QUESTIONNAIRE

REPORT 48-1: SUPPLY OF OIL PRODUCTS, LAST QUARTER (PROVISIONAL DATA): 3D QUARTER 1976—TOTAL, UNITED STATES

	LPG	Naphtha	Gasolines		Kerosenes		Gas/diesel oil	Fuel oil	Other products	Total
			Aviation type	Other	Aviation type	Other				
A. Refinery gross output (including refinery fuel)	2,173	1,015	2,698	76,272	8,783	1,566	7,453	47,119	23,836	170,915
B. Plus imports (from report 2A and 2B)	771	2	17	416	612	34	60	16,283	856	19,051
C. Minus exports (from report 3A and 3B)	157	169	1	27	0	0	0	62	1,055	1,471
D. Minus international marine bunkers	0	0	0	0	0	0	75	3,903	0	3,978
E. Minus deliveries in international civil aviation	0	0	0	0	1,210	0	0	0	0	1,210
F. Minus refinery fuel	214	0	0	0	0	0	47	1,846	0	2,107
G. Minus stock changes	1,113	11	25	514	28	276	1,836	8,993	845	11,845
H. Equals deliveries in inland consumption (calculated)	1,460	837	2,739	76,147	8,213	1,324	4,555	48,598	24,482	169,355
K. Minus statistical differences	0	0	0	0	0	0	0	0	0	0
L. Equals deliveries to inland consumption (observed)	1,460	837	2,739	76,147	8,213	1,324	5,555	48,598	24,482	169,355
M. Opening stock level	10,810	438	1,032	26,425	3,470	1,688	4,515	27,267	8,523	84,168
N. Closing stock level	11,923	449	1,007	26,939	3,442	1,964	6,351	36,260	7,678	96,013

ANNEX—EMERGENCY RESERVES

ARTICLE 1

1. Total oil stocks are measured according to the OECD and EEC definitions, revised as follows:

A. Stocks included: Crude oil, major products and unfinished oils held in refinery tanks; in bulk terminals; in pipeline tankage; in barges; in intercoastal tankers; in oil tankers in port; in inland ship bunkers; in storage tank bottoms; in working stocks; and by large consumers as required by law or otherwise controlled by Governments.

B. Stocks excluded:

(a) Crude oil not yet produced.

(b) Crude oil, major products and unfinished oils held in pipelines; in rail tank cars; in truck tank cars; in seagoing ships' bunkers; in service stations and retail stores; by other consumers; in tankers at sea; and as military stocks.

2. That portion of oil stocks which can be credited toward each Participating Country's emergency reserve commitment is its total oil stocks under the above definition minus those stocks which can be technically determined as being absolutely unavailable in even the most severe emergency. The Standing Group on Emergency Questions shall examine this concept and report on criteria for the measurement of absolutely unavailable stocks.

3. Until a decision has been taken on this matter, each Participating Country shall subtract 10 percent from its total stocks in measuring its emergency reserves.

4. The Standing Group on Emergency Questions shall examine and report to the Management Committee on:

(a) the modalities of including naphtha for uses other than motor and aviation gasoline in the consumption against which stocks are measured,

(b) the possibility of creating common rules for the treatment of marine bunkers in an emergency, and of including marine bunkers in the consumption against which stocks are measured,

(c) the possibility of creating common rules concerning demand restraint for aviation bunkers,

(d) the possibility of crediting towards emergency reserve commitments some portion of oil at sea at the time of activation of emergency measures,

(e) the possibility of increasing supplies available in an emergency through savings in the distribution system.

ARTICLE 2

1. Fuel switching capacity is defined as normal oil consumption that may be replaced by other fuels in an emergency, provided that this capacity is subject to government control in an emergency, can be brought into operation within one month, and that secure supplies of the alternative fuel are available for use.

2. The supply of alternative fuel shall be expressed in terms of oil equivalent.

3. Stocks of an alternative fuel reserved for fuel switching purposes may be credited towards emergency reserve commitments insofar as they can be used during the period of self-sufficiency.

4. Stand-by-production of an alternative fuel reserved for fuel switching purposes will be credited towards emergency reserve commitments on the same basis as stand-by oil production, subject to the provisions of Article 4 of this Annex.

5. The Standing Group on Emergency Questions shall examine and report to the Management Committee on

(a) the appropriateness of the time limit of one month mentioned in paragraph 1,

(b) the basis of accounting for the fuel switching capacity based on stocks of an alternative fuel, subject to the provisions of paragraph 3.

ARTICLE 3

A Participating Country may credit towards its emergency reserve commitment oil stocks in another country provided that the Government of that other country has an agreement with the Government of the Participating Country that it shall impose no impediment to the transfer of those stocks in an emergency to the Participating Country.

ARTICLE 4

1. Stand-by oil production is defined as a Participating Country's potential oil production in excess of normal oil production within its jurisdiction which is subject to government control, and which can be brought into use during an emergency within the period of self-sufficiency.

2. The Standing Group on Emergency Questions shall examine and report to the Management Committee on

(a) the concept of and methods of measurement of stand-by oil production as referred to in paragraph 1,

(b) the appropriateness of "the period of self-sufficiency" as a time limit,

(c) the question of whether a given quantity of stand-by oil production is of greater value for purposes of emergency self-sufficiency than the same quantity of oil stocks, the amount of a possible credit for stand-by production, and the method of its calculation.

ARTICLE 5

Stand-by oil production available to a Participating Country within the jurisdiction of another country may be credited towards its emergency reserve commitment on the same basis as stand-by oil production within its own jurisdiction, subject to the provisions of Article 4 of this Annex provided that the Government of that other country has an agreement with the Government of the Participating Country that it shall impose no impediment to the supply of oil from that stand-by capacity to the Participating Country in an emergency.

ARTICLE 6

The Standing Group on Emergency Questions shall examine and report to the Management Committee on the possibility of crediting towards a Participating Country's emergency reserve commitment mentioned in Article 2, paragraph 2, of the Agreement, long term investments which have the effect of reducing the Participating Countries' dependence on imported oil.

ARTICLE 7

1. The Standing Group on Emergency Questions shall examine and report to the Management Committee regarding the reference period set out in Article 2, paragraph 1, of the Agreement, in particular taking into account such factors as growth, seasonal variations in consumption and cyclical changes.

2. A decision by the Governing Board to change the definition of the reference pe-

riod mentioned in paragraph 1 shall be taken by unanimity.

ARTICLE 8

The Standing Group on Emergency Questions shall examine and report to the Management Committee on all elements of Chapters I to IV of the Agreement to eliminate possible mathematical and statistical anomalies.

ARTICLE 9

The reports from the Standing Group on Emergency Questions on the matters mentioned in this Annex shall be submitted to the Management Committee by April 1, 1975. The Management Committee shall make proposals, as appropriate, to the Governing Board, which, acting by majority, not later than July 1, 1975, shall decide on these proposals, except as provided for in Article 7, paragraph 2, of this Annex.

COMPARATIVE ANALYSIS OF SELECTED PETROLEUM STATISTICS FOR THE OIL EMBARGO PERIOD AND THE MOST RECENT COMPARABLE PERIOD

[Primary inventories in thousands]

Selected Product Stocks	Year	October	November	December	January	February	March	April
Mogas	1973-74	214,610	207,418	209,478	221,327	219,105	220,347	223,805
	1975-76	221,532	232,139	234,978	240,510	248,901	239,097	224,008
Refinery	1973-74	(86,383)	(80,603)	(79,533)	(85,596)	(90,593)	(89,754)	(93,630)
	1975-76	(85,262)	(89,376)	(93,211)	(96,699)	(99,587)	(94,646)	(84,905)
Bulk terminal	1973-74	(81,176)	(80,865)	(84,895)	(86,704)	(80,709)	(82,007)	(80,539)
	1975-76	(89,718)	(94,203)	(93,369)	(98,617)	(102,092)	(96,672)	(91,390)
Pipeline and working tanks	1973-74	(46,966)	(45,875)	(44,967)	(45,163)	(47,756)	(48,546)	(49,583)
	1975-76	(46,513)	(48,512)	(48,345)	(45,148)	(47,175)	(47,731)	(47,670)
Plant	1973-74	(85)	(75)	(83)	(79)	(47)	(40)	(53)
	1975-76	(39)	(48)	(53)	(46)	(47)	(45)	(43)
Distillate	1973-74	203,000	200,218	196,461	181,217	149,162	128,852	125,587
	1975-76	226,160	235,798	208,833	165,477	150,472	138,340	137,285
Refinery	1973-74	(67,156)	(69,243)	(67,605)	(59,846)	(47,658)	(42,301)	(44,856)
	1975-76	(61,981)	(68,137)	(59,539)	(46,284)	(43,646)	(43,840)	(44,884)
Bulk terminal	1973-74	(101,991)	(97,909)	(96,402)	(88,482)	(74,307)	(62,405)	(59,268)
	1975-76	(132,119)	(135,622)	(116,541)	(89,150)	(80,833)	(72,750)	(72,826)
Pipeline and working tanks	1973-74	(33,818)	(33,030)	(32,414)	(32,851)	(27,160)	(24,116)	(22,429)
	1975-76	(32,013)	(31,990)	(32,707)	(29,994)	(25,960)	(21,716)	(21,539)
Plant	1973-74	(35)	(36)	(40)	(38)	(37)	(30)	(23)
	1975-76	(47)	(49)	(46)	(49)	(33)	(34)	(36)
Residual	1973-74	54,964	51,985	53,480	46,548	45,004	47,222	51,339
	1975-76	81,858	83,131	74,126	86,502	68,359	65,132	66,458
Refinery	1973-74	(28,314)	(28,901)	(27,348)	(25,405)	(23,899)	(25,170)	(26,979
	1975-76	(33,753)	(35,861)	(33,706)	(30,906)	(31,290)	(29,774)	(28,835)
Bulk terminal	1973-74	(26,650)	(23,084)	(26,132)	(21,143)	(21,105)	(22,052)	(24,360)
	1975-76	(48,105)	(47,270)	(40,420)	(35,686)	(37,569)	(35,358)	(37,623)
All products	1973-74	680,880	661,585	658,840	636,130	603,221	593,257	608,274
	1975-76	773,101	793,082	747,867	665,592	679,363	658,487	649,937
Crude oil	1973-74	246,297	249,998	242,478	233,035	240,723	244,665	256,385
	1975-76	269,584	270,950	271,354	289,296	277,414	283,112	286,628

Crude oil inventories—(MMB)

	Domestic stocks	Domestic demand/day	Days of supply
1969			
January	270.5	9.8	28.5
February	265.3	10.7	28.8
March	264.2	10.5	25.2
April	273.2	10.4	26.3
May	281.3	10.5	26.8
June	284.5	10.8	26.3
July	277.5	10.9	25.5
August	267.7	10.8	24.8
September	262.5	10.8	24.3
October	264.3	10.5	25.2
November	264.8	10.7	24.7
December	265.2	11.0	24.1
1970			
January	267.1	10.9	24.5
February	269.6	10.9	24.7
March	274.6	10.8	25.4
April	278.0	10.6	26.2
May	284.8	10.5	27.1
June	279.9	10.9	25.7
July	266.9	10.8	24.7
August	254.1	11.0	23.1
September	259.2	11.0	23.6
October	265.5	10.9	24.4
November	271.3	11.0	24.7
December	276.4	11.2	24.7
1971			
January	269.8	11.1	24.3
February	266.9	11.2	23.8
March	267.2	11.1	24.1
April	271.4	11.2	24.2
May	284.3	11.7	26.6
June	279.3	11.5	24.3
July	273.2	11.5	23.8
August	272.4	11.4	30.9
September	269.8	11.1	24.3
October	265.9	11.1	24.0
November	265.6	11.1	24.0
December	259.6	11.3	23.0
1972			
January	251.0	11.4	22.0
February	253.0	11.4	22.2
March	266.6	11.3	23.6
April	258.9	11.2	23.1
May	279.5	11.5	24.3
June	271.4	11.8	23.0
July	265.8	11.9	22.3
August	258.0	11.9	21.7
September	250.8	12.1	20.7
October	253.7	11.9	21.3
November	251.3	11.9	21.1
December	246.4	12.1	20.4
1973			
January	237.5	12.2	19.5
February	235.4	12.2	19.3
March	244.1	12.2	20.0
April	248.8	12.2	20.4
May	257.9	12.3	21.0
June	248.9	12.9	19.3
July	243.7	12.7	19.2
August	248.3	12.6	19.7
September	241.3	12.6	19.2
October	246.3	12.8	19.2
November	250.0	12.4	20.2
December	242.5	12.1	20.0
1974			
January	233.0	11.5	19.4
February	240.7	11.1	21.7
March	244.7	11.4	21.5
April	256.4	11.8	21.7
May	269.5	12.3	21.9
June	268.8	12.7	21.2
July	268.7	12.8	21.0
August	264.8	12.6	21.0
September	266.7	12.1	22.0
October	269.4	12.3	21.9
November	271.1	12.3	22.0
December	265.0	12.5	21.2
1975			
January	270.5	12.3	22.0
February	276.8	12.1	22.9
March	280.0	11.9	23.5
April	285.0	11.8	24.2
May	276.1	12.0	23.0
June	276.1	12.4	22.3
July	264.2	12.9	20.5
August	256.6	13.0	19.7
September	259.4	12.9	20.1
October	269.6	13.4	20.1
November	271.0	12.7	21.3
December	271.4	12.8	21.2
1976			
January	298.3	12.6	23.7
February	277.4	12.8	21.7
March	283.1	12.9	21.9
April	279.1	12.8	21.7
May	282.5	12.9	21.9
June	281.7	13.8	20.4
July	281.6	13.8	20.4
August	277.3	13.9	19.9
September	284.4	13.7	20.8
October	307.0	13.4	22.9
November	291.9	13.9	21.0

SOURCES.—1969–1973—Mineral Industry Surveys, Bureau of Mines, U.S. Department of Interior; 1974–1976—Monthly Energy Review, Federal Energy Administration.

Motor gas inventories at primary level—(MMB)

	Domestic stocks	Domestic demand/day	Days of supply
1969			
January	208.0	5.1	40.8
February	216.0	5.1	42.4
March	222.6	5.1	43.6
April	210.7	5.5	38.3
May	202.1	5.7	35.5
June	196.5	5.7	34.5
July	187.8	6.0	31.3
August	183.9	5.9	31.2
September	188.8	5.6	33.7
October	189.5	5.7	33.2
November	202.5	5.4	37.5
December	211.2	5.8	36.4
1970			
January	225.6	5.2	43.4
February	232.9	5.3	43.9
March	235.2	5.5	42.8
April	230.4	5.7	40.4
May	221.3	5.9	37.5
June	210.2	6.2	33.9
July	196.9	6.2	31.8
August	191.7	6.1	31.4
September	194.6	5.9	33.0
October	189.9	5.9	32.2
November	198.9	5.6	35.5
December	209.3	5.8	36.1
1971			
January	232.1	5.3	43.8
February	245.3	5.5	44.6
March	245.7	5.8	42.4
April	230.3	6.2	37.1
May	221.7	5.9	37.6
June	209.6	6.5	32.2
July	203.0	6.4	31.7
August	204.2	6.3	32.4
September	207.9	6.1	34.1
October	208.5	6.0	34.8
November	209.0	6.1	34.3
December	219.4	6.1	36.0
1972			
January	239.9	5.5	43.6
February	250.2	5.7	43.9
March	237.2	6.4	37.1
April	225.2	6.3	35.7
May	215.1	6.4	33.6
June	200.4	6.8	29.5
July	201.0	6.7	30.0
August	193.0	6.9	28.0
September	200.0	6.5	30.8
October	208.0	6.3	33.0
November	193.4	6.5	29.8
December	199.5	6.4	31.2
1973			
January	222.0	6.1	36.4
February	216.5	6.4	33.8
March	207.7	6.5	32.0
April	204.9	6.5	31.5
May	202.2	6.9	29.3
June	208.5	7.0	29.8
July	211.5	7.0	30.2
August	205.2	7.2	28.5
September	210.4	6.6	31.9
October	214.6	6.7	32.0
November	207.4	6.8	30.5
December	209.5	6.2	33.8
1974			
January	217.5	5.8	37.5
February	219.1	6.1	35.9
March	220.3	6.2	35.5
April	223.8	6.5	34.4
May	218.7	6.7	32.6
June	217.4	6.9	31.5
July	218.8	7.0	31.3
August	219.0	7.4	29.6
September	227.0	6.4	35.5
October	220.4	6.7	32.9
November	218.4	6.5	33.6
December	224.7	6.6	34.0
1975			
January	242.3	6.2	39.1
February	251.9	6.1	41.3
March	248.7	6.3	39.5
April	232.6	6.7	34.7
May	213.9	6.9	31.0
June	207.1	7.1	29.2
July	212.5	7.0	30.4
August	215.5	7.0	30.8
September	226.4	6.7	33.8
October	221.5	6.8	32.6
November	232.1	6.4	36.3
December	234.9	6.8	34.5
1976			
January	240.5	6.4	37.6
February	248.9	6.3	39.5
March	239.1	6.9	34.7
April	225.2	7.1	31.7
May	218.5	7.1	30.8
June	221.7	7.3	30.4
July	224.7	7.2	31.2
August	230.6	7.2	32.0
September	229.8	7.1	32.4
October	223.3	6.9	32.4
November	226.1	7.0	32.3

SOURCE.—1969–1973 Mineral Industry Surveys, Bureau of Mines, U.S. Department of Interior; 1974–1976—Monthy Energy Review, Federal Energy Administration.

Distillate inventories at primary level—(MMB)

	Domestic stocks	Domestic demand/day	Days of supply
1969			
January	130.6	3.7	35.3
February	106.7	3.4	31.4
March	96.6	2.9	33.3
April	99.8	2.2	45.4
May	110.9	1.9	58.4
June	132.6	1.7	78.0
July	159.1	1.6	99.4
August	183.5	1.6	114.7
September	197.7	1.9	104.1
October	208.0	2.0	104.0
November	201.0	2.8	71.8
December	171.7	3.6	47.7
1970			
January	130.7	4.1	31.9
February	111.5	3.5	31.9
March	101.0	2.8	36.1
April	102.0	2.1	48.6
May	115.8	1.7	68.1
June	137.5	1.9	72.4
July	163.5	1.9	86.1
August	188.2	2.0	94.1
September	205.7	1.7	121.0
October	216.4	1.9	113.9
November	218.1	2.1	103.9
December	195.3	2.6	75.1
1971			
January	158.7	4.0	39.7
February	128.7	3.8	33.9
March	112.9	3.2	35.3
April	113.7	2.6	43.7
May	125.8	2.1	59.9
June	145.8	2.0	72.9
July	172.4	1.8	95.8
August	197.0	1.8	109.4
September	210.1	2.0	105.1
October	223.0	2.2	101.4
November	214.8	3.0	71.6
December	190.6	3.7	51.5
1972			
January	160.1	3.7	43.3
February	122.2	4.2	29.1
March	101.8	3.5	29.1
April	103.6	2.6	39.8
May	112.9	2.3	49.1
June	128.8	2.2	58.5
July	155.6	1.8	86.4
August	174.7	2.1	83.2
September	190.3	2.2	86.5
October	195.6	2.8	69.9
November	182.6	3.4	53.7
December	154.3	4.2	36.7
1973			
January	131.0	4.1	32.0
February	113.3	4.2	27.0
March	111.3	3.3	33.7
April	114.7	2.6	44.7
May	119.1	2.7	44.1
June	137.9	2.4	57.5
July	160.9	2.3	70.0
August	177.3	2.6	68.2
September	190.2	2.7	70.4
October	203.0	2.9	70.0
November	200.2	3.5	57.2
December	196.5	3.7	53.1
1974			
January	181.2	3.8	47.7
February	149.1	3.8	39.2
March	128.8	3.2	40.2
April	125.6	2.9	43.3
May	141.8	2.5	56.7
June	160.6	2.4	66.9
July	182.5	2.3	79.4
August	198.7	2.3	86.4
September	208.3	2.4	86.8
October	209.9	2.9	72.4
November	212.9	3.2	66.5
December	223.7	3.9	57.4
1975			
January	199.7	4.0	49.9
February	176.7	4.0	44.2
March	161.1	3.3	48.8
April	146.2	3.1	47.2
May	152.0	2.4	63.3
June	163.3	2.3	71.0
July	181.5	2.1	86.4
August	197.3	2.2	89.7
September	220.7	2.2	100.4
October	226.1	2.7	83.7
November	235.7	2.5	94.3
December	208.8	3.8	54.9
1976			
January	165.4	4.3	38.5
February	150.4	3.7	40.6
March	138.3	3.3	41.9
April	144.0	2.7	53.3
May	147.4	2.6	56.7
June	166.5	2.3	72.4
July	189.0	2.2	85.9
August	217.9	2.2	99.0
September	232.2	2.6	89.3
October	232.8	3.1	75.1
November	216.3	3.4	63.6

SOURCE.—1969–1973 Mineral Industry Surveys, Bureau of Mines, U.S. Department of Interior; 1974–1976—Monthly Energy Review, Federal Energy Administration.

Residual inventories at primary level—(MMB)

	Domestic stocks	Domestic demand/day	Days of supply
1969			
January	63.0	2.8	22.5
February	59.9	2.5	24.0
March	57.2	2.3	24.9
April	60.2	2.0	30.1
May	62.6	1.7	36.8
June	62.5	1.6	39.1
July	65.1	1.6	40.7
August	66.1	1.7	38.9
September	65.6	1.8	36.4
October	64.2	1.9	33.8
November	62.7	1.9	33.0
December	60.4	2.5	24.2
1970			
January	49.5	2.9	17.1
February	46.1	2.9	15.9
March	40.3	2.8	14.4
April	42.8	2.1	20.4
May	44.7	1.7	26.3
June	46.0	1.9	24.2
July	47.9	1.9	25.2
August	48.1	2.0	24.1
September	54.0	1.7	31.8
October	57.1	1.9	30.1
November	58.8	2.1	28.0
December	54.0	2.6	20.8
1971			
January	53.9	2.7	20.0
February	48.9	2.6	18.8
March	49.4	2.8	17.6
April	50.6	2.2	23.0
May	55.4	2.1	26.4
June	58.7	2.1	28.0
July	63.7	1.7	37.5
August	65.9	1.9	34.7
September	59.7	2.2	27.1
October	58.4	2.2	26.5
November	59.9	2.3	26.0
December	59.7	2.4	24.9
1972			
January	59.4	2.8	21.2
February	50.9	3.2	15.9
March	51.6	2.7	19.1
April	49.4	2.4	20.6
May	53.0	2.2	24.1
June	56.1	2.2	25.5
July	60.2	2.1	28.7
August	61.4	2.3	26.7
September	63.7	2.2	29.0
October	63.8	2.4	26.6
November	57.7	2.8	20.6
December	55.2	3.1	17.8
1973			
January	49.2	3.3	14.9
February	43.1	3.3	13.1
March	44.7	3.1	14.4
April	47.0	2.5	18.8
May	49.2	2.5	19.7
June	51.8	2.6	19.9
July	53.4	2.4	22.3
August	53.6	2.7	19.9
September	55.1	2.7	20.4
October	55.0	2.5	22.0
November	52.0	3.1	16.8
December	53.5	3.0	17.8
1974			
January	46.5	3.0	15.2
February	45.0	3.0	15.0
March	47.2	2.6	18.2
April	51.3	2.4	21.4
May	54.4	2.3	23.7
June	57.9	2.4	24.1
July	59.8	2.5	23.9
August	61.0	2.5	24.4
September	60.3	2.5	24.1
October	58.7	2.6	22.6
November	60.4	2.9	20.8
December	74.9	3.0	25.0
1975			
January	60.2	3.2	18.8
February	66.5	2.8	23.4
March	64.1	2.7	23.7
April	66.3	2.2	30.1
May	73.5	2.0	36.8
June	69.6	2.2	31.6
July	71.5	2.2	32.5
August	71.9	2.2	32.7
September	76.9	2.3	33.4
October	81.9	2.2	37.2
November	83.1	2.3	36.1
December	71.1	2.7	27.4
1976			
January	66.6	3.0	22.2
February	68.9	2.9	23.8
March	65.1	2.7	24.1
April	66.9	2.2	30.4
May	66.6	2.0	33.3
June	67.2	2.0	33.6
July	68.6	2.0	34.3
August	63.5	2.7	25.4
September	76.4	2.5	30.6
October	79.0	2.5	31.6
November	68.8	2.8	24.6
December			

SOURCE.—1969–1973 Mineral Industry Surveys, Bureau of Mines, U.S. Department of Interior; 1974–1976—Monthly Energy Review, Federal Energy Administration.

ROYALTY OIL

ROYALTY OIL SUPPLY AVAILABILITY

The GAO report states that 74 million barrels (MMB) per year of royalty crude oil is and will be available through 1982 for use for the Strategic Petroleum Reserve. GAO indicates that of 74 MMB total, 34 MMB is presently supplied in kind to the Federal Government by Federal leaseholders. This royalty crude is contracted out for sale by the U.S. Geological Survey (USGS) to 55 small refiners. The remaining 40 MMB of royalty crude is marketed and sold by leaseholders along with their own oil production. The proceeds from the sale of the Government share of production from these leases is forwarded to the USGS.

USGS sources predict that royalty oil production will reach approximately 76 MMB in 1976, and is expected to decline thereafter. The breakdown of royalty crude sales indicates approximately 46 MMB presently under contract to 55 small refiners, with the remaining 30 MMB sold by leaseholders.

Comparison of the projected availability of all royalty oil (including that under contract) with the SPR's current fill schedule indicates that, even if the availability of royalty crude is maximized through the termination of current royalty contracts, there would be only a total of 256 MMB available for use.

Royalty oil projections—(MMB)

	Royalty oil total	Approximate SPR fill schedule
1977	71	18
1978	66	232
1979	62	135
1980	57	115
Total	256	500

TERMINATION OF EXISTING ROYALTY OIL CONTRACTS

GAO does not recommend the termination of current royalty oil contracts, but rather suggests that royalty oil not under contract could be used immediately for the Reserve, and that royalty oil supplies under contract until mid-1979 could be used thereafter.

Given the declining rate of royalty oil production, an estimated 18 MMB of this contracted royalty oil could be available for use in the Reserve in 1979, and 34 MMB is projected to be available in 1980. As is indicated in the table below, the total of available royalty oil for use in the Reserve given the assumption that small refiner contracts will neither be terminated nor renewed, amounts to 153 MMB, or about 30% of the total Reserve.

Royalty Oil Availability—(MMB)

	Contracted			
	Refiners w/exceptions relief		Refiners w/o exceptions relief	Other
1977	--		--	28
1978	--		--	26
1979	4		14	24
1980	7		27	23
Total	11	+	41	+101 =153 MMB

TRANSPORTATION COSTS

GAO disputs the validity of FEA's statement that the transportation costs associated with procuring royalty oil would be far more expensive than those costs attributed to filling the Reserve from other sources.

Assuming, as GAO does, that contracted royalty oil will not be available until mid-1979, the oil not under contract—the 101 MMB to be received by the Government in payment—represents the bulk of the oil GAO is recommending be used for the Reserve.

This oil which is not under contract is derived from 13,500 different leases scattered across the continental United States from wells now averaging a production rate of 14 barrels per day. FEA believes that the division of this oil, located in small and continually declining quantities and at diverse locations, would be prohibitively expensive as well as economically disruptive. The Government could minimize the economic disruption associated with physically diverting the oil by entering into hundreds or thousands of exchange agreements in order to procure other oil suitable for the Reserve at royalty oil prices. This would result in a complex and expensive administrative and legal network.

If this oil were not used for the SPR, it would leave only about 50 million barrels that is now going to small refiners.

ADVERSE IMPACT ON SMALL REFINERS

GAO contends that the small refiners currently receiving royalty crude oil would sustain little or no adverse impact from increased raw material costs should royalty crude be denied them, since the cost of crude oil to all refiners is equalized by FEA pricing regulations regardless of the actual crude purchase price. Further, according to GAO, only the 13 refiners of the 55 currently receiving royalty oil which have been granted "exceptions relief" from the purchase of price-equalizing entitlements would be adversely affected if the price of or access to royalty crude oil were altered.

At present, 18 of the 53 refiners receiving royalty oil under contract now obtain exceptions relief. The companies which receive exceptions relief to the entitlements program received it due to economic hardship, and,

but for the availability of royalty crude, these companies would have been in even more dire economic circumstances.

Of the remaining 35 refiners, 15 receive royalty crude as less than 20% of their total runs to stills, 15 receive it as 20% to 50% of their runs to stills, and five receive it as over half of their crude oil. These remaining 35 refiners which have access to royalty crude oil are small refiners which are, in general, marginally profitable. Royalty oil is a stable source of petroleum for them. If the Government were to take this oil it could create problems for those small refiners in obtaining alternative supplies.

POTENTIAL "SAVINGS" FROM USING ROYALTY OIL

Sufficient data is not available to make an accurate estimate of the potential reduction in oil costs for the SPR from using some or all of the royalty oil. The price of the oil varies from lower tier domestic to nearly world market prices, depending on the particular price controls applicable to the production. Data is not available on the quantities sold by price levels.

By using an average price level for royalty oil, GAO estimated that the savings could be about $3 per barrel. If this estimate were applied to the 55 MMB estimated to be available from small contractors, it would save about $165 million.

These savings assume that current price controls will continue through 1980. If price controls were removed, there would be no savings from using royalty oil.

The use of royalty oil would be a mechanism to pass a portion of the SPR costs along to purchasers of petroleum. The extent that the Goverment took the royalty oil, the private sector would have to replace it with oil and at world prices. FEA believes that the issue of whether to use royalty oil should be considered along with other alternative means of financing the SPR. For example, if an import tariff or an excise tax on gasoline were implemented as suggested by GAO, there would be no reason to use royalty oil to partially pay for the Reserve. Such taxes would avoid the disruption of the established supply relationships for the royalty oil and minimize the administrative burden on the refiners and the Government.

The SPR Plan proposed another alternative for passing some of the SPR costs along to the petroleum consumers. This proposal is to revise the Crude Oil Entitlements Program to permit FEA to obtain oil for the SPR at essentially the national composite price. This also would avoid disruptions of established supply relationships.

(This concludes additional Statements of Senators submitted today.)

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

OFFICIAL CONDUCT AMENDMENTS OF 1977

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the pending business, S. Res. 110, which the clerk will report.

The assistant legislative clerk read as follows:

Senate Resolution 110 to establish a Code of Official Conduct for the Members, officers, and employees of the U.S. Senate; and for other purposes.

The ACTING PRESIDENT pro tempore. The pending question is on agreeing to amendment No. 93.

Under the previous order, the Senator from Maine (Mr. MUSKIE) is recognized.

RECESS UNTIL 1:55 P.M.

Mr. ALLEN. Mr. President, with the permission of the distinguished Senator from Maine and, in accordance with the majority leader's wishes, I ask unanimous consent that the Senate stand in recess until 1:55 this afternoon.

There being no objection, the Senate at 1:28 p.m. recessed until 1:55 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. RIEGLE).

OFFICIAL CONDUCT AMENDMENTS OF 1977

The Senate continued with the consideration of the resolution (S. Res. 110) to establish a Code of Official Conduct for the Members, officers, and employees of the U.S. Senate; and for other purposes.

Mr. ZORINSKY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. On whose time?

Mr. ZORINSKY. To be charged equally against both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ANDERSON). Without objection, it is so ordered.

Mr. NELSON. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to Senate Resolution 110: Senators ROBERT C. BYRD, ALLEN, BROOKE, CASE, CHAFEE, CHILES, GLENN, HASKELL, METCALF, NUNN, PELL, and SASSER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE addressed the Chair.

The PRESIDING OFFICER. Who yields time? I am told that the Senator from Maine has used his time on the amendment.

Mr. NELSON. The Senator from Maine has used his time on the amendment?

The PRESIDING OFFICER. His 1 hour, yes.

Mr. NELSON. I yield time from our side on the amendment, whatever is desired by the Senator.

Mr. MUSKIE. I should like 15 minutes to start with, and I think the distinguished Senator from Oregon would like to get involved in the discussion.

Mr. President, I ask unanimous consent that the privilege of the floor be granted to Jim Davidson and Charlie Jacobs of my staff during the consideration of Senate Resolution 110.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I thought it might be helpful at the outset of the discussion today to consider some of the editorial comment that has appeared in the press, with particular reference to the subject of my amendment. First of all, I emphasize the pending Muskie amendment is not designed to raise the limit on earned income. Much of the comment I read in editorials in the Washington Post, the New York Times, and so on, is addressed to my amendment as though that were its thrust.

This amendment accepts the committee test of what is reasonable, that is, that earned income be limited to 15 percent of the basic Senate salary, and applies it across the board to all outside income.

So when the New York Times refers to my amendment in these terms, it is simply serving its own editorial license for the purpose of making its own argument. In the New York Times editorial which appeared in the issue of March 17, 1977, entitled "Senate Speechmakers and Coupon Clippers," there is this sentence:

If the Senate eliminates that ceiling, that is, the 15 percent ceiling on earned income, as Senator Muskie proposes, it will, in effect, be proclaiming to the public that the new raise is not enough, not even $66,125 is enough, we want more.

I make the point to the New York Times that is not what my amendment provides at all. My amendment provides that if $66,125 is enough for some Senators; it ought to be enough for all Senators.

But it is not my understanding, Mr. President, that what the committee was considering was putting a cap on Senate income. As a matter of fact, nowhere in its report does the committee say that it is recommending a cap on Senate income. Yet the argument which the New York Times features is just that: That there ought to be a cap on Senate income, except as to Senators who have unearned income sources from outside their Senate salary.

So I suggest the New York Times address itself to that proposition, the proposition that there ought to be a cap on senatorial incomes.

The majority leader makes a similar statement. He says that we are not in the business of trying to equalize Senators' incomes.

In that, he takes a somewhat different line than the New York Times. He says that we are not in the business of trying to equalize senatorial incomes.

The implication of the majority leader is that ED MUSKIE is in the business of trying to equalize senatorial incomes.

Not at all.

I made the point at the very outset of my remarks last Friday that this technique of getting at conflicts of interest was not my choice, but it was the committee's choice and since the committee chose that discipline, the 15 percent on outside earned income, it seemed to me a fair proposition to expand that discipline to cover all outside income.

So it is the committee that triggered this approach, not ED MUSKIE. The 15-percent idea was not mine. I did not invent it. I did not propose it. The committee, the majority leader and others associated with it have proposed it.

I say that if the majority leader does not believe we ought to be in the business of equalizing senatorial incomes, then he

is inconsistent with his own proposition. The fact is that with respect to earned incomes, Senators are not all equal. Some Senators can command higher fees and more total income from this source than others.

The majority leader and the committee all say that we are going to equalize them, none of them can earn more than 15 percent above basic Senate salary, none of them, and none of them can earn more than $1,000 per individual lecture fee. The majority leader is in the business of trying to equalize the incomes of some Senators, but he is opposed to equalizing the outside incomes of all Senators.

So it is an interesting philosophical question as to which approach is equitable.

Even if I were to accept the suggestion that I am proposing to equalize the incomes of all Senators, is it fairer to equalize and limit the incomes of some Senators or is it fairer to do it for all Senators?

The majority leader has arrived at his own answer to that question, as has the committee, and I have a different answer.

But I do not think it is an answer to my argument to dismiss it as an attempt to equalize senatorial incomes.

The fact is, of course, that the pending amendment does not take anything away from anybody. What the pending amendment does is to require Senators who derive outside income from income-producing assets to put those assets in trust for their own benefit.

My amendment would not divest them of those assets as the committee proposal divests me of a source of income. There is no divestiture at all.

The amendment requires that income-producing assets be put in trust.

Second, my amendment does not even divest Senators of the income from those assets. It merely provides that during their term in office, Senators with access to such income shall not receive more than 15 percent of their basic Senate salary and that trust income in excess of that amount be put back into trust and deferred and available to Senators when their term of office is over.

So my amendment does not divest them of either the asset itself or of the income from that asset.

The most that it does is to defer their enjoyment of the income until they have finished their Senate term, and the majority leader calls that an equalization of income proposal.

May I remind the Senator that the committee proposal divests me totally of earned income above 15 percent of my basic Senate salary.

My amendment divests no one of any income. It simply defers its enjoyment until the end of a Senate term. So there is no income equalization implication to the Muskie amendment.

The New York Times editorial makes another point on which I would like to comment. Incidentally, Mr. President, I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENATE SPEECHMAKERS AND COUPON-CLIPPERS

If their mail is anything like ours; members of the Senate must know that the recent $12,900 Congressional pay raise is still hard for many citizens to swallow. How, then, can the Senate seriously consider—as it will begin doing today—a proposal that must make every member look as though he is trying to cash in even more on his official position?

The question arises in connection with Senate action on a clear, severe code of ethics for Congress. The House has already passed a commendable bill that includes a ceiling on Congressmen's outside earnings, such as fat fees for speeches, and a Senate committee has recommended a similar bill to the Senate. But now, a group of Senators led by Edmund Muskie of Maine have risen to battle. No fair, they say. Senators who make speeches should be treated the same as Senators who clip coupons. Either limit *unearned* income, too, or—preferably—eliminate any ceiling at all.

One may be personally sympathetic to less-affluent members of the Senate, and yet reject this argument for reasons both of political appearances and of logic.

Just imagine the appearances if the ceiling is scrapped. A Senator now earns $57,500 a year. Under the proposed ceiling, he could also earn up to 15 percent of that in outside activity—another $8,625. If the Senate eliminates that ceiling, as Senator Muskie proposes, it will in effect be proclaiming to the public that the new raise is not enough; not even $66,125 is enough—we want more.

As to the matter of unearned income: It seems to us that earned income creates a more troubling ethical problem. While some members may have accumulated large investments since attaining high office, most did so before. But earned income, by definition, can only be achieved while one actually serves in Congress. While some members with unearned income may be influenced by an awareness of which companies are paying them dividends, that influence is usually remote and slight. But earned income often comes from speeches to business, union and other groups with specific legislative interests. While some members may spend time managing their investments, most do not. Earning outside income, however, takes time away from public business.

To say that unearned income is a less urgent problem is not to say it is no problem at all. Once the ethics code is in place, Congress should go on to fashion remedies for it, too. But "unfairness" is no justification now for eliminating the ceiling on earned income from the ethics code. Both the ceiling and the code have now been endorsed by a Presidential commission, two Presidents, the House of Representatives and the Senate leadership. In its own interest as well as the public interest, we trust the Senate will concur.

Mr. MUSKIE. There is another sentence in the editorial:

While some Members may spend time managing their investments, most do not.

On the basis of what evidence does the New York Times reach that conclusion? I would have no judgment on that question at all, because there has been no disclosure in the history of the Senate of these kinds of assets, except as Members individually have done so voluntarily from time to time.

There was no hearing record on this question. How would an editorial writer, in the ivory tower of the New York Times, reach this conclusion?

While some Members may spend time managing their investments, most do not.

If the editorial writer who wrote that sentence has the evidence to support it, I should like to see it. I have never had assets of that magnitude. I have no personal way of knowing how much time one should devote to managing one's outside income-producing assets. But I will state that if I had outside assets that produced more than $8,600 a year in income, I would spend some time watching those investments, changing them when necessary, forming judgments as to their viability.

Whether it is an oil and gas lease venture, or a speculative real estate venture, or an investment in stock, I cannot imagine myself not spending some time looking over those investments, changing them as my interests dictate or as my judgment suggests. I cannot imagine that does not consume some time.

If, as has been rumored, there are Senators with incomes of $50,000 to $100,000 a year or more from outside investment, is the New York Times telling me they spend no time managing those investments, changing them, examining them, evaluating them, reading the market?

Even the committee refers to that kind of income as passive income. What, in heaven's name, is passive investment income? Perhaps a blind trust established by an ancestor, as to which you have no control except to receive a monthly check, may be regarded as a passive form of income. But if the assets should perhaps require somebody's management and that somebody is you, how can you do it responsibly, in your own interest, without spending some time at it? Not according to the New York Times:

While some Members may spend time managing their investments, most do not.

How do you dismiss such a critical test of the equity of this proposal so casually? What God-given judgment makes it possible for an editorial writer to make such a statement?

Then, there is the second sentence:

Earning outside income, however, takes time away from public business.

Well, does it? Since I am one of those to be judged and sentenced under this bill, perhaps my own case is an appropriate measure of the fairness of that judgment by the New York Times.

Last week, in discussing my amendment, I gave some of the facts bearing upon my own time, and I have more here—just as a for instance.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MUSKIE. May I have an additional 10 minutes?

Mr. NELSON. Mr. President, I yield to the Senator such time as he may desire.

Mr. PACKWOOD. Mr. President, with respect to the time, I ask the Senator from Wisconsin this: Did not the majority leader say that Senator MUSKIE could have as much of the time under control as necessary?

Mr. NELSON. Yes. The Senator has just used up the 1 hour that the Senator has on his amendment. I am yielding time from the hour that we have, and I will yield from the bill itself any additional time that anyone wishes.

Mr. PACKWOOD. I thank the Senator.

Mr. MUSKIE. In 1973, Mr. President, the Senate was in session 184 days. I missed 4 of those days on the lecture circuit. That is 2.8 percent of the time.

In 1974, the Senate was in session 168 days. I missed 2 of those days. That represents 2.38 percent.

In 1975, the Senate was in session 178 days. I missed 1 full day and 2 partial days, for 1.59 percent.

In 1976, we were in session 142 days. I missed part of 2 days—five-tenths of 1 percent.

During the last 4 years, we had 2,449 rollcall votes. I missed no more than 40 of those because of lecture fees, and not many of those 40 were decided by a close enough vote to make a difference.

I ask this of the New York Times and others who would judge us: On the basis of what evidence do they conclude that those Members who have income-producing assets to which they must devote some time take less time to manage their own affairs than those on the lecture circuit, such as I, who have that kind of commitment to the public interest? Are they saying that we, somehow, should establish a standard requiring that no Senator ever miss a vote for any reason, that he should never miss a vote to tend to his own business, that 2 days out of 170 are too much to miss? What is the standard?

I have heard all this talk about the people expecting their Senators to be full-time Senators. What is a full-time Senator, or what should he be? The New York Times does not presume to bother with that insignificant detail. The Washington Post does not. Indeed, I cannot find any attention given to it in the Senate report. Nobody tells us what the test of a full-time Senator is.

Only one test is suggested, and that is that those who receive earned income unavoidably miss a disproportionate amount of time that they should be spending on the Senate business, and those with unearned income never, on the face of it, miss time managing their own interests to the exclusion of their public duties. That is the judgment of the New York Times. Is that even-handed? Is that objective? Is that dispassionate?

The New York Times has decided that we have to have a scapegoat in order to establish a code of ethics.

We have one, boys, we have one, and I guess I am one of them.

The Washington Post this morning published an editorial, and I ask unanimous consent that that editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENATORS ON THE SPEAKING CIRCUIT

The most controversial issue in the current Senate ethics debate is how much senators should limit their outside earnings, primarily speaking fees. This focus is encouraging. It suggests that broad financial disclosure rules, a ban on unregulated "slush funds" and other tough provisions in the proposed code have become much less controversial. It also shows that nowadays senators, compared to House members, are less inclined to practice law part-time, collect large fees as corporate directors or carry on other business activities that raise conflict-of-interest questions.

The senatorial specialty is speech-making. The lecture circuit can be lucrative; in 1973, various groups paid senators more than $1 million in honoraria. In 1974, 22 senators earned more than $15,000 each that way. Because this raised questions of seemliness, Congress then limited honoraria to $15,000 per year and $1,000 per appearance. The ceilings were raised to $25,000 and $2,000 last year. The pending Senate code would bring the earned-income limit down to 15 per cent of the official salary, or $8,625—the figure already adopted by the House.

Sen. Edmund Muskie (D-Maine) and others argue that the lower ceiling would be unfair to senators who lack independent wealth. Either the $25,000 limit should be retained, they say, or unearned income should also be limited. Sen. Muskie's position is especially credible because he has spent 30 scandal-free years in public offices, including posts with paltry salaries, and has taken pains to avoid investments that might involve the slightest conflicts.

Nevertheless, this argument has some flaws. Earned and unearned income are not alike. Stock dividends, for instance, flow at the same rate to all investors. Speaking fees do not. Moreover, honoraria are a direct result of one's official power and prestige, and often come from groups with a large interest in fostering senatorial goodwill. Majority leader Robert Byrd (D-W. Va.), for example, is a pretty fair fiddle-player. Yet as he said the other day, "I don't think any group of citizens would pay me $2,000 to play my fiddle for 15 minutes if I were a meatcutter or working in a shipyard or practicing law."

Of course, unearned income is not always conflict-free. A lawmaker's actions can affect or be influenced by his investments, too, though the connections are usually more remote. While disclosure solves many problems, a super-strict ethics code would require legislators to put their holdings in blind trusts, as top executive-branch officials must do. The purpose of blind trust, however, is not to limit income but to separate personal gain and official activities. Since honoraria cannot be made "blind," a consistent application of the separation principle would include barring senators from getting any fees at all from groups with any interest in legislation.

That is not what Sen. Muskie and his allies have in mind. Their greatest concern seems to be preserving honoraria as an income supplement. But the point of the pay raise to $57,500 was to make official salaries more adequate and reduce the need or justification for getting payments from interest groups. Many people, in fact, consider the pay raise defensible only in exchange for greater congressional self-discipline. Thus, lower limits on outside earnings, while not as vital as full disclosure and other rules, are timely and reasonable.

Mr. MUSKIE. I must say the Post editorial is generous to me when they say this:

Senator Muskie's position is especially credible because he has spent 30 scandal-free years in public offices, including posts with paltry salaries, and has taken pains to avoid investments that might involve the slightest conflicts.

I appreciate that. But the Post editorial concludes with this sentence:

Thus, lower limits on outside earnings, while not as vital as full disclosure and other rules, are timely and reasonable.

Well, I must say when I read that sentence my impression of the editorial was very clear and simple: "You are guilty of no wrongdoing, Senator, but we are going to impose sentence nevertheless." Let me repeat, "You are guilty of no wrongdoing, Senator; nevertheless we think your income has got to go."

Is that not what it is? The editorial would have been better and more consistent, more logical, if they had left out that tribute to me.

I mean, they admit of no exceptions with respect to unearned income. They are not at all concerned about the possibility of conflicts related to unearned income. They say:

A lawmaker's actions can affect or be influenced by his investments, too, though the connections are usually more remote.

Even that sentence implies that occasionally even in the view of the Washington Post there might be a conflict of interest related to unearned income. But they are not so concerned that they would cut off the income or limit income related to investments. So with respect to a Senator whose tour of the lecture circuit does not raise any alarm with them they would impose the discipline, but with respect to this other form of income they would, No. 1, concede no close possibility of conflict of interest, and even if they could they do not think that to avoid it justifies imposing an income limit.

Mr. PACKWOOD. Mr. President, will the Senator yield?

Mr. MUSKIE. Let me make one other point and then I will yield.

Just the other day on the front page of the Washington Post there was a story with a headline "The Rich Man's Club." The whole implication was there were Members of the Senate with wealth, and so many of them that it was not exactly a healthy thing.

Now, what does the Washington Post say? That the Senators they were talking about were a wealthy few who accumulated their wealth on the lecture circuit. What was that story all about?

Mr. President, I ask unanimous consent to have the article printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 14, 1977]

THE RICH MAN'S CLUB: FEW SENATORS LOSE MONEY IN OFFICE

(By T. R. Reid)

Patrick Leahy has used up half his savings. Gary Hart has had to struggle to stay even. But George McGovern has built up a comfortable blanket of financial security. And Daniel Inouye's net worth tripled over a 10-year period.

Those examples reflect the disparate results of a survey by The Washington Post of the personal financial implications of service in the U.S. Senate.

The survey, based on senators' financial disclosures and studies by various groups, shows that some senators have made considerable financial gains while in office, while some others have experienced relatively tight financial straits—particularly during their first years in Congress.

For the most part, the survey shows that Senators—even before receiving their new $12,900 pay raise—are a prosperous group of men who are far better off financially than most of their constituents.

The survey seems to disprove the suggestion, raised in recent months by supporters of the pay raise, that serving in Congress can be a costly drain on a member's financial resources.

The U.S. Senate has been known throughout its history as a rich man's club, and the current membership supports that description. At least 18 senators are millionaires, and about 30 others have net worth greater than $250,000.

In contrast, a study last year by Ralph Nader's Citizens' Action Group found only five senators who reported a net worth under $50,000. All were first-term members except Bob Packwood (R.-Ore.).

Some wealthy senators inherited their money, and some earned it thorugh business interests before entering government. But some have made significant financial progress during their service in Congress.

A few examples:

George McGovern, the South Dakota Democrat who was a history teacher at a small college before entering Congress, told his constituents in 1962 that his successful race for the Senate that year had left him $25,000 in debt.

After 15 years in the Senate, McGovern today reports a net worth of $237,000. He lives in a $135,000 house in northwest Washington, and owns a stately home near Kalorama Circle that he rents out for $3,000 per month. He recently gave his children a $65,000 house in St. Michael's on Maryland's eastern shore.

McGovern's financial growth is due to gains on his Washington real estate and fees for lectures and television appearances. Last year the senator was paid $25,000 by ABC news for a week's work as a political analyst.

When Hubert H. Humphrey (D-Minn.) came to the Senate in 1949, his wealth totaled about $50,000. By 1965, when he left the Senate to become Vice President, he was worth $171,000. Today, after a term as Vice President, two years of teaching and lecturing and another Senate term, he and his wife reported a combined net worth of $637,000.

Humphrey says "the increase in my net worth has resulted from hard work, good investments, frugality, and increased income." He says he earned a "good" income in 1969–70, when he was out of government, and has received income from writing and lecturing since returning to the Senate.

Sen. Daniel Inouye (D-Hawaii) reported a net worth of $72,000 in 1964, his first year in the Senate. At the beginning of 1974 he reported his worth as $224,000. The increase came from successful investments in real estate and corporate stocks. Inouye also earned about $13,000 annually in lecture fees in addition to his Senate salary between 1969 and 1973.

Sen. Edward Brooke (R-Mass.) was elected to the Senate in 1966 after a decade of law practice and five years in state and local government. Since coming to the Senate, he has purchased a vacation retreat, "LaBatterie," including a home and 10-acre estate, in the French West Indies, and a cooperative apartment in the Watergate complex. His equity in real estate is estimated at about $200,000; last year he reported stock holdings worth $95,500.

Brooke says he remortgaged his family home in Massachusetts to purchase the real estate he bought while in the Senate.

At the other end of the spectrum is Sen. James Abourezk (D-S.D.), who would appear to qualify for the title of "poorest senator" on the basis of senators' voluntary financial disclosures.

Abourezk last year listed his net worth at $23,433, down from the $24,858 he reported just after his election in 1972. Those figures do not include "a small amount of property" his wife inherited, the senator says.

Other senators who reported a net worth last year under $50,000 were Dick Clark (D-Iowa), Gary Hart (D-Colo.), John Durkin (D-N.H.) and Packwood.

Generally, those who come to the Senate with limited personal assets encounter financial problems in their first years here.

After one year in office, Abourezk had to borrow $6,000 to pay his federal income tax. Leahy spent so much of his savings buying a home in suburban Washington and settling in here, he says, that his net worth dropped from $95,000 to $52,000 in one year.

"The first year here was really hell," Hart recalled in an interview recently.

"I knew it was going to be expensive coming to Washington, but I had hoped we could keep our house in Denver. It turned out that we sold that house and still had to worry a lot about money that year."

Hart said he had been paying a $200 monthly mortgage bill on his Denver home. He sold that house and used the gain for the downpayment on a house in Bethesda. His new mortgage payment is nearly $800 monthly; in addition, he pays $100 monthly rent on an efficiency apartment in Denver.

Although Hart is reimbursed for transportation costs when he goes home, he does not receive a per diem allowance. Thus, a week's travel through his state can cost him $200 or more for hotel and miscellaneous expenses. (Members of Congress do receive per diem for travel on committee business.)

Although Hart had expected to bear those costs, he was flabbergasted to discover the out-of-pocket expenses he bore for social obligations to his constituents.

"You're always sending flowers for a funeral, or wedding presents, or bar mitzvah gifts for the kids of somebody who worked on the campaign," the senator said. "It's nickels and dimes here and there, but you end up spending a couple of thousand a year on it."

If he had more money, Hart said, he would like to entertain more constituents when they visit Washington.

"I see my colleagues in the (Senate) restaurant with six, 10 people they're taking to lunch. It would be nice if I could do that, but I haven't been able to afford it."

Like his senior colleagues, Hart gradually found ways to soften his financial predicament. A concert featuring pop singer Linda Ronstadt raised about $5,000 for a "constituents' fund" to defray office costs. University and interest groups were willing to pay $500 or more to hear a Gary Hart lecture, and the senator has added about $12,000 annually to his income through speaking engagements.

Even before the new pay raise, Hart had surmounted the serious financial worries of his freshman year.

"I'm not complaining," Hart said. "I didn't run for the Senate to get rich. But I'm a saver. I want to be saving money for college, for the future, and I can't do it."

Whether they grow rich or poor during their years on Capitol Hill, members of Congress generally sacrifice less and profit more from government service than officials in the executive and judicial branches, according to a study financed by the presidential commission on federal salaries.

The study showed that judges average a salary cut of 33 per cent when entering government, and top executive officials average a 23 per cent drop from their private sector salaries. But new members average a 2 per cent salary increase when they enter Congress.

Upon leaving government, top executive officials can expect a new salary 87 per cent higher than their government pay, the study found. Those few judges who leave federal service average an 84 per cent salary gain. Retired or defeated members of Congress can expect salaries 34 per cent higher than their Congressional pay.

Comparing the last private salary earned before entering government to the first salary earned after leaving, congressmen average a 61 per cent net salary gain. Executive officials have a net gain of 44 per cent, and judges 23 per cent.

Because the financial sacrifice, or "opportuity cost," of federal service was found to be smaller for congressmen than for employees of the other branches, the salary commission recommended larger increases for judges and most top executive officials than for congressmen.

But in the new salary scales just adopted, Congress and the judiciary both received raises of about 29 per cent, while executive positions were given smaller raises.

Like other studies of senators' financial status, The Washington Post survey was hindered by a lack of complete and reliable data.

About 20 senators refuse to disclose their public financial condition.

Some who do make public financial statements employ practices—such as valuing their holdings at cost, or excluding property held in their wives' names—which make it difficult to draw an accurate picture.

Some senators who are most outspoken about the need for disclosure provided incomplete disclosures of their own holdings.

Sen. Howard Cannon (D-Nev.) has sponsored legislation that would require all federal employees making $25,000 per year or more "to make full public disclosure of their personal holdings," as the senator describes it.

Cannon released a detailed statement of his own holdings and net worth in 1970. Last year he released a briefer statement, and declined to reveal his net worth.

Former Sen. Hugh Scott (R-Pa.) was a cosponsor of Cannon's disclosure bill. Scott regularly rebuffed questions about his personal financial holdings, even after allegations that Gulf Oil Corp. had paid him tens of thousands of dollars in cash over a period of years.

In 1964, Sen. Harrison A. Williams (D-N.J.) took the Senate floor for an eloquent speech insisting that senators and most Senate staff aides should make public their financial holdings each year.

Williams annually issues a personal financial statement. But he refused to reveal the holdings of his wife, Jeannette Williams, who is one of his chief staff aides.

Mr. MUSKIE. What they suggested in that story for the purpose of alarming the public they now describe as "a lawmaker's actions can affect or be influenced by his investments, too, though the connections are usually more remote." In other words, today, in the editorial column, it is not a bad thing; the Senate is a rich man's club, and I say, Mr. President. I have no personal judgment on that. We have had very little evidence in the public records on which to base such a judgment. But the Washington Post made such a judgment in its news story, and today it says that does not alarm the editorial writers of the Washington Post.

I am happy to yield to my good friend.

Mr. PACKWOOD. The Senator has indicated there has been an attempt to differentiate between what is called passive income and earned income. But is it not a matter of fact that in this bill there is even a whole variety of earned income that is exempt from this limitation? They have indicated, looking on page 26. "Proceeds from the sale of creative or artistic work." I take it that means if you want to spend your weekend painting instead of speaking you can sell that painting for whatever price it

might bring, and if you can be bought by some special interest group that wants to pay you $2,000 for a worthless painting that is all right. I might address that to the chairman of the committee because I was unaware of why that exception was put in.

Mr. NELSON. The Senator is referring to the——

Mr. PACKWOOD. To the artistic provision.

Mr. NELSON. You are referring to the remote possibility that sometime an artist might show up in the Senate, and if an artist did show up in the Senate and wanted to do his painting we thought we would let him do his painting in the same way that we permit writing books. The potential for conflict of interest is practically nil. It is not the kind of economic interest involvement that comes into play was honoraria.

Now, we do cover the situation in the remote chance that somebody thought an effective way to influence a Member would be to pay him an excessive price for a painting that he would not dare hang in his house. There is a paragraph which covers that:

A Member, officer or employee of the Senate shall not receive any compensation nor shall he permit any compensation to accrue to his beneficial interest from any source the receipt of which would occur by virtue of influence improperly exerted from his position as a Member, officer or employee.

Mr. PACKWOOD. Would that not apply to anything, not just an artistic work?

Mr. NELSON. It applies to anything. I was responding to the Senator's concern that somebody might sell a bad painting for a big price.

Mr. PACKWOOD. If you were to sell a mediocre piece of land for an inflated price, the same standard would apply, would it not?

Mr. NELSON. Yes.

Mr. PACKWOOD. Or to close stock, not listed, that has no easy, ascertainable market value, sold for an excessive price.

Mr. NELSON. It covers all those.

Mr. PACKWOOD. I am curious, we sort of ended up on Friday afternoon as to what it was—I sat in the committee with the distinguished Senator—the committee was trying to get at with this limitation. Was it a limitation of time? Was it a limitation of actual conflict of interest or was it an attempt to reconcile an apparent conflict of interest that the public had?

Mr. NELSON. I think one would agree that it is a combination of all of them. we are, after all, public officials, and in that respect we differ from all other citizens in this country who are not public officials. We are employees of the public and, as I said last Friday when my good friend from Maine gave his marvelous speech and walked out when I started mine [laughter] and as I said last——

Mr. MUSKIE. The Senator did not tell me he was going to make a speech. He said he was going to make some remarks.

Mr. NELSON. I do not know whether it would qualify as a speech or not. The Senator came by my desk and he said, "I do not have to listen to you, do I?" And I said, "I guess not." But I had to listen to him. [Laughter.]

Mr. MUSKIE. I think that is an accurate quote.

Mr. NELSON. Well, it is.

Mr. MUSKIE. But not with the same emphasis.

Mr. NELSON. Not quite so loudly. The Senator whispered in my ear because he did not want anybody else to hear it, and I do not blame him, but it was a very good speech.

We did discuss some of this after the Senator left. I hated to be left standing here alone, after the only important audience to talk to, the proponent of the amendment, walked out on me. It made me feel very sad.

Mr. PACKWOOD. I might call to the Senator's attention that I stayed and listened to his remarks.

Mr. NELSON. That is right.

I am trying to think of why the Senator did. [Laughter.]

Now, what was the Senator's question?

Mr. PACKWOOD. Why was this limitation put in? If I might say I can only think of three reasons, and I am trying to find out from the Senator who is chairman of the committee. One, it is we ought to be full-time Senators and we should not do anything that takes time away from this job. That is the time argument. Two, it is a conflict. If we go out and speak, it is indeed a conflict and that ought to be barred. Or three, even if it is not a conflict, it gives the appearance to the public of a conflict and—as the Senator indicated, appearance is reality—therefore, it should be barred for that reason.

Mr. NELSON. It is for all of those reasons, and I do not think one can ignore them. As public officials, the salary we receive ought to be adequate, but we provide in here that another $8,600 may be earned.

The quarrel is not, I take it, whether there should be no limit. The quarrel is where we should draw the line. Is anyone really going to defend the proposition that a Senator ought to be able to make $250,000 a year, in addition to salary, if he can make it giving speeches for honoraria or practicing law?

Mr. PACKWOOD. No. And conversely, the majority leader in his opening statement about Common Cause—and they are the principal progenitors of this—and as I recall, the chairman of the special Ad Hoc Ethics Committee, indicated if they had their preference there would be no outside earned income. Not 15 percent; none. I do not want to state that if it is not a true fact. I recall what the Senator told me personally—no outside income. The 15 percent is a compromise, but the next time there is a salary increase that comes along that equals the 15 percent we shall cut out the 15 percent.

Mr. NELSON. No; I do not think I said that. I did say it would be my personal preference that there not be any outside earned income, but I understood the kind of problem that even this limitation creates.

Mr. PACKWOOD. Let us take the following situation. We discussed this in committee, and we apparently have made an exception for it on earned income on page 26, line 8. This is the income from the family enterprises, if the services provided by the Senator, officer, or employee of the Senate are not material income-producing factors, and we had quite a debate in the committee on the definition of material income-producing factors.

I pose the question as to what would be the situation with my predecessor, Senator Wayne Morse, who had owned a farm in Poolesville, Md., and raised cattle. He had a hired hand on the farm, but by and large he spent a fair portion of his time running it; he spent every weekend there and made a very handsome profit selling cattle. Would that still be permissible? Would that be an exception under this? And the answer was this: yes, so long as he——

Mr. NELSON. No; that is not quite a correct answer. Even as to family enterprises, if the income produced is directly as a result of the energies and time spent by the Member producing that income, then it is within the 15-percent limitation.

Mr. PACKWOOD. That was not the specific answer on this question that we had in committee, and I shall be happy to cite the transcript if the Senator wishes as to what the answer was on that situation. So long as all he spent was the weekend, by and large Saturdays and Sundays, on the farm, made the principal decisions as to what cattle to sell and what to buy, that still would not be a material income-producing factor. At least, that was the answer in committee. Is the Senator changing now?

Mr. NELSON. No. Obviously, there is a problem involved when the Senator draws a line as to earned income, tries to define earned income, and then tries to respond to specific cases. But if an individual on weekends lived out on his farm that was being run by someone else and he does make decisions on weekends about what to plant, what crops to rotate, and what cattle to buy and sell, we concluded that that was an activity that is acceptable. However, if in fact he were spending a lot of time and we could compute that in fact it was much more than the income limit as a consequence of his personal energies, he would be covered by the limitation provision.

Mr. PACKWOOD. No. I think we clearly outlined the case. It was a weekend retreat. I can often recall Senator Morse saying as far as he was concerned, it was very therapeutic to get back there on weekends, root around in the dirt and get back to nature; he found it very worthwhile from the standpoint of the Senate and very worthwhile financially. I think, honestly, all he spent were weekends on his farm, and we concluded that would be all right.

Now take the situation of my other predecessor, Senator Dick Neuberger, who I believe the Senator knew. Dick Neuberger was a writer, an author, a prolific writer of articles. If one checks the Reader's Guide to Periodic Literature, he probably wrote 300 or 400 articles before he ever got to this Senate. If Dick Neuberger were still in this Senate and spent his Saturdays and Sundays

writing articles, that would be prohibited or would be prohibited when we get the honoraria down to zero, even though it takes no more time than it took Senator Morse on weekends to manage his farm.

Mr. NELSON. Writing, as the Senator knows, is covered by overall limitations on earned income and $1,000-per-article limit.

Mr. PACKWOOD. Why? Why is it wrong for all of his adult life for former Senator Neuberger to write and be paid by the New York Times, as he was on occasion, and on other occasions by Colliers, Liberty, the Saturday Evening Post, and Commentary, for articles, but when he becomes a Senator the same thing he has done all of his life on his own time is wrong?

Mr. NELSON. I hope the Senator is not using the words "right," "wrong," "good," "bad," in——

Mr. PACKWOOD. I will rephrase it. Why should he be prohibited on Saturdays and Sundays from writing articles when that is what he has done all of his life for money when Senator Morse is not prohibited from running his farm on weekends which is what he did all his life and receiving money for it?

Mr. NELSON. There is a potential in writing articles for which one might be paid by some magazines an excessive price which may be perceived, at least by the public, as a conflict of interest. Magazines have legislation pending all the time. Their postal rates, second-class mailing rates, are very important, and it can pose disturbing problems at least from an appearance standpoint.

Mr. PACKWOOD. Why then have we made an exception for books?

Mr. NELSON. Books would have to be published by regular standard publishers. We eliminate those fly-by-night publishers who might have published a book which, because of an arrangement with a corporation or a labor union, they knew would sell whether or not the book could succeed on its own out in the marketplace. But sitting home on one's own time writing a book which may or may not sell—depending on the public's choice—does not pose any conflict of interest question.

Mr. PACKWOOD. But is it a conflict of interest if the Reader's Digest pays you for an article?

Mr. NELSON. Well, without using the name of any magazine, the potential is there, given that all publications do business under the laws that we pass.

Mr. PACKWOOD. I only use that magazine because I notice it has paid the Senator from Wisconsin $2,500 for an article.

Mr. NELSON. Yes, which was contributed to the Nature Conservancy, as I recall it.

Mr. PACKWOOD. No; I think you are wrong on that.

Mr. NELSON. That one was not?

Mr. PACKWOOD. No, it was not. It turns out that the Senator from Wisconsin kept that money.

Mr. NELSON. Yes?

Mr. PACKWOOD. I do have a list, including the ones that were donated in that year, but that one was not.

But the Senator surely is not suggesting that Doubleday Publications is above——

Mr. NELSON. I am suggesting the potential for appearance of conflict is there, and that we ought to at least moderate it by setting limits on the total, which could be received in honoraria and the amount of each honoraria.

Mr. PACKWOOD. Well, now, the Senator says "the potential" for conflict of interest. We have Doubleday and Putnam and all the other book publishers down here from the time the session starts wanting some concession on how to write off expenses for research; they are forever asking for preferential treatment on mailing rates; they have a whole variety of interests before this Congress, maybe differing or maybe the same as Time magazine or Reader's Digest. But why should Richard Neuberger have been prevented from receiving money from Time or Reader's Digest or the old Saturday Evening Post, but Senator Wayne Morse not have been prevented from receiving money for the sale of his cattle?

Mr. NELSON. Senator Neuberger would not be precluded from writing. He could write 16 articles at $500 each or 8 at $1,000 each. We are arguing the question whether there should be any limit at all, and if there should be a limit, where should the line be drawn? I take that the Senator from Oregon does not agree that the line should be drawn here.

Mr. PACKWOOD. If there should be a limit because the problem is time, then the limit ought to apply equally to all things that take time.

Mr. NELSON. Time is just one of the elements.

Mr. PACKWOOD. Fine. I ask the Senator another question. I visited with a Member of Congress who owns 10 townhouses here. He lives in one and rents out the others. He grossed $38,900 for the rental of those nine last year. He manages them himself. I asked him how much time that toook. He said it took from 3 to 5 days a month, because you have to hire the plumbers, painters, and everything else.

Because that income is technically called rent, there is an exception for it. Three to 5 days a month; compare that with the amount of time it takes the Senator from Maine to speak. If the argument is time, he ought to be prohibited. If the argument was time, Senator Morse should have been prohibited.

I do not think the argument really is time. I do not think the argument ever was time, when we started out on this issue.

Mr. NELSON. I might say that I have never rested the argument on time alone.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. PACKWOOD. Yes.

Mr. GOLDWATER. I would like to ask the Senator a question, as long as we are in this general area of conflict of interest.

U.S. News & World Report, probably one of the most influential magazine in the world, often prints interviews, and the Senators and Representatives who give them get nothing for them. Yet they either answer questions or attempt to write the answers out. How are we going to reckon that conflict of interest? I might write favorably on the B–1 bomber, and my friend Mr. PROXMIRE might write in opposition, both influenced by our own personal feelings, which the Senator calls conflict of interest.

How are we going to regulate the requests from our TV and radio stations at home, who ask that we do 10- or 15-minute programs, that we can get paid $5,000 or $10,000 apiece for from national television? Do any of us ever turn down a chance to appear on national talk shows, for which you receive nothing, not even a cold drink?

How do we measure these things in terms of a conflict of interest? I understand what the subcommittee was trying to get at, but I cannot see how we can regulate conflict of interest by merely applying a dollar limit to what we can receive. Does the Senator have an answer for that?

Mr. PACKWOOD. I have no answer, and I thought that the Ethics Committee in this case was hypocritical, but we could not get the votes to ban all outside earned income. So they are going to say, in essence, that you can be half ethical. You can speak to all these groups and write for money up to $8,700; after that, it is unethical. Before that it does not make any difference where it came from, as long as you have not reached the limit.

The majority leader, BOB BYRD, on the opening day, in his first statement indicated that he wanted to ban all outside earned income. That was his ultimate goal. Common Cause—and I say this is a Common Cause code—wanted to ban all outside honoraria and earned income.

I believe we are going down the road to becoming full-time elected bureaucrats, and we will spend all of our time, all our waking hours, on the job. We will probably build an annex here, and sleep down here as well.

Mr. GOLDWATER. If the Senator will permit a comment, when I came here there were 4,000 clerks working on the Hill. There are now 24,000. We do not write the legislation any more, for the most part. I might suggest facetiously that we do away with elections and put Congress under civil service.

Mr. PACKWOOD. Of course, grandfathering in those who are now here, so we will not be subjected to competitive tests.

Mr. GOLDWATER. That includes me?

Mr. PACKWOOD. Yes, of course.

Mr. GOLDWATER. Mr. President, I am much disturbed about this whole approach. I suppose I have done as much on the so-called lecture circuit as any other Member of this body. I think only one Member of this body missed more meetings than I did, and he became a President. I just missed that myself.

I can understand the concern of the majority leader when he looks around on Friday afternoon, and the check shows there are not many people here, and he assumes they are out making speeches. I can assure the leader that is not universally so. But I am very much concerned about the assumption this body has taken that somehow we can correct our moral image by limiting the income

that may come to us from what I will say is an unlimited source of funds, from schools, conventions, and so forth around this country, that I think actually benefit by hearing from the conservative, the liberal, the Republican, the Democrat, and so forth and so on.

But I get back to my original question, and I will not take any more time: When you can speak in the U.S. News & World Report to the end that probably every thinking or influential mind in the United States reads what you have to say, I think that is probably worth more money than any other medium you or I might use to get an idea across, and yet we get nothing for it.

I am not complaining about that. The same goes on the Sunday talk shows that we have all been on, with exposure to from 3 to 7 million people that we could not get otherwise. This, in my opinion, constitutes a conflict of interest, and yet there is no stoping of that.

The Senator was discussing an interesting point a moment ago: artists. I see in the Chamber my good friend HOWARD BAKER. He and I happen to be photographers. I make quite a bit of money every year selling my pictures. But I work on it Saturday and Sunday. I would hate to think that poor little darkroom of mine was suddenly filled with conflicts of interest. Not anything my wife might object to, but I am talking about what you usually find in a darkroom.

Mr. PACKWOOD. I assure the Senator he does not have to worry about that because we made a total exception. Income as proceeds from the sale of creative or artistic work is totally excepted. It does not count as outside earned income. The Senator can sell his pictures for whatever he wants. He can spend all his Saturdays and Sundays in the dark room. He is not limited at all.

Mr. GOLDWATER. I think that is a mistake. In fact, I think this whole approach is rather useless. I do thank my friend.

Mr. PACKWOOD. Let me conclude, because I think I know how we got here very gradually. One, this is not a time argument at all. If it was indeed a time argument, then we would not have made the exception that, as far as above the 15 percent is concerned, a Senator can earn up to $25,000, which is the outside limit now from honoraria, if it is given to charity. A Senator can give as much time as he wants to fly to Detroit to give a speech, the proceeds of which go to the Knights of Columbus or the Presbyterian Church. Time was never intended to be a factor. If it was a factor, we should have adopted the amendment of the Senator from New Hampshire which faced up to that situation and barred that income, too. Nor is it the appearance of conflict of interest.

Mr. DURKIN. Will the Senator yield for a second?

Mr. PACKWOOD. Just a moment.

It is not the appearance. The poll that has been cited most often is a Louis Harris poll taken for the Obey Commission in which the question was asked:

If a Congressman makes a number of speeches to business, trade, environmental, or labor groups which are affected by his work in Congress, and he receives a large fee for such speeches, would that bother you?

It would bother 71 percent, it would not bother 21 percent, and not sure total 8 percent.

But then Louis Harris asked a further question:

Would your concerns about that situation be substantially satisfied if the voters in his district were made fully aware of his situation and could vote for or against him in the next election if he had to file that income publicly?

The answer to that was 57 percent would be satisfied and 39 percent would not be satisfied.

We already have full disclosure on honoraria. Hopefully we will have full disclosure on some other matters before action on this bill is completed.

It is not a time question. It is not an appearance of a conflict of interest question. What it boils down to, and it emanates mostly from the other body, is that there is a jealousy between those who are on the speaking circuit and are in demand and those who are not. There is a jealousy regarding those who have taken by a cause, be it liberal or conservative, environmental or the war, who have gone around this country, stirred up a nation and brought that cause to a successful fruition, and at the same time rode that crest of popularity on the speaking circuit. It is jealousy because others are not asked to make those speeches.

If the argument is made that we are all going to be subject to a conflict of interest, that all of the special interest groups are going to invite us all to make speeches and buy us with honoraria, why are we all not invited?

We only have one vote apiece in this Chamber. Give or take a little on ability, only a few are more significant in terms of persuasion than are others.

I submit the answer is because some people have a message to carry. They have run for President; they are running for President. They have taken a stand long ahead of the rest of the Members of this Chamber on an unpopular issue and turned the Nation around. Then petty, jealous minds in the Congress resent the popularity and are going to attempt to limit it in this fashion, which I think, if we make it a law, is probably unconstitutional. I do not think the Supreme Court, under the equal protection clause, is going to say that we can limit some people's income in this Chamber and not others'. However, as a Senate rule, not subject to the normal court scrutiny because the court would give deference to how we conduct our own affairs, it may be constitutional.

It is grossly unfair. It does not stem from any desire to have us conserve our time and give our efforts to the Senate. It does not stem from any desire to curb an apparent conflict of interest which the public is not concerned with if there is full disclosure. It stems from the fact that some people have had the courage to take a cause and go around this country trying to rally people to their side and were paid for it as opposed to others who were never asked.

I yield the floor.

(Mr. JOHNSTON assumed the Chair at this point.)

Mr. CLARK. Mr. President, will the Senator from Oregon yield for a question?

Mr. PACKWOOD. I do not have the floor. I believe the Senator from Maine has the floor.

Mr. CLARK. Will the Senator yield for a question of the Senator from Oregon?

Mr. MUSKIE. I yield for a question.

Mr. CLARK. I just want to point out it does seem to me that the arguments the Senator from Oregon has made would all stand against the pending amendment. As the Senator from Maine has quite correctly pointed out, his amendment does not increase the amount a Member can make. It simply applies a similar standard or a like standard to those people who have unearned income. I guess I am asking the Senator, if we were to adopt the amendment of the Senator from Maine it would not help any situation which he has so far discussed; is that correct?

Mr. PACKWOOD. It would treat everybody equally badly, that is correct. At the moment, the pending bill treats some people badly and unequally.

Mr. CLARK. Does the Senator then intend to support an amendment that would treat everyone unequally and badly? Is that a better solution to this problem than simply moving to strike the 15-percent limitation?

Mr. PACKWOOD. I lost the question.

Mr. CLARK. I asked the Senator if he felt that the correct way to deal with this problem, the problem that he has discussed at some length, is to vote for the pending amendment as distinguished from the additional amendment of the Senator from Maine to strike the 15 percent.

Mr. PACKWOOD. The pending amendment would treat everybody equally and badly. If we are going to have equality in this Chamber, then let us have it. If the wisdom of this Chamber is that it is a good idea to limit outside income to 15 percent, let us limit all outside income to 15 percent. I will withhold my judgment on what I do on any other amendment until I see the outcome of that one.

Mr. CLARK. The Senator from Maine has the pending amendment to deal with everyone equally on unearned and earned income. If that amendment passes and becomes law, and we treat everybody equally and badly, as the Senator says, there could be another amendment to say, "Let us increase the amount." Those are two contradictory positions, it seems to me. Obviously, one could subscribe to either of them.

Mr. PACKWOOD. I have no amendment pending. I am supporting the present amendment of the Senator from Maine. I hope it will be agreed to.

Mr. MUSKIE. Mr. President, if I may respond to the question, in which I tried to raise the point I tried to cover in my remarks on Friday and today, the 15-percent limit is a technique adopted by the committee. The committee justifies it on the basis that the public's concern with congressional ethics virtually man-

dates that. I do not agree with that judgment.

In order to avoid appearing to pursue only my own interests and the interests of others in the same category, my first amendment is based on the assumption that the 15-percent test is right because the Senate says it is right; because the House adopted it as a legitimate discipline. What I am saying is: if it is right for us and if the Senate says that it is right, it is right for everybody so that everybody has to struggle with the same burden and the same inequity that as a Member of the Senate I am willing to try. Wrong as I think that approach is I am willing to try. That is the rationale of the first amendment. It is not that I think the 15 percent is right. I think the 15 percent is wrong.

Believing that I have some obligation to try to respond to what the committee, a committee selected by the Senate and authorized by the Senate, recommended, I am willing to try to make that 15 percent work. What I am saying is that if it is to work it ought to work for everybody. If it does not work for everybody, it is unfair and discriminatory.

The second amendment proceeds from there. If the Senate as a whole says, "No, that 15 percent is not right," whether in terms of their own personal circumstances or of their perception of what is fair, then we try to find another approach to imposing a discipline that is fair.

The disclosure discipline is one that we have applied to lecture fees for a decade, I think, for several years. We were told at the time that it was an adequate solution. Indeed, in this report, the committee goes out of its way to defend disclosure as an adequate discipline. It says that disclosure is the heart and core of this code of ethics. I think those are the precise words of the committee in its report.

Well, if disclosure is the heart and core and is adequate in terms of the committee, then I am willing to try that across the board if the 15-percent across the board is not acceptable to the Senate.

I do not consider those unreasonable approaches to get a Senate consensus at all. I think it is reasonable and I am willing to take the stricter one, the tougher one, first, and let every Senator vote up or down on whether that is reasonable for everybody. If it is not reasonable for everybody, in my judgment, it is not reasonable for anybody. Anyone can argue that 15 percent is a reasonable restriction on some portion of the Senate, but not all. It just escapes my very primitive sense of what is fair.

As long as I am on this subject, I wish to refer to some provisions in the Senate committee report which disclose this pattern of discrimination against earned income. It may be only unwitting and unconscious, but let me refer to it.

On page 3 of the committee report, there is this language:

> The Committee has not had the time to conduct an exhaustive empirical study of Members' financial situations, their outside interests, or their handling of their official accounts—

The committee has not had the time—

> Consequently, the Rules proposed by the Committee are not specifically designed to remedy practices or abuses found to exist in the Senate at the present time. Instead, the Committee has attempted to fashion rules of conduct.

Now, that language carries the implication, Mr. President, that the committee wanted to avoid overreacting, with possible unwarranted injury to some Members holding income-producing assets, until we know the circumstances surrounding them. But, Mr. President, there is no similar concern for earned income. We are to be disciplined whatever the facts. Whatever the facts, we are to be disciplined.

The Washington Post editorial this morning, to which I have already referred, has the same bias. It says:

> Senator Muskie, we do not consider you guilty of any wrongdoing, but we think sentence needs to be imposed anyway, and that your earned income ought to be limited anyway.

It is not a question of not knowing the facts. They are willing to pass judgment that I am not guilty of any wrongdoing, but still, I must be disciplined.

On page 3 of the report is this language:

> At the heart of the Code of Conduct is full and complete financial disclosure.

No. 1, with respect to unearned income, even the disclosure is not full and complete. All you have to do is examine such things as the categories of value, for example, and the disclosure of spouses income and the protection that was given those, to realize that even full and complete disclosure is not applied to unearned income but, with respect to lecture fees, not only is there full and complete disclosure, but full and complete divestiture above the 15 percent.

On page 4 of the committee report, there is this language:

> Throughout this proposed code of conduct, the Committee tried to mandate disclosure and prohibit practices in a way that would restore the public confidence and serve the public's legitimate interests without condoning wholesale, unwarranted invasions of privacy.

No similar concern is in the report, Mr. President, to avoid the wholesale divestiture of sources of earned income in cases where there is no jeopardy to the public, to the publics legitimate interest either in terms of time consumed or the sponsoring organization. The meticulous concern is that the privacy of recipients of unearned income is not invaded. But meticulous application of discipline is applied to recipients of earned income, whether or not there is a legitimate public interest in the divestiture.

On page 4, again, of the committee report, it states that some thoughtful commentators have pointed out the dangers of overreacting to the public mood. This is in the report. I continue to read from the report:

> These observers believe that we are going through, in columnist David Broder's phrase, "a new Puritanism", and fear that Rules designed to expose, prevent, or punish every conceivable deed of wrongdoing will accomplish little except hamstringing the Representative or Senator in performing the function for which he or she was elected.

So, clearly, by the committee's own language, they are leaving open loopholes for conceivable wrongdoing, because to do otherwise would be to accept an unrealistic new puritanism that would represent an overreaction.

So, to read from the report:

> Consequently, the committee concluded that financial disclosure of all holdings and possible conflicts was a preferable approach.

That is fine language, and I repeat it:

To avoid overreacting to the public mood—

> the committee concluded that financial disclosure of all holdings and possible conflicts was a preferable approach.

The trouble is when the committee and its report got to the earned income, it added a qualification to that language as to earned income. The committee evidently concluded that disclosure was not enough; that we had to expose, prevent, or punish every conceivable departure from a public interest standard even if the effect is to punish those who have not violated the public interest.

On page 5 of the committee report, we find this:

> The guiding principle followed by the Committee was to require only the amount of public financial disclosure necessary to satisfy the legitimate purpose of informing the electorate of private financial interest.

But even that standard is applied only as to unearned income. The disclosure requirement with respect to earned income is very specific and total. As to unearned income, we have what the committee calls categories of value. Why? Why?

Because of the "expensive and burdensome annual appraisal and evaluation of assets."

Well, I ask the committee, how does that financial burden compare with the burden of the complete divestiture of earned income above 15 percent of basic salary?

Where is that concern for a Senator's economic well-being when it comes to earning it?

We cannot ask for detailed exposure of the precise income, the dollar amount received by those who are the recipients of unearned income because of the expenses and the burdensome annual appraisal and evaluation of assets. But boy, we can deprive those on earned income of the income above 15 percent.

With respect to categories of value, the committee report states on page 18:

> Categories of value, rather than the exact value, are required when reporting investment or passive income—

Whatever is meant by passive income—

> A category of value for investment income provides enough information to determine the relative magnitude of any potential conflict of interest without unnecessarily invading the privacy of the reporting individual.

What a nice standard. I could live with that one.

But what are the categories for investment income?

Category A, not more than $1,000.

Category B, greater than $1,000 but not more than $2,500.

If that were to apply to earned income, if I had 20 lecture fees of $1,000 each and reported them as showing in category A, the citizen undertaking to evaluate the amount of my earned income would have to guess as to whether or not it was a total of $20,000 or 20 times $1,000.

If that difference is inconsequential for unearned income, why is it not then inconsequential for earned income?

The committee says these categories provide enough information to determine the relative magnitude, any potential conflict of interest. Why then should we not have the benefit of that kind of cloak of secrecy? Why should we not? The committee was not content to deprive us of that kind of blanket.

As to earned income, not only is this test insufficient for disclosure purposes in the view of the committee, but the difference between the present limit in the law of $2,000 and the proposed limit of $1,000 represents such a conflict that it must be prohibited.

Now, ask me, and know what my answer is, as to whether or not this represents a bias aimed at protecting and maybe even overprotecting sources of unearned income which is not given to earned income.

If the justification for reducing the individual lecture fee from $2,000 to $1,000 is so manifestly a greater risk of conflict of interest than $1,000 that the upper limit must be prohibited and the lower one imposed, then how do we conceivably justify the argument that the categories of value put into the resolution to protest unearned income are justified?

In the first place, going to the upper end of the scale, all income or investment income over $100,000 falls in the same category. It can be $200,000. It can be $1 million, $2 million, and it does not matter from what source it comes. We do not get any order of magnitude above $100,000.

What solicitude, Mr. President. And what in heaven's name is passive investment income? Is it real estate ventures? Is it income from partnerships? Is it income from oil and gas leases? Is it income from land development partnerships?

The committee brushes off all such details and contents itself with the bland description of passive income as sufficient description for all investment income from whatever source.

All we have to do is call it passive income and that forgives everything, that excludes all need to examine sources more closely, excludes all need to examine possible conflict. Just call it passive income and that covers the point.

One further point, Mr. President, and then I will be happy to yield for the time being, just another 5 minutes.

There is one other issue that has been raised by the Washington Post editorial that I think one needs to look at. That is the idea that is expressed in these words:

> Honoraria are a direct result of one's official power and prestige.

Senator BYRD, the distinguished majority leader, put it in these words:

> I don't think any group of citizens would pay me $2,000 to play my fiddle for 15 minutes.

Both the Post and Senator BYRD dismiss the idea that a Senator can have anything to say, or be able to say it in a way that it will attract audiences, audiences that will pay him to do so. They dismiss such things as ability, reputation, the message that a Senator wants to deliver, his effectiveness as a speaker.

None of these have anything to do with whether or not a Senator is invited to address an audience. None of these.

There is also the assumption that if those of us on the circuit who command these fees were not Senators that we could not make a success of anything else, that we could not make a success on the lecture circuit, that we are entirely without a means for earning our own living unless we are Senators.

What kind of standard are we setting? Because this standard says even if there is no conflict of interest, even if there is no time away from the Senate involved, a Senator should not be able to lecture before an audience that poses no conflict and get a fee because he has achieved prominence during his term as a Senator.

The fact is, I say to the committee, when I was just a Senator, I could not command fees on the circuit comparable to those I command now. My fees went up after I was a candidate for Vice President.

So the fees I am able to command now have nothing to do with my Senate career.

When I was elected to the Senate in 1959, I did not find booking agencies swarming into my office offering me $2,000 lecture fees; and I did not, for the next 8 years. If I could get a couple of hundred dollars, I was lucky.

So, obviously, there is something involved by way of ability, reputation, and message.

How about all these other people on the lecture circuit? Does the money they get on the lecture circuit have anything to do with their business professions or businesses or skills? How about Joe Namath? Football gave him his reputation. He does not command these big lecture fees because he had a reputation or an established reputation as a speaker.

How about Woodward and Bernstein? How did they get to command the fees they command for writing books or for lecturing? The answer to that is self-evident.

How about Ralph Nader? How about John Gardner? I do not suggest they are guilty of any conflicts of interest. How about the astronauts? The astronauts, together, signed book contracts, signed contracts with Life magazine. Why? Because they achieved prominence while performing a public duty.

Are Senators to be deprived of that old American freedom that a man who has ability and skill can convert it into income if he is willing to put the time and the energy into it, if there is not conflict of interest, and if it does not take time away from his Senate duties?

On Friday, I made the point that last year I made 19 lecture fees. That is 1 day out of 19. In terms of the days of the Senate session, it meant I missed one-half of 1 percent of the days that the Senate was in session.

Tell me what other overriding public interest mandates that I no longer be able to do that. Tell me. I have read the editorials. I have read the stories quoting the floor manager of this bill, the majority leader, and other members of the committee. None of them has given me a reason that stands up as to why any Senator should be prohibited from making a lecture before an audience as to which there can be no challenge on conflict-of-interest grounds, on a day when the Senate is not in session—why that Senator should not be able to get a fee, whatever it may be.

This morning's paper informed us the most recent former Secretary of State is going to receive $10,000 per lecture. For a year or 2 years after a Senator or a Secretary of State leaves office, should he be prohibited from going on the lecture circuit? If there is no conflict of interest, why should he not do it?

What kind of double standard is this? I say to Senators they are so panicked by this public drive for ethics in Government that they have picked this handy target and have zeroed in on it.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. BAYH. Mr. President, I believe the Senator is making a very persuasive defense of the position that he and I and some others espouse about the way in which this particular kind of income has been separated from the others. I think he is in a very good position—perhaps as much as any other Member of this body I see—to go on the offensive.

He and I have had a chance to sit around and sort of feel sorry for ourselves and our country, I suppose, because of the almost complete demise of confidence in our political institutions—the fact that many young people particularly do not feel that there is any dialog between them and their elders who govern them and determine their destiny.

Can the Senator tell the Senate his thoughts relative to the experiences he has had with the young people on the campuses? In addition to it being very unfair to separate this particular kind of income, does the Senator feel there is a positive benefit to be derived from people such as we, who have shouldered significant legislative responsibilities, who have run for the highest office in the land—the Senator has come within a whisker of being the Vice President of the United States—opening the kind of dialog that one experiences in pursuing this kind of activity, which would be limited under this bill?

Mr. MUSKIE. I touched on that point extensively on Friday, and I am delighted that the Senator has called my attention back to it. There is no question in my mind about that.

I read into the RECORD last Friday a rather long history of the lecture circuit

in American politics. It is as old as the Republic. I could not agree more with the Senator. The demand for our services across the country and the willingness of people to pay these fees indicates the hunger that is out there for this kind of service.

I am not talking about the obvious conflict-of-interest situations. This code of ethics has to deal with that. What I am talking about is the proper public role—and that is what the Senator is talking about—that a Senator should fill in engaging in a dialog with the American people.

President Carter, for 2 months, has been making much of the need to get back to the people; and he is going back to the people, in Clinton, Mass., in West Virginia, in the telephone call-in show that he had a little while ago.

More and more, we are tied down to our responsibilities in the Senate. In most years since I have come to the Senate, this has been a 12-month job. Therefore, opportunities to travel around the country, as I did when I first came here, holding hearings around the country, are more limited. But it is still important, and there still are people out there who do not have any special interest ax to grind, who are asking us to go out there. I do not believe we are going to go out there for nothing. I do not believe that, especially if you follow Ralph Nader on a campus—he is getting a maximum fee—or a John Gardner, or any of the others. I put many of those names in the RECORD the other day.

We have a right, if we are responding to a legitimate public need, to receive compensation for it; and with respect to everything else, we say the marketplace is the best test of what that compensation should be. We are not setting these fees by law. We are not mandating them.

Every invitation I receive has its own price tag. It may be $500; it may be $200; it may be $1,000; it may be $1,500. The price finally arrived at is one that is negotiated at arm's length between me and the organization that wants me. This business is not a very direct result of one's official power and prestige, with the implication that I am forcing these people to pay me anything to do this.

The committee says:

> No, that role is not of that much interest to the American public. We have to restrict it drastically, even in those situations where the Senator is able to do it on a Sunday or when the Senate is in recess, and even though the sponsoring organization poses no conflict of interest.

The whole idea of getting paid for lecturing is so fraught with the risk of conflict of interest that we have to forbid even the most innocent situation, except to the extent of 15 percent of our income.

One other thing I want to say. I think the Senator from New York (Mr. JAVITS) referred to polls that indicated the public desire for this kind of discipline. There has been a lot of reference to the Lou Harris poll as being the most recent and the foremost one that focuses on the problem to the greatest extent. I do not have the full poll here, but I have enough to indicate that the public is concerned by proposed conflicts other than those related to lecture fees.

For instance, there was this question:

> With respect to a Member of Congress who owns a large amount of stock in a major corporation which has Government contracts.

Sixty-seven percent of those interviewed would be bothered by that, 79 percent of those seriously, and 64 percent of those interviewed would be satisfied by disclosure as a discipline to prevent that sort of thing.

At the other end, and a leading question if I ever saw one:

> With respect to a Senator who makes a number of speeches to groups affected by legislation for a large fee.

Seventy-one percent, or 4 percent more than the other, would be bothered; 80 percent of them seriously bothered, and 57 percent would be satisfied by disclosure.

I picked out eight of the questions, and with respect to all of them disclosure would satisfy those interviewed.

With respect to those Senators who make an occasional speech to business, labor, or other groups affected by legislation for a small fee, 39 percent would be bothered, 67 percent satisfied with disclosure.

With respect to occasional speeches to colleges for a small fee, 29 percent would be bothered, 67 percent would be satisfied by disclosure.

So up and down the list between 57 and 70 percent would be satisfied by disclosure. So that is the public perception as revealed by the Harris poll.

But the committee goes along with disclosure for all but those at the bottom of the list in the poll, those who get earned income for making speeches, so they go farther, the committee goes farther, than the poll suggests that people need to be satisfied. That part of the poll we very seldom hear about, but it is there, and I think it ought to be part of the RECORD at this point.

At this point, Mr. President, I think I have covered most of the major points I had in mind covering when I started this afternoon. I suspect the distinguished floor manager, my good friend from Wisconsin, may like to get a crack at some of the points I have made, and I am prepared to yield the floor at this point so he may get his views into the RECORD, if he ready at this time, and I promise to sit around and listen.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, I ask unanimous consent that the time that has been used thus far on the bill be equally divided from the 25 hours on each side. I mentioned it to Senator THURMOND and he did not have any objection.

Mr. PACKWOOD. Reserving the right to object——

Mr. NELSON. From both sides on the bill.

The PRESIDING OFFICER. On this amendment?

Mr. PACKWOOD. Reserving the right to object——

Mr. NELSON. The amendment time has been used up, but I did yield to Senator MUSKIE, who is on the other side, I was negligent in yielding and the Parliamentarian advises me it is all coming from the time on my side.

The PRESIDING OFFICER. Is there objection?

Mr. PACKWOOD. I object.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

Mr. EAGLETON. Mr. President, will the Senator from Wisconsin yield to me when he concludes his remarks at this juncture?

Mr. NELSON. I will yield to the Senator.

Mr. BAYH. Mr. President, will the Senator yield to me for 30 seconds in order to make a unanimous-consent request?

Mr. NELSON. I will yield 30 seconds without losing my right to the floor.

Mr. BAYH. Mr. President, I ask unanimous consent that Barbara Dixon and Tom Connaughton of my staff be granted the privileges of the floor during the debate on Senate Resolution 110.

I thank my colleague.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. EAGLETON. Mr. President, I ask unanimous consent that Mr. Mark Abels, a member of my staff, have the privileges of the flood during the pendency of the ethics resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I renew my request that the time that has been yielded from the bill thus far be equally divided between the proponents and the opponents.

The PRESIDING OFFICER. Is that on the Muskie amendment?

Mr. NELSON. Yes.

Mr. PACKWOOD addressed the Chair.

Mr. THURMOND. Mr. President, I have no objection to that providing we can stop it whenever we want to. I do not know how far this is going.

Mr. PACKWOOD. Mr. President, reserving the right to object, I want to pose a question to the Senator from South Carolina, if I might, because in this case my side is not my side's position.

Will the Senator from South Carolina yield to me such time as I might need in this debate if, by chance, it is impossible to get time from the Senator from Wisconsin or we run out of time on our side?

Mr. THURMOND. Mr. President, I will certainly yield to the Senator from Oregon. I just do not know how the time is going to run. We may have to give some others time, too, and we will divide it around. I will certainly yield all we can.

Mr. PACKWOOD. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I yield myself whatever time may be needed.

Mr. President, as I have listened to the all-out assault upon this resolution, one would think somehow that some cabal of Senators met some place secretly in a dark room, and drafted an evil code and brought it here onto the floor to impose unfairly upon the Members of the Senate.

How strange. Everything in the code was authorized by the resolution, and

not one single word was uttered by the Senator from Maine or the Senator from Oregon. The resolution whizzed through. This Senator did not ask for the job. The resolution passed, and I was appointed to it.

What did the resolution say that seems to now come as such a surprise to the Senator from Maine and the Senator from Oregon and others who are up here now shedding tears, because somehow or another we are cutting their income?

I pointed out Friday night that I had great difficulty shedding tears for the Senator from Maine who voted against the salary increase, and then stands on the floor and says, "You are taking my income away. I cannot live on it."

Why did he not fail to vote for the salary increase then?

What does the resolution provide? It states:

It shall be the function and the duty of the special committee to conduct a complete study of all matters relating to standards of conduct of members, officers, and employees of the Senate. Such study and recommended code of official conduct shall include but not be limited to standards (1) annual public disclosure of income, assets, debts, gifts, and other financial items.

That is in the code, as we were directed by the Senator from Maine and the Senator from Oregon, and the rest of the Senate to put it in the code.

They wanted it in the code. The whole Senate wanted it in the code. Not a word was said against. No Senator demanded a rollcall. No Senator amended the resolution creating the committee.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. NELSON. At this moment I shall not yield to the Senator from Maine but I will be happy to yield later.

No. 2, the resolution provides that the code of official conduct shall include restrictions on—and I wish the Senator from Maine would listen to this.

Mr. MUSKIE. I could listen better if I had a chance to ask questions.

Mr. NELSON. The Senator has had more time thus far than this Senator has had. I simply wish to have the Senator listen—and I know that it is quite an imposition—because the Senator walked out on me Friday night. At least if he sits here he should have to suffer the burden of listening to what I have to say as I suffered the burden of listening to what the Senator from Maine had to say.

So, the resolution which passed the Senate, with not one word spoken at that time by the Senator from Maine, provided that the code shall include restrictions on or the elimination of outside income from honoraria, legal fees, gifts, and other sources, financial or in-kind remuneration. That is in the code.

Mr. MUSKIE. May I ask the Senator a question?

Mr. NELSON. I will yield for a question if we could have it without a lecture.

Mr. MUSKIE. Is the Senator telling me this whole question was prejudged at the time the resolution was submitted?

Mr. NELSON. I am telling the Senator that as a Member of 100 in the Senate a resolution was submitted directing the creation of a committee and directing that the committee make such study and recommend a code of conduct which "shall include but not be limited to" standards covering outside earned income. I did not draft the resolution. The entire Senate adopted it.

Mr. MUSKIE. The Senator is not answering my question. This is the first time I have ever had it suggested that the introduction of a piece of legislation is binding thereafter on every Senator with respect to the contents of the introduced bill.

Mr. NELSON. This Senator did not suggest it was binding. What the Senator was suggesting is that indignation and outrage is being expressed all over the Chamber as though this comes as a great surprise. I am simply saying that it was in the resolution.

Mr. MUSKIE. Did I say it was a surprise?

Mr. NELSON. The resolution asked us to study it, and we came out with what the resolution directed us to do.

Mr. MUSKIE. Will the Senator yield for another question?

Mr. NELSON. I yield.

Mr. MUSKIE. Have I said in the few days of debate that I was surprised by what the committee did?

Mr. NELSON. The Senator sounded surprised and sometimes even astonished to my hearing.

Mr. MUSKIE. Astonished, yes, astonished as to the lack of judgment that went into it. But surprised that the committee yielded to the panic and the pressure of public opinion of what the House of Representatives had done and of the majority leader's leadership, no, I am not surprised by that.

Mr. NELSON. At least the Senator should not complain about a resolution that directed us to study and report on these six items listed here after not once raising his voice at any time against the resolution.

Mr. MUSKIE addressed the Chair.

Mr. NELSON. Let me continue.

Mr. MUSKIE. I think I am entitled to a comment on that, and it shall not be more than two sentences.

Mr. NELSON. Go ahead.

Mr. MUSKIE. Really.

Mr. NELSON. All right. I yield.

Mr. MUSKIE. The suggestion that a piece of paper introduced up at the desk must on that day be thoroughly analyzed and digested by a Senator, lest he should be held bound by what it says, I find incredible. I assumed that when a resolution directing the committee to undertake this study is introduced that committee will inquire with open mind the full dimensions of the problem and bring back some recommendations that relate to what it inquired about and Senators not be bound by a piece of paper that was first introduced. If that is what that resolution does, I tell the Senator this: I will leave a standing request at the desk that everything that is introduced which bears upon conduct of the Senate or inquiry into its activities be held until it has been debated and sent to committee. That is a most ridiculous kind of argument to make in a so-called deliberative body.

Mr. NELSON. Mr. President, I am simply responding to the suggestion that seems implicit in much of what has been said in the Chamber in criticism of the Code of Conduct. This committee was directed by the Senate to address itself to the issues listed in the resolution. We did address ourselves to the issue in the resolution.

Obviously, the Senator is not bound in advance by anything a committee may do. But we did do what we were directed to do, whether the Senator likes the result or not. Obviously, a committee of people, with differing viewpoints, directed to report to the Chamber recommendations covering the six items listed here, is not going to be in unanimous agreement. All legislation, as the Senator well knows, comes out as a consequence of compromise. I am simply pointing out, however, that we were directed to address ourselves to these items, the third of which is conflict of interest arising out of investments, securities, commodities, real estate, or other sources; fourth, office accounts and excess campaign contributions; fifth, Senate travel; and sixth, engaging in business or professional activities or employment, or other activities so as to avoid any conflict with the conscientious performance of official duties.

Not only did this resolution, which was introduced on January 18, direct us to address ourselves to these issues but it also directed us to report back by March 1, which we were unable to do; though the committee staff worked days and nights and on weekends, and members of the committee worked as fast and as conscientiously as we could, we were not quite able to meet that deadline. But we did what the Senate directed us to do, and not everyone is expected to agree with it 100 percent.

The question is continually raised: Why should there be any limitation?

If it is the argument of the Senator from Maine, that there should be no limit at all on outside earned income, whether it is $100,000, or $200,000, or whatever it may be, it is an argument that he will have to live with. I cannot defend it. I cannot personally accept it and I do not think the public does either.

This Senate has agreed twice previously to set limits on earned income from honoraria. We have set it at $25,000, we have set it at $15,000, and this committee is suggesting a figure that would amount to about $8,600.

I do not know where the perfect place may be to draw the line. As to the whole spectrum of amounts of money, if presented to 100 Senators each would draw a line some place different on that spectrum, with some saying zero and some saying no limit at all. We came down on a limit of $8,600.

I do not say there is any magic in it, but I would suggest that that 15 percent amounting to $8,600 a year, represents more than 50 percent of the mean annual salary, on the average, earned by our constituents—more than 50 percent of the average annual salary of those who sent us here—and that is why I believe that the figure is fair.

There is a question of time involved. It is not the whole question, but there is a question. There is also a question of seemliness.

(At this point Mr. HARRY F. BYRD, JR., assumed the Chair as Presiding Officer.)

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. NELSON. For a question?

Mr. JOHNSTON. Yes; I have a couple of questions, as a matter of fact on another section, but while I was here I thought I might take the opportunity, if the Senator is willing, to elucidate on a couple of other points.

Mr. NELSON. I wonder if the Senator would object if I suggest that this Senator would like to complete the brief remarks I have here, and at that time I will be happy to yield.

Mr. JOHNSTON. Certainly. I shall return. I am not walking out in a huff; I am walking out to take a picture out here.

Mr. NELSON. As I said, I think there is a seemliness question involved, and there is a question of public confidence in our institutions.

Confidence is a very fragile matter. We do not even know all the elements that go into the minds of the people in the public, that cause them to make whatever determination they make whether public institutions deserve confidence. But as I suggested last Friday night, just about every institution, public and private, that I know of is under assault. The confidence that we used to have in our schools or our colleges, our corporations, unions, city governments, the Federal Government—all of the important large economic and social institutions in this country, which have an impact upon all of us and how we live—all of those institutions are being questioned everywhere, and challenged.

I suppose there are many reasons for it. Obviously, the difficulty of resolving adequately complicated questions in a highly industrialized, sophisticated society presents a greater challenge to our schools, a greater challenge to our corporations, and a greater challenge to the Federal Government than we have ever had before. The fact that we have been unable to resolve major problems that all of us would like to see resolved no doubt contributes something to the lack of confidence of the people of this country in so many of their institutions and to reduce the confidence of many people in the institution of Government itself.

What do we do about it? I do not pretend to know all the answers to that one. But I do know that if the President of the United States and Congress are going to make the kind of tough decisions that have to be made respecting a wide spectrum of problems in this country, the public will accept them only if they have confidence in the institutions which are making the decisions and asking for the sacrifice. They must believe that the decisions are prompted by our perception of the public good—and nothing else. Anything that contributes to a lack of confidence ought to be avoided if we can.

I do not think you could walk the main streets of America, and go from person to person, and get a response that would be very positive on behalf of Members of Congress earning large outside earned incomes. The support for it just is not there, and that does affect us.

This is a full-time job. Oh, I recognize that people spend their own time as they like on many other things. But when it involves earning income on the side more than 50 percent of the income of the average American family, I do not think that is acceptable, and I think it does affect the question of confidence.

The role of Congress is different in our era than ever before in history. It was only 1946 when the LaFollette-Monroney Reorganization Act was passed, and when it was passed, they decided that Congress had to adjourn, and I believe the date was July 31. That was considered a late date to accommodate any delays that might occur. Then everyone went home, the Congressmen back to their law offices, if they were lawyers, back to their farming if they were farmers, to running their insurance companies if they were insurance people, or to their banks.

I remember that when I got out of the Army and was participating in campaigns, Congressmen were here for a half year in that period of history, and it was recognized to be a part-time job. It was recognized that the Members of Congress went back to whatever economic role they desired or whatever role they were playing before they got elected to office.

That has changed in the last 2½ decades, so that there is no one in this body—no one—who can keep up with and master the work that we have to deal with. I cannot do it, and no one else can do it, either. We are presented with tough, serious questions that involve the whole spectrum of economic interests in this country. No one is able to master them all.

Furthermore, there has been another change, and that is that a quarter of a century ago, the Federal Government was not involved very deeply in the economy of this country.

What did we do? We had a defense budget, which was fairly small. We had an agricultural bill, from time to time a modest welfare program of assistance to States, a highway program paid out of the gasoline tax, a little bit of aid to education, and not much more.

Now we are involved in everything: The regulation of industries; in safety legislation, OSHA affecting all businesses in this country; in the control of pesticides, affecting all kinds of businesses in this country; in aid programs; in research. The military budget is so huge that it is now larger than was the entire Federal budget when I arrived 14 years ago. When I came here, the whole budget of this country was under $100 billion. Today, the Defense budget alone is over $100 billion.

So we are involved with the economic interests of every corporation and every institution in America. That is a dramatic change.

When we are involved in dealing with all these problems, making decisions daily which affect all Americans in very direct ways, we must watch the question of appearances of conflict. As I said last Friday, and I will repeat it now, the only capital asset public institutions have is confidence, and without public confidence, public institutions cannot and will not work.

We do not sell mousetraps. We represent people, making decisions that affect their daily lives. We have no capacity to lead unless the people have confidence that we are doing the best conceivable job it is within our power to do. When people believe in their institutions, their institutions can work and they will accept decisions by those institutions. When they do not believe, they will not accept decisions.

So it is an important matter that we deal constantly with the question of the confidence of the American people.

We are public officials. In that respect we differ from all other people in this country who are not public officials. Special rules and special laws are justly applicable to those who are performing the public business, and one such rule would place a reasonable limit on the amount of outside income a Senator could earn.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. NELSON. I will yield for a question.

Mr. JOHNSTON. I am concerned about appearances and——

Mr. NELSON. I yield for a question.

Mr. JOHNSTON. Yes. This is a predicate to the question.

Mr. NELSON. I do want to try to conclude because last Friday Senator EAGLETON was asked to come over to speak. We ran past 6 o'clock. Today Senator EAGLETON has been waiting to speak. If the Senator could make it brief, I would appreciate it.

Mr. JOHNSTON. Very well. Under rule XLIII, it states that no Member shall accept anything of value from any person where he knows that such thing of value might tend to affect the performance or future performance of official duties.

Is the Senator familiar with the rule of which I speak?

Mr. NELSON. Yes. That is not the pending legislation.

Mr. JOHNSTON. Yes. I had a question about that. If the Senator wishes to defer that question to another day, all right. I hope that can be avoided.

Mr. NELSON. Maybe the Senator will be willing to let me complete my remarks and then let Senator EAGLETON speak. After that I would be glad to respond. What is the question going to be?

Mr. JOHNSTON. Shall I state it or shall I wait?

Mr. EAGLETON. Mr. President, I would be pleased to wait. I am interested in the question.

Mr. NELSON. Is the Senator interested in the answer, too?

Mr. EAGLETON. Not particularly.

Mr. NELSON. Then if the Senator is not interested in the answer, I am not going to listen to the question.

Mr. JOHNSTON. I had a series of questions that would be 2, 3, 4, or 5 minutes in length. This concerns me greatly about the code. I think it is important.

Mr. NELSON. I think it is, too. This is the second day that Senator EAGLETON has been in the Chamber waiting to speak. I want to give him that chance. As a matter of fact, I will conclude right now, let him speak, and respond to questions later, if that is agreeable.

Mr. EAGLETON. Mr. President, I ask the Senator from Wisconsin to yield perhaps 20 minutes or 15 minutes on the bill, if he has ample time on the bill.

Mr. NELSON. There is ample time on the bill. I yield 20 minutes.

Mr. EAGLETON. Mr. President, as the Senator from Wisconsin (Mr. NELSON) pointed out, I was in the Chamber last Friday.

Mr. NELSON. Will the Senator use his microphone?

Mr. EAGLETON. I was in the Chamber for the entirety of Senator MUSKIE's Friday speech. In all candor, without trying to be cute or snide about it, it was one of the best speeches I have ever been privileged to hear in this Chamber. I mean that with great sincerity. It was an eloquent and brilliant speech. I commend it to the attention of my colleagues. It will be found on pages 8160 through 8163 of the RECORD.

Because of the lateness of the hour on Friday I did not have the opportunity to respond to the Muskie speech.

The difficulty with the Muskie approach is the fact that there are not 535 ED MUSKIES in the Senate and in the House of Representatives. If by some miracle that were the case, if every Member of both bodies possessed the same character, value judgments, moral correctness, as does Senator MUSKIE, then there would be no need for any code of ethics whatsoever. I speak not merely of the provision limiting outside earned income, which has been the focus of so much debate, but I speak of the entirety of the code which is before this body.

Indeed, there would never have been a need for an Ethics Committee, even the moribund Ethics Committee we have had kicking around the Senate for a decade or so. There would have been need for none of that, because ED MUSKIE is a person of enormous character. He is a very good and just individual.

He is so good and just that I supported him in 1972 when he was a candidate for President, and, quite frankly, if he had been a candidate in 1976 I would have supported him then as well.

What the Senator from Maine fails to acknowledge in his presentation is the practical truth; namely, that there are not 535 ED MUSKIES in the House and Senate. In Congress there is a diverse group of men and women of different backgrounds, with different mores, and with different approaches to both public issues and personal ethical conduct. Because there are some who would abuse the high office that they hold as a Member of the House of Representatives or as a Member of the Senate, it is necessary, it is of compelling necessity, that there be a code of ethics.

As the Senator from Wisconsin (Mr. NELSON) has pointed out, there is no magic in this particular provision, this 15-percent limitation on earned income. As he pointed out before he concluded, some may think there should be absolutely no outside earned income whatsoever. Some at the other end of the spectrum think it should be totally unlimited, "As much as you can earn, earn and report it."

In between those two polarized positions there is a whole series of benchmarks that could be established and, in fact, have been established from time to time, as the Senator from Maine pointed out in his speech.

At one time, there was no limit on outside earned income. The sky was the limit; as much as you wanted for any speech or appearance. Then it went to a $15,000 limit. I forget when we did that—a couple of years or so ago. I think there was a $1,000 limitation per appearance. Some people did not like that, so it was changed to a $25,000 aggregate limit with no more than $2,000 per appearance, et cetera, and now before us is the Ethics Committee report with this 15 percent or $8,500 aggregate limit.

One thing is clear: The overwhelming sentiment, I think, in this body and, more importantly in this instance, the overwhelmingly public sentiment, is that there should be some limitation and that there have been transgressions and excesses by some Members of Congress.

I remember reading sometime in the past year—perhaps in the Wall Street Journal—that a poll was taken and it identified 20 professions—ministers, lawyers, accountants, real estate agents, et cetera. It asked the people being interviewed to rank from 1 to 20 those for which they had the highest regard, from 1 down to No. 20.

If my recollection is correct, No. 1 were members of the ministry. I am sure of my recollection as to who were 18, 19, and 20. That I very much remember; 18 were lawyers; 19 were Members of Congress; and 20 were used car salesmen.

That is the truth. I happen to be a lawyer—not much of one. I happen to be a Member of Congress. So I rank both 18th and 19th. If I sell my wife's old car, I guess I am 20th. I point this out simply to illustrate the low state of esteem to which the Congress of the United States has sunk.

One could debate whether we who serve in Congress merit such low esteem. But the bottom line, the inescapable, unavoidable bottom line is that Members of Congress are held in inordinately low esteem.

Also, with respect to the Muskie speech, had I heard that speech 2 or 3 years ago, I might have not only agreed with its eloquence, I might also have agreed with his penultimate conclusion in that speech: that is, to eliminate the limit on outside earned income. But this is not 2 or 3 years back in time; this is 1977.

What has intervened, one might ask, that would cause me to have taken one position, maybe, in 1973 or 1974, but not to take that position today, conceding the eloquence of the Muskie speech? So I jotted down in rough form some of the things that have occurred in the last few years with respect to Congress which, in the last analysis, I think is the reason that we are held in such low esteem.

Just recently, there have been allegations that about 40 Members in the House of Representatives and in the Senate have taken some kind of emolument from the South Korean CIA. The statement was made by Senator BAKER on one of the national interview shows not too long ago.

We have had also the recent and highly publicized matters in the House of Representatives with respect to the relationship of a couple of Members of the House and secretaries, et cetera, on their staffs.

We have had, just recently, the rather stealthy manner in which the Congress of the United States approached the rather ticklish question of a pay raise. The pay raise has been the subject of some exchange between Senator NELSON and Senator MUSKIE. I think Congress is receiving as much criticism for the sneaky manner in which we handled the pay raise as for the substance of the pay raise itself. I refer, of course, to the fact that the House of Representatives never voted on the matter.

Further, in recent years, it has become obvious to members of the public that although there were Ethics Committees in both the Senate and the House, those Ethics Committees did absolutely nothing; that "Ethics" was the name on a committee room door, period, end of action.

We have had, in the last couple of years, allegations that Senators have received tens of thousands of dollars in illegal campaign contributions from corporations, and some specific names of Senators have been referred to.

We have had examples in the public press of extravagence and luxurious junkets, shopping sprees, carloads of gifts and the like.

We have had press allegations that the oil interests unduly influence legislation on energy, et cetera.

We have had the image of congressional staffers junketing around the world, paid for by foreign governments and the like.

There have been allegations about the practice of lame duck Members of the Senate and Congress junketeering around the world in the waning days of their terms.

And there has been the whole area of obscene campaign spending, of almost outright purchase of seats in the Congress of the United States in terms of the personal investment by a wealthy candidate.

We have had recent newspaper articles that have dredged up some of the "perks" of Members of Congress—free medical care, subsidized barber shop, airport parking places, and the like.

In short, Mr. President, the public has formed a judgment about us. We may be uneasy about that judgment. We may feel that we have been maligned and abused and wantonly discredited. But the inescapable fact is the public holds Members of Congress in low, low, low esteem.

Mr. President, I do not recite this litany of commentary on Members of Congress with any great glee or joy. I am not here to reventilate matters that have been the focus of nationwide publicity. I am not here to pick over the dead political carcasses of former Congressman.

However, I think this debate has to be put in the context of the times. We have to remember why this debate is being held in March of 1977. We have to know why it is that what Senator MUSKIE so persuasively advocated on the floor last Friday might have been the right thing to do some years back, but is not the right thing to do in this month of March 1977.

Regaining public confidence, Mr. President, is going to be much more difficult than was losing it. What was perhaps lost quickly will be regained ever so slowly.

An event or two, three, or four, one following the other spontaneously, can shatter public confidence—and it has been shattered. Rebuilding and regaining and reearning the confidence of the public will not be done overnight. No one code of ethics, no one bill, is going to recapture instantaneously the public esteem.

But here today we are in the early stages of that rebuilding process. That is where we are in March 1977. We will have to rebuild public confidence in us step by step, slowly, painfully, and perhaps continue to be the target of some unjustified abuse from the press and the public.

The Ethics Committee report before us here and now is that necessary, indispensable first step, and we have got to take it.

With respect to the specific provision that has been the subject of debate, it is an important facet of this total package called ethics reform. Some might call it the least important; another Senator might say that it is the most important. But it is part of the package and we have to adopt the whole package.

The House already has discussed, debated, and voted on their code of ethics. It is no secret, and I think properly so, that when Senator NELSON inherited this totally uncoveted assignment as chairman of this committee, he drew upon the hearings and the fine work that had been done heretofore by Congressman OBEY in the House of Representatives.

He did it as a matter of absolute necessity because the mandate of the resolution was to report back by March 1, which the committee could not have done without drawing on the work done by the Obey committee in the House of Representatives.

So we built upon the Obey committee's work, modifying and changing where needed.

The House has decided that a 15-percent or $8,500 limitation is necessary on outside earned income.

Repeating for the moment that it is arbitrary, yes, repeating that some can argue for a higher figure and some even for a lower figure, the end product is that the House has enacted a 15-percent limit. Now we are in the Senate and we have to act on this.

Thus, it will appear that maybe the very first vote tomorrow, will be on the question of whether we are going to go beyond the House-imposed limitation.

How will the public out there view this action?

Mr. MUSKIE. Will the Senator yield for a moment?

Mr. EAGLETON. Yes; I yield to my friend from Maine.

Mr. MUSKIE. I appreciate the kind personal references to me, but I would not like the impression to get out to the public that the first vote is going to be on lifting the ceiling imposed by the House.

The first vote will be on the pending amendment, which is to apply the 15-percent limitation across the board.

I am willing to accept that. The cosponsors of my amendment are willing to accept it. It is a legitimate kind of discipline to get to the problems that concern the Senator, and this Senator.

I would not want it suggested to the public that my emphasis is on increasing that limit.

I am willing to live with 15 percent if all of my colleagues are willing to do the same.

Mr. EAGLETON. I thank my colleague from Maine for correcting me in that regard. He is correct and he has expressed himself precisely.

Indeed, the first vote on this ethic business has already taken place. I think the Senator from New Hampshire (Mr. DURKIN) had a matter before the Senate last Friday. So, neither Senator MUSKIE nor I are right on what the first vote was.

But there is a vote forthcoming on applying the 15-percent limit on outside earned income.

But the overwhelming thrust of the Muskie-Nelson debate of Friday and today, and the overwhelming thrust of Senator MUSKIE's excellent speech on Friday, focused on this one question: Is there any evil in unlimited outside earned income, specifically from honoraria, lecture fees, chautauqua circuit, and the like? That was the gravamen of the debate between Senator MUSKIE and Senator NELSON, both Friday and today.

Mr. MUSKIE. Will the Senator yield?

Mr. EAGLETON. Yes; I yield.

Mr. MUSKIE. The reason for that, I say to the Senator, is to drive home the point, the limitation imposed by the Senate creates serious inequities.

The debate focused on that because the response to my amendment which is pending will be, although there has not been much discussion of it up until now, that it would impose serious inequities upon those whose outside income comes from sources, which will be described as unearned income, and the only way we can apply similar discipline across the board is to have a full understanding of the inequities that would be generated across the board. There has been so much emphasis in the press that somehow lecture fees are totally unacceptable from the public interest point of view, that it was important that the record contain some indication that there are inequities that flow from that discipline.

If we can all come to understand what this discipline means to each of us, whether our income is earned or unearned, then there might be a more realistic approach to the solution that we must ultimately accept.

I am willing to accept the 15 percent notwithstanding the inequities, provided everybody else is. But if the majority of this Senate is free of the inequities related to earned income and thus feels disposed to vote for the limitations that apply to earned income, that in itself will be another inequity which I think the record ought to make clear.

The PRESIDING OFFICER (Mr. SASSER). The Senator from Missouri's time has expired.

Mr. EAGLETON. I ask for an additional 5 minutes.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, I yield an additional 5 minutes from the bill.

Mr. EAGLETON. Mr. President, there is an evident disparity in treatment between earned and unearned income.

As the Senator from Maine well knows and as has been ably pointed out by the Senator from Wisconsin (Mr. NELSON) on several occasions, different Senators come to this body from varying financial backgrounds. Some poor. Some of moderate wealth. Some of enormous wealth.

There is no functional nor perhaps any constitutional method by which to cause an individual to divest himself of his worldly possessions or to divest himself of the income from those worldly possessions. A Senator is not obliged to take a pauper's oath.

We do not live, I say to the Senator from Maine, in a perfect world. We live in a very imperfect world. Thus, there cannot be absolute symmetry in the treatment of earned and unearned income.

In my opinion, the Congress, at the time it raised the pay of the Members of Congress from $22,500 to something like $42,500, in fact was saying that membership in Congress in the future would be a full-time job.

The Senator from Maine pointed out in his remarks how one can build up a reputation that will warrant more attractive speaker fees. That goes for Senator MUSKIE as a Vice Presidential candidate who stayed the course in 1968. Indeed, it was true for me as a Vice Presidential candidate who did not get through "spring training" in 1972.

By the way, he said that astronauts, some of whom are Members of the Senate, can enhance their worth insofar as the speaking circuit is concerned. It is interesting to note that the astronauts, when they were astronauts, were prohibited from outside earned income—speeches, articles, what have you. Being an astronaut was a full-time job with NASA. They were prohibited from outside earned income.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. MUSKIE. Does the Senator forget what I believe I recall correctly—a very lucrative contract with Time-Life that was signed by the astronauts collectively? I do not recall how much accrued to them from that. It is a long time ago. I think that is a matter of record.

It may be that subsequently, before the program was ended, that kind of arrangement was modified. I am not up to date on that. But I well recall that the astronauts, under a contract arrangement that was agreed to by their superiors in the program, nevertheless were allowed to earn substantial sums, in the hundreds of thousands of dollars, if not more. Am I wrong?

Mr. EAGLETON. Perhaps I am in error. It is my recollection—and I will apologize if I am wrong—that astronauts were not permitted to receive honoraria for speaking fees while they were still astronauts. What they did

after they retired as astronauts and went into private life was up to them.

Mr. MUSKIE. May I ask the Senator a specific question? I asked it several times rhetorically, and it is yet to be answered by any proponent of this resolution.

Mr. EAGLETON. Yes.

Mr. MUSKIE. Is there something inherently wrong, from a public interest standpoint, with a Senator who becomes prominent, for whatever reason, whether it be as a candidate for President or Vice President, or because he has a message that attracts widespread public attention, or because he is an effective public speaker—is there some public interest that mandates that he should not receive a fee for lecturing to an audience whose composition poses no public interest conflict, provided that the time he devotes to that does not come out of time he owes to the performance of his duties as a Senator? Is there some other public interest factor that escapes me?

If there is no conflict of interest, if it does not eat into his time, does the mere fact that he achieves prominence, sufficient prominence to attract this kind of attention while he was a Senator, deprive him of the right to perform that kind of public interest? Believe me, it is that kind of public interest.

What is the answer to that question? Nobody has answered that.

Not one of the abuses that the Senator has mentioned—and I kept a list of them—has anything to do with the situation I have just described.

The Senator mentioned South Korean payoffs, the trouble Congressmen have gotten into on the other side, the way in which we enacted the pay raise, illegal campaign contributions, junkets abroad, oil industry influence, campaign spending to purchase seats, the prerequisites of Congress. In order to deal with those abuses, do we have to cut off the kind of earned income that I have described?

Mr. EAGLETON. Let me respond to my colleague. His specific question is this: Is there anything inherently or indigenously wrong about speaker's fees? No, not inherently wrong; but there is something inherently risky. There is the considerable risk of the appearance of impropriety.

The PRESIDING OFFICER. The Senator's time is expired.

Mr. EAGLETON. May I have 5 additional minutes? Of the last 5 minutes, I used 1, and the Senator from Maine used 4.

Mr. MUSKIE. I would yield time to the Senator if I had any.

Mr. NELSON. I yield the Senator 5 minutes.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. THURMOND. Mr. President, I ask unanimous consent that Tony Campbell, of my staff, have the privilege of the floor during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PACKWOOD. Mr. President, will the Senator yield more time so that I might ask the Senator from South Carolina a question?

I should like to engage in a colloquy with Senator MUSKIE. May I have some of the time under the Senator's control in order to continue a discussion with him—based upon the unanimous-consent agreement we had?

Mr. THURMOND. I have not said anything on this matter. I would like to say a few words following that. Would that be satisfactory to the Senator?

Mr. PACKWOOD. Yes.

Mr. EAGLETON. Senator MUSKIE's question is: Is there anything "inherently wrong" with honoraria for speeches?

Mr. MUSKIE. I put the question in terms of a specific one. I do not want an answer based upon the risk. I want an answer to a specific question.

Mr. EAGLETON. The Senator from Maine wants an answer he would like. I am going to have to give him an answer he will not like, and it is just too bad.

Mr. MUSKIE. The Senator does not have to give me the kind of answer he is proposing. I have read that in the report, and it makes no sense, and he evades my question.

Mr. EAGLETON. I do not evade the question.

I refuse to yield for 5 minutes to the Senator from Maine. After that, I will yield to him for as long as he wishes. But I am going to answer his question, one that will tinge his ears, and perhaps he will not like it, but I am going to give him an answer.

There is nothing inherently wrong, but there is something inherently risky. Appearances are sometimes as important as reality, and the Senator from Maine knows that.

Think back to the Haynsworth debate. What was said time and again on the floor of the Senate about Clement Haynsworth? He was honest, yes. He had good, lovely neighbors who liked him, yes. His fellow judges on the fifth circuit court of appeals liked him, yes. But what he had done gave "the appearance of being improper." He owned stock in the Brunswick Co., a few shares, and sat on an important Brunswick case. There was the "appearance of impropriety." He or his wife owned a company called Carolina Vendomatics, as I recall. They put vending machines in textile factories. An important textile case came up in his court. Everybody said Haynsworth was honest, but it was "the appearance of impropriety," to sit in judgment in this important case while his lucrative vending machines were in textile factories.

That is the evil or the potential evil or the risk that is involved in speaker's fees.

We recall that Justice Fortas, was denied the Chief Justiceship of the United States and later left the Court. Part—by no means all, but part—of the Fortas problem related to honoraria. Part of it related to a relationship he had with a tax-free, eleemosynary foundation.

We all know that Senators are approached about speaker's fees by various organizations: "Please come to city x to speak before our beloved members. We will give you a $2,000 or a $3,000 speaker fee, and we wish you well on your committee assignments."

Again, it is the appearance of impropriety which is involved.

I say, Mr. President, that at a time when we are held in such inordinately low esteem by the public, we can ill-afford the risk of even a tinge of impropriety.

I repeat what I said about Senator MUSKIE. He is as able and as honorable a man as I have ever known. There is no question about that. The people of his State revere him for his character and for his impeccable public conduct.

But we are not all Muskies. Would that we were, would that all of us were like him. But there are some who would abuse the privilege of their Senate office and, thus, we have to draw some tough lines.

Quibble with it a few dollars up or down, but a line must be drawn which says, "no further." That line has been drawn by the House of Representatives. Are we to say that our greed is a rational basis for exceeding the House-established 15 percent or $8,500 limit?

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. EAGLETON. I think that is where the Muskie argument collapses.

Yes, I yield.

Mr. MUSKIE. It is interesting, as the Senator answered my question, with all respect, I still do not believe he answered it. Two of the three abuses to which the Senator refers out of the history of recent years have nothing to do with honoraria. They had to do with holdings of income-producing assets. So obviously those kind of assets carry the risk of which the Senator speaks.

But this resolution does not apply the same strict discipline to them as it does to earned income, and that is why I put my question very specifically because I want to drive home the point. I am not going to try to do it with a question again, and I am not trying to abuse the Senator's time.

But my specific point is there is a public interest, there is a public role for a Senator to play in discussing the issues around the country. There are public platforms available to him which do not involve a conflict of interest, and I just do not see any public interest to be served in denying those platforms to Senators.

If you say that anything that has the appearance——

The PRESIDING OFFICER. The Senator's additional 5 minutes have expired.

Mr. EAGLETON. I do not know who has the time.

Mr. MUSKIE. I had been assured by the majority leader——

Mr. EAGLETON. Senator Nelson has the "white hat" time; I do not know who has the "black hat" time. Who has time for the "black hats?" [Laughter.]

Mr. NELSON. What is the request?

Mr. MUSKIE. I just wanted to finish a question in the form of a statement in response to something the Senator said, if we could have 5 minutes and, if so, I think we could wrap up that one—maybe not that much, 2 minutes.

Mr. NELSON. The Senator from South Carolina has been waiting but maybe I will yield 2 more minutes.

Mr. MUSKIE. May I have one of them?

All I want to say to my good friend

from Missouri—and no one is fonder of him that I am——

Mr. NELSON. The Senator is using up his 1 minute.

Mr. EAGLETON. That is all right. I like that part of his minute.

Mr. MUSKIE. If you adopt that philosphy that we just use the meat ax to eliminate risk-free situations, then you should not limit it to earned income; you should apply it across the board.

The second point I made is my amendment does not suggest confiscating assets or income. If the Senator will study it closely he will see that, and I will not try to explain it during this amount of time.

Mr. EAGLETON. The Ethics Committee has set forth a limit on outside earned income. It does not deny one forum to Senator MUSKIE or to Senator PACKWOOD or to Senator EAGLETON. We can speak at as many colleges as we want. I speak in Missouri at lots of colleges, and I am sure the Senator from Maine does the same thing. He speaks at Bowdoin, at Bates, and the University of Maine and, I presume he does as I do; that is, he does not charge a fee for a speech in his home State. Further, the dollar limit on outside earned income does not prevent him from speaking at as many forums as his lungs will permit. The limit on outside earned income merely says that beyond $8,500 you cannot charge a fee for such speeches.

So that the first amendment, freedom of speech, the right to inform, the right to carry the issues to the people, the right to follow in the footsteps of William Jennings Bryan at those great chatauquas of bygone eras, that right the Senator from Maine still has.

Mr. MUSKIE. Not on the same terms.

Mr. EAGLETON. What he will be denied will be fees in excess of $8,500 for exercising that right.

Mr. PACKWOOD. Mr. President, will the Senator from Missouri yield for a question?

Mr. EAGLETON. Whose time are we on?

Mr. PACKWOOD. On the time of the Senator from South Carolina.

Mr. THURMOND. I yield 5 minutes and then we will have to go ahead.

Mr. PACKWOOD. The Senator has talked about appearances, and I come to the Lou Harris poll where people stated recently, on this one which was "Would you be bothered by Members of Congress speaking before colleges for a small fee, and speaking before big business for a big fee," and then the question was asked of the voter "Would your concerns about that situation be substantially satisfied or not if the voters in his district were made fully aware of his situation and could vote for or against him in the next election," and that comes out 57 percent are satisfied.

If it is appearances, if it is trying to make sure the public is satisfied, what is the matter with disclosure? That appears to satisfy them from the poll.

Mr. EAGLETON. There are some Senators, and the Senator from Oregon is one of those, who very sincerely believe that simple disclosure answers everything.

Mr. PACKWOOD. So does the public.

Mr. EAGLETON. Let us examine this proposition. Take all the limit off everything; disclosure is the answer. So if you want to have a nice little law practice in Puckeyhuddle, Mo., and put your name on the door of "Shyster, Shyster, and Senator," and then pretend that the Senator is a member of that firm only for matters that do not pertain to the Federal Government, then I take it that "full disclosure" would satisfy. Well, the Nelson committee said "No" to that. With or without disclosure, a Senator cannot practice law. I think the Nelson committee was absolutely right. Disclosure is not necessarily the answer to everything.

I believe that Senator PACKWOOD was present in the Chamber when I pointed out the low esteem in which we are held by the public. Out of 20 professions we ranked 19th in public esteem.

Mr. PACKWOOD. Not for the reason we speak.

Mr. EAGLETON. For a whole host of reasons, good, bad, and indifferent. The end result is the same.

Mr. PACKWOOD. Not one of which relates to speaking, and on the one issue that says if it discloses where they get the fees from where they are speaking they say that is fine.

Mr. EAGLETON. We are talking about a total picture—an image—a bad, negative image. We now are in the process of trying to rebuild our image from a very negative one to, someday, a positive one. If we in the Senate, after the House has already locked in this 15-percent provision, say that 15 percent is not good enough for us, we have got to have more, then the public will say, "Aha, nothing is good enough for the Members of the Senate. They have got to have more, more, and more."

Mr. MUSKIE. Mr. President, will the Senator yield? That is not the pending amendment. The pending amendment is if the 15 percent is good enough for us, it ought to——

Mr. EAGLETON. Oh——

Mr. MUSKIE. Yes, the Senator has a nice little way of skirting around the point of questions. The point of this amendment is if the 15 percent is good enough to eliminate greed, which is what the Senator is talking about, on my part, and on the part of other Senators who depend on this source of income, why do you not get at the greed of those who benefit from unearned sources of income? What is wrong with the 15 percent as to them? The Senator has not mentioned that. The Senator disclosed in several answers to questions that the risk of conflict of interest related to earned incomes and he mentioned specific things that had nothing to do with earned income, that are related to other kinds of holdings. But the Senator has not addressed himself to the feature of this amendment at all.

Mr. EAGLETON. Well, I think about as much of this amendment, Mr. President, as the Senator from Maine does. He spent all Friday talking about everything but his own amendment. He talked about Chautauquas; he talked about William Jennings Bryan; he talked about Daniel Webster. He spent the whole afternoon talking about how these people informed the "folks out there," the great unwashed and uneducated, and all the Senator from Maine wanted to do was to carry on that noble tradition. That is what he talked about all day Friday. Now today, when he does not like something that is being said, he now wants to refocus the whole debate and recast it as he would like.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. EAGLETON. The issue he has raised time and again is whether there should be a limit on outside earned income.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. President, if the Senator will yield, the Senator knows full well he called it a fine speech and he did listen to it. He did listen to it.

Of course, I talked about the equities for Senators who go on the lecture circuit. I indicated then and indicated to the Senator earlier this afternoon that, notwithstanding what I regard as an unwise approach to the problem, I am willing to accept it but, in order to persuade those who do not depend on the lecture circuit, I had to indicate that there were inequities with the committee's approach and that I would balance the inequities by imposing a similar approach on unearned income. Otherwise, I could not make a case to Senators who have income producing assets. There are inequities for both of us.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MUSKIE. I spent the time, as the Senator described, as he is right. I spent a lot of time on it. But the first amendment I offered and the first amendment I wrote, which is the one that is now pending, would apply the 15 percent across the board.

The PRESIDING OFFICER. Who yields time?

Mr. EAGLETON. Mr. President, will the Senator from South Carolina yield 50 seconds?

The PRESIDING OFFICER. Does the Senator from South Carolina yield time?

Mr. THURMOND. I yield 1 minute.

Mr. EAGLETON. I thank the Senator for yielding 1 minute.

With all due respect to our colleague from Maine, and we have had a good exchange here, he knows that the amendment now pending is a tactical ploy. It is merely a diverting strategy. He knows that it will not fly. He knows that from a constitutional point of view it raises very serious questions and that he is using it as a gimmick, as a strategy. What he is really after, what he has been talking about, and what he is really concerned about are limitations on earned income from honoraria. Of course, he can cast a smoke screen. He can allege how terrible it is not to treat earned and unearned income alike. But his basic gripe is not that. His basic gripe is on the outside earned income limit which he opposes and which I support.

I thank our colleague from South Carolina.

Mr. NELSON. Mr. President, let me say one word. I think this has been a very fruitful dialog and I would hope we could continue it. But the Senator from South Carolina did request time within which to speak.

Mr. MUSKIE. Mr. President, may I put a question? How long will the Senator from South Carolina be? I wish to respond to this last point made. I wish to know when I can expect to be recognized for that purpose.

Mr. THURMOND. Mr. President, the Senator from Maine has been talking since Friday off and on and, I think other Senators wish to talk awhile.

Mr. MUSKIE. I am agreeable. I only wish to find out.

Mr. THURMOND. It seems to me we should divide the time among all Senators. I am not going to talk long, only about 20 minutes or maybe less.

Mr. MUSKIE. I have no objection.

I simply want the Senator to tell me when I might be recognized. If it is an hour from now, that is fine; if it is not until tomorrow morning, that is fine.

Mr. THURMOND. I do not intend to speak over 15 or 20 minutes.

Mr. MUSKIE. That is fine. I thank the Senator.

Mr. THURMOND. Mr. President, I rise in opposition to Muskie amendment No. 93.

Mr. President, the arguments for placing a limit on outside earned income cannot be made for a similar limitation on unearned income. While it may look like an unfair distinction is being made, I believe this special committee has reached a result that is fair to all Senators.

For example, all outside earned income is not being abolished. A Senator may still earn up to $8,600 a year for outside speaking appearances and articles. In addition, any honoraria received in excess of $8,600 and up to $25,000 may be donated to charity by a Senator.

Unearned income, on the other hand, has not been limited under the new rules because a number of provisions have been proposed to ease public concerns about potential conflicts of interest and diversion from official duties that stem from Senators earning outside personal service income.

Mr. President, there is no doubt that the public sees outside earned income, especially honoraria, as troublesome.

In a Harris poll commissioned by the House Committee on Administrative Review, 71 to 21 percent of those polled said they would be bothered by a Congressman who would make a number of speeches to business, trade, and environmental or labor groups affected by his vote in Congress and receive a large fee for such speeches. Even where the fee received for such speeches was small, a 50 to 41 percent plurality was bothered by the practice.

Mr. President, the Harris poll also indicated the perceptions of the public with regard to unearned income, such as from family farms or businesses. When asked if they were bothered by these potential conflict-of-interest situations, only 22 percent objected to a Member retaining his investment in the firm even where he was receiving a share of the profits and not performing any services.

Only 15 percent objected to a Member owning a large farm, occasionally making some managerial decisions about its operation, but spending no time running it on a day-to-day basis.

Mr. President, other provisions have been included in the pending resolution to ease public concerns about potential conflicts of interest with regard to unearned outside income. A full financial disclosure section has been proposed which would identify the source and value of outside investments. In addition, in the conflict-of-interest provisions there is included a prohibition on service on the boards of publicly held or regulated corporations and financial institutions. This prohibition will eliminate any compensation to a Senator for service on such boards, thereby eliminating any potential for a conflict of interest.

Mr. President, one of the exceptions from outside earned income is royalties from books. The reason for this exemption is stated at page 39 of the committee's report:

> If an individual writes a book, and it becomes a best-seller, any royalties received based on the sale of the book are, for the most part, beyond his direct control. It is income which is, in effect, a return on a prior investment of time and energy.

Mr. President, this reasoning is the underlying basis for not including unearned income in the 15-percent limitation on a Senator's salary.

The basic difference between earned and unearned income rests on the personal time spent by a Senator on outside activities, whether it be making speeches and appearances, or spending a minimum amount of time managing a family enterprise.

Unearned income does not necessarily involve any personal time of a Senator. For example, income from stocks and bonds is derived solely through fluctuations in the stock market. A Senator takes his chances like any other public investor. Rents and annuities, dividends or other investment income is essentially earned without the personal services of a Senator and do not involve a conflict of interest, so long as such outside investments have been fully disclosed.

Mr. President, many Members come to this body having made wise and successful investments prior to their entrance into public service. If these investments constitute a potential conflict of interest, that conflict will be disclosed under the new rules. The Senator should be able to retain any investments he has made in the past, so long as they do not pose a conflict of interest and do not involve a substantial amount of time away from official duties.

Mr. President, I think this is a bad amendment, and I am not too sure that the amendment is offered in good faith, because if I understand the Senator from Maine, he is basing his amendment on the proposition that the 15-percent limitation should apply to not only earned income, but also unearned income.

Mr. PACKWOOD. Mr. President, will the Senator yield for a question?

Mr. THURMOND. I am glad to yield to the Senator from Oregon.

Mr. PACKWOOD. The Senator indicated a difference between earned and unearned income, and the earned income taking time to accomplish. I ask the Senator, Why not put all earned income under the same limitation?

Mr. THURMOND. The difference is that earned income takes time away from his service to his constituents while in Washington.

Mr. PACKWOOD. My question was, Why not put the same limitation on all earned income?

Mr. THURMOND. Because unearned income does not take time like earned income. Earned income is for personal services actually rendered.

Mr. PACKWOOOD. I understand that. Forget the unearned——

Mr. THURMOND. Now, unearned income, such as rents or interest or dividends, annuities, royalty income is taken out of the 15 percent limitation.

Mr. PACKWOOD. The Senator is correct. My question involves only the earned income, that which takes time, personal service. Why does not the code treat all earned income the same?

Mr. THURMOND. I think, Mr. President, you cannot get a rule that is perfect. What the committee has attempted to do is find a place to draw the line that will be fair to all regarding unearned income.

Mr. PACKWOOD. No, no, earned.

Mr. THURMOND. Well, earned income is covered under this resolution, with a limit of $8,600.

Mr. PACKWOOD. Not all earned income.

Mr. THURMOND. Well, where would——

Mr. PACKWOOD. Well, very specifically, we had a reference earlier to artistic works.

Mr. THURMOND. I also heard what the Senator said about a man managing an apartment house, but he could do that on Saturday, or even on Sunday, if he wanted to work on Sunday.

Mr. PACKWOOD. But you could make a speech on Saturday or Sunday also.

Mr. THURMOND. That is true. Most of them are made on Saturday nights, or probably some of them on Sunday.

Mr. PACKWOOD. Why limit them, then?

Mr. THURMOND. Well, with earned income, a man generally has to leave here while a college is in session, and after Friday night probably the college is not in session. I have made a number of speeches in colleges, and I do not think 5 percent of them were made after Thursday night, I would say.

Mr. PACKWOOD. Well, then, is your standard whether or not it takes you away from the Senate? If it does not take you away from the time of the Senate, should you be allowed to make them?

Mr. THURMOND. Well, any speech, when you go away if the Senate is in session, is going to take time.

Mr. PACKWOOD. No, no, my question is, If it did not take any time away from the Senate, should you be allowed to make it? First let me give a specific——

Mr. THURMOND. I think this, Mr. President: I think we have to do a little more here than figure it purely on a mathematical basis. There is one thing my father told me when I started out in public life. He said, "You have got to appear right as well as be right."

I think if you give the appearance that you are spending a lot of time away from Washington, even though you may not be busy on your particular duties at that time, if you are spending a large amount of time earning excessive speaking fees, which a great many Senators, or some, are earning, it gives the appearance that you are using your office for your personal gain.

I think Senator BYRD expressed that pretty well a few days ago when he made this statement—I do not know how many speeches the Senator made before he became a Senator or got in public life, or how many other Senators did, but here is what Senator ROBERT C. BYRD said:

I don't think any group of citizens would pay me $2,000 to play my fiddle for 15 minutes if I were a meatcutter, or working in a shipyard, or practicing law.

In other words, probably most of the invitations that are received here by Members of the Senate—and we have to admit this—are received because we are United States Senators.

Mr. PACKWOOD. Now a question. You are invited to speak at the Houston Baptist University commencement, as I was last year. Of course I was invited because I was a Senator. They wanted to have somebody with some name or prominence to speak. Is there something wrong with that?

Mr. THURMOND. There is nothing wrong, and I commend you for it. We have a provision in here that although you can collect the $8,600, a Senator may make other speeches if he wishes, so long as he donates them to charity.

Mr. PACKWOOD. All right. Then it is not a matter of time we are talking about, is it?

Mr. THURMOND. Yes, it is a matter of time, too. You have to balance it. If you can spare the time—maybe you cannot spare the time to deliver $8,600 worth, but we limited it to that because we had to have some basis and we felt that if we limited it to 15 percent of the salary, we would be reasonable.

Mr. PACKWOOD. The Senator seems to be making the argument——

Mr. THURMOND. Let me answer you. If you can find time to make all the appearances, and donate the money to your alma mater, an orphanage, or anywhere else you want to, if you can find the time and it does not interfere with your work, you can still do it.

Mr. PACKWOOD. That is right. If you can find the time, you can go out and make $25,000 worth of speeches, and donate most of it to charity.

Mr. THURMOND. That is right, and I predict once we agree to this resolution a lot of these charity speeches will probably not be made.

Mr. PACKWOOD. If you can find the time to do that, why can you not find the time to make $25,000 worth of speeches and take the money yourself?

Mr. THURMOND. Because I do not think you can probably find the time to make $25,000 worth.

Mr. PACKWOOD. Then how can I do it for charity?

Mr. THURMOND. Well, you can do it for charity, but how are you going to find the time?

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. THURMOND. Does the Senator want to ask something?

Mr. GOLDWATER. Yes.

Mr. THURMOND. Mr. President, I yield to the Senator from Arizona to ask the Senator from Oregon a question.

Mr. GOLDWATER. I will ask the Senator from South Carolina.

We are talking about time, and we are talking about a limit of $8,650. We have 50 days that I can count up that we are not doing a darn thing. We are home fishing, talking to constituents, having a good time. Would the Senator entertain an amendment where we could speak as often as we wanted to on those 50 days, and, instead of $8,500, we might earn $50,000 or $75,000? We would not be taking a second of time away from the Senate. We are home, sort of loafing.

Mr. THURMOND. Mr. President, I cannot conceive of such a situation. If the Senate is not in session the year around, we are busy the year around. I am as busy in my office when we are not in session as when we are in session, and I am sure most Senators are. This is a year around job.

Years ago it was not. You could come here 4 or 5 months, and then go back to your home State in the fall.

Mr. GOLDWATER. No, the Senator misunderstood me. I have already counted 10 days for Lincoln day, 10 days for Easter, 30 days in the month of Auguest. That is 50 days.

I realize the Senator works hard. I think all Senators do. But maybe we find some time that we do not have to be working. The question I am asking is, If it does not take one second away from Senate time, would it not be proper to allow us to make extra money during that time, when we are doing nothing but being home or being some place else, to make extra money if we can?

Mr. THURMOND. Mr. President, in reply to that, there has never been a time when I found myself doing nothing since I have been a Member of the Senate. These recesses are not to let you stop working or go fishing.

Mr. GOLDWATER. I am not doing that.

Mr. THURMOND. These recesses of the Senate, as I understand them, allow us to go back home with our constituents and speak to them, or spend the time in some other way we feel is helpful to our State or our country.

Mr. PACKWOOD. Are we allowed then, 2 or 3 weeks for a family vacation per year?

Mr. THURMOND. I do not know if there is a standard Senate policy on family vacations. August is the month they usually allow for family vacations.

Mr. PACKWOOD. If they allowed the month of August for a vacation, can I use it as I want?

Mr. THURMOND. I do not think it is a vacation, really. They call it a vacation, some of them do, and some of them take these recesses for a vacation. I have found that the Senate takes time the year round and it is hard for me even to find the day to take my wife off for 2 or 3 days anywhere. This work is demanding.

Mr. PACKWOOD. We may be coming to that. We will be here 51½ weeks per year and have full public financing of our campaigns. We will have no outside income. We will live at the public expense and be kept at the public expense. It will be a sorry day for this Senate when we get there, if we cannot take a 2 or 3 week vacation with our families because every waking hour and every sleeping hour belongs to the Senate. That is going to be a sad day for this Senate.

Mr. MORGAN. Will the Senator yield?

Mr. THURMOND. Instead of spending that 2 weeks with his family, as the Senator says he needs to do, if he is going to run off speaking everywhere and trying to use his position to make money, that is a decision he will have to make.

Mr. PACKWOOD. I will make a deal. Let us leave the decision up to my wife.

Mr. THURMOND. I expect she would want the Senator to stay with her and not go off and make money and, therefore, $8,600 should not affect the Senator so much.

Mr. PACKWOOD. I would be willing to reach a compromise. If the Senator would be willing to reach a compromise with my wife as to what she wants me to do for 2 or 3 weeks, maybe we can make a harmonious deal.

Mr. GOLDWATER. Let us forget the fact that the Senator works all the time he is at home and I work all the time I am home. Let us say we want to go off and make a little extra money at no expense to the public, at no expense to anyone. This is a hypothetical question. Should we be allowed to do that?

Mr. THURMOND. The Senator can do it. He can do it up to $8,600.

Mr. GOLDWATER. I am talking about more than $8,600.

Mr. THURMOND. Well, that is what we are limiting it to. In other words, $57,500 salary plus $8,600 makes $66,100. I believe any family in the Senate can live on $66,100.

Mr. GOLDWATER. I think they can, too, but I do not think the Constitution gives a darn about how much it costs to live. The Constitution does not tell us what we can or cannot earn. The original concept of this body was sort of a part-time politician and a part-time businessman. It is no longer that. My argument is that we are talking about time. That is what Senator PACKWOOD is talking about. If we have the time we should be allowed it. If the time interferes with our duties as a Senator, I go along with the Senator.

Mr. THURMOND. This amendment goes much further than the $8,600. This amendment would put all unearned income into it and limit it all to 15 percent.

Mr. GOLDWATER. I am not talking about this amendment.

Mr. THURMOND. That is the amendment we are considering now.

Mr. GOLDWATER. I am not talking about this amendment.

Mr. THURMOND. Wait until we get to the next amendment and we will talk about that.

Mr. GOLDWATER. I am talking about 50 days.

Mr. THURMOND. This amendment puts unearned income on the same basis as earned income. If a man has rent, interest, investment or any income any-

where it puts it in here and limits it all to $8,600. I think that is unfair and I think it is unconstitutional. I do not think the Congress should pass such a law to do that. I do not think we can say that a man cannot earn but so much.

We are merely saying that as a Senator's personal service, we are limiting that to $8,600. Of course, that might be tested. I do not know whether that will be constitutional, but we think it is the right thing to do. We think the people of America feel that they deserve the Senator's time; that they deserve his talents. They are paying him $66,100, if we count in the $8,600, and we think that is reasonable.

Mr. GOLDWATER. Then by that argument we should have no time off.

Mr. THURMOND. I am not saying we should never have any time off.

Mr. GOLDWATER. We should never be allowed to see our families, we should never be allowed to go home, we must stay in Washington, and have our bed checks every Friday night to make sure we are here. I do not quite go along with that. We are not going to get rich but we ought to be allowed to make more than $8,600 a year extra, I do not care what the pay is. I came here when it was $10,000 and I got along pretty good.

Mr. THURMOND. The Senator will get along still better on $66,000.

Mr. GOLDWATER. On $44,000 I do not get along so good.

Mr. THURMOND. The Senator is now going to get $66,000, if he gets $8,600 for speaking, so he ought to be able to get along with that.

Mr. GOLDWATER. And Internal Revenue will let me have $400 a month out of that. Hurray for them.

Mr. THURMOND. I realize there are two sides to this thing, but the question is whether we are going to have a code of ethics or not. That is the whole thing. We think the time has come that we ought to have a code of ethics.

Mr. GOLDWATER. I agree with the Senator.

Mr. THURMOND. I realize it is going to pinch and pinch hard on a lot of people. I realize they are going to feel it is unreasonable, that it does hamper people. A lot of people can make more speeches; a lot of them turn down more speeches. But how can we do justice to our work here, justice to our families?

We have had many separations and divorces in the Congress. I do not know whether that is caused from so many running off and making speeches, the pressure of work, or what. But I know one thing, the pressure of the work is harder than ever. If we can limit the earned income to $8,600 and give a Senator $66,100, which we think is reasonable, it will be better for the Senators, it will be better for the families, and it will be better for the country.

Mr. GOLDWATER. If the Senator will allow one more comment, I believe in a code of conduct. I do not think this happens to be one. I do not see any penalties. I think one can still steal as much as he can. We will still have our Tongsun Parks. We will still hear rumors about 50 Members of Congress having received presents from Tongsun Park. I do not see anything in here that says we have to say adios to Tongsun Park, Where are the penalties in this thing?

Mr. THURMOND. We have penalties in the resolution.

Mr. GOLDWATER. Someone might get his wrist slapped real hard or someone might poke his eye out.

Mr. THURMOND. Censure, expulsion, or recommendation to the appropriate party conference regarding such Member's seniority or positions of responsibility. In the case of an officer or employee, it is suspension or dismissal.

Mr. GOLDWATER. Those are not penalties.

Mr. THURMOND. Well, it is a pretty bad penalty if they censure a Senator or expel one from the Senate.

Mr. GOLDWATER. That is pretty bad but I do not think they will ever do it.

(Mr. DECONCINI assumed the Chair at this point.)

Mr. MORGAN. Will the Senator yield?

Mr. THURMOND. I am pleased to yield to the distinguished Senator from North Carolina.

Mr. MORGAN. To try to define what earned income is, let me give an illustration and ask for the opinion of the Senator.

I am a farmer. Instead of investing in stock in General Motors all my life I have invested in farms. In every year of my life I have managed and run those farms myself. I am running them now. I have a farm manager I pay to look after them.

Quite frequently during the week he will call me from time to time for a decision. On the weekends when I go home we will ride out and look at the farms and we will talk about what is going to happen the next week. Is the income from that farm earned income?

Mr. THURMOND. No, that is not earned income. That is considered for the purposes of this code of ethics as unearned income.

Mr. MORGAN. Is that spelled out anywhere in here? I heard the quotation from the poll, but I do not find it in the report anywhere.

Mr. THURMOND. I guess the Senator has seen the report on page 38—

Paragraph 3(a) defines 'outside earned income' for purposes of this rule. Generally stated, outside earned income is any income received as a result of personal services actually rendered if such services are material income-producing factors, and where the active and actual participation of the individual is involved.

In other words, you have a manager that runs your business. Of course, you confer with him, but that is not as if it takes your time and you go down there yourself and are there a great portion of the time and run those farms. If you did not have a manager, that might put it in a different category, but if you run them without your personal supervision, then it is considered unearned income.

Mr. MORGAN. In all candor, I think I must say to the Senator that they do receive my personal supervision. The farm manager makes no decisions without consulting with me. On the weekends, we go out, we look at the crops, we talk about the crops.

I am not arguing the issue. I just want to know, am I going to have to dispose of those farms? I do not want to vote for something——

Mr. THURMOND. I would not think so because, as I understand, the Senator has a manager that runs it and tends to it.

Mr. MORGAN. I am the man that makes the decisions.

Mr. THURMOND. The Senator is down there on some weekends, not every weekend, I presume. Is he?

Mr. MORGAN. No, but frequently, he calls me.

Mr. THURMOND. He calls you and you talk about the business. I would not consider that as coming in the category defined for this codes purpose as unearned income.

Mr. MORGAN. Understanding that I received a call from him this morning and we talked about farm matter, along with the other instances that I gave, does the Senator still tell me it would not be earned income?

Mr. THURMOND. In my opinion, under this code, it would not be earned income.

Mr. MORGAN. Let me proceed one step further. Assume that my son and I have a convenience store that we are in partnership in. I am trying to get him started in a business. During the week, he runs the business, but on the weekends, I review the books with him, we talk about the purchases and the sales and receipts for the last week and what is going to happen the next week. Am I participating in the management to such an extent that any income from that would be earned income?

Mr. THURMOND. I think it would have to be determined on the facts, but I would say for the purpose of this code, it is not intended to bring that into play and it would be my judgment that that would be classified, too, as unearned income.

Mr. MORGAN. Let me pursue a matter further, if the Senator will. I, frankly, am for limitation on earned income, but for the life of me, I cannot see why we should perpetuate what I consider to be two classes of Senators. If I am going to be limited to, what is it, $65,000 to live on and I have to live on it——

Mr. THURMOND. $66,100.

Mr. MORGAN. Why should the man who sits in here with a million dollars in stock in General Motors—and the Senator and I know that it is going to take some of his time to manage that portfolio and he is going to sit here, if we are talking about the looks of the matter, the propriety of it—why should he be able to sit in here and draw dividends from General Motors and vote on public contracts, defense contracts that are involved in General Motors, when I am not going to be permitted to participate in the operation of a little convenience store down in Lillington, N.C.?

Mr. THURMOND. I would think that a man who is worth a million dollars or several million dollars invested in stocks and bonds would depend upon his stockbroker to advise him and he would follow that advice.

Mr. MORGAN. He would have to con-

sult him, just as I am going to consult with my son and my farm manager.

Mr. THURMOND. Surely he would consult with him, as the Senator consults with his manager and his son. We cannot take steps here to try to equalize the income of our different Senators. Some of our rich colleagues became wealthy before they came here. They have a lot of other income. Others have given more of their life to public service and have not had an opportunity to make as much. But that is a decision a man has to make.

If he wants to make money, public office is not the place to do it.

Mr. MORGAN. Is he not making money if he is managing his portfolio and drawing dividends from General Motors? If we are talking about standards of ethics and conduct and the propriety of the matter, does it not look just as bad to the public for a man to sit in here and do that, and vote on contracts that are directly affected by all of this, as it does for me to go home and manage my farm?

Mr. THURMOND. No, he is not supposed to vote on matters here where there is a conflict of interest. If he has stocks involved in companies, he is not supposed to cast his votes here where it can inure to his own benefit.

Mr. PERCY. Mr. President, will the Senator from South Carolina yield for just a moment so I can comment on the point made by the Senator from North Carolina while the majority leader is on the floor?

Mr. THURMOND. I am glad to yield to the Senator from Illinois.

Mr. PERCY. I think the Senator from North Carolina (Mr. MORGAN) has pointed out a basic fallacy and weakness in the resolution before us. In all fairness, as a person who has income from unearned income and, like most Senators, from assets acquired prior to entry into the Senate, I think there is a sense of unfairness in discriminating against those who need and acquire earned income as against unearned. If we are going to put a limitation on outside earned income—and I think it is part and parcel of our accepting the pay increase that we do place some limitation of a reasonable nature on earned income, and I do intend to vote against and speak against Muskie amendment No. 1, because I do not think we can go that route, having accepted this very large adjustment in salary—I feel that we need some kind of limit on the other unearned income side, but not in the way of the Muskie amendment. The whole purpose of this resolution is simply not to equalize living standards of all Senators; that is not the purpose. We have lost sight of what we are really trying to accomplish in this resolution to eliminate conflicts of interest and to be fair.

The Senator from Illinois, taking into account some of the points that have been raised, intends to introduce an amendment that would limit the amount of time a Senator can spend on the pursuit of unearned income. It would be highly possible for any Senator to spend half his time supervising and managing a portfolio of assets, analyzing and appraising their relative return on investment, and so forth, and that would not at all be limited. I think, therefore, we need language that will place a limitation on the time expended by a Senator on unearned income, because there is a limitation being accepted on earned income, and I think some limitation must be placed on the time spent on outside pursuits in earning income when we have accepted this very substantial pay adjustment.

So, possibly sometime tomorrow, the Senator from Illinois will offer an amendment which I hope will be acceptable to the managers of the bill that will simply say, in essence, that a Senator could not spend time on unearned income, so-called, in managing a portfolio, managing farms, and managing rental properties and so forth, that would in any way detract from his ability or would be inconsistent with the conscientious performance of his official duties. I think it is possible for a Senator to prove expenditure of time in many, many different ways. A Senator should not abuse his 6-year term by spending a lot of time earning money in the unearned income route.

This particular Senator has limited his time by simply appointing Arthur Andersen to do the accounting, Stein Roe and Farnham to do the investment counseling, and the Harris Trust and Savings Bank to be custodian and manager. I have totaled up the total amount of time on an estimated basis by consulting those who have worked with me. The Senator from Illinois, in 10 years, has spent less than 1 percent of his time in managing that portfolio, and has delegated that authority and responsibility to others. I think it is possible for most of us to establish such a limitation.

Mr. THURMOND. Does the Senator feel that it is possible for those with a substantial income to do the same thing? Does the Senator feel they will follow the same code?

Mr. PERCY. I oppose the Muskie amendment, because I do not——

Mr. THURMOND. I would like to see the Senator's amendment in writing, but offhand, I do not see any special objection in the wording he gave a few moments ago, where it is not a substantial part of a Senator's time that is taken to do that.

But I certainly will be glad to see the amendment.

Mr. PERCY. Yes, I will have the amendment ready in the morning and will be happy to share it with the floor managers of the bill to see if they feel this helps solve one of the problems that our distinguished colleague has raised.

Mr. THURMOND. That still would not affect——

Mr. PERCY. What we are trying to determine is, how can we find a way, having accepted a fairly large adjustment in salary, to assure the American public they are having a full-time Senator on duty.

There are various ways to do it, roll-call votes, how much time we spend in committee, how conscientious we are about serving our constituency.

I do not know how a Senator has much time to do other things. This Senator resigned the first year in the Senate from every single board he served on with one exception, the University of Chicago that I have been on for 25 years, and I have a very poor attendance at those board meetings. But there is no corporate or banking activity I could possibly keep up with.

Mr. THURMOND. As I understand what the Senator is thinking about, since we put a limitation of 15 percent on earned income, what he has in mind is to try to balance that a little on the unearned income so the public will see that those who have unearned incomes will not spend undue time on their investments or in handling their business that would interfere with the performance of their duties in the Senate.

Mr. PERCY. I feel that what is good for the goose is good for the gander and in this case those who have assets and money to work with should not then have the freedom to use their time when there is a restriction on time on other Senators.

Mr. THURMOND. Properly worded, I can see no objection.

Mr. PERCY. Senators should be honor bound not to spend their time making money, but to spend their time being essentially U.S. Senators.

Mr. THURMOND. If the amendment is properly worded, if it can be worded to accomplish that, I would see no special objection to it. I think, from my standpoint, I would be inclined to accept it.

Mr. McCLURE. Will the Senator yield?

Mr. THURMOND. Although I believe most people in the Senate in that category are more or less following the policy of the distinguished Senator from Illinois which is employing the services of others to perform those duties for him.

I am pleased to yield to the distinguished Senator from Idaho.

Mr. McCLURE. I thank the Senator for yielding.

Mr. President, we are groping in an area where we find it difficult to find any definition. For instance, it has been said that Members of the Senate should spend virtually all their time on being a Senator.

Maybe the answer lies in requiring a number of hours per week to be devoted to senatorial duties, rather than looking at the other side and saying we can spend so much time doing something other than being a Senator.

One of the proposals I have had kicking around for some time, which perhaps is pertinent at this point, if we are talking about activities that take a Senator away from his senatorial duties, if that is what we are really concerned about now, not only the appearance, but the fact of other activities that take Members of the Senate away from their duties as Senators, perhaps we should take that old proposal out again and attach it to this bill that will make it illegal for any sitting Members of Congress to be a candidate for the Presidency or Vice-Presidency of the United States.

Mr. THURMOND. That might be a wholesome step to take.

Mr. McCLURE. If anything has taken more time in the last 2 or 3 years, it has been that activity.

Mr. THURMOND. I think it would shorten sessions a lot, too, and it might save a lot of time in debate, because when Members of Congress become candidates for President of the United States we have a lot more speaking and more de-

bate, and we have some measures advocated that might not be advocated if they were not candidates.

Mr. McCLURE. The Senator knows, as do I, committee sessions suffer both in scheduling and in content, the work of the Senate becomes diverted into the political rhetoric that that particular candidate feels suitable for his own candidacy.

If we are really concerned about the time that is consumed by the Senate, or individual Members of the Senate, perhaps the most constructive single thing we can do is make it impossible for them while sitting as Members of the Senate to be conducting themselves as candidates for the Presidency or Vice Presidency of the United States.

Mr. THURMOND. I would not want to give a final answer, but it certainly is a valuable point the Senator has raised. I think I might be inclined to go along with such a position, if it arises.

Mr. WALLOP. Will the Senator yield?

Mr. McCLURE. I am pleased to yield to the able and distinguished Senator from Wyoming.

Mr. WALLOP. I thank the Senator.

Mr. President, I find it difficult to believe I am hearing this. I cannot believe we are sitting here talking about appearances when we have the appearances of rats in a cage.

We are sitting around here arguing about a piece of time, a piece of money, and some kind of log on our time, and where is our faith in the American people?

If we come out with a simple, straight disclosure, and say, "Here is where I was, here is where I spoke, here is all I have got, this is what I earn," have the American people not got enough sense to make a judgment of anything on their own?

We are talking about people who have been elected by the people of this country.

The Senator from North Carolina was talking about whether or not family farms would come under this outside earned income, and if we read the code, they do, and we cannot interpret it any other way. I do not care what the report says.

Furthermore, if the report does not say that and, in fact, the farms—by the Senate's definition—are not receiving the material participation of the farm-owner, then the tax laws under the Internal Revenue Code will not work—if we talk about Catch 22, there it is. The Senator from North Carolina and this Senator from Wyoming will have to sell their farms. There is no way.

The Senate says that we are not materially participating, and the Internal Revenue says we are not, and yet we are making the decisions, and there we are, we are stuck.

Beyond that, the argument here this afternoon wanders around whether we are spending too much time. It is all right to spend time on charity, but not if it is for ourselves.

But in the name of appearances, if I were a member of the public up in this balcony, I would make a judgment on appearances.

I do not think we will gain the confidence of the American public by passing a resolution like this, that is arbitrary, capricious, has no mention in it, when we do not have to aggregate gifts less than $35. So a guy comes up and lays $34 on our desk and says, "Happy birthday." He does that for 100 days and he has done a pretty good service to us. But we do not have to aggregate it because it is not up there.

The whole thing is arbitrary, these limits of income, these limits of time, $25,000. Where did we get that figure?

I can see people on my staff begging not to go to $25,000, to be paid $24,900, and they can earn $100,000 a year speaking on my behalf.

What we are doing here is trying to tailor a code for moral leaders to a Harris poll instead of looking at the men and women who may be elected to this thing, and who are elected to it now, and assuming there is some moral character in it, at least one of us, and that we are capable of making a judgment, basically honorable and ethical men.

That is the appearance we want, and no amount of words in a code like this and no time logs and no amount of anything else will achieve that until we get to a canon of behavior that will, in fact, let the public take a look at the behavior of the men in this body.

Mr. PERCY. Would my distinguished colleague from South Carolina (Mr. THURMOND) mind a question to my distinguished colleague from Wyoming (Mr. WALLOP) who has raised a very important point about staff?

Mr. THURMOND. Mr. President, I am pleased to yield to the Senator from Illinois if he wishes to make a statement.

Mr. PERCY. I appreciate that very much.

One other area in which I think there is a sense of unfairness in the resolution that the committee has worked on faithfully and hard and diligently is in the discrimination as to staff members. An earning limitation is put down. They can earn 15 percent of their salary for honoraria and speaking fees and so forth, but not professional services.

In other words, there are many lawyers on the staff here. If a lawyer performed a service in helping another staff member write a will and that staff member wanted to pay him $50 or $25, that, as I understand the resolution, would be prevented. He could not make such a payment. However, staff members could go out and get speaking engagements, and so forth, and write books, and earn honoraria, and that would be legal. But how many times does a staff member have an opportunity to do that? What they have are professional services.

They are still limited by 15 percent. But it seems grossly unfair not to permit them in their own time, on weekends, or nights, to perform up to 15 percent of their time in professional services; and many, many of them do that today.

Therefore, I think it is a discrimination in favor of Senators to allow honoraria and speaking fees, and so forth, and not permit professional services to be used by some Senators and by staff members when that is a form of supplementary income that would come most naturally to them.

So the Senator from Illinois does intend to offer an amendment that would permit that kind of service to be performed up to the ceiling and limit of 15 percent. I think 15 percent is pretty small. I would rather see it higher, frankly, but I think we all do accept the spirit of some earnings limitation. I am for that spirit, but I want to be fair, so that we do not discriminate against staff, who really only have professional services they could provide as a means of supplementing income, not speaking engagements or honoraria or fees that they might receive from writing books.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. THURMOND. I yield to the distinguished Senator from New York.

Mr. JAVITS. Mr. President, I sat on this committee, and I think I went through most of its deliberations.

I am extremely conscious of the arguments being made by Senator WALLOP and Senator PERCY and many others. I, too, am a man of some property—not as much as I am given credit for.

For years—10 years minimum—I have reported all my investments, income tax figures, and so forth.

One thing that I think is being overlooked in this debate is that we do have a basic structure which is essential, and that is a general prohibition against doing anything which would demean us or demean the Senate.

I remind my colleagues of that because it is very important that we hang onto those sections; because if we do, we can accommodate almost any other reasonable changes. I will give two examples.

We have discussed conflict of interest a great deal. I refer Senators to page 27, line 3. It is only 5 lines, and I shall read it:

> A Member, officer, or employee of the Senate shall not receive any compensation, nor shall he permit any compensation to accrue to his beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his position as a Member, officer, or employee.

That subsumes everything in the conflict of interest. Look at "Gifts," page 21, lines 15 to 21:

> No Member, officer or employee of the Senate, shall solicit or accept a present or future gift, favor, service, or anything of value from any person, business, or other entity under circumstances where he knows by the exercise of ordinary care that such gift, favor, service, or thing of value will, might tend to, or is intended to affect the present or future performance of official duties.

Mr. WALLOP. Mr. President, will the Senator yield?

Mr. JAVITS. Let me explain that.

Mr. WALLOP. Would it be possible to go to the White House for lunch?

Mr. JAVITS. Yes, it would be entirely possible to go to the White House for lunch, because it would not tend to affect the present or future performance of the Senator's duty, depending upon the mind and disposition of the Senator. That is exactly what I am coming to, and that is why I ask that the Senator permit me to complete my argument.

Therefore, I believe that Senators, within this confine, require some specifications, and that is why we inserted the specifications—some specifications as to

what we mean by these broad generalities, which could be very hazardous to Members in the hands of an Ethics Committee which had it in for them. That is, hence, the specificity with which we dealt with many matters in this code.

So I believe that the way in which to resolve this situation is to be sure that, in the finite details that we prescribe, we are realistic and practical.

There seems to be a lot of deep feeling about 15 percent. I do not agree with Senator MUSKIE to take it all, or whatever other scheme he wants, but some reasonable figure. We had 25. That may be the reasonable figure that a consensus of the Senate can arrive at.

Similarly, with respect to gifts or any other matter, let us make them practical and realistic, but let us have a reasonable amount of specificity, so that Members are not cast adrift with the general statements which the Ethics Committee can use against them and bring them up on trial and cause heavy penalties if they believe one of these general statements is violated. I believe that is the way, the only way, in which we can fashion this code.

As a member of the committee, I have listened with deep attention to my colleagues. I am going to propose half a dozen amendments of my own in connection with things we have since picked up, which seem unwise or impractical, and I will vote for other amendments. But let us collaboratively try to obey both those principles—one, the general statement which gives the Ethics Committee a handle on anybody and, two, as much specificity as is needed to give Members a guideline for conduct.

Where Members feel that we are being impractical or unrealistic, let them come forward with their amendments, and I think they will find that most of us, even the members of the committee—and that includes those of us who may feel even more keenly about it than some others—will be generous and openminded about trying to write the specific terms.

In addition, there is no flap about this; if we take all week, it is all right. This is the right exercise to go through. It is an open, public explanation of our situation.

Finally, I should like to close with this: If we are going to adjust everything to what a man who is a blue-collar worker or a normal white-collar worker owns, forget it. We are getting $57,500 now. We were getting $44,000 before. In order of magnitude, that is high level pay. We must assume that the public are sending us high level people, or, if they are not, at least we want them to do so; and we do not want to discourage high level people from coming here, and we easily could.

Within those parameters, bearing in mind that that is big money, anyhow, whether it is $25,000 plus $57,000 or $8,000 plus $57,000, the order of magnitude is the same. At that point I agree with the Senator that we have to trust to the fact that the American people have some sense and a sense of perspective and a sense of proportion. I think we can work it out upon those principles.

Mr. WALLOP. Mr. President, will the Senator yield?

Mr. THURMOND. I am glad to yield to the distinguished Senator from Wyoming.

Mr. WALLOP. I have no quarrel with the purpose, and I certainly have no doubt in my mind that the committee worked long and hard. But I do question the thrust of it. The thrust of what is written here is accusatory in nature.

I agree that the conflict-of-interest section generally is pretty good. On the other hand, it does arrive at arbitrary figures, and the outside earned income figure is the one that concerns me at this moment.

I intend to offer amendments, because I see that the legal profession, bless their hearts, have seen to it that they are exempt from some of the provisions of the code and others of us are not. Even though it is not the intent, that is what the language says; and if somebody interprets language, the language in the resolution will be the prevailing language, I do not doubt.

The fact is that one could write a book while a Member of the Senate and earn income from it. One could sit in his office all day long and wheel and deal in real estate and earn income. But in the farm that the Senator from North Carolina and the Senator from Wyoming are referring to, you are caught between the rules of the Senate and the rules of the income tax people.

Throughout this there are areas that are completely arbitrary, and I do not think they serve the interests of a code of conduct. That is my only point.

I do not question the attitude of the committee that wrote it or anything else, but I wonder if we are not taking the wrong tack, and I would like for the Senate at this moment to think if we have to follow the House—I keep hearing the argument raised that the House has done it and, therefore, we must. I wonder if there is not time yet for us to consider another route, a time in which we would consider, much as the judiciary has, a canon of conduct for the Members of the Senate, not part of the rules but guided by the Ethics Committee, flushed out by the Ethics Committee, perhaps using the concept that Senator ROTH intends to propose of having an outside commission be able to make the determination of facts, and the Senate make the judgment as to what the punishment should be.

I do not think we have to follow the House. I do not think it is necessary. I do not even think the press expects us to. Maybe the Washington Post does, but they have not read Senate Resolution 110 either because they think we have all our unearned income in blind trusts where it is expressly forbidden.

But there is an opportunity right now for us to begin to contemplate taking another course which will be just as visible, do just as much for the public perception, and do more for us as men of honor, and make us more visible in what we are trying to do.

I do not think, I really do not think, there is a moment when we ought to react to a poll and to the posturings of moral elitists when we are talking about the role of the Senate and the Government of the United States for the next 25 or 30 years.

I thank the Senator from South Carolina for yielding.

Mr. THURMOND. Mr. President, if there are no questions, I yield the floor.

Mr. NELSON. Mr. President, I call attention to the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. NELSON. I ask unanimous consent that the time taken for the quorum call not be taken out of the time on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent to be recognized for not to exceed 7 minutes to speak on a resolution which I wish to submit, and that the time not be charged under the time limits applicable to Senate Resolution 110.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 122—SUBMISSION OF A RESOLUTION RELATING TO THE PARLIAMENTARY ELECTIONS IN THE REPUBLIC OF INDIA

(Referred to the Committee on Foreign Relations.)

Mr. MOYNIHAN submitted the following resolution:

S. RES. 122

Whereas, Americans believe that support for representative institutions and individual rights is an important objective of the foreign policy of the United States;

Whereas, the effective functioning of democratic societies in other parts of the world is of deep and permanent interest to the United States and its allies;

Whereas, the largest democratic election in history, involving more than 200 million citizens casting their free ballot, was recently held in the Republic of India: Now, therefore, be it

Resolved, SECTION 1. That the Senate congratulate the free people of the Republic of India for the successful holding of their recent parliamentary elections.

SEC. 2. That the Secretary of the Senate is hereby directed to provide a copy of this resolution to the Secretary of State for transmittal to the Acting President of India.

Mr. MOYNIHAN. Mr. President, I appreciate the courtesy of my distinguished colleagues in allowing me a moment to propose that we, in the Senate, pause to record an extraordinary event—the largest free election in world history.

This past weekend in the Republic of India some 200 million persons participated in an historic vote, a vote which reaffirmed India's status as we have come to know it—and did know it—as the world's largest democracy.

Mr. President, two things took place in India this last weekend. I think they may be summed up in the headline in the Washington Star, which states succinctly, "Gandhi Loses; India Civil Liberties Restored."

The point to note about this election is,

first, that it took place. It was a free election, and the largest number of persons ever voting in a free election participated.

The second point, and one easily overlooked, is that India has in these days passed the critical test of a democratic society: it has changed the party governing the state by a free electoral process.

We have heard, this last year, much talk of the American Bicentennial and of our Revolution in 1776. Yet there is a sense in which the American Revolution took place, not in 1776, but in 1801 when, for the first time under our party system, the party in office lost power and freely transferred the reins of Government to the party that had won.

There is a sense in which the American Revolution occurred in this city in March of 1801 when John Adams turned the Great Seal and the Treasury and the Army over to Thomas Jefferson, and went back to Quincy, Mass., thinking he had been a failure when, in fact, he had created democracy in the modern world.

That has happened in India. It has not happened in many other societies. Of all the nations that achieved independence from colonial rule after the Second World War only a handful, six by my count, have ever changed ruling parties by free election.

India, incomparably the largest, has now done so, and it has done so with an extraordinary assertion that democracy, that liberty, that civil rights, and civil liberties are not a luxury of the rich. They are in every sense a necessity of all peoples, the poor not the least; if anything, the poorest need them most.

Mr. President, this remarkable occurrence is of significance to us because it reminds us that democratic ideals and democratic procedures can still be a powerful force in the lives of men and nations, and that peoples, once having experienced the political life of free choice and free debate, are loath indeed to surrender it—that they are prepared to risk their lives, their fortunes, and their sacred honor to preserve it.

I think, Mr. President, our own democracy has been strengthened by these events half way around the world. As one who once had the honor of representing the United States as its Ambassador to India, it is with special satisfaction that I ask my colleagues to join me in the passage of this resolution of congratulations to the Indian people upon the successful conclusion of their parliamentary elections.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. President, my colleague from New York has taken a very fine initiative, very much in character. He was himself a most creditable Ambassador to India, and he knows that country very well, and he knows so very well the history of our doctrines of freedom in his professorial life and in his personal and political life.

In return, I would like to assure my colleague that, as a member of the Committee on Foreign Relations, I am glad he has had it referred to us. It is something we should do deliberately. I will do my utmost to bring about early but very thoughtful action on so fine an initiative as he has authored.

Mr. MOYNIHAN. I thank my cherished colleague, the senior Senator from New York, and I thank the Chair.

OFFICIAL CONDUCT AMENDMENTS OF 1977

The Senate continued with the consideration of the resolution (S. Res. 110) to establish a code of official conduct for the Members, officers, and employees of the U.S. Senate; and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be taken from the time on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, will the majority leader yield me 3 minutes?

Mr. ROBERT C. BYRD. Yes, I yield the Senator 3 minutes.

AMENDMENT NO. 92

Mr. MUSKIE. Mr. President, we will shortly, I think, propose an agreement to vote on the issues we have been debating. Before we do so, I ask unanimous consent to have printed in the RECORD amendment No. 92, and immediately following it an explanation of the effect of that amendment which I submit for that purpose.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 92

On page 24, beginning with line 13, strike out all through line 24 on page 26.

Renumber proposed rules XLV through L (and cross references thereto) as XLIV through XLIX, respectively.

The second amendment would strike the Committee's recommended limitations and would stress current legal limits and disclosure, the amendment:

1) strikes out the entire proposed Rule 44 and would thus remove the 15%-of-salary limitation on outside "earned" income as defined by the Committee, thereby treating all permissible outside income in the same manner;

2) preserves the public disclosure requirements contained in Rule 42 of the Committee's proposal;

3) leaves standing the proposed conflict of interest provision contained in Rule 45 of the Committee's proposal including the prohibition against providing professional services for compensation;

4) leaves standing those sections now contained in the Federal Election Campaign Act limiting honoraria income which Congressmen may receive to an annual total of $25,000 and a maximum of $2,000 per speech.

Mr. MUSKIE. The time agreement which we will be proposing, and to which I agree, will provide for a vote first on the pending amendment, which we have been debating for 2 days, and a second vote on the amendment which I have just inserted in the RECORD with an explanation, which will indicate to Senators who read the RECORD what the second amendment would accomplish if approved.

With that, I yield to the distinguished majority leader to propound the time agreement.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Maine (Mr. MUSKIE).

I ask Senator MUSKIE this question: Did I correctly understand amendment No. 92 as being the amendment which we really have been talking about, for the most part, during the last 2 days, to wit, the amendment that would remove the 15-percent limitation, thus leaving the present law obtaining? For example, that there would still be a limitation of $25,000 on outside earned income, which includes honoraria, with a maximum per honorarium of $2,000?

Mr. MUSKIE. That is correct, and of course in addition the disclosure requirements of the present law would apply to honoraria of any kind, so that if the second amendment is approved, the effect would apply to honorarium income the disclosure requirements, plus the higher limit which exists in present law of $25,000. As a matter of fact, we could not affect present law, I do not believe, by this resolution.

Mr. ROBERT C. BYRD. Yes.

Mr. MUSKIE. So the effect of the amendment is to eliminate the restrictions on honorarium income in the pending resolution, leaving in effect the restrictions that exist in the present law.

Mr. ROBERT C. BYRD. All right. So my understanding is correct, then, is it not, may I ask the able Senator from Maine, that amendment No. 92 is not a substitute amendment for the amendment that we have been discussing, even though that amendment has not been pending? We have all been referring to the second amendment as the amendment that eliminates the 15-percent limit on outside earned income, and this is that amendment; is that correct?

Mr. MUSKIE. The Senator is correct. Amendment No. 92 was introduced last week, it was printed last week, and it is the only amendment that was introduced last week, and the one we have been debating.

Mr. ROBERT C. BYRD. I thank the Senator.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at 5 o'clock tomorrow afternoon, the Senate proceed to vote up or down on amendment No. 93, which is the pending amendment; that no tabling motion, of course, be in order, and that no amendment to the amendment be in order;

That immediately upon the disposition of amendment No. 93, there be a limitation of 1 hour of debate on amendment No. 92, with the time to be equally divided between the author of amendment No. 92, Mr. MUSKIE, and the Senator from Wisconsin (Mr. NELSON);

Provided further, that the final 15 minutes of that 1 hour of debate be allotted to the Senator from Maine (Mr. MUSKIE);

Provided further, that at the hour of

6:15 p.m., which would be at the expiration of the 1 hour of debate, the Senate proceed to vote up or down—with no tabling motion in order, no further amendments in order, and no further debate in order—on amendment No. 92.

I have cleared this request with the Senator from Wisconsin (Mr. NELSON) and Mr. MUSKIE and I having discussed it with the Senators who are the principals in the offering of the two amendments and the distinguished Republican leader having been present, I believe that this request has been sufficiently cleared on both sides of the aisle.

Mr. BAKER. Mr. President, reserving the right to object, and I will not object, I commend the majority leader and the distinguished Senator from Maine for arriving at this accommodation in order to establish a regularity in our proceedings tomorrow. There is no objection on this side. I have consulted with the principals involved in these two amendments, and with Senator PACKWOOD. I know of no other objection to it and I therefore will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the agreement is as follows:

Ordered, That at the hour of 2 p.m. on Tuesday, March 22, 1977 the Senate resume consideration of Amendment No. 93 to S. Res. 110, with the time until 5 p.m. to be equally divided and controlled by the Senator from Maine (Mr. Muskie) and the Senator from Wisconsin (Mr. Nelson) and that at the hour of 5 p.m. the Senate proceed to vote on the amendment No. 93 and that no amendment to amendment No. 93 be in order.

Ordered further, That following the vote on the amendment No. 93 the Senate proceed to the consideration of amendment No. 92, and that debate on the amendment be limited to one hour to be equally divided and controlled by the Senator from Maine (Mr. Muskie) and the Senator from Wisconsin (Mr. Nelson) provided that the final 15 minutes be allocated to the Senator from Maine, at the conclusion of which the Senate proceed to vote on amendment No. 92 and that no amendment to amendment No. 92 be in order.

Provided further, That following the vote on amendment No. 92 the Senator from Connecticut (Mr. Weicker) be recognized.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Maine, the author of the amendment, the distinguished Republican leader, and all other Senators who have participated in the discussions leading up to the agreement.

Mr. MUSKIE. Mr. President, I would like to express my appreciation also to the distinguished majority leader for his understanding in scheduling the time for these votes. I think there has been ample debate and there is more scheduled for tomorrow. I gather that we will be resuming action about 1:30 or 2 o'clock tomorrow afternoon.

ORDER FOR RECESS UNTIL 1 P.M. AND SPECIAL ORDERS FOR TOMORROW

Mr. ROBERT C. BYRD. Mr. President, by way of answering the distinguished Senator, I ask unanimous consent that when the Senate completes its business today it stand in recess until 1 p.m. tomorrow; that after the two leaders or their designees have been recognized under the standing order, Mr. BARTLETT and Mr. ROTH each be recognized for not to exceed 15 minutes; that there then be a period for the transaction of routine morning business until the hour of 2 p.m., with statements limited therein to 5 minutes each, and that at the hour of 2 p.m. the Senate resume consideration of the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER DIVIDING TIME FOR DEBATE TOMORROW BETWEEN 2 P.M. AND 5 P.M.

Mr. ROBERT C. BYRD. Mr. President, I wonder if it might be well for us to agree at this point also—if the Senator from Maine would also agree—that the debate between the hour of 2 p.m. and the hour of 5 p.m. tomorrow be equally divided between Mr. MUSKIE and Mr. NELSON.

Mr. MUSKIE. I think that is an excellent suggestion. I thank the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER PROHIBITING CONSIDERATION OF RESOLUTIONS UNDER THE RULE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that no resolutions come over under the rule tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At this point Mr. ROBERT C. BYRD's statement of the program and related colloquy occurred, all of which is printed in today's RECORD just prior to the recess, by order of the Senate.)

ORDER FOR RECOGNITION OF SENATOR WEICKER UPON DISPOSITION OF TWO AMENDMENTS BY SENATOR MUSKIE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the two amendments by Mr. MUSKIE, Mr. WEICKER be recognized to call up his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I think our understanding is in accordance with the request that I promulgated.

Mr. BAKER. Mr. President, if the Senator will yield, let me state my understanding of the request now pending. I believe we are in agreement.

Mr. ROBERT C. BYRD. Yes; I yield.

Mr. BAKER. It is the understanding of the Senator from Tennessee of the request put by the majority leader that there will be no amendments to the two Muskie amendments.

Mr. ROBERT C. BYRD. Except by unanimous consent.

Mr. BAKER. Which, of course, we can always do, as the Senator from Alaska properly asked; but that, at the expiration of time for the two Muskie amendments, without an intervening tabling motion, without amendment and without further debate, there will be a vote on these amendments as otherwise prescribed in the unanimous-consent order.

Mr. ROBERT C. BYRD. The Senator is correct, with the understanding that a Senator may suggest the absence of a quorum in either event or both.

Mr. BAKER. And with the further understanding, as declared by the Senator from Alaska, if other amendments are not controversial; if they are worked out with the managers of the bill, by unanimous consent, they may be quickly taken up and disposed of quickly.

Mr. ROBERT C. BYRD. Yes.

May I ask the Chair if that is the understanding of the Parliamentarian with respect to my statement?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. Again, if a quorum call should develop at 5 o'clock, or, as a matter of fact, if a quorum call should be underway at 5 o'clock, then upon the disposition of the first vote, which would be on amendment No. 93, there would be 1 hour of debate on the second amendment, amendment No. 92, so that the vote thereon would not necessarily occur at 6:15, but it would, in any event, occur at the expiration of the 1 hour of debate on amendment No. 92.

The PRESIDING OFFICER. The majority leader is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

I thank all Senators.

I believe that about winds it up except for a couple of requests here.

REREFERRAL OF NOMINATION OF FRANK PRESS

Mr. ROBERT C. BYRD. Mr. President, on Friday, March 18, 1977, the nomination of Frank Press to be Director of the Office of Science and Technology was jointly referred to the Committee on Human Resources and to the Committee on Commerce, Science, and Transportation. As in executive session, I ask unanimous consent that the joint referral be vitiated and that the nomination be referred to the Committee on Commerce, Science, and Transportation pursuant to the provisions of Senate Resolution 4.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows: The Senate will convene at the hour of 1 p.m. After the two leaders or their designees have been recognized under the standing order, Mr. BARTLETT and Mr. ROTH will be recognized each for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business not to extend beyond the hour of 2 p.m., with statements limited therein to 5 minutes each.

At the hour of 2 p.m., the Senate will resume consideration of the code of conduct resolution, at which time the question will be on the adoption of amendment No. 93 by Mr. MUSKIE, which is the pending amendment. There will be 3 hours of debate equally divided on that amendment. Of course, the debate may allude to the second amendment, amendment No. 92, if Senators so wish to direct their attention thereto.

At the hour of 5 p.m. a vote will occur on the adoption of amendment No. 93, which is the pending amendment. No amendment thereto will be in order. No tabling motion in relation thereto will be in order, and no further debate after the hour of 5 p.m. will be in order.

Upon the disposition of amendment No. 93, there will be 1 hour of debate on amendment No. 92—that is Mr. MUSKIE's second amendment—which is for the purpose of eliminating the 15-percent limitation on outside earned income, an amendment to which most Senators have been directing most of their remarks during the past few days.

At the expiration of the 1 hour of debate, and with Mr. MUSKIE having the last 15 minutes, the Senate will proceed to vote up or down an amendment No. 92 with no amendment thereto in order, with no tabling motion in order, and with no further debate in order. That will be an up or down vote.

Does any Senator misunderstand me to the point that he would like to make an observation or ask a question at this point?

Mr. MUSKIE. The distinguished majority leader has stated the agreement as I understand it.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. Mr. President, on Friday last we discussed the possibility of the Weicker amendment being the next pending amendment. I believe there is now entered a unanimous-consent order that provides that the two Muskie amendments will not be laid aside in preference to any other amendment except the Weicker amendment. Might I ask the majority leader if he is prepared at this time to agree that the Weicker amendment would be the next pending business following the disposition of these two amendments?

Mr. ROBERT C. BYRD. Yes, indeed.

If I could, before I get to that, may I ask this question so that everyone will understand the situation to be as I understand it: It is possible that at the hour of 5 p.m., a quorum call could be suggested because any Senator is entitled to suggest the absence of a quorum under the Constitution, and all time having elapsed, such a quorum call would be in order. In the event such a quorum call is requested, this would mean, then, that the vote on the first of Mr. MUSKIE's amendments, the vote on No. 93, would not really occur at 5 p.m. It would occur at the close of the quorum call. Have I so worded my request that even though that eventuality should occur, there would still be 1 hour of debate on the second amendment?

The PRESIDING OFFICER. No. The request provides that the second vote will come at 6:15. Does the Senator wish 1 hour to be set aside? We would have to rescind that part of the request.

Mr. ROBERT C. BYRD. I do not recall having included that in my request. Did I? Very well. Then I think we have to provide for that eventuality because were a quorum call to occur, Senators would be shut out of a full hour of debate.

Let me modify my request, Mr. President, simply by amending it in this way:

That in any event, whether or not a quorum call should occur at 5 p.m., there be 1 hour of debate on the second amendment, amendment No. 92, to be equally divided between Mr. MUSKIE and Mr. NELSON, with Mr. MUSKIE having the final 15 minutes thereof, and that upon the expiration of that hour, or if it is yielded back, which I doubt that it will be, the vote then occur up or down on amendment No. 92 with no tabling motion in order, no amendment thereto in order, and no further debate thereon being in order.

Mr. MUSKIE. Mr. President, reserving the right to object, it is conceivable under the form that the majority leader has now proposed, and I am wholly in accord with it, that the vote could occur before 6:15. I think that ought to be clear on the RECORD so that the Senate will not hold us to the 6:15 time. In other words, if the time is yielded back, which is inconceivable but possible, then the vote could come earlier than 6:15.

Mr. ROBERT C. BYRD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Very well, Let me restate the program.

Mr. STEVENS. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. I did not object because I did not intend to object to the agreement. But as I understand it there is no prohibition in this agreement we have just entered into to taking up, by unanimous consent, any of these perfecting amendments that some of us have been working on around here in this time frame, if it is agreeable. This is not to bar any of those? It was not the majority leader's intention that if we had the consent and were ready to go, that we could not get an agreement to take up in slack time some of the perfecting agreements, was it?

Mr. ROBERT C. BYRD. No, it was not, but I think the Senator raises an important point. The vote which is to occur on amendment No. 93 was specified as occurring up or down at 5 p.m. on amendment No. 93, with no amendment thereto in order.

I do not think I ruled out any amendments except at that point, did I, to amendment No. 93?

The PRESIDING OFFICER. Unless the time has expired on the amendment, an amendment thereto would not be in order. Until the time has expired, the amendment is not in order.

Mr. ROBERT C. BYRD. But did I say no amendment would be in order to amendment No. 93 when the hour of 5 o'clock arrived?

The PRESIDING OFFICER. The Senator did say that.

Mr. ROBERT C. BYRD. Then the Senator would have to have unanimous consent to offer an amendment prior to that hour with the time's not having expired.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I do not intend to rule out the Senator's opportunity, if it is agreeable with the Senator from Maine, to offer amendments to the first amendment during the first 3 hours tomorrow by unanimous consent. Is that the Senator's understanding?

The way I phrased the request, the vote will occur on amendment No. 93 at 5 o'clock. The time will not have expired until 5 o'clock. My request provides that no amendments be in order at 5 o'clock.

Mr. MUSKIE. I would have to say that it was my impression that we would not consider amendments during that time. I have not focused on the other possibility.

Mr. BAKER. Mr. President, the junior Senator from Oregon is not now present on the floor. If there is a possibility that amendments could be offered, I would like first to check with him, so I ask the majority leader to withhold that request if that is the intention.

Mr. STEVENS. I shall just not raise the issue further. If it comes up, we shall discuss it tomorrow. I have no objection to the agreement.

RECESS TO 1 P.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 1 o'clock p.m. tomorrow.

The motion was agreed to; and at 6:50 p.m., the Senate recessed until tomorrow, Tuesday, March 22, 1977, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate March 21, 1977:

DEPARTMENT OF STATE

Matthew Nimetz, of New York, to be Counselor of the Department of State.

Herbert J. Hansell, of Ohio, to be Legal Adviser of the Department of State.

U.S. GOVERNOR—INTERNATIONAL BANKS

W. Michael Blumenthal, of Michigan, to be U.S. Governor of the International Monetary Fund for a term of 5 years and U.S. Governor of the Internationl Bank for Reconstruction and Development for a term of 5 years; a Governor of the Inter-American Development Bank for a term of 5 years; and U.S. Governor of the Asian Development Bank and U.S. Governor of the African Development Fund.

DEPARTMENT OF THE TREASURY

Jerome Kurtz, of Pennsylvania, to be Commissioner of Internal Revenue, vice Donald C. Alexander, resigned.

DEPARTMENT OF DEFENSE

David Emerson Mann, of Maryland, to be an Assistant Secretary of the Navy, vice H. Tyler Marcy, resigning.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Harry K. Schwartz, of Pennsylvania, to be an Assistant Secretary of Housing and Urban Development, vice Sol Mosher, resigned.

Donna Edna Shalala, of New York, to be an Assistant Secretary of Housing and Urban Development, vice Charles J. Orlebeke, resigned.

IN THE AIR FORCE

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of chapter 837, title 10, United States Code:

To be major general

Brig. Gen. James D. Isaacks, Jr., [redacted] FV, Air Force Reserve.

Brig. Gen. Stephen T. Keefe, Jr., [redacted] FV, Air Force Reserve.

Brig. Gen. Roy M. Marshall, [redacted] FV, Air Force Reserve.

Brig. Gen. Sidney S. Novaresi, [redacted] FV, Air Force Reserve.

Brig. Gen. Ted W. Sorensen, [redacted] FV, Air Force Reserve.

To be brigadier general

Col. Richard D. Anderegg, xxx-xx-xxxx FV, Air Force Reserve.

Col. Donald H. Balch, xxx-xx-xxxx FV, Air Force Reserve.

Col. Milton J. Eberle, xxx-xx-xxxx FV, Air Force Reserve.

Col. Sloan R. Gill, xxx-xx-xxxx FV, Air Force Reserve.

Col. Thomas J. Gregory, xxx-xx-xxxx FV, Air Force Reserve.

Col. Frank E. Humpert, xxx-xx-xxxx FV, Air Force Reserve.

Col. Lewis E. Jones, xxx-xx-xxxx FV, Air Force Reserve.

Col. Samuel K. Lessey, Jr., xxx-xx-xxxx FV, Air Force Reserve.

Col. Martin M. Ostrow xxx-xx-xxxx FV, Air Force Reserve.

Col. Albin H. Schweers, xxx-xx-xxxx FV, Air Force Reserve.

Col. Joseph L. Shosid, xxx-xx-xxxx FV, Air Force Reserve.

Col. Robert E. Van Housen, xxx-xx-xxxx FV, Air Force Reserve.

EXTENSIONS OF REMARKS

THE GREENING OF CHICAGO

HON. JOHN G. FARY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. FARY. Mr. Speaker, March 17 was the day the Irish, and is popularly said, those who wish they were Irish, celebrated the feast of the patron saint of Ireland, St. Patrick.

During the Chicago St. Patrick's Day Parade Congressman ANNUNZIO and I noticed most Americans were wearing a touch of green to signify they hold a special place for the spirit that is uniquely Irish. That spirit brought the sons and daughters of Ireland to this country where they helped build a Nation with compassion, understanding, and opportunity for all people.

The warmth and wisdom of the Irish is apparent in every aspect of American life—it is art, it is politics, and, indeed, it is very fiber. We can only hope that these qualities will prevail in Ireland, and we wish for its people an end to violence, and the restoration of the principles to which St. Patrick himself was dedicated.

I could not permit this joyous day to pass without making reference to an incident which occurred on the occasion of my becoming a Member of this august body when our then majority leader and, today, our distinguished Speaker, THOMAS J. O'NEILL, JR. approached me in the well of the House engulfing me in his arms and lifting me off the floor said "John we are happy to have you here with us"—from them on everything has been on the up.

I have been most fortunate in growing with, working with, and socializing with another great son of Ireland, the late Mayor Richard J. Daley. Regrettably the Lord did not permit him to be present to celebrate this St. Patrick's Day, but he was present if not in body then in spirit at the Chicago St. Patrick's Day Parade where the Sons of St. Patrick marched in his honor and memory.

It is the Boston Irish that lay a stranglehold on the claim that their forebearers were the first to march in such a St. Patrick's Day parade, 4 years before the Hibernian brothers in New York.

The first record of a parade in the Chicago area was in the early 1800's when "400" Friendly Sons of St. Patrick marched in a neighborhood restaurant led by an Irishman with the amazing name of Hercules Mulligan from Dungarvan, County Waterford. He was by trade a tailor and a close friend of early American Presidents.

The Chicago St. Patrick's Day Parade is now an annual event which draws thousands of spectators in the city of Chicago. The parades in the Chicago area were small neighborhood affairs until later when they were consolidated by Mayor Daley in 1956 and the parade route was changed to the world-famous State Street with each year's parade becoming larger and larger until today Chicago's St. Patrick Day Parade is the biggest event of the year with different Irish societies and counties dressed in colorful uniforms with other ethnic groups joined in their native garb with a touch of green entertwined in their costumes.

These parade festivals were peaceful affairs usually. At the turn of the century, however, there was an enterprising barber named Mikel Schwab who hung this sign in his shop at 11 State Street every March 17 "Black Eyes Treated Here" which went on for 20 years—Mikel and his son after him made a handsome purse after the parade, and the day following it.

Each year a committee of civic leaders coordinate the endeavors of the parade whose activities have grown from a single parade to a series of events including a colleen contest, a coronation ball, and many parade awards given in several categories.

This year's theme is "A Tribute To a Great Irishman, Mayor Richard J. Daley." This would have made him very proud. Indeed, no man ever loved a parade more than Mayor Daley, and he encouraged ethnic peoples living in and around Chicago to parade in all the national holidays of their countries. Mayor Daley's four sons, Richard, John, William, and Michael were the grand marshalls for the parade. Dan Lydon was the parade coordinator; 1,000,000 people marched along with 100 floats and 80 marching bands. Ed Brabec was general chairman.

Mr. Speaker, I cannot lay claim to any Irish blood, but each year for the past 20 years I have marched proudly in the Chicago St. Patrick's Day parade with my Irish friends. What impresses me most about the parade is the enthusiasm it generates among all the residents of Chicago—those of all ethnic backgrounds and of all ages. It is not only a community festival, and a super one, but it's renown has spread so that the spirit of the parade encompasses the entire State of Illinois. The parade stands as a symbol of the strong ties between the American and Irish peoples that remains firmly knotted in both war and peace.

It was a Brooklyn-born mathematics teacher, the late Eamon De Valera, who politically and militarily led the Irish rebels through the strife-torn rebellion and, finally, to independence and self-government.

The Irish leaders in that struggle were careful to stress that their effort was aimed not at creating a new nation but, rather, at reasserting the historic inalienable right of the Irish people to the control of their Irish destinies. The Irish declaration of independence proudly stated:

> The long usurpation of that right by a foreign peoples and governments has not extinguished the right, nor can it ever be extinguished except by the destruction of the Irish people.

This same strong tradition of political independence and love of freedom was infused into the American system by those immigrants who came to our shores. The early history of America is replete with the names of Irish immigrants. Charles Thompson, an Irishman, made the first copy of the Declaration of Independence. Another Irishman, John Dunlop, printed it. A third, John Nixon, read it publicly for the first time in Philadelphia. Lighthouse Harry Lee, said that his regiment should properly be called the "Irish Magruders" because 361 of the 731 foreign born in the regiment were Irishmen.

Sixteen of Washington's general officers were Irish, most of them members of the Friendly Sons of St. Patrick. In fact, George Washington was "unanimously adopted" by the Society of the Friendly Sons of St. Patrick when it was first organized in Philadelphia on March 16, 1771.

In the American democracy the Irish found political nobility and a productive channel for centuries of repressed political ambitions. They quickly recognized the potential for political gain that their numbers represented in the larger cities.

The Irish set the tone for the immigrant Polish, Italians, Jews, Croatians, Lithuanians, and other European ethnic groups that followed. Today, in similar fashions, hispanic and blacks are consolidating their bases of political power and sending their representatives to city hall, Washington, and State capitols.

With political power comes slow often painful social advancement. The offspring of these uneducated Irish immigrants entered American universities and, in time, gained entry into American professions and corporations.

Traditionally, the Irish have gravitated to "people" careers—fields that bring them in contact with others where their diplomatic ways and magnetic personalities can win over the most skeptical antagonists.

Irish leaders during the rebellion of 1916 were fond of reminding their people that "England's difficulties are Ireland's

opportunities." It can truly be said that Ireland's preindependence difficulties—those problems that pushed hundreds of thousands of Irishmen and Irishwomen to our land—were indeed "America's opportunities."

It was stated best during a conversation I had with Joe Meegan, executive director of the Back of the Yards Neighborhood Council of Chicago, and Patrick O'Malley, an expatriot of Boston and the head of the Automatic Canteen Corp. and president of the Chicago Parish District. Both Joe Meegan and Patrick O'Malley have lived in Chicago for many years. We were discussing Ireland when Joe Meegan turned and said to me, Johnny "Like a great tree that never eats it's own apples, Ireland raises men, and the whole world plucks them." America is fortunate in that we too have plucked from Ireland.

Mr. Speaker, joining the people of Chicago in this particular St. Patrick's Day celebration was an exciting experience for me. Members of the Irish Fellowship Club started the day with a memorial Mass to the late Mayor Daley at old St. Patrick's Cathedral. Concelebrants of the Mass were five close friends of Mayor Daley's family. Msgr. Daniel O'Rourke, pastor emeritus of St. Mary of the Woods, the Reverend John J. Lydon, pastor of Nativity of Our Lord Parish, the Reverend Stephen J. O'Donnell, pastor of St. Patrick's Cathedral, the Reverend Gilbert Graham, O.P., and the Reverend Joseph E. Bowen, S.J.

His Excellency, John Patrick Cardinal Cody, Archbishop of Chicago, and a famous pulpit orator, heralded Mayor Daley for his strong Christian belief, devotion to his family, and the great contribution he made during his lifetime to his beloved Chicago, the State, and the Nation.

It was a most picturesque sight, Mr. Speaker, on this beautiful St. Patrick's Day to see the Chicago fireboats in the distance sending a cascade of green spray skyward from Lake Michigan forming a rainbow over the city as the sons of Erin strutted down Chicago's State Street following the emerald green line to the strains of the Shannon Rovers Pipers as they passed the Chicago River dyed green for the occasion.

Everything this day in Chicago was green from the youngsters enjoying shamrock green milkshakes, to green beer for the grownups.

All this brought to mind how much richer and stronger our country is for the Irish people who settled here. This is a day to congratulate those persons of Irish heritage who have contributed their qualities and special character to this country, and to those who have successfully worked to symbolize that character in our Chicago St. Patrick's Day Parade.

Not to be outdone by the Irish Americans, the Polish and Italian peoples prepared a route for their own parade on March 19 for St. Joseph's Day the patron saint for both the Italian and Polish peoples.

To our Honorable Speaker, and you my colleagues in the House, and to the Irish-Americans of Chicago and all those who wish they were Irish on this glorious day—A Happy St. Patrick's Day—Erin Go Bragh.

GIBBONS TO CONTINUE TEAMSTERS-ERISA HEARINGS MARCH 24

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. GIBBONS. Mr. Speaker, today I am announcing for the RECORD another hearing on enforcement of the Employee Retirement Income Security Act—ERISA. The hearing, which will focus on actions involving the Teamsters' Central States Pension Fund, will begin at 8:30 a.m., Thursday, March 24, in the Ways and Means Committee hearing room in the Longworth House Office Building.

The Secretary of Labor, Attorney General, IRS Commissioner, and their experts on the administration of ERISA have been invited to testify. The Subcommittee on Oversight is especially concerned about the decision to revoke the fund's tax exemption and subsequent reversal of that decision in return for promises of reform. Questions about this matter were originally pursued by subcommittee member J. J. PICKLE, Democrat of Texas.

The hearings will begin in open session. The subcommittee will take all testimony, including written statements, on the record.

MEASURING BASIC HUMAN NEEDS: A PHYSICAL QUALITY OF LIFE INDEX

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. FRASER. Mr. Speaker, the most widespread current measure of the extent of poverty and wealth in any country is the per capita gross national product. However, it has long been recognized that these average GNP figures mask enormous disparities of wealth and income within countries. They are poor indicators of the actual quality of life of the people in terms of the satisfaction of their basic needs for food, shelter, sanitation, education, and other requirements for physical well-being.

The lack of a commonly accepted social indicator to supplement the often misleading GNP figures has been keenly felt by those concerned with international development. This lack has been especially noticeable since the focus of development efforts in recent years has turned to programs designed to deal directly with the alleviation of poverty and the satisfaction of basic human needs.

Now, the Overseas Development Council—ODC—a Washington-based nonprofit research and public education organization, has devised a physical quality of life indicators, or PQLI, which attempts to meet the need for a more accurate measure of the true state of peoples' physical well-being. The PQLI is derived from statistics on life expectancy, infant mortality, and literacy. According to the ODC, these statistics are important not only in and of themselves but also as relatively sensitive indicators of income distribution, employment, nutrition, and other factors that contribute to total physical well-being.

A full explanation of the PQLI is included as a note to the statistical annexes of ODC's just-released fifth annual analysis of international development issues, "The United States and World Development: Agenda 1977," by John W. Sewell and the ODC staff. The explanation and the accompanying tables offer an intriguing glimpse into the inadequacy of the GNP measure and the potential for a more socially oriented yardstick.

It is difficult to tell if the PQLI is the best measure of this sort that could have been devised; ODC itself is still in the process of refining the concept. But there is little question that this kind of measure has been long overdue and that—whatever refinements may remain to be made—the PQLI is a usable, and most welcome, addition to the analytical tools available for understanding and dealing with poverty.

Accordingly, I insert and commend to the attention of all those who are interested in issues of poverty and development, first, an article on the PQLI by Ann Crittenden, which appeared in the New York Times on March 13, 1977, and second, the ODC's explanatory note from its agenda 1977:

A NEW INDEX ON THE QUALITY OF LIFE

(By Ann Crittenden)

For years economists have been concerned that traditional measures have failed to take into account the impact of economic growth on the lives of people.

Progress tends to be described in the crude shorthand of gross national product, or output of goods and services, although increases in G.N.P. alone reveal nothing about whether life is made easier, longer or richer for most individuals in a society.

Now a group of analysts has come up with a new measure of economic development, designed to correct the omission and to provide a simple guide to development planners, who are focusing more and more of their efforts on meeting the "basic human needs" of the poor.

The newly designed "physical quality of life index," conceived by the Overseas Development Council, a Washington-based economic research organization, is a composite measure with equal weights given to three indicators: literacy, life expectancy and infant mortality.

The assumption is that progress in these areas will indicate, at least roughly, how far a country or region has gone in satisfying the most fundamental needs of its people—the needs that relate directly to their quality of life.

"It gives us a stereoscopic view—a way of looking behind the facade of the G.N.P. numbers," claims James P. Grant, president of the council and a former Deputy Asssistant Secretary of State under President Kennedy.

Measuring countries on the P.Q.L.I. scale, the council team has uncovered some fascinating comparisons. For example, Algeria, which boasts of its socialist orientation and which has an annual per capita income of $710, has half the P.Q.L.I. of Sri Lanka, a

crowded island nation with a per capita G.N.P. of only $130.

Country (ranked by size of per capita gross national product)	*Index*
Kuwait	76
United States	96
Netherlands	99
Gabon	21
Iran	38
Taiwan	88
Algeria	42
Malaysia	59
Cuba	86
South Korea	80
India	41
Sri Lanka	83

(Source: Overseas Development Council).

Indeed, the people of Sri Lanka, one of the "poorest" nations in the world in terms of per capita output, live longer and have higher literacy rates than the citizens of almost all other developing countries, including Iran, with a per capita income of $1,250, and oil-rich Kuwait, whose national income now amounts to a whopping $11,770 per person.

The P.Q.L.I. can be used to measure changes over time as well as current levels of achievement. The index shows, for example, that between the 1950's and the 1970's India improved the lot of its people significantly, in spite of abrupt shifts in development strategy and erratic growth rates.

Similarly, the index can reveal interesting contrasts within nations, between regions and among various ethnic groups. Thus, black Americans have a P.Q.L.I. of 89, close to that of Taiwan, Hong Kong and several Caribbean nations, while white Americans have an index of 97, topped only by the residents of Denmark, Iceland, Norway, Sweden, Switzerland and Japan.

While the index does seem to be fairly well coordinated in national income, the few standout cases like Sri Lanka and the southern Indian state of Kerala do demonstrate, Mr. Grant maintains, that social policies alone can have an impact on well-being.

Both of these impoverished areas provide free education, cheap medical care and, in the case of Sri Lanka, a free portion of rice, the basic food, to everyone.

The Council economists admit that the P.Q.L.I. is still a somewhat crude device and warn that it should not be used too literally. They are working to refine the index.

The concept is being introduced in the Council's 1977 agenda on the United States and world development. A copy of the agenda, which will be released in Washington next week, was made available to The New York Times. It contains a review of the development issues and events of the last few years and describes policy choices now available to the Carter Administration.

A Physical Quality of Life Index (PQLI)*

In recent years, international development agencies and economic planners in many countries have become increasingly concerned with the task of meeting the "basic human needs" of the very poorest groups of people. As development strategies have shifted their emphasis toward addressing these minimum human needs, there has been a growing recognition of the need to devise an indicator that more effectively measures the degree of progress along these lines than is possible with GNP indicators. The U.S. Foreign Assistance Act of 1973 (and its subsequent amendments)—which mandated that an increasing amount of U.S. bilateral assistance be directed toward the improvement of the lot of the poor majority in developing countries—requires that appropriate criteria be established to assess the progress of countries in meeting this objective. Also in 1973, the Secretary General of the United Nations, in the first overall review and appraisal of progress in Development Decade II, recognized the need for a supplement to per capita GNP as a unit for measuring progress in addressing the human needs problems. And in 1976, the report *Reshaping the International Order*, prepared under the guidance of Professor Jan Tinbergen for the Club of Rome, called for the development of a quality of life index to be used in conjunction with the per capita GNP indicator.

The traditional measure of national economic progress—the gross national product (GNP) and its component elements—cannot very satisfactorily measure the extent to which the human needs of individuals are being met, nor should it be expected to do so. There is no automatic policy relationship between any particular level or rate of growth of GNP and improvement in such indicators as life expectancy, death rates, infant mortality, literacy, etc.

A nation's economic product at any particular level may be allocated in a variety of ways, both among areas of activities and among social groups; or national policies may emphasize the growth of military power and of sectors of the economy that do not contribute in any obvious way to improving the health and physical well-being of that country's people. Nor does the growth of average per capita GNP or personal disposable income necessarily improve the well-being of large portions of a country's population since that income may flow to social groups in very unequal proportions. The very poorest groups of the society may not benefit much, if at all, from rising incomes and some may even suffer declines in real income. Moreover, even if rising incomes are shared with the poorest groups, there is no guarantee that these increases in income will be spent in ways that improve physical well-being. For example, in some societies in which rising income has led to a decline in breast feeding and an increase in the use of breast-milk substitutes, higher infant mortality rates have resulted.

Thus the need for new measures of development progress arises from the facts that:

(1) GNP and per capita GNP say nothing about the *distribution* of income;

(2) the conceptual problems inherent in measuring income distribution in any society are compounded in the case of the developing countries, with their largely rural and non-monetary economies; and

(3) money measures do not in themselves indicate anything about the levels of physical well-being of individuals—which is what national and international development planners are seeking to achieve.

Most of the efforts to develop measures of human progress have used a variety of separate indicators such as per capita income, calorie intake, life expectancy, literacy, etc.—all of which improve or deteriorate at varying rates. Use of these disaggregated indicators makes it difficult for national policymakers or administrators of development assistance to determine the combined effectiveness of separate programs addressing different social conditions.

What is needed is not a variety of indicators but some *composite* measure that will summarize the different rates of improvement (or deterioration) in various categories and that will make it possible to estimate the extent to which the basic human needs of all people have or have not been equitably met. The few attempts at devising such a composite measure that have been made have tended to suffer from one or more of three defects:

(1) too close tying of the composite measure to the per capita GNP measure;

(2) use of components (e.g., urbanization, number of telephones per 1,000 people, number of homes with piped water) that assume that the poor countries must inevitably develop along lines followed by developed countries. This assumption, however, fails to take into consideration the long-run implications of the emerging labor-intensive strategy that is being supported by the U.S. Agency for International Development, the World Bank, and the International Labour Office;

(3) the setting of targets that may be excessively ethnocentric (as in the case of nutritional standards).

For the past year, the Overseas Development Council has been exploring the implications of alternative development strategies. One of the concerns in this effort has been to measure how effectively various development strategies distribute the most basic benefits of development progress to all parts of society. Out of this study has come a "Physical Quality of Life Index" (PQLI) that promises to serve as a useful measure of a country's general progress toward more equitably meeting basic human requirements for the majority of its population.

The PQLI does not attempt to measure the many other social and psychological characteristics suggested by the term "quality of life"—justice, political freedom, or a sense of participation. It is based on the assumption that the needs and desires of individuals initially and at the most basic level are for longer life expectancy, reduced illness, and greater opportunity. The index does not measure the amount or the type of effort put into achieving these goals, but the extent to which they are being met—that is, it measures *results*. It acknowledges that improvements in meeting these minimum needs can be achieved in a variety of ways—by better nutrition, improved medical care, better income distribution, increased levels of education, and increased employment.

Developed countries—as a result of improvements made over long periods of time—are today generally able to provide reasonable levels of these basic features of human existence to most of their people. But the poor countries cannot provide better diets, sanitation, medical care, education, etc., all at one time. Moreover, it should not be important that they provide a specific kind of medical organization, a particular type of sanitary facility, or a specific pattern of nutrition, for these are not in themselves ends. They are *means* and must be chosen to suit the resources and cultures of the individual countries. What is important is that, whatever the type of techniques and policies chosen, greater opportunities are made available to those who have the least of these. Thus policymakers are free to apply any mix of policies that will bring about the desired ends. Different policymakers in different countries will choose differently.

Although the Council's analysis is still in its early stages, it seems clear that three indicators—life expectancy, infant mortality, and literacy—can be used to measure the results of a wide range of policies. The PQLI consolidates these into a simple, composite index. Life expectancy, infant mortality, and literacy figures are each rated on an index of 1–100, within which individual countries are ranked according to their performance. For the life expectancy index, for example, the most favorable figure achieved by any country in 1973 (75 years in Sweden) was assigned the upper limit of 100 and the most unfavorable performance in 1950 (28 years in Guinea Bissau) was assigned the lower limit of one (1).[1] Similarly, for infant mortality, the best performance in 1973 (9 per thousand in Sweden) was rated 100 and the worst performance in 1950 was rated 1 (229 in Gabon). Actual literacy figures (being per-

*The PQLI concept is being developed at the Overseas Development Council under the direction of Morris David Morris, as part of a major project exploring alternative development strategies. A publication on the PQLI index will be issued by the ODC in late 1977.

[1] Use of the worst performance in 1950 as the lower limit of the index rather than current worst performance (38 years of life expectancy) allows for comparisons across time without resulting in negative ratings.

centages) are nearly identical to their index ratings.

A *composite* index was calculated by averaging the three indexes, giving equal weight to each of the three indicators. The composite rating for each country appears in Table A–3 of Annex A. The data below show a comparison of performance as measured by GNP and performance as measured by the Physical Quality of Life Index for income groups as well as for selected countries.

	Average per capita GNP	PQLI achievement
Lower-income countries	$152	39
India	140	41
Kerala, India	110	69
Sri Lanka	130	83
Lower middle-income countries	338	59
Malaysia	680	59
Korea, Republic of	480	80
Cuba	640	86
Upper middle-income countries	1,091	67
Gabon	1,960	21
Iran	1,250	38
Algeria	710	42
Taiwan (ROC)	810	88
High-income countries	4,361	95
Kuwait	11,770	76
United States	6,670	96
Netherlands	5,250	99

The data for the countries of the world when grouped by income (as shown here as well as in Tables A–1 and A–3) show the expected direct relationship between the level of per capita GNP and PQLI. On the other hand, the correlation for individual countries is not as clear. For example, Cuba, Korea, and Taiwan (with per capita GNPs more than $300) as well as Sri Lanka and the Indian state of Kerala (with per capita GNPs well below $300) all have PQLIs above the average of countries with incomes between $700 and $2,000. In fact their PQLI performances are well above those of Gabon, Iran, and Kuwait (with per capital GNPs of $1,960, $1,250, and what the expected relationship might be in- $11,770, respectively). These divergences from what the expected relationship might be indicate that significant improvements in basic quality of life levels can be attained before there is any great rise in per capita GNP, conversely, a rapid rise in per capita GNP is not in itself a guarantee of good levels of literacy, life expectancy, or infant mortality.

A major advantage of the PQLI is not only that it measures the current *level* of achievement, but that it appears to be a fairly sensitive measure of change over time as well. The data below shown quality of life changes over the last two decades for a number of countries.

	1950s	1960s	1970s
Algeria	35	38	42
India	28	36	42
Egypt	32	41	45
Brazil	53	--	66
Sri Lanka	62	77	83
Poland	72	86	93
United States	92	94	96
France	87	94	97
Norway	--	--	99

Similarly, the index can be used for intracountry as well as inter-country comparisons. The data below reveal interesting regional contrasts within the United States; it also suggests that comparisons can be made for various ethnic and other social groups as well. The sensitivity of the PQLI index suggests that policymakers can set appropriate targets for improvement in PQLI ratings not only for developing countries, but for developed countries and for regions and specific groups within countries.

	1900	1939	1950	1973
All U.S. population	63	85	91	96
White population	65	87	92	97
Other races	30	71	81	89
Selected States:				
Mississippi		81	87	92
New Mexico		69	85	94
Texas		81	87	95
Wisconsin		89	93	97
Minnesota		91	95	98

The PQLI seems to be fairly free of the major difficulties that in one way or another afflict most other measures of human progress. Because it is not weighted at all by the level of GNP, it avoids all problems of monetary measurement. It avoids ethnocentric biases about as much as is possible. While it does assume that almost all people everywhere would choose improvements in life expectancy, infant mortality, and literacy, the PQLI does not specify how these improvements ought to be achieved. Moreover, it avoids dependence on absolute technical standards (such as a fixed calorie requirement) about which there is no genuine agreement.

The PQLI has a number of advantages. It uses three indicators which apparently do reflect distributional characteristics within countries, for countries cannot achieve high national averages of literacy, life expectancy, and infant mortality unless majorities of their populations are receiving the benefits of progress in each of these areas. It also recognizes that there can be very complex tradeoffs among the inputs that would yield equivalent quality of life results; thus it enables the setting of targets that permit considerable flexibility without suffering from the GNP insensitivity to equity considerations. Moreover, the PQLI automatically narrows the range of data required to measure the extent to which a country is meeting basic human needs objectives; it can help planners decide what specific improvements in types and quality of data collection are immediately necessary.

Further work on the development of the PQLI is needed in refining it and in determining its limitations as well as where and how it can most usefully be employed. But in the meantime, the simplicity of the measure permits it to be easily understood by both lay people and policymakers interested in measuring the progress being made in meeting the most basic needs in particular countries and regions and groups within countries. This is a case in which use of "the good"—the PQLI—should not be precluded because of continuing pursuit of "the best." The PQLI—even in its present form—already serves as a useful measurement of progress in the address of basic human needs.

While there is the danger that the measure may be accepted with too much faith, this problem affects every effort to aggregate complex behavior into a more simple indicator. Future work at the Council will seek to establish methods to use the PQLI along with GNP. If these two can be used in tandem, many of the dangers of misuse and misinterpretation will be eliminated or at least minimized.

PERSONAL EXPENDITURES

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. JACOBS. Henceforth and hereafter—emphasize the third word—reimbursement of personal expenditures by Members of Congress for round trips to their districts will be paid promptly at age 62 or upon retirement, whichever comes later.

ALLOWING INDUSTRY TO SET ITS OWN STANDARDS

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. OTTINGER. Mr. Speaker, today's New York Times carried an article entitled, "Plan on Product Standards Is Decided by Four in Congress," by David Burnham. I would like to call it to the attention of my colleagues and to commend our fellow Members, Representatives DINGELL, Moss, and OBEY, and Senator ABOUREZK for their efforts to undo one of the more insidious legacies of the previous administrations.

The problem facing us is that the previous Office of Management and the Budget essentially offered to allow private interests, with a direct interest in the outcome, to establish the standards by which their products would be approved for marketing by the Government.

As Mr. DINGELL has discovered in efforts through the Subcommittee on Energy and Power which he chairs, and on which I am privilged to serve, one result of such "self-policing" has been to keep off the market items to decrease fuel consumption in home furnaces which would clearly contribute in an important way to energy conservation. The Times article warrants reading by all House Members:

PLAN ON PRODUCT STANDARDS IS DECIDED BY FOUR IN CONGRESS

(By David Burnham)

WASHINGTON, March 20.—A far-reaching plan to link the Federal Government with 400 professional or commercial groups that set standards for tens of thousands of widely used materials and products has been opposed by four members of Congress who say it would harm consumers and small businessmen and stifle technical innovation.

The plan to have the Government formally endorse the standards set by the private groups was recommended in the last days of the Ford Administration and is under apparently sympathetic consideration by the new head of the Office of Management and Budget, Bert Lance.

The proposal's possible impact on consumers looking for new and cheaper products, on businessmen seeking new markets and on the Justice Department's antitrust division is the subject of hearings, continuing tomorrow, by the House Energy and Power Subcommittee, headed by Representative John D. Dingell, Democrat of Michigan.

The subcommittee's interest in the private standard-setting groups has been kindled by testimony that such a group delayed the marketing of a device to reduce the amount of natural gas needed for home heating, and that the group is dominated by the natural gas industry and gas appliance manufacturers.

ECONOMIC IMPACT

According to a subcommittee staff memorandum, the standard-setting group, a committee of the American National Standards Institute, began considering data on automatic dampers for gas furnaces in 1971. So far, the memorandum says, the group has permitted such devices only on new furnaces. The document said the group had done nothing for those who own the 33 million furnaces now in existence, "unless, of course, the homeowner installs a new and expensive furnace."

Thus, beyond determining the physical qualities of an almost endless number of products—the dimensions of lumber, for example, the capacity of electrical wire and the diameter of piping—some of the standards can have a major economic impact by excluding new products or dictating which unions will handle certain jobs.

There now is no over-all policy that defines the Federal Government's relationship to the standard-setting groups. Because the standards often have been adopted in local and state building and safety codes, and in some instances by individual Federal agencies, the private standards frequently have come to have the force of law.

Opposition to the proposal by the Office of Management and Budget to formally endorse the private groups has been voiced by Senator James Abourezk, Democrat of South Dakota; Representative John E. Moss, Democrat of California and Representative David R. Obey, Democrat of Wisconsin, as well as Mr. Dingell.

"In essence," Mr. Obey contended in a recent statement, the O.M.B. plan "says that Federal regulations to protect workers and consumers and to determine Government purchasing practices should be based on the work and recommendations of industry-paid scientists rather than scientists employed by the Federal Government."

In some instances, Mr. Obey conceded, the private groups have a sufficiently broad membership so that the Federal Government could rely on their judgment.

"However," he said, "in the vast majority of regulatory situations it is the worker or the general public who will suffer as a result of weak or inadequate standards, and the corporations whose scientists dominate these commercial standard-setting boards that will profit."

The Ford Administration's proposal for "Federal Interaction with Commercial Standards Setting Bodies" was published Nov. 30 in the Federal Register.

In a letter to the committee in late February, Mr. Lance indicated that the Office of Management and Budget was considering comments on the initial plan and would soon publish a modified version of it. The initial plan, which if formally adopted would be an excutive order for all Federal agencies said it was the policy of the Government "to rely on commercial standards, both domestic and international, wherever feasible."

The plan said Federal participation could include direct financial support to the private groups through grants, sustaining membership and contracts or indirect support in the form of contributions toward costs of travel and the preparation of documents.

The O.M.B. draft plan said the objective of the program was to insure the maximum use of commercial standards by the Government, with the aim of saving money that would otherwise be spent to develop separate Federal standards.

"Over the years, an effective system of voluntary consensus standards activities has developed under the leadership of the American Society for Testing and Materials, American Society of Mechanical Engineers, American National Standards Institute and many others," the proposal said.

"In this voluntary system," the statement added, "a wide range of interests meld their expertise and compromise their differences, with the result that the standards produced are solidly based and widely accepted."

Representative Dingell, in a letter sent last week to Juanita M. Kreps, Secretary of Commerce, charged that a department official who had played a key role in drafting the overall plan, with those laudatory comments about voluntary standard setting procedures, was on the board of directors of the American National Standards Institute, one of the groups mentioned in the proposal.

"In our view, this presented an obvious conflict of interest," Mr. Dingell said, asking that Mrs. Kreps withdraw her department's support for the proposal.

Because many of the voluntary standards are adopted in building and safety codes by state and local governments, a decision by the voluntary organizations can have enormous economic impact.

An earlier report by the House Select Committee on Small Business, also headed by Representative Dingell, cited a standard requiring consumers to purchase acid-resistant porcelain bathtubs as an illustration of "the way in which a standard can be used to require members of the public to buy more expensive products than is reasonably required for their needs."

The same report cited a battle between the makers of cast-iron pipe and the plastic pipe industry fighting within a standards committee for the vast market represented by new housing construction.

In the way of safeguards against conflicts of interest, the O.M.B. plan urged only that the Federal agencies "encourage commercial standards-setting bodies with which they interact to observe rules and procedures that ensure prompt and full consideration of views and interests of all who might be materially affected by their actions and evaluate participation in these bodies in light of their adherence to such rules and procedures."

Joe Sims, Deputy Assistant Attorney General for antitrust matters, testified before the House Committee on March 3 that the Justice Department had "reservations" about the "hesitant wording" of the proposal and had urged mandatory provisions forbidding Federal participation where it appeared that consumer and other public interests were being ignored "in favor of the narrow economic interest of industry members."

SUPPORT FOR CARTER'S YOUTH EMPLOYMENT PROGRAM

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mrs. COLLINS of Illinois. Mr. Speaker, I would like to express my wholehearted support of President Carter's recent proposal that an additional $1.5 billion be authorized to put an extra 243,000 of our Nation's young people to work.

The arguments in favor of employing youths are well known: Jobs keep America's youths occupied, give them a sense of self-worth, and generally benefit not only the employed young persons but their families and communities as well.

As a representative of an inner-city district in Chicago, I have a more than passing familiarity with the unemployment affecting 3,400,000 persons between the ages of 16 and 24. It is impossible to walk down the street of any city in this country without encountering groups of bored, restless teenagers with nothing but time on their hands.

If Congress is really serious about ending unemployment—and I believe that it is—then we must vote for approval of President Carter's youth employment program. It is important that we help our Nation's youth now by providing them with a fair chance to obtain employment.

SOVIET MILITARY CAPABILITY MYTHS

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. MITCHELL of Maryland. Mr. Speaker, the arms race continues almost unabated. Our reckless commitment to a large and unnecessary Department of Defense budget reflects the impact of a deliberate, systematic effort to revive cold war policy by presenting myths and fairy tales about Soviet military capability.

The two cogent articles which I am submitting for the RECORD today destroy the myths and expose the fairy tales for what they are. I commend the articles to my colleagues for careful reading and careful thought:

[From the Christian Science Monitor, Jan. 17, 1977]

HAZARDS OF SOVIET SCARE STORIES

(By G. B. Kistiakowsky)

A heavy rash of scare stories has appeared lately, such as: "Pentagon Fearful of Soviet Effort to Develop Hunter-Killer Satellites." "Carter to get U.S. Study Suggesting Soviets Seek Nuclear Superiority," "Top Scret National Intelligence Estimate Reports the Soviets Seek Military Superiority," and others. Similar but less macabre stories appear usually in the spring when Congress is working on the military budgets. The current crop is out of season, aimed evidently at influencing Jimmy Carter in the selection of his senior appointees and revising his campaign promise to seek the end of the nuclear arms race.

The leaking of sensitive foreign intelligence information by professional superpatriots in and out of the government is not new. In the early '50s the press was flooded with stories of a "bomber gap." The result of the campaign was the buildup of B–47 and B–52 strategic bomber forces, although gradually it came out that the gap was a myth.

In 1957 a major "top secret" study in the executive office of the President reported to him that "evidence clearly indicates increasing threat" of the Soviet Union, which will "become critical by 1959 or early 1960," because the U.S.S.R. will "acquire significant ICBM delivery capability with megaton warheads by 1959." It urged increasing United States military budgets and a multibillion dollar civilian defense program to counter that of the Soviets.

President Eisenhower took unkindly to most of these recommendations, and so the contents of this "Gaither" report were leaked out. They were much used by his opposition

in Congress and led to the "missile gap" of 1957–61.

The columnist Joseph Alsop confided to me "positive information" in the spring of 1959 that the Soviets had 150 ICBMs ready to strike the United States. I knew that actually our information (from U–2 flights, etc.) was totally negative, no deployment having been detected, but I could not discuss it. Later Mr. Alsop went public with his "information." Sen. John F. Kennedy used the "missile gap" in his 1960 campaign and in 1961 the strategic missiles program was greatly expanded, although the missile gap was turning out to be a myth.

A couple of years later there was a flurry of stories about the massive Soviet civil defense program that almost resulted in Washington's starting one. Still later stories appeared of a countryside Soviet deployment of an antimissile defense, nicknamed Tallinn, which would defeat American missiles and thus undermine the U.S. posture of secure deterrence. As some intelligence analysts asserted throughout, the Tallinn system was only for antiaircraft defense, but in the meantime the U.S. MIRV program got going. The Soviets followed suit and the MIRVed missiles have now greatly increased the already excessive destructiveness of strategic forces on both sides.

The currently leaked National Intelligence Estimate (NIE) was produced with the novel participation of a panel of outsiders chosen, it is said, for their hawkishness. One of the members was Paul H. Nitze, who 20 years ago was a member of the Gaither panel and still earlier authored the "NSC 68," a top secret paper that urged a cold-war posture on President Truman. History does repeat. The now leaked NIE concluded that the Soviets have a new goal of military superiority over the United States, as evidenced by various indicators, such as extensive civilian defense.

A word about the NIEs. Since Soviet society is tightly closed, it is usually possible to estimate only current military capabilities. To project the rates of production of missiles, planes, tanks, etc., into the future and to translate this into Soviet intentions involves largely value judgment. It is in this process that the intelligence community splits, and this time the extreme wing, evidently the Air Force as usual, was reinforced by the outside ultras.

The Soviet leaders make no secret of their desire to spread communism and to make the Soviet Union the world leader. Just as openly Americans pride themselves on being No. 1 and commit themselves to staying there. The real issue is whether the Soviets intend to risk nuclear war by driving for military superiority since the Cuban missile crisis showed how risky it is to bluff with nukes. This intent is firmly denied by the Soviet leaders and is not inferred by experienced analysts of Soviet intentions.

To assess this intent one must bear in mind that strategic weapons deployed by the U.S., half of them totally invulnerable in submarines, would wreak such unimaginably total damage on the Soviet Union that no civilian shelters, grain caches, etc., could make it in any sense the winner of a nuclear war, which would destroy the U.S. as well.

Both sides are pressing hard in the arms race, and the U.S. is not falling behind. Since 1972 it has added about 4,000 strategic warheads while the Soviets added about 1,500, so that now the U.S. deploys about 9,000 to the Soviets' 3,500. The U.S. Navy is second to none, its tonnage being nearly twice that of the Soviet Navy, and the average ages of its ships are lower. This year the CIA stated that no single weapon system of the Soviets is technologically superior to America's. The United States is bordered by friends—not, like the Soviet Union, by potential enemies or allies that need occupation troops to continue being allies.

But the future of the U.S. should not be a fortress existence. The unfortunate result of the current campaign could be another spurt in the arms race, further increasing the likelihood of nuclear war, instead of progressing toward arms control agreements that would provide both sides with secure nuclear deterrence on the road to real peace, as has been advocated by Mr. Carter.

[From Foreign Policy, Spring 1976]

OPINION: HOW TO LOOK AT THE SOVIET-AMERICAN BALANCE

(By Les Aspin)

The Soviet Union, we hear these days from the Pentagon, is now outspending the United States on defense. Yesterday's missile gap is today's dollar gap.

It is legitimate to ask two questions about the figures being bandied about. First, do the statistics fairly reflect reality? As Disraeli remarked, "There are three kind of lies: lies, damned lies, and statistics." Second, if there has been an increase in the Soviet defense budget, is it really something we have to worry about? After all, the U.S. military could add a billion dollars to its subsidies for commissaries or its budget for uniforms without generating any worries in the Soviet equivalent of the Pentagon.

When James Schlesinger was defense secretary, he said, "If one strips away pensions and other such considerations, the Soviets may at this point, in terms of the American dollar, be outspending us by 50 percent. They are outspending us, even including pensions, by approximately 30 percent." This has been echoed by others, inside and outside Defense.

The key phrase is "in terms of the American dollar." The Soviets, of course, do not spend dollars. But somehow, Soviet expenditures must be translated into figures comparable to American expenditures. The Pentagon does this by putting both defense budgets into dollars. Starting from observed Soviet defense activity (manpower, equipment, construction, and operations), analysts calculate the cost of procuring a similar force in this country. They ask, "What would it cost to buy the Soviet defense establishment in the United States at U.S. prices?" Based on preliminary figures, this calculation shows that last year the Soviets spent $107 billion on defense while the United States spent $79 billion, both in 1974 dollars.

This method of calculation seems fair on the surface. But there's a trap door. Soviet wages are generally much lower than American wages. But by computing Soviet manpower costs at U.S. rates, one discovers a huge Soviet defense manpower "budget" of over $50 billion that exists only in American documents.

Using this methodology, the largest single reason that Soviet defense spending exceeds our own has been the American decision to switch to an all-volunteer Army and to pay its servicemen civilian-level wages. The absurdity of this calculation then becomes clear: If the United States were to shave its military pay scales, Soviet defense "spending" would fall.

To be sure, calculating the cost of Soviet defenses in American dollars is one way of getting a perspective on the size of their effort. But it is not the only way. An alternative is to compute U.S. and Soviet defense expenditures in roubles.

This method is admittedly much more difficult. For example, we have no good way to estimate what it would cost the Soviets to produce the whole range of American equipment. We cannot turn a new tank over to a Soviet manufacturer and ask him what it would cost to produce it.

Nevertheless, a meaningful rouble comparison can still be made. The result is the reverse of the dollar comparison. Whereas the dollar comparison is weighted by the fact that it prices the manpower-intensive Soviet forces in terms of high U.S. personnel costs, the rouble comparison is weighted by the fact that it prices the technology-intensive U.S. forces in terms of the high costs of Soviet technology. When the calculations are done with roubles, the United States is the bigger spender.[1]

Actually, the rouble comparison understates the American lead in spending. Many of the more sophisticated items in the U.S. arsenal are beyond Soviet production capabilities: computers and other advanced electronics are prime examples. The standard estimate counts the cost in roubles of the closest item the Soviets can actually make. Since we alone have a TV homing, steerable bomb, for example, in roubles it would be priced as an ordinary bomb.

So the answer to the question, "who is spending more on defense," depends on the price system used.

A QUESTION OF TRENDS

Beyond the absolute levels of defense spending, there is the question of trends. It is impossible to ascertain with any relevant measure if the Soviets are outspending the United States in any given year, but the trends in spending over several years are not so ambiguous.[2]

According to the best estimates available, real Soviet defense spending has increased an average of 2.7 per cent a year over the decade 1964 to 1974.[3] U.S. defense spending, on the other hand, increased from 1964 to 1968, because of Vietnam, but has declined in real (not inflated dollar) terms since. The curve results in an annual net decline of 1 per cent per year.

Former Defense Secretary Melvin R. Laird believes the Soviet increase is evidence that "the Soviet Union has engaged in a relentless effort to attain military supremacy."[4] For him and others, détente is a smoke screen behind which the Soviets are hiding while still trying to surpass the United States in all dimensions of military power.

But there are two other possible explanations for Soviet behavior—explanations that are not so cataclysmic. The first is the timing of budget decisions. Right now the driving force behind rising Soviet expenditures is the new generation of intercontinental ballistic missiles (ICBMs). These systems have a long gestation period, and were being developed before the 1972 SALT agreements ushered in the era of détente.

This means that we cannot automatically assume that recent budget growth is a reflection of the current attitudes of the Soviet leaders. If the attitudes have changed, we may see a change in defense expenditures in late 1976 or 1977 when the current ICBM deployment nears completion.

The second possibility is that the growth in Soviet defense expenditures is a function of internal, bureaucratic/political factors in the Kremlin. Brezhnev, trying to keep a majority for détente in the politburo, cannot afford to alienate the armed forces. Using increased defense expenditures to keep the military on board for political purposes is not unknown in this country and may also be an accepted ploy in the Soviet Union.

But whatever the reason the trends are there. To quote Schlesinger again. By most of the available measures, American power is declining and Soviet power is rising. No one can say precisely where the peril points lie as this process unfolds. But if real expenditures by the United States remain constant or continue to fall, while real Soviet outlays continue to rise, the peril points will occur in the relatively near future."[5]

However, the critical issue is what the Soviets are spending their extra roubles on. If the increases are in forces that threaten the United States and its NATO allies, that is

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Footnotes at end of article.

one thing. If the increases are for more troops on the Chinese border, that is something else. The accompanying table, based on previously unavailable data, shows what proportions of the total growth in Soviet defense spending have been devoted to each military mission.

IDENTIFYING THE INCREASES

Not all increases directly threaten U.S. interests. These include higher spending on four missions that comprise 36 per cent of the increase in Soviet spending in the 1964–1974 decade:

1. Since the Sino-Soviet split, the Soviet Union has boosted the number of troops and amount of equipment stationed along the Chinese border. (This accounts for 16 per cent of the budget increase.)

2. In response to the 1968 uprising in Czechoslovakia, the Soviets stationed five divisions there in order to restore control. They remain there. (This accounts for 5 per cent of the increase.)

3. In the 1964–1974 period, the Soviet Union significantly augmented the border troops of the KGB (Committee of State Security) and the security troops of the MVD (Ministry of Internal Affairs). These forces are "essentially paramilitary formations whose prinicpal functions are to police Soviet borders [and] cannot credibly be included in the Soviet land order of battle." [6] (This accounts for 8 per cent of the increase.)

4. The Soviet Union has traditionally been extremely sensitive about its vulnerability to attack and has made enormous investments in surface-to-air missiles and fighter-interceptor aircraft, even as the limited effectiveness of air defense led the Pentagon to trim outlays in that area drastically. (This accounts for 7 per cent of the increase.)

Other increases in Soviet defense spending directly threaten U.S. interests, at least in part.

Intercontinental-range offensive forces, composed of ICBMs, submarine-launched ballistic missiles (SLBMs), and long-range bombers, are generally considered the most threatening and account for 26 per cent of the increase. However, this increase was offset somewhat by a decline in spending for shorter-range strategic forces, such as medium- and intermediate-range missiles, which can threaten NATO.

Many of the Soviet allocations for research and development (R&D) can pose a potential threat to the United States and its allies. Spending for military R&D accounted for 18 per cent of the total growth in Moscow's defense budgets, although the proportion that went for programs affecting U.S. interests is uncertain. Furthermore, Soviet R&D efforts are less efficient. One estimate suggests that Soviet R&D outlays are only 40 per cent as productive as U.S. R&D outlays.

An estimated 100,000 additional Soviet troops were moved into the Eastern European satellites, excluding Czechoslovakia, during the decade. (This accounts for 10 per cent of the increase.) It should be noted, however, that the Soviets weren't the only ones to expand their force in the area; West Germany increased its army by 80,000 men in the 1964–1974 period and, as Schlesinger told Congress, ". . . the capacity of our [NATO] allies has improved substantially in the last decade." [7]

A moderate amount of the increase, 5 per cent, has gone into the navy (excluding ballistic missile submarines) and the tactical air forces—a portion of which went for squadrons assigned to the Far East for possible use against China.

In sum, about 36 per cent of the expansion in Soviet defense spending falls into categories that are not directly threatening and 51 per cent into areas that might threaten us. The 51 per cent, however, should be reduced somewhat because, as we have seen, it contains some built-in exaggerations of the threat to the United States.

There is a danger here of drawing this argument too finely and getting too absorbed in the statistics. It is impossible to neatly categorize every defense dollar (or rouble) as nonthreatening or threatening. Forces can be shifted from a nonthreatening front to a threatening one. Still, in the event of a European war, it is unlikely that the Soviets would uncover their Chinese flank by removing forces from the Far East. With regard to Czechoslovakia, the Soviet occupation forces there would have to contend with the possibility of an uprising in the event of general war in Europe. With these qualifications in mind, we can say that only about half of the Soviet growth in military spending of 2.7 per cent per year is threatening to America.

A LOOK AT THROW-WEIGHT

Three specific areas of Soviet spending are often pointed to with alarm—the Soviet strategic forces, navy, and ground forces.

In the strategic weapons area, the Soviets have indeed expanded rapidly, especially considering the fact that much of the R&D increase is for strategic weapons. About a third of the additional spending has gone here. As a result, the Soviets have moved from inferiority to rough parity in the missile area—a shift the Nixon administration publicly accepted on taking office. But still, some people fear that the Soviets have spent themselves into superiority. For them, "throw-weight" is now in vogue.[8]

Paul Nitze, for example, recently tried to show a Soviet advantage in throw-weight.[9] But the simple fact is that the United States has a commanding lead of 27 million pounds to 12 million pounds when total missile throw-weight and maximum bomber payload are combined.

Nitze appears to worry most that if the Soviets strike first and hit U.S. missile silos, they could, by his calculations, improve their throw-weight advantage, hold American cities hostage, and therefore "win" a nuclear war. He neglects one point: The superpower with the postattack advantage is the superpower that strikes first. If Washington were to launch a first strike against Soviet missile fields, we would end up with an absolutely enormous throw-weight advantage because much more Soviet throw-weight is carried on their vulnerable land-based missiles.

So it looks as if both superpowers face a throw-weight gap. But does it matter? Even if the Soviets successfully carried out a devastating attack on our forces,[10] the United States would still have about 3,100 surviving warheads—and that is 10 per cent more than the Soviet arsenal has now, before an attack. Even if the Soviets attacked first, the United States would still have enough surviving warheads to drop 13 on every Soviet city of more than 100,000 people. Is the politburo really going to sniff at the possibility of warheads raining down on the Kremlin by arguing, "We have more throw-weight than the Americans"? If they are really that irrational, then they aren't smart enough to understand the concept of throw-weight advantage in the first place. In the last analysis, both countries enjoy a surfeit of missilery. In light of that, the significance of any throw-weight advantage is nil.

In the other two areas—the navy and ground forces—the spending growth, as shown in the table above, was modest for those missions and locales that threaten the United States and its NATO allies.

Only 3 per cent of the growth in Soviet defense spending went to navy conventional forces (excluding strategic missile submarines that are covered in the strategic category). The Soviet navy has grown, but it has been able to do this within relatively level budgets because few ships were retired during the decade and it enjoyed a large budget growth prior to the base year 1964, used in the table. The Soviets have built more ships than the United States, but every year we produce more tons of ships; U.S. Navy warships are larger, more capable, and have greater firepower. The Soviet navy has grown, but according to many specialists, it is still largely designed for defensive purposes.[11]

The latest rage among those who view the Soviet military budget with alarm is the spending on ground forces. The numbers being published about Soviet production of tanks, trucks, cannon, and other equipment as well as figures on Soviet military manpower are impressive.

But is the equipment and manpower being sent where it is threatening to U.S. interests? And what kind of quality are they buying with their roubles?

Roughly one-third of Soviet ground forces and equipment are deployed to the Far East, another third faces NATO, while the remaining third is elsewhere. Thus, a sizable fraction does not endanger U.S. security interests. Moreover, as the table indicates, most of the increased spending on Soviet ground forces has gone for men and arms along the Chinese border and in Czechoslovakia, not Eastern Europe.

Tanks, artillery, and other equipment are ground out in quantity but don't measure up to the quality of American weaponry. For example, Soviet tanks have a lower rate of fire, are less accurate at long range, and do not have as much armor protection. The crew space is also cramped, making it difficult for Soviet tankers to work as effectively as their American counterparts.

The issue of quality also applies to manpower. The Soviets have added one million men in the last decade and now have twice as many in uniform as the United States. But Soviet troops are employed in agricultural and construction projects, and large numbers of Soviet officers are really party functionaires. Furthermore, the Soviet enlisted man is not as experienced as the American volunteer who serves longer tours in the U.S. Army. As Lieutenant General Daniel Graham, then director of the Defense Intelligence Agency, testified, "Every six months they replace a quarter of their draftees, and the Soviet army's enlisted strength is almost all draftee." [12] Because of this turnover, many of the men assigned to combat units are still undergoing training.

This is not to say that superior numbers are irrelevant. But part of the reason the United States trails in quantities of equipment is that the U.S. armed forces have decided they want their armories filled with high-quality and sophisticated items. If the services feel that quantity should now be the primary concern, then they can tell their designers to take that into account.

Numerical comparisons are important in any assessment of the military balance. But this does not mean that any simple statistic showing the Soviets ahead of the United States is cause for hand wringing.

I do not mean to suggest that Soviet defense spending should be ignored. Some of the increase in spending is certainly threatening. Additional spending in threatening areas can mount up over the years and this warrants our close attention. But a lot of statistics are abused when we talk of the Soviet military. We must put those numbers in perspective and not jump to the conclusion that the Soviet bear is 10 feet tall.

Footnotes at end of article.

Distribution of Changes in Soviet Defense Spending, 1963–74

[*As a percentage of the total increase*]

Mission:	Percent Change
Research and development	+18
Intercontinental range offense	+26
Intermediate range offense	− 8
Strategic defense	+ 7
Navy, general purpose forces	+ 3
Tactical air forces	+ 2
Chinese border	+16
Eastern Europe (minus Czechoslovakia)	+10
Czechoslovakia	+ 5
Internal security	+ 8
Other changes (unidentifiable by mission)	+13
Total	+100

NOTE: All changes in the missions listed in the table are cumulative (cumulative change equals the sum of the differences between spending in 1964 and in each of the succeeding years) and are expressed as percentages of the cumulative increase in total spending for the 1964–1974 period. Outlays for command and general support were allocated to various mission categories based primarily on those categories' proportions of the total budget in any given year. Research and development costs are not included in any mission categories apart from that entitled "research and development.")

(SOURCE: Estimates provided in the table were derived from the following sources: The Military Balance, various years, published by the International Institute for Strategic Studies; U.S. Congress, Joint Economic Committee, Subcommittee on Priorities and Economy in Government, Allocation of Resources in the Soviet Union and China, 1974 and 1975; and the best available intelligence community estimates as of January 1976.)

FOOTNOTES

[1] The results differ because the relative costs of manpower and equipment in the countries differ. Where relative costs vary, using a single monetary unit from either one of the two countries to make the comparison produces a bias—what economists call the "index number" problem.

[2] Trend calculations were worked from the dollar costs of Soviet spending. Although dollar figures give a misleading view of the absolute level of Soviet outlays, if applied consistently, they are valid in describing changes and trends.

[3] Former Secretary Schlesinger has put the long-term Soviet growth at between 3 and 5 per cent per year. Deputy Defense Secretary William Clements has claimed that the Soviet military budget "in real terms is increasing about 5 per cent a year . . ." (Defense Space Business Daily, May 31, 1975). Actually, the rate of growth has fluctuated between 1 and 5 per cent annually. And, in the 1964–1974 period, the annual rate of growth averaged 2.7 per cent, which corresponds to a 3 per cent slope in the long-term trend line.

[4] Melvin R. Laird, "Is This Detente?" Reader's Digest, July 1975, p. 57.

[5] Letter to Senator John L. McClellan, chairman of the Senate Appropriations Defense Subcommittee, October 23, 1975, p. 5.

[6] Jeffrey Record, Sizing Up the Soviet Army (Washington, D.C.: The Brothers Institution, 1975.

[7] U.S., Congress, House, Committee on Appropriations, Subcommittee on The Department of Defense, Department of Defense Appropriations for Fiscal Year 1976. Hearings, 94th Cong., 1st sess., 1975, Part 1, p. 27.

[8] Throw-weight is the maximum useful weight that can be carried to a target by a missile.

[9] Paul H. Nitze, "Assuring Strategic Stability in an Era of Detente," Foreign Affairs, January 1976.

[10] One that eliminated 50 per cent of our SLBMs, 90 per cent of our ICBMs, and 80 per cent of our B–52s.

[11] See Michael T. Klare, "Superpower Rivalry at Sea," FOREIGN POLICY 21.

[12] In testimony before the U.S., Congress, Joint Economic Committee, Subcommittee on Priorities and Economy in Government, Allocation of Resources in the Soviet Union and China, 1975, p. 125.

CAREER EDUCATION

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. DICKINSON. Mr. Speaker, Dr. William J. Cook, Jr., of Montgomery, Ala., president of Alabama's Advisory Council on Career Education recently addressed the Governor's Workshop on Education and Economic Development.

The text of his remarks are most interesting, timely, and important and I would like to place his speech at this point in the RECORD to share his ideas with my colleagues:

CAREER EDUCATION AS AN ECONOMIC RESOURCE

At the outset, let me say that I count it a genuine honor to be asked to address The Governor's Workshop on Education and Economic Development. I have decided to speak to you today about what I consider our greatest present economic resource: That is, the students now enrolled in our schools and colleges.

I suppose I speak from a substantial bias because of my current involvement in Career Education. Last summer, I was invited by Dr. Wayne Teague to serve on the State's Advisory Council for Career Education, and, at the first meeting of that Council, I was elected President. I accepted reluctantly, but I am reluctant no longer. I have not only learned to love and appreciate the dedicated staff of the State Department of Education and the members of the Council, but I have become increasingly dedicated to the concept of Career Education as a comprehensive educational philosophy.

As a result of the efforts of this Council and upon the recommendation of Dr. Teague, the State Board of Education, at its last meeting, adopted a resolution which 1) defined Career Education, and 2) called for immediate implementation of such programs throughout the State. For your information and to assure a common understanding, I want to read here that definition:

"Career education is an instructional strategy which includes an awareness of the world of work, broad orientation in occupations (professional and nonprofessional), in-depth exploration of occupational clusters, career preparation and an understanding of the economics of our free enterprise system. Career education should be perceived as a very viable component of all educational programs. It is a concept that is completely integrated with the existing educational structure—in all subjects, for all students, and involving all parents, teachers and the community at large."

I believe this concept, properly understood and thoroughly applied, will go a long way in guaranteeing this State's economic future. I must admit that I have held a lifelong curiosity and concern about the relationship between education, the world of work and life. And, as a Liberal Arts major, I am particularly sensitive to the "Ivory Tower" concept—sensitive because I have never believed that any learning should be separated from life. Let me hasten to add that the "Ivory Tower" concept is not confined to Liberal Arts; it is manifestly evident in schools of Business, Education and even professional schools. I, along with most of you, watched in amazement during the turbulent sixties as our schools and colleges, urgently called upon to deal with critical social and economic issues, answered by withdrawing to either exotic exploration, vague theories, or aloof disinterest. They offered no practical solutions. But, beyond the more visible social issues lay an even greater need which likewise was not adequately filled; that is, the preparation of the individual student for life in a dramatically changing world.

Ladies and gentlemen, we have met here to discuss ways of insuring the future of this State through economic growth. We have discussed many excellent programs and proposals. However, if you will recall, most of these have been institutional in nature. May I suggest rather strongly that activities involving only institutional relationships provide very limited solutions to the problem of developing our most precious economic resource. That resource is our people, particularly our young people. I believe that ultimately the answer to this problem is the one-on-one teacher-pupil relationship in a practical-minded learning environment.

No one asked me for a testimony on behalf of Career Education, but I believe that it may well be the salvation of the educational process in this State; perhaps, the entire country. And our turning to it is timely indeed. For many years now, perhaps even for decades, there has been an ever widening gap between the classroom and life. Not only do students graduate unprepared for life-careers, they graduate undecided upon life-careers.

Much has been said recently about the continuing erosion of scores made by students on standardized tests, about their inability to read, about their verbal semi-literacy and diminished powers of reasoning. Technical competence itself is generally accepted by educational institutions as something which will be taught by the employer in on-the-job training after graduation. To state it candidly, some observers feel that educational institutions seem either to be failing at what they are doing, do not know what they are doing, or have altogether relinquished responsibility for doing anything at all. Business accuses education of being inadequate or irrelevant; education condemns business because it does not follow the textbook.

So, the gap widens—and students, schools, business and society in general suffers irrevocable damage—mostly the student. I suspect that much of the student unrest of the sixties was a result of the frustration of students caught somewhere in the middle between book and life, classroom and office, laboratory and factory. Even now, we train them to disappoint them—but we do not train them for disappointments (like the recent college graduate in data processing who discovered his training was a generation out-of-date, or the young woman with a Ph.D. in literature from Yale who now works as a sales clerk in a department store and writes copy for a porno magazine). I understand injustice at this level more than any other. I do not mean that educational forces and business have not attempted to reconcile the difficulty.

For many years, secondary schools have attempted to provide a more practical relevant approach to education and later careers. Diversified Occupation courses (now Distributive Education), FFA, FHA, and a host of vocational programs are sometimes a clumsy attempt to deal with the problem. The major problem with this approach was

that it often fell victim to social snobbery within the school. Those programs became tagged as suited for those poor souls who weren't going to college. Sadly enough, the snobs didn't know why they were going to college in the first place. Actually, in many cases, they were merely postponing a decision to enter life. And, according to college attrition records, they would have better dealt with that reality earlier. Some of them learned, even before the schools, that education should not be designed to prepare one for more education—but for life. I am convinced that the basic philosophy of D. E. and all the others is correct; it merely needs acceptance in all disciplines—not in the isolation of consolation.

It would be impossible here to elaborate on the many other positive moves by education, or even to mention the recent commendable efforts in this State; the important thing is that the dominant trend in educational philosophy recent has tended toward the practical and the relevant. But have not these good intentions been thwarted at times by our expecting our schools to accomplish as primary missions what rightly are but peripheral to their basic original function. They have been charged with the responsibilities of the home, the church, the courts, the banks and God knows what else. I maintain that until the schools are allowed to return to their primary original function—that of education—that there will continue to be an annual crop of sorrowful, uninspired, unprepared, frustrated seekers.

Just recently I listened as one of the highest elected officials of this State spoke of the schools' rightful role in our society as that of "parent." I categorically and unequivocably reject such a foolish notion. Surely, he must realize that the term "In loco parentis" was never intended to imply either the familial relationships or the social responsibilities of the home. Now, I know that in human endeavors of this magnitude there is a certain amount of common ground; but that is all the more reason to exercise discipline within definite boundaries. Otherwise, goals, standards and accountability become blurred and society's orderly progress is impeded. I maintain that a school can be only one thing—a school.

Just as education leaders have moved toward reconciliation, so also have business and industry attempted to deal with the problem. We have not been selfish with our financial support—but perhaps we have too often unintentionally denied educational institutions our time and understanding. It is easy for us to provide a scholarship, build a library or hire a student intern, but what about the time-consuming process of developing and testing a curriculum; of reading to approve textbooks while respecting academic freedom; and of all the other demanding chores required for a thorough practical education for each individual student. In many instances, rather than attempting to influence existing educational systems; business, frequently as a last resort, has established its own educational programs. In fact, some of these programs now rival the most sophisticated educational institutions.

As much as I regret this situation, I understand it. Recently, I had the opportunity to hear the regional personnel director of a nationwide retail firm discuss the problems he faces in recruiting and training management for some thirty thousand employees. The major problem among his manager trainees is an appalling lack of motivation toward success or achievement and the lack of self-confidence in their ability to produce results and effect change. In addition, 1) They have little knowledge of the functioning of the free enterprise system; 2) They are unaware of basic management skills; 3) They are temperamentally unsuited for the pressures of profit and loss accountability and for the stress of the dynamics of corporation life.

I believe that today education is asking for help and the accountability they speak of is not financial, and those who have been quick to identify the problems must now be as quick in assisting to resolve them.

John Milton in his essay "On Education," written in 1644, formulated as well as anyone ever has a philosophy of education:

"I call therefore a complete and generous education that which fits (a person) to perform justly, skillfully, and magnanimously all the offices, both private and public, of peace and war."

Now, I know that Milton lived in the end of the Renaissance and that his definition, therefore, comes close to describing a "Renaissance man." However, I much prefer even today generalists who know something of all the world around them to specialists who talk only to themselves and one another.

What else can we say about education? That is, in simple terms, "Career Education." And, to my way of thinking, that is education—pure and simple. And that, as a businessman is what I expect from our schools and am willing to help them provide.

The first thing that impresses us about Milton's definition of education is its scope: "All the offices, both private and public, of peace and war." Career Education, therefore, is not merely a segment of education or another program. It is, rather, a comprehensive way of looking at the nature and purpose of the education process, an institutional strategy! It encompasses the total man and woman; it embraces all of life; it is performance-oriented, which indicates that it is aimed at goals which can be achieved with some certainty and finality. It is not education for education—but for *Life.*

Having thus discovered its scope and purpose, the standards by which it is to be judged now become the salient factor. And these standards are applied directly to the product of education, for that is the only manner in which the process can be judged.

First, he requires justice—broadly speaking, an ethical code or a morality—a sense of values—applied to both life and career. Milton perhaps lived in simpler times, when learning by-and-large was still controlled by the Church, and not only morality but also doctrine was a part of the curriculum. How different today when in our attempt to guard scholarly freedoms and to remain objective, our schools have forsworn any responsibility for instilling values. It is indeed a sad day when the President of Johns Hopkins University (the first real university in this country) publicly abdicates any responsibility for teaching values of any kind. It is sadly ironic to find institutions whose initial reason for being is the pursuit of truth denying the inherent values contained within that truth. But is it not true that any knowledge of science, literature, society, or the individual carries within it an awareness of order, permanence and reasonableness—or their opposites—all contributory to a system of human values. To overlook that is to transform education into merely expedient information without either substance or purpose. I expect justice to be taught by "Career Education."

Second, he speaks of skill. I do not think he means robot precision of an assembly line worker, who sacrifices his creativity—perhaps even his personality—to a monotonous habit. Rather, he is referring to that kind of skill which transcends mere mechanical aptitude or persistence; it is a skill which springs from within a person, a skill which is easily translated into work beyond the worker. The worker actually translates himself into the work. Consider the fine furniture craftsmen of the Nineteenth Century, for example. But ours is a society and ours an education which depersonalizes, and thus stifles individual pride in accomplishment. Furthermore, the emphasis tends to be upon group activities, committees and clubs; and anonymity breeds the loss of individual awareness and individual pride in achievement. Creative energy and individual assertion becomes threats to a system rather than welcomed spurs to progress. I expect Career Education to recognize the inherent value of each person and to emphasize the essentiality of his individual contribution to the rest of us.

Finally, Milton uses the word "magnanimously." That means simply "generous," "high-minded" and "noble"—motivated by high ideals, committed to the pursuit of excellence.

I admired Admiral Rickover a long time before it was fashionable. Not long ago, he was asked to testify before a congressional committee investigating a defense matter. At the end of the formal session, he was asked, off the record, his opinion as to the greatest malaise affecting our country. His reply was eloquent but sad. "Mediocrity" was his answer—our willingness to accept second best—being satisfied with selfish comforts—having no purpose beyond ourselves. When I view the watered-down curricula of some of our schools, the gradeless farce in which no one fails, teaching experiments designed to hide winners and protect losers, then I come fully to understand why we have deliberately taught ourselves how to salve our lethargy and inability with an appeal to the egalitarianism of mediocrity. Surely a noble failure is still eminently better than a mediocre success—and I expect Career Education to teach that.

And to the degree that Career Education teaches ethics (standards), personalization (individuality), and excellence (love of achievement) will it find relevance and practicality in information and experience; and to the degree that it finds relevance and practicality will it succeed in preparing our students for all of life.

CARRYOVER TAX BASIS SHOULD BE REPEALED

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. PICKLE. Mr. Speaker, no provision of the very complex Tax Reform Act of 1976 is more complex than the problems resulting from the carryover basis provisions in the estate tax. At first glance the proposal that the basis of property acquired from a decedent dying after December 31, 1976, shall be the same in the hands of his executor and heirs as it was in the hands of the decedent immediately before his death sounds deceptively simple. Then we stop a minute and read, "However, for purposes of determining gain but not loss, the basis of all assets will be stepped up to their fair market value on December 31, 1976." But what if we do not know the fair market value on December 31, 1976, how will that be determined?

It is for this reason that I am cosponsoring H.R. 5206 introduced by my able colleague OMAR BURLESON that will repeal the carryover basis. I hope that this can be considered soon by the Ways and Means Committee.

I am not a lawyer, but many lawyers

in my district have written to me about the problems they face in trying to advise their clients about planning their estates. Every plan is now open to substantial revision. It is most difficult to plan a fair distribution of different assets that were acquired at different times and that will have varying appreciation. The amount of records that need to be amassed are staggering. At least this should keep our appraisers off the unemployment rolls this year! We can anticipate that the law suits that will result from these provisions will keep the next generation of lawyers busy.

An example of the complexity of these provisions is found in the 16 page letter of "Recommendations for Technical Amendments to the Estate and Gift Tax Provisions of 1976" compiled by the American College of Probate Counsel. Of particular interest is recommendation 11 to provide an alternative to determine basis and acquisition date for property where the decedent's basis is unknown. Another, is recommendation 14 to require information regarding the carryover basis of property acquired from a decedent only where the total value of the decedent's estate exceeds $60,000.

It appears to me obvious that the law is unnecessarily complex and will work an undue hardship on modest and small estates.

WHEAT CARTEL WITH CANADA OPPOSED

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. FINDLEY. Mr. Speaker, Congress and the administration should be wary of bilateral cartels with Canada aimed at protecting the price of wheat in foreign markets.

On paper, an agreement with Canada not to sell wheat below a certain price in world markets may have superficial appeal to U.S. wheat growers, particularly at this time when wheat stocks are substantial, the price is unsatisfactory, and inventories have difficulty moving into foreign markets.

Such an agreement is, however, a serious threat to the U.S. interests and; moreover, a sharp departure from our trade traditions and principles.

It is, of course, a form of export control, the sort of limitation on markets which Agriculture Secretary Bergland has said he opposes, and against which many others have wisely warned. It obligates the United States not to sell until a certain price is reached. In the absence of that price our stocks would of course be withheld.

If an American grain firm were to sell more grain than the agreement provided, it could be disciplined by our Government. That is export control plain and simple.

The agreement also implies that the United States and Canada must agree on a sharing of the foreign market—a market-rigging concept which our country, with few exceptions, traditionally has avoided and opposed.

Canada handles all wheat exports through governmental authority. Based on past experience, this authority can be expected to find loopholes in any wheat deal that may be constructed. Our experience with the international wheat and grains agreements of recent years should be caution enough.

The United States will be wise to maintain its independent, competitive position in world markets. That is the best way to serve the income interests of U.S. wheat growers, as well as the broader foreign-exchange earnings needs of all U.S. citizens.

HOWARD SEELYE RETIRES

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. BADHAM. Mr. Speaker, I would like to call to the attention of my colleagues the distinguished career of Howard Seelye who has recently retired from the Orange County edition of the Los Angeles Times newspaper as a prominent political writer, concluding his career in the field of journalism to which he has made a significant contribution.

At the time of his retirement from the Los Angeles Times he swept the Orange County Press Club annual awards in essentially all of the top categories: Best article on the history of the American West—first place; best article on the status of women—first place; and best feature story on "A Day in the Life of an Air California Airplane"—first place Previous press club awards have included: Best front page, best typography, best news story, best special edition, and others.

Some of his previous professional positions have included: Managing editor of the San Gabriel Valley Tribune; executive vice president of the Palos Verdes Newspapers, Inc.; owner publisher of the Pismo Times and the Grover City Press; and managing editor of the El Centro Post-Press.

He has served as the State chairman of the California Editors' Conference and the southern California chairman of the Associated Press News Executive Council. Among other civic contributions, he has served as the president of the Whittier College Alumni Association, director of the Orange County Press Club, president of the Palos Verdes Peninsula Kiwanis Club, and coauthor of the political history of Orange County.

A man of extensive experience in the field of journalism and himself a former candidate for Congress, Howard Seelye has a thorough understanding of the political and governmental process. It is my pleasure to pay tribute to this man who has given so much to the constituents of the 40th Congressional District and those in both Orange and Los Angeles Counties during his tenure as a "member of the press."

AN INVENTOR'S STRUGGLE WITH BUREAUCRACY

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. MOTTL. Mr. Speaker, I would like to bring to the attention of my colleagues an article written by Mr. Phil McCombs which appeared in the Washington Post of March 21, 1977. It brings to light the frustrations of redtape and bureaucracy faced by individual inventors and small firms seeking assistance from the Energy Research and Development Administration.

The many Americans of Hungarian descent should note with pride the inventiveness and enterpreneurial spirit of Mr. Csonka. To the many individual inventors and small firms who will read this story, the delays, redtape, and bureaucratic disregard will be just one of many such stories regarding inventions or unsolicited proposals submitted to ERDA.

The article follows:

NEW CARBURETOR STALLS: INVENTOR CANNOT GET U.S. ASSISTANCE

(By Phil McCombs

A man named Albert Csonka has invented a better carburetor that federal officials say could potentially save millions of gallons of gasoline in this energy-hungry nation.

Csonka, however, has run into frustrating bureaucratic roadblocks in getting assistance funds from a federal program created specifically by Congress to encourage nonnuclear energy research by tapping the vast incentive resources of individual Americans like Csonka.

His frustrations were such that they prompted the following candid self-criticism from one government official involved. "The government is not, literally, set up to deal directly with individuals as we deal with Boeing, or Douglas or someone with a Washington office," said Richard K. Sutz, director of the Energy Research and Development Administration's inventor program. "A guy from Boeing can come in twice a day. They know the words to use. It's a matter of grantsmanship."

"ERDA is not set up to deal with small people," he said.

Csonka says that the big auto manufacturers haven't been helpful either, although Ford and Chrysler at least say they're interested.

Csonka's tale has a classic appeal—the small individual with a bright idea working alone against great odds. The story also provides glimpses into an area of federal energy policy that may or may not be working as well as it might.

Csonka has been lucky in several respects. Of 4,278 inventions submitted to the National Bureau of Standards (NBS) Energy-Related Invention Evaluation Program since its inception in early 1975, Csonka's is one of only 22 that NBS has forwarded to the U.S. Energy Research and Development Administration for possible funding.

And the 77-year-old former Hungarian refugee has won, with his brilliance and considerable old-world charm, several supporters within the bureaucracy itself.

Sutz, who is in a position to approve funds for Csonka, described Csonka as "a winner" who with continued luck and pluck may emerge as "a major carburetor manufacturer" in the U.S.

ERDA has not yet decided to fund Csonka's project, however. The agency has asked the inventor for management and marketing plans to indicate how the new carburetors would reach the public.

The energy-related invention program was established under the Federal Non-nuclear Energy Research and Development Act of 1974—a comprehensive national program coordinated by ERDA.

If an invention passes muster with the NBS technical evaluators, ERDA can turn it down as economically unfeasible, or choose to fund it or aid the inventor in some other way such as by providing management or marketing advice.

Csonka, who has been working with his 79-year-old brother on a shoestring budget at home in Buffalo, N.Y., and in a college laboratory, applied for federal aid more than a year and a half ago.

Sutz conceded that Csonka's submission "just got lost" in the ERDA offices and has "taken more time than it should have."

Sutz, formerly an inventor himself and who has been in government only a year, said he is wrestling with the huge ERDA bureaucracy to speed things up.

Sutz said he has come under pressure from Congress to eliminate the delays for small inventors who are applying to ERDA and that all of this pressure has produced "a hell of a bureaucratic learning curve. We're improving, but not really as fast as the inventors or I would like."

Csonka, full of energy, came to Washington last week to confer with officials and see if he couldn't push his invention along a bit.

"For six months our papers were lying in the file," he said with a smile. "Eight copies, six pounds of papers! No one took it in their hands! I don't want to blame anybody, I just want to say to ERDA and to Mr. Schlesinger and Mr. Carter, "Gentlemen, you have lost half a year! By now we should have a carburetor that can be put on the car."

Csonka is no stranger to carburetors, the part of an engine that mixes gasoline with air and then sends the mixture into the cylinders for combustion.

His father, a university mechanical engineer, invented one of the world's first carburetors in Budapest in 1891 and went on to become one of the leading pioneers of the Hungarian engine and automobile industries.

Albert Csonka went into business in 1925 with his father and brother John. They set up a small machine shop in the basement of their apartment building in Budapest, which less than two decades later—as Albert Csonka tells it—had blossomed into a major engine and tool factory employing more than 1,000 persons.

The senior Csonka died in 1939 and when the company was nationalized in 1948 the two brothers fled Hungary on foot and without their families. Later they learned that officials had come to their homes to arrest them the day after they left, Albert Csonka said.

The Csonka brothers spent four years in Austria and finally immigrated to Buffalo where their wives and families joined them in the late 1950s.

Csonka said his net worth was $5 million when he fled his homeland. Since then he has worked as a mechanical design engineer for various U.S. companies until retiring in 1973. He was 73 at the time.

"It's a good age," he said. "You are ripe now. We said to each other, 'We have to make it better, the carburetor.' We said, 'This was our father's idea, the carburetor. Let's make a better carburetor!"

So they set to work. Csonka is living on a small retirement income and $309.50 in Social Security plus what his wife, a former opera singer, can earn giving piano lessons.

The brothers borrowed a few thousand dollars from friends and developed their new "micro-carburetor." As Albert Csonka explains it, they were able to make a revolutionary carburetor because they had the "spark of an idea" just as their father had had nearly 90 years ago. The father's idea came from casual daily observation of a flower stand girl on a streetcorner in Budapest who kept her flowers fresh by spraying them with a hand-held atomizer.

The atomizer's principle—a rush of air over a pool of liquid that picks up particles of liquid and sprays them out as a fog—is the same as that of the carburetor invented by the senior Csonka and other inventors and that is in use in most vehicles today according to published descriptions.

In most carburetors, there is a rushing air current into which a stream of gasoline is introduced. The gas is thus atomized into tiny droplets mixed with the air.

Csonka's new "micro-carburetor" differs in that the rush of air is much faster—nearly the speed of sound—and instead of one gasoline stream the gasoline is fed into the air stream through 720 tiny holes.

The result, according to the NBS evaluation, "insures optimum fuel vaporization and, evaporation. Consequently the air fuel mixture resulting is extremely uniform and the fuel is fully vaporized throughout the intake manifold and delivered uniformly to all cylinders."

The gasoline is burned more efficiently and less is spewed out in the form of undesirable emissions, according to the report.

In laymen's terms, as Csonka explained it, ordinary carburetors atomize the gasoline into big drops and little drops and some cylinders receive a lean mix and some a rich mix—all leading to wasteful operation. In his micro-carburetor, all cylinders receive a "perfectly uniform fog" of the air-gasoline mixture, he said.

In laboratory tests in Buffalo on a Buick engine, Csonka reported gasoline savings of 20 per cent or more.

The NBS evaluation, which leaned in part on the opinion of Professor David Naegeli of Princeton's Aerospace Propulsion Laboratories, concluded that the micro-carburetor "should in principle provide (20 percent) better fuel economy and reduce emissions." Dr. Naegeli wrote that in his opinion, "the micro-carburetor is an excellent device as it stands."

Sidney Weiser, the NBS staff man who evaluated the invention—although without conducting any direct tests on it—estimated an annual savings of 151 million gallons of gasoline should the micro-carburetor be installed on 1 per cent of the 107 million cars in the U.S. An additional 1.2 billion gallons would be saved, he estimated, if the carburetors were installed on the 8.5 million new cars made each year.

The micro-carburetor would cost $100, Weiser estimated.

Csonka said he approached major car manufacturers and was told by General Motors that "they were not interested in outside carburetors . . . They don't want to pay royalties." He said that Chrysler and Ford are "interested but they want to have it built and tested" before making any decisions.

GM spokesman Frank Faraone said the company, which manufacturers its own carburetors in Rochester, N.Y., reviewed Csonka's material and decided "We had no need to purchase any rights. . . . We had no use for any development work on it. I really can't say if we've done the same thing ourselves."

Chrysler spokesman Richard Muller said his company reviewed Csonka's material and has requested further test data. "Of course the corporation is interested in the design but would like to see some operational test data," he said.

Ford spokeswoman Barbara Mansfield said Ford officials have been talking with Csonka and "have told him that his carburetor may infringe on the Dresserator carburetor"—another type of carburetor. NBS officials discount that possibility, however.

Csonka said he has applied for a patent on his micro-carburetor but has not yet received it.

Sutz said the time required for NBS to test any invention is now down to six months and his own ERDA office, which makes final decisions on which inventions to fund, can make up its mind in 45 days.

Inventions are still being submitted to the NBS at the rate of 10 or 15 a day, officials said, and they range from haphazard ideas scribbled on brown paper bags to highly sophisticated and carefully thought-out innovations, like Csonka's carburetor.

So far, the ERDA officials said, they have provided $40,000 to a physicist who is developing a more efficient way of converting the sun's rays into electricity. Beyond that, they have given "management consultant help" to four other inventors and rejected two outright among the 22 inventions recommended to them by NBS.

Of the remaining inventions, four—including Csonka's—"look very positive," and the others are still being evaluated, officials said.

The 22 recommended inventions range from a "diesel engine conversion system for gasoline engines" to a "hydraulically powered waste disposal device." A good proportion of all inventions submitted have to do with automobiles, officials said.

Sutz said he believes his bureaucratic problems will be conquered and that the program will pay off for taxpayers at a rate of 6 to 1. "All I need is one more year and to pull out a couple of winners . . . that will pay for the whole program," he said.

While ERDA still hasn't made up its mind on Csonka and his carburetor, Sutz said there is "no question" that Csonka is a sound inventor and that his carburetor is "a winner."

Whether that will be translated into big money for Csonka and a vast energy saving for the American people may largely depend on fate.

"If he [Csonka] maintains that entrepreneurial disease, as I call it, and really works and pushes," said Sutz, "and on the condition that someone else isn't working on a parallel or identical system, Csonka has a damn good chance of becoming a major carburetor manufacturer . . ."

Sutz added the provision that nothing will be certain either, until a road-test proves that the carburetor will save 20 per cent of fuel consumption in actual driving as it did in laboratory tests.

Csonka said his next step will be to make a micro-carburetor that can be used on a road-test car. He said this will take six months, even working 10-hour days, seven days a week as he does.

"Of course we are not so young anymore," he added with a smile.

JOHN LIBI

HON. JOHN L. BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. JOHN L. BURTON. Mr. Speaker, John Libi, a great humanitarian, who has spent his lifetime contributing to the benefit of poor and destitute children throughout the world, has sent his message that he would like me to share with

all of the Members of Congress. I am placing his communication in the CONGRESSIONAL RECORD so my colleagues in the House, as well as Members of the other body, will be able to share Mr. Libi's thoughts:

SAN FRANCISCO, CALIF.,
March 15, 1977.

Gentlemen of the Congress of the United States of America:

During my life, I have done a lot of traveling through our beautiful country of America. I have helped the poor and destitute children in many countries. I have observed many children as they grew up from kindergarten to grade schools. Children are quite human, some are slow in learning, some are very mischievous, so their teachers must teach them obedience. At the beginning of each school day, the children should be taught to respect their country by singing the song "America the Beautiful," and at the end of the school day they must be taught to pledge to the flag of the United States of America. In this way, they will become better citizens of the country. The teacher must remind the children that in order to become a good citizen of the United States, they must get a good education. America is a great and beautiful country, let us keep it this way.

Sincerely,

JOHN LIBI.

W. J. MICHAEL "MIKE" CODY

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. FORD of Tennessee. Mr. Speaker, it is with a sense of great pride that I bring to the attention of my colleagues the distinguished record of W. J. Michael "Mike" Cody, whose accomplishments within the Memphis community and the South as a whole have prompted President Carter to nominate him U.S. attorney for western Tennessee.

Since his graduation from Southwestern at Memphis where he served as student body president, Mike has continuously pursued endeavors that reflect an unyielding commitment to unselfishly serve the community in which he resides. He joined the prestigious Memphis law firm of Burch, Porter, and Johnson following graduation from the University of Virginia Law School. His penchant for political activities has resulted in many diverse and substantive undertakings while his finely honed skills at practicing law have flourished in private practice.

Mike has applied his political acumen toward the management of many campaigns as well as initiating the LQC Lamar Society, a regional planning and development organization that addresses the needs and concerns of the South. Similarly, his work on behalf of the Democratic Party, including management of Jimmy Carter's Presidential campaign in Memphis, led to his selection to chair the Shelby County Democratic Executive Committee. In 1975, he successfully ran for a city council seat in Memphis. He has remained active in social and cultural community programs while teaching political science courses at Southwestern and LeMoyne-Owen College, and serving on the Board of Tennessee's Committee for the Humanities.

Mike is married to the former Nancy Phillips and blessed with four children. He is certainly a leader in the Memphis community and an inspiration for those of us fortunate enough to call him their friend. I am confident that the Senate Judiciary Committee in its wisdom will agree with President Carter that Mike Cody has unparalleled qualifications to run the demanding office of U.S. attorney for west Tennessee.

SMALL BUSINESS PROBLEMS OF EXPORT MARKET DEVELOPMENT

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. SCHEUER. Mr. Speaker, on March 3 of this year, the Department of Commerce sponsored a conference of small manufacturers from all over the United States to consider their problems of export market development. For a long time, it has been a matter of national concern that more than 95 percent of small American manufacturers do not export. The March 3 conference was initiated last June by former Secretary of Commerce Elliot Richardson at the instigation of a prominent businessman, and distinguished civic leader Eugene M. Lang, president of REFAC Technology Development Corp. of New York.

For more than 25 years, Mr. Lang has by imaginative efforts, unique organizational capabilities and dynamic leadership helped small manufacturers gain access to foreign markets and foreign technology. His company was among the earliest to receive the Government's "E" award back in 1963 from President Kennedy. He has also received six official citations for his services as a consultant to the Department of Commerce.

When he met with Secretary Richardson last June, Mr. Lang presented a statement defining the need for focusing Government attention on small business on export problems and objectives. He also presented a series of innovative proposals for stimulating export efforts. These proposals, developed into a comprehensive program by Mr. Lang, were presented by the Department of Commerce to participants of the March 3 conference for consideration. The conference, which was keynoted by Undersecretary Sidney Harman, enthusiastically approved Mr. Lang's program in principle for action by the Department of Commerce and for legislative attention by the Congress.

We all recognize that small manufacturers must be encouraged to take a greater role in the expansion of our economy. In great measure, broader access of foreign markets will make this possible. I therefore urge my fellow Members to read Mr. Lang's export expansion program for small manufacturers, as follows:

AN EXPORT EXPANSION PROGRAM FOR SMALL BUSINESS, PRESENTED BY EUGENE M. LANG TO SMALL BUSINESS ASSISTANCE CONFERENCE MARCH 3, 1977

Below is outlined a program designed to bring small American manufacturers into the mainstream of world trade. In part, the mainstream relates to the development of export markets. No less important, it relates to the stimulation of product innovation and the utilization of new technology. These elements profoundly influence the role of small business in America's economic growth and the health of our competitive environment.

THE TARGETS

The program is directed to two primary targets:

1. To bring 30,000 more small American manufacturers into export markets within five to ten years. Figuring an average annual gross export revenue potential of $200,000, this target, involving about 10% of U.S. manufacturers, would add eventually $6 billion each year to U.S. exports of manufactured goods.

2. To enhance the capacity and opportunity of small business to acquire new technology, to utilize technological advances and to stimulate product innovation.

These targets are intertwined. They are particularly relevant in an era characterized by rapid technological change and increasingly integrated world markets. They should help counter two trends that are eroding the structure of our economy: (a) the increasing concentration of world trade in the hands of the largest companies and, (b) the correlated declining proportion of total U.S. product innovation generated by small business with the declining position of U.S. industry vis-a-vis other industrial nations in creating new and better products for world markets.

THE PRINCIPLES

The following principles have been considered in selecting and shaping program concepts and proposals:

1. For purposes of this presentation, "small business" is defined as an independent company having fewer than 250 employees whose assets are under $7.5 million, net worth under $5 million, with annual revenues during the latest three years averaging less than $10 million. Likewise "export" and "export expansion" are deemed to include all business activities that come within the economic interests and objectives of U.S. manufacturers in foreign markets.

2. The program must attract the entrepreneurial motivations of businessmen as its primary dynamics.

3. Economic proposals should be available without discrimination to all U.S. companies regardless of size. However, they must have particular relevance to the needs, interests and motivations of small business.

4. The statistics for measuring the success of the program are the number of additional companies brought into export. Increased revenues from foreign transactions, while important, are secondary except as they may reflect a broader base of U.S. participants.

5. Tax-related incentives are to be financed mainly out of income derived from new international business. They should not require substantial subsidy from existing tax revenues. They should not permit redirection of established export relationships for tax-saving purposes.

6. The unique ability to do something uniquely well—specialized know how, whether or not associated with patents and trademarks—is recognized as a primary tool of trade development for many manufacturers whose products cannot compete in foreign markets, or who place access to overseas technology and technological feedback as primary business objectives.

THE PROGRAM COMPONENTS

The program has four basic components:

1. Creation of a Presidents Small Business Council or equivalent.

2. A structure of program incentives.

3. Vehicle for program implementation: the Small Business Export Trade Corporation.

4. Review of Government services relevant to small business "export expansion."

I. PRESIDENT'S SMALL BUSINESS COUNCIL

The Problem: Small business has no effective agency for presenting its views and interests at top national levels concerning foreign trade policy and programs. By its make-up, the existing President's Export Council represents big business—only. While entitled to promote their purposes, large corporations can speak only for their own genera. They are unqualified to speak for small business—indeed, some have questioned the validity of small business' concern with export. Whether through PEC or any other agency, they should not be presumed to speak for business generally. In the past, their export-promotion proposals have often professed an intention to help small business. However, when such proposals have been adopted, the primary benefits invariably seem to have developed on themselves, with some overflow to the small but technologically elite.

Small business clearly must be in a position to speak up and promote policy and program in its own behalf.

The Proposal: Either within the existing PEC or as a separate peer group, create a facility through which small companies can provide knowledgeable, creative and effective "export expansion" input and initiatives at top executive and legislative levels in Washington. A President's Small Business Export Council must be carefully constituted and its functions adequately defined. It should have staff facilities appropriate to its purposes situated within a suitable executive branch of Government.

II. PROGRAM INCENTIVES

Most—perhaps 95%—of U.S. manufacturers make no effort to export. Many do not believe that their products, because of their nature or for competitive reasons, can be sold abroad. They are intimidated by real or fancied problems of foreign trade—credit and financing, currency, language barriers, duties, diverse consumer and industrial standards and preferences, complex paper work, product handling. Most do not know the techniques of export market development, are too busy to learn and are unwilling or unable to risk its costs. For those who visualize significant overseas potential, it is difficult to define opportunities and the means for developing them. Export agencies such as EMCs seldom undertake to represent the average small manufacturer. They seek out the high technology "stars" or the elite few in specialized industrial fields.

By eschewing export opportunities, small manufacturers not only shut off sources of profit but also substantially deny themselves access to overseas technology and innovation that can be meaningful to their competitive positions and growth.

It is therefore essential to establish an array of "export expansion" incentives (including government services) that are compellingly attractive to small manufacturers or their export-development surrogates. The incentives must take cognizance of problems and obstacles. They should relate to all types of trade techniques. The following incentives are addressed to these objectives.

A. The Problem.—Small manufacturers are not familiar with foreign markets. They cannot identify export trade opportunities and relate them to their "stock-in-trade" of products and/or knowhow.

The Proposal 1: Improve techniques for (1) Government agencies (the Department of Commerce in particular) to define, develop and disseminate trade opportunities to the business community; and for (2) service agencies such as banks, airlines and trade associations to direct trade opportunities to their clienteles.

The Proposal 2: Organize low-cost overseas business seminar tours and "make-a-deal" missions. Government and business executives should cooperate in creating, guiding and implementing this program, perhaps in association with overseas trade fairs. The initiative of enterprising travel agents might be harnessed. Within IATA regulations, work out airline "export expansion service packages".

The Proposal 3: Organize small business missions in cooperation with Governments of LDCs with view to creating manufacturing joint ventures geared to LDC industrial infrastructure needs. This could be combined with a program of bringing individuals with suitably qualified potential from LDCs to the U.S. for intensive project training. This could be further associated with an administrative liaison facility, perhaps under Government auspices, in the LDC.

The Proposal 4: Overseas Government commercial facilities should be amplified and administratively separated from embassy functions, perhaps under the authority of Trade Commissioners. A corps of "transaction service" officers could be constituted specifically to assist small companies in business development projects.

The Proposal 5: Establish a subsidized program, perhaps as Government fellowships or academic program grants, under which qualified MBA students or student teams could set up and initiate export programs for small manufacturers.

B. The Problem.—Small manufacturers are reluctant to risk the cost of finding, developing and servicing foreign markets and customers.

The Proposal: During the first year of a programmed export effort, a manufacturer could deduct twice the amount of out-of-pocket costs, up to a $7,500 total, incurred specifically to develop export sales. Such costs would exclude travel but would include items such as foreign language literature, overseas advertising, trade fair participation, supply of samples. In each succeeding year, the "double deduction" ceiling would be $5,000, but could be increased up to $15,000 by adding the amount by which 3% of total exports of the preceding year shall have exceeded $5,000. For calculating such additional deductions, foreign business travel expenses could be included.

C. The Problem.—It is too expensive to change or adapt U.S. products to the standards, specifications and preferences of foreign industries and consumers.

The Proposal: Permit "double deduction" of out-of-pocket engineering and tooling costs specifically incurred for adapting products to foreign market requirements, to a cumulative maximum of $25,000. This would include expenses such as conversion to metric dimensions.

D. The Problem.—It is often difficult and disproportionately costly to finance small export transactions.

The Proposal 1: Establish a non-profit facility, under direct or indirect Government auspices, to provide a properly qualified exporting manufacturer with a revolving credit of up to $100,000 to cover the financing of bona fide export orders having up to $5,000 F.O.B. value.

The Proposal 2: Permit accelerated 5-year depreciation (or a 20% investment tax credit) of the cost of U.S.-made capital equipment, specifically or to the extent specifically used for making products for export, to a cumulative total of $100,000.

E. The Problem.—The small company is often unable or unwilling to assume credit and other risks of selling to overseas customers. The tendency to insist on letter of credit dealing inhibits foreign sales relationships.

The Proposal 1: Each manufacturer may set up at the end of each fiscal year a reserve for bad debts equal to 50% of outstanding export receivables not covered by letter of credit to a maximum of $50,000.

The Proposal 2: Establish a non-profit "minimum red tape" facility under direct or Government auspices to provide low-cost insurance for specified risks. This possibly could be accomplished through modified FCIA and OPIC procedures and charges. Risks specified could include reasonable protection against cost increases in relation to quotation and supply commitments.

F. The Problem.—Many small manufacturers are unwilling or unable to risk the cost of protecting their products and processes abroad by patents and trademarks especially if there is little prospect of exploiting them. By the same token, failure to obtain patents and trademarks may foreclose opportunities for product export or for establishing technology transfer relationships.

The Proposal: To a cumulative maximum total of $10,000, permit manufacturers to take a double-deduction of out-of-pocket disbursements incurred in applying for and maintaining overseas patents and trademarks.

G. The Problem.—The exploitation of small business knowhow, as an avenue for penetrating foreign markets, poses some special problems. For example, equity in a foreign joint venture received as a consideration for knowhow supplied under a license or technology transfer agreement is subject to tax as ordinary income in the United States, even though cash income is not received. Few companies are willing to pay out U.S. taxes in order to receive speculative "paper values" of a foreign venture. This and other obstacles to technology transfer relationships are dealt with in the following incentive proposals.

The Proposal 1: Shares providing a minority equity and having a par value of up to $50,000, which are received as consideration for knowhow or for intangible property rights in a foreign manufacturing joint venture are to be deemed a tax-free exchange, and subject to tax as a capital gain only when liquidated on the basis of money constructively received. If the joint venture is established in LDCs, the tax-free exchange ceiling would be increased to $100,000. Each manufacturer would have an overall cumulative "tax-free exchange" ceiling of $250,000.

The Proposal 2: With respect to investments-in-kind (such as used machinery, special tools, etc.) in foreign manufacturing joint ventures, the excess between the par value of minority equity and the book value of the investment-in-kind, up to a maximum amount of $50,000 in each venture, would be deemed a tax-free exchange. For investments-in-kind in joint ventures in LDCs, the ceiling would be $100,000. Equities covered by this provision would be subject to tax as a capital gain and only when liquidated and money received.

The Proposal 3: Dividends, received or equity in earnings of foreign joint ventures would be subject to U.S. tax (with foreign tax credits) only if the dividends or earnings are received in or can legally and without penalty be converted into U.S. dollars. If dividends on earnings are reinvested in a foreign joint venture to maintain a constant equity position, they would not be subject to current U.S. tax, although the use of foreign tax credits would be correspondingly deferred.

The Proposal 4: Royalty and dividend income received from overseas licenses and joint ventures should be deemed ordinary earned income (not passive income) for U.S. tax purposes.

The Proposal 5: Cash income (including royalties, dividends and commissions), due from a licensee or joint venture in which a minority position is held, that is blocked abroad shall not be taxable in the United States unless and until repatriation is permitted under local regulations or until such income may be disbursed constructively for the account of or to the order of the U.S. company. Use of foreign tax credits would be correspondingly deferred.

H. The Problem.—U.S. antitrust regulations operate to restrict unfairly the access of small companies to overseas technology. Large corporations can readily capture the technology, knowhow, R&D and grant-back values of patents from foreign subsidiaries. They can often acquire foreign companies having patents, technology and products that are desired.

Small manufacturers cannot operate in this fashion. They must rely heavily on technology transfer arrangements with independent companies. However, the productivity of these arrangements—particularly the technological feedback and grant-back values they can generate—is inhibited by antitrust provisions. Thus, small companies are disadvantaged in competing with large companies, particularly in fields which are most subject to evolutionary and innovative changes.

This disparity is further accentuated by the ability of large corporations, who cover world markets through foreign subsidiaries, to defer U.S. taxes and to control their market: the de facto ability to protect sources of supply, pricing and profits. Antitrust regulations deny equivalent opportunities to small companies who operate through technology transfer. Moreover, they compound a fear of many small manufacturers: that export development through technology transfer works to set up foreign ventures, benefiting from U.S. know-how and lower overseas costs, as domestic competitors.

The Proposal 1: Permit small manufacturers to acquire exclusive grant-back rights to patentable developments of foreign licensees or joint ventures in which they have minority interests. Grant-backs should include the right to extend, through sub-licenses, grant-back rights to other licensees and joint venture associates in other countries.

The Proposal 2: Small manufacturers may legally exclude foreign licensees and joint ventures from competing in the U.S. market with respect to products covered by technology transfer agreements.

The Proposal 3: Small manufacturers can set themselves up as exclusive sources of supply for additives or specific components required by foreign licensees and joint ventures in connection with the fabrication of products under technology transfer agreements.

Note: Antitrust concessions to U.S. companies in connection with international technology transfer agreements must be subject to foreign laws that govern foreign parties to such agreements.

I. The Problem.—Small manufacturers do not regard the benefits to be anticipated from export markets as commensurate with the risks and problems involved.

The Proposal: The first $50,000 of profits on export sales and from technology transfer relationships shall be subject to a 25% U.S. income tax rate. The determination of such profits should be permitted by following prescribed procedures within the accounting operation of each manufacturer and need not require the formation of a separate export corporation.

III. SMALL BUSINESS EXPORT TRADE CORPORATION

Experience indicates that, for economic and psychological reasons, most small manufacturers do not respond to "naked" export incentives. There must be a mechanism for putting incentives to work—to neutralize the small manufacturer's concerns and inertia. To fill this need, legislation should be enacted to create a new kind of enterprise: a Small Business Export Trade Corporation (SBETC). The SBETC is conceived as an entrepreneurial facility that has the competence and motivation to assume the full burden of finding export markets for client manufacturers and for developing and servicing these markets.

The essential elements of SBETC, as a business for bringing small American manufacturers into world markets, are set forth as follows:

1. SBETC Functions: Acting essentially as the "foreign department" of its clients, the SBETC would coordinate overseas market conditions and opportunities with client capabilities, potential and objectives, by variously performing the following services:

(a) Export sales, directly to major end-users or through qualified distributors or sales representatives. The SBETC would normally purchase client products on standard client terms for resale and assume all responsibilities and risks, other than client product warranty, which export transactions may involve.

(b) Bulk export shipments with overseas repackaging.

(c) Overseas product assembly using U.S.-made components, wholly or in part.

(d) Technology transfer relationships: overseas manufacturing licenses and joint ventures.

(e) Consulting services or execution of specific export development assignments.

2. SBETC Organizational Requirements:

(a) Must have minimum paid-in capital of $100,000.

(b) Must initially represent not less than three qualified U.S. manufacturers (see below) for non-competing product lines for specified export territories.

(c) Must establish a bona fide business operating unit with essential facilities and staff.

(d) One or more U.S. resident persons or corporations can own an SBETC but no SBETC client can own more than 20% of the SBETC.

3. SBETC Clients: There would be two categories of SBETC client: qualified and unqualified. Income from services to qualified clients (QC) would be covered by tax incentives. Income from unqualified clients (UNC) would not.

(a) A qualified client (QC) would be any of the following:

(i) Any small U.S. manufacturer whose exports during the three years before becoming an SBETC client shall not have exceeded 2% of gross revenues. A small manufacturer which operates under its own identity would be deemed a qualified client even if it were a subsidiary of a large company.

(ii) Any U.S. party with an undeveloped product or invention that is not in production and which is to be offered for overseas development and licensed production.

(iii) Any U.S. manufacturer, regardless of size or general export sales, whose products are not being made or sold in any LDC markets and which are offered to an SBETC for promotion specifically with respect to such markets.

(iv) A party can have QC status with respect to only one SBETC relationship.

(b) An unqualified client (UNC) would be any client who does not fall within a QC definition.

(c) An SBETC client shall be deemed to retain its QC status, regardless of its growth, so long as it shall remain a client and the substance of its SBETC relationship shall not be diminished.

4. SBETC-Client Relationship: Each SBETC would contractually establish the conditions of its client relationships. However, the contract should provide the SBETC with the necessary authority, responsibility and security to justify a long-range market development effort. The following principles are recommended as bases for the formulation of contract provisions:

(a) Establish policies and business objectives which are to govern an SBETC-client relationship and actions of the parties thereunder.

(b) SBETC activities in behalf of a QC should be entirely at SBETC risk and expense. The client should be only obliged—but not limited—to supply (to sell) products as regularly manufactured, property rights as established, and knowhow as conveniently available.

(c) Encourage close SBETC-client working contact that can foster overseas sales, promote technology transfer relationships, stimulate the feedback to client of product, production and application R & D of foreign customers, sales agencies, licensees and joint ventures.

(d) Technology transfer arrangements negotiated by the SBETC should be subject to client approval.

(e) Specify the basis upon which program incentives are to be utilized and shared.

(f) Termination of the SBETC-client relationships should be possible if income and other objectives, contractually agreed upon, are not fulfilled within a reasonable time.

5. SBETC Sources of Income:

(a) Profits on the resale of exported products.

(b) Share of royalties and service fees from overseas licenses and joint ventures.

(c) Share of equities in overseas joint ventures and dividends therefrom.

(d) Fees from consulting or for carrying out specific overseas projects.

6. Client Sources of Income:

(a) Profits on products sold to the SBETC for export.

(b) Share of royalty income and service fees from overseas licenses and joint ventures.

(c) Share of equities in overseas joint ventures and dividends therefrom.

(d) Feedback values of commercial and technical data generated by overseas relationship, including grant-back rights to patentable product and process developments and improvements.

7. SBETC Incentives: Except as otherwise indicated or qualified, SBETC incentives would include all of the program incentives listed above in loco clientis. However, except for incentive II–I, the QC should have the right to take advantage of all program incentives to the extent that they are not utilized by the SBETC. Taking the foregoing into account, the following would apply as or with respect to SBETC incentives:

(a) Losses of the original SBETC paid-in capital investment should be deductible from ordinary income by SBETC investors.

(b) The SBETC could set up a bad debt reserve for each QC export account as provided in IIEI, but with an overall reserve ceiling for all QCs of $250,000'

(c) The SBETC would be permitted to take "double deduction" of expenses specified in II–B with respect to each QC. However, the QC would have prior right to utilize this incentive in connection with proper expense items as it may prefer to undertake directly.

(d) Incentives relative to equities and investments in kind in overseas joint venture as set forth above in II–G shall apply to the SBETC.

(e) Utilization of incentives by the SBETC

shall not be cumulative from year to year. Nor can they be transferred or improperly allocated among QCs.

(f) The following program incentives would be available only to QCs and not to SBETCs: II–C, II–F, II–D2, II–H. As to II–I, instead of the QC, the SBETC will pay a 25 percent U.S. income tax on the first $50,000 of SBETC profits each year from export activities for each QC. However, the 25 percent tax rate would apply up to an annual ceiling of $250,000 of SBETC profits for all QCs.

8. SBETC Qualification: in order to gain and retain the advantages of SBETC incentives each year, the SBETC must fulfill various qualifying conditions:

(a) Each year during the first three years, the SBETC must serve at least three QCs. Thereafter each year, it must serve at least five QCs.

(b) A QC will not qualify as such for SBETC "incentive" purposes if in any year after four years from the start of a QC relationship, the combined total of QC export sales plus other QC foreign income received by the SBETC shall be less than 10 percent of gross SBETC revenues or $100,000, whichever is less, unless, for the year in question, the SBETC shall have at least 5 other QCs whose sales-income total shall meet the "10 percent or $100,000" test.

(c) After five years, 75 percent of gross SBETC revenues must be generated by products of at least five QCs and the revenues attributable to each QC must be at least 10 percent of such revenues; provided, if exports of U.S.-made products of any QC in any year shall exceed an FOB value of $100,000, or if technology transfer relationships shall generate taxable U.S. income of at least $25,000, such client shall automatically be deemed qualified as a QC for SBETC incentive purposes.

(d) No more than 5 percent of gross SBETC revenues may relate to product imports (as distinct from technology imports) and in no event may import activity be conducted except to the orders of QCs.

(e) SBETC accounts must be set up so that the sales and incomes associated with each client shall be clearly and properly distinguishable for the purposes of administration and for determination of profits and compliance generally.

(f) With respect to each QC the SBETC shall be obliged to show each year that it shall have exercised due diligence in seeking to develop overseas business. Yardsticks of due diligence shall be administratively established.

9. SBETC Administration: Although other government agencies can be considered, the U.S. Department of Commerce seems best organized and prepared to administer the SBETC program. In any event, administrative responsibility and parameters for establishing regulations and controls must be clear and definite. Certification procedures for an SBETC would have to be fixed and compliance overseen.

IV. GOVERNMENT SERVICES

The Federal Government (the Department of Commerce in particular) maintains valuable facilities, services and programs to promote foreign trade development, and to assist established and prospective exporters. To much a lesser extent, so do various states and municipalities. These facilities and services altogether have fallen short of their potential for fostering small business exports.

In great measure, the export-inertia of small business itself is responsible for this. Government cannot and should not be expected to do for business what business must be motivated to do for itself.

Nevertheless, government facilities and services must function as a primary incentive in any small business export program. It would therefore be useful to make an audit of existing Federal Government facilities, programs and services that are relevant to small business export. An ad hoc audit committee composed of small business, professional and government executives could evaluate existing Federal activities with view to determining if and how they might be more effectively centralized, coordinated, and improved in content, accessibility and utility. The audit might extend further to include state and municipal export-promotion agencies and private service industries whose facilities might be harnessed to small business export objectives.

GEORGE MORTON LEVY—CITIZEN OF THE YEAR

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. LENT. Mr. Speaker, on Saturday, March 26, the Freeport, N.Y., Chamber of Commerce will honor George Morton Levy as its citizen of the year. At this time, I would like to pay tribute to Mr. Levy, a dear friend, outstanding sportsman and humanitarian, who is one of the most distinguished residents of my Fourth Congressional District.

George Morton Levy grew up in Freeport, N.Y., on the south shore of Long Island. After graduating from Freeport High School, where he was a star athlete, he graduated from the New York University Law School. In 1912, he was admitted to the New York bar, and he established himself as one of New York's outstanding trial attorneys, handling hundreds of civil and criminal cases.

Mr. Levy is best known for his accomplishments as a sportsman, especially in the field of harness racing. If George Morton Levy had not put his money, career, and reputation into the harness racing experiment, the sport may have faded into oblivion. In fact, he continues to head the trotting track he founded on Long Island, Roosevelt Raceway.

Mr. Levy's many acts of charity and service to his fellow man have long gone unpublicized. He has been honored literally hundreds of times by charitable and philanthropic groups for his efforts on their behalf. The prestigious list of awards which have come to him in a lifetime of service includes: Connie Mack, Babe Ruth, and Little Leagues of Westbury; Boy Scouts of America; several awards from the Boys' Towns of Italy; and special recognition from Pope Pius XII in the form of 12 gold medals given for his service to mankind.

Other representative awards include those from the Nassau Building and Construction Trades Council; a plaque from the National Conference of Christians and Jews; several awards from the State of Israel bonds; a special tribute from the Long Island Cerebral Palsy Association; a bronze plaque from the United Cerebral Palsy Association of Suffolk County; several awards and many citations from the United Jewish Appeal of New York; and the Norman F. Lent, Sr., Memorial Award of the Criminal Courts Bar Association of Nassau County. He was honored as the first person to be placed in the Living Hall of Fame of the Trotter, and for being instrumental in bringing the first law school to Nassau County at Hofstra University.

Even today, in his 88th year, Mr. Levy is best described as a fighter. Those who know him best say there are no causes lost to him. He puts his heart and energy into everything he does, whether it is business, law, or golf. Great men like George Morton Levy come along all too seldom. I join with the Freeport Chamber of Commerce in paying him a well-deserved tribute.

TRIBUTE TO S. JOSEPH HUNT

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. KETCHUM. Mr. Speaker, I would like to bring to the attention of my colleagues the distinguished career of S. Joseph Hunt, who has recently retired as a member of the board of directors of the Antelope Valley-East Kern Water Agency, Lancaster, Calif. Mr. Hunt will be honored for his achievements during his 17 years of service on the Water Agency Board at a community salute dinner to be held on April 2, 1977. I am pleased to have the opportunity to join in the many tributes offered to Mr. Hunt on this occasion.

Born in Virginia, Mr. Hunt has lived in California for over 50 years. He settled in the Antelope Valley in 1951 and soon became active in local efforts to obtain additional water. His concern for meeting the water needs of his community as well as his involvement in seeking solution to these problems led to his appointment in 1960 to the board of directors of the Antelope Valley-East Kern Water Agency. He remained a member of the board until his retirement from that position in January 1977.

Mr. Hunt's interest in his community's well-being extended beyond his concern for an adequate water supply. Other civic pursuits have included a leading role, along with his wife Ruth, in establishing a YMCA in the Antelope Valley. Through his generosity, land was made available on which to build the Palmdale YMCA and the First United Methodist Church of Palmdale. A building contractor by profession, he donated his valuable services in this area for the church's construction.

In addition, the Boy Scouts of the Antelope Valley have been fortunate to have had Mr. Hunt as a member of the advisory board and the Lancaster and Palmdale Chambers of Commerce have been able to depend upon Mr. Hunt's support for 25 years.

During the many years that S. Joseph Hunt has resided in the Antelope Valley, he has made numerous and valuable contributions to the quality of life for all the area's citizens. I know that he has earned the respect and admiration of

those with whom he has worked in his various endeavors and I am sure he will be sorely missed as a member of the board of directors of the Antelope Valley-East Kern Water Agency.

THE IMPORTANCE OF FOOD CO-OPERATIVES TO AMERICAN FAMILIES

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. ANNUNZIO. Mr. Speaker, in this era of huge multinational corporations and massive conglomerates, it is the simple generations-old food cooperatives that are helping feed an estimated 160,000 families every year at an annual volume of $87 million.

Food cooperatives are small groups of about 15 to 30 families who pool their orders for food items, especially fresh fruit and vegetables, and then order from a wholesaler or local produce market.

These food cooperatives represent to me the original spirit of the American settler who survived by helping his neighbor. Today it is the food cooperatives that continue to supply produce when prices have climbed beyond the range of many low as well as middle income families.

With the same spirit as the early American settlers who helped raise one another's barns, these contemporary settlers help one another to continue to feed their families well through organization, working together and pooling their financial resources.

The national consumer cooperative bank bill, H.R. 3692, of which I am one of many cosponsors, would greatly assist this grass roots effort where people in a community attempt to help one another by undertaking the problem themselves, and at the same time help to fight inflation.

Even here in Washington, D.C., Mrs. Walter Mondale, the wife of the Vice President, has also found that participation in a food cooperative is a viable and successful venture for beating the high cost of living without sacrificing the high standards of eating well.

Mr. Dan C. McCurry, director of the food cooperative project of the Chicago City Wide Institute, offers some interesting background on his efforts to provide membership training and technical assistance for some 250 neighborhood cooperatives in the Chicago area. Because of the widespread interest in this subject to many American consumers, I offer Mr. McCurry's article discussing food cooperatives:

CHICAGO FOOD CO-OPS AND THE NATIONAL CONSUMER COOPERATIVE BANK BILL

(By Dan C. McCurry)

I am the director of a community services program of the City Colleges of Chicago called the Food Co-operative Project. Our primary job is to provide membership training and technical assistance for the some two hundred and fifty neighborhood cooperatives in the Chicago-land area.

Food co-operatives are small groups of 15 to 30 families that pool their orders on a short list of food items, especially fresh fruits and vegetables, and take turns as volunteers going to the market or to a wholesaler. The Co-operative League estimates that there are some 4,000 buying clubs and 700 store-front food co-operatives in the nation with a combined membership of 160,000 families and an annual volume of $87 million.

Whenever hunger has intensified in the land, food cooperatives have emerged. During the 1930's there were tens-of-thousands of food cooperatives in our urban and rural communities. These cooperatives often became centers of community life around which grew community canneries, farmers markets, and other efforts to secure a safe, reliable food supply.

Two-thirds of new small businesses fail within the first four years. These emerging food cooperatives have probably had an equally high rate of failure. Yet out of the survivors has emerged a tough network of co-operatives, storefronts, trucking, baking, processing and other cooperative food ventures. As food prices continue to climb, and are especially beyond the reach of low-income families, we cannot afford to lose these co-operatives which with the timely assistance offered in this Consumer Cooperative Bank Legislation, we could have saved.

In Denver, for example, a small pre-order co-op called Common Market opened in 1970 and within 4 years had expanded into a number of neighborhood cooperatives all using a central warehouse distribution center with annual sales of $750,000. Common Market's search for larger quarters coincided with the decision of Safeway supermarket officials to close the last remaining supermarket in the downtown area. This supermarket was the major source of food for the majority of downtown residents especially a poorly mobile senior citizen population.

The suggestion that Common Market should move into the soon-to-be abandoned supermarket was first greeted with enthusiasm, by some members. But then the search for capital and technical assistance began. Co-operative members found that, despite their stable financial picture and solid growth, Denver area banks were adamant in their refusal to risk a loan to Common Market. Inquiries at other state and federal agencies brought equally discouraging responses. At the last minute, one local bank was convinced to make the loan and with the assistance of Safeway a smooth transition happened at the last remaining urban-core store.

Not only would a Consumer Co-op Bank have seen the great potential of Common Market, a potential often missed by commercial lending agencies unfamiliar with these emerging cooperatives; but such a Co-operative Bank could have offered the vital technical assistance for mastering the new skills of a greatly expanded operation.

Retail food chains are not going to return to our inner city areas; their capital crunch is pushing them farther into the suburbs. However a large population remains behind, and these citizens will eat. They will spend their meager resources at the small, high-priced low quality corner grocery. Or with the assistance of the Consumer Co-operative Bank Act a food co-operative network can expand and begin to fill that hungry void. This void is presently being filled by a proliferation of fast-food chains serving charcoal broiled hamburger at $4 per pound. And our inner-city citizens now have little choice but to get in line at the counter. This Consumer Co-operative Bank Act will begin to give them a choice.

Food cooperatives were created in the struggle of hungry communities to find a secure and nutritious food supply. This Consumer Co-op Bank legislation will offer the resources to greatly strengthen the food co-operative network. And in that strength to provide nutrition for ill-fed urban families; to provide markets for small farmer co-operatives; and to provide a center for the other activities of an organized community.

For if we cannot cooperatively control the food we eat how can we expect to regain control of the rest of our lives? The Consumer Cooperative Bank Act is an important step in that direction, and I am strongly urging its approval by the Congress.

AN ECONOMIC AGENDA FOR THE FUTURE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. ASHBROOK. Mr. Speaker, William Simon, former Secretary of the Treasury, recently gave a speech on his view of "The Future Agenda." He gave his remarks as part of a "Weekend for Freedom" at Hillsdale College, a private college which accepts no Federal grants.

At this point I insert my good friend William Simon's comments into the CONGRESSIONAL RECORD. I commend them to the attention of my colleagues:

AGENDA FOR THE FUTURE

Turning to your seminar topic, "The Current Condition of American Society and the Prospects for the Future," I will limit myself a brief review of the basic economic issues that will ultimately shape the future course of the United States. The American people must now decide what kind of economy they want for the foreseeable future. They must realize that their government's fiscal and monetary policies and the maze of government programs that increasingly intervene in their daily lives are the real issues that will determine their personal welfare:

Whether or not inflation will be effectively controlled or once again allowed to return to double-digit levels;

Whether or not capital investment will be adequate to create meaningful jobs for the growing labor force;

Whether or not government regulation and administrative controls will be changed to meet current economic realities to restore productivity and efficiency;

Whether or not the United States will provide effective leadership on international monetary, trade and investment issues.

In looking to the future the American people should ask this basic question each time the government comes up with a new economic policy initiative: Will this action contribute to sustained and orderly economic growth or will it merely perpetuate the familiar stop-and-go patterns of the past involving increased government spending without regard for the chronic deficits and economic and financial disruption created, excessive expansion of the money supply, even more government controls over the private economy and increased intervention in private wage and price decisions?

The proper role of government is to create an environment for sustained and orderly economic growth through its fiscal, monetary, and regulatory policies. The disappointing performance of the U.S. economy during much of the last decade emphasizes the basic need for move stable policies. In the mid-1960s the United States began an unfortunate series of exaggerated booms and recessions. Serious overheating of the economy

created severe price pressures; accelerating inflation caused recessions by restricting housing construction, personal spending and business investment; the recessions created unwanted unemployment which wasted resources and caused personal suffering; rising unemployment to often triggered poorly planned and ill-timed government fiscal and monetary policies setting off another round of excessive stimulus leading again to overheating—inflation—recession—unemployment—and more government intervention.

From these experiences there is one basic conclusion: our basic desire for economic progress, through improved living standards and employment opportunities, will be frustrated unless we better control the insidious inflation which has destroyed economic stability and today threatens not only our goal of sustained growth but the utlimate survival of all of our basic institutions. When inflation distorts the economic system and destroys the incentives for real improvement, the people will no longer support that system, and society disintegrates. I am convinced that our uniquely creative and productive society will also collapse if we permit inflation to dominate economic affairs. There is no tradeoff between the goals of price stability and low unemployment as some critics have erroneously claimed. To the contrary, the achievement of both goals is interdependent. If we are to increase the output of goods and services and reduce unemployment, we must make further progress in reducing inflation.

The intensity of my feelings about inflation has resulted in some critics labeling me as obsessed. However, I am not so much obsessed as I am downright antagonistic toward those who consistently vote for bigger deficits. We must always remember that it is inflation that causes the recessions that so cruelly waste our human and material resources and the tragic unemployment that leaves serious economic and psychological scars long after economic recovery occurs. It is inflation which destroys the purchasing power of our people as they strive—too often in a losing struggle—to provide the necessities of food, housing, clothing, transportation, and medical attention and those desirable things such as education, recreation and cultural opportunities. Inflation is not now, nor has it ever been, the grease that enables the economic machine to progress. Instead, it is the monkey wrench which disrupts the efficient functioning of the system. Inflation should be identified for what it is: the most vicious hoax ever perpetrated for the expedient purposes of a few at the cost of many. And there should be no uncertainty about its devastating impact, particularly for low income families, the elderly dependent upon accumulated financial resources, and the majority of working people who do not have the political or economic leverage to beat the system by keeping their incomes rising even mort rapidly than inflation. When inflation takes over an economy the people suffer and it is time that this basic point is emphasized by every responsible citizen and the full brunt is brought to bear on his elected officials.

In general there must be more widespread recognition of the fundamental importance of stable economic growth in the future as the only true foundation for maximum employment opportunities and lower unemployment rates, for more moderate rates of inflation which will protect the purchasing power of all Americans and encourage more capital investment that will provide the permanent and productive jobs that people desire, for more efficient use of human and material resources and protection of our environment, and for fulfillment of our international responsibilities in monetary, trade and investment policies. Naturally, there are disagreements about how best to achieve these basic goals but I am convinced that a longer-term time horizon must be used.

First, the diversity of problems must be recognized to avoid concentrating on a single issue. Inflation, unemployment, declining output, the availability of productive resources, international trade and investment all must be considered simultaneously to create a balanced program for stable economic growth. The beginning point for sustaining economic growth without the boom and recession distortions of the past is to avoid a return of destructive inflation pressures. From 1890 to 1970 prices in the United States increased at an annual rate of 1.8 percent. From December 1973 to December 1974 they jumped 12.2 percent. It seems so obvious that any long-term solution to our economic problems requires better control of inflation which has distorted the spending and savings decisions of all Americans. Inflation must be clearly recognized for what it is: the greatest threat to the sustained progress of our economy and the personal standard of living of most Americans.

Second, government policies must solve more probelms than they create. During a period of difficulty it is expedient to respond to strident calls "to do something—anything to demonstrate political leadership."

But this naively activist approach is too often the basic source of problems, not the solution. Courage and wisdom are always required to avoid actions offering the illusion of short-term benefits in exchange for further erosion of the free enterprise system that has served this nation so well in creating the premier economy of the world and providing the greatest degree of personal opportunities. The conventional wisdom that a few billion dollars of additional government spending somehow makes the difference between success or failure of the entire U.S. economy—which is rapidly approaching an annual level of output of two trillion dollars—has always amazed me. There is an important role for governments in protecting certain basic public interests but the claim that governments can or should control the economy is totally false. We would all be better off if government officials would recognize that the real creativity and productivity of America depends upon the private sector.

Third, and most important of all, there must be a proper balance in the shared responsibilities of the private and public sectors. This is a difficult assignment because of the confusion and pessimistic appraisals of the future caused by the political and economic shocks that have occurred. Maintaining and improving the creativity and productivity of the U.S. economic system against the attacks of critics who favor a big-government solution for the problems of society has become our greatest challenge. The simplistic cure of having government spend ever-increasing amounts of borrowed money has not solved many of our problems, but it has created serious economic distortions that will continue long into the future. We now have a federal government that is trying to do more than its resources will permit, to do many things that it cannot do very well, to do some things that it should never do at all, and to do all of these things at the same time. As a result, we now have more government than we want, more than we need, and more than we can afford. Nevertheless, much of the current political rhetoric continues to claim that we aren't spending enough, aren't creating enough new government programs, and aren't pushing enough panic buttons. Despite the unmatched accomplishments of the U.S. economy these critics attack the free enterprise system and demand comprehensive governmental control over economic planning for the allocation of our national resources, the rationing of capital to selected industries, guaranteed government jobs for all who want them, increased control over private economic activities, even a return to the counter-productive wage and price controls that have always failed. Although the American free enterprise system feeds, clothes and houses our people more effectively than any other system in the world, provides the real basis for all of our public services and most importantly is fundamental to our individual freedoms, it is increasingly subject to criticism from those who seem to favor turning to less efficient approaches which would waste our human and material resources and eventually erode our economic progress and political freedoms.

Part of the problem is a matter of image. Those who support increased government spending and pervasive controls over our daily lives are often perceived as being more concerned and socially progressive. Those who allegedly "care more" are given considerable attention when they call for more spending to solve the unmet needs of society, even though the growth of big government has become a large part of the problem and not the solution it is alleged to be. At the same time, those who favor the free enterprise system too often converse in simplistic slogans, that lack humane appeal. Worst of all, many businessmen who come to Washington seem to want to surrender their existing freedom in exchange for protection from the competition that has made our system so dynamic.

It is now time—in fact the need is long overdue—for those who believe in the free enterprise system to more effectively promote its basic values. America has become the world's premier economy because it provides basic incentives to its people to work hard and to be creative. To the individual family this approach leads to a higher standard of living. To the business firm it means increased markets and larger profits. To our government it means increased effectiveness and public support.

In short, too many Americans—especially those who have known only the affluent society—are unaware of the real source of economic growth in our country. The material abundance, the freedoms of choice, the opportunities for meaningful work are all largely the result of the creativity and productivity of our free and competitive economic system. This is the crucial theme that must be communicated to all Americans until they understand it. The American economy is the wellspring of our nation's basic strength in every sphere—political, social, military and economic. It is the source of our present abundance and the basis of our hopes for a better future. We can solve our recognized problems best by preserving and improving and strengthening rather than weakening our uniquely productive system. And in doing this we will preserve our other freedoms that have made America so great.

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. CORCORAN of Illinois. Mr. Speaker, because of a prior commitment in my district, I was unable to be present when the vote was taken on final passage of H.R. 4088, the National Aeronautics and Space Administration authorization for fiscal year 1978, on March 17, 1977. If I had been present, I would have voted "yea" on the final passage of the bill.

MY FATHER, HAMILTON FISH

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. FISH. Mr. Speaker, I am frequently asked "how is your father, and what has he been doing in recent years," and I thought a short statement might be the appropriate way to respond to a larger audience interested in him and his activities.

A vigorous 88-year-old, he maintains his interest in public affairs, and in fact, on Wednesday, March 23, 1977, will testify before the House Armed Services Committee in room 2118, on our national defense posture. He frequently lectures on his books and enjoys interviews, particularly on the period of his 25 years in the Congress, 1920–45.

The most significant recent event in my father's life was his marriage on October 16, 1976, to Alice Curtis Desmond of Newburgh, N.Y., where they make their home.

For the last 15 years, he has been writing historical books, four of which have been published in the past year: "New York State, the Battleground of the Revolutionary War"; "F.D.R., the Other Side of the Coin"; "The American People Are Living on Top of a Nuclear Volcano"; and "Lafayette in America, During and After the Revolutionary War"; and finally, a monograph in answer to Karl Marx's manifesto entitled "An American Manifesto of Freedom." My father still has a way to go to catch up with his bride, however, who has two dozen published works to her credit.

As some of the Members of the Congress know, Hamilton Fish for 10 years was ranking Republican member on the Committee on Foreign Affairs and for 5 years, ranking Republican member on the Rules Committee. In addition, he was chairman of the first committee to investigate communism in 1930 to ascertain the principles and policies of communism, but not to investigate individuals. Nine out of the fourteen recommendations made by that committee were adopted, either by the Congress or implemented by Executive order. As many Legionnaire Members of Congress know, he was chairman of the Committee of Three that wrote the preamble to the American Legion constitution.

The first bill my father introduced in Congress authorized the return of the body of an American unknown soldier, which was the last bill signed by Woodrow Wilson. At the request of the War Department, he placed the only wreath, representing our Armed Forces, at the burial at Arlington of the Unknown Soldier, November 11, 1921. He also authored the bill to create a homeland for the Jews in Palestine, sometimes called the American Balfour Resolution.

Mr. Speaker, I am glad of the opportunity to place in the RECORD this report about some of my father's activities, and to congratulate him and Alice on their marriage.

COMMON SITUS PICKETING—INVITATION TO UNEMPLOYMENT

HON. DAVE STOCKMAN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. STOCKMAN. Mr. Speaker, I hope the extremely controversial common situs picketing issue, on which floor debate is scheduled Wednesday, will not be dismissed as simply another perennial labor-management battle whose outcome will have little effect on the Nation as a whole.

In the narrowest terms, this bill would greatly enhance the picketing and strike power of the building trades unions on construction sites. Construction, however, is intertwined with all significant economic activity in the Nation, providing jobs, directly or indirectly, for a substantial portion of the Nation's work force. For instance, in 1973, the construction industry employed more than 3 million construction workers and contributed an estimated $135.6 billion to the GNP, nearly 11 percent of the GNP. Since construction is a major purchaser of goods and supplies from many industries, any lengthy interruption in construction activity results in serious economic dislocations radiating far beyond the immediate strike area.

Mr. Speaker, I come from Michigan, a State with a high percentage of unionized workers. Yet, an overwhelming number of my constituents oppose this ill-conceived legislation. Many of these constituents are union members and all are consumers; they know that strikes in the construction industry would mean bad news for them.

I would like to insert in the RECORD an excellent editorial that appeared in the Sunday edition of the Detroit News on February 6, 1977. I invite my colleagues' close attention to this editorial:

COMMON-SITUS PICKETING REVIVED

Some issues never die; they just wait to be revived under a new administration.

Now that Jimmy Carter has taken up residence in the White House, the country's building trade unions feel they have a good chance of getting the ancient and controversial common-situs picketing bill, signed into law.

Of course, they felt that same way when former Labor Secretary John T. Dunlop championed their cause in the Ford administration. In the end, fortunately, President Ford changed his mind, rejected Dunlop's advice and vetoed the bill. Perhaps President Carter can be persuaded to see the light, too.

The picketing proposal would allow construction and building trades unions to picket an entire construction site during a dispute with but a single contractor. Thus, one small and irresponsible union could close down an entire construction project, throwing thousands of men and women out of work. The proposal also would restrict competition in the job market by virtually forcing contractors to hire union members.

These consequences are no fairer, no more desirable today than they were in 1951 when the U.S. Supreme Court rejected the common-situs picketing concept, holding that such a practice would constitute an illegal secondary boycott.

During the recent presidential campaign, Mr. Carter indicated he would sign a common-situs bill if it came to his desk. However, this is one of those issues on which his remarks were somewhat ambiguous. In one interview he stated that he didn't know enough about the issue, that he probably would support a common-situs bill, that everything depended on the wording of the bill.

The President seems to have left himself ample room for squirming out of supporting common-situs picketing. And when he considers fully not only the injustices but also the potential economic evils of major construction-site shutdowns, he may well want to squirm out of that thoughtless commitment.

ACETONE

HON. RAYMOND F. LEDERER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. LEDERER. Mr. Speaker, I am introducing a bill to provide legislative action to correct a Bureau of Customs interpretation of tariff schedules which incorrectly classifies acetone based on the chemical derivation rather than on the chemical itself.

Acetone is an essential ingredient in the manufacture of acrylic products. Historically, acetone was imported under its own category, item 427.60 TSUS, and was properly assessed at 4-percent ad valorem based on the foreign market price. However, in December 1974, the U.S. Customs Service ruled that because of the particular chemical derivation of acetone, it should appropriately be imported under item 403.80 TSUS and assessed at 1.7 cents per pound plus 12½ percent ad valorem based on the U.S. market price. Our imported acetone is derived from cumene-phenol—a coal tar derivative—but it is, nevertheless, acetone. There is a specific tariff classification for products derived from coal tar. This is a basket clause. There is and has been for years a specific tariff classification—427.60—for acetone. We believe that the Customs Service erred in placing a compound that is specifically provided for in a general basket clause.

The effect of this decision was to move acetone derived from cumene-phenol to a higher rate and to increase the duty eightfold per ton. This increase has made it very difficult for U.S. producers to compete against imported acrylic products which contain acetone purchased abroad at lower prices.

Neither Congress nor the Tariff Commission intended that acetone derived from the cumene-phenol process be

classified under the higher rate. However, the Customs Service, without a hearing, made an arbitrary decision which clearly resulted in a significant rate change. The appeal to the Treasury Department was denied on October 9, 1975, and further administrative procedures are unavailable.

CONGRESSIONAL RURAL CAUCUS BUDGETARY PROPOSALS FOR FISCAL YEAR 1978

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. JONES of Oklahoma. Mr. Speaker, it has been my privilege to be a member of the Congressional Rural Caucus for the past 4 years. During this time, I have observed the caucus become one of the focal points of action on behalf of the citizens who live and work in rural America.

In the decade of the 1960's, the focus of national attention was on the city, and the vast urban problems that confronted our Nation. The question of the quality of life in rural areas of America took a back seat to the more pressing problems of urban decay and crime. Because of the increasing awareness of our national interdependence, and the realization that no segment of our society can be ignored without the country paying a terrible price, the slighting of rural America is not in reversal, and the area that produces our food and harbors much of historical heritage is once again receiving the attention it deserves. Certainly the efforts of the Congressional Rural Caucus have contributed in no small part to the renewed Federal attention given to the problems and needs of rural Americans.

During the past few days, the budget proposals of the Congressional Rural Caucus have been described in detail. I will not attempt to plow the same ground with my comments today. Rather, I want to emphasize to my colleagues the cost-benefit ratio that exists in the budget proposals presented by the Congressional Rural Caucus.

As a member of the House Ways and Means Committee, I have sat through hours of hearings and testimony on the economic stimulus program of President Carter, a program recently passed by the Congress. A consistent standard I applied to the President's proposal was one of the cost of the Federal expenditure versus the benefits that would accrue to our country. For the most part, most of the proposals of the administration satisfied my own personal test of cost-benefit. Nonetheless, if the President's program could have matched the program of the Congressional Rural Caucus in providing the maximum benefit for the most minimum of costs. I would have had far less trouble with the economic stimulus plan as passed.

We have embarked on an expenditure of some $4 billion in public works job creating programs for the coming year. I supported this proposal, because I believe the country will reap many benefits from the expenditure of this money. Likewise, the Congressional Rural Caucus proposal to spend $16.4 billion will produce new wealth for the Nation. As an example, one of my colleagues points out that by increasing the current loan averages for the Small Business Administration from $100,000 to $1 million, we could increase jobs created by these loans tenfold, with no additional administrative costs. And this would be relying on programs already in place, tried and proven methods to stimulate growth in our private sector economy.

The proposals of the Congressional Rural Caucus require no additional legislation that complicates planning. They rely on experienced administrators and in-place plans. They will greatly stimulate the private sector of the economy, and will provide long-term jobs in place of make work. More importantly, the enactment of these proposals will insure the continued growth and viability of our rural areas. I urge my colleagues to support the budgetary proposals as presented by the Congressional Rural Caucus, and I thank you, Mr. Speaker, for this opportunity to speak out on a most worthwhile organization within the House of Representatives.

CANCER/A CONSTITUENT VIEWPOINT

HON. KENNETH L. HOLLAND

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. HOLLAND. Mr. Speaker, I would like to share with my colleagues a touching piece of correspondence that I recently received from a constituent relative to a promise he made to his son who died last year from cancer. The following letter and poem from the aggrieved father has fueled my desire as a parent, as a member of society, and as a legislator to do all I can to promote and enhance our national effort to find a cure for this killer disease:

DECEMBER 18, 1976.

GENTLEMEN: My son died this week from cancer. I promised him that I'd try to find a prevention, a cause, and a cure for this killer of mankind.

You gentlemen singular, or collectively could help me keep my promise to my dying son. In a sense, when it comes to cancer, you are in a rut. This is a shame when we did the seemingly impossible and put a man on the Moon. We did the seemingly impossible and put a "Thing" on Mars. Cancer was last, but should have received first priority. Why gentlemen, is it because we don't have sense enough, is it because of ignorance and stupidity, or is it because of greed for the all mightly dollar since billions of dollars are involved when the cancer problem is solved? I don't wish anyone to get cancer, but if it has to be, then I wish it to be those that could and should have done more, to solve this deadly disease. Many people think it will have to be solved by the Medical or Allied Professions. This is not necessarily true, it could be solved by anyone regardless of profession.

I sincerely believe the greatest waste of resources the world has ever known is the brain power of those of you in this medium of circulation. There must be an individual incentive to solve this cancer problem. Just try offering a "million tax free" dollars to the individual that comes up with the prevention, cause and cure and see what happens.

Approximately 300,000 people in the U.S. will die from cancer in 1977 and it's your fault because you don't "CARE".

Sincerely and Respectfully,

CARLON C. SAWYER,
(An angry father).

DO SOMETHING DAD

I sat in a lonely hospital
The hour of mid-night had passed
By the bed side of my dying son
Whose life was fading fast.

Holding my hand he looked at me
Out of pain racked face
And said oh Dad please promise
You'll help the Human race.

Do something Dad, I know you can
if only you will try.
Promise me that no one else
of cancer must suffer as I.

With all the knowledge in the world
Surely someone can find
A way to stop this dreaded disease
This killer of mankind.

Must my son have died in vain
his anguished plea unheard
or is there one among you
to carry on the work.

To probe and search and test and then
if necessary do it over again
until at last a way is found
To drive this killer underground.

By the grace of God
I'll find a way
Though they'll give me the run around
Sleep in peace my boy
Society won't let you down.

CARLON C. SAWYER,
(An angry father).

UNEMPLOYMENT IN THIS COUNTRY

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. YATRON. Mr. Speaker, I would like to address myself today to the serious problem of unemployment in this country. It is often far too easy for many of us to lose sight of and become insensitive to the tremendous difficulties faced by those less fortunate. In particular, I am referring to the millions of Americans who are presently unemployed through no fault of their own.

On January 19, I introduced H.R. 2235, a bill to extend the emergency unemployment compensation program for an additional year. I felt then as I do now. The full 65-week unemployment compensation system is every bit as necessary today as it was when it was initiated in 1975.

During the next 12 months, approximately 200,000 Pennsylvanians will be left without a source of income because of the proposed reduction in unemployment benefits. These are people with pride, who want to work but cannot find employment because of the state of the economy. It is because of these Pennsylvanians, and all unemployed Ameri-

cans, that I feel obligated to urge the Congress to recognize that while we continue to seek solutions to the many economic problems which confront our country, we should not turn our backs on the very Americans who are in trouble because of these conditions.

SALTZMAN URGES ENERGY POLICY

HON. CHARLES ROSE III

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. ROSE. Mr. Speaker, in the March 9 New York Times, Arnold A. Saltzman authored an article entitled "The Need for a Comprehensive Energy Policy." I am inserting this thought-provoking article in today's RECORD because I believe it is worth our time and our consideration.

Mr. Saltzman has just completed a most important task for the Congress as chairman of the Advisory Committee on National Growth Policy Processes. This committee has produced its final report, "Forging America's Future" and included several recommendations which are outlined in this New York Times article.

Mr. Speaker, Mr. Saltzman's insistence that we need to monitor our Nation's growth and economic development, especially as related to energy, seems important to me as we search for ways to cope with rapid change and an uncertain future. I offer his thoughts for my colleagues to consider:

THE NEED FOR A COMPREHENSIVE ENERGY POLICY

(By Arnold A. Saltzman)

The economic and social distress resulting from the natural-gas shortage is merely a sample of the trouble our nation faces unless it confronts its potential problems. Since natural gas constitutes a minor portion of our energy usage, additional probable dislocations caused by our nonpolicy on energy could dwarf our present pain.

The only important remedy so far enacted, or fostered by inaction, is a price increase for gas and oil, with a hoped-for increase in supply. There has been, and will be, no near-term meaningful increased supply except for the oil imported at prices 400 percent higher than just four years ago. What has been meaningful is the increased unemployment, increased inflation, decreased economic growth rate, increasingly adverse balance of payments and decrease in the dollar's value.

Now, ten years after our policymakers could have known that our nation was using energy faster than we were replacing it, we are again reacting to a mess instead of anticipating the event and proposing strategies for permanent solutions.

In the recently enacted natural gas bill, we are once more creating policy in bits and pieces, fiving up one problem but with negative impacts on other economic areas. What is required is a coordinated attack on the much-larger, and soon to prove more-devastating, issue of our entire energy crisis. Eleven different Government agencies, and even more Congressional committees, each with a piece of the action on energy, have predictably produced no clear policy to use our enormous coal reserves, conserve energy, and develop new technologies while preserving the environment and the economy. No plan or czar will succeed that does not address and coordinate all of the above.

Here is a list of some of the unsolved problems flowing from our nonpolicy on energy.

1. Our balance of payments in 1975–76 was acceptable because huge United States exports of grains and armaments tended to hide the fact that, three years after Project Independence, we are importing 40 percent more oil, rather than less. In 1977 and 1978 if the recent good harvests abroad continue, and armaments exports decrease as expected in 1978, unfavorable trade balances of $20 billion and $30 billion could result. Who has thought through what that means to our dollar and our economy?

2. The underdeveloped nations, burdened additionally by quadrupled energy costs, cannot pay their external debts and keep borrowing. Many billions of dollars are owed to United States commercial banks, who are carrying them as good loans, while the likelihood of default intensifies and the World Bank says repayment of our loans comes first. What happens to our banks or the underdeveloped nations when the event occurs?

3. The Arabs' successful intransigence with oil has triggered similar alliances by other nations exporting other commodities, such as coffee. When do we create a policy of defense or counterattack, or must each American consumer fend for himself.

4. How do we deal with the unemployment-plus-inflation these price dislocations and supply shortages have promoted? The previously accepted overall economic solutions of tightening or relaxing the money supply, increasing or decreasing taxes raising or lowering interest rates are no interest rates are no longer adequate for the enormously changed conditions America faces today.

Economic improvement will reflect Government policies that recognize that the different regions of our nation and varying industries require individual and varying treatment. We need to aim for remedies with a rifle not a shotgun. We need to become a "planning nation" but not a planned nation.

We need to create a National Growth and Development Commission as a small nonpolitical government agency of "wise men" to look ahead isolate major problems lay out alternative solutions, the cost each of them, inform the President, the Congress and the public, provoke national awareness of issues, act as an early-warning-system, and thus help counteract the "firefighter" syndrome inevitably characteristic of elected officials.

Government will change only as it reflects a corresponding change in the attitude of its citizens. The American people still have in their consciousness the legend of a land of infinite size and riches where "every man could be king." Today's reality demands that we conserve, husband our resources, define more sharply our objectives at home, use our strength more selectively abroad with heightened reliance on economic solutions. Crossing psychological divide between the dream and the reality is our nation's most difficult obstacle.

TV AND CONGRESS

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. MURTHA. Mr. Speaker, as the House experiments with television coverage of floor debates, one reason I hear this is important is because the people want this coverage of their Congress.

To help answer this question I want to bring to the attention of the Members the results from the Harris poll on Congress commissioned by the Obey Commission.

While 60 percent strongly agreed that Congress should do more to inform the public about its activities, support for TV coverage fell from that level, casting doubt in my mind about the effectiveness of this move.

The Harris poll results follows:

Q. Important committee hearings of Congress should be televised to the public—

(In percent)

Strongly agree	36
Agree somewhat	28
Disagree somewhat	19
Disagree strongly	8
Not sure	8

Q. Debates in Congress about major pieces of legislation should be televised to the public—

(In percent)

Agree strongly	38
Agree somewhat	30
Disagree somewhat	17
Disagree strongly	7
Not sure	7

This is in addition to information I reported to the Members last year on a poll I took of the 12 congressional districts. I asked the 7,000 people in my "Instant Poll" project: "Do you favor or oppose the U.S. House televising its sessions?" The results showed that 30 percent favored it; 66 percent opposed it; and 4 percent were undecided.

Televising the sessions may or may not be a good idea, Mr. Speaker, but I bring these facts before the Members to emphasize that the action should not be taken on the mistaken assumption that there is overwhelming public demand for the move.

TOM E. MORAN INDUCTED INTO FOOTBALL HALL OF FAME

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. BURKE of Massachusetts. Mr. Speaker, I submit the following article from Tim Prendiville's Veterans Voice column, appearing in several Boston papers, in tribute to Mr. Tom E. Moran of Hyde Park, Mass.

Mr. Moran was recently inducted into the Football Hall of Fame and I offer my sincere congratulations. He is the father of Lt. Paul Moran, one of my former nominees to the U.S. Military Academy at West Point. The article follows:

Veteran of the week award goes to Hyde Parker Tom E. Moran. He was inducted into the Football "Hall of Fame" at the Sheraton Pru, with former Boston School dept. assistant supt. Joseph McKenney doing the honors. Present at the ceremony also included: the great Ralph E. Colson, former commisisoner of phys-ed for the state of Mass. Boston school dept. deputy supt. John Kelly, Boston Latin coach Paul Costello and Msgr. John Carroll, the former CYO director. Moran served in the U.S. Navy during WW II as a

PT boat skipper of Squadron #7, and saw combat in New Britain, New Guinea and New Hebrides as a Commander. He is a member of the Doyle Post VFW, past commander of the Joyce Kilmer Post #316 American Legion, AAPHER, MAAPER, MSSPA, Gridiron Club, BoSox Club, Mass. Baseball Coaches Association, and is the East district director of physical education.

He now holds the title of phys-ed director for the Boston Public Schools. He married Dorothy Barry and has five sons: Tom Jr., a teacher for the Boston Public Schools, Lt. Paul, a West Point graduate, now with the 2nd Armored Div. at Ft. Hood, Texas, Gerard, who runs an Air Freight line, Francis, a computer expert with the 1st National Bank of Boston, and Richard, a Sr. at Curry College. The whole family is a Cathedral family, as Tom, wife and 5 sons all graduated from there. Tom Sr. graduated from Boston College and was on the sugarbowl squad. He coached football for 23 years . . . and the decision of the Mass. Football Coaches Ass'n. was that Tom Moran was their man for honors . . . I congratulate them on their fine taste, as Moran is a man of high caliber.

FANNIE LOU HAMER

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mrs. CHISHOLM. Mr. Speaker, on March 14, Fannie Lou Hamer, a great warrior in the civil rights struggle, passed away. She was born in 1917 in Ruleville, Miss., the youngest of 20 children in a poverty-stricken family. The lot of poor blacks was hers until well beyond childhood. In the early 1960's, her efforts at voter registration brought arrests, evictions, threatening phone calls, abusive letters, and beatings. Though the delegation she led to the 1964 Decocratic Convention failed in its efforts to be seated, she was one of 22 blacks in the 44-member group that unseated the regular—white—Mississippi delegation at the 1968 convention in Chicago.

Fannie Lou Hamer was a major contributor in the movement of the 1960's toward political enfranchisement and equality for all Americans. The Congressional Black Caucus recognized the magnitude of her contribution when it awarded the George W. Collins Memorial Award to her last year. Recently, an article appeared in the Washington Post about the legacy left to all of us by Fannie Lou Hamer. Its author, Austin Scott, has made an eloquent and moving statement and I would like to bring it to the attention of my colleagues:

THE LEGACY OF FANNIE LOU HAMER

(By Austin Scott)

One by one they move on—those great figures whose hard work and suffering and love for common people and faith in the future helped sustain "The Movement" of the 1960s.

Some, like the Rev. Andrew Young, move on up to positions of power in the system they challenged for so long, with such pain and determination, to see justice done. Others, like Fannie Lou Hamer, die quietly, still very much a part of the places they were trying so hard to change.

The pace of change brought by the civil rights movement has always been uneven. We have a Southern President, elected with overwhelming black support on promises to make blacks and other minorities a more meaningful part of his administration's decision-making process than ever before.

But even after 15 years of civil rights efforts, there are no black elected officials in Fannie Lou Hamer's home town of Ruleville, Miss. And there are no black county supervisors in her home county of Sunflower, where she used to sharecrop 300 to 400 pounds of cotton a day.

That county, then and now, is majority black, one of many pockets in the South and the North where the pace of change seems glacial, where many whites remain determined, and many blacks remain convinced, that the old ways will not die.

From the time she joined a very young and very scared but very determined group of civil rights workers in 1961, Fannie Lou Hamer was a fighter and a teacher. She fought fear. She taught perseverance. And she sustained herself and those around her with faith in God, faith in simple people, and faith in the ability of the system to deliver justice when officials in power were slammed up against the wall hard enough.

She knew that the long road to better days was open only to those willing to shake off setbacks and, as she sang over and over again at mass meetings, "Keep on a-walkin', keep on a-talkin', trying to get to Freedom Land." The media that covered her activities called her a civil rights leader, but she was really an organizer, in the best sense of that difficult and timeless tradition. The organizers of today, who are spread all over the country and devote their lives to shaking up the system in an attempt to make it work for the little people, owe her a great debt.

"One of the great ladies of the '60s in The Movement," Vernon Jordan of the National Urban League called her. What made her so was a deep understanding of the efforts necessary to move poor, uneducated Southern blacks who knew they could be killed for breaching the customs of segregation, but wouldn't be free until they risked their lives trying.

Those efforts are best defined in the stories that people who knew her well are telling in the wake of her death.

Jordan remembers her on stage at the Mississippi Freedom Democratic Party convention in Jackson in 1963, right around the time the bodies of three slain civil rights workers were found in Neshoba County, leading everyone in a chorus of "Ain't gonna let nobody turn me 'round. . . ."

There is still a tinge of wonder in Jordan's voice as he recalls, "I remember driving that same day from Jackson to Memphis, Tenn., *alone*, and under her influence. I wasn't scared, you know what I mean?"

Not being scared in Mississippi in those days was one hell of an accomplishment. But Fannie Lou Hamer didn't seem to be scared.

Born the granddaughter of a slave, she used to tell stories of what she had endured as she traveled from church to church, from mass meeting, trying to inspire people to "keep on keepin' on. . . ."

She told about being thrown out of her home on a plantation the first time she tried to exercise her right to register and vote.

She told about going into a hospital for what she thought was removal of a lump in her stomach, and waking up to find she'd been sterilized with a hysterectomy.

She told of how her home had been shot into too many times to count, and of being called "nigger bitch" by local police, and of being beaten so badly in jail that she lived with the after-effects for the rest of her life.

"We could hear her screaming and hollering, just calling God for help," recalls a woman who was jailed with her. "On the way back she fell out at our cell, just lay there crying. All night we could hear her crying. . . ."

"I've never seen somebody who had been as persecuted and harassed as much as she had been and she just refused to be intimidated," said Carl Holman, president of the Urban Coalition:

"She had a kind of inner serenity and sureness about herself. She didn't scream and yell, but she stood up. . . . Some people get toughened by the battles and their spirit seems to get a little harsh, but not Fannie."

Her spirit was fundamental to the main focus of her life, organizing poor black people to change the system that kept them powerless and ashamed.

She understood something that is often overlooked: Children of the poor, unlike children of the middle and upper classes, usually cannot learn from their parents that they have a right to stand up and be counted. She taught that it was their duty to stand up.

"They respect people who respect themselves," she once said of local whites.

One of Fannie Lou Hamer's most important accomplishments was serving as a living example to people born of that dirt-poor Mississippi soil that someone similarly born, through faith and love and incredible perseverance, could "keep on keepin' on. . . ."

She lived to see the Mississippi Freedom Democratic Party, which she helped found, become a real force in state and national politics.

She was an example of the best of bonds that young and old can form as they work together for change. "I'm sick and tired of being sick and tired,"she used to tell the young people who seemed to flock to her for spiritual strength and strategic advice.

One of those who worked with her said the song that most typified her was one she used to sing at mass meetings: "I woke up this morning with my mind set on freedom. . . ."

HISTORY OF CLIFTON, OHIO

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. LUKEN. Mr. Speaker, I would like to call my colleagues' attention to a brief, but very valuable publication, "Clifton: Neighborhood and Community in an Urban Setting, A Brief History," by Henry D. Shapiro and Zane L. Miller.

This book is scholarly, entertaining and informative. I will not attempt to define for my colleagues the meaning the term "Clifton" has to both its residents and the residents of the surrounding area, Cincinnati, Ohio. The authors do this eloquently.

Clifton is certainly one of the most beautiful suburbs of Cincinnati. It is verdant, hilly, the home of our university and some of our most gracious residences, many of which are over 100 years old. Its citizens are a cosmopolitan group, many are professional people and all are dedicated to their community.

The theme of this book is elaborated throughout. What kind of place is Clifton? The authors are both historians, both professors at the University of Cincinnati, both Clifton residents. It is not surprising, then, to find that the story of Clifton is told in a very scholarly manner, placing it against the backdrop of urban history and American civilization.

The authors trace Clifton from its in-

ception in the 1800's, follow its history as a village and through its annexation to the city of Cincinnati in 1870. The treatment of the modern history of Clifton will be of great interest to all students of urban American life—how this community has planned and reacted to the changing lifestyle in American cities.

I recommend this book, which is really a treatise, to all my colleagues.

SICK PAY EXCLUSION

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. YOUNG of Florida. Mr. Speaker, today the House Ways and Means Committee is holding hearings on H.R. 318, legislation which would postpone for 1 year the effective date of changes made to the sick pay exclusion via the 1976 Tax Reform Act. As one of the sponsors of this proposal, I was pleased to have the opportunity to submit the following testimony on behalf of my bill:

TESTIMONY OF C. W. YOUNG

Mr. Chairman, I am here in support of H.R. 318, a bill I cosponsored, to postpone the effective date in the changes to the "sick pay exclusion" of the Tax Reform Act of 1976. The purpose of the exclusion was to eliminate a sizeable tax deduction for people who retired from Government service originally on a disability, but have recovered sufficiently to go back to work and support themselves. Now, in order to qualify for the deduction, disability (permanent) must be sufficiently documented and proven before a deduction is permissible, and eligible disabled must be under the mandatory retirement age of 65. For those who do not qualify, the deduction was disallowed for the taxable year 1976.

The exclusion of people over 65, plus the provision that the deduction not be allowed for the taxable year 1976, has placed a very large and very unexpected burden on many residents of my District of Florida. Some have written to ask for my help because they are over 65, on fixed incomes, and feel they need their deduction now more than ever; but most, by far, have written simply to ask for a one year delay in the implementation of the sick pay exclusion, so that they can plan ahead for what constitutes a much larger cash layout for taxes than they had expected to have to pay.

One constituent told me: "I do not mind paying the tax, but do not understand why they made it retroactive to January 1, 1976. I had no way of planning for this additional tax of $689." Another reported that: "The retroactive clause in the new tax revision is killing me. I have made arrangements with Civil Service to withhold funds for the future, but I need help now." A third added, "Needless to say, taxes on the $5,200 previously allowable had not been anticipated or budgeted for, and will have to be taken out of our small savings."

The intention of Congress in imposing this retroactive clause was not malicious, and it is a fact that it will provide an estimated $300 million in additional revenue for the United States Treasury for the calendar year 1976. That is a substantial figure, but one that I submit to you will come virtually out of the food budgets and living expenses and savings accounts of a majority of the 1.2 million people on which it is imposed. People, I remind you, who have already suffered serious setbacks in their personal and professional lives because of physical disabilities that most of us have been spared. I can't really believe that it was the intention of Congress to impose this heavy burden on this single group of Americans so unexpectedly, and it seems to me that their cries for help, their attitude that "we'll pay our share, but give us a chance to prepare for it", should be heard and heeded. Surely the financial survival of our country is not dependent on this single tax increase this specific year, and the "financial" survival of many Americans may very well depend on our agreeing to manage without their additional tax dollars for another 12 months.

Today is the 21st of March, and taxes for the calendar year of 1976 must be in the mail by midnight, April 15th. Unless this committee reacts quickly, and refers this matter for a vote without delay, many Americans will have to dip into their already diminishing savings accounts, or borrow money to meet this arbitrary obligation; or face the assessment of penalties by the IRS for failure to pay their taxes. In other words, there are only 25 days of hope for a "reprieve" for the 1.2 million people who are waiting for our verdict.

The interest and concern of the public on this matter is documented by the fact that 240 Members of Congress have sponsored or cosponsored legislation on this issue.

I urge this committee to act today, to bring this bill to a vote before the full House of Representatives.

TULSA DEDICATES NEW PERFORMING ARTS CENTER

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. JONES of Oklahoma. Mr. Speaker, the opening of the Tulsa Performing Arts Center on Saturday, March 19, marked an important chapter in the story of Tulsa's unique public-private partnership.

The community-oriented, multipurpose performing arts center is one of the most sizable examples of the city's public-private cooperation. It results from a pledge of $3.5 million by private citizen Leta M. Chapman and her family, another $3.5 million raised by Chairman John H. Williams of the Williams Cos., and approval of a $7 million bond issue by Tulsa's voters.

In the past 16 years, three-fourths of the $1 billion spent on Tulsa's urban renewal has been private capital. Planning for the downtown pedestrian circulation System now under construction was done by a joint task force of the chamber of commerce and Downtown Tulsa Unlimited, which also financed 50 percent of this study. Federal urban renewal funds are paying for its construction but it will be maintained by the private sector. This is a monumental enterprise that will provide safe pedestrian walkways for 3 miles from Williams Center to the end of the river-parks complex.

The Williams Center itself is a result of cooperation between the city and the Williams Cos. When that company began to outgrow its corporate headquarters, the Tulsa Urban Renewal Authority cleared the way to keep this major employer in Tulsa by excavating a nine-block downtown area for this $200 million complex. It is the site of the Tulsa Performing Arts Center, the Bank of Oklahoma, specialty shops, restaurants, and a luxury hotel under construction.

The $20 million river-parks complex will turn the banks of the Arkansas River into a cultural and recreational showcase. Urban renewal moneys funded the start of this project. Future bond issues will finance the public phase of the beautification project along 2 miles of the river. KRMG radio in Tulsa was the catalyst for this project. The station's Annual Great Raft Race inspired widespread citizen interest in the program that ultimately led to the formation of the Tulsa River Parks Authority, composed mostly of citizens from the private sector. It is anticipated that within the next 5 years the private sector will fill space in the complex made available through urban renewal clearing.

Not all of Tulsa's public-private projects are of brick and mortar. Both the Tulsa Junior College and the University of Oklahoma Medical School were envisioned by the private sector through the chamber of commerce, which raised funds for feasibility studies on both projects. Although both are realities, the private sector continues to help fund the two State institutions as well as the tax-supported Oklahoma Osteopathic College of Medicine and Surgery.

The public sector recently made significant contributions to Tulsa's health care delivery system. Although all hospitals in Tulsa County are privately owned and controlled, two hospitals received large loans for expansion through the Tulsa Industrial Authority, an entity of the city. The private sector was responsible for the city commission's creation of this lending vehicle.

The private sector—through the chamber, the League of Women Voters, and other organizations—joined with the Tulsa public schools in planning and implementing a successful voluntary school integration program. This averted forced busing and set a model for the rest of the country.

In the mid-1960's, the chamber urged approval of a hotel-motel room tax to fund national promotion of Tulsa. As a result, the city created the Economic Development Commission, staffed by the chamber. The EDC promotes Tulsa as the city that "has it now"—for industry, conventions, tourists, and families. It has a supporting role in the promotion of the Tulsa Performing Arts Center and most other public-private partnership projects.

When Ella Fitzgerald appeared at the Performing Arts Center's inaugural performance, she was the first of many fine artists who will grace the stage of an institution made possible by Tulsa's unique public-private partnership.

AN UNSEEN DANGER

HON. CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. RANGEL. Mr. Speaker, methadone has long been praised as a cure for heroin-addicted drug addicts. It was first used in treatment services in New York City's Beth-Israel Medical Center in 1965 and has since come into wide use in facilities across the Nation. As a member of the Select Committee on Narcotics Abuse and Control I am very concerned about the potentially harmful effects recently discovered concerning methadone usage on pregnant women.

Babies born to mothers on methadone were once said to be healthier than those born to mothers on heroin. Clinical studies have indicated that this is not true, that there are serious physiological effects associated with maternal methadone treatment and childbirth.

To adequately present the situation I would like to share with my colleagues the following article by Jeanne Schinto entitled, "Methadone and Motherhood." The article appeared in the March issue of the Progressive. I think my colleagues will find this article very informative.

It follows:

METHADONE AND MOTHERHOOD

(By Jeanne Schinto)

Only those who considered heroin the problem ever thought that methadone would be the answer. "Now—a drug that 'cures' drug addicts!" and "Heroin Cure Works!" the newsweeklies and popular science pulps proclaimed in 1965, shortly after the first methadone maintenance technique had been developed and a flock of volunteers had been trundled off to a inaugural program at New York City's Beth-Israel Medical Center. Even one of the medical journals used the word "cure" in the article it ran to introduce the discovery of the new use for the twenty-year-old drug.

Methadone's opponents, however, looking beyond the needle tracks to the treadmill that heroin addicts inevitably ride, questioned the program's good-drug versus bad-drug logic, and reminded its backers that heroin had once been touted as a "cure" for Nineteenth Century morphine addiction—and that morphine had been trumpeted as an end-all to opium-eating before that.

Further protests came from Federal narcotics agents and black activists, who railed against the methadone programs on moral grounds—the one group because they thought addicts should kick their habit by means of abstinence and self-control instead of a Government-funded crutch, the other because they reasoned that the crutch was actually a brace. "Hell, man, when we was just plain junkies, they only knew who we were when we got busted," a former addict told the author of *Heroin: The Myths and the Facts* (1973). "Now they got your number as long as you need that shit, which is forever. The man's a real dog handler, you see? The program's a leash with a thousand leads, you dig? And guess who's the dog?"

Right from the start, the drug generated these storms of controversy. Lately, though, the methadone debate has settled, not only in political and evangelical terrain, but in psysiological as well. Moving past such side effects as constipation, insomnia, sweating, nausea, vomiting, anorexia, and sexual impotence, especially in older men (the first medical problems associated with methadone maintenance in the mid-1960s), more recent studies have aroused suspicions about a whole string of other adverse effects of prolonged use of the drug. Methadone-induced pulmonary edema, adult respiratory distress syndrome, liver malfunctions, chronic hypercapnia, and fecal impaction are some of the complications which have been diagnosed in the last five years among those in methadone maintenance programs, according to medical journal articles.

Not surprisingly, other reports have been generated by those seeking to dispel fears about the drug. The majority of these, however, are short on conclusive evidence that would counter the medical arguments against methadone, and are, instead, long on suggestions that methadone, despite all its physiological mysteries, is the lesser of the evils from which the heroin addict has to choose. These reports often compare methadone to insulin for diabetics, digitalis for cardiac patients, or cortisone for arthritics—as if it were as easy as all that. In the meantime, uncertainties about methadone's safety mount, especially in one area which has yet to receive the attention it deserves even from the medical community, much less from the general public: the effects of daily use of the drug by pregnant women.

Since the maternal-fetal unit, for the most part, still baffles science, drugs administered to pregnant women have usually been carefully screened beforehand. Methadone, however, is regularly dispersed in massive doses to future mothers without the data sufficient to predict the risks to their offspring. The consent form that pregnant women who enroll in methadone maintenance programs must sign says, in part: ". . . I understand that, at present, there have not been enough studies conducted on the long-term use of the drug to assure complete safety to my child."

Witness the sad results of some other past experiments that mixed untested drugs and procedures with motherhood—thalidomide and pelvic x-rays, for example—and the methadone program policy seems medically indefensible, especially when it is noted that between 80 and 85 per cent of the women eligible to enroll in methadone programs are of child-bearing age, and that methadone seems to regulate the menses of previously irregular women (heroin tends to make menstrual periods irregular), thus increasing their chances of pregnancy.

When the methadone maintenance technique was first being tested in the early 1960s, Dr. Vincent P. Dole, one of its developers, reported that "babies born to patients were not adversely affected" by the drug. Further, in a widely publicized statement made in 1969 to the Senate Subcommittee on Crime in the Nation's Capital, Dr. George Blinick and others maintained that babies born to mothers on methadone were in much better shape than those born to mothers on heroin.

The Dole and Blinick studies' findings became mainstays in the argument propounded by methadone's partisans. Report after report since then, however, has challenged their findings.

Doctors at New York City's Metropolitan Hospital, for example, who compared forty-six infants of mothers on methadone with forty-five born to mothers on heroin during an eighteen-month study begun in July 1971, concluded that a withdrawal syndrome (tremors, a shrill cry, watery stools, and irritability) occurred with equal frequency in both groups, but that it was more severe among methadone-exposed infants. In addition, they found, convulsive seizures and severe hyperbilirubinemia (a blood disorder) occurred more frequently among the methadone mothers' infants, and that hyaline membrane disease (a condition characterized by the onset of difficulty in breathing a few hours after birth, and often death before the third day), absent among the heroin-exposed newborns, struck two of the methadone-exposed.

Similarly conclusive was a comparison of forty-nine methadone mothers' babies with those of twenty-one heroin mothers conducted at Washington, D.C., hospitals by doctors at that city's Narcotics Treatment Administration. "Not only does withdrawal tend to be more frequent, pronounced, and prolonged, especially in high methadone dosage," the Washington doctors wrote, "but incidence of low birth-weight is more than twice as common as in the overall population drawn from the same hospitals." Low birth-weight babies (under five-and-a-half pounds) begin life with major handicaps: Breathing is difficult; nursing is impossible, as is maintenance of correct body temperature without artificial aid; limbs are underdeveloped; the skin is wrinkled; the flesh is flabby; development and functioning of kidneys, liver, and other organs are inadequate, and resistance to infection is low.

But withdrawal syndrome and low birth-weight complications aside, doctors at La Llave Drug Treatment Program and the University of New Mexico in Albuquerque reported to the Fifth National Conference on Methadone Treatment held in Washington, D.C., in March 1973, "A clinical view of twenty-four pregnant methadone-maintained patients and their infants outlines hazardous obstetrical and neonatal complications not given sufficient previous attention." Because of these, they noted, "the time period of labor was accelerated," nearly half experienced respiratory depression, and all exhibited signs of other types of "intrauterine fetal distress."

All of the studies cited here as well as many others like them give cause for immediate concern, but several more studies of a different nature have tipped the scales even farther against methadone and have pushed the synthetic opiate into an even more mysterious physiological realm. These studies have found an alarmingly high incidence of Sudden Infant Death Syndrome (SIDS) among the offspring of mothers on methadone.

Only recently recognized and defined as a specific disease, SIDS or "crib death" or "cot death" can be related to no known cause. "This is a disease which does not make sense," observed K. J. and K. G. Kadlub in a 1974 Michigan medical journal article. "The very first symptom is death." Suddenly and entirely unexpectedly, it takes the lives of apparently healthy babies, usually before their first birthday, and almost always while they sleep.

The incidence of SIDS among the general population of newborns is about 2.5 to 3 per 1,000 live births. According, when three out of fourteen babies born to mothers in a New Haven methadone maintenance program were claimed by the disease, doctors there alerted their colleagues to the anomaly. In a June 1972 *Journal of the American Medical Association* article, they wrote, "In a small population such as this, these deaths could be due to an unfortunate chance distribution. However, these incidents cannot be ignored, and we must give consideration to the possibility that methadone may have played a role in the deaths."

At first glance, they conceded, it might seem that the addicts' way of life and subsequent infant neglect would be the primary cause of these deaths, yet, they advised, other infants born of heroin-addicted mothers are subject to the same or worse conditions and no mention has yet been made of any unusually high incidence of SIDS in heroin mothers' babies. (Indeed, after a ten-year study of 384 infants born to 382 heroin addicts at New York Medical College-Metropolitan Hospital in New York City, no deaths due to SIDS were reported.)

Meanwhile, evidence supporting the New

Haven doctors' supposition has slowly been mounting. For example, doctors at Albert Einstein College of Medicine in the Bronx, who monitored the babies of 182 mothers on methadone, 95 babies whose mothers used heroin during pregnancy, and 106 babies whose mothers combined the drugs, reported after completion of the two-year study begun in 1972 that eight infants born to seven mothers died of SIDS. Five of the mothers were in methadone programs; the remaining two took both heroin and methadone while pregnant. "The incidence of SIDS in our study population was eight to nine times that in the general population," the doctors wrote for *Pediatric Research* in April 1976. "In those in whom only methadone use was confirmed, the incidence was thirteen times the expected number."

SIDS most often strikes babies with low birth-weight, low gestational age, low-income or unemployed parents, unusually young mothers, and abbreviated or total lack of prenatal care. Additionally, more non-white than white and more bottle-fed than breast-fed babies fall victim to the disease.

Because of the high incidence of all of these factors among methadone-exposed babies and their parents, methadone's backers tend to discount the possibility of a direct link between the disease and the drug. But, as the New Haven doctors advised, the incidence of the very same factors among heroin-exposed babies and their parents is just as great, if not greater, and no statistical connection between heroin and SIDS has ever been made.

The same set of overlapping sociological factors works to impede either confirmation or cancellation of the link between methadone and the other infant diseases and conditions mentioned. Low birth-weight, for example, is associated not only with heroin, methadone, and SIDS, but with low income as well.

The research that might help untangle the web of confusion is further slowed by an apparent lack of interest among medical professionals. Interest without funding, however, is of little use to anyone, and, since both public and private money flies largely in the direction of prevailing political winds, the real impediment to the methadone-and-motherhood studies, as well as all other studies which might be designed to test methadone's physiological side effects, is the political nature of the drug.

From the outset, methadone maintenance received the full support and attendant good graces of the President's Special Action Office for Drug Abuse Prevention. In early 1970, however, the Justice Department's Bureau of Narcotics and Dangerous Drugs and the Food and Drug Administration (FDA) noted that the drug had never been declared "safe and effective" for its new use. (Although it was synthesized by the Bayer Company in Germany in 1944 and subsequently used in the United States as a painkiller and cough medicine in small doses, methadone was never approved in its large-dose capacity as a heroin substitute.) These agencies, therefore, began to insist that methadone was "legally experimental," thus falling under the strict requirements of Federal law written after the thalidomide scandal. It became an Investigational New Drug (IND). In June 1970, however, the Administration convinced the FDA that methadone could hardly be called "investigational" any longer since 50,000 or more were already being treated with it, and looser regulations were proposed. The FDA filed an exemption and more flexible guidelines became effective on April 2, 1971.

Under the new set of regulations, it became easier than ever for pregnant women to enroll in methadone maintenance programs—in spite of the Government's own statement that the safe use of the drug during pregnancy had not been established and despite the myriad risks to the offspring being documented daily. In fact, since the FDA dropped methadone's investigational status entirely and it became simply a New Drug in March 1973, enrollment of pregnant heroin addicts is at the moment actually being encouraged, even in preference to detoxification. Methadone's supposed ability to alter an addict's "drug-seeking behavior" and its "stabilization of the social environment" are the phraseological plus signs rung up to justify the policy in the face of the medical questions.

But even these are imaginary assets. Methadone, the "good" drug, has fast become a street drug. In 1965 the Drug Enforcement Administration (DEA) reported that sixteen people were abusing methadone. In 1973 the number was 2,933. Methadone was held accountable for some 800 deaths in 1975. And, all along, it has been statistically linked with a grim array of other fallout usually associated with illegal narcotics. So when we add to the societal liabilities the physiological dangers threatening pregnant women and their offspring, and perhaps everyone else daily administered a massive dose of the drug in a cup of fruit juice, the total picture looks bleak indeed.

Why, then, would anyone persist in encouraging continuation of the methadone maintenance programs? The drug's most intense critics, black activists' groups among them, point to the profits scooped up by Eli Lilly, S. B. Penick, Vitarine, and Mallinckrondt—the four companies that manufacture methadone—and by the many privately owned methadone clinics as well.

Even if there were no money to be made, however, methadone's pushers might still persist, because of the way society has lately been programmed to react in crisis situations. In a drug culture such as ours (where, the U.S. Census Bureau says, $9,300,000,000 was spent on "drugs and sundries" in 1974 alone), we are told time and again to take a pill, get a shot, find a fix when faced with hopeless cases. We have been well conditioned, because in many instances—polio and syphilis, for instance—drugs and sciences have prevailed. But the combination has never worked when used to treat the symptoms instead of the disease, and since heroin is only one sign of a host of social ills, it follows that methadone will never become a suitable cure for it—no matter how "safe and effective" methadone is somehow made or proven to be.

As long as the drug's proponents are the ones who keep the records, however, methadone maintenance will likely turn up looking like the perfect remedy—as well as a good investment for the future—every time.

BAN ON SACCHARIN

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. ASHLEY. Mr. Speaker, I am pleased to be joining Representative MARTIN in introducing H.R. 5166, a bill to ease the impact of the Food and Drug Administration ban on saccharin and to prevent ill-advised or ill-timed removals of other food additives from the marketplace in the future.

The need for such legislation has been made painfully obvious in the wake of the FDA's announced intention to ban saccharin, based upon Canadian testing of that product. Ten million diabetics in this country are justifiably frightened at the prospect of having to function without the only artificial sweetener legally available today. And, millions of other Americans whose dietary restrictions call for a lowered intake of sugar are likewise incensed over what they perceive to be a precipitate ban based on insufficient evidence.

The problem confronting those contemplating corrective legislation has been to solve the immediate crisis situation regarding saccharin, while also providing the legislative mechanism for reasoned and measured consideration of scientific data in future tests to determine the safety of a given additive. I am persuaded that H.R. 5166 is just such a bill. It is the collective product of FDA personnel, food chemists, legal scholars, representatives of those afflicted with diabetes, and congressional sources. That balance is reflected in the bill itself.

This legislation does not encroach on the functions and methods of food chemists and researchers. That is neither the province nor the expertise of Congress. In fact, many of the strict provisions of the prior application of what has come to be known as the Delaney clause are maintained by the legislation I join in introducing today. The triggering method of the Delaney clause remains wholly intact; that is, upon a showing that a given food additive causes cancer in humans or animals, regardless of the dosages administered, an impending FDA ban is announced. I am convinced that there is a continuing need for extreme caution in treating the results of these studies—a caution that H.R. 5166 preserves.

But, once there has been a determination sufficient to trigger the Delaney mechanism, it is then incumbent upon the Secretary of Health, Education, and Welfare, under the provisions of this bill, to consider adverse reaction and evaluate test results with particular attention to balancing public health risks against public health benefits that would inure from continued use of the additive in question. In this evaluation process—appeal, if you will—the Secretary will have the advice and assistance of an FDA panel, as well as access to both scientific and public opinion. Should he find that the public health benefits clearly outweight the public health risks, he is empowered to prevent the final banning stage contemplated by the Delaney clause. The test is one where health considerations are not only paramount, but exclusive.

In a given case, for example, the Secretary might determine that the chances of a challenged additive inducing cancer in humans, assuming normal consumption, would be remote. He might also find that the ongoing use of the product in question serves a significant health need. From all available data I have seen, this appears to be the case with saccharin beyond question. H.R. 5166 specifically mandates such a review in the case of saccharin, as well as future testings, and it is safe to predict that under the sound dictates of this bill the impending ban on saccharin would be prevented.

The bill I am introducing today maintains the premise that questions of health are exclusive. Moreover, it recognizes the

continual advances being made in research techniques. When the Delaney clause was added to existing legislation almost 20 years ago, graduations of risk were not so easily isolated or predicted as they are today, and as they are to be in the years ahead. H.R. 5166 is a thoughtful piece of legislation that not only considers the current state of medical research, but provides for future developments.

Most importantly, however, is the fact that this bill is predicated on furthering the public interest—the public health interest. I urge its prompt passage. It will go a long way toward restoring public confidence in administrative health decisions which so directly affect millions of lives.

OIL IMPORTS IN U.S.-FLAG SHIPS, A CONSTITUENTS VIEW

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. ANDERSON of California. Mr. Speaker, recently I received a letter from Mr. Joe Goren, port agent for the Marine Cooks and Stewards Union in Wilmington, Calif. His views on the proposal that a percentage of U.S. oil imports be transported in ships that are built in American shipyards and operated under U.S. flag is well worth the few minutes it takes to read them.

Mr. Speaker, on March 2, 1977, when I submitted my bill to mandate that a percentage of U.S. oil imports be carried in American bottom ships, I stated that the United States imports 51 percent of its oil from foreign sources. Only 4 percent of this crude oil, however, is carried on American owned and operated vessels. This policy allows flags-of-convenience vessels—principally Liberian and Panamanian registry ships—to operate outside U.S. control. While calling for domestic energy independence, the Congress is perpetuating a program of dependence upon foreign oil transported in foreign ships for U.S. needs. Thus, we expose ourself to the very real possibility of a shipping boycott of our ports.

Hearings on the proposal are underway before the Subcommittee on Merchant Marine, chaired by Representative MURPHY of New York. I hope my colleagues on the committee, and in Congress, will consider Mr. Goren's opinions when they consider this measure.

The following is Mr. Goren's letter:

WILMINGTON, CALIF.,
March 11, 1977.

Congressman GLENN ANDERSON,
Longworth House Office Building,
Washington, D.C.

DEAR GLENN: The Maritime Unions have been concerned for many years about the increase of Run Away Flag Vessels described as Running away from paying taxes, Running away from American safety standards, and Running away from hiring American trained seamen. The abuse appears more in the area of the oil companies.

They claim the cost of the American seamen is their basis for putting these ships under flags of convenience, yet when the flags of convenience ships are in trouble either off the coast or in the harbors, they enjoy the use of American public servants to safeguard their vessels and the cargo that they carry. As example, the Sansinena explosion in the Harbor of Los Angeles on December 17, 1976. Police, United States Coast Guard and Firemen jeopardized their lives in an attempt to save the lives of the crew members aboard the vessel and to stop the spread of further damage caused by the explosion. Many of the government employees worked overtime and the burden of the costs was paid by the American taxpayer.

I took the time to contact the Pacific Maritime Association which represents the employer to find out what the Liberian ships are saving in the area of tax contributions to the American economy or to place it in a better perspective, to offset the high taxes of the American citizens who are willing to contribute to the safety, security and good life of living in the United States.

The information I received was astounding. The average contribution of the American seamen per month in State Unemployment, Federal Insurance Contribution Act, withholding taxes, amounts to $845.70 per man per month. This means his contribution to the economy for a year is $10,148.40. What is more astounding is that the contributions of one single vessel per month is $38,902.20. Add the contributions from vacation pay of $15,926.00 per single vessel per month and the total monthly contribution for each vessel is $54,828.20. Multiply this by 12 months and the total is $657,938.40. The vessel used in this survey was the S. S. President McKinley with a crew of 46 men and in many cases the tanker could have less men or could use men but I would assume that the President McKinley's manning scale is a good average of a manning scale on an oil tanker. Let's look at the Liberian Run Away flag situation. There are approximately 2,000 flags of convenience vessels and taking the average of a vessel's contribution in seamen taxes using the figures in the attached letter, the total contribution of the Liberian flag vessels would be $1,254,00,000.00 a year Surprised?

I see the new Administration is attempting to lower the unemployment rate by a recent passing of a law placing the unemployed youth in meaningful jobs and again it is the American taxpayer who will carry the burden. I am not condemning the program as I think the most degrading feeling a human being could have is to be unemployed when he is willing to work to support himself and his family.

President Carter stated the program would cost approximately 1½ billion dollars so even if it looks like the American seaman is appearing selfish by asking for those jobs, if they crewed the Run Away Flag Vessels, the American seamen, by paying their taxes, would contribute enough to handle the President's youth program.

Another contribution is that the ships carrying 100,000 barrels of oil would contribute to the economy of the nation by business taxes. The cost of putting youth to work appears astronomical whereas if we could just resolve one loophole and request that American owned steam ship companies fly the American flag and use American seamen we would be resolving the efforts of the Administration to employ our youth. We would be able to take them off the streets, give them meaningful jobs and get them into the flow of the American economy.

To Resolve:

1. Every Liberian Flag Company that is American owned should be required to pay American taxes.

2. 30% of all oil and cargo carried on American flag bottoms.

3. All energy or cargo destined to be used by City, State and Federal to be carried on American flag vessels. (Canada has this law.)

Fraternally and sincerely,

JOE GOREN,
Port Agent.

(The attached document is supplied by steam ship employer's records.)

MARCH 2, 1977.

Mr. JOSEPH GOREN,
Marine Cooks and Stewards Union,
Wilmington, Calif.

DEAR MR. GOREN: You asked me for information about taxes paid in connection with shipboard employment. For the voyage of the SS PRESIDENT McKINLEY from January 6, 1977 to February 15, 1977 the total of State Unemployment, Federal Insurance Contributions Act, and Withholding Tax amounted to $53,162.61 for a crew of forty-six men.

This is an average of $845.70 per man per month, and $38,902.20 per vessel per month. This does not include the payroll taxes which would be paid on vacation wages accrued by reason of employment on the vessel, which taxes it is estimated would amount to about $15,926.00 per vessel per month additional.

P. LANCASTER,
Director, Negotiations Research.

PUBLIC DISCLOSURE OF LOBBYING ACT

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. YOUNG of Florida. Mr. Speaker, today I have introduced the Public Disclosure of Lobbying Act of 1977. Most of us will remember the interesting consideration of the Public Disclosure of Lobbying Act of 1976, which was approved by the House in the final days of the 94th Congress. Unfortunately that bill never became law, and I feel it deserves a second consideration by this body.

It is the opinion of a large segment of the public, that lobbyists have a great deal of influence on legislation that affects their everyday lives. People are very much under the impression that as legislators, we are "sold," figuratively speaking, by those interests that can afford the best "hucksters" to present their point of view. A constituent called me yesterday to urge me to take a stand on the banning of products containing saccharin from public sale, and asked:

If tobacco products can be sold with a warning that they are dangerous to our health, why not also saccharin products?

She then answered her own question by stating:

I know, because the tobacco companies have better lobbyists than those of us who need saccharin products to make our daily diets palatable.

The right to petition Congress, by individuals or through professional lobbyists, is guaranteed by the Constitution; however, professional lobbying organizations have become very structured and organized, and there is a definite need for an accounting procedure for those lobbyists who make their living trying to influence Congress.

The Public Disclosure of Lobbying Act of 1977 includes the following provisions:

(1) A clear definition of what constitutes a Lobbying Organization.

(2) A clear definition of what a Lobbyist does.

(3) A requirement that each Lobbying Organization register with the office of the Comptroller General no later than 15 days after it becomes active, and identify its representatives, and methods of operation.

(4) A requirement that each Lobbying Organization file a report with the Comptroller General within 30 days after each quarter, identifying the organization, its representatives, its expenditures, sources of income, primary issues within which it is concerned, and other permanent data.

(5) A prohibition of lobbying activity within 50 feet of either Chamber of Congress.

(6) Identification of some State and Local Government employees as lobbyists.

(7) Requirement for lobbyists engaged in lobbying activities within 100 feet of any entrance of either Chamber of Congress while the body is in session to wear nametags stating in clear print their names and the organization they represent.

(8) Identification, by registration with the Comptroller General's office, as a lobbyist, anyone who has contributed $2,500 to a lobbying organization, or will spend 20% or more of his time, in any filing quarter, engaged in activities of the organization required to register under this bill.

(9) Imposition of a civil penalty against any former Member of the House, Parliamentarians, former elected officers and elected Minority employees of the House, who, during consideration of a measure in which they have a direct interest, appear on the Floor of the House or in adjacent rooms as a representative of an organization required to register under this bill.

(10) Requirement of individuals lobbying within 100 feet of either Chamber of Congress to report their hours and the purpose of their activities.

(11) Requirement to register the names of Federal officials or employees contacted by lobbyists.

The public is demanding some sensible accountability of lobbyists and their activities, and they have a right to it. Disclosure of the activities of these groups and their income and expenditures is justified, and so are the requirements that their physical proximity to the Members of this body, when it is in session, be limited. We cannot afford to continue the "circus-like" atmosphere that we are sometimes subjected to when we enter this Chamber past throngs of lobbyists, attempting to inform us of what we are doing and how we should do it. I am not suggesting that they be "barred" from the building, only from the doorway. I am not suggesting that they be "branded," just clearly identified. I am suggesting that the privileged few who have access to these Chambers, by reason of their former association with it, should not be allowed to abuse that privilege by gaining entry with a "product to sell" or an "ax to grind" for personal or professional profit. And I am suggesting that the public is entitled to full disclosure of the identity of professional lobbyists, and the identity of the people they try to influence.

I urge my colleagues to act toward the expedient passage of this Public Disclosure of Lobbying Act of 1977.

BAN ON SACCHARIN

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. CHARLES H. WILSON of California. Mr. Speaker, the fundamental problem with the recent action taken by the Food and Drug Administration—FDA—to ban the use of saccharin lies not in the ban itself—although I have serious reservations about the wisdom of this decision—but in the law.

The FDA took this action based on a 1958 amendment to the Food, Drug, and Cosmetic Act—commonly referred to as the Delaney clause—which states that a ban may be placed on any food or substance if it is found to produce cancer in man or animals. Unfortunately, the law does not allow the agency to determine just exactly how much of the additive will cause cancer in a person or if, in fact, the additive does benefit consumers. The FDA ban on saccharin, in the words of a Los Angeles Times editorial, provides "an ironic illustration of how a law, enacted with the presumed intention of protecting the public welfare, can in fact be applied in a way that unintentionally threatens hardship for millions."

There are currently 10 million diabetics in this country who rely on saccharin to cut down their sugar intake. They do not use the additive, because they want to lose weight or cut down on calories—they do so, because they have to and cannot have normal sugar. Of course, the absolutist proscription of the Delaney clause does not take this into consideration nor does it consider the millions of Americans who use saccharin to cut down on calories. Saccharin is the only legal alternative diabetics and dieters have to sugar intake.

Furthermore, I was disturbed to learn the ban was based on a Canadian study wherein 100 rats were fed large quantities of the sweetener. While I do not presume to question the expertise of the study, I do question the fact that according to the FDA the "large quantities" given to the rats was equal to one person consuming 800 bottles of dietetic soda a day. In the first place, I cannot imagine anyone being able to drink 800 bottles of soda in one day and then continuing to do so day in and day out. Second, I would like to point out that statistics indicate drinking 50 cans of water a day can be fatal. While it sounds humorous to envision a FDA ban on excessive water consumption, it does indicate the extreme lengths to which the FDA has gone with the saccharin ban.

In all fairness, it would be correct to say that this controversy truly is not the FDA's fault, but rather the unfairness in the law and the absolute approach of the Delaney clause. Several bills have been introduced to correct inequities in the Food, Drug, and Cosmetic Act. Representative WILLIAM WHITEHURST, my colleague from Virginia, has introduced a bill that would amend the language of the clause to allow for a ban only if the substance was ingested in "reasonable quantities," and then proved to be a cancer-causing agent. To date, there has been no indication that a normal intake of saccharin has caused cancer in any human. The inclusion of the "reasonable quantities" language would alleviate bans resulting from abnormal or extreme circumstances.

I have also cosponsored legislation, introduced by Representative JAMES G. MARTIN, that would halt the FDA action on this official ban until Congress has held hearings and found that normal consumption of saccharine is unsafe. If the findings prove that it is, then a ban would be in the best interest of everyone.

I strongly believe the Federal Government has a responsibility to protect people from potentially carcinogenic substances. However, in this case, the elimination of saccharin would give rise to severe problems for diabetics and dieters and those Americans who must limit their sugar intake.

The FDA does have a legitimate responsibility in this area but as is evidenced by this case, it has overstepped its bounds to "protect" the public from a useful and perhaps beneficial product.

I urge my colleagues to adopt measures that will alleviate future problems with the Delaney clause and reverse the FDA ban on saccharin until studies prove it is a harmful substance when taken normally.

COLLUSION IN THE TIMBER INDUSTRY

HON. JOHN KREBS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. KREBS. Mr. Speaker, in the National Forest Management Act, signed into law last October 22, 1976, the Congress included provisions dealing with the sale of timber from the national forests, a half-billion dollar annual business. These were designed to assure fair competition and prevent collusion among bidders in buying timber and also prevent freezeout bidding practices. This was done by seeking to make the climate for collusion a little less comfortable. The law gives a preference to the use of sealed bidding in selling timber, rather than the oral bidding that has been used almost exclusively in the West.

In convictions rendered on bid-rigging cases tried, and in pending reviews that may lead to additional indictments, the evidence shows that oral bidding in selling timber was the exclusive method of selling that timber.

The Washington Post for March 15, 1977, carried an article stating that eight major Western plywood manufacturers, which regularly purchase forest service timber, have had a suit filed against them by the Commonwealth of Virginia on the charge of conspiring to fix the price for finished plywood. Of course, the determination of whether the charges are cor-

rect will have to await the judicial finding. However, it is interesting to note that, in December, the Federal Trade Commission found five of these eight defendants guilty of maintaining artificially high prices. I invite my colleagues and constituents to read this article, the text of which follows:

AREA: VIRGINIA CHARGES PLYWOOD FIX

The State of Virginia has accused eight of the nation's leading plywood manufacturers of conspiring to fix prices.

In a suit filed in United States District Court in Richmond, the state alleged that plywood prices are kept artificially high by the companies through a pricing scheme which applies freight costs from the Pacific Northwest to lumber actually shipped from mills in the South.

The state has asked the court to award triple damages from the accused Boise-Cascade Corp., Champion International Corp., Georgia-Pacific Corp., International Paper Co., Vancouver Plywood Co,. Vanply Inc., Weyerhaeuser Co., and Williamette Industries, Inc.

In a similar case, a Federal Trade Commission administrative law judge in December ruled in an initial decision that five big plywood companies—among eight named in the Virginia suit—had kept their prices artificially high by the pricing scheme.

The companies in the FTC case have appealed, and the commission has scheduled an oral argument for May 11.

In recent hearings held by the Subcommittee on Forests of the House Committee on Agriculture regarding the desirability of greater use of sealed bidding for timber in order to reduce the incidence of collusion, major spokespeople for the forest products industry argued against sealed bidding. Despite convictions to date, they contended that there are no problems in this respect and thus no need for preventive actions designed to foster open competition.

The Secretary of Agriculture is presently considering the action he should take on draft regulations to implement requirements in the 1976 act concerning sealed bidding. Some are urging the Secretary to revert to past oral bidding techniques in the West.

I would object strongly to such action, in view of the fact that there have been several investigations and convictions involving bid-rigging in connection with Federal timber sales carried out by oral bidding. The U.S. Justice Department, in a letter to me dated February 3, 1977, states:

There is good reason to believe that the practice of collusive bidding exists in sales of federal timber.

The letter goes on to say that, on the basis of investigations which are either ongoing or have been recently conducted:

We are not dealing with isolated, rare situations.

The full text of the letter in question, which has been made a part of the hearing record for the Subcommittee on Forests, follows:

WASHINGTON, D.C.,
February 3, 1977.

Hon. JOHN KREBS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KREBS: This is in response to your letter of February 2, 1977, requesting information concerning collusive bidding practices in the sale of timber. Specifically, you request our opinion as to the extent of collusive bidding on federal timber; the number of investigations of such practices undertaken by the Department in the last twenty-five years, including the number of investigations currently pending; the number of investigations which have resulted in litigation; the number of grand jury investigations being undertaken apart from those instituted by the Department; and our views as to whether it is difficult to obtain hard evidence of collusive bidding.

On the basis of information available to the Department, there is good reason to believe that the practice of collusive bidding exists in sales of federal timber. Moreover, the number of investigations that we have recently conducted or are in the process of conducting into such behavior suggests that we are not dealing with isolated, rare situations.

At present, the Department is engaged in three major investigations of possible collusive bidding involving various federal forests located in Northern California, Arizona and New Mexico, and Oregon and Washington. Several different grand juries have been and are continuing to inquire into these matters.

Available records do not permit us to go back a full twenty-five years, as you have requested. However, over the last fifteen years the Department has undertaken, including those currently pending, at least ten separately identifiable investigations of alleged collusive bidding on the sale of federal timber. To date, two of these have resulted in litigation. In *United States* v. *Cascadia Lumber,* Cr. 64–173 (D. Ore. 1964), the trial court granted the defendant's motion for acquittal after the completion of the government's case. In *United States* v. *Champion International Corp.,* Cr. 74–698 (D. Ore. 1974), five corporations and two individuals were convicted of collusive bidding in violation of the Sherman Act. One corporation and two individual defendants were acquitted. The defendants who were found guilty have appealed, and that appeal is still pending. We have no knowledge of other criminal proceedings involving collusive bidding on federal timber apart from those instituted by the Department.

It has generally been our experience that collusive bidding is one of the more difficult antitrust violations to discover and prove in court. Unless there is an informer or other direct evidence of an agreement, which is particularly hard to obtain in a tightly knit industry such as the timber industry, it is very difficult to show that the absence of competitive bids is due to concerted behavior. In this connection, we have found that when bidding is done in the open rather than by a sealed bidding process, it is both easier to coordinate and to enforce a conspiratorial agreement and also more difficult to prove that an absence of competitive bidding is due to collusion among the actual or potential bidders.

I hope this is responsive to your specific questions.

Sincerely yours,

DONALD I. BAKER,
Assistant Attorney General, Antitrust Division.

I do not wish to suggest that an indictment is equal to a conviction in price-fixing charges. However, there have been past convictions on timber bidding and it is worthwhile to note that one of the indicted firms, Champion International, was convicted in 1974, in the Federal District Court in Oregon, of collusion in bidding involving the sale of Federal timber.

I would hope that the Secretary of Agriculture, in devising final regulations on timber bidding, will assure that the spirit of the 1976 law is met—improving the free, competitive enterprise system and minimizing opportunities for collusive or preclusive bidding on timber.

STATEMENT ON SACCHARIN BAN

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. WON PAT. Mr. Speaker, I wish to go on record as opposing the impending FDA action to prohibit the use of saccharin by the Food and Drug Administration.

This action, based on the results of a Canadian study in which rats were fed extremely high doses of saccharin, strikes me as falling into a category similar to the FDA's ban on the importation of betel nuts into the United States, a ban which I have long opposed. In both cases, the actions are based on highly questionable research findings, and in both cases these bans entail a severe hardship to significant numbers of people.

In the case of saccharin, the ban will be felt most severely by diabetics in this country who have a very real need for this artificial sweetener. In the case of betel nut, the sufferers are the people of Guam and Micronesia who enter the U.S. customs zone and who are prohibited from carrying with them betel nuts for their personal consumption.

With saccharin we are talking about a substance that has been used by the American people for nearly 80 years and in the case of betel nut we are dealing with a natural substance which is currently used by some 200 million people throughout the world and which has been used since earliest recorded time and almost certainly before.

In both cases the FDA is basing its action on the Delaney clause of the Food, Drug, and Cosmetics Act which prohibits the use in food of any ingredient shown to cause cancer in animals or man. It is not the Delaney clause that I am taking issue with, although I do feel that it should be reassessed. What I am primarily concerned with at this time is the means by which the FDA concludes that a substance is carcinogenic or cancer causing. There is much criticism being voiced over the study which led to the current saccharin ruling. According to FDA:

The dosages of saccharin fed the rats in the Canadian study were in excess of the amount that a consumer would receive from drinking eight hundred (800) 12 oz. diet sodas daily over a life time. (HEW News p. 77–12, March 9, 1977, p. 3.)

In this context, it is interesting to note that 3 days after this ruling was made UPI carried a story about a woman in Florida whose death was traced to her habit of drinking up to 4 gallons of water a day. Since 4 gallons of water is considerably less than 800 12-ounce cans of soft drink, perhaps it is water that the FDA should investigate next.

The basis for the ban on betel nut is even more questionable. The only evi-

dence of carcinogenesis where betel nut is concerned is found in experiments where betel nuts have been used with other additives—usually tobacco and lime in a quid. In fact, in experiments conducted with baboons, while there was evidence of mouth cancer in those baboons exposed to heavy doses of betel nuts with tobacco and lime additives, there was no evidence at all of cancer in a control group of baboons exposed to similar doses of betel nut without any additives. The researchers concluded that—

Chewing the betel nut without the tobacco leaf wrapper obviously does not lead to cancer. (V. Hammer and O. Reed, "Betel Quid Carcinogenesis in the Baboon" med, Prim. I:75–85 (1972).

It seems clear, then, that there is no evidence that the use of betel nut—which is de facto banned in the United States—leads to cancer; the same cannot be said of tobacco—which is perfectly legal. Incidentally, the people of Guam characteristically chew their betel nuts without any additives.

I have reraised the issue of the betel nut ban in this statement because while I feel that the findings and conclusions which led to the decision in the case of saccharin are suspect, I feel even more strongly that such is the case where the betel nut ban is concerned. What bothers me even more is that I am becoming increasingly convinced that in the case of the latter we are dealing with a decision produced in part by a cultural bias toward the strange.

I have little doubt but that diabetics, diet drink advocates, and the other users and producers of saccharin will have no trouble getting their case heard. I am less confident that travelers from Guam and Micronesia who come to the United States and wish to bring with them their small bags of betel nuts for their own personal consumption, will ever get a fair hearing on their complaint. This anticipated injustice does not make me less eager to see the supporters of saccharin have their arguments heard—for I count myself among them —but I will have a hard time making my constituents on Guam understand why their complaints cannot get a similar hearing. They have neither the number nor the resources of such groups as the Calorie Control Council, yet they have a complaint which is equally if not more valid. So that their concerns may also be heard, I urge that any investigation into the saccharin decision should reexamine the betel nut decision as well.

On this same subject, I would like to have introduced into the RECORD excerpts from an article by Dr. Arthur Sackler, international editor of Medical Tribune. Dr. Sackler made his comments in an article entitled "On Betel Nuts, HEW and the Surgeon General":

[From the Medical Tribune, Feb. 9, 1977]

ON BETEL NUTS, HEW AND THE SURGEON GENERAL

While circling the globe, I learned that Micronesians are "spitting mad" at HEW. It would appear that, as in the case of the Whitefish War, HEW has ventured where angels fear to tread. The betel nut chewers of Micronesia, we learned from Saipan, are furious at a proposed U.S. ban on the import of betel nuts. Placing a "dangerous" label on betel nut chewing was an action, according to Palau District Administrator Thomas O. Remengesau of "sun-crazed officials."

The administrative action in Washington has triggered off a political protest as well as an economic action. Guam Congressman Antonio Won Pat has joined the fight to stop the ban. Reporter Valentine Sengebau, a betel nut chewer for half his 36 years, has recorded that betel nut chewing is "better than hard liquor"; betel nuts "have been chewed all over the world for hundreds of years." He makes the telling point that "the only danger involved is that you're liable to get your white shirt stained when spitting."

The *Mainichi Daily News* reports that betel nuts are carried in over-the-shoulder bags by Pacific islanders "who would feel undressed without their betel nut bags." District Administrator Remengesau says, "When some sun-crazed officials at HEW say the betel nut may be dangerous, the entire department goes on the warpath about an issue they know nothing about and a practice they themselves have never tried" (a situation not dissimilar from the continuing prosecution of smoked whitefish processing; see MEDICAL TRIBUNE, Nov. 10, 1976.)

Remengesau points out that the Surgeon General's office has labeled cigarette smoking as "dangerous to your health [but] HEW officials are allowing tobacco manufacturers to continue their shipments of their deadly commodities over state lines and into foreign countries." Congressman Antonio Won Pat had asked former HEW Secretary Mathews to overturn the ban, saying "A resonable person could only conclude that the ban has been imposed because it is 'strange' or 'different.' "

Without regard to our laws on lobbying, it would appear that Yap district officials, in an area growing some of Micronesia's finest betel nuts, have offered a lifetime supply of betel nuts to Congressman Won Pat if the ban is successfully contested.

And so as one notes the world's major causes of preventable morbidity and mortality and the major problems facing this wild and wacky world, one also sadly notes the nonsense which rules.

We hold no brief for betel nuts. However, we have been and continue to be deeply concerned by the all too pervasive attitude which snidely treats the customs and the folk uses of other peoples as "inferior" or "unacceptable" while perpetuating as socially acceptable our polluting, carcinogenic, cardiotoxic habits of cigarette smoking and alcohol use. One wonders, "Who is civilized?" What constitutes civilized action? How should one view the incredible inconsistency of our drug regulatory legislative actions and our inaction and "tolerance" in respect to two of the most toxic substances known to man? While one may make out a case for moderate use of alcohol, we know of no clinical or other indication for the use of tobacco.

A SUGGESTED STUDY

We would not be surprised if there are more dangers involved in chewing betel nuts than just getting white shirts stained with spit. But, perhaps, before HEW clamps down further on the betel nut chewers of Micronesia, we should get some hard data from the National Institutes of Health or the Surgeon General's office—such as a double blind study comparing the toxicity of tobacco with that of betel nuts.

ESTONIA: SACRIFICIAL LAMB

HON. EDWARD I. KOCH
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. KOCH. Mr. Speaker, on February 24 of this year those people of Estonian heritage who are fortunate enough to live in the free world celebrated the 59th anniversary of the declaration of independence of the Republic of Estonia. Having struggled for autonomy from Russia since 1905, Estonia finally attained its independence in 1918, but that independence was to be short lived. The Nazi-Soviet collaboration in 1939 and 1940, which is frequently remembered only for the partition of Poland, also resulted in the forcible incorporation of Estonia and its fellow Baltic States into the Soviet Union.

Perhaps the greatest tragedy for the Estonian people came, however, at the end of the war when the United States and Britain quietly decided that, in the interests of preserving the Big Three Alliance as the foundation of future peace, no protest would be made over Stalin's intention to keep Estonia and its two sister nations within the Soviet Union. The bankruptcy of that policy soon became evident as cooperation turned into cold war confrontation, and the world's two great democracies were left with nothing but shame at the memory of their silent complicity in the subversion of the Baltic States.

The United States has not been quick to learn the lesson in this experience, and it has subsequently stumbled through several troubled periods, the darkest hours coming with our misguided involvement in Vietnam. Many persons well-versed in foreign affairs have berated the United States for naivete in diplomatic relations, but our experiments in callous diplomacy over the last 30 years have repeatedly ended in tragedy. The American people must not revert to the isolationism of a former age, but neither must we tolerate the betrayal of our dearest democratic principles in our external dealings.

The bleeding body of Estonia struggles on tenuously under the brutal rule of the Kremlin. The American people must never forget, nor can we permit any action by this country that gives one particle of recognition to the Soviet-imposed status quo in Eastern Europe. Moscow hailed the Helsinki accord as a great victory in its quest for legitimacy. Our denouncement of that interpretation must never falter or diminish.

In recent weeks, the Carter administration has spoken out about the rampant violations of basic human rights in many parts of the world. On several occasions I have praised this new policy; truly it promises the beginning of one of America's brightest hours. It would be foolish to deny, however, that the American challenge continually threatens to reveal the wretchedness of the Soviet system to the people over whom it rules.

It comes as no surprise, then, that Moscow has reacted to the President's statements by predicting dire consequences for the future of Soviet-American cooperation and by stepping up its campaign against internal dissent.

Nevertheless, the Soviet Union has repeatedly demonstrated an acute sensitivity to world opinion. In several instances, unrelenting Western protest has secured the release of individual political prisoners who would otherwise have suffered a slow death in obscurity. Under the Soviet system, whole peoples and cultures can face the same alternatives. If the West becomes silent and forgets, nations like Estonia will die in time under the pall of Soviet communism. If, on the other hand, the Western democracies continue to speak out tirelessly, the Soviet system will one day fade, and the Estonian people and many other peoples will regain their freedom.

BRUNSWICK HIGH SCHOOL RAILROADERS BASKETBALL TEAM

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. BYRON. Mr. Speaker, the Brunswick High School Railroaders basketball team has brought honor to the town of Brunswick, and the entire county of Frederick, Md. They have returned home as the Class C Basketball Champions of Maryland.

These athletes and their coaches deserve credit for their diligent training and dedication. The cheerleaders, students, faculty, and loyal fans deserve credit for their unwavering support in this outstanding year of basketball.

Brunskick, Md. has had many great athletic teams in the past. Today I ask my colleagues in the House of Representatives to join me in honoring Maryland's 1977 Class C Basketball Champions, the Brunswick High Railroaders. For this reason, I include the following article which appeared in the Frederick Post newspaper following the Railroaders' victory:

HAIL, BRUNSWICK!

With honor for themselves and their coaches, and credit to their families, schools and communities, the Brunswick High School Railroaders basketball team has returned home victorious as the Class C Champions of Maryland.

All residents of Frederick County join in applauding this outstanding achievement by the Brunswick High athletes and their coaches, and certainly the cheerleaders and the host of loyal fans who supported them in this superlative year of basketball.

Under head coach Bill Kubat—who understandably couldn't find words to describe the moment—the Brunswick Railroaders got up a big head of steam during the playoffs and tournament, and no opponent could untrack them.

It is a great feat that will live forever in the annals of Brunswick High and its feeder communities and schools. Each young man, each student, each cheerleader, each educator, each fan, and the families of these victorious warriors have something special to be proud of.

More than the Class C Basketball Championship of Maryland, the 1977 Railroaders have demonstrated that as combatants under the thrilling pressures that mount during such a tournament, they remained a team, were able to work and play together, and above all, able to inculcate in their victory that one indispensable ingredient that marks a real champion—good sportsmanship.

This Railroader aggregation in winning the championship also takes upon itself—as a group and each member individually—the added lifetime responsibility of circumscribing its conduct with in the bounds expected of a real champion, and of lifting its horizons for still greater accomplishments—not always as champions, perhaps, but as men trying to do their very best in whatever they decide to do in life.

We salute Brunswick's Railroaders, and list them as follows, according to the official roster of the State Basketball Tournament held at Cole Fieldhouse, University of Maryland, March 10, 11 and 12, under auspices of the Maryland Public Secondary Schools Athletic Association:

Pat O'Hara, senior; Steve Dustin, senior; Robert James, senior; Bernie Lipscomb, junior; David Morris, junior; Tim Jackson, junior.

Daryl Huffer, junior; Pat Campbell, junior; Eddie Eddle, junior; Mike Ryland, junior; Danny McLane, sophomore.

Principal, Dale Gangawere; Coach, Bill Kubat; Asst. Coach, Bill Turney; Mitch Butler, manager; Mike Price, manager; Jeff Deener, manager.

The Railroaders won 19 games during the regular season and lost six, winding up after the tournament with a 21-6 record for the 1976–77 season with tournament victories over Colonel Richardson High School and Beall High School, two fine teams.

Beside them with enthusiasm throughout the season were the Brunswick Cheerleaders: Varsity—Lisa Bollinger (captain), Judi Rowe, Cindy Cuzak, Cheryl Beachley, Sandy Deener, Karen Smallwood and Debbie Huffer. Junior Varsity—JoAnne Herber (captain), Julie Herber, Lisa Koogle, Thomda Remsbumg, Paula Weitzel, Cleta Pontillo and Cathy Pontillo. The adviser for cheerleeders is Denise Davis.

Brunswick has had many great athletic teams in the past, and it will have champions in the future, but today we salute the 1977 Brunswick High Railroaders basketball team—Maryland's Class C Champions.

LONG-TERM NATURAL GAS ISSUES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. DINGELL. Mr. Speaker, the issue of long-term natural gas policy is complex, largely because it affects all of us. Forty million households burn natural gas, and roughly 30 percent of all primary energy consumed in the United States is natural gas. Long-term natural gas policy is an issue that the Congress will be compelled to address early this session. For these reasons, I feel it appropriate to briefly outline my views and concerns on this important subject as the Subcommittee on Energy and Power, of which I am chairman, begins general background hearings, March 24, 1977, on the long-term natural gas issues:

One of the coldest winters on record has demonstrated this Nation's over-reliance upon dwindling supplies of natural gas. A powerful temptation exists to look for simple answers to the natural gas problem: The Congress has been criticized for improperly regulating natural gas prices; producers have been accused of holding back supplies of natural gas to force higher prices. Neither charge is likely to produce a solution to the complex natural gas problems we face.

A great deal of misunderstanding exists regarding the origins of natural gas price controls. Wellhead natural gas price regulation originated with a 1954 U.S. Supreme Court decision, *Phillips Petroleum Co.* v. *Wisconsin*, 347 U.S. 672. Prior to that time, the Federal Power Commission, under the authority of the Natural Gas Act of 1938, had regulated only the operation of interstate natural gas pipelines. The wellhead price of gas produced and sold within a state (intrastate gas) has never been subject to Federal regulation.

Each year since 1967 we have been using natural gas faster than new supplies (excluding recent discoveries in Alaska) have been added to our inventory of reserves. In 1974, for example, 21.72 trillion cubic feet (tcf) of natural gas was produced, while new reserve additions were only 8.9 tcf. This trend cannot be sustained indefinitely.

A number of proposals have been advanced to bring demand and supply back into balance. These include curbing excessive natural gas demand by restricting the non-essential use of natural gas and increasing price incentives to encourage increased exploration and production.

Currently the most widely discussed natural gas policy issue is price deregulation. Advocates of deregulation argue that higher prices will discourage wasteful consumption and increase supply. In the past, I have opposed deregulation for reasons I will explain below. However, if it were clear to me that deregulation is favored by a majority of my colleagues, I would do my best to focus debate on the questions of what categories of natural gas should be freed from controls and under what circumstances. For example, I see no justification for permitting producers to charge unregulated prices for natural gas they have already discovered. Higher prices for that gas would simply create windfall profits for producers. Such higher prices would not increase the amount of gas available. In my opinion, the only category of natural gas that could possibly warrant higher prices would be new natural gas: natural gas produced from previously undiscovered reservoirs.

My historical opposition to deregulation has been based upon several concerns. First, no one knows what prices producers will charge for natural gas following deregulation. Currently, the average interstate wellhead price is around $.60 per thousand cubic feet (mcf). Many people believe that in the long-run, unregulated natural gas prices would seek rough equivalency with the price of oil. At present crude oil price of $13.00 per barrel, this works out to around $2.00 per mcf for natural gas at the wellhead. But this is a price forecast based only on theoretical and long-run considerations.

In the short run, during the three to five year period following deregulation, I would not be surprised if wellhead prices were to equal or exceed the cost of synthetic gas produced from coal—presently $4.00 to $5.00 per mcf. New natural gas prices of this magnitude are in no way related to the costs of producing new natural gas supplies. Such prices would be driven by the price-inflating effects of excessive demand.

The legitimacy of this concern has been amply demonstrated by the experience of interstate pipeline purchases of emergency supplies of natural gas this winter. Prior to enactment of the Emergency Natural Gas Act of 1977, interstate pipelines petitioned the Federal Power Commission for approval of emergency purchases of natural gas for periods of up to 60 days. Such purchases are exempted from FPC wellhead price controls but are subject to FPC review on the basis of whether they represent a "prudent" purchase by the pipeline in comparison to "prevailing field prices." In January, under this procedure, an interstate pipeline sought approval of an emergency purchase of $2.75/mcf. This sale was not approved. The very next day the same pipeline sought approval of a purchase of the same quantity of natural gas from the same seller at $2.25/mcf. This price was much closer to historical price levels and was approved. Such events demonstrate the lack of incentive on the part of interstate pipelines to bargain aggressively with producers of natural gas prices. It also confirms the ability of producers to extract higher than justified prices from interstate pipelines who are willing to pay the asking price and pass it on to their customers. More recently, additional emergency purchases of natural gas were authorized under the Emergency Natural Gas Act of 1977. These purchases were subject to Federal review based upon whether the price was "fair and equitable." Under this standard purchase of emergency supplies of natural gas have been approved at prices exceeding $3.25/mcf. The $2.00 to $2.25 ceiling, which deregulation proponents had claimed would not be exceeded based upon experience with unregulated intrastate markets, has been broken and the price of synthetic natural gas substitutes appears to be the only short run constraint upon natural gas prices which natural gas deficient interstate pipelines will pay.

My concern that deregulation will lead to high and unprecedented price levels in the short run is attributable in part to doubts that deregulation will elicit significant volumes of new natural gas supplies beyond those which would be available without deregulation. Natural gas producers admit that any supply response to higher prices will take at least 3 or 4 years before exploration for, and development of, new natural gas supplies can result in increased natural gas production. So long as there is no increase in supply, the effect of deregulation will be purely inflationary—we will be paying more for the same amount of natural gas.

On the basis of the experience of this winter, one must also question the optimistic view proffered by deregulation advocates that deregulation will solve our natural gas supply shortfall. Even the unregulated intrastate market experienced shortages of natural gas this winter as unprecedented cold weather greatly increased demand for natural gas beyond the supply capability of producers. The result has been sharp price increases accompanying curtailment of intrastate consumers. I believe it fair to conclude that even if natural gas prices had been deregulated in the last Congress, this winter's shortages would not have been any less severe.

The price and supply concerns underly my greatest concern—the potential economic disclocation which may result from natural gas deregulation. A recent study by the General Accounting Office assesses the potential effects of deregulation and concludes that within five years, deregulation would raise the cost of energy to natural gas consumers by $27 billion per year. This would amount to an increase of approximately $200 per year over 1975 levels in residential natural gas bills.

An increase in natural gas prices of this magnitude might reduce real GNP by as much as $12–$15 billion and add .5% to the prevailing inflation rate. Total consumer disposable income for purchasing goods and services, other than natural gas, would be adversely affected. Higher operating costs for many industries and lower consumer demand for their products would raise the unemployment rate to roughly 0.4 percentage points above the unemployment rate that would otherwise prevail. This represents a potential loss of 400,000 jobs.

Against the certain price increases and resultant economic costs, advocates of deregulation can promise only the hope of increased supplies of natural gas. Will higher prices in fact elicit more gas? If price regulation were significantly discouraging exploration and development, the answer would probably be yes. But I see little evidence that price regulation is discouraging producer efforts to that extent. At present, drilling rigs are operating at a rate that has not been achieved since 1962. Some offshore rigs are idle, but this may be attributable as much to the slow rate of offshore leasing as to any alleged price disincentives. Moreover, the Federal Power Commission attempts to set regulated prices at levels which provide a fair rate of return on the basis of actual producer cost. There is, in effect, a mechanism built into the present system designed to provide sufficient incentive for production while also balancing consumer interests.

If producers, who are already receiving as much as $2.00 per mcf on some intrastate contracts, are in favor of deregulation, doesn't this indicate a belief on their part that deregulated prices would go above $2.00? In the short run the supply response cannot be great enough to meet demand. In the longer run, no one knows for sure. But the words and actions of natural gas producers prompt skepticism and the belief that deregulated prices will be demand-driven, rather than cost-justified, and will shoot far above $2.00 per mcf.

Therefore, I believe that Congressionally established natural gas policy must include measures to reduce our present consumption. Large industrial and utility users of natural gas as a boiler fuel, who have the capability to burn oil or coal, must be prohibited from burning natural gas. Natural gas should not be taken away from residential or small commercial users, but the efficiency with which they use gas can be greatly improved. One simple device, currently being tested in Michigan, costs just $35 yet can reduce the natural gas consumed in residential space heating as much as 25 percent. Such devices, installed nationwide, would reduce substantially total natural gas consumption.

It is true that wellhead natural gas price controls may have contributed to the present artificially high demand for this premium fuel. However, alternatives to deregulate can restore proper price signals to the marketplace. Incremental, or marginal cost, pricing to industrial consumers would be a major step toward using the price system to discourage wasteful consumption. Measures designed to facilitate an orderly transition from wasteful consumption of natural gas—especially when applied to the industrial and utility sectors where alternate fuel capabilities can and do exist—make far more sense to me than exclusive reliance upon deregulation to increase supply so that we can briefly extend our wasteful natural gas practices.

In summary, long-term natural gas policy must address the competing goals of natural gas supply-demand balance and economic stabilization. An overcommitment to either goal alone is not in the Nation's long-term interest. These are the considerations that I and my colleagues must weigh when the important issue of long-term natural gas policy comes before the 85th Congress.

DISABILITY AND SICK PAY EXCLUSION DELAY

HON. SHIRLEY N. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mrs. PETTIS. Mr. Speaker, today I had the honor of providing testimony to the House Ways and Means Committee on a matter of importance to the many retired people within the 37th Congressional District.

I would like to include my testimony for the RECORD and to urge my colleagues to support the delay of the sick and disability pay tax exclusion until tax year 1977:

TESTIMONY BY CONGRESSWOMAN SHIRLEY N. PETTIS ON H.R. 2036—RELATING TO A POSTPONEMENT OF THE EFFECTIVE DATE OF THE CHANGES TO THE SICK PAY EXCLUSION—MARCH 21, 1977

Mr. Chairman, elected officials have lately been accused by the people they represent of being insensitive and unresponsive to their concerns. Though I seriously doubt any one of us in the House of Representatives would consciously vote for legislation which could be termed as insensitive, I would have to say that our eliminating—retroactive to January 1, 1976—the maximum $100 a week sick and disability pay tax exclusion, comes very close.

Though this provision—which was contained in the Tax Reform Act of 1976—does not affect those who are permanently and totally disabled and whose family income is less than $15,000 a year—I strongly feel that it was adopted without adequate consideration being given to the precise results on those it does affect.

I could, Mr. Chairman, provide you with a lengthy summation on why I have cosponsored H.R. 2096 (identical to H.R. 318) to delay the effective date of this tax provision until tax year 1977, but if we are ever to restore the sensitivity and responsiveness of this body to the people we represent, then we must demonstrate our willingness to listen to their individual concerns; and for this reason, I would like to share with you and the Ways and Means Committee the following excerpts from the many letters I have received protesting the implementation of the disability/sick pay provision for tax year 1976:

"I planned my budget on the basis of this exclusion and paid insufficient funds to cover my estimated tax. This law is retroactive to January 1, 1976 income and places me and others in like circumstances, in an apparent unfair position this year.

"The first year one of us goes down and is unable to be a wage earner, the law changes . . . Needless to say, we are hurt deeply, and feeling there must be a mistake in the printing (of the bill), or a misunderstanding when the law was passed.

"This change, voted in October, was retroactive to January 1, 1976, and full facts were not made public until late December. There was absolutely no time to plan or arrange installment payments for this sudden deficit, which will be penalized.

"To start taxing annuity income which has previously been exempt creates quite a hardship to me and many others in the same situation. An additional blow is the fact that without this is made retroactive to January 1, 1976.

"If I have to pay an additional tax for last year due to the new 1976 tax law it will create a hardship of my family.

"There are thousands of others more seriously affected than myself. There are persons

on disability retirement who are faced with increased tax liabilities and possible penalties because they had insufficient time to plan for this law that was enacted 10 months after its effective date.

"Particularly devastating is the sudden nature of this tax change causing us to become liable in late December for tax and penalties retroactive to the previous January. Can you help?"

Mr. Chairman, we can help by delaying implementation of a provision of which the general public was not aware and for which it did not have sufficient time to prepare.

VFW LEGISLATIVE PROGRAM

HON. RAY ROBERTS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. ROBERTS. Mr. Speaker, the Veterans of Foreign Wars of the United States recently held its annual conference of national officers and department commanders here in Washington. R. D. "Bulldog" Smith of Atlanta, Ga., has served as commander-in-chief of the Veterans of Foreign Wars since his election last August at the VFW National Convention in New York.

On March 8, 1977, Commander Smith, accompanied by national and State officers of the VFW, appeared before the House Veterans' Affairs Committee. Commander Smith set forth in his statement the VFW priority legislative program for the first session of the 95th Congress. His testimony touched on those VA-administered benefits and programs affecting this Nation's war veterans and their families whose sacrifices for our country's freedom must never be forgotton.

At this time I would like to share with my colleagues the text of Commander Smith's statement before the Veterans' Affairs Committee:

STATEMENT OF R. D. SMITH, COMMANDER-IN-CHIEF, VETERANS OF FOREIGN WARS OF THE UNITED STATES BEFORE THE COMMITTEE ON VETERANS' AFFAIRS

Mr. Chairman and members of the committee: I am pleased to appear before you this morning on behalf of the membership of the Veterans of Foreign Wars of the United States. I congratulate you, Mr. Roberts, upon your re-election as Chairman of this vital Committee and welcome your new members: Messrs. Douglas Applegate of Ohio, D. Douglas Barnard, Jr. of my own state of Georgia and, on the minority side, Harold S. Sawyer of Michigan. I would be remiss, indeed, in not calling to your attention the fine cooperation extended my Executive and Legislative Directors by your staff and, in particular, A. M. "Monk" Willis, Jr., your Staff Director and Mack G. Fleming, your Counsel.

Accompanying me today are the national and state officers who comprise the leadership of our great organization and who are directly responsible for the twenty-fourth consecutive year of increased membership which has passed the 1.8 million mark this year.

My purpose here today is to present our priority legislative program for this First Session of the 95th Congress. The voting delegates to our 77th National Convention held in New York City last August passed more than 200 resolutions, the preponderance of which address improving veterans' benefits, enforcing those laws enunciated in the United States Code, and rejecting proposed administration, negative legislation to reduce and erode existing benefits. The most important of those coming within the jurisdiction of this Committee have been included in our pamphlet entitled "VFW Priority Goals Legislative and Security for 1977" and are appended to my testimony. Without objection, it is requested such be printed in its entirety, as a portion of the official transcript of this hearing.

The bread and butter issues, of course, merit our first consideration. Our greatest debt is to those veterans who made a special sacrifice and have suffered disabling disabilities defending our nation during periods of war and hostility and to the survivors of those who made the supreme sacrifice. Therefore, and based on current inflation, we recommend an increase of not less than six percent, which could be higher by the time hearings are held and legislation passed, to benefits those in receipt of compensation and dependency and indemnity compensation.

I wish to commend this Committee for including in legislation which became Public Law 94–581, the Veterans Omnibus Health Care Act of 1976, a provision to extend CHAMPVA coverage to the widow or surviving children of a veteran who, at death, suffered from a permanent and total service-connected disability regardless of the cause of death, fulfilling another of our priority goals. However, I sincerely hope this Congress will see fit to go the one step further to fulfill another of our priority goals and grant dependency and indemnity compensation to the survivors of veterans in this same category. As you are aware, there are some 122,000 such veterans for whom their spouses have had to constantly care, restricting employment opportunities and, upon the death of the veteran and the termination of compensation payments, are often left in dire financial straits and devoid of marketable skills.

The inadequacies of the pension program for our comrades in need due to their non-service-connected disabilities and their widows has been of growing concern to the V.F.W., as you well know. We believe the pension program should be so restructured as to permit those who answered the nation's call to duty and served in uniform during times of peril, and their widows, to live in dignity well above the poverty level afforded welfare recipients. Our priority goals include supporting restructuring of the pension program to benefit all recipients and not be more restrictive than present law. However, it is our opinion, at this time, that action on pending pension legislation other than granting a cost-of-living increase of at least six percent should be deferred until after the study by the Veterans Administration, mandated by Public Law 94–432, has been submitted to Congress and sufficient time elapsed for a thorough study thereof.

With respect to educational benefits we were gratified Public Law 94–502, the Veterans Education and Employment Assistance Act of 1976, removed the restriction to undergraduate work imposed on the nine month extension granted by Public Law 93–508, fulfilling another of our priority goals. As you are aware, the V.F.W. fought this restriction for Vietnam veterans when H.R. 12628 was being considered by Congress and, again, when the Congress resoundingly spoke in behalf of veterans and overrode the Presidential veto of the Vietnam Era Veterans Readjustment Assistance Act of 1974. Likewise, we have repeatedly opposed the Administration's attempt to reduce from ten years to eight years the time allowed for completion of education for Vietnam era veterans. While on the subject of education, we also recommend a cost-of-living increase for those pursuing educational programs under the GI bill, of at least six percent.

One of our continuing priority goals calls for the establishment of a national cemetery in every state so that our honored veterans may be interred near their survivors. Our veterans were called to the colors by the federal government and the federal government should assume this responsibility and should not shunt it off on the various states.

The quality and availability of medical care for our veterans has historically been of prime concern to the Veterans of Foreign Wars. The Veterans Administration has over the years in general acquitted itself well in carrying out its responsibilities in this area. However, there presently exists on the one hand impediments in existing law, and on the other, the need of new legislative initiatives if care provided in Veterans Administration hospitals and medical facilities is to be, in fact, second to none.

One provision of Public Law 94–581 has caused extreme hardship to veterans with nonservice-connected disabilities entitled to aid and attendance and housebound benefits, and has subjected the Veterans Administration to considerable criticism. This is the interpretation of out-patient care by the General Counsel and the Medical Administrative Service of the Veterans Administration requiring such disabled veterans to utilize Veterans Administration health care facilities and to surrender their contract fee cards previously honored by private physicians and facilities. Most of these veterans are aged and infirm, their health has deteriorated and they often lack both the physical stamina and necessary ready finances to travel to VA facilities. Additionally, many permitted their health insurance policies to expire as they felt secure with their government issued contract fee card to obtain local medical attention. We do not believe such was the intent of the law, but if the Veterans Administration interpretation is permitted to stand, we surely need timely remedial legislation. I understand this Committee will soon consider and, hopefully, advance H.R. 3696 deleting the restrictive words from Section 612(g), Title 38 United States Code. I trust the Senate will act upon this measure quickly when it is referred to that body, so that the contract fee cards will soon be returned to these needy disabled veterans.

Legislation which will expire this Fiscal Year, the Veterans Administration Physician and Dentist Pay Comparability Act of 1975, Public Law 94–123, as amended by Public Law 94–581, although supported by the Veterans of Foreign Wars, is at best stop-gap legislation which due to continuing inequities falls short of its intended goal. Another of our priority goals is to seek enactment of permanent legislation to establish salary levels more attractive to VA health care personnel.

There is no doubt the "Bonus Bill," as it is commonly known, has had a desirable effect upon the recruiting and, in particular, the retention of VA physicians and dentists. However, not everyone is in agreement with respect to the extent of success of the program. While according to Senate Report 94–1206, VA full-time physician strength reached an all time high of 5,815, Senate Committee Print No. 66 states the largest employment increase, 87 percent, has been in part-time physicians. Of great concern to the V.F.W. is the fact that 31 percent of all physicians within the Veterans Administration are foreign medical graduates. This growing trend toward dependence upon foreign medical graduates is disturbing. Their formal qualifications are definitely less than those of American-educated physicians and too often a language barrier exists which must be a detriment to the treatment and well-being of the patient.

In view of the foregoing, steps must be taken to authorize pay scales to motivate graduates of American medical schools to

eagerly seek permanent full-time employment within the Veterans Administration. Recent federal pay increases raising top salaries for VA physicians to $47,500 per annum should nearly eradicate retention problems. However, some form of permanent additional incentive plan must be forthcoming for recruiting purposes and retention within critical specialties. Perhaps waiver of the Dual Compensation Act for retired Armed Forces physicians permitted within the Department of Defense might be the answer. As a comparison, permit me to quote from an article in the October 18, 1976 edition of Medical Economics by its Senior Editor, Arthur Owens; namely, ". . . a majority of office based M.D.'s now pull down at least $58,000 annually, after professional expenses. . . ." Mr. Owens obviously refers to general practitioners; not specialists, or surgeons, whose special skills rightly cost more.

Notwithstanding the high quality professional care rendered by the vast majority of dedicated Veterans Administration health care personnel, serious nagging problems continue to exist throughout the hospital and medical care system. For example, the concerted effort to phase-out of the VA system care for our nonservice-connected disabled veterans, understaffed and underfunded ambulatory care programs, undue affiliated medical school influence in VA hospitals and the continuing untenable bed occupancy rate of 83 percent throughout the 172 VA hospital system. With 17 percent of the beds constantly unoccupied it is the same as having closed down 29 hospitals each and every month while veterans in need of care are turned away by admitting physicians—even dropping dead shortly thereafter. Compounding this dilemma, seven new and one replacement hospital are scheduled to be constructed. For whom? The veterans now denied care, or are we to have instead of 29 empty hospitals, 36 empty hospitals to care for welfare recipients under a national health insurance program? We believe many veterans in need of hospitalization are turned away by admitting physicians. If not, why the following acceptance rates? Albany, N.Y. 55.2%, Cleveland, Ohio 58.6%, Huntington, W. Va. 59.7%, Jackson, Miss. 44.9%, Kansas City, Mo. 58.7%, New York, N.Y. 59.9%, West Haven, Conn. 41.5%—seven hospitals below 60%. Obviously, one reason is that the revision of bed designations; i.e., general medical, surgical and psychiatric is long overdue. We have no position regarding the various national health insurance programs before Congress other than they shall not invade the VA hospital and medical care facilities. If all empty beds within the system are not filled by veterans who need and apply for hospitalization, then those beds should be allocated to the dependents of 100% permanently and totally disabled veterans—those with the most need and most deserving.

The elderly veteran is a fast-growing quandary, now spoken of as the "graying of America." The average age of all American veterans is 47 years. Almost half of our 29.7 million veterans, 13.3 million, are between 50 and 60, 2.3 million are over 65, and 123,000 are 85 and over. Many are widowers with no close kin or, most unfortunately, children who do not want the responsibility of caring for those who reared them and cannot afford placing them even in substandard nursing homes.

Needless to say, the 18.5 thousand VA, community and state nursing home beds and the 18.4 thousand VA, and state home domiciliary accommodations will not meet the growing need. I commend this Committee for having advanced legislation to increase combined grants to state nursing homes and domiciliaries from $10 million to $15 million per annum, but this is only a small step in the right direction. Unfortunately, we have entered an "enlightened" age wherein people abandon their senile parents in the emergency rooms of community hospitals. No law can make these people properly care for their aged parents even if the "children" can be identified. In such an atmosphere, alien to most of us, we cannot let our honored veterns be cast aside. We must now make provisions for them. It is, indeed, a sad commentary that the government must now make provisions for our heretofore honored and aged heroes who are too much burden for their children whom they reared and nurtured; but such is the case.

While on this subject, I congratulate this Committee for having shepherded through the House legislation which became Public Law 94–417, increasing payments to state veterans homes. The per diem rate increases, from $4.50 to $5.50 for domiciliary care, $6.00 to $10.50 for nursing home care, and from $10.00 to $11.50 for hospital care retroactive to January 1, 1976, was both welcome and needed.

The Third Concurrent Budget Resolution reduced to $18.1 billion the $19.5 billion authorized for the Veterans Administration in the Second Concurrent Resolution for the Fiscal Year 1977 ending September 30, 1977. Most of this reduction is attributable to the over-estimate in GI bill participation. However, President Carter's proposed VA Budget for the Fiscal Year 1978, commencing October 1, 1977, is $19.1 billion. We believe this proposed budget understates the need by at least $1.5 billion and should be approximately $20.6 billion. The President's recommended compensation increase of 4.9 percent effective October 1, 1977 and pension increase of 5.3 percent effective January 1, 1978, both fall short of a realistic six percent. No provision has been made for a cost-of-living increase for our Vietnam veterans availing themselves of the GI bill and it is needed. These shortages represent another $229 million to be added to the budget. The budget also contains a false savings of $266 million in proposed negative legislation to take away benefits which this Committee has repeatedly refused to do. In addition, the budget contains no funds for either new legislative initiatives or a meaningful restructuring of the pension program. We will include these items in our testimony before the Appropriations Committee.

Another area of deep concern to the V.F.W. is the President's request for an extension of the Reorganization Act of 1949, which lapsed for the fourth time in 1973. Under the authority requested the President could transfer all or any part of an agency or its functions to another agency; abolish all or part of the functions of an agency; consolidate all or part of an agency; or change the name of an agency or the title of its head, among other measures, unless either House of Congress adopts a resolution opposing the plan before Congress has been in continuous session for 60 calendar days. Inasmuch as the Veterans Administration is an agency, we would much prefer that the President be required to submit legislation to Congress to be voted up or down following appropriate hearings. Our fears in this area are not unfounded since when the President was Governor of Georgia his reorganization bill to the state legislature called for combining the Georgia State Department of Veterans' Services with Human Resources. Only an outpouring of protest from the veterans' organizations in Georgia prevented this from happening. To be forewarned is to be forearmed and we must be vigilant and prepared to act quickly, if such dehumanizing of our veterans is proposed.

We would hope this Committee will hold oversight hearings during the 95th Congress with respect to the failure of the Department of Labor to carry out the mandates of Congress with respect to veterans' unemployment; particularly so in view of the new Help Through Industrial Retraining and Employment Program (HIRE).

I trust that each of you will be with us tonight at our annual Congressional Banquet at the Sheraton-Park Hotel. We will be honoring the Honorable Herman E. Talmadge of Georgia, Chairman of the Agriculture and Forestry Committee of the United States Senate and also an outstanding member of the Senate Veterans' Affairs Committee. The reception will begin at 6:00 P.M. with dinner promptly at 7:00 P.M. I want to assure you our program will conclude around 9:15 P.M.

FOOD ADDITIVES AMENDMENTS OF 1977

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. BROWN of Ohio. Mr. Speaker, on March 17, 1977, I introduced H.R. 5173, the Food Additives Amendment of 1977 which will address the problems experienced as a result of the inflexibility of the Delaney clause.

While I support the Delaney clause, which requires the FDA to ban cancer-causing food additives, I have long been critical of the absolute nature of the law which allows no governmental discretion and has now led to the banning of saccharin. Such judgment of the validity of tests and balancing risks with benefits is now permitted and exercised by FDA in its review of medicines and drugs.

I made these very points in my additional views to a 1972 House Government Operations Committee report, in which I stated:

As a matter of fact, the Delaney clause does not provide the latitude with reference to additives in the food supply which our laws permit in the case of medicinal drugs. And a crisis may be brewing as a result, for those in our nation afflicted with a specific disease: diabetes. An increasing number of prohibitions under the Delaney clause of artificial sweetener food additives will gradually reduce the options of those who suffer from diabetes. In their case, the Delaney clause does not allow for the medicinal advantages of a food additive.

The Food Additives Amendment of 1977 adds an additional anticancer clause. It does not change one word in the present clause. Rather, it authorizes approval of a food additive that is found to induce cancer only in test animals if it is determined that there is no significant risk to human health.

The bill establishes six criteria for determining the potential to human health. Four of these criteria relate to scientific issues—the totality of the available scientific data and information, the levels at which the additive was tested in animals as compared with the levels at which humans would ingest the additive, the scientific validity of the animal tests, and current knowledge about the reliability of the animal test in predicting human cancer. The remaining two criteria relate to the availability and safety of alternative ingredients to serve the same function, and the usefulness of that function in terms of human nutrition, dietary management of disease, and the cost, availability, and acceptability of food.

The bill is therefore a very carefully drawn, narrow exception to the Delaney clause. It would allow important food ingredients which have been found to induce cancer in animals but not in man, such as vitamins and artificial sweeteners, to continue to be used. But it would not undermine the basic protection of the Delaney clause against approval of food additives which have been shown to induce cancer in animals and which are not at all important to the food supply. It follows the lead of all recent Federal safety statutes by permittting the balancing of benefits and risks and requiring consideration of comparative risks before action is taken.

No one anticipated, when the Delaney clause was enacted in 1958, that it might later result in the banning of essential vitamins and minerals and other food ingredients that are extremely important in the daily diet. It is time to make sure that the Delaney clause is modernized so that it will continue to achieve the admirable purposes for which it was enacted.

The bill follows:

H.R. —

A Bill To Amend the Federal Food, Drug, and Cosmetic Act with respect to food additives

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Food Additives Amendment of 1977."

SEC. 2. Section 409(c)(3)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(3)(A)) is amended by striking the word "or" at the end thereof and inserting in lieu thereof:

"and *Provided Further,* That the Secretary shall establish a regulation pursuant to subsection (c)(1)(A) for any additive found to induce cancer in animals if he determines that such additive does not present a significant risk to human health, taking into account (i) the totality of all scientific data and information available on the additive, including human experience, (ii) the relationship between the amounts of the additive found to induce cancer in animals and the amounts which humans can reasonably be expected to ingest, (iii) the scientific validity of the animal test in which the additive was found to induce cancer, including consideration of the design and execution of the protocol, the analysis of the test results, and other conditions of testing, (iv) current knowledge about the reliability in predicting human cancer of the animal test in which the additive was found to induce cancer, (v) the availability and safety of alternative ingredients to serve the same function in food, and (vi) the usefulness of the function performed by the additive in food in terms of nutrition, dietary management of disease, and the cost, availability, and acceptability of food; or"

AN UNCOMMONLY BAD BILL

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. ERLENBORN. Mr. Speaker, on Wednesday, this House is once more scheduled to consider a bill to legalize common situs picketing. The criticisms of this proposal are many, but two prominent newspapers, the New York Times and the Wall Street Journal, recently editorialized succinctly as to why Congress should reject it. I commend these editorials to my colleagues:

[From the New York Times, Mar. 12, 1977]

AN UNCOMMONLY BAD BILL

The "common situs" picketing bill is back again in Congress, not as an Administration bill this year but with strong support from the A.F.L.-C.I.O. leadership and, not surprisingly, from legislators with ties to organized labor. Though altered in committee to provide certain moderating exemptions, the present bill, like the one President Ford vetoed in 1976, would permit the employees of one contractor on a building project to set up picket lines to keep members of other unions from working anywhere on the site.

The bill would accomplish this objective by making secondary labor boycotts legal in the construction industry. In 1976, then Secretary of Labor John Dunlop strongly supported the measure because it was coupled with a bill that advanced labor stabilization in the industry. Mr. Dunlop, in fact, resigned to protest the Presidential veto. The present bill lacks even the attraction it had for Mr. Dunlop and we hope it will not pass. A common situs law would make construction labor even more volatile than in the past; and increase building costs.

Proponents of the bill argue that if the building trades constituted a single union, a picket line would inevitably keep all its members off a struck site. Thus, they say, the common situs bill merely gives these workers the protection they would have if they chose to organize on an industry-wide basis.

This point is not persuasive. If all the building workers on a site were members of the same local, its leaders would surely hesitate before throwing up a picket line that would inconvenience all of its members for the benefit of a few. In any event, the building trades unions have had the same opportunity as other workers to coalesce into a single union. Since they have chosen to continue their separateness, why bless them legally with the benefits of the togetherness which they have rejected?

Shrinkage in the share of construction work now done by union labor has stimulated the demand for common situs picketing. The reason for the shrinkage, however, arises not from the lack of such a bill, but rather from the great differential between the cost of union and nonunion construction labor. By threatening to raise the cost of union labor still higher, the common situs bill would only invite builders to use more nonunion workers. The Congress and the President will, in this case, be helping labor best by ignoring the counsels of its leadership.

[From the Wall Street Journal, Mar. 17, 1977]

COMMON SITUS AND IOU'S

Last year President Ford vetoed the "common situs" picketing bill, but it is back again and President Carter said he will sign it if it is passed by Congress. The likelihood of that is generally considered excellent because a good many Congressmen feel dependent on organized labor for their election victories.

Common situs is only one of the AFL–CIO's IOUs. Among the other items on its list are repeal of section 14-b of Taft-Hartley, which allows states to enact right-to-work laws prohibiting compulsory union membership as a condition of employment; raising the minimum wage from $2.30 an hour to $3, and revising the Hatch Act, which prohibits federal workers from partisan politics.

Most of the changes would enhance organized labor's existing privileged position within the U.S. economy, and common situs is a case in point. What the bill would do is legalize secondary boycotts in the construction industry, something that has been illegal since 1951 when the Supreme Court ruled that "unoffending secondary employers should be shielded from pressures and controversies not their own."

Advocates claim that the bill would merely put construction workers on a par with all other unionists, who can shut down projects during strikes. In fact, however, the construction industry is unique in that upwards of 20 different unions often work on the same projects, each having a contract with a different employer. If one union walks out in a dispute now, others continue working. But with the common situs bill, those "unoffending" innocent third parties would be drawn into the line of fire for no purpose other than to strengthen the construction unions.

The net effect of this bill, of course, will be to hike the already high cost of construction union labor, which will be passed on in increased building price tags. A Congress that professes to be concerned about the skyrocketing costs of home construction might consider what this would do to raise them even higher. It might also consider what the growing trend toward nonunion construction labor, which would be accelerated by this bill, would do to minority unionists who are generally low in seniority.

It would seem that construction unions are intent on slitting their own throats in pressing for passage of this bill. Such suicidal impulses are not entirely unknown—recall how New York newspaper unions forced through unreasonable work rules and mammoth pay hikes even as one newspaper after another folded beneath them. But the unions no doubt feel they can avoid this fate if they can also win repeal of right-to-work from Congress. That is, they hope to dispose of the problem of nonunion labor by forcing all workers into unions.

None of this is likely to help minority workers or middle class families struggling not to be priced out of the housing market. But it does show how easy it is for legislators beholden to organized labor to define the public interest in terms of the interests of their benefactors.

KASTEN INTRODUCES SIX-POINT AGRICULTURE PROGRAMS

HON. ROBERT W. KASTEN, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. KASTEN. Mr. Speaker, today, March 21, people across this Nation are celebrating Agriculture Day. In Wisconsin, the entire week has been set aside to recognize the key role of the American farmer in our society and his contributions to our economic well-being.

Farming is the Nation's oldest business, and certainly one of its most successful. Agriculture nurtured the colonies and provided the basis for a national economy. The lure of the land drew early settlers West to build and expand a nation. Agriculture developed into a full-fledged industry, capable of feeding not only this Nation's citizens, but millions around the world.

Throughout that process the American farmer stood strong, honest, hard-working, and independent. He survived hardships which other businessmen have never had to face: the vagaries of the weather; wide fluctuations in market prices, and the misconceptions of a large block of consumers.

AGRICULTURE SUCCESS

Much of our success as a nation can be tied to the success of American agriculture. The accomplishments of our agricultural system during the 1970's are significant:

Total acreage for major crops has risen from 291 million acres in 1969 to 355 million estimated for 1976.

Farm exports have risen from $6.7 billion in 1970 to well over $20 billion in 1976.

The proportion of farm income resulting from Government payment has dropped from 27 percent in 1969 to just 2 percent in 1975.

Because of the dedication and perseverance of the farmer, American consumers spend a lower percentage of their disposable income on food than any other people in the world. At the same time, Americans are able to improve their diets and satisfy their appetites with a wide variety of high quality meats, vegetables, fruits, and dairy products.

While agriculture is important to the economic well-being of the Nation, it is absolutely essential to the economic health of Wisconsin. Statistics supplied by the U.S. Department of Agriculture show that in 1976, Wisconsin had 103,000 farms containing 19.4 million acres. In 1975, Wisconsin farmers earned over $2.66 billion. The five leading commodities for cash receipts in 1975 were dairy products, calves, hogs, corn, and potatoes.

While the farmer's life has never been easy, it has become increasingly difficult in recent years for reasons largely beyond his control. Today he confronts one of the most severe economic crises in history. He is caught in double jeopardy by escalating production costs and declining prices. Drought conditions throughout much of the farm belt have compounded the difficulties. Unless remedial action is taken soon, many farmers will be forced to abandon their business, and our Nation's food supply will be dangerously threatened.

The dairy farmer in particular faces the threat of unfair competition with low-priced dairy imports. And all farmers are hampered by the burdens of the Federal Government—namely, the paperwork burden of the Agriculture Census, the cumbersome regulatory process, and inequities in the new estate tax bill.

As part of a continuing effort to avert such a tragedy, I am today introducing a six-part legislative program which I believe will bring much needed assistance to the farmer without further tying his hands with unnecessary Government regulations.

I. DAIRY PRICE SUPPORTS

A healthy, viable dairy industry is essential to the farm economy and that of the Nation. Few, if any, farm commodities are more widely used and more widely produced than milk.

The dairy industry is one of Wisconsin's largest industries. When it suffers, so does the State and indeed every consumer in America. Several years ago the industry was caught in a severe cost-price squeeze, forcing many Wisconsin dairymen out of business. One of the first bills I introduced as a freshman Congressman was designed to assist the dairymen by increasing the dairy price support level and by providing for quarterly adjustments of price support levels.

While the urgency which prompted my original sponsorship of the bill has subsided, the need for legislation remains.

The bill I am introducing today would require by law quarterly adjustments of the support price of milk to reflect any change in the index of prices paid by farmers for production items. While quarterly adjustments are occurring because of an administrative decision of former Secretary Butz, I believe such adjustments should be required by law and not left to the discretion of the Secretary.

I am also pleased to note that the Department of Agriculture will soon be recommending an increase in milk price supports. I am pleased that the new administration recognizes the importance of this issue to the dairy industry.

The requirement for quarterly price adjustments assures dairy farmers that the milk support price, which serves as a floor for the milk price, reflects costs on a more current basis. Farmers are able to estimate the minimum level of purchasing power that the milk they produce will give them over the next year. It serves to stabilize the production of milk and alleviates some of the farmer's uncertainty. It also alleviates the shocks created by large yearly adjustments in the support level and helps avoid milk shortages which cause sharp increases in consumer prices.

II. UNIFORM CONSUMER DAIRY SANITATION ACT

The second major part of my legislative program is a bill forbidding the importation into the United States of dairy products that are manufactured under unsanitary conditions.

A definite threat to the health of the consumer is posed by the importation of unsanitary dairy products. Also, there is an increased danger of unfair competition due to the generally lower prices of imported dairy products. This low cost is at least partially attributable to the fact that many foreign manufacturers do not have to meet the expensive sanitary procedures required of domestic producers and dairymen.

The Uniform Consumer Dairy Sanitation Act would require foreign dairy products sold in the United States to meet sanitation standards equal to the minimum requirements now in effect for domestic producers in each of the States.

The bill establishes a licensing system to monitor any foreign milk products entering this country. A foreign milk processing plant wishing to export milk products to the United States would apply for a license from the Department of Agriculture. Granting of the license would be conditioned on the plant's meeting the same sanitary conditions applied in domestic plants selling goods in interstate commerce.

The plants would be inspected as well as their products upon their entry into the United States.

Passage of this legislation would insure greater protection to the American consumer and equalize competition between domestic and foreign producers.

III. AGRICULTURE CENSUS

While farmers can meet the challenges of weather or adverse market conditions, they have little tolerance for the burdens imposed by the Federal Government. A good example is the agriculture census which every 5 years imposes on the time and energy of the Nation's farmers. Under threat of criminal prosecution, farmers are forced to complete long and complicated forms.

The third part of my farm program would eliminate this cumbersome, time-consuming paperwork burden by streamlining the agricultural census.

My bill would require the Commerce Department to conduct the 5-year census by means of a statistical sample, similar to the present 10-year population census. Farmers would be required to provide limited information with the major portion collected by sample.

Certainly, there is a need to compile vital agricultural information, but by streamlining the agricultural census we would be able to increase governmental efficiency, save tax dollars, and reduce the burden placed upon the farmer.

IV. FEDERAL-STATE MEAT INSPECTION

Another important issue of concern to the agricultural community relates to the status of meat inspection programs now administered by the States.

The Wholesale Meat Act which originally passed in 1906 gives the Federal Government responsibility for inspection of meat suppliers engaging in interstate commerce. Currently the Government's meat inspection programs are administered by the Department of Agriculture. Under amendments added to the act in 1967 the USDA Meat Inspection Service can enter into cooperative programs with States whereby a State is permitted to administer its own program and be reimbursed by the Federal Government up to 50 percent of the program's cost.

In order to have its own program, a State must assure USDA that it has developed rules and regulations which are at least equal to minimum Federal requirements. A State-administered program is superior because it can be more responsive to the needs and problems within individual communities. By its very nature, a Federal program, designed to cover all situations, will be less attuned to the requirements of communities and individual suppliers.

Unfortunately, in recent years, many States have abandoned their own programs, thus leaving the task to the Federal Government. The reason for this is purely economic—State budgets have been squeezed to the point where it becomes necessary to abandon programs. The result is that 100 percent of the costs must be paid by the Feedral Government.

I would not want to see this situation develop in Wisconsin, which currently has a State-administered meat inspection program. This would place the entire burden upon the Federal Government, and would leave plant owners to contend with an unknown bureaucracy.

To prevent this situation from occurring in Wisconsin or in other States, I

am introducing legislation which would increase the Federal share of the meat inspection program from 50 to 80 percent. Enactment of this bill would not only encourage States to retain their programs; in the long run, it would save Federal funds.

For the current fiscal year, the State of Wisconsin has budgeted $1.2 million for its meat inspection program. Fifty percent of this total will be reimbursed by the Federal Government. Under my proposal for 80–20 funding, the Federal share would increase from $600,000 to $960,000. Such a short-range increase would provide much greater assurance that the State could continue the long-range support of its own program.

V. ESTATE TAX

The Tax Reform Act of 1976 brought about the first major changes in almost 30 years to the Federal estate tax laws. To the family farmer and small businessman, these changes were long overdue.

I would hope, however, that Congress is not content with its past actions and will seek further improvements in our Federal estate tax laws. I am introducing two bills which I believe will improve the application of the estate tax.

The first bill would repeal section 2005 of Public Law 94–455, the so-called carry-over basis provision. In its place, my bill would reinstate the provisions of the tax code which existed prior to enactment of the Tax Reform Act of 1976. This would require that the capital gains tax on inherited property be based on the value of the property when it was transferred to an heir, not when bought by the deceased.

The "carry-over basis provision" is a step away from tax reform, not toward it. If the present law remains, its impact will be most seriously felt by the small farmer or family owned business. I believe my bill to repeal section 2005 and return to the former law is a necessary step toward a more equitable estate tax law.

My second bill is patterned after an amendment I had hoped to offer to last year's tax bill, but the parliamentary situation at the time prohibited my doing so.

One of my original concerns with Federal estate tax reform was the failure of the law to recognize joint tenancies by allowing a wife to exclude her share of the property from the value of her husband's estate. While the Tax Reform Act partially addressed this inequity by allowing half of a jointly held property to be excluded from the estate tax law, it did so by offering a tradeoff that could be worse than the original illness.

Under provisions of the new law, the allowance for exclusion of the wife's half of the property is only under the condition that after December 31, 1976, the husband and wife elect to create a joint tenancy, and elect to take the tax liability of transferring a gift to each other. They are subject to the gift tax liability even if they already have established joint tenancy under State law.

In other words, even if the property is already jointly owned, we are saying, "You have a choice; the Federal Government will tax your joint property now; or we will tax it twice later, once when your husband dies and again when you die."

It is patently unfair to impose a gift tax on that which is not a gift, but is joint property owned half by each.

My bill would eliminate the gift tax election and redefine a "qualified joint interest" as any joint tenancy between a husband and wife applicable to all estate after December 31, 1976.

It is not my intention to establish Federal guidelines as to what kind of interests can qualify as jointly held property. That is a legal question that varies widely from State to State. I believe the Federal role should be to give recognition to State laws in this regard by allowing exclusion of the spouse's interest where a joint tenancy exists in accordance with State law.

CONCLUSION

Mr. Speaker, enactment of the program I have just outlined would make a significant contribution to the agricultural community of this Nation. Anything we do to support the farmer and enhance his productivity will greatly benefit the interests of all Americans, and indeed the millions of people around the world who depend on American agriculture to feed their families.

The American farmer has contributed so much to America's growth, often under adverse circumstances, that it seems only right for our Government to adopt programs which will make that task a little easier.

CHEMICAL WEAPONS ARMS CONTROL

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. SCHULZE. Mr. Speaker, on February 8 I submitted for the RECORD a statement on chemical weapons arms control and a resolution which was intended to urge the destruction of chemical weapons stockpiles and the banning of future production of chemical weapons on a worldwide scale. I urge my colleagues to read that statement.

Because of the importance I place in the accomplishment of this proposal to reduce chemical weapons, I am today, along with Senator WEICKER, reintroducing that resolution.

The good of mankind cannot be served by the continuation of an uncontrollable arms race. Something must be done, however slight, to begin to turn words into action in the area of arms control and disarmament. I believe this resolution will be a positive step toward meaningful arms control.

The text of our joint statement is as follows:

JOINT STATEMENT OF SENATOR LOWELL WEICKER REPUBLICAN OF CONNECTICUT AND REPRESENTATIVE RICHARD T. SCHULZE REPUBLICAN OF PENNSYLVANIA

The new Administration has energetically committed itself to a very noble purpose—the elimination of all nuclear weapons from the earth. Although the intent of the Administration is admirable, we feel it is unrealistic in the foreseeable future. Instead, we urge the President to direct initial disarmament at a level where success is attainable and hopefully will act as a stepping stone to resolving the overall issue of world nuclear disarmament.

Today we are introducing a joint resolution urging the destruction of chemical weapons stockpiles and the banning of future production of chemical weapons by all nations of the world.

This is the first major congressional initiative calling for the reduction of chemical weapons stockpiles. It places Congress on record as favoring an international treaty to control these weapons and challenges the Soviets to initiate similar weapons reduction. The Schulze-Weicker proposal sets as the highest priority for the nations of the world the question of weapons control and disarmament.

In discussions with Pentagon officials, a number of points were conceded:

1. The Soviet Union has expended substantial time, energy, and money in development of an extensive chemical capability.

2. The tactical advantages of chemical weapons are minimal.

3. Planning for the defense against chemical weapon attack on civilian population has become a nightmare.

Beyond the capabilities of the two super powers, one must consider the third world nations. In many smaller nations where a nuclear capability is nonexistent, chemical weapons, present an attractive alternative to threaten neighboring nations whose chemical and medical defenses are inadequate or do not exist.

Chemical weapons are easier to produce, hide and use, than other weapons. The details of the chemistry of chemical agents is common knowledge. The technology for producing chemical weapons is available. This available technology along with existing chemical weapons stockpiles, poses the danger of chemical weapon proliferation throughout the non-nuclear world community. And, the frightening possibility exists that politically motivated, well-financed terrorists organizations can secure lethal chemical weapons and create global havoc. The importance of this pending threat cannot be under estimated.

Chemical weapons have no limits. They can be used any time, any where, under any circumstances. They do not discriminate between soldiers or civilians—innocent men, women, or children.

The United States must take the leadership role in seeking an arms control agreement on chemical weapons and force the Soviet Union to reveal its true position. Currently in Geneva, the Conference of the Committee on Disarmament (CCD), is discussing an international treaty to ban chemical weapons. At the Conference, several proposals for the control of chemical weapons have been made. But due to a number of problems, including Third-World distrust of big power deals and verification of the destruction of stockpiled chemicals the talks have not produced meaningful results. We believe that our resolution can set an example for the world that will demonstrate that the United States is indeed concerned with the future of chemical weapons control and willing to take a positive step to demonstrate the importance we place on an intended treaty banning chemical weapons.

A thousand mile journey begins with one step. We believe that the destruction of chemical weapons will be that one positive step towards meaningful arms control and a peaceful world.

The text of our resolution is as follows:

H. CON. RES. —

CONCURRENT RESOLUTION TO URGE THE PRESIDENT TO REDUCE THE RISK OF CHEMICAL WARFARE

Resolved by the House of Representatives (the Senate concurring), That the Congress finds that—

(1) the policy of the United States is not to make first use of lethal and incapacitating chemical weapons in war;

(2) in 1972 the United States signed the Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, and such Convention declared that "each State Party to the Convention affirms the recognized objective of effective prohibition of chemical weapons and, to this end, undertakes to continue negotiations in good faith with a view to reaching early agreement on effective measures for the prohibition of their development, production, and stockpiling and for their destruction";

(3) in 1975 the United States ratified the Geneva protocol prohibiting the use of chemical and biological weapons in warfare; and

(4) the United States supports the continuing negotiations being conducted by the Conference of the Committee on Disarmament toward this end of an effective chemical weapons treaty.

SEC. 2. It is the sense of the Congress that—

(1) the President should declare a moratorium of three years on the further United States manufacture of lethal and incapacitating nerve and mustard agents and the so-called binary agents;

(2) the President, as a sign of good faith to the world, should order the destruction of three thousand tons of lethal chemical mustard agents from existing U.S. stockpiles over the three years of such moratorium, and invite interested international organizations, such as the Conference of the Committee on Disarmament to send delegations to view the destruction process;

(3) the President should invite the Union of Soviet Socialist Republics and other nations which possess quantities of lethal chemical weapons to indicate their sincerity in seeking a chemical weapons treaty by following the example of the United States, and should urge the Third World Nations to refrain from seeking the introduction of chemical weapons into their arsenals; and

(4) the President should urge the participants of the Conference of the Committee on Disarmament to rapidly conclude an international treaty banning the manufacture and possession of lethal chemical weapons. Such a treaty, in order to be meaningful, should provide for the destruction of existing stocks and production facilities over a specified period of time. Such a treaty must also provide verifying the disposal of stocks and facilities, investigating and challenging suspect activities, and establishing on-site inspections.

DNA OR PLUTONIUM—NAME YOUR POISON

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. OTTINGER. Mr. Speaker, George F. Will wrote an extremely interesting article which appeared in the Washington Post of Sunday, March 20, entitled "DNA-Splicing, AKA Progress."

In his very thoughtful article Mr. Will discusses the public policy questions raised by recombinant DNA research, that genetic engineering which has aroused so much interest of late. Indeed, legislation which I introduced along with bills sponsored by numerous of my colleagues were the cause of hearings held last week before Chairman ROGERS' Subcommittee on Health and the Environment.

As Mr. Will points out:

Whether, or under what conditions, molecular biologists should intervene in the evolutionary process is, properly, a political, not a biological, question.

I agree, wholeheartedly.

Toward the end of his article, Mr. Will moves to another subject of great importance: nuclear waste. Here he very concisely suggests that we may well be presuming a stable society well beyond history's ability. He asks, "Can mankind rest assured that it will be immune until 251,976 A.D.?"—the length of time plutonium we are now generating will remain toxic.

The only connection between DNA research and plutonium disposal which Mr. Will fails to recognize, I think, is that if we had had a public, political discussion of nuclear development such as is now going on regarding recombinant DNA, we might not be in the nuclear pickle in which we now find ourselves.

Mr. Will's article is thought provoking, and deserves the attention of my colleagues:

[From the Washington Post, Mar. 20, 1977]

DNA-SPLICING, AKA PROGRESS

(By George F. Will)

The pace of scientific achievement is accelerating, and government's ability to cope with it is not. Today recombinant DNA research—the recombining of genetic materials to create new forms of life—raises the question posed by the poet Valery: "Can the human mind master what the human mind has made?"

DNA is the material by which heredity is programed in all living things. Gene-splicing, or "genetic engineering," transplanting selected genes from one organism into another, began less than a decade ago. It is occurring at approximately 100 U.S. locations, and many more worldwide. George Wald, a Nobel Prize winner who opposes such research, calls it, not without reason, "the biggest break with nature that has occurred in human history."

Such research may produce great benefits or injuries, or both. Benefits could include progress against genetic diseases or viral cancer. There could be new forms of life useful in agriculture (a "superwheat," or plants that produce their own fertilizer) and in combating pollution (an organism that "eats" oil spills). Injuries could include the devastation of the planet by new microbes that cause new diseases in people or plants.

Man can now play Creator, but when he begins "engineering" new life he cannot know exactly what his creation will be. He may be inventing a new cure or a new disease. Nevertheless, some scientists feel that it is impudent for government to scrutinize as well as subsidize their enterprises.

But whether, or under what conditions, molecular biologists should intervene in the evolutionary process is, properly, a political, not a biological, question. It involves society's safety and values. Professor Stephen Toulmin, a philosopher of science, says:

"I can think of no prior case in which the actual conduct of experiments in a basic natural science itself directly posed a threat of general public harm. . . . The very heart of the DNA problem is the fact that any 'rogue' agents produced artificially . . . will have the power to multiply themselves and spread throughout the population at large."

Last June, the National Institute of Health issued guidelines governing the DNA research it funds. Researchers have shown responsibility about self-regulation, including a moratorium on certain kinds of projects. But it is reasonable to expect this nation, which has so much to gain or lose from recombinant DNA, to adopt national regulation of it. Without national regulation, there will be a quilt-work of local regulations, including some prohibitions.

Government regulation provokes opposition in the name of "academic freedom" or "the autonomy of science." But civilization will not be dashed on the rocks if some scientific enterprises are regulated to prevent damage—physical or moral—to the community. (Some serious persons argue that various experiments, including some on fetuses, damage society's moral sensibility.) The scientist's crucial freedom is to pursue and publish the truth without restrictions based on narrow ideological reasons.

Unfortunately, chances for calamitous human errors are increasing exponentially: a bright high school student can practice gene-splicing. And biology is not the only source of staggering new problems.

On my desk is a court opinion in an environmental case. It concerns the disposal of waste from nuclear power plants. Of special concern is plutonium, a microscopic particle of which, inhaled, may cause cancer. The half-life of plutonium is 25,000 years and it is not harmless for 250,000 years.

Even the most sophisticated technology for storing plutonium would require some surveillance and maintenance. The court notes, rather drolly, that Neanderthal man appeared "only" 75,000 years ago, and that when we talk about a 250,000-year commitment for storing plutonium, "the problems involved are not merely technical, but involve basic philosophical issues concerning man's ability to make commitments which will require stable social structures for unprecedented periods."

Unprecedented? "Institutional arrangements do not exist and never have existed to guarantee the monitoring or attendance upon storage facilities over a millenium." A millenium? That falls 249,000 years short.

Suppose wastes were stored in those salt beds in Lyons, Kansas. Meaning no offense to Lyons, which has been immune to modern turbulence, we must wonder: Can mankind rest assured that it will be immune until 251,976 A.D.? It is enough to make you think progress has gone on too long.

BILL TO AMEND TARIFF SCHEDULES OF THE UNITED STATES

HON. RAYMOND F. LEDERER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. LEDERER. Mr. Speaker, I am introducing today a bill to amend the tariff schedules of the United States with respect to the tariff treatment accorded to rectangular plastic sheets manufactured from acrylic resins. I am motivated to do so in order that an artificial practice of tariff classification condoned and sanctioned by the U.S. Customs Service will not be permitted to continue unabated in contravention of what I believe to be the intent of the Congress.

The practice of the U.S. Customs Service in classifying acrylic sheet under existing tariff schedules places U.S. manufacturers of acrylic sheet in an intolerable position and subjects these manufacturers to unfair and destructive competition.

A relatively small amount of acrylic

sheet has been imported into the United States with duty properly assessed under item 771.45, TSUS at 8½ cents per pound.

Large quantities of acrylic sheets with one or more holes drilled along the edge of each sheet are now and have for some years been imported under basket item 774.60, TSUS with duty assessed at 8½ percent ad valorem. The bulk of imported sheet is entering the United States on this basis. This favorable classification is accorded imported drilled sheets of acrylic plastic notwithstanding the fact that the holes, which are drilled to bring the sheet under basket item 774.60, TSUS, serve no purpose and are not part of a finishing operation. This classification of drilled acrylic sheet is made under the authority of an interpretation of the U.S. Customs Tariff Schedules issued by Salvatore E. Caramagno, for Leonard Lehman, Assistant Commissioner, Office of Regulations and Rulings, Department of the Treasury, Office of the Commissioner of Customs, January 11, 1973. Mr. Caramagno stated in his decision—

> There is a uniform and established practice . . . to classify acrylic sheets with holes drilled along the edge, no matter what the purpose of the holes, in item 774.60, Tariff Schedules of the United States.

The significance of this rather remarkable ruling can be appreciated when it is understood that acrylic sheet is manufactured and shipped with an untrimmed border. A sheet of acrylic which will ultimately yield a useful 4-by-8 feet sheet is, so to speak, contained within an untrimmed sheet which measures from 50 inches in width and 98 inches to 100 inches in length. It is as though a 4-by-8-foot sheet of plywood were sold with untrimmed edges from 1 to 2 inches in width. This untrimmed border of the acrylic sheet, called "overage" in the trade, can be drilled or otherwise worked in a manner which neither impairs the use of the 4-by-8-foot sheet nor adds any value to that sheet.

In adopting the practice of drilling holes in the perimeter of untrimmed acrylic sheet, importers asserted that headnote 2(iv)(D) of subpart B, part 12 of schedule 7, justified the practice and required that drilled sheets not be classified in item 771.45, TSUS, but in the basket clause item 774.60, TSUS. The Treasury Department accepted this scheme despite the fact that the commodity specialists of the Customs Bureau had earlier rejected it on the ground that the drilling of the holes served no useful purpose and did not contribute to the finishing of the sheet.

In reviewing the 1960 Tariff Classification Study prepared by the U.S. Tariff Commission, I note that the following commentary appears with respect to this headnote:

> The provisions of headnotes 1 and 2 of this subpart treat objectively with the existing problem of differentiating between plastic products which have and have not "been made into finished or partly finished articles."

It should be apparent from this comment that the Congress intended to set forth in headnote 2(iv)(D) the types of processing that would permit an article to be made or transformed into a finished or partly finished article. In the instant case, the drilling is not a stage in processing nor a contribution to end use. It does not serve to advance the sheet to the status of even a partly finished article. It is, in short, a useless as having no useful purpose.

It should be noted that the fringe around the perimeter of acrylic sheet is left on the sheet to enable the fabricator to clamp the sheet in place during forming operations. This protects the useful surface of the sheet from the markoff from the clamp. The utilization of the border of the sheet for this purpose is in part a factor of uniformity and continuity of the border. Drill holes in this border, if they have any effect whatsoever, may contribute to a weakness of the sheet at the drill point and possibly contribute tc failure and accidental release of the sheet when it is clamped in place in the forming operation. Thus the holes drilled in the primeter of the untrimmed acrylic sheet not only do not contribute to the usefulness of the sheet but may actually detract from the usefulness of the untrimmed edge in the fabrication operation.

As if competition through lower rates for sheets drilled with useless holes were not enough of a cross for the American acrylic industry to bear, additional foreign competition in the American market is provided by the U.S. Customs Service practice of classifying acrylic sheet as "flexiblesheet" under item 771.42, TSUS, and by accepting a misdescription of acrylic sheet under item 771.55 TSUS.

In view of the nonspecific descriptions that will be accepted by Customs in clearing acrylic sheet through the U.S. ports, it is not surprising that no exact figures on total imports of acrylic sheet are available. It is estimated that imports of acrylic sheet into the United States amounted to 18 million pounds in 1974—double the amount imported in 1972. It is estimated that of the amount imported in 1974, approximately 11 million pounds entered the United States under improper classifications.

The nonspecificity of the classifications under which the bulk of acrylic sheet is being imported into the United States—classifications other than item 771.45, TSUS—makes it impossible for U.S. manufacturers to ascertain the extent or character of acrylic sheet imports into the United States or to predict what future imports may be. At the same time, this situation permits large quantities of unidentified acrylic sheet to enter the United States from countries enjoying generalized system of preference status. The resulting market situation can only be described as chaotic with the U.S. manufacturers unable to gage the nature or economic base of their foreign competition. It is not surprising that under these conditions large-scale dumping of acrylic sheet emanating from Japan has until recently been prevalent and that such dumping may be continuing.

I submit that an administrative practice which makes it impossible for persons vitally affected by it to determine or predict the status of commercial products governed by it is not acceptable under a constitutional system based on the rule of law. The most elementary considerations of due process require that the laws of trade affecting vital interests of American citizens be understandable, certain and predictable. Those responsible for interpreting the tariff schedules applicable to acrylic sheet had a path clearly marked for them in item 771.45, TSUS. Only by ignoring the clear meaning of words and the clear intent of Congress have they been able to place acrylic sheet in obscure "basket" categories. As a result of this emasculation of congressional intent, foreign producers of acrylic sheet are able to exploit a U.S. market which has been developed slowly, responsibly, and at great expense by American producers.

These essentially opportunistic foreign producers have borne none of the expense for the development of these markets and assume no responsibility for the proper use of acrylic sheet in buildings, mass transit, aircraft, motor vehicles, and other regulated end uses in the United States. Such competition has already resulted in serious manufacturing cutbacks in the acrylic industry in the United States and has reduced employment in acrylic facilities located in my district and in acrylic facilities located in New England, Kentucky, and Tennessee. These unfair competitive conditions will inevitably lead to reduced investment by American manufacturers in research and development of both acrylic technology and of responsible, safe end uses for acrylic products in the American market.

The bill which I offer today will not provide a new tariff classification for acrylic sheet or result in a lower rate for acrylic sheet properly classified under item 771.45, TSUS. This bill will simply rescue the original intent of Congress from the administrative interpretations and practices which have produced intolerable confusion and disastrous consequences in total derogation of the clear intent of the Congress. American industry cannot meet the costs of basic research, of the development of safety standards for appropriate end uses, and of compliance with environmental standards if it cannot know what its competition is and will be, and if it is denied the margin of protection which Congress has clearly and explicitly endeavored to provide.

INTRODUCING A BILL ENTITLED "THE FULL OPPORTUNITY AND SOCIAL ACCOUNTING ACT OF 1977"

HON. EDWARD P. BEARD

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. BEARD of Rhode Island. Mr. Speaker, today I am introducing a bill which I have titled "The Full Opportunity and Social Accounting Act of

1977." This legislation is designed to give us an indepth and clear look at how well we are doing in our efforts to provide a decent life and full opportunity for all our people.

This bill would establish a Council of Social Advisers which would compile the information we must have from all levels of Government, and advise the President on setting national social policies.

Also, it would require the President to submit to Congress an annual report on the state of the Nation's social health, outlining progress made, listing goals for the future, and laying out policies for achieving those objectives.

I point to the success of the Council of Economic Advisers which was established in 1946 as a result of the passage of the Employment Act of 1946 by the Congress. In the 20 years of its existence, the Council of Economic Advisers has been able to respond to every change in the business and industrial climate, no matter how small, and this responsiveness is what I think is needed in the area of social change.

I am indebted to the work of Vice President WALTER F. MONDALE who, as a Senator from Minnesota, pioneered the concept of a social report in 1967.

I present a copy of this bill for the RECORD:

H.R. 2354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Full Opportunity and Social Accounting Act".

DECLARATION OF POLICY

SEC. 2. In order to promote the general welfare, the Congress declares that it is the continuing policy and responsibility of the Federal Government, consistent with the primary responsibilities of State and local governments and the private sector, to promote and encourage such conditions as will give every American the opportunity to live in decency and dignity, and to provide a clear and precise picture of whether such conditions are promoted and encouraged in such areas as health, education, and training, rehabilitation, housing, vocational opportunities, the arts and humanities, and special assistance for the mentally ill and retarded, the deprived, the abandoned, and the criminal, and by measuring progress in meeting such needs.

SOCIAL REPORT OF THE PRESIDENT

SEC. 3. (a) The President shall transmit to the Congress not later than March 20 of each year a report to be known as the "social report," setting forth (1) the overall progress and effectiveness of Federal efforts designed to carry out the policy declared in section 2 with particular emphasis upon the manner in which such efforts serve to meet national social needs in such areas as health, education and training, rehabilitation, housing, vocational opportunities, the arts and humanities, and special assistance for the mentally ill and retarded, the deprived, the abandoned, and the criminal; (2) a review of State, local and private efforts designed to create the conditions specified in section 2; (3) current and foreseeable needs in the areas served by such efforts and the progress of development of plans to meet such needs; (4) programs and policies for carrying out the policy declared in section 2, together with such recommendations for legislation as he may deem necessary or desirable; and (5) a comprehensive profile of the social, economic and demographic condition of the American people, contrasting these conditions on a small area basis and targeting the most pressing problems in terms of kind of need, magnitude of people affected, severity of the problem and geographic locations of the most heavily impacted areas. This profile shall be presented in formats usable not only by professionals, but comprehensible to nontechnical persons.

(b) The President may transmit from time to time to the Congress reports and supplementary to the social report, each of which shall include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the policy declared in section 2.

(c) The social report, and all supplementary reports transmitted under subsection (b) of this section shall be transmitted to Congress.

COUNCIL OF SOCIAL ADVISERS TO THE PRESIDENT

SEC. 4(a). There is created in the Executive Office of the President a Council of Social Advisers (hereinafter called the Council). The Council shall be composed of five members, four of which shall be appointed by the President, by and with the advice and consent of the Senate, and each of whom shall be a person who as a result of his training, experience, and attainments, is exceptionally qualified to appraise programs and activities of the Government in the light of the policy declared in section 2, and to formulate and recommend programs to carry out such policy. Each member of the Council, other than the Chairman, shall receive compensation at the rate prescribed for level IV of the Executive Schedule by section 5315 of title 5 of the United States Code. The Vice President shall serve as Chairman.

(b) The Chairman of the Council is authorized to employ, and fix the compensation of, such specialists and other experts as may be necessary for the carrying out of its functions under this Act, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, and is authorized, subject to such provisions, to employ such other officers and employees as may be necessary for carrying out its functions under this Act and fix their compensation in accordance with the provisions of such chapter 51 and subchapter III of chapter 53.

(c) It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the social report;

(2) to gather timely and authoritative information and statistical data concerning developments and programs designed to carry out the policy declared in section 2, both current and prospective, to analyze and interpret such information and data in the light of the policy declared in section 2 and to compile and submit to the President studies relating to such developments and programs;

(3) to appraise the various programs and activities of the Federal Government in the light of the policy declared in section 2 of this Act for the purpose of determining the extent to which such programs and activities contribute to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop priorities for programs designed to carry out the policy declared in section 2 and recommend to the President the most efficient way to allocate Federal resources and the level of government—Federal, State, or local—best suited to carry out such programs;

(5) to make and furnish such studies, reports thereon, and recommendations with respect to programs, activities, and legislation to carry out the policy declared in section 2 as the President may request; and

(6) to establish an ongoing information system and data center which collects, coordinates and collates data from any and all sources available to the Federal Government which measure the social condition of the United States population at the smallest geographical unit currently available.

(d) Whenever the President determines that information or data developed by the Council pursuant to subsection (c) of this section should be made available to the States and localities he shall provide for the timely dissemination of such information and data to such States and localities.

(e) The Council shall make an annual report to the President in February of each year.

(f) In exercising its powers, functions, and duties under this Act—

(1) The Council may constitute such advisory committees and may consult with such representatives of industry, agriculture, labor consumers, State and local governments, and other groups, organizations, and individuals as it deems advisable; and

(2) The Council shall, to the fullest extent possible, use the information (including statistical information) of other Government agencies as well as private research agencies, in order that duplication of effort and expenses may be avoided.

(g) To enable the Council to exercise its powers, functions, and duties under this Act, there are authorized to be appropriated (except for the salaries of the members and officers and employees of the Council) such sums as may be necessary. For the salaries of the members and salaries of officers and employees of the Council, there is authorized to be appropriated not exceeding $ in the aggregate for each fiscal year.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the office of the Senate Daily Digest will prepare such information daily for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, March 22, may be found in the Daily Digest section of today's RECORD.

The schedule follows:

MEETINGS SCHEDULED

MARCH 23

9:00 a.m.

Armed Services

Research and Development Subcommittee

To resume closed hearings on proposed military procurement authorizations for fiscal year 1978 for weapons systems.

224 Russell Building

Finance
To hold hearings on pending nominations for various positions in the Departments of the Treasury and HEW.
2221 Dirksen Building

Human Resources
Labor Subcommittee
To consider S. 924, to provide for equal treatment of craft and industrial workers, and to establish a national framework for collective bargaining in the construction industry.
Until 2 p.m. 4232 Dirksen Building

9:30 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Bureau of Land Management.
1114 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to inquire into domestic communication common carrier policies (i.e., telephone, computer, etc.).

Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

Select Intelligence
To hold a closed business meeting.
S-407 Capitol

10:00 a.m.
Agriculture, Nutrition, and Forestry
To continue hearings on proposed legislation, to amend and extend the Agriculture and Consumer Protection Act, to hear Secretary of Agriculture Bergland.
Until: noon 322 Russell Building

Appropriations
Defense Subcommittee
To hold closed hearings on certain proposed reprogramming of funds for fiscal year 1977.
1223 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposal budget estimates for fiscal year 1978 for elementary and secondary education programs.
S-128, Capitol

Banking, Housing, and Urban Affairs
To hold hearings on S. 406, the proposed Community Reinvestment Act.
5902 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on proposed authorizations for fiscal year 1978 for the Energy Research and Development Administration.
3110 Dirksen Building

Foreign Relations
Foreign Assistance Subcommittee
To hold hearings on proposed legislation to authorize funds for development assistance and contributions to international organizations.
4221 Dirksen Building

Governmental Affairs
Subcommittee on Intergovernmental Relations.
To hold hearings on S. 2, to require reauthorization of Government programs at least every five years (proposed Sunset Act).
6226 Dirksen Building

Governmental Affairs
Energy Subcommittee
To hold hearings on S. 897, to strengthen U.S. policies on nuclear nonproliferation and to reorganize certain nuclear export functions.
3302 Dirksen Building

Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

Select Small Business
To hold hearings on S. 972, authorizing the Small Business Administration to make grants to support the development and operation of small business development centers.
Until: 1 p.m. 424 Russell Building

1:30 p.m.
Environment and Public Works
To consider the nominations of James Gustave Speth, of the District of Columbia, to be a Member of the Council on Environmental Quality; and Robert L. Herbst, of Minnesota, to be Assistant Secretary of the Interior for Fish and Wildlife; and to resume consideration of bills proposing amendments to the Clean Air Act (S. 251, 252, 253).
4200 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for school assistance in Federally affected areas and for emergency school aid.
S-128, Capitol

MARCH 24

9:30 a.m.
Human Resources
Alcoholism and Narcotics Subcommittee
To hold oversight hearings on existing alcohol and drug abuse education programs, and proposed legislation to extend such programs.
Until: 12:30 p.m. 4232 Dirksen Building

Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Smithsonian Institution.
1114 Dirksen Building

Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.

Select Nutrition and Human Needs
To resume hearings to examine the relationship between diet and health, to receive testimony on beef consumption.
457 Russell Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear officials of AID.
1318 Dirksen Building

Banking, Housing, and Urban Affairs
To hold hearings on S. 406, the proposed Community Reinvestment Act.
5302 Dirksen Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 922 authorizing funds for fiscal year 1978 for the U.S. Railway Association, and on funds for the Office of Rail Public Counsel within the Interstate Commerce Commission.
235 Russell Building

Energy and Natural Resources
To hold oversight hearings on proposal for an international petroleum transshipment port and storage center to be located on the Palau District, Western Caroline Islands, Trust Territory of the Pacific Islands.
3110 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on proposed authorization for fiscal year 1976 for Energy Research and Development Administration.
4200 Dirksen Building

Governmental Affairs
To continue hearings on S. 591 and 826 to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
3302 Dirksen Building

Governmental Affairs
Subcommittee on Intergovernmental Relations
To hold hearings on S. 2, to require reauthorization of Government programs at least every five years (proposed Sunset Act).
6226 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To meet with officials of the Office of Technology Assessment to discuss proposed evaluation by OTA of the Food and Drug Administration ban on Saccharin.
Until: 12 noon 4232 Dirksen Building

11:00 a.m.
Foreign Relations
Foreign Assistance Subcommittee
To hold hearings on proposed legislation to authorize funds for bilateral development assistance.
4221 Dirksen Building

2:00 p.m.
Appropriations
Foreign Operation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear officials of AID.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for higher education, welfare programs, and for library resources.
S-128, Capitol

3:30 p.m.
Banking, Housing, and Urban Affairs
To resume consideration of S. 69 and 92, to amend and extend the Export Administration Act.
5302 Dirksen Building

MARCH 25

9:00 a.m.
Agriculture, Nutrition, and Forestry
Subcommittee on Nutrition
To hold oversight hearings on the food stamp program.
322 Russell Building

Foreign Relations
Foreign Assistance Subcommittee
To hold hearings on proposed legislation to authorize funds for bilateral development assistance.
4221 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

Human Resources
Alcoholism and Narcotics Subcommittee
To continue oversight hearings on existing alcohol and drug abuse education programs, and proposed legislation to extend such programs.
Until 12:30 p.m. 1224 Dirksen Building

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment, to hear congressional witnesses.
1223 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for programs for education of the handicapped, and for occupational, vocational, and audit education programs.
S-128, Capitol

Banking, Housing, and Urban Affairs
To hold hearings on S. 406, the proposed Community Reinvestment Act.
5302 Dirksen Building

Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittees
To hold oversight hearings on ocean shipping practices.
235 Russell Building

Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on proposed authorizations for fiscal year 1978 for Energy Research and Development Administration.
3110 Dirksen Building

Government Affairs
To continue hearings on S. 591 and 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
3302 Dirksen Building

Human Resources
To hold hearings on the nominations of Mary Berry of Colorado, to be Assistant Secretary of HEW for Education, and Ernest L. Boyer, of New York, to be Commissioner of Education.
Until 12 noon 4232 Dirksen Building

11:00 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for 1977 from officials of Amvets.
Until Noon. 1202 Dirksen Building

MARCH 28

9:00 a.m.
Appropriations
Agriculture Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear public witnesses.
6202 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriation
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development.
1318 Dirksen Building

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Federal Aviation Administration.
1224 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings to inquire into domestic communications common carrier policies (i.e., telephone, computer, etc.).
1202 Dirksen Building

Energy and Natural Resources
To hold hearings on proposed legislation dealing with utilization of coal resources.
3110 Dirksen Building

Governmental Affairs
Energy Subcommittee
To hold hearings on S. 897, to strengthen U.S. policies on nuclear nonproliferation, and to reorganize certain nuclear export functions.
3302 Dirksen Building

Governmental Affairs
Subcommittee on Intergovernmental Relations
To hold hearings on S. 2, to require reauthorization of Government programs at least every 5 years (proposed Sunset Act).
6226 Dirksen Building

1:30 p.m.
Appropriations
Agriculture Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear public witnesses.
6202 Dirksen Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

MARCH 29

9:00 a.m.
Appropriations
Agriculture Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear public witnesses.
6202 Dirksen Building

9:30 a.m.
Agriculture, Nutrition, and Forestry
Subcommittee on Rural Development
To hold hearings on medicare reimbursements for rural-health care clinics.
322 Russell Building

Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment, to hear congressional witnesses.
1223 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Office of Human Development.
S-128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

Commerce, Science, and Transportation
To hold hearings on the nominations of Charles Linn Haslam, of North Carolina, to be general counsel, Department of Commerce, Elsa Allgood Porter, of Virginia, and Frank Alan Weil, of New York, each to be an Assistant Secretary of Commerce, and Joan Buckler Claybrook, of Maryland, to be Administrator of the National Highway Traffic Safety Administration.
235 Russell Building

Energy and Natural Resources
To hold hearings on proposed legislation dealing with utilization of coal resources.
3110 Dirksen Building

Governmental Affairs
To continue hearings on S. 591 and S. 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
3302 Dirksen Building

Governmental Affairs
Subcommittee on Intergovernmental Relations
To hold hearings on S. 2, to require authorization of Government programs at least every 5 years (proposed Sunset Act).
6226 Dirksen Building

Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

1:30 p.m.
Appropriations
Agriculture Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear public witnesses.
6202 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Technical Institute for the Deaf; the American Printing House for the Blind; Gallaudet College, and Howard University.
S-128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

MARCH 30

9:00 a.m.
Appropriations
Agriculture Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear Secretary Bergland.
1224 Dirksen Building

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the National Park Service.
1114 Dirksen Building
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Buildnig

10:00 a.m.
Agriculture, Nutrition, and Forestry
Subcommittee on Agricultural Production, Marketing and Stabilization of Prices
To hold oversight hearings on problems of flue-cured tobacco farmers.
322 Russell Building
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment, to hear congressional witnesses.
1223 Dirksen Building
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear officials of the Export-Import Bank, and Overseas Private Investment Corporation.
1318 Dirksen Building
Appropriations
Labor-HEW Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Social and Rehabilitation Service.
S-128, Capitol
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced
Banking, Housing, and Urban Affairs
To mark up S. 305, to require issuers of records, and to prohibit the payment of overseas bribes by any U.S. business concern.
5302 Dirksen Building
Energy and Natural Resources
Subcommittee on Public Lands and Resources
To consider S. 7, to establish in the Department of the Interior an Office of Surface Mining Reclamation and Enforcement to administer programs to control surface coal mining operations.
3110 Dirksen Building
Governmental Affairs
Subcommittee on Intergovernmental Relations
To hold hearings on S. 2, to require reauthorization of Government programs at least every 5 years (proposed Sunset Act).
6226 Dirksen Building
Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1976 authorization for Government intelligence activities.
S-407, Capitol

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

MARCH 31

9:00 a.m.
Select Nutrition and Human Needs
To continue hearings to examine the relationship between diet and health, to receive testimony on the need for fiber in diet.
Until: 1 p.m. 3302 Dirksen Building

9:30 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Bureau of Outdoor Recreation and the Land and Water Conservation Fund.
1114 Dirksen Building
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the defense establishment, to hear public witnesses.
1223 Dirksen Building
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Social Security Administration.
S-128, Capitol
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for National Highway Traffic Safety Administration.
1224 Dirksen Building
Budget Committee
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To consider S. 365, authorizing funds for fiscal year 1978 for NASA.
235 Russell Building
Energy and Natural Resources
Subcommittees on Public Lands and Resources
To consider S. 7, to establish in the Department of the Interior an Office of Surface Mining Reclamation and Enforcement to administer programs to control surface coal mining operations.
3110 Dirksen Building
Environment and Public Works
Water Resources Subcommittee
To hold hearings on national water policy in light of current drought situations.
4200 Dirksen Building
Foreign Relations
Subcommittee on Oceans and International Environment
To hold hearings on S. Res. 49, favoring international agreement to a treaty requiring the propagation of an international environmental impact statement for any major project expected to have significant adverse effect on the physical environment.
4221 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Office of Civil Rights, Inspector General, Policy Research, and General Management.
S-128, Capitol
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced
Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

3:30 p.m.
Foreign Relations
To receive a briefing (in closed session) from officials of the Central Intelligence Agency on the general world situation.
S-116, Capitol

APRIL 1

9:30 a.m.
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building
Environment and Public Works
Water Resources Subcommittee
To hold hearings on the proposed replacement of Locks and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Budget Committee
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on S. 419, to test the commercial, environmental, and social viability of various oil-shale technologies.
3110 Dirksen Building

APRIL 4

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Treasury, on funds for New York City financing.
1318 Dirksen Building

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

Budget Committee
To markup proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Commerce, Science, and Transportation
To hold hearings on S. 263, to provide for interim regulatory reform of the Interstate Commerce Commission, Federal Trade Commission, Federal Power Commission, Federal Communications Commission, Civil Aeronautics Board, Federal Maritime Commission, and Consumer Product Safety Commission.
235 Russell Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

APRIL 5

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Forest Service.
1114 Dirksen Building

Select Small Business
Monopoly Subcommittee
To resume hearings on alleged restrictive and anticompetitive practices in the eye glass industry.
318 Russell Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission.
Room to be announced

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear members of Congress and public witnesses.
Room to be announced

Budget Committee
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Commerce, Science, and Transportation
To hold hearings on S. 263, to provide for interim regulatory reform of the Interstate Commerce Commission, Federal Trade Commission, Federal Power Commission, Federal Communications Commission, Civil Aeronautics Board, Federal Maritime Commission, and Consumer Product Safety Commission.
235 Russell Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 562, the proposed Union Station Improvement Act.
5110 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Water Resources
To hold hearings on S. 419, to test the commercial, environmental, and social viability of various oil shale technologies.
3110 Dirksen Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear members of Congress and public witnesses.
Room to be announced

APRIL 6

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior, to hear Congressional witnesses.
1114 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To hold oversight hearings on rural telecommunications policy.
235 Russell Building

Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

Select Small Business
Monopoly Subcommittee
To resume hearings on alleged restrictive and anticompetitive practices in the eye glass industry.
318 Russell Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear public witnesses.
1318 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission, Office of Consumer Affairs, and Consumer Information Center.
Room to be announced

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

Budget Committee
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Human Resources
Health and Scientific Research Subcommittee
To hold hearings on the benefits from and technological uses of genetic engineering-Deoxyribonucleic Acid (DNA) research.
6202 Dirksen Building

APRIL 7

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for military construction programs, on funds for NATO and classified programs.
S-146, Capitol

APRIL 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development and Independent Agencies, to hear public witnesses.
1318 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To hold hearings on the national water policy in view of current drought situations.
4200 Dirksen Building

APRIL 19

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and Related Agencies, to hear public witnesses.
1114 Dirksen Building

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Aviation Administration.
1224 Dirksen Building

Commerce, Science, and Technology
Science, Technology, and Space Subcommittee
To hold hearings on S. 126, to establish an Earthquake Hazards Reduction Program.
5110 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To resume hearings on the proposed replacement of Locks and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To hold oversight hearings on activities of the Consumer Product Safety Commission.
235 Russell Building
Energy and Natural Resources
To resume hearings on S. 9, to establish a policy for the management of oil and natural gas in the Outer Continental Shelf.
3110 Dirksen Building
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine governmental accounting and auditing practices and procedures.
3302 Dirksen Building
3:00 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimate for fiscal year 1978 for the Department of Housing and Urban Development, to hear public witnesses.
1318 Dirksen Building

APRIL 20

9:30 a.m.
Environment and Public Works
Water Resources Subcommittee
To continue hearings on the proposed replacement of Locks and Dam 26, Alton, Ill.
4200 Dirksen Building
10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building
Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To hold oversight hearings on activities of the Consumer Product Safety Commission.
235 Russell Building

APRIL 21

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building
Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To hold oversight hearings on activities of the Consumer Product Safety Commission.
5110 Dirksen Building
Governmental Affairs
Subcommittee on Reports, Accounting and Management
To hold hearings to examine Government accounting and auditing practices and procedures.
3302 Dirksen Building

APRIL 22

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

APRIL 26

9:30 a.m.
Small Business
To hold hearings on the problems of small business as they relate to product liability.
1202 Dirksen Building
10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1976 for Urban Mass Transportation Administration.
1224 Dirksen Building
2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Urban Mass Transportation Administration.
1224 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To hold hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

APRIL 28

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To hold hearings on S. 402, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

APRIL 29

10:00 a.m.
Commerce, Science, and Technology
Consumer Subcommittee
To hold hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

MAY 3

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on U.S. monetary policy.
5302 Dirksen Building
Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation amending the Federal Trade Commission Act.
235 Russell Building

MAY 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimate for fiscal year 1978 for the Federal Highway Administration.
1224 Dirksen Building
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on proposed legislation amending the Federal Trade Commission Act.
235 Russell Building

MAY 5

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building

MAY 6

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee on May 15.
5302 Dirksen Building

MAY 10

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Railroad Administration (Northeast Corridor).
1224 Dirksen Building
Banking, Housing, and Urban Affairs
To hold oversight hearings on U.S. monetary policy.
5302 Dirksen Building
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine Government accounting and auditing practices and procedures.

MAY 12

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine Government accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 18

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for

DOT, to hear Secretary of Transportation Adams.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary Adams.
1224 Dirksen Building

MAY 24

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine Government accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 26

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine Government accounting and auditing practices and procedures.
3302 Dirksen Building

HOUSE OF REPRESENTATIVES—*Tuesday, March 22, 1977*

The House met at 12 o'clock noon.

Rev. Edward C. Raffetto, St. Thomas Episcopal Church, Croom, Md., offered the following prayer:

O God, the protector of all that trust in Thee, without whom nothing is strong, nothing is holy; increase and multiply upon us Thy mercy, that, Thou being our ruler and guide, we may so pass through things temporal, that we finally lose not the things eternal; through Jesus Christ our Lord, who liveth and reigneth with Thee and the Holy Spirit, one God, for ever and ever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Chirdon, one of his secretaries, who also informed the House that on March 18, 1977, the President approved and signed a bill of the House of the following title:

H.R. 1746. An act to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome.

REV. EDWARD C. RAFFETTO

(Mrs. HOLT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HOLT. Mr. Speaker, It is a privilege to have my good friend and constituent, Father Edward C. Raffetto, with us today to deliver the prayer.

Father Raffetto has served since 1970 as rector of St. Thomas' parish in Prince Georges County, Md. This historical parish has offered worship according to the Book of Common Prayer continuously since 1674. It encompasses 90 miles of rural country and has buildings both in Croom, Md., which was built in 1732, and Brandywine which was begun as a mission in 1916.

Father Raffetto graduated from Georgetown University, attended the University of Virginia Law School, and graduated from the Episcopal Theological School in Cambridge, Mass. He is married to the former Elizabeth Dixon Purnell of Owings Mills, Md. Father Raffetto and Lisa are deeply concerned with their parishioners and are very active in their community.

I am sure my colleagues have received a great blessing from his words. I welcome Father Raffetto and his family and thank him for his inspiring invocation.

PAY AND OTHER INCREASES SHOULD BE SUBJECT TO VOTE OF HOUSE

(Mr. FRENZEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRENZEL. Mr. Speaker, most Members will not know, until it is called to their attention by their aides, that the House Administration Committee last week raised the allowable salary limit for our 438 administrative assistants to about $47,500. The reason they will not know is that they will not, as usual, have a chance to vote on it.

This, of course, is perfectly consistent with our current House standards which have produced a $13,000 pay raise without a vote, an unjustified $5,000 increase in House accounts without a separate vote, and soaring committee budgets.

The American public does not have confidence in us. It does not understand our callous disregard for the niceties of allowing House Members to vote on these various adventures which may be warranted, but are popularly perceived as rapes of the taxpayer.

I believe the committee's decision reflects discredit on all of us. As long as we allow the committee to act for us without a vote of the House, it will exercise that privilege. And we will continue to be embarrassed.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION APPROVING CERTAIN PROSPECTUSES

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works and Transportation which was referred to the Committee on Appropriations:

MARCH 15, 1977.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, as amended, the House Committee on Public Works and Transportation approved the following prospectuses on Febraury 9, 1977:

LEASE RENEWALS

1833 Kalakaua Avenue, Honolulu, Hawaii.
4040 North Fairfax Drive, Arlington, Virginia.
1621 North Kent Street, Arlington, Virginia.

11(b) RESOLUTIONS

San Jose, California.

The original and one copy of the authorizing resolutions are enclosed.

Sincerely,
HAROLD T. "BIZZ" JOHNSON,
Chairman.

RECOMMENDATIONS FOR REFORMS IN U.S. ELECTION SYSTEM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 95–106)

The SPEAKER laid before the House the following message from the President, which was read and, together with the accompanying papers, referred to the Committees on House Administration, on the Judiciary, and on Post Office and Civil Service and ordered to be printed:

To the Congress of the United States:

I hereby transmit to the Congress my recommendations for reforms in our Nation's election system.

The Vice President and I have developed these proposals in order to meet our commitment to the American people to work toward an electoral process which is open to the participation of all our citizens, which meets high ethical standards, and which operates in an efficient and responsive manner. I know that you in the Congress share these goals, and I applaud your efforts which are already underway to achieve them.

VOTER REGISTRATION

My first proposal, and the one on which I am proposing a specific bill to the Congress, is designed to open up our system of voter registration.

The basis of our democratic system is the right of every eligible citizen to vote. In the 200 years of its history, this Na-

tion has greatly expanded the opportunity to vote to wider and wider groups of citizens.

Despite this progress, we have in recent years witnessed a disturbing trend toward lower and lower levels of voting by our citizens. I am deeply concerned that our country ranks behind at least twenty other democracies in its level of voter participation.

Our country's disappointing record cannot be remedied by any one solution or any single piece of legislation. But, millions of Americans are prevented or discouraged from voting in every election by antiquated and overly restrictive voter registration laws. We can take one immediate step toward solving this serious problem by removing antiquated and unnecessary obstacles which prevent voters from participating in the electoral process.

I am proposing to remove the unnecessary and unfair barriers by creating a method of universal voter registration. Under the legislation I will propose to the Congress, citizens qualified to vote under state laws could go to their polling places on the day of a Federal election and register there after proving their eligibility. The states would be encouraged to adopt a similar system of registration for state and local elections.

Under this plan, state and local officials will continue to administer voter registration and elections, and will still register as many voters as possible prior to election day in the usual manner, in order to avoid congestion at the polls.

We would offer financial assistance to the states to employ additional registrars and to help pay the cost of registration by mail, traveling registrars, or any other pre-election day registration efforts the state might choose.

State and local officials would also have the option of using the money they receive under the plan to modernize what are often outmoded and poorly equipped systems of election administration. A new office within the Federal Election Commission would distribute the Federal funds and oversee the program.

I also propose that we enact very strong safeguards to protect the integrity of the election process. Willful fraud in registering to vote should bear the strong criminal penalties of five years imprisonment and a $10,000 fine already found in the Voting Rights Act. Any person who takes part in a scheme to falsely identify or register voters should be similarly punished, and multiple convictions should lead to even stiffer penalties. The government should seek injunctive relief in Federal court to stop any patterns of fraudulent activity which might arise.

States should be allowed to require all persons registering at the polls to prove their identity and place of residence by approved forms of identification. All registrants should be informed of the State's qualifications for voting and be required to sign a statement, under oath and criminal penalty, that they meet those qualifications.

While these safeguards are important and necessary, I am optimistic that they will rarely be tested and the record suggests that they will rarely be needed.

This system of election-day registration is already employed in a number of States, and the record shows that it has usually increased voter participation without increasing voter fraud. Four out of five States with the highest voter turnout rates in the 1976 election permitted citizens to register and vote on election day.

CAMPAIGN FINANCING

My second recommendation deals with the way in which we pay the costs of Congressional campaigns.

In 1974, Congress took the historic step of establishing a system of public financing for Presidential primary and general elections. I urge the Congress to extend this important reform to campaigns for both the House and the Senate.

The record of the first publicly financed Presidential campaign has demonstrated that public financing is workable and widely accepted by the American people. Public financing of candidates not only minimizes even the appearance of obligation to special interest contributors, but also provides an opportunity for qualified persons who lack funds to seek public office. It would be a tragic irony if the 1974 law, which reduced the pressure special interests could place on Presidential candidates, increased the pressures on candidates for Congress as the large contributors look for new means of gaining influence with their political funds.

The method we select should allow each American the option of deciding whether to participate in public funding. The check-off provision on the income tax form accomplishes this goal for Presidential campaign financing. The check-off method should also be used to raise the funds necessary to support Congressional candidates.

Congress is best suited to decide on an exact formula for financing campaigns. However, I believe there are several features which should be part of any plan:

First, the plan should require that candidates demonstrate substantial public support before they get public funds to help finance their campaigns. This would guard against frivolous candidates depleting the limited public funds available. The matching formula in the Presidential primaries provided a successful link between total public funds received and a candidate's ability to demonstrate citizen support through small private donations.

Second, the limit on overall expenditures should not be excessively low so as to prevent an adequate presentation of candidates and their platforms to the people.

Third, we should ensure that candidates who accept public financing are not placed at a serious disadvantage in competing with opponents who have extraordinarily abundant private funds. Under the recent Supreme Court ruling, if a candidate refuses to accept public financing, then no limitation can be imposed on the amount of personal or other private funds which may be spent on the campaign. But if a less wealthy opponent does accept public financing, stricter spending limits would be imposed on him than on his opponent. I hope Congress will address this problem.

Fourth, I favor the broadest possible application of public financing. It should apply to primaries as well as general elections. I hope the Congress will act soon to pass legislation so that public financing can be available for the 1978 Congressional campaigns. It is important to begin now with public financing for general elections, even if a plan for primaries cannot be adopted this year.

STRENGTHENING THE FEDERAL ELECTION CAMPAIGN ACT

While public financing of the last Presidential election was highly successful, my third suggestion is for certain modifications which our experience has shown could make the system work even better.

We noticed, for example, that there was less activity than in the past at the state and local level during the general election campaign. Opportunities should be available for more grass-roots participation on Presidential races. This could be accomplished by allowing Presidential candidates to designate one committee in each state to raise and spend a limited amount of money for campaign activities within the state. A reasonable limit for this activity might be 2¢ per eligible voter. Such committees could be allowed to delegate spending authority to local committees, but they should still be responsible for reporting contributions and expenditures. Also, when Congressional candidates mention in their advertising the Presidential nominee of their party, the expenditure should not have to be reported by the Presidential candidate.

Another useful change would be to grant Presidential candidates an additional amount to cover the great costs of complying with election laws—for example, filing the many necessary financial reports. We should prohibit the private raising of funds for this purpose.

We could also simplify the reporting of contributions and expenditures by directing the Federal Election Commission to establish common reporting and accounting systems to be used by all candidates.

Finally, we must clarify the law as it applies to the financial aspects of the delegate selection process. Contributions to delegates, or candidates for delegate, should be charged against a Presidential candidate only when such delegates are pledged to the specific candidate. Also, a delegate's expenses for attending a convention should not be considered as contributions or expenditures for the candidate he or she supports.

DIRECT POPULAR ELECTION OF THE PRESIDENT

My fourth recommendation is that the Congress adopt a Constitutional amendment to provide for direct popular election of the President.

Such an amendment, which would abolish the Electoral College, will insure that the candidate chosen by the voters actually becomes President. Under the Electoral College, it is always possible that the winner of the popular vote will not be elected. This has already happened in three elections, 1824, 1876, and

1888. In the last election, the result could have been changed by a small shift of votes in Ohio and Hawaii, despite a popular vote difference of 1.7 million.

I do not recommend a Constitutional amendment lightly. I think the amendment process must be reserved for an issue of overriding governmental significance. But the method by which we elect our President is such an issue.

I will not be proposing a specific direct election amendment. I prefer to allow the Congress to proceed with its work without the interruption of a new proposal.

POLITICAL RIGHTS OF FEDERAL EMPLOYEES

My fifth and final recommendation concerns the political rights of federal employees.

Over 2.8 million federal employees, including postal workers and workers for the District of Columbia, are now denied a full opportunity to participate in the electoral process. Unlike other Americans, they cannot run as a partisan candidate for any public office, cannot hold party office, and cannot even do volunteer work in a partisan political campaign.

I favor revising the Hatch Act to free those federal employees not in sensitive positions from these restrictions. There should be exceptions for those employees who must retain both the appearance and the substance of impartiality. For employees in such sensitive positions who are not subject to Senate confirmation, restrictions on political activity are necessary. Acting on standards prescribed by Congress, the Civil Service Commission should determine which positions should be treated as sensitive in all relevant government agencies.

Under such a Hatch Act revision, the vast majority of federal employees would be able to participate in federal, state and local elections and other political functions. But, federal employees have a special obligation not to abuse their public service responsibility. I favor strong penalties for any federal employee who attempts to influence or coerce another federal employee into political activity, or who engages in political activity while on the job. I also favor maximum reliance on a strong Civil Service Commission to vigorously prosecute employees who violate regulations against this kind of behavior.

JIMMY CARTER.

THE WHITE HOUSE, *March 22, 1977.*

INTERNATIONAL BROADCASTING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 95–107)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

In my letters to the Speaker and to the President of the Senate of January 31, I stated that my advisers were reviewing a report on international broadcasting in compliance with Section 403 of the Foreign Relations Authorization Act, Fiscal Year 1977. That review is now finished.

This Administration firmly supports U.S. international broadcasting as part of our commitment to the freer flow of information and ideas. Among the most valuable instruments we have for this purpose are our international radios—the Voice of America (VOA) and Radio Free Europe/Radio Liberty (RFE/RL)—which for many years have been a vital part of the lives of the peoples of Eastern Europe and the Soviet Union. My review of the U.S. international broadcasting effort has led me to the following conclusions, which are reflected in the attached report:

(1) Present U.S. international broadcast transmission facilities are inadequate; 16 additional 250 kilowatt transmitters for broadcasts to the Soviet Union and Eastern Europe are needed by VOA and RFE/RL and can be installed in a period of 3 to 5 years;

(2) There is no significant unused transmitter capacity available for sharing among U.S. broadcasters or between U.S. and other Western broadcasters;

(3) A comprehensive outline of U.S. worldwide broadcasting needs indicates a requirement for 12 additional VOA transmitters for broadcast to Asia and Africa, beyond those required for European broadcasts;

(4) Extending Board for International Broadcasting-type transmissions to other nations where access to information is restricted would be highly impractical for a variety of reasons.

This report is transmitted pursuant to the requirements of P.L. 94–350, and I believe that implementation of its recommendations can assure the United States of effective broadcasting programs in the years ahead.

JIMMY CARTER.

THE WHITE HOUSE, *March 22, 1977.*

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4250, COLLECTIVE BARGAINING AND SITUS PICKETING PROTECTION FOR CRAFT AND INDUSTRIAL WORKERS

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. 95–102), on the resolution (H. Res. 423) providing for consideration of H.R. 4250, collective bargaining and situs picketing protection for craft and industrial workers, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5040, AUTHORIZING ADDITIONAL APPROPRIATIONS FOR DEPARTMENT OF STATE FOR FISCAL YEAR 1977

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. 95–103), on the resolution (H Res. 424) providing for consideration of H.R. 5040, to authorize additional appropriations for the Department of State for fiscal year 1977, which was referred to the House Calendar and ordered to be printed.

CALL OF THE HOUSE

Mr. WRIGHT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 88]

Andrews, N.C.	Foley	Pike
Andrews, N. Dak.	Fountain	Quillen
	Giaimo	Robinson
Beilenson	Harsha	Roe
Biaggi	Heckler	Roncalio
Brodhead	Heftel	Ruppe
Burton, John	Hubbard	Scheuer
Cederberg	Jeffords	Sisk
Clay	Kemp	Staggers
Cornwell	Leggett	Stokes
Coughlin	Luken	Teague
Dent	Milford	Tucker
Derwinski	Moffett	Udall
Diggs	Moorhead, Pa.	Ullman
Drinan	Murphy, N.Y.	Wiggins
English	Ottinger	Young, Alaska

The SPEAKER. On this rollcall 385 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE REPORT ON H.R. 5045, REORGANIZATION ACT OF 1977

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight tonight to file a report on H.R. 5045, the Reorganization Act of 1977.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 3(b) of rule XXVII, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule 15.

After all motions to suspend the rules have been entertained and debated and after those motions, to be determined by "nonrecord" votes have been disposed of, the Chair will then put the question on each motion on which the further proceedings were postponed.

VOCATIONAL EDUCATION TECHNICAL AMENDMENTS

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3437) to make certain technical and miscellaneous amendments to provisions relating to vocational education contained in the Education Amendments of 1976, as amended.

The clerk read as follows:

H.R. 3437

A bill to make certain technical and miscellaneous amendments to provisions relating to vocational education contained in the Education Amendments of 1976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Vocational Education Act of 1963 is amended as follows:

(1) Section 102(a) of the Vocational Education Act of 1963 is amended by striking out "$1,325,000' and inserting in lieu thereof "$1,325,000,000", and by striking out "$1,-485,000" and inserting in lieu thereof "$1,-485,000,000".

(2) Section 102(d) of such Act is amended by inserting "and" after paragraph (2) and by striking out "; and, (4) State administration of vocational educational programs assisted under this Act".

(3) Section 103(a)(1)(A) (as in effect on October 12, 1976, pursuant to section 204 (a)(2)(B) of the Education Amendments of 1976) of such Act is amended by inserting "(b)(1)" immediately after "161".

(4)(A) Section 103(a)(1)(B)(iii) of such Act is amended by striking out the last sentence and inserting in lieu thereof: "Beginning in the fiscal year 1979, the Bureau of Indian Affairs shall expend an amount equal to the amount made available under this subparagraph to pay a part of the costs of programs funded under this subparagraph. During each of the fiscal years covered by this subparagraph, the Bureau of Indian Affairs shall expend no less than the amount expended during the prior fiscal year on vocational education programs, services, and activities. The Commissioner and the Commissioner of Indian Affairs shall jointly prepare a plan for the expenditure of funds made available and for the evaluation of programs assisted under this subparagraph. Upon the completion of a joint plan for the expenditure of these funds and the evaluation of the programs, the Commissioner shall assume responsibility for the administration of the program, with the assistance and consultation of the Bureau of Indian Affairs.".

(B) Section 103(a)(1)(B)(iii) of such Act is further amended by striking out "which has contracted" in the first sentence and inserting in lieu thereof "which is eligible to contract".

(C) Section 103(c)(1)(B) of such Act is amended by inserting "the Northern Mariana Islands," immediately after "the Virgin Islands," in both places where that term occurs.

(5)(A) Section 105(a)(20) of such Act is amended by striking out "clauses of this paragraph" and inserting in lieu thereof "clauses of this sentence".

(B) Section 105(d)(4)(A) of such Act is amended by inserting "special education," after "vocational rehabilitation,".

(6)(A) The first sentence of section 105 (f)(1) of such Act is amended by striking out "$8,000,000 for fiscal year 1982" and by inserting in lieu thereof "$10,000,000 for fiscal year 1982".

(B) The second sentence of section 105 (f)(1) of such Act is amended by inserting immediately after "State advisory councils" the following: "from amounts allotted to such advisory councils in accordance with the method for allotment contained in section 103(a)(2),".

(C) The third sentence of section 105(f) (1) of such Act is amended by inserting "the Northern Mariana Islands," immediately after "American Samoa,".

(7) Section 106(a)(8) of such Act is amended by inserting ")" after "under subpart 5 of this part".

(8) Section 107(a)(1) (as in effect on October 12, 1976, pursuant to section 204(a)(2)(A) of the Education Amendments of 1976) of such Act is amended by inserting immediately before the period at the end of the first sentence thereof "in which the plan is submitted", and in the fifth sentence thereof by striking out "(a)" and inserting in lieu thereof "(A)", by striking out "(b)" and inserting in lieu thereof "(B)", and by striking out "(c)" and inserting in lieu thereof "(C)".

(9) Sections 110(a) and 110(b)(1) of such Act are amended to read as follows:

"Sec. 110. (a) For each fiscal year, at least 10 per centum of each State's allotment under section 103 from appropriations made under section 102(a) shall be used to pay up to 50 per centum of the cost of programs, services, and activities under subpart 2 and of program improvement and supportive services under subpart 3 for handicapped persons.

"(b)(1) For each fiscal year, at least 20 per centum of each State's allotment under section 103 from appropriations made under section 102(a) shall be used to pay up to 50 per centum of the cost of programs, services, and activities under subpart 2 and of program improvement and supportive services under subpart 3 for disadvantaged persons (other than handicapped persons), for persons who have limited English-speaking ability, and for providing stipends authorized under section 120(b)(1)(G).".

(10) Section 110(c) of such Act is amended to read as follows:

"(c) For each fiscal year, at least 15 per centum of each State's allotment under section 103 from appropriations made under section 102(a) shall be used to pay up to 50 per centum of the cost of programs, services, and activities under subpart 2 and of program improvement and supportive services under subpart 3 for (1) persons who have completed or left high school and who are enrolled in organized programs of study for which credit is given toward an associate or other degree, but which programs are not designed as baccalaureate or higher degree programs, and (2) persons who have already entered the labor market, or are unemployed, or who have completed or left high school and who are not described in paragraph (1).".

(11) Section 111(a)(1) of such Act is amended by striking out "equal to" in the first place where that term occurs and inserting in lieu thereof "not to exceed" and by inserting immediately after "Islands" the following: ", the Northern Mariana Islands, Guam, the Virgin Islands,".

(12) Section 111(a)(1)(B) of such Act is amended by striking out "section" and inserting in lieu thereof "sections" and by striking out "vocational education programs" and by inserting in lieu thereof "programs, services, and activities under subpart 2 and program improvement and supportive services under subpart 3".

(13) Section 111(a)(1)(C) of such Act is amended by striking out "described in sections 122(f), 133(b), and 140" and inserting in lieu thereof "provided in accordance with sections 122(f), 132(b), and 140(b)(2)".

(14) Section 111(a)(1) of such Act is further amended by redesignating clause (C) as clause (D), by striking out "and" after clause (B), and by inserting immediately below clause (B) the following new clause:

"(C) a part of the costs of supervision and administration of vocational education programs by an eligible recipient, except that such payment shall not exceed a percentage of such costs equal to the percentage of the total costs of the vocational education program of such eligible recipient paid for from this section; and"

(15) Section 111(a)(2)(A) of such Act is amended to read as follows:

"(2)(A) In addition, the Commissioner shall pay, from each State's allotment under section 103 from appropriations made under section 102(a), an amount not to exceed the Federal share of the cost of State administration of such plans.".

(16)(A) Section 111(a)(2)(B) is amended by striking out "for the fiscal year preceding fiscal year 1978" and by inserting in lieu thereof "for the latest fiscal year for which reliable data is available preceding fiscal year 1978".

(B) Section 120(a) of such Act is amended by inserting immediately after "vocational education programs" the following: "and other programs, services, and activities operated".

(17)(A) Section 120(b)(1) of such Act is amended by striking out "and" at the end of clause (L), by striking out the period at the end of clause (M) and inserting in lieu thereof a semicolon, and by adding at the end thereof the following new clauses:

"(N) provision of vocational training through arrangements with private vocational training institutions where such private institutions can make a significant contribution to attaining the objectives of the State plan, and can provide substantially equivalent training at a lesser cost, or can provide equipment or services not available in public institutions; and

"(O) subject to the provisions of section 111, the costs of supervision and administration of vocational education programs by eligible recipients, and State administration of the five-year plan submitted pursuant to section 107 and of the annual program plan submitted pursuant to section 108, except that not more than 80 per centum of the amount of payments determined under section 111 for such purposes shall be made from grants under this subpart."

(B) Section 122 (g) of such Act is amended by striking out "used for purposes of this section" and inserting in lieu thereof "made available under this section to accommodate students in nonprofit private schools".

(C) Section 130(b) of such Act is amended by striking out "and" after paragraph (5), by striking out the period at the end of such section and inserting in lieu thereof "; and", and by inserting immediately below paragraph (6) of such section the following new paragraph:

"(7) subect to the provisions of section 111, the costs of supervision and administration of vocational education programs by eligible recipients, and State administration of the five-year plan submitted pursuant to section 107 and of the annual program plan submitted pursuant to section 108, except that not more than 20 per centum of the amount of payments determined under section 111 for such purposes shall be made from grants under this subpart.".

(18)(A) Section 131(a) of such Act is amended by striking out "coordination" and inserting in lieu thereof "coordinating".

(B) That portion of section 132(a) of such Act preceding paragraph (1) is amended to read as follows:

"Sec. 132. (a) Funds available to the States under section 130(a) may be used for contracts by State research coordinating units pursuant to comprehensive plans of program improvement for the support of exemplary and innovative programs, including—".

(C) Section 132(b) of such Act is amended by inserting immediately after "Federal funds" the following: "made available under this section to accommodate students in nonprofit private schools".

(19) That portion of section 133(a) of such Act preceding paragraph (1) is amended to read as follows:

"Sec. 133. (a) Funds available to the States under section 130(a) may be used for contracts by State research coordinating units pursuant to comprehensive plans of program improvement for the support of curriculum development projects, including—".

(20) Section 134(a) of such Act is

amended by striking out "shall include" and by inserting in lieu thereof "shall include one or more of the following activities".

(21) Section 161(a)(1) of such Act is amended by striking out "section 112" and by inserting in lieu thereof "section 112(b)".

(22) Section 161(a)(3)(A) of such Act is amended by striking out "October 1, 1977" and by inserting in lieu thereof "October 1, 1978".

(23) Section 161(b)(1) (as in effect on October 12, 1976, pursuant to section 204(a)(2)(B) of the Education Amendments of 1976) of such Act is amended by inserting immediately after "in effect" in the second sentence the following: "on the date of the enactment of the Education Amendments of 1976 and", and in clause (B) by striking out "September 30, 1977" and by inserting in lieu thereof "September 30, 1978".

(24)(A) Section 162(b)(4)(A) of such Act is amended by inserting "special education," after "vocational rehabilitation,".

(B) Section 162(c) of such Act is amended by striking out "paragraph" in the first sentence thereof and inserting in lieu thereof "subsection", and by adding at the end of such section the following new sentence: "The National Council may accept gifts if the acceptance of such gifts will better enable it to carry out its functions under this section.".

(25) Sections 191 and 192 of such Act are each amended by striking out "part" and inserting in lieu thereof "subpart", and such section 191 is further amended by striking out "August 2" and inserting in lieu thereof "August 12".

(26)(A) Section 195(7) of such Act is amended by striking out "crippled" and inserting in lieu thereof "orthopedically impaired" and by inserting immediately after "impaired persons" the following: ", or persons with specific learning disabilities,".

(B) Section 195(8) of such Act is amended by inserting "the Northern Mariana Islands," immediately after "American Samoa,".

(27) Section 195(15) of such Act is amended by striking out "designating" and inserting in lieu thereof "designing".

(28)(A) Section 107(b)(4) of the Comprehensive Employment and Training Act of 1973 is amended by inserting "special education," after "vocational rehabilitation,".

(B) Section 503(5) of the Comprehensive Employment and Training Act of 1973 is amended by inserting "special education," after "vocational rehabilitation,".

(29) Section 203 of the Education Amendments of 1976 is amended by adding at the end thereof the following:

"(c)(1) Section 104 of the Vocational Education Amendments of 1968 is amended by adding before the period at the end thereof the following: '(as such Act will be in effect on October 1, 1977)'.

"(2) The amendment made by this section shall be effective on and after October 1, 1977.".

(30) The first sentence of section 523(b)(2) of the Education Amendments of 1976 is amended by striking out "September 30, 1979" and by inserting in lieu thereof "September 30, 1980" and by striking out "September 30, 1980" and by inserting in lieu thereof "September 30, 1981". The first sentence of such section 523(b)(2) is further amended by striking out everything which appears after "under this section".

(31)(A) Section 523(b)(3) of the Education Amendments of 1976 is amended by striking "section" at the end of the first sentence and by inserting in lieu thereof "subsection concerning the National Institute of Education", and the second sentence of such section is amended by striking "October 1, 1979" and by inserting in lieu thereof "October 1, 1981".

(B) The amendments made by subparagraph (A) shall take effect on and after October 1, 1977.

SEC. 2. Except where otherwise specifically indicated, any reference in the first section of this Act to the Vocational Education Act of 1963 means such Act as in effect on October 1, 1977.

The SPEAKER. Is a second demanded?

Mr. QUIE. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. PERKINS. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, H.R. 3437 contains technical amendments and some minor substantive amendments to the Public Law we passed last year amending the Vocational Education Act of 1963.

Almost all of the amendments contained in the bill correct printing or clerical errors which appear in the public law, or delay the submission date for reports to the Congress.

The one susbtantive area which the bill deals with is the question of how much in Federal funds ought to be used for paying for State and local administration of vocational education programs.

The 1976 amendments to the Vocational Education Act are scheduled to go into effect October 1, 1977. These amendments require States to match with State funds any Federal funds which are used for State administration of the program. They also limit the use of Federal funds for this purpose to no more than $25 million a year.

H.R. 3437 removes the $25 million limitation, but continues the requirement that the States must match these Federal funds. This will mean that by 1980 each Federal dollar used for State administration will have to be matched by a State dollar. We believe that this matching requirement will serve as a sufficient check on States which want to use unduly large amounts of Federal funds for this purpose.

Regarding local administration, the 1976 amendments would have repealed the authority for Federal funds to be used for this purpose. The bill before us today restores that authority, but forbids any local school district or community college from using more in Federal funds for local administration than it is receiving in Federal funds for the total support of its program.

This means that if a school district received 10 percet of its vocational education funds from the Federal Government, it can pay for up to 10 percent of its cost of local administration from these Federal funds.

To summarize, the bill increases the flexibility States will have in using Federal funds for administration, but it contains sufficient safeguards against an undue use of these funds for that purpose.

Mr. Speaker, I would like to insert in the RECORD at this point a few tables showing the percentages of their total Federal vocational education expenditures and their total State and local vocational expenditures States are using to support State and local administration. Table I shows the amounts and percentages used for State administration. Table II shows the amounts and percentages for local administration.

The tables follow:

TABLE I.—EXPENDITURES FOR STATE ADMINISTRATION IN VOCATIONAL EDUCATION, FISCAL YEAR 1976

State	Expenditures for State administration from State/local funds	Percent of total State/local vocational education expenditures	Expenditures for State administration from Federal funds	Percent of total Federal vocational education expenditures	Total expenditures for State administration	Percent of total vocational education expenditures
Alabama	$1,063,357	2.8	$1,399,501	12.3	$2,462,858	5.0
Alaska	128,110	2.3	253,559	18.5	381,669	5.5
Arizona	263,652	1.2	858,757	14.1	1,122,409	3.9
Arkansas	275,412	1.1	763,017	11.6	1,038,429	3.3
California	0	0	6,370,080	8.1	6,370,080	1.4
Colorado	148,907	.4	1,201,710	16.7	1,350,617	3.0
Connecticut	2,089,668	5.3	655,931	9.8	2,745,599	6.0
Delaware	210,981	2.1	268,848	17.0	479,829	4.2
Florida	306,212	.1	4,389,491	22.0	4,695,703	2.0
Georgia	944,960	1.8	919,620	6.6	1,864,580	2.8
Hawaii	163,309	1.9	141,874	5.3	305,183	2.7
Idaho	614,698	.4	0	0	614,698	.4
Illinois	974,197	3.9	1,305,243	10.1	2,279,440	6.0
Indiana	445,608	2.5	848,856	6.6	1,294,464	3.4
Iowa	636,885	1.4	636,886	8.1	1,273,771	2.3
Kansas	262,296	1.3	306,505	4.9	568,801	2.2
Kentucky	3,335,515	9.8	671,412	6.8	4,006,927	9.1
Louisiana	440,000	1.1	229,000	1.8	669,000	1.3
Maine	241,333	2.5	289,885	9.1	531,218	4.1
Maryland	535,388	.8	576,762	14.8	1,112,150	1.5
Massachusetts	234,537	.1	1,602,507	12.3	1,837,044	1.0
Michigan	667,703	.6	1,736,054	10.0	2,403,757	1.8
Minnesota	$167,061	.2	$785,950	9.4	$953,011	1.0
Mississippi	1,116,563	3.5	364,355	5.9	1,480,918	3.9
Missouri	22,651	.04	1,183,279	10.6	1,205,930	1.9
Montana	150,000	1.9	289,380	11.6	439,380	4.3
Nebraska	224,859	1.6	291,227	6.6	516,086	2.8
Nevada	195,000	5.7	195,000	20.8	390,000	8.9
New Hampshire	152,015	1.8	543,576	21.3	695,591	6.4
New Jersey	869,104	1.4	1,667,702	10.6	2,536,806	3.3
New Mexico	284,750	2.4	321,697	11.0	606,447	4.1
New York	946,729	.2	3,084,861	10.6	4,031,590	.8
North Carolina	4,031,893	2.8	425,609	2.7	4,457,502	2.8
North Dakota	256,663	3.6	303,463	12.9	560,126	5.9
Ohio	92,801	.07	2,091,598	10.1	2,184,399	1.4
Oklahoma	1,085,072	2.9	1,294,476	14.7	2,379,548	5.1
Oregon	250,771	1.1	783,086	9.6	1,033,857	3.4
Pennsylvania	461,194	.2	2,005,122	6.3	2,466,316	1.1
Rhode Island	20,000	.1	318,000	9.4	338,000	1.6
South Carolina	687,699	.9	782,127	9.6	1,469,826	1.7
South Dakota	123,975	.2	161,678	5.5	285,653	3.1
Tennessee	1,926,493	1.7	414,481	2.8	2,340,974	1.8
Texas	0	0	3,616,372	27.0	3,616,372	2.1
Utah	339,341	1.7	242,051	4.5	581,392	2.3

TABLE I.—EXPENDITURES FOR STATE ADMINISTRATION IN VOCATIONAL EDUCATION, FISCAL YEAR 1976—Continued

State	Expenditures for State administration from State/local funds	Percent of total State/local vocational education expenditures	Expenditures for State administration from Federal funds	Percent of total Federal vocational education expenditures	Total expenditures for State administration	Percent of total vocational education expenditures
Vermont	$177,743	2.5	$103,303	6.6	$281,046	3.2
Virginia	1,290,238	1.6	73,813	.5	1,364,051	1.5
Washington	647,413	.7	1,583,868	19.6	2,231,281	2.1
West Virginia	285,391	1.3	604,503	10.0	809,894	2.9
Wisconsin	$698,304	.8	$1,991,157	19.5	$2,689,461	2.7
Wyoming	123,239	2.4	189,389	14.5	312,628	4.9
Total	30,609,690	.8	51,136,621	9.5	81,746,311	2.0

TABLE II.—EXPENDITURES FOR LOCAL ADMINISTRATION IN VOCATIONAL EDUCATION, FISCAL YEAR 1976

State	Expenditures for local administration from State/local money	Percent of total State/local vocational expenditures	Expenditures for local administration from Federal money	Percent of total Federal vocational expenditures	Total expenditures for local administration	Percent of total vocational education expenditures
Alabama	$1,486,437	4.0	$155,448	1.4	$1,641,886	3.4
Alaska	209,000	3.7	0	0	209,000	3.0
Arizona	249,570	1.1	546,185	9.0	795,755	2.7
Arkansas	2,369,897	9.6	723,276	11.0	3,093,173	9.9
California	13,285,532	3.6	1,476,170	1.9	14,761,702	3.3
Colorado	2,331,299	6.0	0	0	2,331,299	5.0
Connecticut	1,600,000	4.1	240,000	3.6	1,840,000	4.0
Delaware	285,000	3.0	0	0	285,000	2.5
Florida	1,845,000	.8	0	0	1,845,000	.8
Georgia	4,396,511	8.1	624,283	4.5	5,020,794	7.4
Hawaii	0	0	0	0	0	0
Idaho	593,245	6.8	96,755	3.6	690,000	6.0
Illinois	1,000,000	.6	1,000,000	5.5	2,000,000	1.1
Indiana	1,188,985	4.7	714,480	5.5	1,903,465	5.0
Iowa	4,828,234	10.3	761,294	9.7	5,589,528	10.2
Kansas	645,764	3.2	248,371	4.0	894,135	3.4
Kentucky	2,005,460	5.9	0	0	2,005,460	4.6
Louisiana	421,645	1.1	448,479	3.4	870,124	1.6
Maine	726,792	7.4	55,000	1.7	781,792	6.0
Maryland	3,081,837	4.3	123,000	3.2	3,204,906	4.3
Massachusetts	5,538,188	3.2	0	0	5,538,188	3.0
Michigan	9,433,412	8.3	357,189	2.1	9,790,601	7.5
Minnesota	8,350,000	9.7	750,000	9.0	9,100,000	9.6
Mississippi	1,751,991	5.4	177,145	2.9	1,929,136	5.0
Missouri	2,786,595	5.2	34,640	.3	2,821,235	4.3
Montana	283,421	3.6	33,188	1.3	316,609	3.1
Nebraska	$458,840	3.2	$135,571	3.1	$594,441	3.2
Nevada	585,277	17.1	125,000	13.3	710,277	16.3
New Hampshire	300,000	3.6	100,000	3.9	400,000	3.7
New Jersey	7,461,502	12.4	0	0	7,461,502	9.9
New Mexico	277,216	2.3	0	0	277,216	1.9
New York	824,197	.2	575,000	2.0	1,399,197	.3
North Carolina	1,197,619	.8	194,514	1.2	1,392,133	.9
North Dakota	385,975	5.4	0	0	385,975	4.1
Ohio	10,779,182	7.8	3,741,244	18.0	14,520,426	9.1
Oklahoma	2,488,658	.6	197,204	2.2	2,685,862	5.8
Oregon	2,550,000	11.4	460,000	5.6	3,010,000	10.0
Pennsylvania	6,520,320	3.5	525,040	1.6	7,045,360	3.2
Rhode Island	710,000	4.0	540,000	16.0	1,250,000	5.9
South Carolina	1,370,318	1.8	159,377	2.0	1,529,695	1.8
South Dakota	362,420	5.8	171,732	5.8	534,152	5.8
Tennessee	6,210,053	5.3	835,192	5.6	7,045,245	5.4
Texas	3,000,000	1.9	210,000	1.6	3,210,000	1.9
Utah	1,051,264	5.1	185,517	3.5	1,236,781	4.9
Vermont	307,112	4.3	0	0	307,112	3.5
Virginia	3,585,772	4.6	0	0	3,585,772	3.9
Washington	18,492,423	19.0	1,495,184	18.5	19,987,607	19.0
West Virginia	1,986,291	7.1	2,752	.04	1,989,043	9.1
Wisconsin	26,705,053	29.4	1,987,329	19.5	29,692,382	28.4
Wyoming	4,688,865	91.9	812,399	62.2	5,501,264	85.8
Total	172,991,172	4.9	21,018,054	3.9	194,010,199	4.9

H.R. 3437 also proposes several minor substantive amendments to the new vocational education amendments which are to go into effect October 1, 1977. We delayed the implementing of these amendments for 1 year from their enactment date because we wanted State and local people to review them and to suggest improvements. Most of these minor amendments are based on such suggestions. These amendments, in general, make clear what we originally intended.

The minor amendments are the following:

First. Beginning in fiscal 1979, the Bureau of Indian Affairs must match on a dollar-for-dollar basis the funds the Commissioner of Education uses to contract with Indian tribes for vocational programs and the BIA must also maintain its own vocational programs at the same level of expenditure;

Second. The Northern Mariana Islands are treated as a separate entity for receipt of funds;

Third. Special education programs must be reviewed by the State and national advisory councils;

Fourth. The authorization of appropriation for the State advisory councils is increased by $2 million in fiscal 1982;

Fifth. The 50 percent matching requirement is removed for the Northern Mariana Islands, Guam, and the Virgin Islands;

Sixth. The waiver for fiscal 1978 of the State matching requirement for State administration is to be made on the basis of the best data from the most recent preceding fiscal year instead of fiscal 1977;

Seventh. The contracting authority for private trade schools is restored;

Eighth. The State research coordinating units are to coordinate all research, demonstration, and curriculum development programs;

Ninth. The implementation date for the new data systems is delayed for 1 year;

Tenth. The National Advisory Council on Vocational Education is allowed to accept gifts;

Eleventh. The definition of "handicapped" is expanded to include the learning disabled; and

Twelfth. The submission date is delayed for 1 year for the reports on vocational education by the National Institute of Education.

Therefore, Mr. Speaker, I urge the House to suspend the rules and pass H.R. 3437.

Mr. CORNELL. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Wisconsin (Mr. CORNELL).

Mr. CORNELL. I thank the gentleman for yielding.

Mr. Speaker, I would like to call the Chairman's attention to page 4 of the committee report, at the bottom of the page. It states:

Some concern has been expressed about the committee's proposed technical amendment in H.R. 3437 to require that State research coordinating units make all contracts within State for research, exemplary programs, and curriculum development. The committee proposes this amendment . . . because it believes that research, demonstration, and curriculum development must be tied together into one coherent strategy of program improvement within each State if we are to achieve the most efficient and effective use of these Federal funds . . . We wish to emphasize, however, that funds used for these purposes must be governed by the State plan for vocational education, the same as any other Federal funds received under the act are governed within the State.

The question I would like to ask the chairman is:

Does this amendment mean that the research coordinating units and the funds they spend will be under the jurisdiction of a sole State agency?

Mr. PERKINS. Mr. Speaker, let me thank the gentleman from Wisconsin for asking this question. I think it is very important for us to realize that all of these vocational education programs in the States are carried out through State plans, and the coordinating research units which will fund the research, demonstration, and curriculum development

programs that the gentleman from Wisconsin is inquiring about have to carry out these programs in the same way under a State plan as all other agencies involved in the State. There is nothing contrary, it will not operate in any other way except as the other programs operate, through the State plan.

Mr. CORNELL. I thank the gentleman.

Mr. QUIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, so far as I know there are no major controversies with respect to this legislation. Some members of our committee unsuccessfully sought additional changes to the 1976 act which would alter the scheme for allocation of Federal funds between supportive services, such as counseling and guidance; and vocational programs, such as the regular instructional program, cooperative education, et cetera, but the bill was reported unanimously.

This bill for the most part makes necessary technical amendments, most of which are to correct typographical errors. There are a few substantive amendments which have been described by Chairman PERKINS. I would like to discuss two of those briefly.

In the new Vocational Education Act up to 1 percent of the funds appropriated under section 102(a), which is the main authorization for the act, are reserved for the Commissioner of Education for the improvement of vocational education for Indians. It is anticipated that most, perhaps all, of the reserved funds would be used to contract with tribal organizations of tribes which are eligible to contract for the administration of programs under the Indian Self-Determination Act. Any remaining reserved funds would be transferred to the Bureau of Indian Affairs, pursuant to an agreement with the Commissioner of Education, for the support of vocational programs in BIA schools.

However, the Bureau of Indian Affairs would be required to match all of the funds made available under this provision to pay part of the costs of the programs assisted by such funds. The amendment in H.R. 3437 makes this matching requirement effective for fiscal year 1979 and succeeding years in order to assure time for additional appropriations to be requested by the Bureau and made by the Congress. Otherwise, such funds might have to come from existing program funds, which was not our intent. H.R. 3437 also clarifies the relationship between the Commissioner of Education and the Commissioner of the Bureau of Indian Affairs. They are to jointly prepare a plan for the expenditure of funds made available under this provision and the evaluation of programs assisted thereby. Having done so, the Commissioner of Education would assume responsibility for administration of the program, but with the assistance of and consultation with the Bureau of Indian Affairs.

Finally, the original provision is amended to make clear that tribes which are eligible to contract under the Indian Self-Determination Act may participate even if they have not made such contracts. These clarifying and perfecting amendments were worked out with the assistance and suggestions of my colleague, Mr. BLOUIN, who heads our new full Committee Task Force on Indian Education. I greatly appreciate his assistance in making this a much better and clearer provision.

At this point, I submit for the RECORD a condensed version of the report issued by the Task Force on Native American Vocational Education, which task force was established by the National Advisory Committee on Vocational Education:

OBSERVATIONS ON THE CURRENT STATUS OF VOCATIONAL EDUCATION FOR NATIVE AMERICANS

With few notable exceptions, there are virtually no adequate secondary-level vocational education programs available on or near Indian reservations.

It should be noted that several witnesses did state that they believed Indian students to be enrolled in some high school vocational courses; however, states are often unable to identify Indian students. It is the interpretation of this Task Force that if a state cannot determine how many Indian students are enrolled and identify the programs in which they are enrolled, it is difficult to believe that the students are enrolled in programs which are truly planned to meet the needs and priorities of the tribes.

Even in the exceptional cases where programming was designed to meet Indian needs, it should be noted that considerable void in certain occupational areas and localities was identified by tribes. Tribal representatives frequently documented current and potential jobs available on or near their reservations which their people are not trained to fill. In several situations, the Ft. Mojave and San Carlos, for example, tribes will have to hire non-Indians to fill tribally funded positions and occupations. Even the Navajo Nation, largest of the Indian populations in the country, must hire non-Indians to fill some tribal staff positions. Several Tribal Chairmen stated that they may not be able to implement tribal economic development plans and/or attract outside industry to reservation areas because there is a lack of trained personnel. Yet unemployment figures of 40–90% were cited by most witnesses.

United Tribes of North Dakota Educational Technical Center and the educational programs of the Minnesota Chippewa Tribe are two of the rare examples of Indian controlled vocational education spanning the secondary and postsecondary levels. Both employ a majority of Indian personnel and are located near the residences of the majority of their students. The Minnesota Chippewas have utilized a variety of funding sources to combine vocational education funds, manpower, BIA, and other sources to develop and implement education and training supported by additional and supplemental services. United Tribes of North Dakota is residential, combines funding and provides concentrated support services, as well as curriculum development. The testimony texts of these two exemplary projects are included in the Rapid City Hearing section of this report.

Postsecondary vocational education is improving through the addition of the Indian Community Colleges to the existing BIA-supported schools. Funded through Higher Education Act Title III monies for developing Institutions, the Indian Community Colleges hold promise of being able to provide a variety of certificate and associate degree programs for Indian students. Witnesses representing American Indian Satellite Community College in Winnebago, Nebraska; Oglala Sioux Community College, Pine Ridge, South Dakota; Turtle Mountain, Standing Rock, and Little Hoop Community Colleges in North Dakota, and Miles City Community College, Montana provided testimony regarding the progress of their institutions and the effective coordination and assistance being maintained with existing community colleges in their respective states. . . .

Flexibility in regulations will be extremely important. Not only the culture of each tribe, but also the size and location will have considerable influence upon the priorities each will assign to vocational education. Some tribes, the Yakima Nation for example, placed high priority on the need for Indian teachers and counselors, and less emphasis on the location of the facility. Those tribes which were more isolated, e.g., in the Southwest and Mountain Plains area, stated a priority consideration to be the location of the institution. A multi-tribal and/or regional approach appears to be an alternative for some of the tribes with large urban populations, and may well serve the needs of their rural and/or reservation people also. . . .

The funding authorized through the Education Amendments of 1976 is inadequate alone to meet the needs of American Indians. Although the Indian population is approximately 1% in the category specified in the legislation, Indian youth have an unemployment rate significantly higher than the majority of the population. (The exact figure is unknown, but may easily double that of unemployed Black youth, the group usually stated as having the nation's highest rate of unemployment.) Furthermore, the median unemployment rate among Indians may also be considerably higher, necessitating an expansion of the population considered in the formula for determining level of authorization. . . .

SUMMARY OF FINDINGS

Although there were many philosophical differences evident among the presentations of the witnesses, there were central issues common among those who testified. Some of these issues are conceptual, some methodological, some procedural, and all reflect complex constructs. The most frequently stated concerns are noted below.

Community involvement

The involvement of Indian people in the determination of their needs and priorities is mandatory to assure program success. Definitions of "involvement" ranged from parental and/or student advisory committees to tribal decision on all matters related to education. Most of the witnesses felt that "involvement" should mean that Indians representing the local people should participate at all stages of the planning, implementation, and evaluation process.

Economic development

Each tribe's economic development plan should serve as the basis for determining vocational education program needs. In non-Indian vocational education in the State Plan utilizes state manpower needs projections as a data base. Considering the frequent lack of employment now present on or near reservation areas and the need to develop an employment base for economic stability, as well as the documented fact of Indian preference for reservation life, the relationship between education and employment must be closely aligned.

Facility location

The best interests of Indian students will be served if there are two types of facilities available—(1) schools on or very near the reservation for reservations with populations large enough to justify a variety of course offerings and (2) area schools to serve small tribes or a group of tribes needing skill train-

ing in a specific occupational area. Witnesses felt that, in most cases, attempts should be made to provide as many educational options as possible on or near reservations. It was frequently stated that many students have families and cannot afford to move; neither do they have adequate transportation or the accessibility to transportation. In the case of small tribes or the need to provide only a small number of students with specialized training, it may be necessary to develop area schools and provide living and/or transportation stipends.

Career awareness, counseling and guidance

Beginning with the elementary level and continuing through adult education programs, there is a critical need to provide information regarding options in employment and in assisting students to examine their interests and aptitudes. Several witnesses added that there is frequently little understanding of the concept of employment and that short-term "training" programs come to be considered as jobs themselves.

Curriculum

Until other segments of education are improved, vocational education programs will have to include components of remedial reading, writing and computation. Curriculum and materials should be adapted to reflect and to meet the needs of local Indian culture.

RECOMMENDATIONS

Based upon documentation and testimony received during hearings and presented in this report, the Task Force on Native American Vocational Education of the National Advisory Council on Vocational Education recommends the following:

1. That the legislation be amended to require the Bureau of Indian Affairs to match vocational education funds appropriated through the U.S. Office of Education;

2. That the Bureau of Indian Affairs and the U.S. Office of Education share the responsibility for administering and monitoring these funds . . .

3. That the U.S. Office of Education and Bureau of Indian Affairs should provide technical assistance to tribes desiring to submit proposals under this legislation, including:

a. assistance in planning for the ulitization of vocational education funds under this legislation with other existing Education and Bureau authorizations and entitlements;

b. providing awareness of potential for development of curriculum materials, provision of training for teachers and administrators, and development of guidance and counesling programs.

4. That criteria for evaluating proposals submitted under this Section be developed to consider the special needs of the diverse populations to be served, including:

a. That there be an emphasis on the correlation of proposed training to tribal economic development plans and use of tribal economic development and tribal manpower needs, rather than state or other aggregate data, as the basis for documenting need and providing programmatic justification;

b. That planning phases be encouraged;

c. That there be emphasis on coordination of vocational educational funds and programming with other available sources and entitlements, e.g., B.I.A. Employment Assistance and Adult Vocational Education authorizations, Title III of the Elementary and Secondary Education Act, and Title II of the Higher Education Act.

5. That tribes must determine their own education priorities. Although this report and other sources identify areas which appear to be priority concerns, no attempt should be made to establish "national Indian priorities" for funds appropriated under this legislation, or to give preferential consideration to proposals addressing issues determined by Federal, Regional or State Agencies.

A second amendment involves the use of Federal funds for program administration and supervision by local school districts and postsecondary institutions, which would not be an allowable use under the 1976 act. When Chairman PERKINS introduced this bill for he and myself, the bill was silent on this matter because while we did want to permit the use of Federal vocational funds for local administrative costs, we did not want to do so without limitation, and we had not worked out the kind of limitation we wanted. During the subcommittee markup we adopted an amendment offered by me which would tie the percentage of Federal funds used for local administration and supervision to the percentage of such funds used for the total local vocational program. Thus, if a local school district supports 20 percent of its total vocational costs from Federal funds, it could pay for 20 percent of the supervisory and administrative costs of the program from Federal funds. This makes sense for several reasons. The main one is that the Federal funds are supposed to be distributed on the basis of need factors, so that this would mean that poorer districts should receive proportionately more Federal help, and of course would need proportionately more outside support for administration.

We recognize that the quality of local instructional programs is due in no small part to the quality of supervision they receive. At the same time, in some instances we are aware that a disproportionate amount of Federal dollars is used for administrative purposes. Over a 3-year period, the new act phases in 50–50 matching for State-level administrative expenditures from paid Federal funds. However, such an arrangement would not be meaningful at the local level, where some 12 States have no local administrative costs paid from Federal funds and where the national average percentage of such costs is 10.5 percent Federal. This compares with a national average of about 15 percent Federal for total Federal-State-local costs of vocational education. So we felt that the best governor on such use of funds at the local level would be that of the percent of the overall program paid out of the Federal funds, which in turn has a relationship to need factors.

Mr. Speaker, we anticipate continued progress in vocational education at all levels of instruction and in all parts of the Nation under the 1976 act. With its emphasis on comprehensive Statewide planning and program evaluation we should be able to trace this progress State by State in the years ahead, and far more accurately than in the past. I regard vocational education as our most important single weapon in our continuous fight against unemployment and dependency. H.R. 3437 corrects errors and makes substantive improvements in the 1976 act, and I urge its adoption.

Mr. PERKINS. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky (Mr. PERKINS) that the House suspend the rules and pass the bill H.R. 3437, as amended.

The question was taken.

Mr. ROUSSELOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to the provisions of clause 3 of rule XXVII and the prior announcement of the Chair, further proceedings on this motion will be postponed.

Does the gentleman from California (Mr. ROUSSELOT) withdraw his point of order of no quorum?

Mr. ROUSSELOT. I do, Mr. Speaker.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3437, the bill just under consideration.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

HARASSMENT OF SOVIET JEWS AND OTHER MINORITIES

Mr. ZABLOCKI. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 7) relating to the freedom of emigration.

The Clerk read as follows:

S. CON. RES. 7

Whereas the obstruction and harassment of Soviet Jews and other minorities trying to obtain emigration visas to reunite with their families profoundly offends the conscience of a free people; and

Whereas these incidents of Soviet Government-sanctioned ethnic and religious discrimination violate internationally agreed-upon principles of human rights: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the sustained interest of the American people be conveyed to the Soviet Government regarding adherence to the Helsinki Declaration, including their pledge to facilitate freer movement of people, expedite the reunification of families, and uphold the general freedom to leave one's country.

The SPEAKER. Is a second demanded?

Mr. BROOMFIELD. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of Senate Concurrent Resolution 7, expressing the concern of Congress with respect to the harassment of Soviet Jews and other minorities in the Soviet Union.

The resolution was passed by the other body on March 2 by a vote of 91 to 0 and sent to the House.

A similar resolution, House Concurrent Resolution 97, introduced by our colleague, the Honorable ANTHONY TOBY MOFFETT, and 23 cosponsors on February 1 of this year, was considered in open session by the Committee on International Relations on March 15 and ordered favorably reported, with an amendment, by voice vote.

The purpose of the committee's amendment is to conform the resolution to Senate Concurrent Resolution 7.

The committee's amendment in no way alters the original purpose or intent of the House concurrent resolution.

Specifically, the resolution calls attention to the obstruction and harassment of Soviet Jews and other minorities in the Soviet Union who are trying to obtain emigration visas to reunite with their families and to the fact that such Soviet Government-sanctioned ethnic and religious discriminatory acts violate internationally agreed upon principles of human rights.

In view of these discriminatory acts, the resolution expresses the desire of the Congress that the sustained interest of the American people be conveyed to the Soviet Government regarding adherence to the Helsinki Declaration, including that Government's pledge to facilitate freer movement of people, expedite the reunification of families, and uphold the general freedom to leave one's country.

Mr. Speaker, as the committee's report on the resolution notes, the concern of Congress with respect to the harrassment of various ethnic minorities in the Soviet Union applies equally to all such minorities.

The report further explains that it is the intent of the resolution that the singling out of the Soviet Government should not infer that Congress either endorses or condemns the treatment of minorities in other countries which have signed the Helsinki Declaration. Indeed, Congress is concerned with the status of the human rights of minority groups in all countries both within and outside the scope of the Helsinki accord.

Senate Concurrent Resolution 7 is both consistent with and supportive of President Carter's initiative with respect to human rights around the world.

Mr. Speaker, I urge the adoption of the resolution.

Mr. DODD. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Connecticut.

Mr. DODD. Mr. Speaker, as a cosponsor of House Concurrent Resolution 97, similar to Senate Concurrent Resolution 7, I rise to urge all of my colleagues in the House to support this expression of our commitment to the principles of the Helsinki accord, and our disapproval of continued Soviet abuse of Jews, dissidents, and all others whose rights are severely and repeatedly violated.

Unanimous passage of this resolution today is all the more important in the light of recent events. As we are all aware, the Soviet Union has shown an increasing irreverence for the human rights provisions of the international agreement which it signed, and has initiated a fierce new wave of repression in reaction to our own Government's reaffirmation of its support for international human rights.

In the last 6 weeks, Soviet authorities have arrested four leading dissenters—all of whom were active participants in a group whose cause it is to monitor Soviet compliance with the Helsinki accord. And now, in their most recent act of barbarism, Soviet officials have detained Anatoly Scharansky—a leading spokesman for Soviet Jews seeking to emigrate freely to Israel—after a period of sustained harassment. As an indication of their seriousness, Soviet officials, in what appears to be an unprecedented act, have accused Scharansky of treason—a crime punishable by death in the Soviet Union.

And finally, just yesterday, General Secretary Brezhnev assailed the Carter administration's determined support of human rights struggles in the Soviet Union. Calling the President's foreign policy "interference in our internal affairs," Brezhnev warned that such interference will not be tolerated and that the current crackdown on dissidents will continue.

Thus, it is clear that we must urgently convey once again to the Soviet Government that neither its words nor its acts will convince us to abandon our support for universal human rights. Indeed, as our President eloquently stated before the United Nations last week, such support cannot be construed as interference in the internal political affairs of a foreign country. What it means, simply and straightforwardly, is that we fully intend to defend the principles to which we are committed—through our own Constitution and through the United Nations and the Helsinki accord—as is the Soviet Union.

As members of an international organization and as adherents to an international agreement, we have a responsibility to live up to. Senate Concurrent Resolution 7 reaffirms our firm intentions in this respect. A unified endorsement of this resolution, which was already overwhelmingly approved by the Senate, will bring home to the Soviet authorities that the U.S. Congress and the American people will continue to condemn their violations and to lend full support to all oppressed members of Soviet society.

Mr. MOFFETT. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I am delighted to yield to the gentleman from Connecticut (Mr. MOFFETT), the sponsor of the resolution in the House.

Mr. MOFFETT. Mr. Speaker, I thank the distinguished chairman; I thank him not only for yielding, but for his assistance in this matter. He considered this resolution as quickly as possible.

Mr. Speaker, I also would like to thank the distinguished chairman of the subcommittee, the gentleman from Minnesota (Mr. FRASER), who assisted me in getting the resolution considered promptly.

Mr. Speaker and my distinguished colleagues in the House of Representatives, I am before you today to ask your favorable consideration of Senate Concurrent Resolution 7. This resolution is identical to the one introduced by myself and 141 of my colleagues who cosponsored the resolution with me.

Although it is still early in this session of Congress, it is not a moment too soon to reaffirm our commitment to human rights in the Soviet Union and elsewhere in the world. Human rights is not a problem to be solved; it is a cause that has been evolving for 20 centuries. As the noted historian, Arthur Schlesinger, Jr., recently wrote:

> Human rights is replacing self-determination as the guiding value of American foreign policy . . . Human rights is a way of reaching the deeper principle of individual self-determination.

Such a policy has been taking shape quite rapidly during the still nascent term of President Carter. The President is providing extraordinary leadership in this area and it is fitting and necessary that Congress should seek every opportunity to support him. A letter from Acting Secretary of State for Congressional Relations Kempton B. Jenkins to Senator JOHN SPARKMAN, chairman of the Senate Foreign Relations Committee, states in part:

> The Administration fully supports the aims of the resolution and is committed to advancing the cause of human rights in all countries, including the Soviet Union. The United States Government has consistently urged the Soviet Government toward greater progress in the area of family reunification and emigration and toward concrete implementation of the provisions of the Final Act of the Conference on Security and Cooperation in Europe. . . .

The distinguished Members of this House do not need me to explain the human rights situation in the Soviet Union. Soviet Jews continue to be denied equal rights guaranteed to all other nationalities by Soviet law. The Jewish educational system has been dismantled, centers of Jewish culture closed, the teaching of Hebrew and Yiddish banned, the training of rabbis barred, the sale of Jewish books prohibited, Jewish cemeteries desecrated. The government, moreover, has institutionalized anti-Semitism through systematic job discrimination, denial of due process and use of State-owned media.

In recent months, it has been increasingly dangerous for the Jews who have expressed a desire to emigrate, to survive in the Soviet Union. The government has begun a severe crackdown on "refuseniks"—linking these people who only seek to leave their country with dissidents who are fighting for changes within the system.

The repression seems especially aimed at an unofficial group monitoring the Soviet violations of human rights provisions of the Helsinki accords. Many of you may be aware that on March 4, 1977, the Soviet Government newspaper, Izvestia, accused leading refusniks of working for the CIA. Since this accusa-

tion, on March 15, 1977, refusnik Anatoly Shcharansky has been accosted by KGB agents who took him away to Lefortovo prison, the investigative prison for political prisoners. On March 20, 1977, the apartment of Vladimir Slepak, also a refusnik, was entered by a group of so-called drunks who demolished his apartment beyond inhabitation. These trumped up charges, reminiscent of the 1950's "Doctor's Plot" where Jewish doctors were accused of being poisoners, have even linked these men with our own Al Friendly, counsel to the Helsinki Commission, who was also reported to be an agent of the CIA.

It is no wonder that more than 140,000 Jews are now seeking to leave the Soviet Union—and this number only represents those courageous enough to apply. For those who somehow survive the burdensome emigration procedure and reach the brink of freedom, there is a heavy "exit fee." Most Soviet Jews cannot afford the fee and are discouraged or prohibited from raising the money to pay for it.

One cannot discuss Soviet Jewry without discussing Helsinki. As Members of this Congress, I am certain you are aware of the nuances of the Helsinki accords. We are all familiar enough with its provisions, to recall that its preamble speaks of the collective desire for the "spiritual enrichment of the human personality" and the "broader dissemination of knowledge."

Although Helsinki is not a treaty, it is full of language indicating the determination of nations involved to carry out its promises. Approval of the concurrent resolution today would again reaffirm our country's commitment to Helsinki's human rights provisions.

This resolution does not suggest that the United States has any intent or the ability to guarantee the freedom of all people anywhere on the globe. Nor does it indicate a desire on our part to meddle in the internal affairs of other countries.

But in the words of Arakady Rabinov, a Soviet refusnik:

> Human rights cannot be the internal affairs of any one state . . . they concern all people.

As usual, the Soviets are hoping this issue will somehow go away, especially in view of the upcoming June Belgrade conference to assess the progress of the Helsinki agreement. They have witnessed the passage of the Church resolution and are hoping the House version will become lost in the legislative shuffle as we become more occupied with other matters.

The Soviet press has attacked this resolution with the contention that we, too, have human rights problems in our own country; that perhaps we, too, are in violation of some portion of the Helsinki accords. The difference, of course, is that we are constantly striving to correct such problems.

In a major speech yesterday, Soviet Communist party leader Leonid Brezhnev attacked Carter administration support for Soviet dissidents. He talked about those who "criticize erroneously" the Soviet system. He talked about people in Russia who "come out against the Socialist system, embark on the road of anti-Soviet activity, violate laws, and having no support inside the country, turn for support abroad, to imperialist subversive centers."

This kind of language is all part of the continuing attempt by the Soviet Government to obliterate any distinction between Soviet dissidents and Soviet Jews seeking to leave the country. Many of us believe, of course, that the dissidents should be encouraged too. But that is not the matter addressed by this resolution. Nor is it the issue most important to Soviet Jewry. The activities of Soviet Jews and groups supporting them over the years have been directed almost exclusively toward obtaining the possibility of emigration from the U.S.S.R. to Israel. These groups have strictly limited their activity so that everything they have done has been entirely within the framework of Soviet law. They have informed Western public opinion about their plight through open letters and open telephone calls. They have not hidden from Soviet authorities these facts.

So Mr. Brezhnev is once again leading a significant Soviet evasion of the real issue here. They are not by any means living up to the Helsinki agreements. We know how badly they want to preserve the territorial provisions of Helsinki. It is important that our representatives to the June Belgrade conference insist that the human rights provisions be followed as well. And this resolution will assist in that end.

"It is unthinkable," said Mr. Brezhnev, that Soviet-American relations could develop normally if the current criticism of Soviet human rights policies by "official American bodies," continues. By our action today, we should let the Soviet Union know that we believe it is "unthinkable" for this Congress to be silent in the face of a mounting anti-Semitic and antihuman rights campaign which goes directly against the principles on which our system was founded.

Mr. Speaker, again I want to thank the gentleman from Wisconsin (Mr. ZABLOCKI) and I know that all of the people, not only those in this Chamber but all over the world, thank the gentleman from Wisconsin for his leadership in this matter.

Mr. ZABLOCKI. Mr. Speaker, I wish to thank the gentleman from Connecticut (Mr. MOFFETT) upon his eloquent further explanation of the purpose and intent of the resolution which he so ably prepared and sponsored.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished committee chairman, the gentleman from Wisconsin (Mr. ZABLOCKI) has done an excellent job of explaining the meaning and intent of Senate Concurrent Resolution 7. I join him in commending the sponsors of this resolution and in urging support for it.

The United States is a nation of immigrants; we have preserved the principle of freedom of religion for over two centuries; we live by the rule of law and we honor our international commitments.

For all of these reasons, we are deeply offended when we see a nation such as the Soviet Union consciously develop policies to restrict the freedom of movement of its citizens. When this harassment and obstruction is directed against a small segment of Soviet society, it is particularly repugnant.

When Soviet Jews and other minorities are discriminated against in blatant disregard of binding international agreements, such as the Helsinki declaration, one must seriously question the extent to which the Soviet Union can be a trustworthy partner in any effort to reduce international tension.

Perhaps there is little we can do to influence the Soviet Government in its treatment of minorities. Perhaps the Soviet leaders are so callous and insensitive to international public opinion that they will take little note of initiatives such as Senate Concurrent Resolution 7. But we who can travel freely, we who can worship as we choose, we have an obligation to do everything in our power to call attention to acts of discrimination and harassment. The Soviet Union is a party to the Helsinki declaration, and Basket III is an integral part of that agreement. If the Soviet Union is prepared to trample on the Helsinki accords and the basic human rights of its own citizens, what guarantee is there that they are prepared to cooperate with us in other areas vital to our national security and world peace?

The legislation before us puts the Soviet Union on notice that the people and Government of the United States demand scrupulous compliance with the Helsinki declaration. It merits the wholehearted, enthusiastic support of every Member of Congress.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Speaker, as the gentleman from Michigan knows, during consideration of this matter in the committee there was discussion of the status of human rights in other countries, not just those in the Soviet Union. However, instead of amending the resolution to deal with the status of human rights in other countries, the committee saw fit to put that expression in the committee report. I think it is significant that the committee report does contain this language:

> In recommending H. Con. Res. 97 to the House, it is the Committee's intent that the concern of Congress with respect to the harassment of various ethnic minorities in the Soviet Union applies equally to all such minorities.
>
> Further, it is the Committee's intent that the singling out of the Soviet Government in this Resolution not infer that the Congress either endorses or condemns the treatment of minorities in other countries which are signatories to the Helsinki Declaration. Indeed, the Committee is concerned with the

status of the human rights of minorities in all countries both within and outside the scope of the Helsinki Declaration.

Mr. BAUMAN. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I want to rise in support of the concurrent resolution. I also want, with the indulgence of the gentleman from Michigan (Mr. BROOMFIELD) to call the attention of the House to the fact that the gentleman from Maryland offered an amendment to the Rhodesian chrome bill last week seeking to bring about a reaffirmation of human rights in the Soviet Union upon whom we now will be largely dependent for our chrome.

The House by a vote of 152 to 246 voted down that human rights amendment. It would have had teeth; it would have hurt the Soviet Union; it would have prevented them from profitmaking, because of our international position on the Rhodesian issue. But the resolution before us today does nothing more than express the sense of the House and does not really disturb the Soviet Union very much at all. I just did not want the occasion to pass without it being noted that some of us are for human rights all of the time, not just when it is politically convenient.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. Mr. Speaker, I, too, would like to thank the chairman of the committee and subcommittee, and our ranking members for the speed and the attention which they have given to this very important resolution, of which I believe I am cosponsor.

We speak so often in this House, and we read in the papers, of the numbers of those refused exit visas. We speak of the reunification of families; we speak of all of these things and of the numbers. What we forget so often is the human tragedies behind every single one of those digits. We on the Helsinki Commission listen day after day to people who are separated—husband from wife, wife from husband, parents from children. It is enough to make one weep. We hardly know, sitting on that Commission, how to express the sorrow and sympathy and indignation that their stories make us feel.

Here is a professor—right down here at the University of Virginia at Charlottesville—separated from his beautiful young wife. Here is a woman in this country separated from her husband who cannot get out, with no reason given. These are the tragedies that we listen to day after day, and that is what this resolution is addressed to—human beings and how do we feel about them. That is what we are trying to say here.

I thank the Speaker.

Mr. BROOMFIELD. Mr. Speaker, I reserve the remainder of my time.

Mr. ZABLOCKI. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, last week the Commission on Security and Cooperation in Europe, which I chair, heard moving testimony from people who are the innocent victims of the Soviet policies this resolution justifiably protests. The Commission, which the Congress created to monitor and encourage compliance with the Helsinki accords, held 2 days of hearings last week on the issue of emigration for family reunification. One day was devoted to cases involving American citizens or residents with family members in the Warsaw Pact nations, and 1 day was concerned entirely with the problem of Jewish emigration from the Soviet Union.

At both hearings the testimony was heart rending. The Commission heard a Soviet engineer, now a very successful scientist in America, talk about his 21 years of effort to be reunited with his wife and daughter. It heard a professor from the University of Virginia tell of the 3 years he has been fighting in vain just to see his wife in Moscow, much less to win permission for her to join him here. And it heard a writer from Czechoslovakia describe what it means to be parted since 1969 from his two children.

There is no scale on which human tragedy can be measured and some pain judged to be greater or less than some other. For all the individuals who testified and for the thousands in whose name, directly or indirectly, they spoke, the anguish of separation from their family is too acute, too immediate, and too enduring to be set aside and weighed on a scale of relative heartache.

Nevertheless, there is no question that the plight of some 2,000 Soviet Jews facing longstanding and usually unexplained denials of permission to emigrate is among the worst human tragedies of recent years. What makes it so devastating—and what made the testimony of their relatives to the Commission so powerful—is the memory we all have of the near-extermination of Jews in Europe under Hitler. And what makes the tragedy excruciating is the expectation created in the last half dozen years—after decades when no such hopes could be sustained—that the Soviet Union would permit reasonably free emigration for the purposes of family reunification.

The testimony the Commission heard and the research the Commission staff has done indicate that that expectation, while being rewarded in many cases, is being arbitrarily and capriciously frustrated in many other instances. There has been an unparalleled exodus of some 130,000 Soviet Jews since 1971, and Commission questioning of 630 of those who left the U.S.S.R. since the Helsinki accords were signed August 1, 1975, revealed that 76 percent obtained their exit visas within 6 months of applying for them. But in 1975 and 1976 the total number of emigrants each year has been less than half what it was in 1973, and the National Conference on Soviet Jewry reports that some 180,000 invitations from relatives—55,000 in 1976 alone—have been sent to Jews in the U.S.S.R. at their request but not yet transformed into successful emigration applications. In fact, the Commission survey found that 40 percent of the successful emigres interviewed had friends or relatives still in the Soviet Union wanting to leave but either refused permission or too intimidated to apply for it.

What those statistics mean is that the resolution we are considering today is a well-considered, I would even say moderate, response to a situation which cries out for remedy. Of course there has been "obstruction and harassment" of Soviet Jews seeking to emigrate; 35 percent of those recent emigres the Commission surveyed said they had lost their jobs when they applied to leave, 9 percent said their studies had been terminated, 8 percent said they had been forced out of their homes, and 6 percent had been required to get divorces before they could leave. Of course, such "discrimination" violates international human rights agreements; it even violates Soviet law, for the International Covenants on Civil and Political Rights which the U.S.S.R. has ratified provided that emigration can be denied only if domestic law establishes the grounds for such denial in the interests of public order or national security. The Soviet Union has not enacted such laws, and the very absence of those definitions permit local officials to deny emigration applications arbitrarily and, it would seem, primarily for the purpose of discouraging other would-be applicants.

And, of course, the "sustained interest" of Americans in seeing the Helsinki accords implemented should be conveyed to the Soviet Union. We do that by this debate today. President Carter has done it repeatedly and eloquently. It will be done again when all the signatories convene before the year ends in Belgrade to review the progress that has or has not been made in fulfilling the pledges given at Helsinki.

But one joint resolution does not absolve the Congress of its responsibility and the responsibility of individual Members to go on expressing that interest of all our people in justice for the Jews of the Soviet Union. This is going to be a long fight, one in which we must match our endurance, our patience, and our commitment to decency against the obduracy and fears of the Soviet leadership and system. If you doubt that you have the stomach for such a lengthy struggle, consider for a moment the testimony the Commission heard last week—in a tape recording—from Arkady Rabinov, a Leningrad Jew who applied to emigrate 4 years ago, saw his parents leave in 1976, and who is still denied permission to emigrate ostensibly because his wife had done secret work.

At the end of his statement to the Commission, Mr. Rabinov said:

> In April I will again be eligible to apply for a visa, and I hope that this time humaneness will triumph. I believe that human rights cannot be the internal affairs of any one state, but that they concern all people.

I share his hope and his belief and I am proud to give my support to the resolution before the House today as a partial confirmation that Americans of all backgrounds are committed to the advance of human rights everywhere.

Mr. FRASER. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I am delighted to yield to the distinguished gentleman from Minnesota (Mr. FRASER), the chairman of the Subcommittee on International Relations who started the struggle for awareness of human rights as a major factor in the foreign policy considerations of the United States.

Mr. FRASER. I thank the gentleman for his kind words. I wanted to address a specific question to the gentleman. Some recent commentators and writers have argued that when President Carter spoke out on human rights violations in the Soviet Union, we were interfering in their internal affairs.

They seemed to take the same line of argument that the Soviet Union itself has taken with respect to their responsibilities under the Final Act of Helsinki I wonder if the gentleman has a view on this?

Mr. FASCELL. I certainly do. That line of reasoning is weak and self-serving. The whole thrust of the Helsinki accords is toward what we are talking about today—the freedom of people, their ability to leave their country, and be reunited with their families. The act incorporates by reference the U.N. Charter and the universal Declaration of Human Rights and the International Covenants on Human Rights. It is using a shallow argument to say, as the Soviet Union does that the rights of people anywhere are nobody's business except the government which denies those human rights.

Mr. FRASER. I concur with the gentleman. I would say that there would be no reason to have international agreements dealing with human rights if a country could turn around and say: "We have no obligation to respond to that agreement and there is no right on the part of another country to comment on our treatment of our citizens."

Mr. FASCELL. The gentleman is correct. The discussion of human rights was made a matter of proper international discourse by all signatory participating nations to those agreements.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Speaker, I want to say that anything which is signed into a document by 35 nations and mentioned specifically is no longer a matter of internal affairs.

Mr. DOWNEY. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from New York.

Mr. DOWNEY. Mr. Speaker, I rise in support of this concurrent resolution. Mikhard Shtern who is a Soviet prisoner wanted only to leave the Soviet Union. This resolution is most specific and addresses a problem at a time when the Soviet Union is sensitized to this matter. I rise certainly in strong support of the concurrent resolution.

Mr. LEACH. Mr. Speaker, I am pleased to be a cosponsor of identical language to that of the resolution under discussion.

The continued repression of minorities within the Soviet Union, especially those of the Jewish faith, makes it imperative that the 95th Congress express the concern of the American people. Human rights are of importance to all people, regardless of national boundary or language or cultural heritage.

Especially offensive to the conscience of the American people is the decision of the Soviet Government to subject its citizens to beatings, imprisonment and other harassment if they indicate a desire to obtain emigration visas.

The principle of free emigration has wide sanction under international law. In article 13 of the Declaration of Human Rights—unanimously adopted in 1948—the right to leave any country, including one's own is affirmed. That declaration was reaffirmed in the International Convention on the Elimination of All Forms of Racial Discrimination of 1965 and the International Covenant on Civil and Political Rights of 1966, each of which was ratified by the Soviet Union. Most recently, in the Helsinki Final Act, the 35 signatories, including the Soviet Union, agreed to act in conformity with the Universal Declaration of Human Rights.

In short, Mr. Speaker, the governments of the world have made the right to emigrate a matter of justified international concern and of recognized international responsibility.

The Congress has particularly emphasized this right to free emigration because the freedom to leave a country is the traditional final lifeline for victims of racial, religious, and political persecution.

Freedom is less meaningful in our own country when it is denied in any others. The Soviet Union is not alone in trampling on the rights of its citizens. In Korea, in Latin America, in Africa, we have witnessed abridgements of individual rights and mass violations of traditional value systems.

Last week, I had the honor to spend an hour with the Russian human rights leader, Vladimir Bukovsky. Bukovsky has only recently reached the West after suffering repeated imprisonments in Soviet jails and insane asylums because of his persistent refusal to backdown from the values he believed in.

I was very moved and impressed when this young man urged that we must continue to press the Soviet authorities on human rights issues. His example is one which demands respect.

We have no choice but to register our feelings and convictions, as individuals and as a Congress of people. I urge unanimous adoption of this concurrent resolution.

Mr. KOCH. Mr. Speaker, I am proud to be able to vote for Senate Concurrent Resolution 7 which reaffirms the commitment of the people and the Congress of the United States to the principles of human rights and free emigration of Soviet Jews and other minorities, as enunciated in the Helsinki accords. I think it is particularly fitting that the Congress has a chance to act publicly today. Leonid Brezhnev has responded truculently to President Carter's inspiring speech before the United Nations. Brezhnev has stated that easing of tensions between the United States and the Soviet Union is unthinkable if President Carter continues his campaign for human rights, and he has again called the expression of concern about human rights "an interference in our internal affairs." This is the shallowest and most hypocritical of arguments. While engaging in the same sort of practices, the Soviet Union has bellowed about violations of human rights in right-wing dictatorships such as Chile. The Soviet Union has also signed the Helsinki accords which legally binds that country to the principles which President Carter is espousing.

As President Carter has stated in his U.N. speech, we should take human rights covenants such as the Helsinki accords as seriously as we take commercial treaties. If we do not hold the Soviet Union to the terms of the Helsinki accords, how can we expect compliance from the Soviets on arms control or commercial treaties? This resolution is yet another example of the full support the Congress is giving the President on the issue of human rights, and the Soviet Union should be now well aware that we are not going to back down on this issue.

Mr. EILBERG. Mr. Speaker, today, thousands of Soviet Jews are being denied the basic human right of emigration. The harassment and persecution of these people continues unabated. They have been labeled by their fellow countrymen as traitors and have been imprisoned in the harshest Soviet jails, fired from their jobs, ostracized or exiled to Siberia. Yet, their only "crime" is that of wanting to leave the Soviet Union to start life anew in a nation that is willing to accept them.

Less than 2 years ago, representatives of 35 nations met in Helsinki, Finland, and signed the now famous Helsinki Declaration. This agreement stated that the signatory nations "will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family." The Soviet Union has continuously abridged the rights of her citizens and as such has not complied with the provisions of the aforementioned treaty.

As all of us are aware, the Soviet Union has recently intensified its campaign against its Jews so as to stifle any potential dissident movement in her country prior to the forthcoming Belgrade Conference. On January 22, 1977, the Soviet Government aired the movie "The Traders of Soul," a blatant anti-Zionist film, on prime time television so as to discourage Jews from seeking exit visas. She also has banned the baking and importation of the ritual Passover matzoh—the unleavened bread which symbolizes the rapidity with which the Jews were forced to leave from Egypt, the land of slavery, to Israel, the land of freedom.

Last week, Soviet security police seized and are still detaining Anatoly Scharan-

sky, who I met on my trip to the Soviet Union 2 years ago. His only real "crime" is that of desiring to leave the Soviet Union to join his wife in Israel. This past Sunday, the apartment of Vladimir Slepak, Scharansky's good friend, was ransacked by 20 drunks and damage to his home was considerable. It is obvious that this most recent anti-Semitic act was organized by the Soviet Government as a mini-program so as to silence Slepak. The Jews of the Soviet Union will never again be silent. They have and will continue to speak out demanding that they be allowed to emigrate in accordance with the Helsinki provisions.

I am very proud to be a cosponsor of House Concurrent Resolution 97 which declares that the U.S. Congress will convey to the Soviet leaders the interest of the American people regarding strict adherence to the Helsinki Declaration and all that this document stands for.

My fellow Members of the Congress, I ask you to join me in voting for this resolution. The lives of thousands are at stake, and if we turn our backs on these people, then all hope for their survival is lost.

Mr. OTTINGER. Mr. Speaker, I want to commend my colleague, Mr. MOFFETT, for introducing a resolution similar to Senate Concurrent Resolution 7, and for providing a means under which those of us who share his deep concern over the plight of Soviet Jews can express our feelings

We are here today to remind the Soviet Government of a pledge it made 19 months ago when it joined 34 other countries in signing the Helsinki Final Act, and to bear witness to the strong support of the United States and of the American people for restoring human rights around the world.

Today, there are fewer Soviet Jews leaving the U.S.S.R. than there were before the signing of the Helsinki accord. Soviet Jews who file for exit visas to join their families in Israel are harassed, humiliated, and imprisoned. Not one week goes by that the media does not report another horror story involving Jewish dissidents in the Soviet Union.

In direct contradiction of the Helsinki accords, the Soviet Government is cracking down on its postal regulations, restricting the amount of mail and the number of packages received by Soviet Jews. Last week, I joined my colleagues in sending a letter to President Carter urging him to take a strong stand against the recently imposed Soviet ban on the importation of flour and foods containing flour—items necessary for the celebration of the Jewish religion.

Leonid Brezhnev, upon addressing the gathering at Helsinki, urged that the principles of the final act be "put to practical use and made a law of international life not to be breached by anyone." The resolution before the House today reiterates his thoughtful and well-conceived words.

President Carter has made it clear that the issue of human rights is an integral part of U.S. foreign policy. Several weeks ago the Senate passed this resolution by a vote of 91 to 0. I hope that the House also acts with unanimity.

I have no illusion about the possibility of a constructive Soviet response. Secretary Brezhnev's comments of yesterday—condemning the recent pronouncements of the Carter administration—indicate discomfort with the commitment we are echoing today, and change will come slowly. But for myself, it is very exciting to stand forth with pride in the ideals that have made this Nation great, recognized as the bastion of freedom in a world where freedom is dearly won and sustained.

Mr. ANDERSON of California. Mr. Speaker, today I address my colleagues on a subject I have spoken of several times in the past. Many of us, individually, have remarked on this topic. I am speaking of freedom for Soviet Jews. Freedom from imprisonment; freedom from harassment; freedom from the many subtle forms of discrimination that this minority faces daily in the Soviet Union. These people have committed no crimes, yet they face the start of each day not knowing what new obstacles will be placed in their path. The path on which they walk is dictated by a brave collective conscience started thousands of years ago. Everyday during these years, Jews somewhere on this globe have been discriminated against.

Today, we in the House of Representatives have the opportunity to attack this discrimination as a collective unit. Senate Concurrent Resolution 7 makes clear that the American people abhor this treatment for any citizen of the Soviet Union; just as we do in our own country, or anywhere in the world. I respect the fact that sovereign nations may have laws and policies with which we should not interfere. I would posit, though, that before there were any nations with their man-made boundaries, there was the dignity of man, which was given by God.

If there be some in the Soviet Union who do not recognize this, than let us direct them to the Helsinki Declaration, which they themselves ratified, allowing for freer movement of people, and the general freedom to leave one's country.

It is ironic that this resolution nearly coincides with the Jewish holiday of Passover. Jewish families the world over will observe, beginning April 2, the flight of their ancestors from the bonds of slavery in ancient Egypt.

Jews are not today slaves in the Soviet Union, but is a man free who cannot travel where he wants? Or a man who cannot worship as he pleases because his holy books have been taken away from him, and he is not allowed to congregate with others of the same belief? And if against these odds, he still insists on following his conscience, he may lose his job, or see his children expelled from school. Or he may find himself in a mental institution or jail. Is he free?

Perhaps this Passover, all Americans should consider this question. And with the passage of this resolution, let us hope that the Soviet leaders consider it as well.

Mr. SARASIN. Mr. Speaker, we have seen in recent months how the Soviet Union reacts to any mention of human rights. On paper, they would seem to be very strong supporters of human rights, even stronger than the United States. For they have signed the U.N. Declaration of Human Rights, the 1969 International Convention on the Elimination of All Forms of Racial Discrimination, and the 1975 Helsinki Agreement. Particularly, with their most recent signing of the Helsinki agreement, the Soviets are surprised and alarmed that the world expects them to live up to their commitments. For if it is one thing that the Soviets are, it is that they are very cynical about such things as principles. They really do not expect that world public opinion would care enough about human rights to make demands upon them to observe such things as basic human dignity and freedom of choice

I think it very important at this point in time that we live up to the moral commitments and principles that we make and that our foreign policy be consistent with our beliefs about the conduct of human affairs. What is often lacking in government and politics is a basic sense of what is right: what is humanly right and just. There is no absolute about this: as common elements in this huge family called mankind, we share some basic frailties and potentialities. Human potential and freedom must be protected by governments to insure that we all can lead free and decent lives.

I really do not believe that people anywhere in the world demand a great deal of the government that they live under. All that most people want is to live their lives in accordance with their values and to exercise their rights to worship freely, to emigrate freely, to maintain their family ties and see their loved ones. Under oppressive governments, even these simple basics of human living are denied. This is what we protest, and what we must continue to protest in the name of human decency.

The Soviets charge us with interference in their internal affairs. But how can this be when they have freely signed international agreements in regards to human rights? Human rights is a matter that transcends governments. When there is a disaster in any part of the world, we do not hesitate to send relief aid. We cannot ignore human suffering no matter what government is in charge and so we help. It can be no different with human rights issues, particularly when these offenses so challenge our basic perception of what is right and decent.

We clearly cannot impose our values upon other governments, however, we are free to make our views known to them. Particularly in regards to the Soviet Union, the harassment and persecution of the Soviet Jews have been so prolonged and amply documented, that there can be no mistaking our opposition to this oppressive treatment.

I recently learned that the Soviets began this January to prohibit the importation of baked goods into the country. What will be affected is imports of matzoh, unleavened bread, that is necessary for Soviet Jews to observe the Passover.

Thousands of packages of matzoh have been waylaid in the mails. Clearly, this is an outrageous attempt by the Soviet Government to prevent the Soviet Jews from peaceably carrying out their religious observances. It strikes at the very heart of the Soviet policy to deny the vitality of Jewish life in the modern day Russia.

To many, this resolution will appear to be an exercise in rhetoric. Nevertheless, we are serving notice on the Soviet Government that we take very seriously this matter of human rights, and that we will not be silent about transgressions that we learn of.

Mr. THONE. Mr. Speaker, it is surely our duty, as Americans and as cosigners of the Helsinki Final Act to protest the recent increase in government authorized ethnic and religious discrimination in the Soviet Union. Events of recent weeks, including the arrests of prominent Soviet Jews and the ban on the importation by mail of flour and flour products are alarming. In the interests of human dignity and freedom, I would urge my colleagues to join with me in ardent protest of these actions and the treatment of other minorities by the Soviet Government.

The United States has long been recognized as a bastion of freedom and supporter of human rights. In keeping with this, we can do no less than protest Soviet actions and let the Soviet Government know that we do see what they are doing. They must not succeed in masking their actions by labeling human beings seeking religious freedom and demanding their right to emigrate freely as "political dissidents." I cannot condone the actions that have separated families and refused to reunite them. That is punishment more cruel than any prison. We must remind the Soviet Union of the commitment they made when they signed the Helsinki declaration. In addition, this should serve as a reminder to all Americans of the principles that our great Nation was founded upon.

Mr. LEDERER. Mr. Speaker, I ask the unanimous support of my colleagues for Senate Concurrent Resolution 7, on behalf of the Jews and other repressed minorities throughout the Soviet Union.

The Helsinki agreement incorporates by reference and affirmation the Universal Declaration of Human Rights and the Covenant on Political and Civil Rights. The Soviet Union has flagrantly disregarded and flouted the undertakings to which these agreements commit her. She has attempted to silence her critics by charging that they are interfering in the internal affairs of the Soviet Union. I urge the Members of this great body not to be so silenced. Senate Concurrent Resolution 7 demonstrates the conviction of the House of Representatives that political and religious freedom know no sovereign boundary. I ask that all Members of Congress demonstrate this conviction by supporting this resolution.

Mr. HARRIS. Mr. Speaker, I am glad to speak today on behalf of this resolution—Senate Concurrent Resolution 7—which conveys Congress sustained interest and the interest of all Americans in the Soviet Government's adherence to the Helsinki declaration, including the pledge to facilitate freer movement of people, expedite the reunification of families, and uphold the general freedom to leave one's country.

My commitment grows deeper by the day and I will continue to speak out on behalf of Soviet Jewish families and individuals who are being forcibly detained in the U.S.S.R. as a result of the Soviet Government's repressive emigration policy which clearly violates the human rights provisions of the Helsinki final act.

An example of the Soviet's restrictive emigration policy is the case of Eugene and Sophia Reinberg who have been separated from their only son, Yuri, for 19 months. Their attempts to join him and leave for Israel have been denied time and time again. This is just one case, but there are literally hundreds of families whose reunion has been prevented by the arbitrary refusal of Soviet exit visas. In my book, the Reinberg case represents a clear violation in the basket three area of the Helsinki agreement.

The resolution we are speaking about today is a great step in showing the Soviet Government that we will not sit back and accept its violations. As a signatory of the Final Act, they must conform to the spirit and letter of the basket three provisions.

Mr. STARK. Mr. Speaker, I rise in support of Senate Concurrent Resolution 7 which expresses the concern of Congress regarding the harassment of Soviet Jews.

Adoption of this resolution comes at a critical period in our relations with the Soviet Union. Yesterday, Soviet leader Brezhnev accused the United States of using the human rights issue to interfere in Soviet internal affairs and sternly warned that such interference will affect relations between the United States and the U.S.S.R.

Since January President Carter has spoken out strongly for the cause of human rights. Last week in his speech before the U.N., the President said:

> No member of the U.N. can claim that mistreatment of its citizens is solely its own business.

The Soviet record clearly shows that it has failed to comply with the Helsinki accords by allowing its citizens to emigrate freely; from a high of 34,000 in 1973, the number of emigrees has dropped dramatically to 14,000 in 1976. In addition, the Soviet Government has undertaken a new campaign to crack down on dissidents.

As a cosigner of the Helsinki Declaration, the United States must continue to press the Soviet Government for compliance with the accords. This new Congress must let the Soviets know that when President Carter speaks out on human rights, he speaks not only for his administration, but for the overwhelming majority of Americans who want to see the U.S.S.R. live up to the provisions they signed in Helsinki. Moreover, passage of Senate Concurrent Resolution 7 would also clearly demonstrate that the United States will not be intimidated into retreating from its strong stance in favor of human rights and will continue to speak out when gross violations of internationally accepted provisions on human rights are shown. I urge support for the resolution.

Mr. WOLFF. Mr. Speaker, I would like to thank my distinguished colleague from Connecticut (Mr. MOFFETT), the sponsor of a resolution in the House similar to Senate Concurrent Resolution 7.

In many ways, we can perceive a change coming over this country, and projecting across the seas to other nations. This new administration has already taken positions, and indicated commitments, far different from those of the two administrations before it. Many Americans may disagree with some of these positions, or may disapprove of some of the commitments, as is natural and healthy.

Yet underlying the positions and commitments, I believe, is a compassion, a human quality which most of our constituents have sensed. And this underlying compassion, with its positive moral force, represents a significant change from recent years, and a highly welcome one.

However, much has not changed in the moral arena, and my colleague has arranged for this time so that we may again assert this body's determination, and the determination of the American people as a whole, to do all we can to bring a change in the repressive situation still faced by Soviet Jews and other minorities.

As we know too well, tens of thousands in that nation have sought for years to emigrate and be reunited with their families in Israel, or in the United States. Many have been extremely vocal in their dissent—often paying a very high price for such opposition—while others have simply continued their struggles, quietly yet persistently.

Many of us in this House have adopted so-called "prisoners of conscience"—mine is Boris Penson—who are imprisoned in the Soviet Union for a variety of political crimes. So in many ways, things have not changed very much.

It is clear, nevertheless, that we must continue to press the Soviet Union to comply with the human rights provisions of the Helsinki Declaration. We must present to that government a united front, solidly opposed to ethnic and religious repression in Russia and all over the world, regardless of the progress on SALT or discussions on trade. We must pull away from the old and destructive, amoral notion of linkage, for our citizens, and the western world, has longed for the moral glow of American ideals to appear once again.

Mr. Speaker, I wish to affirm here my commitment to aiding wherever possible the repressed and harassed Jews forced to remain in the Soviet Union, and to once again notify that Government of the determination felt by all Americans to achieve respect for human rights and dignity the world over.

Mr. ROSENTHAL. Mr. Speaker, I rise in support of Senate Concurrent Reso-

lution 7, a resolution expressing the concern of Congress regarding the treatment of Jews and other minorities in the Soviet Union.

Mr. Speaker, I wish to commend our colleague, Mr. MOFFETT, for his leadership in drafting a similar resolution in the House.

As the Secretary of State prepares for his first trip to Moscow, it is timely for us once again to affirm the continued interest of the American people regarding Soviet observance of the Helsinki declaration, particularly that Government's pledge to facilitate freer movement of people, to expedite reunification of families and to uphold the general freedom to leave one's country.

The importance of this resolution before us today is heightened in light of increased Soviet harassment of various ethnic minorities.

America's resolve to stand up for human rights principles is being tested by the Soviet Union. Stepped up attacks on Soviet ethnic minorities, dissidents, and even foreign leaders who speak out for freedom mark the Russian reaction.

In a chilling reminder of the cold war, leading Jewish activists are being accused of acting in behalf of the CIA and are thrown in jail. Russian anti-Semitism appears on the rise again.

Just a few weeks ago, the KGB searched the apartments of at least five Soviet Jews, threatening four and arresting one, Iosif Begun. Begun was jailed on the Catch-22 charge of "parasitism," the Soviet euphemism for unemployment. Of course he was unemployed—he had been fired for applying for an exit visa. This is a common result when Jews seek to emigrate from the Soviet Union. They also frequently lose their apartments, their children may be ejected from their schools, and the family is subjected to Government harassment.

I applaud President Carter's vigorous support of human rights around the globe. It is a welcome relief from the pragmatism of some of his predecessors. He and Secretary Vance will be subjected to intense pressure from the Soviets to soften that position. I hope Senate Concurrent Resolution 7 will strengthen their resolve to remain firm in the defense of human rights.

Mr. WIRTH. Mr. Speaker, the action taken by Congress today, Senate Concurrent Resolution 7, harassment of Soviet Jews and other minorities, is the latest in the series of efforts by the American people to compel the Soviet Union to live up to its agreements. Last week at the United Nations, President Carter addressed the question of the denial of human rights by all nations, friend and foe alike. The Congress action today supports the President's efforts, and should make crystal clear to the Soviets that future good relations between our two countries depends on their willingness to implement those agreements already signed.

As the chief architect of our foreign policy, President Carter's recent statements serve notice that the Federal Government has ordered its priorities to better reflect the humanistic concerns of the American people. In case any nation had any doubt, today's vote by the House of Representatives—the elected officials closest to the people—confirms the President's course and demonstrates that the United States is dead serious about the rights of individuals in every hemisphere.

We cannot, in the name of pragmatism, forever avoid standing up for those ideals upon which our Government was founded. If we can turn our backs on the persecution, on the complete subjugation of citizens abroad, our own constitutional guarantees are meaningless. For, if we declare that human rights are the exclusive prerogative of the American people, we are defying 200 years of history.

It is my firm conviction that today's vote will have a positive effect on Americans and on the world community. It will have a positive effect on our own people, because we can again hold our heads high, proud in the knowledge that we are once again siding with the right and the just. It will have a positive effect on those in other lands, because the American beacon of freedom and human dignity has begun to shine once again after many years of darkness.

Mr. MARKS. Mr. Speaker, I rise in support of Senate Concurrent Resolution 7. As the cosponsor of a similar House resolution, I believe it clearly expresses the concern of the United States for freedom and human rights.

The continued harassment by Soviet authorities of Soviet Jews, various minority groups, and dissidents violates the principles of international law, particularly the Helsinki accords.

The Soviet Union must understand that we do not accept this behavior. We must make it clear that we oppose Soviet actions which prohibit freedom of movement, discourage the reunification of families, and refuse emigration visas to those wishing to leave the Soviet Union.

I believe it is essential that the sense of Congress be expressed concerning Soviet adherence to the principles of freedom of personal movement and the reunification of families. Both of these precepts were included in the Helsinki Declaration.

Therefore, I strongly urge my colleagues to vote in favor of this resolution.

Mr. DRINAN. Mr. Speaker, I rise in support of Senate Concurrent Resolution 7. I am proud to be a cosponsor of a similar House concurrent resolution protesting the Soviet Government's violations of internationally agreed upon principles of human rights for its Jewish minority, as well as its other citizens.

The Helsinki Final Act places high among the humanitarian issues the reunification of families. The language is clear:

"The participating States will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family . . ." (emphasis added).

It goes on to stipulate that:

Everyone shall be free to leave any country including his own. (Article 12/2)

The Soviet Union has blatantly ignored these provisions, and in recent weeks has ominously increased its campaign of harassment of Soviet Jews. Only forceful international protests, such as that represented by Senate Concurrent Resolution 7, can prevent mounting repression.

I therefore call upon the Soviet Union to respect its own Constitution and laws, to fulfill its obligations set forth in international declarations and agreements, and to fully carry out the provisions of the Final Act of the Helsinki Conference on Security and Cooperation in Europe. I implore the Soviet Union to cease at once its campaign of anti-Semitism and repression against thousands of Jews whose sole crime has been to make known their desire to be reunited with their families.

The Soviet Government has chosen to step up its discrimination against Jews who have applied for visas at a crucial juncture in the life of the Helsinki Agreement, as the Belgrade Conference to review compliance with the agreement approaches. Typical of this recent campaign is the arrest of Anatoly Scharansky, a leading Jewish refusenik. Mr. Scharansky, whom I have had the opportunity to meet and whom I admire greatly, has been charged with espionage, and now faces not only the struggle for freedom, but also the struggle to stay alive. As I am greatly disturbed about the plight of Mr. Scharansky and other recently arrested Soviet Jews, I have sent the following letters to Chairman Brezhnev and President Carter:

MARCH 16, 1977.

HON. LEONID I. BREZHNEV,
General Secretary, Communist Party of the Soviet Union, The Kremlin, Moscow, R.S.F.S.R., U.S.S.R.

DEAR MR. SECRETARY: I write to protest in the strongest terms the detention on March 15 of Mr. Anatoly Scharansky of Moscow.

Since filing his application for permission to emigrate to Israel in 1973, Mr. Scharansky has been the object of continuing harassment by government officials. On March 4, 1977, Izvestia published a scurrilous letter accusing Mr. Schransky, two other prominent Soviet Jews who have been denied permission to emigrate to Israel, and two American diplomats, also Jewish, of engaging in espionage activities for the United States. These charges are patently false and contain unmistakable overtones of anti-Semitism.

Mr. Scharansky is the fourth human rights activist taken into custody in the past six weeks. Each of these individuals participated in an effort to monitor the U.S.S.R.'s compliance with the Helsinki Final Act. Their arrest, and the systematic denial of human rights represented thereby, constitute the most serious violations of the Helsinki Agreement. In the spirit of that agreement, I urge you to bring about the immediate release of Mr. Scharansky and the other detainees. Failure to release Mr. Scharansky and the others will surely engender widespread protests among the American people and their elected representatives in Congress and will retard the progress toward improved Soviet-American relations which we all desire.

With appreciation for your attention to this matter, I am

Cordially yours,

ROBERT F. DRINAN,
Member of Congress.

MARCH 17, 1977.

HON. JIMMY CARTER,
The President, The White House, Washington, D.C.

DEAR MR. PRESIDENT: We would like to take this opportunity to express our total sup-

port of your courageous and moral stand on the issue of human rights and to bring to your attention the plight of Mr. Anatoly Scharansky.

Mr. Scharansky is a Soviet Jew who has been waiting for three years to emigrate to Israel where his wife lives. Mr. Scharansky was arrested on March 15, 1977, following the publication of a news article on March 4, 1977, in Izvestia which falsely accused him and other Soviet Jews, Vladimir Slepak and Dr. Alexander Lerner, of collaborating with the C.I.A.

Anatoly Scharansky is currently being held at the KGB interrogation prison, Lefertovo. Mr. Scharansky has been charged with treason and espionage which are capital crimes in the Soviet Union.

Anatoly Scharansky has been an outspoken critic of human rights violations in the USSR and is now in grave danger because of his staunch defense of human rights in the Soviet Union.

We respectfully ask you to use your good offices to come to the assistance of Anatoly Scharansky in any way you deem appropriate.

With best wishes,

Sincerely,

ROBERT F. DRINAN,
PHILLIP BURTON,
Members of Congress.

I hope that letters such as these, the adoption of Senate Concurrent Resolution 7, and the continuation of the Carter administration's forceful human rights policy will bring about a swift reversal of the Soviet Government's escalating attacks on Soviet Jews.

Mr. HOLLENBECK. Mr. Speaker, I rise in support of Senate Concurrent Resolution 7. As a cosponsor of a similar House concurrent resolution, I welcome the opportunity to speak in support of it today.

The Government-sanctioned ethnic and religious discrimination which face Soviet Jews and other minorities trying to emigrate are in clear violation of internationally accepted principles of human rights. It is true that the number of Jews allowed to emigrate from the Soviet Union has increased in recent months. However, we should not let that isolated statistic obscure reality.

There continue to be reports of imprisonment of Jews whose only real crime is the expression of a desire to leave the Soviet Union, in many instances to be reunited with their families. Others are dismissed from their jobs, subjected to religious and ethnic propaganda and persecution, or denied permission without explanation.

As a signatory of the Helsinki Agreement the Soviet Union has pledged to uphold the freedom to leave one's country. It has also pledged to expedite the reunification of families which have been separated by national boundaries. The beatings, imprisonment, and harassment of Soviet Jews and other minorities cited in the findings of this resolution are in clear violation of those pledges.

As a signatory of the Helsinki Agreement the United States also has an obligation. That obligation is to continue to urge the Soviet Government to comply with these accords. We must express the continuing concern of the American people with the promises made by the Soviet Government on several occasions, including the final act of the Conference on Security and Cooperation in Europe.

Mr. Speaker, there has been a great deal of speculation as to whether the Soviet Government expected to comply with the Helsinki declaration when it signed that agreement a year and a half ago. Some have even argued that our own Government dismissed the importance of that agreement.

Whether the Soviet Government expected to be held to those promises is irrelevant. The fact is they made those promises, that they signed those agreements, and that they are violating those promises. In passing this concurrent resolution we are calling attention to those violations. It is in this context that I urge the House to call the Soviet to account for these violations, to send a message which states that we are concerned with violations of human rights regardless of where they occur.

Mr. LE FANTE. Mr. Speaker, the Government of the Soviet Union has repeatedly failed to abide by the internationally agreed upon principles of human rights as set forth in the Helsinki declaration of last year.

Despite their pledge to adhere to both the letter and the spirit of that historic document, the Soviets have chosen to continue unabated their policy of religious and ethnic discrimination.

As a cosponsor of House Concurrent Resolution 97, similar to Senate Concurrent Resolution 7, I deplore the lack of sensitivity on the part of the Soviet Government and the indifferent attitude which they have taken toward the expressed will of those nations and peoples who have sought to realize the principles expounded at Helsinki.

In the face of this disinterest, however, the American people—and all people who value their liberty—will strive to urge the Soviet Government to end its harassment of Jews, its persecution of Christian denominations, both Eastern and Western, and its jailings of so-called dissidents, those who would stand up and speak out for their freedom and the freedom of their fellow citizens.

We in the United States, and especially those of us in New Jersey, are proud to have the support in this effort of many concerned ethnic and political organizations, including the Committee for the Defense of Valentyn Moroz, the imprisoned Ukrainian historian.

Mr. Speaker, the Congress and President Carter are keenly aware of the importance of human rights in all parts of the world, and both have taken steps to rectify the intolerable conditions under which so many must suffer. Accordingly, I urge my colleagues and the American people to continue their efforts in this direction until all Russian citizens have been guaranteed the freedom and basic human rights to which all people, in all lands, are entitled.

Mr. AMBRO. Mr. Speaker, I rise in support of this legislation, similar to House Concurrent Resolution 97, of which I am proud to be a cosponsor, because I feel that this great country of ours—one of the few democracies left in our troubled world—must conduct its foreign policy with an awareness of the importance of certain basic human rights to which all peoples are entitled. Certainly President Carter has set the tone in this respect, and the U.S. Congress, if it aspires to be an equal partner in the field of foreign policy, must make its voice heard.

Some of us were quite concerned when the Ford administration decided to attend the Helsinki Conference and to sign the resultant accords which included, among other things, an apparent recognition of the boundaries of the Soviet satellies in Eastern Europe. We were somewhat reassured, however, when the final Helsinki agreement contained some strong language regarding human rights including liberalized traveling privileges and emigration with an emphasis on the reuniting of families. Because of widespread reports of continued Soviet nonadherence to these provisions, we set up a legislative administration commission, under the able chairmanship of our colleague DANTE FASCELL, to monitor compliance.

Unfortunately it appears that the Soviet Union, in its eagerness for recognition of its sphere of influence in Eastern Europe agreed to the human rights provisions—the so-called basket three—with little or no intention of taking them seriously, and no appreciation for the fact that we would do so. The result has been a continuing—and even increasing—oppression of Soviet Jews and other minorities and continued and increased reluctance to allow free emigration. Indeed, almost every day, our newspapers carry stories of the denial of these basic rights, sometimes in the most heartbreaking cases. I personally have signed at least a dozen letters to Secretary Brezhnev and Ambassador Dobrynin since the convening of the 95th Congress to protest specific acts of persecution and arbitrary treatment of Soviet Jews and of the so-called dissidents. Just last week, I joined with over 25 of my colleagues in this House in a letter to President Carter to call his attention to the fact that the Soviet Union has again banned the importation by mail of flour and foods containing flour necessary for the celebration of the upcoming passover holiday. As the letter pointed out, this rather vindictive act is not only "reprehensible from a humanistic point of view, but it is also in direct violation of the Helsinki Accord, which grants the right of religious freedom to the Soviet people."

Obviously, the Soviet Union does not intend to adhere to the human rights provisions that it agreed to in the Helsinki accords. While we cannot force them to do so, we can, and we must, Mr. Speaker, continually inform them of our knowledge of their noncompliance and of our displeasure at their actions and our refusal to sit quietly by.

I urge all of my colleagues to support this resolution, so that we send a message to Moscow that is loud, clear, and insistent.

Mr. WAXMAN. Mr. Speaker, the resolution before us this afternoon expresses the pronounced concern of the Congress over the continued harassment of Jews and other minorities in the Soviet Union. It reaffirms the interest of the

American people in the degree of Soviet adherence to the Helsinki Declaration especially the Soviet Government's pledge to facilitate the freer movement of people and the right to emigration. I am proud to be a cosponsor of this document.

Adoption of this resolution could not be more timely. The very lives of dozens of Soviet citizens, and the rights of thousands more to emigrate, are in the balance.

In the past few weeks, the Soviet Government has chosen to crack down hard against those who simply wish to practice their religion, and against those who continue to speak out for reform.

In January, the Soviet Government banned the importation of matzoths, which are essential to the observation of passover.

In mid-February, the Soviet Government arrested four prominent dissidents, Alexander Ginzburg, Uri Orlov, Mikola Rudenko, and Oleksiy Tykhy, even though no formal charges have yet been filed against them.

On March 5, the government accused several leading dissidents, all of them Jews, of working for the Central Intelligence Agency. Ten days later, one Soviet Jew, Anatoly Scharansky, was arrested for espionage.

In mid-March, the Soviet Government sponsored a prime-time television program, "Buyers of Souls," which accused Israel and its "Zionist sympathizers" of duping Jews into emigrating.

For years, the Soviet Government has systematically persecuted its Jews as an ethnic group, as a religious group, as Zionists, and as emigres. But it is now engaged in an effort to portray, in the most insidious manner, those Jews who wish to leave the Soviet Union or practice their religion as traitors.

It is an ugly and utterly irresponsible campaign.

Yesterday, Secretary Brezhnev warned the United States not to meddle in the Soviet Union's "internal affairs." But the denial of basic human rights in the Soviet Union is not solely a matter of their internal concern. It is a priority shared by people throughout the world. It is an integral component of our Nation's foreign policy.

No nation can remain indifferent, or look the other way, or refuse to take some responsibility upon itself when another country violates its solemn pledge to protect basic human rights.

The Soviet Union made such a pledge in Helsinki, and has violated that pledge in the months which have passed. The American people and this administration are not indifferent to what has occurred. And we cannot—and will not be intimidated into—setting aside these concerns in our relationship with the Soviet Union.

Particularly as we near this Passover season, with its message of freedom and redemption from tyranny, we are reminded of the compelling nature of this endless human struggle. During the Seder—or order of service at the traditional Passover meal—we are asked to address these issues in our lives today as if we ourselves had once been slaves in Egypt. And so we are inspired to view the present, with all its dilemmas, through the lenses of past persecutions. Only in such a manner can we remember how precious is the freedom which all peoples seek.

There are those, however, who ask us to lower our voices, and exercise instead quiet persuasion. They claim that pressing the Soviet Union in this regard—that only leads to increasingly severe retributions against the very people about whom we are concerned, to the detriment of détente generally.

The fact remains, however, that negotiations on a broad range of issues is proceeding, and have a reasonable chance of success, precisely because it is in the best interest of both nations that agreements on weapons and an expansion of trade be reached.

It would be wrong for us to assume that setting aside the moral dimension of our foreign policy can lead to diplomatic success and keep the respect of the American people or those around the world who view the United States as the beacon of freedom.

But most importantly, it is the Soviet Jews and Soviet dissidents themselves who have so desperately reiterated their desire that our voice be strong. Those whose lives are most threatened are the ones who are most anxious for us to continue our efforts—wherever they occur—gross violations of basic human rights.

Mr. Speaker, we are bound by our consciences, we are bound by our solemn ratification of the Helsinki accord, to continue our efforts to insure compliance with those principles.

I urge the overwhelming adoption of this resolution.

Mr. BADILLO. Mr. Speaker, on April 2, Jews around the world will celebrate the holiday of Passover, a time of joy that celebrates the going out from Egypt and the return to the homeland in Israel. The service for Passover ends with the words "Next year in Jerusalem." The symbolic significance of those words, meaningful to Jews throughout history, take on added significance this year as the reports of harassment against Soviet Jews increases, and the government of that country becomes increasingly blatant in its disregard of the simplest freedoms—freedom of religion, freedom of movement. And it is a capricious disregard of rights—one member of a family will leave the country unhindered, another will be promptly arrested as a draft evader as he seeks to leave. One will wait for months and months to go, only to have his papers confiscated at the border. And others, too many others, as we have learned, have been taken to jail or hospitals or just disappeared.

There is another Passover ritual that has new and bitter significance this year. Traditionaly, three matzohs, the unleavened bread of the holiday, are placed on the table to symbolize the struggle of the Jewish people for freedom. In recent years, many American families have added a fourth piece, as a reminder that Russian Jews are not free. This year that matzoh must represent a piece of this essential ingredient to the observance of Passover that a Russian citizen will not be able to eat. The Soviet Government has this year banned the importation of 25,000 individual packages of matzoh, and only limited amounts will be available from synagogues in large cities such as Kiev and Leningrad. However, even to avail themselves of this limited opportunity Jews will be forced to register their names and addresses in exchange for the matzoh.

At this season, I would like to speak of my adopted prisoner, a person whose life I know only because he is not free, a person I learn about only by communications from the Greater New York Council on Soviet Jewry, and from official communiques from the State Department; Alexandr Slinin is 21 years old. He was a student from Kharkov. After simply submitting an application for a visa to emigrate to Israel, he was expelled from Kharkov University, and summoned to his local military registration board. Slinin refused to serve in the Soviet Army knowing that his departure to Israel would be delayed by 7 years, and he was sentenced to a 3-year term on charges of draft evasion. About 6 months ago, I learned that Alexandr Slinin, because he had been found with literature printed in Yiddish in his cell, was transferred to a mental hospital, and I have learned nothing of him since.

The great tragedy of Alexandr Slinin's case is that it is not isolated. It is not only the great artists and scientists and critics who are being imprisoned and harassed, but it is the young, it is the voiceless as well. And this, my colleagues, is continuing daily in a country whose representatives, 18 months ago, became signatories to the Helsinki Agreement, an agreement that mandated for humanity a "mutual respect for fundamental rights and freedoms," Those same accords that mandate that people should be allowed to be reunited with their families—as expeditiously as possible, to allow freedom of thought, conscience, religion or belief for all, to practice their religious beliefs freely, to respect the rights of national minorities before the law, to facilitate wider travel for personal or professional reasons, to facilitate the freer and wider dissemination of "information of all kinds."

I could go on listing those policies incorporated in the Agreement that are not being adhered to. The Soviet Union has flagrantly disregarded and flouted those instruments, claiming that there are also provisions against interference by any of the signatories in the internal affairs of any other. We cannot, therefore, relax for one instant, our public vigilance, and our continual public declarations against these injustices and gross violations of international law.

The Helsinki Agreement can be of major force in the quest for international peace, but in order for it to be effective, it must be adhered to—yes, by all participants. And it is my hope that, under the initatives taken by our new administration in the area of international human rights, for many of those who wish to emigrate, this will be the last Passover it will be necessary to say "Next year in Jerusalem."

Mr. ANNUNZIO. Mr. Speaker, I rise in strong support of Senate Concurrent

Resolution 7, I am proud to have cosponsored a similar House concurrent resolution resolving "that the sustained interest of the American people be conveyed to the Soviet Government regarding adherence to the Helsinki Declaration, including their pledge to facilitate freer movement of people, expedite the reunification of families and uphold the general freedom to leave one's country."

Personally, I was opposed to the signing of the final act of the Conference on Security and Cooperation in Europe because it was interpreted to mean official U.S. endorsement of the absorption of the three Baltic States and other territories into the Soviet Union. Moreover, the Soviets considerably watered down their original promise to include in the Helsinki document strong guarantees for wider dissemination of information and freer movement of peoples.

However, the key language of the August 1, 1975, agreement states:

The participating States . . . make it their aim to facilitate freer movement and contacts . . . will deal in a positive and humanitarian spirit with the applications of persons who wish to be reunited with members of their family . . . will examine favourably . . . requests for exit or entry permits from persons who have decided to marry a citizen from another participating State. . . .

I am delighted that Congress passed legislation last year, which I cosponsored, to create a Commission on Security and Cooperation in Europe to strictly monitor Soviet compliance with their weak promises to allow the freer movement of peoples and the wider dissemination of information. Congress also passed my resolution on December 2, 1975, to put the House of Representatives on record that "there has been no change in the longstanding policy of the United States on nonrecognition of the illegal seizure and annexation by the Soviet Union of the three Baltic nations of Estonia, Latvia, and Lithuania, and that it will continue to be the policy of the United States not to recognize in any way the annexation of the Baltic nations by the Soviet Union."

Mr. Speaker, with his inauguration on January 20, President Carter placed a strong, new emphasis on the American commitment to the extension of human rights around the world. In his inaugural address, the new President said:

We are a proudly idealistic Nation, but let no one confuse our idealism with weakness. Because we are free we can never be indifferent to the fate of freedom elsewhere. Our moral sense dictates a clearcut preference for those societies which share with us an abiding respect for individual human rights.

In a recent statement before the Congressional Commission on Security and Cooperation in Europe, Mr. Leonard Garment, a former U.S. representative to the Human Rights Commission of the United Nations, reviewed the implications of this new direction in U.S. foreign policy. He concluded his remarks by saying:

Because of the truly embattled position we hold in the world, it is most important that we do not permit the setbacks we will almost certainly suffer to erode our confidence in ourselves. It is absurd to think that because the Soviets decide to toughen in a particular set of negotiations, or because they begin resisting our human rights importunings, our policy must have been ill-conceived. We have a very basic interest in the pursuit of human rights, and it is an interest that far outweighs the temporary costs and unpleasantness that we are going to meet in pursuit of this interest. There cannot be much doubt that in addition to its worthiness for its own sake, the idea of human rights is one of the chief and most persuasive points of superiority that we present to the world; it is precisely to protect our long-term interests that we should put this point of superiority before the world, and have human rights on the world's mind, as much as possible. Of course one is going to have to bear costs for this; but it would be suicide to begin thinking that each cost is a sign of the futility of our whole enterprise.

With Helsinki, we achieved more than we had expected. We must not allow those gains to be abandoned because of some lack of understanding on our part of the fact that we will have to pay a certain price for them, we will have to choose our targets carefully, we will have to organize ourselves and our allies for a systematic effort, and we will have to remember to make our case as strongly and as clearly as possible wherever we choose to act. I am sure that this Commission does not contemplate any such abandonment of gains or slackening of effort. I am sure this Commission knows that as it prepares for Belgrade it is moving toward what could well be the most important opportunity to advance the universal observance of human rights since the end of World War II. And I am sure that in your hearings you are going to seek ways to make the most of this historic opportunity.

Mr. Speaker, over the years during my service in Congress, I have introduced countless resolutions and bills to further human rights around the world, and have written many letters, both on my own and in concert with other Members of Congress, appealing to Soviet leaders to respect the human dignity of individuals in their country who are exiled, imprisoned, in mental asylums, denied employment, or are suffering other types of harassment because of their attempts to exercise their freedom of religion, or to emigrate, or to speak out and notify the world of the sufferings of their friends and loved ones. Therefore, I am delighted by the increasing emphasis by Congress and the President on human rights issues around the world.

Unfortunately, the policies of "détente" practiced by our country in recent years has been interpreted as paying at least tacit homage to the totalitarian aggressor and has eroded the spirit and dedication of our allies and of individuals all over the world who are valiantly trying to attain the democratic ideal of freedom and justice for all their people.

The power of our military might is indeed important, but in the unremitting clash of interests and ideas between systems of mass slavery and individual freedom, will and morale are of prime importance, not only to the American people themselves but also to the peoples of the world, regardless of the form of their government. Unless belief in the ideals of freedom is maintained, combined with the determination to resist Communist guile, no amount of weaponry will prevail. Sacrifices, both national and personal on the part of freedom-loving peoples everywhere, are always necessary to the defense of freedom and idealistic determination is a prerequisite for those sacrifices.

We find ourselves in continuing confrontation with the Communists for the minds of the peoples of the world, and although no one would disagree that all efforts should be made to stop the nuclear arms race, the spiritual struggle between freedom and communism can never cease. Because this contest will eventually decide the fate of the world, far more emphasis should be placed by the United States on strengthening the will to resist, and Senate Concurrent Resolution 7 is a strong step in this direction. The spiritual values of democracy and free will on which our own Nation was founded and which our allies are striving to emulate are at stake, and I strongly urge the support of my colleagues in the Congress for this legislation.

Mrs. SPELLMAN. Mr. Speaker, I rise today in support of those many Soviet Jews who have suffered untold terrors at the hands of their Soviet oppressors. Yesterday, the head of the Soviet Communist Party strongly criticized this Nation and its President for interfering in domestic matters of the Soviet Union in our defense of human rights.

There are certain human rights which extend beyond internal jurisdictions. These internal rights were confirmed in the Helsinki Agreements, and they are so basic to the very existence of humanity that this Congress must retain its determination to assure these rights.

Today, I wish to bring to your attention just one example of the many, many which occur each day in the U.S.S.R. Esther and Vladimir Lazaris were married in Moscow in 1970. Vladimir was a law student at the time. They had a child 2 years later, and shortly after that the family applied for visas to Israel.

Visas were issued to Esther and her son Raphael. However, Vladimir's was denied on the basis that he had no approval from his parents. When Vladimir received written permission from his parents, his visa was denied on the pretext that although he was not in a classified position, someone, at some time, might have given him classified information. At this point, he also lost his job.

I ask now to consider Vladimir's plight. He has been threatened with prosecution by Soviet authorities for participating as an editor of an unofficial magazine. He has been separated from his wife and son for 4 years, during which time he has lost nearly all hope of reuniting with them, and he has been persecuted out of his job and any career in the Soviet Union—all because he had the audacity to want to emigrate with his wife and child.

If there were nothing further to add to this example of a personal tragedy, Vladimir's story would be like that of countless other harassed Soviet Jews. There is one sad fact that makes this case especially heart rending. Vladimir's and Esther's son, Raphael, was born with asphyxia. This is a developmental disability which can be overcome with special family attention while a child is young. It demands a family environment.

And it demands that one parent may be with the child constantly, leaving the other time to help support a family.

Any chance of even distant support was removed when Vladimir lost his job. That action by the Soviet Union drastically affected at least three lives in two nations. It went well beyond an internal matter. It is something which I bear with grief; it is a burden which we all bear, and which we should all seek to alleviate.

Mr. QUAYLE. Mr. Speaker, I rise in strong support of Senate Concurrent Resolution 7 which once again sends a message from the Members of the House of Representatives to the leaders of the Soviet Government underscoring our commitment to this matter of human rights. I was pleased to join as a cosponsor of a similar House concurrent resolution with my colleague the gentleman from Connecticut (Mr. MOFFETT).

This resolution clearly states that the sustained interest of the American people be conveyed to the Soviet Government regarding adherence to the Helsinki Declaration, including their pledge to facilitate freer movement of people, expedite the reunification of families, and uphold the general freedom to leave one's country.

It is interesting to note, Mr. Speaker, that Soviet Communist Party leader Leonid Brezhnev only yesterday strongly assailed President Carter's support for Soviet dissidents. The Soviet leader has warned against so-called interference in our internal affairs. Perhaps the pressure now being exerted by our Government is beginning to hurt. So be it.

This resolution recites again and condemns the recent beatings, imprisonment, and harassment of Soviet Jews and other minorities trying to obtain emigration visas to reunite with their families.

The harassment of the Jewish minority manifests itself in many ways: an attempt to reunite with one's family is controlled by the whim of the state and party bureaucrats; a person's home is ransacked late at night, or perhaps the family loses its "privileged" Moscow address; anti-Semitic films are fed as propaganda to the people; in more severe cases the people suddenly lose their ability to think clearly and require the free medical and psychiatric health care provided by the state; or finally some grow so tired of the constant harassment that they are forced to leave their homeland.

It is reassuring that the President and the Congress have taken forthright stands in recent weeks on human rights. It is our responsibility to continue this effort because the people who speak the truth about the Soviet Union depend upon our vigilance and our voices to protect them from the worst.

We have taken the first steps to support them in their cause, let us not fail to offer at least our voices in support of their struggle.

Mr. LENT. Mr. Speaker, I rise today to condemn in the strongest possible terms the Soviet Union's utter disregard for the human rights of its Jewish minority, and I commend the House leadership for bringing to the floor a resolution condemning the Soviet Government's record on human rights.

Soviet party leader Brezhnev has criticized the United States for its undue interest in human rights within the Soviet Union. He even goes so far as to say that this interference threatens better relations between our nations. It is my own view that our interest, far from being unwarranted, is required. The Soviet Union is a party to innumerable international conventions on the subject of human rights, most recently the Helsinki accord. So far, the Soviet Government has shown no inclination to comply with the terms of those agreements. I fear the Soviets would forget they signed those agreements, were it not for our continued pressure.

Soviet harassment of its minorities takes many forms, some subtle and some blatant. Obviously, imprisonment for one's religious or political beliefs is one form. Loss of employment is another. Two which have recently been instituted by the Soviet Government include placing a limit on the size and value of parcels which can be sent to citizens of the Soviet Union, and prohibiting the importation of flour or flour products. The latter move was clearly aimed at Soviet Jews, who are now preparing to celebrate Passover, and who will be unable to obtain matzoh unless they register with the Soviet Government.

For the last 3 years, I have been writing to an "adopted" prisoner of conscience, Hillel Butman. His only crime was expressing a desire to emigrate to Israel. Unfortunately, his case is not unique. Those of us who have been participating in the prisoner of conscience program know that international pressure does make a difference. There are probably some prisoners of conscience who are alive today because of the concern we have expressed to the Soviet Government. It is because of the possibility of success that we must redouble our efforts, and I am pleased that the House has today gone on record in favor of human rights. I hope the message will be clear to the Soviet Government that we will tolerate no less than sincere compliance with international human rights convention.

Mr. EVANS of Delaware. Mr. Speaker, I rise in strong support of the resolution now being considered by the House regarding the harassment of Jews and other minorities in the Soviet Union.

This resolution will make absolutely clear to the Kremlin that the American people are profoundly committed to freedom for all people in the world, regardless of nationality.

And it will also make it clear that this Congress holds the Soviet leadership strictly accountable to the agreements they made in the Helsinki Declaration with respect to facilitating freer movement of people, expediting the reunification of families, and upholding the general freedom to leave one's country.

Mr. Speaker, despite differences of party, I strongly support President Carter in his campaign for human rights in the Soviet Union. I commend him for focusing world opinion on the oppressive tactics of the Soviet Union, tactics which I am sure the Russian leadership would just as soon keep in the dark. The only protection that Soviet dissidents or those wishing to emigrate is world opinion. I earnestly hope that this Nation, as the leader of the free world, will continue to speak out on the infringements of personal liberty which occur in the Communistic bloc countries.

In a few days, Secretary of State Vance will journey to Moscow. I urge hm to convey to Soviet leaders the unflagging determination of this Congress and the American people to see that the letter and the spirit of the Helsinki Declaration and the United Nations Charter are fulfilled.

This Nation must continue to be a beacon of hope to minorities in the Soviet Union and other Iron Curtain countries. This resolution reaffirms that responsibility, and I urge its overwhelming passage.

Mr. KEMP. Mr. Speaker, I have monitored recent trends in Soviet compliance with the provisions of the Helsinki Agreement with great interest, and it has come to my attention that the small number of concessions which have been made seem to run concurrently with other intolerable violations of human rights. I speak of the recent release from prison of Dr. Mikhail Shtern, whose long overdue freedom was granted in light of the gravity of his illness, on the very eve of the arrest of Anatoly Sharansky, whose only crime has been his attempts to join his bride in Israel since 1974.

It has been my great pleasure to speak out to Soviet authorities in behalf of both these men, as well as others who have put themselves and their families out of fortune and in some cases in danger by attempting to exercise their civil rights, rights to which the Soviet Government has promised to afford its citizens, yet has not.

I join my colleagues with a sense of duty and pride in declaring that we must push for total compliance with the Helsinki Declaration and with the principles of human rights. We never forced the Soviet Union to sign this agreement. They entered into it willingly. Now let us show them that they cannot make commitments which they do not intend to keep. Let us show them that we expect them to honor the principles which they have willingly agreed to uphold, lest all past and future agreements become meaningless and void.

Mr. MAZZOLI. Mr. Speaker, as a cosponsor of House Concurrent Resolution 97, a similar resolution to Senate Concurrent Resolution 7, I want to take this opportunity to express my personal concern over the plight of the Jews who live in the Soviet Union.

Despite the fact that the Soviet Union has permitted a higher number of Jews to emigrate in recent months than previously had been the case, there remain in Russia many Jews who wish to leave but who have been denied that basic human right of free movement across national borders.

It is not sufficient justification, in my mind, for General Secretary Brezhnev to contend that Soviet human rights pol-

icy is strictly an internal matter and, therefore, not America's concern.

The Soviet Union's tight restrictions on emigration is in direct contravention of the Helsinki accords. As a cosignor of that agreement, the Soviet Union pledged—among other things—to honor the principle of freer travel for all its people.

This principle has been in little evidence in the Soviets' handling of visa requests and in their overall attitude toward travel by their minority group citizens.

Further, it is my understanding that Soviet officials have continued to harass certain minority groups—in particular Soviet Jews—and have made a concerted effort to abrogate the civil rights and the human liberties of these minority groups.

A case in point is the Soviet Union's restriction on the importation by mail of flour and foods containing flour. This is apparently an action directed at Russian Jews who utilize flour in the making of matzos during the Passover season.

Again, by agreeing to the Helsinki accords, the Soviets went on record as supporting the right of religious groups to meet and to worship freely.

If the Helsinki document is to have anything more than purely symbolic meaning, the Soviet Government must guarantee its citizens freedom of religious association.

It is incumbent on the United States—as well as on other signatories of the Helsinki Final Act—to persevere in championing the cause of those Soviet citizens whose civil liberties have been systematically abused.

There can be no compromise on human rights. Because of our rich heritage of personal, political, and religious freedom, the United States must remain in the forefront of the worldwide movement for human rights and human dignity.

I fully support Senate Concurrent Resolution 7 and the call it makes for Soviet accountability with respect to certain unviolable tenets of human existence.

Mr. MINISH. Mr. Speaker, I rise in support of Senate Concurrent Resolution 7, expressing the concern of the Congress regarding the treatment of Soviet Jews and other minorities in the Soviet Union.

As a signatory of the Helsinki Declaration, it is the responsibility of this country to express our dissatisfaction with the recent actions of the Soviet Union which have restricted and harassed dissent within that nation.

The Soviet Union is pledged, as a cosigner of that agreement, to permit free emigration, yet it continues, through intimidation, to deny emigration visas to minorities.

It is particularly appropriate, Mr. Speaker, to consider this resolution at a time when our own Government has lifted virtually all restriction on travel by Americans and the Soviet authorities apparently have begun one of their periodic crackdowns on Jews and others seeking basic human rights.

This resolution indicates to the Soviets that the Congress has a sustained and continuing interest in strict adherence to the Helsinki Declaration. As a cosponsor of a similar House measure, I urge overwhelming passage of Senate Concurrent Resolution 7.

Mr. KOSTMAYER. Mr. Speaker, I rise in support of this resolution.

When the Helsinki agreement was signed in 1975 the Soviet Union advertised that fact as a victory in diplomacy for the Communist bloc. The Soviets apparently attached little importance to the human rights section of the accords.

The President has made well known his interest in human rights. He has taken this cause to the United Nations. I am sure he will address the human rights issue in upcoming negotiations with the Soviet Union.

The pressure on the Soviets must be maintained. We must be relentless in our insistence on the implementation of the rights provisions of the Helsinki accords.

That is why I urge passage of this resolution. The Soviets must be made aware that disapproval of illegal beatings, imprisonment, and harassment is not limited to the President and State Department. The American people disapprove, and we as their representatives can collectively express that disapproval here today.

And let us not ignore the fact that although the Soviet harassment of citizen groups and minorities seems to cut across all nationalities, the Soviet Jews are singled out consistently for abusive treatment. This is discrimination in its ugliest form, and the lessons we have learned in Europe should not be forgotten. Jewish rights and freedoms must be guaranteed.

I again urge resounding approval of Senate Concurrent Resolution 7.

Mr. RINALDO. Mr. Speaker, one of the significant achievements of the Final Act drafted at Helsinki was to solidify the issue of human rights as a legitimate topic for discussion in international forums. Although the United Nations Charter and the Universal Declaration on Human Rights made the subject of civil liberties a matter of international concern long before the Helsinki accord, the Final Act gave this question a new prominence.

I am afraid, however, that the Soviet Union is adhering to this agreement as poorly as it has to other international accords. Reports of beatings, imprisonments, and harassment of Soviet Jews have increased at an alarming rate. Moreover, Chairman Brezhnev himself in effect confirmed these reports by arrogantly declaring yesterday that no nation can tell him to comply with the Helsinki pact.

Détente can have no meaning without a commitment on the part of Soviet authorities to respect the civil rights of its citizens. Most importantly, such a commitment should come before the preparatory meeting, required by the Final Act, in Belgrade. In large part, the success of that followup to Helsinki will rest heavily on a demonstration by the Soviet Union of its adherence to the human rights provisions of the Final Act.

Mr. Speaker, I am grateful for this opportunity to expresse my views on this subject, just as I will be pleased to vote in favor of Senate Concurrent Resolution 7, which expresses the desire of Congress that the Soviet Union discontinue its harassment of Soviet Jews. I am hopeful that, in the near future, the Soviet Union will begin to live up to its international and moral obligations and thus make such legislative activity unnecessary.

Mr. STEERS. Mr. Speaker, today the House is considering a resolution similar to House Concurrent Resolution 97, offered by the distinguished gentleman from Connecticut (Mr. MOFFETT) of which I am a cosponsor, that expresses the concern of the American people to the Soviet Government concerning the harassment of Soviet Jews and other minorities seeking to reunite with their families in foreign lands.

A resoluton of this kind is essential if the Russians are to understand that the United States will not be bullied out of insisting on Soviet compliance with the Helsinki Declaration. The Soviets will, no doubt, call this resolution interference in their internal affairs, but that is obviously not the case. This resolution simply requests that the Soviet abide by a signed agreement.

If we cannot be assured of Russia's willingness to abide by this agreement, then how can we be sure they will abide by other agreements. I expect the Soviets will not yield on this matter for some time, and they will probably try to exert pressure on the United States to withdraw from its present position. However, the U.S. Congress must not relent in seeking full compliance with the Helsinki accords.

There is another, more tragic, side to this issue, and that is the plight of all the refuseniks in the Soviet Union. These individuals took the courageous step of applying for emigration visas and were refused—which is contrary to the basket three provisions of the Helsinki Declaration. Upon their refusal, many of them lost their jobs, and their lives in the Soviet Union entered a state of limbo. Often, most of the refusenik's family is already out of the Soviet Union.

The fate of these individuals, who suffer daily harassment both official and unofficial, lies in the hands of the Soviet bureaucracy which is ignoring its international agreement to allow the emigration of these and other Soviet citizens.

The resolution we are voting on today will not solve these problems immediately. However, it will be a positive step in the long journey ahead to secure freer movement for, and the termination of harassment of, Soviet Jewry and other minorities in the Soviet Union.

Mr. BURKE of Florida. Mr. Speaker, I would like to express my support for Senate Concurrent Resolution 7, which is similar to a House concurrent resolution which I cosponsored and which, if enacted, will proclaim the sense of the Congress that the sustained interest of the American people be conveyed to the Soviet Government regarding adherence to the Helsinki Declaration, including their pledge to facilitate freer movement

of people, expedite the reunification of families, and uphold the general freedom to leave one's country.

Mr. Speaker, we in the United States often take many of our freedoms for granted. One freedom in particular we tend to assume is the freedom to emigrate. So close is this freedom to our national spirit that when Emma Lazarus wrote her inscription for the Statue of Liberty she called upon the nations of the world to send "your tired, your poor, your huddled masses yearning to breathe free" and "the wretched refuse of your teeming shore."

The spirit of openness contained in these passages says much about us as Americans. It says first of all that we are a land of immigrants. And it also says that we naturally expect that those who desire to come to our shores will be allowed to come. What is not recognized in these lines, however, is the fact that the Soviet Union has intertwined the freedom to emigrate into one of the most perverse political systems ever to darken the human record. What we in the United States assume as a natural inalienable right is flagrantly disregarded in the Soviet Union.

On August 1, 1975, in Helsinki, Finland, the heads of 32 European nations, the Soviet Union, the United States and Canada, sat down at a long, blue-draped table and signed a blue-bound document the size of a phone book which declared their mutual "respect for human rights and fundamental freedoms." This document declared that "in the field of human rights and fundamental freedoms, the participating states will act in conformity with the purpose and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights. They will also fulfill their obligations as set forth in the international declarations and agreements in this field including inter alia the International Convenants on Human Rights, by which they may be bound." One of the many principles laid in the Universal Declaration of Human Rights was that "everyone has the right to leave any country, including his own, and to return to his country."

Mr. Speaker, no one was more pleased with the Helsinki agreement than Leonid Brezhnev. Addressing the audience in the soaring white-marble hall, the Soviet Communist party leader solemnly urged that the principles of Helsinki be "put to practical use and made a law of international life not to be breached by anyone." He also said that—

> We note with deep satisfaction that . . . these principles are imbued with respect and care for man, so that he can live in peace and look forward to the future with confidence.

Mr. Speaker, these words were uttered only 1½ years ago. And yet, what a mockery the Soviet Union has made of the Helsinki proceedings. In spite of these spoken platitudes, the Soviet leaders have continued to set loose throughout the entire fabric of Soviet society a wickedness which finds no equal in scale or intensity in the history of man. And let there be no mistake about this threat. Unless we find ways to counter these excesses, the main fabric of European civilization may not remain erect at the close of the struggle in which we are now engulfed.

But, it may be asked, what are the excesses of which you speak? Why is it that the Jewish people, in particular, want to leave the Soviet Union? Well, let me answer by listing a bill of particulars by no means complete in scope.

Soviet Jews are denied equal ethnic rights guaranteed to all other nationalities by Soviet law.

All centers of Jewish culture have been closed.

Jewish publishing houses and Jewish printing presses have been closed. All Yiddish type face has been melted down.

The entire Jewish educational system has been dismantled.

Teaching Hebrew and Yiddish is not allowed.

It is impossible to buy any books on Jewish history.

It is impossible to find a copy of the Bible.

Jewish prayer books have all but vanished.

There is only one rabbi left in the USSR. No new rabbis are being trained in the country.

Less than 60 synagogues remain but few function much of the time. Those who attend are fearful the KGB will break up services—which it often does. KGB agents come to services disguised as congregants.

Religious calendars, indispensable guides to religious observances, cannot be published (except for the "show piece" Central Synagogue in Moscow where some are occasionally allowed).

Prayer shawls and other Jewish devotional articles are not allowed to be produced.

Almost no contact with Jewish co-religionists is allowed. This is in contrast to the experiences of other faiths in the Soviet Union: Eastern Orthodox, Protestant, Catholic, and Moslem.

Jewish cemeteries are regularly desecrated. Historic Jewish gravesites have been bulldozed.

Virulent anti-Semitism is everywhere. Jews and Judaism are constantly the target of anti-Semitism in the media.

Young Soviet Jews are deprived of getting any kind of Jewish education and religious instruction.

Soviet Jews can no longer get good jobs in the USSR in contrast to only a few years ago. Some universities now have quotas.

Those Jews who have jobs are liable to lose them immediately upon applying for emigration visas.

For Jewish activists, arbitrary arrest, beatings and interrogation is common.

Due process for Jews in court proceedings which are emigration-related is next to nonexistent.

Civil rights, social rights—the right to work, cultural rights, freedom of education—have been taken from Soviet Jews. In denying these human rights Soviet authorities are blatantly violating the Helsinki agreement, accepted international law, its own internal legal system and the minimum decent behavior of civilized people.

Mr. Speaker, these, and numerous others, are the reasons Soviet Jews want to emigrate from the Soviet Union.

Mr. Speaker, it was as recent as March 17, 1977, that I wrote to General Secretary Leonid I. Brezhnev to express my indignation at the treatment recently accorded Anatoly Scharansky. Mr. Scharansky has been the target of systematic harassment by officials of the Soviet Government for some time. Ever since filing his application for permission to emigrate to Israel in 1973, he has been subject to increasing pressures. However, on March 4, 1977, his situation gravely worsened when Izvestia published an infamous letter accusing Mr. Scharansky and other prominent Soviet Jews, along with two American diplomats, of lending themselves to espionage and treasonous activities against the Soviet State. Since that time he has been under extensive KGB pressure until on March 15 he was arrested by Soviet authorities. While these charges are false and without foundation, there can be no doubt that they are serious insofar as treason is a capital crime in the Soviet Union.

Mr. Speaker, even since then, Mr. Brezhnev's own words have made it quite clear that the Soviet Union does not intend to comply with the human rights provisions of the Helsinki accords. In a major address to a national trade union congress, on March 21, 1977, Mr. Brezhnev bitterly assailed the Carter administration's support for Soviet dissidents as unwarranted "interference in our internal affairs." He warned that—

> Normal development of relations on such a basis is unthinkable.

In summing up the position of the Soviet Government, General Secretary Brezhnev said that—

> We will not tolerate interference in our internal affairs by anyone and under any pretext.

This is what atheistic Soviet communism thinks about human rights.

Mr. Speaker, the United States would be false to its own political values and traditions if it stood silent in the face of this wanton political oppression. Running throughout the American political character is the theme that America occupies a special place in the hard march of mankind. As Cushing Strout has shown in "The American Image of the Old World," the self-image of America is that of a land of virtuous simplicity untainted by tyranny, injustice, and vice. Our Founding Fathers—Benjamin Franklin, Thomas Paine, Thomas Jefferson, John Adams, Alexander Hamilton, and others—all believed that it was America's destiny to be the repository and the exemplar of human freedom. Even in recent times, President Truman declared that it was the policy of the United States to "defend free peoples everywhere" and President Kennedy announced to the world that the United States was going to defend freedom around the globe. President Carter has made it clear that the struggle for human rights will be the cornerstone of his foreign policy. Throughout our tradition—and influencing our foreign policy—is the belief that America's future is linked with the future of other

peoples and other nations around the world—people who would similarly be touched by those unquenchable fires of freedom.

Mr. Speaker, I ask that the U.S. House of Representatives give its unanimous consent to this concurrent resolution. Let us rise up and show our support to those victims of political oppression in the Soviet Union who look to us not only for support, but who see us as the "last best hope for mankind."

Mr. BIAGGI. Mr. Speaker, I rise to join in the protest against the accelerated campaign by the government of the Soviet Union to persecute and harass prominent minority members of its citizenry, particularly Soviet Jews. Adoption of this resolution today will place the United States Congress squarely on the side of justice in the struggle for human rights in the Soviet Union.

The actions of the Soviet Union directed against its minority citizens have included beatings, imprisonment, the denial of applications for emigration visas and most recently, a ban on the importation of special foods for the Jewish Passover. This flies directly in the face of the Helsinki agreement which respects the rights of individuals to emigrate and to be free from persecution; the most fundamental of all human rights. This Nation has been most outspoken in its insistence that all signators of the Helsinki Accord adhere to all its principles. This resolution reflects still another example of our commitment to have this agreement honored.

In recent weeks, certain cases of minority harassment in the Soviet Union have received wide public attention in the United States. This, coupled with the position of the Carter administration on human rights, has triggered strong statements by Soviet leaders. It is my view that our pursuit of human rights and self determination for all, is an admirable principle. Yet, I have some concerns that the policy is not being applied universally. It is imperative for this Nation to achieve credibility in its foreign policy. We must speak out against human rights violations wherever and whenever they occur, whether they involve friend or foe.

This Nation must not be intimiated by verbal rumblings from the Kremlin. Our cause in solidarity with oppressed minorities in the Soviet Union is just and should be continued. This resolution deserves the overwhelming support of all Members.

Mr. DOWNEY. Mr. Speaker, I rise in favor of this concurrent resolution expressing the concern of Congress over the harassment of Soviet Jews and other minorities. As the world's leading democratic Nation, it is this country's obligation to protest the oppressive actions the Soviet Union imposes upon its citizens. The Helsinki accords, internationally agreed upon principles of human rights, to which the Russians are in blatant violation, is a pact between nations that permits no exception.

Last week, the Soviets surprised us all when they released Dr. Mikhail Shtern. Dr. Shtern was imprisoned in a Soviet labor camp on trumped up charges of accepting bribes, and was sentenced to 8 years. This 60-year-old man suffered for 2 years in the camp before the Soviet supreme court saw fit to release him. Just prior to his release, Shtern was placed in a punishment cell—a 2- by 3-foot cubicle, with iron pegs sticking out from the walls. He was forced to remain in a fetal position for 15 days, during which time he was fed only every other day. Fortunately, Shtern has now been rejoined with his wife and is now recuperating from his ordeal.

Unfortunately, this gesture from the Kremlin is not likely to be a trend-setter. In fact, later in the same day that Shtern was released, Anatoly Sharansky, another Soviet Jewish dissident, was captured on a street corner. To date, Sharansky has not been charged, and we are all wondering if we will ever hear from him again.

Diplomatic action from the United States is the only way that we can ever hope to guarantee the Soviet citizens the very basic human rights that we all take for granted in this country. And we have more potential for influencing the Kremlin than I think most of us realize.

The Soviet Union relies heavily on the United States for our food and technology exports. Without these exports the Russians would suffer severe agricultural and industrial production shortages. To put it simply, their industries would not function and their people would not eat.

The Kremlin is very much aware of their dependence on this country. Yet, they have been consistently able to gain the upper hand in negotiations with Americans who are all too accustomed to taking the first Soviet "Nyet" for an answer.

If we are actually serious about this Nation's stand for the human rights of Soviet citizens, we must be willing to use whatever necessary threats—perceived and real—of prudent economic mechanisms to force the Russians into submission on this very important issue.

Without our help, the lives of these Soviets and others like them will continue to be filled with fear and oppression.

Ms. OAKAR. Mr. Speaker, I am heartened by the attention and energies that the Carter administration, particularly the President himself, have devoted to the question of human rights. Sharing such concerns, I have taken time today to pay particular attention to the plight of the Jewish people within the Soviet Union.

The right to emigrate has been the central issue in any discussion of Soviet Jews. Indeed, Soviet leaders have responded to Western pressures and allowed a far greater number of Jews to leave the Soviet Union. Today, the monthly emigration quota for Jews stands at 1,300. Yet, this is not to be confused with a new direction in Soviet emigration policies or a new Soviet approach to the issue of human rights. In fact, the increased number of emigrees was a gesture to the new administration, and as President Carter shows his commitment to the essence of this issue rather than shallow gestures, these quotas will again be in danger in more restriction.

Beyond emigration, the issue of Soviet Jewry touches upon the treatment of Jews who choose to remain or must remain under the rule of the Supreme Soviet. On a recent occasion, Soviet Jewish dissidents presented their demands for more dignified treatment by police and other state agencies as well as a more lenient emigration policy. Those who appeared at government offices to present these demands were set upon and beaten by uniformed police. Other abuses of Soviet Jews have included the use of psychiatry to punish the most outspoken dissenters in an effort to force recantation.

Abuses of this nature cannot be left to the whim and folly of Soviet officials. Soviet repression of the Jewish people is not to be dismissed as a mere internal matter. We in the Congress must use our constituted power to bring respect for human and civil rights to the Soviet Union. House resolutions are a fine statement of spirit and idea, but the Congress must continue to use its legislative powers in the areas of tariff and export credit to bring basic respect for human dignity to the Soviet Union.

Until such time as the Soviet Jew can carry out his life in a manner that he chooses, I urge my colleagues to be vigilant in their attention to this matter and persistent in their cries for human justice.

Mr. ZABLOCKI. Mr. Speaker, I have no further requests for time, and I urge adoption of the concurrent resolution.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI) that the House suspend the rules and concur in Senate Concurrent Resolution 7.

The question was taken.

Mr. MOFFETT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 3 of rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. BROOMFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of Senate Concurrent Resolution 7.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

SUPPLEMENTAL MILITARY ASSISTANCE FOR PORTUGAL FOR FISCAL YEAR 1977

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3976) to authorize supplemental military assistance to Portugal for the fiscal year 1977, and for other purposes.

The Clerk read as follows:

H.R. 3976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 504(a)(1) of the Foreign Assistance Act of

1961 is amended by inserting at the end of the table of countries and amounts—

"Portugal ---------- 30,000,000".

The SPEAKER. Is a second demanded?

Mr. FINDLEY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3976, a bill to authorize the allocation of $30 million in grant military aid to Portugal for fiscal year 1977. This supplemental fiscal year 1977 request was transmitted to the Congress in late February. Chairman ZABLOCKI introduced the bill February 23 by request and it was referred to the Subcommittee on Europe and the Middle East which I chair.

On March 1, 1977, the subcommittee held a lengthy hearing with officials of the State Department, Defense Department, Treasury Department, and the American Ambassador to Portugal who returned for the hearing. Following the hearing the bill was marked up by the subcommittee and ordered reported favorably, to the full committee which in turn reported it favorably by voice vote to the House on March 15, 1977.

Mr. Speaker, this bill supports important foreign policy interests of the United States. Portugal is a NATO ally. It has, after 50 years of authoritarian rule, moved in an impressive and seemingly convincing way to develop crucial democratic institutions and an effective parliamentary system. This dramatic progress has occurred in the course of 2 turbulent years following the 1974 Portugal revolution. However, forces of the extreme left, including the Communist Party, and forces of the extreme right are not committed to democracy taking roots in Portugal. In addition, neighboring Spain is now going through some of the political upheavals Portugal has experienced. The political balance in the Iberian Peninsula is not yet stable.

The United States has an important stake in what develops in Portugal and in the Iberian Peninsula. We need to support Portugal and Portugal, at this time, needs economic, political, and military assistance from its NATO allies. Our participation in helping Portugal will serve as an encouragement to states like West Germany to continue giving aid also.

The specific purpose for H.R. 3976 concerns Portugal's desire to participate in the military affairs of NATO. The $30 million is designed to help equip and train a newly established air-transportable, Portuguese brigade that will be assigned to NATO. This request is the first part of a 3- to 4-year program for that bridgade. Other NATO allies, including West Germany, Britain, and Canada, are expected to participate in efforts to reorganize and modernize the Portuguese military.

The $30 million authorized to be allocated by this bill will be used to provide one C–130 air transport aircraft with spares and support, and priority ground force equipment, including 66 M–113A1 armored personnel carriers to the newly constituted 4,000 man airborne brigade.

This aid will help assure a Portuguese military establishment that is nonpolitical, NATO-oriented, nonextremists. The committee does believe that we need to demonstrate strong support for Portugal now and that Portugal's active participation in NATO affairs is in our national interest.

Mr. Speaker, I urge the passage of H.R. 3976. The Iberian Peninsula is at a political and economic crossroads. It is not in the interest of this Nation to send the wrong signals to these states and their leaders now. Portugal has made important strides in the last 2 years. But it needs our help. Portugal still faces serious economic and political challenges. Our assistance is designed to help the Portuguese help themselves.

Finally, Mr. Speaker, the expenditures which will result from the adoption of this bill have been assumed in the third concurrent resolution on the budget for fiscal year 1977.

Mr. Speaker, I urge the adoption of H.R. 3976.

Mr. FINDLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3976, in authorizing $30 million in grant military assistance for Portugal, will permit a more effective Portuguese participation in NATO.

This $30 million will help equip an army airborne brigade to be deployed with NATO's southern command. The 4,000-man unit will function as regional reserves responding to crises situations. In fashioning this role for the brigade, Portugal and NATO's supreme allied commander have together recognized and utilized the potential value of the Portuguese troops, the only forces in Europe with battle experience.

Funds authorized will provide the brigade with one C–130 air transport aircraft, spares and support, and with armored personnel carriers. To delay this authorization until fiscal year 1978 would postpone Portuguese procurement of this equipment and would, thereby, disrupt the brigade's formation and training. Expedition of our aid is crucial to Portuguese attempts to restore discipline and a sense of mission to armed forces once racked by political factionalism.

This grant military aid, in effect, represents a dual commitment shared by Portugal and the United States.

For Portugal, the commitment is to NATO and to the values the Western alliance espouses. Having extricated itself from colonial wars in Africa, Portugal is now turning its focus toward Europe. Having thrown off the yoke of a rightwing dictatorship, Portugal now seeks to protect and enhance human rights. Having repulsed the threat of the authoritarianism of the left, Portugal now enjoys an elected, democratic government.

For the United States, the commitment is to a strengthened Atlantic community and to the nascent Portuguese democracy. By reinforcing Portugal's new orientation toward Europe, we are promoting Portuguese identification with our Western ideals. We are also demonstrating our intention, in cooperation with our allies, to revitalize NATO.

Our commitment is shared by fellow NATO members who are also providing military equipment and economic aid to Portugal. U.S. assistance should further encourage nations such as West Germany to continue their aid programs to Lisbon.

The United States, in setting its aid priorities has not been indifferent to the economic problems Portugal faces. We have recently provided a $300 million short-term loan to Portugal from the Treasury Department's Exchange Stabilization Fund. Another $300 million loan on a medium-term basis will be available to Portugal this year should Congress authorize American participation in a $1.5 billion international consortium.

United States aid, both economic and military, recognizes immediate Portuguese needs and gives evidence of our faith that Portugal, with some help, should be able to meet those needs. I would hope, however, that the considerable sum of loans and grants we are providing do not presage a long-term American aid obligation to Portugal. Indeed, Portugal should strive to reestablish its economic viability and remove its dependence on outside economic and military grants.

I would stress, therefore, that this supplemental assistance request for Portugal should be conceived of as short-term aid. As such, its importance is not to be minimized. It will help stabilize a nation that, though well on its way to becoming a full partner in the defense and political and economic fabric of Western Europe, is still struggling to achieve its Democratic objectives.

I include the following:

1. What grant military assistance has the United States already provided to Portugal in Fiscal Year 1977?

The U.S. has allocated $830,000 in grant military assistance to Portugal in FY 1977. H.R. 3976 is necessary to modify existing statutory limitations on the allocation of military assistance funds. Section 504(a)(1) of the Foreign Assistance Act of 1961 identifies eight countries, not including Portugal, to which funds available for military assistance may be allocated in FY 1977 and specifies the amount which may be allocated to each of them.

Section 504(a)(2) of the Act prohibits the use of more than $3.7 million in FY 77 for military assistance to countries not identified in section 504(a)(1). The allocation of $830,000 to Portugal was made under this ceiling.

Together, these two provisions of law prevent that furnishing of the proposed supplemental military assistance to Portugal in FY 77. H.R. 3976 modifies these limitations on the allocation of military assistance funds by adding Portugal to the list of countries in section 504(a)(1) and by specifying that $30,000,000 may be allocated to that country.

2. What are the aid requests for FY 1978 for Portugal?

The Administration is requesting $21 million in P.L. 480 Title I, $25 million in grant military assistance, and $3 million in military training.

Also, the United States is involved in negotiations for establishing an international consortium loan of $1.5 billion for Portugal. The U.S. share would be approximately $550

million; this would be spread over a 3 year period with the first tranche of $300 million being transferred to Portugal in FY 78. This would be a medium-term non-concessional loan (interest rates at the cost of money to the U.S. Treasury). This loan will be subject to Congressional authorization.

3. What aid have other nations given?

In the past two years, the Europeans, especially the West Germans, have provided balance of payments support to the extent of $1 billion.

The Federal Republic of Germany has contributed 20 G-91 aircraft to the brigade in question and is actively considering further aid.

The international consortium will have the support of the F.R.G. and of several other European nations.

4. Is Portugal politically stable?

Mario Soares (Swar-ez) is Prime Minister of a minority Socialist government. The Socialist Party has received approximately the same plurality of votes in the last three elections: April 1975 (Constituent Assembly); April 1976 (Parliamentary Assembly); and December 1976 (local). This amounts to 33 to 35% of the vote. This is a good sign of stability in the electorate. The Prime Minister is committed to democracy. He ran on a platform espousing the "European option". He is pro-NATO and is now campaigning for Portuguese membership in the E.E.C. There is a continuing restiveness, however, among elements of the right and of the left which could pose a threat to Portugal's democratic evolution.

5. How strong is the Communist Party in Portugal?

The Communist Party in Portugal has about 100,000 members. It has strength disproportionate to its numbers in the labor unions, however. It received 13–15% of the vote in the last two elections. Its leader, Alvaro Cunhal, is the most Stalinist of any Western European communist leader. The municipal elections in December 1976 actually removed communists from many of the municipalities they had controlled in their heyday, thus weakening their control over local infrastructures. Cunhal's Stalinist approach to politics has made unthinkable any political alliance between the communists and the socialists.

6. What is the size of the Portuguese armed forces?

The total number of people in the military has been scaled back over a two-year period from well over 217,000 to some 76,000 and it is expected that this number will drop even further to about 60,000.

The army is to be maintained at a level of approximately 36,000 men compared to close to 200,000 at the height of the Angola war.

This was a courageous step in a nation where unemployment is running at 15%. The intention, however, was to design a professional army, one that would not be tempted to embroil itself in politics.

In 1976 Portugal committed roughly 5.4% of its GNP to defense expenditures. This is not expected to decrease.

7. Is the Portuguese situation so bad as to justify this aid?

By 1976 Portugal had lost virtually all markets in former colonies which took over $270 million or 17% of Portugal's exports in 1973.

Income from tourism was down about $173 million in 1975 and $180 million in 1976 as compared with 1973.

Emigrant remittance were down about $172 million in 1975 and the same again in 1976 as compared with 1973.

Capital flight has been estimated at between $200 million and $300 million per year in 1975 and 1976.

Portugal's economy has had to absorb over half a million refugees from former colonies, plus most of the 100,000 men Portugal has cut from its armed forces since mid-1975.

Portugal is running a balance of payments deficit of $800 million to $1 billion per year.

Inflation is running at 20–25% per year.

Unemployment is 15%.

8. What are the Portuguese doing to help themselves?

Prime Minister Soares himself told his Socialist Party Congress last fall that without economic stabilization there can be no democracy.

Portugal, therefore, has:

Enacted laws to restore private sector confidence;

Imposed tax surcharges on imports in order to save foreign exchange;

Imposed limits on wage increases;

Passed a 1977 budget to raise taxes and reduce expenditures to cut the budget deficit;

Restored many farms and factories that had been nationalized to private hands. This process is continuing.

Ninety U.S. firms are represented in Portugal. Most remained throughout the revolution but contracted operations. None were nationalized.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts(Mr. STUDDS), whose knowledge of Portugal is equal to that of any Member in the House and who has had a great interest in this bill.

Mr. STUDDS. Mr. Speaker, I rise in strong support of this measure. I do so as one who is not normally enthusiastic about U.S. foreign military assistance programs in general and in particular in the case of a nation such as Portugal, which now finds itself facing severe economic diffculties.

I think it is important that this House recognize the uniqueness of the situation in Portugal, and the critical importance to that country, to the NATO alliance, and to our own national interest, that this aid be forthcoming, for political at least as much as for military reasons.

The Government of Portugal is engaged in a very tenuous and critically important experiment with democracy after 50 years of dictatorship. They have survived attempted coups from both the right and the left in the past 3 years. One of those, remarkably, was from a left-wing military. The Military Establishment had been seriously infiltrated by Communists and had been through a decade or more of futile colonial wars in Africa. The critical need for it now is to be depoliticized, to assume a new and genuinely professional role.

The Armed Forces of that nation have been reduced in the past 2 years from 200,000 men to some 40,000 men, and this constitutes an act of enormous courage on the part of the Government, given the unemployment and severe economic difficulties currently faced by the democratically elected Government of Portugal.

I urge, both in the interests of that ally of the United States and in the interests of our own country, that we adopt this measure.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SOLARZ).

Mr. SOLARZ. Mr. Speaker, I think that this legislation has to be seen in the context of our efforts to formulate a foreign policy which is consistent with the democratic and humanitarian traditions of our country. We very frequently hear in this Chamber a lot of anguished talk when countries that we have supported in the past abandon democracy in favor of dictatorship. Unfortunately, we hear very little talk about what we can do to assist those few countries which have abandoned dictatorship in favor of democracy.

I think that if we are going to be consistent, at the same time we cut back on our assistance to those countries that have embarked on the road to repression, we ought to be increasing our assistance to those countries that have chosen to embark on the path of freedom. Portugal is engaged, as our distinguished colleague from Massachusetts just indicated, in a very perilous effort to establish firm democratic roots and traditions in that country. I think we have an obligation to help them, and I think this legislation represents a very constructive effort to enhance the prospect for the survival of democracy in a country that has a very important role to play in maintaining the freedom and independence of Western Europe as a whole.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time, and I urge adoption of H.R. 3976.

The SPEAKER. The question is on the motion offered by the gentleman from Indiana (Mr. HAMILTON) that the House suspend the rules and pass the bill H.R. 3976.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 489) to amend the Foreign Assistance Act of 1961.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 504(a)(1) of the Foreign Assistance Act of 1961 is amended—

(a) by striking out in the first sentence "$177,300,000" and inserting in lieu thereof "$181,800,000"; and

(b) by inserting in the second sentence—

(1) "Portugal" at the end of the table of designated countries; and

(2) "$34,500,000" as the fiscal year 1977 amount for Portugal in that table.

MOTION OFFERED BY MR. HAMILTON

Mr. HAMILTON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. HAMILTON moves to strike out all after the enacting clause of S. 489 and insert in lieu thereof the provisions of H.R. 3976, as passed.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "to authorize supplemental military assistance to Portugal for the fiscal year 1977, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3976) was laid on the table.

URGING THE CANADIAN GOVERNMENT TO REASSESS ITS POLICY OF PERMITTING THE KILLING OF NEWBORN HARP SEALS

Mr. RYAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 142) urging the Canadian Government to reassess its policy of permitting the killing of newborn harp seals.

The Clerk read as follows:

H. CON. RES. 142

Whereas the annual six-week harp seal hunt in Canada is scheduled to begin March 12, 1977, amidst growing public concern and protest;

Whereas the Canadian Government has increased the quota for this year's hunt by one-third to one hundred and seventy thousand seal pelts;

Whereas the 1977 quota will allow hunters to kill up to 90 per centum of the newborn seal pup population;

Whereas it is predicted that the annual hunt will eventually destroy the harp seal herds;

Whereas seal hunting regulations in Canada allow the barbarous practice of killing the baby seals by repeatedly striking the heads of the animals with clubs; and

Whereas there is a growing international appreciation of the need to preserve endangered species of animals: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That, because the killing of newborn harp seals in Canadian waters is a cruel practice which may cause the extinction of that species of seals, the Government of Canada is urged to reassess its present policy of permitting such killing in Canadian waters.

The SPEAKER. Is a second demanded?

Mr. FINDLEY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Michigan (Mr. BROOMFIELD) will be recognized for 20 minutes.

Mr. BROOMFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 142 was approved unanimously by the Committee on International Relations. It is motivated by humanitarian and practical concerns. It is an attempt to spare 90 percent of the newborn harp seal pups from imminent, brutal death by clubbing. It is also designed to insure that the harp seal does not become an extinct species.

But, above all, House Concurrent Resolution 142 is an appeal to the conscience of the Canadian Government. We do have an obligation—to ourselves and to the various forms of life that share this planet with us—to urge our good friends and neighbors in Canada to reassess their policy on this matter.

I commend the gentleman from California for introducing this legislation, and I urge the strongest support for it.

Mr. AMBRO. Mr. Speaker, today we are considering House Concurrent Resolution 142, urging the Canadian Government to reassess their policy of permitting the slaughter of newborn harp seals.

This year's quota for the hunt has actually been increased, in spite of uncertainty about the number of harp seals in the world today. Regardless of this dispute over the danger of extinction, important as it is, however, the purpose of the hunt is frivolous—solely to provide pure white fur to adorn the unthinking wealthy.

Since the income from this barbarious hunt in the waters of the Gulf of St. Lawrence is small, the slaughter cannot even be justified on economic grounds, if indeed, economics could ever provide an excuse for this senseless slaughter of newborn harp seals. I, therefore, urge my colleagues to join me in passing House Concurrent Resolution 142.

Mr. ANDERSON of California. Mr. Speaker, I rise in strong support of House Concurrent Resolution 142, which urges the Canadian Government to reconsider its support for the annual 6-week hunt for harp seal pups.

As a cosponsor of this legislation, I sincerely feel that it is time for the Congress to go on record as being opposed to this barbaric hunt. Some of us have seen films of this annual 6-week harvest. Newborn harp seals bear a beautifully white, soft fur for the first 2 weeks of their lives; they are sought by the hunters who club and skin them on the spot, and who, unfortunately, find a ready market for the skins they take.

The hunters are mostly fishermen in the area for whom the seals represent their source of income during the long winters. Primarily because it is an important part of these peoples' livelihoods, the Canadian Government has for years approved of the hunt, limiting the numbers of pups to be killed.

This year—despite an international outcry against the continued slaughter—the limit has been raised to an incredible 170,000, almost 90 percent of all the harp seal pups born. In other words, only 1 out of every 10 harp seal pups born this year will be able to face natural hazards—predators, disease, starvation—before becoming an adult, and breeding future generations of seals.

Mr. Speaker, I sympathize with the men who feel this hunt is necessary for their survival. But, I also firmly believe that this hunt is unnecessary, cruel and totally unjustified.

By passing this resolution, Congress shall not be meddling with the affairs of another country. But we will have effectively expressed our outrage at a practice that should have been ended long ago.

Mr. KOCH. Mr. Speaker, as the chief sponsor along with my friend and colleague, NED PATTISON, of H.R. 446, the bill to establish a Commission on the Humane Treatment of Animals, I am particularly concerned about the inhumane actions taken against animals. The senseless slaughtering of baby harp seals in Canada is one such practice. Each year the public outrage on this issue has been great and yet the senseless slaughter continues. This slaughtering is not taking place in American waters but rather in waters controlled by the Government of Canada. So all we in the Congress can do in this resolution is express our outrage against the present Canadian policy of permitting the killing of these seals in Canadian waters. Now that we are taking this too modest step, we must plan the next step if the atrocities do not stop which could introduce a boycott of Canadian furs.

Mr. LEGGETT. Mr. Speaker, I rise in support of House Concurrent Resolution 142. The continued killing of harp seal pups, in the face of mounting evidence that the harp seal herds are threatened with extinction, is a proper subject of concern by the House of Representatives. Although this resolution merely urges the Government of Canada to reassess its harp seal policy, it is an important step in the eventual termination of this disturbing slaughter.

Although I am in full support of this resolution, I would like to point out that the resolution properly should have been referred to the Merchant Marine and Fisheries Committee for consideration.

Under the rules of the House, the Committee on Merchant Marine and Fisheries has jurisdiction over fisheries and wildlife, including research restoration, refuges, conservation, and international fishing agreements. Over the years, the committee has strenuously pursued its responsibilities in the area of fisheries and wildlife protection. Many of the most vital and important pieces of legislation in the area of fisheries and wildlife conservation have originated in the Committee on Merchant Marine and

Fisheries. A partial list of such laws passed by this committee includes the Fur Seal Act of 1966, the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1966 and 1969 and, more recently, the Endangered Species Act of 1973.

Under the Fur Seal Act, the United States manages the fur seals on the Pribilof Islands of Alaska pursuant to the Convention on the Conservation of North Pacific Fur Seals, of which Russia, Japan, Canada—along with the United States—are signatories to the Convention. Under the Marine Mammal Protection Act, it is unlawful to import into the United States any marine mammal, in particular seals, if such mammal was pregnant at the time of taking, nursing at the time of taking, or less than 8 months old, whichever occurs later; taken from a depleted stock or was listed as threatened or endangered; or taken in a manner deemed inhumane by the Secretary of the Interior or Commerce, as the case may be.

Consequently, the committee's concern about fisheries and wildlife conservation and the proper management of our limited animal resources has not been limited to domestic concerns, as evidenced by the previously mentioned laws. In addition, in the last Congress, the Committee on Merchant Marine and Fisheries developed and eventually guided into law the Fishery Conservation and Management Act of 1976 which extended the U.S. fishery zone from 12 to 200 miles.

This act did not simply relate to the activities of U.S. fishermen. Rather, it provided for the negotiation and implementation of governing international fishing agreements with all foreign nations fishing within the new U.S. fishery zone.

Mr. Speaker, I raise the issue of the proper referral of this resolution—not out of some petty concern about the jurisdictional boundary of the Merchant Marine and Fisheries Committee—but rather out of a belief that a coherent national policy in the area of fisheries and wildlife preservation demands input from the committee that deals with these issues on a daily basis.

House Concurrent Resolution 142 deals with the inhumane way in which baby seals are taken, by striking the heads of animals with clubs, and with the taking of animals which have been determined to be endangered. Both of these issues have previously been dealt with by the Merchant Marine and Fisheries Committee in the passage of the Marine Mammal Act.

Mr. Speaker, I would hope that in the future resolutions of this nature are referred to the Committee on Merchant Marine and Fisheries for consideration and, if deemed appropriate, sequentially referred to the Committee on International Relations for further consideration.

Mr. EVANS of Delaware. Mr. Speaker, I rise in strong support of the resolution urging Canada to reassess its policy of permitting the cruel and wanton killing of harp seals in Canadian waters.

This brutal practice, if allowed to continue, will undoubtedly lead to the extinction of the harp seal, and I believe this Nation must indicate as forcefully as we possibly can the deep public concern and revulsion over the killing of these seals.

Throughout history, man has repeatedly shown his disdain for life through uncontrolled slaughtering of animals. As a result, many species of wild life are no longer to be found on this planet, and hundreds more are on the verge of extinction.

It is time we called a halt to this bloody madness. The unregulated killing of animals such as the harp seal, especially by the technique of bashing the seals' head in with clubs, must be stopped. I urge my colleagues to support this resolution in overwhelming numbers, so that Canada and the rest of the world clearly understands that this Nation intends to fight cruelty to animals whenever and wherever it occurs.

Mr. RYAN. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. RYAN) that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 142).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RYAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 3, rule XXVII, the Chair will now put the question on each motion on which further proceedings were postponed, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 3437, de novo; and

Senate Concurrent Resolution 7, on which the yeas and nays were ordered.

Pursuant to the provisions of clause 3(b)(3), rule XXVIII, the Chair announces he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

VOCATIONAL EDUCATION TECHNICAL AMENDMENTS

The SPEAKER. The unfinished business is the question of suspending the rules and passing the bill H.R. 3437, as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Kenucky (Mr. PERKINS) that the House suspend the rules and pass the bill H.R. 3437, as amended.

The question was taken.

Mr. STEIGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 396, nays 1, not voting 35, as follows:

[Roll No. 89]

YEAS—396

Abdnor	Clausen,	Ford, Mich.
Addabbo	Don H.	Ford, Tenn.
Akaka	Clawson, Del	Forsythe
Alexander	Cleveland	Fountain
Allen	Cochran	Fraser
Ambro	Cohen	Frenzel
Ammerman	Coleman	Frey
Anderson,	Collins, Tex.	Fuqua
Calif.	Conable	Gammage
Anderson, Ill.	Conte	Gaydos
Andrews, N.C.	Conyers	Gephardt
Annunzio	Corcoran	Gibbons
Applegate	Corman	Gilman
Archer	Cornell	Ginn
Armstrong	Cornwell	Glickman
Ashbrook	Cotter	Goldwater
Ashley	Coughlin	Gonzalez
Aspin	Crane	Goodling
AuCoin	D'Amours	Gore
Badham	Daniel, Dan	Gradison
Badillo	Daniel, R. W.	Grassley
Bafalis	Danielson	Gudger
Baldus	Davis	Guyer
Barnard	de la Garza	Hagedorn
Baucus	Delaney	Hall
Bauman	Dellums	Hamilton
Beard, R.I.	Dent	Hammer-
Beard, Tenn.	Derrick	schmidt
Bedell	Derwinski	Hanley
Beilenson	Devine	Hannaford
Benjamin	Dickinson	Hansen
Bennett	Dicks	Harkin
Bevill	Diggs	Harrington
Bingham	Dingell	Harris
Blanchard	Dodd	Harsha
Blouin	Dornan	Heckler
Boggs	Downey	Hefner
Boland	Drinan	Heftel
Bolling	Duncan, Oreg.	Hightower
Bonior	Duncan, Tenn.	Hillis
Bowen	Early	Holland
Breaux	Edgar	Hollenbeck
Brinkley	Edwards, Ala.	Holt
Brooks	Edwards, Calif.	Holtzman
Broomfield	Edwards, Okla.	Horton
Brown, Calif.	Eilberg	Howard
Brown, Mich.	Emery	Huckaby
Brown, Ohio	Erlenborn	Hughes
Broyhill	Ertel	Hyde
Buchanan	Evans, Colo.	Ichord
Burgener	Evans, Del.	Ireland
Burke, Calif.	Evans, Ga.	Jacobs
Burke, Fla.	Evans, Ind.	Jeffords
Burke, Mass.	Fary	Jenkins
Burleson, Tex.	Fascell	Jenrette
Burlison, Mo.	Fenwick	Johnson, Calif.
Burton, John	Findley	Johnson, Colo.
Burton, Phillip	Fish	Jones, N.C.
Butler	Fisher	Jones, Okla.
Byron	Fithian	Jones, Tenn.
Caputo	Flippo	Jordan
Carney	Flood	Kasten
Carr	Florio	Kastenmeier
Cederberg	Flowers	Kazen
Chappell	Flynt	Kelly
Chisholm	Foley	Kemp

Ketchum	Murphy, Ill.	Sikes
Keys	Murphy, Pa.	Skelton
Kildee	Murtha	Skubitz
Kindness	Myers, Gary	Slack
Koch	Myers, Michael	Smith, Iowa
Kostmayer	Myers, Ind.	Smith, Nebr.
Krebs	Natcher	Snyder
Krueger	Neal	Solarz
LaFalce	Nedzi	Spellman
Lagomarsino	Nichols	Spence
Latta	Nix	St Germain
Le Fante	Nolan	Stanton
Leach	Nowak	Stark
Lederer	O'Brien	Steed
Leggett	Oakar	Steiger
Lehman	Oberstar	Stockman
Lent	Obey	Stokes
Levitas	Ottinger	Stratton
Lloyd, Calif.	Panetta	Studds
Lloyd, Tenn.	Patten	Stump
Long, La.	Patterson	Symms
Long, Md.	Pattison	Taylor
Lott	Pease	Thompson
Lujan	Pepper	Thone
Luken	Perkins	Thornton
McClory	Pettis	Tonry
McCloskey	Pickle	Traxler
McCormack	Pike	Treen
McDade	Poage	Trible
McDonald	Pressler	Tsongas
McEwen	Preyer	Van Deerlin
McFall	Price	Vander Jagt
McHugh	Pritchard	Vanik
McKay	Quayle	Vento
McKinney	Quie	Volkmer
Madigan	Rahall	Waggonner
Maguire	Railsback	Walgren
Mahon	Rangel	Walker
Mann	Regula	Walsh
Markey	Reuss	Wampler
Marks	Rhodes	Watkins
Marlenee	Richmond	Waxman
Marriott	Rinaldo	Weaver
Martin	Risenhoover	Weiss
Mathis	Roberts	Whalen
Mattox	Robinson	White
Mazzoli	Rodino	Whitehurst
Meeds	Rogers	Whitley
Meyner	Rooney	Whitten
Michel	Rose	Wiggins
Mikulski	Rosenthal	Wilson, Bob
Mikva	Rostenkowski	Wilson, C. H.
Miller, Calif.	Rousselot	Wilson, Tex.
Miller, Ohio	Roybal	Winn
Mineta	Rudd	Wirth
Minish	Runnels	Wolff
Mitchell, Md.	Ruppe	Wright
Mitchell, N.Y.	Russo	Wydler
Moakley	Santini	Wylie
Moffett	Sarasin	Yates
Mollohan	Satterfield	Yatron
Montgomery	Sawyer	Young, Fla.
Moore	Schroeder	Young, Mo.
Moorhead, Calif.	Schulze	Young, Tex.
	Sebelius	Zablocki
Moorhead, Pa.	Seiberling	Zeferetti
Moss	Sharp	
Motti	Shuster	

NAYS—1

Cavanaugh

NOT VOTING—35

Andrews, N. Dak.	Giaimo	Scheuer
	Hawkins	Shipley
Biaggi	Hubbard	Simon
Bonker	Lundine	Sisk
Brademas	Metcalfe	Staggers
Breckinridge	Milford	Stangeland
Brodhead	Murphy, N.Y.	Steers
Carter	Pursell	Teague
Clay	Quillen	Tucker
Collins, Ill.	Roe	Udall
Eckhardt	Roncalio	Ullman
English	Ryan	Young, Alaska

The Clerk announced the following pairs:

Mr. Teague with Mr. Andrews of North Dakota.

Mr. Shipley with Mr. Hubbard.

Mr. Hawkins with Mr. Bonker.

Mr. Biaggi with Mrs. Collins of Illinois.

Mr. Breckinridge with Mr. Milford.

Mr. Clay with Mr. Pursell.

Mr. Giaimo with Mr. Brodhead.

Mr. Ullman with Mr. Ryan.

Mr. Staggers with Mr. Eckhardt.

Mr. Murphy of New York with Mr. Quillen.

Mr. Roncalio with Mr. Carter.

Mr. Roe with Mr. Udall.

Mr. Sisk with Mr. English.

Mr. Metcalfe with Mr. Steers.

Mr. Lundine with Mr. Stangeland.

Mr. Brademus with Mr. Tucker.

Mr. Simon with Mr. Scheuer.

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HARASSMENT OF SOVIET JEWS AND OTHER MINORITIES

The SPEAKER. The unfinished business is the question of suspending the rules and concurring in the Senate concurrent resolution (S. Con. Res. 7).

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER. The question is on the motion offered by the gentleman from Wisconsin (Mr. ZABLOCKI) that the House suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 7), on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 2, not voting 30, as follows:

[Roll No. 90]

YEAS—400

Abdnor	Burton, Phillip	Evans, Colo.
Addabbo	Butler	Evans, Del.
Akaka	Caputo	Evans, Ga.
Alexander	Carney	Evans, Ind.
Allen	Carr	Fary
Ambro	Carter	Fascell
Ammerman	Cavanaugh	Fenwick
Anderson, Calif.	Cederberg	Findley
	Chappell	Fish
Anderson, Ill.	Chisholm	Fisher
Andrews, N.C.	Clausen, Don H.	Fithian
Annunzio		Flippo
Applegate	Clawson, Del	Flood
Archer	Cleveland	Florio
Armstrong	Cochran	Flowers
Ashbrook	Cohen	Flynt
Ashley	Coleman	Foley
Aspin	Collins, Tex.	Ford, Mich.
AuCoin	Conable	Ford, Tenn.
Badham	Conte	Forsythe
Badillo	Conyers	Fountain
Bafalis	Corcoran	Fraser
Baldus	Corman	Frenzel
Barnard	Cornell	Frey
Baucus	Cornwell	Fuqua
Bauman	Cotter	Gammage
Beard, R.I.	Coughlin	Gaydos
Beard, Tenn.	Crane	Gephardt
Bedell	D'Amours	Gibbons
Beilenson	Daniel, Dan	Gilman
Benjamin	Daniel, R. W.	Ginn
Bennett	Danielson	Glickman
Bevill	Davis	Goldwater
Bingham	de la Garza	Gonzalez
Blanchard	Delaney	Goodling
Blouin	Dellums	Gore
Boggs	Dent	Gradison
Boland	Derrick	Grassley
Bolling	Derwinski	Gudger
Bonior	Devine	Guyer
Bowen	Dickinson	Hagedorn
Breaux	Dicks	Hall
Breckinridge	Diggs	Hamilton
Brinkley	Dingell	Hammer-schmidt
Brooks	Dodd	
Broomfield	Dornan	Hanley
Brown, Calif.	Downey	Hannaford
Brown, Mich.	Drinan	Hansen
Brown, Ohio	Duncan, Tenn.	Harkin
Broyhill	Early	Harrington
Buchanan	Edgar	Harris
Burgener	Edwards, Ala.	Harsha
Burke, Calif.	Edwards, Calif.	Hawkins
Burke, Fla.	Edwards, Okla.	Heckler
Burke, Mass.	Eilberg	Hefner
Burleson, Tex.	Emery	Hightower
Burlison, Mo.	Erlenborn	Hillis
Burton, John	Ertel	Holland
Hollenbeck	Mikulski	Satterfield
Holt	Mikva	Sawyer
Holtzman	Miller, Calif.	Scheuer
Horton	Miller, Ohio	Schroeder
Howard	Mineta	Schulze
Huckaby	Minish	Sebelius
Hughes	Mitchell, Md.	Seiberling
Hyde	Mitchell, N.Y.	Sharp
Ichord	Moakley	Shuster
Ireland	Moffett	Sikes
Jacobs	Mollohan	Skelton
Jeffords	Montgomery	Skubitz
Jenkins	Moore	Slack
Jenrette	Moorhead, Calif.	Smith, Iowa
Johnson, Calif.		Smith, Nebr.
Johnson, Colo.	Moorhead, Pa.	Snyder
Jones, N.C.	Moss	Solarz
Jones, Okla.	Motti	Spellman
Jones, Tenn.	Murphy, Ill.	Spence
Jordan	Murphy, Pa.	St Germain
Kasten	Murtha	Stangeland
Kastenmeier	Myers, Ind.	Stanton
Kazen	Natcher	Stark
Kelly	Neal	Steers
Kemp	Nedzi	Steiger
Ketchum	Nichols	Stockman
Keys	Nix	Stokes
Kildee	Nolan	Stratton
Kindness	Nowak	Studds
Koch	O'Brien	Stump
Kostmayer	Oakar	Symms
Krebs	Oberstar	Taylor
Krueger	Obey	Thompson
LaFalce	Ottinger	Thone
Lagomarsino	Panetta	Thornton
Latta	Patten	Tonry
Le Fante	Patterson	Traxler
Leach	Pattison	Treen
Lederer	Pease	Trible
Leggett	Pepper	Tsongas
Lehman	Perkins	Tucker
Lent	Pettis	Van Deerlin
Levitas	Pickle	Vander Jagt
Lloyd, Calif.	Pike	Vanik
Lloyd, Tenn.	Pressler	Volkmer
Long, La.	Preyer	Waggonner
Long, Md.	Price	Walgren
Lott	Pritchard	Walker
Lujan	Pursell	Walsh
Luken	Quayle	Wampler
Lundine	Quie	Watkins
McClory	Rahall	Waxman
McCloskey	Railsback	Weaver
McCormack	Rangel	Weiss
McDade	Regula	Whalen
McDonald	Reuss	White
McEwen	Rhodes	Whitehurst
McFall	Richmond	Whitley
McHugh	Rinaldo	Whitten
McKay	Risenhoover	Wiggins
McKinney	Roberts	Wilson, Bob
Madigan	Robinson	Wilson, C. H.
Maguire	Rodino	Wilson, Tex.
Mahon	Rogers	Winn
Mann	Rooney	Wirth
Markey	Rose	Wolff
Marks	Rosenthal	Wright
Marlenee	Rostenkowski	Wydler
Marriott	Rousselot	Wylie
Martin	Roybal	Yates
Mathis	Rudd	Yatron
Mattox	Runnels	Young, Fla.
Mazzoli	Ruppe	Young, Mo.
Meeds	Russo	Young, Tex.
Metcalfe	Ryan	Zablocki
Meyner	Santini	Zeferetti
Michel	Sarasin	

NAYS—2

Myers, Gary	Poage

NOT VOTING—30

Andrews, N. Dak.	English	Simon
	Giaimo	Sisk
Biaggi	Heftel	Staggers
Bonker	Hubbard	Steed
Brademas	Milford	Teague
Brodhead	Murphy, N.Y.	Udall
Byron	Myers, Michael	Ullman
Clay	Quillen	Vento
Collins, Ill.	Roe	Young, Alaska
Duncan, Oreg.	Roncalio	
Eckhardt	Shipley	

The Clerk announced the following pairs:

Mr. Teague with Mr. Andrews of North Dakota.

Mr. Udall with Mr. Bonker.

Mr. Biaggi with Mr. Eckhardt.

Mr. Clay with Mr. Heftel.

Mr. Giaimo with Mr. Brodhead.

Mr. Murphy of New York with Mr. Hubbard.
Mr. Staggers with Mr. English.
Mr. Roe with Mr. Byron.
Mr. Roncalio with Mr. Michael O. Myers.
Mr. Sisk with Mr. Quillen.
Mr. Shipley with Mr. Duncan of Oregon.
Mrs. Collins of Illinois with Mr. Steed.
Mr. Milford with Mr. Ullman.
Mr. Simon with Mr. Vento.
Mr. Brademas with Mr. Young of Alaska.

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

A similar House concurrent resolution (H. Con. Res. 97) was laid on the table.

PROVIDING FUNDS FOR THE COMMITTEE ON RULES

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 189) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 189

Resolved, That effective January 3, 1977, in carrying out its duties during the first session of the Ninety-fifth Congress, the Committee on Rules is authorized to incur such expenses (not in excess of $42,000) as it deems advisable. Such expenses shall be paid out of the contingent fund of the House on vouchers authorized and approved by such committee, and signed by the chairman thereof.

SEC. 2. Funds authorized by the resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The gentleman from Pennsylvania (Mr. DENT) is recognized for 1 hour.

Mr. DENT. Mr. Speaker, this resolution is to provide funds for the Committee on Rules. It was passed unanimously in committee. The Committee on Rules asked for $42,000 for this year's budget, and was given $42,000 by the Committee on House Administration.

Mr. Speaker, I ask that the resolution be agreed to.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE EXPENSES OF INVESTIGATIONS AND STUDIES TO BE CONDUCTED BY THE COMMITTEE ON AGRICULTURE

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 298) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 298

Resolved, That effective January 3, 1977, the expenses of the investigations and studies to be conducted by the Committee on Agriculture, acting as a whole or by Subcommittee, not to exceed $1,070,200, including expenditures for the employment of investigators, attorneys, clerical, stenographic, and other assistants, for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions, and for the procurement of services of individuals or organizations, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $10,000 of the amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose. Not to exceed $5,000 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions but this monetary limitation for specialized training shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Agriculture shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall expire immediately prior to noon on January 3, 1978.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The gentleman from Pennsylvania (Mr. DENT) is recognized for 1 hour.

Mr. DENT. Mr. Speaker, this resolution was passed unanimously by the Committee on House Administration, and is in the amount of $1,070,200. That was the amount asked for by the Committee on Agriculture.

There was a slight increase—one of the few increased by the Committee on House Administration—and was granted after the committee heard the problems of the Committee on Agriculture and the activities it is going to enter into. We felt that the committee was entitled to a slight increase, and it was so voted on unanimously by the Committee on House Administration.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR THE EXPENSES OF INVESTIGATIONS AND STUDIES TO BE CONDUCTED BY THE COMMITTEE ON ARMED SERVICES

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 310) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 310

Resolved, That effective January 3, 1977, the expenses of investigations and studies to be conducted by the Committee on Armed Services, acting as a whole or by subcommittee, not to exceed $590,500, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and

(3) for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $75,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and not to exceed $12,500 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Armed Services shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1978.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The gentleman from

Pennsylvania (Mr. DENT) is recognized for 1 hour.

Mr. DENT. Mr. Speaker, this resolution was passed unanimously by the Committee on House Administration, and I urge its adoption by the House.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR THE EXPENSES OF INVESTIGATIONS AND STUDIES TO BE CONDUCTED BY THE SELECT COMMITTEE ON AGING

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 382) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 382

Resolved, That, effective January 3, 1977, expenses of investigations and studies to be conducted by the Select Committee on Aging, acting as a whole or by subcommittee, not to exceed $787,625 including expenditures for the employment of investigators, attorneys, and clerical and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946 as amended (2 U.S.C. 72a(1)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $7,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(1)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Select Committee on Aging shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1978.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The gentleman from Pennsylvania (Mr. DENT) is recognized for 1 hour.

Mr. DENT. Mr. Speaker, this resolution was passed unanimously by the Committee on House Administration, and I urge its adoption by the House at this time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR FURTHER EXPENSES OF INVESTIGATIONS AND STUDIES OF COMMITTEE ON SMALL BUSINESS

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 370) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 370

Resolved, That for the further expenses of the investigations and studies to be conducted by the Committee on Small Business acting as a whole or by subcommittee, not to exceed $634,320 including expenditures for the employment of investigators, attorneys, and clerical and other assistants, and for the procurement of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganizations Act of 1964, as amended (2 U.S.C. 72a(1)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $50,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72(1)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Small Business shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment:

Strike out all after the resolving clause and insert:

That for the further expenses of the investigations and studies to be conducted by the Committee on Small Business acting as a whole or by subcommittee, not to exceed $515,000 including expenditures for the employment of investigators, attorneys, and clerical and other assistants, and for the procurement of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(1)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $50,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(1)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Small Business shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, the Committee on Small Business came before the Subcommittee on Accounts and asked for $634,320. The committee had some discussion with the chairman and the ranking member, and the committee in markup decided to cut this resolution $119,000 to the sum of $515,000.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. DENT. Mr. Speaker, at this time I yield to the gentleman from Iowa (Mr. SMITH) for debate only.

Mr. SMITH of Iowa. Mr. Speaker, I want to point out that we have a rather unusual situation on the Committee on Small Business. We changed chairmen. The retiring chairman left here early in the fall. A number of people retired. They were not put on, as they should not have been. We had a big change in the subcommittee chairmanship. The fact of the matter is that we cannot do what we need to do within this budget.

Mr. Speaker, I am one who likes to play by the rules, and when given a budget I like to plan my expenditures so that will be the amount that we will spend for the year, and there is no way we can do what we need to do within this committee on this budget.

Mr. DENT. Mr. Speaker, the gentleman came before the committee, and there was a discussion on the matter of $50,000 for a consultant. At this time we were not given detailed information regarding the large increase for the Small Business Committee. The Subcommittee on Accounts recommended the amount based on the money expended in the 94th Congress, second session, which was $385,934. They returned $129,490.

The subcommittee looked at the level of spending when the committee was

operating at full force in the 94th Congress, first session, and they still spent $332,000. Having no other information before us, we cut back and still gave an increase to the committee to allow for expanded activities. However, if the gentleman would have taken the opportunity to explain the situation to us I am sure that the committee at that time would have given consideration to his request in that particular aspect. I can only assure the committee chairman: Since the committee has acted, I say to the gentleman that he, like all other chairmen, will be assured of funding at the level that the chairman can completely justify the funds to do their duties. We do not want to cut out any of the duties of a full committee.

At that point, if a committee honestly needs additional money they come to the Account Subcommittee and show us their figures and show us their funding needs, and we will give them an opportunity to have another hearing on a supplemental resloution.

Mr. SMITH of Iowa. If the gentleman will yield further, I want to make it clear that I will not be accused of spending more than was allocated if I spend more than one-twelfth of the allotted rate in this resolution.

Mr. DENT. The gentleman will not be.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Alabama (Mr. DICKINSON.)

Mr. DICKINSON. I thank the gentleman for yielding.

Mr Speaker, just let me say, as the ranking member of the committee, I would like to reaffirm and underscore what the chairman of the subcommittee has said. In my tenure on the committee I have never known of any subcommittee or permitted it to come before our group on accounts or full committee where they were not funded in any amount they could justify the need for. Usually we are too generous.

So I will say that whenever someone runs out of money and they come back and show justification for an increase, I have never known them to be refused.

Mr. DENT. And I am sure the gentleman has never known any committee in the House to have such added duties that required additional funds. Definitely mistakes have been made, and we are only doing this in order to see if we cannot get back to some notion of operating the House more equitably in line with the work being done by the House and the committees of the House. The Subcommitee on Accounts is just trying to exercise some sort of fiscal responsibility in this House.

Mr. Speaker, I assure the gentleman that this committee will act in that particular light all the way through.

Mr. DICKINSON. Mr. Speaker, if the gentleman will yield further, the subcommittee chairman is absolutely right, but just let me say in line with what I said earlier that I have never known the committees of the House to come before the Subcommittee on Accounts and the Committee on House Administration with such large increases requested as they have this year.

Mr. DENT. I understand that, but we also have to look at the rules of the House. We have to also look at the activities of the House and rate the committees as to their added duties and consider the added number of subcommittees. We are trying our best to keep the funding at the proper level in line with the work that is being done.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield further?

Mr. DENT. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, on that basis I appreciate the gentleman's response, but I would remind him, however, that all we ask for is the amount that was allocated last year and the amount of the salary increases. On that basis we will probably have enough to do what we need to do, but we will probably be in for another amount in a year or so and attempt to show the gentleman that we will not have enough to last throughout the entire year.

Mr. DENT. Mr. Speaker, I understand that, and the proper action will be taken. All these requests will be looked at by the committee.

Mr. Speaker, I urge that the committee amendment be adopted and the resolution be agreed to.

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR EXPENSES FOR FIRST SESSION ACTIVITIES OF COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 378) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 378

Resolved, That expenses of investigations and studies to be conducted by the Committee on Interior and Insular Affairs, acting as a whole or by subcommittee, not to exceed $964,092, including expenditures for the employment of investigators, attorneys, and clerical, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $27,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Interior and Insular Affairs shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: strike out all after the resolving clause and insert:

That expenses of investigations and studies to be conducted by the Committee on Interior and Insular Affairs, acting as a whole or by subcommittee, not to exceed $875,000, including expenditures for the employment of investigators, attorneys, and clerical, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $27,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Interior and Insular Affairs shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR EXPENSES OF INVESTIGATIONS AND STUDIES TO BE CONDUCTED BY AD HOC SELECT COMMITTEE ON THE OUTER CONTINENTAL SHELF

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration,

I offer a privileged resolution (H. Res. 343) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 343

Resolved, That effective January 3, 1977, the expenses of special investigations and studies to be conducted by the Ad Hoc Select Committee on the Outer Continental Shelf, acting as a whole, not to exceed $350,000, including expenditures for the employment of investigators, attorneys, and clerical, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72(a)(1)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administrations not to exceed $50,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202 (1) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72(1)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House except in conformance with H. Res. 97; and the chairman of the Ad Hoc Select Committee on the Outer Continental Shelf shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by the resolution shall expire immediately prior to noon on January 3, 1978.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law, and pursuant to H. Res. 97.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the resolving clause and insert:

That effective January 3, 1977, the expenses of special investigations and studies to be conducted by the Ad Hoc Select Committee on the Outer Continental Shelf, acting as a whole, not to exceed $315,000, including expenditures for the employment of investigators, attorneys, and clerical, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(1)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $50,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(1)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House except in conformance with H. Res. 97; and the chairman of the Ad Hoc Select Committee on the Outer Continental Shelf shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by the resolution shall expire immediately prior to noon on January 3, 1978.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law, and pursuant to H. Res. 97.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR EXPENSES OF INVESTIGATIONS AND STUDIES TO BE CONDUCTED BY COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I offer a privileged resolution (H. Res. 280) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 280

Resolved, That effective January 3, 1977, the expenses of investigations and studies to be conducted by the Committee on Banking, Finance and Urban Affairs, acting as a whole or by subcommittee, not to exceed $3,001,668, including expenditures for the employment of investigators, attorneys, and clerical and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(1)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $126,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(1)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Banking, Finance and Urban Affairs shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by the resolution shall expire immediately prior to noon on January 3, 1978.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the resolving clause and insert:

That effective January 3, 1977, the expenses of investigations and studies to be conducted by the Committee on Banking, Finance and Urban Affairs, acting as a whole or by subcommittee, not to exceed $2,613,590, including expenditures for the employment of investigators, attorneys, and clerical and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202 (1) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(1)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $126,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(1)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Banking, Finance and Urban Affairs shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by the resolution shall expire immediately prior to noon on January 3, 1978.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, before asking for the adoption of this resolution,

I want to say that these last four resolutions, which are all amended, have all been cut from their increases in amounts of $119,000 to over $600,000, with the cooperation of both the ranking minority member and the chairman of the committee.

The committee amendment was agreed to.

Mr. DENT. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REQUEST FOR CONSIDERATION OF HOUSE RESOLUTION 393, AUTHORIZING ADDITIONAL FUNDS FOR THE LEADERSHIP OFFICES

Mr. DENT. Mr. Speaker, after last week, when I said that House Resolution 393 would not come up, I spoke with the gentleman from Maryland (Mr. BAUMAN); and he is satisfied that we can call it up at this time.

Therefore, Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 393 and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. FRENZEL. Mr. Speaker, I reserve the right to object.

I would like to ask the distinguished subcommittee chairman if this is the resolution which authorizes two new positions for the majority leader and two for the minority leader, each to be paid approximately $47,500, and which also authorizes additional expenses to both of those offices?

Mr. DENT. Mr. Speaker, if the gentleman will yield, that is right.

Mr. FRENZEL. Mr. Speaker, armed with that information, I think we have done enough of this sort of thing by unanimous consent, without any kind of vote. I think this matter ought to come before the House in the normal way, and I object to consideration of it at this time.

Mr. THOMPSON. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I retract my objection, Mr. Speaker. Still reserving the right to object, however, I yield to the gentleman from New Jersey (Mr. THOMPSON), the distinguished committee chairman.

Mr. THOMPSON. Mr. Speaker, I would concede that this matter might be and perhaps should be, in view of what is involved, subject to debate and to debate only.

I would like to point out, Mr. Speaker, that if the unanimous-consent request is granted to the distinguished gentleman from Pennsylvania (Mr. DENT), then a debate could ensue, except, of course, I would expect that he would not yield for any amendment. Then after debate, Mr. Speaker, a rollcall vote could follow if that, in the judgment of the gentleman from Minnesota (Mr. FRENZEL), is the procedure which should be followed.

Mr. FRENZEL. Mr. Speaker, I thank the gentleman for his contribution.

PARLIAMENTARY INQUIRY

Mr. FRENZEL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. FRENZEL. Mr. Speaker, in the event that the unanimous-consent request is not objected to, what would be the provision for debate on the resolution by the gentleman from Pennsylvania (Mr. DENT)?

The SPEAKER. The Chair would respond that the gentleman from Pennsylvania (Mr. DENT) would have control of 1 hour of time.

Mr. FRENZEL. Further reserving the right to object, Mr. Speaker, may I ask the gentleman from Pennsylvania (Mr. DENT) if he would yield the customary 30 minutes to the minority for purposes of debate?

Mr. DENT. If the gentleman will yield, I would only yield for purposes of debate; and I am sure that the gentleman will get all the time he needs. If it takes a half hour to do so, the gentleman will get that half hour.

Mr. FRENZEL. Mr. Speaker, in the light of the information that we will have a chance to debate this matter and that the House may, if it wishes to do so, have a vote on the resolution, I will withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mrs. FENWICK. Reserving the right to object, Mr. Speaker, do I understand it that there will be opportunity for debate only and not for amendment? In other words, should we wish to reduce these sums, we will not be able to reduce them; is that correct?

Mr. DENT. If the gentlewoman will yield, that is correct.

Mrs. FENWICK. Why is that?

Mr. DENT. Because the resolution is coming up under that kind of privilege.

Mrs. FENWICK. Can we remove the privilege?

Mr. DENT. We can vote for it or against it, up or down, but we cannot vote to amend it.

Mrs. FENWICK. However, we will get a chance to vote it up or down.

Mr. DENT. That is right.

Mrs. FENWICK. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania for the immediate consideration of House Resolution 393?

Mr. STEIGER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. DENT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. DENT. Mr. Speaker, do I understand that the procedure now is to lay the resolution over for a day and that we can take it up tomorrow, if necessary?

The SPEAKER. The Chair will state that on that particular resolution there is a 3-day availability requirement.

Mr. DENT. Three days. I thank the Chair.

COMMUNICATION FROM SERGEANT AT ARMS—SUBPENA AND ORDER TO APPEAR IN U.S. DISTRICT COURT FOR DISTRICT OF NEW JERSEY

The SPEAKER laid before the House the following communication from the Sergeant at Arms:

WASHINGTON, D.C.,
March 21, 1977.

HON. THOMAS P. O'NEILL, JR.,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: On February 28, 1977 I was served with the attached subpoena duces tecum, and an order thereto, commanding me to appear in the United States District Court for the District of New Jersey and to bring with me the documents described therein. It is my understanding that a letter granting an extension of time to comply with the subpoena is forthcoming.

Pursuant to the provisions of House Resolution 10, I am hereby transmitting said subpoena and order, and the matter is presented for your consideration.

Sincerely,

KENNETH R. HARDING,
Sergeant-at-Arms.

The SPEAKER. Pursuant to the provisions of House Resolution 10, the subpena and order will be printed in the RECORD.

The subpena and order referred to follow:

[In the U.S. District Court for the District of New Jersey]

SUBPENA TO TESTIFY BEFORE GRAND JURY

To Sergeant-At-Arms, United States House of Representatives, Washington, D.C.

You are hereby commanded to appear in the United States District Court for the District of New Jersey at U.S.P.O. & Courthouse Bldg. in the city of Newark on the 1st day of March 1977 at 10:00 o'clock A.M. to testify before the Grand Jury and bring with you any and all books, records, and documents set forth on the attached Schedule A pertaining to the account of Edward A. Garmatz of Maryland, for the period September 9, 1971 through and including September 20, 1972.

This subpoena is issued on application of the United States.

Jonathan L. Goldstein, United States Attorney. By: Frank Razzano, Asst. U.S. Attorney.

ANGELO W. LOCASCIO,
Clerk.

Date: Febraury 17, 1977.

SCHEDULE A

1. Monthly account statements.
2. Copies of all cancelled checks.
3. Deposit slips and deposit items.
4. Loan records.
5. Financial statements and credit reports.
6. Copies of all promissory notes.
7. Copies of all cashiers' or treasurers' checks issued by, on behalf of, or at the request of the account holder.
8. Copies of all correspondence, memoranda, formal and informal, maintained concerning the account or account holder.

U.S. DISTRICT COURT, DISTRICT OF NEW JERSEY

ORDER

In the matter of the grand jury empaneled July 27, 1976.

This matter having been opened to the

Court on the *ex parte* petition of Jonathan L. Goldstein, United States Attorney for the District of New Jersey, by Frank C. Razzano, Assistant United States Attorney, for an Order declaring that documents subpoenaed from the Sergeant-At-Arms of the United States House of Representatives by the Grand Jury empaneled on July 27, 1976 are necessary, relevant and material to a pending investigation by the aforementioned United States Grand Jury into violations of Title 18, United States Code, Section 201, and others, and for good cause shown;

It is on this 10th day of February, 1977:

Ordered that the documents subpoenaed from the Sergeant-At-Arms of the United States House of Representatives by the Grand Jury empaneled on July 27, 1976, are necessary, relevant and material to a pending investigation by the aforementioned United States Grand Jury, into violations of Title 18, United States Code, Section 201, and others, and it is

Further ordered that the documents subpoenaed from the Sergeant-At-Arms of the United States House of Representatives may be released to a representative of the United States Marshal's Service, Washington, D.C. as agent for this Court, and it is

Further ordered that the representative of the United States Marshal's Service should thereafter transfer said documents to the United States Attorney's Office for the District of New Jersey as agent for said Grand Jury.

LAWRENCE A. WHIPPLE,
U.S. District Judge.

INTRODUCTION OF BILL TO LIFT PROPOSED BAN ON SACCHARIN

(Mr. WRIGHT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WRIGHT. Mr. Speaker, my good friend and colleague, DALE MILFORD, has been extremely concerned about the Federal Drug Administration's recent proposed ban on saccharin and the effects this ban will have on his constituents. As you may know, DALE was admitted to Bethesda Naval Hospital yesterday afternoon for observation after experiencing mild chest discomfort. For this reason, he was not able to introduce a measure he had prepared which he believed would help remedy the situation that has come to light as a result of this proposed ban. Knowing of his concern in this matter, it is my pleasure to introduce today, in his behalf and my own, the bill he had prepared for introduction, and to include in the RECORD at this point the remarks Mr. MILFORD had planned to make when he introduced it.

The remarks read as follows:

Mr. MILFORD. Mr. Speaker, the Food and Drug Administration's proposed ban on saccharin continues to cause concern and consternation among my constituents and, as you well know, among many of our colleagues. I certainly share these feelings. Few federal actions within recent memory have provoked so many appeals for help and have made so many persons vitally concerned for their well-being.

The intent of the so-called "Delaney Amendment" was good. However, in spite of the good intentions, the amendment's provisions crippled the FDA by not allowing any flexibility in its enforcement.

Perhaps saccharin does cause cancer. Personally, I am not convinced it does, and many of my constituents feel the same way. Even if there is a risk, the diabetics, the weight conscious, the cavity-prone and many others are willing to take the risk, and they do not understand why saccharin can be banned completely on medical evidence not corroborated by FDA's own testing.

I am introducing legislation today which would give the FDA the latitude it so desperately needs, and which would specifically lift the proposed saccharin ban until the Secretary of HEW could evaluate the danger of the artificial sweetener under these flexible guidelines.

In my bill, the Secretary could allow a product suspected of being harmful to remain on the market while it undergoes further testing, require warnings on food products containing suspect additives or, in extreme cases, make the additive available only through a doctor's prescription.

I urge quick action by our colleagues to give the FDA regulations which allow for some good common horse sense in dealing with harmful food substances.

PERSONAL EXPLANATION

(Mr. RUDD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RUDD. Mr. Speaker, I was necessarily absent from the House of Representatives yesterday, owing to the hearing on the central Arizona project before the Water Projects Review Team of the U.S. Department of Interior, at which Gov. Raul Castro and members of the Arizona congressional delegation testified in behalf of continued funding and completion of this important reclamation project.

Had I been present and voting yesterday. I would have cast "yea" votes for the following four bills on the legislative calendar:

H.R. 3712—A bill extending authorizations of appropriations under the Library Services and Construction Act of 1956.

H.R. 422—A bill providing duty-free treatment for aircraft engines imported as temporary replacements for certain aircraft engines undergoing overhaul.

H.R. 1404—A bill providing duty-free entry of carillon bells for Smith College, Northampton, Mass.

H.R. 3259—A bill providing continued temporary duty suspension on importation of certain horses.

Mr. Speaker, I would have cast a "nay" vote on final passage of H.R. 4800, the Emergency Unemployment Compensation Act of 1977, providing 13 additional weeks of unemployment benefits for a total allowance of 1 full year of such benefits.

I share the views against this legislation expressed by my distinguished colleagues BILL ARCHER, of Texas; PHILIP CRANE, of Illinois; and BILL FRENZEL, of Minnesota, who succinctly and eloquently stated their opposition to H.R. 4800 in the report of the Committee on Ways and Means that accompanied the bill to the House floor.

For the benefit of my constituents and others who may have an interest in my reasons for opposing this legislation expanding the amount and length of unemployment compensation, I would like to include those views in the RECORD at this point:

MINORITY VIEWS OF THE HONORABLE BILL ARCHER, PHILIP M. CRANE, AND BILL FRENZEL REGARDING H.R. 4800, THE EMERGENCY UNEMPLOYMENT COMPENSATION ACT OF 1977

We oppose enactment of this bill. It provides incentives not to work. The measure is discriminatory in operation. It will encourage fiscal irresponsibility among the states in the management of their unemployment compensation systems.

It shifts financing responsibility from corporate employers to the taxpayers of the U.S. The cost to the taxpayers is $588 million in fiscal year 1977 and $530 million in fiscal year 1978, a total of more than a billion dollars.

Under this bill an unemployed individual who has drawn 39 weeks of unemployment compensation benefits in Los Angeles, California, will be able to draw another 13 weeks of benefits. An individual similarly situated in Dallas, Texas, will not be eligible to draw additional benefits. Both are equally out of work. While the majority of the Committee characterizes this disparity as "targeting" it constitutes an indictment of the system's inequity.

While the bill does not necessarily make benefits available to those who need them it does provide benefits for a lucky few for extended periods of up to a year. That is simply too long to pay unemployment compensation. The Federal-State Unemployment Compensation system was created to deal with relatively short-term unemployment. It admirably deals with the problems of short-term unemployment. But longer term unemployment is simply beyond the scope of the program's focus. State law qualification provisions, benefit levels and administrative structure are all geared to a 26-week basic program—not one paying benefits for twice that long.

FSB is a program designed for temporary use in the depth of a recession. Last year, the Unemployment Compensation Subcommittee decided it should not be extended. After eight quarters of improvement, an extension of FSB is totally unjustified.

The bill uses general revenues to finance these benefits. In prior years we have used employer payroll taxes to cover these costs. The general taxpayers are being asked to relieve corporate taxpayers of this obligation. Utilizing general revenues is grossly unfair to those states which have in the past raised revenues to meet their benefit obligations rather than borrowing from the federal trust fund for these purposes. In this connection 22 states are now over $3.8 billion in debt to the Federal Government; they may be encouraged to ignore their indebtedness if we choose to take the proposed course of action with regard to future FSB financing.

The bill also grants authority for an additional 2-year deferral of loan repayments by the States beyond the 3-year deferral authorized by present law. This is a clear signal to the states that they need not worry too much abut repaying their debts to the Federal account. Absent this extension employers in only 2 States would automatically suffer a reduction in their payroll tax credit next year; the unemployment compensation funds of these States have been in debt since 1972 and 1973 respectively. No other state would suffer such a reduction until calendar year 1980 if efforts were underway in each of the States to replenish their accounts. Thus, there is ample time to deal legislatively with the issue in the future should it become necessary.

In short this bill is disruptive of the regular unemployment compensation system. It distorts the program's operation which is premised on an insurance concept. An insurance system cannot pay 52 weeks of unemployment compensation benefits. A welfare system can. This is a welfare bill.

We must recognize what simple common

sense and recent experience indicate; we cannot solve the problems of unemployment by extending the duration of unemployment compensation payments. In some cases we exacerbate the unemployment problem by offering a year-long incentive to stay unemployed. This bill ignores that obvious fact.

BILL ARCHER.
PHILIP M. CRANE.
BILL FRENZEL.

SENTENCING REFORM

(Mr. McCLORY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. McCLORY. Mr. Speaker, today my colleagues from Virginia (Mr. BUTLER) and Illinois (Mr. RAILSBACK) join me in sponsoring legislation aimed at correcting one of the most alarming inequities of our Federal criminal justice system: the sentencing process. We have all doubtless heard of judge-shopping in the courts; of different sentences for different offenders for the same crime. It is not entirely the fault of a few judges applying their own prejudices and personal criteria to the sentencing process. Rather, it is the fault of a system which grants so much discretion in sentencing that wide disparity is inevitable.

Our bill seeks to accomplish the following: First, establish specific sentencing criteria, including recommended sentence ranges, through which more uniform treatment of similarly situated defendants will ensue; second, require judges to announce their reasons for the record when sentencing convicted offenders; and third, authorize appellate review of sentences.

To facilitate these goals, and make properly studied recommendations to the courts through the Congress, our bill creates a "U.S. Commission on Sentencing," composed of five members appointed by the Judicial Conference and representative of the criminal justice system generally. The Commission will automatically expire after 6 years and will, during its lifetime, be empowered to recommend sentence ranges for specific offenses together with sentencing guidelines for consideration by the trial judge. Following appropriate review by both Houses of Congress, these ranges and guidelines will be passed on to the Federal courts. In setting his sentence, a judge will be required to consider these recommendations. If his decision is to impose a penalty above or below the recommended range, he must cite the reasons therefor for the record. If the penalty is higher than the recommended range, the defendant will be entitled to appeal. If the converse is true, the Government will be granted a similar right. Sentences imposed within the recommended range may also be reviewed but only upon petition.

We believe that our bill will help create a responsible alternative to the rash of mandatory penalties which have been suggested in recent years as the cure for the crime problem. Our present system does not guarantee the fairness which an effective and efficient criminal justice system demands. Indeterminate, widely discretionary sentencing authority is a a cause of the problem. However, mandatory penalties are not the answer. Instead, this concept of presumptive sentencing, which fosters not only the interests of the convicted offender but also those of a society which wishes to more directly control his release, is, in sum, a better idea. It is my hope that after committee hearings, the measure may be recommended for passage by the House.

WHY ZAIRE?

(Mr. JOHNSON of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. JOHNSON of Colorado. Mr. Speaker, the Government of Zaire has asked for additional aid, and unless we in the Congress take action to prevent it, the Carter administration will probably grant the request. We have no treaty obligation to Zaire; it has no place in our own military defense program; yet we are proceeding to become more entangled and involved. There has been no justification for extending aid and probably none will be forthcoming. That is because there is no justifiable rationale for intervention.

The Washington Post has written two editorials entitled "Why Zaire?" in which they point out the folly of the administration action. I urge my colleagues to read them carefully.

Mr. Speaker, let me quote just in part from one of the editorials as follows:

The stability of Zaire: is that what the Carter Administration's brave new African policy means? Shades of John Foster Dulles, Dean Rusk, Henry Kissinger and the whole balance-of-power gang.

This is the Carter Administration, isn't it?

Mr. Speaker, the complete text of the editorials is as follows:

[From the Washington, D.C. Post, Mar. 16, 1977]

WHY ZAIRE?

True, Zaire is one of Africa's largest and most populous and relatively most moderate states and it's been more friendly than not to American political and economic interests for nearly two decades. True, it deepened its claim on Washington by lending itself to the previous administration's secret involvement, aborted when revealed, in the Angolan civil war. True (or so it appears) it's in some trouble at the moment now that Angola, tasting revenge, seems to be sponsoring attacks on the old Katanga part of Zaire (the former Congo) by separatist-minded Katangese. And, true, it's better that the new administration should send emergency military aid openly rather than again go down the CIA path. Two planeloads of military gear were dispatched yesterday.

It's still a highly dubious proposition for the United States to deepen its involvement in the murk of Zaire in the way that it has. President Mobutu is not exactly what you'd call Jimmy Carter's type of foreign leader. He runs a crude police state of which the State Department, looking for a silver lining, has just said in its human rights report, "Generally, however, after interrogation non-political prisoners are not subject to repeated beatings." The United States professes not to know what kind of soup Zaire is really in, whether Cubans are training the Angolan mercenaries, or financing them, or merely offering moral support; or whether the emergency American military aid thus far sent or contemplated will do its intended job. There is an open-ended quality to Zaire's predicament—its long-developing economic predicament as well as its newly developing political one—and it raises the question of whether Zaire is for the United States still a good bet. We have had unhappy experiences with open-ended involvements of which Vietnam, of course, is Exhibit A.

The larger issue is how the United States intends to treat the disputes among black states which are endemic on the African continent. This is the first one to explode since Jimmy Carter became President—indeed, it is the first foreign military conflict of any kind in which he has involved the United States—and people are naturally looking at his policy for what precedents it may hold. We find his approach troubling. He has not explained the contingencies or stakes which require such an abrupt American response, nor the risks of delay. He has not indicated that the United States is moving by diplomatic means, say, by appealing to the Organization of African Unity or even to the United Nations, to seek a peaceful resolution of the dispute. He came to the White House promising to shoulder more responsibility for Africa's and the developing world's economic welfare. It is odd to see him reacting to his first challenge in the pattern of the previous administration: hustling more security assistance to a longtime client state which may or may not be under Cuban guns. Why doesn't Mr. Carter slow down and say what his policy is and where he thinks it will fetch us up.

[From the Washington, D.C. Post, Mar. 18 1977]

WHY ZAIRE? (II)

Why Zaire? We asked on Wednesday. The moment seemed right, since Secretary of State Vance was going up to the Hill that very day to explain why the administration had suddenly rushed two planes full of military gear to that jittery African nation. But, as far as we can see, he didn't really explain it at all. Breaking into the old Foggy Bottom mumble, he merely asserted that if the Katanga soldiers who've crossed from Angola into Zaire succeeded in threatening the copper mines, Zaire's stability would be imperiled. He provided no serious rationale at all for why the stability of Zaire is of such importance to the United States that the administration should ignore its own professed concern for human rights (Zaire is a real loser in that department), identify itself with one of Africa's more corrupt and ineffective governments, and accept an involvement in a dispute with such a raw, ragged, runny look to it. The stability of Zaire: is that what the Carter administration's brave new African policy means? Shades of John Foster Dulles, Dean Rusk, Henry Kissinger and the whole balance-of-power gang.

If Secretary Vance's performance on Zaire was dismal, however, that of the International Relations Committee was appalling. Where are the no's of yesteryear? What happened to those vigilant tigers supposedly so ready to ensure that executive power is wisely and well used? Lapping cream out of the administration's saucer, that's what. Aside from some sharp questions by Rep. Don Bonker (D-Wash.)—questions which Mr. Vance slipped by—the rest of the committee simply ignored its responsibility to check on what is after all the Carter administration's first brush with a foreign firefight. It was enough to make you wonder where Congress had been for the past 10 or 20 years.

No, we do not think that Zaire is "another Vietnam." But we do think that the administration has reacted rashly and reflexively to an old client's dubious appeal for emergency aid. Is Angola, in helping a dissident group launch forays into Zaire, doing anything that Zaire has not done recently, and may even

still be doing, to Angola? Cannot a way be sought—in particular, by Zaire's European or other African friends—to tame by diplomatic means the running dispute between Angola and Zaire? Are the United States' accumulated obligations to Zaire so overwhelming that the administration could not briefly pause to see what else might be done? At the least, could not the Secretary of State have designed to spell out the considerations which seemed to him to make it necessary to fly to President Mobutu's aid? This is the Carter administration, isn't it?

NUCLEAR ENERGY BILLS

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, the nuclear industry is no longer in its infancy and the American public is much more attuned to the risks and hazards of nuclear power. Private citizens are increasing their demands for access to decisionmaking relating to the various stages of the nuclear fuel cycle. The magnitude of the potential problems associated with nuclear facilities suggests to me that opportunities for timely public participation in nuclear energy decisions must be increased. Consequently, fundamental reform is necessary to assure that we do not confront the realities of nuclear power in 1977 with a regulatory process forged with the attitudes of 1954.

Today I am joining the chairman of the House Interior Committee, Mr. UDALL, as a cosponsor of two bills pertaining to nuclear energy.

I am joining the chairman to demonstrate my support for his efforts on these two pieces of legislation. It is my hope that the full Interior Committee and the Congress will do likewise.

The first of these bills would significantly add to the role that a State would play in determining whether or not a nuclear energy plant might be located within its boundaries. It would give the States the authority to veto the construction of either a nuclear power facility or a fuel reprocessing plant before a Nuclear Regulatory Commission could even issue a construction permit for a project.

The second bill would allow a State to veto the construction of a nuclear facility within a 90-day period after the license for such a facility had been approved. Additionally, this measure would permit a State to prescribe tougher environmental standards for a nuclear generating facility than those issued by the Nuclear Regulatory Commission.

These two bills collectively would guarantee that the people of a State play the role they should, in determining whether or not a nuclear facility should be located in their State. If there should ever be a major accident at a generating facility in the State of California, it will be the people of California who are first exposed to the consequences of such an accident—not the people of Kansas. Similarly, if the day ever comes when a nuclear facility is constructed in my home State of Kansas, it will be the people of Kansas who will initially face the consequences of an accident at any future plant—not the people of New York or the bureaucrats of the Nuclear Regulatory Commission. Surely the people who will face the consequences of any such nuclear accident should have a voice in determining the construction of a plant in their State.

I remind my colleagues of the furor stirred up in my own district when the old Atomic Energy Commission tried to force local citizens to agree to a radioactive waste disposal site in Lyons, Kans. The AEC proposal, nicknamed "Project Salt Vault," would have posed a significant threat to the health and safety of the residents of Lyons and all Kansas. Fortunately, public outrage finally forced the AEC to reluctantly abandon their plans for Project Salt Vault.

A bill that I am introducing today is intended to prevent the Lyons, Kans., situation from ever developing again. The bill provides a State with greater authority to control the disposal of radioactive wastes, and is similar to legislation recently introduced by Representative CARR and Representative RUPPE. My bill would prohibit the Federal Government from locating a radioactive waste disposal site in a State that had not previously approved a specific site by statewide referendum.

Mr. Speaker, I urged my colleagues to join me in support of this vital regulatory reform.

H.R. 4250, COMMON SITUS PICKETING BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 60 minutes.

Mr. ASHBROOK. Mr. Speaker, tomorrow the House is scheduled to consider H.R. 4250, a bill to legalize secondary boycotts in the construction industry. The ultimate goal of this legislation, popularly known as the common situs picketing bill, is to force nonunion workers to join the building trades unions.

The current law is based on a 1951 U.S. Supreme Court decision. The Court ruled in the Denver Building Trades case that certain kinds of union picketing at construction sites are prohibited because they constitute illegal secondary boycotts. Under this ruling, if a union has a dispute with a particular subcontractor, it can only picket the gate used by the employees of the subcontractor. Picketing the whole site in such cases is unlawful.

In other words, when there is a dispute at a construction site between a construction union and a contractor or subcontractor, the union may set up a picket line and shut down the work of that particular contractor or subcontractor until the dispute is resolved. Since there are usually many contractors and subcontractors on a construction site who are not parties to the dispute, most of the work at that site can continue.

All of this would change, however, if H.R. 4250 were enacted. Then the union would be free to picket and close down the work of all contractors and subcontractors on the site. Even those contractors and subcontractors not a party to the dispute—that is, secondary to it—would become embroiled in the controversy. The unions would have the right to involve neutral contractors in a dispute not their own and to close down the whole project until the contractor with whom they have a dispute is driven off the job or comes to terms.

This change in the law would have a major impact on union organizing. The building and trades unions would be given the tools to compel all contractors and subcontractors working at a construction site to hire only union labor. Contractors out of necessity would employ only union workers in order to avoid labor problems instigated by the unions. As the chief sponsor of this bill in the House commented about similar legislation in 1975,

> Reduced to its simplest terms, no employer with a brain in his head is going to try to mix union and nonunion subcontractors once this bill is enacted.

So supporters of H.R. 4250 are very honest about this bill. They publicly say that they want it passed so as to assist in union organizing. Andrew Biemiller, the AFL–CIO lobbyist, has stated categorically that the intent of this legislation is to make every worker a union worker.

H.R. 4250, then, would grant extensive new powers to union organizers. It would make it virtually impossible for anyone not wishing to join a labor union to work at a construction site unless all of the employees at the site were nonunion.

The word "site" is another major problem with this bill. Nowhere is this key term defined. Secretary of Labor Ray Marshall himself was unable to define a site which could be closed down by pickets.

The lack of a definition would result in massive controversy and litigation. The point is proved by the Davis-Bacon Act language of "directly on the site" which, after 46 years of use, continues to generate a great deal of controversy and confusion.

For example, does "site" include offsite sand and gravel plants, stone quarries, ready-mix concrete plants, hot-mix asphalt plants, fabricating plants, and other kinds of facilities that are set up miles or even hundreds of miles from the project to service it? Does "site" take in an entire 2,000-mile pipeline construction project? It would certainly appear to do so when such projects are under the general responsibility of a general contractor who subcontracts out portions of the project to subcontractors. This question is one that poses serious problems for the proposed Alaska Trans-Canadian Gas Pipeline project. Unfortunately, the bill leaves us with no answers.

Even those who have supported common situs picketing legislation in the past, however, should have severe reservations about H.R. 4250. Incredible as it may seem, the present bill is drafted far broader than the bill considered in the last Congress.

The previous bill amended only the secondary boycott provisions of the National Labor Relations Act [8(b)(4)(B)]. H.R. 4250, however, relates back to subsection (b), the subsection which includes almost all of the unfair labor practices by unions. In one deft move al-

most all the unfair labor practices by unions are made not applicable to construction unions.

By repealing such prohibitions in (b), H.R. 4250 would allow mass picketing, restraint or coercion of employees or employers, refusals to bargain in good faith, excessive fees required by unions of members, featherbedding practices, and so forth. This is hardly, as the title of the bill states, "Equal treatment of craft and industrial workers." I offered in committee and will offer again on the floor of the House an amendment to limit the terms of H.R. 4250 to 8(b)(4)(B) only, thereby allowing the unfair labor practices to remain unfair labor practices whether involved in common situs or not.

At this point I would like to include in the RECORD the following editorial by nationally syndicated columnist James J. Kilpatrick and a supplemental statement by the U.S. Chamber of Commerce regarding the impact of common situs on minorities and on areas of high unemployment:

"COMMON SITE" SCUFFLE

(By James J. Kilpatrick)

The most colorful combats on Capitol Hill generally involve some issue of principle, politics or power. We are heading rapidly toward a showdown, first in the House and then in the Senate, on an issue that embraces all three. It is Frank Thompson's common site picketing bill.

Mr. Thompson, D-N.J., is chairman of the House Committee on Labor-Management Relations. He is in such a tearing rush to get his bill to the floor that he cannot pause to hear responsible voices in opposition. The gentleman has all the votes he needs in committee. Why bother?

The bill deserves more thoughtful consideration. We are concerned here with an important principle: the principle of individual freedom. The measure is deeply entangled in politics: the politics of the Carter victory last November. At bottom is a question of power: the power of the building trades unions and of George Meany, president of the AFL–CIO.

The Thompson bill is blessed with a certain sweet simplicity. Its purpose is to dragoon non-union workers into the building trades unions. This is a purpose altogether congenial to the mind of Mr. Meany, who cannot understand, try as he may, why any person would resist union membership. Such obstinacy baffles the venerable tyrant. But if non-union carpenters, plumbers and equipment operators cannot be persuaded to join up voluntarily, the Thompson bill provides a handy-dandy solution: Make 'em join.

The measure thus addresses itself to a familiar situation. On a large construction site, a general contractor customarily has subcontracts with 10 or 15 or 20 firms. These firms, in turn, may have subcontracts of their own. Typically, some of the jobs are union jobs; some are not.

Under existing law, if an electrical subcontractor and the electricians' union have a dispute, the union electricians may walk out on strike—but their strike cannot shut down the entire operation. Mr. Thompson's bill would change the law. A picket line at one part of the site would be treated as a picket line for the whole site. If the subcontractor employed both union and non-union workers, the pressures would prove almost irresistible. In order not to delay the project, new union shop agreements would be virtually compelled. The non-union workers would get seven days to come aboard—or they could quit.

It is beautiful, is it not? The freedom of the individual counts for nothing in this brutally efficient manifestation of the press gang. All the construction unions want, says Mr. Meany blandly, is "equal treatment." They want to be treated as other unions are treated in a large industrial plant. But the analogy is pure sham.

In the field of labor relations, the com-con site picketing bill is the first of Mr. Carter's chickens to come home to roost. The President is pledged to signing the Thompson bill if it reaches his desk. He also is pledged to approve the bill nullifying state right-to-work laws. He is committed to an increase in the minimum wage. He also has promised to seek legislation furthering the cause of public employe unionism.

These and other aims were catalogued the other day when Mr. Meany's executive committee met in Bal Harbour, Fla. The President will be reminded of the debt he owes labor in such key states as Ohio, New York and Pennsylvania. Political bills are like other bills: They have to be paid.

But it may be that Mr. Meany's power will prove more apparent than real. The AFL–CIO contributed to the campaigns of an estimated 60 per cent of the members of Congress elected in November, but many of these will not stay bought. Any effort to abolish the right-to-work laws will set off a firestorm of popular protest. At least 40 senators are committed against the common site picketing bill. The dangers in public employee unionism are more widely recognized with every passing month. We are in for some gorgeous battles; and Mr. Meany should understand this much, at least: Those who resent the concentrated power of organized labor have only begun to fight.

SUPPLEMENTAL STATEMENT ON H.R. 4250 COMMON SITUS PICKETING/CONSTRUCTION COLLECTIVE BARGAINING OF THE CHAMBER OF COMMERCE OF THE UNITED STATES

"THE IMPACT ON MINORITIES"

The law books are overflowing with cases in which building trades unions have been found guilty of illegal employment discrimination under Title VII of the Civil Rights Act of 1964. For example, in *McCarthy* (*Asbestos Workers, Local 53*) v. *Vogler*, 1 FEP cases 577 (5th Cir. 1969), the union refused to refer blacks and Hispanics for employment and denied them membership opportunities. In *Sims* v. *Sheet Metal Workers, Local 65*, the union admitted whites who flunked a test as a journeyman, while requiring blacks to pass the test to receive a permit. [6 FEP Cases 1141 (6th Circuit 1973)]. The plumbers uuion was found to have refused blacks membership, referral opportunities on the same basis as whites and acceptance into apprenticeship programs in *U.S.* v. *Plumbers, Local 73*. [2 FEP Cases 81 (D.C. Ind. 1969)]. The ironworkers violated Title VII by failing to grant membership and work to blacks and Hispanics on the same basis as whites in *U.S.* v. *Local 10, Ironworkers*, [6 FEP Cases 59 (D.C. Nev. 1973)]. The Electrical Workers' refusal to either admit blacks to membership or refer them for work was found a violation of Title VII in *U.S.* v. *International Brotherhood of Electrical Workers, Local 357*, (D.C. Nev. 1972).

It would be possible to find similar cases for the Carpenters, Operating Engineers, Bricklayers, Lathers, Steamfitters and so forth but the point is that construction unions have in the past used their total control of job opportunities in the building trades to deny apprenticeship, employment, referral and membership to blacks and other minorities. The assertions made by organized labor's supporters of H.R. 4250 to the contrary, at least one government agency does not believe that the unions have mended many of their old, errant habits. See "The Challenge Ahead, Equal Opportunity in Referral Unions," U.S. Commission on Civil Rights (May 1976). In transmitting that report to the President and Congress, the Commission observed that:

"referral unions still maintain discriminatory practices that have an adverse effect on the employment opportunities of minorities and women."

The report itself is a litany of trade union abuses of the employment rights of minorities. See Report, pages 23–30, 38–51, 58–92. There are minorities in construction, of course, and many of them owe their employment to non-union (open shop) contractors who were willing to give them job opportunities in the building field. For example, 1970 figures show black union members as 8.7% of wage and salary workers in construction, compared to non-union blacks which were 11.2% of wage and salary workers in construction. ["Common Situs and Economic Analysis," Rinfret, New York (1977).] Under H.R. 4250, these minority but non-union workers could be freely picketed off a project to please the building unions. In most cases, construction unions are not interested in getting non-union craftsmen, black or otherwise, to join their organizations, instead, they want to remove them from the project to fill the jobs with their union members.

It is for the Congress to decide, keeping past construction union biases in mind, whether those same discriminatory unions should be rewarded and their control over the labor market increased by enactment of H.R. 4250. We think the answer must be no.

Minority subcontractors

The average minority subcontractor employs about six people and has all of the problems associated with small enterprises (under capitalization, difficulty qualifying for bonds, lack of management skills, trouble keeping good workers) and, in addition, discrimination. But aggregate data show that these contractors do a lot of business—$1.7 billion in 1972. In 1974, minority contractors did $68 million of federal contract work under the Small Business Administration's § 8(a) program. In many current projects, of course, minority contractors work side by side with union contractors. Under H.R. 4250, they would lose those opportunities.

Probably less than half of all minority contractors are affiliated with organized labor, yet H.R. 4250 would legalize union picketing aimed at forcing these struggling contractors off the job—not ostensibly because of their minority status, but because of their being non-union. We know unions have no soft spot for minority contractors because the building trades have tried to keep them off projects in the past, for example, the Washington METRO subway system. [See "Unions Fight METRO Rule on Contracts for Blacks," Washington Post, p. A–34 (22 August, 1974).]

Unions are not interested in organizing these minority, non-union contractors either, and in past have been found in violation of the Civil Rights Act by refusing to organize black contractors with black employees. *U.S.* v. *Sheet Metal Workers*, Local 36, [2 FEP cases 127 (8th Cir. 1969).] As noted, the unions merely want all the jobs for their unemployed members, and with an average of 22.9% unemployed in the construction trades, their hunger is substantial.

Impact in areas of high unemployment

Virtually all witnesses before the Subcommittee agreed that Title I of H.R. 4250 would "polarize" the construction industry into regions of all-union or all non-union contractors. The unions want this because it will give them more power over building projects, and apparently, the chance to extract even more impressive wages from employers. Opponents of the bill deplore the anticipated polarization because union demands will not be tempered by the pres-

ence of open shop competition. But polarization will have an effect beyond those immediately involved in construction. An examination of how the common situs power will probably work demonstrates that there will be a severe impact in areas of present high unemployment.

Common situs will be very effective in "all union" areas which typically will be in the heavily unionized Northeastern United States and large cities and urban areas. It will not be very effective in "all non-union areas" which will be in less developed areas, the South and parts of the Mid-West. Recent surveys show general unemployment much higher in the Northeast, the large cities and urban areas. Much of that unemployment is minorities.

An employer wanting to build a new facility or to improve an old one these days must be very mindful of costs. Thus, an employer looking at sites in "all-union" areas would have to allow for increased construction costs due to: a) the cost of union construction itself, and b) the anticipated total site "down time" potentially possible due to situs picketing. Such increased costs would be likely to cause that employer to choose the "all non-union" area which offers actual lower construction costs as well as no lost time due to situs picketing. Left behind by that employer in the "all-union" area would be not only situs picketing problems, but also the high urban unemployment rate which would have been reduced by the jobs the new or improved facility would have provided.

In conclusion, H.R. 4250 rewards the most discriminatory unions, would severely hurt most minority contractors, and would further worsen the employment picture in large urban areas which desperately need to generate jobs for the unemployed.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate the gentleman's yielding.

Mr. Speaker, I also appreciate the time that my colleague, the gentleman from Ohio, has taken to discuss this important national issue. Is my understanding correct that the Roper organization recently conducted a nationwide poll on the subject of common situs picketing and that 77 percent of the public feel that a construction union should only be allowed to picket the work of the contractor with whom it has a dispute and not all other contractors on the building site? Is that correct?

Mr. ASHBROOK. It is my understanding that the Roper poll actually found 77 percent in agreement with the position stated by the gentleman from California, and in opinion research a similar poll found 72 percent of the people surveyed were against common situs picketing.

Mr. ROUSSELOT. If the gentleman will yield further, actually, then, there have been several recent polls on this subject, and according to these several surveys well over three-quarters of the American people—assuming these samples are correct—feel that H.R. 4250 is unwarranted and unnecessary legislation.

Mr. ASHBROOK. I would say that is a fair statement. Between 70 percent and 77 percent in those two polls, one being 72 percent and one 77 percent.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield further?

Mr. ASHBROOK. I will be glad to yield to the gentleman from California.

Mr. ROUSSELOT. Let me review for the Members of the House some findings of the most recent nationwide study by the Roper organization:

Item No. 1. The study showed that more than three-fourths of the American people—including 64 percent of all union members—feel building trades union officials should not have the power to picket an entire construction site.

Item No. 2. Overall, the study showed that 77 percent of the public feels that a construction union "should only be allowed to picket the work of the contractor with whom it has a dispute and not the whole building site." This opinion was expressed by 73 percent of the blue-collar workers, 64 percent of the union members, 73 percent of the Democrats, 79 percent of the Independents, 84 percent of the Republicans, 80 percent of the people who describe themselves as being conservative, 76 percent of the people who call themselves liberal, and 78 percent of the self-identified moderates.

Item No. 3. Only 12 percent of the people questioned took an opposing point of view, that a union "should be allowed to picket the whole building site even if it stops work of all other contractors and employees."

(Incidentally, Mr. Speaker, a similar study last year, showed substantially the same opposition to "common situs" type picketing. It was conducted by another nationally known research organization, Opinion Research Corp., Princeton, N.J. That study showed 16 percent of the public favoring the expanded picketing power, while 73 percent said construction unions should only be allowed to picket the contractor with whom they have a dispute.)

Item No. 4. The more than 2,000 people who were questioned by the Roper organization were asked the following question:

On building sites many unions represent different kinds of employees of contractors working there—electricians, carpenters, plumbers, and so forth. When one of the unions is striking against one of the contractors, which of these two rules do you think should apply?

Rule A. The union should only be allowed to picket the work of the contractor with whom it has a dispute and not the whole building site.

Rule B. The union should be allowed to picket the whole building site even if it stops work of all other contractors and employees.

The respondents were handed cards containing the alternative answers, and were asked to choose. By an overwhelming margin, the people decided that fairness dictates that the building trades unions should not have the power to coerce people with whom they have no real dispute.

Mr. Speaker, the Roper organization has had extensive experience conducting studies in the fields of social and political science—for a wide range of clients, including Harvard University, the U.S. Department of Health, Education, and Welfare, the Peace Corps, Metropolitan Life Insurance Co., Columbia University, and others.

If my colleague, Mr. ASHBROOK, will yield further, I have an additional question. Is it my understanding that this legislation (H.R. 4250) that will be before us, is substantially different in many respects from what it was when we voted on it a year ago? Is that correct?

Mr. ASHBROOK. It is my understanding, I will say to the gentleman from California, as a person who has worked on this bill that it is substantially different. These differences are outlined in the Minority Views which will be distributed—I do not know whether the gentleman has one on his desk at this point. I think they extend far beyond what is referred to as equal treatment of the crafts. I think in many ways it can be clearly shown that union members who belong to construction trades would have advantages far superior to anything that other union members might have in either the industrial or other aspects of our economy.

Mr. ROUSSELOT. I am very appreciative of my colleague's taking the time to bring to the House's attention some of the different aspects of this proposed legislation as compared to the legislation we had before us a year ago. I was somewhat amazed that there have been so many voices from those who have tried to imply that it is really not much different from the legislation voted on by the House in the summer of 1976.

But, as my colleague has pointed out, the legislation is in fact not only substantially different, but also a greater number of the American public, if the polls are correct, are more aware of the damaging aspects of it than they were, say, a year ago. Citizens are more alert to its ultimate adverse effects on the consumer because of the potential construction cost increases that could well occur in the building business and drive the prices of homes, hospitals, farm facilities, commercial stores, and so forth, right out of sight. So ultimately it could be the consumers, or taxpayers in the case of public works, that would be most adversely affected. Is that not correct?

Mr. ASHBROOK. That would be my understanding that anything that drives prices up, whether it is those of us in the Congress or whether it is the independent action of oil companies or whether it is the pressure of trade unions, all of those things ultimately, as I understand it will equally affect the higher prices that the consumers will have to pay for their products. in this case we are talking about something that affects almost every single American. It enters into the budget of everyone. There is no way we can escape the effects of this.

Mr. ROUSSELOT. I appreciate that.

There is one other aspect of this legislation that is somewhat disturbing. I have heard some minority groups in my own area who are presently employed in the construction field, and their statements to me are that the bill, as they understand it, would place nonunion blacks, Vietnam veterans—and in fact all persons in the construction labor force who are not or do not wish to become members of a particular construction union at a serious disadvantage. For example, some Mexican-American construction workers are fearful they will be closed out of the work force as the result of the

passage of this bill. Does the gentleman feel as a member of the committee which has carefully reviewed all aspects of H.R. 4250 that this fear is justified?

Mr. ASHBROOK. I would say in response to the various astute questions of my colleague that yes, I not only feel that way but also most of the minority subcontractors—there are not that many minority contractors—feel they would be most adversely affected by this bill. The bill prohibits picketing for reasons of discrimination, I think that is clear, but I think where most subcontractors are concerned is that in many cases they are nonunion and the essence of this bill is for the organized areas of the trades in effect to make a job a union job, so they are going to be caught in that shuffle, not necessarily because they are a minority but just because as a matter of fact for the most part they are in that area. They do I think get a little bit less. They are for the most part nonunion. There has been a period in the trades when they were not able to get into the unions and that has been abated somewhat in the last years.

Mr. ROUSSELOT. This was stated in testimony before the committee?

Mr. ASHBROOK. They have expressed they feel they would be among the first to go and be squeezed out, so the minority subcontractors are by and large opposed to this bill.

Mr. ROUSSELOT. I appreciate my colleague yielding. I see there are others who wish to participate in this discussion.

Mr. ASHBROOK. I thank the gentleman for his comment.

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. I yield to my good and patient friend, the gentleman from Michigan (Mr. FORD).

Mr. FORD of Michigan. Mr. Speaker, I would like to express a question to the gentleman from California as well as the gentleman in the well. I saw the multi-thousand-dollar ad, or a sample of it that is running around the country, which is acknowledged to be paid for by the National Right to Work Committee, which enjoys some free Federal dollars in the sense that they are tax exempted, and there was a Roper poll referred to in the ad. I would like to ask the gentleman if that is the Roper poll he was making reference to in an earlier comment?

Mr. ROUSSELOT. Mr. Speaker, if the gentleman will yield, I will respond.

Mr. ASHBROOK. The gentleman from California referred to that poll. I yield to the gentleman from California.

Mr. ROUSSELOT. I referred to that in my discussion, and reviewed some of the findings.

Mr. ASHBROOK. I am more conversant with the Research Corp., poll which showed 72 percent. I have heard of that poll, I will say to the gentleman from Michigan. I have not examined it carefully.

Mr. FORD of Michigan. Mr. Speaker, the newspaper ad, over the signature of the National Right to Work Committee, said that the National Right to Work Committee commissioned the Roper organization to make the poll and presumably directed the form of the questions.

It is quite obvious that they either deliberately intended to mislead the people who were polled, or as is sometimes the case in that kind of organization, they are so blinded by their preconceived prejudices that they do not understand the issues, because as a matter of fact the 77 percent approved proposition A of the propositions A and B contained in the poll, which said that they thought a labor organization having a dispute with a single contractor on a building site ought to be able to picket that contractor at the building site and that, in fact, is what this legislation is designed to do. A building contractor would not presently be given the rights that are in paragraph A. In fact, the form of the Roper poll was worded so badly, I think it can be properly argued, notwithstanding any suggestion of improper motives on the part of the questioners in the way the questions were structured, that they structured the question to read that a reasonable person would not approve, if 77 percent of the people approved an option given as option A to those 77 percent, if they were Members of the House would be voting for the situs picketing bill coming before us tomorrow.

Mr. ASHBROOK. Mr. Speaker, I thank the gentleman from Michigan for his contribution.

I happened to look a little closer at the poll distributed by Mr. Georgine of the construction industry. I think it would be interesting to note this was basically commissioned by the trade unions and they asked, and I tend to agree they ask the self-serving statement that propounders of polls present to the American people. In this case it was, "Do you favor equal treatment of construction unions?" I was surprised they only got 51 percent, even the way they structured the question; so I think the observation of the gentleman from Michigan (Mr. FORD) is very valid.

Mr. FORD of Michigan. Mr. Speaker, I quite agree with the gentleman from Ohio. That is one of the things we would hope ultimately the American people would learn to watch for in trusting anyone's commissioned poll or anyone who has an interest in the outcome of the issue.

I have to say, however, if the gentleman will yield further, I find the discussion of the poll to be somewhat irrelevant, when the gentleman from California has given such overwhelming propensity to respond to minority groups that put pressure on the gentleman in his district. I know of the gentleman's long-lasting, abiding and constantly demonstrated concern for the downtrodden minorities; but I wish the gentleman just would not engage in the prejudice others are showing toward our friends who wear hardhats because they took on the flag burners a few years ago and became conscientious as a group as a symbol of hardworking people, blue collar Americans, who stand up for their rights. We do like to give them at least the same rights that those who defended my friend, the gentleman from California, a few years ago had when they were exercising their rights.

I am really saddened by the antihardhat tenor that comes through, especially when the gentleman seems to gloss it over by saying the gentleman was trying to protect the downtrodden minorities.

Mr. ASHBROOK. Mr. Speaker, I would say to my friend in responding that I think, in the first place, the gentleman knows that this Member has never relied on polls.

Mr. FORD of Michigan. I referred to the gentleman from California (Mr. ROUSSELOT).

Mr. ASHBROOK. So I only have marginal knowledge of these polls, as we have other basic options.

I certainly concur with my friend's observations regarding the patriotism of these fine people. I think the thing that has amazed me the most is the general lack of pressure of these same people for this legislation. I would be constrained to point out in this case that it seems to be coming from the internationals, not so much from the rank and file.

I know one thing that has amazed me in talking to my colleagues is how little pressure they felt back home from their friends in the construction industry and this particular legislation; but as we all know, it is something very symbolic. It is something they have wanted for 25 or 30 years. That accounts for some of the reason we have not received the pressure from our friends in hardhats.

Mr. Speaker, as long as the gentleman has train of observation, if the gentleman wants to continue, fine.

Mr. FORD of Michigan. Mr. Speaker, I appreciate the gentleman's observations in connection with this matter.

Mr. ASHBROOK. I thank the gentleman. We will probably be hearing a lot from the gentleman from Michigan tomorrow.

I will be glad to yield to a very able member of our committee, a freshman, who I might add has taken the leadership on this issue, the gentleman from Oklahoma (Mr. EDWARDS).

Mr. EDWARDS of Oklahoma. Mr. Speaker, I thank the gentleman for yielding to me.

I have two comments I would like to make. First, I think our distinguished colleague from Michigan, a member of the committee (Mr. FORD), has raised a couple of very good points. I think the first is in questioning the nature of the polls that have been reported, and I have seen the poll that was commissioned by the AFL–CIO and discussed before our committee.

Mr. ASHBROOK. Striking, was it not?

Mr. EDWARDS of Oklahoma. Striking. I was very impressed by the way in which a question could be phrased so misleadingly, for example, "Are you in favor of equal treatment?" That question could only get 51 percent support.

But, I think the main point I would like to make—because I think the gentleman from Michigan is to be commended—the main point that is involved in this bill is the benefit, the welfare of the working men and women, the people who belong to these craft unions. If I can read between the lines somewhat of what the gentleman from Michigan said, I assume he is going to vote against H.R. 4250 because the working men and

women who belong to these unions are the ones who are going to be laid off, without any fault of their own, because of some dispute some other worker has with an employer, and these innocent people are going to be out of jobs.

I am very concerned about that, about the welfare of the working people in my district. Therefore, I hope, following his comments, the gentleman from Michigan will support us in opposing this bad legislation.

Mr. ASHBROOK. I would just say that the gentleman from Michigan, obviously, will speak for himself, and no one else can presume to do that, but be my guest. If the gentleman from Michigan favors passage of H.R. 4250, I find that surprising in view of what he has just said.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield further?

Mr. ASHBROOK. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate the gentleman yielding to me. I only ask the gentleman to yield so that I may respond to my distinguished colleague from Michigan.

I am somewhat surprised that Mr. FORD would indicate somehow that those who find the common situs picketing bill to have substantial defects should be "antihardhat" in their philosophy, because exactly the opposite is true. The Roper poll shows those opposing the common situs bill are the real "prohardhat" advocates. As a matter of fact, the reason the Roper poll was commissioned in the first place as I understand it, was that the opponents felt the Roper organization had the strongest unbiased reputation and was very reliable. I, too, have seen those questions, as many members of the Labor and Education Committee have and I thought they were pretty carefully worded so as not to show a partisan leaning but rather to try to elicit from all the people who were polled a fair and objective response.

I can see why my good colleague from Michigan would not be very happy with the Roper poll results. The Roper poll showed that 64 percent of all union members surveyed did not favor the common situs picketing bill. It showed that most of those blue collar members, that is, hardhat workers did not agree with the position of my good colleague from Michigan. You see that puts the gentleman from Ohio, myself, and others opposing the bill clearly on the side of the majority of hardhats.

We can excuse the gentleman from Michigan for trying to undercut the results because he is obviously moving away from the feelings of a majority of the hardhats of America.

It is even more interesting to see why that 64 percent of the union membership did not favor this legislation. It is my hope—Mr. FORD will take the results more seriously and join the hardhats who feel this legislation is unnecessary and wrong.

Again, I agree with my colleague from Ohio (Mr. ASHBROOK) that we cannot make our judgments on surveys alone. Commonsense should also prevail. The recent Roper poll is but one measurement of opinion we can take into account. A commonsense review of the legislation (H.R. 4250) should tell us there are many flaws in the bill, such as:

It in effect legalizes secondary boycotts by allowing a contractor on the same site to be unjustifiably affected by a dispute that does not involve him, thereby denying a basic principle of protection of innocent neutrals;

Passage will assist in rapid and complete unionization of all construction workers;

It reinstates provisions allowing unfair labor practices—by repealing most of section 8(b) NLRA—including picketing for unlawful objectives, mass picketing to coerce employees in selecting bargaining representatives, and generally unrestrained picketing;

It allows construction-union picketing for purposes of "inducing" employees of industrial and manufacturing concerns, State and local governments, railway labor employees, and others not involved with the construction industry;

The safeguards limiting picketing are generally illusionary;

Imprecision and ambiguity, which will raise enormous legal problems in labor-management relations, an area already widely disputed in the courts—they point out that witnesses themselves disagreed on interpretations; and

Alleged attempts to correct inequities between construction union and other labor union picketing, which ignore factors already giving building trades latitude in picketing and striking, and an advantageous bargaining position which has resulted in high wages and restrictive work practices.

Mr. ASHBROOK. I would say to my colleague from Michigan: Let us be honest. This has been high on the priority of unions for many years. It is always that their resolution, which will repeal the old Denver building trades case, is something that has been proposed for a number of years. My friend and colleague, the chairman of our subcommittee, often indicates it has been practically his life's work during the years he has been in Congress.

But I think when we strip it of all the emotionalism—they want it; and from the opponents view, quite often they think it is a terribly bad piece of legislation—I think two points will stand out. One, I see very little in the passage of H.R. 4250 that will bring about a general increase in wages or the pay of the average construction worker. I think, by and large, title II was put in this particular bill because there is a feeling in many areas they have already outstripped what might be the wage standards in the area. Second, it is certainly not going to add any more construction.

So we have to look beyond those two basic reasons for the passage of the bill. I think the passage of the bill is contingent upon the arguments of the union proponents. Not necessarily the proponents in the Congress, but the union proponents. They have very clearly indicated they want to make the construction jobs union jobs. I think that is the heart of the legislation, and it is not necessarily to raise wages, not necessarily to have more construction.

But from their point of view, which I recognize as proper, to make every job wherever possible a union job, there remains the possibility of union workmen side by side, working on a site with nonunion workmen.

Again I say that is certainly their prerogative. It does not happen to be the position I agree with. It is one of the reasons I took this time to speak out against this legislation.

Mr. Speaker, my colleague, the gentleman from Arizona (Mr. RUDD), has also taken an hour for a special order; so I will yield back the balance of my time so that the gentleman from Arizona can continue the debate on this issue.

Mr. HAGEDORN. Mr. Speaker, whether or not one is in favor of extending common situs picketing rights to building and construction trade unions, to label H.R. 4250 as an equal treatment bill is a misnomer and a violation of every truth-in-labeling concept.

The construction unions may feel that common situs picketing is proper and desirable, but the fact remains that no other trade union is permitted to picket employers with whom it has no dispute. Such secondary boycotting is outlawed in all instances by all unions. Construction unions already possess the same right to engage in primary strike activity as any other union. They are permitted to picket employers to the same extent as other unions, employing the same tactics and striking on the basis of the same grievances. They are simply not accorded the special privilege of doing what is prohibited to other unions—embroiling innocent employers in disputes not of their own making. If a majority in Congress feel that this is an antiquated policy, they are free to alter it in any manner they see fit, but they should not be deluded into believing that equal treatment is the issue at stake.

Indeed, a case can easily be made that equal treatment could best be achieved by requiring the construction unions to relinquish the substantial legal advantages that they already enjoy with respect to other unions. First, section 8(e) of the Taft-Hartley Act specifically exempts them from national labor policy which prohibits so-called hot cargo agreements. Under this exemption, construction unions alone are permitted to specify in their bargaining contracts firms with which the employer may not do business. This provision already gives these unions the limited opportunity to accomplish through the backdoor what common situs would permit them to accomplish through the front door.

Second, construction unions alone can require new employees to join within 7 days of starting employment in those States which permit the union shop, while other unions must wait 30 days before membership requirements can be enforced under section 8(f) of Taft-Hartley. Thus, in order to retain their jobs in these States, employees must join and pay tribute to construction unions more than 3 weeks earlier than may be required by other unions. Especially hard hit by this exception are students and part-time workers who must either pay substantial union fees immediately upon

assuming employment, or who are deterred from seeking construction employment in the first place.

Third, construction unions alone are permitted to utilize hiring halls and refer from them to employers. Again, industrial unions are prohibited from this practice under section 8(f). Not only have hiring halls become the equivalent of a closed shop in many segments of the construction industry, but they also have a notorious history of discriminating against minority applicants.

Finally, construction unions alone are permitted to enter into so-called prehire agreements with employers whereby the employer agrees to hire workmen under the terms of the collective bargaining agreement entered into before any employees are hired. Unlike other labor organizations, such contracts can be negotiated even prior to the time at which the union's majority status has been conclusively determined under section 9 of the National Labor Relations Act.

I recognize that there are differences in the nature of the employment experience between construction and regular factory work. Perhaps, some of these differences, such as the transitory nature of much construction work, justifies the privileges which construction unions enjoy. That is a question not at issue in H.R. 4250. At issue, simply, is the economic and social dislocation that would result from extending further privileges to the construction unions. The merit of such an extension is at issue, and should not be obscured by reference to this bill as an equal treatment bill of any sort, correcting past inequities. There are no such inequities to be corrected.

Mr. SYMMS. Mr. Speaker, passage of this legislation would result in severe economic impact on the building trades at a time when that industry is already plagued by unemployment higher than that for the rest of the industries. Construction unemployment averages almost 23 percent; why should a bill permitting expanded work stoppages and increased costs at construction sites be supported in the Congress?

The power which this bill would provide to the construction unions would enable a single union, representing only a small number of employees on a construction site, to close down the entire project and force all other workers on the project from their jobs. In addition to the economic hardship this would mean to the workers and their families, the expanded picketing action allowed by the bill would also be detrimental to the construction business and to the economy as a whole. In fact, in a report prepared last month by the noted Rinfret Associates, Inc., entitled "Common Situs and Economic Analysis," the conclusion stated that—

It would tend to increase unemployment and/or decrease employment opportunities and tend to increase the inflationary bias of the American economy.

In addition to the harmful economic impact of the common situs picketing bill; my colleagues should be aware of the special hardship this legislation would work on small business and minority contractors. Minority contractors have traditionally tended to be nonunion, as they have had difficulty gaining entry into local craft unions. Secretary of Labor Ray Marshall, in the September 1974 issue of Journal of Economic Literature, made this point in an article entitled "The Economics of Racial Discrimination: A Survey." In it he stated that—

whether or not these unions are able to bar blacks depends primarily on their control of entry into the occupation. Craft unions, for example, ordinarily have considerable control of the supply of labor. The main job control instruments of craft unions are control of training, entry into the trade and union, and job referrals.

With the legalization of secondary boycotts in the construction industry, unions will be able to use it as a tool to force removal of any nonunion employees and subcontractors from a construction site. In fact, AFL–CIO officials have admitted in hearings held in previous years on common situs legislation, that it provide them with the power to "destroy independent unions" and that their aim was to "see every job—a union job."

By the same token Mr. Speaker, all of us should recognize that passage of this secondary boycott bill would threaten the small businessman in the construction field. Not only would its anticompetitive effects harm those already in the field, but those effects would act to restrict their competitive entry into the building trades fields. Again, the reputable Rinfret analysis concludes that—

It would appear that common situs would have a negative impact on small businesses as they now exist in this industry and would work against free entry of small businesses into the construction industry.

Mr. TREEN. Mr. Speaker, I am unable to understand why this bill is being rushed through the Congress in an effort by its proponents to have it on the President's desk by Easter. My colleagues should know, if they do not already know, that reputable independent polls indicate that the majority of the American public does not want a common situs picketing bill. Moreover, these independent polls indicate that a majority of union members also agree with the verdict of the general American public.

The noted Roper organization, one of the country's most highly respected research organizations, recently concluded a poll on the issue of secondary boycott in the construction industry. Released just last week, the Roper poll shows that three-fourths of the American public, including 64 percent of all union members, feel that a secondary boycott on a construction site should not be allowed. Specifically, the opinion that a construction union "should only be allowed to picket the work of the contractor with whom it has a dispute and not the whole building site," was shared by 73 percent of the blue collar workers, and 64 percent of the union members.

These findings are consistent with results of a similar poll taken last year by another nationally known organization, the Opinion Research Corp. That poll indicated that 73 percent of the public believe that construction unions should be allowed to picket only the particular contractor with whom they have a dispute. In fact, this particular organization has conducted a similar poll for the past 11 years, always with results indicating that a majority of the American public do not favor secondary boycotts in construction. I am including for the record the specific statistics from the past 11 polls taken on the subject by the Opinion Research Organization.

WHO WANTS SECONDARY BOYCOTTS IN CONSTRUCTION? NOT THE AMERICAN PUBLIC—NOT EVEN UNION CONSTRUCTION WORKERS!

Opinion Research Corporation of Princeton, N.J. conducted a nationwide survey of the American public in May, 1976, and in it was the following question:

On building sites many unions represent different kinds of employees of contractors working there—electricians, carpenters, plumbers, and so forth. When one of the unions is striking against one of the contractors, which of these two rules do you think should apply?

Rule A—The union should only be allowed to picket the work of the contractor with whom it has a dispute and not the whole building site.

Rule B—The union should be allowed to picket the whole building site, even if it stops work of all other contractors and employees.

[In percent]

	1966	1967	1968	1969	1970	1971	1972	1974	1975	1976
General public:										
Favor A	68	68	71	71	69	70	72	73	68	72
Favor B	15	18	15	17	17	14	15	15	21	17
No opinion	17	14	14	12	14	16	13	12	11	11
Union members:										
Favor A	55	55	60	60	57	58	58	61	57	54
Favor B	37	39	33	35	35	35	36	34	36	39
No opinion	8	6	7	5	8	7	6	5	7	7

Mr. DICKINSON. Mr. Speaker, I appreciate having the opportunity to express my views on legislation to legalize common situs picketing in the construction industry. I would like to explain my reasons for opposing this legislation to my colleagues.

As you know, I have long been an advocate of the right of every individual to obtain and keep a job without having to join a union if he or she does not wish to do so. I believe this is a vital freedom which must be preserved if personal liberty is to remain a reality in the United States. However, should a bill allowing

secondary boycotts be approved by the Congress, that freedom will be severely jeopardized.

The current practice on most construction projects is for a general contractor to hire subcontractors to handle the various aspects of the project. The subcontractors may hire a mix of union and nonunion laborers or be exclusively closed or merit shop, but it is fairly certain that some of the workers on a construction site will be nonunion in view of the fact that 75 percent of the American labor force does not belong to any union. If a union is allowed to shut down an entire construction project because of a dispute with one of the many employers on the job over the hiring of nonunion people, it is apparent that the general contractor will be wary of doing business with a nonunion subcontractor. Such a situation will force nonunion laborers (who voluntarily elect not to be union members) out of work or into unions—if they can gain entry.

Construction trades unions have a notoriously bad track record for allowing minorities into their memberships. The U.S. Commission on Civil Rights acknowledged that fact in a publication in May 1976 and recognized that legalization of the secondary boycott will make the problem even worse. It would be a double shame for the Congress to give lip service to the tragedy of extremely high unemployment among minorities while effectively putting more minority employees out of work. If minority workers are not able to get into construction unions and open shop minority subcontractors are not awarded contracts by closed shop general contractors due to the threat of a secondary boycott, passage of common situs legislation would certainly create such unemployment.

Of course this situation could be reversed, and it is possible that contractors will turn away from unions altogether and go exclusively to merit shop subcontractors. They might also insist on nonstrike clauses and penalty payments in bid agreements with union subcontractors. In either case, individual workers will be penalized, and contractors will lose their right to deal with subcontractors on the basis of experience and price. It is likely that many small firms will be driven out of business as well.

Even if the secondary boycott did not infringe on individual freedom, in terms of fair play alone it is reprehensible. After all, letting one union tie up a construction site and force other workers off the job, when those workers have no part in the dispute and their employers have no jurisdiction over negotiations to end the dispute, is a basic affront to the American sense of justice. Furthermore, the cost to the taxpayers and consumers in terms of lasting effects on the economy as well as higher-priced homes and other goods created by construction delays and the increased wages negotiated would be an additional unfair burden. We bemoan the fact that low- and middle-income families have been priced out of the single-family housing market, but we consider legislation which will lead to even higher construction costs. The American public should not be made to accept such duplicity.

Trade unions complain that they are discriminated against because they do not have the right to close an entire construction project while industrial unions have the power to close an entire plant. What they neglect to mention is the fact that there is no comparison between the two situations because even if the industrial employees belong to several unions, the manufacturer is a single employer with complete control over his labor relations policies whereas the general contractor and the subcontractors on a construction job are separate employers. Each employer has control only over his own employees and has no power to resolve a dispute between another contractor and his employees.

To bolster their claim that there is one employer on a construction job, the unions claim that contractors and subcontractors on the job-site are joint venturers, but this argument does not hold water. It is difficult to understand how entities which do not share profits and losses, do not have a common labor policy, and, in fact, even sue one another because of commercial disputes arising from work performed on the same project can be considered joint venturers.

The building trade unions already enjoy the same leverage as other unions; that is, the right to strike against their employer. Efforts to extend further powers to these unions through common situs picketing have been thwarted by the Congress for the past 30 years, and the Supreme Court ruled in 1951 against the practice and recently allowed a triple damage suit against a union in Texas that had engaged in a secondary boycott. A survey by the Opinion Research Corp., of Princeton, N.J., revealed that common situs picketing is opposed by 68 percent of the American public including 57 percent of all union members. In the light of such awesome opposition, it seems the 95th Congress would be remiss in its duty to represent all the people if we were to choose to pass this bill. I urge my colleagues in the House not to pass this measure but to defeat it on its lack of merit.

Thank you, Mr. Speaker.

Mr. ARCHER. Mr. Speaker, if it is the intent of the Congress to legislate increased construction costs and lengthy construction delays, the proponents of H.R. 4250, the common situs picketing bill, have indeed come up with an excellent means to accomplish those dubious goals.

Quite conceivably, this measure could be used to shut down construction projects of such critical national importance as the trans-Alaskan oil pipeline—if a union representing only a few employees of one of the many subcontractors on the project chooses to do so.

I am totally opposed to this measure, and I urge my colleagues in the House to reject it.

Certainly construction workers are entitled to the same protection under the law as workers in other industries have—and that is already guaranteed under existing law. This measure that is now being considered would grant to construction unions a totally unprecedented amount of additional power to bring construction projects to a halt—far in excess of any such powers held by unions in other industries.

There is something else at stake here, too. What about the subcontractor, the small businessman, who falls victim to such a strike even though his own employees are members of a different union and have no grievance against him? He is prevented from fulfilling his contract by workers who may have no relationship to his portion of the construction project at all. What about nonunion employees that may be working for a subcontractor? Are they to be denied the right to work and provide a living for their families by a few union employees who have a grievance against some totally unrelated subcontractor?

Mr. Speaker, one has to question whether H.R. 4250 is anything more than still another tool to remove nonunion employees from all construction sites—even in those States where right to work laws exist. It represents still another step in the strengthening of what is becoming the absolute power of national unions over the locals—and that certainly is contrary to the intent of Congress in the passage of the Landrum-Griffin amendments to the National Labor Relations Act.

This House of Representatives will be making a grave mistake if it imposes this unnecessary and extremely harmful legislation on the consumers of this country who will have to pay the price for all delays and increased costs of all construction in this country.

Mr. CRANE. Mr. Speaker, at the outset, let me congratulate my two distinguished colleagues from Ohio and Arizona, Mr. ASHBROOK and Mr. RUDD, for taking the time to organize this special order today. What with the very limited time devoted to hearings on this bill, it is important not only for us as Members to speak out, but also for constituents to know that their voice is being heard. The excuse that this measure was fully debated in the previous Congress is wholly inadequate on two counts. For one, this bill is different than the previous one; for another, the massive outpouring of constituent discontent was instrumental in bringing about the Presidential veto of that earlier effort. Quite clearly, the American people do not want this legislation and it is time their voice was heard. Even if one discounts things as subjective as mail counts or letter writing campaigns to the White House, the evidence of public opposition to common situs picketing legislation is weighty. A year ago, the Opinion Research Corp. conducted a poll which indicated that not only were 72 percent of the people surveyed against common situs picketing, but 54 percent of all union members opposed it as well. A much more recent poll, this time conducted by the Roper organization, not only bore out these results but showed a stiffening of opposition to common situs. As of several weeks ago, Roper found that 77 percent of all Americans were against common situs and that opposition amongst union members had risen from 54 percent to 64 percent.

The reasons for this rather decisive reflection of public opinion are not difficult to discern. There are at least eight solid objections that can, and should be raised

to title I and several more that are applicable to title II. In sum, this bill does not provide equality of treatment for the construction trade unions. What it does is add another special privilege to an impressive list of special privileges the building trades already enjoy.

Succinctly put, what title I of this bill would do is permit the construction unions to engage in secondary boycotts by picketing an entire jobsite not just that portion of it being worked by their employer. The net result would be that the employees of one subcontractor could, in a dispute with their employer, keep employees of all other subcontractors from working even if they are in no way involved or interested. Furthermore, there would be few limits on the type of issues that could lead to such a situation.

The rationale behind all this, from the building trades unions' point of view, is that everybody working on a jobsite is a joint venture in the project. However, nothing could be further from the truth. The subcontractors do not share profits or losses, nor do they have the same labor agreements with their employees. All the companies are legally distinct entities with different responsibilities and it could easily work out that a subcontractor could make a fortune on a project while the general contractor goes broke or vice-versa. Moreover, from the standpoint of the employees there is no common employer as is frequently the case on an industrial site.

Looking beyond the inapplicability of the joint venturer theory, passage of this bill is likely to have one of two results: either a general contractor will hire unionized subcontractors exclusively or he will hire nonunion subcontractors exclusively. Price will no longer be the key determinant in who gets subcontracts because a mixed jobsite will, due to secondary boycotts, mean a picketed jobsite in all likelihood. Secretary of Labor Ray Marshall, in his March 9 testimony before the House Subcommittee on Labor-Management Relations, frankly admitted this when he said common situs would:

> . . . probably create either totally union or totally nonunion construction sites.

When George Meany testified several years ago on H.R. 5900 in the 94th Congress—the previous common situs bill—he carried this point to its logical conclusion when he stated labor's objective was to make every job a union job. Realistically, this is more likely to happen in the Northeast and the Midwest, where the unions are strongest; but still the theory that all construction workers should be forced to join a union in order to work is not an appealing one. If the freedom to associate, guaranteed in the first amendment, is to mean anything, its converse, the freedom not to associate, should also be upheld. Yet, this bill would effectively circumvent State right-to-work laws on the books in 20 States, to say nothing of the discrimination it would encourage.

Ironically, the groups most likely to be hurt by this bill are going to be the minority groups. Historically, the building trades unions have long been guilty of racial discrimination and, according to the May 1976 of the U.S. Commission on Civil Rights, this discrimination continues. Therefore, "making every job a union job" is not in the interest of black employees—despite the provision of section 101(a) of this bill—any more than it is for black subcontractors, most of whom are understandably nonunion. The reasons for this are threefold: minority workers will still have trouble getting into unions because of age and apprenticeship requirements—ostensibly—and minority contractors will not want to put themselves in a position where they will have to lay them off for those reasons. Also, minority subcontractors, as in the case with so many small contractors, cannot afford from a competitive standpoint the higher costs of unionization.

There is another angle to be considered, and it helps explain why construction trade union membership is not growing quickly enough to suit the labor union bosses. That angle is, of course, the greater flexibility of open shop as opposed to union shop. In a union shop situation, a building trades union worker may labor in one, and only one, of the 18 construction trades while on a job but a non-union worker may work at several trades successively, thus remaining employed longer. It is little wonder then that many construction workers prefer to stay out of the union and would understandably resist being forced to join one, if indeed it were permitted. If jobsites are going to shut down for periods of time due to secondary boycotts, a lot more construction workers are going to be out of work than there are now and too many are unemployed as it is. In fact, the unemployment rate among construction workers is currently estimated at 15.6 percent and the continuing recession in the construction industry is the very reason Congress has passed one and is about to pass another Public Works Employment Act. So, where is the logic in aggravating the unemployment problem unless we are going to give more food stamps to strikers or have more public works projects, both of which are counterproductive. What would make far more sense is open shop—right-to-work—all across the land and a tax reform program that would lead to the creation of the capital necessary for more construction of plants and facilities which in turn will mean more jobs.

The impact of common situs on inflation should not be overlooked either. If union affiliation, instead of price, is going to become the key criterion for the award of contracts and time consuming delays because of job site shutdowns are going to become the rule rather than the exception, then construction costs will inevitably rise.

Such increases, given the importance of the construction industry in this country, will help fuel the fires of inflation which of course hurts everybody, construction workers included. Before giving in to the arguments of those who claim this legislation can be justified on the grounds that it will bring about equal treatment for construction workers, we should keep in mind that at $11.46 per hour—on average—a construction worker has the highest wage rate of any industry. A 1975 study by the Bureau of Labor Statistics showing that construction workers made $265 per week as compared to $249 for a miner, $234 for utilities employees and $189 for manufacturing employees as a whole, speaks for itself.

In this context, we should also look at the legal status of construction trades unions vis-a-vis industrial unions. Those building trades unions people pushing common situs say they only want equality; but, in fact, what they want is another special privilege on top of those they already have. Consider for a moment that only the construction and garment unions are exempt from the prohibitions against hot cargo clauses contained in the Taft-Hartley Act; and only the construction unions can operate a hiring hall. Additionally, only construction unions are able to force employees to join the union in 7 days instead of the normal 30 and only the construction unions can negotiate a contract before the employer has hired any union workers. With all these things, it is hard to see how the construction unions are being discriminated against and it is difficult to discern any adverse effects from such alleged discrimination.

Having mentioned hot cargo agreements, I should also note that passage of common situs legislation would have profound antitrust implications. Learned legal opinion strongly indicates that were antitrust laws applied to labor unions as well as to management, secondary boycotts as well as all hot cargo clauses would not only be prohibited but would be a crime punishable by a fine and/or jail term. Yet, instead of treating all parties in the economic arena in the same way, this bill would extend the hot cargo exemption the construction unions already enjoy to the secondary boycott. That, in turn, would go counter to the trend indicated in recent Supreme Court rulings—Connell Construction Co. against Plumbers Local 100 and NLRB against Enterprise Association of Steam Pipefitters—limiting the extent to which unions can engage in product boycotts without violating the antitrust laws. In short, by passing this bill we would, in effect, be saying that it is perfectly all right if construction unions act in restraint of trade, even if their interest goes beyond work preservation. The precedent thus set could open the door for even more trouble in the future.

Finally, I am concerned that H.R. 4250 may go far further than is generally realized, to the extent that it may eliminate any such thing as an unfair labor practice by a construction union. Just this possibility, if nothing else, should have been reason enough for the Education and Labor Committee to have taken more testimony and to have given more time to this legislation. From what I can tell, this bill is far broader than H.R. 5900 in the last Congress and it should, therefore, be examined with a fine tooth comb. I can only hope that when the debate begins tomorrow the House will undertake just such an examination and, in the end, decide this bill is not in the best interest of this country. If ever there was a special interest bill, this is it; and if ever there was a time to deny special interest groups more special privileges, that time is now.

I urge my colleagues to take another look at this bill and, when the time comes, to vote no. The special interests behind this legislation might not be pleased, but the people will.

Mrs. HOLT. Mr. Speaker, with hideous haste reflecting powerful special interest pressure, the common situs picketing bill is being pushed to the floor of this House.

The issue is power, and power alone. It would enable a union striking or picketing one subcontractor to picket and close down an entire construction site, causing financial damage to all other subcontractors and their workers on the site.

The consequences will be costly delays in construction projects and higher labor costs, meaning a reduced market for construction work and fewer jobs for workers. The important thing to remember is that this legislation will impose real economic damage on an industry that can ill afford any setbacks.

Now we all know that the construction industry has been through very hard times. The recession hit it with greater force than most other industries, and it is only now beginning to recover.

But what is being presented to this Congress is legislation that would cause serious economic harm to this very industry, and this for the sake of union power.

Let us not hear any arguments that this legislation is either fair, or necessary, or will improve the condition of workers in the construction industry. It is none of those things.

Minority workers should be particularly alarmed by this legislation, because its purpose is to increase the power of building trades unions which have been notorious in their discrimination against minority workers. The intent of this legislation is to give unions the power to exclude nonworkers from construction sites. It is as simple as that.

In a situation in which a union or unions could stop an entire construction project to protest the presence of nonunion workers, general contractors would become very nervous about the subcontractors and labor they employ.

But I would advise the construction trades unions to take a serious second look at what they are attempting here. This legislation could ultimately work against them.

It could have the effect of bringing more construction work to merit-shop general contractors who would avoid using any union labor because of the threat of common situs picketing. Union workers would be totally excluded from sites where the general contractor runs a merit shop.

It is a two-edged sword that we have here, and one can only speculate about the probable long range effects on union strength. However, construction unions have been gradually pricing themselves out of the market in a trend that has been continuing for some years, and this legislation would seem to encourage more suicidal lurches in that direction.

Under the circumstances, perhaps this is a desperate legislative grasp for total union control of the industry. The clear intent is monopoly power, and Congress should not become a party to any such intent.

Fortunately, this legislation died in the last Congress after President Ford vetoed it. But the union bosses feel that this Congress and the new President will be more amenable to their power play. I hope they are wrong.

Mr. LEACH. Mr. Speaker, I urge defeat of the common situs picketing bill.

The common situs issue is an issue of principle as well as of economics. There are decent arguments on each side of the fence, as my colleagues on the other side of the aisle have made clear, but I come down on the side of maximum freedom of individual choice and association.

From an economic point of view, I would like to cite six reasons for opposition. First, common situs would very likely prove to be a particular threat to the small business entrepreneur. The construction industry is dominated by very small businesses, especially in nonurban areas. By its competitive and seasonal nature and its capital intensiveness, the construction industry is susceptible to high rates of business failure. Common situs would aggravate an already precarious situation and would work against free entry of small entrepreneurs into the marketplace.

Second, to the extent that common situs would increase construction costs, it would place additional barriers to home ownership and building in general, and consequently tend to increase unemployment in the construction industry.

Third, the general inflationary tendencies caused by common situs would be reflected in the economy as a whole, thereby reducing consumer demand and ability to pay for other goods and services.

Fourth, common situs would tend to work against the economic interests of minorities who have limited access to good apprenticeship programs and would likely hold back their economic integration into the construction industry.

Fifth, particularly in areas where there is a healthy competition between union and nonunion contractors, common situs might actually jeopardize a union-shop contractor who is low bidder on part of a major construction project. To avoid difficulties in having a mixture of union and nonunion subcontractors, the general contractor might opt to choose only nonunion workers, thus unfairly prejudicing fair opportunities for the union member and the integrity of the marketplace.

Finally, from the perspective of a small, rural State which has a right-to-work law and which has a long tradition of family-oriented small business, common situs implies bringing to States like my own the construction practices of some of our toughest cities. I feel strongly that as trends in America develop toward bigness we ought to do everything possible to preserve and protect rural, small town values. Accordingly, I urge defeat of the common situs picketing bill.

GENERAL LEAVE

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent that all Members may be granted 5 legislative days in which to revise and extend their remarks on the subject of these special orders.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

COMMON SITUS PICKETING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. RUDD) is recognized for 60 minutes.

Mr. RUDD. Mr. Speaker, the legislation providing for common situs picketing being supported by the administration will have a devastating adverse effect on construction workers—union and nonunion—on the construction industry, and on investors in new construction.

Common situs is secondary boycott, and no one has ever argued successfully that secondary boycott is legally or morally justified.

On every great construction job there the dozens of subcontractors. The argument advanced by Secretary of Labor Marshall that the general contractor and the subcontractors are joint venturers is totally without logical foundation.

The subcontractors deal with different unions—are separate legal entities. They have their own policies and their own modes of operation. They operate under different labor agreements, and they are all trying to make enough profit to pay their labor and stay in business.

The truth of the matter is that there is an adversary relationship many times between the general contractor and the subcontractor. The general contractor, who must answer to the owner, is required to insist that the subcontractor perform the work according to specs—and on time.

In right-to-work States such as Arizona, both union and nonunion subcontractors sometimes work on the same project. When a labor dispute occurs, the reserve gate permits these employees who are not involved in the dispute to continue working.

Under the provisions of common situs, a labor dispute involving one subcontractor doing a very minor portion of the total job—with perhaps only two or three employees—could be picketed. And this could shut down the whole job, forcing every worker to put down his tools and forego his paycheck.

Perhaps the supporters of common situs believe it will give the unions a distinct new advantage to force nonunion workers off the job. This will require repeal of section 14(b) of the Taft-Hartley Act, and nullification of the States' right-to-work laws.

As a practical matter, it will permit the agitators and the troublemakers within the union to foster labor disputes and impose their own personal will on their fellow workers—and on all the subcontractors and the general contractor.

The sponsors of this legislation piously proclaim they want the building trades workers to have the same rights as their industrial brothers. The truth is that the construction worker who is employed only 40 weeks a year—and many of them work year around—has averaged earnings substantially higher than workers in manufacturing employed 12 months a year, workers in wholesale and retail trade employed 12 months a year, and

workers in private industry who work 12 months a year.

I invite the sponsors and supporters of this common situs legislation to look at the real world—and to put aside their abstract theories.

In my home State of Arizona, an imaginative, innovative developer is putting together new plans for a great new shopping center and mall.

Some of the buildings will be constructed by union contractors working for the developer. Other buildings will be constructed by the tenants who have leased the ground. There may be, all told, as many as 1,500 construction workers on the site.

Let us assume for a moment that one of the companies which has leased the ground and plans to build its own buildings engages a nonunion contractor. The other contractors cannot prevent this. The developer cannot prevent this.

But under common situs, a trivial dispute involving just one of the general contractors on the job—or just one of the subcontractors on the job—could close down the entire project.

Secondary boycott is wrong, because by any definition it involves innocent parties—people who have no connection with a dispute between a particular union and its employers.

We can believe that if this legislation is passed, and signed by the President, it will certainly polarize the construction industry.

It will, in effect, force all general contractors to work either exclusively open shop, or exclusively union.

The polarization will be accomplished through a potentially disastrous series of strikes on thousands of projects—and inevitably the cost of construction will increase. This will add to the fires of inflation, and the worker who it is alleged will benefit from common situs picketing will bear the brunt of the punishment.

The arguments against common situs picketing are clear, strong, and logical. They have been made available to the Secretary of Labor, to the President, and to the Members of Congress who are sponsoring and promoting this legislation.

Every year for the past 10 years, the Opinion Research Corp. of Princeton, N.J., has conducted a nationwide survey of the American public to identify the degree of support for common situs picketing.

In each of those 10 years, the general public has been opposed to common situs picketing—with about 70 percent of those responding opposed, and from 15 to 17 percent only of those polled favoring common situs.

And what about the union members themselves?

Every year for 10 years, a majority of the union members have opposed common situs picketing.

We Americans have always been a nation of builders. We tackle a job. We get things done.

The hair shirt of union construction is low productivity. There are 17 building trades international unions—plus the Teamsters. And in times past we have found restrictive practices ordained by union rules—restrictive practices which have limited production.

The general contractors of America—working in concert with right-minded union leaders—have steadfastly and constantly increased union wages. Common situs picketing will create all manner of of new labor disputes—the effect of which will be to increase construction costs.

Union workers will be penalized through the loss of work.

Union contractors will be penalized.

The general public will be injured.

Surely this Congress will act in the best interests of every one of us, who are all involved, and recognize the secondary boycott for the destroyer it truly is.

Mr. Speaker, I would like to yield now to the distinguished gentleman from California (Mr. DEL CLAWSON).

Mr. EDWARDS of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. RUDD. I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Speaker, first I want to commend my colleague and friend and fellow freshman, the gentleman from Arizona (Mr. RUDD) who, I think, has done a superb job in presenting the case here today.

I sit on the Committee on Education and Labor and have seen this bill as it has been developed. I think that the gentleman from Arizona (Mr. RUDD) has hit on many of the major points that have given me problems with the bill.

To elaborate a bit, I would tell the gentleman that during the testimony before our committee, Mr. Robert Georgine, speaking for the AFL–CIO, testified that, in fact, the effect of this legislation would be to polarize the construction trades. He made the statement that there would be no more mixing of union and nonunion workers on the same job if H.R. 4250 was passed.

Of course, I think the implied assumption there is that there is going to be tremendous pressure on construction employers to unionize or else they will find their entire jobs shut down.

Therefore, Mr. Speaker, I think the gentleman has hit a very important point here, and I commend him for it.

Mr. RUDD. Mr. Speaker, I appreciate the generous remarks of the gentleman from Oklahoma (Mr. EDWARDS).

Mr. Speaker, it will be of interest to all Members that an economic analysis of the effect of common situs legislation, such as that before this Congress, has been prepared by Rinfret Associates of New York.

The four main conclusions of this study, commissioned by industry groups, are briefly stated in the Rinfret report as follows:

One. Common situs would most likely prove to be a threat to the small entrepreneur in the construction industry.

Two. Common situs would tend to work against the economic interest of the minority groups and would most likely hold back their economic integration into the construction industry.

Three. Common situs would tend to increase unemployment in the construction industry and would contribute to an already unacceptable level of unemployment.

Four. The impact of common situs on general inflation is almost impossible to measure in a direct way. It is fair to say, however, that common situs would add to the general inflationary tendencies which we are now experiencing.

Mr. Speaker, I would like to include this short but highly important economic analysis of the adverse effects of common situs at this point in the RECORD:

COMMON SITUS

1. Introduction. This study attempts to analyze the economic impact of common situs on (1) minorities, (2) small business, (3) unemployment and (4) inflation.

The conclusions of this study are couched in terms of tendencies. It is not possible to state dogmatic conclusions because the subject is complicated and the available data leave much to be desired.

It is recognized that common situs may be as much a political and moral issue as it may be an economic issue. Political and moral considerations are outside the scope of this study. This study carries no ideology. It is a straightforward attempt to analyze the economic impact of common situs.

2. Conclusions. In the simplest form possible and on the assumption that the analysis which follows will be read in conjunction with the statistical tables which are a part of this report, our conclusions are as follows:

One. *Common situs would not likely prove to be a threat to the small entrepreneur in the construction industry.*

Two. *Common situs would tend to work against the economic interest of the minority groups and would most likely hold back their economic integration into the construction industry.*

Three. *Common situs would tend to increase unemployment in the construction industry and would contribute to an already unacceptable level of unemployment.*

Four. *The impact of common situs on general inflation is almost impossible to measure in a direct way. It is fair to say, however, that common situs would add to the general inflationary tendencies which we are now experiencing.*

These conclusions are not valid under all legislative conditions but only in the context of the legislation now pending before Congress. It is obvious that these conclusions would have to be changed or modified depending on the extent to which legislation before Congress is changed or modified.

3. Analysis. In this section of the report we indicate the reasoning and the thinking behind the conclusions. In order to keep this report unencumbered, we have confined the great body of statistical tables to the Appendix. Those statistical tables are, however, part and parcel of the analysis and should be considered an integral part of this report. Before considering the analysis of the economic impact of common situs on the entrepreneur, minorities, unemployment and inflation, it is worthwhile to examine the construction industry in general at this particular moment.

One. *Economic Overview.* The following may be said to be the current economic situation in the construction industry:

(1) *A high rate of unemployment.* In 1976 the construction industry had an unemployment rate of 15.6 percent as compared with a national unemployment rate (which includes construction) of 7.7 percent. Both figures were higher in 1974. There has been double-digit unemployment in construction in every year since 1970 except 1973, whereas there has been no double-digit unemployment for the country as a whole.

(2) *Lower volume.* The volume of new construction put in place (in 1967 dollars) reached a peak of $93.3 billion in 1973. The latest volume figure which is available for this series is for the month of December 1976. In that month, the volume of new

construction put in place was $74.7 billion (annually rated).

(3) *High hourly earnings.* The average hourly earnings of construction workers (skilled, semiskilled and unskilled) has materially exceeded those in manufacturing industry. In 1976 average hourly earnings in construction were 48 percent higher than those in manufacturing. The average hourly earnings in both construction and manufacturing have increased every year in the past decade. The recession of 1973–1975 did not stop the upward thrust of these average hourly earnings.

(4) *Construction costs increase faster than general prices, i.e. the construction industry has a greater inflationary bias than the economy as a whole.* The Engineering News Record Building Cost Index is a recognized measure (one of several) of construction costs. In 1965, this cost index was .99 of the Consumer Price Index, .97 of the All-Commodities Wholesale Price Index and .97 of the industrial component of the Wholesale Price Index. In 1976 these ratios were 1.24, 1.15 and 1.16, respectively. It should be pointed out, however, that the 1976 ratios were lower than those of 1972–1973. In the past several years, the rate of increase in consumer prices and in wholesale prices has been somewhat greater than the rate of increase in construction cost indexes.

(5) *Productivity has dropped precipitously.* This drop in productivity (output per man-hour) in construction may be a function of the decline in the volume of new construction put in place in the past several years, but if so, it has exceeded the decline in productivity in manufacturing industry which occurred in the 1973–1975 recession. On the base of 1967=100, productivity in the construction industry was 94.0. In the nonfarm business sector it was 114.2 and in the manufacturing sector it was 123.5.

(6) *Housing is disappointing.* This area of the construction industry merits being singled out for attention because it is tied so intimately to national economic goals. Housing starts (multiple and single-family) peaked at 2.36 million units in 1972. In 1976, housing starts recovered from their 1975 low and reached 1.54 million units.

This level of starts was below general expectations for the industry. At the end of 1975, most industry analysts thought that housing starts would approximate 1.7 million units in 1976 and could be as high as 1.8 million units. There are many, many problems in the economic structure of housing, not the least of which is the fact that the average sales price for a new one-family house has more than doubled since 1965. It now takes more hours of work for the average American to buy a new home than at any time in the postwar period.

To sum up, the construction industry currently suffers from low volume, low productivity, high costs and high selling prices.

Two. *Minorities.* The economic statistics on minority participaton and representaton in economic sectors and in the labor unions leave much to be desired. In some cases the statistics are partial and incomplete, and in some cases there are no good time series. There is frequent disagreement about the statistics gathered by the unions themselves as compared with those gathered by the U.S. Government. We adhere to the rule, which we have followed for twenty-five years, that the primary source for statistics should be the U.S. Government.

Union representation in the contract construction industry, as a percent of total union membership, appears to have reached a peak of 13.8 percent in 1962. In 1974, the latest year for which we have comparable data, contract construction union members represented 11.3 percent of all union members in the United States.

In 1974, the total membership of the reporting locals in the building trades was 1.33 million people. Of this number, there were about 209,00 people in minority groups; about one-half were black and the remainder were people with a Spanish surname, Indians, Orientals and others. In 1974, the minority participation in the building trades unions reached 15.7 percent, which appears to have been the highest level in those years for which we have records.

The construction industry appears to have about the same percentage of blacks as does manufacturing when the measure of "blacks as a percent of wage and salary workers" is used. In 1970 the figures were 10.2 percent for construction and 10.7 for all manufacturing. The highest percentage of blacks is found in Services and Government.

Black union members as a percentage of wage and salary workers in all manufacturing in 1970 was 12.4 percent. In Services and Government the figures were 18.6 percent and 16.5 percent, respectively. Black union members as a percentage of wage and salary workers in the construction industry in 1970 was 8.7 percent, which is the lowest for any major sector.

Nonunion blacks as a percentage of wage and salary workers in all manufacturing in 1970 was 9.8 percent. In Services and Government the figures were 13.5 percent and 11.8 percent, respectively. The figure for the construction industry was 11.2 percent.

Examination of all the sectors in the economy in 1970 indicates that in all those sectors except "transportation and utilities" and "construction", black union members constituted a higher percentage than did nonunion members. In "transportation and utilities" and "construction", the percentage of nonunion members exceeded that of union members.

In the September, 1974 *Journal of Economic Literature* in an article entitled "The Economics of Racial Discrimination: A Survey", the present Secretary of Labor, Ray Marshall, makes the point that black workers have difficulty getting into local craft unions (the type of labor organization prevulent in the construction industry). Ray Marshall states that "whether or not these unions are able to bar blacks depends primarily on their control of entry into the occupation. Craft unions, for example, ordinarily have considerable control of the supply of labor. The main job control instruments of craft unions are control of training, entry into the trade and union, and job referrals."

It would appear that construction unions with common situs would be able to exercise greater control over the labor force. Historically, the minority groups have not participated as fully in the construction industry as they have in other industries.

Three. *Small Business.* The constructon industry appears to be dominated by small businesses.

In 1972, there were about 438,000 firms engaged in contract construction. The number of firms with one to nine employees was about 352,000. These firms, therefore, represented about 80 percent of all the firms engaged in contract construction.

There were only about 4,520 firms with 100 or more employees engaged in contract construction in 1972. These firms represented about one percent of all the firms engaged in contract construction.

The construction industry has a very high rate of business failures. We have consistent statistics for business failures for the past decade. In 1975, construction business represented close to 20 percent of all business failures in the U.S. That was the high point. The lowest percentage of failures was registered in 1972, when it was 14.4 percent. For the first ten months of 1976, construction failures represented 18.2 percent of all business failures.

The average liability per failure in the construction industry has tended to increase sharply in the last decade. In 1965 the average liability per failure was about $116,000. It peaked at about $286,000 in 1974 and was about $236,000 for the first ten months of 1976 (not annually rated).

The construction industry has a greater percentage of workers on strike than does the economy as a whole. In 1973, the percentage of workers involved in strikes for "all industries" was 3.0 percent. For manufacturing it was 4.9 percent. For construction it was 10.1 percent. This tendency for a greater percentage of workers in the construction industry to be involved in strikes is long-standing and persistent.

Contract construction stoppages have been declining steadily as a percent of all U.S. stoppages since 1965. In 1965 contract construction stoppages represented about 24 percent of all U.S. stoppages but declined to 10.1 percent by 1973. Construction workers represented 3.8 percent of the total employed civilian labor force in 1965 and 3.9 percent in 1975. The percentage of contract construction work stoppages in 1965 and in 1973 exceeded the percentage of contract construction workers in the total civilian labor force.

The construction industry is dominated by very small businesses with a high bankruptcy rate, high liabilities per failure, a high rate of strikes and a high rate of work stoppages.

It would appear that common situs would have a negative impact on small businesses as they now exist in this industry and would work against free entry of small businesses into the construction industry.

Four. *Unemployment.* The construction workers' peak employment level was reached in 1973 with 3.3 million people. In 1975, it totaled approximately 2.7 million people, about the same number as in 1965.

The peak unemployment rate in the construction industry was reached in 1975 at 18.4 percent. The national average unemployment rate for the same year was 8.5 percent. As noted earlier, the 1976 unemployment rate in construction was 15.6 percent. The national average was 7.7 percent.

Average hourly earnings in the construction industry, as noted earlier, have consistently exceeded average hourly earnings in manufacturing. In 1976, for example, construction average hourly earnings were 1.48 times those in manufacturing. The cost indexes for construction, as noted earlier, have consistently exceeded national measures of inflation.

The construction industry is by and large a craft industry, not readily adaptable to mass production techniques. As indicated earlier, productivity (output per man-hour) in the construction industry has fallen behind that of the rest of the private sector and has in fact declined in the past several years.

Labor costs are an integral part of construction costs. Labor costs in the construction industry exceed those of the economy as a whole. It seems fair to say that an important part of the problem of the declining volume of construction and declining construction employment is relatively high labor costs.

To the extent that common situs increases the costs of construction and to the extent that common situs exerts extraordinary upward pressure on wages, then its end result may be to increase unemployment in the construction industry and to decrease employment opportunities. This could adversely affect the ability and opportunity to integrate minority groups into the construction trades.

Five. *Inflation.* To the extent that common situs would not result in increased work stoppages in the construction industry and to the extent that wage increases in the construction industry would not exceed productivity, common situs would not be inflationary.

If common situs were to result in increased work stoppages and wage increases which would exceed productivity, then it would be inflationary.

The past is not necessarily a precursor of

the future, and events in the future frequently turn out to be very different from what had been anticipated.

The history of the construction industry includes increases in costs which exceed national measures; average hourly earnings which are above national averages and which, until recently, tended to increase faster than the national average; lower productivity than the national average; and a relatively high rate of work stoppages. These are the perfect ingredients for inflation.

On the base 1967=100, wage costs in the construction industry were 187 in 1976 and material costs were 188. This simple comparison indicates the complexity of the inflation problem. Each bit of inflation is a part of the whole and the whole influences each bit.

It would appear that common situs would tend to add to the inflationary bias of the United States economy at the present moment and would work against efforts to minimize or moderate inflation trends.

4. Conclusions Revisited. This analysis and these conclusions are based upon known factors in proposed common situs legislation. It is realized and understood that proposed legislation attempts to offset some of the conclusions arrived at in this report. This analysis has attempted to take into account proposed safeguards in common situs legislation.

Taking all these factors into account, it would appear that common situs legislation to date would work against minority groups and small businesses. It would tend to increase unemployment and/or decrease employment opportunities and tend to increase the inflationary bias of the American economy.

Mr. DEL CLAWSON. Mr. Speaker, will the gentleman yield

Mr. RUDD. I yield to the gentleman from California.

Mr. DEL CLAWSON. Mr. Speaker, I want to associate myself with the remarks of the gentleman from Arizona (Mr. RUDD) in this special order.

Mr. Speaker, the "hobgoblin" of a "foolish consistency" is to be carefully avoided if we in the Congress would also escape Emerson's attribution of that quality to "little statesmen, philosophers, and divines." But the reliance on general guiding principles which renders us ineligible for that label is, in my view, an integral part of our consideration of H.R. 4250 to permit secondary boycotts in the construction industry although the Taft-Hartley Act and the Landrum Griffin Act make the practice illegal. A basic principle of individual freedom of choice is involved in this legislation—the right of individual employees to determine by majority rule whether they do or do not wish to be represented by a union or other bargaining agent. Equally important principles of the National Labor Relations Act and subsequent legislation are also violated by features of the common situs picketing bill, H.R. 4250. Freedom is infringed by its insurance that only union labor be employed by contractors or that men and women who want construction employment may only work for employers who have agreed to contractors with unions.

Recognizing the principle that unions have a right to use those bargaining methods at their disposal, it is my hope that Congress will also recognize the "foolish inconsistency" of denying the very rights of free choice of bargaining agents from which the system of collective bargaining derives its strength.

The bill deserves to be rejected if for no other reason than the very real threat it will pose to the industry and workers it purports to assist. Appreciating the influence and relevance of the construction industries and all the contractors and subsidiaries associated with the industry to the entire economy of the country—in the public interest, no less than the interests of those immediately affected, Congress should reject situs picketing as set forth in H.R. 4250.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. RUDD. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, I would certainly like to congratulate my friend, the gentleman from Arizona (Mr. RUDD), for his leadership in this particular area.

It is not trite to say, Mr. Speaker, that when we convened in January, one of the legislative proposals that almost everybody in this body knew was going to come up rather soon was the common-situs picketing legislation, legislation which almost cleared the last session of Congress, but was vetoed by the President.

I recall very well that the gentleman from Arizona (Mr. RUDD) had not been here for more than a few days when he came to me because I am the ranking member on that committee to ask what he could do to help.

During the intervening 2 months the gentleman has been one of the leaders in trying to convince this body that this legislation is not good for the country at this time.

I also want the record to show that I appreciate the gentleman's efforts in this regard. It is very unusual for a freshman Member to take such an outstanding lead so early in his congressional career and I believe the record should show that the gentleman from Arizona (Mr. RUDD) has made a very substantial contribution on this bill.

Mr. RUDD. Mr. Speaker, I thank the gentleman from Ohio (Mr. ASHBROOK) for the remarks he has made and would advise the gentleman that I appreciate his remarks. The gentleman has indeed been a leader in this respect and I recognize that.

Mr. Speaker, editorial comment on the subject of common situs picketing across the Nation has been substantially opposed to legislation to legalize the secondary boycott.

An excellent editorial appeared just last Friday on March 18, in the Phoenix Gazette, one of Arizona's great daily newspapers and I would like to include a portion of it in the RECORD. It is entitled "Stop the Stampede," which it is hoped is exactly what the House of Representatives will do when H.R. 4250 comes before the House this week.

Mr. Speaker, I ask unanimous consent to include the editorial at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The editorial is as follows:

[From the Phoenix Gazette, Mar. 18, 1977]

STOP THE STAMPEDE

Legislation to enable a single small union to shut down an entire building project is being rushed through Congress by organized labor before the public becomes aware of what is going on. If and when Congress passes the common situs picketing bill, President Carter is pledged to sign it.

The reason for stampeding this legislation became obvious this week when the National Right To Work Committee released the results of a brand new public opinion poll. Taken by the Roper Organization, the poll shows that more than three-fourths of the American people—including 64 per cent of all union members—feel that building trades union officials should not have the power to picket an entire construction site.

According to Roper, 77 per cent of the public feels that a construction union "should only be allowed to picket the work of the contractor with whom it has a dispute and not the whole building site." This opinion was favored by 73 per cent of the blue collar workers, 64 per cent of the union members, 73 per cent of the Democrats, 79 per cent of the Independents, 84 per cent of the Republicans, 80 per cent of the conservatives, 76 per cent of the liberals and 78 per cent of the moderates.

In the face of these overwhelming odds, it is no wonder that the unions are anxious to ram the common situs picketing bill through Congress. Given time to let the feelings of the vast majority of their constituents be expressed, most members of Congress in debt to the labor special interests would find it difficult, to say the least, to go against the wishes of such decisive majorities.

The story is the same in all classes, age groups and regions. The highest percentage in favor of common situs picketing was among union members, and even here those in favor amounted to a mere 30 per cent.

It won't be bringing the country together nor will it be keeping faith with the democratic process to pass the common situs picketing legislation when, all around the country and across the board, the public is so overwhelmingly against it.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. RUDD. I am happy to yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I appreciate my distinguished colleague, the gentleman from Arizona (Mr. RUDD), for yielding to me and wish to express my appreciation to him for bringing out the very important point of what the economic impact would be of this legislation, H.R. 4250, not only upon union members and how it would adversely affect them, how it would adversely affect minority groups that want to be in the construction business, but also how it will adversely affect the entire economy.

I believe my good colleague, the gentleman from Arizona, as has been indicated by the gentleman from Ohio (Mr. ASHBROOK), the gentleman from Oklahoma (Mr. EDWARDS), and others, is to be commended for making sure that this House understands what the impact of this adverse legislation will be on every single consumer nationwide in their districts who will either have to cough up taxes for local construction of city, county, and State projects but who will also have to cough up extra money for the millions of dollars we expend on Federal public works construction projects. The gentleman has explained how this legislation will very adversely affect all those individuals as taxpayers in public works projects, also in the case of privately constructed buildings, roads,

and that type of thing that the consumer ultimately pays in the products or services they buy in the marketplace.

So again I say, Mr. Speaker, that I am very, very pleased at my colleague, the gentleman from Arizona (Mr. RUDD), in his efforts. I know that he has done his homework on this subject and is already showing to the House that he is willing to take the leadership in these kind of important consumer issues in bringing to the attention of the entire House the economic impact they will have on the entire country.

I compliment my colleague for his very discerning and incisive statement here today and for taking this time. As my colleague, the gentleman from Ohio, has already stated, the gentleman from Arizona in the well early on came to the Members of the House who were on the Committee on Education and Labor and offered to be of service to help bring the ramifications of this bill to the entire House, and we are grateful that he took the leadership to do that.

Mr. RUDD. The remarks of the gentleman from California display him to be the very knowledgeable gentleman that he is, who deserves the support of his constituents and the support of every Member of this body. I appreciate those remarks.

I would like to say just one thing, Mr. Speaker, that only this morning I received a report from a national union, the Congress of Independent Unions of 35,000 members. This report is in opposition to common situs legislation.

I submit this statement for inclusion in the RECORD:

CONGRESS OF INDEPENDENT UNIONS,
Alton, Ill.

On behalf of the 35,000 individual members of the Congress of Independent Unions and the affiliated unions, therein, we oppose enactment of H.R. 3500, now pending in the House of Representatives.

The proposed legislation could not have come at a worse time. Just when this country needs immediate, massive, new construction to boost the economy, H.R. 3500, if enacted, would have the effect of spawning costly and lengthy labor disputes never before seen in the construction and building industry.

According to the proponents of the Bill, H.R. 3500 is designed to insure equal treatment of the building trades and craft unions working at a common construction site. *As a practical matter the Bill would insure unequal treatment.* Individuals who have chosen a union representation, and the employer who was awarded work from competitive bidding, would be denied all *human rights* of choice. Those unions *not* presently affiliated with the A.F.L.–C.I.O., such as the Congress of Independent Unions, would be immediately forced out of all construction jobs where they are now protected.

Bill H.R. 3500 would not allow employers in the construction industry to remain or become equal opportunity employers, as they will be forced to hire employees from trade union halls. These same trade unions, have and, are refusing to open their membership to minority groups at the time Congress is thinking of giving trade unions a monopoly on all building. Many States and the Federal Government are holding construction moneys up because of the trade unions refusal to comply with the Equal Opportunity Commission.

In many large cities, HUD has not allowed moneys to rebuild or repair residential buildings, denying many jobs simply because the trade unions would not comply with their codes; St. Louis being one of these cities in late 1976.

As an example of the above, an employer having employees represented by the Congress of Independent Unions was employed as a sub-contractor on the construction of the world-famous "Gateway Arch" in St. Louis, Missouri. The contractor was paying prevailing rates, but due to the *sole fact* that his employees were affiliated with the Congress of Independent Unions instead of the A.F.L.–C.I.O., the other trade unions at the job site picketed, and *passed resolutions* not to work with this contractor's *employees*. As a result, *all work* at the job site was *halted* until the Congress of Independent Unions was able to obtain Federal protection to complete the job under *8(b)(4)*.

Enactment of H.R. 3500 would completetly destroy such an employer whose *employees* by exercising their rights under Section 7, vote to join a Union other than the A.F.L.–C.I.O.

The significance of this case can be seen when you realize that this particular contractor and most of his employees were black. The proposed change by H.R. 3500 would, in effect, prevent such *employees* from *ever* working in the construction field, unless and until they affiliated with the A.F.L.–C.I.O. (The above case was litigated as National Labor Relations Board Cases: 14–CC–348, 14–CCC–350, 14–CC–352, and 14–CC–358).

It is claimed the general contractor is the employer but, in fact, one employer or his employees can not perform the complete job so he must sub-contract or let another employer perform certain other craft work. This, in effect, denies people their human rights of freedom of choice.

A further stated purpose of H.R. 3500 is to apply the same principles of labor law to the construction and building industry that are currently applied to the garment industry. Such purpose totally ignores the reason why an exemption with respect to Section 8(b)(4)(B) was made for the garment industry in the first place. As was noted in *Employing Lithographers* vs *NLRB* 49 LRRM 2869 (5th CCA), the broad exemption for the garment industry was granted to protect an industry that was peculiarly subject to poor working conditions—involving a sweat shop industry, complete with very low wages and substandard working conditions. The construction and building industry, on the other hand, today has the highest paid workers who generally work in the best possible conditions for construction work in the world. There is simply no economic basis to justify the same treatment at this point for the construction and building industry.

It has been suggested that equal treatment should be accorded to the construction and building unions as exists for industrial unions. Circumstances just are not the same.

For example, there may be more than one union in an industrial plant, not necessarily affiliated, but only one employer dealing with all of the unions.

On a construction site, there may be many employers and any one of these employers, by disputing with his employees, could cause a shut down of the entire project, leaving no recourse to the other employers or their employees.

It is respectfully submitted that Section 8(b)(4) is already receiving too much abuse by the use of Informational Pickets. The net effect of H.R. 3500 would be to completely nullify the rights guaranteed to individual workers under Section 7 of the National Labor Relations Act, as amended to bargain collectively through representatives of their own choosing, denying each and every one their human rights.

We seek no advantage over other unions in the construction industry. We plead that this Congress not approve any Bill that will, either directly or indirectly deprive the construction workers of their legal right to select a union of their own choice. We urge Congress to protect good and valid collective-bargaining agreements from the abuses of Situs Picketing. Quality can not be retained or restored by a monopoly.

Of equal importance to the Congress of Independent Unions objection is the fact that the proposed Situs Picketing Bill will provide a tailor-made alibi for denying *human rights* to the millions of workers whose color keeps them in the lower economic levels of our society. If the Situs Picketing Legislation proposed by H.R. 3500 becomes the law of the land, thousands of employees in the construction industry will lose the protection of Section 8(b)(4)(i) and (i)(B) of the Act if they happen to be of the "wrong" color or "wrong" union.

We are sure that the Congress does not intend to give only members of one (1) particular union affiliation the exclusive right to work on all construction projects. This bit of legislation would, in effect, give A.F.L.–C.I.O. the right to close down by picketing all construction jobs not hiring 100% members of its affiliates.

CONGRESS OF INDEPENDENT UNIONS,
TRUMAN DAVIS, *National President.*

Mr. GRASSLEY. Mr. Speaker, will the gentleman yield?

Mr. RUDD. I will gladly yield to the distinguished gentleman from Iowa.

Mr. GRASSLEY. I thank the gentleman for yielding.

Mr. Speaker, it would be hard for me nor would I try, to improve upon the words of the gentleman from California complimenting the gentleman from Arizona on his leadership in this area. I would only echo those remarks and say "Amen" to them and thank him for what he has done.

Additionally, I would like to say on this issue that speaking as a former labor union member, a member of the International Union of Machinists, I do not believe that we should have common situs picketing. I believe in the right not to belong to a union. I believe that the right to work for a contractor on a job with union members is a basic American freedom that we ought to protect.

We have a responsibility in this Congress to protect those freedoms. The freedoms guaranteed by the first amendment to the U.S. Constitution should not be infringed upon or undone by legislative action as comprehended by H.R. 4250.

Really what we are talking about here in satisfying the insatiable thirst of a few labor union leaders to require that everybody belong to a union, or that only union members can work on a construction site, or that only nonunion members totally might be allowed to work on a construction site because there can be no intermingling, is an attempt to turn this land of the free into the land of the fee. That is what is very basic to this issue.

There are just some people in this country—and I am sorry that we have those few people—who somehow believe that in order to work for a living one ought to have to pay for that privilege. I do not know what is any more un-American—I cannot think of anything

more un-American—than to have such an economic sanction tied to the freedom to feed ourselves and our families.

Mr. Speaker, the common situs picketing bill (H.R. 4250) which we are to consider tomorrow has been described by the New York Times as "uncommonly bad." This characterization is most appropriate and well-deserved.

A recent public opinion poll indicates that a majority of the American people are opposed to the passage of H.R. 4250. That survey, released last Thursday, shows that fully 77 percent of our citizens, as well as 64 percent of union members, do not want the National Labor Relations Act changed to permit secondary boycotts at construction sites. I do not believe that we in the House of Representatives should follow a policy of legislating by public opinion surveys. Nonetheless, the fact remains that if Congress approves this measure it will be, once again, disregarding the will of the American people.

My primary reason for speaking today is to voice my concern with the provisions of title I of H.R. 4250. As I said earlier, the statutory language would legalize secondary boycotts in the construction industry. As you know, this practice was specifically outlawed by the Taft-Hartley Act as being an unfair labor practice.

The object of a secondary boycott is to exert pressure upon innocent third parties who are neutral to the primary dispute. Those persons who are put out of work by a secondary boycott will then use their influence and power in order to force a settlement—presumably on terms advantageous to the initial strikers. In a sense, these innocent third parties, which would include union and nonunion employees alike, will become pawns in a chess game the outcome of which is of no direct importance. They will be caught in the crossfire and suffer accordingly.

This legislation will allow a single union, which may represent only a few of the employees at a construction location, to expand its picketing activity so as to shut down an entire jobsite. This awesome power would have an incredibly destructive effect on the construction industry and, I beileve, our Nation as a whole. It is difficult to comprehend why anyone would vote for a bill which would undermine the protection of the individual worker which the National Labor Relations Act was intended to provide. Yet, we are told that the prospects for passage of H.R. 4250 are extremely good.

The backers of common situs picketing have admitted that the expanded powers sought here are to aid in organizing the construction industry. With this tool, a union can shut down an entire construction site in order to see that nonunion employees are removed from the job. It would allow "top down" organization by forcing neutral third parties to influence employers to accept a union which employees previously may have rejected by secret ballot. Common situs picketing would be a disaster for small businesses and minority contractors. The polarization of the construction industry into union and nonunion camps would follow as night does day. A worker's freedom of choice would become a thing of the past.

The proponents of common situs argue that H.R. 4250 does nothing more than insure that craft and industrial workers will receive equal treatment. This assertion is patently false. H.R. 4250 will make construction workers, who already enjoy higher wages than industrial employees—and perhaps not coincidentally a higher rate of unemployment—more equal than others. This reminds me of George Orwell's Animal Farm where the law was—

> All animals are equal, but some are more equal than others.

A brief review of the provisions of the bill we are talking about here today leads one to the inescapable conclusion that its terms are unfair and inequitable. I agree with the statement of Senator Robert Taft in 1947, made during the consideration of amendments to the Labor Management Relations Act when he said:

> There is no reason that I can see why we should make it lawful for persons to incite workers to strike when they are perfectly satisfied with their conditions. . . . On that basis there can be a chain reaction that will tie up the entire United States in a series of sympathetic strikes.

Let me conclude by saying that I am pleased to participate in this discussion on common situs picketing. I hope that we are not just whistling in the dark on this matter here today.

Mr. RUDD. The remarks of the gentleman from Iowa mark him as the statesman that he truly is. He is a statesman pointing out that freedom to choose is a basic ingredient of our system of Government, and a basic factor which has made our country great.

Mr. EDWARDS of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. RUDD. I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. I thank the gentleman for yielding.

I would like to comment that with the remarks the gentleman from Arizona has made and the contributions from others who have had colloquy with him, I believe the gentleman has made a very good record preceding a vote on this issue.

There were two other points that I think ought to be inserted here for consideration. The first is that this bill H.R. 4250 will come to the floor with a major flaw, a major flaw other than the philosophy which is a flaw in itself, and that flaw is that even though this is a common situs picketing bill, nowhere in the bill is there a definition of what a common situs is, which alone I think is enough to cause one to vote against the bill.

The second thing which concerns me greatly because it has been so largely ignored in the debate over this bill is that a provision in H.R. 4250 in effect wipes out insofar as construction union picketing is concerned all those previous prohibitions against what have been unfair labor practices—coercion, harassment, mass picketing, violence, and the like—and not enough attention has been given here in the committee, during the hearings in the subcommittee, or in the discussion of the Members themselves about the fact that this is a significant and very detrimental step in labor relations in this country.

I thank the gentleman for yielding.

Mr. RUDD. I appreciate the points the gentleman has made.

Mr. TRIBLE. Mr. Speaker, will the gentleman yield?

Mr. RUDD. I yield to the gentleman from Virginia (Mr. TRIBLE).

Mr. TRIBLE. Mr. Speaker, I rise in opposition to H.R. 4250, a bill to permit common situs picketing in the construction trade unions. This bill would exempt the building and construction trade unions from the secondary boycott provisions of the National Labor Relations Act.

Common situs picketing is at odds with the primary purpose of the National Labor Relations Act. H.R. 4250 will not promote "orderly and peaceful" procedures for the resolution of labor disputes. Instead, the bill could disrupt the construction industry and the economy.

Proponents of this bill argue that the construction and building unions should be accorded the same treatment as industrial unions. This argument, however, misses a fundamental point—construction and industrial businesses are substantially different. For example, in an industrial plant, there may be more than one union but there is only one employer. On a construction site, there may be many employers and many unions. If this bill is enacted, any one of the employers could shut down the work of the others by disputing with his employees. This is not possible in an industrial setting where an employer affects only his own output when he has a labor dispute.

H.R. 4250 would also destroy the rights of innocent employees and employers to be shielded from disputes in which they are not involved. In the process, workers would lose wages, builders would lose profits, and the public would have to pay higher prices.

Moreover, this bill would discourage equal opportunity employment. Employers in the construction industry will be forced to hire employees from trade union halls. These same trade unions have traditionally resisted opening their membership to minority group members. Many States and the Federal Government are holding up construction money because trade unions have refused to comply with rulings of the Equal Opportunity Commission. This situation will only get worse if secondary boycotts are permitted.

Finally, this bill violates the freedom of choice of individual employees to select a bargaining agent, or choose not to do so. If this bill becomes law, all contractors and subcontractors could be subjected to secondary organizational picketing and, consequently, unionization without free choice by employees.

Mr. Speaker, I urge the defeat of H.R.

4250 as an unnecessary and discriminatory piece of special interest legislation.

Mr. RUDD. I thank the gentleman from Virginia.

TRIBUTE TO THE HONORABLE FRANCES PAYNE BOLTON, MEMBER OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 60 minutes.

Mr. VANIK. Mr. Speaker, I want to pay high tribute to our former colleague, Frances Payne Bolton, who died on March 9 in Ohio.

She was a remarkable woman—a person of many interests and backgrounds, a person who brought much to the House of Representatives.

Although she came from comfortable circumstances, Frances Payne Bolton came to understand and appreciate the burdens of all Americans. She applied this appreciation to her work in Washington, and continued to work for the public's interest even after she left the House.

An excellent article about Congresswoman Bolton was written for the Washington Post by Edward A. O'Neill. I would like to include it with my remarks for the benefit of my colleagues. The article follows:

FORMER REPRESENTATIVE FRANCES BOLTON, IN CONGRESS 29 YEARS, DIES

(By Edward A. O'Neill)

Former Rep. Frances Payne Bolton, (R-Ohio), a Standard Oil heiress who became one of the hardest working members of Congress during her tenure of nearly 29 years, died Wednesday at her home in Lyndhurst, Ohio. She was 91.

Only one woman member of Congress served longer than she—Rep. Edith Nourse Rogers (D-Mass.), who died in 1960, just after she had been nominated for her 19th two-year term.

Mrs. Bolton was defeated in 1968 when she attempted at the age of 83 to win her 15th consecutive term, by Rep. Charles A. Vanik, a Democrat, who challenged her after a shifting of district boundaries.

Marquis Childs in a column in The Washington Post in 1946, when Mrs. Bolton had been in the House for nine years, characterized her this way: "She knows that a conservative is not someone who merely says no in a loud and angry voice. A conservative must know how to conserve, which does not mean standing in the way of all change."

There was an eclectic quality about this very rich woman from Cleveland who more than did her job in the legislative halls. She made herself an expert on Africa. She traveled, with the help of her own considerable resources, for hundreds of thousands of miles to see what the world was like.

She could be called the "mother" of the Army Nurse Corps because of efforts she made as a civilian during World War I. She interested herself personally and financially in such diverse activities as control of veneral disease, extra-sensory perception, medical education for blacks, basic English, the illegitimate children of American soldiers overseas and African art. At 65, she could and did dance the polka with her Slavic constituents.

She asked no special perquisites as a woman in Congress, but was frequently critical of her male colleagues. During the civil rights debates in the 1960s, she said on the floor of the House, while trying to get a federal ban against discrimination against women: "Your bones harden long before our bones do. We live longer and have more endurance."

She told the National Press Club in 1965, "The Lord after creating the world, put a man in charge. He messed everything up, so the Lord turned everything over to a woman, and He gave her everything He had given man, plus two more things: pain, so that she would understand what creation is, and laughter, so that she could stand that the man."

Mrs. Bolton, after her 1968 defeat, returned to Cleveland but kept an office in Washington as a base from which to operate the many interests she kept in this area, including the Mount Vernon Ladies Association, which maintains the George Washington estate.

She was president of the Accokeek Foundation, and for it bought more than 400 acres of land across the Potomac from Mount Vernon to protect it from development and preserve the view. The tract and other land has been designated as Piscataway Park, under federal auspices, but has not yet been developed.

Mrs. Bolton retained her home on Wyoming Avenue NW near the French Embassy, and used it during her visits here, which might have been as often as four times, a year. She also kept houses in Maine and Palm Beach, Fla., where her father was one of the first people to build a winter vacation home.

Born Frances Payne Bingham on March 29, 1885, she was reared in the style of the newly wealthy society of industrial Cleveland, and in a climate of high-level Republican politics. Her father, Charles W. Bingham, banker and industrialist, was a close friend of William McKinley, Mark Hanna and William Howard Taft.

However, one of her grandfathers, Henry B. Payne, was a Democrat who represented Ohio both as a representative and a senator. One of his sons, Oliver Hazard Payne, was an early associate of John D. Rockefeller, Sr., in the formation of the Standard Oil Company. Mrs. Bolton inherited a fortune from this uncle, among whose other heirs was her cousin, Payne Whitney, the New York financier.

Mrs. Bolton attended private school in Cleveland, then Miss Spence's in New York where the daughters of wealthy families living west of the Alleghenies were sent for eastern "finishing." She later studied voice at the Mannes School of Music in New York, and for a time, was said to have considered a singing career.

But she went back to Cleveland, made her debut, and joined a debutante club called the Brownies, which engaged in various good works. Unlike most debutantes of her day, Frances Bingham's encounter with the darker side of Cleveland during duties as an assistant to public health nurses left a lasting impression. For the rest of her life, nursing and public health were major preoccupations.

In 1907 she married Chester Castle Bolton, a son of Mark Hanna's business partner.

The Boltons had three sons and a daughter. The infant daughter died a day after birth during the influenza epidemic of 1919. Mrs. Bolton also nearly died in the epidemic.

Her bout with influenza left Mrs. Bolton a near invalid, but she took up yoga exercises and regained her health and energy.

In 1928, her husband ran for Congress as a Republican from Ohio's 22d District, and won. He served in the House until 1939, except for a two-year hiatus when he was beaten during the Roosevelt landslide in 1936.

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When Mrs. Bolton was elected to Congress in 1939, she was "vaguely isolationist," as one writer described her. She voted the conventional Republican line of those days—against President Franklin D. Roosevelt's "billions for defense" legislation, Lend-Lease, and other measures. With the coming of Pearl Harbor, like other Republicans', her views changed.

The first significant piece of successful legislation she sponsored was the Bolton Act, which established the U.S. Cadet Nurse Corps. More than 124,000 nurses were trained under the act, and nurses in uniform began receiving pay comparable to that of male officers.

Mrs. Bolton's Cleveland area district became the most populous in the nation, having more than 900,000 people after World War II. In 1952, it was divided and her son Oliver P., ran for election as a Republican in the new district. According to one biographical sketch. Mrs. Bolton asked her son if there was anything she could do to help him in his campaign. His reply was, "Sure there is—stay the hell out of my district." He was elected.

The only mother-son combination to serve simultaneously in Congress, they differed many times in their votes. Oliver Bolton suffered a heart attack in 1956, and left the Congress. He died in 1972.

Mrs. Bolton is survived by a son, Kenyon Castle Bolton, of Cleveland, eight grandchildren and four great-grandchildren.

Mr. LATTA. Mr. Speaker, I rise to pay tribute to the late Frances Payne Bolton, former Republican Representative from Ohio and one of the most distinguished, innovative, and visionary women ever to serve in the U.S. Congress.

Born into a wealthy industrial family, Frances Bolton dedicated her life to improving the lot of those less fortunate than herself. During nearly three decades in the U.S. Congress, she became a champion of social, hygienic, educational, and industrial programs, pushing through reforms to guarantee equal opportunities for all Americans, and encouraging similar initiatives around the world.

Through the Bolton Act, this distinguished Ohioan prodded Congress to establish a $5 million U.S. Cadet Nurse Corps which trained 124,000 nurses. Those nurses, in return for their training served in the Armed Forces or in essential civilian positions, and proved to be an invaluable resource to American forces during World War II. Though Mrs. Bolton, a widow and mother of four children, was ahead of her time in urging fair treatment for women, she was also concerned that traditionally female domains be opened to men, who gained access to the military nurse corps through her efforts.

As ranking Republican on the House Foreign Affairs Committee, Frances Bolton was extremely active in international affairs, and among many of her "firsts" was the first woman appointed as a congressional delegate to the United Nations General Assembly. In 1955, she was the first Congresswoman ever to head a

mission abroad, and soon afterwards was a U.S. delegate to the British-American Parliamentary Conference. At different times she also served as an alternate delegate to the 1966 NATO Parliamentary Conference in Paris, a U.S. delegate to the Ghana Independence ceremonies, and a U.S. delegate to the 1966 Council of Europe in Strasbourg, France. Chairman of the House Subcommittees on the Mideast and Africa, Mrs. Bolton played a crucial role in promoting black educational and social projects in both America and Africa, and in 1965 was honored by an award from Operation Crossroads Africa.

The wife of the late U.S. Congressman Chester Castle Bolton, Frances Bolton originally joined the ranks of Congress to fill the unexpired term of her late husband, but because of her own outstanding initiative, talent, and leadership was elected to 14 full congressional terms. Serving from 1940 through 1969, she was half of the first mother-son team in Congress, with her son, Oliver Payne Bolton, elected as a Representative from Cleveland from 1953 through 1957, and from 1963 through 1965.

It was my great privilege to serve with Frances Payne Bolton as a member of the Ohio delegation to the U.S. Congress, and it is a great pleasure today to pay tribute to her as a fine legislator who spanned social, geographical, and ethnic barriers to become an inspiration far beyond her very grateful and proud State of Ohio.

Mr. HARSHA. Mr. Speaker, it was with great personal regret that I learned of the death of Frances P. Bolton. Mrs. Bolton was an extraordinary person and one of Ohio's most respected and admired daughters.

Upon her election to the House of Representatives to succeed her late husband, she became the first woman to serve our State in this body. During her 14 terms in office, she was almost an institution in the House. She was the epitome of honor, talent, dedication, and ability. She set a standard of personal integrity and accomplishments that would be difficult for anyone to emulate.

While many of her achievements were in the field of health, she was perhaps best known for her influence in the area of foreign relations. As a member of the House Foreign Affairs Committee for 28 years and ranking minority member of the committee for 6 years, she was deeply committed to bipartisanship in foreign relations and demonstrated an early interest and expertise in African affairs. She was the first woman Member of Congress to serve as a delegate to the United Nations General Assembly or to head a mission abroad.

It was a source of pleasure to me to know and serve with Mrs. Bolton, and those of us who had this privilege recall her honesty and compassion and remember her with great affection and respect. The Bolton family has long dedicated itself to public service, and I am confident this tradition will not end with Mrs. Bolton's passing.

I wish to join with my colleagues here in the House in expressing my deepest sympathy and extending my condolences to the family of this great and gallant lady.

Mr. BROWN of Ohio. Mr. Speaker, it was with a great amount of sadness that I learned of the death of our former colleague from Ohio, Mrs. Frances P. Bolton. I would like to join my colleagues today in a heartfelt tribute to her memory.

Mrs. Bolton's distinguished record of service in Congress for 29 years is well known to all of us. She was elected to succeed her late husband, Chester C. Bolton, in a special election during the 76th Congress, when my late father. Clarence J. Brown, Sr., was serving his first term.

She and dad served together for many years as members of the Ohio Republican delegation. Mrs. Bolton was the ranking minority member of the Foreign Affairs Committee while dad was the ranking minority member of the Rules and Government Operations Committees.

I also had the honor of serving with Mrs. Bolton for several years after I came to Congress. It was then that I learned to appreciate her great dignity, her sense of humor, and her positive leadership. One anecdote tells much about this effective Congressman—and she always referred to herself as a Congressman. It seems a number of her male colleagues in shirtsleeves were perspiring over legislative draftsmanship and experiencing some frustration. One of them, in his annoyance, turned the air blue with his language during the discussion of a matter at issue. When he suddenly remembered Mrs. Bolton's presence, he stopped and apologized profusely. Unruffled, Mrs. Bolton responded:

"Oh, never mind me. After all, I'm just one of the boys; but now that we've let off our steam, let's get down to hammering out the legislation."

On another occasion, I experienced Mrs. Bolton's perspective on things first hand. I had been agonizing personally over how to vote on a difficult issue. My male colleagues had cajoled and argued with me one way and another until I was uncomfortable in my own indecision. Then I saw Mrs. Bolton heading toward me. When she came up with her imposing stance and called me "CLARENCE." I knew I was in trouble.

"CLARENCE," she said, "I've been meaning to talk to you."

"Not you, too, Mrs. Bolton. I've been lobbied by everybody."

"Not about this," she said. "I always felt free to criticize your father, and I feel I have a right to tell you when I think you are doing something wrong."

I conceded that prerogative to her and asked her what she wanted to say.

She drew herself up and said, "It is not proper for a Member of Congress to chew gum on the floor of the House."

Had she asked me to do so, I would have spit my gum out in her hand then and there. She was an effective teacher in small things as well as great matters. While we did not always agree, we always enjoyed each other's confidence and respect.

Mr. Speaker, Joyce joins me in extending sympathy to Mrs. Bolton's son, Mr. Kenyon Bolton of Cleveland, her eight grandchildren, and four great grandchildren. Mrs. Bolton's strong character and devoted service will be greatly missed.

I was honored to be asked by the family to serve as an honorary pallbearer at the service for her conducted at the historic Old Stone Presbyterian Church in downtown Cleveland, where she was a member, by its pastor, Rev. Raymond Lewis, in whose consideration for the pastoral post he has held for 20 years she had played a significant part. I could not help on that occasion but recall that Mrs. Bolton had escorted me down the aisle to the well of the House when I was first sworn into the Congress in January 1966.

As the senior member of our Ohio delegation in Congress, she was sought out for advice by me on many occasions. One such question of mine related to the problem all Members have from time to time their own consciences. I raised this issue with Mrs. Bolton once and was told:

A good Member of Congress votes both his conscience and the views of his constituents.

Thinking age might have interfered with her understanding of my question, I tried to explain:

No, Mrs. Bolton, I mean how should a Member vote when his conscience tells him one thing, but his constituents want him to vote the other way.

Mrs. Bolton drew herself up to her best matronly and congressional stature and said:

Clarence, if your conscience and your constituency conflict too often, you had better start looking for another line of work.

Mrs. Bolton never had to look for another line of work. She represented her constituency with faithfulness while standing tall for the beliefs she held most dear. She was best known for her enduring interest in the continent of Africa and nurse training. But Mrs. Bolton also was a force in the struggle for women's and minority rights. She was also instrumental in preserving Piscataway Park across the Potomac River from Mount Vernon.

Mr. Speaker, at this time I would like to insert in the RECORD two articles which properly summarize the contributions Mrs. Bolton made to her country and the world in her life of public service.

[From the Cleveland Plain Dealer, Mar. 13, 1977]

FRANCES BOLTON EULOGIZED FOR A LIFE OF SELFLESS SERVICE

Former Rep. Frances Payne Bolton, matriarch of one of Ohio's most prominent families, was eulogized yesterday as a woman who loved her church, her country and the people she represented in Congress for 29 years.

About 600 persons—business leaders, politicians and family friends—gathered at Old Stone Church in downtown Cleveland for Mrs. Bolton's funeral. She died Wednesday

at her home in Lyndhurst at the age of 91, following a five week illness.

As the rain fell, she was buried in Lake View Cemetery next to her husband, Chester C., who died in 1939 while in the middle of his fifth term in Congress.

Mrs. Bolton, a Republican in the family tradition, was elected to succeed him and continued to represent the 22d Congressional District until 1968, when she was defeated by Rep. Charles A. Vanik, D-22.

Her sons, Oliver P., who also served in Congress, and Charles B., also are buried in Lake View Cemetery.

The services were conducted for Mrs. Bolton by her pastor at Old Stone Church, the Rev. Lewis F. Raymond, whom she was responsible in bringing here from Chicago in 1957.

Each of us is less for her not being with us, the Rev. Mr. Raymond said, adding that Mrs. Bolton led an exemplary life.

Former President Gerald R. Ford, who served with her in Congress for 20 years, was unable to attend the funeral but sent a telegram, which was read by the Rev. Mr. Raymond. The former president was an honorary pallbearer.

Ford called Mrs. Bolton "a woman of high intellect, deep compassion, and with unexcelled devotion to her country."

"Her life was as rich and fulfilling as it was long, and by touching so many people with her goodness, her legacy of healing and selfless service will endure through time," Ford said. "We mourn her death but we are very thankful for her life."

The crowd that started filling the church 90 minutes before the services began was testimony also to the respect and admiration felt for Mrs. Bolton. But their praise was silent, not spoken.

Mrs. Bolton's coffin was draped with an American flag. An 11-man honor guard of representatives of the U.S. Army, Navy, Marines, Air Force and Coast Guard alternated standing at attention next to her casket. Five hundred white roses were arranged behind the coffin. Floral arrangements dotted the altar.

Eighty members of the Bolton family, led by her only surviving child, her son, Kenyon, occupied the front pews. Relatives came from Cleveland, Boston, New York and Washington, D.C.

The 54-minute service opened with the choir singing, "My Country 'Tis of Thee."

Present were 37 honorary pallbearers. They included Gov. James A. Rhodes; former Sen. Robert Taft, Jr., former Sen. Margaret Chase Smith of Maine;

Former Reps. Walter Judd of Minnesota and Charles E. Chamberlain of Michigan; Rep. J. William Stanton, R-11, of Painesville, and Rep. Clarence J. Brown Jr., R-7, of Urbana, and former GOP national chairman Ray C. Bliss.

Also, H. Chapman Rose, senior partner in the firm of Jones, Day, Reavis & Pogue, and Janette MacPhail, dean of the Frances Payne Bolton School of Nursing at Case Western Reserve University.

[From the Washington Post, Mar. 11, 1977]

FORMER REP. FRANCES BOLTON, IN CONGRESS 29 YEARS, DIES

(By Edward A. O'Neill)

Former Rep. Frances Payne Bolton (R-Ohio), a Standard Oil heiress who became one of the hardest working members of Congress during her tenure of nearly 29 years, died Wednesday at her home in Lyndhurst, Ohio. She was 91.

Only one woman member of Congress served longer than she—Rep. Edith Nourse Rogers (D-Mass.), who died in 1960, just after she had been nominated for her 19th two-year term.

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She could be called the "mother" of the Army Nurse Corps because of efforts she made as a civilian during World War I. She interested herself personally and financially in such diverse activities as control of venereal disease, extra-sensory perception, medical education for blacks, basic English, the illegitimate children of American soldiers overseas and African art. At 65, she could and did dance the polka with her Slavic constituents.

She asked no special perquisites as a woman in Congress, but was frequently critical of her male colleagues. During the civil rights debates in the 1960s, she said on the floor of the House, while trying to get a federal ban against discrimination against women: "Your bones harden long before our bones do. We live longer and have more endurance."

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Mrs. Bolton, after her 1968 defeat, returned to Cleveland but kept an office in Washington as a base from which to operate the many interests she kept in this area, including the Mount Vernon Ladies Association, which maintains the George Washington estate.

She was president of the Accokeek Foundation, and for it bought more than 400 acres of land across the Potomac from Mount Vernon to protect it from development and preserve the view. The tract and other land has been designated as Piscataway Park, under federal auspices, but has not yet been developed.

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But she went back to Cleveland, made her debut, and joined a debutante club called the Brownies, which engaged in various good works. Unlike most debutantes of her day, Francies Bingham's encounter with the darker side of Cleveland during duties as an assistant to public health nurses left a lasting impression. For the rest of her life, nursing and public health were major preoccupations.

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The Boltons had three sons and a daughter. The infant daughter died a day after her birth during the influenza epidemic in 1919. Mrs. Bolton also nearly died in the epidemic.

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The first significant piece of successful legislation she sponsored was the Bolton Act, which established the U.S. Cadet Nurse Corps. More than 124,000 nurses were trained under the act, and nurses in uniform began receiving pay comparable to that of male officers.

Mrs. Bolton's Cleveland area district became the most populous in the nation, having more than 900,000 people after World War II. In 1952, it was divided, and her son, Oliver P., ran for election as a Republican in the new district. According to one biographical sketch, Mrs. Bolton asked her son if there was anything she could do to help him in his campaign. His reply was, "Sure there is—stay the hell out of my district," He was elected.

The only mother-son combination to serve simultaneously in Congress, they differed many times in their votes. Oliver Bolton suffered a heart attack in 1956, and left the Congress. He died in 1972.

Mrs. Bolton is survived by a son, Kenyon Castle Bolton, of Cleveland, eight grandchildren and four great-grandchildren.

Mr. RHODES. Mr. Speaker, I join my colleagues in the Congress in expressing our sadness at the death of a former Member, Frances Bolton, who served with great distinction in this body for nearly three decades.

Frances Bolton was a grand lady. She came to Congress at an age when many consider retirement. She was a force for good, a compassionate and determined fighter for women's rights and any cause she considered worthwhile and just. Frances Bolton was a constructive conservative and an ardent conservationist. The Nation will forever benefit from her work in preservation of the scenic grandeur of the Mount Vernon shoreline.

She sponsored and fought through

Congress U.S. Cadet Nurse Corps legislation, which has produced more than 124,000 trained nurses.

She was widely traveled, broadly informed and intensely interested in helping humanity. It was my privilege to have served with Mrs. Bolton during many of the years she graced the Congress.

Unique in the annals of the House with simultaneous service by Frances Bolton and her son, Oliver, who served three terms in the House, they represented contiguous congressional districts in Cleveland. The late Oliver Bolton and I were in the same freshman class in Congress. He and his wife Adie became very close friends of mine, and my wife Betty.

Frances Bolton was a unique spirit in the House, a woman of great charm and warmth. She served the 22d District of Ohio with distinction for 29 years. The House of Representatives is the richer for the years she spent among us.

Mr. McCLORY. Mr. Speaker, the report of the passing of our former colleague, Representative Frances Bolton of Ohio, recalls her long and illustrious career in the U.S. House of Representatives terminating in 1968.

Mr. Speaker, I regard it as a great privilege to have known Frances Bolton and to have served with her in this body for 5 of the 30 years during which she represented so ably her Ohio Congressional District.

Mr. Speaker, Frances Bolton is part of an illustrious American family which has given honorable and distinguished service to the State of Ohio and to the Nation. Frances Bolton's many activities in addition to her congressional service included her leadership of the Mount Vernon Ladies Association in which she served as vice regent since 1938—having general control and administration of George Washington's historic home at Mount Vernon.

Mr. Speaker, I am privileged to take part in this ceremony honoring Representative Frances Bolton and to express my respect for her useful life and illustrious career. In addition, Mr. Speaker, I express my sympathy to members of her family who survive.

Mr. KINDNESS. Mr. Speaker, those of us who have only spent a few years in the House of Representatives are somewhat limited in fully understanding and appreciating the 29-year tenure of Mrs. Frances Payne Bolton who passed away on March 9, 1977. In Ohio, the lady whose interest in the developing African Continent caused some to call her the "African Queen," whose grace and bearing, coupled with her generosity, caused some to call her the "Richest Woman in Congress," has been a folk hero for many years. But folk images do not always provide for the most appropriate appreciation of an individual's service.

A young feminist recently alleged that, in her time, Mrs. Bolton would not have been elected to the Congress "if her husband had not died." A serious student of history never devotes much attention to the "ifs." The "ifs" do not account for Mrs. Bolton's countless contributions to this body or to our Nation, both as a Member of Congress and as a private citizen. And, yes, the times have changed—in part because of the life and being of Mrs. Bolton.

We all know that Mrs. Bolton's service has enriched this body, and I speak for most Ohioans when I note that she will be missed.

While Mrs. Bolton's service cannot be described in a few short paragraphs, I would like to call your attention to the following summation of her career which appeared in the New York Times on March 10:

FRANCES PAYNE BOLTON DIES AT 91; MEMBER OF CONGRESS FOR 30 YEARS

CLEVELAND, March 9.—Frances Payne Bolton, a member of Congress for nearly 30 years, the widow of a Congressman and the mother of another one, died early this morning at her home in suburban Lyndhurst.

Mrs. Bolton, who was defeated for reelection in Congress in 1968, had been in ill health for several months. She would have been 92 years old this month.

She served in Congress from 1939, when she succeeded her late husband, Chester C. Bolton, until she was defeated by Representative Charles A. Vanik, a Democrat.

CALLED "AFRICAN QUEEN"

At the time she left Congress Mrs. Bolton was ranking Republican on the House Foreign Affairs Committee and headed a number of its subcommittees, including one on Africa. She had visited many African countries, often at her own expense, and was dubbed "the African Queen" by some Washington reporters because of her interest in that continent.

She was also very interested in the nursing profession. In World War I Mrs. Bolton was instrumental in persuading Newton D. Baker, then Secretary of War, to establish the Army School of Nursing. In World War II, she sponsored the bill creating the Cadet Nurse Corps and later traveled throughout France inspecting hospitals.

The school of nursing at Case Western Reserve University, which she helped establish, is named for her.

RICHEST WOMAN IN CONGRESS

Mrs. Bolton often was described as the richest woman in Congress. She used her money to support a lifetime of public service and philanthropy.

Both her grandfathers, William Bingham and Henry B. Payne, served as members of the Ohio legislature, and Mr. Payne, a Democrat, served for several years as a United States Senator.

In 1953 her youngest son, Oliver T. Bolton, was elected to Congress from a district adjoining her own. They became the first mother-son team ever to serve in Congress. Oliver Bolton did not seek re-election in 1956. He died in 1972.

Mrs. Bolton was born on March 29, 1885, in Cleveland to the banker-industrialist Charles W. Bingham and his wife, Mary Perry Payne Bingham. She was educated at Hathaway Brown School here and at Miss Spence's School for Girls in New York and spent a few years in Europe traveling and studying music. She never attended college, although she eventually received 16 honorary degrees.

In 1907 she was married to Chester C. Bolton, who died in 1939 while a member of Congress.

During her years in Congress Mrs. Bolton served on the House Republican Policy Committee, from 1959 to 1965. She was also the first woman named as a Congressional delegate to the United Nations.

AIDED MT. VERNON

Another philanthropic activity that interested Mrs. Bolton was Mount Vernon, the home of George Washington. She had been Ohio vice regent of the Mount Vernon Ladies Association since 1938 and was president of the Accokeek Foundation Inc., an organization set up to preserve the area around Mount Vernon. She also bought 500 acres of the Mount Vernon overview to protect it from commercialization.

After leaving Congress Mrs. Bolton was appointed to the board of governors of the Middle East Institute. She was a trustee of Lake Erie College in Plainsville, Ohio; Tuskegee Institute in Alabama; Meharry Medical College in Nashville; Capitol Associates; the United States Capitol Historical Society, and the Central School of Practical Nursing in Cleveland.

Mrs. Bolton made her home at Franchester Farms in the Cleveland suburb of Lyndhurst. She also had houses in Palm Beach, Fla., Washington and Prouts Neck, Me.

She is survived by a son, Kenyon C. Bolton, eight grandchildren and three great-grandchildren.

Her oldest son, Charles Bingham Bolton, died March 28, 1976. The school of dentistry at Case Western Reserve University is named in his honor for his contributions to dental science.

Mr. MILLER of Ohio. Mr. Speaker, some who pass through these Halls of Congress in service to their fellow countrymen leave behind their own highly distinctive, personal mark on this body. Such was the lasting contribution made by Frances Payne Bolton.

On the 9th of March Mrs. Bolton departed this world for the eternal reward God always planned for her. To those of us who knew and worked with our former colleague, her loss is profoundly felt. For in Mrs. Bolton we found a unique spirit of boundless energy unbridled by convention yet filled with hope and enthusiasm.

Always strong willed in purpose and independent of mind, Mrs. Bolton did not fit that mold of what was then proper for a woman of her social status to say and do. Unabashedly, she threw herself into politics and refused to be muscled about in what was then a male-dominated world. Through her determination and strength of character, she emerged from the political battles as one of Ohio's most influential Republicans and the Nation's most respected politicians.

Throughout her distinguished career in Congress which spanned three decades, she championed equal rights for women. At times it was a lonely campaign but Mrs. Bolton persevered and succeeded in advancing recognition and opportunities for millions of American women. She blazed a trail and carried a torch when it was not so fashionable to do so. In her outspoken advocacy for women she was perhaps a woman ahead of her time. But time is fast catching up with her pioneer efforts.

Mrs. Bolton's lifelong interest in nursing education and public health is well known. Among her many legislative achievements for the betterment of wom-

en and minors was the Bolton act which created the U.S. cadet nurse corps. Today's nursing profession owes much to her foresight and efforts.

Her interest also in international development led to her appointment to the House Foreign Affairs Committee from where in 1944 she became the first Member to visit a war zone and later visit the Soviet Union. In 1933 she also became the first woman appointed as congressional delegate to the U.N. General Assembly.

Few Members have brought to this House the courage and candor that were distinctly Mrs. Bolton's. She was a real fighter who loved political competition—its intrigue, its nuances. Fiercely partisan, yes, but above all loyal to her own convictions and sense of decency.

She led a rich, full life that was blessed by many rewards chief of which were her children who carried forward that same tenacity and enthusiasm in all they did. Our lives like so many of those she served and fought for are richer because of Frances Bolton. Her memory will always remain with us.

Mrs. Miller and I extend our deepest sympathies to the surviving members of Mrs. Bolton's family, and especially to her son, Kenyon, and to his wife, the former Mary Peters of Lancaster, Ohio. We share their sadness in the passing of this great and dear lady, even as we share their pride in her magnificent life.

At this point, Mr. Speaker, I would like to add the following biographical sketch of Mrs. Bolton as it appears in "A Minority of Members: Women in the U.S. Congress," by Hope Chamberlin:

UNDER NO ILLUSIONS—FRANCES P. BOLTON, REPUBLICAN OF OHIO

About midway in her long congressional career (1940–69) Ohio Republican Frances Bolton was asked by a colleague where she got her even temper, her calm disposition. "Where few want to go," she said. "In hell!"

If the listener was startled, it was probably because he had been conditioned to accept at face value the many glowing word portraits that painted Mrs. Bolton as being free from life's devilish problems. She was ever the "richest woman in Congress." No one mentioned the poor little rich girl.

The world in which Frances Payne Bingham grew up appeared to glitter. It was one of vast liquid assets flowing from oil, coal, iron, and shipping; of distinguished heritage (Robert Treat Paine, signer of the Declaration of Independence, and John Howard Payne, author of "Home Sweet Home"); of society pedigrees and debutante parties. There were winters at an estate in Palm Beach, summers at a country house near Lake Erie, leisurely trips to Europe, education at the best private schools at home and abroad.

Miss Bingham never knew financial hardship, but neither did she know the familial reassurance that a plain-looking, shy young girl needs. Before she reached her 14th birthday the two people who might have bestowed such reassurance—her mother and her oldest brother—died. Her sister Betty, whose outgrown dresses Frances had to wear, enjoyed the role of a sibling who is prettier and older. "Oh, Francie, you can't do anything right!" was a favorite remark of hers, repeated just often enough to instill in an impressionable child feelings of incompetence and insecurity.

Frances's father, Charles William Bingham, for all his admirable qualities, was not the kind of man who could manifest warmth or affection or break with Victorian tradition—even as a new century dawned. His firm principles and brusque, authoritarian discipline ruled life in the family's spacious, well-staffed house on Cleveland's fashionable Euclid Avenue.

Particularly vivid in Frances's memory is the fear that welled up in her one morning during her 19th year when he said, "I want to talk to you in my study after breakfast."

Once they were in that room he asked, "Francie, have you been going about with the visiting nurse?"

"Yes, sir."

"Why did you do it without asking me?"

"Because I knew you would say 'no.'"

"Yes," he said, "I would. But since you have done it, tell me about it."

As a member of the Brownies (a Cleveland debutante club), she explained, she had joined a group effort to aid the public health nurses. She worked five half-days a week, reporting at 8 o'clock in the morning to make the tenement rounds. She did what she was told, mainly removing tattered clothing from small children and bathing them with soap and Lysol.

Father Bingham did not give permission for her to continue the work, nor did he flatly say that she must end something she obviously found satisfying. His concluding remark, however, eased somewhat the guilt stemming from having led a double life without telling him. "Now that you have seen how most people in this world have to live, I hope you will never forget it," he said.

She would not. This initiation into the manifold problems of nursing and public health education was to remain a major preoccupation for life.

The marriage of Frances Payne Bingham to Chester Castle Bolton in 1907, when she was 22 and he 25, followed an engagement of the socially prescribed length. It was not in the old-fashioned sense either a prearranged union or a marriage of convenience, but simply a wedding of peers. He was a neighbor, Harvard-educated, the industrial son of Mark Hanna's business partner, and someone she had known as long as she could remember. Tragedy was to test their union; so was the monetary imbalance resulting from a wife's having more money than her husband (she inherited millions from her uncle Oliver Hazard Payne). Meanwhile a world war intervened.

Before Frances Bolton moved with three young sons to Washington, where Captain Bolton's talent had been drafted by the War Industries Board, she had begun in earnest to channel her abundant energy toward upgrading the nursing profession. Her first public speeches were delivered when she was a member of the board of Cleveland's Lakeside Hospital. She spared no details in describing why "our custodians of health should not be treated as domestic servants," and she invited listeners to tour the attic rooms where nurses were required to live. "All I hope is you go up and see for yourselves," she said, "and I defy you to sleep well afterwards."

In the national interest she was instrumental in convincing the Secretary of War and fellow Clevelander, Newton D. Baker, to establish the Army School of Nursing. This master stroke—accomplished despite persuasive arguments by Red Cross officials that volunteers had already been trained to care for the wounded and were only waiting for permission to sail to France—required all the patience, grit, and articulation that Frances Bolton could command. At one point she thwarted bureaucratic delaying tactics by announcing in Baker's outer office that she would not leave until he signed the activation order.

Influenzal pneumonia, after the birth of her only daughter (who lived but one day), nearly snuffed out Mrs. Bolton's life in 1919. She credits the discipline of yoga with restoring her health and enabling her to cope later, when her oldest son, 18-year-old Charles, broke his neck in a diving accident and in the agonizing years immediately afterward when she helped him regain the use of one set of paralyzed muscles, then another.

Attention to Charles's progress did not permit Mrs. Bolton actively to join her husband's campaign for Congress in 1928, but, once the transition had been made to a new home on Wyoming Avenue in Northwest Washington, she did not neglect the formal social duties then required of a congressman's wife. And from a desk in the Bolton library she continued to supervise the Payne Fund, which she had established with her uncle Oliver's gift. This philanthropy enabled her to attack at the grassroots some of the problems that cried out for remedy, not relief. Foremost was education for nurses. Toward its improvement she gave $1.5 million in stock certificates to Western Reserve University to establish a school of nursing. Systematic contributions also launched the National Committee for the Study of Juvenile Reading; an observation post in Switzerland (she called it her "window to the world") where, among other things, a perspective on narcotics traffic could be obtained; and research centers to appraise such diverse phenomena as radio communication (at Ohio State University) and parapsychology (at Duke University).

In 1936, when the GOP carried only Maine and Vermont, Chester Bolton lost the 22d District. While he laid the groundwork for his comeback, his wife tended to the party's renaissance as a member of the Ohio State Republican Committee and as vice-chairman of the national GOP assembly making a comprehensive survey of party policies.

From outside the range of political floodlights, she was suddenly and dramatically placed in front of them the day in October 1939 when Chester Bolton died. Not all local party leaders wanted a widow as their representative in Congress, and some accepted her candidacy only when her supporters suggested that she probably would get tired of the job in a few months and go on to other things. Those same protestors were undoubtedly swayed by being reminded that it had been a Bolton check for $125,000 that had assured Cleveland the Republican National Convention in 1936.

If the backing she received from the party hierarchy was less than unanimous, Frances Bolton was to have the satisfaction of a sweeping popular victory. In the special February 1940 election she easily won the right to succeed her husband, defeating by an almost 2-to-1 margin Democrat Anthony A. Fleger, a lawyer and former mayor of Parma. It did not hurt her popularity when she announced that she would return to the U.S. Treasury the $10,000 pension that Congress had voted to grant all widows of congressmen. "Under the circumstances," she wrote, "this would be excessive."

The freshman representative from Ohio enlarged the House female contingent in the 76th Congress to six—two of whom, Mary Norton and Edith Rogers, were in their 15th years of continuous service. What they and the male assemblage saw in 54-year-old Frances Bolton was a youngish-looking, rather short, sprightly woman with a trim, very erect figure. A Florida tan set off the brilliant blue of her eyes. There was determination in the set of her firm chin, and the promise of affability in her quick smile. The mature Mrs. Bolton bore no resemblance to the not very pretty, insecure Miss Bingham.

The district Frances Bolton represented was, in a way, a political family heirloom,

won in 1874 by her maternal grandfather, Henry B. Payne, a Democrat who later went to the Senate. Rated according to population it was the largest in the country: over 700,000 (and to grow to nearly 1 million before reapportionment based on the 1950 census reduced it to a more manageable 350,000). Primarily metropolitan, it had a sizable proportion of shipping and factory workers, a high percentage of foreign-born, some farmers, and all of the wealthy residents of several posh Cleveland suburbs.

As war clouds darkened over Europe and debates over U.S. neutrality lengthened in Congress, the way she cast her votes reflected the vaguely isolationist mood characterizing both her own frame of mind and that of most of her constituents. She reluctantly supported the controversial draft bill (peacetime conscription had never before been tried in the United States), having succumbed to the argument that a show of U.S. strength would discourage an aggressor. But later she said "No" to Roosevelt's "billion dollars for defense" and to the lend-lease plan that would entitle Russia, as well as the Western European allies, to receive war material from the United States.

Not long before the Japanese attack on Pearl Harbor in December 1941, she gradually moved toward a preparedness stand, while not forsaking her hope that an alternative to war could be found. This shift in ideology was due partly to the conclusions she reached after "seeking out and facing the facts" as a member of the Foreign Affairs Committee and partly to the insight she gained from two longtime GOP members, John Vorys of Ohio and Charles Eaton of New Jersey, staunch proponents of armed might. Then, too, her two youngest sons, Kenyon and Oliver, were in the army. She spoke for them, she said at a later date, when she told House members to "stop their bickering [over parities, subsidies, and crop penalties] and get on with defeating the Axis."

The first building blocks in Frances Bolton's legislative career were measures to advance the nursing profession. Nowhere in Congress did nurses have a more determined and effective tribune. The focus of her wartime activity was recruitment—an extension of the battle she had fought a quarter of a century earlier in Newton Baker's anteroom. The $5 million Bolton Act creating a U.S. Cadet Nurse Corps gave the country more than 124,000 women trained through grants covering their tuition, fees, uniforms, maintenance, and pocket money in return for a pledge to serve in the armed forces or essential civilian posts until at least six months after the end of hostilities. From this departure point she secured passage of a bill giving nurses in uniform a pay scale identical to that of male officers.

At a time when segregation was practiced by the U.S. military, Frances Bolton insisted that Negro nurses "be given full opportunity to prove themselves." Her concern for this minority led her to accept a place on the advisory councils of Alabama's Tuskegee Institute and Meharry Medical College in Tennessee.

As a champion of equal rights, she did not believe in distinctions between the sexes "either in their privileges and opportunities or in their duties." During the cold war she openly advocated that women be drafted: "I am afraid that gallantry is sorely out of date, and as a woman I find it rather stupid. . . . Women's place includes defending the home." In the sixties she sponsored an equal-rights-for-men bill: It authorized the U.S. Army and the U.S. Navy to commission male nurses.

Curious by nature, she was never altogether satisfied with her performance in Congress until she had collected facts firsthand. She became a peripatetic congressman (the title "congresswoman" was anathema to her), traveling hundreds of thousands of miles during World War II and afterward on all sorts of missions and sometimes under frustrating circumstances.

To inspect American hospitals in England in 1944 she had to coax British authorities to let her board a BOAC plane, because the U.S. Army Air Force was forbidden to carry civilians. For her tour in France she borrowed a nurse's uniform to comply with the military ban against civilian clothes. After the Iron Curtain was lowered and Secretary of State Dean Acheson told her it would be impossible to obtain a visa from the Soviet Union, she called on Russian Ambassador Andrei Gromyko—and became the first member of the Foreign Affairs Committee ever to set foot on Russian soil.

The African survey she proposed at age 71 turned into a solo fact-finding mission. Members of the Subcommittee on Africa said they could not remain away from their offices for three months. Taxpayers could not be expected to pay for a trip by a committee of one—even if it was the chairman. Out came her checkbook. She assembled a team consisting of a Defense Department transportation officer, a Signal Corps photographer, and a physician from the Mayo Clinic. Aboard commercial planes, trains, boats, and various other types of carriers she traveled 20,000 miles to study schools, hospitals, and mission stations in 24 countries south and east of the Sahara. On her return in 1955 she said:

"We Westerners have gone over there somewhat ruthlessly to get rather than to give. Now we must turn in a different direction. We must make it come from our hearts. . . . Nor shall we be doing all the giving, for Africa has much to give. There is a quality in the African that the world needs: there is rare adaptability, a capacity of quick comprehension, an eagerness and a hunger to learn, to know, to do, that is both stimulating and challenging."

Taking up the challenge, she gave a young girl from Kenya the wherewithal to graduate from a U.S. medical school, funded a Nigerian boy's education, and became a founding member of the Women's Committee of the African-American Institute. Her public support of independence for African nations—both as a delegate to the United Nations and as a member of Congress—is replete with empathetic advice about schools and health facilities. Her personal and political commitment did not go without recognition from Africans. President Diroi Hamani of Niger called her the "godmother of Africa."

Washington critics of Representative Bolton's foreign affairs work, while giving her high grades for effort and effervescence, claimed that many of her impromptu utterances were flawed by sweeping partisan overstatements ("The President [Truman] is to blame for failing to keep our agreements and for turning to vacillation and appeasement in Europe") and that her more formal pronouncements were marred by equally sweeping generalities ("Africa is the land of the future where 200 million people can move, if we and they will it so, from the oxcart to the atomic age in one splendid leap").

This was one side of the story. There was another. It was on Frances Bolton's recommendation that the Committee on Foreign Affairs consented to streamline some of its antiqutated machinery. Five permanent subcommittees were established, each specializing in geographical areas of which there were counterparts in the State Department. The information she gathered in Russia and its satellite countries provided the basis for three scholarly reports focusing on the dangers the United States could expect from worldwide Communist expansion. Among the things she spelled out was the need for American leadership in the Republic of Korea: "This country will fall into hands that will make the world a very unsafe place for us." On June 27, 1950, the North Koreans invaded the South, and President Truman ordered U.S. military forces to return their fire.

If by paying so much attention to international affairs Frances Bolton gave her constituents a clear and vulnerable target at which to shoot, she also gave them a performance easier to admire than to fault. Clevelanders were intrigued by a woman who could escape an elephant charge in the Congo, dine with Saudi Arabia's King Ibn Saud and his harem, convince Russian U.N. Ambassador Andrei Vishinsky to use his influence to bring to the United States the teenage sons of a Romanian couple in exile, exchange gifts with the Queen Mother of Ruanda-Urundi, host the American visit of the Angel of Dienbienphu, and ease taut tempers in the course of an angry committee dispute with the improbable question "Mr. Chairman, wouldn't it be a good idea if we all got up and sang?"

There were other reasons Ohioans repeatedly sent Frances Bolton back to Washington while sometimes putting a Democrat in the State Capitol or in the Senate. She faithfully apprised them of important congressional goings-on through a regular newsletter, she answered all mail promptly, and she planned her office schedule in such a way as to permit time for conversation with constituents. That she had the money to increase her staff in Washington and in Cleveland and suburban Mayfield beyond the number paid for by Congress was more of a boon to the folks at home than to their representative. The efficiency of her well-paid aides could be counted on for anything from tickets to the Cherry Blossom Festival to letters of recommendation for a job.

Frances Bolton's campaign philosophy and routine also helped cement constituency support. She never spent more than the law allowed. She drove her own moderately priced sedan whenever she made the rounds in Cleveland, almost never turned down a bid to speak, and reveled in an opportunity to shake hands or dance the polka. In 1952, when her bid for a seventh term received more than usual national attention because her 36-year-old son, Oliver, was running in the 11th Ohio District, her hectic schedule that began at 6 a.m. and ended after 10 p.m. exhausted many cameramen and reporters.

As the only mother-son team ever to serve concurrently in Congress, the Boltons frequently captured headlines, especially when they proved her pre-election statement that Oliver was "no carbon copy" and split their first House vote, or when perennial rumors of a Bolton dynasty surfaced and had to be denied—even as Oliver, recovering from a heart attack in 1956, announced he would not seek re-election.

"I'll miss having my grandchildren nearby," she said of the news. There may also have been a small sigh of relief, for this was the son who, when she asked him if there was anything he would like her to do during his campaign, replied, "Sure there is—just keep the hell out of my district!"

Redistricting posed some serious problems for Frances Bolton in the 1960s, and she worried about them—just as she did about each election. Not one to prolong tension, however, she consoled herself with the fact that she was in a better position than ever

to exercise power and influence. The "Dean of Congresswomen" title had passed to her from Edith Nourse Rogers. She was the ranking minority member of the Foreign Affairs Committee and chairman of the Republican side of the Ohio delegation. At her handsome Wyoming Avenue home she entertained the great and near great. There, amid antique furnishings and oil paintings of Yankee ancestors, an evening would begin with cocktails and end with the hostess's saying to departing guests, "Thank you. You've given me a lovely time, asking me to talk about myself all evening."

It had always been Mrs. Bolton's contention that all women—especially those in Congress—had to work twice as hard as men for everything they accomplished. "The Lord, after creating the world, put a man in charge of it," she told the Women's National Press Club in 1965. "He messed everything up, so the Lord turned everything over to a woman, and He gave her everything He had given man, plus two more things: pain, so she would understand what creation is, and laughter, so that she could stand that and the man."

In the course of the marathon civil rights debate in the 1960s she fought to include women in the federal ban against discrimination. Directing her remarks to the males in the House, she said, "Your bones harden long before our bones do. We live longer, have more endurance." It was one argument no congressman dared refute: The debater was a still-sprightly octogenarian.

Under no illusions that her age would not be an issue in the 1968 congressional contest, Representative Bolton, nevertheless, entered the race with optimism. To her opponent, 55-year-old Charles A. Vanik, a seven-term Democratic congressman, she addressed the warning that he would not "have an easy time of it running against what he likes to call 'a nice old lady.'"

She was right, but even the till-death-do-us-part loyalty of thousands of her constituents could not overcome what gerrymandering had done. The 22d District had been turned largely into an extension of the city of Cleveland, with all the city's problems.

After a redrawing of the boundaries of the 22d, Vanik chose to leave his old (and also altered) adjacent district to challenge Representative Bolton, bringing with him a band of devoted helpers—including many young people who had been in the cheering section of Presidential-hopeful Eugene McCarthy. Vanik never referred to Frances Bolton's age but it became an issue when a *Cleveland Press* endorsement pointed out that he was "in the prime of life."

Frances Bolton, looking 20 years younger than her 83 years, gave the fight everything she had. The stakes were high: If the GOP gained control of Congress, she could become chairman of the House Foreign Affairs Committee.

When a reporter asked her how much she was counting on a sweep of Ohio by Richard Nixon, she replied crisply, "Not much." Of third party candidate George Wallace, she said, "What on earth is Wallace going to do to us? That's the thing that terrifies both Democrats and Republicans."

Her campaign manager, Don Gropp, figured that some Wallace voters would go for Frances Bolton because "she's more conservative than Vanik." That comparison was clearly true, but, owing to a shift in population and some gerrymandering, the district had become overwhelmingly Democratic. Liberal Vanik won the 22d.

"No, I don't want to be named an ambassador," she said after losing her bid for a 15th consecutive term. "I'm retired. Now I can do what I please."

Ms. OAKAR. Mr. Speaker, I had previously paid tribute to Mrs. Bolton, but I would like to join my fellow colleagues of the Ohio delegation in tribute to a gallant lady. I have long been an admirer of Mrs. Bolton, who came to the Congress just before I was born. She is well known for her accomplishments in the field of foreign affairs. She authored the Bolton bill which created the U.S. Cadet Nurse Corps during World War II. She also introduced and pushed for legislation that would allow male nurses to obtain commissions for performing nursing, a role that was traditionally viewed as women's work. She had wide-ranging interests, and was a firm believer in equal treatment for men and women.

As the second woman from Ohio to become a Member of Congress, I salute the first Congresswoman from Ohio. Her dedication and hard work set an example for all of us.

GENERAL LEAVE

Mr. JEFFORDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the special order of Mr. VANIK relative to the late Honorable Mrs. Frances P. Bolton, a former Member of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

DOUBLE STANDARD FOREIGN POLICY DEALINGS LAYING A TRAP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. WAGGONNER) is recognized for 15 minutes.

Mr. WAGGONNER. Mr. Speaker, Communist influence in Africa has skyrocketed at such an alarming rate that it now endangers American defense and economic interests there. We are laying our own trap in southern Africa, and we are irresponsibly walking into it.

While we are floundering, changing direction and wondering what our policies ought to be, the Russians and their Communist allies are vigorously pressing for their goal of domination of all Africa.

Their primary objective, however, is control of southern Africa with its rich deposits of strategic minerals and its geographically important sea-lanes around the Cape of Good Hope.

With control of the minerals of southern Africa and the supply route for oil around the cape, the economies of our allies in Western Europe and Japan, as well as our own economy, would be virtually in the hands of the Russians.

In my opinion, we are playing right into their trap with ill-conceived and downright dangerous foreign policy actions.

Make no mistake about it, the Cubans are supplying the manpower, but the Russians are directing the offensive strategy to overrun southern Africa.

Conservative intelligence estimates place the number of Cuban troops scattered throughout Africa as high as 22,000, including some 6,000 infantry soldiers.

The Cuban presence in Angola and Mozambique have been well documented, but Cuban advisors, instructors, technicians, and fighting troops are entrenched in at least eight other African countries. They now control virtually every aspect of life in the conquered territory of Angola, backed up by a KGB-supervised intelligence network.

It is nothing short of outrageous that liberal doubletalk about human rights and majority rule is being used to justify abandoning legitimate U.S. interests in southern Africa.

Linking our foreign-policy decisions to human rights may be an admirable thing to do if the proponents are sincere in improving human rights. But when we examine how this policy is being carried out, it becomes obvious that a double standard is being applied.

Human rights, of a necessity, must be a legitimate concern and goal of every nation. But I would hasten to point out that the United States, having already recognized that it cannot be the world's policeman, must also recognize that it cannot be the world's priest.

For instance, the economic sanctions against Rhodesia are based upon that government's alleged refusal to recognize human and political rights of the majority of its population. Yet, the principal alternative supplier of chrome is the Soviet Union, which is one of the world's worst violators of human rights. But when an amendment to prohibit the importation of chrome from any country that violated the United Nation's Human Rights Accord was offered to the bill to reinstitute the ban on Rhodesian chrome the House soundly defeated it.

What about human rights in Uganda, Mozambique, Angola, Tanzania, Burundi, or any of a half-dozen other African dictatorships which have murdered literally hundreds of thousands of their citizens who opposed them? Do these people not have human rights too? Are we to recognize Vietnam and ignore their trampling of human rights and mass murder?

Our foreign policy—if it can even be considered a policy at all—has been riddled with inconsistent and arbitrarily applied double standards.

As a result, our once staunch allies lack the confidence in the U.S. Government that they once had. We are literally driving them away. Brazil, one of our strongest allies in South America for many years, reportedly plans to deal with the Soviets for arms supplies because of U.S. criticism about its internal affairs. We have alienated Argentina, Chile, and Uruguay with the same heavy-handed tactics.

The Communists have also made deep inroads among our Western European allies of France, Italy, Spain, and Portugal. We cannot expect to get cozy with the Communists and still expect our friends to blindly accept the discrimination and antagonism we have shown toward them.

Our foreign policy, first and foremost, must be to protect our own vital interests, and the interests of our allies abroad. Without a firm, vigorous foreign policy that follows this aim, the United States cannot withstand the global assault the Soviets continue to mount.

"EQUAL PROTECTION UNDER THE LAW"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 30 minutes.

Mr. CRANE. Mr. Speaker, with the coming of spring and the early stirrings of committee activity, it is readily apparent that labor legislation will loom large in the first session of the 95th Congress. In the next few days and weeks, common situs picketing legislation is to be considered by both the House and Senate and, if it passes, we are likely to see attempts to increase the minimum wage, to reform the National Labor Relations Act, to apply the provisions of the National Labor Relations Act to State and local governments, to subject Federal employees to the requirements of a union shop and, perhaps, to repeal State right-to-work laws. What remains unexplained, however, is why, in the light of continuing inflation and unemployment, we should be increasing the legislative bias in favor of organized labor instead of framing legislation that will treat labor and management equally, and simultaneously benefit the consumers of this Nation. After all equal rights and equal protection under the law are basic American concepts and all of us, union members included, have a stake as consumers.

A few examples will better illustrate my point. The summer before last, the Teamsters Union simultaneously struck no less than 28 different companies which owned and operated all 76 canneries in the State of California. The subsequent cannery shutdown, coming as it did at the height of the growing season, caused not only the canning companies to lose upward of $1 million a day, but the fruit and vegetable growers who were not involved in the labor dispute to lose four times that amount as their crops rotted on the vine. One third of the California apricot harvest, 14 percent of the peach crop, 5 percent of the pear crop, and 2½ percent of the processing tomato output spoiled. This development, combined with the 28 percent wage increase that the Teamsters finally won, contributed to an estimated 2 to 3 cents a can increase in the cost of these items at checkout counters around the country.

A second example occurred in Philadelphia a few years earlier. In this instance, the Carpenters Union negotiated an agreement with contractors not to install prefabricated doors on construction sites. By a close 5 to 4 decision, the Supreme Court ruled in National Woodwork Manufacturers Association against NLRB, that the carpenters were within their rights because work preservation was involved not as the minority on the court claimed, a product boycott of the type prohibited by section 8e of the Taft-Hartley Act. As a consequence, plumbers now refuse to handle plastic pipe, glaziers refuse to handle prefabricated window walls and painters refuse to use brushes over 4 inches wide—all of which discriminates against uninvolved parties and drives up the cost of construction for the American public.

Yet another example involves the Amalgamated Meat Cutter and Butcher Workmen's Union and its dealing with many of the Nation's supermarkets. It turns out that, in a number of cities, the meat cutters have effectively prevented supermarket managers from selling over-the-counter what is known as boxed beef—beef that has been cut, vacuum packed and shipped ready-for-sale by the packer. As a consequence, some 33 million Americans do not have the choice of buying this type of beef, a choice which could save them anywhere from $180 million to $325 million each year.

Ironically, the effects of monopolistic activity on the part of unions not only contribute significantly to higher prices but frequently cost rank and file union members their jobs. It is axiomatic that when one union, through industry-wide bargaining, can set wage scales for an entire industry at a level higher than that warranted by productivity, it reduces the number of people that can profitably be employed in that industry. An excellent example comes once again from the supermarket industry.

Ten years ago, almost all stores in the Baltimore-Washington area had full time cashiers. Because the companies cannot afford such high labor costs, they are employing more cashiers part time, meaning that cashiers frequently get no more money and fewer benefits than they would have a decade ago. In fact, primary benefits are more time off, less chance for advancement, and a greater prospect of losing one's job to automation.

Before going further, it should also be noted that if an individual company were allowed to corner the product market and fix prices the way a single union can fix wages through industrywide bargaining, not only would the officers of that company be in deep legal trouble but the public would be outraged. The American public would never tolerate General Motors being the sole distributor of cars, or United States Steel being the only producer of steel, or Gulf Oil being the only marketer of petroleum. Yet, too little is said about the fact that all employees of auto manufacturers belong to the United Auto Workers, all steel workers belong to the United Steelworkers, and all supermarket cashiers in the Baltimore-Washington area belong to the Retail Clerks International Association.

Similarly, what would happen if representatives of the fast food industry sat down together and decided that "Big Macs" would be sold only in the East, Kentucky Fried Chicken would be available only in the South, "Whoppers" would be sold exclusively in the Midwest, and "Superchefs" could only be purchased in the Far West. Undoubtedly there would be a terrible hue and cry everytime somebody West wanted some of Colonel Sanders finest or someone in the Midwest had a "Big Mac attack." Yet, there is little protest—vocal or otherwise—when the unions sit down and decide amongst themselves what their respective jurisdictions will be within the labor market. In fact, last week's agreement between the United Farm Workers and the Teamsters, which gave the former jurisdiction over California field workers and the latter control over the same canneries that were struck 2 years back, is an excellent example of union allocation at work. As Dr. Sylvester Petro of Wake Forest University School of Law pointed out while commenting on the AFL–CIO's no-raiding principle:

> If any business group were to so openly dictate the choices of consumers, it would be prosecuted by sundry Federal agencies and hailed before one or another, of perhaps many Congressional committees.

The public would, likewise, be justifiably upset if a firm were permitted to tell its customers that, since preservation of business depended upon it, they would henceforth be unable to make any purchases if they did any business with a competing firm. Under antitrust law, this would be called exclusive dealing and is illegal. However, a construction union may, as we have seen, choose not to install prefabricated doors or plastic pipe, in the name of work preservation, and there is little public outcry even though the union is engaging in a similar attempt to restrain trade.

Moreover, nothing has been done—despite rather extensive coverage on CBS's 60 minutes—about the ability of one maritime union—the Maritime Engineering Beneficial Association—to enforce preferential—if not exclusive—hiring of employees trained in a school operated by the union president. If that were not enough, those effectively blacklisted from jobs are the very same people the U.S. taxpayers have specifically trained to learn the maritime trade—the graduates of the U.S. Merchant Marine Academy. To create a comparable situation, one would have to imagine the U.S. Army being commanded by men and women trained at a union run officers school rather than at our military academies, OCS, or an ROTC program. One must wonder if this scenario is not the real reason behind union interest in organizing the military.

Speaking of blacklisting, an analogous situation would exist if employers opted to notify one another of employees' labor union activities and agreed not to hire those labeled as prolabor troublemakers. The result would be that workers would be kept from their trade just as surely as certain products are kept from the market or Merchant Marine Academy graduates are kept out of the maritime workforce. For just that reason, blacklisting by employers was declared to be an unfair labor practice in the National Labor Relations Act.

Reason and justice dictate that rather than granting the construction trades

unions an exemption to the current prohibition against secondary boycotts—to go along with the exemption they presently enjoy from the prohibitions against hot cargo clauses—we should be drafting labor legislation that would treat everyone the same insofar as the antitrust laws are concerned. Just as management should have the right to organize and operate a business in competition with other businesses, so should labor representatives have the right to organize and operate labor unions within the context of the free enterprise system. But, just as management should not be able to enjoy special privileges by operating in a monopolistic fashion, neither should organized labor by operating in restraint of trade. Ideally, the best situation would be one in which comparable bargaining units dealt with one another knowing in advance that colluding to fix wages industrywide would be as illegal as colluding to fix prices in the marketplace.

To accomplish these objectives, I am introducing today a bill which will end the labor union exemption, presently provided for in section 6 of the Clayton Act of 1914, from the provisions of the Sherman Antitrust Act. In addition, the bill would remove the prohibition on the issuance of injunctions against labor unions in cases where Sherman Act violations are involved, and it would make participation in hot cargo agreements and secondary boycotts a crime. However, the measure would not affect rights specifically granted to organized labor under the Nation's labor laws; it would simply eliminate special privileges and exemptions that would otherwise be considered antitrust violations.

The question then arises—what practices presently engaged in legally by labor unions would be prohibited under this bill if it were to be enacted? This is not easy to answer for the Sherman Act itself does not specifically delineate violations, leaving it to the courts to judge what circumstances might constitute a "conspiracy in restraint of trade." However, just as a body of case law has developed with respect to violations of the antitrust laws by corporations, so too would it develop with respect to labor unions. Looking at earlier court decisions, it is likely that such practices as industrywide bargaining, coordinated bargaining, secondary picketing, product boycotts, and jurisdictional strikes would be outlawed by this bill. In addition, the construction and garment industries would no longer be permitted to utilize "hot cargo" agreements and these agreements, as well as secondary boycotts, would become crimes—punishable by a $1 million fine a 3-year jail term or both—instead of unfair labor practices as they are currently. Certainly, termination of all these practices would not be inconsistent with the intent of this legislation.

On the other hand, it would seem, again consistent with legislative intent, that passage of this bill would not affect labor's right to organize, to bargain collectively, and to strike; or its ability to mandate exclusive representation or require compulsory membership. All these things are provided for in either the National Labor Relations Act, the Taft-Hartley Act, or the Landrum-Griffin Act; with the exception of the provisions dealing with secondary boycotts and hot cargo clauses these acts would not be affected.

While I personally believe that the first amendment guarantees of "freedom of association" strongly suggest that the compulsory union membership provision of the Taft-Hartley Act should be replaced by a right-to-work clause, I would be the first to argue that this is not the vehicle for accomplishing that end. Such a reform should be taken up separately, as an amendment to labor rather than antitrust legislation, where its merits or demerits could be argued in their proper context. I have introduced such legislation, and hope that it too will someday pass, but it should be reiterated again, for the benefit of those who might have reservations about this legislation, that the right-to-work issue is separate and distinct from equal treatment under the antitrust laws and should not be a factor in the consideration of the latter.

Lest it be thought that enactment of the legislation I am proposing today be considered a radical departure from American legal tradition, let me point out that English common law, from which our system of jurisprudence is derived, made it clear that it was an offense for both employers to combine to fix prices and employees to combine to fix wages. This concept carried over into American law, manifesting itself in the passage of the Sherman Antitrust Act; within 4 years of its enactment, the courts began applying its provisions to both labor and management. It was only after vehement protests by the fledging labor movement that the labor union exemption was written in to the Clayton Act in 1914.

Looking back in history, that Clayton Act exemption made far more sense then than it does today. Prior to the Civil War, blacklisting and yellow-dog contracts—whereby an employee agrees not to join a union—were frequently used by management to discourage unionization and in 19 instances during the period 1806–1842, various courts found people involved in union organizing activity guilty of conspiracy. It was not until after the Civil War and the lowering of the Industrial Revolution that unionism achieved any real support. Even then, the road was rocky. The Knights of Labor, founded in 1869, died within 20 years and it was not until 1886 that the A.F. of L. got its start. So, at the time of the Sherman Act and shortly thereafter there was some truth to the statement that the balance of power in labor-management relations was tilted in favor of management.

Now, however, such is no longer the case and there is much to suggest the converse is true. With the passage of the Norris-La Guardia Act and the National Labor Relations Act, organized labor acquired a bill of rights to go along with their antitrust exemption. Although the latter has never been interpreted as total, subsequent judicial attempts to balance the competitive thrust of the antitrust laws with the noncompetitive tendencies of labor law gave the unions ever more room to operate. Partially as a result, strikes reached an all time high during the critical World War II year of 1944 which, in turn, led to heightened postwar concern about labor union abuses. The Taft-Hartley Act and the Landrum-Griffin Act were both manifestations of this concern, as was the more recent decision, incorporated into the Federal Campaign Practices Act of 1974—part of which has since been ruled unconstitutional—to limit in-cash and in-kind labor union contributions to political candidates.

The focus of postwar legislation on reforming the labor laws in preference to the antitrust laws should not, however, be construed as a lack of interest in abuses of the latter. In fact, both the House of Representatives, in its original version of the Taft-Hartley Act, and the Justice Department, in a 1955 study, recommended terminating the antitrust exemption for labor unions. Moreover, starting in 1965, with the Pennington and the Jewel Tea cases, the Supreme Court began to define more narrowly the scope of that exemption, a trend which has continued in the Connell Construction Co. against Plumbers Local 100 case—1975—and in NLRB against Enterprise Association of Steam Pipefitters—1977. Given the fact that only 22 percent of the Nation's workforce is unionized and the other 78 percent suffer any time either labor or management can raise prices by restraining trade, these developments are encouraging. The only problem is, narrowing the exemption does not go far enough. It should be eliminated all together.

Putting all these elements together, it seems to me that the legislation I am about to introduce is not only consistent with past legal tradition and the American concept of equal treatment but is more appropriate under the circumstances. It will not prevent unions from organizing, bargaining with, and directly exerting pressure on their employer for better wages and working conditions. What it will do is prevent unions from trying to gain these objectives through restraints on trade which would be illegal if engaged in by the employer trying to achieve his objectives in the marketplace. Ultimately, application of the axiom "what's sauce for the goose is sauce for the gander" will benefit everybody. Employers and employees will be operating on the same terms, innocent third parties will not be adversely affected by disputes in which they are not involved and consumers, union and nonunion alike, will benefit by not being subjected to the inflationary impact of contract settlements based more on economic extortion than economic reality. In short, the Nation as a whole should come out ahead and that is justification enough for what I believe to be a long overdue legislative initiative.

WHALEN SEEKS ONSITE CONSULTATION FUNCTION FOR OSHA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 5 minutes.

Mr. WHALEN. Mr. Speaker, I recently joined as a cosponsor of the Sarasin-Steiger bill, H.R. 1327, which provides for onsite consultation by agents of the Occupational Safety and Health Administration.

Virtually identical legislation was considered and passed by the House last year, but died in the Senate. I believe that onsite consultation would be a welcome improvement in the OSHA laws—it will be of benefit to both employers and employees—and I hope we will see prompt action this year on H.R. 1327.

Very briefly, the Sarasin-Steiger bill provides:

First upon the request of the employer, OSHA shall send an agent to the workplace for purposes of consultation and advice regarding compliance with OSHA requirements. Priority shall be given to small businesses and to firms which are engaged in especially hazardous lines of work. After the visitation, the employer will receive a written report from OSHA.

Second, the consultative visit shall not be considered as an inspection or investigation. However, the employer will be responsible for correcting within a reasonable time any imminent, serious danger that is discovered.

Third, except in the case of imminent and serious dangers, the findings of a consultative visit will be kept isolated from OSHA enforcement activities. Under the provisions of H.R. 1327, OSHA consultative and enforcement personnel will operate separately.

Fourth, additional funds are made available to OSHA for the purpose of carrying out this new consultative program.

Under the present law, the Occupational Safety and Health Administration can perform no functions other than promulgating and enforcing worker safety regulations. OSHA is currently prohibited from providing advisory services to employers.

I believe this is a mistake. The small businessman wants to be in compliance with OSHA regulations. Yet because he does not have the technical expertise that is available to most large companies, he often does not know or understand how to conform to OSHA requirements.

It seems to me that we should make provision for the small business operator who sincerely wants to assure the safety of his workplace, but who cannot afford private consultation. And it seems to me that OSHA's responsibilities should be expanded to include such advisory services in addition to its present enforcement role.

The basic idea behind the OSHA laws is to help protect the safety and health of American workers. We can better realize this worthy goal by allowing OSHA to go into business establishments, when invited, to give advice on how to bring such workplaces into full and voluntary conformity with Federal standards.

The present system, properly, is designed to detect and penalize violations of OSHA standards. But it does not necessarily facilitate the identification and correction of problems in uninspected ships. H.R. 1327 would correct this defect and I commend its authors, RON SARASIN and BILL STEIGER, for their simple and logical solution. I am happy to serve as a cosponsor of this legislation and I urge our colleagues to join us in seeking its passage.

HARASSMENT OF SOVIET JEWS AND OTHER MINORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. FISHER) is recognized for 5 minutes.

Mr. FISHER. Mr. Speaker, as a sponsor of House Concurrent Resolution 97, I wanted to briefly comment on the situation which prompted the House to formulate this expression of concern about the harassment of Soviet Jews and other minorities.

A primary purpose of the 1975 Helsinki accord was to establish common guidelines among signatory nations to guarantee the human rights of their citizens. These fundamental principles include the right of individuals to travel for professional and personal reasons, unrestricted working conditions for professional journalists, scholars, scientists and others, and fundamental religious liberties, especially for minority groups.

The Soviet Union has persistently violated the terms of the accord through its treatment of Soviet Jews and other minorities. A major concern is the denial of exit visas to Soviet Jews who wish to emigrate to Israel. Numerous cases of harassment and imprisonment of these individuals have been brought to the attention of U.S. officials, including Members of Congress, especially through the efforts of the U.S. Conference on Soviet Jewry.

On several ocasions I have written to Soviet officials requesting information about Soviet Jews who have been imprisoned or denied exist visas to reunite with their families who have already emigrated to Israel. Although I have never received responses to my inquiries, I have thought it important to make my interest in these situations known. Today, the House has the opportunity to make a formal expression of congressional concern about these ongoing policies of the Soviet Union. I urge my colleagues to unanimously approve this resolution.

CONGRESS SHOULD SPEAK OUT ON VIOLATIONS OF BASIC HUMAN RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana (Mr. BAUCUS) is recognized for 10 minutes.

Mr. BAUCUS. Mr. Speaker, I welcome this opportunity to speak out on the absence of fundamental human rights in the Soviet Union, a situation which bears most heavily upon the Soviet Jewish population and other dissident minorities.

As evidenced by Secretary General Brezhnev's comments yesterday concerning American interest in the internal situation in the Soviet Union, we are now certain that our voices are being heard. I am proud to say that the Congress has been very vocal in its protests on behalf of those who suffer from a lack of fundamental rights, not only in the Soviet Union, but anywhere in the world where this type of injustice occurs.

Recently I have joined with some of my colleagues in sponsoring a Soviet Jewish family which is being forcibly detained. This same project last year may have helped influence the Soviet powers, as a full 17 percent of the sponsored families were given permission to emigrate.

In addition, I have supported measures addressing contraventions of the Helsinki accords in the Soviet Union, and the denial of human rights of certain Cuban and Argentinian prisoners.

Congress cannot and should not sit by and watch injustice around the world without speaking out in hopes that our voices will be heard and heeded. I am proud to say that I have joined with my colleagues and addressed violations of basic human rights, and only hope that a time will come in the near future when this will no longer be necessary.

CURBING SHOE IMPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, the Boston Globe in an editorial carried in its Thursday paper, has made a convincing case for curbing shoe imports. The paper contends that such an action by President Carter does not portend a stiffening of trade barriers or a revival of protectionalism, rather, a need to rationally assess the impact of trade policies on domestic employment; as the Globe points out, unemployed workers have no place to go. Employment prospects for unemployed shoe workers are next to nil. A labor-intensive industry employing semiskilled workers or skills which are nontransferable to other occupations, is a special case and should be considered as such.

Mr. Speaker, during consideration of the Trade Reform Act of 1974, much debate centered on the shoe industry and its particular needs. The framers of the 1974 act gave assurances time and time again to concerned Senators and Congressmen that there was a deep concern about the shoe industry's future. I would encourage everyone to go back and read the debate in the Senate at that time. Over and over again the view was expressed that the industry could expect relief under the "liberalized provisions" of the bill. Indeed, the distinguished

chairman of the Senate Finance Committee, RUSSELL LONG, in response to questioning by Senator MUSKIE states:

It is our guess that if the shoe industry would seek relief under the terms of this Act, chances are 90 out of 100 that it would get relief.

Mr. Speaker, this was the intent and understanding of the Congress when it passed the Trade Act. I contend that promises were made to this industry at the time, but promises are all they have gotten; it is time for action.

The Boston Globe editorial follows:

[From the Boston Globe, Mar. 17, 1977]

CURBING SHOE IMPORTS

Many of the congressional representatives pressing the Carter Administration for increased tariffs on imported shoes are generally free-traders. But, conceding their vulnerability to charges of hypocrisy and political self-interest, they make a persuasive case.

In theory, the weight of the argument is all on the side of liberalized trade policies. The elimination of artificial trade barriers will give free-market forces full rein. Production activities will naturally shift to those countries where a particular product can be manufactured most cheaply and, therefore, most profitably. As a result, employment in those countries will be stimulated and inflation will be curbed.

All that is very fine when the domestic workers displaced by an influx of foreign manufacturers can, after a reasonable transition period, find new jobs. But that is not the case with the nation's or this state's shoe workers. In the last nine years, as imported shoes have gradually come to supply nearly half the domestic market, 18,000 jobs in Massachusetts have been lost and the state's production of shoes has decreased by 55 percent.

A 1975 study by the Federal Reserve Bank found that Massachusetts shoe industry workers who had lost their jobs in the previous 20 to 56 months had substantial difficulty finding new employment. One-fourth of them had found no work at all; 50 percent had been unable to secure full-time work; and the lucky 25 percent who had found full-time jobs had had to take an average 16 percent cut in pay.

Work in shoe factories requires either few skills or highly specialized skills that are not transferable to other occupations. Two-thirds of the shoe industry's workers are women. On the average they have only nine years of schooling.

Certainly one of the most troubling trends in the American labor market is the growing disparity in job security and wage rates between the dynamic sectors and the more labor-intensive, low-skill occupations. In a reversal of traditional wisdom, an emphasis in formulating our international trade policy might now be on protecting low-skill jobs while continuing to count on innovation to create new jobs in high-technology industries now made vulnerable to foreign competition. Such a distinction would allow President Carter to approve the International Trade Commission's proposed tariff-quota plan for the shoe industry while rejecting the commission's recommendation this week for the imposition of sharply higher tariffs on imported television sets.

At first blush, the timing of the ITC's recommendations—which place major decisions on trade policy before President Carter just weeks before his economic summit in London—seems unfortunate. Yet, if the President acts judiciously, he can assure our trading partners that we generally wish to continue to lower barriers to free trade; and at the same time, he can reassure domestic interests that our defenses won't be abandoned altogether.

VICE PRESIDENT'S STATEMENT ON ELECTORAL REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON. Mr. Speaker, in connection with the President's comprehensive election reform message to Congress today, I have the privilege of introducing the universal voter registration bill which is the cornerstone of the package. I value the bipartisan cosponsorship as indicated by Mr. CONTE's and Mr. WHALEN's names on the bill. I fully expect there would have been more cosponsors from both sides of the aisle had time permitted more advance consultation.

Vice President MONDALE held a press conference this morning to highlight the President's message. The Speaker, the majority leader, the majority whip, Mr. CONTE, Mr. WHALEN, and I participated in the press conference together with several of our colleagues from the Senate. The Vice President's eloquent opening statement on electoral reform is submitted herewith for the RECORD:

OFFICE OF THE VICE PRESIDENT PRESS RELEASE

WASHINGTON, D.C.—Vice President Walter F. Mondale announced this morning that President Carter is sending a "comprehensive election reform message" to Congress.

At a news conference here, Mondale issued the following statement:

"Today, the President is sending to the Congress a comprehensive election reform message. This message includes a legislative proposal for universal election day voter registration for federal elections with steps to encourage adoption of the same system in state and local elections. This is a concept long advocated by the President. The message also recommends congressional action on a number of other important reforms. Before going into the details of these proposals, I would like to take just a few minutes to discuss our broad objectives in submitting these recommendations.

"President Carter believes that there is nothing more crucial to the success of our democracy than the broadest possible public participation in our political system. The history of our Republic from the earliest days has been the removal of arbitrary and unjustified barriers to citizen participation in elections. As Americans, we reject the notion that our federal leadership should be chosen on the basis of wealth or privilege or special influence. We believe that all citizens, wherever they live, whatever their means, should be able to exercise an equal voice in our election process.

"Unfortunately, the array of confusing and sometimes burdensome registration requirements now prevents many citizens from casting their ballots on election day. Some states have already taken the lead in simplifying these requirements and the results, in terms of increased voter turnout, have been dramatic. We believe the federal government should exercise long-overdue leadership by providing for a simplified system for election day registration in the case of elections to federal office, and by encouraging the states to adopt similar systems to govern state and local elections.

"Legislation is today being submitted to achieve this important objective. This legislation has bipartisan support. It was developed in close cooperation with the Congress.

"On behalf of the President and myself, I want to particularly thank Frank Thompson and Howard Cannon, who will be the principal sponsors of the universal registration bill, and Senators Edward Kennedy and Alan Cranston for their splendid cooperation with us in developing this proposal. Their advice and support as well as that of all the others here have been invaluable.

"Let me explain briefly what this measure would do. The bill would require state and local governments to permit voters to register for federal elections on election day at the polling place. It would provide financial assistance to cover the costs of federal election day registration and to modernize the administration of elections. It also offers an added financial incentive for states to adopt election day registration for state and local elections. It would provide strong criminal penalties to prevent fraudulent registration and voting and federal power, through the Federal Elections Commission, to seek injunctions against patterns of fraud and other violations of the act. State and local officials would continue to administer registration and elections and the act provides as much flexibility as possible to take into account the many differences in such practices among the states.

"Election day registration has already been employed in a number of states and the results have typically been a significant increase in voter participation with no increase in voter fraud. I might point out that Minnesota, which has used election-day registration since 1974, had a turnout in this last election of nearly 72%—the highest in the nation. Over 450,000 Minnesota citizens were registered on election day in 1976, yet not a single charge of fraud was filed.

"In addition, the President is recommending in today's message that the Congress adopt a number of other important reforms. Specifically, he is urging that the Congress take action toward the following goals:

"Adoption of a system of public financing for congressional campaigns;

"Revision of the Presidential public campaign financing system to simply that system and to encourage greater grass roots participation in Presidential campaigns;

"Approval of a constitutional amendment for direct popular election of the President and Vice President; and

"Liberalization of the Hatch Act to permit federal civil servants with proper safeguards to exercise more fully the political rights of citizens in our democracy.

"Adoption of these recommendations would help to curb the influence of special interests in elections to federal office. At the same time, it would help to increase the influence of the people by making it easier for all Americans to vote, and in the case of Presidential elections, by assuring that those votes are counted equally.

"Standing as we are today, on the threshold of America's third century, there is no more important task for us as a nation than to continue the momentum toward a society in which all citizens participate as freely, as fully, and as equally as possible in our democracy."

ESTABLISHMENT OF INTERNATIONAL TREATY TO CONSERVE NORTHERN HEMISPHERE PINNIPEDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN), is recognized for 5 minutes.

Mr. ST GERMAIN. Mr. Speaker, in the past, the United States has been a leader in the preservation of species that, due to shortsighted overexploitation or unsound harvesting practices, have had their populations reduced to near extinction levels. In proposing House Concurrent Resolution 147, I would like to see this leadership role maintained.

The concurrent resolution calls for the establishment of an international treaty which would bring about the conservation of all Northern Hemisphere pinnipeds—seals, whales and dolphins.

The reduction of the great blue whale population to near extinction levels because of unchecked harvesting is a poignant example of what will eventually happen when there is no international agreement.

At present, another species of pinniped, the harp seal, is in the center of controversy.

Every spring, conservationists and humanitarians are appalled by the violent and ruthless manner in which the baby harp seal is harvested. With club in hand, hunters turn Canada's frozen ice packs red as they collect their pelts. The barbarous manner in which this harvest is carried out is distressing. Equally distressing is that, despite public outcry, the hunt continues.

In 1971, the International Commission for the Northwest Atlantic Fisheries banned seal hunting in the Gulf of St. Lawrence from large vessels and aircraft and set a quota of 150,000 harp seals for the hunt off Newfoundland and Labrador.

This action indicates that the principals involved realize that there is a need to curb the wholesale slaughter of the harp seal. I propose we respond decisively in meeting this need.

I wish to join with my colleague from California, Mr. RYAN, in calling for a halt to the brutal harvesting of these animals, and further, would wish to see an international treaty drawn up to protect this entire genus of animals from unsound and ill-advised practices.

I urge you to lend your support to the halting of the harp seal hunt and the unchecked harvesting of all pinnipeds.

HEARING ON ANTITRUST EXEMPTIONS AND IMMUNITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, I wish to announce that the Subcommittee on Monopolies and Commercial Law will hold an initial hearing on Tuesday, March 29, 1977, to inquire into the scope, nature, and effect of our antitrust exemptions and immunities. The hearing will be held in room 2141, Rayburn House Office Building, commencing at 10 a.m.

During the past several years, there has been increasing concern on the part of both the Ford and Carter administrations, and the Congress, over the effect of these immunities on competition. The Federal Trade Commission and the Department of Justice have both raised significant issues through litigation and study, and the courts have eliminated or narrowed some exemptions. Private groups have also raised serious questions of the effect of these exemptions.

This initial hearing will examine the broad range of exempt industries, and provide the groundwork for possible further hearings into specific exemptions.

The witnesses will be representatives from the Bureau of Competition of the Federal Trade Commission and the Antitrust Division of the Department of Justice.

A LONG-TERM AID TO THE NATION'S ECONOMIC WELL-BEING: THE INVESTMENT POLICY ACT OF 1977

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI), is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, there is no more essential element to this Nation's economic well-being than its investment posture. The surest indicator of a strong economy is the confidence investors show in it by participating in the growth of capital. It is without doubt that our future ability to compete in international markets will depend in large measure on actions taken now. This is why I am today most enthusiastically introducing the Investment Policy Act of 1977.

This act makes it a national policy that the Federal Government, in cooperation with State and local governments, use all practical means consistent with other considerations of national policy to provide sufficient incentives to assure maximum investment in private enterprise in order to increase the production of goods, the providing of services, the employment of workers, the opportunity for profit and the payment of taxes.

The Federal Government is called upon to use all practicable means to improve and coordinate Federal plans, programs and policies to: First, optimize the return from allocation of resources to education and training; Second, provide an environment in which each citizen has the opportunity to achieve his or her full economic potential; Third, assure for the United States' private enterprise effective competitive access to world and domestic markets; fourth, encourage the effective use of advancing technology consistent with the preservation of a health environment; fifth, enjoy quality goods and services produced and provided at reasonable prices to consumers and at profitable price levels resulting from higher productivity; and sixth; create an economic environment in which there will be incentives to invest sufficiently in necessary plant, equipment and working capital.

The Investment Policy Act of 1977 will also require the President to include in his Annual Economic Report to the Congress an investment policy report which shall include information on: First, levels of investment capital available, required, and applied; second, current and foreseeable trends in the levels of investment capital; third, reviews of the economic programs of the Government, and reviews of other economic conditions affecting capital investment in the United States; and fourth, programs for carrying out the policy declared.

The act also specifies that the investment policy report shall be referred to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate. Finally, the Council of Economic Advisers will be required to analyze and interpret economic developments and to appraise programs relating to the declared policy of the act.

Mr. Speaker, I strongly urge my colleagues to carefully study the language of this bill, and to support its very worthwhile aims.

VETERANS' ADMINISTRATION JUDICIAL REVIEW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. WIRTH) is recognized for 5 minutes.

Mr. WIRTH. Mr. Speaker, I am introducing legislation today to open the Veterans' Administration to judicial review of adjudicated decisions and to give veterans full access to counseling proceedings before the Veterans' Administration.

This legislation, the Veterans' Administration Judicial Review Act of 1977, will correct some of the peculiarities that make the VA exempt from the rules and regulations that apply to all agencies under the Administrative Procedures Act. Veterans with disability and pension eligibility claims bring most cases before the VA appeals board. This three-member internal board hands down the final decision on claims. There is no other recourse—no outside review by our Federal courts.

This bill would open the final decisions of the appeals board to judicial review, the same as for all Federal agencies. In addition, this bill would eliminate the $10 attorney fee limitation on cases brought before the VA appeals board.

The fee limitation, enacted after the Civil War to protect veterans, has outlived its original purpose. In this day and age, a $10 limitation on attorneys' fees virtually prohibits any veteran from obtaining legal counsel—a right guaranteed in the fifth amendment.

I am sure many Members of Congress are familiar with veterans who have been denied their disability, pension, or education benefits by the VA despite what appears to be a perfectly good case. I am hopeful this legislation will correct inconsistencies and add uniformity to VA decisions.

My colleague, the Honorable JONATHAN BINGHAM, has introduced identical legislation, H.R. 200. Together we hope to correct the inequities of the VA appeals process.

SITUS PICKETING LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. QUIE) is recognized for 60 minutes.

Mr. QUIE. Mr. Speaker, I introduced H.R. 4969, which is similar to the situs picketing legislation approved by the last Congress, but with some additional provisions. Tomorrow, I will be offering amendments, along with my colleagues, Congressmen ASHBROOK and ERLENBORN, to make the committee-reported bill, H.R. 4250, conform to my bill, H.R. 4969.

If these amendments are adopted, the bill would then be similar to the bill approved by the last Congress with the addition of three amendments related to "fast track" construction, prevailing wage and definition of site. These amendments are referred to in the following comments as amendments Nos. 2, 5, and 7. After my discussions with both labor and management in the construction industry, I believe that these amendments should be adopted.

Amendment No. 4 is not part of my substitute, H.R. 4969, as it deals with information received after the bill was drafted. While H.R. 4250 grants broad rights to engage in secondary boycott activities, it purports to restrict that right where the activity is directed against someone who is on the site to install or service his employer's product. The problem is that the bill does not extend that same protection to persons who regularly install products manufactured by persons other than their employer's. My amendment would extend the protection to cover this latter situation.

Congressman ASHBROOK will offer his amendment clarifying that employees primarily engaged in the construction industry are the ones subject to common situs picketing and Congressman ERLENBORN will offer amendment on residential construction to make the bill conform to the bill which the President vetoed last year.

My amendments and explanations of each of them follow:

AMENDMENT NO. 1 TO H.R. 4250, AS REPORTED

Page 20, line 25, strike out "this subsection (b)" and insert in lieu thereof "clause (B) of this paragraph (4)".

EXPLANATION

The experience of the construction industry, together with the legislative history of Section 8(b)(4)(B), formerly 8(b)(4)(A), has persuaded me that contractors and subcontractors on a construction site, notwithstanding their being separate legal entities, are in fact "interrelated" for purposes of achieving a common objective and necessarily have to integrate their work to achieve their goal. Therefore, I cannot agree with the view, which was a major premise of the *Denver Building Trades* decision, that the several employers engaged in a single construction project are wholly unconcerned and neutral with respect to one another. The stated purpose of H.R. 4250 is to overrule *Denver* so that building trades may enjoy a right now held by industrial workers—the right to picket where their employer's work is related to the work of similarly situated employers who are in fact concerned with the labor dispute of their employer. As drafted, however, H.R. 4250 is seriously flawed, for in its effort to create equality between craft and industrial workers it entirely exempts the craft unions from the proscriptions of subsection (b), which sets forth those specific unfair labor practices in which a union cannot engage. In other words, craft unions will be licensed to engage in conduct which the industrial unions cannot now exercise. For example, craft unions, unlike industrial unions, could strike or picket in a manner now considered unlawful (e.g., through violence and threats of bodily harm) and for objectives now declared unlawful, such as (a) to require the primary employer to select or fire certain supervisory personnel, (b) to support a "take-it-or-leave-it" bargaining position, (c) to support non-mandatory bargaining demands. The bill creates this anomaly by using the phrase "nothing contained in this subsection (b)," rather the more narrow and appropriate phrase "nothing contained in clause (B) of this paragraph (4)."

My amendment would rectify this problem by substituting "clause (B) for this paragraph (4)" for "subsection (b)" presently in the bill at page 20, line 25. This change would provide the requisite change in the existing law so as to authorize picketing by building trades at common sites where the dispute arises out of wages, hours, and other working conditions that are part and parcel of the entire construction activity at the site. Yet, the legislation as qualified by my amendment would still preserve the needed restraints against unfair labor practices that Congress has seen fit to outlaw in Section (b) of the NLRA.

AMENDMENT NO. 2 TO H.R. 4250, AS REPORTED

Page 21, line 6, strike out "a" and everything that follows down through "subcontractors" on line 10, and in lieu thereof insert: "any of several employees who are primarily engaged in the construction industry on the job site with whom the individual's employer has a direct contractual relationship either as contractor or subcontractor or with whom the individual's employer has a common contractor primarily engaged in the construction industry".

EXPLANATION

The intent of common situs picketing has been to give equal treatment to craft and industrial workers. This amendment addresses this goal of the legislation, allows the building trades to picket where their employer's work is related to the work of like employers who are not wholly unconcerned with the labor dispute of their employer.

The reason for this amendment was explained by witnesses from the 3M Company at hearings on H.R. 4250. Those witnesses explained that industrial employers, who are considered only users of construction, or buyers of construction services, engage in "fast-track" methods of expansion or construction. That method involves the design and planning in stages, allowing construction during one phase while another phase was being planned. Consequently, the contractors of one phase could not be considered interrelated or contractors of subcontractors with those engaged in a different phase. Nor would general contractors working on different projects within the buyer's facilities be considered one for purpose of common site picketing. The amendment offers protections from situs picketing where "fast-tracking" methods of construction are being performed. "Fast-tracking", incidentally, is followed in about 50 percent of industrial construction today.

In studying the legislative history of Section 8(b)(4)(B), formerly 8(b)(4)(A), I came to the conclusion that contractors and subcontractors on a construction site may be separate legal entities, but that they are "interrelated" for purposes of achieving a common objective and necessarily have to work in close correlation and cooperation to reach their goal. Therefore, it appears that in most situations the several employers engaged in a single construction project are not wholly unconcerned and are not really neutral with respect to one another. Where it can be shown, as in the "fast-tracking" method, that they are separate, then the realities of the situation should allow them to escape the common situs picketing.

AMENDMENT NO. 3 TO H.R. 4250, AS REPORTED

Page 22, line 11, following "authorize" insert "striking,".

Page 22, line 13, after "person" insert "where an object thereof is".

EXPLANATION

H.R. 4250 attempts to limit the scope of permissible secondary activity where its purpose is to remove or exclude individuals from the site on the grounds of sex, race, creed, color, national origin, or non-union membership, and to engage in certain forms of organizational or recognitional activity now proscribed by subsections 8(b)(4)(D) and (b)(7). The problem with the bill is that while it prohibits picketing and threats thereof, it does not restrict an equally potent form of concerted activity—the strike. My amendment corrects this by adding "striking" to the list of proscribed conduct.

A further problem with H.R. 4250 in this context is that it fails to recognize that concerted activities may be carried out for several purposes—one of which may be lawful, another of which may be unlawful. My amendment makes clear that such concerted activities may not be carried out if one of its objects is unlawful as defined by the three subsequent clauses, even if the union can identify an arguably lawful object of the activity.

AMENDMENT NO. 4 TO H.R. 4250, AS REPORTED

Page 2, line 3, strike the words "produced by that person" and insert in lieu thereof the words "regularly installed or serviced by that person".

EXPLANATION

The third clause of H.R. 4250's second proviso insulates from secondary boycott activity those employees of an employer who is at a construction site but not engaged primarily in the construction industry. The clause contemplates that such employees are represented by a labor organization, are present at the site for the purpose of installing or servicing the product produced by the employer. The problem with this clause is that it ignores the fact that the servicing of products is often not done by the manufacturer of the product. For example, it is not uncommon for the manufacturers of climate control equipment to contract for the servicing of equipment manufactured by a competitor. My amendment will bring this latter class of persons within the insulating provisions of the second proviso's third clause.

AMENDMENT NO. 5 TO H.R. 4250, AS REPORTED

Page 23, line 16, strike out "whether" and everything that follows down through "site." on page 24, line 3, and in lieu thereof insert the following: "whether any of several employers are primarily engaged in the construction industry, ownership or control of the construction site shall not be a factor to be considered, and, for the purposes of the preceding provisos, the term 'site' means one physically contiguous location at which the employers involved are engaged in interre-

lated construction, alteration, painting, or repair towards a common objective and in physical proximity to each other.".

EXPLANATION

Despite the close attention which the sponsors have given attempting to define the parameters of the concerted activity at a construction site sanctioned under the bill, it is indeed a little ironic that H.R. 4250 does not define what a "site" is. Surely such a definition is needed if the legislation is not to be applied beyond its intended scope of sanctioning concerted activity under the circumstances of *Denver Building Trades*, namely, where the work of the various employers is aimed toward a common objective and is in physical proximity to each other at a contiguous location. My amendment provides that for purposes of this legislation "site" means location at which employers involved are engaged in interrelated construction, alteration, painting, or repair towards a common objective and in "one physically contiguous physical proximity to each other."

Without such a definition, courts will have to grapple with application of this legislation to a variety of unique circumstances: what is the "site" in a large industrial park where construction proceeds separately on behalf of the various tenants? What is the "site" where an entrepreneur builds a factory on one side of a highway and a parking lot on the other, with bids to two general contractors?

AMENDMENT NO. 6 TO H.R. 4250, AS REPORTED

Page 22, line 20, insert immediately after "(b):" the following: "*Provided further*, That nothing in the above provisos shall be construed to authorize any strike, picketing, threatening to picket, or causing to be picketed any person, other than the employer of the employees involved in the dispute, where an object thereof is to require that person to pay wage rates exceeding the prevailing wage rate for work of a similar nature in the locality, as determined by the Secretary of Labor:".

AMENDMENT NO. 7 TO H.R. 4250, AS REPORTED

Page 22, line 20, insert immediately after "(b):" the following: "*Provided further*, That if a labor organization engages in picketing a construction site for an object described in paragraph (7) of subsection (b), there must be filed a petition under subsection (c) of section 9 within five days after commencement of such picketing, or if a charge is filed under subsection (b) of Section 10, the Board shall conduct an election and certify the results thereof within fourteen calendar days from the filing of either the petition or the charge:".

EXPLANATION

This amendment was offered to the common situs legislation of the last Congress by Senator Hathaway. That amendment was adopted by the Conference with the following explanation:

"It is the understanding and intention of the conferees that within the mandatory 14-day period prescribed by this proviso the Board will follow insofar as possible its present procedure for expedited elections under the first proviso to section 8(b)(7)(C). The conferees emphasize that in every case the regional director, within the 14-day period, must investigate any charge that picketing for an object described in section 8(b)(7) is taking place and must, within 14 days, make a finding, based upon a preponderance of the evidence, as to whether or not there has been a violation as charged. In all such situations, this process of investigation, and of an election and certification (where appropriate) must take place within 14 days."

The amendment I offer is changed slightly in that where recognitional or organizational picketing is occurring, the union must file a petition within 5 days from the start of such picketing. If the employer files a charge, or where a petition is filed, then an election must be conducted within 14 days. This limits the time for recognitional and organizational picketing, to a total time of no more than 19 days.

One of the complaints of the construction unions is that they cannot get elections. This provision provides for expedited elections in the construction industry. It also protects the industry from lengthy recognitional disputes.

At hearings on this legislation, it was strongly argued that the *Denver* decision has enabled contractors to contract for labor under a depressed wage scale. This is because contractors have been able to retain cheaper, nonunion labor in many instances, without fear of significant economic reprisals from labor unions. As presently drafted, the bill appears to ignore this justification for overruling *Denver*. My amendment would permit common situs activity where the objective is to protest the payment of wages that are below the prevailing wage rate. (That prevailing rate is, of course, ascertainable by the Secretary of Labor under his existing authority.) However, where a union seeks to obtain wages that are above the prevailing rate, then it remains subject to the restraints of Section 8(b)(4)(B) heretofore imposed on secondary boycotts. Furthermore, this amendment does not prohibit the union from picketing for reasons other than prevailing wages, such as safety, etc.

AMENDMENT NO. 8 TO H.R. 4250, AS REPORTED

Page 24, beginning on the line immediately following line 3, insert the following new section:

(b) Section 8 of such Act is amended by adding at the end thereof the following new subsection:

"(h) Notwithstanding the provisions of this or any other Act, where a Federal or State law requires separate bids and direct awards to employers for construction, the various contractors awarded contracts in accordance with such applicable Federal or State laws shall not for the purposes of the third proviso at the end of paragraph (4) of subsection (b) of this section, be considered in the relationship of contractors and subcontractors with each other or with the Federal, State or local authority awarding such contracts at the common site of the construction."

Page 24, line 4, strike out "(b)" and in lieu thereof, insert "(c)".

EXPLANATION

The basic justification of concerted activity common situs of construction is that the work is essentially an interrelated endeavor among various separate legal entities (contractors and subcontractors) aimed toward a common goal. The relationship among the various entities is often a voluntary one in which the members are not neutral bystanders. The bill, however, recognizes that in public construction the various contractors find themselves working side-by-side not necessarily by voluntary choice, but by virtue of being awarded separate contracts under applicable bidding laws. In such cases, the *Denver* decision still governs, but only where the contracts are awarded under *State* laws. No consideration is given to contracts awarded under Federal law, nor can I conceive of a principled reason for discriminating against Federal contracts. My amendment would remove this disparity by treating Federally awarded contracts similarly to State contracts.

AMENDMENT NO. 9 TO H.R. 4250, AS REPORTED

Page 26, line 6, strike out "." immediately before the period insert the following: ", except that with respect to construction work which was contracted for or on which work had actually started prior to the date of enactment, the amendments made by this Act shall take effect two years after such effective date".

EXPLANATION

H.R. 4250 presently provides a 90-day effective date, after which *all* construction in this country will be subject to common situs picketing permitted under this bill. No allowance or exception is made for construction that was contracted for or in progress prior to the effective date of this bill. My amendment proposes to exempt, from the provisions of this bill, construction that was either contracted for and actually began *prior* to enactment.

Such an exclusion is called for on the basis of simple justice and fairness.

The testimony brought out that much of construction work is not now done by union labor. Indeed, this fact is one of the factors prompting organized labor to press this legislation; the leadership candidly admits their hopes that this bill will facilitate their efforts to organize in greater numbers and to capture a greater share of the construction work. The testimony further established the reason why non-union labor has such a great share of the work that it is much more competitively priced than union labor. It is thus evident that in many existing construction contracts the industry has taken advantage of the more economically priced labor and has computed its total costs, estimated its profits, and submitted bids based upon these prevailing labor costs. Contracts have been entered into with the expectation that the variables which enter into fixing these costs would not change so as to encourage an exaggerated use in these costs over the period of the construction. One of these variables, of course, is the ability of the industry to withstand the economic pressures of the craft unions to organize and to achieve more favorable wages.

There is no question but that H.R. 4250 wroughts a readjustment of the relative economic strengths of unions and management in the construction industry. Unions may now resort to a more patent form of economic pressure—to the extent of closing down an entire site—in an effort to achieve more favorable terms of pay and benefits. Correspondingly, industry is not in as strong a position as before to withstand such economic pressures. Consequently, the likelihood realistically arises that during the term of many existing construction contracts the industry, through the "free play of economic forces," will be required to accept union demands, e.g., higher wages, that would directly inflate the costs of a construction job.

The problem here is not whether the union demands are by themselves justified nor should my position be construed as a criticism of a union's efforts to achieve better benefits. Rather, my central concern here is with the basic unfairness of frustrating the expectations and intentions of the parties to construction contracts. This concern has been of central importance to the law of private contracts in this country, and has been equally so in the area of labor relations. For it is fundamental to our National labor policy that terms of employment and grievances should be adjusted voluntarily and within the private sector through the negotiation and administration of collective bargaining agreements. Surely, a collective bargaining agreement works best where it is not built on shifting sands. Likewise, construction agreements should not be undermined.

My amendment seeks to protect the integrity of existing construction agreements. It is noted, however, that I do not propose to exempt existing construction entirely from this legislation. Such construction will become subject to the act two years after enactment. This provision reflects a balancing of competing interests—the interest of not frustrating the expectations of the parties and the interest in implementing this legislation. Parties cannot expect to be entirely free of changes in the law that will affect their relationship. It is my belief that despite the disappointment the parties to a construction agreement may experience in the short run, the two year lead time will give them a fair opportunity to adjust their agreements in anticipation of the effective date of the Act.

"A NEW APPROACH TO INCOME MAINTENANCE"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 10 minutes.

Mr. KOCH. Mr. Speaker, just this morning I had the pleasure of testifying at regional hearings on Welfare Reform sponsored by the United States Department of Health, Education, and Welfare in New York City. The regional hearings are part of the administration's effort to study and make recommendations concerning comprehensive welfare reform. I applaud those efforts.

Similar hearings were held on March 10, 1977, by HEW Secretary Califano in Washington, D.C. At that time I testified as chairman of the Welfare Reform Task Force of the Northeast-Midwest Economic Advancement Coalition on the impact of welfare reform on the Northeast and Midwest regions.

This morning I testified as a Member of Congress on my own welfare reform proposal, H.R. 952. I introduced the Minimum Income Maintenance Act on January 4, 1977, to offer solutions to what I believe to be the major deficiencies in the current welfare systems. I believe this proposal can serve as an important vehicle for much needed discussion of welfare reform in the Congress. For the benefit of my colleagues, I am enclosing my prepared remarks delivered this morning.

TESTIMONY OF CONGRESSMAN EDWARD I. KOCH ON H.R. 952, THE MINIMUM INCOME MAINTENANCE ACT

Mr. Chairman, I am pleased to have the opportunity to be here today to discuss the issue of welfare reform. I want to commend the new administration not only for focusing attention on the problems of welfare reform, but on bringing the discussion of this issue to the people in the states and localities who have grappled with these programs for so long. These hearings are an important step in bringing our collective wisdom to bear on constructing effective remedies to the inequities and inefficiencies of an antiquated and, in many cases, antihuman welfare system. I applaud the President and the Secretary of Health, Education and Welfare on these efforts.

Mr. Chairman, I believe not only the President, but Members of Congress and the citizenry as a whole recognize the grave consequences of our nation of an expensive and unwieldy welfare program. It was with these consequences in mind that on January 4, 1977, I introduced comprehensive welfare reform legislation in the 95th Congress. My legislation, H.R. 952, the Minimum Income Maintenance Act, would reform current welfare programs and consolidate AFDC, SSI and Food Stamp programs into a single Federal welfare program which is both equitable and efficient.

One of the basic inequities that we face with respect to welfare, is that today an individual can receive annually on the average $2,859 in New York City and $530 in Biloxi, Mississippi. My proposal addresses these tremendous disparities in benefit levels by establishing a single national welfare system of benefits. H.R. 952 is based on the premise that we must have a national welfare program with those eligible receiving the same benefit level irrespective of where they live, except for a cost of living differential, so that there would be no incentive to move from one state to another, as is currently the case.

Furthermore, I believe that our citizenry is not only concerned about the tremendous disparities of benefit levels in the current system, but is legitimately angered by the fact that families on welfare sometimes end up with more income than those who are employed. H.R. 952 would insure that the millions of employed Americans who work hard just to make ends meet know that those who are not working would receive substantially less.

The legislation provides that the maximum welfare payment be 50% of the income level that the Bureau of Labor Statistics considers adequate to lead a modest life (Lower Level Family Budget). That figure in New York City is $10,266 for a family of four, so that the maximum welfare payment would be $5,133 including all public benefits, with the exception of medicaid.

Finally, one of the most important aspects of the Minimum Income Maintenance Act is that it eliminates a huge welfare bureaucracy. The inefficiency in the administration of welfare programs is indeed an outrage. President Carter has estimated that there is one employee for every six recipients of public benefits. Recent calculations indicate that 13.3 cents per benefit dollar spent on the A.F.D.C. program (Aid to Families with Dependent Children) is consumed by administrative costs. My bill would eliminate much of this waste.

Some of the other key provisions of H.R. 952 are:

1. The entire welfare payment would be paid for and administered by the Federal government.

2. All able-bodied persons would have to take jobs when offered, excluding the elderly, disabled, or a parent responsible for caring for pre-school children.

3. Work enabling expenses, such as day care costs, would be deducted from the income level so as to avoid penalizing the recipient for incurring the costs of pursuing gainful employment.

4. The Act contains a two-year "grandfather clause" to insure that families currently receiving AFDC, SSI and food stamps do not suffer immediate losses because of the transfer to a national welfare program.

5. No locality participating in the program would be permitted to add on any benefit, and if it does, it would be penalized by a loss of funding in other federal programs equal to the amount of its attempted supplementation of welfare benefits. That is intended to protect localities from the political pressures which have caused the current disparities, as have the local compassionate responses which would not be carried out responsibly within reasonable fiscal constraints.

6. The Inspector General of HEW would be specifically empowered to prosecute cases of administrative and recipient fraud.

The total cost of this program, all of which would be borne by the Federal government, would be $38 billion initially according to figures provided me by the House of Representatives Information Systems, and $30 billion once the 2-year "grandfather" clause expires. This contrasts to the current total cost of $21 billion which includes the federal, state and local government shares of AFDC, SSI, food stamps and other welfare aid. The reason for the increased cost is that many current state benefit levels would have to be substantially increased because they are currently so low, while the few states that are providing unrealistically high levels of benefits would be required to reduce their benefit levels. It should be kept in mind that currently cities, counties and states are carrying over ⅓ of our total national welfare costs and are going broke doing that. According to figures provided me by the Congressional Research Service, the state and local share of major welfare programs in 1976 was 36% with the share of some jurisdictions running as high as New York's 48% share.

Mr. Chairman, I believe that the two most important areas of legislative concern for the Congress and President in 1977 are providing job opportunities for those who want to work and providing for those who are unable to work a minimum national welfare benefit. I support the administration's efforts to put our nation back to work and I hope that the dialogue generated by my proposed legislation and regional hearings such as this can lead to the development of a welfare policy that is both fair and compassionate.

I would like to include for the record a summary of H.R. 952, the Minimum Income Maintenance Act, and I want to again thank you for the opportunity to testify before you this morning.

SUMMARY OF THE MINIMUM INCOME MAINTENANCE ACT (MIMA)

The Minimum Income Maintenance Act would replace the AFDC, SSI and Food Stamp programs with a single national welfare system of benefits which would be administered by the federal government and for which all qualified residents of the U.S. would be eligible. The legislation would regionalize welfare benefits by utilizing the Bureau of Labor Statistics' (BLS) "lower budget" figure for both SMSA (Standard Metropolitan Statistical Area) and non-SMSA areas. In determining maintenance payments, the bill would establish the applicable BLS figure as the eligibility standard and 50% of the applicable BLS figure as the maximum Koch payment. The Koch benefit would be that maximum figure reduced by ½ of all income and work enabling expenses, as defined by the Act.

A sample of current BLS lower budget figures for a family of four is set forth below to convey an idea of what the level of benefits would be in the different regions across the country.

New York City	$10,266
Pittsburgh, Pa	9,205
Cleveland, Ohio	9,489
Detroit, Mich	[1] 9,501
Atlanta, Ga	8,924
Baton Rouge, La	8,588
Denver, Colo	9,319
San Francisco, Calif	10,509

[1] Maximum payment would be 50% of this figure.

NOTE.—Currently, BLS provides lower budget figures for a hypothetical family of four and for a retired couple in 40 of the 276 SMSAs. The BLS hypothetical family of

four consists of a 38 year old husband employed full time, his non-working wife, a boy of 13 and a girl of 8. The Koch program would have BLS develop comparable figures for varying family sizes and compositions in SMSA and non-SMSA areas.

For purposes of the bill, income is defined as including both earned and unearned income and all public payments, such as veterans' benefits and social security, in order to reduce the inequities created by some state welfare programs which reduce benefits by some government payments but not by others. The Secretary of HEW would determine which in-kind and vendor payments would be exempted in computing income. Medicaid is to be the only public payment explicitly exempted for that purpose. Work enabling expenses, as defined by regulations promulgated by the Secretary (including day-care expenses) would be deductible in establishing "income."

The definitions and formulas which follow indicate how the Koch benefit would be computed:

Eligibility standard—The BLS lower budget figure for respective family size and SMSA, or comparable non-SMSA figure.
Maximum payment—50 percent of the applicable BLS lower budget figure.

$$\text{Koch benefit} = \text{maximum payment minus } \frac{\text{earned and unearned income} + \text{public payments} - \text{work enabling expenses}}{2}$$

Total family income = earned and unearned income + public payments + Koch benefit.

A significant aspect of the Koch benefit formula is the way in which it deals with the problem of work disincentive—a well-known failing of our current welfare systems. Under the Koch bill, benefits decrease as the recipient's income increases by a benefit loss rate of 50% until the ceiling is reached. Thus program benefits are tapered off gradually until the benefit levels have been diminished to an insignificant amount before applying the cutoff. By doing so, the system avoids work disincentives created by an abrupt, though perhaps lower, cutoff point. Similarly, work enabling expenses such as day-care costs are deducted from the income level in calculating benefits so as to avoid penalizing the recipient for having incurred the unavoidable costs of pursuing gainful employment.

Mandatory registration at local employment offices and active job seeking are a prerequisite to receiving benefits under the Koch bill. The elderly, the handicapped and mothers with pre-school children would be exempt from that requirement.

Below are computations which show how the Koch benefit formula would create a rational work incentive scale. (Work enabling expenses are not considered for purposes of this chart.)

	Assume BLS lower budget figure of $10,000			
Income	Maximum payment	− ½ income	= Koch benefit	Total income
0	$5,000	− 0	= $5,000	$5,000
$4,000	5,000	− ½ ($4,000)	= 3,000	7,000
$7,000	5,000	− ½ (7,000)	= 1,500	8,500
$9,500	5,000	− ½ (9,500)	= 250	9,750

Family is defined in the bill in such a way as to avoid the unfortunate family splitting which resulted from the AFDC program. Childless couples, intact families, individuals, retired couples, dependent children and stepparents (as they contribute to the support of dependents) are defined and included in the program.

Quarterly retrospective accounting and monthly reporting would be employed in administering the program. Though states that wish to participate in the program will be specifically prohibited from supplementing the Koch benefit, emergency needs will be covered by regulations promulgated by the Secretary. Assets shall be imputed to income by disregarding the first $10,000 of assets and counting each additional $10,000 of assets as $100 in income.

The Minimum Income Maintenance Act contains a "grandfather clause" to insure that those families currently receiving FDC, SSI and Food Stamps do not suffer immediate losses because of the transfer to a national welfare program. Those families for whom benefits under the Koch bill would be less than those which they currently receive from the programs listed above, would continue receiving their current level of payment for two years. Anyone who files an application for public assistance after the bill is enacted would not be entitled to the level of payment insured by the bill's "grandfather clause."

The Inspector General of HEW would be specifically empowered to investigate and, where necessary, prosecute cases of both administrative and recipient fraud. In addition, the Inspector General will be empowered to audit the program for over and under payments.

INSURING A HIGH MORALE AND A HEALTHY GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. HARRIS) is recognized for 5 minutes.

Mr. HARRIS. Mr. Speaker, I am introducing today a bill which is central to effective government. It would benefit both the employer and the employee and smooth employer-employee relations in the Federal work force. My legislation guarantees career Federal workers their grade and pay if their position is downgraded; this is a concept known as "saved grade."

Last month I asked the House Post Office and Civil Service Committee, on which I serve, to include this measure in its report to the Budget Committee and I am pleased to report that on March 9 the committee approved its report on the 1978 budget resolution and included my bill. Thus, the committee has in effect supported my request that this bill be considered by the 95th Congress—has placed the bill on the committee's agenda for 1977—and today I am carrying out the commitment I made by introducing the bill.

Fears are running rampant in the bureaucracy. Agencies are initiating or contemplating reorganizations. Some agencies are facing possible elimination. A new classification system—the factor evaluation system—is being implemented and on February 23 of this year the chief administrator of that program indicated to me personally that the FES "involves looking at all jobs" and that FES could "expedite downgradings." Allegations of grade creep and a bloated bureaucracy surface almost daily from all quarters. Job reorganizations and reclassifications are a real possibility, whether justified or not.

The legislation I have prepared would allow the employee, whose job is downgraded, to retain his or her grade or pay when the job is reclassified at a lower level. Importantly, the bill covers both general schedule—white collar—and wage grade—blue collar—personnel. Currently, the employee whose position is downgraded keeps the former, higher salary for only 2 years; after 2 years the salary drops to the downgraded level.

Having assurance of grade and salary retention is fair to the employee. Such a guarantee prevents what I think is an unwarranted punitive action—loss of status and pay—when the employee accepted in good faith a position that was incorrectly classified or that requires reclassification after the employee takes a job. It is not the employee's fault, for example, that computer jobs have become overclassified since the 1960's when computer specialists were scarce. It is not the employee's fault that political philosophies change, requiring more auditors and fewer social workers. It is not fair to make the employee suffer undue personal hardship, humiliation, and damage to career potential because times change or agencies needs and goals take new directions. Nor should downgrading be a tool to demoralize and drive out individuals or a ruthless ruse to disguise budget cutting.

The bill is equally important for Government. There is no better ingredient for good government than a high morale, a work force with a positive attitude. Under this bill, agencies would be free to reclassify positions, recognize their mistakes, and modify positions to fit their changing needs—without alienating agency personnel. Reducing grade, status, and pay is bound to alienate workers. Just the possibility that one's position and pay can suddenly be reclassified downward through no fault of the employee can inevitably create an atmosphere of fear and suspicion.

Thus, guaranteeing to the employee these basic jobs rights will keep our contract with the employer and enhance the effectiveness of Government, because the employee will have a more positive outlook and respect for Government.

PERSONAL EXPLANATION

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MIKVA. Mr. Speaker, due to a meeting on legislative matters that was off of Capitol Hill, I was unable to be present for the vote yesterday to suspend the rules and pass H.R. 3712, to amend the Library Service and Construction Act. Had I been present, I would have voted "yes."

CONGRESSIONAL APPROVAL OF CERTAIN CORPS OF ENGINEERS PROJECTS

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, I am today introducing legislation to clarify a law first enunciated in 1884. In 1909 the Congress amended this law by permitting the Chief of Engineers, U.S. Army, to maintain and repair canal navigation projects. However, under this authority the corps has gone much further than keep these projects "in repair." When repair means building a whole new set of locks 2 miles downstream that is both deeper and longer than the present facility and costs $400 million, as in the case of locks and dam 26, then the time has come for Congress to reexamine the authority it bestowed on the corps 68 years ago.

The purpose of this bill is not to debate the merits of replacing locks and dam 26. Rather, my bill is intended to prevent confusion, delays, and litigation over future work projects by prohibiting the Chief of the Army Corps of Engineers from repairing projects costing more than $4 million without obtaining congressional approval. In my view, the Congress should specifically authorize significant repair and maintenance projects.

I feel strongly that locks and dam 26 is unnecessary and environmentally unsound, but I feel more strongly that projects costing over $4 million deserve full congressional consideration. This and other repair projects are too important to be considered outside the context of a national waterways and transportation program.

Mr. Speaker, at this point, I include the text of the bill in the RECORD:

H.R. 5347

A bill to require specific statutory authorization for each canal maintenance, repair, or reconstruction project costing $4,000,000 or more to be undertaken by the Secretary of the Army acting through the Chief of Engineers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works and rivers and harbors, and for other purposes", approved July 5, 1884 (33 U.S.C. 5), is amended by inserting immediately after "not otherwise appropriated: *Provided,"* the following: "That no warrant or requisition to pay the expenses of maintaining, repairing, or reconstructing any of the aforesaid works shall be paid by the Secretary of the Treasury for any project for which the total cost to the United States is to be $4,000,000 or more unless such project has been specifically authorized by a law enacted before the date of the commencement of maintenance, repair, or reconstruction work on such project: *Provided further,".*

SEC. 2. The amendment made by the first section of this Act shall apply to any project for maintenance, repair, or reconstruction of any canal or other public work under authority of section 4 of such Act of July 5, 1884, on which maintenance, repair, or reconstruction work is commenced after the date of enactment of this Act.

PERSONAL EXPLANATION

(Mr. MAZZOLI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MAZZOLI. Mr. Speaker, when Roll No. 85 was taken yesterday on the previous question on the rule to H.R. 4800, extending the Emergency Unemployment Compensation Act of 1974, I was absent from the Chamber.

Had I been present at the time of the vote I would have voted "yea."

QUESTIONS AND ANSWERS ON H.R. 4250

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, on March 17, 1977, the sponsor of H.R. 4250, Mr. THOMPSON, propounded, and then answered certain questions he claimed had been raised regarding this legislation. There should be many more questions raised. They should all be answered properly. Here are my answers to those questions:

QUESTIONS AND ANSWERS ON H.R. 4250

1. Q. Does H.R. 4250 legalize secondary boycotts?

A. Not only does H.R. 4250 legalize secondary boycotts, it also legalizes many other unfair labor practices for construction unions only. Since a secondary boycott is union pressure to force one employer to cease doing business with another employer, legal precedent makes clear that picketing all, or any neutral employers on a construction site for that purpose is a secondary boycott. H.R. 4250 would change that law. To constitute a secondary boycott, striking employees do not necessarily have to "leave the scene" of a dispute, particularly when the dispute is at a common site.

The secondary effects of H.R. 4250 arise in several situations. By a total shutdown of the jobsite, union pickets hope to be able to influence the particular subcontractor with whom they have a dispute by applying pressure to general contractors and other subcontractors on the site through a total stoppage of all work. In point of fact, neither general contractors nor other subcontractors are likely to have any direct control over the labor relations policies of the employer with the dispute. Thus, common situs picketing is clearly a secondary boycott situation, and could arise either from picketing against employment of a non-union subcontractor on the job or from a labor dispute with union subcontractors on the job. In both cases, in the words of Taft-Hartley, "an object thereof" would be "forcing or requiring any person to . . . cease doing business with any other person."

It should be emphasized that construction unions *can* strike and picket construction sites, and like any union representing employees at a common site, must limit its activities as near as possible to the dispute.

2. Q. Suppose a contractor brings onto a job a subcontractor whose employees are non-union labor. Would H.R. 4250 permit the building trades council to picket the job as unfair?

A. Yes. Under present law, picketing to remove a non-union subcontractor is an unfair labor practice whether in industrial or construction site picketing. This is an unlawful "objective" under present law. However, H.R. 4250 allows such picketing, and extends it to all employers at the site, not just for a judicially protected purpose of preserving "area standards", but for the specific purpose of removing that non-union subcontractor.

With the context of the rights and duties under the NLRA, it seems that unless the selection of a subcontractor is related to the contractor's collective bargaining commitments, any interference with that selection by organized labor is necessarily outside of its legitimate interests of wages and working conditions. Notice that the original intent of "equal treatment" legislation was to allow a construction union to "picket" a whole site. That intent has been expanded to now include picketing for unlawful objects as well.

3. Q. Would enactment of H.R. 4250 give workers in the construction industry "special treatment"?

A. Yes. H.R. 4250 literally repeals all the provision of the NLRA regarding unfair labor practices as they apply to picketing and strikes at construction sites, in addition to their newly recognized right to enmesh innocent neutrals in labor disputes over which the neutral has no control. No other labor organizations have the right to picket other than the employer with whom they have a dispute, except in an "ally" situation. Construction unions can now picket at a common site, to the extent allowed by the law, the same as industrial unions can now picket at the common situs of a dispute. However, the extensive provisions of H.R. 4250 give construction unions rights beyond anything industrial unions ever dreamed of since enactment of the NLRA.

Furthermore, as to the limited issue of picketing, the contention that the General Electric case creates a separate test and more relaxed rules for industrial picketing is a fallacy and taken out of context. In that case, the industrial union was permitted to picket the reserved gate because it was "a mingled gate", used by those performing work involved in the strike as well as by neutral firms. The rule is universal that any union, industrial or construction, is permitted to picket a reserved gate that is "a mingled gate" of that kind. On the other hand, if that reserved gate in the General Electric case had not been "a mingled gate", the industrial union could not have lawfully picketed it, and would continue to be unable to lawfully picket it if H.R. 4250 passes. Note, however, the building trades unions will have a "special" right to do so under the bill, as well as other rights the bill creates.

4. Q. Does H.R. 4250 authorize a union to picket where an object is to force the subcontractor off the job because he employs minorities?

A. Yes and No. The bill prohibits "picketing" to remove an employee for discrimination reasons. It does not prohibit "strikes" for such purposes. Neither does it prohibit picketing for such purpose where that purpose is just one of a few reasons for picketing. Moreover, minority contractors are of necessity non-union and the building trades unions could use the fiction of "area standards" picketing to force those minority contractors from the site.

H.R. 4250 provides no protection against discrimination of minority enterprises which are small businesses, generally tending to be non-union. Moreover, due to past discrimination by building trades unions in refusing to admit minorities or females to apprentice programs or hiring halls, the only opportunities in the construction trades for minorities and females for years were the non-union contractors who did not rely on unions for their workers. These contractors, and their minority employees would be greatly harmed by H.R. 4250.

5. Q. If an industrial plant wishes to contract to expand its premises, would H.R. 4250

permit the building trades to picket the work?

A. The answer, hopefully, is No. However, the amendment added in Committee protected only "industrial facilities." It did not protect other business, such as hospitals, hotels, small business, mines, utilities, and the list is endless.

When the amendment allegedly protecting "industrial facilities" was offered in Full Committee, the sponsor of the amendment, in response to questioning, replied that an industrial facility could set up a reserved gate and that gate could be insulated from construction union picketing. However, the terms of the amendment itself does not conform to the assurances of its sponsor. The amendment itself says that the reserved gate will be insulated from picketing "which is not directed at that separate entrance." Since the construction union picketing would not be directed at that gate, there is nothing in the so-called protection for industrial facilities amendment to preclude those construction unions from merely picketing that gate to "induce" those industrial employees not to work, since the picketing may be directed only at the construction employers. Picketing is an inducement, but does not necessarily have to be directed at an industrial facility. The limitations of the language are not as narrow as the assurances of the sponsor.

6. Q. Would H.R. 4250 permit the building trades unions to picket if the object is to secure the work of a manufacturer who is installing specialized equipment on the jobsite?

A. The question as was stated by Mr. Thompson is unfairly worded since those employers he mentioned have unions representing their employees. Where unions are representing the manufacturer's employees are not represented by a labor organization, H.R. 4250 would allow the whole site to be picketed. There is no adequate way to explain this disparity between organized and unorganized manufacturers installing specialty equipment.

7. Q. If building trades have a dispute with Contractor X at one site, would H.R. 4250 permit unions to picket the same contractor at another site?

A. There is nothing in H.R. 4250 to prohibit such picketing. According to established NLRB policy, the "situs of the dispute" travels with the employer primarily involved. It would appear that it Contractor X has a dispute with a labor organization representing its employees, the dispute would extend to all sites where that contractor is working, which might apply nationwide in large companies. Although the language is ambiguous, it appears that where the dispute is lawful, i.e., pertaining to wages and working conditions, at X, and that condition which is the subject of the dispute does not pertain to operations at another site, which is highly unlikely, there is a possibility that the dispute would have to be limited to X. However, where the dispute is unlawful at X, i.e., pertaining to issues that may not be subjects of bargaining, then the union could expand the dispute to other sites, an anomalous result.

8. Q. Would H.R. 4250 permit a union to picket against contractors who bid under State law and are awarded contracts by the State?

A. By the terms of H.R. 4250, the answer is No. However, H.R. 4250 should apply to Federal or other applicable law, including municipal law.

9. Q. Would H.R. 4250 permit building and construction unions to engage in conduct which would violate 8(b)(7)—the law regulating recognitional and organizational picketing?

A. Picketing in violation of 8(b)(7) is declared unlawful by H.R. 4250, but, note: (1) picketing could occur for the fictitious objective of maintaining "area standards"; (2) H.R. 4250 permits the whole site to be picketed, so, for at least 30 days, picketing would be permissive, and (3) only where 8(b)(7) recognitional picketing is the only objective sought would it be prohibited under the bill. The union could, easily, assert another lawful object and if the real reason were 8(b)(7), the picketing could not be found unlawful.

One further point to mention: 8(b)(7) does not appear to prohibit one labor organization from picketing to force an employer to recognize another labor organization. Therefore, for example, the Teamsters could picket to force an empolyer to recognize another labor organization, say the plumbers, without violating 8(b)(7). Accordingly, picketing could continue for unlimited time for this purpose.

10. Q. Would H.R. 4250 result in strikes in breach of contract?

A. Yes, in the sense that where one union establishes a picket line, another union which has a strike clause would probably refuse to cross that picket line, i.e., engage in "sympathy" action.

The *Buffalo Forge* case clearly indicates that an injunction does not lie where union members, in apparent violation of a no-strike clause, conduct a strike in sympathy to other union members.

RULES ADOPTED BY SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

(Mr. WOLFF asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WOLFF. Mr. Speaker, pursuant to rule XI, clause 2(a), I submit for printing in the RECORD, the rules adopted by the Select Committee on Narcotics Abuse and Control.

RULES OF THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

RULE 1. RULES OF THE HOUSE

The Rules of the House of Representatives, insofar as they are applicable, shall be the rules of the Committee. The following rules, insofar as they are consistent with the Rules of the House, shall apply to the Committee.

RULE 2. MEETINGS

(a) The regular meeting day of the Committee for the conduct of its business shall be on Thursday of each week while the Congress is in session.

(b) Additional meetings may be called by the Chairman and regular meetings of the Committee may be dispensed with when, in the judgment of the Chairman, there is no need therefor.

(c) At least 24 hours (excluding Saturdays, Sundays, and legal public holidays) before each scheduled Committee meeting, each member of the Committee shall be furnished a list of the subjects to be considered or acted upon at the meeting.

RULE 3. HEARINGS

(a) Members of the Committee shall be advised and a public announcement shall be made of the time, date, place, and subject matter of any hearing to be conducted by the Committee at least one week before the commencement of such hearing, unless the Chairman determines that there is good cause to begin such hearing at an earlier date, in which event he shall make public announcement at the earliest possible date.

(b) Unless authorized by the Chairman, a witness shall not be permitted to testify or present evidence at a hearing of the Committee, and such testimony or evidence may not be included in the Committee hearing record, unless 50 copies thereof have been delivered to the Committee at least 24 hours before such hearing.

(c) A Committee member may question a witness only when recognized by the Chairman for such purpose. In accordance with clause 2(j)(2) of Rule XI of the Rules of the House, each Committee member shall be allowed 5 minutes to question a witness until each member who so desires has had such opportunity. The Chairman shall, insofar as practicable, recognize alternately on the basis of seniority those majority and minority members present at the time the hearing was called to order and others on the basis of their arrival at the hearing. Thereafter, additional time may be extended at the direction of the Chairman.

RULE 4. COMMITTEE PROCEDURE

(a) A majority of the members of the Committee shall constitute a quorum for the transaction of Committee business, except that 2 members shall constitute a quorum for purposes of taking testimony and receiving evidence.

(b) Meetings for the transaction of business and hearings of the Committee shall be open to the public or closed, in accordance with clause 2(g) of Rule XI of the Rules of the House.

(c) A vote by any member of the Committee with respect to any matter being considered by the Committee may be cast by proxy if the proxy authorization is in writing, asserts that the member is absent on official business or is otherwise unable to be present at the meeting of the Committee, designates the member of the Committee who is to execute the proxy authorization, and is limited to a specific matter, except that a member may authorize a general proxy for motions to recess or adjourn, or for other procedural matters. Each proxy to be effective shall be signed by the member assigning his vote and shall contain the date and time that proxy is signed. Proxies may not be counted for a quorum.

(d) Every motion made to the Committee and entertained by the Chairman shall be reduced to writing upon the demand of any member, and a copy made available to each member present.

(e) If the Chairman of the Committee is not present at any meeting or hearing of the Committee, the ranking member of the majority party on the Committee who is present shall preside at such meeting or hearing.

RULE 5. BROADCASTING

(a) Whenever any hearing or meeting conducted by the Committee is open to the public, the Committee may permit such hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, under the rules established by clause (b).

(b)(1) If television or radio coverage of any hearing or meeting of the Committee is to be presented to the public as live coverage, such coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpena by the Committee shall be required against his will to be photographed at any hearing or meeting or to give evidence or testimony while the broadcasting of such hearing or meeting, by radio or television, or still photography coverage, is being conducted. At the request of any such witness who does not wish to be subjected to radio or television coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Not more than 4 television cameras, operating from fixed positions, shall be permitted in a hearing room. The allocation among the television networks or stations of the positions of the number of television cameras shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testi-

mony and any member of the Committee, or the visibility of such witness and such member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the representatives of any other news medium.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing room while the Committee is in session.

(7) Floodlights, spotlights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television networks or stations may install additional lighting in the hearing room, without cost to the Government, in order to raise the ambient lighting level in the hearing room to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(8) Not more than 5 press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of such photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than 5 representatives of any news medium for coverage of the hearing by still photography, such coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing or meeting by the representatives of any other news medium.

(10) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(11) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(12) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE 6. COMMITTEE REPORTS

Every investigative report shall be approved by a majority vote of the Committee at a meeting at which a quorum is present. Supplemental, minority, or additional views may be filed in accordance with clause 2(1)(5) of Rule XI of the Rules of the House. The time allowed for filing such views shall be 3 calendar days (excluding Saturdays, Sundays, and legal public holidays) unless the Committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member of such Committee for at least 3 calendar days (excluding Saturdays, Sundays, and legal public holidays) before the consideration of such proposed report in the Committee. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the Committee before the consideration of the proposed report in the Committee.

RULE 7. POWERS AND DUTIES OF COMMITTEE

(a) For the purpose of carrying out any of its functions and duties, the Committee is authorized to sit and act at such times and places as it considers appropriate whether the House is sitting, has recessed, or has adjourned.

(b) The Committee may require, by subpena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, documents, and other exhibits and materials, as it considers necessary. A subpena may be issued by the Committee only when authorized by a majority of the members of the Committee and authorized subpenas shall be signed by the Chairman or by any member designated by the Committee.

(c) The Chairman shall report on a regular basis the findings of the Committee to the following committees of the House: the Committee on Armed Services, the Committee on Government Operations, the Committee on International Relations, the Committee on Interstate and Foreign Commerce, the Committee on the Judiciary, the Committee on Merchant Marine and Fisheries, and the Committee on Ways and Means.

RULE 8. AMENDMENT OF RULES

The Rules of the Committee may be modified, amended, or repealed, by a majority vote of the Committee. Written notice of the proposed change shall be provided to each member of the Committee 2 legislative days before the meeting date on which such changes are to be discussed and voted upon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. RONCALIO (at the request of Mr. WRIGHT, for today, on account of official business.

Mr. MILFORD (at the request of Mr. WRIGHT), for today and until further notice, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. JEFFORDS) to revise and extend their remarks and include extraneous material:)

Mr. CRANE, for 30 minutes, today.

Mr. WHALEN, for 5 minutes, today.

Mr. KINDNESS, for 5 minutes, today.

Mr. DON H. CLAUSEN, for 10 minutes, today.

Mr. HOLLENBECK, for 3 minutes, today.

(The following Members (at the request of Mr. AKAKA) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MAZZOLI, for 5 minutes, today.

Mr. FISHER, for 5 minutes, today.

Mr. BAUCUS, for 10 minutes, today.

Mr. BURKE of Massachusetts, for 5 minutes, today.

Mr. THOMPSON, for 5 minutes, today.

Mr. GLICKMAN, for 5 minutes, today.

Mr. ST GERMAIN, for 5 minutes, today.

Mr. RODINO, for 5 minutes, today.

Mr. MOFFETT, for 30 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mr. WIRTH, for 5 minutes, today.

Mr. KOCH, for 10 minutes, today.

Mr. WEISS, for 5 minutes, today.

Mr. HARRIS, for 5 minutes, today.

Mr. QUIE (at the request of Mr. JEFFORDS), for 60 minutes, today; and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. JEFFORDS) and to include extraneous matter:)

Mr. GOLDWATER in two instances.

Mr. STANTON.

Mr. FINDLEY in three instances.

Mr. ARMSTRONG.

Mr. MADIGAN.

Mr. LEACH in three instances.

Mr. DERWINSKI in four instances.

Mr. CAPUTO in two instances.

Mr. KINDNESS.

Mr. THONE.

Mr. TRIBLE.

Mr. TREEN in two instances.

Mr. SARASIN.

Mr. EDWARDS of Oklahoma in two instances.

Mrs. HOLT.

Mr. HANSEN in four instances.

Mr. MCKINNEY.

Mr. STEIGER in three instances.

Mr. SAWYER.

Mr. COLLINS of Texas in two instances.

Mr. LAGOMARSINO.

Mr. QUIE.

(The following Members (at the request of Mr. AKAKA) and to include extraneous material:)

Mr. DODD.

Mr. EDWARDS of California.

Mr. GONZALEZ in three instances.

Mr. ANDERSON of California in three instances.

Mr. KASTENMEIER.

Mr. BOLAND.

Mr. EARLY in two instances.

Ms. MIKULSKI in five instances.

Mr. STOKES.

Mr. DINGELL in three instances.

Mrs. BURKE of California.

Mrs. MEYNER.

Mr. ROSENTHAL.

Mr. ECKHARDT.

Mr. LEDERER.

Mr. HARRIS.

Ms. OAKAR in two instances.

Mr. BEARD of Rhode Island.

Mr. MCDONALD in three instances.

Mr. BENNETT.

Mr. STUMP.

Mr. STARK in two instances.

Mr. METCALFE.

Mr. SATTERFIELD.

Mr. LEVITAS.

Mr. AKAKA.

Mrs. SPELLMAN.

Mr. APPLEGATE.

Mr. KOCH in three instances.

Mr. EILBERG.

Mr. OTTINGER.

Mr. JACOBS.

Mr. ZEFERETTI.

ADJOURNMENT

Mr. AKAKA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 23, 1977, at 12 o'clock noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees and interparliamentary groups concerning the foreign currencies and U.S. dollars utilized by them in calendar year 1976 in connection with foreign travel are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Hon. Bob Bergland	5/21	5/22	Italy	1,267.50	150.00					1,267.50	150.00
	5/22	5/27	Kenya	3,150	375.00					3,150	375.00
	5/27	5/28	Italy	63,375	75.00					63,375	75.00
Transportation provided by Department of Defense.							776.60				776.60
Werner W. Brandt	4/19	4/22	France	1,046.25	225.00	111	27.00			1,157.25	252.00
	4/22	4/23	Belgium	5,947	150.00					5,947	150.00
	4/23	4/25	United Kingdom	80.32	150.00					80.32	150.00
Airline ticket purchased in D. marks.						3,241.53	1,277.00			3,241.53	1,277.00
Hon. E. (Kika) de la Garza	11/30	12/4	Mexico		300.00		210.00				510.00
Hon. Thomas S. Foley	4/19	4/22	France	1,046.25	225.00	111	27.00			1,157.25	252.00
	4/22	4/23	Belgium	5,947	150.00					5,947	150.00
	4/23	4/25	United Kingdom	40.16	75.00					40.16	75.00
Airline ticket purchased in DM						3,241.53	1,277.00			3,241.53	1,277.00
C. Dayle Hennington	4/16	4/17	Spain	5,040	75.00	19,994	295.33			25,034	370.33
	4/17	4/18	Andorra								
	4/18	4/22	France	1,743.75	375.00	738.24	158.26			2,481.99	533.26
	4/22	4/23	Belgium	5,947	150.00					5,947	150.00
Airline ticket purchased in DM						3,329.56	1,299.00			3,329.56	1,299.00
Hon. James P. Johnson	4/19	4/22	Belgium	8,932	225.00					8,932	225.00
	4/22	4/25	Ireland	111.105	225.00					111.105	225.00
	4/25	4/27	Sweden	658.5	150.00					658.5	150.00
	4/27	4/28	Italy	132,750	150.00					132.750	150.00
Transportation provided by Department of Defense							610.00				610.00
Hon. Richard Kelly	4/19	4/22	France	1,046.25	225.00	111.00	27.00			1,157.25	252.00
	4/22	4/23	Belgium	5,947	150.00					5,947	150.00
	4/23	4/25	United Kingdom	40.16	75.00					40.16	75.00
Airline ticket purchased in DM						3,241.53	1,277.00			3,241.53	1,277.00
Eugene Moos	1/18	1/22	United Kingdom	182.93	375.00					182.93	375.00
Airline ticket purchased in DM						1,518.37	633.00			1,518.37	633.00
	11/28	12/3	United Kingdom	269.86	450.00					269.86	450.00
Airline ticket purchased in DM						1,630.61	679.00			1,630.61	679.00
Hyde H. Murray	7/23	8/11	Japan	80,900	275.10	4,700	15.90			85,600	291.00
	7/26	8/10	Peoples Republic of China.	74	37.00					74	37.00
Airline ticket purchased in DM						2,786.63	1,080.30			2,786.63	1,080.30
Transportation provided by U.S. Air Force.							341.23				341.23
Hon. Richard Nolan	4/19	4/21	Belgium	5,955	150.00					5,955	150.00
	4/21	4/23	Ireland	111,105	225.00					111,105	225.00
	4/23	4/25	Sweden	658.50	150.00					658.50	150.00
	4/25	4/28	Italy	132,750	150.00					132,750	150.00
Transportation provided by Department of Defense.							610.00				610.00
Hon. W. R. Poage	4/16	4/17	Spain	5,040	75.00					5,040	75.00
	4/17	4/18	Andorra								
	4/18	4/22	France	743.75	159.95					743.75	159.95
	4/22	4/23	Belgium	1,147	28.92					1,147	28.92
Airline ticket purchased in DM						3,618.41	1,411.79			3,618.41	1,411.79
Committee totals					5,750.97		12,032.41				17,783.38

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent: If U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	15,445.55
Appropriated funds:	
Government department:	
Defense	1,996.60
Air Force	341.23
Total	17,783.38

THOMAS S. FOLEY,
Chairman, Committee on Agriculture.

Mar. 1, 1977.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S currency
Hon. Joseph Addabbo	1/5	1/7	United States		100.00						
	1/7	1/10	Thailand (B)	4,567.5	225.00						
	1/10	1/12	Indonesia (Rp)	62175	150.00						
	1/12	1/18	Australia ($A)	357.40	450.00						
	1/18	1/18	United States		50.00						
Total					975.00		[3] 2,850.00				3,825.00
Hon. Yvonne B. Burke	11/26	11/27	Senegal (F)	18,750	75.00						
	11/27	11/28	Kenya (K sh)	625.25	75.00						
	11/28	12/3	Lesotho (R)	325.46	375.00						
	12/3	12/5	Sierra Leone (Le)	267.87	225.00						
Total					750.00		[3] 2,777.80				3,527.80

See footnotes at end of table.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976—Continued

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Hon. Elford A. Cederberg	2/15	2/20	West Germany (DM)	975	375.00		(4)				375.00
Hon. Jack Edwards	1/5	1/7	United States		100.00						
	1/7	1/10	Thailand (B)	4567.5	225.00						
	1/10	1/12	Indonesia (Rp)	62175	150.00						
	1/12	1/18	Australia ($A)	357.40	450.00						
	1/18	1/18	United States		50.00						
Total					975.00		[3] 2,850.00				3,825.00
Hon. John T. Myers	1/5	1/7	United States		100.00						
	1/7	1/10	Thailand (B)	4567.5	225.00						
	1/10	1/12	Indonesia (Rp)	62175	150.00						
	1/12	1/18	Australia ($A)	357.40	450.00						
	1/18	1/18	United States		50.00						
Total					975.00		[3] 2,850.00				3,825.00
Hon. Otto E. Passman	1/5	1/6	Japan (¥)	25,350	75.00						
	1/6	1/8	Korea (W)	72,282	150.00						
	1/8	1/10	Taiwan ($NT)	5,692	150.00						
	1/10	1/15	Hong Kong ($HK)	2,250	450.00						
Total					825.00		2,783.15				3,608.15
Hon. Otto E. Passman	4/19	4/22	Hong Kong ($HK)	1,476	300.00						
	4/22	4/25	Korea (W)	109,575	225.00						
Total					525.00		2,553.00				3,078.00
Hon. J. Kenneth Robinson	1/5	1/7	United States		100.00						
	1/7	1/10	Thailand (B)	4567.5	225.00						
	1/10	1/12	Indonesia (Rp)	62175	150.00						
	1/12	1/18	Australia ($A)	357.40	450.00						
	1/18	1/18	United States		50.00						
Total					975.00		[3] 2,850.00				3,825.00
Hon. John M. Slack	1/5	1/7	United States		100.00						
	1/7	1/10	Thailand (B)	4567.5	225.00						
	1/10	1/12	Indonesia (Rp)	62175	150.00						
	1/12	1/18	Australia ($A)	357.40	450.00						
	1/18	1/18	United States		50.00						
Total					975.00		[3] 2,850.00				3,825.00
Hon. Neal Smith	1/5	1/7	United States		100.00						
	1/7	1/10	Thailand (B)	4567.5	225.00						
	1/10	1/12	Indonesia (Rp)	62175	150.00						
	1/12	1/18	Australia ($A)	357.40	450.00						
	1/18	1/18	United States		50.00						
Total					975.00		[3] 2,850.00				3,825.00
A. A. Gunnels	11/12	11/17	United States		250.00						
	11/17	11/20	Australia ($A)	243.49	300.00						
	11/21	11/22	Indonesia (Rp)	62175	150.00						
	11/23	11/24	Singapore (S$)	365.85	150.00						
	11/25	11/27	Hong Kong (HK$)	1,057.50	225.00						
	11/28	11/29	Thailand (B)	3,050	150.00						
	11/30	12/1	Tehran (Rls)	5,288	75.00						
	12/1	12/2	Turkey (L)	2,475	150.00						
	12/2	12/4	France (F)	750	150.00						
Total			DM		1,600.00		3,588.50				5,188.50
Richard N. Malow	9/1	9/5	France		375.00						
	9/5	9/6	Netherlands		75.00						
	9/6	9/10	Great Britain		262.50						
Total					712.50		1,675.19				2,387.69
Dempsey B. Mizelle	9/22	9/25	Japan (¥)	64,688	225.00						
	9/25	9/28	Hong Kong (HK$)	1,080	225.00						
	9/28	9/30	Philippines (₱)	957.96	128.84						
	9/30	10/2	United States		75.00						
Total			DM		653.84		2,800.20				3,454.04
Peter J. Murphy	1/5	1/7	United States		100.00						
	1/7	1/10	Thailand (B)	4567.5	225.00						
	1/10	1/12	Indonesia (Rp)	62175	150.00						
	1/12	1/18	Australia ($A)	357.40	450.00						
	1/18	1/18	United States		50.00						
Total					975.00		[3] 2,850.00				3,825.00
John G. Osthaus	8/28	9/5	West Germany (DM)	1,318.50	523.22						
	9/5	9/8	Switzerland (SwF)	458.40	184.32						
	9/8	9/12	Great Britain (£)	176.47	315.00						
Total			DM		1,022.54		828.15				1,850.69
Edwin F. Powers	11/7	11/9	Great Britan (£)	136.36	225.00						
	11/10	11/13	Zaire (Z)	191.250	225.00						
	11/13	11/14	Kenya (S)	630	75.00						
	11/14	11/16	Tanzania (S)	937/15	112.50						
	11/16	11/17	Zambia (K)	2K 38	47.50						
	11/17	11/19	South Africa (R)	130.18	150.00						
	11/20	11/21	Greece (D)	2,797.50	75.00						
	11/21	11/23	France (F)	750	150.00						
Total					1,059.00		3,094.10				4,153.10

See footnotes at end of table.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976—Continued

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Samuel R. Preston	1/5	1/5	United States		100.00						
	1/7	1/10	Thailand (B)	4567.5	225.00						
	1/10	1/12	Indonesia (Rp)	62175	150.00						
	1/12	1/18	Australia ($A)	357.40	450.00						
	1/18	1/18	United States		50.00						
Total					975.00		[3] 2,850.00				3,825.00
Samuel R. Preston	10/18	10/19	United States		400.00						
	10/23										
	10/29										
	10/19	10/23	Japan (¥)	67,000	300.00						
Total					700.00		2,167.80				2,867.80
Donald E. Richbourg	1/5	1/6	Japan (¥)	25,350	75.00						
	1/6	1/8	Korea (W)	72,282	150.00						
	1/8	1/10	Taiwan (NT$)	5,692	150.00						
	1/10	1/11	Hong Kong (HK$)	375	75.00						
	1/11	1/12	Singapore ($)	180	75.00						
	1/12	1/15	Hong Kong (HK$)	1,500	300.00						
Total					825.00		3,194.08				4,019.08
Charles W. Snodgrass	1/5	1/7	United States		100.00						
	1/7	1/10	Thailand (B)	4,567.5	225.00						
	1/10	1/12	Indonesia (Rp)	62,175	150.00						
	1/12	1/18	Australia ($A)	357.40	450.00						
	1/18	1/18	United States		50.00						
Total					975.00		[3] 2,850.00				3,825.00
Charles W. Snodgrass	9/12	9/20	Germany (DM)	1478	600.00						
	9/20	9/23	Iran (R)	21150	300.00						
	9/23	9/29	England (£)	218	450.00						
Total			DM		1,350.00		2,218.00				3,568.00
Austin G. Smith	1/5	1/7	United States		100.00						
	1/7	1/10	Thailand (B)	4567.5	225.00						
	1/10	1/12	Indonesia (Rp)	62175	150.00						
	1/12	1/18	Australia ($A)	357.40	450.00						
	1/18	1/18	United States		50.00						
Total					975.00		[3] 2,850.00				3,825.00
Hunter L. Spillan	1/5	1/6	Japan (¥)	25,350	75.00						
	1/6	1/8	Korea (W)	72,282	150.00						
	1/8	1/10	Taiwan (NT$)	5,692	150.00						
	1/10	1/11	Hong Kong (HK$)	375	75.00						
	1/11	1/12	Singapore ($)	180	75.00						
	1/12	1/15	Hong Kong (HK$)	1,500	300.00						
Total					825.00		3,194.08				4,019.08
Hunter L. Spillan	10/7	10/12	West Germany (DM)	918.75	375.00						
	10/12	10/14	Belgium (F)	8,662	225.00						
	10/14	10/17	Austria (S)	3,900.04	225.00						
	10/17	10/19	Switzerland (F)	365.90	150.00						
	10/19	10/24	France (F)	1,858.50	375.00						
Total					1,350.000		1,696.01				3,046.01
Derek J. Vanderschaaf	7/8	7/11	Iceland		150.00		[5] 312.60				462.60
Committee totals					22,472.88		61,382.66				83,855.54

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.
[3] Transportation provided by military aircraft. Cost shown is comparable commercial rate.
[4] Transportation provided by private organization.
[5] Transportation provided in part by military aircraft.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$19,385.38
Appropriated funds:	
Government Department:	
Department of Defense	38,026.20
AID	11,724.31
ERDA	1,696.01
NASA	2,387.69
Department of State	6,797.45
Department of Treasury	3,838.50
Total	83,855.54

GEORGE MAHON,
Chairman, Committee on Appropriations.

Feb. 23, 1977.

REPORT OF EXPENDITURES FOR OFFICAL FOREIGN TRAVEL, SURVEYS AND INVESTIGATIONS STAFF, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Ronald B. Carpenter	9/25	9/29	England		375.00				0		375.00
	9/29	10/5	West Germany		450.00				0		450.00
	10/5	10/7	Spain		150.00				0		150.00
	10/7	10/12	Greece		375.00				0		375.00
	10/12	10/14	Turkey		150.00				0		150.00
	10/14	10/18	Egypt		300.00				0		300.00
	10/18	10/21	Morocco		225.00				0		225.00
	10/21	10/23	France		93.00				0		93.75
Total							2,054.70		0		2,054.70
Dorland J. Davis	10/10	10/11	Hong Kong		150.00				0		150.00
	10/11	10/12	Indonesia		75.00				0		75.00
	10/12	10/14	Malaysia		150.00				0		150.00
	10/14	10/17	Thailand		225.00				0		225.00
	10/17	10/20	Taiwan		225.00				0		225.00
	10/20	10/21	Japan		75.00				0		75.00
Total							2,905.68		0		2,905.68
James B. Denney	9/18	10/8	West Germany		1,518.75		1,483.00		0		3,001.75
Eugene C. Gies	10/31	11/10	West Germany		825.00				0		825.00
	11/10	11/12	Belgium		150.00				0		150.00
	11/12	11/20	West Germany		600.00				0		600.00
Total							1,441.00		0		1,441.00
John G. Goedtel	9/18	10/8	West Germany		1,518.75		1,483.00		0		3,001.75
Donald M. Pitcairn	10/10	10/11	Hong Kong		150.00				0		150.00
	10/11	10/12	Indonesia		75.00				0		75.00
	10/12	10/14	Malaysia		150.00				0		150.00
	10/14	10/17	Thailand		225.00				0		225.00
	10/17	10/20	Taiwan		225.00				0		225.00
	10/20	10/21	Japan		75.00				0		75.00
Total							2,905.68		0		2,905.68
John J. Radican	9/25	9/29	England		375.00				0		375.00
	9/29	10/5	West Germany		450.00				0		450.00
	10/5	10/7	Spain		150.00				0		150.00
	10/7	10/12	Greece		375.00				0		375.00
	10/12	10/14	Turkey		150.00				0		150.00
	10/14	10/18	Egypt		300.00				0		300.00
	10/18	10/21	Morocco		225.00				0		225.00
	10/21	10/23	France		93.75				0		93.75
Total							2,054.70		0		2,054.70
Raymond E. Talley	10/31	11/10	West Germany		825.00				0		825.00
	11/10	11/12	Belgium		150.00				0		150.00
	11/12	11/20	West Germany		600.00				0		600.00
Total							1,441.00		0		1,441.00
James S. Van Wagenen	9/18	10/8	West Germany		1,518.75		1,483.00		0		3,001.75
H. Branch Wood	9/18	10/8	West Germany		1,518.75		1,483.00		0		3,001.75
Total—Surveys and investigations staff.					15,262.50		18,734.76		0		33,997.26

[1] Per Diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	
Appropriated funds:	
Other H.R. 6950 and H.R. 14238	$33,997.26
Total	33,997.26

GEORGE MAHON,
Chairman, Committee on Appropriations.

Feb. 9, 1977.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976
(MASTER COMPILATION)

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Western and South Pacific trip					1,650.00		9,611.07				11,261.07
Command Control and Communications Panel trip					3,900.00		24,758.97				28,658.97
Delegation to People's Republic of China					5,250.00		50,218.90				55,468.90
Delegation to Southwest Pacific					8,100.00		37,489.85		1,709.55		47,299.40
Individual trips for Full Committee					9,166.00		18,915.64				28,081.64
Committee totals					28,066.00		140,994.43		1,709.55		170,769.98

[1] Per Diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollars equivalent)	$28,066.00
Appropriated funds:	
Government Department:	
State	35,786.18
Air Force	106,917.80
Total	170,769.98

Mar. 4, 1977.

MELVIN PRICE,
Chairman, Committee on Armed Services.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976—WESTERN AND SOUTH PACIFIC TRIP

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Mendel J. Davis	4/19	4/20	Philippines	1,116	150.00		[3] 3,203.69				
	4/21	4/23	Australia	181.38	225.00						
	4/23	4/25	New Zealand	148.17	150.00						
Antonio B. Won Pat	4/19	4/20	Philippines	558	75.00						
James F. Shumate, Jr	4/19	4/20	Philippines	1,116	150.00		[3] 3,203.69				
	4/21	4/23	Australia	181.38	225.00						
	4/23	4/25	New Zealand	148.17	150.00						
Paul L. Tsompanas	4/19	4/20	Philippines	1,116	150.00		[3] 3,203.69				
	4/21	4/23	Australia	181.38	225.00						
	4/23	4/25	New Zealand	148.17	150.00						
Committee totals					1,650.00		9,611.07				11,261.07

[1] Per Diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.
[3] Transportation paid by State Department.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$1,650.00
Appropriated funds: Government Department: State	9,611.07
Total	11,261.07

Mar. 4, 1977.

MELVIN PRICE,
Chairman, Committee on Armed Services.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976—COMMAND CONTROL AND COMMUNICATIONS PANEL TRIP

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Robert H. Mollohan	11/15	11/18	Great Britain	135.95	225.00		[3] 6,339.99				
	11/18	11/19	Belgium	2,767.40	75.00		[4] 1,906.00				
	11/19	11/23	Germany	11,069.60	300.00						
	11/23	11/27	Iran	21,150	300.00						
	11/27	11/29	Pakistan	1,485	150.00						
	11/30	12/1	Seychellas	600	75.00						
	12/2	12/5	Italy	194,625	225.00						
Robert W. Daniel, Jr	11/15	11/18	Great Britain	135.95	225.00		[3] 6,339.99				
	11/18	11/19	Belgium	2,767.40	75.00		[4] 1,927.00				
	11/19	11/23	Germany	11,069.60	300.00						
	11/23	11/27	Iran	21,150	300.00						
	11/30	12/1	Seychellas	600	75.00						
	12/2	12/3	Italy	64,875	75.00						

See footnotes at end of table.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976—COMMAND CONTROL AND COMMUNICATIONS PANEL TRIP—Continued

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
John F. Lally	11/15	11/18	Great Britain	135.95	225.00		[3] 6,339.99				
	11/18	11/19	Belgium	2,767.40	75.00		[4] 1,906.00				
	11/19	11/23	Germany	11,069.60	300.00						
	11/27	11/29	Pakistan	1,485	150.00						
	11/30	12/1	Seychellas	600	75.00						
	12/2	12/5	Italy	194,625	225.00						
Committee totals					3,900.00		24,758.97				28,658.97

[1] Per Diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.
[3] Local transportation by military aircraft.
[4] Transportation paid by State Department.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$3,900.00
Appropriated funds:	
Government Department:	
State	5,739.00
Air Force	19,019.97
Total	28,658.97

MELVIN PRICE,
Chairman, Committee on Armed Services.

Mar. 4, 1977.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976—DELEGATION TO PEOPLE'S REPUBLIC OF CHINA

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Melvin Price	4/16	4/17	Japan	22,387	75.00						
	4/17	4/23	PRC	134,322	450.00		[3] 5,021.89				
Samuel S. Stratton	4/16	4/17	Japan	22,387	75.00						
	4/17	4/23	PRC	134,322	450.00		[3] 5,021.89				
Richard H. Ichord	4/16	4/17	Japan	22,387	75.00						
	4/17	4/23	PRC	134,322	450.00		[3] 5,021.89				
William J. Randall	4/16	4/17	Japan	22,387	75.00						
	4/17	4/23	PRC	134,322	450.00		[3] 5,021.89				
Bob Wilson	4/16	4/17	Japan	22,387	75.00						
	4/17	4/23	PRC	134,322	450.00		[3] 5,021.89				
William L. Dickinson	4/16	4/17	Japan	22,387	75.00						
	4/17	4/23	PRC	134,322	450.00		[3] 5,021.89				
G. William Whitehurst	4/16	4/17	Japan	22,387	75.00						
	4/17	4/23	PRC	134,322	450.00		[3] 5,021.89				
Frank M. Slatinshek	4/16	4/17	Japan	22,387	75.00						
	4/17	4/23	PRC	134,322	450.00		[3] 5,021.89				
Joseph F. Clark	4/16	4/17	Japan	22,387	75.00						
	4/17	4/23	PRC	134,322	450.00		[3] 5,021.89				
Cmdr. Raymond F. Johnson	4/16	4/17	Japan	22,387	75.00						
	4/17	4/23	PRC	124,322	450.00		[3] 5,021.89				
Committee totals					5,250.00		50,218.00				55,468.90

[1] Per Diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.
[3] Transportation via military aircraft.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$5,250.00
Appropriated funds: Government Department: Air Force	50,218.90
Total	55,468.90

MELVIN PRICE,
Chairman, Committee on Armed Services.

Mar. 4, 1977.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976—DELEGATION TO SOUTHWEST PACIFIC

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Robert W. Daniel, Jr.	1/5	1/6	Japan	22,875	75.00		[3] 2,037.31				
	1/6	1/9	Indonesia	93,265	225.00		[4] 1,011.73				
	1/9	1/14	Australia	297.83	375.00						
Bob Wilson	1/5	1/6	Japan	22,875	75.00		[3] 3,590.51				
	1/6	1/9	Indonesia	93,265	225.00						
	1/9	1/14	Australia	297.83	375.00						
	1/14	1/16	New Zealand	142.26	150.00						

See footnotes at end of table.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976—DELEGATION TO SOUTHWEST PACIFIC—Continued

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equiavlent or U.S. currency [2]
Bill Nichols	1/5	1/6	Japan	22,875	75.00		[3] 3,590.51				
	1/6	1/9	Indonesia	93,265	225.00						
	1/9	1/14	Australia	297.83	375.00						
	1/14	1/16	New Zealand	142.26	150.00						
Elwood Hillis	1/5	1/9	Japan	22,875	75.00		[3] 3,590.51				
	1/6	1/9	Indonesia	93,265	225.00						
	1/9	1/14	Australia	297.83	375.00						
	1/14	1/16	New Zealand	142.26	150.00						
Antonio B. Won Pat	1/5	1/6	Japan	22,875	75.00		[3] 3,590.51				
	1/6	1/9	Indonesia	93,265	225.00						
	1/9	1/14	Australia	297.83	375.00						
	1/14	1/16	New Zealand	142.26	150.00						
Floyd D. Spence	1/5	1/6	Japan	22,875	75.00		[3] 3,590.51				
	1/6	1/9	Indonesia	93,265	225.00						
	1/9	1/14	Australia	297.83	375.00						
	1/14	1/16	New Zealand	142.26	150.00						
William L. Dickinson	1/5	1/6	Japan	22,875	75.00		[3] 3,590.51				
	1/6	1/9	Indonesia	93,265	225.00						
	1/9	1/14	Australia	297.83	375.00						
	1/14	1/16	New Zealand	142.26	150.00						
William J. Randall	1/5	1/6	Japan	22,875	75.00		[3] 3,590.51				
	1/6	1/9	Indonesia	93,265	225.00						
	1/9	1/14	Australia	297.83	375.00						
	1/14	1/16	New Zealand	142.26	150.00						
Richard T. Lunger	1/5	1/6	Japan	22,875	75.00		[3] 3,590.51				
	1/6	1/9	Indonesia	93,265	225.00						
	1/9	1/14	Australia								
	1/14	1/16	New Zealand								
Peter C. Scrivner	1/5	1/6	Japan	22,875	75.00		[3] 3,590.51				
	1/6	1/9	Indonesia	93,265	225.00						
	1/9	1/14	Australia	297.83	375.00						
	1/14	1/16	New Zealand	142.26	150.00						
Local group transportation							[4] 2,126.22				
Local group expenses (baggage, tour, charter).									[4] 1,709.55		
Committee totals					8,100.00		37,489.85		1,709.55		47,299.40

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. $ equivalent; if U.S. currency is used, enter amount expended.
[3] Transportation via Military Aircraft.
[4] Transportation paid by State Department.

RECAPITULATION

	Amount
Foreign currency (U.S. and dollar equivalent)	$8,100.00
Appropriated funds:	
Government Department:	
State	4,847.50
Air Force	34,341.90
Total	47,299.40

MELVIN PRICE,
Chairman, Committee on Armed Services.

Mar. 4, 1977.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976—INDIVIDUAL TRIPS

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Richard T. Schulze	7/9	7/10	Belgium	2988.75	75.00						
	7/10	7/11	Germany	2988.75	75.00						
	7/11	7/12	Scotland	2988.75	75.00						
	7/12	7/15	Switzerland	577.35	225.00						
Commercial transportation							[3] 1,389.00				
Floyd D. Spence	5/28	5/31	Switzerland	743.25	300.00						
Commercial transportation							[3] 1,591.00				
	11/10	11/12	Japan	44,213	150.00						
	11/12	11/13	Korea	36,000	75.00						
	11/13	11/14	China	356.25	75.00						
	11/14	11/18	Thailand	6,110.00	300.00						
	11/18	11/20	Manila	1,115.25	150.00						
Commercial transportation							[3] 1,943.49				
Les Aspin	4/16	4/27	Israel	3,869.00	515.00						
	9/9	9/12	Austria	3,019.63	176.00						
Local transportation							[3] 82.00				
Commercial transportation							[3] 907.00				
Les Aspin	11/18	11/24	Italy	135,625	150.00						
	11/24	11/25	Austria	605	35.00						
	11/25	11/27	Switzerland	364.35	150.00						
	11/27	11/29	England	70.39	115.00						
Charles H. Wilson	9/30	10/7	Korea		525.00						
	10/7	10/12	Republic of China		375.00						
Commercial transportation							[3] 2,429.29				
William J. Randall	11/5	11/7	France		225.00						
	11/7	11/9	Switzerland		75.00						
	11/9	11/13	Germany		300.00						
	11/13	11/16	Afghanistan		225.00						
	11/16	11/19	Egypt		300.00						
	11/19	11/21	Italy		150.00						
Local transportation in Italy							[3] 141.83				
Transportation military aircraft.							[4] 3,327.03				

See footnotes at end of table.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976—INDIVIDUAL TRIPS—Continued

Name of Member or employee	Date Arrival	Date Departure	Country	Per diem [1] Foreign currency	Per diem [1] U.S. dollar equivalent or U.S. currency [2]	Transportation Foreign currency	Transportation U.S. dollar equivalent or U.S. currency [2]	Other purposes Foreign currency	Other purposes U.S. dollar equivalent or U.S. currency [2]	Total Foreign currency	Total U.S. dollar equivalent or U.S. currency [2]
John J. Ford	10/17	10/24	Japan	152.775	525.00		[3] 1,527.00				
James F. Shumate	9/3	9/8	United Kingdom	252.10	450.00		[3] 1,327.00				
Paul L. Tsompanas	10/25	10/26	Belgium	5,640	150.00						
	10/26	11/3	Germany	1,260	525.00						
	11/3	11/7	United Kingdom	185.75	300.00		[3] 1,353.00				
Anthony R. Battista	8/29	8/30	Belgium	5,970	150.00						
	8/30	9/1	England	83.80	150.00						
	9/1	9/13	Germany	2,268	900.00		[3] 1,449.00				
John F. Lally	8/29	8/30	Belgium	5,970	150.00						
	8/30	9/1	England	83.80	150.00						
	9/1	9/13	Germany	2,268	900.00		[3] 1,449.00				
Committee totals					9,166.00		18,915.64				28,081.64

[1] Per Diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Transportation paid by State Department.
[4] Transportation via Military Aircraft.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$9,166.00
Appropriated funds:	
Government Department:	
State	15,588.61
Air Force	3,327.03
Total	28,081.64

MELVIN PRICE,
Chairman, Committee on Armed Services.

Mar. 4, 1977.

REPORT OF EXPENDITURES FOR OFFICAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1976

Name of Member or employee	Date Arrival	Date Departure	Country	Per diem [1] Foreign currency	Per diem [1] U.S. dollar equivalent or U.S. currency [2]	Transportation Foreign currency	Transportation U.S. dollar equivalent or U.S. currency [2]	Other purposes Foreign currency	Other purposes U.S. dollar equivalent or U.S. currency [2]	Total Foreign currency	Total U.S. dollar equivalent or U.S. currency [2]
Hon. Garry Brown	1/4	1/7	Jamaica	[3] 204.18	[3] 225.00		[3] 46.00				
				272.26	300.00		339.34			272.26	639.34
James P. Caldwell	5/15	5/20	Mexico	5620.50	450.00		391.56			5,620.50	841.56
Ben W. Crain	1/3	1/10	Jamaica	544.50	600.00		485.00			544.50	1,085.00
				[3] 68.06	[3] 75.00						
William P. Dixon	1/3	1/7	Jamaica	340.32	375.00		362.68			340.32	737.68
							[3] 8.10				
	4/21	4/21	Australia	60.46	75.00		1,804.26			60.46	1,879.26
	4/22	4/23	Indonesia	62,175	150.00		1,262.00			62,175	1,412.00
Hon. Walter E. Fauntroy	11/26	11/26	Senegal, Africa	18,750	75.00					18,750	75.00
	11/27	11/27	Kenya, Africa	625.25	75.00					625.25	75.00
	11/28	12/2	Lesotho, Africa	325.46	375.00					325.46	375.00
	12/3	12/5	Sierra Leone, Africa	267.87	225.00					267.87	225.00
Orman S. Fink	3/8	3/12	South America	1,605	375.00		697.34			1,605	1072.34
	4/19	4/19	Japan	22,463	75.00		1425.45			22,463	1,500.45
	4/20	4/23	Indonesia	124,350	300.00		[3] 187.35			124,350	1,636.46
							1,336.46				
James K. Galbraith	5/14	5/20	Mexico	6557.25	525.00		529.40			6,557.25	1,054.40
	5/21	5/22	Italy	126,750	150.00					126,750	150.00
	5/23	5/27	Kenya, Africa	3,150	375.00					3,150	375.00
	5/28	5/28	Italy	[3] 84,000	[3] 100.00						
				63,375	75.00					63,375	75.00
Gerald R. McMurray	11/7	11/19	England	[3] 360	[3] 594.00						
				596	983.40		1,327.00			596	2,310.40
Paul Nelson	5/13	5/17	Mexico	4683.75	375.00		386.00			4683.75	761.00
Graham T. Northup	5/15	5/19	Mexico	4683.75	375.00		392.56			4683.75	767.56
James C. Orr	5/21	5/22	Italy	126,750	150.00					126,750	150.00
	5/23	5/27	Kenya, Africa	3,150	375.00					3,150	375.00
	5/28	5/28	Italy	63,375	75.00					63,375	75.00
Curtis A. Prins	4/19	4/26	Germany	1,518	600.00		561.00			1,518.00	1,161.00
	4/27	5/1	Spain	25,200	375.00		588.00			25,200	963.00
Hon. Thomas M. Rees	5/21	5/22	Italy	126,750	150.00					126,750	150.00
	5/23	5/27	Kenya, Africa	3,150	375.00					3,150	375.00
	5/28	5/28	Italy	63,375	75.00					63,375	75.00
	8/30	8/31	Mexico	[3] 2,050	[3] 187.50						
				1,697	112.50		423.00			1,697.00	535.50
Hon. J. William Stanton	4/19	4/21	Belgium	8,932	225.00					8,932	225.00
	4/22	4/24	London	120.48	225.00		401.00			120.48	626.00
Hon. Robert G. Stephens, Jr	5/14	5/17	Mexico	3,747	300.00					3,747.00	300.00
	9/30	10/5	Philippines	3,345.75	450.00					3,345.75	450.00
Merril Stevenson	5/14	5/20	Mexico	6,557.25	525.00		580.30			6,557.25	1105.30
Hon. Joseph P. Vigorito	5/15	5/18	Mexico	3,747	300.00		290.38			3,747.00	590.38
Committee totals					10,620.90		13,582.73				24,203.63

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.
[3] Refund to U.S. Government.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$24,203.63

HENRY S. REUSS,
Chairman, Committee on Banking, Finance, and Urban Affairs.

Mar. 4, 1977.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976

Name of member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
George Gross	7/7	8/1	England	633.89 (Pound)	[3] 1,200.00	1483.36 (DM)	584.00				1,784.00
Linda Kamm	7/24	8/10	Japan	374,850 (Yen)	[4] 1,275.00	4512.82 (DM)	[5] 1,753.00				3,028.30
Committee totals					2,745.00		2,337.30				4,812.30

[1] Per Diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.
[3] Unused per diem totaling $400 returned by check to U.S. Treasury.
[4] Unused per diem totaling $876.65 was refunded to State Department.
[5] State Department purchased round-trip ticket for commercial air flight totaling $1,753.30. However, flight to China was via military aircraft and unused portion of ticket totaling $876.65 was returned to State Department.

Note: Department of Defense is unable to provide data on military flight.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent), State Department	$4,812.30

ROBERT N. GIAIMO,
Chairman, Committee on Budget.

Mar. 3, 1977.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Dominick V. Daniels	6/11	6/17	Switzerland (SF)	1,316.65	525.00						
			Auto			1,557.00	624.55			2,873.65	1,149.55
			Airfare				1,417.00				
			DM			3,655.15				3,655.15	1,417.00
Total											2,566.55
Paul Simon	4/20	4/24	Panama (U.S. $)		375.00		644.00				1,019.00
DOD transport											776.60
John N. Eblenborn	5/21	5/22	Italy (L)	190,125.00	225.00					190,125.00	225.00
	5/27	5/28				Transportation provided by Department of Defense costs $776.60 per person.				3,150.00	375.00
	5/22	5/27	Kenya (S)	3,150.00	375.00						1,376.60
DOD transport											898.52
Wm. Lehman	11/5	11/7	France (F)	1,125.00	225.00	232.84	47.04			1,357.84	272.04
	11/7	11/9	Switzerland (SF)	182.70	75.00	Transportation provided by Department of Defense				182.70	75.00
	11/9	11/13	Germany (DM)	723.00	300.00	cost $898.52 per person.				723.00	300.00
	11/13	11/16	Afghanistan (Af)	10,800.00	225.00					10,800.00	225.00
	11/16	11/19	Egypt (£)	125,000	300.00					125,000.00	300.00
	11/19	11/21	Italy (L)	129,750	150					129,750	150.00
Total											2,220.56
Albert H. Quie	11/9	11/10	Israel (I£)								
Received				1,290	150						
Returned				510	58.80						
Actually expended				780	91.20					780	91.20
	11/10	11/10	Greece	0	0					0	07
	11/10	11/11	Egypt (LE)	83,335	150					83,335	150.00
	11/12	11/21	Kenya (K Sh)	5,640.95	675					5,640.95	675.00
	11/21	11/24	Douala	0	0					0	07
			DM			2,827.28	1,198.00			2,827.28	1,198.00
Total											2,114.2
George Miller	3/10	3/16	Chile(Eo)	4,837.50	450.00	Transportation not at Government expense				4,837.50	450.00
Frank Thompson, Jr.	5/30	6/2	Netherlands (f)	823.20	300.00					823.20	300.00
	6/2	6/9	Switzerland (SwF)	1,564.50	600.00					1,465.50	600.00
Less refund to Treasury											−75.00
Refund to Treasury		−75.00									
	6/9	6/13	England (£)	167.83	300.00					167.83	300.00
			DM			1,739.77	684.60			1,739.77	684.60
Committee totals					5,266.20		6,290.31				11,556.51

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$8,862.39
Appropriated funds:	
Other to and in Panama	1,019.00
Government department: Department of Defense	1,675.12
Total	11,556.51

CARL D. PERKINS,
Chairman, Committee on Education and Labor.

Mar. 1, 1977.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Ryan, Frank B.	3/20	3/27	Poland (Zl)	26,250	525.00					26,250	525.00
	3/27	3/31	Denmark (DKr)	2,278.875	375.00					2,278.875	375.00
Committee totals					900.00						900.00

[1] Per Diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. equivalent; If U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. equivalent)	$900.00

FRANK THOMPSON, Jr.,
Chairman, Committee on House Administration.

Jan. 31, 1977.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERIOR AND INSULAR AEFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Hon. J. Skubitz	1/4	1/15	Australia		75						75.00
C. Conklin	1/18	1/21	Tahiti		150		1,275.45				1,425.45
T. Dunmire	1/18	1/21	do		150		1,621.09				1,771.09
Hon. P. Ruppe	1/18	1/19	do		150		1,651.52				1,801,52
W. Shafer	11/7	11/12	Switzerland			1,755.45	747.00			1,755.45	747.00
				1,096.15	450	993.30	406.50			2,089.45	856.50
	11/12	11/18	Germany	1,084.50	450	663.80	281.05			1,748.30	731.05
	11/18	11/24	United Kingdom	268.88	450	15.14	25.99			284.02	475.99
Hon. J. Skubitz	11/7	11/12	Switzerland			1,755.45	747.00			1,755.45	747.00
				1,096.15	450	993.30	406.50			2,089.45	856.50
	11/12	11/18	Germany	1,084.50	450	663.80	281.05			1,748.30	731.05
	11/18	11/24	United Kingdom	268.88	450	15.14	25.99			284.02	475.99
Hon. J. Santini	11/7	11/12	Switzerland			1,694.35	721.00			1,694.35	721.00
				1,096.15	450	993.30	406.50			2,089.45	856.50
Committee totals					3,675		8,596.64				12,721.64

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. and equivalent)	$7,198.58
Appropriated funds: H. Res. 1079, 94th Cong	5,073.06
Total	12,271.64

MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs.

Mar. 3, 1977.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1977

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Hon. H. Symms	2/14	2/21	Libya	655.31	375	1,864.58	1,067.00			2,519.89	1,442.00

[1] Per Diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$1,442.00

MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs.

Mar. 3, 1977.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976

Name of member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Berdes, G.	4/9	4/15	United Kingdom	238.09	525.00	49.54	87.74			287.63	612.74
			D. Mark			3,139.68	1,225.00			3,139.68	1,225.00
	10/17	10/18	England	89.82	150.00	89.82	141.02			179.64	291.02
	10/19	10/22	Ethiopia	528.75	225.00					528.75	225.00
	10/22	10/24	Yemen A. R.	290	64.44					290	64.44
	10/24	10/29	Saudi Arabia	528.75	150.00					528.75	150.00
	10/29	10/31	United A. E.	600.00	150.00	90.00	22.72			690.00	172.72
	10/31	11/1	Oman	25.650	75.00					25.650	75.00
	11/1	11/2	Bahrain	29.250	75.00					29.250	75.00
	11/2	11/4	Kuwait	43.162	150.00					43.162	150.00
	11/4	11/10	Iran	45.31	454.08					32.013	454.08
	11/10	11/11	England		75.00					45.31	75.00
			D. Mark			6,016.32	2,382.70	3,528.75	[3] 187.42	9,545.07	2,570.12
Bingham, J.	5/21	5/22	Italy	57,750	68.34	165,883	197.99				266.33
	5/22	5/27	Kenya	3,150	375.00	116,488.3	139.06				514.06
	5/27	5/28	Italy	63,375	75.00		776.60			63,375	851.60
	5/28	5/30	Romania	1,782	150.00					1,782	150.00
	5/30	6/1	Hungary	3,124.5	150.00					3,124.5	150.00
	6/1	6/2	United Kingdom	83.03	75.00					83.03	75.00
			D. Mark			1,902	742.10			1,902	742.10
Boettcher, R.	1/5	1/8	Senegal	67,185	300.00					67,185	300.00
	1/8	1/12	United Kingdom	129.27	300.00					129.27	300.00
			D. Mark			5,820.45	2,492.70			5,820.45	2,492.70
	4/19	4/22	Belgium	5,955	150.00					5,955	150.00
	4/22	4/25	Ireland	80.78	150.00	26.25	47.59			107.03	197.59
	4/25	4/27	Sweden	658.5	150.00	154.93	34.95			813.43	184.95
	4/27	4/28	Italy	1,327.5	150.00	31,719.29	37.77			33,046.79	187.77
			DOD				600.10				600.10
	6/22	6/23	Italy	1,260.0	150.00					1,260.0	150.00
	6/24	6/26	Belgium	8,887.5	225.00					8,887.5	225.00
			D. Mark			4,114.33	1,591.00			4,114.33	1,591.00
	11/5	11/7	Kenya	18,803	225.00					18,803	225.00
			D. Mark			706.90	1,842.10			706.90	1,842.10
Bonker, D.	11/26	11/27	Senegal	18,750	75.00	70,000	282.40			88,750	357.40
	11/27	11/28	Kenya	625.25	75.00					625.25	75.00
	11/29	12/3	Lesotho	212.76	245.36					212.76	245.36
	12/3	12/3	South Africa								
	12/3	12/5	Sierra Leone	145.82	122.51					145.82	122.51
			DOD				927.12				927.12
Boyer, R.	11/7	11/8	Japan	22,140	75.00					22,140	75.00
	11/8	11/11	Korea	108.00	225.00					108.00	225.00
	11/11	11/13	Republic of China	5,692.50	150.00					5,692.50	150.00
	11/13	11/15	Hong Kong	712.50	150.00	15.00	4.24			727.50	154.24
	11/15	11/17	Singapore	366.00	150.00					366.00	150.00
	11/17	11/21	Indonesia	93,265	300.00					93,265	300.00
	11/21	11/22	Singapore	183	75.00					183	75.00
	11/22	11/26	Philippines	2,230.50	300.00					2,230.50	300.00
			D. Mark			7,600.52	3,016.08			7,600.52	3,016.08
Brenner, A.	7/24	7/26	Japan								
	7/26	8/10	P. R. China	76,196	259.17					76,195	259.17
	8/10	8/11	Japan								
			D. Mark			698.12	1,745.30			698.12	1,745.30
Broomfield, W.	1/3	1/5	Italy	1,026	150.00	3,450.79	50.45			4,476.79	200.45
	1/5	1/7	Egypt	83.33	150.00	154.95	278.90			238.28	428.90
	1/7	1/9	Israel	1,086	150.00	1,634.57	221.49			2,720.57	371.49
	1/9	1/11	Iran	15,558	225.00	32,605.8	471.52			48,163.8	696.52
	1/11	1/13	Turkey	2,250	150.00	532.47	35.50			2,782.47	185.50
	1/13	1/14	Greece	2,655	75.00	7,763.2	219.30			1,041,820	294.31
	1/14	1/16	Yugoslavia	2,676	150.00	5,568.06	312.11			8,244.06	462.11
			DOD				953.11				953.10
Burke, J. H.	4/15	4/16	Japan	22,387	75.00					22,387	75.00
	4/16	4/21	China	13,422	450.00					13,422	450.02
			DOD				1,094.52				1,094.55
Carman, N.	1/3	1/5	Italy	102,600	150.00	34,507.9	50.45			137,107.9	200.40
	1/5	1/7	Egypt	83.33	150.00	154.95	278.90			238.28	428.99
	1/7	1/9	Israel	1,086	150.00	1,634.57	221.49			2,720.57	371.42
	1/9	1/11	Iran	15,558	225.00	32,605.8	471.52			48,163.8	696.60
	1/11	1/13	Turkey	2,250	150.00	532.47	35.50			2,782.47	185.50
	1/13	1/14	Greece	2,655	75.00	7,763.2	219.30			10,418.2	294.31
	1/14	1/16	Yugoslavia	2,676	150.00	5,568.06	312.11			8,244.06	462.11
			DOD				953.11				953.10
Challenor, H.	1/5	1/6	Senegal	16,772	75.00	6.72	30.00			16,778.82	105.00
	1/6	1/12	Ethiopia	1,078.60	525.00					1,078.60	525.00
	1/12	1/15	Kenya	1,231.20	150.00					1,231.20	150.00
	1/15	1/20	Pakistan	3,712.5	375.00					3,712.5	375.04
	1/20	1/26	India	4,650.75	525.00	150.00	16.94			4,800.75	541.90
	1/26	1/30	Bangladesh	3,293.87	225.00					3,293.87	225.00
	1/30	2/1	Thailand	4,568	225.00					4,568	225.00
	2/1	2/4	Indonesia	93,265	225.00					93,265	225.00
	2/4	2/7	Hong Kong	1,125	225.00					1,125	225.00
			D. Mark			14,936.78	4,595.93			14,936.78	4,595.93
	2/12	2/13	Guatemala	29.15	29.15					29.15	29.15
	2/26	2/27	Canada	76.65	75.00	119.95	117.37			196.60	192.37
	11/5	11/7	Switzerland	448.1	183.95					448.1	183.95
	11/7	11/9	Angola	364.80	150.00					364.80	150.00
	11/10	11/11	Germany	180.75	75.00	9.55	4.05			190.30	79.05
	11/11	11/13	Austria	3,854.25	225.00	1,403	81.92			5,257.25	306.92
	11/13	11/15	Poland	3,375.00	75.00					3,375.00	75.00
	11/16	11/16	Kenya [4]	903.75	133.33					903.75	133.33
	11/16	11/17	Burundi	6,717	75.00					6,717	75.00
	11/17	11/18	Rwanda	6,861	75.00					6,861	75.00
	11/19	11/23	Zambia	240.00	300.00					240.00	300.00
	11/23	11/23	Tanzania	312.35	37.50					312.35	37.50
	11/24	11/25	Mozambique	2,348.30	75.00					2,348.30	75.00
	11/25	11/29	South Africa [5]	485.00	559.68	640.61	738.11			1,125.61	1,297.79
	11/29	12/1	Lesotho			30	26.04			30	26.04
	12/1	12/2	Namibia								
	12/2	12/3	Lesotho								
	12/3	12/3	South Africa								
	12/3	12/5	Sierra Leone	262.87	220.90					262.87	220.90
			D. Mark				5,385.30				5,385.30

See footnotes at end of table.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976—Continued

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Chester, J. C	10/17	10/20	Venezuela	823	192.29					823	192.29
	10/20	10/22	Colombia	7,935.75	225.00					7,935.75	225.00
	10/23	10/28	Brazil	5,197.50	450.00					5,197.50	450.00
	10/28	11/2	Peru	1,986	300.00					1,986	300.00
			D. Mark			674.4	1,686.00			674.4	1,686.00
Collins, C	1/9	1/10	Japan	22,942	75.00					22,942	75.00
	5/1	5/4	Kenya	2,516.10	300.00					2,516.10	300.00
			D. Mark			6,030.74	2,353.00			6,030.74	2,353.00
	11/5	11/7	France	1,125.00	225.00	203.95	41.04			1,328.95	266.04
	11/7	11/9	Switzerland	182.70	75.00					182.70	75.00
	11/9	11/10	Germany	180.75	75.00					180.75	75.00
			DOD				898.52				898.52
	11/10	11/11	Germany	361.50	150.00	30.82	13.06			392.32	163.06
	11/11	11/13	Austria	3,854.25	225.00	1,403.00	81.92			5,257.25	306.92
	11/13	11/15	Poland	3,375.00	75.00					3,375.00	75.00
	11/16	11/16	Kenya [4]	903.75	375.00					903.75	375.00
	11/16	11/17	Burundi	6,717.00	75.00					6,717.00	75.00
	11/17	11/18	Rwanda	6,861.00	75.00					6,861.00	75.00
	11/19	11/23	Zambia	240.00	300.00					240.00	300.00
	11/23	11/23	Tanzania	312.35	37.50					312.35	37.50
	11/24	11/25	Mozambique	2,348.30	75.00					2,348.30	75.00
	11/25	11/29	South Africa [5]	502.74	600.00	640.61	738.11			1,161.35	1,338.11
	11/29	12/1	Lesotho			30	26.04			30.00	26.04
	12/1	12/2	Namibia								
	12/2	12/3	Lesotho								
	12/3	12/3	South Africa								
	12/3	12/5	Sierra Leone	267.87	225.00					267.87	225.00
			D. mark			8,913.00	3,654.33			8,913.00	3,654.33
Czarnecki, M	5/21	5/22	Italy	126,750	150.00	165,883	197.99			292,633	347.99
	5/22	5/27	Kenya	3,150	375.00	116,488	139.06			431,488	514.06
	5/27	5/28	Italy	63,375	75.00					63,375	75.00
			DOD				776.60				776.60
	7/21	7/26	Japan	110.250	375.00					110.250	375.00
	7/26	8/10	P. R. China	87.906	299.00					87.906	299.00
	8/10	8/11	Japan	44.100	150.00	4,116	14.00			4,160.100	164.00
			D. Mark			6,399.04	2,539.50			6,399.04	2,539.50
Diggs, C. C	1/5	1/6	Senegal	16,772	75.00	6.72	30.00			16,778.72	105.00
	1/6	1/12	Ethiopia	1,078.60	525.00					1,078.60	525.00
	1/12	1/15	Kenya	1,231.20	150.00					1,231.20	150.00
	1/15	1/20	Pakistan	3,712.50	375.00					3,712.50	375.00
	1/20	1/26	India	4,650.75	525.00	150.00	16.94			4,800.75	541.94
	1/26	1/30	Bangladesh	3,293.87	225.00					3,293.87	225.00
	1/30	2/1	Thailand	4,568	225.00					4,568	225.00
	2/1	2/4	Indonesia	93,265	225.00					93,265	225.00
	2/4	2/7	Hong Kong	1,125	225.00	36.35	7.28			1,161.25	232.28
			D. Mark			14,936.78	4,595.93			14,936.78	4,595.93
	11/5	11/7	Switzerland [6]	730.50	300.00					730.50	300.00
	11/7	11/9	Angola [6]	364.80	150.00					364.80	150.00
	11/10	11/11	Germany [7]	361.50	150.00	9.55	4.05			371.05	154.05
	11/11	11/13	Austria	3,854.25	225.00	1,403	81.92			5,257.25	306.92
	11/13	11/15	Poland	3,375.00	75.00					3,375.00	75.00
	11/16	11/16	Kenya [7]	903.75	375.00					903.75	375.00
	11/16	11/17	Burundi	6,717	75.00					6,717	75.00
	11/17	11/18	Rwanda	6,861	75.00					6,861	75.00
	11/19	11/23	Zambia	240.00	300.00					240.00	300.00
	11/23	11/23	Tanzania	312.35	37.50					312.35	37.50
	11/24	11/25	Mozambique	2,348.30	75.00					2,348.30	75.00
	11/25	11/29	South Africa [5]	520.74	600.00	640.61	738.11			1,161.41	1,338.11
	11/29	12/1	Lesotho			30	26.04			30	26.04
	12/1	12/2	Namibia								
	12/2	12/3	Lesotho								
	12/3	12/3	South Africa								
	12/3	12/5	Sierra Leone	89.29	75.00					89.29	75.00
			D. Mark				5,835.30				5,385.30
Duskie, D	1/6	1/11	Mexico	4,683.75	375.00	10,785.1	863.50			15,468.85	1,238.50
	1/11	1/13	Costa Rica	1,281	150.00					1,281	150.00
	1/13	1/14	Panama		150.00						150.00
	1/14	1/17	Colombia		225.00						225.00
	11/5	11/7	France	1,125.00	225.00	203.95	41.04			1,328.95	266.04
	11/7	11/9	Switzerland	182.70	75.00					182.70	75.00
	11/9	11/13	Germany	723.00	300.00	210.65	89.26			933.65	389.26
	11/13	11/16	Afghanistan	10,800	225.00					10,800	225.00
	11/16	11/19	Egypt	125.00	300.00					125.00	300.00
	11/19	11/21	Italy	129,750	150.00	196,100	[8] 224.11			325,850	374.11
			DOD				898.52				898.52
Findley, P	1/3	1/5	Italy	102,600	150.00	34,507.9	50.45			44,767.9	200.45
	1/5	1/7	Egypt	83.33	150.00	153.95	278.90			238.28	428.90
	1/7	1/9	Israel	1,086	150.00	1,634.57	221.49			2,720.57	371.49
	1/9	1/11	Iran	15,558	225.00	32,605.8	471.52			48,163.8	696.52
	1/11	1/13	Turkey	2,250	150.00	532.47	35.50			2,782.47	185.50
	1/13	1/14	Greece	2,655	75.00	7,763.2	219.30			10,418.2	294.30
	1/14	1/16	Yugoslavia	2,676	150.00	5,568.06	312.11			8,244.06	462.11
			DOD				953.11				953.11
Finley, M	8/31	9/5	Germany	854.20	338.97	3,651.48	1,449.00			4,505.68	1,787.97
[illegible]	11/21	11/23	Canada	101.97	103.52	180.85	183.60			282.82	287.12
	12/5	12/11	Mexico		343.60	6,540	327.00			6,540	670.60
Fortier, D	4/19	4/22	Belgium	5,954.6	150.00					5,954.6	150.00
	4/22	4/25	Ireland	80.78	150.00	26.25	47.59			107.03	197.59
	4/25	4/27	Sweden	658.5	150.00	154.93	34.95			813.43	184.95
	4/27	4/28	Italy	1,327.5	150.00	31,719.29	37.77			33,046.79	187.77
			DOD				600.10				600.10
	5/27	5/30	United Kingdom	167.13	300.00					167.13	300.00

See footnotes at end of table.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Fountain, L. H	1/3	1/5	Italy	102,600	150.00	34,507.9	50.45			44,767.9	200.45
	1/5	1/7	Egypt	83.33	150.00	154.95	278.90			238.28	428.90
	1/7	1/9	Israel	1,086	150.00	1,634.57	221.49			2,720.57	371.49
	1/9	1/11	Iran	15,558	225.00	32,605.8	471.52			48,163.8	696.52
	1/11	1/13	Turkey	2,250	150.00	532.47	35.50			2,782.47	185.50
	1/13	1/14	Greece	2,655	75.00	7,763.2	219.30			10,418.2	294.30
	1/14	1/16	Yugoslavia	2,676	150.00	5,568.06	312.11			8,244.06	462.11
			DOD				953.11				953.11
	11/6	11/10	Taiwan	11,385	300.00	4,697.68	123.79			16,082.68	423.79
	11/10	11/13	Philippines	1,672.87	225.00					1,672.87	225.00
	11/13	11/16	Indonesia	93,265	225.00	20,735	50.02			114,000	275.02
	11/16	11/20	Australia	304.36	375.00	89.46	110.22			393.82	485.22
	11/20	11/22	New Zealand	153.34	150.00					153.54	150.00
			DOD				1,947.50				1,947.50
Fox, Edward	1/6	1/11	Mexico	4,683.75	375.00	10,735.10	863.50			15,468.85	1,238.50
	1/11	1/13	Costa Rica	1,281.00	150.00					1,281.00	150.00
	1/13	1/14	Panama		150.00						150.00
	1/14	1/17	Colombia	7,416.00	225.00					7,416.00	225.00
	11/5	11/7	France	1,125.00	225.00	203.95	41.04			1,328.95	266.04
	11/7	11/9	Switzerland	182.70	75.00					182.70	75.00
	11/9	11/13	Germany	723	300.00	210.65	89.26			933.65	389.26
	11/13	11/16	Afghanistan	10,800	225.00					10,800	225.00
	11/16	11/19	Egypt	125	300.00					125.00	300.00
	11/19	11/21	Italy	129,750	150.00	974.86	111.41			130,724.86	261.41
			DOD				898.52				898.52
Fraser, D. M	4/19	4/22	Belgium	5,955	150.00					5,955	150.00
	4/22	4/25	Ireland	111.105	225.00	328.00	654.08			439.105	879.08
			DOD				600.10				600.10
	6/26	6/27	Belgium	5,947	150.00					5,947	150.00
			D. Mark			3,711.22	1,448.00			3,711.22	1,448.00
Friedersdorf, M	1/3	1/5	Italy	102,600	150.00	34,507.9	50.45			137,107.9	200.45
	1/5	1/7	Egypt	83.33	150.00	154.95	278.90			238.28	428.90
	1/7	1/9	Israel	1,086	150.00	1,634.57	221.49			2,720.57	371.49
	1/9	1/11	Iran	15,558	225.00	32,605.8	471.52			48,163.8	696.52
	1/11	1/13	Turkey	2,250	150.00	532.47	35.50			2,782.47	185.50
	1/13	1/14	Greece	2,655	75.00	7,763.2	219.30			1,041,820	294.30
	1/14	1/16	Yugoslavia	2,676	150.00	5,568.06	312.11			8,244.06	462.11
			DOD				953.11				953.11
	11/6	11/10	Taiwan	11,385	300.00	4,697.68	113.79			16,082.68	423.79
	11/10	11/13	Philippines	1,672.87	225.00					1,672.87	225.00
	11/13	11/16	Indonesia	93,265	225.00	20,735.00	50.02			114,000	275.02
	11/16	11/20	Australia	304.36	375.00	89.46	110.22			393.82	485.22
	11/20	11/22	New Zealand	153.34	150.00					153.34	150.00
			DOD				1,947.50				1,947.50
Gilman, B	1/6	1/11	Mexico	4,683.75	375.00	10,391.93	832.02			15,075.68	1,207.02
	1/11	1/13	Costa Rica	1,281	150.00					1,281	150.00
	1/13	1/14	Panama		150.00						150.00
	1/14	1/17	Colombia	7,416	225.00					7,416	225.00
	11/5	11/7	France	1,125	225.00	203.95	41.04			1,328.95	266.04
	11/7	11/9	Switzerland	182.70	75.00					182.70	75.00
	11/9	11/11	Germany	723	150.00	210.65	89.26			933.65	239.26
	11/5	11/11	DOD		898.52						898.52
Gulick, L	1/3	1/10	Italy	358,725	525.00	34,507.9	50.45			393,232.9	575.45
	1/11	1/13	Turkey	3,375	225.00	532.47	35.50			3,907.47	260.50
	1/13	1/14	Greece	2,655	75.00	7,763.2	219.30			10,418.20	294.30
	1/14	1/16	Yugoslavia	2,676	150.00	5,568.06	312.11			8,244.06	462.11
			DOD				953.11				953.11
	11/6	11/10	Taiwan	11,385	300.00	4,697.68	123.79			16,082.68	423.79
	11/10	11/13	Philippines	1,672.87	225.00					1,672.87	225.00
	11/13	11/16	Indonesia	93,265	225.00	20,735	50.02			114,000	275.02
	11/16	11/20	Australia	304.36	375.00	89.46	110.22			393.82	485.22
	11/20	11/22	New Zealand	153.34	150.00					153.34	150.00
			DOD				1,947.50				1,947.50
Hackett, C. P	2/5	2/8	United Kingdom	146.69	300.00	23.76	45.55			170.45	345.55
	2/10	2/12	Italy	156,025	208.31					156,025	208.31
	2/13	2/14	Belgium	6,037	150.00					6,037	150.00
			D. Mark			3,440.25	1,473.34			3,440.25	1,473.34
	2/26	2/28	Canada	229.95	225.00	119.95	117.37			349.90	342.37
	4/16	4/17	Turkey	470	29.38					470	29.38
	4/17	4/18	Greece	2,730	75.00					2,730	75.00
	4/18	4/19	Cyprus	13.53	34.36	6.75	16.50			20.28	50.86
	4/19	4/20	Greece	2,730	75.00					2,730	75.00
	4/20	4/21	Belgium	2,977	75.00					2,977	75.00
	4/21	4/24	Ireland	111.105	225.00	26.25	47.59			137.355	272.59
	4/24	4/26	Sweden	658.5	150.00	154.93	34.95			813.43	184.95
	4/26	4/28	Italy	132,750	150.00	31,719.29	37.77			33,046.79	187.77
			DOD				600.10				600.10
			D. Mark			2,874.1	1,121.40			2,874.1	1,121.40
	7/18	7/20	Belgium	8,989	225.00					8,989	225.00
	7/20	7/23	Luxembourg	8,951	225.00					8,951	225.00
			D. Mark			3,651.43	1,412.00			3,651.43	1,412.00
Holstine, J. D	8/29	9/3	Germany	969.75	375.00	3,651.48	1,449.00			4,617.23	1,824.00
	9/3	9/8	England	168	300.00					168.00	300.00
	12/5	12/11	Mexico	9,090	455.00	6,540	327.00			15,630	782.00
Hyndman, V	11/7	11/8	Japan	22,140	75.00					22,140	75.00
	11/8	11/11	Korea	108,000	225.00					108,000	225.00
	11/11	11/13	P. R. China	5,692.50	150.00					5,692.50	150.00
	11/13	11/15	Hong Kong	712.50	150.00	15.00	4.24			727.50	154.24
	11/15	11/17	Singapore	366.00	150.00					366.00	150.00
	11/17	11/21	Indonesia	93,265	300.00					93,265	300.00
	11/21	11/22	Singapore	183	75.00					183	75.00
	11/22	11/26	Philippines	2,230.50	300.00					2,230.50	300.00
			D. Mark			7,600.52	3,016.08			7,600.52	3,016.08
Ingram, G	5/21	5/22	Italy	126,750	150.00	165,883	197.99			292,633	347.99
	5/22	5/27	Kenya	3,150	375.00	116,488	139.06			431,488	514.06
	5/27	5/28	Italy	63,375	75.00					63,375	75.00
			DOD				776.60				776.60
	10/18	10/20	Venezuela	963.00	225.00					963.00	225.00
	10/20	10/22	Columbia	6,935.75	196.65					6,935.75	196.65
	10/23	10/28	Brazil	5,197.50	450.00					5,197.50	450.00
	10/29	11/1	Peru	19,896	300.00					19,896.00	300.00
			D. Mark			4,257.15	1,686.00			4,257.15	1,686.00

See footnotes at end of table.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Krizek, G.	1/3	1/5	Italy	102,600	150.00	34,507.9	50.45			4,4767.9	200.45
	1/5	1/7	Egypt	83.33	150.00	154.95	278.90			238.28	428.90
	1/7	1/9	Israel	1,086	150.00	1,634.57	221.49			2,720.57	371.49
	1/9	1/11	Iran	15,558	225.00	32,605.8	471.52			48,163.8	696.52
	1/11	1/13	Turkey	2,250	150.00	532.47	35.50			2,782.47	185.50
	1/13	1/14	Greece	2,655	75.00	7,763.2	219.30			1,041,820	294.30
	1/14	1/16	Yugoslavia	2,676	150.00	5,568.06	312.11			8,244.06	462.11
			DOD				953.11				953.11
Lagomarsino, R.	1/3	1/5	Italy	102,600	150.00	34,507.9	50.45			44,767.9	200.45
	1/5	1/7	Egypt	83.33	150.00	154.95	278.90			238.28	428.90
	1/7	1/9	Israel	1,086	150.00	1,634.57	221.49			2,720.57	371.49
	1/9	1/11	Iran	15,558	225.00	32,605.8	471.52			48,163.8	696.52
	1/11	1/13	Turkey	2,250	150.00	532.47	35.50			2,782.47	185.50
	1/13	1/14	Greece	2,655	75.00	7,763.2	219.30			10,418.2	294.30
	1/14	1/16	Yugoslavia	2,676	150.00	5,568.06	312.11			8,244.06	462.11
			DOD				953.11				953.11
	11/6	11/10	Taiwan	11,385	300.00	4,697.68	123.79			16,082.68	423.79
	11/10	11/13	Philippines	1,672.87	225.00					1,672.87	225.00
	11/13	11/16	Indonesia	93,265	225.00	20,735.00	50.02			114,000	275.02
	11/16	11/20	Australia	304.36	375.00	89.46	110.22			393.82	485.22
	11/20	11/22	New Zealand	153.34	150.00					153.34	150.00
			DOD				1,947.50				1,947.50
Majak, R.	5/24	5/27	Romania	3,354	282.32					3,354	282.32
	5/27	5/29	Hungary	2,786.7	133.78					2,786.7	133.78
			D. Mark			4,500.6	1,756.00			4,500.6	1,756.00
Morgan, T. E.	1/3	1/10	Italy	97,675	142.80	34,507.9	50.45			132,182.9	193.25
	1/11	1/13	Turkey	3,375	225.00	532.47	35.50			3,907.47	260.50
	1/13	1/14	Greece	2,655	75.00	7,763.2	219.30			10,418.2	294.30
	1/14	1/16	Yugoslavia	2,676	150.00	5,568.06	312.11			8,244.06	462.11
			DOD				953.11				953.11
	11/6	11/10	Taiwan	11,385	300.00	4,697.68	123.79			16,082.68	423.79
	11/10	11/13	Philippines	1,672.87	225.00					1,672.87	225.00
	11/13	11/16	Indonesia	93,265	225.00	20,735.00	50.02			114,000	275.02
	11/16	11/20	Australia	304.36	375.00	89.46	110.22			393.82	485.22
	11/20	11/22	New Zealand	153.34	150.00					153.34	150.00
			DOD				1,947.50				1,947.50
Paolillo, C.	6/5	6/16	Switzerland	2,006.40	825.00	370.90	148.78			2,377.30	973.78
			D. Mark			3,693.28	1,441.00			3,693.28	1,441.00
	11/3	11/11	Nicaragua	4,200	600.00					4,200	600.00
			D. Mark			1,690.92	671.00			1,690.92	671.00
Pitchford, G.	10/19	10/22	Colombia	7,981	226.00	3,446.86	1,367.80			9,348,80	1,593.80
	10/23	10/28	Brazil	5,197.50	450.00					5,197.50	450.00
	10/28	11/2	Peru	19,896	300.00					19,896	300.00
Popovich, T.	10/26	10/28	Germany	463.125	178.50					463.125	187.50
	10/29	11/1	Poland	463.125	187.50					463.125	187.50
	11/2	11/5	Romania	648.375	262.50					648.375	262.50
	11/6	11/9	U.S.S.R.	403.845	163.50					403.845	163.50
			D. Mark			4,443.53	1,799.00			4,443.53	1,799.00
Preece, Richard	10/17	10/18	England	89.82	150.00	89.82	141.02			179.64	291.02
	10/19	10/22	Ethiopia	528.75	225.00					528.75	225.00
	10/22	10/24	Yeman A. R.	150	33.33					150	33.33
	10/24	10/29	Saudi Arabia	528.75	150.00					528.75	150.00
	10/29	10/31	U.A.E.	600.00	150.00	90.00	22.72			690.00	172.72
	10/31	11/1	Oman	25.650	75.00					25.650	75.00
	11/1	11/2	Bahrain	29.250	75.00					29.250	75.00
	11/2	11/4	Kuwait	43.162	150.00					43.162	150.00
	11/4	11/10	Iran	37.013	525.00					37.013	525.00
	11/10	11/11	England	45.31	75.00					45.31	75.00
			D. Mark			6,016.32	2,382.70	3,528.75	[3] 187.42	9,545.07	2,570.12
Rosenthal, B.	4/19	4/22	Belgium	5,954.6	150.00	24,760	613.70			30,714.6	763.70
	4/22	4/25	Ireland	80.78	150.00	26.25	47.59			107.03	197.59
			DOD				600.10				600.10
Ryan, L.	4/19	4/22	Belgium	5,954.6	150.00					5,954.6	150.00
	4/22	4/25	Ireland	80.78	150.00	26.25	47.59			107.03	197.59
	4/25	4/27	Sweden	685.5	150.00	154.93	34.95			813.43	184.95
	4/27	4/28	Italy	132,750	150.00	31,719.29	37.77			33,046.79	187.77
			DOD				600.10				600.01
Salvia, J. M.	4/20	4/22	Belgium	5,954.6	150.00					5,954.6	150.00
	4/22	4/25	Ireland	80.78	150.00	26.25	47.59			107.53	197.59
	4/25	4/27	Sweden	685.5	150.00	154.93	34.95			813.43	184.95
	4/27	4/28	Italy	132,750	150.00	31,718.29	37.77			33,046.79	187.77
			DOD				600.10				600.10
Salzberg, J.	2/8	3/3	Switzerland	4,825.7	1,875.00	99.80	38.53			4,925.50	1,913.53
	3 3	3/10	France	2,336.25	525.00					2,336.25	525.00
	3/10	3/14	United Kingdom	113.63	225.00					113.63	225.00
			D. Mark			2,394.17	1,025.34			2,394.17	1,025.34
James Schollaert	11/7	11/8	Japan	22.140	75.00					22.140	75.00
	11/8	11/11	Korea	108,000	225.00	15.00	4.24			108,015	229.24
	11/11	11/13	Republic of China	5,692.50	150.00					5,692.50	150.00
	11/13	11/15	Hong Kong	712.50	150.00					712.50	150.00
	11/15	11/17	Singapore	366	150.00					366	150.00
	11/17	11/21	Indonesia	93,265	300.00					93,265	300.00
	11/21	11/22	Singapore	183	75.00					183	75.00
	11/22	11/26	Philippines	2,230.50	300.00					2,230.50	300.00
			D. Mark			7,600.52	3,016.08			7,600.52	3,016.08
Shub, J.	4/15	4/16	Japan	22,387	75.00					22,387	75.00
	4/16	4/21	China	134,322	450.00					134,322	450.00
			DOD				1,094.52				1,094.52
Stephen Solarz	4/16	4/17	Turkey	2,400	150.00					2,400	150.00
	4/17	4/18	Greece	2,730	75.00					2,730	75.00
	4/18	4/19	Cyprus	29.53	75.00			6.75	16.50	36.28	91.50
	4/19	4/20	Greece	2,730	75.00					2,730	75.00
	4/20	4/22	Belgium	5,955	150.00					5,955	150.00
	4/22	4/25	Ireland	80.78	150.00	26.25	47.49			107.03	197.49
	4/25	4/27	Sweden	658.5	150.00	154.93	34.95			813.40	184.95
	4/27	4/29	Italy	132,750	150.00	31,719.29	37.77			164.469	187.77

See footnotes at end of table.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976—Continued

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Stephen Solarz—Con.	4/16	4/29	D. Marks			2,874.1	1,121.40			2,874.1	1,121.40
			DOD				600.10				600.10
	6/26	6/27	Belgium	5,947	150.00					5,947	150.00
			D. Marks			3,534.38	1,379.00			3,534.38	1,379.00
	7/2	7/6	South Africa	325.46	375.00	166.44	191.77			491.90	566.77
	7/6	7/7	Mozambique	1,648.8	52.61	25,197	803.99			416.85	856.60
	7/7	7/9	Rhodesia			61.50	100.00			61.50	100.00
	7/9	7/10	South Africa	65.09	75.00					65.09	75.00
	7/10	7/12	Zambia	180	225.00					180	125.00
	7/12	7/13	Tanzania	630	75.00	531	63.35			1,161	138.35
	7/13	7/14	United Kingdom								
			D. Marks			6,496.03	2,512.00			6,496.03	2,512.00
	11/20	11/23	China	11,385	300.00					11,385.00	300.00
	11/23	11/25	Philippines	1,115.25	150.00					1,115.25	150.00
	11/25	11/26	Thailand	1,530.75	75.00					1,530.75	75.00
	11/26	11/29	Bangladesh	3,415.50	225.00					3,415.60	225.00
	11/29	12/5	India	5,346	600.00	550.00	61.82			5,896.00	661.82
			D. Mark			1,231.44	3,078.60			1,231.44	3,078.60
	12/13	12/15	Israel	1,842.75	225.00					1,842.75	225.00
	12/15	12/15	Jordan	24.76	75.00					24.76	75.00
	12/15	12/18	Iraq	88.26	300.00					88.26	300.00
	12/18	12/22	Egypt	208.35	375.00	217.150	390.87			2,379.85	765.87
	12/22	12/25	Saudi Arabia	1,057.50	300.00					1,057.50	300.00
	12/25	12/27	Syria	875.70	225.00					875.70	225.00
	12/27	12/28	Jordan	24.76	75.00					24.76	75.00
	12/28	1/2	Israel	3,915.00	450.00					3,915.00	450.00
	1/2	1/3	Italy	64,897.50	75.00					64,897.50	75.00
			D. Mark			2,686.39	1,117.00			2,686.39	1,117.00
Studds	7/10	7/14	Portugal	6,710.90	214.89					6,710.90	214.89
	7/14	7/17	Azores	2,342.40	75.00					2,342.40	75.00
			D. Mark			2,048.11	792.00			2,048.11	792.00
Sullivan, J.	7/22	7/26	Japan	110.250	375.00					110.250	375.00
	7/26	8/10	P. R. China	187.906	299.00					187.906	299.00
	8/10	8/11	Japan	44.100	150.00					44.100	150.00
			D. Mark			6,399.04	2,539.10			6,399.04	2,539.10
Van Dusen, M.	10/17	10/18	England	89.82	150.00	89.82	141.02			179.64	291.02
	10/19	10/22	Ethiopia	528.75	225.00					528.75	225.00
	10/22	10/24	Yemen A. R.	300	66.00					300	66.00
	10/24	10/29	Saudi Arabia	528.75	150.00					528.75	150.00
	10/29	10/31	United A. E.	600.00	150.00	90.00	22.72			690.00	172.72
	10/31	11/1	Oman	25.650	75.00					25.650	75.00
	11/1	11/2	Bahrain	29.250	75.00					29.250	75.00
	11/2	11/4	Kuwait	43.162	150.00					43.162	150.00
	11/4	11/10	Iran	32.013	454.08					32.013	454.08
	11/10	11/11	England	45.31	75.00					45.31	75.00
			D. Mark			6,016.32	2,382.70	3,528.75	[3] 187.42	9,545.07	2,570.12
Ward, S.	1/3	1/5	Italy	102,600	150.00	3,4507.9	50.45			137,107.9	200.45
	1/5	1/7	Egypt	83.33	150.00	154.95	278.90			238.29	428.90
	1/7	1/9	Israel	1,086	150.00	1,634.57	221.49			2,720.57	371.49
	1/9	1/11	Iran	15,558	225.00	32,605.8	471.52			48,163.8	696.52
	1/11	1/13	Turkey	2,250	150.00	532.47	35.50			2,782.47	185.50
	1/13	1/14	Greece	2,655	75.00	7,763.2	219.30			10,418.2	294.30
	1/14	1/16	Yugoslavia	2,676	150.00	5,568.06	312.11			8,244.06	462.11
	1/3	1/16	DOD				953.11				953.11
Wilson, C.	1/3	1/5	Italy	102,600	150.00	34,507.9	50.45			137,10.7.9	200.45
	1/5	1/7	Egypt	83.33	150.00	154.95	278.90			23828	428.90
	1/7	1/11	Israel	2,172	300.00	1,634.57	221.49			3,806.57	521.49
	1/11	1/15	Turkey	4,500	300.00	532.47	35.50			5,032.47	335.50
	1/15	1/16	Yugoslavia	1,338	75.00	5,568.06	312.11			6,906.06	387.11
			DOD				953.11				953.11
Winn, L.	1/3	1/5	Italy	102,600	150.00	34,507.9	50.45			137,107.9	200.45
	1/5	1/7	Egypt	83.33	150.00	154.95	278.90			238.28	428.90
	1/7	1/9	Israel	1,086	150.00	1,634.57	221.49			2,720.57	371.49
	1/9	1/11	Iran	15,558	225.00	32,605.8	471.42			48,163.8	696.42
	1/11	1/13	Turkey	2,250	150.00	532.47	35.50			2,782.47	185.50
	1/13	1/14	Greece	2,655	75.00	7,763.2	219.30			10,418.2	294.30
	1/14	1/16	Yugoslavia	2,676	150.00	5,568.06	312.11			8,244.06	462.11
			DOD				953.11				953.11
Wolff, L.	1/6	1/11	Mexico	4,683.75	375.00	10,391.39	832.02			15,075.14	1,207.02
	1/11	1/13	Costa Rica	1,281	150.00					1,281	150.00
	1/13	1/14	Panama		150.00						150.00
	1/14	1/17	Colombia	7,416	225.00					7,416	225.00
	4/15	4/16	Japan	22,387	75.00					22,387	75.00
	4/16	4/21	China	134,322	450.00					134,322	450.00
			DOD				1,094.52				1,094.52
	11/5	11/7	France	112,500	225.00	203.95	41.04			1,328.95	266.04
	11/7	11/9	Switzerland	182.70	75.00					182.70	75.00
	11/9	11/13	Germany	723.00	300.00	210.65	89.26			933.65	389.26
	11/13	11/16	Afghanistan	10,800	225.00					10,800	225.00
	11/16	11/19	Egypt	125.00	300.00					125.00	300.00
	11/19	11/21	Italy	129,750	150.00	974.86	111.41			130,724.86	261.41
			DOD				898.52				898.52
Yatron, G.	4/19	4/22	Belgium	5,954.6	150.00					5,954.6	150.00
	4/22	4/25	Ireland	80.78	150.00	26.25	47.59			107.03	197.59
	4/25	4/27	Sweden	658.5	150.00	154.93	34.95			813.43	184.95
	4/27	4/28	Italy	132,750	150.00	31,718.29	37.77			33,046.79	187.77
	4/19	4/28	DOD				600.10				600.10

[1] Per Diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. $ equivalent; If U.S. currency is used, enter amount expended.
[3] 187.42 Segments of trip which were purchased by Embassy of Jidda.
[4] Kenya—8 days of deutschemarks given in Germany to include 5 days in Nairobi and 3 days in Germany.
[5] South Africa—Currency given in South Africa for all rand countries including Namibia and Lesotho.
[6] Switzerland and Angola—5 days of Swiss francs given in Switzerland to include 2 days in Angola.
[7] Germany and Kenya—7 days of deutschemarks given in Germany to include 5 days in Kenya (due to Kenya currency regulations).
[8] $224.11—Local transportation costs in Italy for entire Wolff delegation.

CLEMENT J. ZABLOCKI,
Chairman, Committee on International Relations.

Mar. 1, 1977.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPANDED BETWEEN JAN. 1 AND DEC. 31, 1976

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Lionel Van Deerlin	1/5	1/6	Japan	22,875	75.00	Military transport				22,875	75.00
	1/6	1/8	Indonesia	93,265	225.00					93,265	225.00
	1/9	1/14	Australia	297.83	37.500					297.83	375.00
	1/14	1/16	New Zealand	142.26	150.00					142.26	150.00
Total					825.00						825.00
Hon. James H. Scheuer	1/5	1/6	Japan	22,875	75.00	Military transport				22,875	75.00
	1/6	1/8	Indonesia	932.65	225.00					93,265	225.00
	1/9	1/14	Australia	297.83	375.00					297.83	375.00
	1/14	1/16	New Zealand	142.26	150.00					142.26	150.00
Total					825.00						825.00
Hon. Matthew J. Rinaldo	11/14	11/16	Greece	5,595	150.00					5,595	150.00
	11/16	11/19	Egypt	125.000	225.00					125,000	225.00
	11/19	11/21	Italy	129,750	150.00					129,750	150.00
Round trip air transportation							1,106.00				1,106.00
Total					525.00		1,106.00				1,631.00
Hon. Joe Skubitz	1/5	1/6	Japan	22,875	75.00	Military transport (refunded $75)					
	1/6	1/8	Indonesia	93,265	225.00						225.00
	1/9	1/14	Australia	357.40	450.00			(Refunded $150)			300.00
	1/14	1/16	New Zealand	213.39	225.00						225.00
Total					975.00						750.00
Hon. Henry Waxman	6/16	6/19	Canada	291.45	300.00		189.52				489.52
	11/4	11/6	Syria	877.50	225.00			(Refunded $221.41)			3.59
	11/7	11/10	Egypt	125	225.00						225.00
	11/10	11/17	Israel	5,160	600.00						600.00
Round trip air transportation (Middle East).							983.00				983.00
Total					1,350.00		1,172.52	(Refunded $221.41)			2,301.11
Hon. Paul Rogers	5/27	6/1	Canada	366	375.00						375.00
Round trip air transportation						243.39	249.48				249.48
Total					375.00		249.48				624.48
Hon. James H. Scheuer	11/5	11/7	France	1,125	225.00						225.00
	11/7	11/9	Switzerland	1,82.70	75.00						75.00
	11/9	11/13	Germany	723	300.00						300.00
	11/13	11/16	Afghanistan	10,800	225.00						225.00
	11/16	11/19	Egypt	1,25,00	300.00						300.00
	11/19	11/21	Italy	129,750	150.00						150.00
Air transportation (military)							898.52				898.52
Total					1,275.00		898.52				2,173.52
Hon. Toby Moffett	3/11	3/16	Chile	4,837.50	450.00						450.00
						806.25	72.31				72.31
Total					450.00		72.31				522.31
Ronald D. Coleman	2/6	1/18	United Kingdom	475.60	975.00					475.60	975.00
Round trip air transportation											1,227.00
Total					975.00		1,227.00				2,202.00
	10/22	10/30	Italy	521,400	600.00						600.00
	10/30	11/2	France	1,113.75	225.00						225.00
	11/2	11/8	United Kingdom	328.12	525.00						525.00
Round trip air transportation							1,591.00				1,591.00
Total					1,350.00		1,591.00				2,941.00
Lewis E. Berry Jr	11/12	11/18	France	2,625	525.00						525.00
	11/18	11/20	Germany	363	150.00						150.00
	11/20	11/23	Austria	3,866.05	225.00						225.00
	11/24	12/5	Italy	778,500	825.00						825.00
Round trip air transportation							527.00				527.00
Railt ransportation in Europe							180.00				180.00
Total					1,725.00		707.00				2,432.00
Brian R. Moir	2/6	2/18	United Kingdom	475.60	975.00					475.60	975.00
Round trip air transportation							1,227.00				1,227.00
Total					975.00		1,227.00				2,202.00
	10/22	10/30	Italy	521,400	600.00						600.00
	10/30	11/2	France	1,113.75	225.00						225.00
	11/2	11/11	United Kingdom	468.75	750.00						750.00
Round trip air transportation							1,591.00				1,591.00
Total					1,575.00		1,591.00				3,166.00
Lee Hyde	5/27	6/1	Canada	366	375.00						375.00
Round trip air transportation						243.39	249.48				249.48
Total					375.00		249.48				624.48
Karen Nelson	5/27	6/1	Canada	366	375.00						375.00
Round trip air transportation						243.39					249.48
Total					375.00		249.48				624.48

See footnotes at end of table.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976—Continued

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Leena S. Johnson	2/6	2/18	United Kingdom	475.60	975.00		1,227.00				2,202.00
Round trip air transportation					975.00		1,227.00				2,202.00
J. Paul Molloy	11/12	11/13	Switzerland	183.20	75.00					183.20	75.00
	11/13	11/19	Austria	7,728.75	450.00	2,081	121.00			9,809.75	571.00
	11/19	11/24	United Kingdom	264.71	450.00					264.71	450.00
Round trip air transportation							1,561.00				1,561.00
Total					975.00		1,682.00				2,657.00
Elizabeth Harrison	11/12	11/13	Switzerland	183.20	75.00					183.20	75.00
	11/13	11/19	Austria	7,728.75	450.00	2,081	121.00			9,809.75	571.00
	11/19	11/24	United Kingdom	264.71	450.00					264.71	450.00
Round trip air transportation							1,561.00				1,561.00
Total					975.00		1,682.00				2,657.00
William P. Adams	5/31	6/4	Mexico	4,800	375.00						375.00
Round trip air transportation							420.00				420.00
Total					375.00		420.00				795.00

[1] Per Diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$32,155.38

HARLEY D. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce.

Mar. 4, 1977.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Hon. John M. Ashbrook	11/7	11/8	Germany (military)	180	75.00		1,729.00				
	11/8	11/11	Egypt	125	225.00						
	11/11	11/16	Israel	3,225	375.00						
	11/16	11/19	Kenya	540	225.00						
	11/19	11/22	Spain	20,460	300.00						
Hon. Herman Badillo	4/19	4/21	Belgium (military)	5,955	150.00		600.10				
	4/21	4/23	Ireland (military)	80.78	150.00						
	4/23	4/25	Sweden (military)	658.50	150.00						
	4/25	4/28	Italy (military)	132,750	150.00						
	11/7	11/8	Germany (DM)	180	75.00	1,815.98	789.60	(3)			
	11/8	11/11	Egypt (military)	125	225.00		864.50	(3)			
	11/11	11/16	Israel (military)	3,225	375.00						
	11/16	11/18	Kenya (military)	540	225.00						
Hon. George Danielson	11/7	11/8	Germany (military)	180	75.00		1,729.00				
	11/8	11/11	Egypt (military)	125	225.00						
	11/11	11/16	Israel (military)	3,225	375.00						
	11/16	11/19	Kenya (military)	540	225.00						
	11/19	11/22	Spain (military)	20,460	300.00						
Hon. Joshua Eilberg	5/10	5/12	Switzerland	372.55	150.00						
	5/12	5/14	Cyprus	61,953	150.00						
	5/14	5/16	Israel	1,725.75	225.00						
			Germany			4,749.60	1,979.00				
Hon. Hamilton Fish, Jr	11/7	11/8	Germany	180	75.00	2,882.50	1,201.00				
						(3)	864.50				
	11/8	11/11	Egypt	125	225.00						
	11/11	11/20	Israel	5,805	675.00						
	11/20	11/21	Spain	10,230	75.00	49,665	744.35				
	11/21	11/23	Switzerland	549.55	225.00						
Hon. Walter Flowers	11/7	11/8	Germany (military)	180	75.00						
	11/8	11/11	Egypt (military)	125	225.00						
	11/11	11/15	Israel (military)	3,225	375.00		864.50	(3)			
			Germany			2,496	1,040	(3)			
Hon. William Hughes	11/7	11/8	Germany (military)	180	75.00		1,729				
	11/8	11/11	Egypt (military)	125	225.00						
	11/11	11/16	Israel (military)	3,225	375.00						
	11/16	11/19	Kenya (military)	540	225.00						
	11/19	11/22	Spain (military)	20,460	300.00						
Hon. William Hungate	4/19	3/21	Belgium (military)	5,595	150.00		600.10				
	4/21	4/23	Ireland	80.78	150.00						
	4/23	4/25	Sweden	658.50	150.00						
	4/25	4/28	Italy	132,750	150.00						
Hon. Edward Hutchinson	11/7	11/8	Germany (military)	180	75.00		1,729.00				
	11/8	11/11	Egypt (military)	125	225.00						
	11/11	11/16	Israel (military)	3,225	375.00						
	11/16	11/19	Kenya (military)	540	225.00						
	11/19	11/22	Spain (military)	20,460	300.00						
Hon. Henry Hyde	11/7	11/8	Germany (military)	180	75.00		1,729.00				
	11/8	11/11	Egypt (military)	125	225.00						
	11/11	11/16	Israel (military)	3,225	375.00						
	11/16	11/19	Kenya (military)	540	225.00						
	11/19	11/22	Spain (military)	20,460	300.00						
Hon. Robert McClory	5/13	5/17	Switzerland								
	5/17	5/18	Athens, Greece	2,737.50	75.00	4,627.00	1,823.00				
	5/18	5/20	Cyprus, Greece	61,953.00	150.00						
	4/15	4/24	Mexico City, Mexico	9,367.50	750.00	6,855.00	548.83				

See footnotes at end of table.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976—Continued

Name of Member or employee	Date Arrival	Date Departure	Country	Per diem [1] Foreign currency	Per diem [1] U.S. dollar equivalent or U.S. currency [2]	Transportation Foreign currency	Transportation U.S. dollar equivalent or U.S. currency [2]	Other purposes Foreign currency	Other purposes U.S. dollar equivalent or U.S. currency [2]	Total Foreign currency	Total U.S. dollar equivalent or U.S. currency [2]
Hon. James Mann	11/7	11/8	Germany (military)	180	75.00		1,729.00				
	11/8	11/11	Egypt (military)	125	225.00						
	11/11	11/16	Israel (military)	3,225	375.00						
	11/16	11/19	Kenya (military)	540	225.00						
	11/19	11/22	Spain (military)	20,460	300.00						
Hon. Carlos Moorhead	11/7	11/8	Germany (military)	180	75.00		1,729.00				
	11/8	11/11	Egypt (military)	125	225.00						
	11/11	11/16	Israel (military)	3,225	375.00						
	11/16	11/19	Kenya (military)	540	225.00						
	11/19	11/22	Spain (military)	20,460	300.00						
Hon. Tom Railsback	11/7	11/8	Germany (military)	180	75.00		1,729.00				
	11/8	11/11	Egypt (military)	125	225.00						
	11/11	11/16	Israel (military)	3,225	375.00						
	11/16	11/19	Kenya (military)	540	225.00						
	11/19	11/22	Spain (military)	20,460	300.00						
Hon. Peter W. Rodino, Jr	11/27	12/7	Haiti	2,610	525.00						
			Germany			1,082	451.00				
Hon. Charles E. Wiggins	11/7	11/8	Germany (military)	180	75.00		1,729.00				
	11/8	11/11	Egypt	125	225.00						
	11/11	11/16	Israel	3,225	375.00						
	11/16	11/19	Kenya	540	225.00						
	11/19	11/22	Spain	20,460	300.00						
Lt. Col. James Austin	11/7	11/8	Germany (military)	180	75.00		1,729.00				
	11/8	11/11	Egypt (military)	125	225.00						
	11/11	11/16	Israel (military)	3,225	375.00						
	11/16	11/19	Kenya (military)	540	225.00						
	11/19	11/22	Spain (military)	20,460	300.00						
Col. Jack Bratton	11/7	11/8	Germany (military)	180	75.00		1,729.00				
	11/8	11/11	Egypt (military)	125	225.00						
	11/11	11/16	Israel (military)	3,225	375.00						
	11/16	11/19	Kenya (military)	540	225.00						
	11/19	11/22	Spain (military)	20,460	300.00						
Garner J. Cline	2/12	2/16	Haiti	1,875	375.00						
			Germany			1,042	434.34				
	5/9	5/12	Switzerland	558	225.00						
	5/12	5/14	Cyprus	61,953	150.00						
	5/14	5/16	Israel	1,725.75	225.00						
	5/16	5/18	Italy	132,750	150.00						
			Germany			4,826.40	2,011.00				
	11/7	11/8	Germany (military)	180	75.00		864.50	(3)			
	11/8	11/11	Egypt (military)	125	225.00						
	11/11	11/16	Israel (military)	3,225	375.00						
	11/16	11/19	Kenya (military)	540	225.00						
	11/19	11/21	Spain (military)	15,345	225.00						
	11/21	11/24	Switzerland (military)	558	225.00						
			Germany			2,076.0	865.00				
	11/27	12/3	Haiti	2,610	525.00						
			Germany			1,042	434.34				
Arthur P. Endres	11/7	11/8	Germany (military)	180	75.00		1,729.00				
	11/8	11/11	Egypt (military)	125	225.00						
	11/11	11/16	Israel (military)	3,225	375.00						
	11/16	11/19	Kenya (military)	540	225.00						
	11/19	11/22	Spain (military)	20,460	300.00						
	2/12	2/16	Haiti	1,875	375.00						
			Germany			1,042	434.34				
Eugene L. Krizek	11/7	11/8	Germany (military)	180	75.00		1,729.00				
	11/8	11/11	Egypt (military)	125	225.00						
	11/11	11/16	Israel (military)	3,225	375.00						
	11/16	11/19	Kenya (military)	540	225.00						
	11/19	11/22	Spain (military)	20,460	300.00						
William Shattuck	11/7	11/8	Germany (military)	180	75.00		1,729.00				
	11/8	11/11	Egypt (military)	12	225.00						
	11/11	11/16	Israel (military)	3,225	375.00						
	11/16	11/19	Kenya (military)	540	225.00						
	11/19	11/22	Spain (military)	20,460	300.00						
Col. John J. Stirk	11/7	11/8	Germany (military)	180	75.00		1,729.00				
	11/8	11/11	Egypt (military)	125	225.00						
	11/11	11/16	Israel (military)	3,225	375.00						
	11/16	11/19	Kenya (military)	540	225.00						
	11/19	11/22	Spain (military)	20,460	300.00						
Total					27,450.00		43,349.00				70,799.00

[1] Per Diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended
[3] One way.

PETER W. RODINO, JR.,
Chairman, Committee on the Judiciary.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON MERCHANT MARINE AND FISHERIES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1976

Name of Member or employee	Date Arrival	Date Departure	Country	Per diem [1] Foreign currency	Per diem [1] U.S. dollar equivalent or U.S. currency [2]	Transportation Foreign currency	Transportation U.S. dollar equivalent or U.S. currency [2]	Other purposes Foreign currency	Other purposes U.S. dollar equivalent or U.S. currency [2]	Total Foreign currency	Total U.S. dollar equivalent or U.S. currency [2]
Charles Bedell, staff	6/19	6/26	United Kingdom	334.72	600.00	DMK	1,327.00				1,927.00
Hon. John Breaux	5/28	6/2	Japan	112,500	333.34	21,350	2,256.17				2,589.51
Ernest J. Corrado, staff	2/9	2/15	United Kingdom	256.09	525.00	DMK	1,227.00				1,752.00
	10/14	10/17	United Kingdom	179.64	175.00						
	10/17	10/22	Switzerland	914.80	375.00						
	10/22	10/28	Italy	391.050	450.00		1,601.80				2,601.80
Ned P. Everett, staff	5/30	6/6	Japan	157,500	525.00	187,842	2,711.33				3,236.33
	11/27	12/7	United Kingdom	224.88	375.00	DMK	1,528.05				1,903.05
Hon. Robert L. Leggett	5/30	6/6	Japan	157,500	525.00	187,842	2,711.33				3,236,33

See footnotes at end of table.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON MERCHANT MARINE AND FISHERIES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976—Continued

Name of Member or employee	Date Arrival	Date Departure	Country	Per diem [1] Foreign currency	Per diem [1] U.S. dollar equivalent or U.S. currency [2]	Transportation Foreign currency	Transportation U.S. dollar equivalent or U.S. currency [2]	Other purposes Foreign currency	Other purposes U.S. dollar equivalent or U.S. currency [2]	Total Foreign currency	Total U.S. dollar equivalent or U.S. currency [2]
George Mannina, staff	5/30	6/6	Japan	157,500	525.00	187,842	2,711.33				3,236.33
Mary McDonnell, staff	10/12	10/20	Switzerland	1,469.40	600.00	DMK	1,441.00				2,041.00
W. Patrick Morris, staff	11/5	11/13	United Kingdom	415	675.00	DMK	671.00				1,346.00
Austin P. Olney, staff	11/11	11/20	United Kingdom	458	750.00	DMK	1,327.00				2,077.00
James W. Spensley, staff	6/19	6/27	United Kingdom	376	675.00	DMK	1,327.00				2,002.00
Leonard Sutter, staff	1/10	1/17	Switzerland	1,368.85	525.00	DMK	1,331.00				1,865.00
Judy Townsend, staff	5/28	6/2	Japan	112,500	375.00	DMK	2,185.00				2,560.00
	11/28	12/7	United Kingdom	244.88	375.00	DMK	1,528.05				1,903.05
Committee totals					8,383.34	25,884.06					34,267.40

[1] Per diem consitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$34,267.40

JOHN M. MURPHY,
Chairman, Committee on Merchant Marine and Fisheries.

Mar. 3, 1977.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31 1976

Name of Member or employee	Date Arrival	Date Departure	Country	Per diem [1] Foreign currency	Per diem [1] U.S. dollar equivalent or U.S. currency [2]	Transportation Foreign currency	Transportation U.S. dollar equivalent or U.S. currency [2]	Other purposes Foreign currency	Other purposes U.S. dollar equivalent or U.S. currency [2]	Total Foreign currency	Total U.S. dollar equivalent or U.S currency [2]
George Gould	4/16	4/20	Korea	180,653	375.00			0	0	180,653	375.00
Local group transportation						38,211	79.31	0	0	38,211	79.31
	4/21	4/23	Japan	67,421	225.00			0	0	67,421	225.00
Local group transportation						70,055	234.10	0	0	70,055	234.10
Transpacific and intercounty transportation.						5,810	2,324.24	0	0	5,810	2,324.24
Hon. Charles H. Wilson	12/21	12/26	United Kingdom	220	450.00			0	0	220	450.00
	12/26	1/1	Egypt	208	375.00			0	0	208	375.00
	1/1	1/9	Greece	24,030	675.00			0	0	24,030	675.00
	1/9	1/14	Italy	254,700	375.00			0	0	254,700	375.00
Transatlantic and intercountry transportation.						4,725	1,890.00	0	0	4,725	1,890.00
	4/16	4/21	Korea	216,780	450.00			0	0	216,780	450.00
	4/22	4/23	Japan	44,948	150.00			0	0	44,948	150.00
Transpacific and intercountry transportation.						5,810	2,324.24	0	0	5,810	2,324.24
Michael F. Cavanagh	12/21/75	12/26/75	United Kingdom	220	450.00			0	0	220	450.00
Local group transportation						496	1,007.14	0	0	496	1,007.14
	12/26/75	1/1/76	Egypt	208	375.00			0	0	208	375.00
Local group transportation						65	36.11	0	0	65	36.11
	1/1/76	1/9/76	Greece	24,030	675.00			0	0	24,030	675.00
Local group transportation						21,740	614.12	0	0	21,740	614.12
	1/9/76	1/14/76	Italy	254,700	375.00			0	0	254,700	375.00
Local group transportation						266,000	347.71	0	0	266,000	347.71
Transatlantic and intercountry transportation						4,725	1,890.00	0	0	4,725	1,890.00
Hon. William L. Clay	12/27/75	1/1/76	Egypt	208	375.00			0	0	208	375.00
	1/1/76	1/9/76	Greece	24,030	675.00			0	0	24,030	675.00
	1/9/76	1/11/76	Italy	102,600	150.00			0	0	102,600	150.00
Transatlantic and intercountry transportation.						4,725	1,890.00	0	0	4,725	1,890.00
	11/26	11/27	Senegal	18,722	75.00			0	0	18,722	75.00
	11/27	11/28	Kenya	625	75.00			0	0	625	75.00
	11/28	12/3	Lesotho	325	375.00			0	0	325	375.00
	12/3	12/3	South Africa	0	0			0	0	0	0
	12/3	12/5	Sierra Leone	179	150.00			0	0	179	150.00
Transatlantic and intercountry transportation provided by Department of Defense.											
Lt. Col. Grant Miller	9/14	9/18	Norway	1,645	300.00			0	0	1,645	300.00
	9/18	9/23	Turkey	7,200	450.00			0	0	7,200	450.00
	9/23	9/28	England	218	375.00			0	0	218	375.00
Transatlantic and intercountry transportation.						4,330	1,821.00	0	0	4,330	1,821.00
Robert E. Lockhart	9/12	9/18	Norway	2,469	450.00			0	0	2,469	450.00
	9/18	9/23	Turkey	7,200	450.00			0	0	7,200	450.00
	9/23	9/28	England	218	375.00			0	0	218	375.00
Transatlantic and intercountry transportation.						4,330	1,821.00	0	0	4,330	1,821.00
Victor C. Smiroldo	4/18	4/24	Canada	513	525.00			0	0	513	525.00
Local group transportation						125	128.00	0	0	125	128.00
International transportation						484	190.08	0	0	484	190.08
	9/12	9/18	Norway	2,469	450.00			0	0	2,469	450.00
Local group transportation						225	41.50	0	0	225	41.50
	9/18	9/23	Turkey	7,200	450.00			0	0	7,200	450.00
Local group transportation						400	25.00		0	400	25.00
	9/23	9/28	England	218	375.00			0	0	218	375.00
Local group transportation						16	27.50	0	0	16	27.50
Transatlantic and intercountry transportation.						4,330	1,821.00	0	0	4,330	1,821.00

See footnotes at end of table.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31 1976—Continued

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Theodore Kazy	12/1	12/3	Costa Rica	1,281	150.00					1,281	150.00
	12/3	12/4	Guatemala	150	150.00					150	150.00
International and intercountry transportation via Panama.						1,657	697.00	0	0	1,657	697.00
	9/14	9/18	Norway	1,645	300.00			0	0	1,645	300.00
	9/18	9/23	Turkey	7,200	450.00			0	0	7,200	450.00
	9/23	9/28	England	218	375.00			0	0	218	375.00
Transatlantic and intercountry transportation.						4,330	1,821.00	0	0	4,330	1,821.00
Hon. Edward J. Derwinski	12/1	12/3	Costa Rica	1,281	150.00			0	0	1,281	150.00
	12/3	12/4	Guatemala	150	150.00			0	0	150	150.00
International and intercountry transportation via Panama.						1,657	697.00	0	0	1,657	697.00
Joseph A. Fisher	12/1	12/3	Costa Rica	1,281	150.00			0	0	1,281	150.00
	12/3	12/4	Guatemala	150	150.00			0	0	150	150.00
International and intercountry transportation via Panama.						1,657	697.00	0	0	1,657	697.00
	4/18	4/24	Canada	513	525.00			0		513	525.00
Local group transportation						108	110.15	0		108	110.15
International travel						484	190.08	0	0	484	190.80
Richard A. Barton	4/18	4/24	Canada	513	525.00			0	0	513	525.00
International travel						484	190.08	0	0	484	190.08
E. Jane Dodds	4/18	4/24	Canada	513	525.00			0	0	513	525.00
International travel						484	190.08	0	0	484	190.08
Carol Lumb	4/29	5/2	Canada	115	117.57			0	0	115	117.57
International travel						308	123.12	0	0	308	123.12
Committee totals					14,742.57		23,227.56		0		37,970.13

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.

Mar. 1, 1977.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent) (total)	37,966.13

ROBERT N. C. NIX,
Chairman, Committee on Post Office and Civil Service.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31. 1976

Name of member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Howard, James J.	12/10	12/17	Ireland	358.21	600.000					358.21	600.00
Air transportation only			Germany			3,127.00	1,325.00			3,127.00	1,325.00
Roe, Robert A	12/10	12/17	Ireland	358.21	600.00					358.21	600.00
Air transportation only			Germany			2,957.08	1,253.00			2,957.08	1,253.00
Sullivan, Richard J.	12/10	12/17	Ireland	358.21	600.00					358.21	600.00
	12/17	12/21	United Kingdom	178.31	300.00					178.31	300.00
Air transportation only			Germany			1,602.44	679.00			1,602.44	679.00
Edelman, Lester	12/12	12/17	Ireland	268.68	450.00					268.68	450.00
	12/17	12/21	United Kingdom	179.08	300.00					179.08	300.00
Air transportation only			Germany			1,602.44	679.00			1,602.44	679.00
Rivard, Lloyd	12/12	12/17	Ireland	268.68	450.00					268.68	450.00
	12/17	12/21	United Kingdom	179.08	300.00					179.08	300.00
Air transportation only			Germany			1,602.44	679.00			1,602.44	679.00
Beam, Dorothy A.	12/10	12/17	Ireland	358.21	600.00					358.21	600.00
	12/17	12/21	United Kingdom	178.31	300.00					178.31	300.00
Air transportation only			Germany			1,602.44	679.00			1,602.44	679.00
Enfield, Clifton W.	12/10	12/17	Ireland	358.21	600.00					358.21	600.00
	12/17	12/21	United Kingdom	178.31	300.00					178.31	300.00
Air transportation only			Germany			1,602.44	679.00			1,602.44	679.00
Youmans, Erla	12/10	12/17	Ireland	358.21	600.00					358.21	600.00
	12/17	12/21	United Kingdom	178.31	300.00					178.31	300.00
Air transportation only			Germany			1,602.44	679.00			1,602.44	679.00
Fryer, John F	6/27	6/29	Canada	225.00	225.00	190.08	190.08			415.08	415.08
Kovalic, Joan	6/27	6/29	Canada	300.00	300.00	190.08	190.08			490.08	490.08
Ziegler, Charles	6/27	6/30	Canada	300.00	300.00	190.08	190.08			490.08	490.08
O'Hara, John	9/28	10/1	Canada	300.00	300.00	190.08	190.08			490.08	490.08
Mahan, David	9/28	9/30	Canada	225.00	225.00	190.08	190.08			415.08	415.08
Committee totals					7,650.00		7,602.40				15,252.40

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollars equivalent): State Department	$15,252.40

HAROLD T. JOHNSON,
Chairman, Committee on Public Works and Transportation.

Mar. 4, 1977.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
John B. Anderson	11/26	11/27	Senegal	18.75	75.00	Provided by the Department of Defense				18.750	75.00
	11/27	11/28	Kenya	625.25	75.00	do				625.25	75.00
	11/28	12/3	Lesotho	226.02	253.96	do				226.02	253.96
	12/3	12/5	Sierra Leone	121.87	103.37	do				121.87	103.37
Total					507.33						507.33

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.

Mar. 9, 1977.

JAMES J. DELANEY,
Chairman, Committee on Rules.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Hon. Don. Fuqua	10/10	10/12	England	133.33	225.00					133.33	225.00
	10/12	10/13	Germany	181.50	75.00					181.50	75.00
	10/13	10/13	Netherlands								
	10/13	10/14	France	735.00	150.00					735.00	150.00
	10/14	10/19	Germany	915.00	375.00	2,212.77	899.50			3,127.77	1,274.50
			Commercial—one way							195.750	225.00
	10/19	10/22	Italy	195.750	225.00	149.00	234.00			149.00	234.00
			Military—one way								
	10/22	10/24	England	135.13	225.00	173.00				135.13	398.00
Refund					(150.00)						(150.00)
Hon. Barry M. Goldwater	9/4	9/8	England	210.08	375.00	1,630.50	662.00			1,630.50	1,037.00
			DM							210.08	
Hon. John Jarman	12/29	12/31	Guatemala	225	225.00					225	225.00
	1/1	1/3	Brazil	2,029.50	225.00					2,029.50	225.00
	1/4	1/10	South Africa	465.65	525.00					465.65	525.00
	1/12	1/14	Kenya	1,846.80	225.00					1,846.80	225.00
	1/15	1/17	Rome	153.900	225.00					153.900	225.00
	4/15	4/24	Mexico	9,376.50	750.00					9,376.50	750.00
	9/22	9/29	Spain	45,935.00	600.00					45,935	600.00
Hon. Dale Milford	1/5	1/6	Japan	22,875	75.00					22,875	75.00
	1/6	1/8	Indonesia	93,265	225.00	38,445.78	92.75			131,710	317.75
			Local							78	
	1/9	1/14	Australia	357.49	450.00	46.81	59.11			404.21	509.11
	1/14	1/16	New Zealand	213.39	225.00					213.39	225.00
			Military								3,590.51
Refund (150.00)							3,590.51		122.07		(−27.93)
	9/4	9/8	England	210.08	375.00	3,286.01	1,324.90			3,286.01	1,699.00
			DM							210.08	
Hon. James H. Scheuer	9/26	10/5	Kenya	6,257.25	750.00	777.10	93.10			7,034.35	843.10
	10/5	10/6	Tanzania	1,252.50	150.00					1,252.50	150.00
	10/6	10/11	Zaire	318.75	375.00					318.75	375.00
	10/11	10/14	Nigeria	186.93	300.00					186.93	300.00
Refund				(97.48)	(156.44)					(97.48)	(156.44)
	10/14	10/15	Ghana								
	10/15	10/17	Ivory Coast	1,880.35	150.00					1,880.35	150.00
	10/17	19/22	Senegal	93,670	57.90	9,340.83	2,874.10			9,340.83	3,249.10
			DM							93,670	
Hammill, Frank (Staff)	10/16	10/22	Australia	419.80	525.00	4,792.18	1,991.60			419.80	2,516.60
			DM							4,792.18	
Hinton, Lloyd V. (Staff)	9/4	9/8	England	210.08	375.00	3,286.01	1,324.00			210.08	1,699.00
			DM							3,286.01	
Holmfeld, John (Staff)	5/12	5/15	Italy	252,000	300.00	3,672.12	1,420.00			252.00	1,720.00
			DM							3,672.12	
Ketcham, Robert (Staff)	10/5	10/9	Australia	479.77	600.00	6,602.61	2,744.00			479.77	3,344.00
			DM							6,602.61	
Refund				(180.00)	(221.45)					(180.00)	(221.45)
Ratchford, J. Thomas (Staff)	5/28	6/2	England	210.08	375.00	26.73	47.81			236.81	422.81
	6/2	6/6	France	1,410.00	300.00					1,410.00	300.00
										8,316.00	
	6/6	6/12	Austria	8,316.00	450.00	5,170.75	1,591.00			5,170.75	2,041.00
Refund							(328.00)				(328.00)
Read, Ralph (Staff)	9/4	9/8	England	210.08	375.00	(3)	(3)			210.08	375.00
Staub, H. Gerald (Staff)	9/4	9/8	England	210.08	375.00	3,286.01	1,324.00			210.08	1,699.00
			DDM							3,286.01	
Total					10,872.00		20,116.00		122.07		31,110.66

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.
[3] None.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	27,225.08
Appropriated funds:	
Other	122.07
Government Department:	
DOD	173.00
DOD	3,590.51
Total	31,110.66

OLIN E. TEAGUE,
Chairman, Committee on Science and Technology.

Mar. 4, 1977.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Hon. Don Edwards	4/18	4/22	Philippines	1,832	246.23	3,959.41	1,603.00				1,849.23
Hon. Ray Roberts	12/12	12/14	England	130.81	225.00		726.00				
	12/15	12/22	France	2,222	450.00						1,401.00
Committee totals					921.23		2,329.00				3,250.23

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$2,524.23
Appropriated funds: Government department: MAC (DOD)	726.00
Total	3,250.23

RAY ROBERTS,
Chairman, Committee on Veterans' Affairs.

Mar. 3, 1977.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Hon. Joseph L. Fisher	5/23	5/23	England	41.20	75.00						75.00
	5/23	5/31	Kenya	5,040	600.00						600.00
Transportation							2,431.00				2,431.00
Hon. Bill Frenzel	1/5	1/9	Israel	2,715	375.00		1,893.68				2,268.68
	6/4	6/5	France	705	150.00						150.00
	6/5	6/8	Poland	11,250	225.00						225.00)
Refund				(3,750)	(75.00)						(75.00
	6/8	6/9	Austria	1,385.25	75.00						75.00
	6/9	6/9	Belgium	2,989	75.00						75.00
	6/9	6/13	England	209.79	375.00		300.43				675.43)
Refund							(100.00)				(100.00)
Refund				(42)	(75.00)						(75.00
By Department of Commerce							1,547.00				1,547.00
Hon. Sam M. Gibbons	11/6	11/10	Taiwan	11,385	300.00						300.00
	11/10	11/13	Philippines	1,672.87	225.00						225.00
	11/13	11/16	Indonesia	93,265	150.00						150.00
	11/16	11/20	Australia	304.36	375.00						375.00
	11/20	11/22	New Zealand	153.34	150.00						150.00
Military transportation							1,947.50				1,947.50
Hon. Joseph E. Karth	3/15	3/19	Switzerland	970.60	375.00		1,313.00				1,688.00
Hon. Abner J. Mikva	1/5	1/7	England	109.75	225.00						225.00
	1/7	1/10	Romania	2,673	225.00						225.00)
Refund				(237)	(19.95)						(19.95
	1/10	1/12	Austria	2,748	150.00						150.00
Transportation							1,674.00				1,674.00
	8/12	8/22	Israel	5,430	750.00		1,479.50				2,229.50
Hon. Charles B. Rangel	11/27	11/28	Kenya	625.25	75.00						75.00
	11/28	12/3	Lesotho	325.46	375.00						375.00
	12/3	12/5	Sierra Leone	267.87	225.00						225.00
Military transportation							927.12				927.12
Hon. Herman Schneebeli	5/21	5/22	Italy	126,750	150.00						150.00
	5/22	5/27	Kenya	3,150	375.00						375.00
	5/27	5/28	Italy	63,375	75.00						75.00
Military transportation							776.60				776.60
Hon. Guy Vander Jagt	11/22	11/24	Switzerland	336.85	150.00						150.00
	11/24	11/25	France	750	150.00	116	23.20				173.20
Transportation							1,800.50				1,800.50
Paul M. Auster	6/26	6/30	Switzerland	927.20	375.00						375.00
	7/12	7/14	France	705	150.00						150.00
Transportation							784.00				784.00
Michael J. Calhoun	10/11	10/15	Switzerland	735	300.00	87.60	35.91				335.91
	10/15	10/18	France	1,113.75	225.00	278	56.16				281.16
	10/18	10/19	Belgium	5,715	150.00						150.00
Refund				(2,857.5)	(75.00)						(75.00)
	10/19	10/22	England	179.90	300.00						300.00
Transportation							747.00				747.00
Loren C. Cox	5/19	5/29	Kenya	5,681.50	675.00						675.00
	5/29	5/31	Switzerland	371.05	150.00						150.00
Transportation							1,659.00				1,759.00
Walter B. Laessig	3/13	3/14	England	77.12	150.00						150.00
	3/14	3/18	Switzerland	776.45	300.00						300.00
Transportation							717.34				717.34
Harold Lamar (return only)	6/2	6/5	Belgium	8,966	225.00		354.20				597.20
	7/23	8/11	Japan	374,850	1,275.00		16.00				1,291.00
Refund				(245,000)	(833.33)						(833.33
Military transporfation, D.C. to Tokyo.							1,431.95				1,431.95)
John K. Meagher	1/5	1/9	Jamacia	476.44	525.00						525.00
Refund				(136)	(150.00)						(150.00)
1 way; Treasury transportation return.							(180.04)				(180.04)
	10/13	10/15	Switzerland	367.35	150.00	71.20	29.18				179.18
	10/15	10/16	France	371.25	75.00	95	19.20				94.20
	10/16	10/19	England	177.77	300.00	14.50	23.93				323.93
	10/19	10/21	France	1,485	300.00	164	33.14				333.14
Refund				(742.50)	(150.00)						(150.00)
Transportation							883.00				883.00

See footnotes at end of table.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976—Continued

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
David B. Rohr	1/25	2/4	Switzerland	2,151.4	825.00						825.00
	2/4	2/8	Belgium	11,955	300.00						300.00
Transportation							667.00				667.00
	3/28	4/10		2,472.05	975.00		667.00				1,642.00
	9/26	9/29	Germany	555.75	225.00						225.00
	9/29	10/2	Poland	13,500	300.00						300.00
	10/2	10/9	Germany	2,037.75	825.00						825.00
Refund					(300.00)						(300.00)
Transportation							949.00				949.00
Mary Jane Wignot	3/14	3/22	Switzerland	1,358.8	525.00		717.00				1,242.00
	7/4	7/11	Switzerland	739.95	300.00		931.00				1,231.00
	10/11	10/17	Switzerland	1,102.5	450.00		747.00				1,197.00
Edward L. Williams	3/27	4/9	Switzerland	2,472.05	975.00		730.00				1,705.00
	6/4	6/5	France	705.00	150.00						150.00
	6/5	6/8	Poland	11,250	225.00						225.00
Refund				(3,750)	(75.00)						(75.00)
	6/8	6/9	Austria	1,385.25	75.00						75.00
	6/9	6/9	Belgium	2,989	75.00						75.00
	6/9	6/12	England	125.87	225.00		907.00				1,132.00
Total					16,771.72		29,298.58				46,070.30

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$46,070.30

AL ULLMAN,
Chairman, Committee on Ways and Means.

Mar. 4, 1977.

REPORT OF INDIVIDUAL: WM. J. RANDALL, SELECT COMMITTEE ON AGING, U.S. HOUSE OF REPRESENTATIVES

Country	Name of currency	Date: Arrival	Date: Departure	Total days	Per diem: Foreign currency	Per diem: U.S. dollar [1] equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar [1] equivalent or U.S. currency
Luxembourg	Franc	Dec. 7, 1976	Dec. 8, 1976	1	2,757.00	75		
Poland	Zloty	Dec. 8, 1976	Dec. 10, 1976	2	3,375.00	150		
Czechoslovakia	Koruna	Dec. 10, 1976	Dec. 13, 1976	3	2,251.50	225		
West Berlin	Deutchemark	Dec. 13, 1976	Dec. 15, 1976	2	358.50	150		
Total						$600		

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Note: Air transportation to and from Europe paid for out of personal funds at no expense to the Government. Local transportation costs, Poland, if any, are not available at this time according to information from Department of State.

REPORT OF INDIVIDUAL: GILLIS LONG, JOINT ECONOMIC COMMITTEE, U.S. HOUSE OF REPRESENTATIVES

Country	Name of currency	Date: Arrival	Date: Departure	Total days	Per diem: Foreign currency	Per diem: U.S. dollar [1] equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar [1] equivalent or U.S. currency
Canada	Dollars (total)	Mar. 23, 1976	Mar. 27, 1976	3	225	225	114.85	114.85

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURES FOR OFFICIAL TRAVEL, MEXICO-UNITED STATES INTERPARLIAMENTARY CONFERENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976—16TH CONFERENCE HELD IN ATLANTA, GA., FEBRUARY 1976

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
E. de la Garza			United States		585.28						585.28
Lester L. Wolff			United States		146.95		76.37				223.32
Jerome A. Ambro			United States		178.05		62.37				240.42
Manuel Lujan, Jr			United States		204.67						204.67
John H. Rousselot			United States		133.57		62.37				195.94
Clair W. Burgener			United States		196.96						196.96
Robert J. Lagomarsino			United States		166.75						166.75
Benjamin A. Gilman			United States		176.54		76.37				252.91
John Chapman Chester			United States		290.27		125.36				415.63
Joyce Raupe			United States		185.20						185.20

See footnotes at end of table.

REPORT OF EXPENDITURES FOR OFFICIAL TRAVEL, MEXICO-UNITED STATES INTERPARLIAMENTARY CONFERENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1976—16TH CONFERENCE HELD IN ATLANTA, GA., FEBRUARY 1976—Continued

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Delegation expenses: (Paid by Senate Foreign Relations, ½ paid by House International Relations):											
Official meals for Mexicans					7,882.02						7,882.02
Control room rental									230.97		230.97
Transportation (for delegation and Mexicans)							4,959.78				4,959.78
Interpreters fees and expenses									2,393.09		2,393.0
Baggage handling									675.00		675.0
Flowers for Mexican guests and banquets									63.90		63.9
Miscellaneous									86.78		86.7
Committee totals					10,146.26		5,362.62		3,449.74		18,958.6

[1] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.
[2] Per diem constitutes lodging and meals.

RECAPITULATION

	Amoun
Foreign currency (U.S. dollar equivalent)	None
Appropriated funds: Other Public Law 86-420, 86th Cong	$18,958.62
Total	18,958.62

ROBERT N. C. NIX,
Chairman, Committee on Mexico-United States Interparliamentary Conference.

Feb. 8, 1977.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC ASSEMBLY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Hon. Frank Annunzio	5/26	5/30	Belgium	14,700	375.00					14,700	375.00
Hon. Jack Brooks	3/18	3/20	Italy	127,650	150.00					127,650	150.00
	3/20	3/21	England	76.92	150.00					76.92	150.00
	5/26	5/30	Belgium	14,700	375.00					14,700	375.00
Hon. Phillip Burton	5/26	5/30	Belgium	14,700	375.00					14,700	375.00
Hon. Del Clawson	5/26	5/30	Belgium	14,700	375.00					14,700	375.00
Hon. George Danielson	5/26	5/30	Belgium	14,700	375.00					14,700	375.00
Hon. Jack Edwards	5/27	5/30	Belgium	11,760	300.00					11,760	300.00
Hon. Sam Gibbons	5/26	5/30	Belgium	14,700	375.00					14,700	375.00
Hon. John J. Rhodes	5/28	5/30	Belgium	5,880	150.00					5,880	150.00
Hon. Charles Rose	5/26	5/30	Belgium	14,700	375.00					14,700	375.00
Hon. James Scheuer	5/28	5/30	Belgium	8,820	225.00					8,820	225.00
Peter A. Abbruzzese	5/26	5/30	Belgium	14,700	375.00					14,700	375.00
	10/13	10/14	Belgium	5,760	150.00					5,760	150.00
Mary Ellen Candage	5/26	5/30	Belgium	14,700	375.00					14,700	375.00
House Delegation expenses (including transportation, embassy personnel overtime, official escort personnel.											6,269.69
Committee totals					4,500.00						10,769.69

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$10,769.69
Appropriated funds:	
H.J. Res. 501 (84th Cong. amended) and Public Law 94-350*	14,324.39
Total	25,094.08

*Expended for House Delegation expenses including telephone, official representation, transportation, stationery and expenses for Annual Plenary Session at Williamsburg, Va., November 1976.

JACK BROOKS,
Chairman, House Delegation, North Atlantic Assembly.

Feb. 23, 1977.

REPORT OF EXPENDITURES FOR OFFICIAL TRAVEL, U.S.-CANADA INTERPARLIAMENTARY GROUP, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976
(16th Meeting of the United States-Canada Interparliamentary Group—Held in Key Biscayne, Fla., Jan. 29-Feb. 2, 1976)

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency [2]
Thomas E. Morgan			United States		623.78						623.78
Harold Johnson			United States		271.13						271.13
William Randall			United States		276.08						276.08
Lloyd Meeds			United States		282.04						282.04
Dante B. Fascell			United States		278.88						278.88
Sam M. Gibbons			United States		284.77						284.77
Max Baucus			United States		140.62						140.62

See footnotes at end of table.

REPORT OF EXPENDITURES FOR OFFICIAL TRAVEL, U.S.-CANADA INTERPARLIAMENTARY GROUP, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC 31, 1976
(16th Meeting of the United States-Canada Interparliamentary Group—Held in Key Biscayne, Fla., Jan. 29–Feb. 2, 1976)—Continued

Name of Member or employee	Date: Arrival	Date: Departure	Country	Per diem [1]: Foreign currency	Per diem [1]: U.S. dollar equivalent or U.S. currency [2]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [2]	Other purposes: Foreign currency	Other purposes: U.S. dollar equivalent or U.S. currency [2]	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Pierre S. du Pont			United States		135.20		266.73				401.93
Robert McEwen			United States		560.47						560.47
Philip E. Ruppe			United States		306.84						306.84
Jack Kemp			United States		139.95						139.95
Claude Pepper			United States		302.53						302.53
John LaFalce			United States		289.71						289.71
George M. Ingram IV			United States		620.12		337.37				957.49
Diane Stoner			United States		272.61						272.61
Michael Finley			United States		271.65						271.65
Marian A. Czarnecki			United States		351.22						351.22
Delegation expenses: (paid ½ by Senate Foreign Relations and ½ by House International Relations).											
Official Meals					9,931.91						9,931.91
Transportation (delegation and Canadians)							1,716.70				1,716.70
Control room rental									349.88		349.88
Tips, gratuities, cabs, representation lunches, etc.									492.86		492.86
Total					15,339.51		2,320.80		842.74		18,503.05

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	18,503.05

THOMAS E. MORGAN,
Chairman, U.S. Inter-Parliamentary Group

Mar. 4, 1977.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL, INTERPARLIAMENTARY UNION GROUP, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1976

Name and country	Name of currency	Per diem: Foreign currency	Per diem: U.S. dollar equivalent or U.S. currency [1]	Transportation: Foreign currency [1]	Transportation: U.S. dollar equivalent or U.S. currency	Dates	Total U.S. dollar equivalent or U.S. currency [1]
Richardson Preyer:							
Guatemala	U.S. dollars		$54.50			Dec. 29–31, 1975	54.50
Brazil	do		131.48			Jan. 1–3, 1976	131.40
South Africa	do		165.55			Jan. 4–10, 1976	165.55
Edward J. Derwinski:							
Switzerland	do		164.32			Jan. 12–15, 1976	164.32
United Kingdom	do		87.60			Jan. 15–18, 1976	87.60
Mexico	do		371.06			Apr. 16–24, 1976	371.06
Robert McClory: Mexico	do		228.80			Apr. 16–24, 1976	228.80
Lee H. Hamilton: Mexcio	do		429.68			Apr. 16–24, 1976	429.68
Donald Clancy: Mexico	do		278.93			Apr. 16–24. 1976	278.93
Claude Pepper: Spain	do		890.61			Sept. 22–Oct. 2, 1976	890.61
John Jarman:							
Guatemala	do		105.50			Dec. 29–31, 1975	105.50
Brazil	do		259.19			Jan. 1–3, 1976	259.19
John Jarman:							
South Africa	do		597.70			Jan. 4–10, 1976	597.50
Mexico	do		662.19			Apr. 16–24, 1976	662.19
Spain	do		493.80			Sept. 20–29, 1976	493.80
Bonnie Seefeldt:							
Guatemala	do		44.20			Dec. 29–31, 1975	44.20
Brazil	do		102.00			Jan. 1–3, 1976	102.00
South Africa	do		681.30			Jan. 4–10, 1976	618.30
Delegation expenses: Kenya	do		1,395.63			Jan. 12–14, 1976	1,395.63
Delegation expenses:							
Italy	do		1,000.80			Jan. 15–17, 1976	1,000.80
Mexico	do		722.34	87,444.32	7,001.14	Apr. 16–24, 1976	7,723.48
Spain	do		396.05			Sept. 20–Oct. 1, 1976	396.05
Delegation expenses: Spain	do		177.50			Sept. 20–Oct. 1, 1976	177.50
Delegation expenses: United Kingdom	do		892.00			Oct. 2–3, 1976	892.00
Gretlyn Haslup: Spain	do		358.70			Sept. 20–Oct. 1, 1976	358.70
Ann Bolton: Mexico	do		500.40			Apr. 16–24, 1976	500.40
Curtis Cutter:							
Mexico	do		461.60			Apr. 16–24, 1976	461.60
Spain	do		491.22			Sept. 20–Oct. 1, 1976	491.22
Total			1,811.92	87,444.32	7,001.14		19,082.79

[1] If foreign currency is used, enter U.S. dollar equivaleut; If U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$7,001.14
Appropriated funds	12,081.65
Total	19,082.79

JOHN JARMAN,
Chairman, Committee/Delegation Interparliamentary Union Group.

REPORT OF INDIVIDUAL: CLAUDE PEPPER, COMMITTEE ON INTERPARLIAMENTARY UNION GROUP, U.S. HOUSE OF REPRESENTATIVES

Country	Name of currency	Date: Arrival	Date: Departure	Date: Total days	Per diem: Foreign currency	Per diem: U.S. dollar equivalent or U.S. currency [1]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [1]
Spain	Peseta	Oct. 2, 1976	Sept. 22, 1976	11	8,708	$128.15	5,160	$760.00

[1] If foreign currency is used, enter U.S. $ equivalent; if U.S. currency is used, enter amount expended.

Note: I traveled to Spain as part of an Interparliamentary Union Delegation. My travel was authorized by the Rules Committee.

Mar. 3, 1977.

CLAUDE PEPPER,
Chairman, Committee on Rules.

REPORT OF INDIVIDUAL: CLAUDE PEPPER, COMMITTEE ON INTERPARLIAMENTARY UNION GROUP, U.S. HOUSE OF REPRESENTATIVES

Country	Name of currency	Date: Arrival	Date: Departure	Date: Total days	Per diem: Foreign currency	Per diem: U.S. dollar equivalent or U.S. currency [1]	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency [1]
Mexico	Pesos	Apr. 15, 1976	Apr. 25, 1977	10	3,224.90	$258.20	7,042.50	$563.85

[1] If foreign currency is used, enter U.S. dollar equivalent, if U.S. currency is used, enter amount expended.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1069. A letter from the Comptroller General of the United States, transmitting a report that the failure of the Army Corps of Engineers to make funds available for construction activities at Meramec Park Lake, Mo., constitutes a deferral of budget authority which has not been reported to the Congress by the President, pursuant to section 1015(a) of the Impoundment Control Act of 1974 (H. Doc. No. 95–108); to the Committee on Appropriations and ordered to be printed.

1070. A letter from the Attorney General, transmitting notice of proposed changes in two records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1071. A letter from the Attorney General, transmitting notice of a proposed change in a records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1072. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report on actions taken on the recommendations contained in the third annual report of the National Advisory Council on Indian Education, entitled "Indian Education: The Right to be Indian," dated March 1976, pursuant to section 6(b) of the Federal Advisory Committee Act; to the Committee on Government Operations.

1073. A letter from the Deputy Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during February 1977, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

1074. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide for the relief of certain residents of the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

1075. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend section 2 of the act of June 30, 1954, providing for the continuance of civil government for the Trust Territory of the Pacific Islands, and for other purposes; to the Committee on Interior and Insular Affairs.

1076. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Ambassador-designate Gale E. McGee and his family, pursuant to section 6 of Public Law 93–126; to the Committee on International Relations.

1077. A letter from the Acting Assistant Administrator for Legislative Affairs, Agency for International Development, Department of State, transmitting the first semiannual report on participation by small business in procurement programs of the Agency, pursuant to section 602 of Public Law 94–329; to the Committee on International Relations.

1078. A letter from the president, Overseas Private Investment Corporation, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1961, as amended, to authorize additional authority for the Overseas Private Investment Corporation; to the Committee on International Relations.

1079. A letter from the Secretary of Health, Education, and Welfare, transmitting a 5-year plan for the extension of comprehensive mental health services through community mental health centers to persons in all areas in which there is a demonstrated need for such services, pursuant to section 304(a) of Public Law 94–63; to the Committee on Interstate and Foreign Commerce.

1080. A letter from the Chairman, Interstate Commerce Commission, transmitting a report on the Commission's determination to extend the time period for rendering a final decision in proceeding No. 36420, involving a joint-line arrangement for transportation of coal via the Louisville and Nashville Railroad and Conrail, pursuant to section 15(8) of the Interstate Commerce Act, as amended (90 Stat. 37); to the Committee on Interstate and Foreign Commerce.

1081. A letter from the Acting Comptroller of the Currency, transmitting the annual report of his office's Consumer Affairs Division, pursuant to section 18(f)(5) of the Federal Trade Commission Act, as amended (88 Stat. 2197); jointly, to the Committees on Interstate and Foreign Commerce, and Banking, Finance and Urban Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MEEDS: Committee on Rules. House Resolution 423. Resolution providing for the consideration of H.R. 4250. A bill to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers and to establish collective-bargaining procedures in the construction industry (Rept. No. 95–102). Referred to the House Calendar.

Mr. DODD: Committee on Rules. House Resolution 424. Resolution providing for the consideration of H.R. 5040. A bill to authorize additional appropriations for the Department of State for fiscal year 1977 (Rept. No. 95–103). Referred to the House Calendar.

Mr. BENNETT: Committee on Armed Services. H.R. 4895. A bill to amend the Strategic and Critical Materials Stock Piling Act, and for other purposes (Rept. No. 95–104). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. H.R. 5045. A bill to reestablish the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes; with amendment (Rept. No. 95–105). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 5292. A bill to regulate the trapping of mammals and birds on Federal lands, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, Interstate and Foreign Commerce, and the Judiciary.

By Mr. ANNUNZIO:

H.R. 5293. A bill to amend the Internal Revenue Code of 1954 to provide a basic

$5,000 exemption from income tax, in the case of an individual or a married couple, for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mr. ANNUNZIO (for himself, Mrs. FENWICK, Mr. WYLIE, Mrs. SPELLMAN, Mr. VENTO, Mr. ALLEN, Mr. ST GERMAIN, Mr. MINISH, Mr. FAUNTROY, and Mr. EVANS of Delaware):

H.R. 5294. A bill to amend the Consumer Credit Protection Act to prohibit abusive practices by debt collectors; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ARMSTRONG (for himself, Mr. ABDNOR, Mr. BADILLO, Mr. BEDELL, Mr. BROYHILL, Mr. BURGENER, Mr. CORNWELL, Mr. DERWINSKI, Mrs. FENWICK, Mr. FRENZEL, Mr. FREY, Mr. HOLLENBECK, Mr. HOWARD, Mr. HYDE, Mr. LAGOMARSINO, Mr. LUJAN, Mr. MANN, and Mr. MIKVA):

H.R. 5295. A bill to remove the limitation on the amount authorized to be appropriated under the Volunteers in the National Forests Act of 1972; to the Committee on Agriculture.

By Mr. ARMSTRONG (for himself, Mr. MOORHEAD of California, Mr. PURSELL, Mr. SCHEUER, Mr. SEBELIUS, Mr. SIMON, Mr. STOCKMAN, Mr. THONE, Mr. TREEN, Mr. WHITEHURST, Mr. WHITLEY, and Mr. WINN):

H.R. 5296. A bill to remove the limitation on the amount authorized to be appropriated under the Volunteers in the National Forests Act of 1972; to the Committee on Agriculture.

By Mr. BEARD of Rhode Island:

H.R. 5297. A bill to amend the Social Security Act to establish a procedure for the prompt payment of social security benefits to individuals whose social security checks have been lost, stolen, or otherwise delayed; to expedite hearings and determinations respecting claims for benefits under titles II, XVI, and XVIII of the act and part B of title IV of the Federal Coal Mine Health and Safety Act of 1969; and to amend title II of the Social Security Act to limit to 25 percent the reduction that may be made in an individual's benefit check for any month because of any previous overpayments of monthly benefits; jointly, to the Committees on Education and Labor, Interstate and Foreign Commerce, and Ways and Means.

By Mr. BOWEN:

H.R. 5298. A bill to extend the Rice Production Act of 1975 through the 1981 crops of rice; to the Committee on Agriculture.

By Mr. BROOKS (for himself, Mr. BOLAND, Mr. CORMAN, Mr. COTTER, Mr. EMERY, Mr. ERTEL, Mr. GILMAN, Mr. HAMMERSCHMIDT, Mr. HEFTEL, Mr. JENRETTE, Mr. MOORHEAD of Pennsylvania, Mr. NOLAN, Mr. OTTINGER, Mr. RINALDO, Mr. WALGREN, Mr. WHITLEY, Mr. CHARLES WILSON of Texas, and Mr. WIRTH):

H.R. 5299. A bill to establish a Department of Energy in the executive branch by the reorganization of energy functions within the Federal Government in order to secure effective management to assure a coordinated national energy policy, and for other purposes; to the Committee on Government Operations.

By Mr. BROWN of California (for himself, Mr. MCCORMACK, Mr. TEAGUE, Mr. LE FANTE, Mr. MOORHEAD of California, Mr. HANNAFORD, Mr. MITCHELL of New York, Mrs. SPELLMAN, Mr. WINN, Mr. EVANS of Colorado, Mr. MAGUIRE, Mr. SIMON, Mr. VENTO, Mr. KOSTMAYER, Mr. MCKAY, and Mr. FORD of Tennessee):

H.R. 5300. A bill to establish a 5-year research and development program leading to advanced automobile propulsion systems, and for other purposes; to the Committee on Science and Technology.

By Mr. BROWN of California (for himself, Mr. MCCORMACK, Mr. TEAGUE, Mr. GLICKMAN, Mr. GEPHARDT, Mr. BADILLO, Mr. LLOYD of California, Mr. STEERS, Mr. GILMAN, Mr. MOFFETT, Mr. AKAKA, Mr. STARK, Mr. ROYBAL, Mr. KREBS, Mr. GORE, Mr. PEPPER, Mr. HARRIS, Mr. SCHEUER, Mr. CARR, Mr. SANTINI, and Mr. SOLARZ):

H.R. 5301. A bill to establish a 5-year research and development program leading to advanced automobile propulsion systems, and for other purposes; to the Committee on Science and Technology.

By BURGENER (for himself, Mr. HUCKABY, Mr. NOLAN, Mrs. KEYS, Mr. PURSELL, Mr. FITHIAN, Mr. LATTA, Mr. SYMMS, Mr. TUCKER, Mr. SEBELIUS, Mr. LEACH, Mr. LEGGETT, Mr. BREAUX, Mr. COCHRAN of Mississippi, Mr. LOTT, Mr. JACOBS, Mr. LONG of Louisiana, Mr. BEDELL, Mrs. PETTIS, Mrs. MEYNER, Mr. PRESSLER, Mrs. SMITH of Nebraska, and Mr. ICHORD):

H.R. 5302. A bill to amend the Internal Revenue Code of 1954 to exempt certain agricultural aircraft from the aircraft use tax, to provide for the refund of the gasoline tax to the agricultural aircraft operator, and other purposes; to the Committee on Ways and Means.

By Mr. BURGENER (for himself and Mr. MICHEL):

H.R. 5303. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit or deduction to individuals who maintain within their homes a dependent aged 65 or older; to the Committee on Ways and Means.

By Mr. BURGENER:

H.R. 5304. A bill to establish a task force to study and evaluate the taxation of real property by State and local governments, the effects of such taxation on certain taxpayers, and the feasibility of Federal taxation and other policies designed to reduce the dependence of State and local governments on such taxation; jointly, to the Committees on Ways and Means, and Government Operations.

By Mr. BURKE of Massachusetts:

H.R. 5305. A bill to amend the Internal Revenue Code of 1954 to equalize the taxation of certain cooperatives; to the Committee on Ways and Means.

By Mr. PHILLIP BURTON (for himself, Mr. SEBELIUS, Mr. UDALL, Mr. YATES, Mr. BAUMAN, Mr. KASTENMEIER, Mr. BINGHAM, Mr. SEIBERLING, Mr. WON PAT, Mr. DE LUGO, Mr. LAGOMARSINO, Mr. SANTINI, Mr. TSONGAS, Mr. FLORIO, Mr. KOSTMAYER, Mr. CORRADA, Mr. REGULA, Mr. MILLER of California, Mr. JOHN L. BURTON, Mr. HEFTEL, and Mr. GUDGER):

H.R. 5306. A bill to amend the Land and Water Conservation Fund Act of 1965, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CONTE (for himself, Mr. ADDABBO, Mr. BADILLO, Mr. BAUCUS, Mr. BEDELL, Mr. BOWEN, Mr. BUCHANAN, Mr. CARNEY, Mrs. CHISHOLM, Mrs. COLLINS of Illinois, Mr. COLLINS of Texas, and Mr. SMITH of Iowa):

H.R. 5307. A bill to amend the Social Security Act to provide for inclusion of the services of licensed (registered) nurses under medicare and medicaid; jointly to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. CONTE (for himself, Mr. CORRADA, Mr. DIGGS, Mr. DRINAN, Mr. DUNCAN of Oregon, Mr. EDGAR, Mr. EILBERG, Mrs. FENWICK, Mr. FREY, Mr. GLICKMAN, and Mr. HAWKINS):

H.R. 5308. A bill to amend the Social Security Act to provide for inclusion of the services of licensed (registered) nurses under medicare and medicaid; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. CONTE (for himself, Mr. HOLLENBECK, Mrs. KEYS, Mr. LEACH, Mrs. LLOYD of Tennessee, Mr. LONG of Maryland, Mr. MCCLOSKEY, Mr. MARLENEE, Mr. MIKVA, Mr. MOAKLEY, and Mr. MURPHY of New York):

H.R. 5309. A bill to amend the Social Security Act to provide for inclusion of the services of licensed (registered) nurses under medicare and medicaid; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. CONTE (for himself, Mr. NEAL, Mr. PEPPER, Mr. RANGEL, Mr. SIMON, Mrs. SPELLMAN, Mr. WALSH, Mr. CHARLES H. WILSON of California, Mr. CHARLES WILSON of Texas, and Mr. ZEFERETTI):

H.R. 5310. A bill to amend the Social Security Act to provide for inclusion of the services of licensed (registered) nurses under medicare and medicaid; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. CORCORAN of Illinois:

H.R. 5311. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5312. A bill to provide that rates of pay for Members of Congress shall not be subject to quadrennial adjustment under the Federal Salary Act of 1967; to the Committee on Post Office and Civil Service.

H.R. 5313. A bill entitled "The College Tuition Tax Relief Act of 1977"; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. KELLY, Mr. COLLINS of Texas, Mr. HANSEN, Mr. HAGEDORN, Mr. EDWARDS of Oklahoma, Mr. BADHAM, Mr. TREEN, Mr. MOORHEAD of California, Mr. DORNAN, Mr. WALKER, Mr. ROBINSON, Mr. ARCHER, and Mr. SYMMS):

H.R. 5314. A bill to remove stautory limitations upon the application of the Sherman Act to labor organizations and their activities, and for other purposes; to the Committee on the Judiciary.

By Mr. DAN DANIEL:

H.R. 5315. A bill to authorize and direct the Secretary of the Army to convey to the Virginia Polytechnic Institute and State university certain lands of the United States of America at Fort Pickett, Va.; to the Committee on Armed Services.

By Mr. DELANEY (for himself, Mr. BEARD of Rhode Island, Mr. MOORHEAD of California, Mr. D'AMOURS, Mr. BURKE of Florida, Mr. ZEFERETTI, Mr. EDGAR, Mr. OBERSTAR, and Mr. KEMP):

H.R. 5316. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer to deduct, or to claim a credit for, amounts paid as tuition to provide an education for himself, for his spouse, or for his dependents; to the Committee on Ways and Means.

By Mr. DRINAN:

H.R. 5317. A bill to amend chapters 5 and 7 of title 5 of the United States Code to provide for the award of reasonable attorney fees, expert witness expenses, and other costs reasonably incurred in proceedings before Federal agencies, and for other purposes; to the Committee on the Judiciary.

By Mr. ECKHARDT (for himself and Mr. KOCH):

H.R. 5318. A bill to amend the Federal Trade Commission Act to expand the authority for the bringing of suits for redress for violations relating to unfair or deceptive acts or practices by authorizing suits to be brought by persons, partnerships, and corporations injured by such violations; to the Committee on Interstate and Foreign Commerce.

By Mr. FRASER (for himself, Mrs. KEYS, Mr. AUCOIN, Mr. BADILLO, Mr. BEDELL, Mr. BLOUIN, Mrs. BOGGS, Mr. BONIOR, Mr. BONKER, Mrs. BURKE of California, Mr. JOHN L. BURTON, Mr. CARR, Mr. CORNELL, Mr. DELLUMS, Mr. DERWINSKI, Mr. DOWNEY, Mr. EDWARDS of California, Mr. EDWARDS of Oklahoma, Mrs. FENWICK, Mr. FLOOD, Mr. HARKIN, and Mr. HARRINGTON):

H.R. 5319. A bill to amend title II of the Social Security Act to create portability in social security by permitting married couples to elect to combine their earnings in any year for benefit purposes, and to make other changes designed to foster the more equitable treatment of individuals and families under the social security program; to the Committee on Ways and Means.

By Mr. FRASER (for himself, Mrs. KEYS, Mr. LEHMAN, Mrs. LLOYD of Tennessee, Mr. METCALFE, Mrs. MEYNER, Ms. MIKULSKI, Mr. MIKVA, Mr. MOAKLEY, Mr. MOSS, Mr. MOTTL, Mr. NIX, Mr. NOLAN, Mr. PATTERSON of California, Mr. PEASE, Mr. PEPPER, Mr. PRITCHARD, Mr. RANGEL, Mr. RICHMOND, Mr. ROYBAL, Mr. SAWYER, Mr. SCHEUER, and Ms. SCHROEDER):

H.R. 5320. A bill to amend title II of the Social Security Act to create portability in social security by permitting married couples to elect to combine their earnings in any year for benefit purposes, and to make other changes designed to foster the more equitable treatment of individuals and families under the social security program; to the Committee on Ways and Means.

By Mr. FRASER (for himself, Mrs. KEYS, Mr. SEIBERLING, Mr. SOLARZ, Mr. STARK, Mr. THONE, Mr. WAXMAN, Mr. WEISS, and Mr. YATRON):

H.R. 5321. A bill to amend title II of the Social Security Act to create portability in social security by permitting married couples to elect to combine their earnings in any year for benefit purposes, and to make other changes designed to foster the more equitable treatment of individuals and families under the social security program; to the Committee on Ways and Means.

By Mr. FRENZEL:

H.R. 5322. A bill to continue for a temporary period the existing suspension of duty on certain istle; to the Committee on Ways and Means.

By Mr. FRASER (for himself, Mrs. KEYS, and Mr. JACOBS):

H.R. 5323. A bill to amend title II of the Social Security Act to create portability in social security by permitting married couples to elect to combine their earnings in any year for benefit purposes, and to make other changes designed to foster the more equitable treatment of individuals and families under the social security program; to the Committee on Ways and Means.

By Mr. HAMMERSCHMIDT:

H.R. 5324. A bill to provide for an emergency feed program; to the Committee on Agriculture.

H.R. 5325. A bill to amend the Clean Air Act to establish certain motor vehicle emission standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 5326. A bill to amend title 18, United States Code, to prohibit the sexual exploitation of children and the transportation in interstate or foreign commerce of photographs or films depicting such exploitation; to the Committee on the Judiciary.

H.R. 5327. A bill to amend the Congressional Budget Act of 1974 to require the Congressional Budget Office to prepare economic impact statements in connection with legislation reported by congressional committees and in connection with rules and regulations proposed by Federal agencies; to the Committee on Rules.

H.R. 5328. A bill to establish restrictions on the disclosure of certain financial, toll, and credit records, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs, and the Judiciary.

By Mr. HARRINGTON (for himself, Mr. EMERY, Mr. TSONGAS, Mr. MAZZOLI, and Mr. CARR):

H.R. 5329. A bill to provide for the expansion of the Current Population Survey published by the Bureau of Labor Statistics so as to provide each State with monthly unemployment statistics; to the Committee on Education and Labor.

By Mr. HARRIS:

H.R. 5330. A bill to amend title 5, United States Code, to provide for grade retention benefits for certain employees whose positions are reduced in grade, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. JACOBS (for himself, Mr. SANTINI, Mr. SYMMS, Mr. EDWARDS of Oklahoma, Mr. ROBERTS, Mr. BEDELL, Mr. WEAVER, Mr. RINALDO, Mr. SISK, Mr. MATHIS, Mr. DERWINSKI, Mr. KETCHUM, Mr. TUCKER, Mr. AUCOIN, Mr. DAN DANIEL, and Mr. VOLKMER):

H.R. 5331. A bill to amend title 21 of the United States Code, the Federal Food and Drugs Act of 1906; to the Committee on Interstate and Foreign Commerce.

By Mr. JEFFORDS:

H.R. 5332. A bill to repeal the provisions of law allowing automatic cost-of-living adjustments in the salaries of Members of Congress; to the Committee on Post Office and Civil Service.

H.R. 5333. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. JEFFORDS (for himself and Mr. BALDUS):

H.R. 5334. A bill to amend section 7 of the Food Stamp Act of 1964, as amended; to the Committee on Agriculture.

By Mr. KASTENMEIER (for himself, Mr. BONIOR, Mr. CARNEY, Mr. CARTER, Mr. HARKIN, Mr. JEFFORDS, Mrs. KEYS, Mr. SEIBERLING, and Mr. STARK):

H.R. 5335. A bill to amend the Clayton Act to provide for additional regulation of certain anticompetitive developments in the agricultural industry; to the Committee on the Judiciary.

By Mr. KEMP (for himself, Mr. DORAN, and Mr. MOORHEAD of Cali-

H.R. 5336. A bill relating to the settlement of debts owed the United States by foreign countries; to the Committee on International Relations.

By Mr. KEMP (for himself, Mr. BADHAM, and Mr. RUDD):

H.R. 5337. A bill to limit U.S. contributions to the United Nations; to the Committee on International Relations.

By Mr. KEMP (for himself, Mr. DORNAN, and Mr. MOORHEAD of California):

H.R. 5338. A bill to restore public trust and confidence in the Congress of the United States and the conduct of its Members; jointly, to the Committees on Government Operations, House Administration, the Judiciary, Post Office and Civil Service, Rules, and Ways and Means.

By Ms. KEYS (for herself, Mrs. FENWICK, Mr. ROE, Mr. SCHEUER, Mr. MOAKLEY, Mr. LAGOMARSINO, Mr. WHITEHURST, Mr. CLEVELAND, Mr. DERWINSKI, Mr. BALDUS, Mr. HANNAFORD, Mr. CORMAN, Mr. BONKER, Mr. BADILLO, Mr. PIKE, Mr. BLOUIN, Mr. CARNEY, Mr. CARR, Mr. JENRETTE, Mr. BRODHEAD, Ms. MIKULSKI, Mrs. SPELLMAN, Mr. FRASER, Mr. GLICKMAN, and Mr. CAVANAUGH):

H.R. 5339. A bill to amend the Internal Revenue Code to decrease the limitation on deduction for medical expenses to 2 percent of adjusted gross income, to eliminate the 1-percent limitation on deductions for drugs and medicine and to include the entire deduction for medical insurance within the 2-percent limitation; to the Committee on Ways and Means.

By Ms. KEYS (for herself, Mr. EDGAR, Mr. LE FANTE, Mr. JENRETTE, Mr. BAUCUS, Mr. WALGREN, Mr. MCCLOSKEY, Mr. PATTEN, Mrs. MEYNER, Mr. CORNWELL, Mr. MOAKLEY, Mr. BOWEN, Mr. EDWARDS of Oklahoma, Mr. BINGHAM, Mr. AUCOIN, Mr. SCHEUER, Mrs. COLLINS of Illinois, Mr. GEPHARDT, and Mr. DOWNEY):

H.R. 5340. A bill to amend the Internal Revenue Code of 1954 to simplify tax preparation by allowing individuals whose income consists solely of employee compensation and interest to elect to have the Internal Revenue Service compute their income tax liability, and for other purposes; to the Committee on Ways and Means.

By Ms. KEYS (for herself, Mr. PATTERSON of California, Mr. CORMAN, Mr. CONTE, Mr. FINDLEY, Mr. DICKINSON, Mr. GORE, Mr. BRINKLEY, Mr. MOLLOHAN, Mr. MICHAEL O. MYERS, Mr. BROYHILL, Mr. MURPHY of Illinois, Mr. SIKES, and Ms. OAKAR):

H.R. 5341. A bill to amend part B of title XI of the Social Security Act to assure appropriate participation by professional registered nurses in the peer review, and related activities authorized thereunder; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. KREBS (for himself and Mr. SISK):

H.R. 5342. A bill to allow larger acreages of certain land to be retained by the owner of such land and to remain qualified for irrigation water under the Federal reclamation laws; to the Committee on Interior and Insular Affairs.

By Mr. LEDERER (for himself and Mr. RISENHOOVER):

H.R. 5343. A bill to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers and to establish collective-bargaining procedures in the construction industry; to the Committee on Education and Labor.

By Mr. McCLORY (for himself, Mr. BUTLER, and Mr. RAILSBACK):

H.R. 5344. A bill to amend title 18, United States Code, so as to establish certain guidelines for sentencing, establish a U.S. Commission on Sentencing, and for other purposes; to the Committee on the Judiciary.

By Mr. MARTIN (for himself, Mr. STEIGER, Mr. ASHLEY, Mr. JOHNSON of Colorado, Mr. CRANE, Mr. BAUMAN, Mr. YOUNG of Alaska, Mr. LEDERER, Mr. GUYER, Mr. QUAYLE, Mr. SARASIN, Mr. MOLLOHAN, Mrs. SPELLMAN, Mr. LATTA, Mr. SISK, Mr. WINN, Mr. GRADISON, Mr. LEHMAN, Mr. PRITCHARD, Mr. O'BRIEN, Mr. COLLINS of Texas, Mr. MICHEL, Mr. SATTERFIELD, Mr. POAGE, and Mr. DEVINE):

H.R. 5345. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize

an evaluation of the risks and benefits of certain food additives and to permit the marketing of saccharin until such an evaluation can be made of it; to the Committee on Interstate and Foreign Commerce.

By Mrs. MEYNER:

H.R. 5346. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange services; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MIKVA:

H.R. 5347. A bill to require specific statutory authorization for each canal maintenance, repair, or reconstruction project costing $4 million or more to be undertaken by the Secretary of the Army acting through the Chief of Engineers; to the Committee on Public Works and Transportation.

By Mr. MILFORD (for himself and Mr. WRIGHT):

H.R. 5348. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Secretary of Health, Education, and Welfare with greater latitude in regulating food additives found to induce cancer in man or animal; to the Committee on Interstate and Foreign Commerce.

By Mr. MITCHELL of New York:

H.R. 5349. A bill to amend title XVI of the Social Security Act to provide for the exclusion from income, for purposes of determining eligibility and amount of benefits under the supplemental security income program, of income received by reason of employment in a sheltered work setting; to the Committee on Ways and Means.

H.R. 5350. A bill to provide for the recycling of used oil, and for other purposes; jointly, to the Committees on Interstate and Foreign Commerce, Ways and Means, Government Operations, and Science and Technology.

By Mr. MOORHEAD of Pennsylvania:

H.R. 5351. A bill to establish a program for repairing and replacing unsafe highway bridges; jointly, to the Committees on Public Works and Transportation, and Ways and Means.

By Mr. MURPHY of New York (for himself, Mr. FORD of Tennessee, Mr. SIMON, Mr. MOAKLEY, Mr. STRATTON, Mr. OTTINGER, Mr. HIGHTOWER, Mr. MCCLOSKEY, Mr. MIKVA, Mr. MEEDS, Mr. WALGREN, Mr. BOWEN, Ms. MIKULSKI, Mr. THOMPSON, Mr. JOHNSON of California, Mr. SATTERFIELD, Mr. BRADEMAS, Mr. AKAKA, Mr. FISH, Mr. MOSS, Mr. LAFALCE, Mr. SEBELIUS, Mr. CLEVELAND, Mr. CORRADA, and Mr. ROYBAL):

H.R. 5352. A bill to provide for the designation of the libraries of accredited law schools as depository libraries of Government publications; to the Committee on House Administration.

By Mr. MURPHY of New York (for himself, Mr. KILDEE, Mr. CORNWELL, Mr. COTTER, Mr. MONTGOMERY, and Mr. LEDERER):

H.R. 5353. A bill to amend the Child Abuse Prevention and Treatment Act to prohibit the sexual exploitation of children and the transportation and dissemination of photographs or films depicting such exploitation; to the Committee on Education and Labor.

By Mr. RAILSBACK (for himself and Mr. BAUMAN):

H.R. 5354. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pension of $150 per month to World War I veterans, subject to a $3,540 and $4,760 annual income limitation; to provide that retirement income such as social security shall not be counted as income; to provide that such pension shall be increased by 10 per centum where the veteran served overseas during World War I; and for other purposes; to the Committee on Veteran's Affairs.

By Mr. RODINO:

H.R. 5355. A bill to amend title II of the Social Security Act to permit a State, under its section 218 agreement, to terminate social security coverage for State or local policemen or firemen without affecting the coverage of other public employees who may be members of the same coverage group (and to permit the reinstatement of coverage for such other employees in certain cases where the group's coverage has previously been terminated); to the Committee on Ways and Means.

H.R. 5356. A bill to give ministers and Christian Science practitioners who prepreviously elected to be exempt from coverage under the social security program an opportunity to revoke such exemption and, upon payment of the requisite taxes, to obtain such coverage for the period the exemption was in effect; to the Committee on Ways and Means.

By Mr. RODINO (for himself, Mrs. FENWICK, Mr. FLORIO, Mr. FORSYTHE, Mr. HOLLENBECK, Mr. HOWARD, Mr. HUGHES, Mr. LE FANTE, Mr. MAGUIRE, Mrs. MEYNER, Mr. MINISH, Mr. PATTEN, Mr. RINALDO, Mr. ROE, and Mr. THOMPSON):

H.R. 5357. A bill to amend section 218 of the Social Security Act to include New Jersey in the list of States which may establish a divided retirement system for purposes of providing social security coverage of State and local employees under Federal-State agreements; to the Committee on Ways and Means.

By Mr. ROGERS:

H.R. 5358. A bill to repeal the provisions of law allowing automatic cost-of-living adjustments in the salaries of Members of Congress; to the Committee on Post Office and Civil Service.

By Mr. ROSTENKOWSKI (for himself, Mr. MOORHEAD of Pennsylvania, and Mr. CONABLE):

H.R. 5359. A bill to declare a national policy on investment in the private sector of the U.S. economy; to the Committee on Government Operations.

By Mr. SANTINI:

H.R. 5360. A bill to provide for conveyance of certain lands adjacent to the Gund Ranch, Grass Valley, Nev., to the University of Nevada; to the Committee on Interior and Insular Affairs.

By Mr. SATTERFIELD:

H.R. 5361. A bill to amend the Federal Food, Drug, and Cosmetic Act to broaden the discretion of the Secretary of Health, Education, and Welfare respecting certain food additives found to induce cancer in animals; to the Committee on Interstate and Foreign Commerce.

By Mr. SAWYER:

H.R. 5362. A bill to amend section 924(c) (relating to mandatory penalties for certain felonies committed with firearms) of title 18 of the United States Code to change the sentencing structure for offenses under such section, to eliminate parole for such offenses, and to make specific the exclusion of certain felonies from the groups of felonies to which such section applies; to the Committee on the Judiciary.

By Mr. SHARP (for himself, Mr. AMMERMAN, Mr. ANDERSON of Illinois, Mrs. BURKE of California, Mr. CORRADA, Mr. GEPHARDT, Mr. HUGHES, Mr. KEMP, Mr. KOCH, Mr. LATTA, Mr. LUNDINE, Mr. PATTERSON of California, Mr. ROE, Mr. STEERS, and Mr. WALGREN):

H.R. 5363. A bill to amend the worker adjustment assistance provisions of the Trade Act of 1974 in order to provide that workers may be covered under certification of eligibility to apply for such assistance if they are totally or partially separated from adversely affected employment within 2 years before the date of the petition for such certification; to the Committee on Ways and Means.

By Mr. SKUBITZ (for himself, Mr. MONTGOMERY, Mr. WALSH, Mr. MATHIS, Mr. THONE, Mr. WINN, Mrs. SMITH of Nebraska, Mr. DEVINE, Mr. BROWN of Ohio, Mr. BURLESON of Texas, Mr. JONES of Oklahoma, Mr. BUTLER, Mr. LOTT, Mr. MOORHEAD of California, Mr. MICHEL, Mr. FUQUA, Mr. DERRICK, Mr. SEBELIUS, Mr. JONES of Tennessee, Mr. GILMAN, Mr. LUJAN, Mr. FLOWERS, Mr. HALL, Mrs. HOLT, and Mr. TAYLOR):

H.R. 5364. A bill to amend the Occupational Safety and Health Act of 1970 to exempt employers of 10 or fewer regular employees, to require the issuance of warning to employers of 25 or fewer regular employees for the first instance violations, and to bar the assessment of penalties where fewer than 10 violations are cited; to the Committee on Education and Labor.

By Mr. SKUBITZ (for himself, Mr. HARSHA, Mr. ABDNOR, Mr. KEMP, Mr. CARTER, Mr. SIKES, Mr. HOLLAND, Mr. WIRTH, Mr. RONCALIO, Mr. STEED, Mr. LLOYD of California, Mr. SATTERFIELD, Mr. DICKINSON, Mr. KETCHUM, Mr. CONTE, Mr. MILLER of Ohio, Mr. WHITEHURST, Mr. SISK, Mr. PICKLE, Mr. WAGGONNER, Mr. COUGHLIN, Mr. TRAXLER, Mr. HIGHTOWER, Mr. CHAPPELL, and Mr. DUNCAN of Tennessee):

H.R. 5365. A bill to amend the Occupational Safety and Health Act of 1970 to exempt employers of 10 or fewer regular employees, to require the issuance of warnings to employers of 25 or fewer regular employees for the first instance violations, and to bar the assessment of penalties where fewer than 10 violations are cited; to the Committee on Education and Labor.

By Mr. SKUBITZ (for himself, Mr. KAZEN, Mr. DE LA GARZA, Mr. BYRON, Mr. EMERY, Mr. SPENCE, Mr. GUYER, Mr. GRASSLEY, Mr. BURKE of Florida, Mr. PRESSLER, Mr. EVANS of Colorado, Mrs. HECKLER, Mr. COLLINS of Texas, Mr. HUBBARD, Mr. GINN, Mr. CHARLES WILSON of Texas, Mr. TEAGUE, Mr. COCHRAN of Mississippi, Mr. KELLY, Mr. MAHON, Mr. NICHOLS, Mr. SNYDER, Mr. ROBERTS, Mr. ENGLISH, and Mr. MCEWEN):

H.R. 5366. A bill to amend the Occupational Safety and Health Act of 1970 to exempt employers of 10 or fewer regular employees, to require the issuance of warnings to employers of 25 or fewer regular employees for the first instance violations, and to bar the assessment of penalties where fewer than 10 violations are cited; to the Committee on Education and Labor.

By Mr. SKUBITZ (for himself, Mr. BEARD of Tennessee, Mr. KASTEN, Mr. WHITE, Mr. BROOMFIELD, Mr. ROUSSELOT, Mr. LATTA, Mr. LAGOMARSINO, Mr. KRUEGER, Mr. LAFALCE, Mr. BAFALIS, Mr. NEAL, Mr. HILLIS, Mr. RAILSBACK, Mr. HAGEDORN, Mr. O'BRIEN, Mr. BOB WILSON, Mr. MADIGAN, Mr. RYAN, Mr. WATKINS, Mr. ANDREWS of North Dakota, Mr. ASHBROOK, Mr. BAUMAN, Mr. EDWARDS of Oklahoma, and Mr. SHUSTER):

H.R. 5367. A bill to amend the Occupational Safety and Health Act of 1970 to exempt employers of 10 or fewer regular employees, to require the issuance of warnings to employers of 25 or fewer regular employees for the first instance violations, and to bar the assessment of penalties where fewer than 10 violations are cited; to the Committee on Education and Labor.

By Mr. SKUBITZ (for himself, Mr. MARRIOTT, Mr. ICHORD, Mr. RISENHOOVER, Mr. FOUNTAIN, Mr. GOODLING, Mr. ROSE, Mr. BROYHILL, and Mr. VANDER JAGT):

H.R. 5368. A bill to amend the Occupational Safety and Health Act of 1970 to exempt employers of 10 or fewer regular employees, to require the issuance of warnings to employers of 25 or fewer regular employees for the first instance violations, and to bar the assessment of penalties where fewer than 10 violations are cited; to the Committee on Education and Labor.

By Mr. SKUBITZ:

H.R. 5369. A bill to amend section 107 of the Energy Reorganization Act of 1974 (42 U.S.C. 5817) to provide for a referendum of the people on the question of locating a radioactive waste storage facility in a State; to the Committee on Interior and Insular Affairs.

By Mr. SLACK:

H.R. 5370. A bill to amend title V, United States Code, to extend certain benefits to former employees of county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, and for other purposes; to the Committee on Post Office and Civil Service.

By Mrs. SMITH of Nebraska:

H.R. 5371. A bill to extend the moratoriums on post office closings; to the Committee on Post Office and Civil Service.

By Mrs. SMITH of Nebraska (for herself, Mr. TEAGUE, Mr. COLLINS of Texas, Mr. KINDNESS, Mr. BURGENER, Mr. MCDONALD, Mr. ANDREWS of North Dakota, Mr. CHARLES WILSON of Texas, Mr. SEBELIUS, Mrs. KEYS, Mr. JENRETTE, Mr. HANSEN, Mr. EDWARDS of Oklahoma, and Mr. DAN DANIEL):

H.R. 5372. A bill to amend the Federal Water Pollution Control Act, as amended, to define the term "navigable waters" as it applies to Corps of Engineers responsibility and authority to regulate the discharge of dredged or fill material; to the Committee on Public Works and Transportation.

By Mrs. SPELLMAN:

H.R. 5373. A bill to amend the Internal Revenue Code of 1954 with respect to exemption from income taxation of certain mutual deposit guaranty funds; to the Committee on Ways and Means.

By Mr. STEERS:

H.R. 5374. A bill to amend the Internal Revenue Code of 1954 to allow certain individuals over age 65 who have public retirement system income to elect to compute their credit for the elderly under prior law; to the Committee on Ways and Means.

By Mr. THOMPSON (for himself, Mr. CORMAN, Mr. EDWARDS of California, Mr. HANNAFORD, Mr. MURPHY of New York, and Mrs. SPELLMAN):

H.R. 5375. A bill to amend the Service Contract Act of 1965 to extend its coverage to professional employees; to the Committee on Education and Labor.

By Mr. UDALL (for himself and Mr. SKUBITZ):

H.R. 5376. A bill to amend the Atomic Energy Act of 1954 to provide that no applications for construction licenses under the act for production or utilization facilities shall be acted upon by the Commission unless the proposed facility has been approved by affected States; to the Committee on Interior and Insular Affairs.

H.R. 5377. A bill to amend the Atomic Energy Act of 1954 to provide that construction licenses under the act shall be subject to State disapproval during a 90-day period following the issuance thereof; to the Committee on Interior anad Insular Affairs.

By Mr. WHITEHURST:

H.R. 5378. A bill to authorize the Small Business Administration to make grants to support the development and operation of small business development centers in order to provide small business with management development, technical information, product planning and development, and domestic and international market development, and for other purposes; to the Committee on Small Business.

By Mr. BOB WILSON:

H.R. 5379. A bill to provide a study to be made of surge and hazardous entrance conditions at the entrance to Mission Bay Harbor, San Diego, Calif.; to the Committee on Public Works and Transportation.

By Mr. WIRTH (for himself, Mr. BADILLO, Mr. BEDELL, Mr. BLANCHARD, Mrs. CHISHOLM, Mr. CORRADA, Mr. DELLUMS, Mr. DOWNEY, Mr. DUNCAN of Tennessee, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. FRASER, Mr. HARRINGTON, Mr. HOWARD, Mr. JENRETTE, Mr. KOCH, Mr. KREBS, Mrs. LLOYD of Tennessee, Mr. LAGOMARSINO, Mr. LONG of Maryland, Ms. MIKULSKI, Mr. NEAL, Mr. PATTISON of New York, Mr. PEPPER, and Mr. SAWYER):

H.R. 5380. A bill to provide for judicial review of administrative determinations by the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. WIRTH (for himself, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. SOLARZ, Mrs. SPELLMAN, and Mr. OTTINGER):

H.R. 5381. A bill to provide for judicial review of administrative determinations by the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. WYDLER (for himself, Mr. BONKER, Mr. GILMAN, Mr. JENRETTE, Mr. KEMP, Mr. VANDER JAGT, Mr. WALKER, and Mr. WALSH):

H.R. 5382. A bill to amend section 112 of title 28 of the United States Code to divide the eastern judicial district of New York into two divisions; to the Committee on the Judiciary.

By Mr. PEPPER (for himself and Mr. FINDLEY):

H.R. 5383. A bill to amend the Age Discrimination in Employment Act of 1967 to provide that all Federal employees described in section 15 of such act shall be covered under the provisions of such act regardless of their age; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. ROYBAL, Mr. ROONEY, Mr. BIAGGI, Mr. BEARD of Rhode Island, Mr. BLOUIN, Mr. DOWNEY, Mr. FLORIO, Mr. FORD of Tennessee, Mr. HUGHES, Mr. DRINAN, Mrs. MEYNER, Mr. RUSSO, Mr. COHEN, Mr. WALSH, and Mr. RINALDO):

H.R. 5384. A bill to amend title XVIII of the Social Security Act to remove all limits on the number of home health visits for which payment may be made under both part A and part B (eliminating the requirement of prior hospitalization in the case of home health care under part A), to include additional types of services as home health care, to provide coverage for preventive care under part B, to provide coverage for services furnished in outpatient rehabilitation facilities and elderly day care centers, to improve the administration of the medicare program, and for other purposes; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. ANDERSON of California, Mr. BADILLO, Mr. BAUCUS, Mr. BINGHAM, Mr. BONIOR, Mr. BRODHEAD, Mr. CARNEY, Mrs. CHISHOLM, Mr. CLAY, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. DUNCAN of Tennessee, Mr. EDGAR, Mr. EDWARDS of California, Mr. EILBERG, Mr. FASCELL, and Mr. FISH):

H.R. 5385. A bill to amend title XVIII of the Social Security Act to remove all limits on the number of home health visits for which payment may be made under both part A and part B (eliminating the requirement of prior hospitalization in the case of home health care under part A), to include additional types of services as home health care, to provide coverage for preventive care under part B, to provide coverage for services furnished in outpatient rehabilitation facilities and elderly day care centers, to improve the administration of the medicare program, and for other purposes; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

Mr. PEPPER (for himself, Mr. FORD of Michigan, Mr. GILMAN, Mr. HARKIN, Mr. HARRINGTON, Mr. HAWKINS, Ms. HOLTZMAN, Mr. HOWARD, Mr. HYDE, Mrs. KEYS, Mr. KOCH, Mr. KOSTMAYER, Mr. LEHMAN, Mr. LONG of Maryland, Ms. MIKULSKI, Mr. MINETA, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, and Mr. NEAL):

H.R. 5386. A bill to amend title XVIII of the Social Security Act to remove all limits on the number of home health visits for which payment may be made under both part A and part B (eliminating the requirement of prior hospitalization in the case of home health care under part A), to include additional types of services as home health care, to provide coverage for preventive care under part B, to provide coverage for services furnished in outpatient rehabilitation facilities and elderly day care centers, to improve the administration of the medicare program, and for other purposes; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. NEDZI, Mr. NIX, Mr. NOLAN, Mr. OTTINGER, Mr. PATTEN, Mr. RAHALL, Mr. RICHMOND, Mr. RODINO, Mr. ROSENTHAL, Mr. RYAN, Mr. ST GERMAIN, Mr. SCHEUER, Mr. SEIBERLING, Mr. STOKES, Mr. TONRY, Mr. TSONGAS, Mr. UDALL, Mr. WAXMAN, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. YATRON, Mr. YOUNG of Florida, and Mr. ZEFERETTI):

H.R. 5387. A bill to amend title XVIII of the Social Security Act to remove all limits on the number of home health visits for which payment may be made under both part A and part B (eliminating the requirement of prior hospitalization in the case of home health care under part A), to include additional type of services as home health care, to provide coverage for preventive care under Part B, to provide coverage for services furnished in outpatient rehabilitation facilities and elderly day care centers, to improve the administration of the medicare program, and for other purposes; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. ROYBAL, Mr. ROONEY, Mr. BIAGGI, Mr. BEARD of Rhode Island, Mr. BLOUIN, Mr. DOWNEY, Mr. FLORIO, Mr. FORD of Tennessee, Mr. HUGHES, Mr. DRINAN, Mrs. MEYNER, Mr. RUSSO, Mr. WALSH, and Mr. RINALDO):

H.R. 5388. A bill to establish within the Department of Health, Education, and Welfare a Home Health Clearinghouse to provide elderly persons with a single place where they can obtain complete information on the Federal health programs available to them, and to create within the Department an Assistant Secretary for Elderly Health with responsibility for all health and health-related matters involving the elderly; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. ANDERSON of California, Mr. BADILLO, Mr. BAUCUS, Mr. BINGHAM, Mr. BONIOR, Mr. BRODHEAD, Mr. CARNEY, Mrs. CHISHOLM, Mr. CLAY, Ms. COLLINS of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. DUNCAN of Tennessee, Mr. EDGAR, Mr. EDWARDS of California, Mr. EILBERG, Mr. FASCELL, Mr. FORD of Michigan, Mr. GILMAN, Mr. HARKIN, and Mr. HARRINGTON):

H.R. 5389. A bill to establish within the Department of Health, Education, and Welfare a Home Health Clearinghouse to provide elderly persons with a single place where they can obtain complete information on the Federal health programs available to them, and to create within the Department an Assistant Secretary for Elderly Health with responsibility for all health and health-related matters involving the elderly; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. HAWKINS, Ms. HOLTZMAN, Mr. HOWARD, Mr. HYDE, Mrs. KEYS, Mr. KOCH, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LEHMAN, Mr. LONG of Maryland, Ms. MIKULSKI, Mr. MINETA, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, Mr. NEAL, Mr. NIX, Mr. NOLAN, Mr. OTTINGER, Mr. PATTEN, Mr. RAHALL, Mr. RANGEL, and Mr. RICHMOND):

H.R. 5390. A bill to establish within the Department of Health, Education, and Welfare a Home Health Clearinghouse to provide elderly persons with a single place where they can obtain complete information on the Federal health programs available to them, and to create within the Department an Assistant Secretary for Elderly Health with responsibility for all health and health-related matters involving the elderly; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. RODINO, Mr. ROSENTHAL, Mr. RYAN, Mr. ST GERMAIN, Mr. SCHEUER, Mr. STOKES, Mr. TONRY, Mr. TSONGAS, Mr. UDALL, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. YATRON, Mr. YOUNG of Florida, and Mr. ZEFERETTI):

H.R. 5391. A bill to establish within the Department of Health, Education, and Welfare a Home Health Clearinghouse to provide elderly persons with a single place where they can obtain complete information on the Federal health programs available to them, and to create within the Department an Assistant Secretary for Elderly Health with responsibility for all health and health-related matters involving the elderly; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. ROYBAL, Mr. ROONEY, Mr. BIAGGI, Mr. BEARD of Rhode Island, Mr. BLOUIN, Mr. DOWNEY, Mr. FLORIO, Mr. FORD of Tennessee, Mr. HUGHES, Mr. DRINAN, Mrs. MEYNER, Mr. RUSSO, and Mr. RINALDO):

H.R. 5392. A bill to amend the Older Americans Act of 1965 to provide grants to organizations for providing legal assistance to poor, elderly individuals in connection with their entitlement to home health services under titles XVII, XIX, and XX of the Social Security Act; jointly to the Committees on Education and Labor and the Judiciary.

By Mr. PEPPER (for himself, Mr. BADILLO, Mr. BAUCUS, Mr. BINGHAM, Mr. BONIOR, Mr. BRODHEAD, Mr. CARNEY, Mrs. CHISHOLM, Mr. CLAY, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DELANEY, Mr. DELLUMS, Mr. DIGGS, Mr. DUNCAN of Tennessee, Mr. EDGAR, Mr. EDWARDS of California, Mr. EILBERG, Mr. FASCELL, Mr. FISH, Mr. FORD of Michigan, and Mr. GILMAN):

H.R. 5393. A bill to amend the Older Americans Act of 1965 to provide grants to organizations for providing legal assistance to poor, elderly individuals in connection with their entitlement to home health services under titles XVIII, XIX, and XX of the Social Security Act; jointly to the Committees on Education and Labor and the Judiciary.

By Mr. PEPPER (for himself, Mr. HARKIN, Mr. HARRINGTON, Mr. HAWKINS, Ms. HOLTZMAN, Mr. HOWARD, Mr. HYDE, Mrs. KEYS, Mr. KOCH, Mr. KOSTMAYER, Mr. LEHMAN, Mr. LONG of Maryland, Ms. MIKULSKI, Mr. MINETA, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, Mr. NEAL, Mr. NIX, Mr. NOLAN, Mr. PATTEN, and Mr. RAHALL):

H.R. 5394. A bill to amend the Older Americans Act of 1965 to provide grants to organizations for providing legal assistance to poor, elderly individuals in connection with their entitlement to home health services under titles XVIII, XIX, and XX of the Social Security Act; jointly to the Committees on Education and Labor and the Judiciary.

By Mr. PEPPER (for himself, Mr. RANGEL, Mr. RICHMOND, Mr. RODINO, Mr. ROSENTHAL, Mr. RYAN, Mr. ST GERMAIN, Mr. SCHEUER, Mr. STOKES, Mr. TONRY, Mr. TSONGAS, Mr. UDALL, Mr. WAXMAN, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. YATRON, Mr. YOUNG of Florida, and Mr. ZEFERETTI):

H.R. 5395. A bill to amend the Older Americans Act of 1965 to provide grants to organizations for providing legal assistance to poor, elderly individuals in connection with their entitlement to home health services under titles XVIII, XIX, and XX of the Social Security Act; jointly to the Committees on Education and Labor and the Judiciary.

By Mr. PEPPER (for himself, Mr. ROYBAL, Mr. ROONEY, Mr. BIAGGI, Mr. BEARD of Rhode Island, Mr. BLOUIN, Mr. DOWNEY, Mr. FLORIO, Mr. FORD of Tennessee, Mr. HUGHES, Mr. DRINAN, Mrs. MEYNER, Mr. RUSSO, Mr. WALSH, and Mr. RINALDO):

H.R. 5396. A bill to amend title XX of the Social Security Act to provide for the reallotment of unused social services funds, in any fiscal year, to States which will use such funds during the succeeding year in furnishing services aimed at preventing or reducing inappropriate institutional care by making home or community care available; to provide additional Federal matching for multipurpose senior center programs; and to provide for the standardization of eligibility requirements for the funding of senior centers; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. ANDERSON of California, Mr. BADILLO, Mr. BAUCUS, Mr. BINGHAM, Mr. BONIOR, Mr. BRODHEAD, Mr. CARNEY, Mrs. CHISHOLM, Mrs. COLLINS of Illinois, Mr. CLAY, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. DUNCAN of Tennessee, Mr. EDGAR, Mr. EDWARDS of California, Mr. EILBERG, Mr. FASCELL, Mr. FISH, Mr. FORD of Michigan, and Mr. GILMAN):

H.R. 5397. A bill to amend title XX of the Social Security Act to provide for the reallotment of unused social services funds, in any fiscal year, to States which will use such funds during the succeeding year in furnishing services aimed at preventing or reducing inappropriate institutional care by making home or community care available; to provide additional Federal matching for multipurpose senior center programs; and to provide for the standardization of eligibility requirements for the funding of senior centers; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. HARKIN, Mr. HARRINGTON, Mr. HAWKINS, Ms. HOLTZMAN, Mr. HOWARD, Mr. HYDE, Ms. KEYS, Mr. KOCH, Mr. KOSTMAYER, Mr. LEHMAN, Mr. LONG of Maryland, Mr. MINETA, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, Mr. NEAL, Mr. NIX, Mr. NOLAN, Mr. OTTINGER, Mr. PATTEN, and Mr. RAHALL):

H.R. 5398. A bill to amend title XX of the Social Security Act to provide for the reallotment of unused social services funds, in any fiscal year, to States which will use such funds during the succeeding year in furnishing services aimed at preventing or reducing inappropriate institutional care by making home or community care available; to provide additional Federal matching for multipurpose senior center programs; and to provide for the standardization of eligibility requirements for the funding of senior centers; to the Committee on Ways and Means.

By PEPPER (for himself, Mr. RANGEL, Mr. RICHMOND, Mr. RODINO, Mr. RYAN, Mr. ST GERMAIN, Mr. SCHEUER, Mr. STOKES, Mr. TONRY, Mr. TSONGAS, Mr. UDALL, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. YATRON, Mr. YOUNG of Florida, and Mr. ZEFERETTI):

H.R. 5399. A bill to amend title XX of the Social Security Act to provide for the reallotment of unused social services funds, in any fiscal year, to States which will use such funds during the succeeding years in furnishing services aimed at preventing or reducing inappropriate institutional care by making home or community care available; to provide additional Federal matching for multipurpose senior center programs; and to provide for the standardization of eligibility requirements for the funding of senior centers; to the Committee on Ways and Means.

By Mr. THOMPSON (for himself, Mr. BRADEMAS, Mr. CONTE, and Mr. WHALEN):

H.R. 5400. A bill to establish a universal voter registration program, and for other purposes; to the Committee on House Administration.

By Mr. PEPPER (for himself, Mr. ROYBAL, Mr. ROONEY, Mr. BIAGGI, Mr. BEARD of Rhode Island, Mr. BLOUIN, Mr. DOWNEY, Mr. FLORIO, Mr. FORD of Tennessee, Mr. HUGHES, Mr. DRINAN, Mrs. MEYNER, Mr. RUSSO, Mr. WALSH, and Mr. RINALDO):

H.R. 5401. A bill to amend the National Housing Act and other acts for the purpose of providing assistance for outpatient geriatric clinics and for multipurpose senior centers, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PEPPER (for himself, Mr. ANDERSON of California, Mr. BADILLO, Mr. BAUCUS, Mr. BINGHAM, Mr. BONIOR, Mr. BRODHEAD, Mr. CARNEY, Mrs. CHISHOLM, Mr. CLAY, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. DUNCAN of Tennessee, Mr. EDGAR, Mr. EDWARDS of California, Mr. EILBERG, Mr. FASCELL, Mr. FORD of Michigan, and Mr. GILMAN):

H.R. 5402. A bill to amend the National Housing Act and other acts for the purpose of providing assistance for outpatient geriatric clinics and for multipurpose senior centers, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PEPPER (for himself, Mr. HARKIN, Mr. HARRINGTON, Mr. HAWKINS, Ms. HOLTZMAN, Mr. HOWARD, Mr. HYDE, Mrs. KEYS, Mr. KOCH, Mr. KOSTMAYER, Mr. LEHMAN, Mr. LONG of Maryland, Ms. MIKULSKI, Mr. MINETA, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, Mr. NEAL, Mr. NIX, and Mr. NOLAN):

H.R. 5403. A bill to amend the National Housing Act and other acts for the purpose of providing assistance for outpatient geriatric clinics and for multipurpose senior centers, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PEPPER (for himself, Mr. OTTINGER, Mr. PATTEN, Mr. RAHALL, Mr. RANGEL, Mr. RICHMOND, Mr. RODINO, Mr. RYAN, Mr. ST GERMAIN, Mr. SCHEUER, Mr. STOKES, Mr. TONRY, Mr. TSONGAS, Mr. UDALL, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. YATRON, Mr. YOUNG of Florida, and Mr. ZEFERETTI):

H.R. 5404. A bill to amend the National Housing Act and other acts for the purpose of providing assistance for outpatient geriatric clinics and for multipurpose senior centers, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PEPPER (for himself, Mr. ROONEY, Mr. BIAGGI, Mr. BEARD of Rhode Island, Mr. BLOUIN, Mr. DOWNEY, Mr. FLORIO, Mr. FORD of Tennessee, Mr. HUGHES, Mr. DRINAN, Mrs. MEYNER, Mr. RUSSO, Mr. GRASSLEY, and Mr. RINALDO):

H.R. 5405. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to taxpayers who contribute the right to use certain real property to charitable organizations for outpatient geriatric clinics or for multipurpose senior centers; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. ANDERSON of California, Mr. BADILLO, Mr. BAUCUS, Mr. BINGHAM, Mr. BONIOR, Mr. BRODHEAD, Mr. CARNEY, Mrs. CHISHOLM, Mrs. COLLINS of Illinois, Mr. CLAY, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. DUNCAN of Tennessee, Mr. EDGAR, Mr. EDWARDS of California, Mr. EILBERG, Mr. FASCELL, Mr. FORD of Michigan, and Mr. GILMAN):

H.R. 5406. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to taxpayers who contribute the right to use certain real property to charitable organizations for outpatient geriatric clinics or for multipurpose senior centers; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. HARKIN, Mr. HARRINGTON, Mr. HAWKINS, Ms. HOLTZMAN, Mr. HOWARD, Mr. HYDE, Mrs. KEYS, Mr. KOCH, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LEHMAN, Mr. LENT, Mr. LONG of Maryland, Mr. MINETA, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, Mr. NEAL, Mr. NIX, Mr. NOLAN, Mr. PATTEN, and Mr. RAHALL):

H.R. 5407. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to taxpayers who contribute the right to use certain real property to charitable organizations for outpatient geriatric clinics or for multipurpose senior centers; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. RANGEL, Mr. RICHMOND, Mr. RODINO, Mr. RYAN, Mr. ST GERMAIN, Mr. SCHEUER, Mr. STOKES, Mr. TONRY, Mr. UDALL, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. YATRON, Mr. YOUNG of Florida, and Mr. ZEFERETTI):

H.R. 5408. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to taxpayers who contribute the right to use certain real property to charitable organizations for outpatient geriatric clinics or for multipurpose senior centers; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. ROYBAL, Mr. ROONEY, Mr. BIAGGI, Mr. BEARD of Rhode Island, Mr. BLOUIN, Mr. DOWNEY, Mr. FLORIO, Mr. FORD of Tennessee, Mr. HUGHES, Mr. DRINAN, Mrs. MEYNER, Mr. RUSSO, and Mr. RINALDO):

H.R. 5409. A bill to amend the Older Americans Act of 1965 to authorize funds for the establishment and operation of multipurpose senior centers, and for other purposes; jointly to the Committees on Education and Labor, Interstate and Foreign Commerce, and Ways and Means.

By Mr. PEPPER (for himself, Mr. ANDERSON of California, Mr. BADILLO, Mr. BAUCUS, Mr. BINGHAM, Mr. BONIOR, Mr. BRODHEAD, Mr. CARNEY, Mrs. CHISHOLM, Mrs. COLLINS of Illinois, Mr. CLAY, Mr. CONYERS, Mr. DELANEY, Mr. DELLUMS, Mr. DIGGS, Mr. DUNCAN of Tennessee, Mr. EDGAR, Mr. EDWARDS of California, Mr. EILBERG, Mr. FASCELL, Mr. FORD of Michigan, and Mr. GILMAN):

H.R. 5410. A bill to amend the Older Americans Act of 1965 to authorize funds for the establishment and operation of multipurpose senior centers, and for other purposes; jointly, to the Committees on Education and Labor, Interstate and Foreign Commerce, and Ways and Means.

By Mr. PEPPER (for himself, Mr. HARKIN, Mr. HARRINGTON, Mr. HAWKINS, Ms. HOLTZMAN, Mr. HOWARD, Mr. HYDE, Mrs. KEYS, Mr. KOCH, Mr. KOSTMAYER, Mr. LEHMAN, Mr. LONG of Maryland, Ms. MIKULSKI, Mr. MINETA, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, Mr. NEAL, Mr. NIX, and Mr. NOLAN):

H.R. 5411. A bill to amend the Older Americans Act of 1965 to authorize funds for the establishment and operation of multipurpose senior centers, and for other purposes; jointly, to the Committees on Education and Labor, Interstate and Foreign Commerce, and Ways and Means.

By Mr. PEPPER (for himself, Mr. OTTINGER, Mr. PATTEN, Mr. RAHALL, Mr. RANGEL, Mr. RICHMOND, Mr. RODINO, Mr. ROSENTHAL, Mr. RYAN, Mr. ST GERMAIN, Mr. SCHEUER, Mr. STOKES, Mr. TONRY, Mr. TSONGAS, Mr. UDALL, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. YATRON, Mr. YOUNG of Florida, and Mr. ZEFERETTI):

H.R. 5412. A bill to amend the Older Americans Act of 1965 to authorize funds for the establishment and operation of multipurpose senior centers, and for other purposes; jointly, to the Committees on Education and Labor, Interstate and Foreign Commerce, and Ways and Means.

By Mr. PEPPER (for himself Mr. ROYBAL, Mr. ROONEY, Mr. BIAGGI, Mr. BEARD of Rhode Island, Mr. BLOUIN, Mr. DOWNEY, Mr. FLORIO, Mr. FORD of Tennessee, Mr. HUGHES, Mr. DRINAN, Mrs. MEYNER, Mr. RUSSO, and Mr. RINALDO):

H.R. 5413. A bill making a supplemental appropriation for payments under home health service grants and making an appropriation for payments under multipurpose senior center grants; to the Committee on Appropriations.

By Mr. PEPPER (for himself, Mr. ANDERSON of California, Mr. BADILLO, Mr. BAUCUS, Mr. BINGHAM, Mr. BONIOR, Mr. BRODHEAD, Mr. CARNEY, Mrs. CHISHOLM, Mrs. COLLINS of Illinois, Mr. CLAY, Mr. CONYERS, Mr. DELANEY, Mr. DELLUMS, Mr. DIGGS, Mr. DUNCAN of Tennessee, Mr. EDGAR, Mr. EDWARDS of California, Mr. EILBERG, Mr. FASCELL, and Mr. FISH):

H.R. 5414. A bill making a supplemental appropriation for payments under home health service grants and making an appropriation for payments under multipurpose senior center grants; to the Committee on Appropriations.

By Mr. PEPPER (for himself, Mr. FORD of Michigan, Mr. GILMAN, Mr. HARKIN, Mr. HARRINGTON, Mr. HAWKINS, Ms. HOLTZMAN, Mr. HOWARD, Mr. HYDE, Mrs. KEYS, Mr. KOCH, Mr. KOSTMAYER, Mr. LEHMAN, Mr. LONG of Maryland, Ms. MIKULSKI, Mr. MINETA, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, and Mr. NEAL):

H.R. 5415. A bill making a supplemental appropriation for payments under home health service grants and making an appropriation for payments under multipurpose senior center grants; to the Committee on Appropriations.

By Mr. PEPPER (for himself, Mr. NIX, Mr. NOLAN, Mr. OTTINGER, Mr. PATTEN, Mr. RAHALL, Mr. RANGEL, Mr. RICHMOND, Mr. RODINO, Mr. ROSENTHAL, Mr. RYAN, Mr. ST GERMAIN, Mr. SCHEUER, Mr. STOKES, Mr. TONRY, Mr. TSONGAS, Mr. UDALL, Mr. WAXMAN, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. YATRON, Mr. YOUNG of Florida, and Mr. ZEFERETTI):

H.R. 5416. A bill making a supplemental appropriation for payments under home health service grants and making an appropriation for payments under multipurpose senior center grants; to the Committee on Appropriations.

By Mr. PEPPER (for himself, Mr. ROYBAL, Mr. ROONEY, Mr. BIAGGI, Mr. BEARD of Rhode Island, Mr. BLOUIN, Mr. BONKER, Mr. DOWNEY, Mr. FLORIO, Mr. FORD of Tennessee, Mr. HUGHES, Mr. DRINAN, Mrs. MEYNER, Mr. RUSSO, Mr. WALSH, and Mr. RINALDO):

H.R. 5417. A bill to amend the Social Security Act to provide that any patient of a long-term care institution participating in the medicare or medicaid program, or otherwise receiving funds under that act, shall have the right to terminate his or her contract with such institution upon giving reasonable advance notice, and to expressly prohibit such an institution from requiring any patient to turn over to it any income received by him or her after such notice is given; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. ANDERSON of California, Mr. BADILLO, Mr. BAUCUS, Mr. BINGHAM, Mr. BONIOR, Mr. BRODHEAD, Mr. CARNEY, Mrs. COLLINS of Illinois, Mr. CLAY, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. DUNCAN of Tennessee, Mr. EDGAR, Mr. EDWARDS of California, Mr. EILBERG, Mr. FASCELL, Mr. FORD of Michigan, and Mr. GILMAN):

H.R. 5418. A bill to amend the Social Security Act to provide that any patient of a long-term care institution participating in the medicare or medicaid program, or otherwise receiving funds under that act shall have the right to terminate his or her contract with such institution upon giving reasonable advance notice, and to expressly prohibit such an institution from requiring any patient to turn over to it any income received by him or her after such notice is given; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. HARKIN, Mr. HARRINGTON, Mr. HAWKINS, Ms. HOLTZMAN, Mr. HOWARD, Mr. HYDE, Mrs. KEYS, Mr. KOCH, Mr. KOSTMAYER, Mr. LEHMAN, Mr. LAGOMARSINO, Mr. LONG of Maryland, Ms. MIKULSKI, Mr. MINETA, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, Mr. NEAL, Mr. NIX, and Mr. NOLAN):

H.R. 5419. A bill to amend the Social Security Act to provide that any patient of a long-term care institution participating in the medicare or medicaid program, or otherwise receiving funds under that act, shall have the right to terminate his or her contract with such institution upon giving reasonable advance notice, and to expressly prohibit such an institution from requiring any patient to turn over to it any income received by him or her after such notice is given; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. PATTEN, Mr. RAHALL, Mr. RANGEL, Mr. RICHMOND, Mr. RODINO, Mr. ROSENTHAL, Mr. RYAN, Mr. ST GERMAIN, Mr. SCHEUER, Mr. STOKES, Mr. TONRY, Mr. UDALL, Mr. WAXMAN, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. YATRON, Mr. YOUNG of Florida, and Mr. ZEFERETTI):

H.R. 5420. A bill to amend the Social Security Act to provide that any patient of a long-term care institution participating in the medicare or medicaid program, or otherwise receiving funds under that act, shall have the right to terminate his or her contract with such institution upon giving reasonable advance notice, and to expressly prohibit such an institution from requiring any patient to turn over to it any income received by him or her after such notice is given; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. ROYBAL, Mr. ROONEY, Mr. BIAGGI, Mr. BEARD of Rhode Island, Mr. BLOUIN, Mr. DOWNEY, Mr. FLORIO, Mr. FORD of Tennessee, Mr. HUGHES, Mr. DRINAN, Mrs. MEYNER, Mr. RUSSO, Mr. WALSH, and Mr. RINALDO):

H.R. 5421. A bill to promote the provision and availability of necessary health services for the elderly by expanding existing programs of grants for home health services, requiring the inclusion of specified preventive and home health services under the medicaid program and making various improvements in the administration of such program, providing assistance to demonstration and pilot projects for home health and supportive services (including demonstration grants for community care), and authorizing grants for annual health fairs and mobile geriatric health units, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. ANDERSON of California, Mr. BADILLO, Mr. BAUCUS, Mr. BINGHAM, Mr. BONIOR, Mr. BRODHEAD, Mr. CARNEY, Mrs. CHISHOLM, Mr. CLAY, Ms. COLLINS of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. DUNCAN of Tennessee, Mr. EDGAR, Mr. EDWARDS of California, Mr. EILBERG, Mr. FASCELL, and Mr. FISH):

H.R. 5422. A bill to promote the provision and availability of necessary health services for the elderly by expanding existing programs of grants for home health services, requiring the inclusion of specified preventive and home health services under the medicaid program and making various improvements in the administration of such program, providing assistance to demonstration and pilot projects for home health and supportive services (including demonstration grants for community care), and authorizing grants for annual health fairs and mobile geriatric health units, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. FORD of Michigan, Mr. GILMAN, Mr. HARKIN, Mr. HARRINGTON, Mr. HAWKINS, Ms. HOLTZMAN, Mr. HOWARD, Mr. HYDE, Mrs. KEYS, Mr. KOCH, Mr. KOSTMAYER, Mr. LEHMAN, Mr. LONG of Maryland, Mr. MINETA, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, Mr. NEAL, Mr. NIX, Mr. NOLAN, Mr. OTTINGER, Mr. PATTEN, Mr. RAHALL, Mr. RANGEL, Mr. ROSENTHAL, and Mr. RICHMOND):

H.R. 5423. A bill to promote the provision and availability of necessary health services for the elderly by expanding existing programs of grants for home health services, requiring the inclusion of specified preventive and home health services under the medicaid program and making various improvements in the administration of such program, providing assistance to demonstration and pilot projects for home health and supportive services (including demonstration grants for community care), and authorizing grants for annual health fairs and mobile geriatric health units, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. RODINO, Mr. RYAN, Mr. ST GERMAIN, Mr. SCHEUER, Mr. STOKES, Mr. TONRY, Mr. TSONGAS, Mr. UDALL, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. WIRTH, Mr. YATRON, Mr. YOUNG of Florida, and Mr. ZEFERETTI):

H.R. 5424. A bill to promote the provision and availability of necessary health services for the elderly by expanding existing programs of grants for home health services, requiring the inclusion of specified preventive and home health services under the medicaid program and making various improvements in the administration of such program, providing assistance to demonstration and pilot projects for home health and supportive services (including demonstration grants for community care), and authorizing grants for annual health fairs and mobile geriatric health units, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. ROYBAL, Mr. ROONEY, Mr. BIAGGI, Mr. BEARD of Rhode Island, Mr. BLOUIN, Mr. DOWNEY, Mr. FLORIO, Mr. HUGHES, Mr. DRINAN, Mrs. MEYNER, Mr. RUSSO, Mr. COHEN, Mr. WALSH, and Mr. RINALDO):

H.R. 5425. A bill to amend title XVIII of the Social Security Act to include dental care, eye care, hearing aids, physical check-ups, and foot care among the items and services for which payment may be made under the supplementary medical insurance program, and to provide safeguards against consumer abuse in the provision of these items and services; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. ANDERSON of California, Mr. BADILLO, Mr. BAUCUS, Mr. BINGHAM, Mr. BONIOR, Mr. BRODHEAD, Mr. CARNEY, Mrs. COLLINS of Illinois, Mr. CLAY, Mr. CONYERS, Mr. COUGHLIN, Mr. DELLUMS, Mr. DIGGS, Mr. DUNCAN of Tennessee, Mr. Edgar, Mr. EDWARDS of California, Mr. FORD of Michigan, Mr. GILMAN, and Mr. HARKIN):

H.R. 5426. A bill to amend title XVIII of the Social Security Act to include dental care, eye care, hearing aids, physical check-ups, and foot care among the items and services for which payment may be made under the supplementary medical insurance program, and to provide safeguards against consumer abuse in the provision of these items and services; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. HARRINGTON, Mr. HAWKINS, Ms. HOLTZMAN, Mr. HOWARD, Mr. HYDE, Mrs. KEYS, Mr. KILDEE, Mr. KOCH, Mr. LAGOMARSINO, Mr. LEHMAN, Mr. LENT, Mr. LONG of Maryland, Ms. MIKULSKI, Mr. MIKVA, Mr. MINETA, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, Mr. NEAL, and Mr. NIX):

H.R. 5427. A bill to amend title XVIII of the Social Security Act to include dental care, eye care, hearing aids, physical check-ups, and foot care among the items and services for which payment may be made under the supplementary medical insurance program, and to provide safeguards against consumer abuse in the provision of these items and services; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. NOLAN, Mr. PATTEN, Mr. RAHALL, Mr. RANGEL, Mr. RICHMOND, Mr. RODINO, Mr. RYAN, Mr. ST GERMAIN, Mr. SCHEUER, Mr. STOKES, Mr. TONRY, Mr. UDALL, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. YATRON, Mr. YOUNG of Florida, and Mr. ZEFERETTI):

H.R. 5428. A bill to amend title XVIII of the Social Security Act to include dental care, eye care, hearing aids, physical check-ups, and foot care among the items and services for which payment may be made under the supplementary medical insurance program, and to provide safeguards against consumer abuse in the provision of these items and services; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. ROYBAL, Mr. ROONEY, Mr. BIAGGI, Mr. BEARD of Rhode Island, Mr. BLOUIN, Mr. DOWNEY, Mr. FLORIO, Mr. FORD of Tennessee, Mr. HUGHES, Mr. DRINAN, Mrs. MEYNER, Mr. RUSSO, and Mr. RINALDO):

H.R. 5429. A bill to amend title XIX of the Social Security Act to provide that medicaid is a payor of last resort and to permit recovery by States from certain estates of medicaid expenses incurred by individuals before reaching the age of 65; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. BADILLO, Mr. BAUCUS, Mr. BINGHAM, Mr. BONIOR, Mr. BRODHEAD, Mr. CARNEY, Ms. COLLINS of Illinois, Mr. CLAY, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. DUNCAN of Tennessee, Mr. EDGAR, Mr. EDWARDS of California, Mr. EILBERG, Mr. FASCELL, Mr. FORD of Michigan, and Mr. GILMAN):

H.R. 5430. A bill to amend title XIX of the Social Security Act to provide that medicaid is a payor of last resort and to permit recovery by States from certain estates of medicaid expenses incurred by individuals before reaching the age of 65; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. HARKIN, Mr. HARRINGTON, Mr. HAWKINS, Ms. HOLTZMAN, Mr. HOWARD, Mr. HYDE, Mrs. KEYS, Mr. KOCH, Mr. KOSTMAYER, Mr. LEHMAN, Mr. LENT, Mr. LONG of Maryland, Mr. MINETA, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, Mr. NEAL, Mr. NIX, Mr. NOLAN, and Mr. PATTEN):

H.R. 5431. A bill to amend title XIX of the Social Security Act to provide that medicaid

is a payor of last resort and to permit recovery by States from certain estates of medicaid expenses incurred by individuals before reaching the age of 65; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. RAHALL, Mr. RANGEL, Mr. RICHMOND, Mr. RODINO, Mr. ROSENTHAL, Mr. RYAN, Mr. ST GERMAIN, Mr. SCHEUER, Mr. TONRY, Mr. UDALL, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. YATRON, and Mr. ZEFERETTI):

H.R. 5432. A bill to amend title XIX of the Social Security Act to provide that medicaid is a payor of last resort and to permit recovery by States from certain estates of medicaid expenses incurred by individuals before reaching the age of 65; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. BONKER, Mr. FORD of Tennessee, Mrs. LLOYD of Tennessee, and Mr. WALSH):

H.R. 5433. A bill to amend the Social Security Act to require automatic sprinkler systems in all nursing facilities and intermediate care facilities certified for participation in the medicare or medicaid program, and to provide for direct low-interest Federal loans to assist such facilities in constructing or purchasing and installing automatic sprinkler systems; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. ASHLEY, Mrs. BURKE of California, Mrs. CHISHOLM, Mr. CORNELL, Mr. DICKS, Mrs. FENWICK, Mr. FISH, Mr. GEPHARDT, Mr. HOLLENBECK, Mr. IRELAND, Mr. KASTENMEIER, Mr. KETCHUM, Mr. KOSTMAYER, Mr. LLOYD of California, and Mr. LONG of Maryland):

H.R. 5434. A bill to amend the Social Security Act to require automatic sprinkler systems in all nursing facilities and intermediate care facilities certified for participation in the medicare or medicaid program, and to provide for direct low-interest Federal loans to assist such facilities in constructing or purchasing and installing automatic sprinkler systems; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. LUKEN, Mr. MCHUGH, Mr. METCALFE, Mr. MIKVA, Mr. MITCHELL of Maryland, Mr. MOFFETT, Mr. MICHAEL O. MYERS, Mr. ROE, Mr. SNYDER, Mr. SOLARZ, Mr. STARK, and Mr. TONRY):

H.R. 5435. A bill to amend the Social Security Act to require automatic sprinkler systems in all nursing facilities and intermediate care facilities certified for participation in the medicare and medicaid program, and to provide for direct low-interest Federal loans to assist such facilities in constructing or purchasing and installing automatic sprinkler systems; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. ROYBAL, Mr. ROONEY, Mr. BIAGGI, Mr. BEARD of Rhode Island, Mr. BLOUIN, Mr. DOWNEY, Mr. FLORIO, Mr. FORD of Tennessee, Mr. HUGHES, Mr. DRINAN, Mrs. MEYNER, Mr. RUSSO, Mr. WALSH, and Mr. RINALDO):

H.R. 5436. A bill to amend title XVIII of the Social Security Act to provide long-term care services as a part of the hospital insurance program, to encourage the creation of community long-term care centers to assist in providing such services, and for other purposes; jointly, to the Committees on Interstate and Foreign Commerce, and Ways and Means.

By Mr. PEPPER (for himself, Mr. ANDERSON of California, Mr. BADILLO, Mr. BAUCUS, Mr. BINGHAM, Mr. BONIOR, Mr. BRODHEAD, Mr. CARNEY, Mrs. CHISHOLM, Mr. CLAY, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. DUNCAN of Tennessee, Mr. EDGAR, Mr. EDWARDS of California, Mr. EILBERG, Mr. FASCELL, Mr. FORD of Michigan, and Mr. GILMAN):

H.R. 5437. A bill to amend title XVIII of the Social Security Act to provide long-term care services as a part of the hospital insurance program, to encourage the creation of community long-term care centers to assist in providing such services, and for other purposes; jointly, to the Committees on Interstate and Foreign Commerce, and Ways and Means.

By Mr. PEPPER (for himself, Mr. HARKIN, Mr. HARRINGTON, Mr. HAWKINS, Ms. HOLTZMAN, Mr. HOWARD, Mr. HYDE, Mrs. KEYS, Mr. KOCH, Mr. KOSTMAYER, Mr. LEHMAN, Mr. LONG of Maryland, Ms. MIKULSKI, Mr. MINETA, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, Mr. NEAL, Mr. NEDZI, Mr. NIX, Mr. NOLAN, and Mr. OTTINGER):

H.R. 5438. A bill to amend title XVIII of the Social Security Act to provide long-term care services as a part of the nospital insurance program, to encourage the creation of community long-term care centers to assist in providing such services, and for other purposes; jointly, to the Committees on Interstate and Foreign Commerce, and Ways and Means.

By Mr. PEPPER (for himself, Mr. PATTEN, Mr. RAHALL, Mr. RANGEL, Mr. RICHMOND, Mr. RODINO, Mr. ROSENTHAL, Mr. RYAN, Mr. ST GERMAIN, Mr. SCHEUER, Mr. STOKES, Mr. TONRY, Mr. UDALL, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. YATRON, Mr. YOUNG of Florida, and Mr. ZEFERETTI):

H.R. 5439. A bill to amend title XVIII of the Social Security Act to provide long-term care services as a part of the hospital insurance program, to encourage the creation of community long-term care centers to assist in providing such services, and for other purposes; jointly, to the Committees on Interstate and Foreign Commerce, and Ways and Means.

By Mr. PEPPER (for himself, Mr. ROYBAL, Mr. ROONEY, Mr. BIAGGI, Mr. BEARD of Rhode Island, Mr. BLOUIN, Mr. BONKER, Mr. DOWNEY, Mr. FLORIO, Mr. FORD of Tennessee, Mr. HUGHES, Mr. DRINAN, Mrs. MEYNER, Mr. RUSSO, Mr. WAMPLER, Mr. WALSH, and Mr. RINALDO):

H.R. 5440. A bill to amend the Internal Revenue Code of 1954 to exempt from excise tax certain buses purchased by nonprofit organizations or by other persons for exclusive use in furnishing transportation for State or local governments or nonprofit organizations; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. BADILLO, Mr. BINGHAM, Mr. BONIOR, Mr. BRODHEAD, Mr. CARNEY, Mr. CLAY, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. DUNCAN of Tennessee, Mr. EDGAR, Mr. EDWARDS of California, Mr. EILBERG, Mr. FASCELL, Mr. FORD of Michigan, Mr. GILMAN, Mr. HARKIN, Mr. HARRINGTON, Mr. HAWKINS, Ms. HOLTZMAN, Mr. HOWARD, Mr. HYDE, and Mrs. KEYS):

H.R. 5441. A bill to amend the Internal Revenue Code of 1954 to exempt from excise tax certain buses purchased by nonprofit organizations or by other persons for exclusive use in furnishing transportation for State or local governments or nonprofit organizations; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. KOCH, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LEHMAN, Mr. LONG of Maryland, Mr. MINETA, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, Mr. NEAL, Mr. NIX, Mr. NOLAN, Mr. PATTEN, Mr. RAHALL, Mr. RANGEL, and Mr. ROSENTHAL):

H.R. 5442. A bill to amend the Internal Revenue Code of 1954 to exempt from excise tax certain buses purchased by nonprofit organizations or by other persons for exclusive use in furnishing transportation for State or local governments or nonprofit organizations; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. RODINO, Mr. RYAN, Mr. ST GERMAIN, Mr. SCHEUER, Mr. STOKES, Mr. TONRY, Mr. UDALL, Mr. WAXMAN, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. YATRON, Mr. YOUNG of Florida, and Mr. ZEFERETTI):

H.R. 5443. A bill to amend the Internal Revenue Code of 1954 to exempt from excise tax certain buses purchased by nonprofit organizations or by other persons for exclusive use in furnishing transportation for State or local governments or nonprofit organizations; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. ROYBAL, Mr. ROONEY, Mr. BIAGGI, Mr. BEARD of Rhode Island, Mr. BLOUIN, Mr. DOWNEY, Mr. FLORIO, Mr. FORD of Tennessee, Mr. HUGHES, Mr. DRINAN, Mrs. MEYNER, Mr. RUSSO, Mr. WAMPLER, Mr. WALSH, Mr. GRASSLEY, and Mr. RINALDO):

H.R. 5444. A bill to amend the Internal Revenue Code of 1954 to provide that the amount of the charitable deduction allowable for expenses incurred in the operation of a highway vehicle will be determined in the same manner as the business deduction for such expenses; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. BADILLO, Mr. BINGHAM, Mr. BONIOR, Mr. BRODHEAD, Mr. CARNEY, Mr. CLAY, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. DUNCAN of Tennessee, Mr. EDGAR, Mr. EDWARDS of California, Mr. EILBERG, Mr. FASCELL, Mr. FORD of Michigan, Mr. GILMAN, Mr. HARKIN, Mr. HARRINGTON, and Mr. HAWKINS):

H.R. 5445. A bill to amend the Internal Revenue Code of 1954 to provide that the amount of the charitable deduction allowable for expenses incurred in the operation of a highway vehicle will be determined in the same manner as the business deduction for such expenses; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Ms. HOLTZMAN, Mr. HOWARD, Mr. HYDE, Mrs. KEYS, Mr. KOCH, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LEHMAN, Mr. LONG of Maryland, Ms. MIKULSKI, Mr. MINETA, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, Mr. NEAL, Mr. NIX, Mr. NOLAN, Mr. PATTEN, Mr. RAHALL, and Mr. RANGEL):

H.R. 5446. A bill to amend the Internal Revenue Code of 1954 to provide that the amount of the charitable deduction allowable for expenses incurred in the operation of a highway vehicle will be determined in the same manner as the business deduction for such expenses; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. RODINO, Mr. ROSENTHAL, Mr. RYAN, Mr. St GERMAIN, Mr. SCHEUER, Mr. STOKES, Mr. TONRY, Mr. UDALL, Mr. WEISS, Mr. CHARLES H. WILSON of

California, Mr. YATRON, Mr. YOUNG of Florida, and Mr. ZEFERETTI):

H.R. 5447. A bill to amend the Internal Revenue Code of 1954 to provide that the amount of the charitable deduction allowable for expenses incurred in the operation of a highway vehicle will be determined in the same manner as the business deduction for such expenses; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. ROONEY, Mr. BIAGGI, Mr. BEARD of Rhode Island, Mr. BLOUIN, Mr. DOWNEY, Mr. FLORIO, Mr. HUGHES, Mr. DRINAN, Mr. RUSSO, and Mr. RINALDO):

H.R. 5448. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. BADILLO, Mr. BONIOR, Mr. CARNEY, Mr. CLAY, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. COUGHLIN, Mr. DELLUMS, Mr. DIGGS, Mr. DUNCAN of Tennessee, Mr. EDGAR, Mr. EDWARDS of California, Mrs. FENWICK, Mr. FORD of Michigan, Mr. GILMAN, and Mr. HARKIN):

H.R. 5449. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. HARRINGTON, Mr. HAWKINS, Ms. HOLTZMAN, Mr. HOWARD, Mr. HYDE, Mr. KOCH, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LEHMAN, Mr. LENT, Mr. LONG of Maryland, Ms. MIKULSKI, Mr. MINETA, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, Mr. NEAL, Mr. NIX, Mr. NOLAN, Mr. OTTINGER, and Mr. PATTEN):

H.R. 5450. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. RAHALL, Mr. RANGEL, Mr. RICHMOND, Mr. RODINO, Mr. RYAN, Mr. ST GERMAIN, Mr. SCHEUER, Mr. STOKES, Mr. TONRY, Mr. TSONGAS, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. WIRTH, Mr. YATRON, and Mr. ZEFERETTI):

H.R. 5451. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. PEPPER (for himself, Mr. KOCH, Mr. ROYBAL, Mr. ROONEY, Mr. BIAGGI, Mr. BEARD of Rhode Island, Mr. BLOUIN, Mr. DOWNEY, Mr. FLORIO, Mr. FORD of Tennessee, Mr. HUGHES, Mr. DRINAN, Mrs. MEYNER, Mr. RUSSO, and Mr. RINALDO):

H.R. 5452. A bill to amend the Social Security Act to improve and make more effective the provision of nursing home services under the medicare and medicaid programs, and for other purposes; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. KOCH, Mr. BADILLO, Mr. BAUCUS, Mr. BINGHAM, Mr. BONIOR, Mr. BRODHEAD, Mr. CARNEY, Mr. CLAY, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. DUNCAN of Tennessee, Mr. EDGAR, Mr. EDWARDS of California, Mr. EILBERG, Mr. FASCELL, Mr. FORD of Michigan, Mr. GILMAN, Mr. HARKIN, Mr. HARRINGTON, and Mr. HAWKINS):

H.R. 5453. A bill to amend the Social Security Act to improve and make more effective the provisions of nursing home services under the medicare and medicaid programs, and for other purposes; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. KOCH, Ms. HOLTZMAN, Mr. HOWARD, Mr. HYDE, Mrs. KEYS, Mr. KOSTMAYER, Mr. LEHMAN, Mr. LONG of Maryland, Ms. MIKULSKI, Mr. MIKVA, Mr. MINETA, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, Mr. NEAL, Mr. NIX, and Mr. NOLAN):

H.R. 5454. A bill to amend the Social Security Act to improve and make more effective the provision of nursing home services under the medicare and medicaid programs, and for other purposes; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. KOCH, Mr. PATTEN, Mr. RAHALL, Mr. RANGEL, Mr. RICHMOND, Mr. RODINO, Mr. ROSENTHAL, Mr. RYAN, Mr. ST GERMAIN, Mr. SCHEUER, Mr. STOKES, Mr. TONRY, Mr. UDALL, Mr. WAXMAN, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. YATRON, Mr. YOUNG of Florida, and Mr. ZEFERETTI):

H.R. 5455. A bill to amend the Social Security Act to improve and make more effective the provisions of nursing home services under the medicare and medicaid programs, and for other purposes; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. KOCH, Mr. ROYBAL, Mr. ROONEY, Mr. BIAGGI, Mr. BEARD of Rhode Island, Mr. BLOUIN, Mr. DOWNEY, Mr. FLORIO, Mr. FORD of Tennessee, Mr. HUGHES, Mr. DRINAN, Mrs. MEYNER, Mr. RUSSO, and Mr. RINALDO):

H.R. 5456. A bill to amend the Public Health Service Act to provide additional programs of assistance for health personnel training programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. KOCH, Mr. BADILLO, Mr. BAUCUS, Mr. BINGHAM, Mr. BONIOR, Mr. BRODHEAD, Mr. CARNEY, Mr. CLAY, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. DUNCAN of Tennessee, Mr. EDGAR, Mr. EDWARDS of California, Mr. EILBERG, Mr. FASCELL, Mr. FORD of Michigan, Mr. GILMAN, and Mr. HARKIN):

H.R. 5457. A bill to amend the Public Health Service Act to provide additional programs of assistance for health personnel training programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Mr. PEPPER (for himself, Mr. KOCH, Mr. HARRINGTON, Mr. HARKIN, Ms. HOLTZMAN, Mr. HOWARD, Mr. HYDE, Mrs. KEYS, Mr. KOSTMAYER, Mr. LEHMAN, Mr. LONG of Maryland, Mr. MINETA, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, Mr. NEAL, Mr. NIX, Mr. NOLAN, Mr. PATTEN, Mr. RAHALL, Mr. RANGEL, Mr. RICHMOND, and Mr. RODINO):

H.R. 5458. A bill to amend the Public Health Service Act to provide additional programs of assistance for health personnel training programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. KOCH, Mr. ROSENTHAL, Mr. RYAN, Mr. ST GERMAIN, Mr. SCHEUER, Mr. STOKES, Mr. TONRY, Mr. UDALL, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. YATRON, Mr. YOUNG of Florida, and Mr. ZEFERETTI):

H.R. 5459. A bill to amend the Public Health Service Act to provide additional programs of assistance for health personnel training programs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. KOCH, Mr. ROYBAL, Mr. ROONEY, Mr. BIAGGI, Mr. BEARD of Rhode Island, Mr. BLOUIN, Mr. DOWNEY, Mr. FLORIO, Mr. HUGHES, Mr. DRINAN, Mrs. MEYNER, Mr. RUSSO, and Mr. RINALDO):

H.R. 5460. A bill to amend the Social Security Act to revise and expand various provisions relating to home health and other long-term care services under the medicare program, and for other purposes; jointly to the Committees on Banking, Finance and Urban Affairs, Interstate and Foreign Commerce, and Ways and Means.

By Mr. PEPPER (for himself, Mr. KOCH, Mr. BADILLO, Mr. BAUCUS, Mr. BINGHAM, Mr. BONIOR, Mr. BRODHEAD, Mr. CARNEY, Mr. CLAY, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. DUNCAN of Tennessee, Mr. EDGAR, Mr. EDWARDS of California, Mr. EILBERG, Mr. FASCELL, Mr. FORD of Michigan, Mr. GILMAN, and Mr. HARKIN):

H.R. 5461. A bill to amend the Social Security Act to revise and expand various provisions relating to home health and other long-term care services under the medicare program, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs, Interstate and Foreign Commerce, and Ways and Means.

By Mr. PEPPER (for himself, Mr. KOCH, Mr. HARRINGTON, Mr. HAWKINS, Ms. HOLTZMAN, Mr. HOWARD, Mr. HYDE, Mrs. KEYS, Mr. KOSTMAYER, Mr. LEHMAN, Mr. LONG of Maryland, Ms. MIKULSKI, Mr. MINETA, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, Mr. NEAL, Mr. NIX, Mr. NOLAN, Mr. PATTEN, and Mr. RAHALL):

H.R. 5462. A bill to amend the Social Security Act to revise and expand various provisions relating to home health and other long-term care services under the medicare program, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs, Interstate and Foreign Commerce, and Ways and Means.

By Mr. PEPPER (for himself, Mr. KOCH, Mr. RANGEL, Mr. RICHMOND, Mr. RODINO, Mr. ROSENTHAL, Mr. RYAN, Mr. ST GERMAIN, Mr. SCHEUER, Mr. STOKES, Mr. TONRY, Mr. TSONGAS, Mr. UDALL, Mr. WEISS, Mr. CHARLES H. WILSON of California, Mr. YATRON, Mr. YOUNG of Florida, and Mr. ZEFERETTI):

H.R. 5463. A bill to amend the Social Security Act to revise and expand various provisions relating to home health and other long-term care services under the medicare program, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs, Interstate and Foreign Commerce, and Ways and Means.

By Mr. ANDERSON of California (for himself, Mr. ADDABBO, Mr. FAUNTROY, Mr. REUSS, Mr. DUNCAN of Tennessee, Mr. WOLFF, Mr. FLOWERS, Mr. SARASIN, Mr. MINISH, Mr. KAZEN, Mr. RISENHOOVER, Mr. STANTON, Mr. BLANCHARD, Mr. AUCOIN, Mr. WALKER, Mr. JONES of Oklahoma, Mr. BEILENSON, Mr. HOLLENBECK, Mr. GINN, Mr. RANGEL, and Mr. HEFNER):

H.J. Res. 337. Joint resolution to provide for the designation of a week as National Lupus

Week; to the Committee on Post Office and Civil Service.

By Mrs. COLLINS of Illinois:

H.J. Res. 338. Joint resolution to require a review of U.S. practices with respect to the embargo on arms shipments to the Republic of South Africa in order to insure that such embargo is effective; to the Committee on International Relations.

By Mr. DUNCAN of Tennessee:

H.J. Res. 339. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT:

H.J. Res. 340. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MINISH:

H.J. Res. 341. Joint resolution to establish the Kosciuszko Trail; to the Committee on Interior and Insular Affairs.

By Mr. RAILSBACK (for himself, Mr. BUCHANAN, Mr. CONTE, and Mr. FLIPPO):

H.J. Res. 342. Joint resolution designating the first full week of April as "National Drafting Week"; to the Committee on Post Office and Civil Service.

By Mr. STUMP:

H.J. Res. 343. Joint resolution proposing an amendment to the Constitution of the United States providing for 4-year terms for Representatives, for a limitation on the number of terms a person may serve in the House of Representatives, and for other purposes; to the Committee on the Judiciary.

By Mr. WOLFF:

H.J. Res. 344. Joint resolution designating December 19, 1977, as Encampment Day; to the Committee on Post Office and Civil Service.

By Mr. DERWINSKI:

H. Con. Res. 171. Concurrent resolution commending the executive branch for the assistance it is providing to the beleaguered Government of Zaire; to the Committee on International Relations.

By Mr. MOFFETT (for himself, Mrs. NOLAN, Mr. CORNWELL, and Mr. FITHIAN):

H. Con. Res. 172. Concurrent resolution expressing the concern of Congress regarding the harassment of Soviet Jews and other minorities; to the Committee on International Relations.

By Mr. BALDUS (for himself, Mr. CORMAN, Mr. ADDABBO, Mr. ST GERMAIN, Mr. HANLEY, Mr. BRECKINRIDGE, Mr. LAFALCE, Mr. BEDELL, Mr. RICHMOND, Mr. RUSSO, Mr. NOLAN, Mr. BADILLO, Mr. NOWAK, Mr. LE FANTE, Mr. KILDEE, Mr. SKELTON, Mr. CARTER, Mr. COHEN, Mrs. FENWICK, Mr. PRESSLER, and Mr. QUAYLE):

H. Res. 425. A resolution requesting the President to convene a White House Conference on Small Business; to the Committee on Small Business.

By Mr. HAMMERSCHMIDT:

H. Res. 426. Resolution expressing the sense of the House that no ban on saccharin should take effect without prior congressional approval; to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN (for himself, Mr. ARMSTRONG, Mr. BEDELL, Mr. CORCORAN of Illinois, Mr. DOWNEY, Mr. DUNCAN of Tennessee, Mr. HORTON, Mr. HOWARD, Mr. KETCHUM, Mr. LENT, Mr. MILLER of Ohio, Mr. MINETA, Mr. MOORHEAD of California, Mr. WAGGONNER, Mr. CRANE, Mr. GUYER, Mr. QUAYLE, Mr. MCEWEN, Mr. COLLINS of Texas, Mr. LONG of Maryland, Mr. PATTERSON of California, Mr. TREEN, Mr. ANDREWS of North Carolina, and Mr. GUDGER):

H. Res. 427. Resolution expressing the sense of the House that no ban on saccharin should take effect without prior congressional approval; to the Committee on Interstate and Foreign Commerce.

By Mr. PREYER:

H. Res. 428. Resolution to provide for the expenses of investigations and studies to be conducted by the Select Committee on Ethics; to the Committee on House Administration.

By Mr. WHALEN:

H. Res. 429. Resolution to establish a Select Committee on Population; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

52. By the SPEAKER: Memorial of the Legislature of the Territory of Guam, relative to the proposed "Hawaiian and United States Pacific Islands Surface Commerce Act" to the Committee on Education and Labor.

53. Also, memorial of the Legislature of the State of Nebraska relative to the North Loup Division, Pick-Sloan Missouri Basin Program, Nebraska; to the Committee on Interior and Insular Affairs.

54. Also, memorial of the Legislature of the Commonwealth of Virginia, relative to State regulation of the surface mining of coal; to the Committee on Interior and Insular Affairs.

55. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to protection of the domestic shoe industry; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KOCH:

H.R. 5464. A bill for the relief of Israel Wald; to the Committee on the Judiciary.

By Mr. LEVITAS:

H.R. 5465. A bill for the relief of Maj. Ralph Edwards, U.S. Air Force, retired; to the Committee on the Judiciary.

By Mr. MCCLOSKEY:

H.R. 5466. A bill for the relief of Doris Mauri Coonrad; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 5467. A bill for the relief of Jordao Rodrigues Da Silva; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4250

By Mr. ALLEN:

On line 21, page 30, delete the word "may" and substitute therefor the word "shall".

On line 20, page 32, delete the word "authorized" and substitute therefor the word "directed".

On line 17, page 34, delete the words "only if it determines that such action will—" and substitute therefor the following language: "in order to—"

On line 11, page 35, delete the word "may" and substitute therefor the word "shall".

On line 23, page 35, delete the word "may" and substitute therefor the word "shall".

On line 6, page 40, delete the numerals "1980" and substitute therefor the numerals "1982".

On line 12, page 40, delete the numerals "1980" and substitute therefor the numerals "1982".

On line 19, page 28, delete the word "may" and substitute therefor the word "shall".

At line 4, page 31, delete the language following "section 204" which precedes the word "of" on line 5, page 31, and substitute therefor the following language: "and a written request for its assistance from any interested party to the dispute, it shall take jurisdiction of the matter, and it may do so with or without the request or suggestion."

On line 16, page 31, delete the words "decide whether to".

On line 19, page 31, delete the word "may" and substitute therefor the word "shall".

At the end of line 6, page 26, delete the period and add the following language: "of this title except (1) with respect to all construction work having a gross value of $5,000,000 or less which was contracted for and on which work had actually started on April 1, 1977, the amendments made by this title shall take effect one year after such effective date, and (2) with respect to all construction work having a gross value of more than $5,000,000 which was contracted for and on which work had actually started on April 1, 1977, the amendments made by this title shall take effect two years after such effective date."

Insert in line 16, page 23, immediately following the word "subsection:", the following language: *"Provided further,* That notwithstanding the provisions of this or any other Act, any employer at a common construction site may bring an action for injunctive relief under section 301 of the Labor Management Relations Act (29 U.S.C. 141) to enjoin any strike or picketing at a common situs in breach of a no-strike clause of a collective bargaining agreement relating to an issue which is subject to final and binding arbitration or other method of final settlement of disputes as provided in the agreement:".

Strike language immediately following word "any" on line 13, page 22, through the words "subsection (b)" on line 20, page 22, and insert in lieu thereof the following: "employer where an object thereof is the removal or exclusion from the site of any employee on the ground of sex, race, creed, color, or national origin or because of the membership or nonmembership of any employee in any labor organization: *Provided further,* That nothing in the above provisions shall be construed to authorize picketing, threatening to picket, or causing to be picketed, any employer where an object thereof is to cause or attempt to cause an employer to discriminate against any employee, or to discriminate against an employee with respect to whom membership in a labor organization has been denied or terminated on some ground other than his failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership, or to exclude any labor organization on the ground that such labor organization is not affiliated with a national or international labor organization which represents employees of an employer at the common site: *Provided further,* That nothing in the above provisos shall be construed to permit any attempt by a labor organization to require an employer to recognize or bargain with any labor organization presently prohibited by paragraph (7) of subsection (b): *Provided further,* That if a labor organization engages in picketing for an object described in paragraph (7) of subsection (b) and there has been filed a petition under subsection (c) of section 9, and

a charge under subsection (b) of section 10, the Board shall conduct an election and certify the results thereof within fourteen calendar days from the filing of the later of the petition and the charge".

Strike out language following the colon on line 3, page 23, through the word "subsection" on Line 16, page 23, and substitute therefor the following language: "*Provided further*, That nothing in the above provisos shall apply at the site of the construction, alteration, painting, or repair of a building, structure, or other work involving residential structures of three residential levels or less constructed by an employer who in the last taxable year immediately preceding the year in which the determination under this subsection is made had, in his own capacity or with or through any other person, a gross volume of construction business of $9,500,000 or less, adjusted annually as determined by the Secretary of Labor, based upon the revisions of the Price Index for New One Family Houses prepared by the Bureau of the Census, if the employer within 10 days of being served with the notice required by subsection (g)(2)(A) of this section notifies each labor organization which served that notice in an affidavit that he satisfies the requirements set forth in this subsection:"

Insert on line 10, page 22, immediately following the word "provisos:", the following language: "*Provided further*, That nothing in the above provisos, shall be construed to prohibit any act which was not an unfair labor practice under the provisions of this subsection existing prior to the enactment of such provisos:"

On line 10, page 24, immediately following the word "strike", insert the following ", picket".

Insert on line 23, page 24, immediately following the word "action", the following language: ", provided the Construction Industry Collective Bargaining Committee under the provisions of Title II hereof does not disapprove and notify the labor organization of its disapproval prior to the expiration of said ten days, in which event such strike, picketing or refusal to perform services shall be postponed at least thirty days to give time to the parties involved to reconcile their differences or dispute by collective bargaining, with such assistance as the Federal Mediation and Conciliation Service of the Department of Labor may provide"

By Mr. GLICKMAN:

Section 102 is hereby amended to read as follows:

"The amendments made by this title shall take effect ninety days after the date of enactment of this title: *Provided*, That the provisions of this Act shall not be applicable as to construction work contracted for and on which work has actually started as of ninety days after the enactment of this title."

SENATE—*Tuesday, March 22, 1977*

(Legislative day of Monday, February 21, 1977)

The Senate met at 1 p.m., on the expiration of the recess, and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Our Father-God, we thank Thee for the dark days as well as for the bright days. We thank Thee for the gentle rain which fills the streams and waters the soil to bring forth lush meadows and fertile fields. Spare us from gloomy attitudes, pale thoughts, and decisions made in the dark. Keep our spirits bright and clear and transparent. Send Thy light and Thy truth to quicken our faith, sharpen our judgment, and deepen our spiritual insights. Grant us some part in the fulfillment of Thy mighty purpose in the world. God save, bless, and guide the United States and all who serve in its government.

In Thy holy name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 22, 1977.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. ROBERT C. BYRD thereupon took the chair as Acting President pro tempore.

THE JOURNAL

The ACTING PRESIDENT pro tempore. The Chair recognizes the preeminently distinguished minority leader.

Mr. BAKER. Mr. President, the humble minority leader is grateful to the distinguished occupant of the chair.

Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, March 21, 1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BIDEN). Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, there is a nomination on the calendar that has now been cleared on both sides of the aisle. Therefore, I ask unanimous consent that the Senate go into executive session to consider the nomination of Robert Thallon Hall to be an Assistant Secretary of Commerce.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

DEPARTMENT OF COMMERCE

The second assistant legislative clerk read the nomination of Robert Thallon Hall, of Virginia, to be an Assistant Secretary of Commerce.

Mr. BAKER. Mr. President, the nomination of Mr. Hall to be an Assistant Secretary of Commerce has been cleared on this side, and there is no objection to the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President of the United States be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

LAND AND WATER RESOURCES CONSERVATION ACT OF 1977

Mr. ROBERT C. BYRD. Mr. President, there is a bill on the calendar, Calendar No. 50, S. 106, a bill to provide for furthering the conservation, protection, and enhancement of the Nation's land, water, and related resources for sustained use. This measure has been cleared for action on both sides of the aisle, by unanimous consent. Therefore, I ask unanimous consent that it be placed on the unanimous-consent calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISPOSITION OF NOMINATIONS

Mr. ROBERT C. BYRD. Mr. President, at the leadership breakfast this morning, the President made reference to the fact that several nominations are pending before the Senate. He indicated that a good many of these had been sent up recently to the Senate. He was not complaining about the confirmation process. As a matter of fact, he indicated

that, with respect to a majority of the nominations that had not been confirmed, they had been sent up late by the administration.

Upon returning to my office, I ascertained the status of the situation as it pertains to nominations. I call the attention of the Senate to the following facts:

The executive clerk of the Senate has researched his record of major nominations submitted to the Senate by the President since January 20, 1977.

The lists which I will ask to be inserted in the RECORD at the conclusion of my remarks show the dates when nominations were sent to the Senate, the positions to be filled, the Senate committees to which they were referred, and the confirmation dates.

In toto, there have been 250 major nominations, of which 116 are in the military. Of these major nominations, 156 have been confirmed and 94 are pending. Of the 94 pending nominations, 24 were received yesterday, 15 were received this past Friday, 9 were received Monday a week ago—making a total of 48 out of 94 pending nominations that have been received within the past 7 working days.

Mr. President, I ask unanimous consent that the lists to which I have referred be printed in the RECORD.

There being no objection, the lists were ordered to be printed in the RECORD, as follows:

Nominations submitted to the Senate by the President since Jan. 20, 1977 with action thereon, if any:

Date sent up, position, comm. referred to, and date confirmed:

January 20, Sec. of State, FR, January 20.
January 20, Sec. of the Treasury, FIN, January 20.
January 20, Sec. of Defense, AS, January 20.
January 20, Attorney General, JUD, January 25.
January 20, Sec. of Interior, INT, January 20.
January 20, Sec. of Agriculture, AG, January 20.
January 20, Sec. of Commerce, COM, January 20.
January 20, Sec. of Labor, HR, January 26.
January 20, Sec. of HEW, HR, January 24.
January 20, Sec. of HUD, BANK, January 20.
January 20, Sec. of Transportation, COM, January 20.
January 20, Dir. of OMB, BUD, January 20.
January 20, Mbr. Council Economic Advisers, FIN, January 20.
January 20, United Nations Rep., FR, January 26.
January 28, Dep. Sec. Defense, AS, January 31.
January 31, 1 AF general, AS, February 25.
January 31, AF general, AS, February 25.
February 1, FEA Admr., ENR, February 3.
February 2, Sec. of the Army, AS, February 11.
February 2, 15 Army generals, AS, February 25.
February 2, 6 MC generals, AS, February 25.
February 4, Dir. Arms Control Agency, FR, March 9.
February 4, Amb. to Lebanon, FR, February 10.
February 7, Dep. Sec. State, FR, February 24.
February 7, Dep. Sec. Transportation, CST, February 10.
February 7, Asst. Sec. Transportation, CST, February 10.
February 7, Gen. Cnsl. Transportation, CST, February 10.
February 7, Dir. Office Drug Abuse Policy, HR.
February 7, Dep. Dir. Office Drug Abuse Policy, HR.
February 7, Dep. U/Sec. Treasury, FIN.
February 7, Sec. of the Navy, AS, February 11.
February 7, 33 Navy admirals, AS, February 25.
February 7, 8 Navy admirals, AS, February 25.
February 8, Ambassador (Warnke), FR, March 9.
February 9, Ambassador (Chief of Prot.), FR, March 2.
February 10, Dir. Central Intelligence, INT, February 24.
February 10, 12 MC generals, AS, February 25.
February 14, Asst. Att'y General, JUD, March 4.
February 15, Asst. Sec. Defense, AS, March 4.
February 16, Solicitor General, JUD, March 4.
February 16, Asst. Att'y General, JUD, March 4.
February 16, Asst. Att'y General, JUD, March 4.
February 16, Asst. Att'y General, JUD, March 4.
February 16, Asst. Att'y General, JUD, March 4.
February 16. Dep. Dir. OMB, GA, March 10.
February 16, Admr. EPA, TPW, March 4.
February 16, Dep. Admr. EPA, EPW, March 4.
February 16, 1 Navy admiral, AS, March 4.
February 16, 7 Navy admirals, AS, March 4.
February 18, Asst. Sec. Treasury, FIN, March 21.
February 18, Dir. of ACTION, FR+HR, February 25.
February 18, Admr. VA, VA, February 25.
February 18, 1 Coast Guard Admiral, CST.
February 18, 1 Navy admiral, AS.
February 18, 2 Army generals, AS, March 4.
February 21, U/Sec. of the Navy, AS, March 4.
February 21, I MC general, AS, March 4.
February 22, 7 Career Ministers, FR, March 2.
February 22, Amb. at Large, FR, February 24.
February 24, U/Sec. of the Interior, ENR, March 11.
February 24, Solicitor, Dept. Interior, ENR, March 11.
February 24, Asst. Sec. Commerce, CST.
February 24, U/Sec. of Labor, HR, March 10.
February 24, Asst. Sec. of Labor, HR, March 10.
February 24, Asst. Sec. of Labor, HR, March 10.
February 24, Solicitor, Dept. Labor, HR, March 10.
February 24, U/Sec. HEW, FIN.
February 24, Insp. Gnl., HEW. FIN.
February 24, Asst. Sec. Ed., HEW, HR.
February 24, Asst. Sec. HEW, FIN.
February 24, Dep. Dir. ACTION, FR+HR, March 4.
February 24, Mbr. Cncl. on Envir. Qlty., EPW, March 8.
February 25, Asst. Sec. Defense, AS.
February 25, Asst. Sec. Defense, AS.
February 25, Asst. Sec. Defense, AS.
February 25, Asst. Sec. Commerce, CST.
March 1, Asst. Sec. Commerce, EPW.
March 1, 1 Army general, AS.
March 3, Asst. Sec. (F+W), Interior, EPW +ENR.
March 3, Asst. Sec. Interior, ENR.
March 3, 2 MC generals, AS.
March 4, Dep. U/Sec. State, FR, March 15.
March 4, Asst. Sec. State, FR, March 15.
March 4, Asst. Sec. State, FR.
March 4, Ambassador to Italy, FR, March 15.
March 4, U/Sec. Treasury, FIN.
March 4, U/Sec. Treasury, FIN.
March 4, Dep. U/Sec. Treasury, FIN.
March 4, U/Sec. HUD, BHUA.
March 7, Asst. Sec. State, FR.
March 7, Asst. Sec. Agriculture, ANF.
March 7, Asst. Sec. HEW, FIN.
March 7, Member CEA, BHUA, March 18.
March 7, Member, Cncl. Envir. Qlty., EPW.
March 7, Dir. USIA, FR.
March 8, 1 AF general, AS.
March 9, Admr. AID, FR.
March 9, Dep. Att'y General, JUD.
March 9, Gen. Cnsl., Commerce, CST.
March 9, Dir. CCC, ANF.
March 9, 1 MC general, AS.
March 10, Dep. Sec. Agriculture, ANF, March 15.
March 10, U.S. Att'y, Tenn., JUD.
March 11, Ambassador (Trade Neg.), FIN.
March 11, U/Sec. State (CSAP), FR.
March 11, Asst. Sec. State, FR.
March 11, Asst. Sec. Labor, HR, March 18.
March 11, Asst. Sec. Labor, HR, March 18.
March 11, Asst. Sec. Labor, HR, March 18.
March 11, Dir. Women's Bur., Labor, HR, March 18.
March 11, Asst. Sec. HUD, BHUA.
March 11, Asst. Sec. HUD, BHUA.
March 11, Asst. Sec. HEW, FIN.
March 11, Gen. Cnsl., HEW, FIN.
March 11, Mbr. Bd. Dir. CCC, ANF.
March 11, Member CEA, BHUA, March 18.
March 11, Mbr. Renegotiation Board, BHUA.
March 11, Mbr. Renegotiation Board, BHUA.
March 14, Rep. to OAS+Ambassador, FR, March 17.
March 14, Asst. Sec. State, FR.
March 14, Dir. Defense Rsrch & Engnrg., AS.
March 14, Asst. Sec. Treasury, FIN.
March 14, Asst. Sec. HEW, FIN.
March 14, 1 AF general, AS.
March 14, 1 Army general, AS.
March 14, Commr. of Education, HR.
March 14, Asst. Sec. Commerce, CST.
March 18, Asst. Sec. State, FR.
March 18, Asst. Sec. Treasury, FIN.
March 18, Asst. Sec. Treasury, FIN.
March 18, Asst. Sec. Agri. & CCC Dir., ANF.
March 18, U/Sec. of Commerce, CST.
March 18, Admr. of Nat'l Highway Traffic Safety Adm., CST.
March 18, Dir. Office Science & Technology Policy, CST.
March 18, 1 AF general, AS.
March 18, 1 Army general, AS.
March 18, 1 MC general, AS.
March 18, 5 D.C. Court Judges, GA.
March 21, Counselor, Dept. State, FR.
March 21, Legal Adv., Dept. State, FR.
March 21, U.S. Gov., Int'l Banks, FR.
March 21, Commr. Internal Revenue, FIN.
March 21, Asst. Sec. of the Navy, AS.
March 21, Asst. Sec. HUD, BHUA.
March 21, Asst. Sec. HUD, BHUA.
March 21, 17 AF generals, AS.
Total nominations (major) 250.

Mr. BAKER. Mr. President, I commend the distinguished majority leader for his statement. I must say in that respect that in the 11 years, almost, that I have been in the Senate I have never seen the Senate act with such dispatch and promptness in the matter of the confirmation of nominations and, for that matter, in the dispatch of legislative business that has come to the floor of the Senate.

I have previously commended the majority leader for the efficient way we have moved matters before us and that, of course, includes the matter of disposing

of names that come to the Executive Calendar.

On our side I think in a great number of instances we have cleared these nominations with a minimum of difficulty. I can think of only two or three where there has been any substantial dispute and where any hold or objection has been noted by Members on our side.

I think the Senate has acted with diligence and dispatch in these matters, and I think a great debt of gratitude is owed to the majority leader in that respect.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished minority leader. I thank him for his words of praise but, at the same time, I thank him for the cooperation the majority has had from the minority in this regard.

We have had only cooperation. There has been only one nomination to my recollection that failed, and that failed because the nominee withdrew. The one nomination that was confirmed earlier today was confirmed some days ago but that action was vitiated subsequent thereto at the request of two Senators. The matter they wished to have clarified has now been clarified. So I think the record of the Senate has been good. Thousands of nominations have actually been confirmed in this session. The last count I had, which was about a week ago, showed that the Senate had confirmed over 16,000 nominations during this session already.

My reference today has been to the major nominations. As I say, the President was not complaining, but he was interested in having the confirmations of the remaining major nominations acted upon as quickly as possible.

The kind of cooperation the majority has had from the minority, the kind of dedication of effort that Members of the Senate in the pertinent committees on both sides of the aisle have shown thus far in the confirmation process, I think, augers well for speedy action on the remainder of the President's nominations.

I again thank my friend across the aisle.

RESEARCH INTO ADVANCED AVIATION TECHNOLOGY

Mr. BAKER. Mr. President, I was pleased to note that the House approved last Thursday the NASA authorization bill for fiscal year 1978. Included in the total $4.05 billion authorization is approximately $15 million for research into advanced aviation technology, including supersonic transport aircraft. These funds are intended to insure that we will, in the future, have the technological capability to take advantage of new developments in aircraft design.

Last year, the House Subcommmittee on Aviation and Transportation Research and Development held very comprehensive hearings on the future of aviation. The hearings resulted in a report, published in October, which made a number of recommendations regarding the future role of the Federal Government in aviation R. & D. One of the subcommittee's conclusions was that it is clearly in the national interest to greatly expand Government research and development of new technology and to re-evaluate national policy toward development of supersonic transport aircraft.

Mr. President, I commend our colleagues in the House for the very thorough study which they have devoted to this issue, and I fully support their recommendations.

While I do not want to try to second-guess, at this late date, the wisdom of Congress, 1971 decision to discontinue development of an American SST, I believe it is vital to the future of the American aviation industry that we keep open our options and maintain our ability to compete in the world market.

The Anglo-French Concorde is a remarkable technological achievement, regardless of the fact that it consumes more fuel and emits more air and noise pollution than we would desire. The United States has the capability to develop a second-generation SST which will be more fuel-efficient and environmentally acceptable. To abandon future progress in this aspect of aviation R. & D. to France, Great Britain, and the Soviet Union will, in my view, result in severe economic losses to our own aviation industry—industry which generates over a million jobs spread throughout every State.

While we may not be prepared at this point to make a commitment to development of such an aircraft, the small amount of funding contained in the NASA authorization will insure that we have the option to make such a decision in the future. It is my hope, therefore, that this item will be included in the Senate's version of the authorization bill as we consider it in the days ahead.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. ROBERT C. BYRD. I yield back the remainder of my time.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. BIDEN). Under the previous order, the Senator from Oklahoma is recognized for not to exceed 15 minutes.

THE F-15 EAGLE

Mr. BARTLETT. Mr. President, the decision by Defense Secretary Harold Brown to cut this year's procurement of F-15 Eagle advance air superiority fighters from the original 108 programed to only 78 is another example of the false economies which are being made by the new administration in the name of streamlining the defense budget. The Carter administration has decided to cut the production rate for F-15 fighters down to 6½ per month, well below the present rate of 9 per month. This arbitrary delay in the F-15 Eagle procurement program not only deprives many American combat air crews of the world's finest air superiority fighter, but it increases the program unit cost to the tune of over $1 million per aircraft.

With a top speed of Mach 2.5, the F-15 Eagle is our fastest, highest flying fighter. Still, advanced technology has made the Eagle far more maneuverable than the old F-4 that it replaces. In fact, the F-15 is nearly as maneuverable as the much smaller F-16. And the Eagle, unlike the F-16, is an all weather fighter capable of tracking and attacking enemy aircraft which are trying to avoid radar detection by flying close to the Earth. Also, the F-15 can climb rapidly to high altitudes in order to engage the Soviet Union's Mig-25 FOXBAT which can fly unopposed high above present air defenses. In 1975, the F-15 set eight climb to altitude records. While its Sparrow missile permits the F-15 to intercept aircraft at long ranges, its Sidewinder missile and 20 mm. cannon permit the F-15 to exploit its superb agility in close air-to-air dogfighting. Although primarily an air superiority fighter, the F-15 has been tested in the ground attack role and can carry more ordnance and has greater range than does the F-16 lightweight fighter. Its long range virtually eliminates the need for tanker support during global deployments. Furthermore, its advanced electronic countermeasures permit the Eagle to operate effectively in the intense air defense environment found on the modern battlefield.

The McDonnell Douglas F-15 Eagle was born in 1965 when the U.S. Air Force decided to develop an air superiority fighter free from the mistakes and errors forced into the ill-starred TFX program, and in this they have succeeded magnificently. After 7 years of careful development, the first F-15A flew in 1972, the first F-15A was delivered to the Air Force in November 1974, and the first F-15 Wing was operational in 1976. Israel has already received four of the 25 F-15 Eagles it purchased to prevent Mig-25's from flying over her sovereign territory, and after extensive operational testing and competition, the Japanese air force found the F-15 best suited to its needs—better than the F-14, F-16, or F-18. Already the sound engineering has payed off in an outstanding safety record. This properly paced program has resulted in the need for few changes to the basic design and has left room for growth and improvement in the F-15 system.

One longtime critic of the Defense Department who had opposed the development of advanced air superiority fighters like the F-14 and F-15, and who still opposed the F-14, recently told the Senate Armed Services Committee that—

> The F-15 has demonstrated that it is a significant improvement in terms of air superiority so that the program could continue; yes. I think also consideration ought to be given as to whether or not some version of the F-15 might be adaptable for carrier service.

This is high praise indeed from Mr. Paul C. Warnke, our chief SALT negotiator, who also maintains that the F-15 is a "cost effective weapon."

More important than meeting the objections of a longtime critic is the ability of the Eagle to meet the current needs of our Air Force. In our report on NATO, submitted to the Senate Armed Services Committee, Senator SAM NUNN, Democrat of Georgia, and I pointed out that the Warsaw Pact superiority in numbers was being coupled with major improvements in the quality of Soviet aircraft. The introduction into Eastern Europe of advanced offensive aircraft like the Mig-23, the SU-19, and the Backfire bomber, along with the excellent Mig-21 and the Mig-25, gives the Soviet Union a long-range, low-altitude penetration capabil-

ity along with the capacity to deny NATO air superiority in the crucial early days of battle when Western ground forces would be dependent upon close air support. The F–15 Eagle is our best countermeasure to both of these Soviet threats and an effective Air Force is our best insurance against an intense "blitzkreig" attack launched with little warning. Just last week, Lt. Gen. Alton Slay, Air Force Deputy Chief of Staff for Research and Development told the Senate Armed Services Committee that the F–15 is the best fighter in the world today and the only aircraft able to meet the increased threat from Soviet all-weather fighters. I had already heard such praise from military commanders in Europe.

President Carter pledged to cut $5 to $7 billion in fat from the defense budget. Instead, he has simply delayed the delivery of additional muscle to our armed services. It makes no sense to deprive our Air Force of the best fighter plane possible, the F–15 Eagle, at a time when the Warsaw Pact has conventional superiority in Europe and when the Soviet Union has the advantage of momentum in deployment of conventional weapons.

Mr. President, I yield the floor.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order the Senator from Delaware (Mr. ROTH) is recognized for not to exceed 15 minutes.

WILMINGTON BUSING CASE

Mr. ROTH. Mr. President, it was my understanding that the new administration had learned the lessons of Watergate. During his campaign and, indeed, from the day he was elected, President Carter stressed that his would be an open government. He particularly stressed that the Attorney General would be apolitical, in view of the controversy surrounding his nomination. This is one promise, I fear, the Justice Department has not kept.

For the past 2 months I have tried both in writing and by telephone, to arrange a personal meeting with the Attorney General to discuss with him the scope of participation by the Justice Department in the Wilmington busing case pending before the Court of Appeals for the Third Circuit. As early as January 24, I was assured by the then Attorney General-designate in a telephone conversation that he would be pleased to meet with me on this matter—possibly as early as the following week. I followed up that phone call with a letter on January 31, in which I outlined my position and urged that we meet at his earliest convenience.

In late February, when I learned that the Wilmington case had been set for argument on March 30, I again wrote to the Attorney General requesting that we meet as soon as possible since time was of the essence.

Subsequently, I was asked by a representative of the Attorney General to have a preliminary meeting with either the new Solicitor General or the Assistant Attorney General, in charge of civil rights. I agreed to do so. But again, we were never able to make arrangements for a meeting. Continuous efforts in the following weeks to set up such a meeting only resulted in assurance by the Assistant Attorney General that no decision in the Wilmington case would be made until I had met with top Justice Department officials.

Accordingly I was shocked and outraged to learn on the morning of March 18 that the Department of Justice would file a brief in the Wilmington case before the third circuit court of appeals that afternoon. I learned this only through an inquiry by a member of my staff to the Department.

Not only did the Department deliberately deny me the courtesy of a meeting to discuss the Wilmington case, they also refused at this late date to disclose to me the contents of their brief. Numerous phone calls were placed by members of my staff in an attempt to learn the contents of the brief which was then at the printer. My office was advised that we could have a copy late in the afternoon at the same time it was filed in court.

It is hard to square this performance with the Justice Department's assurances that a meeting would be held with me prior to a decision being made as to its participation in the Wilmington case. It is hard to square this performance with assurances of the President that the Justice Department would be apolitical when they refused, in effect to meet with me, and at the same time the Wilmington papers reported the Attorney General and other top officials—as they should have—met with my democratic colleague from Delaware. It is hard to square this performance with the campaign promises that this would be an open government.

This situation is in marked contrast to actions of the previous administration on this issue. Last year, at my request, former Attorney General Levi and former Solicitor General Bork sat down with the entire Delaware delegation as well as the Democratic Governor and State attorney general to discuss this matter. At that time the discussion centered on participation by the Department of Justice in the Wilmington decision before the Supreme Court.

I am deeply troubled by this turn of events. I believe it seriously undermines the public's confidence in the new administration's promises of openness in government and of a nonpartisan Attorney General. It also violates the important principle of public trust placed upon the Nation's highest legal officials.

The reason I was so disappointed with not having an opportunity to discuss this matter with the Attorney General is that I wanted to stress the importance of this case to the people of Delaware in light of recent Supreme Court decisions. The fact that I was not permitted the courtesy of the meeting troubles me, but even more troubling is the substances of the Department's brief in this case.

What concerns me most is the new administration's failure to implement the principle that in order to find a constitutional violation the Court must find discriminatory intent. The Supreme Court recently made it clear that this intent must be present in cases of discrimination. Yet the Justice Department's brief ignores this principle and, therefore, it is unfair to the people of Delaware.

In its liability decision, the district court conceded that the Delaware Educational Advancement Act was not purposefully racially discriminatory. Nonetheless the court held the statute unconstitutional solely because it had significant racial impact. The recent Supreme Court decision in Washington against Davis and Village of Arlington Heights against Metropolitan Housing Development Corporation make it clear that official action will not be held unconstitutional solely because it results in a racially disproportionate impact. The Supreme Court decisions require that proof of a racially discriminatory intent or purpose is essential to establish a violation of the Constitution.

Quite frankly, I was disappointed when the former Solicitor General failed to address the question of liability. But at least, he remained somewhat neutral, taking no position on the question other than noting it might be foreclosed by the Supreme Court's summary affirmance.

The brief filed before the third circuit urges that court not to reconsider the liability question. It attempts to explain away this direct conflict between the district court's findings and the Supreme Court's clear pronouncements, by stating that the district court opinion "may reflect a confusion between discriminatory intent or purpose with discriminatory animus or evil motive" and suggests that "this Court need not determine how to resolve this apparent internal inconsistency * * *."

Such "legalese" blatantly evades the critical question of discriminatory intent. By couching the question in terms of how much busing there should be between city and suburbs, the brief avoids the real question of why there should be any busing at all.

Regarding the remedy decision, the brief states that the district court based its judgment on erroneous remedial standards of racial balance. However, unlike the Book brief which clearly stated that this judgment should not stand, it recommended that the district court judgment be affirmed with clarifying instructions. Only if this first solution is unsatisfactory does the brief suggest vacating the judgment on remedy.

I submit, Mr. President, that the Davis brief is nothing more than a copout by this administration on a vital issue that affects us all, both children and adults alike.

If we are to have an open and truly responsive government as the President has promised, I suggest that the Justice Department go back to the drawing boards and think again how to best approach this significant issue in an honest and forthright manner.

It is obvious that this is one case where the people will not be fooled by symbolism and legal hairsplitting. The people need and deserve better answers.

Mr. President, I ask unanimous consent that my letters to the Attorney General be printed in the RECORD.

There being no objection, the letters

were ordered to be printed in the RECORD, as follows:

JANUARY 31, 1977.

Hon. GRIFFIN B. BELL,
Attorney General of the United States, Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: In our telephone conversation of January 24, 1977, I stressed the significance of the Wilmington desegregation case, not only in its impact on my constituency, but in its ramifications for almost every metropolitan area in the Nation.

Although the Justice Department did select the Wilmington decision as an appropriate test case, its participation this far appears to be limited only to the remedy phase of the litigation. While I am in complete agreement regarding the excess of remedy prescribed by the District Court, I believe it is imperative to address the liability phase as well.

Although the district court in the Wilmington case ruled that certain provisions of the Delaware Educational Advancement Act which excluded the Wilmington School District from school reorganization were unconstitutional, it conceded that the provisions were not purposefully racially discriminatory. The two-judge majority opinion clearly stated:

"We cannot conclude, as plaintiffs contend that the provision excluding the Wilmington District from school reorganization were purposefully racially discriminatory. . . . In short, the record does not demonstrate that a significant purpose of the Educational Advancement Act was to foster or perpetuate discrimination through school (district) reorganization." *Evans* v. *Buchanan*, 393 F. Supp. 428, 439, (D. Del. 1975).

Judge Layton underscored this finding in his dissent at p. 450. Nonetheless, the majority held the statute unconstitutional solely because it had significant racial impact.

The recent Supreme Court decisions in *Washington* v. *Davis* and *Village of Arlington Heights* v. *Metropolitan Housing Development Corp.*, make it clear that official action will not be held unconstitutional *solely* because it results in a racially disproportionate impact. Proof of a racially discriminatory intent or purpose is essential to establish a violation of the Constitution.

While I recognize the district court's decision was affirmed *per* curiam by the Supreme Court on November 17, 1975, such *pro forma* review cannot be deemed satisfactory when it leaves unresolved fundamental legal issues. The direct conflict between the district court's findings and the Supreme Court's clear pronouncements should be ample grounds for the Third Circuit Court of Appeals to review the liability as well as remedy. At a minimum, action similar to that taken by the Supreme Court in the *Austin* and *Indianapolis* cases appears warranted. To do otherwise, will essentially deprive the Wilmington case of appellate review since the liability decision went directly to the Supreme Court without the benefit of intermediate appellate review. Such judicial procedure can only further undermine public confidence in the judiciary.

I would appreciate an opportunity to meet with you at your earliest convenience to discuss the scope of participation by your Department before the Third Circuit.

With best wishes in your new post.

Sincerely,

WILLIAM V. ROTH, Jr.,
U.S. Senate.

FEBRUARY 28, 1977.

Hon. GRIFFIN B. BELL,
Attorney General of the United States, Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: This is a follow-up to my letter of January 31 requesting a meeting to discuss the scope of participation by the Justice Department in the Wilmington Desegregation case.

The case has been set for hearing before the Court of Appeals for the Third Circuit on March 30.

In view of the short time available I would appreciate your immediate response.

Sincerely,

WILLIAM V. ROTH, Jr.,
U.S. Senate.

Mr. ROTH. Mr. President, I yield back the remainder of my time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 2 p.m., with statements therein limited to 5 minutes each.

QUORUM CALL

Mr. WALLOP. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR THE SUBCOMMITTEE ON HEALTH AND SCIENTIFIC RESEARCH TO MEET ON MARCH 29

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that in the event the Senate has taken final action on Senate Resolution 110 by Tuesday, March 29, the Subcommittee on Health and Scientific Research of the Committee on Human Resources be authorized to meet on that date between the hours of 2 and 5 p.m. during the session of the Senate.

This has been cleared with the minority.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON INTERNATIONAL BROADCASTING—MESSAGE FROM THE PRESIDENT—PM 54

The Presiding Officer laid before the Senate the following message from the President of the United States, which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In my letters to the Speaker and to the President of the Senate of January 31, I stated that my advisers were reviewing a report on international broadcasting in compliance with Section 403 of the Foreign Relations Authorization Act, Fiscal Year 1977. That review is now finished.

This Administration firmly supports U.S. international broadcasting as part of our commitment to the freer flow of information and ideas. Among the most valuable instruments we have for this purpose are our international radios—the Voice of America (VOA) and Radio Free Europe/Radio Liberty (RFE/RL)—which for many years have been a vital part of the lives of the peoples of Eastern Europe and the Soviet Union. My review of the U.S. international broadcasting effort has led me to the following conclusions, which are reflected in the attached report:

(1) Present U.S. international broadcast transmission facilities are inadequate; 16 additional 250 Kilowatt transmitters for broadcasts to the Soviet Union and Eastern Europe are needed by VOA and RFE/RL and can be installed in a period of three to five years;

(2) There is no significant unused transmitter capacity available for sharing among U.S. broadcasters or between U.S. and other Western broadcasters;

(3) A comprehensive outline of U.S. worldwide broadcasting needs indicates a requirement for 12 additional VOA transmitters for broadcast to Asia and Africa, beyond those required for European broadcasts;

(4) Extending Board for International Broadcasting-type transmissions to other nations where access to information is restricted would be highly impractical for a variety of reasons.

This report is transmitted pursuant to the requirements of P.L. 94–350, and I believe that implementation of its recommendations can assure the United States of effective broadcasting programs in the years ahead.

JIMMY CARTER.

THE WHITE HOUSE, *March 22, 1977.*

MESSAGE FROM THE HOUSE

At 1:03 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 422. An act to amend the Tariff Schedules of the United States to provide duty-free treatment of any aircraft engine used as a temporary replacement for an aircraft engine being overhauled within the United States if duty was paid on such replacement engine during a previous importation;

H.R. 1404. An act for the relief of Smith College, Northampton, Mass.;

H.R. 3259. An act to continue to suspend for a temporary period the import duty on certain horses;

H.R. 3712. An act to amend the Library Services and Construction Act to extend the authorizations of appropriations contained in such Act; and

H.R. 4800. An act to extend the Emergency Unemployment Compensation Act of 1974 for an additional year, to revise the trigger provisions in such Act, and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDING OFFICER laid before the Senate the following communications which were referred as indicated:

EC–948. A letter from the Comptroller General of the United States transmitting, pursuant to law, a deferral of Department of the Army, Corps of Engineers, budget authority that has not yet been reported to the Congress; jointly, pursuant to the order of January 30, 1975, to the Committees on Appropriations, the Budget, and Environment and Public Works, and ordered to be printed.

EC–949. A letter from the Acting Assistant Secretary of Defense, Installations and Logistics, transmitting, pursuant to law, the report of Department of Defense Procurement from Small and Other Business Firms for October 1976 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

EC–950. A letter from the Secretary of Transportation transmitting, pursuant to law, the calendar year 1976 report on the utilization of the authority granted to designate and rent inadequate quarters, lease housing, and hire quarters (with an accompanying report); to the Committee on Commerce, Science, and Transportation.

EC–951. A letter from the Administrator of the Federal Energy Administration transmitting, pursuant to law, a revised report to Congress pursuant to the Emergency Petroleum Allocation Act of 1973 (with an accompanying report); to the Committee on Energy and Natural Resources.

EC–952. A letter from the chairman of the Board for Sun Co. transmitting, pursuant to law, a profile of the Sun Co. businesses detailing the financial performance of 10 major segments of the Sun Co. in 1976 (with an accompany report); to the Committee on Energy and Natural Resources.

EC–953. A letter from the Secretary of the Interior transmitting a draft of proposed legislation to amend section 2 of the act of June 30, 1954, providing for the continuance of civil government for the Trust Territory of the Pacific Islands, and for other purposes (with accompanying papers); to the Committee on Energy and Natural Resources.

EC–954. A letter from the Chairman of the United States International Trade Commission transmitting, pursuant to law, the report and press release on sugar (investigation No. TA–201–16) (with an accompanying report and papers); to the Committee on Finance.

EC–955. A letter from the Acting Assistant Administrator for Legislative Affairs for the Department of State transmitting, pursuant to law, the first semiannual report concerning the participation of small business in procurement under programs of the Agency for International Development (with an accompanying report); to the Committee on Foreign Relations.

EC–956. A letter from the Acting Comptroller General of the United States transmitting, pursuant to law, a list of reports of the General Accounting Office for the month of February 1977 (with an accompanying report); to the Committee on Governmental Affairs.

EC–957. A letter from the Attorney General transmitting, pursuant to law, a report on the Department of Justice's intention to modify the system of records maintained by the Immigration and Naturalization Service, in accordance with the Privacy Act (with an accompanying report); to the Committee on Governmental Affairs.

EC–958. A letter from the Attorney General transmitting, pursuant to law, a report of the Department of Justice's intention to establish a new system of records, the Tax Division Special Projects Files, in accordance with the Privacy Act (with an accompanying report); to the Committee on Governmental Affairs.

EC–959. A letter from the Attorney General transmitting, pursuant to law, a report of the Department of Justice's intention to modify two existing systems of records, the General Personnel Records and the Employee Locator File, in accordance with the Privacy Act (with an accompanying report); to the Committee on Governmental Affairs.

EC–960. A letter from the Chairman of the Federal Election Commission transmitting, pursuant to law, a copy of correspondence which the Commission has sent to the Office of Management and Budget (with accompanying papers); to the Committee on Rules and Administration.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions which were referred as indicated:

POM–99. Legislative Resolution No. 24 adopted by the legislature of the State of Nebraska memorializing the U.S. Congress to support the appropriation of $7,015,000 for the continuation of construction for the North Loup Division which would start the actual construction of the Kalmus Dam for fiscal year 1978; to the Committee on Appropriations:

"LEGISLATIVE RESOLUTION 24

"Whereas, the North Loup Division, Pick-Sloan Missouri Basin Program, Nebraska, was authorized by the Congress of the United States in October 1972; and

"Whereas, the Congress of the United States has appropriated funds for the construction in fiscal year 1977 for this project; and

"Whereas, the North Loup Division has strong local support from the owners of irrigable land to be served by each of the projects, and from the communities which will benefit from the construction of these projects; and

"Whereas, there is and will continue to be strong need to maintain, strengthen and enhance Nebraska's basic industry, agriculture; and

"Whereas, there is a definite need in these project areas for surface irrigation water to help the ground water recharge which shows signs of very serious depletion; and

"Whereas, Nebraska's people need the fish and wildlife and recreational opportunities that can be provided by the North Loup developments; and

"Whereas, the Congress of the United States will conduct hearings on appropriations for the North Loup Division forthwith.

"Now, therefore, be it resolved by the members of the Eighty-Fifth Legislature of Nebraska, first session:

"1. That the First Session of the Eighty-fifth Legislature of Nebraska strongly supports the continued funding of the uninterrupted construction and development of the North Loup Division.

"2. That the Legislature memorializes Congress and the respective Appropriation Committees thereof to support the appropriations of $7,015,000 for the continuation of construction for the North Loup Division which would start actual construction of the Kalmus Dam for fiscal year 1978.

"3. That copies of this resolution, suitably engrossed, be transmitted by the Clerk of the Legislature to the United States Senate and House of Representatives of the Congress, to Honorable John L. McClellan, Chairman of the Senate Appropriations Committee, and Honorable George H. Mahon, Chairman of the House Appropriations Committee, and to each member from Nebraska in the Senate and House of Representatives of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PROXMIRE, from the Committee on Banking, Housing and Urban Affairs:

S. Res. 123. An original resolution waiving the provisions of section 402(a) of the Congressional Budget Act of 1974 with respect to S. 1070. Referred to the Committee on the Budget.

By Mr. LONG, from the Committee on Finance:

A special report entitled "Allocation of Budget Totals for Fiscal Year 1977—Third Concurrent Resoltuion on the Budget" (Rept. No. 95–62).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Foreign Relations:

Hodding Carter III, of Mississippi, to be an Assistant Secretary of State.

Richard Holbrooke, of the District of Columbia, to be an Assistant Secretary of State.

John E. Reinhardt, of Maryland, to be Director of the U.S. Information Agency.

John J. Gilligan, of Ohio, to be Administrator of the Agency for International Development.

Lucy Wilson Benson, of Massachusetts, to be Under Secretary of State for Coordinating Security Assistance programs.

Terence A. Todman, of the Virgin Islands, to be an Assistant Secretary of State.

Patsy T. Mink, of Hawaii, to be Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PROXMIRE, from the Committee on Banking, Housing and Urban Affairs:

Jay Janis, of Florida, to be Under Secretary of Housing and Urban Development.

Robert Campbell Embry, Jr., of Maryland, to be an Assistant Secretary of Housing and Urban Development.

Lawrence B. Simons, of New York, to be an Assistant Secretary of Housing and Urban Development.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. LONG, from the Committee on Finance:

Thomas D. Morris, of the District of Columbia, to be Inspector General, Department of Health, Education, and Welfare.

Arabella Martinez, of the District of Columbia, to be an Assistant Secretary of Health, Education, and Welfare.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 422. An act to amend the Tariff Schedules of the United States to provide duty-free treatment of any aircraft engine used as a temporary replacement for an aircraft engine being overhauled within the United States if duty was paid on such replacement engine during a previous importation; to the Committee on Finance.

H.R. 1404. An act for the relief of Smith College, Northampton, Mass.; to the Committee on Finance.

H.R. 3259. An act to continue to suspend for a temporary period the import duty on certain horses; to the Committee on Finance.

H.R. 3712. An act to amend the Library Services and Construction Act to extend the authorizations of appropriations contained in such act; to the Committee on Human Resources.

H.R. 4800. An act to extend the Emergency Unemployment Compensation Act of 1974 for an additional year, to revise the trigger provisions in such act, and for other purposes; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated.

By Mr. CANNON (for himself, Mr. ROBERT C. BYRD, Mr. WILLIAMS, Mr. CRANSTON, Mr. KENNEDY, Mr. CLARK, Mr. CASE, and Mr. MATHIAS):

S. 1072. A bill to establish a universal voter registration program, and for other purposes; to the Committee on Rules and Administration.

By Mr. HANSEN:

S. 1073. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer; to the Committee on Agriculture, Nutrition, and Forestry.

By. Mr. HASKELL:

S. 1074. A bill to establish a national rangelands rehabilitation and maintenance program; to the Committee on Energy and Natural Resources.

By Mr. EASTLAND:

S. 1075. A bill for the relief of Joseph Spears Buchanan, Jr.; to the Committee on the Judiciary.

By Mr. GARN:

S. 1076. A bill to provide that the laws restricting trade between points in the United States to vessels of the United States shall not apply to inflatable boats used in river running; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE:

S. 1077. A bill to regulate certain interstate commerce and to assure that essential maritime transportation is provided, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PROXMIRE (for himself and Mr. BROOKE):

S. 1078. A bill to amend section 245 of the National Housing Act to revise the experimental mortgage insurance program; to the Committee on Banking, Housing and Urban Affairs.

By Mr. ABOUREZK:

S. 1079. A bill for the relief of Russell Warren Howe; to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 1080. A bill to provide an opportunity to individuals to make financial contributions, in connection with the payment of their Federal income tax, for the advancement of the arts and the humanities; to the Committee on Finance.

By Mr. BARTLETT (for himself and Mr. BELLMON) (by request):

S. 1081. A bill to amend the laws relating to the Osage Tribe in Oklahoma;

S. 1082. A bill to amend the laws relating to the Osage Tribe in Oklahoma;

S. 1083. A bill to amend the laws relating to the Osage Tribe in Oklahoma;

S. 1084. A bill to amend the laws relating to the Osage Tribe in Oklahoma;

S. 1085. A bill to amend the laws relating to the Osage Tribe in Oklahoma;

S. 1086. A bill to amend the laws relating to the Osage Tribe in Oklahoma;

S. 1087. A bill to amend the laws relating to the Osage Tribe in Oklahoma;

S. 1088. A bill to amend the laws relating to the Osage Tribe in Oklahoma; and

S. 1089. A bill to amend the laws relating to the Osage Tribe in Oklahoma; to the Committee on Indian Affairs.

By Mr. INOUYE:

S. 1090. A bill to provide for improved labor-management relations in the Federal service, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BENTSEN:

S. 1091. A bill to encourage the use of life-cycle cost procurement as the general basis for Federal procurement decisions; to the Committee on Governmental Affairs.

By Mr. PELL:

S. 1092. A bill to amend title 23 of the United States Code in order to make certain improvements in the Federal-aid highway program; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CANNON (for himself, Mr. ROBERT C. BYRD, Mr. WILLIAMS, Mr. CRANSTON, Mr. KENNEDY, Mr. CLARK, Mr. CASE, and Mr. MATHIAS):

S. 1072. A bill to establish a universal voter registration program, and for other purposes; to the Committee on Rules and Administration.

THE UNIVERSAL VOTER REGISTRATION ACT OF 1977

Mr. CANNON. Mr. President, I am introducing today, with Senators ROBERT C. BYRD, WILLIAMS, CRANSTON, KENNEDY, CLARK, CASE, and MATHIAS, a bill entitled, "The Universal Voter Registration Act of 1977," to establish a universal voter registration program for Federal elections. This legislation was submitted to the Congress today by President Carter, and has our strong support.

The provisions of this bill were developed in close consultation with the President, Vice President MONDALE, Representative FRANK THOMPSON, JR., of New Jersey, and many other Members of the Senate and House. It is also being introduced today in the House of Representatives by Representative THOMPSON. As chairman of the Committee on Rules and Administration, I hope to hold early hearings to receive the views of my colleagues and members of the public on this important legislation.

The goal of the Universal Voter Registration Act of 1977 is to increase citizen participation in the electoral process. First, it will permit all those individuals who are qualified under State or Federal law to vote in Federal elections, to register and vote in Federal elections at an appropriate polling place on election day. This bill will not affect existing State voter registration laws and procedure, except as it will require States to also permit individuals to register and vote at the polling places on election day in Federal elections.

The second, and equally important, purpose of this bill is to provide financial and other forms of assistance to encourage States to provide expanded opportunities for voter registration, both before and on election day, and to assist them in modernizing the administration of elections and voter registration. Recognizing the responsibilities of State and local governments in this vital part of the electoral process, the bill would provide approximately $48 million over a 2-year period directly to the States under three different grant programs in the bill. These funds can be used to increase both the number of registered voters and voter turnout, improve voter registration and election procedures, employ trained personnel to administer elections and voter registration, and for other purposes set out in the bill, including providing the necessary funds to those units of general local government in the States responsible for such matters.

In 1976, only 55.6 percent of the citizens of voting age in the United States voted in the Presidential election. Significantly, in those States where a voter does not have to register prior to election day in order to vote, the turnout was much higher. In Minnesota, where election day registration at the polls is available, over 72 percent voted, the highest turnout in the Nation. In North Dakota, where preregistration prior to voting is not a requirement, 68.9 percent voted. In Wisconsin 66 percent voted where many parts of the State do not require preregistration, and those that do, permit election day registration at the polls. In Maine, over 65 percent voted and in Oregon, over 63 percent voted where registration at designated locations is permitted on election day.

We join President Carter in his goal for greater participation by all citizens in the selection of our Nation's leaders and believe the availability of election day registration at the polls, and funds to assist the States with their voter registration and turnout programs will help to achieve that laudable objective.

I ask unanimous consent that a summary of the bill, a table showing potential grants to the States if the act had been in effect in 1976, a report of the Library of Congress on Registration and Voting in the Presidential Election of 1976, and the text of the bill be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1072

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Universal Voter Registration Act of 1977".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds that—

(1) the Congress has authority, under sections 4 and 8 of article I, section 1 of article II, article VI, sections 1 and 5 of article XIV, article XV, and other provisions of the Constitution of the United States, to regulate the time and manner in which citizens may register for, and vote in, elections for Federal office; and

(2) the establishment of national standards for voter registration with respect to elections for Federal office would facilitate the participating of citizens in the electoral process and would remove unequal barriers regarding such participation.

(b) It is the purpose of this Act—

(1) to establish uniform practices with respect to the time and manner in which citizens may register for, and vote in, elections for Federal office, including practices which permit citizens qualified to vote in Federal elections under State law to register for, and vote in, a Federal election at an appropriate polling place on the date of such election; and

(2) to provide financial and other assistance to encourage States to provide expanded opportunities for voter registration before and on the date of Federal elections and State or local elections, and to modernize the administration of elections and voter registration.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) the term "Administrator" means the Administrator of Voter Registration appointed under section 4(b)(1);

(2) the term "Commission" means the Federal Election Commission;

(3) the term "Federal office" means the office of President or Vice President, or the office of elector for President or Vice President, or the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

(4) the term "Federal election" means any general election and any special election, including any runoff election held with respect to a speical election, held for the purpose of electing candidates for any Federal office;

(5) the term "State" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States;

(6) the term "State or local election" means any general election for public office other than a Federal election;

(7) the term "State or local offical" means any individual who acts as an official or agent of a government of a State or of a unit of general local government, an election board of a unit of general local government, or a voter registration board of a unit of general local government, to register qualified voters or to conduct or supervise any Federal election in a State; and

(8) the term "unit of general local government" means any city, county, town, parish, village, or other general purpose political subdivision of a State.

ESTABLISHMENT AND ADMINISTRATION

SEC. 4. (a) There are hereby established in the Federal Election Commission the positions of Administrator of Voter Registration and Associate Administrator of Voter Registration.

(b)(1) The Commission shall appoint the Administrator, who shall be responsible for administering the provisions of this Act. The Administrator shall be paid at the annual rate of basic pay in effect, from time to time, for level V of the Executive Schedule (5 U.S.C. 5316).

(2) The Commission shall appoint the Associate Administrator of Voter Registration, who shall perform such duties as may be assigned by the Administrator. During the absence or incapacity of the Administrator or during a vacancy in such position, the Associate Administrator shall act as Administrator.

(3) The Administrator and the Asssociate Administrator shall not be members of the same political party.

(c) The Administrator shall be accountable to the Commission. The Administrator shall report directly to the Commission and may not be required to report to the Commission through the staff director of the Commission. The Administrator shall coordinate, with the staff director of the Commission, all administrative and personnel matters relating to the administration of the provisions of this Act, with a view toward minimizing the costs of such administration. Any dispute arising between the Administrator and the staff director of the Commission relating to such administrative or personnel matters shall be resolved by the Commission.

DUTIES AND POWERS

SEC. 5. (a) The Administrator shall, under the direction of the Commission—

(1) establish and administer a voter registration program for Federal elections in accordance with this Act;

(2) subject to the provisions of subsection (b), and in coordination with the Secretary of Commerce, provide for the collection, analysis, and publication of information concerning voter registration in the United States;

(3) provide information and technical assistance to State or local officials concerning voter registration, and assist the Commission in carrying out its national clearinghouse functions under section 315(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(b));

(4) provide for the use of such facilities and supplies, in consultation with the staff director of the Commission, as may be necessary to carry out the provisions of this Act;

(5) subject to approval by the Commission, appoint such personnel as may be necessary to carry out the provisions of this Act without regard to the provisions of Title 5, United States Code, governing appointments in the competitive service;

(6) subject to approval by the Commission, appoint and fix the pay of experts and consultants for temporary services as authorized in section 3109 of title 5, United States Code; *Provided, however,* that such rates of pay for individuals shall not exceed the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule; and

(7) take such other action as may be necessary to carry out the provisions of this Act.

(b) No information shall be disclosed relating to the identity of any individual voter in any publication made under subsection (a)(2) or in any report made, or information furnished, under section 13.

(c) The compensation of any personnel appointed by the Administrator under subsection (a)(5), and any experts and consultants appointed by the Administrator under subsection (a)(6), shall be paid by the Commission from amounts appropriated under section 16.

VOTER REGISTRATION

SEC. 6. (a) Each State and unit of general local government shall permit any individual who is eligible to register to vote in any Federal election under the laws of the State involved, or under any applicable Federal law, to so register and vote on the date of the Federal election involved at the polling place at which such individual would have been permitted to vote if such individual registered to vote before the date of such election.

(b)(1) Any individual who registers to vote at a polling place on the date of any Federal election in accordance with subsection (a) shall, if so required by the State or unit of general local government involved, establish his identity and place of residence at the time of such registration by—

(A) executing at such polling place an affidavit which the State or unit of general local government involved shall provide and which (i) attests that such individual meets the qualifications for voting under the laws of such State or under any applicable Federal law; (ii) lists such qualifications; and (iii) includes on its face a summary of the penalties established by section 11; and

(B) submitting either—

(i) a form identification establishing the identity and place of residence of such individual, which has been approved by the Commission; or

(ii) an affidavit attesting to the identity and place of residence of the individual desiring to register to vote under this session, which is executed by a person who is registered to vote at the polling place involved and is present at such polling place with such individual. The requirement of the submission of such an affidavit shall not be deemed to be a test or device within the meaning of the Voting Rights Act of 1965, as amended (42 U.S.C. 1973aa.).

(2) If a State or unit of general local government establishes or administers any rule or procedure which permits an individual to vote in a Federal election if such individual is present at the polling place involved before the closing of such polling place on the date of the election involved, then such State or unit of general local government shall establish and administer rules and procedures which permit an individual to register to vote under subsection (a), and, when registered, to vote, if such individual is present at the polling place involved before the closing of such polling place on the date of the election involved.

(3) A State or unit of general local government may not require an individual to submit more than one form of identification under paragraph (1)(B)(i) in order to establish the eligibility of such individuals to vote in the Federal election involved.

(4) The effective period of any registration made by any individual under subsection (a) may not be less than the effective period applicable to any registration made by any other method or procedure which is permitted by the State or unit of general local government involved.

(c) Nothing contained in this Act shall be construed to limit the power of any State to prescribe the qualifications for voting in any Federal election conducted in such State.

FINANCIAL ASSISTANCE

SEC. 7. (a) The Commission shall make grants to the States in accordance with the provisions of this section in order to assist the States in establishing voter registration programs under the provisions of this Act. Such grants shall be made in a manner designed to facilitate the establishment of such programs for use in the first general election for Federal office held after the date of the enactment of this Act and in each Federal election thereafter.

(b)(1) Subject to the provisions of paragraph (2), each State may receive for each general election for Federal office an amount equal to—

(A) 20 cents multiplied by the number of voters who cast ballots in such State in the most recent quadrennial general election for Federal office, if the Commission determines that such State will be in compliance with the provisions of section 6(a) at the time of the election for Federal office with respect

to which an allocation of funds is made by the Commission under this section;

(B) 20 cents multiplied by the number of voters who cast ballots in such State in the election for Federal office with respect to which an allocation of funds is made by the Commission under this section, if (i) such State has transmitted a plan to the Commission under subsection (c); (ii) the Commission approves such plan; and (iii) the Commission determines that such plan will be in effect before the date of such election; and

(c) 20 cents multiplied by the number of voters who cast ballots in such State in the election for Federal office with respect to which an allocation of funds is made by the Commission under this section, if the Commission determines that such State has placed in effect for State and local elections the method of voter registration established in section 6(a).

(2) No State shall receive any payments under subparagraph (B) or subparagraph (C) of paragraph (1) for any election for Federal office unless such State is eligible for payments under subparagraph (A) of paragraph (1) with respect to such election. No such payments shall be made in the case of any special election, or any runoff election held with respect to a special election, for Federal office.

(c)(1) In order to become eligible for financial assistance under subsection (b)(1)(B), a State shall transmit to the Administrator a plan for a voter registration outreach program in such State. Any such plan may include proposals relating to voter registration by mail, voter registration through the use of mobile units and mobile registrars, bilingual voter registration programs, other similar methods for increasing the number of registered voters in such State, and other proposals designed to improve voter registration methods and procedures. Any financial assistance received by any State under subsection (b)(1)(B) shall be used only for the purposes referred to in the preceding sentence. A State may provide all or part of such financial assistance to units of general local government located in such State to be used for such purposes.

(2) The Administrator shall review each plan transmitted under paragraph (1) shall submit to the Commission a recommendation with respect to approval or disapproval of such plan. The Commission shall determine whether to approve such plan within a reasonable time (which may not exceed 21 days) after receiving such recommendation, and shall allow maximum flexibility to each State in determining the manner in which it will carry out any plan approved by the Commission.

(d) Any State may use funds received under subsection (b)(1)(A) and subsection (b)(1)(C) for the following purposes—

(1) defraying the costs of voter registration as required in section 6(a);

(2) employing and training personnel who administer elections and voter registration;

(3) registering voters by mail;

(4) gathering and disseminating information on voting and voter registration;

(5) computerizing and otherwise modernizing election and voter registration records and procedures;

(6) improving methods of absentee voter registration and absentee voting;

(7) conducting surveys and canvassing relating to voter registration;

(8) establishing mobile registration and other methods designed to increase the number of individuals who register to vote and vote;

(9) providing for bilingual voter information, voter registration, and voting; and

(10) providing assistance to units of general local government in such State to enable such units to carry out the purposes described in paragraph (1) through paragraph (9).

(e) In determining whether any State is eligible to receive payments under subsection (b)(1)(C), the Commission may waive the requirements established in section 6(a) with respect to any local election in any jurisdiction or district which is not a general purpose political subdivision of such State.

(f)(1) Any State receiving any financial assistance under this section shall—

(A) except as provided in paragraph (2), use such financial assistance so as to supplement the amount of State and local funds that would be available, in the absence of Federal funds for the purposes for which funds are available under this section;

(B) establish such fiscal control and accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds paid to such State (including such funds paid by such State to units of general local government) under this Act; and

(C) make such reports in such form and containing such information as the Commission may reasonably require to carry out the provisions of this Act, and keep such records, and afford such access to such records, as the Commission may find necessary to verify the accuracy of such reports.

(2) The Commission may waive the application of the requirement established in paragraph (1)(A) in the case of any State, if the Commission determines that in excess of 90 percent of the individuals who are eligible to register to vote in such State are so registered to vote in elections for Federal office in such State.

(g) Payments made by the Commission under subsection (b)(1)(A) shall be made before the date of the Federal election with respect to which the State involved is entitled to receive payments, with necessary adjustments on account of overpayments or underpayments. Payments made by the Commission under subsection (b)(1)(B) or subsection (B)(1)(C) may be in installments and in advance, with necessary adjustments on account of overpayments or underpayments.

(h) If the sums appropriated under section 16 for any fiscal year for making payments to States under this section are not sufficient to pay in full the total amounts which all States are entitled to receive under this section for such fiscal year, the maximum amounts which all States are entitled to receive under this section for such fiscal year shall be ratably reduced by the Commission. In case additional funds become available for making such payments for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

(i)(1) Any State which does not require any registration as a prerequisite to voting in any election for Federal office in such State shall be considered to be in compliance with the provisions of section 6(a) and shall be eligible to receive financial assistance under subsection (b)(1)(A). Any State which does not require any registration as a prerequisite to voting in any State or local election in such State shall be considered to be in compliance with the provisions of subsection (b)(1)(C) and shall be eligible to receive financial assistance under subsection (b)(1)(C).

(2) Any State referred to in paragraph (1) shall be eligible to receive financial assistance under subsection (b)(1)(B) if such State meets the requirements established in subsection (b)(1)(B) and subsection (c).

(j) It is the intent of the Congress to review the effectiveness and necessity of the financial assistance program established in this section after the first general election for Federal office held after the date of the enactment of this Act.

JUDICIAL RELIEF

SEC. 8. The Commission shall institute in the name of the United States such actions, including actions against States, units of general local government, and State or local officials, for declaratory judgments or injunctive or other appropriate relief as it determines to be necessary to prevent any violation of this Act, including (1) any activity on the part of any person or group of persons to register any individual to vote if such individual is not a qualified voter; (2) any attempted fraudulent registration of voters; (3) any pattern or practice of fraudulent registration of voters; or (4) any failure to comply with the provisions of section 6.

EXPEDITION OF ACTIONS

SEC. 9. It shall be the duty of any judge of a court of the United States designated to hear any action under section 8, or any action involving a question of constitutionality of any provision of this Act, to assign the action for hearing at the earliest practicable date, to participate in such hearing and in any determination made with respect to such action, and to expedite such determination in everyway.

REFERRAL OF APPARENT VIOLATIONS TO ATTORNEY GENERAL

SEC. 10. (a) If the Commission determines that there is probable cause to believe that a violation of section 11 has occurred or is about to occur, the Commission shall refer such apparent violation to the Attorney General of the United States.

(b) In any case in which the Commission refers an apparent violation of section 11 to the Attorney General of the United States, the Attorney General shall respond by report to the Commission with respect to any action taken by the Attorney General regarding such apparent violaton. Each report shall be transmitted no later than 60 days after the date the Commission refers any apparent violation, and at the close of every 30-day period thereafter until there is a final disposition of such apparent violation. The Commission may from time to time prepare and publish reports on the status of such referrals.

PENALTIES

SEC. 11. Any person who knowingly and willfully—

(1) registers, or attempts to register, to vote under this Act for the purpose of voting more than once in any Federal election;

(2) conspires with any person for the purpose of enabling such person to make false registration to vote in a Federal election under this Act or for the purpose of enabling or encouraging any individual to make such false registration to vote in a Federal election; or

(3) falsifies any information with respect to the name, residence, or age of such person, or any other information for the purpose of establishing eligibility to register to vote in a Federal election under this Act;

shall be fined not more than $10,000, or imprisoned for not more than 5 years, or both. In the case of any second or subsequent conviction under this section, the person convicted shall be fined not more than $25,000, or imprisoned for not more than 10 years, or both.

VOTER LISTS

SEC. 12. (a) No list of individuals registered to vote in any Federal election which has been compiled by any State or unit of general local government, or agency of a State or unit of general local government, shall be used by any person for any commercial activity.

(b) Any person who violates subsection (a) shall be fined not more than $1,000, or imprisoned for not more than 6 months, or both.

REPORTS

SEC. 13. (a) The Commission shall transmit reports to the President and to the Congress not later than March 1 of each year. Each such report shall include a detailed statement of the activities of the Commission under this Act, together with information relating to the effect of permitting registration on the date of an election, the costs to States and units of general local government of implementing such registration, alternative methods of registration, and other aspects of election administration. The Commission shall include in such report recommendations for such legislative action at it considers appropriate.

(b) The Commission shall furnish to the Congress such information relating to the administration of this Act as the Congress may request.

EFFECT ON OTHER LAWS

SEC. 14. (a) Nothing in this Act shall be construed to prevent any State from granting less restrictive registration or voting practices or more expanded registration or voting opportunities than those prescribed by this Act.

(b) Nothing in this Act shall be construed to limit or repeal any provision of (1) the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); (2) the Federal Voting Assistance Act of 1955 (50 U.S.C. 1451 et seq.); or (3) the Overseas Citizens Voting Rights Act of 1975 (42 U.S.C. 1973dd et seq.).

(c) Nothing in this Act shall apply to elections for officials of Indian tribal governments.

SEVERABILITY

SEC. 15. If any provision of this Act, or the application of any such provision to any person, Federal election, State or local election, office, or circumstance, is judicially determined to be invalid, the remainder of this Act, or the application of such provision to other persons, Federal elections, State or local elections, offices, or circumstances, shall not be affected by such determination.

AUTHORIZATION OF APPROPRIATIONS

SEC. 16. (a) There are authorized to be appropriated, for the provision of financial assistance under section 7, such sums as may be necessary for fiscal year 1978 and fiscal year 1979.

(b) There is authorized to be appropriated $1,200,000 for fiscal year 1978, and $1,400,000 for fiscal year 1979, for the administration of this Act by the Commission.

UNIVERSAL VOTER REGISTRATION ACT— ELECTION DAY REGISTRATION

SECTION-BY-SECTION SUMMARY

Section 1. Universal Voter Registration Act of 1977.

Section 2. Findings and Purpose:

This section refers to Congress' power to regulate Federal elections and the need for a national standard for voter registration in Federal elections.

Section 3. Definitions:

This section defines the following terms: administrator, commission, Federal office, Federal election, state, state or local election, and state or local official and unit of general local government.

Section 4. Administrator of Voter Registration:

This section establishes the offices of Administrator of Voter Registration and Associate Administrator to be appointed by and be accountable to the Federal Election Commission, with the responsibility of administering this Act.

The Administrator (level V) and the Associate Administrator may not be members of the same political party.

Section 5. Duties and Powers:

This section gives the Administrator, under the direction of the Commission, authority to establish and administer a voter registration program for Federal elections; collect, analyze, and publish information on voter registration; and provide information and technical assistance to state and local officials.

Publications or reports of the Administrator may not disclose any information relating to the identity of any individual voter. (Sec. 5(b))

Section 6. Voter Registration:

Rule—Every state and unit of general local government shall permit every individual eligible under state law to register to vote, to also register and vote in Federal elections at the polling place on election day. (Sec. 6(a))

Procedure—Every individual who registers at the polling place shall, if required by the state, establish his identity and place of residence by:

(1) executing an affidavit, provided by the state or local unit of local government, which (a) attests state or Federal qualifications are met, (b) lists such qualifications, and (c) includes on its face a summary of criminal penalties for false registration, and

(2) submitting (a) an appropriate form of identification establishing identity and place of residence, approved by the Commission (no more than one such form may be required (Sec. 6(b)(3), or (b) an affidavit regarding identity and place of residence executed by a person registered to vote at that polling place and who is present at the polls with such individual. (Sec. 6(b)(1))

If a state allows an individual to vote in a Federal election if present at polls before closing date, he or she must be allowed to register to vote if also present before closing time. (Sec. 6(b)(2))

Once registered at the polling place, an individual remains registered for the same period of time as under other state registration procedures. (Sec 6(b)(4))

Section 6(c) affirms that nothing in the Act is intended to limit state power to prescribe qualifications for voting in Federal elections.

Section 7. Financial Assistance (Up to 3 Possible Payments):

The Commission is given authority to make grants to states to assist in establishing voter registration programs and in a manner to facilitate their establishment for use in the first general election after enactment of this Act and thereafter.

Payments—For each general election for Federal office, each state shall be entitled to receive an amount equal to:

(1) 20¢ times number of voters who cast ballots in the most recent quadrennial elections in such state if the Commissioner determines that the state will be in compliance with section 6(a) (permitting election day registration in Federal elections) at the time of the election for which the grant is made (Sec. 7(b)(1)(A)); and

(2) 20¢ times number of voters who cast ballots in the Federal election for which funds are payable if such state has submitted a Voter Outreach Program which the Commission has approved and determined will be in effect prior to such Federal election (Sec. 7(b)(1)(B); and

(3) 20¢ times number of voters who cast ballots in the Federal election funds are payable if the Commissioner determines that such state has adopted election day registration for state and local elections. (Sec. 7(b)(1)(C))

(NOTE.—A State must be entitled to funds under (1) before it can receive funds under (2) and (3).)

Payments under (1) shall be before the Federal election for which the state is entitled to funds. Payments under (2) or (3) may be in installments and in advance with adjustments for overpayments or underpayments. (Sec. 7(g))

Use of Funds—Outreach Funds: Section 7(c) establishes the procedure for submitting a plan for voter registration Outreach Programs to the Commission, Commission approval and limits the use of money received for adopting such a plan to the voter registration proposals in the plan.

Election Day Registration Funds—Funds received for establishing election day registration for Federal election or for state elections may be used for a broad number of purposes set forth in section 7(d).

All Funds—Section 7(f) requires all funds received to be used to supplement state funds that would be available, absent Federal money, for use in voter registration. (This can be waived if a state has a registration rate in excess of 90%. States must establish fiscal control and accounting procedures to assure proper disbursement of and accounting for Federal funds received by the State, including funds paid by state to its local subdivisions. States must also make reports and keep records and afford access to such records as the Commission may reasonably require.

No state is precluded from receiving grants if it does not require the registration of voters. (Sec. 7(i))

State and Local Elections: Section 7(e) gives the Commission power to waive the Section 6(a) requirements with respect to any local election in any jurisdiction or district which is not a general purpose political subdivision of such state.

Inadequate Funds: Section 7(h) provides for a ratable reduction of grants if money appropriated is insufficient.

Congressional Review: Section 7(j) expresses intent of Congress to review the effectiveness and necessity of the grant program after the first general election for which it is effective.

Section 8. Judicial Relief:

The Commission is given authority to institute civil actions to obtain declaratory, injunctive or other relief to prevent violations of the Act, including fraudulent registration and failure to comply with Section 6.

Section 9. Expedition of Actions:

Actions brought under Section 8 or any action involving constitutionality of this Act shall be expedited by the judges of the court hearing the matter.

Section 10. Referrals to Attorney General:

Knowing and willful violations of Section 11 shall be referred to the Attorney General who shall report back within 60 days of action taken.

Section 11. Penalties:

This section provides a fine of not more than $10,000 or imprisonment for not more than 5 years, or both, for any person who knowingly and willfully:

(1) Registers or attempts to register to vote under this Act for the purpose of voting more than once in any Federal election;

(2) Conspires with any person to enable such person to make a false registration or to enable or encourage any individual to make a false registration; or

(3) Falsifies any information with respect to the name, residence, age or any other information to establish eligibility to register to vote under the Act.

(NOTE.—Second or subsequent convictions under this Act have a penalty of $25,000 or 10 years in prison, or both.)

Section 12. Voter Lists:

Voter registration lists for Federal elections may not be used for any commercial activity; penalty for violation of $1,000 or 6 months, or both.

Section 13. Reports:

Commission annual reports to the President and the Congress by March 1 on activities under the Act.

Section 14. Effect on Other Laws:

The Act shall not prevent states from

granting less restrictive registration or voting practices or more expanded registration or voting opportunities.

The Act shall not limit or repeal any provision of the Voting Rights Act of 1965; Federal Voting Assistance Act of 1955, or the Overseas Citizens Voting Rights Act of 1975.

Section 15. Severability Clause.

Section 16. Authorization of Appropriations:

Authorized for Fiscal Year 1978 and 1979 such sums as necessary for grants to states and a specific amount for costs of the Commission to administer the Act in Fscal Year 1978 and 1979.

UNIVERSAL VOTER REGISTRATION ACT

POTENTIAL GRANTS TO THE STATES IF ACT HAD BEEN IN EFFECT IN 1976

States	1972 total votes cast [1]	Basic assistance	1976 total votes cast [1]	With bonus for State and local elections and with outreach program	With bonus for State and local elections or with outreach program
Alabama	1,006	$201,000	1,183	$437,600	$674,200
Alaska	95	19,000	122	43,400	67,800
Arizona	654	131,000	743	279,600	428,200
Arkansas	648	130,000	767	283,400	436,800
California	8,368	1,674,000	7,862	3,246,400	4,818,800
Colorado	954	191,000	1,083	407,600	624,200
Connecticut	1,384	277,000	1,380	553,000	829,000
Delaware	236	47,200	236	94,400	141,600
District of Columbia	163	33,000	172	67,400	101,800
Florida	2,583	517,000	3,151	1,147,200	1,777,400
Georgia	1,175	235,000	1,467	528,400	821,800
Hawaii	270	54,000	291	112,200	170,400
Idaho	310	62,000	341	130,200	198,400
Illinois	4,723	945,000	4,729	1,890,800	2,836,600
Indiana	2,126	425,000	2,222	869,400	1,313,800
Iowa	1,226	245,000	1,279	500,800	756,600
Kansas	916	183,000	958	374,600	566,200
Kentucky	1,067	213,000	1,167	446,400	679,800
Louisiana	1,051	210,000	1,277	465,400	720,800
Maine	417	83,000	483	179,600	276,200
Maryland	1,354	271,000	1,432	557,400	843,800
Massachusetts	2,459	492,000	2,546	1,001,200	1,510,400
Michigan	3,490	698,000	3,664	1,430,800	2,163,600
Minnesota	1,742	348,000	1,950	738,000	1,128,000
Mississippi	646	129,000	769	282,800	436,600
Missouri	1,853	371,000	1,954	761,800	1,152,600
Montana	318	64,000	329	129,800	195,600
Nebraska	577	115,000	607	236,400	357,800
Nevada	182	36,000	202	76,400	116,800
New Hampshire	334	67,000	339	134,800	202,600
New Jersey	2,997	599,000	3,014	1,201,800	1,604,600
New Mexico	386	77,000	417	160,400	243,800
New York	7,162	1,432,000	6,668	2,765,600	4,099,200
North Carolina	1,519	304,000	1,679	639,800	975,600
North Dakota	281	56,000	297	115,400	174,800
Ohio	4,095	819,000	4,112	1,641,400	2,463,800
Oklahoma	1,030	206,000	1,092	424,400	642,800
Oregon	928	186,000	1,030	392,000	598,000
Pennsylvania	4,592	918,000	4,618	1,841,600	2,765,200
Rhode Island	411	82,000	411	164,000	264,000
South Carolina	674	135,000	803	295,600	456,200
South Dakota	307	61,000	301	121,200	181,400
Tennessee	1,201	240,000	1,476	535,200	830,400
Texas	3,471	694,000	4,072	1,508,400	2,322,800
Utah	478	96,000	541	204,200	312,400
Vermont	187	37,000	184	73,800	110,600
Virginia	1,457	291,000	1,697	630,400	969,800
Washington	1,471	294,000	1,556	605,200	916,400
West Virginia	762	152,000	751	302,200	452,400
Wisconsin	1,853	371,000	2,104	791,800	1,212,600
Wyoming	146	29,000	156	60,200	91,400
United States	77,734	15,547,000	81,682	31,883,400	48,219,800

[1] Votes cast for President in thousands (unofficial figures).

NOTES

Explanation: Under the Universal Voter Registration Act, a State could receive Federal funds as follows for each biennial and quadrennial election.

20 cents per voter in the previous Presidential election; plus
20 cents per voter in the election for which the grant is made, if the State allows election day registration in State and local elections; plus
20 cents per voter in the election for which the grant is made if the State carries out an approved preregistration outreach program.

FINAL REPORT ON REGISTRATION AND VOTING IN THE PRESIDENTIAL ELECTION OF 1976

	1976 citizen VAP	1976 voter registration	Turnout in 1976 Presidential election	Percent VAP registered	Percent VAP voting	Percent registered voting
Alabama	2,494,000	1,864,947	1,182,850	74.77	47.42	63.42
Alaska	227,000	207,826	123,545	91.55	54.42	59.44
Arizona	1,512,000	979,654	742,719	64.79	49.12	75.81
Arkansas	1,499,000	1,020,533	767,535	68.08	51.20	75.20
California	14,376,000	9,982,115	7,867,043	69.43	54.72	78.81
Colorado	1,748,000	1,333,973	1,082,966	76.31	61.95	81.18
Connecticut	2,141,000	1,669,360	1,381,526	77.97	64.52	82.75
Delaware	399,000	300,919	235,742	64.52	59.08	78.34
District of Columbia	510,000	262,887	168,830	51.54	33.10	64.22
Florida	6,052,000	4,094,278	3,150,631	67.65	52.05	76.95
Georgia	3,360,000	2,178,632	1,467,458	64.84	43.67	67.35
Hawaii	547,000	363,045	291,301	66.37	53.25	80.23
Idaho	563,000	520,384	344,087	92.43	61.11	66.12
Illinois	7,489,000	6,252,228	4,718,833	83.48	63.01	75.47
Indiana	3,616,000	2,936,075	2,222,362	81.19	61.45	75.69
Iowa	2,003,000	[1] 1,406,517	1,279,306	70.22	63.88	90.95
Kansas	1,604,000	1,172,151	957,845	73.07	59.71	81.71
Kentucky	2,369,000	1,713,297	1,167,142	72.32	49.26	68.12
Louisiana	2,517,000	1,866,117	1,278,439	74.14	50.79	68.50
Maine	733,000	695,595	483,209	94.89	65.92	69.46

Footnotes at end of table.

FINAL REPORT ON REGISTRATION AND VOTING IN THE PRESIDENTIAL ELECTION OF 1976—Continued

	1976 citizen VAP	1976 voter registration	Turnout in 1976 Presidential election	Percent VAP registered	Percent VAP voting	Percent registered voting
Maryland	2,822,000	1,946,399	1,439,897	68.97	51.02	73.97
Massachusetts	4,044,000	3,141,371	2,547,558	77.67	62.99	81.09
Michigan	6,167,000	5,202,379	3,653,750	84.35	59.24	70.23
Minnesota	2,705,000	2,565,686	1,949,589	94.84	72.07	75.98
Mississippi	1,541,000	NA	769,380		49.92	
Missouri	3,331,000	2,552,852	1,953,600	76.63	58.64	76.52
Montana	515,000	454,924	328,734	88.33	63.83	72.26
Nebraska	1,074,000	840,666	606,749	78.27	56.49	72.17
Nevada	414,000	251,052	201,876	60.64	48.76	80.41
New Hampshire	566,000	478,188	339,627	84.48	60.00	71.02
New Jersey	4,984,000	3,826,971	3,014,472	76.78	60.48	78.76
New Mexico	760,000	527,671	416,590	69.43	54.81	78.94
New York	12,281,000	8,198,950	6,534,200	66.76	53.20	79.69
North Carolina	3,832,000	2,553,717	1,678,914	66.64	43.81	65.74
North Dakota	431,000	MR	297,093		68.93	
Ohio	7,394,000	NSR	4,111,873		55.61	
Oklahoma	1,929,000	1,401,094	1,092,251	72.63	56.62	77.95
Oregon	1,632,000	1,420,146	1,029,833	87.01	63.10	72.51
Pennsylvania	8,362,000	5,749,660	4,620,787	68.75	55.25	80.36
Rhode Island	626,000	535,778	411,170	85.58	65.68	76.74
South Carolina	1,924,000	1,113,361	802,583	57.86	41.71	72.08
South Dakota	468,000	425,532	300,678	90.92	64.24	70.65
Tennessee	2,950,000	2,150,738	1,476,346	72.90	50.04	68.64
Texas	8,254,000	6,319,293	4,071,884	76.56	49.33	64.43
Utah	775,000	704,925	541,218	90.95	69.83	76.78
Vermont	322,000	284,294	183,902	88.29	57.11	64.68
Virginia	3,496,000	2,110,785	1,697,094	60.37	48.54	80.40
Washington	2,486,000	2,065,378	1,555,534	83.03	62.57	75.31
West Virginia	1,278,000	1,084,451	750,590	84.85	58.73	69.21
Wisconsin	3,188,000	NSR	2,104,175		66.00	
Wyoming	264,000	194,617	156,343	73.71	59.22	80.33
United States	146,573,000	[2] 98,957,411	81,551,659	73.82	55.63	[2] 75.05

[1] The Iowa voter registration total is as of Aug. 1, 1976; county clerks are not required by law to report totals for general election day.
[2] Excludes Mississippi, North Dakota, Ohio and Wisconsin.

VAP: Voting age population.
NA: Not available. (Voter registration data for Mississippi is only available from individual county clerks.)
NR: No registration. In North Dakota, preregistration prior to voting is not a requirement for voting.)
NSR: No statewide registration. (Prior registration is required in some, usually metropolitan, but not all, jurisdictions.)

SOURCES

Voting age population estimates: U.S. Bureau of Census. Current population reports. Series P-25, No. 626. Projections of the population of voting age for States: November 1976. Washington, U.S. Government Printing Office, May 1976: 6.
1976 voter registration totals: Telephone survey of the election boards or offices of secretaries of States of the fifty States.
Turnout in 1976 Presidential election: Congressional Quarterly Weekly report, Dec. 18, 1976: 3333.
Participation percentages were computed in the Congressional Research Service.

Mr. MATHIAS. Mr. President, I am pleased to join in sponsoring the Universal Voter Registration Act of 1977, aimed at increasing voter participation in Federal elections, primarily through the introducton of election day voter registration.

Throughout my public life I have been greatly concerned over the number of Americans who simply are not bothering to vote at all. I expressed my concern several times during the recent Presidential and congressional campaigns. And, I had high hopes that the disappointing trend in voter turnout would be reversed in 1976. But, my hopes were not realized. Regrettably, this downward spiral continued in 1976.

Congress can and must play an active part in reversing this alarming trend. I am convinced that enactment of the Universal Voter Registration Act of 1977, will help move us closer to this goal and help insure that the constitutional right to vote—the bedrock of our democratic system—becomes a reality for all qualified Americans.

Furthermore, passage of this legislation would be fully consistent with prior congressional efforts to increase voter participation—including several proposals, which I have vigorously supported during my congressional career. Included among these were:

Extensions of the 1965 Voting Rights Act;
The lowering of the voting age to 18 years of age; and
The Overseas Citizens Voting Rights Act of 1976.

The keystone of the Universal Voters Registration Act of 1977, is its provision for election day registration for Federal elections. This provision is modeled upon similar statutes in effect in Minnesota and Wisconsin, where voter turnout in the 1976 election far exceeded the national average. And significantly, there has been no evidence of voter fraud in either of these jurisdictions. I believe that the stringent safeguards in the Universal Voters Registration Act, will effectively prevent voter fraud in Federal elections. Not only will the enactment of this legislation introduce election day registration to Federal elections, it will also serve as a mode[l] for the adoption of similar procedures in State and local elections nationwide.

It has been suggested that enactment of this legislation would work to the pronounced advantage of the Democratic Party. This is a delicate question in a determinedly bipartisan undertaking. The predictions may be wrong. If the predictions are not wrong, and if the registration of several million more Americans means trouble for the Republican Party, the Republican Party is going to have to do some renovating. And, to expand its ideological base to embrace a wider spectrum of the American electorate. The positive view is that these new voters will constitute a pool in which the Republican Party can seek the new members it so desperately needs. But, above all, there should be no reason for either party to regret the enfranchisement of millions of more Americans.

Mr. President, I urge my colleagues to consider this important legislation. For the time has long past when the goal of universal registration and voter participation in this country was a reality, and not a dream.

Mr. KENNEDY. Mr. President, I am pleased to cosponsor the election day registration legislation introduced today by the distinguished chairman of the Committee on Rules and Administration on behalf of the Carter administration.

Election day registration is a brilliant solution to the chaos, confusion, and irrationality of our archaic voter registration laws. By enabling citizens to register at the polling place on election day, we can eliminate many of the most serious obstacles to voter participation in America, and open up the franchise to millions of our citizens.

Election day registration is an imaginative and immensely appealing concept. The procedure is simple, workable, and effective, as the successful recent experience of Minnesota and Wisconsin demonstrates. Any citizen who wishes to vote on election day will be able to do so. Under election day registration, voters will be entitled to go to the polling place, register, and cast their ballots, subjects only to appropriate requirements of identification and fraud prevention.

The financial assistance provisions in the administration proposal are also significant. The amount of Federal funds to be made available will be more than sufficient to pay the full cost to State and local governments of election day registration. Generous additional Federal funds will also be provided for a wide range of steps to improve all aspects of voter registration and election administration.

Taken together, the requirement of election day registration and the financial assistance provisions will be the foundation of a new universal voter reg-

istration system for the Nation. It will preserve the central element of election procedures under our Federal system—local elections under local control. State and local election officials have always been the backbone of the Nation's election system, and they will continue to be the backbone of the new registration program. With their cooperation, encouragement, and support, this new system of election day registration can be the most important step ever taken to improve the Nation's voter registration procedures.

I commend President Carter and Vice President MONDALE for their commitment and vision in submitting this far-reaching reform proposal. Election day registration will be a giant step forward in our efforts to increase voter turnout, revitalize our democracy and enhance the right to vote.

Under the proposal, States will be required to permit eligible voters to register and vote at the polling place on election day, after providing appropriate identification. Registration by this method will have the same effective duration as other methods of registration in the State. Thus, a citizen who registers to vote on election day will continue to be registered for future elections; his registration cannot be canceled immediately after the election, but must be assimilated into the regular State or local registry.

The requirement of election day registration will apply only to Federal general elections, not primaries or State and local elections. States will be encouraged, however, to adopt election day registration for State and local general elections by the substantial Federal financial incentives made available in the legislation. States may also adopt election day registration for Federal and State primaries, but there will be no additional financial incentives to do so; in this way, the legislation steers a neutral course between States using open primaries and those preferring closed primaries, where party registration must be established in advance.

The bill provides three different types of Federal financial assistance, which will be payable every second year in connection with the general congressional or Presidential elections. The three types of grants will be as follows:

First, each State will be entitled to a block grant of 20 cents per voter, based on the voter turnout in the State in the preceding Presidential election. These funds are designed primarily to help States defray the cost of election day registration, but they may be used to pay other costs of voter registration and election administration.

Second, as a voter registration outreach grant, each state will be entitled to a sum of 20¢ per voter, based on voter turnout in the state in the current Federal election. These funds are intended to be used for efforts to increase voter registration prior to election day. The funds will be payable upon the approval of a State outreach plan by the Federal Election Commission. Funds may be used to pay for registration by mail, door to door canvasses, mobile registrars, bilingual registration, and a variety of other outreach programs to encourage pre-election registration.

Third, as an incentive for States to apply election day registration to State and local elections, each State will be entitled to a grant of 20¢ per voter, based on voter turnout in the State in the current Federal election, if the State applies election day registration to State and local elections in the State. However, the Federal Election Commission is authorized to waive the requirement in specialized local elections in jurisdictions such as water, sewer or other districts that are not general purpose political subdivisions.

The Federal funds may be made available well in advance of the biennial elections, and may be obtained in installments spread over the 2-year election cycle. In this way, the assistance may be used to defray ongoing State and local election costs during the years in which no Federal elections are held.

In addition, States must use the Federal funds to supplement, not replace, existing State and local expenditures for voter registration and election administration. The Federal Election Commission may waive this "maintenance of effort" requirement if at least 90 percent of the eligible voters in the State are already registered.

Based on 1976 voter turnout figures, if all States qualify for their maximum Federal financial assistance, the cost of the grants for the 1978 congressional elections will be about $48 million, spread over the 2-year election cycle.

The specific procedure for election day registration is modeled on the systems now used in Minnesota and Wisconsin. A person who wishes to register and vote on election day may be required to sign an affidavit specifying the qualifications for voting and listing the penalties for false registration.

An election day registrant may also be required to submit a form, approved by the Federal Election Commission, which establishes his identity and place of residence; only one form of identification may be required by a State. Alternatively, the registrant may use a "voucher" procedure to verify his eligibility—that is, a registered voter present with him at the polling place may submit an affidavit vouching for the person's eligibility to vote.

To deal with the problem of fraud, the bill provides stiff penalties of a $10,000 fine and 5 years' imprisonment for fraudulent registration. In the case of a second conviction, the fine is increased to $25,000 and the term of imprisonment is increased to 10 years.

Other key provisions of the bill include the following points:

The new senior positions of Administrator and Associate Administrator of Voter Registration are created within the Federal Election Commission to carry out the purposes of the bill.

The use of voter registration lists for any commercial purposes is prohibited. A violation of this provision is punishable by a $1,000 fine and/or 6 months' imprisonment.

The Federal Election Commission is required to submit a report to Congress and the President by March 1 each year. These reports must include an analysis of the cost and effect of election day registration, as well as other information relevant to the program.

Taken together, these provisions will bring a long overdue and urgently needed reform to America's voter registration laws. There are few steps we can take that will have a more beneficial impact on our elections and on the opportunity of every citizen to exercise the most important right in a democratic society—the right to vote.

Obviously, election day registration is not a panacea for America's serious problems of voter nonparticipation. In addition to the burden imposed by current registration requirements, many other factors are also present, including the serious disillusionment of many citizens with the quality of their Government. We must also deal with these other factors. But the existence and complexity of these other factors should not prevent us from dealing now with the genuine need for reform of voter registration.

I am convinced that election day registration meets this need for reform in the most effective possible way, with the least posible intrusion into the traditional election domain of State and local governments. I look forward to prompt action by Congress on the proposed election day registration legislation, and I am hopeful that it will be enacted into law in ample time to apply to the 1978 elections.

Mr. President, I ask unanimous consent that the following materials may be printed in the RECORD: an editorial from the Milwaukee Journal of November 27, 1976, entitled "New Voter Law Worked"; a table prepared from data provided by the office of the city clerk of Minneapolis, showing the number of election day registrants in the city since 1973; and a table prepared by the Library of Congress providing voter participation statistics from recent foreign elections.

I also ask unanimous consent that a memorandum from the Library of Congress on the constitutionality of the proposed legislation may be printed in the RECORD. The memorandum, prepared by Mr. Johnny H. Killian, assistant chief of the American Law Division, analyzes the relevant constitutional provisions and Supreme Court precedents, and concludes that the proposal does not appear to raise any substantial problems of congressional power.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Milwaukee Journal, Nov. 27, 1976]

NEW VOTER LAW WORKED

Amid controversy over Wisconsin's new voter registration law the most important fact is being largely overlooked. The fact is that the new law was a major success in lowering barriers to citizen participation in our democracy.

It appears now that nearly 200,000 people who otherwise would have been barred from voting actually were able to vote because the new law allowed them to register at their polling place on election day. To be horrified by that fact, one would have to imagine that a massive conspiracy of voter fraud had been underway. There simply is no evidence to support such a notion.

In fact, despite all the speculation about fraud, there apparently has been no conclusive documentation yet of even a single case. If a few cases of fraud eventually are proved, the relevant question will be whether the

new law permitted any more fraud than had occurred under the old law.

Indeed, the opportunity for an individual to commit fraud remained greater in the nearly 1,600 communities across the state where voter registration is not required at all by state law or local ordinance, nor was it required under the old law, because population is under 5,000. In those places, people wanting to vote had only to give a name and address on election day. Proof of residency was not required, as it had been on eelction day where registration was required.

A proposal before the State Elections Board for a spot check survey to verify voter residency—in both communities that require registration and those that don't—ought to be implemented if it proves financially feasible.

When the complaints about election day registration are analyzed, however, it comes clear that the big problem was not the intent of the law but bumbling implementation by local election officials. Shortages of ballots and voter registration forms occurred throughout the state. In some locations the awkward physical layout at polling places needlessly snarled registration and voting. Undoubtedly the legal prohibition against using deputy registrars contributed to the problem and ought to be repealed.

It must be recognized that some of the controversy over the new registration law is partisan. Larger voter turnout generally favors Democratic candidates and lower turnout favors Republicans. Such considerations should not muddy the waters. Vote fraud, where it can be documented, ought to be prosecuted. Procedural reforms to minimize opportunity for confusion or fraud ought to be made.

However, it is a shabby and unsupportable argument that people who decide to vote as late as election day are somehow more ignorant or less important than voters who were registered earlier. In a representative democracy certain risks are inherent. It does not appear that those risks outweighed the overwhelming benefit of the recent registration law to society and nearly 200,000 voters who decided by election day that they wanted to exercise their most fundamental citizen right.

ELECTION DAY REGISTRATION STATISTICS, CITY OF MINNEAPOLIS

Election	Number of election day registrants	Voter turnout	Percent voter turnout registered on election day
Municipal primary, 1973	2,712	49,542	5.5
Municipal general, 1973	8,371	127,178	6.6
State-congressional primary, 1974	1,704	35,957	4.7
State-congressional general, 1974	12,400	127,206	9.8
Municipal primary, 1975	1,478	27,760	5.3
Municipal general, 1975	7,268	99,362	7.3
State-congressional primary, 1976	4,697	56,644	8.2
Presidential general, 1976	38,760	201,135	19.3

VOTER PARTICIPATION STATISTICS FROM RECENT ELECTIONS IN SELECTED COUNTRIES

Country, date (day)	Electorate	Turnout	Percent
Australia:			
Dec. 2, 1972 (Saturday)	7,073,930	6,474,244	95.4
Dec. 13, 1975 (Saturday)	8,262,333	7,881,873	95.3
Austria:			
Oct. 10, 1971 (Sunday)	4,984,448	4,607,616	92.4
Oct. 5, 1975 (Sunday)	5,019,168	4,482,834	89.3
Canada:			
Oct. 30, 1972 (Monday)	12,909,179	9,966,148	77.2
June 24, 1974 (Monday)	13,620,353	9,671,002	71.0
Denmark:			
Sept. 21, 1971 (Tuesday)	3,332,044	2,904,096	87.2
Jan. 7, 1975 (Tuesday)	NA	3,049,452	NA
Finland:			
Jan. 2, 1972 (Sunday)	3,178,169	2,587,060	81.4
Sept. 21, 1975 (Sunday)	NA	NA	79.0
France:			
June 23, 1968 (Sunday)	28,172,635	22,539,739	80.0
June 15, 1969 (Sunday)	28,774,041	22,492,059	78.2
May 5, 1974 (Sunday)	30,600,775	26,724,595	87.3
Germany:			
Nov. 19, 1972 (Sunday)	41,446,302	37,761,589	91.1
Oct. 3, 1976 (Sunday)	42,058,015	38,165,753	90.8
Great Britain:			
June 18, 1970 (Thursday)	39,342,013	28,386,145	72.2
Oct. 10, 1974 (Thursday)	39,798,899	29,188,606	72.8
Iceland:			
June 13, 1971 (Sunday)	118,289	106,975	90.4
June 30, 1974 (Sunday)	NA	114,108	91.4
Ireland:			
June 18, 1969	1,735,388	1,334,963	76.9
Feb. 28, 1973 Wednesday)	NA	1,350,537	NA
Israel:			
Oct. 27, 1969 (Monday)	1,758,685	1,427,981	81.2
Dec. 31, 1973 (Monday)	2,037,478	1,601,098	78.6
Italy:			
May 7, 1972 (Sunday)	37,039,769	34,491,197	93.1
June 20, 1976 (Sunday)	NA	36,715,577	[1] 88.0
Japan:			
Dec. 10, 1972 (Sunday)	74,149,161	53,290,943	71.7
Dec. 5, 1976 (Sunday)	NA	56,612,764	73.5
Luxembourg:			
Dec. 15, 1968 (Sunday)	192,601	170,569	88.6
May 26, 1974 (Sunday)	NA	NA	NA
Netherlands:			
Apr. 28, 1971 (Wednesday)	8,048,726	6,364,719	----------
Nov. 29, 1972 (Wednesday)	8,915,359	7,445,287	83.5
New Zealand:			
Nov. 25, 1972 (Saturday)	1,569,937	1,411,301	89.9
Nov. 29, 1975 (Saturday)	[1] 1,938,000	[1] 1,604,000	82.8
Norway:			
Sept. 7-8, 1969 (Sunday-Monday)	2,579,566	2,162,596	83.8
Sept. 9-10, 1973 (Sunday-Monday)	2,688,676	2,155,734	80.2
Sweden:			
Sept. 20, 1970 (Sunday)	5,645,804	4,984,207	88.3
Sept. 19, 1976 (Sunday)	5,945,779	5,457,043	91.8
Switzerland:			
Oct. 30, 1971 (Saturday)	3,551,008	2,018,122	56.8
November 1975 (NA)	3,733,133	1,955,752	52.4

NA: Not available.
[1] Estimate.

POWER OF CONGRESS OVER REGISTRATION OF VOTERS IN FEDERAL ELECTIONS

THE LIBRARY OF CONGRESS,
Washington, D.C., March 22, 1977.

Constitutional questions have been raised with respect to the authority of Congress to enact legislation which would mandate a system of voter registration in elections for federal offices under which any person meeting the state qualifications would be registered at the polls on election day upon presentation of proper proof of qualifications. The system would be modeled upon provisions in the laws of Minnesota and Wisconsin. Upon a reading of the pertinent provisions of the Constitution and judicial elaboration of them it does not appear that this proposal raises any substantial problems of congressional power.

Relevant sections of the Constitution are the following:

Article I, § 2, cl. 1, provides that electors in each State for members of the House of Representatives "shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature" and the Seventeenth Amendment which contains the same language with respect to the popular election of Senators.

Article I, § 4, cl. 1, provides: "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators."

Article II, § 1, cl. 4, empowers Congress to determine the time of choosing presidential electors and the day on which they are to convene to give their votes.

The breadth of the "times, places, and manner" clause was set forth in *Smiley* v. *Holm*, 285 U.S. 355, 366–367 (1932), in which the Court observed that the phrase "embrace[s] authority to provide a complete code for congressional elections, not only as to times and places, but in relation to notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices, counting of votes, duties of inspectors and canvassers, and making and publication of election returns; in short, to enact the numerous requirements as to procedure and safeguards which experience shows are necessary in order to enforce the fundamental right involved."

Continuing, the Court noted that the authority conferred upon Congress to "make or alter such Regulations" "plainly refers to regulations of the same general character that the legislature of the State is authorized to prescribe with respect to congressional elections. In exercising this power, the Congress may supplement these state regulations or may substitute its own. It may impose additional penalties for the violation of the state laws or provide independent sanctions. It 'has a general supervisory power over the whole subject.' [citations omitted]. But this broad authority is conferred by the constitutional provision now under consideration and is exercised by the Congress in making 'such regulations;' that is, regulations of the sort which, if there be no overruling action by the Congress, may be provided by the legislature of the State upon the same subject."

Ex parte Siebold, 100 U.S. 371, 383–384 (1880), similarly addressed the question of the meaning of the power to "make or alter such Regulations". "There is no declaration that the regulations shall be made either wholly by the State Legislatures or wholly by Congress. If Congress does not interfere, of course they may be made wholly by the State; but if it chooses to interfere, there is nothing in the words to prevent its doing so, either wholly or partially. On the contrary, their necessary implication is that it may do either. It may either make the regulations, or it may alter them. If it only alters, leaving, as manifest convenience requires, the general organization of the polls to the State, there results a necessary co-operation of the two governments in regulating the subject. But no repugnance in the system of regulations can arise thence; for the power of Congress over the subject is paramount. It may be exercised as and when Congress sees fit to exercise it. When exercised, the action of Congress, so far as it extends and conflicts with the regulations of the State, necessarily supersedes them."

It is thus a plenary power which Congress has to enact regulations governing the times, places, and manner of electing Representatives and Senators. Because the provision governing presidential electors, Article II, §1, cl. 4, does not contain the word "manner", it could be argued that Congress' power is less with respect to these elections than with respect to those in which Senators and Rep-

resentatives are chosen. Especially might this argument be made if based upon the language in some Court decisions to the effect that presidential electors are state officials, resulting in the fact that the elections in which they are chosen are not federal elections. *In re Green*, 134 U.S. 377, 379 (1890); *Ray* v. *Blair*, 343 U.S. 214, 224-225 (1952); *Oregon* v. *Mitchell*, 400 U.S. 112, 211 (1970) (Justice Harlan concurring and dissenting). But the court has long recognized the power of Congress to legislate in connection with the elections of the President and Vice President. In *Burroughs* v. *United States*, 290 U.S. 534 (1934), the Court sustained a federal law to protect presidential elections from fraud by requiring campaign contribution disclosure. A narrow reading of Congress' power under this clause, limited to specifying the time of the election and the day of casting of the electoral vote, was rejected as "without warrant." "While presidential electors are not officers or agents of the federal government [citing *Green*], they exercise federal functions under, and discharge duties in virtue of authority conferred by, the Constitution of the United States. The President is vested with the executive power of the nation. The importance of his election and the vital character of its relationship to and effect upon the welfare and safety of the whole people cannot be too strongly stated. To say that Congress is without power to pass appropriate legislation to safeguard such an election from the improper use of money to influence the result is to deny to the nation in a vital particular the power of self protection. Congress, undoubtedly, possesses that power, as it possesses every other power essential to preserve the departments and institutions of the general government from impairment or destruction, whether threatened by force of corruption." Id., 544, 545.

The Court then turned to its decision in *Ex parte Yarbrough*, 110 U.S. 651 (1884), in which it had sustained a statute protecting the right of citizens to vote free from coercion and violence in elections for President and Vice President and for Representatives in Congress. *Yarbrough* had involved an indictment charging interference with voting in congressional elections, but the *Burroughs* Court observed that the *Yarbrough* opinion "made no distinction between the two, and the principles announced, as well as the language employed, are broad enough to include" the election of presidential electors as well as the election of Congressmen. Id., 290 U.S., 545–546. Thus, the Court treated Congress' power to regulate the election of presidential electors as being identical to its power to regulate the election of Representatives (and Senators) and deemed the power to be exercisable, in part, to secure the right to vote for these officers, a right attributable ultimately to the United States Constitution. This recognition is so well settled now that in its most recent decision the Court treated the matter through simple assertion and citation to precedent. *Buckley* v. *Valeo*, 424 U.S. 1, 13 n. 16, 90 (1976).

Further, at least since *United States* v. *Classic*, 313 U.S. 299 (1941), it has not been doubted that Congress' power to make or alter regulations with respect to "times, places, and manner" extends also to primary elections in which nominees are selected and that primary elections are federal elections when Senators and Representatives are chosen and when the presidential selection process is involved. *Buckley* v. *Valeo*, supra; see *Oregon* v. *Mitchell*, supra. Note the effect of *Cousins* v. *Wigoda*, 419 U.S. 477 (1975).

These precedents would conclude the question of the validity of the proposal, were it not for the fact that a few States appear to include registration in their constitutions or laws as a qualification of voting. Article I, § 2, cl. 1, and the Seventeenth Amendment quoted above, reserve to the States the determination of qualifications for electors of Representatives and Senators and Article II, § 1, cl. 2, confers on the States to determine the appointment of electors for President and Vice President. A study published in 1972 indicated that six States did include registration as a qualification. Note, "Federal Voter Registration: A Proposal to Increase Voter Participation," 8 Colum. J. L. & Soc. Prob. 225, 234–239 (1972). Although Justice Black in his opinion in *Oregon* v. *Mitchell*, supra, 119–124, argued that under § 4 Congress could alter the qualifications the States were permitted to establish under § 2, this view was expressly or impliedly rejected by the other eight Justices and cannot be accepted. Congress does have power to alter qualifications, of course, and this power might include the situation here.* But it hardly seems necessary to consider that argument here. In the *Smiley* v. *Holm* quotation reproduced above, it was clearly set out that a registration system was one aspect of federal elections as to which Congress could make or alter regulations. The article cited above identified at least 37 States which do not consider registration as a qualification. Inasmuch as § 4 confers power to regulate times, places, and manner upon Congress, it empowers Congress, subject to the constraints of the Constitution, of course, to determine the boundaries of its legislative jurisdiction and, as stated in Article I, § 8, cl. 18, to make all necessary and proper laws for carrying into effect its legislative powers. It would therefore not be within the province of a State to withdraw from congressional jurisdiction a particular subject matter simply by defining it as something else. It would therefore, if Congress should enact the proposal, be the responsibility of the Supreme Court, considering Congress' expertise in the matter of elections, its past precedents, and the overwhelming practice in the States, to determine whether the legislation properly considers registration as included within the "manner" of conducting elections.

JOHNNY H. KILLIAN,
Assistant Chief.

Mr. WILLIAMS. Mr. President, I am pleased to join my colleagues Senators CANNON, ROBERT C. BYRD, CRANSTON, KENNEDY, CASE, and MATHIAS in sponsoring the Universal Voter Registration Act of 1977, submitted to Congress by President Carter. I share President Carter's commitment to make the electoral process more accessible to many more Americans and I applaud the President's vision and initiative in formulating this landmark legislation.

The need for S. 1072 is unmistakably clear. America has for many years had an alarmingly low rate of voter participation—much lower than that of the world's democracies. In recent years the nationwide trend has been toward even less and less citizen participation in elections. This trend undermines the basic premise upon which our Nation is built. We must take every step to reverse it, by encouraging more people to vote in election contests at every level of government.

The Universal Voter Registration Act of 1977 offers the promise of significantly increasing voter participation by permitting individuals who are qualified to vote in Federal elections, to register and vote in Federal elections at an appropriate polling place on election day. This provision of the bill addresses the heart of one of the major problems of voter participation—early voter registration cutoff dates. The bill gives cognizance to the fact that in an election year voter interest generates slowly until the last few weeks, when it picks up perceptibly, peaking in the final days of the campaign. By then, however, registration in all but a handful of States has been closed, leaving millions of citizens unregistered and thus ineligible to vote. Over 75 percent of those who were registered to vote on November 2, 1976, did vote. I believe that millions more who were unregistered prior to election day would have voted if they could have registered and voted on election day. Strong evidence supports this belief. Political scientists Steven J. Rosentone and Raymond E. Wolfinger have conducted a most impressive study of the effect of registration laws on voter turnout. Having analyzed some 90,000 voter interviews, Rosentone and Wolfinger concluded that nationwide voter turnout would increase 10 percent if registration were allowed on election day.

In Wisconsin, a recently enacted law permits voters, previously unregistered, to vote on Election Day upon showing a driver's license or other proof of age and residence. Over 200,000 Wisconsinites who had not previously registered, voted last November 2, so as to create an actual increase in the Wisconsin voting percentage over 1972. While national voter participation dropped between 1972 and 1976, Wisconsin participation surged to 10 percent above the national average. Minnesota offers just as compelling an example. Under a recently enacted law, similar to that of Wisconsin, 22 percent of the 1.9 million Minnesotans who voted on Election Day 1976, had not registered before Election Day. Minnesota's voting performance of 75 percent was up from 1972 and more than 20 percent over the national average.

It has been argued that a change in the system of registration will open up the door to fraud. I do not agree. I am confident that, properly administered, the Election Day registration will result in no compromise in the honesty and integrity of our system of voter participation. We should not allow the fact that the electoral process has, on rare occasions, been subject to manipulation by the unscrupulous few prevent us from significantly expanding the opportunity to vote. The procedures for registration mandated by S. 1072 will perhaps make the electoral system even less susceptible to fraud. Additionally, the stiff penalties allowed for violation of the bill's terms should serve as an effective deterrent against fraud. There is no evidence from those States with Election Day registration, that fraud has increased under such a system. Testifying

*The power arises under § 5 of the Fourteenth Amendment giving Congress authority to enforce the guarantees of § 1 of the Amendment. In *Oregon* v. *Mitchell*, supra, seven Justices agreed that Congress could constitutionally forbid States from disqualifying voters in presidential and vice presidential elections for failure to meet state residency requirements and could provide uniform national rules for absentee voting in such elections, as an exercise of the power granted by § 5.

before the Committee on Post Office and Civil Service in 1975, Vice President, then Senator, MONDALE said that his home State, Minnesota, had experienced "not one suggestion of fraud" under its system of Election Day registration.

The Universal Voter Registration Act of 1977 goes beyond Election Day registration and encourages greater voter participation by providing meaningful financial and other assistance to States to enable them to provide expanded opportunities for voter registration before Election Day as well as on Election Day. Further, this measure proposes three different grant programs that will channel funds directly to States to enable them to increase the number of registered voters and voter turnout, by improving voter registration and election procedures, and by employing trained personnel to administer elections and voter registration.

S. 1072 not only provides for Election Day registration but also encourages States to reform archaic laws that make registration difficult and inconvenient. I am particularly hopeful that reform of State election processes encouraged by S. 1072 will end unnecessarily burdensome requirements on the electorate. Unnecessarily complicated and difficult voting requirements make exercise of the right to vote particularly difficult for certain minorities, low-income individuals, less well-educated individuals, and senior citizens. Surely one of the basic tenets of American democracy is that all should have an equal and readily available opportunity to help choose those who govern the country. As the Honorable H. A. Boucher, former Lieutenant Governor of Alaska stated a few years ago in hearings on voter registration before the Committee on Post Office and Civil Service:

> In a democratic society, among the most fundamental human rights is the right of every citizen to vote. The vote is the very symbol of democracy. It is the basic unit of our representative form of government—the major vehicle through which the consent of the governed is offered or withheld—the prime means by which the people can express and effect their collective will. The right to vote, therefore, necessarily carries with it the right of equal access for every eligible citizen through the formal system of regulations and procedures by which the vote is cast.

I urge enactment of this landmark legislation, which would help make the dream of greater, more equal access to voting opportunities a reality.

By Mr. HANSEN:

S. 1073. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer; to the Committee on Agriculture, Nutrition, and Forestry.

LABELING OF IMPORTED MEAT

Mr. HANSEN. Mr. President, I am today introducing a bill which would amend the Federal Meat Inspection Act to require that imported meat and meat products be labeled "imported" at all stages of distribution in this country until delivery to the ultimate consumer.

This legislation would enable the consumer in the retail store to recognize and choose between foreign and domestically produced meat. There are many Americans who, if they had a choice, would prefer to purchase meat which has been raised and processed here in the United States.

Under existing laws and regulations which control our meat inspection system, foreign meat imported for manufacturing or processing purposes is normally shipped to us in frozen blocks of 50 to 60 pounds. These blocks are labeled as to origin. But after processing in this country, the products made from this meat bear no identification of the origin of the meat.

In 1967, Mr. President, the Congress amended our Federal meat inspection law to greatly expand Federal monitoring and control of meat production, processing and marketing to the American public. The purpose of this law is, of course, to protect the health and well-being of consumers and to enable them to know what they are buying and eating.

We have the best meat inspection and labeling law in the world. American consumers know when they buy meat regulated by this law that it has been rigorously examined for wholesomeness and purity and that it is labeled according to requirements meant to tell people what they are buying and where it came from.

The Federal law even applies to canned, processed, and prepared meats which come from foreign countries. Such products must be labeled as to country of origin, and if one buys a can of lunchmeat in a local supermarket that has been imported, it will bear a label, as required by law, to disclose the origin of the meat and to inform the consumer about other ingredients that have been included. We imported about half a billion pounds of processed and canned meat last year.

But, Mr. President, we import more than a billion pounds of frozen meat every year that is distributed to consumers in the form of various processed products. These products are not labeled as to origin and the consumer has no way of knowing when he or she is buying and consuming this foreign meat. Typical of the kind of products made from foreign meat, but not so labeled, is most hamburger, soups, TV dinners, lunch meat, and convenience foods containing meat. Products which are processed in this country need not be labeled to tell the consumer where the meat came from.

So, our law requires that foreign meat entering the United States in canned, processed, or prepared form be labeled as to origin. And it requires that domestically produced meat intended for sale to foreign countries bear a label saying it is for export and disclosing information about any preservatives used. But the law does not require disclosure of the origin of more than a billion pounds of foreign beef and meat which enter the United States every year in fresh, chilled or frozen form, and which eventually is sold to consumers in restaurants and supermarkets throughout the country.

Our laws require that labels on processed food items tell consumers the name of the product, the ingredients, the name and place of business of the manufacturer, packer, or distributor, the quantity of the contents, and whether the product was inspected. But the most important information—the origin of the meat—does not appear on products made from imported fresh, chilled or frozen meat. This is a serious oversight which my bill would correct.

Amercian consumers deserve to know if meat they buy has previously been frozen and they deserve to know where it came from. My bill would require that imported meat and meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution through delivery to the ultimate consumer.

The bill says that—

> Any imported meat or meat food product . . . and any meat food product made in whole or in part of such imported meat, or its package or container, shall be labeled as "imported" or "imported in part" as the case may be.

In other words, Mr. President, the consumer would be told all of the things now required on meat and meat product labels, including where the meat came from.

By Mr. HASKELL:

S. 1074. A bill to establish a national rangelands rehabilitation and maintenance program; to the Committee on Energy and Natural Resources.

NATIONAL RANGELANDS REHABILITATION AND MAINTENANCE ACT OF 1977

Mr. HASKELL. Mr. President, I am introducing today legislation which, if enacted, will stabilize and significantly improve a large segment of our Nation's seriously deteriorated rangelands. The measure is virtually identical to my bill, S. 2555, the National Rangelands Policy Act of 1976, which was reported unanimously by the Senate Energy and Natural Resources Committee on April 26, 1976, and was passed by the Senate on May 3, 1976. The proposal I introduce today, the National Rangelands Rehabilitation and Maintenance Act of 1977, would supplement the landmark Federal Land Policy and Management Act enacted last Congress by establishing a 30-year program for the full rehabilitation of the rangelands administered by the Bureau of Land Management.

Approximately one-half of the land in the 11 Western States is owned by the Federal Government. The grazing of domestic livestock—both cattle and sheep—is the most significant activity occurring on these lands in terms of acreage; 262 million acres or 73 percent of this Federal land is allocated for grazing. This represents more than one-fourth of all grazing land—public and private—in the United States. Eighteen percent of our beef breeding herd is located in these Western States, and many of these cattle are on public lands at least part of each year.

It is important for all of us to remember that the grazing of livestock is one economic pursuit which can be truly compatible with many other uses of the public land, including those of particular importance to environmen-

talists, such as provision of wildlife habitat and primitive recreation opportunities. By utilizing existing technology and management techniques, these uses can be enhanced while simultaneously increasing the grazing capacity of these lands.

Mr. President, this legislation provides a unique opportunity to establish a Federal program which would be beneficial, in fact critically important, to both environmental and economic interests. In view of the importance of our western livestock industry and the truly multiple-use character of the public lands allocated to grazing, it is imperative that we pursue the wise public policies set forth in this measure to guarantee the future productivity and quality of these lands.

Presently, however, we are not pursuing public policies on our Federal rangeland which will assure such future productivity and quality. A far more dismal future is foreseen, particularly for the national resource lands under the jurisdiction of the Bureau of Land Management. Grazing is permitted on more than 160 million acres of the national resource lands. Most of this acreage is administered through a system of grazing districts established and administered by the Grazing Service in accordance with the Taylor Grazing Act of 1934. The Bureau of Land Management, created in 1946 in a consolidation of the General Land Office and the Grazing Service, succeeded to the Service's role of administering the grazing districts. Today, the BLM oversees, through approximately 20,400 licenses, leases, and permits nearly 12 million animal unit months of use of the national resource lands by approximately 3.5 million cattle and 4.9 million sheep. This activity is still conducted in part under the authority of the Taylor Grazing Act. That act authorized the allocation of Federal rangeland to livestock operators by permit for the specific purposes of stabilizing the livestock industry dependent on the public range, preventing injury to the range by overgrazing, and providing for the orderly use, improvement, and development of the range.

Mr. President, unfortunately, four decades later, several of the purposes of that act are still unmet. Stabilization of the industry has occurred and a measure of order in the grazing use of the range has been established. The industry is no longer dependent on the massive speculation associated with the cattle baron period of Western history. Stockmen are no longer threatened with sudden wholesale bankruptcies similar to those which followed the brutal winters of 1885–86 and 1886–87 and the intervening summer drought.

The institution of the permit system ended the lawless period of unrestricted grazing of public lands which began shortly after the Civil War and the notorious range wars, illegal fencings, and absence of the most elementary institutions of property law which characterized that period. The range, however, still suffers from the ill effects of past overgrazing and its productivity is not improving. Although vigorous efforts of both the agency and the permittees—cattlemen and woolgrowers alike—have slowed and in many cases arrested entirely the deterioration which occurred in the late 1800's and early 1900's when grazing was unrestricted, the sad fact remains that major areas of the range are still deteriorating and the range's overall productivity is dismally poor. So long as this condition continues—and becomes worse—the quality of our environment will be impaired and the economic viability of a significant portion of our livestock industry will be endangered.

A recent Interior Department report foretells the truly unfortunate future we may expect for these rangelands in the absence of remedial legislation. This report was written in response to a request by the Senate Committee on Appropriations in its report on the fiscal year 1975 Interior and related agencies appropriations bill. The committee asked the Department to review the condition of the Federal rangelands and the Department's range programs and submit its findings together with recommendations for correcting major deficiencies. In January 1975, the BLM fulfilled this request by submitting to the committee the "Range Condition Report." No citizen or public official concerned about the economic productivity or environmental quality of the public lands could have welcomed the findings contained in this report concerning the condition of the range on the national resource lands. I would like to share some of these findings with you.

According to the report, only 3.2 million acres or 2 percent of the national resource lands is in excellent condition. Another 45.6 million acres or 28 percent is in poor condition and 8.2 million acres or 5 percent is in bad condition. In my own State of Colorado, only 12 percent of the 7.9 million acres of BLM land is rated good or better, while 33 percent is poor or worse.

I want to emphasize that the truly dismaying aspect of the report's findings is that we are not simply faced with a condition but also a trend. With 16 percent of the range continuing to decline, the report's projections indicate that in 25 years the productive capability of the range could, at present management levels, be further decreased by as much as 25 percent.

Erosion figures on these lands are no better. An inventory of erosion conditions conducted on 144.5 million acres of the national resource lands over the past 5 years and contained in the report indicates that 91 percent of the national resource lands is presently sustaining some soil loss. Ten percent is in either a critical or severe erosion condition. Slightly less than half of the acreage—62 million acres—is in an unacceptable condition because of depleted vegetation and excessive runoff. Over 46 percent of the acreage, according to the report, is considered to be in a slightly eroding condition and no real damage has yet been sustained; however, the report contains the warning that—

> Management practices over the next few years will determine whether (the land) can be stabilized or if (it) will further deteriorate, losing productivity at an ever-increasing rate.

At present management levels, the report estimates that in 20 years another 8 percent or 11 to 12 million acres will be eroded to a serious condition and over 50 percent could be in an unacceptable erosion condition.

Mr. President, we simply cannot afford to allow further deterioration of our public range. To do so would threaten not only local and regional economic and environmental conditions but also international commitments.

At a time when critical world food shortages are forcing us to reevaluate our grain-feedlot method of bringing livestock to the market, the alternative of maintaining livestock longer on the range is being seriously frustrated by a decline in the forage resource. Similarly, a continued decline in the condition of the public range will be reflected in a potential loss of livestock grazing privileges threatening the livelihood of individual stockmen and posing the danger of serious economic disruption to western communites dependent on this economic use of adjacent public lands.

Even today, these stockmen and their communities suffer from reduced allotments each time an allotment management plan is written. Unfortunately, this loss of revenue, caused by earlier overgrazing resulting from an absence of, or unsatisfactory, Federal administration of the Federal range, must be absorbed by the individual permittees today. Yet, as the report shows, even if the far better present management levels continue, the range will decline further and more reductions in the size of the herds on these lands will be required. This will be accompanied by additional losses of income to the stockmen and the local merchants dependent on the purchasing power that income provides. I, for one, believe we cannot ask these cattlemen and woolgrowers and their friends and neighbors to suffer further from inadequate government range policies.

Other potential losses resulting from a deteriorating range are of equal or greater significance. These losses include continued and worsening erosion; deterioration in water quality; loss of wildlife and recreation values; and a general decline in the basic productive capability of these lands. Furthermore, untold indirect costs will likely be incurred through flood damage and stream and reservoir sedimentation. Each of these losses is discussed and their potential value in economic terms is estimated in the BLM report.

My colleagues will recall that in the 93d Congress we enacted Public Law 93–320, the Colorado River Basin Salinity Control Act, to implement the August 20, 1973, agreement with Mexico. This agreemen commits us, and the act requires us, to mount major—and, I might add, expensive—efforts to reverse the trend of increasing salinity in the Colorado River. These legislatively mandated efforts are threatened by a "business as usual" Federal posture toward the administration of the rangeland. Approximately 40 percent of the national resource lands allocated to grazing would be in the drainage of the Colorado River and the continued deterioration of those lands would

significantly increase the salinity of that river.

Mr. President, I am convinced that this unfortunate future need not occur—that we can halt this deterioration of the Federal rangelands, revitalize our economically troubled Western livestock industry, and improve substantially the quality of our environment. Today's permittees have taken a lead in assuring wise management of the rangelands. Indeed, they should be highly commended for making significant investments of their own money to improve lands which they do not even own. In addition, range specialists of the BLM have demonstrated on about 25 million acres of national resource lands that, with the employment of intensive management techniques, the trend can be reversed. Many would argue that this BLM interest in range rehabilitation is a belated one forced upon the agency by changing public opinion and recent court decisions. Whether this argument has validity, however, is far less important than the present commendable concern of both the agency and its permittees for the condition of its land resource. This concern can manifest itself only through our encouragement and assistance. We must supply the BLM with the necessary funds, manpower, and management directives it has previously lacked if the present modest effort is to be sustained and the management techniques involved are to be applied throughout the National Resource Lands wherever grazing occurs.

In an effort to promote and expand the existing range stabilization program, the Senate Energy and Natural Resources Committee, pursuant to section 301(c) of the Congressional Budget Act, recommended to the Budget Committee in March 1975 that the proposed fiscal year 1976 BLM budget for range and forage management be increased by $8.1 million to a total of $24.2 million. Again in March 1976, the committee recommended to the Budget Committee an increase of $8 million in the $20.8 million fiscal year 1977 BLM budget for range management. Each year, the committee noted that the proposed increases would be used to better supervise and evaluate existing range use, to make adjustments in, or further implementation of the existing 200 allotment management plans, placing approximately 4.5 million more acres under intensive management and providing forage for about 80,000 to 100,000 more cattle; to implement 90 of the 280 allotment management plans already prepared but not yet implemented, placing approximately 2 million more acres under intensive management and generating feed for an additional 36,000 to 40,000 cattle, and to gather and analyze the data necessary to begin prepartion of the 211 environmental impact statements which will be required in the preparation of the remaining allotment management plans.

In addition, last Congress, we enacted Public Law 94–579, the Federal Land Policy and Management Act of 1976. Section 401 of that act would raise from 25 to 50 percent the percentage of receipts from grazing permits and licenses to be expended for range improvements. The BLM estimates that, if full appropriations occur in the range improvement fund pursuant to this provision, the funds expended for range improvements on national resource lands will increase by $1,380,000 in fiscal year 1978 and by smaller additional sums thereafter if the fees rise as expected.

By making these various appropriation increases, we could modestly quicken the rate at which on-the-ground range rehabilitation is initiated, range improvements are developed, and allotment management plans are prepared and implemented. However, since the BLM estimates that 25 million acres are in need of immediate rehabilitation to protect watersheds and improve range and forage and since it agreed that the $895.5 million price tag for the 30-year range rehabilitation program of S. 2555 was accurate, it is apparent that both the modest appropriation increases recommended to the Budget Committee and the authorization increases contained in the Federal Land Policy and Management Act will prove woefully inadequate. The only truly effective remedy for the problems facing this segment of our Nation's rangeland is a broad based intensive management program designed to halt the deterioration of the rangeland and significantly increase the range's productive capacity.

The bill I am introducing today would establish such a management program. Many of the bill's general provisions reflect recommendations outlined in the BLM's range condition report. The legislation directs the Secretary of the Interior to establish an intensive 30-year range management program designed to correct present deficiencies and provide for full rehabilitation of the range and of the national resource lands. The bill would also provide management directives requiring that this rangeland be managed to ensure full productive capacity in a manner consistent with the protection and enhancement of resource values and with the multiple-use, sustained-yield concept of land management.

The bill provides the opportunity for strong citizen and State and local government participation. The Secretary is required early on; to propose, for public comment, specific plans for the rehabilitation of the various areas of the BLM range and to make public specific timetables for actions he proposes to take. I feel that these provisions requiring adequate notice and effective participation of State and local governments, users, and the public are extremely important. It is imperative that the Secretary carefully heed the comments of, and be held accountable for his actions by, those most directly affected—the range users and State and local governments.

Funds authorized under this legislation would total $10 million in fiscal year 1978, $14.5 million in fiscal year 1979, $19 million in fiscal year 1980, and $23.5 million in fiscal year 1981. Thereafter, the authorizations would rise $500,000 each and every fiscal year, reaching a high of $36.5 million in the last fiscal year—fiscal year 2007. The total 30-year authorization would be $853.5 million—down $41 million from the $895.5 million authorization in S. 2555 last Congress. This $41 million difference is expected to be made up by the additional moneys in the range improvement fund authorized by section 401 of the Federal Land Policy and Management Act of 1976.

Obviously, the costs of the proposed 30-year program are high. However, as I pointed out earlier, the direct and indirect costs resulting from delay and continued range deterioration are much higher.

Moreover, it should be emphasized that the benefits of such a long term management program are many. Under such a program, the BLM has estimated potential forage increases at 39 percent for livestock and 32 percent for big game animals. Erosion could be reduced to acceptable levels on an estimated 80 percent of the BLM range, and a 50-percent improvement in watershed conditions is predicted.

Overall, these benefits total an estimated $125 million annually, according to the BLM report.

Mr. President, even a cursory comparison of these $125 million annual benefits with an initial cost in the first year of $10 million and a maximum yearly cost of $36.5 million in the final year discloses a highly favorable cost-benefit ratio—one not duplicated in many Federal programs with which I am familiar. I truly believe that the type of intensive range management program which this bill would establish, is in fact, a bargain for all of us interested in improving the public range.

In addition to the reduction in the authorizations, I have made two other significant changes in the bill. First, I have added a provision to insure that 95 percent of all funds authorized by the bill would be spent on on-the-ground work. I join with the many cattlemen and woolgrowers among my constituents who believe far too much effort and funds are expended on planning and impact statement writing in comparison with the work done on the ground. Planning and impact statement writing are of critical importance if Federal moneys are to be spent wisely on the ground. But they are worthwhile activities only if those moneys are, in fact, expended.

Second, I have eliminated two controversial provisions added on the Senate floor in very close votes. One proposing a 5-year term for BLM grazing permits is now unnecessary as the Federal Land Policy and Management Act provides for 10-year permit terms. A second provision calling for permittees' payment of permit fees in kind may be unworkable and could place the Agency too much at the mercy of permittees whenever it wishes to conduct range improvement activities.

Mr. President, I urge my colleagues to again join me in supporting prompt enactment of this measure.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Rangelands Rehabilitation and Maintenance Act of 1977".

SEC. 2. FINDINGS, PURPOSES, AND DEFINITIONS.—

(a) The Congress finds that—

(1) despite increased efforts and expenditures of the Bureau of Land Management and individual users of the western public rangelands, many acres of the rangelands are producing less than their potential, a condition which threatens the livelihood of such users and the economic stability of neighboring communities, present levels of meat production, the quality and availability of scarce western water supplies, United States obligations to Mexico concerning the salinity level of the Colorado River, the maintenance of wildlife habitat, and the viability of flood prevention programs;

(2) the rangelands will remain in an unsatisfactory condition and some areas may decline further under present management levels;

(3) this condition can be corrected by a national commitment to a rangelands rehabilitation and maintenance program, a program which would provide the additional benefits of increased soil and watershed stability; protection of water quality and availability; expansion of the forage resource and a consequent rise in livestock production; enhancement, protection, and maintenance of wildlife habitat; reduced flood danger; and economic stabilization of communities and individuals dependent on such lands; and

(4) the Federal Land Policy and Management Act of 1976 (90 Stat. 2743) provides for a range betterment program which, if effectively implemented, will result in the improvement of the management of public rangelands but will not fully meet the rangelands rehabilitation and maintenance requirements of this Act.

(b) The Congress hereby finds a necessity for, and declares a national commitment to, the rehabilitation and maintenance of the rangelands. It is the purpose of this Act to establish a program to identify the current rangeland conditions and trends; to plan and effect actions to correct deficiencies in the rangelands; and to restore such lands to, and maintain them in, as full productive capacity as feasible.

(c) For the purpose of this Act—

(1) "Secretary" means the Secretary of the Interior; and

(2) "rangelands" means lands administered by the Secretary through the Bureau of Land Management on which there is domestic livestock grazing or which the Secretary determines may be suitable for domestic livestock grazing.

SEC. 3. RANGELANDS INVENTORY.—The Secretary shall develop within five years of the date of enactment of this Act, and maintain on a continuing basis thereafter, a comprehensive and appropriately detailed inventory of all rangelands. This inventory shall identify the resources of and deficiencies in the rangelands and shall be kept current so as to reflect changes in conditions. To the extent practicable such inventory shall be prepared and kept current in meeting the requirements of section 201 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 2747): *Provided,* That such inventory shall be made available to the public in a separate document.

SEC. 4. RANGELANDS REHABILITATION AND PROTECTION PROGRAM.—The Secretary shall develop, maintain, revise as necessary, and implement a rangelands rehabilitation and maintenance program for the improved management of the rangelands, which shall have as its purpose the correction of the deficiencies in the rangelands identified in the inventory prepared pursuant to section 3 and the rehabilitation of such lands within thirty years of enactment of this Act. Thereafter, such program shall provide for the maintenance of, or improvement in, the productive capacity of the rangelands achieved at the conclusion of such period in a manner consistent with the protection and enhancement of resource values identified by this Act and with the multiple use, sustained yield concept of land management set forth in section 103 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 2745–46). The program shall include plans for the various areas of the rangelands, which plans shall specify the actions, and the schedule thereof, to be undertaken on such areas within said thirty-year period. Such plans may identify areas of the rangelands which, because of their small relative size, minor resource value, scattered land ownership, or other reasons, are unsuitable for the improved management required by this Act and may provide for appropriate management of such areas to arrest further decline, and protect the multiple use values, thereof.

SEC. 5. RANGELANDS MANAGEMENT.—The Secretary shall manage the rangelands in accordance with the Taylor Grazing Act (48 Stat. 1269, as amended; 43 U.S.C. 315), the Federal Land Policy and Management Act of 1976, and other applicable law consistent with the rangelands rehabilitation and maintenance program developed pursuant to this Act.

SEC. 6. PARTICIPATION OF STATE AND LOCAL GOVERNMENTS, USERS, AND THE PUBLIC.—The Secretary, by regulation, shall establish procedures, including public hearings or meetings where appropriate, to give State and local governments, users of the rangelands, and the public adequate notice and an opportunity to comment upon the rangelands rehabilitation and maintenance program during its preparation and implementation.

SEC. 7. RANGELANDS REPORT.—The Secretary shall prepare a rangelands report covering the first full fiscal year following the enactment of this Act and thereafter shall prepare reports at three-year intervals. Each such report shall be made available to the public and submitted to the Congress no later than one hundred and twenty days after the close of the appropriate fiscal year. The report shall include, in appropriate detail, an analysis of the condition of the rangelands, the implementation of the rangelands rehabilitation and maintenance program, and the progress made in meeting the objectives of this Act.

SEC. 8. AUTHORIZATIONS.—There are hereby authorized to be appropriated for the purpose of this Act additional funds over and above the amounts appropriated to the Bureau of Land Management in fiscal year 1977 for livestock management, soil and water, and wildlife and the amounts appropriated to the Secretary during any fiscal year after enactment of this Act pursuant to the appropriation authorization in section 401 of the Federal Land Policy and Management Act of 1976 (90 Stat 2743, 2772), as follows: an increase of $10,000,000 in fiscal year 1978; additional increases of $4,500,000 per year each and every year in fiscal years 1979, 1980, and 1981; and additional increases of $500,000 per year each and every year from fiscal year 1982 through and including fiscal year 2007. Any increased amounts as authorized herein not appropriated in one or more years shall be authorized for appropriation in any subsequent year. Not less than ninety-five per centum of the amounts appropriated pursuant to the authorizations in this section shall be expended for on-the-ground range rehabilitation, protection, and improvements.

SEC. 9. CONSTRUCTION OF LAW.—Nothing in this Act shall be construed to diminish the authority of the Secretary under any existing provision of law.

By Mr. GARN:

S. 1076. A bill to provide that the laws restricting trade between points in the United States to vessels of the United States shall not apply to inflatable boats used in river running; to the Committee on Commerce, Science, and Transportation.

Mr. GARN. Mr. President, I am today introducing legislation to exempt inflatable rafts from regulation under the Jones Act.

Under the Constitution, the Federal Government is given authority to regulate commerce among the several States, and on the "navigable waters." The reach of the Federal Government into the navigable waters of the United States extends to the country of origin of ships used in interstate commerce. This reach is provided under the Jones Act, adopted in 1920, as a protectionist measure, designed to assure the continued viability of the American merchant marine and shipbuilding, industries. The Jones Act requires that coastwise shipping, that is, shipping between points within the United States must take place in U.S. bottoms, that is, in ships manufactured in the United States.

It was never contemplated, Mr. President, that such a law would affect the running of rivers in the interior of the United States. Now however, through a complex regulatory development, exactly that may happen. Commercial river runners, all over the country, may soon find that they are unable to use foreign-made rafts in pursuing their trade.

As it happens, a very large percentage of the rubber rafts now in use on the rivers of the United States are foreign made. Should the Jones Act be enforced on the river runners, they would be forced either to make huge capital investments—and might possibly not be able to get sufficient domestic boats at all—or to rely on older unsafe boats.

It appears to me, Mr. President, that we are witnessing an almost classic example of bureaucratic expansion. No one has ever seriously argued that the Jones Act was designed to promote boating safety among river runners, or even that its application to rubber rafts is essential to the maintenance of the American shipbuilding industry. In fact, I have been informed that at least one of the very few domestic manufacturers stands ready to compete against all competitors, foreign and domestic. What we are seeing is the application of a law adopted for one purpose to a completely different purpose.

It is to the credit of the Coast Guard that it has not, as yet, undertaken the regulation which would so severely cripple a small but important industry. To be honest, it appears to me that the Coast Guard is waiting, perhaps hoping that the Congress will act, to spare them the impossible task of regulating where they were not intended to regulate. My legislation would relieve them of this burden, by exempting inflatable rubber rafts used in river running from the Jones Act.

It is a simple bill, easily understood, and it will keep the regulatory lines straight.

By Mr. INOUYE:

S. 1077. A bill to regulate certain interstate commerce and to assure that essential maritime transportation is provided, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, today I am introducing the Essential Maritime Transportation Act of 1977. This legislation authorizes and directs the Secretary of Commerce to take specific action to assure that essential maritime transportation is provided to our noncontiguous States. It is clear that any prolonged interruption of maritime transportation upon which the residents of those States are almost totally dependent for food, energy supplies, and other necessities, threatens the economic well-being, job security, health, and safety of these persons. Indeed such a condition is an undue burden on commerce. By this act the Congress will authorize and direct the Secretary of Commerce to assure that this essential transportation is provided.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1077

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Essential Maritime Transportation Act of 1977".

SEC. 2. DECLARATION OF POLICY.

The Congress finds and declares that the economic well-being of noncontiguous States, and the job security, health, and safety of the residents of those States, are almost totally dependent upon the transportation by water to such States of food, energy supplies, and other necessities from the contiguous States. Any prolonged interruption of this essential maritime transportation threatens this well-being, security, health, and safety and constitutes an undue burden on commerce. It is the purpose of the Congress in this Act to authorize and direct the Secretary of Commerce to assure that essential maritime transportation is provided in the event of any such interruption.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "chief executive officer" means the Governor or, with respect to the Trust Territory of the Pacific Islands, the High Commissioner.

(2) The term "contiguous States" means the 48 States of the United States which are physically connected to one another.

(3) The term "essential maritime transportation" means any transportation by water between any port or place in a noncontiguous State and any other port or place in the United States, of food, energy supplies, consumer goods, or equipment and material necessary for employment.

(4) The term "interruption" means any cessation or other suspension in the provision of essential maritime transportation, whether caused by any natural disaster, war, national emergency, explosion or other property destruction, labor-management disagreement, or other natural or manmade occurrence.

(5) The term "noncontiguous State" means Alaska, Hawaii, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(6) The term "Secretary" means the Secretary of Commerce or his designee, including the Administrator of the Maritime Administration.

SEC. 4. NECESSARY MARITIME TRANSPORTATION CONTINUATION.

Notwithstanding any other provision of law, the Secretary shall, in the event of a prolonged interruption in the provision of essential maritime transportation and upon the request of the chief executive officer of an effected noncontiguous State, take any action authorized in this section, whichever is most appropriate, and shall take such other steps as are necessary, to provide for essential maritime transportation. The Secretary may, in case of any interruption of more than 5 days in duration—

(1) activate and direct any vessel of the national defense reserve fleet to provide, or to assist in providing, essential maritime transportation;

(2) request any other officer, or any department, agency, or instrumentality, of the Federal Government to make available on a nonreimbursable basis any personnel, service, or facility which the Secretary deems necessary, for use in providing essential maritime transportation;

(3) commence, on an emergency basis, a civil action in any appropriate court of the United States for an order that may terminate, or assist in terminating, such interruption; or

(4) take any other lawful action which he deems appropriate as a means of terminating such interruption or otherwise providing for essential maritime transportation.

The courts of the United States shall, notwithstanding any other provision of law, have jurisdiction to issue an order requested by the Secretary in an action under this section upon a finding by the court that (A) such order is necessary to assure the provision of essential maritime transportation; and (B) no practicable alternative to such order, which is likely to result in the prompt provision of such transportation, is available. All other Federal departments, agencies, and instrumentalities shall, in consultation with and with the assistance of the Secretary, utilize their authorities under other provisions of law in furtherance of the purpose of this Act, including, but not limited to, complying with requests made under paragraph (2).

By Mr. PROXMIRE (for himself and Mr. BROOKE):

S. 1078. A bill to amend section 245 of the National Housing Act to revise the experimental mortgage insurance program; to the Committee on Banking, Housing, and Urban Affairs.

Mr. PROXMIRE. Mr. President, I am introducing today a bill to amend the National Housing Act in order to authorize the Secretary of Housing and Urban Development to expand HUD's present experiment in developing new mortgage repayment schedules. The bill would also permit HUD greater flexibility in carrying out its program. This amendment has been requested by the administration as part of its new legislative package.

Under existing law, the Secretary is authorized to insure mortgages and loans at rates of interest which may vary according to the income of the borrowing family. The existing law, section 245 of the National Housing Act, however, provides that such a graduated mortgage payment program may be used only on an experimental basis, and limits the amount of mortgages which may be insured in this manner to 1 percent of the outstanding aggregate principal amount of all mortgages and loans insured in any one year under title II of the National Housing Act.

The amendment I am proposing would remove both the restriction that the section 245 authority be used only on an experimental basis, and the limitation on the amount of mortgages that may be insured in any one year.

The expansion of a graduated mortgage payment program represents a very promising approach toward facilitating homeownership, particularly in the case of young families who are frequently unable to meet the heavy payment burden imposed during the early years under the traditional mortgage payment schedule.

To provide assurance against default and, at the same time, permit the mortgage balance to increase initially, the amendment would permit allowable mortgage-to-value limits to be calculated on the basis of a principal obligation that may exceed the principal amount otherwise allowable, so long as the principal obligation—including any deferred interest—does not exceed 97 percent of the appraised value of the property. This would insure that a mortgagor would always have an equity of at least 3 percent of the appraised value.

The amendment would remove the present 1-percent limitation on the aggregate amount of mortgages that may be insured in order to permit HUD to insure more than the few thousand units which HUD is presently permitted to insure under the experimental financing provision.

The amendment would, additionally, authorize a limited preemption of certain State restrictions which are applicable to section 245 mortgages. The preemption is designed to overcome the problem presented in a number of States where there is substantial uncertainty as to whether State restriction on interest rates apply to the addition of deferred interest to principal, or the charging of interest on interest, under graduated payment mortgages.

I anticipate that the Committee on Banking, Housing and Urban Affairs will hold hearings on this amendment which I believe has considerable promise for improving housing opportunities in our Nation.

By Mr. MATHIAS:

S. 1080. A bill to provide an opportunity to individuals to making financial contributions, in connection with the payment of their Federal income tax, for the advancement of the arts and the humanities; to the Committee on Finance.

VOLUNTARY CITIZEN FINANCING FOR THE ARTS AND EDUCATION

Mr. MATHIAS. Mr. President, I am introducing today a bill to provide much needed financial help for our cultural and educational institutions. The bill would provide for a voluntary checkoff on Federal income tax returns for contributions to the National Endowment for the Arts and the National Endowment for the Humanities. Such contributions would be in addition to tax payments or in lieu of refunds.

An identical bill has already been in-

troduced in the House by Representative FREDERICK W. RICHMOND, of New York. The Congressman's bill continues to attract support for its concept by private cultural and educational groups across the country such as the Actors Equity Association; Associated Actors and Artists of America; the New York Shakespeare Festival; the Associated Council of the Arts; the International Conference of Symphony and Opera Musicians, and many others.

The bill provides for a checkoff space on the front page of the Federal income tax return for contributions to the National Endowments which, in turn, make grants to institutions, organizations, artists in both the performing and fine arts, and community groups engaged in cultural and educational activities.

It has been estimated that over $1 billion is needed on a yearly basis to adequately support our many fine cultural and educational activities. Yet the Federal Government appropriates only $170 million to the National Endowments which nurture those activities.

This bill provides a means for private citizens of moderate means to do their part for a most important activity in American life.

There is nothing new in the principle. For many years millionaires have received tax recognition for large gifts to museums, universities and other cultural institutions. Now tax recognition would be available under this bill for the small donor, and it should be an encouragement for modest gifts.

It is a sad fact of life for most of our cultural and educational groups that their costs of operation are twice as great as their present revenues derived from performances, art sales, gifts, royalties, and general fundraising. The cultural checkoff would provide up to $1 billion in annual revenue to assure the growth of American theater, performing and fine arts, educational theater, museums, and the like. It would assure financial security to many small struggling companies so that they might focus on their art rather than on continual fundraising.

The benefit to the Nation would be a broadening of cultural and educational performances, and displays for all Americans in which to participate, see, hear, and enjoy.

By Mr. INOUYE:

S. 1090. A bill to provide for improved labor-management relations in the Federal service, and for other purposes; to the Committee on Governmental Affairs.

Mr. INOUYE. Mr. President, today I am introducing a bill which, if enacted, would establish by law a system whereby Federal employees may join a labor union, participate in its management, and bargain collectively on matters affecting the conditions of their employment. The bill is entitled the Federal Service Labor-Management Act of 1977.

This bill will put Federal workers unions on equal footing with management in labor disputes during contract negotiations and during consultations. With the present system, which is based on Executive order rather than statutory law, disputes between individual employees and an agency are often management dominated. This bill will bring objectivity to grievances, arbitrations, impasses, unfair labor practice charges and adverse action appeals. Further, it will give the individual Federal worker a larger role in making decisions regarding his or her working conditions.

This is a well-balanced labor relations program which, I believe, will increase efficiency and morale of Government workers by providing them with the opportunity for meaningful participation in the conduct of business in general and the conditions of their employment.

This bill is strongly endorsed by Federal employees though their elective leaders.

The major provisions of the bill are as follows:

Establishes the rights of employees to join or not to join an employee organization, to participate in its management, and to bargain collectively over conditions of employment.

Establishes the Federal Labor Relations Authority consisting of three members who are appointed by the President and confirmed by the Senate with responsibility for taking leadership in the establishment of Federal labor-management relations policy and administering the provisions of the law.

Establishes within the Authority the Federal Services Impasses Panel, whose members, subject to the review of the Authority, are empowered to investigate and make findings and recommendations for the resolution of collective bargaining impasses. Authorizes the Federal Mediation and Conciliation Service to assist in negotiation impasses.

Provides the means whereby a labor organization shall be granted exclusive recognition of a bargaining unit by securing a majority vote of those employees participating in the election; dues checkoff; and payment of representation fee by nonmember employees of the bargaining unit.

Establishes a Federal Personnel Policy Board whose members are appointed by the Authority and are responsible for acting upon Federal personnel polices and regulations which affect the conditions of employment of more than one agency's employees.

States the rights and duties of both labor and management, insuring that each is free to conduct certain business without interference from the other; requires negotiation in good faith by both parties; establishes standards of conduct for labor organizations; and grants national consultation rights to unions which represent a substantial number of agency employees.

Provides for establishment of negotiated grievance procedures, including binding arbitration of grievances, subpoena powers to Authority, and conditions under which judicial review is available to either party.

Provides for resolution of unfair labor practices.

Provides that an employee against whom an adverse action is proposed is entitled to 30 days written notice, relevant evidence, pretermination hearing, transcript, and written decision.

Authorizes such sums as may be necessary for the implementation of this act.

I urge my colleagues to give this important legislation early and favorable consideration.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1090

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Service Labor-Management Act of 1977".

SEC. 2. So much of subpart F of part III of title 5, United States Code, as precedes subchapter II of chapter 71 thereof is amended to read as follows:

"Subpart F.—LABOR-MANAGEMENT AND EMPLOYEE RELATIONS

"Chapter 71.—LABOR-MANAGEMENT RELATIONS

"SUBCHAPTER I.—GENERAL PROVISIONS

"Sec.
"7101. Findings.
"7102. Employees' rights.
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"SUBCHAPTER II.—RIGHTS AND DUTIES OF AGENCIES AND LABOR ORGANIZATIONS

"Sec.
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"7119. Appeals from adverse decisions.
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"SUBCHAPTER IV.—ADMINISTRATIVE AND OTHER PROVISIONS

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"7131. Reporting requirements for standards of conduct.
"7132. Official time.
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"7136. Issuance of regulations.
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"SUBCHAPTER I.—GENERAL PROVISIONS

"§ 7101. Findings

"The Congress finds that the participation of employess through labor organizations of their own choosing in the formulation and implementation of matters affecting conditions of employment is in the public interest.

"§ 7102. Employees' rights

"Each employee shall have the right to form, join, or assist any labor organization, or to refrain from such activity, freely and without fear of penalty or reprisal, and each such employee shall be protected in his exercising of such right. Except as otherwise provided under this chapter, such right includes the right to participate in the management of a labor organization, the right to act for the organization in the capacity of a representative, and the right, in such

capacity, to present the views of the organization to agency heads and other officials of the executive branch of the Government, the Congress, or other appropriate authorities; and to bargain collectively over conditions of employment and other matters of mutual concern relating thereto through representatives of their own choosing and to engage in other lawful activities for the purpose of establishing, maintaining, and improving conditions of employment and other matters of mutual concern relating thereto.

"§ 7103. Definitions; application

"(a) For the purpose of this chapter—

"(1) 'person' means an individual, labor organization, or agency covered by this chapter;

"(2) 'employee' means an individual—

"(A) employed in an agency;

"(B) employed in a nonappropriated fund instrumentality described in section 2105(c) of this title;

"(C) employed in the Veterans' Canteen Service, Veterans' Administration, described in section 5102(c)(14) of this title; or

"(D) who was an employee (as defined under subparagraph (A), (B), or (C) of this paragraph) and was separated from service as a consequence of, or in connection with, an unfair labor practice under section 7115 of this title;

but does not include—

"(i) an alien or noncitizen of the United States who occupies a position outside of the United States;

"(ii) a member of the uniformed services;

"(iii) for the purpose of exclusive recognition or national consultation rights (except as authorized under the provisions of this chapter), a supervisor or a management official; or

"(iv) an employee of the Tennessee Valley Authority;

"(3) 'labor organization' means any organization (including any national or international union, federation, council, or department, or any affiliate thereof), composed in whole or in part of employees of an agency, in which employees participate and pay dues, and which has as its primary purpose the dealing with an agency concerning grievances and the formulation and implementation of matters affecting conditions of employment, except that such term does not include—

"(A) an organization whose basic purpose is purely social, fraternal, or limited to special interest objectives which are only incidentally related to matters affecting conditions of employment;

"(B) an organization which, by ritualistic practice, constitution, bylaws, tacit agreement among its members, or otherwise denies membership because of race, color, creed, national origin, sex, age, or preferential or nonpreferential civil service status;

"(C) an organization sponsored or assisted by an agency or by any part of any agency; or

"(D) an organization which consists of management officials or supervisors, except as authorized under this chapter;

"(4) 'Authority' means the Federal Labor Relations Authority established by section 7104 of this title;

"(5) 'Panel' means the Federal Service Impasses Panel established by section 7117 (c) of this title;

"(6) 'Board' means the Federal Personnel Policy Board established by section 7113(e) of this title;

"(7) 'agreement' means an agreement entered into as a result of collective bargaining pursuant to the provisions of this chapter;

"(8) 'grievance' means any complaint by any person—

"(A) concerning any matter relating to the employment relationship with any agency;

"(B) concerning the effect or interpretation, or a claim of breach, of an agreement; or

"(C) concerning any claimed violation, misinterpretation, or misapplication of law, rule, or regulation, affecting conditions of employment;

"(9) 'supervisor' means any employee having authority in the interest of an employer to hire, direct, assign, promote, reward, transfer, lay off, recall, suspend, discipline, or discharge other employees or to adjust their grievances, or to effectively recommend such action if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment; except that with respect to firefighters and nurses the term 'supervisor' shall include only those employees who perform a preponderance of the above-specified acts of authority;

"(10) 'management official' means an individual who formulates, determines, effectively influences, or effectuates policies of an agency, or who, in the performance of his duties, has discretion to modify the established policies of an agency;

"(11) 'collective bargaining' or 'bargaining' means the performance of the mutual obligation of the representatives of the agency and the exclusive representative to meet at reasonable times and to confer, consult, and bargain in a good-faith effort to reach agreement with respect to the terms and conditions of employment and other matters of mutual concern relating thereto, and to execute, if requested by either party, a written document incorporating any agreements reached, but such obligation does not compel either party to agree to a proposal or to make a concession. The duty to bargain shall extend to matters which are or may be the subject of any regulation. The agency may not make or apply rules or regulations which restrict the scope of collective bargaining permitted by this chapter or which are in conflict with any agreement negotiated under this chapter;

"(12) 'confidential employee' means an employee who acts in a confidential capacity to a person who formulates or effectuates management policies in the field of labor relations;

"(13) 'conditions of employment' means personnel policies, practices, and matters affecting working conditions, including, but not limited to—

"(A) pay practices;

"(B) work hours and schedules;

"(C) overtime practices;

"(D) safety;

"(E) promotion procedures and assignment, transfer, detail, leave and reduction-in-force practices;

"(F) seniority;

"(G) procedures for taking disciplinary actions;

"(H) grievance and appeal procedures; and

"(I) all matters subject to negotiations in any agency on, or prior to, the effective date of this Act;

"(14) 'professional employee" means—

"(A) an employee engaged in the performance of work—

"(i) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital (as distinguished from knowledge acquired by a general academic education, or from an apprenticeship, or from training in the performance of routine mental, manual, mechanical, or physical activities);

"(ii) requiring the consistent exercise of discretion and judgment in its performance;

"(iii) which is predominantly intellectual and varied in character (as distinguished from routine mental, manual, mechanical, or physical work); and

"(iv) which is of such a character that the output produced or the result accomplished by such work cannot be standardized in relation to a given period of time; or

"(B) an employee who has completed the courses of specialized intellectual instruction and study described in subparagraph (A) of this paragraph and is performing related work under the direction or guidance of a professional person to qualify himself to become a professional employee;

"(15) 'agency' means any department, agency, bureau, or organization of the United States Government which employs employees as defined in subsection (a)(2) of this section;

"(16) 'exclusive representative' includes any employee organization which has been—

"(A) selected or designated pursuant to the provisions of section 7111 of this Act as the representative of the employees in an appropriate collective bargaining unit; or

"(B) recognized by an agency prior to the effective date of this Act as the exclusive representative of the employees in an appropriate collective bargaining unit;

"(17) 'firefighter' includes any employee engaged in the performance of work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment;

"(18) 'educational employee' includes any employee of a school system, college, or university, who—

"(A) has regular contact with students;

"(B) participates in the development, implementation, or evaluation of an educational program; or

"(C) is otherwise involved in the teaching-learning process.

"(b) This chapter does not authorize participation in the management of a labor organization or acting as a representative of such an organization by a management official or a supervisor, except as specifically provided in this chapter, or by an employee when the participation or activity would result in a conflict or apparent conflict of interest or would otherwise be incompatible with law or with the official duties of the employee.

"§ 7104. Federal Labor Relations Authority

"(a) There is established the Federal Labor Relations Authority.

"(b) The Authority shall be composed of a Chairman and 2 other members. Not more than 2 of the members shall be members of the same political party. A member shall not engage in any other business or employment.

"(c) Members of the Authority shall be appointed by the President, by and with the advice and consent of the Senate. Authority members shall be eligible for reappointment. The President shall designate one member to serve as Chairman of the Authority.

"(d) One of the original members of the Authority shall be appointed for a term of 1 year, one for a term of 3 years, and the Chairman for a term of 5 years. Thereafter, each member shall be appointed for a term of 5 years. Notwithstanding the preceding provisions of this subsection, the term of any member shall not expire before the earlier of (1) the date on which his successor takes office or (2) the last day of the session of the Congress beginning after the date his term of office would (but for this sentence) expire. An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member he replaces. Any member of the Authority may be removed by the President only for neglect of duty or malfeasance in office.

"(e) A vacancy in the Authority shall not impair the right of the remaining members to exercise all of the powers of the Authority.

"(f) The Authority shall make an annual report to the President for transmittal to the Congress, which shall include information as to the cases it has heard and the decisions it has rendered.

"(g) There shall be a General Counsel of the Authority who shall be appointed by the President by and with the advice and consent of the Senate for a term of 5 years. The General Counsel shall be authorized to investigate alleged violations of this chapter, to file and prosecute complaints filed under this chapter, to intervene before the Authority in unlawful act proceedings brought under section 7105 of the chapter. He shall have direct authority over, and responsibility for, all field employees of the General Counsel in the regional offices of the Authority. The General Counsel shall exercise such other powers as the Authority may prescribe. If a vacancy occurs in the Office of General Counsel, the President shall promptly designate an Acting General Counsel and shall submit a nomination for a replacement to Congress within 40 days after the vacancy has occurred, unless Congress shall have adjourned before the expiration of said 40-day period, in which event the President shall submit a nomination not later than ten days after Congress reconvenes.

"§ 7105. Powers and duties of the Authority

"(a) The Authority shall provide leadership in establishing labor-management relations policy and guidance under this chapter, and, except as otherwise provided, shall be responsible for carrying out the purposes of this chapter.

"(b) The Authority shall adopt an official seal which shall be judicially noticed.

"(c) The principal office of the Authority shall be in the District of Columbia but it may meet and exercise any or all of its powers at any time or place. Subject to subsection (g) of this section, the Authority may, by one or more of its members or by such agents as it may desginate, make any inquiry necessary to carry out its duties wherever persons subject to this chapter are located. A member who participates in such inquiry shall not be disqualified from later participating in a decision of the Authority in the same case.

"(d) The Authority shall appoint an Executive Director, such attorneys, regional directors, administrative law judges, and other employees as it may from time to time find necessary for the proper performance of its duties. No administrative law judge's report shall be reviewed, either before or after its publication, by any person other than a member of the Authority or his legal assistant, and no administrative law judge shall advise or consult with the Authority with respect to exceptions taken to his findings, rulings, or recommendations.

"(e) The Authority may delegate to its Regional Directors, its powers under section 7111 to determine the unit appropriate for the purpose of collective bargaining, to investigate and provide for hearings, to determine whether a question of representation exists and to direct an election, conduct a secret ballot election, and certify the results thereof, except that upon the filing of a request therefore with the Authority by any interested person, the Authority may review any action of any Regional Director delegated to him under this paragraph, but such review shall not, unless specifically ordered by the Authority, operate as a stay of any action taken by the Regional Director. The Authority is also authorized to delegate to an administrative law judge its powers under section 7115 to determine whether any person has engaged in an unfair labor practice.

"(f) In the event the Authority exercises the power conferred by subsection (e) of this section to delegate its powers to a regional director or administrative law judge, it may, upon application to it, review, and upon such review, modify, affirm, or reverse the decision, certification, or order of such regional director or administrative law judge. In event that the Authority does not undertake to grant review within thirty days after a request for review is filed, the decision of the regional director or administrative law judge shall become the decision of the Authority.

"(g) All of the expenses of the Authority, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by members, employees, or agents of the Authority under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Authority or by any individual it designated for that purpose.

"(h) The Authority is expressly empowered and directed to prevent any person from engaging in conduct in violation of this chapter. In order to carry out its functions under this chapter, the Authority is authorized to hold hearings, subpena witnesses, administer oaths, and take the testimony or deposition of any person under oath, and in connection therewith, to issue subpenas requiring the production and examination of any books or papers, including those of the Federal Government, relating to any matter pending before it and to take such other action as may be necessary.

"SUBCHAPTER II.—RIGHTS AND DUTIES OF AGENCIES AND LABOR ORGANIZATIONS

"§ 7111. Exclusive recognition of labor organizations

"(a) Exclusive recognition shall be granted to a labor organization which has been selected by a majority of employees in an appropriate unit who participate in the election in conformity with the requirements of this chapter.

"(b) Exclusive recognition shall not be accorded to a labor organization if—

"(1) the Authority determines the labor organization is subject to corrupt influences or influences opposed to democratic principles;

"(2) its petition is filed pursuant to subsection (c) but is not supported by credible evidence demonstrating that at least 30 per centum of the employees in the collective bargaining unit described therein wish to be represented for the purpose of collective bargaing by the organization seeking recognition;

"(3) there is currently in effect, a lawful written collective-bargaining agreement between such employer and an employee organization other than the petitioner covering any employees included in the unit described in the petition, unless such agreement has been in effect for more than 3 years, or unless the request for recognition is filed at least 60 days prior to the expiration date of such agreement, or such greater number of days prior to said expiration date as the Authority may determine is reasonable because of the budget making procedure of the agency;

"(4) within the previous 12 months an employee organization other than the petitioner, or other than the employee organization challenged if the petition is filed pursuant to subsection (c)(1), has been lawfully recognized or certified as the exclusive representative of any employees included in the unit described in petition; or

"(5) the Authority has, within the previous twelve months, conducted a secret ballot election involving any of the employees and a majority of the valid ballots cast opposed representation by any labor organization.

"(c) Whenever a petition has been filed with the Authority—

"(1) by any person alleging that 30 per centum of the employees in the appropriate unit (A) wish to be represented for collective bargaining by an exclusive representative, or (B) allege that the exclusive representative is no longer the representative of the majority of the employees in the unit; or

"(2) by any person seeking clarification of, or an amendment to, an existing certification;

the Authority shall investigate such petition, and if it has reasonable cause to believe that a question of representation exists, it shall provide for an appropriate hearing on the record upon due notice. Except as provided under subsection (f) of this section, if the Authority finds upon the record of such hearing that such a question of representation exists, it shall conduct an election by secret ballot and shall certify the results thereof. An election shall not be conducted in any bargaining unit or in any subdivision thereof within which in the preceding 12-month period, a valid election has been held.

"(d) A labor organization which—

"(1) has been designated by at least 10 per centum of the employees in the unit;

"(2) has submitted a valid copy of a current or recently expired agreement for the unit; or

"(3) has submitted other evidence that it is the exclusive representative of the employees involved;

may intervene with respect to a petition filed under subsection (c) of this section and shall be placed on the ballot of any election ordered to be held under such subsection (c).

"(e) The Authority shall determine who is eligible to vote in the election and shall establish rules governing the election which shall include provisions allowing each employee eligible to vote the opportunity to choose the labor organization he wishes to represent him from those on the ballot or no union. In any election where no choice on the ballot receives a majority, a runoff election shall be conducted between the two choices receiving the largest number of votes. A labor organization which receives the majority of the votes cast in an election shall be certified by the Authority as the exclusive representative.

"(f) The Authority may certify a labor organization as an exclusive representative—

"(1) if it determines that the conditions for a free and untrammeled election under this section cannot be established because an agency has engaged in or is engaging in an action described in section 7115 of this title; or

"(2) upon the petition of such labor organization, if, after investigation, the Authority is satisfied that—

"(A) the labor organization represents a majority of employees in an appropriate unit;

"(B) such majority status was achieved without the benefit of any action described in section 7115 of this title; and

"(C) no other person has filed a petition for recognition under subsection (c) of this section or a request for intervention under subsection (d) of this section, and no other question of representation exists in the appropriate unit.

"(g) The Authority shall decide in each case whether in order to insure employees the fullest freedom in exercising the rights guaranteed under this chapter, the unit to be established will be on an agency, plant, installation, functional, or other basis which will insure a clear and identifiable community of interest among the employees concerned.

"(h) A unit shall not be established solely on the basis of the extent to which employees in the proposed unit have organized, nor shall a unit be established if it includes—

"(1) Any management official or supervisor, except as provided under section 7137(a) of this title; except that—

"(A) with respect to firefighters, a unit that includes both supervisors and nonsupervisors may be considered; and

"(B) with respect to educational employees, a unit that includes both supervisors and nonsupervisors may be considered appropriate if the majority of employees in each category indicate by vote or other credible evidence that they desire to be included in such units;

"(2) a confidential employee;

"(3) an employee engaged in personnel work in other than a purely clerical capacity;

"(4) an employee engaged in administering the provisions of this chapter; or

"(5) both professional and nonprofessional employees, unless a majority of the professional employees vote for inclusion in the unit;

"(6) as determined by the Authority upon application by the head of the agency—

"(A) any employee engaged in intelligence, investigative, or security functions of the agency which directly affects national security; or

"(B) any employee primarily engaged investigation or audit functions relating to the work of an agency's officers or employees whose duties directly affect the internal security of that agency where such investigation or audit is undertaken to insure that such duties are discharged honestly and with integrity.

"(i) Two or more units for which the labor organization holds exclusive recognition within the agency may be consolidated into a single larger unit if the Authority determines the larger unit to be appropriate. The Authority shall certify the labor organization as the exclusive representative in the new unit when the unit is found appropriate.

"(j) A labor organization seeking exclusive recognition shall submit to the Authority and the agency a roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives.

"(k) Nothing in this section shall be construed to prohibit the waiving of hearings by stipulation for the purpose of a consent election in conformity with regulations and rules or decisions of the Authority.

"§ 7112. National consultation rights

"(a) A labor organization that has been granted exclusive recognition below the agency level as the representative of a substantial number of employees of the agency shall be granted national consultation rights in accordance with criteria prescribed by the Authority. The provisions of this section shall not apply to any agency in which exclusive recognition on an agency basis is in effect. National consultation rights shall terminate when the labor organization no longer meets the criteria of the Authority. Any issue as to a labor organization's eligibility for national consultation rights, or the continuation of such rights, shall be subject to review by the Authority.

"(b) A labor organization having national consultation rights shall be informed of proposed changes in conditions of employment and shall be permitted reasonable time to present its views and to initiate proposals. Such proposals shall receive consideration by the agency before final action is taken, and the agency shall provide the organization a written statement of the reasons for its actions.

"§ 7113. Representation rights and duties

"(a) When a labor organization has been accorded exclusive recognition, it is the exclusive representative of employees in the unit and is entitled to act for and negotiate agreements covering all employees in the unit. It is responsible for representing the interests of all employees in the unit without discrimination and without regard to labor organization membership. The labor organization shall be given the opportunity to be represented at formal discussions between management and employees or employee representatives concerning grievances, personnel policies and practices, or other matters affecting general working conditions of employees in the unit. The agency and the labor organization, through appropriate representatives, shall meet and negotiate in good faith for the purpose of arriving at an agreement.

"(b) The duty of the agency and the labor organization to negotiate in good faith includes—

"(1) to approach the negotiations with a sincere resolve to reach an agreement;

"(2) to be represented at the negotiations by duly authorized representatives prepared to discuss and negotiate on all matters affecting conditions of employment;

"(3) to meet at reasonable times and convenient places as frequently as may be necessary and to avoid unnecessary delays;

"(4) to furnish, in the case of information to be furnished by an agency to the other party upon request, data normally maintained in the regular course of business, reasonably available and necessary for full and proper discussion, understanding, and negotiation of subjects within the scope of collective bargaining; and

"(5) if an agreement is reached, to execute upon request a written document embodying the agreed terms, and to take such steps as are necessary to implement the agreement.

"(c) In all aspects of the collective-bargaining relationship and the rights of any person established under or pursuant to this chapter, including the negotiation and administration of agreements, a person shall be governed by—

"(1) applicable laws; and

"(2) the terms of a controlling agreement at a higher agency level.

"(d)(1) If a policy or regulation, or an amendment thereto, affecting conditions of employment is to be issued by the Civil Service Commission or any other agency and relates to employees of more than one agency, then a copy of the proposal shall be transmitted to the Board for consideration under subsection (c) of this section.

"(2) If a policy or regulation, or an amendment thereto, affecting conditions of employment, is to be issued by the head of an agency or a management official and relates to employees of the agency for which a labor organization holds exclusive recognition at the agency level, then the proposal shall be subject to negotiation with such labor organization.

"(3) If a policy or regulation, or an amendment thereto, affecting conditions of employment is to be issued by the head of an agency or by the head of a primary national subdivision of an agency and relates to employees of such agency or subdivision, as the case may be, and exclusive recognition is not held by any labor organization for all employees of such agency or subdivision, then the proposal shall be issued in accordance with procedures and criteria established by the Authority. An agency policy or regulation affecting conditions of employment, other than those described in this paragraph, may not bar negotiations.

"(e)(1) There is established a Federal Personnel Policy Board. The Board shall consider policies and regulations, and amendments thereto, described in subsection (d)(1) of this section. The Board shall not have jurisdiction over any matter which may be considered by any other entity which is established by, or pursuant to, law and which is required by, or pursuant to, law to allow participation by labor organizations in its considerations on such matter.

"(2) The members of the Board shall be designated by the Chairman of the Authority and shall consist of—

"(A) a Chairman;

"(B) 7 members from among management officials of the agencies covered under this chapter after obtaining the concurrence of the head of the agencies concerned; and

"(C) 7 members from labor organizations holding exclusive recognition under this chapter after obtaining the concurrence of the labor organization concerned.

"(3) In designating management officials from among agencies under paragraph (2)(B) of this subsection, the Chairman of the Authority shall designate, as nearly as practicable, a number of management officials from a particular agency in the same proportion to the number 7 as the number of employees under exclusive recognition in that agency bears to the total number of employees under exclusive recognition under this chapter. However, there shall not be more than 3 management officials from any one agency.

"(4) In designating members from among labor organizations under paragraph (2)(C) of this subsection, the Chairman of the Authority shall designate, as nearly as practicable, a number of members from a particular labor organization in the same proportion to the number 7 as the number of employees represented by such labor organization under exclusive recognition is to the total number of employees under exclusive recognition. However, there shall not be more than three members from any one labor organization nor more than five from any one council, federation, alliance, association, or affiliation of labor organizations.

"(5) Every second year the Chairman of the Authority shall review the number of employees under exclusive recognition to determine adequate or proportional representation under the guidelines of paragraphs (3) and (4) of this subsection.

"(6) The Board shall meet at the call of the Chairman for consideration of any proposal transmitted under subsection (d)(1) of this section not earlier than 15 days, nor later than 30 days, after the date on which the proposal is transmitted. The Board shall study the proposals presented to it and shall submit its conclusions and recommendations to the issuing agency which shall consider such conclusions and recommendations before issuing the policy or recommendation, or amendment thereto, involved in such proposal. The actions of the Board shall be formulated by majority vote and the Chairman may vote only to break a tie.

"(7) If any 5 members of the Board wish to propose a modification or an addition to an existing or proposed policy or regulation described under subsection (d)(1) of this section which relates to employees of more than one agency, the members' proposal shall be submitted to the Chairman of the Board. The Chairman shall transmit a copy of the proposal to each member of the Board and schedule a meeting for consideration of the proposal in accordance with the procedures prescribed under paragraph (6) of this subsection.

"(8) Members of the Board described under paragraph (2)(A) and (B) of this subsection serve without additional pay. Members who represent labor organizations are not entitled to pay from the Government for services rendered to the Board.

"§ 7114. Allotments to represetatives

"(a) Where, pursuant to an agreement negotiated in accordance with the provisions of this chapter, an agency has received from an employee in a unit of written assignment which authorizes the agency to deduct from the wages of such employee amounts for the payment of regular and periodic dues of a labor organization having exclusive recognition for such unit, such assignment shall be honored. The allotments shall be made at no cost to the labor organization or to the employee. Except as required under subsection (b) of this section, any such assignment shall not be irrevocable for a period of more than 1 year.

"(b) An allotment for the deduction of labor organization dues terminates when—

"(1) the agreement between the agency and the labor organization ceases to be applicable to the employee; or

"(2) the employee has been suspended or expelled from the labor organization.

"(c) If an exclusive representative has been recognized in an appropriate collective-bargaining unit, each employee in such unit who is not a member of the recognized organization shall be required, as a condition of continued employment, to pay to such organization for the period that it is the exclusive representative an amount equal to the dues, fees, and assessments that a member is charged. Such payments shall be made in accordance with rules and regulations prescribed for such purposes by the Authority.

"§ 7115. Unfair labor practices

"(a) It shall be an unfair labor practice for an agency—

"(1) to interfere with, restrain, or coerce employees in the exercise of rights assured by this chapter;

"(2) to encourage or discourage membership in any labor organization by discrimination in regard to hiring, tenure, promotion, or other conditions of employment; except that nothing in this chapter, or in any statute of the United States, shall preclude an agency from making an agreement with a labor organization requiring as a condition of continued employment the payment of a representation fee equal to the amount of periodic dues uniformly required, on or after the thirtieth day following the beginning of such employment or on the effective date of such agreement, whichever is later;

"(3) to sponsor, control, or otherwise assist any labor organization, except that the agency may furnish customary and routine services and facilities when the services and facilities are furnished, if requested, on an impartial basis to organizations having equivalent status;

"(4) to discipline or otherwise discriminate against an employee because he has filed a complaint, affidavit, petition, or given any information or testimony under this chapter;

"(5) to refuse to consult, confer, or negotiate in good faith with a labor organization as required by this chapter;

"(6) to fail or refuse to cooperate in impasse procedures and impasse decisions as required by this chapter; or

"(7) to fail or refuse to comply with any provision of this chapter.

"(b) It shall be an unfair labor practice for a labor organization—

"(1) to interfere with, restrain, or coerce an employee in the exercise of the rights assured by this chapter;

"(2) to cause or attempt to cause an agency to discriminate against an employee in the exercise of his rights under this chapter;

"(3) to coerce or attempt to coerce, discipline, or fine a member of the labor organization as punishment or reprisal for the purpose of hindering or impeding his work performance or the discharge of his duties as an employee of an agency;

"(4) to discriminate against an employee with regard to the terms or conditions of membership because of race, color, creed, national origin, sex, age, or preferential or nonpreferential civil service status;

"(5) to refuse to consult, confer, or negotiate in good faith with an agency as required by this chapter;

"(6) to fail or refuse to cooperate in impasse procedures and impasse decisions as required by this chapter;

"(7) to call or engage in any illegal strike, work stoppage, or slowdown, or to condone any such activity by failing to take affirmative action to prevent or stop it; or

"(8) to fail or refuse to comply with any provision of this chapter.

"(c) It shall be an unfair labor practice for a labor organization which is accorded exclusive recognition to deny membership to an employee in the appropriate unit except for failure to meet reasonable occupational standards uniformly required for admission, or for failure to tender initiation fees and dues uniformly required as a condition of acquiring and retaining membership. This subsection does not preclude a labor organization from enforcing discipline in accordance with procedures under its constitution or bylaws which conform to the requirements of this chapter.

"(d) Issues which properly can be raised under—

"(1) an appeals procedure prescribed by or pursuant to law; or

"(2) the grievance procedure under section 7120 of this title;

may, in the discretion of the aggrieved party, be raised either (A) under the appropriate appeal or grievance procedure, or (B) if applicable, under the procedure for resolving complaints of unfair labor practices under section 7116 of this title. Any appeal or grievance decision shall not be construed as an unfair labor practice decision under this chapter nor as precedent for any such decision.

"§ 7116. Prevention of unfair labor practices

"(a) Notwithstanding any agreement or law, or any procedure thereunder, or the availability of any other means of adjustment or prevention, the Authority may prevent, in accordance with this section, an agency or labor organization from engaging in an unfair labor practice within the meaning of section 7115 of this title.

"(b) (1) If an agency or labor organization is charged with having engaged in or engaging in an unfair labor practice, the General Counsel, in accordance with section 7104 (g) of this title, shall investigate the charge and may issue and cause to be served upon such agency or labor organization a complaint. The complaint shall contain a notice—

"(A) of the charges;

"(B) that a hearing will be held before the Authority or a member thereof, or before an employee of the Authority designated for that purpose;

"(C) of the place fixed for the hearing; and

"(D) of the time for the hearing which shall be not earlier than 5 days after the serving of the complaint.

"(2) The person so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the time and place fixed in the complaint. In the discretion of the member, agent, or agency conducting the hearing, any other person may be allowed to intervene in the said proceeding and to present testimony. Any such proceeding shall so far as practicable, be conducted in accordance with the provisions of subchapter II of chapter 5 of this title; except that the parties shall not be bound by rules of evidence, whether statutory, common law, or adopted by rules of court.

"(3) No complaint shall be issued based upon an unfair labor practice which occurred more than 6 months before the filing of the charge with the Authority. If the person aggrieved was prevented from filing such charge within 6 months—

"(A) by the failure of the agency or labor organization against whom such charge is made to perform a duty owed to the aggrieved; or

"(B) due to other concealment;

which prevented discovery of the unfair labor practice within 6 months of its occurrence, the 6-month period during which a charge may be filed shall be computed from the day of discovery of the occurrence.

"(4) The Authority (or a member or employee of the Authority) shall conduct a hearing, on the record, on the complaint not earlier than 5 days after the complaint is served, and may compel under section 7133 of this title the attendance of witnesses and the production of documents. Thereafter, in its discretion, the Authority upon notice may receive further evidence or hear argument. If, upon the preponderance of the evidence received, the Authority is of the opinion that an agency or labor organization named in the complaint has engaged in or is engaging in an unfair labor practice, then the Authority shall state its findings of fact and shall issue and cause to be served on such agency or labor organization an order requiring the agency or labor organization to cease and desist from such unfair labor practice, and to take such affirmative action, including reinstatement of employees and backpay, as will effectuate the policies of this chapter. Where an order directs reinstatement of an employee, backpay may be required of the agency or labor organization, as the case may be, responsible for the discrimination or improper action suffered by the employee. Such order, upon the determination of the Authority that there has been an arbitrary, capricious, or otherwise knowing violation of this act, by any supervisor or other agency official, may direct the agency to discipline the supervisor or official by demotion, suspension, removal, or such other remedial action as the Authority deems appropriate. Such order may further require such agency or labor organization to make reports from time to time showing the extent to which it has complied with the order.

"(5) If, upon the preponderance of the evidence received, the Authority is of the opinion that the agency or labor organization named in the complaint has not engaged or is not engaging in an unfair labor practice, then the Authority shall state its findings of fact and shall issue an order dismissing the complaint.

"(c) If the evidence is presented before a member or an employee of the Authority, such member or employee, as the case may be, shall issue and cause to be served on the parties to the proceeding a proposed report, together with a recommended order, which shall be filed with the Authority, and if no exceptions are filed within 20 days after the service thereof upon such parties, or within such further period as the Authority may authorize, such recommended order shall become the order of the Authority, effective as therein prescribed.

"(d) If exceptions are filed to the proposed report referred to in subsection (c) of this section, the Authority shall determine whether such exceptions raise substantial isuses of fact or law, and shall grant review if it believes such substantial issues have been raised. If the Authority determines that the exceptions do not raise substantial issues of fact or law, it may refuse to grant review, and the recommended order shall become the order of the Authority, effective as therein described.

"(e) Notwithstanding the foregoing provisions of this section, when an unfair labor practice complaint alleges that irreparable harm will be done to the complainant if immediate corrective action is not taken and a prima facie case is established, the Authority may prohibit the action or actions complained of until the full merits of the case are heard. The Authority shall assign priority consideration to the complete adjudication of cases coming within the purview of this subsection.

"§ 7117. Negotiation impasses; Federal Service Impasses Panel

"(a) Upon request, the Federal Mediation and Conciliation Service shall provide services and assistance to agencies and labor organizations in the resolution of negotiation impasses.

"(b) When voluntary arrangements including the services of the Federal Mediation and Conciliation Service or other third party mediation service fail to resolve a negotiation impasse, either party may request the Federal Service Impasses Panel established under subsection (c) of this section to consider the matter, or the parties may agree to adopt a procedure for binding arbitration of a negotiation impasse.

"(c) There is established within the Authority a Federal Service Impasses Panel. The Panel shall be composed of a Chairman and at least 6 other members, who shall be appointed by the Authority solely on the basis of fiitness to perform the duties and functions of the office from among individuals who are familiar with Government operations and knowledgeable in labor-management relations.

"(d) Two members of the Panel shall be appointed for a term of 1 year, 2 for a term of 3 years, and the Chairman and the remaining members for a term of 5 years. Their successors shall be appointed for terms of 5 years, except that an individual chosen to fill a vacancy shall be appointed for the unexpired term of the member whom he shall replace. A member of the Panel may be removed by the Authority for neglect of duty or malfeasance in office but for no other cause.

"(e) The Panel may appoint an Executive Director and such other employees as it may from time to time find necessary for the proper performance of its duties. Each member of the Panel who is not an employee (as defined under section 2105 of this title) is entitled to pay at a rate equal to the daily equivalent of the maximum annual rate of basic pay currently paid, from time to time, under the General Schedule for each day he is engaged in the performance of official business on the work of the Panel, including traveltime, and is entitled to travel expenses and a per diem allowance under section 5703 of this title.

"(f) The Panel or its designee shall promptly investigate any impasse presented to it under subsection (b) of this section. The Panel shall consider the matter and shall either recommend procedures to the parties for the resoution of the impasse or assist the parties in arriving at a settlement through whatever methods and procedures, including factfinding and recommendations, it may deem appropriate to accomplish the purposes of this section. If the parties do not arrive at a settlement, the Panel may hold hearings, compel under section 7133 of this title the attendance of witnesses and the production of documents, and take whatever action is necessary and not inconsistent with this chapter to resolve the impasse. Notice of any final action of the Panel shall be promptly served upon the parties, and such action shall be binding upon them during the term of the agreement.

"§ 7118. Standard of conduct for labor organizations

"A labor organization representing or seeking to represent employees pursuant to this chapter shall adopt governing requirements containing explicit and detailed provisions to which it subscribes, providing for—

"(1) the maintenance of democratic procedures and practices, including provisions for periodic elections to be conducted subject to recognized safeguards and provisions defining and securing the right of individual members to participation in the affairs of the labor organization, to fair and equal treatment under the governing rules of the organization, and to fair process in disciplinary proceedings;

"(2) the prohibition of business or financial interests on the part of labor organization officers and agents which conflict with their duty to the organization and its members; and

"(3) the maintenance of fiscal integrity in the conduct of the affairs of the labor organization, including provision for accounting and financial controls and regular financial reports or summaries to be made available to members.

"SUBCHAPTER III.—GRIEVANCES, APPEALS, AND REVIEW

"§ 7119. Appeals from adverse decisions

"(a) An employee (as defined in section 7501 of this title) against whom an adverse action is taken under section 7502 of this title is entitled to appeal the adverse action to the Civil Service Commission.

"(b) The employee may submit the appeal in writing within a reasonable time after receipt of notice of the adverse decision, and is entitled to appear personally or through a representative under regulations prescribed by the Civil Service Commission. The Commission, after investigation and consideration of the evidence submitted, shall submit its findings and recommendations to the administrative authority and shall send copies of the findings and recommendations to the appellant or his representative. The administrative authority shall take the corrective action that the Commission finally recommends.

"§ 7120. Grievance procedures

"(a) An agreement entered into by an agency and a labor organization having exclusive recognition shall provide procedures for the settlement of grievances, including questions of arbitrability. An employee to whom the agreement applies may elect to have his grievance processed under either—

"(1) a procedure negotiated in accordance with this chapter, or

"(2) any applicable appeals procedures established by or pursuant to law (including procedures specified in section 7115(d) of this title).

A negotiated grievance procedure shall be fair, simple, provide for expeditious processing, and shall include, but not be limited to, procedures that—

"(A) assure a labor organization the right, in its own behalf or on behalf of any employee in the unit, to present and process grievances;

"(B) assure an employee the right to present a grievance on his own behalf, and assure the labor organization the right to be present when the grievance is adjusted if it is not the representative of the employee;

"(C) provide that any grievance not satisfactorily settled in the grievance process shall be subject to binding arbitration which may be invoked by either the labor organization or the agency.

"(b) Where a party to such agreement is aggrieved by the failure, neglect, or refusal of the other party to proceed to arbitration pursuant to the procedure provided therefor in such agreement, such aggrieved party may file a complaint in the appropriate district court of the United States or in the appropriate court of the State, territory, or possession of the United States for summary action without jury seeking an order directing that the arbitration proceed pursuant to the procedures provided therefor in such agreement.

"§ 7121. Exceptions to arbitral awards

"Either party may file an exception with the Authority to an arbitrator's award under this chapter. If upon review the Authority finds that the award is deficient because—

"(1) it is contrary to law or regulations;

"(2) it was procured by corruption, fraud, or other misconduct;

"(3) of partiality of the arbitrator; or

"(4) the arbitrator exceeded his powers;

the Authority may take such action and make such recommendations on the award as it considers necessary, consistent with applicable law or regulations and the provisions of this chapter. If no exception is filed, the decision of an arbitrator shall be final and binding. An agency shall take the actions required by a final decision of an arbitrator to make an employee whole in the circumstances, including the payment of back pay. A final decision under this section is subject to the provisions of section 7122 and of this title.

"§ 7122. Judicial review

"(a) Any person aggrieved by a final order of the Authority under section 7116 of this title (involving an unfair labor practice), under section 7121 of this title (involving an award by an arbitrator), or under section 7111(g) (involving an appropriate unit determination), may, within 60 days after the date on which the order was issued, institute an action for judicial review of the Authority's order in the United States court of appeals in the circuit in which such person resides or transacts business or in the United States court of appeals for the District of Columbia. The institution of an action for judicial review shall not operate as a stay of the Authority's order, unless the court specifically orders such stay. Review of the Authority's order shall be on the record in accordance with section 706 of this title, and the Authority's findings of fact, if supported by substantial evidence, shall be conclusive. The court shall affirm the Authority's order if it determines that it is in accordance with law. The court shall have the jurisdiction to grant to the Authority such temporary relief or restraining order that it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside, in whole or in part, the order of the Authority.

"(b) The Authority or the charging party shall have power to petition any court of appeals of the United States in the circuit, wherein the unlawful act in question occurred or wherein the person named in the complaint resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall file in the court the record in the proceedings, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside in whole or in part the order of the Authority. No objection that has not been urged before the Authority, or its member, agent, or agency, shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Authority with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any person shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Authority, or its member, agent, or agency, the court may order such additional evidence to be taken before the Authority, or its member, agent, or agency, and to be made a part of the record. The Authority may modify its findings as to the facts, or make new findings by reason of additional evidence so taken and filed, and it shall file such modified or new findings,

which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conslusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

"(c) The Authority may, upon issuance of a complaint, as provided in section 7116(b) of this title, charging that any person has engaged in or is engaging in an unfair labor practice, petition any United States district court, within any district wherein the unfair labor practice in question is alleged to have occurred or wherein such person resides or transacts business, for appropriate temporary relief or restraining order. Upon the filing of any such petition the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction to grant such temporary relief (including a temporary restraining order) as it deems just and proper.

"SUBCHAPTER IV.—ADMINISTRATIVE AND OTHER PROVISIONS

"§ 7131. Reporting requirements for standards of conduct

"The provisions of subchapter III of chapter 11 of title 29 shall be applicable to labor organizations that have or are seeking to obtain recognition under this chapter, and to such organizations' officers, agents, shop stewards, other representatives and members to the extent to which such provisions would be applicable if the agency were an employer under section 402 of title 29. In addition to the authority conferred on him under section 438 of title 29, the Secretary of Labor shall have authority, by regulations issued with the written concurrence of the Authority, to prescribe simplified reports for any such labor organization. The Secretary of Labor may revoke such provision for simplified reports of any such labor organization if he determines, after such investigation as he deems proper and after due notice and opportunity for a hearing, that the purposes of this chapter and of chapter 11 of title 29 would be served thereby.

"§ 7132. Official time

"(a) Employees representing an exclusively recognized or certified labor organization in the negotiation of an agreement under this chapter, including attendance at impasse settlement proceedings, are authorized official time for such purposes during the time the employees otherwise would be in a duty status. However, the number of such employees for whom official time is authorized under this subsection shall not exceed the number of persons representing the agency.

"(b) Matters relating to the internal business of a labor organization (including, but not limited to, the solicitation of membership, elections of labor organization officials, and collection of dues) shall be performed during the nonduty hours of the employees concerned.

"(c) Except as provided under subsection (a) of this section, the Authority shall determine whether employees participating for, or on behalf of, a labor organization in any phase of proceedings before the Authority, shall be authorized official time for such purposes during regular working hours.

"§ 7133. Subpenas

"(a) For the purpose of all hearings and investigations which the Authority or any member thereof, or the Panel, or any member thereof, determines are necessary and proper for the exercise of its powers under this chapter, the Authority or the panel duly authorized agent or any member thereof or agency thereof shall at all reasonable times have access to, for the purpose of examination and the right to copy, any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question. The Authority, any member thereof, or its designee, or the Panel, or any member thereof (hereinafter referred to in this section as the 'issuer'), may upon application of any party forthwith issue to such party subpenas requiring the attendance and testimony of witnesses or the production of any evidence in such proceeding or investigation requested in such application. Within 5 days after the service of a subpena on any individual or organization requiring the production of any evidence in the possession or under the control of such individual or organization, such individual or organization may petition the issuer to revoke, and the issuer shall revoke, such subpena if in its opinion the evidence the production of which is required does not relate to any matter under consideration, or if in its opinion such subpena does not describe with sufficient particularity the evidence the production of which is required. The issuer, or any agent designated by the issuer for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence.

"(b) In case of contumacy or refusal to obey a subpena issued to any individual or organization, any district court of the United States or the United States courts of any territory or possession, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which such individual or organization guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the issuer shall have jurisdiction to issue to such to appear before the issuer to produce evidence if so ordered, or to give testimony touching the matter under consideration. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(c) Witnesses summoned before the issuer shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

"(d) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpena of the Board, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committted in so testifying.

"(e) Any person who shall willfully resist, prevent, impede, or interfere with any member of the Authority or Panel or a member, agent, or agency thereof in the performance of duties pursuant to this chapter shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or both.

"§ 7134. Compilation and publication of data

"(a) The Authority shall maintain a file of its proceedings, copies of all available agreements and arbitration decisions, and shall publish the texts of its decisions and the actions taken by the Panel under section 7117 of this title.

"(b) All files maintained under subsection (a) of this section shall be open to inspection and reproduction subject to the provisions of section 552 of this title.

"§ 7135. Funding

"There are hereby authorized to be appropriated such sums as are necessary to carry out the functions and purposes of this chapter.

"§ 7136. Issuance of regulations

"The Authority, the Federal Mediation and Conciliation Service, and the Panel shall each prescribe rules and regulations to carry out the provisions of this chapter applicable to each of them, respectively. Unless otherwise specifically provided in this chapter, the provisions of subchapter II of chapter 5 of this title shall be applicable to the issuance, revision, or repeal of any such rule or regulation.

"§ 7137. Continuation of existing laws, recognitions, agreements, and procedures

"(a) Nothing contained in this chapter shall preclude—

"(1) the renewal or continuation of an exclusive recognition, certification of a representative, or a lawful agreement between an agency and a representative of its employees entered into before the effective date of this chapter; or

"(2) the renewal, continuation, or initial according of recognition for units of management officials or supervisors represented by labor organizations which historically or traditionally represent management officials or supervisors in private industry and which hold exclusive recognition for units of such officials or supervisors in any agency on the effective date of this chapter.

"(b) Policies, regulations, and procedures established under Executive Orders 10987, 11491, 11616, 11636, and 11838, or under the provision of any other Executive Order in effect on the effective date of this chapter, shall remain in full force and effect until revised or revoked by the President, or unless superseded by specific provisions of this chapter or by regulations issued pursuant to this chapter.

"(c) All laws or parts of laws of the United States inconsistent with the provisions of this chapter are modified or repealed as necessary to remove such inconsistency, and this chapter shall take precedence over all ordinances, rules, regulations, or other enactments. Except as otherwise expressly provided herein, nothing contained in this chapter shall be construed to deny or otherwise abridge any rights, privileges, or benefits guaranteed by law to employees."

SEC. 3. (a) So much of section 5596(b) of title 5, United States Code, as precedes paragraph (2) thereof is amended to read as follows:

"(b) An employee of an agency who, on the basis of a timely appeal or an administrative determination (including an unfair labor practice or a grievance decision), is found by appropriate authority under applicable law, regulation, or agreement, to have been affected by an unjustified or unwarranted personnel action that has resulted in the withdrawal or reduction of all or a part of the pay, allowances, or differentials of the employee—

"(1) is entitled, on correction of the personnel action, to receive for the period for which the personnel action was in effect—

"(A) an amount equal to all or any part of the pay, allowances, or differentials, as applicable, that the employee normally would have earned or received during that period if the personnel action had not occurred, less any amounts earned by him through other employment during that period;

"(B) interest on the amount payable under subparagraph (A) of this paragraph; and

"(C) reasonable attorneys' fees and reasonable costs and expenses of litigation related to the personnel action; and".

(b) Section 5596(b) of title 5, United States Code, is amended by adding at the end thereof the following new sentence:

"For the purpose of this subsection, 'unfair labor practice', 'grievance', and 'agreement' have the same meanings as when used in chatper 71 of this title, and 'personnel action' includes the omission or failure to take an action or confer a benefit.".

SEC. 4. (a) Chapter 75 of title 5, United States Code, is amended by redesignating subchapters III and IV as subchapters II and III, respectively, and by striking out subchapters I and II and inserting in lieu thereof the following:

"SUBCHAPTER I.—CAUSE AND PROCEDURE

"§ 7501. Definitions

"For the purpose of this subchapter—

"(1) 'employee' means—

"(A) an individual in the competitive service who is serving under a permanent, indefinite, or other nontemporary appointment and who has completed a probationary or trial period; or

"(B) a preference eligible in the excepted service who has completed one year of current continuous employment in the same line of work in—

"(i) an Executive agency;

"(ii) the government of the District of Columbia;

"(iii) the United States Postal Service; or

"(iv) the Postal Rate Commission;

but does not include an individual whose appointment is required to be confirmed by, or made with advice and consent of, the Senate; and

"(2) 'adverse action' means a removal, suspension for more than 30 days, furlough without pay, or reduction in rank or pay.

"§ 7502. Cause

"An agency may take adverse action against an employee, or debar him for future employment, only for such cause as will promote the efficiency of the service.

"§ 7503. Procedure

"(a) An employee against whom adverse action is proposed is entitled to—

"(1) at least 30 days' advance written notice of the action sought, except when such individual has been indicted for a crime for which a sentence of imprisonment is imposed or there is reasonable cause to believe such individual is guilty of a crime directly related to his employment, stating the reasons therefor in writing specifically and in detail;

"(2) receive, at the time of the notice required under paragraph (1), all statements, affidavits, investigative reports, and all other evidence relevant to the proposed action;

"(3) a hearing before a hearing examiner (who shall be an attorney licensed to practice in at least one State or territory of the United States) at which such individual may be represented by counsel, present evidence, and cross-examine witnesses;

"(4) a copy of the verbatim transcript of the hearing; and

"(5) a written decision by the hearing examiner stating the findings of fact and conclusions of law upon which the decision is based.

"(b) For purposes of subsection (a)—

"(1) The hearing examiner shall, upon application of any party to a hearing under subsection (a)(3), issue subpenas requiring the attendance and testimony of witnesses or the production of any evidence in such proceeding or investigation requested in such application. Within five days after the service of a subpena on a person requiring the production of any evidence in the possession or under the control of such person, such person may petition the hearing examiner to revoke such subpena. The hearing examiner shall revoke such subpena if in his or her opinion the evidence of which production is required does not relate to any matter under investigation, or any matter in question in such proceedings, or if in his or her opinion such subpena does not describe with sufficient particularity the evidence of which production is required. The hearing examiner may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any territory or possession thereof, at any designated place of hearing.

"(2) In case of contumacy or refusal to obey a subpena issued to any person, any district court of the United States or the United States courts of any territory or possession, or the District Court for the District of Columbia, within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, shall upon application by the party seeking compliance have jurisdiction to issue such person an order requiring such person to appear before the hearing examiner, or, if so ordered, to produce evidence or to give testimony touching the matter under investigation or in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(c) The decision of the hearing examiner shall be final as to findings of fact, except that an individual suffering an adverse decision may bring an action in the district court of the United States for the district in which the individual resides, the district in which such adverse decision was made, or in the District Court for the District of Columbia, for judicial review of the conclusions of law of such decision.

"(d) The parties to the negotiated collective-bargaining agreement may agree to implement or substitute in whole or in part the above procedure as part of a collective-bargaining agreement.

"(e) This section does not apply to the suspension or removal of an employee under section 7532 of this title.".

(b) The analysis of chapter 75 of title 5, United States Code, is amended to read as follows:

"Chapter 75.—ADVERSE ACTIONS

"SUBCHAPTER I.—CAUSE AND PROCEDURE

"Sec.
"7501. Definitions.
"7502. Cause.
"7503. Procedure.

"SUBCHAPTER II.—HEARING EXAMINERS

"Sec.
"7521. Removal.

"SUBCHAPTER III.—NATIONAL SECURITY

"Sec.
"7531. Definitions.
"7532. Suspension and removal.
"7533. Effect on other statutes.".

SEC. 5. (a) Chapter 77 of title 5, United States Code, is hereby repealed.

(b) The analysis for part III of such title is amended by striking out the matter pertaining to chapter 77.

SEC. 6. (a) Subchapter II of chapter 71 of title 5, United States Code, is amended—

(1) by redesignating sections 7151, 7152, 7153, and 7154 as sections 7201, 7202, 7203, and 7204, respectively;

(2) by striking out the subchapter heading and inserting in lieu thereof the following:

"Chapter 72.—ANTIDISCRIMINATION; RIGHT TO PETITION CONGRESS

"SUBCHAPTER I.—ANTIDISCRIMINATION IN EMPLOYMENT

"Sec.
"7201. Policy.
"7202. Marital status.
"7203. Physical handicap.
"7204. Other prohibitions.

"SUBCHAPTER II.—EMPLOYEES' RIGHT TO PETITION CONGRESS

"Sec.
"7211. Employees' right to petition Congress.";

and

(3) by adding at the end thereof the following new subchapter:

"SUBCHAPTER II.—EMPLOYEES' RIGHT TO PETITION CONGRESS

"§ 7211. Employees' right to petition Congress

"The right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or member thereof, may not be interfered with or denied.".

(b) The analysis for part III of title 5, United States Code, is amended by striking out—

"Subpart F.—EMPLOYEE RELATIONS

"71. Policies ..... 7101"

and inserting in lieu thereof—

"Subpart F.—LABOR MANAGEMENT RELATIONS, ETC.

"71. Labor Management Relations.... 7101
"72. Antidiscrimination; Right to Petition Congress..... 7201"

(c)(1) Section 2105(c)(1) of title 5, United States Code, is amended by striking out "and 7154" and inserting in lieu thereof "and 7204".

(2) Section 3302(2) of title 5, United States Code, is amended by striking out "7152, 7153" and inserting in lieu thereof "7202, 7203".

(3) Sections 4540(c), 7212(a), and 9540(c) of title 10, United States Code, are each amended by striking out "7154 of title 5" and inserting in lieu thereof "7204 of title 5".

(4) Section 410(b)(1) of title 39, United States Code, is amended by striking out "chapters 71 (employee policies)" and insert ing in lieu thereof the following: "chapters 72 (antidiscrimination; right to petition Congress)".

(5) Section 1002(g) of title 39, United States Code, is amended by striking out "section 7102 of title 5" and inserting in lieu thereof "section 7211 of title 5".

SEC. 7. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following clause:

"(105) Chairman, Federal Labor Relations Authority.".

(b) Section 5316 of such title is amended by adding at the end thereof the following clause:

"(137) Members, Federal Labor Relations Authority (2), and its General Counsel.".

SEC. 8. If any provision of this Act (or the amendments made thereby), or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act (and the amendments made thereby) or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 9. (a) Except as provided in subsection (b) of this section, the amendments made by this Act shall take effect on the first day of the first calendar month beginning more than 120 days after (1) the date of the enactment of this Act; or (2) on October 1, 1977, whichever date is later.

(b) Sections 7104, 7105 (other than subsections (f) and (g) thereof), and 7136 of title 5, United States Code, as enacted by section 2 of this Act, shall take effect (1) on the date of the enactment of this Act; or (2) on October 1, 1977, whichever date is later.

By Mr. BENTSEN:

S. 1091. A bill to encourage the use of life-cycle cost procurement as the general basis for Federal procurement decisions; to the Committee on Governmental Affairs.

Mr. BENTSEN. Mr. President, I am reintroducing today a bill designed to improve the efficiency of the Federal Government by encouraging the use of life-cycle-costing as the general basis for all Federal purchases. Life-cycle-costing means that both the purchase price and operating cost over the life of the product are considered at the time of purchase.

In 1976, the American people sent a clear message to Washington. They are tired of paying more and more for a Federal Government which seems daily to become less and less effective. They are rightly fed up with the growing costs and gargantuan deficits of an ever expanding big Government. They want the Federal Government to operate in a rational fashion and a stop put to wasteful Government expenditures. In short, the American people want the Federal Government simply to give them their money's worth.

Mr. President, Government spending should be cut through elimination of waste and inefficiency. The American people are fed up with big, inefficient Government, but they are correctly suspicious of empty anti-Government rhetoric. They want concrete proposals to make Government work more efficiently. I believe my bill represents one concrete step which can be taken immediately to achieve this goal.

In the past, Federal managers have often encouraged to make purchases solely on the basis of purchase price. And, this has often proved to be very inefficient in the long run. Common sense requires that operating costs should be considered along with purchase price when equipment is bought.

There has been some use of life-cycle-costing in the Federal Government. This limited use provides persuasive evidence that longrun costs are reduced and efficiency enhanced when procurement decisions include evaluation of operating costs over the life of the product.

At the urging of the staff of a small division within the National Bureau of Standards called the experimental technology incentives program, the General Services Administration recently began to purchase equipment using the life-cycle-costing concept. The results have been extremely encouraging to those of us who have been searching for ways to reduce the cost of government.

Using life-cycle-costing, GSA:

Purchased 27,000 room air-conditioners which are estimated to use 21 percent less energy than previous models bought by the Federal Government. GSA analysis shows that their purchase will result in a net saving to the Treasury over their lifetime of about $400,000.

Contracted for 7,700 hot water heaters which use 11 percent less energy than alternative models. It is estimated that the purchase of these heaters will result in a net lifetime saving to the Treasury of about $300,000.

Contracted for 3,720 electric and 22,200 gas ranges which are estimated to be 7 percent more energy efficient than previous models bought by the Government. The ranges are expected to save the Treasury over $500,000 during their lifetime.

Mr. President, the time has come for the Federal Government to utilize managerial techniques which are widely used in the private sector to increase efficiency and lower costs. Life-cycle-costing has long been a standard operating procurement procedure in the private sector. It is time to encourage its expanded use in the public sector. My bill will accomplish this goal by encouraging Federal managers and those who write the standards for Federal procurement to use the life-cycle-costing concept whenever practicable.

Mr. President, I ask unanimous consent that the bill and a factsheet prepared in connection with the bill be printed in the RECORD.

There being no objection, the bill and factsheet were ordered to be printed in the RECORD, as follows:

S. 1091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Life-Cycle Cost Procurement Act of 1977".

SEC. 2. As used in this Act, the term—

(1) "life cycle cost" means the total cost of an item or system to the Government during the time of ownership including the cost of development, acquisition, operation, maintenance, energy use, support and, where applicable, disposal, as far as these costs can reasonably be determined; and

(2) "executive agency" has the same meaning as provided in section 105 of title 5, United States Code, and includes the United States Postal Service, the Postal Rate Commission, and the General Accounting Office.

SEC. 3. The Administrator of Federal Procurement Policy pursuant to section 6 of the Office of Federal Procurement Policy Act (88 Stat. 796) shall prescribe such policies, regulations, procedures, and forms as may be necessary to encourage and, where circumstances permit, to require procurement by executive agencies to be done on the basis of lowest life-cycle cost for all items and all systems, including services, whenever possible.

FACT SHEET: LIFE CYCLE COSTING BILL

Description: The bill encourages the use of life-cycle cost procurement as the general basis for Federal procurement decisions.

(1) Life-cycle cost is defined as the total cost of an item or system to the Government during the time of ownership including the cost of development, acquisition, operation, maintenance, energy use, support and, where applicable, disposal, as far as these costs can reasonably be determined.

(2) The bill requires the Administrator for Federal Procurement Policy to prescribe policies, regulations and procedures to encourage and where circumstances permit to require that procurement by Executive agencies be done on the basis of lowest life-cycle cost whenever possible for all items and systems.

By Mr. PELL:

S. 1092. A bill to amend title 23 of the United States Code in order to make certain improvements in the Federal-aid highway program; to the Committee on Environment and Public Works.

FEDERAL-AID HIGHWAY PROGRAM IMPROVEMENTS ACT OF 1977

Mr. PELL. Mr. President, today I am introducing legislation designed to meet the needs of States whose interstate highway systems are nearing completion. This bill, the Federal-Aid Highway Program Improvements Act of 1977, will provide the necessary flexibility for many States to finance their highest priorities in the highway area: The maintenance, repair, restoration and safety of their Federal-aid highways. Although Federal-aid highways constitute only one-fourth of our Nation's streets and roads, they carry 75 percent of our motor vehicles. Yet Federal-aid noninterstates have been neglected.

In recent years many States have had to conform their highway work to Federal guidelines often unrepresentative of their needs. Meanwhile their true priorities have been left undone or funded out of State funds needed elsewhere. Many States have now substantially completed their interstate routes; they are severely restricted in the ways they can use trust fund apportionments; yet their citizens continue to pay into the trust fund as they purchase gasoline, oil, special motor fuels, and tires. Only a very small part of these States' apportionments can be used for upgrading, resurfacing, rehabilitating and restoring noninterstates, which comprise over 90 percent of our Federal-aid highways. Federal Highway Trust Fund moneys are not usable for maintenance, which includes such things as fixing potholes, repairing roads ruined by the harsh winter weather and general surface repairs. These conditions are causing a greater share of our highway problems.

As we all know, the environmental consequences of Interstate highway construction are enormous, both in heavily populated areas and rural areas. These highways cut a swath from 2 to 10 times the width of a normal road. The traffic volume on the interstate system is staggering—1 percent of the total mileage of roads and streets in the United States carrying nearly 20 percent of the travel—thereby increasing noise, disturbing normal life patterns, and deteriorating air quality in the environs. Neighborhoods are separated, farms divided, vistas interrupted, fortunes made and fortunes lost depending on whether and where an Interstate Highway is constructed.

The impact of the interstate system on New England was analyzed last year in an excellent series of articles in the Boston Globe. I will ask unanimous consent that this series, written by Nick King and Robert J. Rosenthal, be printed in the RECORD at the conclusion of my remarks.

For the most part, I support completion of the original mileage of the National System of Interstate and Defense Highways. I am very disturbed, however, at its skyrocketing cost. As of December 31, 1976, nearly 90 percent of interstate mileage was open to traffic, yet 37 percent of the total cost remains to be funded. That total cost is now estimated

at $100 billion with completion scheduled for 1990. Some segments of the system, particularly in urban areas, have been withdrawn and others are being considered for such status because of their enormous environmental impact and limited benefit.

The Federal-Aid Highway Act Amendments of 1976 made some strides toward the goal of giving individual States the right to use their Federal highway funds more as they see fit. For example, $175 million was authorized in both fiscal year 1977 and fiscal year 1978 for so-called 3R—resurfacing, restoration, and rehabilitation—work on nontoll interstates more than 5 years old. This provision has been of tremendous help to a number of States, including my own State of Rhode Island, where 92 percent of the completed interstate system is over 5 years old.

Also, the expanded definition of "construction" in the 1976 act means that 3R work can be performed on both interstate and noninterstate roads out of a State's trust fund apportionment. While this section of the act affirmed existing Federal Highway Administration policy, it did give statutory authority and long-range approval to this practice.

Another important section of last year's act clarified and improved the mass transit transfer provision for areas in which interstate segments are withdrawn from a State's plan.

Although these provisions and others give substantial impetus to the prospect of achieving equitable distribution of money from the Federal highway trust fund, I believe there are further steps that must be taken. The bill I introduce today would, if enacted, take some of these necessary steps.

First of all, one of the basic and most deleterious inequities in the allowable distribution of Federal highway moneys is the Federal share provision. While the Federal Government contributes 90 percent of the funds for interstate construction, its share of primary, secondary, and urban system expenses is only 70 percent. Thus a State must raise three times the revenue to construct and perform 3R work on its Federal-aid noninterstates as it does for interstates. Yet the interstate system accounts for only a fraction of a State's Federal-aid highway mileage.

For example, Rhode Island's more than 1,500 miles of Federal-aid highways are made up of 1,400 miles of primary, secondary, and urban system roads, with just 126 miles of planned and existing interstates. Of those 126 planned interstate miles, only 71 are in existence today. So the State of Rhode Island is in the difficult position of being encouraged to spend most of its $28 million annual apportionment on less than one-half of 1 percent of its Federal-aid highway mileage.

Because of the disparity in Federal funding among the various systems, States are unable to make objective judgments on what type of construction best suits their needs. Why not go ahead and construct an interstate highway, or disrupt traffic and scenic beauty by making questionable safety improvements, when the Federal Government will pay 90 percent of the cost—instead of performing needed work on primary, secondary, or urban system roads with the State footing 30 percent of the bill? This dilemma faces State road planners constantly in my own State and, no doubt, in many others. Highway funds are desperately needed but not for interstate highway construction. Rhode Island's former department of transportation director stated this problem clearly in a letter to then-Secretary Coleman last year and I will ask unanimous consent that that letter be printed in the RECORD at the conclusion of my remarks.

Mr. President, the State of Rhode Island must raise nearly $6½ million annually through bond issuances to finance its 30 percent share of Federal-aid noninterstate construction, while at the same time being forced to let lapse $12 million in fiscal year 1976 and this year up to $25 million of its Highway Trust Fund apportionment because of overly restrictive Federal highway formulas. Yet Rhode Island motorists continue to pump into the Highway Trust Fund $22 million annually. In short, Mr. President, Rhode Island, and I am sure many other States, are not being treated fairly under the present system. We must have a change.

My bill calls for such a change. It will help Rhode Island and similar States whose needs are no longer for interstate construction, but it will not impede other States from completing vital interstate links.

Under this bill, the Federal share of primary, secondary and urban system road costs would be increased from the present 70 to 90 percent, a percentage equal to that of the interstate system. Also, the definition of "construction" would be expanded to include maintenance which many States' roads so desperately require. In addition, the limits on transferability would be removed so that States may use their funds more effectively and flexibly.

Another provision of the bill gives additional flexibility to urban areas in the use of their Federal highway trust funds by allowing trust fund apportionments to finance noise abatement measures in cities whose neighborhoods have been dissected by interstate highways.

A demonstration of how effectively cities and States might use money under this provision can be seen in Seattle's highly successful "Freeway Park." There, part of the depressed route of Interstate 5 in downtown Seattle has been covered over by a magnificent 6-acre park, complete with interesting architectural features, such as a 33-foot waterfall, concrete cliffs, and terraces; along with grassy retreats and many open spaces. This park shuts out the noise of traffic below, opens new space in the crowded downtown area, reduces air pollution in the vicinity, connects parts of the city separated since the time of the highway's construction, and has given a vital boost to the city's redevelopment.

Although the governmental cost was high—$14 million—city officials and taxpayers consider it a wise investment. Interstate highway funds were not available for construction of this needed new resource, although it was construction of an interstate highway that caused the very problems that led to the park's creation. Under my proposal, highway trust funds would be available for such construction. There are many cities throughout the country where highway trust fund moneys could be put to good use in such endeavors. Articles in the Washington Post and the New York Times on Seattle's successful investment demonstrate the value of opening the Trust Fund for such uses. I ask unanimous consent that they be printed in the RECORD, together with the text of the bill the Federal-Aid Highway Program Improvements Act of 1977.

There being no objection, material ordered to be printed in the RECORD, as follows:

S. 1092

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Federal-Aid Highway Program Improvement Act of 1977".

DEFINITION OF CONSTRUCTION

SEC. 2. Section 101(a) of title 23 of the United States Code is amended by striking "and rehabilitation," and in its place inserting ", rehabilitation, and maintenance,". Section 101(a) is further amended by inserting before the period at the end of the definition of the term "construction" a comma and "and in the case of the Interstate System, construction necessary to reduce noise levels in urban areas, including covering over of Interstate System highways in urban areas."

INCREASED TRANSFERABILITY OF APPORTIONMENTS

SEC. 3. Section 104(d) of title 23 of the United States Code is amended by striking out paragraphs (1) and (2) and by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively.

INCREASED FEDERAL SHARE

SEC. 4. Subsection (a) of section 120 of title 23 of the United States Code is amended by striking out "70 per centum" wherever appearing therein and inserting in lieu thereof "90 per centum".

EFFECTIVE DATE

SEC. 5. The amendments made by sections 3 and 4 of this Act shall be applicable with respect to funds authorized for the fiscal year ending September 30, 1978, and thereafter.

[From the Boston Globe, Sept. 12, 1976]

THE INTERSTATES: THEY HAVE RESHAPED AMERICA

(By Nick King and Robert J. Rosenthal)

PASSUMPSIC, VT.— From the porch of his office here, Postmaster Dwight Cooley watches as the path for I–91 is cut through the timbered rocky hills across the river from this small town in northeastern Vermont.

In the distance he can see the diesel-driven bulldozers spurting black smoke. He can smell the burning piles of brush and trees, and he can feel the force of the dynamite blasts as they shatter stone.

"Those incredible machines," says Cooley quietly. "There's some fantastic big rigs working up there. Around here we've never seen the likes of it. They might as well finish the Interstate but I'll tell you, we never thought enough ahead about what the roads would do to us."

Almost no one did.

It has been 20 years and $61 billion since

the first interstate pavement was poured—since the first family was asked to leave its home, since the first red, white and blue interstate shield was posted.

The changes wrought by the concrete ribbons stretching through New England and the rest of the nation have been sometimes obvious, sometimes subtle, but almost always profound.

The network of superhighways has become much more than a red carpet for motorists, much more than the shortest and fastest route between here and there:

They have split communities in urban areas and homesteads in rural areas, forcing tens of thousands from their homes and places of business.

Overnight, they have transformed small towns into instant commercial centers, changing everything from the cost to the substance of the life around them.

They have created whole new industries, spawning millions of dollars and hundreds of thousands of jobs.

They have homogenized entire regions, bringing the same fast foods, motels, tourists and interchanges with them everywhere they went.

They have cemented for the foreseesable future the dependence of New England and the rest of the nation on the automobile, and contributed to the steady decline of railroads and other mass transit facilities.

They have made possible the explosion of suburbia, caused populations to shift, and created patterns of commuting thought impossible two decades ago.

They have brought higher taxes and, increased pollution, as well as increased employment and business opportunities almost everywhere they have gone.

In the words of 19-year-old Jan Ross of Lebanon, N.H., "there are too many conveniences about the Interstate to dislike it. You can go to shopping malls and visit your relatives faster. You have to use it. It"s a part of life."

The interstates are now a permanent part of life for Dwight Cooley, Jan Ross and for tens of thousands of New Englanders.

In 1919 a convoy of 20 Army trucks left Washington for San Francisco to show that trucks could be driven across the nation and to dramatize the need for better roads. The cross-country journey took 56 days. To General of the Armies John J. Pershing, the publicity stunt was proof of the feasibility and necessity of building a national highway system for commercial and military purposes.

The convoy was to leave a sharp impression on a young Army captain who rode with it. Thirty-seven years later, on June 29, 1956, the young officer, who was now President Dwight D. Eisenhower, signed into law the National System of Interstate and Defense Highways.

The act called for the construction of 41,000 miles of superhighways—later increased to 42,500—designed to connect the nation's major metropolitan areas, to speed the shipment of goods and to provide evacuation routes in case of enemy attack.

The road network would be built to uniform standards, and the highways would have only limited access. The projected budget for the project was $27 billion. The completion date was set for 1972.

Today, four years after the deadline and with the budget having more than doubled, the interstates, still have not been completed and, according to Federal officials, they may never be.

Inflation has slowed construction and protests have halted the building of some sections with opposition coming primarily from environmentalists concerned with pollution and congestion and from people who say that their communities are more important than highways.

Of the planned 42,500 miles of interstate, 37,598 miles are open to traffic but only 11,197 of those miles conform to Federal standards and can be described as complete.

In March Federal Highway Administrator Nobert T. Tiemann said that the earliest possible completion date for the Interstate would be 1990 at a projected cost of $100 billion. But even that target date is in question.

"Who knows," said Lawrence A. Staron, chief of interstate projects for the Department of Transportation, "we've had a million completion dates. You may never know when the interstate is done unless one day, like the Vietnam War, we declare it done."

As in the rest of the country, New England's interstate construction is far from being completed. A total of 1734 miles of interstate has been designated for the six-state region, which would become one of the greatest, concentrations per region of interstates in the country.

Of the 1539 miles of interstate open to traffic in New England, only 319 miles are considered "complete or essentially complete" by Department of Transportation standards. Interstate construction in New England has cost $2.9 billion, 90 percent of which has been Federally funded with the other 10 percent coming from the states.

New England has four major north-south interstates. I–95 goes from northern Maine, through the southeast corner of New Hampshire, through Boston, Providence and New Haven.

I–93 runs through central New Hampshire to Boston. I–91 goes through eastern Vermont, except where under construction, through central Massachusetts to Hartford and to New Haven where it connects to I–95. I–89 angles from the northwest corner of Vermont through New Hampshire to Concord where it connects with I–93.

The Massachusetts Turnpike, I–90, runs east-west through the state. In Connecticut, two interstates, I–84 and I–86, feed into Hartford.

In the major metropolitan centers a number of other interstates run through or around cities, such as 495 around Boston, 295 around Providence, 190 now under construction in Worcester, and 291 in Springfield and Chicopee.

I–95, which follows the East Coast from Maine to Florida, is in many ways typical of New England's other interstates. It runs through wilderness from Houlton to Bangor and then encounters ever-increasing population centers in New Hampshire, Massachusetts, Rhode Island and Connecticut.

The superhighway is typical also in that sections of it are under construction or improvement, such as the stretch running north of Boston to New Hampshire nicknamed "barrel alley" because of the warning barrels that stretch along it. Other sections have been blocked by opposition, such as the once-proposed Southwest Corridor through Boston.

Although highway officials are optimistic that most of the interstates will be completed, they say that the blocking of small segments such as these may prevent the interstate highway system from ever being finished.

In 1922, three years after the cross-country truck convoy, Gen. Pershing mapped out his vision of an interstate system. The map depicted a 8,000-mile road network consisting of main routes strategically paralleled on both sides by alternate routes.

But beyond this map there was little progress on the interstate until 1937, when President Franklin D. Roosevelt summoned Thomas H. MacDonald to the White House. MacDonald, who had been director of the Bureau of Public Roads since World War I, was known around Washington as "Chief."

Roosevelt came quickly to the point. He too envisioned an interstate highway system as a vital defense network and a stimulator of jobs in Depression America.

But Roosevelt's plan was smaller than Pershing's and to illustrate his point, he drew six lines on a map. Three of the lines went north-south and three ran east-west.

"Chief," the President said, as highway legend has it, "this is how we should build the system."

Two years later the Bureau of Public Roads endorsed Roosevelt's six-highway concept in a report to Congress. The report said that the 14,336-mile grid would "meet the requirement of the national defense and the needs of a growing peacetime traffic in a longer range."

Both the needs and the traffic would grow far beyond the expectations of the planning.

"To drive is nothing," says Louise Label, an 18-year-old soda jerk at a Dairy Queen off I–95 in Kittery, Maine. "I went up Maine to see Helen Reddy and K.C. & the Sunshine Band. It's no big deal to drive a couple of hours."

Miss Label drives a Plymouth Fury, and when she talks of driving "a couple of hours" for a concert she means the 150-mile round trip to Lewiston—on I–95. She grew up with the Interstate and she regards it as a necessary part of her life.

Jack and Jane Riek, a middleaged couple from Latham, N.Y., drive a Volvo. They remember the pre-interstate days when the trip from Buffalo to Albany took 14 hours. Now, on I–90, it takes them six.

"After a while the Interstate gets tedious and boring," Mrs. Riek said. "But it's the only way to fly if you want to get somewhere fast."

One recent vacation trip the Rieks drove the Interstate to New England. But on the way back they wanted to sightsee so they left the Interstate.

"You can't get rocking chairs, fried clams, or characters on an interstate, Mrs. Riek said recently as she was driving through Maine, "and I'm not talking about highway fried clams. I'm talking about the real thing."

People like the Rieks have seen the interstate change their lives. They remember what traveling was like without them. Louise Label doesn't. But, for both the Rieks and Miss Label, the interstate has reinforced their dependence on the automobile, as it has for millions of others.

The number of registered motor vehicles in the country has risen from 58.3 million at the time Louise Label was born to 137 million today, according to the Department of Commerce. Eighty percent of all households now own at least one car, and 30 percent own two or more. And, the department says, 20 percent of the nation's traffic uses the interstate system, which make up only 1 percent of the nation's roads.

World War II slowed the momentum for an interstate highway system. It was not until 1944 that Congress endorsed the concept.

In the Federal Aid Highway Act passed in that year, Congress scrapped Roosevelt's plan for six major highways and reverted to a more comprehensive network remarkably similar to that envisioned 22 years earlier by Gen. Pershing.

The 1944 act designated a highway network of 40,000 miles—not only as an evacuation system in the event of a war at home, but also as an employer for thousands of servicemen returning from a war abroad.

A report by the Special Congressional Committee on Post War Economic Policy and Planning concluded:

"Highway construction therefore has a place of singular importance in any program directed to the maintenance of a high level of economic activity after the war. The objective is not simply to build roads so that men will have jobs, but to have roads so that men can build America."

Delays plagued the interstate plan even

after the end of the war. One of the reasons was political (how to finance the massive construction project), and the other was the post-war economic boom that occupied the nation's industries.

But in 1952 Eisenhower was elected President, and he was finally in a position to act on the seed that had been planted by the crosscountry truck convoy in 1919 and fertilized during the recent war in Germany. Eisenhower had seen Hitler's Autobahn, a modern network of military highways throughout Germany, and he wanted a similar network for the United States.

At the same time, population had begun to shift from the cities to the newly formed suburbs, and the automobile, rubber, asphalt and oil companies as well as labor groups began lobbying for more roadbuilding.

In 1956 Congress approved legislation to finance an interstate highway system. The approval came in the form of twin acts.

The first act permitted increased excise taxes on gasoline, rubber and commercial vehicles. The second created the Highway Trust Fund which channeled the funds from these taxes into one pot to be used for Federally aided highway construction. For Interstate highways, the Federal share would be 90 percent and the states' 10 percent.

Eisenhower signed the Federal Aid Highway Act into law on June 29, 1956. It marked the beginning of the largest peacetime construction project in the history of the nation and one of the largest in the history of the world. It stipulated that during the next 16 years, $27 billion would be spent to complete the system, officially designated the National System of Interstate and Defense Highways.

Leo Saucier says he was born poor. But today, because of the Interstate, he says he is "worth something."

In 1968 Saucier borrowed $3000 to buy an acre of swampland a few hundred yards from where an I–95 exit was being built in Howland, Maine (population 1100).

He filled the land and built a gasoline station and the 95 Market and Diner. Saucier says his holdings now are worth $75,000.

People in Howland, 250 miles north of Boston, thought he was crazy to buy the swampland near the Interstate but today he is just one of 13 million Americans, 16 percent of the total work force, who work on highways or in highway-related businesses.

Highway industries, from trucking and service stations to motels and fast food, have accounted for 16 percent of the GNP in the last 15 years, according to a Department of Transportation report. The department also says that every $1 million in highway construction creates about 125 jobs.

In a report soon to be released, the DOT calls highways "essential to the prosperity of the U.S. economy."

There are many residents of Woonsocket, R.I. who agree with this assessment. I–295 passes within five miles of the old industrial city. But without direct access to the Interstate via a connector, officials and businessmen fear the city will fail to lure clients to a proposed industrial park.

The main warehouse for Mark Stevens/CVS, the buyer and distributor for 250 Consumer Value Stores in the Northeast, is based in Woonsocket.

Sidney Goldstein, the president, says 500 trucks come and go from the plant every week. He says it now takes them 20 minutes from the warehouse to the Interstate when it could take five minutes with a direct connector road.

"It doesn't look like much, but if you add 15 minutes to every trip, it adds up to one hell of a lot of dollars. Dammit, we need our highway like everyone else," says Goldstein.

Interstate highways have not only changed the economic balance in some areas of New England, but they have encouraged broader commuting patterns and the expansion of suburbia in others. At the same time census officials have noticed that increasing numbers of people commute between rural areas and from rural to metropolitan areas.

The Southern rim of New Hampshire and Maine are connected to the Boston area by interstates and since 1970, the population of Rockingham County in southern New Hampshire has increased 15 percent. More than 35 percent of the work force commutes outside of the county each day, according to census officials.

Shortly, before President Eisenhower signed the interstate bill into law in 1956, he received a report from an advisory committee headed by Gen. Lucius D. Clay.

The report concluded that interstates were vital for the national defense and the economy. The report did not discuss or project or even mention the possible effects the interstate highway system would have on the landscape, the communities and the people of the nation.

They were to be profound.

CONSTRUCTION IN MILES

State	Total designated mileage	Total open to traffic	Total complete [1]	Under way	Not yet in progress
Connecticut	338.3	281.0	7.3	23.4	33.9
Maine	311.8	291.9	5.4	19.9	----
Massachusetts	449.9	418.9	83.5	25.3	5.8
New Hampshire	214.5	193.4	.12	21.1	----
Rhode Island	99.0	68.4	11.5	6.9	23.7
Vermont	320.4	285.2	211.3	35.2	----

[1] Or essentially complete. Figure here is included in total of mileage open to traffic. (Figures from progress report issued by U.S. Department of Transportation, Mar. 31, 1976.)

[From the Boston Globe, Sept. 13, 1976]

SMALL TOWNS BECOME URBAN CENTERS ON THE INTERSTATE SYSTEM

(By Robert J. Rosenthal and Nick King)

HOULTON, MAINE.—John Mooers grew up with the sounds of the night—crickets, rain tapping at a window, rustling trees—on a farm just outside this small town in northern Maine.

Now he hears another sound. It is truck noise, commonplace nowadays in Houlton and other rural areas in New England, and it fades into the night or day only to be repeated again and again. It is the dominant sound here now. It is the sound of the interstate highway system.

For John Mooers, born 52 years ago in Houlton—the northernmost terminus of I–95—the highway has changed more than the sounds of nature. It split the potato fields his family worked for generations. It has given his produce faster access to markets. It has made it profitable for him to run his own trucking business.

"Economics," Mooers says, "economics—that's what the interestate means. It comes down to dollars and cents and changes you can't figure."

Not all the changes are visible or monetary. Many of them are subtle and they affect Mooers as well as the rest of the people who live in Houlton, a community of 8000 that is the "metropolitan center" for a 60-mile area with a population of 30,000.

Houlton always has been a cross-roads town. It is the county seat of Aroostook County. Its center of brick buildings is crowded with cars and at the old intersection of Rtes. 2, 2A and 1 there are midday traffic jams.

The same attractions that draw people from outlying areas to Boston—movies, restaurants, social events, shops, shopping centers and health care—bring people to Houlton from surrounding communities.

Because there is a Houlton exit off the interstate, the first for many miles coming from the south, and the first in America comence on Houlton has been increased.

ing down from Canada, the area's depend-

It is a kind of dependence that can be found throughout New England wherever the interstates go. Communities on the highways have become the cosmopolitan centers for the region. Pockets of growing urbanization can be found all over New England and all over the interstates.

Daniel Webster, the head of the Maine Department of Planning, says that the 300-mile corridor of I–95 is the fastest growing part of the state and that the road is a factor in Maine's having recently gone over the 1 million mark in population for the first time.

With the growth have come changes in lifestyle. Farmers have seen their land split, people have been forced to move, and many workers now commute to jobs they once would have considered to be too far away.

St. Johnsbury, Vt., has a background similar to that of Houlton. A traditional cross-roads town, it now awaits the completion of I–91. The business leaders in town become exuberant when they talk about the increase in revenue the interstate will bring while other people are wary that the traffic that has always used the town will be diverted away from it and go to the shopping centers already being planned near the interstate.

"The interstate can do nothing but bring more tourism," Karl Laborie, the executive director of the St. Johnsbury Chamber of Commerce, said, "There will be so much impact, the place will fill up."

Seven miles south of St. Johnsbury on Rte. 5, Mary Lou Keeler had a different view. I–91 is being built a few hundred yards from her home. She thinks the highway is unnecessary and talks of how construction has disrupted life in McIndoe Falls. She said the people there "are eating dust all the time" and complained about the dynamite blasts that have shaken and weakened her home.

"I'd have said no if they'd have asked me about building I–91," Mrs. Keeler said. "I just think we're going too fast on wheels. It just seems a shame to spend millions on a highway and not take into consideration the old buildings, the water and the people."

St. Johnsbury and Houlton are not unique. The increased access and traffic and what they bring can be seem all along I–95 in Maine. Portland, Augusta and Bangor are growing economically and in population.

White River Junction, Vermont, another traditional crossroads is growing fast. New Hamsphire's population has increased by 15 percent in the last five years and a new section of Lebanon, off the I–89 West Lebanon exit has four shopping centers and condominiums where there were fields 10 years ago.

The interstate has speeded the process of development, in some cases, but it also has taken some things away. The McDonald's hamburger restaurant near the Houlton exit of I–95 has taken business from local restaurants. It also has become the gathering spot for the region's youth, and families go there for a night out.

Near the McDonald's is the new $7 million Houlton Regional Hospital—an institution that will reinforce the town's metropolitan draw as ambulances now speed on the interstates connecting outlying places with growing regional centers such as Houlton.

Despite the staggering overall effect the interstates have had upon economics and population growth, the true impact of the system can best be understood in terms of people—people like farmer John Mooers.

Mooers is one of the people to whom the Interstate is much more than a noisy bustling highway. It has changed his life.

He remembers the late 1950s when there was just talk of the Interstate coming to Houlton. Mainly, he says, it was the speculators who were interested in where the road would go.

But soon the Interstate became a painful reality to Mooers especially when the men he describes as the "feel outers, the softener uppers" came to his farm and informed him that the interstate was going to cut through his farm.

To this day Mooers, a man who speaks softly from the back of his mouth and who occasionally likes to tuck a pinch of tobacco under his lip, becomes agitated about how his land was taken by the process of eminent domain.

He fought the state in court and lost a battle over compensation for 20 acres of his land. He felt he should have gotten $250 an acre and the state, after a jury trial, gave him $200.

"I knew the individual should not stop something that's for the common good. But still," Mooers says, "it bothers me that they didn't give me just compensation. I knew I couldn't stop them. Then they came in and took 20 acres of my best field."

But in practical terms Mooers says:

"All I know is now with the Interstate it means 7½ hours to Boston and 11½ to New York. Maine needs the artery because everything we've got moves south from here. We've got the ocean and a foreign country surrounding us. The railroads have died, so our trucks have to use the Interstate."

Mooers, in fact, would like to see more interstates built in Maine. He is annoyed that I-95 ehds at Houlton and does not go through the rest of Aroostook County. He says that the roads there now "are nothing but damn twitching paths."

The last 90 miles of I-95 to Houlton is a two-lane, two-way road. Construction to make it a two-lane highway in both directions has begun.

On the land Mooers' father and grandfather farmed, machines and men are now clearing, burning, and leveling fields. Asked what his father, who died before construction started, would have done if he had seen the transformation of his land, Mooers shook his head in resignation. "He would have done anything to try and stop the interstate. He knew it was coming and in the end he was simply overwhelmed by the whole thing."

This summer Mooer's youngest son worked to prepare the land his great-grandfather farmed for the Interstate.

"Sure, that's ironic," Mooers said, "but in an area where work is hard to come by that money sure looks good."

Recently Mooers took a visitor to the edge of his fields where the Interstate is being built. Driving his red Thunderbird, with a Cat Stevens recording in the tapedeck, slowly and carefully through strawberry fields Mooers stared ahead at the dust rising from where ungainly machines dug at the earth.

"Land like this you don't like to see go out of the family," Mooers said. "We used to call this 'out back.' From the place I was born, that's my 'home place,' you could just go out back on a little dirt path and make it to where I live now. I guess I'm really all nostalgia about where out back used to be."

Today that is impossible. The Interstate lies between Mooers "home place" and his white frame farm house. Instead of a little dirt path there is an over-pass. It is called the Mooers Overpass.

Mooers took the visitor to his "home place." It, too, is a well kept white frame house. As he drove the Thunderbird into the driveway he said: "Born right in this house and when I die they'll plant me a half mile or so from here."

John Mooers' life has revolved around his "home-place" and the fields between it and his farm. He drives back over the Mooers Overpass. To his right he watched the machines chop and gnaw.

"Do hate to see good farmland eaten up, you know. I'm not against progress long as it's done right. Still I don't know. . . . It might make me parochial as hell but when you come right down to it that Interstate has been an invader. But it's not too different up here than anywhere else. The dollar is what gets things done. Nobody may ever understand the things we've lost up here with that road. Maybe nobody really cares much. I don't know, you think that's what they call progress?"

WHAT IT'S COSTING

[Figures in millions]

State	Total spent	Federal	Expenditures on projects in progress or authorized	Federal
Connecticut	$717.0	$611.5	$182.1	$162.8
Maine	294.7	258.0	44.8	41.7
Massachusetts	904.0	787.8	413.5	368.2
New Hampshire	279.9	244.0	52.5	47.2
Rhode Island	275.8	239.5	49.1	43.4
Vermont	396.3	351.2	35.9	31.8

Note: Figures from progress report issued by the U.S. Department of Transportation, Mar. 31, 1976.

[From the Boston Globe, Sept. 14, 1976]

THE ORDEAL OF RELOCATION—40,000 DISPLACED IN NEW ENGLAND

(By Nick King and Robert J. Rosenthal)

WEST BOYLSTON—Just before Christmas 1974, Peter and Rita Palumbo learned they were living in the path of a construction project. It was the building of I-190 between Worcester and Leominster, and it would force the Palumbos to move.

The news made for a joyless Christmas, the Palumbos remember, and it was the beginning of a longer ordeal which shook their belief in democracy and left them painfully aware of the power of government and highways.

"I was sick over it," Mrs. Palumbo said recently. "We had worked like dogs for our house in the country. We were told to move and there was nothing we could do about it."

Thousands of people like the Palumbos have been and still are being relocated by the interstate highway system. Surprisingly, no one knows exactly how many. The U.S. Department of Transportation did not begin to keep records on relocation until 1968, a full 12 years after interstate construction began.

However, one transportation official in Washington estimates that in 20 years of construction, interstates have displaced nearly 500,000 people from their homes and businesses, 40,000 of them in New England.

Clearly, the experience of forced relocation is one of the most emotional—and least publicized—aspects of the interstate highway system. As Gilbert Barker, the Massachusetts relocation agent for the I-190 project that displaced the Palumbos and 143 others in Worcester and West Boylston, said recently:

"You can't be hit much harder in the stomach than for someone to come to your house and say, "Get out."

At the same time, Barker and other transportation officials see relocation as an unavoidable evil of highway building, particularly in urbanized regions such as southern New England.

The Federal government spends an average of $25 million a year buying property for interstate highways, officials say, and if the interstate program is completed to its projected 42,500 miles. 750,000 parcels totaling 1.8 million acres will have been taken by eminent domain—the right of local, state and Federal government to claim private land for public use.

Most of those people told to move relent and do move—often with bitterness—as the Palumbos did. Others fight in the courts. And some say that relocation improved their lives.

"There's no way they can fight to keep from moving because eminent domain is firmly established," Robert G. King, the chief of relocation for interstate projects, said in an interview in his Washington office. "They're going to have to move. The only question is how much they get paid."

When landtaking for interstate highways began in 1956, there were no procedures for relocation other than paying fair market value for the property. Once told to move, property owners were on their own.

"In the old days the hardships were horrible," Barker said. "We'd make a taking for a buck and tell the people to move out. We'd appraise the property and reimburse them later, sometimes much later."

By the time the Palumbos learned on that December day nearly two years ago that they would have to move from the path of I-190 there were relocation procedures. Relocation guidelines had been passed by Congress in 1968 and 1970. The rules take some of the financial sting out of a forced move but as the Palumbos learned, it still can be a lengthy, disruptive and even traumatic process.

Mrs. Palumbo, a parttime bookkeeper and the mother of two teenage daughters, remembers learning the bad news. Two men, strangers with documents in hand, rang the doorbell of the modest ranch house which she and her husband, a machinist, had saved for 20 years to buy. The house sat on a hill behind a dairy farm and the family had moved in just two years before.

Over coffee at the kitchen table, one of the men explained why they had come. "I'm sorry ma'am, terribly sorry, but according to these plans, your house is in the way. The Interstate's coming through."

Mr. Palumbo said she sat stunned as the men explained that the house would be appraised and taken by the state. Then the Palumbos, if they wished, could buy the house back and have it moved to a new location. Otherwise it would be auctioned off or demolished.

"They said we'd be well taken care of," Mrs. Palumbo said. "But the worst part was they couldn't say for sure when it would all happen."

The next year was a period of uncertainty as the Palumbos were led through the maze of relocation procedures.

First their home was appraised, for $45,500. Then, on March 26, 1975, it was taken by the state. The Palumbos were given the standard four-month grace period to move out and meanwhile, would pay the state $280 a month rent to live in the house they once owned.

They were urged to buy the house back for $2500, but then they would have to face skyrocketing prices for an empty house lot.

"They all said move, move, move. Find a piece of land and move," Mrs. Palumbo said. "But we spent months finding that piece of land."

Rising real estate prices are common when numbers of people are forced to find new homes. "We come along to relocate a lot of people," Barker said, "and boom, the prices go way up."

The Palumbos finally settled on a two-thirds of an acre lot about a mile from their old home site. The lot cost $13,500, and it would cost them another $5000 to move the house plus nearly $10,000 for a new foundation and septic system.

Palumbo feels he will not lose financially because of his relocation. More important to him, though, are the emotional strains and the feeling that his rights as a citizen and property owner were violated.

"The benefits may look good on paper," Palumbo said, "but we faced a jungle out

there and because of it we're different people today."

Mrs. Palumbo said she began seeing a psychiatrist to help cope with the strain of the ordeal—they didn't move to their new site until last March, 15 months after it all began.

"They say the highway is necessary," Mrs. Palumbo said. "But for us it meant nothing but aggravation."

For a homeowner who does not move his house as the Palumbos did, Congress allows up to $15,000 to help purchase a new dwelling. Tenants can receive up to $4000 to rent new quarters, and all displaced residents are eligible for moving costs. The replacement housing, according to Federal guidelines, must be "decent, safe and sanitary."

Businesses forced to move do not fare as well under relocation procedures, Barker said. They receive moving expenses and help in procuring small business loans. But if they cannot relocate or if they go out of business, they are eligible for no more than $10,000.

When people and business are forced to move because of an interstate, the lives of those left behind changes dramatically as well. In urban areas such as Worcester, Boston, and Providence, neighborhoods have been split, people have been moved and many more have been left living at the highway's edge.

The Ten Hills section of Somerville was split in 1969 by the building of I-93. One half of Bailey road, a street of neat but modest one and two-family homes clustered near an intersection of neighborhood shops, was taken for the highway.

The other half of the street remains, a street upon which people who have lived for 30 and 40 years continue to live, but now with the noise vibration and pollution of I-93 within 50 feet of their front windows.

John Sullo, a 69-year-old unemployed machinist, can remember how he and his neighbors reacted to the highway project.

"We put up a squawk," Sullo said. "We went to City Hall. People lay down in front of bulldozers. They stopped work for one day and then they started bulldozing again."

Sullo says he misses the shops that are gone—the two drug stores, the fish and grocery stores, the bakery, and the barber shop which was as much a social center as a place to get a haircut. He says resignedly that he now has to go to a supermarket just to get a quart of milk.

One of Sullo's neighbors is Emilio Paterna. The other day Paterna, 62 and a 25-year resident of Bailey road, was painting his front porch, the one that faces I-93. It is splotched with grease and worn with sand, pieces of metal and other debris from the highway.

Paterna complains bitterly about the road that split his neighborhood and forced many of his friends to live elsewhere. He says he can't sleep because of the noise and he shows visitors the cracks in the foundation and roof of his home caused by vibrations from the highway. Why doesn't he leave too?

"Leave, how can I leave my home?" asked Paterna. He gestured toward his backyard garden blooming with roses, pansies and tomatoes. "See these?" he asked, "I planted them and they grew from nothing. Would you like to leave these babies behind? I would die to move."

More often than not, highways in urban areas have skewered ethnic neighborhoods leaving them politically and economically weakened as was the case at Ten Hills. Another example is Boston's Roxbury section, which was split by the proposed Southwest Corridor which would have connected the Southeast Expressway and Rte. 128.

The corridor was cleared through Roxbury in the late 1960s. In 1970 then Gov. Francis W. Sargent stopped the project, but not before more than 1000 families had been moved and their homes levelled. Now the corridor is an urban wasteland of overgrown and junk-strewn vacant lots.

Along one edge of the corridor is a stone railroad embankment, overgrown with leafy sumac trees. Behind the leaves, barely visible, scrawled in white paint on the wall, are the words: "Stop I-95 Highways."

There are no signs of resistance left in the Greendale section of Worcester, not far from where the Palumbos used to live. The clearing for I-190 has nearly eradicated what was once a low-income enclave of French Canadians, Italians and Swedes who, by coincidence and the stroke of the planner's pen, became obstacles in the path of change.

Greendale was described as "friendly" and "handy to the bus" by the people who used to live there. It was a section of drab triple-deckers, several restaurants and small industries interspersed along a few tree-lined streets.

Mrs. Blanche Stevenson is one of the last residents of Greendale. Her apartment building is surrounded by rubble-strewn lots, all that remains of the homes of her friends. Her green triple-decker awaits the wrecker's ball and a yard sale sign tacked on the side hints at her impending move.

Like other older residents Mrs. Stevenson, 63, has roots in Greendale and does not want to move. She has the sympathy of Mrs. Kathleen Peterson, a young mother of two who used to live nearby.

But for Mrs. Peterson, relocation was an opportunity to move from a rented apartment to her first home, purchased with the help of the $4000 relocation payment from the state.

"I have no complaint," she said happily in her new suburban back yard in Shrewsbury. "Where else do you get this offer for someone to hand you some money and say move?"

The Department of Transportation estimates that a third of all tenants relocated become homeowners, often in better areas than where they lived.

Relocating also proved a boon for some of the businesses forced out of Greendale. The C&R Tire Co. moved a mile east to a major traffic artery and, according to president Edward Chew, business has improved.

Other Greendale businesses say moving may mean higher rents and the loss of old clients.

As the residents and businessmen of Greendale have realized, relocation is a much more complicated process than it appears on paper.

In his Washington office, King, the interstate relocation chief, says that relocation is neither right nor wrong:

"It is simply a matter of being fair," he said. "You have to give them back everything and make them whole again—but nothing more."

HIGHWAY FUND A SELF-PERPETUATING CIRCLE

(By Thomas Oliphant)

It is neat, painless, efficient, and productive beyond belief. It is also essential.

If the Federal government had tried to finance construction of the interstate highway system the way it finances its other public works projects, the giant road network never could have been built on anything approaching its present scale.

And so, like a well-off parent, prudently providing for an offspring, Uncle Sam set up a trust fund called the Highway Trust Fund.

Government trust funds aren't exactly like the private kind. They don't involve the transferral of assets, but rather the siphoning off a specific form of revenue for a specific purpose.

The magic in the device is that it assures the program of a steady, protected flow of funds, and frees it from the uncertain, annual ritual of the Congressional appropriations process.

There is nothing unique about the idea. Government trust funds finance Social Security and Medicare payments, as well as unemployment compensation grants.

What is unique about the highway trust fund is the way it has managed to help create and increase the demand for the very products it taxes. The dollar raised from the tax on gasoline goes to build a highway that helps increase the demand for more cars, which use more gasoline, raising more money for the trust fund, etc.

A lot more is involved than just a Federal tax of 4 cents a gallon of motor fuel, though that is by far the largest single source of revenue—a little less than 50 percent of the total.

The government also takes a big bite out of the trucking and bus companies whose growth has been so intimately linked to the interstate system's construction. New truck or bus tires and tubes are taxed at 10 cents a pound (car tires and treads, by contrast, get hit for a nickel); there's a 10 percent excise on the wholesale price of every new truck trailer or bus weighing more than 5 tons, and a 8 percent excise on the price of their parts and accessories; then, for the heavyweights—more than 13 tons—there's an additional tax of $3 per thousand pounds per year; and finally, for highway users there's a 6 cent-per-gallon tax on lubricating oil.

The productivity of this assortment of levies has been astounding. Feeding off the very growth it helped spawn, the trust fund's awesome wealth enabled the construction program to keep several jumps ahead of even the most intense inflation of the last few years.

From $2 billion in 1958, annual receipts to the trust fund mushroomed to $3 billion in 1962, $5.5 billion in 1970, and $6.7 billion last year. This year, in response to the recession and declines in gasoline prices, the take is expected to drop for the first time in the fund's 20-year history, but Federal officials confidently expect the upward trend to resume.

Spending, by law, may not exceed receipts in any year, and it never has. Quite the contrary, the trend over the last decade has been for them to fall $1 billion to $2 billion short each year; of late the fund's balance has hovered around $9 billion.

The implications of this wealth for the future of Federal transportation policy are enormous.

Even if there were no increase in annual revenues, the trust fund would receive, at the very least, some $90 billion between now and the anticipated end of the interstate construction program in 1990.

Against that, according to current cost estimates, it would take about $40 billion in Federal grants to complete the job, and that assumes everything now on the drawing board will actually be built, which is highly unlikely.

The trust fund also supports Federal grants for highway construction other than interstates—a network of rural, suburban and urban roads seven times the size of the interstate system, though far less expensive. However, no matter how virulent inflation is over the next 15 years, there's no way these projects could consume anywhere near the minimum of $50 billion left in the fund after the interstate program's future needs are allowed for.

This cycle of surplus is familiar. It is also embarrassing when compared to the starvation diet fed over the past generation to

the country's railroads and mass transit systems.

The very efficiency and productivity of the Highway Trust Fund, essential as it was to be to the building of the interstates, created a huge imbalance in overall transportation policy. Even after five years of political agitation on behalf of the cities, Federal spending for highways is more than double that for railroads and mass transit combined.

[From the Boston Globe, Sept. 15, 1976]

I–93 AND WINDHAM, N.H.—"50 YEARS OF CHANGE IN 10"

(By Robert J. Rosenthal and Nick King)

WINDHAM, N.H.—Six miles north of the Massachusetts border there is a sign on I–93 offering "food, phone, gas and lodging" at a place known as Exit 3 by the motorists who pull off there.

Exit 3 is marked by a Sunoco sign towering above the oaks and pines and granite ledge of the area.

Windham was a rural oasis, a sleepy New England town of 1300 farmers, loggers and retirees before I–93 came through in 1961.

Today, 15 years later, Windham is losing its identity to Exit 3, a bustling interchange where old Rte. 111 intersects with the modern elevated north and south corridors of I–93 on its way from Boston to the White Mountains of central New Hampshire.

The ramps of Exit 3 have brought more people, more business and more problems to Windham than anyone ever anticipated.

Windham has been transformed from a farm town to an interchange and bedroom community in a cycle repeated all along New England's interstate highways.

"We've seen 50 years of change in 10," is the way Ray Barlow sees it from behind the luncheon counter of his Windham country store.

More than 80 percent of the Interstate crisscrosses non-urban areas. Along rural stretches such as this, there is an interchange about every 4 miles. It is at these interchanges, of which there are 300 in New England, that cowpastures and cornfields have been quickly converted into key points of new commercial activity.

The interchanges are as indistinct as they are frequent. It is at these crossroads that corporate America has built shopping centers and the look-alike outlets that provide the "food, phone, gas and lodging" advertised so succinctly on the highway.

Howard Johnson's for example, has built 68 of its 168 orange-roofed franchises in New England on interstate interchanges. A spokesman said that the number of Ho Jo's restaurants and motor lodges has tripled since 1956, when interstate construction began.

Holiday Inn, which has grown from 50 establishments in 1958 to 1700 today, estimates "conservatively" that 40 percent of its motels are located within easy access to an interstate highway.

In York, Maine, near the New Hampshire border, Robert Perkins bought 30 acres of land for $400 in 1958. In 1971, while based in Thailand with the Air Force, Perkins received a check in the mail. The state of Maine had purchased eight of his acres for $27,000. The land would become part of I–95.

Perkins later built a home near an I–95 exit and became a developer. Since then he has built eight homes and sold all of them. Proximity to the interstate is one of his strongest selling points.

Perkins, now 46 and retired, says that Holiday Inn, Ramada Inn, and the Garrity Corp., have approached him about buying five acres of his land just off the exit. He says he will ask $250,000 for the land, and he expects to get it.

Perkins speaks enthusiastically about interstate highways and what they mean to New England.

"As far as I'm concerned Maine would be a dead state without the Interstate. It's like a river," Perkins said. "Everything flows in and out of the state on it."

A few hundred miles away in Newbury, Vt., a quintessential New England small town, Charles Emerson talks about interstate highways in bitter emotional terms.

Newbury was bypassed by I–91. It is a town of fine solid brick homes and farms. But there is no work. Emerson bought a gasoline station there two years ago on Rte. 5, but the Interstate has taken a lot of traffic away.

"That damn Interstate, its put us off the map," Emerson said. "You just don't get no extra boost in the summer. Since the Interstate opened I sell 10,000 gallons of gas less a summer. I don't see what good it's done to Vermont."

But in Windham, N.H., the commercial strip where Exit 3 deposits motorists on Rte. 111 is developing fast.

Tony Pincinsce's Sunoco station has perhaps the best location—directly between and beneath the Interstate's twin "barrells," as they are referred to here.

Just up the road a bank, gift shop and several markets have sprouted while down the other way is a new hardware store and a sign calling attention to "a new commercial center" with "business and commercial space available."

Nearby, Salvatore Amato is considering adding a restaurant and lounge to his motel. "The Interstate gave Rte. 111 potential," he said recently.

Although Exit 3 has not yet attracted a large shopping mall as many interchanges have, residents here expect it will soon. In the meantime, people like Mrs. Dorothy Armstrong use I–93 to commute to shopping malls in nearby Bedford and Salem.

"I love to get on that interstate and zip to wherever I'm going," Mrs. Armstrong says. "It's so easy and convenient."

As a result, local stores in smalltown places like Windham are hard pressed to compete with interchange shopping centers. For the rural grocery store with a soda fountain and post office, such competition forces adapting to the tourist and transient trade funnelled by the Interstate. The alternative is to close their doors.

But the Interstate has brought changes that have gone beyond finances and right to the character of a community.

Because the Interstate put Windham within reach of more people, farmland suddenly became more valuable as housing lots. Taxes rose sharply and people like Ray Barlow couldn't afford to keep on farming.

In 1959, when the Interstate was still under construction, Barlow converted his 400 acres of pastureland into 200 house lots. His Windham Estates development, offering the finest executive homes," was only one of several large-scale residential developments in town. Through the 1960s, 100 new homes were built each year.

Land became so valuable that, as Barlow says, "In many areas of town the land is more valuable than the house sitting on it."

Selectmen's secretary Elaine Haegle says Rockingham County, of which Windham is a part, has experienced a similar spurt of growth since the Interstate. She says it is one of the fastest growing counties in the nation.

"The highway has changed this town so much that, if you were born here, you wish you could go somewhere else," she says.

According to Mrs. Haegle, most of the expensive homes that were built on the lakeshore were purchased by newcomers from Massachusetts who use the Interstate to commute to jobs in Haverhill, Worcester, Boston and Providence. On weekdays those who have joined carpools park their unused vehicles near the access ramps to the Interstate.

Their children remain in Windham for schooling, however, and the town has recently built a new elementary school and, later, an addition to it to handle the growing school population.

The Interstate also has been a conduit for both traffic and crime and Police Chief Norman Crawford expanded his force to cope with it.

The demand for more services had been felt by Windham taxpayers.

"The newer people seem to want more than we ever did," Mrs. Haegle says. "They want garbage pickup, better roads and everything else. I guess they were used to paying higher taxes where they came from."

In an effort to broaden the town's tax base, a town meeting in May voted to rezone 50 acres of woodland between the two Interstate corridors to attract industry. Already Microwave Research Inc. of North Andover, Mass., plans to relocate in Windham with a potential employment of 200 people, town officials say.

The changes have not been easy for an erstwhile farming community. Issues such as how to mend fences and whether or not to pave a dirt road have been replaced by the more complex problems of zoning and water and sewerage systems.

"One of the weakest links in this fast growing town is our lack of professional help. We still rely on elected boards and it's all we can do to catch up," says Barlow, for many years a member of the planning board.

The pressure on Windhams part-time government to keep pace with the changes brought by the Interstate is shared by other small towns along the highway network.

"The interstate is facilitating tremendous growth in rural areas," said Calvin Beale, an economist with the US Department of Agriculture.

"This means problems for the receiving communities. They are growing more rapidly than they can absorb and this puts major strains on town services. What happens when rural and metropolitan people meet no one can say for sure."

Barlow has learned to adapt to the changes brought to Windham by the Interstate. With his housing development completed, he now runs the country store and has switched to a year-round business. It is one of more than a dozen stores catering to the motorist in a town that once supported two or three.

"I'd say my own worth has been enhanced many times by the Interstate," Barlow says.

For Barlow, Windham is home and he can balance the memories of a rural oasis with the new realities brought by the Interstate.

For the motorist traveling the Interstate, Windham is Exit 3. With its food, phone, gas and lodging it could be almost anywhere—anywhere along the interstate highway system.

[From the Boston Globe]

NO ONE ASKED HOW LIVES WOULD CHANGE

(By Nick King and Robert J. Rosenthal)

When Edward H. Holmes joined the Bureau of Public Roads as a junior engineer in 1928, the interstate highway system was simply a grand idea. In 1971, when he retired from the Department of Transportation as an associate administrator for planning, interstate highways stretched from coast to coast.

He can look back now and talk with intimate knowledge about the project that helped shape much of modern America and helped transform much of New England.

Holmes, 69, believes that interstate highways have done what they were supposed to do—connect metropolitan centers, stimulate the economy and create a network of roads for the motorists and truckers in peacetime and the military in time of war.

But Holmes also concedes that interstate highways have affected life in America far

beyond what planners could evaluate in dollars and cents.

Holmes, who lives in Kingston, recently recalled the mood of the country and the views of planners when President Eisenhower signed the National System of Interstate and Defense Highways into law in 1956.

"In the '50s when we moved ahead building, the thought was just to get it done," Holmes said. "It would be ridiculous to say we foresaw what would happen. It was the change of the philosophy of the country that happened. At that time the philosophy said build.

"There was never a relationship between planning and the urban area. We talked about fitting it all together but there was never the grasp of what the automobile would be. The automobile went beyond what we ever conceived. There was a terrific failure in planning and development but that's democracy to a certain extent."

Perhaps the single most striking reality emerging from dozens of interviews with planners, Federal officials, highway experts, builders, critics and people whose lives have been directly touched by the Interstate highway system is that no one foresaw what the interstates would do. No one asked what the impact of the interstates would be—not the politicians, not the planners, not the builders, not even the people whose lives were dramatically and sometimes permanently altered by them.

Today, it seems almost inconceivable that a project as vast and expensive as the interstate highway system could be built or even proposed without serious questions being raised about its economic, environmental and social impacts.

Most Americans are by now familiar with the curious world of interstate highways—the endless white lines, the sprawling concrete overpasses and abutments and "exit culture" that seems to have brought the same hamburgers, cellophaned cheese crackers and watery soda to every part of the nation.

But who, say the planners, was to know that the interstate would bring and take so much more than cars and trucks. Who was to know it would homogenize regions, and so dramatically alter the texture of communities, neighborhoods, and even states.

The story of the interstate highway system is as much a story of the time in which it was built as it is the story of a highway—a confident time where growth went unchallenged and an optimistic nation could almost casually authorize the expenditure of billions of dollars and the construction of thousands of miles of concrete to intersect entire regions.

As Edward Holmes describes it, no one seemed to think much about what the interstates would do to the people and places in its path, even though they were to profoundly change everything they touched.

Charlotte Kitowski of West Hartford, Conn., provides an almost classic example of the kind of person overlooked by the planners and builders in the politically benign years of the 1950s.

In March 1969—a period of political protest and confrontation that was in marked contrast to the Eisenhower years during which the interstate was authorized—Mrs. Kitowski was dividing her time between being a registered nurse and a self-described housewife.

That was about to change. Charlotte Kitowski was about to play David to the interstate Goliath.

It was then that Mrs. Kitowski learned that 11 miles of I–291, part of a multi-lane bypass around Hartford, was to be built through a reservoir near her home. And it was then Mrs. Kitowski decided to stop that highway.

"Back then," Mrs. Kitowski said recently, "I wasn't really sure how to go about stopping a highway. All I knew was that government had lost its meaning for so many people. The Vietnam War made the inadequacies of the country stand out. There was no public participation in the war. It was just going on. It seemed that was the same way highways were being built. The government was dealing with corporations, their interests were being served, not the people."

Mrs. Kitowski began her campaign against the highway going door to door in her own neighborhood and within two weeks she had written support of 2000 people.

During the next four years she would win the support of local politicians and newspapers and take her campaign to the Connecticut State House and to Washington.

At a 1970 rally at the reservoir attended by 10,000 people, Thomas Meskill, then running for governor, came to speak against the highway. As Mrs. Kitowski said, the move to block the highway quickly became an "apple pie issue."

But it was also political. After Meskill was elected governor, he switched his stance on the interstate, in response, Mrs. Kitowski believes, to business interests. She had her own political response. Her committee to stop the highway mailed out thousands of copies of Meskills two speeches, one opposing the interstate and the other in favor.

Mrs. Kitowski's tactics were ultimately successful. In July 1973, more than four years after she had begun her campaign, Gov. Meskill killed plans to build the 11-mile section of I–291.

There is a reminder of Mrs. Kitowski's opposition to highways not far from her house. It is a $10 million, 75-foot-high, four-tiered concrete interchange.

This structure, called "the stack," was built before Mrs. Kitowski began her campaign. It would have been the interchange between Interstate 84 and the defeated highway loop.

Mrs. Kitowski recalled the first time she saw "the stack."

"Looking at it I felt engulfed in cement. I would never have begun what I had begun if I had seen the stack before. That's a lesson people have to learn if they want to get involved against the weight and power of the government. If you ever begin to realize the size of the thing you're up against you'll never start."

Throughout the nation dozens of Charlotte Kitowskis began forming committees as the impact of the massive highway system began to be felt by residents, by environmentalists, by mass transit advocates and by urban planners.

Among the adverse effects cited by interstate critics were increased auto noise, pollution, and the use of diminishing fuel resources, uncontrolled growth spurred by the new highways, the neglect and the emotional issue of residential and business, relocation.

Advocates of the highway system have responded by claiming that the Interstates have done what they were designed for—linking urban centers, and facilitating the vital movement of people and goods.

They also argue that the interstates have provided a tremendous economic boost to most areas of the country, and have given Americans increased access to leisure time and job opportunities.

In any case, the increasing realization that the highway system had done more that make it easier to drive from one place to another gradually brought about changes in the planning and construction of the system:

In 1968, the first mandatory Relocation Assistance Act was passed, followed by a second in 1970. These laws gave financial assistance and advice to people forced to move by interstates.

In 1970, the National Environmental Policy Act was passed stipulating that Federally aided projects such as highways undergo environmental impact studies before any construction begins. The studies include possible air, noise, and water pollution and social and economic lifestyle patterns.

The U.S. Department of Transportation began to release highway trust funds in 1973 for urban mass transit and set up an Urban Mass Transit Administration.

But all of those changes were enacted long after the highway system had taken much of its shape. For better or worse, interstate highways are here to stay. The damage that may have been done to the environment, the character of communities altered by sudden growth, and the elevation of the automobile to its exalted status, seem to be permanent.

Permanent also are what many residents and business interests view as much needed economic and lifestyle benefits.

Although they came late, the changes slowed and even stopped the building of interstate highways and many highway builders and planners did and still do find them difficult to accept.

"To me a highway is progress and it seems that there are these people opposed to progress," says Lawrence A. Staron, chief of interstate projects for the Department of Transportation.

Robert Gubala, an environmental engineer for Connecticut Department of Transportation, approves of the environmental impact study process but says that "the burden of proof is on us to prove we're innocent rather than on opponents proving us guilty. That says something about the country."

Gubala also believes that the stopping of I–291 north by Mrs. Kitowski and subsequent halt of I–291 south, now in court over whether or not a proper impact study was done, will have severe negative impacts on Hartford.

"They've won the case but not the battle. The traffic is still awful and the need for a bypass is greater than ever. More problems have been created by not building that road. People use a lot of rhetoric but when it comes down to it they don't vote with their feet. They take the automobile," Gubala says.

Gubala, like many other transportation officials, says that the continuing emphasis on the use of the automobile can lead only to more congestion and pollution in urban area. He also says roads will continue to be built when there is a need for them.

US Department of Commerce figures show that in 1973 Americans spent $103 billion on automobiles while spending only $1.6 billion on mass transit.

Officials involved in building highways and critics of the highway builders have said that increased dependence on the automobile and the government's emphasis on highways is clearly linked to the decline of the railroads over the last 20 years.

In 1958, according to the National Assn. of Rail Passengers, there were 1448 scheduled passenger trains operating daily between cities. Today, according to Amtrak, there are 259.

According to the Assn. of American Railroads, the shipment of freight, on trains since 1956 has decreased by 12 percent.

By 1990, according to Department of Transportation estimates, the government will have spent $62 billion on mass transit and $192 billion on highways.

Even with the increases in mass transit funds, the same percentage of travelers which uses mass transit now (6 percent) will be using it in 1990, according to Transportation officials.

"The primary function of highways is to facilitate the flow of traffic," says Floyd Thiel an economist in the Department of Transportation's economic study group.

"There's a danger of being over-enthusiastic about highways. But here in the highway business we think we improve the Gross National Product.

We don't argue whether highways are socially desirable. You get mixed up over that. We know that if you put dollars into highways they multiply. We don't make value judgments—that's political. It's up to the people and the leaders to decide if we should grow."

When Thiel speaks of growth he is referring to the building of more interstates and the economic growth they create.

Between 1970 and 1975, according to the Census Bureau, New Hampshire's population increased 10.9 percent, Vermont's 5.9 percent and Maine's 6.6 percent. The majority of these increases are in communities bordering interstate highways.

During the same period the Massachusetts population has increased 2.4 percent and Connecticut 2.1 percent. Rhode Island's decreased by 2.4 percent.

According to Richard Forestal, the Census Bureau's chief of demographic statistics, New Englanders, especially those outside metropolitan areas are becoming increasingly more dependent on their cars because of the interstates.

He says that New England development was unique because the southern half of it already had a good road system before the interstates were built.

Forestal, unlike many officials interviewed in Washington, has looked at the ramifications of highways beyond statistics.

"An interstate is never an equal advantage for everybody," he said. "It changes the balance of a place economically just as the rivers, canals and railroads did. But it's awfully hard to relate technological changes to changes in society."

David Burwell, a lawyer with Public Interest Research Group of Massachusetts, is a watcher of the highway builders. He says that the interstate system is "a welfare system for the construction industry."

He also says highways and development "have a symbiotic relationship. Highways are built because of the need for development. Then development comes and more highways are needed."

Burwell concedes that the government does address community needs now but adds that questions are asked only after the decision to build a road has been reached. He says the government never would have responded to a community or human need if there had not been opposition to highways.

"The equation of the cost of the interstate never took into consideration the cost to community lifestyle," Burwell said.

"Community life and cohesiveness and disruption cannot be measured which is not to say they have no value. The interstate took in the cost of everything but the value of nothing."

Whatever the pro and con arguments, the interstate highway system has become an almost taken-for-granted reality to millions of the Americans.

The consensus among most highway experts and planners is that it could not have been built in today's financial and political climate, but there is nothing approaching consensus on whether it should have been built at all.

Perhaps the central question was best asked by Maine farmer John Mooers when he stood surveying the stretch of interstate that cut through his farmland:

"I don't know—you think that's what they call progress?"

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF TRANSPORTATION,
Providence, R.I., April 20, 1976.

Hon. WILLIAM T. COLEMAN, Jr.,
Secretary, U.S. Department of Transportation, Washington, D.C.

DEAR SECRETARY COLEMAN: Both as Director of the Rhode Island Department of Transportation and as a consumer of transportation services, I have developed a keen interest in the concept of the "forgiving roadside".

In my latter role, I travel regularly through two "forgiving roadside" projects in neighboring Massachusetts and through one such project here in Rhode Island. Putting myself in the place of my fellow consumers, I had been puzzled that they too did not develop an interest in these projects. It is, after all, perplexing to perceive a "highway" project that in no way alters the highway itself.

Over the past several months, however, several people have begun to share my interest. The term "forgiving roadside" has thus begun to gain notoriety on several fronts here in Rhode Island.

In November, one of our prominent environmentalists criticized the way in which "forgiving roadside" projects are developed. His feeling was that they should be subjected to public hearings and to some kind of environmental assessment.

In February, a Providence Journal writer editorialized on the subject, his primary concern being the cost of these projects. As a taxpayer, his feeling was that the benefits derived from them do not justify the costs that are involved.

This feeling was immediately echoed by a Barrington resident in a letter he wrote to Governor Noel. The writer stated that it made him sick to see how his money was being wasted and after noting "the overall general conditions on Rhode Island roads," he suggested that his money could be put to better use.

The newspaper article also inspired a local student of landscape architecture to write a paper on the subject. Her feeling is that rolling, heavily treed highway medians are much more attratcive than the flat and barren medians that are being created. Aesthetics has thus entered the debate.

In my official capacity, I have of course listened to these people with great interest and I have also discussed the "forgiving roadside" concept at length with several members of my staff. I have reached two conclusions.

First of all, I do not question the utility of "forgiving roadside" projects. The thirty feet of unencumbered roadside recovery areas that these projects create have unquestionably prevented numerous injuries and deaths.

I have also concluded, however, that while "forgiving roadside" projects are beneficial in and of themselves, the fact that we have even developed such projects is symptomatic of one of the most serious and frustrating problems facing my department—the inflexibility of federal highway funding.

There is highway safety work in our state that our citizens are almost begging us to undertake. As one example, I cite the 150 high accident locations throughout the state where almost 2000 accidents occurred during 1974. Furthermore, about 10% of our 1974 highway deaths occurred at these locations.

Improvements at almost all of these locations are eligible for Title II funding under either Section 209 or Section 230. The tragic fact, however, is that we currently have projects underway at only nine of these locations. Responsible for our dismal record is a federal funding structure that has apportioned us less than a combined total of $850,000 for the current fiscal years under these two categories. Furthermore, our record would be even worse if we had not used money apportioned to us under Title I categories to finance some of these projects. Lest you argue that such an action demonstrates a certain flexibility, I need only to point out that by using Title I funds for this work, we have had to delay the initiation of other important projects. The flexibility thus rings hollow.

As a second example of work that needs to be done in Rhode Island, I cite the twenty bridges throughout our state that have been classified as being either functionally obsolete or structurally deficient. All of these bridges need to be replaced and all are eligible for federal funding, but only five of them are under study or design. Again, the reason is a lack of money in certain federal funding categories.

The major problem lies with interstate funding policies. Rhode Island has more money available to it under the interstate category than it can possibly use and it is prohibited from using this money for non-interstate projects. It is this prohibition that has spawned "forgiving roadside" projects on our interstate highways when there is much more important highway work that needs to be done.

I therefore appeal to you to use your influence to ensure that future highway acts guarantee the states the flexibility that they need to proceed with their highway programs in a rational manner. The present system is truly intolerable.

Very truly yours,

ROBERT J. RAHILL,
Director.

[From the Washington Post]

SEATTLE CELEBRATES A FREEWAY BURIAL

(By Neal R. Peirce)

SEATTLE.—This handsome city on the shores of Puget Sound has just celebrated a burial that could be one key to the revival of inner cities throughout the nation.

Buried was a short stretch of Interstate 5, a concrete canyon of 10 lanes of traffic bearing 133,000 cars through the center of Seattle each day. The traffic still moves. But the freeway trench has been bridged over with a splendidly landscaped 6-acre urban park, filled with trees and grass and flowers and cascading water—including a 32-foot high waterfall—that totally masks the roar of traffic a few feet below.

Where truck and auto noise once filled the air, children now run and splash through wading pools, people have lunch in the open air, young people enjoy sunbaths, and retirees from nearby housing move about by foot or wheelchair.

And by substituting a charming park for the blight of a freeway canyon, Seattle also has created a pedestrian access between parts of its inner city cut off from each other when the interstate road was built.

Ingenious planning and financing—and eight years of close teamwork between city, county, state and federal governments and private citizens—were necessary to make Seattle's Freeway Park a reality.

The human catalyst was civic leader James R. Ellis, whose "Forward Thrust" bond improvement program for the city's future in 1968 had resulted in the earmarking of $2.8 million for a small park beside the freeway, Ellis and others then developed the idea of bringing the freeway and using the roof of a proposed municipal garage for still more park space. In return for the city's promise not to condemn his adjacent land, a private developer was persuaded to use only half the parcel for his building and to dedicate the other half to open space as an integral part of Freeway Park.

The city acquired the property and paid for the parking garage; the state highway department, using federal and state funds, built the bridge across the freeway to support the park. Close to $1 million in community development block grants, open space funds and recreation monies were made available for the work.

The total public cost, $14 million, amounted to only $45 a square foot—in an area where raw land normally costs $63 a square foot. The entire 6-acre park cost less in property taxes than the originally planned 1-acre park would have cost. And by bringing a private developer into the picture, the city added $130,000 to its annual property tax yields

Ellis says reclaiming the air space over freeways—space already in public ownership—should be considered by at least 50 other major U.S. cities. Often adjacent land is publicly held as well. And it's not even necessary to have a depressed freeway: often buildings and parkland, with the street level raised two or three stories, can be built over and around ground-level freeways.

Ellis acknowledges there are problems in launching complex projects such as Freeway Park. Each seems to take almost 10 years from inception to completion, and it's hard to get people to make a connection with taxes they may have approved a decade before. Without that connection, they may well be unwilling to make more public investments.

And government, Ellis says, moves incredibly slowly. The private entrepreneur built his office building and a huge garage and his part of Freeway Park before the city of Seattle even invited bids. Particularly in these days of required citizen comment on any proposal, Ellis says, "the time lock on government action is a fundamental part of the credibility problem." Because of inflation, delayed projects inevitably cost more than the people were originally told they would.

Yet whatever the problems, projects like Freeway Park—and several others now under way in Seattle—are proof positive that a city with imaginative leadership can reverse physical rot and, even more important, create a sense of excitement about a city where people of every class and race and economic group enjoy public places in common. That generates, Ellis says, a positive "hands-on" feeling among people, in stark contrast to deserted streets, bolted doors and the task of "hiring enough mercenaries to protect us from each other."

Seattle's natural setting, to be sure, makes it one of the most fortunate cities on earth. It suffers many misty days, but when the cloud cover recedes, one sees majestic Mount Rainier rising in the distance, and everywhere the brilliant waters of Puget Sound and the city's lakes. Few cities are so hilly: steep, impressive hills, offering breathtaking cityscapes and waterscapes.

There have been problems in recent years: fierce unemployment rates, a rise in numbers of poor (largely black) families, a sharp drop in the middleclass population. But under Mayor Wes Uhlman and a forward-looking city council, sharp emphasis is being placed on urban conservation and the preservation of tightly-knit neighborhoods. People are encouraged to decide themselves on how public funds are spent, how traffic is controlled and the neighborhood character shaped. City-wide, the old big business establishment has lost ground to a broad coalition of arts advocates, anti-freeway buffs, assorted reformers and local homeowners and businessmen.

Community Development Director Paul Schell explains how the city's major restorations and fresh projects are being tied together by walkways and bikeways, a monorail, free downtown bus service and a proposed trolley line and funicular for one of the steepest hills. The idea is easy foot and transit access between such attractions as Seattle Center (home of the 1962 World's Fair), a revitalized and park-dotted waterfront, zesty old Pike Place Market, the new domed stadium, and restored Pioneer Square, where fashionable shops and galleries share a community with the derelicts of old Skid Road.

Now on the drawing boards: Westlake Mall, in the heart of the old, declining downtown retail core, where elegant small parks will link a hotel, art museum, department stores and an intriguing three-tiered building accommodating restaurants, elegant new shops, theaters, and a new terminal for the monorail.

Government's role in this broad renewal, Schell says, is principally to reinforce positive private decisions—of businesses to stay and expand in the city, of citizens to stay there and not flee to the suburbs with their spending dollars and the tax base they represent.

To encourage those decisions, the city has just begun a series of public service radio and television commercials that "celebrate" the city and its rich cultural and ethnic diversity.

As scenes of congested traffic and frustrated drivers play across the screen, the viewer is reminded that "if you lived in Seattle, you'd be home by now." Another ad features all kinds of distinctive neighborhoods and houses—old, new, grand, modest. The pitch: "Suburbia is white, young and middle class. But Seattle? Seattle's like America—it's for everybody!"

I know of no other city so confident of itself and future—nor so imaginative—as to take to the airwaves with a positive advertising campaign. Nor has any other begun to submerge its unsightly freeways, substituting human amenity for the blight the superhighways have brought. But there's no rule to say that other cities couldn't do the same.

[From the New York Times, Mar. 9, 1977]

SEATTLE PARK SENSIBLE RESPONSE TO FREEWAY

(By Paul Goldberger)

SEATTLE.—When this city decided a few years ago to turn an old gas works into a monumental sculptural centerpiece for a new park, it thrust itself into the vanguard of American park design. Now Seattle has confirmed its position with another unusual park, this one a 5.4-acre mass of concrete completely covering a stretch of downtown freeway. Called simply Freeway Park, it does triple duty. It provides downtown open space, eliminates freeway noise, and links together two segments of town that the highway had cut apart from each other.

Freeway Park was created, in other words, to counter the effect the freeway had on the cityscape. Downtown highways have been ruthless destroyers of the urban fabric, cutting neighborhoods in two and drastically altering the ambiance of older cities, we may not be building many more of them any longer, but plenty are there, and Freeway Park is one of the few sensible responses any designer has yet offered to the problem.

Lawrence Halprin and Associates of San Francisco were the designers of the $3.5 million park, which is tied into a new office building by Van Slyck, Callison, Nelson of Seattle and a garage by Narramore, Bain, Brody and Johnson of Seattle. The overall project cost was $24 million.

The park consists of several flat, open, planted areas, grouped largely at the ends of a site that rambles in a rough diagonal across the freeway. The central visual element, however, is a dramatic 32-foot-deep concrete canyon, filled with waterfalls.

The canyon drops from the elevated park level to ground level over the median strip of the freeway. Like many of Mr. Halperin's designs, the canyon relies heavily on concrete—it is boxy and hard-edged, a configuration that poses some safety hazard.

But Mr. Halprin believes the canyon discourages visitors from taking chances and thus poses little real physical danger. A similar concrete fountain area of a Halprin park in Portland, Ore., has had an extremely good safety record.

At Seattle, terraces and irregular stairs and passageways bring the visitor into what feels like a deep crevasse. The view of the city disappears, the planting of the park's upper levels falls away, and the visitor is left in a concrete chasm, with water tumbling powerfully down all around him.

It is a striking place, far removed from the feeling of the surrounding city. But Mr. Halprin skillfully brings back the sense of the city with one splendid gesture—at the bottom of the canyon, behind the largest of the several waterfalls is a vast window onto the freeway. The cars glide by, their sound hidden by the water, their movement framed by the windows. Suddenly the freeway becomes like a segment of an abstract movie.

The window is so successful that one can only wish that Mr. Halprin had done more with the idea of letting the park use the freeway as a design element. Most of the park is fairly conventional, as current park design goes, its major excitement emerging from what it does rather than how it does it, but the window onto the freeway is something altogether new. It transforms the mad onrush of cars not by denying their existence, but by catching their movement in a frame.

"I don't think we gain much by perceiving freeways as ugly monsters." Mr. Halprin said the other day, "We should deal with the freeway as a modern art form, integrating it into the city, taming it rather than complaining about it."

That is essentially what he has done, in a way that is far more sophisticated than most other such efforts, like the mediocre apartment towers dropped over the approaches to the George Washington Bridge in Manhattan.

Indeed, Freeway Park recalls the very finest attempts to integrate urban highways into neighborhoods; it deserves to rank with such pioneering efforts as the Brooklyn Heights Esplanade over the Brooklyn Queens Expressway or the integrating of Carl Schurz Park into the F.D.R. Drive on the Upper East Side.

ADDITIONAL COSPONSORS

S. 76

At the request of Mr. STONE, the Senator from Montana (Mr. MELCHER) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 76, to amend title XVIII of the Social Security Act.

S. 247

At the request of Mr. GOLDWATER, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of S. 247, to provide recognition to the Women's Air Forces Service Pilots.

S. 749

At the request of Mr. ANDERSON, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 749, to amend the Internal Revenue Code.

S. 753

At the request of Mr. HUMPHREY, the Senator from New Hampshire (Mr. DURKIN) was added as a cosponsor of S. 753, providing disability benefits for the blind.

S. 800

At the request of Mr. HART, the Senator from New Hampshire (Mr. DURKIN)

was added as a cosponsor of S. 800, to promote the use of energy conservation.

S. 845

At the request of Mr. DOLE, the Senator from Pennsylvania (Mr. HEINZ), the Senator from Iowa (Mr. CLARK), the Senator from Indiana (Mr. BAYH), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of S. 845, the Dole-McGovern Food Stamp Act of 1977.

S. 972

At the request of Mr. NELSON, the Senator from South Dakota (Mr. McGOVERN) was added as a cosponsor of S. 972, a bill to authorize the Small Business Administration to make grants to support the development and operation of small business development centers in order to provide small business with management development, technical information, product planning and development, and domestic and international market development, and for other purposes.

S. 975

At the request of Mr. WILLIAMS, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 975, to improve the administration of the National Park System.

S. 995

At the request of Mr. JAVITS, the Senator from Arizona (Mr. DeCONCINI) was added as a cosponsor of S. 995, to amend the Civil Rights Act of 1964.

SENATE RESOLUTION 105

At the request of Mr. NELSON, the Senator from South Carolina (Mr. HOLLINGS), the Senator from Maryland (Mr. SARBANES), the Senator from South Dakota (Mr. McGOVERN), and the Senator from Florida (Mr. STONE) were added as cosponsors of Senate Resolution 105, calling for a White House Conference on Small Business.

SENATE RESOLUTION 120

At the resquest of Mr. HUMPHREY, the Senator from Arizona (Mr. DeCONCINI) was added as a cosponsor of Senate Resolution 120, relating to the ban on saccharin.

SENATE JOINT RESOLUTION 13

At the request of Mr. RANDOLPH, the Senator from New Mexico (Mr. SCHMITT) and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of Senate Joint Resolution 13, designating Energy Conservation Month.

SENATE RESOLUTION 123—ORIGINAL RESOLUTION REPORTED RELATING TO THE CONSIDERATION OF S. 1070

(Referred to the Committee on the Budget.)

Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs, reported the following resolution:

S. RES. 123

Resolved, That the provisions of section 402(a) of the Congressional Budget Act of 1974 are waived with respect to S. 1070, a bill to authorize additional funds for housing assistance for lower income Americans in fiscal year 1977, to extend the Federal riot reinsurance and crime insurance program, to establish a National Commission on Neighborhoods, and for other purposes. The waiver is necessary in order to provide for the continuation of HUD's crime and riot insurance programs, to provide supplemental funds requested by the Administration for assisted housing programs, and for the conduct of a study of policies required to improve the Nation's urban neighborhoods.

AMENDMENTS SUBMITTED FOR PRINTING

CODE OF OFFICIAL CONDUCT—S. RES. 110

AMENDMENTS NOS. 137 THROUGH 140

(Ordered to be printed and to lie on the table.)

Mr. SCHMITT submitted four amendments intended to be proposed by him to amendment No. 65, proposed to the resolution (S. Res. 110) to establish a code of official conduct for Members, officers, and employees of the Senate; and for other purposes.

AMENDMENT NO. 145

(Ordered to be printed and to lie on the table.)

Mr. PERCY. Mr. President, I submit an amendment to Senate Resolution 110, which affects the provisions of the proposed rules on the reporting of gifts.

The intent of proposed rule XLII requiring the reporting of all gifts of food, transportation, and lodging over $250 and of all other gifts over $100 is, like the other reporting requirements, to inform the public of the private financial interests of their lawmakers. However, I believe this section goes further than is necessary to serve this public purpose and is thus an unjustified and unnecessary intrusion of private lives and purely social relationships.

The intent of proposed rule XLIII, prohibiting the acceptance of gifts valued at more than $100 from an individual with a "direct interest in legislation" is to specifically prohibit attempts to influence legislation through the giving of items of monetary value to Senators and Senate staff. In my experience, such attempts are few and far between. But this proposed rule does not seek to set a standard of what is acceptable conduct. However, like the gift reporting section of proposed rule XLII, this provision does not distinguish between legislative contacts and purely personal relationships.

The amendment I am submitting distinguishes between the receipt of gifts where disclosure or limitation may be necessary to promote public confidence and those cases where there is no cause for public concern.

The first part of the amendment requires the reporting of gifts under rule XLII only to the degree that the value of gifts received from a single source exceeds in value those given in return by the Senator or staff person to that single source during the reporting period.

Under the rule as written, a Senator or covered employee receiving an aggregate of over $250 in gifts of food, entertainment, transportation or lodging must report such gifts and identify the source. It will obviously then appear that the recipient has benefited financially when in fact he or she may have given gifts of equal or greater value in return. This is certainly the case in most social relationships, particularly for those who do most of their entertaining outside of the home.

The amendment allows such gifts in return to be acknowledged. Under the amendment, a Senator or covered employee may deduct from the aggregate of gifts valued at $35 or more that are received from a single source the aggregate of those valued at $35 or more that the member or employee gives to that source. Or, if all gifts received are aggregated for purposes of reporting, all gifts given may be deducted. Thus gifts need be reported only to the degree that they exceed in value those given in return by $250 in the case of food, entertainment, transportation and lodging and by $100 in the case of all other gifts which seems to be in keeping with the spirit and intent of the resolution before us.

The second part of this amendment applies this principle to gifts received from individuals or organizations with a direct interest in legislation under proposed rule XLIII. Obviously such an individual or organization is not going to buy influence if gifts and entertainment of equal or greater value are given in return. This amendment allows a Member or employee to deduct from the aggregate of gifts that are received from a single source the aggregate of those that the Member or employee gives to that source.

This amendment recognizes the existence of social relationships between Members or employees and donors who are covered by the proposed rule. And the public's interest remains protected by section 1 prohibiting the acceptance of any gift where the intent or result would be to affect the performance of official duties as well as by the fact that gifts would still be reportable as required under proposed rule XLII.

These amendments contemplate that Members and employees keep accurate records so that if a question does arise, the records can be made available to the Select Committee on Ethics. This is particularly important since Members and employees will still be subject to a net limit of $100 in gifts from those covered under rule XLIII.

I ask unanimous consent that the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 145

On page 5, line 14, after "(d)" insert "(1)".

On page 5, after line 16, insert the following:

"(2) In aggregating gifts for purposes of subparagraphs (b) and (c) of this paragraph, the reporting individual may deduct from the total value of gifts received from any source during the calendar year the total value of gifts given by the reporting individual to that source during the calendar year, except that, if gifts with a fair market value of less than $35 received from that source are not aggregated, gifts with a fair market value of less than $35 given to that source may not be deducted.

On page 22, line 4, after the period insert "In determining whether an individual has accepted any gift or gifts having an aggregate value exceeding $100 during a calendar

year from any person, organization, or corporation, there may be deducted the aggregate value of gifts (other than gifts described in subparagraph (c)) given by such individual to such person, organization, or corporation during that calendar year.".

AMENDMENT NO. 146

(Ordered to be printed and to lie on the table.)

Mr. STEVENSON (for himself, Mr. RIBICOFF, and Mr. CLARK) submitted an amendment intended to be proposed by him to amendment No. 65 proposed to Senate Resolution 110, supra.

AMENDMENTS NOS. 147 AND 148

(Ordered to be printed and to lie on the table.)

Mr. WALLOP submitted two amendments intended to be proposed by him to amendment No. 65 proposed to Senate Resolution 110, supra.

AMENDMENT NO. 149

(Ordered to be printed and to lie on the table.)

Mr. PERCY. Mr. President, I submit an amendment intended to reduce the disparate treatment of earned and unearned income in Senate Resolution 110.

The amendment adds a provision to the conflict of interest section of Senate Resolution 110, stating that no Senator or staff may devote so much time to the acquisition of unearned income, such as real estate or investment management, that it would interfere with the conscientious performance of Senate duties. The amendment does not place a specific limitation on the amount of time which may be devoted to such activities, but directs the Rules Committee to report in 180 days as to whether such a specific limitation should be imposed.

I ask unanimous consent that the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 149

On page 27, line 12, strike out "duties." and insert in lieu thereof "duties, including the expenditure of time, for the purpose of acquiring income (other than earned income), in an amount which would interfere with the conscientious performance of official duties.";

On page 53, between lines 19 and 20, add a new section as follows:

"SEC. 310. The Committee on Rules and Administration shall, within one hundred and eighty days after the day on which this resolution is agreed to, report its recommendations to the Senate as to whether a specific limitation should be placed on the amount of time which a Senator may devote to the acquisition of income (other than earned income).";

On page 53, line 20, renumber section 310 as 311.

GRAIN STANDARDS ACT AMENDMENTS—S. 1051

AMENDMENTS NOS. 141 THROUGH 144

(Ordered to be printed and to lie on the table.)

Mr. TOWER (for himself, Mr. BENTSEN, Mr. LUGAR, Mr. CURTIS, Mr. MCCLURE, Mr. ZORINSKY, Mr. BARTLETT, and Mr. PACKWOOD) submitted four amendments intended to be proposed by them jointly to the bill (S. 1051) to amend the U.S. Grain Standards Act with respect to recordkeeping requirements and supervision fees, and to establish an advisory committee to provide advice to the Administrator of the Federal Grain Inspection Service, and for other purposes.

Mr. TOWER. Mr. President, I submit today proposed amendments to the Grain Standards Act, which I intend to bring up at the time the Senate considers S. 1051, an original bill of the Committee on Agriculture.

The four amendments, which add additional sections to S. 1051, are being filed today on behalf of Senators BARTLETT, BENTSEN, CURTIS, LUGAR, MCCLURE, PACKWOOD, ZORINSKY, and myself and represent what we consider to be essential corrections to the Grain Standards Act, which was rewritten last year.

BACKGROUND

That major revision followed 2 years of lengthy investigation and hearings by the committee, following disclosures of criminal conduct and corruption at some of the ports at the Gulf of Mexico from which American-produced grain is shipped overseas.

The system adopted by the Congress after lengthy conference with the House placed the Federal Grain Inspection Service in charge of all grading and weighing of grain at points of export. With the exception of State inspection systems at interior terminals which were "grandfathered in" under the act, the Federal Government also assumed responsibility for grading and weighing of grain at interior locations as well.

The 1976 law requires Federal grading of all outbound shipments—those leaving ports—and requires weighing of grain shipments entering and leaving export terminals. The act allows, but does not require, the FGIS to perform grading of grain shipments entering export terminals, commonly called "inbound shipments."

The 1976 Grain Act amendments also allow the administrator of FGIS to designate private exchanges, boards of trade, and chambers of commerce to perform official grading and weighing at interior terminals, under a waiver for potential conflicts of interest which, under the act, are presumed to occur in all non-Federal inspection operations.

Suffice it to say that the amendments adopted by the Senate last year did not pass without strong opposition. The Senate agreed in conference to changes designed to allow continued participation by the private sector. There was a challenge, which I voiced along with others, to the presumption implicit in the Senate bill that anyone not working for the Federal Government is a crook.

Mr. President, the vigorous debate which occurred last year when the Senate revised the Grain Act is history. Whether or not we agreed at the time, the bill is now law, and it is not the purpose of this Senator, nor any of my colleagues who join in introducing and sponsoring these amendments, to try to reverse, through these amendments, steps which were taken last year.

PROBLEMS CITED

As with many of our acts, the 1976 Grain Act amendments have been difficult to implement. We placed upon the FGIS a tremendous burden, with a short period of time to accomplish the task. Understandably, problems have cropped up, and the FGIS has been extremely helpful in bringing these problems to the Congress for correction.

More importantly, grain producers and marketers have brought to this body's attention the more glaring weaknesses in the bill, first in an informal meeting sponsored by Senators DOLE and HUDDLESTON, and later at the 2 days of formal hearings by the committee.

PROPOSALS

Prior to those hearings, both Senator DOLE and Senator HUDDLESTON introduced legislation to correct many of the problems which had been discussed between producers of grain and the FGIS. Their bills addressed particularly the need for a change in record-keeping requirements for country elevators, and the payment of supervisory costs through user fees. A temporary advisory committee was proposed to assist FGIS through the transition period from a private/State/Federal system to an almost totally Federal system of grain inspection.

The day following the introduction of S. 592 by Senator DOLE and S. 593 by Senator HUDDLESTON, hearings were held to examine suggestions for changes in the law in order to insure the timely and orderly marketing of grain.

At those hearings, on February 3 and 4 of this year, dozens of witnesses testified to the need for changes as comprised in S. 592 and S. 593. In addition, four other problems were cited, and suggestions were made for solving these difficulties.

The amendments which my colleagues and I submit today encompass the solutions proposed during the committee's hearings, for which a substantial record was made.

The amendments are simple and straightforward. They seek in the most efficient manner to make minor corrections in the existing law to promote orderly marketing and inspection of grain produced in this country, and to relieve some of the costs imposed by the law on producers.

The amendments we introduce today are not sweeping, and they do not quarrel with the intent of the law. As my colleagues will note, the amendments are supported by Senators on both sides of the aisle and from every geographical area from the gulf coast to the Pacific.

Although my colleagues and I could have requested consideration of these amendments by the committee during its consideration of S. 1051, we did not do so for two reasons: At the request of Senator HUDDLESTON and Senator DOLE, we did not wish to cause a delay in the process of reporting a bill for consideration of the full Senate; and out of courtesy to our colleague, the Senator from Iowa, Mr. CLARK, who opposes these amendments but who was necessarily absent on the day when S. 1051 was considered by the committee. We did not feel that it would be proper to insist on consideration of the amendments in his absence, and we did not feel consideration

was essential to passage of the amendments by the full Senate.

Mr. President, as I said, there are four amendments:

AMENDMENT NO. 1

The first amendment would provide criteria for the Administrator of FGIS to consider in making his determination as to whether a waiver should be granted for any potential conflict of interest.

On at least two occasions, the Administrator has expressed to my staff his desire to have such criteria, either from Congress or from the advisory committee. I believe it is incumbent on Congress to provide that guidance, while leaving substantial room for additional criteria which either the Administrator or the advisory committee may suggest.

This amendment does not require the Administrator to do anything more than consider these suggested standards for a board of trade, private exchange, or chamber of commerce which seeks to be designated as an official inspection agent of the FGIS.

It is obligatory only in that the Administrator shall consider the criteria. I do not believe that is too much to ask in the way of curbing the discretion of an administrator.

AMENDMENT NO. 2

The second amendment provides that the Administrator may, and I repeat, may, designate a private exchange, board of trade or chamber of commerce to perform official grading of grain which enters export terminals so-called inbound shipments.

As I said earlier Mr. President, the present law requires that the Federal Government and only the Federal Government perform grading of outbound shipments at points of export, that is, the grain which leaves an export terminal for an overseas customer. The law likewise requires that weighing of grain shipments be performed by the FGIS both in and out of the export terminals, the purpose of these requirements being to reduce the likelihood of corrupt handling of American grain.

This second amendment, Mr. President, does not alter that philosophy. The amendment merely would allow the Administrator to designate, should certain criteria be met, an agency in the private sector to perform functions not required of FGIS under the act.

Again, the amendment is not mandatory. We must depend on the discretion of the Administrator if good reasons demonstrate that such a designation cannot be justified. But as we all know, Mr. President, circumstances do and will exist wherein such a designation will be in the public interest in order to promote the orderly and timely movement of grain.

AMENDMENT NO. 3

The third amendment, Mr. President, seeks to reduce to the minimum essential number the number of supervisory personnel in the FGIS. While in the past the central problem of the grain trade has been that too few Federal supervisors were hired, the opposite now appears to be the problem.

This amendment would require the Administrator to determine a ratio between the number of personnel essential to carry out supervisory functions and the number of bushels of all types of grain moving in export. A second ratio will be set applying to domestic trade for the previous year. Once this bushel-to-supervisor ratio is established following consultation with the Agriculture Committees of the House and Senate, the ratio would govern the ceiling for supervisory personnel in future years, adjusted up or down as the volume of grain trade increases or decreases.

Assuming S. 1051 is enacted, and supervisory personnel are paid out of appropriated funds, the ratio would act only as a ceiling. The appropriations process may dictate a lower level, but the ceiling would be set, replacing the present "blank check" which has been written into the law.

AMENDMENT NO. 4

The final amendment, Mr. President, would authorize appropriations to pay half the costs of federally mandated inspection and weighing service performed by FGIS. The other half would continue to be paid through user fees. Under the present law, the Federal Government has replaced the private sector and the States in inspecting and weighing grain. The costs of these services, designed to cover the entire bureaucratic structure outside Washington, D.C., is by FGIS' own estimate two to three times as expensive as the prevailing rates of private exchanges, boards of trade, and chambers of commerce providing the same services.

The fact of the matter is that the Federal Government is unable to provide the same level of service at the same cost as private enterprise, which should come as no surprise to my colleagues.

The problem is that producers of grain end up footing the bill for that increased cost. And while I do not advocate that the Government pay the total cost, I do not think it is fair to grant a monopoly to FGIS without funding a portion of the increased costs. Farmers and elevator operators no longer have the option of seeking out the most efficient, and least costly service. FGIS has a corner on the market, and it is too much a burden to require.

The total cost of original inspection and weighing provided by FGIS is estimated by the committee in its report to be $50 million annually. At least half this cost is due, according to witnesses who testified at the committee's hearings, to increases brought about in the conversion from private to Federal inspection and weighing. That increase is what we would propose here to fund through appropriations.

Mr. President, I think these amendments strengthen the law without subverting its purpose. They will eliminate the remaining difficulties which were brought to light during the 2 days of hearings in February. I do not believe in overlegislating, and these amendments do no make that mistake. I think the broad support which they have received from other Senators attests to their soundness.

Mr. President, the facts outlined here today are the best arguments for adoption of these amendments when the Senate considers S. 1051, and I will not argue their merits further. I thank my colleagues for bearing with me through this explanation, and I ask unanimous consent that the four amendments which I submit today for myself and my colleagues be printed in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 141

S. 1051 is amended by adding the following new section:

SEC. 7. Section 11(b) of the United States Grain Standards Act (90 Stat. 2881–2882; 7 U.S.C. 87 (b)) is amended by inserting in paragraph (5) thereof immediately following the first sentence, the following:

"The Administrator shall, in making a determination under this paragraph, consider—

(A) the historical record of the organization and its employees with respect to integrity in the provision of inspection or weighing services;

(B) whether there exists a balance of buyers and sellers on the Board of Directors, or other governing body of the inspection service organized under a Board of Trade or private exchange;

(C) whether there exists an autonomous committee or other governing body to manage an inspection service provided by a Chamber of Commerce; and

(D) such other criteria as the Administrator, after consultation with the Advisory Group established under this Act, and upon the Advisory Group's recommendation, may by regulation provide.

AMENDMENT NO. 142

S. 1051 is amended by adding the following new section:

SEC. 8. Notwithstanding any other provision of law, the Administrator may designate a Board of Trade, Chamber of Commerce, or private exchange for the purposes of providing official inspection and grading services on inbound shipments at points of export, provided that:

(A) A balance between buyers and sellers exists among the members of the Board of Directors or other governing body of an inspection agency established for such purposes by a Board of Trade or a private exchange;

(B) An autonomous committee composed of neither buyers nor sellers is established to govern an inspection agency set up to perform such services by a Chamber of Commerce; and

(C) Such other criteria as the Administrator, after consultation with the Advisory Group established under the Act, and upon the Advisory Group's recommendation may by regulation prescribe, are met.

AMENDMENT NO. 143

S. 1051 is amended by adding the following new section:

SEC. 9. (A) Within 60 days following the enactment of the Act, the Administrator shall establish a ratio between the number of supervisory personnel essential to carry out supervisory functions under the Act at export points, and the number of bushels of all types of grain exported from the United States within the most recent twelve-month period; within sixty days following the enactment of this Act, the Administrator shall report that ratio to the Committees on Agriculture of the House and Senate, and shall thereafter limit the number of federal supervisory personnel at points of export to the number established by applying the ratio to the number of bushels of grain moving in export in the year im-

mediately preceding the year for which supervisory personnel levels are established.

(B) The Administrator shall, within sixty days following the enactment of this Act, establish a ratio between the number of Federal supervisory personnel essential to carry out supervisory functions under the Act at non-export points in the United States, and the number of bushels of all types of grain moving in domestic trade for the previous twelve-month period; within sixty days following the enactment of this Act, the Administrator shall report that ratio to the Committees on Agriculture of the House and Senate, and shall thereafter limit the numbe rof Federal supervisory personnel at non-export points in the United States to the number established by applying the ratio to the number of bushels of all types of grain moving in domestic trade in the year immediately preceding the year for which supervisory personnel levels are established.

AMENDMENT No. 144

S. 1051 is amended by adding the following new section:

SEC. 10. Notwithstanding any other provision of law, the costs of federally mandated inspection and weighing services shall be paid in equal portions through appropriations authorized under this Act, and through fees assessed on an equal basis to users of such services.

NOTICES OF HEARINGS

PARKS AND RECREATION SUBCOMMITTEE

Mr. ABOUREZK. Mr. President, I wish to announce for the information of the Senate and the public, the scheduling of a public hearing before the Parks and Recreation Subcommittee of the Senate Energy and Natural Resources Committee.

The hearing is scheduled for April 6, 1977, beginning at 9 a.m. Testimony is invited regarding S. 393, a bill to designate certain lands in Montana to determine their suitability for preservation as wilderness.

For further information regarding the hearings you may wish to contact Mr. Thomas Williams of the subcommittee staff on extension 47145. Those wishing to testify or who wish to submit a written statement for the hearing record should write to the Parks and Recreation Subcommittee, room 3106, Dirksen Senate Office Building, Washington, D.C. 20510.

NOMINATION HEARING

Mr. WILLIAMS. Mr. President, I wish to announce that the Committee on Human Resources has scheduled a hearing on Friday, March 25, 1977, at 10 a.m. in room 4232 Dirksen Office Building, on the nominations of Ernest LeRoy Boyer of New York to be Commissioner of Education and Mary Berry of Colorado to be Assistant Secretary for Education.

Persons wishing to testify or submit statements, please contact: Lisa Walker of the committee staff, room 6302, Dirksen.

ADDITIONAL STATEMENTS

THE IMPORTANCE OF SOIL CONSERVATION

Mr. CULVER. Mr. President, the trend toward a plateau and possibly a decline in per acre crop yields in American agriculture has become more and more evident in recent years. Among the many partial explanations for this, one stands out in my mind as the most unfortunate, the most dangerous, and the most avoidable—the depletion of our soil.

I would like to take this opportunity to bring to the attention of my colleagues an article on this topic by Lee Egerstrom and Gil Bailey from the Des Moines Tribune of March 15. This article provides an accurate and to the point picture of the current status of our soil conservation programs. That picture is not an encouraging one.

From 1970 to 1976, when the Department of Agriculture was calling for all-out production, its budget requests included no funds for soil conservation. Millions of formerly untilled acres came under the plow with no protection from erosion. The Congress had to fight to maintain what was little more than a nominal cost-sharing program for soil conservation.

Those acres are still in production today. They still lack adequate protection. Without a significant and sustained reversal of the recent trends in funding for soil conservation programs we will throw away not only the progress of the past but also the potential of the future.

I ask unanimous consent that the article by Egerstrom and Bailey be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Des Moines Tribune, Mar. 15, 1977]

ROOTS OF NEW DUST BOWL

(By Lee Egerstrom and Gil Bailey)

WASHINGTON, D.C.—Three decades of soil conservation efforts, involving up to 28 million acres of trees and grasslands, have been destroyed since 1970, contributing greatly to the return of "dust bowl" conditions in the dry West.

Agriculture Department officials report at least 20 million of those acres have been put back into food production, re-creating conditions that caused the Dust Bowl of the 1930s.

As a result, President Carter and Agriculture Secretary Bob Bergland will ask Congress to greatly increase soil conservation programs when a new farm program is outlined next week, Agriculture Department officials said.

However, it may be too late to prevent a 1930s-style return of the Dust Bowl unless weather conditions change and arrest the drought in 24 western and midwestern states.

From the late 1930s until 1970, the Agriculture Department shared the cost of building "shelter belt" rows of trees to hold back wind erosion in the Great Plains and western states.

Marginal farm land was planted with erosion-resistent grasses during the soil bank days of Kennedy and Johnson administrations. In the 1960s, 28 million acres were taken out of production in what was partly a conservation program, and also a subsidized effort to limit surplus grain production.

Former President Nixon and Agriculture Secretary Earl Butz asked Congress to stop funding the Agricultural Conservation Program (ACP) in 1970, arguing that farmers should not be paid for protecting their own property.

The soil bank program was stopped, and land that had been idle was put back into production. The Nixon administration also opposed the shared cost payments for building shelter belt tree lines and grass seedings to fight wind erosion.

Congress provided limited funds for the program over the administration's objections, pointing out the program's relatively low cost. Individual farmers could not receive more than $2,500 in federal help.

President Nixon impounded the funds in 1973. A year later the federal courts ruled the impoundment unconstitutional and the Agriculture Department was ordered to administer the program now called Rural Environmental Assistance Program (REAP).

President Nixon did not include ACP and REAP in his budget requests. President Ford included it only this year.

The lack of interest in the conservation program has been devastating, according to Agriculture Department officials.

"We know how much (trees and grass) was planted over the years, but we don't have any data on how much is on the ground right now," said King Ensmiger, ACP program analysis director.

He added that well over 20 million of the 28 million acres of western farm land, formerly involved in conservation programs, is now back under cultivation and vulnerable to erosion.

While fighting the program in Congress, former Secretary Butz told farmers he would find markets for whatever quantities of wheat, soybeans and feed grains they could produce. The Russians were the new big customers.

CABINET PORTRAITS FOR POSTERITY

Mr. PERCY. Mr. President, it has recently come to my attention that since the 1800's, the visage of nearly every Cabinet member has been captured for posterity in oil—at the taxpayers' expense.

Under this arrangement, most Cabinet officers have been free to select the artist, and recent fees have ranged from $6,000 to $12,000. One portrait commissioned during the Johnson administration took 8 years to complete. Moreover, these portraits are in no way limited to those who serve for lengthy terms. Portraits are in process for Stanley Hathaway, who was Secretary of the Interior for a total of 6 weeks in 1975, and for Elliot Richardson in his 3-month tenure as Defense Secretary.

I do not for a moment suggest that we should not maintain a historical record of the Cabinet through the use of official portraits. However, it certainly seems that high-quality color photographs would be adequate. Indeed, photographs would result in a more accurate historical record than portraits painted with a certain measure of artistic license.

OMB Director Lance has reviewed my concerns in this matter and has indicated that he will recommend a reform of this practice to the President. Although the resulting savings will hardly make a dent in the total level of Federal waste, the hundreds of thousands of dollars spent on these portraits during each administration could certainly be put to better use.

Mr. President, I ask unanimous consent that an article which appeared in the Christian Science Monitor on this subject be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Nov. 24, 1976]

CABINET PORTRAITS FOR POSTERITY

(By Peter C. Stuart)

WASHINGTON.—A whole Cabinetful of old faces will leave office with the Ford administration in January, but their faces will remain behind—in oil paints, acrylics, and finely carved frames on the walls of the departmental offices they once governed.

A change of presidential administrations is a busy (and lucrative) time for artists who specialize in painting those firm-jawed, man-of-vision portraits of the politically powerful. Each of the 11 outgoing Cabinet secretaries is entitled to one.

For the American taxpayers who pay for nearly all the portraits, such artistic immortality doesn't come cheap. The going rate is roughly $6,000 apiece—more than an entire year's income for some 20 million impoverished Americans. And fees can run as high as $12,000.

Most of the resulting pictures grace corridors, reception areas, conference rooms, and inner sanctums throughout the Washington bureaucracy. But some of them, officials candidly admit, are tucked away in basement vaults—to be resurrected only when a secretary insists on displaying the likeness of a favorite predecessor.

All Cabinet secretaries qualify for remembrance on canvas, no matter how brief or discredited their tenures. Portraits are in process for Stanley K. Hathaway, who was Interior Secretary for a fleeting six weeks in 1975, and Elliot L. Richardson, who was Defense Secretary for just three months. "Instead of an oil painting," quips a Pentagon aide, "maybe they should put up a Polaroid snapshot."

The Interior Department forgivingly displays pictures of former Secretary Albert B. Fall, who was convicted of fraud in the Teapot Dome scandal in the 1920s, and another who defected to the Confederacy. But at the Justice Department, the only Attorney General since 1794 without an official portrait is convicted Watergate conspirator John N. Mitchell. "No request was ever made," explains a department spokesman.

Most Cabinet members are allowed to choose their own artist—former Attorney General Richard G. Kleindienst, an Arizonan, picked a painter from Carefree, Arizona, for example, while successor William B. Saxbe, an Ohioan, selected one from Columbus, Ohio—and how realistically they wish to be rendered.

Others, such as ex-Commerce secretaries, have the choice made for them after they leave and usually are painted from photographs.

Commissioned portraits of officeholders make a tidy living for some artists. New York City painter Everett Raymond Kinstler has depicted two governors, two ambassadors, an undersecretary of state, two Labor secretaries, two Agriculture secretaries (including Earl L. Butz, now on his easel), and the last three treasury secretaries (including William E. Simon, another current project).

The price of being portrayed for posterity, like just about everything else, is going up. Fifteen years ago, at the end of the Eisenhower administration, an attorney general's picture could be hung on the wall for $3,000; today it costs the Justice Department $5,000. The Defense Department pays as much as $10,000. The newest federal department, Transportation (it has had only three secretaries to paint), is the most generous at $12,000.

One department, Commerce, spares taxpayers the expense by paying for portraits from gifts, bequests, and the secretary's speaking fees, or arranging for them to be donated.

Few of these framed flatteries pose any artistic challenge to Rembrandt or Gainsborough, but some have taken as much time to paint as a masterpiece. The recently received portrait of Stewart L. Udall, Interior Secretary in the Kennedy and Johnson administrations, consumed eight years—twice as long as Michaelangelo spent on the ceilings of the Sistine Chapel.

FUNDAMENTAL MISPERCEPTIONS CONCERNING RHODESIA

Mr. HARRY F. BYRD, JR. Mr. President, I believe there are a number of serious misunderstandings which distort the American Government's view of Rhodesia. I find it incomprehensible that the United States can continue to seek to be a positive catalyst for peaceful change in Rhodesia while having no contact with the Rhodesian Government, either formal or informal.

In the March 21, 1977, issue of Barron's magazine there appeared an editorial by Mr. John Davenport which clarifies, in a concise and succinct fashion, the important issues which surround the Rhodesian question.

I ask unanimous consent that the text of this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EMBARGO ON CHROME

(By Mr. John Davenport)

In a notable address to members of the American Bar Association in the spring of 1968, the late Dean Acheson declared that the imposition of economic sanctions against the state of Rhodesia by the U.S. and other countries at the instigation of the United Nations constituted nothing less than "barefaced aggression, unprovoked and unjustified by a single legal or moral principle." We recall these forthright words of a not undistinguished U.S. Secretary of State with a certain amount of nostalgia, not just because we saw fit to reprint them at the time (Barron's, June 2, 1968), but also because they offer perhaps the sharpest commentary that can be made on the Carter Administration's latest ploy to deal with what has become known as the Rhodesian issue.

That ploy is to jam through an all-too-acquiescent Congress legislation which nullifies the so-called Byrd Amendment of 1971, which at least allowed the U.S. to purchase high-grade chrome ore and ferro-chrome from Rhodesia to the mutual benefit of both countries. To the benefit of the U.S., because chrome is essential to the making of stainless steel and to high-technology industries. To the benefit of Rhodesia, because sale of chrome alows her to earn the foreign exchange she desperately needs to buy arms to defend herself against mounting terrorist attack, which, on the evidence, is amply supplied with Communist guns and money and contravnes all principles of international law, to say nothing of the spirit of the United Nations Charter.

We here pass over as largely irrelevant the shabby economic argument which Secretary of State Vance and others have brought forward for tightening the noose of sanctions around a country which has never harmed an American citizen, never threatened American property and the present government of which, despite everything, remains loyal to the West. The chief argument on this score is that in cutting itself off from Rhodesian chrome, the U.S. will no longer be completely dependent on Soviet Russia as an alternative source of supply, since advancing technologies both here and abroad now allow American industry to make use of lower-grade chrome available elsewhere, notably from South Africa, the racial policies of which are constantly denounced. In our book, other things equal, the U.S. should buy its raw materials where they are cheapest and most plentiful, and on both counts Rhodesia surely qualifies.

But the Administration's economic arguments are at best a smokescreen for its real purpose, which is to redeem some ill-advised political promises made during the late campaign. Acting on those promises, it will now further denigrate the government of Rhodesia's Prime Minister Ian Smith at the very time when he is seeking to fulfill commitments made under the Kissinger agreement to give Rhodesia responsible majority rule within the next two years. The new chrome embargo will not (as Secretary Vance professes to believe) enhance the chances of a peaceful and just solution to the Rhodesian question. On the contrary, it will put the seal of American approval on aggression and terrorism, and constitute the final turn of the screw in an American policy of deception and poltroonery that can only serve Soviet interests.

The seeds of this deception were planted in 1965, when Rhodesia, for many years a self-governing British colony, declared her independence of the British Empire with assuredly as much right, indeed more right, than many another African state then seeking and gaining self-determination. In this case, however, Great Britain opposed the move, but having no Redcoats at hand to put down the alleged "rebellion" (as she did in 1776), threw the whole matter into the lap of the United Nations. It did not take that body long, under pressure from other African states, to determine that Rhodesia was a "threat to the peace" because she had upset the psychology of her neighbors, and so merited non-recognition and economic reprisal. To those who pointed out that such reprisal clearly violates the provision of the UN Charter which forbids that body to intervene in the domestic affairs of any country, it was argued that in declaring independence, Rhodesia had become a species of nonstate, enjoying no standing at the bar of international justice.

To strengthen this Humpty Dumpty reasoning(Mr. Acheson's phrase), it has become the business of the State Department, and most of the news media, to depict the government of Rhodesia as a renegade and "racist" regime, where some 270,000 whites shamelessly exploit six million blacks. This is at best a caricature of the truth. In declaring independence, Rhodesia adopted a constitution that made no mention of race, creed or color in terms of the franchise and might have drawn plaudits from a Madison or Jefferson. In 1969, that constitution was amended along more racial lines, with blacks voting for blacks and whites for whites. Yet as of early this year, there were four black tribal leaders in Ian Smith's Cabinet, an equal number of blacks and whites in Rhodesia's Senate, and 16 blacks vs. 50 whites in Rhodesia's Assembly with provision that black representation would advance at least to parity as the contribution of blacks to the national income, thanks to education and rising productivity, steadily increased.

This may not be Simon-pure democracy, but on the record, Rhodesia's political system has given the nation a far better deal than the one-man, one-vote principle which has landed so many other African states in military or civil dictatorship (and, in many cases, economic penury). Between 1965 and 1975, Rhodesia staged a spectacular economic advance which surprised her friends and aggravated the enmity and envy of her foes. In a decade, Rhodesia's gross national product expanded on average by 7% per year, or better than that of the U.S., as the result of the diversification of her agriculture from tobacco to maize, cotton and cattle breeding, as well as heavy investment in mining, light

industry, roads, public housing and education. With the result that even today, under wartime conditions, 85% of Rhodesian children receive at least five years of elementary education; the literacy rate is the highest in Africa (except for South Africa); and there are more blacks in the University of Rhodesia than whites. It should likewise be noted in passing that as of today, blacks constitute some two-thirds of Rhodesia's fighting forces.

In view of all the foregoing, the notion that Rhodesia's troubles stem from seething domestic unrest as the result of white "racist" rule must be dismissed. What endangers her existence is external aggression, of the kind that the UN was supposed to stop but which it has so far encouraged. Such aggression began in a small way in the early 'Seventies, when Rhodesia's so-called black "nationalist" leaders, operating usually from outside its borders, took up terrorist tactics. It was vastly increased with the collapse of the Portuguese empire in 1974–75, and the loss of both Angola and Mozambique to Communist domination—the latter exposing Rhodesia's long eastern flank, as well as her Zambian border, to continuous infiltration and attack.

Terrorism may well be a kind of life-style in much of Africa, but in the case of Rhodesia it has surely reached new depths of degradation—the mowing down last month of three Jesuit priests and four nuns at a Christian mission being only one of countless and recurrent acts of brutality. In this spreading war, moreover, it is not whites who have suffered the most. On the contrary, over 90% of civilian casualties to date have been blacks, who, working on Rhodesia's farms or on Tribal Trust lands, have been ruthlessly put to death—in many cases literally butchered—as punishment for their loyalty to what they regard as their own homeland.

To counter this Soviet armed and orchestrated barbarity, Rhodesia's military forces have given good account of themselves. Yet to date, despite much hand-wringing, the civilized world has done little to back them up, and Western diplomacy has faltered. It is to the credit of Henry Kissinger that when Russian arms and Cuban mercenaries poured into Angola, he immediately perceived that a new imperial presence threatened the whole African continent, thus compelling a new American initiative. Yet when it came, the initiative was of a peculiar kind. In his speech in Lusaka, Zambia, last April, Kissinger dealt at best tangentially with the problem of terrorist attack across Rhodesian borders. Instead, in a desperate effort to hold the allegiance of neighboring black states and to prevent direct Soviet intervention, he refurbished an old formula: no help for Rhodesia whatever until she accepted the slippery and wholly undefined solution of "majority rule."

In pressing that policy, Kissinger found a reluctant ally in South Africa, which, though no friend of majority rule, found herself under mounting threat of UN sanctions, and desired peace in the north at almost any price. In Pretoria last September, all the cards came face up on the table, and against his own better judgment, Ian Smith bowed to American-British terms: virtual abdication of Rhodesia's 50-year-old Parliamentary system; the formation of an interim government in which whites and blacks would participate; and the drafting of a new constitution, which would give Rhodesia majority rule in two years.

These were harsh terms, but at least they held promise of an orderly transition from white to black political dominance, and the promise of an immediate lifting of sanctions when the interim government was formed. What came after is far uglier. For scarcely had the Kissinger plan been announced, than it ran into the opposition of precisely those African states which it was designed to mollify. From the so-called "front-line presidents" of Mozambique, Zaire and Zambia came swift denunciation of the Kissinger package as one more "imperialist" plot. At the ensuing Geneva conference, it turned out that the black "nationalist" Rhodesian leaders were themselves badly split between the forces of the moderate Bishop Muzorewa, who probably would command a majority of black Rohdesian votes if an election were held tomorrow, and the so-called Patriotic Front of Joshua Nkomo and the implacable Robert Mugabe, a self-admitted Marxist, who is supposed to control the bulk of the terrorist forces. Small wonder that the Geneva conference broke up in a babble of voices. Nor were matters mended when the pipe-smoking British chairman of the conference, Ivor Richards, indulged in his own shuttle diplomacy to come up with a wholly new settlement plan. This, as Ian Smith subsequently pointed out, differed from the original Kissinger proposals "as chalk from cheese," and in effect would have given native Rhodesians, black and white, little say in their own future.

In taking this position, Smith has occasioned much tongue clacking around the U.S. Department of State. Indeed, in pressing for fresh sanctions on Rhodesia, Secretary Vance has implied that Smith is again endangering the peace, and apparently continues to believe that in any forthcoming conference, all parties, including known terrorists and Communists, must be represented. In our judgment, Smith stands tall for questioning this naive assumption that good can come out of evil. Having committed himself to majority rule, this man from Bulawayo, Rhodesia, and former RAF pilot, is not going back on his word. What he is stubbornly holding out for is a constitutional transfer of power which will duly protect minorities, recognize deep tribal differences and affiliations, and maintain civilized values and procedures—a settlement "by Rhodesians and for Rhodesians."

What most other black African states, and terrorists of the stamp of Mugabe, are calling for is something totally different, namely, a black power grab of the kind that has undone so many African countries, and thereafter the socialization of Rhodesian industry and the nationalization of its land. States a pronouncement of one of the so-called "liberating" movements: "(In the new Zimbabwe) the present capitalistic system, which benefits a few settlers in Rhodesia and capitalists in South Africa, Britain and America at the expense of the laboring masses, will be abolished."

In the circumstances, there is no question where the U.S. should stand. What Congress should be debating is not how to tighten economic sanctions against Rhodesia, but how to get rid of them entirely. What the State Department should be encouraging are precisely those efforts of Mr. Smith to work out with moderate black Rhodesian leaders an "internal solution" which will square with the will of the majority of its peoples, rather than with the dictates of outsiders. And in preparing for any new international conference, Washington should surely reopen direct communication with Salisbury, where it has had no representative since 1968. As matters stand, U.S. policy is being shaped in a vacuum.

To spark such an initiative, to send to Rhodesia a small delegation of Americans (including, we would hope, at least one distinguished jurist), would take courage. But, after all, not so long ago President Carter was promising an "open" administration and a comprehensible foreign policy. The trouble with U.S. Rhodesian policy is that it is simply incomprehensive to most Americans. Incomprehensible to go on treating Rhodesia as a "non-state" when, even under wartime conditions, she is one of the better governed states of Africa. Incomprehensible, because while calling for majority rule, the U.S. goes on blocking Rhodesia's own attempts to achieve it. Incomprehensible, finally, in view of the fact that if Rhodesia goes down the drain, then we may be sure that South Africa will be next on the Soviet shopping list. Solzhenitsyn, like Spengler before him, has a name for such diplomacy: the Decline of the West. We prefer to hope that the West will rally and come to its senses, perceiving that the issue in Rhodesia, as in much of southern Africa, is not between black and white. The issue is between the region of terror and the rule of law.

ABOVE AND BEYOND THE CALL OF DUTY—A TRIBUTE TO THE AMBASSADORS OF IRAN, PAKISTAN, AND EGYPT

Mr. PERCY. Mr. President, I would like to put on the record an expression of appreciation to the three foreign Ambassadors who at considerable personal risk offered their intervention in the recent crisis involving the armed siege at three buildings in Washington.

I refer, of course, to Ambassadors Ardeshir Zahedi of Iran, Ashraf Ghorbal of Egypt, and Sahabzada Yaqub-Khan of Pakistan, who went to the B'nai B'rith National Headquarters building to negotiate the release of more than 100 hostages and the surrender of the men holding them. This compassionate act taken without regard for personal safety but on behalf of their fellow man, was wholly successful, which indicates the creativity, ingenuity and diplomatic skills of these very senior and gifted diplomats.

I know that the American people generally are grateful to Ambassadors Ghorbal, Yaqub-Khan, and Zahedi for this splendid assistance to the Mayor and law enforcement officials of the District of Columbia. Their action was clearly above and beyond the call of duty.

THE BAN ON SACCHARIN

Mr. BAYH. Mr. President, on Friday, I joined with two of my colleagues, Mr. BIDEN and Mr. MCINTYRE, in introducing a joint resolution, Senate Joint Resolution 39, which would prohibit the Food and Drug Administration from enacting its proposed ban on saccharin until the completion of additional study on the health risks of saccharin consumption to humans.

This resolution was made necessary by an unfortunate decision by the Food and Drug Administration on March 9 banning the use of saccharin as a potential health hazard. In making its announcement, the Acting Director of the FDA, Sherwin Gardner, stated that "We have no evidence that saccharin has ever caused cancer in human beings." Why, then, did the FDA feel that it was obliged to remove the artificial sweetner upon which millions of Americans rely in their daily diet?

The answer appears to be in the FDA's interpretation of the so-called Delaney amendment to the Food, Drug and Cosmetic Act passed by the Congress over 19 years ago. Under the Delaney amendment, additives shall be deemed safe after tests for cancer are conducted on either humans or on animals. In the case of saccharin, the tests were conducted by the Canadian Government on rats. The

conclusion was that in order to duplicate the level of saccharin fed to the rats in the Canadian tests, a human would have to consume at least 800 cans of diet soda a day. I am not a scientist, but even as a lay preson. I can attest to the absurdity of this reasoning.

The removal of saccharin from the market would not just affect those millions of Americans who rely upon the artificial sweetener in their diet, but it also could have a potentially devastating affect on the estimated 10 million diabetics in this country. Moreover, we need to remember that one out of every four Americans suffers from overweight and the concomitant increased risk of heart attack and arteriosclerosis. For these people, the risk to their health from the removal of saccharin is far greater than the risk of its continued use.

I hope that my colleagues in the Congress will join me in sponsoring our resolution which would prevent the FDA from carrying forward with its proposed ban until further scientific evidence is developed either by the FDA or by the Office of Technology Assessment.

IOWA JUDICIAL SELECTION COMMISSION

Mr. CULVER. Mr. President, the events of the past few years have shown all of us how vital an independent judiciary is to the preservation of our constitutional system. Federal judges, U.S. attorneys, and U.S. marshals form the foundation of our judicial structure; and, it is my belief that if we are to have a truly independent judiciary, appointments to these posts must necessarily be placed outside the influence of partisan politics.

With a new administration in Washington, with upcoming vacancies for these posts in Iowa, and with the strong possibility of an additional Federal judgeship in Iowa, it seems to me that there is a unique opportunity to reestablish public trust and confidence in our judiciary by securing the best qualified persons for these posts through a procedure that removes these appointments from the political patronage system.

It is for these reasons that Senator CLARK and I, in conjunction with the Iowa Bar Association, have established the Iowa Federal Judicial Selection Commission. This nine member commission, representing a broad cross section of Iowa's populace, will select up to five candidates for nomination to vacancies for Federal judges, U.S. attorneys, and U.S. marshals. Senator CLARK and I will receive these recommendations and immediately forward these names, without prejudice, to the President.

For the interest of my colleagues, I ask unanimous consent that the Commission's charter and membership be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHARTER OF THE IOWA COMMISSION ON FEDERAL JUDICIAL SELECTION

U.S. Senator John C. Culver, U.S. Senator Dick Clark, and F. James Bradley, President of the Iowa Bar Association, after extended and careful consideration of the selection process for judicial officers of the United States courts, find:

1. That the maintenance of a strong and competent federal judiciary is necessary for the protection of the rights and freedoms of all those within the jurisdiction of the United States Constitution and that such a judiciary must be preserved as a viable co-equal branch of our democratic government:

2. That only those individuals who exhibit the highest professional and personal qualifications and attributes should be appointed to serve on the federal judiciary.

3. That the selection process should not be influenced by arbitrary criteria such as sex, race, national origin, religion or political affiliation which have no bearing upon a nominees true qualifications; and

4. That the constitutional process of presidential appointment, with the advice and consent of the United States Senate, to fill vacancies in the U.S. courts can be substantially augmented and improved through the creation of a nonpartisan advisory commission composed of outstanding representatives of the Iowa Bar and leading citizens of the State of Iowa to recommend eligible persons for nomination to be federal district court judges, U.S. Attorneys and U.S. Marshals for Iowa.

In accordance with these findings, the following charter is promulgated effective immediately:

1. There is hereby created and established the Iowa Commission on Federal Judicial Selection, hereinafter referred to as the "Commission".

2. The Commission shall find qualified persons and recommend their nomination to fill vacancies on the United States District Courts for the Northern and Southern Districts of Iowa, and for United States Attorneys and Marshals for the Northern and Southern Districts of Iowa; hereinafter referred to as "judicial vacancies".

3. The Chairman of the Commission shall notify the Iowa Bar and the public at large of the existence of a judicial vacancy and of the nomination procedure to be followed by the Commission and shall request recommendations of persons to fill judicial vacancies.

4. The Commission shall consider all applications and shall also actively seek out through appropriate means qualified prospects for appointments to fill judicial vacancies. The Commission may seek and receive recommendations from any interested citizen or group.

5. The Commission shall seek, receive, review and evaluate all pertinent information on the candidates concerning their qualifications and eligibility.

6. Whenever a judicial vacancy occurs, the Commission shall meet to consider the qualifications and eligibility of all candidates for appointment.

7. Within 30 days after the occurrence of a judicial vacancy, the Commission shall select by majority vote of its membership not more than five proposed nominees who are qualified. For those judicial vacancies which exist at the time of the creation of the Commission, or at a time when there is a vacancy on the Commission, the 30-day time limitation shall begin to run 30 days after all commissioners have been officially appointed.

The proposed nominees shall be listed alphabetically and shall be certified to the two U.S. Senators from Iowa who shall immediately submit the proposed nominations, without prejudice, to the President of the United States as qualified for appointment. Along with the list of names, the Commission may submit, and the U.S. Senators from Iowa shall forward as submitted, pertinent information to aid the President and Senate in consideration of the proposed nominees.

8. No proposed nominee shall be certified as qualified by the Commission unless there is an affirmative showing that the proposed nominee possesses:

(a) All the qualifications required by law;

(b) The personal qualities of integrity, sound physical health, objectivity, emotional stability, honesty, fairness, compassion and community respect; and

(c) The professional qualities of judicial temperament, legal experience and outstanding legal ability.

9. The personal and professional qualities shall be identified and evaluated in light of guidelines and rules established by majority vote of the Commission. These guidelines and rules shall be recorded by the Commission and copies made available to the public for review without undue delay.

10. The Commission shall consist of nine members to be appointed as follows:

(a) Each United States Senator from Iowa shall appoint three members to the Commission;

(b) Three members of the Commission shall be appointed by the Iowa Bar Association from among the Iowa Bar members who are actively engaged in the practice of law with offices within the State of Iowa;

(c) The Senators and Iowa Bar Association shall cooperate in their appointments to assure that the Commission membership represents, in so far as possible, a cross-section of the people of Iowa as a whole.

(d) Not more than five appointees shall be members of the Iowa State Bar;

(e) Incumbent judges and officials of general government are not eligible for service on the Commission.

(f) Initial appointments of the members of the Commission shall be for staggered terms of two, three, and four years, as determined by lot. When a vacancy occurs on the Commission due to the resignation, disability or death of a member, a successor shall be chosen by the original appointing authority for the unexpired term. Vacancies which occur due to expiration of the member's term shall be filled by the original appointing authority for a term of four years. No member shall serve more than two full terms.

(g) No member shall be eligible for appointment to a federal judicial office so long as he or she is a member of the Commission and for a period of at least six months after ceasing to be a member.

11. An act of the Commission shall be official only upon a majority vote of its members.

12. The Commission shall designate its chairman, vice chairman and secretary. The Chairman shall call Commission meetings. Notice of a Commission meeting must be given to all members and to the public three days prior to the meeting. Operating rules of the Commission shall be recorded and made available without undue delay for public inspection.

13. The Commission shall keep the public informed of its activities and actions to the extent possible without jeopardizing the goals of the selection process or compromising the privacy of potential nominees.

14. A member of the Commission may be removed from the Commission by his or her appointing authority only if the member conducts himself or herself in a manner unbecoming an individual with this important responsibility or willfully violates the rules or official policies of the Commission.

15. Such support expenditures as may be necessary shall be paid by the Iowa State Bar Association. Members will not receive salary or per diem.

The members are:

L. J. (Roy) Ehrhardt, Elkader, attorney and past chairman, Iowa State Bar Association Grievance Commission;

Mrs. James (Dorothy) Schram, Burling-

ton, housewife, United Nations Association National Board member, Iowa UN Association general chair, member of the earlier State Commission on Judicial Reform and active in the arts in Iowa;

Charles E. Harris, Des Moines, attorney and Iowa Bar Association Board of Governors member;

Earle Grueskin, Sioux City, businessman, civic leader, former mayor and former council member;

Mrs. Janet McGovern, Riceville, farm wife;

Lee Gaudineer, Des Moines, attorney, former state senator, special staff counsel to the Iowa Bar Association Ethics Committee;

Nolden Gentry, Des Moines, attorney, Des Moines School Board member, former State Board of Public Instruction member;

Mrs. John (Betty) Kaplan, Council Bluffs, Council Bluffs Service League president, Council Bluffs Symphony Guild president-elect, past board member, Mercy Hospital of Council Bluffs and past board member, American Cancer Society; and

John Greer Spencer, attorney, former Iowa Academy of Trial lawyers president, former Clay County Bar Association president and former University of Iowa Alumni Association president.

Those interested in appointment as federal judge, U.S. attorney or U.S. marshal should make application to:

Federal Judicial Selection Commission, 1101 Fleming Bldg., Des Moines, Iowa, 50309.

DEFENSE BUDGET

Mr. GOLDWATER. Mr. President, Defense Secretary Harold Brown and his predecessor, Donald Rumsfeld, agree that the Vietnam war greatly weakened the United States while the Soviet Union was building a vastly improved military capability. They also agreed that the Soviets are concentrating their capability in regions where it can jeopardize the vital interests of the United States and its allies.

Because of this, it behooves us to take a very close look at the defense budget proposals for the fiscal year 1978. The departing Ford administration left behind a proposed defense budget of $123.1 billion. After stripping out $9.1 billion for military retired pay and $1 billion for foreign military assistance, the total reflects a 6.7-percent increase in defense spending over fiscal year 1977. Now the Carter administration has recommended changes in the Ford budget designed to get at some of the weaknesses President Carter perceives in the defense establishment. Overall this would represent a growth in real defense spending of only 4 percent above the fiscal 1977 level.

Mr. President, an especially sound appraisal of the 1978 defense budget has been prepared by the Association of the U.S. Army. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the appraisal was ordered to be printed in the RECORD, as follows:

A LOOK AT THE FISCAL YEAR 1978 DEFENSE BUDGET

Just five days before he surrendered his office to incoming Secretary of Defense Harold Brown, former Secretary Donald Rumsfeld compared the state of the nation's defenses vis-a-vis the most likely adversary, the Soviet Union, with the physical state of a man who has gone too long without sleep.

A man, Rumsfeld said, can stay up until three o'clock in the morning and perform well the next day. He might even do well for several days but finally the loss of sleep will catch up with him and he will no longer be able to perform as expected. At that point he has no option but to go to bed and try to catch up on his rest.

Rumsfeld pointed out that a series of decisions by past administrations and by Congress over a span of 15 to 20 years have brought the U.S. armed forces to the point of having to rebuild their strength. Just a month later, Dr. Harold Brown, the new defense secretary, made the same points in presenting the Carter budget. Despite the heavy expenditures on defense during the Vietnam War period, most of the money was spent on consumables and when the war ended, the forces found themselves armed with war-weary or obsolescent equipment.

The Soviet Union, in the meantime, was able to concentrate on force improvement. There is little question that the USSR has moved ahead of the United States in a number of areas but there is some uncertainty about what they intend to do with that superiority. In his annual Defense Report, Secretary Rumsfeld said:

"What we are witnessing, at a minimum, is a sustained effort on the part of the leaders in the Kremlin to expand their capabilities sufficiently to become major participants in world geopolitics. In certain respects, they have already broken through or leapfrogged the barriers erected by containment policies of earlier decades. They can be expected to continue this process in the future. Certainly they will have a growing capability to do so."

Defense Secretary Brown summarized it this way: "What we do know, however, is that the Soviet Union commands the full panoply of modern military power and that its investment in nuclear and nonnuclear forces (on land, on—under and over—the sea and in the air) has been increasing for more than a decade. The capability is large in size and growing in sophistication. Much of it is concentrated in functions and regions where it can jeopardize the vital interests of the United States and its allies."

The departing Ford administration left behind a proposed Fiscal Year 1978 Department of Defense budget of $123.1 billion. After stripping out $9.1 billion for military retired pay and $1 billion for foreign military assistance the total reflects a 6.7 percent increase in defense spending over FY 77. The comparable increase figure for FY 77 was 5.8 percent.

As the Ford administration conceived this budget, it would strengthen U.S. forces by improving their readiness, quick reaction capability and sustainability. The specific budget goals were to:

Modernize the strategic forces, including the initiation of full-scale development of an improved land-based ICBM.

Work toward rebuilding the Navy to a force of about 600 combat ships by emphasizing smaller carriers and greater numbers of smaller combatant and support ships.

Continue modernization of ground and air forces by procuring new aircraft, tanks, helicopters and anti-tank missiles.

Raise inventory levels of munitions and other equipment needed to sustain high intensity combat.

Increase training, pre-positioning of equipment and in-theater force mobility to improve U.S. readiness to respond to the outbreak of a European conflict with normal or little warning.

In his briefing on the new budget, former Secretary Rumsfeld described it as "sound and austere."

"The Funds that are being requested are the funds that are needed," he said. "There was no attempt made to please those individuals who have it as their first task every morning when they get up to find out a way to hack the defense budget. *That is to say we did not place attractive items in there that can be readily reduced without any damage to the Defense program.*" (Italics added.)

Now, after just four weeks in office, the Carter administration has announced a series of recommended changes to the initial Ford defense budget which are designed to get at some of the weaknesses President Carter perceives in the defense establishment. Defense Secretary Brown has detailed a series of changes he would like to see made to the Ford budget which would reduce planned Fiscal Year 1978 defense spending by $2.755 billion to a total obligational authority of $120.4 billion. This would represent a growth in real defense spending (with retired pay and foreign military assistance stripped out) of four percent above the current (FY 77) level.

DEPARTMENT OF DEFENSE BUDGET—JANUARY AND AMENDED DEFENSE BUDGET TOTALS

[Current dollars in billions]

	Fiscal year—			
	1976 actual	1977 estimate	1978 estimate	Increase fiscal year 1977–78
January 1977 (Ford budget):				
Total obligational authority (TOA)	97.5	110.2	123.1	13.0
Budget authority (BA)	102.2	106.6	120.5	13.8
Outlays	88.5	98.3	110.1	11.8
February 1977 (Carter amendments):				
Total obligational authority (TOA)	97.5	110.2	120.4	10.2
Budget authority (BA)	102.2	106.6	117.7	11.1
Outlays	85.5	98.3	109.7	11.4

While not seeming to quarrel with much of the dollar value of the Ford budget, Secretary Brown said he is convinced, ". . . that additional opportunities exist for improving the efficiency and effectiveness of the Defense establishment. The goals of the military establishment must be to insure that U.S. military forces are fully adequate to their tasks, but at the same time lean and efficient."

Brown promised a careful look ahead at support structure, headquarters and other overhead operations and the base structure in the U.S. and abroad.

The new Secretary of Defense also reaffirmed earlier commitments to reduce personnel-related costs. He intends to re-review the report from the Quadrennial Review of Military Compensation and, although he remains committed to reducing the cost of the military retirement program, he will not pursue any changes until the new review has been completed. He pledged himself to avoid unfair treatment of military personnel ". . . who have been in the service for some time, who came in with the expectation of retirement benefits under the present system and I think would correctly feel they'd been unfairly treated if changes were applied to them."

The Carter administration has totalled out in their recommendation the Armed Forces University of Health Sciences, on which about $20 million has already been spent. They feel that the medical professional needs of the armed forces can continue to be filled by direct recruitment and through scholarship programs in private institutions. The single university building already under construction at great expense at Bethesda Naval Hospital presumably will either be turned over to the adjacent National Institutes of Health or used by the Navy.

The new administration will renew the efforts of its predecessors to make a major (40,000) cut in the paid drill strength of the Naval Reserve.

Service initiatives to expand family travel entitlements for junior enlisted personnel were at first accepted by Secretary Rumsfeld

but later dropped out of the budget by the Ford White House Office of Management and Budget. The heavy price tag ($190 million) was simply too much for the budget to bear at a time when personnel costs overall are coming under very close scrutiny. The Carter budget changes did not restore this item.

Charts prepared by the Department of Defense to support the Ford budget submission show the upturn in U.S. defense spending pointing in the general direction of a similar curve for the Soviet Union. However the same chart makes it apparent that it will take many years of increased U.S. defense spending to make the U.S. and Soviet expenditure lines meet or cross.

Put in the perspective of the total federal budget for Fiscal Year 1978 the defense proposal (including the Carter administration recommendations) will remain a constant 5.4 percent share of the U.S. gross national product but decline slightly in its share of the total federal budget and overall public spending. The percentage of the labor force committed to defense activities will increase slightly.

U.S. DEPARTMENT OF DEFENSE BUDGET—FINANCIAL SUMMARY

[In percent]

	Fiscal year–				
	1964	1968	1976	1977	1978
DOD/MAP as percentage:					
Federal budget (outlays)	42.9	43.6	24.1	23.9	23.8
Gross national product	8.2	9.4	5.5	5.4	5.4
Labor force	8.3	9.9	5.0	5.0	5.1
Net public spending	28.6	29.7	15.9	16.0	15.9

The defense budget originally submitted by President Ford included a package of efficiency measures or "restraints" designed to save $1.3 billion in total obligational auhority and $400 million in actual FY 78 outlays without reducing combat capability. All of these "restraints" are related to personnel costs. They are:

*A renewed effort to establish a "fair market rental" system for assessing the cost of living in government quarters. Also, 25 percent of any active duty pay raise in FY 78 would be shifted into the housing allowance, as was done last year. A first year saving of $73 million is projected.

*Continued efforts to get Congressional action on retirement modernization. It was hoped these changes would save about $10 billion cumulatively by the year 2000 (the anouncement that the Carter administration will restudy the QRMC and retirement programs seems to put this on "hold").

*Another try at denying paid leave for federal civilian employees when on annual summer training with the reserve components. The plan would limit total payment to these individuals during annual training periods to an amount not to exceed their normal federal civilian pay. First year savings are estimated at $30 million. Congress rejected a similar proposal last year.

*Putting service academy and ROTC pay on a par. Academy personnel and ROTC cadets in summer training would get all academic expenses plus about $125 per month for personal expenses. Present cadets and midshipmen are "grandfathered" into the existing scale of one half the pay of an 0–1. A small first year saving of $4.5 million is anticipated.

*Placing severe limits on the number of times an individual can be transferred during specified periods of time and reducing the number of officers by about 2,000. The officer reduction would include about 600 in the grades of 0–6 and higher. All reductions would be made by attrition. It is estimated that there would be 110,000 fewer moves in FY 78 than there will be in FY 77. The first year savings from these proposals are estimated at $99 million but they are predicted to reach $226 million by FY 79.

*Modifying pay procedures for DOD civilian "Blue Collar" workers to make them conform more closely to existing local civilian rates and practices. First year savings of $167 million are expected with cumulative savings of $2.4 billion by FY 1982.

President Carter has made clear since this budget submission that he is still committed to future cuts in the defense budget. Congress now has the final decisions to make.

The budget now being considered by Congress will support the broad force structure programs of all the military services. Initial recommendations by the Carter staff to cut Army strength by 10,000 in the form of two active Army brigades and replace them with two affiliated reserve component brigades eventually succumbed to the logic of the Army leadership. Nevertheless, there was an initial scare and an indication of the extremes to which the new administration might go to get an immediate reduction in personnel costs. In this case the possible saving was estimated at $67 million.

In general terms the forces to be supported by the Fiscal Year 1978 Defense Budget look like this:

DEPARTMENT OF DEFENSE—SUMMARY OF SELECTED ACTIVE MILITARY FORCES

	Actual		Estimated	
	June 30, 1964	June 30, 1976	Sept. 30, 1977	Sept. 30, 1978
Strategic forces:				
Intercontinental ballistic missiles:				
Minuteman	600	1,000	1,000	1,000
Titan II	108	54	54	54
Polaris-Poseidon missiles	336	656	656	656
Strategic bomber squadrons	78	26	24	24
Manned fighter interceptor squadrons	40	6	6	6
Army air defense firing batteries	107	0	0	0
General purpose forces:				
Land forces:				
Army divisions	16⅓	16	16	16
Marine Corps divisions	3	3	3	3
Tactical air forces:				
Air Force wings	21	26	26	26
Navy attack wings	15	13	13	12
Marine Corps wings	3	3	3	3
Naval forces:				
Attack and antisubmarine carriers	24	13	13	13
Nuclear attack submarines	19	63	67	72
Other warships	370	177	171	172
Amphibious assault ships	133	62	63	63
Airlift and sealift forces:				
Strategic airlift squadrons:				
C–5A	0	4	4	4
C–141	0	13	13	13
Troopships, cargo ships, and tankers	100	48	48	48

The Army's total force of 24 divisions (16 active and eight reserve) will complete most of its unit activations and will be preparing to convert two light divisions to the heavy configuration in the succeeding two fiscal years.

*The Air Force will continue on its way toward organization of 26 tactical fighter wings. There will continue to be a total of 24 B–52 and FB–111 squadrons.

*The Navy will continue to operate 13 attack carriers and 12 air wings. The Marine organization of three active divisions and three air wings will also continue.

*Strategic missile forces will remain constant in FY 78. There will be 450 MINUTEMAN II missiles, 550 MINUTEMAN III missiles, 54 TITAN II missiles, 10 POLARIS submarines and 31 submarines carrying the POSEIDON missile.

*The Navy will increase its nuclear-powered attack submarine fleet with five new ships, bringing the total to 72. The overall size of the surface Navy will be increased by one ship with deliveries of 13 new vessels being mostly offset by inactivation of 12 older ships.

As now proposed by President Carter, military personnel strength in the Army and Air Force would each go up by 1,000 but there would be a partially offsetting reduction of 1,000 Navy personnel. There would also be a 5,000 reduction in Defense civilian personnel with 3,000 coming from the Navy/Marines and 1,000 each from the Air Force and Defense agencies.

While not challenging at this time the long-term goals of the Ford Defense budget, Secretary Brown recommended these changes:

*Bolstering the readiness of Army equipment prepositioned in Europe (POMCUS) by improving maintenance facilities ($60 million added).

*Seriously slowing progress on the Army's Advanced Attack Helicopter program by cutting funding in half (from $220 million to $100 million).

*Terminating the Army's Non-nuclear Lance missile program and shifting remaining FY 77 funds to procurement of additional nuclear missiles (no saving involved).

*Increasing the survivability of U.S. aircraft stationed in Europe ($60 million was added to improve shelters and passive defense measures).

*Increasing the number of Civil Air Reserve Fleet Aircraft (CRAF) being modified to carry heavy cargo.

Reducing the backlog of deferred maintenance for all services ($280 million added—Army share $115 million).

Deferring full-scale development of the mobile MX strategic missile until FY 79 ($160 million reduction in this budget).

Reducing the initial buy of B–1 strategic bombers from eight to five pending further evaluation ($280 million reduction in this budget).

Cutting back on F–15 fighter production for the Air Force (from 108 per year to 78) pending further review of the long-range requirement (saving $334 million in this budget).

Deferring for one year (at a presumed saving in this budget of $277 million) planned procurement of the Air Force Advance Tanker/Cargo Aircraft pending study of future requirements.

Reducing the number of Air Force Air-

borne Warning and Control aircrafts (AWACS) to be bought in FY 78 from six to three (saving $150 million in this budget).

The Army's budget was cut by a total of $580 million. In the language of Secretary Brown's statement on the budget, adjustments were made possible ". . . because situations have been identified in which the FY 1978 request would finance deliveries which are more appropriately financed in FY 1979 or in which low levels of early production would be maintained in order to provide for an orderly transition from development to production."

Details of the Army cuts will be discussed later in this paper.

According to Secretary Brown one of the factors that entered into the formulation of the Carter recommendations was a sensing that the Ford administration had tried too hard last year to get the defense budget back on an upward swing. As Brown sees it, the result of the effort during FY 77 was a series of unidentified inefficiencies that must now be overcome by the reviews and reconsiderations he outlined.

The new administration goes along with the Ford decision to drop a new nuclear aircraft carrier from the Navy's shipbuilding program. It also wipes out all plans for a new nuclear powered strike cruiser to be armed with the AEGIS air defense missile system. Development of AEGIS will continue but, in the meantime, another type of vessel will be designated to carry it.

Former submariner Carter even went along with a recommendation to hold up on plans to overhaul some of the older POLARIS submarines to keep them going until the much improved TRIDENT submarines can join the fleet. The old POLARIS boats will not leave the fleet, they will simply not be overhauled. Navy plans to build and test much larger hydrofoil and surface-effects ships will also be cutback sharply.

While outlining the Carter amendments to the Pentagon newsmen, Secretary Brown made short work of a question about the emphasis the Soviet Union seems to be putting on recovery after a nuclear exchange.

"After a full nuclear exchange, damage would be so great that recovery would be impossible to determine," Brown said. "Our emphasis will continue to be on the retaliatory capability." This is borne out by continuation of a meager $91 million budget for civil defense in 1978, the same figure allotted last year.

Throughout his defense of the Carter recommendations, Secretary Brown referred to the need for improving our conventional and general purpose forces, primarily with the goal of keeping the nuclear threshold high. Unfortunately, the net effect of the dollar cuts does not match the intent. Of the total $2.8 billion budget cut recommended by Brown, the general purpose forces—and equipment intended for their use—are asked to absorb a whopping $2.3 billion.

DEPARTMENT OF DEFENSE BUDGET—SUMMARY OF TOA CHANGES IN FISCAL YEAR 1978 BUDGET TOTALS BY MAJOR PROGRAM

[In millions of dollars; fiscal years]

Military program	1978 (January)	Changes	1978 (February)
Strategic forces	11,015	−396	10,619
General purpose forces	44,348	−2,313	42,035
Intelligence and communications	8,239	----------	8,239
Airlift and sealift	1,674	−17	1,657
Guard and Reserve forces	7,162	−50	7,112
Research and development	11,067	−251	10,816
Central supply and maintenance	11,790	226	12,016
Training, medical, other general personnel activities	24,335	51	24,386
Administration and associated activities	2,260	−25	2,235
Support of other nations	1,259	−2	1,257
Total direct program (TOA)	123,150	−2,777	120,373

One encouraging aspect of the Carter reexamination of the budget was the fact that active military manpower spaces remained intact. This assumes even greater impact during this difficult period where the reserve components are not able to meet their strength requirements.

The $580 million Army fund cut assessed by the Carter-recommended reductions impacts most heavily ($528 million) on the Army's procurement account. The $100 million withdrawn from early procurement of the Advanced Attack Helicopter was easily the most serious. In light of the expanding Soviet armor threat the Army can ill-afford delays in getting this superb tank-killer in the inventory. The increase in costs which this delay occasions will similarly be harmful in the future.

Perhaps the biggest Army "plus" among the Carter recommendations was the addition of $115 million to upgrade material readiness. The money will be used to provide depot-level maintenance and should result in a significant increase in the number of items of equipment that are in a "ready-for-combat" condition. The new administration has directed that wherever possible the work will be done by commercial sources.

DEPOT MAINTENANCE UNFINANCED BACKLOG OF SELECTED ITEMS, END FISCAL YEAR 1978

Item	Overhaul cost (unit)	Procurement cost (unit)	Overhaul/procurement ratio	Unfinanced backlog quantity	Cost to overhaul unfinanced backlog	Force equivalence
OH-58, observation helicopter	$60,270	$143,782	1:2	130	$7,835,100	[1] 2.0
AH-1G, attack helicopter	104,173	1,564,096	1:5	52	5,416,996	[1] 1.6
M578, recovery vehicle	33,340	168,197	1:5	212	7,068,080	[3] 3.0
M577A1, command post vehicle	25,265	89,596	1:4	279	7,048,935	[2] 2.3
M113, personnel carrier	22,263	76,110	1:3	577	12,845,751	[2] .8
M60A1, tank	130,899	644,005	1:5	135	17,671,365	[3] 2.7
Chaparral missile	116,362	329,538	1:3	62	7,214,444	[4] 5.2

[1] Infantry divisions.
[2] Mechanized division(s).
[3] Armored battalion.
[4] Air defense battery.

The departing Ford budgeteers had scrapped almost all military construction projects for Fiscal Year 1978 in the hope of getting a better handle on the relationship between base structure and force structure before doing any more building. The Carter recommendations will now let the Army go ahead with a limited number of projects. The projects recommended for the upcoming year are:

*Fort Ord, California—tactical equipment shops and maintenance facilities.

*Fort Polk, Louisiana—hospital, airfield facilities and tactical equipment shops and family housing.

*Fort Benning, Georgia—brigade maintenance facilities, dental clinic, health clinic, barracks, branch exchange, post office, recreation center and reception center.

*Fort Sill, Oklahoma—health clinic, barracks, chapel, gymnasium.

*U.S. Military Academy, West Point, New York—printing plant.

In at least one way the Carter budgeteers reacted to recently publicized concerns about the ability of NATO forces to react to a no-warning or short-warning attack from the east. A total of $50 million has been added to the 1978 budget for the construction of improved equipment storage (POMCUS) in Europe.

In another direction, however, they may have ignored the advice of critics that NATO conventional forces are deficient in long-range artillery support. The Non-nuclear Lance missile program has been scrubbed entirely in FY 78 and remaining FY 77 funds ($65.6 million) will be used to buy spare nuclear-armed missiles and to balance off the cost of terminating the non-nuclear program. Even with extended-range ammunition now available to NATO artillery units, they are still outranged by the Soviet and Warsaw Pact cannoneers facing them across the borders.

There is also a mixed bag as far as the Army's program to provide squad integrity, both in the air and on the ground, is concerned. The new helicopter squad carrier, UTTAS, has the green light for production but its counterpart on the ground is being held up. The new armored personnel carrier (MICV) is still experiencing some minor developmental problems. The decision has been made to delay procurement of the first 27 vehicles until Fiscal Year 1979. The Army's initial request had been for 107 vehicles in FY 78 and another 143 in FY 79.

Major items of equipment to be procured by the Army during Fiscal Year 1978 include:

Major items of equipment for procurement in fiscal year 1978

Uttas Helicopter	56
AH-1S (Cobra/Tow) Helicopter	83
Improved Hawk missiles	509
Stinger missiles	258
Dragon	6965
Armored personnel carrier, M113A1	960
Howitzer, SP, 155MM, M109 series	250
Howitzer, SP, 8 inch, M110 series	209
Tank, M60 series	859
Howitzer, towed, 105MM, XM 204	8
Howitzer, towed, 155MM, M198	148
Truck, ¼ ton	3880
Truck, 5 ton	1616
Commercial vehicles	7975

There has also been a cut of more than $105 million in the Army's ammunition production request. This compounds the problem of rebuilding depleted stocks and improving readiness.

The FY 78 budget will permit the Army to complete the urgent formation of its three new divisions and to proceed with the conversion of stateside divisions whose mission is primarily NATO-oriented to the "heavy"

configuration. Congress is already well aware of the growing Warsaw Pact armor threat and has been supportive of efforts to increase the numbers of TOW and Dragon missiles, double the number of missile-firing Sheridan vehicles and upgrade helicopter antitank forces. That's what makes the Attack Helicopter cut so unwise.

The decision has already been made to activate the 2d Brigade, 24th Infantry Division in the heavy configuration rather than forming it as a light brigade then increasing its combat weight later.

There continues to be great emphasis on the role of the Army National Guard and the Army Reserve in the Total Army although they continue to have major problems in recruiting and retaining personnel. For the upcoming fiscal year the Army Guard has been assigned a strength of 390,000—down 10,000 from its goal in FY 77. Reserve force leaders consider this a realistic target for the Guard to work toward. On the other hand, the Army Reserve will find itself with strength goal of 219,000—an increase of 14,000 that is considered entirely unrealistic by many reservists.

For the fourth consecutive year a program to provide expanded travel entitlements for junior enlisted personnel has dropped out of the budget. No one denies it is an expensive item ($111 million for the Army alone) but it is a step in the direction of providing equity for junior personnel who can afford to be married but cannot afford the extra burden of family separations while the service member is on overseas assignment. Short of an inconceivable regulation against young soldiers marrying, there does not seem to be any other way to let them serve overseas without the threat of financial hardship or personal trauma.

The Army had hoped to improve the readiness of HAWK missile units by providing a "maintenance float" of six equipment sets to replace those requiring extensive overhaul. A $35.3 million item had been requested to cover this procurement but it was stricken by the Carter changes and the Army was instructed to find another way to solve its problem.

One of the major goals of the Army's Research and Development program is to overtake the lead of the Soviet armed forces in air defense weapons. While the aging HAWK missile system is still being upgraded to improve its capabilities R&D is continuing on PATRIOT (formerly SAM–D), a missile system that will be able to fill the entire air defense envelope from high to low altitude and permit the retirement of both the HAWK and Nike Hercules systems. Funding of $215 million will be sought from Congress for work on PATRIOT.

Developmental work will also continue on the U.S. version of the ROLAND missile system, a short-range, highly mobile weapon that can move readily with maneuvering troops. It is funded at $64 million for the upcoming year, mostly for final, pre-production testing.

The Army has chosen the Chrysler Corporation's version of the new XM–1 main battle tank for final development and eventual large-scale procurement. Continuing developmental work on the XM–1 will be funded at a level of $118 million in FY 78.

While the Army is being permitted to go ahead with development and procurement of a wide variety of chemical warfare protective and warning devices, there is no movement toward an improved retaliatory capability in the form of binary weapons. The service had hoped to be able to move ahead with construction of a production facility that would permit the gradual replacement of current—and aging—stockpiles of nerve agents with the safer binary weapons. The arguments in favor of this course apparently fell on deaf ears in both the Ford and Carter administrations.

Several actions have been proposed to get at the growing problem of reserve component personnel strength. The budget requests an increase in the reserve recruiting advertising program and an expanded number of full-time recruiters and career counselors. A separate legislative package has also been prepared to create new incentives for reserve enlistment and retention. This action has been supported by the Association of the United States Army and other military associations who have proposed legislation to Congress without having to clear Department of Defense and White House budget hurdles.

While the shriveled funding for the Selective Service System is not part of the Army's budget, the inability of the reduced system impacts heavily on Army mobilization planning and on its ability to react to a major emergency. The Army has consistently maintained that the system should be able to meet its basic requirement of having the first selectees to training posts within 30 days of a mobilization order. The existing system *might* be able to get inductees ready for training in 180 to 210 days, creating a time lag of nine to twelve months before trained inductees can enter the replacement pipeline.

Overall, the budget proposed for the Army in Fiscal Year 1978 will maintain its current strength and permit some limited improvements in readiness. Final action by Congress is still pending, of course, but there seems little chance of significant progress in closing the weapons gap that has been created by years of low-level procurement.

Every budget, whether it is for the defense of the United States or the annual operations of a Boy Scout troop, is a series of compromises. Only during an all-out war could an administration operate on the assumption that there were no limits to the amount to be spent on defense. At all other times this function must take its place in the broad perspective of government operations, with priorities set by existing need.

The proposed 1978 Defense budget fits that pattern and, if it had no other shortcomings, might be acceptable. The impression of this budget, however, is that it was generated as much from uncertainty as from compromise.

It is certainly understandable that the new administration, with barely four weeks in office at the time they proposed their changes to the original version prepared by its predecessors, might still be groping for answers. It is even understandable that they feel responsible for at least addressing some of the campaign promises they made.

The decision to slow, rather than stop, initial production of the B–1 strategic bomber appears to have the superficial appearance of a rational, reasoned compromise with one of the campaign promises. In the months that will elapse between this first compromise decision and the first day of June, when a more final decision must be made, President Carter, Secretary Brown and the others involved in the decision will have had adequate time to learn every aspect of the problem and to make a reasoned judgment.

It is more difficult to fathom the rationality in the decision to slow procurement of the Army's advanced attack helicopter. All government reports indicate the AAH program has been well-managed and has produced a superior aircraft that meets a clear requirement accepted by at least two previous administrations.

There appears to be a major conflict, too, in Secretary Brown's conclusion that well-prepared general purpose forces will force the nuclear threshold upward while, at the same time, he was outlining a cut of more than a half-billion dollars in the Army's procurement account.

No one has challenged the validity of statistics showing a continually widening gap in conventional weapons production between the United States and our evermost likely adversary, the Soviet Union. In fact, Secretary Brown agrees with this in his testimony. This gap is the basis for some conclusions that Warsaw Pact combat power close to the NATO borders is now so great that they could mount a major attack without noticeable reinforcement. The amended budget now being considered by Congress does little to close that gap.

It would have been comforting to find in either the Ford budget or the Carter revisions some implicit recognition of the critical support required by the Army Reserve and Army National Guard. Instead, the Ford budget programmed a major increase in Army Reserve strength that appears to be an impossibility and the Carter proposals threatened to substitute two reserve combat brigades for two active army brigades.

It has been comforting—and cost saving—to political leaders to embrace the concept of a Total Army, with active and reserve members walking hand-in-hind toward a balanced and effective force. But despite repeated warnings from both the participants that the idea had to be supported in more than concept, the needed financial support has not materialized. The most shocking revelation of all, that the strength of the Individual Ready Reserve is rapidly dropping to the point of being worthless, has been met with apathy and by emasculating cuts in the capabilities of the only other source of emergency replacements, Selective Service.

The problem of strategic mobility is another that gets little more than lip service. The Carter recommendations support conversion of a total of eight aircraft from the Civil Reserve Air Fleet to heavy cargo capability. But the overall budget reflects little appreciation for the magnitude of the problem of making a major reinforcement across an ocean into a hot war. There needs to be a firm acknowledgement that aircraft alone cannot do the job and that ambitious measures are needed to assure the availability of properly equipped cargo ships. Similarly, the Navy requires the ships that can, in fact, keep vital sea lanes open.

What this budget does not address, nor have its immediate predecessors, is the fact that our whole defense spending trend has to be reversed if we are to progress. Even though the defense budget is large we are not spending money in the proportions that we did in the past. The defense budget has not even kept up with inflation. The present budget, for example, in funds for R&D and procurement, reflects only a 39 percent increase since 1964 as compared with an 89 percent increase in the wholesale price index. Thus, funds for defense spending have increased at less than half the rate that would be needed to just stay even with inflation.

This is not the route to an adequate national defense—to give our country the option to seek—regardless of Soviet intentions—the means to serve peace through a systematic resistance to pressure and through conciliatory responses to moderate behavior. The first claim on our national resources should be to keep our form of society secure.

We are dedicated to that effort.

Budget Terminology — What it Really Means

Outlays: Payments actually made.

Budget Authority (BA): Authority provided by law to enter into obligations, usually resulting in outlays.

Total Obligational Authority (TOA): Current budget authority enacted annually by Congress plus unspent funding authority approved in previous years that has been transferred forward for use until spent.

GOV. ALFRED LANDON

Mr. PERCY. Mr. President, in 1936, Gov. Alfred Landon of Kansas was the Republican candidate for President of the United States running against Franklin Delano Roosevelt.

Today, 41 years later, and at a lively 89 years young, Governor Landon is a very busy man who is constantly in the public eye.

Although he has not been in public office since he was Governor, Alf Landon has continued to serve the people of Kansas and has worked diligently for the Republican Party. Alf Landon is the kind of man who will be remembered as a great American.

An article appeared recently in the Hutchison (Kans.) News, by Stuart Awbrey, that exemplifies Governor Landon's courage and his devotion to this country. It concerns his opinion about the administration's position on human rights in Russia. It is an important viewpoint because of its perception and foresight. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Hutchison (Kans.) News, Feb. 13, 1977]

ARE WE AFRAID?

(By Stuart Awbrey)

Alf Landon sat alone and quiet in the hub-bub of the small dining room. Finally he beckoned to a pair of long-time newspaper friends, to tell them he wanted to test an idea.

"I haven't made a major speech in a long time," he began. "I think it's time I did."

The occasion was a welcome to Kansas for Clayton Kirkpatrick, an editor identified by Peter Macdonald as the man who led (or perhaps dragged) "The Chicago Tribune from the 19th century into the 21st." It was a time for deep thoughts on great subjects, and no one discussed the KU–MU basketball game which was being played that night in another college town the other side of the border.

"I'm wondering if the Russians aren't beginning to worry about human rights," Landon told his two listeners.

"You know, Carter hit at the Russians and the Czechs about suppression. We haven't heard that sort of talk in a long time, and I believe it's time to support the administration on this one.

"I think the Russians are getting worried about the dissidents, about what our President and other people are saying about their society and the rights of individuals. We should follow up on what Carter has started."

The item was placed on the dinner party agenda. Some said yes, the Russians may change if we press them on human rights. Some said no, we were just being silly to try.

I hope Alf makes that speech, at some attention-getting place like the National Press Club or at a Chicago newspaper convention.

And I hope several dour old thinkers, such as Eric Sevareid and James Reston, hear him and ponder their own reactions.

Most of the nationally-known writers and commentators have been around so long they keep analyzing things in the light of how it was, or of how they perceived it, when they were younger and moving about more and talking to a wider variety of citizen.

President Carter kept on talking about morality in government even after he won the election. Reston said other nations get nervous when the United States goes on an evangelistic kick like that. I suppose the jaded governors of Western Europe do, but you can argue the point about any country.

Sevareid wrung his hands and said that if our President keeps talking about oppression in the Soviet Union, he might create new problems in diplomacy and policy. Henry Kissinger would never do it that way, he added.

He didn't point out that Kissinger doesn't believe there is a moral equation in foreign affairs, and that this was one of the reasons some of us voters decided it would be better to try another administration and another Secretary of State.

The pundits were upset because Carter and people like Andrew Young said Moscow should start living up to its commitments in Helsinki, where the Russians said they would let up on suppression and permit both people and information to flow across Communist borders.

The pundits and some old hands in the foreign service said that such demands are interfering in the affairs of another government, and that's a diplomatic no-no.

I think such talk is just stuff. Moonshine, Bill Ryan calls it.

Worriers get paid for worrying, but in this instance they should inquire if the Russians do not interfere in the affairs of other governments when it suits their purpose? They should ask if it makes any sense to trumpet an international agreement in Helsinki, and then look the other way when the Communists decide to observe only those parts of that agreement which suit them? They should inquire if the United States is to ignore in our public statements the iron doors which have slammed shut on Czechoslovakian dissenters and shrug off the pleas of Russian writers and scientists who are asking for the world's ear?

And if they want to be "pragmatic" (pragmatism being a favorite doctrine of the pundits and diplomats) they should inquire if Carter's election was not in part a signal of national despair over the lack of moral purpose in our foreign affairs?

I hope Alf makes that speech so the nation can hear him. He sees signs that the Russians are concerned, and if there is even a glimmer in that, it should be beamed across the land. The record of the last three decades shows that the Kremlin is sensitive on human rights' issues.

Carter and his State department should be encouraged when they confront the Communists with their cruelty. Those who now are trying to soft-pedal the attacks are going the wrong direction. Let's don't be afraid of a rebuke when it is deserved, and God knows the Russians often deserve one.

Mr. PERCY. Mr. President, I also had the privilege and honor to be with Governor Landon last month when I was the guest speaker in the Landon lecture series at Kansas State University. The audience consisted of KSU students, faculty and others attending a conference on the world food problem. I discussed the relationship between the world food problem and the energy crisis.

In order to share this speech with my colleagues, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR CHARLES H. PERCY

Governor Landon, President Acker, Dr. Flinchbaugh, Terry Matlanck, Dr. Perenich, students and faculty of Kansas State and guests:

It is a pleasure to be here today to participate in the prestigious Alfred Landon series. I am very honored to be with you.

As an Illinoisan, I have always been awed while flying over the Midwest, as I did today coming from Washington, and seeing below the checkered fields of some of the finest farmland in the world. It is a beautiful sight. Viewing those fields makes it hard to believe that we face a world food crisis.

World population growth is increasing the demand on farmers to produce enough food for the 200,000 human beings born daily. The National Research Council estimates that 12 million people have already starved to death in the twentieth century. This has occurred at a time when we are supposed to be more civilized and are producing more food per acre than ever before.

Food is mankind's sustenance. Hunger and starvation have plagued the world since Eve picked the apple from the tree in the Garden of Eden.

During the seventies, we have witnessed a sharp increase in the number of food importing countries. Throughout this period, food production has lagged behind demand in virtually every geographic region except North America. There are only seven nations, comprising one-twelfth of the world's population, which are net exporters of food.

The U.S. has the largest contingent land mass for fertile soil, good growing climate and adequate rainfall of any place on earth. Because of our agricultural productivity, we can feed our own population and still export 60 percent of our wheat and rice, 50 percent of our soybeans, 25 percent of our grain sorghum and 20 percent of our corn.

The world is becoming increasingly dependent on U.S. food supplies. So a major question persists: Do we use the dependence of other countries to our own political advantage?

There is no doubt that U.S. agriculture and food policies have enormous impact on the availability, quality and price of food throughout the world.

Spurred by the political manipulations of "petropower" some have suggested that the U.S. should make similar use of its "agripower." This means that the U.S. could unleash a "food weapon" against other nations.

I do not believe in this approach. Feeding people is a life and health matter, too serious to be left to political manipulation. Our power should be used to help other countries improve their own food production and become more secure against famines.

There is an old adage that can guide us as we seek to set a sensible and compassionate food policy: "Give a man a fish and he eats for a day, teach a man how to fish and he can eat for a lifetime."

To meet the increasing world demand for food, we have modernized and improved our technology to produce the maximum amount of crops per acre. In the last decade we have increased the production of corn by 12 bushels per acre—from 74.1 bushels to 86.2 bushels.

To help solve the world food problem, our primary concern should be to increase our food output to help meet growing demand.

The basic resources required to expand food output—land, water and energy—are no longer abundant.

Acreage for crop production is limited. Industrial growth which reduces acreage for farming claims more than one million acres a year.

Most of the world's rivers are located where the need for water for farming is least. About one-third of the earth's rivers flow through South America, which only covers one-eighth of the total land in the world.

Energy is the third basic resource which is no longer plentiful enough to increase our food output. About 60 to 80 percent of the increase in our agricultural production since the forties is solely the result of increased use of energy in the production process. The principle raw material of modern U.S. agriculture is fossil fuel.

Technological advances that have led to greater use of farm machinery and fertilizers have consumed ever-increasing amounts of energy. In U.S. corn production, gasoline consumed by farm machinery rose from 15 gallons an acre in 1945 to 22 gallons an acre in 1970. We are currently using a total equivalent of 80 gallons of gasoline to produce an acre of corn. Obviously this trend cannot continue.

Given our current rate of energy use in food production, it will be impossible in the next decade to produce enough food to meet world demand. Better use of existing energy supplies and development of alternative energy sources are key to adequate food production and the very survival of millions.

We need to help developing countries help themelves produce the food they need. But it will be a futile effort if a shortage of energy makes sufficient food production impossible.

There is no doubt that the U.S. has been an energy glutton compared to other nations. West Germany for example, has flourished without using nearly the energy consumed and wasted in America. West Germans enjoy a standard of living comparable to ours, but they use energy 50 per cent more effectively than we do.

We must face the world food crisis squarely. But we will never solve the world's hunger problem until we solve the world's energy problem.

The best solution to our energy dilemma—today and in the long run—is conservation. We can tap a new energy source—"conservation energy"—that can reduce our dependence on expensive foreign oil and dwindling domestic supplies.

"Conservation energy" is the energy derived by replacement of wasteful habits and technology with more efficient ones in our daily lives. I believe that the equivalent of about 16 million barrels of oil a day can be "produced" through "conservation energy" by 1985.

The need for a national effort to save energy is so compelling that we all must do our part. Last month Senator Hubert Humphrey and I launched a private, non-profit, nonpartisan organization called the Alliance to Save Energy. Its purpose is to develop a broadly-based constituency and to set quantitative goals for energy conservation in every sector of our society, including building construction, transportation, electrical power generation and industrial processes.

A number of groups and institutions are already working in the area of energy conservation, but the Alliance to Save Energy is the first organization created solely for this purpose. It will not compete with existing groups, but will seek to supplement and strengthen the efforts.

President Carter has strongly endorsed the goals of the Alliance. Former President Ford and Vice President Mondale are Honorary Chairmen of the organization.

We welcome suggestions from all of you about the types of activities this umbrella organization should emphasize. The following facts suggest the kinds of activities the Alliance can usefully pursue.

American Institute of Architects estimates that a national commitment to upgrading the energy efficiency of buildings would, by 1990, save the equivalent of 12.5 million barrels of oil per day.

By adopting technologies now widely employed in other countries, the steel industry can reduced its huge fuel demands by about 50 per cent by 1995, according to a 1974 Ford Foundation study.

Recycled scrap aluminum requires only five per cent as much energy as aluminum refined from virgin ore.

Eric Hirst, a research engineer at the Oak Ridge National Laboratory, reported in the December 1976 issue of *Science* magazine that a vigorous conservation program in the residential sector could reduce energy use growth to almost zero by the year 2000—with no change in life-style and even with no increased use of solar energy.

45 per cent of all industrial fuel, or about 20 per cent of the nation's fuel consumption, is used to generate process steam. If this steam were first used to generate electricity and then used as process steam, more electricity would be produced than the entire industrial sector now buys from utilities. This process known as "cogeneration" produces much cheaper electricity than centralized power plants.

The transportation sector is one of the most rapidly growing areas of our society, yet there is tremendous scope for reducing energy consumption. Former Secretary of Transportation William Coleman, concluded, before he left office, that more efficient use of energy would actually reduce the total requirement for energy in transportation over the next decade.

Conservation is crucial to solving our energy problem which has a direct effect on producing enough food to meet the demand, that is why energy conservation should be our nation's top priority.

The appeal of conservation is non-partisan and non-ideological. Conservatives and liberals, oil companies and environmentalists, Israelis and Arab OPEC countries are attracted equally by the prospect of strong economic growth and energy self-reliance for America. Few Americans are attracted by the prospect of having our foreign policy mortgaged to foreign suppliers and our domestic life controlled by vast regulatory bureaucracies.

The concept of conservation is not revolutionary. It makes no radical or unfair demands on any sector of our society. It is not a prescription for a "no-growth" economy. Conservation means doing better, not doing without.

The world's food-energy problem is a vicious circle. Food demand is directly related to population growth, which requires more production and increases the use of diminishing energy supplies.

As the Ranking Member of the Select Committee on Nutrition and Human Needs, I initiated a review of U.S. participation in the Food and Agriculture Organization of the United Nations. The report revealed that we do not have a coherent agriculture and food policy. It recommended reform of our policy setting mechanism so the Agriculture, State and Treasury Departments, and various interests within the executive branch, can be coordinated to speak with one voice on U.S. agriculture and food policy.

America is the richest, most abundant nation on earth. We are the breadbasket of the world; but we are also the energy guzzlers of the world. If we forge a sensible national energy policy, with conservation as the guiding principle, we will lead the way toward a world free of the fear of hunger.

GROSS SALARIES FOR NATIONAL AFL–CIO STAFF

Mr. GOLDWATER. Mr. President, we are constantly hearing the Nation's union leaders talk about the problems of American workers, especially about rates of pay and working conditions. Most of them bleed so profusely for the so-called downtrodden that it is difficult for us to understand exactly where these leaders themselves stand in the income tables of the country.

Because of this, I ask unanimous consent to have printed in the RECORD a listing of reported gross salaries for the national AFL–CIO staff for the year 1975–76.

There being no objection, the listing was ordered to be printed in the RECORD, as follows:

THE WORKINGS OF THE AFL–CIO

Gross salaries for the National AFL–CIO staff are $8,858,652.48 for the year 1975–76. Reimbursed expenses were $1,118,196.36 for a total of $10,046,848.84 for salaries and expenses. The only salaries reported were in excess of $10,000.

The C.O.P.E (Political Action arm of AFL–CIO) salary expenditures as reported were:

	Salary	Expenses	Total
Alexander Barkan, COPE director	$44,118.00	$5,537.16	$49,655.16
Joe Rourke, deputy director	34,317.00	2,305.02	36,622.02
John Perkins, assistant director	33,858.00	3,567.01	37,425.01
W. C. Young, National field director	28,325.00	9,914.35	38,239.35
Mary Zon, research director	31,600.50	1,181.48	32,781.98
Peter Pesole, area director	27,291.50	5,216.27	32,507.77
Madeline Matchiko, area director	25,821.50	8,431.18	34,252.68
Frank McGrath, area director	28,325.00	9,556.06	37,881.06
Clement Dowler, area director	27,291.50	7,826.06	35,117.56
Richard Fallow, area director	28,325.00	7,067.37	35,392.37
Ray Alvarez, area director	27,463.50	5,994.84	33,458.34
Fannie Neal, minorities representative	28,325.00	10,889.25	39,214.25
David Jessup, special assistant	27,627.85	3,069.98	30,697.83
Severiano Merino, field representative	27,291.50	8,004.60	35,296.10
Walter Bartkin, staff representative	28,325.00	64.00	28,389.00
Margaret Cronin, assistant research director	28,325.00	--------	28,325.00
Joan Acosta, research	20,066.90	--------	20,066.77
Richard Drennan, coordinator	26,083.40	852.37	26,935.70
Bernard Albert, publicity director	31,600.50	971.08	32,571.58
Marguerite Laddbush, employee	17,106.70	--------	17,106.70
Beatrice Lapp	14,682.50	--------	14,682.50
COPE Total	586,170.85	90,448.08	676,618.73

George Meany, the President of the A.F.L.–C.I.O., received $90,000 in salaries and $1,097.33 in expenses.

Lane Kirkland, the Secretary-Treasurer, received a salary of $60,000 plus $16,624.83 in expenses for a total of $76,624.83.

Virginia Tehas, the Secretary to Meany, received $33,868.60 plus expenses of $1,098.35 for a total of $34,966.95.

The computer division's major employees (salary) are:

	Salary	Expenses	Total
Fred Hassen, director, data processing	$36,349.60	$1,186.77	$37,536.37
Brian Smith, Sr., systems analyst	27,090.30	--------	27,090.30
Walter Richards, systems analyst	16,704.63	41.00	16,745.63
Donna Hall, keypunch	11,645.50	--------	11,645.50
Barbara Channell, keypunch	12,429.53	--------	12,429.53
Arthur Cornwell, tab operator	21,675.95	--------	21,675.95
Joe Dutrow, operator	17,239.09	--------	17,239.09
James Peters, programmer	18,363.33	--------	18,363.33
Lisa Schultz, programmer	10,036.04	--------	10,036.04
John Cannon, programmer	17,836.32	--------	17,836.32
Janet Bonillo, data control clerk	13,358.80	--------	13,358.80
Computer total	202,729.09	1,227.77	203,956.86

The A.F.L.–C.I.O. has 2 chauffeurs who make a combined total salary of $25,858.37

Other jobs and salaries and expenses of interest are:

Photographers	$24,729.40
Director—civil rights	46,800.38
Assistant to president	55,136.26
Andy Biemiller, legal director	46,741.42

The A.F.L.–C.I.O. has 13 porters who receive a combined salary of $143,742.70.

The legislative team is comprised of:

Andy Biemiller, director	$46,741.42
Ken Young, assistant director	37,261.17
Ken Peterson	34,714.26
Ken Mecklejohn	35,251.65
Robert McGlotten	36,117.14
Howard McGuigan	37,394.76
Virginia Gorman	18,292.90
Ray Denison	36,506.37
Michael Gelden, assistant to director	27,375.50

The public relations effort is:

Albert Zack, public relations director	$40,486.43
Allen Zack, public relations employee	33,780.39
Paul Laisen, public relations employee	29,257.24
Dale Larson, public relations employee	31,277.70
Charles Hughes, public relations employee	29,278.75

THE SACCHARIN ISSUE—A FOOLISH GOVERNMENT DECISION

Mr. HARRY F. BYRD, JR. Mr. President, in America's most recent rodent crisis, 17 Canadian rats have posthumously become the "mice that roared."

The Food and Drug Administration has announced its intention to remove saccharin from the American marketplace on the basis of recent Canadian tests involving ingestion of large amounts of saccharin by rats.

To me, it is incredible that the FDA decision should be based on tests which would require the equivalent to consumption by a human of some 800 cans of diet soda daily—daily—over a lifetime.

How foolish can the Government get?

Saccharin is an important diet for millions of Americans. It is ridiculous to deny its use on such inconclusive tests as the Canadian one.

We are substantially ignorant concerning the problems of testing for carcinogenicity. We do not know whether there is a threshold level below which carcinogenic substances are harmless. We do not even know the mechanisms by which food additive carcinogens cause cancer.

We are much more familiar with the effects of diabetes and obesity, which include hypertension, cardiovascular disease, and, in many cases, death. These are the considerations which should be balanced against a very low possibility of carcinogenesis in determining whether products should be allowed to be marketed.

Also to be balanced against low probabilities of carcinogenesis is the individual's right to make his own choice concerning comparative risk. Thus, cigarettes, which are much more demonstrably carcinogenic than saccharin, are marketed with a warning concerning potential hazards.

This has led Congressman TUCKER to suggest that products containing saccharin should exhibit the following warning: "Caution: The Canadians have determined that saccharin may be dangerous to your rat's health."

Mr. President, the American Enterprise Institute has recently compiled a synopsis of newspaper editorials critical of the Food and Drug Administration's actions. These articles come from newspapers covering the gamut of the political spectrum, and I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be prined in the RECORD, as follows:

FDA AND THE SACCHARIN BAN

CHICAGO TRIBUNE, FEBRUARY 15, 1977, EDITORIAL

"Not only is the FDA banning apparently harmless products; it is also keeping many new medications out of reach of the American people. The development of new drugs has come almost to a dead stop. Few pharmaceutical companies can afford the research it takes to prove that improbable overdoses won't harm a laboratory animal somehow. Some physicians are already arranging for patients to get drugs, like the new group of beta-blockers for treating heart disease, from Europe, where they are used effectively and apparently safely.

"The FDA is allowing 60 days for public comment on the saccharin ban. Congress should take this occasion to do alike commenting on the FDA itself, and, if necessary, change the statute under which the FDA now operates."

CLEVELAND PLAIN DEALER, MARCH 12, 1977, EDITORIAL

"Tens of millions of diabetic and overweight Americans rely on saccharin to control blood sugar or for weight control programs. When cyclamates were banned in 1969 after tests similar to the recent Canadian series, saccharin became the sole legal artificial sweetener on the market.

"How many additional heart attacks and cardiovascular disease cases might be caused by elimination of what is at present the last legal artificial sweetener are questions that were not permitted to interfere with the saccharin ban. In other words, the Delaney provision permits no flexibility, no balancing of advantages versus disadvantages in any substance ban decision."

INDIANAPOLIS NEWS, MARCH 11, 1977, EDITORIAL

"While for most Americans saccharin is merely a means of cutting calories, for countless diabetics the sugar substitute is an essential part of their diet. It would seem far more logical for the FDA to print warnings, as on cigarette packages, to notify the consumer of the possible dangers to health. Let the consumer make the choice unless the FDA can offer more substantial proof that saccharin is at least more hazardous to your health than cigarettes sold so freely over the counter.

"The FDA is rushing into action over saccharin when it has clearly not considered the merits of the case. We would like to know if those Canadian researchers considered an even more serious ailment connected with the daily consumption of 800 diet sodas—that of burping to death."

BUFFALO EVENING NEWS, MARCH 12, 1977, EDITORIAL

"Certainly consumers must be protected against any product reliably linked with cancer, but the absence here of any evidence that saccharin ever has produced a single cancer in any human would seem to reduce this ban to absurdity. At the least it points up an excessive rigidity in the law that needs careful revision by Congress."

ST. LOUIS GLOBE DEMOCRAT, MARCH 13, 1977, EDITORIAL

"If saccharin is potentially dangerous—which still appears doubtful—why is the FDA just now getting around to finding out about it?

"Clearly the nation needs a much more effective, practical way of ascertaining the safety of substances. The heavy-handed bureaucratic approach of the FDA is much too uncertain, costly and disruptive."

PROVIDENCE JOURNAL, MARCH 13, 1977, EDITORIAL

"The risk, though perhaps slight, seems real. In such situations the prudent approach is not to take unnecessary chances—not to gambl with potentially dire aftereffects that may come to light only years into the future.

"But let's be realistic about it. There is such a thing, after all, as overreacting to suspected dangers, which can be more harmful than the dangers themselves. The FDA is hardly a capricious agency, but its scientists can't always be locked into only a yes-or-no choice. They need to have somewhat more latitude to look at the problems of carcinogens from all angels.

ECONOMIC NOTES: THE UNITED STATES AND WESTERN EUROPE

Mr. GOLDWATER. Mr. President, how have the weather and fuel crises of this winter affected the U.S. economy? What effect has it had on rates of growth and inflation? What will it mean in the final analysis in terms of corporate profits and other economic indicators?

These and other questions vital to the future of this Nation, were addressed recently by Raymond J. Saulnier, nationally known economist, in a paper dealing with the overall economic trends in the United States and Western Europe. Because of its importance, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ECONOMIC NOTES: THE UNITED STATES AND WESTERN EUROPE

(By Raymond J. Saulnier)

Evidence on the impact of the January weather/fuel crisis on the US economy is still limited but it was clearly much less than feared. The best clue to the effect is the monthly composite index of coincident indicators, which the Department of Commerce correctly describes as a rough approximation of overall economic activtiy. Preliminary estimates show the index falling in January 0.4 percent from December 1976, the high of the series; a decline two or three times greater had been thought possible.

What this means for GNP in 1977 is unclear, but likely behavior of the index in February and March can be used to estimate 1Q77 GNP, and if projections for the remaining quarters are left unchanged, which seems reasonable, we have a basis for estimating the full year's outcome. Proceeding in this manner, and assuming (conservatively) that the index will be flat in February and up moderately in March, the inference is that the weather/fuel crisis will have reduced 1977 GNP from an estimated 5.2 to 5.0 percent. Thus, the impact is in line with the "most sanguine" estimate set out in last month's notes.

Development already reported for January and February strengthen confidence that expansion in the final three quarters of 1977 will be at least as previously projected. Consumer expenditures increased faster than needed to validate the forecasts; new car sales rebounded more sharply than expected from their January decline (an 11 million annual sales rate in February). Projections of capital goods spending rise with each successive survey of business plans; the latest results still point to a smaller increase than projected in these notes but it is confidently expected that the gap will be closed before the year is over. And government purchases of goods and services are running slightly above the writer's projections.

Adjusting earlier estimates to reflect official revisions of 1976 figures, and using data reported for January and February, we have the following for 1977:

Growth—5 percent.
Inflation—5.7 percent.
Current price GNP up—11 percent.
New car sales—11.1 million.
Housing starts—1.85 million.
Corporate profits, pretax, up—12.8 percent.

Clearly, the major uncertainty in this outlook involves interest rates; these can be expected to move higher in 1977, but indications drawn from a tentative forecast of flows of funds in 1977 suggest they will not rise sufficiently to obstruct achievement of the GNP and related indicators cited above.

Unfortunately, Federal Reserve estimates of fund flows are currently available for only three quarters of 1976, and extensive revisions can be expected when fourth quarter 1976 estimates are released, but even so rough guesses can be made of upcoming demand/supply conditions.

To begin, Treasury borrowing, including off-budget agencies, seems certain to be at least $10 billion above the $80 billion (annual rate) officially estimated for 3Q67. Given GNP and related forecasts, credit demands of other borrowers—businesses, households, state and local governments and foreigners—can be expected to increase over 1967 by at least 15 percent. The sum of the two implies that total requirements will reach $320 billion in 1977, 16.4 percent above what is estimated to have been raised (annual rate) during the first three quarters of 1976. A similar analysis by the U.S. Treasury is reported to anticipate an 18.2 percent increase.

Using the $320 billion figure for total requirements and an estimate of funds to be supplied from sources other than commercial banks that reflect personal and business income implied by GNP and related forecasts, it follows that banks must supply half again as much credit in 1977 as they are reported to have supplied (annual rate) in the third quarter of 1976. In turn, expanded commercial bank credit implies an increase in bank deposits, and thus in parallel money supply aggregates, that will put moderate (possibly more than moderate) upward pressure on the 10 percent top of the Federal Reserve's target range of M2 increases.

Considering that credit requirements in 1977 are more likely to exceed than to fall short of the estimates offered above, and that Federal Reserve authorities seem to perceive their 1976 policies as perhaps overly accommodative, upward pressure on interest rates in 1977 is strongly indicated. A judgment was advanced in earlier notes that the prime rate would rise by one-half of three-quarters of a percentage point by yearend 1977 over its present 6.25 percent level, but because it contemplated less federal borrowing than now seems likely the possibility is raised that the prime rate increase may be somewhat greater, possibly by a quarter of a percentage point.

It is evident from economic data on Western Europe, available now through November/December 1976, that the policies of restraint remarked on in earlier notes has continued in force everywhere. A measure of what is happening is seen in OECD figures on 12-month changes in money supply (M1 concept): an average of increases in 15 countries (weighted by 1970 production) declined from 16.4 percent in January/February 1976 to 12 percent in October/November. Denmark and the Netherlands have been following the most severe restraints; Greece and Italy the opposite.

The effect of monetary restraint, and the fiscal restraint accompanying it, has been to hold actively in Western Europe at a broadly unchanged level since early 1976. A weighted average of industrial production indexes for 11 countries was 115 in February (1970=100) and 115.2 in November, having risen and receded slightly in the interim. A second measure of impact—the ratio of persons registered unemployed to jobs reported vacant—rose from 8.3 in December 1975/January 1976 to 9.3 in November/December 1976 (again as a production-weighted average), but yearend data on retail sales, new order input and construction contract awards are generally favorable. Certainly, no ground is seen for expecting the flat trend of 1976 to be transformed into a 1977 downturn.

The object of policy in all Western European countries, of course, has been to reduce inflation and strengthen national currencies, and in most cases modest progress has been achieved. A weighted average of increases in consumer price indexes for 15 countries declined from 10.6 percent in January/February 1976 to 9.9 in November/December, and would have been down significantly more but for sharply accelerating inflation in Italy and Spain. Matching this lack of inflation control, the Italian lira and Spanish peseta are the weakest currencies relative to the US dollar, while the currencies of Germany, the Netherlands, Switzerland and Belgium, where inflation control has been most successful, are the strongest.

The stellar all-round performance is still Germany's—the Bundesbank reports real output rose in 4Q76 at a 6 percent rate—and for inflation control alone it is clearly Switzerland—consumer prices up only 1.1 percent in November/December 1976 from a year before. France is pursuing a generally severe monetary policy but as yet with little success in slowing inflation. Whether it can be maintained is an open question, but the UK's performance improved measurably in the past few months.

Policy advice being pressed on Western European governments by the United States—that they reflate their economies—seems unlikely to have much impact. Switzerland is positioned to adopt a more expansionary line, but other countries, including Germany, are more likely to continue policies currently in force. Policy in 1977 will surely differ from 1976, however, in there being no trend to greater restraint, and there is a distinct likelihood of cautious relaxing as the year progresses.

In the circumstances, growth in Western Europe will almost certainly be lower in 1977 (3.9 percent) than has been characteristic of the area in recent years, but with the distinct possibility of expansion speeding up in the second half of 1977 and in 1978.

SCOTTSDALE, ARIZ.

Mr. GOLDWATER. Mr. President, we hear a great deal today about municipal ills, the problems of American citizens striving to provide essential services in a time of high inflation. Many of these problems concern methods of law enforcement and related problems such as fire control and garbage removal. Today, I should like to point out that there can be a brighter side to this picture. In fact, some municipalities have done miraculous work in many problem areas through the use of imagination and energy. An especially refreshing story along these lines was printed in the Wall Street Journal of March 9, and it tells of the progress made in my hometown of Scottsdale, Ariz. Because it is an encouraging story and highly unusual, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the story was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 9, 1977]

HOW A CITY STRETCHES TAX DOLLARS BY USING IMAGINATION AND ENERGY

(By William E. Blundell)

SCOTTSDALE, ARIZ.—Having a party? Go to your nearby community center and check out a Funpack, a big container stuffed with games and sports equipment. It's free, courtesy of the city.

Having a fire? Quick, call Rural-Metro, one of the most unusual fire departments in the nation. It designs and builds some of its own trucks and uses exotic equipment like the Snail, a robot fireman that clanks heedlessly into the heart of a blaze to put it out.

Having a dish-throwing spat with your spouse? The local police will bring along a "crises intervention specialist," a trained social worker and counselor who will try to patch up the quarrel and to help you get along better in the future.

All this, and much more, is routine in Scottsdale, a small city of about 80,000 people on the eastern fringe of sprawling Phoenix. Scottsdale, whose extensive commercial district includes hundreds of shops selling Western-style items, used to call itself "the West's most Western town." It isn't. But it certainly ranks as one of the most innovative communities anywhere, with a city government that manages to provide, at minimal cost, a lot of things you don't find even in much larger cities.

WEST OF EDEN

Scottsdale is no civic Eden where all problems have been solved. It got a nasty shock in 1975 when revenue estimates didn't pan out, partly because of success in holding down population growth. (The city's popula-

tion was 10,000 in 1960 and 68,000 in 1970, so today's 80,000 represents a slowdown.) An ensuing budget crisis forced temporary layoffs, an increase in water charges, a property-tax increase and installation of a garbage-pickup fee.

Another problem: Scottsdale's population, once young, is aging fast; 19% of the household heads are retirees, and the proportion is climbing. Young people are gradually drifting away because jobs and low-cost housing are scarce.

But on balance, Scottsdale is clearly a city that works. At a time when so many other towns and cities are being forced to retrench, Scottsdale illustrates that a little imagination and energy can stretch the tax dollar a long way.

The city government's share of the total property taxes paid on a $50,000 home here amounts to $80 a year, and the tax rate has been increased only once in six years. Yet the town has showered residents with extra services, cleared its small slum areas, built a sparkling civic center around a sculpture-studded grassy mall and put together a highly praised park system. "I really think we've been able to give Cadillac service at Ford cost," says Jim Jenkins, the city's finance chief.

POLICEMEN DO POLICE WORK

Scottsdale gets results by often throwing tradition out the window and trying new ideas to improve efficiency and reduce cost.

The police department, for one, frees uniformed officers for patrol and investigations by turning over housekeeping or routine tasks to lower-paid civilians. One-third of the department's 159 employees are civilians, far above the proportion found in most departments, says Chief Walter Nemetz. Among the civilians are 13 police assistants who have completed training at a police academy but who don't carry a badge or gun.

Clad in blue blazers and gray slacks, the assistants conduct initial interviews and submit reports on crimes and accidents, jobs that can take a lot of a uniformed officer's time. The pay and benefits of each assistant cost the city about $1,000 a month, compared with more than $1,500 for a veteran patrolman, and the program gives the department a chance to size up the assistants as potential recruits for the uniformed force.

The hiring of female officers, which has aroused controversy in recent years, is old hat here; Chief Nemetz, a veteran of the Los Angeles police department, has been hiring them since 1972 and now has a uniformed force that is 10 percent female. He assigns them to the same duties as male officers, even to breaking up an occasional bar brawl.

"Women often tend to be more effective at that," the chief says. "They're better able to quiet the place down because the men try to help them rather than side against them. You don't get any macho points for knocking a woman on her fanny."

Since 1974 the police force has divided the city into three sections, each covered by its own group of officers. The officers hold neighborhood meetings and even knock on doors to make themselves known and enlist community support. This "return to the idea of the beat cop," as Chief Nemetz puts it, helped drive major crime in Scottsdale down 5 percent in 1975, compared with a nationwide increase of 12 percent. Figures aren't available, but major crime in town fell still further last year, the chief says.

A PRIVATE FIRE COMPANY

At Rural-Metro, the fire department, nobody is sitting around waiting for an alarm. "A lot of firemen spend 90% of their time playing Ping-Pong and polishing chrome. Not ours," says one city official. The firemen are hustling because Rural-Metro is a private company, owned and headed by a garrulous former newsman named Louis Witzeman. He has a contract with the city and knows that if his charges run too high, his customers can contract with someone else or form its own department.

At Rural-Metro there is precious little chrome to polish; the department saves money by using unornamented, basic trucks built by FMC Corp. or assembled by the firefighters themselves from ordered parts.

A truck put together here costs Rural-Metro about $28,000, compared with more than $40,000 for an FMC truck and about $70,000 for a glittering extras-laden model from one of the old-line fire truck makers.

Using its own funds, Rural-Metro developed the remote-controlled Snail, a small, unmanned tracked vehicle that brings a hose into the heart of a fire and directs a stream of water on it.

The 45 full-time firefighters of Rural-Metro who are assigned to Scottsdale are complemented by 29 auxiliary firemen called "fire wranglers." All are city employes, trained in firefighting, who leave their desks to cover a blaze when alerted by beeper paging units worn on their belts. Cost to the city: $35 to $55 a month per man, depending on the number of fires.

All these economies add up to a total fire-protection budget of $880,000 for Scottsdale. The city figures that's less than half what it would cost to run a conventional fire department.

Borrowing an idea from European firefighters. Rural-Metro uses four-inch diameter hose, which delivers several times more water than the 2½-inch hose still standard in American firehouses. "Tradition, just tradition," Chief Witzeman says. "Tradition is one of the biggest things screwing up the firefighting business." He long ago abandoned another tradition when he read studies showing that a shade of yellow-green was more visible at night than red; all Rural-Metro equipment now is painted the new color.

Such willingness to experiment is a hallmark of the city government. For example, the parks department, which operates one big public swimming pool, provides some more aquatic amusement with "spray pads." The pads, areas of sculpted and textured concrete washed by spray heads mounted on poles, cost $12,000 each; another pool would cost $125,000.

Scottsdale's sanitation department is so mechanized that the garbage men almost never have to soil their hands on a can. "Godzilla trucks," each run by one man in a radio-equipped, air-conditioned cab, rove through alleys behind homes. With hydraulic claws they snatch up huge plastic trash containers, empty them by tipping them into the rear of the truck and put them back where they were. Smaller "barrel-snatcher" trucks pick up individual containers at streetside where back alleys don't exist.

Some Scottsdale innovations haven't panned out. Dreams of a garbage truck adapted to many different tasks had to be abandoned, for example, because a prototype kept breaking down. Then there was the "trash hog," a big mobile unit for the interim storage of garbage. The idea was that collections would be quicker if the trucks didn't have to keep interrupting them by making long hauls to the dump and back. More garbage was spilled than stowed, however, and the plan was dropped.

But Scottsdale's commitment to new ideas is unflagging. It recently got a grant from the National Science Foundation to contract for the services of a "city technologist" to help officials put new technical ideas into effect. His first assignment: Adapt solar power to public buildings.

The town also may be one of the smallest in the country to employ a full time "grants planner," an indication of the effort the city makes to round up outside financing for many of its ideas. Scottsdale dines often at the federal trough—an irony in a conservative town and state where suspicion of "handouts" is the norm. Officials take a pragmatic view of this. "They're not going to stop the printing presses in Washington just because we don't like it; they'll just print our money and give it to someone else," says George Britton, supervisor of outside funding efforts.

Leverage is the aim. "If we can't get several federal, state or other oustide dollars for every one of ours—well, we're embarrassed," Mr. Britton says. The city's urban-redevelopment effort, completed within the past six years, gave it no cause for embarrassment.

In one part of the redevelopment project, Scottsdale got rid of rundown structures near its downtown core and replaced them with a grassy area—part of its civic-center complex—bedecked with fountains and statues and fringed by restaurants, a new hotel-motel and a center for the arts. Redevelopment also involved moving more than 300 persons from ramshackle housing in a high-flood-risk area to new low-income units on higher ground nearby; the city also built a community center for the same neighborhood and got U.S. Labor Department funding to finance training and city jobs for some of the residents.

Scottsdale used money from six different federal funding programs to accomplish its redevelopment. The total cost was about $8 million: Scottsdale's share was about $500,000. The work here is frequently cited by the federal Department of Housing and Urban Development as an example of how urban renewal should work.

The city has been equally adept at dealing with the U.S. Army Corps of Engineers in an effort to solve flooding problems. The city is split in two by the Indian Bend Wash, an area prone to extensive and dangerous floods; the corps wanted to solve the problem building an ugly concrete channel right through the middle of town. Citizens and town officials, however, persuaded the corps to try something new—a chain of grassy-banked ponds, linked by streams, that would not only control heavy runoff but also serve as the focus of a green belt studded with parks and other recreational facilities. The project, which will cost more than $30 million, is to be finished in 1980. Again, most funding will come from outside.

Scottsdale doesn't have any racial problems to speak of; the population is almost entirely white. Nor is there much poverty; the median income for heads of households is more than $17,000 a year.

As for the problems it does have—such as the aging of the population and the conflict between the desire to hold down population growth and the desire to hold on to the revenue that growth brings with it—Scottsdale is attacking them with characteristic vigor. New plants, and jobs, are being wooed by an economic-development commission. The city also has adopted, for its largely undeveloped and spacious northeastern section, a regional plan permitting high-density zoning; this, it is hoped, will encourage builders to put up lower-cost housing.

It is too early to tell if Scottsdale can overcome its problems, but City Manager Frank Aleshire is optimistic, partly because Scottsdale is still small enough to be responsive. "The big cities, counties and state governments are almost paralyzed," he says. "The bureaucracies are terrible: buildings full of people passing papers. But a town like this can still be managed."

THE CLOSING OF FRANKFORD ARSENAL—AN UNWELCOME EPITAPH AND A QUESTION FOR THE FUTURE

Mr. HEINZ. Mr. President, on March 17, the Department of the Army an-

nounced that they intend to proceed with plans to close the Frankford Arsenal. This obviously is going to take place despite Vice President MONDALE's pledge to the people of Philadelphia to "keep open" the Frankford Arsenal.

The economic impact of this closing on Philadelphia will no doubt affect the residents of the entire area and certainly will warrant adjustment assistance. I hope that the Carter administration will be sensitive to these needs and will act promptly to meet those needs.

A recent news article from the Washington Post and an editorial from the Philadelphia Inquirer outline the impact of the Army's recent action, and I ask unanimous consent that these newspaper reports be printed in the RECORD.

There being no objection, the reports were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 19, 1977]

FRANKFORD ARSENAL CLOSING DESPITE MONDALE'S PROMISE

(By William Claiborne)

PHILADELPHIA.—Bullet Row, a nondescript street that slices through a grimy labyrinth of red brick factories at the Frankford Arsenal here, is mostly deserted and forgotten these days. But the older, more sentimental workers still call it "the street that beat Hitler."

Here 22,000 workers, many of them women, toiled round the clock during World War II at clacking and clattering conveyors heaped with brass shell casings, producing 1½ billion cartridges—which was every small-caliber round fired by American troops in the European and Pacific theaters.

Here a paper and powder wad factory serving Union riflemen in the Civil War evolved into one of the world's biggest munitions manufacturing centers.

Here engineers and assembly line workers alike still boast of a long line of firsts—the first recoilless rifle, the first "snooperscope" for World War II GIs, the first laser rangefinder, the first aircraft seat ejection and the first computer-driven-fire control system.

But despite a promise by Walter Mondale the night before the election that the arsenal would not be closed and its 2,000 jobs not lost, the Army announced yesterday that the facility would be shut down in the fall.

Amid increasingly bitter charges here of campaign "double-crosses," political favoritism and military-industrial pressure tactics, Vice President Mondale said yesterday that "the cost involved could not justify a reversal of the decision" to close the base.

In a statement with "mea culpa" undertones, the Vice President said, "I regret that I have not been able to keep this promise" despite a sincere and conscientious effort.

When the Army ceremoniously lowers its flag for the last time at the gate of the sprawling arsenal, it will signal not only the demise of a 161-year-old military landmark but the passing of an era of weapons preparedness that critics of the closing say will compromise national security for years to come.

The Army, following a major policy shift initiated in 1964 by then Defense Secretary Robert S. McNamara and reaffirmed by his successors, has been slowly phasing out its own weapons research and development and turning the bulk of it over to private industry.

The shift, urged in 1963 by a 22-member study panel that included 18 top executives of defense contractor companies, has stirred fears in some quarters of the military that the United States may no longer be able to mobilize quickly in the event of war.

The closing has also stirred the passions of politicians and special-interest groups.

Volatile Mayor Frank Rizzo has charged that it evolved out of a vendetta by former President Nixon, after the city in 1972 put four Democrats back in Congress and delivered a plurality to the Democratic presidential ticket.

Supporters of Rizzo have since weaved a conspiratorial theory that says President Carter's well-publicized hostility toward Rizzo helped doom the arsenal after the change of administrations.

Carter in his recent nationally broadcast question-and-answer radio program said he would "do everything possible to honor (Mondale's) commitment." He said plaintively, "If there is one question the Vice President has talked to me about since we've been in the White House, it is the Frankford Arsenal."

Mondale said yesterday that he has instructed Defense Department officials to make concessions to Philadelphia, that a naval international logistics office employing 500 persons would be transferred here, and that 700 new jobs will be added to the Philadelphia naval shipyard.

Also, Frankford officials say that 1,200 employees are being offered jobs at Picatinny Arsenal in Dover, N.J., 80 miles to the north, where the remnants of the Frankford research and development operations are to be moved.

But officers of the arsenal union, the National Association of Government Employees, claim that a poll they conducted shows only 200 would actually make the move.

Overshadowing the arguments over the loss of jobs and the local economic impact are more cosmic questions about the effect on the nation's ability to mobilize in time of war.

Thomas Odom, a physicist and director of product assurance, estimated it would take Picatinny Arsenal 10 years to gain the engineering capacity lost with Frankford's closure.

He said that when the Springfield Armory closed only 54 employees transferred to Rock Island, Ill., where some of the Army's research and development functions were moved, and that the Army had to begin anew to develop "hands on" expertise in new employees.

"Just because a guy has an engineering degree or some training in machine work doesn't mean he steps right in and become expert in weapons development. It takes years to grow with the commodity," he said.

Odom, who earns $36,000 as Frankford's top quality-control official, and says he will retire rather than move to Picatinny, recalled that with the advent of space technology the arsenal system lost many professionals who lured by more money, became "gypsy" engineers, moving from one defense contract to another.

Those engineers, Odom said, have never stayed with one project long enough to develop what he called the "breakthrough capacity"—such intimate familiarity with a project that seemingly insurmountable obstacles can be broken through by sheer weight of knowledge.

"Now they say the Army is going to be a smart buyer and save money by letting private industry do the research and development. But industry's track record on defense contracts isn't so hot," Odom said, remarking on huge cost overruns for several major projects.

He cited the Springfield M-85 tank machine gun. Before the closing of the Springfield Armory it cost the Army $1,715 apiece. After General Electric took over the contracts, it cost $4,800 apiece he said.

Moreover, according to Odom and other engineers and workers interviewed here, the Army will not even be able to function effectively as an evaluator of the quality of new weapons, because it will no longer have enough experienced technicians. Odom went on:

"This country was never built on munitions industry in peacetime, and we survived World War II. We always had the in-house capacity to transfer quickly to private industry in wartime, and we always came out with superior material. So why change the system now!"

Odom suggested that the military-industrial complex, which he termed a "club'" of industrialists who constantly shift back and forth between government and private business, had become "enamoured with the idea of getting into the munitions business" and had exerted enough influence on Congress to approve of arsenal closings.

The Army says closing Frankford will save $23 million and result in a more consolidated and streamlined research and development system, with armament developing being done at Picatinny, Rock Island and Watervliet, N.Y., and testing at the Aberdeen-Edgewater complex in Maryland.

Lt. Col. Frank Hackley, the arsenal's commander, said that many structures at Frankford are obsolete and that previous consolidations of defense operations have proved that the government can save millions of dollars. He observed:

"The arsenal system in peacetime is extremely vulnerable when people begin looking around for ways of saving money. On one hand, the public is complaining about not trimming the fat on defense budgets, and on the other it raises Cain when a base is closed."

Hackley said that, among some Pentagon officials, Frankford has an image of being as "stagnant" as some of its old buildings, and that it has become known as a "retirement billet" for its succession of commanding officers.

"All the blame does not lie in Washington. Some of it rests here. People over the years could have tried harder to modernize," he said.

[From the Philadelphia Inquirer, Mar. 21, 1977]

GOOD FAITH IS NOT ENOUGH

Walter Mondale, as candidate for Vice President, should never have made that pre-election promise in Philadelphia to keep the Frankford Arsenal open unless he was prepared, if elected, to honor the pledge.

Last week, after nearly two months as Vice President, he announced in effect that he can't deliver. "I regret that I have not been able to keep this promise," he said—while declaring it was made "in good faith and with the best of intentions."

We do not question the good faith and intentions of Vice President Mondale—but merely declaring them does not fulfill his responsibilities.

If, indeed, Frankford Arsenal is to be totally and permanently closed as a defense facility, the Carter Administration and particularly Vice President Mondale have an obligation at the very least to convert the site to some other and perhaps more constructive use.

The site consists of prime acreage in the nation's fourth largest city with good transportation by land, sea and air. Convenient access to New York and Washington is combined with regional availability of a large pool of educational and scientific research facilities and personnel.

Use of this location for some major and needed federal installation—perhaps in the field of energy research and development, for example—is a matter on which President Carter and Vice President Mondale should devote earnest and urgent attention. Conversion of the site to some private-sector use also is a possibility—or maybe a combination of governmental and private usage.

Mr. Mondale says he couldn't keep his promise—but that isn't good enough. Campaign promises cannot be so lightly dismissed. The Frankford Arsenal was important to the Carter Administration before the election—important enough to make a campaign issue of it. We cannot accept the idea that it isn't important now.

As we said, our confidence in the good faith of Walter Mondale continues, but that good faith must be demonstrated in terms of a tangible future for the Frankford Arsenal facility.

UNITED STATES-JAPAN RELATIONS IMPROVED BY PRIME MINISTER FUKUDA'S VISIT

Mr. MATSUNAGA. Mr. President, earlier this afternoon the Prime Minister of Japan, His Excellency Takeo Fukuda, in addressing the National Press Club, expressed great optimism about Japanese-American relations. It is an optimism shared by our President Jimmy Carter, whose emphasis on the importance of United States-Japan relations has become clear in the barely 2 months of his administration.

One of the first foreign leaders President Carter contacted after assuming office was Prime Minister Fukuda. The result of that contact is the Prime Minister's current visit, the first such visit by an Asian leader during Mr. Carter's administration.

Prime Minister Fukuda noted in his excellent speech, that—

> It is significant that the President and I have met so soon after each of us has come into office, and while both Governments are examining afresh how we shall respond to new challenges in the world.

That significance is a recognition by both leaders of the importance of cooperation and partnership between the two nations they represent.

One of our strongest allies, and our second largest trading partner, Japan has become a world power in its own right. The past decades have seen world attention focus on the Far East. Japan is that region's most stable democratic nation, and enjoys one of the strongest economies in the world today.

I applaud the recognition by the President of the crucial importance of our relationship with Japan.

I doubt that I need to point out that Prime Minister Fukuda's visit coincides with the appearance of that beautiful reminder of our deep friendship with Japan, the cherry blossoms given by the people of Japan to the people of America. It is my hope that this spring will see two blooms—the cherry blossoms and the strengthening of our relationships with our ally, Japan.

I ask unanimous consent to have printed in the RECORD the text of Prime Minister Fukuda's address to the National Press Club.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY PRIME MINISTER OF JAPAN TAKEO FUKUDA

Mr. Chairman, ladies and gentlemen: Having completed, just this morning, my very fruitful talks with President Carter, I am delighted with this opportunity to address the distinguished members of the National Press Club.

It is significant that the President and I have met so soon after each of us has come into office, and while both Governments are examining afresh how we shall respond to new challenges in the world.

The central theme of my talks with the President was "Japanese-American Cooperation in a Global Context". In other words: What can Japan and the United States do together to help make the world a better place to live in?

I am completely satisfied with what we have accomplished in our discussion.

In addressing the Diet shortly after I formed my Cabinet, I spoke of what we Japanese should expect of each other today.

I said that no human being can live in isolation. Society exists to serve each individual in the development of his or her potentialities, the fruits of which are shared and complement each other. As society also is bettered, each individual finds greater opportunities for his or her complete fulfillment.

I believe similar principles are appropriate in the international community. In today's increasingly interdependent world, no nation, any longer, can go it alone. All nations must help and complement each other, sharing responsibilities in the world community. As the world community is bettered, each nation finds greater opportunities for fulfilling its own aspirations.

Looking at the current world situation, I cannot help recalling the tragic developments of the early 1930s. For most of you here today, that era is perhaps a historical rather than a personal memory. For me, however, as a young man in London, those years left on my mind a lasting impression of missed opportunities.

In their attempts to escape the black clouds of depression which then hung over the whole world, the major countries, one after another abandoned the open economic system of free trade, switching to the closed system of protectionism.

As a result, world economic conditions further deteriorated. Between 1929 and 1933, world trade shrank by 40 percent, and the combined industrial product of the major economic powers dropped by 30 percent. Economic paralysis contributed to social instability and extreme political nationalism, which in turn provided the background for World War II.

I am not suggesting we are once again on the road to a world war. Yet I feel deep anxiety about the social and political consequences for the world if we slide once again into protectionism, or a breakup of the world economy into rival trade blocs. Surely we have learned by now that such a course can only exacerbate world economic conditions.

Heeding the lessons of history, the major trading nations must pledge never again to abandon free trade for self-destructive protectionism.

The world economy has not yet fully recovered from the oil crisis of 1973. Especially in many of the non-oil-producing developing countries, the suffering has been indescribable, and we, the advanced industrial democracies, are in a position to ease their burdens, although our own economies have not returned to normal.

Clearly it is necessary for those of us with the capacity to do so to restore swiftly our own economic health, and thus to reinvigorate the world economy in linked prosperity. This is the realistic course. The responsibilities of the so-called "engine economies" are great indeed.

Recognizing this, the President and I found ourselves in complete agreement on the need to revitalize our respective economies, in close cooperation, and thus to help revitalize the world economy.

The United States and Japan alone account for 35 percent of the world's gross product. The European Communities add another 21 percent. Combined, as the free world's three strongest economic entities, we account for 56 percent of gross world product. By working together in harmony, we have the capacity—and the obligation—to restore our interdependent world economy to stable growth.

Together the great industrial powers can help reinforce each other's economic recovery; we can generate more favorable trade and development opportunities for the developing countries, and thus improve North-South relations; and over the long run, we can help promote a more balanced development of the total world economy.

Without real cooperation among the major advanced industrial economies, none of these goals is feasible.

Japan recognizes its own key role and responsibilities in meeting these challenges, and my Government is determined to join Japan's full capacity to that of the United States, and of our economic allies in Europe, to make the most of these opportunities which history offers us.

For its part, my Government has submitted a stimulative budget for fiscal 1977, beginning April 1, primarily through expansion of public works. We have set a goal of 6.7 percent real growth for the year. You will recognize that this is the highest growth target of any of the major industrial nations.

One of the anticipated effects of reaching this target will be a substantial increase this year in Japan's imports. Last year our exports grew faster than our imports. In 1977 we expect our imports to grow faster than our exports, thus stimulating the economic recovery of our trading partners and contributing to world economic recovery.

I should quickly add that this policy is not without difficulties. Especially, we must guard against the risk of a new round of inflation.

Also, the Japanese economy has just recovered from the staggering blow of the oil crisis. The quadrupling of crude-oil prices increased our payments to the oil-producing countries to the stupendous sum of $20 billion. Those costs had to be absorbed by the valiant efforts of our people, and emergency fiscal measures to save the Japanese economy from collapse.

We are still paying the consequences. Public finance currently depends nearly 30 percent on public borrowing, through bond issues, and it is not easy to say when the Government will be able to do away with deficit financing.

Despite these difficulties, and our vulnerabilities, my Government remains committed to a stimulative policy which will revitalize Japan's domestic economy, and, at the same time, further my parallel goal of enlisting the creative power of Japan's economic recovery in world recovery.

During the thirty-odd years since World War II, the Japanese people have worked very hard at building a free and democratic society, with a decent living environment for all our people, a deep respect for fundamental human rights, and an equally deep commitment to international cooperation and peace. In the course of those decades, this open system has made Japan into a world economic power of 110 million people, with a half a trillion-dollar Gross National Prod-

uct, and the will as well as the capacity to participate constructively in world economic growth and development.

Throughout past history, great economic powers have always been great military powers as well. Japan, however, has set for herself a different ideal, unprecedented in history, of relying for her safety and survival on her trust in the justice and good faith of nations. We have chosen not to take the path to great military power. Although we possess the economic and technological capability of producing nuclear arms, we have firmly rejected the acquisition of such weapons.

The course the Japanese people have chosen is possible because of our continuing security arrangement with the United States, an alliance which serves the vital mutual interests of both countries. It should be recognized that a Japan which is an economic but not a military superpower can only be viewed as a stabilizing force in the world, posing no threat to any of its neighbors, but devoting its energies exclusively to constructive and creative purposes, at home and abroad.

We believe in these ways Japan can best contribute to world peace, stability and development.

Out of its concern for peace, Japan has consistently supported arms control and, in particular, nuclear disarmament. I was therefore encouraged by President Carter's Inaugural pledge to "move this year a step toward our ultimate goal—the elimination of all nuclear weapons from this earth".

Reaching this goal may indeed be an arduous task, but we must begin. I therefore welcomed the President's proposal for a total ban for a specified period of time, as a concrete step towards this goal. It would be of great significance for Japan and the United States to collaborate closely in promoting an enforceable test-ban agreement.

Equally important is the challenge of controlling conventional arms. I am especially concerned about military build-ups in areas of the world where political tensions are already high, and may be aggravated by further imports of armaments. Mindful of the danger, Japan took the initiative at the last session of the United Nations General Assembly in calling the attention of the world to the question of international transfer of conventional weapons. We are gratified that the United States shares our concern for this matter.

Japan's firm policy has been not to export arms to any region in conflict. I understand the complexities of the arms-transfer problem, but I believe Japan and the United States could usefully join in exploring the possibilities—in consultation with other governments, of course, and in a spirit of mutual trust—for the kinds of self-restraints and international arrangements which could bring this problem under better control.

Both Governments have long recognized the need for Japan and the United States to participate in the promotion of peace and prosperity in Asia. Japan is providing active and growing support to the self-reliant nation-building efforts of Asian countries, particularly such self-help programs of intra-regional cooperation as those under way in the Association of Southeast Asian Nations. A Japan-ASEAN Consultative Forum is being established, and its inaugural meeting will be held tomorrow in Jakarta. My Government will be warmly receptive to ASEAN requests for cooperation of various region-serving projects. On a bilateral basis, 50 percent of Japan's official development assistance already goes to Southeast Asia, and this aid is being expanded both quantitatively and qualitatively.

The goal we share with our neighbors is an Asia at peace with itself and the world, and increasingly capable of meeting the material and social needs of its diverse peoples.

At the same time, I consider it indispensable to this goal that the United States—as a global power with a leadership role in world politics—continue its active interest and constructive participation in the nation-building efforts of Asian people.

I realize the anxiety is sometimes expressed that, following the bitter experience in Vietnam, the United States might turn its back on Asia. I have no such fear, for I know that the United States, like Japan, is historically a Pacific nation. Our two countries are linked in our destiny to the future vitality of this vast, populous, and potentially prosperous region.

My friends, never before have relations between Japan and the United States been closer or more cordial. This does not mean we can take each other for granted. We must continue to work at perfecting our partnership, always keeping each other informed of our intentions. We need especially to deal soberly and wisely with each of the small problems that inevitably arise in so extensive a relationship, making certain that none of them becomes a big problem.

Our communications with each other should continue to multiply and deepen, as befits our expanding cooperation on the world scene. Laudable programs and exchange between our two people are being carried out by private individuals and organizations on both sides—academic institutions, business and professional organizations, and private foundations and societies. Both Governments are also helping, and I think it important to encourage and expand these efforts.

Five years ago, in my capacity as Minister for Foreign Affairs, I initiated the Japan Foundation for cultural exchanges between Japan and the rest of the world. I am gratified that comparable steps are being taken on the American side, by the setting up of the U.S.-Japan Friendship Trust Fund. This Fund is about to commence its activities, which will significantly increase cultural interchanges of scholars, artists and professionals between Japan and the United States.

I have nothing but optimism about the future of Japanese-American relations. Through goodwill and unstinting efforts on both sides, we have built a mature and responsible partnership. That partnership now faces its greatest—and ultimately most rewarding—test: joining our two great peoples together in a cooperative adventure in the global context, to achieve our shared dream of a more stable, peaceful and prosperous world.

I am confident that future generations will gather the fruits of our combined endeavors.

WITHDRAWAL OF PROPOSED INSURANCE REGULATIONS

Mr. LONG. Mr. President, the Treasury has just announced the withdrawal of proposed regulations under section 79 of the Internal Revenue Code. These proposed regulations have been the cause of much concern among employers, large and small, and among life insurance underwriters because of their potentially serious impact on employee group term life insurance and group permanent life insurance plans throughout the country. I am also concerned, and not just because the proposed regulations apparently would have seriously undercut a congressional policy established in the Revenue Act of 1964. I am concerned because in recent years the Internal Revenue Service has shown a tendency to use a very blunt instrument in its efforts to correct abuses of the Internal Revenue Code. Let me say at this point that I heartily endorse efforts of the Revenue Service and Treasury to reach and correct abuses of the tax code and expect to be critical of any tax administration which fails to carry out this function properly. Further, the proposed regulations which have just been withdrawn were issued under the previous administration.

While I expect the Treasury and Revenue Service to take action whenever there appears to be a situation where taxpayers are realizing a tax benefit which was never intended by the Congress, such action should not go beyond correction of the abuse and nullify or unduly restrict a result clearly intended by the Congress. Furthermore, where taxpayers have relied on rulings of the Internal Revenue Service in structuring their business, in other words with respect to those taxpayers who have "clean" hands, appropriate relief—transitional rules or otherwise—should be provided. Assuming earlier tax rulings or regulations were wrong and the current position of the Treasury is correct, fair tax administration requires achievement of a balance between the rights of those taxpayers who have relied on the earlier rulings and the rights of the public to full enforcement of the tax law as it is currently interpretated. Anything less than this either erodes the confidence of taxpayers who are expected to make extensive plans and substantial investments in reliance on the Treasury's current interpretation of tax laws, or erodes the confidence of the public in a fair administration of the tax laws.

In the instant case the Congress, in the Revenue Act of 1964, encouraged the continuation of existing and establishment of new nondiscriminatory employee group life insurance plans by providing that an employee will not be taxed on the employer's cost of providing the employee with group life insurance not in excess of $50,000 per employee. The employee would be taxed on the cost of employer provided group life insurance in excess of $50,000, such cost to be measured by a uniform premium table. At that time, the Finance Committee report included a uniform premium table based on 1940 mortality tables, but stated that such table "will be changed from time to time as mortality experience or other factors indicate that this is appropriate." After consultation with the insurance industry, the Treasury in 1966 issued regulations under the new law prescribing uniform premium tables based on 1958 mortality tables. Since average life expectancy has increased with the improvements of medicine, the 1958 mortality tables called for a significantly lower premium than the 1940 tables. In the proposed regulations, the Treasury would substitute premium tables based on 1940 mortality tables, which means that the premium cost taxed to the employee for insurance in excess of $50,000 would be significantly higher than under the premium tables based on 1958 mortality tables. In fact, most insurance companies use mortality tables more recent than 1958 in developing premium rates, since the lower pre-

miums make them more competitive. Further, it is pointed out that insurance companies under State law cannot use mortality tables older than the 1958 table. It would appear, on its face, that the proposed regulation's reversion to 1940 tables is clearly unreasonable and contrary to congressional intent.

In addition to group life term insurance plans, many employers provide group permanent life insurance in conjunction with the group term insurance in order to provide insurance protection beyond retirement. This was recognized by the Congress at the time of the 1964 act. Since only the cost of the group term insurance up to $50,000 is excluded from the employee's income, it is necessary to insure that there is a proper allocation of the employer's premium between the cost of group term and cost of group permanent with respect to participating employees. The cost of the group permanent insurance is treated as income to the employee. The abuse which prompted the proposed regulations, which have just been withdrawn, is in the area of improper allocations of the total premium cost between group term insurance and group permanent insurance.

In addition to prescribing uniform premium tables based on 1940 mortality tables, the proposed regulations met the allocation problem by providing group term insurance and group permanent insurance must be provided under separate policies. Since many States prohibit the issuance of a combination of group term and group permanent insurance under two contracts, this appears to be an unnecessarily harsh method of meeting the allocation problem. This could have been avoided by consultation with the insurance industry, which indicates there are several ways in which costs could be allocated between group term and group permanent insurance so as to avoid any abuses.

These views have been expressed in a letter to Secretary Blumenthal which has been cosigned by 14 members of the Finance Committee. I ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., March 17, 1977.

Hon. W. M. BLUMENTHAL,
Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: Through this letter we wish to register our strong opposition to the proposed treatment of group term life insurance under section 79 of the Internal Revenue Code. Such proposed regulations are contrary to the clear intent of Congress and are a reversal of the Service's long-standing position which is of great concern to us.

We ask that you reconsider the points discussed below:

First, as to changing the uniform rate tables—when Congress adopted section 79 in the Revenue Act of 1964, it was based upon sound public policy and was considered socially desirable. We felt the provision of a basic amount of life insurance would do much to keep together family units when the principal breadwinner died prematurely. We provided that insurance up to $50,000 was a reasonable amount, and provided for favorable tax treatment on the premiums up to this amount. But, if insurance coverage were provided in excess of $50,000 then the amount of the premium for the excess would be considered imputed income to the employee.

In devising a table for determining this figure, the House bill provided that the employee's imputed income could be determined either by use of (a) a uniform rate table, or (b) the actual premium cost under the policy. However, the Senate bill provided a uniform rate table only. The Conference Committee adopted the Senate approach. During the legislative consideration both Committees indicated:

"This table will reflect costs of such protection based upon insurance company experience and, of course, will be changed from time to time as mortality experience or other factors indicate that this is appropriate. Until provided otherwise by regulation, however, the cost per $1,000 of group-term life insurance protection can be determined from table 11 below." (H. Rep. No. 749, 88th Cong., 1st Sess. (1963) p. 41 and S. Rep. No. 830, 88th Cong., 2d Sess. (1964) p. 47)

The Table 11 referred to is the same table as is now proposed as Table II. Keep in mind these reports were written in 1963 and 1964. We specifically directed that any future changes would reflect subsequent mortality experience.

The Conference Committee reaffirmed this intent.

"It is the understanding of the conferees that the Treasury Department will study the table of premiums at attained ages contained in the committee reports on the bill to see whether this table should not be replaced by a table which reflects the most recent mortality experience and which may possibly make some allowance for expense factors." (H. Rep. No. 1149, 88th Cong., 2d Sess. (1964) p. 22)

Pursuant to the above, Treasury officials met with insurance industry representatives to see "whether this table (Table 11) should not be replaced by a table which reflects the most recent mortality experience and which may possibly make some allowance for expense factors." These representatives, aware that the Table 11 rates, above, were based on a 1939–41 mortality study, devised a more current table, now known as Table I. The Treasury accepted this Table, and since it reflected the most recent mortality experience it became a part of the section 79 regulations both in its proposed form in 1964, and in final form in 1966. These representatives of the Treasury and insurance industry, in devising Table I used 1958 group-term mortality experience, which is the oldest table permitted by state insurance concerns, brought it up to date, and included an average expense factor. Both the government and the life insurance industry were satisfied as to its fairness and accuracy.

The preamble to the proposed regulations, suggests that Table II (the table tentatively accepted by Congress back in 1964) "better reflects the actual cost of group-term life insurance than Table I." In our judgment, this is not the case, and the Treasury Department in making this proposal seems to be going against the clear intent of the Congress.

Instead of returning to the temporary 1964 table, the Treasury, if it feels a change is necessary in the current table, "should reflect the most recent mortality experience."

The actuarial studies we have seen reflect that mortality generally has improved. The data on insurance company experience we have seen, for the period 1958 through 1974. indicate the rates in Table I or not only more accurate than in the proposed Table II, but indeed suggest that Table I rates may even be higher than warranted under current conditions.

Specifically, the actuarial studies we have seen reflect the trend of mortality rates since the adoption of section 79 has been generally downward. This suggests that an increase in the imputed income rates is not warranted in most age brackets.

Additionally, the original rate table did not take into account a factor which experience shows is significant today. An assumption was made, when the Table I rates were being developed, that the female population among those insured for group life insurance in excess of $50,000 was zero. That assumption is unrealistic today. Some credence should be given to the lower mortality experienced by females.

Thus, it appears that these proposed regulations are moving in the wrong direction, contrary to the intent of Congress. The record is clear that any changes are to reflect recent insurance company experience, and will be changed as mortality experience indicates is appropriate. To our knowledge, the Treasury Department did not review insurance company experience before proposing these changes and certainly the mortality experience would suggest that adoption of Table II is clearly unwarranted.

In addition to retaining Table I, a second issue which concerns us is the attempt to disqualify, under the proposed regulations, the whole life plans by requiring that separate policy contracts for term and permanent insurance be issue.

We favor amending existing regulations with respect to plans which utilize individual whole life policies.

The proposed regulations attempt to disqualify these whole life plans by requiring that separate policy contracts for term and permanent insurance be issued. We recognize that such a limitation on the right of contract would completely eliminate any possibility of tax avoidance. However, the two contract requirement would, in our opinion, disqualify certain types of group permanent insurance which do not involve any element of tax avoidance and are socially desirable.

For over forty years paid up group permanent insurance has been combined with group term insurance under a single contract. When Congress adopted section 79 in 1964, these group permanent plans were known to exist. Under such plans employees make contributions after tax dollars to purchase paid up insurance so that when the term insurance provided by employers expires at retirement, the employees will have some life insurance protection during their post retirement years.

As indicated the proposed regulation would disqualify these group permanent plans, because they have been written in a single contract. Moreover, the laws of many states prohibit issuing such a combination of coverages in two contracts. Therefore it would not be possible under the law of many states to split these group permanent plans into two contracts, one for the term coverage, the other to provide for the paid up permanent insurance. We are informed that one insurance company insures more than one million workers under this type of plan. Some of these plans are based upon labor bargaining contracts which cannot be modified without reopening long term contracts. The employees covered are for the most part blue collar workers and the coverage averages about $10,000 per worker.

We believe that the result Treasury seeks should be achieved without disqualifying sound group plans now in existence. We are told that the insurance companies generally agree that the two contract approach should not be adopted as a sole method of providing permanent life insurance through a group life insurance plan. They are proposing other solutions which get at the individual whole life policy abuse without imposing restric-

tions on the right of contract as to whether it is a single contract or a two contract arrangement. These solutions should eliminate unfair competition in the marketing of individual whole life policy and should remove a service criticism we have received from life insurance companies which do not sell section 79 plans on a tax avoidance basis. We urge that the view of the industry be given careful consideration.

Thank you for your consideration. Please keep us advised with respect to this matter.

Sincerely yours,

Russell B. Long, Carl T. Curtis, Spark M. Matsunaga, Clifford P. Hansen, Bob Packwood, Bob Dole, Bill Roth, Abe Ribicoff, Paul Laxalt, John Danforth, Mike Gravel, H. E. Talmadge, Lloyd Bentsen, —— ——.

U.S. Senators.

THE SYMBOLISM OF THE AMERICAN FLAG

Mr. PELL. Mr. President, each year the Warwick Emblem Club, No. 416, sponsors an essay contest in Rhode Island's Warwick Secondary Schools and presents the winning contestant a U.S. savings bond.

This year's winner, Miss Robin Gorton of Winman Junior High School, captured top honors with a thoughtful essay about the symbolism of the American flag.

Mr. President, in order to share Miss Gorton's essay with my colleagues, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

WHAT THE AMERICAN FLAG MEANS TO ME

(By Robin Gorton)

Every country in the world has a flag which symbolizes a particular characteristic about that country. To me, our American flag is the most beautiful flag in the world. It symbolizes the American dream of "Life, liberty and the pursuit of happiness." From the "Don't Tread on Me" flag to the "Stars and Stripes Forever" flag, this symbol of America has withstood numerous wars and is still a shining example of a nation enjoying democracy.

Although the three familiar colors of the flag were taken from the Union Jack flag of England, the symbolism is American alone, and represents the love and patriotism our forefathers had for this country. In the flag, the color red symbolizes the blood spilled on the ground by patriots through many wars. It also symbolizes the love our ancestors had for our country. The color white symbolizes the purity and innocence of a new nation just starting out. Together, the red and white colors from the thirteen stripes on the flag; one stripe for each original colony.

These bands represent the colonies' joining to form a new nation never to be separated. The blue field represents the loyalty of the citizens who endured the problems which the new nation faced. The stars represent our current fifty states and as the number of states increase, so will the number of stars. Shining against a blue field they are a symbol of an everchanging nation under the form of democracy.

If you were to think of the states as stars in a universe, you would realize that together they represent one great nation as do separate stars form one great universe.

Walking down the Avenue of the Americas at the United Nations Building, I remember seeing the world flags displayed around it. Every flag meant something to the people in its respective country, but the American flag stood out distinctly as the representative of liberty and independence. The Russian flag means something to the people of Russia, but the American flag signifies liberty and happiness to people all over the world. Foreigners regard America as the place where the oppressed can find peace and when I look at the flag, I can imagine the oppressed gazing with admiration upon that flag, with the prospect of freedom shining in their eyes.

My love for my country is very strong and I hope that the American flag will always be respected and loved and continue to stand as the symbol of freedom for all people throughout the world.

A TRIBUTE TO AGRICULTURE

Mr. HUMPHREY. Mr. President, I wish to share with my colleagues the letter which I directed to President Carter on January 31, 1977, recommending that he declare the last week of March as National Agricultural Week, and the first day of that week as National Agriculture Day.

In my letter, I pointed out the importance of agriculture, recalling Senate Joint Resolution 163 which I helped pass the Senate in 1974 in recognition of the importance of agriculture. At that time I suggested:

Without a sound wholesome food supply, this country—or any country—cannot hope to progress, or even survive. Describe to me a country's agricultural development, and I will describe to you that country's cultural and economic achievements.

I also pointed out that the agricultural industry has assets totaling over $600 billion, and in recent years we have exported around $23 billion annually in agricultural products, resulting in a net favorable balance of trade of approximately $12 billion. These exports have helped pay the bill on our petroleum exports.

I also pointed out that one farmer today produces enough food to feed over 50 people, and that almost 1 out of every 5 persons in America is involved, in some capacity, with agriculture.

The response from the White House was to decline to issue such a proclamation without a resolution having been passed by both Houses of Congress, in the absence of a well-established tradition, such as Thanksgiving.

I am encouraged that the President met with a group of farmers for lunch in order to recognize the contributions of agriculture, and I know that Secretary Bergland will also be doing his part to recognize this event.

I feel that our agricultural producers are among the unsung heroes of this Nation, and I wish to salute them and join others in paying tribute to this great and awesome industry.

Mr. President, I ask unanimous consent that my letter to the President and the response to it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON
AGRICULTURE AND FORESTRY,
Washington, D.C., January 31, 1977.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As the first President in many years to have come from an agricultural background, I know that you are well aware of the importance of agriculture to the American economy. Therefore, it would be fitting and appropriate for you to declare by presidential proclamation, the last week of March as National Agricultural Week, and the first day of that week as National Agriculture Day.

In 1974, I took the lead to have the Senate enact S.J. Resolution 163 authorizing the President to proclaim the last full week in March of each year as "National Agriculture Week," and the Monday of each such week as "National Agriculture Day."

At that time, I said, "Without a sound, wholesome food supply, this country—or any country—cannot hope to progress, or even to survive. Describe to me a country's agricultural development, and I will describe for you that country's cultural and economic achievements."

While the House of Representatives did not act upon this measure, many members of the agricultural community have proceeded to publicize the occasion, and have made it an important event.

Your recognition of this event would go far in bringing it the national attention which it deserves.

National Agriculture day and week provide the opportunity to honor the unsung heroes of the nation's largest industry, our farmers. The agricultural industry has assets totalling over $600 billion, and in recent years, we have exported around $23 billion in agricultural products, resulting in a net trade balance of about $12 billion. These exports help to pay the bill for our petroleum imports.

Although there are less than 3 million farms today, the American farmers not only cultivate enough produce to feed 215 million Americans and export about a fourth of their production, but millions of needy people around the world have received assistance through our humanitarian assistance programs—made possible by the awesome production of the American farmer.

One farmer today produces enough food to feed 52 people, and the farming industry spends approximately $80 billion for goods and services to produce crops and livestock. This outlay of funds provides jobs for millions of Americans, and almost one out of every five persons in America is involved, in some capacity, with agriculture.

Agriculture plays a major role in our society, and I hope you share my feelings that our people should be given the opportunity to pay tribute to its contributions to the health and prosperity of the nation.

In recognition of the importance of agriculture, and the helpfulness of an official declaration, by you, Mr. President, I urge you to take this step.

Sincerely,

HUBERT H. HUMPHREY.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., March 1, 1977.

Hon. HUBERT H. HUMPHREY,
U.S. Senate, Washington, D.C.

DEAR SENATOR HUMPHREY: This is in reply to your letter to the President of January 31, 1977, requesting issuance of a proclamation designating the last week in March as National Agricultural Week and the first day of that week as National Agriculture Day.

As I am sure you can appreciate, the President receives numerous requests for issuance of commemorative proclamations. There simply are not enough days, weeks and months in the year to accommodate them. Consequently, it has become necessary to establish certain basic criteria to govern their issuance. In general, proclamations are issued either in response to a request contained in a joint congressional resolution which has passed both Houses of the Congress or when there is a well-established tradition, such as Thanksgiving Day. Exceptions are confined

to unusual circumstances of current national significance, e.g., the Bicentennial Year.

I can assure you, however, that the contributions made by our agricultural community, as described in your letter, will receive appropriate recognition in the President's annual proclamation in honor of National Farm-City Week in November.

Sincerely,

WILLIAM M. NICHOLS,
General Counsel.

S. 898—SPILL PREVENTION AND CLEANUP FOR ENERGY TRANSPORTATION SYSTEMS ACT OF 1977

Mr. BROOKE. Mr. President, on March 3, 1977, I introduced S. 898, the Spill Prevention and Cleanup for Energy Transportation Systems Act of 1977.

I ask unanimous consent to have a section-by-section analysis of the bill printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

TITLE I—OIL AND TOXIC SUBSTANCE TANKER POLLUTION LIABILITY AND COMPENSATION

Sec. 1 Findings and declaration of policy. The damages and cleanup costs resulting from oil and toxic substance spills by tankers are matters of national concern. Such spills infringe upon the rights of shoreline property owners, harm the general health and welfare of citizens and create environmental risks. Existing laws with respect to liability and compensation for spills are inadequate and there is a need for reform.

The purpose of this Act is to enact a comprehensive national law governing pollution liability and compensation for tankers carrying oil and toxic substances; to maximize the incentives for all persons transporting oil and toxic substances to take the necessary or appropriate steps to prevent their discharge; to establish a strict liability standard for cleanup costs and damages resulting from the discharge of oil; to create a single and all-inclusive compensation fund to pay for all cleanup and damages resulting from such discharge; to provide adequate funds and expeditious procedure to compensate those injured by a discharge; and to provide for the restoration, rehabilitation or replacement of the natural resources damaged by an oil discharge.

SEC. 2. Defines the terms used in the Act. Definitions include the "aquatic and terrestrial environment," which means the seabed, subsoil resources and territorial sea of the United States and fisheries zone over which we assert exclusive fishery management. The term also refers to the waters of the contiguous zone, within the safety zone around a deepwater port and superjacent to the Continental Shelf of the United States; and to the fish, wildlife and other living resources of such lands and waters and their recreational and scenic values.

"Cleanup costs" are defined to include the costs of Federal, state, local and foreign governments that are incurred in removing, attempting to remove, or taking other measures to prevent, reduce or mitigate damages to the public health or welfare or to the public or private property and natural resources by an oil discharge.

"Damages" are defined to include all direct and proximate damages, except cleanup costs, suffered by any person or government unit as a result of a discharge of oil or toxic substances from tankers, including the loss or injury of any real or personal property.

Sec. 3. Prohibits the discharge of oil in harmful quantities as determined pursuant to the Federal Water Pollution Control Act. A civil penalty of not more than $10,000 is established for violations of this provision. Under this section, a person in charge of a vessel who fails to report an oil discharge as soon as he/she has knowledge of it is subject to a fine no greater than $50,000 or one year imprisonment or both.

It also requires the Federal Government to act immediately to clean up a discharge unless the responsible party will act more expeditiously. Government funds to clean up a spill can be made available immediately from the liability fund established pursuant to a subsequent section of the Act.

Sec. 4. Makes the owner and operator of any tanker discharging oil or toxic substances jointly liable for all cleanup costs incurred by governmental or private parties. Such liability will not be in excess of $150 per gross ton only unless the discharge was the result of gross negligence or willful misconduct within the knowledge and privacy of the owner, operator or person in charge; or if the discharge is in violation of applicable safety, construction or operating standards or regulations as established in a subsequent Title of the Act.

The section makes the owner and operator of a vessel carrying oil from the trans-Alaskan pipeline responsible for cleanup costs and damages to the Canadian government or its residents if a discharge occurs, without regard to fault.

The section also allows for the owner or operator of a vessel emitting a discharge to be subrogated to the rights of any person entitled to recover damages if the discharge was caused by negligence on the part of the owner or operator of an onshore or offshore facility or on the part of a licensee of a deepwater port. However, the Act will not limit or affect any rights that an owner or operator of a vessel or that the federal fund may have against any third party whose acts may have caused or contributed to a discharge. But, an owner or operator of a vessel may recover cleanup and damage expenditures from the Federal Government for a discharge that was caused solely by negligence on the part of the Federal Government in failing to maintain adequate aids to navigation. And, the federal fund is entitled to seek recovery from the Federal Government for cleanup and damage expenditures by the fund.

SEC. 5. Calls for the establishment of the Federal Oil and Toxic Substances Tanker Pollution Liability and Compensation Administration within the Department of Transportation. The new agency will have an Administrator who will be appointed by the President. The Administrator will report and be responsible to the Secretary of Transportation, but the Administrator's decisions will not be subject to review, delay, reversal or other action by the Secretary or any other officer or employee of the Department of Transportation. The agency will also have a Deputy Administrator and a General Counsel, both of whom will be appointed by the President with the advice and consent of the Senate.

The Administrator will be able to establish and maintain a federal compensation fund; to act as trustee of the natural resources of the marine environment; to require financial responsibility disclosure; to establish regulations and provide for the fair and expeditious settlement of claims; to provide public access to information and conduct public education programs; to submit an annual report; and to perform any other functions prescribed by law or by the Secretary.

Also, the Administrator has full rule making and investigative authority.

Sec. 6. This section calls for the establishment within the administration of a Federal Oil and Toxic Substances Pollution Compensation Fund. The fund would be a nonprofit corporate entity which could sue or be sued in its own name.

The fund will be disbursed for cleanup costs resulting from the discharge of oil or toxic substances incurred pursuant to Sec. 102 of the Act, to Sec. 311 of the Federal Water Pollution Control Amendments Act of 1972, to any state or official law, or by the owner or operator of a vessel or onshore or offshore facility or a licensee if it can be shown that such discharge was caused solely by an act of war or negligence on the part of the Federal Government in establishing and maintaining aids to navigation. Money will also be disbursed for all damages not actually compensated pursuant to Sec. 102 of the Act and for damages whenever the sources of the discharge cannot be determined or is beyond the jurisdiction of the United States; and for research into methods for preventing, containing and removing discharges of oil as authorized. The Fund will not be liable to pay cleanup costs and damages of any claimant whose negligence or intentional act was the sole cause of the discharge.

In all claims or actions by the Fund against any owner, operator or other person providing financial responsibility, the Fund will recover both the amount it paid for cleanup operations, without reduction, and the interest on that amount at the existing commercial interest rate from the date that reimbursement is requested to the date it is paid to the Fund.

The Fund will be provisioned through the collection of a 5-cent per-barrel fee imposed on the owner of oil or toxic substances when the oil or toxic substances are transferred between either a vessel and an onshore or offshore facility or a vessel and a deepwater port.

The fee collection will be suspended when the Fund reaches $250 million. Collection will be resumed every time the Fund is reduced below $200 million and will cease when the $250 million ceiling is reached again. Whenever the money in the Fund is less than the claims for cleanup costs and damages for which it is liable, the Fund will borrow the balance required to pay such claims from the United States Treasury at an interest rate to be determined by the Treasury's Secretary.

Sec. 7. Provides for funds in the Pollution Fund established pursuant to the Federal Water Pollution Control Act Amendments of 1972 to be made available for staging and deploying cleanup equipment in the event the Administrator determines that a vessel, because of a malfunction, collision, or other existing or potential damage, is likely to cause a major discharge of oil or other toxic substance.

Sec. 8. Allows the Administrator, or the authorized representative of any state, to act on behalf of the public as trustee of the natural resources to recover for damages to such resources.

Sec. 9. Requires each owner or operator to establish financial responsibility through evidence of insurance, surety bonds, qualification as a self-insurer and/or other evidence of financial responsibility satisfactory to the Administrator. Any claim is brought directly against the source of financial responsibility and failure to comply with the provisions ascertaining such responsibility will result in a fine of not more than $25,000. Failure to comply could also result in a denial of entry to U.S. ports, detainment at a U.S. port or refusal of the clearance required by section 4197 of the Revised Statutes of the United States.

Sec. 10. This section allows the Administrator to prescribe or amend the regulations for filing, processing, settlement and adjudication of claims for cleanup costs and damages resulting from the discharge of oil. Claims will be filed not later than two years after the date of discovery of damage nor later than six years after the date of the incident which caused the damage.

If the source of the discharge can be determined and liability is conceded, a final and binding settlement may be arranged. If the source of the discharge is unknown and cannot be determined, the Administrator may promulgate regulations to arrange a settlement. If liability cannot be conceded or if a settlement cannot be negotiated, the claim may be submitted to an Administrative Law Judge.

Sec. 11. Provides for annual reports.

Sec. 12. This section allows any state to impose additional requirements or liability for any discharge of oil or toxic substances resulting in damages or cleanup costs within the jurisdiction of any state. However, any person who receives compensation pursuant to this Act will be precluded from recovering compensation pursuant to any other State or Federal law. And, conversely, any person who receives compensation pursuant to any other State or Federal law will be precluded from receiving compensation for the same damages under the Act.

Sec. 13. This section authorizes the appropriation for administering the Act at $10 million for the fiscal year ending September 30, 1977; $5 million for the fiscal year ending September 30, 1978; and $5 million for the fiscal year ending September 30, 1979.

TITLE II—PREVENTION OF TANKER COLLISION AND CARGO LOSS

Sec. 1. Findings and Purposes.

The transportation of certain hazardous substances including crude oil and petroleum products creates a significant environmental hazard and that international agreements and other existing authorities inadequately protect the marine environment from tanker discharges, particularly within the Fishery conservation zone established pursuant to the Fishery Conservation and Management Act of 1976. There is a need for the Congress to establish more comprehensive and stringent standards for tanker construction and operation in the waters of the territorial seas and the fishery conservation zone of the United States, so as to prevent the spillage of oil or other hazardous substances.

Therefore, the Congress establishes comprehensive regulations for the safe construction, maintenance and operation of vessels carrying oil or other hazardous substances; extends the regulations designed to protect the marine environment to include in their coverage the Fishery Conservation Zone established pursuant to the Fishery Conservation and Management Act of 1976; and establishes a vessel traffic system including a Vessel Traffic Safety and Discharge Information System.

Sec. 2. This section amends the Ports and Waterways Safety Act to encompass the United States fishery conservation zone in the waters to be protected by Coast Guard regulations.

Sec. 3. This section amends the Ports and Waterways Safety Act of 1972 to allow the Secretary of Transportation to establish an off-shore vessel traffic control system in the ports, navigable waters, territorial seas and fisheries conservation zone of the United States. The traffic control system will establish a surveillance and communications capability for identifying the location and course of vessels and for communicating with them. It will include regulations for control of vessel traffic which include, but are not limited to, times for entry, movement or departure; vessel routing schemes, including mandatory shipping lanes; vessel size and speed limitations and vessel operating conditions; and restricted operation, in any hazardous area or under hazardous conditions by any vessel which has particular operating characteristics or capabilities.

The traffic control system will also direct the anchoring, mooring, or movement of any vessel when necessary to prevent damage to the vessel or its cargo, stores, supplies or fuel; require vessels to install the equipment necessary for compliance; and establish procedures for reporting to and utilizing the Vessel Traffic, Safety and Discharge Information System.

A Vessel Traffic Safety and Discharge Information System will be established and administered by the National Transportation Safety Board. The System will include, but is not limited to: all registration, personnel licensing, ownership and financial responsibility records of each vessel even cleared to enter U.S. ports; records of each violation of regulations promulgated under any section of this Act; and reports of investigations and inspections conducted pursuant to this Act. The Board will assume all responsibility for the functions of the Port and Safety Reporting System established pursuant to the Federal Ports and Waterways Act of 1972. Thus, it will investigate and report on any major spill of oil or other hazardous substance in the waters protected by this Act under the direction of the Secretary.

There will be within each U.S. port a capability for accessing the System; and the National Transportation Safety Board will, within eighteen months of enactment, report to the Congress on the adequacy of existing short range navigational aids in shipping lanes and make recommendations for improvements or modifications.

However, nothing in this Title will apply to any vessel of any foreign nation which is in transit through the waters protected by the Act, or in transit through part of any international strait, which is not destined for a port or a place in the United States.

The Secretary of Transportation shall establish, for any vessel affected by this section, such additional standards governing the design, construction, alteration, repair, manning and maintenance of any vessel as may be necessary for increased navigation and vessel safety and for enhancing the protection of the marine environment. The standards include, but are not limited to; superstructures, hulls, cargo holds or tanks, fittings, equipment, appliances, propulsion machinery, auxiliary machinery and boilers; the handling or stowage of cargo and the machinery and appliances used for such handling; the equipment and appliances used for life saving, fire protection and prevention and mitigation of damage to the marine environment; the requirements for manning vessels and the duties and qualifications of the vessel's officers and crew; the vessel's maneuvering, stopping ability and other features which reduce the possibility of collision, grounding or other accidents; the reduction of cargo loss in the event of an accident; and the reduction or elimination of discharges during ballasting, deballasting, cargo handling or other such activities.

All vessels under the Act's jurisdiction will be equipped, after January 1, 1978, with the following: a radar system with short-range and long-range capabilities and with true-north features; a collision avoidance system; a loran-C long-range navigation aid; satellite navigation capability; a transponder which can automatically report position and identification; adequate voice communication equipment; a fathometer; two gyrocompasses; up-to-date charts; a segregated ballast system and a gas inerting system, if the vessel carries oil in bulk and is of a size in excess of 20,000 deadweight tons; a double bottom fitted throughout the cargo length of the vessel or a double hull, if the construction of the vessel is contracted for, or actually commenced, after June 30, 1977; a redundant propulsion source; shaft horsepower in the ratio of one horsepower to each two and a half deadweight tons; and adequate fire prevention equipment.

Amendments to Sec. 202 also prohibit vessels from entering U.S. navigable waters unless they have received a certificate of compliance by the Secretary. The certificate is issued if, after an inspection pursuant to Sec. 403 of the Ports and Waterways Safety Act, as amended, the vessel is found in compliance with the provisions of Title 52 of the Revised U.S. Statutes and the rules and regulations applicable to vessels under this section, or any other law or treaty. The Secretary will cooperate with the State Department to establish inspections at ports of loading by Coast Guard inspectors. No vessel will carry any cargo it is not certified to carry and the certificate can be revoked for noncompliance. Otherwise, the certificate will remain valid for a period not to exceed one year.

The Secretary shall prescribe manning and training requirements for vessels. The standards can include, but are not limited to: instruction in vessel and cargo handling and vessel navigation under normal operating conditions in coastal and confined waters and on the high seas; instruction in vessel and hazardous cargo handling and vessel navigation in emergency situations under accident or potential accident conditions; license qualifications by specific class and size of vessels; measurement of qualification for licenses by use of simulators developed for the training of marine-oriented skills; health and physical fitness criteria for all personnel; periodic retraining, and specific training for upgrading positions, changing vessel class or size, or assuming new responsibilities; determination of licenses, conditions of licensing, and period of licensing by reference to experience, amount of training completed, and regular performance testing completed, and regular performance testing; recordation of safety and/or pollution control violations on licenses; or suspension of personnel with an unsatisfactory record of compliance with safety and pollution control standards.

No personnel holding licenses of a foreign nation will serve as bridge officers of a vessel entering United States waters unless the Secretary has certified that the licensing nation's manning and training requirements are substantially similar to those established in the Act.

The Secretary of Transportation is authorized to have persons serve as maritime safety officers with the power, with or without a warrant or other process, to arrest any person suspected of disobeying the provisions of the Act; to board and inspect any vessel which is subject to the Act's provisions; to enter and inspect any short area, containing any dock, bridge or other structure which is subject to the Act's provisions; and to order any vessel to anchor or operate in a directed manner if it is reasonable to assume that the vessel does not comply with any regulation issued under the Act or if it is believed that the weather, visibility, sea conditions or the vessel's conditions jeopardize safety.

An inspection program will be established so the vessel is inspected at least once each year and so there is a program of unannounced inspections.

Inspections may be conducted by a maritime safety officer appointed by the Secretary or by an agent of qualified inspection organizations approved by the Secretary. The owner of the inspected vessel will reimburse the Secretary for the inspection's cost. Vessels will have on board such documents that the Secretary deems necessary for proper inspection or enforcement.

All records of the inspection program will be kept in the Vessel Traffic Safety and Discharge Information System mentioned in a prior section. The Secretary may accept, as evidence of compliance with the Act's provisions, any certificates or documents issued by any foreign nation pursuant to any treaty, convention or other international agreement to which the United States is party.

Any person founded by the Secretary, after

notice and an opportunity for a hearing in accordance with section 554 of Title 5, U.S. Code, to have committed an act prohibited by the Act will be liable for a civil penalty not to exceed $25,000 for each violation. Each day of a continuing violation will constitute a separate offense and the civil penalty for these offenses will be determined by the Secretary after considering the nature, circumstances, extent and gravity of the prohibited acts committed and the degree of culpability, any history of prior offenses, the ability to pay and other necessary matters. Any person who willingly and knowingly commits an action prohibited by the Act is subject to a criminal penalty. The offense is punishable by a fine of not more than $50,000 or imprisonment for not more than one year, or both. If a dangerous weapon is used or if bodily injury is considered, the offense is punishable by a fine of not more than $100,000 or imprisonment for not more than ten years, of both.

TITLE III—FINDINGS AND PURPOSES

The Congress finds that the lack of technology which insures tanker structural integrity and maneuverability poses a serious safety hazard to the marine environment. And, the lack of equipment to contain or recover oil spills on the high seas remains a serious deficiency in efforts to protect the marine environment. There is a need for effective and intensive oceanographic research to provide the government with necessary information.

The purpose of this section is to establish an effective program of engineering, naval architectural and materials research to produce safer vessels and effective oil spill recovery systems and to consolidate basic ocean sciences research and establish a national plan for oceanographic research.

The Secretary of Transportation will establish within the Coast Guard the Office of Operational and Environmental Safety Research which will, in cooperation with the National Transportation Safety Board and the Environmental Protection Agency, be responsible for all engineering, architectural, materials and other research related to vessel integrity and safety of structures and operations.

Eighteen months after the enactment of the Act, the Office of Operational and Safety Research will furnish reports to the Senate Commerce and/or Appropriations Committee on the following: the adequacy of vessel control and stopping systems; possible new vessel bridge design standards; an evaluation of markings of U.S. waterways, harbors and navigational hazards in consideration of increased tanker traffic; recommendations on standards for ongoing training for physical conditions of licensed officers, including a review of standards for female officers; regulations for deepwater port handling of oil and other hazardous cargo, and navigation in and around these ports; the development potential of high seas, foul weather recovery technology; and the effectiveness of chemical cleanup methods including dispersants, burning agents and oil-water separations.

The Secretary of Commerce will establish within the National Oceanic and Atmospheric Administration (NOAA) an Office of National Marine Research and Information which will assume all research functions of NOAA and all responsibility for coordinating and directing federal non-military research related to U.S. waters and natural resources. The Office's Director will establish an interagency Oceans Research Planning Board which will include, but is not limited to, representatives of the Coast Guard, the EPA, the National Marine Fisheries Service and the Office of the Sea Grant Program. The Board will complete a National Ocean Research Plan within two years of enactment. The plan will outline a national ocean research program and will include, but not be limited to, work on the effects of ocean movement on petroleum and petroleum products, the effects of water temperature on movement and dispersal of petroleum and petroleum products and the effects of oil on the marine eco-system.

NUTRITIONAL BENEFITS FROM FEDERAL FOOD PROGRAMS

Mr. HUMPHREY. Mr. President, I wish to share with my colleagues an article in the March 1977 issue of the American Journal of Diseases of Childhood entitled, "Nutritional Benefits From Federal Food Assistance."

This article, by Anthony G. Kafatos and Paul Zee, indicates that USDA supplemental feeding led to a marked improvement in the height, weight, head circumference, and levels of hemoglobin, serum iron, and vitamins A and C in the cases of 4,000 preschool black children from low-income families in South Memphis over a 3-year period.

Those of us who helped pioneer the WIC program were convinced that basic health improvements and ultimately mental development would be the result of such feeding programs. Other indicators have also suggested important benefits from WIC and other feeding programs.

While additional work is needed in terms of improving the data from such programs, I am certainly encouraged that these indicators showed marked improvement over the 3-year period.

The article ended:

We conclude that federal food assistance to pre-school children produces significant improvement in growth rates and other nutritional measurements and that such programs should be improved and continued to eradicate persisting deficiencies.

Mr. President, I ask unanimous consent that this article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NUTRITIONAL BENEFITS FROM FEDERAL FOOD ASSISTANCE

(By Anthony G. Kafatos, MD, MPH, and Paul Zee, MD, PhD)

Approximately 4,000 preschool black children from low-income families in South Memphis participated for three years in a supplementary food program sponsored by the US Department of Agriculture. Part of this group received additional benefit from food stamps, day-care centers, and an infant-feeding program. We evaluated the effects of this participation in 250 children selected randomly from the enrollment list of the supplementary program. Each child was examined for height, weight, head circumference, and levels of hemoglobin, serum iron, and vitamins A and C. The data were then compared with those from a similar survey in the same area conducted three years before.

The results of this comparison indicate considerable improvements in height and weight and a reduction in the incidence of anemia and in the numbers of children with low plasma vitamin A levels.

In the absence of other recognizable intervening factors, we concluded that federal food assistance programs were primarily responsible for the observed nutritional improvements.—(*Am J Dis Child* 131:265–269, 1977)

In 1969, high frequencies of stunted growth and anemia were found within the preschool population of a predominantly black community in South Memphis.[1] These deficiencies were attributed to an inadequate diet due to low family income, and these data provided us with baselines for evaluating the effects of increased federal food assistance to the children of this urban community. Reported here are the results of a follow-up nutrition survey conducted in 1972 after the study population had participated for three years in a supplementary food program sponsored by the US Department of Agriculture (USDA) and had received additional benefit from food stamps, day-care centers, and an infant-feeding program. These findings, by comparison with baseline values, demonstrate considerable improvements in height and weight and a significant decrease in the frequency of anemia.

COMMUNITY CHARACTERISTICS

The subjects of this survey were all residents of a predominantly black community in South Memphis. The area encompasses nine census tracts and in 1970, had a population of 37,520, of whom 4,972 were under 6 years of age.[2] Living conditions from 1969 to 1972 were typical of those in urban poverty neighborhoods: nearly 20% of the 10,902 occupied housing units were dilapidated or deteriorating; overcrowding was common, with more than one person per room in 30% of the houses; and many homes were without adequate kitchen or plumbing facilities. The median family income for each of the nine census tracts ranged from $2,986 to $4,783 a year. Yearly earnings for one half the families were below official poverty guidelines, and 34% to 54% of this group received public financial assistance.[3] According to census statistics, 11.4% of the male labor force was unemployed in 1970.[2]

Averaged data on infant mortality and prematurity in the community were available for the period of 1966 to 1971 (Memphis and Shelby County Public Health Department, unpublished data, September 1973). From 1966 to 1968, infant mortality per census tract ranged from 22 to 84 per 1,000 live births (Memphis mortality, 25 infants); from 1969 through 1971, they ranged from 13 to 37 per 1,000 live births (Memphis mortality, 17.5 infants). The incidence of low birth weights ranged from 18 to 28 per 100 live births in 1966 to 1968 (Memphis rate, 12 infants) and from 14 to 25 per 100 live births in 1971 (Memphis rate, 10.1 infants).

Three clinics staffed by nurses and nurse practitioners from the Public Health Department are open in the area on weekdays to provide immunizations and treatment for minor illnesses. Before 1969, the majority of preschool children in this community did not benefit directly from federal food assistance. Only 14% of the families participated in the food stamp program, and USDA supplementary foods were not being distributed in the area. The nutritional status of these children was poor.[1] Approximately 50% of the preschool population were below the 25th percentiles for height and weight on anthropometric charts, and low plasma vitamin A levels and anemia were common. These deficiencies correlated with low income and a consequent inability to obtain a sufficient quantity and quality of food.

Early in 1969 a supplementary food program was initiated in the community through a contract between the US and Tennessee Departments of Agriculture, the Memphis and Shelby County Health Department, St. Jude Children's Research Hospital, and Memphis Area Project South (MAP-South), a black self-help organization that has been active

Footnotes at end of article.

in the area since 1967. Families in need of supplementary food are identified by MAP-South neighborhood aides who live and work in the community. Medical personnel at St. Jude Hospital authorize the distribution of food, using the following criteria to determine eligibility: (1) the family must reside in the MAP-South area (nine census tracts), (2) family income must be below poverty guidelines of the federal government, and (3) the children must be less than 6 years of age.

The types and quantities of supplementary food are determined from criteria of the USDA. The monthly allotment for children of three different age groups is presented in Table 1. In addition, a prepared infant formula enriched with iron, minerals, and vitamins had been provided since 1970 to all newborns in the community for the first six months of life. This formula and occasionally other foods are financed from private sources.

TABLE 1.—MONTHLY ALLOTMENT OF USDA SUPPLEMENTARY FOOD TO CHILDREN 0 TO 6 YRS. OF AGE

Food item and unit of issue (gm)	Quantity per child by age group		
	0–12 mo	13 mo–3 yr	3–6 yr
Evaporated milk, can, 369	30	30	10
Farina,[1] box, 397	2	2	2
Corn syrup blend, bottle, 680	3	0	0
Fruit juice, can, 1,361	2	3	3
Scrambled egg mix, package, 340	2	4	4
Meat or poultry, can, 1,418	0	1	1
Vegetables, can, 482	0	4	4
Instant nonfat dry milk, box, 1,077	0	0	1
Peanut butter,[2] can, 907	0	1	1
Instant potatoes,[3] package, 454	0	1	1

[1] Wheat cereal.
[2] Discontinued from August 1970 to April 1972.
[3] Discontinued in February 1971.

POPULATION SAMPLE

The population surveyed consisted of approximately 4,000 preschool children enrolled in the supplementary food program in 1972. Cross-sectional samples and sampling procedures were similar to those in the 1969 survey.[1] Every 12th family chart was taken from the MAP-South files for a total of 340 charts. Despite at least three attempts, 26% of the families could not be contacted at home or the legal guardian was not available to give consent. Another 32% of the families were lost because of incomplete or incorrect addresses or because a child had become ineligible for the survey. Moving without leaving a new address was the most frequent cause of our failure to locate families in the original sample. The migratory nature of the study population was not unexpected, as the 1970 census indicated that 49% of the residents had moved since 1965.[2]

From the 340 charts, we were able to locate 154 families with 250 preschool children (primary sample). The distribution of this sample by age and sex is given in Table 2. A secondary sample of 60 children, or every 4th child in the primary sample, was brought to the St. Jude Nutrition Clinic for a complete pediatric workup.

TABLE 2.—PRIMARY SAMPLES: DISTRIBUTION BY AGE AND SEX [1]

Age (years)	Boys		Girls	
	1969	1972	1969	1972
0 to 1	13	20	8	19
1 to 2	20	14	29	24
2 to 3	24	21	23	21
3 to 4	27	15	23	27
4 to 5	38	20	30	22
5 to 6	31	20	34	27
Total	153	110	147	140

[1] Total boys and girls: 300 in 1969 and 250 in 1972.

Footnotes at end of article.

MATERIALS AND METHODS

All home visits and measurements were made by one of us (A.G.K.) with the help or an assistant from the St Jude Nutrition Clinic. The purpose of the visit was explained to the parents and with their consent, the child's general condition was evaluated. Recumbent length or height was measured with a metal tape permanently attached to a plank with a fixed headboard. Weights were determined with a portable scale that was standardized with a 11.3-kg weight before each examination. Each height and weight was plotted on the appropriate anthropometric percentile grid of Stuart and Stevenson.[4] Head circumferences were measured with a plastic tape and plotted on the Nellhaus grid.[5] The variability in physical measurements between the 1969 and 1972 surveys could not be tested.

Capillary blood was obtained for the following tests: (1) hemoglobin concentrations and red and while blood cell counts by Coulter counter, which automatically computes the hematocrit and red blood cell indices; (2) total serum protein content and serum albumin value,[6] (3) vitamin A and C levels.[7-9] Test results were analyzed by the x-square method.[10]

Children in the secondary sample received a complete pediatric examinaton. This included blood tests for the presence of sickle cell hemoglobin and glucose-6-phosphate dehydrogenase deficiency,[11] as well as measurement of serum iron value and total iron-binding capacity.[12]

RESULTS

In 1969, 16% of the preschool children in this urban community were below the 3rd percentiles for height and weight on the Stuart-Stevenson grid, and 50% were below the 25th percentiles,[1, 4] By 1972, heights had shifted significantly to a more normal distribution, and weights were significantly improved in the 25th and 50th percentile groups (Table 3). Head circumferences were more than two standard deviations below the reference mean in 15% of the 300 children surveyed in 1969. Three years later, the frequency of below-normal head sizes was 12% among 250 children who were 0 to 6 years of age and 9% among 77 children who were 0 to 2 years of age, all of whom had received an enriched infant formula for the first six months of life.

TABLE 3.—DISTRIBUTION OF HEIGHTS AND WEIGHTS ON ANTHROPOMETRIC CHARTS [1]

	Heights [2]		Weights [2]	
	1969	1972	1969	1972
Below 3d percentile	16	6	16	12
Below 25th percentile	50	29	50	39
Below 50th percentile	70	54	73	58
Below 75th percentile	90	72	86	78
Total number of children	300	250	300	250

[1] Reference values were those of Stuart and Stevenson.
[2] Changes in height were statistically significant ($P<.001$) for all percentile groups, whereas those for weight were significant in the 25th ($P<.01$) and 50th ($P<.001$) percentile groups only.

The possible contribution of low birth weights (<2,500 gm) to the above findings was examined. Precise birth weights were available for 226 of the 250 children in our primary sample. Of this number, 30 children weighed less than 2,500 gm at birth. In the present survey, 45% of this group were above the 50th percentile for height; the remaining children were clustered in the lower percentiles. As shown in Table 4, this latter group did contribute to the excess number of small children encountered during the survey, but the effect was slight.

TABLE 4.—CONTRIBUTION OF CHILDREN WITH LOW BIRTH WEIGHT TO FREQUENCY OF SUBNORMAL HEIGHT AND WEIGHT

	Height (percentile)		Weight (percentile)		Total number of children
	Below 3d	Below 10th	Below 3d	Below 10th	
1969:					
Normal birth weight	15.0	25.7	10.7	22.9	140
Normal and low birth weight	17.4	28.9	16.2	28.3	166
1972:					
Normal birth weight	5.1	11.2	9.7	19.9	196
Normal and low birth weight	5.8	11.9	11.5	23.0	226

Mean hemoglobin concentrations and hematocrit readings are shown in Table 5. Although averaged hemoglobin values were normal (>10 gm/100 ml) for the 0- to 3-year-old age group in both surveys, the frequency of anemia was significantly greater in 1969 than in 1972 (Table 6). In the first survey, 25.7% of preschool children had hemoglobin levels of less than 10 gm/100 ml, compared to 10.9% three years later. This decrease in prevalence of anemia was more clearly demonstrated in the children who were born after 1970 and who were thus eligible for an iron-enriched formula during the first six months of life. Only 10% of this group had hemoglobin values below 10 gm/100 ml, whereas in the prior survey the rate for children born from 1967 to 1969 was 40%. When low-birth-weight infants were excluded, these frequencies were 11% and 39%, respectively. Significant decreases in frequency of anemia were also noted for the 3- to 6-year-old age group (Table 6).

Serum iron values for 55 children from the 1972 secondary sample substantiated the presence of iron-deficiency anemia. Fifty-three per cent of the children less than 2 years of age had transferrin saturation values under 15%, and 37% of those between 2 and 6 years of age had values of less than 20%, which is compatible with iron deficiency. Thirty-six per cent of the children had normal hemoglobin levels associated with low transferrin saturation. The prevalence of sickle cell hemoglobin (7%) and of glucose-6-phosphate dehydrogenase deficiency (11%) in the secondary sample was comparable to that in the general black population.

TABLE 5.—MEAN HEMOGLOBIN AND HEMATOCRIT LEVELS IN PRIMARY SAMPLES

Age group	Hemoglobin concentration, gm/100 ml		Hematocrit reading, percent	
	1969	1972	1969	1972
0 to 3 yr:				
Number of patients	123	119	123	119
Mean	10.9	11.5	33.7	33.9
SD	1.4	1.2	2.9	3.4
3 to 6 yr:				
Number of patients	177	131	177	131
Mean	11.6	11.8	34.4	35.2
SD	1.1	0.9	2.4	2.6

TABLE 6.—DISTRIBUTION OF HEMOGLOBIN LEVELS

Hemoglobin range, gm/100 ml	Children, percent [1]			
	0 to 3 yr		3 to 6 yr	
	1969	1972	1969	1972
<9	9.8	5.0	1.7	0
9 to 9.9	17.9	5.9	7.9	3.8
10 to 10.9	22.0	18.5	15.3	6.9
11 to 11.9	25.2	32.7	40.7	39.7
12 to 12.9	21.1	31.1	24.3	40.5
13 to 13.9	3.2	5.0	8.5	7.6
>14	.8	1.7	1.7	0

Footnotes on following page.

[1] The prevalence of hemoglobin levels below 10 gm/100 ml in children 0 to 3 yr of age dropped from 27.7 percent in 1969 to 10.9 percent in 1972 ($P < 0.001$). In the older children, the frequency of hemoglobin values below 11 gm/100 ml dropped from 24.9 percent to 10.7 percent ($P < 0.01$). The total number of children 0 to 3 yr of age in the 1969 survey was 123; in the 1972 survey, 119. The total number of children 3 to 6 yr of age in the 1969 survey was 177; in the 1972 survey, 130.

The mean plasma vitamin A concentration (±SD) in 1969 was 22.6±13.0 μg/100 ml and in 1972 it was 26.8±20.3 μg/100 ml. Mean carotene levels (±SD) were 90.2±33.2 μg/100 ml and 88.9±39.7 μg/100 ml, respectively; in both survey years, two thirds of these values were within the low or acceptable range, i.e., below 100 μg/100 ml.[9] Inherent in the vitamin A-carotene procedure is the possibility that the high carotene values may be associated with low vitamin A levels. This correlation was indeed present in our sample but to a low degree (correlation coefficient, $r=0.30$) when deficient vitamin A levels were correlated with their associated carotene concentration. Carotene values ranged from 14 to 197 μg/100 ml and fell well within the range of linearity for our method, which is from 0 to 300 μg/100 ml.

Although no gross clinical signs of hypovitaminosis A were noted in 1969, 44% of 57 randomly selected preschool children had plasma vitamin A levels below 20 μg/100 ml (Table 7), the lowest acceptable value in healthy children.[9] In 1972, only 27% of 250 children had levels below this concentration. Ascorbic acid concentrations, not measured in 1969, were low in 18% of all children examined and deficient in 5.2% (Table 7). Albumin levels below 3.5 gm/100 ml were found in 5.7% of 209 children in 1969 but in only 2% of the 248 children examined in 1972, which represents a statistically significant improvement ($P<.05$).

TABLE 7.—FREQUENCY OF LOW BLOOD LEVELS OF VITAMINS A AND C

Deficient or low concentrations [1]	Percent	
	1969 (57 children)	1972 (250 children)
Vitamin A:		
<10 μg/100 ml	18	[2] 6
<20 μg/100 ml	44	[2] 27
Vitamin C:		
<0.1 mg/100 ml	[3] NT	5
<0.2 mg/100 ml	NT	18

[1] Data from Interdepartmental Committee on Nutrition for National Defense.
[2] † P <0.001.
[3] ‡ NT indicates not tested.

Physical examinations, chest roentgenograms, and skin tests for tuberculosis and histoplasmosis showed no evidence of serious chronic infections. The incidence of mild upper respiratory tract or skin infection was 25% in 1969 and 20% in 1972. White blood cell counts higher than 10,000/cu mm were found in 20% of the children in 1972.

Economic conditions in the community remained depressed during the evaluation period (Table 8). Half of all families surveyed earned less than $2,500 a year, compared to $1,838 a year in 1969. The 1972 federal poverty guidelines [4] list $2,790 as the lowest acceptable annual income for a family of two and $5,880 for a family of seven, the median number in this study. Participation in the federal food stamp program rose from 14% in 1969 to 56% in 1972, while the percentage of children receiving free meals at day-care centers rose from 0% to 10%. The median charge for food stamps purchasing $145 of food was $38 a month. Seventeen per cent of these households did not spend additional cash for food; the remaining families spent an extra $35 a month on meals.

TABLE 8.—Information from Family Interviews*

	1969	1972
Median annual income per household	$1,838	$2,500
Median annual income per capita	$334	$396
Median household size	6.8	7.0
Participation in food stamp program, %	14	56

* Data compiled from 130 (1969) and 145 (1972) successful interviews.

COMMENT

Federal support to child nutrition programs increased substantially during the three-year period from 1969 to 1972. In fiscal 1972 Congress appropriated $1.2 billion for this purpose, a three-fold increase over the 1969 appropriation.[13] Although several small-scale evaluations have been completed and more ambitious studies are underway,[13 14] the benefits of this strengthened federal support are still doubted by some.[15]

The present survey indicates definite nutritional improvement among black preschool children who participated in federal food assistance programs in South Memphis. High frequencies of retarded height and weight, first noted in 1969, had significantly decreased by 1972, with the distribution of heights approaching that for healthy white children living under normal conditions of home life in Boston (Table 3). Data for healthy black children receiving optimal care were not available for comparison; however, growth rates for blacks have been found by others to be nearly identical to those of whites.[16–18] The frequency of anemia also improved significantly during this period, from approximately 25% in 1969 to 11% in 1972 (Table 5).

As in most large-scale nutrition surveys, the data in this study are cross-sectional and do not speak to the nutritional experience of individual children. We encountered uncontrollable variables that prevented direct correlation of food consumption with nutritional improvement. For instance, we were not able to monitor a child's actual daily intake of food, nor could we control whether or not a family collected its food allotment on a regular basis. Nevertheless, in the absence of other recognizable intervening factors, we believe that the following factors were primarily responsible for the observed nutritional improvements: (1) community implementation of a USDA supplementary food program, (2) six-month's provision of a fortified infant formula to all newborn infants in the community, (3) a 56% participation in the food stamp program, and (4) free meals provided by day-care centers. Changes in family size and annual family income (Table 8) were not sufficient to be considered as major contributing factors. A social and political awakening within the population could have stimulated greater self-reliance and resourcefulness and hence resulted in improved diets, but this possibility could not be substantiated. A reduced rate of prematurity in the nine-census-tracts area would have contributed to improved growth indices, but the annual percentages of low birth weights in the 1969-to-1972 period were not significantly different from each other (16.0%, 16.5%, and 17.6%, respectively).

Despite the improvements demonstrated by this survey, a number of nutritional deficiencies still persist in this preschool population. A probable explanation is that the food packages are not designed to guarantee intake of all necessary nutrients. The persistence of anemia in these children undoubtedly stems from insufficient iron to supplement the home diet. Farina, a wheat cereal fortified with iron, is distributed throughout the community but is disliked by most of the children and consequently not eaten. The high incidence of low vitamin A and C levels may be due to a variety of reasons: the scarcity of vegetable and fruits in the Memphis ghetto diet; the aversion of most children to vegetables, even if they are offered; and the low vitamin A content of the supplementary foods. Some of these deficiencies could be corrected by proper nutritional counseling, which presently is a serious omission in food distribution programs involving commodities or stamps. However, the expense of providing a large population with professional counseling can be prohibitive. Certainly a less expensive and equally effective approach would be to adjust the commodity food program to the deficiencies of its recipients. Such programs should also provide more protective foods. A striking example of how effective this can be was shown by an earlier study of infants who received a six-month's supply of iron-fortified formula after birth.[19] Frequencies of anemia and hypovitaminosis A in this group were significantly lower than in a similar group fed evaporated milk.

We conclude that federal food assistance to preschool children produces significant improvements in growth rates and other nutritional measurements and that such programs should be improved and continued to eradicate persisting deficiencies.

FOOTNOTES

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INDIA: THE WORLD'S LARGEST DEMOCRACY

Mr. KENNEDY. Mr. President, the news from India this week is surely a source of encouragement and inspiration for all who believe in democracy. This week's election in India is not only a high tribute to the democratic tradition of the Indian people, but to the democratic spirit of its leaders.

All friends of India, and of democratic government, will welcome these developments in India—which began some several weeks ago with the announcement by Prime Minister Indira Gandhi of new elections.

Her actions then, and her statement today to the people of India, augur well for the world's largest democracy and they redeem Mrs. Gandhi's pledge in 1975 to remain faithful to India's democratic tradition. She—and all Indians—have every right "to be proud of their great country."

Mr. President, I wish to share with the Senate the important remarks of Mrs. Gandhi, and I ask unanimous consent that her statement be printed in the RECORD.

STATEMENT OF INDIRA GANDHI TO THE PEOPLE OF INDIA, MARCH 22, 1977

The Collective judgment of the people must be respected. My colleagues and I accept their verdict unreservedly and in a spirit of humility.

Elections are a part of the democratic process to which we are deeply committed. I have always said, and I do believe, that winning or losing of elections is less important than the strengthening of our country and insuring a better life for our people.

I give my good wishes to the new government that will be formed. I hope that the secular, socialist and democratic foundations of India will be reinforced. The Congress Party and I are ready to give constructive cooperation in the common tasks that face our nation.

We are proud of our great country. As I take leave of you as Prime Minister, I should like to express my deep gratitude to my colleagues, to my party, and to millions of men, women, and children who have given me their trust, their cooperation, and even their affection over the years. My love and concern for the welfare of every section of the people remains unchanged. Since childhood my aim has been to serve the people to the limit of my endurance. This I shall continue to do. My good wishes to you now and always.

THE NEED FOR INTERNATIONAL PRICE STABILIZATION FOR COMMODITIES

Mr. HUMPHREY. Mr. President, President Carter is to be commended for displaying a sensitivity to the economic concerns and problems of the less developed nations of the world. The President should also be commended for the judiciousness in which he has selected his international economic policy team which will be dealing with these problems.

In order to come to grips with the increasing gap between the rich and poor nations of the world, the President has taken the initiative on a number of fronts. First, he has pledged the United States to significant increases in concessional economic assistance, both bilateral and multilateral. Second, and just as importantly, the President has demonstrated a willingness to discuss the issue of agreements aimed at stabilizing the commodities of the less developed nations.

In raising the issue of wildly fluctuating prices for primary commodities of less developed nations, the New York Times noted in an editorial last week:

Such wild price gyrations have become common in freely traded commodities, creating a climate of uncertainty among producing and consuming nations. For the United States, uncertainty is not a major problem; much as a consumer may hate to pay $3.50 a can for a Max-Pax, the impact of coffee prices on the United States living standards is not great. The economy is so rich and diversified that it can take such ups and downs in stride.

But for the less developed countries specializing in a single export, such as tin or rubber or coffee, price fluctuations can be devastating. Hard times may push the incomes of millions of laborers below subsistence. Good times bring relief, yet sow the seeds for future collapse as small producers rush to expand output. In addition, price fluctuations may make it impossible to attract needed foreign investment: Most banks and corporations are leery of staking the future on a roller coaster.

One answer to the problem is commodity price stabilization: long-term agreements between suppliers and consumers that allow both to plan for the future. . . .

Mr. President, it is essential for the United States to take the lead in establishing mechanisms which will lead to a more equitable and stable international economic system in which all nations could derive benefit. The issues of trade, debt, commodity price stabilization, and technology transfer are all legitimate and critical concerns of the developing nations. At present, the debt service burden for many of these countries is reaching the crisis point. The price of petroleum from the OPEC countries—an essential commodity—combined with the need for manufactured goods from Western industrialized nations, have skyrocketed since 1973. At the same time, the governments of many developing countries have seen the prices of their primary commodities plummet, leaving little if any resources available for internal development needs.

This set of circumstances creates a nightmare for any economic planner, who may be able to gage the cost of imports of essential commodities for his country, but has no idea what the future price will be for the primary export of that country, which must balance off imports. Commodity stabilization agreements would guard against this uncertainty—an uncertainty which is a major impediment to development in many third world countries.

Mr. President, it is essential for the United States to begin grappling with this growing disparity between the rich and poor nations of the world. As Mr. William Colby, former Director of the Central Intelligence Agency, testified before our Senate Arms Control Subcommittee, this growing gap in income between the rich and the poor is as much a threat to the security of the West as any strategic nuclear imbalance between the United States and the Soviet Union. It is time we begin weighing the costs of what should be done today in creating a more stable and equitable international economic system against the potential disastrous future costs if we fail to act.

Mr. President, I ask unanimous consent that the New York Times editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 14, 1977]

BRAKING THE COMMODITY ROLLER COASTER

The other day commodity dealers paid about $2.15 a pound for cocoa. One year ago a pound cost 75 cents. In November 1974, refiners frantically snapped up scarce raw sugar for 57 cents a pound. Today those refiners can buy all they want for 11 cents a pound.

Such wild price gyrations have become common in freely traded commodities, creating a climate of uncertainty among producing and consuming nations. For the United States, uncertainty is not a major problem; much as a consumer may hate to pay $3.50 a can for Max-Pax, the impact of coffee prices on United States living standards is not great. The economy is so rich and diversified that it can take such ups and downs in stride.

But for less developed countries specializing in a single export, such as tin or rubber or coffee, price fluctuations can be devastating. Hard times may push the incomes of millions of laborers below subsistence. Good times bring relief, yet sow the seeds for future collapse as small producers rush to expand output. In addition, price fluctuations may make it impossible to attract needed foreign investment: Most banks and corporations are leery of staking the future on a roller coaster.

One answer to the problem is commodity price stabilization: long-term agreements between suppliers and consumers that allow both to plan for the future. The idea has long been advocated by the less developed countries; agreements on tin and coffee exist today, at least on paper. But under the Ford Administration, opposition from Treasury Secretary William Simon prevented active participation by the world's largest consumer, the United States. The Carter Administration has now expressed a willingness to discuss the subject, though it has not yet taken a position, preferring to wait until the poor nations have made their case, in meetings this spring.

Ideally, commodity agreements stabilize prices through the use of production controls or stockpiles. By agreement, when prices fall because of abundant harvests or reduced demand, the producers either restrict output, or sell the excess to a stockpile maintained by the agreement partners. When prices rise,

production quotas are suspended and "buffer stocks" are sold on world markets. The object is to reduce the annual swings in price.

William Simon vetoed price agreements as a matter of principle. A free marketeer, Mr. Simon viewed any move away from unfettered competition as a step backward. Ideology aside, other critics have been skeptical that international agreements can survive divergent national interests.

Successful stabilization clearly requires substantial international cooperation. As noted, supplies can be controlled in one of two ways: national production quotas, or stockpiles controlled jointly by producer and consumer nations.

National production quotas, which can be imposed to prevent prices from falling rapidly, unfortunately create an incentive for suppliers to cheat by selling extra output under the table. Just this sort of chiseling has spoiled past coffee stabilization agreements.

Buffer stockpiles, on the other hand, are easily monitored. But they require a substantial initial cash investment, money which would almost certainly have to be supplied by the rich consumer nations. American economists believe that for copper, for instance, a successful buffer against price fluctuation might require an outlay of $7 billion to purchase and stockpile excess supplies. But the third world's voice in these matters, the United Nations Conference on Trade and Development, is more optimistic, contending that a common fund of $3 billion could sustain stocks for ten major commodities.

It is true that stabilization agreements have rarely worked well in the past; but then, they have rarely been proposed with the present sense of urgency. Thanks to OPEC's oil prices, the developing nations are in worse shape today than they've been in decades. Stabilization agreements could give them an important boost.

The Carter Administration's current neutrality is born of conflicting motives. On the one hand, the United States has probably the smallest economic stake in commodity price stability and it would almost certainly have to finance the required stockpiles. On the other hand, Washington wants to help the poor nations. They have been living beyond their means for three years, running up huge fuel bills and paying for them with borrowed funds. Effective stabilization agreements for some commodities—cocoa, tin and rubber appear to be prime candidates—are clearly worth a try. As gesture and substance, American cooperation on price stabilization is preferable to foreign aid handouts.

AMERICANS WANT THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, for over two decades now the Senate has failed to ratify the Genocide Convention. Throughout these years the Senate Foreign Relations Committee has considered this treaty numerous times and recommended its passage each time. Over 100 different human rights groups representing over 100 million Americans have worked for ratification of the Genocide Convention and continue to support the ideals for which it stands. The Senate's lack of support for this issue is not only frustrating but also unfair to millions of our constituents who want the Genocide Convention to be a part of U.S. policy.

Just yesterday a man called me, dismayed over the tragic religious persecution of missionaries in Africa. His anger was aimed not only at African leaders, but also at American leaders. He said:

All we can do is sit and wring our hands. The Senate can't even pass a bill condemning these brutal mass murders. The inhumanity lies not only in the wrongdoing, but also in the failure to try to do something about it.

This is typical of the angry citizens all over the Nation, citizens who cannot understand our hesitation to do what is obviously the moral thing to do—to pass the Genocide Convention. Mr. President, it is our responsibility to America, and to the world, to ratify the Genocide Convention now.

BOB KLEPPERICH AND THE MINNESOTA CLOSEUP PROGRAM

Mr. HUMPHREY. Mr. President, I rise today to pay tribute to an exemplary teacher and his work on a great program. I have had a special interest in educational programs which motivate our young peope to take an interest in this great country of ours. And when I see one that really works, I think it is important that we take notice. The closeup program is one that really works.

Closeup is a nonprofit, nonpartisan forum on the involvement of youth in Government. The basic method of the program is simple: To bring young people to Washington to see our Government firsthand; to meet people in Government; to see Government in action. But the result is the important thing, and the result is a genuine understanding and appreciation of the nature of our system of government and its opportunities for involvement.

Of special pride to me are the results this program has had on my own State. During the last 6 years, more than 2,400 students and teachers from around my State have had an opportunity to take advantage of this fine educational opportunity. They have taken back home to Minnesota their enthusiasm and excitement and translated it into involvement. Whenever I go back home, I see the results of these young people and I am heartened.

No program is successful without the efforts of many people. While I know that hundreds of Minnesota teachers have devoted many hours of voluntary effort to create an ongoing interest in politics and Government among these Minnesota participants, one teacher stands out for his leadership and dedication. Bob Klepperich is a teacher from Monroe High School in St. Paul, who has, for the past 6 years, been instrumental in the growth and continued success of the Minnesota program. Through his effort, the Minnesota program now includes 74 high schools from across the southern part of the State. He has gained the respect of the educators, the business community, and our political leaders. Through his quiet tutelage, he has been the true teacher—teaching all of us to work together in a true community effort.

It has recently come to my attention that Mr. Klepperich is presently in Washington for the final week of the 1977 Minnesota closeup experience. I think it is fitting that we take this opportunity to salute this outstanding educator.

COMPETITION IN THE AIRLINE INDUSTRY

Mr. ABOUREZK. Mr. President, the Senator from Massachusetts, Senator KENNEDY has been in the vanguard of the effort to revitalize competition in the airline industry. I was pleased to join him and Senator CANNON as cosponsor of the Air Transportation Regulatory Reform Act of 1977 along with Senator CHURCH of Idaho and Senator ALLEN of Alabama. The airline industry is potentially very competitive, and we must strive to inject this vital aspect of the free enterprise ethic into commercial aviation.

In this regard, Mr. President, I ask unanimous consent to have printed in the RECORD the statement Senator KENNEDY delivered on March 21, 1977, before the Subcommittee on Aviation of the Senate Committee on Commerce.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR EDWARD M. KENNEDY BEFORE THE SENATE SUBCOMMITTEE ON AVIATION—HEARINGS ON S. 689, THE AIR TRANSPORTATION REGULATORY REFORM ACT OF 1977

It is a pleasure to be here today before the Aviation Subcommittee. It is especially satisfying to be here as one of the authors of S. 689, the Air Transportation Regulatory Reform Act of 1977. S. 689 would modernize the federal regulatory scheme that a depression-weary Congress imposed on a fledgling airline industry in 1938.

S. 689 is the outgrowth of an emerging consensus among legislators, executive branch officials, consumer groups, airline regulators, economists, and many in the business community that rigid federal economic regulation of the airlines tends to increase prices, foster inefficiency and perpetuate excessive government control, bureaucracy and red tape. This consensus cuts across political parties—President Jimmy Carter and former President Gerald Ford have both made airline regulatory reform high priority items on their legislative agendas. The consensus crosses some usually quite impregnable ideological boundaries—the American Conservative Union, on the one hand, and Ralph Nader on the other, begin from distant starting points yet end up in the same place. The consensus has been built brick by brick in recent years by serious and careful non-partisan examinations of the economics of today's airline industry and the nature of government and competition in the 1970's.

In my 14 years in the Senate, I have seldom come across a national economic problem of such apparent complexity and political sensitivity that has been studied by so many independent and diverse sources yet prompted sets of recommendations that are so similar. While the academic economists, the think tanks, the government officials, the congressional committees and millions of citizens in homes, offices and factories all over the Nation are wrangling over what should be included in an economic stimulus package, those same forces are in surprisingly detailed agreement on what to do with airline regulation. Virtually every independent study undertaken in the last 20 years has concluded that less regulation is the appropriate policy. Whether one reads the House Antitrust Subcommittee report of 1956, the seminal and exhaustive study of the industry by Professor Richard Caves in 1965, the 1976 report of a unanimous Senate Subcommittee on Administrative Practice and Procedure, which I chaired, the recommendations of the three Republicans and two Democrats serving on the CAB last year, the Report to Congress on airline fares issued by the General Account-

ing Office earlier this year, or the President's statement to the Congress this month—the message has always been the same: namely, it is time to revitalize the airline industry with competition.

S. 689 is a responsible and effective blueprint to make that policy public law. The time for action is now. We are approaching 40 years of federal airline regulation that has been mired in the restrictive legislative provisions of the 1930's. The architects of the 1938 system were well-intentioned. But, in the 1930's, there was not much of an airline industry to regulate, and very little real-world, practical airline experience to guide the Congress. Congress was reacting to a troublesome and tragic depression that shook its faith in the free enterprise tenets of our economic system. Most importantly, the Congress was creating an agency designed not to regulate prices but prevent the dissipation of a large government mail subsidy. The restrictive price and entry provisions of the Act, which loom so large in today's regulatory system, were copied directly from the Interstate Commerce Act of 1880's governing railroads with little thought of their future effect upon an industry come of age.

Today economic conditions and the industry itself have changed radically. The total domestic industry investment in 1938 equals the cost of one Boeing 747 in 1977. The regulatory system chosen in 1938 to prevent airlines wasting federal subsidy by pricing too low is ill suited to today's airline industry and economy where the problem is to prevent airline prices that are too high. While times have changed, the regulatory scheme has not, and a fundamental overhaul is in order.

Much of the evidence underlying the need for change was submitted during hearings before this subcommittee in April and June of last year. I testified at those hearings and presented to the Aviation Subcommittee the results of a separate examination of airline regulation conducted in 1974 and 1975 by the Subcommittee on Administrative Practice and Procedure, which I chaired. The Administrative Practice Subcommittee's 255 page report and eight volumes of hearings were issued 13 months ago. The detailed findings and conclusions of the report are very familiar to the subcommittee, so I will not repeat them in full detail here. In several key areas of Board activity, however, I would like to summarize the case for change and how S. 689 addresses those problems.

REGULATION OF AIR FARES

First, I would like to focus on the problem of CAB regulation of air fares. Every coach and first-class air fare in the United States today is fixed according to a detailed formula established by the CAB. The formula is the result of several years of complicated hearing before the CAB. The formula which applies to all firms is based on the average industry costs, adjusted in several important ways, and designed to earn the industry a fair profit. The air fare level consists of a fixed charge plus a mileage charge so that trips of equal mileage cost the same. Every three months the Board publishes recent industry data from which it is a relatively easy thing for any firm to determine precisely what fare level the industry is entitled to set. A new tariff embodying that fare level can be filed and the Board should be reasonably certain to approve it.

This complex and rigid administrative system provides plenty of work for lawyers, accountants, economists, printers and file clerks but it has failed miserably to keep air fares within the reach of millions of potential travelers.

The 1938 Congress could not have known how regulated fares would differ from unregulated fares but the Congress in 1977 has a mass of credible evidence on this point. We can compare the CAB regulated fares with concrete examples of fares charged in many markets in Texas and California where carriers not crossing state lines make pricing decisions without the artificial regulatory constraints of CAB's formula.

In Texas, there is no active governmental regulation of air fares and, as a result, air fares are anywhere from 20–60% lower than the CAB formula rate and rates in comparable federally regulated markets. The situation is similar in California.

While the traveler flying the 456 miles between San Diego and San Francisco pays $32 on an intrastate carrier, the 399 mile flight between Boston and Washington on a CAB carrier costs $51.

The 150,000 yearly passengers flying the 213 miles from Los Angeles to Fresno pay $20 on the intrastate carrier, while the 650,000 yearly passengers flying the 236 miles from Los Angeles to Las Vegas pay $38 on the CAB carrier. In Texas, the CAB regulated fare between Dallas and Houston is $35 but the intrastate carrier flies that route for $25 in the day and $15 on evenings and weekends. There are dozens of other examples of low-fare, all-jet service by companies like Pacific Southwest Airlines, Air California, and Southwest Airlines in Texas.

Are these cases mere aberrations or is regularly scheduled low-fare service feasible in other markets that happen to cross state lines? The answer is an unequivocal yes. Lower-fare service is possible throughout the Nation. Studies by both Boeing and Lockheed, for example, show how their plans can be flown profitably at fares much lower than those established by the federal government. Most recently, in 188-page Report to the Congress, the General Accounting Office estimated that the nation's air fares may be anywhere from 22 to 52 percent higher than they could be under less regulation. The GAO's two-year study was based on actual airline costs and employed two separate representative samples, one consisting of 48 and the other of 110 domestic markets. Under those conditions the GAO found that from 1969 to 1974, federally regulated trunk carriers could have operated at lower costs than they did and the potential savings to travelers were estimated to be $1.4 to $1.8 billion annually, which for the six-year period translates into a potential $10 billion savings. The GAO's comprehensive study is an independent, rigorous and dramatic confirmation of the numerous studies done by well-respected economists like Theodore Keeler, James Miller, George Douglas and others. Also, it confirms the actual cost studies done by Boeing and Lockheed who build the planes and have a reasonably good idea of what it costs to purchase and operate them. Most importantly, it confirms the lessons we have been drawing from the dozens of California and Texas markets. The actual fares charged by the intrastate carriers are dramatically close to what the GAO estimated could be charged on those routes in its study. For example, the GAO's estimated unregulated coach fare for Dallas-Houston for the year 1974 is 13¢ higher than what Southwest Airlines' actually charges in 1977. Meanwhile, the CAB formula rate for that route is over $35.

If lower fares are feasible, it makes very little sense to maintain a federal pricing formula that virtually outlaws selective or general price reductions. Although today's regulatory system does sometimes allow certain types of discount fares provided they are restricted and limited in a variety of ways, there is no compelling public policy reason why the federal government should prevent airline companies from lowering their fares generally, or experimenting with cheaper coach seats on some of its routes.

S. 689 responds quite directly to this problem. Under the bill, an airline would be allowed to reduce its prices without Board interference as long as the airline covers the direct costs of the particular service to which the fare applies. It would also allow airlines to increase fares within certain limits without CAB approval. The bill recognizes that liberalized entry into markets by new and existing carriers cannot be separated from pricing freedom—one makes very little sense without the other. It is the threat of entry that will keep prices down, and make it unprofitable for an airline to try to price predatorily.

S. 689 contains a "direct cost" standard for fare reductions which will allow—but not compel—significant price reductions and prevent below-cost pricing. The most important aspect of S. 689's rate provision is the amount of downward pricing flexibility. To simply change the CAB pricing formula to allow no more than 10 or 20% fare reductions by existing carriers would be a very serious mistake.

First, it would significantly diminish the prospects of getting the deep fare reductions that theory, reality and common sense demonstrate are possible in many markets of this country accessible to tens of millions of citizens. If an airline can fly profitably and safely for $25, the Congress should not pass a law allowing a regulatory agency to require the airline to charge $40.

Secondly, restricting price cuts would tend to strengthen the current regulatory incentives for general and frequent fare increases. Since reductions of 10 to 20% do not usually generate enough additional passengers to help fill airplanes, there would be no strong incentives for an existing carrier to compete in price. Instead, most carriers would continue to engage in costly service and frill competition, and continue increasing fares regularly. In the last three and a half years, carriers have successfully sought fare increases totalling 27% and, unless the legislation we pass reorders incentives, this trend will certainly continue and could be accelerated. Service competition, high unit costs, high fares and frequent fare increases are all deeply-imbedded in the regulated airline industry. Only major legislative change will lead the industry to respond positively to consumer preference to compete through price reductions, and to compete through increased efficiency.

On the question of price increases, S. 689 allows airlines freedom to raise fares 10% per year through 1979 and 20% thereafter. If the current price reduction and entry provisions of S. 689 are maintained and administered in a spirit that conforms with their intent by current and future CAB's, then I am reasonably confident that airlines will not be in a position to use the power to raise prices in a monopolistic, unfair way. But, until and unless we totally remove all entry restrictions and the industry becomes truly price competitive, we should maintain the CAB's power to review and, if appropriate, disallow substantial fare increases.

Are the airlines ready for price competition or will it be wasteful and destructive? The fact is that current regulation brings about its own peculiar form of wasteful competition, and it exacts a fiercesome cost. The formidable regulatory controls over price competition have been circumvented through service competition. The airlines channel their competitive energies into costlier service and chase the travel dollars with frills and lavish scheduling which sends planes off across the country half-empty. This form of competition is potentially no less dangerous or risky than price competition, but regulation has no power to control scheduling. This kind of competition is very costly. It explains why airline prices can be too high at the very same time airline profits are too low.

To attract passengers who would not otherwise fly airlines should lower their prices, not fly more empty seats. Consumer travel

mushroomed on routes in California and Texas as a direct result of lower air fares. During 1970–74, for example, high-fare markets similar to Dallas-Houston grew at less than 10% per year while in Dallas-Houston where Southwest offered 30–60% fare reductions traffic increased nearly 130%. The CAB airlines are starting to learn this lesson themselves. Texas International Airlines—a major competitor of an intrastate airline—has seen traffic increase 700% on some non-Texas routes where it has started to experiment with 50% fare reductions.

One hears a variety of arguments to the effect that allowing airlines to lower their prices will not bring lower fares because airline costs are not going to go down. Some will say that the lower fares charged by intrastate carriers cannot be duplicated nationwide. This is quite simply false.

When compared to CAB carriers, the sophisticated low-fare airlines pay comparable wages to their unionized employees, pay more for jet fuel, about the same for jet planes, and perhaps a little less for salaried executives. They fly in rain as well as shine, get charged for landing at airports, and maintain their jet fleets to meet the same FAA safety standards imposed on the CAB carriers. They combine 41 years of operating experience without one fatality. Then why the lower rates?

The largest part of the difference is due to one simple fact: The intrastate carriers put more passengers on their planes. PSA puts 158 seats in a Boeing 727–200 jet aircraft and fills approximately 60% of the seats on average. American Airlines puts 121 seats on exactly the same type of aircraft, and flies it on average 55% full. Thus, when flying PSA, 95 passengers share in the cost of the flight, while on the American plane only 66 passengers must share the same cost.

So, when PSA flies the 456 miles between San Diego and San Francisco it charges $32, but when American flies between Boston and Washington it charges $51. American Airlines own cost figures show that if it put more seats in its plane and filled them 60% full it could lower its Boston-Washington fare to around $35. The fact is that fuller planes explain the lower fares, and when given the choice, consumers have invariably chosen the fuller plane, lower fare alternative. There is no economic, technical, or other reason why this cannot be duplicated nationwide.

Loosening the regulatory harness on price competition will not guarantee the perfect market place or magically make the airlines profitable overnight. Perhaps not all firms will practice it perfectly or, to borrow from economic jargon, achieve "equilibrium." But, "equilibrium" is hardly being achieved under the current system where service competition is sometimes aggressive, always costly and never perfect. The freedom to compete in price under S. 689 is not likely to be any more abused than the freedom to compete in scheduling and other services under current law. In fact, since price cuts attract new passengers and accelerate growth, price competition is likely to be productive while service competition is wasteful.

REGULATION OF ENTRY

In the area of entry regulation fundamental redirection is also necessary. Under the current law, as formulated in 1938, the Board must find an applicant to be fit, willing and able to perform service. In addition, under the statute the Board must find the service to be required by the "public convenience and necessity." Finally, the Board as a practical matter has almost unlimited discretion to expedite, delay or ignore applications to provide service.

S. 689 would substantially amend current law. To assess the need for those changes, let us examine how the 1938 law has dealt with the question of entry.

In 1938 there were 16 trunk airlines, but today there are only 10. The six who are no longer operating in most cases became financially shaky and merged with the ten survivors. Although we have one third fewer trunk airlines operating today, it is not for lack of firms wishing to offer service. Since 1950, there have been over 80 applications by new firms to provide trunk service, but none have been granted, and only 5 percent were even given the courtesy of a formal hearing. In other words, no newcomer to the trunk industry has been allowed to participate in an industry that has grown 300-fold in 40 years.

Although some new classes of carriers have been allowed to perform scheduled service, they are dwarfed by the trunks. Local service carriers were certificated by Congress, not by the Board, and only 2 new local service carriers have been certificated since 1955. Today air service performed by firms not operating in 1938 accounts for a mere ten percent of the domestic market. The regulatory scheme and the Board decisions under it have combined to prevent meaningful entry into the industry.

Nor have the Board's route award procedures been particularly fair or effective in allowing existing airlines to serve new markets. In fact, after a series of private meetings with airline executives several years ago, the CAB simply refused to grant any more hearings in competitive route cases. This so-called route moratorium is now unmistakably over but the statute that allowed it and the regulatory philosophy that spawned it are still around. They are held in check by the exceptional good sense of today's Board and the relatively recent but intense public attention on airline regulation.

Another problem with entry policy is that even when hearings are being held, and the Board isn't merely sitting on cases, Board decisions lack any clear or predictable standards for deciding which towns and cities will receive additional air service and which carriers will be permitted to provide it. A Board's own comprehensive staff study of its route awards, for example, terms its carrier selection process as "random." The only apparent consistent thread running through entry cases, according to the Department of Transportation, is the protection of the present group of air carriers. How the Board treats the issue of "diversion" under current law illustrates this. "Diversion" occurs if allowing a new competitor in the market diverts revenues from the old carrier already in the market to the new one. Diversion of revenue from the old carrier means, of course, additional revenue for the new one. More fundamentally, a diversion will certainly occur if the consumers prefer the new carrier. On both counts, diversion may be quite desirable. But, in order to protect existing carriers, the CAB counts "diversion" as an important reason against the award of new routes.

Finally, even if the Board were to begin allowing new carriers to enter the industry, setting all route cases for hearing and awarding competitive service, the regulatory system nonetheless remains too rigid to foster confidence in air transportation's future. There are currently 57,000 city pairs now served by a variety of carriers in an industry that estimates its future capital requirements at 65 billion dollars over the next 15 years. There are scores upon scores of domestic markets in every region of the country that might attract innovative service or a new carrier. Yet, each application for service is subject to lengthy hearings under current regulation. Thus airline management must think in terms of legal precedents administrative practice and federal regulatory lore, instead of sound marketing and commercial development. Carriers are dissuaded from filing applications before the Board because the prospects for success are small, the legal costs high and the litigation resources of both the Board and the company limited. In fact, airlines don't compete in price they compete in "lawyering."

These problems—foreclosing entry to new carriers random selection, obsessive concern with preventing diversion the inability of regulation to respond well to true market conditions— are addressed through the entry provisions of S. 680.

First the general entry provisions of current law are changed both procedurally and substantively. Procedurally, S. 680 mandatorily speeds up Board route cases so that routes will automatically be awarded if the Board does not act within prescribed time limits requires the Board for the first time to abide by strict evidentiary standards similar to those that bind judicial decisions; places on the opposing party the burden of proving a route award is against the public interest; on appeals from the CAB's denial of entry, allows the reviewing court to apply its expert judgment as to whether the Board properly followed the strict new evidentiary requirements.

Substantively, S. 689 retains the "public convenience and necessity" standard of current law but generally redefines that phrase to emphasize the importance of maximum feasible competition. Specifically, S. 689's entry provision spells out what is consistent with the public convenience and necessity, such as the introduction of new air service, lower fares, and better efficiency. It also spells out factors inconsistent with the public convenience and necessity, such as the tendency to create a monopoly or excessive concentration. And, it provides that "diversion" is not itself a factor inconsistent with the "public convenience and necessity."

Two other provisions of S. 689, to a limited but important extent, would allow CAB carriers and the three most experienced non-CAB carriers to begin passenger service in special circumstances without the necessity of a full-blown route proceeding. First, the Board must authorize service to applicants who are "fit, willing and able" to perform service in markets where nonstop service is already authorized but not performed. There now exists substantial unused authority in 13 of the top 75 markets. Carriers provide non-stop service in only 16 percent of the authorized markets. A route award is designed to serve the public; it should not be used by private companies as a monopolistic franchise to be squirreled away for some rainy day. If some sound and qualified company wants to provide the service, then that carrier should be allowed to do so without requiring a second investigation and agency decision on the question of "public convenience and necessity."

The second semi-automatic entry provision of S. 689 is the most important one. Under this provision, existing carriers are authorized to add automatically several new points to existing routes annually. Extremely large carriers are limited to one new route a year not to exceed 2000 miles while existing CAB certificated passenger carriers and the three largest intrastate carriers are allowed up to 4 new routes per year all of which cannot exceed 4000 miles. Under the entry provision, bureaucratic second-guessing and Washington lawyers will not be interposed between qualified airline management and the market. Carriers will be able to enter more quickly and flexibly under this provision, although the Board would still have to choose between carriers in the event of duplicative applications. Service under this provision is restricted as to fare increases and capacity reductions. These restrictions help insure that management's initial fare and level of service decisions will be cautious, realistic, and firmly grounded in the char-

acteristics of the particular market, and the eligible participants are limited to those with significant passenger experience.

The entry provisions of S. 689 when taken together are a substantial improvement over current law. I cannot overemphasize the point that new entry provisions must be sufficiently precise, definite and uncomplicated to ensure ease of entry to existing firms and qualified new ones. Entry should not be a guessing game played with rulemakings and hearings at the CAB. Unless entry is a real and continuing threat in each market of the country, the flexible pricing provisions of S. 689 may result simply in unchecked spiraling price increases. This point cannot be stressed enough. The mere existence of a competitor reasonably able to enter a market is an effective and indispensable discipline on fare increase. Low barriers to entry are the best incentive for incumbent carriers to keep service good and prices economical. Forty years of history tell us that without precise entry requirements the CAB's exercise of discretion is too cautious and too uncertain to either encourage newcomers or force existing carriers to behave as if quick entry were a realistic threat.

That the threat of new competition polices prices is not just sound economic theory. It is demonstrably true in the real world experience of airlines. Some carriers argue that pricing flexibility alone is good reform, and that price competition will occur without vastly liberalized entry provisions. They say that they can compete in price. I agree that they can but history shows that they will not. In the 1950's, for example, it was not until non-scheduled carriers began offering low-fare service with fuller airplanes did the scheduled lines think of offering lower priced coach service. Prior to that only the much higher-priced first class service was offered. In California, the CAB carriers are meeting the low-fares of the intrastate carriers to stay competitive, but they have never attempted to reduce regular fares in markets where there is no low-fare carriers. In Texas, Southwest Airlines was licensed by the Texas Aeronautics Commission to fly low-fare scheduled service but had to defend itself in lawsuits brought by the CAB carriers who were charging vastly higher fares than those proposed by Southwest. The CAB carriers argued that the fares were uneconomical, cream-skimming, unlawful, unjust, unreasonable and harmful to the public. It was only several years later after Southwest actually began low-fare service did the CAB carriers try to match the low fares. Texas International Airlines has learned its lesson so well that it is offering dramatic fare reductions on several routes outside of Texas.

There are now three companies seeking CAB permission to fly from Chicago to 14 other cities at fares from 20 to 60% lower than those now charged. The first to file for this authority was a newly formed company headed by the former chief operating officer of a major CAB carrier. Shortly, thereafter, the Texas intrastate carrier filed. At first a major CAB carrier opposed the non-CAB carriers' request for an expedited hearing. Only when that failed and the CAB ruled that it would expedite the case did the CAB carrier decide to file for similar low-fare authority.

American Airlines recently received CAB permission to offer a coast-to-coast discount fare 45% below regular coach fares. Although the fare is quite restricted with advance reservations, minimum and maximum stay requirements and other conditions American claims this shows that the current system can provide low fares. But this restricted low-fare has come hot on the heels of a new less restricted low-cost charter program and a Board determination to decide quickly World Airways's ten-year old proposal to fly scheduled service coast-to-coast for half price. And it became effective less than a week before hearings on legislation which would allow new now-fare carriers to enter the industry.

Realistic threats of new carriers charging lower prices are often enough to make the higher-priced incumbent act first with low-fares of its own. But those threats will not be realistic unless the entry provisions of current law are overhauled at least to the extent proposed in S. 689.

ANTITRUST IMMUNITY

S. 689 addresses several matters in addition to rate and entry regulation. The bill would also repeal the Board's current power to confer antitrust immunity on the airlines. That power has been seriously abused in the past.

For four years the Board encouraged capacity reduction agreements between large airlines on major routes. These are simply agreements to reduce flights. This meant fewer flights for travelers with no commensurate reduction in fares. It also meant fewer jobs for airline employees and diminished service to some communities. Las Vegas estimated that it lost $1 million in non-gambling revenue during one two-month period as a result of these agreements. Yet this antitrust immunity was conferred without a CAB hearing. Also, antitrust immunity is used to allow the airline to fix among themselves the commissions they pay to travel agents. Whatever the justification under current regulation, this kind of price-fixing scheme makes little sense in a reformed price competitive airline industry.

There are hundreds upon hundreds of other agreements that the Board routinely approves and exempts from the antitrust laws. Some are not well-known. For example the federally regulated airlines have agreed among themselves to "recommend that" a handicapped "passenger use first-class wherever possible." In addition, another agreement reads: "Persons who have malodorous conditions, gross disfigurements, or other unpleasant characteristics so unusual as to offend fellow passengers should not be carried by any Members."

I am sure there may be instances where the physical difficulty of transporting certain persons might justify individual airlines to refuse passage. But, a private collective agreement by which all airlines deny passage to a vaguely defined class of persons raises a serious antitrust and other public policy problems.

Another airline agreement immune from the antitrust laws limits each federally regulated carrier to one advertisement in the yellow pages: the size and shape of the ads are likewise limited.

Still another agreement provides that no airline can provide air-to-ground telephone service for its passengers until the airline trade association determines that new technology makes this restriction unnecessary. This looks suspiciously like an agreement among competitors by which no firm will offer to customers a potentialy useful service until all firms are capable of doing so.

Neither the advertising nor the air-telephone resolutions offer public benefits sufficient to justify what would otherwise be illegal conspiracies to restrain trade.

On the other hand, agreements among airline to interline passengers, baggage, and freight bring convenience and efficiency to air travel and serve the passengers and shippers well. They are certainly in the public interest. But, no case has been made to show why these perfectly reasonable arrangements would violate the antitrust laws. It is quite unlikely that the FTC or the Justice Department or the courts would find them illegal.

There may exist some agreements that are clearly in the public interest but that would require some limited form of antitrust immunity under a less regulated system. But neither the CAB nor the airlines have pointed to any agreements that would fit that category. If some do exist, a very limited and precise statutory antitrust exemption would be appropriate.

SERVICE TO SMALL COMMUNITIES

Apart from the specific provisions of S. 689, there are some who have expressed doubts about the wisdom of reduced regulation. Briefly, I would like to address two questions that have been raised.

The first is whether less regulation will somehow jeopardize service to small communities. Some factions of the aviation industry have tried to spread the notion that less regulation will result in substantial loss of service. This notion is simply false and should be laid to rest. In discussing service to small towns, we should not confuse three quite separate points.

First, the CAB now administers a 70 million dollar subsidy program to underwrite otherwise unprofitable but necessary air service. S. 689 would not eliminate direct subsidies. On the contrary an improved federal subsidy program for small town service should be an important feature of our reform legislation.

The direct subsidy program should not, however, be confused with the myth that the Board's conventional price and entry regulations somehow guarantee service to small communities. They do no such thing. The Board is prohibited by law from controlling either equipment or schedules so has virtually no control over how a town is served either in terms of frequency or timing. And, it seldom requires that a particular route be flown. The restrictions the Board places on airline operating authority are primarily designed to keep competition out of protected markets rather than compel service that would not otherwise be provided. For example, one regional airline serves 39 points where it is the only certificated carrier and faces no restrictions at any of those monopoly points. It can pattern service to those points any way it chooses. By contrast, at the 28 points it serves in competition with other airlines it faces restrictions on the type of service it can provide.

In addition, the present system of economic regulation has allowed the cessation of certificated service to many small communities. The Board has been quite liberal in allowing airlines to drop unprofitable points. In the last fifteen years 170 points have lost certificated air service, an amount equal to nearly one third of the points previously served and leaves about 400 points still receiving certificated service. This trend will continue and shows signs of accelerating in the future, mainly because of the natural and Board-sanctioned trend of regional carriers to replace smaller planes with large aircraft that cannot economically or conveniently service small towns.

Although Board regulation did not maintain air service to those 170 communities, unregulated commuter carriers voluntarily serve nearly 100 of those towns today. By flying small aircraft, commuters are exempt from Board regulation and are free to fly where and when they want and charge whatever the market will bear. Today they provide the only scheduled service to about 150 communities and those communities tend to be the smallest receiving scheduled service. A DOT study shows that the frequency of service provided by commuters is about twice as great as that provided by certificated carriers at points with the same traffic volume. Yet, they generally charge comparable or lower fares over short distances than CAB carriers. Commuters are quite stable even though they have no certificate obligations and serve the most marginal points. In fact only four of the 100 communities emplaning

6 or more passengers a day lost commuter service during the two and one-half years between June 1973 and January 1, 1976. The commuter carriers operating in an unregulated environment guarantee better than do CAB rules stable, high-quality, convenient service to small communities.

Third, there is no evidence to support the myth that airlines are providing significant money-losing service to small communities that is subsidized by highly profitable operations where the CAB protects them from competition. The dense and most popular markets are already quite competitive and the two, three or more carriers serving them generate little or no "excess" profit that these same carriers use to serve towns they would prefer not to serve. The fact is that CAB regulation positively discourages this kind of cross-subsidy. A detailed study of United's system by the Administrative Practice and Procedure Subcommittee and a review of Eastern's system by the Department of Transportation strongly confirm that cross-subsidized routes amount to nothing more than a trifilingly small percentage of certificated service.

In my view S. 689 has the potential to improve service to small communities in several important ways. Lower fares on many routes will attract people from large and small communities who will want to take advantage of them. The demand for air service and the economic incentives to provide it will increase.

Also this bill is the best vehicle by which to reform the current direct subsidy program to ensure improved air service to small towns for fewer federal dollars. The current program is administered today to obtain passenger service under a statutory provision drafted 4 decades ago to improve mail service. Under current law, the subsidy can only be paid to certificated carriers. The subsidy system has many problems. For one thing, it subsidizes a good deal of jet service to communities that would be better served by smaller but more frequent and timely aircraft of the sort flown by the non-certificated commuter carriers. One recent Board analysis showed the cost to subsidize commuter air service to 8 midwestern communities would be about one-seventh the cost to subsidize the only legally eligible regional carrier. The current system provides no meaningful incentive for regionals to develop small-town service since good profits on some routes allow the CAB to lessen the overall subsidy to the carrier.

The current subsidy program needs drastic improvement. S. 689 says that there shall be such a program but does not specify how it would operate. In devising a new program I would make the following suggestions.

The first and primary goal should be to provide air service to communities that require but might not otherwise receive it. Accordingly the government should subsidize particular air service not particular companies.

Second, communities presently receiving certificated service in most every case should be included in the new subsidy program.

Third, no qualified airline, and especially no commuter airline, should be ineligible to provide the required air service and receive the federal subsidy.

Fourth, although the program should be designed to maximize service and minimize cost, the program should give appropriate weight to the views of the local community to be subsidized, the desirability of a local firm providing the air service, and other factors.

Fifth, the Board should be authorized and required to devise regulations so that passengers traveling by reasonably reliable scheduled service to and from small towns are given the advantages of interlining, joint fares and other conveniences irrespective of whether the scheduled service is provided by a certificated, or non-certificated air carrier.

Sixth, if the Congress determines to extend the federal aircraft loan guarantee program beyond its current expiration date, eligibility to participate should not hinge on whether an otherwise qualified carrier has a CAB certificate.

If fundamental redirection of the direct subsidy program is combined with S. 689's drastic reduction in the regulation of non-subsidized service, the nation's communities, travelers and commerce will all benefit.

AIRLINE EMPLOYEES

The fear of losing service to small communities is not the only red herring strewn along the path of reform. The over blown rhetoric and unwarranted claims that reform means disruption, bankruptcy, and drastically reduced service have created misplaced but good faith concern on the part of some employees of CAB carriers. The fact is that current regulation provides very few benefits to workers that would not be available in a more competitive environment. Less regulation will enhance the interests of workers in the airline industry. The fear that airline employees will lose jobs because of regulatory reform has no evidence to support it anymore than the allegation that towns will lose service. There will not be disruption so there is no threat to jobs. The trend under current regulation is for the CAB to allow certificated carriers to withdraw from those few small communities that they prefer not to serve. Regulated carriers dropped 170 points in the last 15 years, and any safeguards for affected employees came through the collective bargaining process, not economic regulation.

In fact, the CAB has not been specially sensitive to labor concerns. Until recently the Board encouraged some large air carriers to mutually agree to reduce service on heavily travelled routes but ignored the protests that this was procedurally improper and would cost people jobs. One set of agreements translated into an estimated 1000 lost jobs. Under current regulation, the Board has the power to sanction such agreements in the future, but under S. 689 that power would be repealed.

Moreover the employees of the less regulated intrastate carriers have done quite well on several scores without federal economic regulation. During the recent economic downturn, thousands upon thousands of employees were laid off by the high-priced CAB carriers. In 1975 alone federally regulated airlines reduced employment by nearly 10,000. During this same period, the intrastate carriers were increasing the number of employees, mainly because the low fares continued to stimulate significant traffic growth, company expansion and profits.

The wage levels paid to all categories of employees by intrastate carriers compares quite favorably to those paid by CAB airlines. They are also well organized by major unions. 1975 figures show that a Boeing 727 captain from American Airlines had an average seniority of 18 years and earned $55,272 annually, while PSA's B–727 captains were paid over $59,000 per year with only 11 years seniority. The licensed mechanics at Southwest Airlines earned $23,000 annually with less than 3 years seniority, while Continental's mechanics were earning about $3000 less. Many of these employees of intrastate airline are represented by the Teamsters, the Transport Workers Union, International Association of Machinists and other unions. On the other hand, one of the top 5 domestic carriers which is regulated by the CAB is by and large non-union.

Airline employees have nothing to fear under this legislation. A more dynamic and flexible industry will provide airlines new opportunities to expand and grow, and this will create new employment opportunities for workers, and new organizing opportunities for unions. Let me quote you one paragraph from a letter my office received from one of the local representatives of a major airline union:

"Concering deregulation I have formed three opinions: a consumer's opinion which is totally for it; a labor leader's opinion which is totally against it; and an unbiased employee's opinion which is becoming more of a friendly skeptic."

That was some months ago, and I am hopeful that by the end of these hearings that person will be a friendly advocate.

Unlike the railroad crisis where Congress by statute replaced weak and virtually bankrupt firms, with a quasi-governmental corporation, directed the successor firm to reduce and consolidate uneconomic rail service, and then compensated the employees whose jobs were eliminated by statute, airline regulatory reform is not putting companies out of business or displacing workers from jobs. On the contrary, this is an industry where the status quo is preventing new jobs from being created. There are firms fit, and willing and able at this very moment to provide new, and innovative and profitable air services for which they will need hundreds and probably thousands of employees. Ask the people who live in Chicago's southwest side if daily plane service by two new firms to fourteen new cities out of close by Midway airport will reduce or increase employment in the area. The major barrier to new firms and new employment in the airline industry is not the economy, not a shortage of capital, not a lack of consumer demand for low-cost air travel, not a lack of spirit or entrepreneural initiative. Rather the barrier is a 1938 statute that in 1977 we must change.

A less regulated air transport system will benefit all workers as well as airline employees. There are 300,000 airline employees, 14.2 million workers represented by the AFL–CIO, 1.8 by the National Educational Association, nearly ¾ of a million by the United Auto Workers, just to name a few, and unions represent only one out of four workers in this country. It is all of those people we should focus upon in considering this question. The average family income of people flying today is over $25,000, while the average family income of the population is about 40% less than that. Lower air fares on the magnitude of 20 to 60% where they are possible will be a dramatic and meaningful opportunity for the millions of citizens who cannot afford to fly today. Regular air travel still eludes the financial grasp of all but the well-to-do, and current federal regulation is the primary villain. One of our important goals in this legislation is to make air travel more accessible. Governmental meddling that impedes travel with high prices is no less objectionable in a democratic society than governmental interference that impedes travel with restrictive laws.

A place called Harlingen, Texas located in the Rio Grande Valley has in recent years begun to receive low-fare service from a non-CAB carrier. At the same time the CAB carrier certificated to serve Harlingen at fares of $42 was successfully petitioning the CAB to withdraw from what it claimed to be an unprofitable service obligation unpatronized by Harlingen's citizens. Southwest Airlines was beginning air service to Harlingen from Houston at fares of $25 in the day and $15 on evenings and weekends.

Let me quote from a letter I recently received from David Allex, the President of Harlingen's Chamber of Commerce:

"Both of the Standard Metropolitan Statistical Areas . . . served by the Harlingen Airport rank second and third lowest in per capita income in the entire United States. Hundreds of cases have arisen where the indigent are now able to journey to Houston for much needed (and unavailable in our

area) cancer and other medical treatments; where blacks and Mexican Americans have seen their small businesses prosper due to the fact that they are now able to get to the Houston and Dallas markets where low income but exceptionally bright minority students can further their education at universities hundreds of miles away; and, where airline traffic has increased 121.5% from 1973 to 1976, making available hundreds of new jobs in our area due to the influx of new tourists coming in by airlines. All this because the fares which go as low as $15 have made air transportation available to virtually all of our citizens and to the citizens of Texas.

"Perhaps parenthetically, it is worthwhile to note that it is just today that a major interstate carrier (namely Texas International Airlines) has initiated low cost air fares throughout Texas—the so-called 'peanut fares.' It is reported to us that not only is the airline making record profit in other routes using these low cost fares, but that the airline is presently booked full for the next couple of weeks. As you may have guessed, they have matched our intrastate carrier, Southwest Airlines, fares. All this, while the airline reports record profit margins.

"Harlingen's story can be repeated in many other communities in this country. The 'Air Transportation Regulatory Reform Act' is a responsible, practical and comprehensive formula to redirect our nation's air transportation system into one that better serves consumers, communities, and the airlines themselves. It is also a response to the millions of citizens who quite accurately believe that the federal government and the agencies this Congress creates are not always the sole repositories of expertise, wisdom and managerial efficiency. The basic distrust of a market economy in the 1930's and that era's fundamental ignorance of what a then infant industry would develop into as an adult explain the regulatory choice made forty years ago. But those forces have run their course. It is now time for less government, not more. A vital economy is much more likely to be suffocated by choking regulation than by 'cut throat' competition.

"The sophistication of our technology, the thriving commerce of the 1970's, the demonstrated desires of millions of travelers, a confidence in private business management and a basic preference for a free market economy combine to allow us to act boldly. The heavy federal presense should be withdrawn from the air transportation system."

INDIA AND IDA—CORRECTING SOME MISPERCEPTIONS

Mr. HUMPHREY. Mr. President, history has just been made on the Indian Subcontinent. Nearly 200 million secret ballots were cast by the citizens of India, representing the greatest outpouring of voters the world has ever witnessed in a free election.

As the New York Times noted in its editorial this morning:

Whatever its foreign policy, India has begun to earn a new claim on American sympathies, and perhaps aid. All who love freedom are measurably safer today than before the Indian election, and they have an obligation to encourage the spread of the democratic habit.

Mr. President, I believe the New York Times editorial places this election in its proper perspective. I believe the major thrust of any American foreign policy is to not only encourage, but also assist in supporting democratic institutions.

As the New York Times editorial further pointed out:

The news from India is an inspiration to all democracies . . . An impoverished people rejected the siren song of authoritarians everywhere that bread must be bought at the price of freedom. This historic election will reverberate through many lands; even some Americans had begun to despair of the fate of democracy before the seemingly inevitable march of tyranny.

At the height of her power, Mrs. Gandhi must have felt the stigma of illegitimacy that arose from her people's democratic instincts. To her credit, the election she called when she thought she would surely win turned out to be fair and open, as promised. Ironically, nothing less than her defeat could fully demonstrate the return of democracy that had been her proclaimed aim.

This set of circumstances highlights my concern over the misperceptions in the Congress over the allocation made available to India from the International Development Association, or IDA as it is more commonly known. I have had the opportunity to discuss this latter matter with India's Ambassador to the United States, the Honorable Kewal Singh, whom, I might add, my colleagues should get to know. He is a very distinguished and articulate statesman.

As the Ambassador pointed out to me in earlier correspondence:

The basic facts and figures which support continuance of India's share in IDA commitments, at least at the current level, are summarized in the enclosed note. As the note clearly shows, India's entitlement on the basis of its population, economic considerations, credit worthiness, performance, etc. should be definitely higher than the current level of 40% and thus, there is no question of an excess flow of IDA resources to India. IDA projects do contribute significantly to the improvement of standards of the poorest sections of the people by concentrating on agriculture and infra-structure programmes. Economic assistance to India has been utilized so as to produce the maximum beneficial impact and this has been testified to by the international agencies themselves. In regard specifically to IDA assistance, you would be interested to know that on per capita basis India's share in IDA lending is the lowest, $1 per capita. Even in regard to net aid from all sources, India gets just about the least per capita assistance in comparison to other developing countries.

Mr. President, I believe the allocation of official development assistance to India has been effective. Prior to independence, India's food production growth had stagnated at 0.11 percent per year. Since 1950, India has averaged a 2.8-percent per year increase in food production. The last 2 years have seen record harvests in that country.

As the Ambassador also pointed out, India does not borrow from major lending agencies such as the Asian Development Bank. Overall, India's per capita official development assistance is one of the lowest in the world—$2.28 per capita.

It is my belief India can make a major contribution to the world's food production system. Therefore, it is imperative that sufficient resources be allocated to that nation in order for her food production capacity to be realized.

Mr. President, I ask unanimous consent that Ambassador Singh's letter of March 3 to me and his attached memorandum be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMBASSADOR OF INDIA,
Washington, D.C., March 3, 1977.

Hon. HUBERT H. HUMPHREY,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR HUMPHREY: In the course of recent discussions on IDA V appropriations some reservations were expressed about India's share of IDA commitments.

2. The basic facts and figures which support continuance of India's share in IDA commitments, at least at the current level, are summarised in the enclosed note. As the note clearly shows, India's entitlement on the basis of its population, economic considerations, credit worthiness, performance etc. should be definitely higher than the current level of 40% and thus, there is no question of an excess flow of IDA resources to India. IDA projects do contribute significantly to the improvement of standards of the poorest sections of the people by concentrating on agriculture and infra-structure programes. Economic assistance to India has been utilised so as to produce the maximum beneficial impact and this has been testified too by the international agencies themselves. In regard specifically to IDA assistance, you would be interested to know that on per capita basis India's share in IDA lending is lowest, $1 per capita. Even in regard to net aid from all sources, India gets just about the least per capita assistance in comparison to other developing countries.

3. In view of low volume of per capita aid received by India, the quality of aid is of utmost importance to India, which would lose more than other countries if her access to IDA funds is reduced. India's share does not in any manner limit IDA lending to other poorer countries since IDA determines levels of assistance on the basis of absorptive capacity of population, size and GNP and recipient countries. It also deserves to be noted that India does not borrow from major lending agencies, such as the Asian Development Bank whose resources are available to other countries interested in receiving assistance.

4. There is a great deal of misinformation, over-simplification and, occasionally, even misperception of the facts relating to developmental assistance to India. It would be a pity indeed if all this were permitted to influence the working of a multilateral agency which has made remarkable contributions to India's economic progress.

5. Knowing the importance that you attach to building up stronger friendship between India and the United States and improving mutual understanding and cooperation in every field, I thought I should bring these facts to your personal attention. I am confident that in any discussion on this subject, objective consideration will be given to all the relevant facts, including those mentioned above and summarised in the attached note.

With warm personal regards and best wishes,

Yours sincerely,

KEWAL SINGH.

NOTE

India's share in IDA commitments for the period 1961–68 was 48.6 percent. It was reduced to 40 percent from 19 9 onwards. The reason for reducing India's share was apparently to permit more lending to Indonesia and other UN designated Least Developed Countries (LDCs). Although on grounds of poverty, creditworthiness, performance and project readiness India should get a higher share, in order to increase the geographical coverage of IDA, a ceiling of 40 percent was laid down.

During the period of IDA V if 90 percent of IDA funds go to countries with a per capital income of $200 and less (this as an

objective has been supported by the U.S. Treasury in the testimony before the Congress), India, with a population of 600 million on an arithmetical basis should be entitled to 54 percent of the total IDA commitments as against the current 40 percent. It is, therefore, not correct to say that there is an excess flow of IDA resources to India. In fact, it is less than India's entitlement. In terms of per capital IDA commitments, India received in FY 76 $1.12 of IDA money. This may be compared with $1.75 to Pakistan, $2.38 to Bangladesh, $1.83 to Sri Lanka; $4.58 to Losotho, $3.14 to Madagascar, $1.76 to Egypt etc.

IDA PROJECTS IN INDIA

The criticism on this count is not justified by facts. Most of the IDA financed projects are for the improvement of agriculture and infrastructure and are directed towards improvement in the standards of living and productivity of the poorer sections of the people. The following table indicates the distribution of IDA money in different types of projects over the 5 year period, FY 72–76.

	Percent
Agriculture (including irrigation, fertilizer, rural electrification and agricultural credit)	39.7
Water supply, urban development and Human resources	6.3
Railway/telecommunications	16.4
Transmission and distribution of Electricity	9.0
D.F.C's	1.0
Programme loans	27.6

The primary objective of the programme loans is to assist in meeting the import requirements of export oriented industries which, in any case, deserve high priority.

ECONOMIC PROGRESS IN INDIA

The economic growth of India—whether the total period from Independence til today is taken into account or the short term period of last two years—is *not* unimpressive. The total growth in GNP in 75–76 was 8.8 percent. It is expected to be of the order of about 6 percent in 1976/77. Foodgrains production increased by 19 percent in one year. The foodgrains stocks have increased to over 18 million tonnes. There is a fair amount of price stability in the country. Exports are rising at the rate of 8 percent in real terms at a time when the world trade has been relatively stagnant. Industrial production grew at the rate of about 6 percent in 1975–76 and is expected to grow at the rate of over 10 percent in 1976–77. Power generation has grown at the rate of 13 percent. To-day there is a fairly easy availability of practically all raw materials power and transport services to enable economic activity to grow at a brisk pace. In fact all economic indicators go to show that the economy is poised for a major break-through into a period of sustained development.

DEFENSE EXPENDITURE

Taking into account the length of her borders and the threats to India's security which have been existing for the last so many years, India's defense expenditure can certainly not be considered high. As a proportion of GNP India spends only 2.9 percent annually on defense which is much less than that of other neighboring countries.

HUMAN RIGHTS

The argument that human rights are disregarded in India does not bear scrutiny.

OVERALL DEVELOPMENT ASSISTANCE

It may be mentioned that so far as total official Developmental Assistance flows are concerned, India receives about the least assistance on a per capita basis, not only among the lower income developing countries but among LDCs in general (statement enclosed). It may also be mentioned that there has been no US AID bilateral programme with India for the last 6 years. It is also noteworthy that during FY 77 there will be a reverse flow of resources from India to USA because the debt service of $150 million is far more than the aid received under PL 480. The same situation is also likely to continue in FY 78.

NET PER CAPITA RECEIPTS BY SELECTED DEVELOPING COUNTRIES OF OFFICIAL DEVELOPMENT ASSISTANCE FROM DAC COUNTRIES AND ASSISTANCE FROM MULTILATERAL AGENCIES, 1975

Name of the country	Population in (millions)	Per capita income in U.S. dollars	Assistance received in U.S. dollars (millions)	Per capita assistance in U.S. dollars
Asia:				
Bangladesh	78.600	110	922	11.73
Pakistan	69.229	140	426	6.16
India	609.582	150	1389	2.28
Philippines	42.500	370	182	4.28
Malaysia	12.030	720	97	8.06
Indonesia	131.610	180	677	5.14
Africa:				
Mali	5.677	90	102	17.96
Chad	4.035	120	53	13.12
Zaire	24.721	150	191	7.73
Tanzania	14.738	170	277	18.79
Kenya	13.349	220	123	9.21
Sudan	15.550	290	94	6.05
Egypt	37.096	310	324	8.73
Senegal	5.000	370	126	25.20
Americas:				
Bolivia	5.613	320	55	9.80
Colombia	23.767	550	91	3.83
Guyana	.810	560	9	11.11

Source: DAC statistics and IBRD atlas.

TO MOSCOW WITH WARNKE

Mr. PELL. Mr. President, a thoughtful and provoking editorial has come to my attention on the challenge to be faced in SALT now that the debate over Mr. Paul Warnke's nomination is behind us, and Mr. Warnke is preparing to go to Moscow.

The Christian Science Monitor notes that SALT is more than just a kindness to the Russians. According to the Monitor's editorial—

It is imperative for two basic reasons. One, because it is needed to prevent mutual destruction, or, in a more positive vein, to maintain world strategic stability. Second, arms regulation is imperative to stop the proliferation of nuclear weapons around the world. If the two superpowers cannot put restraints on their own appetites, they can hardly enjoin other nations to reduce their nuclear arsenals or entirely forgo the option of developing them. Nuclear peace must begin in Washington and Moscow.

Mr. President, I ask unanimous consent that the full text of this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Mar. 16, 1977]

TO MOSCOW WITH WARNKE

The rancorous opposition that attended the Senate confirmation of Paul Warnke as chief negotiator in the strategic arms talks may have its silver lining. It places added pressures on Mr. Warnke to be tough with the Russians (although we did not doubt he would be in any event). And, with Congress circling SALT like a hawk, figuratively and literally, he has in effect a strong bargaining card to play if and when he encounters Soviet intransigeance. The Russians can be reminded that anything Mr. Warnke brings home will be treated with special skepticism by the lawmakers.

So far so good. The United States now has an able, knowledgeable arms diplomat to lead the negotiations. It also indicates wisely it remains firmly committed to achieving a permanent treaty on weapons control even though it abhors the Soviet system and has nothing in common with the Kremlin's Marxist ideals.

This is a reasonable position. President Carter recognizes that SALT has a validity outside détente. It is not just a kindness to the Russians. It is imperative for two basic reasons. One, because it is needed to prevent mutual destruction or, in a more positive vein, to maintain world strategic stability. When asked what he hoped to achieve as negotiators, Mr. Warnke made just this point, adding he hoped "there would be no circumstances under which anybody would be able to contemplate the initiation of nuclear war in order to achieve any kind of political objective."

Second, arms regulation is imperative to stop the proliferation of nuclear weapons around the world. If the two superpowers cannot put restraints on their own appetites, they can hardly enjoin other nations to reduce their nuclear arsenals or entirely forgo the option of developing them. Nuclear peace must begin in Washington and Moscow.

The big question at this point is to what extent the Russians still share this view. For the first time in recent years Moscow has publicly criticized an American President by name. Mr. Carter is angrily chided for his blunt stand in support of human rights in Eastern Europe and his argument rejected that human rights criticism and strategic arms talks can be kept separate. Washington may not link these issues, Kremlin spokesmen say, but Moscow does.

Is this public window dressing for home consumption? Or a genuine warning to a new American President whose unorthodox ways undoubtedly have dismayed the Soviet leadership? That remains to be seen when Secretary Vance and Mr. Warnke visit the Soviet Union at the end of the month. Although the atmosphere has distinctly cooled in Moscow since Mr. Carter's inauguration, it is

hard to conceive the Russians will back away from their own self-interest and frustrate an arms agreement because of the human rights issue.

However, both sides ought to be careful they do not undermine the climate for a useful and productive meeting. This will be the first high-level get-together in the Carter administration. Much will hang on it. Either the sides agree to move forward to try to put a cap on strategic arms—or each will be headed down the terrible path of building even more lethal, more senseless weaponry.

(This concludes additional statements submitted by Senators today.)

RECESS UNTIL 2 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 2 p.m. today.

There being no objection, the Senate, at 1:35 p.m., recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. CULVER).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

OFFICIAL CONDUCT AMENDMENTS OF 1977

The PRESIDING OFFICER. The pending business will be stated.

The legislative clerk read as follows:

A resolution (S. Res. 110) to establish a code of official conduct for the Members, officers, and employees of the U.S. Senate, and for other purposes.

The PRESIDING OFFICER. The pending amendment will be stated.

The legislative clerk read as follows:

The Senator from Maine (Mr. MUSKIE), for himself and others, proposes an amendment numbered 93.

The PRESIDING OFFICER. Time for debate shall be limited to 3 hours, to be equally divided between and controlled by the Senator from Maine (Mr. MUSKIE) and the Senator from Wisconsin (Mr. NELSON), with the vote thereon to occur at 5 p.m., and with no amendment or tabling motion thereto to be in order.

Mr. MUSKIE. Mr. President, I yield myself 15 minutes, so that I may control the disposition of my time. Since I am now operating on my time and not on the majority leader's time, I would like to spend it a little more frugally.

Mr. President, I should like to make one observation at the outset of this debate this afternoon.

This morning, before I had to go to a committee meeting at 10 o'clock, I called six of our colleagues to test their evaluation of the pending amendment and the one that will follow. Of the six, five said: "Ed, you're absolutely right, but—"

So I asked them: "Why, then, are you going to vote against the amendments?"

The reasons fell into three categories.

The first reason, by some: They already had promised the majority leader to vote the other way.

The second reason: The pressure of public concern with congressional ethics led them to the conclusion that they had to vote for anything in the name of ethics, whether or not it was right.

The third reason: Because they had voted for the pay raise and had taken so much flak back home for that vote, they had to oppose those critics by voting against these amendments, no matter how meritorious.

So here are five of six Senators who have decided to vote contrary to the merits as they see them. The sixth conceded the persuasiveness of my agruments, which he had not heard before he had made his commitment, but felt that his commitment was overriding and that he could not now focus on the merits:

I ask the Senate: Is that the way we are going to make public policy on this issue? The six Senators I called were picked at random. I did not select them for any reason. So it is a random sample. If it is a sample that is at all reflective of the Senate as a whole, the Senate seems about to approve a policy as to the merits of which a majority of the Senate is in disagreement.

So we are going to play with Senators' lives, play with their economic viability, play with the viability of the Senate to attract for service in the Senate young people without resources, for reasons that are irrelevant to the merits. That is what my sample said this morning, and I thought we should get it in the record at the very beginning.

There is every indication that the Senate is panicking to vote for anything in the name of ethics in order to emerge with the image of strong moral and ethical leadership, whether or not what we do in the name of ethics is right or wise on the merits.

Now, Mr. President, I am going to talk about the pending amendment. It is interesting to note that none of those pushing for the committee proposal has bothered to spend a minute since last Friday on the pending amendment.

My good friend from Missouri, Senator EAGLETON, dismissed it yesterday as a tactical ploy, as a gimmick. Mr. President, I point out that I offered this as the first amendment to be voted on. I have committed myself to vote for it. I have been soliciting support for it from Senators on both sides of the aisle. Those who oppose it, oppose it not because it lacks merit but because they choose to dismiss it in order to avoid the merits as a tactical ploy, as a gimmick.

Mr. President, yesterday, the distinguished Senator from Missouri, in justifying his support for the 15-percent limit on earned income, said that it was necessary because of public concern with congresssional ethics. This is what he said:

We have had examples in the public press of extravagance and luxurious junkets, shopping sprees, carloads of gifts and the like.

We have had press allegations that the oil interests unduly influence legislation on energy, et cetera.

We have had the image of congressional staffers junketing around the world, paid for by foreign governments and the like.

There have been allegations about the practice of lame duck Members of the Senate and Congress junketeering around the world in the waning days of their terms.

And there has been the whole area of obscene campaign spending, of almost outright purchase of seats in the Congress of the United States in terms of the personal investment by a wealthy candidate.

That was Senator EAGLETON's justification for the limit on what? Earned income. There is not an abuse listed in that language which I have read that has anything to do whatsoever with abuses attributable to the lecture circuit.

Later on in his discussion when I asked him specifically what overriding public interest required the prohibition that a Senator cannot speak to an obviously conflict-of-interest-free audience on his own time, what did he have to say to that? He says:

There is something inherently risky.

And what example did he give? Let me quote from what he had to say:

Think back,

He said,

to the Haynsworth debate. What was said time and again on the floor of the Senate about Clement Haynsworth? He was honest, yes. He had good, lovely neighbors who liked him, yes. His fellow judges on the fifth circuit court of appeals liked him, yes. But what he had done gave "the appearance of being improper." He owned stock in the Brunswick Co., a few shares, and sat on an important Brunswick case. There was the "appearance of impropriety." He or his wife owned a company called Carolina Vendomatics, as I recall.

That was in direct response to a specific lecture hypothesis, and his answer had nothing to do with lecture fees. It had to do rather with other potential abuses, abuses related to junketing, abuses related to other behavior around the Senate, but also abuses related to investments—let me repeat, abuses related to investments.

Well, if the lecture circuit, on the basis of evidence which he did not supply, carried a high risk of conflict of interest, then what about the very instances he cited of risks associated with investments which are not treated with the same discipline in the committee bill? And that is the justification, Mr. President, for my first amendment.

If the high risk of conflict is the reason why we limit income from earned incomes, then a similar risk exists with respect to investment income and ought to be treated the same.

It seems such a simple proposition that I find it unbelievable that I am still arguing it on this third day of debate and finding disagreement with it.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MUSKIE. Yes; I yield to my good friend.

Mr. SCOTT. Mr. President, I appreciate the Senator's yielding. I just wonder if he has had anyone research the question of the validity of the Senate's putting some additional obligation upon an individual who happens to be rich. I am not in that category, I hasten to add, but I think the requirements for service in the Senate shculd apply alike to rich and poor, and once you are here the behavior pattern should be the same.

I wonder, when we say to a person who inherited wealth that we can tell him how he must apply that wealth, put down

restrictions with regard to what constitutes the proper kind of a trust, whether that is proper. I can see several objections to it just from a curbstone point of view. I have not researched it, so I am asking the distinguished Senator from Maine whether he has or has not.

There are certain requirements in the Constitution for service in either the House or the Senate, and under the 14th amendment we are all entitled to the same privileges and immunities. I know that specifically applies to the States, but I wonder if the courts would not say that it would apply to Members of the Senate also.

Here we are saying that if somebody inherits wealth they must do a certain thing with their wealth which they have inherited. This might keep people who happen to be wealthy from offering themselves for service in the Senate.

I would like to think that someone born in a log cabin, somebody without funds, would be acceptable as a Member of the Senate, and someone with almost unlimited financial background would be also.

Will the Senator comment on that?

Mr. MUSKIE. I will be glad to. The Senator is making my speech. The intent of the committee report was clear. I am one without wealth, so that my potential for serving in the Senate must be limited by divesting me of outside earned income above 15 percent of my basic Senate salary. I think that is wrong. But if the Senate says it is right for me, then I say let us apply the same standards to those whose source of income derive from investments, ventures of one kind or another, or any other kind of activity in the private sector.

The thrust of the committee report is to impose no restraints upon those who are wealthy but to impose the ultimate discipline, that is divestiture of income above a certain amount, upon those who have no outside resources. That is the thrust of my remarks this afternoon.

The other day, Mr. President, Walter Pincus had an article published in the Washington Post which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the article ws ordered to be printed in the RECORD, as follows:

SENATE ETHICS DEBATE: WHAT INCOME TO LIMIT

(By Walter Pincus)

Debate on a new Senate code of conduct, personal and occasionally bitter last week, will heat up again today.

The focus will be on whether invested as well as earned outside income should be limited.

In the draft code, drawn up by a special committee chaired by Sen. Gaylord Nelson (D-Wis.), a limit of 15 per cent of a member's salary ($8,625 at the current $57,500 rate) was applied to outside earned income. Exceptions were made for money received from family business and farms, and from partnerships where the senator's own services were not material to the concern's gross income.

A similar proposal passed the House.

As Nelson puts it, "I feel there is nothing that can be done about the investment income of wealthy people . . . Unearned income is passive income and earned income is not."

The unearned income that would remain unlimited would include not only dividends and interest from stocks and bonds, but also gains and losses from trading stocks, real estate or oil and gas leases or any other business investment.

Although senators have not been required to disclose publicly such holdings or such income, some do. A Congressional Quarterly survey of 1973 voluntary income reports showed:

Sen. Abraham Ribicoff (D-Conn.) had gross incomes of over $125,000 in 1972 and 1973 because of capital gains on sales of real estate, and held shares in 13 Washington area real estate ventures.

Sen. Lawton Chiles (D-Fla.) reported extensive real estate holdings and a 1973 income of $112,534, including $66,346 from partnerships.

Sen. Walter Huddleston (D-Ky.) reported 1973 outside income of $38,849 from partnerships in a real estate, a shopping center and a radio station.

Sen. Jacob Javits (R-N.Y.) reported outside income of $74,603, including money from oil and gas leases and land development partnerships.

Sen. Alan Cranston (D-Calif.) showed holdings of $419,624 in various properties, with 1973 income including $4,900 in rents and royalties, $1,290 in partnership income, $11,069 in other business income and a real estate loss of $7,188.

Sen. Mike Gravel (D-Alaska) reported that his three-year gross income for 1971–73 averaged $65,000 and that he and his wife had a $124,500 investment in Mike Gravel Real Estate, Inc.

Leading the fight against any limitations on income is Sen. Edmund S. Muskie (D-Maine), who argues that public disclosure—which has not been required in the past—is all that is needed now. Muskie argued Friday that earned income, and particularly honoraria, were picked out for limitation because they "are the only form of income we have had to report that having reported then we become the visible target."

"My big point," Nelson said last week "is just the general belief on the part of the public, in my judgment, that somehow or other there ought to be some kind of limit on outside earned income."

Muskie retorted, "Are we going to respond to perceptions or are we going to get down to realities?"

Hoping to defeat the income limit, Muskie has proposed applying the 15 per cent ceiling across the board to both earned and unearned income.

Mr. MUSKIE. The column contained several examples of the kind of resources held by Senators who have voluntarily disclosed those resources in the past.

In referring to this column I want to make it clear I imply no wrongdoing on the part of any of the Senators whose names appeared in the column, but I would like my colleagues to test the two questions which have been offered as justification for a limit on earned income. In other words, is there a high risk that time will be taken from Senate duties? Is there a high risk of potential conflicts of interest?

The first Senator—and I will not use his name—had a gross income of over $125,000 in 1972 and 1973 because of capital gains on sales of real estate, and held shares in 13 Washington area real estate ventures.

Yesterday I put in the RECORD the amount of time it took me to go on the lecture circuit and, overall, it was on the order of 2 percent of the days that Senate was in session. Now, since that is forbidden by the committee bill, I think that time frame is a proper test of what is a high risk with respect to something else.

With respect to that kind of holding is there or is there not a high risk that time will be taken away from Senate duties? If the same standard is applied to both, is there or is there not a risk of conflict of interest?

The second Senator reported extensive real estate holdings and in 1973 an income of $112,000, including $66,000 from partnerships. Is there or is there not, looking at it realistically, a risk that time will be devoted to the Senator's own private interests, time that he could otherwise devote to his Senate duties? Is there or is there not a risk that there may be a conflict of interest?

Apply those same questions to all of these; I am not going to repeat the questions for each.

Another Senator reported 1973 outside income of $38,000 from partnerships in real estate, a shopping center and a radio station.

Another Senator reported outside income including money from oil and gas leases and land development partnerships.

Another Senator showed holdings of $491,000 in various properties with 1973 income including $4,900 in rents and royalties, $1,290 in partnership income, $11,000 in other business income, and a real estate loss of $7,000.

Another Senator reported that his 3-year gross income for 1971 to 1973 averaged $65,000, and that he and his wife had a $124,000 investment in a real estate corporation.

I am not criticizing any of these Senators, but the test that is being applied to us is whether or not there is a risk that our activities will take time away from the Senate. I repeat that I put in the RECORD yesterday how much time the lecture circuit has taken me away from the session days of the Senate. I think it is a reasonable conclusion to reach that these activities carry just as high a risk.

Second, for the third day now I have discussed my lecture circuit appearances, and I submit that they carry no higher a risk of conflict of interest than these specific proposals which I have just read from the Pincus article. I do not mean to judge those Senators or find them guilty. But if what we are talking about is a risk—a risk; I repeat, a risk—let us apply the same discipline when the risk is identified.

I shall refer to another column here, an article by Tom Braden, which tells the story of a Congressman named Jim who made money by being cut in on a land deal. This is how it happened. This deal was being put together, and these are the words from the Braden column:

Time was of the essence. If the absentee owner of the land found out that the department store was interested, he wouldn't sell to us. Thus, the meeting. We were just about to sign the papers when somebody—I think it was the major—said, "Don't you think we ought to cut in Jim?"

Nobody said, "Jim who?" Jim was our congressman. Of course we ought to cut in Jim. How in the world could we have forgotten about Jim?

So we got Jim on the phone back in Washington and explained it to him, and he said he'd be glad to go along. I am in a position . . .

Said Mr. Braden—

. . . to report to you that the deal went as had been planned. Jim made a lot of money.

Does that situation or does it not carry a risk of conflicts? Does it or does it not potentially take time away from the Congressman's duties?

Mr. President, I ask unanimous consent the Braden article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A QUESTION OF ETHICS

(By Tom Braden)

There is, as every senator and congressman knows, an easy way for a senator or a congressman to make money. Let me cite you an actual example.

A group of us were gathered at the Elks Club bar one afternoon in the '60s. The group included the town's principal banker, its mayor and its chief of police. We were meeting to discuss the purchase of some land just outside the town, on which—the mayor had very good reason to believe—a large department store wished to build.

The turnover would be pretty rapid, we thought, and if each of us put up a little cash, borrowed the rest from our friend, the banker, and held on to the property for six months, we could sell it to the department store, pay off our debt and have a profit.

Time was of the essence. If the absentee owner of the land found out that the department store was interested, he wouldn't sell to us. Thus, the meeting. We were just about to sign the papers when somebody—I think it was the mayor—said, "Don't you think we ought to cut in Jim?"

Nobody said, "Jim who?" Jim was our congressman. Of course we ought to cut in Jim. How in the world could we have forgotten about Jim?

So we got Jim on the phone back in Washington and explained it to him, and he said he'd be glad to go along. I am in a position to report to you that the deal went as had been planned. Jim made a lot of money.

This is the way in which a great many congressmen and senators make money. They are well known back home; they are one of the boys; the other boys get a certain feeling of prestige by having their senator or congressman in the group; he gets in on the ground floor.

I'm not sure there is anything wrong about this. It depends. But surely it is not "right" as compared to other ways in which senators and congressman can make money. For example, why is it all right for Jim to make money by being cut in on a land deal but not all right for Jim to make money by giving lectures or practicing law?

Because, says the Senate Committee on Official Conduct, giving lectures or practicing law produces earned income while investing does not. It is virtually impossible to write a rule governing investments, but it is very easy to write the rule limiting earned income. So that's what the Senate is about to do.

I don't buy this, and I don't think the American people will buy it. Lecturing or practicing law is often hard work compared to which making a sweetheart investment is rolling off a log.

I think the senators and the congressmen are buying future trouble with their new rules for ethics. There are almost certain to be court tests. Is it legal to set a limit on what a man can earn? And by exempting unearned income from the ethics code—simply because it's impossible to set rules for investments—senators, like Edmund Muskie (D-Me.), who have relied on lecturing in order to earn extra money are placed at an enormous disadvantage. For years, Muskie has refused to make investments lest he place himself in conflict of interest. Now he is to be penalized. Rightly, it seems to me, he calls the penalty unfair.

Why wouldn't it be simpler and better to eliminate all limits on any kind of income for senators and congressmen so long as the senators and congressmen are required to disclose the income?

Full disclosure would leave questions of ethics to the voters—and to opponents at the next election. Returning to the story I related, I'm not sure that Jim was wrong to get in on the ground floor. Neither am I sure that, under full disclosure, he would have to stop and think about it.

The public is concerned about these risks as well as the risks from improper honoraria. The Harris poll goes into those risks extensively.

Mr. President, I ask unanimous consent that the full list of 15 questions that were put by the Harris poll, with the responses by percentage, be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

COMPARISON WITH QUESTIONS ON OUTSIDE UNEARNED INCOME

[In percent]

In addition to the questions on honoraria income, the survey included 7 questions on personal service income (partnerships, firms, legal work, etc.) and 3 questions on stock ownership. With the exception of speeches for "large fees" before groups with a direct legislative interest, the pattern of concern expressed is not much different for "unearned" than for honoraria income. More importantly, the extent to which the public would be satisfied by disclosure is almost identical.

	Bothers me	Does not	Seriously bothered	Not so seriously	Satified by disclosure
Owns a large amount of stock in a major corporation which has Government contracts. (Question 1)	67	7	79	20	64
Owns a large amount of stock in a small corporation which has no business with the Government. (Question 2)	14	79	56	43	70
Owns a small amount of stock in a hometown saving and loan association. (Question 3)	10	83	50	47	64
Retains interest in law firm; does some work on weekends, but the firm has no business with the Government. (Question 6)	33	59	56	44	65
Retains partnership interest in a construction firm; receives share of profits, but spends no time doing work for the firm. (Question 9)	22	69	58	40	64
Occasional speech to colleges for a small fee. (Question 11)	29	64	49	51	67
Occasional speech to business labor or other groups affected by legislation, for a small fee (Question 12)	39	52	51	48	67
A number of speeches to groups affected by legislation, for a large fee. (Question 15)	71	21	80	20	57

FULL QUESTIONNAIRE (HAND-WRITTEN #'S ONLY)

25a. Congressmen come to Washington with a wide variety of different backgrounds and previous job experiences. However, all Congressmen are called upon to vote on all types of legislation, including legislation which effects businesses in which they themselves may have been previously, or are presently, involved. Here is a card (hand respondent card "G") which lists different situations which apply to various Congressmen. First of all, for each these situations, I'd like to you tell me whether that situation bothers you, or not. (Read list, recording below—for each "bothers me" ask 26b and 25c before going to next item).

25b. (If "bothers me" in 25a) And would you say that you are seriously bothered, or not so seriously bothered, by that situation? (Record below and ask 25c.)

25c. (If "bothers me" in 25a) Would your concerns about that situation be substantially satisfied, or not, if the voters in his District were made fully aware of his situation and could vote for or against him at the next election? (Record below and continue with next item in 25a.)

	25a Now			25b. Intensity			25c. Would disclosure satisfy you		
	Bothers me	Does not	Not sure	Seriously bothered	Not so serious	Not sure	Satisfy	Not satisfy	Not sure
1. A man is elected to Congress who owns a large amount of stock in a major corporation which works on government contracts	(48)(67)-1	26-2	8-3	(63)(79)-1	20. 2	1-3	(78)(64)-1	31-2	4-3
2. A man is elected to Congress who owns a large amount of stock in a small corporation which does not do business with the government	(49)(14)-1	79-2	7-3	(64)(56)-1	43-2	1-3	(79)(70)-1	24-2	6-3
3. A man who is elected to Congress owns a small amount of stock in his hometown savings and loan association	(50)(10)-1	83-2	7-3	(65)(50)-1	47-2	3-3	(80)(64)-1	29-2	8-3
4. After being elected, a Congressman retains an interest in his law firm. He spends no time working for the law firm, but the law firm does business with the Federal government, and the Congressman receives a share of those profits	(51)(59)-1	33-2	8-3	(66)(70)-1	30-2	1-3	(10)(61)-1	34-2	5-3
5. After being elected, a Congressman retains an interest in his law firm. He spends no time doing work for the firm. but receives a share of the profits made by the firm. The law firm does not do business with the Federal Government	(52)(20)-1	73-2	7-3	(67)(55)-1	44-2	1-3	(11)(61)-1	34-2	5-3
6. After being elected, a Congressman retains an interest in his law firm. He spends some time weekends doing work for the firm and shares in the profits from that work, but the law firm does not do business with									

	25a Now			25b. Intensity			25c. Would disclosure satisfy you		
	Bothers me	Does not	Not sure	Seriously bothered	Not so serious	Not sure	Satisfy	Not satisfy	Not sure
the Federal Government	(53)(33)-1	59-2	8-3	(68)(56)-1	44-2	*-3	(12)(65)-1	30-2	5-3
7. A man who is elected to Congress owns a large farm. He occasionally makes some major decisions about managing the farm, but spends no time running the farm on a day-to-day basis	(54)(15)-1	78-2	8-3	(69)(55)-1	44-2	1-3	(13)(60)-1	33-2	7-3
8. A man who is elected to Congress owns a small farm. After being elected he hires a manager to run the farm while he is Washington, but he may spend some time running the farm while he is home during the summer	(55)(14)-1	80-2	7-3	(70)(54)-1	45-2	1-3	(14)(61)-1	31-2	8-3
9. A partner in a building construction firm is elected to Congress. After being elected, he keeps his investment in the firm and receives a share of the firm's profits, but spends no time doing work for the firm	(56)(22)-1	69-2	9-3	(71)(58)-1	40-2	2-3	(15)(64)-1	32-2	4-3
10. A man who owns three hardware stores is elected to Congress. After being elected, he hires a manager for the stores, spends all his time working as a Congressman, but receives the profits of the business each year	(57)(14)-1	79-2	7-3	(72)(50)-1	49-2	1-3	(16)(67)-1	28-2	5-3
11. A Congressman makes an occasional speech to college and university audiences for which he receives a small fee	(58)(29)-1	64-2	7-3	(73)(49)-1	51-2	*-1	(17)(67)-1	29-2	5-3
12. A Congressman makes an occasional speech to business, trade, environmental or labor groups which are affected by his work in Congress and he receives a small fee for such speeches	(59)(39)-1	52-2	8-3	(74)(51)-1	48-2	1-3	(18)(67)-1	29-2	5-3
13. A Congressman makes a number of speeches to business, trade, environmental or labor groups which are affected by his work in Congress and he receives a small fee for such speeches	(60)(50)-1	41-2	9-3	(75)(56)-1	43-2	*-2	(19)(65)-1	30-2	5-3
14. A Congressman makes an occasional speech to business, trade, environmental or labor groups which are affected by his work in Congress and he receives a large fee for such speeches	(61)(67)-1	26-2	8-3	(76)(75)-1	24-2	1-3	(20)(59)-1	36-2	5-3
15. A Congressman makes a number of speeches to business, which are affected by his work and he receives a large fee	(71)-	21-	8	(80)	20	1	(57)	39	4

Mr. MUSKIE. Mr. President, if public concern revealed by the Harris poll justifies a limit on outside earned income, then why is not a similar discipline justified with respect to others? This is the same point I have been raising here for the last few minutes.

Mr. President, as far as I am concerned, and I am more convinced of it now than when this debate began, there is only one reason, only one, for the committee's proposed 15-percent limit on earned income: A scapegoat had to be found. The public had to be convinced that the committee——

The PRESIDING OFFICER. The Senator's additional 10 minutes have expired.

Mr. MUSKIE. Mr. President, another 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. MUSKIE. A scapegoat had to be found, and the scapegoat has been well chosen. It is suggested by the responses of the six Senators I called this morning which I described earlier. They are panicking. They do not dare to do what is right.

But let me say to Senators if opinion back home is what bothers them, let me read an editorial that appeared back home in my State this morning, and this is not a knee-jerk Muskie publication, I assure Senators. This is from the Times Record of Brunswick, Maine.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ETHICS "REFORM"

Politicians everywhere are trying desperately to, as the phrase goes, restore public confidence in their honesty and integrity.

In legislatures across the land, in the Congress, and within many governing bodies, there is emerging a wave of ethics codes, disclosure rules, pledges to refrain from this or that, and repeated vows to stay clean.

This spurt of self-imposed ethical discipline isn't confined to government. Any number of private organizations and professions have recently been busy drafting up their own codes of ethics or rules setting standards of performance.

The medical profession, for example, has set up a system of peer review that is supposed to help all stay within the bounds of propriety and legality.

Accountants have been trying to come up with some definition of what they're supposed to be doing so that a balance sheet or annual report really means something and is not too creative with the phrase "generally accepted accounting principles."

Many of the nation's largest corporations have already or are now drawing up regulations and codes to prevent their personnel from engaging in bribery, kickbacks, price fixing and illegal political contributions.

"Reform" is the word generally used to describe all of these activities. The thought is that if there is enough reform, if enough effort is put into getting straightened out and defining what is and what is not acceptable conduct, all will be well—providing all follow the new reform rules.

But will it work out? Will the Congress, for example, really enter a new era of honesty and integrity once the new code of ethics is on the books?

To be more specific, will the Congress of the United States rise in public esteem if the amount of money a congressman can earn outside his regular salary is $8,625?

That's the proposal now before the United States Senate. The House has already imposed such a limitation.

Sen. Edmund S. Muskie of Maine, for one, is against any such limitation, especially since it does not apply to unearned income. The rich senator would be able to gather whatever he could from his stock portfolio, personal and family investments and other interests, but a person like Senator Muskie, who is not rich, can only earn $8,625 in a year.

He says that's unfair, and he's right. It is unfair and most discriminatory.

It can be argued, and has been, that a congressman ought to be able to live on an annual salary of $57,500 a year plus the upper limit of $8,625 proposed for outside income.

Of course, that's an ample income by almost anyone's standards. But there are times when a United States Senator might need more than that, such as in 1972 when Senator Muskie needed money to prepare himself to run for the presidency.

Like so many others in the Congress, Senator Muskie picked up some extra money by hitting the lecture circuit. In one year he earned $30,000 by speaking to various groups at fees as high as $1,000.

Nobody has ever accused the senator of not paying attention to his Senate duties, either. He's one of the hardest working people on Capitol Hill and has an excellent attendance record on the floor and in committee.

It's not that he'll henceforth be spending more time lecturing. With his duties as head of the congressional budget committee, he doesn't have all that much time.

The point, however, is that he should be able to devote his own time to such activities if he should want to or ever need to. If his outside earnings come to $10,000 a year, $4,000 or even $300, what does it matter so long as he's performing his senatorial duties to the voters' satisfaction?

If the Senate should go ahead and approve the ethics code as it stands, why should a man like Senator Muskie's outside earnings be limited to $8,625 because he works, while somebody who does not have to work can earn as much as he likes?

It makes no sense. Either the Senate should drop the outside income limit, or it should apply it to both earned and unearned income.

The key issue in this matter is disclosure. The source of a congressman's income, almost down to the last dollar, should be known. Limiting the income of a congressman serves little or no purpose.

Indeed, it might even do harm. Somebody who really needs money beyond the proposed $8,625 limit, might be driven to get it in secret from unsavory or questionable sources, so what kind of "reform" is that?

Mr. MUSKIE. I would like to read this part of it:

Sen. Edmund S. Muskie of Maine, for one, is against any such limitation, especially since it does not apply to unearned income. The rich senator would be able to gather whatever he could from his stock portfolio, personal and family investments and other interests, but a person like Senator Muskie, who is not rich, can only earn $8,625 in a year.

He says that's unfair, and he's right. It is unfair and most discriminatory.

It can be argued, and has been, that a congressman ought to be able to live on an annual salary of $57,500 a year plus the upper limit of $8,625 proposed for outside income.

Of course, that's an ample income by almost anyone's standards. But there are times

when a United States Senator might need more than that, such as in 1972 when Senator Muskie needed money to prepare himself to run for the presidency.

Like so many others in t' e Congress, Senator Muskie picked up some extra money by hitting the lecture circuit. In one year he earned $30,000 by speaking to various groups at fees as high as $1,000.

Nobody has ever accused the senator . . .

At least not before now, I might interpolate—

of not paying attention to his Senate duties, either. He's one of the hardest working people on Capitol Hill and has an excellent attendance record on the floor and in committee.

It's not that he'll henceforth be spending more time lecturing. With his duties as head of the congressional budget committee, he doesn't have all that much time.

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Indeed, it might even do harm. Somebody who really needs money beyond the proposed $8,625 limit, might be driven to get it in secret from unsavory or questionable sources, so what kind of "reform" is that?

I ask unanimous consent to have printed in the RECORD another editorial written by Charles Bartlett and published in last night's Washington Star.

There being no obligation, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Mar. 21, 1977]

CONGRESSIONAL ETHICS MAY HAVE A HOLLOW CORE

(By Charles Bartlett)

If envy is a key ingredient of the egalitarian spirit, Congress is brewing a fresh batch of it in its urgent moves to win back popular esteem.

The new assertions of more rigid ethics in the House and Senate will take members of Congress out of the ranks of the moonlighters. Their sense of vulnerability at having their pay raised sharply has stirred them to react to admonitions that they should now regard themselves as fulltime hirelings of the Federal Government.

Accordingly, the House has adopted and the Senate is about to adopt a restraint that will allow no member to earn more than $8,625 beyond his salary in any given year. No matter how well his book is selling or heavy the demand for his lectures, he will confront what Speaker O'Neill has called "a sacrifice we must all make."

The injustice of this sacrifice is that it will not affect the outside incomes of members who have made money, who inherited it, who own farms, business, rental properties, or who have working wives. They will enjoy whatever added income their assets produce while less endowed colleagues chafe at the restraints on their earnings. The latter will also be tempted to chafe at the wealth which has eluded them and their egalitarian instincts may be inflamed.

The members are too sensitive about being lofted by their pay hike into the top 1 per cent of income earners. They should take heart from the late Sen. Robert Kerr, a shrewed coot who relished being rich. He argued that he had "a community of interest" with Oklahomans through his involvement in oil, farming and banks. He said that without these links, he wouldn't "be worth a nickel to them."

George Bernard Shaw similarly concluded that power does not corrupt men. Actually, he said, power is corrupted by the fools who acquire it. Few who get to Congress are fools and those who exposed the institution to ridicule in recent years became fools because they allowed themselves to stay immersed and isolated for too long in its specialized environment.

Pending proposals to impose purity on those who serve have the huge defect of enlarging the apartness of the average member, pulling him further away from the warp and woof of society.

The disclosure laws, spending limits, and heavy burdens of the job are transforming him into a frocked citizen, a novice in an order with its own code of conduct.

Sen. Floyd Haskell, D.-Colo., testified that no member should spend "any substantial amount of time" managing his financial affairs. By this yardstick, a member should also limit the time he spends tending his garden, playing tennis, or rearing his children. The idea of the code is to commit him to being a full-time politician, an exertion certain to reduce him in a few short years into a caricature.

This is not what the founding fathers had in mind. Legislators were to emerge from the people long enough to do their duties and then return to what they were. They were to keep their identities as striving citizens instead of flaunting their togas. The aim of reform, as Sen. Howard Baker, R. Tenn., has been saying, should be to help the overworked members recapture their civilian status.

The new code is an overreaction. Congress is not perceived as corrupt by reasonable people and cosmetic cures will not reach the few members who may have strayed. If the members could learn to take serious trips instead of junkets, retire when their abilities diminish, get organized to face up quickly to the problems that arise, and behave more like citizens than politicians, Congress's popularity will soon revive.

"The first mistake in public business is going into it," Benjamin Franklin said. The old codger will be proven right once again if the members keep accepting indignities as the price of restoring Congress's reputation.

The PRESIDING OFFICER (Mr. ALLEN). The Senator's 5 minutes have expired.

Mr. MUSKIE. Another 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. MUSKIE. I would like to read this:

The injustice of this sacrifice is that it will not affect the outside incomes of members who have made money, who inherited it, who own farms, business, rental properties, or who have working wives. They will enjoy whatever added income their assets produce while less endowed colleagues chafe at the restraints on their earnings. The latter will also be tempted to chafe at the wealth which has eluded them and their egalitarian instincts may be inflamed.

The members are too sensitive about being lofted by their pay hike into the top 1 per cent of income earners.

Another paragraph in the same editorial:

The disclosure laws, spending limits, and heavy burdens of the job are transforming him—

The Member of Congress—

into a frocked citizen, a novice in an order with its own code of conduct.

Sen. Floyd Haskell, D.-Colo., testified that no member should spend "any substantial amount of time" managing his financial affairs. By this yardstick, a member should also limit the time he spends tending his garden, playing tennis, or rearing his children. The idea of the code is to commit him to being a full-time politician, an exertion certain to reduce him in a few short years into a caricature.

Mr. President, the pending amendment is a serious proposal. If it is the judgment of the Senate that this is the way to make us honest, if it really is, I am willing to accept it. But not as one of a discriminated-against few. If we lose this vote it will not be because our case is without merit, but because Senators with other interests to look after disagree that it is a reasonable proposal for them.

The Senate, of course, since it operates by a majority vote, has the power to make that judgment. But I have the right to protest it with all the vigor at my command. This is what I have tried to do.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, we have been discussing this question since Friday. I have heard nothing new in the past 2 days which was not said before. I would like to repeat one point I made before. We have listened to the Senator from Maine lament the committee decision to recommend an income limit of 15 percent, asserting time after time that it cuts his income and his opportunity to make outside income.

One of the unfortunate things which has happened here is that all kinds of people who either have lots of money or lots of honoraria also vote against the pay raises, as Senator MUSKIE did, though he knew it was justified; though he knew there had previously been only a 5-percent increase in an 8-year period while the median income of this country went up 80 percent. During that time the income of executives in the country went up 59 percent; the cost of living went up over 60 percent; and we voted over a 65-percent increase for all other Federal employees. Everybody knew that for that same 8-year period a 5-percent increase for Federal judges, the top scientists at NIH, top executive branch officers and the Congress, was inadequate.

There is not a single Senator I have yet met off the floor who did not concede that a salary increase for those three groups was long overdue. But the Senator from Maine voted against the increase and then comes here to the Chamber shedding hot tears, flooding the Chamber with his lament about cutting into his opportunity to travel the country and speak as he pleases.

Well, I do not shed tears for one who takes the posture that he is going to op-

pose the salary increase and then say, "We do not have enough income; therefore, you ought to let us earn more outside income." It falls on my deaf ear.

Mr. BAYH. Will the Senator yield for a short question?

Mr. NELSON. Does the Senator from Indiana have a short question?

Mr. BAYH. Yes.

Mr. NELSON. All right.

Mr. BAYH. The question will be short and I trust the answer will be short. I just wondered whether the Senator from Wisconsin has better hearing in his other ear in directing the same argument to some of us who joined him in supporting the pay raise.

Mr. NELSON. I heard that in my other ear.

Mr. BAYH. Fine. That is all I wanted to hear.

Mr. NELSON. But with one of my ears I could not hear the statements made.

I just wanted this to show clearly in the RECORD.

Mr. President, there is a difficult question respecting blind trusts.

Mr. MUSKIE. Will the Senator yield for a question? There are no blind trusts in my amendment, if that is the argument the Senator is about to make.

Mr. NELSON. No; I know there are no blind trusts in the amendment, but there have been discussions of blind trusts, as I understand it, during the Senator's comments.

Mr. MUSKIE. Not with respect to my amendment. I have not mentioned blind trusts today, I do not believe.

Mr. NELSON. I thought the Sentaor had. Relevant or not, I would just like to mention the subject for those Senators who have expressed concern. The resolution did move to abolish blind trusts. In looking at the issue several times since, I am of the opinion that the decision whether to eliminate blind trusts and the decision as to what would constitute an acceptable standard for a blind trust should probably be referred to the Rules Committee for their consideration.

If we abolish blind trusts, those who do have them would then be requested or required to dissolve the trust. Then if we pass a subsequent statute deciding that a blind trust was in fact a proper instrumentality for insulating the Member from knowing what transactions were occurring by investments and sales by his trustee, we would have done the injustice of forcing the abolition of the blind trust only to later permit its re-creation.

I simply want to state this for the record at this time. I would hope at some later date, after we dispose of the two pending amendments, we would be able to address ourselves to that question.

I wonder if the Senator from Maine would yield on my time for a question.

Mr. MUSKIE. Of course.

Mr. NELSON. Let me say to the Senator first that it has not been characteristic in any way of my past to spend time defending rich people.

Mr. MUSKIE. I know; I am astonished.

Mr. NELSON. I do not intend to begin now. As the Senator knows, all down through the history of this country and every other country, rich people have defended themselves quite well.

Mr. MUSKIE. May I say this is one rich person the Senator has not defended in the last 3 days.

Mr. NELSON. That is correct. I am not starting to defend them now, although I think the Senator will agree with me, if he has spent any time talking to deep sea divers and visiting with them, the Senator from Maine knows that if they rise to the surface too quickly, they get the bends.

Mr. MUSKIE. Maybe it will happen to me in the Senate.

Mr. NELSON. Some of them die from the bends.

This limitation that the Senator is going to put, if his amendment is adopted, on disposable income that can be spent by the wealthy people here, would introduce them into a strange and harsh environment that they have not experienced before, and it may give them the bends and they may not be able to adjust to it.

Mr. MUSKIE. There would be no transition period.

Mr. NELSON. That is the problem. I think that the shock might do grave damage and be an injustice to do to these people.

Mr. MUSKIE. All I am trying to do is share the shock.

Mr. NELSON. The Senator grew up that way, so he is used to living in a cruel, harsh environment and earning his own money, as am I. So that does not shock me. I have been living in this condition all my life.

The question I had was, under the proposed limitation, do Members have to sell their houses if, in fact, it would cost more than the maximum allowed to maintain them?

Mr. MUSKIE. They would have to struggle with the same dilemma that I am struggling with. I may have to sell one of my houses in order to meet the limitation. If the Senator will give me the answer to my question, I shall turn it around and give the Senator an answer, as far as that is concerned.

There are three provisions in my amendment that give a little flexibility to the Senator, under my amendment, that he does not give to me.

One, income in excess of the 15 percent can be used to pay income taxes. We do not require that he pay his income taxes out of the income he keeps, and there is no income tax relief in the Senator's amendment for me that I know about.

Two, under the court decision, he can use his income in excess of the limited income for campaign purposes. The courts seem to have decided that people, under the Constitution, can spend as much as they want of their own resources for campaigns, so we do not try to challenge that.

Third, if there is an unforeseen emergency in the Senator's life, my amendment provides that he can have access to income above the minimum. There is no such relief provided in the committee's proposal as it applies to me.

There are those three areas of flexibility in my amendment for those with outside, unearned income that I think are realistic and reasonable—not that I think the 15 percent is reasonable for anybody. That is the test.

Sure, there are going to be inequities of the kind the Senator's question poses. But I repeat, I have the same problem: Whether, to stay here in the Senate, I should eat into the equity, the real estate that I own—two homes—or sell them.

Mr. NELSON. I wonder. Is it defined as an unforeseen emergency?

Mr. MUSKIE. Let me give the exact language.

Mr. NELSON. "Extraordinary personal circumstances."

Mr. MUSKIE. That is right.

Mr. NELSON. "Necessary to meet expenses forced upon him by extraordinary personal circumstances."

Mr. MATHIAS. Mr. President, will the Senator let me respond to his question just briefly on that?

Mr. NELSON. Yes.

Mr. MATHIAS. I recall, as old hands in Washington, I think, will recall, a case which falls precisely in that slot. That was the case of one of our colleagues, a man whose wife was dying of cancer, a man who had spent a large part of his life in public service and who had no large estate to pay the extraordinary bills which a terminal case of cancer entails; a man, Mr. President, who had been Vice President of the United States and who was observed, night after night, standing out here on the corner of Constitution Avenue, trying to get a taxicab to take him to National Airport so that he could go and make a lecture somewhere around the country to pay the hospital bills to keep his wife in a reasonable degree of comfort until she died. That man's name was Alben Barkley.

That, I think, is the perfect illustration of the case which the Senator from Maine has brought before us.

Mr. NELSON. Now to get back to the question of the extraordinary personal circumstances and the homes; I might say for the record at this point that the difference between the permissible income to be earned from honoraria and salary under this pending resolution with the 15-percent limit, and under the previous salary with the $25,000 limit, is $3,000. So the addition of the 25——

Mr. MUSKIE. What is the Senator's point?

Mr. NELSON. The Senator was talking about this man who had to sell his house, and he has referred for 3 days to a very dramatic cut in his income. Actually, in response to that, $11,600 would make the Senator whole if that were in the resolution, not $25,000.

Mr. MUSKIE. Mr. President, a couple of other differences, too. I really feel demeaned by this exposure of my own personal finances, and my case does not rest on my personal finances. My case rests on the equities. But I have no objection to getting into this if that is the only way the Senator can be persuaded to see the equities. I have no objection to being a showpiece case.

Let me make the point that the Senator's associate on this amendment, the Senator from Iowa (Mr. CLARK), voted

against the pay raise. I have not heard the Senator denounce him with respect to that. He presumably had the same reasons I did.

Mr. NELSON. Let me say to that——

Mr. MUSKIE. If the Senator will wait a minute, the Senator has raised that point and I would like now to address it.

Mr. NELSON. I did not denounce my good friend, the Senator from Maine. I was not prepared to shed any tears in behalf of the position of one who votes against the salary increase and comes to the floor to complain about the outside earned income. That is all.

Mr. MUSKIE. If tears are the test, then I am afraid I cannot summon up any for the people whose interest the Senator is protecting, either.

With respect to the pay raise, there are two additional items that one must consider in comparing it with lecture fee income. No. 1, the contribution to retirement is enormously heavier. It is not that I do not like to look forward to a healthy retirement, but if the choice is to deprive myself now so that I have difficulty getting to the retirement point, it is no real choice, as far as I am concerned. The fact is that the retirement contribution from $10,000 of additional pay and from $10,000 of lecture fees, which is related to social security, is far different, substantially different. More than half of the pay increase that we now have we shall never see. It goes in the form of taxes to the Federal Government, taxes to State government, and increased retirement. It does not mean—the difference between the pay before plus $25,000 and what we now have if the committee proposal passes is much more substantial than the Senator suggests. I suggest that he take it up with his bookkeeper or accountant.

Mr. NELSON. I do not have a bookkeeper or accountant.

I was on the question of what is an extraordinary personal circumstance. I wanted to get some idea from the Senator from Maine of what extraordinary personal circumstances would encompass.

For example, if Members of the Senate owned, as some do, three or four homes, a place on the Riviera, or in the Caribbean, and so forth, and the cost of the whole operation was more than their salary plus 15 percent would they be required to divest themselves of some of those properties? There are houses like that I am aware of, and so is the Senator. What would happen; is that an extraordinary personal circumstance?

Mr. MUSKIE. I have no more difficulty with that problem than the Senator has with mine. None whatsoever.

The Senator is putting a cap on my income. He is putting a cap on my income and he has not given a damn from what I can see as to what the consequences on my personal financial life or that of my family may be. He has not asked me, for example, whether the choice will be to send my son to a first-rate law school or to a third-rate, whether the choice is whether or not my wife can buy a new wardrobe this year or have to wait for next year or the year after, or whether or not I can afford to buy a new car or whether I may have to sell both of those I have.

The Senator has not asked me questions like that, but he is concerned about those of his friends who have places on the Riviera, people who have luxury homes, three or four of them scattered around the globe. The Senator is worried about those.

The unfortunate personal circumstance of which my amendment speaks, I think, would be a very easy one for the Ethics Committee to draw a line on, and I doubt very much that they would draw it in a way to permit the support of luxury homes around the world.

But that, unfortunately, is the price. The Senator can sell them, I suspect, mostly for a profit. He can put the profit in a trust. Is that unreasonable?

It is as reasonable as anything the Senator has proposed for me, or those in like circumstances.

I cannot even put the excess lecture fees into trusts to wait until I get back. They are lost forever. By the time I retire, there will be no demand for my services on the lecture circuit, probably. But that is of no matter. That is easy.

We all have got to make sacrifices, of course, in the interests of reassuring the public that the Senate is an honest place. So we all have got to be prepared to make them, and some of us can afford bigger sacrifices than others.

Mr. NELSON. Let me say to the Senator from Maine, I was thinking about his interests when he stood on the floor and voted against the salary increase, which brings many hundreds and hundreds——

Mr. MUSKIE. Senator, let me answer that.

Mr. NELSON. May I say to the Senator, I am yielding——

Mr. MUSKIE. I know, I am answering the Senator's questions. The ones he chooses. He wants me to answer some and not others.

Mr. NELSON. I want the Senator to answer the first. I understand they would have to sell the luxury houses.

Mr. MUSKIE. That is a decision for them to make. The Senator has not made my decision for me, but he may force it. I have not asked the Senator, should I sell my house? That is a decision for me to make and it is none of his business, frankly.

I am just saying he is creating the probability I may have to do it. But I am going to make the decision, not the Senator.

With respect to the poor millionaire whose fortunes concern the Senator so much, I am sure he is fully capable of making the decision. I doubt very much that he goes to the poorhouse and I doubt he loses money on the property he sells.

But if he wants to be a Member of this institution, he has got to be willing to demonstrate his honesty. The committee says there is only one way to demonstrate it and that is to put a cap on our income.

Mr. NELSON. The committee has not said any such thing and the Senator keeps repeating it.

But there is no use in repeating everything that has been said so many times.

I am not concerned about the wealthy. I do not know of anybody, any personal friend, with a house in the Caribbean.

I know people around here who do. I have never been there to stay in anybody's house.

Mr. MUSKIE. Neither have I.

Mr. NELSON. I just wanted to know whether or not the amendment meant that the wealthy ones would have to sell their homes.

There are wealthy ones with $300,000 homes here and a $300,000 one there. Six hundred thousand dollars at 8 percent is $48,000 in interest a year. That is just about the whole salary.

I just want to know what is going to happen to those houses, that is all.

Mr. MUSKIE. I think the Senator can evaluate the probabilities as well as I. I doubt——

Mr. NELSON. Well——

Mr. MUSKIE. Let me finish.

I doubt very much, if I were on the Ethics Committee, if the Senator wants me to pursue it that far——

Mr. NELSON. Surely.

Mr. MUSKIE. I doubt very much that I would regard the maintenance of those luxury homes as the kind of unforeseen personal circumstance that my amendment permits.

If I were to follow the committee's tactics, I would be very specific in these things. I would list the specific circumstances which might be anticipated. I might even say how much they could spend for a cancer operation, or how much they could spend for the threatened foreclosure of a home, how much they could spend to deal with any other long ilst of unforeseen contingencies, because if I were of the same mind as the committee, that is the only way to make a Senator honest, to keep his nose right to the line and make sure he does not spend or receive anything above a certain specific and very limited amount.

In the context of both kinds of restrictions, I say to the Senator that if my amendment is adopted, the flexibility represented by the phrase "unforeseen personal circumstance" would look like manna from Heaven for the millionaire as compared to people in my circumstances who are offered no such flexibility in the committee resolution.

Mr. NELSON. Of course, the Senator knows that there is no difference between the position of the Senator from Maine and the committee position. It is just a number of dollars.

The same argument could be made on this floor, although nobody is about to do it, saying, "Look, the $25,000 limitation that would result from the Muskie amendment tells me whether I have to sell my house, or tells me how much I ought to be able to set aside," and every single argument without exception made by the Senator from Maine could be just as logically made by somebody else out here on the floor who thinks he ought to earn $100,000 a year.

So the quarrel here is not whether we ought to draw the line some place. The Senator from Maine is drawing it himself. He just prefers his line to the place where the committee draws the line.

Mr. MUSKIE. The Senator apparently finds the pending amendment uncom-

fortable, so he now wants to pose a hypothetical proposal that the Senator from Maine is not at the moment proposing to the Senate.

But I say in response, can the Senator tell me whether or not there is any Senator who gets income, earned or unearned, in excess of $100,000? Can the Senator tell me?

Mr. NELSON. I thought the Senator just read some.

Let me tell the Senator this: Before the $25,000 limit which the Senator now wants to establish, there were Members who made $50,000 and Members who made more than $50,000. Every argument that the Senator is making with great moral indignation could be made just as logically against his limitation, with all the same examples—every argument identically—and it would be just as logical. So the Senator should keep his rhetoric in perspective.

Mr. MUSKIE. I suggest that test to the Senator from Wisconsin. The pending amendment is a limit on my income, on his income, on the income of Senators whose case histories I have put into the record. There is no proposal in my amendment to raise it to $25,000 or $100,000 or $150,000.

Apparently, the Senator finds it more comfortable to argue against my second amendment than my first one. He devotes very little time to the first one because he knows that in any comparison of the equities, his committee is wrong.

Mr. NELSON. The Senator from Maine and all other Senators, so far as I know, who have spent any time discussing it have talked about both issues; but most of the time has been spent on the second amendment, on the income limitation, which the Senator wants to lift to $25,000. The reason for that, as the Senator knows—and as Senator EAGLETON said last night—is that nobody really believes that, down deep in his heart, the Senator from Maine is serious about this amendment.

So we have been talking about the one——

Mr. MUSKIE. Let me straighten you out on that.

Mr. NELSON. Let me finish.

Mr. MUSKIE. Let me straighten you out on that, once and for all.

Mr. NELSON. Mr. President, I will not yield to the Senator. Will the Chair——

Mr. MUSKIE. You can yield. You can put your questions to other Senators.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. NELSON. The Senator from Maine understands the rules.

Mr. MUSKIE. I do.

Mr. NELSON. I have allowed the Senator from Maine, time after time, to finish things he was saying. Just let me complete the sentence, and the Senator can have all the time he wants.

The Senator from Maine has had more time on this issue than anybody else. I do not begrudge him that. I know the case is tough to defend and takes more repetition and more time to make it sound plausible than the argument against it. I am willing to yield the time to him.

I just point out that everybody has been talking about both amendments. No one I have run into at least, takes the first amendment seriously. I cannot say that the Senator from Maine does not take it seriously. Obviously, that is his judgment. Perhaps he does.

Mr. MUSKIE. Mr. President, I yield myself 5 minutes.

I say to the Senator from Wisconsin with all the conviction of which I am capable, that this is a serious matter, not that I think it is wise policy. If I thought it was wise policy, I would support the committee proposal. But the only way I can demonstrate the lack of wisdom in this policy is to ask and to urge that all Senators be subject to the same provisions.

So I get all this talk about it being a gimmick, that it is a tactical policy. It is as serious as what you have done to us. But you do not want to do it to anybody else. You dismiss it as a gimmick so you do not have to, and you know that you have the votes. That makes it very easy for anyone who has the votes to dismiss the proposition which is being advanced against it and to ridicule it as something unimportant and not worth taking into consideration.

I say this to the Senator about what he is about to do to this Senator and future Senators: First, you are not dealing with all of the public's perceptions as to where there are conflicts of interest in this Congress or their source. You simply are not. You are throwing us to the wolves. For the time being, it may satisfy those who think we need a tough code of ethics; but you are not dealing, in any effective way, with all the public perceptions as to where conflicts lie.

Second, what you do to me is not important. I am not going to be around all that much longer; but I think of these young Senators we are trying to bring in here. Believe me, if you can anticipate all their potential needs for additional income and do it so precisely that you can play God and take away from them a source of income that has been honorable for 200 years, during the history of this Republic, and do it without any misgivings whatsoever, as to what you are doing to future young Senators who, as their families grow up, begin to feel the pinch of growing expenses, with no place to turn for relief—at least, my amendment gives some relief to even the very rich man who faces an unforeseen personal circumstance. What you are going to do is just to add that much more momentum to the movement which is making this, in the words of the Washington Post headline the other morning, a rich man's club.

Now, as to the question of the pay raise: I gather from what the Senator is saying that he has put this on as punishment to me. Because I voted against the pay raise, he thinks it is justifiable to impose this limit on earned income. I gather so. But let me make this point.

The Senator justifies everything that is in this code because he says—what? The public demands it. I voted against the pay raise because the public said it was wrong. You can be holier than thou, if you wish, about your response to the public mood. I simply was being a newly elected Senator, responding to the issues I encountered in my campaign and the promises I made in that campaign. So I am charged with cynically having voted to deprive the Senator from Wisconsin of income and now voting to protect mine.

There is another difference, I say to the Senator: A pay raise is not something you ever had or were entitled to or could earn without the approval of Congress and, through Congress, of the people. Outside earned income is something that, until now, we have been free to go out and earn. I still think I have a right to go out and earn, with the sweat of my own effort, my own time, and my own energy, income that obviously, on its face, is clean. But, no, we are going to abandon the work ethic in this. We are going to force Senators to become—what? Paid professional Senators. We are going to say, "From now on, no more citizen legislators; no more citizen Senators."

They will reduce that $8,500 to zero. I say to those of you on unearned income, they will zero in on you, too. They will zero in on you because this does not deal effectively with the abuses of unearned income; and, having taken care of us, they will zero in on you.

No more citizen Senators, not at all. Senators are going to be hirelings, employees, at a full-time salary. Before long, we are going to set the hours that we must work. We are going to be like any employee downtown, signing a contract, on a full-time salary. Maybe that is what we need. But that involves very serious philosophical questions that I do not think have been addressed in this debate of in the committee report.

That is the way we are moving, and we are moving toward a more expensive Congress, because if you are really going to provide for the legitimate expenses related to a Senator's activities and his responsibilities, his need for two homes, his need for travel, his need to cover all the unreimbursed expenses as a Senator, you are going to have to greatly increase either allowances or that salary at some point. I will not be around to vote one way or the other one it, but you are going to have to. You just cannot force these young Senators to absorb the costs, the expenses and the burdens you are asking them to assume. It is not realistic; it is not going to work. But if that is the way you want to go, I guess you are on your way to getting it.

The PRESIDING OFFICER (Mr. ANDERSON). The Senator's time has expired.

Mr. MUSKIE. I hope you are satisfied with your results.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD. I am controlling the time on this side, and I am going to yield myself——

The PRESIDING OFFICER. As I understand, the time is between the Senator from Wisconsin and the Senator from Maine.

Mr. PACKWOOD. Mr. President, will the Senator from Maine yield me 10 minutes?

Mr. MUSKIE. Of course.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I want to put this once more in perspective, although I cannot do it as eloquently as the Senator from Maine, while we are in this box, and I do not know where we are headed, because the Senator from Maine was right.

We are not done here today if this limitation is voted. We are not done until we have completely reduced the Senate to being political eunuchs, totally paid, probably unionized [laughter], totally paid by the public purse, our campaigns totally funded out of the public purse.

We will log every letter we receive, from whom we received it, and the answer, and every telephone call. Only then will those who want total disclosure be satisfied and then, to their horror, they will discover they have not achieved what they wanted to achieve.

I do not know where we are going to turn when we have passed this limitation and the public perception that has been cited so often of Congress does not go up. We are still 19th, just ahead of used car salesmen. I cannot remember what we were below, but it was almost everybody else.

What, again, are the arguments that have been raised in the last 3 days? As a full-time Senator you owe your obligation to the Senate 7 days a week, 24 hours a day, all the time, and you should not spend your time any place else. Especially you should not spend your time writing articles for money and giving speeches for money.

You would think at least in consistency they would say this is a full-time job and you should not spend your time any place else. But oh, no, no, they do not say that. It is all right to run your farm; it is all right to spend every Saturday and Sunday on your farm, all the time you want, produce as much income as you can from it through your personal labors. You are not subject to this limitation.

It is all right to manage, as one Congressman does, five townhouses in this city, which he freely indicated to me took 3 to 5 days a month to manage them. That is perfectly permissible. The fact that that takes infinitely more time than writing or speaking is irrelevant.

It is all right to have other outside earned income. We have made an exception for what we call creative or artistic work and, very specifically, when the issue was raised it was freely acknowledged that Senators GOLDWATER and BAKER, both of whom are excellent and expert photographers, can spend their Saturdays and Sundays taking pictures, developing them, and selling them for whatever price they will bring. That is all right.

You can even write books for money, books—thick things; but you cannot write little articles because that is going to corrupt you.

I was intrigued with a book that Senator MCGOVERN had published after the 1972 campaign which was a collection of his speeches, and I thought to myself it is immoral and unethical apparently to write one speech for money and give it to some publisher, but if you write 10 and give it all to a publisher that is all right.

Or most importantly, what is the one thing, the one single thing, that causes more Senators to miss votes than any other single thing? It is running for President. That is not barred. You can spend the better part of 1 year out of 4, with 8 to 10 people in this Chamber missing vote after vote, and that is all right. Just do not write any articles or make any speeches for money.

Hogwash. Time was never a serious argument, not by those who proposed this, not by anybody else who took it seriously or they really would have put constraint on what you can do with your time.

The second argument is public perception. Over and over and over this Harris poll has been cited about the public perception and the public being bothered by people making speeches for money. But when the question was asked:

Would your concerns about this situation be substantially satisfied if voters in his district were made fully aware of his situation and could vote for or against him at the next election?

Fifty-seven percent of the voters said yes, that would satisfy them.

If a Senator wants to go out and make speeches and run the political risk of making them, run the political risk of speaking to groups that have conflicts of interest, and that is disclosed as it is now anyway, and then go back and try to explain that to the voters at the next election, that satisfies the voters. So let us get over this hogwash about public perception and the public somehow trying to say that disclosure is not enough. They are satisfied. Those who apparently are not satisfied are the proponents of this resolution in this Chamber.

Apparently, if it is conflict of interest they are after, they could easily change the statute, this rule, this resolution, to say simply that we cannot speak at all to any group that presents a conflict of interest. In this very resolution in the gift section we have been prohibited from taking gifts from those who are registered under the Registration of Lobbyists Act or from anybody who has a political action fund.

Those are the groups we are after; and if you really wanted to stop the appearance of a conflict of interest, then do not allow the Members of the Senate to make $8,700 speaking to that group, because that is being half pregnant. Cut it off entirely, because nobody objects to speaking to the University of Iowa, that is not a conflict of interest in most people's minds; or the National Prayer Breakfast, for which a Senator was paid $1,000. I ask you where is the conflict in speaking to the National Prayer Breakfast? Who is the conflict with? Nobody.

Now, the real goal—and this is the disheartening thing; the Senator from Maine was so right—of those who are pushing this is not $8,700; it is zero, and it is not just honoraria, it is all earned income.

I cannot state it any better than Common Cause did. I said yesterday, and I say again today, this is basically a Common Cause code, and without Common Cause, without it, we would not have this particular provision. Here is the exchange in the committee hearings:

Senator PACKWOOD. I want to go back now to the outside income issue, the honoraria and whatnot, because I am a little confused about your position. You said you accept the Obey 15 percent limit on outside earned income, but you totally eliminate honoraria; is that right?

The reply by David Cohen, president of Common Cause:

If we were as powerful as some people might think, what people think we are, our will would be to ban honoraria.

Senator PACKWOOD. Would you also ban all outside earned income?

Mr. COHEN. We would ban all outside income as well.

All; the Senator from Maine is right. As soon as they get the earned income, they are going to go after the unearned income until we have leveled this place to a common denominator.

First, we will seek to limit and equalize income, and then we will seek to limit and equalize wealth, and none of us will have an advantage over anybody else. Eventually one day we will all come in here with a salary uniformly set for everybody. We will have barred anybody from admission to this Chamber who has not divested himself of everything he owns. We will prohibit them from receiving any private money, no matter how small, for political campaigns.

Again I was talking to a Common Cause member in Portland—they are large supporters of public financing of campaigns—and I said:

If you really want to limit large donations in campaigns why don't you eliminate all contributions from any committees, union committees, business committees—limit contributions to $500 or $1,000 at the outside from individuals, and give people a $200 or $300 tax credit dollar for dollar in their income tax if they give a contribution to a political campaign?

That would encourage private participation in small amounts. The Member responded:

I am not interested in encouraging small contributions to campaigns. I am interested in banning all private contributions to campaigns.

And they may achieve it.

Then one day those who were pushing this amendment will have had their way. What their motives are in pushing it I do not know. Whether it be jealousy because some Senators are more popular on the speaking circuit than others, whether it be fear—fear of what? Fear of public reaction; fear of something. Perhaps fear of the majority leader of the Senate, who has talked to every single Democrat. In at least three instances Democrats who have talked to me who were initially supporting us on this have changed their mind, because of what they said was pressure brought on them by the majority leader. Be it a combination of any of those, jealousy, fear, pressure, the proponents are going to try to bend everyone in the Senate to a common denominator.

I hope they are unsuccessful, because the day that they do will be the day that this Senate starts down the road to mediocrity.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ANDERSON). Who yields time?

Mr. NELSON. Mr. President, I shall add just one word before I yield to Senator CLARK.

The distinguished Senator from Maine stated correctly that this committee resolution did not deal with all the public's perceptions of where conflicts lie, and the Senator from Oregon correctly observed the same. I, as chairman of the committee, agree. We had no time under the schedule of the resolution, to consider all, or even a major part of, the public's perceptions of where conflicts lie, even if we knew what all the public's perceptions were respecting conflicts of interest.

We dealt as best we could within the constraints of time imposed by the Senator with the specific provisions in the charge of the resolution. So that is correct. We did not deal with all of them. We did not attempt to deal with all of them. This Senator is not even sure of what all of them are.

I am a little puzzled, I must say, by the reference here by the Senator from Oregon and the Senator from Maine that there will no longer be citizen Senators. I did not know, whatever we may be described as today, that earning lots of honoraria suddenly makes one a citizen Senator. That sounds to me like a classic nonsequitur. But in any event I wish to understand how one becomes a citizen Senator by speaking for honoraria but a kind of civil servant Senator if he does not spend much time or any time speaking for honoraria.

I yield the floor.

Mr. SCHMITT. Mr. President, will the Senator yield briefly on that point?

Mr. NELSON. For a question or a comment?

Mr. SCHMITT. For a brief comment on the citizen Senator.

Mr. NELSON. Does the Senator from Maine wish to yield to the Senator from New Mexico on his time for a comment?

Mr. MUSKIE. I am beginning to run out of time. But is the Senator beleaguered?

Mr. NELSON. I yield 2 minutes to the Senator.

Mr. SCHMITT. I simply mention that I think the distinguished Senator from Wisconsin may have missed the point about the citizen Senator or the citizen legislator. The point is that if one were not a Senator and this code as presently configured was in existence, would he consider running for the U.S. Senate? It is not a question of whether he is going to leave if it is passed. But would he consider running for office if it existed? And I think that the distinguished Senator from Maine is trying to make us realize that we are doing something to ourselves that is going to affect the future, not just the present, that the citizen legislator will disappear; at least for a large segment of the population, those professionals and others who may have made their way with earned income and professional services, now if they want to run for the Senate they will have to divest themselves of those activities. That is the limitation on the citizen Senator or the citizen legislator.

Mr. NELSON. I am very happy to have the Senator's definition of a citizen Senator. I thank him very much.

How much time does the Senator from Iowa wish?

Mr. CLARK. I think about 15 minutes.

Mr. NELSON. I yield 15 minutes to the Senator from Iowa.

Mr. CLARK. I thank the Senator very much.

Mr. President, let me say that it is with some hesitation that I rise in opposition to the amendment of the distinguished Senator from Maine. I hesitate because there are few men in this body who are more effective in debate—and in the legislative process generally—than Senator MUSKIE. There are few men who so consistently have provided the kind of progressive legislation on the most pressing issues confronting our Nation as ED MUSKIE. And there are few men whom I hold in as high personal and professional esteem as I would and do EDMUND MUSKIE.

I hesitate as well because I have considerable sympathy with the amendment Senator MUSKIE has offered. When he called up his amendment last Friday, I was in the Chamber, as were several other Members, to hear a very moving, personal speech delivered by the Senator from Maine. I found that speech moving, in part, because just as the limit on outside earned income will affect the Senator from Maine in a very direct and personal way, so will it affect me in a very direct and personal way. And while I cannot match the eloquence of the Senator from Maine, I wish to elaborate on that question for only a moment.

Certainly this is nothing to brag about, but my net financial worth is among the lowest—I am inclined to believe the lowest—of any Member of the Senate. I do a fair amount of public speaking for honoraria for that very reason. So the 15 percent limit on outside earned income will significantly affect my income.

It will not affect the incomes of many Members who derive considerable sums of money each year in return on investments. My income will be limited by this Code of Official Conduct, and theirs will not.

And, in a way, I think that is, indeed, unfair to me and to others in my position.

Like many other Members, I speak largely to college and university groups, and I see no real conflict of interest in that kind of speaking. Yet, under this Code of Conduct, I will be limited, as will every other Member, in the amount of income I can receive from this kind of activity and others.

On the other hand, a Senator may have $500,000 worth of stocks in a corporation and may vote in the Senate on legislation directly affecting that corporation. That would be permitted under this Code of Conduct—not encouraged; in fact it is discouraged, but it would be permitted.

Mr. President, there is some inconsistency, therefore, in this resolution. There is some unfairness. And, indeed, there is some inequity, That cannot be denied.

But our job on the Special Committee on Official Conduct was to restrict, as best we could, the potential in this body for conflict of interest. And our job also was to help restore, as best we could, the waning public confidence in this institution.

It was not our job to establish economic equity among Senators. It is not our job to tell people who come to this body with wealth to divest themselves of it.

The special committee found that there was a significant potential for conflict of interest if outside earned income was left unrestricted. We have dealt with that problem as best we could, I think in the most effective way we could have dealt with it. The 15 percent limit we have proposed is arbitrary—perhaps it should be higher, perhaps lower. But we think it is defensible, and we intend to stand by it.

We also found that there was a potential for conflict of interest in other forms of outside income, particularly investment income. We have dealt with that problem as best we could, in the financial disclosure rule and, to a limited extent, in the conflict of interest rule.

We did not deal with this problem well enough, in my judgment. But we had difficulty, in addressing the issue of conflicts with investments, in knowing where to draw the line. Do we bar farmers from sitting on the Agriculture Committee, or force them to sell their farms? Do we force members of the Finance Committee to divest themselves of all holdings which might be affected by tax legislation?

These are difficult questions, questions we could not adequately resolve in the 5 weeks we had to bring this Code of Official Conduct to the Senate floor. I daresay if we had had 5 years it would not have been easy to resolve most of them in a way that would be satisfactory to every Member of this body. I am hopeful that under the leadership of Senator STEVENSON and Senator SCHMITT the Select Committee on Ethics will seek more effective ways to eliminate these types of conflicts of interest.

If I felt that the amendment of the Senator from Maine would solve the problem of conflicts from investments I would vote for the amendment.

But, clearly, it does not, in my judgment.

The amendment does not prevent a Senator from voting on matters that affect his investments. The amendment does not force a Senator to divest himself of holdings which may be a source of conflict. The amendment only requires that a Senator must defer the income from his investments until he leaves the Senate. It is only punitive in nature. It says in effect:

> Because some of us are going to be forced to live on $66,125 a year, all of us must live on $66,125 a year.

That is all it does. It does nothing to prevent conflicts of interest.

Even so, I might be tempted to vote for

the amendment if I believed its effect would be to strengthen the limits on outside income.

But, let there be no mistake, that will not be its effect. If this amendment passes, there is little doubt that it will, of necessity, be followed by a motion to strike the entire rule dealing with outside income. And, no doubt, if the first amendment passed on the vote at 5 o'clock, that motion would prevail.

What is at stake in this amendment is not whether we should limit outside income further, but whether we should limit outside income at all.

As one member of the special committee, I believe that there are strong and compelling reasons for imposing the tight limitation on outside earned income that we have proposed. As this debate has graphically illustrated, in the Senate outside earned income generally means honoraria for public speaking.

Senator MUSKIE has provided us with a good deal of historical background on the great tradition in this country of speaking for pay, and he has done very well.

But great tradition or not, I believe there is a real potential for conflict of interest when a Senator takes large sums of money for speaking to groups who have a direct interest in legislation before this body. And just as the Chatauqua is a historical fact, so is this process a historical fact. All we have to do is look at the record. And if one looks through the list of honoraria and sees where the money comes from, it is clear that many groups who have very direct interests in legislation are paying very large sums of money in this process.

It is true that more money for honoraria comes from colleges and universities than from many other single source. But who else is prominent in the honoraria business? Here are some of the figures for honoraria sources, according to Congressional Quarterly:

For 1972, banks, bankers' groups, savings and loan associations, and similar organizations paid $49,650 to 18 Senators.

For 1973—$49,850 to 27 Senators;

For 1974—$70,388 to 28 Senators;

For 1975—$16,300 to 16 Senators.

For 1972, labor groups paid $21,390 to 17 Senators;

For 1973—$23,850 to 13 Senators;

For 1974—$32,046 to 23 Senators;

For 1975—$22,380 to 19 Senators.

For 1972, homebuilders, construction materials organizations and contractors paid $15,550 to 12 Senators;

For 1973—$21,850 to 12 Senators;

For 1974—$36,900 to 23 Senators;

For 1975—$10,000 to 8 Senators.

For 1973, medical, dental, and pharamaceutical associations paid $48,750 to 28 Senators;

For 1974—$38,610 to 22 Senators;

For 1975—$30,612 to 26 Senators.

One could go on and on with a list of special interest groups, what they paid, year after year, to Member after Member of the Senate.

I am sure that when the figures for 1976 become available we will be able to add to that list. And, as we move to limit the amounts that special interest groups can contribute to our political campaigns, I have no doubt that we will be able to add to that list even more; because the more we shut out the special interests in campaigns the more they will be looking for other ways to gain influence, unless we adopt the limitation propose in this code. It seems to me that will inevitably happen.

Now some people are willing to say: "Yes, there may be a conflict of interest in outside earned income. But there is also a potential for conflict in unearned income that is just as significant.

Mr. President, there is a potential for conflict in unearned income, as I mentioned earlier. But, in my judgment, the potential is truly of a greater magnitude where earned income is involved. Much investment income is derived from assets accumulated by a Member before he comes to the Senate. Earned income, obviously, is derived only when a Member is already in the Senate. A member will receive his stock dividends no matter how he votes on legislation affecting the stock of a particular corporation. He will receive those dividends whether or not he is in the Senate. That is not necessarily the case with honoraria. There is a big difference.

Which brings me to another point, Mr. President, because with honoraria, in many respects, we are "cashing in" on the fact that we are Senators. I say that about myself as much as anyone else, perhaps more than most. The Senator from Maine is a truly great orator, and a truly learned man. I have no doubt that he—and several others in this body—could command large speaking fees even if they had never been Senators. I could not say that about myself and I seriously doubt that I am the only Member of this body for whom that is the case.

Nobody would have paid me $1,000 or $2,000 a crack to speak about Africa, or agriculture, or election reform, or anything else before I came to the Senate. I doubt that they would have paid me even $10 or $20. And suspect that I am not alone in this regard. If there is any doubt, take a look at the list of where the honoraria come from. Even under the best of intentions, we are capitalizing on our elected positions.

And if this elected position, if this public office is, as has been said, a public trust, it sets us apart from others in this country. The Senator from Maine last week inserted in the RECORD a brochure from a talent bureau listing a number of prominent persons who were available for public speaking. The brochure listed people like Joe Namath, Ralph Nader, and Pat Paulsen. And the Senator asked, in effect:

Why are we being singled out? Why can these people make unlimited amounts in honoraria and we cannot?

In my judgment, there is a big, big difference between the Members of this body and Joe Namath or Pat Paulsen or Ralph Nader, or, indeed, Henry Kissinger.

We have a public trust to uphold. Joe Namath does not.

We have a public trust to uphold. Pat Paulsen does not.

We have a public trust to uphold. Ralph Nader does not.

They were not elected to serve the people of this Nation. Even Ralph Nader has not been elected. We have.

I am sure that most Members realize that no Cabinet officer, no Supreme Court Justice, indeed no high level executive or judicial branch employee may make speeches for honoraria. Not one single speech for pay from any policymaking position in the judicial or executive branch.

So the fact is that we—the Members of Congress—are being singled out among all other high-level Government officials as being allowed to receive honoraria, if the pending resolution passes, within the 15 percent limit.

Mr. President, if we knock out the limit on outside earned income—and that will clearly be the effect if pending two amendments carry—we all know how the headlines will read tomorrow: "Senate waters down Ethics Code," or worse. That is not to say we should always act to please the press or the public.

But we all know that public credibility in and respect for this institution are at an all time low. We have a huge rebuilding job to do in order to restore that public trust. And probably nothing we can do will be more important to this institution, or to this Nation.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CLARK. May I have 2 more minutes?

Mr. NELSON. How much time do I have?

The PRESIDING OFFICER. The Senator has 40 minutes.

Mr. NELSON. I yield 2 more minutes to the Senator from Iowa.

Mr. CLARK. Mr. President, if we knock out this provision, we will, in my judgment, lend credence to the idea that we are self-interested, above the public interest. Senator NELSON spoke about this last Friday night. As there were only a handful of people in the Chamber, I would like to quote those words again.

It does not make any difference if some corporation with disreputable or questionable leadership manufactures a mousetrap. It does not make any difference what the public may think of that corporation and the corporation president. If they manufacture the best mousetrap at the best cost, the mousetrap will sell.

But we do not sell mousetraps in Congress, in the legislatures, in the city councils, in the county boards. We have just one capital asset—just the one and none other. That capital asset is confidence. When the public loses confidence in public institutions, there is nothing left. I am not suggesting that there is good reason for losing confidence. Nevertheless, the confidence is vital. That is a very fragile cloak that covers this institution, and we in government are obligated to take whatever actions we can to maintain it and restore it. Without that confidence, the difficult task of governing becomes impossible.

Mr. President, adopting a limit on outside earned income will not restore public confidence overnight. Nothing will, in my judgment. But it will help, and help is desperately needed.

At the bottom line, economic equity among Senators is not the basic issue. The basic issue is to do what we can to eliminate conflict of interest. The basic

issue is to do what we can to restore public trust and confidence in the Senate.

We can address these basic issues only by rejecting the amendments of the Senator from Maine.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. BAYH. Mr. President, the Senator from Maine suggested that while he is talking to some constituents, I may have a little time. If that is the case, I yield myself 15 minutes pending his return.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. BAYH. We all know how the headlines will read. My good friend and colleague from Iowa is absolutely right. With that in mind, let me say that what I am about to say will not make good political sense; nevertheless, I think it will make good sense.

I think, frankly, that many of us are giving more attention to what the headline writers might say than to what the merits of the particular case might be. I say that without impugning anybody's motives, because if there is one thing you learn early in this job, it is that one of the real strengths of the Senate is the opportunity to have differing opinions based on conviction. Indeed, the element of the measure before us that concerns me most is that it will take away a significant amount of this individuality which has been one of the real strengths of the Senate.

Mr. President, I support the majority of the reforms which are contained in the comprehensive ethics package that the Senate has before it. I have long been concerned with the growing public cynicism and loss of public confidence in our elected officials. I believe many of the provisions we are considering today will go a long way to stem this disillusionment. I compliment the chairman of the subcommittee and its members for performing a very difficult task.

Mr. President, it seems to me the primary thrust of an ethics code is to deal with ethical questions in the purest sense as we have come to see them and feel them. Now, there are all types of speeches that can be made, if I might direct my colleagues' attention to the particular amendment of the Senator from Maine, of which I am proud to be a cosponsor, which deals with the limitation on certain kinds of income, honoraria. There are all sorts of speeches that can be made and articles that can be written. I think most of the Members of this body, when they write an article or accept a speech offer, are wise enough to see that there is no real or apparent conflict of interest. Let us assume, for the sake of the argument here today, that there may be some conflicts involved—unintentionally or by appearance, if not in fact.

Let us go one step further: Let us suppose, for the sake of argument, that all of the speeches given by Senator X show a really flagrant conflict of interest, inasmuch as he makes speeches before groups that have issues before this body. I would be very much concerned about that from an ethical standpoint. But I must say, if we are going to be concerned about that kind of conflict of interest, then we had better be concerned about the same conflicts that are going to be permitted to individuals who benefit from other kinds of income, for instance, income from writing books and selling them en masse to certain interest groups. Nothing prohibits that under this bill. Another example might be income from a family enterprise. I happen to have a small farm. It is not nearly as big as those of certain other Members of the body. I salute them and I feel sorry for myself, I guess, but I am proud to have had this. It has been in the family a long time. Yet I sit on farm legislation year after year. There is no prohibition against that.

Gains derived from dealings in property or investments, interest, rents, dividends—right down the list; there is no potential source in this category of excluded income that does not have one kind of legislative ax to grind or another.

The concern I have, if we are talking about conflicts of interest and the merit of the Muskie amendment, is that if we are concerned about a speech on a college campus, or to a United Jewish Appeal, or to some other kind of group that Senators speak before, then we better be equally concerned about the various other kinds of conflict of interest.

It seems to me if a fellow owns airline stock, we had better look at that income. If a fellow owns bank stock, we had better look at that kind of income. If a fellow owns oil stock, we had better look at that kind of income. If a fellow owns insurance stock, we had better look at that kind of income. If a fellow has real estate interests—right down the line.

Members of this body have these kinds of income, and if we are to establish an ethics code dealing primarily with the conflicts-of-interest question, which is the matter that concerns the people of this country—can a U.S. Senator be bought—then it seems to me we ought to apply the same standard to all kinds of outside income.

Having said that, let me say very frankly I do not believe any Member of this body can be bought for $25,000. I do not believe any Senator can be bought.

I think the honesty and integrity of this body is such that, although I might have disagreed with some of my colleagues basically on an issue, I have never thought that the honesty of any of them was in question.

But if we are concerned about the appearance, and I think the Senator from Wisconsin said the seemliness, if we are concerned about the seemliness or the appearance, we better be just as concerned about the seemliness of $8,000 worth of income, or $25,000 worth of income, from Exxon Oil as we are a collection of speeches on college campuses and to various civic groups.

The fact of the matter is that we do not apply the same test as far as ethics is concerned, as far as the temptation is concerned, as far as conflict of interest, real or apparent. The Senator from Maine would apply the same test.

If we are really concerned about ethical standards, we are going to fish and stop cutting bait, and we will support that amendment. If the ethical question is what we are concerned about, the conflict question, the Senator from Maine deals with it. With all respects, as hard as our colleagues have worked on this bill and as good as it is in many other provisions, they have not bitten the bullet in this effort.

But I ask my colleagues to step back a minute and ask, "Well, I wonder who really ought to decide this question of what is ethical and what is not ethical?"

Frankly, I decided that a long time ago. I think the constituents to whom we have the primary responsibility ought to make that decision.

We have had a lot of discussion back and forth about rich Senators and poor Senators and some in between. Well, God bless them all. I wish they were all rich, but unfortunately, some of us are not. I do not think any of us would trade places with rich people who are not in the Senate.

But I think we have to look at the question of who should decide and what should be the criteria. The net worth of a Senator, it seems to me, is irrelevant. The true test is to let the constituents know. That is why I think for the first time we have begun to deal with this important matter by disclosing—disclosing, putting it on top of the table.

I have done that for many years myself. I have been criticized by some because I had too much and by others because anybody in the Senate that had as little as I probably was not qualified to serve in the U.S. Senate. I accept that.

But let us let the people determine what they want their Senators to stand for as far as that particular kind of question is concerned—where he gets his money—but let us let them know.

I remember Bob Kerr. I did not know him very well because he passed away, unfortunately, as I was getting ready to be sworn in. He discussed on this floor and bragged about the fact that he represented oil. Everybody knew he represented oil. He did not try to hide it.

The people of Oklahoma had a determination to make every 6 years as to whether that is the kind of Senator they wanted. Apparently, they did, and who am I, from Indiana, to second-guess the people of Oklahoma?

One thing I say to the Senator from Maine: As he knows very well, there has never been a more thorough disclosure of any kind of income than that that is required of the kind of honorarium, the speeches and articles, he has expressed his concern about.

But whatever it is, I am not prepared to say, if somebody has airline stock or insurance stock, that that is bad. Let us let our constituents know, the same as they should know every time we make a speech and every place we earn a dollar; let us let them know and abide by their decision.

One factor that has been related to me in private, and to a lesser extent on the floor, which I think is in a lot of people's minds, is the time involved writing articles and making speeches.

We are, indeed, elected to be Senators,

not speakers or businessmen and women. Voting is our business.

Struggle with it as I may, I have found it awfully difficult to determine just how much time I have to spend to be a good Senator or how much time anybody else has to spend to be a good Senator. I never have enough time. We have voting, we have committees, we have constituent work, and all of the things we try to tend to day after day.

I suppose one criterion that is relied upon more than any other is the voting record. That is one test—one test that I suppose treats everybody with an equal degree of harshness.

If we are talking about the kind of problem that limited income presents as far as the convenience of the Senator is concerned, I think we have to look rather carefully.

There are all sorts of reasons for being absent. There are speeches for dollars. There are speeches for political purposes, business activities, family affairs, constitution services.

I have to confess that I watched my son in his senior year play in a championship football game, and I missed a vote. If my constituents want to criticize me for that, then there it is. They have known it, and my voting record went down one point.

There have been times when I have had to look at a pending vote and weigh it against constituent activities, high school speeches, Kiwanis, Rotary—yes, and maybe a Democratic fund-raising speech in the evening—to try to determine whether my presence here or the commitments I had made to my constituents were the more important thing.

I have had to weigh it every time and make the final determination based on what I felt in my own heart was right. But in the final analysis, if I made the wrong judgment, if my voting record would not stand the test, once again the most important leveler of us all, the constituents to whom I am responsible, would make that determination as to whether that test, that amount of time spent in the Senate was commensurate with what they expected of their Senator.

We are not applying the same test here. We are saying, "If the convenience of the Senate is in question, you shan't make speeches."

We are not limiting other kinds of absences. If we want to say everyone shall vote 100 percent of the time or start losing $100 a vote, or something like that, so that all absences are treated equally, then I will buy that.

Mr. President, may I have 5 more minutes?

Mr. MUSKIE. I already have made commitments to the point that I already am speeched out.

Mr. NELSON. Mr. President, how much time does the Senator from Wisconsin have remaining?

The PRESIDING OFFICER. 38 minutes and 2 seconds.

Mr. NELSON. Does the Senator want the 2 seconds? I yield 5 minutes to the Senator.

Mr. MUSKIE. I thank the Senator.

Mr. BAYH. I thank the Senator.

I was going to say this before the Senator from Wisconsin spoke, because he had important business in the cloakroom when I complimented him on the majority of his efforts, on his craftsmanship.

Mr. NELSON. I did not hear that. Will the Senator repeat that? I have never heard such nice things.

Mr. BAYH. May I do it on the Senator's time? I thank the Senator.

We all know of examples in which people, for their own personal convenience, the convenience of their family, have gone on a vacation. In the final analysis, I do not want to judge any other Senator. If that voting record gets to the point where it cannot stand the test, that Senator is not going to have a chance to consider any more votes, because he is going to be taken out of this body.

We should apply the same test. We should let each Senator be an individual and let his constituents decide if it is a conflict. If it is a poor voting record, let them decide. Let the public know. Let us put it on top of the table, as we are required to now, disclose it all, and then let the people decide.

As I said earlier, there are many features of this bill that I think are important steps forward, but this matter seems to have received most of the headlines and most of the editorials supporting or opposing the efforts of the Senator from Maine and the position of some of us.

I hope that no Member of this body who votes against the Senator from Maine's first amendment or his second amendment will believe that we can impose some sort of righteous code on ourselves, as a body or as individuals, and solve the problems that exist in this country today.

There are many ingredients of this ethics bill that are important, but let us not deceive ourselves that an $8,000 limit on speeches is going to make the Senate more honest as a whole or make any one Senator more honest than he was when he came here; $8,000 is not going to make the public trust us any more. We are kidding ourselves if we think that we can impose that kind of arbitrary limit on a particular kind of income. Indeed, I think it makes the public wonder this: Why ferret out one particular kind of income? We are going to limit that, but we are not going to limit all the other kinds of income that have a direct legislative purpose before this body day after day after day.

Mr. President, I yield back to the distinguished Senator from Wisconsin such time as I have remaining.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, will the Senator yield?

Mr. NELSON. Mr. President, the Senator from Wisconsin has how much time remaining?

The PRESIDING OFFICER. The Senator has 34 minutes and 8 seconds.

Mr. NELSON. The Senator from Wisconsin yields 5 minutes to the Senator from Kansas.

Mr. DOLE. Mr. President, the Senator from Kansas, like others in this body, is a party in interest and, perhaps from a selfish standpoint, has great interest in the outcome of the Muskie amendments. I am interested in both the first and the second amendment, but am particularly interested in the second.

I suppose that if we have demonstrated anything in this debate, we have demonstrated how ill-conceived some of the regulatory medicine might be as we have discussed how much of a dose we are willing to take ourselves. Perhaps we can reflect, as we go down the road, on what other taxpayers and citizens of this country experience because of some of the regulations we heap upon the American people.

We have talked about perceptions, we have talked about time, we have talked about everything but the test of leadership. This one issue has become a test of leadership.

How many arms have been twisted to vote against the Muskie amendment? This is a debate between the generals and the privates. This is also a contest between the House of Representatives leadership and the leadership in the Senate to see who can push through the so-called toughest ethics code.

Somehow, there is a feeling that you can impress the American people if we take a bird bath in the Senate, and we probably will take a bird bath in the Senate.

We can talk about being full-time Senators, and we can talk about our own personal situation; but before we address these points, it should be emphasized that the standards which these rules are meant to enforce are accepted by all of us.

I do not know of anyone in this body who wants to lower ethical standards, whether he be in a leadership position or not. They are paid a little more, and perhaps they deserve more. Some do not have to make speeches, they do not need to.

No Senator seeks anything less than the very highest standards of ethical conduct from Members of this body, and I would suppose that the public interest must be our sole guide. Whatever rules we adopt will guide our conduct.

So we are getting ready to take a dose of our own regulatory medicine. Before we swallow that dose without even reading the label, without even looking down the road at the possible dangers or discrimination, we should concern ourselves with the nature of the illness, if any, and with the proper dosage. Are we using the proper medicine? If so, how much is an overdose?

I commend the committee for handling a very difficult job well. I happen to believe that, for the most part, they had good judgment. But I think there are some areas—not just in this one area but in other areas—where they may have gone a bit too far.

Why should this be a contest of Senate leadership? Why should the leaders be arrayed on one side against some of us in this body unless there is some good reason? Why is it necessary that we have an ethics code with 23 major items that the House ethics code does not contain? Is there a contest between the House leadership and the Senate leadership? Why are we concerned about public im-

pressions? Are we concerned about a tradeoff for the pay raise? What is the concern of the leadership?

In fact, I note that neither the majority or minority leadership is on the floor.

I suggest that we take a look and ask some questions. Why the contest of leadership on this one issue?

Those of us who do some speaking stand indicted for some reason. I suppose that when we consider earned income and unearned income, we can go through all the arguments; but we are talking about two amendments to the resolution which have been offered by the Senator from Maine, and I support both of them.

If the object is to require a certain standard of full-time service, it is altogether illogical to bar earned income beyond a certain point and yet not endeavor to regulate other income-producing activities. Many of the so-called unearned income sources that are exempt from the proposed limitation can require a great deal of a Senator's time. If a Senator borrows money to engage in land speculation, he would not be restricted by the select committee's proposal. Yet the management of that investment would probably involve considerable time, and more important, considerable interest—personal interest far beyond an occasional speaking engagement. Even if we attempt to distinguish between the active management of investment income and the less active involvement in managerial decisions, the fact remains that the Senator is diverted by decisionmaking, which takes time and interest away from his duties, just as public speaking or writing a book may take time. Unless all outside income-producing activities are to be regulated, the full-time service argument is specious.

This Senator has listened very carefully to the talk about full-time Senators, but being full-time Senators is not the issue.

I have listened very carefully to the discussion on how we are perceived. I have heard it said that appearance is more important than the facts. The Senator from Kansas has never believed that to be true. I suggest that we have a hundred Senators in this body, all men of integrity, all men of the highest character, all having different ideas about their job and about their role in the Senate and what is and what is not full time. Each Senator does his job as he sees fit, to the best of his ability. Some expend more time and energy, some expend less, some are more effective, and some are less effective.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. DOLE. May I have 2 additional minutes?

Mr. RIBICOFF. I yield to the Senator 5 minutes.

Mr. DOLE. There is no rule or code which says that one way is the best or the other way is wrong. Ultimately, every 6 years, as the distinguished Senator from Indiana pointed out a few moments ago, the voters in a Senator's home State will decide how they perceive the Senator and the job he has done.

That is what the democratic process is all about. If the voters believe their Senator has not spent enough time on the job, or has not been effective, or has spent too much time speaking, or has spent too much time receiving unearned income, that he is too rich or too poor, then I assume they will make a judgment.

But it does seem to this Senator that there is discrimination within the committee's bill. I certainly have no quarrel with those who, through their own genius or wisdom or by virtue of an inheritance, have no problem at all, have no interest in speaking, or have no interest in outside earned income.

However, there is no reason why unearned income is more virtuous than earned income. Earned income, if anything, might be considered more virtuous than investment income in our society, because it is related more directly to the earner's work, as that term is usually defined. One should not be singled out for strict limitation when the other is not. If we are to have limitations, the same limitations should be placed on each.

Senators with earned income should be treated the same as those who have substantial unearned income. Equity between those two groups is the purpose of both Muskie amendments. The first Muskie amendment would place equal limitations on both types of income. The second amendment would eliminate the limitation and leave both types of income to be regulated through the conflict of interest and public disclosure sections of this bill.

CONFLICTS OF INTEREST

Let us turn now to the heart of any reasonable analysis of the subject, which is the conflict of interest argument. Here, too, we can all agree that conflicts of interest are to be avoided whenever possible. But the position of the committee is that a Senator can accept up to $8,625 in speaking fees from whatever source, but every dollar over that is branded unethical. Certain other types of earned income, and all manner of unearned income from whatever its source, are not to be subject to regulation or restriction. No one can seriously suggest that potential conflicts of interest do not exist equally for all sources of outside income, and from many other nonfinancial sources as well.

As Senator MUSKIE has pointed out, if one Senator retires from a real estate corporation that he founded but in which he continues to hold stock, while another sits on the board of a real estate corporation and receives a salary, both face an obvious conflict of interest problem any time an issue affecting real estate tax shelters comes before the Senate. But only the salary earned from the corporate directorship would be subject to the income limitation.

There is no basis for including earned income and excluding unearned income from whatever source in the proposed limitation. There is even less basis for the 15-percent exemption. If a Senator is going to be swayed by the payment of an honorarium, the $625 fee that brings his outside income to the $8,625 limit might be improper and the $375 that would bring his income, illegally, to $9,000 would be altogether innocent—and perhaps might even contribute to a better understanding by the listeners of the issues of the day.

UNEQUAL TREATMENT

But what bothers me most about this, and what should bother all of us, and is of concern to all, is the unequal treatment given two different classes of Senators: one that has investment income; another without investment income. The courts would call this an invidious classification. Confining our regulatory attention to those who come here with only their income earning capacity is reprehensible. Treating earned income one way and unearned income another is discriminatory. It penalizes one class of Senator without penalizing another. It is illogical. It is unfair.

Maybe we could justify that discrimination if it were based on any logical basis. But it is not. Maybe we could justify it if the limitations weren't so arbitary. But they are arbitrary. This is an arbitrary, illogical discrimination based on class within the U.S. Senate.

So, the distinction between earned and unearned income cannot be supported by the full-time service argument, and it cannot be supported by the conflict-of-interest argument. An hour taken away from his duties to manage his investments is the same as an hour taken to give a speech. The potential conflict presented by an investment is as great, and probably greater, than the acceptance of a payment for giving a speech.

In both cases, complete public disclosure of all outside sources of income would be an equally effective means of permitting the voters to decide what is and is not unethical.

So, Mr. President, this Senator certainly is willing to completely disclose earnings, assets, and health records; and I have.

PERCEPTIONS

It just seems to me we talk about confidence and we talk about polls, and we talk about the impression we are making on the American public, and that is what this is all about. It is perception—how will the leadership in the Senate be perceived if we do not have the same limitation that the Speaker achieved in the House? Will that mean our leadership is weak in the eyes of the public? That is what this is all about.

The Senator from Wisconsin told us on Friday that the necessity for the outside income limitation was, in fact, related to how the public perceives its Congress. But are we to legislate based on what the opinion polls tell us may be a public misperception of our outside income? Are we to abdicate our responsibility based on what the polls say? Are we to prescribe regulatory medicine without any more definite diagnosis than that?

Votes in this body are not sold. Voting commitments are not made in exchange for honorarium. Nor am I aware of any evidence of violations of the public trust associated with the earning of outside income.

The Senator from Wisconsin noted on Friday that he had not said, on or off the floor, that income from speaking fees

was bad per se. I agree. My distinguished colleague has participated in such speaking appearances for honoraria. I have and so have a number of our colleagues.

What do we know about the public perception of our outside earnings?

For the House commission that studied this subject, the Harris poll asked its respondents if they would be disturbed by responses varied, depending on whether Congressmen receiving honoraria. The the Congressman was receiving small fees for few speeches, large fees for few speeches, small fees for many speeches, and so forth. But 71 percent of the people said they would be bothered by members of Congress receiving large fees for many speeches. However, 57 percent of those who were disturbed said they would be satisfied if the voters in his district were made fully aware of his income sources and could vote for or against him at the next election. When disclosure, which we have right now without this bill, is introduced into the picture then a majority of those who were bothered by many large speaking fees are satisfied. So, the argument that public perceptions demand a limitation on such income is not supported by the Harris poll. Most people are either not bothered by the speaking fees in the first place or, if they are bothered, they are satisfied when the details are disclosed.

The polls generally tell us that the public approval rating of Congress is abysmally low. We all know that to be a fact. The message in this resolution seems to be that if we do something that is visible about regulating the personal finances of our Members, then our image will improve and the people will be happy again. That is not a fact. We will do more to bolster public confidence in Congress by improving our procedures and by dealing with our public problems in a reasonable manner. By making our committees more efficient earlier in the year, we did something substantive based on a real and not just a perceived need. The American people are wiser than we give them credit for. The best image manipulating devices will collapse if they are not supported by solid performance.

Some people may be under the impression that Senators are using their positions to get rich, either through earned or unearned income. I am aware that some anonymous staff member was quoted as saying that there was nothing that could be done about people who came to the Senate rich, but that we could do something about those who enriched themselves after coming here. Is it true that Senators are getting rich from speaking fees? If it were true, are they influenced by the groups which pay them fees? If they are, are they getting richer and are they more improperly influenced than other Senators who are getting rich from investment income alone? There is an absence of information about the answers to any of these questions.

TWO ALTERNATIVES

What we come down to then is a game of political one-upmanship between the other body and ourselves.

Some have indicated that this is a contest between the leadership of the two bodies to see which can appear the tougher in cracking down on unethical behavior that bothers some voters. The facts behind these public perceptions—the exact nature of the illness—are vague.

The real reason for this limitation on outside income is that we have to look tough by cracking down on something. And whose ox is easier to gore than those of us who did not come to the Senate as rich men and might now supplement our incomes with occasional speaking fees?

Either we should have a 15-percent limitation on all outside income, under the first Muskie amendment, or we should require only full disclosure of the sources of such income.

The limitation on earned income alone does not solve any problems and does not dignify the Senate. What it does do is discriminate between Senators who gave unearned income and those who do not. Some might point out that the same limitation on earned income applies to both classes of Senators. That reminds me of Anatole France's statement:

> The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread.

The limitation on earned income may apply to both classes of Senators, but if affects only the class of Senators of which I am a part.

Let us face it, if it is wrong for a Member of Congress to receive outside income, either because of the full-time service or the conflict-of-interest concepts, then all outside income must be prohibited.

Beyond that, I oppose the outside income limitation provisions of this resolution altogether. It is the people of our States who sent us here and will either keep us here or replace us with someone else. There is now an annual dollar limit on income from speechmaking. There is now a requirement that the sources and amounts of these payments be recorded with the Secretary of the Senate. This information is a matter of public record, as it should be. Let the people of Kansas decide whether I have been unduly influenced by, or have devoted too much of my time to, speeches for a fee. Such a regulatory system would be open, reasonable, nondiscriminatory and easily enforced.

Mr. MUSKIE. Mr. President, I intended to yield to the Senator from Maryland, but I think the proponents ought to have some time now if they want to use it, and I would be happy to delay recognizing the Senator from Maryland.

The PRESIDING OFFICER (Mr. DECONCINI). Who yields time?

Mr. MUSKIE. Mr. President, I yield 5 minutes to the distinguished Senator from Maryland, if it is agreeable to the Senator from South Carolina.

Mr. THURMOND. That is all right.

Mr. MATHIAS. Mr. President, I thank the Senator from Maine for yielding me a few minutes to express the doubts that still prey on my mind. In fact, I must say the longer this debate has continued the more my doubts have increased.

I have no question about the proposition that some guidance on the private conduct of public persons is entirely appropriate, and I think it is reasonable that such guidance should include a limitation on the sources of outside earnings and income.

Since it may be very difficult to draw the distinction between an honorarium and an unlawful gratuity or even between an honorarium and a bribe, I think it may be prudent to prohibit any transactions at all between Senators and certain other persons.

Examples of such questionable sources of honoraria are business corporations and, perhaps, any individuals in any capacity. Even if there is a clear distinction between an honorarium and some other kind of payment, that distinction might not be universally perceived and, therefore, a suspicion might arise, or a question may be raised, or a dark issue be created. So I think it is reasonable to impose a restraint on any tainted source of income for any Member of Congress.

Of course, I have no question at all about the fact that income from any source and of any kind ought to be totally public. I myself have made that my practice. My wife and I have voluntarily made public a complete accounting of what we own and what we owe, and have done so for years. So I have no question but that all of it should be public.

But then we come to the question of what sort of dollar limit on earned income is reasonable. Undoubtedly, there ought to be some protection against outrageous earnings. Undoubtedly, there ought to be some prohibition against what would be an obvious abuse. But I do have serious questions about an overly restrictive dollar limit, because I am not sure what it is intended to do.

A very restrictive dollar limit does not insulate a Senator from the tainted source. A restrictive dollar limit does not in itself prohibit the relationships which are, I think, disparaged by all of us. So what does it do? Well, there has been some argument here that it is going to discourage travel outside of Washington, that it is going to keep people on the job.

But I have to ask, is this not done in a very fumbling kind of way? If a Senator is fortunate in being invited to speak for a $1,000 fee, then he makes eight trips out of Washington during the year. If he is less fortunate and is invited to speak for $500 fees, he makes 16 trips. If he is still less fortunate and only gets invitations to speak for $200 fees, he makes 40 trips. I think this is a very fumbling way to get at that problem and, of course, it ignores so many similar problems, like the quadrennial epidemic of White House fever we experience here, which is responsible for much more absence than all the lecture circuits combined.

I might say and I am not being entirely humorous about it, that it ignores the belief that the public has an interest in getting Members of Congress out of Washington every now and then. Any national capital, this one included, is a hothouse. It is an unreal atmosphere, and if you hole up all the Members of Congress 12 months a year in the city

of Washington and do not let them get out around the country to find out what real life is all about, we will have a much more unhealthy situation than we have today.

So, aside from whatever limited benefit a lecture audience might get out of the lecture, I think the public has at least an indirect interest in seeing that Members of Congress are not confined in a hothouse. There is a benefit here. I know that, when I have gone to speak myself, I have always come home from an appearance before a college audience feeling that I had been refreshed and educated far more than any information that I had transmitted.

There is a question being ignored, and it is a big question to my mind: What is really the implication of the approach we have taken?

For nearly 200 years the Senate has been an institution which has, by and large, been considered an assembly of honorable men and women. In that 200 years a handful have been shown to be perhaps less than honorable. Most of us have had days in which we have perhaps been less than honorable, but, by and large, the Senate has been an honorable institution and Senators have had the reputation of being honorable.

I simply ask the Senate, are we now for the first time in the history of the Republic undertaking an action——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MUSKIE. I yield 1 additional minute to the Senator.

The PRESIDING OFFICER. One additional minute is yielded.

Mr. MATHIAS. Are we now undertaking an action which raises the contrary presumption, which raises the presumption that we are, in fact, dishonorable and must be, in some way, put on a leash or restrained from conduct which we ourselves think will be reprehensible in advance? That is a very different presumption from anything of which I am aware that has gone before.

I have no compunction about any discipline that may be meted out to anyone who transgresses the code and violates the laws; I have no quarter to offer for that person, but I have a serious question about this advance restraint which reverses a 200-year-old presumption.

The PRESIDING OFFICER. Who yields time?

Mr. MUSKIE. Mr. President, I am pretty close to the end of my time. I wish to reserve some of it, if the other side is prepared to proceed at this time.

Mr. RIBICOFF. My understanding is from Senator NELSON that there is no demand for additional time.

Mr. MUSKIE. Mr. President, may I have more time?

Mr. RIBICOFF. Does the Senator wish to have more time?

Mr. MUSKIE. Yes.

Mr. NELSON. Sure, it is all right to yield Senator MUSKIE 10 additional minutes.

Mr. MUSKIE. Mr. President, at this time I yield 10 minutes from the time of the Senator from Wisconsin to the Senator from California (Mr. HAYAKAWA).

The PRESIDING OFFICER. The Senator from California.

Mr. HAYAKAWA. I thank the distinguished Senator from Maine.

Mr. President, I will not talk about inherited wealth or unearned income. I do wish to talk about lecturing and lecture fees, a subject with which I have had a lot of experience because lecturing has been my principal source of livelihood for at least 25 years before I became a college president. I have earned fees of up to $2,500–$3,000 for a single lecture.

There is a lot of experience goes into that. I did not get $2,500 for a speech because I was a Senator. This all happened long ago. I became a Senator because I am the kind of guy that can get $2,500 for a speech.

It happens that speaking publicly and being a university professor did not constitute a conflict of interest. One job though threw light on and enriched the other. The same, I am sure, must apply to the individual who holds elective office. He or she is a better legislator for having greater contact with the general public than the floors of Congress themselves can provide.

It is especially enriching for a legislator to be invited to States other than that which he or she represents, so as to be able to view problems from the larger point of view of the Nation as a whole.

Making money at another job, in contexts other than legislative, in the world outside is known as moonlighting. Policemen, school teachers, firemen, retail clerks, bus drivers, all sort of people take on extra jobs. Society places no limit on these earnings from second and third jobs except that employers may insist that the first job be done well.

I wonder if legislators are to be singled out for discriminatory legislation in this respect and limits placed upon their outside earnings.

I have said repeatedly that government should involve greater citizen participation, and this is a reason I joined with some of my colleagues to recommend a constitutional amendment to limit terms in the Senate and the House of Representatives to 12 years, so that more people can come in and go out of Congress. But if people are to be limited, indeed, to 12 years or less in Congress, they have to have their businesses to go back to when they are through with their 12 years. They cannot entirely neglect their outside interests, since politics is not intended to be their lifetime occupation.

It seems to me that all the provisions of the so-called ethics legislation have one message: They express over and over again the fear that we may all exploit our positions in Congress in order to achieve private gain. So the ethics legislation says to all of us:

We don't trust you, we don't trust you, we don't trust you.

And I say to Senators that if we accept this absurd attempt to legislate morality we are admitting to the world that we are not to be trusted. I for one refuse to make that admission.

The proposed legislation on ethics, so-called, is as it applies to me particularly ridiculous.

I talk about my own case. I hope I am not boasting, but let me state these things as a simple matter of fact because of the particular kind of career I have led. My speeches and my writings are worth money, and in the almost 3 months I have been in the Senate I am sure I passed up at least $25,000, probably more, in lecture fees, figuring, let us say, 10 speeches in 10 weeks at $2,500 a speech, which is not working very hard.

Now I have not done any of this because I have a job to learn here, and I am devoting full time to it. I have given up I do not know how much money as a writer since, instead of selling my writings as newspaper columns or as magazine articles, I have been giving my ideas away free in letters to my constituents, in newsletters, and in newspaper interviews. I shall continue to do so because that is what I came here for, not to make money as a writer or a speaker, but to serve the public as best I can with whatever talents I have, and I do not even slightly begrudge my losses. I did not come here to make money.

But let me say most emphatically that the ethics legislation, so-called, will serve only to dissuade able men and women, men and women of thought and of deep public conscience, from running for office at all. If our chief reward for offering our services to the public is to be surrounded by jealousy, by suspicions of our every action, and by cynicism of our every motive, how many of us would ever be willing to run again for public office?

One wonders what do the framers of this legislation want of Congress. It seems to me that they want speakers who would never be offered a lecture fee unless they were already Members of Congress. They want writers who cannot sell their writings. They seem to want businessmen who have over the years shown that they cannot make any money. They want lawyers who cannot find clients any other way.

They want investors whose investments are never profitable. They want consultants whose advice is not worth a damn, since no one will give them a fee for consultation. Indeed, if the people who are proposing this legislation have their way, we should have a Congress of mediocrity. It seems to me that there is no surer way of guaranteeing the collapse of a democratic society.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, how much time remains to the Senator from Wisconsin?

The PRESIDING OFFICER. The Senator from Wisconsin has 14 minutes and the Senator from Maine has 14 minutes.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield 30 seconds?

Mr. MUSKIE. I yield.

Mr. HARRY F. BYRD, JR. Mr. President, I commend the Senator from California for an interesting and sensible speech.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, I note the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. NELSON. Mr. President, of the 15 minutes left, I yield whatever portion of time controlled by the Senator from Wisconsin is necessary to conduct a very brief colloquy with the Senator from Alaska.

Mr. STEVENS. I thank the Senator.

Mr. President, I feel that those of us who supported the pay raise made a commitment to bring about a meaningful limitation on outside earned income. At the same time, I am very concerned about some of the amendments that have been proposed, and some of the concerns that have been raised, especially the concern raised by the Senator from Wyoming (Mr. WALLOP) and others who have family enterprises—farms, ranches, partnerships, whatever it might be—where their continuing relationship to that family enterprise is in the form of managerial decisions. I would like to ask the Senator from Wisconsin, the manager of the bill, if he is willing to have those who are involved—develop a colloquy which would make certain that the managerial decisions that are made—which, in my opinion, are in fact material decisions that relate to whether the business makes income or not—whether those decisions would not necessarily be the determining factor regarding whether or not income that is derived by these small family enterprises is, in fact, earned income?

I particularly mention that decision, for instance, involving when a crop is sold. That could be the material decision which would determine whether the farm would make money that year. If a Senator does make that decision, even though someone else plants the crop, raises it, tends it, and harvests it, he is, in fact, making the material decision determining whether or not the farm makes money. In my opinion, this is often the case. Many decisions made in terms of small family enterprises, are, in fact, material income-producing decisions, for example the decision involving when inventory should be sold. However, these decisions do not represent the type of involvement which puts a Senator in conflict with his service as a Senator. A decision such as this takes no more time than deciding whether or not to sell an investment and, in terms of a small partnership, for instance, whether or not to put more money into the partnership, or finally in making a decision whether or not to sell any portion of the partnership activity. Is the Senator willing, after this vote, to explore this and make certain that these people involved in family enterprises can be assured that we are not, in fact, putting them in a position where they are automatically going to be subject to some sort of Ethics Committee procedure by virtue of their relationship to their continuing family enterprise?

Mr. NELSON. Speaking for myself, the answer is yes.

Speaking for myself, it never entered my mind that if a Member who came here owned a ranch, or a dairy farm, or a small business that was his asset, it was never my judgment that we had any intention whatsoever of saying that he could not make the decisions that need to be made in that business—whether it is buying a tractor, buying some dairy cows, selling some cows, deciding what he is going to grow on that farm, switching 1 year to more acres of soybeans and less of corn or more of corn and less of soybeans. Managerial-type decisions or involvement in his or her small business. This kind of involvement was not intended by me to be proscribed or, rather, to be counted as earned income for the limitation. I can see the problem.

The language we are looking at in the report is on page 38:

> Paragraph 3(a) defines "outside earned income" for purposes of this rule. Generally stated, outside earned income is any income received as a result of personal services actually rendered if such services are material income-producing factors, and where the active and actual participation of the individual is involved.

As the Senator pointed out, if in fact you decide when to sell a crop, store a crop, buy some cattle, sell some cattle, buy some hogs, sell some hogs, or what have you, it may very directly be an income-producing decision. It was not my intention nor, do I believe, was it the intention of the committee to include that as earned income.

Though I can only speak for myself, I say to the Senator that I realize it has created confusion. There are different interpretations.

It should be clarified, and in making the clarification I am on the side of being sure those who do have small enterprises, small businesses, farms or ranches, are able to participate in their managerial decisions without being in any way in violation of the rule.

The PRESIDING OFFICER. All time of the Senator from Wisconsin has expired.

Mr. NELSON. May I have 30 seconds?

Mr. MUSKIE. I will yield whatever time the Senator wants provided I have 4 or 5 minutes at the end.

Mr. NELSON. Very well. I hope the Senator will interrupt, if necessary.

I say to the Senator if we can work out language that is clear enough, I am prepared, at least speaking for myself, to support the language. Maybe the rest of the committee would be, too. I never heard any discussion that expressed an intent on the part of the committee to keep the small businessman from making managerial decisions.

Or we could work it out in a colloquy. But, of course, it would require other Members.

Mr. STEVENS. I agree. I do not think this Senator is the one to be involved in that final colloquy. All I say is that I think it is important that we put this to rest before the vote.

The intent of the committee, as I understand it, is to prohibit the Senator from performing continuing services conflicting with his service as a Senator.

When this Senator came to the Senate, his law office closed the very day he arrived. And he has not practiced law since.

I understand that the sentiment involved in this is to take the same concept; that a Senator should not pursue a profession or business to the extent that he is involved in it in conflict with his service as a Senator.

But as I say, when family enterprises are involved, when certain members of a family are involved and the Senator's capacity, his managerial knowledge as to the background, is required to keep that family business going, then I do not think we ought to proscribe that kind of conduct.

Even if his judgment is the material income-producing factor in such an enterprise, where the time required is not in conflict with his service as a Senator, then I do not think this code of conduct should prohibit or proscribe that activity.

I thank the Senator.

Mr. NELSON. I agree with the Senator.

Mr. STEVENS. I thank the Senator from Maine.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. STEVENS. The Senator from Wisconsin has the time.

Mr. THURMOND. Will the Senator yield?

Mr. NELSON. The Senator from Maine wants to reserve 4 or 5 minutes at the end.

Mr. MUSKIE. How much time do I have left?

The PRESIDING OFFICER. The Sentor has 6 minutes.

Mr. MUSKIE. I yield 1 minute.

Mr. THURMOND. Mr. President, I want to call attention to the fact that on page 26 in 3(c), subhead (2), provides:

> Income from family enterprises if the services provided by the Senator or officer or employee of the Senate are not a material income-producing factor.

There is a limitation, so to speak.

We see the same wording under (10). We do not find that under rents, for instance. It may take just as much time to look after rents as it would income from family enterprises or shares in partnership income.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. THURMOND. I think if we eliminate the phrases under those two subheads, it would take care of that.

The PRESIDING OFFICER. Who yields time?

Mr. MUSKIE. Mr. President, may I ask my good friend from Wisconsin if he wants any more?

Mr. NELSON. Is there anybody who is opposed to the resolution who wishes any time at all?

If not, the Senator from Maine may proceed.

Mr. MUSKIE. Mr. President, all I want to do is very briefly remind Senators, some of whom may not have been

on the floor earlier, what this amendment would do and why.

What this amendment would do would be to apply to all income, earned and unearned, the same 15 percent limitations as the committee resolution would apply to earned income, particularly income earned from lecture fees.

With respect to unearned income, however, the mechanism is different than it is with earned income.

What would be required of Senators with income-producing assets is that they put those assets in trust under the complete control of a trustee. Their enjoyment of the income of the trust would be limited to 15 percent of their basic Senate salary, to the same extent that earned income would be limited.

There are differences, however, which make the discipline less restrictive with respect to unearned income, even with those limitations.

For example, income in excess of 15 percent would not be divested. It would simply be deferred. The Senator's enjoyment of the income would be deferred until the end of his Senate term.

Second, the amendment provides for three points of flexibility over the Senator's unearned income.

One, they could use income from the trust in excess of the 15 percent to pay income taxes on their income from whatever source.

Second, because of the Supreme Court decision last year on the use of personal funds for political campaigning, this amendment provides that funds may be used in excess of the 15 percent for that purpose which the Court says is mandated by the Constitution.

Finally, the amendment provides that income in excess of the 15 percent would be available for unforeseen personal circumstances. I suggest to my colleagues that is the kind of flexibility the committee resolution does not provide for earned income. But we do understand, those of us who sponsored this amendment, that any Senator can be hit by some unforeseen personal circumstances that ought to be taken into account with respect to restrictions on his income.

I take the view that ought to apply to those of us on earned income. Suppose we had a catastrophic illness in our family. What is wrong, may I ask, with going out on the lecture circuit and making a couple of speeches to a conflict-free audience for the purpose of meeting that emergency?

The committee recognizes no such emergency with respect to earned income, but my amendment does with respect to earned income, but my amendment does with respect to unearned income.

The whole purpose of this amendment is to treat all income, all outside income of Senators, the same.

This is not my idea of the right kind of discipline. The committee says it is with respect to some income, and I am willing to live with the restriction, as I am sure most Senators are, if it applies to all of us.

Mr. President, I have put in the RECORD today several editorial and newspaper columns or comments favorable to the point of view which I have been laboring to persuade the Senate on for several days.

The most recent that has come to my attention is the Wall Street Journal of today, which supports not my first amendment, unfortunately, but the second. The interesting thing is the philosophy in the column, the logic of this——

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. MUSKIE. Then I will postpone reading that until we get to my second amendment.

I think we have talked the subject out, I am ready to vote, and I yield whatever time I have.

Mr. NELSON. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. NELSON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 93) of the Senator from Maine. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ANDERSON (after having voted in the negative). On this vote I have a live pair with the Senator from Idaho (Mr. CHURCH). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. CHURCH), is necessarily absent.

I further announce that the Senator from Alasaka (Mr. GRAVEL), is absent on official business.

Mr. STEVENS. I announce that the Senator from North Dakota (Mr. YOUNG), is necessarily absent.

The result was announced—yeas 29, nays 67, as follows:

[Rollcall Vote No. 64 Leg.]

YEAS—29

Abourezk	Hatfield	Pearson
Bayh	Inouye	Riegle
Biden	Johnston	Roth
Dole	Leahy	Sarbanes
Domenici	Mathias	Sasser
Durkin	McClure	Tower
Garn	McGovern	Weicker
Goldwater	Morgan	Williams
Hart	Muskie	Zorinsky
Hatch	Packwood	

NAYS—67

Allen	Danforth	Laxalt
Baker	DeConcini	Long
Bartlett	Eagleton	Lugar
Bellmon	Eastland	Magnuson
Bentsen	Ford	Matsunaga
Brooke	Glenn	McClellan
Bumpers	Griffin	McIntyre
Burdick	Hansen	Melcher
Byrd, Harry F., Jr.	Haskell	Metcalf
	Hathaway	Metzenbaum
Byrd, Robert C.	Hayakawa	Moynihan
Cannon	Heinz	Nelson
Case	Helms	Nunn
Chafee	Hollings	Pell
Chiles	Huddleston	Percy
Clark	Humphrey	Proxmire
Cranston	Jackson	Randolph
Culver	Javits	Ribicoff
Curtis	Kennedy	Schmitt
Schweiker	Stennis	Talmadge
Scott	Stevens	Thurmond
Sparkman	Stevenson	Wallop
Stafford	Stone	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Anderson, against.

NOT VOTING—3

Church	Gravel	Young

So Mr. MUSKIE's amendment (No. 93) was rejected.

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 92

Mr. MUSKIE. Mr. President, I yield myself 5 minutes and I hope I might have the attention of my colleagues.

The PRESIDING OFFICER (Mr. ZORINSKY). Will the Senator allow the amendment to be reported?

Mr. MUSKIE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Maine (Mr. MUSKIE), for himself and others, proposes amendment No. 92.

The amendment is as follows:

On page 24, beginning with line 13, strike out all through line 24 on page 26.

Renumber proposed rules XLV through L (and cross references thereto) as XLIV through XLIX, respectively.

Mr. MUSKIE. Mr. President, I yield myself 5 minutes.

Mr. President, 67 Senators, if I heard the vote correctly, have just said in unmistakable terms that a limit of 15 percent on outside earned income is inequitable, unjust, and unjustified.

I would expect if those 67 Senators mean what they just said, not just as a matter of serving their own interests but in terms of wise and just public policy, those 67 will vote for this next amendment because that is exactly what this next amendment says with respect to all outside income, with one qualification that exists in current law. Under current law lecture fees are limited to $2,000 per lecture and $25,000 overall. So even with this next amendment earned income is subjected to more restrictive limitations than the unearned income which 67 Senators just voted to protect.

This vote also indicates probably that those of us in the group I am seeking to protect, including myself, are in a minority in this body. So the interesting question is whether or not the Senate will vote to protect the interests of a minority of Senators as well as the interests of a majority of Senators.

In the course of the day I have put into the RECORD many, many comments that are appearing in the press with respect to this issue.

I would like to call the Senate's attention to one that appeared in today's Wall Street Journal, a publication with which I do not find myself in very frequent agreement.

This is what the Wall Street Journal says with respect to the current situation, the committee resolution that limits earned income in the Senate vote.

Mr. NELSON. Mr. President, may we have order so that the Senate can hear the Senator?

The PRESIDING OFFICER. The Senate will be in order. Will Senators desiring to converse please adjourn to the cloakroom?

Mr. MUSKIE. So the Wall Street Journal has this to say about the current situation, which is a committee resolution that limits outside earned income and a Senate vote against limiting unearned income. This is what the Journal says:

The logic of this, we are told, is that a Senator is more likely to corrupt himself for a $1,000 fee than to protect his $250,000 investment in International Widgits. For a welcome change we find ourselves on the side of Senator Edmund Muskie of Maine, who wants no ceiling on outside income. We will trust the voters to decide at the polls whether or not they think their representation in Washington is suffering because of the outside activities of Senators and Congressmen.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE MOST EXPENSIVE LOOPHOLE

The debate continues in our nation's capital on what kind of limits Congress should impose on the outside earnings of its members. We would like to point out why it cannot be done at all.

The House has passed a bill that would only permit a member $7,500 in outside "earned" income, above the congressional salary of $57,500. The majority of House members, after all, have neither the time nor the market power to earn more than $7,500 a year in speaking fees. But because most of them earn much more than that each year on stocks, bonds and real estate, they voted not to limit such earnings at all.

In the Senate, it is a similar story. The millionaire Senators, such as Edward Kennedy and Jacob Javits, are in such high tax brackets because of their investment income that it doesn't pay them to make a speech for a fee, since the federal and local governments confiscate most of it in income taxes. So they are quite prepared to be righteous and ethical and, like the House, limit outside earned income to $8,625, but do nothing about unearned income.

These limousine liberals have rationalized all this by saying it is obvious that speaking fees come directly from lobbies, and are thus influential. The source and influence of unearned income is "usually slight and remote," according to one line of reasoning. The logic of this, we are told, is that a Senator is more likely to corrupt himself for a $1,000 fee than to protect his $250,000 investment in International Widget.

For a welcome change, we find ourselves on the side of Sen. Edmund Muskie of Maine, who wants no ceiling on outside income. We will trust the voters to decide at the polls whether or not they think their representation in Washington is suffering because of the outside activities of Senators and Congressmen.

Even if Senators and Congressmen stopped up a few loopholes there would be others left unstopped. One that we wonder about, for example, is the capital gains lawmakers enjoy on the appreciation of their homes in the Washington metropolitan area. Given the tightness in the supply of classy housing near the federal triangle, all Congress has to do to send prices up is create another agency or expand the supergrades in the bureaucracy.

What with all the added demand, houses that once cost Congressmen or bureaucrats $25,000 are pushing upwards past $80,000. When we stop to think about it, this may be the most expensive loophole of all. It probably costs the taxpayers $10 million or more to add $1,000 to the net worth of a Congressman in this fashion. And we do not believe for a moment that members of Congress and the gilt-edge bureaucracy are unaware of what is happening. So much for ethics.

Mr. MUSKIE. Mr. President, in the course of 2 days, may I say to my colleagues, I have undertaken every effort at my command to elicit the justification for this discrimination between earned and unearned income, and the justification comes down to three points:

No. 1, public unhappiness with congressional ethics. That is a legitimate point. But all the evidence indicates the public does not focus on lecture fees as its only target of displeasure.

My good friend, the Senator from Missouri (Mr. EAGLETON), yesterday went through a catalog of public unhappiness with the Senate.

The PRESIDING OFFICER. The time of the Senator from Maine has expired.

Mr. MUSKIE. Five additional minutes. Not one related to lecture fees. Not one, and I reread the Senator's colloquy in the RECORD this morning.

The Lou Harris poll, to which reference has been made here, had a question, it is true, with respect to lecture fees, but I think there were 15 questions in all covering a range of public criticism of congressional behavior with respect to investment income, among others.

But the committee applies divestiture only with respect to lecture fees. Public unhappiness with congressional ethics, if it is a legitimate ground for limiting outside lecture fees, is a legitimate ground for limiting all outside income, and 67 Members of the Senate have just said no to that proposition. They have just said no. If no is the answer with respect to unearned income, it ought to be the answer, in all equity, to earned income.

The second test applies to the second element of justification. There is a risk that lecturing will take time away from Senate duties. I have spent 2 days putting my record in that respect into the RECORD. In the last 4 years I missed 4 days of a Senate session in 1 year because of lecture commitments, 4 days out of over 180; and the next 3 years I never missed more than 2 days out of the days the Senate was in session.

I remind our colleagues that I earned close to the limit on lecture fees. Last year I delivered 19, that is one every 19 days. And this committee says to me, "That is too much time to devote to your interests." If it is too much time, then I ask my colleagues how much less time do Senators enjoying unearned income spend on their investment portfolios, or on their family farms, or on their real estate ventures, or their oil and gas leases? How much less time do they spend on those than I spend earning whatever outside income I get? They just said that is no problem; 67 of them have just said that is no problem with respect to unearned income.

I say it is as much a problem with unearned income as with earned, and if their answer is no, as it has been, with respect to unearned income, it should be no with respect to earned income.

And then the third reason is the high risk of conflicts of interest.

I have been a target in this Chamber for 3 days because I said some things that Senators, and especially those on the committee, have found very uncomfortable. I have not heard anyone suggest yet that I have abused the public interest on the conflict-of-interest side. I suspect I could go over my 18 years on the lecture circuit and find some that I wish I had not made because of the appearance of conflicts, but I made a conscientious effort, a deliberative effort to avoid them, and I am not one to stand here and say there is no risk of conflict of interest with respect to lecture fees. But as to what kind of outside income is there no risk?

I put into the RECORD this morning a column by Walter Pincus in which he simply reviewed some of the outside interests of Senators who have voluntarily disclosed over recent years. Look that list over. Real estate ventures, land development partnerships, oil and gas leases, radio stations. I am not one to say that any one of the colleagues whose names are mentioned in that story was guilty at any time of a conflict of interest. But the test that has been applied to us is the risk, and if risk alone is enough to say you limit earned income, then it is enough to say you limit unearned income. I mean, what kind of a place has this become?

What kind of a place is it? When I came into politics, I made a deliberate decision to avoid the temptation of speculative investments, to close my law office, and to go on the lecture circuit because I regarded it on an historical basis as an honorable way to earn outside income. And now this committee tells me I made a mistake.

The PRESIDING OFFICER. The additional 5 minutes have expired.

Mr. MUSKIE. I yield myself 5 additional minutes.

I made a mistake when I sold my home the first year I was Governor. I should have used the proceeds to find a promising investment opportunity, however speculative, knowing that however speculative it might be I could find sponsorship that could reduce the risks of speculation, and Senators all know what I am talking about.

I deliberately did not.

That is not to criticize those who have investments, but then I arrive at this point in my Senate career, the 19th year, and I am told, "ED MUSKIE, that day you made a decision to avoid conflicts of interest, if only you had known how wrong you were, you were getting into the most conflict-of-interest-prone activity that the Senate of the United States in 1977 could imagine."

That is what the committee is saying, that the lecture circuit is the most conflict-of-interest prone of any outside

source of income. And they have not made their case.

The committee says in its report it did not have the time to conduct hearings or a survey to get the facts. No, they are going to correct the abuses the media has exposed; they are going to hang us in the press.

I hope this place is not what it seems to be, because if I detect the trend correctly it does not really matter what restrictions this imposes on me. I am not going to be around that much longer. But I can see future Senates made up of two groups of people: The very rich, who can afford to do anything they want, and maybe others who cannot do as well financially as with a Senate salary. For all those in between who have the talent, the drive, the energy to make a success of themselves in whatever form of activity they choose, from farming to practicing law, to engaging in any business, to engaging on the lecture circuit—and that is available outside the Senate of the United States—those people with special talents, skills, and energy——

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. MUSKIE. Mr. President, 2 additional minutes. What are they likely to do?

The PRESIDING OFFICER. The Senator has made a unanimous-consent agreement not to take any more time until the last 15 minutes in the debate.

Mr. MUSKIE. Maybe this is a good time to sit down. I will wait until the last 15 minutes.

Mr. JAVITS. Mr. President, I would like to ask, who has control of the time on this amendment?

The PRESIDING OFFICER. The Senator from Wisconsin has control of the time.

Mr. JAVITS. Will the Senator yield 3 minutes?

Mr. NELSON. The majority leader asked for 15 minutes, I need 4 minutes and the minority leader has asked for 2 minutes. Where does that leave us? The Senator wants 3 minutes to ask a question?

Mr. JAVITS. Yes.

Mr. NELSON. I will yield this time but I cannot yield any more from our side.

Mr. JAVITS. Mr. President, I am inclined to be with the Senator on this point. I believe all of his arguments are pointed to this amendment and not the previous amendment. But this makes sense. I would like to be sure all Members understand what he is doing.

One, the Senator will leave the $25,000 and $2,000 per speech limitation; correct?

Mr. MUSKIE. That is correct. I do not believe we could change it if we wanted to.

Mr. JAVITS. In any case, the Senator will leave it.

Mr. MUSKIE. I leave it.

Mr. JAVITS. Second, the Senator will leave everything here about conflict of interest, so if a Senator accepted $50 for a speech and it was something that was nefarious, the Ethics Committee can haul him up and accuse him of it; correct?

Mr. MUSKIE. That is correct.

Mr. JAVITS. And last, and also very importantly, the Senator makes no change in the limitations on the professional services which Members may render, which is found at page 28, line 16 to line 19. That is, a Senator may not, to earn anything, act as an engineer, a real estate agent, an insurance agent, an attorney, a physician, an architect, a consultant, or activities of a similar character. Is that correct?

Mr. MUSKIE. The Senator is correct.

Mr. JAVITS. So the Senator is definitely on the question of honoraria. I think there he is dealing with a problem de minimis. It is true the other body went to 15 percent. There is nothing magic about that figure. One of the things that happens here, because of the position we occupy, is that we have more such opportunities and we are more in demand. The Senator would leave that opportunity for two reasons: One, to afford some opportunity for outside earnings for people who want to represent the big States where it costs a lot of money out of a Senate salary—and I have experienced it for years—and, second, and very importantly, to give a Senator freedom to bring his message to the people of our country.

Mr. MUSKIE. The Senator is correct.

Mr. JAVITS. I thank my colleague.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. NELSON. Mr. President, I yield myself 5 minutes.

Mr. President, we went through this question backward and forward on Friday, into Friday evening, yesterday, and today, and anything that will be said from now on will be repetitious, just as the argument just made by the Senator from Maine was.

I might say, in listening to the Senator from Maine: He has done a magnificent job of destroying at least one straw man every hour. I have never seen such originality before in my life. And he has refuted every hour at least one argument that nobody is making.

We gave the Senator from Maine the last 15 minutes to speak, a very unusual unanimous-consent agreement. We did it out of good grace, good will, friendliness to the Senator from Maine.

Mr. MUSKIE. And perhaps out of agreement. [Laughter.]

Mr. NELSON. And we did it, too, out of compassion for the weakness of the Senator's case. We thought he ought to have the last word. [Laughter.]

I am not unmindful of the risks we took by allowing the eloquent Senator from Maine to speak last.

I know, we know, everybody knows his great capacity through his eloquence to make a bad case sound like a religious crusade against inequity and injustice. I have never heard anything like it.

Well, when he makes his closing remarks, as Senators watch his virtuoso performances, the music will be beautiful, absolutely beautiful. But I urge Senators to pay attention to the lyrics. The lyrics do not make any sense.

Last Friday night here in the Chamber we were entertained by a magnificent virtuoso performance. We were treated to everything from a soft shoe dance to a Nijinsky ballet. It was marvelous. And the music was superb, too.

Mr. MUSKIE. But does the Senator think that kind of a performance is worth some money? [Laughter and applause.]

Mr. NELSON. Yes.

The PRESIDING OFFICER. Let us have order in the Chamber.

Mr. NELSON. And if the Senator is that good every time, we will write an exemption in here for the Senator from Maine.

I listened to the music last Friday and again today. That presentation spanned the whole emotional spectrum, from pathos to ecstasy, with some funeral passages in the middle between the two.

I listened to that music that he was playing so beautifully here in the Chamber of the Senate, the low notes and the high notes, the loud notes and the soft notes. I shut my eyes, and I thought, "Isn't that beautiful, It sounds a bit like Mischa Elman playing on that golden Stradivarius, or maybe Kreisler, or Yehudi Menuhin, or Oistrakh's Star." It was absolutely magnificent.

Let me say, if Senators listened carefully to this beautiful orchestration they would have only one theme from yesterday and the day before yesterday. It has only one plain, simple, uncomplicated theme that did not have to be adorned with all of this entertainment that we received, which I appreciate. If he stuck to the theme, the real theme, and just ended it, it would take about 15 seconds. The theme is, "We want the right to earn more outside income. We want the right to earn $25,000 instead of $8,000."

There is no principle involved here. We have both agreed we will draw the line some place.

Senator MUSKIE does not like where the committee drew the line. That is his right. But that is what the argument is all about. That is what it is all about.

I yield myself 2 more minutes.

The question is not whether there should be no limit. It is just as valid for anybody to stand here on the floor and say, "I want $50,000," and every one of the arguments made by the Senator from Maine would apply with the same force that they applied to the limitation that the committee set out. So we have already established the limits twice: $15,000 once, $25,000 once, and now the committee made this proposal.

Now, that is the question: Should it be $8,600 a year, or should it be $25,000 a year?

Or just put it another way: The median income of the American family is $13,719, according to the Bureau of the Census. The question is, should we permit ourselves to earn a second income, beyond our salary, that is twice as much—twice as much—as the salary of the median income family in America?

My answer to that question, and the committee's answer, was no. Senator MUSKIE's answer was "yes."

The PRESIDING OFFICER. The additional 2 minutes has expired.

Mr. NELSON. I yield myself 2 more minutes.

I am aware of the fact that Congress does not adjust and has not adjusted

salaries of Members, judges, and top scientists and executives on any orderly basis, as we do for all other Federal employees, and as the private sector does. That has been our decision. I am aware, as is everyone here, that many expenses incurred in the course of the performance of official duties of the U.S. Senators are not reimbursed as they are by every business in America. For example, in paying for hotels and motels while on official business, everybody in the Federal Government, save the Senate, is reimbursed for it. When I travel with my staff, I rent a room and my staff rents a room. I pay for it; they get a per diem.

I am aware of all that. However, the answer to that problem is to adjust the salaries and pay for the expenses of performing the official duties of a U.S. Senator, not to create a system that permits, encourages, or compels—compels—one to earn large amounts of outside income.

That is where we are. That is the issue. It is up to you to decide whether Senator MUSKIE has set the right limit or whether the committee has.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, I yield 5 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, the point has been raised that it is just as fair to limit unearned income as earned income. In my opinion, it would be unconstitutional for this body to try to limit unearned income such as rents, dividends, interest, returns from stocks and other investment, returns from property. In my opinion, we cannot do that. I do not think that, under the Constitution of the United States, Congress can say to a man, "You cannot earn but so much from investments, and even though you earned it when you came here, you cannot earn it any more."

What is going to happen to it? I think it is clearly unconstitutional to try to do that.

I think it is constitutional, though, since we are Members of Congress, we are Members of the Senate, that we can limit the earned income. There is a nexus and relationship to our work. What is the purpose in that? The purpose in that is to devote more time to our Senate duties.

I have heard it argued how little time is taken. Maybe so, but I again say we have to appear right as well as be right. If we go out over the country, speaking or using our time to such a large extent in other things, the public is going to misunderstand the situation. They have already misunderstood it, because the Harris poll shows clearly that they want to see Congressmen spend their time on their duties.

I do not think there is any doubt that the salary here, since it has been raised—$57,500, and then a Senator can earn $8,600 more from earned income, making $66,125—do you think you can go out and tell any family in this country that $66,000 is not a reasonable salary for a Senator? Can you go out and explain to your constituents that $66,000 is inadequate and therefore you ought to increase it to $82,500?

That is exactly what we would do if we adopt this amendment of the Senator from Maine, because $57,500 now, with $25,000 added to it, is $82,500. I just do not believe the public is going to buy that.

Do we want a code of ethics or do we not? That is the question. If we want a code of ethics, then let us show the public we are going to give our time to the Senate and cut down on outside engagements. If we do not want a code of ethics, then I say vote for the amendment of the Senator from Maine.

Mr. BIDEN. Mr. President——

The PRESIDING OFFICER. Who yields time?

The Senator from Wisconsin has 14 minutes left.

Does he wish to yield any time?

Mr. NELSON. I yield the time to the majority leader, who had wanted 15 minutes.

Mr. ROBERT C. BYRD. I yield 2 minutes to the Senator from Delaware.

Mr. BIDEN. Mr. President, I rise as one who is going to vote against Senator MUSKIE's amendment, but I think it is fair to point out what I believe to be some of the hypocrisy that is occurring here on the floor.

The distinction between unearned and earned income seems to me to be a bit of a specious argument. Really, what the folks are concerned about is whether we have a conflict of interest, not how much time we spend or do not spend. The Senator from New Hampshire and I have an amendment to come up later that deals with limiting the kind of lecture fee you can accept, based upon whether or not it presents a potential conflict.

I am fascinated by the argument of the Senator from South Carolina. The argument is whether or not Senators should be able to earn $66,000 or $82,500, whatever it is. The fact of the matter is not every Senator can earn $25,000. I hate to shock you fellows, but a lot of folks do not want to hear you for $25,000.

The fact of the matter is, when the rate was down, it was brought up by fellows like Senator MUSKIE, who are in demand, whom people do want to hear. You are saying to them, "you cannot earn it." Yet you, in fact, can go out and have your private investment, your real estate transactions and all the rest, and say that somehow does not present a conflict.

I think it should be set straight. This is not a question of whether every Senator is going to have an $85,000 or $25,000 limit. How many of you guys were asked to speak $25,000 worth last year? It seems to me what it comes down to here is the folks who were not asked are the ones who are voting against it. The folks who were asked will vote for it.

It is on the record; I have made the limit every year since I have been here. The reason I have voted against the Senator is that I think I have painted myself into a box, quite frankly. The issue is conflict, not time. I cannot, in good conscience, vote against the limit of 15 percent unless we deal with the specific issue of whether or not a conflict exists. I, for example, have never accepted an honorarium, even though I have made the limit every year, from any group that potentially has a legislative interest before the Congress—nothing from a business, nothing from labor or any other group. There is nothing wrong with it; I just felt that, for me, the propriety was that I should not.

It really galls me when folks stand up here and say, when they have outside income—2 more minutes if I may——

Mr. ROBERT C. BYRD. Two more minutes.

Mr. BIDEN (continuing). That other folks in here who are asked to speak somehow are in conflict. Do you really think the folks believe that it is more of a conflict for me to speak as a Chubb fellow at Yale for a thousand dollars on the time that Congress is not in session than it is for one of my colleagues to have an oil lease?

Let us talk about conflict, not time; they think has more potential of conflict? This is a bunch of malarkey. It really is. It really is a little bit insane.

Let us talk about conflict, not time; that is a red herring. If the folks do not think we are spending enough time here, they can look at our voting record. They can make that determination. But let us set them straight that we are concerned about conflict.

But fellows, there is at least as much a conflict in unearned income as in my being a Chubb fellow at Yale for 2 days or a weekend. My Lord.

So, I have said enough.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, how much time remains?

The PRESIDING OFFICER. Ten minutes.

Mr. ROBERT C. BYRD. Ten minutes. I thank the Chair.

Mr. President, first I want to express appreciation to Mr. NELSON, the chairman of the Special Committee, and to all of the members of that committee on both sides of the aisle. They worked tirelessly. They worked long days. They worked weekends and they followed the guidelines that had been laid down in the resolution that was introduced by Mr. BAKER and myself creating the committee. In my judgment, the Senate is in their debt because of the dedication that they demonstrated to their responsibilities, which reflects well upon themselves and upon the Senate.

Mr. President, some reference to me has been made today by the distinguished Senator from Oregon (Mr. PACKWOOD) in which the transcript reads as follows:

> Whether it be jealousy because some Senators are more popular on the speaking circuit than others, whether it be fear, whether it be fear of the majority leader of the Senate who has talked to every single Democrat. In at least three instances Democrats who have talked to me who were initially supporting us on this have changed their mind because of what they said was pressure brought on them by the majority leader.

Well, Mr. President, I know how things are said sometimes in the heat of debate that, really, upon reflection and upon careful study might not have been said.

As to jealousy, may I assure the Members of the Senate that I am not jealous of any Senator who can command speak-

ing fees amounting to the maximum of $25,000. I have never been able to do it, but certainly there is no jealousy on my part in this regard.

For the purpose of the record, let me state that my lecture fees within the past 10 years run as follows: In 1968, $5,775; 1969, $7,121.25; 1970, $1,275; 1971, $9,650; 1972, $10,937.50; 1973, $10,250; 1974, $11,325; 1975, $12,900; 1976, $4,000; and to date in this year of 1977, $8,000, making a total of $81,233.75.

So it is not a matter of jealousy at all that compels me to oppose this amendment.

I think I should state that a considerable portion of that honoraria went to pay for U.S. savings bonds which I give to valedictorians in public and parochial high schools in West Virginia each year.

Since 1969, I have contributed out of this outside "earned" income $36,881.25 to the purpose of purchasing U.S. savings bonds which I have given to the valedictorians, as I have indicated.

So not only am I not jealous; I greatly admire those who are able to command such speaking fees, and I can understand their sincerity in arguing against the limitation that the committee has recommended.

But I have not exerted myself, may I say with respect to Senator PACKWOOD's reference to "fear of the majority leader," I have not exerted myself as majority leader on this issue any more than I did on behalf of the Federal pay increase.

I contacted many Senators individually in support of that pay increase and I have no apologies, no apologies whatsoever to make for my efforts in that instance, or for my efforts in connection with the current matter. In both instances I acted in what I thought were the best interests of the Senate as an institution.

As to the Federal pay increase, my statement in support thereof was made at the time I made the motion to table the amendment by Mr. ALLEN. That is a matter of record and I do not need to repeat at this time my reasons for supporting the Federal pay increase.

Last week I stated on the floor my support for the Nelson committee's recommendation with respect to a 15-percent limitation on outside income.

Now, I have indeed talked to some Senators about the two Muskie amendments. I have not talked to all Senators on my side of the aisle, because there was not time.

I first began calling Senators when I received a letter which had been signed by the distinguished Senator from Maine and three other very distinguished Senators—including Mr. PACKWOOD—in support of his amendments—one of which we are about to vote on and one of which we voted on just a moment ago.

But I did write a couple of letters to all Democratic Senators, one dated March 17, 1977, which closes in this fashion:

I shall, therefore, oppose any effort to increase that limitation, or eliminate it, or extend it to outside unearned income. I hope the Senate will stand by the Nelson Committee position in this important regard.

I wrote another letter today to all of my colleagues, the closing paragraph of which says:

I hope that the Senate will uphold the Nelson Special Committee on Official Conduct in voting against both amendments.

Mr. President, I ask unanimous consent that the two letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, D.C., March 17, 1977.

The Honorable ----------,
U.S. Senate,
Washington, D.C.

DEAR ----------: As you know, I strongly supported the Congressional pay raise that was proposed by President Ford, based on the Peterson Commission recommendations. That pay increase also went to certain high level positions in the Executive Branch and the Judiciary.

I also support the 15-percent limitation on outside earned income recommended by the Special Committee on Official Conduct, chaired by Senator Nelson. I shall, therefore, oppose any effort to increase that limitation, or eliminate it, or extend it to outside unearned income. I hope the Senate will stand by the Nelson committee position in this important regard.

Sincerely yours,

ROBERT C. BYRD.

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, D.C. March 22, 1977.

DEAR COLLEAGUE: A vote is scheduled to occur today at 5:00 p.m., on Senator Muskie's amendment to apply the 15-percent limitation to outside "unearned" income.

A second vote is scheduled to occur at about 6:15 p.m., on Senator Muskie's amendment to eliminate the 15-percent limitation on outside "earned" income.

I hope that the Senate will uphold the Nelson Special Committee on Official Conduct in voting against both amendments.

With warm personal regards.

Cordially yours,

ROBERT C. BYRD.

Mr. ROBERT C. BYRD. Mr. President, there have been some other comments and some remarks about a "Bird" bath in the Senate, all of which I take in perfectly good humor.

But, in no instance did I say anything that could create "fear of the Majority Leader," nor would it be possible for me to have done so. Senators know better than that.

Mr. President, my point is this, the Peterson Commission, President Ford, and President Carter, all supported the Federal pay increase. They tied that pay increase to an official code of conduct and, implicit in their support, was a limitation on outside "earned" income as a part of the code of conduct that they recommended.

I emphasize that one of the key principles of the code of public conduct as envisioned by the Peterson Commission was a "rigorous restriction on outside earned income, so that the public can reasonably assume that higher salaries proposed in the Commission's report represent substantially all the earned income which the public officials covered by the report will receive."

Mr. Ford specifically linked his recommendations for substantial pay increases for top Federal officials, including Members of Congress, to the adoption of a code of conduct in which there would be a strict limit on outside earned income.

As I say, I supported the salary increase. I feel it my duty now to support the committee's recommended limitation on outside earned income.

As a result of the salary increase, a Member's salary today is $57,500. The limitation of 15 percent on outside earned income—which is the same limitation that was adopted by the House of Representatives in its own code of conduct—brings to a total the amount of $66,125 which can be earned by a Senator or Member of the House of Representatives.

It is a salary that places U.S. Senators in the top 1 percent, the top 1 percent of the America public in terms of income. I think it would be extremely difficult to sell to the other 99 percent of the American people—those whose earnings are well below $66,125—the proposition that the 15-percent limitation on outside earned income will divest a Senator of enough income to affect his economic viability.

The distinguished senior Senator from Maine, Mr. MUSKIE, on last Friday discussed the economic hardship that will be placed on him by this limitation. Financial hardship is no stranger to me. It is no stranger to most of us here. I came to the House of Representatives in 1953. The salary at that time for Members of Congress was $12,500. We were reimbursed for one round trip to the home district a year. That is a statutory mileage payment which goes back to July 28, 1866.

My wife and I had to rake and scrape to buy a little house. We had to borrow money. I had to run every other year for reelection as a Member of the House of Representatives. I was a Member of that body 3 terms. We had two daughters to educate, and we put a Chinese orphan through college. We put me through night law school—all of this out of my income from salary and honoraria.

I know, therefore, firsthand the problems for the Members of this body and the other body—and especially new Members—confronted with the financial sacrifices that they have to make while serving in the Senate and House. I recognize the financial burden on these Members, but it is a burden that the pay raise has helped to alleviate. The fact that a Member may continue to earn up to 15 percent of his base salary in lecture fees, and so forth, will help further to alleviate the financial strictures of Members of the Senate.

Mr. President, reference has been made to the necessity of the lecture circuit to further the public dialog. That will not be hampered by the 15-percent limitation on outside earned income. A public dialog is now focused on the floor of the Senate. The days of the Chautauqua circuit are gone forever. The national news media now reports events simultaneously with their occurrence.

This is the finest and the best speech forum in the world.

Right up there sits an entire gallery of press media. The printed media, the television and radio media are at hand. We have our opportunities to get on the Sunday shows: Face the Nation, Issues and Answers, Meet the Press, and so on. We have every opportunity to get our views out to the public, and Senators are not prohibited from even the lecture circuit under the 15-percent limitation. They are only prohibited from earning more than $8,625 in honoraria by doing so.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, Mr. NELSON yielded 3 minutes to Mr. JAVITS, I believe.

Mr. MUSKIE. Mr. President, I yield to the Senator.

Mr. ROBERT C. BYRD. Not more than 3 minutes.

Mr. MUSKIE. I yield.

Mr. ROBERT C. BYRD. I thank my colleague.

Senators can continue to make as many speeches as they wish, even with this limitation. They can make as many as they wish, if they accept only the expenses and stay within the 15-percent limitation. Under the terms of the resolution, they can receive honoraria for speeches up to $25,000 a year, if that money is dedicated to charity and the tax deduction is not taken.

In closing, may I say that I have only the highest regard for ED MUSKIE, who is the author of this amendment. I know of no Senator who is more dedicated, more effective, more articulate, and more eloquent. No wonder he receives invitation after invitation to go out and speak.

His work as chairman of the Budget Committee, for example, has been truly one of the great landmarks of effectiveness and dedication in the Senate. I respect him for his work, for his strong convictions in regard to this matter, and for his impeccable integrity.

It goes without saying, therefore, that my opposition to this amendment is in no way directed toward him or any other Members of the Senate, and I say exactly the same thing about this committee, which has labored so long and so hard. The committee's work has been done out of dedication to the mandate that was laid down in the resolution, and was not directed against any Senator in this body today.

I close simply by thanking Mr. MUSKIE and thanking all Senators who have participated in the debate. I think it has been an excellent debate.

Also in closing, I urge Senators to vote down the amendment because, in my judgment, the American people expect the Senate to enact a strong code of ethics. I think a limit of 15 percent on outside "earned" income a necessary ingredient in that code and is a reasonable limit, especially when tied to the recent pay increase. I believe that for the good of the Senate, at this particular time in history, the Senate should uphold the Nelson committee's recommendation in this regard.

The Code of Official Conduct, Mr. President, is the standard for the present and the future, to guard against potential abuse. It will be viewed as a watershed in the Senate's efforts to strengthen itself as an institution.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. If I have any time remaining out of the 3 minutes.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. ROBERT C. BYRD. My time has expired. I am sorry.

Mr. MUSKIE. Mr. President, I appreciate the kind references of the distinguished majority leader. I wish he would permit me to send them to booking agencies. I also would like, if I might have permission, to send the remarks of the distinguished Senator from Wisconsin (Mr. NELSON) to the booking agencies, but only if this amendment is agreed to. [Laughter.] Otherwise, there is no point in selling what is not available.

I say to the distinguished majority leader these things:

First, he emphasized the point that $66,125 should be enough. However, 67 Senators, including the Senator from West Virginia, have just voted to the effect that $66,125 is not enough, except as to Senators with earned income.

I put a column in the RECORD this morning which reveals what some Senators had disclosed voluntarily: outside incomes of $125,000, $112,000, $74,000, $65,000; all incomes that are not limited by this 15 percent, not limited at all. But the limit is to apply to us, because apparently in the Senator's judgment lecture fees are more conflict of interest prone than any other form of outside income.

If that is the basis of his judgment, then I challenge his facts. If it is not the basis of his judgment, then I challenge the limit. I can see no justification, none whatsoever, for a limit on anybody's income if there is no conflict of interest.

That is my simple proposition. It has taken all the orchestration I can command—and I doubt that it is as good as my good friend from Wisconsin suggests—to get to that point.

I do not believe the American people demand that we prohibit income, earned or unearned, which involves no conflict of interest and which does not interfere with a Senator's duty as a Senator. I believe that if it meets those two tests, the American people would not want to prohibit, would not insist on a code of ethics that contains that kind of limitation. I do not believe it, and there is not a poll I have read that suggests the contrary. On the contrary, the Harris poll, which has been involved so much in this debate, says clearly, with respect to outside earned and unearned income, where there may be a conflict, that they would be satisfied with disclosure; and this committee says that at the heart of the code of conduct is full and complete public financial disclosure.

If that is sufficient for the public, and if it is a principle that the committee embraces with respect to everything in this code except earned income, then it is a principle that is sufficient to safeguard the public against conflict of interest from earned income unless somebody can show, and nobody has shown in 3 days of debate, that lecture fees are so fraught with the danger of conflict of interest that they have to be prohibited altogether.

This is simply a stepping stone on the road to complete prohibition. Common Cause, which is the behind-the-scenes force on this code of ethics, has said so, that is their objective; so that is the objective.

When they get us, gentlemen, they will get the rest of you, they will get after your incomes, your outside incomes, whatever. I say full disclosure is adequate.

Now, on this point that when you voted for the pay raise you voted for a code of ethics, what does that mean?

Did you at that moment consciously vote for each and every provision in the code of ethics or did you reserve to yourself some measure of judgment as to what is reasonable, unreasonable, effective, ineffective? When you cast that vote did you rubberstamp anything the committee might produce? When you cast that vote did you rubberstamp whatever the majority had in mind as to what would be a satisfactory code of ethics?

Of course, you did not. This code goes into great specifics about a lot of things. The question was raised the other day as to whether or not the public was not expecting some specific and not just generalities like full disclosure.

Well, look on page 2 of the committee report. I ask unanimous consent that the summary contained on page 2 be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY

Summarized briefly, these proposed Rules set forth in Title I would provide for:

1. Public financial disclosure by Senators or officers and employees of the Senate earning in excess of $25,000 per year. Reporting individuals would be required to list their earned income and the sources and categories of value of their income, other than earned income, and all other interests, assets, and holdings held for the purposes of investment or income production;

2. A prohibition on knowingly accepting a gift or gifts having an aggregate value of over $100 during a year from any individual or organization having a "direct interest in legislation", as defined in that proposed Rule;

3. A prohibition imposed on senators, officers, and employees of the Senate earning more than $35,000 from earning outside income in an amount exceeding 15 percent of their salaries;

4. A prohibition on members, officers, and employees earning over $25,000 from practicing their profession or rendering professional services;

5. A prohibition on the use of so-called "unofficial" office accounts;

6. A prohibition on the practices of so-called "lameduck travel" in connection with foreign travel;

7. A restriction on the use of the frank

to materials printed or paper purchased with government funds;

8. A prohibition on keeping officers and employees of the Senate on the Senate payroll while they are engaged substantially in campaign activities; and

9. A prohibition against discriminating on the basis of race, color, religion, sex, national origin, or state of physical handicap in employment practices in the Senate.

Title II sets forth certain amendments to S. Res. 338, agreed to in 1964, which established the procedure of the Select Committee on Standards and Conduct, now the Select Committee on Ethics. This procedure includes a provision designed to insure that every sworn complaint to the Select Committee will receive an initial review by the Committee; that if the Committee determines the complaint to be lacking in merit, the complainant and the accused will be informed; if the Select Committee decides that the complaint warrants a full investigation, a report to the Senate would be required. Title II also provides that if two members of the Select Committee disagree with a decision by a majority of the Select Committee, those members can bring the matter to the attention of the full Senate by offering a resolution which, if adopted, would instruct the Select Committee to hold a full investigation.

Title III sets forth recommendations that certain studies be made by various Senate committees to follow up in certain areas which the Committee did not have time to deal with fully. For example, in the course of studying the uses of "unofficial office accounts" and the resulting problems, the Committee concluded that the uses of such accounts were closely tied to relatively narrow restrictions on permissible uses of official allowances. For that reason, the Committee is recommending that the Committees on Rules and Appropriations study the adequacy and permissible uses of official allowances and report their recommendations to the Senate.

Mr. MUSKIE. There are more specifics in this code, aside from this one on earned income, and you are going to find it uncomfortable living with, believe me, if you have not already read it and reached that judgment yourself. There are all manner of specifics in here, and I support the bulk of them, but they are not going to be easy to live with, and there is plenty of specific evidence to give your constituents back home that you are an honest man.

That, after all, is what we are all trying to prove with our vote this afternoon, are we not? It is suggested that those of us who are going to vote for the Muskie amendment are somehow soft on ethics—let me repeat, somehow soft on ethics. Well. I challenge that, and I have got a public record that supports my challenge. The people I know in this body who are on the lecture circuit have public records to support that challenge.

We do not need to rubberstamp any committee, and if the Senate rubberstamps this committee it will be the first time in my 19 years in the Senate when I have seen a committee rubberstamped on a controversial issue by every Senator.

What makes this committee so special that it should be rubberstamped? I wish I could command that kind of power, to say to every Senator, "Unless you vote for my bill you are dishonest" or "you are unethical" or "you are soft on ethics."

Is that the power we are having waved around this Chamber this afternoon unless we rubberstamp this?

I told you earlier today about the six Senators I called when I got to my office this morning, and five of them said, "Ed, you are right, but I cannot vote for you."

Why could they not? One had made a commitment to the majority leader; two or three others had voted for the pay raise and were taking flak back home, and had to cast a vote that would offset that flak; and they were feeling the pressure of public dissatisfaction with congressional ethics. So even though they believed I was right on the merits, and that those reasons were irrelevant on the merits, they were going to vote with the majority leader.

I have a very strong feeling that if this amendment is defeated, it will be defeated notwithstanding the fact that a majority of the Senate agrees with me on the merits.

Mr. ROBERT C. BYRD. Mr. President, the Senator did not interrupt me, but may I interrupt him for a second?

Mr. MUSKIE. Of course.

Mr. ROBERT C. BYRD. In my calls to Senators and in my personal discussion with Senators I found several Senators who said to me they were already committed to the Senator from Maine, and so I left them alone when they said that.

Mr. MUSKIE. Well, I did not run into your tracks anywhere, Bob. [Laughter.] You are more adept at concealing it. But you have enormous influence here not only because of your position as majority leader but because you are a very persuasive man, too. But when your persuasion is added to the pressure of public dissatisfaction with congressional ethics generally what is created is sort of a lynch-mob environment in which people will just vote anything in the name of ethics, whether or not it is wise, and I just do not think that is the way we ought to be writing this policy.

But, as the Senator from Wisconsin has suggested, I have talked more than my share, and I apologize if I have overburdened my colleagues with the thrust of my arguments. Obviously I feel deeply about it. I do not very often engage in this kind of extended debate. I have tried not to repeat myself, but because the Senator from Wisconsin repeats himself I have to in order to respond. [Laughter.]

But in any case I thank you all for listening and for giving us your attention for the last hour. We have had an audience and I cannot complain about that.

ADDITIONAL STATEMENT SUBMITTED ON AMENDMENT NO. 92

Mr. HATHAWAY. Mr. President, I appreciate a number of the points made by my good friend and colleague from Maine. He has done an excellent job in illuminating many of the issues associated with the proposed Code of Conduct and its limitation on outside earned income.

This is a most difficult question of judgment and interpretation, but after careful analysis, I feel compelled to oppose his amendment which would strike from the code the provision imposing a 15 percent limitation on outside earned income.

I am opposed to the amendment because this particular provision is one of the most important in the proposed Code of Official Conduct. Perhaps more than any other provision, it helps to assure the people that their Senators are working for them full time and are devoting only a limited amount of their offwork hours to outside earning activities. This provision indicates that Senators will devote themselves first and foremost to the concerns of their constituents and will not be excessively diverted or distracted by other activities.

Such a provision is vital and necessary if we are to counter and reverse a public perception that elected officials are interested either primarily, or to an unhealthy degree, in personal gain, and only secondarily in the concerns of the people.

Certainly, this provision will cause some hardship; but I think we should all be willing to make this commitment as a condition of our serving in this body. As long as we are members of the Senate, we should be willing to put private affairs aside for the most part and concentrate instead on legislative duties and assisting our constituents.

It has been argued that the code, in limiting earned income but exempting unearned income, discriminates against those of us who did not arrive in this body as wealthy men and are not now wealthy men.

The code does treat these two kinds of income quite differently. But they ought to be treated differently since they have different characteristics and pose different problems in terms of their potential for creating conflicts of interest and conflicts of time, and for creating perceptions on the part of the public of apparent conflicts.

Unearned income, by definition, does not require that any personal services be rendered. Later, I intend to offer an amendment to insure that this code preserves this definition and insures that no personal services will be rendered in connection with exempt, unearned income. Unearned income is basically a return on capital—a return on passive assets which generate income to the possessor of those assets.

Earned income, on the other hand, represents a quid pro quo for actual personal services rendered which have a certain value to the recipient of those services. That value may be in terms of income ultimately produced to the recipient on the basis of the services rendered, it may be in terms of entertainment value of the services, or simply in terms of the market value of such services which are desired by, or necessary to, the recipient. Those who receive earned income must somehow fulfill the requirements, perform the job, or render the service for which they were hired and for which they are paid.

The committee, given the different nature of these two kinds of income, determined that outside earned income ought to be restricted to 15 percent of

salary, but placed no such limitation on unearned income.

This determination was a reasonable approach to this problem, although I do not suggest that there might not be others equally reasonable. Restricting outside earned income to 15 percent of salary, or an additional $8,600 per year, represents a reasonable device to insure that Senators devote only a limited amount of time to outside activities, and, within that $8,600 limitation, the $1,000 limitation on individual honoraria minimizes the potential that such speaking engagements will become vehicles for influencing a legislator in performing his official duties.

Further, it is important to note that the code does not totally ignore unearned income; its sources and categories of value must be disclosed, as must gains on the sale of such property. Under the code, Members and employees are precluded from using their positions to introduce or aid the progress of legislation which would further their direct pecuniary interest.

In deliberating these matters and in voting on the provisions before us, it is important to realize that we have not reached an ideal solution.

The code before us is not perfect and we have much work to do in the future to improve and refine it. But with the present effort, we have begun this important work. In an ideal world, we would insure that all Senators were totally divested of any assets which might cause the remotest potential for conflict. They would be stripped of all outside holdings and would depend solely on their salary which would be fully adequate to meet all of their financial needs. This solution is not practical, given our economic system and given our Constitution.

In the meantime, we must insure that the rates of pay received by Members of this body and by top-level Federal officials and Federal judges are fully equivalent and comparable to that received in the private sector for jobs of equivalent responsibility. We ought to do this not because we are greedy, not because we like to raid the Treasury for our own benefit, but because we want to insure that the U.S. Senate, the Supreme Court, and top-level civil service positions attract and hold capable people.

It is for this reason that I have supported cost-of-living pay increases for the executive, judicial, and legislative branches. But these increases have been resisted by many in this body and in the House of Representatives. Until the most recent increase took effect, we had a situation where the cost of living had increased by over 60 percent in 7 years, but our own salaries had gone up 5 percent. This situation caused a very significant decline in the real purchasing power of our pay and aggravated the impact which prior accumulated wealth, or the lack thereof, has upon service in this body. Given these circumstances, a number of us have augmented our salaries by delivering lectures.

But, rather than becoming speakers on the lecture circuit to ameliorate these economic facts of life, it is a more proper, more rational approach to allow for increases consistent with the cost of living, as is done throughout the private sector and the rest of Government.

We should be willing to do this on a direct and open basis. I supported the recent increase in executive, judicial, and congressional pay because I felt it contributed to a better quality of government in all three branches. I supported it openly and through a rollcall vote because I felt that any needed increases ought come from official salary, and not from other sources. We should not feel forced by political exigencies to vote against such proposals and then make up for the lost income through delivering speeches to outside groups and interests. If collectively we were willing to so act, the public would be assured that we were doing our job and we would avoid the appearance of being an adjunct to show business.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER (Mr. SASSER). All time has expired.

Mr. ROBERT C. BYRD. President, has all time expired? I was going to suggest if it had not that we proceed to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays are ordered, and the clerk will call the roll.

Mr. ROBERT C. BYRD. Mr. President, before there is a response, there will be no more rollcalls tonight unless perchance this vote were to be so tight that there would be a motion to reconsider, and so on, which could occur. But I know of no Senator who wishes to have another vote tonight.

Mr. WEICKER will lay down his amendment upon the disposition of this matter and that will be the pending question when the Senate goes back to this issue tomorrow.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Idaho (Mr. CHURCH) is necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) is absent on official business.

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH) would vote "nay."

Mr. STEVENS. I announce that the Senator from North Dakota (Mr. YOUNG) is necessarily absent.

The result was announced—yeas 35, nays 62, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—35

Abourezk	Goldwater	Laxalt
Bayh	Hansen	Lugar
Byrd, Harry F., Jr.	Hatch	Mathias
	Hatfield	McClure
Curtis	Hayakawa	McGovern
Danforth	Heinz	Metcalf
Dole	Inouye	Muskie
Garn	Javits	Packwood
Pearson	Schmitt	Tower
Percy	Schweiker	Wallop
Riegle	Stennis	Weicker
Roth	Talmadge	Williams

NAYS—62

Allen	Eagleton	Melcher
Anderson	Eastland	Metzenbaum
Baker	Ford	Morgan
Bartlett	Glenn	Moynihan
Bellmon	Griffin	Nelson
Bentsen	Hart	Nunn
Biden	Haskell	Pell
Brooke	Hathaway	Proxmire
Bumpers	Helms	Randolph
Burdick	Hollings	Ribicoff
Byrd, Robert C.	Huddleston	Sarbanes
Cannon	Humphrey	Sasser
Case	Jackson	Scott
Chafee	Johnston	Sparkman
Chiles	Kennedy	Stafford
Clark	Leahy	Stevens
Cranston	Long	Stevenson
Culver	Magnuson	Stone
DeConcini	Matsunaga	Thurmond
Domenici	McClellan	Zorinsky
Durkin	McIntyre	

NOT VOTING—3

Church	Gravel	Young

So Mr. MUSKIE's amendment was rejected.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut (Mr. WEICKER) is recognized.

Mr. SCHMITT. Mr. President, may we have order?

The PRESIDING OFFICER. Let us have order in the Senate.

AMENDMENT NO. 86, AS MODIFIED

Mr. WEICKER. Mr. President, I send my amendment 86, as modified, to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Connecticut (Mr. WEICKER) proposes an amendment numbered 86 as modified.

Mr. WEICKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

Strike out all after "Resolved," through page 32, line 10, insert in lieu thereof the following: "That this resolution may be cited as the 'Official Conduct Amendments of 1977'.

"TITLE I—CODE OF OFFICIAL CONDUCT

"SEC. 101. The Standing Rules of the Senate are amended—

"(1) by striking out rules XLI, XLII, XLIII, and XLIV; and

"(2) by renumbering rule XLV as rule XLI, and by adding after such rule the following new rules which shall be known as the 'Senate Code of Official Conduct':

"'RULE XLII

"'PUBLIC FINANCIAL DISCLOSURE

"'1. (a) (1) Each individual who for a period in excess of ninety days during a calendar year is a Senator, or an officer or employee of the Senate who is compensated at a rate in excess of $25,000 a year, shall file a report containing a full and complete financial statement for that calendar year.

"'(2) Each employee designated under rule XLIX to handle campaign funds during any calendar year shall file a report containing a full and complete financial disclosure statement for that calendar year.

"'(b) Each individual described in subparagraph (a) who during any calendar year ceases to occupy an office or position described in such subparagraph shall file a report containing a full and complete financial statement for that portion of such year beginning on January 1 and ending on the date on which he ceases to occupy such office or position.

"'(c) Any individual who seeks nomination for election, or election, to the office of United States Senator shall file in any year in which such individual has—

"'(1) taken the action necessary under the law of a State to qualify for nomination for election, or election, or

"'(2) received political contributions or made expenditures, or has given consent for any other person to receive political contributions or make expenditures, with a view to bringing about such individual's nomination for election, or election, to such office, a report containing a full and complete financial statement for the preceding calendar year.

"'(d) The Secretary of the Senate shall submit annually to the Select Committee on Ethics (hereinafter referred to as the "select committee") a complete list of Members, officers, and employees of the Senate who are required to file a report under this paragraph and shall submit at the close of each calendar quarter a list of individuals required to file such report who have begun or terminated employment with the Senate or been designated pursuant to rule XLIX.

"'2. Each individual shall include in the report to be filed under paragraph 1 a copy of the returns of taxes, declarations, statements, other documents, and amendments thereto, which he, he and his spouse jointly, his spouse separately, his dependents, or any fiduciary (regarding income received on behalf of such individual), made for such year in compliance with the income tax provisions of the Internal Revenue Code of 1954, except that the deduction for medical and dental expenses and for charitable contributions may in each case be shown only as the total amount of such expenses and contributions and the supporting information required therewith need not be disclosed. Each individual shall also include in such report a full and complete financial statement in such manner and form as may be prescribed by the Select Committee and which shall include the following:

"'(a) The identity and fair market value of each asset (other than household furnishings, goods, jewelry, and clothing) held during the calendar year which is in excess of $1,000.

"'(b) The identity and amount of each liability which is in excess of $1,000 owed at any time during the preceding calendar year.

"'(c) Each gift or aggregate of gifts from one source (other than relatives) received during the calendar year which exceeds $100.

"'(d) An itemized listing of all honoraria received by him in the calendar year.

"'(e) The identity of all positions held at any time during the calendar year as an officer, director, trustee, partner, adviser, proprietor, agent, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, and any educational or other institution.

"'(3) For purposes of subparagraphs (a) through (e) of paragraph 2, an individual shall report each gift received, each item received in kind, each asset held, each liability owed, and each position held by him, his spouse, or any of his dependents, or by him and his spouse jointly, him and any of his dependents jointly, or his spouse and any of his dependents jointly, or by any person acting on his behalf.

"'4. Since it is the policy of the United States Senate that Senators and officers and employees of the Senate make full and complete public financial disclosure of financial holdings, it is the sense of the Senate that trusts established for the purpose of being "blind trusts", whether revocable or irrevocable, shall be dissolved by the creating party to permit the disclosures required by this rule.

"'5. (a) Each individual required to file a report under paragraph 1(a) for any calendar year shall file such report with the Secretary of the Senate not later than May 15 of the next year.

"'(b) Each individual required to file a report under paragraph 1(b) for a portion of a year shall file such report with the Secretary of the Senate on the last day he occupies an office or position described in paragraph 1 during such year.

"'(c) Each individual required to file a report under paragraph 1(c) shall file such report with the Secretary of the Senate not later than the thirtieth day following the day on which such individual first fulfills the filing requirements of such paragraph during such year or May 15 of that year, whichever is later.

"'(d) A copy of each report filed under subparagraphs (a), (b), and (c) shall be provided to the Select Committee by the Secretary of the Senate.

"'(e) Each Senator, and each individual required to report under paragraph 1(c), shall cause his report to be filed as a public document with the Secretary of State (or, if there is no Office of Secretary of State, the equivalent State offices) in the State which the Senator represents or in which the individual is a candidate for the position of Senator.

"'(f) The Select Committee may grant one or more reasonable extensions of time for filing any report but the total of such extensions shall not exceed sixty days.

"'(g) No later than July 30, the President pro tempore of the Senate shall cause the report of each individual Member to be published in a separate issue of the Congressional Record.

"'6. (a) The Secretary of the Senate shall make each report filed with him under this rule available to the public within fifteen days after the receipt of such report, and shall provide a copy of any such report to any person upon a written request.

"'(b) The Secretary of the Senate may require any person receiving a copy of any report under subparagraph (a) to supply his name and address and the name of the person or organization, if any, on whose behalf he is requesting such copy and to pay a reasonable fee in any amount which the Secretary of the Senate finds necessary to recover the cost of reproducing or mailing of such report excluding any salary of any employee involved in such reproduction or mailing. The Secretary of the Senate may furnish a copy of any such report without charge or at a reduced charge if he determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the public.

"'(c) Any report received by the Secretary of the Senate shall be held in his custody and made available to the public for a period of seven years after receipt by the Secretary of the Senate of such report. After such seven-year period, the Secretary of the Senate shall destroy any such report.

"'(d) The select committee shall review all financial statements filed pursuant to paragraph 1 to determine whether such statements are filed in a timely manner and are complete and in proper form.

"'(e) The Comptroller General shall, under such regulations as he may prescribe, and which are approved by the select committee, conduct, on a random basis, audits of approximately 5 per centum of the reports filed with the Secretary of the Senate (other than those filed by a Member of the Senate).

"'(2) The Comptroller General shall, during each six-year period beginning after the date of enactment of this Act, audit at least one report filed by each Member of the Senate, except that no such audit shall take place during the calendar year such Member is up for reelection.

"'(3)(A) In conducting an audit under clause (1) or (2), the Comptroller General is authorized to request that the select committee issue a subpena to require the production of books, papers, and other documents.

"'(B) The Comptroller General may use outside consultants to assist him in his responsibilities under this subparagraph.

"'(4) The Comptroller General shall transmit the findings of each audit to the select committee and the individual being audited.

"'7. For the purpose of this rule—

"'(a) the term "assets" include, but is not limited to—

"'(1) any interest in real and personal property and commodities futures or securities, held directly or indirectly, and any patent, copyright, or contract or agreement for future employment, and

"'(2) the holdings and sources of income of a trust or other financial arrangement in which a Senator, officer, and employee has an interest, whether "blind" or not, and whether or not created by or under the control of the reporting Senator, officer, or employee or the spouse or dependents of such reporting individual except that the identity of the holdings and the sources of a trust's income need not be disclosed if—

"'(A) the trust was not created directly or indirectly by the reporting individual, his spouse, or dependents,

"'(B) the reporting individual, his spouse, and dependents have no knowledge of the contents or sources of income of the trust, and

"'(C) the reporting individual has requested the trustee to provide information with respect to the holdings and sources of income of the trust and the trustee refuses to disclose the information.

However, where the identity of the holdings and the sources of income of a trust need not be disclosed, the reporting individual must list the net cash value of his interest in the total trust holdings under subparagraph (a) of paragraph 2;

"'(b) the term "commodity future" means commodity future as defined in sections 2 and 5 of the Commodity Exchange Act, as amended (7 U.S.C. 2 and 5);

"'(c) the term "Comptroller General" means the Comptroller General of the United States;

"'(d) the term "dependent" has meaning set forth in section 152 of the Internal Revenue Code of 1954;

"'(e) the term "employee of the Senate" has the same meaning given to such term in paragraphs 2, 3, and 4 of rule XLVII;

"'(f) the term "gift" means a payment, subscription, advance, forebearance, rendering, or deposit of money, services, or anything of value, including food, lodging, transportation, or entertainment, and reimbursement for other than necessary expenses, unless consideration of equal or greater value is received, but shall not include (1) a political contribution otherwise reported as required by law, (2) a loan made in a commercially reasonable manner (including requirements that the loan be repaid and that a reasonable rate of interest be paid), (3) a bequest, inheritance or other transfer at death, or (4) anything of value given to a spouse or dependent of a reporting

individual by the employer of such spouse or dependent in recognition of the service provided by such spouse or dependent;

"'(g) the term "political contribution" means a contribution as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431);

"'(h) the term "relative" means, with respect to a person required to file a report under this rule, an individual who is related to the person as father, mother, son, daughter, brother, sister, uncle, aunt, great uncle, great aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of the person reporting;

"'(i) the term "security" has the meaning set forth in section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77b); and

"'(j) the term "transactions in securities and commodities futures" means any acquisition, transfer, or other disposition involving any security or commodity.

"'RULE XLIII

"'CONFLICT OF INTEREST

"'1. A Member, officer, or employee of the Senate shall not receive any compensation, nor shall he permit any compensation to accrue to his beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his position as a Member, officer, or employee.

"'2. No Member, officer, or employee shall engage in any outside business or professional activity or employment for compensation which is inconsistent or in conflict with the conscientious performance of official duties.

"'3. No officer or employee shall engage in any outside business or professional activity or employment for compensation unless he has reported in writing, when such activity or employment commences and on May 15 of each year thereafter so long as such activity or employment continues, the nature of such activity or employment to his supervisor. The supervisor shall then, in the discharge of his duties, take such action as he considers necessary for the avoidance of conflict of interest or interference with duties to the Senate.

"'4. No Member, officer, or employee shall knowingly use his official position to introduce or aid the progress or passage of legislation, a principal purpose of which is to further only his pecuniary interest, only the pecuniary interest of his immediate family, or only the pecuniary interest of a limited class of persons or enterprises, when he, or his immediate family, or enterprises controlled by them, are members of the affected class.

"'5. A Member, notwithstanding the provision of Rule XII of the Standing Rules of the Senate, may decline to vote, in committee or on the floor, on any matter when he believes that his voting on such a matter would be a conflict of interest.

"'6. An employee on the staff of a committee who is compensated at a rate in excess of $25,000 per annum and employed for more than ninety days in a calendar year (unless hired on a per diem basis) shall divest himself of any holdings which may be directly affected by the actions of the committee for which he works, unless he has received permission in writing from his supervisor and the Select Committee on Ethics to retain such holdings.

"'7. If a Member, upon leaving office, becomes a registered lobbyist under the Federal Regulation of Lobbying Act of 1946 or any successor statute, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, he shall not lobby Members, officers, or employees of the Senate for a period of one year after leaving office.

"'8. If an employee on the staff of a Member, upon leaving that position, becomes a registered lobbyist under the Federal Regulation of Lobbying Act of 1946 or any successor statute, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, such employee may not lobby the Member for whom he worked or that Member's staff for a period of one year after leaving that position. If an employee on the staff of a committee, upon leaving his position, becomes such a registered lobbyist or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, such employee may not lobby the members of the committee for which he worked, or the staff of that committee, for a period of one year after leaving his position.

"'9. For purposes of this rule—

"'(a) "employee of the Senate" has the same meaning given to such term in paragraphs 2, 3, and 4 of rule XLVII;

"'(b) an individual who is an employee on the staff of a subcommittee of a committee shall be treated as an employee on the staff of such committee; and

"'(c) the term "lobbying" means any oral or written communication to influence the content or disposition of any issue before Congress, including any pending or future bill, resolution, treaty, nomination, hearing, report, or investigation; but does not include—

"'(1) a communication (A) made in the form of testimony given before a committee or office of the Congress, or (B) submitted for inclusion in the public record, public docket, or public file of a hearing; or

"'(2) a communication by an individual acting solely on his own behalf, for redress of personal grievances, or to express his personal opinion.

"'10. For purposes of this rule—

"'(a) a Senator or the Vice President is the supervisor of his administrative, clerical, or other assistants;

"'(b) a Senator who is the chairman of a committee is the supervisor of the professional, clerical, or other assistants to the committee except that minority staff members shall be under the supervision of the ranking minority Senator on the committee;

"'(c) a Senator who is a chairman of a subcommittee which has its own staff and financial authorization is the supervisor of the professional, clerical, or other assistants to the subcommittee except that minority staff members shall be under the supervision of the ranking minority Senator on the subcommittee;

"'(d) the President pro tempore is the supervisor of the Secretary of the Senate, Sergeant at Arms and Doorkeeper, the Chaplain, the Legislative Counsel, and the employees of the Office of the Legislative Counsel;

"'(e) the Secretary of the Senate is the supervisor of the employees of his office;

"'(f) the Sergeant at Arms and Doorkeeper is the supervisor of the employees of his office;

"'(g) the Majority and Minority Leaders and the Majority and Minority Whips are the supervisors of the research, clerical, or other assistants assigned to their respective offices;

"'(h) the Majority Leader is the supervisor of the Secretary for the Majority and the Secretary for the Majority is the supervisor of the employees of his office; and

"'(i) the Minority Leader is the supervisor of the Secretary for the Minority and the Secretary for the Minority is the supervisor of the employees of his office.'".

On page 32, line 11, strike out "'RULE XLVI" and insert in lieu thereof "'RULE XLIV".

On page 33, line 14, strike out "RULE XLVII" and insert in lieu thereof "'RULE XLV".

On page 35, line 3, strike out "RULE XLVIII" and insert in lieu thereof "'RULE XLVI".

On page 37, line 10, strike out "'RULE XLIX" and insert in lieu thereof "'RULE XLVII".

On page 39, line 20, strike out "'RULE L" and insert in lieu thereof "'RULE XLVIII".

On page 54, strike out lines 15 through 18, and insert in lieu thereof the following:

"(c) Paragraph 6, 7, and 8 of rule XLIII of the".

On page 54, line 22, strike out "(e) Rule XLVI" and insert in lieu thereof "(d) Rule XLIV".

On page 55, line 5, strike out "(f) Rule XLVIII" and insert in lieu thereof "(e) Rule XLVI".

On page 55, strike out line 9, and insert in lieu thereof the following:

"(f)(1) Paragraph (1) of rule XLVII of the Standing".

On page 55, line 16, strike out "(h) Rule L" and insert in lieu thereof "(g) Rule XLVIII".

On page 55, line 19, strike out "(i)" and insert in lieu thereof "(h)".

Mr. WEICKER. It is the intention of this Senator to explain the details of this amendment at the commencement of the proceedings tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BELLMON AND SENATOR DOMENICI TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, after the two leaders have been recognized under the standing order, Mr. BELLMON and Mr. DOMENICI be recognized each for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR JOINT REFERRAL—S. 1071

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that S. 1071, relative to establishing a national system of child and maternal health care and a system for protection against catastrophic health care costs, which was introduced yesterday by the Senator from Colorado (Mr. HART) and which was referred to the Committee on Finance, be jointly referred to the Committee on Finance and Human Resources. I understand this has been cleared with Senators LONG, KENNEDY, and BAKER.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE CONVENING OF THE SENATE AT 1 P.M. TOMORROW

Mr. ROBERT C. BYRD. I have been asked the question what time we will meet tomorrow.

I ask unanimous consent, Mr. President, that when the Senate convenes tomorrow it convene at the hour of 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

OFFICIAL CONDUCT AMENDMENTS OF 1977

The Senate continued with the consideration of the resolution (S. Res. 110) to establish a Code of Official Conduct

for the Members, officers, and employees of the U.S. Senate; and for other purposes.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the amendment by Mr. WEICKER, Mr. BARTLETT be recognized to call up his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, will the distinguished majority leader yield?

Mr. ROBERT C. BYRD. I yield.

Mr. BAKER. Mr. President, I inquired at the desk about the time remaining on the resolution. I was told, I believe, that there are 20 hours, approximately, remaining to the minority leader and about 18 hours remaining to the majority leader. I was also told that we have about 55 amendments at the desk. I have talked to the distinguished Senator from Connecticut, who is agreeable to reducing the 2-hour limitation on his amendment to 1 hour and 20 minutes which would be equally divided 40 minutes on the side. I wonder if the majority leader would be agreeable to that reduction in time in view of the time pressures we are about to encounter?

Mr. ROBERT C. BYRD. Yes. I thank the distinguished minority leader for reminding me of this conversation that we have had. I believe it is an excellent idea. We are being confronted increasingly with the time problem in connection with this matter. I would hope that we could complete our work on the rules of conduct this week.

TIME-LIMITATION AGREEMENT APPLICABLE TO CERTAIN AMENDMENTS

Mr. ROBERT C. BYRD. I ask unanimous consent, Mr. President, that the time on the amendment by Mr. WEICKER be limited to 80 minutes, to be equally divided in accordance with the usual form. I believe Mr. BARTLETT has indicated he would be willing to take a similar cut in his time.

Mr. BARTLETT. That is correct.

Mr. ROBERT C. BYRD. What would the Senator suggest?

Mr. BARTLETT. I would suggest the same for each side, 1 hour and 20 minutes total.

Mr. ROBERT C. BYRD. Very well. I make the same request.

Mr. JAVITS. Mr. President, I have five amendments and I will do the same thing.

Mr. ROBERT C. BYRD. I make the same request on behalf of Mr. BARTLETT and on behalf of each of the amendments to be offered by Mr. JAVITS.

Mr. HANSEN. Is the unanimous-consent request one that would provide a 40-minute time limitation or 80-minute time limitation?

Mr. ROBERT C. BYRD. Eighty minutes.

Mr. HANSEN. I have some amendments and that would be acceptable to me.

Mr. ROBERT C. BYRD. I make the same request with regard to the amendments to be offered by Mr. HANSEN.

Mr. SCHMITT. I am happy to join in the request.

Mr. ROBERT C. BYRD. I make the same request with regard to the distinguished Senator from New Mexico (Mr. SCHMITT).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I commend the majority leader for this agreement and I thank the majority leader for his time.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. SCHMITT. Mr. President, if the Senator will yield, I certainly think it would be useful if he would seek comparable agreements from Senators on both sides of the aisle who may have amendments.

Mr. BAKER. If the Senator will yield to me for just a minute, I intend, on our side, to see if we can meet that 80 minutes or better on future amendments. I shall canvass the Members on our side to see whether we can meet that.

The danger was pointed out to me by the Senator from New Mexico and others that with the remaining 20 hours on our side and 18 on the majority and 55 amendments, there is a real problem of making sure everybody has at least a minimum time for having their amendments considered. We shall do our best to be helpful in that respect.

Mr. ROBERT C. BYRD. Mr. President, I think this is a fine spirit of understanding and cooperation. We shall do the same on this side of the aisle.

I ask unanimous consent that the time, at this point, remaining on the resolution be equally divided between the majority and minority leaders. As I understood the Senator, he said there is more time on this side? Or was it just the opposite?

Mr. BAKER. No, sir, there are 20 hours on this side and 18 hours on the other side.

Mr. ROBERT C. BYRD. Then I withdraw my request.

Mr. BAKER. I have a generous spirit, but not that generous.

The PRESIDING OFFICER. The Senator from West Virginia has 973 minutes. The Senator from Tennessee has 1,115.

ORDER FOR RECOGNITION OF SENATOR DANFORTH UPON COMPLETION OF AMENDMENT BY SENATOR BARTLETT, AND FOR A TIME LIMITATION

Mr. BARTLETT. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. BARTLETT. In connection with the request I made for 40 minutes on a side, I would like to make a further request that that be followed by the amendment of the Senator from Missouri (Mr. DANFORTH), which ties right in with the same subject on a matter that I shall bring up. He is willing to have a time limit of 15 minutes on a side.

Mr. ROBERT C. BYRD. Very well, I ask unanimous consent that upon the disposition of the amendment by Mr. BARTLETT, the distinguished Senator from Missouri (Mr. DANFORTH) be recognized to call up an amendment and that there be a 30-minute time limitation thereon, equally divided and in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS TO CALL UP AMENDMENTS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I am going to have to take action to protect Members on my side of the aisle.

I ask unanimous consent that, following the disposition of those three amendments, Mr. HATHAWAY be recognized to call up an amendment, Mr. DURKIN be recognized to call up an amendment, and Mr. HUDDLESTON be recognized to call up an amendment if he so chooses at that time. I shall seek to get corresponding reductions in time on those amendments, if I can, tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME-LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on the amendment by Mr. HATHAWAY be reduced to 1 hour, equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SCHMITT TOMORROW AND TIME-LIMITATION AGREEMENT

Mr. BAKER. I have a request of the Senator from New Mexico for three amendments, and he is agreeable to 1 hour, following the last of the Democratic amendments.

Mr. ROBERT C. BYRD. Three amendments, on each of which there will be 1 hour?

Mr. BAKER. Thirty minutes on a side.

Mr. ROBERT C. BYRD. I wonder if the distinguished Republican leader will allow me not to go further on this matter tonight? I am afraid that, in lining up amendments, I may be getting myself into some problems on my side of the aisle. Most of my colleagues have gone. I want to accommodate the Senator.

Mr. BAKER. That is true. I really hope the majority leader will accommodate this one. I had an earlier request from the Senator from New Mexico in this regard. As a matter of fact, I overlooked him in putting in the request for the sequence I already agreed to.

Mr. ROBERT C. BYRD. I ask unanimous consent that upon the disposition of the amendments by Messrs. HATHAWAY, DURKIN, and HUDDLESTON, Mr. SCHMITT be recognized to call up one of his amendments, on which there will be a time limitation of 1 hour, to be equally divided and controlled in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFORMS IN THE ELECTION SYSTEM—MESSAGE FROM THE PRESIDENT—PM 55—ORDER FOR JOINT REFERRAL

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States:

To the Congress of the United States:

I hereby transmit to the Congress my recommendations for reforms in our Nation's election system.

The Vice President and I have developed these proposals in order to meet our commitment to the American people to work toward an electoral process which is open to the participation of all our citizens, which meets high ethical standards, and which operates in an efficient and responsive manner. I know that you in the Congress share these goals, and I applaud your efforts which are already underway to achieve them.

VOTER REGISTRATION

My first proposal, and the one on which I am proposing a specific bill to the Congress, is designed to open up our system of voter registration.

The basis of our democratic system is the right of every eligible citizen to vote. In the 200 years of its history, this Nation has greatly expanded the opportunity to vote to wider and wider groups of citizens.

Despite this progress, we have in recent years witnessed a disturbing trend toward lower and lower levels of voting by our citizens. I am deeply concerned that our country ranks behind at least twenty other democracies in its level of voter participation.

Our country's disappointing record cannot be remedied by any one solution or any single piece of legislation. But, millions of Americans are prevented or discouraged from voting in every election by antiquated and overly restrictive voter registration laws. We can take one immediate step toward solving this serious problem by removing antiquated and unnecessary obstacles which prevent voters from participating in the electoral process.

I am proposing to remove the unnecessary and unfair barriers by creating a method of universal voter registration. Under the legislation I will propose to the Congress, citizens qualified to vote under state laws could go to their polling places on the day of a Federal election and register there after proving their eligibility. The states would be encouraged to adopt a similar system of registration for state and local elections.

Under this plan, state and local officials will continue to administer voter registration and elections, and will still register as many voters as possible prior to election day in the usual manner, in order to avoid congestion at the polls.

We would offer financial assistance to the states to employ additional registrars and to help pay the cost of registration by mail, traveling registrars, or any other pre-election day registration efforts the state might choose.

State and local officials would also have the option of using the money they receive under the plan to modernize what are often outmoded and poorly equipped systems of election administration. A new office within the Federal Election Commission would distribute the Federal funds and oversee the program.

I also propose that we enact very strong safeguards to protect the integrity of the election process. Willful fraud in registering to vote should bear the strong criminal penalties of five years imprisonment and a $10,000 fine already found in the Voting Rights Act. Any person who takes part in a scheme to falsely indentify or register voters should be similarly punished, and multiple convictions should lead to even stiffer penalties. The government should seek injunctive relief in Federal court to stop any patterns of fraudulent activity which might arise.

States should be allowed to require all persons registering at the polls to prove their identity and place of residence by approved forms of identification. All registrants should be informed of the state's qualifications for voting and be required to sign a statement, under oath and criminal penalty, that they meet those qualifications.

While these safeguards are important and necessary, I am optimistic that they will rarely be tested and the record suggests that they will rarely be needed.

This system of election-day registration is already employed in a number of states, and the record shows that it has usually increased voter participation without increasing voter fraud. Four out of five states with the highest voter turnout rates in the 1976 election permitted citizens to register and vote on election day.

CAMPAIGN FINANCING

My second recommendation deals with the way in which we pay the costs of Congressional campaigns.

In 1974, Congress took the historic step of establishing a system of public financing for Presidential primary and general elections. I urge the Congress to extend this important reform to campaigns for both the House and the Senate.

The record of the first publicly financed Presidential campaign has demonstrated that public financing is workable and widely accepted by the American people. Public financing of candidates not only minimizes even the appearance of obligation to special interest contributors, but also provides an opportunity for qualified persons who lack funds to seek public office. It would be a tragic irony if the 1974 law, which reduced the pressure special interests could place on Presidential candidates, increased the pressures on candidates for Congress as the large contributors look for new means of gaining influence with their political funds.

The method we select should allow each American the option of deciding whether to participate in public funding. The check-off provision on the income tax form accomplishes this goal for Presidential campaign financing. The check-off method should also be used to raise the funds necessary to support Congressional candidates.

Congress is best suited to decide on an exact formula for financing campaigns. However, I believe there are several features which should be part of any plan:

First, the plan should require that candidates demonstrate substantial public support before they get public funds to help finance their campaigns. This would guard against frivolous candidates depleting the limited public funds available. The matching formula in the Presidential primaries provided a successful link between total public funds received and a candidate's ability to demonstrate citizen support through small private donations.

Second, the limit on overall expenditures should not be excessively low so as to prevent an adequate presentation of candidates and their platforms to the people.

Third, we should ensure that candidates who accept public financing are not placed at a serious disadvantage in competing with opponents who have extraordinarily abundant private funds. Under the recent Supreme Court ruling, if a candidate refuses to accept public financing, then no limitation can be imposed on the amount of personal or other private funds which may be spent on the campaign. But if a less wealthy opponent does accept public financing, stricter spending limits would be imposed on him than on his opponent. I hope Congress will address this problem.

Fourth, I favor the broadest possible application of public financing. It should apply to primaries as well as general elections. I hope the Congress will act soon to pass legislation so that public financing can be available for the 1978 Congressional campaigns. It is important to begin now with public financing for general elections, even if a plan for primaries cannot be adopted this year.

STRENGTHENING THE FEDERAL ELECTION CAMPAIGN ACT

While public financing of the last Presidential election was highly successful, my third suggestion is for certain modifications which our experience has shown could make the system work even better.

We noticed, for example, that there was less activity than in the past at the state and local level during the general election campaign. Opportunities should be available for more grass-roots participation in Presidential races. This could be accomplished by allowing Presidential candidates to designate one committee in each state to raise and spend a limited amount of money for campaign activities within the state. A reasonable limit for this activity might be 2 cents per eligible voter. Such committees could be allowed to delegate spending authority to local committees, but they should still be responsible for reporting contributions and expenditures. Also, when Congressional candidates mention in their advertising the Presidential nominee of their party, the expenditure should not have to be reported by the Presidential candidate.

Another useful change would be to grant Presidential candidates an additional amount to cover the great costs of complying with election laws—for example, filing the many necessary financial reports. We should prohibit the private raising of funds for this purpose.

We could also simplify the reporting of contributions and expenditures by directing the Federal Election Commission to establish common reporting and accounting systems to be used by all candidates.

Finally, we must clarify the law as it applies to the financial aspects of the delegate selection process. Contributions to delegates, or candidates for delegate, should be charged against a Presidential candidate only when such delegates are pledged to the specific candidate. Also, a delegate's expenses for attending a convention should not be considered as contributions or expenditures for the candidate he or she supports.

DIRECT POPULAR ELECTION OF THE PRESIDENT

My fourth recommendation is that the Congress adopt a constitutional amendment to provide for direct popular election of the President.

Such an amendment, which would abolish the electoral college, will insure that the candidate chosen by the voters

actually becomes President. Under the electoral college, it is always possible that the winner of the popular vote will not be elected. This has already happened in three elections, 1824, 1876, and 1888. In the last election, the result could have been changed by a small shift of votes in Ohio and Hawaii, despite a popular vote difference of 1.7 million.

I do not recommend a constitutional amendment lightly. I think the amendment process must be reserved for an issue of overriding governmental significance. But the method by which we elect our President is such an issue.

I will not be proposing a specific direct election amendment. I prefer to allow the Congress to proceed with its work without the interruption of a new proposal.

POLITICAL RIGHTS OF FEDERAL EMPLOYEES

My fifth and final recommendation concerns the political rights of Federal employees.

Over 2.8 million federal employees, including postal workers and workers for the District of Columbia, are now denied a full opportunity to participate in the electoral process. Unlike other Americans, they cannot run as a partisan candidate for any public office, cannot hold party office, and cannot even do volunteer work in a partisan political campaign.

I favor revising the Hatch Act to free those federal employees not in sensitive positions from these restrictions. There should be exceptions for those employees who must retain both the appearance and the substance of impartiality. For employees in such sensitive positions who are not subject to Senate confirmation, restrictions on political activity are necessary. Acting on standards prescribed by Congress, the Civil Service Commission should determine which positions should be treated as sensitive in all relevant government agencies.

Under such a Hatch Act revision, the vast majority of federal employees would be able to participate in federal, state and local elections and other political functions. But, federal employees have a special obligation not to abuse their public service responsibility. I favor strong penalties for any federal employee who attempts to influence or coerce another federal employee into political activity, or who engages in political activity while on the job. I also favor maximum reliance on a strong Civil Service Commission to vigorously prosecute employees who violate regulations against this kind of behavior.

JIMMY CARTER.

THE WHITE HOUSE, *March 22, 1977.*

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the message from the President of the United States transmitting to the Congress his recommendations for reforms in the Nation's election system, be jointly referred to the Committees on Rules and Administration, Finance, Judiciary, and Governmental Affairs, and that the draft bill attached, to establish a universal voter registration program, and for other purposes, be referred solely to the Committee on Rules and Administration.

Mr. BAKER. Reserving the right to object, do I understand correctly that the majority leader is asking for a joint referral on the message and a referral to the Committee on Rules and Administration for the resolution?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. BAKER. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE E, 95TH CONGRESS, 1ST SESSION—REMOVAL OF INJUNCTION OF SECRECY

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the International Convention for the Prevention of Pollution from Ships, done at London on November 2, 1973, together with annexes and related protocols—Executive E, 95th Congress, 1st session—transmitted to the Senate today by the President of the United States, and that the treaty with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

There being no objection, the message was ordered to be printed in the RECORD, as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate, the International Convention for the Prevention of Pollution from Ships, done at London on November 2, 1973, together with Annexes I and II thereof, and two related Protocols. The report of the Department of State is enclosed for the information of the Senate.

The Convention is one of the most important maritime environmental protection measures ever completed. It deals comprehensively with operational discharges from vessels, establishes strict controls over oil discharges, and imposes regulations for discharges of other pollutants. It also creates standards for the construction and design of ships which will carry these hazardous cargoes.

I feel that entry into force of this Convention will be an important step in controlling and preventing pollution from vessel discharges. I recommend that the Senate give early consideration to the Convention and give its advice and consent to ratification.

JIMMY CARTER.

THE WHITE HOUSE, *March 22, 1977.*

ANNOUNCEMENT OF POSSIBLE LONG SESSIONS AND SATURDAY SESSION

Mr. ROBERT C. BYRD. Mr. President, I believe that it would be only reasonable and fair to state at this point that the Senate may very well be in session late tomorrow evening—I said may very well be. It may be necessary, Mr. President, depending upon how much progress we make tomorrow and how much progress remains to be made, to come in earlier on Thursday and Friday in order to complete action on this code of conduct this week. I would not rule out a Saturday session. I do not say that by way of any empty suggestion; I just do not want this code of conduct to have to go into next week to be completed. Nobody wants a Saturday session any less than I do, but I think I at least ought to raise the possibility.

I ought to raise the possibility of long sessions beginning tomorrow, into the evening, and Thursday and Friday. With the spirit of accommodation and understanding that I have witnessed here in the last few minutes among Senators who wish to call up amendments and who are willing to reduce their time, I have a feeling that we shall be able to work our way through this measure in a reasonable way without a Saturday session. I think I just need to raise the possibility, at least.

Next week, we are going to have other matters that will engage our attention, important matters. We only have next week and the following week through Thursday before we enter into the Easter nonlegislative period.

Mr. THURMOND. "Recess" sounds better.

AUTHORITY FOR COMMITTEES TO FILE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that committees may have until midnight tonight to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1 P.M. TOMORROW

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate recess until 1 p.m. tomorrow, with the understanding that, after the two special orders, there will be a period for the transaction of routine morning business not to extend beyond the hour of 2 p.m., with statements limited therein to 5 minutes each, at which time, the Senate will resume consideration of the pending matters, with rollcall votes expected throughout the afternoon.

The motion was agreed to, and at 6:49 p.m., the Senate recessed until Wednesday, March 23, 1977, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate March 22, 1977:

DEPARTMENT OF DEFENSE

John C. Stetson, of Illinois, to be Secretary of the Air Force, vice Thomas C. Reed, resigning.

SMALL BUSINESS ADMINISTRATION

Arthur Vernon Weaver, Jr., of Arkansas, to be Administrator of the Small Business Administration, vice Mitchell P. Kobelinski, resigned.

CONFIRMATION

Executive nomination confirmed by the Senate March 22, 1977:

DEPARTMENT OF COMMERCE

Robert Thallon Hall, of Virginia, to be an Assistant Secretary of Commerce.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

NATIONAL AGRICULTURE DAY, MARCH 21, 1977

HON. MARC L. MARKS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. MARKS. Mr. Speaker, I rise in tribute today, National Agriculture Day, to our Nation's 1½ million farmers and farmworkers. Special attention needs to be paid these fine people this year for the amazing job they perform. Although this group comprises only about 1½ percent of the total work force in the United States, they successfully produce enough food to both feed the balance of the U.S. population—at prices far below those in other industrial countries—and export produce and commodities in amounts valued in excess of $12 billion. As the sixth-ranking growth industry, it would be fair to say that agriculture is one of the primary supports of our economic freedom.

The year 1977 promises to be a red-letter year for the American farmer in a number of different ways. First, the 1977 farm bill will attempt to reauthorize or change traditional agricultural programs due to expire at the end of the 1977 crop year. Second, costs of farming are rising—land, machinery, fertilizer, feed, and so forth. The past few years' decreased profits will be aggravated by this winter's severe snowstorms in the East and drought in the Midwest; both will reduce spring crop yields and put an unbearable strain on the farmer's needed cash flow. USDA is already predicting further increases in the farm debt; in 1976 alone it rose 12 percent.

Coupled with the issue of how to structure Federal supports for agricultural production will be the need to consider the cost to United States and foreign consumers of our agricultural commodities. The first group is primarily concerned with maintenance of low food prices; the latter views U.S. agriculture in more absolute terms as a reliable source—either by outright purchases or in the form of U.S. food aid.

The one indisputable fact regarding American agriculture is that the United States must continue to export all that it cannot consume if farm income is to keep pace with real prices. There has been a good deal of discussion about returning agriculture to the free-market system and abandoning Government programs. Agricultural support programs have been in effect in varying forms since the New Deal era of the 1930's; it would realistically appear that some variation of these need to be continued to shield the agricultural producers from the ravages of wild price fluctuation. Furthermore, since we must export roughly 60 percent of our annual production, a prime Government role might be encouraging the expansion of foreign markets for our crops.

Of particular interest to farmers this year will be provisions in the farm bill concerning price supports, grain reserves, disaster payments, agricultural research, and food aid. Very often consumer and farmer views on these issues differ; the contention revolves around prices paid and received for agricultural goods. I would encourage each of us this year to carefully consider the best way to first, assure farmers a fair and adequate return in years of less than 100 percent of production world market demand—those years when overproduction depresses prices. Second, we must provide for programs flexible enough to make our agricultural goods competitive on the world market—our farmers would not benefit from overly high loan rates which would force a return to the era of accumulated Government stocks. The United States must remain a prime, not residual, supplier of world food needs. Last, we must bear in mind that taxpayers and consumers are the ultimate providers of agricultural support—both by taxation and consumption. A balanced agricultural price support plan will avoid the ever-escalating cost of maintaining Government-held reserves. The consumer could not benefit in the long run from expensive programs which tend to depress production.

Again, I would urge thoughtful consideration of the impact agriculture has on the American lifestyle today—from the food we eat to the economic implications for the balance of trade. Depending on Congress interpretation, we could make this year the best yet for our farmers.

DICK LONG, KING OF THE IRISH

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. VENTO. Mr. Speaker, Mr. Richard Long is one of St. Paul, Minn's., outstanding community leaders. He is well known for his many civic activities, including tenure as Boreas Rex, the 39th, king of our justly famous annual winter carnival. Of course, that was a great honor but I am sure, considering Dick's heritage, that he much prefers his current designation as "Mr. Pat" at St. Paul's well-known St. Patrick's Day parade. It is an awesome task to preside over the Irish and the would-be Irish on St. Patrick's Day; particularly in St. Paul. I am sure he was equal to the task.

In addition to the activities and honors listed above, Dick Long has long been a volunteer probation officer for the juvenile court. He has counseled and helped many troubled youth to find their place in society, as mentioned in the article below. In addition to Gary Hiebevt's—Oliver Towne—comments, it should be noted that Dick Long handled a "caseload" of as many as four youngsters simultaneously. Indeed, I am grateful for the St. Paul Dispatch article and the attention paid to this side of the many-sided Dick Long and his numerous good works. His versatility is acknowledged by the fact that he officiated at both the winter carnival—and we are well known for our winters in St. Paul—and the St. Patrick's Day parade during our salubrious springtime. The realization that it snowed on March 17, although the chamber of commerce called it sleet, did nothing to quell the enthusiasm of parade participants and revelers. Truly, Dick Long is a man for all seasons.

The article follows:

LEPRECHAUNS CHAT ON JOHN IRELAND BOULEVARD

(By Oliver Towne)

I was standing on John Ireland Boulevard near the Cathedral and turned to the leprechaun next to me.

"Cead mile falta" (A thousand welcomes) I said.

"Bonjour, monsieur," he said.

"Wrong language," I said. "You're Irish and Thursday is St. Patrick's Day."

"Non, monsieur," he said. "To coin a phrase, we French are as Irish as you Americans."

"But you've got Bastille Day (July 14) for your own. Why muscle in on the Irish?"

"Ask the leprechaun next to me, monsieur, s'il vous plait."

"Isn't St. Patrick's Day for the Irish?" I said.

"Ya wohl . . . und auch unsere Deutsche," (Yes and also our Germans.)

I turned now to the third leprechaun and he made the sign of "V" for victory.

"Skol," he said.

"Don't tell me the Irish are really Swedish?" I said.

"You yust bettcha," he said. "Weren't you here Sunday afternoon when all those Irish men and women came running down Summit Avenue and this hill in their BVDs?"

"The St. Patrick's Day mini-marathon," I said.

"Ha," said the Swedish leprechaun. "Yust more of that Irish blarney.

"Those Irish were being chased by the Swedes from Minneapolis. We just about caught them, too."

"You mean," I said, "that maybe this year I ought to march behind Paul Villaume's French-Irish banner? Or the Volksfest Association? Or the Svenskarnasdag Sangerfest and Sytennde Mai Society?

"Oui, monsieur, you would be more Irish," said the French leprechaun.

"Gewiss. St. Patrick war ein Deutsche," (Certainly, Patrick was a German), said the German leprechaun.

"Skol," said the Swedish leprechaun.

"If you can find the Snuss Boulevard Buccaneers or Payne Avenue Patriots, you'd be more in the right ethnic if not firing range."

I turned to the last leprechaun.

"Ah, begorra lad," he said and I rejoiced because at last I had found a real Irish leprechaun.

"Ah, lad, 'tis true what they say. There is not one among us who is a true son of Eire. We are imposters—all of us."

"But O'Connor, Gallivan and Sweeney, Tim O'Gara and Cochran, Connelly and O'Connel . . . names like that."

"Lad, they're all Spaniards . . . you didn't hear any of those names used in Ireland until after the wreck of the Spanish Armada in 1588."

"But surely Dick Long, Mr. Pat, is pure 100 per cent green," I said.

"Lad, Dick Long comes from a long and nomadic ancestory. His compassion and assistance to boys in trouble as one of our most dedicated volunteers to the cause of helping young people find their way certainly is in the footsteps of St. Francis . . . who, of course, was from Assisi, which is in Italy."

"The Roman nose and look of the Emperor Constantine . . . who embraced Christianity," I said.

"But also . . . remember he sells Cadillacs and Cadillac is French . . . for the town of Cadillac in southwestern France near Bordeaux," said the green leprechaun.

"Then maybe he is really French."

"Oui, il est Francais (he is French)," said the little Bastille leprechaun.

"You don't hear the name of Long until after the invasion of Ireland by the Scandinavians with help from the Schleswig-Holsteiners," the green one said.

"Skol," said the Swedish leprechaun.

Ya wohl," said the German leprechaun.

"How did Long ever get to Scandinavia?" I said.

"How did anybody get anywhere then . . . by Cadillac, what else?"

He took something out of a plastic wrapper with the words: "Erin go braghshalom.'

It was a big, kelly green bagel.

"I see what you mean," I said.

"What you wee fellows are trying to say, I believe, is that there won't be an Irishman in Thursday's St. Patrick's Day Parade up Sixth Street and down Fourth?" I suggested.

"Starting with that Swede sheriff," said the little fellow from Eire.

TRIBUTE TO TED W. BARTLETT

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. BADHAM. Mr. Speaker, I would like to call the attention of my colleagues to the extensive, dedicated, and selfless service to the city of Huntington Beach, Calif., made by my friend Ted W. Bartlett, who will complete 20 years as a member of the Huntington Beach City Council this year and whose signal accomplishments on behalf of his fellow citizens will be honored at a testimonial dinner, Thursday night, March 24.

Mr. Bartlett, a native of Oakes, N. Dak., came to Huntington Beach 49 years ago and has since that time enjoyed the friendship and respect of all those whose lives he has touched as an old breed of free enterprise small businessmen.

At times, Mr. Bartlett's tiny, one-man service station in the center of Huntington Beach, once a small, bustling oil boomtown and now a thriving metropolis of 150,000 residents, served as a second city hall, because Ted Bartlett was never too busy serving his customers at the gas pump to take time out for city or civic affairs.

During the 49 out of his 75 years spent in Huntington Beach, Ted Bartlett was mayor for 2 years, president of the chamber of commerce, where he holds the longest single membership. He was chairman of the Orange Council, Boy Scouts of America, and was named Mr. Huntington Beach in 1972 by the Boy Scouts for his 30 years of service.

Furthermore he was chosen man of the year in 1973 by the Huntington Beach Chamber of Commerce and was commended by resolution by the California State Assembly. In addition, Ted Bartlett has been chairman of the Community Chest in his city, has belonged to the Elks Lodge, Masonic Lodge, Rotary Club, and Toastmasters Club.

Mr. Bartlett's first service as a member of the City Council of Huntington Beach was in 1944, when he won his first election. He sat out a term, served 4 more years in the mid-1950's and then returned to the city council in 1966. He has won reelection each 4 years since then and will complete his 20 years as a councilman early in 1978.

It is with a sense of deep appreciation for the type of public-spirited service that men of Ted Bartlett's caliber give to their home communities that I rise to bring his extraordinary accomplishments to the attention of this honorable body. I am sure all will join me in saluting Ted, his wife Alice of 32 years, his two children and three grandchildren, as the citizens of Huntington Beach gather to honor a man of outstanding character and old-fashioned service to the city of Huntington Beach.

U.S. POSTAL SERVICE

HON. GLADYS NOON SPELLMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mrs. SPELLMAN. Mr. Speaker, at a time when seldom is heard an encouraging word about the U.S. Postal Service, it is a great pleasure for me to share with my colleagues an unsolicited tribute to one of the messengers who is deterred by "neither rain nor snow nor sleet" from his "appointed rounds."

Postman Rickie America contends not only with the elements but with a difficult route that is made up of "all hills, lots of steps, and a large number of uncontrolled dogs." In spite of the obstacles, Mr. America was commended by Mrs. Blanche M. Panella, a resident on his route, for making deliveries "promptly and properly."

She also praised him for handling checks and valuable items "extremely carefully—almost as if he were delivering his own personal possessions."

I would like to take this opportunity to join in commending Postman Rickie.

The correspondence follows:

POSTMASTER,
U.S. Postal Service, Adelphi Branch, University Boulevard, Adelphi, Md.

DEAR SIR: I have read and heard so much about the failure of the Postal Service to perform adequately, I feel in all sincerity I must write you of one of your employees who does a most remarkable job. This gentleman's name is Mr. Rickie America, and he has one of the most difficult routes imaginable—all hills, lots of steps and a large number of uncontrolled dogs.

Over the past 25 years we have had many carriers, but none can equal the competence of Mr. America. He is acquainted with his patrons and makes deliveries promptly and properly. In his absence, I have had important mail left at many different houses, although the mail was properly addressed. I feel very secure when I know Mr. America is on the route and I am expecting checks and valuable items. He handles such articles extremely carefully—almost as if he were delivering his own personal possessions.

This employee is truly a gentleman, capable and dedicated and is a credit to the Postal Service. You are indeed fortunate in having a person of his high caliber in your employ.

Thank you.

Sincerely,

BLANCHE M. PANELLA.

STICK WITH FREE TRADE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. DERWINSKI. Mr. Speaker, some years ago, legislation to permit the executive branch to negotiate broader trade agreements with other nations was dramatized by the slogan, "Trade not Aid." Personally, I believe that this is sound philosophy now as it was then.

Therefore, I look with alarm upon the growing pressure for neoisolationism and at the short-term exponents of protectionism who are attempting to distort U.S. trade policy.

The Chicago Daily News of March 16 carried a very forceful editorial that effectively supports the case for free trade. The article follows:

STICK WITH FREE TRADE

Alarming recommendations are streaming out of the U.S. International Trade Commission, and they give cause for concern among consumers overburdened by rising prices as well as more cosmic thinkers who take it as an article of faith that free trade promotes international good will.

In recent days the trade commission has called for:

An increase in tariffs on shoes from 10 per cent to 40 per cent on all imports above the 1974 level.

An increase in tariffs on television sets from 5 per cent to 25 per cent for two years, down to 20 per cent for two more and 10 per cent for a fifth year.

A cut in the import quota for sugar from the present 7 million tons annually to a maximum of 4.4 million tons.

This is protectionism rampant, perhaps on a scale larger than anything since the 1930s, when a world sorely afflicted by high tariffs and severe quotas began moving toward freer trade to help pull itself out of the Depression.

In each case the commission justified its actions by ruling that domestic industries were being damaged by the foreign competition. Not unfair competition, just competition. The point is demonstrable statistically, and we don't take issue with it. But another point that needs to be stressed is that 220 million American consumers would pay to protect the jobs of a comparative few, if the recommendations are put into effect. To cite only one example, the higher tariffs

would raise the price of the average imported television set from $308 to $364.

It is true, as we have said, that foreign countries engage in unfair practices, outlawed by international agreement. The Japanese are accused of dumping—selling TV sets at home at a far higher price than they are sold abroad, with the difference rebated to the exporter by the Japanese government. If the charge was made to stick, and the supporting evidence in this case is strong, the United States could justifiably raise the tariff by the amount of the subsidy. But the trade commission shuffled this issue aside in favor of a wholesale boost.

If the commission's recommendations—on TV sets, on shoes, on sugar—are put into effect, they would invite retaliation by other governments against products America sells abroad. This should be of critical concern everywhere, but especially in Illinois, the largest exporting state in the Union.

President Carter has 60 days to accept or reject the recommendations, then Congress can overrule him if he doesn't go along with the commission. We hope both stand fast for fair, free trade.

RATIFICATION OF THE EQUAL RIGHTS AMENDMENT

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Ms. OAKAR. Mr. Speaker, I have taken this time today to bring attention to the current ratification status of the proposed equal rights amendment. On this day, 5 years ago, the Congress passed this proposed constitutional amendment—both Houses voting overwhelmingly in its favor. Today, however, the amendment is stalled. Thirty-five State legislatures have voted favorably on the equal rights amendment. The measure requires ratification by three additional States. We, as Members of Congress, must work vigorously for the adoption of the equal rights amendment. As Representatives of all the people of the land, both male and female, we must speak out for equality of rights under law.

An equal rights amendment has been a congressional issue for more than 40 years. Even today, after the Congress has moved favorably on this amendment, we are faced with related equal rights legislation of every juncture. Our legislative tasks require the fine fine tuning of employment acts, civil rights acts, education acts as well as health and taxation legislation—all with respect to prohibition of discriminaion on the basis of sex.

Mr. Speaker, it is my belief that ratification of the equal rights amendment will be an aid in the expediting of legislation that comes before this House. It will eliminate the time spent on debate and amendment of bills with regard to sexual discrimination. More importantly, ratification of the equal rights amendment will reemphasize America's commitment to equality of rights under law.

I urge my colleagues to continue their efforts on behalf of the equal rights amendment. Our contribution to equal rights legislation did not end on that day in 1972 when this Congress passed the proposed 27th amendment to the Constitution. We must speak out on behalf of all Americans. The equal rights amendment is a measure whose spirit has always dwelled amidst us, but whose letter in the law is long overdue.

AID TO PRIVATE AIRPORTS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. GOLDWATER. Mr. Speaker, the number of privately owned U.S. airports open to public use has declined since 1971. There was a net loss of 104 in 1975 and 80 in 1976. As a result, many small communities are cut from air service vital to their progress. In addition, large cities have lost reliever fields that diverted light planes from congested air hubs.

This is a dangerous trend that has far-reaching implications for civil aviation in this country. Commercial aviation is a resource for world leadership, a fact that is not lost on the Soviet Union, which is expanding its civil aviation fleet.

As nothing is done to stop the decline, many more private fields are endangered. Last year a survey made at my request by the Federal Aviation Administration showed that 73 airports in the national aviation system plan in 17 States, including 15 big-city relievers, were threatened with closing.

In the drafting of the 1976 Airport-Airway Act, I and others urged amendments to extend ADAP funds, now open to publicly owned airports, to the privately owned public-use fields in the national aviation system plan. Action was deferred pending a survey to be reported next year, but it seems to me that we know enough to proceed now.

This year I introduced a bill, H.R. 374, to achieve this objective. The urgency is clearly shown by the FAA's annual airport figures, which were tabulated in the March issue of Airport Services Management, a professional airport magazine, in a report by Col. Kendall K. Hoyt, its senior editor in Washington. I commend this article to the attention of the Nation and my colleagues as follows:

U.S. LANDING PLACES STILL GAIN—BUT AIRPORTS OPEN TO PUBLIC USE DECLINE

(By Kendall K. Hoyt)

Once more, FAA's annual figures show a gain in the total of U.S. landing places. The gain is largely in small private fields and helipads. This shows increased use of light aircraft in rural areas and helicopters around cities.

But it is our unhappy task again to tell you, as others heretofore have not done, that the number of airports open to public use continues to decline, a serious handicap to future flying.

First the totals. Landing places as of Jan. 1, 1977, rose to 13,770, a gain of 519 during 1976, far better than the 189 increase in 1975.

	Jan. 1 1977	Net gain	Abandoned
Airports	11,555	331	199
Heliports	1,674	150	83
Stolports	41	6	0
Seaplane	500	32	14
Total	13,770	519	296

This means that 815 landing places were opened in 1976 for the net gain stated, compared with 438 in 1975, topping the 1974 total of 786. Among the 199 airports abandoned, 61 were publicly owned and 138 private.

Here are the totals for public and private ownership.

	Public ownership	Gain
Airports	4,136	41
Heliports	333	46
Stolports	2	0
Seaplane	196	7
Total	4,661	94

	Private ownership	Gain
Airports	7,419	290
Heliports	1,341	104
Stolports	39	6
Seaplane	304	25
Total	9,103	425

The number of airports with runways over 6,000 feet increased by 56. The heliport gain of 150, compared with 94 in the previous year, reflects the increasing use of helicopters for executive flying. Only 214 of the 1,674 heliports were open to public use and 170 were lighted.

Upgrading of airports continued in paving and lighting.

	Jan. 1	Gain
Paved	4,065	122
Lighted	3,302	109
Unlighted	763	13
Unpaved	7,490	209
Lighted	886	34
Unlighted	6,604	175

Total landing places by States as of January 1 and changes in 1976 were:

Alabama	131	2
Alaska	762	−7
Arizona	202	6
Arkansas	166	1
California	804	23
Colorado	255	25
Connecticut	104	13
Delaware	32	--
District of Columbia	16	--
Florida	391	36
Georgia	262	14
Hawaii	51	4
Idaho	187	6
Illinois	867	36
Indiana	293	56
Iowa	250	9
Kansas	334	16
Kentucky	90	3
Louisiana	280	−1
Maine	162	1
Maryland	135	7
Massachusetts	141	2
Michigan	421	21
Minnesota	312	11
Mississippi	148	3
Missouri	358	15
Montana	172	5
Nebraska	301	5
Nevada	118	5
New Hampshire	57	−1
New Jersey	239	17
New Mexico	139	5

New York	496	8
North Carolina	251	14
North Dakota	209	11
Ohio	558	10
Oklahoma	285	8
Oregon	286	9
Pennsylvania	644	35
Rhode Island	22	4
South Carolina	123	7
South Dakota	131	6
Tennessee	132	4
Texas	1,217	4
Utah	90	--
Vermont	61	-1
Virginia	240	10
Washington	334	27
West Virginia	58	7
Wisconsin	321	18
Wyoming	90	2
Puerto Rico	23	-2
SP	15	--
Virgin Islands	4	--
Total	13,770	519

Something might be learned. Why, for example, is Illinois second only to Texas in landing places? Better rural use of aircraft seems to have been developed here than in any other state. Someone must be doing something right.

We have pointed this out year after year. The idea seems to have spread into the neighboring state of Indiana? Otherwise, who bothers to inquire? The writer wonders if there is any point in the annual eye-strain of preparing these figures.

THE VANISHING AIRPORTS

Anyhow, after viewing the above plusses, let us look at the minus side. Year by year, FAA brings the glad tidings that the number of landing places has gained; then the aviation associations and papers blithely report that airports have increased, not the same thing.

Of major concern are the airports open to public use. That is where most of the traffic is and they have been on a decline since 1971 when growth stopped after many years of healthy gains. A net loss of 15 public-use airports followed in 1972, 39 in 1973, 36 in 1974, 85 in 1975, and 44 in 1976.

Public-use airports privately owned lost 70 in 1974, 104 in 1975, and 80 in 1976. Here are the trends.

		Change in		
	Jan. 1	'76	'75	'74
Public	3,979	36	19	34
Private	2,414	-80	-104	-70
	6,393	-44	-85	-36

The number of abandonments was of course higher than these net figures, mostly among small fields but including 31 over 3,000 feet of which 3 were in the 4,000-to-5,000 class and 3 over 5,000.

The drop in private fields includes some that went to public ownership. But most are lost never to be replaced. There is no set policy to save fields by public purchase, as there once was in the FAA Airports Service.

Since 1960, the writer has been dingdonging about vanishing airports especially at big cities. FAA's figures showed only those that were gone. What was needed was a list of those endangered that might be saved.

Last year, by aid of Congressman Barry M. Goldwater, Jr., we got the list through a quick survey by FAA offices. It showed that 73 NASP airports in 17 states were in trouble; told why, in each case; and stated how much was needed to save each salvagable field to a total of $158 million including $65 million for Burbank. Most were privately owned, a big loss among 400-odd such fields in the NASP.

These facts seemed enough to start a rescue program. But the aviation groups gave little more than a mention in their bulletins though NBAA did try to alert its members. Federal action awaits a survey ordered by Congress in the 1976 Airport Act. FAA gave the study contract to a minority firm to report next year.

Efforts to authorize ADAP funds for private fields failed last year in Congress. Now Congressman Goldwater has reintroduced a bill to this end in hope of getting hearings.

QUINCENTENNIAL CELEBRATION OF THE AMERICAS

HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. STANTON. Mr. Speaker, the recent celebration of our Bicentennial has left as its mark a more united America. This event has rejuvenated the cherished values and beliefs upon which our country was founded. Its success speaks for itself.

Yet another historic event will soon be upon us. In 1992, it will have been 500 years since Christopher Columbus set foot on America, an anniversary which must not go unnoticed. We must plan for an unparalleled celebration in commemoration of the founding of our great land. Never before in history have so many people, with such a rich diversity of backgrounds, over so vast a geographical extent had so much in common to celebrate; 500 years of opportunity to build a new world in a new hemisphere.

A plan for the quincentennial celebration of the Americas has been submitted to me by a Mr. David Larson of Ashtabula, Ohio. He proposes having a variety of activities over the decade from 1982 through 1992. These activities are aimed to unify and provide a forum for understanding the various cultures which exist on the American continent. The events cover a large spectrum. It has been suggested that the decade include events such as the following:

LISTS OF EVENTS

1. Open the decade with a Pan American relay foot race from Prudhoe Bay, Alaska, to Punta Arenas, Chile, on the Strait of Magellan (the world's southernmost city, approximately 16,000 miles. A race covering 40 miles per day (four participants from each country running ten miles each) would take 400 days plus Sundays and holidays. Starting in the summer, it would be scheduled to end October 12 the following year. With each running for one week on alternate days there would be about 530 participants from each country for a total of about 15,000 contestants, enough to generate keen interest throughout the hemisphere.

2. Re-enact Columbus' first voyage of discovery August 3–October 12, 1992, using replicas of the Santa Maria, Nina and Pinta incorporating modern materials, safety flotation, two-way radio and motor power to keep the ships on schedule.

3. Organize a ten year program of intra-American cross cultural, cross economic and social class exchange visits for all levels of our society (subsidized where needed?) not limited to heads of states, the diplomatic corps, and top level management in industry and business. A plan for matching U.S. and Canadian cities with similar sized Latin American cities might be considered.

4. Expand the U.S. Bicentennial covered wagon train idea to include Latin American oxcarts (various styles), northern dog teams (pulling wagons rather than sleds), Red River Carts, and other colorful historic means of travel. Load them on specially built highway trucks for fast travel through sparsely populated areas. Include popular educational or tourist information features for caravaner participants, an improvement over the Bicentennial wagon trains.

5. With the aid of multi-media (including closed circuit TV) build into some of these caravans a TRAVELLING UNIVERSITY OF THE AMERICAS offering both non-credit courses and credit courses leading to a selection of DA, Doctor of Americas, degrees. Graduates would have taken a number of their upper class courses in-transit and on-site with local lecturers to gain a comprehensive Pan American mastery in their respective fields of specialization in understanding our New World hemisphere.

This is merely a few examples of the many possible events for such an important celebration.

There are many social, political, and economic advantages to such a ceremony. This would provide a chance for all countries of Pan America to work, learn, compete athletically, and celebrate together; a truly unifying experience. I hope that serious plans for such a celebration will win the approval of all Members of Congress, as well as all the people of the Americas.

AMERICANS CAN'T FEED EVERYONE

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. FINDLEY. Mr. Speaker, the February 1977 issue of Grain Producers News carried a brief article, entitled "Americans Can't Feed Everyone." I wholeheartedly share the sentiments expressed in this article. U.S. food handouts abroad will not solve the world food problem. Ultimately, the food-deficit countries will have to solve their own food problems; and their best hope for doing this is to embrace the market price system which made American agriculture preeminent in the world. I commend this article to the attention of my colleagues:

AMERICANS CAN'T FEED EVERYONE

There are those who say people in their parts of the world are hungry because Americans eat too much.

It's true that many Americans eat too much for their own good health. But they aren't taking food from mouths of the world's hungry. Americans are able to eat more because the efficiency of U.S. agriculture makes more food available to them. That same efficiency helps alleviate hunger in the world.

The U.S. cannot literally feed all those who need more food. But it can point the way toward solving food problems right where they exist. The roadblock in too many instances is failure of "Third World" governments to encourage adaptation of U.S. farming technology to local situations.

The following quotes from an article by syndicated columnist Patrick Buchanan pro-

vides ammunition for response to charges the U.S. is to blame for world malnutrition, hunger, starvation.

"Over the years, this nation has poured more than $25 billion into Food for Peace, a record unmatched in history. America's farmers, one-tenth of one percent of all mankind, are helping now to feed a fourth of all mankind . . .

"The reason we Americans are well fed is because American farmers are free. They are allowed to own their own land, to raise and produce what they wish, to sell to the highest bidder. In the Third World, this may be considered the essence of a corrupt system, but it has the advantage that it works. With only a tiny percentage of our population left on the farms, Americans are among the best fed people in the world.

"The Third World has two choices. It can have its anti-Western bigotry, its anti-capitalist ideology, its anti-American rhetoric—or it can solve its food problem by imitating the United States instead of calling us names."

LAUREL VOLUNTEER RESCUE SQUAD

HON. GLADYS NOON SPELLMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mrs. SPELLMAN. Mr. Speaker, in March of 1952, a small group of men and women in Laurel, Md., founded the Laurel Volunteer Rescue Squad which on March 26 of this year will celebrate its 25th year of continuous service to the citizens of its community. I know that my colleagues in the Congress, no strangers to the difficult and often thankless demands of public service, will want to join me in extending congratulations and best wishes to the dedicated members of the Laurel Volunteer Rescue Squad.

The fledgling rescue squad filled a vital need in the sparsely populated, but fast-growing area where it was not uncommon for accident victims to wait dangerously long periods before trained help arrived. Recognizing that dedicated people would have to fill the gap, Mr. James Alexander, who became the squad's first and only chief during these past two and a half decades, joined with a few concerned citizens to establish the volunteer rescue squad—the third independent squad to be incorporated in the State of Maryland. Although underfinanced and underequipped, the squad was certainly not lacking in desire or manpower. Indeed, Chief Alexander has remarked that the most difficult task he faced during those first few years was not that of reaching victims as quickly as possible, but rather it was figuring out how to fit 50 squad members into one ambulance. Amazingly, from that inauspicious beginning, the Laurel Volunteer Rescue Squad has gone on to become nationally recognized as one of the finest organizations of its kind in the United States.

During these past 25 years, the LVRS has been credited with many innovations which have helped volunteer squads across the Nation improve their effectiveness and which surely have helped save many lives. Among these innovations are the duty system, the sleep-in system, van-type ambulances, and a squad truck for heavy rescue. In addition, the LVRS has done remarkably well in international competition, a testimony to its superior abilities. I would like to stress that the squad has always depended a great deal on the talents of its women members, who have won four international championships. Because of its outstanding performance record, the Laurel Volunteer Rescue Squad regularly entertains officials of similar organizations from all across the country, who make their pilgrimage to find out firsthand exactly what makes the Laurel squad one of the best in the Nation.

There is no question in my mind that people who volunteer their time and energy almost invariably bring a greater degree of vitality and dedication to public service, and nowhere are there better examples of this fact than the hundreds of men and women who have worked tirelessly to make the Laurel Volunteer Rescue Squad the fine organization which it is today. As a neighbor and as a friend, and on behalf of all of Laurel's citizens and the Members of the United States Congress, I would like to extend my deepest gratitude and appreciation to these people for making the world a safer place in which to live.

I particularly wish to salute Chief Alexander who has now retired after 25 years of sterling leadership of this outstanding organization. Godspeed, chief!

HEARINGS ANNOUNCED ON PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. STARK. Mr. Speaker, Chairman SAM M. GIBBONS, of Florida, of the Ways and Means Oversight Subcommittee today announced hearings for April 4 and 6 to discuss the progress of the Professional Standards Review Organization—PSRO—program and its relationship with the various government health utilization review programs. Representative FORTNEY H. "PETE" STARK, of California, will chair the 2-day hearings.

Both days of hearings will begin at 9 a.m. in the Ways and Means Committee main hearing room on the first floor of the Longworth House Office Building. On April 4, witnesses will include representatives of the General Accounting Office, the Institute of Medicine, and the Bureau of Quality Assurance of the Public Health Service. Witnesses on April 6 will include representatives from several Government agencies and the health profession.

Created by Congress in the Social Security Amendments of 1972, PSRO's are mandated to review health expenditures for services provided under medicare, medicaid, and maternal and child health programs. The PSRO program has not been fully implemented and results are just now becoming available by which Congress can assess its progress.

Testimony on April 4 will focus on three subjects: First, the need to assess the cost-effectiveness of the program; second, the status of implementation and the forces impeding its progress and third, a discussion of several evaluations of the program. There have been delays in implementing the program and obstacles preventing it from becoming fully effective.

The second day of hearings will address a specific problem in health care review—the relationships among the numerous Government health care review program. Testimony will suggest how the review programs may be duplicative, overlap in jurisdiction and place undue burden on insurance companies and hospitals.

IMPACT AID SHOULD NOT BE CUT

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mrs. HOLT. Mr. Speaker, every year the Congress becomes embroiled in a fight to restore Federal impact aid to the budget after a President has proposed cuts in this program. And every year hundreds of local school districts have trouble planning their budgets, because they are uncertain how much impact aid will be forthcoming. This is a very inefficient way to operate at both the Federal and local levels.

But this year is no exception. The fiscal 1978 Federal budget prepared by President Ford and revised by President Carter would cut approximately $300 million from the funding for impact aid. And those of us representing school districts that depend on such aid are working very diligently to have such aid restored to the budget.

Meanwhile, local school districts wonder and wait, forced to plan their own budgets for the next fiscal year without knowing how much will be available from this source. In my own State of Maryland, the cuts proposed by Presidents Ford and Carter would take $2.8 million from Prince Georges County, $2.6 million from Anne Arundel County, $771,881 from Baltimore City, and varying amounts from other school districts.

It is important to understand the purpose of impact aid. It is designed to compensate local school districts where Federal activities have a large impact on school enrollments. It recognizes a Federal responsibility to help local school districts carry the cost burden imposed by Federal activities.

Presidents from both political parties have been trying to cut impact aid for many years, because there are some inequities inherent in the formula. It should be revamped, but it surely would not be easy for some 375 to 400 school districts to lose this aid during the fiscal year.

Soon after I came to Congress 4 years

ago and started to wrestle with this problem, I introduced legislation that I believe would provide a better system to compensate federally impacted areas. I have reintroduced it in this session under the designation H.R. 931.

It would require Federal payments in lieu of property taxes to local governments where Federal property is located. The Federal payment would be equal to the amount of taxes that would be owed if the property were privately owned.

Mr. Speaker, there are obvious advantages to this kind of approach. It would be relatively easy to administer. Its fairness would not be in doubt, because it would be compensating local governments for Federal removal of property from their tax bases. And it would be a dependable source of local revenue, not subject to the annual whims of Presidents and Congresses.

However, the enactment of payment in lieu of taxes is in doubt, so we must make do with the present system. Impact aid should not be cut until a fair and equitable system to replace it is enacted.

THE HISTORY OF NATIONAL AIRLINES IN JACKSONVILLE, FLA.

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. BENNETT. Mr. Speaker, recently, Mr. L. B. Maytag, president of National Airlines, addressed the Jacksonville Chamber of Commerce. His interesting comments detail the city of Jacksonville's early connection with the aviation industry and with National Airlines in particular and discussed current problems facing the industry:

REMARKS BY L. B. MAYTAG

Thirty-eight years ago, National Airlines—and Jacksonville—quietly made some aviation history.

It concerned a 93-mile stretch of sky between here and Daytona Beach.

National wanted to fly it.

It would unite what was then two separate airline routes for National. One out of Jacksonville touching four States to New Orleans. The other out of our home base at the time—St. Petersburg—down as far as Miami and jack rabbiting across the State via five other cities to Daytona.

That 93-mile link could tie it all together.

It became the first route case to be heard before a fledgling board created by the U.S. Government to bring a new industry—commercial flying—out of Chaos: over-competition, accident-prone and generally adolescent behavior.

This gangling industry had a lot of talent. But it needed a direction and family ties—coordination of these Hatfields and McCoys—to build a network into which the public could directly tune. Aviation could then reach its full value.

The board was called the Civil Aviation Authority at the time—1939. It is called the CAB—Civil Aeronautics Board today.

Since receiving that route award, National has grown—to a 12,000-mile route structure serving 15 States and London.

And the U.S. aviation system has grown. You can walk up to any ticket counter of any U.S. Interstate airline, book your ticket and check your luggage to cross continent; to cities large and small, or to connect to the Mideast, Scandinavia or New Zealand.

Their network joins 58,000 pairs of cities in the United States alone.

Today you can get there from here.

But what about tomorrow?

That is a question concerning us all in aviation. And it is one with which the public—particularly you, the business leaders whose travel needs are heavy and, often, instantaneous—would be especially concerned.

There are those who optimistically regard the airline deregulation bills now before Congress as leading inevitably to cheaper fares and good-for-all. But they could wake up waiting for a bus in their hometown and wondering where their airlines went.

The advocates of current proposed deregulation bills have not only misread the statistics, they are navigating a faulty—and what could be for the public, fatal—course.

For it's not only so-called "small" communities which could lose their present accountable service. It threatens many medium size ones as well, and probably certain major cities, too.

Perhaps you feel secure in a city the size of Jacksonville.

After all, it is a banking-business-insurance heart of our state. It's big. It's important. Certainly important to National, and we have no plans to give it anything but more importance in the future. It is also a city with political strength.

Jacksonville would seem a logical city in line for the burst of airline competition which deregulation proponents say will be unleashed as soon as the present system is put aside for the new one of "free entry."

That is, any airline may fly into any market it desires. When and how depends upon the legislation proposed.

There would be a rush to the most profitable routes under "free entry."

Recent studies by the Government Accounting Office saying most of the airline-cited endangered cities are served by two or more carriers—therefore do not face loss of service—don't hold realistic water.

In a rush for profit, two cannot only live, but can drop routes, as cheaply as one. Not only could but probably would. Fierce competition on major routes would financially demand it. Airlines could not afford to do otherwise in their fierce battles for survival.

Under the current system, airlines are required to provide service to all types of routes in a network of public responsibility. The profits of one help offset the losses of the other.

But, say that system were—mistakenly—marked "Void."

Airlines would go down the list of statistics to learn which cities have the most traffic, plus the highest yield. These are the ones they want to serve.

What of Jacksonville?

According to the most current CAB data for a 12-month period, Jacksonville is 46th in the nation for most passengers boarded in the U.S.—about 1.2 million people. That's between Norfolk, Va.—45th—and West Palm Beach—47th.

But in city pairs, it's another matter. In traffic between Jacksonville and any other city in the nation, you stand 144th. That's correct: 144th. There are 143 cities ahead of you with more traffic prospects to lure an airline. That's a long line.

For under the proposed system of deregulation, the emphasis is on fewer destinations, fewer flights and fewer empty seats. It is designed to move greater masses of people at lower prices.

The emphasis is on high volume traffic flow to keep those seats filled.

We speak of our traffic flows in this industry in a peculiar concept. It is called origination and destination traffic. That is simply adding up all those people who choose to fly between two specific points—in both directions—for a given time period.

Jacksonville now is connected to 135 cities. Most give you multiple choice of arrival and departure times. But only five of those 135 cities could remotely be considered approaching a traffic-sustaining figure:

Atlanta, 68,000 round trip passengers in one year—your highest-traveled city pair; New York, 65,000; Miami, 47,000; Chicago, 24,000; and Washington, D.C., 23,000.

Generally, minimum ideal service is judged to be two nonstop flights in both directions. Using our smallest equipment, a Boeing 727 with 107 seats, we require about 47,500 round trip passengers a year between two cities to maintain such service with load factors profitable for our industry.

These load factors—percentage of seats occupied—would not be so high as to deny service to the communities on peak days and during peak periods.

Only two of your cities—in that critical index—exceed that figure. How big a rush do you, an astute businessman, think there will be to establish routes into your city?

There are changes in the industry we would like to see come about—faster decisions on route applications and fare requests, for example. These past lags appear to be closing somewhat. But the system itself works. It is still conceded to be—by both sides of the issue—the best air transportation system in the world.

Ours is not the only industry currently facing proposals of regulatory reform. Some of those proposals would affect many of the industries you here represent, specifically, banking and insurance.

But our industry—airlines—is more visible than most. And so it has had more political pressure and public exposure.

Most of the proposals assume that air fares are too high, and that more competition would bring lower ones.

Neither is true.

In a 15-year period ending in 1975, the average price to fly one mile on a U.S. airline rose only one-fourth as much as the consumer price index.

Open competition—as proposed—cannot manufacture a miracle of low fares. Costs are not going down to allow this to happen. Not the price of fuel. Not landing fees. Not production or operating costs. Not equipment. And those are the constants in our industry.

A more realistic result would be cutthroat competition. Smaller, financially weaker carriers would go under, leaving the field to larger airlines and whatever prices they may eventually set.

Alleged fare benefits are being vastly overstated in this debate. Deregulation proponents are ignoring the vital question of a total, integrated air transport system with all the working parts depending upon the other.

Our bottom line becomes increasingly important today. Airlines must interest lending institutions whose doors are now temporarily closed—due in no small part to the cloudy future of regulatory reform. For they must plan now for long term equipment purchases.

While we at National are in favorable position with one of the most modern fleets in the business—DC 10s and Boeing 727s, with no new aircraft on order—the industry's need for new equipment is vital and just around the corner.

National has applied for several new routes, including permission to fly directly from Miami to Paris. Last week the CAB granted us the authority. We will be the first U.S. flag carrier operating between those gateways, benefiting all Florida and the Southern tier states.

A bilateral treaty permitting such route entry already exists between France and the U.S. We begin service June 22 with four flights a week.

It is a route which will assist Jacksonville business travelers who frequently fly to Europe and the Mideast.

There have been a lot of changes both for National and for Jacksonville since we first began service here. It's always interesting to look back.

It was a cold, gray morning in 1934 when National first landed here. It was a Monday—November 19th.

The plane was a Ryan. A fat, rumbling monoplane which would have given today's environmentalists acute seizures. But it had its moments. It was the type aircraft which took Lindbergh to Paris.

And on pleasant weekends, Jacksonville residents lined the field—sometimes several hundred at a time—to watch this and its later cousins take off and land.

Aviation was that new.

There were no passengers that first day. Just a load of mail, for which Uncle Sam was paying 28 cents a mile. That was the financial base of airlines.

That Monday was the first time National flew that 93-mile link from Daytona. It took nearly an hour. Ryans flew at 135 miles per hour. Incredible speed in those days.

It was a low key inaugural. No festivities. No official greeters, except the men in sweaters who came out to refuel the plane.

For it was just a temporary route at the time.

National was named to replace a competitor which had lost a wing to a utility pole in Daytona. The power company had erected it during one night and forgot to tell the airport about it.

There are a lot of stories here about those early days. Some can remember "Henry" at Pensacola—a leg on the flight to New Orleans. Henry was a horse. He belonged to a nearby farmer, and just before a flight was due, Henry—who had a penchant for grazing on the runway—had to be rounded up and directed back to the barn so the airliner could put down.

Some of you may remember the Electras. They seated 10. You had to duck your head to get in the door. In fact, you had to keep ducking all the way down the aisle. It led to what became known as "the Electra crouch."

Later we flew Lodestars. The first set a speed record on the way to Jacksonville from its Burbank, Calif., manufacturing plant—nine hours and 29 minutes, including refueling time in Dallas.

When we added stewardesses, they served box lunches of fried chicken bought from the little restaurant down the field.

Thomas Imeson Field in those early days was bounded by the prison farm at one side, and a seemingly endless WPA project at the other. Its chore was to lengthen the runways. But for most of that period, it appeared to be a shovel detail turning over the smallest possible hill for the longest possible time.

National actually had three inaugurals here. The temporary route begining in 1934. The beginning of the Jacksonville-New Orleans route November 1, 1938. And the permanent link award between Daytona Beach and Jacksonville which we began April 3, 1940. And, of course, most of you know that for many years Jacksonville was our home base before we moved to Miami.

The multiplicity of inaugural dates has caused some confusion as to how long we have operated out of this city. Well, welcome to the 37th . . . 39th . . . or 43rd anniversary. Or, as one of our station agents says: "We've been flying here for quite some time."

They've been good years. Progressive years.

We look forward to another 37 . . . 39 . . . or 43 . . . and certainly beyond.

REASONS TO CURB TV VIOLENCE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. STEIGER. Mr. Speaker, depiction of violence reached an alltime high on television last year. This is a problem which should concern all of us.

More and more, we are hearing of the negative effects on children, and on adults as well, that these televised depictions bring about. The amount of attention being directed to this problem is encouraging. As a parent, I know I am increasingly concerned about the programs offered by the networks.

TOM RAILSBACK's resolution, which I am cosponsoring, is a positive step in the effort to reduce televised violence without interfering with first amendment rights. Another congressional action on behalf of America's children came in the hearings held recently by the House Commerce Subcommittee on Communications. Various organizations have drawn attention of the TV violence question and a number of businesses have pledged not to advertise on shows with violent or antisocial behavior.

The Christian Science Monitor, in a March 7 editorial, made a very good analysis of the issues involved in the television violence debate. I hope it will receive thoughtful consideration by all who read the RECORD.

REASONS TO CURB TV VIOLENCE

The mounting torrent of concern about the unfavorable effect of television violence now is hard to ignore and we, for one, are glad that it is being voiced openly. Criticism most recently was on display in Washington at a session of the House Commerce Subcommittee on Communications, where it was pointed out that violence on the three major U.S. television networks reached a new peak in 1976 and that children who watched programs with a high ingredient of violence show a high level of physical aggression.

"I would like to hear that you people are concerned," freshman Rep. Edward J. Markey of Massachusetts told heads of the three networks, "but the impression I get is that no one wants to take the credit for violence on television."

The network officials claim they constantly review programs and try to eliminate violence but, as one of them said, "unfortunately, the efforts of broadcasters in reducing incidents of violence on television have seemingly gone unnoticed." Maybe, but statistics gathered by a study at the University of Pennsylvania School of Communication certainly point the other way. They say violence depicted last year broke the record high of 1967.

Another network defense is that violence in some cases is a necessary fact of life and relevant to the programs. Television, it is asserted, should not be "the scapegoat for persistent and historical social problems." Does this make the parade of violence justifiable? We think not. As one of the congressmen stated, there now is more violence on TV in totality than before the family viewing hour was introduced; he felt that was "a gimmick to fool the American public."

But the House hearings were only part of the growing criticism of violence on the tube. A child development survey found that 25 percent of youngsters 7 to 10 years old said they were afraid of "TV programs where people fight and shoot guns," suggesting a relationship between violent TV programs and children's fears. Nicholas Zill, the psychologist in charge of the survey, said the findings reinforced the belief that TV violence should be curbed in some "big way," not merely with a "family hour or 'Sesame Street.'"

In addition, the Parent Teachers Association, the National Citizens Committee on Broadcasting, and the American Medical Association all have joined the campaign against TV violence. And a recent Gallup poll found over 70 percent of the public in favor of picturing violence only after 10 p.m.

Inevitably this strong sentiment constitutes an influence on the advertisers who sponsor shows containing excessive violence. According to Advertising Age, some large accounts already are refusing to be associated with such shows.

All of which is a strong indication that awareness of the situation is on the increase, that opposition to unbridled violence is gathering momentum, that public concern is beginning to be felt by the networks, and that this is a good time to keep up the drive to damp down the excesses.

More parental guidance for the young about avoiding shows that emphasize violence, obviously is in order; one survey indicated half the children are allowed to watch whenever they want, and a third claimed they could watch whatever they chose. But the television industry itself must make a greater effort to weed out excessive violence, which can affect adults as well as children.

SAVE OUR SEALS

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. McKINNEY. Mr. Speaker, last week, the Canadian Government opened the annual harp seal hunting season. During the 6-week season, at least 170,000 seals—the quota established by the Canadian Government—will be clubbed to death, cruelly, senselessly and unnecessarily.

Traditionally, the hunt for the seal has been synonymous with adventure, danger and bloodshed of both men and marine mammal. As American author George Allan England observed from his experiences aboard a sealing ship in 1922—

Not for mere gain do men endure such miseries as the hunt entails . . . it is their annual carnival . . . of bloodshed.

Despite the institution of certain so-called humane techniques of slaughtering the seals, the flagrant cruelty of the seal hunt has not been suppressed.

The slaughter of the harp seal threatens the very survival of the species. At the turn of the century there were approximately 10 million harp seals off of the coast of Newfoundland. Today, it is estimated there are fewer than 1 million remaining. Conservationist and animal welfare groups dispute the effectiveness of the Canadian quota system, charging

that the harp seals will be extinct as early as 1985 if the present rate of killing continues. Despite efforts by the Canadian Government to supervise the hunt, it is impossible to monitor the thousands of commercial seal hunters to insure that 170,000 ceiling it has set will not be exceeded.

In addition to the direct slaughter of the harp seal, man has further threatened the species' existence by becoming a serious competitor for the fish that constitutes the food for the seal's survival.

The Marine Mammal Protection Act, which Congress passed in 1972, prohibits the importation of harp seal skins into this country. But it will not proscribe the cruel clubbing of 170,000 harp seals this spring. The Canadian quota system has been neither effective in preventing the inhumane manner in which these marine mammals are being slaughtered nor in protecting the species from almost inevitable extinction. This is why I join with my colleagues today in requesting the Canadian Government to reassess its policy of permitting such slaughter in Canadian waters.

NEXT YEAR IN JERUSALEM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. RANGEL. Mr. Speaker, as the joyous Passover season approaches, Jews throughout the world look forward to celebrating this special holiday. Passover commemorates the exodus of the children of Israel from Egypt almost 3,300 years ago.

The spirit of this holiday is dampened by the harsh reality of Soviet harassment and oppression of their citizens of Jewish descent. The Soviet Union has undertaken a determined campaign to eradicate every vestige of Jewish life within its borders. To this end, they have closed almost every synagogue, forbidden the publication of religious books, and the making of religious devotional articles in an attempt to destroy the once thriving Jewish community of the Soviet Union. In fact, they have gone so far as to forbid the production and sale of Pesachdich food which is requisite in the observance of Passover. Additionally, they have forbidden the importation of Pesachdich food which until recently, they had permitted.

Many of the over 3 million Jews in Russia wish to peacefully exercise the right of emigration which is guaranteed under the Helsinki Accords. To these people, the final chorus of the Passover will have special significance—next year in Jerusalem. Hopefully, those Soviet Jews who cannot celebrate Passover this year will be fortunate enough to have their prayer answered and be free to fulfill the ancient Jewish dream of celebrating the Passover in Jerusalem.

I urge my colleagues to support House Concurrent Resolution 97, which would facilitate the freer movement of people.

OUR POLICY IN THE ZAIRE CRISIS?

HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. TREEN. Mr. Speaker, I do not fancy myself an expert in foreign affairs. I have neither the experience nor the background for formulating a comprehensive foreign policy. But, as a Member of Congress who is deeply interested in the security of the United States and the progress of humanity throughout the world, I have tried to learn more and understand more about the effects of our actions in this complicated field of foreign affairs. And, the more I learn and the more I see, the deeper becomes my concern.

Today, along the Angola-Zaire border there are developments which pose serious short-term and long-term threats. I am not sure what our reaction should be with respect to the recent invasion of Zaire by forces operating from Angola. The situation poses quite a dilemma for the present administration and for Congress. We have already granted some $2 million in assistance. Zaire has requested additional help. Should we respond with further help? If so, should it be limited to medical supplies, clothing, food and communications equipment? Should it include small arms? If we are going to invest that much, should we consider even more formidable assistance in terms of major weapons?

The seeds of our dilemma were sown not very long ago in Angola. The Ford administration commenced a program of military and economic assistance to the prowestern forces during the recent contest for power in Angola. This assistance was furnished without official public acknowledgement, but the appropriate committees of Congress were duly informed. Our policy of assistance then began to unravel. Congress forced the termination of the assistance program. The pro-Marxist group, aided by Russia and Cuba, succeeded in gaining power. Now that power is being used against Zaire, a nation that also attempted to thwart the pro-Marxist MPLA.

Our efforts in Angola were secret, but, as pointed out above, were reported to the appropriate committees in Congress consistent with existing law. The reaction among many in Congress, after the administration was forced to make public acknowledgement of our involvement, was one of great trembling and fear that our country would become involved in another conflict like the one in Vietnam. (Never mind that there were substantial differences in the two situations.) The administration was condemned for acting in "secrecy," and Congress, in a great demonstration of outrage and umbrage, canceled our assistance program.

Perhaps our efforts in Angola would not have been successful. On the other hand, they might have been. But that's not the crucial issue. The question is: what does that decision by Congress portend for the future?

Does our experience in Vietnam mean that we will never again intervene in other parts of the world when our interests dictate that we should? Or when the rights of other members of the human race are seriously imperiled? Does the action of Congress in prohibiting assistance in Angola mean that we will never again permit clandestine—but duly reported to Congress—help for forces friendly to our interest and our values? If so, Congress will run headlong into conflict with President Carter's personal choice to head the Central Intelligence Agency. Our new Director of the CIA, Stansfield Turner, said on the CBS television program "Face the Nation" 2 days ago—according to the Washington Post of March 21—that:

> Foreign aid sometimes in secrecy is a very common and very legitimate tool of foreign policy.

Have we let the Vietnam experience freeze us into a rigid posture of nonintervention? If so, what happens if another Hitler commences racial genocide?

I do not urge a policy of consistent intervention, but a policy of consistent nonintervention would be disastrous. Our policy should based upon our security and other interests. Among our other interests is our concern for humanity—including human rights—throughout the rest of the world. A policy that absolutely forbids intervention would signal all our adversaries, existing and potential, mighty and petty, the Brezhnevs, the Fidel Castros, and the Idi Amins, that they need have no fear of resistance on the part of America. A declared policy by the United States that we will never intervene—not openly nor clandestinely—will give a green light to aggressors throughout the world. That signal may have already been given by our timidity in Angola.

Mr. Speaker, as I said at the outset, the complexities of foreign policy are monumental; no one can assert himself in this area without a degree of self-doubt. Certainly not I. But I believe that I express the opinion of many in this country when I say: a perception of American unwillingness to act when our interests dictate could result in great calamity for our country.

On this subject I found the essay of Rowland Evans and Robert Novak, which appeared in the Washington Post on yesterday, of interest. These columnists have been observing our foreign policy for many years and I find them to be most perceptive. Their column on the subject of Zaire follows:

ZAIRE: DOOMED TO THE FATE OF ANGOLA?

(Rowland Evans and Robert Novak)

Even after early warning signals from both Western-allied Zaire and pro-Western elements in Marxist Angola, the U.S. was helpless to interfere with the invasion of Zaire's copper-rich Katanga province by battle-hardened veterans—now Cuba-trained—of the old Moise Tshombe Katangan constabulary.

That helplessness shows that the impact of the Vietnam war, followed by the Central Intelligence Agency investigations, traumatize Congress today as they did during the 1975 Angolan civil war. Congress remains transfixed with fear that U.S. aid will lead to military intervention, and is still unwilling to use the undercover CIA option. So,

there is no effective response to the invasion of Zaire.

Accordingly, U.S. and Western European experts here have already conceded this result in the two-bit war over a king's ransom in copper; the fall from power of Zaire President Mobutu Sese Seko, whose hapless "army" cannot begin to turn back the Soviet-armed, Soviet-supplied Katangan troops.

This may well be only the first of several agonizing results. If Mobutu does lose the presidency under the shock of losing the richest part of his huge country, the momentum of that loss would expose much more of Zaire to ravage by the Katangan forces. Backed by Angola's own Cuba-directed army and supplied by huge Soviet military resources, the old Tshombe constabulary may now be accompanied by Cuban and Angolan leaders.

President Carter has been strongly urged by European allies to solemnly appeal to Moscow to halt the invasion. U.S. officials are unsure, as we write this, how deeply Moscow was involved in the decision to invade Zaire. Nevertheless, there is strong presumption that a word from Moscow could stop the invading force dead in its tracks, by merely threatening to withhold supplies.

But diplomats here have little hope that the Soviets will lift a finger in response to such a request from Carter any more than they did in reply to Henry Kissinger's plea to stay out of Angola in 1975. Indeed, cooperation by the Kremlin is made all the less likely by repeated Soviet embarrassments from Carter's human rights campaign.

Nor does the mood in Congress incline Moscow to defer to U.S. wishes. The skeptical, even frightened, attitude on Capitol Hill over foreign risk-taking was dramatically evident last week when Secretary of State Cyrus Vance testified before the House International Relations Committee on fattened aid for Zaire.

In response to Vance's request for $32.5 million in military aid for Zaire, liberal Rep. Don Bonker (D-Wash.) informed him that Zaire's army was corrupt "from top to bottom" and that Mobutu did not have the confidence of his people.

Bonker later told us that was the prescription that led the U.S. into Vietnam. But Bonker's was the formulation that led Congress into shrugging off any responsibility for Angola.

Vance's aid request has not yet been authorized, but it is now too late for it to have any impact on the military situation in Katanga (now called Shaba province). Moreover, even if Bonker overstates the weakness of Mobutu's army, the fact that it is not an effective fighting force is well known here. It may indeed be too late for rehabilitation.

With Havana and Moscow watching to see how well the old Katangan constabulary performs in Shaba province, success is expected to gain their support from more extensive operations. "The game is to destabilize Mobutu," one diplomat told us, "and after he is destabilized, the avenue is wide open for many nefarious purposes."

A glance at the map of southern Africa shows why. The fall of Shaba province to the Communist-backed Katangans would surround Zambia, the only other Western-leaning black state in southern Africa, with black states that all lean heavily toward Moscow and away from Washington: Angola, Tanzania and Mozambique. So, in any civil war in Zaire between a U.S.-backed force (under Mobutu or some successor) and a Soviet-backed force, the U.S. force would be operating under most unfavorable circumstances.

In fact, however, there almost surely will be no U.S.-backed force there because the still-traumatized Congress would not permit it. Vance's aid request for Zaire will be cut by Congress; in addition, the "human rights" block will challenge it on the basis of alleged repression by Mobutu.

So Zaire, or at the least its vital cooper-rich heartland, seems doomed to go the way of Angola, in the familiar pattern of a Secretary of State crying for help and Congress turning away.

FORTNEY H. (PETE) STARK, JR. CONGRESSIONAL RECORD INSERT ANYTHING BUT COFFEE WEEK

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. STARK. Mr. Speaker, I would like to call my colleagues' attention to an issue which involves all of us who enjoy the indulgence of one—or several as the case may be—cups of coffee a day.

As most of you are probably aware, coffee prices to the consumer have more than doubled in this last year alone. Continuing wholesale price increases indicate that consumers may be paying as much as quadruple the present cost within the upcoming months. Brazilian and Columbian coffee producers blame frost damage to crops for the coffee shortage they are ostensibly experiencing, which in turn is responsible for price hikes. But consumer groups claim that coffee stockpiles indicate ample supplies. Because of these conflicting reports, the International Coffee Organization has ordered a full investigation of the supply-and-demand problem.

Some of us might recall the spiraling beef and sugar prices of a few years past, and the consumer boycott which ensued. The lack of purchases of those products seemed to have a direct effect on the price increases. In a similar move, the Alameda County Consumer Affairs Commission of California is attempting to organize a coffee boycott in that State of wide-based popular support for 1 week. Public outcry over soaring coffee prices has already caused the U.S. coffee industry to abandon plans for a $8 million promotion campaign to encourage consumer acceptance of price hikes. Organizers hope that through a widespread, week-long coffee boycott, consumer solidarity will be further expressed both to consumers at large, and to coffee producers across the international market; and will force the industry to keep prices down to an acceptable level.

The California Legislature has sanctioned this move through their resolution scheduling April 3–9, 1977, as "Anything But Coffee Week." It is their hope, along with the Consumer Affairs Commission, that the coffee boycott, as an organized resistance to skyrocketing prices, will present an example of consumers asserting their importance as a vital link in our commercial and industrial chain, with an equally vital right to participate in decisions for price increases. I urge my colleagues to support this effort to control coffee price hikes by joining California citizens in their protest for the week of April 3–9.

ONE HUNDRED CONGRESSPEOPLE JOIN IMPACT AND FIGHT

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. HARRIS. Mr. Speaker, I am pleased to announce to my colleagues today that a bipartisan coalition of 100 Members of the House have joined me in writing the distinguished chairman of the Labor-HEW Appropriations Subcommittee, urging the subcommittee to restore the $395 million cut in impact aid education funds, proposed by former President Ford and President Carter for the coming school year.

Impact aid cuts are cuts into the very heart of school's operating budget. Unlike most Federal programs, Impact Aid is general aid, not "categorical" aid for special targeted needs. These funds pay teachers salaries, heating and utility bills and buy instructional materials. The cost of heating our schools has doubled in the last four years. The cost of children's library books has gone up 39 percent. Local expenditures for school lunches have jumped 35 percent. Our school budgets are feeling a real pinch. They have run out of places to cut. A cut in impact aid would be particularly devastating since this is one of the few Federal programs that helps schools pay their bills.

To make up for this loss in impact aid, property taxes would no doubt have to be increased. I have calculated that, for example, in one school district in my congressional district, halving the Federal impact aid budget would mean a $68 boost in the average property tax bill. The family budget has just undergone the ravages of an unusually severe winter, on top of a 50-percent increase of food prices in the last 5 years. It would be unconscionable for the Congress to, in effect hit our families with a higher property tax bill by not restoring these funds.

Finally, what is particularly disturbing about the elimination of these funds is that in essence the executive branch—by asking Congress to eliminate all funding for "B" children—is asking the Appropriations Committee to make a substantive change in the authorizing law which would be subject to a point of order on the House floor. The 1974 amendments (Public Law 93–380) addressed the problems raised by impact aid critics. It is an abuse of the legislative process to ask the Appropriations Committee to make a policy decision that should be handled by the Educational and Labor Committee.

Impact aid is a sound program that has existed for 27 years and goes to 4,300 school districts in every State of the United States. I will continue to work for adequate funding of the program and hope my colleagues will add their name to the impact aid effort.

The Representatives who support restoration of impact aid funding in fiscal 1978 follow:

Daniel K. Akaka, Hawaii.
Glenn M. Anderson, California.
Max Baucus, Montana.
Edward P. Beard, Rhode Island.
Jonathan B. Bingham, New York.
David R. Bowen, Mississippi.
Clair W. Burgener, California.
John J. Cavanaugh, Nebraska.
William (Bill) Clay, Missouri.
Cardiss Collins, Illinois.
David L. Cornwell, Indiana.
Baltasar Corrada, Puerto Rico.
Norman E. D'Amours, New Hampshire.
Mendel J. Davis, South Carolina.
Ronald V. Dellums, California.
William L. Dickinson, Alabama.
Norman D. Dicks, Washington.
Charles C. Diggs, Jr., Michigan.
Robert W. Edgar, Pennsylvania.
Joshua Eilberg, Pennsylvania.
Glenn English, Oklahoma.
Allen E. Ertel, Pennsylvania.
Frank E. Evans, Colorado.
Dante B. Fascell, Florida.
Walter E. Fauntroy, District of Columbia.
Joseph L. Fisher, Virginia.
Ronnie G. Flippo, Alabama.
William D. Ford, Michigan.
Lee H. Hamilton, Indiana.
Mark W. Hannaford, California.
Herbert E. Harris II, Virginia.
Augustus F. Hawkins, California.
Cecil "Cec" Heftel, Hawaii.
Ken Holland, South Carolina.
Harold C. Hollenbeck, New Jersey.
Marjorie S. Holt, Maryland.
James J. Howard, New Jersey.
William J. Hughes, New Jersey.
John W. Jenrette, Jr., South Carolina.
Harold Johnson, California.
James R. Jones, Oklahoma.
Walter B. Jones, North Carolina.
Abraham Kazen, Jr., Texas.
Martha Keys, Kansas.
Edward I. Koch, New York.
Peter H. Kostmayer, Pennsylvania.
Robert (Bob) Krueger, Texas.
Joseph A. Le Fante, New Jersey.
Robert L. Leggett, California.
Jim Lloyd, California.
Trent Lott, Mississippi.
John J. McFall, California.
Matthew F. McHugh, New York.
Gunn McKay, Utah.
Edward R. Madigan, Illinois.
Ron Marlenee, Montana.
Lloyd Meeds, Washington.
Helen S. Meyner, New Jersey.
George Miller, California.
Norman Y. Mineta, California.
Parren J. Mitchell, Maryland.
Austin J. Murphy, Pennsylvania.
John M. Murphy, New York.
Michael O. Myers, Pennsylvania.
Bill Nichols, Alabama.
Robert N. C. Nix, Pennsylvania.
Leon E. Panetta, California.
Jerry M. Patterson, California.
Shirley N. Pettis, California.
W. R. Poage, Texas.
Larry Pressler, South Dakota.
Melvin Price, Illinois.
Charles B. Rangel, New York
Frederick W. Richmond, New York.
Ted Risenhoover, Oklahoma.
Robert A. Roe, New Jersey.
Teno Roncalio, Wyoming.
Charles Rose, North Carolina.
Edward R. Roybal, California.
Harold Runnels, New Mexico.
Fernand J. St Germain, Rhode Island.
Jim Santini, Nevada.
Patricia Schroeder, Colorado.
Bud Shuster, Pennsylvania.
B. F. Sisk, California.
Gladys Noon Spellman, Maryland.
Fortney H. (Pete) Stark, California.
Tom Steed, Oklahoma.
Newton I. Steers, Jr., Maryland.
Louis Stokes, Ohio.
Morris K. Udall, Arizona.
Lionel Van Deerlin, California.
Wes Watkins, Oklahoma.
Theodore S. Weiss, New York.
Richard C. White, Texas.
Bob Wilson, California.
Timothy E. Wirth, Colorado.
Antonio Borja Won Pat, Guam.
C. W. Bill Young, Florida.
Don Young, Alaska.

THE SACCHARIN BAN: TIME TO REVISE FDA PROCEDURES

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. BAUMAN. Mr. Speaker, I am enthusiastically joining with my many colleagues from both sides of the aisle in cosponsoring legislation to permit the continued use of saccharin and to significantly change the process the Food and Drug Administration employs to determine the safety of food additives. This legislation, originally drawn up by my distinguished colleague from North Carolina, Mr. MARTIN, is in response to the FDA's recent ban of saccharin.

This legislation provides a new mechanism whereby a ban of a food additive by the FDA could be appealed. Upon reconsideration, the FDA could then authorize continued use of the product only if the public benefits of such use clearly outweigh the public risk. The legislation does not repeal the Delaney clause, which currently governs banning procedures, but modifies the procedures by which it is implemented.

The FDA's saccharin ban is yet another in a long line of abuses by a Federal agency over-reacting to the symptoms of a few laboratory rats fed enormous amounts of an everyday product found in millions of American homes for the past 80 years.

The saccharin ban was based on a study conducted by Canadian scientists who found fewer than 10 percent of 200 study rats developing tumors after being fed substantial daily amounts of the product. Saccharin is the sole remaining dietetic sweetener allowed by Federal authorities to be sold on the grocer's shelf. Previous decisions by the FDA, beginning in 1969 with the cyclamate ban, eliminated other sugar-substitutes.

Did the evidence from the Canadian study justify the FDA's action? I think not. For you and I to equal the amounts of saccharin consumed by those rats, we would have to drink more than 800 12 ounce cans of diet drink a day, or eat more than 1,850 packets of the low-calorie sweetener per day. When you consider that drinking a mere 50 cans of pure, EPA-approved water can kill you, it becomes obvious just how absurd the FDA's action is in this matter.

Mr. Speaker, just as important is the serious situation the FDA has created for the more than 10 million Americans who suffer from diabetes. Without saccharin, these people are left without a product absolutely necessary for their health. I think it is time the bureaucrats started to show a little more concern for human needs and a little less for caged-up laboratory rats.

I hope the House acts swiftly to rescind this ban and to change FDA's procedures and powers.

TREATY ASSURANCES FOR PANAMA CANAL WORKERS PROMULGATED

HON. RALPH H. METCALFE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. METCALFE. Mr. Speaker, on Tuesday, March 15, an important event, though one little noticed in the U.S. press, took place in the unfolding story of Panama Canal treaty negotiations. On that date Gov. Harold R. Parfitt of the Canal Zone issued to employee leaders in the Canal Zone a list of assurances, or protections, which are the minimum acceptable rights and benefits to be accorded to U.S. citizen and non-U.S. citizen employees of the Panama Canal organization in any new Panama Canal treaty arrangement.

The list of assurances provided to canal employees is significant. Even though it may not contain all of the benefit provisions for which canal employees have striven, and will strive, this list is an affirmation of the concern of the U.S. Government for the canal employees who have served with dedicated competence over the years. As an expression of concern for U.S. and non-U.S. employees of the canal organization, perhaps the assurances will stem the very detrimental tide of U.S. citizen resignations and retirements which could threaten the operational efficiency of the Panama Canal.

Mr. Speaker, the canal treaty issues which are discussed more often in our news media, issues such as the permanent neutrality of the Panama Canal, its defense, and the duration of a new treaty relationship, are all very important. But all of these issues are relevant only if the canal is efficiently operated by a work force with technical competence and high morale, and only if proper attention is paid to the human dimension of things. Indeed, if more attention had been paid to human and social factors on the Isthmus of Panama many years ago, I am convinced the political climate for canal operations would be better today.

Credit for the issuance of canal employee treaty protections belongs to the negotiators in general for their correct perception of apprehensions on the Isthmus of Panana. Credit is due to the labor and civic organizations who have made known the apprehensions of their memberships and constituencies. Credit is especially due to Gov. Harold R. Parfitt of the Canal Zone, who has continuously emphasized the need for consideration of the employees in canal treaty negotiations.

On January 14, 1977, the Board of Directors of the Panama Canal Co., acting in consonance with the urgings of Governor Parfitt and Department of

the Army officials, passed two resolutions relating to employee protections and canal treaty negotiations. By approving the issuance of 15 assurances for canal workers, the appropriate authorities in the administration have begun to act on those resolutions. It is my hope the administration will continue to adhere to the resolutions by providing applicable information to canal employees, by communicating with the AFL–CIO—who have a comprehensive position on these matters—and by avoiding any erosion of employee benefits.

The following list of treaty assurances and resolutions of the Board of Directors of the Panama Canal Co. are only parts of the very involved process required for effectuating a new canal treaty arrangement. But despite the work and negotiation yet to be done, they are indeed positive signs in the context of matters which are so beset with obstacles:

ASSURANCES FOR PRESENT EMPLOYEES OF THE PANAMA CANAL CO./CANAL ZONE GOVERNMENT UNDER A NEW PANAMA CANAL TREATY

[Given to Canal Employees by Canal Zone Governor Parfitt on March 15, 1977]

The following list of assurances for present United States citizen and non-United States citizen employees of the Panama Canal Company/Canal Zone Government are derived from the United States position. They represent those assurances on fundamental items of particular interest to Canal employees which would, as a minimum, be provided in the context of any new treaty relationship. Obviously, all treaty provisions are subject to negotiation, the ratification process, and such Congressional implementing legislation as may be appropriate.

No formal, comprehensive agreement has been reached between the United States Government and the Republic of Panama regarding this issue or any other.

These assurances are not intended to be final or all-inclusive. Other areas of concern are continuing to be examined. These assurances should, however, provide employees with a general understanding of the minimum level of benefits and protections being sought.

1. Schooling and medical care provided by the United States Government will continue to be available for United States citizen employees and their dependents.

2. United States citizen employees will continue to be provided with adequate housing at a reasonable cost. Residential areas will be managed in such a manner as to maintain a mix of United States and Panamanian residents.

3. United States citizen employees and their dependents will continue to enjoy duty-free import and purchasing privileges concerning items for private use. They will also be authorized use of military service facilities.

4. United States citizen employees and their dependents will be exempted from Panamanian tax on any income derived from

The Canal operation or other United States Government agencies, and

Sources outside the Republic of Panama.

5. In connection with offenses arising from acts or omissions punishable under the Laws of the Republic of Panama, United States citizen employees and their dependents will be entitled to specific procedural guarantees, such as prompt and speedy trial, specific charges, cross-examination of witnesses and legal representation of choice.

6. United States citizen employees and dependents who may be considered to be dual nationals will have the same status under the new treaty as those of exclusive United States citizenship.

7. Non-United States citizen employees automatically will be covered under the Panama Social Security System, except that those with five or more years of United States Government service as of the effective date of the new treaty will have the option to retain U.S. Civil Service retirement coverage in lieu of transfer to Panama Social Security coverage.

8. Panamanian citizens will be employed in increasing numbers at all levels of the management and operation of the Canal.

9. Increased Panamanian employment in the operation of the Canal will not be used to displace current United States citizen Canal employees.

10. All eligible employees are guaranteed by current regulation, reduction-in-force and reassignment right, transfer or function rights, and discontinued service retirement following involuntary separation. In addition, the Civil Service Commission will be requested to grant approval of and/or waivers for "early optional retirement" or liberalized severance pay coverage for employees of Canal enterprise activities which are scheduled for elimination, reduction or transfer. Employees whose working conditions are so adversely affected by the treaty that special consideration is appropriate may also be included in this commission request.

11. Civil Service Commission approval will be sought to provide any present United States citizen employee requesting such assistance with priority placement consideration for appropriate vacancies in federal government agencies.

12. To the extent consistent with sound management, the terms and conditions for the employment of non-United States citizen personnel will, as a matter of policy, conform with the general principles contained in the labor laws of the Republic of Panama.

13. The Government of the United States will ask that special placement assistance be offered by the Republic of Panama to any non-United States citizen employee who may be displaced by reason of the treaty.

14. The Canal management will conduct its relations with recognized employee unions representing Canal employees in accordance with Executive Order 11491, as amended, and/or other mutually acceptable form of collective bargaining.

15. Recommendations, if appropriate, will be made to the Office of Management and Budget for legislative action found necessary to prevent an erosion of the general level of employee benefits and conditions of employment under any new treaty.

RESOLUTIONS PASSED UNANIMOUSLY BY THE BOARD OF DIRECTORS OF THE PANAMA CANAL COMPANY ON JANUARY 14, 1977

RESOLUTION NO. 1

Whereas, representatives of the government of the United States and the Government of Panama are currently negotiating a new treaty for the future operation, maintenance and defense of the Panama Canal; and

Whereas, these negotiations involve many issues and decisions directly affecting the careers and living conditions of Panama Canal Company and Canal Zone Government employees and their dependents; and

Whereas, the American and Panamanian employees of the Canal enterprise have rendered long and faithful service in operating the Canal efficiently for the benefit of all nations without discrimination, thus providing a vital link in the lanes of international commerce; and

Whereas, the Board recognizes the importance of retaining the unique skills and invaluable experience of these dedicated employees in order to maintain the high standards of efficiency that have characterized the operation of the Canal as well as to help train future generations of workers; and

Whereas, there are certain assurances that the U.S. Congress or Executive Branch can make unilaterally to employees without regard to any treaty;

Now, therefore be it resolved, that the Board of Directors of the Panama Canal Company cause to be spread on the records of the Corporation the assurance to all its employees that, consistent with good management practice and applicable statutes, the Board will endeavor to preserve existing employee rights and benefits pending completion of the on-going treaty negotiations; and that the Board strongly urges that appropriate agencies of the U.S. Government take action to provide assurances of retention of the rights and benefits to employees as long as the United States operates the Canal.

RESOLUTION NO. 2

Whereas, representatives of the government of the United States are currently engaged in negotiations with representatives of the Government of Panama regarding a new treaty for the operation, maintenance and defense of the Panama Canal; and

Whereas, the American and Panamanian employees of the Canal enterprise have a vital interest in decisions resulting from these negotiations which directly affect their rights, benefits and future employment security; and

Whereas, it is recognized that treaties are never negotiated in public, and therefore the United States Government has felt itself unable to keep Canal enterprise employees informed of many issues in the negotiations and there has thus developed a climate of uncertainty and apprehension exacerbated by continuing announcements in the Panamanian press with no comment by U.S. spokesmen; and

Whereas, the U.S. negotiators have publicly expressed the intent to protect the benefits and interests of Canal enterprise employees and to provide them continued assistance through the difficult and uncertain times ahead; and

Whereas, it is equally beneficial to management in maintaining an efficient work force to provide employees with sufficient information on matters pertaining to a treaty to allow the employees to formulate personal decisions based on fact rather than rumor and speculation;

Now, therefore, be it resolved, that the Board of Directors of the Panama Canal Company cause to be spread on the records of the Corporation the very strong recommendation to the President of the United States that employees of the Canal enterprise be more fully informed of treaty issues and decisions directly affecting their living and working conditions.

MRS. MARY HEATH—101ST BIRTHDAY

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. APPLEGATE. Mr. Speaker, Mrs. Heath will celebrate her 101st birthday on March 26, 1977. She came to our community of East Liverpool, Ohio, in 1879, when she was 3 years old. She had been born in Red Wing, Minn. This means she has witnessed a great deal of progress and development along the Ohio River.

She married William Heath in 1896 and they had two children: Ariel, a daughter born in 1900, and Norman born in 1906. She has survived them both.

However, her family is carried on by her late son Norman's wife, Louise, a granddaughter, Mrs. Susan Hendershot of St. Cloud, Minn., and a great-granddaughter, Amy Louise Hendershot, age 3.

She is a living piece of history in Columbiana County, Ohio. Mrs. Mary Heath has observed in her lifetime the transition from travel by riverboat to train to rocket, an amazing thought. Mr. Speaker, it gives me great pleasure to honor Mrs. Mary Heath on her birthday.

TANKER SAFETY

HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. RUPPE. Mr. Speaker, I have been appalled at the growing threat to our marine environment and the inconsistent efforts to cope with a burgeoning armada of some 3,000 tankers a year that come into our ports from overseas. The spate of oil spills brought into focus with the *Argo Merchant* casualty has emphasized the necessity for Congress to take affirmative action and address various feasible and reasonable measures to protect our various national resources.

About a year ago during oversight hearings at Sault Ste. Marie, Mich., into the adequacy of Coast Guard search-and-rescue facilities in the Great Lakes, I focused on apparent deficiencies that were brought to light by the tragic sinking of the now legendary Steamer *Fitzgerald* in November 1975. At that time I stated that a 'need—had become—evident for a preventative vessel traffic control system including winter advisory services that will lessen the need for on-scene assistance." I noted then that "Innovative navigational aids such as *Loran* might lessen a dependence on other manned aids" and that "an automated vessel reporting system will trigger assistance when needed."

I have pursued the idea of mandatory vessel traffic control systems, using transponders and satellite techniques, through observance of the Coast Guard's Mini-Loran system under development for the St. Mary's River in Michigan and through discussions with John Hopkins Applied Physics Laboratory about the Transit navigational satellite system developed for and now being installed in U.S. naval vessels. The results of this effort are reflected in the Federal Tanker Safety and Control Act of 1977 that I have introduced today and are applicable on the Great Lakes as well as upon the oceans within our newly established fishery conservation zone.

In my bill I have recognized the need for continued training of shipboard personnel and a competency manning philosophy that should be given increasing recognition in the broadest of terms. Additionally, I have, in spite of some opposition, retained requirements for segregated ballast tanks and double bottoms. I feel that it is technically possible to cope with some of the stability and explosive vapor concerns of opponents and have noted the increasing trends toward such construction standards even in the absence of mandatory requirements. Oil transporting vessels in the Great Lakes region have double bottoms and, I believe, in some instances double hulls that have averted ecological disaster. For example, this winter a grounding in Grand Traverse Bay resulted in minor spillage of oil, because the tanker involved had a double bottom.

Attention of late has been focused on tankers; but in the areas of concern, tank vessels and barges do not operate in isolation from other traffic. In spite of every precaution applied to or by tank vessels, their safety and that of our natural resources can be seriously hazarded by other vessels not similarly equipped and not participants in a traffic control system. Accordingly my bill calls for a study by the Secretary of Transportation that will address these hazards.

The provisions of my bill should be of significance to the most fragile of environments, the fresh waters of the Great Lakes region with some 95,000 square miles subject to U.S. jurisdiction and a shoreline of some 5,480 miles that exceeds the entire eastern coastline of the United States. Storms are as severe, the seas as violent, and the navigational hazards as great as in any other maritime region. Ships here are continuously in pilotage waters and as the transportation of energy resources by water is increasing, concern is heightened.

Quite recently, I had a survey made of the magnitude, frequency, and point sources of oil and chemical spills during calendar year 1975 into Great Lakes waters. The results were surprising to me and have spurred my interests in more stringent tanker regulations and vessel controls; they have also impressed me with a need to look at problem areas, other than vessels. I would like to share some of the heretofore undeveloped data. During 1975, there were 42 spills in excess of 1,000 gallons reported from all sources. Eleven of these spills were classified as major, that is, exceeding 10,000 gallons. Vessel and barge discharges, without regard to quantity, involved 5 foreign vessels and 28 U.S. vessels. These discharges occurred during cleaning and ballasting, refueling, and transfer operations. Point sources include rail vehicles, onshore refinery and oil storage facilities, and pipelines as well as vessels of all classes. The causes of such spills run the gamut from hull or tank leakages to other structural, pipeline, and pump failures.

The bill I have introduced addresses one area of major concern in a comprehensive manner but we must, and I will, be giving attention to other areas that may have been overlooked in our rush to address the onslaught from the seas.

FEDERAL IMPACT AID

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. AKAKA. Mr. Speaker, as you know, in President Carter's budget proposals submitted to the Congress on February 22, 1977, the President eliminated $395 million in budget allocations for section 3(b) entitlements of Public Law 81–874, the so-called Federal impact aid legislation. The purpose of the funding provided in this portion of Public Law 81–874 is to reimburse local school districts which have numerous students whose parents live or work on Federal property. I call attention to this matter because such an omission from the fiscal year 1978 budget will have a serious and detrimental affect on educational systems throughout the 50 States. In the State of Hawaii alone, the proposed cut will amount to a $5.5 million loss to the State. Such a budget cut will mean that 327 teachers will become jobless and a minimum of 8,551 students will be adversely affected. Class sizes will swell and the burden on an already tight educational budget will greatly increase.

Yet Hawaii will not be alone in attempting to provide quality education to students while budget cutbacks continue. Federal impact aid goes to 420 congressional districts and over 4,300 school districts, so that almost every local educational system will suffer from the loss of funds.

Opponents of 1978 impact aid appropriations would argue that many local educational agencies which receive large section 3(b) entitlements are among the most prosperous regions in the country, particularly those which are adjacent to the Washington, D.C., area. However, studies have demonstrated that not only do these presumably wealthy districts have some of the largest school districts in the country, but that a loss of only 3(b) payments to the same school districts would increase local property taxes by over 20 percent.

Mr. Speaker, I urge my colleagues on the Subcommittee on Labor-HEW Appropriations of the House Appropriations Committee, as they commence their hearings today on school assistance in federally affected areas, to restore the reductions in the 1978 impact aid appropriations as proposed in the Carter budget. I also appeal to my House colleagues on both sides of the political aisle to join with me and others to insure that these funds remain in the final fiscal year 1978 budget, for the sake of local school districts throughout the Nation.

VOLUNTEERS IN THE NATIONAL FOREST

HON. WILLIAM L. ARMSTRONG

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. ARMSTRONG. Mr. Speaker, provisions of Public Law 92–300, the Volunteers in the National Forest Act of 1972, limit the Forest Service to spending $100,000 annually on volunteer programs.

While such knowledgeable organizations as the National Hiking and Ski Touring Association have conducted two summer volunteer programs in four States, with positive results, this effort has reached its limit because of the statutory limitation.

I am not proposing any more spending—far from it.

Removing the spending limitation would simply give the Forest Service the option of spending existing appropriations for administration and coordination of volunteer programs.

While the present limit of $100,000 sounds adequate for these purposes—it is not—not when the funds must be spread over 146 national forests and 187 million acres. It seems right to me—as well as cost effective—that the Forest Service should be allowed to use dedicated and knowledgeable volunteers in its efforts to maintain the national forest system.

For these reasons, I am reintroducing legislation which would remove the $100,000 limitation.

This is not controversial legislation. Both the Department of Agriculture and the Office of Management and Budget have endorsed this bill—and reported favorably on it late in the 94th Congress.

In 1975, for example, volunteers did more than $1 million worth of work in the national forests—and the cost to the Government was $100,000. The Forest Service had to turn away competent and qualified help. This is especially serious now, when the Forest Service has been closing trails and other sections of national forests because of inadequate maintenance.

The use of volunteers could help ease the manpower crisis faced by the Forest Service—without "any additional direct costs to the Federal Government," according to the Department of Agriculture.

This type of creative solution is long overdue, and I would like to urge wide support for this bill.

HOW TO INCREASE TAX REVENUES FROM THE RICH

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. KEMP. Mr. Speaker, one of the arguments most commonly used against efforts to cut tax rates across the board is that this will amount to a gift to the rich. The truth is actually quite the opposite because the only way to get the rich to pay more taxes is to make it worth while for them to take their money out of tax loopholes and put them into productive enterprises.

By way of illustration, consider the following figures which show the percentage of all income taxes paid by those earning $100,000 and up:

Percent of Federal tax revenues paid by incomes of $100,000 and above

1962	5.1
1963	5.1
1964	6.3
1965	7.6
1966	7.5
1967	8.5
1968	9.2

As one can see, beginning in 1964 there is a sharp rise in the amount of total tax collected on those who are generally considered rich. It is interesting to note, however, that the tax rates on these incomes were actually going down. Before 1963, the highest tax rate was 91 percent on incomes above $200,000. In 1964, this rate dropped to 77 percent. In 1965, it dropped to 70 percent, where it is today. President Kennedy advocated reducing the tax rates in order to stimulate investment and production. It worked, plus added revenues to the Treasury.

I think that this is very persuasive evidence that the reduction in tax rates actually led to an increase in taxes on the rich. This results simply from the fact that with lower tax rates it was more worth while for wealthy people to take their money out of tax shelters like tax-exempt municipal bonds and invest in profitmaking enterprises.

Knowing full well that there are other reasons as well, I think that this is something the Congress should consider very carefully the next time someone starts talking about closing tax loopholes and soaking the rich. The way to reduce loopholes is lower the rates to more reasonable levels where enterprise is encouraged and revenues flow into the Treasury.

CONGRESSIONAL TERMS OF OFFICE

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. STUMP. Mr. Speaker, I have introduced legislation today that would change the term a U.S. Representative could serve to three, 4-year terms.

The best way to protect against the shortcomings associated with excessively long tenure in office is through a fixed limitation of terms. The 22d amendment to the Constitution, which limits the number of terms a President may serve, was a step in the right direction; but only a step. In limiting the total number of terms that a Congressman may serve, we insure that the Congress will remain responsive to the people. A recurring turnover in the office will give many more people the opportunity envisioned by the Founding Fathers to trade private life for public service, and yet never be so far from private life that the problems and aspirations of the district are forgotten.

The demand for a 4-year term for Representatives is long standing. Ever since the Constitutional Convention, it has been argued that the 2-year term is too short a time for Members to acquaint themselves with their duties. Four-year terms would allow Representatives to devote more of their time and attention to legislative responsibilities.

The 12-year period would allow each incoming Congressman ample time to learn the rules and procedures of the Congress, to gain greater insight on a national scale and to implement programs which caused him to seek office. If a Member is still interested in public office, after serving 12 years in the United States House of Representatives, he could run for office in the Senate or some other elective office.

The 4-year term would reduce the total campaign cost per Member, saving thousands of dollars for candidates, and their contributors.

More of the citizens in private and public life would be eager to compete for this public office if they were partly freed from the prospects of financial and physical strain of never-ending campaigning. This increased competition could better challenge entrenched political machines, and bolster the two-party system.

OUR TIES WITH CANADA AND MEXICO

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring to the attention of my colleagues the following column by my constituent, Gen. Henry Huglin. General Huglin is a retired Air Force brigadier general and syndicated columnist. He comments on America's relations with Canada and Mexico:

OUR TIES WITH CANADA AND MEXICO

(By Henry Huglin)

Sensibly and wisely symbolically, President Carter scheduled his first two meetings with other heads of government with President Jose Lopez Portillo of Mexico and Prime Minister Pierre Elliott Trudeau of Canada.

By habit, we Americans usually take our closest neighbors, the Canadians and Mexicans, much too much for granted.

For decades we have been focusing mainly on hot spots abroad in Europe, Asia and, more recently, Africa. Meanwhile, in this hemisphere, particularly in Canada and Mexico, things have been relatively quiet, in respect to our interests.

Good relations with our neighbors are, of course, very important. We share long borders with them. We are closely linked economically. And their problems and ours affect one another, whether they are mutual problems, such as energy, or not. For example, both Canada and Mexico helped in our recent energy crisis—brought on by the severe cold in our Midwest and East—by making emergency shipments of oil and natural gas to our country.

For many sound reasons, it is proper and prudent for us to understand better and pay more attention to these neighbors of ours than we have been doing.

With Canada we have more trade than with any other country in the world—and more than with all of Europe.

And we have political and mutual security links with Canada through NATO and bilateral agreements, including our combined North America Air Defense Command.

We are Mexico's top trading partner and she ranks as our fourth. Further, within the U.S. are as many as six million Mexicans, of whom many are here illegally. And the problems are complex and serious concerning these Mexican immigrants—and the growing traffic in drugs from Mexico, as well.

Also with Mexico we have politically and security ties through the Organization of American States and the Rio Treaty.

Both countries are dependent on our military strength, political skill, and will for their ultimate security. And neither has any real concern over our country being a threat, though we are now a superpower and heavily armed. Our long borders are not military defended frontiers and there are no tensions along them—in contrast with the borders between Russia and China and between many other countries.

Both the Canadians and Mexicans have mounting problems which may spill over into

problems for us, if they cannot cope with them well. On some they need our help.

Mexico faces severe economic, and in turn social and political, strains from her burgeoning population. Twenty-five years ago there were 25 million Mexicans; now there are 63 million; and 132 million are expected by the year 2000.

Mexico is potentially a rich, dynamic nation. She has made remarkable economic progress in recent decades, and she has been the leading nation in development in Latin America. Further, great new oil reserves have recently been found. But her population explosion is creating massive economic and social problems, outstripping her economic gains and resulting in 25% unemployment and growing unrest.

Canada's political stability, continuity, and economic unity are in prospective jeopardy, because of the possibility that the residents of the province of Quebec may decide by 1981 to split off from Canada as a separate nation. If such a separation should occur, Canada could break up, with the further possibility that some of her provinces would bid to become states of our Union.

Also, with a new nationalistic fervor, the Canadians are concerned over the impact of $26 billion investment from the U.S. on their economic independence. Their rising tide of nationalism has also led them to invoke some measures of attempted financial, trade, and cultural protection.

But regardless of the Canadians'—and Mexicans'—concerns over dominance of their economies through our financial investments, they need continued heavy inputs of our capital to maintain the pace of their economic development. Yet, they swing between seeking it and discouraging it for nationalistic pride reasons.

For our national interests, we are clearly interested in political, social, and economic stability and progress in Canada and Mexico—for our economic health, continued flow of needed imports and exports, and quietude and security in our mutual North American continent homeland.

So, as we think more and more of the interdependence of the world—as we must—we ought to stop taking our close neighbors, the Canadians and Mexicans, for granted and recognize our particularly close interdependence with them. They are marching to their own drumbeat but, with mutual understanding and cooperation, we all need to march in step as much as we can, for our overall best interests.

AMENDMENT TO FEDERAL RECLAMATION LAW

HON. JOHN KREBS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. KREBS. Mr. Speaker, my colleague, the Honorable B. F. SISK, and I are pleased to introduce legislation to modify the 160-acre limitation mandated by Federal reclamation law enacted over half a century ago. The bill incorporates a 160-acre class I equivalency provision into the 1926 law.

Our proposition allows those with a tract of land of lesser quality than class I to own up to a maximum which would correspond, in terms of potential productivity, to 160 acres of class I land.

The present limitation simply is not realistic nor equitable in many areas of the country. As we are all aware, the productivity of a parcel of land can vary substantially as a result of a number of variables, such as soil composition, topography, and climate. We believe it is unfair to require individuals with class II or poorer quality land to compete with others owning parcels of prime agricultural land.

An equivalency concept has been incorporated into the authorizations of some 18 specific reclamation projects. Our bill will simply fill in the gaps, by making the concept uniformly applicable to all reclamation projects in the Western United States.

SPEECH BY THE HONORABLE WILLIAM MOORHEAD OF PENNSYLVANIA

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. PATTERSON of California. Mr. Speaker, my distinguished colleague, Mr. WILLIAM MOORHEAD with whom I serve on the Committee on Banking, Finance and Urban Affairs, recently addressed a meeting of the American Bankers Association held here in Washington, D.C. He expressed a concern shared by many of us on the committee stemming from the failure to produce any meaningful financial institution reform in the 94th Congress. I urge all Members of the House to read and carefully weigh his remarks:

REMARKS OF CONGRESSMAN WILLIAM S. MOORHEAD BEFORE THE AMERICAN BANKERS ASSOCIATION, FEBRUARY 23, 1977

When General MacArthur made his historic appearance before a joint session of Congress after President Truman relieved him of his command in Korea he made the famous statement "old soldiers never die, they just fade away". I have heard that paraphrased about bankers that "old bankers never die, they just lose their interest".

That paraphrase about bankers is obviously wrong for two reasons: (a) ever since I have been in Congress, the bankers I talk to seem to be getting younger and younger and (B) you have demonstrated the fact that you have not lost your interest by coming to this early, wintry Washington Breakfast.

Even before I came to Congress in 1959, congressmen and administrations of both political parties, academicians and businessmen have expressed the opinion that the structure of our financial system is in need of a thorough overhaul. The hearings on the financial institutions act of 1957 (held before I came to Congress) established this beyond a peradventure of a doubt but to this day nothing of note has occurred. In the years following 1957 we considered, by and large, only piecemeal bits of legislation.

We did it again last week.

Last week, the House Banking Committee approved a bill that contained three matters of real concern to the banking community: 1) an extension for 12 months of the law that authorizes deposit rate ceilings for thrift institutions; 2) language extending what are essentially checking accounts to federally chartered thrift institutions in New York State only; and 3) a title enlarging the lending activities of credit unions, including giving them real mortgage lending authority.

Lobbyists in Washington, primarily those representing small and large commercial banks, have been congratulating themselves since Thursday because they were able—along with some help from thrifts which did not want the power—to kill proposed language in the bill that would have granted checking powers to federally chartered thrifts in Pennsylvania and New Jersey.

Let's examine what really happened last week and put it in the context of your mission here to develop an ABA legislative position with regard to NOW accounts, credit union activity, and extension of thrift rate control authority—which means the ¼ point differential.

In defeating the Committee's original plan to begin allowing thrift institutions NOW account power—and for the time being let's not discuss the issue of interest bearing versus NINOWs—you failed to stop 12 additional months of the ¼ percent interest that thrifts can offer. You failed to hold back the growing credit union movement. And you succeeded in retaining the image of the ABA as being a negative lobbying force—that is, what you were against was pretty clear but what you are for never surfaced.

Now some may think that the banking industry will never get what it wants from the Congress so it might as well just marshal its vaunted resources and spring into action every time something develops that it opposes. This standard operating procedure has worked in the past so why not just continue?

Well the reason is, that the Congress is tired of the squabbling among financial lobbyists that immediately occurs whenever any legislation of substance is proposed. I am tired of being told by every banker, savings and loan official and mutual savings bank president, and now add credit unions to the list, that a particular piece of legislation, if it passes, will mean the end of western civilization as we know it.

This takes me back to last week's action by the Banking Committee. I don't think that was a victory for you.

You lost two big issues, the differential for 12 months and credit union expansion.

And don't kid yourself, the differential will continue for 12 and 18 months at a time unless you help break this cycle by supporting a positive bill that can pass.

I say this now because I believe there still is a chance that the House Committee bill might just become a simple three month extension of the differential—or Reg Q—as it is popularly but incorrectly entitled.

The Senate still must act on this bill and we all know what happens once the other body gets into its togas and begins decorating their Christmas trees.

The clash of a Senate bill full of goodies and the House bill which we reported last week might just mean a deadlocked conference that can only agree on a short extension of the differential.

This could be an opportunity for you and me to come up with some major items you support and would be willing to see included in a larger package.

I, for one, would not be disappointed if the Congress passed a three or six month extension of the differential and nothing more—for the time being.

This would allow us some time to put together what I believe to be a more meaningful package of proposals which benefit each element of the financial industry and brings a bit more rationality to our national financial structure.

What I would then propose for your consideration is a bill that contains language to accomplish the following items:

1) a resolution to the matter of the differential enjoyed by thrift institutions;

2) nationwide NOW or NINOW approval;

3) payment of interest on your FED reserves;

4) a continued federal moratorium on state taxation of national banks;

5) credit union powers—no greater than

currently appear in the House Banking Committee bill;

6) federal chartering of mutual savings banks;

7) increasing the amount of mortgage loan thrifts can make; and

8) A more equitable tax treatment between banks and S&L's which want to expand their powers.

Now to put some flesh on the bones of the Moorhead Act.

Frankly as long as thrift institutions continue to remain the overwhelming source of home mortgage loans I believe they should have the benefit of a differential.

There are few savings and loans that could match your banks if the ¼% did not exist. You would decimate most of them with your multitude of services and investment possibilities. So let's be honest if the differential goes then the S&L goes too. And as I said as long as they are the only ones lending for housing, they should not be regulated out of existence.

However, proposals have been put forward in the past that call for ending the differential in five years or so in return for a broadening of S&L authority. These are not without merit and you might consider supporting one.

I also would include national NOW account language or even universal NINOWs. I know this matter causes ulcers, heartburn, angina pectoris, and stroke among bankers but following the Fed's lead, NOWs may be an idea whose time has come.

I know all of the stories about "no free lunches" and somebody has to pay for NOW's but I envision any lifting of the ban on checking account interest to be accompanied by the Fed payment of interest on your reserves. The comparative numbers can be worked out but it is essential that one must help pay for the other.

My package also would contain language to allow state chartered mutual savings banks to convert to federally chartered institutions; a proposal that would bring the home mortgage loan amounts closer to what it costs today to purchase a house; and new credit unions powers including the ability to make mortgage loans.

Now I would include in the bill, too, an extension of the Federal moratorium on state taxation of national banks. Your existing nightmarish regulatory situation would not be eased by suddenly having to pay taxes—and do the necessary paperwork—in every state where a loan was secured, acquired or made.

The House now employs a new process of referring bills to committee called sequential referral. At bottom what this means is that two committees can work on a single bill simultaneously—as long as their work is limited to that portion of the bill within their committee jurisdiction.

This procedure would allow me to include in the bill I propose language that—along with increased powers—grants just and equitable tax treatment to all institutions.

For those S&L's that want to break out of their constraints and compete with the banks, I say they should. But at the same time they cannot continue to enjoy tax treatment reserved for the type of institution they no longer are. By the same token, a small S&L that wants to stay that way forever, borrowing short and lending long, making mortgage loans within their community should be encouraged—through the tax system—to do just that.

Now I've thrown a lot of ideas your ways this morning and before finishing I want to make a few observations on the Carter economic proposals and the state of the economy in general.

There are other economic questions—particularly international economic questions upon which, because of time, I will not touch today. However, it is quite obvious that any domestic economic policy can be greatly affected by international economic forces.

With that caveat, let us look at the Carter Administration economic stimulus package and ask four questions:

1. What is the package and what are its pluses and minuses;

2. What will Congress do with the package.

3. What will the Federal Reserve do as a result of the answers to questions 1 and 2; and

4. What will be the effect of the foregoing three on the United States economy?

As a member of both the Joint Economic Committee and the Banking, Finance and Urban Affairs Committee, I am in a unique position to give you reasonably well informed answers to the first three questions. As a member of these two committees I have heard testimony from the Chairman of the Counsel of Economic Advisors, the Director of OMB, the Secretaries of Treasury, Commerce and Labor, the Chairman of the Federal Reserve and members of the business, finance, labor and academic communities.

If I can give you correct answers to the first three questions, I hope that you, with your expert knowledge and experience, can give me the answers to the fourth question—"What will be the effect on the United States economy?"

The objective is clear and universally agreed upon—sufficient stimulus to improve a lagging economy without speeding up inflation.

To be completely fair, let me give you the bias which I bring to this universally agreed upon objective.

I believe that it is terribly important to distinguish between, on the one hand, matters of short-term, urgent priorities and, on the other hand, matters of long-term importance.

Recession and unemployment should be classified as short-term and urgent.

Control of inflation is a long-term important problem—especially for political democracies.

Let us examine the Carter package in light of the foregoing.

The package can be divided into two parts—1) tax cuts and 2) increased job oriented expenditures.

As we do so we should be asking ourselves: (1) whether the stimulus is too large or too small; (2) whether the mixture between, on the one hand, tax cuts (temporary and long term) and, on the other, increased job focused expenditures (temporary and long term) is the proper mixture; and (3) whether the timing allocation among fiscal 1977, 1978 and future years is the best timing.

Let's look at the tax picture first.

It is divided into two parts 1) short-term rebates and 2) long-term tax reductions.

Intellectually, the $50 rebate is the hardest to defend. Will it be spent and hence stimulative or squirreled away and not effective? How can we justify an untargeted nationwide largess when some parts of the nation are better off than others?

I think that I and other members of Congress can rise above (or below) these intellectual objections and look at the practical.

1. It addresses the urgent problem of recession and unemployment quickly;

2. It is a one shot solution which by itself has no long-term inflationary effetcs.

The second part of the tax package is permanent and hence potentially inflationary in the longer term.

It is a permanent $6 billion package divided roughly $4 billion for individuals and $2 billion for business.

A. The $4 billion for individuals can only be justified on two grounds.

1. Inflation has pushed the average wage earner into a permanently higher tax bracket and hence this is a reasonable proposition.

2. It means for many the simplification of the tax form.

B. The $2 billion for business.

I don't think the latter in dollar terms is very important—but in phychological terms it is terribly important because it demonstrates that the Carter Administration is not anti-business.

C. Not a part of the Carter tax package but which was made part of it by Ways and Means Committee action is the proposed tax credit for up to 20% of the wages of all "new" employees hired by businesses. I hope this will not continue to be a part of the package. Not only is it not targeted toward the greatest need, it may be wrongly targeted. General Motors which is healthy economically and going to expand will receive a government subsidy whereas American Motors which is barely holding its own would not. Firms in the prosperous and expanding southwest would receive benefits but firms in the declining northeast would not.

Let us now look at the jobs portion of the Carter package. It is divided into four general programs: (1) public service jobs; (2) public works; (3) training and youth programs; and (4) counter-cyclical revenue sharing.

1. Public Service: I seriously question the value of a rapid expansion of this program. The program is not well targeted and hence not strongly anti-recessionary. It does not have any automatic phase out and hence may have a future inflationary impact. It does have the virtue of producing jobs less expensively but these jobs tend to be make-work with no future for the job holder and no lasting benefit to the community.

2. Public Works: A public works program can be targeted to areas of need and is targeted to the depressed construction industry. The Administration believes that the vast majority of expenditure will not occur until fiscal 1978. Many members of Congress, myself included, believe that because of the number of public works projects already planned and submitted by the localities under the previous bill that this program can be quickly accelerated. Finally, this program, because it would automatically terminate, need not have a long term inflationary impact.

3. Training and Youth Programs: The President proposes to raise spending on these programs from $2.8 billion to $3.1 billion in this fiscal year and to $4.4 billion in fiscal 1978. This program is targeted to groups such as young people, minorities in the cities and Viet Nam war veterans. These programs should increase the productivity of the persons benefited by them, and, in the long run, should have no inflationary impact.

4. Counter-cyclical Revenue Sharing: I am particularly interested in this program because the idea originated in the Joint Economic Committee in the Urban Affairs Subcommittee, which I chair. The idea behind this program is to help coordinate state and local economic policies with Federal economic policies. It is estimated that this program preserves from 70,000 to 97,000 jobs per $1 billion. Again, this program should not by itself be inflationary because:

A. It is targeted to the areas of greatest need and;

B. Because it phases down as national unemployment rates decline and is eliminated when the national unemployment rate drops below 6%.

The stimulus program need not by itself accelerate the rate of inflation. Current inflation is not the result of excessive demand, a tight labor market or of shortages which would be exacerbated by increased government spending. In fact there is great slack in the economy with manufacturing capacity at 80 percent, millions of workers idle, and no shortages of key commodities.

The important aspect of the inflation problem lies in the way business and labor respond to the stimulus package. If business views the increase in demand generated by the program as an opportunity to raise prices rather than expand output, inflation and not reduced unemployment will be a product of the program. Similarly, if labor takes the opportunity of increased demand to raise wages and not the numbers of employed, inflation will be a product of the program. Success of the stimulus package then will rest importantly in the willingness of business and labor to forego short-run gains in prices and wages for longer run gains in employment and total income.

In discussing the proposed economic stimulus package, I would have to admit that I haven't given you an optimistic point of view. It may be that the program is too little and too late to do much good, or it may be that the consequences will be to add to the present inflationary pressures.

The purpose of my discussion with you, however, was to point out that members of Congress do recognize that, in addition to the short-term problem of recession and unemployment, it is necessary to take into consideration the long-term problem of inflation. A carefully balanced program is what is needed. Let us devotedly hope that we strike that proper balance. Thank you.

MANDATORY SENTENCES FOR FIREARMS MISUSE

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. SAWYER. Mr. Speaker, as a freshman Member of Congress and former county prosecutor, one of my principal concerns is the growing crime rate throughout our Nation and the need to have on the record tough judicial laws, particularly, crimes involving firearms.

I am introducing legislation to establish mandatory prison penalties for a person who commits a felony while in the possession of a firearm. My proposal would require a mandatory minimum sentence of 2 years for the first offense, 5 years for the second conviction, and 10 years for third and subsequent convictions. Furthermore, this sentence shall not be suspended nor shall the person be eligible for parole or probation during this mandatory term.

This is, I believe, the proper approach to a serious problem and will go far toward reducing the number of crimes committed with firearms. Many would propose controversial programs that would challenge the right of private citizens to bear arms. It must be remembered, however, that guns do not commit crimes, people do. By making it very clear that we intend to severely penalize those who misuse guns. I believe we will let the criminal know he will go to jail with a mandatory sentence and will provide clear guidance to the courts in the administration of justice.

This type of statute was recently adopted by the State of Michigan and was supported by representatives of several Government, citizen, and legal concerns. Enactment of similar provisions in the Federal Criminal Code will serve as a model for other States in updating their own criminal laws.

My own personal experience has shown me the wisdom of this approach in reducing crimes related to the illegal use of firearms, I commend it to my colleagues.

EQUAL TREATMENT MYTH

HON. DAVID E. SATTERFIELD III

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. SATTERFIELD. Mr. Speaker, there have been reports about a survey conducted by the Building and Construction Trades Department of the AFL–CIO of public opinion concerning the common situs picketing bill scheduled for floor action this week. An editorial from the Richmond Times-Dispatch, Sunday, March 20, 1977, raises a serious question about the survey's validity. The editorial follows:

"EQUAL TREATMENT" MYTH

A new nationwide public opinion survey discloses that the public, by a margin of nearly two-to-one, favors changing the federal labor law to give construction workers the right to picket an entire construction project instead of being limited to picketing the employer with whom they have a grievance.

So claims the Building and Construction Trades Department of the AFL–CIO.

The claim, made in a recent news release, was surprising, since only last year a survey conducted for the National Right to Work Committee by the highly respected Opinion Research Corporation of Princeton, N.J., showed 73 per cent of persons questioned opposed to changing the law to permit common situs picketing, as it is called, and a mere 16 per cent favoring such a change.

The mystery was cleared up when we saw the wording of the question in the survey done for the AFL–CIO.

Here's what the questioner read to each person polled:

In an industrial plant, if people on one type of work have a legal dispute with their employer, they are permitted by law to appeal to people on other types of work in the same plant to join them in withholding their services.

There is a different situation on a construction job. Here, if people on one type of work have a legal dispute with their employer, they are prohibited by law from asking people doing other types of work on the same construction job to join them in withholding their services.

Some people say that the labor laws should be changed so that construction workers will have equal treatment with industrial workers. Other people say the present situation should remain as it is.

How do you feel about this? Should the labor laws be changed or should they remain as they are?

With the question worded like that, it is surprising that only 51 per cent of the respondents said they favored a change in the law, while 29 per cent said they felt the law should remain unchanged, and 20 per cent had no opinion.

It is surprising that the vast majority of the respondents didn't come out for "equal treatment" of construction workers. How can anyone justify unequal treatment?

The truth is that the "equal treatment" argument being made for construction unions is totally fallacious.

The argument goes like this:

If, say, the electrical workers in an industrial plant decide to strike, they are permitted by law to picket the entire plant and thus close it down if other craft unions don't cross the picket lines. Therefore, the argument continues, if the electrical workers on a building being constructed have a grievance with their employer, they should be permitted to picket the entire construction project and close it down if other union members don't cross the lines.

But there's a major difference between the two situations:

In the industrial plant, the electricians and all the other employes have the same employer. In sharp contrast, on the construction site there are many different employers (subcontractors), and none of them, except the one employing the electricians, is responsible for any grievances the electricians have with their boss. So the federal law rightly prohibits "secondary boycotts" against subcontractors not involved in a labor dispute.

H.R. 3500, now pending in Congress, would change the law to permit common situs picketing, or secondary boycotts. It is a bad bill, and its passage could do harm to the construction industry and to the economy. But it almost certainly will be passed by this labor-oriented Congress unless there is a powerful demonstration of opposition on the part of the American people, who should not be fooled by the phony and misleading title: A bill to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers.

THE NEED TO REFORM THE REGULATORY AGENCIES

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. LEVITAS. Mr. Speaker, an interesting article has come to my attention from the Washington Post of March 6, 1977. It is an article on the so-called independent agencies and commissions, and it is of particular note since its author is a chairman of one of those agencies, William T. Bagley, Chairman of the Commodity Futures Commission. Mr. Bagley makes a number of good points about the need for reform of those agencies.

One of his most pertinent points is in agreeing with the need for "sunset legislation," an idea which I strongly support as a cosponsor of H.R. 85. This sunset legislation, plus some form of congressional veto review power over agency rules and regulations of the sort I have offered with well over 100 House cosponsors, embodied in H.R. 959, should take care of the problem of runaway rulemaking on the part of agencies so independent that we in Congress have a hard time getting a handle on them. The question is basically one of accountability. At present these agencies are really accountable to no one, and certainly are not accountable to the American people. Their rules and regulations go into effect, governing the everyday lives of us and our constituents, without ever being

passed upon by any elected body of legislators, and without any meaningful accountability to Congress or the President.

What is even worse, if possible, is that frequently these agencies are not even run by the Commissioners who come and go, but rather by totally unaccountable, anonymous staffs who stay there forever making policy decisions for millions of Americans.

I commend the article, "Reforming Regulatory Agencies," to the reading of all the Members and would like to have it included in today's RECORD:

REFORMING REGULATORY AGENCIES

(By William T. Bagley)

This town suffers from a hardening of the categories, with each little executive institution perpetuating itself and procreating its congressional counterparts.

This will make it difficult for President Carter to keep his sincere and fervently expressed campaign promise—reorganization of our governmental process, specifically regulatory reform—and not be totally frustrated by the jealous jurisdictional jungle that exists.

A quick-fix solution is for the President to declare a moratorium on all upcoming regulatory agency appointments until reform is effected. This, at least, would lock out new five- and seven-year appointees who, being given a stake in the status quo, would join the jungle and spread "Carter's glue" on all existing institutions. The President thus could dramatize his and the public's desire for reform and take advantage of what may be his single opportunity to achieve long-term results.

The problem of regulatory reform has its genesis in the so-called "independent commission," accountable to no one and having a near-zero constituency.

The independent commission was conceived and enacted into law in 1889 by Sen. John H. Reagan (D-Texas) who did not trust President-elect Benjamin Harrison. He thus removed the fledgling Interstate Commerce Commission from line accountability within the Department of the Interior and created a commission.

Now there are 10 independent business regulatory commissions. None of them, except perhaps the SEC, with public equity investors numbering perhaps 25 million, has a broad public constituency. While this independence has supposedly removed commissions from "politics," its real effect is to eliminate almost all line accountability to the executive.

Consider the Commodity Futures Trading Commission (CFTC). How many people other than "the industry" wake up in the morning worrying about how or even whether we are doing our job. Because we are new (22 months), we may be the bright star in the regulatory galaxy, but that won't last. In time, we will either be captured by those we regulate or by our own regulatory malaise. I don't know which is worse.

Of course, "politics" is never removed, nor should it be in the better sense of the word. But what can and does happen is that the politics involved becomes less direct, less open and thus potentially much more pernicious. Over the years, presidential staffs are importuned to recommend commission appointees. In the process, power among existing commissioners and accountability of sitting commissions to any President is diffused—all in the name of independence.

The fact that five men (almost always men) are appointed to vote on regulatory matters does not make for constituent democracy—it is simply government by the luck of the draw. And after a period of years there is no one President, no one chairman and no one commission to credit or blame.

Because there is no broad constituency and not even a commonality among commissioners, as is true of legislative bodies, either the industry or the internal staff (they are often the only people a commissioner talks to) is bound to prevail over time. And at times industry and staff can become almost one and the same. Politics, instead of being practiced out in the open with direct accountability, is subtly practiced with no real chance of public view or participation.

Because commissions "legislate" as part of the regulatory process, the thought has been to have multi-membered agencies—with different and differing members voting. But this, too, is a facade because such agencies have no public basis for their decisions.

Unlike a congressional committee or even a city council, there is no ongoing public political force or combination of somewhat overlapping political forces to set the tone. Even the most divergent congressional districts have threads of commonality—i.e., labor, business, age, civil rights, etc.

As a former legislator, I have a real respect for Congress. But it has an ad hoc function at best. Congress, with all the problems it faces, can't possibly ride daily herd on the maze of regulatory problems and commissions, despite its resolve to do so.

Before I propose solutions, let me pose one more serious problem—"due process." Commissions legislate by rule and regulation, but they also are the enforcers. We are the "commodity cops." In that latter role, we receive initial "evidence" of wrongdoing, authorize formal investigations on the basis of "facts" supplied by staff, bring a formal accusation and then sit on appeal from hearing officers to judge the very administrative proceeding we have instituted.

There is nothing new about this "prosecutor, magistrate, jury and judge" role. But that fact does not correct the very real "due process" deficiency. Internally and almost daily, I hear CFTC hallway conversations about "this crook and that crook," referring to cases (i.e. people) we are prosecuting. These are the same cases which we the commission will ultimately decide.

How, out of all of this, do you effect regulatory reform? The answer is that you can't without changing the whole concept involved. The only long-run solution, far beyond any one President's desire to appoint "responsive commissioners," is to tear down the entire facade.

Put the politics up front and out in the open. Replace the 10 regulatory commissions with a cabinet-level secretary for regulatory affairs; combine present commission functions into several single-headed agencies (i.e., under-secretary level) for financial institutions, transportation, communications, etc.; provide that these single-headed agencies promulgate regulations and bring enforcement actions, but be directly accountable to the secretary and the President (and to the Congress and the public), and bring and hear all cases from all such agencies before an omnibus administrative court, with appeal rights to the federal court system. Instantly, a public visibility, a broader constituency and line accountability would be realized. And the due process problem would be solved.

Let me also offer some shorter-run thoughts.

Again, the inherent problem of commissions is the lack of a broad constituency and any real accountability. If we have to live with the disease for a while, then let us at least attack some of the symptoms.

Open government would help. An atmosphere of openness can be nurtured if all commissioners would fully embrace the spirit of the new "Sunshine Act," consciously rejecting the Washington mind-set of secrecy. If commissioners would avoid superficial devices to close meetings (i.e., "We are just meeting as a committee"), refuse to meet or even individually speak at any facility which discriminates and refuse to hold executive sessions on budgetary priorities even though the Office of Management and Budget says they are supposed to be secret, then each agency could develop a real constituency.

Accountability can be achieved more directly by imposing the sudden death concept of "sunset." Though congressional budget committee review now exists, sunset laws would call up the question of the organic existence of every commission. At the least, these "independent" agencies would then be subject to automatic review by congressional policy committees (not just budget) and perhaps some restructuring would take place.

The overwhelming mechanical problem of real congressional review is acknowledged. Nonetheless, if independent commissions are to continue to exist it is not too much to suggest that they be subject to policy committee review every 10 years or so.

None of this is calculated to eliminate regulation as such. That is a separate and much more complex subject. What I do seek is to make the regulatory functions of government more visible, more understandable to the public and therefore more credible. Then a vigilant public, a vigilant media and in turn a vigilant Congress and President might be able to get a better handle on regulatory affairs.

If that were to come to pass, we would achieve a more credible governing process. I believe this is what the public really wants and what government is all about.

IN HONOR OF GUS MASCARO

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. OTTINGER. Mr. Speaker, on Friday evening, March 25, the many friends of August "Gus" Mascaro will gather to pay tribute to him as he retires from the New Rochelle Boys Club, having served as its executive director. I am pleased to bring to the attention of my colleagues the following article which appeared in the local paper, the Standard Star:

IN HONOR OF GUS MASCARO

Friends of August E. Mascaro, who is retiring as excutive director of the Boys Club of New Rochelle, are planning a testimonial dinner dance in his honor. Mascaro is concluding 55 years of service with the Boys Clubs of America, more than 30 of which have been spent in charge of the New Rochelle Boys Club.

Frederic B. Powers Jr., dinner chairman, announced the dinner as a community expression of appreciation to Mascaro for his service.

Powers also announced that Tony Tyrone, a distinguished alumnus of the New Rochelle Boys Club, will be the main speaker at the dinner. Tyrone, a native of New Rochelle now lives in Denver, Colo., where for many years he was president of Hamilton Mutual Funds Inc. and associated with the University of Denver, the Colorado Center for Rehabilitation, the Children's Hospital and the Denver Boys Club.

Tyrone has kept contact with the Boys Club in New Rochelle, where 48 years ago he was a charter member and became a leader at the age of 15. Since 1958 he has

been a member of both the Board of Directors and the Board of Trustees of the club. He received the club's "Man of the Year" award in 1963 at a dinner given in his honor at The Fountainhead in New Rochelle.

Son of the late Mr. and Mrs. Joseph Tyrone, he attended New Rochelle schools. On Powers' committee arranging the dinner in honor of Mascaro are William P. Clarke, journal chairman; Walter A. Peek, program; Vincent Matturro, dinner arrangements; Joseph V. Miressi, tickets, and Elmer Miller, publicity. Raymond D. Calgi, former president of the New Rochelle Board of Education, will be the master of ceremonies.

The New Rochelle Boys Club was founded in 1929 and Gus Mascaro became director of its activities in 1932. He previously served as a volunteer worker in the Boys Club of Mount Vernon and then as physical director of the Brooklyn Navy Yard Boys Club and of the Washington (D.C.) Central Branch and as director of programs of then new Eastern Branch in Washington. After 10 years in New Rochelle, he became director of the then new Georgetown Branch in Washington. In 1955 the Boys Clubs of America assigned him to Newton, Mass., and two years later he accepted an invitation to return to New Rochelle as executive director, the post from which he is retiring.

Mascaro said he plans to remain in New Rochelle and be available to assist the club in the future. He expressed his appreciation to all those affiliated with the Boys Club of New Rochelle at the 48th annual meeting of the Boards of Directors which was held recently.

Mascaro also thanked the City Councils since 1929 which have supported the work of the Boys Club. He also cited the support of the members of the Wykagyl Country Club which for the past 14 years has made its facilities available to the Boys Club for golf and dinners.

AMBASSADOR OR ANTAGONIST?

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. BAUMAN. Mr. Speaker, no U.S. Ambassador to the United Nations has ever delivered as many astounding remarks about the world situation as has Andrew Young. Since his appointment by President Carter, Mr. Young has amazed his fellow citizens by claiming that Cuban mercenary troops, now widely believed to be on a march of conquest from Angola through Zaire, promote a "certain order and stability" and that racism, not Communist imperialism, is the greatest threat to the African continent's future peace and security.

I have previously called upon the Ambassador to clarify his views in these matters and to explain why, assuming his sincerity in holding these absurd views, he should not resign immediately. I continue in that call today.

There may yet be a faint glimmer of hope for Ambassador Young, however, if the gentleman is willing to submit himself to an education in the facts of international life. One excellent place for the Ambassador to commence this crash course is found in the good sense Mr. Michael Novak regularly puts forth in his column for the Washington Star.

Mr. Novak, in his column of March 13, suggests that in foreign affairs, "the easy, almost flip, morality" embodied in Mr. Young's insistence upon "majority rule" in Africa must soon be moderated in the light of experience. The record of the past 20 years of democratic experiments in Africa demonstrated that majority rule has generally lasted only so long as it took for the Communist powers to arm one warring tribe against its soon overpowered neighbors.

Mr. Novak questions whether Mr. Young means democratic rule as it is known in the civilized West or simply rule "by those of whatever race is in the majority?"

Mr. Novak's full column follows:

ANDREW YOUNG AND EASY MORALITY IN FOREIGN AFFAIRS

(By Michael Novak)

En route to Nigeria, UN Ambassador Andrew Young refused to associate himself with Daniel Patrick Moynihan's charge that Idi Amin is a "racist murderer." A few days later, the papers were filled with news of the apparent murder by Amin of an Anglican archbishop and two talented Ugandan officials, all black.

Well, at least Idi Amin isn't a racist. Most of the 50,000 or more persons he has murdered, in a state smaller than North Carolina, are of the same race as he. (African leaders like Kenneth Kaunda have called Amin a "racialist.")

Next, Ambassador Young, who has made Pat Moynihan seem discreet and wise and reticent, informed a credulous world that racism is the greatest political threat in the world. Not Soviet power, nor nuclear destruction, but racism. What is the evidence for his assertion.

One can understand that Ambassador Young, for all his short life, has been preoccupied with questions of race. Communism, he confessed, "has never been a personal threat to me." Yet if each of us were to interpret world realities by personal experiences, as the ambassador seems to do, what a jungle of selfish viewpoints would be in conflict. No view larger than the self would be possible.

In most of the trouble spots of the world, racism is demonstrably not at issue. Northern Irish and the IRA are not divided by color, Christian and Moslem Lebanese are not of different color. Turks and Greeks are not. Cambodians and Vietnamese are not. Chinese and Taiwanese are not. Nigerians and Biafrans are not. The three warring tribes of Angola are not. Cubans and South Africans are not. Not even Arabs and Israelis are different racial stock. Both are Semites.

Whence does Ambassador Young derive the notion that race is the No. 1 issue in international affairs? In South Africa and in Rhodesia, this is the case. In how many other places?

Ambassador Young is, again, full of moral fervor about majority rule in South Africa and in Rhodesia. But what precisely does he mean by this? Does he mean democratic rule, or simply rule by those of whichever race is in the majority? "Majority rule" may be a democratic concept, or a merely racist concept. As columnist John Roche has pointed out, "majority rule" in the American South was not democratic or just.

And what about "majority rule" in Czechoslovakia, and China, and Lithuania? Ambassador Young is surely just as shocked by systematic repression in such places.

Ambassador Young, again, would not permit the U.S. to trade with Rhodesia, so long as blacks are excluded from governance. Two questions follow.

(1) When white rule ends in Rhodesia, will democratic governance prevail?

(2) If a black-ruled Rhodesia is not democratic, will the U.S. continue to boycott Rhodesian chrome?

The question, in other words, is whether U.S. policy should be governed by racial considerations. Is it U.S. policy to refuse to trade with tyrants who are white, but to trade openly with tyrants who are black? Is it the race of tyrants that makes them unacceptable? Or is it, on the other hand, their tyranny?

If the latter is the nub of U.S. foreign policy, then we must soon cease trade with most of the nations of the world. Most nations today, irrespective of race, are tyrannies. Exceedingly few nations have a free press, free elections, trial by jury and due process, a free intellectual life, and other basic elements of democracy.

It is imperceptive to hold, despite the evidence, that race is the No. 1 international problem. The spread of tyranny and the increasing totalitarianization of terror to establish and to maintain tyranny, is independent of race.

The easy, almost flip morality of Andy Young's "new politics" will change. Young's experience has been narrow, but he learns quickly. His education educates us all.

EX-SECRETARY: ALL-VOLUNTEER ARMY WORKS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. STEIGER. Mr. Speaker, Martin Hoffman, Secretary of the Army during the Ford administration, was interviewed in the Washington Star's "Q and A" column March 21. Martin Hoffman is a veteran Defense Department official, and he has excellent insights into the status of today's all-volunteer military and the contrast to its predecessor, which relied on conscription to meet manpower needs.

If anyone is an expert on the volunteer military, it is Martin Hoffman. He points out in the course of the interview that the Volunteer Army is a success, both quantitatively and qualitatively.

Perhaps his most important answer is the question of why there are now so many people attacking the Volunteer Army. He cites three reasons:

1. Despite the all-volunteer force's successes, some adjustments do need to be made. The strongest supporters of the concept acknowledge this.

2. Many people predicted the Volunteer Army would fail. They want to see their predictions come true, so they pick at the few disappointments since the draft ended in January 1973.

3. There has been a lot of misinformation about the allocation of money for active-duty military personnel. All raises since 1964 in the manpower area have been blamed on the volunteer force, despite the fact it did not go into effect until 1973. In fact, the share of the Defense Department budget going to active military forces has decreased since the advent of the volunteer force by a substantial amount.

Marty Hoffman makes a number of other very important points in the in-

terview. I hope his comments on this important issue are most carefully considered by all who read the RECORD:

EX-SECRETARY: ALL-VOLUNTEER ARMY WORKS

Martin Hoffman, a veteran Defense Department official and secretary of the Army during the Ford administration, was interviewed by Washington Star Staff Writer Vernon A. Guidry Jr.

Question: When you were secretary of the Army, it was official policy to say that the all-volunteer Army was a success. Was it a success?

Hoffman: It was official policy to say it was a success because—pursuant to a policy of telling things the way they were—it was a success. It was a success in a number of regards. We demonstrated the capability to maintain the strength of the services with quality enlistments under a volunteer system for the active force. That had not only been demonstrated but it had been done up until the time Congress undertook to cut the funds. . . .

Q: What fund cuts do you refer to?

A: In the fiscal 1976 budget there was a cut. In the 1977 budget there had been a tremendous cut, based on the congressional pressures to do so, by the administration. The total cut between fiscal '75 and fiscal '77 was 22 percent. As anyone who is in the manpower business today can tell you, if you're going to be competitive in the marketplace you've got to spend money to be selective and to get your story across. There are a number of opportunities for qualified youth today in the country, and if you're not competitive you won't get the kind of quality in the numbers that you need. We demonstrated that we can do that but there is a reticence to take and put monies in the front end of the recruiting process to attract and be selective about these young men. The result is that we're paying more in terms of losing people, high attrition, having to have a training base that is larger than we would need if we had the highest quality people we could get.

Q: If it is successful, why are we hearing so many attacks from so many people?

A: There are a number of sources of that. First, having said it's successful to date doesn't mean we don't have to make some adjustments to the all-volunteer force and to the draft itself. Second, there are a number of people that had predicted it would fail at the outset who would like to see that prediction come true. That's human nature. They look at the disappointments. I don't say that it has satisfied everybody but on balance it has been hugely successful. So you have a number of people that are looking at the quarter of the glass that is not full rather that the three-quarters that is full. The third reason is that there is a lot of misinformation with respect to the allocation of monies. And those that think that too much money is being spent for manpower these days assign all the raises that we've had since 1964 in the manpower area to the all-volunteer force. That simply isn't true. There are some problems that we do have to face. We do have to modernize the draft, but that doesn't mean that the all-volunteer force has failed to date or that we shouldn't keep the volunteer institution as we have it today and bring the draft up to date so that it represents the portion and capability in the manpower area that we ought to have.

Q: Much of the criticism concerns salaries. Isn't that a mixed bag—including the so-called comparability levels legislation passed by Congress which did raise the salaries independent of whether or not there was a draft and pay raises for the lower grades that was aimed directly at an all-volunteer force?

A: It is, to some extent, a mixed bag but the general thrust behind the increases since 1964 was to do equity to the individual who was called to serve his country when not all his contemporaries were called to serve. The Gates Commission pointed this out after the Lyndon Johnson Commission on the draft had designed the lottery system and called for greater equity in salaries. There were arguments raised about raising salaries by those who supported the all-volunteer force who said, "we should do this and the only way you can do it is to have high enough salaries to support it." It has helped the volunteer force, there's no question about that. The question remains: Would you not have had to do that anyway—volunteer force or no volunteer force?

Q: And the answer?

A: The answer is yes. The American people were simply unwilling to have those young men and women who were called paid a very low salary and, in effect, taxed because they were called to serve the national defense's interest while their contemporaries who were not called or were not qualified were in better financial position. It hasn't been equalized yet and you can't make it directly comparable and I would argue that we shouldn't. But on the other hand to just take the total increase and ascribe it to the all-volunteer force is faulty reasoning and does a tremendous disservice to the tremendous success the all-volunteer force has had to date.

Q: Whatever the reasons for the individual elements of the personnel cost package, there are those who say it's too high—among them the current secretary of defense. Is it too high and what can be done to bring it down within the all-volunteer force concept?

A: The first thing is where do you get the 65 percent or the 60 percent or 50 percent figure they're using? The fact is that the cost for active military pay is 24 percent and the cost for direct hire civilians is 18 cents out of the Army dollar. You can add in such things as uniforms and such things as training costs or equipment that you give those people because they're soldiers rather than stenographers. You can get the figure up like that. Retirement is going up, that is the largest percent of increase. The Defense Department is the only agency in town which budgets as a line item its retirement funds. If you took every other agency and took the retirement from whatever source—the executive retirement or civil service retirement—you would see that those costs are escalating too. Look at other industry. Look at the railroads, where the figure for salaries of people is nearly 50 percent of the operating expenses of the railroads. This is happening throughout America.

Q: But the figure is, nonetheless, high.

A: Yes the figure is too high if there are ways to lower it. I think that under the bills proposed by the last administration to start to make some reforms in retirement in a system set up for the military in World War II, there could be some savings taken there. But to sit back and look at a percentage—which is highly questionable in my judgment—without regard to what's happened in the society at large and to undertake to penalize one department on that account doesn't comport with the facts. We've got to make what reasonable savings we can in personnel costs but they should be taken in contemplation of the fact that the society is changing, that inflation is changing things, that we do have to and will have to pay a cost for defense under an all-volunteer force concept that is competitive at least in the marketplace.

Q: What about the reserve forces, where shortfalls have numbered in the tens of thousands, where some have said the problem has reached crisis proportions?

A: The shortfalls in reserves are approaching crisis proportions. The shortfalls in the individual ready reserves (IRR), that pool of individuals you would call on in the event of mobilization, has, I think, probably reached crisis proportions. That problem arose this last year as everyone had predicted it would because the supply of obligated reservists from the Vietnam era would expire. We knew that. I asked for hearings on the all-volunteer force to address that problem. We addressed it in our posture statement. That is the next area that has to be looked at, to see how we will attract the number of people in the reserves that we will need. With respect to the IRR, that mechanism depends on the draft for calling them. The individuals are in the society—the question is getting the lists and having a mechanism to produce them. It currently takes upwards of 130 days before we can get the first man called available to the military and that's simply too long.

Q: Do you think the idea of a reservist draft is feasible?

A: I don't know. There have been suggestions that this be considered and I think that it should be considered to see what might be done in the future. But until we've had a chance to hold hearings to see what the possibilities are through modest expenditures to bring our reserve recruitment into line with our active recruitment, I don't think we should consider bringing the draft back for the reserve forces.

Q: Statistics indicate that with the population breakdown in the 1980s, there will not be enough young people to man the new slots in the all-volunteer force. Is that a real consideration?

A: If you make the judgment as you made it—the pool will be too small to support the all-volunteer force—then you're right. On the other hand if we continue to improve the quality of military service the way we have and the way we can, if we continue to make military service competitive, I think there are a number of things going on which are going to help the military services. This society is urbanizing at a tremendous rate. The opportunities for young people to get into a job where they can demonstrate or learn basic leadership abilities, where they can learn a skill, travel, where they can get out of their hometown with a profession to pursue and look at their future through more objective eyes—those opportunities are shrinking. I don't see that there will be a problem, particularly if through negotiations with the Soviets we'll be able to mutually reduce our deployed forces in Europe and hopefully take other steps in the next decade to reduce our needs for military people.

CONSISTENCY URGED ON COURTS IN DEALING WITH CHURCH-STATE ISSUES

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. EILBERG. Mr. Speaker, recently the National Labor Relations Board ordered the Roman Catholic Archdiocese of Philadelphia to hold a representation election to determine whether or not lay teachers in 269 Catholic elementary schools wish to be represented by a union for the purposes of collective bargaining.

It is not my intention, Mr. Speaker, to address myself to the merits of the dispute between the Association of Catholic Teachers and the Catholic Archdiocese. As a matter of fact, I am encouraged by a statement made to me by Msgr. George S. Wierzalis, on behalf of the pastors' committee of the archdiocese, that—

Neither the archdiocese nor its pastors are opposed to collective bargaining representation for lay teachers.

My concern, Mr. Speaker, is with the inconsistency with which the Federal Government approaches the issue of parochial schools. On the one hand, we find the National Labor Relations Board asserting its jurisdiction in this case on the ground that it could find no merit in the claim of the Catholic schools that they were "completely religious" in nature, and therefore beyond the reach of the Labor Board. On the other hand, we find the Supreme Court repeatedly denying governmental aid to parochial schools precisely because of their "religious" character.

Msgr. Wierzalis, in a letter to me on behalf of the archdiocese and the pastors, puts his finger on the issue when he declares that "government cannot have it both ways." I agree, Mr. Speaker. I think that if the Government is going to involve itself in the problems of these parochial schools, it must involve itself all the way—in their financial problems as well as their labor-management problems; and if the Government is going to take a hands-off policy in one area, it must take a hands-off policy in both.

This is a matter which is now before the Federal courts, and it must ultimately be resolved there. My plea, however, is for a measure of consistency on the part of the courts. Consistency means predictability and those of us with any familiarity with the law know that the most important ingredient is that people be able to predict, with some reasonable assurances, how the courts will act in given areas.

Mr. Speaker, Msgr. Wierzalis has provided me with some cogent arguments which the Catholic Archdiocese of Philadelphia will present in court in urging a consistent policy toward the parochial schools, not only of Philadelphia but throughout the Nation. I commend these views to my colleagues, and at this point I introduce into the RECORD the text of Msgr. Wierzalis' letter:

FEBRUARY 28, 1977.

Hon. JOSHUA EILBERG,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE EILBERG: On January 17, 1977, the National Labor Relations Board (NLRB) issued an order for an election to determine whether the elementary lay teachers in the 269 parish schools in the Archdiocese of Philadelphia wished to be represented by the Association of Catholic Teachers (ACT) Local 1776 American Federation of Teachers.

In its decision the NLRB said it finds "no merit" in the contention that parish elementary schools are "completely religious."

"The Board's policy is to decline jurisdiction over religiously sponsored organizations 'only when they are completely religious, not just religiously associated.' Roman Catholic Archdiocese of Baltimore, Archdiocesan High Schools, 216 NLRB 249 (1975). The record shows that the major part of the elementary school curriculum is devoted to the same kinds of nonreligious subjects as are taught in public schools and that the subject of religion accounts for less than 15 percent of the schools' weekly schedule. Furthermore, the parishes comply with the Commonwealth requirements regarding curriculum and number of school days per year. The schools offer various activities, including sports and field trips, similar to those available to students attending public schools. In these circumstances, we find that the elementary schools of the Archdiocese of Philadelphia while religiously associated, are not completely religious and are of the type over which the Board has asserted jurisdiction."

Over the past several years the United States Supreme Court has been saying that these very same parish elementary schools are not entitled to substantial governmental aid because they are:

1. An integral part of the religious mission of the Catholic Church" (Lemon v. Kurtzman, 1971);

2. Institutions "in which religion is so pervasive that a substantial portion of their functions are subsumed in the religious mission." (Meek v. Pittenger, 1975);

3. "Religion—pervasive institutions whose very purpose . . . is to provide an integrated secular and religious education, the teaching process is, to a large extent, devoted to the inculcation of a religious values and belief." (Meek v. Pittenger, 1975);

4. Institutions providing a secular education which "goes hand in hand with the religious mission that is the only reason for the schools' existence. Within the institutions, the two are inextricably intertwined." (Meek v. Pittenger, 1975);

5. Institutions so operated that "it would simply ignore reality to attempt to separate secular education functions from the predominately religious role performed" by the schools. (Meek, v. Pittenger, 1975);

6. "Predominantly religious in character." (Meek v. Pittenger, 1975);

7. Institutions in which secular "teaching cannot be separated from the environment in which it occurs." (Lemon v. Kurtzman, 1971);

8. Institutions in which "inculcation of religious values is a substantial if not the dominant purpose of the institutions." (Tilton v. Richardson, 1971).

The position of the pastors of the 269 parishes and the Archdiocese is: government cannot have it both ways.

Neither the Archdiocese nor its pastors are opposed to collective bargaining representation for lay teachers, but they are opposed to governmental interference in parish schools. The government is interfering in the schools now by arbitrarily deciding that Catholic parish elementary schools are not religious enough to avoid interference by a federal regulatory agency but too religious to merit state or federal aid.

The parish pastors have voted unanimously to resist any interference by the NLRB in parish schools. The Archdiocese concurs with this decision.

I am acquainting you as a Member of the House with a very important situation occurring in your district.

We are anxious to know what you, as a Member of the House, are willing to do to stop the NLRB from intruding into parish elementary schools. We are asking for your assistance and help, and await your reply.

Sincerely,

Rev. Msgr. GEORGE S. WIERZALIS.

EIICHI NAKAO

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. DERWINSKI, Mr. Speaker, as an active member of numerous parliamentary groups, I have been privileged over the years to work with many of our counterparts from the legislative branches of other countries.

One of the outstanding members of the Japanese Parliament. Eiichi Nakao, who is the representative of the Japanese House of Representatives at numerous parliamentary meetings at the U.N., is especially interested in the security and stability of East Asia and in particular the situation in South Korea.

He recently addressed the Sixth General Assembly of the Japan-Republic of Korea Parliamentarians' Association in Tokyo. I am pleased to insert his remarks made on that occasion:

REMARKS OF EIICHI NAKAD

Mr. Chairman, honored guests of the National Assembly of Korea, my colleagues in the National Diet of Japan, ladies and gentlemen: On behalf of my colleagues and myself, I wish to extend to our distinguished visitors from the National Assembly of Korea, lead by the Honorable Kim Johng Pil, a warm and sincere welcome to Japan. It is, indeed, a privilege and pleasure to have you as honored guests in our country. I hope your visit here will be both productive and enjoyable. It is my hope that the discussions of this Organization will provide both of our countries inspiration, guides for future action and contribute to strengthening the friendship and relationships between us.

I want to express by deep appreciation for the honor of being invited to speak to this Organization.

Today, I want to speak on one of our mutual problems which is a matter of deep concern to me and which is probably the main theme of this meeting. The problem to which I refer is the peace and security of East Asia and teh proposal of the new United States Administration to withdraw U.S. ground troops from the Republic of Korea. If our policy on this problem is not realistic or if we take too easy an attitude in facing this problem it will affect the destiny of both of our countries and the security and prosperity of all of East Asia.

[When I use the term East Asia I mean the Republic of Korea (South Korea), Japan and the Republic of China (Taiwan). I realize the term "East Asia" has several different meanings. In this speech I use the term East Asia to mean only the three free countries of East Asia given above, i.e., the Republic of Korea, Japan and the Republic of China.]

When Vice President Mondale visited Tokyo on behalf of President Carter, I delivered a personal letter to the Vice President stating that, as a member of the National Diet of Japan, I strongly opposed the withdrawal of U.S. troops from South Korea as this will strongly affect the peace and security of all of East Asia unless there are strong and effective measures to avoid any destabilization of East Asia.

The Japanese Government tried to avoid this matter because of the domestic political situation in Japan. However, my letter to Vice President Mondale was leaked to newspapers. That ignited public discussion of the question of the withdrawal of U.S. troops from South Korea which has shaken somewhat the apathy of the public.

The withdrawal of U.S. ground forces from South Korea affects not only the security of South Korea but also the security of Japan and all of East Asia. It is a matter which also affects the security of the United States itself. So it is a matter of vital interest to all of us, the three free countries of East Asia and the United States itself. It is a factor in the international balance of power. Most important: Is the withdrawal a signal that the United States is changing its established global defense and strategic policies? This is matter of major concern to East Asia. Also, the withdrawal raises again questions of American credibility.

Before I state my view of the situation, let me first tell you one fact of cold reality which has shocked me.

Within 72 hours of the inauguration of

the new Carter Administration, President Carter sent Vice President Mondale on a special mission to visit the principal allies of the United States in Western Europe and to Japan whom the U.S. considers its principal ally in East Asia.

However, in following and comparing the actions of Vice President Mondale in Western Europe and in Japan I have found a shocking difference. Do you realize what he did in Europe? There is a clear difference between his attitude in Western Europe and his attitude in Asia—in Tokyo. I found there is a very vital difference which I can't understand.

In Western Europe the Vice President, accompanied by other high American officials, first visited NATO headquarters to encourage NATO and confirmed continued U.S. support of NATO. After the visit to NATO headquarters he then visited the EEC headquarters. Then the Vice President went to Germany and confirmed U.S. support for the defense of West Germany and West Berlin.

To dramatize this reconfirmation of continued U.S. support of NATO and West Germany, Vice President Mondale flew to West Berlin to visit the Berlin Wall. Then, having taken such a dramatic action, in front of the Berlin Wall, he expressed U.S. determination to continue support of NATO and to defend Western Europe.

I was impressed by this dramatic action for this is the way the leader of the free world should act. NATO and the Western Europe allies of the U.S. will feel safer because of this.

But what about East Asia?

The shocking contrast between the Vice President's actions in Western Europe and Japan began in Paris. Before departure from Paris, a member of the Mondale mission announced that the U.S. wanted to withdraw 5,000 U.S. ground troops from South Korea as soon as possible and wanted Japan to understand this withdrawal. In Japan, we thought that, perhaps, this was only a trial balloon, but it was shocking nevertheless.

Of course, Mondale said there would be consultation with South Korea and Japan, but it was announced after his return to Washington that consultation was to be only on the questions of timing and number of troops to be withdrawn NOT on the basic question of the withdrawal itself. In this I see a huge difference in his enthusiasm between the support of NATO and the defense of Western Europe and the defense of East Asia.

Ladies and Gentlemen, has any American blood been spilled at the Berlin Wall? Why didn't Mondale express the same confirmation for the defense of East Asia by visiting the DMZ in Korea? In Korea, thousands of Americans died in the defense of South Korea and East Asia. The DMZ has a symbolic significance in East Asia similar to the Berlin Wall in Western Europe.

This difference between Mondale's visit to the Berlin Wall and his actions in Tokyo exemplify how very serious the problem is for East Asia.

Because of these contrasting actions of Vice President Mondale, as President Carter's representative, I am very concerned about the destiny of the three free countries of East Asia, South Korea, Japan and Taiwan.

Before the inauguration of the new administration, President Carter and Vice President Mondale stressed that in relations with Japan there would be no more "Nixon shocks". But, is this true?

The matter of the withdrawal of U.S. troops from South Korea is a matter of the most basic concern to East Asia for it shakes the U.S. free world strategy which has been in effect since the late 1940's. It creates concerns for the future and raises questions of American credibility. The U.S. treaties with East Asia countries are all bilateral treaties. They provide for strategic consultation as well as consultation on technical details. However, the present case of U.S. withdrawal from South Korea appears to be a unilateral decision by President Carter based on his campaign promise and without strategic consultation with South Korea.

Ladies and Gentlemen, even though we are all aware of the Nixon Doctrine should we accept unilateral decisions on free world defense strategy made only by America? Or by consultation on only small details? Ladies and Gentlemen, this is obviously a characteristic of the Carter Administration on this matter (withdrawal).

Sometimes we can not help thinking that the withdrawal of U.S. troops is only because of a promise which President Carter made during the last election campaign in the U.S. He made the promise without considering how such a withdrawal could be made without affecting the security of not only South Korea but all of East Asia. How could such a withdrawal be made without endangering the poltical stability of East Asia? Hasn't he considered how it will also affect the defense of the U.S. itself? I must ask such questions.

In considering the question of withdrawal of U.S. troops from South Korea and its impact on the peace and security of East Asia, we should examine how West Germany and NATO have faced the same problem in Western Europe.

According to our understanding, one of the characteristics of the Carter Administration was to be consultation with America's allies before decisions were made. This we appreciated.

As you know, Western European countries not only in economic affairs through the EEC but in defense affairs through NATO made their opinions known to President Carter and this resulted in Mondale's statement at the Berlin Wall.

As for East Asia, President Carter has frequently expressed the desire for consultation with Japan on East Asia affairs. So it becomes a matter of how Japan meets these expectations.

The problem involves the attitudes of the Japanese to frankly face up to this. For example, how does the withdrawal of U.S. ground forces from South Korea affect East Asia? How do changes in the situation on the Korean Peninsula affect Japan? The (Japanese) Foreign Minister has spoken of "The necessity of easing tension on the Korean Peninsula and preparing the international atmosphere". But in this, how can Japan influence the U.S.S.R. and the Peoples' Republic of China? So concerning such a vital problem, Japan must express her beliefs to the U.S. very strongly and must be careful to keep up U.S. willingness to listen to Japan on Asian affairs.

Therefore, it became a matter of how Japan would react, of how Japan would view the withdrawal of U.S. troops from South Korea. At a time when it is known that North Korea has more than 2,000 heavy tanks close to the DMZ ready for a rapid advance into South Korea, how can the security of South Korea be guaranteed if U.S. troops are withdrawn? In this situation what should be the attitude of Japan towards the security of East Asia? Japan needs to think about its role in the peace and security of the world.

NATO countries made clear their defense needs. By contrast, Japan only said this was a bilateral matter between the U.S. and South Korea but hoped any U.S. withdrawal would not disturb the stability of the Korean Peninsula. Such a reply makes it look as if Japan is missing the dialogue for such a serious problem. I worry about such an attitude for such a reply can mislead Washington. I believe, and as Washington expects, Japanese politicians with a concern for world peace, can not escape this responsibility. In international politics to maintain independence and progress, whatever one believes must be strongly advocated. The present attitude of the Japanese Government may lose the political confidence of America. So I worry about this.

I know my brother legislators from Korea share my concern, so as a Japanese, I must say they should strongly oppose the U.S. withdrawal from South Korea.

I trust the capability of both President Carter and Prime Minister Fukuda. They are fine leaders. But there are times when politically they must consider their domestic positions. I believe it is President Carter's true heart that he wants to listen to the consultation of America's allies. When Prime Minister Fukuda says, "I don't want the balance of power destroyed in East Asia", I believe that is his real belief in this matter.

In South Korea the memory of the Korean War is still vivid. Day and night, Koreans must think about their national survival and the threats from Communist countries. Recently the Korean Government announced they must move the capitol from Seoul because of the threats. So now I would like to urge you Korean statesmen that you should do your utmost best to persuade the American people of the seriousness of the withdrawal of troops from Korea as well as the matter of non-consultation on the question of withdrawal. At the same time, Japanese statesmen and politicians who share the same opinion, without fearing the noise from the mass communications media, should do their utmost best to influence Prime Minister Fukuda to arrive at a correct judgment and urge him to stand up and express very frankly our worries on these matters. This will be to meet American expectations of Japan, as the U.S. is publicly asking for consultation.

I have a good personal relationship with Prime Minister Fukuda and I believe he understands all of this very well. But his political situation is very delicate.

Ladies and Gentlemen, based on an understanding of the facts of this problem, Japanese, Korean and, also, American statesmen and politicians must give attention to the facts and concepts of the two following points I wish to make. I believe these two points can contribute to a new structure of peace in Asia and, also, contribute to an easing of tensions.

First, the economic power of the three countries of East Asia, Japan, South Korea and Taiwan, is now equivalent to that of the EEC. The economic growth rate of East Asia is greater than that of Western Europe.

This economic power contributes not only to the growth of the international economy but is a factor of international security and the balance of power. The productive capacity of East Asia is used largely by the free world though the three countries of East Asia face the two Communist giants. This geographical nearness to the Communist countries affects the daily life of all the countries of East Asia. We must not be conquered by them.

Considering the economic power and importance of East Asia, why has the Carter Administration treated East Asia so differently from the EEC—for Vice President Mondale visited the EEC immediately after his visit to NATO.

I believe the difference in the treatment of the EEC and East Asia is that Japan, South Korea and Taiwan don't yet know how to utilize their economic power effectively. In the EEC even a small country has an effective voice. The three countries of East Asia should join together to use their collective economic power more effectively in their international relations.

In East Asia, defense is on a bilateral basis between each of the three countries of East Asia and the U.S. So the U.S. can enforce its decisions concerning the defense and security of East Asia as it chooses.

East Asia countries should seek ways for coping more effectively with American uni-

lateral decisions and, if I may be so blunt, with occasional unintentional American tyranny, which so shake and disturb the stability of East Asia. Real and effective consultation on basic problems, not administrative details, has become an urgent need between the countries of East Asia and the United States. It appears that in United States world defense strategy the difference between the treatment of Western Europe and East Asia lies in the bargaining power of Western Europe.

To summarize my first point, the three free countries of East Asia need to utilize their economic power more effectively. The EEC in Europe provides a lesson to East Asia in this matter. With better utilization of our own economic power and industrial resources, many of our small problems will simply fade away.

My second point relates to the global system of security and defense in the free world which was established by the United States and of which the United States is the leader.

The defense of East Asia is the western defense line of the United States itself. This East Asia defense line begins with the DMZ in Korea, goes down through the Straits of Taiwan to the Philippines, then through the Indian Ocean to the Atlantic where it joins the eastern defense line of the U.S. and NATO. The security and defense of East Asia is only one segment of America's global security and defense system.

U.S. troops in East Asia and South Korea are a part of this global defense line of the U.S.

We should take notice that even the Peoples' Republic of China supports the presence of U.S. troops in East Asia as a counter balance to large Soviet forces along the Manchurian border. Public reports indicate there are approximately 45 Soviet divisions along the Soviet side of Manchuria plus a substantial number of air bases and missile bases. If the United States withdraws its forces from East Asia, especially if there is a pullout of American troops from South Korea, this could force the People's Republic of China to reassess its relationship with the U.S.S.R. It could stimulate a rapproachment between Peking and Moscow despite the deep antipathies and distrust between them. A rapproachment between Peking and Moscow would change the balance of power. In such a shift of the balance of power it is conceivable that the whole of East Asia would come under the domination of the U.S.S.R. In such a case, the U.S.S.R. could then shift a major portion of the military forces it now has in eastern Siberia to Western Europe where it confronts NATO forces. This would change the balance of power in Western Europe.

From the establishment of the U.S. system of global defense and security in the late 1940's and early 1950's there has been political stability in East Asia. This political stability made possible the economic development of East Asia, the so-called "economic miracles" of Japan, South Korea and Taiwan. Political stability is necessary for the continuation of these economic developments in East Asia.

The reduction or withdrawal of U.S. ground forces from East Asia, especially from South Korea, seems certain to create instability and tension and to upset the present balance of power. It is the physical presence of U.S. forces which reassures the people of East Asia that the United States intends to meet its commitments to maintain peace and stability here. American troops should not be reduced by so much as a single soldier without adequate guarantees to protect the stability of East Asia.

So we must educate the Carter Administration and say very firmly that a hasty withdrawal of U.S. troops will result in confusion and instability. There should be no withdrawal until the countries of East Asia, especially South Korea, are satisfied that a withdrawal will not upset the stability of East Asia.

I believe that everyone here, whether Korean or Japanese, believes the same as I, that we must protect the political stability and balance of power which has made possible the economic development of the three countries of East Asia who now add so much to the world economy and to the international balance of power. Together we must work to maintain the stability of East Asia.

We must make no mistake about the challenges facing us in the months immediately ahead. However, let us approach these challenges with confidence, vigor and a sense of our destiny as bearers of ancient civilizations with our own great cultural, social and historical traditions handed down to us from our ancestors.

I thank you for your kind attention.

ITALIAN CULTURE WEEK

HON. LEO C. ZEFERETTI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. ZEFERETTI. Mr. Speaker, the city of New York is currently observing Italian Culture Week, which is a source of pride for the millions of Italian Americans in New York and throughout the land.

Certainly the contributions of Italians and their descendants are far too numerous to mention at this time, but allow me to cite a few of the more renowned people—in all walks of life—whose achievements have helped shape our lives here in America and around the globe.

Italians became active participants in America's struggle for freedom during the very first days of the Republic, and numerous Italian names are found in the regimental lists of the Continental Army.

We in New York are particularly proud of the first Italian American to achieve national recognition in the field of public service—Fiorello LaGuardia, U.S. Congressman and mayor of New York City. Presently, there are 31 Italian Americans serving in Congress.

More recently, each of us is familiar with the dedicated service rendered by Judge John Sirica during the Watergate trials, and certainly one of the great lawmakers of our time is my esteemed colleague, PETER RODINO, whose leadership was the primary force in guiding us through those difficult months.

The Capitol Building in which we serve—the heart of our National Government—was made beautiful by the Italian American artist Constantino Brumidi. His masterful artistry decorates the walls and ceilings of the Capitol, viewed and cherished by millions of visitors each year.

America's stage and screen have both been dominated by men and women of Italian origin, including the immortal Caruso in opera and Frank Capra in motion pictures.

Band leader Guy Lombardo has been referred to as the man who creates "the sweetest music this side of heaven," and the great Frank Sinatra, after 30 years of stardom, is still king of the music world.

The outstanding contributions of Italian Americans in the world of sports is undisputed. Vince Lombardi, his career cut short while still in his prime, is already a legendary figure in the football world. Joe DiMaggio, the Yankee Clipper, dominated the baseball scene for two decades and remains a popular figure today.

From just these few names that I have mentioned it is obvious that Italian Americans have stood out in all fields of endeavor including science, education, business—the list goes on and on. These achievements have often been overlooked by our history books, but these men and women stand tall in the hearts of us all.

Mr. Speaker, I feel that the contributions made by individuals of Italian descent are all too often forgotten by the people of America. Having helped found this great Nation, they continue to play a vital role in the strengthening of our country. I am proud of my Italian heritage, and I want to take this opportunity to applaud New York City for saluting Italian Americans and our rich culture.

U.N.—THIRD WORLD OUTRAGE

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. BAUMAN. Mr. Speaker, the editor of the Baltimore News-American considers the United Nation's Human Rights Commission's recent refusal to investigate Idi Amin's blatant and systematic massacre of his countrymen and finds it "impossible to express the contempt which the United Nations frequently evokes" in such episodes.

The editorial asks the question an increasing number of Americans think is the crucial issue in this country's relationship with the world body:

What use is the UN itself when its majority power blocs repeatedly makes a mockery of the decency and justice the UN was founded to protect and promote?

We must be honest with ourselves and with whatever is left of the candid world once free. The U.N. as it is presently structured and operated by its Third World and Communist majority, is a sham and a hypocrisy. That body has made a mockery of every principle of humanity and justice.

The editorial follows:

OUTRAGE IN GENEVA

It is impossible to express the contempt which the United Nations frequently evokes by its actions—or lack of action—in situations which cry out for vigorous application of the basic moral principles on which the world organization originally was founded.

The latest in a long list of shameful episodes came in Geneva last week when the 82-nation UN Human Rights Commission, after four days of closed-door meetings, announced it had rejected a demand that it probe the horrendous situation continuing in Uganda.

Great Britain, backed by the United States, had called for the investigation as a clear

responsibility of the commission under the UN charter. It was rejected as the result of concerted opposition by the majority block of Soviet, Arab and eight African nations.

Britain has reacted by submitting a new resolution to the same effect which, technically, would require open debate. Its diplomatic staff, however, is virtually resigned to having its Uganda probe demand pigeonholed for "further consideration" at the next commission meeting in 1978, if ever.

So—meanwhile—Idi Amin's massacre of his accused enemies in Uganda not only escapes official UN censure but, in effect, gets a green light to continue. For the UN Human Rights Commission has held that Amin's mass murders, tortures and other terrors do not justify its intervention.

The commission's refusal to act in such a notorious situation indeed defies any expression properly conveying the contempt it deserves. It also underscores the need for a reassesment by this country of its massive financial support to the entire United Nations operation.

Of what use is a UN Commission on Human Rights if it votes its unconcern with the dreadful abuses of human rights taking place in Uganda? And of what use is the UN itself when its majority power blocs repeatedly make a mockery of the decency and justice the UN was founded to protect and promote?

An additional question suggests itself in the Uganda matter. Andrew Young, our new ambassador to the UN, has been extremely vocal in advocating the cause of his fellow blacks in their battles against what he sees as the tyranny of white regimes in Rhodesia and South Africa.

How come he has not been equally vehement in his condemnation of that arch tyrant, Idi Amin, the mad monster of Uganda? He could, if he would, call a session tomorrow of the UN Security Council—another presumed agency of world justice of which he happens to be chairman.

IS THE ALL-VOLUNTEER MILITARY A SUCCESS?

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. STEIGER. Mr. Speaker, increasingly we are hearing the question, "Is the All-Volunteer Military a Success?" The answer is very firm yes.

Former Secretary of the Army Martin R. Hoffmann clearly detailed the success of the All-Volunteer Army in the March 12 issue of the Baltimore Sun. Using a number of criteria, he pointed out that it has met or exceeded most Americans' expectations.

As former Secretary Hoffmann noted, the strength of the active military forces has been maintained without compulsion, and the quality of the forces has been maintained or improved by nearly every measure.

He said:

The Army as one affected institution has been buoyed by the dynamics of all-volunteer makeup. Increasing esprit, more realistic, creative and retained training, and greater per capita capability than any previous peacetime Army have resulted.

The AVF is working, and we must all seek to make it better still. There is no need for conscription, and those who suggest there is a need are simply ignoring the facts. Former Secretary Hoffmann, who held his post until only a few months ago, is intimately familiar with the progress of the AVF in the more than 4 years since Congress ended the draft. I hope his views will receive careful consideration. The article follows:

IS THE ALL-VOLUNTEER MILITARY A SUCCESS?

(By Martin R. Hoffmann)

The prospect of a national debate on the all-volunteer force (AVF) is a welcome one. Hearings to get facts and debate issues—rather than debating facts and fears—are long overdue and should proceed promptly. Senator Nunn is to be commended for calling them.

The all-volunteer force (AVF) is a success to date. True, it has not met all of everyone's expectations held when it started. But, on balance, it has met or exceeded the expectations of at least a majority of Americans. Note the following national benefits:

First, the strength of the active military forces has been maintained without compulsion. Following on the heels of more than 30 consecutive years of conscription and in the aftermath of the war of most divisive and discouraging impact on our people and our military establishment, demonstrating this can be done in a free society is no small accomplishment.

Second, the quality of the forces has not only been maintained, but the ability to increase quality has been demonstrated and should be allowed to continue. The Army as one affected institution has been buoyed by the dynamics of all-volunteer makeup. Increasing esprit, more realistic, creative and retained training, and greater per capita capability than any previous peacetime Army have resulted.

Forgoing the draft has hastened the national ability to focus on present, urgent military realities in the face of a burgeoning Soviet threat. In short, whatever the results of President Ford's clemency program and President Carter's amnesty directive, their combined result cannot approach the healing accomplishments of successfully putting aside conscription during this tumultuous period in the nation's history.

This is not to say the AVF has no problems. Need for greater congressional understanding of the AVF is one of them. Revisions obviously must be considered to assure accomplishment of future national requirements. But the debate on future manpower policies should not be based on assumptions of massive failure of the AVF any more than it should be concluded by a simplistic choice between the volunteer force and the draft.

There currently are condemnations alleging that the AVF is falling short of quantity and quality goals for the Army. Shortfalls exist, but not because the AVF does not work. The major reason is the 21 per cent cuts taken in the recruiting budget over the last two years. Congressional assertions of AVF failure in this vein must be regarded with the skepticism due one who, having disposed of his parents, pleads in mitigation that he is an orphan.

Recruiting money is a matter of *allocation* of resources: If sufficient money is spent to recruit a quality force, the increase and more will be saved by recruiting fewer men and decreasing the losses that ought to be expected from a less-selectively recruited force. The improving economy has had an effect on recruiting. This is an obvious effect which should surprise no one. An opportunity to assess the impact of an improving economy on recruiting has been missed.

Assertions of the huge increases in AVF costs in most cases are based erroneously on expenses that are not the direct result of the volunteer force. Only $300 million per year would be saved by returning to conscription for the active forces, out of a Defense budget of $112 billion.

Undoubtedly, costs have gone up. The most rapidly escalating military personnel cost element is retirement. But this has nothing to do with the volunteer force: The retirement system has remained virtually unchanged since World War II.

Moreover, ascribing the increase in soldiers' pay since 1964 to the volunteer force concept is incorrect. Pay for soldiers was increased as a matter of equity prior to the end of the draft. It was an attempt to do equity to those drafted, when not all their contemporaries were called to serve.

Continuation of the volunteer force does not mean continued inattention to the draft. The country badly needs a modernized, up-to-date draft mechanism to assure availability of required manpower quickly in the event of emergency.

The congressional hearings on the volunteer force will help to put in perspective the relationship the draft can have in future manpower policy. Hearings will be more constructive if they proceed with the confidence that we as a nation mean to make the AVF work, rather than with dire predictions that conscription as a national policy is inevitable.

PADUCAH, KY., SUN-DEMOCRAT SUPPORTS ENERGY COMPETITION ACT

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. KASTENMEIER. Mr. Speaker, America's traditionally competing sources of energy are becoming concentrated in the hands of the monopolistic oil companies. Since energy is so crucial to our Nation and its security, the oil industry domination of competing sources of energy is extremely dangerous both to the national interest and to the functioning of the competitive system.

Congressman PAUL SIMON and I have introduced H.R. 3166, the Energy Competition Act which prohibits any oil company from owning or acquiring any coal, uranium or geothermal power asset.

The Paducah Sun-Democrat recognizes the importance of competition in energy production, and it has endorsed the Energy Competition Act.

Mr. Speaker, I call to the attention of my colleagues the Sun-Democrat editorial of March 15, 1977.

GOOD PLACE FOR MORE COMPETITION

Our Southern Illinois neighbor, 24th District U.S. Rep. Paul Simon, a Carbondale Democrat, is co-sponsoring a bill with Rep. Bob Kastenmeier (D-Wis.) that is aimed at stimulating much-needed competition in the critical area of energy production.

Most energy production in the U.S. is monopolized by petroleum companies which also have substantial interests in coal, uranium and other energy sources. This is helping drive up the already high price of energy to consumers.

Kastenmeier and Simon's "Energy Competition Act" (HR 3166) would force the oil companies to divest themselves of coal, uranium and other "geothermal power assets" within three years after its enactment. The measure also would prohibit oil companies from acquiring additional non-petroleum energy holdings as soon as it became law.

Violators would be subject to stiff fines or imprisonment.

The two congressmen believe this "horizontal divestiture" will help restore competition in energy production and bring down energy costs.

Big oil's slice of America's energy pie is enormous. Six of the 10 largest oil companies are involved in producing all four major domestic fuels—oil, gas, coal and uranium. Oil companies own about half of the known uranium reserves in the country.

Eleven large oil producers also operate coal companies. Continental, the ninth largest oil company, owns Consolidation Coal, the nation's largest coal company. Exxon, Kerr-McGee, Atlantic Richfield, Shell and Sun Oil also own huge coal reserves. Several oil companies, too, have interests in oil shale, tar sands and underground steam—promising future energy sources.

All the while, the oil producers are spending millions for advertising to convince the public they aren't monopolistic but are firm believers in competition and free enterprise. If the oil companies mean what they say, they should welcome the Kastenmeier-Simon bill because it's a healthy dose of free enterprise.

YOUTH EDUCATION

HON. THOMAS N. KINDNESS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. KINDNESS. Mr. Speaker, the Junior Achievement movement has long been recognized as a major force in educating our youth on the basic concept and strengths of the free enterprise system. Recently, I purchased a share of stock in a unique JA company that is learning firsthand about one of the most important institutions in our economic system—the stock market.

This Junior Achievement Co., Wall Street Investment Counselors, is made up of 18 teenagers in Middletown, Ohio. They have established what is believed to be the first mutual fund ever by a Junior Achievement Co. anywhere in the United States. Since organizing last October, the company has sold over 300 shares of stock at $10 a share. The company has a portfolio of approximately 1,200 shares in about 13 companies, the issues held changing as the company buys and sells.

Several of the stocks held are from ARMCO Steel Corp.; Diamond International and Aeronca Co., which are headquartered in Middletown, Ohio. Most, however, were selected for their low price and their volatility. While this sounds like a recipe for financial disaster, as of the end of February the market value of a share of stock was about $9.75 and had been above $10. This is a more significant achievement than it seems. After commissions and broker fees, the company is only left with $7.60 to invest out of each $10 share purchase. So, the actual funds it has invested have increased by almost a third in the past half year. Before it liquidates in May, the company hopes to bring each share's value up to $11, so that it can return a profit of 10 percent on each share purchased.

The company receives advice from both its broker and advisers, but makes all decisions on which stocks to buy or sell. Company members follow the usual market publications, read annual reports, and generally do a thorough job of homework before making a decision as a committee of the whole on a stock. To sell the stock, company members call on local companies, their school friends and teachers, parents and neighbors, even addressed a meeting of the local Rotary Club.

Stock in the company is now being held by individuals in 14 States and several countries. The company's advisers are employees of ARMCO Steel Corp., which in the 1940's played a major role in supporting the spread and growth of the Junior Achievement idea. These young people and their company have my commendation—and I hope yours—for their confidence and commitment to the free enterprise system.

COSPONSORS TO H.R. 4444, DINGELL-BROYHILL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. DINGELL. Mr. Speaker, Representative JAMES BROYHILL of North Carolina and I are pleased to announce that our legislation, H.R. 4444, to amend the Clean Air Act mobile source emission control provisions has the support of 48 cosponsors in the House. The companion bill in the Senate is S. 919, introduced by Senators DON RIEGLE and ROBERT GRIFFIN. We welcome additional cosponsors to H.R. 4444 and S. 919, which have the support of both labor and the auto manufacturing, supply and service industries.

The cosponsors of H.R. 4817, identical to H.R. 4444, are:

The Honorable James J. Blanchard of Michigan.
The Honorable William D. Ford of Michigan.
The Honorable William S. Broomfield of Michigan.
The Honorable Dale E. Kildee of Michigan.
The Honorable Bob Traxler of Michigan.
The Honorable G. William Whitehurst of Virginia.
The Honorable David R. Bowen of Mississippi.
The Honorable Carroll Hubbard, Jr. of Kentucky.
The Honorable Thomas N. Kindness of Ohio.
The Honorable William M. Ketchum of California.
The Honorable Lucien N. Nedzi of Michigan.
The Honorable William F. Walsh of New York.
The Honorable Thomas L. Ashley of Ohio.
The Honorable Mark Andrews of North Dakota.
The Honorable Charles H. Wilson of California.
The Honorable William M. Brodhead of Michigan.
The Honorable Robert L. F. Sikes of Florida.
The Honorable Teno Roncalio of Wyoming.
The Honorable Robert E. Badham of California.
The Honorable Elford A. Cederberg of Michigan.
The Honorable Thad Cochran of Mississippi.
The Honorable James G. Martin of North Carolina.
The Honorable Clarence J. Brown of Ohio.

The cosponsors of H.R. 5108, identical to H.R. 4444, are:

The Honorable James C. Cleveland of New Hampshire.
The Honorable John J. Duncan of Tennessee.
The Honorable Jack Edwards of Alabama.
The Honorable Frank Horton of New York.
The Honorable Charles Whitley of North Carolina.
The Honorable Glenn English of Oklahoma.
The Honorable Philip E. Ruppe of Michigan.
The Honorable Harold Runnels of New Mexico.
The Honorable Tom Bevill of Alabama.
The Honorable Charles Wilson of Texas.
The Honorable Edward J. Derwinski of Illinois.
The Honorable Willis D. Gradison, Jr., of Ohio.
The Honorable Guy Vander Jagt of Michigan.
The Honorable Robert S. Walker of Pennsylvania.
The Honorable Dan Daniel of Virginia.
The Honorable Bob Stump of Arizona.
The Honorable Austin J. Murphy of Pennsylvania.
The Honorable Gene Taylor of Missouri.
The Honorable Mike McCormack of Washington.
The Honorable James R. Jones of Oklahoma.
The Honorable James M. Collins of Texas.
The Honorable Steven D. Symms of Idaho.
The Honorable Donald J. Mitchell of New York.

THE EQUAL RIGHTS AMENDMENT—FIVE YEARS ON

HON. HELEN S. MEYNER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mrs. MEYNER. Mr. Speaker, since 1923, some form of the equal rights amendment has been introduced in nearly every Congress. It took 49 years but, on March 22, 1972, Congress finally passed and sent the ERA to the States for ratification. Today, 35 States later, we mark the fifth anniversary of the ERA's passage. This proposed amendment, which is so basic to the principles upon which our Nation was founded, is too important to be ignored.

When the Constitution first became the law of this land, only those who were white, adult male property owners—a small percentage of the population—were deemed fit to exercise the right to vote and have a voice in government. Eventually, the ownership of property was dropped as a requirement and, later yet, adult black males received the franchise. Women were unable to vote until more than a century after the Constitution was written.

But freedom and justice encompass more than just the right to vote. Black Americans know this, and the civil rights struggle continues for them today.

Women know this also, and that is what the ERA is all about. Women are demanding the full protection of the Constitution, with both the rights and responsibilities of freedom. We ask for no more, and we will accept no less.

The course of history is continuing to move in the direction of full human rights, and toward an improved quality of life for all peoples. Despite recent ERA setbacks, I firmly believe that it will become the law of the land; our country, the leader of the free world will not and cannot fail its own citizens.

Two years remain before the March 22, 1979, deadline for ratification of the ERA. I call upon the States in which the ERA remains unratified to prove that the United States—which has shown its dedication to freedom around the world—is willing to stand up for the rights of its own people.

BILL TO REGULATE TRAPS AND TRAPPING ON FEDERAL LANDS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. ANDERSON of California. Mr. Speaker, in the 94th Congress, I introduced a bill which would discourage the use of painful devices in the trapping of mammals and birds. Almost 100 of our colleagues responded to the growing nationwide concern for the humane treatment of our wildlife, and cosponsored the bill. For the first time ever, congressional hearings to consider trapping legislation were held before the Subcommittee on Fisheries, Wildlife Conservation, and the Environment, of the Committee on Merchant Marine and Fisheries. Because a number of difficult questions concerning that bill were raised at the hearings, I have prepared a new bill which I am introducing today. Let me explain briefly what the new bill seeks to accomplish.

First, my bill attempts to discourage the use of cruel traps and trapping methods by instructing the Secretary of the Interior to issue regulations for the trapping of animals on Federal lands. Included are provisions for the designation of "approved" traps, and for establishing visitation times, trap identification, and catch reports. A seven-member advisory commission, appointed by the Chairman of the Council on Environmental Quality, would assist the Secretary in preparing these regulations.

Second, the bill provides for trap research program to develop more humane traps.

Third, the bill would halt the entrance into interstate commerce of all traps not approved by the Secretary, and would prohibit the interstate commerce of all furs, pelts, hides, et cetera, not trapped according to the regulations issued by the Secretary.

In addition, since the States have traditionally reserved the right to manage resident wildlife, I have devised a State/Federal cooperative arrangement whereby States may follow their own trapping regulations if they are at least as strong as the Federal regulations.

Last year's bill set rigorous standards for the approval of traps by allowing only those traps which capture painlessly or kill instantly, and which minimize, to the extent practicable, the possibility of trapping animals not intended for capture. This year, my bill recognizes that it may be difficult to acquire such a trap, and thus allows the use of traps which instead provide the most humane capture method available.

To determine and develop the most humane trap, we must provide for a research program. The Canadians have long recognized the need for research, and in 1968 formed the Humane Trap Development Committee to begin the initial testing. Since then, about one-half million dollars have been spent on trap research and development in Canada. The work is now being carried out by the Federal-Provincial Committee for Humane Trapping, a Government-sponsored committee consisting of representatives of the Provinces and a full-time professional staff.

While some of the information gathered by the Canadian researchers will be valuable in the United States, many of the trapping conditions in this country are different and require different solutions. The U.S. Government has, to date, spent only a small amount of money to develop more humane traps for taking predatory animals. I proposed in this bill that we commit $500,000 toward this goal.

Last year some people felt that the Federal Government should not assume a significant part of the responsibility that is presently reserved the States for managing resident wildlife. Yet the precedence has already been set for Federal intervention. In 1973, the Endangered Species Act was passed to provide for the conservation of threatened and endangered species of fish, wildlife, or plants. The need for Federal action to halt the accelerating decline of many species of wildlife was critically evident at that time—the need for Federal action to assure the humane treatment of our wildlife is equally evident now.

There are currently no restrictions at all on the use of the steel leghold trap during the open session in 10 States. Sixteen States have no limits on the length of time an animal may remain in a trap; only 22 States require daily visits to the trap. Identification marks on traps, which are necessary for the proper enforcement of regulations, are mandatory in only 27 States.

I believe that this legislation introduces some reasonable restrictions on the use of traps; restrictions which will move toward mitigating some of the pain and suffering endured by trapped animals, yet reasonable enough as not to adversely affect in any way our Nation's economy. If you have any questions, or wish to add your name in cosponsorship, please contact my legislative assistant, Mark Theisen, at 225–6676.

CHANGE MUST COME TO THE SOCIAL SECURITY SYSTEM

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. GOLDWATER. Mr. Speaker, on January 1, the social security tax rose once again to $965.25 for workers earning $16,500 or more. Our respected colleague, BARBER B. CONABLE, JR.—who is now the ranking Republican member of the Ways and Means Committee—has just recently pointed out that the estimated income for the year 1977 from the social security tax is $83 billion while the estimated outgo is $86.8 billion. This means that the likely deficit for the Social Security Administration for this year will be about $3.8 billion. Last year's deficit was $3.3 billion. According to Congressman CONABLE, at this rate, unless Congress acts, the social security trust funds will be completely empty by 1984.

I know that a great many of our colleagues are very seriously concerned about the future of the largest pension plan in the history of the world; our fellow-citizens are depending upon us to insure that they will receive the benefits in their old age that they have paid for, in good faith, during their working lives.

I believe the time has come for Congress to begin serious consideration of the long-range reforms which will be necessary in order to save the system from going the way of New York City. As one contribution to the needed debate and the reexamination of the present system, I would like to call to the attention of our colleagues a perceptive article by Robert Bleiberg, entitled "Farewell to Ponzi? Change Must Come to the Social Security System" which appeared in the January 3, 1977, issue of Barron's:

FAREWELL TO PONZI?—CHANGE MUST COME TO THE SOCIAL SECURITY SYSTEM

Effective Jan. 1, 1977, an estimated 19 million breadwinners earning more than $15,300 per year found themselves hit with a higher Social Security tax. Specifically, the wage base upon which the levy is imposed has just gone up to $16,500, raising the maximum tax by $70.20 to $965.25 (for the self-employed, by $94.80, or from $1,208.70 to $1,303.50). Within the next few days, meanwhile, the U.S. Treasury will quietly publish a new Statement of Liabilities and Other Financial Commitments of the U.S. Government. According to our Washington correspondent, Shirley Scheibla, it will show an increase in 15 month's time, from $2.7 trillion to $4.1 trillion, in the unfunded liabilities of the Social Security system.

Most of the bulge in the shortfall, of course, will reflect a change in assumptions about such long-range, and eminently uncertain, developments as wage and price inflation and the fertility of women of childbearing age, rather than some fresh stroke of legislative folly. By law, moreover, the projections must go out as far as 2050 AD, between now and when, we freely concede, much that is unpredictable may happen. Nonetheless, the available data also ominously suggest that if current trends persist, the Social Security system will be in serious difficulties long before. In particular, under the most realistic of three sets of official assumptions, the $6 billion Disability Insur-

ance trust fund will be exhausted within the next three years. By the same token—despite an unprecedented increase in recent years of the burden on the taxpayer—the Old Age and Survivors Insurance trust fund, which currently totals some $35 billion, sometime in the mid-Fighties is slated to go broke.

While scarcely graven in stone, such estimates should give pause to even the most eager apologist for this so-called New Deal reform. And, in view of the many millions of people potentially affected, they surely constitute one of the more burning isues of the day. Yet prior to and throughout the Presidential campaign, Social Security, with fine bipartisan accord, wound up so to speak on the back burner. True, challenger Ronald Reagan, by his pioneering and promptly distorted proposal to invest the OASDI trust funds more wisely, at least hinted that something was wrong. Gerald Ford, to his credit, sought to face up to things by recommending yet another boost in the payroll tax, as well as changing the rules—"decoupling," in the jargon—whereby wage-earners, in the name of protection against inflation, enjoy a vast and mounting benefits windfall.

From the Democratic powers-that-be, however, little constructive has surfaced to date. Far-out party members presumably are getting ready to re-introduce a spate of bills which, at incalculable cost, would blanket housewives under the program. As chairman of the Social Security Finance subcommittee, then-Senator Walter Mondale, now Vice President, opposed the White House program and urged, in effect, that his colleagues go slow. As to Jimmy Carter, he has largely contented himself with issuing a position paper which "pledges to Americans around the country that as President, I will preserve with the assistance of Congress the financial integrity of the Social Security system." If not, as Playboy magazine has caustically observed, perhaps the Easter Bunny or the Tooth Fairy will provide.

Like any federal agency which deals in something for nothing or more for less—over $4 trillion worth at latest recknoning—Social Security does smack of fantasy or Alice in Wonderland. Concerned about the unfunded prior service cost of U.S. industry (which for a handful of corporations runs to nearly half of net worth), and the few isolated cases of pension fund abuse, Congress in 1974 passed the sweeping Employe Retirement Income Security Act (ERISA). Yet it has chosen to ignore the worsening plight of a body the liabilities of which exceed the assets by roughtly 75 to 1. Again, even as the OASDI trust funds head straight for extinction, the Social Security Administration (out of those dwindling funds, by the way), is spending—so charges the National Taxpayers Union, citing a report by the General Accounting Office—$68 million to erect a superfluous building to house $400 million of unneeded computers.

Housekeeping expense, to be sure, is the least of the system's woes. In the workaday world, runs Parkinson's Law, expenditure may rise to meet income, but in the never-never land of Social Secuirty, never the twain shall meet. Even when the tax burden grows more onerous year by year. Since 1965, to illustrate, the Social Security tax has shot up from 4.4% on the first $6,600 of earned income (levied on employer and employe alike) to a combined 11.7% on the first $16,500. (Since 1960, it has increased by 572% all told, or a staggering 12% per annum compounded.) What's more, under the program which President Ford sent to Capitol Hill last June (a plea he soon is likely to renew), the combined rate would rise to 12.3%. And under existing law, the earnings base mounts every 12 months, hand-in-hand with inflation.

Yet, thanks to the lavishness of Congress, there never seems to be money enough. Back in 1972, the lawmakers passed a bill which raised benefits by 20% across-the-board. It also tied future payments for the retired to the Consumer Price Index, and, in what now is universally deplored as overkill, mandated a comparable adjustment in future benefit levels for those still on the job, a wildly liberal and ill-conceived provision which, if allowed to stand, will let people retire with more money than they earned while working. In consequence, the Social Security system's unfunded liabilities have soared, while outgo of the OASDI trust funds, by any estimate, has begun to exceed income. If current trends continue, as noted, both funds will be gone in less than a decade.

It's plainly time for a change, and, though the Democratic majority may dig in its heels, change is a foot. Whatever may or may not happen on the Hill, indeed a significant shift has occurred in informed (if not yet necessarily public) opinion. Once the ultimate in sacred cows, Social Security lately has come under increasingly pointed attack. Besides the critical piece in Playboy cited above, U.S. News has run an article headlined "Social Security, Promising Too Much to Too Many," while a book has come out titled "Social Security: The Fraud in Your Future." And a surprising consensus over what should be done—ranging from "decoupling;" which alone might wipe out half of the unfunded liabilities, to a gradual step-up in the retirement age—has emerged. One way or another, most authorities (if not politicians) agree, the longest-playing Ponzi scheme on record must come to an end.

Some of the most provocative ideas have come from the University of Chicago's Arthur B. Laffer and R. David Ranson, whose views have influenced both Secretary of the Treasury Simon and President Ford. In "A Proposal for Reforming the Social Security System," rather less modest than those we set forth above, Messrs. Laffer and Ranson go straight to the heart of the matter. "Morality is an integral part of political economy. Whatever the economics involved, any policy proposal affecting the more vulnerable or the less advantaged members of society that does not address the moral question explicitly is remiss . . . Inflating the promises to the disadvantaged often is less moral than maintaining restraint. It is an immoral act for a society to promise the undeliverable. It is especially immoral if the people to whom the promises are made are exceptionally vulnerable . . . A system that is constructed with known technical deficiencies such as a massive unfunded liability borders on exploitation, no matter how politically expedient the solution may appear in the short run."—Robert M. Bleiberg.

PUSHES HUMAN RIGHTS IN AMERICA

HON. BRUCE F. CAPUTO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. CAPUTO. Mr. Speaker, House Concurrent Resolution 97, of which I am a cosponsor is grounded in the basic principal of promoting and advancing human rights.

In the past 2 years, Congress has attached amendments to legislation on foreign economic and military assistance requiring the U.S. Government agencies to "promote and advance human rights" and terminate aid to countries exhibiting a "consistent pattern of gross violation of internationally recognized human rights."

This must not be an empty effort. The United States is obligated under law to chastise those countries permitting infringements of human rights. The United States must take the initiative to facilitate immigration of Soviet Jews and other minorities.

At the same time we must not be selective in our criticism and our actions. A denial of human rights in one country is as grave as in another, and deserves equal treatment. However, there is one Nation which deserves more intense and constant scrutiny than all others and that Nation should also be the first criticized and chastized by this Congress when its actions transgress on human rights. That Nation is our own. We must not allow ourselves to fall into the error of self-righteously criticizing others while ignoring our own faults.

HEARING SCHEDULE FOR SUBCOMMITTEE ON GENERAL OVERSIGHT AND ALASKA LANDS

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. SEIBERLING. Mr. Speaker, I am today inserting in the RECORD for the information of Members the schedule of activities of the Subcommittee on General Oversight and Alaska Lands of the Committee on Interior and Insular Affairs for the period April–July, 1977.

This subcommittee, which I have the honor to chair, is charged with a general oversight responsibility over the Department of the Interior and its many component bureaus, agencies, and offices. The subcommittee also has legislative jurisdiction, under the rules of our committee, over implementation of section 17(d)(2) of the Alaska Native Claims Settlement Act. This means that we will be considering the important question of which Federal lands in Alaska are to be set aside for the benefit of future generations by being designated as national parks, national forests, national wildlife refuges, as wild and scenic rivers, and as wilderness areas.

Mr. Speaker, when the Congress passed the Alaska Native Claims Settlement Act in 1971, we imposed a deadline of December 1978, for the designation of what parts of the vast lands of Alaska are to be included in these several systems. It is my firm intention, and the intention I believe of all the members of our subcommittee, to meet that deadline. Toward that end, we intend to pursue the schedule which is set out below, and later this summer we intend to spend several weeks of field trips and hearings in the interior of Alaska so that the subcommittee members may become more familiar with all the many areas we will be considering. It is our intention to have a bill ready for the consideration of the

House during this session of the 95th Congress.

No conservation and outdoor recreation issue before the 95th Congress will have a greater importance than will this matter of the designation of the Alaskan national interest lands. What we do in this session will determine just how much of the great scenic, recreational, and wildlife values of these lands will remain unspoiled for our own and future generations.

Because these are matters which are of importance to people in every part of the Nation, our subcommittee will not be confining our hearings to Washington, D.C., and Alaska; rather, we will be traveling to other parts of the country so that citizens of every region will have an opportunity to appear and to testify. We will also utilize these trips to exercise our oversight responsibilities by visiting regional offices and facilities of the Department of the Interior and obtaining a better insight into the field operations of the department.

Other members of the Committee on Interior and Insular Affairs may wish to take part in one or more of these oversight visits, and, of course, the subcommittee will welcome their participation.

Mr. Speaker, Iexpect soon to have available our subcommittee's schedule for the August field trips and field hearings in interior Alaska; when it is ready, it will be placed in the RECORD for the convenience of members. The April–July schedule follows these remarks:

SCHEDULE: SUBCOMMITTEE ON GENERAL OVERSIGHT AND ALASKA LANDS, APRIL–JULY 1977

WASHINGTON, D.C.

April 21, 22, 25, 28, Hearings in Washington, D.C. on H.R. 39, 1324 Longworth H.O.B.

CHICAGO

Fri., May 6, Oversight visit and inspection of Indiana Dunes National Lakeshore.

Sat., May 7, Public hearing on H.R. 39, Ceremonial Courtroom (#2530a), Federal Building, 219 S. Dearborn Street.

ATLANTA

Fri., May 13, Oversight visit, Interior Department offices and inspection of proposed Chattahoochee River National Recreation Area (or, Kenesaw Mountain National Battlefield).

Sat., May 14, Public hearing on H.R. 39, House of Representatives, Georgia State Capitol.

DENVER

Fri., June 3, Oversight visit to Denver Service Center and overflight inspection of Eagles' Nest Wilderness Area, Arapahoe and White River National Forests (or, proposed Indian Peaks Wilderness Area, Arapahoe and Roosevelt National Forests).

Sat., June 4, Public Hearing on H.R. 39, Auditorium (2nd floor), U.S. Post Office, 19th and Stout Streets.

SAN FRANCISCO

Fri., June 17, Oversight visit to Interior Department Regional Offices and inspection of Golden Gate National Recreation Area (or, Point Reyes National Seashore, or, Muir Woods.)

Sat., June 18, Public hearing on H.R. 39, Board Room, San Francisco Board of Education, 135 Van Ness Avenue.

SEATTLE

Sun., June 19, Inspection of Alpine Lakes National Recreation Area, Wenatchee and Mt. Baker, Snoqualmie National Forests (or, Olympic National Park).

Mon., June 20, Public hearing on H.R. 39, Olympic Room, Seattle Center Building.

SOUTHEAST ALASKA

July 1, 2, 3, and 4, Field Trips to proposed wilderness areas.

July 5, Public hearing on H.R. 39 in Sitka, Alaska.

July 6, Field trip to Admiralty Island and Village of Angoon.

July 7, Public hearing on H.R. 39, Juneau, Alaska.

July 8, Field trip to Misty Fjords Area.

July 9, Public hearing on H.R. 39 in Ketchikan, Alaska.

July 10, Return to Washington, D.C.

VERLYS DIXON McPARTLAND

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. BYRON. Mr. Speaker, last Friday, an outstanding citizen of Allegany County, Md., was honored by several hundred people. I had the honor of attending the testimonial dinner for Mrs. Verlys Dixon McPartland at the Ali-Ghan Shrine Club in Cumberland.

Mrs. McPartland was honored for her untiring work and dedication in her profession as a dance instructor. In performances around the Nation and in Canada, Mrs. McPartland and her students have brought honor, recognition, and pride to the Queen City of Cumberland and to all Allegany County.

I wish to share with my colleagues in the House of Representatives an article which appeared in the Cumberland Evening Times:

VERLYS DIXON MCPARTLAND TESTIMONIAL TO BE FRIDAY

Mrs. Verlys Dixon McPartland will be honored at a testimonial dinner on Friday at 6:30 p.m. at the All-Ghan Shrine Country Club, according to G. Louis Baker, committee chairman.

Mrs. McPartland, who operates the Dixon Dance Studio, 81 Greene Street, has taught dancing since 1935, and brought widespread recognition to Cumberland. Her pupils have performed in Maryland, Virginia, West Virginia, Pennsylvania, New York and New Jersey.

Through the years, the Cumberland Dixettes have gained national recognition with appearances on the Ted Mack Show on TV, at the World's Fair in New York City, Expo '67 (American Pavillion), Montreal, Canada, and also by performing at the Shenandoah Apple Blossom Festival which was witnessed in Winchester, Va., by President Johnson. Over the past 28 years, these young dancers have performed on The Steel Pier in Atlantic City for the Tony Grant Show. The week has come to be known as "Cumberland Week" in the New Jersey resort city.

Mrs. McPartland is the daughter of Mrs. Arch J. Dixon, Midland. She has one son, Edward J. McPartland, and one granddaughter, Shannon.

Mrs. McPartland attended St. Joseph's School, Midland, and is a graduate of Ursuline Academy.

She is a member of Dance Masters of America, Dance Educators of America, National Association of Dance and Affiliated Artists, and Professional Dance Teachers of America.

Mrs. McPartland is being honored in recognition of her untiring work in her profession as a dance instructor, and the favorable publicity gained for the City of Cumberland due to the performance of her students throughout the area, Mr. Baker said. Entertainment following the dinner will feature "The Cumberland Dixettes.

FIVE CLEVELANDERS RECEIVE MERIT AWARD FROM CUYAHOGA COUNTY BAR ASSOCIATION

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. STOKES. Mr. Speaker, I rise on this occasion to bring to your attention and to the attention of my colleagues in the U.S. House of Representatives the outstanding work of five Clevelanders who have devoted their professional careers to the justice system.

On Wednesday, March 16, 1977, the Cuyahoga County Bar Association honored the awardees at a luncheon ceremony at the Cleveland Plaza Hotel.

Mr. Speaker, this year's award winners are as follows:

Carmen Ivans, chief clerk, birth registrations, probate court;

Ignatius J. Gagliardo, chief deputy bailiff, municipal court;

James F. Kilroy, central scheduling, common pleas court;

Edna Maver, receptionist, domestic relations, common pleas court; and

Jeanne Walsh, office manager, child support, juvenile court.

So that my colleagues in the House can familiarize themselves with the work of these five dedicated individuals, I would like to take a moment to share their professional records with you:

Miss Ivans has spent more than a quarter of a century in Probate Court. Following her studies at Notre Dame Academy and Ursuline College, Miss Ivans began her Probate career in June 1951 as a Posting Clerk, handling mail, typing, counselling and cashiering. Later, she was advanced to Chief Clerk of the Birth and Marriage Records Division of the Court where she has observed all the human emotions from joy through sadness with people in all walks of life. Attempting to ease the public's misunderstanding of the necessity of legal forms and procedures, she professes, has brought her the most satisfaction from her job.

Ignatius J. Gagliardo, 67, as Chief Deputy Bailiff of Cleveland Municipal Court directs the activities of all the personnel in the Bailiffs department. He learned the business of Municipal Court after starting as a Deputy Clerk in 1951. His prior experience included being a Deputy State Treasurer, 1939–1940; Shipping Clerk, Tip Top Brewery, 1941–1946; and Accounts Reviewer in the Collection Department, Cleveland Retail Credit Board, 1949–1951. He has handled various supervisory roles in the Bailiff's office which he now heads, including that of Field Supervisor of Outside Bailiffs. His associates fondly refer to him as "Gag," and call him the Heart of the Cleveland Municipal Court because of the compassionate understanding he has for the troubled persons who seek justice there.

James F. Kilroy, 57, joined the Cuyahoga County Sheriff's Department as a Deputy in

1950. After 7 years of service in the Criminal Courts, Kilroy transferred to the Court of Common Pleas where for the past twenty years he has mastered the many aspects of docket assignments and central scheduling techniques. Kilroy is a graduate of Parmadale and West Tech High School. He spent one year with CCC Camps and three years with the U.S. Army 3rd General Hospital. He also divided eight years with White Motors as a machine operator, and as a construction laborer, before beginning his affiliation with Cuyahoga's Courts.

Edna Maver, mother of two, and grandmother of 3, began her public service as a Clerk at the County Board of Elections in 1941. After eleven years, she joined the Department of Domestic Relations in 1952. For the past 25 years she has performed varied clerical duties in the numerous divisions of the Court. Her present position as Receptionist for the Court includes enrolling the name of each attorney, litigant and witness entering Room 470 Terminal Tower, and directing them to the Judge or Referee assigned to their case.

Edna's husband, Roman Maver, worked for Gould, Inc. (Cleveland Graphite Bronze) before his retirement six years ago. Her son Robert, is studying for his Doctorate while employed as a teacher in the Cleveland Public School System. Her daughter, Diane was a lab technician in the Department of Microbiology at Western Reserve University before joining the Cleveland School System also as a teacher.

Jeanne Louise Walsh was hired for secretarial work in the Child Support Department of Juvenile Court in 1949, following graduation from Brookside High School in Sheffield Village, Lorain County. The vexing problems of the Court continue to amaze her, but nothing phases her, she says, after finishing her first year. Today, her position of Office Manager is indicative of how well she learned the different duties assigned to her in her 28 years with the Court. In May 1958 she married John P. Walsh, and they reside in Independence, Ohio.

Mr. Speaker, the Public Servants Merit Award Luncheon annually attracts more than 1,000 well-wishers. It is my understanding that the association bestows an embossed certificate of appreciation and an engraved silver bowl to the recipients. I would also like to take a moment to mention the gentlemen who worked so hard to make this occasion a success. They are Franklin A. Polk, chairman, William A. Weiss, Harry Auslander, Leo G. Chimo, Bernard J. Nosan, Andrew J. Lukcso, David Arnold, and Lucien B. Karlovec, Jr.

Mr. Speaker, at this time I would like to ask my distinguished colleagues to join me in congratulating the merit award recipients of the Cuyahoga County Bar Association. Their hard work and dedication has a profound impact on the continued success of this Nation's system of justice.

PERSONAL EXPLANATION

HON. STANLEY LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. LUNDINE. Mr. Speaker, I was unable to be present for the vote on H.R. 3437, the Vocational Education Act technical amendments and would like to offer an explanation at this time.

I feel it is ironic that the reason for my absence was that I was meeting with the Under Secretary of Labor to discuss my bill, H.R. 2596, the Human Resources Development Act. This bill, like these vocational education amendments, seeks to further the concept of better transition between education and work.

Had I been present, I would have voted "yes."

AG-LAND PLAN DROPPED: PUBLIC SPIRIT LIVES IN PRIVATE SECTOR

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. FINDLEY. Mr. Speaker, on March 11, 1977, the Continental Illinois National Bank & Trust Co. of Chicago dropped its controversial plan for an agricultural land trust known as Ag-Land fund. I strongly opposed this proposal as a threat to rural America which would drive land prices further out of sight and would make it harder for farmers to compete in the marketplace. I also perceived the Ag-Land proposal as a threat to food consumers throughout the United States. The concentration of farmownership and production control resulting from a proliferation of such plans most certainly would have led to higher retail prices at the grocery store. But not once did I doubt the sincere desire of Continental Illinois National Bank to help the agricultural community. My confidence is vindicated.

Printed below is the text of Continental Illinois Bank's statement announcing its withdrawal of the Ag-Land proposal. I commend this statement to the attention of my colleagues as an excellent illustration of the fact that a public spirit does indeed live in the private sector:

CONTINENTAL WITHDRAWS IRS APPLICATION FOR AG-LAND TRUST FUND

CHICAGO, March 11.—Continental Bank in Chicago said today it withdrew its application on March 7 to the Internal Revenue Service requesting tax-exempt status for employee benefit plans investing in the bank's proposed Ag-Land trust fund.

The announcement was made after bank officials met today with Secretary of Agriculture Robert Bergland.

"We have decided not to proceed with the plan after discussing the proposal with various members of the business and agricultural communities and government leaders," a bank spokesman said.

"There is a belief that while capital problems may exist in American agriculture, the immediate need is for more detailed discussion to address those problems and the effects it may have on various constituencies," the spokesman continued.

"We believe the capital problem affecting American agriculture is an evolving one. As a midwestern bank with over a century of experience in agricultural lending, we believe we occupy a unique vantage point from which we may continue to contribute to the discussion of the issues involved.

"We view the dialog that has already taken place as constructive, and appreciate the opportunities given us to discuss these issues with Secretary Bergland and Congressmen Richard Nolan and Paul Findley," the spokesman said.

FANNIE LOU HAMER

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. EDWARDS of California. Mr. Speaker, I would like to commend to the attention of my colleagues the editorial about Fannie Lou Hamer in the Washington Post.

As I mentioned on March 16 after learning of her death, my family and I cherished Mrs. Hamer not only as a vibrant and dedicated leader in the struggle for human rights, but as a warm and good friend.

Mrs. Hamer once said that she could not hate anyone and "hope to see God's face." I know with certainty that she has now seen God's face. But we shall miss her terribly.

The editorial follows:

FANNIE LOU HAMER

When one thinks of Mississippi as it was a little more than a decade ago, one thinks of the oppression: several civil rights workers were lynched practically in broad daylight, most Negroes could not vote and the rigid segregation of the races was the order of the day. Of the many forces that came together to alter those conditions, none was more impressive than the poor black people themselves. They rose in righteous but peaceable anger and demanded to be free. And when thinking of them, it is impossible not to think of Fannie Lou Hamer, a stout stalwart sharecropper, born of that soil, who fought against all odds for a better tomorrow. She died Tuesday near her Ruleville home at the age of 59 after suffering from diabetes, breast cancer and heart trouble.

The Mississippi Mrs. Hamer leaves behind is changed in great measure because of the strength and leadership she gave to sharecroppers like herself who earned subsistence wages under conditions that owed more to slavery than to the Declaration of Independence or the Bill of Rights. Indeed, it was their pursuit of happiness that threatened their lives time and again. Many of the outsiders who came to Mississippi to help those impoverished farmers either were well-known when they arrived or became famous in the process—Martin Luther King, Andrew J. Young, Stokeley Carmichael and John Lewis, among others.

There was little fame and celebrity for the local blacks. They stayed on long after the celebrities left and finished the job as best they could, helping as Mrs. Hamer did to unify the Mississippi Democratic Party and working in other ways to heal their society and seek justice. Their names are mostly forgotten, but the image of Fannie Lou Hamer, her voice thunderous, pleading to be seated at the Democratic National Convention in 1964, will remain fixed for many of those who heard her simple, powerful eloquence. And anyone who ever heard Fannie Lou Hamer sing "O, Freedom," will have little difficulty remembering her.

She had been beaten and jailed many times, but she said she could not hate anybody "and hope to see God's face." Her special brand of courage, a courage equal to the demands of her time, is best summarized in the story of how she came to leave the plantation. She knew that if she continued her civil rights works, she would be thrown off and separated from her livelihood. She came to church one day and reported on the consequences of her persistence. "They kicked me off the plantation," she said. "They set me free. It's the

best thing that could happen. Now I can work for my people." Except she worked for more than her people. She worked for all of us.

DELAWARE VOICE OF DEMOCRACY CONTEST WINNER

HON. THOMAS B. EVANS, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. EVANS of Delaware. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and the ladies auxiliary conduct a Voice of Democracy contest. Each year nearly 500,000 secondary school students participate in the contest for prizes which include a $10,000 scholarship. This year the theme of the contest was "What America Means to Me."

This year's Delaware winner was Mr. Kevin Lee Hopkins of Milton, Del. Mr. Hopkins, who is a student at the Cape Henlopen High School in Lewes made what I consider to be an excellent speech on the precious freedoms in our country and I include his remarks at this point in the RECORD:

THE 1976-77 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

As I look back through the pages of the past, a blurred picture is beginning to focus on the screen of my mind. I can see our American structure take root and sprout upwards to where it is today. I can see our forefathers sowing the seeds which blossom into the ideas of a democracy. I can also see the seeds, bud, and then branch out, making the tree an even stronger structure. To me, America represents this strong structure. As the redwood tree has gradually grown to its height capacity, America has also grown larger and stronger, over the past 200 years.

America also represents unification, and firmness, resembling that of a forest. As a forest is a home for many different kinds of trees, America is my home, and the home of many different nationalities of people. The forest, for millions of years, has represented this unity and solidness, and America has also. Each tree in its environment, plays a specific role as we do in our society. When the tree doesn't fulfill its duty, it weakens this structure. Our government, like the mighty redwood, is a product of many years of formation. While the tree grows, it beautifies, and betters its surroundings. Its limbs branch upward to the sky, and its roots become securely planted within the soil. As America grows, it branches outward also, building and strengthening our structure of democracy.

Just as a tree reaches its height capacity, America gives me the confidence of knowing that I, too, can fulfill my highest hopes and dreams, if I have the ambition to do so. While the tree shoots upward towards the stars, America gives me the reassurance that I can, also. I am allowed to vote, to voice my opinions in our government, and I am guaranteed certain inalienable rights that no man can take away.

America to me, means progress. Over the past 200 years, our government, and society have grown into a solid and sturdy base. We must continue to build this foundation tall, and sturdy as the large redwoods in a forest. We must also have that unification of the forest to remain a strong government.

As a branch is an essential part of a tree, we as citizens are essential to our country. We are those branches, which spread to make our country both larger and stronger. Even when some branches die, we must trim our tree so that this will not alter or blemish the growth.

As I look into reality, I realize that I am the Thomas Paine, or George Washington of today. I am the colonist, seeking to carry out the ideas of my forebears. I am that newly added branch to our framework. I have budded, and sprouted on the ideas of our forefathers. I must now grow, sending my branches upward, and making sure that each tree has properly sprouted on the ideas of a democracy. America has given me this sense of pride in knowing that I am a part of this framework, and that I must be concerned and dedicated in order to keep this framework from falling. We must remember that a house divided cannot stand, and that we must all be planters in order for American ideas and principles to root, sprout, and blossom into a sturdy and unified body.

HUMAN RIGHTS IN CUBA

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. McDONALD. Mr. Speaker, while much of the attention regarding human rights has been focused on the Soviet Union in recent years, Fidel Castro has been no slouch when it comes to creating living hells for his political prisoners. One of the more prominent of these prisoners has been Huber Matos. (See also my remarks on pages 5779-5780 of March 1, 1977, CONGRESSIONAL RECORD.) Recently, a group was formed at Georgetown University to focus on the lack of human rights in Cuba. I commend the attention of my colleagues to the activities of this group as reported in America's Future in its February 11, 1977, issue:

HUMAN RIGHTS IN CUBA

It is called *Of Human Rights*, and it will be published twice a year by a small group of exiled Cuban intellectuals at Georgetown University. Its purpose is to report on "human conditions in Cuba." As explained by the five editors, *Of Human Rights* will gather information from reliable sources about true conditions in Castro's Cuba. Its first issue, dated January, 1977, deals with documented evidence of executions and torture in Cuban prisons as collected by such diverse groups as the International Rescue Committee, the International League for the Rights of Man, Amnesty International and the Inter-American Commission on Human Rights.

The latter Commission recently reported to the Organization of American States, the OAS, on what it called the "inhuman treatment" of political prisoners in Cuba during the past five years. Instead of softening its treatment of these prisoners, says the report, the Castro regime continues "to reveal a complete disdain for the dignity of the human being." That is an enormous understatement. The 83-page Commission report itself cites evidence of numerous instances of death by torture or through denial of medical attention. In one letter smuggled out of a Cuban prison and delivered to the Commission, a group of prisoners told of being experimented on by Russian, Czech and Cuban communist doctors.

"They come to the cells to weigh us," said the letter. "They observe us, they evaluate our reactions, they alter our metabolism with unknown substances incorporated in the food." The letter goes on: "We are not men, we are spectres, skeletons covered with skin, human rags. . . . We have reflex problems, with coordination, lack of equilibrium; we have nervous and digestive disturbances of all kinds . . . Scurvy makes most of us hemorrhage in the nose just from sneezing."

As reported in *Of Human Rights*, the Commission cites evidence of a network of concentration camps and prisons strung across Cuba, "Gulag Archipelago" fashion. The evidence tells of how "Opponents of Fidel Castro's regime are shot, forced into 'confessions' by having their heads dunked in water until drowning is simulated. . . . Political prisoners sometimes finish sentences only to have new ones imposed." Prisoners' stories are related by relatives, by former prisoners and by those still interned who manage to smuggle out letters. One Cuban reported to the Commission that there have been "thousands of executions" since Castro came to power in 1959. The OAS report contained details of many of these executions. Also included was a list of nearly 500 names of prisoners being denied medical attention.

Of Human Rights has published a map of Cuba identifying the location of six maximum security prisons, one for each of the island's provinces. These are in addition to a larger number of "moderate security" work camps surrounded by barbed wire and armed guards Finally there are numerous labor projects called "fronts" where security is less stringent.

It is in the maximum security prison, "La Cabana," on Hanava harbor, that Frank Lunt, one of nine American prisoners, is incarcerated. In 1965, Castro sentenced him to 30 years, allegedly for spying. Actually, according to reliable evidence, Frank Lunt, a cattle rancher who had stayed on in Cuba's Pinar del Rio Province after the communist takeover, had criticized Castro's scheme of crossing Brahmin and Holstein cattle. All efforts by Lunt's wife and family, now in the U.S., to obtain his freedom have been unavailing. The State Department maintains mostly an embarrassed silence about the fate of Lunt and the other 8 Americans as well as the several hundred Cuban-Americans with dual citizenship in Castro's dungeons.

TERROR KNOWS NO BOUNDS

Of Human Rights reprints in full a letter smuggled from La Cabana prison by Major Huber Matos, a one-time officer in Castro's revolutionary army. In December, 1959 he was sentenced by a revolutionary court to 20 years imprisonment after he resigned from the army in protest against communist infiltration of the Castro government. Matos, who in private life had been a schoolteacher, is now half-blind and desperately weak in body—but not in spirit. In his letter, Matos speaks of his love for his family, for his fellow prisoners, and for his country, Cuba. Last December, two days after Christmas, a carfull of unidentified gunmen ambushed and wounded Huber Matos, Jr., the 33-year old son of Major Matos, as he entered his apartment in San Jose, Costa Rica, near the U.S. Cultural Center. Police blamed the attempted assassination on Castro agents trying to silence the young Matos' campaign for his father's release.

Another Cuban exile, Elena Mederos Gonzalez, helps edit *Of Human Rights*. She served as Cuba's Minister of Social Welfare for two months after Castro's takeover. Like Major Huber Matos, she also broke with Castro after becoming aware of his communist intentions. Though on Castro's long "enemy list," Huber Matos, Jr., Elena Gonzalez and numerous other freedom-loving Cuban exiles vow to continue speaking out, while there remains anyone who will listen.

MR. NEBRASKA SPORTS

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. THONE. Mr. Speaker, one sportswriter has been honored above all others in the Cornhusker State. Gregg McBride earned the title of "Mr. Nebraska Sports," while writing about athletics in the State for more than 50 years.

He was a fine writer. He was a person with innovative ideas. Perhaps most important of all, Gregg McBride was a man who was truly a joy to know. My first few hours with him were spent in a local watering hole in Estes Park, Colo.—the Dark Horse Inn. Before that day was ended, I am sure he felt that this University of Nebraska law student, "Thorn from Hartington," had a great future before the bar.

Gregg McBride died a few days ago, and I shall miss him very, very much. The Omaha World-Herald published an editorial tribute to him. The column not only alludes to some of his accomplishments but also gives an indication of his great sense of humor. I include this editorial at this point in the CONGRESSIONAL RECORD:

LAST RATING FOR MCBRIDE

Gregg McBride's memory of Nebraska sports was as detailed as an Andrew Wyeth watercolor.

The genial Scot retired in 1967 after 50 years of sportswriting and pioneering in the rating and record fields.

His ratings of high school athletic teams were widely respected, but they also stirred controversy.

While he worked long hours and knew every gym and football field in the state, he had ample time for fun and practical jokes. He liked to tell about the young man in western Nebraska who was sent into the big basketball game, removed his warmup suit and discovered there was nothing underneath.

Gregg once invented a mythical Eskimo high jumper named Mervyn Mendew. In an elaborate campaign, he kept the University of Nebraska track coach informed of Mervyn's startling feats. The coach is said to have actually made Mervyn a scholarship offer. Copies of that correspondence remain in the archives.

Retired photographer John Savage used to take football pictures atop the N.U. stadium. Gregg learned that John lowered the film with a fishing rod to a colleague at halftime for a speedy trip to the darkroom in Omaha.

McBride arranged to have an ancient mackerel attached to the line—and a game warden on hand to promptly arrest John for fishing without a license.

He had a serious side, but no one ever heard much about that. He was the confidant and adviser to countless athletes on the high school college level. He helped them out with personal problems and sought help for financial and other difficulties. He probably gave as much advice to the lovelorn as Ann Landers.

For many years, Mr. and Mrs. McBride spent their summers in Estes Park, Colo. McBride knew every waitress, bartender, operator of the shooting gallery, the postmaster, the local editor, the druggist—every one. And when friends arrived for a vacation, McBride was an early visitor, and always with a complimentary copy of The World-Herald under his arm. An amazing number of N.U. athletes held summer jobs there.

He was one of a kind—Mr. Nebraska Sports—an institution. He never did like gushy, sad obituraries and this will be remembered here.

We don't know if angels have flying contests. But if they do, Gregg will soon be rating them. Farewell to a talented colleague and good friend.

A RINGING TRIBUTE FROM AN IRISHMAN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. DERWINSKI. Mr. Speaker, the Chicago Tribune's Perspective page periodically carries articles by citizens who wish to express their views on matters of current interest. This "Speak Out" column is an opportunity for individuals to contribute their views and place emphasis on matters of concern to them.

An article, which appeared in this column of the March 7 Chicago Tribune, is by a recent Irish immigrant, Flannan Lillis. Mr. Lillis comments on our telephone service which we often take for granted:

A RINGING TRIBUTE FROM AN IRISHMAN

(By Flannan Lillis)

The author of today's Speak Out is a mechanical set-up man in a tin plate factory. He is married and lives in Glen Ellyn.

Since I arrived in this country some three years ago, I can't help but notice that the Bell Telephone Co. is often criticized for poor service. Frankly I can't understand it.

Perhaps the fact that I am a native of Ireland and that I worked in the telephone company there will explain my bewilderment. I say the telephone company there, because with the exception of a few private firms, the phone company there is operated by the Irish government under the rather grandiose title, "Department of Post and Telegraphs."

I do not, under any circumstances, want to put my own native country or any of its facilities down, but the fact remains that Ireland is still but a growing young country and its technological development has been slow. I think maybe by showing some of the conditions that exist not only in Ireland but also in Great Britain and quite a few other European countries, perhaps what I consider to be an excellent telephone service here will be appreciated a little more.

In quite a few areas in Ireland and other countries, the magneto system is still in operation. Possibly the older people here will remember this type of telephone, with the handle on its side and dry cell batteries underneath. The handle has to be cranked several times to contact the operator who will then, if you are lucky and the line is not down, put you in touch with the desired party. For the dubious distinction of owning one of these antique beauties the waiting list is a year or so.

In Ireland, the directory assistance service is known as "Telephone Enquiries." For a city of 30,000, the maximum staff manning this facility is four. Unfortunately, this service is looked upon as a necessary nuisance by the company. They feel—perhaps rightly—that the people should be capable of finding a number by themselves.

It has been my own unfortunate experience to have had to call this service on a few occasions. After dutifully looking in the book first and not being able to find the number, I have timidly called "Enquiries." The reason I say timidly is these operators have been known to cut people off abruptly if they feel the caller's voice does not sound humble enough.

This particular time, after the customary lengthy wait, I asked for a number. The operator asked me sharply, "Well, have you looked for it yourself?" I replied meekly, "Yes." After another lengthy pause she said, "The number you want is on Page 176, second column, five rows down," and she hung up.

When I think of some of the freaks and perverts that humiliate female operators in directory assistance here while they sit there, not being allowed to cut them off, I think they deserve praise indeed.

There are numerous other contrasts I could made, such as repairs. If your telephone is out of order in Ireland it can take weeks to repair. Here it's just a few days.

I do not mean to ridicule my own country, or charge that every operator there is like the one I mentioned. Neither do I wish to imply that the American people are inconsiderate, I have encountered nothing but kindness since I came here. I just want to make a few points in old "Ma Bell's" favor.

EQUAL RIGHTS AMENDMENT

HON. GLADYS NOON SPELLMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mrs. SPELLMAN. Mr. Speaker, 5 years ago today, the Congress of the United States passed the equal rights amendment to the Constitution. It was, many Members said then, an idea whose time had long since come. It still is.

The amendment is a simple statement of equality for the majority of our society's citizens. I am proud to be here today as a Representative of the State of Maryland, which ratified the ERA less than 1 month after congressional passage. Indeed, the Maryland State Senate ratified it on March 31, 1972—less than 10 days following action by the Congress.

Eloquent testimony to Maryland's commitment to equality is the fact that, we are a comparatively small State, we have more women Representatives in this body than any other State.

For myself, I cannot comprehend the fury of the controversy that has raged around the amendment. It simply says:

Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Substitute for the word "sex" the words "race, religion or age." Can you envision State legislatures refusing ratification to an amendment which forbade discrimination on any of those grounds?

The answer is obvious. What ERA opponents have done is build a series of strawmen which they then demolish with great emotion and fanfare.

I hope and pray, Mr. Speaker, that on

this anniversary date next year, we can all rise to salute final ratification of the ERA. If we cannot, we will be consigning our female majority to a continuing twilight struggle—law by law, regulation by regulation—line by line to achieve the rights already enjoyed by the rest of our citizens.

SUPPORT FOR CARTER ADMINISTRATION PROPOSALS ON ELECTION REFORM

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. KOCH. Mr. Speaker, I was delighted to learn today of President Carter's recommendations dealing with election reform which were communicated to the Congress by Vice President MONDALE this morning. I believe the proposed voter registration legislation, the Universal Voter Registration Act of 1977, the broadening of public financing to cover congressional campaigns and the revision of the Federal Hatch Act are all very important proposals which deserve the Congress immediate attention.

I want to bring special attention to the President's suggestions dealing with the modification of the Federal Election Campaign Act based on our recent experience in this past campaign. I wish to quote from the President's message to the Congress:

> We noticed, for example, that there was less activity than in the past at the state and local level during the general election campaign. Opportunities should be available for more grass-roots participation in Presidential races. This could be accomplished by allowing Presidential candidates to designate one committee in each state to raise and spend a limited amount of money for campaign activities within the state. A reasonable limit for this activity might be 2c per eligible voter. Such committees could be allowed to delegate spending authority to local committees, but they should still be responsible for reporting contributions and expenditures. Also, when Congressional candidates mention in their advertising the Presidential nominee of their party, the expenditure should not have to be reported by the Presidential candidate.

The issue that the President raised in this portion of his message is one that I have been concerned with ever since my congressional campaign committee, "New Yorkers for Koch," printed 3,000 Carter-Mondale-Koch buttons in the fall of 1976. When I was informed that the Federal Election Commission had directed candidates to remove billboards which included the names of Presidential candidates, I requested a ruling from the Commission on my buttons. The Commission ruled only that I could give out my buttons, but declined to make a broader ruling.

I wholeheartedly agree with the President that such expenditures need not be reported by the Presidential candidate. I have introduced H.R. 3752 to address this particular problem and I hope that this bill will be considered along with the other proposals currently pending before the Congress and those made by the Carter administration. The text of H.R. 3752 follows:

H.R. 3752

A bill to amend the Federal Election Campaign Act of 1971 to provide that payments made with respect to certain campaign materials shall not be considered to be contributions under such Act. and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 301(e)(5) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(e)(5)) is amended—

(1) in clause (H) thereof, by striking out "or" immediately after the semicolon;

(2) in clause (I) thereof, by inserting "or" immediately after the semicolon; and

(3) by inserting immediately after clause (I) the following new clause:

"(J) any payment made or obligation incurred by any candidate for nomination for election, or election, to any Federal office or any State or local elective public office, by the principal campaign committee of such candidate in the case of a candidate for Federal office, or by any political organization of a candidate for State or local elective public office which engages in activities with respect to such candidate which are substantially similar to activities engaged in by a principal campaign committee, for—

"(i) any political campaign button or motor vehicle bumper sticker which advocates the election of both such candidate and any other individual who is a candidate for Federal office; or

"(ii) any other political campaign advertisement which advocates the election of both such candidate and any other individual who is a candidate for any Federal office, except to the extent that the aggregate cost of all such advertisements with respect to the election involved exceeds—

"(I) an amount equal to 2 cents multiplied by the voting age population of the State in which such election is held (as certified under section 320(e)), in cases in which the names of both such candidate and such other individual will appear on the election ballot in each of the political subdivisions of such State; or

"(II) $6,000, in cases in which the name of either such candidate or such other individual, or the names of both such candidate and such other individual, will appear on the election ballot in fewer than all of the political subdivisions of such State;".

(b) The second sentence of section 320(c)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)(1)) is amended by inserting "and the amounts specified in section 301(e)(5)(J)(ii)" before "shall be increased".

SEC. 2. (a) Section 9002 of the Internal Revenue Code of 1954 (relating to definitions) is amended by adding at the end thereof the following new paragraph:

"(13) The term 'contribution' does not include any payment or obligation referred to in section 301(e)(5)(J) of the Federal Election Campaign Act of 1971.".

(b) Section 9032(4)(E) of the Internal Revenue Code of 1954 (relating to definitions) is amended—

(1) in clause (i) thereof, by striking out "or" immediately after "candidate,";

(2) in clause (ii) thereof, by striking out the period and inserting in lieu thereof ", or"; and

(3) by adding at the end thereof the following new clause:

"(iii) any payment or obligation referred to in section 301(e)(5)(J) of the Federal Election Campaign Act of 1971.".

SEC. 3. Section 591(e)(5) of title 18, United States Code, is amended—

(1) in clause (D) thereof, by striking out "or" immediately after the semicolon;

(2) in clause (E) thereof, by inserting "or" immediately after the semicolon; and

(3) by inserting immediately after clause (E) the following new clause:

"(F) any payment or obligation referred to in section 301(e)(5)(J) of the Federal Election Campaign Act of 1971;".

SUGAR INDUSTRY NEEDS HELP

HON. RAYMOND F. LEDERER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. LEDERER. Mr. Speaker, the recent depressed state of the American sugar industry is a matter of great concern to us all. However, even more troubling is the so-called solution of the International Trade Commission which recommended restrictive quotas on all foreign sugar imports. This recommendation came last Friday in the ITC's report to the President on investigation No. TA–201–16 Under section 201 of the Trade Act of 1974. Not only is this solution blatantly anticonsumer and economically inefficient, it will also fail to assist the American cane and beet sugar farmer who the International Trade Commission is supposedly trying to protect. Moreover, the import quota would at the same time wreak havoc on the domestic sugar refining industry.

In the aforementioned investigation by the ITC, the effect of their recommendations on the American consumer has been totally ignored. Conveniently lost in the passage of time were those painful months in 1974 when the consumer was expected to pay between 70 and 80 cents for a pound of sugar. The consumer is left by the ITC without any assurance that the 1974 sugar crisis will not reoccur in 1977. A 1977 sugar crisis would be further acerbated by the recent FDA ban on saccharin, a sugar substitute whose present use is equivalent to approximately one-quarter million pounds of sugar annually. To force the American consumer to shoulder such a burden is not only unconscionable, but economically irresponsible when viewed with its inflationary ramifications.

In addition, import quotas are probably the least efficient mechanism by which the Federal Government can protect the cane and beet sugar growers of the United States. If we need to aid the domestic sugar farmers, the Government can protect the growers, the consumer, and the domestic sugar refining industry, by granting Treasury subsidies and price supports to the farmer rather than by artificially raising the price of sugar through tariff and import quotas. The cost to consumers of raising the price of sugar 1 cent a pound through the tariff or import quota mechanism would, according to industry estimates, be in excess of $286 million.

On the other hand, the U.S. Cane Sugar Refiners Association estimates that for each penny a pound for sugar borne by U.S. Treasury subsidies, rather than through tariff or import quotas, the cost to the Treasury would be $124 million. The efficacy of the subsidy rather than the tariff or import quota mechanism is substantiated by the U.S. Department of Agriculture which states in the

summary of its publication Sugar Policy Options for the United States that:

The compensatory payment scheme is the least costly of the specific price assurance options, but costs are borne by the Treasury rather than by the consumer, per se.

Certainly, Mr. Speaker, the subsidy mechanism is a far more viable alternative for the consumer, the Government, the sugar refining industry, and indeed the cane and beet sugar grower, than the import quotas recommended by the ITC.

Moreover, such import quotas will fail to assist the domestic cane and sugar farmer that they were designed to protect. The domestic corn sirup industry, already successfully competing with the cane and beet sugar growers, would be placed in a position to receive huge windfall profits from any tariff or import quotas on sugar. By artificially raising the price of sugar through tariffs or import quotas, the Government would simply be awarding the corn sirup manufacturers a larger share of the domestic sugar market. The higher domestic cane and beet sugar prices would simply force industrial sugar users and consumers to a cheaper alternative source—that of corn sirup sweeteners. Thus it is not only conceivable, but probable that the cane and beet sugar farmers of the United States would lose a large share of the market that they had enjoyed before an imposition of import quotas. This would leave these growers in a worse position than before any import quotas were implemented.

Additionally, these import quotas would severely damage the second tier of the sugar industry, that of the sugar refiners. Reducing the imported sugar supply would involve layoffs and reduced hours of work in the sugar refining industries, whose plants are located in areas already suffering intolerably high levels of unemployment.

The import quota recommendations made by the ITC would have a devastating impact on a national economy already ravaged by inflation. It is an economically inefficient mechanism which does not achieve its goals. Most tragically, these import quotas will damage the very sugar industry that they were implemented to strengthen. If the Government wishes to revitalize a depressed domestic sugar industry it must do so in a manner responsible to all the interests involved. Tariff and import quotas in this case are responsive to none of them. It would behoove the Congress to urge the Carter administration to reject any such recommendations for our ailing sugar industry.

BILL TO ELIMINATE UNFAIR PRACTICES IN SOCIAL SECURITY PAYMENTS

HON. EDWARD P. BEARD

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. BEARD of Rhode Island. Mr. Speaker, I am introducing today a bill that is intended to eliminate four widespread and unfair practices that currently exist in social security payments. The Social Security Recipients Fairness Act would alleviate hardships caused by the problem of lost, stolen, or delayed social security chceks, eliminate outrageous delays in processing claims for disability in many parts of the country, extend these protections to recipients of black lung benefits and protect recipients from undue economic hardship due to accidental overpayments.

When we talk about delays in handling complaints, we are talking about 6 weeks to 6 months in many cases. When we talk about disability claims, we are talking about 6 months to 2 years. This must and can be stopped and I believe the provisions of my bill will do it.

COMMON SITUS PICKETING

HON. MICKEY EDWARDS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. EDWARDS of Oklahoma. Mr. Speaker, this week the House will vote on H.R. 4250 and decide the question of whether labor union leaders are to be given immense new powers as negotiators with management.

Common situs picketing legislation has many faults, among them a lack of support by the general public as well as the American union member. After many months of debate on this issue, advocates of common situs picketing legislation have failed to present a convincing argument for this bill, or even to produce a cause for such legislation. Two national opinion surveys, one commissioned by labor union leaders themselves, show that there is no strong support for the bill.

As the debate over the merits of common situs picketing draws to a close, I urge my colleagues to evaluate all the arguments, because your vote will have great impact on the national economy and on the balance that now protects organized workers and small businessmen alike.

I also ask that you give careful consideration to the following statement by Mr. Dudley Mitchell, executive vice president of the Associated Builders and Contractors of Oklahoma, Inc., who speaks for many concerned Americans who are knowledgeable about the misconceptions planted by advocates of common situs picketing:

STATEMENT BY MR. DUDLEY MITCHELL

(1) The true intent and effect of HR 3500 has been clouded by union rhetoric.

The unions claim in the preface of HR 3500 that the intent of the bill is "to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers."

Hogwash! They already have the same leverage as other unions in that they have the right to strike against their employer and to shut down the operation of that employer at a construction site.

Of course supporters of this bill say that one union can shut down an entire plant, even if that plant's employees belong to several unions. They further say they should have the right to shut down an entire construction site.

The critical difference in these comparisons are, of course, ignored. An industrial plant is a single employer with some control over his labor relations policies, but a construction site operates differently. The construction site involves many independent contractors, often called subcontractors and also many different skilled crafts, and no single employer on the construction site has control over the labor relations policies of all the various contractors on the site.

(2) The proponents of this bill are quick to tell everyone that this bill, H.R. 3500, has built-in safeguards that protects minorities, prevent strikes and reduce picketing.

I cannot for the life of me find one single acceptable safeguard in this bill. Let's look at each of the so-called safeguards:

A. Protects minorities: According to several governmental surveys, private surveys and personal observance, this is like giving the wolf the key to the sheep pen. There is a far greater percentage of minorities on the payroll of merit shop and open shop contractors than has ever been under the union shop. Also, there is adequate regulations requiring equal opportunities for minorities already in our laws.

B. Prevents strikes: Supporters of this bill say that this bill requires approval of the national union before striking, but in the same vein this bill would remove all liability for the national union, even if the local union engages in illegal activities during a strike. This is some kind of protection, and how does it protect or safeguard against strikes? In my opinion, this is nothing but whitewash. So they have to notify their national union, but the national union is absolved of any liability, so the end results would be unauthorized pickets that effectively block work at the construction site. There is no responsibility, so where is the control?

C. Reduces picketing: Horrors, this is sickening. How stupid do the supporters of this situs picketing bill think our Congressmen and the public are? Can you imagine a situs picketing bill to authorize entire site picketing is going to reduce picketing! During the situs picketing bill of last year, the then Secretary of Labor testified that unless the situs picketing bill was passed and became law that the construction industry could expect the greatest number of work stoppages in history, that the construction industry would be crippled. Nothing is farther from the truth. After the failure last year, we had the fewest work stoppages that I can ever remember. The exact opposite of their claims is true. If situs picketing is passed, we will then see the greatest number of work stoppages in history and the construction industry along with our entire economy will be crippled.

(3) If HR 3500 becomes law, Oklahoma along with the rest of our country, will suffer. We in the merit shop and open shop part of the industry will be the subjects of constant intimidation, coercion and pressures from all points. The first few months would be total havoc for the free enterprise, independent contractor. Aggravation picketing would be the general rule rather than the exception, owners would be threatened and intimidated and extreme pressure would be made to force them to cancel their contracts with merit shop and open shop contractors and renegotiate them with closed shop contractors. It would result in a real mess, battle lines would be drawn and the entire industry polarized. Then as the smoke settled opportunities would develop where both open shop and union shop contractors would be bidding on the same job. When this happens, the union shops cannot compete and the great difference in philosophies would become apparent. In fact, I believe that

within a period of less than two years closed shop union contractors would be doing only public work jobs, and open shop free enterprise contractors would be doing only private work.

Is this what Congress wants? Are union shop or closed shop contractors better than open shop contractors? Are union craftsmen entitled to the work and non-union craftsmen not entitled to pursue their chosen lines of work? Why is it that Congress cannot leave the free enterprise system alone and let the industry seek its own level? There is room for both philosophies.

Frankly speaking, if situs picketing offers all the protections that supporters claim, what good could it possibly do them? None! If it does not offer those protections, why on earth does Congress believe that they have got to give union complete control of our economic system. Sure, labor bosses made large contributions and supplied large amounts of help to get many of our Congressmen elected, but do they owe them all this?

This bill is an attempt to legislate union wages, working conditions and control of the entire construction industry, something unions cannot do for themselves. Gentlemen, we cannot allow this to occur. I request all effort, influence and votes be used by right-thinking Congressmen to defeat this blatant attempt.

Situs picketing is not acceptable to me or my associates in any form, fashion or situation. Please defeat HR 3500.

COMMON SITUS PICKETING

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. DERWINSKI. Mr. Speaker, tomorrow the House is scheduled to take up the consideration of the common situs picketing bill.

This bill has received more pro and con discussion than any other piece of legislation in this session of the Congress.

In the event, there are any Members who are still undecided as to how to vote on this bill, I direct their attention to an editorial against the common situs picketing bill, broadcast by WGN Radio-TV Continental Broadcasting Co. of Chicago. This editorial was carried on their March 15 news programs:

AGAINST COMMON SITUS PICKETING

A legislative priority of organized labor is being considered again on Capitol Hill. It is a bill which could bring disruption to the construction industry, an industry still trying to recover from the recession of 1974 and 1975. It could also force small subcontractors and their employees into collective bargaining whether they want it or not.

What the proposed legislation would allow is something called common-situs picketing. It works this way.

A large construction project is well underway. The general contractor has subcontracted for concrete, brick-laying, structural steel, electrical, plumbing, tile and carpentry work. Each sub-contractor is dealing with different crafts. If his workers are unionized, each subcontractor is dealing with a different union. Let's suppose the tile masons go on strike. At present they may picket their employer only. The other building trades continue to work. But, under common-situs picketing, they would be able to picket the construction site, with the other trades honoring the picket line, stopping all work.

In essence, under common-situs picketing, a union would be picketing more than the company which employs it. It would be picketing several firms, something we think is unfair.

We think the common-situs picketing bill should be defeated.

AT THE ENERGY CROSSROAD

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. ROSENTHAL. Mr. Speaker, this freezing winter has given us a stark reminder of America's vulnerability in our growing dependence on oil and gas. The immediate shortage may be blamed in large part on energy companies that withheld supplies desperately needed in the East and Midwest. It would be a tragic mistake, however, to explain away our entire energy dilemma with this shortsighted answer.

Instead, we must recognize our fossil fuel resources are not going to last forever. A comprehensive policy must be set without delay to attain greater energy efficiency through tough conservation measures and greater public control of existing supplies. We also must commit the country to a massive program for development of permanent energy sources like solar energy.

Congress made some progress toward such a comprehensive energy policy when it passed the Energy Policy and Conservation Act in December 1975. That law requires auto manufacturers to improve the efficiency of cars, authorizes a standby petroleum reserve in case of future embargoes, requires energy efficiency labeling on appliances and sets up machinery to coordinate state energy conservation plans and the collection of energy data. The result, while encouraging, is still a patchwork of well-meaning efforts and not a clear statement of policy goals.

The need for a broad national policy is urgent. Domestic oil production peaked in 1970. Domestic natural gas production peaked in 1974. Just to stay even—to keep the level of imports the same as they were in 1976 and maintain the same level of consumption—we would have to discover 3.1 billion new barrels of oil each year. We have been discovering only about one-sixth that amount while rapidly depleting old reserves.

We must turn first to the safest, most reliable and least polluting form of immediate energy—conservation.

In 1975, Americans wasted more fossil fuel than was used by two-thirds of the world's population. We annually consume more than twice as much fuel as we need to maintain our standard of living.

Conservation will not damage our economy, as some alarmists fear. We can travel as many miles, stay as warm, operate as many appliances and eat what we now eat—yet do it with more energy efficiency.

We do not have to live in a cold house—we can have well-insulated homes with efficient heating systems. We do not have to shut down factories and powerplants—we can harness the enormous amount of waste heat they produce but squander. We do not have to give up cars—we can trade a 7-mile-per-gallon guzzler for a 40-mile-per-gallon compact.

Our energy policy also must provide strong incentives, such as tax credits and loan programs, for consumers to switch to energy-efficient products and habits, as President Carter will suggest on April 20. Change is needed in those Federal transportation regulations and utility rate structures that promote inefficient energy use. Industry must be made to comply with tough production requirements that need not be elaborate. If all new buildings in the next 12 years are constructed properly—by using a large south window as a simple type of "passive" solar collector, for example—we will save about as much energy as we expect to pump out of the Alaskan North Slope.

As a second step, the new policy must acknowledge that our natural resources are in fact national resources and should be treated as such. Price controls on oil and gas must be extended to safeguard the consumer, who is not buying his energy from a competitive industry operating in a free marketplace. The bidding procedures for leasing federally owned lands should be revised to open the public's vast fossil fuel reserves to small, independent firms. Vigorous antitrust action is needed to decentralize energy giants and make them responsive to national policy interests.

We also must eliminate the tax loopholes, oil depletion allowances, foreign tax credits, and other governmental rules that subsidize the oil and gas companies.

The revenue generated from forcing the energy companies to pay their fair share of taxes can help in the third and most important task: developing the means to make ours a society powered by sustainable energy sources like the Sun, wind, the oceans, or the heat below the Earth's crust. These are not "exotic" forms of energy—they are the hard currency that will buy a comfortable future. While research finds techniques to make these renewable energy sources commercially feasible, our plentiful coal reserves can help us through the transition. But instead of spending billion of research dollars on energy-wasting techniques that convert coal to oil and gas, coal can and should be burned directly and cleanly.

Without a farsighted energy policy that deemphasizes oil and gas technologies, we face energy and even financial bankruptcy. After we have stripped our lands bare, laced our landscape with high voltage power lines and nuclear plans and plundered our oceans, we will have only a society built around nonexistent fuels.

Continued dependence on past energy patterns will consume a large portion of our investment dollars while realizing little longrun return. Just building more oil and gas facilities and danger-laden nuclear powerplants would cost about two-thirds of all net new capital generated between now and 1985, according to some economists. These huge expenditures would kick off higher prices, deprive industry of the money it needs to

invest in less wasteful technologies and spawn another result we do not need—higher unemployment. Investments in large energy facilities produce fewer jobs per dollar than any other investment we could make.

Continuing down this path also will not stem the relentless centralization of the energy industry. In 1975, the top eight energy companies controlled 53 percent of domestic crude oil production and 43 percent of natural gas production. In 1970, the eight largest firms controlled 41 percent of coal production and the seven largest firms controlled 65 percent of the crude oil production in the non-Communist world—an increase of more than 61 percent since 1953. Failure to act will leave America's energy policy in the hands of a few giant firms which, together with the OPEC cartel, can set arbitrary prices and production levels.

Much of the task of implementing a consistent energy policy falls to Government. President Carter has taken an essential first step in his proposal to reorganize the disparate and overlapping energy bureaucracies in Washington. I am one of the sponsors of legislation to establish a Cabinet-level Department of Energy.

How our time, skills, and money are spent now will determine whether the rest of this century and the next will be years of relative energy security. The United States cannot afford a disjointed policy that reinforces our present profligate and shortsighted ways.

WOODSTOCK THEFT DETECTING SOCIETY OF CONNECTICUT

HON. CHRISTOPHER J. DODD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. DODD. Mr. Speaker, I recently had the honor of addressing the Woodstock Theft Detecting Society of Connecticut—a group dedicated to the idea of community and neighborhood cooperation.

The society, first organized in 1793 and chartered by the State of Connecticut in 1834, originally provided for a means of recovering stolen property. Society members were supplied with horses and were obliged to follow thieves at a moment's notice.

Today, the society remains much the same, with the addition of women members in 1919 and associate members in 1950. In addition persons living in a 10-mile radius outside of Woodstock township limits receive the same benefits as amended in 1887.

Mr. Speaker, in the spirit and dedication of the members of the Woodstock Theft Detecting Society, I would like to include the history of the society in the RECORD.

THE WOODSTOCK THEFT DETECTING SOCIETY

HISTORY OF WOODSTOCK

Emma Aldrich[1] 1908–26, except 1920–21, when Mrs. Albert Henry Hibbard (Ellen Van Lew Cox) was Librarian:

The Woodstock Theft Detecting Society was organized May 20, 1793,[2] with the idea of recovering property stolen in town. A President, Vice-President, Clerk, Treasurer and six "Pursuers" were the officers chosen. Pursuers were provided with horses, and were obliged to follow thieves at a moment's notice. Gen. Samuel McClellan was the first President, Ejiah Williams the first Treasurer and Major Ebenezer Smith the first Secretary or Clerk. Elijah Williams, Ebenezer Smith, Hezekiah Bugbee, William Graves and Silas May drew up By-Laws. Meetings were held quarterly, alternating between Williams' Tavern (Hamilton Holt's house) on Woodstock Hill and Silas May's Tavern in East Woodstock, now the home of his great-grandson Chester E. May.[3] The Society was reorganized and incorporated in 1824.[4] The incorporators were William May, Jedidiah Kimball, Alfred Walker, Jonathan May, Theophilus B. Chandler, John Paine, William Flynn. Annual meetings the third Monday in December, with dinner, singing, speeches and the election of officers were held at Elmwood Hall, the Vestry of the Church in South Woodstock, in West Woodstock, and recently in the Community House, East Woodstock. Following are the officers of the Society during the past one hundred and thirty-three years (1793–1926):

FOOTNOTES

[1] The author is indebted to Mrs. May for information regarding the East Woodstock Library.

[2] References to the Society are in Larned's "Windham County," Vol. II: 455, 533. For list of original and all other members of the Society see Appendix 24, p. 632.

[3] "My Ancestors," by Lyman May Paine, Chicago 1914, p. 99.

[4] The Act of Incorporation was passed at the May session of the Legislature. At the annual meeting of the Society in 1829, during the Temperance Agitation, John F. Williams, Clerk, wrote in the Records: "No ardent spirits drunk today."

Presidents

1793–1796: Gen. Samuel McClellan.
1797: Nehemiah Child.
1798–1800: Gen. Samuel McClellan.
1801: Silas May.
1802–1803: Gen. Samuel McClellan.
1804: Capt. William May.
1805–1808: Capt. Ephraim May.
1809: Nehemiah Child.
1810: Capt. Christopher Bentley.
1811: Nehemiah Child.
1812–1814: Rensselaer Child.
1815–1820: Capt. Ephraim May.
1821: Capt. William May.
1822–1823: Theophilus B. Chandler.
1824–1825: Jonathan May.
1826: Rensselaer Child.
1827–1828: John Paine.
1829–1832: John Fowler, 2nd.
1833–1835: William Flynn.
1836–1838: John F. Williams.
1839: Ezra Child.
1840: John Fowler, 2nd.
1841–1843: Eleazar Litchfield.
1844–1846: Amasa Carpenter.
1847–1848: Nathan Austin.
1849: Oliver Saunders.
1850–1852: William Flynn.
1853–1854: Henry Wells.
1855–1857: Samuel Fenner.
1858: Stephen Potter.
1859–1861: John F. Williams.
1862–1865: Leonard M. Dean.
1866–1867: Zenas Marcy.
1868–1869: John E. Buckman.
1870–1871: Oliver H. Perry.
1872: Oscar Fisher.
1873–1875: Charles Harris May.
1876–1877: Dr. George A. Bowen.
1878–1879: Stephen D. Skinner.
1880–1882: Carlo May.
1883–1884: James B. Tatem.
1885: Francis W. Flynn.
1886: Edward T. Warner.
1887–1888: Ebenezer Bishop.
1889–1890: Finley M. Fox.
1891–1892: Henry K. Safford.
1893–1894: John H. Child.
1895–1896: William W. Webber.
1897–1898: Frank R. Jackson.
1899–1900: John F. Chandler.
1901–1902: Clarence H. Child.
1903–1904: Oliver A. Hiscox.
1905–1906: Leonard H. Healey.
1907–1909: Melancthon Riddick.
1910–1911: Albert Nelson Hammond.
1912–1913: Chester E. May.
1914–1916: George M. Sampson.
1917–1918: Edward L. Chamberlain.
1919–1920: Charles M. Perrin.
1921–1922: Benjamin R. Ritch.
1923–1924: Byron W. Bates.
1925–1926: Luther J. Leavitt.

Vice Presidents

1826: John Paine.
1827: William Bowen.
1828: John Fowler, 2nd.
1829–1832: William Flynn.
1833–1834: Theophilus B. Chandler.
1835: John F. Williams.
1836–1838: Ezra Child.
1839: Andrew A. Williams.
1840: Rhodes Arnold.
1841–1843: Amasa Carpenter.
1844–1846: Nathan Austin.
1847–1848: Oliver Saunders.
1849: James Lyon.
1850: John F. Williams.
1851–1852: Peleg C. Child.
1853–1854: John F. Williams.
1855–1856: Stephen L. Potter.
1857: Chester W. Paine.
1858–1861: George A. Penniman.
1862–1863: Jethniel Perrin.
1864–1865: Daniel Warner.
1866–1867: John E. Buckman.
1868–1869: Elisha M. Phillips.
1870–1871: Stephen D. Skinner.
1872: Charles H. May.
1873: Edwin S. Bugbee.
1874–1875: Albert C. Chandler.
1876–1877: Andrew F. Clark.
1878: Thomas Milligan.
1879–1881: William B. Lester.
1882: Waldo Phillips.
1883–1884: Edward T. Warner.
1885–1886: Alexander M. Bancroft.
1887–1888: William W. Webber.
1889–1890: William A. Weaver.
1891–1892: John H. Child.
1893–1894: William W. Webber.
1895–1896: Frank R. Jackson.
1897: Nathan E. Morse.
1898: John F. Chandler.
1899–1900: Clarence H. Child.
1901–1902: Oliver A. Hiscox.
1903–1904: Leonard H. Healey.
1905–1906: Melancthon Riddick.
1907–1909: Albert Nelson Hammond.
1910–1911: Charles Child Gildersleeve, M.D.
1912–1913: George M. Sampson.
1914–1916: Edward L. Chamberlain.
1917–1918: Charles M. Perrin.
1919–1920: Benjamin R. Ritch.
1921–1922: Byron W. Bates.
1923–1924: Luther J. Leavitt.
1925–1926: William M. Gallup

Treasurers

1793–1795: Elijah Williams.
1796: Jason Williams.
1797–1798: Elisha Lyon.
1799–1805: William Bowen.
1806: Elias Child.
1807–1825: William Bowen.
1826: Judah Lyon.
1827: John Fowler, 2nd.
1828: John F. Williams.
1829: Spencer Child.
1830–1834: John F. Williams.
1835–1843: Edwin S. Child.
1844–1847: John F. Williams.
1948: Lorenzo Litchfield.
1849: Hiram N. Brown.

1850: Averill Barlow.
1851–1852: Leonard M. Dean.
1853–1855: Charles H. May.
1856: Samuel M. Fenner.
1857: John F. Williams.
1858–1861: Jethniel Perrin.
1862–1865: George A. Paine.
1866: Caleb Fenner.
1867–1881: Nathan E. Morse.
1882–1919: David Aldrich.
1920–1926: Mrs. Frank A. Jordan.

Clerks

1793–1795: Elijah Williams.
1796: Jason Williams.
1797–1799: Elisha Lyon.
1800–1804: Elias Child.
1805: Theophilus B. Chandler.
1806: Elias Child.
1807–1823: Jonathan May.
1824–1827: John Fowler, 2nd.
1828: John F. Williams.
1829: Spencer Child.
1830–1934: John F. Williams.
1835–1843: Edwin S. Child.
1844–1848: John F. Williams.
1849–1852: Lorenzo Litchfield.
1853–1855: Lewis Chamberlain.
1856–1861: Jethniel Perrin.
1862–1865: Caleb Fenner.
1866–1871: George A. Paine.
1872–1877: Monroe W. Ide.
1878–1882: Henry T. Child.
1883–1886: Oliver A. Hiscox.
1887–1889: Charles H. Killam.
1890: Henry K. Safford.
1891–1892: Frank R. Jackson.
1893–1894: William A. Weaver, Jr.
1895: Oliver H. Perry.
1896–1900: Melancthon Riddick.
1901–1902: George M. Sampson.
1903–1906: George C. Phillips.
1907–1910: John F. Chandler.
1911–1913: S. Howard Peckham.
1914–1920: William M. Gallup.
1921–1922: Mrs. John S. May.
1923–1925: Mrs. Charles H. Potter.
1926: Mrs. Albert H. Williams.

IMPROPER EXPLOITATION OF BABY SEALS

HON. BRUCE F. CAPUTO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. CAPUTO. Mr. Speaker, inhumane treatment of animals is a subject of utmost concern to many Americans. Today the House considers a resolution, of which I am a cosponsor, House Concurrent Resolution 142, which urges the Canadian Government to reassess its policies regarding the harp seal. Certainly, we do not have the right to intervene in Canada's internal policymaking, however, we do have an obligation to voice the concern of the Congress and of the American public over present policies allowing newborn harp seals to be clubbed to death for their pelts. No use is made of the carcasses for food.

The possible extinction of this animal warrants congressional action. Improper exploitation of baby seals or any other animals must be rectified. I hope you will join with me and my colleagues who have cosponsored this resolution in addressing the problem and requesting a reevaluation and termination of current Canadian policies regarding the harp seal.

A TRIBUTE TO DR. ARIE J. HAAGEN-SMIT: THE DISCOVERER OF SMOG

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. BROWN of California. Mr. Speaker, I rise to note the death of a great scientist who has made a tremendous contribution to the public health and welfare. Dr. Arie J. Haagen-Smit was not only a noted biochemist; he was also a public servant. His dual career was a consequence of his discovery in 1950 that emissions from automobiles and industry, when mixed in the atmosphere and heated by the sun, resulted in new harmful chemical compounds then known as smog. It seems almost ludicrous today to think that this chemical transformation was once hotly denied by industry, but that is the way it was in the 1950's.

My own political career has crossed the path of Dr. Haagen-Smit many times. In 1954, when I was a city councilman from Monterey Park, in Los Angeles County, I saw Dr. Haagen-Smit demonstrate the chemical reaction before the city council. In those days Dr. Haagen-Smit's work was either ignored or attacked by polluting industries as being "unscientific." This familiar refrain is still being heard today in this body.

In spite of the early skepticism about the research on the causes of smog, further research confirmed what now seems so obvious, and the State of California began its 20-year-long effort to control automobile emissions. As we all know as we debate the auto emission standard deadlines again this year, the struggle that began with Dr. Haagen-Smit in 1950 is still going on today.

Once the need for controlling pollution became compelling, largely through citizen pressure upon politicians, Dr. Haagen-Smit was called upon to serve on numerous public bodies that were responsible for controlling or studying air pollution. Among one of his assignments was chairman of the California Motor Vehicles Pollution Control Board, which set auto emission standards in California in the late 1960's. He similarly served on numerous national committees, and continued his research which led to further restrictions on automobile and industrial air pollution. Throughout the history of modern air pollution control efforts, progress in cleaning up the air and Dr. Arie Haagen-Smit have been synonymous. It would be a pity if his death also marked the death of air pollution control efforts, as so many seem to desire today.

Mr. Speaker, at this time I place two articles about Dr. Haagen-Smit in the RECORD. I commend both items to my colleagues.

The articles follow:

[From the Los Angeles Times, Mar. 6, 1977]

THINK OF HIM WHEN SKY IS BLUE, AIR SWEET

(By Al Martinez)

"We will always have some bad days," he said, coughing and trying to smile. "But there are so many more good days now . . ."

The battle for clean air has been long and difficult for the man who never intended to fight a war in the first place.

All that Dr. Arie Haagen-Smit ever intended to do was indulge his curiosity. He wanted to know why trees grew, and why they died.

As a biochemist, life was his essential interest—its beauty and its processes.

And then one day, as a friend tells it, he stepped out of his ivory tower at the California Institute of Technology in Pasadena, and discovered air pollution.

That was more than a quarter of a century ago. It has never been the same for the man they call, with some irony, "the father of smog."

He was abruptly taken from the scholarly ambience of his scientific workshop into the chaotic public arena at a time when there were no winners on the ecological front.

Environmentalists fought him with the same ferocity as private industry.

"It was a case," says Haagen-Smit today, "of being handed your own death certificate. There was simply no point in arguing with anyone."

His simile has some chilling aspects. The Holland-born scientist, winner of all but the Nobel Prize—and there isn't one in ecology—is a dreadfully ill man.

A serious lung condition that causes spasms of coughing has sapped his strength and confined him mostly to his quiet and lovely home on a tree-lined street of Pasadena.

But it has not clouded the mind or crimped the humor of the "gentle Europena," nor has it dampened his optimism.

What Dr. Haagen-Smit, the man they call "Haggy," did back in 1950 was discover the sources and processes of air pollution and create them in a test tube.

No one had one that before ("Although someone would have done it eventually," he says modestly), and the subsequent attention was life-changing.

Haagen-Smit not only laid out in scientific principle what smog is—hydrocarbons and oxides of nitrogen—but also pointed a finger at who caused it. The prime sources, he told the world, were the oil and automotive industries. Then he waited for their reaction.

"At first," he said, "they were very quiet." Haagen-Smit leaned back in a contour chair and stared at the ceiling, half-smiling, remembering.

"Then they laughed at me and tried to discredit me." He brought the chair forward to face his interviewer. "Then there was a war . . ."

He entered that war reluctantly. To be a hero, and a target, in the environmental movement had not been the gentle European's intention.

"But I suppose," he mused, "it was not the intention of the fly to catch the fly-paper either, if you know what I mean."

Such was the impact of his discovery that Haagen-Smit, then a professor of biology at Caltech, was to become in 1968 chairman of the California Air Resources Board, a post he held until 1973, and a leader in the fight for clean air.

That the air remains polluted, to a lesser degree than it was 27 years ago, is no cause for distress, he says. What matters to him is that "the show is on the road."

"We will always have some bad days," he said, coughing and trying to smile. "But there are so many more good days now . . ."

Arie Haagen-Smit is 76. He received his Ph.D. in chemistry in the Netherlands and came to the United States for the first time in 1936 to lecture at Harvard.

A year later he was invited to join the faculty at Caltech, and was there until his retirement in 1971.

His primary concern was biochemistry. "I was interested in the problems of nature,"

he would tell a reporter. "Why does a plant grow? Why does a fly have red eyes?"

It was an interest based in his youth. He remembers running through the fields of Holland, picking flowers and trying to determine what they were.

"My interest was in me," he said, "and in the chemical processes that sustain it."

That interest was expanded in 1949 to include air pollution. The compelling force, he says simply, was curiosity.

"No one could miss smog in those days," Haagen-Smit said. "I felt it would not be difficult to find out what it was. And so I began."

The result was what some have termed "Haagen-smog"—that is, air pollution in a test tube. He had isolated the recipe for "goop in the air."

The first announcement of his achievement was carried inconspicuously in the press, and was greeted initially with only passing interest.

To Haagen-Smit, pollution was an affront to beauty, a stinking cloud that rolled across the landscape every afternoon. But to most it was a Jack Benny joke, a kind of Los Angeles symbol that no one was taking too seriously back then.

The mild response to his discovery did not trouble the slightly built Dutch scientist. He had satisfied his curiosity.

"As far as I was concerned," he said in a clipped accent, "it was then up to others to do the dirty work. I went back to the laboratory."

He was not to remain in peace much longer, however. The industries he had named as major polluters were beginning to react.

"They said my work was not scientific," Haagen-Smit said, never too concerned about their efforts to discredit him. "But major studies which cost much more than mine were undertaken and they all reached the same conclusion."

Then he added, not so much immodestly as factually: "You can't beat the truth."

As the impact of his discovery grew, Haagen-Smit ("A scientific Don Quixote," an industrialist once sneered) edged into center stage.

From a Chamber of Commerce scientific committee he stepped up to the state level, joining the new Motor Vehicles Pollution Control Board—a stepchild of his discovery.

It was an uneasy venture into public life. "I felt I was competent in chemistry," Haagen-Smit said, sipping water to control his cough, "but not in government. However, the job had to be done. I never walk away from anything."

That was to be his pervasive philosophy over the next several years, but he was never at ease in the uncertain environment of public formalities.

"I guess I'm just not a government man," he told an interviewer in the heat of one battle. "You can't let your hair down in government, and they can't just look at me and say, 'You're getting old, Haggy . . .'"

In 1968, the Motor Vehicles Pollution Control Board became the 14-member Air Resources Board and Haagen-Smit was its chairman.

The battle heated. Industry criticized him on one hand for being too tough, and the environmentalists were on him for being too weak.

But the shouters, he said with a small shrug, never influenced him one way or the other.

"They got awfully excited, but I just stayed quite. It's better not to talk back. You always lose."

What Haagen-Smit was doing instead was approaching the top men in the petroleum and automobile industries to get something done.

"I have found," he said, "that it does no good to go to anyone unless he is in charge. All a company president has to do to get something done is send out a little memo . . ."

The results of the "little memos"—and some legislative muscle—were gratifying to Haagen-Smit, and he is quick to compliment both industries for the actions they have taken to reduce air pollution.

He estimated in 1953 that they were each responsible for pumping 800 tons of pollutants into the air daily. The oil industry, he points out now, is down to about 150 tons a day and the auto industry down to 300 tons.

"It just proves," he says, "that if you give people time there is no reason to be pessimistic. The oil and auto industries learned that . . ."

Meanwhile, pressure was mounting for the unwieldly ARB to be reorganized, and it was. In 1972, the agency was reduced from a 14-member to a five-member board.

Haagen-Smit, who had retired from Caltech the previous year, wanted to quit the state job too but was prevailed upon to continue—still as board chairman.

"Let's face it," one member would say later. "His prestige alone was holding the whole thing together."

Haagen-Smit reached his decision to stay by facing a simple truth. "The public has a right to clean air. Perhaps I can help."

Despite high praise, an increasing number of scientific honors and the best of motives, they were not halcyon days for the soft-spoken Dutchman.

He was even accused of letting speakers ramble on too long at public meetings.

To such criticism, after one man had talked for 45 minutes, Haagen-Smit replied, "He's a human being. He would feel badly if no one listened."

That attitude continues today. "If they are public meetings," he asks simply, "should not the public be allowed to speak?"

He thinks about that for a moment and then adds: "My work was not so perfect, but I did the best I could."

At the time, Haagen-Smith conceded that perhaps it was time for someone else to take his place on the board—"someone with the ability to knock heads together in an acceptable manner."

Some agreed, some didn't. One board member liked the persuasive style of the "foxy grandpa." A national magazine said of him, "He undoubtedly knows more about airborne pollutants than anyone else in the world."

Once more, however, Haagen-Smit made his own decision, and that decision in 1973 was that he'd had enough. He retired from the ARB.

"I'm just an old sailor," he said, "who is fading away."

He didn't fade far. He was honored at an international symposium in Geneva, given the prestigious Smithsonian Medal, awarded the $50,000 Alice Tyer Ecology Prize and the Rhineland Award for Western Europe—all in recognition of his work on behalf of clean air.

More recently, a building at an ARB facility in El Monte was named after Haagen-Smit, to which he puckishly observes, "Everyone ought to have a pyramid."

He has no regrets about his time of public service. "They were exciting years," he says softly, "although they may have lasted a little too long."

Nor does he regret the intensive lab work that went on for years after his discovery, often with himself as the guinea pig in a smog chamber built to study the effects of air pollution on plant life.

Haagen-Smit is adamantly opposed to the notion that the tests had anything to do with his critical lung ailment.

He said then, "Smog is an aesthetic and economic nuisance that should be fought as such. Don't believe the stories that death in the form of smog stalks the streets of Los Angeles."

Illness hasn't changed Haagen-Smit's mind. He holds to the original contention and adds, "A chemistry laboratory is never a paradise of odors and chemicals. Sometimes I've had the skin peel off my hands from chemicals, and I've had to say to myself 'I must be more careful.'"

Is he satisfied now that the battle for clean air will one day be won?

Arie Haagen-Smit leaned back in his contour chair and thought about it.

"If the goal is zero smog," he finally said, "we'll never reach it. There will always be some contamination. But our air on the average is 50% cleaner than it was in 1970. We have made progress.

"From now on, progress will be slower," he added, thumbing absently through scientific journals on a table at his side. "The first gains are always easier. The battle will go on."

His own battle now is a lonelier one, far from the noisy public arena, in a chair by a window on a sunlit day. He fights the war against failing health with the love of his wife, four grown children and six grandchildren.

Beyond that—beyond the solitary nature of his struggle—he has become a towering figure in both scientific and political circles.

Charles Heinen, an executive with the Chrysler Corp. in Detroit, who has known Haagen-Smit as adversary and friend for 25 years, said:

"He was once my judge and jury, because I am an automobile company man. But never did I doubt his competence, integrity or humanity. Never did I question his dignity.

"All that I am trying to say is that Haagy is a special person. . ."

One whose concern in a private way is what his concern has always been in a public way. Life.

[From the Washington Post, March 20, 1977]

ARIE J. HAAGEN-SMIT, 76, DIES; SMOG SCIENTIST, POLLUTION FOE

PASADENA, CALIF.—Dr. Arie J. Haagen-Smit, who discovered how smog is formed and then tried to force the oil and auto industries to clean up urban air, died Thursday of cancer at his home. He was 76.

His laboratory creation of smog in 1950 at California Institute of Technology marked a breakthrough in the understanding of how sunlight acts on pollutants to form the brown haze that often blankets urban areas.

The biochemist had been ill for several years with cancer of the colon, which apparently spread to his lungs, said Graham Berry, spokesman for Caltech.

Dr. Haagen-Smit retired from Caltech in 1971, after having taught and conducted research there for more than 20 years.

After discovering how smog is created, he turned his efforts toward getting the auto and petroleum industries to build cleaner cars and refineries. His efforts were met with attempts to discredit his work.

"I felt I was competent in chemistry but not in government," he once said. "However, the job had to be done. I never walk away from anything."

He joined the Motor Vehicles Pollution Control Board which became, in 1968, the state Air Resources Board, and served as chairman until 1973.

He was chairman of a committee which sets air quality standards for the nation, the National Air Quality Criteria Advisory Committee for the Environmental Protection Agency. He was also a member of the Committee on Motor Vehicle Emission for the National Academy of Sciences, and he was on former President Nixon's Task Force on Air Pollution in 1970.

A native of Utrecht, The Netherlands, Dr. Haagen-Smit graduated from the University of Utrecht and received a Ph. D. in 1929. In

1936 he lectured at Harvard, then in 1937 joined the faculty at Caltech, where he taught until his retirement.

He is survived by his wife, Maria; four children, and a sister.

TRANSPORTATION ASSOCIATION OF AMERICA URGES ACTION ON AUTO EMISSION LEGISLATION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. DINGELL. Mr. Speaker, the Transportation Association of America, in correspondence March 18 to Members of the House Interstate and Foreign Commerce Committee, has announced its support of legislation Congressman JAMES BROYHILL of North Carolina and I are cosponsoring in the House along with several other Members, H.R. 4444, the Mobile Source Emission Control Amendments of 1977. The companion bill in the Senate is S. 919, cosponsored by Senators DON RIEGLE and ROBERT GRIFFIN of Michigan.

The Transportation Association of America released to the Commerce Committee members the text of the letter, from its president, Paul J. Tierney, to Chairman PAUL ROGERS of Florida, Health and Environment Subcommittee. TAA urges immediate action on the Dingell-Broyhill bill, H.R. 4444, and Reigle-Griffin, S. 919. This is legislation which also has the support of labor and the automotive industries, including manufacturers, automotive suppliers and service industries.

The support of the TAA, its board of directors, and its organization of transportation users, investors and carriers is welcome and signifies the importance attached to the need for balance among environmental control and energy conservation objectives and consumer costs.

A cross section of businesses in the American economy are represented by TAA, including air, water, and ground carriers; banks, investment houses, and life insurance companies; auto supply fabricating and service industries; energy producing industries; major retail merchandising companies; and other related industries.

The text of the Transportation Association of America letter and its board of directors follows:

TRANPORTATION ASSOCIATION OF AMERICA,
Washington, D.C., March 14, 1977.

Hon. PAUL G. ROGERS,
Chairman, House Subcommittee on Health and the Environment, Washington, D.C.

DEAR CHAIRMAN ROGERS: The Transportation Association of America, a national policy organization made up of transportation users, investors, and carriers of all modes, is very much concerned about the adverse impact on the nation's economy if auto emission standards called for under existing law are not revised promptly enough to preclude disruption of 1978 production. The very sharp reductions called for by the Conference Bill of last year appear to us as being much too large from the standpoint of the public need, as well as the capabilities of the auto manufacturing industry. The overall economic costs of compliance, in our opinion, will far exceed the public benefits.

Our views on this important national transportation policy issue are based on the following policy position, which was adopted a short time ago by the 115-member TAA Board of Directors, a current roster of which is attached:

"TAA supports the concept that a positive benefit/economic cost analysis should be determined by legislative bodies and regulatory agencies prior to the enactment of laws or the promulgation of regulations pertaining but not limited to the movement of persons or things."

When Congress approved the present auto emission standards in 1970, it set goals that it believed to be probably unattainable by 1975. It provided for safety valve extensions which have proved necessary. While recognition certainly was given to other statutory obligations then placed on auto makers, subsequent technological demands imposed on them by both statutory and administrative regulations have made compliance with the emission standards far too difficult.

To illustrate this point, Congress passed legislation in 1972 that set new auto bumper safety standards, which were met but at the sacrifice of fuel economy because of the added weight. In 1975, Congress adopted progressively higher standards for auto fuel economy in terms of average miles per gallon—a goal that to date is being met but is in conflict with the auto emission statutes because the latter also means greater fuel consumption.

Despite the effect of these offsetting factors on the work of auto makers' technologists, they have made commendable progress to date in all three of the areas mentioned above. This includes, as of last year, a reduction in hydrocarbon and carbon monoxide emissions of 83 percent and nitrogen oxides of 40 percent from pre-1968 uncontrolled levels. As older, higher-polluting autos are junked and replaced by the new, less-polluting autos, the latter help to clean up the air. When new car sales do not provide replacements for older cars, the rate of cleaning up the air suffers.

We do not mean to infer that we oppose a further tightening of auto emission standards. TAA gave its support to the House version of S. 3219 that was passed in 1976 as a compromise measure. We similarly support bills currently being sponsored by Representatives DINGELL and BROYHILL (H.R. 4444) and Senators RIEGLE and GRIFFIN (S. 919).

In addition to the above, our reasons for supporting a temporary extension of 1977-model emission standards and phased-in changes through 1982 are, in brief, as follows:

Several independent and impartial studies by recognized authorities have concluded that auto emission standards have reached the point where further tightening will create costs far in excess of benefits.

A joint EPA–FEA–DOT analysis of the need for sharply reduced emission standards concludes it would result in a waste of energy, provide negligible air quality benefits, increase consumer costs, and discourage technological innovation. (This study was recently updated and confirms its earlier conclusions.)

This EPA–FEA–DOT analysis also concludes that adoption of a phased-in program, such as proposed in H.R. 4444, will save consumers billions of dollars and billions of gallons of fuel over the next five years.

Continuously changing auto pollution standards, according to the American Automobile Association and the EPA, have made it extremely difficult for auto mechanics to maintain vehicles and to learn required new techniques.

The adoption of phased-in standards will help hold down the purchase and maintenance costs of new automobiles, and it will encourage the scrapping by consumers of older, high-polluting autos.

Automakers should be given sufficient freedom to develop a wide variety of possible technological solutions to the auto emission problem, rather than be forced by tight time constraints to use the most expedient method.

Because of the major impact of the auto industry on the nation's economy (auto and related expenses represent approximately 10 percent of the nation's GNP), care should be exercised before imposing changes that can cause very serious disruptions.

Since there is an immediate need for legislation to revise the existing statutory auto emission standards, TAA urges separate consideration of the auto provisions in the Clean Air Act Amendments. Specifically, TAA favors the prompt passage of the legislation embodied in H.R. 4444, the proposed Mobile Source Emission Control Amendments of 1977.

We request that this letter be made a part of the record of hearings by your Subcommittee on bills relating to Clean Air Act Amendments.

Respectfully,

PAUL J. TIERNEY.

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NATIONAL ASSOCIATION OF MATURE PEOPLE

HON. MICKEY EDWARDS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. EDWARDS of Oklahoma. Mr. Speaker, I would like to take this opportunity to call attention to a very worthwhile organization headquartered in Oklahoma City. I am speaking of the National Association of Mature People, a nonprofit, nonpolitical organization serving senior citizens of the United States.

In less than a year and a half NAMP has expanded into a nationwide association, with a membership of more than 100,000 people belonging to chapters in 43 States. Its single goal is to help older Americans attain maximum fulfillment during what is too often a difficult period

of life; difficult because our society tends to exclude senior citizens from full participation.

NAMP regards older Americans with highest esteem. The name of its magazine, Best Years, reflects the attitude with which NAMP members approach this time of life. Through their network of chapters, older people are enjoying good fellowship and the encouragement to overcome barriers and reach toward their full potential as individuals and as a voice in matters that affect them.

The many services that NAMP provides its members include financial counseling and guidance, continuing education programs, group travel, low-cost insurance and pharmaceuticals, and job placement programs.

We are indebted to NAMP as we are to many such organizations that are helping provide the leadership for improving the quality of American life.

FACTS WILL END CONFUSION

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. HANSEN. Mr. Speaker, fact and fancy often become so hopelessly entwined as to do grave damage to the truth. The circumstances surrounding the recent congressional pay increase, stricter Federal campaign laws, and the new House Code of Ethics have been seriously misinterpreted by some elements of the press resulting in a climate of confusion which does a disservice to the public.

The following statement is a careful and objective analysis of the situation as a result of direct experience which I deem important to share with my colleagues:

FINDING THE LEGAL AND ETHICAL WAY

One of the major issues before Congress during the past few years and one which we are still wrestling with is the matter of funding campaigns for candidates for federal office and how to assure that government officials are as free as possible from compromise and corruption.

Charges fly daily regarding alleged violations of legal or moral standards in all branches of government and at all levels. Some of these charges are a matter for deep concern and cry out for immediate corrective action; others are phony accusations which cost the accusor little and heap great injustice on the accused.

One of the gravest injuries of this nature was inflicted upon Ed Gurney, a former Republican U.S. Senator from Florida. Gurney, a prominent member of Senator Sam Ervin's select committee investigating Watergate, underwent a most vicious harassment by partisans and overzealous federal prosecutors alleging bribery and political kickbacks. He found it necessary to forgo re-election and spent years defending himself in two major trials which finally found him innocent of any wrongdoing, but only after he was forced into a reported debt of some $500,000.

Former Governor John Connally of Texas who has held high federal appointments under Presidents of both political parties was seriously maligned in the public's eye by charges of political bribery involving milk funds during Watergate days. Connally took the matter to Court and proved his innocence, but only at considerable cost to himself. Connally, of course had the means to stand the expense without undue hardship, but Gurney is now using volunteers out of his home mailing appeal letters to people throughout the nation in an effort to salvage his personal situation. Personal liabilities is the name, but politics was the game—and it can be deadly.

The next day after John Connally's acquittal, Idaho Congressman George Hansen entered the same U.S. District Court room in Washington, D.C. and faced the same judge. Hansen's charges were minor by comparison, two unintentional technical bookkeeping errors—misdemeanors, not felony charges as with Connally and Gurney.

The Congressman pleaded guilty to filing a late campaign report (all other non-incumbents in Idaho's Congressional races were also late because forms were distributed late) and listing $2,150 of contributions on the wrong form. These were the only charges resulting from partisan political complaints and an exhaustive FBI investigation into personal, business and campaign accounts.

The over-reaction of the court in the Hansen case in the wake of the Connally acquittal is a matter of record. Congressman Philip Crane of Illinois placed the final conclusion in the Congressional Record of September 5, 1975. Crane's summary states, "three things come through loud and clear from the court's final deliberations . . . Simply stated, the court admitted its own 'improper technique,' expressed amazement that the case was even considered, and acknowledged 'that a correct reporting of receipts and expenditures was made.' The integrity of George Hansen is intact."

However, as in the Gurney and Connally situations, the integrity may be intact but the pocketbook takes a real beating in meeting legal and professional expenses, experiencing loss of income and other costs of a totally disrupted life.

The cases cited above are intended to demonstrate that any consideration of campaign reform and provisions to assure honesty in public office to protect the public should also include provisions to protect government officials and candidates for public office from partisan zealots who would turn a person's honest efforts for a term in office into the nightmare of a term in prison or at least bankruptcy.

In an effort to find what legal and ethical rights a person in elective public office has to gain reimbursement for unusual expenses far beyond the ability of any salary to reasonably absorb, your Congressman recently made official inquiry with the Federal Election Commission. It is a question that takes some degree of courage because of the fact that most persons in politics would rather casually maneuver campaign accounts to avoid unfavorable publicity and would rather steer clear of providing opportunities for speculative elements of the press to overreact. Nevertheless, in a day of more public awareness of political activity and government actions, it is increasingly important that provisions of the law be checked carefully and forthrightly to prevent unfortunate consequences from arising later on.

The FEC made the request a matter of public record and published it in the Federal Register inviting commentary. Action on the proposal is scheduled for March 24. Two protests have been filed, both from Idaho—one by Angela Neitzel, an active Idaho Democrat who recently managed the campaign for Congress of Stan Kress, and a second by Patricia Dorman of the Ada County Democrat Central Committee. A proposed position paper for the Commission states that the request does not deal with nor conflict with Federal Election Laws and hence they would have no jurisdiction nor objection. However, only final action by the FEC can determine what the results of the request will be.

In the meantime, the same request made to the FEC must be reviewed in terms of the regulations of agencies and commissions such as IRS, the Postal Service and the House Select Committee on Ethics. Appropriate efforts are underway in this regard. All of this should emphasize the point that everything possible is being done to find the legal and ethical way to solve unusual problems and this is not an exercise in finding loopholes for exploitation. In fact, the businessman, farmer, and average citizen, who also struggle under the rigidity, complexity and heavy requirements of the laws we live under, can no doubt see that public officeholders are now locked in pretty tight also.

Let us strive to assure justice and high moral standards in conducting the public's business, but let us also strive equally hard to maintain individual freedom and flexibility and prevent injustice. People should be encouraged to be a part of the system, not driven from it or have it used on them unfairly. This is our challenge as legislators of the law.

HUMAN RIGHTS IN VIETNAM: U.S. APOLOGISTS FOR STATE TERRORISM

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. McDONALD. Mr. Speaker, the Communist regime in Vietnam has been decidedly noncooperative in supplying information on the fate of over 2,000 American servicemen missing in action. The Vietnamese have, in violation of international standards of human decency, tied providing information on MIA's to U.S. diplomatic recognition and provision of extensive economic aid which will be used to consolidate the power of the Communists. Nor does the return of 12 dead begin to deal with questions of the continued captivity of living servicemen in labor camps or with the retention in Vietnam of brainwashed POW's.

The U.S. supporters of the Vietcong, Khmer Rouge and Pathet Lao opened a campaign in support of U.S. diplomatic recognition and provision of technical aid to the new Communist regimes in Southeast Asia virtually as the last American helicopter left Saigon. From the old Communist Party, U.S.A., dominated anti-Vietnam coalition called the People's Coalition for Peace and Justice—PCPJ, several overlapping coalitions were formed to target special issues such as amnesty for deserters and draft dodgers—National Council for Universal and Unconditional Amnesty, Recognition of and Aid to Communist Vietnam—Friendship, and Promotion of U.S. Disarmament, Abandonment of Overseas Bases and Defense Commitments, and a Policy of Nonintervention Against Soviet-bloc Aggression—Coalition for a New Foreign and Military Policy.

The so-called antiwar movement organizers were a mixed group of dedicated old and new left Marxist-Leninists under the direction of Havana, Hanoi, and Moscow; and various Socialist pacifists who excused the Communists' use of ter-

ror and military violence against the civilians of Southeast Asia on the grounds that getting rid of the free enterprise system and establishing a Socialist society of enforced "equality" was a "greater good." This group argued that violence and repression would end with a Communist victory and thus worked for U.S. abandonment of its South Vietnamese allies.

Anti-Communists who pointed to the continuing brutality and repression in every Communist society knew better: so did the Communists who know that terrorism cannot be rejected by Marxist-Leninists as a matter of principle. As Trotsky said in 1922 when as Lenin's right arm he headed the Red army:

A victorious war, generally speaking, destroys only an insignificant part of the conquered army, intimidating the remainder and breaking their will. The revolution works in the same way: it kills individuals, and intimidates thousands. In this sense, the Red terror is not distinguishable from the armed insurrection, the direct continuation of which it represents. The State terror of a revolutionary class can be condemned "morally" only by a man who, as a principle, rejects (in words) every form of violence whatsoever—consequently every war and every rising.

But currently a split within these groups has developed on the issue of whether or not to criticize the Vietnamese regime for its imprisonment of between 200,000 and 300,000 people on political grounds, including many religious and intellectual leaders who had supported the Vietcong and opposed the South Vietnamese Government but who are not members of the Communist Party.

The split developed after French Socialist journalist Jean Lacouture, after a visit to "unified" Vietnam in May 1976, wrote articles mentioning the hordes of political prisoners. Certain members of the U.S. antiwar movement leadership who had worked with total dedication for a Vietnamese Communist victory wrote a letter to the Vietnamese United Nations observer delegation expressing their concern. They received no response, although the Indochina Resource Center headed by D. Gareth Porter denounced the charges of political repression and human rights violations as unfounded.

Eventually a small group of virtually full time movement organizers headed by Jim Forest, editor of the Fellowship of Reconciliation magazine, Fellowship, circulated a petition asking Hanoi to permit United Nations or other inspection of the "reeducation camps" and to release various Socialist pacifist and Buddhist leaders jailed by Hanoi. Some 105 persons signed the petition. These signers have been viciously attacked by Marxist-Leninists who support the use of police state terrorism against the civilian population to maintain the Communists in power. A number of original signers, including Daniel and Philip Berrigan, have since retracted their signatures from the human rights appeal under pressure and receipt of "new materials from Vietnam which give us confidence that the new government is deeply concerned about human rights."

Among those who have taken public positions of support in favor of the Hanoi regime and who deny the validity of charges of gross human rights violations are Daniel Schecter, the vitriolic propagandist news director of WBCN radio in Boston who said he would like to see Forest imprisoned in a "reeducation camp of his choice"; John McAuliff, former head of the radicalized ex-Peace Corps group, the Committee of Returned Volunteers, who now runs the Indochina Program of the American Friends Service Committee—AFSC; Rev. Richard Fernandez, former head of Clergy and Laity Concerned—CALC, now on the staff of the Institute for World Order; Princeton's international law professor and Institute for World Order official Richard A. Falk who argues that all Socialist—the Vietnamese call themselves Communist—governments must mobilize every person to build the new society and must "deal with those who are dragging their feet" as Nat Hentoff reported; and Gary Porter, one of Hanoi's most dedicated propagandists.

Douglas Gareth Porter began his career as one of the first student interns at the then new Institute for Policy Studies—IPS—in 1964. IPS then claimed to be a "research headquarters, a neutral meeting place for scholars and Government officials;" but its function is to serve as a catalyst for the subversion and penetration of the executive and legislative branches of Government by its staff which includes a broad range of new leftists and leaders and members of Marxist-Leninist and revolutionary terrorist organizations.

Gareth Porter was active in the U.S. anti-Vietnam movement by 1968 when he signed an antiwar ad published in the New York Times. In 1971, traveling on a research grant from the Cornell University Southeast Asia Ph. D. program, Porter went to Saigon where his "research" work was exclusively writing pro-Hanoi propaganda articles for Dispatch News Service and the Swedish Nagens Nyheter newspaper. Porter's journalistic efforts included the "Myth of the Bloodbath" and "The Myth of the Hue Massacre" in which he argued that the discovery of mass graves of bound victims shot in the back of the head did not prove conclusively that the Vietcong and North Vietnamese had deliberately executed thousands of civilians in a mass terror campaign during the Tet offensive.

Porter returned to the United States in December 1971. With his Saigon associate Don Luce who had been expelled from South Vietnam 6 months earlier, and Fred Branfman, Porter set up the Indochina Resource Center, a pro-Hanoi propaganda mill, and its Indochina mobile education project, a traveling slide and picture show which argued that the violence of war would stop just as soon as the United States left Southeast Asia and South Vietnam surrendered. Porter is also a member of the advisory board of Counter-Spy, the principal outlet for CIA defector Philip Agee's Cuban-supported exposés.

In a bylined article which appeared in the Chicago-Sun Times in April 1975 "as the Provisional Revolutionary Government of the Republic of South Vietnam—the so-called Vietcong—stands on the verge of victory," Porter wrote:

The party leaders have long accepted that the intellectual elite in the south was for the most part anti-Communist.

Thus the party and the PRG must be concerned with how to minimize political opposition to a postwar, Communist-dominated government in the south.

Porter finds no reason to comment adversely on the method of minimizing "political opposition to a postwar, Communist-dominated government in the south" chosen by the North Vietnamese conquerors—namely forced deportations and imprisonment in slave labor work camps and "reeducation camps" of 300,000 Vietnamese.

Although Porter's Washington, D.C., Indochina Resource Center has folded recently, its work continues from the Indochina Resource Center-West, P.O. Box 4000–D, Berkeley, Calif. 94704; and the Friends of Indochina organization are taking up the IRC banner.

On January 30, 1977, an advertisement signed by 19 people was published in the New York Times. After characterizing the Communist victory over South Vietnam after three decades of Soviet-backed subversion, terror and armed aggression as "peace * * * without any bloodshed," the ad called for implementation of a 7-point program similar to that promoted by Friendshipment and the National Council for Universal and Unconditional Amnesty:

1. The President should open direct negotiations between Washington and Hanoi on all outstanding issues;

2. The President should support the admission of Vietnam to the United Nations;

3. The President should lift the embargo on American trade and travel to Vietnam;

4. The President should extend diplomatic recognition to the government of Vietnam and enter into full diplomatic relations at the Ambassadorial level;

5. The Congress can provide substantial economic aid for the reconstruction of Vietnam as promised by agreement and in the spirit of our generous policy after other wars;

6. The Presidential pardon must be extended to military deserters and to recipients of less than honorable discharges during the Vietnam era;

7. The treatment and programs directed at Vietnam era veterans must be reviewed and improved.

The ad then claimed that the Vietnamese Communists' suppression of all freedom was a "pretext" for the United States not to give them massive economic aid needed to consolidate their control. With regard to the 300,000 political prisoners, the ad said, "True, some Saigon collaborationists have been detained in reeducation centers, perhaps 40,000 at present." Then the ad stated that "such a number is surprisingly small considering the several million Vietnamese involved in Saigon's war effort." In other words, the ad's sponsors consider that every Vietnamese who opposed the Communist aggression, who worked in the South Vietnamese civil service or served in the ARVN is liable for imprisonment in the concentration camps as Saigon collaborationists.

The ad then stated that concern for

human rights abuses "is especially approporiate where our Government supports a foreign regime that is engaged in flagrant abuse of its own people * * *. But Vietnam presents a very different case. The present suffering of the Vietnamese people is largely a consequence of the war itself for which the United States bears a continuing responsibility."

In plain words, the ad sponsors feel that the repression and brutality being inflicted upon the South Vietnamese is their just punishment for having resisted the Communist aggression and having asked for U.S. help.

The coordinator of this vicious justification of Marxist-Leninist brutality was listed as self-claimed "humanist" Corliss Lamont, identified as a Communist Party, U.S.A. member by four sworn witnesses—Louis Budenz, Maurice Malkin, John Lautner and Ralph Clontz—and who heads such CPUSA fronts as the National Council of Soviet-American Friendship and the (National) Emergency Civil Liberties Committee—NECLC.

The signers of the ad were:

James Armstrong, Bishop, United Methodist Church.

Richard Barnet, Co-director, Institute for Policy Studies, graduated from Harvard Law School in 1954. In 1960–61 he worked at the Harvard Russian Research Center, and from 1961 until the formation of IPS late in 1963 was Deputy Director of the Office of Political Research of the U.S. Arms Control and Disarmament Agency. In 1967 Barnet was active in the Lawyers Committee on U.S. Policy toward Vietnam, formed by several influential Old Left lawyers in the Emergency Civil Liberties Committee, a Communist Party front. Barnet visited Hanoi in November 1969 and according to a Hanoi Radio broadcast stated that the message he would take back to the U.S. "is the message that the Vietnamese will continue to fight against the aggressors, the same aggressors that we will continue to fight in our own country."

In his 1971 essay in the IPS reader, *Washington Plans an Aggressive War,* Barnet suggested that Americans involved with the Vietnamese War were guilty of war crimes against the "civilized conscience" and that their civil liberties should be revoked so that they could be excluded from holding public office and be forbidden to "preach or advocate" policies of fighting Communist aggression.

Norma Becker, Chairwoman, War Resisters League; formerly co-coordinator of the Fifth Avenue Peace Parade Committee, the New York City branch of the CPUSA-dominated National and New Mobilization Committees.

Atlee Beechy, Menonite Central Committee, which in the hopes of being permitted to return to Vietnam and prosetelyze, has supported U.S. aid and recognition of the Communist regime.

Robert McAfee Brown, Professor, Union Theological Seminary.

Robert S. Browne, Director, Black Economic Research Center.

Eleanor Brussel.

Richard A. Falk, Milbank Professor of Law, Princeton.

Howard Frazier, Promoting Enduring Peace, an organization which arranges tours of the Soviet Union and which has cosponsored anti-intelligence gathering seminars with the National Lawyers Guild and Organizing Committee for a Fifth Estate.

Rev. Stephen H. Fritchman, of Los Angeles, an indefatigable sponsor of Communist Party fronts and causes which include serving as "honorary co-director" of the American Institute for Marxist Studies, on the national council of the National Emergency Civil Liberties Committee (NECLC), and who twice refused under oath to answer questions relating to his CPUSA membership on Fifth Amendment grounds before the House Committee on Un-American Activities.

Don Luce, co-director, Clergy and Laity Concerned; formerly a propagandist for the Vietnamese Communists with the Indochina Resource Center and Indochina Mobile Education Project. In January 1970, Clergy and Laity described its goals as "not simply an end to the war in Vietnam, but a struggle against American imperialism * * *."

John McAuliff, coordinator of the Appeal for Reconciliation, the Indochinese program of the American Friends Service Committee (AFSC) which has consistently justified terrorism and violence by Soviet-backed "nationel liberation movements" on the grounds that the existence of non-Marxist socialists was a greater crime.

Paul F. McCleary, Executive Director of the Church World Service of the National Council of Churches.

Grace Paley, author and self-proclaimed "anarchist."

Dr. Paul Sweezy, co-editor of Monthly Review, a Marxist journal.

George W. Webber, president, New York Theological Seminary.

Cora Weiss, national coordinator, Friendshipment; organizer and motivator of innumerable mass demonstrations against U.S. support for South Vietnam; frequent visitor to Paris and Hanoi to meet with the Vietnamese communists; and bankroller of many pro-Hanoi projects.

In December 1976, Daniel and Philip Berrigan, who removed their names from the human rights petition, along with David Dellinger, Don Luce and Paul Mayer, who had refused to sign, circulated an open letter claiming—that America was the real criminal for not allowing Vietnam into the United Nations and for refusing to begin a decade of aid, rebuilding and reconciliation with the Communist regime.

"First and foremost," they stated, "we are friends of the Vietnamese people." And they characterized Jim Forest and the others who had signed the petition with having "raised charges in an irresponsible manner." The task on which the signers of the open letter are united "both with the Vietnamese people and with one another" is "extinguishing the inferno of American violence in the world."

In February, the misnamed War Resisters League executive committee circulated an official statement attacking those concerned with human rights violations in Vietnam:

1. The Executive Committee of the War Resisters League disassociates the organization from the statement "Appeal To The Government of Vietnam Regarding Human Rights."

2. The Executive Committee of the War Resisters League reaffirms the position of the organization in favor of United Nations membership for the Socialist Republic of Vietnam, in favor of United States recognition of the Socialist Republic of Vietnam and in favor of immediate aid from the United States to the Socialist Republic of Vietnam to repair war damage and heal the wounds of war.

3. The Executive Committee of the War Resisters League is in support of a proposed American Friends Service Committee mission to Vietnam whose purpose will be to investigate allegations of violations of human rights by the government of the Socialist Republic of Vietnam.

On February 9, 1977, Cora Weiss, an honored guest in conquered Vietnam, and Don Luce were among a number of speakers scheduled to promote aid and recognition of the Communist regime in Vietnam at a "legislative briefing" sponsored by the three pro-Vietnamese Communist coalitions, Friendshipment, the Coalition for a New Foreign and Military Policy—CNFMP—and the National Council for Universal and Unconditional Amnesty—NCUUA. It is noted that at the NCUUA International Conference held in Toronto, Canada, January 29–30, 1977, and which was attended by a number of radical U.S. deserters and draft dodgers, the first resolution passed called upon the new administration "to reject the policies of hostility against the governments * * * of Vietnam, Laos, and Kampuchea—Cambodia." The first resolution further stated:

> We call upon the people of the United States to help build peace and friendship with these people and nations, rejecting all campaigns of slander against them.

The American Friends Service Committee, which has repeatedly justified violence by Soviet-backed Marxist terrorist movements on the ground that the existence of non-Marxist societies is a greater crime, has been permitted to send small groups of activists to Vietnam as observers on guided tours.

A six-member delegation from the AFSC toured Vietnam early in February. The AFSC group met with Xuan Thuy, member of the Presidium of the Central Committee of the Vietnam Fatherland Front. According to an English language broadcast by Hanoi VNA Radio, "The American guests assured Xuan Thuy that progressive Americans would continue to struggle for an end to their government's hostile policy towards Vietnam and for the normalization of the relations between the United States and Vietnam."

On their way back to the United States, the AFSC group traveled through Laos to Thailand. The AFSC group was stranded briefly in Laos while heavily armed Laotian Communist troops seized three small islands in the Mekong River which had been used as staging points for refugees fleeing the slaughter of civilians by the Communists.

On March 15, 1977, Carol Bragg, Rhode Island field secretary of the AFSC who was part of the month-long tour group to Vietnam, spoke on Capitol Hill in support of U.S. diplomatic recognition and aid to Vietnam.

While groups claiming "respectability" lobby for U.S. recognition and aid to the Vietnamese Communist regime and defend its suppression of basic human rights, the violence-oriented U.S. street revolutionaries are maintaining a parallel support campaign for the Indochinese Communists.

Friends of Indochina, 135 West 4th Street, New York, N.Y. 10012, has circulated a packet of materials dated February 2, 1977. An open letter signed by Arlene Eisen (Bergman), a leader of the Weatherman faction of SDS and now of the Weather Underground Organization's Prairie Fire Organizing Committee—PFOC—Donna Futterman and Merle Ratner stated in part:

DEAR FRIENDS: We are a group of anti-war activists living in New York City, committed to facilitating a country-wide campaign to reaffirm our solidarity with Viet Nam at a time when Viet Nam is being attacked in the name of the anti-war movement.

We're addressing this letter to the thousands of people who joined the ranks of the anti-war movement, to Black and other Third World organizations, to women's organizations, workers organizations, veterans and community groups—to all who oppose U.S. Imperialism's continuing hostility towards Viet Nam and who support the Vietnamese people's right to self-determination and applaud their successes in building a reunified, socialist Viet Nam.

We're asking you to:

Add your signature to the enclosed affirmation of solidarity with the Socialist Republic of Viet Nam and return the coupon by April 1, 1977.

Publicize it as much as possible in your area, circulate it for signatures from other groups and individuals.

Send a minimum of $10—a token of material solidarity—to aid in reconstructing Viet Nam. (Make checks payable to Indochina Peace Campaign-NYC).

Hold educational and fundraising activities in your area to strengthen solidarity between Vietnamese people and people in the U.S. For example: on International Women's Day we can feature speakers on the accomplishments of Vietnamese Women. These activities may climax in celebrations across the country on April 30th—the second anniversary of the victory of the Vietnamese people.

These activities are especially important because the United States continues its policy of hostility towards Viet Nam. This hostility has taken many forms including: U.S. veto of Viet Nam's admission to the United Nations, an economic blockade of Viet Nam and the continued U.S. refusal to fulfill its pledges in the Paris Peace Agreements to contribute to heal the wounds of war. In this context we must understand the danger and seriousness of Jim Forest's attack on Viet Nam. Even if the Carter Administration normalizes relations with Viet Nam, we must maintain our vigilance and solidarity because without strong political pressure, the United States will never meet all its obligations to Viet Nam.

Circulated with the letter was an "Affirmation of Solidarity with the Socialist Republic of Vietnam" attacking the 105 signers of the December human rights petition as "filled with lies and slanders * * * being used to justify a continued policy of U.S. hostility toward Vietnam." The demands of the "Affirmation of Solidarity with the Socialist Republic of Vietnam" include the standard aid and diplomatic recognition, nonopposition to U.N. admission, and "universal and unconditional amnesty and upgrading of discharges for all U.S. war resistors (sic)."

The "affirmation" is signed by a number of militant and revolutionary groups, mostly active in the Greater New York City area, which were also involved in the July 4 coalition counterdemonstration in Philadelphia:

African Peoples Party.

Attica Now, prison movement group.

Friends of Indochina.

National Committee for the Defense of Political Prisoners, a support group for the terrorist Black Liberation Army.

Lower East Side Mobilization for Peace Action—LEMPA, a militant organization which includes many former and current CPUSA stalwarts.

Nationalist Party of Puerto Rico, which led the 1950 armed revolt in Puerto Rico and whose terrorist cadres attempted to assassinate President Truman in 1950 and Members of the House of Representatives in 1954; now working closely with the Cuban-controlled Puerto Rican Socialist Party, and connected with several terrorist organizations.

Prairie Fire Organizing Committee, the overt arm of the terrorist Weather Underground Organization.

Puerto Rican Socialist Party, a Marxist-Leninist revolutionary organization formed as the Movimiento Pro Independencia in 1959 and long under the control of the Cuban Communists. The Cubans are now training Puerto Rican revolutionaries in conventional and guerrilla warfare, terrorism, and sabotage in Angola and the Peoples Democratic Republic of Yemen.

Union of Activists.

Union of Democratic Filipinos—KDP, a support group for the New Peoples Army guerrillas.

Youth Against War and Fascism—YAWF, the youth arm of the militant Marxist-Leninist Workers World Party—WWP, of Trotskyist origins but which works in close support of the Cuban Communist regime.

Let us be aware of the allegiances and goals of these organizations when they ask us to support diplomatic recognition and vote aid appropriations for the Vietnamese Communist regime and thereby complete the sellout of Southeast Asia to the enemies of all freedom.

CONSUMER ACTIONS UNDER THE FTC ACT

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. ECKHARDT. Mr. Speaker, the House Consumer Protection and Finance Subcommittee has just completed hearings on H.R. 3816. H.R. 3816 makes a number of changes in the Federal Trade Commission Act to improve its effectiveness. One of its major provisions creates a self-help remedy for consumers who are injured by companies who violate FTC regulations and cease and desist orders. The provision authorizes injured consumers to sue on behalf of themselves and other similarly injured consumers to obtain payment of damages or other appropriate relief.

Congressman KOCH has indicated to me his strong support for this provision, and to demonstrate that support, he and I have introduced today a bill which incorporates the consumer action provisions in H.R. 3816. The Subcommittee on Consumer Protection and Finance will begin markup on H.R. 3816 on March 29. I appreciate Congressman KOCH's indication of particular support for the consumer action provision of the bill.

AMBIGUITIES IN THE 25TH AMENDMENT

HON. PAUL S. TRIBLE, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. TRIBLE. Mr. Speaker, I received the following letter from Gilbert S. Bahn of Newport News, Va., and I would like to share his comments with you. Mr. Bahn is very concerned with the ability of this Nation to deal with a Vice-Presidential vacancy or a Presidential disability as presently delineated by the 25th amendment to the Constitution. I believe his concern is justified and have referred this letter to M. CALDWELL BUTLER of Virginia's Sixth District, a member of the Judiciary Committee, for consideration. The letter follows:

NEWPORT NEWS, VA.,
February 13, 1977.

Hon. PAUL S. TRIBLE, Jr.,
First Congressional District of Virginia, House Office Building, Washington, D.C.

DEAR MR. TRIBLE: The time to deal with emergencies is when they are not upon us. The 25th Amendment to the Constitution was supposed to deal adequately with the problem of a vacancy in the vice presidency or with disability of the President. However, before its passage the situation was fairly straightforward under the 20th Amendment and the law passed during the Truman administration concerning succession to the presidency in the absence of a Vice President (an amended version of a much earlier law which followed Lincoln's assassination.) The 25th Amendment presents problems of ambiguity and inconsistency, some of which were discussed after Kennedy's assassination or during the movement to impeach Nixon, and some of which were not.

Maintaining separation of powers, in the absence of a Vice President, how can a Member of Congress act as President without giving up his seat in Congress? Congress should pass a law now (when we have young and healthy President and Vice President) defining the personal status, salary, etc. of a Speaker or a Senate president pro tempore serving as Acting President when the President is incapacitated and there is no Vice President. Would this Acting President be on leave of absence from Congress; could his seat be filled by someone else? Decisions should be made now in the abstract, not in a crisis in particular.

If the vice presidency is vacant, and the president has nominated a vice president, but the latter has not yet been confirmed, what is the status of the nomination if the president then dies? Suppose the nominee has been confirmed by the House, but not yet by the Senate. Can the Speaker assume the presidency, or only become Acting President? Can the Senate then finish confirming the vice presidential nominee as vice president? If so, can the new vice president invoke the 20th Amendment, saying he is now duly qualified, and oust the Speaker from the presidency? Can the Speaker attempt to honor the vice presidential nomination after the president dies, and state that he will serve as Acting President only until the nomination is confirmed, and then be challenged by the president pro tempore of the Senate? When the Speaker attempts to hand over the presidency to the newly confirmed vice president, can the president pro tem say to the Speaker, "well, if you aren't going to grab for the job, I am," and snarl the intended transition?

What happens when there is no vice president and Article 4 of the 25th Amendment needs to be applied? Does present law actually state that the provision specifying the vice president shall then apply to the next in line of succession? What happens when the Acting President himself, either the Speaker or the president pro tempore of the Senate (if, for example, the Speaker were a naturalized citizen), falls under the conditions of Article 4 of the 25th Amendment? Does the next in line to him make the challenge which a vice president might have made, as to competence? Can the Acting President, absurdly, refuse to receive the transmission of the challenge, now claiming his Congressional role as specifically defined in that article?

I believe that there is a can of worms here. It would be better to sterilize it now in serenity, than to have it opened alive during a crisis.

Sincerely yours,

GILBERT S. BAHN.

CONTINUING THE ASSASSINATION INQUIRIES—THE PEOPLE MAKE THEIR CASE

HON. FLOYD J. FITHIAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. FITHIAN. Mr. Speaker, I am inserting for the information of my colleagues an article which I consider to be critically important to the coming debate on renewing the life of the Select Committee on Assassinations.

Public concern over the many unanswered questions surrounding the deaths of President Kennedy and Dr. King has, from the start, been a powerful argument in favor of a thorough, independent reexamination of the two assassinations. The February Gallup Opinion Index, reprinted below, demonstrates conclusively that these public concerns which led to the creation of a Select Committee on Assassinations, are more important today than ever before.

It may be that we will never resolve all of the question surrounding the deaths of President Kennedy and Dr. King, but the figures cited in the Gallup opinion index indicate to me that it is incumbent upon us to at least continue to try. To do less would be to confirm a far deeper and more sinister suspicion held by a growing portion of the public—that our Government is callously cynical toward their concerns and their unanswered questions.

The article follows:

WERE KENNEDY, KING CONSPIRACY VICTIMS?

The belief that Lee Harvey Oswald acted alone in the assassinations of President John F. Kennedy is now almost totally without adherents.

As the House Select Committee on Assassinations opened its investigations, only 11 percent of the public told Gallup Poll interviewers they think Oswald acted alone in Dallas on November 22, 1963. The overwhelming majority, 81 percent, are convinced some other person or group of persons conspired with Oswald, and eight percent are unsure.

The same survey also reveals that most Americans think there was a conspiracy in the assassination of civil rights leader Dr. Martin Luther King. Approximately seven persons in 10, 69 percent, say James Earl Ray participated in a plot to kill King while only 18 percent think he planned and perpetrated the act alone. The remaining 13 percent are unsure.

Clearly, Americans have become increasingly skeptical of official explanations of the Kennedy assassination. Even from the beginning, though, they were of the opinion Oswald did not act alone.

One week after Kennedy was shot, 52 percent of the public said they thought more than one man was responsible for the President's death. And three years later, in January, 1967, doubts had not been dispelled. The 1967 survey did show though, that support for the one man theory had grown somewhat.

Opinion on the subject of these two events has, perhaps, been affected by surrounding events. For example, Oswald maintained from the time he was arrested that he did not shoot Kennedy, and even before official findings were presented, critics had begun to attack the one man theory. And Ray, although he pleaded guilty to King's murder, has subsequently changed his story and has tried to obtain a new trial to tell another story.

Now six Americans in 10, 61 percent, think conspiracies were at work in both shootings. Only five percent accept the official versions of both stories—that Oswald and Ray both acted alone.

Interestingly, there is little consistency between the single gun proponents. For example, among the people who think Ray acted alone, the overwhelming majority think Oswald had help in killing Kennedy. But, among those who think Oswald was alone, feeling about the King shooting is about evenly split.

FEELING WIDESPREAD

Opinion in the case of the Kennedy assassination is basically the same up and down the socio-economic scale, with not more than one person in seven in any one demographic group holding to the belief Oswald acted alone. Most skeptical are those under 30 years old, among whom nine in 10, 88 percent, feel Oswald was but one element in a plot to murder the President.

Disbelief in the King case is similarly widespread, although not as one-sided as in the case of President Kennedy. Particularly skeptical in the King puzzle are non-whites, among whom 84 percent are convinced Ray had help in his act.

WHO INVOLVED?

When it comes to point the finger of blame in the Kennedy assassination, Americans mention a wide variety of possible coconspirators.

Most often mentioned are Cuban elements. Led by the college-educated Republicans, professional and business people, and those in the highest-income bracket, 15-percent of Americans, nationwide, say they think a group of Cubans and/or Cuban Premier Fidel Castro helped orchestrate Kennedy's death. Aside from Cubans, groups prominently mentioned include: other American politicians, Communists, and the CIA. While a number of groups and individuals are connected by the public to Oswald, 24 percent are unable to single out a specific person or persons.

KENNEDY ASSASSINATION

Question: "Do you think one man was responsible for the assassination of President Kennedy, or do you think others were involved?"

December 10–13, 1976

[In percent]

	One man	Others	No opinion
National	11	81	8
Sex:			
Male	11	81	8
Female	10	81	9
Race:			
White	12	81	7
Nonwhite	5	80	15

December 10–13, 1976—Continued

[In percent]

	One man	Others	No opinion
Education:			
College	15	77	8
High school	9	85	6
Grade school	10	74	16
Region:			
East	12	79	9
Midwest	12	79	9
South	6	86	8
West	13	78	9
Age:			
Total under 30	7	88	5
18–24 years	7	88	5
25–29 years	6	89	5
30–49 years	9	84	7
50 and older	15	73	12
Income:			
$20,000 and over	14	79	7
$15,000–$19,999	10	87	3
$10,000–$14,999	10	84	6
$ 7,000–$ 9,999	9	82	9
$ 5,000–$ 6,999	8	80	12
$ 3,000–$ 4,999	10	74	16
Under $3,000	9	73	18
Politics:			
Republican	16	76	8
Democrat	6	84	10
Southern Democrat	9	81	10
Other Democrat	9	81	10
Independent	10	83	7
Religion:			
Protestant	11	80	9
Catholic	9	85	6
Occupation:			
Professional and business	15	80	5
Clerical and sales	4	88	8
Manual workers	6	86	8
Nonlabor force	17	71	12
City Size:			
1,000,000 and over	15	76	9
500,000–999,999	9	83	8
50,000–499,999	9	82	9
2,500–49,999	11	83	6
Under 2,500, rural	9	82	9
Ray acted alone	28	69	3
Ray was conspirator	7	88	5

Kennedy Assassination

[In percent]

	One man	Others	No opinion
Latest	11	81	8
January, 1967	36	50	14
November, 1963	29	52	19

KING ASSASSINATION

Question: "Do you think one man was responsible for the assassination of Martin Luther King, or do you think others were involved?"

December 10–13, 1976

[In percent]

	One man	Others	No opinion
National	18	69	13
Sex:			
Male	20	70	10
Female	16	69	15
Race:			
White	20	67	13
Nonwhite	5	84	11
Education:			
College	21	67	12
High school	17	71	12
Grade school	14	67	19
Region:			
East	19	66	15
Midwest	18	71	11
South	17	72	11
West	17	67	16

December 10–13, 1976—Continued
[In percent]

	One man	Others	No opinion
Age:			
Total Under 30	19	69	12
18–24 years	21	68	11
25–29 years	15	72	13
30–49 years	15	72	13
50 and older	18	68	14
Income:			
$20,000 and over	23	67	10
$15,000–$19,999	18	70	12
$10,000–$14,999	15	72	13
$ 7,000–$ 9,999	17	69	14
$ 5,000–$ 6,999	17	73	10
$ 3,000–$ 4,999	18	60	22
Under $3,000	7	74	19
Politics:			
Republican	20	66	14
Democrat	15	73	12
Southern Democrat	12	77	11
Other Democrat	17	71	12
Independent	21	67	12
Religion:			
Protestant	16	70	14
Catholic	21	69	10
Occupation:			
Professional and business	21	69	10
Clerical and sales	7	81	12
Manual workers	16	71	13
Nonlabor force	19	66	16
City size:			
1,000,000 and over	18	69	13
500,000–999,999	16	68	16
50,000–499,999	13	77	10
2,500–49,999	25	64	11
Under 2,500, rural	18	66	16
Oswald acted alone	47	43	10
Oswald was conspirator	15	76	9

DO U.S. BANKS MAKE OUR FOREIGN POLICY?

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 22, 1977

Mr. FINDLEY. Mr. Speaker, I was startled last week upon being informed by the Congressional Research Service that U.S. bank loans to nonoil less developed countries totaled $45 billion as of yearend 1976. I was no less disturbed when the Sunday Washington Post arrived, carrying a front page article entitled "Banks, Not U.S., Now Give Brazil Its Foreign Aid." The Washington Post article describes how the Brazilians "thumbed their noses" and canceled a 25-year military agreement with the United States last week in response to a State Department report which described human rights violations in that country. According to the article, Brazil now has $27 billion in foreign loans, including $10 billion from U.S. banks and their foreign branches. In contrast, Brazil was getting about $300 million a year in U.S. grants and loans at the height of our foreign aid program in the mid-sixties. The evidence suggests that other countries, too, increasingly are turning to U.S. banks as a major source of "no strings" financial support.

I long have supported the free enterprise system at home and abroad. But I fear that our private lending institutions are being used by some countries to circumvent international commitments of critical importance to world peace and stability. I am also concerned that U.S. banks, as a result of lending practices overseas, may someday find themselves in the position of speaking primarily to the American people on behalf of foreign interests rather than speaking primarily to foreign countries on behalf of the United States. Finally, if foreign countries now find it easy to "thumb their noses" at the U.S. Government, what remedy will U.S. banks have if the "international thumb" gets pointed at them, and foreign countries begin to default on their loans?

Mr. Speaker, I urge my colleagues to read the Washington Post article, which follows, with this perspective in mind: Do U.S. banks make our foreign policy?:

BANKS, NOT UNITED STATES, NOW GIVE BRAZIL ITS FOREIGN AID

(By Don Oberdorfer)

When a State Department report on human rights violations was released last month with criticism of Brazil, the Brazilians thumbed their noses and last week canceled a 25-year military assistance agreement with the United States.

It was a painless act because the Brazilians are no longer dependent on foreign aid handouts. The international banking community has become the underwriter of Brazil's economic and military development.

The Brazilians now have $27 billion in foreign loans outstanding, including $10 billion from U.S. banks and their foreign branches. New York's Citibank alone holds more than $2 billion in Brazilian loans.

These sums dwarf the amount of U.S. assistance to Brazil at the height of the foreign aid program in the mid-1960s. At that time, Brazil was getting about $300 million a year in grants and loans.

In other Latin American countries, too, international banking institutions are supplanting U.S. foreign aid as a primary source of financial support. Argentina, El Salvador, Guatemala and Uruguay, like Brazil, responded to U.S. human rights criticisms by rejecting further U.S. aid.

This new sense of independence from U.S. government policies is reflected in the new military situation in Latin America.

In the 1960s, the United States provided 35 to 40 per cent of all the armaments sold in America and financed many of the purchases with dollar grants. Today, studies indicate that the U.S. provides only 14 per cent of Latin American arms purchases that are now running at an annual rate of 2 billion.

The shift from U.S. bilateral aid to bank lending as a source of funds has sharply reduced Washington's leverage. When Secretary of State Cyrus R. Vance displayed open concern over Brazil's nuclear deal with West Germany a few weeks ago, for example, Rio's prestigious Journal do Brazil assured its readers that there was nothing to fear. Quoting unnamed official sources the paper reported that "the capacity of the U.S. government to apply pressure on Brazil is miniscule or nil, because the main economic transactions with the U.S. are handled through private bank loans rather than governmental aid."

What the paper called "a qualified source" was quoted as saying, "We are an important customer and it would hurt them (the banks) to lose this client." The same source added facetiously" that "the main U.S. bankers are Republicans."

The senior vice president of a New York bank which has large loans in Brazil said U.S. government officials have made no effort to apply pressure through the banks on Brazilian policy toward nuclear development, human rights or other issues. He said U.S. official concerns could not be transmitted through the banks.

"Our people feel quite strongly that we run the banks, that it's our credit risk," he said. Officials of two other New York financial institutions echoed his attitude.

A State Department official with Latin responsibilities said that "Brazil sees in us the prime source of investments, markets, science and technology, but these are hard levers to use." Another State Department official said, "I don't think we have very much leverage. Trade is the big thing but this involves U.S. interests. You can't say to Brazil that we'll take all your shoes if you do this or that, because the U.S. shoe industry wouldn't stand for it."

Brazil has a financial stake in President Carter's decision expected early next month, whether to accept sharply increased tariffs on shoe imports recommended by the U.S. International Trade Commission. However, Italy, Spain, Taiwan and South Korea have larger U.S. imports than Brazil and thus are likely to figure more importantly in Carter's decision.

A giant of a country which is by far the largest in Latin America in population as well as areas, Brazil and its policies are of major importance in many fields. In its present form the nuclear deal with West Germany, for example, includes a fuel "reprocessing" plant capable of manufacturing atomic bomb material and thus eventually bringing atomic weapon capabilities to the back door of the United States. The human rights attitudes and policies of this big, important country—to take another example—are watched keenly by its neighbors.

Brazil is only one of many countries where directly applied U.S. government power has declined as foreign aid has given way to trade and bank loans, and as U.S. military assistance, military presence and the possibility of paramilitary "covert operations" have diminished.

President Carter's open, emphatic and unilateral policies on nuclear proliferation and human rights—in the face of declining U.S. power—touched special sensitivities in Brazil. This is particularly so because only 13 months ago Secretary of State Henry A. Kissinger signed a formal agreement pledging to consult Brazil on matters of world as well as bilateral importance.

Brazil's cancellation of the 1952 military assistance agreement with the United States was intended to dramatize its independence.

According to Morgan Guaranty Trust's "World Financial Markets," Brazil borrowed at least $740 million in publicized loans from foreign bank branches in 1973; $1.6 billion in 1974; $2.1 billion in 1975; and $3.1 billion in 1976. Last year's borrowing by Brazil was more than 10 per cent of the worldwide total of $28 billion borrowed by all nations in 1976 in the foreign "Euromoney" markets.

A New York financial source who has followed Brazil closely said the actual total for last year might be close to $4 billion, including unpublicized transactions. The source said Brazil is "a preferred borrower" because it has always met its debt payments, and because it is a big country with large U.S. trade.

A banking magazine recently reported that the "alarming increase" in Brazil's overseas debts had made it more difficult to arrange loans for that country. However, fast-climbing coffee prices have doubled and redoubled Brazil's foreign revenues in the past few months, improving the country's financial standing.

A Citibank briefing for New York financial analysts recently estimated that Brazil's coffee earnings will sharply diminish its trade deficit and could even produce a trade surplus in 1977 if prices stay high and Brazil exercises reasonable control over imports.

Armed with this good fortune, Brazil's international borrowing boom may continue. There is no indication that the disputes with the United States over nuclear policy and human rights will have nearly as much effect on Brazil as the price of coffee.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977 calls for establishment of a system for and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the office of the Senate Daily Digest will prepare such information daily for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Wednesday, March 23, may be found in the Daily Digest section of today's RECORD.

The schedule follows:

MEETINGS SCHEDULED

MARCH 24

9:30 a.m.
Human Resources
Alcoholism and Narcotics Subcommittee
To hold oversight hearings on existing alcohol and drug abuse education programs, and proposed legislation to extend such programs.
Until: 12:30 p.m. 4232 Dirksen Building
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1976 for the Smithsonian Institution.
1114 Dirksen Building
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
Select Nutrition and Human Needs
To resume hearings to examine the relationship between diet and health, to receive testimony on beef consumption.
457 Russell Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on S. 406, the proposed Community Reinvestment Act.
5302 Dirksen Building
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 922 authorizing funds for fiscal year 1978 for the U.S. Railway Association, and on funds for the Office of Rail Public Counsel within the Interstate Commerce Commission.
235 Russell Building
Energy and Natural Resources
To hold oversight hearings on proposal for an international petroleum transshipment port and storage center to be located on the Palau District, Western Caroline Islands, Trust Territory of the Pacific Islands.
3110 Dirksen Building
Energy and Natural Resources
Subcommittee on Energy Research and Development
To hold hearings on proposed authorization for fiscal year 1978 for the Energy Research and Development Administration.
4200 Dirksen Building
Governmental Affairs
To continue hearings on S. 591 and 826 to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
3302 Dirksen Building
Governmental Affairs
Subcommittee on Intergovernmental Relations
To hold hearings on S. 2, to require reauthorization of Government programs at least every five years (proposed Sunset Act).
6226 Dirksen Building
Human Resources
Health and Scientific Research Subcommittee
To meet with officials of the Office of Technology Assessment to discuss proposed evaluation by OTA of the Food and Drug Administration ban on Saccharin.
Until: 12 noon 4232 Dirksen Building

10:30 a.m.
Appropriations
To consider H.R. 4877, making supplemental appropriations for fiscal year 1977.
S-128, Capitol

11:00 a.m.
Foreign Relations
Foreign Assistance Subcommittee
To hold hearings on proposed legislation to authorize funds for bilateral development assistance.
4221 Dirksen Building

2:00 p.m.
Appropriations
Foreign Operation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear officials of AID.
1318 Dirksen Building
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for higher education, welfare programs, and for library resources.
S-128, Capitol

3:30 p.m.
Banking, Housing, and Urban Affairs
To resume consideration of S. 69 and 92, to amend and extend the Export Administration Act.
5302 Dirksen Building

MARCH 25

9:00 a.m.
Agriculture, Nutrition, and Forestry
Subcommittee on Nutrition
To hold oversight hearings on the food stamp program.
322 Russell Building
Foreign Relations
Foreign Assistance Subcommittee
To hold hearings on proposed legislation to authorize funds for bilateral development assistance.
4221 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building
Human Resources
Alcoholism and Narcotics Subcommittee
To continue oversight hearings on existing alcohol and drug abuse education programs, and proposed legislation to extend such programs.
Until 12:30 p.m. 1224 Dirksen Building

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment, to hear congressional witnesses.
1223 Dirksen Building
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for programs for education of the handicapped, and for occupational, vocational, and adult education programs.
S-128, Capitol
Banking, Housing, and Urban Affairs
To hold hearings on S. 406, the proposed Community Reinvestment Act.
5302 Dirksen Building
Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittees
To hold oversight hearings on ocean shipping practices.
235 Russell Building
Energy and Natural Resources
Subcommittee on Energy Research and Development
To continue hearings on proposed authorizations for fiscal year 1978 for Energy Research and Development Administration.
3110 Dirksen Building
Government Affairs
To continue hearings on S. 591 and 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
3302 Dirksen Building
Human Resources
To hold hearings on the nominations of Mary Berry of Colorado, to be Assistant Secretary of HEW for Education, and Ernest L. Boyer, of New York, to be Commissioner of Education.
Until 12 noon 4232 Dirksen Building

11:00 a.m.
Veterans' Affairs
To hold hearings on the nominations of recommendations for 1977 from officials of Amvets.
Until Noon. 1202 Dirksen Building

MARCH 28

9:00 a.m.
Appropriations
Agriculture Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear public witnesses.
6202 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriation
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development.
1318 Dirksen Building
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Federal Aviation Administration.
1224 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings to inquire into domestic communications common carrier policies (i.e., telephone, computer, etc.).
1202 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Development
To continue hearings on proposed authorizations for fiscal year 1978 for Energy Research and Development Administration's nuclear budget.
3110 Dirksen Building

Governmental Affairs
Energy Subcommittee
To hold hearings on S. 897, to strengthen U.S. policies on nuclear nonproliferation, and to reorganize certain nuclear export functions.
3302 Dirksen Building

Governmental Affairs
Subcommittee on Intergovernmental Relations
To resume hearings on S. 2, to require reauthorization of Government programs at least every 5 years (proposed Sunset Act).
6226 Dirksen Building

1:30 p.m.
Appropriations
Agriculture Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear public witnesses.
6202 Dirksen Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearing on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

MARCH 29

9:00 a.m.
Appropriations
Agriculture Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear public witnesses.
6202 Dirksen Building

9:30 a.m.
Agriculture, Nutrition, and Forestry
Subcommittee on Rural Development
To hold hearings on medicare reimbursements for rural health care clinics.
322 Russell Building

Commerce, Science, and Transportation
Subcommittee on Aviation
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment, to hear congressional witnesses.
1223 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Office of Human Development.
S-128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

Energy and Natural Resources
*Energy Production and Supply Subcommittee
To continue hearings on S. 977, to conserve gas and oil by fostering increased utilization of coal in electric generating facilities and in major industrial installations.
3110 Dirksen Building

Governmental Affairs
To continue hearings on S. 591 and S. 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
3302 Dirksen Building

Governmental Affairs
Subcommittee on Intergovernmental Relations
To continue hearings on S. 2, to require authorization of Government programs at least every 5 years (proposed Sunset Act).
6226 Dirksen Building

Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

1:30 p.m.
Appropriations
Agriculture Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear public witnesses.
6202 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Technical Institute for the Deaf; the American Printing House for the Blind; Gallaudet College, and Howard University.
S-128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

*Commerce, Science, and Transportation
To hold hearings on the nomination of Joan Buckler Claybrook, of Maryland, to be Administrator of the National Highway Traffic Safety Administration.
5110 Dirksen Building

MARCH 30

9:00 a.m.
Appropriations
Agriculture Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear Secretary Bergland.
1224 Dirksen Building

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the National Park Service.
1114 Dirksen Building

Commerce, Science, and Transportation
Subcommittee on Aviation
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
235 Russell Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Subcommittee on Agricultural Production, Marketing and Stabilization of Prices
To hold oversight hearings on problems of flue-cured tobacco farmers.
322 Russell Building

Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment, to hear congressional witnesses.
1223 Dirksen Building

Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear officials of the Export-Import Bank, and Overseas Private Investment Corporation.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Social and Rehabilitation Service.
S-128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

Banking, Housing, and Urban Affairs
To mark up S. 305, to require issuers of securities to maintain records, and to prohibit the payment of overseas bribes by any U.S. business concern.
5302 Dirksen Building

Energy and Natural Resources
Subcommittee on Public Lands and Resources
To consider S. 7, to establish in the Department of the Interior an Office of Surface Mining Reclamation and Enforcement to administer programs to control surface coal mining operations.
3110 Dirksen Building

Governmental Affairs
To continue hearings on S. 591, and 826, to establish a Department of Energy in the Federal Government to direct coordinated national energy policy.
3302 Dirksen Building

Governmental Affairs
Subcommittee on Intergovernmental Relations
To continue hearings on S. 2, to require reauthorization of Government programs at least every 5 years (proposed Sunset Act).
6226 Dirksen Building

Select Intelligence
Subcommittee on Budget Authorization
To continue closed hearings on proposed fiscal year 1978 authorization for Government intelligence activities.
S-407, Capitol

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

Foreign Relations
Subcommittee on Foreign Economic Policy
To meet in closed session to receive a staff report on U.S. Foreign Economic Policy Issues: The United Kingdom, France, and West Germany.
S-116, Capitol

MARCH 31

9:00 a.m.
Select Nutrition and Human Needs
To continue hearings to examine the relationship between diet and health, to receive testimony on the need for fiber in diet.
Until: 1 p.m. 3302 Dirksen Building

9:30 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Bureau of Outdoor Recreation and the Land and Water Conservation Fund.
1114 Dirksen Building
Commerce, Science, and Transportation
Subcommittee on Aviation
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the defense establishment, to hear public witnesses.
1223 Dirksen Building
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Social Security Administration.
S-128, Capitol
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for National Highway Traffic Safety Administration.
1224 Dirksen Building
Budget Committee
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To consider S. 365, authorizing funds for fiscal year 1978 for NASA.
235 Russell Building
Energy and Natural Resources
Subcommittee on Public Lands and Resources
To consider S. 7, to establish in the Department of the Interior an Office of Surface Mining Reclamation and Enforcement to administer programs to control surface coal mining operations.
3110 Dirksen Building
Environment and Public Works
Water Resources Subcommittee
To hold hearings on national water policy in light of current drought situations.
4200 Dirksen Building
Foreign Relations
Subcommittee on Oceans and International Environment
To hold hearings on S. Res. 49, favoring international agreement to a treaty requiring the propagation of an international environmental impact statement for any major project expected to have significant adverse effect on the physical environment.
4221 Dirksen Building
Governmental Affairs
To continue hearings on S. 591 and S. 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
3302 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Office of Civil Rights, Inspector General, Policy Research, and General Management.
S-128, Capitol
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced
Select Intelligence
Subcommittee on Budget Authorization
To continue closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

3:30 p.m.
Foreign Relations
To receive a briefing (in closed session) from officials of the Central Intelligence Agency on the general world situation.
S-116, Capitol

APRIL 1

9:30 a.m.
Commerce, Science, and Transportation
Subcommittee on Aviation
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building
Environment and Public Works
Water Resources Subcommittee
To hold hearings on the proposed replacement of Locks and Dam 26, Alton, Ill.
4200 Dirksen Building

10.00 a.m.
Budget Committee
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building
Energy and Natural Resources
Subcommittee on Energy Research and Development
To hold hearings on S. 419, to test the commercial, environmental, and social viability of various oil-shale technologies.
3110 Dirksen Building

APRIL 4

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
HUD—Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Treasury, on funds for New York City financing.
1318 Dirksen Building
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced
Budget Committee
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building
Commerce, Science, and Transportation
To hold hearings on S. 263, to provide for interim regulatory reform of the Interstate Commerce Commission, Federal Trade Commission, Federal Power Commission, Federal Communications Commission, Civil Aeronautics Board, Federal Maritime Commission, and Consumer Product Safety Commission.
235 Russell Building
Energy and Natural Resources
Subcommittee on Energy Conservation and Regulation
To hold oversight hearings to determine status of national effort in energy conservation.
3110 Dirksen Building
Energy and Natural Resources
Subcommittee on Energy Research and Development
To resume hearings on proposed authorizations for fiscal year 1978 for Energy Research and Development Administration.
S-407, Capitol

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

APRIL 5

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Forest Service.
1114 Dirksen Building
Select Small Business
Monopoly Subcommittee
To resume hearings on alleged restrictive and anticompetitive practices in the eye glass industry.
318 Russell Building

10:00 a.m.
Appropriations
HUD—Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission.
Room to be announced
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear members of Congress and public witnesses.
Room to be announced
Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building
Commerce, Science, and Transportation
To hold hearings on S. 263, to provide for interim regulatory reform of the Interstate Commerce Commission, Federal Trade Commission, Federal Power Commission, Federal Communications Commission, Civil Aeronautics Board, Federal Maritime Commission, and Consumer Product Safety Commission.
235 Russell Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 562, the proposed Union Station Improvement Act.
5110 Dirksen Building
Energy and Natural Resources
*Subcommittee on Energy Production and Supply
To resume hearings on S. 977, to conserve gas and oil by fostering increased utilization of coal in electric generating facilities and in major industrial installations.
3110 Dirksen Building
Energy and Natural Resources
Subcommittee on Energy Research and Development
To continue hearings on proposed authorizations for fiscal year 1978 for Energy Research and Development Administration.
Room to be announced

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

APRIL 6

9:00 a.m.
Energy and Natural Resources
Parks and Recreation Subcommittee
To hold hearings on S. 393, the proposed Montana Wilderness Study Act.
Room to be announced

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior, to hear Congressional witnesses.
1114 Dirksen Building
Commerce, Science, and Transportation
Communications Subcommittee
To hold oversight hearings on rural telecommunications policy.
235 Russell Building
Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building
Select Small Business
Monopoly Subcommittee
To resume hearings on alleged restrictive and anticompetitive practices in the eye glass industry.
318 Russell Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear public witnesses.
1318 Dirksen Building
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission, Office of Consumer Affairs, and Consumer Information Center.
Room to be announced
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to announced
Budget
To make up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building
Energy and Natural Resources
Subcommittee on Energy Conservation and Regulation
To continue oversight hearings to determine status of national effort in energy conservation.
3110 Dirksen Building
Human Resources
Health and Scientific Research Subcommittee
To hold hearings on the benefits from and technological uses of genetic engineering-Deoxyribonucleic Acid (DNA) research.
6202 Dirksen Building

APRIL 7

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for military construction programs, on funds for NATO and classified programs.
S-146, Capitol
Energy and Natural Resources
Subcommittee on Energy Production and Supply
To resume hearings on S. 419, to test the commercial, environmental, and social viability of various oil-shale technologies.
3110 Dirksen Building

APRIL 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development and Independent Agencies, to hear public witnesses.
1318 Dirksen Building
Environment and Public Works
Water Resources Subcommittee
To resume hearings on the national water policy in view of current drought situations.
4200 Dirksen Building

APRIL 19

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and Related Agencies, to hear public witnesses.
1114 Dirksen Building
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Aviation Administration.
1224 Dirksen Building
Commerce, Science, and Technology
Science, Technology, and Space Subcommittee
To hold hearings on S. 126, to establish an Earthquake Hazards Reduction Program.
5110 Dirksen Building
Environment and Public Works
To resume hearings on the proposed replacement of Locks and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To hold oversight hearings on activities of the Consumer Product Safety Commission.
235 Russell Building
Energy and Natural Resources
To resume hearings on S. 9, to establish a policy for the management of oil and natural gas in the Outer Continental Shelf.
3110 Dirksen Building
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine governmental accounting and auditing practices and procedures.
3302 Dirksen Building

3:00 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimate for fiscal year 1978 for the Department of Housing and Urban Development, to hear public witnesses.
1318 Dirksen Building

APRIL 20

9:30 a.m.
Environment and Public Works
Water Resources Subcommittee
To continue hearings on the proposed replacement of Locks and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building
Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building
Commerce, Science, and Technology
Consumer Subcommittee
To continue oversight hearings on activities of the Consumer Product Safety Commission.
235 Russell Building

APRIL 21

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies to hear public witnesses.
1114 Dirksen Building
Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recomendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

Commerce, Science, and Technology
Consumer Subcommittee
To continue oversight hearings on activities of the Consumer Product Safety Commission.
5110 Dirksen Building

Governmental Affairs
Subcommittee on Reports, Accounting and Management
To hold hearings to examine Government accounting and auditing practices and procedures.
3302 Dirksen Building

APRIL 22

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

APRIL 26

9:30 a.m.
Small Business
To hold hearings on the problems of small business as they relate to product liability.
1202 Dirksen Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for Urban Mass Transportation Administration.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Urban Mass Transportation Administration.
1224 Dirksen Building

Commerce, Science, and Technology
Consumer Subcommittee
To hold hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

APRIL 28

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building

Commerce, Science, and Technology
Consumer Subcommittee
To continue hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

APRIL 29

10:00 a.m.
Commerce, Science, and Technology
Consumer Subcommittee
To hold hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

MAY 3

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on U.S. monetary policy.
5302 Dirksen Building

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation amending the Federal Trade Commission Act.
235 Russell Building

MAY 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Highway Administration.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building

Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings on proposed legislation amending the Federal Trade Commission Act.
235 Russell Building

MAY 5

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building

MAY 6

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee on May 15.
5302 Dirksen Building

MAY 10

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Railroad Administration (Northeast Corridor).
1224 Dirksen Building

Banking, Housing, and Urban Affairs
To hold oversight hearings on U.S. monetary policy.
5302 Dirksen Building

Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine Government accounting and auditing practices and procedures.

MAY 12

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting, and Management.
To continue hearings to examine Government accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 18

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on propsed budget estimates for fiscal year 1978 for DOT, to hear Secretary of Transportation Adams.
1224 Dirksen Building

2:00 p.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary Adams.
1224 Dirksen Building

MAY 24

10:00 a.m.
Government Affairs
Subcommittee on Reports, Accounting, and Management.
To resume hearings to examine Government accounting and auditing practices and procedures.
3302 Dirksen Building

MAY 26

10:00 a.m.
Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To continue hearings to examine Government accounting and auditing practices and procedures.
3302 Dirksen Building

CANCELLATION
MARCH 29

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Charles Linn Haslam, of North Carolina, to be general counsel, Department of Commerce; Elsa Allgood Porter, of Virginia, and Frank Alan Weil, of New York, each to be an Assistant Secretary of Commerce.

HOUSE OF REPRESENTATIVES—*Wednesday, March 23, 1977*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

This is the day which the Lord hath made; we will rejoice and be glad in it.—Psalms 118: 24.

Eternal Father, whose laws rule the universe, whose glory fills the skies, and whose love endures forever, we thank Thee for this new day fresh from Your hands, for life and liberty in this challenging age, for work to do, and for strength to do it.

Amid the experiences and the events of these hours help us to keep our record true—

By thinking without confusion clearly;
By loving our fellow men sincerely;
By acting from honest motives purely;
By trusting in Thee and heaven securely.

Because we serve our country well this day may we at eventide be at peace with ourselves, with our fellow creatures, and with Thee. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Chirdon, one of his secretaries, who also informed the House that on March 21, 1977, the President approved and signed a joint resolution of the House of the following title:

H.J. Res. 269. Joint resolution making an urgent supplemental appropriation for the fiscal year ending September 30, 1977, for disaster relief.

WHAT'S FOR LUNCH TODAY, MR. SECRETARY CALIFANO?

(Mr. KOSTMAYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOSTMAYER. Mr. Speaker, it is not unusual for a newsstory about something happening in the huge and complex Department of Health, Education, and Welfare to trigger questions in the Halls of Congress.

The story in today's Washington Post that HEW Secretary Joseph A. Califano, Jr., has hired his own chef though poses a different sort of question for the head of this multibillion-dollar superagency?

That question, Mr. Speaker, is: What's for lunch today, Mr. Secretary?

I am very disappointed to learn while HEW still has not been able to figure out a way to guarantee a nutritious, hot lunch every day for schoolchildren in our country, Secretary Califano, nevertheless, in a classic example of bureaucratic maneuvering and attempted coverup, has figured out a way to get his own personal chef on the Government payroll as well as provide the chef with a Government car, an assistant, and a $12,763 a year salary.

Secretary Califano should try dining out at lunch the way President Carter did last week when he visited West Virginia. At that time the most powerful leader of the free world and Gov. Jay Rockefeller of that State sat down in the cafeteria of the State capital to a lunch of cheeseburgers and french fries.

What is good enough for Jimmy and Jay should also be good enough for Joe. He should realize what they already know—"There ain't no free lunch."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3965, AUTHORIZING RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECTS FOR AVIATION

Mr. LONG of Louisiana, from the Committee on Rules, submitted a privileged report (Rept. No. 95–107) on the resolution (H. Res. 430), providing for consideration of H.R. 3965, to authorize research, development, and demonstration projects relating to aviation, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4991, AUTHORIZING APPROPRIATIONS FOR NATIONAL SCIENCE FOUNDATION

Mr. LONG of Louisiana, from the Committee on Rules, submitted a privileged report (Rept. No. 95–108) on the resolution (H. Res. 431) providing for consideration of H.R. 4991, to authorize appropriations for activities of the National Science Foundation, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. LONG of Louisiana. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, will the gentleman tell us what the reports are?

Mr. LONG of Louisiana. If the gentleman will yield, the Committee on Rules yesterday heard House Resolution 420, establishing a Select Committee on Congressional Operations, and in lieu of the commission that had originally been recommended to the Committee on Rules, we marked up the bill yesterday. We are in the process now of finishing the final report on it, and we hope to have it ready sometime this afternoon for filing with the House.

Mr. BAUMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

LOUISIANA YAMS

(Mr. LONG of Louisiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LONG of Louisiana. Mr. Speaker, today, in cooperation with the Louisiana Sweet Potato Commission, I am inviting my colleagues to stop by the House restaurant to try a baked Louisiana yam with lunch.

There is no better time to try this unique Louisiana product than now, when Washington, and indeed the whole Nation, is becoming increasingly better acquainted with the good things the South has to offer. Yams, whether baked, boiled, or candied, have been familiar items on southern menus for generations. In fact, whole families in the South survived the hard years after the Civil War on a diet consisting of little more than sweet potatoes.

The yams which are being served today, however, are a much improved version of what we have been enjoying all these years. It was through research carried out by Dr. Julian Miller and his research team at Louisiana State University that has given us the superb Centennial yam of present days. It is the product of many years of genetic crossbreeding and refinement that is grown and processed today in Louisiana and shipped all over the Nation.

Sweet potatoes are more than just a tasty southern favorite: They are one of the foods highest in carotene—a substance which the body converts to vitamin A, which is essential for good night vision, as well as healthy bones, skin, and teeth. Yams contain almost twice the minimum daily requirement of vitamin A, as well as a substantial amount of vitamin C and other required nutrients.

Many of the most famous yam recipes are synonymous with the finest traditions in southern—and particularly Louisiana—cooking. I hope you will join me in enjoying these tasty nutritious yams in our House restaurant today.

HOUSE CONCURRENT RESOLUTION 171 RELATING TO CURRENT CRISIS CONFRONTING GOVERNMENT OF ZAIRE

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, I want to call to the attention of the Members a resolution which I introduced yesterday. House Concurrent Resolution 171 addresses itself to the current crisis confronting the Government of Zaire. President Carter deserves congressional commendation rather than congressional criticism for extending aid to Zaire, which is under attack by an invading force from Angola. I also think the United Nations and its Security Council should make an immediate investigation into the blatant violation of Zaire's sovereignty with the objective of finding a speedy and peaceful solution.

In any realistic assessment of developments in Zaire today, the finger of blame must be pointed at the 94th Congress. It was that Congress which prohibited President Ford from aiding elements in Angola which were resisting a Soviet-Cuban-backed minority. It was that action by Congress which contributed to the ascendancy of a Marxist regime that now is apparently abetting and arming a rebel force, possibly trained by Cubans or Soviets or both, which is presently invading Zaire from a staging area in Angola.

The invasion of Zaire represents a serious threat to world peace and to Zaire's critically important copper industry in Shaba Province. The loss of Shaba Province probably would topple the Zaire Government and in the process, jeopardize the security of neighboring Zambia.

The demise of the Government of Zaire, one of the few allies the United States has in black Africa, would most assuredly lead to the installation of another Marxist-oriented regime in Africa

and a concomitant increase in Soviet influence in an area laden with strategically important reserves.

Instead of turning our back on the President, we should stand up and support him in responding positively to what has become a genuine threat to world peace.

CALL OF THE HOUSE

Mr. WRIGHT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 91]

Andrews, N.C.	Drinan	Russo
Andrews, N. Dak.	Eilberg	Sarasin
	Foley	Scheuer
Archer	Harsha	Shuster
Bonior	Heckler	Sisk
Bonker	Holland	Solarz
Brodhead	Johnson, Colo.	Staggers
Burton, John	Lederer	Steed
Cederberg	McKay	Teague
Chisholm	Milford	Udall
Conyers	Montgomery	Wiggins
Davis	Murphy, N.Y.	Wilson, C. H.
Derrick	Myers, Gary	Young, Alaska
Diggs	Patterson	Young, Tex.
Dodd	Rose	

The SPEAKER pro tempore (Mr. NATCHER). On this rollcall 389 Members have recorded their presence by electronic devise, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

THE WESTERN AND PLAINS STATES DROUGHT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 95–109)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

To the Congress of the United States:

Over the past two years, many of the Western and Plains states of our nation have been victims of a prolonged, severe drought. The effects of the drought have built up over many months, and they will take a long time to correct. Even long periods of rain would not wholly relieve the problem now.

The human and economic costs of the drought have been high. It has jeopardized municipal water supplies, damaged crops and pastureland and depleted livestock numbers. The drought has inflicted financial hardship on countless farmers, ranchers, businessmen and others, and it continues to pose a serious threat to their livelihood.

The Federal government has already made available almost a billion dollars in drought assistance through loans and cost-sharing programs. Although we do not have enough money to meet every requirement or indemnify every loss, we can provide additional help in certain areas. I am recommending a variety of assistance programs which will be applied in each area depending on how severely the drought has affected the people of that region.

In addition, we can encourage water conservation through several existing government programs. In many cases, water conservation is our only hope for immediate relief. As a nation, we *must* begin to conserve our water supplies, and government—at all levels—must lead the way.

The measures I propose will allocate benefits fairly, will mitigate some of the worst effects of the drought, and will support individuals and communities in their efforts to conserve water. Some of these proposals will require modification of existing programs or additional funding. Others will require totally new legislation. All of these will be temporary authorities; they are designed to cope with short-term problems, and they will expire on September 30, 1977.

Specifically, I propose the following legislative actions:

—New temporary authority to allow the Economic Development Administration and the Farmers Home Administration to provide $150 million in grants and $300 million in low-interest (5%) loans to communities for emergency water system improvements which can be completed quickly and which are essential to protect public health and safety.

—Establishment of a new Small Business Administration drought assistance loan program to provide $50 million in low-interest (5%) loans to small businesses in major drought designated areas.

—Establishment of a new Farmers Home Administration drought assistance loan program in which prospective losses can be included. This program will provide $100 million in 5 percent loans to farmers and ranchers in major drought designated areas.

—New legislation to authorize the Secretary of the Interior to provide $100 million in low-interest (5%) loans to purchasers of water. (Endorsement of the water bank objectives of S–925).

—Supplemental funds totaling $14 million for the Southwestern Power Administration to ensure adequate energy supplies.

—Supplemental funds in the amount of $30 million to the Bureau of Reclamation to provide assistance to irrigations on Federal Reclamation projects.

—Transfer to the Department of Agriculture from the Federal Disaster Assistance Administration authority to administer and fund the Emergency Livestock Feed Program.

—Supplemental funds to the Agricultural Stabilization and Conservation Service in the amount of $100 million to provide for cost-sharing of emergency soil conservation practices.

In addition, I have directed the following administrative measures:

—The Secretaries of Agriculture and Interior will make available additional Federal lands for grazing and issue emergency permits as appropriate.

—The Secretary of Agriculture will take administrative steps to ensure that trained firefighters and essential equipment are available to meet the increased danger of forest and wildfires.

When added to the supplemental appropriation of $200 million for disaster assistance, these new legislative proposals will provide almost $1 billion in additional drought assistance and bring to almost $2 billion the assistance provided by the Federal Government.

I believe the legislative proposals and administrative actions outlined above offer the best possibility of providing immediate assistance to meet the needs of some of our fellow Americans in this period of crisis. I urge immediate consideration of the legislative proposals and their timely adoption. If we are to be of real help to the people afflicted, time is of the essence.

JIMMY CARTER.

THE WHITE HOUSE, *March 23, 1977.*

PROVIDING FOR CONSIDERATION OF H.R. 4250, EQUAL TREATMENT OF CRAFT AND INDUSTRIAL WORKERS

Mr. MEEDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 423 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 423

Resolved, That upon the adoption of this resolution it shall be in order to move, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93–344) to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4250) to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers and to establish collective-bargaining procedures in the construction industry. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and said substitute shall be read for amendment by titles instead of by sections. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on

the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. MEEDS) is recognized for 1 hour.

Mr. MEEDS. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. DEL CLAWSON), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 423 provides for consideration of the bill (H.R. 4250) to protect the economic rates of labor in the building and construction industry by providing for equal treatment of craft and industrial workers and to establish collective bargaining procedures in the construction industry.

Mr. Speaker, this is an open rule providing 2 hours of debate, making the committee substitute in order as an original bill for the purpose of amendment, and providing for one motion to recommit with or without instructions.

This rule also waives points of order against the consideration of the bill for failure to comply with section 402(a) of the Congressional Budget Act of 1974. The gentleman from New Jersey (Mr. THOMPSON), the chairman of the subcommittee reporting this legislation, will offer an amendment to correct this violation by striking section 212 of the bill. In hearing before the Rules Committee the gentleman from New Jersey (Mr. THOMPSON) explained that in drafting in the committee it escaped the notice of everyone that title II of H.R. 4250 authorized the appropriation of funds under that title.

H.R. 4250 comprises common situs picketing legislation as well as legislation to establish a national framework for collective bargaining in the construction industry. According to the House Committee on Education and Labor, this bill before us today is the same in all major aspects to the conference version of H.R. 5900 of the 94th Congress, which was vetoed by President Ford on January 2, 1976. I would hope that my colleague from New Jersey (Mr. THOMPSON) would discuss in his statement any minor variations, which I understand exist between this bill and the conference version vetoed by the President.

In 1947, the Taft-Hartley amendments to the National Labor Relations Act outlawed secondary boycotts—activity on the part of unions which negatively affects third party neutrals. Title I of H.R. 4250 amends the National Labor Relations Act to provide for equal treatment of building and construction trade unions during strikes which take place at construction job sites. It is designed to overturn a 1951 Supreme Court interpretation of section 8(b)(4)(B) of the National Labor Relations Act in *NLRB* v. *Denver Building Trades*, 341 U.S. 675. In the Denver case, the Supreme Court held that because the general contractor and the subcontractor on a building site were separate business entities they were to be treated as neutrals with respect to each other's labor disputes. Accordingly, a union having a controversy with one contractor could not picket the other contrators and subcontractors at the jobsite without engaging in a secondary boycott.

Employees on an industrial or manufacturing site are not faced with the same problem. In its decision in the General Electric case, the Supreme Court in 1961 refused to apply the principles of the Denver decision to an industrial site. Instead it adopted a "work relatedness" test: All employers engaged in work at the common situs may be picketed, except those not engaged in work related to the normal operations of the primary employer.

According to the committee report, title I is designed to recapture the original intent of the provisions of section 8(b)(4)(B) by redefining what constitutes primary activity and secondary activity in the construction industry. The bill applies the primary-secondary dichotomy to the construction industry by providing that all those engaged in a single construction project are a single person for the purpose of the secondary boycott provisions. H.R. 4250 thus reverses the reasoning and result of the Denver case and embodies the connected work test in the General Electric case to the construction industry.

The committee, as my colleague will portray, has taken steps to limit title I of this bill to common situs picketing in the building trades and to provide safeguards so that this amendment does not proliferate to other construction work problems and to other aspects of labor relations prohibited or authorized by the National Labor Relations Act, as amended.

Title II of H.R. 4250 creates the Construction Industry Collective Bargaining Committee—CICBC—the purpose of which is to bring about greater labor relations stability by establishing a new national collective bargaining framework for settlement of labor disputes in the construction industry.

Title II of the bill would continue and expand upon the approach under Executive orders in 1969, 1971, and 1975 which established the Construction Industry Collective Bargaining Commission, the Construction Industry Stabilization Committee, and the Collective Bargaining Committee in Construction. It is designed to create a labor relations structure in the construction industry which can reflect and effectively promote the national interest in diminishing inflationary wage settlements, unproductive manpower utilization, and prolonged work stoppages.

The title's principal focus is the establishment of a tripartite national Construction Industry Collective Bargaining Committee—CICBC—to oversee bargaining in the industry. The committee, appointed by the President, will be composed of 10 members representing the viewpoint of employers, 10 members representing the viewpoint of national labor organizations, and up to three public members representing the public. By creating this committee, the bill establishes a forum for the expression of these national labor organizations and national contractor organizations in local and regional collective bargaining.

The CICBC will be responsible for identifying key construction industry collective bargaining situations for their possible pattern-setting impact on bargaining in the industry. Parties to a collective bargaining agreement would be required to give the committee 60 days notice of proposed termination. If the committee decides to take jurisdiction, it would have up to 90 days—including the 60-day notice period—to help resolve any dispute by meeting with interested parties or by referring them to voluntary national craft or branch boards.

This title also provides responsibilities and standards for committee action and requires the committee to make annual reports to the President and Congress. The committee's authority would expire on December 31, 1980.

Mr. Speaker, I urge adoption of the rule and passage of H.R. 4250.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 423 provides an open rule with 2 hours of general debate for the consideration of H.R. 4250—the equal treatment of craft and industrial workers' bill, otherwise known as common situs picketing. The rule provides that the committee substitute shall be in order as an original bill for the purpose of amendment; that the substitute be read for amendment by titles rather than by sections; and that there may be one motion to recommit with or without instructions. The rule also waives section 402(a) of the Budget Act of 1974, since section 212 of the bill grants funding authority for fiscal year 1977 and the bill was not reported in time to meet the May 15 reporting deadline.

The purpose of H.R. 4250 is to exempt the building and construction trade unions from the secondary boycott provisions of the National Labor Relations Act. The bill would legalize secondary boycotts in the construction industry, a practice made illegal by the passage of the Taft-Hartley Act in 1947 and the Landrum-Griffin Act of 1959.

Mr. Speaker, the passage of this legislation could result in a union being able to close down an entire construction project because of a dispute with one subcontractor even though the other subcontractors are not involved in the dispute. I believe this violates the principle and congressional intent of the National Labor Relations Act. I would like to quote from an editorial which appeared in the New York Times on March 12, 1977, since it seems to put this bill into perspective.

If all the building workers on a site were members of the same local, its leaders would surely hesitate before throwing up a picket line that would inconvenience all of its members for the benefit of a few. In any event, the building trades unions have had the same opportunity as other workers to coalesce into a single union. Since they have chosen to continue their separateness, why

bless them legally with the benefits of the togetherness which they have rejected?

Mr. Speaker, the issue of common situs picketing in the construction industry has been debated in the courts and in the Congress for over a quarter of a century. Through big union pressure, a bill such as H.R. 4250 has been considered in each Congress since 1949 and the prohibition against common situs picketing has stood the test of time.

The trade unions would like you to believe that this legislation is necessary for the protection of the laborers in the construction industry. However, anyone knowledgeable about the wage scale for the building trades would know that they are the highest wage scales in any organized labor segment in the country. The problem with the construction industry is not unjust wage scales but rather unemployment. In 1976 the construction industry had an unemployment rate of 15.6 percent as compared with a national unemployment rate—which includes construction—of 7.7 percent. There has been double-digit unemployment in construction in every year since 1970 except 1973. This piece of legislation can do nothing but increase these astounding unemployment figures.

Mr. Speaker, taking these facts into consideration, I must urge my colleagues to defeat this ill-advised bill here and now by defeating the rule.

Mr. MEEDS. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON. Mr. Speaker, I rise in support of H.R. 4250.

Among the many absolutely false issues raised by opponents of H.R. 4250 is the claim that the bill is being railroaded through this House, one journalistic critic went so far as to accuse the chairman of pushing this through in a "tearing rush." This assertion is nothing short of ludicrous in the light of some 25 years of consideration of similar measures here and in the other body. The record is extensive and well established.

Efforts to overrule the Denver Building Trades Council case—have persisted since the NLRB handed down its decision in 1949. President Truman initiated the efforts when, in his state of the Union message, he requested a number of reforms in the National Labor Relations Act, including the reversal of Denver. Such a bill was introduced by Mr. Lesinski and approved by the Education and Labor Committee. When the bill reached the floor, there was opposition to other provisions in the omnibus bill, and the bill was recommitted to the committee without a vote on the Denver provisions.

President Eisenhower was the second President to attempt to have Denver overruled. In a 1954 message to Congress the President made the following recommendation:

> I recommend that the act be clarified by making it explicit that concerted action against an employer on a construction project who, together with other employers, is engaged in work on the site of the project, will not be treated as a secondary boycott.

(President's labor-management relations message, H. Doc. No. 291, Jan. 11, 1954.)

Thereafter, Republican Senator Alexander Smith of New Jersey introduced legislation which was favorably reported by the Senate Labor and Public Welfare Committee after extensive hearings. When the bill reached the floor, a number of antiunion amendments were adopted. Upon a motion of Senator Hill the bill was recommitted because, as the Democratic opponents alleged, with the antiunion amendments the bill was "packed with confusion and subterfuges."

President Eisenhower repeated his efforts to overrule Denver in 1956 and again in 1959.

It just suddenly occurs to me that some of the opponents of this bill since it has been around so long—are too young to remember the days of the Eisenhower administration.

And so in a sense I suppose this is a lesson in history.

At this time in 1959 the proposal was made a part of the Landrum-Griffin reform amendments. The conference committee recommended that the Denver bill be made law but was then informed by the House Parliamentarian that such a provision would not be germane. It was agreed that the bill would be brought up again in the following Congress, and thus in 1960 further hearings were held, with no action being taken.

In 1961 a bill was introduced, and hearings were held. At these hearings Secretary of Labor Goldberg testified on behalf of the Kennedy administration in favor of the legislation, and no action was taken.

During the Johnson administration in 1965 Secretary of Labor Willard Wirtz urged the enaction of legislation to overrule Denver. The bill proceeded to the floor but was withdrawn. In 1967 similar legislation was introduced, and hearings were held. Again, action on the bill was deferred pending Senate approval.

The SPEAKER pro tempore (Mr. DANIELSON). The time of the gentleman from New Jersey (Mr. THOMPSON) has expired.

Mr. MEEDS. Mr. Speaker, I yield 5 additional minutes to the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON. Mr. Speaker, during the 91st Congress legislation was again introduced, and at that time Secretary of Labor Shultz, testifying on behalf of the Nixon administration, spoke in favor of the legislation. The bill died in committee.

As many of the Members will recall, the 94th Congress sent to President Ford a conference report containing an amendment which the President himself had requested as a condition of signing the legislation. For reasons best known to him, President Ford withdrew his permission and vetoed the legislation, which is why it is before us again.

This year 5 days of hearings were held on H.R. 4250. A wide array of witnesses appeared to testify. Witnesses from organizations such as National Right To Work Committee were invited to testify but declined. I received a letter from that organization this morning saying that they really had not declined, because they wanted to testify against only title I and had no interest in title II. My staff called them and stated that the emphasis following Secretary Marshall's testimony was in favor of the legislation, and that the statements expressing President Carter's support of the legislation were to be confined principally to title II, but that the National Right To Work Committee is invited to testify not only on title II, it is admitted, but also is informed that expressions by their witnesses with respect to title I would be welcome. They declined, and I regret any misunderstanding.

I do not regret my objections to what I consider to be extremely unfair and distorted—not to mention terribly expensive—newspaper ads involving the expenditure of literally millions of dollars throughout the United States in opposition to the bill.

Mr. Speaker, the 26-year history that I have just recounted represents thousands of pages of testimony presented in over 70 days of hearings by witnesses both pro and con, plus virtually innumerable communications which are in the process of being printed as part of the permanent RECORD at this point.

After such comprehensive deliberation and study, I hardly think that our consideration of this bill can be characterized as a "tearing rush." If this bill is being railroaded through this Congress, we have been riding a train that has been traveling at a snail's pace and it is about time we left the station.

Therefore, Mr. Speaker, I urge the adoption of the rule.

Mr. Speaker, I would like to state that there are differences, which I shall make part of the record, in the comparison of H.R. 4250 and the bill vetoed by President Ford.

It is my intention, following the adoption of the rule and the general debate, to make every possible effort to compromise so that the Members will have an opportunity to vote on a final product which, in my judgment, will end up as being essentially, almost word for word, the legislation on which we voted in the last Congress and which was passed and sent to President Ford.

Mr. Speaker, there are some substantive differences which I have with such distinguished friends as the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, I am perfectly glad to agree, for the record, with what the gentleman from New Jersey (Mr. THOMPSON) has said.

I would say that in the 16 years that I have known my friend, the gentleman from New Jersey (Mr. THOMPSON), the situs picketing bill and the Kennedy Center have been the two things that he has loved most.

Mr. THOMPSON. The gentleman from Ohio (Mr. ASHBROOK) has them in the reverse order.

The SPEAKER pro tempore (Mr. DANIELSON). The time of the gentleman from New Jersey (Mr. THOMPSON) has expired.

Mr. MEEDS. Mr. Speaker I yield 3 additional minutes to the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON. Mr. Speaker, to continue what I was saying, I would like the gentleman from Ohio (Mr. ASHBROOK) to know that the Kennedy Center is my first love, notwithstanding the fact that he will not let me or us repair the roof of the Center.

My second interest has been common situs picketing.

Mr. Speaker, I have enjoyed my innumerable debates throughout the country with the gentleman from Ohio (Mr. ASHBROOK), where we have put on very well known horse and pony shows.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield further?

Mr. THOMPSON. I am glad to yield to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Speaker, it is my understanding that both are leaking, the Kennedy Center roof and this bill.

Mr. THOMPSON. Mr. Speaker, I am absolutely certain about the Kennedy Center, but I am in doubt about the other. Like a baby, one has to check it out on occasion; and I know that the gentleman has done that many times.

Mr. Speaker, the gentleman from Ohio (Mr. ASHBROOK) has an amendment which would limit the right of construction unions to induce support of those who were employees of employers "primarily engaged in the construction industry at the site." I still strongly oppose that. I do not know whether the gentleman will prevail or not.

Mr. Speaker, a number of other amendments which were sent to President Ford in the form of the conference report have been eliminated in the bill H.R. 4250, but I would venture to predict that, in the final analysis, the legislation which we shall pass, I hope, today and send to President Carter—and I am certain that he will sign it; I have been so assured—will be so remarkably the same as that which was passed last year that we will have approximately the same majority for it.

Mr. Speaker, I thank the gentleman from Washintgon (Mr. MEEDS) for his assistance and for yielding me this time.

Mr. MEEDS. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 297, nays 112, not voting 23, as follows:

[Roll No. 92]

YEAS—297

Addabbo	Fish	Miller, Ohio
Akaka	Fisher	Mineta
Alexander	Fithian	Minish
Allen	Flippo	Mitchell, Md.
Ambro	Flood	Mitchell, N.Y.
Ammerman	Florio	Moakley
Anderson, Calif.	Flowers	Moffett
Annunzio	Foley	Mollohan
Ashley	Ford, Mich.	Moore
Aspin	Ford, Tenn.	Moorhead, Pa.
AuCoin	Fraser	Moss
Badillo	Fuqua	Mottl
Baldus	Gammage	Murphy, Ill.
Barnard	Gaydos	Murphy, Pa.
Baucus	Gephardt	Murtha
Beard, R.I.	Giaimo	Myers, Michael
Bedell	Gibbons	Myers, Ind.
Bellenson	Gilman	Natcher
Benjamin	Ginn	Nedzi
Bennett	Glickman	Nichols
Bevill	Goldwater	Nix
Biaggi	Gonzalez	Nolan
Bingham	Gore	Nowak
Blanchard	Gudger	Oakar
Blouin	Guyer	O'Brien
Boggs	Hagedorn	Oberstar
Boland	Hamilton	Obey
Bolling	Hanley	Ottinger
Bonior	Hannaford	Panetta
Bowen	Harkin	Patten
Brademas	Harrington	Patterson
Breaux	Harris	Pattison
Breckinridge	Hawkins	Pease
Brinkley	Heckler	Pepper
Brooks	Heftel	Perkins
Brown, Calif.	Hollenbeck	Pickle
Brown, Mich.	Holtzman	Pike
Burke, Calif.	Horton	Price
Burke, Mass.	Howard	Pritchard
Burlison, Mo.	Hughes	Pursell
Burton, John	Hyde	Quie
Burton, Phillip	Ichord	Rahall
Caputo	Ireland	Railsback
Carney	Jacobs	Rangel
Carr	Jeffords	Regula
Carter	Jenkins	Reuss
Cavanaugh	Jenrette	Richmond
Cederberg	Johnson, Calif.	Rinaldo
Chappell	Jones, Tenn.	Risenhoover
Chisholm	Jordan	Rodino
Clausen, Don H.	Kastenmeier	Roe
Clay	Kemp	Roncalio
Cleveland	Ketchum	Rooney
Cohen	Keys	Rosenthal
Coleman	Kildee	Rostenkowski
Collins, Ill.	Koch	Roybal
Conte	Kostmayer	Ruppe
Conyers	Krueger	Ryan
Corman	LaFalce	Santini
Cornell	Lagomarsino	Sarasin
Cornwell	Le Fante	Sawyer
Cotter	Lederer	Schroeder
Coughlin	Leggett	Sharp
D'Amours	Lehman	Shipley
Daniel, Dan	Lent	Shuster
Danielson	Levitas	Sikes
Delaney	Lloyd, Calif.	Simon
Dellums	Long, La.	Skelton
Dent	Luken	Skubitz
Derwinski	Lundine	Slack
Dicks	McCloskey	Smith, Iowa
Diggs	McCormack	Solarz
Dingell	McDade	Spellman
Dodd	McEwen	St Germain
Downey	McFall	Stangeland
Drinan	McHugh	Stanton
Duncan, Oreg.	McKinney	Stark
Early	Madigan	Steed
Eckhardt	Maguire	Steers
Edgar	Mann	Steiger
Edwards, Ala.	Markey	Stokes
Edwards, Calif.	Marks	Stratton
Eilberg	Marlenee	Studds
Ertel	Mathis	Thompson
Evans, Colo.	Mattox	Thornton
Evans, Ga.	Mazzoli	Traxler
Evans, Ind.	Meeds	Tsongas
Fary	Metcalfe	Tucker
Fascell	Meyner	Udall
Findley	Mikulski	Ullman
	Mikva	Vander Jagt
	Miller, Calif.	Vanik
Volkmer	Whalen	Wright
Walgren	Whitley	Wydler
Walsh	Wiggins	Yates
Wampler	Wilson, Bob	Yatron
Watkins	Wilson, C. H.	Young, Mo.
Waxman	Wilson, Tex.	Zablocki
Weaver	Wirth	Zeferetti
Weiss	Wolff	

NAYS—112

Abdnor	Flynt	Moorhead, Calif.
Anderson, Ill.	Forsythe	Neal
Andrews, N.C.	Fountain	Pettis
Archer	Frey	Poage
Armstrong	Goodling	Pressler
Ashbrook	Gradison	Preyer
Badham	Grassley	Quayle
Bafalis	Hall	Quillen
Bauman	Hammer-schmidt	Rhodes
Beard, Tenn.	Hansen	Roberts
Broomfield	Harsha	Robinson
Brown, Ohio	Hefner	Rogers
Broyhill	Hightower	Rousselot
Buchanan	Hillis	Rudd
Burgener	Holt	Runnels
Burke, Fla.	Hubbard	Satterfield
Burleson, Tex.	Huckaby	Schulze
Butler	Johnson, Colo.	Sebelius
Byron	Jones, N.C.	Smith, Nebr.
Clawson, Del	Kasten	Snyder
Cochran	Kazen	Spence
Collins, Tex.	Kelly	Stockman
Conable	Kindness	Stump
Corcoran	Krebs	Symms
Crane	Latta	Taylor
Daniel, R. W.	Leach	Thone
de la Garza	Lloyd, Tenn.	Tonry
Derrick	Long, Md.	Treen
Devine	Lott	Trible
Dickinson	Lujan	Waggonner
Dornan	McClory	Walker
Duncan, Tenn.	McDonald	White
Edwards, Okla.	Mahon	Whitehurst
Emery	Marriott	Whitten
English	Martin	Winn
Erlenborn	Michel	Wylie
Evans, Del.	Montgomery	Young, Fla.
Fenwick		

NOT VOTING—23

Andrews, N. Dak.	Jones, Okla.	Seiberling
Applegate	McKay	Sisk
Bonker	Milford	Staggers
Brodhead	Murphy, N.Y.	Teague
Davis	Myers, Gary	Van Deerlin
Frenzel	Rose	Vento
Holland	Russo	Young, Alaska
	Scheuer	Young, Tex.

The Clerk announced the following pairs:

Mr. Staggers with Mr. Teague.
Mr. Vento with Mr. Young of Texas.
Mr. Davis with Mr. Milford.
Mr. Murphy of New York with Mr. Russo.
Mr. Fish with Mr. McKay.
Mr. Seiberling with Mr. Jones of Oklahoma.
Mr. Bonker with Mr. Frenzel.
Mr. Van Deerlin with Mr. Holland.
Mr. Applegate with Mr. Andrews of North Dakota.
Mr. Brodhead with Mr. Scheuer.
Mr. Rose with Mr. Young of Alaska.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO HAVE UNTIL MIDNIGHT TOMORROW, THURSDAY, MARCH 24, 1977, TO FILE CERTAIN REPORTS

Mr. MEEDS. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tomorrow to file certain privileged reports; and I will inform the House, Mr. Speaker, that this is the report on H.R. 5045.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, may I ask the gentleman what the nature of that bill is.

Mr. MEEDS. Mr. Speaker, if the gentleman will yield, H.R. 5045 is the Government Reorganization Act, on which our committee will hold hearings.

Mr. BAUMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

EQUAL TREATMENT OF CRAFT AND INDUSTRIAL WORKERS

Mr. THOMPSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4250) to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers and to establish collective-bargaining procedures in the construction industry.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. THOMPSON).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4250, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New Jersey (Mr. THOMPSON) will be recognized for 1 hour, and the gentleman from Ohio (Mr. ASHBROOK) will be recognized for 1 hour.

The Chair now recognizes the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is with a bit of nostalgia that I rise to speak in support of the bill to provide equal treatment for craft and industrial workers. All but our newest colleagues should be quite familiar by now with the problem addressed by this bill. In 1975, we passed almost identical legislation under the number of H.R. 5900 only to have then President Ford veto it after having agreed to sign it.

Indeed, you will recall that Mr. Ford's Secretary of Labor, Mr. Dunlop, resigned in protest of the Ford veto. Secretary Dunlop had been instrumental in helping to shape that bill in the 94th Congress, and felt he had had no alternative but to resign when the President repudiated his commitment to sign it.

But even back in 1975, this matter was old hat. For almost a quarter of a century, there have been serious efforts in both this House and the other body to enact similar legislation. It has at one time or another been endorsed by every President, Democratic and Republican alike, since Eisenhower. It was my very first year in this body that a Republican Senator from my home State, H. Alexander Smith, introduced such a bill in the Senate.

There have been many attempts to enact such legislation since, but each one failed for one reason or another, most recently because of President Ford's last-minute change of heart. Since this year I am absolutely confident that the occupant of the White House will be loyal to his commitment to sign this bill when it reaches his desk, I do sincerely believe that after this year, we will be—to paraphrase the remarks of one great American—free at last of this matter.

I suppose the fact that we are still at work on such legislation a quarter century after Senator Smith introduced his bill is a great tribute to the political clout of the building contractors, as well as the fertile imagination of their public relations consultants. There is no doubt that the construction industry representatives have been quite effective in convincing many people that there is something terrible about the concept of allowing a union to picket an entire construction site when it has a dispute with one of the contractors on the job.

The honest truth is there is nothing very unique or strange about the idea at all. It is only those busy typewriters of the construction industry's PR firms that has made this such a highly volatile issue.

The idea of situs picketing is no more strange or radical than the idea of collective bargaining itself: And this country decided 42 years ago that collective bargaining between workers and employers was a very wholesome thing.

While there is a great deal of public misunderstanding about the nature of this proposed legislation, what we should understand is that all that the bill really does is provide for union workers in the construction industry the same rights which have long been accorded to industrial unions and their members. That is why the bill is entitled "equal treatment of craft and industrial workers."

The essence of the bill is that it would permit workers who have a dispute with their own employer to picket their employer's economic allies at a common construction site. This is already the law at industrial job sites, where a union may direct its picketing not only at the primary employer involved in a labor dispute, but at all other employers who are engaged in "related work."

The right of working people to appeal by picketing for the economic support of their fellow workers has been protected by our national law since 1935.

Prior to the New Deal, the organization of workers into unions for their common protection was often considered an illegal conspiracy; and workers were not protected when they combined to bargain collectively with their employers and attempted to strike and picket to back up their economic demands.

The result was not only the oppression of working people, but industrial strife and economic ruin for a large part of the population.

The National Labor Relations Act changed all that. It declared it to be "the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of employment or other mutual aid or protection."

The act guaranteed workers the right to strike and the right to picket in order to eliminate the "inequality of bargaining power between employees who do not possess full freedom of association or actual liberty of contract and employers who are organized in the corporate or other forms of ownership association."

It is precisely this right of workers to appeal to their peers through picketing which is the essence of Federal labor law.

This bill merely provides for construction tradesmen the same right of appeal for solidarity that has been the right of industrial workers since 1935. It was a right that likewise belonged to construction workers prior to an ill-considered Supreme Court decision in 1951 which ignored the realities of the construction industry and held that various contractors joined in a single construction project were completely independent and separate business entities.

Despite all the crocodile tears shed by the opposition, that is all this bill is about. It has nothing to do with freedom of choice or democratic rights—not to mention motherhood or apple pie. What this bill is about is the right of workers to organize and bargain collectively with some modicum of economic power.

The opponents are people who want to be able to prevent their workers from joining unions and obtaining union conditions. They call themselves "open shop," or, more elegantly, "merit shop" employers. What "open shop" means is that it is only open to nonunion workers. And what the "merit" of such an operation is, I cannot imagine.

Interestingly, these opponents never mention that they are afraid that passage of this bill might result in higher wages or improved working conditions or more expensive safety standards for their workers. Again this year as in the past they tell us their opposition is motivated by much more altruistic instincts: That the bill might deny jobs to members of minority groups; that it will deny "freedom of choice" to their workers; that it will raise the cost of residential housing. They worry about everything but their pocketbooks.

Well, we heard all of this back in the 94th Congress as well, and, as I explained at that time, I checked out the opponents of this legislation. And I discovered that these opponents were not with us when we tried to end racial and sex discrimination in employment; they were not with us when we tried to assure job opportunities for all; they were not with us when we tried to assure meaningful housing legislation. They have never been with us when we have tried to legislate to protect the needs of the common working men and women of America.

So you will just have to forgive me if

I take with a large grain of salt the protestations of these opponents that their opposition is motivated by their concern for the good of the country. They may well believe that what is good for their profit margins is always good for the country, but I confess that I remain a bit skeptical that such is always the case.

My primary concern remains the good and welfare of the working men and women of our country, and I am convinced that end is best served by passage of this bill.

Mr. Chairman, let me speak now as to the essence of the bill. Lots of really terrible charges have been leveled against the bill just as they were leveled against its predecessors, other bills that have been considered over the years. This bill has been accused of almost everything, from promoting racial discrimination to threatening to raise the cost of building a private home beyond the reach of the ordinary worker. None of these things which have been said is true.

Our committee heard most of these allegations made over and over again and found them to be without substance, although in two instances it was found that amendments were in order to satisfy critics, in one instance, in order to clarify the actual intent of the bill, and in the other instance, to offer special protections to one specific section of the construction industry, the small-home builders.

The major criticism which opponents of the bill keep asserting is that it would legalize something called a secondary boycott, and this, like other criticisms, is simply not true. The so-called secondary boycott provisions of the Taft-Hartley amendments to the National Labor Relations Act were designed, in the words of the late Senator Taft—and let me quote him—

> To protect a third person who is wholly unconcerned in a disagreement between an employer and his employees.

President Eisenhower elaborated on this theme when he wrote Congress saying that the secondary boycott prohibitions—and I shall quote him—

> Are designed to protect innocent third parties from being injured in labor disputes which are not their concern.

The bill has no quarrel with the secondary boycott provisions of Taft-Hartley insofar as they are required to protect the innocent neutral from embroilment in a labor dispute in which he is wholly unconcerned. Indeed the bill reaffirms the secondary boycott dichotomy, which is primarily the heart of sections 8(b)(4) and 8(e) of the act, and inflicts the economic realities in the building and construction industry in situations where the contractor and all the subcontractors are engaged in a common venture and each is performing tasks closely related to the normal operations of all the others. None are innocent, none are unconcerned in the labor dispute involving any other at the building site. The construction of a building is a single, coordinated, integrated, economic enterprise.

The contractor can perform the total job or subcontract part or various parts of it. If he decides to subcontract, he chooses the subcontractors with care and exercises overall supervision. If he chooses to subcontract to a nonunion subcontractor who pays less than the prevailing union wages and wins the bid for that reason, the contractor cannot claim neutrality when the unions protest by picketing the jobsite.

This view of nonneutrality underlines the purpose and is the essence of this bill. No one who has ever been involved in a construction project can truly believe that every contractor operates independently from the others. The construction of a building or other structure is clearly a team effort. Someone chooses the players with care and then calls the plays. This quarterback is not hesitant in sending in substitutes if the original player for some reason becomes unsatisfactory. The construction of a building is an integrated enterprise in which the participants are interrelated allies rather than independent neutrals.

It should be noted that the bill only applies when employees in a construction industry project are in fact jointly engaged as joint venturers and have the relationships of contractors and subcontractors in the construction project at a particular job site. If for some reason the employers are not so jointly engaged, then the bill has no applicability.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. THOMPSON) has expired.

Mr. THOMPSON. Mr. Chairman, I yield myself 3 additional minutes.

Mr. Chairman, the bill is thus not intended to and cannot apply when separate employers are in fact innocent neutrals or otherwise wholly unconcerned in the labor disputes that go on around them.

Thus, Mr. Chairman, it in no way authorizes a true secondary boycott. It merely redefines a secondary boycott as it applies to the economic realities of the construction industry.

The point was well stated by Secretary Marshall when he appeared before the subcommittee which I have the honor to chair.

Mr. Chairman, he said as follows:

> Opponents of this legislation argue that it is unfair to treat the general and subcontractors at a construction site as a single entity for the purpose of secondary boycott provisions. They assert that each contractor is an independent business operation with little control over the labor policies of the other. I do not agree with this reasoning.

Mr. Chairman, the Secretary goes on to say as follows:

> The various contractors and subcontractors on the construction project are ordinarily engaged in a closely integrated business relationship. The employees of one contractor work side by side with the employees of another, and the various operations are all integral parts of a single construction project. In my judgment, these various contractors and subcontractors should not be regarded as innocent bystanders which the secondary boycott provisions are intended to protect. Indeed, common situs bills have been drafted to apply only when defined legal relationships exist among the employers at the site. In my view, the present application of the law results in discriminatory treatment of construction workers simply because the construction industry, unlike private industry sectors, operates typically through separate specialized subcontractors.

Mr. Chairman, I expect, as I said in the debate on the rule, that there will be offered either a substitute or a series of amendments which will bring the legislation before us today into almost exact word-for-word compliance with the legislation which was passed by both bodies last year, including the conference report. I would expect that we will see before the end of the afternoon and following the amendments a piece of legislation which is almost precisely word for word that which was adopted as a conference report in the last Congress.

Mr. ASHBROOK. Mr Chairman, I yield myself 10 minutes.

Mr. Chairman, for years, proponents of legislation in some ways similar to H.R. 4250 have chosen to endorse "common situs picketing" legislation, the legislation they are now referring to as "equal treatment for craft and industrial workers." This legislation we are considering is the formerly entitled "common situs picketing" legislation, no matter what it is entitled. The legislation we are considering has nothing to do with the presumably politically acceptable goals of equal treatment. I have opposed common situs picketing legislation since first coming to Congress. Such legislation as H.R. 4250 does more than grant equal rights to craft and industrial workers. H.R. 4250 grants to construction craft unions far greater rights than rights granted to any other unions. As a matter of fact, H.R. 4250 grants rights far greater than any other common situs picketing legislation ever to be presented to this Congress.

Not only do I strongly oppose common situs picketing, I oppose even more vehemently the legislation we are considering today. This legislation should be exposed for what it really is. When that is done I believe that most would agree with me that this legislation should never be considered by those of us who desire to see a balanced approach in the administration of our national labor relations policy.

This legislation is technical, but catch phrases and inadequate explanations do not diminish its extent. Most of the rhetoric has centered on the economic consequences of the bill. Much more attention has centered on the emotionalism involving common situs picketing than on the technical details of the bill.

Perhaps the sponsors of the legislation fail to see the eventual consequences. Perhaps the sponsors of the bill truly believe that the legislative history, or their statements of limitations of the legislation will overcome the ambiguities of the bill itself. But, what the sponsors do not seem to understand is—that where there are no ambiguities, neither the legislative history nor the sponsors' statements mean anything.

Besides the issue of "pure" common

situs picketing itself, I am worried about the ambiguous extent of this bill. I believe the technicalities need to be examined, and thoroughly examined, before this House rushes to pass this unduly broad legislation. I believe if the real extent of H.R. 4250 is understood by the members of this House, they will see fit to reject it.

For instance, the sponsors say this bill amends section 8(b)(4) of the NLRA. That is true. It does amend 8(b)(4). But, in amending 8(b)(4), it also repeals 8(b) as to construction site picketing. Take a look at the bill, page 20, line 25. In amending 8(b)(4), the bill says that "nothing contained in subsection (b)" shall prohibit strikes and picketing by craft unions at construction sites.

It should be made clear that "subsection (b)" contains almost all the unfair labor practices by unions. The other unfair labor practices are contained in 8(e)—the "hot cargo" section, and 8(g)—the 10-day notice requirement in picketing a "health care institution." That language—that "nothing contained in this subsection (b)"—means that construction unions can picket for almost all the reasons now found and legislated to be unfair labor practices. H.R. 4250 contains no ambiguities in this regard. There is no reason for the NLRB or the courts to look at the stated "intent" of the sponsors. This language clearly spells out that construction unions can now picket and strike for reasons and objectives that are unlawful to other unions.

Is this "equal treatment"? Or is this "special treatment"? Anyone who can read obviously can discern that this is "special treatment."

To emphasize the scope of this intended result, I would remind this Congress that all previous legislation before it regarding either "common situs picketing" or "equal treatment of craft and industrial workers" only amended 8(b)(4) by providing that "nothing contained in clause (B) of this paragraph (4)" would prohibit situs picketing. That language—8(b)(4)(B)—limited the effects of the legislation to the intent of the sponsors. It allowed a craft union to picket an entire construction site. It provided that such picketing was not a "secondary boycott," the same as the proviso to 8(b)(4)(B) protects primary picketing.

Let me explain to you why the proponents change the language from 8(b)(4)(B) to 8(b) this year. For years, craft unions have been clamoring for the right to picket an entire construction site—to bring pressure on all the employers at the site. That is what legislation allowed in the past. However, the legislation in the past only allowed the picketing—it did not make lawful the objective of the picketing. This bill, H.R. 4250, also makes lawful what was heretofore an unlawful objective—to "cause one person to cease doing business with another person," as well as many other unlawful objectives now prohibited by subsection (b), including 8(b)(4)(A) which involved the Connell case.

The objective of causing one employer to cease doing business with another is unlawful under 8(b)(4). So is construction picketing for reasons not allowed by 8(e) and 8(b)(4)(A). When 8(b) is repealed as to construction site picketing, those objectives as well as the place of the picketing, becomes lawful. Therefore, the reasons that all of 8(b) must be repealed, is to make lawful the one unlawful objective in the Denver case and to overrule the Connell case—the latter reason unexplained by the sponsors.

The reason for this bill is, obviously, not only to enlarge the place or area of picketing, but also to enlarge the former prohibited objectives of picketing.

Let me state, that no industrial union can picket to cause its employer to cease doing business with another person. When Secretary of Labor Marshall stated that an industrial union could do so, I questioned him about it. The Solicitor of Labor informed me that picketing with such objective could take place in an industrial setting. That is not true.

To set the record straight, in an industrial setting, where the union is allowed to picket to protect subcontracting involves cases where the employer has refused to bargain over subcontracting arrangements. Where an employer refuses to bargain in good faith regarding conditions of employment of the employees in the unit represented by a labor organization is an unfair labor practice. Those employees, then, can strike and picket because of that unfair labor practice. If the Board or Court could find that picketing was for an objective of causing their employer to cease doing business with a subcontractor, without finding the unfair labor practice of refusal to bargain, that picketing would violate 8(b)(4)(B).

Now, why should construction unions be allowed to strike or picket for unlawful objectives when other unions are prohibited from doing so? This bill allows just this situation to occur, and that is the reason for the sudden change in this legislation, after a quarter of a century, in the language of the bill from 8(b)(4)(B) to 8(b). But, the change in the language only created new problems, because it not only allowed the unlawful objective—now prohibited in 8(b)(4)—but it also allows picketing for many unlawful reasons.

With only limited exception, H.R. 4250 would exempt building trades unions from the purview of the NLRA prohibitions on unfair labor practices committed through strikes, picketing, or inducements, or threats, at common construction sites. For instance, by stating that nothing contained in this "subsection (b)" shall apply to common site picketing, the bill would allow picketing for reasons prohibited by: 8(b)(1)(A), restraining and coercing employers by mass picketing, violence, et cetera, unregulated by the NLRA; or 8(b)(1)(B) restraining or coercing employers in their selection of representatives for bargaining or to select or fire supervisory personnel. A construction union may now picket over an illegal subject of bargaining, proscribed by 8(b)(3) as well as for purposes of extracting excessive fees, now prohibited by 8(b)(5). Worse even is the fact that the construction trades will not be prohibited from picketing for "featherbedding" purposes—that is, to require an employer to pay for work not done.

Is this really what the sponsors of this bill want? If that is not what they want, it is, nevertheless, what the rest of the Nation gets with this legislation.

This bill, H.R. 4250, is incredibly bad. This bill, H.R. 4250, is a ridiculous fabrication of the craft union attorneys who either failed to think or thought too broadly. This bill, H.R. 4250, is an insult to those who believe in the equal application of the law. It should be rejected for this reason alone.

But—you have our report in front of you. There are other reasons this bill should be rejected as it goes beyond the well-intentioned, stated reasons of its sponsor. In reading that report, with its failure to mention that picketing "otherwise unlawful" is not permitted, and particularly the minority views, which point out many additional problems, this House would do the labor law in this Nation a great service by denying this bill's passage until it conforms with the stated intention of its sponsors. Either that, or this House should ask those sponsors to explain the intentions of the proponents so that the Members will understand the bill's extent.

As we have pointed out in our minority views, the alleged limitations or safeguards offered in the bill are largely illusionary. For instance, at full committee, an amendment was sponsored by Mr. THOMPSON, called the "U.S. Steel" amendment—at page 21, lines 11 to 16 of the bill—which allegedly protected "industrial facilities."

Not only are there questionable protections for "industrial facilities," but a new unequal treatment has come about by this amendment. There are no equal "protections" to nonindustrial facilities. The list of persons not protected by the industrial facilities amendment includes hospitals, hotels, small business, utility contractors and suppliers, mines, railroads, office buildings, shopping centers, and so forth.

However, this list of endless persons not protected by the industrial facilities amendment need not fear they are missing much. Upon close examination, the protections in the "industrial facilities" amendment offers relatively nothing. Although the assurances of the sponsor of the amendment indicated that industrial facilities could have a reserved gate, the amendment does not make it clear that that reserved gate cannot be picketed.

All the amendment does is allow a facility to set up a gate for its industrial employees, and a construction union could not then direct its strike at that separate gate. However, the amendment does not say that the union could not picket in front of that gate, direct its picket at construction employers, and thereby induce the employees not to cross

the picket line, as well to induce deliverymen—represented by Teamsters, usually—not to cross that line.

The amendment is clearly awkward and confusing, and, at best, the amendment may be read to allow common situs picketing by construction workers at an industrial site as long as such picketing is not directed toward a separate gate reserved for the exclusive use of the manufacturer's employees and for persons making deliveries to or taking shipments from the industrial facility. This would appear to preserve one of the doctrines of the General Electric case, 366 U.S. 667, that a union commits an unfair labor practice where it pickets a gate at the primary employer's premises reserved for neutral employees doing work unrelated to normal plant operations. Under General Electric, a nonconstruction industry employer, such as a manufacturer can insulate his manufacturing employees from construction industry labor disputes by setting up separate entrance gates for the exclusive use of the construction industry employees. If the manufacturer sets up such gates, it is illegal for a union involved in a construction industry labor dispute to picket the gate used exclusively by the manufacturer's employees. A corollary to the GE case is that the employees of these independent nonconstruction industry employers might, at times, become the subject of legal picketing by GE's own employees having a dispute with GE.

Unfortunately, because of the rather twisted manner in which the principal operative proviso of title I is now worded, it provides only minimal guidance to the courts to indicate that the sponsor's stated intentions have been embodied in the language of the bill. Besides the general difficulty of sorting out the numerous modifying clauses now strung together in the first proviso of the bill and identifying their antecedents, specific problems of interpretation may arise under the language added in committee. Obviously, the word "directed" is ambiguous and may be interpreted not to bar all common situs picketing activity affecting a reserved gate.

For example, construction workers might be allowed to physically picket at or near an entrance reserved for the exclusive use of industrial employees as long as their picket signs made no direct reference to the industrial workers. This, therefore, expands the GE doctrine for construction unions and gives construction unions special privileges.

During markup of H.R. 4250 in the House Committee on Education and Labor, I offered an amendment, which was not approved, that would have eliminated the ambiguity over whether nonconstruction industry employers would be insulated from construction industry labor disputes. Under the bill as presently drafted, common situs picketing may be directed at any "person" whatsoever except in certain limited situations. The amendment would have substituted the words "employer primarily engaged in the construction industry" in place of "person." The purpose of the change was to make certain that the employees of manufacturers would not be asked to participate in labor disputes involving the employees of construction contractors doing work at the manufacturer's worksite. The amendment would have accomplished this end in two ways. First, construction industry employees with labor disputes would not have been permitted to picket to induce a strike by the manufacturer's employees, but rather could only have induced the employees of those "employer(s) engaged primarily in the construction industry." Second, the amendment would have permitted the manufacturer, or other employers not engaged primarily in the construction industry, to set up a separate gate for the use of his own employees and employees of businesses whose work is related to the manufacturer's normal operations. Construction industry unions would have been permitted to picket only those gates set aside for the use of construction industry employees.

Hopefully, the objective of my amendment would have been implemented by the Thompson amendment, permitting an employer who is not involved in the construction industry to remain protected from involvement in construction industry labor relations problems, but that does not appear to be the case because of the language which prohibits such picketing only when it is not directed at that separate entrance.

Mr. Chairman, I am afraid of the implications of this legislation. I am concerned that its real intentions are being deliberately concealed by profusion of words. I wish to emphasize to the Members of this House that this is not the common situs legislation of previous years.

In previous years, my opposition to common situs picketing has been well known. I have felt, and continue to feel, that common situs legislation legalizes secondary boycotts in the construction industry. It is the type of legislation that will not add "one whit" to the labor peace in this country and is liable to generate a wave of picket lines—an admission made in consideration of H.R. 5900 in the last Congress.

That type of legislation should be rejected.

Mr. THOMPSON. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I will be glad to yield to the gentleman from New Jersey.

Mr. THOMPSON. Mr. Chairman, I wonder what the attitude of the gentleman from Ohio would be if his viewpoint with respect to this section 8(b)(4)(B) that he has been talking about now were modified? I think it is clear, I think it is very clear, and I have an enormous amount of respect for my friend the gentleman from Ohio (Mr. ASHBROOK) but in this instance my differences are differences of a legal interpretation as distinguished from any other kind.

Mr. ASHBROOK. Mr. Speaker, I would say to my friend and colleague, the gentleman from New Jersey (Mr. THOMPSON) that in last year's bill we indeed did do what the gentleman says was the purpose of the bill and that was to make legal the secondary boycott, or at least the interpretation of secondary boycott that had been applied historically to trade unions. That was accomplished by amending section 8(b)(4)(B).

My point is why do we want to knock out 8(b) when the stated purpose is merely to change the existing law as it relates to section 8(b)(4)(B)?

If that is really what my friend wants to do then legislation this year should have been introduced to duplicate what we did in the last session. Would that not be a fairly accurate appraisal? If there were any doubts, we would be safer to go with the language of last year's bill, H.R. 5900.

Mr. THOMPSON. Will the gentleman yield on that point?

Mr. ASHBROOK. Surely.

Mr. THOMPSON. This is a very fine legal nuance and is one that has given rise to the differences which the gentleman from Ohio and I have over the language in the bill H.R. 4250.

Mr. ASHBROOK. That is right.

Mr. THOMPSON. I am perfectly willing to, and indeed am considering seriously, agreeing to an amendment to take us back to the language to which the gentleman from Ohio refers in last year's legislation. Although I doubt, were I to do that, or were several other things done that the gentleman from Ohio wants done, that, in the final analysis, we could see him voting for it.

However, I do realize that the gentleman from Ohio is conscientious. I admire his statement of principle, even though I do not agree with him. I know he is perfectly honest, and we will work on it.

Mr. ASHBROOK. I will certainly be glad to accept the chairman's support of that amendment, not with the idea of changing my vote on final passage of H.R. 4250, but with the idea of making the language say precisely what the gentleman says it says.

Mr. THOMPSON. If the gentleman would yield further, the gentleman and I have been colleagues for 16 years and we have had many disagreements, but not in one instance has either of us said one thing to the other and then done something else. I make no promise except to consider it. I want to be as helpful to my friend as I can.

Mr. ASHBROOK. That I consider progress, and I thank my friend, the gentleman from New Jersey.

I happen to think the amendment offered gives no protection whatsoever in the so-called industrial reserved gate. If the question can be answered to my satisfaction that under this bill no construction union employee can strike or picket—and there is a difference—at a reserved gate, I will relent in my opposition to the so-called industrial gate charade. But it is my opinion that the language gives absolutely nothing in the way of assurance that we will not see a broadening of labor strikes from the construction industry to involve the entire industrial community where, after all, most construction will be done.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the distinguished minority leader.

Mr. RHODES. I thank the gentleman from Ohio for yielding.

I want to ask this question. As the gentleman knows I was formerly a member of the Education and Labor Committee and I value the 6 years I spent there where I made many good friends.

I am somewhat disturbed when a bill comes from that committee and almost immediatley, when it hits the floor, there is talk of amendments. It seems to me that this has happened too often. In other words this committee now seems to have a penchant for writing very important legislation on the floor of the House.

I just ask my friend if this is not a perfectly good reason for recommitting this bill because if the bill is in such a condition that even before a bill comes up for reading, that amendments are accepted, is this not a perfectly good reason for recommitment?

Mr. ASHBROOK. I would say to my good friend, the minority leader, that he is correct on both points. We again see the same old condition with this bill. Historically, bills out of Education and Labor have been rewritten on this floor. As Members will remember, in 1964, when we had the civil rights bill, there were more amendments offered and accepted to the title that the Committee on Education and Labor had jurisdiction over than were offered to the rest of the bill. I could go on and on. The poverty program, the manpower bill, minimum wage, and to education—all of these bills have been rewritten on the floor.

The minority has been able to basically alter many of the bills that have come out of our committee. When we consider all of the revisions that are to be made, and I understand some amendments will be so complicated we will have a hard time reading them before they will be accepted, I say why not recommit the bill back for a little more thoughtful consideration.

I think the gentleman is right on both points.

Mr. RHODES. Then apparently, if those amendments are accepted, it would be very difficult for an average Member, and I do consider myself an average Member, to know what is in the bill, so it would be very difficult to vote on it.

Mr. ASHBROOK. I consider myself to be an average Member of the subcommittee which reported this bill and I may also find it difficult to understand what is in the bill.

Mr. THOMPSON. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the chairman of the subcommittee.

Mr. THOMPSON. Will the gentleman yield to an average Member?

Mr. ASHBROOK. I yield to my average chairman.

Mr. THOMPSON. I hasten to concede that the distinguished minority leader, with whom I served on the Education and Labor Committee for 6 years, and the gentleman from Ohio with whom I have served for 16 years, are average Members. However, in order to clear up the misunderstanding that the average minority leader might have, I might say I am certain by the end of the debates and the conference reports of 2 years ago that even all three of us understood it, and that is the point at which we are going to end up today.

Mr. ASHBROOK. I would stipulate that is probably correct if we really end up at that point.

Mr. THOMPSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, opponents of this legislation have claimed that its passage would have a substantial inflationary impact in the country by sharply increasing the costs of construction. I believe these claims are false.

Recent evaluations by qualified researchers have apparently begun to call into question the belief that productivity growth in construction has lagged well behind productivity growth for the economy as a whole. In an address to a conference on September 14, 1972, sponsored by the National Commission on Productivity and the Construction Industry Collective Bargaining Commission, Prof. Albert Rees, who subsequently served as Chairman of the Council on Wage and Price Stability, noted that—

> The best research in the area suggests that the difference between construction and other industries is not nearly as large as is generally believed.

If such views regarding construction industry productivity are valid, then the basis for the continuing verbal assault on work rules as a general drag on productivity is questionable. There is no doubt that the work rules in the construction industry are outgrowths of the problems and structure of the industry. Those work rules have their analogs in other industries where, because the problems and structures may be different, the work rules take on a different form, with no less impact on productivity.

Prof. Daniel Quinlan Mills, one of the Nation's outstanding scholars in the field of construction industry labor relations, notes that most attempts to study work rules in the construction industry "have been hardly more than a list of alleged practices or rules with which the surveyed employers expressed unhappiness." His observations are contained in the book "Industrial Relations and Manpower in Construction" published in 1972. In his view, the most interesting serious study of work rules and their impact on costs, was conducted by Prof. Allan B. Mandelstamm of Michigan State University.

Professor Mandelstamm's study in the July 1965 edition of Industrial and Labor Relations Review involved a comparison of residential construction operations in two cities in Michigan, one highly unionized and the other nonunion. Professor Mandelstamm concluded that, contrary to the popular misconception, unions did not oppose new techniques, and he also discovered that new techniques were more widely used in the highly unionized city. In addition, professor Mandelstamm found that, despite the higher wage scales received by the union workers—

> Total labor costs in the two cities were virtually the same for the construction of comparable houses in the two cities.

In short, because of greater productivity, the union workers required fewer hours in which to complete their tasks.

In line with Professor Mandelstamm's conclusions, two other researchers, Howard G. Foster and George Strauss, reported in 1973 that the studies they had reviewed concerning work rules in the construction industry "tend to agree that the extent of restrictive practices had been exaggerated."

This body of evidence on work rules is supported by another study—perhaps the only one of its kind—that measured productivity growth in residential construction in Alameda County, Calif., between 1930 and 1965. In this study, entitled "Productivity Change for Carpenters and Other Occupations in the Building of Single-Family Dwellings and Related Policy Issues," Prof. Sara Behman found that productivity grew at a rate of 3.2 percent per year. Over the same period of time, productivity for the Nation's total private economy increased by 2.9 percent per year, which reflects rather favorably on the performance of the construction industry in Alameda County.

One other point about this study should be noted. In 1930, according to Professor Behman, residential construction in that county was nonunion, but in 1965 it was entirely unionized. This means, of course, that the productivity growth experienced in Alameda County in housing construction was accompanied by the spread of unionization, and would tend to refute the criticisms so often heard about the adverse effect of construction unions on productivity.

In view of this evidence, there is no basis upon which to expect that title I of this bill will have any inflationary impact.

Title II of the bill is designed to bring some much-needed stability into the collective bargaining relationships in the construction industry. In so doing, it will inevitably help to curtail the growing propensity for strikes in construction and, in addition, exert a moderating influence on the collective bargaining settlements. It will, therefore, serve as an anti-inflationary measure.

The need to try to bring about improvements in the collective bargaining process in construction is readily evident from the data on time lost due to strikes. With rare exception, during the last 25 years the number of workdays lost annually because of strikes in construction, taken as a percent of available worktime, has been well in excess of the corresponding ratios for all manufacturing industries in the Nation and for all industries combined. Moreover, the gap has apparently been growing over the last 20 years.

To the extent that this legislation can help to develop approaches that will improve the industrial relations climate in construction, it will help to reduce the high level of strike activity. In so doing, it will ease the inflationary pressures generated by strikes. Work stoppages contribute to price pressures because they comprise periods during which there is

no output, although the employer continues to incur basic overhead costs.

Mr. ASHBROOK. Mr. Chairman, I yield 7 minutes to the gentleman from Minnesota (Mr. QUIE), the ranking minority member of the committee.

Mr. QUIE. Mr. Chairman, over the years I have supported the situs picketing legislation. I supported it because I felt that the several employers engaged in a single construction project in a contractor/subcontractor relationship are not really neutral with respect to each other.

The real purpose of the secondary boycott provisions of the Taft-Hartley Act is to protect the innocent and neutral employers and their employees. The late Senator Taft stated that these secondary boycott prohibitions were to protect the third person "who is wholly unconcerned" in a disagreement between an employer and his employees. I accept that concept that third persons wholly unconcerned should be protected, but I believe that the several contractors and general contractor, working together in a coordinated building effort, are not wholly unconcerned. The general contractor usually knows the subcontractor's labor relations policy when he subcontracts to him, and the opposite also is true. The subcontractor knows with whom he is dealing and what the consequences may be.

Unions outside the construction industry can picket the whole site of an industrial manufacturing plant even though different trades or crafts may be working in the plant. Thus, to prohibit building trade unions from picketing a worksite where their prospective employers are not wholly unconcerned deprives them of a right which other unions have.

However, I do not believe that all employers engaged in construction are necessarily interrelated. Where a prime contractor has contracted with his subcontractors, there seems to be a relationship. But, often, to prime contractors have no relationship with each other or with each other's subcontractors. As I explained in my supplemental views attached to the committee report, there is just such lack of any interrelationship in the "fast track" method of construction. As explained by certain industrial employer witnesses, they consider themselves as only users of construction, or buyers of construction services. This is an assertion most of us should understand. As industrial employers who are only buyers of construction services, they engage in what they call the "fast track" methods of expansion or construction.

That method involves the design and planning in stages, allowing construction during one phase while another phase is being planned. Consequently, the contractors of one phase could not be considered interrelated or contractors or subcontractors with those engaged in a different phase. Nor would general contractors working on different projects within the buyer's facilities be considered one for the purpose of common site picketing.

It was for that reason that I introduced H.R. 4963, and the reason that I offered it as a substitute to title I of H.R. 4250 in the full committee, the bill which is before us.

My substitute, which was rejected, would have retained essentially the conference report of the last Congress, which was adopted by the 94th Congress by a vote of 229 to 189 here in the House and, additionally, included the limitations in situs picketing in conformity with the fast-tracking methods of construction which, incidentally, are followed in about 50 percent of industrial construction today. Also, I included a definition of a "site" and prohibit using situs picketing against a nonunion employer because of wages if the employer was paying prevailing rates.

In studying the legislative history of section 8(b)(4)(B), formerly 8(b)(4)(A), I came to the conclusion that contractors and subcontractors on a construction site may be separate legal entities, but that they are interrelated for purposes of achieving a common objective and necessarily have to work in close correlation and cooperation to reach their goal. Therefore, it appears that in most situations the several employers engaged in a single construction project are not wholly unconcerned and are not really neutral with respect to one another. Where it can be shown, as in the fast-tracking method, that they are separate, then the realities of the situation should allow those who are separate to escape the common situs picketing.

The intent of common situs picketing legislation has been to give equal treatment to craft and industrial workers. My substitute addressed this goal of the legislation by allowing the building trades to picket where their employer's work is related to the work of like employers who are not wholly unconcerned with the labor dispute of their employer.

Since my substitute was rejected, I intend to offer amendments to H.R. 4250 to protect the industrial employer and construction employer who utilize methods of construction similar to fast-tracking that demonstrates they are separate.

Mr. Chairman, I am additionally concerned about the broad wording of H.R. 4250. I do not think we raise a red herring, but the gentleman from Ohio and the gentleman from New Jersey have talked about that now, going back to 8(b)(4)(B) instead of all of 8(b), and I assume that this will be done. To the extent that this legislation tried to reach other Supreme Court decisions, that ought to be considered in separate legislation or addressed specifically in this legislation. I do not think it is fair in this House or in this Congress or to the National Labor Relations Board or to the courts or to the American public to legislate in a manner that most of us may not intend. We must know what we are about to do.

In the substitute that I offered in committee is a definition of "site," and from my conversation with those who are proponents of this legislation I do not believe they can find anything objectionable to that. But until the language of the bill is in line with the stated intent, I do not intend to support it. Until the bill conforms to equal treatment only, I will withhold my endorsement of it.

As we moved with the legislation in the last Congress, I was not fully aware of the necessity of the language of the definition of the site or the fast-tracking amendment until after it had gone through the House. That prevented me from offering an amendment, such as I am offering this time, to the legislation. I could not do it in conference. But I have concluded that this we must do in order that it does not go beyond that which the sponsors say that it will do. I will explain these more when the amendment stage has arrived.

Mr. THOMPSON. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Chairman, I rise to support this bill because I believe it will aid working people in general and, as a result, black and other minority group workers who make up such a large part of our labor force.

I find it absolutely amazing that the contractor groups opposing this bill claim to do so, in part, because it will allegedly harm the rights of minority group tradesmen. Frankly, I have never before been aware that most of these contractor associations cared one whit for the rights or the interests of blacks and other racial minorities. They certainly have never demonstrated such concern.

I certainly would not deny—and could not—the sorry history of racial discrimination in the building trades unions. Just like most all other major institutions in our society—including the churches, the schools, the political parties—these unions were, for many years, hostile to the assertion of the rights of racial minorities.

But we must deal with the present, not with the past.

The building trades department, along with the rest of the AFL–CIO, has come a long way in recent years. They have helped pass major civil rights bills in Congress, and they have often been with us in our marches and demonstrations. Every national union has called for a halt to discriminatory practices within their ranks; and more often than not the local unions have responded. There are still problems with some local unions in the building trades, but those problem areas are becoming fewer and fewer.

I am sorry to say that the contractor associations cannot match the progress of the labor organizations in this regard.

I understand that the latest figures of the Department of Labor—which are about 2 years old—place the minority membership on the building trades unions at 16.2 percent. And while there is still underrepresentation of minorities in the highly skilled trades, the more significant figures are that about one out of every five apprentices enrolled in a union-sponsored apprenticeship program is now from a minority group. This is more than double the rate for registered nonunion apprenticeship programs in the construction industry. According to unpublished data compiled by the Employment and Training Administration at the Depart-

ment of Labor, the union minority rate is 19.3 percent, while the minority rate in registered nonunion apprentice programs is only 9.2 percent.

Equally interesting are the absolute numbers of minority apprentices being trained in each sector—union and nonunion. The data show that for every 1 minority apprentice enrolled in programs in the nonunion sector in 1975, approximately 14 were enrolled in union programs.

The significance of these figures is to be found in the value of training through formalized apprenticeship programs. History demonstrates that those craftsmen who are trained in the formal apprenticeship programs have a considerable advantage over those trained by informal means. It is these graduate apprentices who will become the backbone of the construction trades.

While there is a provision which excludes picketing to remove workers because of race, I wish to emphasize that this is not a race bill. It is a labor bill. Black and other minority workers will benefit from it not because of their race, but because they are workers. This bill will not particularly advance the struggle for racial equality. But it will help black workers, just as it will help all workers in the construction industry, to protect their labor standards and working conditions.

The great civil rights leader Clarence Mitchell said in testifying in favor of this bill before the subcommittee the following:

> Those who have experienced conditions in our country that encouraged rivalry between the organized and unorganized workers know that wages, working conditions, fringe benefits and dignity on the job improve when well run labor unions give leadership and proper representation to all within their jurisdictions.

When local unions fail to give that kind of leadership and proper representation, we have other laws to control them—and if we need additional legislation, I will be the first to offer it. But I reject and resent efforts by those who have never been friendly to minority rights in the first place to pit unions and minority groups against each other. The issue today is not whether or not we are going to eliminate discrimination, the issue here is whether or not there will be job security, and the ability of workers to get decent wages and working conditions, and that I am for 100 percent.

Mr. ASHBROOK. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. BAUMAN).

Mr. BAUMAN. Mr. Chairman, I rise in opposition to H.R. 4250. Most reasonable people are able to see through this bill. They know that unions and management by law and custom can and should work out any contract differences in a free and balanced atmosphere. They know that legalizing the secondary boycott as this bill does only tips the scale in favor of the larger unions, creating an imbalance unfavorable to both construction management and all other union members and nonunion workers.

Virtually everybody except for the palace guard at national AFL–CIO headquarters and their special interest allies are opposed to this bill. More than 90 percent of the voters living in my district of Maryland opposed it in my latest poll taken in January. And, according to a respected opinion research corporation, a majority, 63 percent, of all union families nationwide opposed it. They oppose it, because for them unemployment is not just a bad word but too often has been a living reality which they have experienced too many times. The jobs which will inevitably be lost if this bill becomes law and the production loss in the construction trade which will adversely affect the economics of every citizen are considered too high a price to pay simply to give the bigger trade union bosses an ultimate weapon to use in their labor negotiating.

These big labor czars have been trying unsuccessfully for over 20 years to pressure Congress into passing a common situs bill. During each of these years, each side of the dispute has had the opportunity to have their voices heard in committee or on the floor, and each time until last year the matter was voted down.

This time, however, we are presented with a situation where the liberal leadership of this Congress is determined to silence such debate and cut off nonpartisan deliberation on the matter. The chairman of the House Labor Subcommittee claims that there was not sufficient time to allow the National Right to Work Committee to be heard in opposition to the bill. The witness list of those who actually did testify, however, looks like a "Who's Who" in big labor. And certainly the fact that subcommittee members received over $125,000 in campaign contributions from labor bosses during last fall's elections has no bearing on this matter whatsoever.

The passage of this legislation would not bear witness to one of this Chamber's finest hours. Passing common situs picketing legislation gives a green light to construction industry labor czars who could then declare an open season on workers who prefer not to join a union, and it would necessarily victimize the employers who chose to hire them. By assisting in the forced unionization of every working man and woman in America, it will serve to disrupt and jeopardize needed production in one of our most important industries. It will give bad unions which are unable to attract worker support a weapon which they do not deserve to have, and it will present good unions which already command the respect and support of construction workers a weapon they have not asked for and do not need to have.

Not presuming to speak for my colleagues from other States, I can say that in Maryland we enjoy a generally good relationship between construction workers and employers. We do not need nor do we ask for Federal interference in the form of the legislation before us which would upset this balance and place too much power in the wrong hands. I do not believe that such power should be concentrated in the hands of any one group whether in labor or in management or in the hands of Government.

Every individual ought to have the right to decide for himself or herself whether or not to join a union, and to decide which union they wish to join. Employers ought to have the rights which they have always had to be protected from strikes against them during labor disputes in which they are not involved. The common situs bill would do much to destroy both of these rights, and I only hope that this House will consider these facts and vote against this unfortunate bill.

Mr. ASHBROOK. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois (Mr. ERLENBORN), a member of the subcommittee.

Mr. ERLENBORN. Mr. Chairman, the title of the bill before us incorporates the language "equal treatment of craft and industrial workers." If, in fact, this is what H.R. 4250 accomplished and nothing more, I would be here in the well to support the bill.

I must confess that when the issue first arose in the last Congress, my inclination before reading the bill and understanding its implications was to try to find reasons to support it. However, after examining the bill and understanding it and its implications, I was forced to oppose the bill.

Mr. Chairman, put in the simplest terms, if we enact this legislation, we are not going to provide equal treatment for construction and industrial workers, but we are going to allow construction workers to engage in the practice of secondary boycott, which has been traditionally prohibited under the National Labor Relations Act.

This legislation will have very important implications, not only in labor-management relations in the construction industry, but also in the economy of our country. It will, without question, cause construction sites to tend to be all union or all nonunion.

At the present time, Mr. Chairman, it is not uncommon to find some subcontractors or some workers at the construction site represented by unions and others not represented by unions; but the passage of this act will polarize that situation, and the work site will tend to be all union or all nonunion.

Mr. Chairman, most everyone, union witnesses, the Secretary of Labor, and representatives of the construction industry, has agreed on this one result of the bill. There seems to be disagreement as to the ultimate effect, whether we will have more union or nonunion construction sites; but I think the very fact that this will tend to and will cause polarization at the work site, with the attendant conflict that will intervene between the passage of this bill and the final polarization, is almost sufficient reason in itself to vote against this bill.

Mr. Chairman, we have heard from the manager of the bill, the principal sponsor, the chairman of our subcommittee, the gentleman from New Jersey (Mr. THOMPSON), that by the time we are through today, we will have a bill that will be almost word for word the bill that came out of the conference committee in

the last Congress. I have noticed that he does have some reservations. He is not saying that it will be an identical bill.

Mr. Chairman, a very interesting point to bear in mind is that we do not know what bill it is which he intends to have us vote on later today. That bill is not before us.

Mr. Chairman, this has been the history of this legislation in this Congress. First, H.R. 3500 was introduced, which was only title I of the legislation that is before us. Apparently some weakness in the position of the opponents of the legislation was perceived; and thereafter the current bill, H.R. 4250, which is before us, was introduced incorporating title II.

Title II is the reformation, if we want to call it that, of construction industry collective bargaining, giving national unions more strength in the local bargaining situation. This was the so-called compromise that was engineered by former Secretary of Labor John Dunlop, who informed President Ford that it would lead to agreement between organized labor and the construction industry. That proved to be an absolutely false assumption on the part of the Secretary.

Now, however, title II is incorporated in the legislation before us; but that, apparently, is not the legislation we are finally going to be asked to vote on later this afternoon. Now the chairman tells us that yet today, as we are debating the bill here on the floor, something else is being drafted that will be offered to us either through a series of amendments or through the offering of a total substitute bill.

Mr. Chairman, this has to be extremely bad procedure with respect to legislation. We ought to be made aware, through the hearing process, through the debate in committee, made well aware long before we are called on to vote on the legislation on the floor of the House as to what we are going to be asked to vote for.

I would hope that in this process the sponsor of the bill intends to go back to the basic language of the bill that was before the House in the last Congress that exempted only the activities now prohibited under section 8(b)(4)(B). The bill that we are now considering, reported by the committee, exempts all activities under section 8(b). Some may ask, what is the difference? Well, section 8(b) includes almost all of the unfair labor practice proscriptions in the act. If we are going to exempt from situs picketing activities all of the unfair labor practices in the act, then that is much more than the sponsors have ever described the bill as being intended to do. If we do not change that language in that section of the act, under the preemption decisions of the courts that activity which is either protected or prohibited by the National Labor Relations Act cannot be controlled by the States through State legislation. If the language as it is before us now in H.R. 4250 remains, there will be whole areas that will be neither protected nor proscribed by the National Labor Relations Act and it is altogether likely that the States then may move in with their own legislation into those areas and a whole new era of litigation relative to the power of States to legislate in the field of labor-management relations will be opened.

Lastly, Mr. Chairman, let me call the attention of the Members to the effect that this bill will have on the cost of residential construction and what its impact will be on all construction.

It will tend to cause more work stoppages. It will have an effect on the entire economy. But I think the most important effect that this legislation will have will be that of causing work stoppages and thus possibly a higher cost of labor and will, in many ways, tend to drive up the cost of residential construction.

At the present time we know that the medium-income family is hard pressed to be able to afford single family housing. They are being forced to be renters rather than homeowners. It has been a long-cherished goal of Americans. It has been part of the philosophy of our tax laws to encourage individual homeownership. That goal of individual homeownership will be much more difficult to attain if this legislation is passed.

In the committee I offered an amendment that would exempt residential housing from the allowable secondary boycott activities that this bill would provide. At the request of the administration, the bill was amended to provide that secondary boycotts may not be utilized if the builder built 20 homes or less in the course of 12 months and was working on no more than 5 homes at any one time.

I think it is very obvious what that provision does: it gives protection to the custom-home builder and to the person who buys custom-built homes. We are talking about custom-built homes; we are talking about custom-built homes costing $190,000, $150,000, or $200,000. I am sure that those who are able to afford such custom-built homes will appreciate this exemption from the additionally higher costs that the bill will cause for other housing. But the ones who really need protection are the people who are able to buy not the custom-built home but the subdivision home, the tract home, the medium- and the lower-income people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ASHBROOK. I yield 2 additional minutes to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman from Ohio for yielding me the additional time.

Mr. Chairman, those who are middle and lower income families, who share that hope of being able to be the owners of their own homes, are the ones that really need the protection.

I think it would be a travesty if we would leave the bill in its present form and give protection only to the high-income, custom-built-home purchaser.

So, Mr. Chairman, I am going to offer an amendment that will exempt residential construction. So that this does not include residential construction represented by the large buildings, the high-rises in Manhattan, but we still limit this exemption to buildings that are composed of three stories or less.

The question has been raised as to whether those stories would include the basement. It is not my intention to include the basement, so I drafted the amendment to say three stories or less, not including the basement. In this way I think that the subdivision purchaser, the purchaser of tract-built homes, the lower and middle income purchaser, will be protected against the inevitable consequences of higher construction costs that will be the result of the passage of this bill.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. I thank the gentleman for yielding.

I am interested in the gentleman's desires to broaden the exemption of the housing industry which presumably would exempt virtually all of the housing industry unless they change the styles drastically from what we now have. Would the gentleman be interested in joining with me and going the whole way and exempting the housing industry in toto on all of the provisions of this bill?

Mr. ERLENBORN. In response to my colleague, I am not certain what it is he is driving at. Does he mean exempting from title II?

Mr. FORD of Michigan. No, if we are exempting the housing industry from part of the bill, if that is good, why would it not be better to exempt it from the entire bill?

Mr. ERLENBORN. I ask the gentleman again does he have reference to title II?

Mr. FORD of Michigan. The entire bill, yes.

Mr. ERLENBORN. As far as title II is concerned, I will say to the gentleman it may be his purpose to trap me into an admission that may be used against me, but my whole feeling on title II is reflected by a comment made by Mr. Robert A. Georgine, head of the building and constructive trades department of the AFL–CIO which was published that title II does not mean anything; whether it works or does not work depends on whether they want to make it work. If that is his attitude, title II is meaningless. If we want to exempt from title II, fine. I do not think it makes any difference one way or the other.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THOMPSON. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. FORD).

Mr. ZEFERETTI. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from New York.

Mr. ZEFERETTI. I thank the gentleman for yielding.

Mr. Chairman, today the House of Representatives is considering H.R. 4250, and industrial workers bill. I feel that the passage of this legislation, generally known as the common situs picketing bill, is long overdue and I respectfully urge my colleagues to join in supporting this measure.

This piece of legislation, introduced by our esteemed colleague, FRANK THOMP-

SON, Jr., of New Jersey, will right an inequity that has existed for years by restoring to the Nation's 4.1 million workers in the building and construction trade the same rights enjoyed by workers in all other industries. It grants these workers the right to peacefully picket a working place at which a single job is being performed, in order that they may publicize their position in a labor dispute at that construction site.

Over the last 25 years, six Presidents of the United States of both political parties have endorsed legislation to correct this inequity. Similar legislation passed both the House and the Senate by a substantial margin during the 94th Congress, but former President Ford reneged on his commitment in support of the legislation by vetoing the bill.

The equal treatment for craft and industrial workers bill would overrule a 1951 Supreme Court decision which treated the various contractors engaged in a single construction project as separate economic entities. The construction of a building is a single, coordinated and integrated economic enterprise. This bill recognizes the general contractor and his subcontractors as a single person, which is an approach that reflects the economic realities in the construction industry where the contractor and the subcontractors are engaged in a common venture performing closely related tasks. It will not extend beyond the project site, and will not have any effect outside the construction industry.

This is already the law at industrial job sites, where a union may direct its picketing not only at the primary employer involved in a labor dispute, but at all other employers who are engaged in related work. All this legislation permits is the legal right for construction workers to advertise a legitimate grievance at a construction site with his employer, and nothing more. It is a right that every other organized worker in America has, and it is precisely this right of workers to appeal to their peers through picketing which is the essence of Federal labor law.

Enactment of this legislation would also be beneficial in decreasing construction costs by eliminating the expensive effects of work slowdowns and illegal strikes which stem from the construction workers' lack of legal alternatives.

Safeguards are built into the bill, including the prevention of strikes for racial discrimination, and it recognizes the requirements of national security. It would also require a 10-day notice to all concerned parties prior to the start of picketing and the written approval by the parent union.

In addition, I feel that the amendment calling for the creation of a Construction Industry Collective Bargaining Committee will provide for a more rational means of resolving labor disputes and will contribute to more stabilized labor-management relations in this critical industry.

This bill will clarify a technicality in the law and correct an unfair restriction placed on unions in the building and construction industry. The fact that this right has been and is being denied to these trade union members is outright discrimination.

Surely the time has finally come to end this inequity, therefore I am honored to join in cosponsoring equal treatment for craft and industrial workers legislation, and I am confident that my colleagues will join in supporting this vital legislation.

Mr. FORD of Michigan. Mr. Chairman, I am, to say the least, distressed after serving for many years with my colleague, the gentleman from Illinois, to hear him take the well and express his concern as he did for the fact that everybody who is paying attention on this floor knows that right now it is very probable that the majority and the minority will put the finishing touches on a very hard-fought and hard-negotiated compromise, thereby permitting the minority to put its imprint on this legislation.

I would not like to believe that the gentleman was suggesting that the position of being in total opposition to the initiatives of the majority side was so strongly imbedded in his psyche that he became disturbed when we agreed to let them play in the game with us and gave them a chance at bat.

I am one of the members of the majority that is not very happy with the compromise for different reasons. I do not really have an unhappiness that arises out of the fact that the bill is basically being written by the Republicans now as much as out of what is in the bill. I felt that this legislation was considerably watered down from the original intent of the legislation that I cosponsored at the beginning of this Congress, which had as its single purpose something that seems almost impossible to explain to people who do not understand, as I do not understand sometimes, the mysteries of how the Government of the United States works and that a court rendered a decision back in 1951 that was universally—universally—recognized by everybody in the field to be totally out of whack with the intent of the Congress in passing the Taft-Hartley Act and the secondary boycott provisions of the Taft-Hartley Act.

And Senator Taft himself, if he were here today, would be wondering I suppose why it has taken the members of his party and my party this many years to believe that he was sincere when he said that:

> The Court was wrong. That is not what we meant.

How could it be that every President and every Secretary of Labor serving under those Presidents starting with President Truman, has advocated or supported in some way the reversal of that Court decision and the reinstatement of what, as I say, most labor lawyers, regardless of their philosophy, agree should be the proper interpretation of the Taft-Hartley provisions of the National Labor Relations Act? How could it be after all these years with Democratic Presidents and Republican Presidents and Democratic majorities and a Republican majority for one Congress during that period of time in the Congress, that we are still talking about this in March of 1977?

The main reason is that this is an issue that generates an awful lot more smoke than the fire that burns at its base should justify. Our friends in the National Right to Work Committee on the other side of the river, by using their usual strained appeal to the emotions rather than intelligence, have used this issue to raise an extraordinarily large amount of money, and I suppose that it would be a great deal of disappointment to them if we were able to compromise this issue and get it behind us.

Mr. THOMPSON. Mr. Chairman, will the gentleman yield?

Mr. FORD. I yield to the gentleman from New Jersey.

Mr. THOMPSON. Mr. Chairman, in speaking of the residential construction the gentleman from Illinois expresses a very deep concern for persons who want to buy homes. In the committee the gentleman from Illinois referred to such persons as Joe Six-Packers. I have a lot of very good friends who occasionally carry a pack and want a home and they are very wonderful, fine people.

Does not the gentleman from Michigan agree with me that if we were to agree to an exemption of, oh, $9 million or more per year for construction and exempt them, that a fantastic number of homes for working people could be constructed for $9.5 million even in today's market?

Mr. FORD. Yes. I think the exemption that is in the substitute that seems about to be agreed upon virtually takes the housing industry out of title I of the bill and virtually makes it impossible to project any change in the status quo.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. FORD) has again expired.

Mr. THOMPSON. Mr. Chairman, I yield 2 additional minutes to the gentleman from Michigan.

Mr. FORD. Now, in the exchange that took place in the committee that the chairman is talking about, we got to "Joe Six-pack," as I recall, because the gentleman from Illinois was reluctant to have himself identified as an advocate of consumer protection, which apparently is not a popular position for the gentleman to be identified with, but that is really what the gentleman is saying. The gentleman was concerned about consumer housing and I am concerned about it, too. All one need do is, as I and my family have done, is examine the difference in the quality of housing that we found available to us around Washington, where it is customary to build without the advantage of the skilled building trades, but with so-called merit contractors, or nonunion contractors, and contrast that with what happens in my home area in Detroit, Mich., where the standard of production is established by the craftsmen in the trades and one can learn very quickly that the consumer is being much better served in my area than here.

Also, we learn very quickly that we can buy that first-quality construction work in my area much cheaper than we can buy nonunion scab production structures here in Washington.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for yielding.

In the area I represent, almost all construction, residential, commercial, and

industrial, is built by skilled tradesmen who belong to organized labor. I think the additional cost of construction occasioned by this bill will not be a result of whether it is going to be open-shop or union-shop construction. The cost factor rather will be the work stoppages that will be caused when one trade goes out on strike and causes the whole job to go down.

Mr. ASHBROOK. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Mrs. PETTIS).

Mrs. PETTIS. Mr. Chairman, as I have indicated in the minority views on this legislation—H.R. 4250, equal treatment of craft and industrial workers—I am in strong opposition to the passage of such a measure which unnecessarily grants extensive rights to construction unions by allowing a contractor on the same site to be unjustifiably affected by a dispute that does not involve him. In other words, Mr. Chairman, nonunion companies with no labor dispute could be forced to behave as though unionized—without free choice by employees.

I believe that passage of this bill violates the very principle and congressional intent of the National Labor Relations Act and subsequent laws to protect the freedom of choice of individual employees to select, or not select, by majority rule the union or bargaining agent of their choice.

Prohibiting the secondary boycott was intended to protect all neutral parties, whether employees or employers, who are not primarily involved in the labor dispute. In such labor conflicts it was and is the intent of Congress to confine the dispute to the employers, employees, and the area in which the conflict actually existed.

I believe passage of H.R. 4250 would have many undesirable consequences and would open a Pandora's box of new problems.

For a moment, Mr. Chairman, let us not consider what I as a Representative feel; let us take into consideration how a contractor—the very person proponents are claiming this bill will aid—feels about the matter.

If I may, I would like to enclose one sample of the mail I received from contractors:

DEAR MRS. PETTIS: As a Southern Californian I am writing to urge you to oppose enactment of any Situs Picketing legislation in the Congress of the United States.

Enactment of the legislation proposed by H.R. 3500 will cause havoc in the entire Southern California construction industry. As a builder and general contractor I can assure you that it is extremely difficult to accomplish any construction project with all the regulating agencies that are involved in projects today without the constant threat that labor unions could, and would, be empowered to shut down a construction project and to picket employers with whom they have no dispute as proposed under the Common Situs Picketing bill. The results would ignite a new round of national inflation. Delays to projects cost money and are directly passed on to the consumer in terms of project price, i. e. a school, or in terms of rent, i. e. offices, commercial store space, and in housing.

The arguments used by the proponents of the legislation, that construction unions and industrial unions should be given equal strike powers, is invalid and fuzzy thinking. The proponents just don't understand that the composition of employees at a construction project site are entirely different from those at a manufacturing plant site. Employees at a manufacturing plant are employees of *one* employer no matter which union they belong to, while employees at a construction project site are employees of up to 30 to 40 different employers at that same site. Any union which has a dispute with its employer at a construction site is allowed, under current law, to strike and picket that employer only, but the union is not allowed to picket the other project site employers with whom they have no dispute.

Situs Picketing would grant union members the power to close down an entire construction site even though their dispute is with only one subcontractor or employer at the site. Thus, a dispute with a subcontractor employing the fewest individuals at a construction site would result in every employee, whether union or non-union, being denied access to his or her job! For example, a construction project subcontractor with a $500.00 contract and with only two employees could, by reason of a labor dispute with his employees, shut down a multi-million dollar vitally needed school, water, sewer, or housing project and immediately deny work to hundreds of other project employees. The economic repercussions could become astronomical.

Passage of any Situs Picketing legislation could only increase unemployment, increase housing and construction costs of private and public works projects and result in lengthy and costly construction relays.

I strongly urge you to oppose enactment of H.R. 3500, or any subsequent similar Common Situs Picketing legislation.

Very truly yours,

R. C. CHENOWETH.

And finally, Mr. Chairman, I would like to insert for the RECORD, a recent editorial which I feel aptly summarizes the case against this bill:

[From the New York Times, Mar. 12, 1977]

AN UNCOMMONLY BAD BILL

The "common situs" picketing bill is back again in Congress, not as an Administration bill this year but with strong support from the A.F.L–C.I.O. leadership and, not surprisingly, for legislators with ties to organized labor. Though altered in committee to provide certain moderating exemptions, the present bill, like the one President Ford vetoed in 1976, would permit the employees of one contractor on a building project to set up picket lines to keep members of other unions from working anywhere on the site.

The bill would accomplish this objective by making secondary labor boycotts legal in the construction industry. In 1976, then Secretary of Labor John Dunlop strongly supported the measure because it was coupled with a bill that advanced labor stabilization in the industry. Mr. Dunlop, in fact, resigned to protest the Presidential veto. The present bill lacks even the attraction it had for Mr. Dunlop and we hope will not pass. A common situs law would make construction labor even more volatile than in the past, and increase building costs.

Proponents of the bill argue that if the building trades constituted a single union, a picket line would inevitably keep all its members off a struck site. Thus, they say, the common situs bill merely gives these workers the protection they would have if they chose to organize on an industry-wide basis.

This point is not persuasive. If all the building workers on a site were members of the same local, its leaders would surely hesitate before throwing up a picket line that would inconvenience all of its members for the benefit of a few. In any event, the building trades unions have had the same opportunity as other workers to coalesce into a single union. Since they have chosen to continue their separateness, why bless them legally with the benefits of the togetherness which they have rejected?

Shrinkage in the share of construction work now done by union labor has stimulated the demand for common situs picketing. The reason for the shrinkage, however, arises not from the lack of such a bill, but rather from the great differential between the cost of union and nonunion construction labor. By threatening to raise the cost of union labor still higher, the common situs bill would only invite builders to use more nonunion workers. The Congress and the President will, in this case, be helping labor best by ignoring the counsels of its leadership.

Mr. ASHBROOK. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma (Mr. EDWARDS).

Mr. EDWARDS of Oklahoma. Mr. Chairman, first, let me make it clear in response to the statement we just heard that the minority is not writing this bill, nor is the minority accepting the bill. One Member's action is not an action by the minority.

Now, common situs picketing is obviously not a new idea. We have heard a great deal about the fact that *x* number of Preidents and *x* number of Secretaries of Labor have supported common situs legislation. We are told that common situs is an idea whose time has finally come. Well, the truth is common situs picketing is an idea whose time has never come. It is an idea that has been rejected by the courts. It is an idea that has been rejected by the committees in this House over and over again, and, when it made it through the House, rejected by the American people in one of the greatest outpourings of mail ever generated by a single issue in the entire history of this country.

Now, the bill's advocates refer to the previous President's mysterious veto—mysterious—as mysterious as one of us voting against a bill after receiving 10,000 letters from our constituents. Mysterious? That veto is mysterious only to those who believe the people are to be talked to and not listened to.

It is supposed to be a bill to provide equal treatment.

Well, that is a wonderful goal, but that is not what this bill is about. That is like calling a pork chop salami to try to sell it in a delicatessen—the same kind of political doubletalk that says if you call a secondary boycott something else, it will not be a secondary boycott.

So, what is this bill about? All this bill is about is letting a union picket an employer who has no problem with any of his employees, who has no union problems, who does a good job, but letting a union shut him down in order to put pressure on somebody else to unionize. It is about putting innocent people, hard-working electricians, carpenters, bricklayers and plumbers, out of work so that some other guy's union can organize some other employer.

Well, I do not believe that a union should have the right to harm an innocent third party's business, put his workers out of work, drive up construction costs to the consumer, harm innocent

people, in order to squeeze a single small employer.

That, alone, is reason enough to vote against this bill. That, alone, certainly is enough today, the anniversary of Patrick Henry's famous speech in defense of one of the greatest of values—not union power, but liberty.

Let me tell the Members, whatever their political philosophy is, this bill is bad because it is flawed; because it is incomplete; because it does more than we have been told it does; because the heart of it, title II, is openly, blatantly, a product of hypocrisy—a bad joke put in the bill to try to make it easier to swallow.

Look at this bill—really look at it. One part of this bill makes legal things that have, until today, been unfair labor practices—coercion, mass picketing, harassment, union violence—things that nobody in this House would sanction—but they are made legal by this bill.

The sponsors tell us that this is a matter of interpretation. Well, do not take my word for it; read the bill. Before voting for the bill, read it. Read the part that wipes out unfair labor practices, and Members will see for themselves if it is ambiguous.

Even if it were, that alone would be enough to justify voting against the bill, because who can vote for a bill that is ambiguous and subject to interpretation on such an important, awesome, awful point? But, it is not unclear. It is not rhetoric. It is not a technicality. It is a sanction by this Congress of unfair labor practices in the construction industry.

What else about this bill? What is it? It is a common situs bill. So, what is the single most important part of the bill? The definition of a common site.

But, there is no definition of a common site. Can the Members believe it? What a joke; what a farce. How do we explain that to our folks back home—a bill that does not even address the single most important element in it?

Even the Secretary of Labor, in his testimony, said that he did not know what a common site was, and he has to enforce the thing. He said he did not know, he could not guess, and he figured that was somebody else's job.

Are we reday to pass a bill when nobody knows what it means? There are probably 433 definitions of the common site in this House today, and not one definition where it matters the most—in this flawed, incomplete, unclear, ambiguous, bill.

How in the world can the leadership ask Members to vote for this kind of a bill, and then send them back home to face their voters? Do not take my word for it. Read it. It will blow your minds when you see what you are being asked to vote for.

There must, obviously, be a tremendous wave of public support behind this bill for such a flawed bill to move so rapidly through the process, bypassing markup in the subcommittee, not even hearing substantial testimony on the definition of a site, or eliminating the prohibition against unfair labor practices; hardly mentioning title II—there must be a tremendous wave of support.

The last time this bill came up, Opinion Research Corp., one of the most respected nonpartisan poll takers in the country, found more than 70 percent of the people against this bill. This time the Roper poll found the same thing. The Roper poll found 73 percent of blue collar workers were against common situs; 64 percent of union members were against it; 73 percent of Democrats were against it; 79 percent of Independents were against it; 76 percent of liberals were against it; 78 percent of moderates were against it—in every part of the country. These are our constituents. We are going to have to go back and face them.

We are going to be told that this is a slanted poll. Members should get the poll themselves. We have it. Members should read the question. It is not a slanted poll. Members cannot take somebody else's word for it, because they have got too much, politically, riding on their votes today on this bill.

The union took a poll, too. The Members might like to know that. They commissioned a poll. Wow, did they slant the question! Do the Members know what their question was? "Do you favor equal treatment?"

Who is not for equal treatment?

They found, with that slanted question, that 51 percent of the people were in favor of the bill.

That is the great public support that you are being asked to risk our political futures for. Let there be no mistake about it, you are being asked to risk your political futures. Why do the Members think we are voting on this bill today? Why now? Why an incomplete bill, with inadequate testimony, no definitions? What is the rush? The Members know what the rush is: So they can pass this bill before they go home for Easter and find out how the voters feel.

We have to be home for Easter anyway, so what is it going to be like finding out how the voters feel when it is too late?

That is not one of labor's top priorities. Labor wants it, sure, and they are holding some IOU's. I know that. I understand it. But this is not their top priority, and if the Members think they are going to be paid off with this one and then be let off the hook later on when the big ones come along, the ones which affect all the unions, not just crafts unions, they are wrong, and they know they are wrong, because the real squeeze comes later.

So why go up against 77 percent of the people back home, who are going to be furious over this bill, to give something to one small part of labor, something which will not even begin to pay whatever debt the Members owe.

What about the President? They can tell you all day that the President is for the bill. But is he?

Mr. THOMPSON. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Oklahoma. Not at this time.

Is there anybody in this chamber who does not have some doubt about what the President really thinks about common situs?

Secretary Marshall told us in committee that he could not say that the President advocates this bill, only that the President will sign it if it passes and if it passes with title II in it.

It is no secret. Everybody in the United States knows that the President is lukewarm about this bill. So why walk the plank on something which our President—a President of your party—does not really care about? Heaven knows, you are going to walk the plank for him sometime—we all walk the plank when we have a President of the same party—so why walk it this time just for practice?

Seventy-seven percent of the people are against this bill. It does not even define a site. The President does not care. It is a small part of labor's package. It is not worth it. Do not go down the drain over this bill.

Mr. THOMPSON. Mr. Chairman, before yielding to the gentleman from New York (Mr. WEISS), I yield myself such time as I may consume.

Mr. Chairman, I was both amused and interested by the speech just given by our colleague from Oklahoma. I noted with some interest that he was really preaching from the wrong pulpit. But, of course, it is on the right; so I suppose that is why he chose it.

Apparently this decision is to be made, if I am to follow his logic, by putting one's mail on scales and seeing how much it weighs. The postal service needs business. Certainly the contractors' associations and the National Right-To-Work Committee, and so on, have caused to be printed and stamps to be put on literally thousands of pieces of identical mail.

So we do appreciate the efforts of the Postal Service, although we understand the difficulty it is in. That was done, but that does not necessarily reflect the situation by any means.

Mr. Chairman, I asked the gentleman from Oklahoma (Mr. EDWARDS) to yield at the point where he asked the question: "Is there anyone in this room who can say that the President is for this bill?" I wanted the gentleman to yield so that I could say, "yes," because I have had it restated to me only this morning that the President is for this bill.

Mr. Chairman, I yield 8 minutes to the distinguished gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Chairman, title I of the bill has already been discussed at great length. I would like to address myself to title II, the construction industry collective bargaining provisions.

It may be helpful to put this title in its historical perspective. The genesis of title II was the testimony of Secretary of Labor Dunlop before the Labor-Management Subcommittee in 1975. Testifying on what was then H.R. 5900, Dr. Dunlop urged the creation of a construction industry committee to facilitate stabilization of labor relations in the industry. Subsequently, Dr. Dunlop's proposed bill was introduced as H.R. 9500. After some modification and revision, the provisions of the Dunlop bill were added to the Senate version of H.R. 5900 and came back to the House from conference as one bill. The House accepted the conference report. Title II of H.R. 4250 which we are considering

today is identical in every respect to title II of the conference report in the 94th Congress.

The purpose of title II is to reform the framework of collective bargaining in the construction industry. It is designed to create a labor relations structure which can reflect and effectively promote the national interest in diminishing inflationary wage settlements, unproductive manpower utilization, and prolonged work stoppages. By creating a new tripartite committee composed of labor, management, and public representatives, the bill establishes a forum for the expression of these national interests and provides for the direct participation of national labor organizations and national contractor organizations in local and regional collective bargaining. At the same time, it preserves the flexibility to consider the variations that necessarily exist among localities, crafts and branches of the industry.

The Construction Industry Collective Bargaining Committee—CICBC—will be responsible for identifying key construction industry collective bargaining situations for their possible pattern-setting impact on bargaining in the industry. Where appropriate, it will intercede before potentially disruptive new settlements are reached by the parties which are likely to lead to widespread wage distortions and costly work stoppages. It will also promote agreements covering more appropriate geographic areas, encourage voluntary procedures for dispute settlement, and take other steps to remedy the underlying labor relations defects in the construction industry.

The legislation is intended to reform the structure of bargaining and improve the dispute settlement process with a minimum of governmental interference in the collective bargaining process. It is experimental in nature, and by its terms will expire in 3 years. It is, however, an experiment based on the instructive and successful experience of the past several years when representatives of labor and management in the construction industry met with public members to discuss, analyze and resolve their problems. This experience includes the operation of the Construction Industry Collective Bargaining Commission, established by Executive order in 1969, and the subsequent Construction Industry Stabilization Committee, established in 1971 under the Economic Stabilization Act of 1970. The bill applies solely to national construction industry labor organizations and their affiliates, and to contractors and their associations engaged in collective bargaining with them in this industry. It does not apply to bargaining between contractors or contractor associations and independent unions, or to the nonunion sector of the industry.

Section 203 establishes the Construction Industry Collective Bargaining Committee—CICBC—consisting of 10 members representing the viewpoint of employers, 10 members representing the viewpoint of national labor organizations, and up to 3 public members representing the public. The Secretary of Labor and the Director of the Federal Mediation and Conciliation Service are nonvoting members ex officio. This section provides that all action of the committee shall be taken by the Chairman or the executive director on behalf of the committee.

Section 204 requires that with respect to termination or modification of any collective bargaining agreement covering employees in the construction industry, unions affiliated with any standard national construction labor organization, and any employer or employer association dealing with them, must give notice to their respective national organizations 60 days prior to the expiration date or proposed modification of the agreement. The national organizations are required to transmit promptly the notices they receive to the CICBC. During this 60-day period, which is comparable to the provisions of section 8(d) of the National Labor Relations Act, the parties to the agreement may not change the terms and condition of the existing agreement or engage in any strike or lockout.

Section 205 authorizes the committee to assume jurisdiction of the dispute for a period not to exceed 90 days either on its own initiative or at the request of an interested party. The parties may not engage in a strike or lockout during this 90-day period. During this period the committee may participate directly in the negotiations; it may refer the matter to an appropriate national craft or branch board; or it may direct the parent labor organization to participate in the negotiations. In the last event, no contract is of any force or effect unless approved by the parent organization, unless the committee waives this requirement. The parent organization is not exposed to any criminal or civil liability arising out of a request by the committee for its participation in collective bargaining.

Section 206 sets forth the standards for the assumption of committee jurisdiction; that is, to facilitate collective bargaining; to improve the structure of bargaining; to promote practices consistent with appropriate apprenticeship, training and skill level differentials among the various crafts; to promote voluntary procedures for dispute settlement.

Section 207 invests the committee with additional functions: to promote and assist in the formation of voluntary national craft or branch boards; to make recommendations as deemed appropriate to facilitate area bargaining structures to improve productivity; to promote stability of employment; to improve dispute settlement procedures, and to provide for the equitable determination of wages and benefits.

Section 208 provides for remedial action in the form of a civil action brought by the committee in a district court of the United States to enforce any provisions of the act. But no court shall issue any order prohibiting a strike or lockout for any period beyond the 90-day period specified in section 205(a). The findings, decisions and actions of the committee may be set aside only where they are found to be arbitrary or capricious, in excess of its delegated power or contrary to specific requirements of the act.

Section 209 authorizes other agencies and departments of the Government to provide information deemed necessary by the committee, and directs the committee and the Federal Mediation and Conciliation Services to consult and coordinate their activities.

Because of the experimental nature of this committee, section 213 provides that title II shall expire on December 31, 1980, thus requiring careful congressional review of its accomplishments at that time. The CICBC is required to provide both the Congress and the President with an annual report of its activities. No later than June 30, 1980, it must submit a full report on the operation of this title together with recommendation as to whether it should be extended beyond the expiration date, and recommendations for other appropriate legislation.

Mr. Chairman, at this time I would like to express my appreciation to our distinguished colleague, the chairman of the Subcommittee, FRANK THOMPSON, for the work which he has done in bringing this legislation before us today. As every Member of the House is aware, this legislation has seen its share of controversy; more organized mail has been generated concerning this piece of legislation than any other bill which we have considered in the 95th Congress.

As a member of the Subcommittee on Labor-Management Relations I have heard from people throughout the country who are convinced that passage of H.R. 4250 will result in a multitude of specified horrors: Some have written that passage will result in the end of the industry; others have stated that passage will "demobilize the country"; still others have suggested that passage will mean that "the freedom of the working man to choose his employment will be eliminated." For the "good of America" I have been told, vote against common situs.

Mr. Chairman, I have heard every argument, and read every piece of mail in opposition, and have come to the conclusion that rather than presenting us with a series of potential horrors, this legislation is necessary because it does exactly what it purports to:

It equalizes the position of construction trade and craft workers with industrial and office union members.

For all practical purposes, a general contractor is in control of work performed at his construction site: He can either do the work himself or he can employ a subcontractor. If a contractor selects a nonunion subcontractor who does not pay the prevailing wage, there is no recourse for the union members as there would be if a similar circumstance occurred in an industrial—rather than construction—labor dispute. I think that this is unfair and that H.R. 4250 corrects this essential inequity.

This legislation, as all of us know, has had a long and somewhat inglorious history. The Secretaries of Labor of the last six Presidents have indicated their support of the concept of comon situs picketing. Dr. Dunlop, the inspiration behind

title II of H.R. 4250, resigned in protest after Mr. Ford reneged on his promise to sign the common situs picketing bill.

The time has arrived, Mr. Chairman, for the enactment of this legislation. I do not believe that the horrors which opponents of this legislation are predicting will in fact occur.

I suspect that we will look back upon this debate sometime in the foreseeable future after the common situs picketing bill has been in effect for a while, and we will wonder what all the commotion was about. What we will probably find is that as a result of H.R. 4250, the construction trade and craft unions and the contractors and subcontractors for whom they are working will have a more harmonious business relationship than they presently have.

Thank you, Mr. Chairman.

Mr. PHILLIP BURTON. Mr. Chairman, will the gentleman yield?

Mr. WEISS. I yield to the gentleman from California.

Mr. PHILLIP BURTON. Mr. Chairman, I would like to commend our distinguished colleague, the gentleman from New York (Mr. WEISS), for his enormous contribution since his arrival and his becoming a member of the Committee on Education and Labor.

Mr. Chairman, it is rare for a new Member to be able to so quickly and effectively demonstrate a grasp of the many problems that come before that committee; and I particularly commend the gentleman for his efforts in this particular regard.

Mr. WEISS. Mr. Chairman, I thank the gentleman.

Mr. ASHBROOK. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. MICHEL), our distinguished minority whip.

Mr. MICHEL. Mr. Chairman, I rarely find myself in agreement with the editorial opinions of the New York Times; but today I am. Their editorial of March 12, entitled "An Uncommonly Bad Bill," referring to the common situs bill, is right on target when it suggests that:

> The Congress and the President will, in this case, be helping labor best by ignoring the counsels of its leadership.

I could not have put it more succinctly myself. As the Times states:

> A common situs picketing law would make construction labor even more volatile than in the past, and increase building costs.

What we are asked to do here today, therefore, is to enact into law a proposal that will do precisely those things that we must not do: Destroy any possibility of commonsense in bargaining in the construction trades and hurt the consumer.

Let us get one fact straight in this debate. This is not an issue in which the ideals and principles and desires of the vast majority of American working men and women are at stake. Not even the majority of union men and women feel deeply about this. This is, pure and simple, a payoff. This one is for the big boys in the plush union executive offices in Washington and around the country, the ones whose excesses have so disgusted the public that a recent poll showed "labor unions" at the rock-bottom of 16 American institutions in which the American people have confidence. The rank and file union members have not brought unions to this low estate. It is the big boys, the ones with clout who want this one. They want it for one reason: it will increase their power.

Many years ago a bloated plutocrat named Jay Gould said: "The public be damned." Today you can find the same type in some of the union executive suites around the country. The public gets it in the neck either way.

We want to get this country building again. And there is nothing in this bill—absolutely nothing—that will get us more of what we all want at any more reasonable price. On the contrary its passage will have just the opposite effect. Let us not deceive ourselves: this bill is an open invitation for the kind of general shutdowns of large construction sites the big boys want. The public will be damned—and good—if this one gets through.

In my own views it is a pity that these arguments have to be put in a way that makes it appear that "unions" are on one side of this issue and "business" is on the other. The fact of the matter is that there is somebody else involved: the average American who is in a majority in this country. Nobody thinks of him or her. In this case the bill before us will economically hurt the average American who is neither part of a union or part of business management. Who speaks for this person? Well, today, in this bill, we speak for this person if we vote against common situs picketing. Our job here is to keep an eye on unions and business and education and Government and every other major institution to make certain that excesses of power are stopped in their tracks. That is why I am voting against this bill.

Mr. ASHBROOK. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN of Tennessee. Mr. Chairman, we have before us today H.R. 4250, legislation which if enacted into law would exempt the building and construction trade unions from the secondary boycott provisions of the National Labor Relations Act. In my opinion, H.R. 4250 violates the express intent of the Congress as manifested in the Taft-Hartley Act of 1947 and the Landrum-Griffin Act of 1959, and, more importantly, represents one more giant step toward abolishing freedom of choice for employees to select, or not select, by majority rule, the union or bargaining agent of their choice.

The prospects for H.R. 4250 as the law of the land are frightening. The changes it would bring would permit a single union to close down an entire construction project because of a dispute with one subcontractor, even if other subcontractors were not involved in the dispute. Conceivably, one construction union could close an entire industrial plant by enlisting a sympathy strike from a plant's union employees. The effects on industry and nonunion employees would be disasterous.

I was opposed to efforts in the 94th Congress to enact legislation to permit common situs picketing, and I am most certainly opposed to those efforts today. I will continue to oppose this or any other legislative effort by representatives of the people to deny the majority of our citizens their basic right to freedom of choice in their employment. To legislate for the minority is to deny everything we say this Nation represents, and I, for one, will not do it.

I have heard from a great number of union workers in my congressional district. Many of them are members of a craft union, an overwhelming majority are opposed to this legislation. Some say that they want good contracts, but they do not want another union depriving them of their right to work once they are on the job.

I would like to include as a part of my remarks an editorial from three prominent newspapers on this subject:

[From the Detroit News, Feb. 6, 1977]

COMMON-SITUS PICKETING REVISED

Some issues never die; they just wait to be revived under a new administration.

Now that Jimmy Carter has taken up residence in the White House, the country's building trade unions feel they have a good chance of getting the ancient and controversial common-situs picketing bill, signed into law.

Of course, they felt that same way when former Labor Secretary John T. Dunlop championed their cause in the Ford administration. In the end, fortunately, President Ford changed his mind, rejected Dunlop's advice and vetoed the bill. Perhaps President Carter can be persuaded to see the light, too.

The picketing proposal would allow construction and building trades unions to picket an entire construction site during a dispute with but a single contractor. Thus, one small and irresponsible union could close down an entire construction project, throwing thousands of men and women out of work. The proposal also would restrict competition in the job market by virtually forcing contractors to hire union members.

These consequences are no fairer, no more desirable today than they were in 1951 when the U.S. Supreme Court rejected the common-situs picketing concept, holding that such a practice would constitute an illegal secondary boycott.

During the recent presidential campaign, Mr. Carter indicated he would sign a common-situs bill if it came to his desk. However, this is one of those issues on which his remarks were somewhat ambiguous. In one interview he stated that he didn't know enough about the issue, that he probably would support a common-situs bill, that everything depended on the wording of the bill.

The President seems to have left himself ample room for squirming out of supporting common-situs picketing. And when he considers fully not only the injustices but also the potential economic evils of major construction-site shutdowns, he may well want to squirm out of that thoughtless commitment.

[From the Wall Street Journal, Mar. 17, 1977]

COMMON SITUS AND IOU'S

Last year President Ford vetoed the "common situs" picketing bill, but it is back again and President Carter said he will sign it if it is passed by Congress. The likelihood of that is generally considered excellent because a good many Congressmen feel dependent on organized labor for their election victories.

Common situs is only one of the AFL–CIO's IOU's. Among the other items on the list are

repeal of section 14-b of Taft-Hartley, which allows states to enact right-to-work laws prohibiting compulsory union membership as a condition of employment; raising the minimum wage from $2.30 an hour to $3, and revising the Hatch Act, which prohibits federal workers from partisan politics.

Most of the changes would enhance organized labor's existing privileged position within the U.S. economy, and common situs is a case in point. What the bill would do is legalize secondary boycotts in the construction industry, something that has been illegal since 1951 when the Supreme Court ruled that "unoffending secondary employers should be shielded from pressures and controversies not their own."

Advocates claim that the bill would merely put construction workers on a par with all other unionists, who can shut down projects during strikes. In fact, however, the construction industry is unique in that upwards of 20 different unions often work on the same projects, each having a contract with a different employer. If one union walks out in a dispute now, others continue working. But with the common situs bill, those "unoffending" innocent third parties would be drawn into the line of fire for no purpose other than to strengthen the construction unions.

The net effect of this bill, of course, will be to hike the already high cost of construction union labor, which will be passed on in increased building price tags. A Congress that professes to be concerned about the skyrocketing costs of home construction might consider what this would do to raise them even higher. It might also consider what the growing trend toward nonunion construction labor, which would be accelerated by this bill, would do to minority unionists who are generally low in seniority.

It would seem that construction unions are intent on slitting their own throats in pressing for passage of this bill. Such suicidal impulses are not entirely unknown—recall how New York newspaper unions forced through unreasonable work rules and mammoth pay hikes even as one newspaper after another folded beneath them. But the unions no doubt feel they can avoid this fate if they can also win repeal of right-to-work from Congress. That is, they hope to dispose of the problem of nonunion labor by forcing all workers into unions.

None of this is likely to help minority workers or middle class families struggling not to be priced out of the housing market. But it does show how easy it is for legislators beholden to organized labor to define the public interest in terms of the interests of their benefactors.

[From the New York Times, Mar. 12, 1977]

AN UNCOMMONLY BAD BILL

The "common situs" picketing bill is back again in Congress, not as an Administration bill this year but with strong support from the A.F.L.-C.I.O. leadership and, not surprisingly, from legislators with ties to organized labor. Though altered in committee to provide certain moderating exemptions, the present bill, like the one President Ford vetoed in 1976, would permit the employees of one contractor on a building project to set up picket lines to keep members of other unions from working anywhere on the site.

The bill would accomplish this objective by making secondary labor boycotts legal in the construction industry. In 1976, then Secretary of Labor John Dunlop strongly supported the measure because it was coupled with a bill that advanced labor stabilization in the industry. Mr. Dunlop, in fact, resigned to protest the Presidential veto. The present bill lacks even the attraction it had for Mr. Dunlop and we hope it will not pass. A common situs law would make construction labor even more volatile than in the past; and increase building costs.

Proponents of the bill argue that if the building trades constituted a single union, a picket line would inevitably keep all its members off a struck site. Thus, they say, the common situs bill merely gives these workers the protection they would have if they chose to organize on an industry-wide basis.

This point is not persuasive. If all the building workers on a site were members of the same local, its leaders would surely hesitate before throwing up a picket line that would inconvenience all of its members for the benefit of a few. In any event, the building trades unions have had the same opportunity as other workers to coalesce into a single union. Since they have chosen to continue their separateness, why bless them legally with the benefits of the togetherness which they have rejected?

Shrinkage in the share of construction work now done by union labor has stimulated the demand for common situs picketing. The reason for the shrinkage, however, arises not from the lack of such a bill, but rather from the great differential between the cost of union and nonunion construction labor. By threatening to raise the cost of union labor still higher, the common situs bill would only invite builders to use more nonunion workers. The Congress and the President will, in this case, be helping labor best by ignoring the counsels of its leadership.

Mr. ASHBROOK. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. BUCHANAN), our distinguished colleague on the committee.

Mr. BUCHANAN. Mr. Chairman, I rise to join in expressing concern over the effects of this legislation should this body in its wisdom, or lack of it as the case may be, pass H.R. 4250, the common situs picketing legislation.

Members of the Associated Industries of Alabama were in Washington this week and, as could be expected, were strongly opposed to this legislation.

Among the points raised by AIA were the fact that there often is no single employer with control over or responsibility for the labor policies of others. Rather than working as a single unit, in fact, contractors and subcontractors are often competitors. Yet this legislation would permit unions with a grievance against one subcontractor or contractor to close down an entire construction site.

A second point raised by the Alabama businessmen is that this legislation could compromise the principle of free choice in joining or declining to join a union because of the coercion which unions could exert by closing down entire construction sites because of the presence of nonunion employees.

Other AIA concerns include: increased work stoppages; reduced use of nonunion contractors and subcontractors; the forcing out of business of those small construction firms which do not have adequate capital to withstand numerous and lengthy picketing activities resulting from this legislation; the forced unionization of nonunion employees; and adverse effects on the rights of minorities who have traditionally been excluded from membership in the building trades unions.

The Wall Street Journal also opposes this legislation, but such a position by the Journal is also not unexpected.

In its March 17 editorial, the Journal raised some of the same points enumerated by the AIA and added a few of its own.

The Journal countered arguments that this bill will merely put construction workers on a par with other unions by pointing out that—

The construction industry is unique in that upwards of 20 different unions often work on the same projects, each having a contract with a different employer. If one union walks out in a dispute now, others continue working. But with the common situs bill, those "unoffending" innocent third parties would be drawn into the line of fire for no purpose other than to strengthen the construction unions.

Like AIA, the Journal expressed the fear that this legislation will raise costs to the average American home buyer and would be detrimental to minority workers.

Perhaps these responses were to be expected from the entities like AIA and the Wall Street Journal.

But another voice has been heard in opposition to this legislation, a voice which has often sided with labor in the past and that is the voice of the New York Times.

In its editorial entitled "An Uncommonly Bad Bill," the Times expressed its concern that this bill "would make construction labor even more violative than in the past and increase building costs."

Further, as the Times noted:

If all the building workers on a site were members of the same local, its leaders would surely hesitate before throwing up a picket line that would inconvenience all of its members for the benefit of a few. In any event, the building trades unions have had the same opportunity as other workers to coalesce into a single union. Since they have chosen to continue their separateness, why bless them legally with the benefits of the togetherness which they have rejected?

I cannot look upon this as true prolabor legislation because it would result in the regular and sometimes massive loss of work and pay to union members at a construction site not themselves involved directly in a dispute. In many cases the overwhelming majority will be inconvenienced and their livelihood adversely affected because of an unrelated dispute between one small subcontractor and the handful of persons who may have a grievance against him.

This, therefore, may be more of an antilabor bill than a prolabor one from the point of view of the rank and file workers in the construction industry and out of it.

It is certainly an anticonsumer bill. Most Americans are neither contractors nor construction workers, yet all of us are already confronted with high and rising costs in this industry. There is virtually no such thing as low-cost housing in our country today. It seems plain that all low- and middle-income Americans may be adversely affected by this bill except a limited group which works in the construction industry.

Finally, because of past and in some instances continuing patterns of discrimination in the building trades, this could even be considered anti-civil-rights legislation. Because of past patterns of discrimination by unions, many black construction workers are nonunion. Black Americans are underrepresented in the

building trades unions particularly at the level of skilled labor. Passage of this bill, therefore, would almost certainly stand as a continuing handicap or barrier to the increased entry of black Americans into areas of employment, particularly at the higher levels of income.

Mr. Chairman, I have received a few wires and letters from labor union leaders expressing their support for this legislation. I have received almost no mail from the rank and file building trades workers in my district, which indicates to me that this legislation does not have strong support among the rank and file workers.

On the other hand, I have received hundreds of communications from constituents who are strongly opposed to this bill. Some are in the construction industry; many are not.

Mr. Chairman, I join the Associated Industries of Alabama, the Wall Street Journal, the New York Times, and many hundreds of my constituents in urging the defeat of H.R. 4250, the common situs picketing legislation.

Mr. THOMPSON. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. WHITE).

Mr. WHITE. Mr. Chairman, in looking over this bill I have come to several conclusions, one of which is that this bill may be ill conceived. Looking at it first from a union man's standpoint, I cannot see that this is going to benefit him that much, because I think this bill is going to lead to a higher unemployment rate at the very time when this Congress has gone further in passing jobs bills in an effort to reduce our unemployment rate. Certainly it is going to force the contractor to go out and try to have an all-nonunion job so that he will not have the strike that will occur on the happenstance of having one of his subcontractors have an altercation with some union. But more than that I am concerned about the homeowner himself.

I can see a couple of our constituents, say, the Jacksons who desire to have a house built. They have been looking forward to having this house built. They look for a good contractor, one who has shown himself over the years to be fine and, therefore, he is probably very much in demand. They then contract to sell their own house. They guarantee that they will move out of their house at a certain time.

Then in the midst of construction of the new house, suddenly there is a strike, a union conflict, and the entire job is closed down. They have got to move out of their old house, and they cannot get into their new house for a long period of time while the union strike goes on.

Let us take another situation of a nonhomeowner who desires to buy a home, who has been negotiating for the construction of a home. Today he may have a house of a certain value, say, $20,000. By the time he is able to contract and actually enter into an agreement with a contractor, this bill will have been passed. Suddenly the cost of that house escalates, because certainly this particular bill is going to drive up the cost of housing. There will be many built-in requirements that a contractor is going to have to hedge against the occasion of a strike, and I think we can expect this to be.

I think this bill is going to lead to union and management strife and will lead to unrest and work stoppage at a time when we really want to go forward and build up America and not stall it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ASHBROOK. Mr. Chairman, I yield 5 minutes to the gentleman from Utah (Mr. MARRIOTT).

Mr. MARRIOTT. Mr. Chairman, today I rise to defend and protect the concepts of free enterprise, the right to work, and the small businessman. I speak knowing that the American people are keenly aware and vitally concerned with the labor legislation being deliberated by this distinguished body.

We are considering the passage of H.R. 4250, which would amend the National Labor Relations Act and legalize presently prohibited secondary boycotts in America's construction industry. Passage of this legislation would have a marked impact on this country and a detrimental effect on the majority of her people.

Twenty-six years ago, the Supreme Court in the Denver Building Trades decision ruled that secondary boycotting was illegal. This prohibited union employees who had labor disputes with a general contractor from extending their picketing and impeding the operations of subcontractors. The equity and fairness of that decision is obvious. Secondary boycotts penalize innocent employers and employees who have no control over the dispute about which the picketing is taking place.

Since the Denver Building Trades' decision, however, organized labor has attempted in one form or another to push for the legalization of boycotting. The unions have attempted to promote this secondary boycotting for a myriad of reasons ranging from economics to wages. Upon close inspection, however, I find that their arguments can be categorized in two main concepts:

First, they claim that passage of secondary boycott legislation would give them picketing rights equal to America's industry.

Second, they contend that unions have a right to picket all the contractor-employers on a construction site because they are joint ventures.

I can find no validity or justification for either argument.

For example, when we look at industry, we find all plant employees having a common employer, regardless of the union to which they belong. That single employer negotiates with the unions so that they all work under common labor policy.

The joint venture argument is equally fallacious and holds little legal weight. Contractors and subcontractors are separate legal entities under common and statutory law. They have no control over each other's disputes and do not share in profits and losses.

If these critical arguments are found wanting in substantive logic and fact, then I believe our trade unions have little definitive base for the proposition that common situs picketing be legalized. If we strip off the facade and rationalization purported by the unions and examine common situs for what it really is, it becomes apparent to me that if H.R. 2450 were passed, Congress would be creating a closed union shop for America's construction industry.

Why is this so?

If we legalize this form of secondary boycotting, we are really issuing a mandate to nonunion workers in the construction industry. We are saying: "They will either have to join a union, or stay away from every job the building trades want for themselves."

This strikes a real blow to those of us who believe in free enterprise and the right to work. Congress has the obligation to zealously guard free enterprise and to protect America's small business subcontractors who also work in the construction industry.

I believe that freedom of choice is paramount in the common situs issue and that our role as lawmakers is to uphold and protect that freedom. If Congress will allow employees and employers on construction such freedom, then we will see an equitable and fair situation as described by Justice Brandeis when he wrote:

> The ideal condition for a union is to be strong and stable and yet to have in the trade outside its own ranks, an appreciable number of men who are non-unionists. . . . Such a nucleus of unorganized labor will check oppression by the union as the unions check oppression by the employer.

Research Corporation Survey Co., of Princeton, N.J.—1976 opinion poll indicated that 72 percent of the general public and 54 percent of union members are opposed to common situs and in the State of Utah a clear majority are opposed to common situs. If you polled your district, the results would be the same.

I urge my colleagues to vote against H.R. 4250 and to support the majority of Americans who would like common situs picketing put aside once and for all!

Mr. THOMPSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MICHAEL O. MYERS), a member of the subcommittee.

Mr. MICHAEL O. MYERS. Mr. Chairman, I rise today in support of H.R. 4250, the Equal Treatment for Craft and Industrial Workers Act. I would like to first commend subcommittee chairman FRANK THOMPSON, for his excellent handling of this legislation in the Labor-Management Relations Subcommittee. As a member of this subcommittee and a cosponsor of H.R. 4250, I was extremely impressed by Chairman THOMPSON's fair and judicious treatment of this vital legislation. Throughout the hearings on this bill, he insured that all testimony was given thorough and careful review and that both sides of the issue were completely considered prior to any action being taken by the subcommittee. The completed bill that the House is considering today is the result of long and diligent effort on the part of the chairman and the subcommittee members to present a long overdue solution to the prob-

lem of inequitable treatment that has plagued the construction trades unions for almost 30 years.

In essence, since 1949, the building and construction trades have had to work under a disadvantage not placed upon other unions. Due to a Supreme Court ruling against the Denver Building Trades Council, it was decided that striking a subcontractor on a construction site would constitute a secondary boycott against a neutral third party, which is prohibited under the Taft-Hartley amendments to the National Labor Relations Act. The problem with this ruling was in defining a subcontractor on a construction site as a neutral third party. When a subcontractor contributes to a single and coordinated construction project by supplying a needed product or service, he automatically must become an involved and concerned party in the completion of that project. In support of this contention, the Supreme Court in the 1961 GE Reserved Gate case reversed their earlier decision as far as the apparel and clothing industry was concerned. This ban, however, has never been lifted from the construction industry unions. H.R. 4250 will finally rectify this inequity by putting the crafts unions on equal footing with other unions.

Title II of this legislation establishing the Construction Industry Collective Bargaining Committee—CICBC—is also of vital importance to the construction industry. The industry's collective bargaining framework has been in need of revision for some time. The establishment of the CICBC will promote a greater degree of cooperation between the contractors and the unions and minimize the instability and conflict that have been present in the past. By drawing equally from both labor and management and by also presenting the public interest viewpoint, the CICBC will assure that the needs and concerns of each group are dealt with in a fair and equitable manner. In addition, the creation of this committee will develop and enhance a constructive approach to the problems of the collective-bargaining process that are experienced by both the contractors and the unions involved.

In summary, I feel that the legislation before the House today constitutes a full and comprehensive package that will greatly enhance and strengthen the entire construction industry. This legislation has been long debated and considered. It has become the consensus of a growing number of members from both sides of the aisle that the time has come to revise and improve legislation governing the construction industry. I feel very strongly that H.R. 4250 represents the best and most appealing vehicle for bringing about this needed improvement and I ask my colleagues to give it their support today.

Mr. THOMPSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Montana (Mr. BAUCUS).

Mr. BAUCUS. Mr. Chairman, I have given careful consideration to H.R. 4250 and sincerely believe that common situs picketing rights can be extended to construction workers without hurting either the workers or the building trade. However, in addition, I support the addition of a "sunset" provision in the bill which would require congressional review of these provisions after a reasonable period of time before these provisions could be extended for a longer period. In spite of all the publicity and heated debate that has surrounded this issue, we will not be certain of the actual effects until we have had a few years in which to see it in operation. After that time, Congress should be responsible for reviewing the effects that the extension of these rights to construction workers has had. Furthermore, I urge my colleague from New Jersey, FRANK THOMPSON, the sponsor of this bill, that his committee review the actual effects of this bill

Working men and women have wanted these extended rights for many years now, and I feel that they should be granted common situs picketing rights, but only as long as I am certain of a congressional evaluation of their effects—be they harmful or positive. There has been great misunderstanding as to exactly what the provisions of this bill will or will not permit. Let me explain that the bill places many restrictions on common situs picketing. Among these, it restricts such activity to construction sites only; it prohibits picketing to exclude anyone from the site, because of their race, sex, creed, or national origin; it requires a 10-day prior notice of a planned strike to all interested parties; finally, it prohibits strikes against small residential builders' projects.

The bill also provides for the establishment of the Construction Industry Collective Bargaining Committee to improve the collective bargaining process in the construction industry. This provision should assist in making the need for labor strikes in the construction industry less frequent.

For the past 26 years our country's construction workers have been discriminated against. Unlike their industrial counterparts, construction workers have been denied the right to picket their entire work sites. H.R. 4250 will help rectify this situation.

There have been many attempts during that time to have Congress enact this type of legislation. Every President from Eisenhower to Nixon, and also President Carter, has supported the extension of common situs picketing rights, and I feel that the time has come for us to enact this legislation and to assess the effects that it will have on our economy and workers.

I know that there are many who disagree with the provisions of this bill, and who fear the effects that they feel it will have on our national economy. On balance, I think our economy and workers will not be adversely affected by the enactment of common situs picketing legislation. However, I firmly believe that Congress should monitor the effects of it and to insure that it truly serves the public interest.

Mr. McKAY. Mr. Chairman, the "equal treatment of craft and industrial workers" bill—H.R. 4250—now being considered by the Congress is not a measure which I can, in good conscience, support. The proposed legislation, on the surface, is not necessarily bad. It permits common situs picketing in the construction trades while allowing nonsympathetic unions to cross the picket lines if the affected local believes the strike to be spurious. Sufficient notice to contractors and other unions is required before a picket line can be established and written permission must be obtained from the national or international parent organization.

However, it is important to look at the deeper implications of the bill. Utah has adopted a right-to-work law which I support. Opening construction sites to common picketing would weaken that concept.

Another element of the bill which causes me serious concern is the provision which envelops a construction site in a total picket situation because of the grievance, real or imagined, of a single trade union. Of course I concede the point that unsympathetic unions can, after a vote of the local membership, opt to exclude themselves from participation in the picket and cross the picket lines. In my view, however, this places the burden on the wrong shoulders. It seems appropriate to permit a sympathetic union to vote to join in the picket, if the local membership so desires. But that is quite a different story, in actual practice, from requiring a trade union to take the incentive to, in effect, vote against their fellow workers. We all know that very few unions would dare to challenge the legitimacy of another trade union grievance by voting to ignore it. By doing so they would subject themselves to interunion harassment and be branded as a renegade union. While many union officials may not dare admit that fact, yet it is nonetheless so.

Title I of the common situs picketing bill is designed to overturn a 1951 Supreme Court interpretation of Section 8 (b) (4) (B) of the National Labor Relations Act in the case of *NLRB* v. *Denver Building Trades* (341 U.S. 675). The bill, in effect, would require the view that all contractors, however disparate their skills or functions, were equal participants in a common economic enterprise. I cannot wholeheartedly accept that thesis.

With that view in mind I register my disapprobation for the common situs picketing bill and recommend to my colleagues a similar position.

Mr. THONE. Mr. Chairman, ever wonder what it would feel like to be a hostage? Thousands of union workers in the building trades might soon get that experience if a bill currently pending before Congress is passed.

Those words about union members being shut out of work even though their unions have no quarrels with their employees are not mine. They were sent to me by Daniel R. Remigio, manager of the Goodyear Tire and Rubber Co. plant in Lincoln, Nebr. The words are from a front page editorial in the Goodyear newspaper for employees.

The editorial illustrates that H.R. 4250 is not just a bill affecting the construction trades. Any manufacturer, wholesaler, retailer, transportation or service company, nonprofit organization or governmental agency that builds a new building, expands one, remodels, repaints or repairs will suffer from this bill

should it become law. The editorial continues,

> There is a real threat, also, to companies such as Goodyear. In these days of tight profit margins and the squeeze on capital money with which to expand plants and machinery, it will be tougher to grow and modernize. That is a personal threat to all of us.

If H.R. 4250 is a threat to any expansion of a giant corporation such as Goodyear, just think how it will terrorize and immobilize the family-owned retail store that wants to modernize and expand, or the small machine shop that would like to build an addition in order to hire a few more workers.

In many of the small towns I represent, the local farm cooperative is the largest activity. Even these local elevators and stores are threatened by common situs. Many of the local co-ops are affiliated with Farmland Industries, Inc., whose president, Ernest T. Lindsey, wrote me emphasizing,

> This organization is opposed to the involvement of innocent parties in disagreements in which they have no interest. This legislation would provide for such involvement of innocent people and would multiply immeasurably the likelihood of large significant work stoppages in the construction industry.

Mr. Chairman, we must bring this issue down to basic terms. All those in the House of Representatives who want to slow down the American economy should vote for H.R. 4250. All those in the House who want to fuel the fires of inflation should vote for H.R. 4250. All those who want to take away some freedom and individual rights should vote for H.R. 4250. And, all those who want to take away local control over local disputes and give it to national management and labor czars should vote for H.R. 4250.

Mr. Chairman, I am aware that some management groups as well as some labor union groups are in favor of the Construction Industry Collective Bargaining Committee concept contained in title II of this bill. No matter. It is still a bad idea. Local disputes should be settled locally. Either a national contractor association dictating to a local contractor or a national labor union dictating to a union local are equally repugnant to me.

Mr. Chairman, the housing industry has not shared fully in the recovery from the recession. In the past, a hearty housing industry and a healthy economy have always gone hand in hand. We cannot be certain of the total effect of passage of H.R. 4250 on the housing industry. All we can be sure of is that this legislation would slow down housing considerably and significantly increase the cost of every new home.

New homes sold in the United States in February 1977 had an average price of $51,800, according to the Federal Home Loan Bank Board. With such an average, many families who would like to buy have already been priced out of even the lowest cost new home available.

Without any other inflation, the same homes built in February would immediately have an average cost of about $60,000 if H.R. 4250 were passed and the result were the building of all housing with union labor.

There are differences of opinion as to what the effect of the bill will be. Some labor union leaders think that the proposed legislation will enable their organizations to expand their memberships and power tremendously. Andrew J. Biemiller, working for this legislation on behalf of the AFL–CIO, has said that it will "assist labor organizations in organizing . . . to see every job in America a union job."

A New York Times editorial, however, suggests that the legislation may have the opposite effect of that desired by the AFL–CIO. The editorial notes that:

> Shrinkage in the share of construction work now done by union labor has stimulated the demand for common situs picketing. The reason for the shrinkage, however, arises not from the lack of such a bill, but rather from the great differential between the cost of union and non-union construction labor. By threatening to raise the cost of union labor still higher, the common situs bill would only invite builders to use more non-union workers. The Congress and the President will, in this case, be helping labor best by ignoring the counsels of its leadership.

One way that a common situs law is certain to drive up costs is through the shutdown of more and more work.

The latest version of H.R. 4250 has an exemption for those builders who construct five or fewer housing units on a site. This will provide an exemption for less than 8 percent of the housing being built in America. In other words, 92 percent of the housing will have the added costs of secondary boycotts tacked on to their price tags. And what is the 8 percent that would be exempted? Mostly custom home building—the construction of houses costing $80,000, $100,000, or $200,000.

Mr. Chairman, I ask support for the amendment that will be offered to exempt from this bill all residential housing that is no more than three stories high.

Nebraska, the State I represent, is one of the 20 States in the Union that has a right-to-work law. The overwhelming majority of Nebraskans support this law. Even more importantly, they believe that Nebraska citizens should be allowed to decide whether or not they want such a law. H.R. 4250 will negate right-to-work laws as far as construction unions are concerned.

If H.R. 4250 becomes law, it will deliver a serious block to the pocketbook of every prospective homeowner. The legislation would cause some increases in all consumer and taxpayer costs.

Even worse, however, than the economic effects are the bill's attacks on our private enterprise system. It just does not make any sense—it just is not fair—for workers who have no grievance with their employers to be thrown out of work by a secondary boycott. Nor can the small businessman—the subcontractor and the small contractor—survive the economic losses of secondary boycotts.

America is being weakened by big forces at work—big government, big business, and big labor. This proposal would tend to concentrate all construction under big labor and big business. That will be bad for all Americans.

Construction unions have earned a reputation as being very discriminatory against minorities. It is much easier for a qualified black to become a physician than for a qualified black to become a journeyman in most construction craft unions. In 1975, I supported an amendment to the common situs bill that would have exempted minority contractors from the proposal. The majority rode roughshod over civil rights concerns and defeated that amendment. I ask that the House this time give fair consideration to protecting the rights of employees of minority contractors.

Mr. Chairman, I ask for defeat of H.R. 4250. I often disagree with the liberal editorial positions of the New York Times. I think that paper hit the nail right on the head, however, with its March 12, 1977, editorial on common situs, headlined, "An Uncommonly Bad Bill."

Mr. DRINAN. Mr. Chairman, the so-called common situs bill has generated a tremendous amount of comment from concerned constituents. Some opponents of the legislation have written that it will cause another economic recession. Others claim it will force their companies into bankruptcy. Still others assert that the bill gives construction workers excessive power and unfair advantages which will fuel further inflation.

I have investigated these and other serious charges made against this bill in a comprehensive manner. If factual evidence showed any of those charges to be true, I could not give H.R. 4250 my support. An analysis of the facts, however, demonstrates that the enactment of this bill will not have the dire consequences which its most impassioned foes fear.

First, it must be made clear that there are two separate sections of this bill. Title I, entitled "Equal Treatment of Craft and Industrial Workers", authorizes striking construction workers to picket an entire construction site if they have a grievance against one or more subcontractors at that site. The justification for that provision, as explained by Labor Secretary Ray Marshall in his testimony before the Labor-Management Relations Subcommittee, is that "the various contractors and subcontractors on a construction project are ordinarily engaged in a closely integrated business relationship." Just as striking janitors are authorized to picket the entire factory where they work, striking electrical workers should be permitted to picket the entire construction site where they are employed.

That is all that title I of this legislation does. Let me now review what it does not do:

The bill does not legalize secondary boycotts;

The bill does not legalize unfair labor practices;

The bill does not legalize picketing in breach of contract;

The bill does not legalize picketing at nonconstruction sites.

The bill does not legalize picketing at a construction site over a dispute at another site.

Moreover, the committee added an amendment which exempts small home contractors from the provisions of title

I altogether. An estimated 70 percent of all residential builders will be protected against situs picketing under that exemption.

Title II of H.R. 4250, "Construction Industry Collective Bargaining," has received little attention, but will probably prove to be the most important part of this bill. This section establishes an orderly mechanism for resolving the numerous labor-management disputes which have plagued the construction industry in recent years. Title II establishes a Construction Industry Collective Bargaining Commission to oversee bargaining between the parties to a contract and defer a strike for up to 30 days after an existing contract expires. This is a plan designed to restore order to an industry currently beset by chaos.

Mr. Chairman, it is unfortunate that the common situs issue has been so greatly exaggerated by both the proponents and opponents of H.R. 4250. As Secretary Marshall observed, "common situs appears to have taken on a symbolic significance which far exceeds the actual impact which it is likely to have on the construction industry." The Boston Sunday Globe, in, endorsing H.R. 4250 on March 20, 1977, provided the following excellent synopsis:

> It will neither destroy the construction industry nor make the building trade unions omnipotent. It does, however, offer the opportunity to bring a degree of order to labor-management relations in a highly fragmented industry.

It is imperative that we resolve this 25-year-old conflict once and for all and get on with the job of restoring good health to the ailing construction industry. Secretary Marshall observed:

> The continued existence of the common situs issue as a source of controversy on the labor relations scene makes it considerably more difficult to address the unique problems which beset the construction industry.

Let us enact this balanced bill today as the first step in the revitalization of our domestic construction industry and the realization of full economic recovery.

Mr. LE FANTE. Mr. Chairman, I rise in support of H.R. 4250, a bill to provide equal treatment for craft and industrial workers, and urge my colleagues to approve the measure as reported by the Education and Labor Committee.

I want to take note of the outstanding work done by my friend and colleague from New Jersey, Mr. THOMPSON, and to commend him and the members of the Subcommittee on Labor-Management Relations for bringing this important piece of legislation to the floor for our consideration.

Labor-management relations require that a delicate baalnce be maintained between the two sides so that control of the collective bargaining mechanism is not thrown out of wack. H.R. 4250 seeks to restore the imbalance caused by the court's decision in Labor Board against Denver Building Trades Council. It does not make sense to deny to our craft unions the rights and privileges enjoyed by organized industrial unions.

Almost hidden by all the talk about what this measure will do for big labor or to big business is the section of the bill which creates the Construction Industry Collective Bargaining Committee which will help standardize bargaining in the industry.

Contracts settlements in the construction industry have been so disparate as to contribute significantly to our problems with inflation. I expect that the committee which is charged with promoting stability of employment and economic growth in the industry will bring a semblance of order to this situation. The employers and the employees have a mutual interest in seeing that the chaos of the past is ended.

The promotion of voluntary dispute settlement procedures is another serious responsibility of the committee. Too often in the past precipitous actions by employers and employees have caused work stoppages which have increased the cost of projects or killed them entirely. Such stoppages will be severely curtailed by this proposal.

Without passage of this bill craft unions will be forced to continue to operate without many of the economic weapons which are available to industrial unions. Their members will be denied the full strength which they expected to have when they joined the union.

For these reasons, Mr. Chairman, I have cosponsored this measure and strongly urge the House to approve it.

Mr. PHILLIP BURTON. Mr. Chairman, in a nation which thrives on the premise that there is to be equal treatment for all under the laws of the land, it is ironic that there is no such equity between the various trade and craft unions.

This bill, H.R. 4250, would overrule the so-called Labor Board vs. Denver Building Trades Council case of 1951 and enable craft unions to participate in a picketing of an entire construction site even though their dispute is with only one subcontractor doing work on a particular project.

There could be countless statements of great eloquence offered on the floor of the House today, but none can touch the hearts and the minds of each Member here more than the meaning of one simple word: Equality.

That is all the craft unions are asking, and this particular bill will provide for their right to engage in common situs picketing—the picketing of an entire construction site—in a fashion which will place their union organized objectives and operations on par with other union activity.

The Denver case involved a general contractor on a construction project subcontracting certain electrical work to a nonunion subcontractor who paid his workers 42 cents per hour less than the union scale. When the nonunion electrical workers reported to the job site, the Denver Building Trades Council picketed the entire job site, and the union workers on the site honored the picket line by refusing to enter the project.

The simple object of this picket line was to force the nonunion subcontractor off the job, and this was accomplished as the general contractor did terminate the contractor.

But the Labor Board held that the Denver Building Trades Council was in violation of the law and the case eventually went to the Supreme Court.

In an opinion on the case, Supreme Court Justice William O. Douglas said:

> The picketing would undoubtedly have been legal if there had been no subcontractor involved—if the general contractor had put non-union men on the job. The presence of a subcontractor does not alter one whit the realities of the situation; the protest of the union is precisely the same. In each the union was trying to protect the job on which union men were employed. If that is forbidden, the Taft-Hartley Act makes the right to strike, guaranteed by Section 13, dependent on fortuitous business arrangements that have no significance so far as the evils of the secondary boycott are concerned. I would give scope to both Section 8(b)(4) and Section 13 by reading the restrictions of Section 8(b)(4) to reach the case where industrial dispute spreads from the job to another front.

Thus, H.R. 4250, is designed to conform the law "to the realities of the situation" as explained by Justice Douglas.

Mr. ABDNOR. Mr. Chairman, today the House is considering H.R. 4250, the Common Situs Picketing bill, which would legalize secondary boycotts in the construction industry. I am totally opposed to this type of legislation, and I urge my colleagues in the House to join with me in voting against H.R. 4250.

As we all know, the bill would enable a union striking or picketing against one subcontractor to close down an entire construction site. Even those contractors and subcontractors who are not parties to the dispute would nevertheless be forced to stop work.

Although many of my colleagues are unwilling to admit it, the enactment of H.R. 4250 would give powerful unions the ability to force nonunion workers to either join the union or stop construction work. In order to avoid labor problems caused by such a law, contractors would be forced to employ only union workers. As the ultimate goal of this type of legislation, I see the labor interests working to repeal section 14–B of the Taft-Hartley Act, thereby depriving all Americans one of our most basic freedoms—the freedom to work without having to join a union.

To label H.R. 4250 the "Equal Treatment of Craft and Industrial Workers" is a misnomer of the highest order. Secondary boycotting is outlawed for all other unions, as it ought to be, and allowing such a privilege for the construction unions is certainly not giving it "equal treatment." The construction unions have not suffered from any inequities in the past, and H.R. 4250 would only serve to give them excessive power over both union and nonunion workers.

I understand that a reputable polling firm has found that well over 70 percent of the public are opposed to common situs picketing, including a majority of the union members in this country. While I will certainly admit that polls of any kind are subject to question, at the same time I feel that it is foolhardy at best to try to dismiss such glaring statistics. I can certainly attest to the fact that the people of South Dakota are overwhlemingly opposed to common situs picketing in any form. I have received literally thousands of letters from individuals in South Dakota

stating strong opposition to common situs picketing and the repeal of section 14–B.

At a time when construction costs are already too high and when unemployment rates in the construction industry are over 20 percent, it would be a drastic mistake to pass this legisation. Secondary boycotts in the construction industry can only serve to increase these high costs and put more people out of work.

We all know that H.R. 4250 is a much stronger bill than the one Congress passed a year ago. I urge my colleagues to take this into account before voting on this bill today. Mr. Chairman, it is hard to believe that H.R. 4250 is not just another attempt to remove all nonunion employees from all construction sites. Please allow us to preserve our freedom to work by defeating H.R. 4250.

Mr. COCHRAN of Mississippi. Mr. Chairman, I intend to vote against this so-called common situs picketing bill which has been reported from the House Committee on Labor and Public Welfare by a vote of 22 to 11. The vote in committee was strictly along party lines with all Democrats for the bill, and all the Republicans on the committee voting against it.

The issue involved in this legislation has been before Congress every few years since 1949, and it is still not resolved. The question is whether the Taft-Hartley Act, also know as the National Labor Relations Act, should be amended to permit strikes and picketing to force one employer to cease doing business with another.

Such activity has been described as secondary picketing, or secondary boycotting. When Congress adopted the Taft-Hartley Act, a prohibition against this activity was included to protect neutral contractors from being drawn into a labor dispute.

Those in favor of changing the law to permit secondary boycotts argue that only by this means can the equal treatment of craft and industrial workers be assured so as to protect the economic rights of labor in the building industry.

The practical effect of the legislation, however, will result in either a completely unionized or completely nonunionized construction site. It will no longer be possible, if this bill is enacted, for union employees and nonunion employees to work side by side.

Another practical result of this change would be the vesting in one labor union of the power to close down an entire construction project because of a dispute it may have with only one subcontractor, even though the other subcontractors are not involved in the dispute.

It may even permit a construction union to close an industrial plant by enlisting a sympathy strike from a plant's unionized employees.

Without question the passage of this bill would mark a significant departture from the congressional intent manifested in the National Labor Relations Act. And it would abrogate judicial decisions that permit individual employees to select by majority vote the union or bargaining representatives of their choice.

Stated another way, some employers would be subjected to organizational picketing, and consequently unionization, without free choice by their employees.

The importance of the construction industry to our Nation's economy cannot be overemphasized. It is the largest single industry in the United States today, accounting for 11 percent of the gross national product.

Disruptive changes in the law governing collective bargaining in this industry and the singling out of it for an exception under the law could have an adverse impact on construction starts and consumer costs.

I am opposed to this effort to change the long established principles of this law because it would upset a delicate balance of power and harm the mutual interests of workers and contractors in protecting: First, the rights of unions to strike for organizational and bargaining purposes; second, the rights of neutral, innocent employers and employees to be shielded from disputes in which they are not involved; and third, the rights of workers to choose their own bargaining agents.

Mr. CRANE. Mr. Chairman, I rise in opposition to the bill. Rather than review the whole litany of problems associated with this legislation, I would like to focus on just two—freedom of association and restraint of trade.

The first amendment to the Constitution grants to all Americans the right to associate with any organization they wish without penalty. Implicit in this constitutional guarantee is the right of all Americans not to join any organization with which they disagree or in which they have no interest, again without penalty. Commitment to this ideal had a great deal to do with the abolition of the draft a few years back, yet today we are contemplating a bill that would, for all practical purposes, force people to join an organization, in this case a building trades union, in order to get or keep a job. Just because workers in 30 States are subjected to such a constitutionally questionable practice does not mean we should extend it to employees whose firms are presently not unionized or to the 20 States which have passed laws guaranteeing their citizens the right to work regardless of union affiliation. If anything, we should be looking in precisely the opposite direction.

Legalizing the secondary boycott for construction unions, as common situs would do, may appear to some to be equitable. However, its purpose is anything but. As George Meany, president of the AFL–CIO pointed out several years ago in testimony on common situs legislation, the objective of the unions is to make "every job a union job." The extent to which this legislation would succeed in doing that, at the cost of freedom of association, was underscored several weeks ago when Secretary Marshall testified before the House Subcommittee on Labor-Management Relations. Said Secretary Marshall, at the time, common situs would "probably create totally union or totally nonunion construction sites."

Realistically speaking, what the outcome is likely to be is all union construction sites in the Northeast and Midwest and all nonunion sites in the South and Southwest. But, still, that is of little consolation to the nonunion construction worker in the unionized areas or the union construction worker in the nonunion areas. They will have to compromise either their principles or their livelihood or perhaps both.

Also to be considered is the status of minority groups—employers and employees alike. It is no accident that most subcontracting firms owned and operated by minority group members are nonunion. First of all, they, like many other small business enterprises, frequently find that they cannot be union and be competitive at one and the same time. And second, by going union, minority subcontractors would find themselves in the position of having to lay off longtime employees who, by virtue of age or inability to meet apprenticeship requirements, would have difficulty fulfilling the requirement of union membership. Which leads to a final point—is this difficulty in getting into labor unions simply an individual matter or does it represent an historical pattern of discrimination?

The May 1976 report of the U.S. Commission on Civil Rights sheds considerable light on this point. According to the report, construction and trucking unions continue to discriminate against minorities and women through the use of apparently neutral but still discriminatory practices. As Secretary of Labor Marshall noted back in 1974, craft unions—prevalent in the construction industry—have considerable control of the supply of labor through control of: First, job training; second, entrance into the union; and third, job referrals. And, as Marshall admitted, "black workers have difficulty getting into the local craft unions."

Statistics comparing black union members in the building trades to the number of wage and salary workers in other industries bear out the Secretary's point. Whereas 12.4 percent of all wage and salary workers were black union members in 1970, only 8.7 percent of wage and salary workers in the construction industry were black union members. The significance of this differential is underscored by the fact that in 1970, 10.2 percent of all construction workers on wages or salaries were black.

Before leaving this issue of an individual's right-to-work and the discrimination that can occur if it is not respected, one other point needs to be made. If this bill is passed, members of independent unions will be discriminated against as well as nonunion members.

Increasing the power of a relative handful of privileged unions over employers, other unions, and nonunion members raises the other key point upon which I would like to focus—restraint of trade. Not only is the secondary boycott, which we would legalize in one instance with this legislation, prohibited under labor law, but it is inconsistent with the purposes of antitrust law. Just as the Justice Department would come down hard on a businessman who told custom-

ers they could not buy from him if they also bought goods produced by a competitor, so too should Congress look askance at sanctioning any attempt by the building trade unions to prevent other employers from doing business with an employer with whom they have a grievance. Either practice constitutes a conspiracy to restrain trade; and legitimizing the latter, even for one industry, would go contrary to recent Supreme Court decisions—particularly Connell Construction Co. against Plumbers Local 100 and NLRB against Enterprise Association of Steam Pipefitters—which have held unions subject to the antitrust laws if the restraining activity engaged in was unrelated to wages, hours, or working conditions. Logic suggests that if we are not to make a mockery of the antitrust laws we should be seeking to eliminate even that exception rather than creating yet another one. There is no good reason why construction unions, or any union for that matter, should be treated any differently than management when it comes to the antitrust laws—unless, of course, we are going to pass special interest legislation, and particularly since construction workers are at the top of the ladder when it comes to pay scales.

As presently drafted, H.R. 4250 is, without a doubt, one of the most obvious pieces of special interest legislation to appear in a long time. Amending this bill will not help all that much; it is the basic principles H.R. 4250 incorporates that are the problem. Equal treatment is not the issue here, unless Congress is willing to discuss equal application of the antitrust laws to unions. The basic issue here, along with the antitrust consideration, is the right of all Americans to work without being forced to join an organization that, to their way of thinking, may not represent their best interests. Until these issues are positively resolved, all Americans will suffer the effects of a basic imbalance in our system of individual liberty and free enterprise.

Mr. LEGGETT. Mr. Chairman, this afternoon the House considers H.R. 4250, equal treatment of craft and industrial workers, generally known as the common situs picketing bill. This legislation merits favorable action by the Congress.

The common situs bill will extend to craft workers rights enjoyed by industrial workers since 1935, by overruling the 1951 Denver Building Trades Supreme Court decision. This ill-considered decision ignored the realities of the construction industry when it applied the Taft-Hartley prohibition against secondary boycotts to this particular multiple-union activity. The effect of the 1951 decision has been to deprive construction workers of the right to appeal to the public and their fellow workers in a labor dispute—a right recognized for other workers in our Nation for more than 40 years.

Both the Congress and the executive branch have long recognized this inequity. Efforts to overturn the Denver Building Trades decision have been supported by Presidents Truman, Eisenhower, Kennedy, Johnson, Nixon, and Ford. During the 94th Congress, a common situs bill passed the Congress, only to be vetoed by President Ford when he failed to honor his commitment to sign such legislation in his attempt to gain the Republican Presidential nomination.

I have received a large volume of mail on this legislation, as have other Members of Congress. It is important that both contractors and the tradesmen understand that the bill contains numerous limitations on common situs picketing, including: First, restricting such activity to construction sites only; second, prohibiting picketing to exclude anyone from the site because of their race, sex, creed, or national origin; third, requiring 10-day prior notice of a planned strike of all interested parties—the reporting requirements are more extensive when the construction site is at a defense installation; and fourth, prohibiting strikes against small residential builders' projects. These provisions will protect the public interest and prevent the adverse effects many of the opponents fear. Additionally, the bill establishes the Construction Industry Collective Bargaining Committee to develop a "more viable and practical structure for collective bargaining in the construction industry." It is my belief that this body will substantially promote labor-management peace on our Nation's construction sites.

I believe it is fundamentally unfair to single out one group of workers and prohibit them from engaging in such concerted action while allowing industrial workers this prerogative. I think we must recognize that picketing is a form of speech and we must be very careful when we attempt to limit such free speech activities. In the absence of a clear and present danger, and I see none here, we must not prohibit such picketing.

In the interest of fairness and consistency in our law, this measure deserves the support of the House, and it will have my vote.

Mr. HAGEDORN. Mr. Chairman, I have to admit that the employment policies of the current administration are somewhat confusing to me. On the one hand, it proposes $19 billion in new deficit spending, largely to be used for public service jobs and public works programs. On the other hand, it seeks to economize by reevaluating and terminating water resource projects which accomplish the same purpose.

Now the push for common situs picketing, the legalization of which is certain to create higher levels of unemployment in an industry already beset by unemployment levels twice that of other industry. In 1976, unemployment figures in construction exceeded 15.5 percent, while the national unemployment rate excluding construction was less than 7.5 percent. Those, however, who managed to retain their employment did very well, with the average hourly earnings in the construction industry nearly 50 percent higher than that in other industries. Wage rates have risen steadily and spectacularly, during good times and bad. Not coincidentally, unemployment rates have risen in a similar pattern.

The effect of common situs picketing will be the same as has been the effect as a result of increases in the minimum wage and extension of Davis-Bacon. Lower paid workers, especially nonunion and minority workers, will be thrown out of work in order that the wage levels of higher paid, union laborers can be subsidized. The effect of each of these laws is to reduce wage competition in industry, and to artificially promote the unionization of employees who would not otherwise join.

It is inconceivable to me that we can approve a measure so certain to result in escalated labor costs in an industry that has been so slow to fully recover from the recession of 1974–75. In the past 2 years alone, construction costs have risen more than 22 percent. Since the construction industry is clearly one of our most labor intensive industries, it is clear that soaring labor costs are a major factor for this continued sluggishness.

How much longer can Congress continue to subsidize an extremely well paid group of workers at the expense of lesser paid workers, at the expense of lower- and middle-class couples seeking to purchase modest housing, and at the expense of the taxpayer who is being forced to shell out billions of dollars annually for public works projects designed to cure persistently high unemployment levels in construction?

Rather than being treated in a discriminatory fashion as the equal treatment title of this bill would suggest, unions in the construction industry have been the recipients of numerous legislative privileges, some perhaps justified by the transitory nature of construction work, others not. The provisions of the Davis-Bacon Act which set prevailing wages—usually defined to be union wages—in the construction industry as the minimum wage for purposes of Federal construction is a notable example. Under section 8(e) of the Taft-Hartley Act, construction unions alone are permitted to enter into so-called hot cargo agreements with their employers and specify individual firms with which the employer is forbidden to do business. Under section 8(f), they can enforce union security clauses after 7 days, rather than the usual 30-day period; they can utilize hiring halls—which have become the equivalent of outlawed closed shops in many regions—for employment referrals; and they can enter into prehire agreements whereby contracts can be negotiated even prior to final determination of the union's majority status.

Mr. Chairman, this is special interest legislation at its worst. It is a positively harmful piece of legislation to all but a small, favored group of laborers who themselves are going to learn that they cannot continue to individually prosper as their industry languishes. No one should be deluded into believing that considerations of equity and fairness demand the passage of H.R. 4250. In fact, they require just the opposite.

Mr. McCLORY. Mr. Chairman, in expressing strong opposition to the passage of the common situs picketing bill, H.R. 4250, I have in mind the interests of all those who are involved in construction projects which this legislation would affect.

In the application of the existing labor relations laws, the Supreme Court wisely held in the Denver Building Trades case

that it was an unfair labor practice for a union to strike and picket employees and owners who are not involved in a labor dispute in which an individual subcontractor and his employees may be separately involved.

Mr. Chairman, the Congress did not intend to condone secondary boycotts which the Supreme Court held would be involved if strikes involving individual subcontractors could close down an entire building construction job.

Mr. Chairman, the existing law and the Supreme Court decision are in the best interest of our national economy and beneficial to the interests and welfare of the general contractor and his employees as well as other subcontractors who are not directly involved in any labor dispute.

Contrary to the belief of proponents of this legislation, a construction project is not a joint venture. Subcontractors do not share in profits and losses and do not have common labor policies. It would be unethical, therefore, that one single building trade union be allowed to picket and shut down an entire construction site.

Delays in building due to such secondary boycotts would undoubtedly lead to an increase in construction costs. And, as construction costs rise, employment goes down. Workers know this and will not readily accept it. I fear that if this bill is passed we may see violence and property damage on construction sites resulting from frustrations, and as one union forces other union workers to strike.

Mr. Chairman, my concern is not only with the owners of the property that may be involved, but also with the contractors and subcontractors and their employees who stand to lose substantial benefits from wages and earnings as a result of a labor dispute in which they are in no way directly involved. If the grievances are not theirs, they should not be forced to suffer the economic pressures resulting from them.

Mr. Chairman, those affected the most by increases in construction costs would be the middle-income families, who would have adequate housing pushed further and further out of their reach. We cannot let this happen.

Mr. Chairman, I urge my colleagues to join me in opposing passage of this measure and keeping the reasonable balance of interests in the construction industry to help preserve our Nation's economy.

Mr. SYMMS. Mr. Chairman, I rise in strong opposition to H.R. 4250, the common situs picketing bill. This bill is a threat to the small entrepreneur in the construction industry. Further it will work against the economic interest of the minority groups and hold back their economic integration in to the construction industry. The increase in unemployment caused by this bill is sure to be substantial. The construction industry already has the highest unemployment rate—averaging 15 percent—of any field.

The overall delays and work stoppages caused by this legislation will result in higher consumer prices for everyone.

Also, consider for a moment the effects of this bill on the small independent contractor. In 1972, there were about 438,000 firms engaged in contract construction; the number of firms with nine or less employees was about 352,000. These small firms represented about 80 percent of all the firms engaged in contract construction. It is these firms, mostly nonunion, that this bill is designed to destroy. It seems that the AFL–CIO and other proponents of this bill want to eliminate all nonunion contractors and subcontractors.

In addition, if this bill is enacted into law, it will sanction illegal labor practices, including coercion, threats, mass picketing, and in all likelihood violence at construction sites. Furthermore, this bill, as reported by the Committee, does not clearly define a common site; it could mean anything from a single house to a large building complex.

In conclusion, it is my understanding that the White House commissioned a study of the pros and cons of this bill by Rinfret Associates in New York. I would like to read the conclusion of the Rinfret study:

> Taking all these factors into account, it would appear that common situs legislation to date [1977] would work against minority groups and small business. It would tend to increase unemployment and/or decrease employment opportunities and tend to increase the inflationary bias of the American economy.

Consequently, I cannot understand why the President is supporting this legislation, or why anyone, for that matter, would support this bill. I urge my colleagues in Congress to reject this legislation.

Mr. EVANS of Delaware. Mr. Chairman, I rise to voice my strong opposition to Common Situs Picketing, and urge my colleagues to defeat this economically disastrous legislation.

This bill will, if passed by the Congress, legalize secondary boycotts in the construction industry, thus permitting a union to close down an entire construction project because of a dispute with one subcontractor even though the other subcontractors are not involved in the dispute. Quite simply, this bill could force the closure of an entire industrial plant, placing thousands of people out of work, just because of a single dispute between one union and one subcontractor. Innocent neutral parties will be caught up in labor disputes not of their making, and a basic principle of worker protection will be seriously violated.

In passing the National Labor Relations Act and subsequent laws, the intent of Congress has been clearly to allow freedom of choice by industrial employees to select, or not to select, by majority rule the union or bargaining agent of their choice. The common situs bill before us today, however, would virtually require total unionization by subjecting all contractors and subcontractors to secondary picketing. Coercion of nonunion contractors to use only union labor, and of men and women to only work for employers having contracts with labor organizations will be the rule of the day.

This legislation will cause conflict throughout the construction industry, and lead to repeated disruptions in this critical sector of our economy. The inevitable effect of these disruptions will be greater unemployment for construction workers, and higher costs to the consumer, who ultimately must pay the costs of these delays.

Mr. Chairman, organized labor, which has placed this bill on the top of their wish list in Congress, has said that the measure will assist in insuring that every job in America is a union job.

I cannot support a bill that would take away the rights of all American workers to freely choose whether or not to join a union.

I cannot support a bill that would remove the right of neutral and innocent employees to be protected from disputes they are not involved in.

And I cannot support a bill which will radically shift the balance of economic power in this country to big labor.

Therefore, I urge the House to defeat the common situs picketing bill.

Mr. BADILLO. Mr. Chairman. I rise in full support of this legislation, H.R. 4250. Old fears, like old soldiers never seem to die—or even to fade away, and it is for this reason that we are once again debating our national commitment to the encouragement of collective bargaining in every sector of our labor force.

Forty years ago, with the passage of the Wagner Act, we brought into law the public "policy of the United States" to encourage "the practice and procedure of collective bargaining" and thereby to encourage "the friendly adjustment of industrial disputes arising out of differences as to wages, hours, or other working conditions by "restoring equality of bargaining powers between employers and employees."

Forty years ago there were many people who sincerely believed that the Wagner Act would destroy our economic system by granting employees the right to collective bargaining. History has shown that they were wrong and that the right to form unions and to participate in collective bargaining has enriched our economic system by helping to create a new and more secure middle class comprised of families whose wage earners belong to the labor movement. But the old fears persist, and we are faced with counteracting more baseless arguments about how the passage of the common situs bill will destroy the construction industry.

There are those who declare that the severe economic problems assailing the construction industry would only be aggravated by the passage of the bill, and that wages and construction costs would go up even further. We should recognize that is not the unions that are responsible for creating or resolving the economic crisis in the construction industry. It is we, the Members of Congress who must bear the responsibility for that.

Throughout the country today, it is impossible to build housing for anyone except upper income people without adequate subsidies. We have been unwilling to provide those subsidies in adequate amounts over the years and many of you

who are now expressing your concern about the depressed condition of the industry are those who have failed to support amendments that would have stimulated additional construction in the cities, the suburbs, and in the rural areas of this country. In this session, the Committee on Banking, Finance and Urban Affairs, of which I am a member, will propose legislation designed to provide additional aid to the housing and construction industry. If we all join in supporting new legislation, we will discover that new housing will be built, additional jobs will be created and there will be greater profits—not hardships—for contractors, subcontractors and bankers.

We have had decades of experience with common situs picketing, or its equivalent, in the apparel industry, in manufacturing, in the production of automobiles—in fact, in every other industry but the construction industry. There is no justification for this exception to continue, no valid argument to counterbalance the need to end this inequity.

With total equity in our labor laws, and legislation that will provide an adequate number of available construction jobs, the irrational fears of what situs picketing is supposed to be will disappear in a new era of prosperity.

Mr. BURKE of Florida. Mr. Chairman, H.R. 4250, is a bill which has been introduced over the years, under various names and will authorize secondary boycotts. If enacted, this bill—while helpful to some in the labor unions—would be harmful to others, not only to the construction worker but also to the American consumer in general. By allowing a single subcontractor to close down an entire construction site, the result would be even greater unemployment in an industry which already suffers high unemployment. In addition construction costs—already too high—would be forced up with every secondary boycott thereby putting a noose around the necks of the consumers who must ultimately pay the bill for higher construction costs.

Mr. Chairman, the prohibition against secondary boycotts is one of the key provisions—section 8(b)4(B)—of the National Labor Relations Act. Having been included in lieu of an earlier proposal to extend antitrust laws to unions, this section outlaws secondary boycotts by all labor organizations. Secondary boycotts occur when a labor organization having a dispute with one employer—the primary employer—extends that dispute to a neutral third party—the secondary employer. The objective of a secondary boycott is to compel the neutral employer to cease doing business with the primary employer, thereby applying pressure designed to force the primary employer to give in to the union's demands.

H.R. 4250 would have the net effect of legalizing secondary boycotts by construction unions at construction sites. This is of particular significance because the construction industry is particularly vulnerable to the pressures of a secondary boycott insofar as the efforts of a large number of independent employers are required to contribute to a finished product. Furthermore, since all of the employers and all employees are involved in a given construction project at one place at one time, it follows that secondary pressure can be exerted by a union easily, effectively, and quite inexpensively.

A simple illustration will show the potential impact this bill can have. Suppose that on a large construction project where thousands of workers employed by a substantial number of subcontractors are busy, a group of 50 sheetmetal workers get into a dispute with their employer who has contracted for all the sheetmetal work. Under H.R. 4250 these 50 sheetmetal workers would not only be permitted to picket their employer, but they would be allowed to picket the entire construction site. A chain reaction of work stoppages by the thousands of other employers on the project would be likely, and eventually, all work on the project would be brought to a standstill. If the primary sheetmetal contractor refused to give in to the union's demand, the general contractor would be forced to replace him with a subcontractor having no dispute with the union to get the job moving again. In a situation such as this, not only would a great many innocent persons be hurt and a great deal of money lost by the purchasers of construction, but also the entire construction industry would become less stable and subject to unreasonable wage demands.

Mr. Chairman, H.R. 4250 rests on a very simple premise. It tends to smooth over the distinction between primary and secondary parties and affirms that the general contractor and all his subcontractors are to be treated as a single person for the purposes of the secondary boycott provisions of the Taft-Hartley amendments of the National Labor Relations Act. It is the view of the proponents of this bill that in the construction industry, there are no innocent or unconcerned parties in a labor dispute involving any other. The construction of a building is a single, coordinated and integrated economic enterprise.

This argument was used by the building trades union in the *Denver Building Trades Council* case, 341 U.S. 675. The Supreme Court rejected the union's argument that all employers working on a construction site should be treated as a single employer and held instead that the employers were separate and thus entitled to the protection of the secondary boycott provisions of the National Labor Relations Act.

Mr. Chairman, the Supreme Court in the Denver Building Trades case has already ruled against the basic rationale of H.R. 4250. It has recognized the fact—as early as 1951—that the situation on a construction site bears no similarity to that of a single manufacturer who employs workers from different trades. Whereas the manufacturer controls the wages and working conditions of all his employees, contractors and subcontractors on a construction site have nothing to do with the terms of employment of the other employees. The only way they can affect each other's terms of employment is by ceasing to do business on the same site as the struck employer thereby forcing the struck employer to either immediately capitulate to union demands or be replaced by another contractor.

It is here that we begin to see the awesome power for which the unions are lobbying. What they in effect are asking is that they be given the right to remove from a construction site any employer offensive to the union.

Mr. Chairman, the very fact that the unions are asking for the right to remove from a construction site any employer offensive to them is certain proof against the claims offered by the unions that there are no innocent contractors and subcontractors on such a site. Time after time, the unions have picketed the open shop employer to advise the public that this employer does not comply with area standards without ever attempting to organize the employees of the subcontractor. The obvious objective is to have that employer removed from the jobsite and replaced with an employer who is a party to the local union agreement and who employs persons who are already members of the union. This common event completely contradicts the fiction urged in support of H.R. 4250 that all employers on the common situs are joint venturers.

The unions and their supporters argue in favor of H.R. 4250 on the basis that the building trades unions do not now enjoy the same rights as other unions with respect to the right to strike. We all know that this is not true. Unions in the construction industry have not been denied the right to engage in primary picketing in labor disputes. Construction unions have always had the same rights to engage in primary strike activity as other unions. As a matter of record, section 8(b)4(B) specifically states that "nothing contained in this clause (b) shall be construed to make unlawful where not otherwise unlawful any primary strike or primary picketing." So instead of asking for equality with manufacturing unions, the construction unions are asking for more power than other unions now possess.

Mr. Chairman, we should not act to restrict competition in the business market. Competition is the most dynamic force working toward the solution of problems in the free enterprise system and the construction industry in particular. And yet, that is precisely what would result if H.R. 4250 were to become enacted into law. For by granting immunity to the building trades unions from 8(b)4(B) and thereby permitting a single building trades union to dictate to general contractors as to the labor relations policies of subcontractors, a union would be in the position to control which subcontractor could enter a given market by simply making or refraining from making labor agreements with them. This would force many subcontractors not operating with labor agreements out of the construction market even though they may, in fact, be paying as much or more than the union negotiated or prevailing wage rates and working conditions in the area. This kind of practice may well be in violation of the Federal antitrust laws under the Connell case and would most certainly stifle competition.

Mr. Chairman, it is also true that this

legislation would tend to encourage more picketing and striking and would continue to expand the economic power of the building trades unions in general. The building trades unions would be free to picket entire construction projects in any dispute and would be in a position to force as many of the members of other unions to walk out as possible. Imagine what this would mean to such a vast project as the Alaska pipeline project. In spite of the no-strike agreement, this bill could enable the building trades union to picket and cause a total site work stoppage from Valdez to Prudhoe Bay because of a dispute between one of the many unions with one of the many hundreds of employers on that project. It should not be forgotten that union locals have not demonstrated adequate responsibility in the exercise of power which they presently have. With the passage of H.R. 4250 it can be anticipated that entire factories, mines, shale operations, energy installations and clean water operations would be shut down totally by reason of a local construction union's exercise of the secondary boycott powers in each isolated dispute. And the corollary of this is more unemployment, higher costs, less efficiency, and a thwarting of the hope that the construction industry can reverse the current economic slump.

Mr. Chairman, the impact which this bill could possible have on technological advance in the construction industry is another factor worthy of consideration. The trade unions already have the power to boycott the use of prefabricated products whenever their use deprives the union members of work traditionally performed by them. The U.S. Supreme Court gave them that power in *National Woodwork Manufacturers Association* v. *N.L.R.B.*, 386 U.S. 612 (1967). Thus, in Cleveland, the building trades union struck builders for an agreement not to use prefabricated roof trusses, cabinets, and similar prefabricated materials. The San Diego Building Trades Council opposed the use of concrete forms which were prefabricated off the jobsite. In Houston, the local Heat and Frost Insulators and Asbestos Workers Union declined to install precut insulation and struck in protest. The passage of the proposed secondary boycott legislation would further hamper the technological future of the industry. It would in effect give the building trades union literal control over the technological future of the construction industry.

Mr. Chairman, Professor Archibald Cox laid bare the central arguments against this legislation in a 1947 edition of the Harvard Law Review. He said that—

> Banning the use of secondary strikes and boycotts as weapons of organization is primarily a prohibition against economic pressures; the interference with freedom of persuasion is relatively slight since all avenues of communication except the picket line are left open. Furthermore, the measure is necessary to localize industrial disputes, thus minimizing the resulting loss to the community, and forms an important part of any labor policy based on collective bargaining between employers and representatives chosen by their employees. Discontent, unrest, and ultimately strikes, result from outside unions forcing representation upon other groups of employees—in much the same manner as when industrial democracy is denied employers.

In other words, to put pressure on a neutral third party so as to force them to intervene on the union's behalf in the real dispute is unfair and wrong. It can lead only to counterproductive results.

Mr. Chairman, I am amazed that at a time when the unions are calling for more jobs and demanding legislation for more housing they would truthfully push this legislation. It is my opinion that should this common situs bill pass, the consumer, the construction industry, and the job market will all be adversely affected. But most of all, the passage of this legislation would unconscionably increase the cost of housing that is so vitally needed by the young people of our Nation. In the final analysis, this is not a good bill for the working Americans and this is why I am strongly opposed to the passage of this bill.

Mr. MANN. Mr. Chairman, I am unalterably opposed to H.R. 4250 and its common situs picketing provision, as I was in the last Congress.

I frankly do not understand the arguments being advanced in support of this bill. Advocates claim the legislation would merely provide for equal treatment of construction workers. The distinguished chairman of the subcommittee, the gentleman from New Jersey, says a bit more bluntly that it will make "the picketing rights of construction workers comparable to those enjoyed by workers in all other industries."

But, Mr. Chairman, the construction industry is unique. Twenty or more different unions with different employers and different contracts and different needs often work on the same project. Hence the very reasonable Supreme Court ruling—which has held for 26 years—that "unoffending secondary employers should be shielded from pressures and controversies not their own."

Frankly, it seems to me, Mr. Chairman, that the construction unions have done pretty well in their collective bargaining efforts without common situs—at least if average wages are any indication. In July of 1976, the average union construction wage was $10.47 per hour, compared to the average manufacturers wage of $5.25.

So I do not see that this House needs to help the building trades unions become more equal than they already are.

Another basic argument is that contractors on a jobsite are actually joint venturers. But they do not share their profits and losses, Mr. Chairman; each contractor does his own job and makes or loses money independently. Contractors have no control over each other's labor policies. In fact, I submit that contractors and subcontractors are separate legal entities under common and statutory law.

Now I do not really want to get into the other items on labor's rather extensive shopping list, and I do not want to get into the actual power that organized labor wields—or thinks it wields—or that the public thinks it wields—in this House. But it offends me to read day after day that our votes on this common situs bill may be affected by the fact that "a good many Congressmen feel dependent on organized labor for their election victories," as a Wall Street Journal editorial implied last week. It offends me that many people apparently believe our action today on common situs is a test vote on what this House will do on a host of other labor-backed proposals, like repeal of 14(b).

I really want to stick to the issue at hand today and the question is, Mr. Chairman, why should we give one union the power to shut down an entire construction site where 20 or more unions may be working. Are we unconcerned about the loss of jobs that would cause? I have heard a lot of talk in this Chamber about our concern about unemployment.

Are we unconcerned about the slowdown in construction activity that would result? We have talked a lot, too, about the need to encourage building starts.

Are we unconcerned about the likely inflationary impact of this proposition on an already anemic economy? Certainly, we spend more time discussing ways to revive the economy than on any other single issue.

Mr. Chairman, I submit that the common situs provision of H.R. 4250 in fact has no purpose other than to strengthen the already very healthy building trades unions. This bill should be soundly defeated.

Mr. BEDELL. Mr. Chairman, I have found that I must again vote against the common situs picketing bill, as I did last year. There are some good parts of this bill but there are also some bad ones which outweigh the benefits.

I think that establishing a Construction Industry Bargaining Committee to develop a "more viable and practical structure for collective bargaining in the construction industry" makes a great deal of sense. Certainly this is a welcome first step in trying to diminish labor strife. I also feel that the 60-day cooling off period set forth in the bill is good.

However, I am concerned by the provision in title I of the bill which prohibits picketing institutions where a State has let separate prime contracts. I feel this is discriminatory: You could have one site where a State has let a construction contract for, say, a hospital and picketing there would be illegal. But right across the street, if someone were building a church, they would be vulnerable to picketing and I feel this is unfair.

Lastly, Mr. Chairman, I think one result of this bill could easily work against the very unions it was designed to help. It seems to me that the effect of this bill will be to make construction projects in one area either all union or all nonunion. Where the union movement is strong it would probably make it difficult for the nonunion contractor to operate. Where the union movement is weak, this will probably shut them out altogether.

For these reasons, I feel compelled to vote against H.R. 4250.

Mr. GRASSLEY. Mr. Chairman, there is one aspect; namely, the price tag of common situs picketing, which has not received a great deal of attention and is more than a little troublesome to me. To

be sure, title I of H.R. 4250 provides for no new Federal budget authority while title II authorizes such sums of money as are necessary for a construction industry collective bargaining committee.

My concern is with the indirect cost of permitting secondary boycotts at construction sites. I can foresee an increase in the number of strikes within the construction industry. This would doubtless result in an increase in the number of workers out on strike and these persons could well receive various forms of financial assistance including, but not limited to, food stamps.

There have been predictions that the implementations of common situs picketing will cause more persons to be unemployed. These individuals will be eligible for unemployment compensation payments which would be a drain upon Federal and State treasuries. Enacting H.R. 4250 would cause construction costs to rise, which increases will eventually be passed on to the already hard-pressed consumers of our Nation. No one, with the possible exception of Members of Congress who are still entitled to annual cost-of-living increases in salary, is insulated from the ravages of inflation.

My point is that this legislation, specifically title I, entails numerous, and potentially huge, hidden costs in spite of the fact that it will not authorize direct Federal spending. It is unfortunate that there have been no thorough and in-depth studies of this matter. Even a simple inflationary impact statement from the Congressional Budget Office would be helpful. Yet, this whole subject has been lost in the sound and fury surrounding common situs picketing. The proponents of this bill have the burden of proof on this aspect and it is apparent that they have not carried it.

Mr. CLEVELAND. Mr. Chairman, I take this opportunity to briefly explain why I intend to once again cast my vote in opposition to the legislation before us today, which would permit common situs picketing in the construction industry.

The ban on common situs picketing on construction sites is designed to prevent neutral and innocent third parties from becoming enmeshed in a labor dispute not of their own making or directly pertaining to them. I think this protection afforded to neutral employees and neutral contractors and subcontractors is reasonable and in most cases desirable. What purpose is served by involving in labor disputes of others employees or employers who are content with their own employee/employer relations? I submit that common situs picketing might very well undermine the stability of labor-management relations in this country.

Provisions in the bill before us today require an affiliated national or international union authorize a local union's proposed strike on a construction site. This aspect of the bill concerns me, as it appears to lessen the autonomy of union locals in the construction industry.

I believe that this bill raises more important considerations outside the normal sphere of labor-management relations. These considerations include the impact of this bill on the continuation of our economic recovery, on the depressed condition of the construction industry, on the use and development of new energy-saving technologies in construction, and on the affordability of housing to the average American family. The unanswered questions raised by these considerations trouble me greatly. These issues deserve to be addressed, and quite frankly, I do not feel they have been addressed in any significant fashion by the House Committee on Education and Labor. Until such time as evidence indicates that this bill before us today is not severely inflationary, and will not adversely affect the construction industry we are all so dependent upon, I cannot support it and will thus vote against it.

In the CONGRESSIONAL RECORD for Friday, July 25, 1975, I discussed at greater length this issue. My reservations then are still much the same. This legislation is not good legislation—or as the New York Times said on March 12, 1977, it is "An Uncommonly Bad Bill."

Mr. KOCH. Mr. Chairman, I have grappled with the question of how to vote on the "Equal Treatment of Craft and Industrial Workers" legislation for several months now. I have received hundreds of letters and notes from constituents on both sides of the issue and I have weighed their arguments very carefully.

I was not a cosponsor of H.R. 3500 which was the initial "situs picketing" legislation in the 95th Congress. I did not favor that legislation, because it did not include many of what I considered to be the important features of the "Equal Treatment of Craft and Industrial Workers" legislation which I voted for in the last Congress.

The bill before us today, H.R. 4250, is a much improved piece of legislation and because of that I will vote for it. At the request of the Carter administration, the Committee on Education and Labor voted to exempt small homebuilders—20 units a year or less.

Furthermore, the bill now includes a second title which includes provisions known as the "Dunlop amendments," strongly endorsed by former Secretary of Labor John T. Dunlop. Basically, this title would estabilsh a 25-member Construction Industry Collective Bargaining Committee appointed by the President.

Locals could not receive picketing permission until they have given 10 days notice to all unions and persons at the construction site, to the national or international labor organization and to the Construction Industry Collective Bargaining Committee. In addition, parties to a collective bargaining agreement would be required to give the committee 60 days' notice of proposed termination. If the committee decides to take jurisdiction, it would have up to 90 days to help resolve the dispute.

Additionally, the committee could make recommendations to assist in the negotiation of collective-bargaining agreements in the construction industry to facilitate area bargaining structures; to improve productivity and training; to promote stability of employment and appropriate differentials among branches of the industry; to improve dispute settlement procedures and to provide for the equitable determination of wages and benefits.

I believe the collective bargaining committee is an important part of this legislation and I hope that it will lead to more conciliation in the construction industry.

Finally, to those who believe that this bill would be destructive and too one-sided, let me say that some of these beliefs are based on a misunderstanding of the applicability of this legislation. The bill specifically provides that it shall not be construed as authorizing: first, violation of an existing collective bargaining contract; second, furtherance of a labor dispute at another construction site; third, action directed at a person—including manufacturer—not engaged primarily in construction who, through unionized workers regularly employed by that person, is installing or servicing products by that person or is doing construction work at a facility owned by that person; fourth, performance of an unfair labor practice; fifth, picketing aimed at removing from the site any employee for reason of sex, race, creed, color, or national origin; or sixth, causing or attempting to cause a person to discriminate against any employee on the foregoing grounds; seventh, furthering jurisdictional or recognitional disputes; or eighth, furthering any unlawful product boycott.

Mr. HANLEY. Mr. Chairman, I rise in support of H.R. 4250, a bill to provide for the equal treatment of craft and industrial workers; or as it is more commonly known, the common situs picketing bill. I support this legislation, because it is my firm belief that it will prove to be the most effective means of bringing stability to the construction industry at this critical point in our economic recovery. After careful study, I have found no justification for the contention that this legislation will make construction labor more volatile than in the past, and increase labor costs.

Those connected with the construction industry have realized for some time that increased stability must be achieved. We have seen everything but stability in recent years, and we in the Congress can no longer fail to act. The construction industry today is highly fragmented, and this fact accounts for the fragmented nature of collective bargaining in the industry. As a result of this, and the very nature of construction work in general, bargaining is rarely coordinated among trades, local unions of a single trade, or employer associations. National unions and their national officers are generally involved to a very limited extent. As a result labor relations in the construction industry are characterized by numerous work stoppages and rapidly escalating wage rates.

To resolve this situation, the legislation under consideration takes two necessary steps. First, the bill removes the barriers in existing law which deny construction workers the picketing rights that have traditionally been available to workers in the industrial sector. Second, it establishes procedures to provide for the creation of a labor relations struc-

ture which can reflect and effectively promote the national interest in reducing inflationary wage settlements, unproductive manpower utilization, and prolonged work stoppages. As a needed precaution, the bill contains numerous restrictions on the use of situs picketing. Most importantly, however, the bill brings the national labor organization into the picture by requiring its approval of any picketing activity.

Despite charges to the contrary, the bill does not legalize secondary boycotts. I am totally opposed to secondary boycotts, and would never support legislation designed to make them legal. What the legislation does do, however, is to clarify the intent of the Taft-Hartley Act with respect to labor relations at the construction site. In 1950, the Supreme Court ruled that the picketing of an entire construction site as a result of a disagreement with a single subcontractor, was a secondary activity. I am convinced that this was not the intent of Congress in seeking to protect neutral employers in a labor dispute. It is my view that the economic realities of the construction industry clearly make the construction of a building a single, coordinated, and integrated economic enterprise. Therefore, the presence of a subcontractor does not alter the realities of a dispute on a construction project. It is the responsibility of the Congress to clarify the intent of the secondary boycott provisions of the National Labor Relations Act.

In conclusion, I would simply say that if we are to provide stability in the construction industry, we must work toward a common labor policy on construction projects. Both sides in the construction industry have long held that this should be our ultimate goal, regardless of how many contracts are involved. This bill takes the necessary steps toward that goal, and will reduce rather than increase construction strife.

Mr. HANSEN. Mr. Chairman, I am shocked that the arguments in favor of the common situs picketing legislation have so easily skirted the real issue, which is the matter of continued national economic recovery.

The proposed legislation could not have come at a worse time. Just when this country needs immediate, massive, new construction to boost the economy, H.R. 4250, if enacted, would have the effect of spawning costly and lengthy labor disputes never before seen in the construction and building industry.

According to the proponents of the bill, H.R. 4250 is designed to insure equal treatment of the building trades and craft unions working at a common construction site. As a practical matter the bill would insure unequal treatment. Individuals who have chosen union representation, and the employer who was awarded work from competitive bidding, would be denied all human rights of choice. Those unions as well as nonunion members who are presently not affiliated with the AFL–CIO could immediately be forced out of all construction jobs where they are now protected. Naturally, the minority laborers would suffer the most, since the construction and building industry is among the largest employers of minority labor in this country. Minority unemployment has long passed the crisis point. H.R. 4250 would simply skyrocket this crisis out of reach. If this were the case then I could again envision the resurrection of the massive civil disorders which engulfed this country in the late sixties.

It has also been suggested that equal treatment should be accorded to the construction and building unions as exists for industrial unions. Construction and building unions already enjoy privileges which are not accorded to industrial unions and vice versa. However, circumstances just are not the same.

For example, there may be more than one union in an industrial plant, not necessarily affiliated, but only one employer dealing with all the unions.

On a construction site, there may be many employers and any one of these employers, by disrupting with his employees, could cause a shutdown of the entire project, leaving no recourse to the other employers or their employees who were in no way concerned with the original dispute.

The U.S. Congress during the last two decades has repeatedly struck down attempts by organized labor to implement common situs legislation. Congress, in its deliberations on the thrust of U.S. labor policy, determined secondary boycotts to be an unfair labor practice. The Supreme Court upheld the National Labor Relations Board in clarifying the definition of secondary boycotts as they relate to the construction industry in the Denver building trades case. The court held that is was an unfair labor practice for a union to strike and picket secondary employers, and thereby shut down an entire job site, because of a dispute over a primary employer's labor policies. It further held that unoffending—secondary—employers should be shielded "from pressures and controversies not their own." In the Moore drydock ruling, the National Labor Relations Board further clarified picketing rights for disputes arising on a construction job site. This is the basis for the rule that in picketing the primary employers, picket lines may be established only at a separate gate set up for the exclusive use of employees and suppliers of the primary employer. Ingress or egress from other gateways may not be halted.

Despite the judicial rulings, membership in the building trades unions has grown steadily. According to the U.S. Bureau of Labor Statistics, membership in two of the larger craft unions, carpenters and laborers, has increased by 19.1 percent from 1964 to 1972. Individual wage rates and fringe benefits have also increased. Why, then, is organized labor making such an issue of legalizing the secondary boycott?

Legalization of the secondary boycott would artfully fashion the construction industry for the purpose of fostering unionization in the industry. There is a reason for the objective. Most construction jobs and most construction workers are nonunion. The unions, therefore, seek a change in law so that the industry can be unionized in a more extensive manner. Indeed, despite the economic harms which legalizing the secondary boycott would cause, its primary value to the unions, and its primary harm to the industry would be its impact on union organization attempts.

The central purpose of the legislation thus becomes crystal clear. The unions want to be able to keep nonunion workers off the job sites and, hopefully, reverse the trend toward open shop and merit shop contractors. I cah find nothing wrong with these systems particularly the right of free choice which this legislation seeks to systematically eliminate. I firmly believe in the right of the worker to organize, I also feel strongly about his right not to do so. There are obviously a great number of skilled and unskilled individuals who, for various reasons, choose not to belong to a union, and I am not ready to tell them that they cannot have a job. I think by enacting H.R. 3500 you would in a great many areas of this country, be telling these nonunion people exactly that.

Robert Georgine, in testimony delivered before the Subcommittee on Labor-Management Relations on March 1, 1977, stated that subcontractors on a construction jobsite could not be a neutral employer because:

These circumstances create a close relationship between contractors.

Then, just two pages later in his testimony, Mr. Georgine states that secondary boycotts are open to criticism because they involve a neutral employer in a labor dispute that is not of his making and is beyond his power to remedy. Certainly, if a large highway project is shut down because one of the unions working for one of the subcontractors goes out on strike, the other subcontractors on that job will find themselves in a labor dispute not of their making and beyond their power to remedy. Yet their economic loss during the time the project is closed will be just as severe as the parties directly involved in the dispute. This, in my mind, is one of the inherent injustices of H.R. 4250 and common situs legislation in general.

Economics, however, must be our first and final consideration. Construction projects, such as highways, are very expensive and take years of planning and building. In many areas of the country, they are constructed on a seasonal basis. If we are to allow every dispute between a union and one of the many contractors or subcontractors to close down one of these major projects, the economic costs could be severe. These losses, more often than not, are not borne entirely by the builder, but are passed on to the consumer and taxpayer. Theoretically, society would be willing to absorb these increased costs if the result of their sacrifice was justified. However, that is not the case with H.R.4250. It is asking society, in general, to pay what could be a very high price so that the construction labor unions can acquire more power—power, which as I stated earlier—they simply do not need. I doubt seriously that if an economic impact statement on H.R. 4250 was realistically prepared

and distributed to the general public, you would find much support for the passage of common situs legislation.

Additionally, I would like to point out the recent findings of a Roper organization poll. Overall, the study showed that 77 percent of the public feels that a construction union "should only be allowed to picket the work of the contractor with whom it has a dispute and not the whole building site." This opinion was expressed by 73 percent of the blue collar workers, 64 percent of the union members, 73 percent of the Democrats, 79 percent of the Independents, 84 percent of the Republicans, 80 percent of the people who describe themselves as being conservative, 76 percent of the people who call themselves liberal, and 78 percent of the self-identified moderates.

In closing, I do not view H.R. 4250 as an equal rights bill. Construction unions already have rights that the other unions do not, such as the hot cargo exemption of the Taft-Hartley Labor Relations Act which allows product boycotts; the 8-hours wage law applicable to Federal construction, and section 8(f) of the National Labor Relations Act which provides for a 7-day compulsory union shop and the union hiring hall. All these are formidable weapons for the unions' bargaining arsenal. They do not need H.R. 4250, too. Common situs is uncommonly bad for America.

Mr. STUMP. Mr. Chairman, I am unalterably opposed to H.R. 4250, common-situs picketing, for the following reasons.

The U.S. Supreme Court ruling 26 years ago in the Denver building trades decision was in accord with protections against secondary boycotts which are extended to employers in all other businesses.

H.R. 4250 would end free competition for construction jobs. Additionally, it would perpetuate unrealistic wage demands and restrictive work practices which have plagued the construction industry for years and led contractors to seek nonunion labor. This legislation would lead to high construction costs during a period when the Nation's economy needs a boost from the multibillion dollar construction industry.

Construction unions already have the right to picket primary employers on a construction site, even thought there are other employers present. Today unions are prohibited from picketing employers with whom they have no employment relationship.

This measure would provide special privileges by removing millions of employees of one of America's great industries from reasonable restrictions on picketing secondary boycotts.

This bill would further lead to union action against small builders, many of them from minorities and small businesses, which would cripple those contractors who do not have the vast resources of the major builders. The exemption for small builders in this legislation is not comprehensive enough to cover many of the minority enterprises and small businesses just now beginning to compete with the larger construction companies.

It is just plain unfair for unions to have the power to keep hundreds and maybe thousands of hard-working people from their jobs just because they have an alleged grievance with one of the employers. We are all very aware that the one grievance which stands out among all the rest is the fact that some employers refuse to force their employees into unions. It becomes apparent, then, that what the unions really want is the power to keep nonunion workmen from their jobs, and the power to turn the construction industry into a nationwide closed shop.

Mr. MOORE. Mr. Speaker, thorough analysis must be given to H.R. 4250 to determine if it will actually work for or against the interest of the individual union construction worker. Earlier this month, Congressman FRANK THOMPSON, who authored the bill and guided it through the Labor Subcommittee he chairs, delivered a speech in San Francisco. I quote from the text of his March 8 remarks, as delivered:

> I do not think that a sophisticated prime contractor even in today's circumstances, where there are any number of illegal strikes under existing law, would even try to mix union and non-union subcontractors. I think it would be all union or all open shop. I rather think—I rather agree with Senator Laxalt that the union membership in all unions throughout the United States has been dropping. I think it will continue to do so. I think there will be more open shop work in all candor.

If the author of this common situs picketing bill admits the bill will increase the number of nonunion jobs when compared to those for union employees, I see little comfort in this bill for the individual union member in Louisiana.

This viewpoint is also expressed by a vast majority of union members, according to a Roper poll released March 17. This highly respected research organization found that 64 percent of all union members feel building trade union pickets should be limited to the contractor with whom a dispute exists and not an entire building site. The same view was held by 77 percent of the public at large, and 73 percent of all blue collar workers. The results are almost identical to those found last year by the Opinion Research Corp. Its poll found 73 percent of the public said construction unions should only be allowed to picket the contractor with whom they have a dispute.

These figures dispute statements by organized labor leaders in support of common situs picketing. The results also indicate to me that by and large the individual worker has been satisfied with his employment and his pay without this bill.

Proponents of H.R. 4250 also admit that the bill is not really designed to improve labor negotiations over economic grievances, but state it will serve as a vehicle to increase a union's organizational abilities. I do not believe at this point in time when economic recovery is underway in the construction industry, that increasing a union's organizational abilities is in the best interest of the individual union member or the Nation.

It is my belief that the Federal Government should help create new jobs through stimulating the economy by significant tax cuts. I have supported and introduced legislation to that end in the past. Construction workers recall all too easily the dormant 1973 and 1974 construction seasons. I want no part of any legislative action that would encourage a return to that bleak period of little new construction and few jobs.

Present evidence clearly indicates we have not solved the problem of inflation. It is with us now and with the current prospects of record levels in deficit spending, no relief is in sight. Common situs picketing is inflationary through its delays in construction timetables, reduction in the flow of investment capital at a construction project, and increase in the frequency and duration of strikes. It proposes to allow picketing of construction and other multiple employer sites to force third parties, such as subcontractors not connected with the dispute, into the settlement process. It could easily cause a skyrocketing increase in the number of job sites shut down for long periods of time, disrupt employment schedules, and cause forfeiture of contracts; thereby increasing construction costs and inflation. In short, it could reduce the number of jobs available in the construction marketplace at the very point in time Congress is asked to create more jobs. It would plague this Nation's economy through the vehicle of the secondary boycott.

Mr. THOMPSON. Mr. Chairman, I yield back the balance of my time.

Mr. ASHBROOK. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the committee amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—EQUAL TREATMENT OF CRAFT AND INDUSTRIAL WORKERS

AMENDMENTS TO NATIONAL LABOR RELATIONS ACT

SEC. 101. (a) Section 8(b)(4) of the National Labor Relations Act, as amended, is amended by inserting before the semicolon at the end thereof ": *Provided further*, That nothing contained in this subsection (b) shall be construed to prohibit any strike or refusal to perform services or any inducement of any individual employed by any person to strike or refuse to perform services or threats thereof, at the site of the construction, alteration, painting, or repair of a building, structure, or other work which may be directed at a single person in the construction industry at such site and which is directed at any of several persons who are in the construction industry and are jointly engaged as joint venturers or in the relationship of contractors and subcontractors in such construction, alteration, painting, or repair at such site and, where the construction site is adjacent to or part of an industrial facility and a separate entrance is reserved for the individuals regularly employed at that facility or for individuals employed by persons making deliveries to or taking shipments from that facility, which is not directed at that separate entrance: *Provided further*, That nothing in the above proviso shall be construed to authorize a strike or refusal to perform services or any inducement of any individual employed by any person to strike or refuse to perform services, or threats thereof, (1) in violation of an existing collective bargaining contract; (2) in furtherance of a labor dis-

pute where the issues in dispute concern only the wages, hours, or other working conditions of individuals employed at any other common construction site; or (3) directed at a person who is not engaged primarily in the construction industry who, through individuals regularly employed by that person and represented by a labor organization, is installing or servicing products produced by that person, or is doing construction work at a facility owned by that person: *Provided further,* That except as provided in the above provisos nothing herein shall be construed to authorize any act or conduct which was or may have been an unfair labor practice under this subsection, or to prohibit any act or conduct which was not an unfair labor practice under this subsection, prior to the enactment of such provisos: *Provided further,* That nothing in the above provisos shall be construed to authorize picketing, threatening picket, or causing to be picketed, any person (1) to remove or exclude from a common construction site any individual employed by that person on the ground of sex, race, creed, color, or national origin; (2) to cause or attempt to cause a person to discriminate against any individual employed by that person in a manner prohibited by paragraph 2 of this subsection (b); or (3) under circumstances prohibited by paragraph (4)(D), or (7) of this subsection (b): *Provided further,* That nothing in the above provisos shall be considered to authorize any picketing of a common construction site by a labor organization to force, require, or persuade any person to cease or refrain from using, selling, purchasing, handling, transporting, specifying, installing, or otherwise dealing in the products or systems of any other producer, processor, or manufacturer: *Provided further,* That nothing in the above provisos shall apply at the site of the construction, alteration, painting or repair of a building, structure or other work involving not more than five family dwelling units in structures of three residential levels or less devoted solely to residential use constructed by a person who has not in his own capacity or with or through any other person during the twelve calendar months prior to the start of that construction, engaged in the construction of more than twenty family dwelling units if that person within ten days of being served with the notice required by subsection 8(g)(2) of this title truthfully advises each labor organization which served that notice in a notarized affidavit that he satisfies the requirements stated in this subsection: *Provided further,* That in determining whether several persons who are in the construction industry are jointly engaged as joint venturers or in the relationship of contractors and subcontractors at any site, (1) ownership or control of such site by a single person shall not be controlling; (2) where a State law requires separate bids and direct awards to persons for construction, the various persons awarded contracts in accordance with such applicable State law shall not be considered joint venturers or in the relationship of contractors and subcontractors with each other or with the State or local authority awarding such contracts at the common construction site.".

(b) Section 8(g) of such Act is amended by redesignating the present section 8(g) as section 8(g)(1), and adding at the end thereof the following:

"(2)(A) A labor organization before engaging in activity permitted by the third proviso at the end of paragraph (4) of subsection (b) of this section shall provide prior written notice of intent to strike or to refuse to perform services, or to induce any person to strike or refuse to perform services, of not less than ten days to all unions and the persons at the common construction site, to any national or international labor organization of which the labor organization involved is an affiliate, and to the Construction Industry Collective Bargaining Committee: *Provided,* That at any time after the expiration of ten days from such notice, the labor organization may engage in activities permitted by the third proviso at the end of paragraph (4) of subsection (b) of this section if the national or international labor organization of which the labor organization involved is an affiliate gives notice in writing authorizing such action: *Provided further,* That authorization of such activities by the national or international labor organization shall not render it subject to criminal or civil liability arising from activities, notice of which was given pursuant to this subparagraph, unless such authorization is given with actual knowledge that such activities are to be willfully used to achieve an unlawful purpose.

"(B) In the case of any such site which is located at any military facility or installation of the Army, Navy, or Air Force, or which is located at the facility or installation of any other department or agency of the Government if a major purpose of such facility or installation is or will be the development, production, testing, firing or launching of munitions, weapons, missiles, or space vehicles, prior written notice of intent to strike or to refuse to perform services, or to induce any person to strike or refuse to perform services, of not less than ten days shall be given by the labor organization involved to the Federal Mediation and Conciliation Service, to any State or territorial agency established to mediate and conciliate disputes within the State or territory where such site is located, to the several persons who are jointly engaged at such site, to the Army, Navy, or Air Force or other department or agency of the Government concerned with the particular facility or installation, and to any national or international labor organization of which the labor organization involved is an affiliate.

"(C) The notice requirements of subparagraphs (A) and (B) above are in addition to, and not in lieu of, the notice requirements prescribed by section 8(d) of the Act.".

EFFECTIVE DATE

SEC. 102. The amendments made by this title shall take effect ninety days after the date of enactment.

Mr. THOMPSON (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. QUIE: strike out all after the enacting clause and insert the following:

(a) Section 8(b)(4) of the National Labor Relations Act, as amended, is amended by inserting before the semicolon at the end thereof ": *Provided further,* That nothing contained in clause (B) of this paragraph (4) shall be construed to prohibit any strike or refusal to perform services or any inducement of any individual employed by any employer primarily engaged in the construction industry on the site to strike or refuse to perform services at the site of the construction, alteration, painting, or repair of a building, structure, or other work other than residential structures of three stories or less and directed at any several employers who are primarily engaged in the construction industry on the job site with whom the individual's employer has a direct contractual relationship either as contractor or subcontractor or with whom the individual's employer has a common contractor primarily engaged in the construction industry in such construction, alteration, painting or repair at such site: *Provided further,* That nothing in the above proviso shall be construed to permit a strike or refusal to perform services or any inducement of any individual employed by any person to strike or refuse to perform services in furtherance of a labor dispute, unlawful under this Act or in violation of an existing collective bargaining contract, relating to the wages, hours, or other working conditions of employees employed at such site by any of such employers, or the issues in dispute involve the employees of an employer at the site who is not engaged primarily in the construction industry: *Provided further,* Except as provided in the above provisos nothing herein shall be construed to permit any act or conduct which was or may have been an unfair labor practice under this subsection: *Provided further,* That nothing in the above provisos shall be construed to prohibit any act which was not an unfair labor practice under the provisions of this subsection existing prior to the date of enactment of such provisos: *Provided further,* That nothing in the above provisos shall be construed to authorize, any strike, picketing, threatening to picket, or causing to be picketed, any employer where an object thereof is (1) the removal or exclusion from the site of any employee on the ground of sex, race, creed, color, or national origin or because of the membership or nonmembership of any employee in any labor organization; (2) to cause or attempt to cause an employer to discriminate against any employee, or to discriminate against an employee with respect to whom membership in a labor organization has been denied or terminated on some ground other than his failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership, or to exclude any labor organization on the ground that such labor organization is not affiliated with a national or international labor organization which represents employees of an employer at the common site; or (3) any attempt by a labor organization to require an employer to recognize or bargain with any labor organization presently prohibited by paragraph (7) of subsection (b): *Provided further,* That if a labor organization engages in picketing a construction site for an object described in paragraph (7) of subsection (b), there must be filed a petition under subsection (c) of section 9 within five days after commencement of such picketing, or if a charge is filed under subsection (b) of Section 10, the Board shall conduct an election and certify the results thereof within fourteen calendar days from the filing of either the petition or the charge: *Provided further,* That nothing in the above provisos shall be construed to authorize any strike, picketing, threatening to picket, or causing to be picketed any person, other than the employer of the employees involved in the dispute, where an object thereof is to require that person to pay wage rates exceeding the prevailing wage rate for work of a similar nature in the locality, as determined by the Secretary of Labor: *Provided further,* That nothing in the above provisos shall be construed to permit any picketing of a common situs by a labor organization to force, require, or persuade any person to cease or refrain from using, selling, purchasing, handling, transporting, specifying, installing or otherwise dealing the products or systems of any other producer, processor, or manufacturer. In determining whether any of several employers are primarily engaged in the construction, industry, ownership or control of the construction site shall not be a factor to be considered, and, for the purposes of the preceding provisos, the term

site means one physically contiguous location at which the employers involved are engaged in interrelated construction, alteration, painting, or repair towards a common objective and in physical proximity to each other."

(b) Section 8 of such Act is amended by adding at the end thereof the following new subsection:

"(h) Notwithstanding the provisions of this or any other Act, where a Federal or State law requires separate bids and direct awards to employers for construction, the various contractors awarded contracts in accordances with such applicable Federal or State laws shall not for the purposes of the third proviso at the end of paragraph (4) of subsection (b) of this section, be considered in the relationship of contractors and subcontractors with each other or with the Federal, State or local authority awarding such contracts at the common site of the construction."

(c) Section 8(g) of such Act is amended by redesignating the present section 8(g) as section 8(g)(1), and adding at the end thereof the following:

"(2)(A) A labor organization before engaging in activity permitted by the third proviso at the end of paragraph (4) of subsection (b) of this section shall provide prior written notice of intent to strike or to refuse to perform services of not less than ten days to all unions and the employers and the general contractor at the site and to any national or international labor organization of which the labor organization involved is an affiliate: *Provided*, That at any time after the expiration of ten days from transmittal of such notice, the labor organization may engage in activities permitted by the third proviso at the end of paragraph (4) of subsetcion (b) of this section if the national or international labor organization of which the labor organization involved in an affiliate gives notice in writing authorizing such action: *Provided further*, That authorization of such action by the national or international labor organization shall not render it subject to criminal or civil liability arising from activities, notice of which was given pursuant to this subparagraph, unless such authorization is given with knowledge that the picketing is to be willfully used to achieve an unlawful purpose.

"(B) In the case of any such site which is located at any military facility or installation of the Army, Navy, or Air Force, or which is located at a facility or installation of any other department or agency of the Government if a major purpose of such facility or installation is or will be the development, production, testing, firing or launching of munitions, weapons, missiles, or space vehicles, prior written notice of intent to strike or to refuse to perform services, of not less than ten days shall be given by the labor organization involved to the Federal Mediation and Conciliation Service, to any State or territorial agency established to mediate and conciliate disputes within the State or territory where such site is located, to the several employers who are jointly engaged at such site, to the Army, Navy, or Air Force or other department or agency of the Government concerned with the particular facility or installation, and to any national or international labor organization of which the labor organization involved is an affiliate.

"(C) The notice requirements of subparagraphs (A) and (B) above are in addition to, and not in lieu of the notice requirements prescribed by section 8(d) of this Act,".

SEC. 2. The amendments made by this Act shall take effect 90 days after the date of enactment of this Act, except that with respect to construction work which was contracted for or on which work had actually started prior to the date of enactment, the amendments made by this Act shall take effect two years after such effective date.

Mr. QUIE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. ROUSSELOT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will read.

(The Clerk continued to read.)

Mr. THOMPSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. ROUSSELOT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will read.

(The Clerk continued to read.)

Mr. THOMPSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota (Mr. QUIE) is recognized for 5 minutes in support of his amendment.

Mr. QUIE. Mr. Chairman, when we came to the floor this afternoon, it was my impression that we would move ahead with the bill with the amendments that have been printed in the RECORD. Upon arriving, I find that there is a whole new game plan; that the gentleman from Connecticut (Mr. SARASIN) was going to have a substitute which would include portions of the conference report of the last Congress. And the proponents no longer support the committee bill.

In the Committee on Education and Labor I offered a substitute which included the conference report of last year, with some changes. I would say that the changes go in an opposite direction from the changes that the gentleman from Connecticut (Mr. SARASIN) proposes to go. In my bill, it would include the provisions of the Hathaway amendment, which has been spoken of earlier. It would include the Ashbrook amendment, which would make clear that it would not affect the nonconstruction employees.

In addition, it provided language wherein the industries that are involved in fast-track in their construction, where they issue a contract for one prime contractor while they are planning another part of the construction, would limit the common situs to each phase of the construction.

It would also provide a definition of site.

From the very beginning of the last Congress, I have been concerned about what actually is site. What do we really mean by the "site?" That can have very extensive implications.

It also provides that, just as presently one cannot picket against an employer who is paying prevailing wages for the purpose of increasing the wage, and we cannot use situs picketing to picket, again in this case, a nonunion employer who is paying the prevailing rate. However, if they have any other objection against him that is a legal reason to picket, they can go ahead and picket. For instance, if the working conditions are deplorable, they can still go ahead and picket.

To give the Members an example of refinements in the conference bill: For the residential property, my substitute is not limited to the contractors who do $9,500,000 worth of business or less, as the conference report did last year. My substitute exempts all residential housing as long as the buildings are three stories or less.

In the enactment provision last year, the Meeds law would not go into effect for 1 year for those who did $5 million worth of business or less, and not for 2 years for those who did more than $5 million worth of business.

It did not seem to me that that was equitable. Rather, those who have entered into a contract under the present law should not be subjected to situs picketing until their contract has been completed. However, I put in an enactment date of 2 years for existing contracts. If it is a long-term contract that goes beyond 2 years, then it would go into effect at the end of 2 years.

That is primarily what this substitute does. I urge the Members to support this substitute over and against the substitute that is to be proposed by the gentleman from Connecticut (Mr. SARASIN) and over and against the bill that came from the Committee on Education and Labor which leaves so much undefined that I do not believe that the NLRB could actually get a handle on how they are to interpret the law in many cases, because witnesses would not specify what it meant, and even the Secretary of Labor was not willing to specify what it meant.

To give the Members an example, before our committee I tried to use an example to help members understand the fast-tracking. I indicated that if there was one general contractor for the three buildings being built on an industrial facility it should be one common site. I used the example of a warehouse, a research building and the extension to an office building.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. QUIE) has expired.

(By unanimous consent, Mr. QUIE was allowed to proceed for 1 additional minute.)

Mr. QUIE. In the case of those three buildings on the industrial facility, if there is one general contractor, I can understand that would be one site. In the case that they have three separate general contractors one for each of the three separate buildings, it seems to me

then it ought to be understood that they ought to be treated as three different sites. The attorney for the AFL–CIO, Larry Gol, indicated that in his estimation it would be one site. That indicates to the Members, in the case of industrial construction, how difficult it would be if this bill goes to that extent. I could not even get into the description of fast-tracking then, if we understand this legislation to mean that even in the situation, where there are three separate general contractors on three separate buildings on an industrial facility, that that could be one site.

For that reason, Mr. Chairman, amongst all the others, I urge my colleagues to accept my amendment in the nature of a substitute which would not define a site and not include those in a common site who were in no way interrelated or working side by side.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. QUIE) has expired.

(On request of Mr. DON H. CLAUSEN and by unanimous consent, Mr. QUIE was allowed to proceed for 1 additional minute.)

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, having referred to the letter signed by Mr. Thompson, dated December 9, 1975, I think it would be appropriate to read the full content of the letter into the record so that all Members will be acquainted with what Mr. QUIE and I are referring to in this dialog. It reads as follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 9, 1975.

DEAR COLLEAGUE: I have received many inquiries concerning the Conference Committee action on H.R. 5900, the Common Situs Picketing Bill. This letter presents the significant highlights. As indicated below, the Bill came out of Conference much more favorable to employers, far less favorable to organized labor.

1. *Residential Construction.* The House defeated an Amendment offered by John Anderson which would have exempted residential construction of three stories or less without an elevator. The Senate accepted a comparable amendment when offered by Senator Beall. The Conferees agreed to exempt construction consisting of three *residential levels* or less with or without an elevator.

The only limitation on this exemption is that the employers doing the residential construction must be "small businessmen", i.e. an annual gross volume of construction business of up to $9,500,000.

2. *Grandfather Clause.* The House Bill as passed had no "grandfather clause". The Senate Bill as passed exempted all construction on which work had commenced on November 15, 1975. The Conference agreed to a grandfather clause of one year for all existing construction valued at less than $5,000,000; a grandfather clause of two years for all existing construction of more than $5,000,000.

3. *Injunctive Relief.* The House Bill as passed had no provision for injunctive relief against picketing in breach of strikes or picketing in breach of contract. The Senate Bill has such a provision in an amendment offered by Senator Taft. The Conference agreed to the Taft amendment for injunctive relief.

4. *Employers Primarily Engaged in Construction.* The House Bill under the *Ashbrook Amendment* permitted unions to picket or otherwise induce employees to strike only if they are employed "by an employer primarily engaged in the construction industry". The Senate Bill permitted unions to picket or otherwise induce employees to strike if they were employed "by any person". The Conference agreed to the more restrictive House Bill if the employer is primarily engaged in construction "on the site" of the construction. If the employer is primarily engaged in manufacturing, merchandising, etc. "on the site" of the construction, "common situs picketing" is not permitted.

Both the House and Senate Bills (and the Conference Bill) contain the House amendment offered by Mr. Esch during the debate which prohibit common situs picketing; (2) when state laws require separate bids, (b) when the object is a *product boycott*, and (c) when the object is to remove an employee because of membership or non-membership in a union (the Esch amendment).

Finally, the House, Senate, and Conference Bills all contain some amendments accepted by the House Committee prior to floor debate: (a) the ten-day *notice requirements* suggested by Secretary of Labor John Dunlop, (b) the prohibition against common situs picketing when the object is the removal of any employee from the site because of *sex, race, creed,* color or national origin, and (c) the prohibition against common situs picketing because an *independent union* not affiliated with the AFL–CIO is on the job.

In my presence, President Ford promised to sign H.R. 5900 if it were accompanied by H.R. 9500. As outlined above, we have made a number of concessions that should make the Bill more attractive. Anyone who voted for H.R. 5900 should certainly vote for this Conference Report.

Cordially,

FRANK THOMPSON, Jr.

I would like to ask the author of the amendment one question. I have in my hand a lettter dated December 9, 1975, that was signed by our distinguished subcommittee chairman, the gentleman from New Jersey, Mr. FRANK THOMPSON, wherein he spelled out the provisions of the conference report that was agreed to during the last Congress. In more precise terms, the one point I wanted to ask about is in the area of residential construction.

The letter states in part:

The conferees agreed to exempt construction consisting of three residential levels or less with or without an elevator.

The only limitation on this exemption is that the employers doing the residential construction must be "small businessmen," i.e. an annual gross volume of construction business of up to $9,500,000.

Mr. Chairman, I think the gentleman is entirely familiar with the letter that was circulated around among the Members asking us to support the legislation.

What I would like to ask the gentleman is this: Is this provision contained in the legislation, or is it contained in the gentleman's amendment?

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. QUIE) has again expired.

(By unanimous consent, Mr. QUIE was allowed to proceed for 1 additional minute.)

Mr. QUIE. Mr. Chairman, I would say to the gentleman that the provision is in the legislation. However, the $9½ million limitation is no longer in my substitute. In the bill before us, but not in my substitute only residential housing of three stories or less where the contractor did 20 houses or less the previous year is exempted.

As to the grandfather clause, which is the second point the gentleman speaks of, I exempt any present contracts unless they run beyond 2 years. The conference bill grandfathers construction under $5 million for 1 year and over $5 million for 2 years. The remainder of the provisions is in my substitute.

Mr. DON H. CLAUSEN. Mr. Chairman, my concern is for the protection of some of the small businessmen who have been writing to me about this matter, and I wanted to know if they will be protected.

Mr. QUIE. They will be protected under the substitute that I have offered.

Mr. DON H. CLAUSEN. I thank the gentleman.

AMENDMENT OFFERED BY MR. SARASIN AS A SUBSTITUTE FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. QUIE

Mr. SARASIN. Mr. Chairman, I offer an amendment as a substitute for the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. SARASIN as a substitute for the amendment in the nature of a substitute offered by Mr. QUIE:

Strike out all language which follows the enacting clause and substitute therefor the following language:

TITLE I—PROTECTION OF ECONOMIC RIGHTS OF LABOR IN THE CONSTRUCTION INDUSTRY

SEC. 101. (a) Section 8(b)(4) of the National Labor Relations Act, as amended, is amended by inserting before the semicolon at the end thereof ": *Provided further,* That nothing contained in clause (B) of this paragraph (4) shall be construed to prohibit any strike or refusal to perform services or any inducement of any individual employed by any person to strike or refuse to perform services at the site of the construction, alteration, painting, or repair of a building, structure, or other work and directed at any of several employers who are in the construction industry and are jointly engaged as joint venturers or in the relationship of contractors and subcontractors in such construction, alteration, painting, or repair at such site: *Provided further,* That nothing in the above proviso shall be construed to permit a strike or refusal to perform services or any inducement of any individual employed by any person to strike or refuse to perform services in furtherance of a labor dispute, unlawful under this Act or in violation of an existing collective bargaining contract, relating to the wages, hours, or other working conditions of employees employed at such site by any of such employers, and the issues in dispute involve a labor organization which is representing the employees of an employer at the site who is not engaged primarily in the construction industry: *Provided further,* Except as provided in the above provisos nothing herein shall be construed to permit any act or conduct which was or may have been an unfair labor practice under this subsection: *Provided further,* That nothing in the above provisos, shall be construed to prohibit any act which was not an unfair labor practice under the provisions of this subsection existing prior to the enactment of such provisos: *Provided further,* That nothing in the above provisos shall be construed to authorize picketing, threatening to picket, or causing to be picketed, any em-

ployer where an object thereof is the removal or exclusion from the site of any employee on the ground of sex, race, creed, color, or national origin or because of the membership or nonmembership of any employee in any labor organization, or to cause or attempt to cause an employer to discriminate against any employee, or to discriminate against an employee with respect to whom membership in a labor organization has been denied or terminated on some ground other than his failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership: *Provided further*, That nothing in the above provisos shall be construed to permit any attempt by a labor organization to require an employer to recognize or bargain with any labor organization presently prohibited by paragraph (7) of subsection (b): *Provided further*, That nothing in the above provisos shall be construed to permit any picketing of a common situs by a labor organization to force, require, or persuade any person to cease or refrain from using, selling, purchasing, handling, transporting, specifying, installing, or otherwise dealing in the products or systems of any other producer, processor, or manufacturer. In determining whether several employers who are in the construction industry are jointly engaged as joint venturers at any site, ownership or control of such site by a single person shall not be controlling".

(b) Section 8 of such Act is amended by adding at the end thereof the following new subsections:

"(h) Notwithstanding the provisions of this or any other Act, where a State law requires separate bids and direct awards to employers for construction, the various contractors awarded contracts in accordance with such applicable State law shall not for the purposes of the third proviso at the end of paragraph (4) of subsection (b) of this section, be considered joint venturers or in the relationship of contractors and subcontractors with each other or with the State or local authority awarding such contracts at the common site of the construction.

"(i) Notwithstanding the provisions of this or any other Act, any employer at a common construction site may bring an action for injunctive relief under section 301 of the Labor Management Relations Act (29 U.S.C. 141) to enjoin any strike or picketing at a common situs in breach of a no-strike clause of a collective-bargaining agreement relating to an issue which is subject to final and binding arbitration or other method of final settlement of disputes as provided in the agreement.

"(j) The provisions of the third proviso at the end of paragraph (4) of subsection (b) of this section shall not apply at the site of the construction, alteration, painting, or repair of a building, structure, or other work involving residential structures of three residential levels or less constructed by an employer who in the last taxable year immediately preceding the year in which the determination under this subsection is made had, in his own capacity or with or through any other person, a gross volume of construction business of $9,500,000 or less, adjusted annually as determined by the Secretary of Labor, based upon the revisions of the Price Index for New One Family Houses prepared by the Bureau of the Census, if the employer within 10 days of being served with the notice required by subsection (g)(2)(A) of this section notifies each labor organization which served that notice in an affidavit that he satisfies the requirements set forth in this subsection.".

(c) Section 8(g) of such Act is amended by redesignating the present section 8(g) as section 8(g)(1), and adding at the end thereof the following:

"(2)(A) A labor organization before engaging in activity permitted by the third proviso at the end of paragraph (4) of subsection (b) of this section shall provide prior written notice of intent to strike or to refuse to perform services of not less than ten days to all unions and the employers and the general contractor at the site and to any national or international labor organization of which the labor organization involved is an affiliate and to the Construction Industry Collective Bargaining Committee: *Provided*, That at any time after the expiration of ten days from transmittal of such notice, the labor organization may engage in activities permitted by the third proviso at the end of paragraph (4) of subsection (b) of this section if the national or international labor organization of which the labor organization involved is an affiliate gives notice in writing authorizing such action: *Provided further*, That authorization of such action by the national or international labor organization shall not render it subject to criminal or civil liability arising from activities, notice of which was given pursuant to this subparagraph, unless such authorization is given with actual knowledge that the picketing is to be willfully used to achieve an unlawful purpose.

"(B) In the case of any such site which is located at any military facility or installation of the Army, Navy, or Air Force, or which is located at a facility or installation of any other department or agency of the Government if a major purpose of such facility or installation is or will be the development, production, testing, firing or launching of munitions, weapons, missiles, or space vehicles, prior written notice of intent to strike or to refuse to perform services, of not less than ten days shall be given by the labor organization involved to the Federal Mediation and Conciliation Service, to any State or territorial agency established to mediate and conciliate disputes within the State or territory where such site is located, to the several employers who are jointly engaged at such site, to the Army, Navy, or Air Force or other department or agency of the Government concerned with the particular facility or installation, and to any national or international labor organization of which the labor organization involved is an affiliate.

"(C) The notice requirements of subparagraphs (A) and (B) above are in addition to, and not in lieu of the notice requirements prescribed by section 8(d) of the Act.".

SEC. 102. The amendments made by this title shall take effect 90 days after the date of enactment of this title except (1) with respect to all construction work having a gross value of $5,000,000 or less which was contracted for and on which work had actually started on date of enactment, the amendments made by this title shall take effect one year after such effective date, and (2) with respect to all construction work having a gross value of more than $5,000,000 which was contracted for and on which work had actually started on date of enactment, the amendments made by this title shall take effect two years after such effective date.

TITLE II—CONSTRUCTION INDUSTRY COLLECTIVE BARGAINING

SHORT TITLE

SEC. 201. This title may be cited as the "Construction Industry Collective Bargaining Act of 1977".

FINDINGS AND PURPOSES

SEC. 202. (a) The Congress finds and declares that the legal framework for collective bargaining in the construction industry is in need of revision; and that an enhanced role for national labor organizations and national contractor associations working as a group is needed to minimize instability, conflict, and distortions, to assure that problems of collective-bargaining structure, productivity and manpower development are constructively approached by contractors and unions themselves, and at the same time to permit the flexibility and variations that appropriately exist among localities, crafts, and branches of the industry.

(b) It is therefore the purpose of this title to establish a more viable and practical structure for collective bargaining in the construction industry by establishing procedures for negotiations with a minimum of governmental interference in the free collective-bargaining process.

CONSTRUCTION INDUSTRY COLLECTIVE BARGAINING COMMITTEE

SEC. 203. (a) There is hereby established in the Department of Labor a Construction Industry Collective Bargaining Committee. The Committee members shall be appointed as follows:

(1) Ten members shall be appointed by the President from among individuals qualified by experience and affiliation to represent the viewpoint of employers engaged in collective bargaining in the construction industry.

(2) Ten members shall be appointed by the President from among individuals qualified by experience and affiliation to represent the viewpoint of the standard national labor organizations in the construction industry.

(3) Up to theree members shall be appointed by the President from among individuals qualified by training and experience to represent the public interest, one of whom shall be designated by him to serve as Chairman.

(4) The Secretary of Labor, ex officio.

(5) The Director of the Federal Mediation and Conciliation Service, ex officio.

The employer, labor, and public members shall be appointed by the President after consultation with representative labor and management organizations in the industry whose members are engaged in collective bargaining. Any alternate members who may be appointed shall be appointed in the same manner as regular members. An organizational meeting of the Committee shall be held at the call of the Chairman at which there shall be in attendance at least five members qualified to represent the viewpoint of employers, five members qualified to represent the viewpoint of labor organizations, and one member qualified to represent the public interest. All actions of the Committee shall be taken by the Chairman or the Executive Director on behalf of the Committee.

(b) The Secretary of Labor may appoint such staff as is appropriate to carry out the Committee's functions under this title and with the approval of the Committee, may appoint an Executive Director.

(c) The Committee may, without regard to the provisions of section 553 of title 5, United States Code, promulgate such rules and regulations as may be necessary or appropriate to carry out the purposes of this title including the designation of "standard national construction labor organizations" and "national construction contractor associations" qualified to participate in the procedures set forth in this title.

NOTICE REQUIREMENTS

SEC. 204. (a) In addition to the requirements of any other law, including section 8(d) of the National Labor Relations Act, as amended, where there is in effect a collective bargaining agreement covering employees in the construction industry between a local construction labor organization or other subordinate body affiliated with a standard national construction labor organization or between a standard national construction labor organization directly, and an employer or association of employers in the construction industry, neither party shall terminate or

modify such agreement or the terms or conditions thereof without serving a written notice of the proposed termination or modification in the form and manner prescribed by the Committee effective sixty days prior to the expiration date thereof, or in the event such collective bargaining agreement contains no expiration date, sixty days prior to the time it is proposed to make such termination or modification. The notice required by this subsection shall be served as follows:

(1) A local construction labor organization or other subordinate body affiliated with a standard national construction labor organization shall serve such notice upon such national organization.

(2) An employer or local association of employers shall serve such notice upon all national construction contractor associations with which the employer or association is affiliated. An employer or local association of employers, which is not affiliated with any national construction contractor association shall serve such notice upon the Committee.

(3) Standard national construction labor organizations and national construction contractor associations shall serve such notice upon the Committee with respect to termination or modification of agreements to which they are directly parties.

The parties shall continue in full force and effect, without resorting to strike or lockout, all the terms and conditions of the existing collective bargaining agreement for a period of sixty days after the notice required by this subsection is given or until the expiration of such collective bargaining agreement, whichever occurs later.

(b) Standard national construction labor organizations and national construction contractor associations shall furnish forthwith to the Committee copies of all notices served upon them as provided by subsection (a) of this section.

(c) The Committee may prescribe the form and manner and other requirements relating to the submission of the notices required by this section.

ROLE OF THE COMMITTEE AND NATIONAL LABOR AND EMPLOYER ORGANIZATIONS IN COLLECTIVE BARGAINING

SEC. 205. (a) Whenever the committee has received notice pursuant to section 204 it may take jurisdiction of the matter, with or without the suggestion of any interested party, by transmitting written notice to the signatory labor organization or organizations and the association or associations of employers directly party to the collective bargaining agreement, during the ninety-day period which includes and immediately precedes the later of: (1) the ninetieth day following the giving of notice under section 204 (a); or (2) whichever is applicable, (A) the thirtieth day following the expiration of the collective bargaining agreement, or (B) the thirtieth day following the date proposed for termination or modification of such agreement.

(b) The Committee shall decide whether to take such jurisdiction in accordance with the standards set forth in section 206. When the Committee has taken jurisdiction under this section, it may in order to facilitate a peaceful voluntary resolution of the matter and the avoidance of future disputes: (1) refer such matter to voluntary national craft or branch boards or other appropriate organizations established in accordance with section 227; (2) meet with interested parties and take other appropriate action to assist the parties; or (3) take the action provided for in both preceding clauses (1) and (2) of this subsection. At any time after the taking of jurisdiction, the Committee may continue to meet with interested parties as provided herein.

(c) When the Committee has taken jurisdiction within the ninety-day period specified in this section over a matter relating to the negotiation of the terms or conditions of any collective bargaining agreement involving construction work between: (1) any standard national construction labor organization, or any local construction labor organization or other subordinate body affiliated with any standard national construction labor organization, and (2) any employer or association of employers, notwithstanding any other law, no such party may, at any time prior to the expiration of the ninety-day period specified in this subsection, engage in any strike or lockout, or the continuing thereof, unless the Committee sooner releases its jurisdiction.

(d) When the Committee receives any notice required by section 204 it is authorized to request in writing at any time during the ninety-day period specified in subsection (a) of this section participation in the negotiations by the standard national construction labor organizations with which the local construction labor organizations or other subordinate bodies are affiliated and the national construction contractor associations with which the employers or local employer associations are affiliated.

(e) In any matters as to which the Committee takes jurisdiction under subsection (a) of this section and makes a referral authorized by subsection (d) of this section, no new collective bargaining agreement or revision of any existing collective bargaining agreement between a local construction labor organization or other subordinate body affiliated with the standard national construction labor organization, and an employer or employer association shall be of any force or effect unless such new agreement or revision is approved in writing by the standard national construction labor organization with which the local labor organization or other subordinate body is affiliated. Prior to such approval the parties shall make no change in the terms or conditions of employment. The Committee may at any time suspend or terminate the operation of this subsection as to any matter previously referred pursuant to subsection (d) of this section.

(f) No standard national construction labor organization or national construction contractor association shall incur any criminal or civil liability, directly or indirectly, for actions or omissions pursuant to a request by the Committee for its participation to approve a collective bargaining agreement under this title: *Provided*, That this immunity shall not insulate from civil or criminal liability a standard national construction labor organization or national construction contractor association when it performs an act under this statute to willfully achieve a purpose which it knows to be unlawful: *Provided further*, That a standard labor organization shall not by virtue of the performance of its duties under this Act be deemed the representative of any affected employees within the meaning of section 9(a) of the National Labor Relations Act or become a party to or bear any liability under any agreement it approves pursuant to its responsibilities under this Act.

(g) Nothing in this title shall be deemed to authorize the Committee to modify any existing or proposed collective bargaining agreement.

STANDARDS FOR COMMITTEE ACTION

SEC. 206. The Committee shall take action under section 205 only if it determines that such action will—

(1) facilitate collective bargaining in the construction industry, improvements in the structure of such bargaining, agreements covering more appropriate geographical areas, or agreements more accurately reflecting the condition of various branches of the industry;

(2) promote stability of employment and economic growth in the construction industry;

(3) encourage collective-bargaining agreements embodying appropriate expiration dates;

(4) promote practices consistent with appropriate apprenticeship training and skill level differentials among the various crafts or branches;

(5) promote voluntary procedures for dispute settlement; or

(6) otherwise be consistent with the purposes of this title.

OTHER FUNCTIONS OF THE COMMITTEE

SEC. 207. (a) The Committee may promote and assist in the formation of voluntary national craft or branch boards or other appropriate organizations composed of representatives of one or more standard national construction labor organizations and one or more national construction contractor associations for the purpose of attempting to seek resolution of local labor disputes and review collective-bargaining policies and developments in the particular craft or branch of the construction industry involved. Such boards, or other appropriate organizations, may engage in such other activities relating to collective bargaining as their members shall mutually determine to be appropriate.

(b) The Committee may, from time to time, make such recommendations as it deems appropriate, including those intended to assist in the negotiations of collective-bargaining agreements in the construction industry; to facilitate area bargaining structures; to improve productivity, manpower development, and training; to promote stability of employment and appropriate differentials among branches of the industry; to improve dispute settlement procedures; and to provide for the equitable determination of wages and benefits. The Committee may make other suggestions, as it deems appropriate, relating to collective bargaining in the construction industry.

MISCELLANEOUS PROVISIONS

SEC. 208. (a) This title shall apply only to activities affecting commerce as defined in sections 2(6) and 2(7) of the National Labor Relations Act, as amended.

(b) Nothing in this title shall be construed to require an individual employee to render labor or services without the employee's consent, nor shall anything in this title be construed to make the quitting of labor by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or services, without the employee's consent; nor shall the quitting of labor by an employee or employees in good faith because of abnormally dangerous conditions for work at the place of employment of such employee or employees be deemed a strike under this title.

(c) The failure or refusal to fulfill any obligation imposed by this title on any labor organization, employer, or association of employers shall be remediable only by a civil action for equitable relief brought by the Committee in a district court of the United States, according to the procedures set forth in subsection (d) of this section.

(d) The Committee may direct that the appropriate district court of the United States having jurisdiction of the parties be petitioned to enforce any provision of this title. No court shall issue any order under section 205(c) prohibiting any strike, lockout, or the continuing thereof, for any period beyond the ninety-day period specified in section 205(a).

(e) The findings, decisions and actions of the Committee pursuant to this title may be held unlawful and set aside only where they are found to be arbitrary or capricious, in excess of its delegated powers, or contrary to a specific requirement of this title.

(f) Service of members or alternate members of the Committee may be utilized without regard to section 665(b) of title 31, United States Code, Such individuals shall be deemed to be special Government employees on days in which they perform services for the Committee.

(g) In granting appropriate relief under this title the jurisdiction of United States courts sitting in equity shall not be limited by the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (29 U.S.C. 101).

(h) The Committee may make studies and gather data with respect to matters which may aid in carrying out the provisions of this title.

(i) Notwithstanding anything in subchapter II of chapter 5 of title 5, United States Code, in carrying out any of its functions under this title, the Committee shall not be required to conduct any hearings. Any hearings conducted by the Committee shall be conducted without regard to the provisions of subchapter II of chapter 5 of title 5, United States Code.

(j) Except as provided herein, nothing in this title shall be deemed to supersede or modify any other provision of law.

(k) In all civil actions under this title, attorneys appointed by the Secretary may represent the Committee (except as provided in section 518(a) of title 28, United States Code), but all such litigation shall be subject to the direction and control of the Attorney General.

COORDINATION

SEC. 209. (a) At the request of the Committee, the other agencies and departments of the Government shall provide, to the extent permitted by law, information deemed necessary by the Committee to carry out the purposes of this title.

(b) The Committee and the Federal Mediation and Conciliation Service shall regularly consult and coordinate their activities to promote the purposes of this title.

(c) Other agencies and departments of the Federal Government shall cooperate with the Committee and the Federal Mediation and Conciliation Service in order to promote the purposes of this title.

DEFINITIONS

SEC. 210. (a) The terms "labor dispute", "employer", "employee", labor organization", "person", "construction", "lockout", and "strike" shall have the same meaning as when used in the Labor-Management Relations Act, 1947, as amended.

(b) As used in this title the term "Committee" means the Construction Industry Collective Bargaining Committee established by section 203 of this title.

SEPARABILITY

SEC. 211. If any provision of this title or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this title or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

EXPIRATION DATE AND REPORTS

SEC. 212. (a) this title shall expire on December 31, 1980.

(b) No later than one year following the date of enactment of this title and at one-year intervals thereafter, the Committee shall transmit to the President and to the Congress a full report of its activities under this title during the preceding year.

(c) No later than June 30, 1980, the Committee shall transmit to the President and to the Congress a full report on the operation of this title together with recommendations, including a recommendation as to whether this title should be extended beyond the expiration date specified in subsection (a) of this section, and any other recommendations for legislation as the Committee deems appropriate.

Mr. SARASIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

Mr. BAUMAN. Mr. Chairman, reserving the right to object, I can appreciate the gentleman's wanting to dispense with the reading of this lengthy surprise amendment. It was printed in the CONGRESSIONAL RECORD last Christmastime and its character does partake of goodies one might find under the Christmas tree; if George Meany is your idea of Santa Claus.

The substitute amendment covers 4 or 5 pages. We have had Members running back and forth across the center aisle all afternoon, and the majority counsel and the distinguished gentleman from New Jersey (Mr. THOMPSON) have been working with scissors and paste and everything else. I would not want the House to be in the dark about this matter. I think we should know what we are voting on.

Earlier today we heard that the committee bill was perfection itself. Suddenly now we have a new bill. New versions come along as quick as the head count changes. We even see amendments fluttering down from the gallery. I think we really ought to have a chance to know what is going on.

Mr. Chairman, let us have a leisurely reading of the amendment.

Mr. THOMPSON. Mr. Chairman, will the gentleman yield?

Mr. BAUMAN. I yield to the distinguished gentleman from New Jersey.

Mr. THOMPSON. Mr. Chairman, the gentleman said there are amendments coming down from the gallery. He is mistaken; it is tinsel. Let us put a light on the Christmas tree. These provisions are all understood, so let us dispense with the reading.

Mr. BAUMAN. The gentleman really hung one on the tree with this amendment.

Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk continued to read.

Mr. THOMPSON (during the reading). Mr. Chairman, I rise to renew the unanimous-consent request of the gentleman from Connecticut (Mr. SARASIN) that the amendment offered as a substitute for the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. ASHBROOK. Reserving the right to object, Mr. Chairman, I might say to my friend, the gentleman from New Jersey (Mr. THOMPSON), that there is a little concern this is going so fast that we might not be able to get our amendments prepared in time to offer them as amendments to the substitute amendment.

If the chairman can assure us that we will at least have that time, I would not object.

Mr. THOMPSON. If the gentleman will yield, certainly I would not move the previous question until the other side has had a chance to draft another set of amendments.

Mr. ASHBROOK. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. ROUSSELOT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk continued to read.

Mr. SARASIN (during the reading). Mr. Chairman, I would again ask unanimous consent that the amendment offered as a substitute for the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

Mr. MICHEL. Mr. Chairman, reserving the right to object, and I do so, to inquire of the author of the substitute, whether or not the only three changes to the language in the conference report to accompany the bill, H.R. 5900 of last year, with deleting the phrase:

Employer primarily engaged in the construction industry.

And the phrase:

Provided further, That nothing in the above proviso shall be construed to authorize picketing, threatening to picket, or causing to be pocketed, any employer where an object thereof—

And insert the word:

or—

And then several lines further on down:

or to include any labor organization on the ground that such labor organization is not affiliated with a national or international labor organization which represents employees of an employer at the common site.

And then three lines below that—

Provided further, That if a labor organization engages in picketing for an object described in paragraph (7) of subsection (b) and there has been filed a petition under subsection (c) of section 9, and a charge under subsection (b) of section 10, the Board shall conduct an election and certify the results thereof within 14 calendar days from the filing of the later of the petition and the charge.

If there are no other changes other than those, I would have no objection to having the amendment offered as a substitute for the amendment in the nature of a substitute being considered as read and printed in the RECORD but, Mr. Chairman, I would want the assurances of the gentleman from Connecticut (Mr. SARASIN) that, under the fly-by-night operation under which we are operating that we know what we are talking about.

Mr. SARASIN. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Connecticut.

Mr. SARASIN. Mr. Chairman, I would

agree that the description the gentleman from Illinois has provided the House is absolutely correct. The gentleman has referred to those areas which are stricken in the conference report of last year.

Mr. MICHEL. Then I would withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

Mr. ROUSSELOT. Mr. Chairman, I object until we get this straightened out.

The CHAIRMAN. Objection is heard.

The Clerk continued to read.

Mr. FORD of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. ROUSSELOT. Mr. Chairman, reserving the right to object, can we have the assurances of the managers of the bill that adequate time will be provided for the amendment process. I understand there are Members on both sides of the aisle who have amendments that they were going to offer either to the substitute of the gentleman from Connecticut or the substitute of the gentleman from Minnesota and/or to the committee bill. The advocates of these amendments need time to tailor their amendments to fit these two substitutes, or both of them. Can we be assured that the committee itself understands the nature of these two substitutes? It is my understanding that the gentleman from Minnesota offered his substitute in committee, so most of the committee members who were present are aware of most of the substance of that substitute.

Mr. THOMPSON. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from New Jersey.

Mr. THOMPSON. I thank the gentleman for yielding.

The gentleman is quite correct. The gentleman from Minnesota did offer this with one exception, which is not in it now, in the committee and, of course, we understand fully the substitute being offered by the gentleman from Connecticut. To the extent possible we would guarantee that as soon as amendments are produced, we will not try to close off debate on them. As soon as amendments are properly introduced, they can, will, and should be read and debated.

Mr. ROUSSELOT. Further reserving the right to object, Mr. Chairman, the problem that many Members have who had amendments prepared for the committee's bill, is that they now find themselves in the unfortunate position of having to scramble around to find the appropriate place to offer their same amendments, either to the substitute of the gentleman from Minnesota or to the substitute of the gentleman from Connecticut.

Mr. THOMPSON. We are aware of that.

Mr. ROUSSELOT. The problem, and I will restate it, is that my colleague, the gentleman from Connecticut, informs me that even though substantial portions of his substitutes are very similar to the conference report of last year, he has in five or six cases written new concepts into the legislation.

Mr. THOMPSON. Will the gentleman yield further?

Mr. ROUSSELOT. I will be glad to yield to the gentleman from New Jersey.

Mr. THOMPSON. I thank the gentleman for yielding.

It is my understanding that—and I am virtually certain of this—there are three differences between the substitute of the gentleman from Connecticut and the conference report. They relate the Hathaway amendment.

Mr. SARASIN. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Connecticut.

Mr. SARASIN. I thank the gentleman for yielding.

I will confirm that there are three essential differences. They were just referred to by the gentleman from Illinois as being deletions. There is nothing added except for a change of dates from the conference report to conform to the date of enactment, and the appropriations section is removed. Essentially that is it.

Mr. ROUSSELOT. I appreciate my colleague's explanation. Can we have assurances from my distinguished chairman, Mr. THOMPSON, that all people who have amendments to either of these two substitutes will have adequate time to present them and that there will not be an attempt to unduly cut off debate?

Mr. THOMPSON. If the gentleman will yield further, excepting, of course, for dilatory tactics, of course not.

Mr. ROUSSELOT. Who would do that?

Mr. THOMPSON. If the gentleman will yield further, the differences which the gentleman from Connecticut has described as susceptible of amendment are already extant.

To the degree that they can be produced and read, they will be debated, and we shall not try to limit debate.

Mr. ROUSSELOT. I appreciate my colleague's suggestion.

Mr. BAUMAN. Mr. Chairman, reserving the right to object, I would like to ask the gentleman from New Jersey one other question. This bill came out of the committee in a form that was assured by the gentleman publicly earlier today and in speeches was absolutely perfect. Is it because they do not have the votes to pass that bill that they have now fallen back on the substitute? Is that the problem?

Mr. THOMPSON. Oh, no. Essentially the bill reported out of the committee unfortunately came out on a party line vote. We wanted the cooperation, which we are getting from the minority now, to make this a bipartisan effort.

Mr. BAUMAN. It almost guarantees my objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SARASIN. Let me suggest to the House that the reason for offering what is essentially last year's conference report on this bill is because many of us who supported the concept of common situs feel very strongly that the bill as reported from the Committee on Education and Labor, H.R. 4250, did not do what it purported to do and serious objections have been raised to parts of it. There was certaintly a legitimate argument as to the interpretation. I was very much troubled by the fact that the bill as reported appeared to wipe out all fair labor practices from the present law and only reinserts some of them.

I think it was generally agreed that H.R. 4250 is ambiguous and there would be litigation in an effort to resolve those problems. I think there is a better way.

In addition to that there were concerns regarding those people who truly were not engaged in construction or work on a site that would be only incidental to construction who would be affected by this bill in spite of the assurances that H.R. 4250 would not affect them. I still think there is a better way to handle it.

So the debate this year has not been about the merits of H.R. 4250, the bill to reverse the reasoning and result of Labor Board against Denver Building Trades Council, so much as it has been about certain drafting changes from last year's conference bill. There are many of us here who do support the concept of common situs but who were concerned about the structure of H.R. 4250. There is no great argument for those of us who feel that a bill to reverse the reasoning and result of Labor Board against Denver Building Trades Council was in order and something we should adopt.

I have concluded the best way to cut through the confusion stemming from the charges and countercharges that have gone on with this bill is to try to come back to where we were last year. Most of the Members in this House have lived through the common situs picketing bill and most of them who were here understood it very well. At least we can talk about something we have a feeling about and we can deal with a common ground. This bill is essentially the same as the conference report finally adopted by both the House and the Senate last year except for three major changes and a couple of minor ones. Undoubtedly there will be no objections.

The first changes is to delete the Ashbrook amendment, which was accepted last year on the understanding that it did not change the substance of the bill but which in conference was construed to limit the traditional right to appeal to employees making deliveries to a struck construction site. In its place the bill uses the House language of last year. The change in my bill is that no industrial facility, hospital energy supplier, and so forth, could be affected by a common situs strike other than at the gates reserved solely for construction workers. So it could conceivably affect workers at the construction site but not the suppliers for a hospital or industrial facility or energy supplier or whatever entity which was operating in its normal business.

The language I propose permits picketing only if it is directed against the employees doing construction work at a

construction site. If there is a dispute at such a site, construction workers would not be permitted to picket at a gate reserved for industrial workers at a nearby plant or at a plant to which, for example, a new wing is being added.

The second change is to delete the provision protecting what are referred to as independent unions. I believe this provision invites abuse by permitting employers to sign prehire agreements with such unions in an effort to defeat the basic purpose of the bill. The risk is that such unions could be paper creations designed to subvert the process.

Finally, on the ground that it imposes an administrative burden on the Labor Relations Board which cannot be met, I have deleted the Hathaway amendment on expedited elections. It is my understanding the Senator shares my concern in this regard on that. We are left then with the present law which says that the expedited election must take place within 30 days or less, so we have not made a major change.

I wish to make it plain that the substitute amendment refers only to section 8(b)(4)(B) and amends only the secondary boycott provision of the act.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

(By unanimous consent, Mr. SARASIN was allowed to proceed for an additional 5 minutes.)

Mr. SARASIN. Mr. Chairman, it conforms with the present proviso to section 8(b)(4)(B) that protects primary picketing and strikes. The purpose of the substitute is to overrule the Denver case, thereby to treat all employees on a common construction site as a single person, and to permit the type of picketing involved in Denver.

I believe by going back to where we were 1 year ago, we do provide for much more justice in a much less ambiguous way than had we accepted the bill as reported by the Committee on Education and Labor (H.R. 4250).

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. SARASIN. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Chairman, the gentleman will recall that that conference report had 189 votes, as I recall, against it. The gentleman says that his substitute amendment takes the form of the language of that conference report, except for three major changes and two minor ones. We will discount the minor ones.

I would agree that the first one is a major one, for if we delete that language, "primarily engaged in the construction industry," we are opening up all industrial sites to picketing; is that correct?

Mr. SARASIN. Mr. Chairman, I would respectfully disagree with the gentleman from Illinois. This is a bill dealing with the economic rights of the construction industry. That is the title of the bill. It refers to services and activities at the site of construction involving people who are in the construction industry. I think the language is, in fact, very limited, dealing only with construction and not with an incidental situation.

It certainly is my understanding that a manufacturing facility or any nonconstruction operation which is incidentally having a building built on its site or a wing or reconstruction or painting or whatever utilizing construction workers and there is a dispute with the construction workers, it is my understanding that it in no way affects the normal activities of a shopping center or a hospital or a factory or whatever; the language in the report last year limits it sufficiently to prevent that.

Mr. THOMPSON. Mr. Chairman, will the gentleman yield?

Mr. SARASIN. I yield to the gentleman from New Jersey.

Mr. THOMPSON. Mr. Chairman, to reassure the gentleman from Illinois, there is still unmentioned the General Electric case, which is precisely as described by the gentleman.

The gentleman from Tennessee will have an amendment to further clarify that; but the description of the gentleman from Connecticut is accurate.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. SARASIN. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I would hasten to say exactly the opposite. What we are talking about is the inducement of any person to strike or refuse to perform services. When we talk about any individual employed by any person, we are talking about much more than the gentleman from Illinois says. We are talking about industrial sites. We are talking about shopping centers, hospitals, every employer, because we are talking about any person employed by any individual.

I think that record ought to be completely clear.

Mr. MICHEL. That is exactly why this language was retained in there, to guard against this kind of conduct going on.

Mr. ASHBROOK. That is why my amendment was accepted in the last Congress. This is one of the few areas where I think I have a little knowledge, because it was my amendment and it was there for that purpose.

Mr. THOMPSON. Mr. Chairman, will the gentleman yield on that?

Mr. SARASIN. I yield.

Mr. THOMPSON. Under the language—and I respectfully disagree with my colleague from Ohio—it says, "employed by any person to strike or refuse to perform services at the site of the construction," and that is all. It goes on to say, "or refuse to perform services at the site of the construction, alteration, painting or repair of a building, structure or other work."

And here is the key: "at any of the several employers who are in the construction industry."

That is precisely what the gentleman from Illinois is worried about.

The CHAIRMAN. The time of the gentleman from Connecticut has again expired.

(By unanimous consent Mr. SARASIN was allowed to proceed for 5 additional minutes.)

Mr. MICHEL. Mr. Chairman, will the gentleman yield further?

Mr. SARASIN. I yield to the gentleman from Illinois.

Mr. MICHEL. The problem here is that on the construction site, immediately, that is the construction site. Where all these other things can be taking place without this prohibition, we just find is stretched beyond all imagination, and we do not have the kind of protection we think we are entitled to if we do not specifically write it into the statute.

Mr. SARASIN. I think the argument, of course, was made last year on this basis, and the Ashbrook amendment was accepted in an effort to tighten up what everyone wanted to do. I think the issue is clear. We are engaged only with construction people on construction sites, and they are the only ones affected by it. The employer under the General Electric case can and will set up separate gates to separate his regular employees from those people who are involved in the construction work at that time. I think that remains, and it is rather clear.

Mr. MICHEL. If the gentleman will be good enough to yield further, let me move on to this other change which would, for all practical purposes, allow the AFL–CIO to require only their members to be employed at a site. Currently, we can have independent unions or the AFL–CIO working, but by deletion of the kind of language such as this section of language, "or to exclude any labor organization on the ground that such labor organization is not affiliated with a national or international labor organization which represents employees of an employer."

When we knock out that language, we have just got a mandatory kind of situation where there can be nothing but AFL–CIO trade union members involved in the worksite.

Mr. SARASIN. The concern is that—and it has happened in the past—that some contractors have formed their own sweetheart unions, or could possibly do that, which would then immunize them from the effects of this act. I do not think that is what the House intended to do.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. SARASIN. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. This language has been in all forms of this bill that have been considered for a number of years, and it is a purely politically inspired piece of language that became boilerplate to fight what we came to refer to as the "District 50 phenomena."

A group of people, ostensibly coal miners, were in fact in the construction industry known as the District 50 people. We were trying to avoid politically getting into the middle of that long drawn-out battle. As a matter of fact, the so-called District 50 unions have now merged with the steelworkers. The question is moot. There is not any such situation in existence at the present time, and the need for the proviso as a political consideration to avoid controversy when that competition existed is no longer there. So, the question that this proviso addressed itself to is moot.

Mr. SATTERFIELD. Mr. Chairman, will the gentleman yield?

Mr. SARASIN. I yield to the gentleman from Virginia.

Mr. SATTERFIELD. Mr. Chairman, I would like to reduce this to something more definite. I wonder if the gentleman would respond to this question: The Veterans' Administration is presently in the process of replacing 10 Veterans' Administration hospitals. In many instances, the new construction will be adjacent to their present or existing hospitals being operated now.

Can the gentleman assure me that under the language of the substitute there will be free access to people supplying goods and supplies to these hospitals which will not be subject to a strike or a picket line?

Mr. SARASIN. Yes. That assurance can be given to the gentleman.

I would point out, in addition, that in the discussion of this conference report last year, this very issue had been raised in the Senate, and it was entered in the House, by way of colloquy, which clearly dealt with the Veterans' Administration situation and refers to comments by Senator WILLIAMS and Senator CRANSTON, which were inserted in the RECORD to make very clear that we are talking about construction disputes and construction people only. And in no way is there the ability to interfere with the ongoing operations of the location simply because the construction happens to be taking place at that location.

Mr. SATTERFIELD. Mr. Chairman, will the gentleman yield further?

Mr. SARASIN. I yield to the gentleman from Virginia.

Mr. SATTERFIELD. Is it the intention of the gentleman that his substitute will give that assurance and that guarantee, so far as medical facilities are concerned, to the VA and also to other hospitals?

Mr. SARASIN. Yes.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. SARASIN) has expired.

(By unanimous consent, Mr. SARASIN was allowed to proceed for 5 additional minutes.)

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. SARASIN. I yield to the gentleman from Michigan (Mr. FORD).

Mr. FORD of Michigan. Mr. Chairman, in an attempt to provide some assurance to the gentleman who was just asking about the VA hospital, it is my understanding and I believe the gentleman's amendment leaves intact the General Electric case, which establishes the principle that a separate gate can be established for construction workers on the part of the installation that is involved in the construction site, and once that is done, picketing at the general entrance or delivery entrance, or any other entrance of the factory, hotel, or whatever it might be, would not be permitted; is that correct?

Mr. SARASIN. That is correct.

Mr. FORD of Michigan. Not only would hospitals be protected, but any installation would be protected against labor disputes with people primarily involved in the construction industry interfering with deliveries, with the normal flow of customers to and from that installation?

Mr. SARASIN. That is correct.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. SARASIN. I yield to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, I thank the gentleman for yielding.

Again I fail to see how the language of the amendment would let the gentleman from Connecticut give that assurance to the gentleman from Virginia.

If the language allows the striking employees to induce the employees of any person—and certainly a hospital would be a person—I just do not see in the language where this assurance is.

Could the gentleman direct me or direct my attention to the language that would protect that situation? I honestly do not think he could give the gentleman from Virginia that assurance.

Mr. SARASIN. I think I can. Again referring to my earlier comments and those of the gentleman from New Jersey, the bill is specifically designed to affect only those persons engaged in the construction industry.

Section 101 does refer to the site of the construction. It refers to the direction at any of several employers who are in the construction industry.

My point is that we are only talking about the individuals, employees or employers in the construction industry.

Mr. ASHBROOK. If the gentleman will yield further, the gentleman is talking about direction. I am talking about inducement. The language allows the striking employees to induce the employees of any person. Again I am looking for language which would dissuade me from my great concern in this area. There is a difference between directing and inducing. A striking union in a construction field cannot direct its picketing at the employer but it can induce the employees, which accomplishes, in essence, the same purpose. That is the thing which bothers me the most. If the gentleman can dissuade me from this contention, I would have to say that I would feel a lot better about this bill.

Mr. SARASIN. Mr. Chairman, I think the question of inducing and directing is still narrowed and qualified by the language referring only to construction, and that individual must be engaged in construction or he is not affected by it.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. SARASIN. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, I believe the gentleman from Ohio (Mr. ASHBROOK) will be reassured by this:

First, I would like to see it made clear that if we did nothing here we do have already in place in the law the General Electric case.

Therefore, the law is very clear, and the gentleman in the well has simply said that his amendment does not do anything to change the existing state of the law which seems to satisfy most people.

However, to make sure that no one misunderstands and to make it clear that we do not intend by any kind of omission or by striking this language to change the existing law, the gentleman from Tennessee (Mr. ALLEN) has worked with us over here and has prepared an amendment that spells out in so many words what the gentleman from Ohio (Mr. ASHBROOK) is asking for. I think once the gentleman from Tennessee (Mr. ALLEN) has had the opportunity to offer his amendment, that will clear up this question for the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield further?

Mr. SARASIN. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, if the gentleman from Michigan (Mr. FORD) will allow me to respond, I would say that my concern is not protected by the General Electric case because the General Electric case came down at a time when the employer of industrial employees clearly had the right to set aside a reserve gate.

What we are doing here is including the whole site as something that is embroiled in a situs picketing controversy. As long as the picketing or the strike is not directed at the other employer, as I read the language, the striking employees can still induce employees of any person on the site. That is the part of this that bothers me the most.

Mr. THOMPSON. Mr. Chairman, will the gentleman yield?

Mr. SARASIN. I yield to the gentleman from New Jersey.

Mr. THOMPSON. Mr. Chairman, the General Electric case, which is still the law and has been left untouched, will be made more expicit by the amendment that will be offered by the gentleman from Tennessee (Mr. ALLEN). The General Electric case arose out of just that situation, so the law is clear.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. SARASIN) has expired.

(On request of Mr. THOMPSON and by unanimous consent, Mr. SARASIN was allowed to proceed for 5 additional minutes.)

Mr. ALLEN. Mr. Chairman, will the gentleman yield?

Mr. SARASIN. I yield to the gentleman from Tennessee.

Mr. ALLEN. Mr. Chairman, I believe that all the questions on this score will be answered when I offer my amendment to line 13, page 1 of the substitute amendment offered by the gentleman from Connecticut (Mr. SARASIN).

My amendment would say, after the words, "or repair at such site," we would add the following language: "and where the construction site is adjacent to or part of a nonconstruction or industrial facility and a separate entrance is reserved for the individuals regularly employed at that facility or for individuals employed by persons making delivery to or taking shipments from that facility which is not directed to this specific entrance."

This is a definite exemption, and I think it takes care of the question that is bothering the gentleman on the other side.

Mr. ASHBROOK. Mr. Chairman, if the

gentleman from Connecticut will yield further, would this be basically the industrial facilities amendment offered by the gentleman from New Jersey (Mr. THOMPSON) in committee?

Mr. ALLEN. It is pertaining to any nonconstruction facility, industrial or any other such facility.

Mr. ASHBROOK. Mr. Chairman, will the gentleman from Michigan (Mr. FORD) tell me the answer to that question?

Mr. FORD of Michigan. Mr. Chairman, if the gentleman from Connecticut (Mr. SARASIN) will yield, in response to the gentleman from Ohio (Mr. ASHBROOK), this represents a litle bit of lawyering over here. It was recognized that not all construction sites would be on industrial property, and that the word "industrial" obviously did not cover hotels, hospitals, schools, and institutions of that kind.

Mr. ASHBROOK. Yes, I recall making that point.

Mr. FORD of Michigan. Mr. Chairman, the gentleman made the point well, and he has had counsel on this side worried, so they came up with the language, "construction site is adjacent to or part of a nonconstruction or industrial facility." The word "nonconstruction" presumably covers the kind of things we have been talking about that would not nicely fit into the definition of "industrial facility."

Mr. ASHBROOK. Mr. Chairman, it seems to me that the gentleman is still using the language, "directed at." If we use the language, "directed at," we still leave in the club which is intended by the word, "induce," allowing the employees the right to induce the employees of any person. That is the catch phrase that worries this gentleman. It is not "directed at," but I am worried about the right to induce employees of any person even though they are not primarily "directed at." There is a very great distinction there.

Mr. FORD of Michigan. Mr. Chairman, I do not want to answer the gentleman on that point because it would be a form of anticipatory repudiation. We have not reached that point.

Mr. ASHBROOK. I think we will pretty soon.

Mr. FORD of Michigan. When the Ashbrook amendment comes up, the gentleman may be surprised at the reaction.

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. SARASIN. I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I know that we are all trying to be conciliatory and reach compromise agreements, and I hear the gentleman from Ohio (Mr. ASHBROOK) talking about what is good about the so-called Ashbrook amendment. I heard the gentleman from Michigan (Mr. FORD) talking about the fact that he agrees that it is a good idea, and so they have language to try to accomplish this. The language of the gentleman from Tennessee (Mr. ALLEN) is apparently intended to accomplish the same purpose.

If that is true, why do we not just compromise and put the Ashbrook amendment back in the bill? Is that not the compromise that we want?

Mr. SARASIN. To answer the gentleman from Oklahoma (Mr. EDWARDS), I am sure the gentleman from Ohio (Mr. ASHBROOK) will try to accomplish that result.

Mr. EDWARDS of Oklahoma. Can we accomplish it by putting the same words back in?

Mr. SARASIN. Certainly you will have the opportunity to offer such an amendment.

Mr. EDWARDS of Oklahoma. I ask the gentleman whether he would support that.

Mr. SARASIN. I would not object to a refinement of the language, and I would reserve my judgment on that refinement.

Mr. EDWARDS of Oklahoma. I thank the gentleman.

Mr. BLOUIN. Mr. Chairman, will the gentleman yield?

Mr. SARASIN. I yield to the gentleman from Iowa.

Mr. BLOUIN. Mr. Chairman, the gentleman's amendment on page 2 basically states the language in the conference report, and I quote: *"Provided further,* That nothing in the above proviso shall be construed to authorize picketing" and it goes on to where the word "or" appears.

Mr. SARASIN. Yes.

Mr. BLOUIN. What is the gentleman's intent by that change?

Mr. SARASIN. The intent is to do nothing other than to clean up or clear up the language.

Mr. BLOUIN. To strike it?

Mr. SARASIN. Strike it. It is redundant. With the word "or" it ties the rest of the language into the proviso above it. It does away with additional language, and it does no more than that.

Mr. BLOUIN. Mr. Chairman, I thank the gentleman.

Mr. CHAIRMAN. The time of the gentleman from Connecticut (Mr. SARASIN) has again expired.

(By unanimous consent, Mr. SARASIN was allowed to proceed for an additional 2 minutes.)

Mr. SARASIN. Mr. Chairman, there is an additional area, I think, that has been discussed rather fully here, but I want to be sure that in my own comments I discuss it.

In my own State there is presently underway the construction of a nuclear facility on a site which already contains a nuclear facility.

That particular first facility, which is already operating, uses organized craft workers for its routine maintenance. There was concern expressed that in the event this bill passed and a labor dispute came into existence at the nuclear facility under construction, that somehow this would allow interference with the normal maintenance and interfere with those persons who do belong to the craft trades.

I have been assured by a number of people that that, in fact, is not the case; and certainly under the language we have been discussing here that would not be the case. With respect to that situation, while there may be a dispute over the construction, it would not interfere with the maintenance.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. SARASIN. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for yielding.

As I understand it, in the example the gentleman gave he clearly stated that the maintenance workers employed at the already constructed and operating facility were union employees; is that correct?

Mr. SARASIN. That is correct.

Mr. ERLENBORN. In the event that they happen not to have chosen to join a union, would that existing facility have any protection under the language of the gentleman's amendment?

Mr. SARASIN. Yes, it would because, again, we are not talking about a construction site, so that the issue just would not arise.

The example I tried to pose is one where we happen to have members of the same union who are actually constructing the new facility and, because of security, there is only one gate into or out of such facility. In that case, if there was a dispute over the construction of the new nuclear facility, that would not affect maintenance.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. SARASIN) has again expired.

(On request of Mr. ERLENBORN and by unanimous consent, Mr. SARASIN was allowed to proceed for 2 additional minutes.)

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield further?

Mr. SARASIN. I yield to the gentleman from Illinois.

Mr. ERLENBORN. If the gentleman from Connecticut (Mr. SARASIN) relies on the fact that it is not a construction site, then why is the language necessary to protect a situation where the maintenance employees are represented by a union?

Mr. SARASIN. I do not think the language is necessary. I just wanted to raise the issue in order to point out that there is nothing in this bill that would interfere with that, and that is all.

Mr. ERLENBORN. Would the gentleman explain this question I have: In order to make certain that there is no confusion, why is not the language drawn so that both union and nonunion maintenance employees and their employer would be protected ?

Mr. SARASIN. I do not see that that is any problem, or, at least, one that is affected by this legislation.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. SARASIN. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, the gentleman from Illinois (Mr. ERLENBORN) raised this question on more than one occasion during the consideration of the legislation or of the bill, and he persists in reading this particular language differently from the way anybody else on any side of this issue does who is familiar with what the intent and

purpose of the proviso he addresses himself to is.

The intent and purpose of the proviso is to protect an employer at an industrial site or engaged in some construction activity from being caught in a whipsaw situation between the union, with which he has a contract, representing his employees, in the case of a dispute between that union and a construction trade union over who should be doing plumbing in that factory or who should be putting the electric wiring into an extension.

It simply protects him against being picketed if those two unions are arguing about who ought to be doing the job inside the plant, and thereby interfering with the industrial workers who are, in his view, not primarily engaged in the construction industry, while some trade from the outside might be doing some electrical work.

The CHAIRMAN. The time of the gentleman has again expired.

(By unanimous consent, Mr. SARASIN was allowed to proceed for 3 additional minutes.)

Mr. FORD of Michigan. Mr. Chairman, if the gentleman will yield still further, I might say, finally, that it sort of statutorily consolidated the concept of no-raiding agreements which are intended for the purpose of maintaining some stability, and to prevent, for example, in an automobile industry that is building an addition to its plant, which is entirely new, and which might very well have its millwrights and others installing machinery, and in order to do so they would have to string pipe and electric wires and pour concrete for bases and do a lot of other things. It is intended to keep the building trades from coming in any saying to that employer, "We have a dispute as to whether or not you can do this with your workers, and we want that kind of work," which is basically an argument between two different unions and it would prevent an employer being picketed under those circumstances.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. SARASIN. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Chairman, I would like to refer to section (j) that I believe was in last year's conference report, and I would like to receive some clarification as to whether or not that is included in the gentleman's amendment. That alludes to the so-called exemption that would apply to a site of construction where an employer has a gross volume in the construction business of $9,500,000 or less.

Is that subsection (j) in the gentleman's amendment?

Mr. SARASIN. The gentleman is correct. Section (j) was reported in the conference and is here in this amendment, intact, as it was approved by the House.

Mr. DON H. CLAUSEN. Mr. Chairman, I thank the gentleman.

AMENDMENT OFFERED BY MR. ASHBROOK TO THE AMENDMENT OFFERED BY MR. SARASIN AS A SUBSTITUTE FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. QUIE

Mr. ASHBROOK. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. ASHBROOK to the amendment offered by Mr. SARASIN as a substitute for the amendment in the nature of a substitute offered by Mr. QUIE: Section 101(a), as it amends Section 8(b)(4) of the National Labor Relations Act, is amended by striking in the first proviso "any persons" and inserting in lieu thereof "any employer primarily engaged in the construction industry on the site" and is further amended in the same proviso by striking "who are in the construction industry" and inserting in lieu thereof "who are primarily engaged in construction".

Mr. ASHBROOK. Mr. Chairman, I would like to point out to the members of the committee that these 10 words are extremely important words. For those members who were listening to the colloquy in the last hour I think they will recognize that there are many questions that were raised as to who can be involved and how far the embroilment extends when there is a strike at a construction site.

Mr. Chairman, the sponsors of this bill have talked about equal treatment and about the economic rights of labor. What this bill is basically, and let us not forget this, an attempt to say who can be affected by a strike, what employer, what employees, the degree to which we are trying to insulate some and give rights to others that many think have been denied rights for 25 years. This bill is technical, it is complicated, it is ambiguous. When we strip all the verbiage, we are talking about who can be induced not to work on a common job site. That is the heart of this legislation. That is the question that ought to be in everybody's mind: Who can be induced not to work?

Let us consider where we are and where we are going to go with the Sarasin amendment. It is very clear that a striking construction union can request such action—action being an inducement not to work on a job site—of any individual employed by any person. This language would clearly permit a construction union to request all other construction union employees not to work on the common site. I think everybody understands that. That is the heart of common situs picketing, the heart of H.R. 4250.

A plumbing union, for example, could induce a strike by the employees of the carpentry union not to work for the contractor on the site. We understand that. But the point raised by the gentleman from Illinois (Mr. MICHEL), is the point we ought to address ourselves to. How much further than that does this legislation go? There is no requirement, I would point out—no requirement—that the employer of the induced employees be involved in any way in the construction industry. That is the heart of my reservation, of the serious questions I raise. There is nothing in the language of the Sarasin amendment which would prevent a construction union working at a common situs located at a manufacturing plant, a commercial plant, a hospital, a shopping center—anyone can name it—from asking—that is inducing—the manufacturer's, the commercial store's, the hospital's employees not to work on their jobs located on the common situs. That to my way of thinking is the heart of the problem and that is precisely why the 10 words of my amendment were left out of H.R. 4250 and the Sarasin amendment. My amendment would correct that situation.

Let us read the conference report last year. We are talking about inducement of any individual employed by, and here are the words:

By any employer primarily engaged in the construction industry on the site.

Note that—

primarily engaged in the construction industry on the site.

That offers some protection, because if we are talking about General Electric, if we are talking about a shopping center, a railroad, a hospital, it is pretty clear they are not employers primarily engaged in construction.

Proponents of H.R. 4250 have consistently emphasized that this bill is aimed only at employers in the construction industry and has nothing to do with employers and employees in the industrial sector.

However, the language of the Sarasin amendment would indicate that inducements to strike or picket could be directed against employees who are employed by other than construction employers, such as employers of manufacturing plants, State government employees—who are outside the parameters of the NLRA—or employees covered by the Railway Labor Act.

Under existing law a nonconstruction industry employer, such as a manufacturer, who is having construction work done on his manufacturing site, can insulate his manufacturing employees from construction industry labor disputes by setting up separate entrance gates for the exclusive use of the construction industry employees. If the manufacturer or nonconstruction employers sets up such gates, it is illegal for a union involved in a construction industry labor dispute to picket the gate used exclusively by the manufacturer's employees.

Adoption of my amendments will make certain that the employees of manufacturers or nonconstruction employers will not be asked to participate in labor disputes involving the employees of construction contractors who are doing work at the worksite. Construction industry employees with labor disputes will not be permitted to picket to induce a strike by the manufacturer or nonconstruction employees, but rather may only induce the employees of any "employer engaged primarily in the construction industry."

The proposed amendment is consistent with the stated goals of the supporters of H.R. 4250 who argue that the bill is intended to give certain rights to construction industry unions that they are denied, but which are enjoyed by manufacturing industry employees. Thus, they first point to the Supreme Court's

decision in the General Electric case (366 U.S. 667), which held, in essence, that a construction industry union could not picket a gate set aside for both: First, the employees of a manufacturer (General Electric); and second, the employees of other independent employers whose work was related to General Electric's normal operations, such as maintenance and delivery persons. A corollary to the General Electric case is that the employees of these independent nonconstruction industry employers might, at times, become the subject of legal picketing by General Electric's own employees having a dispute with General Electric.

The construction unions then argue that they receive disparate treatment as a result of another Supreme Court case—the Denver Building Trades decision (341 U.S. 675)—which held that construction contractors and subcontractors and hence are legally insulated from each other's labor disputes. Construction unions argue that construction subcontractors perform work related to the general contractor's normal operations, and therefore, each job site contractor's employees should be subject to picketing by the employees of every other job site contractor. In essence, they argue that the General Electric case is applied to construction unions their right to picket should extend only to employees of contractors engaged in related work; that is, construction, not to be the manufacturer whose work is unrelated.

Assuming for purposes of argument that the various construction site contractors are so interrelated that they should become subject to each other's labor disputes, even proponents of situs picketing can agree that there should be no fundamental change in the existing law as it affects the manufacturer and his employees. When proponents argue that the General Electric case should apply to them, they implicitly concede that the holding of that case not be disturbed as it applies to manufacturing industry. Without the above amendment, however, there is no assurance that this disturbance would not occur. H.R. 4250 or the Sarasin amendment too easily can be interpreted to modify the General Electric case and permit unwarranted situs picketing by construction unions directed at manufacturer's or nonconstruction employees.

My amendment permits an employer who is not primarily involved in the construction industry to remain protected from involvement in construction industry labor relations problems.

Mr. SARASIN. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Connecticut.

Mr. SARASIN. I thank the gentleman for yielding.

I wonder if we might attack this from the reverse. Would it be the gentleman's intention that a supplier of material, assuming—I know the gentleman does not agree with the concept, but assuming he agreed with the concept of common situs, would he agree also that the supplier of material to the construction site, for the construction site, should be allowed to be picketed or induced not to come in?

Mr. ASHBROOK. I will not say that they should be allowed to, but I will say that they are allowed to now under existing law. There is no question that as part of a strike, one can try to shut off the Teamsters from bringing in supplies. That is clear under the law now. So while I do not agree with it, I accept it as part of the law as it now stands.

Mr. SARASIN. If the gentleman will yield further, but apparently after the language the gentleman offered last year was accepted and adopted by the conference, it was being interpreted that the gentleman's language would prevent the striking construction workers from attempting to induce those suppliers of construction materials not to make deliveries. This is the reason why that language was left out of the conference report in the substitute that I filed.

Mr. ASHBROOK. The gentleman does not say who brought this up, who expressed these observations. I did not hear these reservations on the Ashbrook amendment. I do know that union leaders oppose my amendment. We are talking about an employer primarily engaged in construction. Somebody delivering pipe is not an employer primarily engaged in construction. A supplier is not primarily engaged in construction, as I understand the interpretation.

Mr. SARASIN. A supplier to a manufacturer or hotel in the normal course of its operation would not be affected by the language I have inserted in the substitute.

Mr. ASHBROOK. I would agree with that, but what I worry about is that those nonconstruction employers would be involved, those people we talk about—the hospitals, shopping centers, General Electric, and so forth.

I still maintain, I would say to my friend, the gentleman from Connecticut, that what we are talking about in H.R. 4250 and your amendment is a very legalistic differentiation. One section of the bill says you cannot direct picketing or the strike at the employer but in another section, H.R. 4250 permits the striking employees nonetheless to induce the employees of the employer. That is the way we get around it.

Mr. SARASIN. Let us say for a moment I would say that I agree on what should happen, that those people not engaged in construction should not be affected and that those engaged in construction should be affected. We just disagree on the language.

Mr. ASHBROOK. Then I would think the gentleman would agree to the 10 word amendment I have offered.

Mr. SARASIN. I would think we would agree on the intent of this language and mine is essentially the same.

Mr. ASHBROOK. No, we do not agree.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Chairman, I hope the gentleman from Connecticut will remain and listen to the colloquy.

The purpose of this bill is to permit activities that are now not allowed under the law. Nothing in this bill will prohibit activities that are currently lawful. I do not believe that the language of the gentleman from Ohio would have the effect of prohibiting currently lawful activity but would merely limit the kinds of activities that are now being made lawful under this act. Would the gentleman agree?

Mr. ASHBROOK. That would be precisely the response I would give. I thank the gentleman from Illinois.

Mr. ERLENBORN. So that the gentleman from Connecticut in talking about the thrust of his language prohibiting presently lawful conduct is totally misinterpreting what could possibly be the effect of this language in the bill.

Mr. ASHBROOK. In fact I cannot really contemplate that a court or anyone—we know it could get stretched and our laws get stretched, but I cannot contemplate anyone thinking the legislation would make illegal anything now legal under NLRA. The thrust is directly the opposite, to make legal activities which are now illegal because of the Denver case.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, it is with some hesitation that I rise today in opposition to H.R. 4250. Any bill which includes a title like "Equal Treatment for Craft and Industrial Workers," would be hard to oppose, both morally and politically. And if in fact the title in this bill reflected its substance, I would not oppose it.

Furthermore, it is increasingly clear that my opposition may be futile. The President has already indicated his support for the bill, and if we are to believe the many lobbyists working in behalf of the bill, the votes for its passage are virtually assured, so that politically "smart" way to go would be with the majority.

But I happen to believe, Mr. Chairman, that we should not decide issues on political expediency but on merit. And on merit, I cannot support this bill. And I believe that if my colleagues would read this bill, they would reach the same conclusion, and therefore I still have hope that opposition is not futile.

This bill is being sold, Mr. Chairman, as a simple change in the law to give craft unions the same rights as industrial unions. Indeed, it was sold that way last year, and I bought it. But this is not the same bill we had before us last year.

If the intent of this bill were simply to assure equal treatment for craft unions, there is a straightforward and clean way of doing that. Namely, by amending clause (B) of section 8(b)(4) of the National Labor Relations Act dealing with secondary boycotts. That is what last year's bill did.

For reasons of their own, however, the drafters of this particular bill before us today, have not chosen that route. Instead, H.R. 4250 exempts craft unions from the entire effect of section 8(b)—

dealing with unfair labor union practices—except for certain practices spelled out in the bill.

In other words, instead of seeking to amend the single clause with which they disagree, the sponsors of this bill have in effect repealed the entire subsection—and its associated body of case law dealing with unfair practices—and then listed those prohibitions which they say they will observe.

It is a little bit like repealing the entire Bill of Rights to modify one part, and then restating the other parts in your own words. What, we might ask, was wrong with the original version, which has withstood the test of time and the courts?

What this bill really does is to throw the field of labor law into confusion, in the hopes that labor will somehow come out ahead in the end. That may or may not be the result; it certainly will give work to a lot of lawyers, but it will also cause uncertainty and chaos in an already weakened and ailing industry.

Nor does the bill really give comfort to craft workers. In California, at least, most contractors are union already, and the system works. But title II of this bill says that local craft unions in California will have to defer to national leaders in Washington on strike issues. Why?

Mr. Chairman, I submit this bill is not what its title would lead you to expect. It uses a shotgun instead of a scalpel to accomplish its avowed ends, and the result is liable to make a bloody corpse of the construction industry, along with a number of innocent bystanders.

Mr. Chairman, in the past few weeks we have heard many concerns expressed on third floor about jobs and the economy—a concern certainly shared by local craft union members, who have an unemployment rate almost twice that of the rest of the country. Let us not spill the entire cart to get at one stick. It is too risky, for both the riders and the horses—to say nothing of the country they are engaged in building.

Read the bill, then decide. This is not the way to go.

Mr. ASHBROOK. One last point, Mr. Chairman, the General Electric case has been repeatedly brought before us. No. 1, there is no definition of a site in the General Electric case or in this legislation or Sarasin amendment.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. ASHBROOK was allowed to proceed for 1 additional minute.)

Mr. ASHBROOK. Mr. Chairman, we have no definition of a site, so the whole area is muddy. Second, we are muddying the waters even worse by allowing the inducement of striking employees against the employees of any person. That is where the real catch comes in. I think you have a legislative thicket that we in our best judgment should not create today. My amendment will in some small way limit the area of strife the legislation is bound to bring in our economy. The Sarasin amendment, as I understand it, is the position reflected by the union leaders who in truth have drafted it with the support of the majority members of the Labor Subcommittee. I do not view it as improving H.R. 4250 even thought it might bring additional votes to their lagging vote tally.

Mr. THOMPSON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

Mr. Chairman, this amendment would undermine very seriously the purpose of the bill, to grant craft workers equal treatment with industrial workers. Any employer engaged on a construction site who was not primarily engaged in the construction industry would be exempt from picketing. For example, pickets could not lawfully be directed at persons picking up or making deliveries to the construction site. This amendment would deprive construction workers of a basic right enjoyed by workers in other industry, the right of appeal to employees present at the site in a dispute. It prohibits it and the amendment, I respectfully say, would undermine the purpose of the bill and should be defeated.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I think first from a historical standpoint, the Denver case did not involve pickup and delivery. It did involve the section 8(b)(4)(B) situation. It is legitimately trying to have or make a situs picket involve an entire construction industry.

Mr. THOMPSON. The gentleman is correct about the genesis of the Denver dispute but what the gentleman would do is go further than the Supreme Court in its 5-to-4 decision.

Mr. ASHBROOK. I respectfully suggest we differ on that because the gentleman agrees with the intention of the sponsor, as often stated by my friend, the gentleman from New Jersey, that he does not want to involve the industrial employers or employees would recognize this amendment is necessary and we did agree to it in the last session although, I might state, under some duress.

Mr. THOMPSON. I do not agree with the gentleman. I think the best way to clarify this is to defeat this amendment and then the law would remain clear and we would not have undermined its fundamental purposes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. ASHBROOK) to the amendment offered as a substitute by the gentleman from Connecticut (Mr. SARASIN) for the amendment in the nature of a substitute offered by the gentleman from Minnesota (Mr. QUIE).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ASHBROOK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and their were—ayes 212, noes 209, not voting 11, as follows:

[Roll No. 93]

AYES—212

Abdnor	Forsythe	Montgomery
Alexander	Fountain	Moore
Anderson, Ill.	Frenzel	Moorhead, Calif.
Andrews, N.C.	Frey	Murphy, Pa.
Andrews, N. Dak.	Fuqua	Myers, Gary
Applegate	Glickman	Myers, Ind.
Archer	Goldwater	Neal
Armstrong	Goodling	Nichols
Ashbrook	Gore	O'Brien
Badham	Gradison	Panetta
Bafalis	Grassley	Pattison
Baldus	Gudger	Pettis
Barnard	Guyer	Poage
Bauman	Hagedorn	Pressler
Beard, Tenn.	Hall	Preyer
Bedell	Hammer-schmidt	Quayle
Blouin	Hanley	Quie
Bowen	Harsha	Quillen
Breaux	Heckler	Railsback
Breckinridge	Hefner	Regula
Brinkley	Hightower	Rhodes
Broomfield	Hillis	Roberts
Brown, Mich.	Holland	Robinson
Brown, Ohio	Hollenbeck	Rogers
Broyhill	Holt	Rousselot
Buchanan	Horton	Rudd
Burgener	Hubbard	Runnels
Burke, Fla.	Huckaby	Ruppe
Burleson, Tex.	Hyde	Sarasin
Butler	Ichord	Satterfield
Byron	Ireland	Sawyer
Carter	Jeffords	Schulze
Cederberg	Jenkins	Sebelius
Chappell	Jenrette	Sharp
Clausen, Don H.	Johnson, Colo.	Shuster
Clawson, Del	Jones, N.C.	Sikes
Cleveland	Kasten	Skelton
Cochran	Kastenmeier	Skubitz
Cohen	Kazen	Smith, Nebr.
Coleman	Kelly	Snyder
Collins, Tex.	Kemp	Spence
Conable	Ketchum	Stangeland
Conte	Keys	Stanton
Corcoran	Kindness	Steers
Coughlin	Krebs	Steiger
Crane	Krueger	Stockman
Daniel, Dan	Lagomarsino	Stump
Daniel, R. W.	Latta	Symms
de la Garza	Leach	Taylor
Derrick	Lent	Thone
Derwinski	Long, Md.	Treen
Devine	Lott	Trible
Dickinson	Lujan	Ullman
Dornan	McClory	Vander Jagt
Duncan, Oreg.	McCloskey	Waggonner
Duncan, Tenn.	McDade	Walker
Edwards, Ala.	McDonald	Walsh
Edwards, Okla.	McEwen	Wampler
Emery	McKinney	Watkins
English	Madigan	White
Erlenborn	Mahon	Whitehurst
Evans, Del.	Mann	Whitley
Evans, Ga.	Marks	Whitten
Fenwick	Marlenee	Wiggins
Findley	Marriott	Wilson, Bob
Fish	Martin	Winn
Fisher	Mathis	Wirth
Flippo	Mazzoli	Wydler
Flowers	Michel	Wylie
Flynt	Miller, Ohio	Young, Alaska
	Mitchell, N.Y.	Young, Fla.

NOES—209

Addabbo	Brodhead	Diggs
Akaka	Brooks	Dingell
Allen	Brown, Calif.	Dodd
Ambro	Burke, Calif.	Downey
Ammerman	Burke, Mass.	Drinan
Anderson, Calif.	Burlison, Mo.	Early
Annunzio	Burton, John	Eckhardt
Ashley	Burton, Phillip	Edgar
Aspin	Caputo	Edwards, Calif.
AuCoin	Carney	Eilberg
Badillo	Carr	Ertel
Baucus	Cavanaugh	Evans, Colo.
Beard, R.I.	Chisholm	Evans, Ind.
Beilenson	Clay	Fary
Benjamin	Collins, Ill.	Fascell
Bennett	Conyers	Fithian
Bevill	Corman	Flood
Biaggi	Cornell	Florio
Bingham	Cornwell	Foley
Blanchard	Cotter	Ford, Mich.
Boland	D'Amours	Ford, Tenn.
Bolling	Danielson	Fraser
Bonior	Delaney	Gammage
Bonker	Dellums	Gaydos
Brademas	Dent	Gephardt
	Dicks	Giaimo

Gibbons	Miller, Calif.	Rostenkowski
Gilman	Mineta	Roybal
Ginn	Minish	Ryan
Gonzalez	Mitchell, Md.	Santini
Hamilton	Moakley	Scheuer
Hannaford	Moffett	Schroeder
Harkin	Mollohan	Seiberling
Harrington	Moorhead, Pa.	Shipley
Harris	Moss	Simon
Hawkins	Mottl	Slack
Heftel	Murphy, Ill.	Smith, Iowa
Holtzman	Murtha	Solarz
Howard	Myers, Michael	Spellman
Hughes	Natcher	St Germain
Jacobs	Nedzi	Stark
Johnson, Calif.	Nix	Steed
Jones, Okla.	Nolan	Stokes
Jones, Tenn.	Nowak	Stratton
Jordan	Oakar	Studds
Kildee	Oberstar	Thompson
Koch	Obey	Thornton
Kostmayer	Ottinger	Tonry
LaFalce	Patten	Traxler
Le Fante	Patterson	Tsongas
Lederer	Pease	Tucker
Leggett	Pepper	Udall
Lehman	Perkins	Van Deerlin
Levitas	Pickle	Vanik
Lloyd, Calif.	Pike	Vento
Lloyd, Tenn.	Price	Volkmer
Long, La.	Pritchard	Walgren
Luken	Pursell	Waxman
Lundine	Rahall	Weaver
McCormack	Rangel	Weiss
McFall	Reuss	Whalen
McHugh	Richmond	Wilson, C. H.
Maguire	Rinaldo	Wilson, Tex.
Markey	Risenhoover	Wolff
Mattox	Rodino	Wright
Meeds	Roe	Yates
Metcalfe	Roncalio	Yatron
Meyner	Rooney	Young, Mo.
Mikulski	Rose	Zablocki
Mikva	Rosenthal	Zeferetti

NOT VOTING—11

Boggs	Milford	Staggers
Davis	Murphy, N.Y.	Teague
Hansen	Russo	Young, Tex.
McKay	Sisk	

The Clerk announced the following pairs:

On this vote:

Mr. Milford for, with Mr. Murphy of New York against.

Mr. Teague for, with Mr. Russo against.

Mr. McKay for, with Mr. Staggers against.

Mr. Davis for, with Mr. Sisk against.

Mr. SHIPLEY and Mr. WRIGHT changed their vote from "aye" to "no."

Messrs. APPLEGATE, EVANS of Georgia, and DERWINSKI changed their vote from "no" to "aye."

So the amendment to the amendment offered as a substitute for the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. QUIE TO THE AMENDMENT OFFERED BY MR. SARASIN AS A SUBSTITUTE FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. QUIE to the amendment offered by Mr. SARASIN as a substitute for the amendment in the nature of a substitute offered by Mr. QUIE: Section 101(a), as it amends Section 8(b)(4) of the National Labor Relations Act, is amended by inserting in the first proviso before "in the construction industry" the following: "who are primarily engaged in the construction industry on the job site with whom the individual's employer has a direct contractual relationship either as contractor or subcontractor or with whom the individual's employer has a common contractor primarily engaged in the construction industry".

Mr. QUIE. Mr. Chairman, if I could explain my amendment briefly, an amendment which is printed in the RECORD and which is what I would call a fast-track amendment, I will preface my remarks by saying that after the bill passed the House in the last Congress, I learned that the bill would go to those who are not in the relation of contractor/subcontractor or joint venturors. Industries use a system of construction which they call fast-tracking. About 50 percent of the industrial construction operates in that way.

The intent of common situs picketing has been to give equal treatment to craft and industrial workers. This amendment addresses this goal of the legislation: It allows the building trades to picket where their employer's work is related to the work of like employers who are not wholly unconcerned with the labor dispute of the employer.

The reason for this amendment was explained by witnesses from the 3M Co., at hearings on H.R. 4250. Those witnesses explained that nearly 50 percent of industrial construction is accomplished through the fast-track scheduling system. The method divides a given construction project into phases. Each phase represents a separate construction project from the other phases. Each phase is separately designed and engineered, with the bidding and awarding done separately and usually at different times. This method achieves substantial cost-savings, for it enables the work to begin on one phase, while the subsequent phases are still in the designing and planning stages.

The critical features which set this approach apart from traditional construction techniques are that there is no one general or prime contractor who has overall project authority and responsibility nor is the work of the contractors of one phase of the project really interrelated to that of other phases of the project. These unique features of the fast-track system render the rationale for permitting secondary boycotts inapplicable. That rationale is predicated upon the fact that general contractors and subcontractors share a common, interrelated interest in a project. And, where a labor dispute does arise with a subcontractor, economic pressure in the form of boycotts, picketing, and strikes can be meaningfully and effectively brought to bear upon the general contractor to achieve labor's objective.

In contrast, however, under the fast-track method, the general contractor of one phase has no real economic concern or involvement with the work of the preceding and succeeding phases. Nor is that general contractor, even if he is subjected to secondary pressures by subcontractors of another project, in a position to help the other project subcontractors achieve their demands against their own general contractors.

Further, Mr. Chairman, it should be noted under the fast-track system the owner does not assume the responsibilities of an overall general contractor, responsible for the manner and conditions under which the construction work is done.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. QUIE was allowed to proceed for 2 additional minutes.)

Mr. QUIE. Here, too, then secondary boycotting activities directed at the owner lose their effectiveness as vehicles for enabling labor to achieve a lawful objective. For the owner is not in a meaningful position to become involved with the adjustment of labor disputes between the various general contractors and then the respective subcontractors.

Because concerted secondary activities will yield so little when misdirected at the wrong parties, I offer an amendment that confines situs picketing to the given project in which the labor dispute arises. Unions will not be able to direct their concerted activity to those general contractors and subcontractors of another project. Rather, the union must focus its activity against those employers with whom the employer of union employees has a direct contractual relationship either as contractor-subcontractor or as cosubcontractors of a common contractor.

Mr. Chairman, I believe this amendment will preclude, then, the common situs picketing going on beyond that where there is a relatedness and I believe the bill as it presently stands permits them to go into a situation where there is no relationship between different prime and subcontractors who work for different primes.

Mr. FORD of Michigan. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Minnesota (Mr. QUIE) to the substitute amendment.

Mr. Chairman, in opposing the gentleman's amendment, I suppose I have to violate one of the traditions of the House not to attack a gentleman who is trying to take care of a constituent. This is called by the gentleman the "fast track amendment." After we heard him describe it, we can tell that, indeed, it is a fast track. If the Members had spent as many years as most of us on the committee trying to understand this legislation and the many nuances of it, they would not be pleased if they found themselves, as we do, somewhat at a loss to understand exactly what the gentleman from Minnesota (Mr. QUIE) expects to happen in the real world if his amendment is adopted.

This has been referred to as the Minnesota mining and manufacturing amendment, because that organization appeared before the committee and described a practice that they engage in in constructing additions to and enlargements of their industrial sites, which in effect has them acting as their own general contractor. Then they come up with this interesting sort of reasoning that by acting as their own general contractor

and dealing directly with the contractors on several different components of a single site, they, the principal, become the insulator against these people who have a common interest. The gentleman from Minnesota (Mr. QUIE) would have us chase our tails far enough around the barn so that we forget that what we started out to do here was to deal with a mistake the court made when it held that two or three contractors working for a single general contractor on a single building site were independent one of the other, instead of people all engaged in the same enterprise.

The gentleman from Minnesota (Mr. QUIE) makes the point that it is conceivable that the company would be building a glass plant on one end of its property and something else on the other end of the property, and one would have a completion date in January and the other would have a completion date in June, and because they were not going to be completed at the same time, one was not dependent upon the other although, as a matter of fact, they were not going to get the operation going until they had both been completed.

In short, I have great difficulty explaining to the Members why they should oppose the Quie amendment because none of us really knows what he is trying to do except to allow one particular company, and perhaps those few others who might see this as a way to do it, to act as a general contractor without any of the responsibilities that we are asking the Members to impose on other general contractors throughout the rest of the United States.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from California.

Mr. MILLER of California. I thank the gentleman for yielding.

In fact, is not what this amendment does is make major industrial facilities when they go to expand or to improve, hire a Bechtel or a Brown and Root to run that job for them? They would then computerize that job and state when various phases of that job would be started, or would be done, and when people would report to work and leave. In fact, MMM is doing that for themselves, so there is no question, then, that when a major oil company expands, they may build a fast-track facility, a distillation facility. It is all one facility. But this is the ultimate general contractor, if you will. This is the man who will computerize the plant gates we are trying to get rid of in this bill, because we have people on the job not only at separate gates but at different times on and off the job. So it is very clear that they are related through the use of computers to the timing of the job. The sponsors of this legislation got to doing that for themselves where many entities hire a company like Bechtel to run that job. That is what this amendment tries to take care of.

Mr. FORD of Michigan. The gentleman is exactly correct. When we questioned the representatives of MMM about their practice, they indicated to us that in fact their technicians and their experts on the site had the power to direct the activities of everybody involved, whether they were plumbers, electricians, or whatever. In fact, they presented clearly a case of having more control over the individual contractors than many general contractors would have in doing that job if they were engaged.

Mr. THOMPSON. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from New Jersey.

Mr. THOMPSON. I thank the gentleman for yielding

The explanations of the gentleman from Michigan and the gentleman from California are precisely correct.

This really is a means by which to evade and to say that by the mere fact of constructing one part of a facility at one time and another part of a facility at another time, all to be used in the final analysis for one industrial purpose, you could evade the law and say there is no relationship between the two. I agree that this should be defeated.

Mr. ERLENBORN. Mr. Chairman, I move to strike the last word and I rise in support of the amendment.

I yield to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, I rise just to say that in the testimony before our committee the company did not direct each of the employees. They only decided when a phase would start and the order in which they would start. I think we ought to bear in mind that this was not done as a subterfuge because situs picketing did not exist. That is about the way in which half the industrial construction goes on and the way in which they would like to continue. The worst that could happen is we would go back to the Moore Dry Dock case, with separate gates between different prime contractors.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE) to the amendment offered by the gentleman from Connecticut (Mr. SARASIN) as a substitute for the amendment in the nature of a substitute offered by the gentleman from Minnesota (Mr. QUIE).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. QUIE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 241, not voting 10, as follows:

[Roll No. 94]

AYES—181

Abdnor	Bowen	Byron
Anderson, Ill.	Breaux	Carter
Andrews, N.C.	Breckinridge	Cederberg
Andrews, N. Dak.	Brinkley	Clausen, Don H.
Archer	Broomfield	Clawson, Del
Armstrong	Brown, Mich.	Cleveland
Ashbrook	Brown, Ohio	Cochran
Badham	Broyhill	Cohen
Bafalis	Buchanan	Coleman
Bauman	Burgener	Collins, Tex.
Beard, Tenn.	Burke, Fla.	Conable
Bevill	Burleson, Tex.	Corcoran
Coughlin	Butler	Mathis
Crane	Michel	Quie
Daniel, Dan	Miller, Ohio	Quillen
Daniel, R. W.	Mitchell, N.Y.	Railsback
de la Garza	Montgomery	Regula
Derrick	Moore	Rhodes
Devine	Moorhead, Calif.	Roberts
Dickinson	Murphy, Ill.	Robinson
Dornan	Myers, Ind.	Rogers
Duncan, Tenn.	Nichols	Rose
Edwards, Ala.	Nolan	Rousselot
Edwards, Okla.	Nowak	Rudd
Emery	O'Brien	Runnels
English	Patterson, Calif.	Satterfield
Erlenborn	Pettis	Sawyer
Evans, Colo.	Pike	Schulze
Evans, Del.	Poage	Sebelius
Fenwick	Pressler	Sharp
Findley	Preyer	Shuster
Fish	Pritchard	Simon
Flynt	Pursell	Smith, Nebr.
Forsythe	Quayle	Snyder
Fountain	Rahall	Spence
Kazen	Rangel	Stangeland
Kelly	Richmond	Stanton
Kemp	Rinaldo	Steiger
Ketchum	Roberts	Stockman
Kostmayer	Rodino	Stump
Lagomarsino	Roe	Symms
Latta	Rogers	Taylor
Leach	Roncalio	Thone
Lent	Rooney	Tonry
Lloyd, Calif.	Rose	Treen
Long, La.	Rosenthal	Trible
Long, Md.	Rostenkowski	Vander Jagt
Lott	Roybal	Waggonner
Lujan	Russo	Walker
Luken	Ryan	Wampler
McClory	Santini	Watkins
McCloskey	Sarasin	White
McDonald	Sarbanes	Whitehurst
McEwen	Scheuer	Whitley
McKinney	Schroeder	Whitten
Madigan	Sebelius	Wiggins
Mahon	Seiberling	Wilson, Bob
Mann	Sharp	Winn
Marlenee	Shipley	Wydler
Marriott	Shuster	Wylie
Martin	Simon	Young, Fla.

NOES—241

Addabbo	Cotter	Heftel
Akaka	D'Amours	Holtzman
Alexander	Danielson	Horton
Allen	Delaney	Howard
Ambro	Dellums	Hughes
Ammerman	Dent	Ichord
Anderson, Calif.	Derwinski	Ireland
Annunzio	Dicks	Jacobs
Applegate	Diggs	Jenkins
Ashley	Dingell	Johnson, Calif.
Aspin	Dodd	Jones, Okla.
AuCoin	Downey	Jones, Tenn.
Badillo	Drinan	Jordan
Baldus	Duncan, Oreg.	Kastenmeier
Barnard	Early	Keys
Baucus	Eckhardt	Kildee
Beard, R.I.	Edgar	Kindness
Bedell	Edwards, Calif.	Koch
Beilenson	Eilberg	Krebs
Benjamin	Ertel	Krueger
Bennett	Evans, Ga.	LaFalce
Biaggi	Evans, Ind.	Le Fante
Bingham	Fary	Lederer
Blanchard	Fascell	Leggett
Blouin	Fisher	Lehman
Boland	Fithian	Levitas
Bolling	Flippo	Lloyd, Tenn.
Bonior	Flood	Lundine
Bonker	Florio	McCormack
Brademas	Flowers	McDade
Brodhead	Foley	McFall
Brooks	Ford, Mich.	McHugh
Brown, Calif.	Ford, Tenn.	Maguire
Burke, Calif.	Fraser	Markey
Burke, Mass.	Fuqua	Marks
Burlison, Mo.	Gammage	Mattox
Burton, John	Gaydos	Mazzoli
Burton, Phillip	Gephardt	Meeds
Caputo	Giaimo	Metcalfe
Carney	Gibbons	Meyner
Carr	Gilman	Mikulski
Cavanaugh	Ginn	Mikva
Chappell	Glickman	Miller, Calif.
Chisholm	Gonzalez	Mineta
Clay	Gore	Minish
Collins, Ill.	Hanley	Mitchell, Md.
Conte	Hannaford	Moakley
Conyers	Harkin	Moffett
Corman	Harrington	Mollohan
Cornell	Harris	Moorhead, Pa.
Cornwell	Hawkins	Moss
	Heckler	Murphy, Ill.

Murphy, Pa.	Roe	Thompson
Murtha	Roncalio	Thornton
Myers, Michael	Rooney	Traxler
Natcher	Rosenthal	Tsongas
Nedzi	Rostenkowski	Tucker
Nix	Roybal	Udall
Nolan	Ruppe	Ullman
Nowak	Russo	Van Deerlin
Oakar	Ryan	Vanik
Oberstar	Santini	Vento
Obey	Sarasin	Volkmer
Ottinger	Scheuer	Walgren
Panetta	Schroeder	Walsh
Patten	Seiberling	Waxman
Patterson	Shipley	Weaver
Pattison	Sikes	Weiss
Pease	Skelton	Whalen
Pepper	Skubitz	Wilson, C. H.
Perkins	Slack	Wilson, Tex.
Pickle	Smith, Iowa	Wirth
Pike	Solarz	Wolff
Price	Spellman	Wright
Rahall	St Germain	Yates
Rangel	Stark	Yatron
Reuss	Steed	Young, Alaska
Richmond	Steers	Young, Mo.
Rinaldo	Stokes	Zablocki
Risenhoover	Stratton	Zeferetti
Rodino	Studds	

NOT VOTING—10

Boggs	Milford	Teague
Davis	Murphy, N.Y.	Young, Tex.
Hansen	Sisk	
McKay	Staggers	

The Clerk announced the following pairs:

On this vote:

Mr. Teague for, with Mr. Murphy of New York against.

Mr. Milford for, with Mr. Staggers against.

Mr. McKay for, with Mr. Sisk against.

Mr. TONRY changed his vote from "no" to "aye."

So the amendment to the amendment offered as a substitute for the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. QUIE TO THE AMENDMENT OFFERED BY MR. SARASIN AS A SUBSTITUTE FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. QUIE to the amendment offered by Mr. SARASIN as a substitute for the amendment in the nature of a substitute offered by Mr. QUIE: Section 101(a) as it amends section 8(b)(4) of the National Labor Relations Act is amended by striking the last sentence and inserting the following: "In determining whether any of several employers are primarily engaged in the construction industry, ownership or control of the construction site shall not be a factor to be considered, and, for the purposes of the preceding provisions, the term 'site' means one physically contiguous location at which the employers involved are engaged in interrelated construction, alteration, painting, or repair toward a common objective and in physical proximity to each other,".

Mr. QUIE. Mr. Chairman, despite the attention given to defining the parameters of permitted secondary boycott activity at a construction site, H.R. 4250 has a serious shortcoming in that it does not define what a "site" is. H.R. 4250 is obviously a complex bill, addressing a complex problem. This is in part due to the fact that secondary boycott activities can be manifested in many ways and utilized to achieve any number of objectives. Some of these ways and objectives do not offend public policy. Others do. H.R. 4250 identifies a number of these acceptable and unacceptable means and objectives, prohibiting those that offend public policy.

However, just as there are many species of secondary boycott activities, so are there many sites at which construction takes place. A graphic example is the Alaska pipeline which extends continuously for hundreds of miles. Another example is the large industrial parks where construction may be proceeding simultaneously on behalf of various tenants. Or, suppose a hospital is adding a wing to its building at the same time it is building an adjacent parking lot accross the street: Can a labor dispute which arises out of the parking lot construction be extended to the hospital building itself?

One can conceive of countless other examples. But the point is that if H.R. 4250 is to be self-limiting, in the sense that it confines the rights granted under it, a definition of site is required.

My amendment provides a definition of site. It means:

One physically contiguous location at which the employers involved are engaged in interrelated construction, alteration, painting, or repair toward a common objective and in physical proximity to each other.

This definition is linked directly to the purpose of the bill—to overrule Denver Building Trades decision so as to permit secondary boycotts under the circumstances of that case, namely, where the work of the various contractors is aimed toward a common objective and the contractors are in physical proximity to each other at a contiguous location.

Without such a definition, we face the possibility that employers will be enmeshed in a labor dispute, of which they have no direct interest, simply because they work in the vicinity of the dispute.

Mr. THOMPSON. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from New Jersey.

Mr. THOMPSON. Mr. Chairman, where the gentleman says that "'site' means one physically contiguous location at which the employers involved are engaged," does that mean even if it is under the same ownership and there may be, for instance, a street separating the contiguous location, they would be considered as two sites?

Mr. QUIE. Yes; if a street is separating them, running between the two of them, they would be separated from each other and they would be two different locations. If there are two separate buildings and they are not connected to each other, then they would be separate locations.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, this goes to the discussion we had in the committee. Let us say we had a large construction site and we have construction going on on one end of the site and we have construction going on at the other end of the site and the ownership is the same; let us assume the parcel of land is the same and it is the same project. What happens then?

Mr. QUIE. Mr. Chairman, what I would use as an example is this: Let us say there is a warehouse on one part of an industrial facility, a research facility over in another part of the property, and then we have an extension of an office building somewhere else. Those would be under my definition three different sites. Under the language of the bill I know it is the interpretation of the attorney for the AFL–CIO, Larry Gold, that those three locations would all be one site.

Mr. THOMPSON. Mr. Chairman, will the gentleman yield further?

Mr. QUIE. I yield to the gentleman from New Jersey.

Mr. THOMPSON. Mr. Chairman, let us assume that there is under construction a shopping center, a rather large shopping center, and that there is at one end a gas station under construction and at the other end a store under construction. Is that one site, or are they two sites?

Mr. QUIE. No, they would be two sites under this definition.

Mr. THOMPSON. Even if the same entrepreneur is building the entire site, the shopping center?

Mr. QUIE. If he is doing the entire site and there is also construction between the two locations so that they are contiguous to each other, then that would all be one site. However, if they are separated from each other and are not contiguous, each one would be a separate site.

Mr. THOMPSON. Mr. Chairman, I do not quite understand. The gentleman is saying that they are contiguous if there is something at each end and they are building stores, et cetera, in the middle. However, suppose they are not building stores in the middle at that particular time; would that still be one site?

Mr. QUIE. If they are not contiguous to each other, it would not be one site.

Mr. THOMPSON. They would have to be physically contiguous, then?

Mr. QUIE. Yes, physically contiguous to each other.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield further?

Mr. QUIE. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, it seems that we keep going by examples, so let us cite another example.

In large residential subdivisions we may have a developer come in and develop property and put in all the streets and roads and dedicate those to the local entity, and then they may come back perhaps later and start construction, stop construction, and then start again, depending on how the home market is. In fact, they may have several hundred pads prepared and being developed way down on one end and others being developed on the other end of the project.

Do I understand that under the gentleman's definition the carpenters could not picket that as one site?

Mr. QUIE. No, unless they had a dispute against people in both locations. They would be two different sites under my amendment.

Mr. Chairman, I will say to my colleagues that this is a serious problem that confronts us in this bill. It occurs where the construction is actually in different sites. We are talking about a location as being one common site where there is a general contractor and where we have subcontractors.

The way it is now, if they have a dispute against one subcontractor, they have to have a separate gate, and we are changing it with this bill so that it would all be one site.

But to carry it further, as I believe this bill does, and using the entire shopping center as an example, there would be construction going on in one area and construction going on in another area of the shopping center and it would be one site. I think those ought to be two different sites.

It should be the same way if there is a building going up and they have a separate contractor who is doing the parking lot. It seems to me that ought to be a different site. If they have a road running between two buildings, those ought to be different sites. If an industrial facility is built in one separate location and we have another location or facility, another separate facility built, those ought to be separate sites.

Mr. THOMPSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I recognize the intent of my distinguished friend, the gentleman from Minnesota (Mr. QUIE); but I oppose the amendment because I do not see any reason that the Labor Board, with its expertise in this area, should not be called upon, along with the courts, to create a workable definition of a site.

An attempt to include a definition of site in the bill itself, as in this case, it seems to me, raises more problems than it solves. No definition of site could cover all of the possibilities that might arise.

Mr. Chairman, the limitation of the bill to persons jointly engaged in a construction project is a sufficient limitation, in my judgment.

I think, although I do not always agree with the Board—the gentleman from Minnesota (Mr. QUIE) seems to have more influence with them than I do—that the Board is fully capable of developing a definition of a site in the context of cases brought before them.

In this instance, all there need be is a street or any sort of artificial separation, as I see it. Then we would have not one site, but two sites.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I think this is very clear with respect to many construction projects and certainly in the area which I represent. First, we had the previous amendment whereby separate gates could be constructed to protect the workers, which this bill tries to get rid of. Then we had an amendment just a while ago where it could be constructed by computer. Now we can do it simply by constructing clusters if one is on land owned by the same parties, with the same general contractors and the same subcontractors.

However, if one is just skillful in arranging his work orders and schedules, at that point he could have, under this amendment, what are separate project sites. In fact, the economics of it are that they are joint units and that the responsibility runs to the same parties.

Therefore, I think it is very clear that this is another way to circumvent what is the actual intent of this law.

Mr. THOMPSON. Does not the gentleman from California (Mr. MILLER) agree with me that we are trying to get to all of the parties covered here?

Under the hypothetical case which I asked the gentleman from Minnesota (Mr. QUIE) about, one owner of a very large trace could and very likely would under this amendment start at either end and build toward the middle until he had left just one little store to complete. Otherwise, everything else is completed except the one little connecting store; and he might not even put the connecting store in there so that it would not be contiguous, but he might put in a driveway to a parking lot in the rear and thereby evade his responsibility. That is the danger which I see.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, what the gentleman from New Jersey (Mr. THOMPSON) does not mention, however, in the example he gives is that he is using just one general contractor for both of them. However, if the objection to the picketing is against the subcontractor who has employees working on both of those jobs, of course, then he brings down both locations.

This amendment does not in any way prevent common situs picketing where there is a general contractor-subcontractor relationship. However, if there are a separate general contractor and a separate subcontractor working on each site, then they could include them together.

Mr. THOMPSON. Mr. Chairman, I respectfully disagree. If that doubled the number of pickets, that would be inconvenient.

I understand the intent and probably the gentleman from Minnesota (Mr. QUIE) understands it better than I. However, I understand it well enough to say that it really is so indefinite and is so vague that it should not be adopted.

Mr. Chairman, I commend the gentleman from Minnesota, of course, for his innovativeness in his attempt to make contiguous the key word.

Mr. QUIE. If the gentleman will yield further, it is in the spirit of the bill which we have before us, and that suffers from the same description that the gentleman uses as to my amendment.

Mr. THOMPSON. There are some good spirits and some bad spirits, and I do not like these kinds of spirits.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, I would like to make it clear that even if we were all in agreement as to the exact language that should be in the amendment of the gentleman from Minnesota (Mr. QUIE), thereby clearing up all of the ambiguities that some Members see, I would still be against including that language in the bill.

The inclusion of a statutory definition that is this finite guarantees that we would have a situs picketing bill on this floor every 6 months. The reason for that is that you cannot sit here and try to visualize that in a large industry such as the construction industry, where conditions and methodologies are changing as rapidly as they are there, that a single definition for a worksite can be used.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. THOMPSON was allowed to proceed for 1 additional minute.)

Mr. FORD of Michigan. Mr. Chairman, if the gentleman will yield further, I repeat that you cannot have a single definition for a work site, or that you can set it in concrete and then expect what looks reasonable to those who have looked on it with their own eyes and have perceived it through their own experience, as a means of determining what is going to be reasonable when it is looked at from the standpoint of somebody who is 2,000 miles from here on the western coast.

I think it would be a terrible mistake to take away from the National Labor Relations Board the right in its ability to adjust to changing circumstances, for determining what is right, and that what is right for the construction industry now is not necessarily going to be right for all time to come, especially when we get into the homebuilding industry where this becomes very complicated. I think we should leave it to the National Labor Relations Board and not adopt any amendment such as this.

Mr. THOMPSON. Mr. Chairman, I agree with the gentleman from Michigan.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE) to the amendment offered by the gentleman from Connecticut (Mr. SARASIN) as a substitute for the amendment in the nature of a substitute offered by the gentleman from Minnesota (Mr. QUIE).

The question was taken; and on a division (demanded by Mr. QUIE) there were—ayes 47, noes 103.

So the amendment to the amendment offered as a substitute for the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. ERLENBORN TO THE AMENDMENT OFFERED BY MR. SARASIN AS A SUBSTITUTE FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. QUIE

Mr. ERLENBORN. Mr. Chairman, I offer an amendment to the amendment

offered as a substitute for the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. ERLENBORN to the amendment offered by Mr. SARASIN as a substitute for the amendment in the nature of a substitute offered by Mr. QUIE: Section 101(a), as it amends section 8(b)(4) of the National Labor Relations Act, is amended by inserting in the first proviso after "or other work" the following: "(other than residential buildings or structures of 3 stories or less, not including a basement)".

And, section 101(b), as it amends section 8 of such Act, is amended by striking out new subsection "(j)".

Mr. ERLENBORN. Mr. Chairman, the Sarasin substitute pending before us incorporates the language that was in the conference report on the bill that was reported last year. That conference report addressed itself to the problem of residential construction and the increased costs that would be occasioned by the passage of the situs picketing bill. The way it addressed itself to that question, however, I think was defective in that it prohibited the utilization of situs picketing for the employer engaged in $9½ million of construction work, total cost of construction work, or less in the course of the preceding year. That is very similar to the effect of the language that was in the bill reported by the committee in that it exempts the custom homebuilder, the one who is building the high-priced homes to be purchased by those who have sufficient means to buy custom homes.

The people who really need protection are not the employers at all; they are the users of the construction. It is the home buyer that we ought to be protecting. A very large percentage of single-family homes and garden apartments that are constructed every year—well over 50 percent—would not be protected by the language of the Sarasin substitute. We all know that housing generally has been experiencing more difficulty in the last several years of recession than has the economy generally. It is now about to come back, and we ought not have this situs picketing bill interfere with the resurgence of the homebuilding industry.

It is also very unclear in the language of the Sarasin substitute how one would determine the application of the $9½ million limit. Would the total construction of $9½ million apply to the owner-builder? The general contractor? Would it apply to the total work done by the subcontractor-employer? If one had a contractor or subcontractor engaged in both residential and commercial or industrial construction, which many do, would it apply to all of the construction that he engaged in or only the residential construction that he engaged in? If one had mixed ownership, which is often the case in the construction industry—either multiple corporate entities or partnerships where the same person may have an ownership portion or control over several different companies, all in the construction industry—would we add them all together, or would each one of the entities be separate for the purpose of this computation? All of these are ambiguities not answered in the language of the Sarasin substitute.

I repeat, the basic fallacy is to conceive this as a protection for the employer. That is not whom we should be worried about. We should not be worried about the subcontractor, the contractor, or the subdivision builder. It is the homeowner whom we ought to be protecting. The homeowner will be protected in the language that I have offered, because residential construction, residences or structures that are three stories or less, not counting the basement, will be exempt from the provisions of this act and, therefore, the kind of people that we ought to be worried about—the ones who are now being priced out of the residential market—will be protected against the increased costs that will be occasioned by the strife at the workplace that will be brought about by the passage of this situs picketing bill.

Mr. Chairman, I would hope that the Members would support this amendment.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I thank the gentleman for yielding.

I rise in support of Mr. ERLENBORN'S amendment to exempt from the provisions of title I residential structures of three stories or less. While H.R. 4250 provides for an exemption of projects being constructed by small residential builders, this exemption is so narrowly defined as to be practically meaningless. This will provide relief for the preponderance of residential housing construction.

A broader residential exemption is necessary if we are not going to hamstring housing construction. In the last Congress, this body considered an amendment similar to the one proposed today. The country was then suffering from the lowest level of housing construction in many years. While that amendment was rejected by only two votes, it was overwhelmingly approved by the Senate and the conference committee approved a version close to the Senate provision. I believe that the reasons for that action are just as applicable today. Shelter is one of the basic requirements of life and the ability of the American family to afford decent, modest priced housing is threatened by the approval of a situs picketing bill without a realistic, residential exemption.

While the proponents of H.R. 4250 contend that the residential exemption contained in the bill would exempt the majority of new housing construction, the information which I have is that in reality only about 6 percent of all housing units constructed annually would qualify for exemption. They concede the validity of the principle, but the language of the exemption is faulty.

What concerns me, Mr. Chairman, is that the residential exemption contained in H.R. 4250 does not apply to the typical homebuilding firm, which constructs the housing units occupied by the average American family. The residential exemption of H.R. 4250 is so narrowly defined that it only exempts builders who have built no more than 20 residential units in the preceding 12 months. The builders covered by this exemption are mainly the so-called custom homebuilders who primarily market their product to the top range of the housing market and cater to families with unusually high incomes. The residential exemption of H.R. 4250 does nothing for addressing the needs of middle-income buyers, much less for low- and moderate-income families.

A recent report on "The Nation's Housing 1975–85," prepared by the Joint Center for Urban Studies of the Massachusetts Institute of Technology, and Harvard University, shows that housing problems formerly limited to the poor have now spiraled upward to affect the average-income family as well. This study indicates that only 25 percent of all U.S. families could afford to buy a median priced new home in 1975. While the United States has been a nation of homeowners, with two-thirds of all families owning their own homes, the problem of rising housing costs is threatening to undermine the national commitment to homeownership.

Ironically, even more serious cost problems are affecting the production of new rental units today. Multifamily construction activity is less than one-half the level of a few years ago. This is especially harmful for those families and persons in the low, moderate, and lower middle income brackets who depend most heavily on rental housing.

According to the joint center study, we need a much higher level of housing production over the next 10 years—2 million units—than we have had in the last 3 years—average of 1.35 million units—if we are to produce the number of units necessary to meet anticipated household growth and to replace physically obsolete units. If we are lucky, we may produce 1.8 million housing units this year, 200,000 less than the minimum needed. Even this level will depend upon no serious disruptions in production; disruptions that are sure to take place with the expected massive effort to unionize the residential construction industry that will result from the application of situs picketing to light residential construction.

I should like to emphasize that this amendment only exempts light residential construction, buildings and structures of three stories or less. The basement would not be counted in determining the number of stories. It would not exempt construction of high rise apartment complexes. The amendment would, of course, exempt construction of all single-family homes, whether attached or detached, and whether the floor plan was of the ranch type or of the colonial, split level or split foyer. It would also exempt the typical garden apartment complex. The average subdivision in this country contains 50 to 100 homes and the average garden apartment project runs between 100 to 200 units.

This type of housing is typically built by small and moderate size businesses, with frequently great variations from year to year in the number of units produced. These variations result from several factors, such as the need to await the sale or rental of units on which construction has been completed before starting a new development. Another principal factor is the highly cyclical nature of housing construction as it is too often used to speed up or slow down the economy.

This built-in variable nature of the residential construction industry is why it is so important that all light residential construction be exempted from the application of title I of H.R. 4250. Otherwise a builder could have his jobsite subjected to situs picketing one year and exempted the next.

Failure to approve this exemption could effectively put out of business many of these private entrepreneurs who do not have the means to withstand or survive work stoppages at the entire construction site based on disputes to which they are not a party. It could also drive up the cost of housing at the very time when it is so important that these costs be kept down.

I urge the adoption of this extraordinarily important amendment.

Mr. THOMPSON. Mr. Chairman, I rise in opposition to this amendment. I rise in very strong opposition to it.

I am grateful for the statistic which the gentleman from Illinois (Mr. ANDERSON) provided. He was talking about really a tremendous industry such as Litton Industries and the ITT, all in the business of building huge tracts.

In the Sarasin substitute there is a provision which is extremely liberal. We were told in committee by a number of groups, reliable groups, that the exemption of five homes at one time on a site or no more than 20 in a year would exempt 70 to 72 percent of all the homebuilders in the United States, the average homebuilders in the United States.

The gentleman from Illinois (Mr. ANDERSON) points out that only 6 percent of the housing in the United States is built on such an enormous scale.

Let us examine the argument of the gentleman from Illinois (Mr. ERLENBORN) that he is trying to protect the small home purchaser. In the language of the Sarasin amendment as it exists, there is a limitation but it is $9.5 million a year, and a $9.5 million a year threshold that would cover probably 92 to 96 percent of all the homebuilders in the United States, because the average builder does not build over 20 in a year.

That was the objective of the amendment in H.R. 4250. We are willing to say, as we did in conference 2 years ago, that if they do not build more than $9.5 million worth of residential construction in a year they will be exempt. The average home, I am told, being built for families in the United States now costs in the vicinity of $50,000, or average in the high $40,000 up to $50,000. Divide that into $9.5 million and then try to tell me that the small home purchaser is going to be hurt. He is not.

The effect of this is really to exempt all residential buildings or structures of three stories or less not including a basement. That means a proliferation of enormous housing projects such as in northern Virginia—the Parkfairfax and the Fairlington. Only such enormous ones as that would be covered under the existing language in the Sarasin amendment. I therefore feel very strongly that a $9.5 million threshold will protect more than 90 percent of the homebuilders in the United States. They are the small businessmen we are interested in and their workers. They are exempt. I think that is a reasonable enough exemption and I think this should be defeated.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON. I yield to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. I thank the gentleman for yielding. Of course he makes a correct point when he talks about the percentage of builders that are involved but what we are interested in is not builders but how many housing units are constructed. I have the figures right here that show if we take the builders of under 25 units a year we are talking about only 9 percent of the total housing in this country. So it does not do any good to stand up and talk about the number of builders that are going to be excluded from the provisions of this law. We should be talking about the housing.

Mr. THOMPSON. The gentleman is talking about 9 percent.

Mr. ANDERSON of Illinois. That is right.

Mr. THOMPSON. He is talking about 9 percent of the houses and I am talking about 92 percent of the builders. I do not know where the gentleman got his statistics. I consider that they are inaccurate.

Mr. ANDERSON of Illinois. If the gentleman will yield I will give him the source: They are from the NAHB profile of builder survey, 1969, and BEC survey, 1974, NAHB economics department.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. ERLENBORN) to the amendment offered by the gentleman from Connecticut (Mr. SARASIN) as a substitute for the amendment in the nature of a substitute offered by the gentleman from Minnesota (Mr. QUIE).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ERLENBORN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 252, noes 167, not voting 13, as follows:

[Roll No. 95]

AYES—252

Abdnor	Armstrong	Bowen
Alexander	Ashbrook	Breaux
Allen	AuCoin	Breckinridge
Ambro	Badham	Brinkley
Anderson, Ill.	Bafalis	Broomfield
Andrews, N.C.	Barnard	Brown, Mich.
Andrews, N. Dak.	Bauman	Brown, Ohio
	Beard, Tenn.	Broyhill
Applegate	Bennett	Buchanan
Archer	Bonker	Burgener
Burke, Fla.	Hannaford	Neal
Burleson, Tex.	Hansen	Nichols
Butler	Harris	Nowak
Byron	Harsha	O'Brien
Carter	Heckler	Panetta
Cederberg	Hefner	Pettis
Chappell	Heftel	Pickle
Clausen, Don H.	Hightower	Poage
	Hillis	Pressler
Clawson, Del	Holland	Preyer
Cleveland	Hollenbeck	Pritchard
Cochran	Holt	Pursell
Cohen	Horton	Quayle
Coleman	Hubbard	Quie
Collins, Tex.	Huckaby	Quillen
Conable	Hughes	Railsback
Conte	Hyde	Regula
Corcoran	Ireland	Rhodes
Cornwell	Jeffords	Rinaldo
Coughlin	Jenkins	Roberts
Crane	Jones, N.C.	Robinson
D'Amours	Jones, Okla.	Rogers
Daniel, Dan	Jones, Tenn.	Rose
Daniel, R. W.	Kasten	Rousselot
de la Garza	Kazen	Rudd
Delaney	Kelly	Runnels
Derrick	Kemp	Ruppe
Derwinski	Ketchum	Santini
Devine	Kindness	Sarasin
Dickinson	Kostmayer	Satterfield
Dicks	Krebs	Sawyer
Dornan	Krueger	Schroeder
Downey	LaFalce	Schulze
Duncan, Oreg.	Lagomarsino	Sebelius
Duncan, Tenn.	Latta	Sharp
Edwards, Ala.	Leach	Shuster
Edwards, Okla.	Lent	Sikes
Emery	Levitas	Skelton
English	Lloyd, Calif.	Skubitz
Erlenborn	Lloyd, Tenn.	Smith, Nebr.
Evans, Del.	Long, La.	Snyder
Evans, Ga.	Long, Md.	Spellman
Evans, Ind.	Lott	Spence
Fenwick	Lujan	Stangeland
Findley	Luken	Stanton
Fish	Lundine	Steers
Fisher	McClory	Steiger
Fithian	McCloskey	Stockman
Florio	McCormack	Stump
Flowers	McDonald	Symms
Flynt	McEwen	Taylor
Foley	McHugh	Thone
Forsythe	McKinney	Thornton
Fountain	Madigan	Tonry
Frenzel	Maguire	Treen
Frey	Mahon	Trible
Fuqua	Mann	Ullman
Gammage	Marks	Vander Jagt
Gephardt	Marlenee	Waggonner
Gibbons	Marriott	Walker
Gilman	Martin	Walsh
Ginn	Mathis	Wampler
Glickman	Mattox	Watkins
Goldwater	Mazzoli	White
Goodling	Michel	Whitehurst
Gore	Miller, Ohio	Whitley
Gradison	Mitchell, N.Y.	Whitten
Grassley	Montgomery	Wiggins
Gudger	Moore	Wilson, Bob
Guyer	Moorhead, Calif.	Winn
Hagedorn		Wirth
Hall	Mottl	Wylie
Hamilton	Murtha	Yatron
Hammer-schmidt	Myers, Gary	Young, Alaska
Hanley	Myers, Ind.	Young, Fla.

NOES—167

Addabbo	Brown, Calif.	Edwards, Calif.
Akaka	Burke, Calif.	Eilberg
Ammerman	Burke, Mass.	Ertel
Anderson, Calif.	Burlison, Mo.	Evans, Colo.
	Burton, John	Fary
Annunzio	Burton, Phillip	Fascell
Ashley	Caputo	Flippo
Aspin	Carney	Flood
Badillo	Carr	Ford, Mich.
Baldus	Cavanaugh	Ford, Tenn.
Baucus	Chisholm	Fraser
Beard, R.I.	Clay	Gaydos
Bedell	Collins, Ill.	Giaimo
Beilenson	Conyers	Gonzalez
Benjamin	Corman	Harrington
Bevill	Cornell	Hawkins
Biaggi	Cotter	Holtzman
Bingham	Danielson	Howard
Blanchard	Dellums	Ichord
Blouin	Dent	Jacobs
Boland	Diggs	Jenrette
Bolling	Dodd	Johnson, Calif.
Bonior	Drinan	Jordan
Brademas	Early	Kastenmeier
Brodhead	Eckhardt	Keys
Brooks	Edgar	Kildee

Koch	Oberstar	Solarz
Le Fante	Obey	St Germain
Lederer	Ottinger	Stark
Leggett	Patten	Steed
Lehman	Patterson	Stokes
McDade	Pease	Stratton
McFall	Pepper	Studds
Markey	Perkins	Thompson
Meeds	Pike	Traxler
Metcalfe	Price	Tsongas
Meyner	Rahall	Tucker
Mikulski	Rangel	Udall
Mikva	Reuss	Van Deerlin
Miller, Calif.	Richmond	Vanik
Mineta	Risenhoover	Vento
Minish	Rodino	Volkmer
Mitchell, Md.	Roe	Walgren
Moakley	Roncalio	Waxman
Moffett	Rooney	Weaver
Mollohan	Rosenthal	Weiss
Moorhead, Pa.	Rostenkowski	Whalen
Moss	Roybal	Wilson, C. H.
Murphy, Ill.	Russo	Wilson, Tex.
Murphy, Pa.	Ryan	Wolff
Myers, Michael	Scheuer	Wright
Natcher	Seiberling	Wydler
Nedzi	Shipley	Yates
Nix	Simon	Young, Mo.
Nolan	Slack	Zablocki
Oakar	Smith, Iowa	Zeferetti

NOT VOTING—13

Boggs	McKay	Staggers
Davis	Milford	Teague
Dingell	Murphy, N.Y.	Young, Tex.
Harkin	Pattison	
Johnson, Colo.	Sisk	

The Clerk announced the following pairs:

Mr. Teague for, with Mr. Murphy of New York against.

Mr. Milford for, with Mr. Staggers against.

Mr. McKay for, with Mr. Dingell against.

Mr. COTTER changed his vote from "aye" to "no."

So the amendment to the amendment offered as a substitute for the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

Mr. BURGENER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this legislation, which, while advertised as a harmless "equal treatment" bill, hardly amounts to that when one views the impacts secondary boycotts are likely to have on the general public.

It is clear to me, once the emotionalism on both sides of this issue is swept away, that passage of this bill will jeopardize the economic well-being of many in exchange for the addition of another feather in the headdress of labor leadership whose search for bargaining superiority seems never ending.

The principal purpose of the legislation, when one removes the sheep's clothing of harmless descriptions which have been stitched around this bill, is that unions want to be able to keep nonunion workers off job sites and stem the trend toward open and merit-shop contractors.

While I firmly believe in the right of workers to organize, I feel equally strongly about their right not to do so. There are thousands of both skilled and unskilled workers who, for a variety of reasons, choose not to belong to a union, and I am not about to vote to deny them jobs because they have exercised that right. Yet passing this legislation would be tantamount to doing that.

If a large building project is shut down because one union, no matter how small, working for one subcontractor strikes, the other subcontractors on the job are immediately plunged into a labor dispute they did not cause, yet, under this legislation, is beyond their power to remedy. Financial losses to working men and women and their families who had no grievance to begin with should not be tolerated because of the whims of a few.

The overall economic impact of this legislation is even broader. Large construction projects often take years of planning and building. If we permit every dispute between a union and one of the many contractors or subcontractors to shut down entire major projects, we would likely see economic chaos. Major losses and cost increases resulting from such shutdowns would undoubtedly be borne by the consumer or taxpayer, resulting in even heavier economic burdens.

In conclusion, Mr. Chairman, I am not willing to trade the public good for increased power to be enjoyed by a few. It is a power, I might add, which had brought us unnecessary labor strife over the past several years, in part contributing to the 30-percent unemployment rate in the building trades and the congressional obsession with massive public service jobs programs to put these people back to work.

My opposition to common situs picketing continues, and I hope we will vote this legislation down resoundingly.

AMENDMENT OFFERED BY MR. EDWARDS OF OKLAHOMA TO THE AMENDMENT OFFERED BY MR. SARASIN AS A SUBSTITUTE FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. QUIE

Mr. EDWARDS of Oklahoma. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of Oklahoma to the amendment offered by Mr. SARASIN as a substitute for the amendment in the nature of a substitute offered by Mr. QUIE: Section 101(c), as it amends Section 8(g) of the National Labor Relations Act, is amended by inserting after the final proviso of new section "(2)(A)" the following new proviso: ": *Provided further*, That once written authorization of such activities by the national or international labor organizations is given, a secret ballot election shall be held by all affected workers, union and non-union, construction and industrial, to approve or disapprove a strike, and only upon the approval of a majority of the ballots cast shall a strike begin."

Mr. EDWARDS of Oklahoma. Mr. Chairman, I will be very brief. I really think we ought to title this the "harmony in labor relations amendment."

We have been very concerned here about the rights of the working men and women who are involved under common situs. One of the things that we recognize about common situs picketing, of course, is that we are extending the boundaries of a picket line and of a strike beyond those union members, who are affected, to other people, including nonunion members—the innocent carpenters, electricians, plumbers, roofers, tilers, and others who may be put out of work by the effects of this legislation.

Therefore, I believe in all fairness—and this is what my amendment would accomplish—that we should provide that after approval has been given by the national or international union for a strike, we would then have a vote both by the union members and the nonunion members.

Every worker who was in danger of being laid off by the picket line and by the strike would have a vote on whether or not the strike would take place.

Mr. FORD of Michigan. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this would be a complete reversal of the usual procedure set by the collective bargaining agent, to wit, a union's not having any responsibility at all, because it would remove from the responsibility of the leadership and the membership of the union the decision as to whether or not a strike was to take place and replace that with some broader definition that would include not only members of the union but nonmembers of the unions, and not only people who are being asked to participate in the strike, but those who might be, in a secondary way, affected by a walkout.

Moreover, this provision would clearly invite the reverse of what we are talking about in the right-to-work States.

Mr. Chairman, I think we are starting in motion a form of reasoning that could lead us to the conclusion that those of us here from right-to-work States would not like to face in the future.

Mr. ROUSSELOT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I listened very closely, as I always do, to my colleague, the gentleman from Michigan (Mr. FORD), with respect to his rationale as to why a secret-ballot election would be so damaging to the process. I really do not understand it.

Mr. Chairman, I know that my colleague, the gentleman from Michigan—and we both sat on the same committee—was anxious to make sure that the House did not have a chance to vote on a pay increase. Therefore, I can understand why he does not always like open elections; but for the life of me, I really cannot understand why my colleague would be so fearful of an election by the people who are directly involved in situs picketing.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, if the gentleman would take a close look at what secret-ballot elections have done to his party, he might change his tune.

Mr. ROUSSELOT. On the basis of that statement, Mr. Chairman, I assume that the gentleman from Michigan (Mr. FORD) will now support this amendment because there is no doubt about the fact that his party has been very effective at the ballot box in the last two elections especially in places like Chicago. Of course we are not always sure of what the real count is.

Mr. FORD of Michigan. Mr. Chairman, if the gentleman had included Michigan in his statement, I would take exception to that.

Mr. ROUSSELOT. Mr. Chairman, I believe that this amendment for secret ballot elections is very much a part of our democratic process. I want to compliment my colleague, the gentleman from Oklahoma (Mr. EDWARDS). I think his proposal is a reasonable and a rational amendment. I am surprised that my colleague, the gentleman from Michigan (Mr. FORD), would be in the position of supporting an antidemocratic idea.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, under this bill, as it is now written, when a union determines that there is a legitimate grievance, they have a right to call a strike and to picket that site.

What this amendment would do would mean that when the painters have a grievance or when the electricians have a grievance then the pipefitters could decide whether or not that grievance was legitimate. And that is not the purpose of this legislation.

The purpose of this legislation is one for which the union movement was constructed and that was for the purpose of protecting those workers in what they consider to be legitimate grievances, and one which allows them to picket an entire site, and so that they do not have to turn that right over to other workers. It is not for the purpose of assisting people who are working in opposition to the union movement for which those people who have joined the union movement are working under today's law, and in which they have the right to determine whether they want to strike or picket. We have gone one step further and have taken some of the power away from the local unions and said that they will have to go to the International in order to receive permission to strike through the determination of whether or not their grievance is a legitimate grievance. But, Mr. Chairman, this amendment would thwart that attempt because then everyone would vote against everybody else as to whether they had a right to strike or not. Such a thing would cause complete turmoil. There has been some turmoil among the unions and that is the purpose of this legislation to reduce that kind of turmoil. So I urge the Members not to vote for this amendment.

Mr. BAUMAN. Mr. Chairman, I move to strike the requisite number of words and I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I thank the gentleman from Maryland for yielding to me.

Mr. Chairman, I am not sure if I heard correctly, or not, but I thought the gentleman from Michigan (Mr. FORD) referred to people who, he said, would in a very sedentary way be affected by this strike. The people who are going to be laid off are going to be affected. They are going to lose their jobs.

Mr. Chairman, I am delighted by the position I have heard taken from the other side of the aisle. I am very glad to get a vote on this one and maybe that will fill the empty seats on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. EDWARDS) to the amendment offered by the gentleman from Connecticut (Mr. SARASIN) as a substitute for the amendment in the nature of a substitute offered by the gentleman from Minnesota (Mr. QUIE).

The question was taken and the Chairman announced that the noes appear to have it.

RECORDED VOTE

Mr. EDWARDS of Oklahoma. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 115, noes 304, not voting 13, as follows:

[Roll No. 96]

AYES—115

Abdnor	Fountain	Pettis
Anderson, Ill.	Frey	Poage
Andrews, N.C.	Goldwater	Pressler
Archer	Goodling	Quayle
Armstrong	Grassley	Quie
Ashbrook	Guyer	Quillen
Badham	Hagedorn	Rhodes
Bafalis	Hammer-schmidt	Robinson
Bauman		Rousselot
Beard, Tenn.	Hansen	Rudd
Broomfield	Hillis	Runnels
Brown, Ohio	Holt	Ruppe
Broyhill	Huckaby	Satterfield
Burgener	Jones, N.C.	Schulze
Burke, Fla.	Kelly	Sebelius
Burleson, Tex.	Kemp	Shuster
Butler	Ketchum	Skubitz
Carter	Kindness	Smith, Nebr.
Clausen, Don H.	Lagomarsino	Snyder
	Latta	Spence
Clawson, Del	Leach	Stangeland
Cleveland	Lent	Stockman
Cohen	Lloyd, Calif.	Stump
Collins, Tex.	Lloyd, Tenn.	Symms
Conable	Long, La.	Taylor
Crane	Lott	Thone
Daniel, Dan	Lujan	Tonry
Daniel, R. W.	McDonald	Trible
Derwinski	McEwen	Waggonner
Devine	Madigan	Walker
Dickinson	Marriott	Wampler
Dornan	Martin	Whitehurst
Duncan, Tenn.	Miller, Ohio	Whitley
Edwards, Okla.	Montgomery	Wiggins
Emery	Moorhead, Calif.	Wilson, Bob
Erlenborn		Winn
Evans, Del.	Myers, Ind.	Wylie
Fenwick	Neal	Young, Fla.
Flynt	Nichols	
Forsythe	O'Brien	

NOES—304

Pepper	Brademas	Danielson
Addabbo	Breaux	de la Garza
Akaka	Breckinridge	Delaney
Alexander	Brinkley	Dellums
Allen	Brodhead	Dent
Ambro	Brooks	Derrick
Ammerman	Brown, Calif.	Dicks
Anderson, Calif.	Brown, Mich.	Diggs
	Buchanan	Dingell
Andrews, N. Dak.	Burke, Calif.	Dodd
	Burke, Mass.	Downey
Annunzio	Burlison, Mo.	Drinan
Applegate	Burton, John	Duncan, Oreg.
Ashley	Burton, Phillip	Early
Aspin	Byron	Eckhardt
AuCoin	Caputo	Edgar
Badillo	Carney	Edwards, Ala.
Baldus	Carr	Edwards, Calif.
Barnard	Cavanaugh	Eilberg
Baucus	Cederberg	English
Beard, R.I.	Chappell	Ertel
Bedell	Chisholm	Evans, Colo.
Beilenson	Clay	Evans, Ga.
Benjamin	Cochran	Evans, Ind.
Bennett	Coleman	Fary
Bevill	Collins, Ill.	Fascell
Biaggi	Conte	Findley
Bingham	Conyers	Fish
Blanchard	Corcoran	Fisher
Blouin	Corman	Fithian
Boland	Cornell	Flippo
Bolling	Cornwell	Flood
Bonior	Cotter	Florio
Bonker	Coughlin	Flower
Bowen	D'Amours	Foley
Ford, Mich.	McCormack	Roe
Ford, Tenn.	McDade	Rogers
Fraser	McFall	Roncalio
Frenzel	McHugh	Rooney
Fuqua	McKinney	Rose
Gammage	Maguire	Rosenthal
Gaydos	Mahon	Rostenkowski
Gephardt	Mann	Roybal
Giaimo	Markey	Russo
Gibbons	Marks	Ryan
Gilman	Marlenee	Santini
Ginn	Mathis	Sarasin
Glickman	Mattox	Sawyer
Gonzalez	Mazzoli	Scheuer
Gore	Meeds	Schroeder
Gradison	Metcalfe	Seiberling
Gudger	Meyner	Sharp
Hall	Michel	Shipley
Hamilton	Mikulski	Sikes
Hanley	Mikva	Simon
Hannaford	Miller, Calif.	Skelton
Harrington	Mineta	Slack
Harris	Minish	Smith, Iowa
Harsha	Mitchell, Md.	Solarz
Hawkins	Moakley	Spellman
Heckler	Moffett	St Germain
Hefner	Mollohan	Stanton
Heftel	Moore	Stark
Hightower	Moorhead, Pa.	Steed
Holland	Moss	Steers
Hollenbeck	Mottl	Steiger
Holtzman	Murphy, Ill.	Stokes
Horton	Murphy, Pa.	Stratton
Howard	Murtha	Studds
Hubbard	Myers, Gary	Thompson
Hughes	Myers, Michael	Thornton
Hyde	Natcher	Traxler
Ichord	Nedzi	Treen
Ireland	Nix	Tsongas
Jacobs	Nolan	Tucker
Jeffords	Nowak	Udall
Jenkins	Oakar	Ullman
Jenrette	Oberstar	Van Deerlin
Johnson, Calif.	Obey	Vander Jagt
Jones, Okla.	Ottinger	Vanik
Jones, Tenn.	Panetta	Vento
Jordan	Patten	Volkmer
Kasten	Patterson	Walgren
Kastenmeier	Pattison	Watkins
Kazen	Pease	Waxman
Keys	Pepper	Weaver
Kildee	Perkins	Weiss
Koch	Pickle	Whalen
Kostmayer	Pike	White
Krebs	Preyer	Whitten
Krueger	Price	Wilson, C. H.
LaFalce	Pritchard	Wilson, Tex.
Le Fante	Pursell	Wirth
Lederer	Rahall	Wolff
Leggett	Railsback	Wright
Lehman	Rangel	Wydler
Levitas	Regula	Yates
Long, Md.	Reuss	Yatron
Luken	Richmond	Young, Alaska
Lundine	Rinaldo	Young, Mo.
McClory	Risenhoover	Zablocki
McCloskey	Roberts	Zeferetti
	Rodino	

NOT VOTING—13

Boggs	Milford	Teague
Davis	Mitchell, N.Y.	Walsh
Harkin	Murphy, N.Y.	Young, Tex.
Johnson, Colo.	Sisk	
McKay	Staggers	

Messrs. PIKE, McCLORY, WYDLER, MARLENEE, and Mrs. HECKLER of Massachusetts changed their vote from "aye" to "no."

So the amendment to the amendment offered as a substitute for the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. EDWARDS OF OKLAHOMA TO THE AMENDMENT OFFERED BY MR. SARASIN AS A SUBSTITUTE FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. QUIE

Mr. EDWARDS of Oklahoma. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of Oklahoma to the amendment offered by Mr.

SARASIN as a substitute in the amendment in in the nature of a substitute offered by Mr. QUIE: Section 101(c), as it amends Section 8(g) of the National Labor Relations Act, is amended by adding at the end of the new subsection "(C)" the following new subsection:

"(D) Any local union that engages in a common situs picketing action without written national or international approval shall be liable to all contractors, subcontractors, their employees and agents for double direct economic loss caused by their actions."

Mr. EDWARDS of Oklahoma. Mr. Chairman, the bill we have before us provides that a local union, before it engages in a common situs picketing action, must receive written approval from the national or international union. There is nowhere in the bill a provision for a penalty if that provision is not adhered to.

All I am doing in this amendment is trying to insert a penalty into the bill.

Mr. THOMPSON. Mr. Chairman, I would make a point of order against the amendment.

The CHAIRMAN. The Chair would like to advise the gentleman from New Jersey that a point of order is too late.

Mr. THOMPSON. Mr. Chairman, I wish to speak in opposition to the amendment.

Mr. Chairman, members of the committee, I am sorry that I was concentrating on something else at the moment this amendment was offered, or I would have made a point of order against the amendment. The effect of this is really, as I understand it, where any local union that engages in a common situs picketing action—and I am uncertain as to what action means—I would yield to the gentleman if he would explain to me what he means by "common situs picketing action."

Mr. EDWARDS of Oklahoma. I would be glad to tell the Chairman that all we are talking about is, when the union having the dispute goes on strike, and by its strike extends the picket to close down the whole operation at the common situs. I cannot define it beyond that, because I have not been able to find out what a common situs is.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. In trying to see what the gentleman is talking about, there is some difficulty. First, I do not know what he means by, "engaging in a common situs picketing action," but there is no reference in this legislation anywhere to obtaining national or international union permission for situs picketing. Permission is required by section 2 of the law for permission to go on strike, but this is far beyond the issue of situs picketing.

The gentleman's amendment does not define what a situs picketing action would be, or how one would go about getting permission, because he provides a penalty for not having something that is, in fact, neither required by his amendment nor by the statute that he is attempting to amend. So, it provides a penalty without an offense to apply the penalty to. I think the amendment should be defeated.

Mr. THOMPSON. Mr. Chairman, in addition to that which the gentleman from Michigan has so ably pointed out, if any such action as the gentleman contemplates were to be undertaken, the employer under existing law, under section 10(1) of the act, could go immediately to court and get an injunction.

Furthermore, under section 303 of the existing act, damages are already provided, not double damages.

What the gentleman would do would be involve the courts in this, and I believe that my point of order would have been sustained, had I been not otherwise concentrating on something else.

So I recognize the gentleman's intent. There is in the Sarasin substitute an absolute requirement of approval by the international union. Albeit, it does not specify that it must be in writing, obviously it is going to be; because the locals are going to say, "Look, I am going to go out unless I have in writing a prohibition from going out."

So I commend the gentleman for his intent, but I think the language is vague. I think it adds a new dimension involving the courts and delays, and it does not take into consideration either section 10 (1) or section 303, which would, in effect, have the same results without the double damages.

I therefore oppose the amendment, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. EDWARDS) to the amendment offered by the gentleman from Connecticut (Mr. SARASIN) as a substitute for the amendment in the nature of a substitute offered by the gentleman from Minnesota (Mr. QUIE).

The amendment to the amendment offered as a substitute for the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. EDWARDS OF OKLAHOMA TO THE AMENDMENT OFFERED BY MR. SARASIN AS A SUBSTITUTE FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. QUIE

Mr. EDWARDS of Oklahoma. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of Oklahoma to the amendment offered by Mr. SARASIN as a substitute for the amendment in the nature of a substitute offered by Mr. QUIE: Section 213 is amended by striking subsection (a), redesignating subsection "(b)" as "(a)", and redesignating subsection "(c)" as subsection "(b)".

Section 213(c), as presently designated, is further amended by striking "recommendations, including a recommendation as to whether this title should be extended beyond the expiration date specified in subsection (a) of this section, and any other".

Mr. EDWARDS of Oklahoma. Mr. Chairman, there was one area in our testimony before the subcommittee where there was virtual unanimity. The persons who represented the AFL–CIO very strongly endorsed title II of this bill. They referred constantly, as did the bill's sponsors, to the support of the business community for title II of the bill. What I am asking in this amendment is simply that we delete the expiration date since everybody is in such agreement that it is such a good law is does not seem to make much sense that we have a 1980 cutoff date for it.

Mr. THOMPSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment, really, I think the gentleman from Oklahoma would concede, should be properly called the antisunset amendment. In other words, he wants to make permanent title II, which we admit and have admitted all along it is, by its very nature, an experimental program. If it does not work, we will have to come back here in 2 years. I am not sure the gentleman from Oklahoma will be here in 2 years. I find the gentleman not only bright and charming, but he is on the wrong side of the aisle. I do want to give him the opportunity, if he is here 2 years hence, to have another go around at this.

This is an experimental program, and it must be reviewed. It must terminate. It must have reason to succeed if indeed we think it is as good as I hope. We set a terminal date in order that we may see how it works.

Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. EDWARDS) to the amendment offered by the gentleman from Connecticut (Mr. SARASIN) as a substitute for the amendment in the nature of a substitute offered by the gentleman from Minnesota (Mr. QUIE).

The amendment to the amendment offered as a substitute for the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. EDWARDS OF OKLAHOMA TO THE AMENDMENT OFFERED BY MR. SARASIN AS A SUBSTITUTE FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. QUIE

Mr. EDWARDS of Oklahoma. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment in the nature of a substitute:

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of Oklahoma to the amendment offered by Mr. SARASIN as a substitute for the amendment in the nature of a substitute offered by Mr. QUIE: Section 102 is amended to read as follows:

"The amendments made by this title shall take effect during the period which begins ninety days after the date of the enactment of this Act and ends on December 31, 1980."

Mr. EDWARDS of Oklahoma. Mr. Chairman, I would state to the distinguished gentleman from New Jersey (Mr. THOMPSON), who is the chairman of our subcommittee and who, I believe, made a very good argument against the previous amedment, that he almost persuaded me to vote against it.

I am so convinced by his argument that with new experimental legislation we should have a cutoff date—a sunset law provision, if that is what we want to call it, as the gentleman did—that I think it is only fitting and proper that we be consistent and apply an expiration date also to title I.

Mr. THOMPSON. Mr. Chairman, I rise in opposition to the amendment.

As I said earlier when I spoke in opposition to the other amendment, I admire the brilliance and the dedication

of the gentleman from Oklahoma (Mr. EDWARDS). I think that it would be quite enough for him to fiddle with title II 2 years from now.

The fact is that the Denver building trades decision came down in 1951. There is nothing exprimental about title I. We all know what it is; we all know precisely what it does. It has been amended here successfully by the gentleman from Ohio (Mr. ASHBROOK).

Mr. Chairman, I hope that the committee will defeat this amendment as well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. EDWARDS) to the amendment offered by the gentleman from Connecticut (Mr. SARASIN) as a substitute for the amendment in the nature of a substitute offered by the gentleman from Minnesota (Mr. QUIE).

The amendment to the amendment offered as a substitute for the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. GLICKMAN TO THE AMENDMENT OFFERED BY MR. SARASIN AS A SUBSTITUTE FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. QUIE

Mr. GLICKMAN. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN to the amendment offered by Mr. SARASIN as a substitute for the amendment in the nature of a substitute offered by Mr. QUIE: Section 102 is hereby amended to read as follows:

"The amendments made by this title shall take effect ninety days after the date of enactment of this title: *Provided,* That the provisions of this Act shall not be applicable as to construction work contracted for and on which work has actually started as of the date of enactment of this title."

Mr. GLICKMAN. Mr. Chairman, first of all I want to thank the chairman of the subcommittee, the gentleman from New Jersey (Mr. THOMPSON), because we did engage in dialogue on this issue, and, therefore, I think we moved forward a little bit. He was very helpful.

Basically, this amendment goes to the grandfather clause. The grandfather clause in the Sarasin amendment provides that projects of $5 million or less will be grandfathered out of the operation of this bill for 1 year and projects of $5 million or more will be grandfathered out of the project for 2 years, but after 2 years then the operations of the bill shall take effect.

My amendment grandfathers all existing projects out. Let me read the language of my amendment again:

The provisions of this Act shall not be applicable as to construction work contracted for and on which work has actually started as of the date of enactment of this title.

Mr. Chairman, let me start by saying that I support the Sarasin amendment and intend to vote for it. However, it appears to me that if we are going to go with situs picketing, we should go with new projects, with new contracts that were not negotiated under the terms of preexisting law. To do otherwise seems patently unfair to me. In addition, it seems, because we want to get the economy moving and we need to stimulate the economy, that we should create a legal climate to provide these jobs under this new provision for new contracts, not for existing contracts and jobs.

We saw recently the effects of the energy crisis, which may have caused some jobs to slow up more than we think they should have. Many of those jobs will not be completed for well over 2 years.

Perhaps the biggest problem concerning this bill is the uncertainty it may cause. I really think much of the uncertainty is unfounded. But let us be honest with ourselves. Let us begin with a clean slate. Let us say that all of those projects that are under construction and all work which has started as of the date of enactment shall go ahead and proceed on the basis of their practice of law prior to the enactment of this bill and that all projects coming into existence after that time shall proceed on the basis of the law which will then be applicable.

Mr. Chairman, it just seems to me that to do otherwise will create some uncertainty on the part of labor unions and will create some uncertainty on the part of members of the construction industry, and for that reason I urge support of this amendment.

Mr. FORD of Michigan. Mr. Chairman, I rise in opposition to the amendment.

(Mr. FORD of Michigan asked and was granted permission to revise and extend his remarks.)

Mr. FORD of Michigan. Mr. Chairman, it comes as a great surprise to me to hear that I do not have the unanimous support of my colleagues on this side of the aisle since I have spent the entire afternoon in trying to defend a Republican substitute to a Democratic bill. I thought I earned something for that effort.

Mr. Chairman, this amendment is just one bite too much. The gentleman from Kansas (Mr. GLICKMAN) has already succeeded in very effectively amending the act to put grandfathering into the bill. What we were willing to accept was some kind of reasonable and rational compromise to total grandfathering which the gentleman proposes now or none at all.

Mr. Chairman, from the position in which the bill now stands, projects up to $5 million would be grandfathered for a year and projects beyond $5 million in size would be grandfathered for 2 years, but not forever.

There has been a little discussion around these Chambers about some water projects. Some of those projects are going to extend over a period of many years and involve hundreds of millions of dollars.

What the gentleman is, in effect, saying is that any of those projects that have already been started or which are started within 90 days after the enactment of this act will forevermore be outside the purview of this act.

Mr. Chairman, it is precisely these kinds of projects that ought to be within the purview of the act. It is a totally unreasonable sort of exemption to say that anybody who gets a shovel into the ground before the expiration of 90 days after the President's signature will forevermore, regardless of the size of the project, be insulated against the normal kind of activity that his competitors in every other industry engage in.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I would like to clarify something that the gentleman said. It is not actually 90 days after the signature. My cutoff date was the date of the enactment, so it was the date of the President's signature. I believe that is the appropriate date.

Mr. FORD of Michigan. Mr. Chairman, I accept that correction, but it does not help. A bad amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. GLICKMAN) to the amendment offered by the gentleman from Connecticut (Mr. SARASIN) as a substitute for the amendment in the nature of a substitute offered by the gentleman from Minnesota (Mr. QUIE).

The question was taken; and on a division (demanded by Mr. THOMPSON) there were—ayes 132, noes 82.

Mr. ANNUNZIO. Mr. Chairman, I was on my feet when the vote by a division was taken and I am now demanding a recorded vote.

The CHAIRMAN. The Chair will state that the gentleman from Illinois was on his feet and will be recognized for that purpose.

The gentleman from Illinois demands a recorded vote.

A recorded vote was refused.

So the amendment to the amendment offered as a substitute for the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. ALLEN TO THE AMENDMENT OFFERED BY MR. SARASIN AS A SUBSTITUTE FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. QUIE.

Mr. ALLEN. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. ALLEN to the amendment offered by Mr. SARASIN as a substitute for the amendment in the nature of a substitute offered by Mr. QUIE: On line 13, of page 1, of the amendment offered by Mr. SARASIN:

After the words, "or repair at such site:", add the following language: "except where the construction site is adjacent to or part of a nonconstruction or industrial facility and a separate entrance is reserved for the individuals regularly employed at that facility or for individuals employed by persons making delivery to or taking shipments from that facility which is not directed at that separate entrance, no picketing shall be permitted at such separate entrances;"

Mr. THOMPSON. Mr. Chairman, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from New Jersey.

Mr. THOMPSON. Mr. Chairman, the committee will be pleased to accept this national emergency amendment.

Mr. SARASIN. Mr. Chairman, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from Connecticut.

Mr. SARASIN. Mr. Chairman, I have reviewed the amendment offered by the gentleman from Tennessee (Mr. ALLEN). I think it is a worthwhile addition to my substitute and I certainly would accept it.

Mr. ASHBROOK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me say that this amendment has changed several times since I received the first copy. We have been shooting at a moving target all afternoon and I am not really sure where we stand at this time, however I would like to propound at least two questions to the chairman of the committee, the gentleman from New Jersey (Mr. THOMPSON).

It is the understanding of the gentleman from New Jersey that this amendment would authorize a separate or reserved gate to be set aside or insulated at a nonconstruction or industrial facility?

Mr. THOMPSON. If the gentleman will yield, yes, it is. This is the amendment that was adopted in the committee, which is a clarification and, to an extent, an extension of the General Electric case.

If the gentleman from Ohio will yield still further, let me say that I do not have a copy of the amendment before me.

Mr. ASHBROOK. As my colleague knows, it has been my contention, and I still believe it to be the truth, that his amendment, the so-called industrial facility amendment would not accomplish the purpose that the gentleman intended. That is why I am asking these questions since I have the same doubts on the Allen amendment.

Mr. THOMPSON. And I am trying to respond to them.

Mr. ASHBROOK. The gentleman from New Jersey is certain that this would authorize a separate reserved gate at what we refer to as a nonconstruction or an industrial facility?

Mr. THOMPSON. Yes. If I may answer further, if the gentleman would yield?

Mr. ASHBROOK. I will be glad to yield to the gentleman.

Mr. THOMPSON. In committee we used this as an example, a very real one, where there is a steel plant in operation in production, with a rolling mill and they want to add a coke plant to it. They contracted out for the coke plant. There is a contractor who has a dispute with his construction workers. Under this amendment there would be, limited to the construction workers, the one gate and the industrial workers there, as in the General Electric case, only this is more specific, to go through all the other gates to continue production.

Mr. ASHBROOK. All right. The second question that I wish to propound is even more pertinent because, as the gentleman knows, it has been my contention that the legislation is drafted in such a way that so long as the picketing is not primarily directed at the employees of the industrial union employer, so long as that is met, they still can induce or in other ways attempt to encourage the same employees to go along with their strike. So that is why I am asking this question: Is it the understanding of the chairman that at that separate gate or reserve gate a construction union member may not legally conduct a strike, picket, or endeavor to induce the employees of any nonconstruction or industrial facility employer to strike or in any way join in sympathy with their own strike?

Mr. THOMPSON. If the gentleman will yield, the answer is that under the amendment the aggrieved construction worker cannot picket the other gate. At that point we run into the first amendment problem on free speech. We cannot give that away. They can talk, but they cannot picket.

Mr. ASHBROOK. That is exactly the point I have been making. In other words, the gentleman is saying they could conduct an informational picket at the so-called reserve gate.

Mr. THOMPSON. They could not picket the industrial gate.

Mr. ASHBROOK. Can they induce in any way the employees of the nonconstruction or industrial facility employer, the employees who supposedly we are not going to allow to be embroiled in the strike—can they in any way induce those employees? That is my question. The chairman says they cannot picket, but can they in any way induce other employees in sympathy with their strike not to go to work or to support their strike, even though they are in a separate industrial or commercial setting?

Mr. THOMPSON. If the gentleman will yield, first, they cannot picket. Second, they would have the right, for instance, to purchase a newspaper ad in an effort to induce them, or they could speak verbally. They could telephone, or they could write letters, but they could not picket; otherwise it would be in violation of the first amendment right.

Mr. ASHBROOK. I understand that. What we are talking about is activities that may be legal at that reserve or set-aside gate at the nonconstruction or industrial facility. I am just trying to get this crystal clear.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. ASHBROOK was allowed to proceed for 2 additional minutes.

Mr. ASHBROOK. I would say to the Chairman that I am trying to get it very crystal clear what activity will be proscribed and what activity will be allowed at that reserve gate, because if we are going to have a reserve gate and the gentleman says we cannot have picketing but yet the construction union members can at that gate engage in inducement of the industrial employees not to go in, in effect, then, we have picketing whether or not we call it that.

Mr. THOMPSON. If the gentleman will yield, no, they cannot picket at that gate. They cannot leaflet at that gate. They cannot impede the progress of the other workers entering, except their own.

Mr. ASHBROOK. At that gate. The statement of the gentleman gives me some assurance. I would have to admit that I still have some trepidation. I have a feeling that if we wrote an amendment that says under no circumstances could construction union employees picket, strike, leaflet, or in any way induce any employee of a nonconstruction or industrial facility employer, they still might be able to. But at least the gentleman is on record as answering the question in the way that I had hoped he would. I thank the gentleman.

Mr. SARASIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to direct a question to the author of the amendment, the gentleman from Tennessee (Mr. ALLEN). In the amendment that was previously discussed as being possibly offered by the gentleman from Tennessee it appeared that the language would be clarifying. As I see the amendment which was actually filed by the gentleman from Tennessee. I see that one additional sentence has been added and that is the last sentence which says:

No picketing shall be permitted at such separate entrances.

I wonder if the gentleman would explain why it has been clarified to that point?

Mr. ALLEN. Mr. Chairman, if the gentleman will yield, at the place where this falls into the bill it would have no meaning whatever to insert that provision unless we add just what is said here, because previously it said "and" and it did not say what was proscribed and what was prohibited. This definitely says there shall be no picketing. If we look at where it is, it says they shall not picket. The original amendment says "and where" and so on, and I said, "No picketing shall be permitted at such separate entrances." This makes it crystal clear.

Mr. SARASIN. I thank the gentleman for his explanation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. ALLEN) to the amendment offered by the gentleman from Connecticut (Mr. SARASIN) as a substitute for the amendment in the nature of a substitute offered by the gentleman from Minnesota (Mr. QUIE).

The amendment to the amendment offered as a substitute for the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. ALLEN TO THE AMENDMENT OFFERED BY MR. SARASIN AS A SUBSTITUTE FOR THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. QUIE

Mr. ALLEN. Mr. Chairman, I offer an amendment to the amendment offered as a substitute for the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. ALLEN to the amendment offered by Mr. SARASIN as a substitute for the amendment in the nature of a substitute offered by Mr. QUIE: Insert at the end of the 3rd line from the bottom of page 3, immediately following the word "action", the following language: ", provided the Construction Industry Collective Bargaining Committee established under the provisions of Title II hereof, on its own motion, and for reasons of overriding national security or because of substantial potential impact on the economy or on the Federal budget does not

disapprove and notify the labor organization of its disapproval prior to the expiration of said ten days, in which event such strike, picketing or refusal to perform services shall be postponed at least thirty days to give time to the parties involved to reconcile their differences or dispute by collective bargaining, with such assistance as the Federal Mediation and Conciliation Service of the Department of Labor may provide".

The CHAIRMAN. The gentleman from Tennessee (Mr. ALLEN) is recognized in support of his amendment.

Mr. THOMPSON. Mr. Chairman, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from New Jersey.

Mr. THOMPSON. Mr. Chairman, the gentleman from Tennessee has discussed this amendment at length with the Chair and with the committee. I think it to be a good amendment which we can take.

Essentially, as I understand it, if there exists a national emergency of one or another sort the construction committee set up under title II could delay or cause to be delayed any strike activity for a period of 30 days. Is that correct?

Mr. ALLEN. That is correct, Mr. Chairman, and the committee could do it on its own motion in any case where it felt that the national security was involved or where there was potential impact, substantial impact upon the national economy or upon the Federal budget. They could on their own motion disallow it.

Mr. THOMPSON. Mr. Chairman, I agree with the amendment and I support it.

Mr. ASHBROOK. Mr. Chairman, if the gentleman will yield, we have just received the amendment on this side.

I guess the first question I would ask is if the gentleman in any way feels this would limit or in any way change the powers of the President under the Taft-Hartley on national security?

Mr. ALLEN. No. In answer to the gentleman, it would not in any way do that but we establish under this bill this committee and it is appointed by the President, and the President can act under the Taft-Hartley Act only when a strike occurs. This is to prevent unnecessary strikes from occurring, to provide in certain cases where the Construction Industry Collective Bargaining Committee feels that an impending strike would jeopardize the national security or for other reasons stated they could express their disapproval, in which case there could be no strike or picketing for a period of 30 days in order to allow time for the parties to try to reconcile their differences with the assistance of the Mediation Service of the Department of Labor.

Mr. ASHBROOK. I say to my friend, the author of the amendment, that those of us on this side are not completely sure that that would be the effect of the amendment; but inasmuch as it is in the part of the act that would only last for 2 years, there would be no great damage done.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. ALLEN) to the amendment offered by the gentleman from Connecticut (Mr. SARASIN) as a substitute for the amendment in the nature of a substitute offered by the gentleman from Minnesota (Mr. QUIE).

The amendment to the amendment offered as a substitute for the amendment in the nature of a substitute was rejected.

Mr. MICHEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is quite obvious we are at that juncture now where we are about to vote on the pending substitute amendment offered by the gentleman from Connecticut (Mr. SARASIN).

Let me briefly recap, if I may, that as this day began we were talking about one particular bill (H.R. 4250). As the day began, it was in trouble. Those of us who play the "numbers game" around here know that as of this morning there were 130 sure votes against it on our side of the aisle. There were about 74 or 75 against it on that side of the aisle. There were also about four or five over here that could be had and I suggest there were about 20 over here wavering, wobbling, shaky, undecided, on the Demomratic side. Defeat of this bill was clearly in prospect as we began. The majority side recognized it and decided to go bargaining for votes. Naturally, I regret this foray for votes brought the majority over to our side for sponsorship of the substitute amendment with the hope of wooing just a handful of additional votes and with the ruse that the substitute amendment was simply the same language adopted by the conferees in December 1975. Supposedly now those in support of that language could now vote for this substitute amendment in good conscience.

Wait a minute, wait just one minute. The language is by no means the same, for its author admitted to three major and two minor changes when he made his pitch. Oh, admittedly, we cleaned up one problem area with the adoption of the Ashbrook amendment; but even so, there is no reason for any Member on either side of the aisle to feel locked in to the Sarasin substitute because he or she might have voted for that conference report in December 1975.

Mr. Chairman, we are talking about two different things here, particularly in view of what we have added and subtracted by way of amendment and we now do not know exactly what we have in this substitute amendment.

I do not claim to be a labor lawyer or particularly attuned to this kind of legislation. It is not my area of expertise; but I submit that there are 90 percent of the sharpest labor lawyers in this country who cannot interpret in any way what we have done to this substitute amendment.

I dare the author of the substitute amendment to come down here and explain word for word for us what the effect of his substitute would be right now. He does not know, none of us know what we have in this substitute.

I submit we should go back to the original game plan and meet this issue head-on. There are all the arguments in the world to vote down this substitute and all its amendments that this House does not understand. Those who have supported those amendments have had the opportunity to make their pitch to the homebuilders and all the rest.

Remember just a couple of weeks ago when this body wanted to do something for the ladies, so there was an advisory commission being considered and someone said, "Let's mandate 50 percent women on that commission." So everyone jumped right in. We got the ladies' vote. We met that issue and then turned around and discarded the whole commission whatsoever.

I suggest that you can do the same thing today. You have made your points here and there, but let us not forget the real key issue. This is a bad bill on its face. There is no way to clean it up.

Will its enactment improve labor-management relations? Of course not. Will this bill get any more houses built? Of course not. Will this bill bring down construction costs? Of course not. On the contrary, it will do just the opposite. So, why in heaven's name should we pass it when the latest polls, for example, indicate that the rank and file of labor is opposed to it?

Did the Members of this House ever stop to think how the defeat of this bill could slow down the juggernaut for all those other bad pieces of legislation coming down the pike? What effect will it have over in the other body, if it does pass, when they debate the same issue?

You good, stalwart sons and daughters who love freedom can certainly strike a blow for liberty here. Members laugh, but the folks back home are listening and they are watching, and they have been taking count.

I say again, we have a good chance here to strike a blow for liberty by voting down this substitute; then getting with it, meeting the issues head-on and voting down this bad bill. We can defeat this bill and I ask you to join me and vote "no."

Mr. THOMPSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Illinois was totally honest when he said that this is not an area of his expertise, and I agree with that. I rather thought for a while that he was trying to explain Henry Kissinger's foreign policy. It sounded to me like a speech of over 7 or 8 years ago, and we are going to strike a blow for liberty.

I do not know why the gentleman objects so strenuously to an effort by the majority to work in cooperation with the minority and develop a piece of legislation which, indeed, a great majority of the Members of this House understand. They understood the bill 2 years ago and the conference 2 years ago, even if the gentleman did not. I suspect that he did, however. I think he is being overly modest. I think he is, like the gentleman from Ohio (Mr. ASHBROOK), the gentleman from Arizona (Mr. RHODES), and myself, an average Member.

His performance was a little bit below average, but if one is going to hit

.300 for a season, every once in a while one drops down to .225. So, I thank him for his contribution toward liberty. I think the time has come now for us to vote for the Sarasin substitute, as amended.

Mr. SARASIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like very much to thank the gentleman from Illinois. I have never been to a revival meeting before. I really enjoyed that, but let me go back again to what I said when this substitute was offered initially. There were many people who supported the common situs picketing bill last year, and I was one of them. I was fully prepared to support the same bill again.

I think it is a compromise. It does not make either side particularly happy. Title I or title II provide more restrictions. I think it is a balanced bill, and it will make some sense. But, I did not like H.R. 4250. I thought it was too ambiguous; I thought it raised too many questions; I think it went too far. It appeared to take out many of the unfair labor practices, but put a few back in. I think, because of the ambiguity, it would have been a bill which would be litigated for a very long time.

So I said, "Let us go back to where we were before, to a bill we all did understand, and one we talked about since the conference report was adopted in 1975. You all have to either defend or object to it, depending on the way you voted at that time."

At least we start from common ground. H.R. 4250 is not like the bill which was adopted before. The approach was completely different. Many aspects were completely different. So we went back to this point. In the conference report I did not kid anyone. We allowed the House the opportunity to work its will, and the House has worked its will. It has put back in the Ashbrook amendment. I would point out the gentleman from Ohio was so persuasive I voted for it, despite the fact that we had taken it out.

I think on balance we have come up with a better bill than we had last year. We have certainly a better bill with this substitute than we had in H.R. 4250 as it was originally voted out of committee.

I would urge the committee to vote for the substitute and let us get on with it.

Mr. WAGGONNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and my colleagues of the House, here is the situation that we are in, and this, I think, requires a decision now. Yet, we have a substitute that we are about ready to vote on. But the decision we have to make is this: whether or not this substitute is something that we want signed into law.

As I judge the political situation, the odds are greater that this bill will be passed by the House if the substitute is adopted than is the situation if the original committee bill is voted upon.

I say to you my colleagues that the substitute does do some things which I like. It is an improvement in certain respects over the committee bill. But I say to you my colleagues that you should remember this: The real thing that is wrong with the original bill is still part of this substitute, and this is what is wrong with common situs picketing. It provides—and all of you know it provides—the potential for jeopardy and for injury to innocent third parties. As long as third parties are made to pay the price for the mistakes of others, then it is wrong in principle and it will not serve the best interests of this country.

Mr. Chairman, in my personal opinion, if we vote for the substitute we are enhancing the passage of a common situs bill. If we vote against it, still common situs might pass, the committee bill might pass. But if we reject the substitute under the rules of this House, then the committee bill will be subject to every amendment that has been proposed here today, and we will get another vote. That is what the rules of this House provide for. Do not stampede.

But now the question is simply this: Do we want to enhance the chances of passing legislation which provides for injury to innocent third parties? I think not.

To explain what I am talking about, just suppose that we have young sons in the fifth grade. They catch my young son cheating, but they punish not just my young son but yours, too. That is wrong and you all know it.

That is the thing that is wrong with common situs picketing. I believe from the top of my head to the bottom of my feet that we stand a better chance of defeating common situs, if that is what we want to do, if we vote down the Sarasin substitute. Remember, too, that if we pass a bill it can be completely rewritten in conference.

The CHAIRMAN. The question is on the amendment, as amended, offered by the gentleman from Connecticut (Mr. SARASIN) as a substitute for the amendment in the nature of a substitute offered by the gentleman from Minnesota (Mr. QUIE).

The question was taken; and the Chairman announced that he was in doubt.

RECORDED VOTE

Mr. SARASIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 246, noes 177, not voting 9, as follows:

[Roll No. 97]

AYES—246

Addabbo	Bedell	Burlison, Mo.
Akaka	Beilenson	Burton, John
Alexander	Benjamin	Burton, Phillip
Allen	Bennett	Caputo
Ambro	Bevill	Carney
Ammerman	Biaggi	Carr
Anderson, Calif.	Bingham	Cavanaugh
Andrews, N.C.	Blanchard	Chisholm
Andrews, N. Dak.	Blouin	Clausen, Don H.
Annunzio	Boland	Clay
Applegate	Bolling	Collins, Ill.
Ashley	Bonior	Conte
Aspin	Bonker	Conyers
AuCoin	Brademas	Corman
Badillo	Brodhead	Cornell
Baldus	Brooks	Cornwell
Baucus	Brown, Calif.	Cotter
Beard, R.I.	Brown, Ohio	Coughlin
	Burke, Calif.	D'Amours
	Burke, Mass.	Danielson
		Delaney
		Dellums
		Dent
		Dicks
		Diggs
		Dingell
		Dodd
		Downey
		Drinan
		Duncan, Oreg.
		Early
		Eckhardt
		Edgar
		Edwards, Calif.
		Eilberg
		Ertel
		Evans, Colo.
		Evans, Ind.
		Fary
		Fascell
		Findley
		Fisher
		Fithian
		Flood
		Florio
		Foley
		Ford, Mich.
		Ford, Tenn.
		Fraser
		Gammage
		Gaydos
		Gephardt
		Giaimo
		Gibbons
		Gilman
		Glickman
		Gonzalez
		Gradison
		Hamilton
		Hanley
		Hannaford
		Harrington
		Harris
		Hawkins
		Heckler
		Heftel
		Hillis
		Hollenbeck
		Holtzman
		Horton
		Howard
		Ichord
		Jacobs
		Johnson, Calif.
		Jordan
		Kastenmeier
		Keys
		Kildee
		Koch
		Kostmayer
		Krueger
		LaFalce
		Le Fante
		Lederer
		Leggett
		Lehman
		Lloyd, Calif.
		Long, La.
		Luken
		Lundine
		McCloskey
		McCormack
		McDade
		McFall
		McHugh
		McKinney
		Madigan
		Maguire
		Markey
		Mattox
		Mazzoli
		Meeds
		Metcalfe
		Meyner
		Mikulski
		Mikva
		Miller, Calif.
		Mineta
		Minish
		Mitchell, Md.
		Moakley
		Moffett
		Mollohan
		Moorhead, Pa.
		Moss
		Mottl
		Murphy, Ill.
		Murphy, Pa.
		Murtha
		Myers, Michael
		Natcher
		Nedzi
		Nix
		Nolan
		Nowak
		Oakar
		Oberstar
		Obey
		Ottinger
		Panetta
		Patten
		Patterson
		Pattison
		Pease
		Pepper
		Perkins
		Pike
		Poage
		Price
		Pritchard
		Pursell
		Rahall
		Railsback
		Rangel
		Regula
		Reuss
		Richmond
		Rinaldo
		Risenhoover
		Roberts
		Rodino
		Roe
		Roncalio
		Rooney
		Rose
		Rosenthal
		Rostenkowski
		Roybal
		Russo
		Ryan
		Sarasin
		Scheuer
		Schroeder
		Schulze
		Seiberling
		Sharp
		Shipley
		Simon
		Slack
		Smith, Iowa
		Solarz
		Spellman
		St Germain
		Stark
		Steers
		Stokes
		Stratton
		Studds
		Thompson
		Thornton
		Tonry
		Traxler
		Tsongas
		Tucker
		Udall
		Van Deerlin
		Vander Jagt
		Vanik
		Vento
		Volkmer
		Walgren
		Walsh
		Waxman
		Weaver
		Weiss
		Whalen
		White
		Wilson, C. H.
		Wilson, Tex.
		Wirth
		Wolff
		Wright
		Wydler
		Yates
		Yatron
		Young, Mo.
		Zablocki
		Zeferetti

NOES—177

Abdnor	Derwinski	Hubbard
Anderson, Ill.	Devine	Huckaby
Archer	Dickinson	Hughes
Armstrong	Dornan	Hyde
Ashbrook	Duncan, Tenn.	Ireland
Badham	Edwards, Ala.	Jeffords
Bafalis	Edwards, Okla.	Jenkins
Barnard	Emery	Jenrette
Bauman	English	Johnson, Colo.
Beard, Tenn.	Erlenborn	Jones, N.C.
Bowen	Evans, Del.	Jones, Okla.
Breaux	Evans, Ga.	Jones, Tenn.
Breckinridge	Fenwick	Kasten
Brinkley	Fish	Kazen
Broomfield	Flippo	Kelly
Brown, Mich.	Flowers	Kemp
Broyhill	Flynt	Ketchum
Buchanan	Forsythe	Kindness
Burgener	Fountain	Krebs
Burke, Fla.	Frenzel	Lagomarsino
Burleson, Tex.	Frey	Latta
Butler	Fuqua	Leach
Byron	Ginn	Lent
Carter	Goldwater	Levitas
Cederberg	Goodling	Lloyd, Tenn.
Chappell	Gore	Long, Md.
Clawson, Del	Grassley	Lott
Cleveland	Gudger	Lujan
Cochran	Guyer	McClory
Cohen	Hagedorn	McDonald
Coleman	Hall	McEwen
Collins, Tex.	Hammer-schmidt	McKay
Conable	Hansen	Mahon
Corcoran	Harsha	Mann
Crane	Hefner	Marks
Daniel, Dan	Hightower	Marlenee
Daniel, R. W.	Holland	Marriott
de la Garza	Holt	Martin
Derrick		Mathis

Michel	Rogers	Stump
Miller, Ohio	Rousselot	Symms
Mitchell, N.Y.	Rudd	Taylor
Montgomery	Runnels	Thone
Moore	Ruppe	Treen
Moorhead, Calif.	Santini	Trible
Myers, Gary	Satterfield	Ullman
Myers, Ind.	Sawyer	Waggonner
Neal	Sebelius	Walker
Nichols	Shuster	Wampler
O'Brien	Sikes	Watkins
Pettis	Skelton	Whitehurst
Pickle	Skubitz	Whitley
Pressler	Smith, Nebr.	Whitten
Preyer	Snyder	Wiggins
Quayle	Spence	Wilson, Bob
Quie	Stangeland	Winn
Quillen	Stanton	Wylie
Rhodes	Steed	Young, Alaska
Robinson	Steiger	Young, Fla.
	Stockman	

NOT VOTING—9

Boggs	Milford	Staggers
Davis	Murphy, N.Y.	Teague
Harkin	Sisk	Young, Tex.

The Clerk announced the following pairs:

On this vote:

Mr. Murphy of New York for, with Mr. Teague against.

Mr. Staggers for, with Mr. Milford against.

Messrs. BYRON and FLOWERS changed their vote from "aye" to "no".

So the amendment, as amended, offered as a substitute for the amendment in the nature of a substitute was agreed to.

Mr. ROUSSELOT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to H.R. 4250, legislation which would legalize the presently unlawful secondary boycotts in the construction industry and permit the picketing of all employers on a construction site even though the union may have a dispute with just one employer on a given job.

Since the enactment of the National Labor Relations Act and related statutes, both the Supreme Court of the United States and the National Labor Relations Board have fashioned a rational and logical body of law governing labor-management relations by means of a case-by-case resolution of extremely complex disputes in this area. While no one party is completely satisfied with the current state of the law, it is well recognized that the courts and the National Labor Relations Board have done an admirable job in interpreting a balance of interests between management and labor as envisioned by the NLRA and related legislation. What H.R. 4250 will accomplish, in no uncertain terms, is a complete destruction of a reasonable balance of interests in the construction industry. Enactment of this legislation will surely have disastrous effects upon this country's construction industry and, consequently, upon the Nation's economy as a whole.

Mr. Chairman, it is hard to believe, but H.R. 4250 goes far beyond the scope of last year's common situs picketing bill. It in effect legalizes secondary boycotts by allowing a contractor on the same site to be unjustifiably affected by a dispute that does not involve him. In addition, by repealing most of section 8(b) of the National Labor Relations Act, H.R. 4250 reinstates provisions allowing unfair labor practices, including picketing for unlawful objectives, mass picketing to coerce employees in selecting bargaining representatives, and generally unrestrained picketing. But most importantly, is the fact that H.R. 4250 would serve to limit competition by making most construction work either all-union for all-nonunion. Most proponents of the bill, including the unions, openly admit that this is what they want—no more construction projects where the union and nonunion worker can work side by side.

This means the general contractor who employs union workers will no longer be able to risk taking any bids from subcontractors using nonunion employees. Similarly, the open shop general contractor will no longer dare to use a unionized subcontractor. The obvious effect is to restrict competition and, thereby, soon drive out of business the contractors who do not fit the dominant pattern in their area. They, and their employees, will be shut out of the marketplace. In addition, the reduced competition will inevitably produce more costly construction and we all know who pays for that—you and I—the American taxpayers and consumers.

Let us examine the economic impact of common situs legislation on these contractors—most of whom are small businessmen. Dr. Pierre Rinfret, the eminent New York economist and president of Rinfret Asssociates, Inc., recently studied the effect of common situs picketing legislation on small business and had these interesting observations to make:

The construction industry appears to be dominated by small businesses.

In 1972, there were about 438,000 firms engaged in contract construction. The number of firms with one to nine employees was about 352,000. These firms, therefore, represented about 80 percent of all the firms engaged in contract construction.

There were only about 4,520 firms with 100 or more employees engaged in contract construction in 1972. These firms represented about one percent of all the firms engaged in contract construction.

The construction industry has a very high rate of business failures. We have consistent statistics for business failures for the past decades. In 1975, construction business failures represented close to 20 percent of all business failures in the U.S. That was the high point. The lowest percentage of failures was registered in 1972, when it was 14.4 percent. For the first ten months of 1976, construction failures represented 18.2 percent of all business failures.

The average liability per failure in the construction industry has tended to increase sharply in the last decade. In 1965 the average liability per failure was about $116,000. It peaked at about $286,000 in 1974 and was about $236,000 for the first ten months of 1976 (not annually rated).

The construction industry has a greater percentage of workers on strike than does the economy as a whole. In 1973, the percentage of workers involved in strikes for "all industries" was 3.0 percent. For manufacturing it was 4.9 percent. For construction it was 10.1 percent. This tendency for a greater percentage of workers in the construction industry to be involved in strikes is longstanding and persistent.

Contract construction stoppages have been declining steadily as a percent of all U.S. stoppages since 1965. In 1965 contract construction stoppages represented about 24 percent of all U.S stoppages but declined to 10.1 percent by 1973. Construction workers represented 3.8 percent of the total employed civilian labor force in 1965 and 3.9 percent in 1975. The percentage of contract construction work stoppages in 1965 and in 1973 exceeded the percentage of contract construction workers in the total civilian labor force.

The construction industry is dominated by very small businesses with a high bankruptcy rate, high liabilities per failure, a high rate of strikes and a high rate of work stoppages.

It would appear that common situs would have a negative impact on small businesses as they now exist in this industry and would work against free entry of small businesses into the construction industry.

I certainly share Dr. Rinfret's conclusion—this common situs picketing bill before us would be disastrous to the small business contractor in the construction industry.

Mr. Chairman, given our current national problems of unemployment and inflation, we simply do not need H.R. 4250 and I urge my colleagues to join me in voting it down.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended, offered by the gentleman from Minnesota, (Mr. QUIE).

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4250) to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers and to establish collective-bargaining procedures in the construction industry, pursuant to House Resolution 423, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. ASHBROOK. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. ASHBROOK moves to recommit the bill H.R. 4250 to the Committee on Education and Labor.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. ASHBROOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 205, nays 217, not voting 10, as follows:

[Roll No. 98]

YEAS—205

Addabbo	Florio	Nolan
Akaka	Foley	Nowak
Allen	Ford, Mich.	Oakar
Ambro	Fraser	Oberstar
Anderson, Calif.	Gammage	Obey
	Gaydos	Ottinger
Annunzio	Gephardt	Panetta
Applegate	Giaimo	Patten
Ashley	Gilman	Patterson
Aspin	Glickman	Pease
AuCoin	Gonzalez	Pepper
Badillo	Hanley	Perkins
Baldus	Hannaford	Pike
Baucus	Harrington	Price
Beard, R.I.	Harris	Pursell
Benjamin	Hawkins	Rahall
Bennett	Heckler	Rangel
Biaggi	Heftel	Reuss
Bingham	Holtzman	Richmond
Blanchard	Horton	Rinaldo
Blouin	Howard	Risenhoover
Boland	Ichord	Rodino
Bolling	Jacobs	Roe
Bonior	Johnson, Calif.	Roncalio
Bonker	Jordan	Rooney
Brademas	Kastenmeier	Rosenthal
Brodhead	Keys	Rostenkowski
Brooks	Kildee	Roybal
Brown, Calif.	Koch	Russo
Burke, Calif.	Kostmayer	Sarasin
Burke, Mass.	LaFalce	Scheuer
Burlison, Mo.	Le Fante	Schroeder
Burton, John	Lederer	Seiberling
Burton, Phillip	Leggett	Sharp
Caputo	Lehman	Shipley
Carney	Lloyd, Calif.	Simon
Carr	Long, La.	Slack
Chisholm	Luken	Smith, Iowa
Clausen, Don H.	Lundine	Solarz
	McCloskey	Spellman
Clay	McDade	St Germain
Collins, Ill.	McFall	Stark
Conte	McHugh	Stokes
Conyers	McKinney	Stratton
Corman	Maguire	Studds
Cornell	Markey	Thompson
Cornwell	Mattox	Tonry
Cotter	Mazzoli	Traxler
Danielson	Meeds	Tsongas
Delaney	Metcalfe	Udall
Dellums	Meyner	Van Deerlin
Dent	Mikulski	Vanik
Dicks	Mikva	Vento
Diggs	Miller, Calif.	Walgren
Dingell	Mineta	Walsh
Dodd	Minish	Waxman
Downey	Mitchell, Md.	Weaver
Drinan	Moakley	Weiss
Duncan, Oreg.	Moffett	Whalen
Early	Mollohan	Wilson, C. H.
Eckhardt	Moorhead, Pa.	Wilson, Tex.
Edwards, Calif.	Moss	Wirth
Eilberg	Mottl	Wolff
Evans, Ind.	Murphy, Ill.	Wright
Fary	Murphy, Pa.	Yates
Fascell	Murtha	Yatron
Fisher	Myers, Michael	Young, Mo.
Fithian	Nedzi	Zablocki
Flood	Nix	Zeferetti

NAYS—217

Abdnor	Frenzel	Myers, Ind.
Alexander	Frey	Natcher
Ammerman	Fuqua	Neal
Anderson, Ill.	Gibbons	Nichols
Andrews, N.C.	Ginn	O'Brien
Andrews, N. Dak.	Goldwater	Pattison
	Goodling	Pettis
Archer	Gore	Pickle
Armstrong	Gradison	Poage
Ashbrook	Grassley	Pressler
Badham	Gudger	Preyer
Bafalis	Guyer	Pritchard
Barnard	Hagedorn	Quayle
Bauman	Hall	Quie
Beard, Tenn.	Hamilton	Quillen
Bedell	Hammer-schmidt	Railsback
Beilenson		Regula
Bevill	Hansen	Rhodes
Bowen	Harsha	Roberts
Breaux	Hefner	Robinson
Breckinridge	Hightower	Rogers
Brinkley	Hillis	Rose
Broomfield	Holland	Rousselot
Brown, Mich.	Hollenbeck	Rudd
Brown, Ohio	Holt	Runnels
Broyhill	Hubbard	Ruppe
Buchanan	Huckaby	Ryan
Burgener	Hughes	Santini
Burke, Fla.	Hyde	Satterfield
Burleson, Tex.	Ireland	Sawyer
Butler	Jeffords	Schulze
Byron	Jenkins	Sebelius
Carter	Jenrette	Shuster
Cavanaugh	Johnson, Colo.	Sikes
Cederberg	Jones, N.C.	Skelton
Chappell	Jones, Okla.	Skubitz
Clawson, Del	Jones, Tenn.	Smith, Nebr.
Cleveland	Kasten	Snyder
Cochran	Kazen	Spence
Cohen	Kelly	Stangeland
Coleman	Kemp	Stanton
Collins, Tex.	Ketchum	Steed
Conable	Kindness	Steers
Corcoran	Krebs	Steiger
Coughlin	Krueger	Stockman
Crane	Lagomarsino	Stump
D'Amours	Latta	Symms
Daniel, Dan	Leach	Taylor
Daniel, R. W.	Lent	Thone
de la Garza	Levitas	Thornton
Derrick	Lloyd, Tenn.	Treen
Derwinski	Long, Md.	Trible
Devine	Lott	Tucker
Dickinson	Lujan	Ullman
Dornan	McClory	Volkmer
Duncan, Tenn.	McCormack	Waggonner
Edgar	McDonald	Walker
Edwards, Ala.	McEwen	Wampler
Edwards, Okla.	McKay	Watkins
Emery	Madigan	White
English	Mahon	Whitehurst
Erlenborn	Mann	Whitley
Ertel	Marks	Whitten
Evans, Colo.	Marlenee	Wiggins
Evans, Del.	Marriott	Wilson, Bob
Evans, Ga.	Martin	Winn
Fenwick	Mathis	Wydler
Findley	Michel	Wylie
Fish	Miller, Ohio	Young, Alaska
Flippo	Mitchell, N.Y.	Young, Fla.
Flowers	Montgomery	
Flynt	Moore	
Ford, Tenn.	Moorhead, Calif.	
Forsythe		
Fountain	Myers, Gary	

NOT VOTING—10

Boggs	Murphy, N.Y.	Vander Jagt
Davis	Sisk	Young, Tex.
Harkin	Staggers	
Milford	Teague	

The Clerk announced the following pairs:

On this vote:

Mr. Murphy of New York for, with Mr. Teague against.

Mr. Staggers for, with Mr. Milford against.

Until further notice:

Mr. Sisk with Mr. Young of Texas.

Mr. Harkin with Mr. Davis.

Mrs. Boggs with Mr. Vander Jagt.

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill H.R. 4250.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP, AND INTERNATIONAL LAW OF COMMITTEE ON THE JUDICIARY TO SIT TOMORROW DURING 5-MINUTE RULE

Mr. EILBERG. Mr. Speaker, I ask unanimous consent that the Subcommittee on Immigration, Citizenship, and International Law of the Committee on the Judiciary be permitted to sit tomorrow during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, will the gentleman explain to us why it is necessary to get unanimous consent?

Mr. EILBERG. Mr. Speaker, if the gentleman will yield, we are having a hearing pertaining to foreign medical graduates in the United States.

Mr. ROUSSELOT. Mr. Speaker, further reserving the right to object, will the committee be marking up a bill or merely holding hearings?

Mr. EILBERG. Merely holding hearings.

Mr. ROUSSELOT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PROPOSED DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

(Mr. NICHOLS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, I am today introducing a bill to amend the laws governing the appointment, promotion, separation, and retirement of officers of the Armed Forces.

The bill is identical to H.R. 13958 of the 94th Congress which was reported by the Committee on Armed Services on June 24, 1976. That bill, with one amendment I will discuss later, was passed by the House on September 13, 1976, by a vote of 343 to 4.

The Senate, due to the pressures of other business during the closing days of the 94th Congress, was unable to devote the necessary time to the consideration of this important matter and, as a result, took no action on the bill.

Mr. Speaker, during the 94th Congress, the Subcommittee on Military Compensation devoted many days and weeks to this very important and complex piece of legislation. This bill will re-

peal the present hodgepodge of separate unrelated laws enacted from time to time over the past 30 years and will replace them with a uniform statute prescribing logical career management programs for military officers.

I intend to schedule expeditious consideration of this legislation in order to report a bill to the floor so that the House can consider the matter at an early date. This will then provide the Senate with ample time to schedule the necessary consideration of this measure and, hopefully, result in enactment of the much needed reforms provided by the bill in this Congress.

Mr. Speaker, I mentioned that there was one provision in the bill as passed by the House which is not included in the bill I am introducing today.

The only difference between the bill I introduce today and the bill as passed by the House is that the House-passed bill included a floor amendment proposed by the gentleman from New Jersey (Mr. HUGHES). That amendment would preclude senior retired officers and former officers of the Armed Forces, for a 3-year period after release from service, from accepting employment with a defense contractor if, before their release they were involved in any way in a contract under which that contractor provides goods or services to the United States.

Mr. Speaker, I appreciate the objective of Mr. HUGHES. I can assure the gentleman from New Jersey that I will urge the chairman of the Committee on Armed Services to arrange for a review of this matter to determine what additional legislative action should be taken.

In this way, the need for legislation in this area can be examined in an orderly manner and, if legislation is required, it can be drafted in such a manner as to insure that it will achieve that objective.

DR. WERNHER VON BRAUN

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 60 minutes.

Mr. FUQUA. Mr. Speaker, over the years it has been my privilege to know many outstanding men who were members of this body: Statesmen, educators, managers, and industrialists. The greatest among them all hold a number of significant attributes in common. The willingness to make personal sacrifices to further a cause larger than themselves is certainly one of these attributes. The ability to inspire others with enthusiasm and purpose is another. Total, unselfish dedication ranks highest among these attributes. Dr. Wernher von Braun has all of these and more.

My association with Dr. von Braun dates back to the days when he struggled to make the people of our great Nation aware of the importance and potential of rocketry. His vision is a great vision—not only great in magnitude of resources employed, but great in terms of the human dimensions of achievement and opportunity.

Few men in their lives are able to conceive an idea of the proportions that guided Dr. von Braun in the grueling years that led to the Apollo lunar landing. Yet, in conceiving and executing superbly the task of building the vehicle to fly men to the Moon, he never lost sight of the even larger dimensions of man's need to quest in space for its secrets and benefits.

Dr. Wernher von Braun is an inspiration to those who seek to achieve great goals, often nearly unattainable at the outset. Certainly, the concept of flying to the Moon is thinking on a grand scale—only one indication of the breadth and depth of von Braun's personality; while thinking on a grand scale he was able to accomplish many of the "little" things is another. His speeches, writings, and his daily management of a vast technical organization all demonstrated his continuing concern for his fellow man. His interest in education, the arts, and humanities not only caused his name to be associated with worthwhile efforts, but also caused him to tap that seemingly inexhaustable supply of personal energy to inspire, aid, encourage and support our national space effort.

To the youth who study the technology and science of space he is a symbol of excellence; a man of unbounded vision and energy; a man whose dreams are fashioned into reality.

Many, after the monumental success of the Apollo lunar landings would have simply accepted the well-deserved accolades of one of the great achievements of modern times. Dr. von Braun chose another path. After years as the Director of the Marshall Space Flight Center, he came to Washington to help enlarge the future planning for NASA. the agency he had so ably served for so many years. Many of the advanced ideas which employ space operations for our day-to-day benefits are an outgrowth of von Braun's vision.

Today, Dr. von Braun continues as a man of accomplishment and vision in the industry he helped to build. His interests and contributions continue to span an ever increasing array of activities. For the benefit of those of my colleagues in the House who do not know Dr. Wernher von Braun, I would like to read an excerpt from Erik Bergaust's book, "Wernher von Braun," which quotes von Braun and shows this man's great insight for our future:

> But most of all, we must remember that our future lies in the success we achieve in the education of our young people. We must not let indifference or unwillingness cause us to fail to see the problem of education in human terms—in terms of boys and girls with abilities and aspirations, children who may either be held down and defeated by poor education or be given new possibilities and new goals by a good one. When we neglect education, we weaken the whole foundation of free society. And when we neglect education in an age of global conflict, we risk the very safety of our nation and the future of freedom in the world. Education is the passport to a better society. Don't forget that the race is to the swift and the battle is to the strong.

Mr. TEAGUE. Mr. Speaker, for those of us who have been supporters of the Nation's space program since its inception, today is a special day. It is Wernher von Braun's 65th birthday and represents another milestone in the remarkable career of the man who is one of the space age's most respected pioneering leaders.

Few have had the opportunity to share the challenging assignment of sending rockets into space; into other worlds. The adventure of exploration has always dictated von Braun's moves. He is an explorer and tackles projects wholeheartedly. Whatever the challenge, his approach is positive, thorough, and organized.

Von Braun has the ability to see the end results and then to set about working toward their completion. Long before man entered the space age, he could foresee the possibility of space travel.

When the Soviet Union successfully launched and put into orbit the world's first artificial satellite, Sputnik I, America's response was swift and widespread. It seemed equally compounded of alarm and chagrin. As a counter to meet this challenge, there followed an intense 2-year period of organization, buildup, fill-in, planning, and general catchup.

NASA was established and long range planning was accelerated. New capabilities were needed to conduct such a program. To that end, the Army Ballistic Missile Agency at Huntsville, Ala., headed by Wernher von Braun, was transferred to NASA along with the big Saturn booster project.

Long before sputnik, von Braun had the basic knowledge and practical experience to develop a rocket of sufficient size to carry a satellite into orbit. He thought in 1953 that within 5 years, assuming an all out effort was made, a small satellite could be launched. And, that within 10 years, he believed a manned station could be built and operated.

The U.S. space endeavors were inaugurated with the placement in orbit of a 30-pound satellite, Explorer I, on January 31, 1958. America had entered the Space Age with this successful orbiting attempt made under the direction of von Braun and his team.

Von Braun was to become the space hero who eventually built the Saturn boosters that lifted off the American astronauts for their successful lunar landings. He will be judged by history as a giant who made one of the largest contributions to America's goal to land a man on the moon and return him safely.

I know von Braun as a man who, while reaching for the stars, moved easily from one accomplishment to the next in his outstanding work in behalf of our Nation's space program. He is an accomplisher; and I am glad for this opportunity not only to extend best wishes on his 65th birthday, but also to extend my personal thanks to him for a job well done.

He deserves the recognition he received and stands as an outstanding example of what one person can accomplish.

Mr. ROUSSELOT. Mr. Speaker, I appreciate my colleague for yielding and for taking the initiative on this occasion to provide many of us the opportunity

to honor the undisputed leader in the field of rocketry and space technology, Dr. Wernher von Braun.

For most of his 65 years, Dr. von Braun has been at the forefront science and rocket technology. A rocket expert since the age of 19 in his native Germany, he is perhaps best known for directing the team that designed and built the Saturn 5 rocket that carried men to the moon during the famous Apollo missions.

The principles of aerodynamics and rocket propulsion which von Braun pioneered have most recently been used in the development of the Space Shuttle which was rolled out in Palmdale, Calif., last September 17. This remarkably versatile and reusable spacecraft will be a "national work horse" for the Space Shuttle program—a program which will greatly advance our explorations in space by enabling less expensive and more frequent Earth-orbital operations.

We are all indebted to the scientific achievements which Dr. von Braun has made and should remember that they go far beyond the development of Saturn 5's and Space Shuttles. The work Dr. von Braun has promoted has also led to significant advances in the area of communications, mapping and charting, education, medicine, meteorology, environmental monitoring and control, and the study of oceans and Earth resources. Numerous benefits from space exploration have also worked their way into our daily lives to a far greater extent than most people realize. To list just a few, we are now able to apply what we have learned in locating oil, natural gas, in detecting food sources, identifying crops, and developing monitoring units and communications devices for medical emergencies; and the list could go on and on. The door to all of these achievements and technological developments was opened by the genius and innovative work of Dr. Wernher von Braun.

As we honor Dr. von Braun this afternoon, he lies ill in an Alexandria, Va., hospital. We wish him well on his birthday, we thank him for his tremendous contributions, not only to science but to mankind, and we pray for his relief from his illness and for his speedy recovery.

Mr. DEL CLAWSON. Mr. Speaker, the occasion of the 65th birthday of Dr. Wernher von Braun gives many of us in the Congress the opportunity to pay tribute to the accomplishments of this exceptional citizen. Paradoxically, the praise which we hesitate to offer in person for fear it may sound fulsome to the recipient is more easily presented publicly in an impersonal setting. How many of us watching the U.S. rockets speeding on their way to outer space have reflected upon the expenditure of time, dedicated effort and thought by men and women associated with the U.S. space effort. The staffs of the House and Senate Committees, the men and women in my home town of Downey, "home of the Space Shuttle," the scientists, research and development people at NASA and in the employ of contractors and subcontractors across the Nation, all can look with pride upon the effort. But vision precedes every giant venture and it is the vision of the Wernher von Brauns of this world that paves the way for achievement of this high level.

The work of Dr. von Braun with his team from the Explorer I satellite, the flights which put our astronauts into space and the work on Skylab has been that of active participant in the technology and scientific planning upon which the U.S. space effort is founded. It is a record of accelerated progress and who could venture to assess just how vastly the contribution of this single genius has abbreviated the preparation time on each of the steady progress of projects which have astounded the world and formed the U.S. primary world role in exploration.

It has been a signal honor to be personally acquainted with this great man and a privilege today to send our warmest best wishes to Dr. von Braun and those near and dear to him on this anniversary of his birth March 23, 1912 in Wirsitz, Germany. His is a career which perfectly illustrates the maxim that the rungs of a ladder are not for resting, but for climbing to greater heights. As the many benefits of the space program continue to multiply his work will continue to grow in depth, breadth and benefits "for all mankind."

Mr. STAGGERS. Mr. Speaker, I am honored and altogether pleased to join my colleagues in paying tribute to Dr. Wernher von Braun, whose efforts in the development of rockets allowed the United States to become the first country to land a man on the Moon and whose name has become synonymous with this country's space program, on the occasion of his 65th birthday today.

Dr. von Braun came to my congressional district at my invitation to speak at the local high school in my home town of Keyser, W. Va., in 1970.

It was a once-in-a-lifetime honor and privilege for me to present this man to that audience. A rapport was instantly and instinctively established with this large group of young people. The lack of any "generation gap" was an unmistakable tribute to authentic greatness which young people always recognize and respect. On that day he gave great inspiration to some 1,500 of our most impressionable youth.

Born in Wirsitz, Germany—now Wyrzysk, Poland—von Braun developed an early fascination with rocketry and geared his education to that interest, culminating in a Ph. D. in physics from the University of Berlin in 1934. Prior to that time he had become known to the German Army as a liquid fuel expert, and in 1932 they employed him at their rocket experiment station in Kummersdorf. When that activity was transferred to Peenemunde in 1937, von Braun was made technical director. His team of rocket experts perfected the V–2 rocket, which was used against Britain at the end of World War II.

In May 1945, with Hitler dead and a realization that Germany would not win the war, von Braun and his team had to choose which country to surrender to; the Russians or one of the allies. Noting that the United States was "known for its progressive attitude toward science," and was a "still growing nation which can afford rocket development on a grand scale," the decision was made to surrender to the Americans. The U.S. Government decided that only 100 of the team's top people could emigrate to America, a number which eventually became 118, including von Braun.

Upon arrival in America, the Germans were assigned to the Army and sent to Fort Bliss, Tex., where von Braun was made project director for research and development. In 1950, the Fort Bliss rocket activities were transferred to Redstone Arsenal near Huntsville, Ala., and the team moved there. In 1955, von Braun became a U.S. citizen, as did many of his colleagues. During this time they worked on developing an upper stage for the V–2, for Earth-orbital launches, and the rocket was named Redstone. Well before the first launch of an Earth satellite by the Russians in 1957, von Braun proclaimed that he could place an object into orbit. President Eisenhower, observing that America was committed to the peaceful exploration of space and Redstone was a military rocket, decided to develop an entirely new civilian launch vehicle, the Vanguard. His decision gave the Soviet Union the time it needed to put Sputnik into orbit first.

Following Sputnik, development of Vanguard was made a very high priority. When its first test launch in December 1957 failed, von Braun was given the go-ahead to try with Redstone. Vowing that he could put a satellite into orbit within 90 days, von Braun accomplished the task on January 31, 1958, with the launch of Explorer 1.

With the United States now firmly entrenched in a space program, a space agency was created to coordinate the civilian space program, the National Aeronautics and Space Administration. In 1960, the Marshall Space Flight Center was established in Huntsville as part of NASA, and von Braun and his team were transferred there with von Braun as Director of the Center. During his tenure at Marshall, he directed development of the Saturn class of launch vehicles, including the Saturn V, which is the most powerful launch vehicle, even to this day. The Saturn V has a 100-percent successful launch record, with a total of 13 launches, 9 of which were manned—Apollo 8, the first circumlunar flight, Apollo 10, Apollo 11, the first manned landing on the Moon, and Apollo 12, 13, 14, 15, 16, and 17.

In 1970, Dr. von Braun became Deputy Associate Administrator of NASA for planning, a position he held for 2 years. On July 1, 1972, he retired from NASA after 27 years of Government service, explaining that he wanted to "devote my time now to help implement some space projects I feel are of particular importance. I think I can do this best in private industry, where the tools of progress are being made."

In July 1972, he accepted the position of vice president for engineering and development for Fairchild Industries in Germantown, Md. He retired from Fairchild on December 31, 1976, and now de-

votes himself to his position as chairman of the board of the National Space Institute, a nonprofit institution created to disseminate information about the space program to the public. His many books, from "The Mars Project," published in 1953, to his latest work, "The Rocket's Red Glare," written with Frederick Ordway III and completed just last year, will delight readers for years to come.

Mr. Speaker, on this, his 65th birthday, I wish to give thanks to Dr. Wernher von Braun for his vital role in this Nation's space program and to wish both him and his family many future years of happiness. He gave us his best and asked little in return.

Mr. WINN. Mr. Speaker, man has always been obsessed with a quest for knowledge and truth in the universe. Many times the scientists and engineers are in the forefront of this quest. Normally, the quest itself provides sufficient personal satisfaction, however, some scientists and engineers are fortunate enough to discover truths that are significant enough to impact the entire society. Galileo and Einstein are examples of men who have achieved this stature.

Dr. Wernher von Braun is another. Dr. von Braun's unselfish and undaunted quest for truth and knowledge and its subsequent application to the space program has resulted in one of the most dramatic changes to this society that have occurred in the existence of man. This dedication resulted in the obvious, successful landing of a U.S. astronaut on the lunar surface. This accomplishment in itself generated a very high degree of national pride. However, more important, are the everyday influences that this program has had on our lives. Today communications with all parts of the world are possible by satellite monitoring systems. Weather predictions and monitoring are made daily with satellite photographs. Manufacturing of medicinal drugs in space may become routine. Crop disease, field description, and pollution detection are routinely conducted using space methods.

It is only fitting that in commemoration of this great man's 65th birthday we as a nation extend our thanks and gratitude for the outstanding contributions he has made. Our thoughts and prayers go with you, Wernher von Braun.

Mr. FREY. Mr. Speaker, I would like to join with my colleagues in honoring one of the greatest space pioneers who ever lived, Dr. Wernher von Braun. I have had the pleasure of knowing Dr. von Braun over the years of my service on the Science and Technology Committee. His advice, his knowledge, his intelligence, and his desire to build a better world have always stood out. Without the many contributions of Dr. von Braun, we would not be where we are today in space. All know of his tremendous contributions to the Apollo program. It is especially fitting that on his 65th birthday the people of this country thank him for his contributions and wish him well. Happy birthday, Wernher, and many happy returns.

Mr. McDONALD. Mr. Speaker, we are a nation of immigrants, and fortunately for the United States, we have acquired some rich talent due to periodic upheavals around the world. At the end of World War II, the U.S.S.R. acquired the rich store of German rockets and materials at Pennemuende, in what is now East Germany, but the United States and the Western nations were able to acquire most of the top German scientists who worked on these rockets. Among these was Dr. Wernher von Braun who came to the United States in 1945 to assist in America's rocket program. He was also instrumental in getting our own satellite program going after the launch of the Soviet Sputnik in 1957 galvanized our own space program into accelerated efforts. Since that time he has made significant and generous contributions to our rocket and space programs.

However, Dr. von Braun although a highly specialized scientist all his life, does not hold a narrow view of life and its problems. In a statement at a space congress held at Huntsville, Ala., on November 15–19, 1971 he said:

> Many of our most urgent problems today are global in nature. If we are to maintain Earth as a livable dwelling place for mankind, we must learn to view it as a whole. We must understand that our existence depends on a delicate balance of nature, and that this balance includes not only all of mankind but of all living things.

Many happy returns to Doctor von Braun.

Mr. McCLORY. Mr. Speaker, we mark here today the 65th birthday of Dr. Wernher von Braun, a man whose name is synonymous with America's space successes and who dreamed realistically of men on the Moon when that was but a science fiction concept to most of us.

We are told that his mother, an outstanding amateur astronomer, was a strong influence on this son who once, in his young days, failed physics and math. But, soon after, an intense absorption in astronomy led Dr. von Braun to a book predicting that someday men would land on the Moon. In a sense, the career of this man who would help open up the solar system to travel by men and their machines, was launched.

The young von Braun, committed now to mastering math and physics, soon began work on rocket engines and the physiological impact of space flight. His experiments convinced him man could bear the thrust and deceleration of such voyages.

Von Braun was the leader in the development of rocketry for Germany and he saw rockets as a step toward space travel. When World War II was almost over, he evacuated 5,000 of his associates and their families from an area soon to be taken by the Russians to a sector where the Americans were advancing.

So, in late 1945, he and some of his top people came to the United States. The U.S. Army gave him the role of developing the Redstone rocket that played such a key role in our infant space efforts. From that, with NASA, followed triumph after triumph in the creation of launch vehicles for space exploration.

Mr. Speaker, the philosophy of a man determines the road he will take and to what purposes his gifts will be put. Let me close this tribute to Dr. von Braun with this quotation from him:

> We should remember that science exists only because there are people, and its concepts exist only in the minds of men. Behind these concepts lies the reality which is being revealed to us, but only by the grace of God.

Mr. Speaker, it was a privilege to meet Wernher von Braun several years ago when I visited the Space Center at Cape Canaveral, and I am pleased to join today in this tribute to him on the occasion of his 65th birthday.

Mr. WYDLER. Mr. Speaker, today is the 65th birthday of Dr. Wernher von Braun, a renowned pioneer of our national space program and father of modern space flight. A little more than 19 years ago on January 31, 1958, an American satellite, the Explorer, was launched into orbit under the leadership of Dr. von Braun and his army research team in Huntsville, Ala.

Dr. von Braun's career has spanned an enormously rapid development of rocketry. He was also one of the initial group of 118 German "Paper Clip" specialists transferred to the United States in 1945–1946. Later Dr. von Braun led the research team at the Army Ballistic Missile Agency which launched America's first successful satellite. Russia's first satellite to orbit the sun was launched on January 2, 1959; von Braun's followed 2 months later on March 3. On March 15, 1960, the Army Ballistic Agency's 4,000-man Development Operations Division, headed by Dr. von Braun, was transferred to NASA and eventually became the George C. Marshall Space Flight Center. Dr. von Braun then led the development of the Saturn launch vehicles which were successful in launching the first men to land on the Moon in 1969.

To his teammates, Dr. von Braun is thought of as the greatest practicing engineer alive. German-born rocketeer Rolf Engel once said:

> Dr. von Braun joins technical ability, passionate optimism, immense experience, and uncanny organizing ability. * * * He is, the greatest human element behind today's rocketing success.

Another von Braun teamster said:

> From Wernher, you get a feeling of the orderliness of things, what it is possible for the human mind to be and do. But this orderliness is not that of a bookkeeper, it is that of a great poet!

Dr. von Braun has received more than 65 awards, honors, and medals. Not only has he been recognized as an outstanding scientist, but he has also been widely recognized for his contributions to his community. His awards have been as diverse as the Langley Medal—one of seven ever presented—by the Smithsonian Institution; the medal presented by the President of the United States to Dr. von Braun and the American astronauts; the Engineer of the Century Award by the Press of the World; the World Citizenship Award by the International Civitan Club; the Citation of Appreciation as Outstanding Citizen and Public Servant by the city of Huntsville, Ala.; and the Daughters of the American Revolution Americanism Medal.

It is indeed an honor to recognize the contributions of this great man on this his birthday, March 23, 1977.

Mr. KETCHUM. Mr. Speaker, today is the 65th birthday of a great man. He is Wernher von Braun, whose contributions to the science of the space age have made a reality of the man on the Moon.

During the more than quarter century that Dr. von Braun has lived in the United States, he has presided over our Nation's entry into the space age. At the end of World War II, he became Project Director of U.S. Army Ordinance Corps, Research and Development Service at Ft. Bliss, Tex. Moving in 1950 to Huntsville, Ale., he served as Technical Director of the Guided Missile Development Group, Redstone Arsenal and later as Chief. He became the Director of the Development Operations Division of the Army's Ballistic Missile Agency in Huntsville in 1956.

In 1957, the Soviet Union stunned the world by the announcement of the orbits of sputnik I and II. Due to Wernher von Braun's tremendous interest in space exploration which led to his own advance preparations for the day when the United States would enter the space age, Explorer I was launched only 84 days after the Redstone facility was given the nod for production of a satellite of our own.

Following the creation of the National Aeronautic and Space Administration in 1960, Dr. von Braun was chosen to serve as Director of the new agency's Marshall Space Flight Center, Huntsville. In this capacity, he supervised the development of the Saturn C–1 rocket, from which evolved the Saturn IB of the Apollo test program and the Saturn V moon rocket. Under von Braun's guidance, the United States embarked upon an unprecedented course of space exploration, culminating in the successful landing of men on the Moon.

Wernher von Braun came to Washington in 1970 as NASA's Deputy Associate Administrator and retired from that position in 1972. He recently retired as vice president of engineering and development of Fairchild Industries of Germantown, Md.

The name of Wernher von Braun has become synonymous with space exploration. Through his vision, his dedication, his genius, yesterday's dreams have become today's reality.

Mr. FLIPPO. Mr. Speaker, it is with a great feeling of pride that I join in the recognition of Dr. Wernher von Braun and his continuing service to the people of the United States.

His contributions to the advancement of our Nation's science, industry, and space activities are so extensive that a detailed itemization would fill a good-size book. For this, the entire country is in his debt.

The people of north Alabama, however, owe Dr. von Braun a particular debt of gratitude for the scientific and management skills he so successfully engaged for more than two decades to make Huntsville, Ala., one of the Nation's leading centers of science and technology.

In 1950 the then small Huntsville community welcomed Dr. von Braun and his associates to develop our Nation's rocket program for the Army at Redstone Arsenal. This brilliant team attracted other scientists and many later transferred to the space effort when the National Aeronautics and Space Administration was established.

In honor of his contributions, a magnificent new auditorium and convention center has been dedicated to Dr. von Braun by the people of Huntsville.

Dr. von Braun is a man of extraordinary scientific abilities which are combined with a genius for management and a remarkable vision of the potentials for scientific endeavor. He has an exceptional capacity for transferring theory to application. From the initial team he assembled at Huntsville to work on rockets, the scientific community has expanded to tackle a wide array of problems relating to energy, environment, transportation, and other pressing concerns. Many of these advances have been developed as a direct result of the research and development in the space program.

The improvement of solar energy technologies and the work on more efficient advanced engines are two areas of particular importance in the Huntsville area at this time.

Although most of the original von Braun team members are now at retirement age, the scientific talents they attracted to the Huntsville area are still in harness and productively increasing our national wealth by advancing technology with imagination.

An account of the recent activities of the von Braun team was recently prepared by Mr. Rudy Abramson of the Los Angeles Times. I am including his article of January 20, 1977, as a part of my remarks at this point:

HUNTSVILLE, ALA.—In 1956, more than a year before the Soviet Union shocked the world with the launch of Sputnik 1, Wernher Von Braun's rocket team sent a U.S. Army missile streaking 600 miles above the earth more than 3,000 miles over the Atlantic, reaching a speed of 16,000 m.p.h.

With no trouble the flight could have orbited a satellite, and significantly changed events of the following decade.

Instead, Russia opened the space age with its Sputnik in October, 1957, and the United States set out in a race to demonstrate supremacy in space technology. The race did not end until Apollo 11 went to the moon nearly 12 years later.

The Von Braun team did not launch the first artificial earth satellite because President Dwight D. Eisenhower ordered the military to stay out of a U.S. project to put one in space as part of the 1958 International Geophysical Year.

Indeed, he had even warned Von Braun and Maj. Gen. John B. Medaris, then head of the Army Ballistic Missile Agency, against orbiting anything "by accident."

But Sputnik—plus the spectacular failure of this country's Vanguard project, its first effort to launch a satellite—caused Eisenhower to change his mind.

And on Jan. 31, 1958—19 years ago this month—the Von Braun Army team put the United States into the space race by launching the Explorer I satellite, fashioned at Pasadena's Jet Propulsion Laboratory.

It discovered the Van Allen radiation belt around the earth, and circled the planet for more than 13 years.

The band of Germans who played leading roles in the historic launch, and later led development of the rockets that carried men to the moon, have slipped back into obscurity as suddenly as they emerged into the world spotlight.

Some have died, some have gone back to their native land and some have made new starts in private industry. Most of the rest have gone quietly, sometimes painfully, into retirement in Alabama.

Ironically, they saw dreams of sending men to the moon come true largely because the United States was embarrassed by Sputnik. Then they saw their own careers end because of their success in developing the Saturn rockets for flights to the moon.

Wernher Von Braun's celebrated German rocket team is no more. It faded with the decline of the space age it helped create.

After developing the V–2 rockets that Hitler fired on London and Antwerp, the German team became one of the most sought-after prizes in the ruins of Germany.

One hundred and eighteen of the hand-picked experts were slipped into the United States at the end of 1945, to remain nearly four years as "prisoners of peace," as they called themselves, before they were taken to Mexico, then walked back across the Rio Grande between Juarez and El Paso to gain official status as immigrants.

They were the men who changed the rocket from a laboratory curiosity to a modern weapon, important actors in the missile race between the United States and the Soviet Union, gifted technicians who helped move space flight from the comic pages to the front pages.

Now, they read, garden and take long walks. They dabble at hobbies, go to part-time jobs and watch their grandchildren grow up.

Ernst Stuhlinger, one of the world's foremost authorities on electrical rocket propulsion, works at the University of Alabama Research Institute. His interests now pertain to electric automobiles as much as to electric rockets.

William Mrazek, long a member of the Von Braun inner circle, runs a restaurant with his wife in the Heart of Huntsville Shopping Center.

Eberhard Rees, Von Braun's righthand man from their days at the German rocket center at Peenemunde until Von Braun left Huntsville for Washington, is a consultant to the European Space Research Organization.

Dieter Huzel, who helped bury tons of V–2 engineering drawings in an abandoned mine as Germany collapsed, now works for Rockwell International Corp. Walter Wiesman, an industrial management expert, works with the Huntsville Industrial Development Assn.

Emil Hellebrand teaches underprivileged children. Werner Keurs retired to Mexico, Arthur Rudolph to California and Kurt Debus, longtime director of the Kennedy Space Center, to Florida.

Only months after the first U.S. landing on the moon, Von Braun himself left Huntsville, giving up the directorship of Marshall Space Flight Center, which he had headed since it was carved out of Redstone Arsenal. He left the area where he had worked nearly 20 years, first for the Army, then for the National Aeronautics and Space Administration.

Thousands of Huntsville residents turned out for farewell ceremonies as he left for his new post at NASA headquarters.

In 1972, with the space program in decline, he quit NASA and became a vice president of Fairchild Industries, the first nongovernment job of his career.

This month, still short of 65, he retired. He has been hospitalized for weeks in Alexandria, Va., undergoing treatment for cancer.

Most of the German rocketry experts were in their 30s when Von Braun singled them out to come to the United States. They rushed into middle age while developing the Redstone and Jupiter missiles, launching the first satellite, and sending astronaut Alan Shepard on a suborbital flight in preparation for John Glenn's three-orbit journey in 1962.

They cheered in Von Braun's conference room when they heard John F. Kennedy's call for a manned landing on the moon in the 1960s, and they went on to develop a new generation of rockets, dwarfing anything ever tried before.

A few of them, realizing the American space program had reached its zenith even before Neil Armstrong and Edwin Aldrin walked on the moon, decided to get out early.

"I did not see much excitement ahead," said Walter Wiesman, one of the youngest of the Peenemunde men and one of the first to retire. "I had enjoyed a good 25 years, but it appeared too much of a coasting proposition for the future."

Some lingered in the hope that the country would set another great goal in space, that new machines would be required to take an expedition to Mars, that something like the Sputnik launch would happen again and shake the country out of a deepening indifference to space exploration.

It was not to be. Three of every four workers who had been involved in the moon race had to find new jobs.

The Germans who had held key posts in the hierarchy were not eligible for the preferential treatment reserved for U.S. military veterans in government employment matters.

So it fell to Rocca A. Petrone, who had first worked with them as a young Army officer in 1952 and was later their boss as Apollo program director and head of the Marshall Center to let some of them know they should now step aside.

"I had to start telling them it was time to move on," Petrone recalled recently. "They would talk about how proud they were that they had been permitted to do what they did, and how proud they were that they had been trusted in this country. They were the most willing, unselfish, quality people I've ever been with."

Of the 118 Peenemunde engineers and scientists brought to the United States in the secret operation later known as "Paperclip," only two continue to work for NASA at the Marshall Center here.

Walter W. Jacobi and Gustav Kroll are both at work on the space shuttle being designed to carry astronauts and equipment between the ground and earth orbit. It will render conventional rockets obsolete, making a leap forward in aeronautics comparable to the Germans' introduction of the V–2.

There are flashes of bitterness among some of the Peenemunde veterans, who find themselves specialized in a field where the market for their talents has withered. They refuse, nonetheless, to view their development of the 3,000-ton Saturn 5 rocket and the Apollo Moon program as empty accomplishments.

For most of them Apollo II was the high-point of their professional careers, with the launching of Explorer close behind.

Now there is an increasing recognition of changes in the country's priorities.

Karl Heimburg, who test-fired rockets from V–2 to Saturn 5, the latter bringing alarmed telephone calls to Huntsville from as far away as Vicksburg, Miss., several hundred miles away, is one of the more outspoken. What the country needs, he said in an interview at his home, is not a space program but an energy program. When he quit NASA, he said, he did so because he could not defend old men staying on while young men were turned out of jobs.

But, he added, "It was clear to me the energy problem must have priority. That is closer to us now than space.

"That is where I would put my stress . . . This is an area where I would like to be productive again."

For their first five years in the United States, beginning as $6-dollar-a-day workers under Army surveillance at Ft. Bliss, Tex., the "paperclip scientists" worked with the remains of their V–2 research.

They reassembled V–2s and sent them to record altitudes from White Sands Missile Range, and they began work that was really the beginning of the Army's ballistic missile program.

In 1950, they were moved to Huntsville's Redstone Arsenal. Two years later Von Braun was attracting national attention with speeches and magazine articles on space exploration. In interviews he began to talk confidently of someday visiting the moon with his family.

Remarkably, since they had developed weapons that Hitler fired on civilians toward the end of World War II, the German rocket men were received with little bitterness in Texas and Alabama.

Heimburg does recall one incident when he heard a secretary refer to him behind his back as a "butcher," but such incidents were few.

In Texas, living in barracks under the watchful eye of the Army, they made contact with the outside world slowly, drawn children began going to Texas schools well over a year after they had been slipped into the United States.

Life was made easier for them by Col. H. N. Toftoy, the Army officer who played the key role in getting them to the United States.

In moving the scientists to Huntsville to begin work on Army missile development, Toftoy emphasized to leaders of the civilian community that the engineers had come to the United States of their own choice, that they could have gone to the Soviet Union, Great Britain or France.

Their integration into the community was rapid—Walter Wiesman was elected president of the Huntsville Jaycees before he had even been in the country long enough to become a citizen.

By the time the rocket team began work in Huntsville, the refugees from Peenemunde were by far outnumbered by native-born American engineers. While they were accepted by the community, the V–2 developers were still "different" from their new colleagues.

They were, for example, still under orders from the Army not to speak German during working hours.

But, during the later heyday of missile and space development programs, members of the original German team held most of the key management posts.

William R. Lucas, now director of the Marshall Center, began working with the group shortly after their arrival here.

He recalls that "there was some feeling" that the Germans were shown favoritism. But he added, "I think Von Braun, because he was their leader and had brought them over here, was only trying to see that they got a fair shake."

Lucas said the Germans inevitably were given the critical posts in the early days because they had experience that was then unique.

The last chance to continue the momentum the U.S. space program developed on the way to the moon apparently was lost not long after Von Braun left Huntsville for Washington.

Thomas O. Paine, president of Northrop Corp., who was then administrator of the space agency, had asked Von Braun to move to NASA headquarters to lead development of plans for a manned Mars expedition after the Apollo program.

Paine did not think the chances were good that the Nixon administration would make such a commitment, but he said, "I thought it was NASA's duty to put before the public the best possible proposal." Von Braun was needed not only for his imagination and technical competence, but because he was unmatched as a spokesman for the space program.

The Mars program got nowhere with the Nixon White House.

Not long afterward, Paine resigned, and von Braun, like his old colleagues, undoubtedly realized that there was no way to make space a high national priority at any time soon.

Looking back at his close association with von Braun's Peenemunde group, Paine credits them with other accomplishments as important as their role in the Apollo moon landing.

They provided the foundation for Rocket developments in both the United States and the Soviet Union after World War II; they were the first to capitalize on theoretical work done in the 1920s and 1930s by scientists in Germany and the Soviet Union, and by Robert Goddard in the United States; and they showed a great deal about themselves and about the United States by the way they were able to move into American society almost immediately after the war.

Mr. DERWINSKI. Mr. Speaker, this is the birth date—65 years ago—of Wernher von Braun. I am pleased to offer warmest congratulations to Dr. von Braun and his devoted family. In the annals of man's ascent to space, his name will be emblazoned. Among the thousands whose skill and energy opened the ultimate frontier, he is a giant.

Dr. von Braun led the brilliant team that placed the first U.S. satellite in orbit. As Director of NASA's Marshall Space Flight Center, he was responsible for developing the mighty Saturn 5 rockets that took Americans to the Moon. He believes that the catalyst of space exploration will unite humanity to supplant the war, terror, and political turbulence of the 20th century.

As President of the National Space Institute, Wernher von Braun reminded the membership that—

> The space program already has produced unexpected blessings and byproducts too numerous to list. But we should never forget that it all started as a dream. Perhaps the most important mission of the National Space Institute is to keep that dream alive. Therefore, we invite all of you who are young at heart and believe in a continued material and spiritual growth of mankind to join us. The Earth does not pose a limit. Our limit is the sky.

Those words represent the devout patriotism and religious convictions of Wernher von Braun. He is 65 today and we are all the richer for those years.

Mr. ABDNOR. Mr. Speaker, mention of the name Wernher von Braun conjures up images of rockets and visions of spaces. Indeed, this gentleman's insights have been largely responsible for our many technological achievements. These achievements, however, go far beyond thrust power, our awesome lunar landings, our satellite technology, our deep space probes, all a part of the mighty rockets he has been designing much of his life.

The rockets, and the exploration which was possible because we had the rockets, are in themselves a magnificent tribute to the von Braun genius. Also a tribute,

albeit indirectly, are the many spinoffs of the space program which we now accept as part and parcel of our daily lives. Achievements in communications, in medicine, in electronics, in energy, in resource conservation, in thousands of products with everyday application, all have their origin in the space program.

It is highly appropriate the Members of Congress join in recognizing the sterling contributions of Dr. von Braun to our science and industry, to thank him for his dedication and perseverance, and to wish him well.

Mr. KEMP. Mr. Speaker, I commend the efforts of my colleague, DON FUQUA, for focusing congressional attention and commendation on this, the 65th birthday of America's great space pioneer, Dr. Wernher von Braun.

It is a great honor for me to have this opportunity to help express the appreciation of the American people and myself for the outstanding contributions Dr. von Braun has made to our country.

Working toward the ultimate goal of landing a man on the Moon and returning him safely to Earth, he expounded his belief that the probability of man's voyage into space was, in fact, a down-to-earth possibility.

Dr. von Braun was born in Wirsitz, Germany, and as a youth, he joined the German Society for Space Travel. Writing in his textbooks at the age of 13, he expressed the belief that, "space travel's time had come." After receiving his Ph. D. in physics from the University of Berlin in 1934, he subsequently began full-time work on rocket motors; bringing the level of technology of rockets and missiles many years ahead of all other countries.

After having come to the United States at the end of World War II with key members of his technical staff, he became by 1950 the director of the U.S. Army ballistics weapons program at Huntsville, Ala. It was here that the Redstone, Jupiter–C, Jupiter, Juno, and Pershing missiles were developed.

After the Soviet Union launched Sputnik I on October 4, 1957, von Braun and his team placed the first U.S. satellite, Explorer I, in orbit on January 31, 1958, and continued to lead the way in making new advances in the field of space exploration.

As Director of the George C. Marshall Space Flight Center, he continued to pursue the goal of landing man on the Moon by developing large space launch vehicles, like the Saturn V for Project Apollo.

Although the field he worked in was extremely complex, Dr. von Braun remained a practical man. He knew what could and could not be done. He analyzed the obstacles laying before him, and by sheer dedication and perseverance he removed them. Supplying enthusiastic leadership to his team and the promotion of his goal, he exemplified the spirit of spending one's self in a worthy cause.

It was under his direction that the development of the Skylab was initiated, as well as the development of the lunar roving vehicle which provided the transportation for the astronauts on the Moon's surface. He conceived the idea of docking in space as a means of traveling to the Moon a decade before it was ever physically produced. It can honestly be stated, that had it not been for his dynamic leadership, we would never be as far advanced in the field of space travel and exploration as we are today.

Due to the direction of Dr. von Braun and the great devotions of his team, we have been taken to the threshold of the stars. This drive has yielded immeasurable benefits to man here on Earth. Under the space program, we have greatly profited by the continual operations of orbiting weather and communications satellites. The Nimbus, and other weather satellites can determine why and how tornadoes form, as well as how they might be prevented. In the field of weather forecasting, these satellites will save up to $5.5 billion per year by initiating weekly forecasts.

Being able to communicate around the world, monitoring and observing the Earth from above the surface, locating and identifying deposits of oil, coal, and other natural resources from space, benefiting by the use of precision guidance systems, and gaining by the institution of safety and quality control standards, are all but a few of the many utilizations due to the space program. Research and development in this field has also flowed over in spinoff benefits to other industries. A study conducted by Chase Econometric Associates, Inc., in 1975, stated that each new dollar invested annually on space R. & D. would return $23 over a 10-year period. This is the true human value of Dr. von Braun's dream of space exploration, and of making man's life more productive by opening new areas of technology here on Earth.

It became Dr. von Braun's belief that it was part of man's destiny and evolution to reach out and venture into space. It was now in the destiny of man to take the next step in extending his life—a step into space. Man would in this way learn more about himself and develop a closer relationship with the world, and the forces of nature around him. It is the "wanderlust" and the adventure spirit in man which is responsible for this, and he should not be held back from it. In essence, Von Braun believed that man could get the most out of Earth, by going out into space.

I only hope that our efforts in space travel and exploration have not become diluted and jeopardized by recent delays in this program. Dr. von Braun has taken us far and has accomplished much before he retired, but it is now up to us to take the next step by assuring a rebirth of that spirit of the 1960's associated with man's voyage into space. We celebrated the Bicentennial last year, but we also witnessed the soft landing of the Viking Explorer on Mars and the development of the Space Shuttle.

We must continue to make realities out of the dreams of men like Dr. von Braun, who through vision and dedicated work can in the end know the great enthusiasms and the triumphs of high achievement.

Mr. Speaker, let us continue the legacy of Dr. Wernher von Braun, by keeping our feet on the ground, while continuing to reach for the stars.

Mr. BEVILL. Mr. Speaker, I wish to join my colleagues today in saluting Dr. Wernher von Braun on the occasion of his 65th birthday.

The accomplishments of this remarkable man are numerous, but his efforts in pioneering and administering our national space program during the past two decades are particularly noteworthy.

And it is those efforts in behalf of our exploits in outer space around which I wish to center my remarks during this special salute to Dr. von Braun.

As a Representative from Alabama, I have always attached special significance to the work of Dr. von Braun and have followed closely his dedicated career in the field of space exploration.

For 20 years from 1950–70, Dr. von Braun was a resident of Huntsville, Ala., where he held various administrative positions at the U.S. Army's Redstone Arsenal and later in the George C. Marshall Space Flight Center.

When the Marshall Space Flight Center began operations in 1960 with its mission to land an American on the Moon by the end of the decade, Wernher von Braun was there as its director.

As has always been characteristic of the man, he saw the mission successfully completed. He left Huntsville in early 1970 for assignment in Washington, D.C. as the National Aeronautics and Space Administration's deputy associate administrator in charge of charting a course for future American space exploits.

Dr. von Braun later accepted a position as vice president of engineering and development with Fairchild Industries, a post he held until his retirement on January 1 of this year.

As I stated previously, the scientific accomplishments of Wernher von Braun are innumerable. But allow me to share with you an example of one of his many accomplishments which I believe more than adequately points out the dedication and zeal with which Dr. von Braun approached his work.

During the mid-1950's, Dr. von Braun pressed his superiors in the Defense Department for the authority to attempt a satellite launch. However, his superiors were not quite ready for space exploration.

The successful orbit of the Soviet Union's Sputnik I and II in October and November 1957, changed the Government's mind about space and the result was an around-the-clock effort at Huntsville's Redstone Arsenal to get the United States into the space business.

As head of that effort, von Braun knew what had to be done and how, since he had planned for such an opportunity almost all of his life.

On January 31, 1958, the American satellite Explorer I went into orbit around the Earth—an incredibly brief 84 days after von Braun had been given the green light to develop such a mission.

The rest of Dr. von Braun's association with the U.S. space program is history. From the successful orbit of Explorer I in 1958 to the climactic landing on the Moon of July 20, 1969, the role played by Wernher von Braun can only be described as immeasurable.

As much as any single person, Dr. Wernher von Braun is responsible for our successful mission in outer space to date. And all future ventures in that realm will be indebted to him, for without his foresight and perception, the feasibility of such missions would have diminished greatly.

With that in mind, it is with a sense of appreciation for his efforts in behalf of the United States that I enthusiastically join my colleagues in saluting a great American—Dr. Wernher von Braun.

Mr. DUNCAN of Tennessee. Mr. Speaker, it is most appropriate that we should take this opportunity to pay tribute to Dr. Wernher von Braun, a man who for nearly five decades has been preeminent in the development and application of rocketry in science, industry and space exploration and research, and a man who has made invaluable contributions to the quality of human life.

Dr. von Braun, since his imagination was stirred at the age of 12 by a auto racer using crude rockets on his car, has been a visionary in the field of rocket science. He has always demonstrated an almost uncanny ability to assess present knowledge and project how that knowledge might be improved and applied successfully to future endeavors. Dr. von Braun has also been a realist and a pragmatist. He has consistently taken dreams of the future and used them to create improvements in the quality of life today. Taken separately, these qualities are not so remarkable, but combined they are the essence of an extraordinary individual.

The contributions Dr. von Braun has made thus far to the advancement of humanity are rather easily discerned. However, the rewards which will be reaped by future generations as a result of the pioneering efforts of Wernher von Braun will most likely be even greater than those we recognize today. This is surely the truest measure of greatness and of Dr. Wernher von Braun.

Mr. RHODES. Mr. Speaker, outer space is the latest great frontier for us who live on this Earth. March 25 marked the 65th birthday of a man who has contributed much to our exploration of the celestial universe.

He is one of the major architects of our Apollo lunar landing program. He began his scientific career in the days when rocketry was little more than a glorified roman candle. He came to America from Germany, and has established himself as an innovator and visionary scientist in evolving the concepts that have seen our Nation move into world leadership in outer space exploration.

The spin-offs in technology and practical products from our space program help improve the standard of living of the American people. We are deeply indebted to Dr. Wernher von Braun for his dedication to space science, his imagination and knowledge of the technology, which has enabled us to move from the experimental to useful satellites and prospects for a space shuttle that will open new vistas of opportunity in future years.

I join my colleagues in extending our appreciation to Dr. Wernher von Braun, who has made an indelible impression on history and carved out an outstanding career as one of America's space pioneers.

Mr. SYMMS. Mr. Speaker, I am pleased to associate myself with Mr. FUQUA and my other colleagues in the House in paying honor to Dr. Wernher von Braun—truly one of the giants of the 20th century—on his 65th birthday.

There are all too few men and women among us with the vision and innovative thinking that is characteristic of Dr. von Braun. I will always regard him, as will most Americans, as the father of America's space program as well as the world's most distinguished rocket engineer.

It is safe to say, I am sure, that had Dr. von Braun not chosen to come to America at the end of World War II the United States would not be the world leader today in rocket and space technology, and in all likelihood we would not have been able to send men to the Moon and back by the year 1969

Many years ago when rocket technology was very young Dr. von Braun was already doing studies on advanced space missions. One of these was entitled "The Mars Project," a most impressive description of the technical requirements for a manned interplanetary journey to Mars and back. Dr. von Braun was also one of the first to emphasize the importance of a permanent space station in orbit around the Earth.

Furthermore, Mr. Speaker, he has authored a number of books on rocketry and space travel that I would highly recommend to anyone interested in the subject. Two of these are "History of Rocketry and Space Travel," and the recently published "Rockets Red Glare."

In July of 1963 Popular Science magazine carried a most interesting article by Dr. von Braun entitled "Can We Ever Go to the Stars?" I would like to include this article in my remarks today; it reads as follows:

DR. WERHNER VON BRAUN LAYS THE CARDS ON THE TABLE: CAN WE EVER GO TO THE STARS?

Q. Will we ever be able to travel to solar systems beyond our own?

A. The past 20 years should have taught us to use the word "impossible" with utmost caution. Nevertheless, human travel beyond our own solar system is a staggering concept. Even the most reckless optimists do not expect it to come about in our generation—or the next.

Light, traveling at 186,000 miles per second, needs 8.3 minutes to span the 93 million miles between the sun and earth. Light takes 5½ hours to travel from the sun to Pluto, outermost planet of our solar system. But it takes 4.3 years to reach Alpha Centauri, the nearest fixed star (4.3 light-years away); 470 years to Polaris; and 27,000 years to get to the center of our galaxy—a lens-shaped island in space, a little less than 100,000 light-years in diameter, made up of an estimated total of some 200 billion suns.

Q. Can we build a rocket powerful enough to travel so far?

A. We have to impart to an object a velocity of slightly more than 25,000 feet per second to place it in a low orbit around the earth. About 36,000 feet per second is needed to hurl it to the moon—which is still within range of the earth's pull—and just a trifle more to kick it completely out of the earth's gravitational field. If we accelerate it up to a terminal speed of 56,000 feet per second (in such a fashion that it leaves the earth in the same direction in which the earth is orbiting at 107,000 feet per second around the sun), it will enter a parabolic flight path and escape from our solar system.

From the point of view of power requirements, a needed velocity of 56,000 feet per second (38,000 m.p.h.) may not sound too bad. Just one extra stage on top of the Saturn V, our Apollo moon rocket, could impart that speed to an object of about 8,000 pounds. But as the object coasted, its power spent, on its "uphill" path out of the pull of the sun's gravity, its speed would gradually diminish almost to zero. Millions of years would elapse before it reached one of the nearest fixed stars.

To reduce travel time to figures compatible with the life span of man, travel speeds must approach the speed of light.

Not even nuclear-fission or nuclear-fusion processes are adequate to produce such speeds. For all their dramatic display of power, they convert only a tiny fraction of the mass involved into energy. It would be necessary to devise a rocket mechanism wherein the *entire* mass, M, of the injected "propellant" is coverted into radiation energy, E, according to Einstein's famous equation: $E=M\times C^2$. The exhaust of such a "photon rocket" would be a beam of radiation, and the exhaust velocity would of course be equal to the velocity of light, C.

The problem is that nobody knows how to build a photon rocket. Certain subatomic processes are known, such as the joining of an electron (a small negatively charged particle) with a positron (an equally small positively charged particle), that directly transform matter into energy according to Einstein's equation. But so far, physicists have been unable to devise any large-scale processes for this transformation.

There are also tremendous engineering obstacles. By definition, a photon rocket converts its propellant stream into an extremely powerful light beam. To bundle this beam, some sort of mirror is needed. Even if it had a reflectivity of 99 percent, better than our best existing ones, that one percent of absorbed radiation energy would instantly melt the mirror—considering the billions of kilowatts converted into the power carried away by the light beam.

Q. Is it true that it is impossible to exceed the speed of light?

A. Yes. But as we shall see, this is partly a matter of definition. Suppose we had overcome the "minor" problems just described, and we did have a rocket capable of "beaming away" 100 percent of the mass of its propellant with an exhaust velocity equal to the speed of light. What could we do with it?

If the rocket had a mass ratio (the ratio between its fully fueled and empty weight) of 3, it could reach 80 percent of the speed of light. With a mass ratio of 10, its terminal velocity would be about 98 percent; and with a mass ratio of 1,000 (about what we have today in some of our chemical multistage planetary rockets), we would hit 99.9998 percent of the speed of light.

Again we refer to Dr. Einstein. His Theory of Relativity (which has stood the test of many critical experiments, and has been universally accepted by the scientific community) shows that the inertia of an object's mass approaches infinity as the object approaches the speed of light. Hence it would take infinite power to accelerate an object beyond the "light barrier."

But, amazingly enough, the same theory states that a stellar astronaut could still travel to a star 1,000 light-years away and return within his adult life.

Q. How could an astronaut travel 2,000 light-years in a lifetime?

A. "Time dilation" would help him to stay young. For many people, the strange phenomenon called time dilation is a hard pill to swallow. The flow of time appears to us completely unaffected by physical conditions. Whether we sleep or work, sit at a desk or in a speeding jetliner, our wrist watch seems to tick away at the same pace. So does our heart.

But the fact is that this cherished piece of "everyday experience" is valid only in the realm of relatively low velocities in which we slowpokes live.

A meson (an unstable subatomic particle), when trave ing at a velocity close to the speed of light, has a clearly longer decay time than its 2.1-microsecond "half-life" at lower speeds—when an earth-fixed observer does the timing. But if the observer were flying along with the meson, the half-life of 2.1 microseconds would not seem to be affected by the particle's speed, since the observer's watch would be subjected to the same time dilation as the meson itself.

The Theory of Relativity tells us that the pace of time becomes slower and slower for an object approaching the speed of light, compared with time's rate of passage for a stationary observer. At the speed of light itself—an upper limit that no object can ever reach—time would come to a complete standstill. If an object could go so fast, it could cover vast distances while, for a man flying along with it, no time would elapse—neither for his watch nor for his heartbeat, which controls his life span.

This strange effect makes it possible for a stellar astronaut to travel from the earth to a fixed star 1,000 light-years away, in what he would think was 13.2 years. For the trip back he would need another 13.2 years. If he didn't spend any additional time at his destination, he would thus have been away from the earth for 26.4 years. The trouble is that during his absence, more than 2,000 years would have elapsed on earth. Thus, upon return, he might wind up in a zoo.

Q. What would a trip to a star be like?

A. Let us assume we have a photon rocket of 1 G. Suppose, too, that our mass ratio is large enough to get us very close to the speed of light; carry us to a star 1,000 light-years away; and slow us down again to normal speeds, so we can visit one of the star's planets. The rocket is also to be capable of flying us back to earth—possibly by "refueling" during the stay at that distant solar system.

As we depart from the earth, the stars of the firmament will first appear in their familiar yellowish hue. As our vehicle builds up speed toward our target star, the Doppler effect will cause a striking change in this star's color. From its original yellow, the light received from it will shift through green, blue, and violet, and toward ultraviolet—in other words, to higher frequencies. Simultaneously the color of the receding sun will slowly change from yellow to orange, red, and toward infrared—that is, to lower frequencies.

This is easy to understand: A boat running against the waves is hit by them at a higher frequency than a stationary pier is; a boat running with the waves, at a reduced frequency.

After about 3½ months our stellar photon rocket has reached about 30 percent of the speed of light. The frequency of the sun's peak radiation output now passes the border of the visible spectrum and moves into the infrared. As a result, the sun dims rapidly, and soon becomes invisible. One month later, the destination star likewise becomes invisible—the peak of its radiation intensity has shifted into the ultraviolet.

As our velocity keeps increasing, two circular dark spots are formed around the destination star and the sun, and keep growing in diameter. Between these blind "bow and stern spots," the stars of the firmament appear as a multicolored array of concentric circles, like a huge rainbow:

Near the black bow spot, the stars look violet. Further aft, they are blue and green. Abeam, they shine in their original yellowish hue. Still farther aft, they look orange, and the dark stern spot is surrounded by a ring of red stars.

Due to "relativistic" effects, the dark bow spot grows only to an opening angle of 43 degrees. After we exceed 74 percent of the speed of light (11 months after departure), it begins to contract again. But the stern spot around the sun continues to grow steadily. Hence, as our traveling speed approaches the speed of light, the visible portion of the firmament will become compressed into an ever-narrowing rainbow around the invisible target star.

The opening angle of the yellow ring, in this rainbow, is a perfect yardstick for the ratio between our traveling speed and the speed of light. In analogy to the well-known Mach Number (ratio of flight speed to speed of sound), this ratio is sometimes called the Einstein Number.

In 6.6 years from the time of departure, our speeding photon rocket hits Einstein Number .999998, and we are at the halfway point of our journey. However, on trying to measure the remaining distance to our destination star (now emitting predominantly X rays), we find it only about a light-year away! In fact, without further power application, we would pass it a year later—7.6 years' "dilated ship's time" after departure—if we were to refrain from slowing down for our forthcoming visit.

But in order to visit one of the star's planets, we have to turn our ship around and use our photonic rocket thrust for braking. Of ccurse our slowing down means that we'll reach our target, not in another year, but much later. Only after another 6.6 years—13.2 years after departure—will we near our target, at a relative approach speed close to zero. During the second 6.6 years—that is, during the retardation maneuver—all those celestial "rainbow" phenomena of the acceleration period will take place in reverse. Upon arrival, the firmament will look like its old self again.

If we had a telescope powerful enough to observe events on earth from our new vantage point, we would find our home planet very much as it was when we left it. But, being 1,000 light-years away, we are actually watching events that happened on earth 1,000 years ago. (This is the nondilated time that has elapsed on *earth* since we left.) The amazing thing is that, due to the time dilation aboard our speeding rocket, we have aged only 13.2 years during our outbound voyage.

Eerie as this may sound, it is all in perfect harmony with modern ideas of the laws of space and time. (Men today have the same difficulty in accepting the concept of relativistic time that our ancestors had in seeing how people "down under" in Australia could walk head down without dropping off the globe. But that is because our experience does not include very great distances and extremely high speeds.)

While the insights of modern physics permit us to dissect the anatomy of interstellar flight, we must forego rash conclusions that any such flights are imminent, or feasible. We cannot yet even define an adequate power source. If we had it, many problems of using it would be beyond us. Other obstacles may be even more formidable. For instance, what would happen to an interstellar rocket that hit even a small meteoroid, if the collision were at nearly the speed of light?

In summary, with our present knowledge, we can respond to the challenge of stellar space flight solely with intellectual concepts and purely hypothetical analysis. Hardware solutions are still entirely beyond our reach and far, far away.

It is a pleasure, Mr. Speaker, for me to have the opportunity to join with my colleagues in honoring this great American who has contributed so much to the knowledge and enlightenment of mankind. To Dr. Wernher von Braun we say thank you and all the best wishes in the future.

GENERAL LEAVE

Mr. WALGREN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks, and to include therein extraneous material, on the subject of the special order taken today by the gentleman from Florida (Mr. FUQUA).

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AN END TO THE GILBERT INEQUITY

The SPEAKER. Under a previous order of the House, the gentleman from Connecticut (Mr. MCKINNEY) is recognized for 5 minutes.

Mr. MCKINNEY. Mr. Speaker, since the Supreme Court's decision in the General Electric against Gilbert case last December, I have been in close contact with those who feel, as I do, that legislation is necessary to reverse the effects of that clearly erroneous decision. Therefore, it is in the hope of bringing real equality to over 1.3 million working American women that I join in sponsoring a bill to amend title VII of the 1964 Civil Rights Act and thereby include pregnancy among prohibited sex-based discriminatory classifications.

This bill would insure that, notwithstanding the Gilbert decision, unlawful employment discrimination would include any reduction in pay or seniority as well as termination solely because a female worker became pregnant. There can be no doubt of the need for immediate action in this area. A vast and important cross section of our population is directly affected by this court-produced lack of employment protection. We are not dealing with the needs of a few poor families but with 85 percent of working women who, at some time, become pregnant and who now must suffer a loss of earnings or employment as a result. Those employed women are either the sole wage earner in the family or those whose husbands make less than $7,000 annually. When these women lose income or return to a job with a reduction in status after pregnancy, a great setback can occur in family finances just when there is another mouth to feed.

As in the General Electric case, the standard company-financed disability program provides for:

Nonoccupational sickness to all of its employees for each week the employee is absent from and unable to work on account of any disability resulting from non-occupational accident or illness up to and including 26 weeks for any one continuous period of dis-

ability or successive period of disability due to the same or related cause.

Although this states that it must be an accident or illness which triggers benefits, cosmetic surgery—a clearly voluntary disability—is most often covered under the standard plan. Thus the Court's thin argument that pregnancy is of necessity a "voluntary condition" and therefore, not worthy of civil rights protection is simply factually incorrect. It is widely agreed that there is no perfect contraceptive. This means not all pregnancies are planned and, as a matter of fact, 44 percent of all births to married women are unplanned or "involuntary," according to the national fertility survey conducted by Princeton University.

Even if existing disability policies do not clearly cover arguably voluntary conditions, it is clear to me that as a matter of commonsense and public policy pregnancy should be covered in any discrimination-free disability plan. My understanding of the civil rights law has always been that sex discrimination in any form was forbidden in employment practices. Since it is an obvious biological fact that only women can become pregnant, job discrimination based on pregnancy seems to me the most fundamental form of sex-based bias. The dissenting Justices in Gilbert described as "simplistic and misleading" the majority's claim that General Electric's disability plan was "gender-neutral." In view of the fact that vasectomies and other solely male disabilities are covered by the standard plan, the conclusion is inescapable that the exclusion of pregnancy in an otherwise comprehensive plan constitutes sex-based discrimination.

Mr. Speaker, the road to equal employment opportunity for minorities and women has been too long and too hard for us to tolerate this unnecessary obstacle which clearly flies in the face of known fact, statutory language and administrative policy as set forth by the Equal Opportunity Commission. It is, therefore, with the greatest sense of urgency that I join in sponsoring this bill and urge prompt House action before those who do cover pregnancy equally begin to rescind that coverage. Adoption of this measure will forestall the damage of Gilbert and its inevitable progeny while bringing job security to an important segment of the national labor force.

LEGISLATION TO EXEMPT INFLATABLE BOATS FROM PROVISIONS OF JONES ACT

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, today I am introducing legislation to protect inflatable river rafts from a totally absurd application of the law.

The Jones Act, which prohibits traffic between points in the United States by any foreign vessels, is being applied by the U.S. Customs Service to rubber rafts used for recreational river running. This is in my opinion excessive and ridiculous. True, these rafts do carry cargo (if you consider food, clothing and sleeping bags of the river runners as cargo), and they do travel on navigable U.S. waterways between points in this country. But there is no way that they pose a threat to the U.S. merchant marine. They cannot be and are not used for the large-scale, profitable transport of commercial goods. They carry at most 12 people, and they are used only seasonally. Nor do the rafts represent a threat to U.S. manufacturers—rafting enthusiasts have to buy foreign rafts because the domestic supply is exhausted and American manufacturers simply cannot produce enough rafts to satisfy the growing demand. My bill would solve this problem by exempting inflatable boats used for river running from the provisions of the Jones Act.

This is only sensible; and I urge all my colleagues—those who enjoy rafting as I do and those who simply appreciate the need for this exemption—to support me in this effort.

POST OFFICE LEGISLATION

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. STEERS) is recognized for 5 minutes.

Mr. STEERS. Mr. Speaker, today I am introducing two pieces of legislation that deals with Postal Service rules and regulations.

The first bill would require the Postal Service to consult with agencies of State and local government with respect to the construction of certain Postal Service facilities. This bill would establish hearings and consultation with local governments when the Postal Service wants to build an office in that town or city.

This is a proposal that was originally introduced by my predecessor Gilbert Gude. During Mr. Gude's outstanding tenure as the Congressman from the Eighth Congressional District of Maryland, he was confronted with the problem of construction of a postal facility in Olney, Md. The whole process of consultation with people interested in local scenic values was handled so informally, that the process broke down. The citizen's association in Olney felt that the design of the new post office was not in keeping with the way the town likes to present itself.

When we consider that the local post office is the "front line" of Federal contact with all citizens it is especially important that the Postal Service and the local citizens discuss and work together to handle problems as they arise.

The second bill I am proposing is to allow certain organizations to deposit mailable material in letterboxes, without having that material go through the mail delivery system.

I have long felt a person's mailbox is his own and should receive material other than what the mail services deposit in it. A member of the Maryland House of Delegates, Ms. Judith Toth contacted me soon after I assumed office and asked that I check into this matter. In so doing, I can find no reasonable reason why a private mailbox cannot be used by worthy nonprofit organizations to communicate to citizens in a given area. I foresee where this measure would help defray costs for organizations that can least afford the cost of mass mailings.

I am hopeful that these two measures will meet with the approval of the 95th Congress.

EPA'S PROPOSED CLEAN AIR STANDARDS FOR GRAIN ELEVATORS NEED FURTHER STUDY

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. HAGEDORN) is recognized for 5 minutes.

Mr. HAGEDORN. Mr. Speaker, on January 13, the Environmental Protection Agency issued proposed clean air standards for grain elevators throughout the country, arguing that they contribute "significantly" to air pollution and the endangerment of public health and welfare.

If nothing else, the experience with Government regulation over the past several years should have taught us that there must be some consideration of both costs and benefits. I question whether or not that has been fully done here. EPA has filed no inflation impact statement with these regulations, engaged in little discussion or alternative methods for achieving its standards, and with respect to many of the cost estimates seems to have insufficient data. No data was collected on the standards for hopper car loading operations which EPA contends, nevertheless, represent the "best demonstrated technology". National standards for boxcar loading operations are justified on the basis of 120 minutes of observation. And, despite the admission that they were unable to locate any truck loading operations in the grain industry, EPA feels no hesitation at proposing detailed regulations on how to reduce emissions generated by such operations.

Indeed, there is little discussion devoted to whether or not the slight incremental improvements in air quality which will be occasioned by Federal involvement justify any regulation whatsoever. It is no secret that elevator operations are not commonly located in those areas of the country most beset by poor air quality and noxious levels of pollution.

EPA estimates that its proposed standards will only affect an approximate 500 elevators over the course of the next 5 years, involving $26 million in capital costs, $5.5 million in annual maintenance costs, and added production costs of "less than 1 cent per bushel." As usual, these estimates do not presumably include the cost of hiring lawyers to interpret EPA regulations, the effort involved in commenting upon proposed regulations, and the costs and time involved in filing and maintaining the paperwork necessitated by these regulations. Nor, apparently, does it reflect fully the increased energy costs imposed upon companies by the addition of pollution control equipment.

EPA cost estimates are not shared by the industry. They suggest that the number of affected elevators, which includes all new, modified, and recon-

structed operations, could total as many as 4,000, with each of them subject to costs as high as six times the official EPA estimate. EPA's 1-cent-per-bushel figure, critics suggest, will more closely approximate the additional cost involved at each step of the grain handling operation, with the average bushel passing through at least four steps: from the elevator to the terminal, from the terminal to the barge terminal, and from the barge terminal to the processor or export terminal. In any event, EPA's understanding of the market conditions in the grain industry are probably best illustrated by its assurances that any increases would be "negligible," easily passed on to the producer, and completely irrelevant to the supply and demand situation in the industry.

In its regulations, EPA repeatedly alludes to absolute concepts such as "zero percent capacity", "no visible emissions", and "99 percent reductions in uncontrolled particulate matter." These references, all too typical of environmental regulation in recent years, are premised upon the idea that man is an intruder in his own environment rather than an integral part of it. There are serious difficulties in the implementation, administration, and the enforcement of such laws. What is the feasibility of a standard which precludes even the occasional, sporadic release of dust? To require devices with emission collection efficiency of 99 percent, as EPA proposes, is to at least double the cost that would otherwise be imposed through slightly more flexible 90 percent standards, as, for example, the State of Illinois has required.

There are other questions that EPA seems to have left unanswered in the discussion of its regulations. What possible conflicts are there with EPA's own noise regulations as a result of the required installation of fabric filters with large motors and fans? Have they considered the studies of the National Institute of Occupational Safety and Health in measuring random emissions, a concept which EPA states is currently impractical? What about the possible safety hazards involved in requiring the individual decoupling of unit trains in totally enclosed shelters? What about the suggestion that fabric filters are the source of potentially serious explosions? What is the justification for subjecting the grain industry to more stringent emission standards than other industries which contribute far more substantially to air pollution problems?

If EPA has given greater consideration to these issues than its proposed regulations suggest, those in the grain industry ought to be apprised of these facts. As it currently stands, there is not a great deal of confidence in what EPA has done. The deadline for comment on EPA's proposed regulations is May 14.

THE ILLEGAL ALIEN SITUATION

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. BOB WILSON) is recognized for 5 minutes.

Mr. BOB WILSON. Mr. Speaker, over the past weekend, almost 2,000 illegal aliens were apprehended in 36 hours in the San Diego area by the U.S. Border Patrol in a series of surprise weekend checkpoints near the Mexican border and on northbound freeways. During a single 4-hour period between daylight Sunday and 9 a.m., a Border Patrol unit working with San Diego police and California State Highway Patrol officers apprehended 436 aliens at a surprise checkpoint on Interstate 805, south of Del Mar. Included in the haul were 57 vans used by the smugglers.

Incredible is too mild a word to describe the illegal alien situation in the United States today. Since illegal aliens try not to get caught, no one knows exactly how many of them are secretly living and working in the United States, but estimates generally run in the 6 to 8 million range. The cost in terms of both jobs and social services is staggering.

To cite just one example, emergency medical care for indigent illegal aliens cost San Diego County taxpayers $800,000 last year. For Los Angeles County, this figure was over $10 million. Yet, the influx continues at an ever-increasing pace with no end in sight. Congress must take decisive action to stop the influx and to protect the jobs and pocketbooks of U.S. citizens. Although communities close to the Mexican border bear the initial and greatest burden of illegal entries, many areas across the country are heavily impacted.

I hope the House Judiciary Committee will schedule expeditious consideration of legislation to penalize employers who knowingly hire illegal aliens. As an adjunct to that, I woud urge the committee to approve the legislation, which I am reintroducing today, to confiscate the means of transportation used to smuggle illegal aliens.

During the weekend raid, 57 vans and 6 taxicabs carrying aliens were seized. Most of the vehicles, like the smugglers themselves, are repeat offenders. Smuggling is big business with lots of money to be made by exploiting human misery. My bill would do much to take the profit out of alien smuggling by allowing the confiscation and forfeitures of the vehicles, vessels, and aircraft used. Similar authority now exists for confiscating the means of transportation used in smuggling cases involving narcotics and dangerous drugs.

The Department of Justice has on several previous occasions endorsed the passage of this legislation. Additionally, the December 1976 report of the Domestic Council Committee on Illegal Aliens said that such seizure and confiscation authority would greatly enhance enforcement of current immigration laws.

I cannot help wondering how many illegal aliens those 57 vans have brought into southern California in the past year—or what their total will be by the end of 1977. This bill is not a cure-all to the illegal alien problem. Its passage, however, will plug a major hole in the dike, while we attempt to deal with the situation on a comprehensive and long-term basis.

We have reached the crisis point—Congress must act and act quickly. This is not simply a problem for southern California, or Texas, or even the Southwest. Illegal aliens are a major economic drain in Chicago, in New York, in Washington, D.C., and probably in Atlanta, Ga.

GREEK INDEPENDENCE DAY

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, the celebration of the 156th anniversary of the day, March 25, 1821, on which the Greek people declared their determination to once again become a free people after centuries of foreign domination is a great occasion in the history of mankind. It is this occasion that provides us with the opportunity to recall the immense contributions of Greece to Western civilization, and the awakening of modern interest in the fate of the Greek people as a result of their resolve to once again become an independent nation, announced to an unconcerned world over a century-and-a-half ago.

It is fitting that we in America should join the Greek people in celebrating this great moment in Greek history for several reasons. One of these is our debt to Greece for many of our American institutions, including our democratic system of government. The impact of Greek philosophy, art, literature, and political thought has contributed immeasurably to our own civilization. The emphasis on the dignity of men and the freedom of the human mind which marked Greece's golden age has been a rich legacy which has helped to shape our American traditions of law and government.

It is to Sophocles, Euripides, Aristophanes, and other playwrights that we owe the birth of drama as we know it. It is to Euclid, Archimedes, Hipparchus, Hippocrates, Aristotle, and others that we owe the birth of the sciences which have so changed the face of the world in which we live.

Although in 1821 other European nations gave little support to the Greek people in their quest for independence, here in the United States, support for their cause was found. It grew quickly as the North American nation which had fought for and secured its own liberty, wholeheartedly determined that a people whose tradition was a source of inspiration to American democracy should be free.

As President Monroe told the Congress:

> Genius and delicacy in the arts, daring and heroism in action, unselfish patriotism, enthusiastic zeal, and devotion to public and private liberty, all these are connected with the name of ancient Greece. It is natural, therefore, that their contest should arouse the sympathy of the entire United States.

For its part, the Greek nation looked upon the United States with hope and admiration. In May 1821, the first Greek Senate addressed the American people, saying:

> Friends, fellow citizens, and brothers, having formed the resolution to live or die for freedom, we are drawn toward you by just

sympathy, since it is in your land that liberty has fixed its abode.... Though separated from us by mighty oceans, your character brings you near us. . . . Our interests are of such nature as to cement more and more an alliance founded on freedom and virtue.

The contributions made and still being made to the growth and greatness of the United States by the Greeks who have chosen to make their homes here continue to cement the feelings we have for Greece, and on this anniversary of their independence, it is a pleasure for me to extend greetings to Americans of Greek descent in the 11th Congressional District, which I take pride in representing, as well as those in Chicago and across our nation as they celebrate the 156th anniversary of Greek independence.

ON THE NEED FOR CONTINUED RENT REGULATION IN NEW YORK CITY

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 10 minutes.

Mr. KOCH. Mr. Speaker, in what has become an annual exercise, the New York State Legislature has taken up the future of rent regulation for millions of tenants who reside in rent controlled and rent stabilized apartments. State legislative action is made necessary by the expiration on June 30 of the 3-year-old Emergency Tenant Protection Act which authorizes rent stabilization for about two-thirds of New York City's 750,000 rent stabilized units. Unless the legislature, and particularly the State senate. acts in time, owners will be free to seek any amount of increase. Increases at this time are limited to 11% anually during the life of a 3-year lease.

As my colleagues from New York City know all too well, rent regulation is an emotionally laden issue. In an effort to acquaint my colleagues with the facts, I recently circulated an analysis of the arguments most often voiced against the extension of rent control. The memorandum, prepared by the New York State Tenants Coalition, parallels my own view, that while the present system of rent regulation in New York City is not beyond improvement, its elimination would cause undue hardships to millions of tenants, particularly those living on fixed or low incomes. In this regard, a little known fact is that despite rent control and rent stabilization programs, New York City apartment rents generally rose more than three times faster than tenant incomes between 1970 and 1975. I would submit, Mr. Speaker, that New York City's severe shortage of decent, moderately priced housing will not be ameliorated by the expiration of rent regulation statutes and the State legislature should recognize this and act with dispatch to extend the Emergency Protection Act of 1974.

My letter to my colleagues in the New York State delegation and the memorandum from the New York State Tenants Coalition follow·

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEAR COLLEAGUE: Last November, members of the New York City Congressional Delegation met with representatives of the New York State Tenant and Neighborhood Coalition. The Coalition has asked me to circulate the attached letter outlining the proposals which we discussed at that meeting. I am asking your support for these proposals and your continuing cooperation in working to help resolve the long range problems which are pointed out. The major issue discussed at the November meeting was the urgent need for renewal of existing rent and eviction regulations by the New York State Legislature and the potential impact of Administraitve and Congressional influence on Governor Carey and the State Legislature.

Although the legislative responsibility for rent and eviction regulation lies solely within the realm of the State Legislature, the Ford Administration had several times indicated that it intended to use the threat of withholding additional loans to New York City to force the State to amend or abolish these regulations. This posture caused considerable concern on the part of responsible housing groups like the Coalition, which feared the policies advocated by former Secretary of the Treasury Simon and members of Senator Proxmire's Banking, Housing, and Urban Affairs Committee staff might be pursued by the incoming Carter Administration.

I believe that the reform of existing rent legislation ought to continue to remain the prerogative of the State Legislature and not be dictated by outside agencies or bodies ill equipped to assess the real impact of such changes on the residents of New York Statc. The most cursory review of the arguments offered by Treasury officials and by Senator Proxmire's staff in support of proposed changes in existing rent regulations governing New York State reveals several misconceptions of the facts which invalidate the premises on which these arguments rest. They contend that the present rent and eviction laws should be phased out because they have caused housing deterioration and abandonment, erosion of the City's tax base, and lack of payment of real estate taxes by landlords.

In fact, abandonment occurs widely in upstate New York and in almost all the major cities where there are no rent and eviction regulations. Furthermore, abandonment is found in single and double family dwellings as well as multiple family dwellings. There is no indication that New York State's regulations have caused or even exacerbated a problem which exists nationwide in both regulated and non-regulated housing.

A recent study concluded by Professor Emanuel Tobier of the New York University Graduate School of Public Administration demonstrated that the tax assessments on New York City's lower income dwellings are significantly higher proportionately than those on higher income dwellings. Other studies show that the lowest income residents pay an average of as much as 25%–35% of their income for rent. Clearly, abandonment and loss of the tax base are not related to rent protections available to tenants, but to overassessments of taxes on low income properties and the inability of poorer tenants to pay the resultant inflated rents.

Finally, the City Council's report on non-payment for real estate taxes, which can be ordered from the City Council Committee on Charter and Government Operations, demonstrates that non-payment is not the result of excessive regulation but it is largely accounted for by (1) improperly enrolled properties which are tax exempt, (2) non rent controlled properties, and (3) landlords who eventually demonstrate the ability to pay (75% of non payments are ultimately paid as result of legal action).

It is of preeminent importance that members of the State Administration and Legislature be approached before June 30, 1977 when the three state laws which regulate rent and evictions expire. I urge you to use whatever influence you can with the state legislators representing your area to preserve these most essential protections for tenants.

Sincerely,

EDWARD T. KOCH.

NEW YORK STATE TENANT
AND NEIGHBORHOOD COALITION,
New York, N.Y., December 27, 1976.

Hon. EDWARD I. KOCH,
Member, U.S. House of Representatives,
New York, N.Y.

DEAR REPRESENTATIVE KOCH: Please accept our thanks for arranging the November 11, 1976 meeting with representatives of our organization and the New York City Congressional delegation. This letter is being sent to you in order for you to circulate it to the delegation, as we agreed; its purpose is to summarize the points we discussed November 11th.

We have been concerned for some time about the possibility of federal pressure on state and city government to abolish or further weaken rent and eviction regulations especially in light of the fact that on June 30, 1977 three state laws which regulate rents and evictions will expire unless extended by the State Legislature, and June 30, 1977 also marks the end of the current cycle of seasonal federal loans to New York City. It is common knowledge that the City of New York will be back in Washington on July 1, 1977 for another round of seasonal loans, and it is clear by statute that the Secretary of the Treasury has sole power to determine whether or not to grant additional loans.

It does not unduly stretch the imagination to construct a scenario whereby Washington refuses to approve new loans unless "concessions" are made in Albany on the rent issue. Certainly this is consistent with repeated statements by the current Secretary of the Treasury and his assistant deputy in charge of the New York City loan program, and with the report issued this year by the Congressional committee chaired by Senator Proxmire which oversees the loan program, and consistent with the role played this past June by Simon and Proxmire to force the State to reduce municipal employee pension benefits.

Even though the question of renewal of the existing rent laws is entirely within the jurisdiction of the State Legislature, it is nevertheless clear that the attitude of federal officials will be an imporant factor in the overall political framework in which the renewal or non-renewal of these laws is discussed in Albany.

We should point out that we are working for comprehensive reform of the existing rent laws, which are confusing and inadequate. As badly in need of reform as they are, however, should the existing rent laws be allowed to expire, widespread disruption and hardship will be the lot of the tenants who are presently covered by them. Even though tenants outside of New York City will be affected by the renewal or non-renewal of these laws, any federal involvement in the issue is likely to be focused on the City, and this is the reason we are asking the City delegation to involve itself in this struggle.

There are two basic arguments advanced by Treasury officials and Senator Proxmire's staff to support their position that rent and eviction regulations should be phased out: that these laws have resulted in housing

deterioration and abandonment, and that they have resulted in erosion of the City's tax base and non-payment of real estate taxes by landlords. It is our position that these arguments are contrary to fact.

Abandonment is a complex phenomenon. Our own experience as a statewide organization is that many inner cities in upstate New York which have not had rent and eviction regulation for many years nevertheless have serious problems of housing abandonment and neighborhood decay. We know of communities in Albany where one finds well-maintained apartments still subject to the old state rent law (one of the three laws due to expire next year) and, next door, speculator-owned buildings removed from regulations under the vacancy decontrol law which are filled with code violations. In late 1975 an Oceanside (Nassau County) owner abandoned a 100-unit luxury building which was constructed in 1961 and was never subject to any rent law; the property was fully-tenanted at the time of abandonment and in a state of extreme disrepair, with an unpaid mortgage and a substantial unpaid real estate tax bill. This abandonment, entirely ignored by New York City media, can hardly be blamed on rent regulations. Nor, certainly, can the abandonment of one and two family homes.

In 1971 the National Urban League published The National Survey of Housing Abandonment, a report of the League's study of this problem in the cities of St. Louis, Cleveland, Chicago, Hoboken, New York, Detroit and Atlanta. Of the cities surveyed, only New York had rent and eviction regulations, but abandonment was a severe problem in all the cities except Detroit, where the survey predicted it would become a problem, and Atlanta, where the survey determined it was not a problem. While this letter cannot extract at length from this important publication, a quote from its introductory paragraph is in order: "The survey has produced extensive evidence that entire neighborhoods housing hundreds of thousands of central city dwellers are in advanced stages of being abandoned by their owners. The phenomenon affects many but not all Eastern and Midwestern cities."

As for the question of the erosion of the City's tax base: Professor Emanuel Tobier of the New York University Graduate School of Public Administration recently concluded a study of trends in market values, assessments, effective tax rates and property tax delinquency in New York City during the period 1960–1974. His findings, published by the Citizens Housing and Planning Council, entitled "Aspects of the New York City Property Market," showed that the city regularly assesses walk-up and elevator apartment buildings at a significantly higher rate of their market values than is the case for one and two family dwellings. And among the former classes: "One of the most striking effects of current assessment practice is that New York City's lower-income population lives in significantly over-assessed residential buildings compared to other New Yorkers."

At the same time, recent studies by Professor George Sternlieb and Dr. Frank Kristof show that rent-to-income ratios for lower-income New Yokers exceed twenty-five percent. Indeed, the lowest income residents, those earning less than $6,000 per year, pay rents which average over 35 percent of their incomes.

Thus, the problem is clearly not rent regulation but rather one of inadequate incomes to pay the rents required by many small landlords in order to enable them to pay real estate taxes which are too high in relation to the true values of their properties. There is no question that as the cost of maintaining older, deteriorating housing goes up the real estate tax burden on many small owners becomes impossible and must be relieved. The only solution is to reduce, or restructure, property taxes on this housing—one of the recommendations made in the 1971 Urban League survey, incidentally. It is time for government to stop anticipating tax revenues from older, deteriorating housing which cannot produce them; the money isn't there.

Concerning non-payment of real estate taxes, the City Council Committee on Charter and Governmental Operations, chaired by Councilman Edward Sadowsky, on May 13, 1976 issued a report on real estate tax delinquencies which belies many of the inability-to-pay arguments advanced by the real estate industry. A copy of this report is enclosed.

The Committee focused on the much-mentioned $502.3 million aggregate real estate tax arrearage through June 30, 1975. This $500 million figure is still referred to as fact by the press and by many public officials despite the Sadowsky report, which found that "approximately $282.6 million consists of assessments made against properties which should not have been included in the tax rolls in the first place because they are entitled to an exemption of one kind or another;" these included municipally-owned and diplomatic properties, and inflated tax liabilities for Mitchell-Lame projects. Therefore, the Committee found that the true tax delinquency was $219.7 million, not $502.3 million.

Furthermore: "Contrary to the impression held by many, the delinquencies are by no means limited to rent controlled property. Rather, they pervade the entire real estate market. There are 17,383 parcels which are in arrears for a period of more than one, but less than two years. The total amount of taxes owed for that period was approximately $55 million. Of this amount, approximately $15 million, or 27 percent, consisted of walk-up apartments, and another $7 million or 13 percent consisted of elevator apartments. However, another 27 percent consisted of commercial structures and another 12 percent consisted of one and two family houses. The balance of 21 percent of properties in tax arrears consisted of all other uses such as: transportation facilities, vacant land and condominiums."

Furthermore: "The initial filing of an in rem petition results in the immediate payment of tax arrearages by the owners of 50 per cent of the delinquent parcels. Prior to the additional 25 per cent of the properties are redeemed." In plain English, 75 percent of the owners of properties in tax arrears have the ability to pay their real estate taxes but are not doing so voluntarily.

And Professor Tobier found that as of June 1974, ten percent of all of New York City's housing was delinquent in tax payments. Here again, buildings housing the poorest classes of tenants (walk-up apartments) and the highest percentage, 22 percent, of tax arrears. Elevator buildings had an 11 percent delinquency rate, but even among the under-assessed one and two family houses, which are not subject to any rent laws, between 6 and 7 percent had tax arrears.

This is a very brief summary of what we discussed at the November 11th meeting. We believe that the Congressional delegation should undertake to bring these facts to the attention of the incoming Carter Administration, in particular the Secretary of the Treasury-designate, and to correct some of the misinformation which has been promulgated concerning rent regulations.

We welcome the opportunity to work with the delegation on this matter of vital concern to the residents of New York. We are ready to meet with you and your colleagues at any time: we are ready to travel to Washington to participate in any discussions which the delegation may initiate with Treasury Department or other Administration officials, or Members of Congress. Perhaps a joint meeting with the new Secretary of the Treasury, members of the New York City Congressional delegation and representatives of the New York State Tenant and Neighborhood Coalition would be a good thing.

We also want to establish a working relationship with the delegation in order to explore possible federal solutions to the problems of housing and neighborhoods; in particular we are interested in exploring federal participation in solving the Mitchell-Lama problem, which we feel cannot be solved without an infusion of capital, and to develop programs to deal with housing rehabilitation and neighborhood preservation. In addition, there is the recent problem of H.U.D. overrides of local rent statutes.

We look forward to a productive working relationship with you and your colleagues.

Sincerely,

MICHAEL MCKEE,
Chairperson.
BARBARA CHOCKY,
Southern Region Chairperson.
MARIA MARKOVICS,
Northern Region Chairperson.

U.S. CANAL ZONE TERRITORY: NON-VOTING DELEGATE IN THE CONGRESS

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, as one with long experience in the observation and study of the problems of the Panama Canal, including the operations of congressional committees, I have repeatedly found that the interests of the United States and its citizens in the Canal Zone have not been safeguarded as well as they should be. There is an urgent need for the continuous presence in the Congress from the Canal Zone of an elected delegate. At present, four other U.S. territorial possessions are so represented in the Congress as follows:

	Population	Land area (sq. mi.)
Resident Commissioner (4-yr. term) Puerto Rico	2,712,033	3,421
Delegate at large (2-yr. term):		
Washington, D.C.	756,510	61
Guam	84,996	209
Virgin Islands	62,468	132

The Canal Zone is an unincorporated territory of the United States with a land area of 362 square miles and a population of 44,198 of whom 39,200 are U.S. citizens who are subject to Federal taxation.

Since the opening of the Panama Canal, the Congress has served as the legislature of the Canal Zone. It established a government for the territory and has enacted an extensive three volume Canal Zone Code. Morever, the zone has a strategic importance greater than either Alaska or Hawaii, which for many

years before statehood, had delegates in the Congress. Under existing laws, the Canal Zone Government is called upon to perform many of the functions of State, city, and county governments.

The executive branch of its government is headed by a Presidentially appointed Governor of the Canal Zone, the judicial branch by a U.S. district judge, but its legislative branch, the Congress, has no permanent representative in it from the territory. Thus, many problems that require legislative supervision or action find the Congress without a continuously available delegate to assist in arriving at wisely reasoned decisions.

To remedy the situation thus presented, I have introduced a bill to authorize the election of a nonvoting delegate at large from the Canal Zone. Because of the importance of having such representation in the Congress, prompt action is urged. The indicated measure follows:

H.R. 1588

A bill to provide that the United States Canal Zone shall be represented by a Delegate to the House of Representatives

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DELEGATE FROM THE CANAL ZONE

SECTION 1. The first section of the Act entitled "An Act to provide that the unincorporated territories of Guam and the Virgin Islands shall each be represented in Congress by a Delegate to the House of Representatives", approved April 10, 1972 (48 U.S.C. 1711), hereinafter in this Act referred to as the "Act", is amended by striking out "and the territory of the Virgin Islands" and inserting in lieu thereof the following: ", the territory of the Virgin Islands, and the Canal Zone".

ELECTION

SEC. 2. Section 2(a) of the Act (48 U.S.C. 1712(a)) is amended—

(1) in the first sentence thereof, by inserting "from Guam and the Delegate from the Virgin Islands" immediately after "The Delegate";

(2) by inserting immediately after the first sentence thereof the following new sentence: "The Delegate from the Canal Zone shall be elected by the citizens of the United States residing in the Canal Zone at a general election held in November 1978, pursuant to regulations established under section 4(b), and at a general election every second year thereafter."; and

(3) in the second sentence thereof, by striking out "The Delegate" and inserting in lieu thereof "Each Delegate".

ELIGIBILITY

SEC. 3. Section 3(c) of the Act (48 U.S.C. 1713(c)) is amended by inserting "or possession" immediately after "territory".

ELECTION PROCEDURE

SEC. 4. Section 4 of the Act (48 U.S.C. 1714) is amended—

(1) by inserting "(a)" immediately after "SEC. 4.";

(2) by striking out "The legislature of each territory" and inserting in lieu thereof the following: "The Legislature of Guam and the Legislature of the Virgin Islands"; and

(3) by adding at the end thereof the following new subsection:

"(b) The Governor of the Canal Zone shall prescribe regulations for conducting general elections for the office of Delegate from the Canal Zone, and shall submit a copy of such regulations to each House of the Congress not later than January 1, 1978. Such regulations shall take effect on March 1, 1978, unless either House of the Congress passes a resolution before such date which specifically disapproves of all or part of such regulations.".

PRIVILEGES OF DELEGATE

SEC. 5. Section 5 of the Act (48 U.S.C. 1715) is amended—

(1) by striking out "and the Delegate from the Virgin Islands" and inserting in lieu thereof the following: ", the Delegate from the Virgin Islands, and the Delegate from the Canal Zone"; and

(2) by striking out "the Delegate from each territory" and inserting in lieu thereof the following: "each Delegate".

SPECIAL ELECTION

SEC. 6. The Governor of the Canal Zone shall conduct a special election for the office of Delegate from the Canal Zone not later than thirty days after the date of the enactment of this Act. Such Delegate shall be elected by the citizens of the United States residing in the Canal Zone on the date of such special election. The term of such delegate shall commence not later than ten days after the date of such special election and shall end upon the commencement of the term of the person elected Delegate in the general election in 1978.

POSTAL REFORM LEGISLATION

The SPEAKER. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 60 minutes.

Mr. ALEXANDER. Mr. Speaker, I am today introducing postal reform legislation which calls for a biennial authorization and appropriation for the Postal Service and an extension of the moratorium on Postal Service cutbacks and rate increases that expired on March 15.

The first provision is similar to the one I brought to the House floor last year and which this body on two occasions approved. As most of my colleagues will remember, my accountability provision sought an annual authorization and appropriation, and was subsequently dropped when the postal reform bill went to conference.

Mr. Speaker, the problems of the Postal Service are no less severe than they were a year ago.

The 94th Congress virtually "passed the buck" to the 95th Congress on significant postal reform.

This morning I testified before my colleague CHARLES WILSON of California and the Subcommittee on Personnel and Modernization. I would like to share with my colleagues that statement, as well as the text of my bill. I commend both for the consideration of my colleagues:

STATEMENT BY BILL ALEXANDER BEFORE THE SUBCOMMITTEE ON POSTAL PERSONNEL AND MODERNIZATION, MARCH 23, 1977

Mr. Chairman, I appreciate the opportunity to appear before the Subcommittee on H.R. 19, postal reorganization act amendments of 1977. I want to applaud the gentleman's initiative in scheduling these hearings while we await the recommendations of the Commission on the Postal Service, which I understand will present its report to the Congress sometime around April 18. I trust that the Chairman and members of the Subcommittee share my concern that the report will come one month later than mandated by the law we passed in the last session.

I also want to congratulate the Chairman's leadership in the quest for postal reform and thank him again for his support of my efforts last year to get accountability provisions with "teeth" in them included in that law. After his support of these efforts, I had hoped that the concept of accountability of Postal Management to the American people would have been included in his proposal.

Mr. Chairman, I remain convinced that, until we remove the Heavily-Padded Insulation that surrounds the Postal Service and make its management fully accountable to the Congress and the people, we will continue to be plagued with the problems with which this Committee is so familiar and which were articulated in this Committee's report last year—namely, that the Postal Service suffers from Favoritism, Waste, and Inefficiency.

Last year, the House on two occasions approved a proposal which I offered, calling for an Annual Authorization and Appropriation for the Postal Service.

Yet, supposedly in the interest of securing some meager measure of postal reform in the 94th Congress, House and Senate conferees chose to pass the buck on this issue to the 95th Congress. We are now confronted with that issue of Accountability.

I have said time and time again that I support a subsidy for the Postal Service. I represent a nonmetropolitan district. Statistics show that it is simply not profitable for the Postal Service to deliver mail in rural areas. Americans living in the countryside have just as much right to convenient mail services as those Americans who live in the cities. What I do not support is the philosophy of unaccountability that the Postal Service symbolizes.

Mr. Chairman, your bill goes far in correcting a number of problems with the current postal operation. I wholeheartedly support the provisions of H.R. 19 which call for Presidential appointment and Senate confirmation of the Postmaster General, as I did last year. I support the provision to abolish the Board of Governors.

I agree with the gentleman's contention that it would be unwise for the Congress to totally re-inject itself into postal ratemaking but that Congress does need to have some input in this process. The gentleman's proposal on ratemaking authority is reasonable. And I support the provision of H.R. 19 that expressly states the intent of the Congress not to disrupt USPS' currently mandated collective bargaining system, as I tried to convey when my proposal was considered on the House floor last year.

I would, however, urge the Committee to consider several other options. While no one doubts the need for a review of all capital investment projects, I still maintain that full review of the entire postal service operation will give the best measure of accountability of the postal management to the Congress and the American people.

I am prepared to compromise on this point. I recognize both the planning and collective bargaining ramifications of an annual authorization and appropriation. I believe the measure of accountability of top postal management for which the House expressed itself so loudly and strongly in the last session can be obtained by a biennial authorization and appropriation and still give USPS a reasonable period of time for planning and contract negotiation. I am today introducing legislation to that effect. I hope the Subcommittee will give that alternative serious consideration.

I have two other concerns, Mr. Chairman. As you know, the moratorium on postal rate increases and service cutbacks expired on March 15. It is conceivable that the Postal Service could reinstitute its plans to close scores of small post offices throughout the Nation before the blue-ribbon Commission ever submits its report to the Congress. I hope the Subcommittee will give considera-

tion to an extension of the moratorium for six months or for a period of time sufficient for the Congress to act on the Commission recommendations. That provision will be a part of my bill as well.

I would also urge this Subcommittee to consider a provision in the bill mandating that a person in charge of a post office of any class shall be a postmaster.

Mr. Chairman, let me close with a comment and a question on the suddenly bright financial picture we get from the bookkeeping department at the Postal Service. Is the gentleman satisfied that these financial reports are a true picture of the financial standing of USPS, that the Postal Service is actually making a profit, or are they simply not losing as much as their quarterly forecasts had predicted?

I thank the Subcommittee for its attention.

H.R. 5549

A bill to amend title 39, United States Code, to authorize the appropriation of funds necessary to operate the United States Postal Service, to provide that revenues of the Postal Service shall be deposited in the Treasury of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Postal Service Reform Act of 1977".

AUTHORIZATION OF FUNDS FOR POSTAL SERVICE

SEC. 2(a)(1). Section 2401(a) of title 39, United States Code, is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the Postal Service, for fiscal year 1978 and fiscal year 1979, such sums as may be necessary to enable the Postal Service to carry out the purposes, functions, and powers authorized by this title.

"(2) The Postal Service, in requesting amounts to be appropriated under this subsection, shall present to the appropriate committees of the Congress a statement containing a description of the operations of the Postal Service together with any other information which any such committee considers necessary to determine the amount of funds to be appropriated for the operation of the Postal Service.

"(3) All revenues and fees collected by the Postal Service shall be deposited in the general fund of the Treasury of the United States.".

(2) Section 2003(b)(1) of such title is amended to read as follows:

"(1) amounts appropriated pursuant to the authorization made by section 2401(a)(1) of this title;".

(3) Section 2003(b)(3) of such title is amended by inserting "in addition to amounts appropriated pursuant to the authorization made by section 2401(a)(1) of this title" immediately after "Postal Service".

(4) Section 4(b) of the Postal Reorganization Act (Public Law 91-375; 84 Stat. 774) is amended by striking out "Postal Service" and inserting in lieu thereof "United States, and shall be deposited in the general fund of the Treasury of the United States in accordance with section 2401(a)(3) of title 39, United States Code, as added by the Postal Service Reform Act of 1977".

(b)(1) Section 2401(b)(1) of title 39, United States Code, is amended to read as follows:

"(b)(1) There are authorized to be appropriated to the Postal Service such sums as may be necessary as reimbursement to the Postal Service for public service costs incurred by it in providing a maximum degree of effective and regular postal service nationwide, in communities where post offices may not be deemed self-sustaining, as elsewhere.".

(2) Section 2401(b) of such title is amended—

(A) by striking out "(1)" immediately before "As reimbursement";

(B) by redesignating subparagraph (A) through subparagraph (G) as paragraph (1) through paragraph (7), respectively; and

(C) by striking out paragraph (2).

(c)(1) Section 3621 of title 39, United States Code, is amended by striking out "income" and inserting in lieu thereof "revenue".

(2) Section 3625(d) of such title is amended by striking out "income" and inserting in lieu thereof "revenue".

MAIL DELIVERY SERVICES

SEC. 3. Section 2401(f) of title 39, United States Code, is amended by striking out "the date on which the Commission" and all that follows through "House of Congress" and inserting in lieu thereof "September 15, 1977".

GETTING THE PICTURE

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 30 minutes.

Mr. GAYDOS. Mr. Speaker, I read with great interest the recent recommendations of the U.S. International Trade Commission to impose tariffs on imported color television sets.

I was gratified to see this. I hope others in our Government now get the picture that I, and a few of my colleagues, have been viewing for years; that is, the steady deterioration of major domestic industries through the erosion by the flood of uncontrolled foreign imports.

The latest ITC recommendations, which would boost the cost of a foreign-made color set by $56, have been sent to President Carter. He has 60 days to decide whether to accept, reject, or modify them. If he does not act, the Commission's proposals go into effect automatically; if he rejects the ITC proposals, Congress will have the chance to override his decision through a majority vote.

I would hope President Carter concurs in the ITC recommendations for, I believe, it can no longer be denied that foreign-made color TV sets have seriously damaged the domestic color television industry and cost thousands of American workers their jobs.

According to a recent article in the Washington Post, imported color sets, which accounted for a healthy 17.9 percent of domestic sales in 1975, soared to 42 percent in 1976. Employment in the color TV industry, however, has fallen drastically over the years, from 36,500 workers in 1971 to only 23,000 in 1975.

There are those, of course, who will oppose the ITC recommendations on the stale, old arguments of protectionalism. They will continue to try to convince the American worker that it is in the best interest of his nation that he lose his job to a foreign counterpart. They will argue that it is America's moral obligation to lead others by opening wide the door to her own markets.

Lead where? Lead whom? Fifteen or 20 years ago, America was the greatest exporter of goods. Now we have become the greatest importer. Less than a decade ago, we had a national unemployment rate of 3 percent. Today it is 10 percent, despite the glossed-over figures issued by the Department of Labor.

We are rapidly becoming a nation whose workers only service and sell the products produced by others. We have become so blinded by this mysterious moral obligation to the rest of the world that we are willing to put our workers' heads on the chopping block to provide employment for a foreign headsman.

For those who shudder at protecting American industry and the American worker, I would hope they find some solace in the words of one of our most prominent industrialists, Mr. Richard P. Simmons, president of Allegheny Ludlum Steel Corp.

In a speech earlier this year before the Purchasing Management Association of Chicago, Mr. Simmons, an admitted passionate believer in the concept of free trade and an avowed opponent of Government aid to private corporations, had this to say about the injury being inflicted upon the American specialty steel industry by foreign-made products.

The issue is far more complex than a doctrinaire clash between "free trade" and "protectionalism." It is a battle between economic systems; a battle that increasingly places our nation and our economy at a disadvantage in the area of world trade. It is a battle—if lost by this nation—will have not only grave economic consequences, but social, political, and strategic consequences as well.

Mr. Simmons went on to say that certain nations have begun to use their specific strategic industries to distort the economic principles of free trade. He pointed out the American market was being used as an outlet for the products of these nations, even when not monetarily profitable, in order to achieve a broader national purpose. And, as a result, the private sector in the United States watched market after market "captured or severely impacted, not by more efficient foreign competition—but by foreign competitors, government-owned or subsidized, being used as instruments of national policy."

Mr. Simmons aptly described the difference between "free trade" as practiced by the United States and foreign governments.

The removal of profit as a measure of efficiency through government subsidization or ownership makes a mockery of the terms "competition", "free trade", "comparative advantage" ... and may be the greatest threat to our economic system since this nation was formed.

Mr. Speaker, many years ago the leaders of our Nation used to practice the axiom of never mixing our foreign trade policy with foreign affairs. Unfortunately, this practice was discarded after World War II until now it has reached the point where our foreign trade policies are so closely entwined with foreign affairs that it is difficult, if not impossible, to separate them.

And, in recent years, we have seen what has been the result. Trade deficits. We have recorded more trade deficits in the last 5 years than we did in the previous 195 years of our Nation's history. Look at last year's deficit. $5.87 billion.

The seriousness of this turnabout in

trade at last became obvious in 1975 when the U.S. International Trade Commission, formerly the Tariff Commission, embarked on a radically new venture in hearing complaints from impacted industries.

Thanks to the efforts of Catherine Bedell, former Chairman of the Commission, and Will E. Leonard, the present Chairman, the ITC left Washington and took hearings on the impact of foreign steel products directly to the people.

I recall the Commission came to the steelmaking area around Pittsburgh, and perhaps for the first and only time, our people had a chance to plead their case without the expense and inconvenience of traveling to and from Washington, D.C.

Since then, Mr. Speaker, we have seen some remarkable proposals from the ITC. The Commission just last year recommended import quotas on specialty steel. It was the first time such proposals were made. And, earlier this year, the Commission recommended a combination of tariffs and quotas on foreign-made shoes. Now, it is proposing controls on foreign-made TV sets.

The picture being shown to those in Government may not be pleasant but it is clear and sharp. It would behoove everyone to look at it and act accordingly.

CONGRESSIONAL CONTROL OF EXPENDITURES

The SPEAKER. Under a previous order of the House, the gentleman from Connecticut (Mr. GIAIMO) is recognized for 5 minutes.

Mr. GIAIMO. Mr. Speaker, during the 94th Congress the Budget Committee established an Ad Hoc Task Force on Budget Controllability, chaired by our colleague from South Carolina, BUTLER DERRICK.

I want to bring to the attention of the House an outstanding study prepared for that task force. It is entitled "Congressional Control of Expenditures," and I understand that it has been sent to all Members of the House.

The study analyzes a wide range of budget control issues that the Congress will be confronting increasingly over the next few years—issues such as off-budget agencies and their financial operations, guarantee and insurance programs, backdoor spending, permanent appropriations, and many others. It traces how Congress has, over the years, surrendered control over large portions of the budget to the executive branch and to many virtually independent or semi-independent agencies.

The study outlines the very major changes made by the Budget Act and, more importantly, specifies the areas where further change is needed to truly bring the budget under control. However, it does not make specific recommendations in any area.

I believe this study to be a landmark in the field of budget literature. I urge all Members to give it their very careful consideration.

Once again, I want to commend BUTLER DERRICK for his outstanding work in helping to prepare this study.

COMMENTS AND ANALYSIS OF COMPLIANCE OF 16TH ACDA ANNUAL REPORT

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 5 minutes.

Mr. ZABLOCKI. Mr. Speaker, Public Law 94–141 established new legislative requirements for the annual report submitted to Congress by the Arms Control and Disarmament Agency. Briefly stated, the intent was to have the report provide a more "complete and analytical statement of arms control and disarmament goals, negotiations, and activities." Further, the report was also to present "an appraisal of the status and prospects of arms control negotiations and of arms control measures in effect."

In fulfillment of its oversight responsibility the House International Relations Committee Subcommittee on International Security and Scientific Affairs, of which it is my privilege to chair, requested the Congressional Research Service of the Library of Congress to evaluate ACDA's 16th annual report in terms of its compliance with the new requirements. The evaluation was prepared by Mr. Charles Gellner.

On balance, Mr. Gellner concludes that the 16th annual report is a step backwards away from fulfillment of congressional intent to be supplied with information to enable it to make an informed judgment on arms control and national security matters. Mr. Gellner notes further that since the report was prepared by an outgoing Director of the Agency, the report might have presented his evaluation of the Agency's accomplishments during his tenure. Unfortunately, in Mr. Gellner's view, the report is little more than a summary narrative containing little substantive analysis or information vital to congressional consideration of arms control and national security issues. Mr. Gellner concludes that—

> If the 15th annual report was a quantum jump forward in usefulness to Congress, the 16th annual report is a quantum slip in the opposite direction.

I believe Mr. Gellner's detailed comments and observations on the 16th annual report will be of interest to all Members of Congress and the public at large. I would hope that the constructive criticisms contained in Mr. Gellner's evaluations of the 15th annual report published in the RECORD of October 1, 1976, and the 16th annual report would be received by ACDA in the positive spirit in which they are offered.

Mr. Speaker, I ask unanimous consent that the evaluation be printed at this point in the RECORD:

THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY'S 16TH REPORT TO THE CONGRESS, 1976: A COMMENT THEREON

(By Charles R. Gellner)

The Foreword of the 16th Annual Report of ACDA quotes the 1975 amendment to the Arms Control and Disarmament Act setting forth new legislative requirements for the Agency's annual report. The new requirements stipulated that the annual report should "include a complete and analytical statement of arms control and disarmament goals, negotiations, and activities and appraisal of the status and prospects of arms control negotiations and of arms control measures in effect."

The Foreword does not allude to the elaboration in the House International Relations Committee report on the 1975 legislation expressing the intent of Congress regarding the annual report. The House Committee declared that its intent was to attain an "expanded" version of the report to Congress that would provide "more comprehensive and updated information" with which Congress could "more effectively and intelligently carry out its role of advising and consenting in the formulation of foreign policy." The International Relations Committee said that the annual report should serve as "complement" to the arms control impact statements required by the same amendment to the Arms Control and Disarmament Act and should be "analogous" to the annual posture statement of the Secretary of Defense.

The Foreword to the 16th Report asserts that the 15th Report was "responsive" to the new legislative directive. This assertion would appear to be substantially correct. A comment on the 15th Report prepared by the Congressional Research Service in essence indicates that, while the 15th Report did not fully meet the requirements of law in every respect, it advanced far in that direction and introduced in comparison with earlier reports a totally new style, scope and depth, and a "new degree of usefulness."[1]

The Foreword to the 16th Annual Report points out that the 15th Annual Report was not submitted until July 1976 and therefore really covered a period of 18 months. Since, it says, the annual report is to be submitted to Congress by January 31, "in order to comply with this requirement, the present report complements the 15th Annual Report by completing the coverage of developments in 1976." The Foreword does not point out that the Presidency of Gerald Ford terminated on January 20 and therefore that the 16th Report was the closing report of his administration and of Director Fred Ikle.

There is no sign either in the written text or in any statements issued by Executive officials that the comments made by Representative Zablocki on the 15th Annual Report were seriously heeded.[2]

After what was a noteworthy effort to comply in the 15th Report with the new legislative requirements, the 16th Report relapses into a brief summary listing developments in a cursory way with little or no analysis of problems or issues. Indeed it is generally less informative than reports issued before the 1975 legislative standards were passed.

The emphasis in the 16th Report is almost wholly on events and activities rather than an explanation and analysis of issues. It contains a series of factual surveys of events relating to individual arms control and disarmament subjects. They include the following: non-proliferation of nuclear weapons, nuclear explosives testing, strategic arms limitation talks (SALT), mutual and balanced forces reduction, Conference on Security and Cooperation in Europe, arms transfers, restriction of environmental modification, and prohibition of chemical weapons.

A position of prominence in the Report is given to the question of limiting or preventing the proliferation of nuclear weapons capabilities to other countries. An excellent explanation and analysis of the basic issues in this problem were given in the 15th Report of ACDA. The brief account of events of recent months in the 16th Annual Report focuses on the President's announcement of a new United States policy on October 28,

[1] Congressional Record, October 1, 1976; pp. 35314–35317.

[2] Ibid.

1976, on ACDA's own activities within the Executive branch in policy formulation and on its efforts to assist the International Atomic Energy Agency. An explanation of the developments elsewhere in the world which prompted in whole or in part the President's policy initiative is not given. There is, moreover, no mention of the considerable activity in Congress to deal legislatively with U.S. policy on exports of nuclear materials as a means of mitigating the intensification of the proliferation problem. The administrative responsibility within the United States Government for matters relating to the world proliferation problem is divided among a number of organizations with at least some of which ACDA must interrelate. The report mentions ACDA's participation in the governmental network, but no description how this network operates the way responsibility is divided, nor what initiatives and programs are being undertaken to deal with the proliferation problem, is offered. It is not possible to obtain from this report much understanding of ACDA's influence within the Executive branch and in what respects it is exerted in conjunction with other government agencies, for example, the Energy Research and Development Administration and the Department of State, in the drafting of national policy. A fuller exposition of ACDA's approaches to the difficult problems associated with proliferation of nuclear energy capabilities and preventing the acquisition of nuclear weapons knowledge, would be enlightening to Congress and inform its decisions on authorizing support to ACDA. One of the characteristics of this 16th Annual Report, and it is not an unusual characteristic of such publications, is that it shies away from politically sensitive subjects which are often the most meaningful elements of a problem.

The section on nuclear explosives testing gives a brief run-down on the current status of the Threshold Test Ban Treaty and the Treaty on Underground Nuclear Peaceful Explosions as well as on the negotiations for a comprehensive ban on nuclear testing. The main preoccupation of this section is with the questions of verification of treaties restricting nuclear testing. Political and military aspects of these treaties and proposals for treaties are not broached. Questions, for example, of how such restrictions on testing would affect the development of weapon systems are not alluded to. The controversy between the relative merits of the threshold test ban and the comprehensive test ban is not cited nor is the idea of a moratorium on nuclear testing for a limited period of time, such as has been suggested by President Carter.

The description of the current status of the SALT negotiations is short. Although it mentions an issue in those negotiations regarding the Backfire bomber and cruise missiles, details of proposals made by both sides are not given nor is there any hint of contrasting views within the United States Government in regard to so-called "gray area" weapons or other SALT matters.

Furthermore, there is no exploration of the subsequent weapons development by both signatories of the 1972 SALT agreements which has so affected the negotiations looking toward new agreements in 1977.

A separate short section in the report is devoted to the so-called Standing Consultative Commission which was established to afford a channel of communication and mutual discussion between the USSR and the United States in reference to problems arising under the SALT agreements of 1972. The fact that this Commission has held discussions on charges of violations or possible violations of the SALT agreements by either side is mentioned but there is no elaboration. A general conclusion is stated that neither side has been responsible for violations which would jeopardize the security of either signatory or bring into the question the viability of the SALT agreements.

The report mentions that the U.S. and Soviet representatives on the Standing Commission concluded two agreements in the fall of 1976, one relating to the communication arrangements that implement an earlier agreement concluded in 1971 on measures to reduce the risk of outbreak of nuclear war, and the other establishing procedures for replacing ABM systems carried out in implementation of the ABM treaty of 1972. The report does not mention that these two agreements or protocols, are classified or why they are. An obstacle to the exercise of Congressional oversight in regard to the SALT negotiations is that they are conducted in an environment of secrecy which has not been strongly challenged. U.S. Government spokesmen have declared that the SALT negotiations and proceedings of such bodies as the Standing Commission are kept secret because of the wishes of the Soviet Union. This, however, has not prevented many leaks from the Executive branch, relating to the SALT negotiations and the proceedings of the Standing Commission. Various partisans of one view or another apparently take advantage of the poorly safeguarded confidentiality of the negotiations to issue information selectively about the negotiations and proceedings of the Standing Commission which can give partial or distorted interpretations of what is transpiring. There remains a serious question whether this condition of sieve-like secrecy actually serves a better purpose than what would result from a policy of official disclosure of the entire record.

The brief outline of the positions of the two sides in the negotiations for mutual and balanced force reductions in Europe adds little to the excellent description of these negotiations in the 15th Annual Report. The 16th Report adds a paragraph sketching the participation of ACDA representatives in executive and diplomatic bodies responsible for formulation of policy and positions for MBFR. It is difficult, however, to assess the ACDA participation in these organizations and procedures in the absence of a description of the entire bodies and of the participation of other agencies and government authorities in them.

The few lines devoted to the Conference on Security and Cooperation in Europe center on the point that ACDA is participating in the preparation for the follow-up meeting on that 1975 Conference to be held in Belgrade in 1977. The statement is made that in preparation for the Belgrade Conference a review of implementation of the agreements at Helsinki is being made in regard to the measures on arms control. However the report does not discuss how these measures have been implemented or what will be undertaken at Belgrade.

The implementation of the measures agreed upon at the Helsinki Conference in 1975 has become of great concern to many members of Congress. In fact Congress has established a commission to oversee the observance of the Helsinki accords. For this reason the arms control provisions of the Helsinki agreement could be worth additional attention in future reports of the U.S. Arms Control and Disarmament Agency.

One of the most informative sections in this otherwise brief, routine annual report is that on arms transfers. It gives a helpful rundown on recent legislation passed by Congress relating to arms exports by the United States, the activities of ACDA in preparing reports and studies, and the Agency's participation in Executive branch policy and decisionmaking bodies relating to United States arms transfers. This supplement to the informative chapter on arms transfer in the 15th Annual Report does not remedy what has been a notable deficiency in most ACDA publications on the subject of U.S. arms sales and transfers of armaments to other countries. ACDA reports have usually been informative in regards to general aspects of the problems raised by this national defense activity, which has a highly significant arms control impact, but they have been seriously lacking in discussions of particular problems regarding specific countries and geographic regions of the world.

Two remaining sections in the 16th Annual Report, one on the recent international convention relating to prohibition of military or hostile use of environmental modification techniques and the other on a recently proposed draft treaty prohibiting chemical warfare agents and weapons, are factual accounts bringing up to date developments in the United Nations and in the Conference on the Committee on Disarmament. Following the usual pattern in this 16th Report, they do not expand upon major issues involved.

The main text of the 16th Annual Report is concluded by a one page description of ACDA's research program, which consumes one quarter of the Agency's annual budget, and a brief account of public affairs activities. The contract research program of the Agency has been recovering substantially over the past couple of years from a deep slump and could become one of the most significant activities of the Agency. In the original legislative mandate given to ACDA research on many aspects of arms control and disarmament was a principal obligation laid upon the Agency. As international negotiations and specific agreements on arms control and disarmament came to occupy more and more of the attention and resources of the Agency the resources assigned to the research program declined. Because of the many significant negotiations now underway on arms control measures that could be of great importance to U.S. national security and a great number of which involve complex technical questions, a stepped-up research program would appear to be not only in order but could be a vital necessity in facilitating successful pursuit of those negotiations. The account in the 16th Annual Report of the research program is not comprehensive. It does not afford Congress sufficient information on which to base further decisions on appropriating funds for this phase of ACDA's activities.

The short comment in the 16th Annual Report on ACDA's public information activities provides some additional evidence that ACDA has responded more positively to the interest expressed by Congress in the Arms Control and Disarmament Amendments of 1975 in an enhanced program of public information to be carried on by the Agency. In its 15th Report, the Agency mentioned steps it was taking to heed the expression of this intent of Congress. The survey and feedback operation on ACDA publications, described in the 16th Report, could be a springboard for further examination of the Agency's response in the public information sector.

A notable gap in the 16th Annual Report is that there is no mention of the arms control impact statements nor of the procedure whereby they are developed. The impact statements are required under the same amendments to the Arms Control and Disarmament Act that imposed new standards for the Annual Report. The absence of comment on this significant additional responsibility suggests a negative attitude on the part of ACDA or the possibility that ACDA was not brought prominently into the procedure. There is no sign in the impact statements themselves, submitted to Congress by the Executive in January 1977, what role, if any, ACDA had in their preparation. The annual report of ACDA is intended to "complement" the impact statements. In a sense it does. Neither meets the standards evidently intended by Congress in the legislative requirements passed in 1975.

Since the 16th Annual Report was the final report by an outgoing Director of ACDA it might have been helpful to have had his evaluation of the history of the Agency during his tenure. But the brevity of the report and the lack of review of the Agency's record are reflections perhaps of the diminished role allotted to the Agency within the Executive branch in recent years, a trend the legislative amendments of 1975 attempted to help counteract. If the 15th Annual Report was a quantum jump forward in usefulness to Congress, the 16th Annual Report is a quantum slip in the opposite direction.

Ostensibly intended merely to bring the improved 15th Annual Report up to date, the 16th Report represents a minimum effort. For the most part it is a summary narrative, without much analysis of substance, of arms control events from July to December 1976.

It complies with the legal requirement that a report be submitted, but measured by the standards which ACDA itself set in the 15th Report, it falls short of meeting the criteria established by the legislative amendments of 1975. Speaking of the character of ACDA's Annual Report prior to the legislative amendments of 1975 the House International Relations Committee said that it presented "little more than a sketchy update on the Agency's activities generally. It provides the Congress with little if any substantive information on which to base an informed judgment as to progress and needs in achieving arms control goals." The 16th Annual Report has relapsed into that earlier format. It would be a poor model for future agency efforts to comply with the law.

LEGISLATION TO REFORM THE SUMMER FOOD PROGRAM

The SPEAKER. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 20 minutes.

Ms. HOLTZMAN. Mr. Speaker, I have today introduced legislation to make some essential reforms in the scandal-plagued summer free food program for children.

This morning I explained the bill in testimony before the Elementary, Secondary and Vocational Education Subcommittee. I would like to bring that testimony to the attention of my colleagues so that they may appreciate why this legislation is needed, what it would do, and what other steps must be taken to end the waste and abuse in this program and to assure that it provides needy children with healthful, nutritious food:

TESTIMONY OF REP. ELIZABETH HOLTZMAN

SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

I would like to thank the Subcommittee for allowing me to appear today to discuss the Summer Food Service Program for Children and my recommendations for legislative improvement.

Last July, when I last testified before this committee about the summer food program, I told you of the wholesale waste, fraud and abuse I had encountered in this program in New York City.

While my efforts, those of some of my colleagues from New York and the concern expressed by your committee forced the Department of Agriculture to take some remedial action last summer, it was far too little and much too late.

The program cost nearly $77 million in New York last summer, and it paid for more than 100 million meals. On the basis of my own visits to sites, visits conducted by my staff, and other reports I received about this program, I suspect that most of those meals never actually reached needy childen, that most of the meals which did get to children were rotten, inedible or prepared under unsanitary conditions, and that many of the meals for which the government paid never even existed, but were rather fictitious meals at phantom sites.

One thing is certain about last summer's program in New York: millions of dollars and tons of food were wasted, while children went hungry and unscrupulous vendors and sponsors enriched themselves.

I am deeply concerned, as I know your committee is, that this appalling waste and abuse not be repeated—next summer or at any time in the future. I would like to advise you of the efforts I have already made to see that essential reforms are made in the program by the U.S. Department of Agriculture and the New York State Education Department, and to suggest to you some additional steps which must be taken to prevent a recurrence of the problems which plagued the program in 1976.

In December, I submitted a detailed set of recommendations for improved administration of the summer food program to the Department of Agriculture and the State Education Department. Many of these recommendations were incorporated in the proposed USDA regulations issued later in December. Subsequently, in January, I submitted formal comments on the proposed USDA regulations, urging that they be tightened further.

I request permission Mr. Chairman to have inserted at this point in the record the recommendations I made to the Department of Agriculture in December and January. I would like to summarize them briefly for you.

1. The screening of program sponsors so as to eliminate those who are incompetent or dishonest.

2. Strict controls to prevent collusion in the competitive bidding process by which sponsors choose vendors—food suppliers. This problem deserves special mention because it was, in my judgment, at the heart of the breakdown of last year's program. When a sponsor and a vendor do not deal at arms length, but instead work together to exploit the program, the result is artificially inflated meal prices and no control over the amount or quality of food delivered.

3. The exclusion of unsatisfactory vendors.

4. The inspection of all program sites prior to approval and again during the first weeks of operation.

5. The inclusion of certain certification requirements so as to facilitate the criminal prosecution of sponsors and vendors who exploit the program.

6. Increased monitoring of vendors to assure healthful and nutritious food.

7. Increased State administrative authority over program operations.

8. Tighter monitoring of State administration by USDA.

I am pleased to note that all of these recommendations were either incorporated by USDA in its final regulations or included by the State Education Department in its State plan. Although the specific provisions adopted by USDA and the State with regard to these recommendations are not as strong as I think they should be, they do represent major progress.

I would also note two very promising changes of administration. On the State level, New York State's Education Department officials who presided over last summer's total bureaucratic breakdown have, at my insistence, been removed from any responsibility for the 1977 program. They have been replaced by someone, who I understand will be testifying shortly, who has a well-established reputation for administering a good program.

On the Federal level, the prospects are even more promising. Under former Secretary Butz, as this committee knows well, the Department of Agriculture totally abdicated its responsibility to help clean up the summer food program mess. In this connection, I would recall to you my request, in July 1976, for a special USDA task force to help stop the waste and abuse then taking place in New York. Your committee endorsed this request. Yet then-Secretary Butz did not even reply to my letter until several weeks after the program ended.

Secretary Bergland, on the other hand, seems genuinely committed to tight management of the summer food program. I have been greatly encouraged by his response to my suggestions for improved regulations, and hope that these early actions indicate a much more active role by USDA in preventing abuses.

Incidentally, I have requested a special USDA task force to oversee New York's administration of the 1977 program. I hope your committee will again join me in this request. Such a task force would repay the taxpayers many times over in terms of money saved and waste prevented.

In addition to these regulatory and administrative improvements, I would like to address myself to legislative changes which I believe are needed to strengthen the program. These changes are incorporated in a bill which I will introduce this afternoon. You should have received copies of this bill, which I would like to review with you.

Section 1 authorizes the program for one additional year. In view of the history of this program, I believe it should be put on trial. The new regulations, and tightened administration at the Federal and State levels should allow us to determine whether the summer food program can be made to work effectively for the benefit of needy children without waste and scandal. Until we have had such a test, I do not believe a long term authorization can be justified.

This section also provides explicit authority for the screening out of unsatisfactory sponsors. Although the present law implicitly permits such screening, in my judgment this requirement should be made explicit in the law.

Section 2 freezes the 1977 maximum per meal reimbursement levels and mandates the Secretary to conduct a study to determine whether these levels should be adjusted. In view of the enormous profits made by vendors in the 1976 program and the inflation of meal prices through collusion, it may be possible to lower reimbursement rates and program costs without reducing food quality.

This section also directs the Secretary to find a new basis for reimbursing sponsors for administrative costs. As long as sponsors are reimbursed for administrative costs on a per meal basis, they have a built in incentive to serve more meals, regardless of whether they are needed. The per meal rates are retained, however, for guideline purposes to limit total nationwide reimbursement.

In addition, this section revises the basis for reimbursing residential camps. Under present law and regulations a residential camp can receive Federal reimbursement for every meal that it serves as long as one third of the children who attend it are eligible for free or reduced price lunch. The remainder of the children may be from middle or upper income families which pay $1000 to send their children to the camp, yet everyone's food—rich or poor—is paid for by the program. In the alternative, a camp may get Federal reimbursement for all of its meals as long as all of the children who attend it come from areas in which one third of the children receive free or reduced price lunch. Not one child need be poor for the camp to get the Federal money under this provision. My bill provides that the program will only pay resi-

dential camps for meals that actually go to needy children.

Finally, this section allows States to restrict the number of different meals which a sponsor which has administrative problems may serve.

Section 3 deals with one of the most serious potentials for abuse in the program: advance payments. Because sponsors can receive most of their money in advance, they need not fear that incompetent or dishonest administration will prevent them from being paid. In addition, since most of the funds already have been paid out, the State and Federal governments have little hope of recouping money from sponsors, no matter how bad.

This section limits advance payments for any sponsor to 50 percent of its projected expenditures for a month (as opposed to 65 percent and provides that advance payments may not exceed $10,000 per sponsor per month. These limits will allow the small sponsor—the legitimate church or community group which buys its own food—to operate. At the same time, it will keep the large sponsors who operate on a contractual basis with large vendors—and who thus do not need to spend their own funds—from taking the money and running.

This section also makes explicit the State's authority to withhold advance payments from sponsors who violate program requirements.

Section 4 allows the Secretary to make additional administrative funds available to States which have experienced severe program problems. If such additional funds enable a State to run a tight program, they will be repaid many times over.

This section also corrects a catch-22 in the present law under which a State which runs a good program, limiting waste, may be penalized. States are entitled to 2 percent of program expenditures in the State for administration. If a State holds program expenditures below the amount anticipated, its administrative reimbursement will be reduced—perhaps below its actual expenditures. My bill allows the reimbursement of a State for its actual expenditures under such circumstances.

The last provision of this bill directs the Secretary to conduct demonstration projects to determine if other means for feeding needy children in the summer may be more effective than the present program. While I hope that the present program can be made to work properly, we should at the same time be experimenting with other approaches in the event that it cannot. That we are willing to seek alternatives does not mean that we are any less committed to the goal of feeding needy children. Indeed, our search for the best way to achieve this goal demonstrates our commitment to it.

I hope that this committee will give serious consideration to my legislation and to the other recommendations I have made today. I will be happy to work with you in any way that I can to assure that this nation's hungry children receive decent, nutritious meals, efficiently and without waste.

The text of my bill follows:

H.R. 5488

A bill to amend the National School Lunch Act with respect to the summer food service program for children

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13(a) of the National School Lunch Act is amended by—

(1) striking out "and" immediately after "September 30, 1976,", and inserting immediately after "September 30, 1977," the following: "and for the fiscal year ending September 30, 1978,", and

(2) inserting immediately after paragraph (3) the following new paragraph:

"(4)(A) No service institution shall be eligible to participate under the program authorized under this section if it participated in the program during any previous year and was seriously deficient in program operations.

"(B) No service institution shall be eligible to participate under the program authorized under this section unless it demonstrates financial and administrative capacity for program operations.".

Sec. 2. Section 13(b) of such Act is amended to read as follows:

"(b)(1) Disbursement to service institutions shall equal the full cost of food service operations, except that such financial assistance to any such institution shall not exceed (A) 85.25 cents for all costs expecting administrative costs for each lunch and supper served, (B) 47.75 cents for all costs except administrative costs for each breakfast served, (C) 22.5 cents for all costs except administrative costs for each meal supplement served, and (D) payment for administrative costs in accordance with a formula developed by the Secretary pursuant to paragraph (2). The cost of food service operations shall include the cost of obtaining, preparing, and serving food and related administrative costs.

"(2) The Secretary shall conduct a study of the cost of food service operations to determine (A) whether the maximum levels of reimbursement set by paragraph (1) are reasonable or should be adjusted and (B) whether differentials should be established in such levels so as to assure that advantage is taken of economies of scale. The Secretary shall report his findings and recommendations to the Congress no later than November 15, 1978.

"(3) The Secretary shall conduct a study of administrative costs incurred by service institutions in operating the program and shall develop a formula or formulas for the reasonable reimbursement of such costs based upon the number of sites operated by a service institution and such other factors as may be appropriate. In developing such formula or formulas the Secretary shall provide, to the maximum extent feasible, that a service institution shall not lose reimbursement for expenses actually incurred when sound administration by such service institution leads to the closing of sites, reductions in numbers of meals served, or changes in any other factor upon which such formula or formulas may be based. The total disbursement for administrative costs in accordance with such formula or formulas in any fiscal year shall not exceed the total of (A) 6.75 cents for each lunch and supper, (B) 3.5 cents for each breakfast, and (C) 1.75 cents for each meal supplement served in such fiscal year. The Secretary shall propose such formula or formulas for administrative reimbursement by regulations published no later than October 15, 1977, and shall publish final regulations for such formula or formulas no later than December 15, 1977.

"(4) Service institutions which are residential camps shall be reimbursed for the cost of food service operations only for meals served to children eligible for free or reduced price school meals under the National School Lunch Act and Child Nutrition Act.

"(5) No service institution shall be prohibited from serving breakfasts, suppers, and meal supplements as well as lunches unless (A) the service period of different meals coincides or overlaps or (B) a service institution lacks the capacity or otherwise fails to administer the program in accordance with the requirements of this section and regulations promulgated under this section.".

Sec. 3. Section 13(d) of such Act is amended by—

(1) inserting "(1)" immediately after "(d)",

(2) striking out the first sentence and inserting in lieu thereof the following: "No later than June 1, July 15, and August 15 of each year, the Secretary shall forward to each State an advance payment for meals to be served in that month pursuant to subsection (b), which amount shall be sufficient to enable the State to make advance payments in accordance with paragraph (2) of this subsection.", and

(3) inserting at the end thereof the following new paragraph:

"(2) No later than June 1, July 15, and August 15 of each year, the State shall forward to each participating service institution which has made application therefor an advance payment for meals to be served by the service institution in that month in the amount of 50 per centum of the estimated reimbursement to that service institution for that month except that no advance payment to a sponsor for any month shall exceed $10,000 and except that a State may withhold or reduce any advance payment for any sponsor which fails to administer the program in accordance with the requirements of this section and regulations promulgated under this section.".

Sec. 4. Section 13(k) of such Act is amended by inserting immediately before the period at the end thereof the following: ": *Provided, further,* That if the Secretary finds that a State has experienced or reasonably anticipates special administrative difficulties in connection with the program, the Secretary may pay such State for administrative costs an additional amount not to exceed 1 per centum of the funds distributed to that State pursuant to subsection (b). If the Secretary determines that sound administration by a State has reduced the amount of funds distributed to that State in any year pursuant to subsection (b) below the amount reasonably anticipated prior to the beginning of that year's program, the Secretary shall reimburse the State for administrative costs incurred on the basis of the initially anticipated amount".

Sec. 5. Section 13 of such Act is amended by adding at the end thereof the following new subsection:

"(n) There are hereby authorized to be appropriated to the Secretary $5,000,000 for the fiscal year ending September 30, 1978, for the purpose of carrying out and evaluating demonstration projects to determine whether there may be more efficient, economical, healthful, and reliable means than those provided by the program authorized under this section for assuring that needy children receive nutritious meals during the summer. The Secretary shall evaluate such projects and report his findings to the Congress no later than January 15, 1979.

Sec. 6. The amendments made by this Act shall take effect on October 1, 1977, except that the studies which the Secretary is directed to conduct pursuant to Section 2 shall begin as soon as is practicable after the date of the enactment of this Act.

LEGISLATION TO REORGANIZE GOVERNMENT PERSONNEL STRUCTURE

The SPEAKER. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, during the coming year the Congress is going to be dealing with a variety of governmental reorganization questions. Already the President has asked for authority to reorganize various subcabinet operations and we will also be debating his request for a new Energy Department.

In this light, it is imperative that the Congress also review the existing personnel structure of Government and assess its effectiveness and efficiency. The Committee on Post Office and Civil Service is beginning an active legislative program which will include major proposals on such items as: Collective bargaining for Federal employees, and revisions of the Hatch Act. While these are important rights that are deserving of consideration, there are other aspects of employee management that deserve careful attention.

In order for President Carter to effectively reform the Government, he is going to need good personnel and the necessary tools to manage them. Today I am introducing two bills: The first of a series that are designed to begin the reorganization of the personnel system in our Government. While modest in scope, they address two serious management problems facing the executive branch.

The first problem is simply this:

We have established a pay system which regularly adjusts Federal employee salaries. It now has a limit for top level employees—GS–15—of $47,500 per annum. The result of this system is that many executives find that they are being paid the same amount as their subordinates, with diminishing morale and psychological problems. Now, we did not intend for this to happen, but it did, and continues to this day. Therefore, I am introducing a bill which will let the President administratively set rates of pay for employees whose salaries would otherwise be compressed at $47,500, or whatever the future ceiling may be. Thus, we will insure that some means of pay distinction is maintained. However small the distinction may be, it will allow the President to set the pay of his managers so that a supervisor will not receive the same pay as those he supervises.

Second, I am also concerned about the continuing trend of the Congress to authorize more and more supergrades and at the same time not provide some central managerial authority to determine how those positions can best be utilized.

Congress originally created a mechanism by which the Civil Service Commission, as the personnel manager for the President, could supervise a supergrade pool which presently has some 2,700 positions. But there are another 8,000 positions which have been separately authorized and not subject to the managerial prerogatives of the administration. Therefore, I am also introducing, at this time, legislation which does two things:

First. It reaffirms the rule of the House that all legislation affecting the establishment of these positions must be referred to the Committee on Post Office and Civil Service prior to any floor action so that this committee, which is the committee's jurisdiction, can judge the matter in terms of the overall Government, rather than simply assisting an individual agency or subagency.

Second. It repeals most of the existing authorities for those supergrade positions outside of the manpower pool and replaces that authority with Commission authority so that they can manage all the senior level positions in the career service rather than some 25 percent of it.

These two bills are but the first steps of more to come in trying to rationalize our personnel system. I want to inform my colleagues that I intend to continue introducing legislation of this type and hope to have for early introduction, a proposal for a major reevaluation of the Civil Service Commission and its functions. I intend to press for early hearings and believe that our President will support these steps toward effective and efficient management of the civil service.

PERSONAL STATEMENT

The SPEAKER. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, I insert in the RECORD at this point a statement regarding two recorded votes I missed on Tuesday, March 22, 1977, and an indication of how I would have voted had I been present. Each of the following votes came on a motion to suspend the rules and pass the bill, and I note, Mr. Speaker, that a vote of two-thirds of those present and voting is required for passage under this procedure.

The votes are as follows:

Rollcall No. 89, a vote on a motion to suspend the rules and pass H.R. 3437, Vocational Education Act Technical Amendments. The motion was agreed to by a vote of 396 to 1. I was paired for this motion, and had I been present, would have voted in favor of it.

Rollcall No. 90, a vote on a motion to suspend the rules and pass Senate Concurrent Resolution 7, a resolution relating to the harassment of Soviet Jews and other minorities. The motion was agreed to by a vote of 400 to 2. I was paired for this motion, and had I been present, would have voted in favor of it.

REPORT ON INTERNATIONAL BROADCASTING

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. FASCELL) is recognized for 10 minutes.

Mr. FASCELL. Mr. Speaker, yesterday the President released a report to Congress detailing his recommendations to increase the effectiveness of U.S. international broadcasting. This report was prepared in response to legislation passed by Congress last year calling for a comprehensive report:

(1) recommending steps to be taken to utilize more effectively the transmission facilities for international broadcasting, both existing and planned, of the United States Government;

(2) examining the feasibility of greater cooperation with foreign countries to insure mutually efficient use of nationally owned and nationally funded transmission facilities for international broadcasting;

(3) containing a comprehensive outline of projected needs for United States international broadcasting operations based on anticipated language requirements and anticipated cooperation among various agencies of the United States Government, United States Government-funded organizations, and foreign governments involved in international broadcasting; and

(4) recommending steps which should be taken to extend broadcasting operations similar to those carried out under the Board for International Broadcasting Act of 1973 to additional countries where access to information is restricted by the policies of the governments of such countries.

Mr. Speaker, next week the Subcommittee on International Operations will begin hearings on the fiscal year 1978 budget requests of the Board for International Broadcasting and the U.S. Information Agency. In the course of those hearings we will certainly give the President's recommendations most serious consideration.

Because of the great interest in Congress in broadcasting by both the Voice of America and Radio Free Europe/Radio Liberty, I would like to call to the attention of the House the text of the President's report.

REPORT ON INTERNATIONAL BROADCASTING

INTRODUCTION

International broadcasting is a key element of United States foreign policy. Communicating our policies, ideals and traditions of free information to the peoples of the world is of vital importance to the security of the United States and the structure of peace. Our most crucial audiences for international broadcasting are in the Soviet Union and Eastern Europe, where censorship and controlled media give the peoples of the area distorted or inadequate views of the U.S., as well as of crucial events within their own countries and in the world at large.

There are two separate U.S. international broadcasters to these audiences—The Voice of America and Radio Free Europe/Radio Liberty. The VOA is an integral part of the United States Government. Its mission is worldwide and the primary functions are to present world news, to express and explain U.S. official policy and American society and institutions. RFE/RL, on the other hand, is organized as a nonprofit corporation funded by Congress under the statutory oversight of the Board for International Broadcasting. Its task is to encourage a constructive dialog with the peoples of the USSR and Eastern Europe, and broadcast content is focused on the concerns of these peoples. VOA broadcasts are generally, if reluctantly, accepted by the Soviet and East European regimes as an official activity of the USG. RFE/RL broadcasts are heavily jammed in the USSR, Czechoslovakia and Bulgaria and to a lesser extent in Poland as well. (The Soviet and East European authorities have failed to acknowledge the manifest changes in RFE/RL funding, oversight and programs since 1971.)

This report is the result of a comprehensive examination of a variety of options on how to improve the effectiveness of U.S. international broadcasting, in accordance with Section 403 of the Foreign Relations Authorization Act, Fiscal Year 1977.

EFFECTIVE USE OF BROADCASTING FACILITIES

To establish with authority the requirements for broadcasting by VOA and RFE/RL, a recognized authority in the field of international broadcasting was requested to prepare a report. In his thorough study, he examined the technical requirement for effective broadcasting for both VOA and RFE/RL, treating all their transmitter facilities in the European area, for purposes of study, as a single integrated network. His

technical findings have been generally accepted by BIB and USIA.

After reviewing the technical and political requirements for effective international broadcasting, the study examined options for reducing the cost of meeting those requirements. The study finds that the present transmission facilities of both the Voice of America and Radio Free Europe/Radio Liberty are inadequate to assure a satisfactory probability of reception in all current languages of broadcast to the USSR and Eastern Europe—particularly in view of the continued jamming of RFE/RL broadcasts in much of the area. Both radios are presently vulnerable to the possibility of equipment failure or to transmitter site loss; neither has much capacity to increase broadcasting during periods of international crisis. Given these problems, the study and its review have determined that sixteen new 250 kilowatt transmitters are required for this U.S. broadcasting effort.

A full range of alternatives has been carefully reviewed; these alternatives would reduce the overall transmitter requirement by curtailing, reducing or combining VOA and RFE/RL broadcast efforts in various languages. The options examined—and rejected—included eliminating broadcasts to many non-Russian nationalities of the USSR and integrating the RFE/RL and VOA program schedules as well as their transmitter networks.

While several of these options would reduce potential capital investment costs and annual operating costs, the political disadvantages of such measures far outweigh the budgetary savings or technical efficiencies. Sharing present transmitter facilities for VOA and RFE/RL broadcasts would *not* reduce the need for new transmitters, given present program and language requirements. The savings that might be achieved by integrating program schedules would be at the cost of significant reductions in current prime-time broadcasting in such major languages as Polish, Czech, Hungarian and Ukrainian. Eliminating broadcasts in some or most non-Russian languages of the USSR could be widely interpreted as a weakening of the U.S. commitment to the Helsinki provision for "freer and wider dissemination of information of all kinds," and as a lessening of U.S. interest in the non-Russian nationalities of the Soviet Union.

On the other hand, the requirement for additional transmitters could be reduced if the USSR, Poland, Czechoslovakia and Bulgaria halted their jamming of RFE/RL broadcasts. Such a halt would be in conformity with the final Act of the Conference on Security and Cooperation in Europe, which expressed hope for the continued "expansion in the dissemination of information broadcast by radio." At the time of this writing, there is no indication that jamming will be halted.

COOPERATION WITH FOREIGN GOVERNMENTS

Other Western Governments (UK, FRG, France, Canada, the Netherlands, Luxembourg) with transmitters that can reach the USSR and Eastern Europe have almost no unused transmitter capacity to share with the VOA or RFE/RL. These other broadcasters (including BBC, Deutsche Welle and Radio Netherlands) maintain transmission schedules that leave virtually no free time on their transmitters when RFE–RL and VOA needs are greatest (i.e., prime time). These broadcasters are demonstrably under-capitalized in terms of the transmitter capacity to meet their own responsibilities and requirements. For example, Deutsche Welle's eight powerful 500 KW transmitters are in use 24 hours daily. BBC, the only Western broadcasters that has a worldwide mission and resources comparable to those of VOA, employs 97% of its total capacity during prime-time broadcasting hours. Radio Netherlands has no open time in any of its transmission schedules during prime-time broadcasting hours and all its transmitters broadcast 18 hours daily.

A COMPREHENSIVE U.S. BROADCASTING OUTLINE

The technical requirements to meet U.S. needs for broadcasting to the USSR and Eastern Europe have been defined above. To ensure an acceptable minimum level of broadcasting effectiveness for VOA operations in other parts of the world, USIA* has recently completed a study of its worldwide requirements and identified these new transmitter requirements. The USIA study has been reviewed and its conclusions reassessed in the context of the technical analysis developed for this report. When these findings of the USIA study are meshed with the determined needs for transmitter facilities in Europe, the results indicate an additional requirement for four new 250 KW VOA transmitters in sub-Saharan Africa to provide a reliable signal in East and South Africa and eight similar transmitters to strengthen existing VOA broadcasting facilities in the Western Pacific region.

Once the required new transmitters are installed—and three to five years will be required to complete their installation—all present U.S. broadcasting needs and commitments can be effectively met. Although language priorities may change in response to political events and some languages may be added or dropped, the total transmitter capacity will be sufficiently flexible to accommodate all probable changes short of a fundamental transformation in U.S. broadcasting policy.

EXTENDING U.S. BROADCASTING OPERATIONS

An examination of the feasibility of extending BIB-type broadcasting operations to additional countries where access to information is restricted reveals immense difficulties. Except for Western Europe, Canada, Australia, New Zealand, Japan, some Latin American and a few other countries, most of the governments of the world restrict in various degrees their citizens' access to information. In many instances, these restrictions are severe. Moreover, political conditions can and do change rapidly and often result in sharp fluctuations in the amount of information available to the average citizen. It follows that the list of countries to which we would broadcast would have to be constantly changing.

Therefore, to undertake additional BIB-type broadcasting to countries outside the USSR and Eastern Europe might require the construction of a new worldwide network of transmitters, the cost of which could run well over $100 million. The transmitters would have to be installed in a number of appropriately located countries in Asia, Africa and Latin America. It is doubtful that the U.S. Government would be able to obtain agreement from third countries to lease most of the required transmiter sites.

CONCLUSIONS

With present program scheduling, there is no significant unused transmitter capacity available for sharing between VOA and RFE/RL, or between other Western broadcasters and either of those radios.

The rationale for two U.S. broadcasters to the USSR and Eastern Europe (VOA and RFE/RL), with distinct missions and separate identities, remains valid. Blurring the distinction between them, through merged program schedules and integrated transmitter networks, would diminish their individual effectiveness. While the Soviet and East European Governments might choose to use facilities sharing or program integration as a pretext for undermining other U.S. informational programs, these considerations should not prevent the short-term sharing of transmitter facilities in the future if that should prove necessary in an emergency.

A comprehensive outline of U.S. worldwide broadcasting needs calls for an addition of sixteen 250 KW transmitters for broadcasting to Eastern Europe and the USSR (5 for Voice of America, 11 for RFE/RL) and an addition of 12 VOA transmitters for broadcast to Asia and Africa, all of which can be installed in a period of three to five years.

Extending BIB broadcasting operations to countries outside Europe which restrict access of information to their citizens would be impractical for several reasons, including the large number of such countries, the frequent political changes taking place within them, the high cost of building a new worldwide transmitter network, and the difficulties in obtaining sites for the new transmitters.

The current crowding of shortwave broadcasting bands continues to reduce the quality of the signals on available frequencies. There will be a World Administrative Radio Conference in 1979 to address, among other subjects, the question of expanding the shortwave broadcast band. The Interdepartmental Radio Advisory Committee will consider the need for expansion of the shortwave broadcast bands in preparation for the conference.

RECOMMENDATIONS

1. The Administration recommends the acquisition of sixteen new 250 KW transmitters for Europe (costing approximately 22–25 million) to provide VOA and RFE/RL with the capacity to meet the minimum technical requirements for the fulfillment of their missions, to permit RFE/RL to increase its ability to penetrate jamming, to upgrade existing underpowered facilities and to provide reserve capacity for equipment failure and times of international crisis. Acquisition of these transmitters should proceed as expeditiously as possible. Both BIB and USIA have determined that it is possible to locate the required new transmitters at existing sites in Western Europe.

2. The United States Government must keep under constant review situations that might arise to impair the technical effectiveness of our international broadcasting efforts (i.e., unwillingness of host governments to renew essential transmitter leases or expedite expansion of existing transmitter sites, renewed jamming of VOA as well as RFE/RL broadcasts). Should any of these situations arise, we should be prepared to re-examine the practical questions related to sharing transmission facilities and to discuss with appropriate countries the installation of at least six additional transmitters for use by VOA and/or RFE/RL. VOA transmitters for Asia and Africa will be requested through normal budgetary channels.

*VOA presently broadcasts in 36 languages to diverse parts of the world for a total of 789 hours weekly. The VOA English Service is worldwide and averages 164 hours weekly. Among the major languages, Spanish to Latin America is on 38 hours each week, French to Africa 37 hours, and Arabic 49 hours weekly. At times, unusual political circumstances arise in a single country which call for increased VOA activity. RFE/RL broadcasts in 22 languages (6 in Eastern Europe, 16 in the Soviet Union) for a total of 980 hours weekly.

AMNESTY INTERNATIONAL REPORT DETAILS HUMAN RIGHTS VIOLATIONS IN ARGENTINA

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 30 minutes.

Mr. DRINAN. Mr. Speaker, today at simultaneous press conferences in Washington and London the report of the Amnesty International mission to investigate the human rights situation in Argentina was released. This comprehensive, 92-page report, released exactly 1 year after the coup which installed Argentina's military government, is by far the most thorough examination to date of that government's systematic violations of the human rights of its citizens. These violations recently led to the termination of U.S. military assistance to Argentina. Neither the State Department report on human rights in Argentina nor the announcement of the termination of military aid, however, provided a detailed analysis of the human rights situation in that troubled nation. The report which we release today provides an unprecedented analysis of the pervasive denial of fundamental human rights in Argentina.

Reports of widespread political violence and human rights violations prompted Amnesty International to send a mission to Argentina in November 1976. The delegates conducting the investigation for Amnesty International were Lord Avebury, a member of the British House of Lords and of the Human Rights Parliamentary Commission, Ms. Patricia Feeney of the International Secretariat of Amnesty International, and myself. Throughout our stay in Argentina, from November 5 to 16, the mission was subject to intense surveillance by the internal security forces. At least 20 plainclothes police followed us wherever we went, and they questioned and intimidated a number of people whom we met. One young woman, without any suspicious political affiliations, disappeared immediately after meeting with me and was released 24 hours later, without explanation, by the police. Another woman was held by the police for 2 weeks following a discussion with one of the members of the Amnesty International delegation.

As is common practice in Argentina, the families of the two women arrested after meeting with us were not informed of their detention. The Amnesty International report estimates that more than 15,000 individuals have disappeared or been abducted in Argentina in the past 2½ years. The situation has manifestly grown worse since the coup; we were able to determine that the Argentine Government receives an average of 10 requests for writs of habeas corpus per day. In August 1976, at the Ministry of the Interior, a register was opened in which the names of missing persons could be entered by their relatives. The daily limit for the receipt of such complaints was set by the government at 40. The maximum figure was attained routinely.

The refusal of the Argentine Government to release a list of political prisoners constitutes a particularly outrageous and cruel violation of human rights. We met with many Argentine families whose relatives had been kidnaped, presumably with the complicity of the police or armed forces. These abductions typically take place in the middle of the night, and the abductors usually appeared to be off-duty police or military forces. The families of those so abducted—we met with more than 100 of them—are left completely in the dark as to the physical well-being and whereabouts of their relatives. Even among nations which are universally recognized as violators of human rights, the failure of the Argentine military junta to release the names of those arrested and imprisoned without charge or trial is a singularly outrageous action. Our report contains as one of its principal findings a recommendation that the government compile and release a list of those imprisoned for political reasons.

Frequently, relatives and friends of suspected "leftists" have also been kidnaped. A typical case which was described to us involved the family of a well-known political figure who had left Argentina and subsequently criticized the military regime from abroad. His wife and two children were abducted by men claiming to be the federal police. None of these individuals had any political associations whatsoever. His daughter, who was in poor health, was released from a federal prison after 10 days; the other two are still missing, more than 6 months after their abduction.

Our mission was able to compile, for the first time, a comprehensive list of those disappearances which have occurred since the March 24, 1976, coup. This list includes all the cases which Amnesty International has been able to corroborate, and it omits the names of all those who have been released, found dead, or acknowledged to be held in official custody. A total of 480 individuals appear on this list of Argentines who have been abducted and whose whereabouts is not known.

Based upon direct contacts with individuals in Argentina and testimony by people who have emigrated from that nation and Uruguay, our report was able to conclude that Argentine and Uruguayan internal security forces acted in concert to abduct from Argentina and transport to Uruguay at least 17 refugees. These people left Uruguay when a military dictatorship assumed power there. Direct testimony indicates that these refugees were abducted by agents of the Uruguayan security forces. The scale of these kidnapings inevitably implies the cooperation of at least some members of the Argentine armed forces and police. This action by the Argentine Government constitutes a direct breach of the Treaty on International Penal Law and the Convention on Extradition, to which it is a signatory.

The military junta has suspended virtually all civil rights and individual liberties. As the report states in detail, the Argentine Government has prohibited all political activity, suspended parliament, imposed strict censorship, authorized arrest and indefinite detention without charge or trial, established military tribunals for all crimes pertaining to "subversion," permitted widespread torture of political prisoners, and engaged in abductions of its citizens. The report concludes:

[M]erely on suspicion of subversion, a citizen may be abducted or arrested, held for a long period *incommunicado*, tortured and perhaps even put to death. He has no legal safeguards against these measures, and, if it happens that he is released, no hope of legal redress.

During our discussions with officials of the Argentine Government, including the Under Secretary of Foreign Affairs, the Under Secretary of Justice, and an official at the Ministry of the Interior who is in charge of internal security, we received no assurances of any forthcoming reduction in the "state of siege" measures abridging fundamental human rights. They gave us no indication of a limit on the duration of the state of siege or of the military government which implements it. The draconian policies of the junta were ostensibly adopted to counteract left-wing terrorism. But government officials admit that left-wing violence has been greatly reduced; indeed, violence perpetrated by the security forces far exceeds that of the terrorists. In its efforts to combat left-wing terrorists, the government has itself established a far broader and more pervasive form of terrorism. As we state in our report:

The actions taken against terrorists have therefore been self-defeating: in order to restore security, an atmosphere of terror has been established; in order to counter illegal violence, legal safeguards have been removed and violent illegalities condoned.

The extreme human rights violations of the Argentine military government bring into sharp focus the complex question of the proper United States and multilateral response to systematic abuses of this nature. Efforts such as that of Amnesty International to bring human rights violations to the attention of the world are certainly useful. As our report recommends, greater investigatory activity by the United Nations in the area of human rights is necessary. The decision of the Carter administration to drastically reduce military assistance to Argentina resulted, as we know, in the announcement by the Argentine Government that it no longer desired U.S. security assistance. In the light of similar pronouncements by other Latin American nations, including Brazil, Guatemala, and El Salvador, some have questioned the Carter administration's decisions. These questions ignore the central fact that U.S. law prohibits the provision of military assistance to any nation which engages in the systematic violation of the human rights of its citizens. This provision of the law, section 502(b) of the Foreign Assistance Act, is mandatory, not discretionary, in nature. It reflects not a tactical judgment, but a moral commitment. We must cease providing military equipment to nations such as Argentina not only in the hope that this will influence them to alter their human rights policies, but also because it is fundamentally wrong for the United States to arm a government which turns its arms against its citizens to deprive them of their fundamental rights.

The question is, what more can we do? President Carter and Secretary Vance are to be commended for their forthright actions on the issue of human rights. The experiences of the Amnesty International delegates in Argentina and the report which we prepared bring home

the essential point that the international debate on human rights involves the lives of thousands of people. The increasing violations of human rights in the Western Hemisphere and the demonstrated utility of the Helsinki Agreement in Europe suggest that the United States should take the lead in enforcing existing agreements among the nations of the Western Hemisphere pertaining to human rights. We should also endeavor, within the framework of the Organization of American States or in a separate international forum, to reach an intrahemisphere agreement on the inviolability of certain basic human rights. Perhaps such an agreement could be accompanied, as is the Helsinki Final Act, by guarantees of increased economic cooperation, conditioned upon observance of human rights guarantees. Recent experience suggests that the United States is far more effective in appealing for the observance of fundamental human rights when we can speak in the context of multilateral agreements. This removes to some degree the stigma of the "meddling outsider," and provides us with a legal as well as a moral basis for our position.

There are no easy solutions to the problem of systematic human rights violations such as those occurring in Argentina. By speaking out forcefully and consistently, we risk the temporary loss of influence in certain nations. But by failing to speak out, we risk the permanent betrayal of our most cherished principles. Our human rights policy must always concern itself with the question, "What is most effective?" But we must not permit that concern to obscure the even more important question, "What is right?"

Those who wish to obtain a copy of the 92-page Amnesty International report on Argentina may do so by sending $1.70 plus postage to Amnesty International, 6 E Street SE., Washington, D.C. 20003.

ROMANIA AND HUMAN RIGHTS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am deeply concerned with the status of human rights in Romania. I submitted testimony March 15 at hearings held by the Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, on the subject of family reunification. I would like to share that testimony with my colleagues in Congress because I believe we have a right to expect more open emigration policies from Romania than now exist if we are to extend Romania's status as a most favored nation under our trade laws this summer.

I have been equally concerned for some time about the status of ethnic minorities who choose to continue living in Romania but ask, indeed demand, that their own cultural heritage and rights of free expression be respected by the Romanian Government. I am referring in particular both to the situation of the nine individuals recently subjected to harassment after publicly appealing to the signers of the Helsinki Treaty, and more generally to the situation of the 2.5 million Hungarian-speaking Romanians who seek to retain their linguistic and cultural identity as a minority in Romania. These persons do not wish to leave Romania for some other country, but seek to have basic rights accorded them. The guarantees of Helsinki are even more significant for these Romanian citizens who remain than for those few who successfully emigrate.

I am distressed, Mr. Speaker, at reports that indicate that discrimination taints many aspects of life for the Hungarian-speaking minority. Last year I was shown a copy of the Romanian laws that now require a minimum of 25 students for any grade school class to be conducted in Hungarian, while only two students are required to form a class taught in the Romanian language. Previously, only 15 students were needed to form a class in a "minority" language. I brought this matter to the attention of the Romanian Embassy in the United States, but I have not yet received a satisfactory reply.

According to a number of reports I have received, the Hungarian-speaking population in Romania as a whole has suffered from an elaborate series of government maneuvers which they fear are intended to gradually phase the Hungarian culture out of Romanian life. I am disturbed by reports of falsification of population statistics intended to minimize the number of Hungarian-speaking citizens, of the dissolution of Hungarian communities by assigning workers and professionals to work projects outside their ethnic community and of a forced reduction in the number and volume of Hungarian language publications. The government has also been accused of rewriting the history of Transylvania in textbooks to minimize the importance of the Hungarian-speaking population that has been native to that region for centuries.

Perhaps the most overtly oppressive action was the apparent confiscation of Hungarian church archives under the pretext of protecting them in government archives. These are all grave allegations and I believe they must be taken seriously. Along with Representative DRINAN and Representative DODD, I have introduced House Resolution 37, which seeks reports from both the President and from the Helsinki Commission concerning the status of minority rights in Romania and the freedom to emigrate. We are not questioning territorial claims, but simply asking questions about whether Romania will respect the ethnic heritage, including the use of language, of ethnic minorities in that country.

Most recently, the Western press has received reports of repression in Romania which only add to the fears for human rights. On February 8, nine Romanians, including the writer Paul Goma, signed an appeal to the governments that signed the Helsinki Treaty, asking for their help in gaining more respect for human rights, including the right of expression, in Romania. According to the news accounts, Romanian President Nicolai Ceausescu immediately denounced as "traitors" those Romanians attempting to emigrate or "carry on propaganda against the government." A number of persons were placed under house arrest and telephones were disconnected. Such reaction to dissent is a blow against free expression and deserves the strongest condemnation of those supporting human rights.

Subsequent news reports indicate that the Romanian Government, apparently reacting to the international outcry at its harassment of the dissidents, had relaxed its harsh treatment of these dissidents. The Romanian Government has allowed several dissidents to emigrate and has lifted police barricades from the homes of those who chose to stay in their homeland. Significantly, Mr. Goma has reportedly now received an offer to publish his novels in Romania. Until now, his works had only appeared abroad in French and English translations, as the Government-controlled publishers avoided his works.

If these newest reports are confirmed, a significant step will have been taken. Hopefully, the Romanian Government will continue on this course in the future and extend the basic protections offered by the Romanian constitution and the Helsinki Treaty. This would mean not only better treatment of those who express views contrary to the Government, but also for those who wish to use their own language, and those who wish to emigrate.

In the meantime, we in the United States must continue to provide strong support for the citizens in any country whose human rights are threatened. I am delighted that President Carter himself has taken a position of leadership in the cause of human rights. I applaud his statement yesterday that he will not back down on his concern for human rights anywhere.

I have appended my testimony and a recent article from the New York Times describing developments in Romania:

TESTIMONY OF CONGRESSMAN EDWARD I. KOCH FOR THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

MR. CHAIRMAN: I'm certain I mirror the thoughts of my colleagues in Congress as well as all Americans in expressing the deepest sympathy with the Romanian people as they struggle to rebuild their country in the wage of the disasterous March 4 earthquake. The severe blow to Romania's progress in developing its industry and in providing housing and other essential human needs is exceeded only by the staggering toll of more than a thousand dead and thousands more injured by the quake.

I am pleased that the United States has not hesitated to respond to the Romanian government's request for emergency aid. I understand that a planeload of food and medical supplies from our government has already landed in Bucharest and $25,000 in aid has been made available through our Ambassador in Romania. I believe we have a duty to help any country, regardless of the politics of its government to alleviate human suffering caused by such natural disasters.

However, we should not allow this tragedy to divert our attention from the obligations of all governments to respect fundamental human rights, including basic rights such as the freedom to emigrate.

Romania is one of the three East-bloc countries currently enjoying "most favored

nation" status in trade relations with the United States. Under the terms of the 1974 Trade Act, one requirement for this status is the right of emigration, a right that is seriously restricted by Romania today. In addition, by signing the Helsinki agreement, Romania has officially promised to facilitate reunification of families separated by national boundaries. I have brought a number of cases of individuals seeking exit visas to the attention of the Romanian government. In an apparent violation of the Helsinki accords, which it signed along with thirty other countries, Romania has continued to delay and to deny emigration and travel visas to citizens wishing to join their families abroad. In many cases, I have been informed that the mere act of applying for a visa has resulted in unjustified harassment of those wishing to leave. Let me describe some of these cases.

Six months ago, at the time Romania was concerned about the extension of its most favored nation status, I wrote the Romanian Embassy in Washington concerning an emigration visa for Vladimir Fridman to come to the United States to join his wife, who is one of my constituents. I was told by the Romanian Ambassador that the application had been approved. However, I learned last montth from Mr. Fridman's wife that he had not yet been notified of the approval and he is still waiting to leave Romania. If Mr. Fridman's application for emigration has been approved, why has he not yet left the country?

More than six months ago, I wrote the Romanian Ambassador concerning emigration applications for Alexandru and Stefan Suciu, who want to join their father in this country. I was told by Dr. Traian Suciu that his sons have repeatedly visited the local police station in Bucharest but the application forms have been denied them. Similarly, Alexandru Marndici, his wife Sorana and their son Mircea have not been able to emigrate because, according to Mrs. Marandici's sister, a resident of New York, application forms were not available. My request for a clarification of Romanian government policy in these cases is still unanswered.

Last fall I also inquired into the application of Ion Bals and his wife and children to join relatives here. I am told by his aunt, a resident of New York, that Mr. Bals has been dismissed from his job and is not allowed to apply for another because of his expressed desire to emigrate. The Romanian government's failure to respond to my letter, now almost four months old, only serves to confirm our fears for Mr. Bals' situation. Six months has also passed without a saisfactory answer to my inquiry concerning the emigration application of Michael Giuran of Slatina, Romania.

Gabriella Teodorescu, her husband Liviu and their son Dan Christian have been trying for three years to make a 45-day trip to the United States to visit Mrs. Teodorescu's sister, a New York resident. I have waited with them for the past five months, hoping for some response to my letter to the Ambassador in their behalf.

More recently, I learned that 15 year old Roxana Deleanu was expelled from an important scholastic society in Romania, reportedly because she expressed a desire to join her mother in the United States. Roxana's case is complicated by the fact that her father, Mihai Deleanu, opposes her emigration, although he has remarried and does not in any way contribute to her support. Separated from her mother, Roxana must live with her 65-year old maternal grandmother. It would indeed be unfortunate if the father refused to grant his permission because of fears of reprisal. I am told, for example, that Roxana's uncle, Serban Enculescu, was forced from his job as an engineer-chemist after Roxana's mother filed a petition for emigration for himself and his family.

I am particularly upset and outraged by the denial of a visa for Josef Teleky, reportedly a result of the Romanian government's suspicion that Teleky's son-in-law, a U.S. resident, was engaged in activities contrary to the interests of Romania. The activity in question was attendance at a meeting concerning the status of religious affairs in Romania which I hosted in my New York office at the suggestion of the Consul to the Romanian Embassy. It would be a severe setback to relations between our countries if Romanian citizens suffer because their relatives in the United States exercise their right to meet with Members of Congress. Whatever powers Romania may assume in attempting to control the activities of its own citizens, it has no right to intimidate residents of the U.S. in the exercise of their constitutional rights.

These, then, are some of the experiences with Romanian emigration policies that have been brought to my attention by constituents in my district in New York. I have raised these and similar problems with the Romanian Embassy on many occasions, but the Embassy has repeatedly denied their validity and have claimed that a large number of visa applications to the United States have been approved. I believe, however, that those charges of restrictive emigration policies can only be effectively rejected when the individuals named in these particular cases arrive in the United States.

I join with Senator Edward Kennedy of Massachusetts in commending the U.S. Disaster Relief Office for its quick dispatch of emergency supplies to Bucharest following the earthquake. It is our moral obligation to provide such aid, regardless of political differences between governments. Senator Kennedy, in his statement in the Congressional Record on March 9, 1977, also declared himself ready to introduce legislation offering aid to Romania is "longer-term rehabilitation and reconstruction needs are identified." This vital country has shown an admirable spirit of independence in its dealings with the Soviet Union and I, too, stand ready to support closer economic cooperation with Romania in the future. Such cooperation, though, must go both ways. We have all right to expect a response from the Romanian government to inquiries about particular emigration cases such as those I have described. Our cooperation is off to a healthy start with Romania's designation as a most favored nation under our 1974 Trade Act. Both the U.S. and Romania were among the signers of the Helsinki Treaty. I look forward to this commission's final report to see if Romania and other East-bloc countries have decided to continue this promising atmosphere of cooperation by pursuing open emigration policies and by ending repressive internal policies against ethnic minorities and others who choose not to emigrate, but rightfully demand full rights as Romanian citizens.

[From the New York Times, Feb. 19, 1977]

CURBS ON DISSIDENTS EASED BY RUMANIANS

(By Malcolm W. Browne)

BUCHAREST, Rumania, Feb. 18.—The Rumanian police today partly lifted their cordon around the homes of several dissidents here, and at least 10 passports were promised to members of their families.

The apparent easing of police measures against public critics of the Government followed a day in which a number of dissidents were believed to have been arrested after President Nicolae Ceausescu had branded them "traitors."

Telephones at the homes of dissidents were disconnected yesterday and remained more or less inoperative today.

One dissident, the novelist Paul Goma, said that he and his wife, Ana Maria Navodaru, had watched yesterday as police cars and men around their apartment building turned away would-be visitors, but that the police had never called on the family themselves.

COUPLE GET THREATS

He said that yesterday and today, although their telephone was not functioning for normal calls, they had received a series of threats, mostly anonymous. Mrs. Navodaru has prepared a list of foods and other necessities for the couple's year-old baby, in case they both should be seized.

Attention has centered on Mr. Goma, partly because translations of his novels have been published in France and West Germany, and partly because he has said he wants to stay here rather than emigrate, so that he can continue his civil-rights campaigns.

The Gomas were among eight persons who drafted an appeal 10 days ago calling for greater observance of human-rights provisions in the Rumanian Constitution. The appeal was directed to the 35 nations that will convene in Belgrade, Yugoslavia, in June to discuss European security and cooperation.

Two other signers of the appeal are Mrs. Carmen Maria Manoliu and her son Sergiu, both artists, who for three years have been seeking permission to emigrate. Their apartment was blockaded yesterday, but today an army major called on them and asked them to accompany him to the passport office.

Mrs. Manoliu said they were politely received by a major general who promised that their papers would be in order and that they would get one-way tickets that would get them to Paris next Tuesday. He said he would arrange to obtain French visas, despite the fact that the French Embassy here had earlier indicated it was unlikely the Manolius would be admitted, even if they could get out of Rumania.

Two signers of the appeal, Mr. and Mrs. Erwin Gesswein, and six members of their family, also received emigration papers yesterday.

One signer, Serban Stefanescu, could not be located today, however, and there were fears that he had been arrested. Mr. Stefanescu does not wish to emigate. And another signer, Adalbert Feher, was summoned today to answer charges stemming from an earlier automobile accident. The charges had been dropped, but were reinstated today with no explanation.

MAYOR SAM BRENNER RECEIVES THE ISRAEL KOAH AWARD

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on the evening of December 23, 1976 in the community center at Surfside, Fla., Mayor Sam Brenner was honored by the city of Surfside when he was presented with the Israel Koah Award for his years of dedication, service, and leadership on behalf of the community and the State of Israel. It was my privilege to be present on that meaningful occasion and to present the richly deserved award to Mayor Brenner. The mayor delivered an eloquent and deeply moving message, reminding all of us who were present of the horrible atrocities which were perpetrated against the Jewish people. He set forth the hope that one day our world would have a representative organization of international law and order which would have its own peacekeeping force and that all nations would be protected, regardless of their race, color, creed, or form of government. I commend Mayor Brenner's powerful address to all those who read the RECORD and ask, Mr. Speaker, that it be included

in the body immediately following these remarks:

ADDRESS BY MAYOR BRENNER

I will read the poem "memorial" by Hannah Kahn, from her book "Eve's Daughter," in which she depicts a Polish village during World War II, wherein the Jews were made to take their shoes off in the fields, and were murdered by the Nazis.

"Six hundred shoes were left in the village:
Testament of violence, testament of fear.
Monument of terror that three hundred people
Left for us to remember a town, a year.

"Six hundred shoes of different sizes,
Different colors, piled in a field.
Who will wear the shoes of the silent people,
Who will speak for those lips are sealed?"

* * * * *

"Who will wear the shoes of the silent people,
Who will speak for those whose lips are sealed?"

I would like to see those lines immortalized and placed under a torch for Israel. For I am smitten every time I read those lines. Had I ever written two lines so timely, and yet so timeless, I would be prone to say to my maker, "You can have me now for I have fulfilled my purpose."

For the challenge of our times rests in those lines. All humanity should have been wearing those shoes from the time the martyred people took them off and were murdered by the damnable Nazis.

But I do not see 600 shoes. Twelve million shoes is what I see, plodding over the conscience of mankind, with their slow torturous tread crying out to me, "six million people; six million people," they cry to me:

"COUNT TO SIX MILLION

"One! two! three! four!
And so on thru to many more
To six million!
Count, I defy you to count!
Do you know how long it would take you to count to six million with each number representing a human being like you and me?

"One hundred orange bowl football stadiums fully packed
With sixty thousand people to a bowl!
That's six million!
Line them up!
One stadium fully packed alongside the others,
Now kill them all!
That's what they did to us!

"Who knoweth one?" my father cries
Reading the hagguda with watery eyes.
I know one.
But I do not know six million!
I have no conception, no idea, no understanding
Of so vast an amount as six million people.

"Five! six! seven! eight! nine! ten!
Count, count to six million!
Who was number six hundred three?
Was it a he or was it a she?
Or was it you and I
In the cauldrons there to die?
And sputter in the nazi flame!

"Who can count the waves of the sea?
Who was eight hundred eighty three
Or four million two hundred eighty seven thousand
Two hundred twenty four?
It was really you and I who died!"

The conscience of humanity owes us a place in the sun! The inquisition owes us a place in the sun! The pogroms owe us a place in the sun! The holocaust owes us a place in the sun!

And that place is Israel.

And if you think that no one owes us anything, then from every inhumanity to man which we have suffered, from bondage and slavery, from the diaspora, from inquisition, pogrom to holocaust we have more than earned and deserve our place in the sun. And that place again I say, is Israel.

How many Hitlers do we have to outlive before we can take our rightful place alongside a brotherhood of all nations? We will outlive them all, with your help and with God's help.

Until the time comes when a duly representative organization of international law and order will have its own peacekeeping force strong enough to protect all nations regardless of their race, color, creed, or form of government, and towards which new era we must begin to strive as an additional form of insurance and security to what we now have in the state of Israel—but not only for Israel, but for all nations! Until that will replace the international anarchy which now prevails and until that time comes we must be engaged in a life and death struggle to strengthen Israel!

There is no candle we can light for all humanity to pierce the darkness and shed a greater light around the world than that of international law and order.

We can no longer live in a world where nations are wild beasts roaming the jungles of nationalism. We must now clear the jungles and tame the wild beasts. International law and order must be created to protect all nations. That is the ultimate salvation of the world from every political, social and economic viewpoint.

This cannot be and must not be the world we leave behind us for our children to inherit, that men should come and plunder men again and again.

For surely this is not the world mankind thought he was awakening to when the wand of light touched his eyes!

But while it is that world, and this inadequacy exists we must struggle to keep Israel strong. We need a healthy Israel to bolster the image of the Jew all over the world.

If we don't do anything about helping Israel how can we expect other generations to come to her aid, when we were the ones who lived thru it all?

Israel is the nostalgia of our lives, the heart of our yearning for thousands of years, in our cry of "next year in Jerusalem!"

The martyred people from the holocaust cry out for us to help Israel. How they wish there had been an Israel then. Let the torch of martyrdom and brotherhood not slip from the hands of Israel.

Oh Yerusahalaem! Oh Israel, if I turn from thee may I become bereft of my feet so that I cannot walk, and if I lose sight of you may my eyes become sightless to all things.

"Mourn not for me when I am dead.
Count to six million instead!
On all the battlefields of time,
Tally the toll for me!
Weep not for me
Say no Kadishes for me
Count, just count to six million!"

We stand up to protect the animal kingdom from any acts of man endangering any one of their species, yet in the human kingdom who will stand up and protect an endangered species of the human race? What manner of mankind are we that we preserve the animal kingdom but not our own?

"Who will wear the shoes of the silent people?" I will wear the shoes of the silent people! You will wear those shoes! We all must wear those shoes by helping Israel now!

(NOTE.—Delivered by Sam Brenner, "Night in Israel", December 23, 1976 at community center of Surfside, Florida, honoring Mayor Sam Brenner, recipient-elect of the Israel Koah Award.)

PERSONAL EXPLANATION

(Mr. GILMAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GILMAN. Mr. Speaker, on March 17, 1977, due to a prior commitment in New York, I was unavoidably absent for the legislative day. Had I been present, I would have voted in the following fashion: On Rollcall No. 83: H.R. 4088, NASA Authorization, "yea."

AMERICAN CONGRESS OF REHABILITATION MEDICINE GOLD KEY AWARDS

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, my colleague and good friend, JOHN BRADEMAS, the chairman of the Subcommittee on Select Education and the majority whip, was recently honored with the Gold Key Award by the American Congress of Rehabilitation Medicine. This award, the highest honor bestowed by the American Congress of Rehabilitation Medicine, gives well deserved recognition to the outstanding leadership and untiring effort that JOHN BRADEMAS has put forth in advancing programs related to rehabilitation of the handicapped.

A Gold Key Award was also presented to Senator HARRISON WILLIAMS in recognition of his vigorous and effective efforts in this field as well.

The third recipient of the Gold Key Award was Prof. Sir Ludwig Guttmann, a distinguished pioneer, innovator, and world-renowned scholar in rehabilitation medicine.

Mr. Speaker, I would like to include in the RECORD at this point a recent article describing the Gold Key Awards:

THREE RECEIVE GOLD KEY AWARDS

The American Congress of Rehabilitation Medicine presented its highest honor—the Gold Key Award—to three individuals who have made significant contributions to advancing the cause of rehabilitation medicine. The three are Professor Sir Ludwig Guttmann, director of the Stoke Mandeville Sports Stadium for the Paralyzed and Other Disabled in Aylesbury, England; Rep. John Brademas of Indiana, the Democratic Party whip in the U.S. House of Representatives; and Sen. Harrison A. Williams, Jr., of New Jersey, chairman of the U.S. Senate Labor and Public Welfare Committee.

REP. JOHN BRADEMAS

The citation accompanying Representative Brademas' Gold Key stated:

"This Gold Key is awarded to John Brademas, for his extraordinary efforts as Chairman of the Select Subcommittee on Education and as deputy whip of the Democratic Party in the House of Representatives on behalf of the handicapped and programs related to rehabilitation of the handicapped. Mr. Brademas was educated at Harvard University and is presently a member of the Board of Overseers of Harvard University. He also was a Rhodes Scholar.

"As Chairman of the Select Education Subcommittee, Congressman Brademas has been responsible for the passage of legislation which has significantly expanded and improved the Rehabilitation Act. Through his efforts, the Act has focused on the severely disabled; a major research and training title

has been added to the Rehabilitation Act and special programs regarding spinal cord centers have been established. In addition, through his efforts the Rehabilitation Services Administration has received recognition as an independent legal entity with power over the rehabilitation program being vested in the Commissioner of the Rehabilitation Services Administration, thus eliminating many problems of confusion with regard to program responsibility at the federal level. Not only has the Subcommittee which he chairs been active in legislating with regard to the Rehabilitation Program, but it is also legislated with regard to education programs for handicapped children and programs for the aged, many of whom suffer from disabling conditions. Congressman Brademas, through his chairmanship and his position as deputy whip for the Democratic Party in the House of Representatives, has also been a very strong leader with regard to the civil rights of the disabled, the aged, and other minority groups.

"Of particular importance, however, is that Congressman Brademas has not only served as an able chairman and proponent and manager of legislation, but he has also used his chairmanship and committee to actively oversee the operation of the programs which his subcommittee has created. The oversight function of Congressional committees is one which is extremely important to the effective operation of programs. The oversight function performed by Congressman Brademas' subcommittee with regard to the Rehabilitation Act has produced major change. Congressman Brademas has also always provided an attentive ear to those organizations on behalf of the handicapped which have come to him to plead their case. To those of us in the rehabilitation movement who have worked closely with him, his name is a fitting addition to a list which includes Franklin Roosevelt, Hubert Humphrey, Howard Rusk, Mary Switzer and Mary Lasker."'

SEN. HARRISON A. WILLIAMS, JR.

The citation accompanying Senator Williams' Gold Key stated:

"This Gold Key is awarded to Harrison A. Williams, Jr., Chairman of the Senate Labor and Public Welfare Committee for extraordinary service on behalf of the handicapped and the rehabilitation program, As Chairman of the Senate Labor and Public Welfare Committee, Senator Williams is responsible for the passage and review of major programs dealing with the handicapped, as well as nearly all health and education legislation. He has been a major proponent of the rehabilitation program and the major amendments to that program which were enacted in 1973. He has also shown a major interest in rehabilitation research and training activity, as well as in the rehabilitation services supported under the Federal-State Rehabilitation Program. Through his efforts, regulations under the Rehabilitation Act now require the establishment of peer review for research and training activity which had formerly been a part of the Rehabilitation Program but had been abandoned by the Administration after 1970.

"Beyond the Rehabilitation Act and the Education for the Handicapped Act, Senator Williams has been very involved in all major health legislation during the past few years. Through his leadership, rehabilitation services have become an integral part of major health legislation enacted during the past five years, including the Health Revenue Sharing legislation, Health Maintenance Organization legislation, and Health Manpower legislation. In addition, Senator Williams has been a leader in attempts to reform the Workers Compensation laws to, among other things, set national standards for medical and other services to disabled workers. His legislation, unfortunately not yet enacted, would require that comprehensive medical rehabilitation services be provided in all states to disabled workers.

"The nation and the disabled owe much to the efforts of Senator Harrison A. Williams, Jr., and the Gold Key Award is to demonstrate the appreciation of professionals in the medical rehabilitation field for his efforts in support of programs for the rehabilitation of disabled people and health programs generally."

PROF. SIR LUDWIG GUTTMANN

The Congress selected Sir Ludwig to receive the Gold key in "recognition of his unique contributions to the medical, social and recreational problems of the neurologically disabled throughout the world for the past 53 years."

Sir Ludwig's Gold Key citation continued: "As director of the National Spinal Cord Injuries Center for the United Kingdom since World War II, Sir Ludwig's name has become synonymous with, and a symbol of hope and health, for the spinal injured of the world. No one has done more to extend the life expectancies of this group over the past half century.

"He pioneered the sports movement for handicapped persons, organizing what has become the International Olympics for the Paralysed. He has guided the International Wheel Chair games away from the political, racial and religious pressures imposed upon some athletes and their countries into a force for world peace, communication and understanding.

"Sir Ludwig graduated from the Medical School of the University of Freiburg, Germany, in 1923. He subsequently was appointed reader of neurology and neurosurgery at the University of Breslan. When in 1933 the Nazi regime came to power, he became director of the neurology department at Jewish Hospital in Breslan and in 1937 he became the medical director of that hospital. In this capacity he was able to help people persecuted by the Nazis to escape to other countries, ignoring the dangers to his own life. In 1939 he emigrated to England, where in 1943 he was asked to establish a spinal injuries center at Stoke Mandeville Hospital in Aylesbury. It was here that he developed his concept of comprehensive management and rehabilitation of traumatic paraplegics and tetraplegics. He continued to direct the program at Stoke Mandeville after World War II and upon his retirement from the directorship of the center in 1966, he was knighted by Queen Elizabeth II.

"Sir Ludwig has been awarded numerous honorary degrees in law, medicine and science from universities and scientific associations over the world. Spinal injury centers in many countries have been named in his honor and streets in Heidelberg, Germany, and Doorn in the Netherlands bear his name.

"He is an unprecedented author and editor of numerous scientific articles, journals and books. He was founder and president of the International Medical Society of Paraplegia for nine years and he is editor of the *International Journal of Paraplegia*. His own management on spinal cord injuries exceeds 400 patient case studies. He has consistently probed the scientific credibility of his own methods and has sought to stimulate his medical and surgical colleagues around the world to explore with penetrating insight and honesty their own approaches to patient care.

"He is a man of warm and deep compassion, and to all men he has always a word of support and encouragement. He has never retired and is still the director of the Stroke Mandeville Sports Stadium for the Paralyzed and other Disabled, which he build in 1968.

"This Gold Key Award is therefore presented to Sir Ludwig in recognition of his service to the improvement of the quality of life for all mankind disabled by disease or injury, and to the causes of international understanding and peace."

PERSONAL EXPLANATION

Mr. CARTER. Mr. Speaker, on rollcall No. 89, a vote to suspend the rules and pass H.R. 3437, making technical and miscellaneous amendments on vocational education to the Education Amendments of 1976 as amended, I was absent due to my appearance before the American Psychiatric Association at that time. Had I been present I would have voted "yea."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. JOHNSON of Colorado (at the request of Mr. RHODES), for the balance of the week, on account of death in family.

Mr. BADHAM (at the request of Mr. RHODES), on Thursday, March 24, 1977, on account of official committee business.

Mr. DAVIS (at the request of Mr. WRIGHT), for today, on account of official committee business.

Mr. GILMAN (at the request of Mr. RHODES), on March 28, 1977, on account of committee business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. JEFFORDS) to revise and extend their remarks and include extraneous matter.)

Mr. MCKINNEY, for 5 minutes, today.

Mr. FREY, for 5 minutes, today.

Mr. EDWARDS of Alabama, for 5 minutes, today.

Mr. STEERS, for 5 minutes, today.

Mr. WHALEN, for 5 minutes, today.

Mr. HAGEDORN, for 5 minutes, today.

Mr. BOB WILSON, for 5 minutes, today.

(The following Members (at the request of Mr. WALGREN) to revise and extend their remarks and to include extraneous material:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. KOCH, for 10 minutes, today.

Mr. MCDONALD, for 5 minutes, today.

Mr. KASTENMEIER, for 5 minutes, today.

Mr. FLOOD, for 5 minutes, today.

Mr. ALEXANDER, for 60 minutes, today.

Mr. GAYDOS, for 30 minutes, today.

Mr. GIAIMO, for 5 minutes, today.

Mr. ZABLOCKI, for 5 minutes, today.

Ms. HOLTZMAN, for 20 minutes, today.

Mr. BAUCUS, for 10 minutes, today.

Mr. UDALL, for 5 minutes, today.

Mr. BRADEMAS, for 5 minutes, today.

Mr. FASCELL, for 10 minutes, today.

Mr. DRINAN, for 30 minutes, today.

Mr. MITCHELL of Maryland, for 60 minutes, March 24.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. JEFFORDS) and to include extraneous material:)

Mr. BROWN of Ohio in two instances.
Mr. GILMAN in three instances.
Mr. CONABLE.
Mr. BURKE of Florida in two instances.
Mr. STEIGER in two instances.
Mr. DERWINSKI in three instances.
Mr. MICHEL.
Mr. TRIBLE.
Mr. PURSELL.
Mr. BROYHILL.
Mr. WALSH.
Mr. SYMMS.
Mr. FRENZEL in three instances.
Mr. GOLDWATER.
Mr. ABDNOR in two instances.

(The following Members (at the request of Mr. WALGREN) and to include extraneous matter:)

Mr. STUMP.
Mr. MCDONALD in three instances.
Mr. HAMILTON.
Mr. FISHER in 10 instances.
Mr. MAZZOLI in two instances.
Mrs. BURKE of California.
Mr. SOLARZ.
Mr. MOORHEAD of Pennsylvania.
Mr. DRINAN in three instances.
Mr. WEISS.
Mr. JOHNSON of California.
Mr. BLANCHARD.
Mr. JACOBS.
Mr. CONYERS.
Ms. MIKULSKI in two instances.
Mr. DINGELL in three instances.
Mr. ZABLOCKI in two instances.
Mr. BOLAND in two instances.
Mr. EDWARDS of California in two instances.
Mr. VENTO.
Mr. AUCOIN in two instances.
Mr. MCFALL.
Mr. FRASER in five instances.
Mr. PATTISON of New York.
Mr. MOAKLEY in two instances.
Mr. HARKIN.
Mr. UDALL in eight instances.
Mr. EARLY in three instances.
Mr. HAWKINS.
Mr. BLOUIN.
Mr. MCCORMACK.
Mr. HANNAFORD.
Mr. NEAL.
Mr. BONKER in three instances.
Mr. HARRIS.
Mr. BRECKINRIDGE.
Mr. BEDELL.
Mr. RANGEL.
Mr. OTTINGER.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 2647. An act to amend the Small Business Act and the Small Business Investment Act of 1958.

ADJOURNMENT

Mr. WALGREN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 13 minutes p.m.), the House adjourned until tomorrow, Thursday, March 24, 1977, at 11 o'clock a.m.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1976, TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the CONGRESSIONAL RECORD pursuant to section 4(b) of Public Law 85–804:

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., March 22, 1977.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: In compliance with Section 4(a) of Public Law 85–804, the calendar year 1976 report on Extraordinary Contractual Actions to Facilitate the National Defense is transmitted herewith.

Table I shows that 197 contractual actions were approved and that 72 actions were disapproved. Included in the number of actions approved are 94 actions for which a potential Government liability cannot be estimated.

Table II lists the actions which have an actual or potential cost to the Government of $50,000 or more. Also included in this list are the 94 actions above for which a potential cost cannot be estimated.

Sincerely,

J. S. GANSLER,
Acting Assistant Secretary of Defense (Installations and Logistics).

EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE (PUBLIC LAW 85–804) JANUARY TO DECEMBER 1976

TABLE I.—SUMMARY REPORT OF CONTRACTUAL ACTIONS TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY TO DECEMBER 1976

[Dollar amounts in thousands]

Department and type of action	Actions approved			Actions denied	
	Number	Amount requested	Amount approved	Number	Amount
Department of Defense, total	197	$9,480,186	$9,084,404	72	$42,325,635
Amendments without consideration	3	8,290,997	8,119,647	23	14,961,928
Correction of mistakes	43	975,630	765,193	34	25,738,655
Formalization of informal commitments	39	201,194	187,481	11	1,612,765
Contingent liabilities	94				
Other	18	12,365	12,083	4	12,287
Army, total:	33	940,297	623,442	32	7,763,864
Amendments without consideration	2	672,308	502,958	9	5,215,958
Correction of mistakes	10	200,939	64,868	13	945,235
Formalization of informal commitments	18	67,050	55,616	10	1,602,671
Contingent liabilities	3				
Navy, total	99	7,818,501	7,814,222	9	22,573,970
Amendments without consideration	1	7,618,689	7,616,689	6	1,875,291
Correction of mistakes	7	65,668	65,668	3	20,698,679
Formalization of informal commitments	21	$134,144	$131,865		
Contingent liabilities	70				
Air Force, total	39	500,418	475,186	21	$4,861,087
Amendments without consideration				6	1,008,949
Correction of mistakes	17	500,418	475,186	13	3,829,757
Formalization of informal commitments.				1	10,094
Contingent liabilities	21				
Other	1			1	12,287
Defense Logistics Agency, total	26	220,970	171,554	10	7,126,714
Amendments without consideration				2	6,861,730
Correction of mistakes	9	208,605	159,471	5	264,984
Formalization of informal commitments.					
Contingent liabilities					
Other	17	12,365	12,083	3	

TABLE II.—LIST OF CONTRACTUAL ACTIONS WITH ACTUAL OR POTENTIAL COST OF $50,000 OR MORE TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY TO DECEMBER 1976

Name and location of contractor	Actual or estimated potential cost	Description of product or service	Justification
AMENDMENTS WITHOUT CONSIDERATION			
Army:			
Champion Rubber Products, Inc., 4515 Dunham, Los Angeles, Calif. 90023.	$101,065	Barrier bags, elastomeric for 152 mm cartridge.	Cartridge cases used on 152 mm rounds are susceptible to moisture damage which adversely affects their performance. The barrier bag is a protective device for 152 mm ammunition and also protects the rounds from contamination or accidental ignition. This contractor represents the only procurement source for the barrier bags at this time and it would take approximately 9 mo to develop an alternative source. If this company were to discontinue production, it would result in a shutdown of the line at Iowa ammunition plant and place the line in a temporary inactive status.

TABLE II.—LIST OF CONTRACTUAL ACTIONS WITH ACTUAL OR POTENTIAL COST OF $50,000 OR MORE TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, JANUARY TO DECEMBER 1976—Continued

Name and location of contractor	Actual or estimated potential cost	Description of product or service	Justification
AMENDMENTS WITHOUT CONSIDERATION—Continued			
Army:—Continued			
Arban & Carosi, Inc., 13800 Dawson Beach Rd., Woodbridge, Va. 22191.	401,893	Precast architectural concrete panels for the new Walter Reed General Hospital.	Blake Construction Co. and U.S. Industries (joint venture) entered into a subcontract with Arban for the manufacture of precast architectural concrete panels and delivery to the job site. The specifications stated that only 1 brand of cement could be used for exposed concrete surfaces, and that both precast concrete panels and poured-in-place concrete must be of same materials, shade, and texture. After award of the contract it was found that no one source could supply the quantities of material necessary for a job of the magnitude of Walter Reed General Hospital. It was almost 2 yr before final approval was given for the design mix. During this time this company suffered severe losses because of material shortages and price increases. While the Contract Adjustment Board does not determine the essentiality of Arban, it considers it fair and appropriate to granting some relief because of Government delays in processing of the application.
Navy:			
Navy Facilities Engineering Command, 200 Stovall St., Alexandria, Va. 22332.	7,618,689	Various contracts for performance in Cambodia and Vietnam.	Naval Facilities Engineering Command (NAVFAC) had awarded 46 contracts for performance in Cambodia and the Republic of Vietnam (South Vietnam). Performance thereunder ceased when the 2 countries were overrun by Communist forces in the spring of 1975. Final payment and settlement are being effected. 1 of the contract provisions provided that all invoices submitted for payment shall cite a U.S. dollar amount which will be paid in Vietnamese piasters only at the current U.S. Embassy official rate of exchange in effect at the time the contractor's invoice is physically paid. When the South Vietnamese and Cambodian Governments fell, these 2 currencies became essentially worthless. There is no longer a current U.S. Embassy official rate of exchange and, in fact, no longer a U.S. Embassy in these 2 countries and the State Department has now requested that remaining payments be made in U.S. dollars. This is considered fair and equitable under the circumstances.
CORRECTION OF MISTAKES			
Army:			
Teledyne Continental Motors, Genera Products Division, Muskeegan, Mich.	106,516	Engine assemblies, including spare parts and services for the M60A1 tank.	A letter contract was awarded for engine assemblies for the M60A1 tank on May 31, 1974, and, in October 1974, a price bill of materials was negotiated. As part of that negotiation, a price decrease for engineering changes was credited to the Government. Subsequently, 2 modifications were effected, incorporating 30 engineering changes into the contract and extending to the Government again the same decrease. The negotiators were not aware of the earlier October 1974 credits and the Army, in effect, has been receiving double credit for these engineering changes.
Air Force:			
T & S Service Associates, Inc., 10 Abbott Park Pl., Providence, R.I. 02903.	347,649	Food attendant services at Homestead AFB, Fla.	Company received a 1-yr contract for food attendant services at Homestead AFB, Fla. The contract established a fixed price per meal served (based upon an estimated number of meals per month) as well as a fixed price for other related mess attendant services. The Government estimated an average of 63,861 meals per month while actual records show an average of 78,850 meals per month. During the course of performance, contractual modifications impacting on the required services included a take-out meal from 7 through 11 p.m., opening of an additional dining room, and additional services such as hors d'oeuvre tables. It appears that both parties were mistaken as to the actual scope of procurement contemplated. The contract is being converted to a cost reimbursement contract bearing no fee, with a not-to-exceed ceiling of $580,000 and with actual costs to be determined by audit.
Defense Logistics Agency:			
Velan Valve Corp., Beekmantown Rd., Plattsburgh, N.Y. 12901.	56,696	6-in gate valves	Velan was awarded a contract for 25 6-in gate valves on Sept. 11, 1975, as a result of a formally advertised solicitation. Velan was the sole bidder and offered a unit price of $1,232. Although the only previous procurement of the item had been from Velan at a unit price of $3,500, and the Government had estimated a unit price of $4,152, the contracting officer awarded the contract without seeking verification of the bid price. It appears that Velan made an error in its bid which should have been apparent to the contracting officer.

CONTINGENT LIABILITIES

Provisions to indemnify contractors against liabilities on account of claims for death or injury or property damage arising out of nuclear radiation, use of high energy propellants, or other risks not covered by the contractor's insurance program were included in 94 contracts (the potential cost of these liabilities cannot be estimated inasmuch as the liability to the Government, if any, will depend upon the occurrence of an incident as described in the indemnification clause). Items procured are generally those associated with nuclear-powered vessels, nuclear-armed guided missiles, experimental work with energy, handling of explosives or performance in hazardous areas.

	Number of contracts		
	Army	Navy	Air Force
Aerojet General Corp			3
Automation Industries, Inc		2	
Boeing Co			6
Classified Contracts		2	
Catalytic, Inc	1		
General Dynamics Corp		36	
General Electric Co		16	
Hercules, Inc			1
Honeywell, Inc		2	
Hughes Aircraft Corp		1	
Martin-Marietta Corp			3
NUS Corp	1		
Northrop Corp		1	
Raytheon Co		3	
Rockwell International Corp		3	3
Seaboard Coastline R.R. Co	1		
Singer Co		1	
TRW, Inc			1
Textron, Inc			2
Thiokol Corp			2
Westinghouse Electric Corp		3	
Total	3	70	21

In addition to the above, indemnification clauses will be inserted into all air transportation contracts entered into by the Military Airlift Command for transportation services to be performed by air carriers which own or control aircraft which have been allocated by the Department of Transportation to the Civil Reserve Air Fleet.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1082. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Agriculture for the food donations program for fiscal year 1977, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679(e)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

1083. A letter from the Chairman, Federal Election Commission, transmitting a copy of correspondence with the Office of Management and Budget concerning the Commission's revised fiscal year 1977 outlay estimate, pursuant to section 310(d)(1) of the Federal Election Campaign Act, as amended; to the Committee on Appropriations.

1084. A letter from the Comptroller General of the United States, transmitting his review of the withdrawal of a proposed rescission and the revised deferrals of budget authority

contained in the message from the President dated March 9, 1977 (H. Doc. No. 95–94), pursuant to section 1014(c) of Public Law 93–344 (H. Doc. No. 95–110); to the Committee on Appropriations and ordered to be printed.

1085. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Council Act No. 2–12. "To provide additional compensation for District of Columbia teachers," pursuant to section 602(c) of Public Law 93–198; to the Committee on the District of Columbia.

1086. A letter from the Acting Assistant Secretary of Commerce for Administration, transmitting notice of a proposed new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1087. A letter from the Director, Defense Security Assistance Agency, transmitting a report estimating the number of officers and employees of the U.S. Government and U.S. civilian contract personnel in foreign countries for assignments in implementation of sales and commercial exports under the Arms Export Control Act as of December 31, 1976, pursuant to section 36(a)(7) of the act; to the Committee on International Relations.

1088. A letter from the Chairman, U.S. Advisory Commission on International and Cultural Affairs, transmitting a special report of the Commission entitled "Notes on Educational and Cultural Exchange between the United States and Countries in the Middle East, "pursuant to section 107 of Public Law 87–256; to the Committee on International Relations.

1089. A letter from the Chairman, Interstate Commerce Commission, transmitting a report on the Commission's determination to extend the time period for acting on the appeal pending in proceeding No. 35956, *Morelli Overseas Export Services of Wisconsin, Inc.* v. *Chicago and Northwestern Transportation Company*, and related proceedings, pursuant to section 17(9)(f) of the Interstate Commerce Act, as amended (90 Stat. 49); to the Committee on Interstate and Foreign Commerce.

1090. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting a report on extraordinary contractual actions to facilitate the national defense during calendar year 1976, pursuant to section 4(a) of Public Law 85–804; to the Committee on the Judiciary.

1091. A letter from the Director, National Institute of Corrections, Bureau of Prisons, Department of Justice, transmitting the Institute's first annual report, pursuant to 18 U.S.C. 4352(b); jointly, to the Committees on Education and Labor, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on Government Operations. Report on protecting Redwood National Park (Rept. No. 95–106). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. House Resolution 430. Resolution providing for the consideration of H.R. 3965. A bill to authorize research, development, and demonstration projects relating to aviation, and for other purposes (Rept. No. 95–107). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 431. Resolution providing for the consideration of H.R. 4991. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes (Rept. No. 95–108). Referred to the House Calendar.

Mr. ROBERTS: Committee on Veterans' Affairs. H.R. 5025. A bill to amend title 38 of the United States Code in order to revise the provisions therein relating to the construction, alteration, and acquisition of Veterans' Administration medical facilities (Rept. No. 95–109). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Veterans' Affairs. H.R. 5027. A bill to amend title 38 of the United States Code to clarify the requirement that medical services by provided by the Veterans' Administration in certain cases (Rept. No. 95–110). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Veterans' Affairs. H.R. 5029. A bill to amend title 38 of the United States Code in order to authorize contracts with the Republic of the Philippines for the provision of hospital care and medical services to Commonwealth Army veterans and new Philippine Scouts for service-connected disabilities; to authorize the continued maintenance of a Veterans' Administration office in the Republic of the Philippines; and for other purposes (Rept. No. 95–111). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Veterans' Affairs. H.R. 3695. A bill to amend title 38 of the United States Code in order to revise and improve the program of making grants to the States for the construction, remodeling, or renovation of State home facilities for furnishing hospital, domiciliary, and nursing home care for eligible veterans, and for other purposes (Rept. No. 95–112). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLOUIN (for himself, Mr. EDWARDS of California, and Mr. IRELAND):

H.R. 5468. A bill to provide for the regular review of certain Federal agencies and for the abolition of such agencies after such review unless Congress specifically provides for their continued existence; to the Committee on Government Operations.

By Mr. CONABLE:

H.R. 5469. A bill to amend the Internal Revenue Code of 1954 to exclude certain mission societies and their missionary members from social security taxes; to the Committee on Ways and Means.

By Mr. CRANE:

H.R. 5470. A bill to amend the Internal Revenue Code of 1954 to provide for an extension of the period during which an individual must purchase a new residence for nonrecognition of gain on the sale of an old residence in the case of members of the Armed Forces who are stationed overseas or who are required to reside in Government-owned quarters; to the Committee on Ways and Means.

H.R. 5471. A bill to amend the Internal Revenue Code of 1954 to provide a credit for tuition paid for higher education; to the Committee on Ways and Means.

By Mr. DENT (for himself, Mr. MOORHEAD of Pennsylvania, Mr. MICHAEL O. MYERS, and Mr. WALKER):

H.R. 5472. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to grant additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange services; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DORNAN:

H.R. 5473. A bill to amend the Child Abuse Prevention and Treatment Act to prohibit the sexual exploitation of children and the transportation and dissemination of photographs or films depicting such exploitation; to the Committee on Education and Labor.

H.R. 5474. A bill to amend title 18, United States Code, to prohibit the sexual exploitation of children and the transportation in interstate or foreign commerce of photographs or films depicting such exploitation; to the Committee on the Judiciary.

By Mr. DRINAN:

H.R. 5475. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to extend relocation assistance to persons displaced as the result of real property acquisitions by private persons for federally assisted programs or projects, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. EDWARDS of Alabama:

H.R. 5476. A bill to provide that the laws restricting trade between points in the United States to vessels of the United States shall not apply to inflatable boats used in river running; to the Committee on Merchant Marine and Fisheries.

H.R. 5477. A bill to amend the Internal Revenue Code of 1954 to provide income tax incentives to improve the economics of recycling wastepaper; to the Committee on Ways and Means.

By Mr. ERTEL (for himself, Mr. ROE, Mr. GORE, Mr. EILBERG, Mr. EDWARDS of Oklahoma, Mr. GLICKMAN, Mr. LAGOMARSINO, Mr. CLEVELAND, Mr. MCCLOSKEY, Mr. JACOBS, Mr. CHARLES WILSON of Texas, Mr. ASHLEY, Mr. FINDLEY, Mr. BENNETT, Ms. MIKULSKI, Mr. BAUCUS, Mr. GEPHARDT, Mr. EDGAR, Mr. BEDELL, Mr. CONABLE, Mr. MURPHY of Pennsylvania, Mr. COTTER, and Mr. PURSELL):

H.R. 5478. A bill to provide that rates of pay for Members of Congress shall not be automatically adjusted under the Federal Salary Act of 1967; to the Committee on Post Office and Civil Service.

By Mr. FISH:

H.R. 5479. A bill to amend title XVIII of the Social Security Act to include, as a home health service, nutritional counseling provided by or under the supervision of a registered dietitian; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. FOLEY:

H.R. 5480. A bill to authorize the marketing of saccharin under section 409 of the Federal Food, Drug, and Cosmetic Act; to the Committee on Interstate and Foreign Commerce.

By Mr. FOLEY (for himself, Mr. ABDNOR, Mr. ANDREWS of North Dakota, Mr. BRECKINRIDGE, Mr. ENGLISH, Mr. FITHIAN, Mr. GLICKMAN, Mr. HIGHTOWER, Mr. JONES of Tennessee, Mr. JONES of North Carolina, Mr. KELLY, Mr. MCCORMACK, Mr. MATHIS, Mr. POAGE, Mr. SEBELIUS, Mr. THONE, Mr. ULLMAN, Mr. WAMPLER, Mr. WEAVER, and Mr. WINN):

H.R. 5481. A bill to enable wheat producers, processors, end product manufacturers, and

consumers of wheat foods to work together to establish, finance on an equitable basis, and administer a coordinated program of research and education to promote and improve human nutrition through the use of wheat and wheat products as human foods within the United States; to the Committee on Agriculture.

By Mr. FUQUA:

H.R. 5482. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of food additives; to the Committee on Interstate and Foreign Commerce.

By Mr. GAYDOS:

H.R. 5483. A bill to amend the Internal Revenue Code of 1954 to encourage the modernization of manufacturing plants by providing an additional investment credit for machinery placed in service in existing manufacturing plants or in nearby plants; to the Committee on Ways and Means.

By Mr. GILMAN (for himself, Mr. ANDERSON of Illinois, Mr. BADILLO, Mr. BROYHILL, Mr. BURGENER, Mr. BUCHANAN, Mrs. COLLINS of Illinois, Mr. CORCORAN of Illinois, Mr. CORNWELL, Mr. DICKS, Mr. EDWARDS of Oklahoma, Mrs. FENWICK, Mr. GLICKMAN, Mr. HALL, Mr. HORTON, Mr. JONES of North Carolina, Mr. KINDNESS, Mr. MCCLOSKEY, Mr. MCKINNEY, Mr. JOHN T. MYERS, Mr. PATTERSON of California, Mr. PRITCHARD, and Mr. RICHMOND):

H.R. 5484. A bill to amend title II of the Social Security Act to reduce from 72 to 65 the age beyond which deductions on account of an individual's outside earnings will no longer be made from such individual's benefits; to the Committee on Ways and Means.

By Mr. GOODLING:

H.R. 5485. A bill to provide for a study of the effects of saccharin and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HANNAFORD (for himself, Mr. JENRETTE, Mr. MURPHY of New York, Mr. ROE, Mr. HIGHTOWER, Mr. BADILLO, Mrs. CHISHOLM, Mr. BEARD of Rhode Island, Mr. PATTERSON of California, Mr. MAZZOLI, Mr. MOORHEAD of California, Mr. EDWARDS of Oklahoma, Mrs. COLLINS of Illinois, Mr. FISHER, Ms. MIKULSKI, Mr. ROSE, Mr. EMERY, Mr. ZEFERETTI, Mr. DICKS, Mr. WAXMAN, Mr. ANDERSON of California, and Mr. FAUNTROY):

H.R. 5486. A bill to amend title 5, United States Code, to provide that any Federal employee who, at the time of retirement, does not elect a reduced annuity in order to provide a survivor annuity to a spouse or other person may make such an election within 1 year after retiring; to the Committee on Post Office and Civil Service.

By Mr. HANNAFORD (for himself, Mr. NIX, Mrs. SPELLMAN, Mr. FORD of Michigan, Mr. CLAY, Mrs. SCHROEDER, Mr. LEHMAN, Mr. HARRIS, Mr. SOLARZ, Mr. GARY A. MYERS, Mr. HEFTEL, Mr. HOWARD, Mr. PEPPER, Mr. OTTINGER, Mr. WHITEHURST, Mr. MOORHEAD of Pennsylvania, Mrs. FENWICK, Mr. MOAKLEY, Mr. LEGGETT, Mr. HALL, and Mr. WON PAT):

H.R. 5487. A bill to amend title 5, United States Code, to provide that any Federal employee who, at the time of retirement, does not elect a reduced annuity in order to provide a survivor annuity to a spouse or other person may make such an election within 1 year after retiring; to the Committee on Post Office and Civil Service.

By Ms. HOLTZMAN (for herself, Mr. SIMON, Mr. WEISS, Mr. ZEFERETTI, and Mr. LE FANTE):

H.R. 5488. A bill to amend the National School Lunch Act with respect to the summer food service program for children; to the Committee on Education and Labor.

By Mr. KETCHUM:

H.R. 5489. A bill to amend title 5, United States Code, to allow credit for civil service retirement purposes for time spent by Japanese-Americans in World War II internment camps; to the Committee on Post Office and Civil Service.

H.R. 5490. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. KETCHUM (for himself, Mr. MOORHEAD of California, Mr. MARTIN, and Mr. WALKER):

H.R. 5491. A bill to amend the Food Stamp Act of 1964 to prohibit any individual from receiving food stamps who receives at least one-half of his income from any other individual who is a member of another household which is ineligible for food stamps; to the Committee on Agriculture.

By Mr. KETCHUM (for himself and Mr. MOORHEAD of California):

H.R. 5492. A bill to amend sections 206 and 208 of the Labor Management Relations Act of 1947 to provide that the national emergency procedures thereunder may be applied to strikes or lockouts which will cause losses of agricultural crops; to the Committee on Education and Labor.

By Mr. LEGGETT (for himself, Mr. FORSYTHE, Mr. BIAGGI, Mr. MCCLOSKEY, Mr. ANDERSON of California, Mr. EMERY, Mr. STUDDS, Mr. DORNAN, Mr. OBERSTAR, Mr. TRIBLE, Mr. HUGHES, and Mr. HANNAFORD):

H.R. 5493. A bill to extend until October 1, 1980, the appropriation authorizations for the Seal Beach, Great Dismal Swamp, and San Francisco Bay National Wildlife Refuges; to the Committee on Merchant Marine and Fisheries.

By Mr. MCCORMACK (for himself and Mr. STARK):

H.R. 5494. A bill to provide temporary authorities to the Secretary of the Interior to facilitate emergency actions to mitigate the impacts of the 1976–77 drought; to the Committee on Interior and Insular Affairs.

By Mr. MCCORMACK (for himself and Mr. DICKS):

H.R. 5495. A bill designating the apple blossom as the national flower of the United States; to the Committee on Post Office and Civil Service.

By Mr. MCHUGH:

H.R. 5496. A bill to establish a program whereby payments in lieu of taxes may be made with respect to certain real property owned by the U.S. Government but leased by departments or agencies thereof to private persons not for public purposes; to the Committee on Government Operations.

By Mr. MITCHELL of Maryland:

H.R. 5497. A bill to amend the African Development Fund Act to increase the U.S. subscription to the Fund by $150 million; to the Committee on International Relations.

By Mr. MOSS (for himself, Mr. ROGERS, Mr. MURPHY of New York, Mr. OTTINGER, Mr. RANGEL, Mr. CORMAN, Mr. SANTINI, Ms. MIKULSKI, Mr. MAGUIRE, Mr. SCHEUER, Mr. FLORIO, Mr. VAN DEERLIN, Mr. WAXMAN, Mr. WALGREN, Mr. MOFFETT, Mr. LUKEN, Mr. GORE, Mr. VANIK, Mr. LEDERER, Mr. STARK, and Mr. MADIGAN):

H.R. 5498. A bill to amend the Social Security Act and the Public Health Service Act to require the use of a uniform functional accounting and statistical system and the making of uniform reports by health services institutions under the medicare and medicaid programs; jointly, to the Committees on Interstate and Foreign Commerce, and Ways and Means.

By Mr. MURTHA (for himself, Mr. DENT, Mr. ERTEL, and Mr. GOODLING):

H.R. 5499. A bill to amend title 18, United States Code, to prohibit the sexual exploitation of children and the transportation in interstate or foreign commerce of photographs or films depicting such exploitation; to the Committee on the Judiciary.

By Mr. MCCORMACK:

H.R. 5500. A bill to encourage energy conservation in residences and in use of electric vehicles; to the Committee on Ways and Means.

By Mr. NEAL:

H.R. 5501. A bill to extend and amend the Export-Import Bank Act of 1945; to the Committee on Banking, Finance and Urban Affairs.

By Mr. NEDZI (for himself and Mr. WHITEHURST):

H.R. 5502. A bill to authorize supplemental appropriations during fiscal year 1977 for military construction and for operation and maintenance of family housing, and for other purposes; to the Committee on Armed Services.

By Mr. NICHOLS (for himself, Mr. MITCHELL of New York, Mr. STRATTON, and Mr. O'BRIEN):

H.R. 5503. A bill to amend titles 10 and 37, United States Code, relating to the appointment, promotion, separation, and retirement of members of the Armed forces, and for other purposes; to the Committee on Armed Services.

By Mr. PATTERSON of California:

H.R. 5504. A bill to amend title II of the Social Security Act to increase to $7,500 the amount of outside earnings in any year which (subject to further increase under the automatic adjustment provision) is permitted without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 5505. A bill to designate certain lands in the State of Alaska as units of the National Park, National Wildlife Refuge, Wild and Scenic Rivers, and National Wilderness Preservation System, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 5506. A bill to amend title II of the Social Security Act to provide that the automatic cost-of-living increases in benefits which are authorized thereunder may be made on a semiannual basis (rather than only on an annual basis as at present); to the Committee on Ways and Means.

By Mr. ROBERTS (for himself and Mr. HAMMERSCHMIDT):

H.R. 5507. A bill to amend title 38 of the United States Code in order to expand the authority of the Administrator of Veterans' Affairs to extend medical services to veterans of World War I, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RUDD (for himself, Mr. DEVINE, Mr. ABDNOR, Mr. BUCHANAN, Mr. COLLINS of Texas, Mr. DORNAN, Mr. EDWARDS of Oklahoma, Mr. EILBERG, Mr. GEPHARDT, Mr. GOLDWATER, Mr. MANN, Mr. MCDONALD, Mr. SEBELIUS, Ms. MIKULSKI, Mr. PATTERSON of California, Mr. MINETA, Mr. ROSE, Mrs. SPELLMAN, Mr. CHARLES WILSON of Texas, Mr. DON H. CLAUSEN, Mr. DEL CLAWSON, and Mr. MARRIOTT):

H.R. 5508. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of food additives; to the Committee on Interstate and Foreign Commerce.

By Mr. ST GERMAIN:

H.R. 5509. A bill to amend title II of the Social Security Act to provide that a beneficiary shall (if otherwise qualified) be entitled to a prorated benefit for the month in which he (or the insured individual) dies; to the Committee on Ways and Means.

By Mr. SEIBERLING:

H.R. 5510. A bill to incorporate the Army and Navy Union of the United States of America; to the Committee on the Judiciary.

By Mr. STEERS:

H.R. 5511. A bill to amend title 39, United States Code, to require the Postal Service to consult with agencies of State and local governments with respect to the construction of certain Postal Service facilities, to establish hearing procedures with respect to proposals for such construction, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 5512. A bill to amend title 39, United States Code, to permit certain private nonprofit organizations to deposit mailable matter in letterboxes; to the Committee on Post Office and Civil Service.

By Mr. STEIGER (for himself and Mr. JONES of Oklahoma):

H.R. 5513. A bill to amend the Internal Revenue Code of 1954 to allow persons covered by certain other retirement plans to establish personal savings for retirement; to the Committee on Ways and Means.

By Mr. THOMPSON (for himself, Mr. CORMAN, and Mr. FREY):

H.R. 5514. A bill to amend the Service Contract Act of 1965 to extend its coverage to professional employees; to the Committee on Education and Labor.

Mr. VANDER JAGT:

H.R. 5515. A bill to amend the Public Health Service Act to direct the Secretary of Health, Education, and Welfare to study the feasibility of broadening the purposes of the Uniformed Services University of the Health Sciences to train civilian physicians to serve in medically underserved areas; to the Committee on Interstate and Foreign Commerce.

H.R. 5516. A bill to amend the Immigration and Nationality Act to provide penalties for certain persons who employ, or who refer for employment, aliens who are in the United States illegally, and for other purposes; to the Committee on the Judiciary.

H.R. 5517. A bill to repeal the changes made by the Tax Reform Act of 1976 in the exclusion for sick pay; to the Committee on Ways and Means.

By Mr. WHITEHURST (for himself, Mr. ANDERSON of Illinois, Mr. BURKE of Florida, Mr. CEDERBERG, Mr. COLLINS of Texas, Mr. ROBERT W. DANIEL, Jr., Mr. EDGAR, Mr. EDWARDS of Oklahoma, Mr. EVANS of Colorado, Mr. LONG of Maryland, Mr. MCCLORY, Mr. MURPHY of Pennsylvania, Mr. NIX, Mr. PATTERSON of California, Mr. PATTISON of New York, Mr. ROBINSON, Mr. SKELTON, Mr. SNYDER, and Mr. TREEN):

H.R. 5518. A bill to give the Food and Drug Administration greater discretion in the control of food additives; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITEHURST (for himself, Mr. ANDREWS of North Dakota, Mr. BARNARD, Mr. BAUCUS, Mr. CARR, Mr. CLEVELAND, Mr. COLLINS of Texas, Mr. ROBERT W. DANIEL, Jr., Mr. DERWINSKI, Mr. DORNAN, Mr. EDWARDS of Oklahoma, Mr. EVANS of Georgia, Mr. KETCHUM, Mr. LAGOMARSINO, Mr. LEVITAS, Mrs. MEYNER, Mr. ROE, Mr. SAWYER, Mr. SIMON, Mr. STEERS, Mr. VANDER JAGT, Mr. WALKER, Mr. BOB WILSON, and Mr. CHARLES WILSON of Texas):

H.R. 5519. A bill to amend the Congressional Budget Act of 1974 to require the Congressional Budget Office to prepare economic impact statements in connection with legislation reported by congressional committees and in connection with rules and regulations proposed by Federal agencies; to the Committee on Rules.

By Mr. ANNUNZIO (for himself, Mr. BADILLO, Mr. BINGHAM, Mr. BURKE, of Massachusetts, Mr. EILBERG, Mr. FARY, Mrs. FENWICK, Mr. FISH, Mr. FRASER, Mr. GILMAN, Mr. HOLLENBECK, Mr. HORTON, Mr. HUGHES, Mr. HYDE, Mr. METCALFE, Ms. MIKULSKI, Mr. MITCHELL of Maryland, Mr. NIX, Mr. OTTINGER, Mr. PRICE, Mr. RICHMOND, Mr. ROSENTHAL, Mr. SIMON, Mrs. SPELLMAN, and Mr. YATRON):

H.R. 5520. A bill to amend the Foreign Assistance Act of 1961 to authorize additional funds for the assistance of the victims of the earthquake occurring on May 6, 1976, in the Friuli region of Italy; to the Committee on International Relations.

By Mr. ANNUNZIO (for himself, Mrs. MEYNER, and Mr. MICHAEL O. MYERS):

H.R. 5521. A bill to amend the Foreign Assistance Act of 1961 to authorize additional funds for the assistance of the victims of the earthquake occurring on May 6, 1976, in the Friuli region of Italy; to the Committee on International Relations.

By Mr. BIAGGI:

H.R. 5522. A bill to amend title 18 of the United States Code to prohibit the sexual exploitation of children, the transportation in interstate or foreign commerce of photographs or films depicting such exploitation, and child prostitution in any way connected with such commerce; to the Committee on the Judiciary.

By Mr. BONKER (for himself and Mr. DICKS):

H.R. 5523. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Cowlitz Tribe of Indians in Indian Claims Commission docket No. 218 and other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BYRON:

H.R. 5524. A bill to amend the Land and Water Conservation Fund Act of 1965, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HUGHES:

H.R. 5525. A bill to amend title V of the Housing Act of 1949 to allow certain property held by the United States under such title to be subject to certain taxation by appropriate State and local entities; to the Committee on Banking, Finance and Urban Affairs.

By Mr. JOHNSON of Colorado:

H.R. 5526. A bill to amend the Small Business Act to reduce the interest rates on disaster-related loans under such act and to provide for the cancellation of a portion of principal and interest payments with respect to certain such loans; to the Committee on Small Business.

H.R. 5527. A bill to amend the Small Business Act to reduce the rate of interest on certain disaster-related loans under such act; to the Committee on Small Business.

By Mr. KASTENMEIER (for himself, Mr. DANIELSON, Mr. DRINAN, Mr. SANTINI, Mr. ERTEL, Mr. RAILSBACK, and Mr. BUTLER):

H.R. 5528. A bill to amend the Legal Services Corporation Act to provide authorization of appropriations for additional fiscal years, and for other purposes; to the Committee on the Judiciary.

By Mr. LUJAN:

H.R. 5529. A bill to authorize the Secretary of Labor to provide supplementary compensation for permanent total disability or death from lung cancer resulting from exposure to ionizing radiation in uranium mines; to provide grants to States for research and planning with respect to ionizing radiation injuries in uranium mines; and for other purposes; to the Committee on Education and Labor.

By Mr. McDADE:

H.R. 5530. A bill to amend title I of the Housing and Community Development Act of 1974 for the purpose of providing that units of general local government receiving grants under the hold-harmless provisions of such title shall be entitled, after fiscal year 1977, to continue to receive at least the amount to which they are presently entitled under such provisions; to the Committee on Banking, Finance and Urban Affairs.

H.R. 5531. A bill to amend the Federal Water Pollution Control Act to require the United States to pay for certain lateral sewer connections for low-income elderly persons; to the Committee on Public Works and Transportation.

H.R. 5532. A bill to amend the Internal Revenue Code of 1954 to provide a basic $5,000 exemption from income tax, in the case of an individual or a married couple, for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

H.R. 5533. A bill to provide that the changes made by the Tax Reform Act of 1976 to the exclusion for sick pay shall only apply to taxable years beginning after December 31, 1976; to the Committee on Ways and Means.

By Mr. MARRIOTT (for himself, Mrs. HOLT, and Mr. MOORHEAD of California):

H.R. 5534. A bill to provide that the laws restricting trade between points in the United States to vessels of the United States shall not apply to inflatable boats used in river running; to the Committee on Merchant Marine and Fisheries.

By Mr. METCALFE (for himself, Mr. FRASER, Mr. RICHMOND, Mr. DELLUMS, Mr. DRINAN, Mrs. SPELLMAN, Mr. OTTINGER, Mrs. FENWICK, Mr. CLAY, Mr. MIKVA, Mr. STEERS, Mr. EDWARDS of California, Mr. DIGGS, Mr. WEISS, Mr. ROYBAL, Mr. STARK, and Mr. WON PAT):

H.R. 5535. A bill to amend section 1979 of the Revised Statutes (42 U.S.C. 1983) to permit suits against bodies politic and the District of Columbia with respect to certain violations of civil rights; to the Commitee on the Judiciary.

By Mr. MOORHEAD of California:

H.R. 5536. A bill to amend the National Housing Act to increase maximum mortgage amounts and reduce downpayment requirements under certain Federal Housing Administration single-family mortgage insurance programs, to permit full implementation of the graduated payment mortgage program, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 5537. A bill to amend title XVIII of the Social Security Act to authorize payment under the medicare program for certain services performed by chiropractors; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. ROE:

H.R. 5538. A bill to amend the Railroad Retirement Act of 1974 to provide that any railroad employee may retire on full annuity at age 55 with 30 years service, and to provide for payment of full spouse's annuities at age 55 (or reduced spouse's annuities at age 52); to the Committee on Interstate and Foreign Commerce.

By Mr. RUPPE:

H.R. 5539. A bill to amend the Internal Revenue Code of 1954 to allow a credit for 15 percent of the amounts paid by individuals for the installation of wood-burning stoves in their principal residences; to the Committee on Ways and Means.

By Mr. SEIBERLING:

H.R. 5540. A bill to amend the Clayton Act to clarify the application of the anti-

trust laws to cooperate organizations, and for other purposes; to the Committee on the Judiciary.

By Mr. THONE:

H.R. 5541. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. UDALL (for himself, Mr. BEILENSON, Mr. CARNEY, Mr. DRINAN, Mr. EDWARDS of California, Mr. JENRETTE, Mr. KOSTMAYER, Mr. LEACH, Mr. LUJAN, Ms. MIKULSKI, Mr. MIKVA, Mr. MOFFETT, Mr. MURPHY of New York, and Mr. RYAN):

H.R. 5542. A bill to designate certain endangered public lands for preservation as wilderness, to provide for the study of additional endangered public lands for such designation, to further the purposes of the Wilderness Act of 1964, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. UDALL:

H.R. 5543. A bill to amend title 5, United States Code, and the Federal Salary Act of 1967 to provide for adjustments of rates of pay necessary to maintain pay distinctions in statutory pay systems; to the Committee on Post Office and Civil Service.

By Mr. UDALL (for himself and Mr. HARRIS):

H.R. 5544. A bill to provide for the referral of certain bills, resolutions, and other matters to the Committee on Post Office and Civil Service of the House of Representatives and to provide for a limitation on and the coordination of positions which may be placed in GS–16, 17, and 18, and for other purposes; jointly, to the Committees on Rules, and Post Office and Civil Service.

By Mr. VANDER JAGT:

H.R. 5545. A bill to amend part A of title IV of the Social Security Act to permit a State, at the request of any family receiving aid to families with dependent children, to make direct payments from such aid to a utility company or landlord to cover the family's utility or housing costs; to the Committee on Ways and Means.

By Mr. WIGGINS (for himself, Mr. DRINAN, Mr. MCCLORY, Mr. RAILSBACK, Mr. BUTLER, and Mr. BENNETT):

H.R. 5546. A bill to provide for a reduction in general diversity of citizenship jurisdiction, and for other purposes; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 5547. A bill to provide for the seizure and forfeiture of vessels, vehicles, and aircraft used to illegally transport into the United States certain aliens, and for other purposes; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 5548. A bill to amend title 5, United States Code, to provide additional cost-of-living adjustments in civil service retirement annuities of certain retired employees in Alaska as long as retired employees continue to reside in Alaska, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ALEXANDER:

H.R. 5549. A bill to amend title 39, United States Code, to authorize the appropriation of funds necessary to operate the U.S. Postal Service, to provide that revenues of the Postal Service shall be deposited in the Treasury of the United States, and for other purposes; to the Committee on Post Office and Civil Service.

By Mrs. BURKE of California:

H.R. 5550. A bill to promote the healthy development of children who would benefit from adoption by facilitating their placement in adoptive homes, and for other purposes; jointly, to the Committee on Education and Labor, and Interstate and Foreign Commerce.

By Mr. FLOWERS:

H.R. 5551. A bill to suspend for a 3-year period the duty on 2-Methyl, 4-chlorophenol; to the Committee on Ways and Means.

By Mr. PERKINS (for himself, Mr. NOLAN, and Mr. HAMILTON):

H.R. 5552. A bill to amend the Head Start Follow Through Act to extend the follow through program for 1 year; to the Committee on Education and Labor.

By Mr. ZABLOCKI (by request):

H.R. 5553. A bill to amend the Arms Control and Disarmament Act in order to extend the authorization for appropriations, and for other purposes; to the Committee on International Relations.

By Mr. McDADE:

H.J. Res. 345. Joint resolution designating the third week of September of 1977 as National Rehabilitation Week; to the Committee on Post Office and Civil Service.

By Mr. McEWEN:

H.J. Res. 346. Joint resolution restoring the Congressional Medal of Honor to Dr. Mary Edwards Walker; to the Committee on Armed Services.

H.J. Res. 347. Joint resolution proposing an amendment to the Constitution if the United States with respect to participation in voluntary prayer or meditation in public buildings; to the Committee on the Judiciary.

By Mr. PATTEN:

H.J. Res. 348. Joint resolution to authorize the President to proclaim the last Friday of April each year as National Arbor Day; to the Committee on Post Office and Civil Service.

By Mr. ROE:

H.J. Res. 349. Joint resolution to authorize the President to proclaim the last Friday of April each year as National Arbor Day; to the Committee on Post Office and Civil Service.

By Mr. FITHIAN:

H.J. Res. 350. Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. BURKE of Massachusetts:

H. Con. Res. 173. Concurrent resolution to name John Adams "Father of the United States Marine Corps"; to the Committee on Armed Services.

By Mr. McHUGH (for himself, Mrs. FENWICK, Mr. PEPPER, Mr. DELANEY, Mr. HUBBARD, Mr. MOAKLEY, Mr. HANLEY, Mr. KREBS, Mr. EILBERG, Mr. SIMON, Mr. MITCHELL of Maryland, Mr. SCHULZE, Mr. PATTISON of New York, Mr. TSONGAS, Mr. HUGHES, Mr. DODD, Mr. GRASSLEY, Mrs. SPELLMAN, Mr. THOMPSON, Mr. OTTINGER, Mr. RICHMOND, Mr. McDONALD, Mr. ROE, Mr. EDWARDS of Oklahoma, and Mr. BLANCHARD):

H. Con. Res. 174. Concurrent resolution expressing the sense of the Congress that the President should urge the Soviet Union to allow Dr. Sergei Kovalev to accept the invitation of Cornell University to be a visiting scholar; to the Committee on International Relations.

By Mr. McHUGH (for himself Mr. JENRETTE, Mr. KOCH, Mr. VAN DEERLIN, Mr. BENJAMIN, Mr. WAXMAN, Mr. ERTEL, Mr. MURPHY of Pennsylvania, Mr. SOLARZ, Mr. GLICKMAN, Mr. DOWNEY, Mr. BINGHAM, Mr. ROSENTHAL, Mr. WALGREN, Ms. MIKULSKI, Mr. BADILLO, Mr. BEDELL, Mr. LONG of Maryland, Mr. GILMAN, Mr. HARRIS, Mr. ROYBAL, Mr. KEMP, Mr. CHARLES WILSON of Texas, Mr. FISH, and Mr. LUNDINE):

H. Con. Res. 175. Concurrent resolution expressing the sense of the Congress that the President should urge the Soviet Union to allow Dr. Sergei Kovalev to accept the invitation of Cornell University to be a visiting scholar; to the Committee on International Relations.

By Mr. DINGELL:

H. Res. 432. Resolution to disapprove the proposed amendment relating to the price incentive factor for crude oil production (energy action number 11); to the Committee on Interstate and Foreign Commerce.

By Mr. STOKES (for himself, Mr. PREYER, Mr. FAUNTROY, Mrs. BURKE, of California, Mr. DODD, Mr. FORD of Tennessee, Mr. FITHIAN, Mr. EDGAR, Mr. DEVINE, Mr. ANDERSON of Illinois, Mr. MCKINNEY and Mr. THONE):

H. Res. 433. Resolution to provide for the continuation of the Select Committee on Assassinations; to the Committee on Rules.

By Mr. ZABLOCKI:

H. Res. 434. Resolution providing additional funds for expenses of the Committee on International Relations in connection with visits to the United States by Heads of States and other foreign dignitaries; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

56. By the SPEAKER: Memorial of the Legislature of the State of South Dakota, relative to section 14(b) of the Taft-Hartley Act; to the Committee on Education and Labor.

57. Also, memorial of the Legislature of the State of South Dakota, relative to common situs picketing; to the Committee on Education and Labor.

58. Also, memorial of the State of South Dakota, relative to telephone service in South Dakota; to the Committee on Interstate and Foreign Commerce.

59. Also, memorial of the Legislature of the State of South Dakota, relative to rail and barge transportation systems for agricultural products; jointly, to the Committees on Interstate and Foreign Commerce, and Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Massachusetts:

H.R. 5554. A bill for the relief of Zivka Jovanovic; to the Committee on the Judiciary.

By Mr. DICKS:

H.R. 5555. A bill for the relief of Adelida Rea Berry; to the Committee on the Judiciary.

By Mr. EMERY:

H.R. 5556. A bill for the relief of Dermot Nicholas Killian; to the Committee on the Judiciary.

By Mr. HYDE:

H.R. 5557. A bill for the relief of Mrs. Olga Tarvin; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 5558. A bill for the relief of Masako Banno Miller; to the Committee on the Judiciary.

H.R. 4991

By Mr. GARY A. MYERS:

On Page 6 after line 24 add the following new section:

"SUNSHINE IN GOVERNMENT

"SEC. 10(a)(1) Each employee of the Foundation who performs a decision-making

function in the handling of any application or proposal for Foundation funding shall provide a written statement for the record identifying any significant financial interest he has in the person submitting the application or proposal and any academic affiliation he has with that person. If the application or proposal results in an award, the statement shall be made available to the public.

"(2) The Director shall remove or take other appropriate disciplinary action against any employee who knowingly violates the requirements of this subsection.

"(b)(1) Within ninety days after enactment of this section, the Director shall publish implementing regulations. The regulations shall define 'significant financial interest', 'academic affiliation', and 'decision-making function' as used in this section.

"(2) The regulations shall also deal in an appropriate manner with conflicts of interests of peer reviewers.

"(3) The Director shall report annually to the Congress on the administration and enforcement of this section.

"(c) If the President issues an Executive Order that requires financial disclosure by employees across Federal agencies, only so much of this section as relates to peer reviewers and to academic affiliations of employees shall remain effective."

Renumber the following sections.

SENATE—*Wednesday, March 23, 1977*

(Legislative day of Monday, February 21, 1977)

The Senate met at 1 p.m., on the expiration of the recess, and was called to order by Hon. DONALD W. RIEGLE, JR., a Senator from the State of Michigan.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Spirit, in the midst of the day's demanding duties we pause reverently and open our lives to Thee, unto whom all hearts are open and from whom no secrets are hid. Cleanse us from all unrighteousness, that with clean hands and pure hearts we may serve Thee according to the laws of Thy higher kingdom. Not for ourselves only do we pray, but for every person in this land. Make us a people good enough and great enough for our times. Impart Thy grace to the people of this Nation that they may reveal the same quality of life and the same standards of conduct they expect of the Members of this body. Make and keep us "one nation under God, indivisible." And may goodness and mercy follow us all our days that we may abide with Thee forever.

We pray in the name of the Great Intercessor. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 23, 1977.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DONALD W. RIEGLE, JR., a Senator from the State of Michigan, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. RIEGLE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of yesterday, Tuesday, March 22, 1977, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, there are certain nominations on the Executive Calendar that are cleared on both sides for action.

It is my understanding that Mr PROXMIRE wanted to be here when the nominations under Department of Housing and Urban Development were called up and I believe that he is on his way to the floor.

I ask unanimous consent, therefore, that the Senate go into executive session to consider the nominations under Department of State, U.S. Information Agency, Agency for International Development, and Department of Health, Education, and Welfare at this time.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The clerk will state the first nomination.

Mr. ROBERT C. BYRD. Mr. President, I also ask unanimous consent, now that Mr. PROXMIRE is here, that the nominations under Department of Housing and Urban Development be called up also.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I believe the minority leader wishes to respond.

Mr. BAKER. Mr. President, I only want to say that I have consulted with the majority leader in advance, as he indicated, about these nominations and they are all cleared on our side, the Department of State, USIA, AID, HUD, and HEW, and there is no objection to their confirmation.

The ACTING PRESIDENT pro tempore. The clerk will state the first nomination.

NOMINATIONS—EXECUTIVE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all nominations on the Executive Calendar, with the exception of the nominations under the Department of Housing and Urban Development, be considered and confirmed en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Lucy Wilson Benson, of Massachusetts, to be Under Secretary of State for Coordinating Security Assistance Programs.

Hodding Carter III, of Mississippi, to be an Assistant Secretary of State.

Richard Holbrooke, of the District of Columbia, to be an Assistant Secretary of State.

Terence A. Todman, of the Virgin Islands, to be an Assistant Secretary of State.

Patsy T. Mink, of Hawaii, to be an Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

U.S. INFORMATION AGENCY

John E. Reinhardt, of Maryland, to be Director of the U.S. Information Agency.

AGENCY FOR INTERNATIONAL DEVELOPMENT

John J. Gilligan, of Ohio, to be Administrator of the Agency for International Development.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Thomas D. Morris, of the District of Columbia, to be Inspector General, Department of Health, Education, and Welfare.

Arabella Martinez, of the District of Columbia, to be an Assistant Secretary of Health, Education, and Welfare.

The ACTING PRESIDENT pro tempore. The clerk will now state the first nomination under Housing and Urban Development.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The assistant legislative clerk proceeded to read nominations on the Executive Calendar under Department of Housing and Urban Development.

Mr. PROXMIRE. Mr. President, the Committee on Banking, Housing, and Urban Affairs has favorably reported the nominations of three individuals to major policymaking positions in the Department of Housing and Urban Development. They are Mr. Jay Janis, to be Under Secretary; Mr. Lawrence Simons, to be Assistant Secretary for Housing-FHA Commissioner; and Mr. Robert Embry, to be Assistant Secretary for Community Development.

All of these individuals are highly qualified to fill the posts to which they are nominated. Mr. Janis and Mr. Simons have had long and distinguished careers in the homebuilding industry. Mr. Janis

also served with distinction at HUD during the Johnson administration. Mr. Embry comes into the administration from the job of housing commissioner of the city of Baltimore, which has had, under his leadership, perhaps the most impressive record in the entire country for its work in preservation and revitalization of inner-city neighborhoods. Mr. Embry has built a national reputation for his innovativeness and for the fact that his housing program, unlike many, has shown a clear-cut record of successful results.

Beyond this, I am very pleased to be able to report that Mr. Janis and Mr. Simons have set a new standard of ethical behavior in their willingness to go beyond the required letter of the law in avoiding potential conflicts of interest. Both of these gentlemen have agreed to divest themselves of financial holdings related to the housing field, despite the fact that they could, legally, have retained the investments and merely disqualified themselves from specific policy decisions from which conflicts might arise. The divestitures made by Mr. Janis and Mr. Simons involved personal financial sacrifices of some significance, and I think they deserve very high praise for their action.

Mr. President, all three of these nominees have put themselves on record for a strong, aggressive national housing policy. At their confirmation hearing on March 18, they impressed me and the committee as a whole with their commitment to a housing program which recognizes the need for a high level of new housing construction, in addition to efforts to preserve and improve existing inner-city housing stock. They echoed the position of Secretary Harris that HUD must become an advocate, rather than an adversary, of the many people in this country who need housing or who have problems arising out of the needs of our cities. I believe that the confirmation of Mr. Janis, Mr. Embry, and Mr. Simons will be a firm step toward that objective.

Mr. President, I indicated at the outset that these three individuals received unanimous approval from the Committee on Banking, Housing, and Urban Affairs. I wholeheartedly commend them to the Senate for confirmation.

Mr. President, it is very important these gentlemen be confirmed, because the Secretary, who is a very able, brilliant woman, has had no experience in housing. For that reason, we went into great details in the Banking Committee in questioning the nominees.

I must say that I was extremely impressed, not only by their background, but by the fact that they were very articulate and deeply committed to a vigorous housing program.

I do think that by confirming these nominees we will put the administration in a position to pursue a vigorous policy in stimulating housing.

Of course, we have to judge the administration by results. I think properly we judged the past administration by results and found them very sorely lacking and wanting. We did not produce the houses we needed.

In the last couple of weeks, we have raised this issue on the floor of the Senate and I intend to continue to raise this issue until we get some results.

The fact is that the Carter administration has neglected housing in their economic stimulus program. It should be the centerpiece of their program. It just calls out for action.

Here is an aspect of our economy that has been woefully neglected. In the last 3 years, we have fallen way short of the production of houses we need. We need more than 2 million houses to make up for the backlog we lost in the last 3 years.

We have very heavy unemployment in housing construction, more than 15 percent higher than any other area. In residential construction it is particularly high.

We have programs available that could put people to work, that could put people to work in the private sector, that could put people to work with very little inflationary effect, if any.

Mr. President, I think it is most desirable that we approve these men who have fine records in housing and who have indicated they intend to get action.

I do think the Senate should watch the performance of the Housing and Urban Development Administration to see they get the results which they have indicated in the record they want to get.

So Mr. President, I am very happy the President has made these particular nominations. They are well qualified. I support them warmly. They were unanimously supported by the members of our Banking Committee and I am hopeful that they will get the kind of results they want.

WHY WE NEED A HOUSING STIMULUS NOW

Mr. President, one issue I raised in the confirmation hearings with each of these three nominees was why is there no housing element in the President's economic stimulus program?

We need a stimulus that will provide jobs with as little inflationary pressures as possible. We need a stimulus that will do this in the private sector to the greatest possible degree and that will provide a service or product which is badly needed.

BROOKE-CRANSTON FUNDS WILL DO THE JOB

Such a stimulus is housing. And there is available, now, almost $2 billion in funds authorized and appropriated under the Brooke-Cranston tandem plan plus very large additional funds from the rollover of the previous tandem plan money.

We could add in the very near future another 125,000 to 150,000 new units for families now priced out of the housing market. This would produce from 250,000 to 300,000 new jobs—there is about one direct and one indirect job for each new housing start—at a cost of no more than $1,750 a job.

This compares with $8,000 to $10,000 per job for a public service job, a $15,000 cost or more for a public works job, and a cost far exceeding that to produce a new job in defense or space.

But for some unexplainable reason neither the Chairman of the Council of Economic Advisers, Mr. Schultze, the Director of the Office of Management and Budget, Mr. Lance, the Secretary of Housing, Mrs. Harris, nor the three nominees before us today are willing to move ahead.

The program should be especially attractive to the Director of the Office of Management and Budget, because the funds used to stimulate housing under the Brooke-Cranston plan would have almost no impact on the budget this year, and over a period of 10 years would cost only about $400 million in outlays to the Federal budget to produce 125,000 housing units.

When we propose that this be done, we are given certain stock arguments. I believe every one of them can be answered totally.

HOUSING STARTS INADEQUATE—FAR BELOW NEEDS AND GOALS

The first is that since housing starts may average 1.8 million units in 1977 the stimulus is not needed.

The answer to that is straightforward. The housing goal is 2.6 million units a year. Present housing needs, as contrasted with the goals, based on the calculations for family formation, units lost from the supply, the number needed for low vacancy rates and second houses, are for about 2.45 million units a year.

In the last 3 years we have built only 1.3 million units, 1.16 million units, and 1.54 million units respectively. Even allowing for generous mobile home shipments, the backlog from these 3 years alone is 2.3 million units.

Even if we produce 1.8 million units this year—and that is still an optimistic figure—we would fall at least 300,000 units short of our needs, allowing for 350,000 mobile home shipments.

Therefore, the fact that housing starts are up and may average 1.8 million units means that we will still fall 300,000 units short of our needs and 450,000 units short of the goals this year. There is obviously a need for another 125,000 to 150,000 starts in the next 2 years.

PRESENT SINGLE FAMILY HOUSING TOO COSTLY FOR MOST FAMILIES

The second argument used against a housing stimulus is that new single family housing production is now quite good. Secretary Harris appearing on Issues and Answers last Sunday used that argument. She said:

> We have found that the single family area is indeed one where people are buying houses and that there are not houses now available which do not have people who are prepared to finance them on the conventional market.

That may be true. But that argument overlooks two vital points. Those single family houses average $48,000 to $50,000 in price. As the Harvard-MIT study, which came out last week, made clear, 75 percent of American families are priced out of that new housing market.

So, yes, people are buying the $50,000 units, but these are families in the upper 25 percent income groups. The remaining 75 percent of the American people cannot finance housing in the conventional market at present interest rates and housing costs. They are out of the market.

LITTLE HOUSING IN MIDWEST AND NORTHEAST

The second vital point is where these units are being built. The statistics on housing starts issued March 16 by the

Department of Commerce show that the units are being built in the so-called Sun Belt. The preliminary figures for February 1977 show that 72 percent of the new privately owned housing starts, based on seasonally adjusted annual rates, were built in the South and the West. Less than 7 percent of the total was built in the Northeast and only 21 percent was built in the Midwest or North Central region.

There is, therefore, a great disparity in both who can buy the new housing and where it is built geographically.

The clear conclusion is that another 125,000 to 150,000 units with a 7½ percent interest rate under the tandem plan would fill a great need and a great demand.

MULTIFAMILY UNITS WILL BE NEEDED THIS YEAR AND NEXT

The third argument used against the Brooke-Cranston program is that any stimulus should mainly be in the multifamily area, but that that takes too long to get going.

The answer is that multifamily units do take longer to start. But a year from now or even 2 years from now unemployment will still be very high by historical standards and housing will still be very short of our needs or our goals.

Unemployment at the end of this year is estimated to be between 6.7 and 6.9 percent. The average for next year is estimated at 6.3 percent. So there is no danger—even if it takes a year to start the multifamily units—that unemployment will be even close to the 3- or 4-percent level for adults which is called relatively full employment.

The need for a housing stimulus, including a multifamily stimulus, will still be here at the end of this year and through next year.

USE IT OR LOSE IT. THE MONEY WILL BE USED

The fourth argument is that because the $1.8 billion of the original $5 billion of the Brooke-Cranston budget authority has not been used there is no reason for the administration to request any or all of the remaining authority.

There is a reason for the nonuse of $1.8 billion and a very swift answer or solution.

When a mortgage company or a builder requests Brooke-Cranston money, they must pay a fee and put a sizable amount of money into escrow. This delays the request for funds, because both are unwilling to put up cash long before the building begins.

There is a simple solution for this which has worked in the past and which can produce a large number of new units fast. Ginny Mae—GNMA—should announce that they are going to close the Brooke-Cranston window in the very near future if the funds are not requested. The motto should be, "Use it or lose it." This was done once before with amazing effect. The funds were asked for overnight.

It is a simple and effective solution and answers the objection.

PROVIDE FOR FAMILIES AT MEDIAN INCOMES OR BELOW

A fifth argument is that the Brooke-Cranston funds in the past have built substitute housing—housing that would have been built in any case. That may be true but there is a simple way to change that. The 7.5-percent money went to people with average incomes of $22,000.

By regulation the units should be allowed to go only to those at or below the median income for the community. Those families are now out of the market. Houses for them will be houses which would not otherwise be built.

Furthermore, the units should be built in areas where unemployment is high and vacancy rates are low.

THERE IS NOW NO FEAST OF HOUSING STARTS—ESPECIALLY ASSISTED STARTS

A final argument used against the program is that we should not have a feast and famine situation in our housing programs and that what we seek is continuity, especially in the assisted housing field.

I agree with that wholeheartedly.

In the President's economic recovery message of January 31, 1977, it was put this way.

> While a healthy housing industry is also critical to economic recovery, this area requires long-term commitments, rather than a short-range program. The Secretary of Housing and Urban Development is now developing a long-term housing program for low and middle income families which will contribute to sustained economic growth.

We need that. We need to build up from the pitifully low 41,000 assisted units started last year to some sustainable level that will meet the existing or revised housing goals. My view is that we should provide at least 400,000 assisted units a year on a sustainable basis, and perhaps more.

But adding another 125,000 to 150,000 Brooke-Cranston tandem plan units over the next 2 years will in no way interfere with this statement or contradict this view.

The reason is very simple. There has been no "feast" of assisted housing. There is no danger of too many assisted starts this year or next year.

The Secretary said only last Sunday that there would probably be no more than 80,000 new "assisted" starts in 1977. That is 520,000 units short of the goal.

The Secretary testified before the Banking Committee that it would be difficult to start more than 200,000 assisted units next year. That is 400,000 units short of the goal.

So this year and next year assisted starts will be 920,000 units short of the assisted housing goals.

I am pleased that the Secretary has been so frank and straight-forward with us about how many units we can genuinely expect of assisted housing this year and next. That is far better than telling us there will be 400,000 or more "reservations," which was done in the past, only to find that the "starts" were less than 7 percent of the goals.

But frankness aside, what these figures show is that assisted housing will make almost no contribution to sustained economic growth this year and next year. There will be no "feast" of assisted housing in these 2 years when a stimulus is needed.

This situation is made to order for using the Brooke-Cranston funds to start another 125,000 to 150,000 units while the Department of Housing is working up to a 400,000 or higher level of sustained assisted housing.

Now is the time to use the program.

CONCLUSION

A housing stimulus is needed in the economic recovery program. The tandem plan is available and ready to go.

It provides a job for one-fifth to one-tenth the cost of a public service or a public works job.

It would have very little effect on the budget, far less than any comparable job-producing program.

The work would be done in the private sector with the discipline of the private sector.

Unlike some public works and public service jobs, it would produce a desperately needed good, namely a house for an American family.

There is a great backlog from the past. We are not even close to meeting our housing goals this year or will we be next year. What housing there is is too high priced for 75 percent of the American people and is built in selected geographical areas.

The assisted housing starts are estimated to be about 920,000 units short of the assisted goals over the next 2 years.

Unemployment in the building trades is over 15 percent.

Given these facts, there is no reason why the Brooke-Cranston funds should not be used.

I remain at a loss to understand why Mr. Schultze and Mr. Lance and Mrs. Harris are so unwilling to move when the economic and housing situation cries out for such action.

The ACTING PRESIDENT pro tempore. Without objection, the three nominations for the posts described in HUD are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Jay Janis, of Florida, to be Under Secretary of Housing and Urban Development.

Robert Campbell Embry, Jr., of Maryland, to be an Assistant Secretary of Housing and Urban Development.

Lawrence B. Simons, of New York, to be an Assistant Secretary of Housing and Urban Development.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LAND AND WATER RESOURCES CONSERVATION ACT OF 1977

Mr. ROBERT C. BYRD. Mr. President, one measure is on the Unanimous-Consent Calendar, having been cleared for action by unanimous consent for

yesterday's session, and having been placed on the Unanimous Consent Calendar so as to give it a day layover.

I ask unanimous consent that the Senate proceed to the consideration of calendar order No. 50 on the Unanimous Consent Calendar.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 106) to provide for furthering the conservation, protection, and enhancement of the Nation's land, water, and related resources for sustained use, and for other purposes, reported with amendments.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture, Nutrition, and Forestry, and with amendments as follows:

On page 2, line 14, strike "effect" and insert "affect";

On page 5, line 7, strike "shaall" and insert "shall";

On page 9, line 7, strike "1979" and insert "1982";

On page 9, line 23, strike "1980" and insert "1982";

On page 10, strike line 15 through and including line 17;

On page 10, line 19, strike "10" and insert "9";

On page 10, line 19, strike "of Agriculture";

On page 10, line 24, insert:

EFFECTIVE DATE

SEC. 10. The provisions of this Act shall take effect on October 1, 1977.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Land and Water Resources Conservation Act of 1977".

FINDINGS

SEC. 2. The Congress finds that—

(1) There is a growing demand on the land, water, and related resources of the Nation to meet present and future needs.

(2) The Congress, in its concern for sustained use of the resource base, created the Soil Conservation Service of the United States Department of Agriculture which possesses information, technical expertise, and a delivery system for providing assistance to land users with respect to conservation and use of soils; plants; woodlands; watershed protection and flood prevention; the conservation, development, utilization, and disposal of water; animal husbandry; fish and wildlife management; recreation; community development; and related resource uses.

(3) Resource appraisal is basic to wise land and water conservation. Since individual and governmental decisions concerning land and water resources often transcend administrative boundaries and affect other programs and decisions, a coordinated appraisal and program framework are essential.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "Secretary" means the Secretary of Agriculture.

(2) The term "land, water, and related resources" means those resources which come within the scope of the programs administered and participated in by the Secretary of Agriculture through the Soil Conservation Service.

(3) The term "land and water conservation program" means a framework for attaining the purposes of this Act.

DECLARATIONS OF POLICY AND PURPOSE: PROMOTION THEREOF

SEC. 4. (a) In order to further the conservation of land, water, and related resources, it is declared to be the policy of the United States and purpose of the Act that the conduct of programs administered by the Secretary of Agriculture for the conservation of such resources shall be responsive to the long-term needs of the Nation, as determined under the provisions of this Act.

(b) Recognizing that the arrangements under which the Federal Government cooperates with State soil and water conservation agencies and other appropriate State natural resource agencies such as those concerned with forestry and fish and wildlife and, through conservation districts, with other local units of government and land users, have effectively aided in the protection and improvement of the Nation's basic resources, including the restoration and maintenance of resources damaged by improper use, it is declared to be the policy of the United States that these arrangements and similar cooperative arrangements should be utilized to the fullest extent practicable to achieve the purpose of this Act.

(c) The Secretary shall promote the attainment of the policies and purposes expressed in this Act by—

(1) appraising on a continuing basis the land, water, and related resources of the Nation;

(2) developing and updating periodically a program for furthering the conservation, protection, and enhancement of the land, water, and related resources of the Nation using all of the resources of the Department of Agriculture; and

(3) providing to Congress and the public, through reports, the information developed pursuant to paragraphs (1) and (2) of this subsection, and by providing Congress with an annual evaluation report as provided in section 7.

APPRAISAL

SEC. 5. (a) In recognition of the importance of and need of obtaining and maintaining information on the current status of land, water, and related resources, the Secretary is authorized and directed to carry out, through the Soil Conservation Service, a continuing appraisal of the land, water, and related resources of the Nation. The appraisal shall include, but not be limited to—

(1) data on the quality and quantity of land, water, and related resources;

(2) an analysis of the potential of those resources;

(3) a determination of the changes in the status and condition of those resources resulting from various uses; and

(4) a discussion of current laws, policies, programs, rights, regulations, ownerships, and other considerations associated with the land.

(b) The appraisal shall utilize data collected under this Act and pertinent data and current information collected by the Department of Agriculture and other Federal, State, and local agencies and organizations. The Secretary shall establish an integrated system capable of using combinations of resource data to determine the quality and potential for alternative uses of the resource base and to identify area of local, State, and national concerns pertaining to land conservation, resource use and development, and environmental improvement.

(c) The appraisal shall be made in cooperation with conservation districts and with State soil and water conservation agencies and other appropriate State agencies under such procedures as the Secretary may prescribe to insure public participation.

(d) A report of the appraisal shall be completed by December 31, 1979, and at each five-year interval thereafter.

LAND AND WATER CONSERVATION PROGRAM

SEC. 6. (a) In order to establish a framework for achieving the national land and water policy and purpose of this Act, the Secretary is hereby authorized and directed to develop, through the Soil Conservation Service, in cooperation with and participation by the public through conservation districts, State and national organizations and agencies, and other appropriate means, a national land and water conservation program (hereinafter called the program) to assist landowners and land users, at their request, in furthering land and water conservation on the private and non-Federal lands of the Nation. The program shall set forth the direction for future soil and water conservation efforts based on the current land, water, and related resource appraisal developed in accordance with section 5 of this Act, taking into consideration both the long-term and short-term needs of the Nation, the landowners, and the land users. The program shall also include, but not be limited to—

(1) anaylsis of the Nation's land, water, and related resource problems;

(2) analysis of existing authorities and adjustments needed;

(3) an evaluation, based on a system to determine the effectiveness of the soil and water conservation on-going programs and the progress being achieved in meeting the soil and water conservation objectives of this Act;

(4) identification and evaluation of alternative methods for the conservation, protection, environmental improvement, and enhancement of land and water resources, in the context of specific time frames, and a recommendation of the preferred alternative using all appropriate authorities of the Department of Agriculture;

(5) investigation and analysis of the practicability, desirability, and feasibility of collecting organic waste materials, including manure, crop and food wastes, industrial organic waste, municipal sewage sludge, logging and food manufacturing residues, and any other organic refuse, composting, or similarly treating such materials, transporting and placing such materials onto the land to improve soil tilth and fertility. The analysis shall include the projected cost of collection, transportation, and placement in accordance with sound locally approved soil and water conservation practices; and

(6) analysis of the Federal and non-Federal inputs required to implement the program.

(b) The program plan shall be completed not later than December 31, 1979, and be updated at each five-year interval thereafter.

REPORT TO CONGRESS

SEC. 7. (a) On the first day Congress convenes in 1980 and at each five-year interval thereafter, the President shall transmit to the Speaker of the House of Representatives and the President of the Senate the appraisal report and the program as required by sections 5 and 6 of this Act, together with a detailed statement of policy intended to be used in framing budget requests of the Administration for Soil Conservation Service activities. Following the transmission of such appraisal report, program, and statement of policy, the President shall, subject to other actions of the Congress, carry out programs already established by law in accordance with such statement of policy or any subsequent amendment or modification thereof approved by the Congress, unless, before the end of the first period of ninety calendar days of continuous session of Congress after the date on which the President of the Senate and the Speaker of the House are recipients of the transmission of such appraisal report, program, and statement of policy, either House adopts a resolution reported by the appropriate committee of jurisdiction disapproving the statement of policy. For the purpose of this subsection, the conti-

nuity of a session shall be deemed to be broken only by an adjournment sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the ninety-day period. Notwithstanding any other provision of this Act, Congress may revise or modify the statement of policy transmitted by the President, and the revised or modified statement of policy shall be used in framing budget requests.

(b) Commencing with the fiscal budget for the year ending September 30, 1982, requests presented by the President to the Congress governing Soil Conservation Service activities shall express in qualitative and quantitative terms the extent to which the programs and policies projected under the budget meet the policies approved by the Congress in accordance with subsection (a) of this section. In any case in which such budget so represented recommends a course which fails to meet the policies so established, the President shall specifically set forth the reason or reasons for requesting the Congress to approve the lesser program or policies presented. Amounts appropriated to carry out the policies approved in accordance with subsection (a) of this section shall be expended in accordance with the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344).

(c) The Secretary, during budget preparation for fiscal year 1982, and annually thereafter, shall prepare a report which evaluates the program's effectiveness in attaining the purposes of this Act. The report, prepared in concise summary form with appropriate detailed appendices, shall contain pertinent data from the current resource appraisal required to be prepared by section 5 of this Act, shall set forth the progress in implementing the program required to be developed by section 6 of this Act, and shall contain appropriate measurements of pertinent costs and benefits. The evaluation shall assess the balance between economic factors and environmental quality factors. The report shall also indicate plans for implementing action and recommendations for new legislation where warranted.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 8. There are authorized to be appropriated such funds as may be necessary to carry out the purposes of this Act.

AVOIDANCE OF DUPLICATION AND OVERLAP

SEC. 9. In carrying out this Act, the Secretary shall utilize information and data available from other Federal, State, and private organizations and shall avoid duplication and overlap of resource appraisal and program planning efforts of other Federal agencies.

EFFECTIVE DATE

SEC. 10. The provisions of this Act shall take effect on October 1, 1977.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the committee amendments.

Without objection, the committee amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill (S. 106) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report. (No. 95-59), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT

SHORT EXPLANATION

S. 106 would establish a mechanism for making long-range policy to encourage the wise and orderly development of the Nation's soil and water resources. The bill—

(1) Requires the Secretary of Agriculture to prepare an appraisal of the Nation's land, water, and related resources not later than December 31, 1979, and at each 5-year interval thereafter;

(2) Requires the Secretary to develop a national land and water conservation program not later than December 31, 1979, and to update it each fifth year thereafter. The program is to set forth the direction for future soil and water conservation efforts on the private and non-Federal lands of the Nation;

(3) Requires submission to Congress of the appraisal report and the program—together with a detailed statement of policy intended to be used in framing budget requests for Soil Conservation Service activities. The material is to be transmitted on the first day Congress convenes in 1980, and at each 5-year interval thereafter;

(4) Requires that programs established by law be carried out in accordance with the statement of policy (or any subsequent amendment or modification thereof approved by Congress) unless either House before the end of 90 days after receiving the appraisal report, program, and statement of policy, adopts a resolution disapproving the statement of policy. (Congress may revise or modify the statement of policy, and the revised or modified statement of policy shall be used in framing budget requests);

(5) Requires—beginning with the fiscal budget for the year ending September 30, 1982—that requests sent by the President to Congress governing Soil Conservation Service activities express the extent to which the programs and policies projected under the budget meet the statement of policy approved by Congress. In any case in which the budget recommendations fail to meet the established policy, the President shall set forth reasons for requesting Congress to approve the lesser program or policies recommended; and

(6) Requires—beginning with fiscal year 1982—that the Secretary submit to Congress an annual report evaluating the program's effectiveness in carrying out the purposes of the bill.

SUMMARY OF APPRAISAL REPORT AND PROGRAM

The appraisal required by the bill would include (but not be limited to)—

(a) data on the quality and quantity of land, water, and related resources;

(b) an analysis of the potential of those resources;

(c) a determination of the changes in the status and conditions of those resources resulting from various uses; and

(d) a discussion of current laws, policies, programs, rights, regulations, ownerships, and other considerations associated with the land.

The appraisal is to be made in cooperation with conservation districts, State soil and water conservation agencies, and other appropriate State agencies under such procedures as the Secretary may prescribe to insure public participation.

The program required by the bill to establish a framework to assist landowners and land users—at their request—in furthering land and water conservation on the private and non-Federal lands of the Nation would include (but not be limited to) —

(a) an analysis of the Nation's land, water, and related resource problems;

(b) an analysis of existing authorities and adjustments needed;

(c) an evaluation to determine the effectiveness of existing soil and water conservation programs and the progress being achieved in meeting the soil and water conservation objections of the bill;

(d) an identification and evaluation of alternative methods for the conservation, protection, environmental improvement, and enhancement of land and water resources, and a recommendation of the preferred alternative;

(e) an investigation and analysis of the practicably, desirability, and feasibility of collecting organic wastes from a variety of sources, treating the wastes, and transporting them to land where they could be used to improve soil tilth and fertility; and

(f) an analysis of the Federal and non-Federal inputs required to implement the program.

The Secretary, in the development of the program, is to provide for participation by the public through conservation districts, State and national organizations and agencies, and other means.

BACKGROUND AND NEED FOR LEGISLATION

I.

In 1974, Congress enacted legislation to provide long-term planning for the Nation's renewable resources. The Forest and Rangeland Renewable Resources Planning Act (Public Law 93-378) directs the Secretary of Agriculture to assess periodically the national situation of the forest and rangeland resources, and to submit, at regular intervals, recommendations for long-range Forest Service programs essential to meet future needs for those resources. The program recommendations are to cover all the activities of the Forest Service. In short, the Act provides a process which should permit better informed choices to be made in the management and administration of the National Forest System.

II.

However, the majority of the Nation's land is privately owned, and there is a need for more information concerning the condition of the soil and the competing demands for land.

The conservation of the Nation's soil and water resources is, of course, a matter of great importance. This importance is reflected, in part, by the fact that the Federal Government makes considerable conservation investments on privately owned land. More than $500 million is expended annually by the Department of Agriculture alone for soil and water conservation programs.

There is a growing demand on the land, water, and related resources of the Nation to meet present and future needs for food and fiber, rural and urban development, agricultural, industrial, and community water supply, fish and wildlife habitat, recreational facilities, and other needs of the people.

III.

During the 1930's, demographers predicted that the population of the United States would stabilize at a peak of 150 million people after 1950. However, the population has expanded to over 200 million, with another 50 million predicted by the turn of the century. On a global basis, the population has now reached 4 billion, and much of this growth has been in the so-called Third World, where hunger and malnutrition are often endemic.

Therefore, the conservation and enhancement of America's farmland will, in the foreseeable future, be related directly to the preservation of human life in the United States and much of the world.

Further, since 1970, there has been a shift of the United States population back to the countryside. This is the first time this phenomenon has occurred since the early settlers arrived from Europe. Rural America is being

examined as a good place to establish industry, and a good place to live. These factors are bound to have an impact on the amount of remaining farmland and its quality.

Statistics compiled by the Department of Agriculture show that despite dramatic urbanization in the Nation, there has been no net loss in the number of acres devoted to agriculture. For every urbanized acre, new land has been reclaimed. What is not known is the quality of the reclaimed lands. Nor is information available showing the other values being lost as a result of cropland conversion (such as the reduction of forest reserves on private lands).

IV.

With respect to the Federal moneys presently being expended for soil and water conservation, questions arise as to what the Government is purchasing with the money; whether the expenditures have been consistent with needed conservation practices and consistent with the condition of the land; and whether the expenditures take into account the changing uses of the land.

While land use decisions should, of course, be made at the State and local levels, if the Federal Government is to make sizable investments in soil and water conservation, it is imperative that the basis for such investments be clearly understood. Further, there should be sound assurances that Federal conservation efforts do not conflict with practices which are environmentally sound or which are locally desired.

Resource appraisal is basic to wise land and water conservation. Since individual and governmental decisions concerning land and water resources often transcend administrative boundaries and affect other programs and decisions, a coordinated appraisal and program framework are essential.

V.

On October 6, 1975, the Department of Agriculture's Public Advisory Committee on Soil and Water Conservation expressed strong concern about the identification, location, and availability of prime farmland. The advisory committee recommended that the Department of Agriculture accelerate its programs to ensure adequate conservation on cropland and encourage land users to convert to cropland only those lands that can be adequately protected.

In July of 1975, the Department of Agriculture's Committee on Land Use held a seminar, including persons from all walks of life, on the preservation of prime lands. A foreword to a publication of the papers presented at the seminar provides, in pertinent part, as follows:

America's land must produce more food and fiber today than ever before. At the same time, additional space is needed for homes, factories, roads, parks, wildlife and recreation, power plants, and all the other activities that knit together the fabric of modern American life. These competing demands for land are becoming more and more a matter of public concern.

Conflicting demands do not press with equal urgency on all lands. Much land lacks the physical characteristics that make it desirable for development. It may be mountainous, swampy, or have severe climatic conditions. It may have thin stony soils or lack available water resources. It may be remote from transportation systems or population centers.

On the other hand, there are those lands that are relatively level, fertile, well-drained, and served by networks of roads, power lines, and communications. They are open, so land development is relatively cheap, and water is generally plentiful. Any builder with an eye toward low construction costs will be drawn to such a location. But low initial economic costs may disregard social costs and thus be only part of the story when prime lands are taken for development.

Many developments require relatively large areas. Instead of a single house or subdivision, new towns have ranged up to 20,000 acres in size. Instead of ordinary power plants on 40 acres, nuclear plants can take 5,000 acres for cooling lakes and "nuclear centers" may require up to 100 square miles of land. Land use decisions of this magnitude must carefully consider the long-term impact on agricultural and forest production.

The Department of Agriculture is concerned with land use alternatives and priorities, particularly those that involve expenditures of Federal funds. Federal projects that take prime land from production should be initiated only when this action is clearly in the public interest. Long-term implications of various land use options on the production of food and fiber must be understood to assure that the public as aware of the trade-offs involved.

* * * * *

Our Nation is blessed with bountiful land resources, a technology that produces food and fiber more efficiently than any in man's history, and political and economic systems that foster individual enterprise. These factors, working together, have made American agriculture the envy of the world. They have provided the backbone of our country's strength. We must not be content, however, with past success. Future needs and opportunities demand that we constantly check our facts, test our assumptions, and rethink our options and priorities. . . .

VI.

S. 106 will provide local citizens, as well as the Federal Government, with needed data on agricultural land and thereby promote the wise and orderly development of the Nation's soil and water resources. Further, it provides for a detailed evaluation on a continuing basis of the land and water resource conservation programs administered and participated in by the Secretary of Agriculture through the Soil Conservation Service.

The legislation does not provide new program authorities for the Soil Conservation Service, but provides for program planning that will more effectively utilize the programs now authorized. S. 106 contemplates that conservation programs will continue to be carried out through existing types of cooperative arrangements, with voluntary participation by private landowners.

Both the appraisal of resources and the program provided for in the bill must be developed in cooperation with State and local government entities, reflecting their interests and needs. The bill recognizes the basic responsibilities of such governmental entities for conservation of the States' land and water resources. There is no provision in the bill that would inhibit or conflict with these State and local responsibilities.

The program developed under the bill is for the purpose of assisting landowners and land users, at their request, in furthering land and water conservation on the private and non-Federal lands of the Nation.

COMMITTEE CONSIDERATION

On January 10, 1977, Senators Huddleston and Eastland introduced S. 106. Seven other Senators joined in the introduction of the measure; they were Senators Bellmon, Clark, Dole, Helms, Humphrey, McGovern, and Talmadge.

Senators Huddleston and Eastland introduced S. 2081, a bill substantially identical to S. 106, in the 94th Congress. Hearings were held on S. 2081 on November 10, 1975, by the Subcommittee on Environment, Soil Conservation, and Forestry. S. 2081 was amended by the Committee and passed by the Senate. The House of Representatives made several amendments to S. 2081, which were concurred in by the Senate. The bill did not, however, receive the approval of President Ford and was pocket vetoed.

The Committee on Agriculture, Nutrition, and Forestry, meeting in Executive Session on March 2, 1977, made a number of minor technical amendments to S. 106 and ordered the bill reported to the Senate.

DEPARTMENTAL VIEW

The Committee has not received a report from the Department of Agriculture concerning its views on the enactment of S. 106.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 5 of rule XXIX of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 106.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. The resource program required by S. 106 would be developed by the Secretary of Agriculture with the voluntary cooperation of the public through conservation districts, State and national organizations and agencies, and other appropriate means.

No personal information would be collected in making the appraisal and developing the program. Therefore, there would be no impact on personal privacy. When the program is developed, it will be used to assist only those landowners and land users who request assistance in furthering land and water conservation on private and non-Federal lands.

The appraisal would be conducted by the Soil Conservation Service, and little, if any, additional paperwork would result from the enactment of S. 106.

COST ESTIMATE

I.

Pursuant to section 252 of the Legislative Reorganization Act of 1970, the Committee estimates that the costs which would be incurred by the Federal Government as a result of enactment of S. 106 would not exceed $9 million during fiscal year 1978. Assuming full implementation of the bill, the cost would subsequently rise to an estimated $18.6 million in four years.

Cost estimates for fiscal 1978 and the subsequent four fiscal years for S. 106

Fiscal year:	Estimated cost
1978	$8,800,000
1979	9,300,000
1980	16,500,000
1981	17,500,000
1982	18,600,000

The Committee's estimate is the same as the cost estimate prepared by the Congressional Budget Office.

The Committee also received a cost estimate prepared by the Department of Agriculture, showing somewhat higher costs during the first two fiscal years and lower costs during the next three fiscal years.

II.

The cost estimate prepared by the Congressional Budget Office dated March 4, 1977, reads as follows:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, D.C., March 4, 1977.

Hon. HERMAN E. TALMADGE,
Chairman, Senate Committee on Agriculture, Nutrition and Forestry, Russell Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 106, a bill to provide for furthering the conservation, protection, and enhancement of the Nation's land, water, and related resources for sustained use, and for other purposes.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

ROBERT A. LEVINE,
(For Alice M. Rivlin, Director.)
Director.

CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE

March 4, 1977.

1. Bill number: S. 106.

2. Bill title: Land and Water Resources Conservation Act of 1977.

3. Bill status: As reported by the Senate Committee on Agriculture and Forestry.

4. Purpose of bill: This legislation establishes policies and programs for furthering the conservation of land, water and other related resources. The bill directs the Secretary of Agriculture to carry out a continuing appraisal of the nation's land, water, and other related resources, and to develop a program to further land and water conservation. It requires the President and the Secretary of Agriculture to submit reports to Congress concerning the ongoing appraisal of land and water resources and the conservation program, and it authorizes the appropriation of such funds as may be necessary to implement the programs mandated in the Act.

5. Cost estimate:	*Millions*
Fiscal year 1978	$8.8
Fiscal year 1979	9.3
Fiscal year 1980	16.5
Fiscal year 1981	17.5
Fiscal year 1982	18.6

6. Basis of estimate: The Department of Agriculture estimates that implementation of the requirements of this bill will necessitate 300 additional man-years of effort in each of the fiscal years 1978 and 1979, and 500 additional man-years in each of the fiscal years 1980 through 1982. The cost per man-year is estimated to be the average for the Soil Conservation Service's soil survey and watershed planning activities, which was $26,155 in fiscal year 1976. This average was inflated by 6 percent per year to estimate the costs in future years. Implementation of the bill was assumed to begin on October 1, 1977, the date on which the Act would take effect.

7. Estimate comparison: Preliminary estimates by the USDA indicate their expected costs will be $9 million in fiscal year 1978, $10 million in fiscal year 1979, and $13 million in each of the fiscal years 1980 through 1982.

8. Previous CBO estimate: A CBO estimate of S. 2081 (94th Congress) was based upon the cost of the additional authorization created by the bill. The current cost figure for S. 106 is based upon implementation of the complete program mandated by this legislation.

9. Prepared by: Kathy Weiss (225-7760).

10. Approved by: James L. Blum, Assistant Director for Budget Analysis.

III.

The cost estimate prepared by the Department of Agriculture dated March 7, 1977, reads as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
SOIL CONSERVATION SERVICE,
Washington, D.C., March 7, 1977.

Hon. HERMAN E. TALMADGE,
U.S. Senate, Washington, D.C.

DEAR SENATOR TALMADGE: We are providing, as you requested, cost estimates to administer S. 106, the "Land and Water Resources Conservation Act of 1977," if enacted.

We estimate, in meeting the objectives of S. 106, the cost during the first five years to be as follows:

Fiscal year 1978	$9,000,000
Fiscal year 1979	$10,000,000
Fiscal year 1980	$13,000,000
Fiscal year 1981	$13,000,000
Fiscal year 1982	$13,000,000

The estimated cost to administer the bill is changed slightly from the figures provided in the 94th Congress on S. 2081, a similar bill. The Soil Conservation Service recognized the need to move ahead with obtaining information to: (1) determine the impact of conservation on the land, (2) to provide information requested by other agencies and organizations, and (3) to help make decisions regarding future conservation programs. Because of this, we have taken action under existing authority to obtain some of the information needed. Obtaining this information at an early stage will change the time frame for obtaining the appraisal data under S. 106.

We estimated the personnel needs to carry out provision of the bill to begin at 300 in fiscal year 1978 and 1979; and increase to 500 during fiscal year 1980, 1981, and 1982.

Enclosed is a table showing major components of work and associated cost, and a statement on regulatory impact pursuant to S. Res. 4.

Sincerely,

R. M. DAVIS,
Administrator.

Enclosures.

COST ANALYSIS [1] (IMPLEMENTATION OF S. 106)

[In thousands of dollars]

Item	1 [2]	2	3	4	5
1. Appraisal:					
a. Inventory and monitoring	8,050	9,575	12,575	12,525	12,125
b. Report	50	100	100	150	200
2. Report:					
a. Development of program	500	200	200	200	500
b. Evaluation	125	50	50	50	50
c. Report	50				50
3. Congressional reports:					
a. Appraisal	75				
b. Program	75				
c. Program evaluation report	75	75	75	75	75
Total	9,000	10,000	13,000	13,000	13,000

[1] Cost base 1977.
[2] Year bill enacted.

APPENDIX

SOIL CONSERVATION SERVICE

The Soil Conservation Service, an agency in the Department of Agriculture, was established in 1935. The agency assists conservation districts, communities, watershed groups, Federal and State agencies, and other cooperators with erosion control and water management problems and in bringing about needed physical adjustments in land use. The purpose is to conserve soil and water resources, improve agriculture and reduce damage caused by floods and sedimentation.

The Soil Conservation Service maintains its central office in Washington, D.C. Most of its activities, however, are carried out in about 3,050 field offices in the 50 States and Puerto Rico. Four technical service centers provide program coordination and technical support. This includes services such as engineering and watershed planning, cartographic work, soil mechanics laboratories, professional help in agronomy, soils, biology, forestry, information, plant materials, range conservation, and other technical work. Technical programs are carried out in cooperation with conservation districts and other sponsoring local organizations. As of October 31, 1976, there were 13,414 full-time employees and 3,125 part-time, intermittent, and other employees.

The Soil Conservation Service has general responsibility for administration of the following programs of the Department of Agriculture:

1. *Conservation Operations Program.*—Under this program, technical assistance is provided to landowners and operators in accomplishing locally-adapted soil and water conservation programs, primarily through conservation districts in the 50 States, Puerto Rico, and the Virgin Islands. As of June 30, about 3,000 conservation districts cover 97 percent of the Nation's farm and ranch lands. Activities include:

A. Technical assistance to district cooperators and other landowners in the development of plans and application of conservation treatments.

B. A national program of land inventory and monitoring to provide soil, water, and related resource data for land conservation, use, and development, for guidance of community development, for identification of prime agricultural producing areas that should be protected, for use in protecting the quality of the environment, and to issue land inventory reports of resource conditions.

C. Soil surveys are made as an inventory of a basic resource and to determine land capabilities and conservation treatment needs. Soil survey publications include interpretations useful to cooperators, other Federal agencies, State, and local organizations.

D. Snow survey water forecasting from basic data collected to provide estimates of water availability from high mountain snow packs and relating this to summer stream flow.

E. Operation of plant materials centers to assemble, test, and encourage increased use of plant species which show promise for use in conservation problem areas.

2. *River Basin Surveys and Investigations Program.*—This program involves cooperation with other Federal, State, and local agencies in the conduct of river basin surveys and investigations and flood hazard analyses in order to aid in the development of coordinated water resource programs, including the development of guiding principles and procedures. SCS represents the Department on the Water Resource Council, river basin commissions, and river basin interagency committees for coordination among Federal departments and States.

3. *Watershed Planning Program.*—This program consists of (a) making preliminary investigations to assess proposed small watershed projects in response to requests made by sponsoring local organizations and (b) assistance to sponsors in the development of watershed work plans. SCS is responsible for development of guiding principles and procedures.

4. *Watershed and Flood Prevention Operations Program.*—Activities under this program include:

A. Flood prevention operations; planning and installing works of improvement for flood prevention and for the conservation, development, utilization, and disposal of water. This may also include the development of recreational facilities and the improvement of fish and wildlife habitat. Activities are authorized in 11 flood prevention watersheds.

B. Emergency operations to install measures for runoff retardation and soil erosion prevention needed to safeguard lives and property from floods and products of erosion on any watershed whenever fire or any other natural element or force has caused a sudden impairment of that watershed.

C. Watershed operations; cooperation with local sponsors, State and other public agencies in the installation of planned works of improvement in approved watershed projects. Such works of improvement reduce erosion, floodwater and sediment damage. They also further the conservation, development, utilization, and disposal of water, including

the development of recreational facilities and improvement of fish and wildlife habitat.

D. Loans to local organizations to help finance the local share of the cost of carrying out planned watershed and flood prevention works of improvement. Loans are made on an insured basis from the Agricultural Credit Insurance Fund administered by the Farmers Home Administration.

5. *Great Plains Conservation Program.*—Activities under this program include:

A. Cost-sharing of conservation practices under long-term contracts with farmers and ranchers in designated counties of the ten Great Plains States.

B. Cost-share programming and contract administration and technical assistance to help make needed land use adjustments and install conservation measures specified in basic conservation plans in accordance with contract schedules.

6. *Resource Conservation and Development Program.*—Activities under this program include:

A. Project planning assistance to help local sponsors develop overall programs and plans for land use and conservation.

B. Technical assistance and cost-sharing assistance to sponsors, local groups, and individuals in carrying out such plans and programs.

C. Loan services for resource improvements and developments in approved projects. Loans are made on an insured basis from the Agricultural Credit Insurance Fund administered by the Farmers Home Administration.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

THE ENERGY CRISIS

Mr. BAKER. Mr. President, it is no revelation to any of my colleagues that one of the most serious problems still facing this Nation is what has euphemistically been called "the energy crisis." The recent economic upturns as well as increased demand for heating fuel have placed an even greater strain than normal on our Nation's limited energy resources.

For the past few years many prognosticators in both Government and academe have noted the reduced decline in energy consumption, and many future projections have shown the increase in energy consumption leveling off around the 3-percent level.

However, as I have said on a number of occasions, if we are to maintain a vibrant economy, even with proper conservation methods, our consumption patterns are likely to increase significantly. An excellent article appeared on the front page of the March 14 Nashville Tennessean, which indicates the energy growth patterns in the United States during the past year.

Mr. President, in spite of significant conservation efforts to this point, higher fuel bills which inhibit use, and increased awareness on the part of the public of the need to conserve energy, our energy consumption has increased again dramatically. In 1976 energy consumption in the United States was up almost 5 percent. This reverses what had been a 2 year leveling-off period in energy consumption patterns.

Mr. President, I am requesting this morning that the full text of this article from the Nashville Tennessean regarding energy consumption be made a part of the record and am also hoping that the possibility of significant energy increases as far as consumption is concerned be taken into account in developing plans for meeting America's energy future.

Mr. President, I ask unanimous consent that the article to which I refer be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ENERGY USE UP, TREND CHANGES

WASHINGTON.—Energy use in the United States increased 4.8 percent last year, partly due to the cold winter, and reversed a two-year decline in consumption, the government reported yesterday.

Experts said fuel conservation efforts by industry kept total consumption from climbing even higher.

And they noted that, despite the increase, overall energy use was still slightly below the record amounts Americans consumed in 1973.

According to figures released by the U.S. Bureau of Mines, the household and commercial sectors of the economy used 7.3 percent more energy last year than in 1975, reflecting the impact of cold winter weather.

By comparison, industrial energy use rose only 3.3 percent.

Petroleum accounted for nearly half of all U.S. power needs, a slight expansion of the role it played the previous year. Because of drought in the West, hydroelectric power production was down.

Total energy use in the United States dipped 4.9 percent from 1973 to 1975—the first two-year drop since 1945-46. Analysts said reduction was due to a combination of higher fuel prices, energy conservation efforts, reduced economic activity and relatively mild winters.

"Consumption of energy to supply heat, light and power in all forms in 1976 totaled 73,999 trillion British thermal units," the Bureau of Mines says in its latest report.

"This is 4.8 percent greater than the 1975 total . . . and 99.3 percent of the record 74,-555 trillion British Thermal Unit figure for 1973."

Per capita gross energy use averaged 344.8 million BTU, up 4.1 percent from 1975, it said.

The increased energy usage included a 4.5 percent rise in consumption of gasoline for transportation, the report said.

Net imports of crude oil and petroleum products rose 21.4 percent.

Interior Secretary Cecil Andrus, in an accompanying statement, attributed the rise "in large part to increased economic activity and colder weather." He said energy use went up in all major sectors of the economy.

Government experts predicted last year that America will use over twice as much energy annually by the end of the 20th century as it did in the mid-1970s. They forecast an annual 2.5 percent growth rate in per capita energy consumption.

DAIRY SUPPORT PRICES

Mr. BAKER. Mr. President, the Secretary of Agriculture announced yesterday a 9-percent increase in the level at which the Government supports dairy products. What that means at the grocery store is that families will now pay 6 to 8 cents per gallon more for milk following a month when the Consumer Price Index rose to an annual inflation rate of 12 percent.

The Government price support program for dairy products generally operates on the very sound principle that dairy farmers deserve to be protected from severe fluctuations in the price of their products and the cost of producing them. The dairy industry is one of the most important producing elements of the economic structure of the Nation, and, run wisely, this program protects the producer and consumer alike.

The Senate Agriculture Committee has recently held hearings on this subject and found that a majority of dairy producers did not support the 9-percent increase to 85 percent of parity and in fact supported a much more moderate increase. Perhaps those reasonable memers of that industry were remembering the results of a similar increase to 85 percent imposed by the Kennedy administration. That increase stimulated production, created enormous surpluses which the Government spent enormous amounts of money to keep off the market, and it took the Government 8 years to dispose of the surplus. That, by the way, is why we went back to 75 percent of parity, as eventually we will again as a result of this increase.

The reasonable members of that industry recognize this and oppose the increase; the Council on Wage and Price Stability believes even the present level of 75 percent may be too high; and the chairman of the Senate Agriculture Committee has not supported the size of the increase. I believe, Mr. President, that it is reasonable to ask why this administration, against all indications to the contrary, is willing to add this additional increment to the inflationary pressures on the American consumer.

The Washington Post, in an article that appeared this morning, reports that the President is keeping a campaign promise to the Wisconsin dairy farmers. I believe in public officials keeping their word, but I wish he had also promised the parents who have to buy milk to feed their families that he is going to increase the price of milk by 6 to 8 cents a gallon at an overall cost of at least $800,000,000 to the consuming public. I wish he had promised the taxpaying public that by keeping his promise to the Wisconsin dairy farmers he was going to cost the taxpayers an additional $400,000,000 in Government expenditures to buy up the surplus which will be created by this action. Had he made those promises he would have kept his word to the general public as well as to the Wisconsin dairy farmers.

In closing, Mr. President, let me reiterate my regard for the importance of the dairy industry. Had this increase in price supports been moderate as proposed by the National Milk Producers' Federation and other reasonable mem-

bers of that industry I believe that the American public would have accepted the slight resulting increase in the price of milk. But this increase, coming on the heels of renewed inflationary pressures and with the effects of the severe winter still uncertain, is not only unreasonable but irresponsible. I can only hope that there are not too many more of these "campaign promises" for which the American public will have to pay.

INFLATION

Mr. BAKER. Mr. President, on last Friday, March 18, the Washington Star published a front-page story outlining the serious problems inflation is again beginning to play in our Nation's economic picture. The Consumer Price Index rose a full percentage point in February, the largest rise since September of 1974.

If this trend were to continue—and I point out the accelerating impact of this problem over the last 3 months—we would be in a double-digit inflation situation again, at a rate approaching 12 percent.

Even more serious were larger increases in food prices and other commodities essential to the well-being of American families. As the Star article indicated, $177.10 is now required to buy an aggregate assortment of goods and services that would have required $100 only 10 years ago.

I call this very serious situation to the attention of Congress and the administration. Any plans to stimulate or hold down economic expansion should be done with today's situation, not a situation of 6 months ago, in mind.

Mr. President, I ask unanimous consent that the full text of the Star's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRICES SURGE 1 PERCENT FOR BIGGEST INCREASE SINCE SEPT., 1974

(By Ross Evans)

Consumer prices rose a full percentage point last month—the largest monthly increase since September 1974.

Sharply rising prices for food, especially fresh vegetables, were responsible for about half the February increase, the Labor Department reported today.

Food prices alone surged 2 percent—the largest increase in three years—and a record jump of 20.9 percent for fresh vegetables accounted for almost half the total food price increase and about a quarter of the overall rise in the consumer price index, the department said.

The 1 percent rise in the index came on top of an 0.8 percent rise in January. In contrast, the average monthly increase was only 0.3 percent during the last four months of 1976.

White House Press Secretary Jody Powell said February's jump "does not reflect any kind of a trend" and that the administration did not view it "as a long range problem."

In a separate report on prices in the Washington area, the department reported a three-month increase in consumer prices of 2.2 percent. That figure was not adjusted for seasonal influences.

The Washington consumer price index was 6.8 percent above February 1976, reflecting a local inflation rate higher than that for the nation or for the averages for other major cities. The department attributed the local inflation principally to higher prices for food, homes and household services.

The severe winter weather is considered to be the primary factor in boosting prices throughout the country so far this year—especially those of food and fuels.

On an unadjusted basis, the price index rose last month to 177.1, meaning that it took $177.10 to pay for an assortment of goods and services that would have cost $100 in 1967, the base year. The unadjusted consumer price index is used to trigger cost-of-living raises in many pension and other benefit plans. The February consumer price index was 6 percent higher than that of a year ago.

Excluding food prices, the department said, the seasonally adjusted index rose 0.6 percent in February, slightly higher than the monthly increases for the previous several months. The department attributed about 7 percent of the total increase in consumer prices to higher costs for fuel oil, gasoline and natural gas.

Within the food category, the department said prices rose in part because of shortages of vegetables and citrus fruits caused by the weather. Prices increased faster than during the previous month for coffee, poultry, eggs, sugar and sweets. Prices declined, however, for beef, dairy products, and processed fruits and vegetables, as well as for cereal and bakery products.

Coffee leaped another 9.9 percent last month for a total increase of 82.9 percent since February a year ago.

In another report, the department said that despite the 1 percent increase in the consumer price index, workers' average weekly earnings adjusted for the inflation rate increased 0.8 percent in February, after allowing for seasonal influences.

The department said that this increase in spending power was due to a 1.4 percent rise in average weekly hours worked and a 0.4 percent increase in average hourly earnings. The expanded work week was attributed by the department to a large extent to recovery in working establishments after weather-related cutbacks in January.

The Labor Department's index for commodities other than food increased 0.7 percent in February, after seasonal adjustment. That increase continued the trend of the previous two months and was greater than the rise for most months of 1976. Within that category, the department said, prices for fuel oil and coal rose 2 percent, the same as in January. The index for gasoline and motor oil, which had declined in January, rose 0.9 percent last month.

Another factor in the commodity prices was a rise in used car prices, which went up 3.3 percent last month following a 3.8 percent rise in January, seasonally adjusted. Other price increases—those for apparel, new cars, furniture and tobacco products—were smaller than increases in recent months, the department said.

The seasonally adjusted index for services rose 0.6 percent compared with a January increase of 0.9 percent and an 0.4 percent increase in each of the last three months of 1976. The January spurt in prices for services had been attributed to increases in property taxes, mortgage interest rates and natural gas charges, all of which rose less rapidly last month.

The seasonally adjusted prices for medical services rose 0.7 percent, the department said, about the same as in January and December. The cost of transportation services rose 0.9 percent. That increase, larger than in recent months, was attributed to sharper increases in car insurance rates.

The unadjusted price index for food, showing how much prices actually rose last month, primarily reflected prices of food purchased in grocery stores. Those prices rose 2.8 percent in February, the largest unadjusted increase since July 1975.

Fresh vegetable prices rose 25 percent and fresh fruit prices rose 5 percent, the department said, noting that the late January freeze in Florida and the drought in the West had driven these prices up.

Unadjusted prices for most other types of groceries also increased. Other rapid price increases were shown for poultry, 5.8 percent; eggs, 5.1 percent, and pork, 2.8 percent.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I yield to the distinguished assistant minority leader such time as he may require, under the standing order.

TAX CREDIT FOR VIETNAM VETERANS

Mr. STEVENS. Mr. President, I would like to add my endorsement to the thoughtful suggestion made before this body on Monday by the distinguished minority leader concerning the Nation's obligation to pay tribute to our Vietnam-era veterans.

All of us in this body are more than mindful of the division caused in this country by the moral dilemma of the Vietnam War. Moreover, we recognize the policy considerations underlying programs which are aimed at assimilating the Vietnam-era draft resisters back into our society.

The recent return of the bodies of the 12 U.S. pilots from Vietnam, however, was a solemn reminder of the costs that have always accompanied dutiful compliance with one's military obligation in time of war or hostility. This occasion should also serve to remind all Americans that what we have in this country today is not the result of what was accomplished by those who fled, or even by the country's heroes, but by the rank and file of the millions who simply did what duty dictated.

It is our desire to recognize the dutiful military service rendered by the millions of Vietnam-era veterans who completed honorable service. Congress should act soon to recognize that service. What form the recognition of this group of veterans should take is a matter that warrants thoughtful consideration. I am convinced that we should recognize those veterans who saw duty and responded, rather than becoming preoccupied with the pardons of those who resisted.

Therefore, Mr. President, today I introduce a bill that will offer $1,500 in tax relief, payable over a 3-year period, to those Vietnam veterans who so dutifully served this country during that period. Specifically, this bill would provide a $500 tax credit to these veterans beginning in 1977 and extending through 1978 and 1979.

Let me emphasize that all qualified veterans of the Vietnam-era will be treated equally under the provisions of the bill.

In the event that a veteran would not have a tax liability in the amount of $500 or less in the above taxable years, then the qualified veterans would receive a refundable tax credit in an amount

that would be the difference between his tax liability and the $500 each year.

For example, if a veteran's liability was $500 or more, he would receive an income tax credit of $500, and his tax liability to the Government would be reduced accordingly. If the veteran's tax liability was $250 he would receive a tax credit of $250 and would receive a check for $250 from the Federal Government. If the veteran's tax liability amounted to zero, he would receive a check for the full $500 amount.

Again, let me stress that in this way, the income tax credit or refundable credit will insure that all qualified veterans are treated fairly and that each receives the same dollar value. We will use the tax system rather than organize a completely new administrative system to deal with a bonus for the Vietnam-era veterans.

I hope that others in this body, including our leader, or both leaders, and those involved in the Veterans' Affairs Committee, will see fit to join me in suggesting that it is time now that Congress consider a bonus for Vietnam era veterans who served dutifully in response to the call of their country.

Mr. BAKER. Mr. President, I commend the distinguished assistant minority leader for his statement. There are few issues more important than this one. He has addressed the situation in the most eloquent and effective way. I hope that he will permit me to be a cosponsor.

Mr. President, I yield back the remainder of my time.

Mr. STEVENS. I am honored to have the distinguished minority leader cosponsor this legislation and I am also delighted to learn that the Senator from South Carolina, Mr. THURMOND, has also agreed to cosponsor this bill.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the President pro tempore, pursuant to Public Law 95-118, appoints the Senator from New York (Mr. JAVITS) to the Japan-United States Friendship Commission.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Oklahoma (Mr. BELLMON) is recognized for not to exceed 15 minutes.

Mr. BELLMON. Mr. President, I ask unanimous consent that Mr. Dick Woods, of my staff, be granted the privilege of the floor during the deliverance of this statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOOD AND NUTRITION PROGRAM OPTIONAL CONSOLIDATION AND REORGANIZATION ACT OF 1977—S. 1094

Mr. BELLMON. Mr. President, today I am introducing the Food and Nutrition Program Optional Consolidation and Reorganization Act of 1977. I have been joined in offering this measure by the Senator from Mexico (Mr. DOMENICI), who has had a very large part in developing this concept, the distinguished Senator from Indiana (Mr. LUGAR), and the senior Senator from North Dakota (Mr. YOUNG). This new approach to federally funded food and nutrition programs comes from several considerations which should be described.

The psychology of many current Federal food programs is tied to the depression. At that time, needy families and school lunch programs were selected as desirable outlets for the distribution of commodities purchased by the Government to bolster agricultural prices and incomes. When the National School Lunch Act of 1946 was passed, the Federal Government's commitment to supporting school lunch programs was clearly established. This legislation had two clear purposes: to safeguard the health and well-being of the Nation's children and to encourage domestic consumption of agricultural commodities. Later, in 1954, special legislation was enacted making reduced-price milk more widely available to preschool and school age children.

During the 1950's and 1960's surplus agricultural commodities were distributed to needy persons in programs imitative of those begun during the depression. After some pilot food stamp programs were undertaken in the early 1960s to test the effectiveness of this alternative for improving nutrition of needy people, the 1964 Food Stamp Act was adopted, increasing the availability of this program to low income families. Increased attention to food and nutrition problems in the United States during the 1960s led to a new focus within the Department of Agriculture, the Food and Nutrition Service. Over the years, participation in the food stamp plan and extensions of the school lunch program have increased Federal efforts enormously. A food stamp plan begun with $35 million in 1965 now—in 1976—totals $5,689,000,000.

Let me repeat that, Mr. President: this food stamp plan, which cost us $35 million in 1965, 11 years later, in 1976, cost the Treasury $5.689 billion.

Child feeding programs, which have grown in their categorical numbers and their coverage, cost $497 million in 1965 and now require $2,471,000,000—in 1976. If we add to this substantial base the nutrition program for the elderly, the community food and nutrition program, food distribution programs, and the expanded food and nutrition program, we have 1976 Federal obligations of $8,376,000,000—an 1,100-percent increase in this Nation's food program expenditures between 1965 and 1976.

There is evidence that, if we have not eradicated the desperate needs for sustenance which prompted these programs, we have certainly reduced them quite considerably. Considering the widespread diffusion of Federal food programs and the dramatic upsurge in Federal funding in recent years, it is not unreasonable to presume that we are reaching a plateau of funding sufficiency, if our concern is to be limited to the emergency considerations which originated the programs. Now our problems have multiplied to include administrative clumsiness and inefficiency, fraud and abuse, and such indications of ineffectiveness as plate waste in school lunch programs.

In addition, we are becoming aware that, while there are still persons whose basic caloric needs remain to be met, the larger problem is one of nutritional counseling and the prevention of obesity. There is little evidence of desirable nutritional consequences of our massive Federal feeding effort, and that ought to be of considerable concern to us since the health consequences of diet appear to be substantial. Faced as we are with the enormous inflationary pressures of rising medical care costs, it makes sense to tie nutritional information and education to our public feeding efforts. Prevention of serious disease related to dietary habits would ease the pressure on our system of health care.

Part of the difficulty we have in adjusting our Federal efforts to these inevitable shifts in need and emphasis stems from the assumption that we can structure Federal categorical programs which are appropriate across the broad range of geographic, democraphic, economic, and social conditions which make up this country. In other words, Mr. President, in my judgment, we have been hampered by the feeling that all wisdom resides in Washington and that all programs must be designed here to apply in every State and every locality across the country. Our debate about such issues as welfare reform seems to proceed from the assumptions that we need new or better categorical programs, or that we ought to consolidate Federal programs at the highest possible level in order to put together a more effective uniform national approach. What I am suggesting is a consolidation, rather than an unrestricted block grant to States. I propose that we establish a procedure by which citizens and agencies at the State level could reorganize and administer food and nutrition programs now federally determined.

Mr. President, this approach closely follows the pattern of S. 3849, the optional educational consolidation grant bill that was developed by the distinguished senior Senator from New Mexico (Mr DOMENICI), and introduced by Senator DOMENICI and myself during the final days of the last Congress.

This suggestion is based upon the realization that State and local needs and conditions vary considerably, that administrative complexity is the inevitable result of finite accountability to remote bureaucracies I propose that States be granted the option of consolidating, for State reorganization and administration, a number of Federal categorical food and nutrition programs. For States which choose the option the bill I am offering today would consolidate:

The food stamp program provided for under the Food Stamp Act of 1964.

The child feeding programs provided

for under the National School Lunch Act and the Child Nutrition Act of 1966, including: The national school lunch program, the school breakfast program, the child care food program, the summer food service program for children, the special milk program, the special supplemental food program for women, infants, and children—WIC program, the supplemental food program, the nonfood assistance program—equipment, State administrative expenses, nutritional training and survey program, special developmental projects.

The expanded food and nutrition education program provided for under the Smith-Lever Act, as amended.

The commodity supplement food program.

In all, Mr. President, there are 14 programs that would be available for consolidation for the States that opt to use this approach.

All of these programs are currently administered at the Federal level through the Department of Agriculture. Other food and nutrition programs administered through such agencies as HEW and CSA as well as commodity distribution programs would not be consolidated, but States which choose to consolidate would be required to account for all State and Federal food and nutrition programs in the required comprehensive State plan mandated by this bill, so as to avoid overlap and duplication.

Each State which chose the consolidation option would be eligible for a planning grant to be used over a period prior to the actual program consolidation. During this period, a single State agency would be designated to perform the required assessments, formulate the State plan, receive and apportion the funds, monitor the progress of programs, prepare general guidelines, and examine all required reports and audits.

The State plan would be initiated with a comprehensive assessment of the food and nutritional requirements of the neediest people of that State. It would also incorporate the results of a comprehensive assessment of the need for food and nutrition education among the people of the State. These assessments must include, but are not limited to, the children, infants, expectant mothers, elderly people, institutionalized populations, and isolated populations of the State, who are living in circumstances of poverty or who are unable to provide themselves with an adequate nutritional diet. The Secretary of Agriculture would participate in the planning process and his approval would be required before the consolidation process could begin.

States which chose the consolidation would not be bound to pattern State food and nutrition programs after existing Federal models; they would be free to design a package of programs which would meet the needs of populations as revealed by the assessments of need.

An open planning process requiring the participation of interested citizens, local organizations, units of general local government, and appropriate State agencies is required. The State plan would establish program priorities, and would insure that funds would be coordinated with other State and Federal funds so as to avoid duplication of effort and to insure program effectiveness.

The State plan would contain procedures for, and results of, the needs assessments; the goals to be achieved by the consolidated programs; program descriptions; policies and procedures to be followed; description of the organization structure for program administration; procedures for necessary monitoring and technical assistance with respect to agenices, institutions and organizations within the State; audit requirements; procedures to eliminate unnecessary paperwork and duplication; methods for insuring that local agencies develop and implement program plans; an appeal process for local agencies; and the requirement that the Secretary of Agriculture will make timely notification to the State as to whether or not its State plan complies with the requirements of the act and, if it does not, in what respects it is deficient.

The State choosing to consolidate would receive funds equal to the amount in total received by that State under the categorical programs specified earlier in the most recent fiscal year in which the State received funds. This amount would be adjusted semiannually to reflect changes in the price of food. Federal funds would have to be used to supplement, and not to supplant, State and/or local funds.

Each State which elected and qualified for the consolidation would also be eligible for an additional amount of funds equal to up to 10 percent of the consolidated Federal funds, providing the State matched that amount with an equal amount of funds from non-Federal sources—considering Federal-State revenue sharing funds to be non-Federal.

No more than 7½ percent of the funds made available to a State under this bill could be used for administrative purposes. The State would not lose funds if it used less than 7½ percent for administration.

In addition to the procedural and auditing safeguards required in the State plan, States would be required to perform annual program evaluations, using an evaluation model developed by the Secretary of Agriculture or a model designed by the State. No later than the end of the 5th fiscal year after enactment of this bill, the Comptroller General would evaluate the entire consolidation experience and make recommendations for legislation, if he sees fit.

To ensure implementation of programs for conformity with the act, the Secretary of Agriculture would undertake such monitoring efforts as are deemed necessary. The Department would be required to undertake an evaluation of consolidated programs every 2 years. That process would include the conduct of open public hearings in the States which have exercised the option to consolidate. When noncompliance with the State plan was found, steps to be taken for the necessary modifications would be arranged with the appropriate State agency. The Secretary of Agriculture would provide advice, counsel, and technical assistance upon request of State and local agencies.

In case of noncompliance, the Secretary of Agriculture could reduce the amount otherwise payable to the State by an amount not to exceed 7½ percent; he could seek an injunction requiring compliance from the Attorney General; or he could terminate the participation of the State in the consolidated program and permit the State to return to categorical programing.

Funds under this act would be subject to the usual civil rights protections. Nonpublic school children would participate. There would be criminal penalties for individual fraud.

Those States not exercising the consolidation option would have the right to do so at a later date. Unless and until they do, they would continue receiving funds through regular categorical programs.

In order to accommodate the dual track of regular categorical and consolidated programs, the Secretary of Agriculture would establish a separate identifiable administrative unit within the Department of Agriculture. Depending upon the number and size of the States which elect to consolidate, personnel to be employed in the administration of the consolidation program would be transferred to the new unit from program units administering the categorical programs consolidated under this bill.

Mr. President, these are the principal features of the legislation that I am offering today.

With my remarks I am submitting a copy of the bill, and I ask unanimous consent that the bill be printed in the RECORD in full at the completion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BELLMON. There is also a table on Federal payments to the States, based on fiscal year 1976, and I ask unanimous consent that it also be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BELLMON. Mr. President, I urge that the Senate consider carefully this decentralized approach to the reform of Federal feeding programs. The optional approach utilized in this proposal would permit, if you will, a number of pilot efforts at reform which would allow program design to flow from assessed need instead of some notion of national uniformity. It does not force States which may be unprepared for consolidation to undertake it.

It places the burden of economizing and policing upon State and local agencies, who are in the best position to respond. It provides up to 10 percent more Federal funding for food and nutrition programs, which, when matched by the State, would result in a maximum increase of 20 percent in program funds. It undertakes to infuse food and nutrition programs with information and education intended to improve the public

health. It replaces the practice of categorical program proliferation with more economical consolidation, including elimination of program duplication and multiple eligibility standards. It depends heavily upon an open planning process and upon the anticipatory planning required to implement programs effectively. It would raise the level of sophistication of food and nutrition programs from the Depression-reaction context which we now experience.

Mr. President, we have heard a lot from the new administration and from President Carter about plans to reform the Nation's welfare programs. We in the Senate, particularly in the Agriculture Committee, have struggled for months with food stamp programs trying to bring about an end to the fraud, abuse, and waste that goes on in that program.

I am personally convinced that there is no way at the Federal level for those of us in Congress to write programs that fit every community in this country and that the best way to reform not only the welfare program but also education and other of our categorical funding efforts is to give the States greater flexibility, because I feel that they have both the desire and the knowledge to tailor these programs and to use these funds to meet their own needs far better than we can do it by trying to write one program here in Congress or in the executive branch in Washington.

Therefore, Mr. President, I feel strongly that this is closely in accord with the reform objectives of the Carter administration, and I hope that they will give this approach careful consideration.

I thank my friend from New Mexico. He has worked hard and very effectively in helping conceive not only this concep' but also the bill as well as the related one in the educational area.

EXHIBIT 1

S. 1094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food and Nutrition Program Optional Consolidation and Reorganization Act of 1977".

STATEMENT OF PURPOSE

SEC. 2. (a) It is the purpose of this Act to afford to the States the option of consolidating and reorganizing the following food assistance programs presently being provided the States under existing laws:

(1) the food stamp program provided for under the Food Stamp Act of 1964;

(2) the child feeding programs provided for under the National School Lunch Act and the Child Nutrition Act of 1966;

(3) the Expanded Food and Nutrition Education Program provided for under the Smith-Lever Act, and

(4) the Commodity Supplemental Food Program.

(b) It is the further purpose of this Act to permit those States which select the consolidation and reorganization program authorized by this Act greater flexibility in the use of Federal funds provided for food and nutrition assistance than such States presently have under the separate programs described in subsection (a); to permit the States to formulate, establish, and administer food and nutrition programs which match the requirements of their neediest populations; to develop effective methods of educating their citizens regarding the health consequences of diet and nutrition; and to encourage the States to operate food and nutrition programs in an efficient and effective manner.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "Secretary" means the Secretary of Agriculture.

(2) The term "State" means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands. Such term also includes any agency designated in accordance with applicable State law to receive and disburse funds made available under this Act.

CONSOLIDATED PROGRAM OPTION

SEC. 4. (a) Any State may, upon application to the Secretary and subject to the other provisions of this Act, participate in the consolidated program provided for in this Act. Any State which elects and qualifies to participate in such program shall receive the funds it would have otherwise received under—

(1) the food stamp program provided for under the Food Stamp Act of 1964, including an amount equal to the amount of the bonus value of the food coupons distributed in such State,

(2) the programs provided for under the National School Lunch Act and the Child Nutrition Act of 1966,

(3) The Expanded Food and Nutrition Education Program provided for under the Smith-Lever Act,

(4) the Commodity Supplemental Food Program provided for in annual appropriation Acts (under which assistance is provided to certain women during and after pregnancy and to certain infants and children under 6 years of age who are vulnerable to malnutrition), and

(5) any other program which is enacted after the date of enactment of this Act, administered by the Department of Agriculture, and provides food assistance to needy persons or provides nutrition education to the citizens of the several States, unless the legislation enacting such program specifically provides otherwise.

(b)(1) Any State which elects to participate in the consolidated program in lieu of the categorical programs described in subsection (a) may withdraw its election to participate in the consolidated program and continue participation in the categorical programs if such State withdraws its election at any time prior to the beginning of the first fiscal year it would have been eligible to receive funds (other than planning funds) under the consolidated program.

(2) Any State which has participated in the consolidated program for at least two fiscal years may terminate its participation in such program upon written notice to the Secretary at least 60 days prior to the end of any fiscal year.

(3) A State which terminates its participation in the consolidated program as provided in paragraph (2) shall become eligible to participate in the categorical programs described in subsection (a) at the beginning of the fiscal year following the fiscal year in which participation in the consolidated program ends.

(c) All States which elect to participate in the consolidated program shall begin participation at the beginning of a fiscal year. In no case may a State participate in the consolidated program and in one or more of the categorical programs described in subsection (a) in the same fiscal year.

CONSOLIDATION PROGRAM PAYMENTS

SEC. 5. (a) Each State which elects and qualifies under this Act to receive funds for carrying out the consolidated program provided for in this Act shall be paid by the Secretary of the Treasury each fiscal year such amount as shall be certified to him by the Secretary.

(b) The Secretary shall certify for payment in the case of any State participating in the consolidated program in any fiscal year an amount equal to the total amount received by such State under the categorical programs described in section 4(a) in the most recent fiscal year in which such State received funds under such programs. In no case shall the amount certified for payment in any fiscal year in the case of any State which participated in the consolidated program in the preceding year be less than the amount such State received under this subsection in such preceding year.

(c) The amount to which any State is entitled under this section shall be adjusted to reflect changes in the prices of food published by the Bureau of Labor Statistics, Department of Labor.

PLANNING GRANTS

SEC. 6. (a) Any State desiring to participate in the consolidated program authorized by this Act may, for the purposes of preparing a consolidated plan in accordance with this Act, receive a planning grant for use in not more than two consecutive fiscal years. Any State desiring to receive a planning grant under this section shall file an application at such time, in such manner, and including such information as the Secretary may reasonably require consistent with this section. Each such application shall include, but not be limited to, provisions which—

(1) describe the objectives to be achieved in the development of the State plan with assistance made available under this Act,

(2) set forth procedures to assure an opportunity for comments to be submitted by the chief executive of the State,

(3) set forth assurances that the comprehensive State plan required under section 9 will be prepared in accordance with section 8, and

(4) describe procedures for the promulgation of regulations for the State administration of the programs consolidated by this Act.

(b) The maximum amount of a grant which a State may receive under this section is equal to not more than 2 per centum of the total amount of funds allocated to that State under the programs described in section 4(a) in the most recent fiscal year; and the minimum amount is $500,000.

STATE ADMINISTRATION

SEC. 7. (a) Each State desiring to receive funds for the consolidation program authorized by this Act for any fiscal year shall—

(1) designate, as provided by the constitution and laws of the State, the single State agency within the State which will be responsible for—

(A) assessing the food and nutrition needs of the neediest population of the State;

(B) formulating the State plan provided for under section 9;

(C) receiving and apportioning the funds (Federal and State) made available for carrying out in such State the consolidated program provided for in this Act;

(D) monitoring on a continuing basis the progress of the programs carried out in such State under this Act;

(E) preparing the general guidelines for the State plan; and

(F) examining all reports and audits required in connection with the consolidated program carried out in such State under this Act;

(2) publish prior to the first year of consolidated assistance made to that State under this Act, and each fourth year thereafter, a four year comprehensive State plan which—

(A) is developed in accordance with the procedures described in section 8, and

(B) contains the provisions designed to meet the requirements of section 9,

(3) develop and publish an annual update of the comprehensive State plan, and

(4) certify to the Secretary that it has developed and published the comprehensive State plan or annual update in accordance with the provisions of this Act.

(b) A State desiring to receive funds for the consolidation program authorized by this Act for any fiscal year shall, in addition to the requirements of subsection (a), provide for—

(1) an audit of expenditures for each program year as provided in the State plan;

(2) an annual evaluation of the implementation of the State's final comprehensive plan, and any amendment thereto, adopted under section 8; and

(3) an annual report of that audit and evaluation which report shall include—

(A) such information as the Secretary may prescribe consistent with the consolidation and provisions of this Act, and

(B) assurance that funds were expended in accordance with the Act and the comprehensive State plan.

PROCEDURE FOR DEVELOPING THE COMPREHENSIVE STATE PLAN

SEC. 8. Each State shall, in the development of the comprehensive State plan, establish procedures designed to assure that—

(1) a comprehensive assessment is made to determine the food and nutritional requirements of the neediest people of the State, such assessment to include, but not be limited to the children, infants, expectant mothers, elderly people, institutionalized populations, and isolated populations of the State, who are living in circumstances of poverty or who are unable to provide themselves with an adequate nutritional diet;

(2) a comprehensive assessment is made to determine the need for food and nutrition education among the people of the State, including segments of the State's population which may be suffering from over nutrition as well as those segments which may be suffering from inadequate nutrition;

(3) procedures are established for obtaining the participation of interested citizens, local organizations, units of general local government, and appropriate State agencies prior to and during the development of the comprehensive plan;

(4) the legislature of the State will be informed of the development of the procedures required by this subsection;

(5) programs will be identified in terms of priorities for which funds will be allotted, distributed, and expended;

(6) the use of funds for purposes described in this Act will be coordinated with the use of State, local, and Federal funds (including commodities) made available for similar purposes;

(7) the use of funds for purposes described in this Act will be coordinated with each other and other Federal programs to avoid duplication of effort;

(8) the proposed comprehensive State plan or the annual update thereof will be published at least 120 days prior to its effective date and such plan or update thereof will be available to interested parties and to local agencies within the State. Comment relating to such plan must be accepted for a minimum of 45 days after such publication;

(9) a final comprehensive State plan, or annual update thereof, will be published and made generally available prior to its effective date together with a summary of the comments received and an explanation of the differences between the proposed plan and the final plan and the reasons therefor;

(10) any amendment to the final comprehensive State plan prepared by the State agency designated pursuant to section 7 (a)(1) will be published as a proposed amendment on which the public may comment for a period of at least 20 days, and thereafter the final amendment, together with a summary of the comments received and the action taken on such comments will be published;

(11) procedures will be established to assure that regulations and rules established, amended, or repealed by that State will be established, amended, or repealed with the counsel of local agencies and consistent with State administrative procedures and due process;

(12) the aggregate amount to be expended by the State and its agencies from funds derived from non-Federal sources for the consolidation program for any fiscal year will not be less than the amount expended by the State and its agencies in the preceding fiscal year on programs described in section 4(a) and on similar on related programs; and

(13) Federal funds provided under this Act supplement and in no case supplant State and/or local funds.

PROVISIONS OF THE COMPREHENSIVE STATE PLAN

SEC. 9. (a) A comprehensive State plan meets the requirements of this section if such plan—

(1) sets forth the procedure for, and the results of, the needs assessments conducted pursuant to section 8(a)(1);

(2) sets forth the goals to be achieved under the plan, the basic program objectives and a description of the programs to be carried out under the plan;

(3) sets forth the State's program for providing food and nutrition education and information designed to meet the needs of its people as revealed in the needs assessment;

(4) sets forth the policies and procedures to be followed by the State to assure that the distribution of funds to State and local agencies, institutions, and organizations within the State is in accordance with the provisions of this Act;

(5) contains a description of the organizational structure through which the program consolidated by this Act will be administered;

(6) sets forth the State's program (if any) for providing meals and food and nutrition education in connection with or as a part of (A) any Head Start or Follow Through program for children, (B) the Nutrition Program for the Elderly carried out under title VII of the Older Americans Act of 1965, (C) the Community Food and Nutrition Program, and (D) any other Federally funded food or nutrition education program carried out with funds not provided under this Act.

(7) sets forth the procedures for monitoring activities of the agencies, institutions, and organizations within the State responsible for administering the comprehensive plan of the State, including a provision for technical assistance by the State to each such agency, institution, and organization;

(8) contains a description of the process that the State will use to ensure that any agency, institution, or organization in the State which receives funds under this Act will annually develop or update a comprehensive plan for the use of such funds and that the plan will be made available to the public for comment as provided in the comprehensive State plan;

(9) provides, consistent with State law and practice, for an audit of the expenditure of funds received under this Act by local agencies, institutions, and organizations;

(10) sets forth procedures to be used by the State to eliminate unnecessary paperwork and duplication of information requests in regard to local agency applications, evaluations, and reporting;

(11) prescribes procedures to be followed by the State when a local agency fails to develop or implement a program plan, including procedures for notice and opportunity for hearing in any case funds are to be withheld;

(12) provides a local agency appeal process within the State for any local agency which is dissatisfied with the State's action with respect to the State's compliance with substantive and procedural provisions of the Act. A local agency may appeal the final ruling of the State to the Secretary;

(13) provides for an audit of expenditures for each program year in accordance with generally accepted accounting principles, conducted, in a manner approved by the Secretary, by—

(A) an auditor of the State, using certified public accountants, or

(B) a private certified public accountant or auditing firm utilizing certified public accountants; and

(14) provides for an annual report of such audit.

(b) The Secretary shall, within 60 days after receiving any comprehensive State plan from any State, notify such State in writing whether such plan complies with the requirements of this Act. In the event the Secretary fails to notify any State within the time period prescribed, the comprehensive State plan shall be deemed to have been approved by the Secretary. If the Secretary notifies a State that a plan does not meet the requirements of this Act, he shall indicate specifically in what respect such plan failed and what action must be taken to meet the requirements.

SUPPLEMENTAL PAYMENT

SEC. 10. (a) Each State which elects and qualifies to receive funds for carrying out a consolidated program under this Act shall also be eligible, upon application therefor, to an additional amount of funds for carrying out such program equal to 10 per centum of the amount to which such State is entitled under section 5 on the condition that such amount is matched by such State with an equal amount of funds from non-Federal sources which will be used for carrying out the purposes of this Act. A State may, if it so elects, receive any amount under this section equal to less than 10 per centum of the amount it is entitled to receive under section 5 on the condition that such lesser amount is matched by such State with an equal amount from non-Federal funds which will be used to carry out the purposes of this Act. For purposes of this section, funds received by any State under a Federal-State revenue sharing plan shall be considered to be funds from a non-Federal source.

(b) If the sums appropriated for any fiscal year for making payments to States under this section are not sufficient to pay in full the amount to which each State is entitled under this section for such fiscal year, the amounts which all States may receive under this section for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

(c) Additional funds under this section shall be paid to a State by the Secretary of the Treasury upon certification of the amount to be paid by the Secretary.

TIME OF PAYMENTS

SEC. 11. The Secretary shall determine the time or times at which payments under this Act are to be made to States.

FEDERAL SERVICES; USE OF FUNDS FOR FOOD SERVICE EQUIPMENT AND FACILITIES

SEC. 12. (a) Whenever any State elects to carry out a consolidated feeding program under this Act and any part of such program is substantially the same or provides substantially the same benefits as any of the programs described in section 4(a), the Secretary shall, upon the request of such State, furnish with respect to such part of such program any services in-kind which would have been furnished such State by the Federal Government had such State participated in the programs described in section 4(a) on a separate basis rather than electing to participate in a consolidated program under this Act.

(b) Funds made available to any State under this Act may be used for the purchase of any food service equipment and facilities necessary or appropriate to carry out effectively the comprehensive State plan of such State.

ADMINISTRATIVE EXPENSES

SEC. 13. None of the funds made available to a State under this Act in any fiscal year (excluding the State's share of matching funds under section 10) in any amount in excess of an amount equal to 7½ per centum of such funds may be used for administrative expenses in carrying out the consolidated program under this Act in such fiscal year.

EVALUATIONS

SEC. 14. (a) The Secretary, after consulting with and obtaining the assistance of the State agency designated pursuant to section 7(a)(1), shall prepare and design several models for evaluation of program effectiveness which will be consistent with the purposes of the consolidation program authorized by this Act. Evaluation of local agency programs should focus on the food and nutrition services provided for needy persons in the State, the food and nutrition education program, the number of such persons served by each program, and the effect or results of such services and programs.

(b)(1) Each State participating in the consolidation program authorized by this Act shall (A) select one of the models developed under subsection (a) of this section, or (B) use a model developed by that State, and shall be responsible for the use of that model in program evaluation of the consolidation program authorized by this Act. Each such evaluation design shall involve participation by local agencies of that State.

(2) An evaluation report which is consistent with the procedures established pursuant to this section and the State comprehensive plan shall be prepared annually by each local agency and submitted to the State agency designated pursuant to section 7(a)(1). No other evaluation reports for programs authorized by this Act may be required of local agencies by the State agency.

(3) The annual State agency evaluation report prepared pursuant to this subsection shall be submitted to the Secretary on such date as the Secretary shall establish. The Secretary shall analyze the State evaluations received under this paragraph and shall, not later than March 1 in the year succeeding the year in which the evaluations are submitted, prepare and submit to the Congress a report on such evaluations.

(c) The Comptroller General shall conduct an evaluation of the program authorized by this Act and, not later than the end of the fifth fiscal year following the fiscal year in which this Act is enacted, prepare and submit to the Speaker of the House of Representatives and the President of the Senate a report on such evaluation together with such recommendations, including such recommendations for legislation, as the Comptroller General deems advisable.

(d) The Secretary is authorized to make applicable to the consolidated programs of all States those program components of the various State consolidated programs determined by him on the basis of evaluations carried out under this section to most effectively and efficiently meet the objective of this Act.

(e) The Secretary shall conduct a comprehensive evaluation of the operation of the consolidated program in the case of each State electing to participate in such program. The first such evaluation shall be conducted by the Secretary within three months after one or more States have participated in such program for a period of two years. Thereafter such evaluation shall be made at the end of every second year. In carrying out his evaluation of the operation of the consolidated program in the case of any State, the Secretary shall hold public hearings in such State to afford interested persons a reasonable opportunity to give testimony regarding such program. The Secretary shall report the results of each such evaluation to the Speaker of the House of Representatives and to the President of the Senate together with such comments and recommendations as the Secretary deems appropriate.

MONITORING AND TECHNICAL ASSISTANCE

SEC. 15. (a) The Secretary shall conduct annually such monitoring programs in each State selecting the consolidation program authorized by this Act as he deems appropriate. The monitoring program authorized by this section shall include review of the plan for compliance with the provisions of this Act. Monitoring shall also include review of implementation of programs for conformity with this Act and with the comprehensive State plan. In order to avoid duplication of monitoring visits as well as an excess of such visits, the Secretary shall coordinate his visits under this section with monitoring visits made by other Federal departments and agencies of the Government.

(b) Whenever, a result of monitoring activities conducted pursuant to this section, the Secretary identifies areas of noncompliance, the Secretary shall establish procedures with the appropriate State agency designated under section 7(a)(1) for the necessary modifications.

(c) The Secretary shall provide advice, counsel, and technical assistance upon request of State and local agencies.

INTERSTATE COOPERATION

SEC. 16. (a) The Secretary shall carry out a program of making grants to States which have elected to consolidate under this Act for the purpose of interstate cooperation.

(b) Such grants for cooperation among States shall be for the purpose of addressing common administrative problems under this Act and for planning and research.

(c) There are authorized to be appropriated $3 million for each of the ten fiscal years beginning October 1, 1977, to carry out the provisions of this section.

FEDERAL ADMINISTRATION

SEC. 17. (a) The consolidated program authorized by this Act shall be administered by a separate identifiable administrative unit to be established within 60 days after the date of enactment of this Act by the Secretary in the Department of Agriculture.

(b) Personnel to be employed in this administration of the consolidation program authorized by this Act shall come from program units administering the categorical programs consolidated under this Act. Any additional personnel necessary for the administration of such consolidated program shall be based on the number and population of the States which elect to consolidate.

(c) The Secretary shall establish procedures to minimize all paper work in regard to information required of State and local agencies.

DELEGATIONS, TRANSFERS OF FUNDS, AND CONTRACTS BY THE STATE AGENCY

SEC. 18. The State agency designated pursuant to subsection 7(a)(1) may, to the extent necessary to carry out the provisions of this Act—

(1) delegate its administrative functions, under this Act to other appropriate State agencies,

(2) transfer to such agencies administrative responsibilities and any funds provided to the State under this Act, and

(3) enter into contracts with public and private agencies, organizations, and institutions for carrying out activities authorized under this Act. Any arrangements entered into under this section for any fiscal year shall be set forth in the comprehensive State plan for that year.

ENFORCEMENT

SEC. 19. (a)(1) No payment may be made under section 5 or 10 to any State that has failed to provide the certification required by section 7(a)(4).

(2) In the case of any State that has provided those certifications, if the Secretary, after reasonable notice and opportunity for a hearing to the State, finds that the comprehensive plan fails to comply with the requirements of sections 8 and 9, or the State has failed substantially to comply with any provision of that plan, or has failed to inform the Secretary of any substantial failure to comply with any provision of that plan or those sections, the Secretary is authorized to (A) reduce the amount otherwise payable to the State under section 5 by any amount equal to not in excess of 7½ per centum, (B) refer to the Attorney General of the United States the matter regarding any such failure by a State with a request that the Attorney General seek an injunction requiring compliance by the State with the requirements of sections 8 and 9 or the provisions of the State plan, as the case may be, (C) terminate the participation of the State in the consolidated program and permit the State to return to participation in the categorical programs described in section 4 (a), or (D) utilize any combination of (A), (B), and (C) as he deems appropriate.

(b) The Secretary shall establish a due process procedure to consider appeals made by local agencies under section 9 (a) (12).

(c)(1) If any State or local agency is dissatisfied with the Secretary's final action with respect to any action taken under this Act, the State may within sixty days after notice of that action, file with the United States court of appeals for the circuit in which the State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme

Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(d) The Secretary and the Comptroller General of the United States, in the exercising of their authority under this Act may not prescribe to the State any requirement for expenditures of funds other than funds provided under this Act.

CIVIL RIGHTS REQUIREMENTS

SEC. 20. Funds made available under this Act shall be subject to title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000–2000d–6), title IX of the Education Amendments of 1972, and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

PARTICIPATION OF NONPUBLIC SCHOOL CHILDREN

SEC. 21. If a State is prohibited by law from providing for the participation of children enrolled in private nonprofit or Indian tribal elementary and secondary schools, or if the Secretary determines, after affording notice and an opportunity for a hearing, that a State has substantially failed to provide for such participation, he shall arrange, by contract or otherwise, for such children to receive, on an equitable basis, services similar to those provided under this Act to public school children in the State. The cost of providing those services for any fiscal year shall be paid from the allotment of the State under section 5.

CRIMINAL PENALTY

SEC. 22. Any individual who is an officer, director, agent, or employee of, or who is connected in any capacity with, any partnership, association, firm, group, corporation, business, organization, or other entity, public or private, which receives benefits under this Act by means of a grant, contract of assistance, subsidy, or any other form of Federal assistance, and who knowingly and wilfully embezzles, misapplies, steals, or obtains by fraud, false statement, or forgery, any funds, assets, or property obtained under any program authorized by this Act shall be fined not more than $10,000 or imprisoned for not more than five years, or both; but if the amount so embezzled, misapplied, stolen or obtained by fraud, false statement, or forgery does not exceed $200, such individual shall be fined not more than $1,000 or imprisoned not more than one year, or both.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 23. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, subject to the limitation contained in section 16(c) on the amount that may be appropriated for interstate cooperation grants.

EXHIBIT 2

TABLE OF PAYMENTS UNDER THE BELLMON "FOOD AND NUTRITION PROGRAM OPTIONAL REORGANIZATION ACT OF 1977"

[By State, using fiscal year 1976 data]

	Federal food stamp expenditures	Federal child nutrition expenditures	Total Federal food aid expenditures	10 percent Federal bonus (to be matched dollar for dollar by State)	Total consolidated Federal payment
Alabama	116,624,203	73,359,000	189,983,203	18,998,320	208,981,523
Alaska	5,102,809	2,184,000	7,286,809	728,680	8,015,489
Arizona	54,481,309	28,502,000	82,983,309	8,298,330	91,281,639
Arkansas	78,363,449	34,618,843	112,982,292	11,298,229	124,280,521
California	424,302,132	197,484,437	621,786,569	62,178,656	683,965,225
Colorado	55,426,771	22,893,061	78,319,832	7,831,983	86,151,815
Connecticut	48,256,309	29,715,000	77,971,309	7,797,130	85,768,439
Delaware	11,233,013	6,537,000	17,770,013	1,777,001	19,547,014
District of Columbia	29,479,542	12,806,780	42,286,322	4,228,632	46,514,954
Florida	288,896,485	96,765,000	385,661,485	38,566,148	424,227,633
Georgia	166,792,155	88,476,000	255,268,155	25,526,815	280,794,970
Guam	11,456,229	1,661,000	13,117,229	1,311,722	14,428,951
Hawaii	34,397,215	10,494,000	44,891,215	4,489,121	49,380,336
Idaho	11,392,898	6,420,000	17,812,898	1,781,289	19,594,187
Illinois	307,829,321	100,196,270	408,025,591	40,802,559	448,828,150
Indiana	73,185,827	46,130,000	119,315,827	11,931,582	131,247,409
Iowa	31,632,417	28,021,166	59,653,583	5,965,358	65,618,941
Kansas	16,587,391	22,256,000	38,843,391	3,884,339	42,727,730
Kentucky	141,734,809	59,800,000	201,534,809	20,153,480	221,688,289
Louisiana	159,855,422	81,919,754	241,775,176	24,177,517	265,952,693
Maine	37,893,024	13,389,000	51,282,024	5,128,202	56,410,226
Maryland	90,382,173	39,325,000	129,707,173	12,970,717	142,677,890
Massachusetts	146,935,309	62,408,000	209,343,309	20,934,330	230,277,639
Michigan	154,286,997	69,872,326	224,159,323	22,415,932	246,575,255
Minnesota	48,160,483	38,891,399	87,051,882	8,705,188	95,757,070
Mississippi	119,101,644	54,743,000	173,844,644	17,384,464	191,229,108
Missouri	92,222,873	50,538,000	142,760,873	14,276,087	157,036,960
Montana	10,923,331	10,424,237	21,347,568	2,134,756	23,482,324
Nebraska	12,964,609	13,313,865	26,278,474	2,627,847	28,906,321
Nevada	11,407,381	5,427,000	16,834,381	1,683,438	18,517,819
New Hampshire	16,836,855	8,286,000	25,122,855	2,512,285	27,635,140
New Jersey	170,091,309	69,699,332	239,790,641	23,979,064	263,769,705
New Mexico	47,925,784	21,061,000	68,986,784	6,898,678	75,885,462
New York	314,151,421	230,867,734	545,019,155	54,501,915	599,521,070
North Carolina	150,108,378	99,223,660	249,332,038	24,933,203	274,265,241
North Dakota	4,682,321	6,097,424	10,779,655	1,077,965	11,857,620
Ohio	289,564,341	99,826,000	389,390,341	38,939,034	428,329,375
Oklahoma	46,249,809	31,580,000	77,829,809	7,782,980	85,612,789
Oregon	55,328,858	21,185,000	76,513,858	7,651,385	84,165,243
Pennsylvania	213,598,789	103,968,000	317,566,789	31,756,678	349,323,467
Puerto Rico	555,143,702	57,780,000	612,923,702	61,292,370	674,216,072
Rhode Island	23,548,549	8,233,000	31,781,549	3,178,154	34,959,703
South Carolina	121,037,223	63,225,000	184,262,223	18,426,222	202,688,445
South Dakota	8,750,332	9,967,661	18,717,993	1,871,799	20,589,792
Tennessee	143,750,153	63,751,535	207,501,688	20,750,168	228,251,856
Texas	322,192,310	171,241,000	493,433,310	49,343,331	542,776,641
Utah	13,098,808	12,677,469	25,776,277	2,577,627	28,353,904
Vermont	12,213,283	8,885,000	21,098,283	2,109,828	23,208,111
Virgin Islands	10,519,466	2,441,000	12,960,466	1,296,046	14,256,512
Virginia	78,624,190	59,534,000	138,158,190	13,815,819	151,974,009
Washington	72,836,509	31,251,000	104,087,509	10,408,750	114,496,259
West Virginia	58,158,615	24,652,000	82,810,615	8,281,061	91,091,676
Wisconsin	38,793,212	38,449,000	77,242,212	7,724,221	84,966,433
Wyoming	2,994,966	2,716,000	5,710,966	571,096	6,282,062
Samoa, American		1,267,000	1,267,000	126,700	1,393,700
Trust Territories		1,424,000	1,424,000	142,400	1,566,400

Mr. DOMENICI. I thank my good friend, the senior Senator from Oklahoma.

Mr. President, I wish to thank my good friend, the distinguished Senator from Oklahoma, for inviting me to join him on this very important, progressive, and far-reaching legislation. As Senator BELLMON has indicated, a major feature of this bill is the concept of optionality. In other words, States which desire to participate in the food program consolidation may do so, while those not so desiring are not penalized in any way for continuing to participate in Federal food programs in the same manner as before. As you may recall, Mr. President, optionality was an overriding philosophy of the Domenici-Bellmon Optional Education Funding Simplification Act, which we cointroduced in the waning days of the 94th Congress and reintroducing this year. We are convinced that this approach offers States a great deal of flexibility to manage Federal assistance programs.

I will not burden the RECORD with a lengthy reiteration of the specifics of this new bill, which my colleague has ably summarized in his introductory remarks. Rather, I would prefer to offer some philosophical comments, which are deeply rooted in my previous experience as mayor of the city of Albuquerque, N. Mex. While serving in that capacity I believe that I shared, with other State and local administrators, the depth of frustration one experiences in attempting to carry out Federal assistance programs for the benefit of the people of my constituency.

This frustration drives from two basic problems which are intrinsic to so many Federal assistance programs—first is the problem of nonspecificity; second is the problem of redtape.

Sometimes I am concerned that we in the Congress share with our counterparts in the administration a certain arrogance toward the wisdom and ability of the citizens of this country to know what is best for them and to effectively manage their own programs. This arrogance is often reflected in sweeping Federal programs which we, here in Washington, contrive and offer as solutions to local problems. Clearly, Federal assistance is needed and greatly sought-after by State and local governments. Nevertheless, many of our Federal programs, in attempting to meet the general needs of all, fail to meet the specific needs of any. Thus we see massive sums of mistargeted Federal money, shameful abuses of Federal programs, and growing local disenchantment with big, centralized government.

The second problem faced daily by local administrators is the enigma of Federal redtape, and how to cope with it. The plethora of rules, regulations, and guidelines which are built into Federal spending programs are intended to assure that the taxpayer's dollars are being wisely and prudently spent. How ironic it is that vast sums of taxpayers' dollars are expended to implement these same rules, regulations, and guidelines.

Another unfortunate characteristic of redtape is that it tends to build on itself. Every year more rules and regulations are promulgated in order to implement new programs and to fine tune existing ones. It is an impossible task for the con-

scientious local administrator to keep up to date with these new rules which seem to "spring up like toadstools after an autumn rain."

In concusion, I believe that the principal contribution of the Bellmon-Domenici bill is that it effectively circumvents the above problems by permitting the States—if they so desire—to plan their own food programs based upon their own needs and to run them with a minimum of Federal interference. The end result, in my judgment, will be a higher level of nutrition for millions of Americans, with minimal increase in Federal spending.

Mr. President, to those in Government and out of Government at the national level and at the State level, who talk today about the need for reform in terms of Federal programs, the need to build flexibility into the programs, the need to find a better way, the need to eliminate the ever-growing arbitrariness of categorical grant programs, the rather fantastic growth in the regulatory process and the ensuing proliferation of redtape—and I believe those people are in predominance in the United States in terms of speaking about a need—to all of those in the executive branch, at the local level, and here in Congress, I strongly suggest that they look at the concept and philosophy espoused in this bill brought here to the Senate by the good senior Senator from Oklahoma and also that they look at Senate bill 3849 in the last Congress, a consolidation and simplification and optional system in education which Senator BELLMON and I will reintroduce in the next 8 or 10 days.

Why do I say that? I say that because everyone is talking about trying to find a better way, a new way and everyone seems to have a degree of dissatisfaction with a centralized type categorical grant program in the field of social services across the board. What we have come up with here and in the educational bill might very properly be called an experiment, for we do not in either bill say we are going from a categorical grant program to another program, but rather say for those States that want to plan for a simplification and a takeover under Federal guidelines of nutrition program we are giving them an opportunity in very open and confrontation type hearings at the local level, with their State officials, and with the interest groups that are protected under these various bills to come up with a State plan.

We give the national Government significant oversight overseeing the ultimate approval of that State plan. And once all of that has gone through we would hope that in the field of delivery we will have a number of States that would take the nutrition program and demonstrate that there may be a better way and that they may have some of the intelligence, the administrative capacity, the knowledge of needs and that they find that better way in the marketplace of implementation, rather than the rhetoric of reform. We envision that, if interested committed people will look at this, they will see it as an opportunity to put in the implementation marketplace of delivery. It will put into that marketplace two, three, four, or five States that might say:

"We choose it and you look at us, look at us every year, look at us as often as you want, and under this bill you let us try it, and we want to prove to you that we have the better way, and the better way is to let us have some of the flexibility rather than the rigidity of the Federal programs. Let us under the goals of Federal legislation find better ways to get rid of the bureaucracy and redtape and deliver the service or the in-kind of assistance. And we want an opportunity to prove to you that it will work better than the one designed, administered, and regulated from Washington, D.C."

The Senator from Oklahoma has gone into the details. He knows them far better than I. He is on the Committee on Agriculture and has done a lot of work in nutrition. I speak only to those people who rhetorically are out seeking a better way, seeking reform, seeking to rid the system of the inhibitions of redtape, of the expenditures of administration under the guise of helping a group of people or a kind of person. I speak to those in Congress, out of Congress, in the administration. This idea is an idea whose time has come. It will not destroy the categorical grant program; it will merely give us something to measure against it, and, in a typical American kind of concept, it will provide competition between this kind of approach and the categorical grant program.

For those of us who think things might be done better in the States than from Washington, the competition for performance will be reassurable. Those of us who want to try it will have, in the marketplace of implementation and measurement as to performance, two competing systems, perhaps one with only four or five States involved in it, and that very competition might be good for the social programs by way of evaluation, but I am absolutely positive that it will prove that there is a better way, and perhaps give us the foot in the door in terms of a notion of basic reform for many of our social programs, from medicaid on down, that might prove that we ought to be a little more trusting of our States and State legislatures, and of leadership at the local level.

I for one consider it a challenge to those who think the way we are doing it now is the best. I wish they would accept the challenge and encourage this as an approach to competition for better performance for our people in important areas of social undertaking by our National Government.

I have not talked with the Senator from Oklahoma, but I think even to make it a demonstration approach and say "Let us try it in three or four States," for those who are so cautious and terribly concerned about the protection that the categorical grant program now gives, I would settle for that. I have no doubt whatsoever that in 4 or 5 years the States would be clamoring, the special interest groups, the people we are trying to help, would be clamoring to the Congress and the President of the United States, to do this and bring in numerous of the Federal programs we try so hard to help with, and more often than not end up with frustration, arbitrariness, fraud, and all the kinds of things that are going to happen with the rigidity we strive to build in for a country as diverse as the United States.

Mr. President, I yield back the remainder of my time.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of routine morning business not to extend beyond the hour of 2 p.m., with statements therein limited to 5 minutes.

REFORMING FEDERAL REGULATION: AN IDEA WHOSE TIME HAS COME

Mr. ROBERT C. BYRD. Mr. President, I call attention to S. 600, the Regulatory Reform Act of 1977. The bill, which I have sponsored, along with Senators PERCY and RIBICOFF, undertakes to reform the Federal regulatory agencies by setting a strict agenda and discipline through which, over a period of 8 years, the Congress would scrutinize the purposes, structures, and activities of the regulatory agencies.

This is legislation which I know that the White House is seriously considering as an effective means for implementing the strongly held desire and promise of President Carter to make governmental regulation more responsive.

A series of action-forcing deadlines would, of necessity, assure that Congress makes regulatory reform the pending business on the floor of both Houses by a set date. If comprehensive action is then delayed, the affected agencies would be limited in their authority first to issue new regulations, and later to enforce existing rules—except for those rules certified as necessary for public health and safety. A final sunset provision would terminate each affected agency for which Congress had not enacted reform.

This bill is attracting bipartisan support from conservatives, moderates, and liberals alike. The basic sunset proposal has been studied, questioned, and reviewed to the extent that there is now considerable agreement that it is both a responsible and workable vehicle for congressional oversight. Here then is another example of congressional maturity: where Congress has the courage and wisdom to discipline itself to achieve comprehensive regulatory reform, and commits itself to a difficult undertaking—just as in the case of budget reform a few years back—confident that, in the final analysis, it will be able to arrive at reasonable understandings among reasonable men. This has been our tradition and it is our future.

In a recent column, noted columnist William F. Buckley, Jr., has taken cognizance of developments in the regulatory area. The able and incisive Mr. Buckley sees the Regulatory Reform Act of 1977 as a potential revalidation of the democratic process and democratic

government. This is because the measure reaffirms the vital need for systematic regulatory oversight by the legislative branch, after years of virtual abdication. Now, the 95th Congress appears ready to bring the regulatory agencies back under its supervision—ready to meet the challenge of renewing, and in many cases reformulating, regulation which is more responsive to public concerns and more in line with an interdependent, highly technological economy. Where appropriate, through the discipline of S. 600, if and when enacted, Congress will appear to be prepared to scrap those regulations and procedures which do not serve the interests of American consumers, businessmen, or labor.

I am pleased to announce that my esteemed colleagues, Senators ALLEN, HUDDLESTON, STAFFORD, and ROTH, have now joined in cosponsoring this important legislation along with 27 other Senators.

I invite all those Senators who have not yet had an opportunity to personally review S. 600 to join us in cosponsoring this bill, which when, and if, enacted will undoubtedly be one of the major pieces of legislation passed by this Congress.

Mr. President, I ask unanimous consent that William F. Buckley's column from the March 11, 1977 Washington Star be printed in the RECORD at this point, as well as a summary of the principal provisions of the Regulatory Reform Act of 1977.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A FAR-SEEING BID TO REGULATE THE REGULATORS

(By William F. Buckley, Jr.)

Sen. Charles Percy, along with Senate Majority Leader Robert Byrd and the chairman of the Government Operations Committee, Sen. Abraham Ribicoff, is promoting a bill which all good men should endorse, and it is heartening to see the bipartisan auspices under which it is launched.

The bill is complicated, but the wonderful ingenuity of it overwhelms the slight cost of mastering that complication. And if the bill is passed, it is not an exaggeration to say that the idea of democratic government will be revalidated.

Because as things now stand, the average American is probably affected in the course of a typical year less by laws passed by Congress, than by regulations passed by bodies created by Congress, some of them generations ago, and loosed upon society to torment the public.

How do you get rid of a regulatory agency? Or, for that matter, how do you go about reforming it?

The answer is you don't. Because the agencies are super-lobbies, and entrenched as they are, deep in the bowels of Washington, anyone who attempts a neat incision to pluck them out runs into paralyzing pressures and complications by men and women struggling to maintain power, prestige and affluence.

The neatness of the Regulatory Reform Act of 1977 is in the so-called sunset provisions of the bill. It would say—for instance, to the infamous Occupational Safety and Health Administration (OSHA) of the Department of Labor, which recently undertook to instruct a company on the exact size of the partitions separating the stalls in the factory washrooms—: If no plan for comprehensive reform is passed, then, subject to certain qualifications, you go automatically out of existence.

Under the circumstances, the usual attempts by these agencies to frustrate reform would constitute a self-immolation. As far as OSHA is concerned, one could only wish that exactly that would happen.

But some of the agencies do work that ought to be done. But virtually all of them need to be reformed with a view to contemporary problems.

If the RRA is passed, all regulatory agencies would be reformed or scrapped over a period of eight years. The bill's sponsors have carefully grouped the agencies in related areas. For instance, during the first two-year period, those agencies would be examined that deal with energy, the environment, housing and occupational health and safety. A moment's thought establishes the interconnections in these fields.

What then would happen is that the President of the United States would recommend a reform plan to Congress for the above agencies by April 30, 1979. The relevant committees of Congress would receive these recommendations, weigh them, hold hearings, amend them, accept them, reject them but in any event report out a reform bill by May 1, 1980.

If by Aug. 1, 1980, Congress has failed to act on that reform bill, then from that moment on the affected agencies would lose their authority to issue any new rules (except those certified as necessary for public health and safety).

If by Oct. 1 Congress has not yet acted, then the affected agencies would lose their authority to enforce the old rules.

If by Dec. 31 Congress has not acted, then the affected agencies would cease to exist.

It is contemplated by the prescient sponsors of this legislation that the cycle would continue and infinitum. And of course it should. This means that every government regulatory body—and there are approximately 100, whose rulings result in an expenditure of $60 billion a year if you take the word of the GAO, $120 billion if you take the word of President Ford's economists—would be re-examined every eight years.

This is hardly too much to ask, since it takes far less than eight years for situations to change drastically, as witness the energy crisis, which is less than four years old.

Complaints against the regulatory agencies have climbed up the taxonomic ladder to sit side by side with complaints against the weather, taxes and ill health.

It has simply been assumed that nothing ever can be done about it. And with good reason, because in fact practically nothing ever has been done about them.

That is why Sen. Percy's bill is reason to ring the bells, and remind ourselves that we are supposed to be a self-governing republic.

PRINCIPAL PROVISIONS OF THE REGULATORY REFORM ACT OF 1977

Introduced by Senators Charles H. Percy (R-Ill.), Robert C. Byrd (D-W. Va.), and Abraham Ribicoff (D-Conn.) for referral to the Committee on Governmental Affairs

The Regulatory Reform Act of 1977 sets forth a discipline for action, to apply both to Congress and the President. Over a period of eight years, from 1979 through 1986, the President would submit to the Congress, by May 1 of each year, comprehensive plans for reforming regulation in four specific areas of the economy, namely:

96th Congress (1979–80)—energy, the environment, housing, and occupational health and safety;

97th Congress (1981–82)—transportation and communications;

98th Congress (1983–84)—banking and finance, international trade, and government procurement; and

99th Congress (1985–86)—food, consumer health and safety, economic trade practices, and labor-management relations.

Each plan would include recommendations for increasing competition, and for procedural, functional, administrative and structural reforms.

To ensure that the impact of regulatory activity is in the Nation's best interest, the President will include in his plan a report on the cumulative impact of federal regulation on the following industry groupings:

Transportation and agriculture industries;

Mining, heavy manufacturing, and public utilities;

Construction and light manufacturing industries;

Communication, finance, insurance, real estate, and trade and service industries.

To provide a wider perspective on these problems, the General Accounting Office and the Congressional Office of the Budget will simultaneously submit comprehensive reports to Congress concerning:

The purposes for which each agency was established;

Significant changes which have occurred in regulated areas; the impact of such changes on the agency's effectiveness; and the continued appropriateness of original statutory purposes;

The net impact of the agency and the degree to which it has achieved its purposes;

The cost-efficiency of the operations of each agency; and

Practical, more efficient, alternative approaches to achieving those regulatory needs which currently must be served.

If the President does not submit a plan by May 1 of the first year, the relevant committee would write and report their own plan(s) in the form of a bill, to become the pending business of both Houses not later than May 1 of the second year.

Should Congress fail to approve comprehensive regulatory reform legislation in the designated area by August 1 of the second year, the affected agencies will lose their authority to make new rules (except those essential for preserving public health and safety).

Should Congress fail to pass comprehensive reform legislation by October 1 of the second year, enforcement of existing rules of the affected agencies will be suspended (except those essential for preserving public health and safety).

Should Congress fail to enact comprehensive reform legislation by December 31 of the second year, a "sunset" provision comes into play, terminating each affected agency for which Congress has not enacted reform. Responsibility for enforcing health and safety rules would pass to the Justice Department.

After an eight-year respite following the original review period (1979–86), Congress would begin the reform process again (in 1995), and continue such cycle thereafter, examining agencies in the same order unless Congress and the President change the order by law.

This timetable should in no way reform efforts already underway, or which may arise in the interim, under the designated year for that particular facet of regulation. Thus, it does not mean that transportation reform must wait until 1981, or consumer safety reform until 1985. Rather, it ensures that if no comprehensive reform has been accomplished by these dates, then the discipline imposed by the bill would come into play. If Congress wants to act sooner, all the better.

ASSISTANCE PROGRAMS IN DROUGHT-STRICKEN AREAS—MESSAGE FROM THE PRESIDENT—PM 56

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States:

To the Congress of the United States:

Over the past two years, many of the Western and Plains states of our nation have been victims of a prolonged, severe drought. The effects of the drought have built up over many months, and they will take a long time to correct. Even long periods of rain would not wholly relieve the problem now.

The human and economic costs of the drought have been high. It has jeopardized municipal water supplies, damaged crops and pastureland and depleted livestock numbers. The drought has inflicted financial hardship on countless farmers, ranchers, businessmen and others, and it continues to pose a serious threat to their livelihood.

The Federal government has already made available almost a billion dollars in drought assistance through loans and cost-sharing programs. Although we do not have enough money to meet every requirement or indemnify every loss, we can provide additional help in certain areas. I am recommending a variety of assistance programs which will be applied in each area depending on how severely the drought has affected the people of that region.

In addition, we can encourage water conservation through several existing government programs. In many cases, water conservation is our only hope for immediate relief. As a nation, we must begin to conserve our water supplies, and government—at all levels—must lead the way.

The measures I propose will allocate benefits fairly, will mitigate some of the worst effects of the drought, and will support individuals and communities in their efforts to conserve water. Some of these proposals will require modification of existing programs or additional funding. Others will require totally new legislation. All of these will be temporary authorities; they are designed to cope with short-term problems, and they will expire on September 30, 1977.

Specifically, I propose the following legislative actions:

—New temporary authority to allow the Economic Development Administration and the Farmers Home Administration to provide $150 million in grants and $300 million in low-interest (5%) loans to communities for emergency water system improvements which can be completed quickly and which are essential to protect public health and safety.

—Establishment of a new Small Business Administration drought assistance loan program to provide $50 million in low-interest (5%) loans to small businesses in major drought designated areas.

—Establishment of a new Farmers Home Administration drought assistance loan program in which *prospective* losses can be included. This program will provide $100 million in 5% loans to farmers and ranchers in major drought designated areas.

—New legislation to authorize the Secretary of the Interior to provide $100 million in low-interest (5%) loans to purchasers of water. (Endorsement of the water bank objectives of S-925).

—Supplemental funds totalling $14 million for the Southwestern Power Administration to ensure adequate energy supplies.

—Supplemental funds in the amount of $30 million to the Bureau of Reclamation to provide assistance to irrigators on Federal Reclamation projects.

—Transfer to the Department of Agriculture from the Federal Disaster Assistance Administration authority to administer and fund the Emergency Livestock Feed Program.

—Supplemental funds to the Agricultural Stabilization and Conservation Service in the amount of $100 million to provide for cost-sharing of emergency soil conservation practices.

In addition, I have directed the following administrative measures:

—The Secretaries of Agriculture and Interior will make available additional Federal lands for grazing and issue emergency permits as appropriate.

—The Secretary of Agriculture will take administrative steps to ensure that trained fire-fighters and essential equipment are available to meet the increased danger of forest and wildfires.

When added to the supplemental appropriation of $200 million for disaster assistance, these new legislative proposals will provide almost $1 billion in additional drought assistance and bring to almost $2 billion the assistance provided by the Federal government.

I believe the legislative proposals and administrative actions outlined above offer the best possibility of providing immediate assistance to meet the needs of some of our fellow Americans in this period of crisis. I urge immediate consideration of the legislative proposals and their timely adoption. If we are to be of real help to the people afflicted, time is of the essence.

JIMMY CARTER.

THE WHITE HOUSE, *March 23, 1977.*

ORDER FOR JOINT REFERRAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a message from the President of the United States, received today, relative to drought, be jointly referred to the Committees on Agriculture, Nutrition, and Forestry; Banking, Housing, and Urban Affairs; Energy and Natural Resources; Environment and Public Works; and Small Business. This request has been cleared with the leadership on the other side of the aisle.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:10 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its clerks, announced that the House has agreed to, without amendment, the concurrent resolution (S. Con. Res. 7) relating to the freedom of emigration.

The message also announced that the House has passed the bill (S. 489) to amend the Foreign Assistance Act of 1961, with amendments in which it requests the concurrence of the Senate.

The message further anounced that the House has passed the bill (H.R. 3437) to make certain technical and miscellaneous amendments to provisions relating to vocational education contained in the Education Amendments of 1976, in which it requests the concurrence of the Senate.

The message also announced that the House has agreed to the concurrent resolution (H. Con. Res. 142) urging the Canadian Government to reassess its policy of permitting the killing of newborn harp seals, in which it requests the concurrence of the Senate.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDING OFFICER laid before the Senate the following communications which were referred as indicated:

EC-961. A letter from the Acting Comptroller of the Currency transmitting, pursuant to law, the Annual Report of the Consumer Affairs Division of the Comptroller of the Currency for the calendar year 1976 (with an accompanying report); jointly, by unanimous consent, to the Committees on Banking, Housing, and Urban Affairs and Commerce, Science, and Transportation.

EC-962. A letter from the Comptroller General of the United States transmitting, pursuant to law, a report on the withdrawal of one recession proposal and three revisions to previously reported deferrals contained in the President's eighth special message for fiscal year 1977; jointly, pursuant to the order of January 30, 1975, to the Committees on Appropriations, the Budget, Armed Services, Commerce, Science, and Transportation. Finance and the Select Committee on Small Business, and ordered to be printed.

EC-963. A letter from the Chairman of the

Interstate Commerce Commission transmitting, pursuant to law, a report on the Commission's determination to extend the time period for rendering a final decision in the proceeding before the agency in No. 36420, Joint-line Routing of Coal, CR and LN RR's (with accompanying papers); to the Committee on Commerce, Science, and Transportation.

EC-964. A letter from the Chairman of the Nuclear Regulatory Commission transmitting a draft of proposed legislation authorizing appropriations for fiscal year 1978 and 1979 for the Nuclear Regulatory Commission (with accompanying papers); to the Committee on Environment and Public Works.

EC-965. A letter from the Chairman of the United States Advisory Commission in International Educational and Cultural Affairs transmitting, pursuant to law, a report entitled "Notes on Educational and Cultural Exchange between the United States and Countries in the Middle East (with an accompanying report); to the Committee on Foreign Relations.

EC-966. A letter from the Chairman of the Council of the District of Columbia transmitting, pursuant to law, a copy of Council Act 2-12, "An Act to provide additional compensation for District of Columbia teachers" (with accompanying papers); to the Committee on Governmental Affairs.

EC-967. A letter from the Attorney General transmitting, pursuant to law, a report on the Department of Justice's intention to expand the data base of the Automated Intelligence Records System, in accordance with the Privacy Act (with accompanying papers); to the Committee on Governmental Affairs.

EC-968. A letter from the Secretary of Health, Education, and Welfare transmitting, pursuant to law, a report on a Five-Year Plan for the development of Community Mental Health Centers under the Community Mental Health Centers Amendments of 1975 (with an accompanying report); to the Committee on Human Resources.

EC-969. A letter from the Director of the Office of Management and Budget, Executive Office of the President transmitting, pursuant to law, a report entitled "Indian Education: The Right To Be Indian", Third Annual Report, March 1976 (with an accompanying report); to the Select Committee on Indian Affairs.

EC-970. A letter from the Acting Assistant Secretary of Defense, Installations and Logistics, transmitting, pursuant to law, the calendar year 1976 report on Extraordinary Contractual Actions to Facilitate the National Defense (with an accompanying report); to the Committee on the Judiciary.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions which were referred as indicated:

POM-100. House Joint Resolution No. 168 adopted by the General Assembly of the Commonwealth of Virginia applying to Congress to call a convention for the purpose of amending the Constitution of the United States to provide the President with the power to veto any particular item or items of any appropriations bill; to the Committee on the Judiciary:

Applying to Congress to call a convention for the purpose of amending the constitution of the United States to provide the

"HOUSE JOINT RESOLUTION No. 168

"Whereas, over the past thirty years, the federal government has frequently made appropriations of funds substantially in excess of revenue collections, thereby amassing considerable deficits and necessitating extensive borrowing; and

"Whereas, deficit spending by the federal government has been a major cause of and contributor to the inflation of our national currency; and

"Whereas, inflation imposes the heaviest financial burden on those least able to bear it, and deficit spending imposes the funding of federal debts on future generations of Americans who have had no voice in the incurring of such debts; and

"Whereas, the inflationary consequences of federal budgetary deficits have impaired the credit of the United States and undermined the value of its currency, and have contributed to financial and other difficulties and dislocations for state and local governments; and

"Whereas, the President of the United States could more effectively deal with this problem were he able to exercise an item veto when considering any appropriation bill passed by the Congress; and

"Whereas, there has not been, nor does it appear that there will be, any initiative on the part of the Congress to amend the Constitution of the United States so as to provide the President with such item veto; and

"Whereas, in the event of Congressional inaction, Article V of the Constitution of the United States grants to the states the right to initiate constitutional change through application by the legislatures of two-thirds of the several states to the Congress, calling for a constitutional convention; and

"Whereas, the Congress is required by the Constitution of the United States to call such a convention upon receipt of such applications; now, therefore, be it

"Resolved by the House of Delegates, the Senate concurring, That pursuant to Article V of the Constitution of the United States, the General Assembly of Virginia does hereby make application to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing to the several states a Constitutional amendment, to-wit:

" '1. The President shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this Constitution as to bills which fail to receive the President's approval.'

"And be it resolved further, That unless rescinded by the General Assembly of Virginia, this application shall constitute a continuing application for such convention pursuant to Article V, until the legislatures of two-thirds of the states shall have made like applications and such convention shall have been called by the Congress of the United States.

"Resolved further, That since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise, and since the power to use such right in full also carries the power to use such right in part, the General Assembly of Virginia interprets Article V to mean that if two-thirds of the states make application for a convention to propose an identical amendment to the Constitution for ratification, with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment, would be limited to such proposal, and would not have power to vary the text thereof, nor would it have power to propose other amendments on the same or different propositions.

"Resolved finally, That certified copies of this resolution be presented forthwith to the President of the Senate and the Speaker of the House of Representatives of the United States and to the legislatures of each of the several states, attesting the adoption of this resolution by the General Assembly of Virginia."

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 142) urging the Canadian Government to reassess its policy of permitting the killing of newborn harp seals was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MUSKIE, from the Committee on the Budget, without amendment:

S. Res. 121. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1025 (Rept. No. 95-63).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LONG, from the Committee on Finance:

Robert S. Strauss, of Texas, to be Special Representative for Trade Negotiations, with the rank of Ambassador Extraordinary and Plenipotentiary.

Hale Champion, of Massachusetts, to be Under Secretary of Health, Education, and Welfare.

Richard D. Warden, of the District of Columbia, to be an Assistant Secretary of Health, Education, and Welfare.

Henry Jacob Aaron, of the District of Columbia, to be an Assistant Secretary of Health, Education, and Welfare.

Eileen Shanahan, of the District of Columbia, to be an Assistant Secretary of Health, Education, and Welfare.

Bette Beasley Anderson, of Georgia, to be an Under Secretary of the Treasury.

Anthony Morton Solomon, of Virginia, to be Under Secretary of the Treasury for Monetary Affairs.

C. Fred Bergsten, of New York, to be a Deputy Under Secretary of the Treasury.

Gene E. Godley, of the District of Columbia, to be a Deputy Under Secretary of the Treasury.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. TALMADGE, from the Committee on Agriculture, Nutrition, and Forestry, with minority views (Rept. No. 95-9):

Carol Tucker Foreman, of the District of Columbia, to be an Assistant Secretary of Agriculture.

Carol Tucker Foreman, of the District of Columbia, to be a member of the Board of Directors of the Commodity Credit Corporation.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. WILLIAMS (for himself and Mr. CASE):

S. 1093. A bill to amend section 218 of the Social Security Act to include New Jersey in the list of States which may establish a divided retirement system for purposes of providing Social Security coverage of State and local employees under Federal-State agreements; to the Committee on Finance.

By Mr. BELLMON (for himself, Mr. DOMENICI, Mr. LUGAR, and Mr. YOUNG):

S. 1094. A bill to permit the States to consolidate and reorganize certain food programs administered by the Department of Agriculture for the benefit of needy persons; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HOLLINGS:

S. 1095. A bill for the relief of Dr. John Stephen Haskill; to the Committee on the Judiciary.

By Mr. EASTLAND (for himself and Mr. THURMOND):

S. 1096. A bill to amend title 18, United States Code, relating to the production of false documents or papers of the United States, and the use of false information in obtaining official documents and papers of the United States, involving an element of identification; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 1097. A bill to amend the Internal Revenue Code of 1954 to exempt from taxation the pay received by certain members of the National Guard or of reserve components of the Armed Forces to the extent that such pay does not exceed $1,500 per year; to the Committee on Finance.

By Mr. RIBICOFF:

S. 1098. A bill to provide for certain research and demonstration respecting the disposal of sludge, the reclamation of waters damaged by sludge and sewage, assistance to State and local governments for the removal of sludge and other solid waste from waters and shoreline areas, and to provide that grants for waste treatment works shall be made only if such works provide for environmentally sound sludge management; to the Committee on Environment and Public Works.

By Mr. DURKIN:

S. 1099. A bill to provide for the establishment and maintenance of a reserve inventory of wheat, feed grains, and soybeans; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAYH:

S. 1100. A bill to amend the Federal Rules of Evidence to protect the privacy of rape victims and for other purposes; to the Committee on the Judiciary.

By Mr. EAGLETON:

S. 1101. A bill to terminate the District of Columbia's borrowing authority from the U.S. Treasury for the metropolitan area sanitary sewage works fund;

S. 1102. A bill to authorize the District of Columbia government to enter into and to amend compacts between the District and a State; and

S. 1103. A bill to permit States the reciprocal right to sue in the Superior Court of the District of Columbia to recover taxes due the State; to the Committee on Governmental Affairs.

By Mr. HEINZ:

S. 1104. A bill to direct the Secretary of the Interior to establish the Legionville National Historic Site in the State of Pennsylvania; to the Committee on Energy and Natural Resources.

By Mr. LEAHY:

S. 1105. A bill to amend section 107 of the Energy Reorganization Act of 1974 (42 U.S.C. 5817) to delegate power to State legislatures to veto Energy Research and Development Administration site selection for radioactive waste storage; to the Committee on Energy and Natural Resources.

By Mr. DOLE (for himself and Mr. HUMPHREY):

S. 1106. A bill to amend the Commodity Credit Corporation Charter Act; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATHAWAY:

S. 1107. A bill to provide Federal financial assistance to employers, labor organizations, or consortiums thereof, or other groups or individuals, to establish and operate occupational alcoholism programs for the diagnosis and treatment of alcohol abuse and alcoholism in employed persons, including managerial personnel, and their dependents, and for other purposes; to the Committee on Human Resources.

By Mr. PEARSON:

S. 1108. A bill to amend the Communications Act of 1934 with respect to the renewal of licenses for the operation of broadcasting stations; to the Committee on Commerce, Science, and Transportation.

S. 1109. A bill to amend the Agricultural Development and Assistance Act of 1954 to assist developing nations in making the transition from foreign assistance recipients to full trading partners of the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MATSUNAGA:

S. 1110. A bill for the relief of Juanita Binabise; to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 1111. A bill for the relief of Gunther Griffel; to the Committee on the Judiciary.

S. 1112. A bill for the relief of Gladys Van Chan Lu; to the Committee on the Judiciary.

By Mr. METZENBAUM:

S. 1113. A bill to amend the Disaster Relief Act of 1974 to provide Federal assistance in the case of emergencies determined in accordance with such Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BARTLETT:

S. 1114. A bill to extend the State Taxation of Depositories Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. STEVENS (for himself, Mr. BAKER, and Mr. THURMOND):

S. 1115. A bill to provide Vietnam-era veterans bonuses through tax credits; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WILLIAMS (for himself and Mr. CASE):

S. 1093. A bill to amend section 218 of the Social Security Act to include New Jersey in the list of States which may establish a divided retirement system for purposes of providing social security coverage of State and local employees under Federal-State agreements; to the Committee on Finance.

DIVIDED SOCIAL SECURITY COVERAGE

Mr. WILLIAMS. Mr. President, today I join my distinguished colleague from New Jersey, Senator CASE, in introducing legislation which would add the State of New Jersey to a list of 20 States allowing a public retirement system coverage group to obtain social security coverage under the divided retirement system provision of the Social Security Act. Under this provision, a State at its option may divide a public retirement group and extend social security coverage to those employees who elect to acquire coverage and exclude those who vote against coverage. In addition, an identical measure is being sponsored by the entire New Jersey delegation in the House of Representatives.

An identical provision was adopted by the Senate as an amendment to H.R. 3153 in the 93d Congress. Due to the unusual legislative situation existing at the time, the conference committee never completed action on H.R. 3153. It is my understanding that the committee did not reflect any judgment concerning the merits of the provision relating to State and local employees in New Jersey. This provision was reintroduced in the 94th Congress. But because there was insufficient time to deal effectively with complex and comprehensive social security amendments, no final action was taken.

Groups of public employees covered by specific retirement systems have been permitted to participate in social security if a majority of the retirement system members voted in favor of coverage. In the past several years, for example, the New Jersey Essex County Board of Education Employees Pension Fund has had two referendums to permit members to elect social security coverage. Although a majority of those voting favored this proposal, a majority of the entire membership was not achieved and the proposal failed.

Last year I received over 5,000 signed letters from the Essex County Board of Education Employees Pension Fund advocating the extension of social security benefits to workers and officials throughout Essex County. Clearly, there is abundant support for this legislation.

Mr. President, this measure would provide a major benefit for public employees in New Jersey. A substantial group of my constituents have waited a number of years for this change, and I am hopeful that Congress will take up this matter as quickly as possible. I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1093

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 218(d)(6)(C) of the Social Security Act is amended by inserting "New Jersey," after "Nevada,".

By Mr. THURMOND:

S. 1097. A bill to amend the Internal Revenue Code of 1954 to exempt from taxation the pay received by certain members of the National Guard or of reserve components of the Armed Forces to the extent that such pay does not exceed $1,500 per year; to the Committee on Finance.

Mr. THURMOND. Mr. President, I send to the desk a bill to amend the Internal Revenue Code of 1954 to ex-

empt from taxation the pay of certain Reserve component members up to $1,500 annually.

As the Members of the Senate know, there exists in the Reserve components, particularly in the Army Guard and Army Reserve, serious shortfalls in personnel strength.

My bill would offer a relatively inexpensive incentive to the thousands of first-term members of the Reserve and Guard, the very members where our strength shortfall is so acute.

This income tax exemption of $1,500 annually applies for 6 years for all first-term members of the Reserve components, both officers and enlisted.

In the absence of the draft, our Reserve components are now our first line of augmentation for the active Forces. They provide this backup at one-fourth the cost of full-time forces. Under our mobilization plan to meet approved force levels, the Reserve components make up over 40 percent of our total requirements.

The personnel strength of the Reserve components has declined about 70,000 from August of 1974 to August of 1976. Most of these shortfalls are in the slots filled by first-term members.

Mr. President, I send this bill to the desk for reference to the appropriate committee and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1097

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part III of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by redesignating section 124 as section 125 and by inserting after section 123 the following new section:

"SEC. 124. PAY OF CERTAIN MEMBERS OF NATIONAL GUARD OR RESERVE COMPONENTS OF THE ARMED FORCES.

"In the case of an individual who serves as an enlisted member of a reserve component of the armed forces (as defined in section 261(a) of title 10, United States Code), gross income does not include so much of the compensation received for the first 72 months of such service, other than for service on active duty for a period of more than 30 days (within the meaning of section 101 (23) of such title), as does not exceed $125 per month.".

(b) The table of sections for such part III is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 124. Pay of certain members of National Guard or reserve components of the armed forces.
"Sec. 125. Cross references to other Acts.".

(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1977.

By Mr. RIBICOFF:

S. 1098. A bill to provide for certain research and demonstration respecting the disposal of sludge, the reclamation of waters damaged by sludge and sewage, assistance to State and local governments for the removal of sludge and other solid waste from waters and shoreline areas, and to provide that grants for waste treatment works shall be made only if such works provide for environmentally sound sludge management; to the Committee on Environment and Public Works.

SLUDGE MANAGEMENT ACT

Mr. RIBICOFF. Mr. President, one of the most serious environmental problems presently facing the country is the growth of sewage sludge. Sludge is the thick, foul-smelling mass which remains when wastewater is cleaned by sewage treatment or some other pollution control process. Currently, sludge production has risen to 140 million wet tons annually. In less than 10 years it is estimated that 260 million wet tons per annum will be produced—an 86 percent increase over the current rate.

Sludge represents a significant health and environmental hazard. Sludge produced by minicipal and industrial sewage treatment centers contains many potentially dangerous components. Various carcinogenic pesticides are present. Sludge also contains pathenogenic viruses and bacteria and many forms of heavy metals. Most sewage treatment processes are simply not able to reduce the amount of organisms in the sludge.

The costs of sludge management cover a wide range. They depend on such factors as the price of energy, transportation, land, and manpower as well as monitoring expenses to comply with Federal, State, and local regulations. From 30 to 50 percent of the capital costs of a treatment plant are for sludge management, for a total estimated cost of $1.7 to $2.8 billion annually.

There are a number of ways to dispose of sludge. Ocean dumping has been used for many years. This process is scheduled to be phased out by 1981, but some skeptics doubt that deadline will be met. Earlier this year the General Accounting Office reported that the ocean dumping permit program, administered by the Environmental Protection Agency, had only limited success. The GAO said that materials dumped in the ocean contained more harmful substances than the EPA had established as safe but were allowed because no alternative methods could be found.

In 1975 alone more than 5 million tons of municipal sewage sludge was dumped into the ocean, along with 3.4 million tons of industrial waste.

A 1975 report of the National Oceanic and Atmospheric Administration, NOAA, on a sludge dumping area known as the New York Bight stated that "bacteriological effects of ocean dumping have resulted in closing the area around the sludge dumping site to shellfishing." The NOAA report also declared that "There is concern that Long Island beaches are threatened by bacteriological contamination from sludge dumping."

Although sludge can be incinerated, it is an expensive undertaking—a situation exacerbated by rising fuel costs. In Connecticut, for example, most of the sewage treatment facilities built 5 or so years ago included sludge incinerators. I am informed, however, that most of these incinerators are now closed down because of the expense as well as their inability to meet air pollution standards. The air emissions contain chemical contaminations such as PCB's. Also, the process leaves an ash—amounting to about 10 percent of the original volume—to be disposed.

Landfilling sludge is an acceptable practice where suitable sites are available. It avoids the direct public health issues posed by pathogens and heavy metals, but there is danger to ground water if substantial leachates are produced. Recent data suggest this may not be an uncommon problem.

Land application provides for beneficial reuse since sludge does have several soil-improving characteristics. There are concerns, however, over the possible dangers from pathogens and heavy metals in sludge that could enter the food chain when applied to agricultural land, or that surface runoff could carry into rivers and streams. There is little agreement on what is a safe level of application and insufficient information on the behavior of heavy metals under different soil and climate conditions.

One of the most promising technologies is pyrolysis which can produce energy and activated charcoal and reduces the volume of material to be disposed. A demonstration plant is already underway in Orange County, Calif., and another one is planned for Baltimore. Nevertheless, this process is still in the experimental stage.

Mr. President, one does not have to think hard to recall the sludge and solid waste which closed miles of beaches on the sourthern shore of Long Island. These spills resulted in significant losses in beach-related revenues, both in terms of the sums necessary to carry-out clean-up operations as well as direct revenue losses because of a 50-percent decline in the number of beachgoers. Serious delays in carrying out the clean-up of the Long Island beaches were experienced. This revealed that serious jurisdictional and technical problems in sludge and solid waste spill cleanup exist in most areas of the Nation.

I believe the foregoing highlights the fact that a great deal more research is necessary to ascertain the economic and environmental impact of sludge management and disposal. Affirmative steps must be taken to resolve this growing problem. Hazardous and toxic substances found in the sludge we are producing exert serious effects on our Nation's health, environment and economy. By developing effective treatment processes and by recycling the material we will remove the grave dangers presently posed by municipal and industrial sludge.

Because of the problem with which we are confronted I am today introducing the Sludge Management Act of 1977. I commend the distinguished and able Congressman from Massachusetts, ROBERT DRINAN, for taking the initiative in this important area.

The Sludge Management Act provides for an accelerated program in the research and development of sludge management disposal. The Environmental Protection Agency is directed to investigate all aspects of the current sludge management and disposal process with

particular attention focused on ocean dumping, landfilling, land-spreading and incineration. The EPA will have authority to evaluate and fund sludge management technologies determined to be potentially viable. That agency will also undertake a research effort to ascertain the environmental, health and economic impact of the major existing sludge management strategies.

The EPA will establish a local assistance program under which the Federal Government will provide technical and financial aid to communities involved in the cleanup of sludge, sewage and other solid waste spills. In addition, demonstration projects can be undertaken for innovative ways to remove existing sludge deposits from local waterways.

Mr. President, sludge is generated at the rate of 5 million dry tons per year in this country. We must have better sludge disposal technology if we are to effectively cope with this serious economic and environmental problem. I urge therefore that this legislation be acted upon with all possible speed.

By Mr. DURKIN:

S. 1099. A bill to provide for the establishment and maintenance of a reserve inventory of wheat, feed grains, and soybeans; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURKIN. Mr. President, I introduce for appropriate reference a bill, which if enacted, would establish and maintain a reserve of wheat, feed grains, and soybeans, so that the extreme shortages of food which occurred in this country just a few short years ago contributing to dramatic price increases in this country and starvation in others will be less likely to occur in the future.

The Biblical Joseph rose to a leading position in ancient Egypt because he understood well a lesson which we seem to forget so quickly—in agriculture there are lean years as well as fat years. I know full well that agricultural methods have developed enormously since the days of the Pharoahs. But what has not changed much is our ability to control one of the most important ingredients in the production of our basic foods—the weather. And until and if we can control that and some other obstacles to guarantee food production, we must prepare for our lean years by acting prudently during our fat years.

This year may be a fat year. That is the strongest reason for dealing with this matter now. U.S. production has been high during the past 2 years, and most other major countries, including the Soviet Union, the People's Republic of China, and India, which often must call upon the United States for substantial food imports, seems to have had abundant harvests last year. The crises in Bangladesh and in Saharah Africa which loomed so large seem to have abated to a degree. The urgent atmosphere which surrounded the November 1974 World Food Conference in Rome at which the United States adopted a position favoring the negotiation of an international system of food reserves has disappeared. The tide that washed through this city as domestic food prices soared in 1973 and 1974 has been reduced to a few ripples.

But we must not be lulled to sleep by our apparent present state of well-being. Already we are hearing about a potential agricultural production catastrophe in the drought-stricken areas of our country west of the Mississippi. Reports are coming from China and the U.S.S.R. that these countries are or will be moving into world markets to purchase grains to make up shortfalls in their own production. We are not yet back to the severe problems of the early 1970's, but neither are we totally free from the problems which could easily create another massive increase in domestic food prices and a massive number of starving people elsewhere in the world.

Food production in this country should not be a competition between farmers and consumers. It should be a source of cooperation. I realize that some people believe that any plan to store grain reserves at Government expense is simply a present to our Nation's farmers. This is a fundamental misperception. The purpose of stored reserves such as those that would follow enactment of my bill is to protect consumers from unanticipated production disasters. At the same time, my bill contains provisions to prevent the release of the stored reserves at prices which will hurt our Nation's farmers who need stable prices as much as do our consumers.

I have taken care, Mr. President, to introduce a provision in my bill to indicate that its passage would in no way affect the authority of the President under section 412, passed during the last Congress, of the Agricultural Trade Development and Assistance Act of 1954 to seek an international agreement for a system of food reserves as envisoned during the 1974 World Food Conference. Strides toward such an international agreement have slowed noticeably, but I hope that under the lead of our new administration, other world leaders take new steps at this time when reason and not just crisis dictates such a move is necessary.

Sensibly stored agricultural reserves can only benefit our country. The sooner the Congress moves to that realization, the sooner these benefits will come.

By Mr. BAYH:

S. 1100. A bill to amend the Federal Rules of Evidence to protect the privacy of rape victims and for other purposes; to the Committee on the Judiciary.

Mr. BAYH. Mr. President, I am introducing today the Privacy Protection for Rape Victims Act of 1977. This legislation is identical to H.R. 408 introduced in the House of Representatives by Congresswoman LIZZ HOLTZMAN along with 102 cosponsors.

The purpose of the legislation I am introducing today is a simple one—to make the prosecution of Federal rape cases more effective and more equitable for rape victims. This legislation is an amendment to the Federal Rules of Evidence, which seeks to provide adequate protection for rape victims against unwarranted invasions of their privacy during rape trials.

At the present time, many women rape victims are reluctant to report a rape or to testify during the trial itself. Many of these women fear that once they take the witness stand they will be subjected to a painful cross examination into the intimate details of their past sexual histories. In Federal court and in most State courts, the trial judge is free to decide on a case by case basis, whether a victim can be cross examined indiscriminately as to her past sexual relationships. Unfortunately, in many instances such questioning has degenerated into a public humiliation of the victim herself, and has had little relevance to the prosecution of the case in question.

The unfortunate result of this practice has been that women are hesitant to cooperate with police and prosecutors in bringing such cases to trial. After suffering the trauma of rape, many victims are understandably reluctant to put themselves through another ordeal on the witness stand. The practice of subjecting rape victims to such interrogation has been clearly shown to act as a deterrent on effective law enforcement for the crime of rape.

One need only look to a few statistics to show that a majority of the rapes committed is never reported. For example, the New York City Police Department estimates that only 1 in every 10 rapes committed in that city are ever reported. An 18-month-long study by the Denver Anti-Crime Council showed that 43.2 percent of reported rapes during the study period were never brought to trial because the victim refused to prosecute.

The legislation that Congresswoman HOLTZMAN and I are proposing would act to correct this problem by barring cross examination about the victim's past sexual history. In order to protect the rights of the defendant in such cases, our bill would provide for two narrow exceptions to this rule. The first is with respect to the victim's prior sexual relationship with the defendant, and the second is the case where a defendant claims that he did not have sexual relations with the victim and wishes to introduce evidence to show a third party was responsible for the act.

Evidence which might fall under these two exceptions is not automatically admissible however. If the defendant proposes to offer evidence in either category, he must first make a written offer of proof which is submitted to the presiding judge. If the judge then decides after an in camera hearing that such evidence is admissible, he must make a written order specifically identifying the evidence to be admitted and describing exactly the areas of cross examination to be permitted. This procedure is designed to afford the victim maximum notice of the questioning that may occur.

It is our hope that this legislation will serve as a model statute for individual State laws. To date at least 30 States, including my own State of Indiana, are more progressive than the Federal Government on this issue.

The crime of forcible rape is the fastest growing crime in the United States. The number of forcible rapes has increased an astonishing 62 percent since 1968. FBI statistics for 1975 show that reported rapes nationwide numbered 56,093. This means there is one rape every 10 minutes. I hope that my colleagues will join me in sponsoring this legislation which will provide for fairer and more effective prosecution of rape crimes. I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Privacy Protection for Rape Victims Act of 1977".

SEC. 2. (a) Article IV of the Federal Rules of Evidence is amended by adding at the end thereof the following new rule:

"RULE 412. RAPE CASES; RELEVANCE OF VICTIM'S PAST BEHAVIOR

"(a) Notwithstanding any other provision of law, reputation or opinion evidence of a person's past sexual behavior is not admissible in any trial if an issue in such trial is whether such person was raped or assaulted with intent to commit rape.

"(b) Notwithstanding any other provision of law, evidence of specific instances of a person's past sexual behavior is not admissible in any trial if an issue in such trial is whether such person was raped or assaulted with intent to commit rape, except that otherwise admissible evidence of specific instances of such conduct is admissible in such trial—

"(1) if such evidence—

"(A) is evidence of sexual behavior with persons other than the accused, offered by the accused upon the issue of whether the accused was or was not, with respect to the alleged victim, the source of pregnancy, disease, semen, or injury; or

"(B) is of past sexual behavior with the accused and is offered by the accused upon the issue of whether the alleged victim consented to the sexual behavior with respect to which rape or assault is alleged; and

"(2) if the requirements contained in subsection (c) are satisfied.

"(c)(1) If the person accused of committing rape or assault with intent to commit rape intends to offer under subsection (b) evidence of specific instances of the alleged victim's past sexual behavior, the accused shall make a written motion to offer such evidence not later than fifteen days before the date on which the trial in which such evidence is to be offered is scheduled to begin, except that the court may allow the motion to be made at a later date, including during trial, if the court determines that the evidence is newly discovered and could not have been obtained earlier through the exercise of due diligence. Any motion made under this paragraph shall be served on all other parties and on the alleged victim if not a party.

"(2) The motion described in paragraph (1) shall be accompanied by a written offer of proof. If the court determines that the offer of proof contains evidence described in subsection (b)(1), the court shall order a hearing in chambers to determine if such evidence is admissible. At such hearing the parties may call witnesses, including the alleged victim, and offer relevant evidence. Notwithstanding subsection (b) of rule 104, if the relevancy of the evidence which the accused seeks to offer in the trial depends upon the fulfillment of a condition of fact, the court, at the hearing in chambers or at a subsequent hearing in chambers scheduled for such purpose, shall accept evidence on the issue of whether such condition of fact is fulfilled and shall determine such issue.

"(3) If the court determines on the basis of the hearing described in paragraph (2) that the evidence which the accused seeks to offer is relevant and that the probative value of such evidence substantially outweighs the danger of unfair prejudice, such evidence shall be admissible in the trial to the extent an order made by the court specifies evidence which may be offered and areas with respect to which the alleged victim may be examined or cross-examined.

"(d) For purposes of this rule, the term 'past sexual behavior' means sexual behavior other than the sexual behavior with respect to which rape or assault with intent to commit rape is alleged.".

(b) The table of contents for the Federal Rules of Evidence is amended by inserting immediately after the item relating to rule 411 the following new item:

"Rule 412. Rape cases; relevance of victim's past behavior.".

SEC. 3. The amendments made by this Act shall apply to trials which begin more than thirty days after the date of enactment of this Act.

By Mr. HEINZ:

S. 1104. A bill to direct the Secretary of the Interior to establish the Legionville National Historic Site in the State of Pennsylvania; to the Committee on Energy and Natural Resources.

Mr. HEINZ. Mr. President, I am today introducing legislation which would create a national historic site at Legionville, Pa. I introduced similar legislation into the House of Representatives last year, but unfortunately, no action was taken.

As you may know, Legionville played a very significant role in American history. It served as the first military training camp in the United States, and was the base for Gen. Anthony Wayne's "Legion of the United States," which successfully secured western Pennsylvania from Indian attacks in the 1790's.

Furthermore, the first Legion of the United States, trained at Legionville, opened the Northwest Territory to westward American expansion and settlement. During that time a future President, Benjamin Harrison, served as a lieutenant at Legionville. Merriweather Lewis served as a major there long before he volunteered for his famous westward expedition. Mr. John Jakes, author of the well-known American Bicentennial series, has mentioned Legionville in the third volume of that series, and has described the Battle of Fallen Timbers, in which the first Legion of the United States under General Wayne was engaged.

However, despite its historical significance, Legionville remains the largest unrestored post-Revolutionary site in the United States.

The Anthony Wayne Historical Society, along with other interested historical groups, has been instrumental in having the Legionville area designated as a State historic site. The Pennsylvania State Historical Preservation Office has listed Legionville in the National Register of Historic Places.

Unfortunately, these efforts on the State level have not been enough to protect and preserve this historic location. As of now, this land where Presidents and generals walked is zoned for industrial use. Unless designated as a national historic site and taken over by the National Park Service, Legionville may well be lost for future generations of Americans to enjoy.

For this reason, I am introducing legislation which would direct the Secretary of the Interior to acquire the 22 acres in Harmony Township, Beaver County, which comprise the original Legionville area. The National Park Service would then administer the land as a national historic site, and would not only preserve this land from future misuse, but would be able to reconstruct a model of the original encampment.

It is my hope that we will be able to commemorate a vital part of our American heritage by establishing the Legionville National Historic Site.

For the benefit of my colleagues, I ask unanimous consent that the text of my legislation be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1104

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to preserve and interpret for the benefit of present and future generations the site of the first military training camp established in the United States, the Secretary of the Interior shall acquire by gift, purchase, or otherwise, the real property described in subsection (b) for the establishment and administration of a national historic site.

(b) The real property referred to in subsection (a) is that real property in Beaver County, Pennsylvania, containing twenty-two acres more or less, in the northernmost part of Harmony Township, adjacent to Baden Borough, which is bordered by Duss Avenue, State Highway 65, and Logan Lane.

SEC. 2. The property acquired under the first section of this Act shall be known as the Legionville National Historic Site, and it shall be administered by the Secretary of the Interior, acting through the National Park Service, in accordance with the Act of August 25, 1916, entitled "An Act to establish a National Park Service, and for other purposes" (16 U.S.C. 1, 2–4) and the Act of August 21, 1935, entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes" (16 U.S.C. 461–467).

By Mr. LEAHY:

S. 1105. A bill to amend section 107 of the Energy Reorganization Act of 1974 (42 U.S.C. 5817) to delegate power to State legislatures to veto Energy Research and Development Administration site selection for radioactive waste storage; to the Committee on Energy and Natural Resources.

Mr. LEAHY. Mr. President, many citizens harbor serious doubts about the safety of our current generation of reactors, and are still more wary of the potential dangers posed by the next, more complicated, generation.

An even more immediate concern focuses on the problems involving disposal of nuclear waste. The findings of a recent

Harris poll confirm the seriousness with which the public views the radioactive waste problem. According to this poll, 67 percent express the view that "the disposal of radioactive waste materials which remain radioactive for many centuries to come is a major problem."

The concern is so great in my own State of Vermont that in a series of town meeting votes earlier this month more than 30 Vermont towns approved proposals to ban construction of nuclear facilities, atomic waste storage, and transportation of atomic wastes within their boundaries.

Mr. President, I ask unanimous consent that two newspaper articles describing these votes be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, while I share the concern of those Vermonters and others who have expressed serious reservations about nuclear power, I also realize that we may be forced to resort to this power source in some measure until we can enact the proper environmental and safety standards, and acquire the necessary physical plant to make coal a major option. Solar energy and other alternative sources will play an important role, but they cannot take up all of the slack in the immediate future.

However, a safe means of disposal for these long-lived radioactive wastes must be demonstrated beyond a reasonable doubt. A coordinated, responsible and responsive management of this effort must also be demonstrated by those responsible for is implementation. Neither has been forthcoming.

Even if we never build another facility capable of producing radioactive waste, we will still have to deal with high-level waste being generated by ERDA programs at the rate of 7.5 million gallons a year, and the estimated 60 million gallons of liquid high-level waste that the commercial nuclear power industry in the United States will have generated by the year 2000. In addition, existing military radioactive waste alone is approximately 215 million gallons of liquid waste.

Because I share the concerns of thousands of my constituents, and millions of other Americans, I am today introducing legislation which would give the States a role in the decisionmaking process over the selection of waste storage facilities. My bill would require the Energy Research and Development Administration to publicly notify the presiding officers of a State legislature of its intent to explore a site in that State for the purpose of constructing a radioactive waste storage facility. It would also forbid ERDA from contracting for construction of a radioactive waste storage facility at a site in a State where the State legislature by joint or concurrent resolution states that that site shall not be used for that purpose.

Mr. President, by introducing this bill I am not trying to turn back the clock or deny Vermont or any other State an adequate future energy supply. I am merely putting those responsible for the safe disposal of our atomic waste on notice that until they have demonstrated their grasp of this serious problem, the people of this country will have the power to veto what may be dumped in their own backyard.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1105

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 107 of the Energy Reorganization Act of 1974 (42 U.S.C. 5817) is amended by adding the following new subsection.

"(g) (1) The Energy Research and Development Administration must publicly notify the presiding officers of the State legislature of its intent to explore a site in that State for the purpose of construction of a radioactive waste storage facility.

"(2) The Energy Research and Development Administration shall not permit contracting for construction of a radioactive waste storage facility at a site in a State where the State legislature by joint or concurrent resolution states that that site shall not be used for such purpose.".

[From the Valley News (Vt.), Mar. 2, 1977]

NUCLEAR BAN VOTED BY VERMONT TOWNS

MONTPELIER, VT.—A citizens action group supported primarily by college students has won a victory over the Vermont electric utility industry.

In a series of town meeting votes, more than 20 Vermont towns Tuesday passed proposals by the Vermont Public Interest Research Group to ban the construction of nuclear facilities and transportation of atomic wastes within their boundaries.

All the Upper Valley towns that considered the issue, voted to ban reactors and nuclear waste transportation.

Norwich passed the ban 70–39 in a standing vote.

Thetford passed the measure with a resounding voice vote.

In Fairlee the vote was 73–18 in a paper ballot.

Newbury passed the ban in a voice vote and the town of Sharon voters were not in favor of "having a 'nuclear' dump within the town."

In Vershire the ban was brought up under "other business" and passed by a voice vote with only one person opposed.

The votes were thought to be the first widespread expression at the local level in the United States of concern about nuclear energy.

The proposed bans were strongly opposed by the electric utility industry, business groups and Gov. Richard Snelling.

Incomplete returns showed 20 towns in favor of such bans and only two against. More than 30 towns had taken votes on the issue.

VPIRG Executive Director Herman Bluestein termed the vote results "a resounding setback to the nuclear industry."

But Thomas Hurcomb, a Central Vermont Public Service Corp. vice president, said since there is little likelihood the bans can be enforced, many people voted without thinking there was "anything at stake."

"People felt it was easy to vote in favor of the measures without having to pay a price," he said.

However, he said the votes could have an impact on the electricity supply in Vermont by reducing the options utilities have in choosing sites for future generating plants.

The only nuclear plant in the state is the 540,000 kilowatt Vermont Yankee nuclear power plant in Vernon. Utility industry spokesmen have announced no further plans to build another nuclear facility in the state.

Current transportation plans have nuclear wastes passing from the Vermont Yankee plant at Vernon through Brattleboro before heading south on Interstate 91 into Massachusetts.

Brattleboro will vote on the question at its March 19 representative town meeting.

Guilford, one of the towns along the nuclear fuel transportation route, voted for the bans Tuesday. But trucks carrying nuclear fuel only pass through Guilford on a short stretch of Interstate 91, a federal superhighway. The nuclear transport trucks do not travel over Guilford town highways.

[From the Burlington Freepress (Vt.), Mar. 2, 1977]

VERMONTERS RESIST NUCLEAR POWER

(By Bill Braun)

Vermonters said "no" to nuclear power plants, atomic waste storage and/or transportation in at least 28 towns around the state Monday night and Tuesday.

There were only three known ripples in a sea of town meeting votes approving anti-nuclear stances.

Voters in Waterville effectively killed an anti-nuclear measure by tabling it after it was brought up from the floor at the close of the meeting.

In Castleton late Monday night, voters decided by a 65–63 margin not to add a transportation ban to the town's year-old prohibition against the construction of nuclear power plants and the storage of nuclear wastes.

And in Orwell, it was decided to postpone a decision on the atomic power and waste questions until a special town meeting which will be held at a time not yet determined.

In many towns the nuclear question was decided on voice votes—unanimous in at least three small towns.

Among towns for which hand counts or Australian ballot totals were available late Tuesday, the margins ranged anywhere from Pawlet's fairly close 229–165 to Fairlee's 73–18.

Most towns considered three-point questions to cover construction and operation of reactors, storage of waste and transportation of materials through the town.

Not all the towns considered or voted on all three parts.

The matter was brought up from the floor in Brunswick in Essex County and voters there decided to ban storage and transportation. They never considered plant construction.

The question was on the Warning in Westminster but the outcome was not available late Tuesday night.

Towns which did adopt anti-nuclear measures ranging from general policy statements to mandates for town ordinances are:

Brookline, Guilford, Jamaica, Marlboro and Putney in Windham County; Benson, Clarendon, Chittenden, Middletown Springs, Mount Holly, Pawlet, Pittsford, Shrewsbury and West Haven in Rutland County; Fairlee, Newbury and Thetford in Orange County; Berlin, Plainfield and Woodbury in Washington County; Barnet, Danville and Stannard in Caledonia County; Norwich and Weston in Windsor County; Charlotte in Chittenden County; Fairfield in Franklin County; Grand Isle in Grand Isle County; and Brunswick in Essex County.

In Putney, only about 10 miles from the state's only atomic power plant at Vernon, residents approved the anti-nuclear questions by a margin of nearly 2–1 despite pro-

nuclear arguments by former U.S. Sen. George Aiken.

The nuclear vote generally considered most critical to the nuclear power industry will be in Brattleboro at that town's representative meeting March 19. Brattleboro is on the transportation route to the Vermont Yankee plant at Vernon.

The Vermont Public Interest Research Group, which initiated the anti-nuclear move, claimed victory Tuesday night.

By Mr. DOLE (for himself and Mr. HUMPHREY):

S. 1106. A bill to amend the Commodity Credit Corporation Charter Act; to the Committee on Agriculture, Nutrition, and Forestry.

SILO LOANS

Mr. DOLE. Mr. President, today I introduce a bill to provide authority for the Department of Agriculture to make loans available to farmers for the construction of on-the-farm storage structures for dry or high moisture forage, silage, or grain. I am especially pleased that the distinguished Senator from Minnesota (Mr. HUMPHREY) has joined me as cosponsor of this legislation.

FARM FACILITY LOANS

Under the terms of the Department of Agriculture's farm facility loan program, loans for the construction of silos have been available intermittently at the discretion of USDA. My legislation is intended to broaden the law to include silo loans as a regular part of the program, together with the loans which are presently available for grain storage bins and drying equipment.

At a time when many farmers are being forced out of business, particularly in the dairy sector, loans for additional storage facilities to handle silage would be extremely useful. Farm facility loans cover up to 70 percent of the cost of a structure and are made at 7.5 percent with a 5-year repayment period.

MANY BENEFITS

The construction of facilities to handle high moisture feed stuffs will give farmers more versatility in the feeding of their livestock. Further, in many areas of the country with short growing periods, early frost sometimes makes it impossible to harvest dry grain. Facilities for handling silage would enable farmers to harvest and utilize forage crops that otherwise might be lost.

ENERGY SAVINGS

High moisture storage facilities have another important benefit—they make possible a significant energy savings. Drying grain requires the use of scarce energy—usually natural gas or propane—in order to preserve it in storage. I understand that more fuel was used to dry the 1976 corn crop than was used to grow it! This is terribly wasteful and contrary to the national interest in conserving fuel since grain can be preserved as feed without expending energy. My legislation provides an incentive for the construction of high moisture storage facilities.

I should add that since the delivery system for on-the-farm storage facility loans already exists through the Agricultural Stabilization and Conservation Service—ASCS—little or no administrative cost will be necessary to implement the intent of my legislation.

Mr. President, this is a good bill aimed at assisting the hard-pressed livestock and dairy operators in every State of the Nation, and I urge my colleagues to support it.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(h) of the Commodity Credit Corporation Charter Act (62 Stat. 1070, as amended; 15 U.S.C. 714b(h)) is amended by inserting in the fourth proviso of the second sentence after the words "suitable storage" the following: "for dry or high moisture forage, silage, or grain".

By Mr. HATHAWAY:

S. 1107. A bill to provide Federal financial assistance to employers, labor organizations, or consortiums thereof, or other groups or individuals, to establish and operate occupational alcoholism programs for the diagnosis and treatment of alcohol abuse and alcoholism in employed persons, including managerial personnel, and their dependents, and for other purposes; to the Committee on Human Resources.

Mr. HATHAWAY. Mr. President, I am reintroducing a bill today to provide Federal assistance to employers, labor organizations, and other groups, to establish and operate occupational alcoholism programs.

This bill is similar in many respects to the measure which passed the Senate by a unanimous vote of 69 to 0 last June, as an amendment to the Tax Reform Act. Because of modifications made on the floor of the Senate at that time, however, specific tax-related aspects of the amendment were eliminated, and for that reason the provision was subsequently dropped by the tax conference committee. However, as was clearly indicated at the time, such action in no way indicated a lack of support for the underlying premise of the provision—that there should be a significant Federal role in providing incentive funds to employers and labor organizations for occupational alcoholism programs.

The bill I am introducting today authorizes the Secretary of Health, Education and Welfare, acting through the National Institute on Alcohol Abuse and Alchoholism, to make grants to pay up to one half of the cost of occupational alcoholism programs. Individual employers and unions, or consortiums of such employers or unions, will apply directly to the Secretary for such grants, which will be funded out of a sum of money allotted to programs in the State in which the program is located. Allotments to each State will be made out of annual appropriations, on the basis of the relative labor force population of the State. To fund the program, the bill authorizes the appropriation of an amount equal to 2.5 percent of the total Federal alcohol taxes collected on beer, wine and liquor, for the fiscal years 1979 through 1982. The dollar amounts of such an authorization would probably vary between $100 million and $120 million a year.

The primary difference between this bill and the amendment the Senate accepted to the Tax Act is that the direct, automatic linkage between the program and the tax has been eliminated. While the original intention had been to form a trust fund out of which these programs would be supported, that is no longer the case with the measure being introduced today. After considerable discussion of this matter with my respected colleagues, Senators LONG, MCCLELLAN and WILLIAMS, chairmen of the Committees on Finance, Appropriations and Human Resources, it was decided that the trust fund mechanism would be too difficult both to enact and to administer, and that the route utilized in the current measure fits better into the traditional operating procedures of the Congress.

For that reason, this bill is clearly programmatic in nature, and will be considered by the Committee on Human Resources. Its appropriation will clearly require annual appropriations acts by the Congress. On the other hand, I do intend to maintain the link between the funding of this measure and the level of alcohol consumption in America, by authorizing an appropriation equal to a percentage of the Federal alcohol tax, rather than a specific sum. And I also intend, in the very near future, to offer a tax amendment increasing those alcohol taxes by an amount necessary to fund these programs.

Mr. President, my Subcommittee on Alcoholism and Drug Abuse will hold hearings on this bill, and on the general problems of alcoholism in the workplace, in the very near future. In the course of those hearings, I hope to develop a significant base of information about the social and economic effects of alcoholism in the workplace, as well as the efficacy of occupational programs in alleviating those effects. Meanwhile, I urge my colleagues to read the statement I made on this subject last year, during Senate deliberation of my original amendment, and to join me in cosponsoring this badly needed measure.

I ask unanimous consent that the bill be printed in the RECORD, together with the statement to which I referred.

There being no objection, the bill and statement were ordered to be printed in the RECORD, as follows:

S. 1107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Occupational Alcoholism Prevention and Treatment Act of 1977".

STATEMENT OF FINDINGS

SEC. 2. (a) The Congress hereby finds and declares that—

(1) significant numbers of working Americans currently suffer from alcohol abuse and alcoholism, generating an incalculable social and economic cost for themselves and their families, and for American industry as a result of absenteeism, accidents, reduced productivity, increased need for health care,

faulty decisions, personnel turnover, and other effects;

(2) occupational alcoholism programs have demonstrated their effectiveness in diagnosing and treating alcohol abuse and alcoholism in employed individuals and managerial personnel, including the identification of such problems at an earlier stage than they are generally diagnosed outside the occupational settings; and

"(3) while certain large employers and labor organizations have underwritten their own occupational alcoholism programs because of the demonstrated cost effectiveness of such programs, economies of scale for most employers and labor organizations will prevent the establishment and operation of such programs unless the Federal Government provides incentives and technical assistance to such employers and organizations for that purpose."

(b) It is the purpose of this Act to authorize grants to employers, labor organizations, consortiums of employers and labor organizations, and public or private nonprofit agencies and organizations, to pay up to half of the cost of establishing and operating occupational alcoholism prevention and treatment programs.

SEC. 3. (a) The Secretary of Health, Education, and Welfare (hereinafter referred to as the Secretary), acting through the National Institute on Alcohol Abuse and Alcoholism (hereinafter referred to as the Institute), shall make grants to employers, labor organizations, consortiums of employers or labor organizations or both, and to public or private nonprofit agencies, organizations, to pay no more than fifty percent of the cost of establishing and operating occupational alcoholism programs.

(b) For the purpose of making such grants, there are hereby authorized to be appropriated for fiscal years 1979, 1980, 1981, and 1982 not to exceed 2.5 percent of those amounts determined by the Secretary of the Treasury to be equivalent to the taxes received in the Treasury under section 5001(a)(1), section 5041(a), and section 5051(a) of the Internal Revenue Code (relating to the rate of tax on alcohol) in the most recent fiscal year for which such information is available.

(2) The program authorized by this Act shall not qualify as one of the exceptions provided in section 401(d) of the Congressional Budget and Impoundment Control Act of 1974.

(3) Sums appropriated pursuant to this Act shall be available until expended.

ALLOTMENTS TO STATES

SEC. 4. (a)(1) From the sums appropriated pursuant to this Act, the Secretary shall allot not more than 1 per centum among Guam, American Samoa, the Virgin Islands and the Trust Territory of the Pacific Islands according to their respective needs.

(2) From 90 per centum of the remainder of such sums the Secretary shall allot to each State an amount which bears the same ratio to such 90 per centum as the labor force population of the States bears to the labor force population of all States.

(3) The remainder of the sums appropriated pursuant to this Act shall be available to the Secretary for administration of this Act, including the evaluation of, and research into, the effectiveness of occupational alcoholism programs, and the training of occupational alcoholism program personnel.

(b)(1) The amount by which any allotment to a State for a fiscal year under subsection (a) exceeds the amount which the Commissioner determines will be required for such fiscal year for applications approved under section 5 within such State shall be available for reallotment to other States in proportion to the original allotments to such States under subsection (a) for that year, to the extent necessary to fund approved applications in such other States.

(2) In order to afford ample opportunity for all eligible applicants in a State to submit applications for assistance under this title, the Secretary shall not fix a date for reallotment, pursuant to this subsection, of any portion of any allotment to a State for a fiscal year which date is earlier than ninety days prior to the end of such fiscal year.

(3) In any year in which funds appropriated pursuant to this Act are determined by the Secretary to exceed the amount required to fund all approved applications for occupational alcoholism programs, the remainder of such funds may be expended by the Secretary, acting through the Institute, to provide treatment and prevention services to other currently underserved populations, such as racial and ethnic minorities, native Americans, youth, female alcoholics, and individuals in geographic areas where such services are not otherwise adequately available.

(c) For the purpose of this Act the term "State" shall include the Commonwealth of Puerto Rico and the District of Columbia.

(d) The labor force population of a State and of all States shall be determined by the Secretary on the basis of the most recent satisfactory data available to him from the Bureau of Labor Statistics of the Department of Labor.

SEC. 5. (a)(1) Sums allotted to each State under this Act shall be used by the Secretary to make grants to approved applicants in the State, including employers, labor organizations, consortiums of employers or labor organizations or both, and public or private non-profit agencies or organizations which enter into cooperative agreements with such employers, labor organizations or consortiums, to establish and operate occupational alcoholism treatment programs.

(2) For the purpose of this Act, "occupational alcoholism programs" shall be defined as programs operated primarily for the diagnosis or treatment, or both, of alcohol abuse and alcoholism in employed persons, including managerial personnel, and their dependents. Such programs may include, but shall not be limited to, intervention, diagnosis, counseling, referral, treatment, prevention and rehabilitation.

(b) Any individual or organization which desires to receive funds pursuant to this Act shall submit an annual application for such funds, for approval by the Secretary, which shall include a description of the program to be carried out, and which shall include assurances of—

(1) the availability of funds, from non-federal sources, to pay at least 50 per cent of the cost of the program;

(2) the professional capability to carry out the program described in the application; and

(a) the need for such a program, including the lack of adequate services currently available to the population intended to be served.

(c) All applicants approved by the Secretary shall be eligible to receive grants from the Secretary out of the sums allotted to the State in which the applicant's program is located, or in the case of applications affecting individuals residing in two or more contiguous States, out of the allotments of more than one State, at the discretion of the Secretary.

(2) If the sums allotted to a State for any fiscal year are not sufficient to fund all the approved applications in that State, the Secretary may, in his discretion, prorate the allotted sums among all approved applicants, or fund only a portion of the approved applications, pursuant to criteria which he shall publish.

OCCUPATIONAL ALCOHOLISM TRUST FUND

Mr. HATHAWAY. Mr. President, the modified amendment I am offering at this time would permit the use of excise taxes on alcoholic beverages for the treatment of persons suffering from alcohol abuse and alcoholism. Specifically, the amendment would create a new Alcoholism Trust Fund, the proceeds of which would be available for the diagnosis, treatment, and rehabilitation of employed alcoholics, and their dependents, through programs operated by or through their employers, their unions, or both.

This amendment involves a modification of an earlier amendment I submitted, which would have required a 2.5-percent increase in the excise taxes on alcohol.

I originally offered it in the Finance Committee during the session in which we considered committee amendments. At that time, the tax increase proposed in my amendment was 5 percent. At the specific suggestion of the distinguished chairman of the committee, I agreed to modify the proposal by cutting it in half. After making that modification, I was extremely gratified that the committee voted unanimously to agree in principle with my proposal, and to support me when I offered the amendment on the floor.

I am also pleased to note the support of the distinguished chairman of the Committee on Labor and Public Welfare, Senator WILLIAMS, who has worked so long and hard for an increased Federal commitment in this area.

At this time, I have agreed to further modify my amendment by eliminating the tax increase feature altogether, pending hearings into the best method of financing the trust fund.

I am well aware that the concept of dedicated taxes and the creation of trust funds has always been a complicated one in the Congress. However, I am firmly convinced that such a concept is nowhere more appropriate than in the area of alcoholism and alcohol abuse.

Our Government and our society now sanction, even encourage, the legal sale of alcoholic beverages, and collects billions of dollars per year in tax revenues from them. Yet the consumption of alcohol directly results in one of our three largest health problems in America, along with heart disease and cancer. And indirectly, when you consider such factors as alcohol-related deaths in auto accidents, other kinds of accidents, and lost productivity to the American economy, alcohol may very well be the largest of those three.

Yet our Federal support for research, diagnosis, treatment, and rehabilitation for alcoholism lags painfully far behind those two major health areas, and many others as well.

During fiscal 1976, for example, the Federal Government spent $762,647,000 on cancer research alone, and $370,347,000 on heart and lung disases. In contrast, alcoholism, with over 9 million victims, received a total of just $155,000,000 to cover research, treatment and rehabilitation, prevention, and several other functions.

Somehow, the societal stigma that has always attached to the disease of alcoholism continues to be attached to efforts to fund an adequate program to alleviate the problems it causes. In the year and a half since I assumed the chairmanship of the Senate Subcommittee on Alcoholism and Narcotics, I have become increasingly convinced that the only way we are ever going to make further progress toward solving these problems is through innovative methods like the one I am proposing today.

There is nothing particularly novel about the notion of earmarking a small portion of the tax on alcohol for treatment and rehabilitation programs. Many foreign coun-

tries have set up complete alcoholism research and care systems, using money collected from alcohol taxes. And nearly a third of our States allocate the proceeds of various specific alcohol taxes to treatment funding.

Included among those States are Alabama, Washington, D.C., Florida, Indiana, Kentucky, Michigan, North and South Carolina, Ohio, South Dakota, Utah, Vermont, Virginia, Washington State, West Virginia, and Wisconsin.

The amount of money required by my amendment is expected to be quite insignificant, in comparison with the total amounts collected from such taxes every year. In 1975, for example, the Federal Government alone raised nearly $6 billion from all its alcohol taxes—making alcohol revenues second only to the income tax in amounts raised in this country.

The amount would also be quite small in comparison to the overall price tag of a bottle of booze. If just 2½ percent of the tax is set aside, the portion per fifth of liquor will be just 5 cents. On a case of beer, only 1½ cents. And on a gallon of wine, less than a penny. That's hardly a sacrifice for drinking Americans, in comparison with the scope of the need for treatment—especially when you consider that some researchers have estimated that fully half of all the alcohol in this country is consumed by our 9 million active alcoholics.

Yet the money raised by such a small earmarking, if used effectively for diagnosing and treatment present and future victims of alcohol abuse, can have a profound effect on this health problem and the human and economic destruction it leaves in its wake.

For while alcoholism is indeed a serious health problem it is unique among such problems in that it is both preventable and treatable. And there is no better place to commence a major new effort to do both than in the occupational setting.

I have chosen occupational alcoholism diagnosis and treatment programs as the primary designated recipient of these funds, for the present. While such programs are currently underfunded and underutilized they offer the strongest hope for identifying and treating the alcoholic while he or she is still capable of functioning in society.

We already spend a considerable sum of money to treat the alcoholic who has "hit bottom," who seeks treatment for his or her disease because there is nowhere else to go. Yet the so-called skid row types which most clearly represent this stage of the illness comprise only 3 to 5 percent of all active alcoholics.

On the other hand, over 90 percent of all male alcoholics are currently employed, and a high percentage of women as well. Taking the figures another way, the National Council on Alcoholism estimates that 5.3 percent of the work force, or over 5 million people, are currently alcoholics. Another 10 percent are estimated to have serious drinking problems.

This represents an almost incalculable cost to American industry—in absenteeism, accidents, reduced productivity, faulty decisions, and personnel turnover. Dollar estimates range from $15 to $25 billion, not including intangible loss in personal and company investment in training an employee. The NCA estimates the average annual per-employee cost at $3,000, and this seems to be a conservative estimate.

This profound effect is demonstrable, because numerous studies have now shown that the alcoholic, compared to other workers, has: 2.5 times as much absenteeism; 3.5 times the work absence due to off-the-job accidents; twice the incidence of respiratory and cardiovascular disease; three times the incidence of digestive disorders.

Other studies have shown that 23 percent of alcoholics are disabled 15 days or more per year, as opposed to 10.3 percent of other employees; 12.8 percent for 30 days or more—compared to 6.5 percent—and 3.8 percent for 90 days or more—compared to 0.6 percent. Also, alcoholic employees have a death rate 3.22 times nonalcoholic employees. In this regard, researchers found that an alcoholism program would reduce insurance premiums by 1.7 percent and claims costs by 1.9 percent, not including workman's compensation savings, which leads us to the second major reason for emphasizing occupational programs:

OCCUPATIONAL ALCOHOLISM PROGRAMS WORK

Occupational alcoholism programs are generally recognized today as being among the most effective substance abuse treatment programs around. The National Council on Alcoholism reports an average recovery rate—abstinence for 1 year—of 75 percent in 16 labor-management programs, versus a 25 percent rate among unemployed alcoholics.

Many organizations with successful rehabilitation programs for problem drinking employees have documented substantial savings. The success rate for rehabilitation of problem drinking employees is very high. This indicates that the possibility of job loss is an incentive for employees to seek rehabilitation.

In addition, after problem drinkers are rehabilitated, there is a great reduction in their utilization of health and sickness benefits. Such reductions in utilization of health benefits due to rehabilitation of problem drinkers significantly contribute to decreasing the cost of group health insurance

Because they are successful, employers making use of such programs often find they save far more in training costs for new employees than they spend on the programs. The annual cost of average industrial programs is actually quite low. A small study currently being conducted by the NIAAA shows the following average programs costs for different size companies:

Number of employees	*Average annual cost*
Less than 5,000	$16,343
5,000–10,000	48,600
10,000–20,000	65,056
20,000–30,000	75,500
30,000 and over	62,384

Taken another way, the data shows an average cost for manufacturing companies of $36,294; for service companies of $40,252.

Many large companies have thus underwritten their own programs with little or no assistance from the Federal Government. Du Pont and Eastman Kodak were the first, in 1943 and 1944 respectively, and today 60 out of the 400 largest corporations in America have programs, including Bethlehem Steel, General Motors—with the UAW—Hughes Aircraft, Illinois Bell, Kemper Insurance, Kennecott Copper, and Scovill.

The success rate for rehabilitation and the reduction of health benefit utilization by problem drinking employees has been proven to be significant in those companies which have programs.

I would like to give some brief summaries of some of these companies and their findings:

"General Motors—(Oldsmobile Division) a study of its 'recovery and rehabilitation' program showed a 50 percent reduction in lost man hours; a 30 percent reduction in sickness and accident benefits paid; a 56 percent drop in leaves of absence; a 78 percent reduction in grievances filed by the group; a 63 percent decrease in disciplinary problems; and an 82 percent drop in job-related accidents.

"Scovill Manufacturing Company in Waterbury, Connecticut employs 6,500 employees. The Scovill programs processed 180 employees over a three year period. They estimate their annual savings at $186,550. Importantly, 78 percent of those problem drinking employees referred for treatment were rehabilitated.

"Economics Laboratory, Inc. of St. Paul, Minnesota has an employee population of 3,500 in the United States. They have a rehabilitaton success rate of 80 percent for employees and 50 percent for dependents of the employees. In addition, the company reduced treatment costs 60 percent to 65 percent by utilizing nonhospital facilities such as alcoholism treatment centers.

"The De Paul Industrial Alcoholism Project of Milwaukee, Wisconsin receives referrals from twenty-three companies in the Milwaukee area. This population is composed primarily of blue-collar, skilled and unskilled factory workers. In conducting a nine month follow-up study of problem drinkers treated, 46 percent reported total abstinence and 25 percent essential abstinence, for a total of 71 percent significantly improved.

"Illinois Bell Telephone Company studied 402 employees for five years prior to referral and for five years after. The job rehabilitation rate was 72 percent. In addition, these 402 employees had 602 cases of sickness disability before rehabilitation and 356 cases after rehabilitation. This is a reduction of 46 percent in sickness disability, indicating a tremendous decrease in utilization of insurance plans.

"The Philadelphia Fire Department established a referral program for its 3,410 employees in 1972. For those problem drinkers referred to outpatient care, sick leave was reduced by 55 percent. Injuries were reduced by 67 percent; both of these factors indicating a significant decrease in health insurance utilization.

"Kennecott Copper Company found sickness and accident costs for alcoholics compared with the average to be more than 5 to 1; hospital, medical and surgical costs were more than 3 to 1. Yet, after a 12½-month involvement in the program, hospital, medical and surgical costs decreased 55.35 percent.

"Ontario Hydro—(Canadian utility) reports 60 to 70 percent success rate.

"8 May Street Industrial Alcoholism Program in Toronto (a consortium) indicates an 81 percent success rate among blue collar and mid-management personnel referred from industry."

Given this record of glowing accomplishments, with the concomitant savings to employers utilizing such programs, it might well be asked why more companies do not set up programs themselves—that is, why is the Federal Government needed in this area at all?

There are several reasons for the Government's interest.

In the first place, I would emphasize again that many large companies are setting up such programs, including 60 of the largest 400 in the Nation.

But the problem is, only the larger companies really have the ready resources to start up such programs, and yet a large percentage of employees in the Nation are in companies with fewer than 500 employees: 97 percent of all companies in America are considered "small businesses" under the Small Business Act, accounting for 53 percent of all private sector employment.

Additional impetus is needed to involve those companies, because for most of them the only workable mode of treatment will be through consortiums, made up of a number of companies or labor unions or both.

It should be noted that the commitment of the private sector would still have to be a significant one, under the procedures set

up by this amendment. In order to get maximum effect from the dollars raised by this new tax, at least 50 percent of the cost of programs funded will have to be paid from non-Federal sources, although those could include health insurance plans and other third-party payors.

In addition, this program will be available to governmental agencies as well as private employers, to enable them to establish or improve their alcoholism treatment programs. Current Federal law requires Federal agencies to provide alcoholism treatment programs for civilian employees. However, as recent hearings held by the House Committee on Government Operations demonstrated, few such programs have been set up, and fewer still have been as effective as many of the private sector programs. Government agencies—including State and local agencies—would also be required to meet the 50/50 matching requirement, but it is hoped that many more of them will be stimulated by this program to set up effective occupational programs.

I should also point out that there are other major Government interests at stake in this area, in addition to the potential savings to industry and the economy in lost productivity. Signs of alcoholism and other problems occur earlier in the workplace than they do elsewhere, enabling earlier intervention and treatment for the abuser. This will almost certainly result in savings to the Government in unemployment compensation costs, welfare payments, medicare and medicaid, food stamps, and all the other costs that are attendant upon a person dropping out of the labor force.

I think the need for more and better treatment of our Nation's alcoholics in general, and occupational programs in particular, was addressed quite eloquently in oversight hearings before my subcommittee by Adolph J. Sullivan, a top executive of Standard Oil of California.

Mr. Sullivan said:

"Industry is not interested in government dollars. But in this particular field of occupational alcoholism, we do need to buy time. . . .

"If you are talking about 8 million alcoholics, there are a lot of people to be helped and a lot of programs needed. I do not know the total number of U.S. corporations, but we only have about 200 viable corporate programs, so that the amount of work remaining to be done is a little scary.

"One other number that popped into my head as I was sitting in the back of the room this morning was with regard to how much money we should spend at the government level.

"After all, I am a conservative, and think about these things.

"I began to realize that there are 9 million alcoholics by anybody's standard, and even if we look at $100, that is $900 million.

"I do not think $100 per head is very much money to try to solve a fatal disease.

"Even if you went to $200, who is going to say? I do not think we are extremists. . . ."

Mr. President, I feel safe in saying that congressional adoption of this concept and this program would be a revolutionary breakthrough for alcoholism diagnosis, treatment, and rehabilitation in America. Since every indication is that we are sadly in need of such a breakthrough, I urge my colleagues to support me in the adoption of my amendment.

ALCOHOLISM TRUST FUND

[Approximate revenues from 2.5 percent earmark of current excise taxes under secs. 5001, 5041, and 5051 of the Internal Revenue Code, based on 1975 taxable gallonage]

	Current tax rate	1975 taxable quantity	Effect of 2.5 percent earmark [1]	Revenue yield
Distilled spirits	$10.50 per proof gallon	295,000,000 gal	26.25 cents per proof gallon	77,500,000
Beer	$9 per barrel (31 gal)	147,000,000 bbl	27.5 cents per barrel	33,000,000
Wine (Tax depends on alcohol content—2 largest given here).	(a) 17 cents per gallon	207,000,000 gal	0.425 cents per gallon	1,000,000
	(b) 67 cents per gallon	80,000,000 gal	1.675 cents per gallon	1,500,000

[1] These earmarks are of the equivalent of 5 cents per fifth of liquor, 1½ cents per case of beer and less than 1 cent per gallon of wine.

Note: Total yield for fund, $113,000,000.

By Mr. PEARSON:

S. 1108. A bill to amend the Communications Act of 1934 with respect to the renewal of licenses for the operation of broadcasting stations; to the Committee on Commerce, Science, and Transportation.

BROADCASTING LICENSE RENEWAL ACT

Mr. PEARSON. Mr. President, in our zeal to protect the public, we often create complicated and cumbersome procedures that make it unnecessarily difficult for regulated industries to operate efficiently and serve the public interest. Unfortunately, this is now the case with broadcast licensing.

Over the past several years, the broadcasting industry has been faced with uncertainty generated largely by the absence of identifiable statutory standards which the Federal Communications Commission—FCC—could apply when acting on license renewal applications. Furthermore, conflicting administrative and judicial decisions have compounded the confusion by making it more difficult for the industry to make rational, long-range business judgments. Equally distressing has been an unmanageable increase in paperwork and the threat of litigation at license renewal time. These conditions make it more difficult for the broadcaster to devote the time necessary to improve the quality of broadcast service.

During previous sessions, Congress recognized the need for statutory clarification and simplification of the renewal process. Indeed, both Houses passed license renewal bills but neither of the measures received final approval. Accordingly, legislation is necessary today.

The bill I offer will enhance broadcast journalism by giving a reasonable degree of security to licensees who operate in the public interest without unduly inhibiting criticism of incumbent broadcasters. For example, the bill would authorize the FCC to grant a license for up to 5 years, depending upon what length of time the Commission determines is in the public interest. This would allow the FCC to minimize the excessive paperwork and attorneys' fees which are particularly burdensome for small stations which lack the financial resources available to large market broadcasters.

A longer license term, where justified, will promote the long-range investments of time, money, and effort that are necessary for quality public service. Moreover, the FCC has estimated that a 5-year license extension would reduce the annual number of renewal applications from 2,700 to 1,600—roughly 40 percent. The Commission will, therefore, be able to screen each application more thoroughly, thereby encouraging licensees to remain committed to their responsibilities throughout the license term.

The bill would clarify the standards of performance to be applied at renewal time and provide assurance to the conscientious licensee that he will not lose his license to the paper promises of a competing applicant. The Commission is directed to establish ascertainment procedures to be used by each broadcaster to identify the problems, needs, and interests of his particular service area.

The licensee's responsiveness to these local problems, needs, and interests will then be given major consideration during the Commission's evaluation of a renewal application. By directing the Commission to prescribe different ascertainment procedures for different categories of broadcasting stations, we may expect broadcasters to tailor their programing more closely to the requirements to their listening audience.

Under the existing provisions of the Communications Act, all appeals from FCC decisions involving license renewal must be brought in the U.S. Court of Appeals for the District of Columbia. This legislation would allow appeals from FCC decisions or orders to be brought in the U.S. court of appeals for the circuit where the broadcasting facility is located. This will undoubtedly assist in easing the caseload of the D.C. Court of Appeals which presently has one of the longest median disposal times in the Nation. Moreover, allowing appeals to be argued in the community of license will be more convenient and less expensive for the parties involved.

Finally, this legislation would help lift the burden of unnecessary paperwork from license renewal applicants by authorizing short form renewal procedures and requiring the FCC to find innovative ways to consolidate material required from each licensee.

Mr. President, American television and radio audiences will be much better served by broadcasters that are able to focus their resources more directly toward creative programing rather than coping with the difficulties brought out

by the existing outdated license renewal procedure. The legislation I offer today will not only promote stability within the broadcasting industry but also preserve the necessary safeguards that assure that broadcasters will continue to operate in the public interest.

Mr. President, I ask unanimous consent that the text of the bill, together with a section-by-section summary of its provisions be printed in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 1108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Broadcast License Renewal Act."

SEC. 2. Section 307(d) of the Communications Act of 1934 is amended to read as follows:

"(d)(1) No license granted for the operation of a broadcasting station shall be for a longer term than three years, unless the Commission determines it is in the public interest to extend such term for an additional two-year period. In making such a determination, the Commission shall consider whether it is in the public interest to prescribe different term lengths for television and radio broadcasting stations and for different categories of licensee. No license so granted for any other class of station shall be for a longer term than five years, and any license granted may be revoked as hereinafter provided. Upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time for a term which shall be determined by the Commission (but which shall not exceed five years) if the Commission finds that the public interest, convenience, and necessity would be served thereby.

"(2) In determining if the public interest, convenience, and necessity would be served by the renewal of a broadcast license, the Commission shall grant the renewal application if the licensee, during the preceding term of its license, (i) has been responsive in its program service to the problems, needs and interests of its service area, and (ii) has conducted the operation of its station in a manner not characterized by serious deficiencies. The Commission shall establish procedures to be followed by the licensee for ascertaining the problems, needs, and interests, of its service area. Such ascertainment procedures shall prescribe different procedures for different categories of broadcasting stations.

(3) In order to expedite action on application for renewal of broadcasting station licenses and in order to avoid needless expense to applicants for such renewals, the Commission shall not require any such applicant to file any information which previously has been furnished to the Commission or which is not directly material to the considerations that affect the granting or denial of such application, but the Commission may require any new or additional facts it deems necessary to make its findings. Pending any hearing and final decision on such an application and the disposition of any petition for rehearing pursuant to section 405, the Commission shall continue such license in effect. Consistently with the foregoing provisions of this subsection, the Commission may by rule prescribe the period or periods for which licenses shall be granted and renewed for particular classes of stations, but the Commission may not adopt or follow any rule which would preclude it, in any case involving a station of a particular class, from granting or renewing a license for a shorter period than that prescribed for stations of such class if, in its judgment, the public interest, convenience, or necessity would be served by such action.

SEC. 3. Subsection (b) of section 402 of such Act is amended by striking out "to the United States Court of Appeals for the District of Columbia" and inserting in lieu thereof, "as provided in subsection (c)," and subsection (c) of such section is amended by inserting after "(c)" the following new sentence: "An appeal under subsection (b) from an order or decision of the Commission—

"(1) made on an application (other than one under section 325) involving a broadcast facility and described in paragraph (1), (2), (3), or (6) of subsection (b), or

"(2) described in paragraph (5) of such subsection modifying or revoking a construction permit or station license of a broadcast facility,

shall be brought in the United States court of appeals for the circuit in which such broadcast facility is, or is proposed to be, located; and appeals under such subsection from any other order or decision of the Commission may be brought in the United States Court of Appeals for the District of Columbia Circuit or the United States court of appeals for the circuit in which the person bringing the appeal resides or has his principal place of business.".

SEC. 4. (a) The Federal Communications Commission shall examine its rules, regulations, and procedures relevant to the broadcast license renewal process to determine in what ways the filings, supporting documents, and other administrative materials now required of each licensee by the Commission for renewal considerations can be reduced and consolidated. In making this examination, the Federal Communications Commission shall give special consideration to reducing and consolidating the filings, supporting documents, and other administrative materials now required for license renewal consideration of the smaller broadcast station.

(b) This examination shall be completed within six months after the date of enactment of this Act. Within seven months after the date of enactment of this Act, the Federal Communications Commission shall report to Congress any changes it has made in its rules, regulations, and procedures as a result of this study.

SEC. 5. (a) The first sentence of section 309(d)(2) of such Act is amended to read as follows: "Any party in interest may file with the Commission, within such time period as may be specified by the rules of the Commission, a petition to deny any application (whether as originally filed or as amended) to which subsection (b) applies."

(b) The first sentence of section 309(d)(2) of such Act is amended by inserting after "pleadings filed" the following: "by the parties within the time periods specified by the rules of the Commission.".

THE BROADCAST LICENSE RENEWAL ACT: SECTION-BY-SECTION SUMMARY

Section 2.—The Federal Communications Commission (FCC) shall determine whether it is in the public interest to prescribe different license term lengths for television, radio, or different categories of licensees. The Commission shall renew the broadcast license if, during the preceding license term, the licensee (i) has been responsive to the problems, needs and interests of its service area and (ii) has conducted the operation of its station in a manner not characterized by serious deficiencies.

Section 3.—All appeals from FCC decisions involving applications for a broadcasting license shall be brought in the U.S. Court of Appeals for the circuit in which the broadcast facility is located.

Section 4.—Within six months of enactment, the FCC is directed to complete an examination of its rules and regulations relevant to the license renewal process in order to determine ways of easing the administrative burden now placed on each licensee at renewal time. Special consideration shall be given to smaller broadcast stations. Within seven months of enactment, the FCC shall report to Congress on any changes made as a result of this examination.

Section 5.—Any party in interest may file a petition to deny an application for license renewal.

By Mr. PEARSON:

S. 1109. A bill to amend the Agricultural Development and Assistance Act of 1954 to assist developing nations in making the transition from foreign assistance recipients to full trading partners of the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. PEARSON. Mr. President, I am deeply concerned about the worldwide hunger and malnutrition problem. From 400 million to 800 million people in the world are suffering from malnutrition. The population of the less-developed nations is increasing faster than the available food supply.

As the Public Law 480 act clearly states, the United States is committed:

To use the abundant agricultural productivity of the United States to combat hunger and malnutrition and to encourage economic development in developing countries . . . (7 U.S.C. No. 1691 [1970]).

Mr. President, one of the most practical and acceptable means to live up to this commitment is to upgrade the quantity and quality of the agricultural goods we export under the Public Law 480 program. This would also allow the United States to comply with the spirit of the sentiments expressed at the World Food Conference, where we pledged to work to raise the nutritional standards of the underdeveloped nations.

A healthy, well-balanced diet requires a combination of protein, carbohydrates, fats, vitamins, and minerals. One of the major problems in less-developed nations is the lack of a sufficient amount of proteins in the diet of the people. For a healthy body to grow and functions properly, it needs eight essential amino acids found in proteins.

Mr. President, the United Nations Economic and Social Council has pointed out that protein malnutrition is the biggest single contributor to infant and young child mortality in developing countries. Over 100 million children under the age of 3 suffer from a form of protein malnutrition. At this age the deficiency can cause irreversible damage to mental and physical development. In addition, the high infant mortality rate in these nations is directly related to the high birthrate, as parents seek to have more children to be sure that some will survive. Thus, adequate nutrition is a prerequisite for the success of plans to curb world population growth.

The traditional sources of protein are meat, milk, eggs, and fish. These animal proteins are often unavailable to people in the less-developed nations because of their limited supply, high cost, and storage difficulties.

Mr. President, it is now possible, through processing and fortifying, to develop blended foods with a protein content ranging from 13 to 20 percent, which approximates the nutritional quality of animal protein. By contrast, unfortified corn meal has a protein content of only 7.9 percent. Thus, these blended foods can provide a convenient and economical source of essential nutrients.

The United States has already acknowledged the importance of blended and fortified grain products. In response to a 1966 amendment to Public Law 480—No. 203—a variety of blended and fortified foods were developed for use in food for peace to combat malnutrition abroad, especially among infants and young children. These foods have since met wide acceptance. For example, over 3 billion pounds of corn-soy-mild—CSM—alone have been shipped to more than 100 countries for use in material/child health programs, school lunch programs, and food-for-work programs.

As a result of their positive experiences with blended and fortified foods under title II many of the developing nations would like to continue receiving these products under title I. Although they might prefer to purchase blended foods, they have felt constrained by the additional costs of processing. While appreciating the nutritional benefits of blended grains, they have sought to maximize the amount of grains they can purchase under title I.

Mr. President, of course, I do not wish to substitute the blended foods for whole grain products. Both are important to our export programs and to achieve the humanitarian goals established by the food for peace program. This bill merely allows the underdeveloped nation the option to purchase more blended foods in addition to whole grain products.

This bill will authorize payment by the United States of the costs of fortification and processing of blended food products purchased by countries under title I. It is intended to allow the purchasing nation to improve the nutritional levels of their neediest individuals. Blended foods will thus be exported under both title I and title II of Public Law 480.

Since the grant of authority to the President is permissive rather than mandatory, the administration will be able to keep the cost of the program within bounds without the need for any express statutory limits. The only new costs to the United States will be the difference between the price of the whole grains and the costs resulting from the blending process. This is a small price indeed compared with the problem of global malnutrition.

When evaluating the costs of this program, we should not overlook the side benefits to the American economy. It will help the farmer by exporting his produce. United States labor and industry could benefit through the related stimulation of production and employment. There is also a great potential for market development of these products in the purchasing nations. One goal of this program is for the less developed nations to become viable trading partners for American agricultural products. Finally, several million dollars have been expended in research, equipment design and installation, and technology in the development and introduction of blended grain products. As a result, we have learned a great deal about nutrition which has had practical applications to improve the diets of people within the United States.

Mr. President, I urge the passage of this measure, which is an example of the combination of the efforts of American ingenuity and American agriculture, working together to help solve one of the most serious problems in the world.

By Mr. HATFIELD:

S. 1111. A bill for the relief of Gunther Griffel; to the Committee on the Judiciary.

GUNTHER GRIFFEL

Mr. HATFIELD. Mr. President, I send to the desk legislation for the relief of Gunther Griffel, a citizen of Canada who has been found excludable from the United States under section 212(a)(23) of the Immigration and Nationality Act.

Mr. Griffel, a Canadian citizen, was admitted to the United States in 1969 for permanent residence, and settled in Eugene, Oreg., where he has been gainfully employed and is a model member of the community. In 1973, he departed the United States for a visit to Canada and upon entering Canada was found to be in possession of a small amount of hashish—less than 1 ounce. The offense found him mandatorily excludable from the United States and, although certain factors exist which might warrant the Department of Justice to grant special consideration in his case, the Department has no such authority without private legislation. The legislation I propose will grant Mr. Griffel an exemption to section 212(a) of the Immigration and Nationality Act and will thus make him eligible for permanent residence to the United States.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1111

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraph (23) of section 212(a) of the Immigration and Nationality Act, for purposes of such Act, Gunther Griffel may be admitted to the United States for permanent residence if found to be otherwise admissible under the provisions of this Act, except that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge before the date of the enactment of this Act.

By Mr. HATFIELD:

S. 1112. A bill for the relief of Gladys Yan Chan Lu; to the Committee on the Judiciary.

GLADYS YAN CHAN LU

Mr. HATFIELD. Mr. President, today, I send to the desk legislation for the relief of Gladys Yan Chan Lu, the adopted daughter of an American family residing in Corvallis, Oreg. S. 3514, which I had introduced in the 94th Congress, was not reported out of committee.

Ms. Lu came to the United States from Singapore in 1973 at the age of 15. She was adopted by Mr. and Mrs. Kuo C. Lu shortly thereafter. Ms. Lu was admitted to this country on a nonimmigrant student visa. She now wishes to begin the process of naturalization, but disabilities in existing immigration statutes will not allow Ms. Lu to be naturalized as an adopted noncitizen child. The legislation I propose will permit Ms. Lu to be classified as a child within the meaning of section 101(b)(1)(E) of the Immigration and Nationality Act, thus facilitating the naturalization process in her case.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Gladys Yan Chan Lu may be classified as a child within the meaning of section 101 (b) (1) (E) of such Act and shall be accorded immediate relative status under section 201 (b) of such Act upon approval of a petition filed on her behalf by Mr. and Mrs. Kuo C. Lu, citizens of the United States, pursuant to section 204 of such act. No natural parent, brother, or sister, or prior adoptive parent of Gladys Yan Chan Lu shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

By Mr. BARTLETT:

S. 1114. A bill to extend the State Taxation of Depositories Act; to the Committee on Banking, Housing, and Urban Affairs.

EXTENSION OF THE STATE TAXATION OF DEPOSITORIES ACT

Mr. BARTLETT. Mr. President, since 1971 Congress has imposed successive moratoria on the authority of the several States to impose "doing business taxes" on out-of-State financial depositories. These moratoria have been enacted in order to provide adequate time for conducting and reviewing several studies on this complex issue and time for Congress to enact uniform Federal guidelines governing the interstate taxation of financial depositories. The most recent moratorium expired on September 12, 1976.

Congress, the Federal Reserve Board, the depository industries, and a number of States have expressed concern that, in the absence of uniform Federal rules, the multi-State taxation of the interstate activities of depositories will produce serious disruptions in credit flows, may reduce the efficiency of the banking system, will be costly to the State and depositories, and will produce adverse revenue impacts for a number of States. On May 11 and 12, 1976, the Subcommittee on Financial Institutions of the Senate Committee on Banking, Housing,

and Urban Affairs, held hearings on several proposals for a uniform Federal law governing the interstate taxation of financial depositories. So far, nothing has been resolved.

To date, the States have voluntarily refrained from imposing their "doing business taxes" on out-of-State depositories. However, as many as 30 States have authority under existing State law to impose such taxes, and a number are likely to start doing so the longer Congress takes to consider this complex issue. Several States which do not at this time have laws for taxing out-of-State depositories are actively considering the enactment of such laws. The current uncertainty as to the application of this vast array of different State and local methods of taxation, as well as concern over higher compliance costs and duplicative taxes by their domiciliary States already is causing many depositories to review their extensions of credit into other States.

In the absence of a Federal moratorium, as States begin to impose their doing business taxes on out-of-State institutions, depositories which cannot curtail their interstate activities will encounter serious problems in attempting to interpret and comply with numerous State and local tax statutes and regulations. Substantial costs will be incurred to change the existing methods of recordkeeping in order to compile the necessary data for filing gross receipts, income and capital stock tax returns with nonuniform division of base rules in a large number of States, cities, and counties. It is highly probable that litigation in the Federal and State courts will ensue as some depositories challenge State attempts to extend taxing jurisdiction or to test the constitutional limits of State and local statutes as applied to out-of-State depositories.

The States have not been able to agree upon uniform and equitable rules and procedures for the State taxation of nonresident depositories. Due to a lack of experience in taxing out-of-State depositories and the possibility of Federal legislation in this area, it is even more unlikely that the States would be able to agree to standardize their methods of taxation for financial depositories within the foreseeable future.

Without the extension of this moratorium, the legislatures of many States will adopt statutes to allow the taxation of out-of-State depositories and will attempt to provide apportionary relief for their own depositories taxed in other States. Tax administrators in all States will incur substantial expenses to secure initial compliance, draft forms, adopt regulations, and train personnel. For the States and their localities, as well as depositories, many of these compliance and administrative expenses may be unnecessary or require duplication when Congress ultimately adopts Federal legislation in this area. The previously existing procedures were simple and efficient and should be allowed to continue until such time as Congress passes uniform legislation in this area.

Until such time as the Federal Government, the State governments, and the financial institutions can agree on one uniform practice, I suggest that we adhere to the declaration of policy contained in the State Taxation and Depositories Act of 1973. In part, it stated:

The Congress finds that the national goals of fostering an efficient banking system and the free flow of commerce among the states will be furthered by clarifying the principles governing state taxation of interstate transactions of banks and other depositories. Application of taxes measured by income or receipts, or other "doing business" taxes in states other than the states in which depositories have their principal offices should be deferred until such time as uniform and equitable methods are developed for determining jurisdiction to tax and for dividing the tax base among the states.

For these reasons, I believe it is important that the moratorium on State taxation on out-of-State depositories should be extended in order to allow Congress sufficient time to enact such uniform and equitable rules so as to avoid even a temporary curtailment of interstate credit flows, the incurring of unnecessary expenses by both the States and depositories, and a disruption of existing State revenue bases.

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. McCLELLAN, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of S. 11, to provide for the appointment of additional district court judges.

S. 18

At the request of Mr. McINTYRE, the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Alaska (Mr. GRAVEL) were added as cosponsors of S. 18, the Octane Disclosure Act of 1977.

S. 149

At the request of Mr. BENTSEN, the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 149, to amend the Internal Revenue Code.

S. 175

At the request of Mr. SCHWEIKER, the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 175, a bill to provide a special program of financial assistance to opportunities industrialization centers and to other national community-based organizations.

S. 247

At the request of Mr. GOLDWATER, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 247, to provide recognition to the Women's Air Force Service Pilots.

S. 528

At the request of Mr. WILLIAMS, the Senator from South Dakota (Mr. ABOUREZK) and the Senator from Minnesota (Mr. ANDERSON) were added as cosponsors of S. 528, a bill relating to collective bargaining contracts.

S. 600

At the request of Mr. ROBERT C. BYRD, the Senator from Delaware (Mr. ROTH), the Senator from Alabama (Mr. ALLEN), the Senator from Vermont (Mr. STAFFORD), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of S. 600, to reorganize Federal regulatory agencies.

S. 672

At the request of Mr. HUMPHREY, the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 672, to provide for the procurement by the General Services Administration of existing solar energy devices for use in government buildings.

S. 708

At the request of Mr. CLARK, the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 708, to amend title XVIII of the Social Security Act to provide payment for rural health clinic services.

S. 743

At the request of Mr. DURKIN, the Senator from Massachusetts (Mr. KENNEDY), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 743, the Petroleum Marketing Practices Act.

S. 779

At the request of Mr. BURDICK, the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 779, to amend the Internal Revenue Code.

S. 780

At the request of Mr. CLARK, the Senator from Nevada (Mr. CANNON) was added as a cosponsor of S. 780, to amend title II of the Social Security Act to establish a new consumer price index for older Americans for calculating automatic cost-of-living benefit increases, to provide for semiannual cost-of-living increases, and to modify the social security retirement test.

S. 801

At the request of Mr. McINTYRE, the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of S. 801, to amend title I of the Housing and Community Development Act of 1974 for the purpose of providing that units of general local government which are not metropolitan cities or urban counties and which are receiving grants under the hold-harmless provisions of such title shall be entitled, after fiscal year 1977, to continue to receive at least the amount to which they are presently entitled under such provisions.

S. 805

At the request of Mr. McINTYRE, the Senator from Maryland (Mr. SARBANES), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New Hampshire (Mr. DURKIN) were added as cosponsors of S. 805, the Solar and Energy Conservation Commercialization Act.

S. 806

At the request of Mr. McINTYRE, the Senator from Michigan (Mr. RIEGLE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New Hampshire (Mr. DURKIN) were added as

cosponsors of S. 806, the Renewable Energy and Energy Conservation Tax Act of 1977.

S. 807

At the request of Mr. McINTYRE, the Senator from Maryland (Mr. SARBANES) and the Senator from New Hampshire (Mr. DURKIN) were added as cosponsors of S. 807, the Small Business Energy Research Incentives Act.

S. 821

At the request of Mr. HUMPHREY, the Senator from Maryland (Mr. SARBANES) and the Senator from Montana (Mr. MELCHER) were added as cosponsors of S. 821, to authorize the inclusion of solar energy research, development, and demonstration programs in certain agricultural programs.

S. 846

At the request of Mr. DOMENICI, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 846, a bill to provide for a continuing program of water resources research and development.

S. 924

At the request of Mr. WILLIAMS, the Senator from Montana (Mr. METCALF) was added as a cosponsor of S. 924, a bill to provide for equal treatment of craft and industrial workers and to establish a national framework for collective bargaining in the construction industry.

S. 995

At the request of Mr. WILLIAMS, the Senator from Connecticut (Mr. RIBICOFF), the Senator from Maine (Mr. HATHAWAY), the Senator from Ohio (Mr. METZENBAUM), and the Senator from South Dakota (Mr. MCGOVERN) were added as cosponsors of S. 995, a bill to amend title VII of the Civil Rights Act of 1964 to prohibit sex discrimination on the basis of pregnancy.

S. 1034

At the request of Mr. HAYAKAWA, the Senator from Texas (Mr. BENTSEN), the Senator from Utah (Mr. GARN), the Senator from Nebraska (Mr. CURTIS), the Senator from North Dakota (Mr. YOUNG), the Senator from New Mexico (Mr. SCHMITT), the Senator from Nevada (Mr. LAXALT), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1034, to provide for a study of the effects of saccharin and for other purposes.

AMENDMENT NO. 86, AS MODIFIED

At the request of Mr. WEICKER, the Senator from Utah (Mr. GARN) was added as a cosponsor of amendment No. 86, as modified, proposed to the resolution (S. Res. 110), to establish a Code of Official Conduct for the Senate.

AMENDMENT NO. 136

At the request of Mr. SCHWEIKER, the Senators from South Carolina (Mr. THURMOND and Mr. HOLLINGS) and the Senator from Nevada (Mr. LAXALT) were added as cosponsors of amendment No. 136, intended to be proposed to H.R. 4876, making appropriations to provide economic stimulus.

AMENDMENT NO. 147

At the request of Mr. WALLOP, the Senator from Alabama (Mr. SPARKMAN), the Senator from Wyoming (Mr. HANSEN) and the Senator from Georgia (Mr. TALMADGE) were added as cosponsors of amendment No. 147, intended to be proposed to Senate Resolution 110, to establish a Code of Official Conduct for Members, officers, and employees of the U.S. Senate; and for other purposes.

SENATE CONCURRENT RESOLUTION 16—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE COMMISSION ON FEDERAL PAPERWORK

(Referred to the Committee on Governmental Affairs.)

Mr. McINTYRE (for himself and Mr. HATFIELD) submitted the following concurrent resolution:

S. CON. RES. 16

Resolved by the Senate (the House of Representatives concurring),

Whereas, The American people, whether as private individuals or engaged in business, professional, or other pursuits, are heavily burdened with paperwork resulting from requirements imposed by the Federal Government; and

Whereas, The paperwork burdens fall most heavily on those least able to bear them, such as small businesses and persons of low and moderate income; and

Whereas, The requirements for such paperwork arise from laws enacted by the Congress and regulations or instructions promulgated by Federal agencies; and

Whereas, The multiplicity and diversity of Federal programs and activities authorized by law and subject to administration direction cause a great deal of duplicative, overlapping, or otherwise excessive and unnecessary paperwork; and

Whereas, The Congress has created the Commission on Federal Paperwork to inquire into the causes and to make recommendations for the reduction or elimination of excessive and unnecessary paperwork; and

Whereas, The Commission on Federal Paperwork has submitted to the President and to the Congress from time to time recommendations for remedial actions and will submit a final report with recommendations by October 1977; and

Whereas, The Congress is mindful that excessive and unnecessary paperwork not only imposes substantial costs on all parties affected but impairs public confidence in the efficiency and the effectiveness of the Federal Government; and

Whereas, The Congress is determined to reduce or eliminate, by all practical means, excessive and unnecessary paperwork associated with Federal programs and activities; now

Therefore, be it resolved, That the findings and recommendations of the Commission on Federal Paperwork be sympathetically received and duly considered by committees of the House and Senate in the development of legislation and in oversight of Federal agencies; and

Be it further resolved, That committees and members of the Congress give careful attention to the recordkeeping and reporting burdens which may be imposed upon persons and organizations, including State and local units of government, as a consequence of specific provisions in legislation to be reported or in administrative regulations and instructions pursuant to legislation which has been enacted; and

Be it further resolved, That committees and members of Congress, in requesting information from Federal agencies and other sources relative to pending legislation, oversight duties, or constituent requests, give due regard to the costs of supplying, receiving, and distributing such information, its usefulness, and the extent to which it probably will be used; and

Be it further resolved, That it is the sense of the Congress that the Federal agencies sympathetically receive and duly consider the findings and recommendations of the Commission on Federal Paperwork and give continuing attention to excessive and unnecessary paperwork.

THE COMMISSION ON FEDERAL PAPERWORK

Mr. McINTYRE. Mr. President, today I submit a concurrent resolution together with Senator HATFIELD, to urge the Congress to study the recommendations of the Commission on Federal Paperwork when developing legislation to help solve the problems facing us all.

This resolution has been introduced in the House of Representatives by Representatives TOM STEED and FRANK HORTON who serve on the Commission on Federal Paperwork with Senator HATFIELD and me.

Our purpose in submitting this resolution is to continue the work done by the Senate when it passed rule changes in February that require paperwork and regulatory impact statements when bills are reported from committees.

Our goal is to cut Government paperwork by making full use of the work done by the 2-year Commission, and insure further that the committees of the Congress fully study the paperwork impact of bills we enact.

As many of you know, the Commission on Federal Paperwork has had considerable success in cutting Government paperwork. Legislation has passed abolishing the 941–A form required by the Social Security Administration to report wages quarterly, replacing that form with one annual report. Changes are being made in the reporting requirements of the Occupational Safety and Health Administration and in the implementation of the Employee Retirement Income Security Act.

In the next few months the Commission will be providing us with progress reports which will update the already copious recommendations it has made that have been accepted by the agencies. It will also be providing us with a series of reports which should be extremely useful to many committees of the Congress.

AMENDMENTS SUBMITTED FOR PRINTING

SENATE CODE OF OFFICIAL CONDUCT—SENATE RESOLUTION 110

AMENDMENT NO. 150

(Ordered to be printed and to lie on the table.)

Mr. MUSKIE submitted an amendment in the nature of a substitute for title 1, intended to be proposed to the resolution (S. Res. 110) to establish a code of official conduct for Members, officers, and employees of the Senate, and for other purposes.

AMENDMENT NO. 151

(Ordered to be printed and to lie on the table.)

Mr. GRIFFIN submitted an amendment intended to be proposed by him to amendment No. 65, proposed to the resolution (S. Res. 110), supra.

AMENDMENT NO. 152

(Ordered to be printed and to lie on the table.)

Mr. HATHAWAY submitted an amendment intended to be proposed by him to amendment No. 65, supra.

Mr. HATHAWAY. Mr. President, tomorrow I intend to offer an amendment which would modify the definition of family business income to allow such income to be excluded from the 15-percent limitation only if that family business income were a return on investment. Any family business income flowing directly or indirectly from personal services would be subject to the 15-percent limitation. The amendment would also tighten the definition of outside earned income.

Proposed rule 44 limits outside earned income to 15 percent of salary, but defines such income as "income received as a result of personal services actually rendered if such services are material income-producing factors." Similiarly, the rule exempts from the 15-percent limitation income, "family enterprises if the services provided by the Senator or officer or employee * * * are not a material income-product factor." These definitions appear to create a loophole which would allow the rendering of personal services which generate income to a family business or otherwise, so long as such income when reviewed proportionately to the total income of the business as a whole, does not constitute a material element of the total business income.

For example, a Senator might be permitted under these rules to accept a $50,000 payment from a multinational corporation as a result of personal services rendered in the form of advice on legislative matters. This income would arguably be exempt from the limitation since the services were not material income-producing factors to the business. Further, the report, in describing what is intended with reference to a family business to be viewed as "a material income-producing factor," states:

> For example, if the Senator or employee is making substantially all of the managerial decisions for the enterprise or spending substantial amounts of time with it, then the income so derived should be considered personal services income.

It is disturbing that income derived from any involvement not meeting this substantiality test would apparently be exempt. My amendment would subject all income resulting from personal services actually rendered to the 15-percent limitation, thus requiring such income to be viewed in an absolute sense and not in a relative sense. The amendment would exempt income deriving from family-controlled businesses from this $8,625 limitation only if the business were one in which both personal services and capital were income-producing factors and the personal services rendered by such individual did not generate a significant amount of income. It would permit income from family businesses as a return on capital consistent with the exemption of unearned income from the 15-percent limitation, but would restrict personal services rendered to such a business to a very minimal level. Otherwise, the income derived from such a business, combined with all other outside earned income, would have to be within the 15-percent ceiling. This language is identical to that already adopted by the House of Representatives.

Over the past few days, we have focused considerable attention on the provisions of the code which impose the 15-percent limitation on earned income, but totally exempt unearned income. We have heard again and again that the primary purpose of this distinction is to insure that we have full-time Senators who are not diverted or distracted by other activities, and do not engage in activity which might create or appear to create conflicts of interest.

This body affirmed this treatment of the two different kinds of income and determined that the 15-percent limitation on earned income resulting from personal services was a key provision to this Code of Conduct.

We must, therefore, insure that the legislative language contained in the code fully meets this intention as expressed yesterday by this body.

The language in proposed rule 44 does cause a number of problems in this regard.

The broad definition laid out in the rule for what constitutes "outside earned income" states:

> Any income earned by an individual which is income received as a result of personal services actually rendered if such services are material income producing factors.

I have no problems with this definition until I reach the words "if such services are material income producing factors." I do not know what these words mean. If they mean what I hope they mean, that all income from personal services is subject to the limitation, they are redundant and ought to be stricken. If they mean what I fear they mean, they create a gigantic loophole and ought to be stricken.

The words connote a viewing of the income involved as a proportion of the total income received by the individual or the business involved and could easily allow personal services income of large amounts.

The House language is much better in this regard, and is consistent with the general structure of the code in exempting unearned income but subjecting personal services income to the $8,600 limitation.

It does, however, allow additional income from family-controlled businesses if these businesses are ones in which both personal services and capital are income producing factors, if the individual can show that this additional income is essentially unearned, if he can show that it is essentially a return on capital, and if he can show that any personal services rendered by him to the business did not generate a significant amount of income to himself or to the business. He would not be permitted to make the day-to-day management decisions of the business for this would be personal services which would generate a significant amount of income.

The Senate language, as explained in the report, would allow an individual to receive an unlimited amount of income from a family business so long as he did not make substantially all of the managerial decisions for the enterprise or spend substantial amounts of time with it. Apparently, he could devote a good deal of time to the enterprise and could make a good deal of the decisions involved and be able to receive large amounts of money for these services. This is grossly unfair to those Senators who are not associated with family businesses and who are, therefore, not allowed to accept any amount of money for personnal services in excess of $8,600 per year.

My amendment would correct this inequity and would subject all income from family businesses which flowed from personal services to the 15 percent limitation and would allow additional income only if that income were a return on investment.

I ask unanimous consent that this amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 152

On page 25, line 23, strike out all after "rendered" through page 25, line 24 and insert in lieu thereof a period.

On page 26, line 8, beginning with "income", strike out all through "factor" on page 26, line 11, and insert in lieu thereof the following: "in the case of a Senator, officer, or employee of the Senate engaged in a trade or business in which the Senator, officer or employee of the Senate or his family holds a controlling interest and in which both personal services and capital are income-producing factors, any amount received by such Senator, officer, or employee of the Senate so long as the personal services actually rendered by the Senator, officer, or employee of the Senate in the trade or business do not generate a significant amount of income.".

NOTICES OF HEARINGS

YOUNG FAMILIES' HOUSING ACT OF 1977—S. 664

Mr. PROXMIRE. Mr. President, I wish to announce that the Committee on Banking, Housing, and Urban Affairs will hold a 2-day hearing, on March 31 and April 1, 1977 on S. 664, the proposed Young Families' Housing Act of 1977, and S. 1078, a bill to amend section 245 of the National Housing Act to revise the experimental mortgage insurance program.

The hearing will be held in room 5302, Dirksen Senate Office Building, and will begin at 10 o'clock each morning.

The committee would welcome statements for inclusion in the hearing record.

ADDITIONAL STATEMENTS

TUNA FISHERMEN

Mr. GARN. Mr. President, in the pages of our daily newspapers, in the form of full-page, purchased advertising, we hear continually about the Great Tuna War. The war was provoked by the Marine Mammal Protection and Endangered Species Acts, both of which make up in enthusiasm what they lack in realism.

In an attempt to eliminate the accidental killing of porpoises during tuna seining activity, truly Draconian measures have been imposed on the fishing industry. The result has been a rush to foreign-flag registration of our tuna fleet, uncertainty in the industry, the threat of higher prices to consumers, and a number of other undesirable and unanticipated reactions. And through it all, porpoises continue to be killed, if not by American tuna boats, by foreign-flag vessels.

What is needed, Mr. President, is some legislative flexibility, some patience, and above all, some knowledge of the factual situation. Being from Utah myself, I am certainly no expert on either tuna or porpoises, but I can recognize expertise when I see it. The February issue of Smithsonian magazine contains an excellent article by Kenneth S. Norris which describes in detail the problem, and the insight his researches have provided into possible solutions. The best thing about the article is the absence of heat and the abundance of light. Clearly Mr. Norris understands the needs of the tuna fishermen, as he knows the behavior patterns of the tuna. Nor does he discount the feelings motivating the crusaders for the porpoise. In short it is an informative article and must reading for anyone who wants to try to find a way out of our current muddle. Incidentally, it offers insights into things the Senate might try to avoid in future environmental issues.

I ask unanimous consent that Mr. Norris' article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TUNA SANDWICHES COST AT LEAST 78,000 PORPOISE LIVES A YEAR, BUT THERE IS HOPE

(By Kenneth S. Norris)

In 1975 some 154,000 porpoises were killed by fishermen seining yellowfin tuna in the Pacific; most of them suffocated in the three-quarter-mile-long nets. No one wants this to happen. Many fishermen need the porpoises as beacons to locate tuna, because the fish typically swim under and behind the porpoises, even during high-speed chases. And the fishermen are keenly aware of the swell of public indignation over the inadvertent porpoise kills that is threatening the existence of the American tuna industry.

Much of the public perceives these animals as sentient, charming creatures, remarkably friendly toward Man, and considered to be the mammals closest to Man in intelligence. Many people are appalled to think that porpoises are being caught, killed and thrown away. One result has been a proliferation of laws and regulations. Quite a few United States fishermen use expensive fine-mesh net in certain parts of their seines because porpoises don't entangle in it as easily as in older, larger-mesh net. Many vessels now carry observers to record each set a fisherman makes, speedboats are required to stand by to pull on the net in case currents should threaten its collapse on porpoises, and the Marine Mammal Protection Act and the Endangered Species Act prohibit the depletion of any marine mammal species, including those being killed by fishermen.

Our fishermen watch in indignation as their rising foreign competition fishes alongside them with none of these restrictions or costs. It's business as usual for the foreigners, many of whom, so the rumor goes, do not even bother to use the vital porpoise-saving *backdown* maneuver, a bit of ship-handling that can sluice living porpoises out of the net. Backing down is accomplished after most of the net has been drawn in and stacked on the vessel's stern. On a recent cruise I watched the seiner *Elizabeth C.J.* reverse her powerful engines and move in a broad backward circle, pulling the net into a long, finger-shaped channel behind her. The ship literally pulled the net out from under a tightly packed school of porpoises that had clustered in the middle of the net. Most of the porpoises knew instantly that they were free and raced away, bursting repeatedly from the water in high arcing leaps.

The uncomplicated nature of foreign fishing has lured many of our fishermen away. Some are now skippers or crew on foreign vessels. Many more, with family ties and other loyalties in the United States, flirt with ways to fish from foreign shores should pressures and costs in the United States prove worse than import restrictions.

I use the generic term porpoise to include dolphins. They are cetaceans, the major taxonomic group that includes whales. Dolphins tend to have an obvious snout or beak. Three major species of porpoise are involved in tuna fishing: the spotter or spotted, the spinner and the whitebelly. All are slim, delicate creatures that live in large, complex schools in the open sea. All are marked with beautiful bold patterns of light and dark (except for one group of spinners that are nearly uniformly gray), and all, I knew, are wonderfully responsive yet shy animals when trained in captivity. Government figures show that the populations of spinners may be depleted, although everyone admits it is dreadfully difficult to count animals in the sea. Regulation against catching spinners hangs like a bludgeon over the fishermen, for they often set their nets on mixed schools of spinner and spotter porpoises. The fishery is uncertain whether it can survive without "setting" on spinners. (Only yellowfin tuna, which is favored by consumers, is caught by setting on porpoises.)

This situation is recognized by many conservationists as potentially disastrous and paradoxical. If the fleet goes foreign, no amount of American indignation can be expected to save the porpoises. The very activism of the conservation community will have sealed the fate of the eastern Pacific porpoise populations.

I first became involved in the problem in the early 1960s when a few porpoises came back in the freezing holds of tuna vessels and were turned over to scientists, including me. Later I suggested to a graduate student, William Perrin, that he might study them for his dissertation. He went on to become the world's authority on these tropical porpoises, and is now a central figure in governmental research efforts. Then, while working in Hawaii, I had carried out a long study of wild spinner porpoise behavior. In 1972 I was named to a governmental committee charged with designing a research program to find ways of catching tuna without killing porpoises. We knew that the forthcoming Marine Mammal Protection Act would require substantial progress toward a solution during a two-year grace period. Not long afterward, as a member of the United States Marine Mammal Commission's Committee of Scientific Advisers, I headed the tuna-porpoise subcommittee, and continued to press for a more complete and balanced research program.

Thus it was with some pleasure and a considerable feeling of "put up or shut up" that I accepted leadership of a program to study the behavior of both tuna and porpoises in the fall of 1976, with Dr. Warren Stuntz, an experienced behavioral scientist, as my project manager. The idea was simple enough perhaps somewhere in the behavior patterns of fish and porpoises we could find the way to release porpoises alive from the seines. The industry contributed funds and invaluable liaison with the fleet through a newly formed entity, the Porpoise Rescue Foundation. The Marine Mammal Commission provided both money and the impetus for the project.

Two groups of government scientists took part, one under James Coe to study net function during tuna sets, and another group under Perrin to assist in the behavior effort. A third group, an acoustic research team under Drs. Frank Aubrey and William Evans (San Diego State University and the Naval Undersea Center, respectively), sought to define the underwater sound found during a porpoise set, including both those of the animals and the vessel and her gear. The National Marine Fisheries Service provided much support, including sea time on their research vessel, *David Starr Jordan,* and arranged for a research allotment of tuna that would allow us to obtain the services of a working seiner. With this allotment the seiner could fish legally, out of season, in return for helping with our work.

What we found will be documented in the next few months. My intent here is to describe some hints from our work and the results of previous gear modifications that promise ways to eliminate a sizable part of the porpoise kill, provided the necessary actions are taken by the governmental, scientific, legal, fishing and conservation communities. I especially want to show reasons for hope at a time when such hope may be crucial to the continued survival of both the tuna fishery and the animals. What I have seen and heard does convince me that for the first time, with application, a major reduction in the kill is possible.

I knew our tuna seiners were sophisticated fishing vessels, but nothing prepared me for my first walk around the *Elizabeth C.J.*, a spanking new member of the fleet. I first saw her as she lay at the wharf in San Diego, all 260 feet of her, a sleek, pale blue ship, with decks trimmed in sea-foam green. A massive net was piled ten feet high on her stern, surmounted with a beamy skiff. Just forward was the working deck, covered with winches, cables and booms. Forward of the deck rose the raking mast, an elevator in its interior. By riding in this little cage, one could reach the crow's nest, a vantage point from which the chase and the setting of the net were often guided.

Directly below, on a broad midships deck, nestled the five speedboats used to round up the porpoises. They are deep V-hull aluminum craft built for durability, for they are always used at top speed, and it is common to see them totally airborne when the seas are rough, leaping from crest to crest in roaring pursuit of a fleeing porpoise and tuna school.

This entire speedboat fleet is launched in minutes by an ingenious system of lines,

hoists and hooks. When a porpoise school bearing fish is sighted, the drivers pile into these boats, are dropped into the sea, and race off in a long line ahead of the seiner.

The spacious bridge is modernly equipped, including the latest satellite navigation system which, on a small television screen, continually reads out position to hundredths of a degree of latitude and longitude. Outside on the bridge wings are two pairs of high-powered binoculars. Every daylight hour, starting at dawn, two crewmen scan the horizon for bird flocks, the first hint of porpoises and the fish that swim beneath them. An even more powerful tool is chained down atop the broad deckhouse: a two-seater helicopter, a ship's arm that extends her reach many miles beyond the ship itself. From that platform I was able to look down on fleeing porpoise schools and see "shiners," sun glints from tuna swimming below the mammals. Experienced fishermen can estimate the number of tons of fish involved, and thus make the decision whether to initiate a set.

Below decks the vessel is all power and utility, spotlessly clean. Eighteen holds line one deck to receive 1,700 tons of tuna; refrigeration and recirculation machinery is mounted nearby to cool brine for freezing the fish. When complete, the catch is today worth about a million dollars, dockside. Consider that the ship could be loaded on a good trip in as little as 60 days, and the stakes in this enterprise become obvious—as well as the reason why $5.75 million can be poured into the construction of a single vessel.

Everything in an enterprise such as this depends upon the crew. Our ship, I knew, was a highliner—one of the most successful operations in the fleet—and that was because of the leadership of two most able young men, Manny and Joe Jorge. Both in their late 30s, they lead their crew easily. Manny, the more somber of the two, runs the ship, while Joe, the affable one, runs the deck operations.

I have worked with fishermen during much of my career, so I knew they would be proud men, and I knew the industry wanted to put its best foot forward with us. After all, I for one was probably suspected of being lined up with their enemies because of my long agitation for a responsible research program, which sometimes caused me to call both the industry and the government to task. They wouldn't want me to see a poor operation, or especially one that killed porpoises in great numbers. That suited me, too, because I wanted to see what the industry could do if it really tried. The government scientists among us were also suspect, because the government has imposed the rules that contain and frustrate the fishermen. We could expect that elsewhere in the fleet things would be less well done.

Tuna seining is a sophisticated effort run by competitive men who can be expected to be quite single-minded about their personal independence at sea, and anything that might affect their chance to fish. They love to fish. Regulations and observers represent a problem, but will be tolerated so long as the boat can fish. The fishermen know their trade and their gear better than anyone else and can be expected to resist ideas from outside that do not take this into account.

What does all this mean in terms of the tuna-porpoise problem? First, I do not expect knowledge of the magnitude of porpoise kill, or the depleted status of porpoise stocks, to be uniformly effective in motivating the fishermen, even though in the long run they depend heavily upon the porpoise for fishing success. Neither do I expect revulsion at killing porpoises to be wholly comprehensible except to a small percentage of fishermen. Each day they kill hundreds of magnificent sleek tuna, and the porpoises die about as the fish do. There is little the fisherman can see that makes the porpoise special. It's when one comes to know them more intimately—through books, films or exhibitions, and especially through personal contact such as my own—that their mass death becomes such a deep-seated issue. I have only to revive memories of a quivering spinner porpoise lying in my arms, filled with fear as I tried to teach it to swim through an oceanarium gate, or of seeing a wild mother spinner disciplining her rambunctions, tuna-sized calf with a little slap of her flukes, to understand the outcry over the killing.

The motivation for reducing porpoise kill naturally lies outside the fleet. In fact, the ethic itself lies outside the fleet. We should design our laws and regulations so they work in the fisherman's world. Regulations, I believe, should be designed as carrots as well as sticks. Current regulations penalize everyone, including the best boats that try hardest. I think these regulations should be revamped to reward the best boats for their porpoise-saving prowess in the currency they know best—the chance to fish.

So much for the vessel and her crew. What about the animals? What, indeed, do the porpoises and tuna do in a set, and what may be derived that can save porpoise lives? Let me describe a net set from the view of a naturalist.

The school is sighted. On top are perhaps 700 spotters and a few dozen spinners. The helicopter observer estimates that the school harbors upwards of 50 tons of fish, flashing beneath the fleeing porpoises. The word is passed over the loudspeakers that reach every cranny of the *Elizabeth C.J.*, including the heads, the game room and the bunk rooms. The crewmen rush to the speedboats. Fernando straps his belly belt up tight and is lowered over the side. Luis goes. Cowboy goes And the two Manuels. They race off ahead of the vessel and finally turn the porpoise school to the left. The *C.J.* turns in a broad circle to follow it. Manny and Joe are on the PA system, one from the helicopter and the other from the crow's nest, directing everything. With my uneducated ear I can't tell what is going on, except occasionally.

"Luis turn Luis." Luis (whose real name is Manuel, but there are too many Manuels for easy identification) is in the lead boat. Luis turns, beating the water white with his whining outboard engine. The porpoises race toward the bending wake of the *C.J.*, leaping in cascading fronts as they go. The *C.J.* heels over as she circles, wrapping them in a spiral of wake.

TRAPPED IN A WALL OF NET

When the wind and the size of the wake circle are right, a signal is given, a man on the *C.J.'s* stern pounds a pelican hook with his sledge and the net skiff slides off the stern, serving as a sea anchor as the net pulls off the ship. George, once a violinist in the Azores, stands erect in his boat as the huge net comes in leaping folds from the *C.J.*'s stern.

Around we go. At half-net I see the porpoise school leaping toward the net circle. Suddenly it slows, still 250 yards from the net, and begins to mill slowly. What has trapped them is the *C.J.'s* deep wake through which they usually will not pass; where that wake is weak, the smaller wakes of the speedboats suffice. I'm quite confident that the porpoises detect these wakes a long distance away by their animal sonar systems.

Once the net circle is complete, it takes a long time to winch in the big cable that purses the bottom of the net and thus closes the trap. Before that time, both tuna and porpoises are confined within a circular wall of net with no bottom. They apparently stay inside only because the net is so deep it hangs down into cold water uncomfortable to them. The porpoises always, based on the 20 sets I saw, take up station in the area of least disturbance, as far away from the big seiner as they can get without crowding themselves up against the net curtain.

Any disturbance that shifts this balance of fear moves the porpoise school. If, for example, a small skiff enters the net, the porpoises take it into account and edge a bit toward the opposite side of the net, striking a new balance. The skiff can easily maneuver the animals anywhere along the far corkline. Any other disturbance has similar effects: a swimmer, obects in the water, an unusual noise source.

Thus, it should be possible at this stage simply to herd the porpoises to a part of the net where they can be freed. When the net is first set, the fish usually seem to be deep, although we occasionally saw some near the porpoises at the surface. It may be possible to keep the fish and porpoises even farther apart with tuna-attracting methods being developed in Hawaii.

The stakes are high. In 1975 about 20 percent of the kill occurred during this part of the set, and while this was cut in half last year by the use of speedboats to hold the net open, thousands of porpoises are still killed at this stage. Whatever herding method is devised, it must be simple enough to use in fairly rough weather. It must not tangle in the seine. It must not lose tuna. At the moment my thoughts run to a single weighted line that can be stretched across an arc of net containing the porpoises. Using compressed air or some chemical means, the line would produce a curtain of bubbles, like the ship's wake that trapped the porpoises earlier. This curtain, as the line is towed, should move the porpoises, and may well repel tuna. The corkline can then be temporarily and very locally depressed and the porpoises pushed or attracted out. The point is that it is very easy to move porpoises in the net. I believe it will not be very difficult to develop simple and acceptable methods and gear to do it.

But more immediately applicable are some aspects of porpoise behavior in the backdown channel. In combination with new net designs already developed by the National Marine Fisheries Service, these could be used to reduce overall kill by a third or more, and can be applied fairly quickly. All we need is a cadre of trained Jim Coes, to modify the nets of the tuna fleet. Jim Coe is our gear specialist, dedicated to solving both the porpoises' and fishermen's problems. Each time a net set was made, Jim waited until just before backdown began, tossed a one-man rubber raft into the net, jumped in after it, and paddled by hand out into the channel. He went to the market buoys that showed where the porpoises would soon be sluiced over the top of the net. There he waited as the rafting porpoises moved closer and closer in the current. As they piled against the corkline, he could be seen grabbing them and sliding them over the line, pulling on this dorsal fin, placing that beak over the line so the porpoise would swim out. With his face plate he watched below the surface down into the deep backdown channel. One hand was raised in the air, signaling to the skipper of the *C.J.* to pull harder, or to stop when the fish swam near so the corks would rise and the catch be prevented from escaping. Many times he kept the backdown process going several minutes after any of us on board could see porpoises in the net. Then, in ones and twos, animals would appear at the surface to be helped out. Finally he would wave that the net was clear. Backdown would end, the net would be sacked up and the catch winched aboard.

Coe and Perrin told me that many times the fishermen in speedboats stationed at the end of the backdown channel would look down into the water and see porpoises lying deep in the net, and call them dead. After all, they were sometimes stacked up like cordwood, with bellies shining white. But most of the animals, Perrin and Coe told me, were not dead at all. (Others were swimming so deep they might not be seen.) If backdown ended with them still in the net, these living animals had little chance of survival, because the net is soon "sacked up," a maneuver that crowds porpoises and fish together in a frenzied melee for brailing. Brailing consists of dipping down into the dense mass of tuna, sharks and porpoises with a huge scoop on a cable and winching tons of animals onto the deck.

I decided to see for myself and scheduled a dive in the backdown channel. I found that it's a bit eerie to dive in a tuna seine. One knows that common companions of the fish and porpoise are oceanic sharks, and that they commonly inflict awesome bites on both dying porpoises and fish.

At first, as the net was being pursed, I found it hard to get close enough to see the animals very well. They were shadowy shapes merging into the blue. But, as the net was drawn in, it became easy to swim near them and to see their tiered schools reaching downward almost out of sight below. As backdown approached, the animals became more crowded, and they were often all around a swimmer, close enough sometimes to touch. Increasingly, as the set progressed, the spotter porpoises (which are by far the most abundant species in these sets began) to swim more and more in the vertical plane. They dived sharply, throwing their flukes into the air, and descended almost directly downward. None, except some spinners, seemed to move very fast, but they dived down to the limits of vision, 50 or 60 feet below me, then leveled out and came steeply back to the surface. Sometimes, several animals would weave around one another with a ballet dancer's grace as they rose in an arabesque. Then I began to note animals sinking tail first; simply changing their buoyancy and drifting downward, often coming to rest on the sloping mesh walls of the moving net, slightly pressed against it by the water current. As backdown proceeded, more and more animals did this, and clumps of animals could be seen down there, shining pale against the dark blue. I could see the open eyes of some, looking up at me.

Those looks from the trapped porpoises rang a bell in my memory. It was exactly the same behavior I and others had often seen when we pushed a porpoise too far during training. Typically, the animal in question would blow a big bubble under water and sink to the bottom looking up in apparent frustration. No worry, though. Given a minute or two, such an animal would rise to breathe. So it is with porpoises in the backdown channel, just as Jim told us. Give them a minute or two and they scull awkwardly off the net and rise to the surface.

Understanding this behavior can make a big difference in porpoise mortality. While I was on board we made 20 net sets and killed 11 porpoises, of which I felt perhaps eight to ten deaths had resulted from manipulations of the sets by the scientists which the fishermen would not normally make. And we caught 550 tons of tuna. That's a total of 0.02 porpoises killed per ton, if all animals are considered, and about 0.005 per ton if we give the fishermen the benefit of the doubt. The fleet average in 1975 was about one porpoise killed per ton of fish caught, or a kill rate between 50 to 400 times greater than ours.

Now, by no means was all of this fine record due just to Jim's ministrations in the backdown channel. The *Elizabeth C. J.* operates with a carefully modified net designed to remove any fold that might trap a porpoise and to provide a channel for their escape. She also is equipped with fine-mesh net that, more than any other innovation, prevents porpoises from tangling. She operates with a savvy team of fishermen who know precisely how to handle their gear. But, for me, our results show what the fishery can do if properly trained, equipped and motivated. If all our boats modify their nets and learn to handle them with skill, and if a crew member is trained to substitute for Jim, much can be hoped for.

The porpoises that are killed before backdown die in what are called catastrophic sets, where, for one reason or another, the net collapses over groups of porpoises or they entangle in the large mesh. The pace of such catastrophes is usually very slow, taking many minutes to occur. It's then that early release methods could come into play. I think they could also be used to great advantage if the catch of fish or porpoise is very large, and one could expect great crowding in the backdown channel. At any rate, such prebackdown release methods become a sharply focused research problem. We know what needs to be done.

Such development cannot take place on a working seiner. What is needed is a chance for scientific tinkering, and such operations are utterly antithetical to the fisherman's way of doing things. Thus I view it as a most important step that the fishery itself has voted to provide a vessel dedicated to research, and a program is being designed to use it. A major part will be to train a cadre of Jim Coes. Another will be to learn how to modify nets. Still another will be work on prebackdown release methods.

But none of this will be especially effective unless the fishermen care. Many of the more farsighted of them are concerned, but others have a "get-it-while-it-lasts" philosophy, driven by debts or ingrained exploitative attitudes. The rules presently lump all fishermen together: the boats that kill few porpoises suffer from quotas imposed because of other boats that kill most of the animals. It is a minority that accounts for a large fraction of this kill. These boats, I believe, must either be prevented from fishing or they must learn to do much better.

Thus I think the rules must provide both rewards for good performance and punishment for bad. One way to do this might be to classify all boats by their porpoise kill per ton of fish caught, and divide the whole fleet into first- and second-class vessels. For example, all boats that kill less than 0.5 porpoises per ton of tuna might be designated first class, while all those over that number would be second class. (The dividing line could be reduced year by year as the fleet gets better at saving porpoise lives.)

Then the total allowable porpoise kill for a given year would be divided into two parts. All vessels might be allowed to fish until two-thirds of the porpoise quota was used, and then only the first-class vessels would be allowed to take the remaining portion of the quota. I'm sure that vessels threatened with such recall would clean up their act. And I'm sure that fishermen who know their gear and animals better than anyone else will come up with dozens of porpoise-saving ideas that none of us scientists ever dreamed of.

Time is of the essence. Last year environmentalists won a court victory that resulted in a quota being set and the fleet ultimately being called back to port despite appeals to the Supreme Court. This year the fleet will be working under quotas for each species and stock of porpoise. If the quotas are as low as many expect, the fleet will be recalled after only a few months. Congress, aware of the plight of both porpoise and fisherman, is expected to take up the matter early in this year, but the completion date for revised legislation is in doubt.

There is hope for both the porpoise and the U.S. tuna fishery. But, while better ways of catching tuna and saving porpoises are being evolved into policy or science, let's not trap ourselves into a corner nobody wants to occupy—the one where the porpoises and the fishery are both lost.

SENATE LEADERSHIP AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, today the Senate has an unusual opportunity to assume a leadership role in the conduct of our Nation's foreign affairs. We can join President Carter in placing the United States firmly on the side of human rights by ratifying the Genocide Convention.

For too long the Senate has been considered a follower in foreign affairs, a body which either defers to Presidential leadership or places obstacles in its path. This concept of a passive Senate has been discussed in academic, Government, and mass media circles.

I personally do not believe the Senate is only a responding partner in the conduct of foreign affairs. I think we can now prove our ability to set national priorities be ratifying the Genocide Convention.

President Carter has set the Nation on a course of active support for human rights. He has spoken out for human rights and he has made symbolic gestures to indicate our Nation's support for the basic rights of all men.

For these actions I commend the President of the United States. He has taken action in a field with which we all agree. However, the Senate has an opportunity to do more.

We can take a firm policy initiative by ratifying the Genocide Convention. The Senate can lead our Nation into its rightful position of concern for human rights, removing the stigma of our long absence from the list of nations which have ratified the Genocide Convention.

By ratification of this treaty we can assert our concern for human rights and establish the Senate's position as a leader in the formulation of our Nation's foreign policy. I cannot think of two more worthy goals.

SENATOR HANSEN TESTIFIES ON THE FUTURE OF LOW-COST TELEPHONE SERVICE

Mr. GOLDWATER. Mr. President, on Monday the Communications Subcommittee of the Committee on Commerce began hearings on domestic communications common carrier policies.

One of the major questions raised at those hearings is the impact of recent FCC policies upon the future of the telecommunications industry. Will these policies insure the quality of service? Will they cause dramatic increases in home telephone costs? Will they set back the availability of phone service in rural areas?

Mr. President, these fundamental questions were addressed at the hearing by my good friend, the senior Senator from Wyoming (Mr. HANSEN). Senator HANSEN is the author of legislation I am cosponsoring to preserve the wide availability of high quality, low-cost telephone service in the United States.

His testimony particularly emphasized the importance of safeguarding the quality and provision of low-cost telephone service in the sparsely settled rural areas of the country.

Mr. President, in order that all of my colleagues can read Senator HANSEN'S thoughtful testimony, I ask unanimous consent that it shall be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR CLIFFORD P. HANSEN

Mr. Chairman, thank you for allowing me the privilege of appearing before the Communications Subcommittee concerning the telecommunications industry.

All of us are aware that telephone service is extremely important for most Americans. No longer is it a luxury item that only the affluent need and can afford. Telephone service is now within the reach of nearly all Americans and the people of this country depend upon it for their safety and livelihood.

Yet as important as the telephone is to all Americans, it is particularly important to rural Americans. My own State of Wyoming is still largely rural in character. The ninth largest state in size, it is nearly the smallest in population. Many of our people live distant from one another, spread out over vast expanses of magnificent, yet often harsh, terrain. We need good communication, an active exchange of information and resources to keep our economy strong and our standard of living high.

Highways, railroads, airlines and mail service are all vital links among our people—as they are in any rural area across this great nation. And so is the telephone. People use their telephone for contact with their neighbors, friends and family; for security; for advice and assistance in times of emergency. They depend upon the telephone. It is ready at hand; it works consistently and reliably; and most importantly, its cost is reasonable.

If telephone service were to be reduced or withdrawn from the rural areas of our country, we would all be worse off. If the people of Denver, Los Angeles or New York were unable to call a relative, friend or business client in the remote areas of Wyoming or any other state, then we could not claim to have a truly nationwide telecommunications network.

In spite of the evident obstacles in providing telephone service in a state such as Wyoming, over 92% of our households now have telephones. The number of telephones in service in Wyoming has risen dramatically over the past several years.

In Campbell County, for example, in the northeastern part of the state, a new community to be known as Wright, is taking shape as a result of coal mining operations. Yet even before this community is established, the telephone company is building facilities to serve it. A thousand telephone lines are expected to be in operation in Wright by 1980.

The availability of high quality telephone service throughout my home state—and throughout this country—is directly attributable to sound national telecommunications policies and clear recognition by our predecessors that our national telecommunications system should be planned, developed and coordinated as one integral network.

In the Communications Act of 1934, Congress, in its wisdom, determined that the overriding objective of this country's telephone system was to be service for everybody. The telephone was to be made as widely available to the people of this country as possible. It was to be of high quality and offered to customers at a reasonable charge. In the Communications Act, Congress endorsed the regulated monopoly franchise as the most efficient means of accomplishing the objective of universal service. How well this structure has served us is borne out by the fact that our telephone system today is, in the words of Senator Hart, "the best and the cheapest telephone service in the world".

In recent years, however, the FCC has begun to tamper with this structure. By a series of decisions over the last decade, the Commission has begun to promote competition in various parts of the telecommunications industry.

Those who know me know I am a staunch advocate of competition and free enterprise. Nonetheless, I do not believe that the sophisticated and delicate telecommunications system we now have should be jeopardized to retry an experiment that proved long ago to be unworkable in this vital industry.

Competitive enterprise cannot meet the public interest standard that must be met under regulation in the telephone industry. Under competition, each company, no matter what its product or service, seeks out that segment of the market that will offer the best return on its investment. Those who offer no promise of financial return to the investor remain unserved.

Thus, while nearly 95% of the households in this country have telephone service today, under a totally competitive system, isolated communities and families in this country would still be waiting for their telephones.

Allow me to give an example of the type of service we have in this country. Not far from the western border of Wyoming, near my home in Jackson, there is a small community named Bondurant—population one hundred. Bondurant is a center for the area's agricultural community and a way-station for travelers coming to and from the National Park areas to the north and west.

This year some forty Bondurant families presently receiving telephone service on an 8-party line hookup will have, for the first time, a choice of single-party, 2-party or 4-party service. Some $330,000 is being invested by the phone company on behalf of these Bondurant customers—an average of $8,300 per subscriber.

The basic monthly rate today for 8-party service is $6.55. When this upgrading of service is completed, the monthly rate, for basic 2-party service, will be about $14.50—but the actual rate—if the people in this rural community were paying what it costs to provide this service—would be about $180—$185 per month! This is not an isolated example, for Bondurant is only one of the many rural communities in Wyoming that will see the end of the 8-party line by 1978.

This type of development would never take place in a competitive telecommunications structure. It is possible only because, under a regulated franchise, the telephone company is obligated to serve *all* customers in its assigned geographic area and because it is permitted to balance the costs of service in thinly populated regions with those in more densely settled communities.

If competition is allowed to replace public interest as the guideline for our nation's telephone system, the sparsely-settled, remote, costlier-to-serve areas of this country will see their service deteriorate and, in some cases, vanish altogether.

Several years ago, under changes instituted by the FCC, new specialized telecommunications carriers began to provide microwave and satellite private line services in large intercity markets. Unencumbered by any obligation to serve less lucrative residential markets or to make any contribution to other services—as traditionally done by the established common carriers—these new carriers were able to price their private line services below common carrier rates.

Thus, the FCC opened up to competition those areas which have traditionally been a part of the entire telephone system. In so doing the FCC has thus threatened the "cross-subsidization" which has enabled Americans to have available inexpensive telephone service.

In the past, the revenues from various service categories, such as inter-city and optional services and equipment were used to make substantial contributions to cover common costs and overhead, thereby permitting rates for basic local telephone service to be lower than would otherwise be the case.

This is particularly important in Wyoming where rural telephone systems serve subscribers who can be reached only by stringing miles of expensive cable. Thus the loss of inter-city markets to competitors who can offer reduced prices, since they do not have to serve the entire public, would severely curtail the amounts available for contributions, making the cost of all local service and some long distance services increase materially.

Some would argue that if residential service is to be subsidized that it should be done by the government itself. It should be noted, however, that all telephone rates are set only after scrutiny and approval of appropriate governmental regulatory authorities. Furthermore, if the government is to take upon itself the task of redistributing revenues in franchised monopoly service areas, I fear we can expect a decline in administrative efficiency and an increase in our telephone bills.

This country already has the greatest telephone system in the world in terms of number, installation time, quality and cost. Yet here we are considering policies which threaten that system and make it just another part of an inefficient, costly, federal bureaucracy.

Until very recently, control over the connection of equipment to the network by the customer was recognized as within the jurisdiction of the state regulatory body. Everyone thought the state's authority in this area was acknowledged in the Communications Act of 1934 and that responsibility for safeguarding the quality of intrastate service was completely in the hands of state regulators. This understanding was acted on for forty years until recently when the FCC usurped jurisdiction over customer provided equipment.

I am not suggesting that customers throughout the country should be prohibited from owning their own telephone sets. In some states and localities that may be desirable. Yet, such an option ought to be allowed by the respective state regulatory authorities not in blanket form by the FCC for the country as a whole.

These pro-competition decisions are, in effect, undermining the established rate structure upon which our nationwide telephone system rests. Some business customers and some entrepreneurs may benefit from such a restructuring, but there is no way in which these changes can benefit the aver-

age home telephone user. They are particularly detrimental to people living in rural areas.

When I hear it said that we have achieved universal service in this country and that we should now move on and establish some new standard for our nation's telecommunications system, I am deeply disturbed. Each year, thousands of newcomers move into the rural areas of Wyoming and hundreds of thousands move into similar regions in other states. Have they any guarantee that the FCC's new policy of competition will not push costs of providing telephone service to their new homes completely out of reach? Is the present level of service in communities like Bondurant all that we should hope for? I believe that our nation should never regard what we have as the best that can be offered.

If a departure from existing policy is called for, it ought to take place after careful and comprehensive study by the Congress, not by decisions of an administrative agency which take into consideration only portions of this system on a piece-meal basis.

It has been suggested that there exists real dangers to individual liberties in overturning the steps taken by the FCC relative to the telecommunications industry. However, it is my belief that the real threat to individual liberties is the present approach of the FCC, since, if allowed to continue, it will price out of the telephone market place thousands of our elderly, low income and rural Americans. This a very serious threat since the telephone has assumed, in this modern age, a position much like that of the mail service during the time of our Founding Fathers. The telephone has become tremendously important as one of the primary means of communicating thoughts and ideas. Every Member of this body could attest to the calls his office has received from constituents concerned with pending legislation or wishing merely to transmit their thoughts and feelings in matters affecting their daily lives.

The recent success of the President's "Ask President Carter" program during which over nine million calls were placed to the President's number further attests to the nature of the home telephone as one of the essential elements of a real "freedom of speech".

Early in this session, I introduced in the Senate a bill, S. 530, entitled the Consumer Communications Reform Act, reaffirming the policies established in 1934—specifically: widely available service of high quality at affordable charges; exclusion of wasteful and duplicative facilities and services; and explicit recognition of state jurisdiction over the connection of terminal equipment to the network. Several of my fellow Senators, including my colleague, Mr. Wallop, from Wyoming, have joined with me in this bill. Comparable legislation in several versions has been introduced by over fifty Members in the House of Representatives.

At least a dozen business and professional associations in the State of Wyoming have adopted resolutions supporting the intent and principles of the Consumer Communications Reform Act. The 44th Legislature of the State of Wyoming has also adopted such a resolution, which I recently inserted in the Congressional Record. The Western Governors' Conference (embracing the states of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming) last year passed a resolution to the same effect.

This Subcommittee, while not addressing this or other legislative proposals, does afford us the opportunity to begin a complete and careful consideration of the important issues addressed in the legislation I have proposed.

I am convinced that if the principles embodied in the bill I have introduced do not become law, consumers across Wyoming and in other sparsely populated areas can expect their rates for telephone service to increase and quality of their service to decline.

Thank you again for this opportunity to speak to such important issues.

THE DOCTOR SHORTAGE

Mr. CLARK. Mr. President, one of the greatest concerns to people who live in rural areas and small towns is the lack of medical care. In States like Iowa, the number of doctors serving in the countryside is dwindling, and the number of young medical graduates choosing to serve in rural areas is not growing enough to replace the doctors who retire or leave their country practices.

In Iowa, one-third of the counties lost primary care physicians in the years from 1974 to 1976 alone. At the same time, only about 4 percent of the recent medical graduates in the United States have chosen to practice in rural areas.

The irony of this situation is that there are far more doctors being graduated than ever before. But these medical graduates are choosing to go into specialties rather than to work in family practice or other primary care fields. In 1950, about 60 percent of doctors were generalists; today 80 percent of young doctors are specialists, and only 20 percent are choosing primary care.

What this means for rural areas is that specialists gravitate toward urban areas where equipment, hospital support, and colleagues can be found. The cities and suburban areas, therefore, have a definite advantage in the doctor-patient ratio. One doctor per 599 metropolitan residents, compared to one doctor per 1,285 rural residents.

This trend is likely to continue in the future unless some changes are made in the incentives for doctors to practice in rural areas.

The National Health Service Corps and other health manpower programs have been upgraded to encourage young physicians to practice in underserved areas. Right now, though, the percentage of NHSC doctors staying in private practice in their assigned areas is small—only about 10 percent—but the hope is that both the numbers and percentages will grow.

Another way to lessen the disparity in health care services between urban and rural areas is to encourage innovative arrangements in the health delivery system. One approach in which I am particularly interested is the use of satellite clinics in small towns and rural areas. These clinics, staffed by nurse practitioners, physician's assistants and other primary health care providers, have been shown to be effective and efficient in providing health care for rural and small town residents.

The Rural Development Subcommittee of the Committee on Agriculture, Nutrition, and Forestry will be holding a hearing on March 29 to investigate the prospects for clinics served by these primary health care providers. The specific subject we shall be exploring is the problem of reimbursement under medicare for this type of service. The current medicare reimbursement policy seems to be a real obstacle to the utilization of primary health care providers and the establishment of satellite clinics in rural areas.

I am submitting for inclusion in the RECORD an article which focuses on, among other things, the doctor distribution problem. The author summarizes the problem when he says:

A general increase in physicians provides no guarantee that less distributional problems will be resolved. Even in surplus, doctors are likely to continue to gravitate to the more prestigious and comfortable suburbs and specialties, unless there are strong incentives in other directions. Past increases have gone disproportionately to regions that already have high densities of physicians.

I ask unanimous consent that the article from the Washington Post of March 13, 1977, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TOO MANY DOCTORS?

(By Paul Starr)

Strange as it may seem to people who still can't find a doctor on weekends, much less get a house call anytime, there is serious talk now about an impending "doctor surplus" after years of lament over a "doctor shortage." Measures have even been proposed to hold down the number of new physicians. With remarkably little fanfare, Congress has already taken one step in that direction. Yet the momentum of expansion in medical education seems irresistable well into the 1980s, and the political and economic implications of a flood of new doctors could be profound.

For reasons I'll come to shortly, I see this as one of the most promising developments in medicine today, but conceivably it could aggravate our problem, or perhaps come to nothing.

The facts are striking. Within the past decade, the yearly increase in the number of new physicians has doubled. The sources have been both foreign and domestic. Foreign medical graduates admitted to the country as immigrants rose from just 2,000 a year in 1965 to more than 7,000 by 1972. Graduates of U.S. medical schools climbed from 7,500 in 1966 to 13,000 last spring as a result of increases in both the size and number of schools.

Ten years ago there was 88 medical schools; now there are 114, with 13 more being planned. If these are completed as scheduled, the total increase since 1966 will amount to almost 40 new medical schools—this in a country that had hardly seen any net growth at all during the previous half-century.

Because population growth has slowed, the gains in the supply of doctors relative to populaton are quite impressive. The number of physicians per 100,000 people in America grew from 148 in 1960 to 174 in 1975; by 1985, according to recent projections, it will soar to between 210 and 218. At that point, probably only Israel and the Soviet Union will have proportionately more physicians than the United States. Today, there are almost a third as many doctors in training in America (roughly 100,000) as there are in active practice. When current medical students and residents inundate the market, the effects should be enormous.

The likely availability of large numbers of new doctors could greatly facilitate future efforts to change the medical system. Young physicians, just coming out of medical school without any prior attachment to private, fee-for-service practice, may be more readily attracted to new institutions and arrangements than older physicians. There is some evidence that the new graduates, particularly women, are less interested than their predecessors in setting themselves up as solo entrepreneurs.

But whatever their preferences, they may find it increasingly difficult to get started in private practice, which now, especially because of rising malpractice insurance rates and medical equipment costs, requires an investment beyond the reach of many young doctors. Instead, they may turn to neighborhood clinics, health maintenance organizations and other institutions that offer secure salaries. The fee-for-service system will most likely be changed, not by making old docs do new tricks, but by generating large numbers of new physicians who find it in their interest to accept arrangements that established practitioners would shun.

A large and expanding supply of physicians also offers a new opportunity to alter the balance of power in medicine. The strength of the medical profession in America has long rested on its success in restricting its own numbers. By holding down the supply of physicians, the organized profession has been able to maintain the highest median income of any occupation and to defeat programs and institutions that threaten its interests. Because of opposition from medical societies, consumer-sponsored health plans in various forms, have typically found it almost impossible to hire staff physicians.

The relative scarcity of doctors has strengthened their bargaining position with the society, enabling them to control the terms of their relationships with patients and medical institutions. Increasing the number of physicians could help reduce the profession's market power. It might even help achieve some equalization of incomes between doctors and other health workers. As Victor Fuchs, professor of community medicine at Stanford University, has shown, incomes within the medical care sector have been more unequal than in any other major industry in America.

FEAST OR FAMINE

Inroads into physicians' economic power would represent an historical reversal. Restrictions on the supply of doctors go back to the early years of the 20th Century, through the 1800s physicians were plentiful and, as a group, not particularly well off. Because of tax state laws, medical colleges proliferated until by 1900 there were 160 in the nation—most of them small, quick degree, profit-making trade schools with few requirements for admission or graduation.

Successful lobbying by medical societies, however, brought stronger medical licensing laws, requiring longer periods of training, higher pre-medical qualifications, laboratory work and clinical hospital instruction. Since meeting such standards cost more money than schools could raise from student tuition, medical education became unprofitable. Commercial schools closed, and almost all training was incorporated into universities.

A 1910 report from the Carnegie Foundation, written by the educator Abraham Flexner, helped organize public opinion in favor of an upgraded but smaller system producing "fewer but better" doctors. By 1922 the number of medical schools had dropped from 160 to 81, and the number of graduates, 5,606 in 1905, plummeted to 2,529.

While the medical schools later increased the size of their graduating classes, they grew more slowly than the nation's population. From the turn of the century through the Depression, the ratio of physicians to population dropped from 173 per 100,000 to around 130. It remained near that low level through the 1950s. In the meantime, medical services expanded enormously and specialization deepened. Between 1931 and 1963, general practitioners dwindled in number from 112,000 to 73,000, or from 72 to 28 per cent of all doctors. Talk of a "doctor shortage" became common, although the country might actually have had more than enough physicians had they been rationally distributed.

The turning point came in the mid-1960s. In 1965, Congress revised the immigration laws, eliminating the old system of national quotas which had favored European countries. Under the new law, occupations in which domestic shortages were believed to exist gained special preference. Medicine was one of these. In 1970, Congress made it easier for foreign medical students who had come here on temporary exchange visas to become permanent immigrants.

As a result, the annual influx of immigrant physicians tripled by the early '70s. (Actually, many of these immigrants were already in the United States on exchange visas, but had the law not been changed they would have found it difficult to stay.)

At the same time, the major source of foreign doctors swung from Europe to Asia. Only 300 Asian doctors emigrated to the United States annually before 1965; there were 5,000 a year by 1972. India, the Philippines and South Korea became the three major contributors in a massive redistribution of human capital from some of the poorest nations to one of the richest.

Also in the mid-1960s, the federal government undertook its first direct support for medical education. The American Medical Association, anxious to keep down the number of doctors, had long opposed such assistance, but the medical schools wanted it dearly and their influence in Washington was growing. An initial measure in 1963 provided for construction grants and student loans; in 1965, the law was amended to include funds for the schools' operating costs, on the condition that they increase enrollment a minimum amount.

By the late '60s, even the AMA joined in support of federal aid for medical education after the great surge in demand for medical services resulting from the enactment of Medicare and Medicaid. Further legislation in 1968 and 1971 increased financial assistance to medical schools and strengthened the provisions making aid conditional on higher enrollments.

These incentives, according to a study by the Rand Corp., were crucial in nearly doubling the number of graduates over the course of a decade.

DISTRIBUTING THE TALENT

The effects of these changes have as yet scarcely been felt. It takes about eight years for increased first-year enrollments to affect the supply of doctors. Only now are the large medical school classes of the late '60s beginning to turn up on the market, and the new doctors have not yet had time to accumulate in great numbers.

Among many people the impression persists that the AMA still keeps down the number of physicians, in part because one hears how difficult it is to get into medical school. (The number of applicants has increased more rapdily than the number of medical school places.) Moreover, unbalanced distribution of physicians, by region and by specialty, continues to leave shortages in rural and inner-city areas, especially in "primary care" (general and family practice, general pediatrics and internal medicine, obstetrics and gynecology).

American medicine is today vastly overspecialized. In Britain, 75 per cent of doctors provide primary care; in the Kaiser-Permanente health plan in America, the proportion is two-thirds. But in the United States as a whole, primary care accounts for only 45 per cent of physicians. So, although we may be building up to a future doctor glut, genuine scarcities still exist.

A general increase in physicians provides no guarantee that these distributional problems will be resolved. Even in surplus, doctors are likely to continue to gravitate to the more prestigious and comfortable suburbs and specialties, unless there are strong incentives in other directions. Past increases have gone disproportionately to regions that already have high densities of physicians.

When the supply of doctors was beginning to grow between 1963 and 1970, the proportion in primary care was actually falling. The educational system turns out highly trained specialists oriented toward work in urban settings, and the current insurance system reimburses specialists more generously for their services.

Lately, in an effort to ward off federal regulation, the AMA has been arguing that the private sector is already remedying the deficiencies in primary care. Between 1968 and 1974, the number of first-year positions in primary care training programs jumped from 4,600 to 8,800. But the increase may be deceptive because of a growing trend toward specialization within primary care fields.

Young internists, for example, are going into subspecialties like cardiology or hematology, rather than general internal medicine. "It is almost certain," the Coordinating Council on Medical Education, a semiofficial body, stated in 1975, "that with the new opportunities for certification in subspecialties, proportionately fewer internists and pediatricians will have an interest in primary care."

New legislation passed by Congress last October makes some effort to correct these distributional problems. It requires medical schools to offer about half their residencies in primary care fields and makes scholarships available to medical students on the condition that they work one year in doctor-poor areas for each year they receive financial aid.

But in a statement of findings and policy, the law also declares that "there is no longer an insufficient number of physicians and surgeons in the United States" and, as a result, "no further need for affording preference to alien physicians and surgeons" in immigration. Further, it terminates the earlier incentives for medical schools to expand first-year classes.

Whether the law will help or hurt doctor-poor communities remains to be seen. Today, one of every five doctors in the country is a foreign medical graduate. These doctors take many of the jobs that Americans spurn, such as staffing municipal hospitals and state mental institutions. In Brooklyn, more than 90 per cent of the city hospital doctors are foreign graduates. Without them, those hospitals may be in dire trouble.

Until 1980, the new federal law allows exceptions to its cutoff of immigrant doctors for institutions that would be seriously disrupted by their loss. The hope is that, as American medical school graduates grow in numbers, they will take the place of foreign physicians, even at the least desirable institutions.

The new scholarships are designed in part to remedy the problems caused by the loss of imported doctors. If fully funded, they will greatly augment the size of the National Health Service Corps, a federal program be-

gun in 1972 that assigns physicians and other medical personnel to underserved areas. Until now, the corps has depended on volunteers and has placed only about 200 doctors a year, almost entirely in rural communities.

The new legislation redefines shortage areas to include public institutions, like prisons and mental hospitals, that have trouble recruiting doctors, and the corps is now preparing to move into urban neighborhoods as well as rural towns. By the mid-1980s, with the scholarships bearing fruit, the size of the program may grow to 5,000 to 10,000 doctors. (Some in Washington mention 20,000 as a goal.) If these changes in size and orientation materialize, the National Health Service Corps could become a powerful instrument in reversing the maldistribution of doctors. Some, however, remain skeptical of a program that may end up only rotating young physicians through communities where they have no serious intention of putting down roots and establishing a practice.

Besides the cutoff of foreign medical graduates and the elimination of incentives for medical schools to expand first-year classes, other moves to slow down the expanding supply of physicians may also be in store. In a recent report, the Carnegie Council on Policy Studies—66 years after Abraham Flexner—argued that the United States is now in "danger" of creating too many medical schools and called upon the federal government to abandon nearly all of the 13 new schools now in development. Throughout the government, a consensus is apparently emerging that America is threatened with a surplus of physicians.

PERVERSE ECONOMICS

What causes concern among policy makers is the possibility that the addition of new physicians may generate increased expenditures for medical care by driving up both the volume and price of services. Once patients bring their complaints to a doctor, the doctor determines whether tests, operations, drugs and further visits are necessary. These judgments are highly variable. Physicians can increase "demand" for medical services by reducing the threshold at which procedures are thought medically warranted.

The higher the density of physicians in an area, the greater the pressure seems to be to perform services that otherwise might be foregone. Considerable evidence suggests that the more surgeons there are in a community, the higher the rates of surgery and hospitalization.

Moreover, an increased supply of surgeons does not necessarily bring down prices. The less individual surgeons work, the more they charge, so they can keep their incomes at the levels to which they are accustomed. The economics of fee-for-service medicine seem to be completely perverse. Demand appears to be controlled by the suppliers, who raise prices to meet expected levels of income. Consequently, the rising number of doctors could quite easily inflate total medical costs for the society.

But the effects might also go the other way. A goodly supply of physicians might help prevent inflation for a national health program. Medicare and Medicaid, one often hears, pushed up medical costs because they increased demand, while the supply of physicians and facilities were relatively inelastic. Conceivably, that kind of demand-push inflation could be blunted in the future by an abundant supply of doctors.

Which of these effects will predominate is unclear. Possibly, they will turn out to affect different parts of the medical system in different ways. By making doctors available at reasonable salaries, a rising supply might hold down costs for neighborhood clinics and health maintenance organizations.

In the fee-for-service sector, however, more doctors will probably mean higher utilization and higher costs, forcing up the price of health insurance. The future effects of the growing supply of doctors on health-care expenditures depend fundamentally on the outlook of fee-for-service medicine. If, as I think, its prospects are poor, then the case for maintaining a high supply of doctors is correspondingly strong.

One further possibility exists. The growing supply of doctors could change the division of labor in medicine. Should physicians become more numerous and less expensive, they may displace nurse practitioners and other "physician extenders," putting an end to recent efforts to develop new para-medical occupations. They might also take over more administrative functions in the medical system. Lateral movements of this sort could prevent any surplus of doctors from developing. Don't expect to find any M.D.s driving taxis.

If the medical system were rationally organized in some rough relation to need, we could probably do with fewer doctors than we already have.

The argument for increasing the supply is primarily political. We need more doctors who are not committed to private practice and an abundant supply of physicians to limit the economic power of the profession.

At some point in the future, we may be forced into a confrontation with the medical profession over the maintenance of its privileges. Doctors' strikes over national health programs are not unheard of.

At that point, it will be extremely useful to have more doctors than we need, instead of needing more doctors than we have. An expanding supply of physicians will not solve our problems, but it may create favorable objective conditions for the success of future efforts.

INCOME DISTRIBUTION AND THE OPEN SOCIETY

Mr. GARN. Mr. President, much has been heard in recent years about the need to reform the tax system, and the need to reduce income disparity. Usually the phrase is "income distribution."

I am one myself who firmly believes that taxes need reforming, and am committed to that end. However, it is not nearly as clear to me that extensive redistributionist policies are needed. Indeed, some strong warnings have recently been raised, in the pages of such influential journals as the Public Interest, that we may not be able to afford much more redistribution than we now have.

Contributing to the debate, the International Institute for Economic Research has just published two brief essays on the subject by Irving Kristol and Peter T. Bauer. I found the essays interesting and informative, and calculated to deflate much of the current rhetoric on the subject of income equality.

I ask unanimous consent that the two essays be printed in the RECORD.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

TWO ESSAYS ON INCOME DISTRIBUTION AND THE OPEN SOCIETY

(By Irving Kristol and Peter T. Bauer)

INTRODUCTION BY COTTON M. LINDSAY

Two separate communities evidence great interest in the distribution and possible redistribution of income. One consists of social scientists who have devoted generous resources to the study of these topics over the past century. Another community, inhabited by political rhetoricians, is perhaps larger and surely more vocal, yet manages to remain isolated from the results of scientific analysis.

Two questions are of concern to both communities: (1) Why does the government engage in income redistribution? (2) What are the effects of such government policies? These questions are made the more interesting by their paradoxical scientific answers.

An innocent commentator would probably reply to the first question that the government seeks to make the distribution of income "fairer." This objective certainly is dear to the hearts of those in the province of rhetoric. And yet, detailed analysis of redistributional results of many government actions indicates that the direction of this income transfer is the reverse of what most people are alleged to regard as "fair." From the Social Security system and minimum wage legislation to government support of agricultural prices and higher education, one sees an array of programs which generally end up serving individuals in the middle and upper-middle classes as primary beneficiaries. Taxes fall on both the rich and the poor, but the poor are disproportionately underserved by these programs.

Irving Kristol and Peter T. Bauer speak from the scientific community, and their comments should prove illuminating to those interested in analysis of income distribution and its social implications. Kristol points out the foolishness of debating the "morality" of a market-determined distribution of income compared to some nonmarket alternative The mechanism and process by which individual incomes are determined is itself a reflection of the prevailing values in a society, and these orientations and perspectives are as unlikely to be influenced by social scientists as they are by politicians.

Some of the fallacious statements made in this nether world of political slogan and shibboleth are taken to task by Bauer. One is that the processes of income generation (production) are independent of, and may be functionally separated from, income distribution. But redistributional activities by governments do affect the level of aggregate income. This has been repeatedly confirmed, not only by virtue of their effects on individuals' incentives to work, save, invest, develop, and bear risk, but through perverse modifications of the incentives faced by business organizations. Threats of punitive action against firms which earn "excessive" profits have been shown to lead directly to reductions in efficiency, as well as to such socially undesirable consequences as sex- and race-based discrimination in hiring, and the sort of expense-account extravagance decried in the recent Presidential election. Potential profits are simply consumed in these and other undesirable and less efficient ways.

Another fantasy attacked by Bauer is the claim that the incomes of the rich are the result of expropriation and exploitation, while those of the poor are legitimately obtained. Facts gleaned from a Brookings Institution study of the affluent may shed

light on this allegation.[1] Although it is true that most of the earnings of the rich represent "property" income, the wealthy typically do not idle about clipping coupons. The study indicates that three of four persons with incomes over $300,000 per year manage their own portfolios. Few take advantage of special tax provisions or "loopholes," with the exception of the capital gains provision, and most work diligently. The average high-income person surveyed works forty-eight hours per week and takes only two weeks' vacation per year. Among those with incomes over $200,000, more than one in three works more than sixty hours per week. In contrast, roughly forty percent of the real incomes of the poorest twenty percent of United States families are government-provided benefits in-kinds, not requiring productive effort on the part of the recipients.

Some imaginative distortion attaches to the reported extent of income diversity in market-organized economies. From one-third to one-half of the diversity appearing in the most popular measure of income inequality (*i.e.*, the Gini coefficient) results from such factors as th. size of family and the pattern of individual income over the life cycle. A large part of the remainder is attributable to unequal education, which even some market detractors would not regard as an illegitimate source of disparity. Also biasing this measure of disparity upward is the failure to include transfers in-kind, such as public housing, food stamps, and Medicaid, as income to those receiving them. The inclusion of such in-kind transfers has recently been estimated to increase the relative share of income going to the lowest quintile in America by eighty percent. Nor is it clear that income disparities in market economies are greater, however measured, than the apparent inequalities which exist in "egalitarian" regimes such as those behind the Iron Curtain. Such statistics are hardly advertised by those governments.

It may be that each of the groups mentioned in the introductory paragraph—the analytical and the rhetorical—is speaking principally to itself in excessive preoccupation with the extent of income disparity and how income "ought" to be distributed. The rhetoricians have nothing to talk about other than "social justice." The analysts can go far to explain how income is distributed—but they have floundered and distracted in normative attempts to conclude how income *should* be distributed. Society at large apparently accepts a modest, pragmatic concept of just distribution, *viz.*, income received in whatever amount (above some small minimum) is to be "earned." Behind the camouflage of the labor theory of proper distribution, the marginal product valuation approach, and, most recently, the social welfare function, probably lies a sensible, if intuitive, notion of "deservingness" which is agreeable to the public. Economists may find it advisable to bow to this community intuitive judgment and fret less over the "justice" of income differentials.

WHAT IS "SOCIAL JUSTICE"? BY IRVING KRISTOL

I recently received a letter from a magazine which is preparing a special issue on the distribution of income in the United States. The letter asked for my thoughts on such questions as: "How should a society determine wages and salaries? Does our society do a fair job of distributing income?" And so on.

The issue to which these questions are addressed is certainly a crucial one. It is nothing less than the issue of "social justice"—or what used to be known, among political philosophers, as "distributive justice." The change in terminology, as it happens, has its own significance; in politics, the language we use to ask questions is always more important than any particular answer. "Distributive justice" is a neutral phrase—it points to a problem without suggesting any particular solution. "Social justice," however, is a loaded phrase: It blithely suggests that "society" ought to determine the distribution of income. This assumption is now so common that few people realize how controversial its implications are.

The social order we call "capitalism," construed on the basis of a market economy and private rights to uses of property, does *not* believe that "society" ought to prescribe a "fair" distribution of income: "Society," in this context, means government—"society" is voiceless until the political authorities speak. And the kind of liberal society historically associated with capitalism was, from its very beginnings, hostile to any political or "social" definition of distributive justice.

It is the basic premise of a liberal-capitalist society that a "fair" distribution of income is determined by the productive input—"productive" as determined by the market—of individuals into the economy. Such productivity is determined by specific talents, general traits of character, and just plain luck (being at the right place at the right time). This market-based distribution of income will create economic incentives and thereby encourage economic growth. As a result of such economic growth, everyone will be better off (though not necessarily equally better off). The economic growth that ensues may itself shape society in ways not everyone might like. But a liberal-capitalist order does not—except in extraordinary circumstances—concede to any authority the right to overrule the aggregate of individual preferences on this matter.

In contrast, non-capitalist societies—whether pre-capitalist or post-capitalist—have a very different conception of "fairness," based on one's contribution to the society, not merely to the economy. In such non-capitalist societies, economic rewards are "socially" justified, as distinct from being economically justified. Thus, in the Middle Ages it was thought to be fair to compel ordinary people to support the church and the clergy, whose activities were deemed to be of major social significance and social value. Similarly, in the Soviet Union today the Communist Party does not have to defend its budget on any economic grounds—the value of its contribution on the polity as a whole is put beyond question. Such societies, of course, place no high valuation on individual liberty.

Obviously, there is no such pure type as "a capitalist society" or "a non-capitalist society." All non-capitalist societies recognize, to one degree or another, the importance of market activity and material welfare. They therefore will allow differntial rewards—again, to one degree or another—based on one's productivity in such activity.

Similarly, all capitalist societies recognize, to one degree or another, that there is more to life than economic growth or material welfare, and they therefor make some provision for differential rewards based on one's effectiveness at literary criticism, music, and philosophy. Indeed, it can be cogently argued that the "openness" of a capitalistic society is maximally conducive to most sorts of individual development.

Still, though "pure" types may not exist, the types themselves do, in however impure a form. And there are three important points to be made about these different conceptions of a good society and the principles of "fairness" in income distribution by which they operate.

(1) There is no rational method which permits us to determine, in the abstract, which principle of distribution is superior. It is absurd to claim that capitalism, anywhere, at any time, is superior to non-capitalism—or vice versa. Any such judgment is bound to be contingent—i.e., based on the particular society's history and traditions, on the attitudes and social habits of its citizenry, and the like. There is no point in arguing that a particular society "ought" to be capitalist or socialist if the overwhelming majority of the people are not of a mind to be bound by the different kinds of self-discipline and imposed constraints that these different political philosophies require, if they are to work. And this, of course, holds true for all large political ideals. Which is why Jefferson, living in Paris before the French Revolution, could write—in all good republican conscience—that the French people were not "ready" for republican self-government, and that it would be a mistake for them to try to establish it immediately.

(2) A distribution of income according to one's contribution to the "common good"—requires that this society have a powerful consensus as to what the "common good" is, and that it also have institutions with the authority to give specific meaning and application to this consensus on all occasions. Now, when you have such a consensus, and such authoritative institutions, you do not have—cannot have—a liberal society as we understand it. It can certainly be a good society (if the values behind the consensus are good); but it will not be a liberal society. The authorities which represent the "common good," and which distribute income in accordance with their conception of the common good, will—with a clear conscience—surely discriminate against those who are subversive of this "common good." They may, if they are broadminded, tolerate dissidents; but they will never concede to them equal rights—even if equality is a prime social value. The dissidents, after all, may be those who believe in inequality.

(3) A liberal society is one that is based on a weak consensus. There is nothing like near-unanimity on what the "common good" is, who contributes to it, or how. There is not utter disagreement, of course; a liberal society is not—no society can be—political chaos. But the liberty of a liberal society derives from a prevalent skepticism as to anyone's ability to know the "common good" with certainty, and from the conviction that the authorities should not try to define this "common good" in any but a minimal definition, in a liberal society, will naturally tend to emphasize the improvement of the material conditions of life—something that very few people are actually against. A liberal society, therefore, will be very tolerant of capitalist transactions between consenting adults (to use Robert Nozick's marvelous phrase), because such transactions are for mutual advantage, and the sum of such transactions is to everyone's material advantage. And, consequently, a liberal society will think it reasonable and "fair" that income should, on the whole, be distributed according to one's productive input into the economy, as this is measured by the marketplace and the transactions which occur there.

In sum and in short; the distribution of income under liberal capitalism is "fair" if—and only if—you think that liberty is, or ought to be, the most important political value. If not, then not. This distribution of income under capitalism is an expression of the general belief that it is better for society to be shaped by the interplay of people's freely formulated and expressed

[1] Robin Barlow, Harvey E. Brazer, and James N. Morgan, *Economic Behavior of the Affluent* (Washington, D.C.: Brookings Institution, 1966).

opinions and preferences than by the enforcement of any one set of values by government.

But there are many people in this world—there have always been many people in this world—who do not believe that liberty is the most important political value. These people include sincere dogmatists. They believe they know the truth about a good society—they believe they possess the true definition of distributive justice—and they inevitably wish to see society shaped in the image of these true beliefs. Sometimes they have prized religious truths more than liberty; sometimes they have prized philosophic truth more than liberty (e.g. the Marxist philosophy); and sometimes they have prized equality more than liberty. It is this last point of view that is especially popular in some circles—mainly academic circles—in the United States today.

Thus Professor Ronald Dworkin—one of our most distinguished liberal legal philosophers—has recently written that "a more equal society is a better society even if its citizens prefer inequality." From which it follows that "social justice" may require a people, whose preferences are corrupt (in that they prefer liberty to equality), to be coerced into equality. It is precisely because they define "social justice" and "fairness" in terms of equality that so many liberal thinkers find it so difficult genuinely to detest left-wing (i.e., egalitarian) authoritarian or totalitarian regimes. And, similarly, it is precisely because they are true believers in justice-as-equality that they dislike a free society, with all its inevitable inequalities.

As one who does like a free society, I have to concede to these people the right to hold and freely express such opinions. But I do find it ironical that their conception of "social justice" should be generally designated as the "liberal" one. Whatever its other merits, an authentic attachment to liberty is not one of them.

EGALITARIANISM: ART OF THE IMPOSSIBLE

(By Peter T. Bauer)

I

The wide economic differences between people in an open and free society result from differences in aptitudes, motivations, and circumstances. State action to remove these economic differences entails such extensive coercion that the society ceases to be open and free. Here lies the central dilemma for egalitarians. The implications of the dilemma and of the persistent, widespread failure to recognize them form the central argument of this essay.

II

A discrepancy between an assumed norm or expectation and social reality is commonly described as a "social problem." Inasmuch as social scientists are largely preoccupied with discerning, announcing, and emphasizing discrepancies between norms or expectations and reality, they tend to generate social problems rather than solve them. An example is the extensive concern with economic differences. Indeed, in recent years there has been an upsurge of interest in this subject, on the international level as well as the domestic.

The appeal of egalitarianism is likely to persist. In recent decades incomes have risen greatly in the West, and income differences have narrowed. But as de Tocqueville observed, when social differences have narrowed, those which remain appear especially irksome and objectionable; and, as he also pointed out, material advance is apt to engender discontent over failure to have achieved more or to have achieved some other objective.

The contemporary predilection for numbers and quantification, together with the emphasis on material conditions, have helped further to focus attention on economic differences. Even when reliable and free from conceptual problems, which is unusual, statistics of income, income differences, and changes in such data tell us little or nothing about the background of the situation, including the process by which the condition has emerged. Yet, how a social situation has arisen is usually basic for worthwhile assessment. Incomes can become more equal as a result of such radically different changes as a relative decline in the birth rate of the poor, or relative increase in their mortality, or expropriation of the rich, or an increase in capital relative to unskilled labor, or technical change, or still other reasons. Conventional statistics by themselves tell us nothing about these radical differences and their causes.

III

Once the moral and political case for egalitarian policies is taken for granted, the movement for more and more egalitarianism perpetuates itself. If the results of egalitarian policies are deemed satisfactory, it is often presumed that still more can be achieved by more extensive efforts; if, on the other hand, the policies are deemed to have failed, it is generally concluded that they were not drastic enough. Such reactions are predictable when the economic positions of different individuals and groups are thought to depend largely on public policy—as, indeed, they often are when economic life is heavily politicized (partly the result of egalitarianism itself).

Exercise of state authority implies inequality of power between ruler and subjects. Political power implies the ability of rulers forcibly to restrict the choices open to those they rule. Enforced reduction or removal of economic differences emerging from voluntary arrangements extends and intensifies the inequality of coercive power. The wider the differences in the circumstances and in the aptitudes and ambitions of those whose economic well-being is to be (at least partially) equalized, the greater the intensity, extent, and duration of the coercion required for the purpose—and thus the more pronounced becomes the inequality of power.

Possession of wealth and the presence of economic differences do not imply ability of the wealthy to restrict the choices open to others and thus to coerce them. In a modern open society, the accumulation of wealth, especially great wealth, normally results from activities which extend the choices of others—as illustrated by the fortunes acquired in mass retailing or in development of the automobile. The absence of coercive power in most forms of successful economic activity is recognized in Dr. Johnson's familiar observation that "there are few ways in which a man can be more innocently employed than in getting money."

Differences in readiness to utilize economic opportunities—willingness to innovate, to assume risk, to organize—are highly significant in explaining economic differences in open societies. This is evident. The opportunities seized by a few were available to many. This has always been the case throughout the West—and, indeed, elsewhere, as shown by the many Chinese *nouveaux riches* in the East. Income differences resulting from readiness to benefit from economic opportunities will be especially wide when there is rapid social, economic, and technical change, including the development of new products and the opening of new markets.

Purported belief in the basic equality of people's economic faculties and ambitions has enabled egalitarians to ignore the main dilemma of egalitarian ideology. It has also colored terminology. If people are assumed to be equally endowed and motivated and yet there are wide economic differences, it would seem that some undefined but manevolent force has perverted the course of events. This discrepancy between assumption and reality may account for the habitual references to economic "inequality" rather than to economic "differences." (The latter term is more appropriate, not implicitly prejudging the issue.)

The same discrepancy between implication and actuality may explain also the familiar but anomalous interpretation of social justice as meaning substantially equal incomes. This interpretation is anomalous because it is not obviously just to penalize those who have contributed more to the social product for the benefit of others who have contributed less—unless it is assumed that incomes are not earned but extracted.

It is widely believed, or at least often asserted, that relatively high incomes are somehow extracted rather than earned, that is, produced. Incomes of certain groups are indeed sometimes increased by monopoly power or, more commonly, by state action. But the idea is misconceived that incomes of the relatively prosperous are secured generally at the expense of the rest of the community.

This misconception has often had lamentable consequences. It has encouraged the maltreatment and even destruction of economically productive groups, including ethnic and religious minorities. (The fate of such prosperous groups at the hands of political masters illustrates the inadequacy of wealth by itself to confer power or even ensure survival. Indeed, the possession of wealth often results in political vulnerability.) The same misconception colors familiar references to "shares," usually unequal shares, of different groups in the national product and lies behind assertions that certain groups have not shared adequately in national or world prosperity—assertions which ignore the question of how little these groups may have contributed to the prosperity.

The unfortunate terminology of egalitarian discourse and, to some extent, of the economic theory of distribution may have contributed to the misconception. As already noted, inequality is an infelicitous term. The same is true of the expression, "distribution of income," which suggests that there is a pre-existing income which somehow gets divided. But incomes normally are earned, produced by their recipients, not "distributed" to them.

"Redistribution" also is misleading, because it is not a preexisting income which is being reallocated. Rather, parts of resources are taken from those who produced them and handed to others, whose incomes are thereby augmented beyond what they have produced.

IV

It is often assumed that income differences will be readily accepted when they plainly reflect achievement. The contrary is just as likely. Lack of economic success is apt to be keenly felt and resented when economic achievement is emphasized and when failure is imputed to inadequacy. When faced with economic success in an open society, many deny that the success reflects even a contribution to society, much less merit.

Equality of opportunity was until recently the principal thrust of egalitarian ideology. For example, many Fabians, notably R. H. Tawney, thought that equality of opportunity would result in substantial equality of incomes; any remaining income differences would reflect merit and would, therefore, be widely respected and readily accepted. Such ideas bypass the intractable

problems behind the central dilemma of egalitarianism: granted that equals should be treated equally, how shall we treat those who are unequally endowed, motivated, or situated?

"Equality of opportunity" is elusive and imprecise. Certain cultures emphasize education and economic productivity and, predictably, confer material advantages on their members—advantages which do not always conduce happiness, dignity, or sensitivity. Some people are advantaged by loving parents or a cultivated background. Good looks and attractive personality result in unequal opportunities. Attempts to offset such advantages, say by taxation, conflict with other criteria of equality—including the principle that equal incomes should bear equal taxes.

On open society, i.e., one with la carriere ouverte aux talents, is the most familiar interpretation of the ambiguous concept of equality of opportunity. But the open society is obviously incompatible wtih substantial equality of income and wealth, because of the wide personal and group differences in economic aptitudes and motivations. These differences are evident in the rise from poverty to prosperity of countless individuals and groups the world over; in the wide differences in prosperity between religious and ethnic groups in different areas and societies for centuries; and in the material success of certain communities in the face of adverse official discrimination, e.g., nonconformists, Huguenots, and Jews in the West and the Chinese communities in Southeast Asia.

It is only the naive belief that everyone's aptitudes and motivations are the same—a belief sinister in its consequences—which supports the notion that an open society is practically synonymous with economic equality or virtually ensures it. It is extraordinary that this should have been believed for so long when the evidence to the contrary is both overwhelming and obvious.

The belief in uniform economic aptitudes and motivations is a facet of the doctrine of the natural equality of man, the idea that all of us are the same except for accidental or nefariously imposed differences in wealth and education. The poor are like the rich minus the money. The peoples of the Third World are all much of a muchness and differ from those of the West only in having less money.

V

The principal cost of egalitarian policies is usually thought to be reduction of efficiency and hence of material progress. This cost, which certainly is real and considerable, is expressed in such formulations as the trade-off between equality (often identified with equity) and efficiency. Such formulations recognize that economic activity is not a zero-sum game but a process of production of goods and services, the flow of which is affected by attitudes and policies.

Although the economic cost of egalitarianism is real and its ramifications are manifold, I shall not discuss it in this article. The dilemma I emphasize here lies in the surrender of freedom for the promised reduction or removal of economic differences.

If people's circumstances and capacities, including economic aptitudes and motivations, were substantially the same, incomes would be largely equal in an open society. Thus the establishment of such a society would suffice for economic equality, without special taxation, let alone more drastic interference with voluntary arrangements. In fact, differences in circumstances, motivations, and aptitudes, including the ability to seize economic opportunities, ensure appreciable differences in incomes in an open society. Political action to reduce these differences or prevent their emergence requires an extension of state power incompatible with a free society.

As wide income differences have not disappeared in open societies, so pressures for their reduction or even elimination also have continued. Hence the demands for increasing the scope and level of what is misleadingly termed redistributive taxation. It is misleading because, as noted, it is not a preexisting income that is being redistributed. Rather, part of the incomes of producers is confiscated for the benefit of others, including those of who derive political or personal advantage from advocating or administering the confiscation.

The imposition of specific disabilities, in addition to progressive taxation, on individuals and groups with cultural and personal characteristics conducive to economic success is now widely advocated and to a considerable exent practiced. Special taxation of talented persons has been proposed on the argument that their talents should be regarded as communal property. Such proposals mean conscription of abilities, which is to some extent implicit also in progressive taxation. The removal of children from their parents and even manipulation of the genetic code also have been suggested as instruments for the promotion of equality, although thus far generally dismissed. Quotas handicapping the ambitious and the gifted have already been widely adopted in higher education and in certain areas of economic activity in the United States.

In an open society, attempts to eliminate, or even substantially to reduce, income differences extend coercive power, i.e., inequality of power between rulers and ruled. This also implies politicization of economic life, a situation in which economic activity depends largely on political decisions, and in which the incomes of people and their economic modus vivendi are prescribed principally by politicians and bureaucrats. How far-reaching is the required coercion and politicization of economic life will depend on the degree of economic equality the rulers intend to achieve; they will depend also on the various aptitudes, motivations, and circumstances of the groups and individuals among whom economic differences are to be reduced.

Extensive politicization of life enhances the prizes of political power and thus the stakes in the fight for them. This in turn exacerbates political tension, at least until opposition is forcibly suppressed or effectively demoralized. And because people's economic fortunes comes to depend so largely on political and administrative decisions, the attention, energies, and resources of forward-looking, perceptive, and ambitious people are diverted from economic activity to political machination.

These consequences are manifest in many societies, especially in multiracial communities. Politization of life, often pursued in the name of equality, has in many countries brought about a situation in which the question of who controls the government has become a matter of overriding importance, even a matter of life and death to millions. The effect of this on people' fears, feelings, and conduct is observable in numerous countries where there is ethnic diversity, including the United Kingdom. It stands out starkly in the profoundly heterogeneous societies of the Third World. The ferocity of political struggle in many Third World countries cannot be understood without an awareness of the politicization of life there—a process helped along by slogans of equality and intensified by the idea that incomes are extracted, not earned.

VI

Differences in income and wealth reflect to a large extent aptitudes and motivations, not only in open societies but also to a considerable degree in societies which are not open, but not completely closed or caste. The poor usually comprise a disproportionate number of people who lack the capabilities and inclinations for distinctive economic achievement, and often for cultural achievement as well. Most agree that weak members of a society should be helped. But why people are poor is fundamental for sensible remedial action.

Those who are poor as a result of crippling disease, or unavoidable or uninsurable accident, or erosion of savings through inflation may be thought to deserve and require treatment different from that directed to those who simply and habitually overspend their incomes. Large-scale penalization of productive groups for the benefit of the materially and culturally less productive—and for the benefit also of those who administer wealth transfers—impairs the prospects of a society. Pronounced adverse effects are especially probable when the support of the less productive is given without stigma and as of right—even more so when those who are more productive are made to feel guilty. These are precisely the stances and attitudes prominent in the advocacy and practice of redistribution.

Support without stigma, as of right, is reflected in the terminology of the "negative income tax." The payment of tax on produced income is a statutory obligation. Conversely, the receipt of a negative income tax is now deemed a right to an income regardless of performance, simply by virtue of being alive and relatively poor. It should be added that personal and group differences in economic aptitudes and motivations are likely to frustrate expectations that guarantee of a cash income would make it possible to abolish specific welfare services. These services will still have to be supplied to the many recipients of cash payments who will fail to provide for the contingencies of life. Such people are likely to be disproportionately numerous among the poorest, *i.e.*, the recipients of negative income tax. In Britain this is suggested by the prevalence of avoidable ill health and dental decay among children of unskilled workers who own television sets.

Support without stigma is conspicuous in the administration of international wealth transfers. Third World governments receiving foreign aid are habitually termed "partners in progress," when in fact they are recipients of doles or alms. And even more often than in domestic wealth transfers, these donations (often misleadingly termed "development finance") are advocated as restitution for past wrongs. Many recipients of both domestic and international wealth transfers are paupers, in the traditional sense of persons dependent on officially provided largesse. But because the support is given as of right and even envisaged as compensation for historical sins, the paupers cannot only insist on being given these transfers, but can even prescribe the political conduct of the donors. This is the case on the domestic scene, and it is much more evident on the global scene.

VII

The promotion of economic equality and the reduction of poverty are objectives which are separate and may conflict. Egalitarian measures often benefit middle-income groups at the expense both of the rich and of the poor. They also commonly obstruct social and economic mobility, discourage the accumulation and effective deployment of capital, and inhibit enterprise. They thereby damage the interests of the poor as well as the wealthy.

Greater equality of income and relief of poverty share the characteristic that contemporary debate about their attainment is pervaded by determination. The poor are often envisaged as a distinct class at the mercy of the environment, with no will of

their own, while at the same time they are denied the primary human characteristic of responsibility. The rich are regarded as having a will of their own, but as being villainous. Poverty is seen as a *condition* caused by external forces, while prosperity, is viewed as the result of *conduct*, although reprehensible conduct. The poor are considered passive but virtuous, the rich as active but wicked. Bureaucrats and social reformers—and at times also academics, artists, media sorts, and entertainers—are distinct categories who seem to get the best of both worlds: they may be prosperous and yet retain virtue.

U.S. INTELLIGENCE

Mr. STEVENSON. Mr. President, the security of intelligence is one of the most difficult questions with which the Executive, the Director of Central Intelligence, and the Congress are wrestling. Equally important is the quality and objectivity of intelligence. Unfortunately, all these requirements—security, quality, and objectivity—have often been damaged in recent years, by selective and self-serving accounts of sensitive intelligence matters leaked to the press, always by persons unknown.

Recently we have seen the intelligence process politicized by garbled press accounts of the "B team" exercise, in which outside experts were commissioned to evaluate the national intelligence estimates concerning Soviet strategic capabilities and intentions. And, still more recently, the distinguished columnist Joseph Alsop has returned to one of his favorite subjects, berating the acuity and objectivity of CIA's analysts and estimators, in so doing luridly painting someone's account of CIA analytical intrigue in allegedly suppressing uncongenial new intelligence. CIA's analyses and estimates have in general enjoyed a good reputation for wisdom and objectivity.

With regard to these questions I commend to my colleagues the thoughtful "Reply to Mr. Alsop" which Mr. John Huizenga, former Chairman of CIA's Board of National Estimates, has contributed to the Washington Post. Whatever the case with respect to the particular estimative questions he and Mr. Alsop are debating, Mr. Huizenga performs a useful service in reminding us of the need for objective, nonideological analysis which can stand "the test of events and makes a contribution to policy" and for political leadership which refrains from pressuring the intelligence analysts "to obtain agreeable findings."

Mr. President, I ask unanimous consent that Mr. Huizenga's excellent article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A REPLY TO MR. ALSOP

On March 7 The Post carried an article by Joseph Alsop, titled "A Cautionary Tale," in which he worried a theme that has preoccupied him before: that CIA analysts and estimators have shown a persistent bias, which has led them, wilfully and against all the evidence, to minimize the Soviet threat to the United States.

This time Mr. Alsop's somewhat feverish "journalism" unmasks analysts who contrived to understate the real scale of Soviet defense effort. The cops and robbers tale of how they were foiled is in Mr. Alsop's best vein. While I am unable to recognize my former colleagues in this melodrama, the style of attack on anonymous analysts who are unable to defend themselves is only too familiar.

In 1973 Mr. Alsop found CIA analysts guilty of what he called "marked historical bias." Reasons given were that they were playing down the likelihood of Soviet attack on China and "had always been broadly gloomy about the Vietnam war." Time and events make it appear that the bias Mr. Alsop perceived derived from their disagreement with him rather than from their own lack of objectivity.

His latest article also revives charges made in 1973 that an unnamed senior analyst was responsible for tendentious errors on Hungary in 1956, Cuba in 1962, and Czechoslovakia in 1968. Mr. Alsop is given to dicta and mostly disdains an accounting of his evidence; whether "sources" or his own formidable powers of invention misled him it is impossible to say. But people who could testify to the falsity of these charges were never consulted by him. Being a knowledgeable source and an interested party, I tried to discuss the matter with him myself. The distinguished "reporter" hung up the phone.

Mr. Alsop did get one thing right in his 1973 articles. He wrote that the role of CIA analysts "is most unlikely to have escaped President Nixon's sharp eye" and that James Schlesinger, the incoming director, was a "new broom" who would have "the President's backing and encouragement" in "sweeping clean." The unnamed senior analyst was "soon to depart." CIA's estimators would be glad to settle for forecasts that turn out as well as that one did.

Mr. Alsop's explanation for the "extreme ideological slants" of CIA analysts is that they "belong, broadly speaking, to the American professoriate." This is odd because the only actual professor ever to serve as director was Mr. Schlesinger, and he obviously had his "slants" right. What is also odd is that many professors, and especially those who would have to be judged ideologically unsound by Mr. Aesop's lights, won't come within shouting distance of CIA any more. True, many professors have served as consultants over the years, but anyone who heard their noisy debates on the relevant issues could hardly believe that they had a uniform, let alone a nefarious, ideological influence.

It is puzzling that Mr. Alsop makes himself the instrument of renewed attack on CIA analysts at this time. The alleged tendentiousness and "unresponsiveness" of their work was supposed to have been corrected years ago, in particular by William Colby's abolition of the Board of National Estimates and by steps he took to give military agencies a larger role in the production of national intelligence. It is possible that Mr. Alsop and his informants believe that CIA analysts have been too stubborn in defense of their independence despite efforts to get them to see the light, as for example in the recent Team A/Team B episode. It is also possible that Mr. Alsop believes that a new director at CIA needs to be alerted promptly to the unwholesome elements he will find in his own house.

Of course, analytical/estimative work in CIA has not always avoided error, and nobody assigns analysts there a purity of heart others lack. But it is a fact that the mission, structure, and traditions of the agency were designed to promote objectivity. No analyst who shows persistent ideological bias, of any sort, will go far in that environment. The career payoff normally derives from penetrating analytical writing that stands the test of events and makes a contribution to policy.

This holds true, however, only when political leadership respects the independence of the intelligence function, refrains from pressures to obtain agreeable findings, and also from urgings to "get on the team." Unfortunately, these conditions have not invariably obtained during the commotions of the last decade or so.

There is likely always to be tension between some politicians and "journalists" on the one hand, and CIA analysts and Foreign Service professionals on the other. The latter are disagreeable because they seem to harp on complexities and uncertainties in world affairs; worse, they may even define the Soviet threat in other than a one-dimensional way. Almost inevitably, they arouse suspicion among self-styled "tough" people for whom a more simplistic, version of reality is obvious.

Thus it will never be easy to carry out CIA's analytical mission, and certainly not in a period when the national security consensus is fractured and when the decline of civility makes attacks on personal integrity and half-baked ideological innuendo the norm in public debate. Still, I remain confident that my former colleagues will do their jobs honestly if given half a chance.

Perhaps the new director will see that they get it. All he has to do is to insist on high standards of competence and objectivity and, no less important, to support and defend those who may be threatened when they try to meet such standards.

POLITICAL PRISONERS IN INDIA

Mr. THURMOND. Mr. President, a recent article appeared in the Washington Star which reported that an estimated 30,000 persons are being held as political prisoners in jails throughout the country of India.

It was also reported that these prisoners intend to go on a hunger strike in the near future to protest this detention in a supposedly free and independent nation.

In this era when the term "human rights" has become a watchword, I believe that it is incumbent upon Americans to question the policies of any nation which espouses the same fundamental freedom as America, yet imprisons a large number of its citizens for exercising these freedoms.

While many are quick to condemn the internal actions of some nations, they simultaneously overlook, and completely disregard, the recent occurrences in India, which I believe to be incompatible with the fundamental ideals of freedom seeking people everywhere.

Mr. President, I ask unanimous consent that the United Press International article which appeared in the March 9, 1977, issue of the Washington Star be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

30,000 IN INDIA'S JAILS PLAN A HUNGER STRIKE

NEW DELHI (UPI)—An estimated 30,000 political prisoners still in jail in India despite relaxation of Prime Minister Indira Gandhi's state of emergency have vowed to go on hunger strike next week to protest their detention.

A spokesman for the opposition Janata (People's) party said yesterday that the prisoners made the decision in meetings in jails last week.

Jayaprakash Narayan, who has emerged as a leader of the opposition challenge to

Gandhi, asked people "to observe sympathetic fast on the same day" as the one-day hunger strike next Thursday.

"Continued detention of thousands of citizens who are denied any access to the court amply proves that relaxation of emergency as claimed by the prime minister is only a mockery," Narayan said in a statement.

Narayan is in a Bombay hospital undergoing treatment for kidney ailment, which he suffered when he was in jail for five months in 1975. His statement was released to reporters by the Janata party spokesman.

A recent constitutional amendment bars prisoners, jailed without trial and not told the reason for their detention, from approaching courts for relief.

The Janata party spokesman said half of the 30,000 prisoners in jail were arrested before the emergency was put into effect June 26, 1975 and the rest afterward.

The Indian government has never said how many political prisoners there are, but contends that almost all have been released since Jan. 18 when Gandhi ordered the March national election.

Meanwhile, the newspaper Indian Express said its latest survey showed the ruling Congress party and the opposition Janata party "are running neck and neck" in the election campaign.

"The fate of the two sides will ultimately be decided by what happens in Uttar Pradesh and Bihar," the two most populous states which would send 139 members to the new Parliament, the newspaper said.

"That the two states are tilting toward the opposition is not in doubt. How many seats it can get is the question and that may provide it the necessary margin," the Express said.

INFLATION

Mr. GARN. Mr. President, Mr. John Pack of West Bountiful, Utah, has just sent me a letter that capsulizes the experience of the average American in trying to keep afloat against the heavy seas of Government-caused inflation.

I pass his questions on to my colleagues, with the hope that they will help me answer him.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SALT LAKE CITY, UTAH,
March 7, 1977.

HON. JAKE GARN,
United States Senator

SENATOR GARN: After reviewing my financial records for the past ten years I came up with some interesting facts.

For the year of 1966, I had a gross income of 5,843 dollars the year just completed (1976) 16,620 dollars from these figures it would seem that I should have nothing to complain about. A 170 percent increase in salary would seem more than adequate.

But, let us review something about this so-called increase in 1966, eight hours of labor would provide myself, wife and one child with enough income to maintain a lifestyle we were happy with.

In 1976 approximately fourteen hours a day are needed to try and keep a family of six afloat.

In 1966, 753 dollars were witheld for income tax in 1976, 2,199 dollars were taken from my paychecks almost triple. My question is, have federal employees and tax recipients also worked an extra six hours a day as I have?

Physically exhausted, I find myself working ever increasing hours to pay for an ever expanding tax-ridden debt. My dream has been shattered.

Its only a question which will break first my body or my heart.

Sincerely,

MR. JOHN K. PACK.

THE PREGNANCY EPIDEMIC

Mr. STEVENSON. Mr. President, Rev. Jesse Jackson, my constituent and director of People United to Save Humanity, has been preaching old fashioned virtues. He says the enlightened proponents of abortion focus on the consequences of decadence, not, he remarks, on its causes. He says 1 million, plus, girls will conceive this year between the ages of 10 and 19, and only a third or less will conceive in wedlock. Such statistics are the sign of national decadence.

Mr. President, Rev. Jesse Jackson is getting back to fundamentals, and his words are as appropriate for Members of Congress as for the parents of teenage children. I ask unanimous consent that a sample of his message, an article in the Washington Post of March 13, about the children of children, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PREGNANCY EPIDEMIC

(By Rev. Jesse Jackson)

The deadliest poisons are colorless, odorless and tasteless toxins, with the power to penetrate anywhere, undetected. No effective way exists to develop resistance against such invisible poisons. Traditional safeguards are ineffective, and to rely on them blindly can be a fatal mistake.

And so it is today, when parents look to traditional institutions either as sources of help or as scapegoats in their frustrating battles to reach or save the minds of their children. Home, school, church and synagogue are no longer strong enough to save children, because their combined power cannot match or overcome the other forces that also shape children's lives and attitudes. Foremost among these is the power of the media.

Consider only one potent media influence on children that parents generally are insensitive or deaf to: the radio. Those parents who do become aware of their children's addiction to radio and the music it broadcasts deal with it by ordering the volume turned down. But loud or soft, the beat goes on and its message comes through.

In the days when popular music first began flirting with sexually suggestive lyrics, program directors dropped the offending songs once they realized what was going on: some even bleeped or muddied the suggestions. But now the songs are sexually directive, with explicit instructions, and with radios amplifying their messages.

Do you know what songs radios are beaming into the ears of 14-, 15-, and 16-year-olds, and their 4-, 5-, and 6-year-old brothers and sisters? There have been "Snake Your Booty," "Aint That a Bitch," "I Want to Do It to You All Night Long," "Let's Spend the Night Together," "I Want to Do Something Freaky to You," "It's Alright to Make Love on the First Night," "Squeeze Box," and "Love to Love You, Baby," the short version of which, Time magazine said, features the singer, Donna Summer, having 22 orgasms.

These present-day heroines and heroes of the young use their art, through the medium of radio, to transmit a moral tone and an ethical content that, at the least, encourages their listeners, our children, into premature heat. The pervasiveness of radio and pop music is undeniable. Wherever young people go, their radios are with them, from waking to sleeping, playing through the hours. Are our children its audience or its victims?

This year, our nation is in the midst of a teenage pregnancy epidemic: babies having babies. This year, more than one of every 10 of this country's 15- to 19-year-old girls will be pregnant—and so will 30,000 more 10- to 14-year-old girls. Only a third—or less—of these million-plus child-mothers will conceive in wedlock. Where do you suppose they have been tuned while developing their attitudes about love and love-making?

The victims of the pregnancy epidemic aren't just our children, but their children, too. Children they really don't want, children they don't know how to care for, children they lack the maturity to care for—or love—intelligently. Because they may foresee this, more than a fourth of the teenage girls who will get pregnant this year will have abortions. That's a step we should see as another horrifying symptom, rather than as a cure.

Of those teenagers who will bear their children, nine of 10 will take their babies home. They will take them to homes where, because their mothers are immature, unprepared, too poorly educated to find meaningful employment, these children of children will experience enormous family insecurity and, all too often, be condemned to lives of material and mental poverty, physical and psychic deprivation.

All this defies other trends in American life. For more than a decade, the overall birthrate has been dropping—but not among 15- to 17-year-olds. Not only is pregnancy increasing among younger girls, so is the proportion of them who conceive their children out of wedlock. The birthrate for unmarried 18- and 19-year-olds is now higher than that of unmarried women 20 to 24 years old—a reversal of traditional patterns.

What ideals of love and attitudes about love-making are these young women and their lovers tuning into?

Can anyone doubt that the teenager's constant, transistorized companion doesn't influence him? Does anyone doubt that music heard on the radio doesn't motivate millions of teenagers to spend millions to buy the records the radio stations play—and some they don't, like the 16-minute version of Donna Summers' "Love To Love You, Baby"? Can anyone doubt that radio and other media exercise very real power in directing our children's lives?

If the media are to have power over the minds of children, then they must accept responsibility for the directions they provide. The public has a responsibility to see it's done. Educators have a responsibility, too. And so, too, do the heroes and heroines of the young. It may be too late to save some of our children, but it's not too late to save the children of the children.

It still amazes me that so many of abortion's enlightened proponents only focus on the consequences of decadence, not on causes. Their concern is panicked reaction to immediate impact, not with the roots of a problem for which their panacea is abortion.

Isn't it logical that teaching too little, too late, about sex and failing to teach anything about moral responsibilities has produced too many ignorant and irresponsible young men and women?

We can't wait to see who might be willing to take responsibility. Abortion might prevent the arrival of our children's children, but it won't save our children. We—all of us—need to realize and communicate that we cannot and will not allow our public airwaves to transmit society's lowest and most debased values to our youngest and most impressionable citizens.

THE SOVIET THREAT

Mr. THURMOND. Mr. President, a special report by the American Cause, published in December 1976, entitled "High Noon," by Mr. James Angleton and Mr. C. J. V. Murphy, presents a realistic assessment of the Soviet threat to the free world.

The Honorable George Murphy, former Senator, is director of American Cause which is a bipartisan, tax-exempt, political educational organization. The authors of the special report are expert analysts in international affairs. Mr. Angleton, who spent 31 years with the Central Intelligence Agency, founded the Office of Strategic Services—(OSS).

Mr. President, this special report, which is not classified, can be regarded as a very credible and valid intelligence estimate of the Soviet threat and a period of increasing danger to our national security. "The principle threat," as stated in the report, "is the Soviet drive for dominance based upon an unparalleled military buildup." I commend this special report to my distinguished colleagues for review.

Mr. President, I ask unanimous consent for the special report, published by American Cause in December 1976, to be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

HIGH NOON

(By James Angleton and C. J. V. Murphy)

The vital choices in national security awaiting President-Elect Carter bring to mind the dilemma of the citizens of Hadleyville when, as the clock ticked on, Marshal Kane appealed to them to stand with him against the menace arriving on the noon train. Will the man from Plains, Georgia rise to a like occasion?

John Erickson, Director of Defense Studies at the University of Edinburgh, began an analysis [1] of the Kremlin's current strategy with this portentous item of communist exegisis. Comrade Ponomarev's purpose was to reassure the international parties, particularly the Eurocommunists, that beneath the cover of detente the class war was to be waged relentlessly. That brutal diktat is all the more ominous by reason of the political vacuum that has arrested serious American thinking on defense and stragety since President Nixon and Dr. Kissinger traveled in pomp to Moscow in the summer of 1972, there to set in motion the process of detente, semantic stepchild of Lenin's strategy of "peaceful coexistence."

Seldom has a sense of national purpose been so obscured as it was in the wandering Presidential debate on defense and foreign policy in Philadelphia in October. If the verbiage uttered by the candidates should ever be recalled, it will hardly be for their elucidation of the facts and implications of the world power balance and the American role therein. They were all but strangers, unencumbered by serious problems, addressing earthlings as if by satellite from some celestial planet, yet to be identified in our planetary system.

In the aftermath, we are to have a new President. We wish him Godspeed. Unfortunately, we are left with the same vacuum. As Mr. Carter prepares for the Presidency, little more is known now about how he intends to engage American foreign and defense policies than was the case when he emerged in the New Hampshire primary. Indeed, he is all but beleaguered at the Plains' railroad station by the swarm of parochial constituencies which in their diversity of self-interest propelled him to so narrowly into the White House.

The several minorities press him for thicker slices of the national product. The city political machines have already proclaimed that he is committed to sop up their overflowing debts. Others call for restoration of the forest primeval, which they seldom visit. And the radical left, which has contributed nothing to the general economic well-being wants efficient oil companies dismantled, and profitable transnational enterprises expurgated. (Strangely, not a whisper of complaint has been heard from the environmentalists, so fluent in denunciation when the polluter is Amercian, about the radioactive fallout from the nuclear debris which mushrooms from the Chinese weapons tests and drifts across our land and into the food supply.) In all the hubbub, the constituencies concerned with national security and foreign policy—the proper interests of statesmen—can hardly be heard above the strident clamor for slashing defense spending and paring once honored alliances.

FOUR QUESTIONS CRYING TO BE ASKED

For the air of unreality surrounding the transfer of power, we citizens and the press are hardly less to blame than the politicians. In the absence of hard questions, the President was free to focus attention on how good our situation is at home, and how peaceful is the look of things abroad, thanks to the policy of accommodation with communist powers which he has stopped calling detente. Mr. Carter, for his part, sought to convince us how bad things really are at home, and though mainly through the voice of Vice President elect Mondale (Senator Church's tireless ally in detente and disarmament), how much safer the world is going to be once he has taken over the management of foreign policy from Dr. Kissinger. Neither candidate ever addressed himself directly to the Soviet military buildup and its relentless imperialism, most recently exemplified by the bloody takeover of Angola in conspiracy with Castro's tank-borne foreign legion.

Two of the candidates who went to the quick of things were Senator Henry M. Jackson and Governor Ronald Reagan. Senator Jackson was eliminated too early in the Democratic primaries for his theme to have impact on the debates. On the Republican side, Reagan was tardy in raising the issues to national consciousness and drew away from them before he had succeeded in taking the debate to the high ground where the national interest would have best been served.

In fairness, Mr. Carter should not be faulted for his immediate preoccupation with domestic matters. He has promises to keep. Promises to banish inflation, balance the Federal budget, promote full employment, spread the wealth, and launch a populist version of the millenium. Few can expect him to dwell on his rasher promises after he has reckoned their costs against what remains in the national till.

The American economy—that vast, booming engine which supports just about everything we do as a society—stands sorely in need of a fresh injection of confidence if the economic life-blood of risk capital is to continue to flow to the marketplace. To the degree that we turn more productive and venturesome in our domestic activities, our influence will continue to be felt in the world, and will continue to redeem the profligacy of the politicians. But if Mr. Carter should try to shut our minds to what is really happening at the Moscow seat of communist power and strategic deception, then whatever improvements he may seem to foster in the material aspects of American life are certain to prove ephemeral.

For the present, one cannot judge where Mr. Carter really stands on the central issues relating to national security. In a rhetorical way, he is committed to trimming defense spending, easing our forces out of Europe and Asia, and thinning our remaining alliances and commitments while somehow returning the Nation to a stronger military posture. He also appears to have intimated to Party Leader Leonid Brezhnev, according to that ancient leaky and somewhat Delphic oracle Averell Harriman, that he is impatient to carry the Strategic Arms Limitation Talks (SALT) to a second treaty.

Although vague, none of this is yet cause for alarm. Although the high proportion of dovish intellectuals he has posted to Washington to prepare the transition in foreign and defense policies is disquieting.[2] Hopefully, the President-elect has left himself room for saving maneuver. The rest of us won't know whether he has the makings of a statesman until he begins to face up to the crucial questions linked to the reality of Soviet-bloc power and purpose—questions that the Presidential campaign ducked.

Do Soviet-bloc aims and use of power imperil American security and, if so, what is the nature of the threat?

If the danger is real, what should our defense posture be? Can we accept military inferiority? Shall we settle for parity or superiority?

Are alliances essential? Are we prepared to demonstrate that the American leadership can be counted upon in crisis?

If the danger is real and must be met with allies, what new direction and stimuli should be imparted to our strategic policies to restore our deterrence to aggression?

THE FORGOTTEN POLICY

That these questions went unasked through the contest for the Presidency attests to the wisdom of the epigram that those who ignore history are condemned to repeat it. The full text of the historic National Security Council paper known as NSC 68 has now come into the public domain. It reveals that President Truman was beset, 26 years ago, by much the same questions. Mr. Carter was then a junior officer in the Navy. When his turn as Commander-in-Chief comes and he has grasped the intelligence estimates, he may well perceive that the choices confronting him were foreshadowed by those pressing Mr. Truman as the West's attempt at coexistence with the Soviet Union came unravelled with the onset of the Cold War.[3]

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[1] Professor Erickson's article was published in the Winter 1976 issue of the *Strategic Review*, an excellent American quarterly.

[2] It is particularly disturbing that the migratory left-leaning, antidefense technipols who flit in and out of the myriad Think Tanks and the White House, Pentagon and Congressional staffs are presumed to be calling the tune in the changing of the guard at the National Security Council and the CIA. Unfortunately, the able Mr. George Bush is leaving the CIA in January. In his brief term as Director, he and his deputy, E. Henry Knoche, have sought to bind up the wounds which the Agency had earlier suffered at the hands of the Church Committee. (For further details on the Church Committee, see the June 1976 *American Cause Special Report:* "On the Separation of Church and State.") Another assault could disable the Agency for a generation.

[3] The first experience was the so-called "NEP" (New Economic Policy) period in the 1920s, when Lenin, desperate for technology and capital, opened Russia briefly to the avarice of the West. Among the eager entrepreneurs was a young American banker, Averell Harriman, as enthusiastic today for detente as he was then in pursuit of economic advantage in disregard of the national interest. The second was the war alliance, the good feeling which ended in 1948 with the Soviet blockade of Berlin and rampant Soviet imperialism.

For Truman, the forcing event was the Soviet Union's breaking of the American nuclear monopoly in August 1949. The Department of Defense was directed to collaborate with the State Department in recasting the Armed Forces nuclear doctrine in light of the changed circumstances and to weigh afresh the advisability of developing the more powerful thermonuclear weapon. Eight months later, in April 1950, Mr. Truman was given that and much more in the paper known as NSC 68, a tightly reasoned case for containing Soviet expansionism and a strategy for meeting if a war was forced.

The counsel came none too soon. At that point, only five years after World War II, Stalin had swallowed Latvia, Estonia and Lithuania, and installed by stealth communist dictatorships in Poland, Rumania, Bulgaria, Albania, Hungary, and Czechoslovakia. He had tried to wrest strategic positions in Turkey and Iran, armed the communists for their fierce civil wars in Greece and China, and blockaded Berlin. Now, within two months he would send the North Korean communists, armed by him in concert with the newly victorious Mao regime in Peking, against the thin line of United States and South Korean infantry before Seoul.

Secretary of State Dean Acheson was the senior author of NSC 68. He drew heavily on secret intelligence and the judgments of the scholar-diplomat George F. Kennan. The almost forgotten points of NSC 68 were:

As to the Soviet threat:

The Soviet Union is animated by "a new fanatic faith, antithetical to our own, which seeks to impose its authority over the rest of the world."

Its design for world hegemony "calls for the complete subversion or forcible destruction of the machinery of government and the structure of society" of non-communist nations, by means "both violent and nonviolent," and by "infiltration and intimidation."

If Soviet expansionism was not checked soon, no possible combination of the remaining free nations could assemble sufficient strength to stop it short of its goals."

As to the military response:

The Soviet Union possessed armed forces "far in excess of those needed to defend the national territory."

The United States must have an "overwhelming atomic capability," "command of the air" and sufficient conventional air, ground and sea forces so as not to be altogether dependent upon nuclear weapons.

No moral restraints, only "calculations of practicality," would govern the Kremlin's decision whether to resort to a surprise attack, including the nuclear.

As to American leadership of free nations:

A "cardinal" requirement in deterring war is to "possess sufficient strength in ourselves or in combination with like-minded nations."

As to a policy and strategy for facing down the threat:

The Kremlin recognizes the United States as "the only threat" to the rapid achievement of its aims for world domination.

The task of meeting the threat must start from an appreciation that "the cold war is indeed a real war in which the survival of the free world is at stake."

"A large measure of sacrifice and discipline" had to be forthcoming from Americans and their allies for a "rapid and sustained" buildup of economic, political, and military strength in the United States and among our allies.

"Without superior aggregate military strength, in being and really mobilizable, a policy of containment . . . is no more than a bluff."

We stand in "greater danger of defeat from lack of will" than from any mistakes likely to flow from a show of purpose. "No nation ever saved its freedom by disarming itself in the hope of placating an enemy."

THE PRESENT DANGER

These answers bespoke the resolution of an American leadership which, though but five years after a titanic battle with three totalitarian systems, nevertheless was prepared to stand up to a devouring Moscow-run communist imperialism.

What are the answers to the much harder questions of our day? Who is to speak out?

Aleksandr Solzhenitsyn, the Nobel prize-winning writer and gallant emigre, has given eloquent warning of what is in store for Americans if we fail to identify the right answers. The Soviet Union, he believes, has already won the political side of its war for Europe, the Middle East and the emerging nations—what he calls the Third World War. In his view, the Kremlin strategists have been "breaking off as much of the West as they wanted—piece after piece, country after country. You can simply be taken with bare hands."

That Sholzehnitsyn's warning was heard among us at all on the eve of the Presidential campaign was due to the good offices of the AFL/CIO led by Mr. George Meany. In February, Mr. Meany invited the writer to speak in Washington, D.C. after Dr. Kissinger had advised President Ford to forego a meeting with him, rather than irritate the Russians. This shortsighted advice deprived the President of his one opportunity to hold discussions, face to face, with an informed and unique witness about the harsh realities of Soviet intentions.[1]

Dr. Malcolm Currie, Director of Research and Engineering for the Department of Defense, has warned those willing to listen. "By 1977," he told the Congress in February, "the Soviets could, theoretically, initiate a counterforce strike against the United States, absorb (our) response, and then still have sufficient forces to attack Chinese and NATO nuclear capability, attack U.S. populations and military targets, and then still have a remaining throw-weight greater than ours. Beyond 1977, things will get worse."

From Geneva, on November 26, the West German Willy Brandt, warned fellow Socialists that the urbane brand of "Eurocommunism" in France and Italy is as deadly as the Moscow and Peking brand. "One must understand the realities of communism in the late 20th Century," he said. "Those who fight against phantoms lose sight of the real adversary."

And finally, in Washington last month, the Committee on the Present Danger, made up of dozens of well-known men and women, came together to sound a general alert. The prime movers on the Democratic side include former Secretary of State Dean Rusk and ex-Deputy Secretary of Defense Paul Nitze. Among the Republicans are former Deputy Defense Secretary David Packard; Clare Booth Luce, and Gordon Gray, members both of the President's Foreign Intelligence Advisory Board and, significantly, Lane Kirkland, the brilliant General Secretary of the AFL/CIO. Their founding statement made these points:

"Our country is in a period of danger, and the danger is increasing."

"The principal threat . . . is the Soviet drive for dominance based upon an unparalleled military buildup."

"The scope and sophistication of the Soviet campaign have been increased in recent years, and its tempo quickened. It encourages every divisive tendency within and among the developed states and between the developing world. Simultaneously, the Soviet Union has been acquiring a network of positions including naval and air bases in the Southern Hemisphere which supports its drive for dominance in the Middle East, the Indian Ocean, Africa and the South Atlantic."

"Soviet expansion and the world-wide deployment of its military power threaten . . . the political independence of our friends and allies, their and our fair access to raw materials, the freedom of the seas . . .".

"Without a stable balance of forces in the world, and policies of collective defense based upon it, no . . . objective of our foreign policy is attainable."

What is the collective wisdom of these influential citizens?

It is that if the drift continues, the United States could soon find itself "isolated in a hostile world," and inescapable outcome would then be a succession of "bitter choices between war and surrender."

THE GRAVER CHOICES

These views are very much a restatement made by NSC 68 a quarter of a century ago. One is reminded of another epigram: the more change, the more the same. So it is in the power equation.

Sovereign communist states, bounded by common ideology, are Lenin's heirs. Whatever the dialectical differences, they remain united in the determination to isolate the United States to achieve world domination. Meanwhile, a score or more of freshly minted communist states and Marxist-leaning dictatorships in Africa and elsewhere have entered the Soviet-bloc orbit at fraternal rank. They give expression to this solidarity with increasing boldness and disdain for the United States in their sham deliberations of the UN which they manipulate for purposes of blackmail while our own observers watch helplessly.

There is no longer any question of the Soviet Union's ability to contest our presence in any part of the world beyond our shores. Our intelligence analysts now acknowledge that for some years they have been underestimating Soviet investment in military forces and war-supporting industries and research by as much as one-half. So the question of whether the world military balance has finally swung against us has become academic.

It is this unstated acceptance of likely U.S. inferiority, and at best parity, that differentiates NSC 68 from the position of the Committee on the Present Danger. "Surrender" as an alternative to risk in defense of national interests was abhorrent to the architects of the containment strategy. On the contrary, while they gave heed to the risk of a nuclear exchange, they measured that risk as an option that had to be faced. The notion that the Soviet nuclear weapons had rendered too dangerous a decisive head-to-head stand against Soviet aggression took root later among the gaggle of political and physical scientists who flocked to President Kennedy. General war, in their vocabulary, meant a harrowing choice between "surrender and a nuclear holocaust" with no middle ground.

Dr. Kissinger clothed this spurious and self-deterring assumption in the garments of detente. "In an era of strategic balance, where both sides have the capacity to destroy civilized life," he has argued over and over again, "there is no alternative to detente." His dubious contribution to the strategy of deterrence has been the attempt to spin "a web of interests" calculated to draw the Russians into deals for grain and technology, and for limiting strategic arms and conventional forces in central Europe. His rationalization was that such enticements would awaken the Soviet leaders to

[1] This piece of hyprocisy perhaps tells us more about what is wrong with Dr. Kissinger's conduct of a foreign policy of detente. Only four decades ago, he and his family came to this country on the run from another despot. That he in his exalted position should have moved to "Gulliverize" this giant exile suggests a cynical disregard for our tradition of safe haven for others no less deserving of the opportunity to speak on the consequences of detente.

the material advantages which would accrue to self-restraint and distract them from world conquest. So diverted, the Soviet ideologues would turn mellow and the West would thereby be spared the test of leadership for which Dr. Kissinger was persuaded it had lost will and stomach.

The historical meaning of containment is that in its too brief span it did contain. Made credible by the unequivocal preponderance of American military power assembled during the Eisenhower years, it confined Soviet power to its 1950 banks for a full decade. The main levees did not begin to crumble until 1961. There was first Kennedy's unmistakeable faltering of will at the Bay of Pigs and, then, a year and a half later, his reluctance to make good the showdown and exact a fair price in the missile crisis by forcing Castro's expulsion from Cuba for having conspired with the Kremlin to bring Soviet nuclear power into the Western Hemisphere.

After 1962, for lack of will, containment lost its spring. In Indochina, it snapped for good, despite a fearful frittering away of life and labor—again for lack of will—at the price of national unity. This year, in Angola, a total absence of will found the government unable to postulate and defend a position which was honorable and essential.

And now the ideological war—the class war turned into a war between races—has spread over sub-Saharan Africa. Moscow is arming black Marxist regimes and their guerrilla strike forces for the assault on Rhodesia, South West Africa and, eventually, South Africa itself. The Russians are no longer alone in Africa. Cuban troops and technicians together with East German technicians and black revolutionaries trained in the universities of the bloc, are besprinkled through Angola, Mozambique, Tanzania, Zambia and Somalia. The Russians themselves, their gaze fixed on the main theater, are maneuvering for commanding geographical positions on the approaches to the Red Sea, the Persian Gulf and the Indian Ocean.

The dominoes will continue to fall and events will have their consequences. Soviet character remains unchanged and its ambitions unappeased.

THE CLOCK TICKS ON

The danger is clear and present.

Only by mustering superiority in all azimuths—military, economic, political, technological and, finally, in the spirit—can the United States hope to stop the spread of Soviet-bloc power.

The course we should take is clear enough. It is to return to the principles and strategy laid down by Truman and Acheson in NSC 68 and pursued by Eisenhower and John Foster Dulles in their time.

To try to make our lives easier in material terms, at the expense of national security, will only assure our ruin if, at the final margin, the Nation should be too weak in strength and spirit to meet and face down the threat.

Let us proceed therefore to reconfirm and strengthen our alliances with those people who are truly with us and who value their independence and freedom.

Superiority must logically be achieved with allies. The principal purpose of our armed forces should be the defense of allies. Without allies, war on us is much more certain. But to regain the trust of our allies, let alone recruit new ones, we must first demonstrate that we can stand firmly with them and not alone on issues strategic.

Mr. Carter has sensed the wisdom of this. At their November meeting he told President Ford of his intention to consult with our allies as an early order of business. A pity that Mr. Ford himself did not do that before he set out with Dr. Kissinger to do business, bilaterally, with Brezhnev at Vladivostok.

Credibility in leadership is nourished by mutual confidence, by performance, by how well the leader nation lives by its principles and obligations. A nation is judged by its moral behavior and stamina under pressure and in the discharge of its solemn commitments.

So in a very real sense, our predicament resembles the classic situation in the enduring story of the movie *High Noon*. The prosperous citizens in the frontier town of Hadleyville are suddenly confronted with the return of a menace which they thought had been banished forever. The situation is classic because of its brilliant delineation of the opposed forces of good and evil. One Sunday forenoon, word flashed through the town that the gunslinger Frank Miller, who had terrorized the town until Marshal Kane brought him to justice, had been released from the penitentiary. He was coming back to Hadleyville to take revenge, and his old gang was at the railroad station, awaiting his arrival on the noon train. But when Marshal Kane broke in upon the services at the little church to ask for help, his plea fell on deaf ears. The banker, the merchant, the lawyer, the town clerk all drew back. Frank Miller, they argued, was the Marshal's responsibility; he was paid to handle it. So Kane, mindful of his duty, put aside everything he held dear—his bride, the honeymoon on which they were about to leave. He went into the street alone and did the job.

We are not suggesting this simple situation offers a parallel to our national dilemma. Still, as with the issues posed before Truman in NSC 68, there's a moral waiting for a hero, a moral affected with high principles, and character devoid of self-interest. In a word, national survival. Will the man from Plains step forward and summon us to our duty?

THE CENTRAL UTAH PROJECT

Mr. GARN. Mr. President, since I have been in the Senate, no issue has stirred up the grassroots and Members alike like the decision of President Carter to eliminate, at the stroke of a pen, dozens of water projects that are so vitally needed for growth and development around the country.

During this week, hearings are being held in various cities of the Nation on the projects proposed for deletion. I have chosen to remain in Washington, Mr. President, rather than testify myself at the hearings, because I have serious questions about the propriety of the hearings themselves. The fact is that the Congress has authorized those projects, and will be holding hearings on the appropriations for them. If the administration opposes those projects, and wishes to testify against them, I am sure they would be welcome to do so. But it is not clear to me the exact function of the hearings which are now going on.

Nevertheless, in connection with other members of the Utah delegation, I have prepared some testimony which responds to some of the common questions which are raised about the projects in general, and about the Bonneville unit of the central Utah project specifically. I would like to share this testimony with the Senate, and therefore ask unanimous consent that it be printed in the RECORD, along with a separate statement prepared and delivered by Congressman GUNN MCKAY at the hearing in Salt Lake City.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT ON CENTRAL UTAH PROJECT

The Utah Congressional Delegation hereby indicates its full and unwavering support for continuation of the Bonneville Unit and all other units of the Central Utah Project, as being absolutely essential to the continued economic well-being of the State of Utah. Non-presence at these hearings of several members of the Delegation should under no circumstances be interpreted as showing a lack of support for the Central Utah Project. The entire Delegation, along with virtually every other elected official in the State, has consistently supported the Project, and does so today. Representative Gunn McKay appears on behalf of the entire Delegation. Senators Jake Garn and Orrin Hatch and Representative Dan Marriott have remained in Washington, D.C. today, partly to allow the technical defense of the Project to occupy the bulk of the time, and partly to underline the fact that we regard the entire proceedings as somewhat irregular.

The fact is that the reclamation projects under attack by President Carter's administration have been authorized by the Congress, only after extensive investigation and hearings over a period of years. Congressional review and approval were not given lightly. It is simply inaccurate to say that these are "porkbarrel" projects which can only be justified on the basis of mutual backscratching. For example, one project in Maine was rejected by the Congress year after year until the Arab oil boycott changed some of the factors on the benefit side of the equation.

Congressional hearings on these projects will continue to be held in the future as they have in the past. It is entirely proper for the Congress to examine these projects and for the Administration to testify against the projects at such hearings, if it so desires. Today's hearings do not fit the framework for proper review of such projects authorized by Congress.

We take this opportunity to submit for the record a few comments about the Central Utah Project, as a matter of information, but we emphasize our view that the proper forum for a defense of the project is before the Congressional committees which are already acting on this and other water projects. We are presently engaged in the preparation of material to present to those committees and we are working closely with the concerned State and local officials.

I. PROCEDURE

The entire handling of the review and cancellation of the Bonneville Unit of the Central Utah Project has been deficient. The information and analysis on which the President's action was based fails to reflect the careful and in-depth inquiry required of such a drastic reversal of federal policy. None of the experts in Utah who have worked for years on the project were consulted, nor is there any evidence of a review within the Bureau of Reclamation prior to the President's announcement of funding cancellation. Moreover, there was no prior consultation with the Congressional delegation as had been promised by Secretary of the Interior, Cecil Andrus. From the materials released on the economic assessment and environmental review by the Carter administration, it is apparent that no extended or fresh analysis was performed. In fact, the cost benefit ratio was inaccurate in the first reported version of the economic analysis. A revision upgraded that ratio from .9 to 1.

The environmental objections reflected in the statements from the Council on Environmental Quality constitute nothing more than a resurrection of the often-heard issues from the environmental impact statements on the Bonneville Unit. Questions about those environmental impact statements were answered positively by the courts as the

statements have successfully survived challenges in the Federal District Court and the 10th Circuit Court of Appeals.

Yet the greatest problems with the President's action lie on issues not addressed and costs not considered. There is little or no consideration of the employment impact or the termination costs which will result from the action. Nowhere is there a discussion of the millions of dollars of construction undertaken in many parts of Utah in reliance on the promise of future water from the Bonneville Unit. In Salt Lake County over 100,000 people are operating without a firm water supply. These people are relying on water to be delivered from the Bonneville Unit. Sudden termination of that project represents a breach of faith with the many people who have relied on legal promises made to them by the federal government. At a time when the President is striving to restore people's faith in our government, he has taken an action which is an abrogation of promises made by five previous administrations to deliver water to thousands of people in Utah and all over the country.

II. INDIAN RIGHTS

The Administration's failure to keep the trust with our people has had a particularly harmful impact on one of the most oppressed groups in our country, Native Americans. In the case of the Central Utah Project, an agreement was completed in 1965 whereby the Ute Indian Tribe agreed to defer development of their water rights in return for development of water storage facilities providing the Indians with ample water to develop their lands upon completion of the Central Utah Project. In particular regard to the Bonneville Unit, the Leland Bench area south of Roosevelt would be developed to provide irrigation for 20,000 acres of federal land held in trust for the benefit of the tribe. If the Bonneville Unit is cancelled, as President Carter proposes, resulting legal action for damages against the federal government will run to millions of dollars, and the courts are disposed to look sympathetically on the claims of Native Americans.

III. NEPA

There will always be some trade-offs as man modifies the environment in an attempt to improve the quality of his existence. We cannot uniformly take the position that any significant alteration of the environment will be sufficient reason to halt a project. The benefits derived from that alteration must be compared to the costs. Oftentimes those perceived costs—such as replacement of trout stream fishing with fishing, boating, and other recreational activities on reservoirs—only reflect a difference in philosophy.

The National Environmental Policy Act requires that these different philosophies be weighed, and a balancing of interests reached. Modifications are adopted, and adjustments made, until the proposal is acceptable from an environmental point of view.

The Bonneville Unit of the Central Utah Project has been through this review process and was found to be environmentally acceptable. The environmental factors were again fully considered by two Federal courts which found that the decision to go ahead with the Project had been made in accordance with the procedures established by NEPA.

When such a decision has been reached, it is only reasonable that an Administration consider that decision inviolate except under the most extreme circumstances. If the same environmental challenges which have been raised and rejected can continue to be brought up every time there is a change of personnel in the Administration, then orderly planning and development are impossible. There is not the slightest evidence that any new environmental questions have been raised to President Carter by his staff. The environmental analysis on which this decision to halt the project was made consists of a few paragraphs reiterating precisely those questions which were raised during consideration of the final Environmental Impact Statement, and yet again by both trial and appellate Federal courts.

President Carter's decision to use these questions to halt an on-going project represents a decision to rule arbitrarily rather than by law. In effect, the environmental philosophy of a small group of presidential advisors is elevated above the law of the land. We cannot allow such a procedure to be established.

IV. MAN AND THE ENVIRONMENT

Concentration on the traditional concept of environment fails to emphasize another significant viewpoint. It is not only wildlife that must be considered. Man is a most important part of the environment, and from that standpoint the Bonneville Unit is clearly an enhancement to the environment. The project will provide development of Colorado River water for the benefit of over half a million people along Utah's Wasatch Front. This is one of the fastest growing areas in the United States. Failure to complete the Bonneville Unit would bring this growth to a halt. But, more importantly, halting the project will severely retard the existing economic activity that is linked to that growth. Most of the water from the Bonneville Unit would go to irrigation. The average farm in Utah that will benefit from this project typically consists of only a few hundred acres. In order for a rich agricultural area such as the Sevier Valley of Utah to fulfill its potential, irrigation water must be developed and delivered. A major goal of our nation is to increase agricultural production to offset rising food costs. In this analysis, clearly beneficial results come from the Central Utah Project.

Another major improvement to the lifestyle of man is the electric power derived from the project. The Bonneville Unit has the capacity to produce 400 megawatts of non-polluting electrical power from flow through power plants on the dams along Diamond Fork. Additionally, our local power company is planning to contract for 26,000 acre feet to develop about 2,000 megawatts in coal-fired electric generation at several different developments. This is another essential element in the growth of our state. In fact, the Bonneville Unit provides significant benefits that will affect approximately 63% of the State's population.

V. CONCLUSION BUT NOT CANCELLATION

The decision to cancel the Bonneville Unit of the Central Utah Project and eighteen other water projects represents a tremendously costly reversal of federal policy. The Bonneville Unit is 17% complete; and if all construction underway were finished, it would be 26% complete. The people of Utah have relied upon the actions of the federal government in authorizing and appropriating money for this project. Their good faith reliance on the actions of the federal government has resulted in irrevocable planning and construction decisions.

There are no viable alternatives for future water supplies. Any alternative developments would be far more costly in both economic and environmental terms. We have relied too heavily on the good faith of the federal government, and we would be hurt too badly by halting construction on this project. In effect, we believe that the federal government is estopped from halting this project. It seems that the federal government, from both a moral and legal point of view, is irrevocably committed to seeing the project through.

The entire handling of the review and cancellation of the Bonneville Unit of the Central Utah Project has been deficient and inadequate. The information and analysis on which the decision was based failed to reflect the careful and in-depth inquiry required of such a drastic reversal of federal policy. None of the experts in Utah who have worked for years on the project was consulted.

Finally, it needs to be said that the costs in delay of constructing the Bonneville Unit have been substantial. The original commitment was to a construction schedule that would have resulted in the first deliveries of water in 1970. By now most of the construction would have been complete, and the Jordanelle Reservoir would contain enough water to meet Salt Lake County's needs for two years. This would have been crucial in the period of drought which we are apparently now facing. Additionally, the escalation in construction costs from 1974 to 1976 has averaged $7 million per month. The federal government finds itself in the position of delaying construction, which results in increased costs, and then using the increased costs as a justification for further delay. This circular approach underlies and underscores the irrationality that pervades the decision-making process pursued by the federal government in the deletion of funding for the Bonneville Unit.

For the reasons set forth in this statement and for other beneficial reasons presented at this hearing, we urge that the Bonneville Unit of the Central Utah Project be continued to completion as authorized by the Congress of the United States.

STATEMENT OF REP. GUNN MCKAY

INTRODUCTION

Mr. Chairman and other members of the hearing panel; I thank you for this opportunity to testify, but I protest the action which makes it necessary.

The Bonneville Unit of the Central Utah Project is the responsibility of Congress, not the executive branch. After careful study and extensive hearings, Congress authorized the Unit, and each year for several years appropriated money for its construction. Of course each year, the Administration recommends a funding level, but Congress appropriates the money and approves increases. I raise this issue to point out that Congress is responsible for making funding decisions for the Bonneville Unit, not the Administration.

In my preparation of evidence, I found it difficult to determine with whom the burdens of proof and persuasion rest. I concluded that since the Bonneville Unit was validated by Congress, it must be presumed valid at this hearing. Therefore, I will address the three announced project review criteria, namely: adverse environmental impacts, benefit-cost disparities, and safety considerations. In that the Interior Department has no objections to the project's safety we need not cover that issue.

ENVIRONMENTAL ASPECTS

The Federal government has established through the National Environmental Policy Act of 1969 (P.L. 91–190), a procedural device known as the Environmental Impact Statement. Its purpose is to define and evaluate the environmental impact of proposed or existing Federal construction projects. Such an environmental impact statement was completed for the Bonneville Unit on August 2, 1973. Since the EIS was prepared under the Interior Department's supervision, I am confident that members of the panel from that same Department will recognize the EIS as the authority on environmental issues.

SALINITY

The Bonneville Unit is now opposed because the diversion of 136,000 acre feet of water out of the Colorado River Basin would increase the salinity concentration in the Colorado River. I point out that the water

diverted by the Bonneville Unit will not reenter the Colorado downstream. It will not add directly to the river's salinity content. The Environmental Impact Statement estimates the increase attributable to the Bonneville Unit would be about 4% of the total estimated increase from all water development. The EIS concluded that "the Bonneville Unit, separately would have only a minor effect on the salinity increase" (Final EIS p. 658).

FISHERY IMPACTS

The Bonneville Unit is now claimed to significantly deteriorate fish population. The EIS states however that "The Bonneville Unit would not be expected to significantly . . . deteriorate . . . existing populations of either game fish species or nongame fish species in either the Upper Bonneville Basin or the Sevier River Basin (EIS p. 349). Furthermore, the Bonneville unit will produce 20,000 surface acres of reservoir area that did not exist before, providing habitat for an estimated 3.6 million fish each year (EIS p. 484). Last, completion of the Bonneville Unit assures minimum flow in some streams that dry up during late summer months or periods of drought, killing many fish that might live there.

As for the allegation the project would limit or destroy wildlife habitat areas, the Bonneville Unit plan calls for establishment of *three* wildlife management areas for the Utah Division of Wildlife Resources. The cost of developing these areas would be covered by Section 8 of the Colorado River Storage Project Act (70 Stat. 105).

In addition, Tribal authorities of the Uintah and Ouray Indian Reservation have selected six areas along the Duchesne River totalling 6,600 acres as wildlife management areas under the project plan. While inundation would cause the principal loss of wildlife habitat, the "broader impact on wildlife habitat on a State-wide level is expected to be less severe." (EIS p. 478).

WETLAND REDUCTION

Yet another environmental objection is the diking of Utah lake to reduce its size by one-third. Diking Provo Bay will result in the loss of an estimated 25,000 acres of wetland. However, the plan partially compensates for this loss with the development of 14,500 acres of replacement habitat along the western shores of the lake. In addition, diking the lake will significantly improve its water quality. Quoting from the Definite Plan Report,

"The water quality of Utah Lake is presently unsuitable for general municipal use and for many industrial uses. Under occasional conditions of low lake levels resulting from drought, (such as the one currently beseeching us) the water has deteriorated to the point of unsuitability for irrigation use . . . Studies show that with the diking . . . and the importation of good quality' water from Strawberry Reservoir under the Central Utah Project, the lake water will be considerably improved in chemical quality over that which has occurred historically." (Central Utah Project, Bonneville Unit, Definite Plan Report, August 1964, Appendix B Water Supply, Volume 2, p. 273.)

POPULATION CONCENTRATION

The final objection to the Bonneville Unit is it will further concentrate population along the Wasatch Front, degrading the quality of life. In direct contrast however, is the conclusion of the EIS which states that "without the Bonneville Unit development, growth within the Bonneville Basin area would be expected to continue, with the expansion of urbanization into the rural areas and the accompanying loss of green belt areas. Migration from the rural areas to the cities would continue. (EIS p. 163).

This review panel should also be apprised of the environmental impacts if the Bonneville Unit is not constructed. The EIS projects that "if the proposed Bonneville Unit were not constructed, many environmental changes would still occur within the Unit area. Many of these changes would alter the esthetic composition of the area . . . If left uncontrolled the problem of haphazard and inadequate development of the land around Strawberry Reservoir would likely become worse. The erosion problems in the Diamond Fork area can be expected to continue and worsen as long as the present Strawberry Reservoir irrigation system is in operation. The level of Utah Lake will continue its historic pattern of fluctuation and esthetically undesirable conditions will . . . occur." (EIS p. 157 and 158).

To date gentlemen, I have seen no report, study, or investigation of this magnitude to justify the Department of Interior's position that the Bonneville Unit fails for environmental reasons. The Environmental Impact Statement is accepted and approved and its decision on the Bonneville Unit should stand.

BENEFIT-COST COMPARISONS

The use of the benefit-cost analysis in the evaluation of water resource development projects is not without objection. The benefit-cost ratio is a sort of magic number. It is supposed to indicate whether constructing a project would be in the national interest. The legal foundation for this economic analysis is essentially a single phrase from the Flood Control Act of 1936. It authorized projects, "if the benefits to whomever they may accrue are in excess of the estimated costs . . ."

Since 1936, the benefit-cost ratio analysis has been changed or modified twelve times. An average of once every three years. Congress became agitated with these repeated efforts to change the rules of the game so it mandated in Section 80 of the Water Resources Development Act of 1974 (P.L. 93–251) that projects authorized prior to 1969 would be assessed through to completion with the interest rate in effect prior to 1968. Apparently the Executive Branch did not get the message.

Under the legally authorized discount rate of 3⅛ percent, the Bonneville Unit enjoys a benefit cost ratio of 1.3 to 1.0. Even under the Interior Department's new, illegitimate discount rate of 6⅜ percent, the project still reflects a B/C ratio of 1.0 to 1.0, or for every dollar spent, a dollar's worth of good.

It is important to remember that the benefit-cost ratio is an accurate assessment only to the extent that *all* of a project's merits and demerits are included in the benefit-cost formula. With the Bonneville Unit, they are not.

Probably the most frequent criticism of benefit-cost analysis is that it is based on a single national economic standard. It ignores other effects that are just as valid which cannot be calculated. An excellent example of this is the Interior Department's failure to include the cost of defending against a legal suit which will be filed by the Central Utah Water Conservancy District for breach of Repayment contract No. 14–06–400–4286, dated December 28, 1965 and by the Ute Indian Tribe for anticipatory breach of Water Deferral Agreement Contract No. 14–06–W–194, executed on September 20, 1965. A detailed explanation of these agreements will be presented by other witnesses.

To date, the Federal government has invested over $200 million in the Bonneville Unit. Furthermore, the government expects to be reimbursed a total of $739 million or 86 percent of the cost of the entire Bonneville Unit. This repayment to the government is from the sale of water made available upon completion of the project. This should weigh heavily in favor of completion of the Bonneville Unit, and yet was not considered.

There are significant problems in using the benefit-cost formula to justify the spending of Federal dollars on water projects. The idea of maximum return on money invested implies there is another alternative for the money. The investor uses the cost-benefit analysis to determine the adequacy of alternative investments. There are, however, *no* alternatives for water development.

The businessman also uses the benefit-cost formula to decide whether to spend now or to spend later. But the government must view the trade-off between spending now or later differently than a businessman. Government has an obligation to provide for the future. The use of a high discount rate in evaluating public investment projects implies that present generations are more deserving than future ones. Indeed, the responsibility of government extends beyond the life of *any* individual or generation.

I speak for Utah's entire Congressional delegation when I say that we cannot afford *not* to develop the Bonneville Unit.

My first speech in the House of Representatives was in defense of this water reclamation project. As a descendant of the pioneer group which introduced irrigation to the Great Basin, I am especially aware of the value of reclamation projects. It was the goal of our early pioneers to make the desert "blossom as a rose." They accomplished it by careful management of water resources. Theirs is a good example of providing for future generations through foresight and sacrifice. I believe it is one we should continue to follow.

The Constitution provides that all Federal monies are appropriated *first* by the House of Representatives. As a member of the House Appropriations Committee, I will continue this fight to fund the Bonneville Unit.

Pressing business in Washington demands my immediate return. I thank you for your attention.

NEED TO ELIMINATE UNNECESSARY REDTAPE FOR THE DEVELOPMENT OF NUCLEAR POWER

Mr. THURMOND. Mr. President, on March 3 of this year, I made a statement on the floor of the Senate expressing the importance of speedy and effective research and development of nuclear energy. In that statement, I emphasized the necessity of our Government formulating a nuclear energy policy in which power companies could have confidence. This confidence is so vital in order for these companies to invest the enormous capital which is necessary for the production of nuclear energy.

Last Friday, March 18, 1977, the Virginia Electric & Power Co. canceled ginia Electric & Power Co. canceled plans to complete two nuclear generating units at its Surry nuclear powerplant. The resulting losses could amount to $146 million, which the company intends to charge its customers over a 10-year period.

One of the main reasons cited for the cancellation was the "growing concern over the many uncertainties that face the nuclear industry." This cancellation is but another in a long line. A Nuclear Regulatory Commission spokesman said that "uncertainties" and other problems have hindered the nuclear industry to an increasing degree since June 1974. Including these two, 29 nuclear plants have been canceled and 145 have been delayed or deferred for periods ranging from a few months to indefinitely.

We cannot allow further cancellation of nuclear plants. The need for nuclear energy is more apparent now than ever before. If we are going to have sufficient energy in the future we must develop

these plants now. We must develop an energy policy which will cut all this red-tape which is so discouraging to power companies that they are just giving up altogether.

It is very important to encourage rather than discourage the development of nuclear energy. The Energy Research and Development Administration continues to predict there will be 600 plants operating by the year 2000 based on the continued growth of the economy and the use of energy. There is no way this number will be reached if the present trend continues.

CLEAN AIR ACT AMENDMENTS

Mr. GARN. Mr. President, in this morning's Washington Post I read an interesting article on the impact of clean air legislation on energy development in Virginia. Because of the impact of the 1970 Clean Air Act on the State of Utah, and the potential impact of the amendments to that act considered last year, and now before the appropriate committees of Congress, I am always alert to articles of this sort. In the present case, a phrase or two from the article caught my eye.

"Environmentalists have been saying for years that the bottom line of the environmental movement is a halt in the Nation's growth." Now that is a fact I can testify to of my own experience. When push comes to shove, that is what the environmentalists want, though they will rarely say it in public. In the State of Utah, a power company has proposed a variance in proposed class II air quality standards in cases where a smokestack plume impacts a mountaintop. The variance would not diminish visibility, would have no harmful health impacts, and would not lessen air quality at lower levels of altitude. Privately, environmentalists in Utah will admit as much. However, they oppose the variance because their goal, at bottom, is to halt construction of this and every other powerplant.

Of course, there is never any public debate over this issue, for the simple reason that everyone knows that the American people are not in favor of a no-growth policy. Were we to debate it on the floor of the Senate, and try to pass a bill to that effect, either the bill would lose, or we would lose our jobs. But we persist in passing legislation which places in the hands of radical groups the tools they need to keep growth to zero.

The article also discusses the tradeoffs between air quality and energy. We have just gone through a winter which should have brought home to us how critical our situation is. There is a great deal of talk about increased use of coal, and the need to encourage energy production to avoid the shortages of natural gas we have just experienced. And at the same time, we contemplate passing legislation which would discourage the use of the cleanest coal we have, coal low in sulfur which could make a terrific contribution to our energy supplies.

At this very moment, the Senate Public Works Committee is rushing through a markup on amendments to the 1970 act. Last fall, I filibustered a similar bill, when it was brought to the floor too late in the session for proper understanding and comprehension. That bill contained a provision discouraging the use of clean coal. I understand that the bill now under consideration has a similar provision. I hope that no attempt will be made to bring it up suddenly and ram it through the Senate. The people of the Nation deserve better treatment.

The new administration is supposed to be preparing a policy on environmental issues for submission to the Congress in the next few days. In my view, Mr. President, it would have been better to wait for the Carter position before pushing ahead so rapidly on these clean air amendments. It is true that Mr. Carter appears to be very environmentally minded, but he also has the benefit of some extremely capable and well-informed energy advisers, in Mr. James Schlesinger and Mr. Jack O'Leary.

I very much hope that the administration will take a realistic tack on energy production, and will adopt an environmental policy consistent with a modest degree of growth. Any other policy will have devastating impacts on jobs in the United States, and on our ability to produce the energy we need for our use, and to avoid increased dependence on foreign oil.

During the first markup sessions on the clean air bill last month, Leon Billings, the staff director, in response to a question from Senator HART, pointed out that the class I numbers in the bill were "arbitrary" while the class I values imposed by the bill were "subjective." I hope, Mr. President, that we can find a better basis for legislation than that, and that the administration will help us look for it.

I ask unanimous consent that the article from this morning's Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COMPLEX AIR QUALITY RULES IMPERIL PORTSMOUTH REFINERY

(By Ken Ringle)

When the Portsmouth, Va., City Council voted two years ago to permit construction of the largest oil refinery on the East Coast, city officials dreamed of the jobs it would create and the energy-hungry East Coast anxiously awaited the oil it would produce.

The refinery was to be the cleanest that modern technology could produce—so clean that biologists from the Virginia Institute of Marine Science predicted the refinery and its loading operations would have "minimal effect" on the fragile marine life nearby.

But today, serious and complex environmental questions are being raised about the refinery, its projected cost has risen from $350 million to $550 million, and its construction is still more than a year off.

Clouding the project's future is an Environmental Protection Agency objection that could block construction of the refinery on grounds that it would contribute to the already polluted air of Hampton Roads.

The debate over the Portsmouth refinery is a prime example of a major conflict between the demanding requirements of the Clean Air Act of 1970 and the professed federal goal of the U.S. becoming energy self-sufficient.

For nearly a decade, since the awakening environmental consciousness of the late 1960s, the battle for cleaner air and water has been fought on two basic questions:

How clean should the government require the discharges of specific industries to be?

How clean should the government require the environment itself to be?

Answering the first question has been largely a technological and political battle. By the EPA's own estimates, the Portsmouth refinery would contribute fewer pollution-causing hydrocarbons to the air in the Tidewater area than the trees in the Dismal Swamp 12 miles away.

But answering the second question on how clean the environment should be is proving to be a social and economic battle as well, for ultimately it becomes the battle over industrial growth itself.

The refinery proposal by the Hampton Roads Energy Co. would create a 175,000 barrel-a-day refinery on a 628-acre site in Portsmouth, a dingy, industrial city of 106,000 people on the south shore of Hampton Roads.

City officials estimate the project will increase tax revenues by 40 to 50 per cent, provide 3,000 temporary construction jobs and 500 permanent jobs.

Not everyone is thrilled with the prospect of the refinery, of course. Environmental groups in other Tidewater localities have filed suit to block the project, raising the prospect of oil spills devastating the seed oyster beds in the lower James River. The biologists at the marine institute, confident that the refinery itself won't harm marine life, are troubled by the possibility that refinery-bound barges and tankers might spill their cargo and blacken the surrounding waters.

But virtually none of the opposition has surfaced in Portsmouth itself, and the refinery supporters believe their only real problem lies in Washington.

All but one of the environmental permits necessary for the refinery have been granted, including one from the Virginia State Air Pollution Control Board. It was issued on the basis of the refinery's projected compliance with the state's air quality standards—standards previously approved by EPA.

But late April, Dr. Peter Finkelstein of the EPA's Philadelphia regional office voiced a surprise, 11th-hour objection to the refinery.

His forum was a hearing on the refinery's request for a river-dredging permit—a request routinely circulated by the U.S. Army Corps of Engineers to other federal environmental agencies for comment.

In a terse, 500-word statement, Finkelstein said the air quality issue was the one aspect of the refinery "of greatest concern to EPA." Noting that the air in Hampton Roads is already overloaded with smog-breeding photo-chemical oxidants, Finkelstein said it "is not reasonable to allow new sources into an area where standards are being violated by 200 to 300 per cent . . . The Environmental Protection Agency finds the proposed refinery to be environmentally unacceptable."

The Finkelstein statement stunned the refinery supporters because of its implications. It said, essentially, that the best pollution control techniques are no longer necessarily enough for industry to provide, even when those techniques keep that industry's emissions far cleaner than state and federal agencies require, as the Portsmouth refinery would do. It charted, in brief, the limits of industrial growth.

The crunch has been coming. Environmentalists have been saying for years that the bottom line of the environmental movement is a halt in the nation's growth. Lawyers have been saying privately for at least three years that the Clean Air Act was a time bomb, containing all the legal machinery needed to block almost any new project, in-

cluding shopping centers, housing developments and factories.

"This law that (Sen. Edmund S.) Muskie passed is nuts!" fumed John K. Evans, president of the Hampton Roads Energy Co. "Every time they paint a destroyer down there (at the Norfolk Naval Shipyard in Portsmouth) they put more hydrocarbons into the air than we would in a year."

Officials of Hampton Roads Energy—whose principal financial backer is the Atlanta-based Cox newspaper chain—make two major complaints.

They said some of the EPA's overall air quality standards are unattainable because they make no allowance for "background" pollutants from natural sources.

And they said the agency's "trade-off policy," unveiled last December, puts the burden on new industries to clean up the environmental degradation produced by existing industries.

"That's not only unfair," Evans said, "it's unconstitutional."

The clean air standards causing the most trouble for the refinery—and for other industries around the country—are those for hydrocarbons and their photochemical by-products.

Hydrocarbons are a class of organic compounds, made up of atoms of hydogen and carbon, produced in hundreds of gaseous varieties by everything from automobile engines to decaying trees.

In the presence of sunlight they combine with oxides of nitrogen to produce photochemical oxidants—hundreds of molecules suspended in a haze that can be either natural (the "smoke" over the Great Smoky Mountains) or unnatural (urban smog).

One of the principal photochemical oxidants is ozone, a pungent, unstable, pale blue gas about which even the relative handful of ozone experts in the world know relatively little.

As a gaseous layer in the stratosphere, ozone absorbs harmful ultraviolet radiation from the sun, and that's good. But in the urban atmosphere of industrial gas and auto exhausts, it helps form smog.

When the Clean Air Act of 1970 was written, the nation's target ozone standard was set on the basis of ozone levels monitored in smog-covered Los Angeles and set at .08 part per million—a level not to be exceeded more than one hour a year. After all, it was thought, ozone is present in nature only in very small amounts.

But when new and improved monitoring techniques were used elsewhere in the country, beginning in 1971, ozone began turning up everywhere.

In 1975, researchers with the New York state government, after monitoring both rural and urban sites, found ozone peaks about the same in the country as in the city.

At remote, unpopulated Whiteface Mountain, practically on the Canadian border, they found the ozone level nearly twice that in Houston and nearly as high as in Los Angeles.

The implications of these and other studies was plain: government and industry might be successful in reducing the ozone level in every smokestack and exhaust pipe, but they would never, apparently, bring the overall ozone level of many states down to the target levels of the standards.

The Portsmouth refinery, for better or for worse, may be blocked because of an ozone level in the air over Hampton Roads, which the refinery backers can do little to correct.

What they could do was outlined in the trade-off policy through which the EPA has sought to temper the nogrowth implications of the Clear Air Act. The policy permits industry to locate in an already polluted area only by eliminating existing pollution sources elsewhere in the area.

This has led Evans and his backers to discuss—and reject—such proposals as buying cars in Hampton Roads, buying and closing old dry cleaning plants (an existing hydrocarbon source) or financing a pollution clean-up program for some other industry.

Last week they trooped to Capital Hill to plead for a five-year suspension of the ozone standard until scientists know more about the gas and what it does.

Karl Braithwaite, a staff member on Muskie's environmental pollution subcommittee, said the committee is aware of the complexities of hydrocarbons, oxidants and ozone.

"If you get into this subject very deeply and you don't come out confused," he said, "then somebody told you a lie."

But he said many members of Congress are reluctant to make any move that might appear to be relaxing the pressure to clean up the environment.

SOUTH CAROLINA VACATION PLANNING MONTH

Mr. THURMOND. Mr. President, on March 10, 1977, the South Carolina General Assembly passed a concurrent resolution to designate the month of March 1977, as South Carolina Vacation Planning Month, to recognize the economic value of travel and tourism, and to request the national administration and the Congress of the United States to support the travel industry.

On behalf of the junior Senator from South Carolina (Mr. HOLLINGS) and myself, I ask unanimous consent that this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A CONCURRENT RESOLUTION

To recognize the month of March, 1977, as South Carolina Vacation Planning Month, to recognize the economic value of travel and tourism, and to request the National Administration and the Congress of the United States to support the travel industry

Whereas, travel and tourism continue to grow in prominence as a major economic force in South Carolina, in spite of national problems such as inflation, energy shortages and unemployment; and

Whereas, Soutn Carolina has a wide variety of recreational, scenic, historic, cultural and vacation attractions from the mountains to the seashore that have appeal to visitors as well as residents of our State; and

Whereas, expenditures by nonresident travelers have reached a record of more than a billion dollars in 1976; and

Whereas, nonresident travelers paid over eighty million dollars in state taxes during 1976 which provided urgently needed funds to help balance the state budget and finance education, health care and many other public services for South Carolina citizens; and

Whereas, South Carolina has the opportunity to further increase its share of the nation's eighty billion dollars in travel expenditures; and

Whereas, all statistical barometers such as tourist inquiries, welcome center visitations and reports from the State's resort and travel businesses indicate that 1976 was a record year for travel and tourism in South Carolina: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the month of March, 1977, is recognized as Vacation Planning Month in South Carolina to encourage all South Carolinians to see and enjoy the vacation, recreation, scenic, historical and cultural attractions of our State in 1977.

Be it further resolved that all South Carolinians are invited to support the efforts of the Governor, the General Assembly, the South Carolina Committee on Tourism, the Department of Parks, Recreation and Tourism, the South Carolina Travel Council and other agencies and organizations to attract more visitors to South Carolina so as to increase the value of the travel and tourism industry to the State's economy and general welfare.

Be it further resolved that the National Administration and the Congress of the United States are requested to recognize the importance of the nation's eighty billion dollar travel industry by supporting this vital segment of the nation's economy.

Be it further resolved that the South Carolina Department of Parks, Recreation and Tourism is to report to the General Assembly concerning the impact of travel on the State's economy during 1976 by May, 1977.

Be it further resolved that copies of this resolution be forwarded to the President of the United States and each member of the South Carolina Congressional Delegation in Washington, D.C.

IN-SITU RECOVERY OF OIL SHALE

Mr. CRANSTON. Mr. President, many thousands of people are currently at work to develop a consensus on a national energy program that can achieve a number of goals: to stretch our available energy supplies through strict conservation, to develop new resources as necessary, and to accomplish both in an economically and environmentally acceptable manner. The Congress, the energy agencies of the administration, private industry, environmental groups, and many others are focusing now on the many proposed solutions we have entertained over the last several years with the hope that we can fuse a consensus and enact the necessary legislation during this next critical year.

Among the most controversial and heretofore expensive energy resources yet to be tapped significantly in the United States is oil shale. In the mountains of Colorado, Utah, and Wyoming there are estimated to be 2 trillion barrels of shale oil—the largest potential source of recoverable oil in the world. Unfortunately, tremendous environmental costs have been associated with the conventional methods of processing usable oil out of the shale in which it is trapped. And production costs have remained far higher than even expensive imported oil.

Recently, a modified "in-situ" process has been developed that offers potential environmental and economic advantages over conventional processing techniques. This new process is described in a February 19, 1977, article in the New York Times by Dr. Armand Hammer. Dr. Hammer is the chairman of the board and the chief executive officer of the Occidental Petroleum Corporation of Los Angeles, the company which developed the in-situ method of tapping oil shale.

This new process estimates production costs at $8 to $11 per barrel of raw shale oil, considerably below the costs of above-ground techniques. And since it is done below ground, the environmental hazards are much more manageable than conventional methods.

Mr. President, I think my colleagues

will find Dr. Hammer's article of interest, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OIL SHALE DOWN THERE, WAITING TO BE TAPPED

(By Armand Hammer)

LOS ANGELES.—Over millions of years, huge quantities of organic matter were created in the Rocky Mountains, locked in as a rock-hard substance called oil shale. Heat this rock to 900 degrees Fahrenheit and these organics produce oil comparable to imported and domestic crude oil. In Colorado, Utah and Wyoming there are nearly two trillion barrels of shale oil in place. It is the largest potential source of recoverable oil in the world.

Fifty years ago, attempts were made to obtain this oil, but the costs were prohibitive. A modern, below-ground method called "in situ" (meaning "in place") has been developed to tap these extensive oil deposits. This is an economic method offering high resource recovery and low environmental impact.

With a new President and an Administration committed to a sound energy policy, the opportunity now exists to establish a national program to develop this alternative source of oil.

On Nov. 26, 1976, three Government agencies concerned with energy—the Interior Department, Federal Energy Administration and Energy Research and Development Administration—issued a report to the President's Energy Resources Council calling for an effective oil-shale policy. The report stated in part that "demonstrating the commercial production of shale oil may prove to be the single most important short-term action that can be done to improve liquid fuel supply," and then the report declared that "a modified in-situ process that offers potential economic and environmental advantages over conventional processing techniques" has been developed. (The process is patented.)

The report further states that shale oil can be competitive today with imported oil, showing estimates of production costs for the in-situ process at $8 to $11 per barrel of raw shale oil—approximately half the cost of above-ground methods.

The most recent tests produced 30,000 barrels of oil from a single underground chamber that was as high as a 25-story building. A Michigan utility successfully burned 4,000 barrels of this oil as a substitute for imported crude oil, while the rest was sold to a refinery.

Our company intends to move forward immediately toward full-scale production of 50,000 barrels a day. An independent engineering estimate agreed that the in-situ process could achieve economic parity with imported oil.

Since most of the shale lands are owned by the Federal Government, commercialization on a vast scale can be accelerated by a Government-owned, privately-operated program, similar to the manner in which the synthetic-rubber industry was started in World War II.

A 200,000-barrel-per-day project operating for 22 years on a single 5,000-acre Federal lease would cost about $1 billion and take about four years to complete. While there may be risk associated with such an effort, it is worth taking. No one company could possibly dominate the field, since Government regulations prohibit any company from leasing more than 5,000 acres of Government land.

Further, the Government should earn a reasonable return on its initial capital investment, based on its own estimates. Once the shale plant is operational, there would be no need for further Government investment.

For its own use, the Government has been offered a free license by our company, while private companies would receive licenses for a reasonable fee.

A second phase would bring private companies into competitive bidding for additional leases. The royalties earned by the Government could be substantial, since it owns approximately three million acres of shale land.

The in-situ process works entirely inside the mountain, and its technology has manageable and acceptable environmental impact. Unlike the above-ground method of producing shale oil, little water is needed, nor is there any contamination of the spent shale. The shale rock mined to open tunnel entrances is stored in canyons in its natural state, thus producing no environmental problems and becoming an oil reserve for future generations. The process requires fewer people and allows for a planned, socially desirable and economically acceptable development of the western slope area of the Rocky Mountains.

The overall result of this suggested program would be the beginning of an industry that would reverse the drain of billions of dollars of foreign exchange, create needed new jobs, give the Government additional revenue and, most important, free America from dependence on imported oil that can be cut off at whim.

COMMON SITUS PICKETING—MARSHALL'S DERELICTION OF DUTY

Mr. HATCH. Mr. President, on March 17, the Secretary of Labor, Ray Marshall, testified in favor of the common situs bill before the Subcommittee on Labor of the Committee on Human Resources. He stated that no thorough study of the economic impact of the bill has been done by the U.S. Department of Labor, "because it is difficult to anticipate what the effect of the law will be."

What I want to know is what is the Secretary of Labor doing testifying in favor of a bill and what is the U.S. Senate doing considering passing a bill when neither Secretary Marshall nor the Senate knows "what the effect of the law will be." I would hope that the Senate does not routinely pass laws without regard to their effects.

I also wonder why the Secretary finds it so difficult to anticipate the effects of the law. Based on his own testimony before the Subcommittee on Labor and on his own published economic writings, one effect seems clear enough. In an article, "The Economics of Racial Discrimination," published in the September 1974 issue of the "Journal of Economic Literature," the Secretary made the point that black workers have difficulty getting into local craft unions—precisely the type of union prevalent in the construction industry. To quote him, he stated that:

> Whether or not these unions are able to bar blacks depends primarily on their control of entry into the occupation. Craft unions, for example, ordinarily have considerable control of the supply of labor. The main job control instruments of craft unions are control of training, entry into the trade and union, and job referrals.

In his testimony before the Subcommittee on Labor the Secretary admitted that construction unions with common situs would be able to exercise greater control over the labor force.

Therefore, one might reasonably conclude from the Secretary's writings and testimony that one effect of common situs will be to strengthen the barriers against minority participation in the construction industry.

The Secretary also testified that the second part of the bill, the so-called Dunlop reform bill, "would tend to improve productivity in the industry and moderate wage pressure." We had certainly better hope so, because the first part—the common situs part—will do the opposite. To establish a monopoly in the provision of a labor service will have the same effect on raising the price of the service as establishing a monopoly in the provision of a product would have in raising the price of the product. Generally, both professional economists and the U.S. Government are against raising prices by establishing monopolies.

The increased production time lost by the ability of common situs picketing to close down an entire project will drive up the cost of construction. Subcontractors in anticipation of being shut down as a result of situs picketing will have to cover themselves against the higher anticipated costs of greater delays by bidding higher on projects. The higher bids will be said by the unions to contain higher profits and will stimulate higher wage demands and strikes to enforce them. This is not a process that reduces costs or moderates wage pressure. And productivity is not improved by increased time off the job.

On March 22, the Labor Subcommittee heard from Dr. Rinfret, a renowned economist, who to my knowledge has done the only credible economic analysis on the impact of situs picketing. His findings and conclusions are undisputed. He conclusively finds: (1) S. 924 threatens the continued participation of the small businessman in the construction industry; (2) works against the economic interests of minority groups and their integration into the industry; (3) will increase already unacceptably high rates of unemployment; and (4) will add to the country's general inflationary situation which we are so desperately trying to control.

Dr. Rinfret was shocked, as was I, when we learned Secretary Marshall did not think an economic analysis of this far-reaching change in the law was warranted. Rinfret accused Marshall of being derelict in his duties and I agreed. Rinfret then suggested that input would be most helpful from the Commerce Secretary, the Chairman of the Federal Reserve Board, and the Director of the Office of Management and Budget in order to fully understand and evaluate the economic ramifications of this bill, and I requested that the subcommittee make these requests.

In the interim, Dr. Marshall has agreed to prepare an in-depth analysis. I do not know whether the Labor Subcommittee will call upon those expert witnesses referred to above who can shed needed light on this dark situation.

As a minimum, the Labor Committee should have another day of hearings so

that Rinfret and Marshall, giants in their fields, can test their respective economic conclusions. The fate of this industry and the stability of this Nation warrants nothing less.

For the information of my colleagues, I ask unanimous consent that Dr. Rinfret's report now be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

FEBRUARY, 1977.

COMMON SITUS

[Charts mentioned in text not reproduced in RECORD]

1. Introduction. This study attempts to analyze the economic impact of common situs on (1) minorities, (2) small business, (3) unemployment and (4) inflation.

The conclusions of this study are couched in terms of tendencies. It is not possible to state dogmatic conclusions because the subject is complicated and the available data leave much to be desired.

It is recognized that common situs may be as much a political and moral issue as it may be an economic issue. Political and moral considerations are outside the scope of this study. This study carries no ideology. It is a straightforward attempt to analyze the economic impact of common situs.

2. Conclusions. In the simplest form possible and on the assumption that the analysis which follows will be read in conjunction with the statistical tables which are a part of this report, our conclusions are as follows:

One. *Common situs would most likely prove to be a threat to the small entrepreneur in the construction industry.*

Two. *Common situs would tend to work against the economic interest of the minority groups and would most likely hold back their economic integration into the construction industry.*

Three. *Common situs would tend to increase unemployment in the construction industry and would contribute to an already unacceptable level of unemployment.*

Four. *The impact of common situs on general inflation is almost impossible to measure in a direct way. It is fair to say, however, that common situs would add to the general inflationary tendencies which we are now experiencing.*

These conclusions are not valid under all legislative conditions but only in the context of the legislation now pending before Congress. It is obvious that these conclusions would have to be changed or modified depending on the extent to which legislation before Congress is changed or modified.

3. Analysis. In this section of the report we indicate the reasoning and the thinking behind the conclusions. In order to keep this report unencumbered, we have confined the great body of statistical tables to the Appendix. Those statistical tables are, however, part and parcel of the analysis and should be considered an integral part of this report. Before considering the analysis of the economic impact of common situs on the entrepreneur, minorities, unemployment and inflation, it is worthwhile to examine the construction industry in general at this particular moment.

One. *Economic Overview.* The following may be said to be the current economic situation in the construction industry:

(1) *A high rate of unemployment.* In 1976 the construction industry had an unemployment rate of 15.6 percent as compared with a national unemployment rate (which includes construction) of 7.7 percent. Both figures were higher in 1974. There has been double-digit unemployment in construction in every year since 1970 except 1973, whereas there has been no double-digit unemployment for the country as a whole.

(2) *Lower volume.* The volume of new construction put in place (in 1967 dollars) reached a peak of $93.3 billion in 1973. The latest volume figure which is available for this series is for the month of December 1976. In that month, the volume of new construction put in place was $74.7 billion (annually rated).

(3) *High hourly earnings.* The average hourly earnings of construction workers (skilled, semiskilled and unskilled) has materially exceeded those in manufacturing industry. In 1976 average hourly earnings in construction were 48 percent higher than those in manufacturing. The average hourly earnings in both construction and manufacturing have increased every year in the past decade. The recession of 1973–1975 did not stop the upward thrust of these average hourly earnings.

(4) *Construction costs increase faster than general prices, i.e., the construction industry has a greater inflationary bias than the economy as a whole.* The Engineering News Record Building Cost Index is a recognized measure (one of several) of construction costs. In 1965, this cost index was .99 of the Consumer Price Index, .97 of the All-Commodities Wholesale Price Index and .97 of the industrial component of the Wholesale Price Index. In 1976 these ratios were 1.24, 1.15 and 1.16, respectively. It should be pointed out, however, that the 1976 ratios were lower than those of 1972–1973. In the past several years, the rate of increase in consumer prices and in wholesale prices has been somewhat greater than the rate of increase in construction cost indexes.

(5) *Productivity has dropped precipitously.* This drop in productivity (output per man-hour) in construction may be a function of the decline in the volume of new construction put in place in the past several years, but if so, it has exceeded the decline in productivity in manufacturing industry which occurred in the 1973–1975 recession. On the base of 1967=100, productivity in the construction industry was 94.0. In the nonfarm business sector it was 114.2 and in the manufacturing sector it was 123.5.

(6) *Housing is disappointing.* This area of the construction industry merits being singled out for attention because it is tied so intimately to national economic goals. Housing starts (mutliple and single-family) peaked at 2.36 million units in 1972. In 1976, housing starts recovered from their 1975 low and reached 1.54 million units.

This level of starts was below general expectations for the industry. At the end of 1975, most industry analysts thought that housing starts would approximate 1.7 million units in 1976 and could be as high as 1.8 million units. There are many, many problems in the economic structure of housing, not the least of which is the fact that the average sales price for a new one-family house has more than doubled since 1965. It now takes more hours of work for the average American to buy a new home than at any time in the postwar period.

To sum up, the construction industry currently suffers from low volume, low productivity, high costs and high selling prices.

Two. *Minorities.* The economic statistics on minority participation and representation in economic sectors and in the labor unions leave much to be desired. In some cases the statistics are partial and incomplete, and in some cases there are no good time series. There is frequent disagreement about the statistics gathered by the unions themselves as compared with those gathered by the U.S. Government. We adhere to the rule, which we have followed for twenty-five years, that the primary source for statistics should be the U.S. Government.

Union representation in the contract construction industry, as a percent of total union membership, appears to have reached a peak of 13.8 percent in 1962. In 1974, the latest year for which we have comparable data, contract construction union members represented 11.3 percent of all union members in the United States.

In 1974, the total membership of the reporting locals in the building trades was 1.33 million people. Of this number, there were about 209,000 people in minority groups; about one-half were black and the remainder were people with a Spanish surname, Indians, Orientals and others. In 1974, the minority participation in the building trades unions reached 15.7 percent, which appears to have been the highest level in those years for which we have records.

The construction industry appears to have about the same percentage of blacks as does manufacturing when the measure of "blacks as a percent of wage and salary workers" is used. In 1970 the figures were 10.2 percent for construction and 10.7 percent for all manufacturing. The highest percentage of blacks is found in Services and Government.

Black union members as a percentage of wage and salary workers in all manufacturing in 1970 was 12.4 percent. In Services and Government the figures were 18.6 percent and 16.5 percent, respectively. Black union members as a percentage of wage and salary workers in the construction industry in 1970 was 8.7 percent, which is the lowest for any major sector.

Nonunion blacks as a percentage of wage and salary workers in all manufacturing in 1970 was 9.8 percent. In Services and Government the figures were 13.5 percent and 11.8 percent, respectively. The figure for the construction industry was 11.2 percent.

Examination of all the sectors in the economy in 1970 indicates that in all those sectors except "transportation and utilities" and "construction", black union members constituted a higher percentage than did nonunion members. In "transportation and utilities" and "construction", the percentage of nonunion members exceeded that of union members.

In the September, 1974 *Journal of Economic Literature* in an article entitled "The Economics of Racial Discrimination: A Survey", the present Secretary of Labor, Ray Marshall, makes the point that black workers have difficulty getting into local craft unions (the type of labor organization prevalent in the construction industry). Ray Marshall states that "whether or not these unions are able to bar blacks depends primarily on their control of entry into the occupation. Craft unions, for example, ordinarily have considerable control of the supply of labor. The main job control instruments of craft unions are control of training, entry into the trade and union, and job referrals."

It would appear that construction unions with common situs would be able to exercise greater control over the labor force. Historically, the minority groups have not participated as fully in the construction industry as they have in other industries.

Three. *Small Business.* The construction industry appears to be dominated by small businesses.

In 1972, there were about 438,000 firms engaged in contract construction. The number of firms with one to nine employees was about 352,000. These firms, therefore, represented about 80 percent of all the firms engaged in contract construction.

There were only about 4,520 firms with 100 or more employees engaged in contract construction in 1972. These firms represented about one percent of all the firms engaged in contract construction.

The construction industry has a very high rate of business failures. We have consistent statistics for business failures for the past decade. In 1975, construction business failures represented close to 20 percent of all business failures in the U.S. That was the high point. The lowest percentage of failures

was registered in 1972, when it was 14.4 percent. For the first ten months of 1976, construction failures represented 18.2 percent of all business failures.

The average liability per failure in the construction industry has tended to increase sharply in the last decade. In 1965 the average liability per failure was about $116,000. It peaked at about $286,000 in 1974 and was about $236,000 for the first ten months of 1976 (not annually rated).

The construction industry has a greater percentage of workers on strike than does the economy as a whole. In 1973, the percentage of workers involved in strikes for "all industries" was 3.0 percent. For manufacturing it was 4.9 percent. For construction it was 10.1 percent. This tendency for a greater percentage of workers in the construction industry to be involved in strikes is longstanding and persistent.

Contract construction stoppages have been declining steadily as a percent of all U.S. stoppages since 1965. In 1965 contract construction stoppages represented about 24 percent of all U.S. stoppages but declined to 10.1 percent by 1973. Construction workers represented 3.8 percent of the total employed civilian labor force in 1965 and 3.9 percent in 1975. The percentage of contract construction work stoppages in 1965 and in 1973 exceeded the percentage of contract construction workers in the total civilian labor force.

The construction industry is dominated by very small businesses with a high bankruptcy rate, high liabilities per failure, a high rate of strikes and a high rate of work stoppages.

It would appear that common situs would have a negative impact on small businesses as they now exist in this industry and would work against free entry of small businesses into the construction industry.

Four. *Unemployment.* The construction workers' peak employment level was reached in 1973 with 3.3 million people. In 1976, it totaled approximately 2.7 million people, about the same number as in 1965.

The peak unemployment rate in the construction industry was reached in 1975 at 18.4 percent. The national average unemployment rate for the same year was 8.5 percent. As noted earlier, the 1976 unemployment rate in construction was 15.6 percent. The national average was 7.7 percent.

Average hourly earnings in the construction industry, as noted earlier, have consistently exceeded average hourly earnings in manufacturing. In 1976, for example, construction average hourly earnings were 1.48 times those in manufacturing. The cost indexes for construction, as noted earlier, have consistently exceeded national measures of inflation.

The construction industry is by and large a craft industry, not readily adaptable to mass production techniques. As indicated earlier, productivity (output per man-hour) in the construction industry has fallen behind that of the rest of the private sector and has in fact declined in the past several years.

Labor costs are an integral part of construction costs. Labor costs in the construction industry exceed those of the economy as a whole. It seems fair to say that an important part of the problem of the declining volume of construction and declining construction employment is relatively high labor costs.

To the extent that common situs increases the costs of construction and to the extent that common situs exerts extraordinary upward pressure on wages, then its end result may be to increase unemployment in the construction industry and to decrease employment opportunities. This could adversely affect the ability and opportunity to integrate minority groups into the construction trades.

Five. *Inflation.* To the extent that common situs would not result in increased work stoppages in the construction industry and to the extent that wage increases in the construction industry would not exceed productivity, common situs would not be inflationary.

If common situs were to result in increased work stoppages and wage increases which would exceed productivity, then it would be inflationary.

The past is not necessarily a precursor of the future, and events in the future frequently turn out to be very different from what had been anticipated.

The history of the construction industry includes increases in costs which exceed national measures; average hourly earnings which are above national averages and which, until recently, tended to increase faster than the national average; lower productivity than the national average; and a relatively high rate of work stoppages. These are the perfect ingredients for inflation.

On the base 1967=100, wage costs in the construction industry were 187 in 1976 and material costs were 188. This simple comparison indicates the complexity of the inflation problem. Each bit of inflation is a part of the whole and the whole influences each bit.

It would appear that common situs would tend to add to the inflationary bias of the United States economy at the present moment and would work against efforts to minimize or moderate inflation trends.

4. Conclusions Revisited. This analysis and these conclusions are based upon known factors in proposed common situs legislation. It is realized and understood that proposed legislation attempts to offset some of the conclusions arrived at in this report. This analysis has attempted to take into account proposed safeguards in common situs legislation.

Taking all these factors into account, it would appear that common situs legislation to date would work against minority groups and small businesses. It would tend to increase unemployment and/or decrease employment opportunities and tend to increase the inflationary bias of the American economy.

* * * * *

AVERAGE HOURLY EARNINGS

	Construction	Manufacturing	Construction/manufacturing wage ratio
1965	$3.69	$2.61	1.41
1966	3.88	2.72	1.43
1967	4.11	2.83	1.45
1968	4.40	3.01	1.46
1969	4.78	3.19	1.50
1970	5.24	3.36	1.56
1971	5.68	3.57	1.59
1972	6.03	3.81	1.58
1973	6.37	4.08	1.56
1974	6.75	4.41	1.53
1975	7.24	4.81	1.51
1976	7.67	5.19	1.48

RATIO OF ENGINEERING NEWS RECORD BUILDING COST INDEX (ENR) TO AGGREGATE PRICE MEASURES

	ENR/CPI [1]	ENR/WPI [2]	ENR/WPIC [3]
1965	0.988	0.966	0.968
1966	.996	.971	.983
1967	1.000	1.000	1.000
1968	1.031	1.048	1.047
1969	1.072	1.105	1.111
1970	1.070	1.127	1.131
1971	1.159	1.232	1.231
1972	1.239	1.303	1.317
1973	1.266	1.250	1.338
1974	1.207	1.114	1.159
1975	1.199	1.105	1.127
1976	1.237	1.153	1.157

[1] CPI—Consumer Price Index.
[2] WPI—Wholesale Price Index.
[3] WPIC—Wholesale Price Index, industrial commodities component.

RATIOS OF BOECKH INDEX TO AGGREGATE PRICE MEASURES

	Ratio to—		
	CPI [1]	WPI [2]	WPIC [3]
1965	0.953	0.932	0.934
1966	.965	.941	.952
1967	1.000	1.000	1.000
1968	1.025	1.042	1.041
1969	1.042	1.075	1.080
1970	1.058	1.115	1.120
1971	1.104	1.174	1.173
1972	1.156	1.216	1.228
1973	1.160	1.146	1.227
1974	1.158	1.069	1.112
1975	1.171	1.080	1.101
1976	1.202	1.120	1.124

[1] CPI—Consumer Price Index.
[2] WPI—Wholesale Price Index.
[3] WPIC—Wholesale Price Index, industrial commodities component.

RATIO OF BUREAU OF LABOR STATISTICS CONSTRUCTION COST INDEX (BLS) TO AGGREGATE PRICE MEASURES

	BLS [1]/CPI [2]	BLS/WPI [3]	BLS/WPIC [4]
1965	1.018	0.996	0.997
1966	1.015	.990	1.000
1967	1.001	1.000	1.002
1968	1.008	1.024	1.023
1969	1.008	1.040	1.045
1970	.968	1.021	1.024
1971	.987	1.049	1.048
1972	1.008	1.060	1.071
1973	1.027	1.015	1.086
1974	1.094	1.010	1.051
1975	1.094	1.009	1.029
1976	1.102	1.027	1.030

[1] BLS index is wholesale price index for materials used in construction.
[2] CPI—Consumer Price Index.
[3] WPI—Wholesale Price Index.
[4] WPIC—Wholesale Price Index, industrial commodities component.

PRODUCTIVITY

	Output per man-hour		
	Construction industry	Nonfarm business sector	Manufacturing sector
1965	107.5	95.9	98.4
1966	102.5	98.2	99.7
1967	100.0	100.0	100.0
1968	106.0	103.3	103.7
1969	100.2	103.1	104.9
1970	96.7	103.5	104.8
1971	106.5	106.4	110.3
1972	113.5	109.6	116.0
1973	110.9	111.4	119.3
1974	93.0	107.5	114.7
1975	89.2	109.7	115.1
1976	94.0	114.2	123.5

Average sales price, new one-family houses

	Price	Percent change
1965	$21,500	4.9
1966	23,300	8.4
1967	24,600	5.6
1968	26,600	8.1
1969	27,900	4.9
1970	26,600	−4.7
1971	28,300	6.4
1972	30,500	7.8
1973	35,500	16.4
1974	38,900	9.6
1975	42,600	9.5
1976*	47,400	11.3

* Three-quarter average.

Median earnings, 1970

	Union members	Nonunion workers
All industries	$8,609	$7,452
Manufacturing	8,173	8,073
Transportation and utilities	9,128	8,414
Services	7,900	6,854
Government	9,652	9,021
Construction	11,213	7,282

MEMBERSHIP IN CONTRACT CONSTRUCTION UNIONS, AFL-CIO AND UNAFFILIATED

	All construction unions		AFL-CIO construction unions		Unaffiliated construction unions	
	Members (millions)	Percent of total union membership	Members (millions)	Percent of total AFL-CIO membership	Members (millions)	Percent of unaffiliated membership
1956	2.123	11.7	2.122	12.8	0.001	
1958	2.324	12.9	2.256	15.2	.068	2.2
1960	2.271	12.6	2.203	14.7	.068	2.2
1962	2.417	13.8	2.339	15.8	.078	2.8
1964	2.323	13.0	2.248	14.9	.076	2.7
1966	2.463	12.9	2.380	14.7	.083	2.8
1968	2.541	12.6	2.452	15.8	.089	1.9
1970	2.576	12.4	2.476	15.6	.100	2.1
1972	2.752	13.2	2.652	16.1	.100	2.3
1974	2.738	11.3	2.634	15.6	.103	2.2

MINORITY PARTICIPATION IN BUILDING TRADES UNIONS

[Percent of membership in reporting locals]

	Total minorities	Black	Spanish surname	Indians	Orientals
1967	NA	8.4	4.5	NA	NA
1968	NA	7.4	4.4	NA	NA
1969	13.3	6.8	5.1	0.8	0.5
1971	15.0	8.2	5.7	.8	.3
1972	15.6	8.3	6.0	.9	.4
1974	15.7	7.8	6.4	1.2	.2

MINORITY PARTICIPATION IN BUILDING TRADES

	Total members of reporting locals (millions)	Minority members of reporting locals (thousands)				
		Total	Black	Spanish Surname	Indians	Orientals
1967	1.258	NA	106.3	56.1	NA	NA
1968	1.131	NA	83.5	49.8	NA	NA
1969	1.495	198.8	102.1	77.0	12.2	7.6
1971	1.658	148.3	135.5	94.3	13.5	5.0
1972	1.604	250.8	133.6	96.9	14.4	5.8
1974	1.334	208.9	104.6	85.0	16.5	2.8

LABOR FORCE UNIONIZATION, 1970

[Percent of wage and salary workers in unions]

	Percent of total workers	Percent of total white workers	Percent of total nonwhite workers
All industries	20.4	20.2	21.8
Manufacturing	23.8	33.1	39.4
Transportation and utilities	44.8	45.0	42.9
Trade	10.2	9.9	12.8
Services	7.8	7.3	10.4
Government	22.2	21.2	28.5
Construction	39.2	39.8	33.4

BLACKS AS A PERCENT OF WAGE AND SALARY WORKERS, 1970

	Percent of total workers	Percent of unionized workers	Percent of nonunionized workers
All industries	11.6	12.4	11.4
Manufacturing	10.7	12.4	9.8
Transportation and utilities	10.7	10.3.	11.1
Trade	8.0	10.1	7.8
Services	13.9	18.6	13.5
Government	12.8	16.5	11.8
Construction	10.2	8.7	11.2

UNEMPLOYMENT RATES FOR MALES IN CONSTRUCTION

[Percent]

	Total	White	Nonwhite
1975	15.2	14.3	24.2
1976	12.9	12.2	20.7

CORPORATE PROFITS—CONTRACT CONSTRUCTION

[Millions of dollars]

	Profits before tax	Corporate tax liability	Profits after tax	Dividends	Undistributed profits
1965	1,416	506	910	209	701
1966	1,601	586	1,015	161	854
1967	1,822	676	1,146	239	907
1968	1,904	721	1,183	237	946
1969	1,971	803	1,168	284	884
1970	1,895	820	1,075	249	826
1971	2,152	927	1,225	266	959
1972	2,054	908	1,146	237	909
1973	2,099	1,012	1,087	297	790
1974	2,351	1,072	1,279	341	938
1975	2,132	896	1,236	434	802

SIZE DISTRIBUTION OF FIRMS ENGAGED IN CONTRACT CONSTRUCTION

	1967	1972	Percent change
Total number of firms	368,771	437,941	18.8
Number of firms with 1 to 9 employees	301,587	351,494	16.5
Number of firms with 10 to 49 employees	56,920	73,937	29.9
Number of firms with 50 to 99 employees	6,419	7,991	24.4
Number of firms with 100 or more employees	3,845	4,519	17.5

BUSINESS FAILURES

	Total	Construction	
		Number	Percent of total
1965	13,514	2,513	18.6
1966	13,061	2,510	19.2
1967	12,364	2,261	18.3
1968	9,636	1,670	17.3
1969	9,154	1,590	17.4
1970	10,748	1,687	15.7
1971	10,326	1,545	15.0
1972	9,566	1,375	14.4
1973	9,345	1,419	15.2
1974	9,915	1,840	18.6
1975	11,432	2,262	19.8
1976 [1]	8,162	1,489	18.2

[1] 10 mo.

CONSTRUCTION INDUSTRY AVERAGE LIABILITY PER FAILURE

	Liabilities (millions)	Failures (thousands)	Average liability per failure (thousands)
1960	$201.4	2.607	$77.25
1961	193.0	2.752	70.13
1962	243.5	2.703	90.09
1963	231.4	2.401	96.38
1964	262.4	2.388	109.88
1965	291.0	2.513	115.80
1966	326.4	2.510	130.04
1967	323.7	2.261	143.17
1968	212.5	1.670	127.25
1969	171.7	1.590	107.99
1970	231.5	1.687	137.23
1971	222.4	1.545	143.95
1972	193.5	1.375	140.73
1973	309.1	1.419	217.83
1974	526.6	1.840	286.20
1975	640.8	2.262	283.29
1976 [1]	350.6	1.489	235.46

[1] 10 mo.

WORKERS INVOLVED IN STRIKES AS A PERCENT OF INDUSTRY EMPLOYMENT

	All industries	Manufacturing	Contract construction
1965	2.5	5.1	9.5
1966	3.1	4.8	13.9
1967	4.4	6.9	9.5
1968	3.9	6.0	11.1
1969	3.5	6.5	12.6
1970	4.7	5.8	18.4
1971	4.6	4.7	13.2
1972	2.3	3.4	12.9
1973	3.0	4.9	10.1

WORK STOPPAGES

	Number of contract construction work stoppages	Contract construction stoppages as a percent of all U.S. stoppages	Construction workers as a percent of total employed civilian labor force
1965	943	23.8	3.8
1966	977	22.2	3.8
1967	867	18.9	3.6
1968	912	18.1	3.7
1969	973	17.1	3.8
1970	1,137	19.9	3.8
1971	751	14.6	3.8
1972	701	14.0	3.9
1973	539	10.1	3.9

Employment of construction workers

(Thousands)

1965	2708
1966	2784
1967	2707
1968	2783
1969	2971
1970	2953
1971	3019
1972	3165
1973	3311
1974	3240
1975	2767
1976	2673

Unemployment rate

[In percent]

	Construction	Total
1965	10.0	4.5
1966	8.1	3.8
1967	7.3	3.8
1968	6.7	3.6
1969	6.1	3.5
1970	10.1	5.0
1971	10.3	6.0
1972	10.3	5.6
1973	8.8	4.9
1974	10.8	5.6
1975	18.4	8.5
1976	15.6	7.7

Construction costs

[1967=100]

	Wage costs	Material costs
1965	89.9	96.1
1966	94.6	98.7
1967	100.0	100.0
1968	107.2	105.0
1969	116.4	110.7
1970	127.5	112.6
1971	138.2	119.7
1972	146.8	126.2
1973	155.1	136.7
1974	164.2	161.6
1975	176.4	176.4
1976	186.7	187.8

BIRMINGHAM, ALA.

	New housing units	Nonresidential construction (millions)	Hourly earnings: Electricians	Hourly earnings: Construction	Cost index (1967=100)
1965	[1] 3,373	$42.1	$4.50	$3.75	92.0
1966	[1] 3,658	38.9	4.65	3.90	96.8
1967	[2] 4,975	35.3	4.74	4.00	100.0
1968	[2] 5,810	55.7	4.95	4.26	106.9
1969	[2] 3,957	47.2	5.35	4.51	114.3
1970	[2] 5,183	41.6	5.85	5.01	119.8
1971	[2] 8,952	86.2	6.35	5.61	135.6
1972	[3] 10,361	72.0	7.24	6.47	149.2
1973	[3] 6,493	93.2	7.82	7.12	169.4
1974	[3] 4,407	134.0	8.10	7.54	179.7
1975	[3] 4,304	116.7	8.93	7.99	186.6
1976	p=[3] 4,873	NA	9.94	8.49	198.8

[1] 12,000 permit issuing places.
[2] 13,000 permit issuing places.
[3] 14,000 permit issuing places.
p= preliminary.

Note: Prior to 1967, excludes Shelby and Walker Counties; prior to 1973, excludes St. Clair County.

DALLAS, TEX.

	New housing units	Nonresidential construction (millions)	Hourly earnings: Electricians	Hourly earnings: Construction	Cost index (1967=100)	Consumer price index (1967=100)
1965	[1] 13,487	NA	$4.47	$4.15	91.6	93.8
1966	[1] 11,813	NA	4.56	4.26	96.6	97.1
1967	[2] 18,426	NA	4.56	4.42	100.0	100.0
1968	[2] 31,027	NA	5.14	4.51	105.6	104.5
1969	[2] 25,569	NA	5.80	5.14	118.7	111.3
1970	[2] 29,130	NA	6.76	5.67	127.5	117.8
1971	[2] 29,938	NA	7.20	6.19	135.6	121.3
1972	[3] 26,900	NA	7.58	7.19	148.9	124.9
1973	[3] 26,139	NA	8.03	7.59	169.2	132.0
1974	[3] 23,332	NA	8.67	8.43	182.4	145.3
1975	[3] 16,983	NA	9.27	8.83	187.2	158.2
1976	[3] 27,225	NA	9.98	9.63	205.0	167.7

[1] 12,000 permit issuing places.
[2] 13,000 permit issuing places.
[3] 14,000 permit issuing places.

Note: Prior to 1967, excludes Kaufman and Rockwell Counties; prior to 1973, excludes Fort Worth in title and Hood, Johnson, Parker, Tarrant, and Wise Counties.

NEW YORK, N.Y.

	New housing units	Nonresidential construction (millions)	Hourly earnings: Electricians	Hourly earnings: Construction	Cost index (1967=100)	Consumer price Index (1967=100)
1965	[1] 47,161	$432.5	$7.12	$6.38	91.8	94.3
1966	[1] 44,973	552.7	7.15	6.67	95.5	97.5
1967	[2] 45,208	462.3	7.28	6.93	100.0	100.0
1968	[2] 46,862	722.8	7.61	7.31	106.2	104.3
1969	[2] 37,809	591.3	7.71	7.63	110.7	110.8
1970	[2] 40,397	677.8	9.91	9.06	119.2	119.0
1971	[2] 54,485	555.9	10.61	9.78	134.8	125.9
1972	[3] 58,130	456.3	11.18	11.08	142.5	131.4
1973	[3] 29,226	552.8	12.67	11.69	157.7	139.7
1974	[3] 20,151	346.7	13.28	12.33	169.7	154.7
1975	[3] 7,363	292.4	14.80	13.05	181.2	166.6
1976	[3] 8,056	NA	15.02	13.81	190.9	176.0

[1] 12,000 permit issuing places.
[2] 13,000 permit issuing places.
[3] 14,000 permit issuing places.

Note: Prior to 1973, excludes Putnam County, New York and Bergen County, New Jersey and excludes Nassau and Suffolk Counties, New York.

SAN FRANCISCO, CALIF.

	New housing units	Nonresidential construction (millions)	Hourly earnings: Electricians	Hourly earnings: Construction	Cost index (1967=100)	Consumer price Index (1967=100)
1965	[1] 30,271	$358.0	$6.51	$6.38	89.5	94.7
1966	[1] 14,707	330.3	6.91	6.67	95.3	97.1
1967	[2] 15,600	301.5	7.32	6.93	100.0	100.0
1968	[2] 20,616	277.3	7.32	7.31	106.2	104.5
1969	[2] 21,143	370.0	8.28	7.63	115.8	110.2
1970	[2] 25,643	249.0	9.09	9.06	119.6	115.8
1971	[2] 38,766	571.0	8.82	9.78	129.0	120.1
1972	[3] 36,559	313.1	10.92	11.08	141.2	124.3
1973	[3] 27,235	373.5	10.97	11.69	161.4	131.5
1974	[3] 11,985	328.0	11.72	12.33	170.5	144.4
1975	[3] 12,117	458.6	12.94	13.05	186.6	159.1
1976	[3] 16,789	NA	15.05	13.81	209.3	167.4

[1] 12,000 permit issuing places.
[2] 13,000 permit issuing places.
[3] 14,000 permit issuing places.

SENATOR LEAHY ADDRESSES ENERGY NEEDS OF AGRICULTURE

Mr. HUMPHREY. Mr. President, I wish to share with my fellow Senators an address by our colleague from Vermont, Senator LEAHY, which was presented to the National Association of Directors of State Departments of Agriculture at their recent meeting here in Washington.

In this address Senator LEAHY discussed one of the most crucial problems now facing our food system: Agriculture's increasing dependency on energy. He points out that the productivity and efficiency of our farmers is largely based upon finite or interruptable sources of energy, and as such has become too vulnerable for comfort.

He correctly states that we must adopt a priority research effort directed toward providing low-cost, nonfinite energy for our agricultural production system.

Mr. President, I ask unanimous consent that Senator LEAHY's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR LEAHY

Throughout the '60s and into the '70s, an abundant supply of food and fibers was taken for granted. The "farm problem" was bin-bursting surpluses. Our problem was on how to balance production with demand, and how to assure farmers adequate price and market protection. The tide began turning in 1972, and by 1974 the situation was clearly inverted. The "farm problem" was one of scarcities.

With the dramatic turnabout, agriculture went from back page filler to front page headlines.

This new attention has been accompanied by a new awareness. New faces are testifying at the committee hearings—consumer leaders, environmentalists, minorities, migrant farm workers, religious leaders, and all those who are concerned with domestic nutrition and the hunger in the less developed countries.

This new awareness can be an enormous asset if we approach it in a positive manner. Our chances of achieving positive results in Congress will increase enormously if we can use this new public consciousness to build a broad base of support for our efforts.

The climate for more positive results is further enhanced by an improved relationship between Congress and the Department of Agriculture. Far too often, the discord and political stalemate of recent years created an unproductive atmosphere. I do not predict that we will agree on every letter, every coma, of every bill. But I do predict an atmosphere in which we can get more accomplished with a minimum of controversy.

In the last few weeks the spotlight has been on the Farm Bill hearings, which has sparked much discussion. The hearing room has consistently been jam-packed, and additional hearings have had to be scheduled.

The testimony so far has brought forth clearly that whatever legislation is finally enacted, it must delicately balance a number of competing objectives—maintenance of a strong market orientation for American agriculture, the greatest possible freedom for farmers to make their own management decisions, maximum price assurance to protect farmers from economic disaster as well as to provide a stable supply of food and fiber to consumers, and minimum costs to our taxpayers.

This bill is truly a comprehensive measure, treating a broad scope of topics. Necessarily, it deals with our basic agricultural commodity programs, with the very important domestic feeding programs, with our principal international food program, P.L. 480, and with many other important food and agricultural subjects.

Most of these policy initiatives deal with problems of the present or of the past. However, another section of the bill—improved agricultural research—looks to the future.

The goal of agricultural research is to develop the knowledge and technology to insure an abundance of high quality agricultural products, maintain a permanent and viable agricultural system, improve the nutritional well-being of our people, improve the management and use of our natural and renewable resources, and promote higher living standards in rural America.

Our support in the past for agricultural research has been, to say the least, inadequate. Despite the incredible turnabout from agricultural surpluses to severe shortages, agricultural research last year was funded at the same level as in 1967. Contrast this with the fact that HEW and ERDA were each allocated five times as much for research and development in their areas of concern.

The Farm Bill attempts to reverse this lack of support. It specifies that food and agricultural research will receive an amount equal to at least one half of one percent of the sum total of the value of domestic expenditures and gross agricultural exports. It attempts to achieve more cost-effective research programs while maintaining the continuity and the strength of the current system.

However, increased funding routinely allocated for the types of research conducted in the past would not necessarily be a step forward. Agricultural research must head in new directions. As Dr. S. H. Wittwer, Chairman of the National Academy of Sciences Board on Agriculture and Renewable Resources, recently stated:

"Food production strategy in the past was to grow two ears of corn or two blades of grass where one grew before. Enhancement of productivity should still rank first in agricultural priorities. But there are now other urgent priorities."

One of these urgent priorities is intensive research for reducing agriculture's dependence on finite or interruptible sources of energy.

Agriculture has changed from being labor-intensive to being energy-intensive. In the first decade of this century it required one farmer to feed six non-farmers. Today, that ratio is almost one to fifty. But there has been a trade-off. In the same span of time we have increased 20 fold our agricultural energy usage.

Few Americans realize that it requires as much energy to grow an acre of cauliflower as it does to manufacture a six-passenger automobile.

The fact is that agriculture is one of our most significant energy consumers. Agricultural energy, accounting for about 3.5 percent of all U.S. energy use, is a modest amount compared with that of transportation, which uses 25 percent of the nation's energy, or that of residential and commercial space heating, which uses about 18 percent of the nation's energy. Among U.S. industries, agriculture ranks third after steel and petrochemicals among the major consumers of energy.

Because of the relatively modest amount of the country's total use of energy going into agricultural production, it is important to keep in mind that any reduction in energy going to that area would have little influence on the total U.S. energy situation, but would have a serious disruptive effect on agricultural output.

Therefore, we should ensure that in the event of another energy crisis agriculture receives the amount of fuel necessary to continue production. We must prepare ourselves with something other than stop-gap measures. In coming years shortages are going to become increasingly more frequent, for many of our present sources of energy may soon be greatly diminished and in some cases exhausted completely.

As a result, our food production system has become too vulnerable for comfort. We must direct an increasing amount of our research funds to developing easily-accessible, low-cost, renewable energy supplies.

Let me give you some examples of the kind of research I am talking about. In my own state of Vermont, wood has become a major source of energy both on and off the farm. A recent study showed that 55 percent of Vermonters used wood as a supplemental source of heating, while 8 percent used wood as their primary source. In addition, much research has been done in Vermont on Anaerobic Digesters as a Methane gas generator. Clearly, with the dairy industry as a major component of agriculture in Vermont, it only makes sense to effectively use what was once considered "waste."

And across the country other programs have also demonstrated that there are effective alternatives to our present production methods. For example, sludge-treated infertile sandy Minnesota soil produced over 200 bushels of corn per acre during the past two years. No soil or water pollution was detected during this time, nor was quality impaired. This method saved energy by minimizing the need for fertilizer and eliminating the expensive incineration. In addition, Agricultural Research Service projects have demonstrated the technical feasibility of curing or drying several kinds of crops, and of heating livestock shelter and greenhouses with solar power.

It is my hope that with adequate research and development our agricultural procedures can in time become self-sufficient in their energy supply.

As I have said, any reduction in energy usage in agricultural production will have little influence on the total U.S. energy picture. But the fact is that the steps in our food system after the food is produced uses four times the energy required to produce the food. Whereas the production of food requires only 3.5 percent of our nation's total energy consumption, the food system as a whole—storing, processing, packaging, transporting and cooking—accounts for over 16 percent of all energy used in the U.S.

Clearly then, we who are involved with agriculture, in any way, have a responsibility to share in the national effort to reduce our use of energy and to help find new renewable sources.

DNA-SPLICING, AKA PROGRESS

Mr. BUMPERS. Mr. President, since February 4 when I introduced S. 621, the DNA Research Act of 1977, there has been a growing expression of concern from my colleagues and the public about research involving recombinant DNA molecules. Several additional bills have been introduced on the subject, and the administration is also expected to have a proposal soon. I am very pleased to note that the Subcommittee on Health and Scientific Research, under the able leadership of Senator KENNEDY, will hold hearings on these bills on April 6, 1977. We can be confident that the distinguished Senator from Massachusetts, who has led the Senate for many years on health-related issues, including that

of recombinant DNA research, will work with his subcommittee to develop legislation that is fair and sound. My concern is not that any one particular bill passes, but that the issue is responsibly met by the Congress.

On the editorial page of the Washington Post of Sunday, March 20, 1977, was an article by Mr. George F. Will, entitled "DNA-Splicing, AKA Progress." I think the piece is well written and touches many of the most pertinent issues we must face. I ask unanimous consent that the article be printed in the RECORD in order that my colleagues who might not have had a chance to read it may do so.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DNA-SPLICING, AKA PROGRESS

(By George F. Will)

The pace of scientific achievement is accelerating, and government's ability to cope with it is not. Today recombinant DNA research—the recombining of genetic materials to create new forms of life—raises the question posed by the poet Valery: "Can the human mind master what the human mind has made?"

DNA is the material by which heredity is programmed in all living things. Gene-splicing, or "genetic engineering," transplanting selected genes from one organism into another, began less than a decade ago. It is occurring at approximately 100 U.S. locations, and many more worldwide. George Wald, a Nobel Prize winner who opposes such research, calls it, not without reason, "the biggest break with nature that has occurred in human history."

Such research may produce great benefits or injuries, or both. Benefits could include progress against genetic diseases or viral cancer. There could be new forms of life useful in agriculture (a "superwheat," or plants that produce their own fertilizer) and in combating pollution (an organism that "eats" oil spills). Injuries could include the devastation of the planet by new microbes that cause new diseases in people or plants.

Man can now play Creator, but when he begins "engineering" new life he cannot know exactly what his creation will be. He may be inventing a new cure or a new disease. Nevertheless, some scientists feel that it is impudent for government to scrutinize as well as subsidize their enterprises.

But whether, or under what conditions, molecular biologists should intervene in the evolutionary process is, properly, a political, not a biological, question. It involves society's safety and values. Professor Stephen Toulmin, a philosopher of science, says:

"I can think of no prior case in which the actual conduct of experiments in a basic natural science itself directly posed a threat of general public harm. . . . The very heart of the DNA problem is the fact that any 'rogue' agents produced artificially . . . will have the power to multiply themselves and spread throughout the population at large."

Last June, the National Institute of Health issued guidelines governing the DNA research it funds. Researchers have shown responsibility about self-regulation, including a moratorium on certain kinds of projects. But it is reasonable to expect this nation, which has so much to gain or lose from recombinant DNA, to adopt national regulation of it. Without national regulation, there will be a quiltwork of local regulations, including some prohibitions.

Government regulation provokes opposition in the name of "academic freedom" or "the autonomy of science." But civilization will not be dashed on the rocks if some scientific enterprises are regulated to prevent damage—physical or moral—to the community. (Some serious persons argue that various experiments, including some on fetuses, damage society's moral sensibility.) The scientist's crucial freedom is to pursue and publish the truth without restrictions based on narrow ideological reasons.

Unfortunately, chances for calamitous human errors are increasing exponentially: a bright high school student can practice gene-splicing. And biology is not the only source of staggering new problems.

On my desk is a court opinion in an environmental case. It concerns the disposal of waste from nuclear power plants. Of special concern is plutonium, a microscopic particle of which, inhaled, may cause cancer. The half-life of plutonium is 25,000 years and it is not harmless for 250,000 years.

Even the most sophisticated technology for storing plutonium would require some surveillance and maintenance. The court notes, rather drolly, that Neanderthal man appeared "only 75,000 years ago, and that when we talk about a 250,000-year commitment for storing plutonium, "the problems involved are not merely technical, but involve basic philosophical issues concerning man's ability to make commitments which will require stable social structures for unprecedented periods."

Unprecedented? "Institutional arrangements do not exist and never have existed to guarantee the monitoring or attendance upon storage facilities over a millenium." A millenium? That falls 249,000 years short.

Suppose wastes were stored in those salt beds in Lyons, Kansas. Meaning no offense to Lyons, which has been immune to modern turbulence, we must wonder: Can mankind rest assured that it will be immune until 251,976 A.D.? It is enough to make you think progress has gone on too long

AMBASSADOR OF JAPAN SPEAKS IN VIRGINIA

Mr. HARRY F. BYRD, JR. Mr. President, Japan and the United States are friends and allies.

On March 10, 1977, His Excellency Fumihiko Togo, Ambassador of Japan, spoke at the University of Virginia in Charlottesville.

His address is an excellent one, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY HIS EXCELLENCY FUMIHIKO TOGO, AMBASSADOR OF JAPAN

My wife and I are very happy to be with you on this historic campus. We are deeply moved to realize that the first Rector of this University, and the architect of several of its handsome buildings, was also one of the principal architects of American democracy, and one of the truly great Presidents of the United States.

The principles for which Thomas Jefferson stood are honored in Japan, too, as they must be in every land whose people love liberty. The political principles nourished in the Old Dominion for at least three centuries have profoundly influenced the aspirations of peoples throughout the world.

Like the United States, Japan has recently undergone a hard-fought national election, which resulted in a change in national leadership. In just two weeks, our two newly elected heads of government will meet in Washington.

Within another few months, Prime Minister Fukuda and President Carter will join the leaders of other major economic powers, among the industrial democracies, in the third such "summit" meeting in less than two years. At this summit also the common concern will include the harmonization of policies among the leading industrial democracies in such areas as stimulating world economic recovery, promoting price stability, meeting the problems of energy supplies and pricing, and responding constructively to the trade and development problems of the third world.

This is a formidable agenda, demanding untiring efforts, hard negotiations and enlightened leadership. However, it is probably possible to detect some encouraging signs as compared with the general situation a year or two ago.

The disruptive effect of another big jump in world oil prices has been avoided, at least for the present. Hopefully the trend will continue if even a little progress can be made this year toward a just and peaceful settlement in the Middle East. Moving toward this goal would serve the political and economic interests of all nations, including all the Middle Eastern states as well as ourselves.

We have also avoided the threatened confrontation between the industrialized Northern and the developing Southern Hemispheres on problems of the terms of trade and aid, and the issue of "redistribution of world wealth". There are grounds for believing that these issues can be approached, at the summit and throughout the year, with reason instead of emotion.

World economic recovery has not been so strong and steady as we all should like. There has been a pause in the rate of recovery of all the industrial democracies, including the United States and Japan, and the international payments positions of some European countries are still under stress.

Nonetheless, a general economic recovery, led by the United States and supported by Japan and West Germany, is under way. World inflation has not been halted, but it is being contained or reduced in most of the major world-trading economies. And world trade is once again expanding although at some cost in temporary trade imbalances.

The key to our continued progress on all these economic fronts is continuing cooperation among the industrial democracies, who together generate half of all world commerce. The economic policies of each of us affects the prosperity of all of us. Indeed, how well we perform as a highly integrated community of advanced industrial states will profoundly affect the current economic health—and future prosperity—of most of the rest of the world.

This is the setting for next week's meeting in Washington between Mr. Fukuda and Mr. Carter, and for their later meeting at the summit with the leaders of other industrial democracies.

If we have learned anything from our shared economic problems of the past four or five years, it is that the world economy is becoming more and more interdependent; our economic well-being is indivisible. We are also learning, I believe, that, within the world economy, our own community of industrial democracies is an increasingly integrated community. We will prosper, not by restricting our trade with each other, but by consistently promoting free, fair and open trade competition and capital movements within our community.

The trading partnership between our two countries is the largest and most diversified trade between any two overseas partners in history, doubling in value every five years or so. There are occasional problems or disagreements between us that have to be attended to: frictions such as the recent difficult negotiations over offshore fishing, and current complaints about the surge in American imports of color TVs and steel. Yet we have learned to deal with such problems responsibly and without emotion, looking for mutually satisfactory solutions.

On the American side, there is now much wider appreciation of the fact that Japanese competition is no longer based on low wages and cheap prices. In fact, some of the best-known Japanese TV imports—along with Japanese cars, cameras and many other consumer products—actually sell at higher prices than comparable American products. American consumers, in other words, are willing to pay a premium for Japanese quality, design and performance.

On the Japanese side, there is now greater appreciation that it is not always good business to press a competitive advantage too far. Japanese exporters must be sensitive to the impact of any sudden increases in the volume of exports to a particular country. This is especially true in a period of general economic uncertainty and high unemployment throughout the industrialized world.

Both sides have learned one other vital lesson in recent years. This is the fact of our growing interdependence, not only with each other, but also with the rest of the global economy. It is no longer possible for any country, even the richly endowed United States, to go it alone. We all must turn somewhere else for material goods that are essential to our survival—oil, minerals, food and even the advanced technologies which form an increasingly important part of international trade. We need each other's markets, under a free and fair division of international labor. The world economy is rapidly becoming indivisible.

Let me turn to another area where we share vital common interests: the area of maintaining stability and building peace in Pacific Asia.

Japan is the only advanced industrialized democracy in Asia, and we are close treaty allies of the United States. Our alliance is a provocation or threat to no other country.

Within this framework of power balance in the Western Pacific among the United States, China and the Soviet Union, the free nations of Asia can realistically pursue their own independent goals of nation-building and regional development without fear of outside intervention. In my own experience of talking with high officials of Southeast Asian nations, the ASEAN grouping in particular, I find that they share these views and they welcome continuing American participation in Asian affairs for just these reasons.

The Korean Peninsula is still under a divided rule, and no substantial progress toward unification is in sight. It is a challenge to the great powers concerned—the United States, China and the Soviet Union—to encourage a reduction of tension between the North and the South, but in the current circumstances the United States presence there serves as a deterrent against the disruption of the precarious balance on the Peninsula.

We all recognize that national independence in this crowded and interdependent world cannot rest on military power balance alone. Another, equally important aspect of peace-building is the promotion of economic and social development and the expansion of regional economic and political cooperation among Asian Nations. Stable development cannot be imported from the outside, but self-help efforts for development must have outside support if they are to succeed. The ASEAN grouping of Southeast Asian states is an excellent example of a regional association which is already embarked on constructive self-help measures.

By helping to strengthen the structures of Asian interdependence, and by supporting self-help efforts by Asians to earn their own way in the larger world economy, the Japanese people believe that they are also contributing to peace and stability in the Asian-Pacific region.

The greatest vision of Thomas Jefferson, that American freedom and democracy have meaning for all the world's peoples, has never been out of date. Yet it is a long historical struggle to translate that vision into reality. This is because freedom cannot be imposed; it can only be earned. It is a living expression of a people's tolerance of each other, their respect for law, and their willingness to accept personal responsibility for improving their own condition and the common welfare.

The peoples of Japan and the United States have together great tasks to perform in perfecting our own societies, and in helping build a more peaceful and prosperous world for future generations of all nations to inherit.

CENTER FOR COMMUNITY ACTION DESCRIBES INNOVATIVE YOUTH EMPLOYMENT PROGRAM

Mr. HUMPHREY. Mr. President, one of the most innovative and effective jobs programs for young people in the Nation is being run in my own home State of Minnesota. The program is administered by the Center for Community Action, and has been in existence since 1971.

The purpose of the program is to provide Minneapolis, St. Paul, and Hennepin County with worthwhile, quality projects at community and parkland sites by employing and training large numbers of disadvantaged youths 14 to 21 years old during the summer months. Participants in the program learn the use of basic hand tools and construction techniques. They receive training in basic work skills, like how to show up for work on time and how to work with others. Best of all, they have the opportunity to take great pride in the completion of a project of benefit to their own local community. A regular wage provides them with income and a sense of the financial freedom that comes from having a job.

With funding from both the private and public sectors, the Center for Community Action has employed 7,000 disadvantaged youths in Minneapolis, St. Paul, and Hennepin County since 1971.

These young people have made major improvements on public lands in the area, and the beneficiaries are the people who live there. The many projects carried out by the CCA are described in their 1976 annual report.

The kinds of programs now being carried out so well in Minneapolis and St. Paul would be established nationwide under S. 170, the Comprehensive Youth Employment Act of 1977, which I introduced in January along with Senator JAVITS and a number of my colleagues. I am very pleased to see that the President's message to Congress on youth unemployment also envisions setting up community improvement projects which will provide youths with useful and productive work.

The Center for Community Action's program would provide an excellent model for other communities who want to provide their own young people with good jobs on projects that provide a useful community service.

Mr. President, I ask unanimous consent that a letter to me from the Center for Community Action and excerpts from the CCA's annual report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, follows:

CENTER FOR COMMUNITY ACTION,
Minneapolis, Minn., March 15, 1977.

Senator HUBERT H. HUMPHREY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HUMPHREY: The Center for Community Action recently received a copy of the Comprehensive Youth Employment Act of 1977 which you and several of your colleagues have submitted for Senate consideration. Members of our staff have studied the text. In our view the course of action outlined in the bill is sound precisely because the youth unemployment problem's true nature and its true scope are recognized. A youth's view of society, of his role in that society, and perhaps, his view of himself is more likely to be determined by his first work experience than by anything he will learn in school. We believe that this is particularly true for disadvantaged youth. For millions of young Americans, our system succeeds or fails here.

We would like to make a few observations on this Youth Employment Act, but will preface our comments by a brief description of who we are and what we have been doing to give you a clearer understanding of our perspective.

The Center for Community Action is a private, non-profit corporation serving the public of Minneapolis, St. Paul and suburban Hennepin County through a variety of summer youth projects. Its service began in 1971 as a result of community dialogue initiated by the Rockfeller Foundation between corporate representatives and area young people. These discussions took place all across the country. Working together, businessmen provided advice and funds, and young people designed and launched programs to solve community problems. One of many national and local programs, only CCA's Riverfront Environmental Effort remains.

Although the riverfront has been the focal point for CCA since 1971, CCA's scope has expanded to include work sites in St. Paul (1972), participation in the Wilderness Work Camp (1972), supervision of a day camp, and administration of the Hennepin County Youth Employment Program (1975), and establishment of the Parklands Project in suburban Hennepin County, neighborhood projects in Minneapolis and St. Paul and sponsorship of the Mixed Blood Theatre (1976). Throughout this growth in program development, CCA's objectives have remained the same. Each summer CCA seeks to provide communities with a worthwhile product by employing and training large numbers of disadvantaged youth from fourteen to twenty-one years of age. Participants in this program learn the use of hand tools, building techniques, make new friends in their work group, and take pride in completing a project of benefit for their community. A regular wage gives the young workers a sense of financial freedom and responsibility as well. Through the combined efforts of the public and private sectors, CCA has employed over six thousand disadvantaged youth during the summer since 1971. The enclosed booklet may give you a better picture of our efforts.

In regard to the provisions of the Comprehensive Youth Employment Act you have proposed, the importance of the "meaningfulness" of the work experience has been stressed. CCA has had experience both in placing youngsters in individual public service job slots, and in "group sites" on environmental projects. The environmental work experience appears to have been more successful in providing youths with that sense of accomplishment and worth of which you have spoken. Both the summers' end evaluations from the youngsters, and those sent in from work supervisors bear this out. Con-

cern for the environment cannot begin too early. We hope that the work projects envisioned by this bill will place some emphasis on community environmental projects.

Part A, Section 705, (3) provides for a detailed description of the jobs to be filled in local communities. While this should help to prevent "make work" positions, CCA has encountered occasional local resistance to defining too closely the specific character of the work to be performed particularly at the outset of the program. Local communities have tended to guage position responsibilities and degrees of supervision to the specific youth referred by us and eventually hired. Such flexibility has warmed the reception accorded our program in Hennepin County.

Part A, Section 704(1)(b) seems to draw an understandable distinction between the unemployed youth to be served and the supervisory personnel administrating the program. One factor contributing to the success of CCA has been a determination not to draw such a line. A natural heirarchy of supervisory levels exists within CCA from "crew chiefs" to "site supervisors" on through coordinators, and program developers to the Director position of CCA. Such a recruiting procedure, while resulting in a fairly high rate of turnover, has insured the selection of people experienced and interested in the success of CCA projects. This approach has provided valuable supervisory and planning experience for scores of young people beyond that normally found in government employment programs. Again such benefits can be derived largely because CCA was founded as a non-profit corporation by young people in cooperation with other elements of the community.

From our association with youth employment programs and the often discouraged and disillusioned youngsters these programs try to serve, the Center for Community Action welcomes this first, comprehensive, national effort on the problems of youth unemployment. The significance of this attack will be far-reaching. The Comprehensive Youth Employment Act of 1977 signals a new appreciation of young people's capacity for meaningful, responsible participation in American society.

Sincerely,

LuVerne Grussing,
Director, Center for Community Action.

1976 Annual Report—CCA

INTRODUCTION

The Center for Community Action is a private, non-profit corporation serving the public of Minneapolis, St. Paul, and Hennepin County through a variety of summer youth projects. Its service began in 1971 as a result of community dialogue initiated by the Rockefeller Foundation between corporate representatives and area young people. These discussions took place in cities all across the country. Working together, businessmen provided advice and funds and young people designed and launched programs to solve community problems. Of the many national and local programs, only CCA's Riverfront Environmental Effort remains.

Although the Riverfront has been the focal point for CCA since 1971, CCA's vision has enlarged to include work sites in St. Paul (1972); participation in the Wilderness Work Camp (1973); supervision of the Day Camp and administration of the Hennepin County Summer Youth Employment Program (1975); and establishment of the Parklands Project in suburban Hennepin County, neighborhood projects in Minneapolis and St. Paul and sponsorsihp of the Mixed Blood Theatre Company (1976). Throughout this tremendous growth in program development CCA's objectives have been the same.

Each summer CCA's goal is to provide communities with a worthwhile quality product by employing and training large numbers of disadvantaged youth age 14 to 21. Participants in the program learn use of hand tools, building techniques, make new friends in their work groups, and take pride in completing a project of benefit to their community. A regular wage gives the young workers a sense of financial freedom as well. Through the combined efforts of the public and private sectors, CCA has employed 7000 disadvantaged youth during the summers since 1971.

This Report is an opportunity for you to examine the results of their labor.

THE RIVERFRONT

In 1971 the Riverfront reclamation work began at Father Hennepin Bluffs located east of St. Anthony Falls. This rugged area had long been used as a dumping ground until 90 young workers transformed it into a beautiful recreation area. Over the years, trails have been dug and improved, railroad tie bridges and staircases built, picnic tables added, and scenic overlooks constructed. Grass seed and flowers have been planted along with hundreds of trees, including ash, maple, white and Norway pine. Father Hennepin Bluffs became the model for all other CCA park development projects undertaken.

Select urban land reclamation projects along both sides of the Mississippi River continue under CCA's direction. All lands reclaimed are public and have suffered severe abuse or neglect. Young men and women are recruited in their schools by the Neighborhood Youth Corps coordinators. Workers earn the minimum wage for approximately twenty hours of work per week throughout the ten week summer program. Progress on the sites is maintained by a site supervisor and several crew chiefs. It is their responsibility to obtain materials and teach their crews how to handle tools to build the site. The intense and difficult labor of the students returns ill-used lands to the public trust.

Without substantial financial and material gifts from the business community, the Riverfront could not survive. Young people seeking work and corporate officials looking for worthy projects to aid continue to meet through CCA to produce superior park and recreation sites along and near the Mississippi River for the public's enjoyment. As in past years, various departments and city officials assisted CCA in planning and executing the six Minneapolis and three St. Paul sites which made up the 1976 Riverfront program.

MINNEAPOLIS SITES

Father Hennepin Bluffs

For the sixth summer, Father Hennepin Bluffs was improved by CCA work crews. Working closely with the Minneapolis Planning Department, CCA carried out their plans for further development of this well known park area. In addition to de-trashing and general spring time maintenance, crews built 4 staircases, an observation pad, 3 retaining walls, 2 decks, and extended the trail system.

Over the years, expanding reclamation work done at Father Hennepin Bluffs has kept the park in the public domain. There are now four main sections of the park: Nicollet Island, Main Street, Lower and Upper Bluffs. Public attention has turned back to the Mississippi River, the most exciting natural asset in the metropolitan area. This park figures heavily in Minneapolis Parks and Recreation Board plans for the urban river corridor.

Lake Street

Working south from Lake Street, four crews built a half mile of new trail into the river bluffs. The trail was cut into the hills and then lined with retaining walls. In addition, 3 railroad tie stairs, a marsh bridge, and a 20 feet long bridge were constructed. The upper area of the path was smoothed with woodchips. Future plans call for an extensive cross country ski trail and new walking path along the bluffs from Lake Street south to Minnehaha.

Theodore Wirth Park

Four crews worked on the large neglected western section of Theodore Wirth Park. This area, long a favorite of cross country skiers, has 200 yards of new trail and a cross country switch-back built with winter lovers in mind. Crews also built a picnic area with 2 tables, 7 benches along the trail, and a stairway up to a covered deck overlooking the lake beach. Another set of stairs and 4 retaining walls were constructed to improve access to the beach. Portions of this park have unusual prairie plants. Youths removed encroaching thistles and woody plants to retain the natural prairie plant life.

Kasota

To attract new industry, the Minneapolis Industrial Commission is developing this land. Bridleveil Creek flows through the area and plans called for making a central park area along the creek. CCA crews completed a 6 feet wide path lined with railroad ties and groomed with woodchips around the pond, 4 sets of stairways, a bench, and a viewing platform near the pond.

Fort Snelling State Park

Working closely with the Minnesota Department of Natural Resources, two crews created a new picnic area by clearing this historic area of 5 acres of junk on Picnic Island. It was ready for public enjoyment by July 4. Work continued on Pike Island. Here crews constructed a fence from sawed-off telephone poles and painstakingly built a set of limestone stairs 8 feet wide.

Bassett's Creek

Tremendous improvement in this area resulted from the diligent work of two crews. The park is located at the mouth of the creek named for Joel Bassett whose sawmill stood there in the nineteenth century. The crews established a camp site with a cobblestone fireplace; finished stairs down to the beach; inlaid the Plymouth Avenue stairs with flagstone; linked stairs by trails and graveled the trails; built 4 benches along the creek; and stained and replanked the bridge over Bassett's Creek.

ST. PAUL SITES

Battle Creek Park

For years, St. Paul residents have used these picnic grounds during the summers. In 1975, the original WPA stonework lining the creek bed suffered severe flood damage. CCA crews have worked for two years to reopen the park. This year, four crews finished 2 walls, one 55 feet long and the other 75 feet in length and each was 4 feet high. Stones were hauled from the Hidden Falls area. The youth mixed the concrete for the foundation. Then the stones were carefully fitted together and secured with re-rod and more concrete. In addition, crews de-trashed the park and filled in washed-out portions of the baseball field.

Lilydale

Future plans for this area call for a flood plain park. The most difficult and tedious task of the summer was the de-trashing effort. Youth attacked trash 3 and 4 feet deep, carried it out, and piled it up to be hauled away. The remainder of the summer was spent in taking down and debarking trees afflicted with Dutch Elm disease.

Swede Hollow

This lovely bowl-like area off Payne Avenue was used many years as a dumping ground. Originally, this area contained the homesteads of the city's first Swedish immigrants and the foundations of their homes are still visible. Beginning in 1974, CCA crews have

worked to reclaim this park. Four crews improved access to the area and upgraded the trail encircling the park. They completed an amphitheater with cobblestones and concrete, cleaned and filled two swamps, finished a plank bridge and constructed a concrete retaining wall.

HENNEPIN COUNTY SUMMER YOUTH EMPLOYMENT

For the second year, CCA was awarded the contract to administer the Hennepin County Summer Youth Employment Program by the Hennepin County Board of Commissioners. The overall purpose of the program was to develop group site and individual placement jobs throughout the county for disadvantaged young people between the ages of 14 and 21. To accomplish this goal CCA received an administrative grant of $600,000 from the Minnesota Urban Comprehensive Employment and Training Consortium and the State of Minnesota Youth Employment Program.

Recruitment was conducted by CCA staff in May through contacts with school counselors, notification of the Welfare Department, public notices on radio and in suburban newspapers, and personal calls to last year's participants. Over 2000 applications for employment were received at CCA's field office in St. Louis Park. Of these, 1024 eligible youth were placed. Eligibility was determined by using Department of Labor poverty guidelines.

The youth worked approximately twenty to thirty hours per week for ten weeks and earned $2.30 per hour. Those age 14–15 could work a maximum of 200 hours earning up to $460 over the summer and youth age 16–21 were allowed a maximum of 300 hours amounting to $690 for the summer. Half the youth in the program worked in jobs developed by their own municipality while the other half worked on jobs created through CCA's Parklands Project.

INDIVIDUAL PLACEMENTS

Community officials determined to a large degree the goals of the jobs, the quality of the work, and the type of skills to be learned. Municipalities were responsible for interviewing, hiring, and supervising the youth. In cooperation with the Minnesota Department of Employment Services, CCA was responsible for recruiting, certifying, referring, and paying the eligible youth in the program.

Some of the jobs developed by the municipalities with the help of CCA included recreation aides, swimming instructors, building maintenance aides, park crew workers, traffic counters, bicycle patrols, hydrant painters, secretaries, library aides, child care assistants, actors, and puppeteers to name only a few.

The majority of youth hired were in the 16–21 age group. Their work schedules and duties were arranged by their immediate employers. For many of the youth, this was their first work experience in which they were expected to be on time, work a full day all week, and perform responsibly. Meeting these expectations proved to be a successful experience for most of the participants.

PARKLANDS

The innovative Parklands Project was a very successful effort to involve municipal officials in the group site park development planning process. CCA's program developer contacted representatives of 45 municipalities to determine their specific park and recreation needs. These needs were assessed in terms of benefits to the community and the capabilities of young workers.

Throughout the working stage of the program, CCA staff sought advice and suggestions from municipal officials, park and recreation departments, civic groups, and the Department of Natural Resources. These suggestions and needs were coupled with the knowledge and expertise gained from years of experience with the Riverfront.

Early and continued contacts with suburban advisors proved invaluable over the summer. Not only were 12 suburban sites created and completed by young people but city officials were introduced to and pleasantly surprised by the dedication and quality of youth labor in municipal park development. Most of the youth involved in group site work were 14 and 15 years old.

Work at the group sites was supervised by site supervisors and crew chiefs. They were responsible for training the crew members in proper use of hand tools, construction techniques, and work site safety. Most importantly, the young workers maintained a high level of enthusiasm and produced superb parks for their cities. Many of the youth expressed pride in the permanence, usefulness, and beauty of their work.

Golden Valley—Pennsylvania Woods

An undeveloped 20 acre plot adjacent to a senior citizens' home and low income housing is now a lovely recreation area. To make way for trail construction, fallen trees were dragged out and underbrush cleared away. After the trail was built through the area and around the pond, it was smoothed with woodchips and packed with crushed limestone for easier wheelchair access. Using scrap lumber, railroad ties, and hand tools, the workers built picnic tables and benches. A portable bridge was secured linking the trail to the grounds of the senior citizen's home. Two retaining walls were also built. All members of the work crews lived within walking or biking distance which made this a truly neighborhood project.

HENNEPIN COUNTY SITES

Bassett's Creek

Both sides of a half mile stretch of Bassett's Creek in Golden Valley were cleaned and groomed by CCA crews. Dead trees and shrubs were removed along the banks. Erosion control work was done to prevent further destruction of the slopes.

Rice Lake

After completing the Bassett's Creek project, crews moved to this third site in Golden Valley. Here they built a floating marsh bridge supported by styrofoam pilings. In addition, they built a look-out platform and packed the trail with gravel.

New Hope—Dorothy Mary

The Environmental Sciences Foundation had already developed this 6½ acre park and set the completion date for 1980. Various community groups had finished a number of the initial construction projects. CCA crews detrashed the park by removing debris, tree stumps and fallen trees, spread trails with woodchips, planted shrubs, improved the banks of the pond to prevent further erosion, and destroyed trees with Dutch Elm disease.

Maple Grove—Fish Lake

After finishing their work at Dorothy Mary Park in five weeks, crews moved to this site in Maple Grove. The city purchased this pine tree wooded 5 acre plot to be developed into a park. Crews dug paths and lined them with woodchips. A series of steps were built into the trail. Brush was cleared away and a parking area was leveled for the city to blacktop. CCA crews assisted city workers in building a boat dock to improve access to the park. Their assistance to Maple Grove workers helped develop good community relations.

Brooklyn Center—Environmental Preserve

This 47 acre park is located near the Crystal air strip and was almost inaccessible to the public before this summer. Vegetation in this marshy area forms a cathedral arch over the 1200 feet of path dug and paved with woodchips by CCA work crews. The most spectacular project was a 350 foot long marsh bridge built out of telephone poles and railroad ties and supported by sand box pilings. Two other bridges, 15 and 25 feet in length, were also built to completely open the area for nature study.

Eden Prairie—Round Lake

In the three remaining weeks of the summer crews which had finished other projects worked at Round Lake in Eden Prairie. Crews cut through underbrush to build a perimeter trail. Loads of woodchips were hauled in by wheelbarrow to groom the new trail.

Edina—Bredesen Park-Lake Cornelia

During the final two weeks of the program, two crews worked on this site in Edina. Using post-hole diggers, the crew members dug holes, set the fence posts, and secured a chain link fence along the perimeter trail. They also constructed a set of railroad tie stairs.

St. Louis Park

Four small sites were developed by CCA and the St. Louis Park Board of Parks and Recreation. The same groups of workers rotated among these sites and completed the work over the ten week period.

Ford Park

Youth cleared away springtime debris, dug a section of new trail, groomed the trail with woodchips, and constructed two foot bridges.

Minnehaha Creek

Piles of junk were cleared away and two sections of the creek were rip-rapped.

Bass Lake

The lake shore was overgrown with thick underbrush. Crews cleared away brush and trash and trimmed the larger trees.

Westwood Hills Environmental Education Center

Crews de-trashed the grounds and removed rocks.

Richfield—Taft Park

In spite of the terrible heat, tremendous progress was seen at this nearly treeless site in Richfield.

Digging a lake-side perimeter path was the main task. A trail 2000 feet in length was cut into the terrain and lined with telephone poles set into the soil. Then the path was packed with gravel for bicycle travel. The pedestrian path was completed with 7 sets of steps and 3 bridges, each 10 feet long. Crews also groomed a ball park with gravel. Before the summer's end, several young trees were planted to provide shady relief in future summers.

Woodlake

Crews worked at a second Richfield site, Woodlake Nature Center. Youth began an extensive de-trashing effort and trail improvement project. Wheelbarrows filled with gravel were pushed into the swamp to groom the 6 foot wide trail. This trail is now suitably packed for vehicle transport. The area around the ice arena and pool was landscaped with bushes, grass seed, and gravel.

Luce Line Trail

The Department of Natural Resources owns the right of way to this old Chicago Northwestern railroad line near Gleason Lake in Plymouth. DNR plans call for development of 104 miles of hiking, biking, and equestrian trails. Last year CCA crews worked on 14 miles of hiking and biking trails and this year began work on the equestrian path. Crews hacked through thick underbrush, including potent poison ivy and were plagued by wasps all along the trail. In spite of the hazards, their dedicated efforts resulted in a clean-cut, well-groomed equestrian trail.

Morris T. Baker

During the first year of the program 11,000 young trees were planted at the CCA con-

tainerized at Morris T. Baker Park Reserve. Young workers practiced good nursery skills by fertilizing, watering, and pruning the tree stock. This year, crews did spring inventory and calculated winter kill losses. The trees were then divided: some were moved to a new nursery at Crow-Hassan Park Reserve, others were planted at the South High Community Center by the Jaycees and the Shade Tree Task Force, and the remaining ⅓ was delivered to the Metropolitan Waste Control Commission.

Maple Plain

The city of Maple Plain had begun developing a park four years ago. After completing their work at Morris T. Baker, crews built 2600 feet of hard packed pedestrian and bicycle trail at this park in Maple Plain. They dug a playground and built a mountain of tires for climbing. Workers also leveled a parking lot and groomed 2 baseball diamonds. Almost 20 truckloads of crushed limestone were delivered to groom the trail around the park. A one acre wood lot was cleared and picnic tables were set up. This basically grassy plot was turned into a useful recreation site.

Bloomington, Japanese Tree Garden

Ten years ago Bloomington's Affiliated Garden Clubs commissioned a Japanese landscape architect to design an authentic ornamental Japanese tree garden for the city. The 2 acre site adjacent to Normandale Community College was nearly complete except for the landscaping. Young workers finished the remaining landscaping in time for the July 18 dedication. The meticulous nature of a Japanese garden called for especially careful work. Crews spread 150 tons of white rock along 1200 feet of newly leveled path. After raking the gravel to uniform smoothness, the crews planted 200 trees and one acre of sod. Laying the sod involved moulding the soil, placing decorative rocks, and putting the sod down by hand. Two sets of stairs were also constructed.

DAY CAMP

Last year CCA instituted a special day camp for children ages 5 through 9 and placed a strong emphasis on swimming instruction. For the second summer, the CCA-sponsored day camp gave children from north, northeast, and suburban Minneapolis a chance to have fun and hopefully better understand children of various cultural, social, and economic backgrounds. This year, the day camp worked with the Minneapolis Public School Community Education elementary school education-recreation program.

One hundred children ranging in age from 5 to 9 enrolled in the program and participated in recreation activities such as swimming, music, sports, arts and crafts, dance and drama. Educational games were used to help children in reading, writing, and math skills. Several field trips were taken including visits to Como Park Zoo, Children's Theatre, Peppermint Tent Theatre, and Betty Crocker Kitchens.

The campers were supervised in their activities by young adults employed through the NYC program to learn child care skills. In addition, the older youth toured several metropolitan colleges including the University of Minnesota, Hamline, Macalester, St. Thomas, St. Catherine's, and Augsburg and had an opportunity to learn about application requirements, academic and athletic programs, and financial aid. The children had a safe, educational, and enjoyable summer and the older youth had a valuable paid work experience.

NEIGHBORHOOD PROJECTS

This year CCA began the Neighborhood Project in an effort to locate and solve problems in our own backyards. Crews in Minneapolis and St. Paul worked to improve and beautify their neighborhoods by constructing garbage can racks and painting urban wall murals.

A common complaint among urban neighborhoods has been that dog packs roam through alleys spilling garbage. The mess is both unsightly and unhealthy. In Minneapolis, the Whittier community requested CCA's help in solving this problem. Work crews, following city rack code specifications, constructed, painted, and delivered 80 racks on order to residents in the neighborhood. In St. Paul, crews in the Summit-University and Hamline-Lexington neighborhoods worked to clean up the alleys and then built garbage can racks mounted on cobblestone bases.

The racks hold up to three cans. Youth in both cities learned precision carpentry skills to meet the detailed city rack codes. By delivering the finished products they developed rapport with neighborhood residents.

Minneapolis crews also worked painting murals on two of three walls in the design-painting contest "Trio". Crews worked safely on scaffolding 20 and 30 feet high and had to clean and prime the building walls before painting the artist's design. The Dayton-Hudson Foundation gave prize money in the contest sponsored by Whittier Community, Minneapolis Arts Commission, and Minneapolis Planning Department. Harris McDonald, a well known local artist, was the winner. The third and final wall of his design should be completed next summer.

WILDERNESS WORK CAMP

The Wilderness Work Camp located on the St. Croix River near Rush City is sponsored through the cooperative efforts of the Center for Community Action, the Minneapolis Neighborhood Youth Corps, the St. Paul Summer Youth Employment Program, and Northern States Power Company. The camping experience allows the youth to continue earning money for trail work done at the camp while giving them a vacation away from home.

This year, 222 campers from Minneapolis, St. Paul, and Hennepin county group sites attended camp sessions which last eight days. Recreational activities included a three day canoe trip on the St. Croix, overnight backpacking trips, as well as swimming, fishing, sports, and arts and crafts. New activities this summer included a roller skating trip, hayrides, and nature study in nearby wildlife areas.

In order to earn their regular wage, campers spent a day or two each session working on a ten mile section of trail on the Minnesota side of the St. Croix River. This section of trail joined a section of trail completed last summer to form a 20 mile stretch of hiking path. The Minnesota Department of Natural Resources is developing an extensive corridor trail along the banks of the river.

BRIDGES AND STAIRCASES

Out of this first experience in youth employment emerged a distinctive style of construction. Young workers successfully used scrounged materials—brick, concrete, telephone poles, railroad ties—and hand tools—shovels, picks, hammers, wheelbarrows—to produce sturdy, rustic, and useful as well as decorative recreation spots. Today the railroad tie bridge and staircase are the hallmarks of CCA labor.

CCA crews have built several kinds of sophisticated bridge structures. Successful bridge construction ranges from the relatively simple foot bridge to the steel truss bridge. This year crews built floating marsh bridges using boxes filled with sand and styrofoam blocks for support.

Railroad tie staircases appear simpler than they are. Crews begin at the bottom of the slope digging supports into the hill, being sure to curve the staircase with the hill. Each step is then secured in place by drilling with a hand drill through the tie and threading cement re-rod in to strengthen it.

MIXED BLOOD THEATRE COMPANY

The Center for Community Action's multiracial theater company made strong human statements through its five productions. The 24 actors and actresses ranged in age from 17 to 36 and the racial make-up of the company was 11 Black, 6 Native American, and 7 White. They played roles in which they could draw from their own personal experiences more easily than in conventional school or summer stock choices. The company members were paid through the Neighborhood Youth Corps and Urban Corps programs.

In an attempt to draw an audience that might not normally go to the theater, Mixed Blood provided child care during the performances, transportation to and from the theater from central locations in the inner city, charged only $1.00 for anyone on public assistance, and one performance of each production was on a pay-what-you-can basis.

The productions

"Dutchman," by Imamu Amiri Bakara.
"Black Cycle," by Martie Charles.
"Status Quo Vadis," by Donald Driver.
"Brother Champ," by Michael Kassin.
"Indians," by Arthur Kopit.

PLUTONIUM PROS AND CONS

Mr. HART. Mr. President, on Monday, March 21, the Ford Foundation released a comprehensive study of nuclear power issues. In the belief that this study should be seriously considered by the Congress, I asked that the overview section of that report be printed in the CONGRESSIONAL RECORD. It appears in the Monday, March 21, 1977, RECORD on page 8295.

Mr. President, today the Washington Post printed an editorial describing the report as "remarkable for its intelligence and balance." I fully support the Post's characterization of the foundation's report and, for my colleagues' consideration, ask unanimous consent that the full text of the Post editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JUDGMENT ON PLUTONIUM

The case for plutonium fuel and the breeder reactor has been growing steadily more dubious. With each re-examination, the risks become clearer and the benefits dimmer. The latest analysis, published this week by a research organization called the Mitre Corporation, is remarkable for its intelligence and balance. It deserves to be considered authoritative. It strongly urges the Carter administration to postpone plutonium fuel production "indefinitely" and to relegate the breeder technology to the laboratory as a standby for the middle of the next century. That judgment is unquestionably the right one.

The penalties for a mistake here would be monstrous. Plutonium is one of the most potent poisons ever devised and, in its fuel form, it can be fashioned into nuclear weapons relatively easily.

The technology is within the capacity of terrorist organizations as well as national governments of every kind. Putting the stuff into commercial use would be an irreversible decision.

Yet that is the direction in which U.S. policy has been heading, guided mainly by ob-

solete assumptions and blind momentum. A reprocessing plant for the manufacture of plutonium now stands, two-thirds completed, near the town of Barnwell, S.C., waiting for a federal policy on subsidies. A breeder reactor is under construction at Clinch River, Tenn., scheduled to go into operation in the early 1980s as a prototype for commercial plutonium-fueled reactors in the 1990s. The Mitre report is addressed primarily to President Carter and his energy advisers. If they follow its clear and foreceful logic, they will abandon both of these projects.

The Mitre report is the work of a committee of 21 men who, collectively, know as much about these questions as anyone in the world. One member of the committee, Harold Brown, was president of the California Institute of Technology and is now Secretary of Defense. Another, Kenneth Arrow of Harvard, holds the Nobel Prize in economics. A third, Wolfgang Panofsky, is director of the Stanford Linear Accelerator Center. There's no need to run through the entire list. Their report has been published as a book, incidentally, by the Ballinger Co., under the title, "Nuclear Power Issues and Choices." But it covers a great deal more than nuclear issues alone—because, to get to the plutonium question, you first have to consider the future American economy, its requirements for energy and the various possible sources.

The nuclear reactors now being built by utilities around the country are fundamentally different from the plutonium breeder—and far less dangerous. The present commercial reactors are fueled with rods of uranium; when the fuel is spent, the fission process has left a residue of plutonium in the rod. But in that form, it's not explosive. It's the next step that takes the country over a new threshold—the reprocessing procedure that refines the plutonium and mixes it into a new kind of fuel for the breeder, which, in turn, produces more plutonium than it consumes. It's this second fuel, the one that emerges from the reprocessing plant, that contains weapons-grade plutonium and presents truly extraordinary dangers.

The only conceivable reasons for resorting to the plutonium technology now would be either a looming shortage of uranium or the threat of energy prices so high that they could derail the nation's economic growth.

Plutonium recycling can be postponed indefinitely "at essentially no economic cost," the report finds. "The fears that energy scarcity will force fundamental changes in economic and social structures or the lifestyle of the industrialized world are not well founded."

The Mitre group, in other words, considered both possibilities and concluded that there was nothing to justify risking, in this century, the dire hazards of reliance on plutonium fuels.

PRESIDENT CARTER AT THE UNITED NATIONS

Mr. HUMPHREY. Mr. President, last week, President Carter delivered a highly important speech at the United Nations, signalling a fresh and most welcome shift in U.S. policy toward that vital institution.

The President has rightly placed this Nation's foreign policy in its proper context—that of leadership in addressing a multitude of political, social, economic, and human problems of the globe. He has approached these problems by taking the offensive, in a positive manner, as compared to the rather nascent approach we exercised in the recent past.

As the President noted:

We are proud that, for the 32 years since its creation, the United Nations has met on American soil. And we share with you the commitments to freedom, self-government, human dignity, mutual toleration and peaceful resolution of disputes which the founding principles of the United Nations and Secretary General Kurt Waldheim so well represent.

The President then effectively articulated a broad range of foreign policy concerns which will characterize his administration. These include the need to bring the staggering arms race under control; the need for a settlement in the Middle East; the need to defuse racial conflict which threatens all of Southern Africa; the need to build a better and more cooperative international economic system which is more equitable and responsive to the needs of the less developed nations; and the need to work with all nations of the world in advancing the cause of human rights.

The President is to be commended for his far-sighted approach to these difficult and complex global issues. His concerns are deserving of the support and cooperation of the Congress and the American people. He brings out the best of our traditional values as a nation. I pledge my support to the President and will work in close cooperation with him as we strive to achieve these ambitions, yet most worthwhile goals.

Mr. President, I ask unanimous consent that the President's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

TEXT OF PRESIDENT'S ADDRESS AT U.N. ON PEACE, ECONOMY AND HUMAN RIGHTS

UNITED NATIONS, N.Y., March 17.—Following is the text of President Carter's address here tonight, as made available by the United States Mission to the United Nations:

I am proud to be with you tonight in this house where the shared hopes of mankind can find a voice.

I have come here to express my own support, and the continuing support of my country, for the ideals of the United Nations.

We are proud that, for the 32 years since its creation, the United Nations has met on American soil. And we share with you the commitments to freedom, self-government, human dignity, mutual toleration and peaceful resolution of disputes which the founding principles of the United Nations and Secretary General Kurt Waldheim so well represent.

No one nation can by itself build a world which reflects these values. But the United States has a reservoir of strength—economic strength, which we are willing to share; military strength, which we hope never again to have to use, and the strength of ideals, which we are determined fully to maintain as the backbone of our foreign policy.

It is now eight weeks since I became President. I have brought to office a firm commitment to a more open foreign policy. I believe that the American people expect me to speak frankly about the policies we intend to pursue and it is in that spirit that I speak to you tonight about our hopes for the future.

I see a hopeful world, a world dominated by increasing demands for basic freedoms, for fundamental rights, for higher standards of human existence. We are eager to take part in the shaping of this world.

"PERSISTING DANGERS"

But in seeking such a better world, we are not blind to the reality of disagreement nor to the persisting dangers that confront us. Every headline reminds us of bitter divisions, of national hostilities, of territorial conflicts, of ideological competition. In the Middle East peace is a quarter of a century overdue. A gathering racial conflict threatens Southern Africa, new tensions are rising in the horn of Africa; disputes in the eastern Mediterranean remain to be resolved.

Perhaps even more ominous is the staggering arms race. The Soviet Union and the United States have accumulated thousands of nuclear weapons. Our two nations have almost five times as many missile warheads today as we had eight years ago. Yet we are not five times more secure! On the contrary, the arms race has only increased the risk of conflict.

We can only improve this world if we are realistic about its complexities. The disagreement we face are deeply rooted, and they often raise difficult philosophical as well as practical issues. They will not be solved easily nor quickly. The arms race is now imbedded in the fabric of international affairs and can only be contained with the greatest of difficulty. Poverty and inequality are of such monumental scope that it will take decades of deliberate and determined effort even to improve the situation.

I stress these dangers and these difficulties because I want all of us to dedicate ourselves to a prolonged and persistent effort designed

To maintain peace and to reduce the arms race.

To help build a better and more cooperative international economic system.

To work with potential adversaries as well as with our friends to advance the cause of human rights.

UNITED STATES CANNOT SOLVE ALL PROBLEMS

In seeking these goals, I recognize that the United States cannot solve the problems of the world. We can sometimes help others resolve their differences, but we cannot do so by imposing our own particular solutions.

In the coming months there is important work for all of us in advancing international cooperation and economic porgress in the cause of peace.

Later this spring the leaders of several industrial nations of Europe, North America, and Japan will confer at a Summit meeting in London on a broad range of issues. We must promote the health of our industrial economies, seek to restrain inflation and begin to find ways of managing our domestic economies for the benefit of the global economy.

We must move forward with the multilateral trade negotiations in Geneva.

The United States will support the efforts of our friends to strengthen democratic institutions in Europe, particularly in Portugal and Spain.

We will work closely with our European friends on the forthcoming Review Conference on Security and Cooperation in Europe. We want to make certain that all provisions of the Helsinki agreement are fully implemented and that progress is made in further East-West cooperation.

In the Middle East we are doing our best to clarify areas of agreement, to surface underlying consensus, and to help develop mutually acceptable principles which can form a flexible framework for a just and permanent settlement.

In Southern Africa we will work to help attain majority rule through peaceful means. We believe that such fundamental transformation can be achieved, to the advantge of both blacks and whites. Anything less than that may bring a protracted racial war, with devastating consequences for all. This week

the government of the United States took action to bring our country into full compliance with United Nations sanctions against the illegal regime in Rhodesia.

We will put our relations with Latin America on a more constructive footing, recognizing the global character of the region's problems. We are also working to resolve in amicable negotiations the future of the Panama Canal.

RELATIONS WITH LATIN AMERICA

We will continue our efforts to develop further our relationship with the People's Republic of China. We recognize our parallel strategic interests in maintaining stability in Asia and will act in the spirit of the Shanghai communique.

In Southeast Asia and the Pacific we will strengthen our association with our traditional friends and seek to improve relations with our former adversaries.

Throughout the world, we are ready to normalize our relations and seek reconciliation with all states which are ready to work with us in promoting global progress.

Above all, the search for peace requires a much more deliberate effort to contain the global arms race. Let me speak in this context first of the U.S.-Soviet relationship, and then of the wider need to contain the proliferation of arms throughout the global community.

I intend to pursue the strategic arms limitation talks between the United States and the Soviet Union with determination and with energy. SALT is extraordinarily complicated, But the basic fact is that while the negotiations remain deadlocked the arms race goes on, the security of both countries and the entire world is threatened. My preference would be for strict controls or even a freeze on new types and new generations of weaponry, with a deep reduction in the strategic arms of both sides. Such a major step towards not only arms limitations but arms reductions would be welcomed by mankind as a giant step towards peace.

Alternatively, and perhaps more easily, we could conclude a more limited agreement based on those elements of the Vladivostok accord on which we can find consensus, and set aside for prompt consideration and subsequent negotiations the more contentious issues and also the deeper reductions that I favor.

"TOTAL CESSATION OF TESTING"

We will also explore the possibility of a total cessation of nuclear testing. While our ultimate goal is for all nuclear powers to end testing, we do not regard this as a prerequisite for suspension of tests by the two principal nuclear powers. We should, however, also pursue a broad and permanent multilateral agreement on this issue.

We will also seek to establish Soviet willingness to reach agreement with us on mutual military restraint in the Indian Ocean, as well as on such matters as arms exports to troubled areas of the world.

In proposing such accommodations I remain fully aware that American-Soviet relations will continue to be highly competitive, but I believe that our competition must be balanced by cooperation in preserving peace, and thus our mutual survival. I will seek such cooperation earnestly and sincerely.

However, the effort to contain the arms race is not a matter just for the United States and the Soviet Union alone. There must be a wider effort to reduce the flow of weapons to all the troubled spots of this globe. Accordingly, we will try to reach broader agreements among producer and consumer nations to limit the export of conventional arms, and we will take initiatives of our own since the United States has become one of the major arms suppliers of the world.

We are deeply committed to halting the proliferation of nuclear weapons among the nations of the world. We will undertake a new effort to reach multilateral agreements designed to provide legitimate supplies of nuclear fuels while controlling poisonous and dangerous atomic wastes.

Working with other nations represented here, we hope thus to advance the cause of peace. We will make a strong and positive contribution to the upcoming special session on disarmament.

"THE SEARCH FOR JUSTICE"

But the search for peace also means the search for justice. One of the greatest challenges before us as a nation, and therefore one of our greatest opportunities, is to participate in molding a global economic system which will bring greater prosperity to the people of all countries.

I come from a part of the United States which is largely agrarian and which for many years did not have the advantages of adequate transportation, capital, management skills, education, which were available in the industrial states of our country. So I can sympathize with the leaders of the developing nations, and I want them to know that we will do our part.

To this end the United States will be advancing proposals aimed at meeting the basic human needs of the developing world and helping them to increase their productive capacity. I have asked Congress to provide $7.5 billion of foreign assistance in the coming year, and I will work to insure sustained American assistance as the process of global economic development continues. I am also urging the Congress to increase our contributions to the United Nations Development Program and meet in full our pledges to multilateral lending institutions, especially the International Development Association of the World Bank.

We remain committed to an open international trading system, one which does not ignore domestic concerns in the United States. We have extended duty-free treatment to many products from the developing countries. In the multilateral trade negotiations in Geneva we have offered substantial trade concessions on goods of primary interest to developing countries. In accordance with the Tokyo declaration, we are also examining ways to provide additional consideration for the special needs of developing countries.

The United States is willing to consider, with a positive and open attitude, the negotiation of agreements to stabilize commodity prices, including the establishment of a common funding arrangement for financing buffer stocks where they are a part of individual negotiated agreements.

WIDER ROLE FOR THIRD WORLD

I also believe that the developing countries must acquire fuller participation in the global economic decisionmaking process. Some progress has been made in this regard by expanding participation of developing countries in the International Monetary Fund.

We must use our collective natural resources wisely and constructively. Today our oceans are being plundered and defiled. With a renewed spirit of cooperation and hope we join in the Conference of the Law of the Sea in order to correct the mistakes of past generations and to insure that all nations can share the bounties of the eternal seas.

We must also recognize that the world is facing serious shortages of energy. This is a truly global problem. For our part, we are determined to reduce waste and to work with others towards a proper sharing of the benefits and costs of energy resources.

The search for peace and justice means also respect for human dignity. All the signatories of the U.N. Charter have pledged themselves to observe and respect basic human rights. Thus, no member of the United Nations can claim that mistreatment of its citizens is solely its own business. Equally, no member can avoid its responsibilities to review and to speak when torture or unwarranted deprivation of freedom occurs in any part of the world.

The basic thrust of human affairs points toward a more universal demand for fundamental human rights. The United States has a historical birthright to be associated with this process.

We in the United States accept this responsibility in the fullest and most constructive sense. Ours is a commitment, not just a political posture. I know perhaps as well as anyone that our ideals in the area of human rights have not always been attained in the United States, but the American people have an abiding commitment to the full realization of these ideals. We are determined therefore, to deal with our deficiencies quickly and openly.

ACTION ON U.N. COVENANTS

To demonstrate this commitment I will seek Congressional approval and sign the U.N. covenants on economic, social and cultural rights, and the covenant on civil and political rights. I will work closely with our Congress in seeking its support to ratify not only these two instruments, but the United Nations Genocide Convention and the Treaty for the Elimination of All Forms of Racial Discrimination as well. I have just removed the last remaining restrictions to American travel abroad and will move to liberalize travel opportunities to America.

The United Nations is the global forum dedicated to peace and well-being of every individual—no matter how weak or how poor. But we have allowed its human-rights machinery to be ignored and sometimes politicized. There is much that can be done to strengthen it.

The Human Rights Commission should be prepared to meet more often, and all nations should be prepared to offer it their fullest cooperation—to welcome its investigations, to work with its officials, to act on its reports.

I would like to see the entire U.N. Human Rights Division moved back here to the central headquarters, where its activities will be in the forefront of our attention and where the attention of the press corps can stimulate us to deal honestly with this sensitive issue. The proposal made 12 years ago by the Government of Costa Rica—to establish a U.N. High Commissioner for Human Rights—also deserves our renewed attention and support.

Strengthened international machinery will help us all to close the gap between promise and performance in protecting human rights. When gross or widespread violation takes place—contrary to international commitments—it is the concern of all. The solemn commitments of the U.N. Charter, of the U.N.'s Universal Declaration of Human Rights, of the Helsinki accords and of many other international instruments must be taken just as seriously as commercial or security agreements.

OTHER HUMAN NEEDS STRESSED

The issue is important by itself. It should not block progress on other important matters affecting the security and well-being of our people and of world peace. It is obvious that the reduction of tension, the control of nuclear arms, the achievement of harmony in troubled areas of the world and the provision of food, good health and education will independently contribute to advancing the human condition.

In our relations with other countries these mutual concerns will be reflected in our political, our cultural and our economic attitudes.

These then are our basic priorities as we work with other members to strengthen and to improve the United Nations:

We will strive for peace in the troubled areas of the world.

We will aggressively seek to control the weaponry of war.

We will promote a new system of international economic progress and cooperation; and

We will be steadfast in our dedication to the dignity and well-being of people throughout the world.

I believe this is a foreign policy that is consistent with America's historic values and commitments. I believe it is a foreign policy that is consonant with the ideals of the United Nations.

Thank you.

WAR ON TROPICAL DISEASES

Mr. KENNEDY. Mr. President, one of the most pernicious roadblocks to the development efforts of many countries in the Third World—particularly those in Africa—is the continued plague of tropical diseases, which not only brings death to millions every year, but saps the strength, energy, and economic potential of millions more.

The challenge confronting the international community in eradicating tropical diseases has long been known. Only the resources to meet the challenge have been lacking.

Mr. President, as I noted last year, in submitting to the Senate a special study mission report prepared jointly by the Subcommittee on Refugees and the Subcommittee on Health on "World Hunger, Health, and Refugee Problems," many serious diseases persist at endemic and epidemic levels throughout much of the developing nations of the world. Most significant are the parasitic diseases, which produce chronic illness and disability in hundreds of millions of people.

Last year the World Health Organization—WHO—announced a new program to attempt to deal with six major parasitic diseases, including malaria, schistosomiasis, trypanosomiasis, leprosy, leishmaniasis, and filariasis. Although WHO has now projected a $140 million, 5-year program to date the United States has contributed only technical and moral support.

This unfortunate lapse in American support of an unquestionably deserving international health effort is the focus of an excellent article in today's New York Times by Dr. Howard Hiatt, who is dean of the Harvard School of Public Health.

Dr. Hiatt succinctly states the case for a far more generous response by the United States to the WHO program against tropical diseases. He properly reminds us that if the United States can spend over $800 million this year against the war on cancer, we surely can find the resources to support a worldwide effort against tropical diseases—which now receives less than $40 million from all sources.

Mr. President, I am hopeful that the new administration will carefully review our Nation's current funding in support of WHO's tropical disease program, and I shall actively support legislation to increase this support.

As Dr. Hiatt wirites:

The Carter Administration has undertaken moral leadership in several spheres. What better time for our Government to commit to the special (WHO) program major financial support, and many of our leading scientists their knowledge and technical skills?

I commend Dr. Hiatt's article to the attention of Senators, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 23, 1977]

ERADICATING TROPICAL DISEASES

(By Howard H. Hiatt)

BOSTON.—In 1970, Congress declared war against cancer. Large sums have been poured into the battle, and many of our most distinguished senior and promising younger biological scientists have turned to cancer research. They have been influenced not only by the opportunity to apply their disciplines to a problem of social significance but also the generous support available. Further, the moment has seemed ripe for applying extraordinary recent advances in biological knowledge to human cancer.

While cancer is justifiably of major concern to Americans, and cancer research must have our continuing support, we should be aware that hundreds of millions of people all over the world suffer from a group of terrible diseases for which additional resources could likely work wonders in a short time. These are the so-called tropical diseases, prevalent in developing countries.

In contrast to the over $800 million allocated for cancer research this year by the United States National Cancer Institute, last year's expenditures by all nations for research on tropical diseases were less than $40 million. Since these diseases result from parasitic infections, the many chemical differences that distinguish human cells from parasites almost certainly would facilitate the development of vaccines and therapeutic agents that would be harmless to the host and lethal to the invader.

The World Health Organization has recently declared war against six tropical diseases that contribute greatly to poverty, chronic sickness and death in most of the developing world. Malaria kills more than a million children a year in Africa alone. Schistosomiasis kills few of its estimated 200 million victims directly but, like several other tropical diseases, commonly precludes even economic self-sufficiency. One of filariasis' most feared forms is river blindness, which has led to the abandonment of much fertile African farmland and, in some villages, to blindness in half the remaining adult males.

Sleeping sickness, which threatens 35 million Africans, Chagas' disease, which cause chronic sickness and often death in more than 10 million Latin Americans and an infection that prevents livestock production in much of Africa, are all manifestations of trypanosomiasis. Leprosy and leishmaniasis are the other two targets of the new special program for research and training in tropical diseases.

The program will emphasize the application of the fruits of modern science to these problems. However, its leader, Dr. A. O. Lucas, a remarkable Nigerian physician, and its advisory committee, which includes several of the world's most accomplished biologists, are well aware of the paucity of scientists in the developing countries with the training needed to undertake sophisticated research.

They will, therefore, concentrate not only on research, but also on training programs, both to take place in developing countries.

These will depart from the traditional pattern of bringing promising young people from developing countries to high-powered laboratories in the United States or Europe, where the emphasis is on pure science or on diseases of local concern. Under these circumstances, the trainees commonly return home ill-equipped to deal with the problems of their country.

The special program will encourage accomplished scientists to locate for periods of several months or more in laboratories in developing countries and to undertake research in tropical diseases in their home laboratories.

In this way, relevant settings will be provided for training not only tomorrow's leaders from the less-developed world but also those many gifted young Americans and others who would be attracted to such research.

Critics suggest that elimination of the tropical diseases is a social, rather than a biomedical problem. Dr. Lucas recognizes that improvements in nutrition, education, housing and other social and economic conditions would be more effective than vaccines and drugs. However, such measures must complement rather than replace medical measures.

Others argue that elimination of these diseases would only lead to increased deaths from starvation. In fact, there is much historical evidence that limitation of population generally takes place only *after* important control of disease begins. The special program will integrate its efforts with comprehensive health-care programs that include family planning.

The World Health Organization has projected a budget of $140 million for the first five years of the program. Several governments have already made financial contributions. The United States National Institutes of Health has given important technical and moral support, and there is hope that the United States Government will join the donor nations shortly.

This is likely to be the year in which smallpox will be eradicated, largely as a partnership among the nations of the world. This also promises to be remembered as the year in which the Carter Administration has undertaken moral leadership in several spheres. What better time for our Government to commit to the special program major financial support, and many of our leading scientists their knowledge and technical skills?

A CABINET LEVEL DEPARTMENT OF EDUCATION

Mr. HUMPHREY. Mr. President, I recently introduced legislation which would create a Department of Education. This is not the first time I have introduced such legislation, but I hope this time this legislation will be enacted into law.

I feel that with the present focus on governmental reorganization, now is the time to create a Department of Education. President Carter, last June, expressed his position that as part of his general reorganization plan an important new department that should be created would be a Department of Education.

An article by John Ryor, president of the National Education Association, in the Kappan magazine of April 1977, presents a strong, reasoned case for a Department of Education.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CASE FOR A FEDERAL DEPARTMENT OF EDUCATION

(By John Ryor)

(The president of the nation's largest teacher union argues in favor of taking the E out of HEW.)

I begin with the assumption that we educate to serve young people, to prepare our children for a fast-changing world, a world with complex problems and exciting opportunities. I think most teachers would agree.

But to meet the demands of change, education must change too. And teachers know, perhaps better than most, that times have already changed, that children grow up in a different world than we knew even a decade ago. The next generation will be far different from (and probably ahead of) the young people in school today.

It is often said today that education has "failed." In fact, quite the opposite is true. Because American education has succeeded so well, we have developed a highly complex and technical society that demands more and more of an educated population. At the same time, we've created an idealistic and articulate citizenry dedicated to true social justice. It is these new demands that education struggles to meet without adequate money, status, legal support, or a sound organizational base. Such a base could be provided by a federal Department of Education.

If excellence is what we seek for our children, in terms of what education can do to help each child become as fine a human being and as useful a citizen as our combined love and resources can provide, education must have a voice that is sustained and concentrated at the point where opportunity can be funded and channeled equally to all of our citizens—at the federal level of government.

A cabinet-level secretary is needed for many reasons. First, there is no doubt that serious educational problems are being smothered in the massive bureaucracy of Health, Education, and Welfare. We need a secretary of education who can concentrate solely on the problems of education and not be bogged down with the crushing problems of health and welfare too.

Let us be sure no one misconstrues our demand for taking the E out of HEW. We are not trying to downgrade health and welfare priorities. On the contrary, we are painfully aware that a child's health, his family's physical health, and the economic and social health of his family and community have a very direct bearing on the education of that child. We do not ask for separate department status to jeopardize these other important programs.

Consider the enormous job confronting HEW: welfare reform; control of inflationary health care costs; provision of higher quality, more convenient medical care; and solution of the deepening financial crises of the nation's schools, colleges, and universities. Any of these tasks would test an HEW secretary severely. But all of these problems must be confronted at the same time by a single cabinet officer under the present setup.

This mushrooming of social needs is the key to the whole problem. When President Eisenhower created HEW in 1953, neither health, nor education, nor welfare presented problems in anything like their present dimensions. Their grouping appeared logical enough at the time. But now the situation has changed dramatically.

For example, in fiscal year 1954 HEW expenditures were less than $2 billion. Education spending—most of it for vocational training—was $235 million. The HEW budget in fiscal year 1978 is nearly $160 billion, with only $8.1 billion earmarked for education. Between 1968 and 1978 the HEW budget has nearly quadrupled, growing from 23% of the total federal budget to 36%. Meanwhile, education outlays have a little more than doubled, from $3.6 billion to $8.1 billion.

Education is shortchanged because more than 90% of the massive HEW budget is uncontrollable; that is, the expenditures are required by law. The lion's share of the education budget is in the controllable column, susceptible to cuts at budget-trimming time. This is what has happened to the education components of HEW's annual budget year after year. This situation has forced teachers and their education-minded allies to take their fight to Congress to override vetoes and increase education funding.

A second reason for a separate Department of Education is the need to consolidate the government's education activities and give them some unified direction with greater impact for the separate parts. More than 40 federal departments, agencies, and bureaus are involved to some degree in the support of education. There is no single agency with authority to give overall supervision to the administering, regulating, and accounting for more than $10 billion in federally supported education and manpower training programs. This fragmented management of education programs has not been resolved by efforts to establish committees and commissions on interagency cooperation in education. The result of this fragmentation has been waste, inefficiency, and duplication of effort.

Ineffective management of education programs spells disaster for schools, colleges, and universities that depend on federal resources for stability. Lack of coordination deprives local and state education agencies of the level of support required to maintain high standards of quality education. The some 200 different educational programs *outside* the Office of Education need strong coordination with educational policy—and that takes department status instead of office status.

Another argument for department status grows out of the current financial crisis in education, the most serious in many years. The recession-ridden economy continues to plague schools, and now an energy crisis forces further cutbacks in education services and programs. Rising costs and taxpayer resistance are causing budget slashes in school districts around the nation. Entire school systems are closing.

Frustrated by unresponsive government, big business, spiraling consumer prices, and increased taxes, citizens are exercising what little power they feel they have left to shout *NO* to school budget increases. Local and state funds are drying up. Yet the local community pays 48.4 percent of the school dollar, and the states pay 43.4 percent while the federal share of the elementary and secondary school funding is 8.2 percent. The NEA and other education organizations are committed to the proposition that the full federal share should be one-third of the costs of public education. But getting this kind of money from Congress is impossible if education does not have a powerful representative in the budgeting process.

The top government official in education needs easy access to the White House and Congress—and a strong voice. For the crises in education, including not only the problem of funding but the racial and human relations problems, the loss of public confidence, and growing student independence (which is sweeping ever lower into the elementary grades) require top-level attention and action.

And there are additional reasons for an education secretary with full cabinet status:

Placing the responsibility for education in one department under one administrator who could devote his full attention to it would cut down on the waste and duplication that inevitably result when noneducators seek federal dollars to try things that have no practical applicability or transferability to actual classroom situations.

A cabinet officer, with the visibility and prestige of cabinet status, would have a much greater opportunity to bring educational concepts to other areas of government than the assistant secretary and subcabinet commissioner now have.

The appointment of a secretary of education would benefit Congress. Such an official would provide a single repository of information to answer the questions Congress raises as it deals with authorizing and appointing legislation. A secretary would be directly responsible to Congress for the success or failure of its programs.

A Department of Education would probably be granted more funds for education earlier in each fiscal year. This would happen because a single voice for education, setting out the needs and the priorities, mustering and uniting all the lobbying efforts necessary to have funds approved by the executive and legislative branches, would be a potent force in seeking more equitable federal support for all education ventures.

Education is one of the nation's largest businesses. Upwards of 65 million Americans are directly involved in education. Education is the nation's second largest fiscal commitment. What the schools do will shape society for generations. And this is too important for the present second-level status of the USOE.

Very few people in this country are really opposed to education. But many people, probably most, take education almost for granted—even as merely another tax burden—because they have accepted it so thoroughly and matter-of-factly.

And status, in any operational sense we are interested in—as a force to get good things done for the education of our children—has got to mean more than just a me-too acceptance without commitment. It has to be alive, active, at work. In mundane but magical government language, it translates into priority.

Yet in the 23 years that education has been part of HEW there have been 11 different commissioners of education. The average tenure has been about two years. A commissioner hardly has a chance to learn his way around Washington before throwing in the sponge and joining a long list of frustrated excommissioners who leave because education has such a low priority. Salary was the reason given by the last commissioner to leave the USOE. The education commissioner is paid $37,800 a year, compared to the $63,000 drawn by a cabinet officer. Big-city school superintendents all make substantially more than the nation's top federal education official.

At the same time, there have also been 11 different HEW secretaries over the past 23 years. They too, for the most part, leave in frustration. This frequent turnover of secretaries leaves much of the power and influence in the federal government's largest bureaucracy to members of Congress and their staffs who have long service.

But though the nation's top education official ranks low in status and authority, unprecedented support is building to give the position cabinet-level rank.

Rufus E. Miles, Jr., is a former director of administration for HEW. He is possibly the nation's leading expert on the department's structure. Miles, who calls for a Department of Education in a scholarly paper on the subject, comments: "No position in the executive branch of government requires a profounder understanding of American social structure and a more sensitive use of power than that of the top education official."

There is considerable support in Congress for a separate Department of Education. No fewer than 16 bills, introduced into both houses during the Ninety-fourth Congress, proposed such a plan.

Senator Abraham Ribicoff (D-Conn.), a

former HEW secretary, said last September 29, in introducing a bill (S. 3857) for a separate education department, "Our whole system of education is dependent upon the leadership and the commitment that the federal government takes. The federal government must assume a greater responsibility for the education of its citizens. Only an increased federal priority to education can increase the American people's confidence in our educational system and in the future of this valuable resource for our nation."

Two bills have already been introduced this year during the first session of the Ninety-fifth Congress, one in each chamber. Senator Hubert Humphrey (D-Minn.), long an advocate of a separate education department, sponsored a measure (S. 225) on January 14. Coupled with the cabinet-level education department, Humphrey's bill calls for establishment of a Federal Interagency Committee on Education and a National Advisory Commission on Education.

And President Carter told the NEA Political Action Committee in an interview last June, when he had established himself as the leading Democratic candidate, that he firmly supports a cabinet post for education. He said: "I think the public's ready for a clear expression from the national viewpoint about what we should do for education in this country. It's something that's been relegated to a secondary position in the past.

"The only new department that I know of that ought to be created is a separate Department of Education. I will pursue this goal in the context of an overall reorganization of government. My goal, expressed many times during the campaign, was to reduce the 1,900 departments and agencies down to no more than 200. I believe that's an achievable goal. The one new department I would be in favor of creating would be a separate Department of Education. . . . I think we need to do this, and I'm committed to try it out."

On February 4 President Carter asked Congress for broad authority to reorganize federal agencies and said that his campaign commitment to pare down the government structure "was one of the major reasons" he was elected.

With President Carter, many influential members of Congress, and the great majority of the education community for it, the establishment of a separate department for education appears imminent. The only education organization I know of that is opposed to an education department is the American Federation of Teachers. The AFT supports a plan calling for the creation of a 21-member Board of Education that would appoint the highest-ranking education official. It is essentially the plan recommended to President Harding in 1922.

The NEA is well aware that there are several approaches to a plan establishing a separate Department of Education and much disagreement over how it should be implemented.

The NEA believes that any service directly related to the teaching-training-learning process, or services which support the care, development, or nurture of learners of all ages in the educational process, should be considered under the purview and jurisdiction of the Department of Education.

The function of the Department of Education, the NEA believes, shall be to serve as a single entry point for the formulation of comprehensive educational priorities, policy, planning, and programmatic goals. These shall include administrative control, oversight, coordination, resource allocation, and accountability.

Therefore, any agency, department, office, bureau, division, foundation, academy, institution, or other entity engaged in the delivery of education or educational support services should be required to submit justifications, programs, plans, objectives, and resource allocations for analysis and assessment by the Department of Education.

This would include all programs now administered by the Office of Education, plus the myriad of education programs scattered throughout the vast federal bureaucracy. Some of these programs, for example, would include Indian education, child development, the school lunch and breakfast programs of the Department of Agriculture, dependent schools of the Departments of Defense and State, plus scores of others.

The NEA, however, would not oppose a department without all of these components at the outset. But the association would seek to have these programs added eventually.

In a time of great social change, somebody has to remind the people that our great growth in the past came from our educational system. And somebody has to awaken the people to the truth that only education can provide the solid, constructive, creative kinds of change that will bring our nation and the world through this troubled period into a better society. A Department of Education, headed by a cabinet secretary, is the catalyst that can create this awakening.

CHICAGO COMMUNITY CURRENCY EXCHANGES INVESTIGATED: AN EXCHANGE OF FAVORS

Mr. PERCY. Mr. President, in December 1976, the Better Government Association—BGA—completed a 6-month investigation of Chicago's community currency exchanges. The BGA explored the rate structure, industry practices, degree of oligopoly, and Government-industry interactions of the exchanges.

Community currency exchanges perform as "bank surrogates" in many neighborhoods. They cash checks, sell money orders, vend license plates and vehicle stickers, and provide other similar financial services. In poorer neighborhoods, where banks may not be nearby and residents are not highly mobile, the community currency exchanges can be an important, even crucial part of everyday life.

The BGA's investigation produced evidence suggesting that State government officials may be involved with leading exchange owners in a symbiotic "exchange of favors" relationship. The pattern of mutual back scratching by the regulators and the regulated is a familiar one. The BGA report puts it this way:

Our findings led us to question whether the State has been acting more on behalf of the welfare of the currency exchange owners than the people who use their services. Who is regulating whom?

The report also explores the possibility of unethical business practices by the exchange owners.

I believe it is precisely the kind of report we need to see more of. Reports prepared by citizens, on topics of interest to citizens, are one of the most valuable commodities available to a government desiring to be responsive to its citizens. Marjorie C. Benton, the BGA's president, J. Terrence Brunner, its executive director, and the other fine board members, officers, and general members are to be commended for their dedicated efforts toward better Government.

RULES OF THE COMMITTEE ON HUMAN RESOURCES

Mr. WILLIAMS. Mr. President, under section 133B of the Legislative Reorganization Act of 1946 (2 U.S.C. 190–a–2), each committee of the Senate is required to adopt rules governing the procedure of the committee and to publish these rules in the CONGRESSIONAL RECORD. In accordance with that section, I am pleased to submit for printing the rules of the Senate Committee on Human Resources, as amended February 22, 1977. I am also including for the information of my colleagues the committee's adopted guidelines governing the conduct of hearings, markup sessions and other related matters. I ask unanimous consent that the aforementioned material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE COMMITTEE ON HUMAN RESOURCES,
HARRISON A. WILLIAMS, JR., CHAIRMAN

(Rules of Procedure (as amended, Feb. 22, 1977))

Rule 1.—Unless the Senate is meeting at the time, or it is otherwise ordered, the Committee shall meet regularly at 10:30 a.m. on the fourth Thursday of each month in room 4232, Dirksen Senate Office Building. The Chairman may, upon proper notice, call such additional meetings as he may deem necessary.

Rule 2.—The Chairman of the Committee or of a subcommittee, or if the Chairman is not present, the ranking Majority member present, shall preside at all meetings.

Rule 3.—Meetings of the Committee or a subcommittee, including meetings to conduct hearings, shall be open to the public except as otherwise specifically provided in subsection (b) and (d) of Rule 25.7 of the Standing Rules of the Senate.

Rule 4.—(*a*) Subject to paragraph (b), one-third of the membership of the Committee, actually present, shall constitute a quorum for the purpose of transacting business. Any quorum of the Committee which is composed of less than a majority of the members of the Committee shall include at least one member of the Majority and one member of the Minority.

(*b*) A majority of the members of a subcommittee, actually present, shall constitute a quorum for the purpose of transacting business: provided, no measure or matter shall be ordered reported unless such majority shall include at least one member of the Minority who is a member of the subcommittee. If, at any subcommittee meeting, a measure or matter cannot be ordered reported because of the absence of such a Minority member, the measure or matter shall lay over for a day. If the presence of a member of the Minority is not then obtained, a majority of the members of the subcommittee, actually present, may order such measure or matter reported.

(*c*) No measure or matter shall be ordered reported from the Committee or a subcommittee unless a majority of the Committee or subcommittee is actually present at the time such action is taken.

Rule 5.—With the approval of the Chairman of the Committee or subcommittee, one member thereof may conduct public hearings other than taking sworn testimony.

Rule 6.—Proxy voting shall be allowed on all measures and matters before the Committee or a subcommittee if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the Committee, such a motion shall also require the concurrence of a majority of the members who are actually present at the time such action is taken.

Rule 7.—There shall be prepared and kept a complete transcript or electronic recording adequate to fully record the proceedings of

each Committee or subcommittee meeting or conference whether or not such meetings or any part thereof is closed pursuant to the specific provisions of subsections (b) and (d) of Rule 25.7 of the Standing Rules of the Senate, unless a majority of said members vote to forgo such a record. Such records shall contain the vote cast by each member of the Committee or subcommittee on any question on which a "yea and nay" vote is demanded, and shall be available for inspection by any Committee member. The Clerk of the Committee, or the Clerk's designee, shall have the responsibility to make appropriate arrangements to implement this Rule.

Rule 8.—The Committee, and each subcommittee, shall undertake, consistent with the provisions of section 133A of the Legislative Reorganization Act of 1946, as amended, to issue public announcement of any hearing it intends to hold at least one week prior to the commencement of such hearing.

Rule 9.—The Committee or a subcommittee shall, so far as practicable, require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the Chairman and the ranking Minority member determine that there is a good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. The presiding officer at any hearings is authorized to limit the time of each witness appearing before the Committee or a subcommittee. The Committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

Rule 10.—Should a subcommittee fail to report back to the full Committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full Committee for further disposition.

Rule 11.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full Committee. No more than one subcommittee executive meeting may be held at the same time.

Rule 12.—It shall be the duty of the Chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or cause to be reported to the Senate, any measure or recommendation approved by the Committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

Rule 13.—Whenever a meeting of the Committee or subcommittee is closed pursuant to the provisions of subsection (b) or (d) of Rule 25.7 of the Standing Rules of the Senate, no person other than members of the Committee, members of the staff of the Committee, and designated assistants to members of the Committee shall be permitted to attend such closed session, except by special dispensation of the Committee or subcommittee or the Chairman thereof.

Rule 14.—The Chairman of the Committee or a subcommittee shall be empowered to adjourn any meeting of the Committee or a subcommittee if a quorum is not present within fifteen minutes of the time scheduled for such meeting.

Rule 15.—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or a subcommittee for final consideration, the Clerk shall place before each member of the Committee or subcommittee a print of the statute or the part of section thereof to be amended or replaced showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added.

Rule 16.—An appropriate opportunity shall be given the Minority to examine the proposed text of Committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

Rule 17.—(*a*) The Committee, or any subcommittee, may issue subpoenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by majority vote of the Committee.

(*b*) For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the Committee or subcommittee shall constitute a quorum: provided, with the concurrence of the Chairman and ranking minority member of the Committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

(*c*) The Committee may, by a majority vote, delegate the authority to issue subpoenas to the Chairman of the Committee or a subcommittee, or to any member designated by such Chairman. Prior to the issuance of each subpoena, the ranking minority member of the Committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the Chairman of the Committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation. All information obtained pursuant to such investigative activity shall be made available as promptly as possible to each member of the Committee requesting same, or to any assistant to a member of the Committee designated by such member in writing, but the use of any such information is subject to restrictions imposed by the Rules of the Senate. Such information, to the extent that it is relevant to the investigation shall, if requested by a member, be summarized in writing as soon as practicable. Upon the request of any member, the Chairman of the Committee or subcommittee shall call an executive session to discuss such investigative activity or the issuance of any subpoena in connection therewith.

(*d*) Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(*e*) No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the Committee or subcommittee.

Rule 18.—Subject to statutory requirements imposed on the Committee with respect to procedure, the rules of the Committee may be changed, modified, amended or suspended at any time; provided, not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

Rule 19.—In addition to the foregoing, the proceedings of the Committee shall be governed by the Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.

GUIDELINES OF THE SENATE COMMITTEE ON HUMAN RESOURCES WITH RESPECT TO HEARINGS, MARK UP SESSIONS, AND RELATED MATTERS

Hearings

Section 133A(*a*) of the Legislative Reorganization Act requires each Committee of the Senate to publicly announce the date, place, and subject matter of any hearing at least one week prior to the commencement of such hearing.

The spirit of this requirement is to assure adequate notice to the public and other members of the Senate as to the time and subject matter of proposed hearings. In the spirit of Section 133A(*a*) and in order to assure that members of the Committee are themselves fully informed and involved in the development of hearings:

1. Public notice of the date, place, and subject matter of each Committee or subcommittee hearing should be inserted in the Congressional Record seven days prior to the commencement of such hearing.

2. Seven days prior to public notice of each Committee or subcommittee hearing, the Committee or subcommittee should provide written notice to each member of the Committee of the time, place, and specific subject matter of such hearing, accompanied by a list of those witnesses who have been or are proposed to be invited to appear.

3. The Committee and its subcommittees should, to the maximum feasible extent, enforce the provisions of Rule 9 of the Committee rules as it relates to the submission of written statements of witnesses twenty-four hours in advance of a hearing. When statements are received in advance of a hearing, the Committee or subcommittee (as appropriate) should distribute copies of such statements to each of its members.

Executive sessions for the purpose of marking up bills

In order to expedite the process of marking up bills and to assist each member of the Committee so that there may be full and fair consideration of each bill which the Committee or a subcommittee is marking up the following procedures should be followed.

1. Seven days prior to the proposed date for an executive session for the purpose of marking up bills the Committee or subcommittee (as appropriate) should provide written notice to each of its members as to the time, place, and specific subject matter of such session, including an agenda listing each bill or other matters to be considered and including—

(*a*) two copies of each bill, joint resolution, or other legislative matter (or Committee Print thereof) to be considered at such executive session; and

(*b*) two copies of a summary of the provisions of each bill, joint resolution, or other legislative matter to be considered at such executive session.

2. Three days prior to the scheduled date for an executive session for the purpose of marking up bills, the Committee or subcommittee (as appropriate) should deliver to each of its members two copies of a cordon print or an equivalent explanation of changes of existing law proposed to be made by each bill, joint resolution, or other legislative matter to be considered at such executive session.

3. In so far as practical, prior to the scheduled date for an executive session for the purpose of marking up bills, each member of the Committee or a subcommittee (as appropriate) should provide to all other such members two written copies of any amendment or a description of any amendment which that member proposes to offer to each bill, joint resolution, or other legislative matter to be considered at such executive session.

4. In so far as practical, prior to the scheduled date for an executive session for the purpose of marking up bills, the Committee or a subcommittee (as appropriate) should provide each member with a copy of the printed record or a summary of any hearings conducted by the Committee or a subcommittee with respect to each bill, joint resolution, or other legislative matter to be considered at such executive session.

Committee reports, publications, and related documents

Rule 16 of the Committee Rules requires that the Minority be given an opportunity to examine the proposed text of Committee reports prior to their filing and that the Majority be given an opportunity to examine the proposed text of supplemental, minority or additional or individual views prior to their filing. The views of all members of the Committee should be taken fully and fairly into account with respect to all official documents filed or published by the Committee. Thus, consistent with the spirit of Rule 16, the proposed text of each Committee report, hearing record, and other related Committee document or publication should be provided to the Chairman and ranking minority member of the Committee and the Chairman and ranking minority member of the appropriate subcommittee at least forty-eight hours prior to its filing or publication.

BYELORUSSIAN INDEPENDENCE DAY

Mr. PERCY. Mr. President, this week we commemorate the 59th anniversary of the declaration of independence of the Byelorussian Democratic Republic, an event which took place in Minsk on March 25, 1918. Soon after, a provisional constitution guaranteeing free elections and basic human rights was adopted.

We all know that Byelorussian independence was short lived. The following January, a Soviet republic was installed in Smolensk, and Byelorussia was forcibly incorporated into the Soviet Union.

As we recall these events, it is important that we express our continuing interest in the courageous people of Byelorussia who have somehow managed against all odds to maintain their identity and culture. At the same time, we can take the opportunity to mention our continuing admiration for the constructive citizenship of our Americans of Byelorussian birth and descent.

NAT "KING" COLE

Mr. BROOKE. Mr. President, musical talent is a rare but truly wonderful gift. For it is not just a good voice or a fine sense of rhythm. It is humanity, compassion, intelligence, and humor. These are the critical qualities musicians must have if they are to really achieve their ultimate goal of reaching others.

Few in our lifetime have displayed so subtle and so brilliant a blend of these key qualities as Nat "King" Cole. He was, by all accounts, in a class by himself.

Happily for those of us who treasured Nat's work, his daughter, Natalie, is picking up where her father left off: at the top. Already she has garnered two consecutive Grammy Awards, and the promise of more is plain to see.

I was privileged to know Nat and his lovely and devoted wife. And I know how proud Nat would have been to watch Natalie step up on that stage in Los Angeles to accept her due acclaim. For a man who gave so much all his life, it would have only been fitting had he been able to receive this particular joy during his life. I wish it could have been.

Mr. President, another who wished it could have been is Ken Mayer of the Boston Herald American. Ken has caught the feelings and qualities that made Nat "The King" in a wonderful article which I ask unanimous consent to have printed in the RECORD. It is an excellent portrayal of an extraordinary man.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NAT THE KING WOULD HAVE BEEN PROUD

(By Ken Mayer)

If only Nat "King" Cole could have been alive last week to see his daughter Natalie snag her second consecutive "Grammy" at that annual Los Angeles shindig.

For had he been there, Cole would have stood tall among those who rose to give his daughter a standing ovation, and only those of us who were privileged to know him in life, can attempt a guess at the pride he would have felt. And more the significance of the award, that Natalie should receive it short days after the one marking the anniversary of her father's passing. A date that no columnist in entertainment, should let pass without notice.

Cole was that one personality in entertainment who comes this way on rare occasion, and for any writer to have brushed his being by the nature of whatever assignment, was to have felt the unmistakable touch of class.

For Nat "King" Cole was no ordinary singer or performer, nor was he the "property" of any one form of the performing arts. Cole was Cole, and a West Coast scrivener best capsuled his greatness with the following. "It was once said of Cole that his greatness sneaked up on the unaware, attacked its prey with pleasing intonations, and left the victim the richer for the melodic assault." And may this column add that Cole was an individual who abhorred the flamboyant, yet exuded its qualities in a tasteful manner.

"My ambition," he once said, "is to be able to sit back and appreciate myself as a person as well as a performer. Once you can see people respecting you for what you are, then you begin to feel that everything you've done has not been in vain." What columnist could top that quote?

Nat "King" Cole was a most unusual singer, who relied on no stage prop save ability. And with each song he caressed, the character of the man burned so brightly that even the drowning din of the band was no protection against the piercing appeal of its rays.

Cole was himself, both on-stage and off, and this God-given asset saved him the torment of artificiality. The man loved children and they, in their own inimitable ways, reflected their love for him. And whether visiting the afflicted in hospitals, or giving to the poor completely in private, his every action toward those ends became a well kept secret.

And how difficult for any writer to accurately measure the true stature of such a man when his every self-imposed secret evaded the yardstick of human comparison. Soft-spoken even in anger, so forceful were his soft modulations, that the cushioned lowness of his tone was oft-times more piercing than the shrillest shout. And most times, more devastating.

The simple joy of living and performing were his guidemarks to greatness, and never in his lifetime did he compromise his honesty of purpose. Proud of his family, he zealously guarded their image, and never once did his actions mar it in any way.

Nat "King" Cole was proud of his color, and no living man ever wore it with more dignity. Once criticized for his outspokenness on his racial views, he softly salvoed his attacker into submission with this simple sentence. "Some people are so busy stewing in their own hate, they can't do anything—even for themselves." His only hatred was hate itself.

While he lived, Cole made us music millionaires, and from his "Mona Lisa" to "A Blossom Fell," he granted songs an immortality that even his death was powerless to diminish. He granted his industry a dignity and integrity that so many of its members lack in frightening quantity.

Had Cole been in that Los Angeles audience the other night when his daughter Natalie stepped on stage to receive her "Grammy," I'm sure a lonely teardrop might have found its way down his proud face. As I'm sure it did for many at home, who thought of him, while they watched his child.

DIRECT POPULAR ELECTION OF THE PRESIDENT

Mr. BAYH. Mr. President, yesterday the President of the United States transmitted to the Congress recommendations for reform of the Nation's election system. The package included legislation to open the election process for participation of all our citizens and to establish high ethical standards for the fairness and financing of campaigns. In addition I am pleased that the President's recommendations include a constitutional amendment to abolish the electoral college and allow direct popular election of the President and Vice President.

As we open our elections to more complete citizen participation and as we improve the standards of fairness in campaign finance, it is important that we also assure in our Presidential elections that every vote is counted, every vote has the same weight and the candidate with the most popular votes wins. Under the electoral college that is not the case. Only direct election corrects those faults and assures American voters of equal treatment in a democratic election.

The President's announcement yesterday was the result of a long and careful study of electoral reform by the President and Vice President MONDALE. I am sure we all appreciate the careful attention that the administration has given to this important matter, and I ask unanimous consent to have the text of the President's statement on direct election printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[Statement of the President, Mar. 22, 1977]

DIRECT POPULAR ELECTION OF THE PRESIDENT

My fourth recommendation is that the Congress adopt a Constitutional amendment to provide for direct popular election of the President.

Such an amendment, which would abolish the Electoral College, will ensure that the candidate chosen by the voters actually becomes President. Under the Electoral College, it is always possible that the winner of the popular vote will not be elected. This has already happened in three elections, 1824, 1876, and 1888. In the last election, the result could have been changed by a small shift of votes in Ohio and Hawaii, despite a popular vote difference of 1.7 million.

I do not recommend a Constitutional amendment lightly. I think the amendment process must be reserved for an issue of overriding governmental significance. But the method by which we elect our President is such an issue.

I will not be proposing a specific direct election amendment. I prefer to allow the Congress to proceed with its work without the interruption of a new proposal.

Mr. BAYH. Mr. President, Senate Joint Resolution 1, which has been called the "direct election amendment," now is before the Senate, and will accomplish the result that has been recommended by the President and Vice President. I am sure that I speak for the many cosponsors of this resolution in urging once again on this occasion that the 95th Congress give careful and prompt attention to this long-needed reform.

I request unanimous consent to have the text of Senate Joint Resolution 1 printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. J. RES. 1

Joint resolution proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein). That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLES —

"SECTION 1. The people of the several States and the District constituting the seat of government of the United States shall elect the President and Vice President. Each elector shall cast a single vote for two persons who shall have consented to the joining of their names as candidates for the offices of President and Vice President. No candidate shall consent to the joinder of his name with that of more than one other person.

"SEC. 2. The electors of President and Vice President in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature, except that for electors of President and Vice President the legislature of any State may prescribe less restrictive residence qualifications and for electors of President and Vice President the Congress may establish uniform residence qualifications.

"SEC. 3. The persons joined as candidates for President and Vice President having the greatest number of votes shall be elected President and Vice President, if such number be at least 40 per centum of the whole number of votes cast.

"If, after any such election, none of the persons joined as candidates for President and Vice President is elected pursuant to the preceding paragraph, a runoff election shall be held in which the choice of President and Vice President shall be made from the two pairs of persons joined as candidates for President and Vice President who received the highest numbers of votes cast in the election. The pair of persons joined as candidates for President and Vice President receiving the greater number of votes in such runoff election shall be elected President and Vice President.

"SEC. 4. The times, places, and manner of holding such elections and entitlement to inclusion on the ballot shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations. The days for such elections shall be determined by Congress and shall be uniform throughout the United States. The Congress shall prescribe by law the times, places, and manner in which the results of such elections shall be ascertained and declared. No such election, other than a runoff election, shall be held later than the first Tuesday after the first Monday in November, and the results thereof shall be declared no later than the thirtieth day after the date on which the election occurs.

"SEC. 5. The Congress may by law provide for the case of the death, inability, or withdrawal of any candidate for President or Vice President before a President and Vice President have been elected, and for the case of the death of both the President-elect and Vice President-elect.

"SEC. 6. Sections 1 through 4 of this article shall take effect one year after the ratification of this article.

"SEC. 7. The Congress shall have power to enforce this article by appropriate legislation.".

(This concludes additional statements submitted by Senators today.)

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

OFFICIAL CONDUCT AMENDMENTS OF 1977

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the pending business, Senate Resolution 110, which the clerk will state.

The legislative clerk read as follows:

A resolution (S. Res. 110) to establish a code for official conduct for the Members, officers and employees of the U.S. Senate, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be equally charged to both sides on the resolution.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. WEICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SARBANES). Without objection, it is so ordered.

Who yields time?

Mr. WEICKER. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. WEICKER. Mr. President, I ask unanimous consent that the Senator from Utah (Mr. GARN) be added as a cosponsor to Senate Amendment No. 86, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 86

Mr. WEICKER. Mr President, and my fellow Senators: In the light of what occurred to my colleague, the good Senator from Maine (Mr. MUSKIE), I suppose it is not going to make much difference what I say. As long as I have sat in the Senate Chamber, I have never seen any individual so clearly present his case, so clearly have every fact on his side of the argument, so clearly have every piece of logic on his side of the argument, and then be defeated.

I think I understand that, regardless of what is presented on the floor relative to this measure, there is a certain preordained destiny as to the final outcome. I think that that is rather unfortunate, because what it means is that what we do no longer relates to the quality of our work.

I want to discuss three matters: pay raises and reform and ethics. Unfortunately, they have all been thrown in the same pot during the course of this debate for reasons ranging from demagoguery to what I consider to be negligent simplification. I think the time has come to try to treat the American people as intelligent human beings and to demand of American leadership—and I do not care whether that leadership is on the Senate floor, whether it is in the news media, or whether it is in private business—that it be accurate and precise in its mouthings and, very frankly, in its meanderings.

If the consequences of being lazy editorially or chicken politically descended solely on the head of the errant newspaper reporter or Senator or public activist, or whatever, I would not get all that riled.

But that is not what occurs as a result of the deceptive nonsense that has been peddled on the Senate floor during the past week.

Like the drunk driver who kills and who is never killed, it will not be the reporter, the Senator or the public activist who will suffer from legislative misdirection. Rather, it will be an entire and basically successful political process that is going to be left along the wayside of constitutional experimentation.

That, Mr. President, is why I am taking the gloves off today and why we are going to let the chips fall where they may.

Ethics need not be achieved at the expense of constitutional principle. Yet, this legislation does just that.

The proponents of this legislation know full well that if it were presented as law, it would fall constitutionally.

I might add, I think it can fall constitutionally also, even though presented as a rule.

There is no question in my mind that what the legislation does is to superimpose additional requirements upon those who serve as Senators and Representatives, or who are candidates for the Senate and for the House.

I think this point was very well covered in the Adam Clayton Powell case which, in effect, prohibited our rulemaking authority as among ourselves from being used to place additional requirements above and beyond those set forth in the Constitution of the United States.

So make no mistake about it, whether we win or lose in the debate on this, I predict now that should this be taken into the courts and tested, it will clearly fall on constitutional grounds.

This exercise in ethics is very reminiscent to me, anyway, of those worthies of recent vintage who shortcutted the law in order to achieve law and order.

Believe me when I say that effective ethics and constitutional ethics is not an either/or situation.

For years I have been accused by the law enforcement intelligence community of weakening their pursuit of evil by insisting such pursuit take place within the bounds of the Nation's laws and ideals.

After today, I know there are those who will say that I am against senatorial ethics and weakening the cause of them because of my insistence that whatever is propounded in the way of standards be associated with those same laws and ideals.

The problem is not rooted in philosophy.

It is simply that the word and spirit of the Constitution of the United States does not lend itself to expediency. The word and spirit of the Constitution of the United States does not lend itself to shortcuts. The word and spirit of the Constitution of the United States does not lend itself to intellectual lynchings.

Unfortunately, some or all of those traits have been evident in recently enacted or proposed "wildcat" Watergate reform legislation. More on that later.

First of all, let me comment upon the ploy of linking pay raises to ethics because, very frankly, it has been suggested that is the only way to direct it.

Where the dickens was the Democratic leadership of the Congress, and Common Cause when people were being paid $42,500 and when people were being paid $30,000.

Why is the 1977 model Senator, costing $57,000, supposed to be more ethical than the 1877 model, costing $5,000?

As far as I am concerned, when you get paid 1 cent, or if it is a nonpaid political trust, when you have one ounce of trust put in you, when you serve in that capacity as representative for your fellow citizens, you do it right or you get out. It is not a matter of $57,500 as being the magic level.

Second, the recent pay raise was not—repeat, not—recommended by Congress but by an independent commission, which, interestingly enough, was constituted to reform the rather nasty habit of Congress giving itself its own pay raises. That is a point that everybody likes to skip over. It is a fact, and it raises the question whether any reform is going to satisfy those who chronically want to tinker with the democratic process.

Third, the Senate did not accept the raise sub rosa but accepted it by a record vote of 56 to 42. That is a fact. It is not the theory of the pay raise.

If anyone is suffering from a guilt complex, induced either by visions of political gain or by editorial chastisement, then may I make one simple request: Please do your flagellation act in private and leave the Constitution of the United States and the dignity of the U.S. Senate alone.

Speaking for myself, I was not born again on February 20, 1977, in exchange for $13,000. I think I am a good Senator, worth more than a nickel of my pay, and before I would dishonor my oath of office to uphold the Constitution of the United States, I would walk away from the job.

Now, to the business of reform. I am sure that most Senators are familiar with the saying, "Once shame on you, twice shame on me." Well, if I let this smelly piece of legislation go through without a fight, the shame would be on me; because more than a year ago I did just that with the Federal financing of presidential campaigns. Frankly, I have been disappointed with myself ever since.

Remember how that was sold on the basis of being Watergate reform? That is the way it was sold. It is true that it was passed during the era of Watergate, but have any Senators read the Watergate Committee's report on that subject? Let me quote from the report, to see just how far afield this body can go in an exercise of demagoguery.

Recommendation No. 7, found on page 572 of that report:

7. The committee recommends against the adoption of any form of public financing in which tax moneys are collected and allocated to political candidates by the Federal Government.

The Select Committee opposes the various proposals which have been offered in the Congress to provide mandatory public financing of campaigns for Federal office. While recognizing the basis of support for the concept of public financing and the potential difficulty in adequately funding campaigns in the midst of strict limitations on the form and amount of contributions, the committee takes issue with the contention that public financing affords either an effective or appropriate solution. Thomas Jefferson believed "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors, is sinful and tyrannical."

The committee's opposition is based like Jefferson's upon the fundamental need to protect the voluntary right of individual citizens to express themselves politically as guaranteed by the first amendment. Furthermore, we find inherent dangers in authorizing the Federal bureaucracy to fund and excessively regulate political campaigns.

The abuses experienced during the 1972 campaign and unearthed by the Select Committee were perpetrated in the absence of any effective regulation of the source, form, or amount of campaign contributions. In fact, despite the progress made by the Federal Elections Campaign Act of 1971, in requiring full public disclosure of contributions, the 1972 campaign still was funded through a system of essentially unrestricted, private financing.

What now seems appropriate is not the abandonment of private financing, but rather the reform of that system in an effort to vastly expand the voluntary participation of individual citizens while avoiding the abuses of earlier campaigns.

Yet, that is termed Watergate reform, even though, in black and white, the committee which was charged with the responsibility of unearthing those abuses and then making whatever recommendations it deemed appropriate clearly recommended against Federal financing.

So, what followed was not Watergate reform but, rather, certain activists, certain reformers, certain Senators, and certain philosophers using an atmosphere of tragedy and apprehension to attain a legislative end that, standing alone, in more deliberative times, would not have gotten a hearing, much less a final passage vote.

You can call that Federal financing of political campaigns, but never again call it Watergate reform. What earthly logic, in the light of the facts of Watergate, could defend giving the Federal Government more power over the people it is supposed to serve? Indeed, the practical result of this "Watergate reform" was to take away one of the checks the people have on their Government—specifically, their resources—and nationalize it.

Let me be very specific. I have no problems with the dollar limits on contributions or full disclosure and reporting or eliminating multiple committees. Those truly were reforms of problems discovered by the Watergate Committee. But I saw nothing in the fact of Watergate that indicated that the people of this Nation deserve the punishment of a Federal election financing act.

Indeed, to put the "reform" achieved in its proper light, the only candidates in the last election to receive Federal funds were the Democrats and the Republicans—and that at a time when fewer people were enrolling as Democrats or Republicans and more were staying Independent, as a proclamation of freedom from and/or their disgust with the political establishment.

Reform? For whom? It was more like a transfusion of the taxpayers' money into a politics that could not hack it on its own.

I cite the Federal financing experience as an example of reform that was not. It was the first step in nationalizing and neutralizing the individual response factor in American politics.

The second step in that nationalization is before us today. Whereas Federal financing set the criteria of eligibility for political contributions, at the common level of being a warm body, this ethics code places the criteria of who should be a Senator in the hands of the Senate.

People used to worry about Nixon perpetuating himself. If we keep legislating as we have in the past year, the American people will have deeded their resources, their judgment, and, yes, eventually their vote, to those whose incompetence, whose insensitivity, and whose intransigence created the need for reform in the first place.

What makes this whole exercise on the floor so redundant is that a system to achieve appropriate senatorial ethics already is in place. It is known as the democratic process, the election process.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WEICKER. I yield myself 10 additional minutes.

The people who run that system are in place and are known as the American citizens.

Do we have a contribution to make as Senators? Yes. The truth. All of it.

If you put those three elements together—elections, the voters, and the facts—the job will be handled better outside this Chamber than ever could be possible for 100 men, each of whom, on this measure or its interpretation, will have at least one conflict of interest.

What is the monumental conceit that exists in this Chamber, that exists in the editorial pages of newspapers, that exist in Common Cause, that places them above the American people or the capacity of the American people to judge? The only ones who will be accountable for actions here today are the Members of this body. It certainly will not be the other entities or individuals to whom I have referred.

Seventy-four years ago, the British philosopher George Edward Moore wrote of the "difficulties and disagreements" that arise over the subject of ethics. The problems, he wrote, "are mainly due to a very simply cause: Namely, the attempt to answer questions without first discovering precisely what question it is which you desire to answer."

The U.S. Senate, now considering a new code of ethics, provides living proof of Moore's thesis. Members know full well that they must answer the public cry for stringent rules of conduct. But let us not be fooled. There are not stringent rules of conduct that we have before us. It is some disclosure and some illogical limitations. But the amendment I offer today puts to shame the proposal of the committee when it comes to disclosure. This amendment permits no exceptions from financial disclosure.

The committee plan before us is an amalgam of editorial restrictions and incomplete regulations whose only claim to the title of reform stems from its public relations value.

Please understand what the public relations impact is.

I thought the real object of all of our life's work was to leave something better than that which was given to us. In the sense of the ability of the American people to decide upon who will represent them, they are going to be left something less.

The committee proposal proclaims tough, new financial disclosure provisions for Senators and top Senate aides. But it stops well short of revealing all financial interests. No tax returns need be revealed. No specific amounts of assets or liabilities need be listed.

When the Senate and House approved the $12,900 pay raise—recommended not by the Senate and House but by an independent commission—lawmakers drew criticism. Their response was to promise "reform" and to limit the amount of a Senator's outside earned income to 15 percent of his new salary. There is no magic to the 15-percent ceiling. Even the bill's sponsors admit that it is pulled from thin air.

But some type of income limit is vital to the integrity of the institution. They argue. Senators making more than $8,625 a year giving speeches, writing books or maintaining an outside business interest might appear to be in the pocket of special interest groups or shortchanging the American people by failing to devote enough time to their Senate work.

That brings me to a very interesting proposition: What is worse, a Senator who gives 8 speeches at $1,000 a crack or one who gives 40 speeches at $200 a crack?

No consideration is given to those Senators whose profits from stocks, bonds, or family wealth far exceed the earned income of their less wealthy colleagues. In essence, this "reform" rules out outside income for less well-to-do Senators while permitting rich lawmakers to get richer.

I am not that rich, but I know where I derive my income. It comes from stocks and bonds. Why should that put me in a preferential situation? I do not understand it.

The way this bill is drafted, to be very frank, it is just about ideal in the sense of where my outside income derives. But it is not right. Would not the potential for legislative conflict of interest be greater for a Senator holding 1,000 shares of stock in a major corporation than for another lawmaker who earns $1,000 delivering a speech to an educational institution?

It seems to me that instead of scurrying around here for public favor or trying to say we did something, the Senate should consider the effectiveness and not the cosmetics of its ethical standards.

If the question of ethics hinges on a faltering public trust in its elected officials, there is one best way to restore confidence: let the American people police their own politics.

Let them go ahead and do the job. There is an inherent conflict of interest just in the fact that we are going to be policing ourselves. Give the public the facts and let the voters decide what is a conflict and what is proper.

Instead of Senators judging the propriety of their fellow Senators, give the public all the facts and let the voters decide what is a conflict and what is proper.

Mr. NELSON. Mr. President, I wonder if——

Mr. WEICKER. I am almost finished and then I will be glad to yield and respond to any questions he has on the amendment.

Senators should be required to make public every financial detail they possess through yearly publications of individual income tax returns and an itemized statement of net worth, detailing assets, liabilities, and gifts received. Every share of stock, every holding in trust, every interest payment on every loan should be offered to the voters for consideration.

The financial status of Senators' spouses and dependent children should also go public, with all the records being published in a single, easily accessible public document. If voters from a Midwestern State feel that the ownership of a farm by their Senator helps him to better understand their rural problems, why should I, from the urban Northeast, say no? Likewise, if another State's voters are outraged by their Senator's earning one nickel from a law firm, why should I say 15 percent is all right?

The wealthy already dominate the Senate's membership. Inequitable regulations based on mythical standards of financial right and wrong can only serve to increase that fact.

A no-exceptions policy of financial disclosure will insure accountable ethics rather than a muddle of self-regulation. Replacing the people's freedom to elect, and the Senators to associate, with a how-to book on honesty simply will not work.

Lay it on the table and let the people decide. Their decisions on who should serve, rather than those of Common Cause, the U.S. Senate, or the news media are still good enough for me.

I am satisfied that, given the facts, not just the right decisions, but the best decisions are made by the American people.

There is no defense in logic, there is no defense in the constitutional sense, there is no defense in fact which was presented to this body by the special committee. What will it bring for the future? That is the consideration that is so lacking from everything we have done in recent years, but it is probably the most important consideration.

You pass this and the Constitution of the United States means just a little bit less. I give to my colleagues an alternative, one which will be tough indeed, tougher than that proposed by the committee, but one which recognizes the magnificence of our political system; tries not to change it but to bring it into these times.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, I wonder if the Senator will yield to clarify a question. I understood the Senator to say that his disclosure would require a statement of net worth—am I not correct—although the Senator has changed the proposal to use the phrase "fair market value" instead of "net worth."

Mr. WEICKER. In response to the Senator the listing of all assets over $1,000 will be required once a year and it should be the fair market value.

Mr. NELSON. For the RECORD, to be sure about the legislative intent, would that require then that each Member hire an appraiser in order to advise the Member of what the fair market value of his assets would be?

Mr. WEICKER. That is right. There is an expense involved, but I think the expense, very frankly, in money is far better than paying it off in the coinage of the Constitution.

Yes, there is an expense involved in dollars to every Senator to do this every year, no question about it, in order to be accurate.

Mr. NELSON. So then if one bought a home, under the Senator's provision it

would not be adequate to disclose the exact amount paid for the home——

Mr. WEICKER. No.

Mr. NELSON. The mortgage, if any, held by whom, but rather each 12 months, although the house had not changed in any way except to depreciate 2 percent per year, still the Senator would require that an appraiser be hired to go out and look over the same house, on the same piece of property, to make the estimate of fair market value based solely upon the inflationary factors? Is that what the Senator is saying?

Mr. WEICKER. The Senator picked the easiest example, and on this point I really do not have to frighten my colleagues overly much because the chances are most every community in which we live does that job for us once a year; probably, in the instance, of a house that would be done by the tax assessor of the town.

Mr. NELSON. Well, I do not——

Mr. WEICKER. I am not getting off the hook with the Senator because I am saying the Senator probably could refer to some other example where it would require an appraisal every year. I am not in any manner, shape, or form implying such activity would not have to take place.

Your house example I do not think is the best example. As I said, usually that is done by a town or a municipality once every year anyway at no expense to the taxpayers except for the tax bill they have to pay.

Mr. NELSON. I am not aware of how that is accomplished in the Senator's State. I have never heard of that, however, in any of the States surrounding Wisconsin. What the assessor does in the State of Wisconsin, and those States I am familiar with, is come out and levy an assessment. The assessment might be levied at his estimate of 70 percent of value; another municipality will perhaps use another level of assessment. Some use 100 percent, some 50 percent. Why would not——

Mr. WEICKER. If it is 70 percent——

Mr. NELSON. So far as I know in most States, I would wager in most States, the assessor does not do what he apparently does——

Mr. WEICKER. It is the same in my State. But if the house is assessed at 70 percent of value it is very easy to determine what 100 percent is.

You and I are not debating the point.

Let us even take your basis that nobody does any assessment of houses, so you have to go out and get an appraiser. Yes, Senator, you have to go out and get an appraiser.

Mr. NELSON. All right.

What does that disclose of value to the public which is not disclosed to the public by the pending resolution which gives options? One may disclose the fair market value and the net value, hire an appraiser to do it, or may disclose the date of the purchase, the location of the real property, the amount paid for it, the mortgage held by whom and how much, and may disclose the current assessment. What is added in terms of information to the public of any value by placing the burden on the individual to have appraisers come out and do these things?

Mr. WEICKER. It seems to me that it definitely impacts on his economic status as to where he derives his assets. If the largest portion of his assets are real estate and he involves himself in all sorts of special favors for owners of real estate. Then, the people can make that judgment. They need those facts in hand in order to evaluate the Senator's performance. What if tomorrow, for example, there were a proposal in the Chamber which said no longer shall the interest on mortgage payments be tax deductible? Does the Senator think it would be of some importance to people to know that one Senator does not make any mortgage payments and another Senator makes huge mortgage payments? I think it is rather relevant.

Mr. NELSON. I guess I must be missing something because under the disclosure required in the resolution all the necessary evidence would be there.

Mr. WEICKER. In categories.

Mr. NELSON. No, not as to real property.

Mr. WEICKER. Yes.

Mr. NELSON. Excuse me. I am talking about real property. As to investments that are not real property, then that is a different issue. I am talking about the adequacy of reporting in this resolution which identifies the real property, its location, purchase price, date of purchase, mortgage held by whom, total amount of mortgage, or in the alternative the net worth if the Member wants to hire an appraiser. My question is why should we go through all of the burden of paying for an appraiser when all of the information respecting real property is adequately disclosed in the resolution at the desk?

Mr. WEICKER. I will concede to the Senator that which is unique to his resolution, that is, specific prohibitions on income, et cetera, but I think that the Senator will have to concede to me that, with respect to precision and total identification, the amendment at the desk far outstrips anything presented by the committee.

I am not going to sit here and get into a debate over a particular aspect of the disclosure. But just right across the board there cannot be any evasion of this disclosure provision because there is nothing one can hold back. As a matter of fact, the only concession I made to my colleagues was charitable contributions. They could lump the amount so they could not be harassed by everyone or criticized by everyone for what they did give and did not give. Also I conceded medical expenses, which will not have to be specifically identified. Those are the only concessions I made. Otherwise, our whole life is out there in the altogether as far as finances are concerned before one's constituency. That the Senator's resolution does not do. It does many things. That it does not do as mine does. By the same token, it is also true, having made that statement as far as I am concerned, I then say let the constituency decide whether something is proper or not. There is where we differ.

Mr. NELSON. There is no question but that some aspects of the Senator's amendment are more detailed than the proposal by the resolution, and there is not any question but that it would be easy to design one that is even more detailed than the resolution or the proposal the Senator makes. The question is the necessity of doing so to accomplish the purpose.

The Senator has said a few moments ago—I have forgotten his language—that his amendment "puts to shame" the pending resolution.

Mr. WEICKER. In the sense of disclosure.

Mr. NELSON. If it puts to shame the pending resolution, then the Senator from Connecticut shares the shame because the Senator from Connecticut sat on the Government Operations Committee last year and voted for the category of value concept of disclosure in this bill. So I take it that the Senator has changed his mind about the concept of category disclosure.

Mr. WEICKER. If we can set the record straight, I did not participate in the deliberations of the special committee or the votes of the special committee that brought this matter to the floor.

Mr. NELSON. I do not wish to reflect improperly upon the Senator. The Senator was a member of the committee that reported the Watergate bill which contained the categories of disclosure, was he not?

Mr. WEICKER. I was a member of the Government Operations Committee which reported the Watergate bill. That is absolutely correct.

Mr. NELSON. How did the Senator vote on the Watergate bill?

Mr. WEICKER. This is the bill encompassing the special prosecutor provisions, am I correct on that?

Mr. NELSON. Yes.

Mr. WEICKER. The Senator voted for it and also led the fight here in the Chamber for it. There is no question as to what the record was as we tried to put a group of these issues together in one package. But make no mistake about it. As I recall—and the Senator is asking me now to probe my own memory, in the committee deliberations—I think I made it rather clear that I favored a far more complete financial disclosure than that which was eventually recommended by the committee as a whole. But there is no question of the fact that I supported the bill of the Government Operations Committee as being necessary legislation. Now, however, we can go ahead and address ourselves to a specific element of that legislation; clearly the time has come to go ahead and sharpen our pencils and do a more precise job.

We do not have the special prosecutor now because it died in the House of Representatives. We do not have the Watergate reform package because it died in the Democratic House.

So, I only hope that if this is our concern, and I know it is the concern of

my colleague from Connecticut that such be the case, that we pursue reform beyond the point being discussed here in the Chamber.

Mr. RIBICOFF. Mr. President, will the Senator yield on our time?

Mr. NELSON. I yield.

Mr. RIBICOFF. The Senator from Connecticut is correct. We have introduced again the basic Watergate bill. We will hold hearings on it. The bill has a special prosecutor and the legislative counsel. Because of the pendency of the Ethics Code we sort of left a blank as to that provision that was in last year's bill, but that will have to be dealt with again.

First, let me state this: I have the highest respect for my colleague from Connecticut. He is consistent because ever since he has been in this body he has publicly disclosed his income tax returns, his assets, and his net worth. So no one can say that my colleague from Connecticut suddenly is coming in with a new idea. This has been a consistent idea of his ever since he has been in the Senate.

I agree with the Senator from Wisconsin, however, on a couple of factors. First, the junior Senator from Connecticut has fought for the confidentiality of a person's income tax return. One of the problems that bothered my colleague from Connecticut most was the invasion of privacy during the Watergate days and subsequently of those who would disclose or go into other people's income tax returns.

My feeling is that a U.S. Senator is just as entitled to the element of confidentiality of his income tax returns as any other American. There are personal factors in an income tax return as to which the Senator's amendment does not address itself. There are elements in an income tax return that are so personal that even a U.S. Senator is entitled to have them as sacred as every other citizen.

When it comes to charitable contributions, your contributions to charity should be your own. When it comes to medical expenses, there are those who have had unusually high medical expenses.

It is really private to an individual how much he is spending on medical care, the hospital bills, and the doctor bills for a loved one in his family. That is so special and so personal that every Member of this body, like every other American, pays his own bills, and assumes his own burdens.

Third, there is another factor that has not even been discussed. There are those who may make gifts to members of his family, or his children for various reasons, and there may be times that you differentiate between one son or daughter or one grandchild over another one.

If you exceed your permitted gifts, you are to disclose that in your income tax return. I do not think that it should be made public, to our children or to others.

Your income tax return has so many personal elements that I do not believe U.S. Senators, to be U.S. Senators, should have to strip themselves naked before the world or their colleagues.

I do not recall, with the probable exception of the Senator from Connecticut, any other person coming before our committee who said we should disclose our personal income tax returns. Common Cause specifically said to exclude the disclosure of income tax returns.

Mr. NELSON. Did Senator WEICKER advocate disclosure of personal income tax returns before the committee?

Mr. RIBICOFF. I do not recall whether Senator WEICKER did or not, but I know that Senator WEICKER has disclosed his income tax returns, and I know it was done sincerely, because he has been consistent in disclosing his income tax returns publicly.

Mr. NELSON. Mr. President, if I may have just a moment, I would like to point out, however, that on February 2 of this year, at the hearings of our Committee on Conduct, on page 178 of the record, Senator WEICKER testified as follows:

> I would be inclined to favor, and I know many Members of this body do it anyway, simply making public one's tax returns. But I find it a little difficult, on the one hand, to espouse the cause of tax privacy, and then apply a different standard to those in Government service.

Mr. WEICKER. Let me, if I may, respond to the correct statements of facts by both the Senator from Connecticut and the Senator from Wisconsin.

There is no question of the fact that this issue troubled me a great deal. The Senator is correct.

I think, along with him, I have been one of the leaders in the fight for tax privacy. In fact, the tax privacy provisions of the Tax Reform Act of 1976 were a result of work by Representative Litton of Missouri, and myself.

That was a result of 3 years of work; and finally, as a result of a compromise, a portion of our work went into that act.

Yes, I strongly believe in total tax privacy. That was one of the reforms that came out of Watergate, to be sure that the Internal Revenue Service did not become a lending library to every institution of Government.

Ordinarly, I would not demand something of ourselves as Senators that I would not demand of the American people; but I believe extraordinary times call for extraordinary measures. I would be willing to pay the price, myself, in terms of loss of privacy, as far as I am concerned, and I believe other Senators would, rather than pay it in terms of damage to the Constitution of the United States, which belongs to everyone.

I recognize full well this is totally opposite to what I have fought for and stood for as far as tax privacy for everyone is concerned, but frankly, if that is what is required to overcome a monstrous piece of demagoguery which does constitutional damage, I believe I should be willing to pay the price, and I believe everyone here should be.

It is difficult for me to be debating this issue with my colleague from Connecticut, who has probably been the strongest advocate of the positions I have held. If it were not for the power of seniority which he holds, all the Watergate issues would have died two years ago. Nobody would have been interested. In terms of reform, this legislation does not do the job. But it is true that I am being inconsistent on the matter of tax privacy.

Mr. RIBICOFF. Mr. President, the Senator is not inconsistent, because what he is doing is completely consistent. It is true, as the Senator indicated, that the public has the right, on election day, to make a determination and they do. Frankly, I do not think any of this is necessary. I do not like this whole measure. I do not think there is any necessity for the rules that we have now adopted. I am involved in it, and I am for it, by a set of circumstances.

When I succeeded Senator Ervin to the chairmanship of the Governmental Affairs Committee, I was obligated to fight for Senator Ervin's Watergate bill. My colleague from Connecticut was the outstanding fighter for the Watergate bill. I bow to him on the leadership on that measure.

The Ervin bill provided for rules and regulations for the executive branch. I felt that was unfair, that if we were going to have rules and regulations for the executive branch, Congress had to have the same rules and regulations for itself and the judicial branch.

We put in the second Watergate bill—at that time it was at my insistence, and I was helped and supported by the entire committee—that we have uniform rules and regulations for the legislative and judicial branches and I would hope that after we finish with the rule we have before us we will address ourselves statutorily to a series of rules and regulations that will be similar for all three branches of the Government.

The second phase: When it came to the Nelson proposal, I believe the Senator from Connecticut is right, that we should not tie ethics to our pay raise. But here again, we have been the beneficiaries of a pay raise, and there is an implied obligation to comply with the pronouncements of the Peterson commission, President Ford, and President Carter. The Peterson commission and the two Presidents indicated to the Senate and to the House of Representatives that they would recommend that the pay raise be adopted, based on the proviso that there be an ethics code.

I voted for the pay raise, and a majority of the Senate voted for the pay raise. A majority of Senators have accepted the pay raise. So there is an implied obligation, under those circumstances, to try to have a fair ethics code.

Now another problem: When it came to the listing of assets, it is very easy to list our assets and their value if we are holding stocks listed on the New York Stock Exchange, or municipal bonds; that can be found in the quotations, every day, in the Wall Street Journal.

But there are many interests that do not lend themselves to such precision. A person may have an interest in a family business, and there is no reason for the family to go out and appraise its assets. A man may own a farm of 300 acres that he bought 25 years ago, and we all know how

farm land increases in value every year. I do not know what it would cost to appraise a farm and its assets every year. but a substantial sum.

A person may have a small interest in a large piece of real estate. To determine the exact value of his interest, he would have to have appraised every year the entire value of that piece of real estate. Those who own the other 98 percent interest in that real estate are not interested in an annual appraisal, so the Senator would have to bear the burden of, perhaps, a large appraisal every year, to find out what his 2 percent is worth.

Then we have another problem. If you are willing to strip yourself naked and say, "This is what I am worth," if you are willing to get that large appraisal every year, at the same time you are disclosing the value of the other 98 percent interest, and the holders of that interest are not Members of the U.S. Senate.

So these were factors the committee took into account in trying to arrive at a sense of fairness and a sense of complete disclosure. I think we adopted it on the basis of categories. The categories were recommended by the American Bar Association, by Common Cause, by the Obey commission, and by President Carter for the executive branch, and the Senate has followed the measurement that has been adopted by the other various groups.

Mr. NELSON. Will the Senator yield at that point?

Mr. RIBICOFF. Yes.

Mr. NELSON. Ours is in more detail than that of the House side or the Carter suggestion.

Mr. RIBICOFF. That is correct. And many more categories are involved.

There are those who say, "You are not precise," but we were very careful in this rule to specifically state as an alternative a Member had to list a description of the property, the date acquired, and the amount paid for it. That had to be filed with the Secretary of the Senate, with a copy to be filed with the Secretary of State in the Member's own State. As a consequence, any newspaper, any investigative reporter, any opponent or any citizens of this country or State has the right to hire his own appraiser. If a person does not believe in the Member's figures and is nosy enough and curious enough to know what the value is—and—if that person wants to hire an appraiser at his own expense to determine the value, he is at liberty to do so. Any intelligent person can walk down the street and see the property and make his determination of the comparable value.

I do believe that the committee, in its rules, in its disclosure, has made available a requirement that we list all assets, personal and real, with a value over $1,000, in such a way that it is open to the public, open to the press, and open to any opponent.

I have the highest respect for my colleague. as my colleague knows. My colleague has taken one road on the question of disclosure and I have taken another. The people in the State of Connecticut elect my colleague overwhelmingly as a Republican and they do pretty well by me as a Democrat. So the voters have a good way of appraising their respective Senators. The voters know who their Senators are.

The series of rules and regulations may not be perfect.

I would hope, while the minority leader is here though I do not see the majority leader, that the minority leader and the majority leader, before we are through with this rule, will come to an understanding for some committee of this body to have the duty and obligation to look further at this rule.

There are questions that many Senators legitimately raise. There are many problems which are raised. We do not have all the answers. We had a few weeks to try to come up with a measure. It is my prediction that the House and the Preyer committee will come out with a legislative proposal. This body should have a group of Senators, either a standing committee or a special committee, go into the entire problem of disclosure, the entire problem of rules and regulations, and the entire problem of ethics in much more detail.

I see the Senator from Missouri is present.

A group of Senators have raised the question of blind trusts. That is a legitimate question they raise. I think under those circumstances there should be a committee in Congress to look at the problems of blind trust.

I believe the Senator from Wisconsin will be the first to state that we did not have enough time to come up with all the answers. I believe 100 Senators have raised specific problems. The Senator from Maine has raised a question concerning staff, and he is absolutely right. I know the Senator from Wisconsin will be adopting perfecting amendments.

I do hope, before we vote this through finally, the Senator from Tennessee and the Senator from West Virginia will address themselves to trying to firm up this rule, to come up with an understanding, to have some statutory proposals which will apply equally to the Senate, the House, the executive branch, and the judicial branch. I believe we have the obligation to do so.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. BAKER. Mr. President, I assure the distinguished senior Senator from Connecticut that I share his views.

The PRESIDING OFFICER. On whose time does the Senator yield? Does the Senator from Wisconsin yield?

Mr. NELSON. May this Senator inquire as to how much time remains for each side?

The PRESIDING OFFICER. The Senator from Wisconsin has 13 minutes remaining and the Senator from Connecticut has 10 minutes remaining.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Can I yield myself 1 minute on the resolution?

The PRESIDING OFFICER. The Senator from Tennessee has the right to yield time from the resolution.

Mr. BAKER. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, I commend the distinguished senior Senator from Connecticut for his remarks. I assure him that the points are well taken. It will be my intention to follow up on his suggestion. As he may know, and others know, I have a printed amendment at the desk which is calculated to be an action-forcing amendment. It is simply to provide that at the end of 3 years we must once again focus our attention on this entire code of ethics. It is imperfect.

I believe we all owe a debt of gratitude to the distinguished Senator from Connecticut, the Senator from Wisconsin, the Senator from South Carolina, and others who worked so hard to bring forth this resolution.

Mr. RIBICOFF. I would hope the minority leader would not call up the sunset legislation because I do not believe, if we have a rule, we ought to have a termination date on the rule. If we are to have a rule, it should be subject to permanent statutory legislation. I believe that is the way to address it, by having the Congress focus on the rules and regulations applying equally to the executive, judicial, and legislative branches. Then we will have fairness throughout the entire Government.

Mr. BAKER. Mr. President, I yield myself 1 more minute. There will be time for this debate later.

The Senator from Connecticut might know that my reason for introducing the sunset amendment, which I will call up later, is in part to force action for a review of this matter and in part to make us face up to the fact that we are heading, I think, in the wrong direction. We should have this code of ethics at this time, or something like it. While I will support it, I want to give further attention to how we regain and recapture the status of citizen legislators, with a full disclosure of our incomes and assets, much along the lines described by the junior Senator from Connecticut. I think this is not the time to debate that issue at length. I am realistic enough to know that this concept will not be fully addressed in this debate. I will call up the sunset amendment later to try to force us to focus on that broader issue at a later time.

Mr. WEICKER. Mr. President, I yield myself 3 minutes.

Let me say that I would hope that the proposition of the distinguished Senator from Tennessee is passed. I will say why. Throughout this debate I have heard my distinguished colleague say very frankly the whole matter is unfortunate, in the sense of the legislation being raised here and that he would prefer to go some other route. I have heard from others of my

colleagues that we did not have enough time or that it may be an imperfect time.

We sat here and listened to the distinguished Senator from Maine who had every fact on his side, every piece of logic on his side, and it did not make any difference. He was rolled over.

Let us be candid as to what is going on here. There are some image-conscious people—and I do not refer to my colleague from Connecticut or the Senator from Wisconsin—some image-conscious leaders, who feel that somehow or other this is a must in order to bring distinction upon their heads and that of their party.

The passage of this legislation has nothing to do with fact. It has nothing to do with logic. It has nothing to do with time spent. It has nothing to do with reform.

That is the tragedy of the matter. As I said, if it just came down on our heads, if we made a bummer and that was it as far as each one of us was concerned, I would not care. But we are paying in the coinage of the Constitution and that does not belong to each one of us. It belongs to everybody.

Let us not get the impression that I am offering opposition to ethics. My amendment at the desk is tougher than the ethics bill. The only difference between my amendment and the proposal of the Senator from Wisconsin is that my amendment is tougher on each of us, on all of us. The committee bill is tougher on some Senators and all Americans. That is the difference. It is not the mater of ethics or what is to be achieved.

I just feel, very frankly, that it is obviously our omissions or commissions that have brought us to this state and we ought to pay—not our kids and not the system. It is a good system. It is a great Constitution, and the people are bloody well intelligent. We are the ones that are the idiots. We prove it every minute that goes by in this legislation.

I yield the floor.

The PRESIDING OFFICER (Mr. HOLLINGS). Who yields time?

Mr. NELSON. Mr. President, how much time does the Senator from Wisconsin have?

The PRESIDING OFFICER. Thirteen minutes.

Mr. NELSON. I yield myself 4 minutes.

Mr. President, I have looked over the proposal by the distinguished junior Senator from Connecticut and looked over the one of the committee. Each one of them has something to recommend it. They both are comprehensive disclosures. In this Senator's judgment, contrary to the judgment of the Senator from Connecticut, his disclosure measure performs no useful function beyond what the resolution does in many respects. In this Senator's judgment, it is not as good. Nevertheless, they are both comprehensive disclosures.

It does not matter to me personally if the requirement were that we listed everything. I issue a statement each year, identifying everything I own. It does not include any stock. Tax returns in the State of Wisconsin have had total or partial disclosure for over a half century. It is the only State in the Union which, from the time of old John Blaine in the 1920's, required a disclosure of not only the legislators' returns, but any citizen could go to the tax department, pay $2, and ask for the tax return of every corporation and every individual in the State of Wisconsin and look over the whole batch. I led the fight in 1955 against the Republican leadership in the State Senate of Wisconsin when they decided to knock out the income tax disclosure in the State of Wisconsin. They won a substantial victory, but we were able to preserve the right of an individual, which still exists, to go to the tax department, pay his $2, take any one of the 1 million or million and a half taxpayers, name them, and ask to see how much in taxes they paid. If you want to see how much a corporation or a partnership paid, name them, pay your $2, and in the State of Wisconsin, you have it.

I am not opposed to that. I think that is fine. What you owe to the Government is public money, not private money. Taxes are public money. I would be perfectly happy with that.

Then the tax department lets you know. You fill out a postcard and they send you a card and say that Mr. Jones, representing the Milwaukee Sentinel or the Journal or something else, has looked at your tax returns. I get two or three of those a year. I always jot them a little note saying, "I will give you the whole return, if you want it. All you got was how much taxes I paid."

How much time is left?

The PRESIDING OFFICER. The Senator has 9 minutes.

Mr. NELSON. I yield myself 2 more minutes.

I would be happy to do that, but I do not think it serves any necessary purpose to disclose medical payments or contributions to the church and I do not think it offers a disclosure of any realistic value. Disclosure in the way that we have done it in the resolution is much better and gives much more information than disclosure of somebody's tax returns. So I did not argue for the disclosure of tax returns, even though I do it myself and I understand that the Senator from Connecticut does, too.

Both of these measures have comprehensive disclosure. I repeat what the senior Senator from Connecticut said, and I think it ought to be of interest to people, that the Carter administration uses categories of disclosure for investments—not as detailed as this committee. The House used categories of disclosure, not as detailed as this committee. And would you believe it? We have the junior Senator from Connecticut out in the far left from Common Cause, which has endorsed the category of disclosure. I do not use that name to say they are right or wrong, but I think the RECORD ought to show that we went as far as Common Cause. That looked to me like far enough. Then we have the junior Senator from Connecticut, who wants to go out to the far left of Common Cause. I think we have gone far enough, though I disclose it all myself, anyway, personally. If anybody wants to disclose more, they are entitled.

Mr. WEICKER. I yield myself 1 minute.

As a matter of tactics as to why I go all the way, I learned a long time ago on the tennis court, either stay on the baseline or go to the net; do not get caught in the middle court. That is why, right now, I go to the net as far as you people are concerned.

I repeat, on this matter, that what is at issue here is who should make the decisions. That is what it really boils down to. I pose the question to the distinguished Senator from Wisconsin or the distinguished senior Senator from Connecticut: what is wrong, if the American people are given all the facts without exception—and I think we all agree we do have a system of judgment known as free elections—why, and I shall be glad to yield a minute to each, should not the American people, at the polls, make the judgment as to what is proper or what is not proper as far as their Senator or Representative is concerned? Why should they not make it? Why should it be made in this body,

The PRESIDING OFFICER. The 1 minute has expired.

Mr. WEICKER. I shall be glad to yield a minute to each of the gentleman to describe why they are not competent to make the decision.

The PRESIDING OFFICER. Who yields time?

Mr. WEICKER. I shall yield 1 minute of my time to either the Senator from Wisconsin or the senior Senator from Connecticut.

Mr. THURMOND addressed the Chair.

Mr. WEICKER. I yield the floor.

Mr. NELSON. How much time does the Senator from Wisconsin have?

The PRESIDING OFFICER. Seven minutes remain.

Mr. NELSON. I yield 4 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to this amendment. The Senator from Connecticut is a very able man and a very distinguished Senator and has presented arguments here that appear very convincing. We might see exactly what this amendment does.

First, it changes the prohibition on practice of a profession for compensation. The Members are excepted and the staff can obtain waivers. That means that Members of the Senate who prepared this amendment can go out and practice law, practice medicine, practice any profession he wants to, and gain as much from it as he is able to obtain.

Next, it strikes the rule on gifts. That is one thing that is embodied in this code of ethics that we think is some limitation on gifts.

It strikes outside earned income, the 15-percent limitation. The Senate already voted on that yesterday, I believe, 62 to 35. So that issue really goes out.

It changes the disclosure rules. In other words, it would bring up the fair market value each year. If you own a piece of property, real or personal, you have to have it appraised each year. You

have to go through a lot of redtape, you have to hire appraisers. I think that is putting the Members of the Senate to entirely too much trouble, to have to have a fair market appraisal each year.

It also requires additional information from the tax return to be disclosed in the value of both personal and real property.

Mr. President, I oppose this amendment because it eliminates the ban on outside practice of professions by the Senators. That is one of the things at the very heart and core of this code, one of the principles of it. It eliminates the 15-percent limit on outside earned income, which the Senate supported, as I said, only yesterday.

It provides for unnecessary invasion of personal privacy by requiring income tax information of a personal and family nature; namely, the medical and charitable deductions by exact amounts. I do not think it is necessary to expose all the charitable deductions and medical deductions and the kind of treatment a man's wife has received or his children have received, or go into personal things of that kind. I think that is a mistake.

The Weicker amendment has great appeal on first glance, but I feel the approach is entirely too broad.

There are problems in the bill which should be resolved individually and not with a meat-ax approach. This amendment is so broad, it is what I would consider a meat-ax approach. It not only takes in matters we have already acted upon, it takes in new matters, it takes in personal matters, it takes in family matters.

I feel it would be a mistake, and I will move to table the amendment when the time comes.

The PRESIDING OFFICER. Who yields time?

Mr. WEICKER. Mr. President, I yield myself 1 minute.

Mr. President, does there seem to be some problem as to whether I should have an up or down vote on this question, or is there some parliamentary maneuver in order to prevent going on record on this matter?

Mr. THURMOND. Mr. President, I withdraw that if the Senator wants a direct vote.

Mr. WEICKER. I appreciate the courtesy of the Senator.

Mr. President, I yield myself 1 minute.

Yes, this amendment would enable a Senator to do anything, but whether a Senator can get away with doing anything, that is the question.

Darn right, it is a meat ax when it comes to disclosure. It is tough, no exceptions disclosure. That is the price we pay in order to be able to do anything.

Having done anything and our constituents knowing about it, they will make the decision as to what is proper and what is not proper, which seems to me to be a rather fair concept of my amendment.

I am surprised at the Senator from South Carolina, who is a great "States righter." If there was ever a States rights amendment this is it. It says that Arizona can apply their standards to their Senators, and South Carolina, Michigan, Maine to theirs. The Senate is nationalizing public perceptions as to what is right and what is wrong.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. How much time is remaining to the Senator from Wisconsin?

Mr. WEICKER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. BARTLETT. Would the Senator yield for a unanimous-consent request?

Mr. NELSON. Yes; I yield.

Mr. BARTLETT. Mr. President, I ask unanimous consent that Joe Heaton of my staff be granted privilege of the floor during the consideration of this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Is all debate concluded by anyone who wishes time?

Mr. WEICKER. Mr. President, I yield myself 1 minute.

One last aspect to what it is I propose to my colleagues. Can we imagine the cost in personnel and administration of this ethics code? As I say, it is redundant but the machinery is already in place. The election process.

What I propose requires nothing in the way of time, or personnel, except our own time, our own integrity, and, yes, we might have to get our own appraisal. But it will not cost the taxpayers a cent.

On the other hand, for the proposition before us here, the personnel required to properly enforce it if, indeed, it is going to be properly enforced, the budget required will be in the hundreds of thousands of dollars.

There is no doubt, when we come back a year from now, as to what the request of the Ethics Committee—of which I am going to be a member—will consist of.

I just point out, aside from all principles that have been argued back and forth, in a day of reorganization and cutting back on Government size, why we want to go ahead and raise the necessity for additional committees, agencies, and personnel. Lord only knows. There is about as much logic to that as there is to the legislation itself.

I have nothing further to say, Mr. President. If the distinguished Senator from Wisconsin wishes to yield back his time, I am.

Mr. NELSON. I am prepared to yield back my time.

Mr. GOLDWATER. Will the Senator yield?

Mr. WEICKER. I yield 1 minute to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, it had been my hope when this legislation was first discussed to be able to vote for it. In fact, I notified the members of Common Cause in Arizona that I would.

When I saw the disclosure requirements of this legislation, I could not on good conscience vote for it because I think there is more chicanery possible under the disclosure requirements of this bill than we imagine.

I made a complete disclosure the other day and, frankly, I have not heard any response to it one way or the other.

I think this way of submitting our income tax report to the Senate to be published in the RECORD is the only fair way and it is the only honest way, and I intend to do that.

I will support the Senator from Connecticut on his proposal.

The PRESIDING OFFICER. Who yields time?

Mr. WEICKER. I yield 1 minute to the distinguished Senator from New Mexico.

Mr. SCHMITT. Mr. President, I wish to commend the Senator from Connecticut for his efforts today. I associate myself with almost the entire nature and thrust of his remarks.

As the ranking member on the Ethics Committee, I am looking forward to working with the Senator on this matter. However, I am not looking forward to the job we will have to do.

I think the resolution before us is going to be very difficult to administer and does, in fact, fly in the face of what I think this Government should be now and in the future.

I will support his amendment. I would possibly, if it were successful, and I have no such illusion, suggest that we might modify the tax disclosure provisions—and I will have such an amendment to that effect later—so that it just includes the major items of the tax, rather than the personal aspects of it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WEICKER. Do I have 1 more more minute?

The PRESIDING OFFICER. One minute remaining.

Mr. WEICKER. I yield 1 minute to the distinguished Senator.

Mr. SCHMITT. I merely conclude by saying that I hope the Senate will reach into our consciences and think once again about what we are about to do and support the distinguished Senator's amendment.

The PRESIDING OFFICER. All time having been used or yielded back——

Mr. NELSON. Mr. President, I move to table the substitute amendment.

Mr. WEICKER. Well, could I be yielded a minute?

I thought I had assurances this was going to an up or down vote.

Mr. RIBICOFF. Mr. President, I hope we could accord my colleague an up or down vote.

But the Senator is the manager of the bill.

The PRESIDING OFFICER. Does the Senator insist on his motion?

Mr. NELSON. I ask unanimous consent for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. NELSON. Mr. President, I did not understand there was any objection to tabling amendments here.

If the Senator wants an up or down

vote, I will do half of it. I will give him a down vote.

I withdraw the motion to table.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. I announce that the Senator from Minnesota (Mr. ANDERSON), is necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) and the Senator from Idaho (Mr. CHURCH) are absent on official business.

The result was announced—yeas 30, nays 67, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—30

Abourezk	Hatch	Percy
Baker	Hatfield	Roth
Bartlett	Helms	Sasser
Bayh	Laxalt	Schmitt
Curtis	Lugar	Scott
Danforth	McClure	Stevens
Dole	McGovern	Tower
Garn	Moynihan	Weicker
Goldwater	Muskie	Williams
Hansen	Packwood	Young

NAYS—67

Allen	Glenn	Metcalf
Bellmon	Griffin	Metzenbaum
Bentsen	Hart	Morgan
Biden	Haskell	Nelson
Brooke	Hathaway	Nunn
Bumpers	Hayakawa	Pearson
Burdick	Heinz	Pell
Byrd, Harry F., Jr.	Hollings	Proxmire
	Huddleston	Randolph
Byrd, Robert C.	Humphrey	Ribicoff
Cannon	Inouye	Riegle
Case	Jackson	Sarbanes
Chafee	Javits	Schweiker
Chiles	Johnston	Sparkman
Clark	Kennedy	Stafford
Cranston	Leahy	Stennis
Culver	Long	Stevenson
DeConcini	Magnuson	Stone
Domenici	Mathias	Talmadge
Durkin	Matsunaga	Thurmond
Eagleton	McClellan	Wallop
Eastland	McIntyre	Zorinsky
Ford	Melcher	

NOT VOTING—3

Anderson	Church	Gravel

So Mr. WEICKER's amendment was rejected.

Mr. NELSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 86

The PRESIDING OFFICER. Under the previous order, the Senator from Oklahoma (Mr. BARTLETT) is recognized to call up his amendment. There is a time limitation of 80 minutes of debate equally divided between the Senator from Oklahoma and the Senator from Wisconsin.

The Senator from Oklahoma is recognized.

Mr. BARTLETT. Mr. President, I have my amendment which I sent to the desk.

The PRESIDING OFFICER. Let us have order. The Senator from Oklahoma has the floor.

The clerk will report.

The assistant legislative clerk proceeded to read the amendment.

Mr. NELSON. Mr. President, the Senate is not in order. The Senator from Oklahoma has a very important proposal, and I think everybody ought to listen to it. Those who do not want to listen to it ought to go to the cloakroom.

The PRESIDING OFFICER. Let us have order. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Oklahoma (Mr. BARTLETT) proposes an unprinted amendment No. 86.

Mr. BARTLETT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. 101, rule XLII, paragraph 3, subparagraph (d), clause (1), is amended to read as follows:

"(d)(1) The holdings of and income from a trust or other financial arrangement, whether 'blind' or not, whether or not created by or under the control of the reporting Senator, officer, or employee or the spouse or dependents of such reporting individual must be publicly reported according to the provisions of paragraph 2, except that the identity of the holdings and the sources of a trust's income need not be disclosed if—

"(A)(i) the trust was not created directly or indirectly by the reporting individual, his spouse, or dependents,

"(ii) the reporting individual, his spouse, and dependents have no knowledge of the contents or sources of income of the trust, and

"(iii) the reporting individual has requested the trustee to provide information with respect to the holdings and sources of income of the trust and the trustee refuses to disclose the information, or

"(B) the trust is a 'publicly disclosed blind trust' as defined in paragraph 7 of this rule. However, where the identity of the holdings and the sources of income of a trust need not be disclosed, the reporting individual must list the category of the net cash value of his interest in the total trust holdings under subparagraph (e) of paragraph 2, and must list the category of the amount of the income from the trust under subparagraph (a)(3) of paragraph 2.".

Section 101, rule XLII, paragraph 3, subparagraph (d), subclause (2), is amended by deleting the period at the end thereof and adding the following language: "unless such **trust qualifies as a 'publicly disclosed blind trust' as defined in paragraph 7 of this** rule.".

Section 101, rule XLII, paragraph 7, is amended by adding a new subparagraph, appropriately designated, as follows:

"( ) the term 'publicly disclosed blind trust' means a trust (1) the terms of which, other than those of a testamentary nature, are fully disclosed and made a matter of public record by filing a copy of the trust agreement with the Secretary of the Senate and, in the case of a Senator, by publication in the Congressional Record, (2) which is by **its terms irrevocable by the reporting individual** for the term of the reporting individual's government service, (3) the original contents of which are disclosed by source and amount at the time of its creation or within sixty calendar days of the date upon which this portion of the rule takes effect, (4) to which the assets transferred are either in cash or are diversified, (5) the trustee of which is truly outside the direct or indirect control of the reporting individual and is preferably a corporate trustee, (6) the terms of which afford the trustee full discretion, subject to accepted standards of fiduciary responsibility, in investing the contents of the trust without discussion or consultation with the person creating it: Provided, That the trust agreement may specify narrow categories of assets in which the trust principal shall not be invested, (7) which specifies by its terms that neither the contents nor the sources of income of the trust may be disclosed to the reporting individual, his spouse or dependents at any time during the term of the reporting individual's government service: Provided, however, That the trustee may disclose the net cash value of the trust and the aggregate income therefrom, (8) in connection with which both the reporting individual and his trustee have submitted to the Secretary of the Senate sworn affidavits stating, respectively, that the reporting individual has no knowledge of the contents or sources of income of the trust and that the trustee has not disclosed and will not disclose the contents or sources of income of the trust to the reporting individual, and (9) which has been reviewed by the Ethics Committee and found to be in compliance with the standards set out in this subparagraph.".

Amend Title II of the resolution by adding the following paragraph immediately following the language ending on line 13, page 49, of the resolution:

"(8) The Ethics Committee shall periodically review the form and operation of any 'publicly disclosed blind trust' authorized by Rule XLII to insure that such trust complies with the conditions for such a trust. It shall be empowered to establish guidelines setting out the necessary degree of diversity to be required of assets put into any publicly disclosed blind trust, it being the sense of the Senate that no single asset or business should comprise a substantial portion of the trust principal.".

Amend Title III of the resolution by adding a new section, appropriately numbered, as follows:

"Sec. —. (1) The Committee on Rules and Administration shall review the desirability of the provisions of Rule XLII regarding 'publicly disclosed blind trusts'. The Committee shall report its recommendations and the results of its review within 180 days after the day on which this section is adopted.

"(2) In the event that the report referred to in the previous subsection includes a recommendation that Rule XLII be amended to require a turnover of assets within a trust covered by the rule, such recommendation shall be referred to the Finance Committee for a study of the potential tax consequences of such a rule. The Finance Committee shall report the results of its review, together with its recommendations, to the Senate within sixty days of the date upon which the matter was referred to the Finance Committee.".

Mr. BARTLETT. Mr. President, I have a modification that I would like to incorporate with my amendment, and I will explain, Mr. President, that this amendment is identical with my printed amendment No. 119, with, however, several changes.

There are three technical amendments which I would be happy to discuss in some detail, and then a general amendment which broadens the scope of the study that is mandated in the amendment so as to entail a general review of the blind trust concept.

The language in the amendment otherwise only covers a study of an asset turnover requirement.

Then I also included an amendment that was suggested to me that recognizes

that some trusts are testamentary in nature, and that testamentary provisions for the disposition of property on the reporting individual's death at his death are of no legitimate public interest; hence, such provisions need not be disclosed.

Mr. President, I ask unanimous consent that Mr. Chris Brewster of Senator DANFORTH's staff be accorded the privileges of the floor during the consideration and vote on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARTLETT. Mr. President, this amendment is designed to improve and strengthen the provisions of the code in dealing with real or potential conflicts of interest. The present language of the resolution relies solely on full disclosure as the means of dealing with such conflicts. It seems to me that this method has some severe limitations.

The most obvious limitation is that full disclosure does not necessarily eliminate conflicts of interest, but merely publicizes them. In many cases, that may be a sufficient incentive for Members to eliminate conflicts of interest on their own. However, for Members who have a large number of investments in a diversified range of companies or concerns, it will be virtually impossible to eliminate conflicts of interest and still maintain a program of sound investments.

Mr. President, this amendment would provide a means for avoiding the dilemma I have just mentioned. It would do so by providing that a properly drawn, bona fide blind trust, one that the contents of which would be publicly disclosed at the very beginning of the trust, could be used in lieu of the full disclosure provisions of the code that would otherwise apply. I fully understand the Nelson committee's reluctance to allow utilization of blind trusts to eliminate conflicts of interest. I know that so-called blind trusts have been used by some, particularly in the executive branch, when there was in fact nothing blind about them.

I know too that it is not necessarily an easy chore to draw the line between what is a true blind trust and what is not. However, I am convinced that a bonafide blind trust can be created and does offer a highly superior means of dealing with conflicts of interest. As the Washington Post noted a couple of days ago in an editorial, a "super-strict ethics code would require" the use of blind trusts. I do not suggest that blind trusts should be required of Members, but I do believe they should be available as a means of avoiding conflicts of interest for Members of the Senate.

In order that my thinking might be clear on this to Senators, let me explore some of the aspects of this whole matter.

The main thrust of the disclosure section of the ethics resolution is to minimize or eliminate the conflicts of interest that a Senator would have.

I was faced, as a number of Senators have been, upon election to the Senate with what I saw as real conflicts of interest with my own investments.

Because of this, I took some actions in the early part of 1973, shortly after I was elected to the Senate, and I made a release, which I have here, to the press which I wish to have printed in its entirety in the RECORD, and I ask unanimous consent to do so.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

STATEMENT OF DEWEY F. BARTLETT

My wife, Ann, and I have placed all of our stocks and bonds in blind irrevocable trusts and I have completed arrangements for the sale of my approximate one-third interest in Keener Oil Company, a family company, to the other Keener owners, the major share of which is owned by my brother, David Bartlett. My children, all adults, have a minor interest.

These steps are being taken in order to eliminate all possible conflicts with my responsibility to the people of Oklahoma as a United States Senator.

The trusts will be managed by the National Bank of Tulsa which will make its own investment decisions. Ann and I will not be aware of the companies in which the trusts make investments. The trusts will continue as long as I am a United States Senator.

The Keener sale is subject to a ruling from the Internal Revenue Service on the tax consequences and will not be completed until a ruling is received.

(The sale price of the Keener interest was based upon an independent appraisal by a recognized consulting firm.)

The people of Oklahoma are entitled to know that I will not benefit financially by any votes or positions I may take as their Senator. I believe the energy crisis facing this nation is important to all our people and to Oklahomans in particular. I want to avoid even the appearance of self-interests in fighting for what Oklahomans believe.

In addition to the Keener sale and creation of the blind trusts, Ann and I have done the following:

(1) made arrangement, on the date of the sale of my Keener interest, to tender my resignation as trustee for my children under my mother's will, regarding their Keener partnership interests; (2) Ann and I sold all oil company stocks which we owned; (3) prohibited the trustee from buying or selling oil or gas company securities; (4) disposed of my interest in International Breeder Services, Inc. to my children.

Any real estate which Ann and I own, including the Delaware County farm, is not being placed in the trust.

I pledge to never repurchase any interest in Keener Oil. Further, I will not purchase any petroleum interest for at least two years after my service in the Senate has terminated.

I will disclose to the Press at least annually any bank loans or other borrowings with the names of the lenders, the terms thereof, and any significant changes or additions in any real estate holding which are outside the blind trust and residence.

When the Keener sale is completed, I plan to place the proceeds, less the amount necessary to pay taxes, in my blind trust.

PRESENT KEENER PARTNERS

David A. Bartlett.
Dewey F. Bartlett.
F. Lewis Bartlett.
Dewey F. Bartlett, Trustee for Joan Chilton Bartlett.
Dewey F. Bartlett, Trustee for Michael Hopkins Bartlett.
Dewey F. Bartlett, Jr.
Myles G. Bartlett.
Mary S. Bartlett.

Bartlett stocks placed in trust

OWNED BY DEWEY F. BARTLETT

	No. of shares
A.T. & T	100
General Electric Co	200
Bristol Myers Co	200
General Motors Co	125
Coca Cola Co	220
General Telephone and Electric	200
Halliburton Co. (has been disposed of by trustee)	
IBM	140
Rampp Co	25
Standard Brands, Inc. (foods)	300
Teledyne, Inc	753

OWNED BY ANN BARTLETT

American Electric Power Co., Inc	97
Ford Motor Co	50
General Electric Co	100
General Motors Corp	169
IBM	56
3-M Corp	80
Rampp Co	15

BARTLETT REAL PROPERTY

(1) 80 acres described as E/2 NW/4 of Section 18–18N–14E. Purchased October 8, 1958.

(2) 120 Acres described as S/2 SW/4 and S/2 N/2 and SW/4 of Section 8–18N–14E. Purchased May 6, 1959.

(3) 1500 acre farm and home in Delaware County.

(4) Residence in Washington, D.C.

BARTLETT BUSINESS OBLIGATIONS

(1) Notes on farm in Delaware County:

(a) Owe W. C. Gunter $2100 at 5 percent. 4 payments made, final payment July 25, 1973.

(b) Owe R. H. Adams Estate 21,300 at 5 percent interest, 4 payments made, 6 payments remaining.

(c) Owe Mrs. R. H. Adams $21,300 at 5 percent interest. 4 payments made, 6 remaining.

Mr. BARTLETT. I was faced with conflict of interest because of my ownership of an interest in a family oil company, and coming from an oil State I knew that it would not suffice for me to just recognize that one conflict of interest and then avoid voting on matters that pertained to energy, oil, or gas. I recognized it was essential for me to go beyond that because I obviously wanted to represent my State in these matters.

So, I disposed of my interest in the family oil company. Then I sold oil stocks which I owned. My wife and I created blind trusts in which we put the investments we then had, and later I put into the blind trust cash that was derived from the sale of the family company oil stock.

It was an irrevocable trust, one managed by the National Bank of Tulsa, in Tulsa, Okla., one that was truly blind and one in which I do not know the contents.

In the press release I listed the number of shares and the names of the stocks that went into the blind trust. I also listed for public perusal all the real property that I own and also the three loans that were outstanding on that property.

In addition to the sale and the creation of the blind trust, I resigned as trustee for my children under my mother's will because this affected the oil company interest, and I prohibited the trustee from buying and hence selling oil interests or buying or selling oil company investments. I also disposed of another

investment that I had which I thought might create a conflict of interest.

In addition to this, I pledged to never repurchase any of the family oil stock or oil interest. I also stated at that time that for 2 years after leaving the Senate I would not purchase any petroleum interest.

The reason I am going into this is that I felt as one individual I not only had a conflict of interest, a rather major one as far as oil ownership was concerned—not major in dollar value, but major in conflict of interest for myself—but, in addition to that, I felt that investment in other stocks that I had would also create from time to time conflicts of interest, as I would be wanting to vote on various issues before Congress.

When you consider what goes into an average portfolio of stocks, so much in oil, so much in motors, so much in chemicals and so much in whatever, I think you can very quickly come to the conclusion that any person who has investments in such a portfolio is going to be very busy in spending a lot of his time with full disclosure, trying to decide just exactly where he has and where he may not have conflicts of interest. But I think conflicts of interest are going to occur, and I think that this resolution should provide a mechanism by which a person could protect himself from conflicts of interest.

If it is the desire of the Senate to have an ethics resolution which would, without actually saying so, force a person with investments not to invest in common stocks in usual investments, then that would be one thing. Perhaps he could invest in Government bonds, and there would not be a conflict of interest there.

But I am maintaining that this resolution does not eliminate conflicts of interest. It publicizes them, and in publicizing them I recognize it creates pressure for the individual who has the conflict of interest to sell his investments. But, on the other hand, what does that person buy in place of what he might sell? Or what can he invest in?

There is nothing in the nature of public disclosure that guarantees the absence of conflict of interest. It merely publicizes it or the appearance of it.

That raises the question, Does full public disclosure encourage baseless charges of conflict of interest?

I think in certain cases it could.

For any person with substantial personal assets, the assets have to be, or should be, I guess one would say, invested somewhere.

I talked with one Senator who has a blind trust, who privately said that he thought probably if blind trusts are eliminated, the only avenue for him would be to invest in Government bonds, because investments on a broader base would give rise to either conflicts of interest or perhaps the appearance of such.

Given the broad range of decisions which a Senator must vote on, virtually any type of investment could potentially be affected.

Even though the direct or indirect effect of a Senator's vote could be, and probably would be, inconsequential regarding the economic health of a particular investment, the way would be opened for an unlimited number of baseless charges with which Senators would have to cope.

Forcing a Senator to stand aside on any vote that potentially affected his finances would, in many cases, effectively deprive many States of their representation in a significant number of cases.

Is there an alternative to full disclosure which can better eliminate conflicts of interest for some Senators and still enable each State to be fully represented on all issues?

I think properly drawn, a publicly disclosed, irrevocable blind trust should do it. The Senator would not know what his financial interests were, hence there could not be a conflict.

Can a trust be set up that is truly blind, which really eliminates conflicts of interest?

I think it could, if it did the following: If the trust terms were fully disclosed—and this is a requirement of my amendment—it includes a series of requirements, and I will mention them.

If the trust was irrevocable during the term of Government service.

If the original contents are fully disclosed.

If the original assets are diversified or in cash, to the satisfaction of the Ethics Committee.

If the trustee is truly independent.

If the trustee has complete investment discretion.

If the contents and sources of income are not disclosed to the Senator.

If sworn affidavits from the Senator and the trustee to the fact of the blindness of the trust are effected.

If the Ethics Committee has reviewed the sufficiency of the trust arrangement.

The trustee, of course, would make periodic reports of the cash value of the trust and the income that the trust furnishes.

A truly blind trust can be established which effectively eliminates conflict of interest and which prevents harassment form frivolous conflict-of-interest charges. Hence, the blind trust should at least be available to Senators who have substantial investments and hence a greater potential for conflict of interest.

Financial interests of Senators vary. Some have real or potential conflicts of interest—some do not. The "publicly disclosed blind trust" should at least be available to Senators who have substantial investments and hence a greater potential for conflict of interest. If it is not available, then I think Senators may be forced to make bad investments just to avoid the appearance of impropriety.

Allowing the use of publicly disclosed blind trusts in many cases affords a better means of eliminating conflicts of interest. As such, it is not just for the convenience of Senators, but is a better means of advancing the public interest in general.

Mr. President, I know that there are a number of Senators who have blind trusts who would like to speak on this issue, and I am happy to yield at this time.

Mr. DANFORTH. Mr. President, will the Senator yield?

Mr. BARTLETT. Mr. President, before yielding, I ask unanimous consent to have printed in the RECORD the form of the blind trust which I have used, and which I disclosed at the time I entered into the blind trust.

Mr. NELSON. Mr. President, I did not hear the request.

Mr. BARTLETT. It is a request for unanimous consent to have printed in the RECORD the form of the trust which I used in my blind trust.

Mr. NELSON. No objection.

There being no objection, the form was ordered to be printed in the RECORD, as follows:

THE DEWEY F. BARTLETT TRUST

Trust agreement, made this -- day of ----------, 1973, by and between DEWEY F. BARTLETT, a domiciliary resident of Tulsa, Oklahoma (hereinafter referred to as "Settlor"), and National Bank of Tulsa, a national banking association, in Tulsa, Oklahoma (hereinafter referred to as "Trustee").

Witnesseth:

Whereas, Settlor was recently elected as a United States Senator for the State of Oklahoma, and, in order to evidence and promote his desire of achieving actual, as well as apparent, impartiality on all issues and matters affecting his personal and political life, and to minimize or eliminate possible conflicts of interest in this regard, Settlor hereby establishes a trust to receive, hold, administer and distribute certain assets which he will transfer to the Trustee from time to time, and Settlor has herewith deposited the sum of Five Dollars ($5.00) to establish and fund said trust; and

Whereas, the Trustee acknowledges receipt of said deposit, and agrees to hold the same, together with all additions hereto, in trust, for the purposes and on the conditions hereinafter set forth.

Now, therefore, in consideration of the premises and the mutual covenants herein contained, the Settlor and Trustee agree as follows:

I.

This Trust shall remain in effect until Settlor ceases to be a United States Senator, whether by reason of his death or otherwise, and, during such term hereof, Settlor retains no right to alter, amend, revoke or terminate this Trust, which is and shall remain irrevocable.

If Settlor is living at the time of termination of this Trust, i.e., when he ceases to be a United States Senator, then the entire remaining trust estate shall be forthwith distributed and returned to him, free of trust.

If this Trust is terminated by reason of the death of Settlor while he is serving as a member of the United States Senate, then the entire remaining trust estate shall be forthwith distributed to such person[s] or other beneficiaries, including his estate, in such proportions, whether outright or in trust, as Settlor shall designate and appoint in his Last Will and Testament or any Codicil thereto; or if, and to the extent that, such general power of appointment by Will is not validly exercised by Settlor, then such remaining trust estate hereof shall be forthwith distributed to Settlor's estate.

II.

During the term of this Trust, all of the net income hereof shall be paid to Settlor or to such other person[s] or concern[s] as he may from time to time direct by instrument in writing delivered to the Trustee; such income shall be paid in quarterly or more frequent installments as Settlor directs. In addition, the Trustee shall pay to Settlor

so much of the principal of this Trust, up to the whole thereof, as he may from time to time direct by instrument in writing delivered to Trustee.

All payments of income as above required and of principal as above authorized shall be made in cash or by check without identifying the source thereof and, in no event, shall payments be made in kind of other property forming a part of the trust estate.

Provided, however, that if Settlor becomes incapacitated by illness, age or other cause, the Trustee may, in its uncontrolled discretion, from time to time, while it believes such incapacity continues, apply all or any part of the net income or principal of this Trust toward the support, care and maintenance or otherwise for the benefit of Settlor and/or his wife, ANN S. BARTLETT, in such amount or amounts and in such manner as the Trustee may determine, without regard to the other means of Settlor or his said wife. Any net income which is not disposed of as above provided shall be added to principal at the end of each year.

III.

With respect to the management of this Trust, the character and manner of making investments and reinvestments of trust funds, the sale, conveyance or transfer of trust property, and the powers and duties of the Trustee, the provisions of the statutes of the State of Oklahoma in force on the date hereof, including, but not limited to, 60 Okla. Stat., Sections 161, 162, 163 and 175.1 et seq., shall govern, except as they may be modified or limited by the provisions herein contained. No repeal or amendment of said statutes shall change the powers and duties of the Trustee hereunder, and the provisions of said statutes, existing on the date this Trust is executed, except as herein modified or limited, shall continue in effect with respect to all property which may come into the hands of the Trustee, whether such property has a situs within or without the State of Oklahoma.

In addition to such statutory powers, the Trustee is expressly authorized to:

A. Invest and reinvest all or any part of the truse estate, in such stocks, bonds, notes and other securities or other property, real or personal, including investment trusts and common trust funds, as it deems advisable and proper, without regard to any law or rule of court limiting the property which trustees may purchase; except, and provided, however, that the Trustee is and shall be prohibited from investing in securities of corporations or other entities which derive 10% or more of their gross income from the exploration, drilling production and/or marketing of oil and/or gas.

B. Retain and hold any assets or property acquired from the Settlor or pursuant to authority granted hereunder, including cash, without regard to diversification, limitation as to time, suitability of original purchase, and/or any other restriction or qualification.

C. Exercise any option or right with respect to any stocks, bonds or other securities of the trust estate, and take any action necessary or proper in connection with any plan of operation, sale, lease, mortgage, consolidation, merger, exchange, reorganization, foreclosure, (liquidation or dissolution as to any corporation in which the Trustee holds stocks, bonds or other securities, and as to any of the property of such corporation; and the Trustee, when it deems it advisable, may execute a proxy to such person or persons as the Trustee may select to act for it in the exercise of those powers.

D. Hold all or any portion of the trust estate in bearer form or in its own name or in the name of a nominee or nominees, with or without disclosing the fiduciary relationship; provided, however, that the Trustee shall be responsible for all acts and omissions of such nominee relating thereto.

E. The Trustee shall have the power to appoint an individual or corporation as trustee to act with respect to any portion of the trust estate which has a situs in a jurisdiction in which it is not qualified to act, and shall have the power to remove each such appointee at any time, with or without cause. Each such appointee shall have all of the powers herein granted to the Trustee with respect to the management of the trust estate, and shall transfer to the Trustee as soon as practicable all gross receipts derived from the portion of the trust estate under his or its control.

F. Sell or exchange (subject to the prohibition expressed in paragraph A above), all or any portion of the trust estate from time to time, upon such terms and conditions as the Trustee, in its sole discretion may determine, free from and discharged of the Trust, and may deliver good title thereto, and no purchaser at any such sale or exchange shall be obliged to see to the application of the money or other property received by the Trustee.

G. Borrow money to protect, preserve or improve the assets of this Trust, and/or in order to accomplish the purposes hereof, and pledge or mortgage trust assets as security for any loans thereby obtained.

H. Manage, operate, repair, improve and/or lease, for a period or periods within or beyond the term of this Trust, any real property forming a part of the trust estate.

I. Abandon any property which it deems to be burdensome or valueless.

J. Consult with legal counsel and be fully protected in any action or non-action taken, permitted or suffered in good faith, in accordance with the opinion of such counsel. The Trustee is further authorized to employ accountants, brokers, agents and others for assistance in performing its duties hereunder.

K. Compromise, contest, submit to arbitration or settle all claims by or against this Trust or the Trustee.

L. Accept additions to this Trust from Settlor, from time to time.

M. Make, execute, acknowledge and deliver any and all deeds, leases, assignments and instruments, and otherwise do and perform all acts which the Trustee deems necessary or proper to carry out the terms and provisions of this Trust.

Provided, that all powers of the Trustee shall be exercised only in a fiduciary capacity.

The compensation of the Trustee for services rendered hereunder shall be commensurate with the compensation for like services ordinarily and customarily paid in the community where such services are rendered. The Trustee shall serve without requirement of bond.

IV.

The Trustee shall maintain books and accounts showing all transactions relating to the trust estate, but shall make no reportings therefrom to Settlor at any time or in any manner which would disclose or otherwise identify the specific assets held by the Trust or any investments made during the term hereof, it being Settlor's desire and direction that he be absolutely relieved and foreclosed from all responsibility, knowledge and access to information concerning the administration of this Trust, the composition of its assets and all investment and other decisions concerning the trust estate throughout the term of this Trust, except as provided below:

A. The Trustee shall furnish Settlor, annually, a statement as to the aggregate beginning and year-end values of the trust estate and such minimal information as is necessary for Settlor to report the income received from this Trust on his personal income tax returns.

B. Settlor reserves the right to make periodic recommendations to the Trustee as to the overall investment program of the Trust, by classification of investment, i.e. income (tax exempt or non-exempt), balanced or growth, and the respective percentage of each.

C. Settlor reserved the right to remove National Bank of Tulsa (or any subsequent trustee) from the office of Trustee, at any time, with or without cause, and to appoint another national or state bank in Tulsa, Oklahoma, having trust powers and capable of performing the required services as successor Trustee by written notice to National Bank of Tulsa, or to any intermediate successor Trustee later appointed; provided that no change of Trustee shall affect or in any manner modify the terms and provisions hereof.

V.

Should any of the provisions of this Trust, for any reason whatsoever, fail or be declared invalid by final judgment or decree in any court of competent jurisdiction, such failure or invalidity shall not defeat or impair any of the remaining provisions herein contained, but this Trust Agreement shall be construed as if such provision or provisions so failing or declared invalid were not included herein.

VI.

The situs of this Trust shall be the State of Oklahoma, and this Trust shall be construed according to Oklahoma laws.

VII.

This Trust Agreement shall be binding upon the heirs, executors and administrators of the Settlor, and upon the successors and assigns of the Trustee.

In witness whereof, the Settlor and Trustee have executed this Trust Agreement on the date first above shown.

Mr. BARTLETT. I yield to the Senator from Missouri. How much time does the Senator want?

Mr. DANFORTH. Ten minutes. Or 5 minutes.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. BARTLETT. Does the Senator from South Carolina wish me to yield?

Mr. THURMOND. I have a few questions to propound. Let the Senator from Missouri go first.

Mr. BARTLETT. Mr. President, may I ask who is in charge of the time?

The PRESIDING OFFICER (Mr. PELL). The Senator from Oklahoma is in charge of the time in support of the amendment; the Senator from Wisconsin the time in opposition.

Mr. BARTLETT. I yield 5 minutes to the Senator from Missouri.

Mr. DANFORTH. Mr. President, the resolution as it is now before us states:

It is the sense of the Senate that trusts established for the purpose of being "blind trusts", whether revocable or irrevocable, shall be dissolved by the creating party to permit the disclosures required by this rule.

I think the issue that has been raised by the amendment offered by the Senator from Oklahoma is whether this provision in the bill has been carefully thought out, and whether it does not in fact do more harm than good in accomplishing the objective that I take the bill to have.

This morning I was present at a meeting of the Senate Finance Committee at which a number of nominees appeared in confirmation hearings. The chairman of the committee asked each one if they had looked into the possibility of conflict of

interest, and what they had done about it. A number of the nominees who appeared stated that they have looked into the possibility of conflicts of interest, and they have solved that problem, or attempted to resolve it, by transferring their assets into blind trusts.

It is my understanding that the position of the administration with respect to executive branch nominees is to encourage the creation of true blind trusts in order to make it possible for people who have some means to enter public service.

When a person takes on a responsibility such as a major post in the executive branch, or certainly membership in the U.S. Senate, oftentimes he would have a portfolio of investments which, insofar as they were concerned, would be quite disposable, interchangeable investments. The effect, it would seem to me, would be twofold: First, to provide that someone else would manage their investments for them, in that they simply would not have the time to do it themselves and to discharge their public responsibilities; and, second, to provide that they did not have the possibility of conflict of interest, because they did not know what they had and they had no way to determine or to influence what they had.

In order to achieve these two ends, the best available and I think the only available technique that is open is the creation of a blind trust.

Now, what is involved here, I would suggest, is not so much a true conflict of interest as the appearance of a conflict of interest, because I think there is a pretty tenuous relationship, oftentimes, between a vote in Congress and the specific interest of a particular corporation, the effect of the vote on that corporation, and in turn on the value of a few shares of stock or the dividends on those few shares of stock.

But in the area of conflict of interest, appearance is everything; and if we did not provide for a blind trust, and a person's holdings were known to him and also known to the public, it is difficult to imagine a single item before the U.S. Senate which would not at least create good newspaper copy and good political stump speeches, or 30-second commercials in the next campaign, making the charge of a conflict of interest.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DANFORTH. May I have 3 more minutes? Two more minutes?

The PRESIDING OFFICER. The Senator is yielded 3 more minutes.

Mr. DANFORTH. For example, let us suppose a Member of the Senate held, say, 10 shares of stock in A.T. & T. or in IBM, or in RCA.

How would that Senator vote on the question of the Communications Reform Act, the so-called Ma Bell Act? Would he have to have the permission of the Senate to excuse himself, or would he have to vote "present" in order to avoid the alleged conflict of interest in that situation?

Suppose he owned a few shares of stock in a soft drink company? What is he supposed to do in regard to the saccharin controversy? Should he vote "present" instead of participating in the deliberations, even though his vote is not in fact influenced at all by this?

Suppose he owns a few shares of stock in an aluminum company and "ban the can" legislation is before the Senate? Or automobile emission standards are before us and he has securities in Ford, GM, or Chrysler? Or any energy bill is before the Senate and he happens to own securities in an oil company? I think it would be a very tenuous argument to say there is a substantial conflict of interest or a real conflict of interest, to equate that vote with a specific dollar amount of profit that would be realized by the Senator involved.

I do beileve, insofar as the public's perception of what we are about, it would be something of a disaster.

I would like to express my appreciation for the concept presented by the Senator from Oklahoma and state that I believe this is a matter which deserves very careful consideration by the Senate. I would tend to view blind trusts as a useful means of avoiding conflicts of interest rather than the cause of any problem with which we are now dealing.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, would the Senator from Oklahoma care to answer a few questions?

Mr. BARTLETT. I will be happy to answer questions.

Mr. THURMOND. The first question is, should the mechanism of a blind trust be available to Senators if the appropriate safeguards are provided?

Mr. BARTLETT. Yes, I think they should be, because I think the Senator who has investments in one or more companies is very apt to be faced with a vote where that vote could be interpreted as voting for his own interests, because of his investments. There will be many questions upon which there will be votes as far as energy is concerned, or oil stocks, with the tight competition between General Motors and Chrysler in the acquisition of additional new XM-1 tanks. The votes could be greatly misinterpreted and could appear to be conflicts of interest, which I think important for a Senator to avoid.

Mr. THURMOND. I have another question: How does the language in the Senator's amendment differ from the language in the resolution on a blind trust?

Mr. BARTLETT. The language in the resolution on blind trusts really creates a very painful hiatus for the person who has a blind trust. The resolution really says it condemns blind trusts and advises those who have them to prepare to take legal action to have them voided so that the stocks of that trust or the assets of that trust may be publicly disclosed.

At the same time, privately, the Senators are also hearing that the Senate must face up to the question of blind trusts on a broad basis and establish rules for all three branches. They are advised, "Do not worry. The Senate is bound to do something." They are told that the Senate will establish a similar blind trust bill for all three branches of Government.

What this amendment does is to set in parameters 80 to 90 percent of what would be required of blind trusts. It calls for a study. During the intervening period the current blind trust would remain valid. If the Senate decided later to do away with blind trusts, it could. If it wanted to alter the requirements still further, it could. But the Senate would have some parameters which are restricting blind trusts which would become effective in May 1978.

Mr. THURMOND. I have one more question: What safeguards can be provided to prevent a conflict of interest or the appearance of a conflict?

Mr. BARTLETT. There are a number of safeguards which I believe are important: That the trust terms be fully disclosed; that the trust instrument be irrevocable; that the original contents are fully disclosed; that the original assets are diversified or in cash to the satisfaction of the Ethics Committee; that the trustee is truly independent; that the trustee has complete investment discretion; that the contents and sources of income are not disclosed to the Senator and affidavits to that effect are obtained, and that the Ethics Committee has reviewed the sufficiently of the trust arrangement.

Income derived from the trust should be periodically reported and the cash value of the trust should be periodically reported.

Mr. NUNN. Will the Senator yield?

Mr. BARTLETT. I yield.

Mr. NUNN. If the Senator from South Carolina has completed his questioning, I do have a statement to present.

Mr. THURMOND. I am almost finished.

I just wondered if the distinguished Senator from Oklahoma had the opportunity to see the amendment of the Senator from Missouri, and whether the Senator feels this would accomplish what he had in mind.

Mr. BARTLETT. It is an improvement over the language in the present resolution, but there is no assurance that there will be any action taken. I believe it makes much more sense for the Senate, as far as blind trusts are concerned, to continue the present blind trusts which people have, to study and review the matter, and then make a decision. I believe that is far superior, having the parameters, restrictions, and requirements which are provided in this amendment.

Mr. THURMOND. Under the terms of the amendment of the distinguished Senator from Missouri, the Committee on Governmental Affairs would review the desirability of establishing rules and regulations for the establishment and maintenance of blind trusts and make a report back to the Senate.

Mr. BARTLETT. I believe it makes sense, with regard to the existing trusts, to apply restrictions to them which would go at least 70 to 90 percent of the way the committee would go later on in restricting them and providing proper

reporting procedures, and so on, than it would be to proceed in the way the Senator is suggesting.

Mr. THURMOND. I thank the distinguished Senator.

Mr. BARTLETT. I will yield to the Senator from Georgia.

Mr. DOLE. Will the Senator yield first for a question?

Mr. BARTLETT. I yield.

Mr. DOLE. I have read the amendment of the Senator. I just wonder whether this would cover this personal case. My wife is a member of the Federal Trade Commission. It is a wise practice for members of the FTC to establish a blind trust. However, if they have a blind trust, and if we pass this bill as it is, she would be in conflict. She would have to reveal the assets of that trust under this rule. That does not seem to be in harmony with the intent of this proposal. There is the need, dictated by wise practice and concern for conflicts of interest, that there be a blind trust and then we pass a law saying there should not be a blind trust. Will the Senator address that question?

Mr. BARTLETT. This mechanism will make available the blind trust to the person who wanted to have a blind trust.

Mr. DOLE. The resolution we have before us creates no exception for spouses who are judges or prosecutors or whose office requires them to act in an adjudicative capacity, which includes a Federal trade commissioner.

Mr. BARTLETT. This resolution, as I understand it, requires spouses to disclose; that is one of the requirements.

Mr. DOLE. I hope the distinguished Senator from Oklahoma or someone can shed some light on what happens where we have a situation that calls for a blind trust and we pass a law that says one cannot have a blind trust. I do not want to involve the Senate in a personal matter, but I think when the ethics bill before us raises a problem, we ought to try to resolve it. I do not assume that was the intent of anyone on the Ethics Committee, but it does present a problem that I think the Bartlett amendment would address.

Mr. BARTLETT. That is correct. I think the Senator should, when the floor manager, the Senator from Wisconsin, returns to the floor, ask him this question. I think the Senator has the problem of the immovable object and the irresistible force.

Mr. NUNN. The Senator from Georgia will answer the Senator's question. I think it is still with the Senator and his wife to decide whether the Senator is going to be unethical or the wife is going to be illegal.

Mr. DOLE. I would not want to try to resolve that one. But it does present a real problem that I hope someone on the other side in this fulltime body could address this before we finish the ethics bill.

Mr. BARTLETT. Mr. President, how much time does the Senator wish?

Mr. NUNN. Will the Senator yield to me about 5 minutes?

Mr. BARTLETT. I yield 5 minutes to the Senator from Georgia.

Mr. NUNN. Mr. President, the treatment of blind trusts has concerned me since the initial debate on the subject during the deliberations of the special committee which was assigned the task of drafting this proposed code of conduct. At that time, the majority of the committee decided to mandate a dissolution of any blind trusts which a Senator may have established in an effort to avoid the appearance or the fact of a conflict of interest. This decision was based partially on a commitment to public disclosure and partially on the fact that the committee could not locate any generally accepted guidelines for the establishment of a trust that is truly blind.

I completely endorse the amendment of the Senator from Oklahoma. As I said, I have been concerned about this treatment of blind trusts since the committee proposed this provision. I think the committee is wrong in this case. I was on the committee and brought it up and did not prevail. I feel that the committee provision is a step backward, not a step forward. I think the committee bill makes it impossible for a Senator with liquid assets to be able to blind those assets so he can walk on the floor of the Senate and not face an inevitable conflict of interest if he owns a good many stocks that are listed on the stock exchange.

I do not know a week that goes by that the U.S. Senate does not cast a vote, one way or the other, that affects some of the major stocks in this country. So I support fully the Bartlett amendment. I think it curbs any potential abuse in the blind trust mechanism and, at the same time, preserves this option for Senators who may feel keenly that they do not want to know what their assets are so that they will not have to be facing inevitably, frequently, the conflict of interest potential.

The treatment of blind trusts, I think, has not been studied by the Ethics Committee, and I think that the blind trust entity, if properly utilized, can play a constructive role in our effort to eliminate the potential for conflict of interest. I know that several of my colleagues, in a good faith effort to shield themselves from knowledge of their holdings, established trusts of this kind. I myself created one following my election to the Senate and, to be completely candid, I have no idea what the corpus of that trust is today. Furthermore, it is my understanding that President Carter, who, I am sure everyone will agree, has gone the extra mile to insure that his administration is conflict-of-interest-free, has placed the majority of his holdings in a blind trust for the duration of his service as President. It seems to me that precipitate action on the part of the Senate, on a subject which has received so much attention in the executive branch, could result in a completely confused public regarding the standards of their Government. How can the same mechanism discourage conflict of interest for one public servant and not for another?

How can we on Committee on Armed Services require blind trusts of officials that are going over to the Pentagon and handling very sensitive contracts every day that could create a conflict of interest and, on the other hand, say to ourselves that this is not the way we should do business, that it is completely the opposite of the way we should do business?

I think the committee provision creates that problem. It creates many more problems than it solves. I believe that the amendment which is being offered by Senator BARTLETT and myself and others addresses and satisfies the concerns which were expressed by the special committee on ethics on this matter but it does so in a sensible way. Moreover, it would permit the Senate to act in a fashion which will provide some consistency to the treatment of investment holdings by Federal officials in both branches of the Government.

This amendment provides specific and stringent guidelines for the establishment of a blind trust. The steps required to be complied with in order to create a blind trust which qualifies for exclusion from the wholesale dissolution and disclosure requirements already provided by the code insure that the trust is, in fact, blind and that the Senator cannot learn the identity of the corpus after its creation. The trust must be irrevocable for the term of the Senator's service, the trustee must be truly outside the direct or indirect control of the Senator, and the term of the trust must insure its blind character.

The amendment further requires that the existence of this blind trust be publicly disclosed and from this requirement it gains the name, "publicly disclosed blind trust." A copy of the trust agreement must be filed with the Secretary of the Senate; the original contents or the trust must be disclosed by source and amount, and affidavits must be submitted to the Secretary of the Senate by the Senator and the trustee certifying that the Senator will not have knowledge of the contents of the trust in the future.

Mr. President, this amendment satisfies the concerns expressed by the special Committee on ethics regarding the use of blind trusts. Specific guidelines are provided for and disclosure of the trust and its terms are mandated. These problems being alleviated, I encourage my colleagues to support the amendment to facilitate our efforts to prevent conflicts of interest.

Mr. NELSON. Will the Senator yield for a question?

Mr. NUNN. I am glad to yield for a question.

Mr. NELSON. I do not have the proposal of the Senator from Oklahoma in my hand at the moment. Does it require a mandatory turnover of some of the assets in the trust?

Mr. NUNN. As I understand it, and the Senator from Oklahoma could better address this question than I can, as I understand his amendment, it would require a disclosure of what is going into the trust before a blind trust is created. As for the asset turnover, I believe it does provide for a diversity of assets.

I defer to the Senator from Oklahoma for the answer to that specific question.

Mr. BARTLETT. It requires that what goes in be diversified. It would be re-

viewed by the Committee on Ethics. It requires a study which would include, in addition to a broad general study, a study of the turnover itself, whether or not there should be a certain turnover of the assets of the trust, and what the tax implications of that action would be. It does not require that turnover, but it does require a satisfaction of the Ethics Committee concerning the makeup of the diversity of the investment.

Mr. NELSON. Does the Senator then put upon the Ethics Committee the burden of deciding whether the holdings of a Member who has placed his assets into a blind trust are sufficiently diversified? And if they decide they are not sufficiently diversified, does the Ethics Committee then direct the trustee of the blind trust to sell?

Mr. BARTLETT. Let me point out, for example, that a person might have 90 percent of the investments, perhaps, in one company, one in which he or his family had considerable influence, and 10 percent scattered among several companies. This could be an existing situation.

Mr. RIBICOFF. I wonder if the Senator would yield?

Mr. BARTLETT. In that case, I think the Ethics Committee might decide that it was really not a blind trust, that the trustee would not, in a sensible approach to that investment, sell it.

Mr. NELSON. What is, then, the consequence?

Mr. BARTLETT. The consequence would be that the Senator would have to have that taken out of the blind trust.

Mr. NELSON. And just have a public disclosure?

Mr. BARTLETT. A public disclosure of that.

What that would do for some people is they would have only one investment there to worry about as to whether they might or might not have a conflict of interest. As far as the balance of that trust would be concerned, it would be diversified.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. BARTLETT. I yield to the Senator from Georgia additional time.

Mr. NUNN. Since we have a discussion going on this which would be more meaningful than for me to make a statement, I suggest that we can better consume the time in a dialog.

Mr. RIBICOFF. Will the Senator from Wisconsin yield me 5 minutes or so?

Mr. NELSON. Will the Chair advise the Senator from Wisconsin what time allocations are left?

The PRESIDING OFFICER. The Senator from Wisconsin has 40 minutes; the Senator from Oklahoma has 2.

Mr. NELSON. I yield 5 minutes to the senior Senator from Connecticut.

Mr. RIBICOFF. Mr. President, the Senator from Oklahoma and those who have spoken for his amendment do make a lot of sense. They have done an excellent job trying to draft an amendment to solve the problems of a blind trust. Unfortunately, there is no such thing as an accepted legal requirement for a blind trust or what is truly a blind trust. My feeling is that each of those who have spoken has a different blind trust from the other. I, too, have all my assets—practically all my assets, all personal ones—in what I consider a true blind trust. But when the committee discussed this—we did not have any hearings—we realized the gaps that existed.

Personally, I feel that there is a vehicle such as a blind trust that could be used properly in the whole question of disclosure and the whole question of conflict of interest. I would like to see a common statute or a rule that would apply the same standards to the executive branch, the judicial branch, and the legislative branch.

As the Senator from Missouri pointed out this morning, we had hearings in the Finance Committee concerning major appointees to the executive branch, and when the chairman of the Finance Committee asked about conflicts of interest, the nominees said they had satisfied the requirement by forming a blind trust after discussion with the staff of the Finance Committee and the counsel to the White House.

What worries me is that if at this stage we adopt the amendment of the Senator from Oklahoma, we place ourselves in the position that we are trying to have a loophole for a small group of Senators who have blind trusts, and this would be perceived, and I think properly so, as some Senators trying to get an edge or advantage over other Senators.

Since we are trying to treat all the problems here with some sense of evenhandedness or equity, I think it would be wrong to use the Senator's amendment at this stage.

I do feel that there should be hearings. I do feel that we should address ourselves to all three branches of Government. After hearings concerning all three branches of Government, if we feel that the device of a blind trust is proper and does the job we seek to achieve, then we should come out with a statutory regulation equally applicable to the Senate, the House, the judicial branch, and the executive branch of our Government.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. RIBICOFF. I am pleased to.

Mr. DOMENICI. How long does the Senator think it will be before we have this law he referred to that would treat them all the same way by law?

The PRESIDING OFFICER. It is the time of the Senator from Wisconsin.

Mr. NELSON. I yield 5 minutes.

Mr. RIBICOFF. My feeling is that this could be done under instruction from this body in ample time before the May 15, 1978, deadline arrives.

I would say that without question it should be done before we adjourn this year.

Mr. DOMENICI. Then the Senator is saying that those who have a blind trust problem—if what he is saying occurs—would have a statute adopted which would then mean they could look at their blind trust versus that statute before the effective date in this bill?

Mr. RIBICOFF. That is right.

I think we could draw an amendment that would not require dissolution of the blind trust, but keep it in existence until the May 15, 1978, date.

My feeling is that we could act long before that date definitively, one way or another.

The decision may be to reject the use of blind trusts completely. On the other hand, it is possible to come up with a proposal to allow blind trusts to be acceptable under rules and regulations after hearings, that there would be a sense of uniformity, that we could measure the blind trust against the standards adopted and that the standards would apply equally through all branches of Government.

My feeling is that the executive branch would welcome this type of action by the Congress because there is concern in the executive branch as to what is or is not a blind trust.

Mr. NUNN. If the Senator will yield for a brief observation to follow that question, the Senator makes a good point, I think, on a matter that needs an awful lot of study.

I think the Senator from Oklahoma has done a remarkable job of drafting a statute which, on first appearance, as far as this Senator is concerned, addresses the problem very comprehensively and completely.

The difficulty I have with the Senator's proposal, it may be we could draw something out here, is that what we have is a Senate rule that will be on the books when we pass it saying the blind trusts have to be terminated.

Several people in the Senate have what we call irrevocable trusts that can only be broken by going to court.

Anybody that has been to court knows if we are going to have something done by May 15, 1978, we have to start court suits almost immediately, because of the dockets, because of the delays, and so forth.

Then what we would be doing is requiring Senators to proceed in the near future to go to court to break irrevocable trusts, and then we would be depending on a law passing.

We know the Government Affairs Committee, based on the Senator from Connecticut's assurances, would act with dispatch in this regard. But assume the Government Affairs Committee passes the comprehensive law, and assume the Senate even passes it on this subject, then it would have to go to the House of Representatives. The House of Representatives would have to agree to it, and I would say there is a strong likelihood we would never get it done this year, even though the intent would be good.

So I offer this suggestion. Why could we not strike the present provision in the rule being proposed so we would not have a presumption that a blind trust is going to be basically unethical by May of 1978, unless we pass a law saying otherwise, and let blind trust remain in effect, not subject to the disclosure law until such time as the Congress acts definitely on this subject?

This would put the burden where it needs to be and that is on the Congress to address this issue.

If we go as the Senator has outlined,

it will put the burden on strictly a few people who have blind trusts to get the entire U.S. Congress to act in accordance with its expressed intention, at least here on the floor.

So I think it ought to be up to Congress to pass a definitive law, addressing this subject for both the executive and legislative branches.

Mr. RIBICOFF. My response is a very pragmatic one. I have not the least idea how many in this body have blind trusts. But my guess is that it represents a small minority generally, and I think I would not want to personally be in the position of the Senate making an exception for me.

I think those of us who have blind trusts could be legitimately criticized that we are not disclosing what we have and expecting full disclosure from our colleagues.

The PRESIDING OFFICER. The additional time has expired.

Mr. NELSON. Five more minutes.

Mr. RIBICOFF. I think that it would place us all in a very untenable position, practically speaking and frankly speaking.

My feeling is that the Senator from Oklahoma, with the small time allowed to him when we consider that this was done overnight, has really drafted a pretty good—and I say a very good—proposal.

But there should be, I think, an input from the executive branch.

I do know that the House intends to act by September first on statutory proposals on the whole problem of conflict of interest. That means whatever they do would be statutory and it would not take effect until the Senate acted as well. If they do not act on the blind trust, it would have to go to conference and, of course, the Senate input would have great meaning. In addition, I know that the executive branch is interested in the problem of blind trusts. There is no question they would testify and they would have an input on the problem of blind trusts.

My trust is irrevocable as long as I am a Member of the U.S. Senate. I do feel that public policy would allow the taking away of the provisions making a trust blind once a body such as the Senate declares that that is required.

Mr. NUNN. But you have to go to a court of equity.

Mr. RIBICOFF. The Ethics Committee has an additional 90-day extension if, for some reason of hardship, one cannot comply by the May 15 deadline. So that would provide almost a year and a half to go through legal proceedings to break the blind trust if the trustee felt that he needed a court action. I imagine that a court of equity, under the circumstances, could move rather rapidly to declare it revocable if we could not come to a definitive action by May 15.

I would have to oppose the Bartlett proposal, even though I understand what he is trying to achieve and I understand the good faith with which he proposes it. In my opinion, every Senator who has a blind trust has acted in good faith in creating the blind trust.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. BARTLETT. The Senator said that the effect of the Bartlett amendment would be to make an exception for certain individuals. I do not believe that is what it really does. I think that the Bartlett amendment faces up to what really was the main thrust of the whole disclosure section, and that is to eliminate conflicts of interest. It provides a mechanism for doing that. I think it is available to anyone who feels that he has such a conflict of interest.

Some people would come to the conclusion that they do not have a conflict of interest; but I think that one of the proper goals and the highest goal of this ethics measure is to provide a mechanism for any Senator—for all Senators, if they wish—to eliminate a conflict of interest.

So this amendment puts additional constraints and parameters on what is just an irrevocable blind trust, publicly disclosed. It makes certain requirements which might go 70 percent or 90 percent of the way.

Mr. NUNN. Would every Senator, under the provisions of the Bartlett amendment, be entitled to the same treatment?

Mr. BARTLETT. Yes.

Mr. RIBICOFF. I do not think it would work out that way. Those Senators with substantive interests would have a blind trust. The others would not, and they would feel that they were being discriminated against because they were actually disclosing all they had.

There is deep feeling in this body on this entire issue, as indicated by the proposals of my colleague from Connecticut, Mr. WEICKER, Senator MUSKIE, and others who have felt that what we have done is that we have taken the wrong road, and they are unhappy with the entire rule.

The Nelson committee has worked hard and long in trying to get a fair proposal. My feeling is that the majority in this body would feel that advantage was being taken of them in behalf of those Senators presently with a blind trust, even though their intentions were legitimate. Those blind trusts were created long before this issue was raised.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. NELSON. Mr. President, how much time does the Senator from Wisconsin have?

The PRESIDING OFFICER. The Senator from Wisconsin has 25 minutes.

Mr. NELSON. Mr. President, I have not had a chance to study the proposal by the Senator from Oklahoma, and I am not a trust lawyer, anyway. However, in a casual glance at it, I endorse what the Senator from Georgia and the Senator from Connecticut said—that it is quite a job to have been put together in a very brief period of time. Nevertheless, as an amendment, it simply wipes out the proposal of the committee that blind trusts be dissolved; and it may very well be that, on the merits of the proposal, it should be removed. As of this time and with this opportunity to look at it, I would have to say that I would vote against the proposal.

However, I am mindful of the problem it creates: What happens if we agree to the resolution as is and then Members who have blind trusts were required to dissolve them, and if subsequently it was decided that the device of a blind trust was a perfectly valid alternative for a Member—as apparently the executive branch is now doing. What happens if we then followed with a statute saying that we hereby authorize blind trusts that meet certain standards, such as disclosure of what went into the blind trust and disclosure of the trust instrument and all such matters, then we put the Members who have dissolved their blind trusts to the expense and problem of going back and creating a new blind trust. I am aware of that, and I do not think we should do that.

I believe that the Senator from Missouri may be prepared to offer an amendment, which I have looked at and which I support. I think it deals with the matter quite fairly. That proposal, if offered by the Senator from Missouri, I would support. If not offered by the distinguished Senator from Missouri, I would offer it myself.

It would provide that the Government Affairs Committee—and the chairman is here—would study the problem for 180 days. If they conclude from their hearings that a blind trust is an alternative that is desirable, they would report within 6 months, setting all the standards for a proposed rule, which the Senate would then work its will upon. If, in fact, they reached a different conclusion, then the section which dissolves the blind trusts would remain in effect.

I have come to the conclusion, after looking at it, that it is pretty likely—and I am not on the committee—that they can establish standards which disclose everything going into a trust and which create standards for a blind trust. That would be just 6 months from today.

I would be prepared to support that. But I must say that, without the opportunity to study it in some depth and to talk with committee members, I am not prepared to amend the resolution to eliminate the provision which requires their dissolution.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. CRANSTON. Mr. President, I think that all the Senators speaking on this matter have made quite valid points in regard to the problems created by the blind trust provisions of this bill and to the difficulty in making changes that are greatly detailed and which respond to the problem of blind trusts set up presently by certain Members.

Senator NUNN makes a most valid point. He is saying that, on the one hand, we have been requiring people in the executive branch and elsewhere to set up blind trusts. On the other hand, for Members of this body, we are requiring disclosure to avoid conflict of interest.

He and others have set up blind trusts so that they will not have any conflict of interest. Now we are requiring that the blind trusts be dissolved and that whatever is in there be revealed.

Senator NUNN does not know what is

in his trust. If the assets in the trust are revealed at some point, it could be embarrassing to him, because something could be held by his trustees that could create an apparent conflict of interest. Obviously there is no conflict of interest now, because he does not know what is there. However, when it is revealed, then he could find himself in a conflict of interest situation.

That is an absurd situation to impose upon Senator NUNN or any other Member of this body. Most of all, it is absurd to impose it upon people who deliberately took steps to protect themselves and to live up to the highest concepts of the public trust that someone assumes when one enters this body.

It is important to resolve this matter in ways that do not needlessly embarrass Members of this body, that do not require disclosure of facts that should not be disclosed and are not required to be disclosed, and that are consistent with applicable practice.

For all these reasons, I think that the best approach before us is the one offered by the distinguished Senator from Missouri (Mr. DANFORTH). He at least seeks to shift some of the burden to come up with an answer in time to resolve the practice in a decent way from those who have blind trusts and who face possible difficulties and embarrassment by needless disclosures onto this body and its committee structure.

I do wish to thank the Senator from Oklahoma, who made a very fine effort in a short time—one that I would have been glad to support but one which obviously will not be accepted by this body at this time.

Given that fact, I urge that the amendment by the Senator from Missouri be made available as one that we may vote on. I believe it will resolve the matter in the best way, taking into account all the views expressed by Senator NELSON, Senator RIBICOFF, Senator THURMOND, and those who hold other views of this matter.

Mr. DANFORTH. Mr. President, I have sent to the desk a substitute for the amendment offered by the Senator from Oklahoma and I ask for its immediate consideration.

Mr. BARTLETT. Mr. President, will the Senator withhold that request?

Mr. DANFORTH. Yes.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. NELSON. Yes, I will yield whatever time the Senator from Oklahoma desires.

The PRESIDING OFFICER. Until the time has expired on the amendment of the Senator from Oklahoma it will not be in order to report the other amendment.

Mr. CRANSTON. The Senator can yield back his time, however, when he chooses.

The PRESIDING OFFICER. Correct.

Mr. BARTLETT. Mr. President, will the Senator yield for a question? The Senator has proposed an alternative which is far superior to the provisions of the resolution.

The Senator advised me privately that the committee suffered from constraints of time and, hence, did not have the opportunity to have full hearings on blind trusts, so I recognize that problem.

But what was hard for me to recognize, and why I feel this amendment is superior to the alternative that has been suggested by the Senator from Wisconsin, is that the conclusion was reached without hearings that blind trusts were bad, that they should be condemned and just outlawed, and a member who had one forced into a hiatus where he would at some point have to appear before the courts to have set aside an irrevocable trust, which would mean he was then asking the court to permit him to break his word.

So it seems to me since these were entered into in good faith, and because we have had a chance to discuss the requirements that should be in a blind trust at some length over several days, and because this amendment I introduced does provide these restrictions—certainly not all probably that should be provided, but certainly every one I think there was any agreement on—we then have that be the law or be the effect of it, be the will of the Senate come May of 1978, because I have true concerns that were very ably expressed by the Senator from Georgia that it was going to be very difficult for both Houses of Congress to not only discuss the problem of conflicts of interest and blind trusts as far as the Senate is concerned, but to do so also with the House, to reach a consensus and then to consider the blind trust aspects of the executive branch and judicial branch, because those may be quite a bit different, and it is going to be a much bigger job.

However, with this resolution in the interim we continue the blind trust as a proper means of avoiding conflicts of interest, yet we reserve the right to make any change that needs to be made. But it does not put a Senator in the embarrassing situation that the Senator from California just talked about, and which I think everyone who has a blind trust has thought about, the embarrassment that will take place when his irrevocable trust which he signed and said, "I am not going to change it until I leave the Senate," and then he appears before a court and asks to have it broken, and then also discloses the contents and have the embarrassment that may come from that.

Then, maybe at a much later date we can have a vehicle for an improved blind trust. I think by that time the Senator would be very discouraged and distraught and probably not the least bit interested in a blind trust and in really trying to avoid a conflict of interest.

I would like to point out this resolution does not terminate conflicts of interest. It just focuses attention on them, so there will be pressures in that direction. But there still must be a way, I think, for a person who has investments to make to make sound investments, and to avoid a conflict of interest. If it is the consensus of the Senate that we do not want Members of the Senate to make those kinds of investments, then I think it should express itself very loudly and very clearly on that so that Members of the Senate will really know the parameters of conflict of interest as seen by the Senate.

So I feel the compromise is superior to the resolution. But I think it does not handle the problem of dealing with the conflict of interest in the interim in a proper way, and in providing some assurance until there is a decision reached that a blind trust is an appropriate and proper means of avoiding a conflict of interest.

Mr. NELSON. Let me say, if I may, neither this Senator nor anyone else I know of have said that blind trusts are bad. I have never reached such a conclusion.

I do not have my opening statement here, but in the introduction of the resolution I very specifically said there are Members who have blind trusts; and that it has been a traditional practice to use the blind trust.

What we did say in the report was that there are no established standards for what is a blind trust.

Mr. RIBICOFF. Mr. President, will the Senator yield at that point?

The distinguished chairman invited anyone who wanted to testify to testify, including Members of the Senate.

To my knowledge, there was no testimony whatsoever on blind trusts except one question I asked the representative of Common Cause:

One other comment: You would then advocate the elimination of all blind trusts?

They went on and said unless it was a true blind trust, unless there were some rules and regulations, they would be against it, and that was the sum of all the testimony on blind trusts.

It is unfortunate that those with blind trusts, that those with that point of view, did not avail themselves of the chairman's invitation.

It could very well have been that if a case had been made before the committee by the Members on the floor today, we would have gone deeper into the problem of blind trusts, but that did not happen.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. NELSON. For a question?

Mr. BARTLETT. Yes.

I would point out that at the top of page 12, line 3, it says:

it is the sense of the Senate that trusts established for the purpose of being 'blind trusts', whether revocable or irrevocable, shall be dissolved by the creating party to permit the disclosures required by this rule.

So I think we are expressing here a condemnation of a blind trust, and I think this is certainly uncalled for, particularly because there were no hearings to establish a position of reason that would condemn blind trusts.

Mr. RIBICOFF. Mr. President, if the Senator will yield further, the fact that the chairman has indicated a willingness to take the so-called Danforth substitute indicates the committee feels, after this debate, that there is some basis for full and complete consideration of this issue, with full hearings.

So if the Senator feels bad about what

was an implied condemnation, that is not really accurate, as far as the committee and the Senate as a whole are concerned, because the chairman is indicating he is willing to have this problem gone into in depth.

(Mr. MORGAN assumed the Chair at this point.)

Mr. NELSON. May I say that the provision in the resolution for dissolution of blind trusts does not by my interpretation mean a condemnation of that practice, any more than the fact that some Senators have disclosed their tax returns represents any condemnation of those who have not. Nor is the fact that we are including in here toward a category-by-category proposal for disclosure suggest a condemnation of anybody who in the past has not done that.

The issue was raised. We held hearings and we sent a letter to all Senators, inviting testimony from everybody, and disclosure was one of the items mentioned in the letter. The issue was raised and, two members of the committee, in fact, do have blind trusts, so they were aware.

It was discussed—a little bit more than that, I might say—since we were on the issue of disclosure. The House did spend time on the issue, and the House concluded that full disclosure of everything rather than blind trusts was the route they wanted to go. Given the fact that they had studied it, I must say that I personally leaned toward going that way also.

After looking at the problem more in detail, I now conclude that possibly we were not correct. So we have a situation in which the House of Representatives has a rule to dissolve blind trusts. We also have a situation in which the Preyer commission is going to translate into a proposed statute those items of the Obey commission code as well as other items that will be considered by the Preyer committee. We may very well be in a situation in which a statute comes over which uses the Obey commission approach on blind trusts. So we may be presented with a statute on dissolving blind trusts, and if we adopt the proposal of the Senator from Oklahoma we will have passed another resolution here saying that blind trusts are OK, if they meet this standard. I think we will be in a better posture, from all standpoints, to have the Governmental Affairs Committee, of which Senator RIBICOFF is chairman, go into this matter, for 6 months provided in the proposed amendment of the junior Senator from Missouri. That committee will report 6 months from now and if they propose a standard and the Senate accepts the standard, then that is our rule.

And I would suspect that if the House of Representatives then sent over a statute that might very well be an issue on which we would not come to agreement.

Mr. WALLOP. Mr. President, will the Senator yield for a question?

Mr. NELSON. I yield.

Mr. WALLOP. It seems to me, and I agree with the Senator from Wisconsin, that something has to be done to resolve this. But if he will refer to Resolution 110 on the bottom of page 10 and top of page 11 there is an unresolvable internal conflict with this language as it exists now. And if I could read it for the Senator, it says:

"(d)(1) The holdings of and income from a trust or other financial arrangement, whether 'blind' or not, whether or not created by or under the control of the reporting Senator, * * *

And I will skip the language intervening.

* * * must be publicly reported according to the provisions of paragraph 2, except that the identity of the holdings and the sources of a trust's income need not be disclosed if—

"(A) the trust was not created directly or indirectly by the reporting individual, his spouse, or dependents, * * *

It is impossible to comply with both those situations.

Mr. NELSON. I guess I do not quite follow that. Which two provisions are in conflict?

Mr. WALLOP.—

"The holdings of * * * a trust * * * whether 'blind' or not, whether or not created by or under the control of the reporting Senator * * * must be publicly reported * * * except that the identity of the holdings and the sources of a trust's income need not be disclosed if—

"(A) the trust was not created directly or indirectly by the reporting individual, his spouse, or dependents, * * *

It is impossible for those two things to exist.

Mr. NELSON. I can see the point of the Senator from Wyoming. I understand the Senator has proposed a sentence to clarify it semantically.

Mr. WALLOP. I am prepared to so do if something does not pass in here. But I simply direct an inquiry to the Senator from Wisconsin as to whether or not he felt this was a conflict.

Mr. NELSON. On second reading I can see that the interpretation can be made that there is a conflict.

Mr. DANFORTH. Mr. President, will the Senator yield?

Mr. WALLOP. I yield.

Mr. DANFORTH. Will this be corrected, assuming we can work out the rest of the problem, by striking on line 1 of page 11 the words "whether 'blind' or not"?

Mr. WALLOP. No, I do not think it will. If it is all the same, I prepared that amendment and will submit it later.

Mr. NELSON. May I suggest to the Senator from Wyoming, if the Senator from Missouri is going to call up his substitute, let us act on the amendment and then deal with this material, either now or after staff can look at it and review it.

Mr. WALLOP. I am prepared to do that. I simply wished to get the feelings of the Senator from Wisconsin as to whether or not this did create a problem.

Mr. NELSON. I can see the point the Senator is making. I think the Senator is correct.

Mr. WALLOP. I thank the Senator.

Mr. BARTLETT. Mr. President, I wish to have the attention of the Senator from Wisconsin and the Senator from Connecticut. I do thank them very much for their consideration of the amendment that I introduced and for their understanding of the problem that does exist for those who in good faith entered into blind publicly disclosed irrevocable trusts. I certainly see the greater value achieved by the proposed amendment that will be offered in just a minute by the Senator from Missouri. So, before asking unanimous consent to withdraw my amendment, I do wish to thank very much the two floor leaders and all those who contributed to this dialog, because I think it will be very helpful when hearings are heard and when the appropriate committees are dealing with this problem.

So, Mr. President, I ask unanimous consent to withdraw my amendment, and I yield back the remainder of my time.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. NELSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Under the previous order, the Senator from Missouri (Mr. DANFORTH) is recognized to call up an amendment on which there shall be a 30-minute debate to be equally divided and controlled.

UP AMENDMENT NO. 87

Mr. DANFORTH. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. DANFORTH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, delete lines 5 and 6 and insert in lieu thereof the following: "or irrevocable, shall be dissolved or amended by May 15, 1978, by the creating party to permit the disclosures required by this rule unless, prior to that date, the minimum requirements for a blind trust are defined by a rule of the Senate or by statute and the trust involved meets the requirements of that rule or statute."

On page 53, between lines 19 and 20, insert the following new section:

"SEC. 310. (a) The Committee on Governmental Affairs shall review the desirability of establishing rules and regulations for the establishment and maintenance of 'blind trusts', or other similar financial arrangements, by high-level government officials (including Members, officers, and employees of the Senate) during their period of governmental service.

"(b) The committees shall report the results of their review under subsection (a), together with their recommendations to the Senate within one hundred and eighty days after the day on which this resolution is agreed to.

(c) The recommendations of the Committee on Governmental Affairs shall be referred to the appropriate committee for a period not to exceed 60 days.

On page 53, line 20, strike out "Sec. 310," and insert in lieu thereof "Sec. 311."

Mr. DANFORTH. Mr. President, the terms of this amendment have been twice described very clearly by the Senator from Wisconsin. Therefore, I do not know there is much more to say about it. It provides, in substance, that the terms of the resolution, as now stated, will remain in existence unless changed by rule or by statute with re-

spect to blind trusts, but it also provides that the Committee on Governmental Affairs will consider the desirability of a rule or a statute dealing with the problem of blind trusts and approaching the matter not only from the standpoint of the Senate but also from the standpoint of the three branches of Government, Congress as a whole, and the executive and judicial branches as well, that the Governmental Affairs Committee will report its findings in no more than 180 days, and that the matter will then be referred to the appropriate committee of the Senate for not more than 60 days. That is the substance of the proposed amendment.

Mr. NELSON. Mr. President, we have discussed this proposal over the period of the last 2 days. A number of Senators have looked at it. I think the amendment accomplishes exactly what we were discussing. It directs a report within 6 months on the desirability of blind trusts and, if the committee recommends a rule and standard for blind trusts and the Senate adopts it, that would substitute for the provision in the committee rule which requires the dissolution of the blind trust.

If they do not, then by May 15 the requirements for dissolution that are in the resolution would have to be met.

I think this is a good approach. I think it will give us a chance to have the benefit of some careful hearings, some testimony and evaluation by qualified trust authorities, with adequate time to report back. Since the chairman of the committee that will handle it is here and has said on the floor that that is what they would do, I am perfectly happy to accept the amendment if there is no objection from anyone.

Mr. THURMOND. Mr. President, I think the distinguished Senator from Missouri has offered a good amendment here. It goes to the Governmental Affairs Committee, where both sides can be heard, Senators can be heard, and the committee can then bring out a recommendation that would be considered by the Senate. That would appear to be a sound procedure.

Mr. NELSON. Mr. President, I yield back the remainder of my time.

Mr. DANFORTH. Mr. President, do I understand that the amendment has been agreed to?

Mr. NELSON. Yes; I will move for adoption of the amendment.

The PRESIDING OFFICER. Do both sides yield back the remainder of their time?

Mr. DANFORTH. I would just simply like to express, Mr. President, my appreciation to the Senator from Wisconsin, the Senator from Connecticut, and the Senator from Oklahoma for their very good counsel to this freshman Member of the Senate during the last 2 or 3 days on this matter.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Maine (Mr. HATHAWAY) is recognized to call up an amendment on which there shall be 1 hour of debate, to be equally divided and controlled.

The amendment will be stated.

UP AMENDMENT NO. 88

Mr. HATHAWAY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Maine (Mr. HATHAWAY) proposes an unprinted amendment numbered 88:

On page 45, line 8, after 'his own conduct,'—

Mr. HATHAWAY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 45, line 8, after "his own conduct," insert the following: "the conduct of any officer or employee he supervises, or the conduct of any employee of any officer he supervises,".

On page 45, line 10, after the period, insert the following: "For purposes of this subparagraph, a Member of such Select Committee shall be deemed to supervise any officer or employee consistent with the provision of paragraph 12 of Rule XLV of the Standing Rules of the Senate.".

Mr. HATHAWAY. Mr. President, this first amendment I understand the manager of the bill will accept. The amendment requires that members of the Select Committee on Ethics shall disqualify themselves from participating in any review or investigation dealing with the conduct of officers or employees under their supervision. I think this amendment can be readily disposed of before I begin to discuss the more controversial amendment I intend to call up next.

The code, as presently drafted, requires that members of the committee disqualify themselves only from consideration of complaints dealing with their own conduct or of complaints they themselves have filed.

In order to insure fair and equitable treatment of all officers and employees and to protect the committee and its members from any charges of bias or favoritism, it makes a great deal of sense to require automatic disqualification of Members whenever charges are leveled against any individuals they employ.

Unless this disqualification procedure is automatic, the potential for conflicts and apparent conflicts is obvious. Members who chose not to exercise their discretionary authority to disqualify themselves would risk being charged with fixing the case, in the event that charges against their own employee were dismissed. And Members who stepped aside under the discretionary authority would risk being charged with avoiding their duty to serve to the fullest extent possible on the committee. In addition, Members who chose to participate in cases directly involving their own employees could adversely affect the scope and direction of the investigation, whether intentionally or unintentionally.

If the Ethics Committee is going to act as a quasi-judicial body with regard to charges brought before it, it is important that it follow the rules generally applied to such bodies, and scrupulously avoid any conflicts and apparent conflicts. This amendment will insure that this goal is achieved and that the integrity of the committee and the Senate as a whole is preserved.

Mr. NELSON. Mr. President, do I understand that this amendment by the Senator from Maine is that if an employee or staff member of a member of the Ethics Committee is the subject of a complaint under the provisions of the rules of conduct, the Senator employing that staff member must disqualify himself from participating in the proceeding?

Mr. HATHAWAY. The Seantor is correct.

Mr. NELSON. I have no objection to that. I would think that is what the Member would do. So I am perfectly willing to accept that amendment.

Mr. President, I yield back the remainder of my time.

Mr. HATHAWAY. Mr. President, I yield back the remainder of my time on that amendment.

Mr. CHAFEE. Mr. President, has this first amendment been adopted?

The PRESIDING OFFICER. The Senate is about to act. All remaining time having been yielded back, the question is on agreeing to the amendment.

Mr. CHAFEE. Mr. President, I would like——

The PRESIDING OFFICER (putting the question). The yeas have it. The amendment is agreed to, and the Senator from Rhode Island is recognized.

Mr. CHAFEE. That went a little fast.

Mr. NELSON. Did the Senator——

Mr. CHAFEE. I have no objection, but I just wanted to make sure Senators understood that. As I understood, it only provided that if a staff member of a member of the Ethics Committee is brought before the Ethics Committee, that member cannot vote on that particular matter.

Mr. HATHAWAY. That is correct.

Mr. NELSON. Yes; I did not intend to move it that quickly. I believe this is a standard that we would follow without a rule.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. DOLE. This being a full-time body, I just wanted to check and see what it did.

Mr. NELSON. Does the Senator wish me to yield on that particular point?

Mr. DOLE. No; after looking around, I do not believe there is any necessity.

Mr. HATHAWAY. Has that amendment been voted upon?

The PRESIDING OFFICER. The amendment has been agreed to.

Mr. HATHAWAY. Mr. President, I send another amendment to the desk.

The PRESIDING OFFICER. The Chair is advised that under the previous order, the Senator from New Hampshire (Mr. DURKIN) is to be recognized to call up an amendment, on which there is to be 2 hours of debate. The Senator from Maine had an order to be recognized for one amendment.

Mr. HATHAWAY. In my informal dis-

cussions with the floor manager, he agreed to accept this amendment we have just adopted, and that the hour would be left to me to bring up the more controversial amendment.

Mr. NELSON. The time was yielded back.

Mr. HATHAWAY. That was on the amendment which we agreed would not count toward the time limitation.

The PRESIDING OFFICER. Is there objection to the Senator from Maine offering another amendment at this time?

Mr. BIDEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BIDEN. Can the Senator from Maine tell us how long he is going to be on the second amendment, how much time?

Mr. HATHAWAY. If the Senator will yield, I do not intend to discuss it, myself, more than half an hour, but we have an hour reserved, and I think it is controversial and we may very well use up the entire hour.

The PRESIDING OFFICER. Is there objection?

Mr. DURKIN. Mr. President, reserving the right to object, what is the question?

Mr. ALLEN. The question is whether to let him go ahead of you or not.

The PRESIDING OFFICER. The Chair is advised that unless there is an agreement otherwise, there would be 2 hours allowable on that item, because there was 1 hour allowable under the previous order for the other amendment.

Mr. HATHAWAY. I would agree to limit the time to 1 hour.

The PRESIDING OFFICER. Is there objection?

Mr. DURKIN. Mr. President, reserving the right to object, I was up. I have no objection to accommodating my friend from Maine, but I would just like to appeal what has happened.

Mr. HATHAWAY. Mr. President, if the Senator will yield to me, I will be glad to explain what happened. Last night I received an hour for an amendment that was going to be fairly controversial. I had an additional amendment that was noncontroversial; I thought it would be all right, during that hour, to have that amendment accepted before going on to the controversial one, on which I reserved time last night. The noncontroversial one has been accepted, and I requested permission to proceed, because I suppose technically I am not now covered for the required period of time.

The PRESIDING OFFICER. The Senator from Maine is correct.

Mr. DURKIN. Then subsequent to that hour, will we proceed to the amendment that Mr. BIDEN and I have offered?

The PRESIDING OFFICER. Is there objection to the Senator from Maine offering another amendment on which there is a time limitation of 1 hour, then to be followed by the Senator from New Hampshire?

Mr. NELSON. Mr. President, the Senator from Wisconsin would like to know, before we take the amendment out of order, what the proposal is. I noticed that the Senator from New Hampshire said that he would like to get a feel of what was going on. I would like to suggest to the Senator from New Hampshire that the actions of the Senator from Maine are so smooth that very frequently you do not feel anything until you try to turn your head. So I would like to know what is in the proposed amendment before I consent to taking it out of order.

Mr. HATHAWAY. This is a rather innocuous amendment which clarifies the definition of earned income in proposed rule 44.

Mr. NELSON. Is it addressed to the earned income section?

Mr. HATHAWAY. Yes. It relates to the language on page 25 and then to one of the exceptions listed on page 26, to wit, the family enterprise exception.

Mr. CHAFEE. Does this amendment have a number?

Mr. HATHAWAY. It is an unprinted amendment, but I have copies which I will be glad to distribute to those interested.

Mr. NELSON. I realize now what the Senator is addressing himself to, as I understand it. It is using that earned income definition from the House language. Is that correct?

Mr. HATHAWAY. The Senator is correct.

Mr. NELSON. We have been discussing that issue off and on, trying to work something out, which we have not yet concluded. I would advise the Senator that, as I read this amendment, the Senator is traveling in a different direction from which I have been traveling.

Mr. HATHAWAY. The Senator from Maine anticipated that earlier in the day. I was quite surprised by the committee's direction, and that is why I am offering the amendment.

Mr. NELSON. Would the Senator rather have it voted upon in the next hour or wait until after the Senator from New Hampshire presents his amendment and have it voted upon then?

Mr. HATHAWAY. Is the Senator indicating we might be able to work out some agreement by deferring it?

Mr. NELSON. It would be helpful if we had a chance to discuss it. We are trying to resolve the problem which the Senator is raising. Maybe we can resolve it and maybe we cannot.

Mr. HATHAWAY. I would be glad to follow in whatever place on the roster I am given to present the amendment.

Mr. NELSON. Before we conclude tonight there may be another unanimous-consent agreement to take up amendments in a certain series and we could include the Senator's amendment in the list for tomorrow.

Mr. HATHAWAY. If the Senator will yield, I would like to know what the order is at the present time.

The PRESIDING OFFICER. The order now calls for the Senator from New Hampshire with an amendment with a 2-hour limitation; the Senator from Kentucky with an amendment with a 2-hour limitation, and the Senator from New Mexico with an amendment with a 1-hour limitation.

Mr. HATHAWAY. After that, Mr. President, there is no one listed. I could go back to my office until about 11 o'clock tonight.

Mr. NELSON. We could agree to take up the amendment of the Senator at 11 o'clock tonight.

Mr. HATHAWAY. If the Senator thinks we can work this out in the next hour or so, I would be glad to do so. I would relinquish my time now if the Senator believes we can work out some language in the next hour or so.

Mr. NELSON. I would not want to make any prediction, but the staff and others are addressing themselves to the specific area this amendment addresses. I think it might be helpful if it were delayed until tomorrow.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that I be allowed to call up my amendment at the end of your list with a 1 hour time limitation.

The PRESIDING OFFICER. Is there objection?

Mr. CHAFEE. Wait a moment.

Mr. NELSON. I do not think we can engage in a unanimous-consent agreement on specific amendments right now. The Senator will be guaranteed the opportunity to call up his amendment. The leader may already have some agreements of which I am not aware. Will the Senator withhold his request? He may be assured that when the time comes, if he desires to bring up his amendment, he may. I think an amendment will be offered. It may very well be that at the appropriate time, if agreement is not reached on this issue, the Senator from Maine may want to offer his amendment as a substitute to whatever is proposed. We can work it all out at the same time.

Mr. CHAFEE. Very well.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized to call up his amendment.

AMENDMENT NO. 124

Mr. DURKIN. Thank you, Mr. President.

Mr. President, I call up amendment No. 124, which is proposed by myself and Mr. BIDEN.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. DURKIN), for himself and Mr. BIDEN, proposes amendment No. 124.

Mr. DURKIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 25, line 19, insert the following:

(c) A Senator shall not receive any honoraria from any person, organization, or corporation having a direct interest in legislation before the Congress or from any foreign national.

(d) For purposes of subparagraph (c), only the following shall be deemed to have a direct interest in legislation before the Congress:

(1) a person, organization, or corporation registered under the Federal Regulation of Lobbying Act of 1946; a person who is an officer or director of such a registered lobbyist; a person who has been employed or re-

tained by such a registered lobbyist for the purpose of influencing legislation before the Congress; or

(2) a corporation, labor organization, or other organization which maintains a separate segregated fund for political purposes (within the meaning of section 321 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b)), a person who is an officer or director of such corporation, labor organization, or other organization, or a person who has been employed or retained by such corporation, labor organization, or other organization for the purpose of influencing legislation before the Congress.

Mr. DURKIN. Mr. President, at this time I ask unanimous consent that the time be limited to 30 minutes to a side.

The PRESIDING OFFICER. Is there objection?

Mr. NELSON. I apologize to the Senator from New Hampshire. I did not hear his request.

The PRESIDING OFFICER. The request is that the time be cut from 2 hours to 1 hour equally divided.

Mr. NELSON. That is satisfactory to the Senator from Wisconsin.

Mr. DURKIN. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Hampshire is recognized.

Mr. DURKIN. Mr. President, the amendment is a very simple amendment. It tracks with the theory set forth in the committee resolution.

Mr. President, I am not saying that honoraria are wrong or unethical, per se. I am not saying that honoraria are unethical except in those cases where it influences conduct as a Senator, either in committee, on the floor, or in between.

In many cases, as we have heard in debate in the last 3 or 4 days, there are many situations where honoraria can be perfectly ethical. We are not casting aspersions on any Member, past or present, with respect to honoraria.

But I believe there is a public perception, and we have heard enough about public perception, with respect to how much can be earned by way of outside earned income.

As I say, I believe there is a second public perception. While I do not agree completely that the amount is a major problem, I do think all citizens in America have uneasy moments when they think that Senators are accepting honoraria, speaking fees, fees for writing articles, or receiving funds for their personal use. That is how it is perceived by the citizens back home.

Mr. President, can we have a little order to go along with the ethical conduct?

The PRESIDING OFFICER. Let us have order in the Senate, please. Will those conversing in the aisles take their seats or retire to the cloakrooms?

Mr. DURKIN. I thank you, Mr. President.

I believe the public perception is that in some cases people who have a direct interest in legislation before the Congress are offering honoraria. They feel people are accepting and using funds for personal purposes—funds from lobbyists, funds from people in the political action committees. It speaks for itself that those in political action committees are interested in influencing legislation before the Senate as well as the House.

Our amendment basically states that it is unethical to receive honoraria, speaking fees, or money for articles from those who are registered lobbyists or those maintaining a political action fund.

This was debated quite extensively earlier in the deliberation. At that time, there was an elimination of the provision whereby we could earn more than 15 percent in honoraria if we were to give that to charity. That provision caused some difficulties. That provision, I think, was misconstrued as an attack on charitable giving, which it was not. In any event, we have eliminated that provision from amendment No. 124.

I think that, by the fact that the Senate has limited honoraria, it expresses our concern with the perception that accepting honoraria from those who have an interest may well raise ethical questions. The limit established eliminates the problem to a certain degree. However, I think we should go all the way and make it unethical for anyone to accept honoraria or fees from lobbyists or those with political action funds.

I wish to read from the resolution. On page 22 of the resolution, starting on page 21, with respect to gifts, the resolution that the committee puts forth says:

2. (a) No Member, officer, or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept or knowingly permit his spouse or dependent to accept, directly or indirectly, any gift or gifts having an aggregate value exceeding $100 during a calendar year directly or indirectly from any person, organization, or corporation having a direct interest in legislation before the Congress or from any foreign national.

The committee has recognized the problem and they say you cannot accept a gift from lobbyists or those with political action funds, but you can accept honoraria. I think that in many cases, accepting honoraria from those aggressively pursuing legislation before this body is nothing more than a gift. We have prohibited gifts, we have required that it be made a part of the RECORD if the dinner is $35 or more. Yet you can sit down for a very brief period and pick up a $1,000 fee from the very same groups. If this whole code is an effort to satisfy the apprehension, the justifiable apprehensions of the citizens back home and restore public confidence or begin to restore public confidence in this Chamber, I think the rationale for the prohibition on gifts should be extended to the prohibition or to finding unethical the acceptance of honoraria from lobbyists or those having political action funds.

In reading from the report on page 32, it says:

The second aspect of this provision—

The gift provision I have just referred to—

is more important. Members, officers or employees of the Senate should not accept gifts which they know or should have reason to know were given with the intention of influencing their performance.

I submit nobody has ever offered an honorarium to make an enemy. No group that has offered honoraria has done so to be sure that one would forever be opposed to their legislative proposition. I think if everyone takes a minute to think about it, this would be a much stronger code if we not only perpetuate the limit, but also eliminate the appearance of accepting honoraria and thereby the appearance of unethical conduct, in some cases, by declaring it unethical to accept honoraria from certain sources.

It is a very simple amendment. As I say, it speaks for itself. It has been debated quite at length before and I do not think it needs any further explanation.

At this time, I yield, without losing my right to the floor, to the Senator from Delaware, who has joined me in this amendment.

Mr. BIDEN. Mr. President, I rise in support of this amendment I shall try to be brief, to leave some time to respond to those who may take opposition to this amendment.

I listened with a great deal of interest and amusement last night to the debate on the so-called Muskie amendment limiting the amount of honoraria or lecture fees, whatever term you want to use, that a U.S. Senator was able to accept. Having been one of those Senators that, since I have been here, have made "the limit," I had some mixed emotions watching that debate go on. I finally agreed that the Senator from Wisconsin is correct, that if a line were to be drawn and if we admitted that there should be a line drawn anywhere, $8,600 was as logical a place to draw the line as $25,000. So I supported the Senator from Wisconsin and the Ethics Committee.

But, as I pointed out then, I think we have all missed the mark. We are all looking for an easy way out on the question of honoraria and outside income, because the real issue, it seems to me, if you talk ethics, is conflict. That is the issue. It is not the amount. It is not how much you make, because the whole basis and rationale for this entire bill is that outside income creates a potential conflict, a conflict in time, which I think is a specious argument, or a conflict of interest in that the activity that you are engaged in for financial gain in some way tends to compromise you or prostitute you as a U.S. Senator.

If that is one of the bases for this legislation, then it seems to me inescapable, the conclusion that we should deal with the question of conflict. To do that, we must deal with the question of source, and the source of the honoraria is the only place you can look to to determine whether or not there is a potential conflict.

So, if that is the logic of this bill, which I have been told time and again for the past several days it is, I do not know how we can escape the conclusion that if it is a potential conflict for a lawyer to maintain a practice because he or she may have a client come to him or her who has an interest before Congress, and the only reason that they would come to that Congressman lawyer would be because of the position of that attorney as a Member of Congress, then we must apply the same standard to any

other fee, any other earning that is made by a Member of Congress.

Now, since I have been in the U.S. Senate, which has not been very long, I have applied, from the first day that I came here, the standard that I would accept no fee from a group which, in fact, had a potential interest before the U.S. Congress and/or any group from within my State—a University, for example. It is self-imposed. I never made that public until the day before yesterday, because I think that to make it public sort of impugns the integrity of those who have a different standard, which is unfair.

I do not say that anyone who accepts an honorarium from a labor group, or an AMPAC group, a business group, a chamber of commerce, does anything unethical. I think that, the more I think about this legislation, probably Senator WEICKER was right: We should just have disclosure, period. But we are already into this box. We have taken a giant step forward or backward, depending upon how you look at it, and we might as well do the whole thing the right way. What is good for the goose is good for the gander. If, in fact, we say that there are those potential conflicts from outside income as a consequence of the practice of law or medicine or architecture or anything else, we should apply the same standard to honoraria.

Otherwise, I think we are creating a bit of a sham. So it is very simple, the amendment states that any group which is covered by the Lobbying Act of 1946 or the Federal Election Campaign Act of 1971, section 321, is a group, for purposes of this definition, that a U.S. Senator should not accept honoraria from.

Again we can argue about where the potential conflict lies. We can say there is a potential for conflict in accepting any honoraria anywhere at any time.

I submit we can apply the same argument to earned income and unearned income that we have discussed for the past several days and we come down to the spot that the Senator from Wisconsin arrived at last night saying that we must draw a line somewhere.

So the logical place for the line we have drawn in terms of definition of lobbying groups in the law, since 1946, is the standard the Senator from New Hampshire and I have applied.

So I hope that we go the entire route in this great effort to purge ourselves before the American public to let them know we are all good guys and somehow we want to avoid any potential appearance of conflict. Let us not leave this glaring potential existing after we close up all the other potential conflicts we have.

Mr. DOLE. Will the Senator yield?

Mr. BIDEN. Yes, I will.

Mr. DOLE. I think the Senator and the Senator from New Hampshire probably put their finger on the problem. Once having done that, I assume they are talking about any group that might have direct interest in legislation.

Because of conflict of interest, we could not accept an honoraria from that group. Is that essentially what the Senator's amendment does?

Mr. BIDEN. Essentially.

Mr. DOLE. We could still speak on a college campus or fundraising for our party, be it the Senator's party or mine?

Mr. BIDEN. Yes.

Mr. DOLE. That would be allowed?

Mr. BIDEN. Yes, it can.

Mr. DOLE. I think that is the direction we should be moving, rather than imposing arbitrary limits. But in addition to doing that, the Senator keeps the arbitrary limit.

Mr. BIDEN. If the Senator will yield for a moment, quite frankly, I am just being very pragmatic about this.

I read the vote yesterday. The Senator from New Hampshire and I would have preferred to introduce our amendment prior to the Muskie amendment. But the fact of the matter is we could not.

I think it would be, quite frankly, a fruitless exercise for us at this point to deal with the limit. I do not give a darn whether it is 25,000, 8,000, 50,000, or what it is.

But if we decide to go after honoraria and we deal with that question, it all seems to me inescapable, we get to here. But we are now confronted with a practical fact of life. I counted 67 votes yesterday against raising the limit.

So, as has often been said, politics is the art of the practical. I want our amendment to pass. I feel, certainly, if we attach an alteration of the amount able to be earned to it now, it would go down in flames in light of the glaring eloquence of the Senator from Wisconsin who would begin to take out his violin again and tell us about how, in fact, the line had to be drawn in the public interest at $8,600.

Mr. DURKIN. Furthermore, in response to the Senator from Kansas, I brought up this amendment last Friday and it got buried, tabled 76 to 15.

We tried to get it up earlier and tried to pursue it.

I, for one, think in many cases disclosure is adequate, but that avenue has been pretty much foreclosed.

The committee realized that accepting honoraria from certain groups can very well—and I do not think we need a Phi Beta Kappa key to realize it—in some instances be a conflict of interest.

Mr. DOLE. If the Senator will yield, the Senator from Kansas does not quarrel with that. But after we have addressed ourselves to that problem, clarified the possible conflict, why does the Senator concern us with this arbitrary limit, why do that once he has avoided any conflict of interest with his amendment?

Mr. DURKIN. There are two problems the committee perceived. One problem, the amount, and the argument of the time.

I think that aspect was discussed by the Senator from Maine and the violinist from Wisconsin.

But once they have gone down that road and we start out, I think limiting it was not the most effective.

I think the most appropriate remedy would have been to specify we could not accept it from certain groups, and full disclosure.

We have to deal with the real world. We were not presented with that option. As I say, I brought that up last Friday and we took a beating with that amendment—76 to 15, I think.

Mr. MUSKIE. Will the Senator yield?

Mr. DURKIN. Yes.

Mr. MUSKIE. Pursuant to the line of the distinguished Senator from Kansas, I suppose I am overly sensitized to discrimination and treatment as a result of the votes yesterday, but rule XLV, posed by the committee, reads as follows, and this applies to both unearned and earned income:

> No Member, officer or employee shall engage in any outside business of professional activity or employment for compensation which is inconsistent or in conflict with the conscientious performance of his official duties.

I take it the implication of that language is to inhibit or restrict the very thing the Senator's amendment is designed to inhibit or restrict with respect to all outside income.

If the Senator proposes a stricter standard than that on earned income, I find it hard to understand why he does not apply the stricter standard to unearned income as well as earned income.

The Senator seems to have the same instinct as the committee, to zero in on one form of outside income while not doing so with respect to others.

I mean, if the organization of the outside activity meets the standard of the Senator's amendment, why then should we permit people to get investment income from——

Mr. DURKIN. If the Senator will yield——

Mr. MUSKIE. If I might finish my question.

Why then should we permit people to get investment income from the same kinds of organizations?

I find that very difficult to understand. I explored the possibility earlier to the Senator of expanding it in order to include it and the Senator sent back the message that he was not interested in that.

So I cannot resist asking him why he persists in closing his eyes to similar conflicts from unearned income?

Mr. DURKIN. I am happy to answer that question.

This is not the only amendment that I have at the desk. I have been assured—in fact, we have a unanimous-consent agreement—that we will be able to get those amendments up before the debate is concluded.

I have another amendment, No. 101, which applies the same conflict of interest standard that is required of Federal judges, that they not participate—and the Senate not vote—once they have disclosed that portfolio, that they cannot vote on issues that would affect their performance. If they have a bundle of oil company stock, then they cannot vote on oil company stock. That is another problem.

Mr. MUSKIE. That is not quite as strict a sanction as depriving them of the income. Why does the Senator not apply that standard to earned income?

Mr. DURKIN. I do not think it is practical.

Mr. MUSKIE. I know it is never practical when it applies to earned income. It is only practical when it applies to unearned income, as I find the Senate is disposed.

Mr. DURKIN. I think the problem is that if someone came to this body with a big block of oil company stock——

Mr. MUSKIE. Is that not salable on the market? We ask people in the executive to divest themselves.

Mr. DURKIN. I ask of the Senator the same respect he asked of me, to be allowed to answer or to state a question. I was trying to reply.

The point is that if someone came to this body with a block of oil company stock, I do not see any way under our Constitution by which he can be forced to divest himself of that stock. I think it can be put in a blind trust, and the committee accepted the Danforth amendment. However, I think it can be said that it is unethical for that person to vote on that stock and vote the interest.

Mr. MUSKIE. I ask the Senator this: I do not believe that it is constitutional to divest Members of the right to earn conflict-free income. That did not deter the Senator from voting for an amendment that has that effect. I do not understand this one-sided deterrent effect of the Senator's approach to these problems.

Mr. BIDEN. Mr. President, will the Senator yield?

Mr. DURKIN. I yield.

Mr. BIDEN. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. Three and a half minutes.

Mr. BIDEN. The Senator from Maine is right.

Mr. DURKIN. I reserve 2 minutes.

Mr. BIDEN. He is right from the standpoint of the Senator from Delaware. But, again, in response to the Senator from Kansas, the reason why the Senator from Delaware cosponsored this one is that it is the only one that can win now. I will be happy to join the Senator from Maine in a fight with respect to the second portion of the question, of applying the same standard to earned income. But I want to make sure that we tie them up one at a time.

I watched the vote last night, and I have watched the votes the last 3 days. If we tie this amendment to earned income, it will not be agreed to, in my judgment. I would like to have it adopted, and then I will stand on the floor and fight with the Senator—not as eloquently as he—as long as he wants to see if we can have it adopted for earned income. That is just practical politics.

Mr. MUSKIE. What the Senator is saying is that we are going to discipline only those who do not have the votes to protect themselves.

Mr. BIDEN. What the Senator is saying is that we discipline where discipline is needed, as much as we can. Discipline is needed here, and discipline is needed with regard to earned income. The mere fact that we allow unearned income to go undisciplined is not a logical argument to allow earned income to go undisciplined.

Mr. MUSKIE. Earned income does not go undisciplined, under the language which I read, I remind the Senator. It is the same standard that is applied——

Mr. DURKIN. Mr. President——

Mr. MUSKIE. I am not to speak, either, I gather.

Mr. DURKIN. I reserve the last 2 minutes.

Mr. President, will the Senator from Wisconsin yield some time to the Senator from Maine?

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 30 minutes.

Mr. NELSON. Before I yield any time, is the Senator willing to give us another virtuoso performance, as he did Friday night?

Mr. MUSKIE. No. I am just going to say one thing.

Mr. NELSON. How much time does the Senator want?

Mr. MUSKIE. Thirty seconds.

Mr. NELSON. I yield the Senator 1 minute.

Mr. MUSKIE. I think this is another one of those phony amendments. I support this, as I support the language in committee amendment No. 45, which says that you should not accept income that is in conflict with your duties as a Senator. But I am not interested in this one-sided standard business which the Senator from New Hampshire is prone to adopt, as the committee was. I will support the amendment if it is applied to unearned income. The fact that the Senator can get votes only to apply it to earned income shows that he is interested in a one-sided standard.

Mr. DURKIN. Every journey starts with a first step.

Mr. MUSKIE. It certainly does.

The PRESIDING OFFICER. Who yields time?

Mr. DURKIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DURKIN. I understand that the unanimous-consent agreement is that we have an up or down vote on this amendment, not a tabling motion—the same privilege that was accorded to the Senator from Connecticut.

Mr. NELSON. I do not have the unanimous-consent agreement.

The PRESIDING OFFICER. That is not the unanimous-consent agreement. The agreement only limited time.

Mr. DURKIN. I hope that our favorite violinist will not vote to table. I think this is one amendment on which we should have an up-and-down vote.

Mr. NELSON. There is no agreement on that. I think I should move to table; but if the Senator wants more time, I will yield whatever time we have not used.

Mr. BIDEN. Mr. President, will the Senator yield me 5 minutes, to ask some questions?

Mr. NELSON. I yield 5 minutes to the Senator, to ask some questions.

Mr. BIDEN. I am curious. What objection does the Senator from Wisconsin have to this amendment?

Mr. NELSON. The committee set a level on honoring which was quite low, as everybody has conceded; and rather than try to distinguish the various groups who might pay honoraria, we decided that the low limit would be the best approach. It would limit or solve the problem of appearances of impropriety.

What we did on the lobbying section was to allow a gift of $100 and not above that. But we decided on honoraria, in looking at it, to set a rather strict limit as the best way to handle that problem. Everyone has his own view. My view was expressed last night.

My main concern as to the level of outside income is with how the people of the country who pay our salary, will react if we have an outside income that is twice the median income of the average family. That is my main concern.

Appearances of conflict are important. I have not been informed of any case of conflict of interest respecting speaking, and it is a very difficult thing to determine. I have followed the practice that the Senator from Delaware says he has followed. I have looked at invitations, and if they could have the appearance of impropriety, I have given the money away, so that over the years, on the average, about one-half of what I have earned in honoraria, after expenses and taxes, has gone to environmental causes. If any of those, from my viewing it, could have an appearance of conflict, I have made a practice of contributing the money to somebody else.

In any event, the committee looked at it, considered it, and thought that the control of a limitation of 15 percent was adequate to meet the kind of problem we are dealing with.

Mr. BIDEN. The Senator did that in part, I assume, because he is concerned, as he mentioned last night, that constituents would be upset with Senators making twice as much on the lecture circuit as the median income of an average American family. I do not know about the Senator's State; I know my State.

I ask the Senator about his State. Does he think that his constituents would be more upset with his making $24,000 by speaking before groups not defined in this act or accepting $10,000 from labor groups? What does he think?

Mr. NELSON. Do I think what?

Mr. BIDEN. The Senator has indicated—and everyone else on this floor has indicated—that the basis for much of this legislation is the matter of appearance in the eyes of the American public. The Senator asked last night, quite eloquently, how can we justify a Senator making an outside income twice the median income of the average American family? So the Senator went to the matter of amount and spoke to that issue.

I ask this of the Senator: What does he think upsets his folks back home more, that he would receive this income from

groups that had no interest before Congress or that he would accept $15,000 in honoraria from the AMA or the Jewish Defense League or the AFL-CIO? What does the Senator think would offend them more?

Mr. NELSON. I do not know which would offend them more. I do not accept any from labor unions, so I do not know.

In any event, disclosure has been involved in honoraria for quite some time.

We have both addressed ourselves to the same question. We decided that the limitation of 15 percent was an adequate control to avoid the question of conflict, if that is the problem, or the appearance of conflict.

As I said, I do not know of cases of conflict. Conflict is very hard to define. As to the whole spectrum, from absolutely no conflict to an absolutely clear case of conflict, if you ask 1,000 people where they draw the line, you will receive 1,000 different lines, because people have a different viewpoint of what appears to be a conflict.

So, in looking at the whole thing, we simply decided on that limit. It satisfied the committee. It does not satisfy the Senator from Delaware; it does not satisfy the Senator from New Hampshire. We will just vote on it.

Mr. BIDEN. But the Senator had no problem in deciding that issue with regard to gifts.

Mr. NELSON. Yes, we had a problem in it. We put a $100 exemption in there.

Mr. BIDEN. But you also said certain groups could not.

Mr. NELSON. Yes, we did.

Mr. BIDEN. What was the rationale for that? Why not just put a limit and not mention groups at all? Why not just say that, you know; why bother to define lobbying groups? What was the purpose of that?

Mr. NELSON. We sat and we evaluated and we came to the conclusion on that problem that that was the best way to handle it, on this problem that was the best way to handle it.

If you hand this resolution over to 100 Senators here and 435 Members over in the House of Representatives, and you ask them all to come back with a proposal, you would have 535 different proposals.

Mr. BIDEN. Right.

Mr. NELSON. As the Senator knows—he is a very knowledgeable, able, and perceptive Member of the Senate, and a member of committees—that when one gets all through marking up a piece of complicated legislation with 15 members on the committee, with 15 different viewpoints, you finally come to a conclusion which is a compromise.

I have never seen a complicated piece of legislation—and this is complicated—come out of any committee I have ever served on without compromise. I have been on the Public Works Committee under the distinguished Senator from Maine; I am on the Labor Committee, I am on the Finance Committee, I am chairman of the Small Business Committee and I, at one time, had 21 subcommittees—and every piece of legislation was hammered out, and when it came out of that committee, almost invariably I would have loved to change 25 percent of it, because I did not like it.

This resolution was reported 15 to 0. That did not mean everybody there agreed to it. The Senator from New York voted with the Senator from Maine on the question of income limitation; Senator PACKWOOD, also on the committee, voted in the 15 to 0 vote, and he voted with the Senator from Maine.

There are other amendments here. I was on the committee, and there are changes in the resolution I am going to support. The handling of honoraria was a compromise. We were satisfied with it, so let us vote.

Mr. BIDEN. Let me conclude by saying one thing: If you are talking about appearances here I still find it very difficult to explain to the folks back home that when you are sitting on the Banking Committee you accept a $1,000 honorarium from the banking groups. If you are sitting on the Labor Committee you accept a $1,000 honorarium from labor groups. If you are sitting on the Foreign Relations Committee, and you accept $1,000 from the Arabs or the Jewish organizations in America, I just think that is such a glaring appearance of conflict of interest that I do not know how you passed it up. But I think we should vote, too.

Mr. DURKIN. Mr. President, will the Senator yield?

Mr. HATHAWAY. Mr. President, will the Senator yield for a question? It seems to me that the restriction the Senator from New Hampshire has placed here in subparagraph (d) "only the following shall be deemed to have a direct interest in legislation before the Congress," is too narrow to achieve his goals. It means that any organization—take a university, for example, would not be subject to this provision because it is not a lobbying organization within the definition. Nevertheless, most universities have an association that does the lobbying for them, and the association is covered. So all you are going to achieve by this amendment is to encourage organizations otherwise governed, to come up with a different kind of an organization, spinoff the lobbying activity into that new organization and thereby insulate the original organization totally from this provision. The university is just as much interested in the Higher Education Act, the university to which you are speaking, as the lobbying organization for them. But paradoxically the lobbying organization is the only entity that is restricted. Under the Senator's amendment, you cannot speak before the organization, but you can speak before the university.

It seems to me that is an unwarranted distinction, because certainly the university and other businesses or organizations as well, are as much interested in legislation as the lobbying organization or any other entity that is required to register under the Lobbying Act.

The PRESIDING OFFICER. The time of the Senator from New Hampshire has expired.

Mr. HATHAWAY. Mr. President, will the Senator yield?

Mr. DURKIN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DURKIN. This discussion has been on the time of the Senator from Wisconsin, who had 30 minutes. I still have 2 minutes.

The PRESIDING OFFICER. The Senator from New Hampshire yielded to the Senator from Maine.

Mr. DURKIN. On the time of the Senator from Wisconsin.

Mr. NELSON. No, the Senator from Wisconsin yielded—or the Senator from Maine asked for 30 seconds, and out of my well-known generosity, I doubled the time and gave him 60 seconds. But if the Senator from New Hampshire wants 2 minutes—5 minutes?

Mr. DURKIN. Well, how much time has the Senator got? [Laughter.]

Mr. NELSON. Does the Senator from Maine also wish time?

Mr. HATHAWAY. No; the Senator yielded in order for the Senator from Maine to ask a question of the Senator from New Hampshire, and the Senator's time already ran out, so he does not have time to answer the question.

Mr. NELSON. Under that circumstance I would, of course, yield 5 minutes to the Senator from New Hampshire.

I am not going to yield any more of my time, because we have 45 or 46 amendments, and we are going to be here forever, even into next week, if we do not move along.

The PRESIDING OFFICER. The Senator from New Hampshire has 5 minutes.

Mr. DURKIN. I thank the Chair, and I thank the Senator from Wisconsin.

To answer the question of the Senator from Maine, we have not claimed infallibility in drafting this amendment. The only group that has claimed infallibility is the committee, chaired by the distinguished Senator from Wisconsin.

Mr. NELSON. I was looking at a memorandum from my office. What was the Senator's last sentence?

Mr. DURKIN. I said, in response to the question from the Senator from Maine, we have not claimed infallibility. We do not say this amendment closes every possible loophole. It closes a couple of glaring ones.

I said the only people who have claimed infallibility so far this week have been the people of the committee of which the distinguished Senator facing me is the chairman.

Mr. NELSON. I did not know we had claimed it, but I will acknowledge it if that is what the Senator wishes.

[Laughter.]

Mr. DURKIN. I realize we do everything but amend the Constitution by unanimous consent, but I did not realize we could confer infallibility as well.

In answer to the question, it does not restrict one who is speaking to a college group, student activity which is funded by the college, even though the college may belong to some group that is a member of the Association of Colleges East of the Mississippi which may have some law firm that does some lobbying for them.

It was perceived that the major thrust

was the perception back home that you are accepting honoraria from people who have a direct interest, lobbyists who had direct influence, lobbyists who are occupying the halls and seated in the President's room. That may very well be something we should look at later, but we had not tried to close every loophole.

We have tried to close what we perceive are the two major ones.

Mr. HATHAWAY. Mr. President, will the Senator yield further? It seems to me that there is a gaping loophole.

Mr. DURKIN. That is not a gaping enough loophole to justify voting against this amendment.

Mr. HATHAWAY. It is for the junior Senator from Maine.

Mr. DURKIN. I think to vote against something, because it does not solve every problem in the universe—there would be no reason for the 96th Congress to solve all the problems of the 95th—so——

Mr. BIDEN. Mr. President, will the Senator yield 10 seconds?

Mr. DURKIN. I do not think that is any reason to vote against it.

Mr. BIDEN. If there is any standard at all that can be drawn on what constitutes a lobbyist in any area it applies equally in this area. It is no different from how you determine what is a lobbyist.

Mr. HATHAWAY. It says here that only those who have to register under the Federal Regulation of Lobbying Act are governed.

Mr. DURKIN. The 1966 act.

Mr. BIDEN. How do you draw a measure of what constitutes a lobbyist?

Mr. HATHAWAY. Right here.

Mr. BIDEN. If it makes sense to determine who is a lobbyist at any point, it makes sense to draw it at this point. By your definition anyone who can have any interest in any way, at any time is a lobbyist before the Congress. Maybe we should amend the 1946 act.

Mr. HATHAWAY. What I am saying is a loophole is that an institution that has a direct interest in the Higher Education Act is not be considered a lobbyist, because there is an organization that has a lobbyist doing it for them. Only the organization is a lobbyist, and by honoraria from such an organization are prohibited.

The PRESIDING OFFICER. The time has expired.

Mr. DURKIN. Mr. President, I ask for the yeas and nays.

Mr. NELSON. Mr. President, has all time been yielded back?

The PRESIDING OFFICER. No.

Mr. BIDEN. The Senator from Wisconsin has all the remaining time.

The PRESIDING OFFICER. The Senator from Wisconsin has some time remaining.

Mr. NELSON. The Senator from Wisconsin yields back his time, and I move to table the amendment.

Mr. DURKIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered on the motion to lay on the table the amendment of the Senator from New Hampshire.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON. Mr. President, may we have order, so that we can hear the call of the roll?

The PRESIDING OFFICER (Mr. RIBICOFF). The Senate will be in order. The clerk may proceed.

The rollcall was resumed and concluded.

Mr. CULVER. Mr. President, how am I recorded?

The PRESIDING OFFICER (Mr. MATSUNAGA). The Senator is recorded in the affirmative.

Mr. CULVER. I vote "nay."

Mr. CRANSTON. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Montana (Mr. METCALF), and the Senator from Florida (Mr. STONE) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) and the Senator from Idaho (Mr. CHURCH) are absent on official business.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Idaho (Mr. MCCLURE), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The result was announced—yeas 72, nays 20, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—72

Anderson	Hatch	Muskie
Baker	Hatfield	Nelson
Bayh	Hathaway	Packwood
Bellmon	Hayakawa	Pearson
Bentsen	Heinz	Pell
Brooke	Huddleston	Percy
Byrd, Harry F., Jr.	Humphrey	Proxmire
	Inouye	Ribicoff
Byrd, Robert C.	Jackson	Riegle
Cannon	Javits	Roth
Case	Johnston	Schmitt
Chiles	Kennedy	Schweiker
Cranston	Lavalt	Scott
Curtis	Leahy	Sparkman
Danforth	Long	Stafford
DeConcini	Lugar	Stennis
Dole	Magnuson	Stevens
Domenici	Mathias	Stevenson
Eagleton	Matsunaga	Talmadge
Eastland	McClellan	Tower
Ford	McGovern	Wallop
Garn	McIntyre	Williams
Glenn	Melcher	Young
Griffin	Metzenbaum	
Hansen	Moynihan	

NAYS—20

Allen	Culver	Nunn
Bartlett	Durkin	Randolph
Biden	Hart	Sarbanes
Bumpers	Haskell	Sasser
Burdick	Helms	Thurmond
Chafee	Hollings	Zorinsky
Clark	Morgan	

NOT VOTING—8

Abourezk	Gravel	Stone
Church	McClure	Weicker
Goldwater	Metcalf	

So the motion to lay on the table was agreed to.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the special order relating to my amendment be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico (Mr. SCHMITT) is recognized to call up an amendment on which there shall be 1 hour of debate, to be equally divided and controlled.

AMENDMENT NO. 90

Mr. SCHMITT. Mr. President, I call up my amendment No. 90.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. SCHMITT) offers an amendment numbered 90:

On page 8, after line 16, insert the following:

Mr. SCHMITT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHMITT's amendment (No. 90) is as follows:

On page 8, after line 16, insert the following:

"(1) A statement of net worth as of the close of such calendar year, showing total value of assets and total amount of liabilities, the amount of gross income, the amount of adjusted gross income, the amount of taxable income, the amount of deductions claimed, and the amount of Federal income tax for the taxable year ending in such calendar year and the amount, if any, of such tax which has not been paid.".

Mr. SCHMITT. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SCHMITT. Mr. President, prior to my opening remarks, I yield 2 minutes to the Senator from Oregon.

Mr. HATFIELD. Mr. President——

Mr. NELSON. Mr. President, may we have order so that we can hear the Senator?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats.

UP AMENDMENT NO. 89

Mr. HATFIELD. Mr. President, I request that my amendment be called up at this time.

The PRESIDING OFFICER. Is the Senator asking unanimous consent?

Mr. HATFIELD. I ask unanimous consent that my amendment be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD) proposes an unprinted amendment No. 89.

The amendment is as follows:

On page 28, line 20, after the word "employee" insert the following: "of the Senate compensated at a rate in excess of $25,000 per annum and employed for more than ninety days in a calendar year (unless hired on a per diem basis)".

Mr. HATFIELD. Mr. President, I have discussed this amendment, which is basically technical in nature, with the leadership of the bill. It is to bring the two paragraphs on page 28 into conformity, subparagraph 6 with subparagraph 7. What it basically does is apply the same restriction to the same people of the criterion of the rate in excess of $25,000 per annum in paragraph 6 bringing that into compliance in subparagraph 7.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. JAVITS. On what line is the amendment?

Mr. HATFIELD. I am amending line 20 on page 28 so that after the word "employee" we insert "of the Senate compensated at a rate in excess of $25,000 per annum and employed for more than 90 days in the calendar year unless hired on a per diem basis." That means simply this: We have applied that same criterion on line 13 of the same page. Conceivably we have restricted a man's professional services, but placed an undue restriction on his capacity to serve on boards and commissions.

Mr. JAVITS. May I just call the Senator's attention to one difficulty? Paragraph 6 has been construed to mean that "unless hired on a per diem basis" applies to the Member, officer or employee so, for example, he can provide professional services for compensation. We have to move that phrase in order to make clear that it does not mean that. In other words, that it only qualifies the kind of employee the Senator is talking about.

Mr. HATFIELD. I would like to modify my amendment. That is exactly what I am trying to get at. I see no problem with my amendment as offered, because that is precisely what we are trying to determine.

Mr. President, I have discussed this with Senator NELSON and the staff. I would like to either have his response or ask for a vote.

Mr. NELSON. Basically, this is an amendment which was offered as a technical amendment on the first day, but there were a couple of those offered which were considered to have some substantive effect and we withdrew them. This proposal is acceptable to the manager of the bill.

Mr. DURKIN. Will the Senator from Wisconsin yield?

The PRESIDING OFFICER. The Senator from New Mexico has the floor.

Mr. DURKIN. Will the Senator from New Mexico yield for a question?

The PRESIDING OFFICER. Does the Senator from New Mexico yield?

Mr. SCHMITT. I yield for a question.

Mr. DURKIN. I thank the Senator. The technical amendment which was offered the first day would have stricken the words "unless hired on a per diem basis." The amendment offered by the Senator from Oregon does not strike the words just mentioned. Am I correct?

Mr. HATFIELD. The answer is "No."

Mr. NELSON. I remember the Senator discussing it and I remember the Senator from New Hampshire objecting to it. He objected to item 5. Was this item 5?

Mr. DURKIN. My objection was only offered to striking the amendment offered the first day to strike the words in paragraph 6 "unless hired on a per diem basis." I understand the Senator from Oregon is not moving to strike those words, but moving just to make paragraphs 6 and 7 read the same.

Mr. NELSON. That is my understanding.

Is that correct?

Mr. HATFIELD. That was the modification.

Mr. DURKIN. The Senator is not moving to strike the words "unless on a per diem basis"? He is referring to line 20?

Mr. HATFIELD. Let me repeat the modification. We move to strike language in subsection 7, the language which was originally in the amendment "unless hired on a per diem basis," so that it reads "of the Senate compensated at a rate in excess of $25,000 per annum and employed for more than 90 days in the calendar year."

Let me explain the application of this. In the Rules Committee we are constantly being asked by various standing committees of the Senate to approve a contract for bringing on expert staff for a period of time as consultants. Under the present wording of this paragraph we would not be able to do that, because many of those experts, or many of those serving as consultants, serve on boards, and there are others, who would be restricted under this language. What we are trying to do is to keep that flexibility so we can bring in consultants from time to time on a temporary basis.

Mr. President, I ask for a vote.

Mr. NELSON. It is my understanding that after the amendment the language in item 7 would conform with the language in item 6. Is that correct?

Mr. HATFIELD. Will the Senator please repeat the question?

The PRESIDING OFFICER. Will the Senator from Oregon send his amendment, as modified, to the desk?

The amendment, as modified, will be stated.

The second assistant legislative clerk read as follows:

The Senator from Oregon (Mr. HATFIELD) proposes a modification to unprinted amendment numbered 89:

The amendment, as modified, is as follows:

On page 28. line 20, after the word "employee" insert the following: "of the Senate compensated at a rate in excess of $25,000 per annum and employed for more than ninety days in a calendar year.

Mr. JAVITS. Will the Senator yield?

Mr. SCHMITT. I yield 1 minute.

Mr. HATFIELD. Mr. President, have we acted on the amendment as modified?

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified?

The amendment, as modified, was agreed to.

Mr. JAVITS. Mr. President, will the Senator yield 1 minute?

Mr. SCHMITT. I yield 1 minute.

AMENDMENT NO. 128

Mr. JAVITS. Mr. President, I ask unanimous consent that an amendment No. 128 be called up, and I ask it only because it relates to exactly the same subject.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from New York (Mr. JAVITS) proposes an amendment number 128.

The amendment is as follows:

On page 28, lines 14 and 15, strike the phrase "(unless hired on a per diem basis)," and on line 12, after the word "Senate", insert the words "unless hired on a per diem basis".

Mr. JAVITS. The only purpose of this amendment, Mr. President, is to clarify that we are talking about a Member, officer, or employee of the Senate who is hired on a per diem basis, not the fact that if that employee is hired to render professional services to another it shall be on a per diem basis. That permits something which we did not want to permit. But by misplacing the clause we, in effect, did it, and it has been so construed, even in the summary that the Republican Policy Committee put out, or some other outfit that summarized what was in the bill. For that reason, it should be moved. This was the proper time to do it.

Mr. NELSON. It now reads more artistically than it did before. We have not eliminated anything. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I thank the Senator from New Mexico.

AMENDMENT NO. 90

Mr. SCHMITT. Mr. President, I again compliment the Senator from Maine (Mr. MUSKIE) and the Senator from Connecticut (Mr. WEICKER) for over the last several days adding considerable commonsense and reason to an otherwise at times strange debate. In this debate, there has been much talk that public emotion on senatorial ethics is high; that the public demands a code of ethics; that public confidence is low and will be restored only by, or possibly by, a code of conduct, such as we are considering.

I would just add in this introduction that the public, I am afraid in this case, is being equated with the national press and certain specialists. I think we must keep that in mind. Certainly, the public in New Mexico is not making any such demands. They are demanding that they have a chance to know what is going on, that their confidence be restored, that it be restored by responsible solution to problems—problems of energy and the environment, inflation, excessive regulation by Government, the education of youth, and many others.

That is one way to restore the public's confidence in their elected representatives, to start to solve problems and not just treat their symptoms. Public confidence can also be restored in our conduct as elected representatives by responsible financial disclosure, disclosure that will allow the voter to judge our conflicts of interest of our conflicts of time.

The amendment which I have called up will strengthen the proposed code of conduct a great deal, I believe. It will require that a net worth statement be submitted on an annual basis that gives the value of assets and the amount of liabilities. It will require that basic Federal income tax information be provided on an annual basis, which would be restricted to but include gross income, adjusted gross income, the taxable income, total deductions claimed, the total tax for the taxable year, and any tax not paid, if any.

This annual disclosure of information, in addition to that proposed to be disclosed by the Nelson committee, in the resolution under consideration will give the individual voters, I believe, their best insight into their Senators' changing financial situation. It is on this changing financial situation that many voters in my State and elsewhere have had their greatest questions.

From this information, they also can judge any conflicts of interest and conflicts of time that may come out of any extra income that has been earned by the Senator in question.

Mr. President, I hope that at the very least, we shall provide the voter with the information that is required for them to exercise their rights in this Republic to vote with as much possible information as can be made available about the representatives who have been serving them.

Mr. DURKIN. Will the Senator yield for a question?

Mr. SCHMITT. I yield 1 minute for a question to the Senator from New Hampshire.

Mr. DURKIN. I have an amendment at the desk, No. 117, which requires disclosure in the tax returns and then, of course, a financial statement. I am wondering why the Senator did not require an assets and liabilities statement and the disclosure of the tax returns themselves? I am wondering what his reason is?

Mr. SCHMITT. My basic feeling is that the tax return is in detail. The total is a much more private matter than is required for disclosure. I personally disclosed my own tax return, but my situation is somewhat unique and certainly is not the norm.

I do believe that the kind of information that I have suggested we disclose by this amendment is sufficient for the voter to form the kinds of judgments that are necessary about their representatives' conduct, financial conduct, and any conflicts of interest or conflicts of time that might exist.

Mr. DURKIN. Will the Senator yield for a further short question?

Mr. SCHMITT. I yield to the Senator.

Mr. DURKIN. In compiling the investments and liability statement, does the Senator envision carrying real estate at market value or book value? I suggest the possibility of carrying that at book value rather than market value, in that the market here is much different from the market, I assume, in New Mexico, and far different from the market in New Hampshire and other States. The market here, I think, sometimes leads to confusion, the fair market value, I suggest that the Senator might want to carry real estate, at least the personal residence, at book value.

Mr. SCHMITT. On these questions as to what I would prefer, I leave it to the discretion of the Ethics Committee to promulgate such standards as seem to be required. I personally think that the standard means of putting together a net worth statement should be used, but that is something that I think the Ethic Committee could discuss and certainly would welcome these kinds of suggestions if this amendment were passed.

Mr. DURKIN. I gather the answer is no.

Mr. SCHMITT. I really have no particular opinion. I tend to think, if the Senator will permit me to do that, that the most recent available assessment is usually what is applied, as I understand the net worth statements, at least as I have been familiar with them. If, for some reason, it seems appropriate to conduct a new assessment, that will be fine. If it is more appropriate to indicate the value at which the property was acquired, that may be fine also. I think it is an issue that has enough complexities that the Ethics Committee should be allowed to determine by what rules they wish the game to be played.

Mr. President, I have no further comments I hope that the amendment will meet with a favorable reaction by the distinguished Senator from Wisconsin. He may wish to comment on this.

Mr. NELSON. Mr. President, we had a discussion on a similar proposal this afternoon by Senator WEICKER, which involved disclosure of income tax returns. As I said in that discussion, my tax return is available to the press and has been disclosed in past years. The committee decided not to go that route. The disclosure provided for in this resolution is in more detail and more comprehensive than the executive branch is requiring. It is in more detail and more comprehensive than the disclosure on the House side. We gave this thorough consideration and we think we have a very good disclosure proposal.

I am not saying it is perfect, and I am certain, of course, that Members have ideas by which they could improve it. But we think it is a very good disclosure provision, adequate to meet all the purposes of the public and the public interest.

I have one specific objection to this proposal. Imposing the obligation upon a Member to produce a net worth statement every 12 months means that he has to hire an appraiser to go out and look at his house. It is the same house he had last year. There it sits on the same lot. And he must pay the appraiser $100 or $150 or whatever to make an appraisal just to account for the increase in inflation, and do the same if he owns a piece of property or a piece of forestland or farm or any other asset. I think it does nothing to further the public interest to have an appraisal each year that discloses net worth, so long as all of the assets are disclosed and all real property is identified, purchase price identified, mortgage identified, or assessment disclosed. I think that is adequate.

In my view, I believe it is going too far to require a net worth statement. The committee did consider that and rejected it. So, with all due respect, I would have to oppose the amendment of the distinguished Senator from New Mexico.

Mr. SCHMITT. To the Senator from Wisconsin, in responding to that, I say I do not feel that the rules on the net worth statement that you might promulgate in the Ethics Committee necessarily might include a reassessment. That, I think, certainly could be gone at in an entirely different matter. An estimated value would be sufficient and would only be called into question if the Senator's net worth statement were called into question by some other procedure. Then, at that time, if a court proceeding required it or some other activity came up, a full up-to-date evaluation might be appropriate. I would not personally advocate annual evaluation of every piece of real estate property.

Mr. NELSON. It seems to this Senator that the Schmitt amendment would require it. If we say net worth, then someone has to make a judgment as to what the worth of a piece of property is. A piece of property, a home, around this city would at least have doubled in value in the past 7 or 8 years.

I have avoided trying to make an estimate of my home because, if somebody challenged it and it is my estimate, then I am misrepresenting to the public.

What I have disclosed each year is the statement of the price that I paid for the home 5 or 6 years ago, then disclosed the mortgage amount and who held the mortgage, knowing that everybody could make his own judgment.

But if, in fact, I said the house was worth a certain amount of money and then sold it for $10,000 more to move to another house 4 months later, everybody would say I made a misrepresentation on the statement, and I would not dare.

So I disclosed the facts needed for anybody to make a judgment.

But net worth does require, it seems to me, some kind of an appraisal and I do not see why anybody should be put to that expense so long as he discloses everything he has.

Everybody can make a judgment if he identifies he owns 500 acres of land in x location, bought 15 or 20 years ago at $50 an acre.

We know what the assessment is by going to the courthouse. Any real estate agent can tell us about what the value is. If people are that curious, let them ask. I do not think it should be the burden of any Member to pay every year for an appraisal on property.

Though I respect the opinion of the distinguished Senator from New Mexico, I think it goes too far.

Mr. SCHMITT. I, of course, respect the opinion of the distinguished Senator from Wisconsin.

Also, it presents another purpose what the individual Members are worth. I do not believe an estimate of the worth

of a particular piece of property is any great additional burden.

If the Senator is not willing to put his judgment of valued property up against that of his constituency, then I presume there is no other alternative.

Mr. DURKIN. Will the Senator yield?

Mr. SCHMITT. In one moment.

I believe it was the latitude given the Ethics Committee that a reasonable set of procedures for a net worth statement under this amendment could be put together, and it could be a reasonable set for all Members combined, and it would not cause an undue burden on their abilities to produce such a statement.

Mr. DURKIN. Will the Senator yield for a question?

Mr. SCHMITT. Yes, I will yield for a question.

Mr. DURKIN. I did make the suggestion, addressed the point, and I think it is a valid point of the Senator from Wisconsin, that the annual appraisal is an added burden. That is one of the reasons I suggested the acquisition cost. That is a matter of public record and can be detemined relatively easily. It is an unchanging figure.

That may alleviate the problem of the Senator from Wisconsin. It may help the Senator from New Mexico to get his amendment adopted as he desires.

Mr. SCHMITT. Well, the amendment as proposed, not that particular rule, preparing a net worth statement, I certainly think that would be a very strong and worthy proposal.

I have a feeling, though——

Mr. DURKIN. Does the Senator accept an amendment to his amendment then to say that residential real estate be carried at the acquisition cost?

In any such statement, that eliminates the problem of the Senator from Wisconsin.

Mr. SCHMITT. Well, let us find out if that alleviates the problem of the Senator from Wisconsin.

Mr. NELSON. I did not hear that, I was discussing another amendment.

Mr. DURKIN. I think the Senator from Wisconsin addressed a valid point, so I repeated my suggestion that if the personal residence is of the——

Mr. NELSON. No, that would not satisfy my objection because all other properties would be covered.

I do not agree because the committee addressed itself to it; to the disclosure of showing gross income, adjusted gross income, deductions claimed, taxes paid; we considered all that, and rejected it.

We think the disclosure is adequate. So this Senator is sticking with the committee position on that.

Mr. SCHMITT. Let me just add a final word in defense of the amendment.

One problem with the resolution, as the matter stands, in the disclosure area is that I think it is going to be difficult for the average New Mexican and average American, who wished to analyze the financial conditions and situations of their Representatives, to use the information easily. The existence of a net worth statement—and that is five or six pieces of information from the Federal tax report of the Senator—do provide a very quick and handy reference for judgment.

What I think a lot of us are trying to get to is to continue to allow the voter to exercise his judgment, that some of us here and particularly some special interest group on the outside are trying to exercise for them, and that is, I think, very crucial and a central point in the whole debate, are we going to start exercising the judgment of the voter before they have a chance to exercise it?

I hope we will not. But this is certainly a major step in that direction.

The amendment is really to get more information than the resolution does before they can exercise judgment.

I have no further statement, Mr. President, and I yield back the remainder of my time.

Mr. NELSON. I yield back the remainder of my time and I move to table the amendment.

Mr. SCHMITT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from New Mexico. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from New Mexico (Mr. DECONCINI), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. MELCHER), the Senator from Montana (Mr. METCALF), the Senator from North Carolina (Mr. MORGAN), the Senator from Michigan (Mr. RIEGLE), and the Senator from Florida (Mr. STONE) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL) and the Senator from Idaho (Mr. CHURCH) are absent on official business.

I further announce that, if present and voting, the Senator from New Mexico (Mr. DECONCINI), and the Senator from North Carolina (Mr. MORGAN) would vote "yea."

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Idaho (Mr. MCCLURE), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The result was announced—yeas 48, nays 36, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—48

Allen	Byrd, Robert C.	Hansen
Anderson	Cannon	Hatfield
Bellmon	Chafee	Hathaway
Bentsen	Chiles	Hollings
Brooke	Cranston	Huddleston
Bumpers	Eagleton	Humphrey
Burdick	Eastland	Javits
Byrd, Harry F., Jr.	Ford	Johnston
	Glenn	Kennedy
Long	Percy	Stennis
Magnuson	Randolph	Stevenson
Mathias	Ribicoff	Talmadge
Matsunaga	Roth	Thurmond
McClellan	Schweiker	Wallop
Nelson	Scott	Young
Nunn	Sparkman	
Pell	Stafford	

NAYS—36

Baker	Garn	Moynihan
Bartlett	Hart	Muskie
Bayh	Haskell	Packwood
Biden	Hatch	Pearson
Case	Hayakawa	Proxmire
Clark	Heinz	Sarbanes
Culver	Helms	Sasser
Curtis	Jackson	Schmitt
Danforth	Laxalt	Stevens
Dole	Leahy	Tower
Domenici	Lugar	Williams
Durkin	Metzenbaum	Zorinsky

NOT VOTING—16

Abourezk	Inouye	Morgan
Church	McClure	Riegle
DeConcini	McGovern	Stone
Goldwater	McIntyre	Weicker
Gravel	Melcher	
Griffin	Metcalf	

So the motion to table was agreed to.

UP AMENDMENT NO. 90

Mr. CANNON. Mr. President, I send an amendment to the desk and ask the clerk to report.

The PRESIDING OFFICER. The clerk will report the amendment.

The second assistant legislative clerk read as follows:

The Senator from Nevada (Mr. CANNON) proposes unprinted amendment No. 90.

Mr. CANNON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 36, line 14, after "used" insert "(a)".

On page 36, line 19, beginning with "or for" strike out all through line 21 and insert the following: "(b) to produce computer printouts except as authorized by user guides approved by the Committee on Rules and Administration, or (c) to produce mailing labels for mass mailings, or computer tapes and discs, for use other than in service facilities maintained and operated by the Senate or under contract to the Senate. The Committee on Rules and Administration shall prescribe such regulations not inconsistent with the purposes of this paragraph as it determines necessary to carry out such purposes."

Mr. CANNON. Mr. President, the purpose of my amendment would be to provide defined areas of operational guidelines for the Senate's computer facilities in their use for mass mailings which are statutorily governed by section 3110(a)(5)(D) of title 39, United States Code.

As background, the Ad Hoc Committee on Legislative Immunity, chaired by the distinguished senior Senator from Montana (Mr. METCALF) in its report of March 1, 1977, dealt with this subject at some length and urged the expeditious adoption of certain prohibitions.

The pending litigation, Common Cause against Bailar, et al., now before the U.S. District Court for the District of Columbia and challenging the constitutionality of the congressional franking law, has helped to focus attention on certain deficiencies in operations of the Senate's growing computer facilities.

In response to the Legislative Immunity Committee's request, the Committee on Rules and Administration on March 2 considered and approved certain regulations for use of the Senate's computer facilities for mass mailings. My amendment is substantially similar to that except it would provide that the Committee on Rules and Administration could prescribe such additional regulations subsequently dealing with the Senate's computer facilities which would not be inconsistent with paragraph 5 of the proposed rule XLVIII (48) entitled "Franking Privilege and Radio and Television Studios."

The purpose of my amendment would be to insure that the use of the Senate's computer facilities for mass mailings be limited clearly to dissemination of information that is part of the official business of a Senator and as set forth by the franking law.

This regulatory language proposed by this amendment would be in recognition of:

First. That the dissemination of information by Senators to their constituencies concerning legislation proposed or enacted by the Congress, as well as the administration of such legislation by the executive branch and the review of such matters by the courts, is part of the official business of a Senator under the Constitution of the United States. The distribution by mass mailings of such materials as newsletters, news releases, the texts of speeches delivered outside the Congress and similar items is an essential element in the dissemination of such information;

Second. That use of the computer is the most efficient method for producing mailing labels, and for storing, maintaining and processing the requisite address lists for such mailings. In order to provide for the dissemination of information by Senators to their constituencies at the lowest possible cost to taxpayers when the information concerns or is likely to be of interest to limited groups of citizens, it is highly desirable that there be a capability for directing the distribution of such information only to those citizens, and,

Third: That in no case are Members of the Senate or Senate Committees authorized to use Senate computer facilities for potential or personal purposes.

Mr. President, because the Senate's computer facilities are on the increase to meet new demands and because new developments in computer hardware and computer technology are constantly coming into use, it was our judgment that the rule XLVIII(48) of the Senate, should be permitted to address such changes in the years ahead. Therefore, as I propose, the Committee on Rules and Administration would be permitted authority to provide regulations subsequently dealing with the Senate's computer facilities that are not inconsistent with the proposed Senate rule XLVIII (48) entitled "Franking Privilege and Radio and Television Studios." Thus, new computer technology could be melded into Senate computer operations subsequently without formal amendment of Senate rules. Any subsequent Senate Rules Committee regulations for computer operations could not by the language of my amendment violate provisions of the Senate rule, and thus would accord complete protection to the intent sought by the rule.

Mr. President, I urge the adoption of this amendment.

I have cleared the amendment with the manager of the bill.

Mr. DURKIN. Mr. President, will the Senator yield for a question?

Mr. CANNON. Yes, I yield.

Mr. DURKIN. I have an amendment at the desk that would allow Members to utilize the boxholder as well as the particular address of the person to whom the newsletter or what have you was being sent.

I was wondering if there is any real need for that, and what the understanding of the chairman of the Rules Committee was. Would not a Senator today be allowed to use a boxholder? I ask that question so that I do not have to tie up the Senate in calling up my amendment and having a vote on it.

Mr. CANNON. I do not think under the law as it now stands or under this amendment if it were passed that a person would be authorized to use just simply the boxholder mailing. That goes beyond what we have in this amendment, and this relates to other matters. It specifies what can and cannot be done; that is, it just restates that in no case are Members of the Senate or Senate committees authorized to use Senate computer facilities for political or personal purposes. It requires the producing of labels, for the most efficient method for producing them, and storing and maintaining and processing the requisite address lists for such mailings.

If the Senator's amendment were to pass it would probably do away with some of the requirements of this one, which I would find no great problem with.

Mr. DURKIN. I thank the Senator.

Mr. CLARK. Mr. President, will the Senator yield for a brief question?

Mr. CANNON. Yes.

Mr. CLARK. In Senate Resolution 110, page 36, paragraph 5, I just want to make sure the Senator's amendment does not delete or in any way substantially affect that paragraph. May I read that paragraph? It says:

"5. The Senate computer facilities shall not be used to store, maintain, or otherwise process any lists or categories of lists of names and addresses identifying the individuals included in such lists as campaign workers or contributors, as members of a political party, or by any other partisan political designation, or for producing mailing labels or computer tapes for use other than in the service facilities maintained and operated by the Senate.

Is it accurate to say that the Senator from Nevada's amendment does not affect this section of the bill?

Mr. CANNON. Would the Senator give me that reference again as to where that is?

Mr. CLARK. On page 36, paragraph 5.

Mr. CANNON. Which line is that?

Mr. CLARK. The whole paragraph, lines 14 through 21.

Mr. CANNON. My amendment does not affect that. It says:

On page 36, line 14, after "used" insert "(a)".

On page 36, line 19, beginning with "or for" strike out all through line 21 and insert the following: "(b) to produce computer printouts except as authorized by user guides approved by the Committee on Rules and Administration, or (c) to produce mailing labels for mass mailings, or computer tapes and discs, for use other than in service facilities maintained and operated by the Senate or under contract to the Senate. The Committee on Rules and Administration shall prescribe such regulations not inconsistent with the purposes of this pargraph as it determines necessary to carry out such purposes."

Mr. CLARK. I thank the Senator.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. CANNON. Yes.

Mr. ALLEN. These are things that cannot be done, is that right?

Mr. CANNON. Yes. This is the proscription of things——

Mr. ALLEN. Yes.

Mr. CANNON (continuing). And providing what is proper to be done and some things that cannot be done.

Mr. ALLEN. These are things that cannot be done, and I have reference here to (b) "to produce computer printouts except as authorized by user guides approved by the Committee on Rules and Administration."

Mr. CANNON. That is correct.

Mr. ALLEN. In other words, no Senator, I assume, would like his printouts made available to the public for use in sending mass mailing by some concern selling merchandise; is that correct?

Mr. CANNON. The Senator is absolutely correct. Also the provision prohibiting the producing of mailing labels for computer tapes and discs for use other than in service facilities maintained and operated in the Senate.

Mr. ALLEN. Yes.

Mr. CANNON. Or by contract with the Senate.

Mr. ALLEN. I think it is a very fine amendment.

Mr. NELSON. Mr. President, the manager of the resolution is in agreement with the amendment. I have no objection to it.

Mr. CANNON. Vote.

Mr. NELSON. I yield back the remainder of my time.

Mr. CANNON. I yield back the remainder of my time, if I have any.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

TIME-LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on an amendment by Mr. SCHMITT there be a time limitation of 30 minutes to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CANNON. Mr. President, will the Senator yield to me? I have one other amendment that will take about 2 minutes, and it is acceptable to the committee.

Mr. SCHMITT. Will we reduce our time? Did the Senator from Maine wish to call up a technical amendment? I already agreed with the Senator from Maine.

Mr. MUSKIE. That is all right.

Mr. CANNON. This is an amendment that is agreed to.

I ask unanimous consent that the time not be charged to either side on this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

UP AMENDMENT NO. 91

Mr. CANNON. Mr. President, I send an amendment, to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nevada (Mr. CANNON) proposes unprinted amendment No. 91.

The amendment is as follows:

On page 49, lines 15, 16, 23, and 24, strike out the words "The Committee, on Rules and Administration and" and capitalize the "T" in the words "the".

Mr. CANNON. On page 49, lines 15, 16, 23, and 24 strike out the words "The Committee on Rules and Administration and" and capitalize the "The" in the word "the".

Mr. President, the purpose of this amendment: The resolution provides that the matter relating to the adequacy of allowances for the operation of a Senator's office be referred jointly to the Committee on Rules and Administration and the Committee on Appropriations. That, traditionally, has been determined by the Appropriations Committee.

I see no worthwhile objective in having the Rules Committee included in on it because it is normally considered and hearings are held by the Appropriations Committee, and it is reported out with the legislative appropriations bill. Therefore, I think it would simplify the process if we removed the Rules Committee as one of the two committees that has this matter referred to it.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. CANNON. I yield.

Mr. ALLEN. I ask as a matter of information, and I am sure the amendment is all right: Does this only apply to section 301, or does it apply, also, to section 302, which calls on the Rules Committee to work with the Appropriations Committee and the Finance Committee to determine the tax aspects of political funds?

Mr. CANNON. Yes. This applies to section 301 and section 302.

Mr. ALLEN. I am wondering. The Senator does not think it would be a function for the Rules Committee, then, in studying the possible taxability of these funds?

Mr. CANNON. I do not wish to see the Rules Committee involved in it, when the funds are set up and determined as to adequacy by the Appropriations Committee, and the Internal Revenue Code is the one that is applicable to those particular funds.

Mr. ALLEN. I merely wished to call it to the Senator's attention. If he thinks both should be eliminated, that is all right with me.

Mr. CANNON. I think both should be eliminated.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CANNON. I thank the Senator from New Mexico for yielding to us for that purpose.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 84

Mr. SCHMITT. Mr. President, I call up for reading and consideration amendment No. 84.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. SCHMITT) proposes amendment No. 84.

The amendment is as follows:

On page 10, lines 11 and 12, strike out "of the spouse or dependents of that individual" and insert "of his or her spouse and dependents but, with respect to any interest, only if the reporting individual controls or has legal authority to control such interest".

The PRESIDING OFFICER. The Senator is recognized to support his amendment.

Mr. SCHMITT. Mr. President, this amendment is very short and very simple, and it relates to the question of disclosure of the interest of spouses and dependents. It merely says that such report will be made only if the reporting individual, namely, a Senator or employee of the Senate, controls or has legal authority to control the interest reported.

I think it is extremely important in this day and age that we recognize, even among ourselves, that the individual interest of Americans is in many cases separable and should be separable from the interest of their spouses or the people upon whom they depend for the majority of their sustenance.

If we do not do so, then we are going into the face of a general trend that has been estabilshed, and I call to the attention of colleagues the equal rights amendment and other activities that are aimed at this very problem of what are the individual rights of Americans, whether male or female or any ethnic minority, racial minority, or religious minority. I think it is inappropriate for the Senate to take a different course than is being taken by the rest of the Nation.

So I ask positive consideration of this particular amendment which relates the reporting of interest by a Senator over which he has legal authority to control.

I also call attention to amendment No. 131, which the distinguished Senator from New Jersey (Mr. JAVITS) has proposed, which goes to a similar problem relative to gifts.

I yield such time as the Senator requires to comment on his amendment at this time.

Mr. JAVITS. Mr. President, I thank our colleague very much.

The amendment which I have proposed I think is so obvious that I have great hope that the committee will accept it. I shall propose it as soon as the Senator has concluded. It is found at page 21, line 24, and deals with the matter of prohibited gifts and says if Members will follow it:

No Member, officer, or employee of the Senate, or the spouse or dependent thereof, shall knowingly accept or knowingly permit his spouse or dependent to accept, directly or indirectly, any gift . . .

I do not know how anyone can ever enforce that except by chaining his wife to a bedstead. It just makes no sense at all. It is very thoroughly protected anyhow in the sense that we are fully covered under the very preamble to this rule itself which says "gifts," saying that we should have nothing of value, et cetera, favor, service, or anything else, which could impose upon our obligations as Senators. I thoroughly agree with that.

So I hope, Mr. President, for the very reasons stated, to wit, our own self-respect, the fact that it is completely unenforcible, is only embarrassing us, and the fact that it is covered otherwise in the code, that that will be eliminated.

While I am on my feet, I wish to support Senator SCHMITT's amendment in this sense. I am not convinced that this is the ideal language. But it is a grave problem which is being posed to all of us who have independent wives, and that goes for a lot of Senators, and I have one. That problem is found reflected in the fact that we are called upon to report everything about our wives—there is some limitation—but essentially source of income, the property, whatever trading they might do in securities, et cetera, with this understanding, and I call attention to page 12, lines 7 to 10. This is not concerned in the amendment, but it bears upon what we expect Senators to do. And I worked with the committee on this, and we did work it out much better than it was, but it still presents a very thorny problem. Page 12, lines 7 to 10 says:

An individual only is required to report information within his knowledge; however, it is the reponsibility of a reporting individual to exercse reasonable diligence to obtain the information necessary to comply with this rule.

What is reasonable diligence? Is it poking around in your wife's bedroom to find out if she has a savings account or what? What is reasonable diligence? Now I say to Senators we are each charged with reporting under a code of ethics and can be charged for serious dereliction if we do not perform. So bear in mind we are not dealing with any light proposition. We are undertaking a real responsibility for many women who are independent and feel deeply aggrieved and insulted if we go poking around in their affairs.

Now, is there protection? There is. There is ample protection here under the conflict of interest section and under the gifts section for anything any Senator may do indirectly, secretly, covertly, or anything you want to call it, through his wife or anyone else, which would demean or insult his office, and he could be hauled

up and censured by the committee on anything he has not explained to the Senate.

Mr. President, this is completely inconsistent with modern times and the relationships between married couples. There are many here to whom it means nothing, but it does mean something to Senators who have wives who deeply resent this intrusion into their private affairs. They are not Senators; they are only wives of Senators. They are entitled to a personal life, and whatever is the eventuation of that life, they have the right to choose. The fact that they are married to us does not mean they should be subject to a requirement which cannot be performed.

You have to be a lawyer or a judge to determine what is meant by "reasonable diligence," to find out——

Mr. NELSON. Mr. President, will the Senator yield?

Mr. JAVITS. Let me finish one sentence. I think the House definition—by the way, I wish Senator SCHMITT had chosen that—the House definition, to me, is much better, even though it has been narrowly restricted by their own construction.

The House definition says:

> Respecting the spouse of the person reporting, which information relates to items under the constructive control of such person.

I thoroughly agree with that. Directly or indirectly, if you have a participation or any control aspect, or are a party to it, you certainly should report it; but I cannot see the way in which we have left it, which imposes such a serious obligation on individual Senators that I really think it has an element in it of not only nonenforceability, but real embarrassment.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. JAVITS. Yes.

Mr. SCHMITT. Is the Senator from Wisconsin yielding on his own time?

Mr. NELSON. Yes, on my own time, if I may ask a couple of questions; I ask unanimous consent that the time for the question and response be charged against the Senator from Wisconsin.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. I would agree with the Senator from New York that the inclusion of the words "with due diligence" or "reasonable diligence" or whatever it was——

Mr. JAVITS. "Reasonable diligence."

Mr. NELSON. I would agree that that ought to be stricken; the reporting individual should be required to report what he knows.

Second, let me ask this question of both the Senator from New Mexico and the Senator from New York:

It is true that the House used the concept or the phrase "constructive control," and we discussed that briefly in the committee. As the Senator from New York knows the House use of the words "constructive control" is not the ordinary lawyer's interpretation of what constructive control yould mean. Rather, based upon House common law, so to speak, they have developed an interpretation of what that means, and it is clear that the test in the House is not control, not whether the asset is under the control of the reporting spouse, but whether the reporting spouse does in fact accrue benefits from the property or other holdings of the spouse.

Ordinarily, any lawyer would come to the conclusion that when you take constructive control, the reporting Member would have to have control; but in the House, under their interpretation, I am advised, they mean if the benefit of the reporting Member's spouse holdings or income accrue to the benefit of the reporting Member, then the reporting Member has constructive control.

My question is whether that would satisfy the Senator from New York and the Senator from New Mexico, whether they would accept a substitute amendment which included the House interpretation of what constructive control meant. I would find that acceptable myself.

Mr. JAVITS. I would, if it was understood—in fact——

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. JAVITS. May I just answer the question? I would accept it, and I think it is a good solution, provided we understand that statement of the husband to mean knowingly, that he knowingly accepts the benefits or the fruits. Then I thoroughly agree. But if it is unknowing—let us assume that the wife buys a painting and it is hung in the home and certainly he is enjoying it, it is there, but if he has no knowledge, no real bona fide knowledge of where the painting came from, or why it is there, or anything like that, that would be something of a question to me.

But I would be perfectly willing to take my chances, and advise other colleagues to do the same, on the House language and the House construction of that language, because I believe it does mean knowingly.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. NELSON. Mr. President, I wonder if the Senator who has the floor would permit me to yield on my time to the Senator from Connecticut.

Mr. SCHMITT. Yes.

Mr. RIBICOFF. Mr. President, let me say that I cannot imagine the more unfortunate adoption of any amendment than that of the one proposed by the Senator from New Mexico. Frankly, to adopt this amendment would really gut this bill. I would feel constrained to vote against the entire rule if the Schmitt amendment were adopted.

While there may be exceptions, there is no question that most of us have a relationship with our wives that is close and meaningful. Legally, we know that what a wife or husband has does affect the other spouse. Under the laws of almost every State, even if you are not a community property State, when one dies the wife is entitled to a certain percentage of the husband's, or the husband of the wife's, estate. So we do have a vested interest. If we have children, our children are beneficiaries of what the wife has and what we have.

To adopt the Schmitt amendment would mean that we will not have just a situation of rich men in the United States Senate; the Senate will be composed of men with rich wives, and the rich wives will put their husbands in the Senate.

I do not know how you can have a relationship with your wife and not list your wife's basic holdings, because your wife lives with you; she has a meaningful relationship with you; you have children in common; your expenditures are made in common; so consequently to adopt the Schmitt amendment would mean you are excluding the wife's holdings, you are excluding your wife's interest, and we would be placing ourselves in a position where we will have a loophole so large we can drive a truck through it. If all the work that we have done on the ethics code means anything, we are completely undermining it by the Schmitt amendment, and I hope the Schmitt amendment will be rejected.

Mr. JAVITS. Mr. President, will the Senator yield me another 2 minutes?

Mr. NELSON. I do not know how much time we have.

The PRESIDING OFFICER (Mr. SASSER). Who yields time?

Mr. JAVITS. Or 1 minute?

Mr. NELSON. I yield 1 minute to the Senator from New York.

Mr. JAVITS. Mr. President, I think the important point is, what is a Senator's accountability? That is what I am arguing, not what he is going to inherit.

We cannot pry into relations between individual Senators and their wives. Perhaps Senator RIBICOFF speaks with feeling and warmth about his relationship with his wife. But there happen to be almost a hundred wives involved here; I do not know how many bachelors there are. But every situation is different. We all understand that every situation is different, and every Senator is accountable, and we say he has got to go and find out with reasonable diligence.

This is not a Hughes case and it is not a negotiable note. This is a relationship with your wife. All I am saying is, what is the Senator accountable for?

As to despoiling this code, the fact is that under any one of those provisions——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. One minute?

Mr. SCHMITT. I yield the Senator 1 minute.

Mr. JAVITS. Under any one of those provisions, for gifts or conflicts of interest, the Ethics Committee can haul you up or me up or anyone on the slightest suspicion he is doing something he should not do with his wife. They have full power on that. That does not depend upon this particular provision. This is only a reporting provision, and that is where my disagreement arises, as far as I am concerned.

I suggest the House provision. I think that is a good suggestion.

Mr. RIBICOFF. This is a disclosure rule.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Will the Senator yield 1 minute?

Mr. NELSON. I yield 1 minute to the Senator from Louisiana.

Mr. LONG. It seems to me that the point we are talking about is that we do not have any power. We may think we do, and some Senators may, in fact, have power. But the fact is that a woman is no longer a man's chattel. We do not have the right to tell her anything about her private business. She has the perfect right to tell a man it is none of his blamed business. If a wife comes into a marriage and has property of her own, we do not have any power here to write a code of ethics for our wives. They do not have the power to put it on themselves. That is the individual freedom of an individual woman. Just how we are supposed to be criminally liable or liable under a code of ethics for the conduct of our wives is something I find somewhat difficult to account for.

Mr. BAYH. Will the Senator yield a couple of minutes?

The PRESIDING OFFICER. Who yields time?

Mr. SCHMITT. Let me make a quick comment to associate myself with the comments of the Senator from New York and the Senator from Louisiana. I think they are absolutely correct. I speak with some objectivity here, since I am not married and have not been married. I may be some time in the future. Nevertheless, I do not think that we as Senators, nor officers or the employees of the Senate, should take it upon ourselves to commit to disclosure items over which we have no control. The Senator from Louisiana has stated that extremely well.

Mr. President, how much time does the Senator from New Mexico have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. SCHMITT. I yield 2 minutes to the Senator from Indiana.

Mr. BAYH. I must say I find myself in a great quandary. I think the Senator from Connecticut is right when he talks about loopholes. But I will say as one Member of this body, along with others, I have been very much concerned about women who are beginning to develop as human beings in their own right instead of being, as the Senator from Louisiana says, treated as a chattel of their husbands. I think we have to look at what this does to women as human beings.

It is all well and good to suggest that I have a close relationship with my wife. We are just getting ready to celebrate our 25th anniversary. I am proud of every one of those years. But when she says to me, "Is there anything I can do as a human being, as Marvella Bayh, who was an independent, human being before she met Birch Bayh?" I have to say I think she has a point.

What if she says to me, "Honey, I don't want what I inherited from my father"—which is not all that much—"put into the CONGRESSIONAL RECORD or listed someplace." What if she happens to speak to an organization and accepts a fee of $100? That is a matter of her own business.

Let me ask the Senator from Wisconsin, suppose she says, "BIRCH, I don't want you to put in the RECORD what is mine and what I have earned." I must respect my fidelity to her rather than what the Senate code might say. What position does that put me in as a Senator? Frankly, I think I owe it to her to fulfill her wish. But what is my position? Does that make me a violator, subject to being drawn up before the Ethics Committee?

It is a real quandary in my mind. I appreciate the Senator yielding to me. Can somebody answer that question?

Mr. CANNON. The Senator can resign.

Mr. BAYH. Yes, I can resign and I can get a divorce, too. Does the Senator suggest that? [Laughter.]

Mr. NELSON. If the Senator from Indiana is being put into the position of doing something contrary to what Marvella said, he would be in trouble.

Mr. BAYH. That I know. Frankly, if she feels strongly about this, as a woman, not necessarily as my wife but as a woman, I owe it to her. What I want to know on the other side of this is having made that decision and bare my chest here, how much trouble am I getting into with the Ethics Committee? I really want to know that.

Mr. NELSON. I think it is unrealistic to presume that one spouse does not have an interest in the other spouse's assets. There may be rare cases when they do not. But usually they do have an interest because, as the Senator from Connecticut has said, they have survivor's rights, inheritance rights. So we are providing a disclosure law and whether the Member be a man or a woman, suppose a spouse is worth $2 or $3 million and is trading in the stock market regularly, has investments and various assets. The other spouse is a Member, casting votes, and also a beneficiary of the investments and the money, the assets and the returns, of the activities of the spouse who is not a Member. It would be naive to suggest that the spouse who was a Member did not have any interest in the activities of the spouse who was not a Member.

Mr. BAYH. The Senator has not answered the question.

Mr. NELSON. The disclosure of what the spouse was doing if the spouse were wealthy may be much more important than what the Member was doing if the Member did not have any money.

Mr. BAYH. The Senator is right and I admitted that loophole. I agree with what the Senator from Connecticut said. Will somebody answer my question?

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. How much trouble will this cause me? Will somebody answer the question?

Mr. NELSON. Mr. President, how much time remains to the Senator from Wisconsin?

The PRESIDING OFFICER. The Senator from Wisconsin has 3 minutes remaining.

Mr. NELSON. I yield 2 minutes to the Senator from Iowa.

Mr. CLARK. One minute will be sufficient.

Mr. President, I agree entirely with the Senator from Connecticut. If this body really believes that disclosure is the most important aspect of a code of ethics, as several people here have said, then certainly we must understand that to pass this amendment destroys the disclosure provision, because the transfer of unlimited amounts of funds could be made from one spouse to another to evade disclosure. This resolution deals with spouses by the way, not wives. Obviously, if this amendment passes, one could transfer unlimited amounts of money, and one could take in unlimited amounts of money, without any disclosure.

Mr. BAYH. Will the Senator yield?

Mr. CLARK. Clearly, the case would be that we would have no real disclosure provision.

Mr. BAYH. Will the Senator yield for a question from someone who has been involved in this? What the Senator says is true.

The PRESIDING OFFICER. One minute has expired. Who yields time?

Mr. BAYH. A Member has to make the decision of whether he will let his wife be an individual or not.

The PRESIDING OFFICER. Let us have order in the Senate. Who yields time?

Mr. CURTIS. Will the Senator yield?

Mr. SCHMITT. I will yield in just a moment.

Mr. President, in order to reach a compromise. I ask that the following modification to my amendment be made. essentially taking the words of the House House: On line 3 of my amendment, after the comma after the word "but" insert 'only that information which relates to items under the constructive control of such individual." This would put us in line with the House and with the legislative record established earlier.

The PRESIDING OFFICER. Is there objection to the modification of the amendment?

Mr. RIBICOFF. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. JAVITS. Does the objection lie——

Mr. SCHMITT. Mr. President, I request——

Mr. JAVITS. Does an objection lie to this, Mr. President? He has not asked for the yeas and nays yet.

The PRESIDING OFFICER. Yes. The Senate has taken action on this amendment in the form of a unanimous-consent agreement. Who yields time?

Mr. SCHMITT. Mr. President?

Mr. BAYH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAYH. Is it possible for the Senator to introduce an identical amendment such as the one he has modified and ask the Senate to vote on it immediately following this? Is that within his right?

The PRESIDING OFFICER. He could do this by unanimous consent or offer it as an amendment at the end of the time remaining.

Mr. BAYH. So if unanimous consent is ruled accurate, which apparently it is, then it can take the Senate another vote to let our distinguished colleague have his right to change the amendment. Is that accurate?

The PRESIDING OFFICER. It would take an additional vote. That is accurate.

Who yields time?

Mr. SCHMITT. How much time does the Senator from New Mexico have?

The PRESIDING OFFICER. The Senator from New Mexico has 2 minutes remaining.

Mr. BAKER. Will the Senator yield half a minute to me?

Mr. SCHMITT. Yes, I yield.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. If the Senator from New Mexico were to withdraw his amendment, which is now pending by a unanimous-consent agreement, is it in order now to ask unanimous consent that he be immediately recognized to introduce a substitute?

The PRESIDING OFFICER. The Senator could ask it.

Mr. BAKER. Mr. President, I ask unanimous consent that he be recognized for that purpose.

The PRESIDING OFFICER. Is there objections?

Mr. NELSON. I would object pending an inquiry.

Is it the suggestion of the minority leader that this be a withdrawal and a brandnew amendment, with different language?

Mr. BAKER. Mr. President, it was in furtherance of the query by the Senator from Indiana that I inquired whether, if the Senator from New Mexico were to withdraw this amendment, he could, without unanimous consent, introduce an identical amendment with language to amend this one were it not for the objection?

Mr. NELSON. Have the yeas and nays been ordered?

Mr. BAKER. They have not. Unanimous consent was granted to take up the amendment.

Mr. DURKIN. Mr. President, may we ask the Senator from Wisconsin to use his microphone?

Mr. BAKER. What the minority leader is asking for is an order saying that, if the Senator from New Mexico withdraws his amendment and introduces another amendment in identical form except for the changed language, he will next be recognized so we can proceed with him.

Mr. NELSON. I guess he has the right to withdraw.

The PRESIDING OFFICER. Is there objection?

Mr. CLARK. Reserving the right to object, is it the understanding of the Chair that there will be a 2-hour limit on that amendment?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Mr. President, I inquire of the Senator from New Mexico if that would be his wish?

Mr. SCHMITT. We have generated enough interest here. It would possibly take 2 hours, but I think another half-hour would be sufficient.

Mr. RIBICOFF. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SCHMITT. Mr. President, I presume I have 1½ minutes left. I yield 30 seconds to the Senator from Nebraska.

Mr. CURTIS. I thank the Senator.

Mr. President, I would like to ask the distinguished Senator in charge of the legislation if the committee believes—and if so, I would like to have the authority cited—that this provision that we are questioning now is enforceable?

Mr. NELSON. There have been several State statutes requiring spouses' disclosure which have been upheld.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. CURTIS. But those pertain to someone who is not a Senator and not an employee of the Senate.

AMENDMENT NO. 84, AS MODIFIED

The PRESIDING OFFICER. Who yields time?

Mr. SCHMITT. Mr. President, in order to get this matter to a conclusion, I yield back the remainder of my time and offer an amendment in the nature of a substitute to amendment No. 84, which I send to the desk at this time.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield back his time? He has 1 minute.

Mr. NELSON. I yield back the remainder of my time.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. SCHMITT) proposes an amendment in the nature of a substitute number 84 as modified:

On page 10, lines 11 and 12, strike out "of the spouse or dependents of that individual" and insert "of his or her spouse and dependents but, only with respect to that information which relates to items under the constructive control of such individual.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. SCHMITT. I yield to the Senator from New York.

The PRESIDING OFFICER. There is an order of 1 hour, equally divided. Who yields time?

Mr. SCHMITT. I yield myself 5 minutes and will yield 2 minutes for a question.

Mr. JAVITS. Does the Senator accept, as the construction of this amendment, the construction placed upon it in the other body as read by the manager of the bill?

Mr. SCHMITT. I accept that.

Mr. JAVITS. I yield back my time.

The PRESIDING OFFICER. Who yields time?

Mr. RIBICOFF. If that is accepted, if the Senator will yield, I think it is only fair to state that that is not what is in the House amendment. If it is to be accepted in accordance with the House, the entire language of the House should be accepted and that is not the language of the House.

Mr. SCHMITT. I did not presume to say that it is exactly the language. It reflects the language used by the House.

Does the Senator have the House bill in front of him? I read from it: "Each report shall also contain information listed in paragraphs 2 through 5 of this part B respecting the spouse of the person reporting"—and this is the essential language—"which information relates to items under the constructive control of such person."

I wish to have the Senator from New York comment once again. I think this esentially removes the difficulty that he and I have seen in the language in the pending resolution.

Mr. JAVITS. If the Senator will yield, it seems that way to me, and also, if, as I hope it will be, it is acceptable to strike that part of page 12, lines 8 to 10, which deals with seeking to get the information. It would then read, if Senator NELSON accepts it and it is acceptable to my other colleagues, "An individual only is required to report information within his knowledge."

If that would be acceptable, then I think we have settled the best way we can this particular controversy.

Mr. BIDEN. Will the Senator yield for a question?

Mr. JAVITS. Does the Senator want me to yield?

Mr. BIDEN. No, I ask the Senator from New Mexico if he will yield for a question.

Mr. SCHMITT. I yield for a question.

Mr. BIDEN. What happens in the instance where a Senator does not have constructive control of his wife?

Mr. SCHMITT. I think that we have that problem in forcing the ethics code on anyone outside this body. The junior Senator from Connecticut mentioned that earlier today. I think it is something that the Ethics Committee is going to have to wrestle with at some time in the future, whether we do, in fact, have any control over former members, former spouses, separated spouses, and so on. I do not have an answer to that. I am not a lawyer and I am not sure that any lawyer in this body at the present time has an answer to that question. What we are trying to do with this amendment, this substitute form of an amendment, is to insure that the ambiguity of the resolution that has been proposed is removed, with the understanding, of course, that the Ethics Committee has sufficient authority to prevent the situations arising that the senior Senator from Connecticut has envisioned. I hope that he will accept the Ethics Committee's charter in this area.

Mr. RIBICOFF. I think, if I have a few minutes, what has to be understood here is that the House, in using its language, has been following its experience, its interpretation found in its own disclosure form. That is the House interpretation of the term constructive control as contained in its own disclosure.

An interest is in the control of reporting individual "if the enhancement of the interest would substantially benefit the reporting individual. Normally, in the absence of a specific property division agreement, the interests of a spouse or dependent are constructively controlled by the reporting individual."

What this Senator feels is that under those circumstances, where there is an interest by the husband in his wife's property, for conflict of interest purposes, the wife's interest in property is the same as the husband's, because when the husband acts on any vote or if there is a potential conflict of interest, what benefits the wife benefits him and benefits their children. I do not see how we can have an ethics code if we are going to exclude the wife when there is an interest in common.

If this is going to be done, I say to the majority leader, with the work that he has done and those in this room who feel that something should be done, we might as well go home and forget this entire measure. We cannot have an ethics code excluding the wife when the husband would have a constructive benefit or the children, in common, have a constructive benefit from the wife's property. That is the basic issue that we face here.

Mr. SCHMITT. If they are held in common, they are going to report it under the provisions of this act.

Mr. RIBICOFF. It is not the question of held in common. In a community property State, it is considered held in common, but there are not many community property State. A wife can have her individual property in her own name; so can the husband. But I think we understand that there is a basic common interest that one spouse has in the property of another spouse. I cannot talk about New Mexico. I do not know what the law of New Mexico is, but I know that in the law of Connecticut, there are certain rights one has in the other's property. In other words, you cannot leave a will in the State of Connecticut and exclude your wife from being a beneficiary in your will and the wife cannot exclude the husband in her will, either.

You also cannot exclude children. Children have rights.

What we are doing here is saying that the husband reports his property, but the wife need not report hers. In many instances, the wife could have more property than the husband and the wife does not disclose. The wife can be a millionaire and the husband can be a pauper. So the husband lists, "I have no property except my salary."

But meanwhile, the wife is the one with the substantial interest, whether it is stocks, whether it is bonds, whether it is a farm, whether it is real estate or any other investment.

So I do not see how we can have an ethics code and a disclosure code excluding the property of the wife.

Mr. SCHMITT. But in the areas of whether it is constructive control and where the Senator has an interest in the wife's assets, they will be disclosed. We are only excluding the other things.

Mr. RIBICOFF. But the other States are not. There could not be constructive control for the wife's property, because when she dies, whether she excludes them or not, he will get a one-third interest in her estate.

Mr. SCHMITT. But there are options open, I believe, probably in every State. Some can be closed, but not all. That is something we cannot treat, I do not think, in this particular matter.

Mr. WALLOP. Will the Sentaor yield for a comment?

Mr. SCHMITT. I will yield 2 minutes to the Senator from Wyoming, then the Senator from Utah wanted 1 minute, and then I will yield back my time.

Mr. WALLOP. The comment I have is the same as the Senator from Utah was about to make, I believe.

I think the Senator from Indiana brought up the point that this whole provision was unfair to women. I believe what the Senator from Connecticut has gone through, and the provisions he was just talking about, take it for granted there will never be anything but men sitting in this body.

This is the most sexist provision of the whole code.

What happens if a woman is elected to this body and the man says, "I am not going to leave my job with General Motors, I refuse to disclose anything."

Mr. RIBICOFF. Would not have to. We made provision for this particular rule, that the income of a spouse would be excluded with respect to earned income. If we have a wife or a husband who is working for General Motors, if she earns more than $1,000, she does not have to report her income or leave her job, but merely say she works for General Motors.

Mr. WALLOP. The Senator is taking it for granted the Senator is going to be a man. I am saying there is a possibility, although it seems improbable, that there might one day be another woman Senator.

Mr. RIBICOFF. And if it is a woman Senator, she will have to list her husband's property.

Mr. WALLOP. And I suggest that if he says "no" that there is not any court in the land that would make either side disclose that.

The PRESIDING OFFICER. The 2 minutes have expired.

Mr. RIBICOFF. That is another thing.

Mr. NELSON. I yield 2 minutes to myself.

Mr. President, how much time is left on the amendment?

The PRESIDING OFFICER. Twenty-three minutes for the Senator from New Mexico and 28 minutes for the Senator from Wisconsin.

Mr. NELSON. Twenty-eight?

The PRESIDING OFFICER. Twenty-eight.

The Senator from Wisconsin has yielded himself 2 minutes.

Mr. NELSON. I wonder if the Senator from Connecticut will yield for a question. I was discussing another amendment coming up tomorrow.

Did the Senator carry on a dialog with the Senator from New Mexico respecting incorporating the House language "constructive control" into the amendment?

Mr. RIBICOFF. Let me put it this way, if there is an inclination to handle this matter based on the House approach, I think it could be done provided in the amendment we used the interpretation the House has developed, and not merely the House language contained in the House rule; because, the House rule is based on experience and the common law of the House as interpreted in their disclosure law.

I think there is an amendment that the staff has drafted that incorporates the House interpretation of the House rule. I think if the chairman was interested in going ahead with language comparable to that used by the House in accordance with the provision drawn by the staff, we are talking about something else.

There is a sense of fairness and a sense of comity. But not the language that was proposed by the Senator from New Mexico without the House interpretation that they have had over a period of years.

Mr. NELSON. I yield myself 2 more minutes.

May I ask the Senator from Connecticut who is on the committee, and as a consequence of his work on the Watergate disclosure, in my judgment, the best informed Member on this question, would the Senator find acceptable a substitute amendment with the language in accordance with the dialog just concluded by the Senator?

Mr. RIBICOFF. Yes, I personally would, because I think here we have a provision which deals with a situation where the wife is completely separate.

Mr. SCHMITT. Mr. President, may we have order?

Mr. RIBICOFF. We separate the wife's separate property. But if there is a benefit to the husband by the enhancement of the wife's property then it would be covered by the House rule as interpreted by the House.

Mr. NELSON. I thank the Senator.

I wonder if I could inquire of the Senator from New Mexico——

Mr. SCHMITT. Mr. President, may we have order, it is almost impossible to hear.

The PRESIDING OFFICER. Let us have order in the Senate. The Senator from New Mexico cannot hear on his side of the Chamber and I can hardly hear up here.

Mr. NELSON. Let me say first that for the last 2 or 3 hours I have been saying to everyone who inquired that the majority leader was suggesting that we would conclude at 8 o'clock. I know a number of people are relying upon that estimate.

Between the Senator from New Mexico and myself we still have about 45 minutes. I do not want to impose on those Members who relied upon the 8 o'clock time.

My inquiry is this, we may be near a position of compromise if the language "due diligence" was removed as suggested by the Senator from New York and we incorporate as a substitute, or as a part of the amendment for the Senator from New Mexico. The ideas we have been discussing. Would the Senator from New Mexico be prepared to accept that?

Mr. SCHMITT. Based on the discussion we have had now, I would be willing

to accept that with, of course, the proviso that we are talking about the legislative history that is established by the House.

Mr. RIBICOFF. The language of the amendment explains the purpose. I will read very slowly so the Senator from New York and the Senator from New Mexico will see whether it is satisfactory, and this carries out the House common law and also the House language.

On page 10, after line 21, insert the following new paragraph:

For the purpose of paragraph (a)(3) and subparagraphs (d) to (j) of paragraph 2, a reporting individual shall also report the interest of the spouse or dependents of that individual if such interests are within the constructive control of the reporting individual. For the purposes of this subparagraph, an interest is in the constructive control of the reporting individual if the enhancement of the interest will substantially benefit the reporting individual. Normally, in the absence of specific property division agreements, the interests of a spouse or dependent are constructively controlled by the reporting individual.

So there they interpret "constructive" to make sure it covers the sitation where the Senator does, by the enhancement of that property, get a benefit.

That way, if the wife makes money in stock transactions or real estate and you occupy the same house and she is contributing to running your home and your automobile and sending the kids to school or college, then certainly you are getting a benefit.

We know that there are many rich women who marry poor men, who have the money, who send the kids to college, who buy the homes, who buy the clothes. I do not know how it can be said that the Senator is not involved because all the largess of the family is coming from the wife.

Mr. BIDEN. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. BIDEN. Do I correctly understand that this amendment does not include earned income of a wife?

Mr. RIBICOFF. It does not.

Mr. BIDEN. I am perplexed about that. How about the situation in which the wife is a partner in a law firm or the wife has any business interest? Or, how about a situation in which the spouse—he or she—is a partner in a law firm? Obviously, there is that practical conflict. If we are going to report, why do we not report that?

Mr. RIBICOFF. We have arranged that. Let us say there is a Senator whose wife is a doctor, a lawyer, or in the real estate business; she has an independent career and an independent profession. As part of a law firm, she is entitled, and the law firm is entitled, to a sense of privacy as to who their clients are, because there is a confidential relationship.

We know from the disclosure statement that the person is a partner in Jones and Smith and that her income from the law firm is more than $1,000. The husband lists the wife as a partner in the firm of Jones and Smith, earning in excess of $1,000. We know that she has a substantial interest in this law firm. If this law firm is representing clients with Federal business, Federal legislation, or lobbying, then it is open notice to the entire world, to the Senate, and to the Ethics Committee that there may be a situation that involves a conflict of interest.

There is a difference in a wife earning money independently, in this modern era, as suggested by the Senator from Indiana and the Senator from New York, separate and apart from the interest of a husband who gets a benefit from a wife's earnings and the wife's interest or the wife's property which devolves upon him.

This should apply to a woman who has a separate profession or an independent business. We are not going to exclude them and prevent them from working and pursuing their profession.

Mr. BIDEN. I thank the Senator for the answer. I think it is still awfully cloudy. The answer is accurate and to the point, but I question the legitimacy of the definition.

Mr. RIBICOFF. You have to draw lines all over, and you never can find the perfect answer or the perfect solution.

While there are this many Senators in the Chamber, I point out that I do not believe we need any part of this rule. I wish the Senate would not have any part of this rule. But if we are embarked upon a rule, let us do the best job we can.

Of the 100 Senators, there is not one who does not have a problem. The Senator from Wisconsin and I have been approached by practically every Senator, and each has a legitimate complaint. That is why I have said to both the majority leader and the minority leader that I hope that once this rule is adopted and established, we would then proceed statutorily to try to straighten this out, to have the same rules apply to the judicial branch, the legislative branch, and the executive branch of this Government. Right now, we have a hodgepodge situation in which the House has one rule, the Senate has another rule, the judiciary has another rule, and another rule pertains in the executive branch of Government.

I believe that anyone working for the Federal Government, irrespective of which branch, should be governed by the same rules and regulations, and I hope we can straighten out this matter. But right now we are involved in adopting a rule that will be the basis of a code of ethics for this body, and we are trying to do the best job we can.

Mr. BAYH. Mr. President, does the Senator from New Mexico have some time, or will someone yield me 3 or 4 minutes?

The PRESIDING OFFICER. Who yields time?

Mr. SCHMITT. I had previously committed myself to yield to the Senator from New York.

Mr. JAVITS. If Senator BAYH wishes to be heard, I will stand by.

Mr. BAYH. No, that is all right.

Mr. JAVITS. Mr. President, we have gone a long way toward trying to work out this matter. The provisions which is specified by Senator SCHMITT's amendment is now the House provisions. The Senate can take our word for that. It is the House provision—it is the syntax—to adjust to the terms of our measure.

What is desired is that the construction of the House provision read by the Senator from Wisconsin is sought to be incorporated into the statute, because this is what it is for us. Like any other opinion, it is not of a nature which should be statutory; but Senator SCHMITT has accepted the construction of the House.

I say to the Senator from Connecticut (Mr. RIBICOFF) that we fought this one out in the committee, and I am not sensitive about it. We are trying to find a way to resolve what many Members—and I think we now realize how many Members—consider a real dilemma. The language which is not of a statutory nature is the last sentence:

Normally, in the absence of specific property division agreements, the interests of a spouse or dependent are constructively controlled by the reporting individual.

That is only an example which judges give and others of us give when making an opinion, but we do not say that that is the rule, either way—yes or no. So as to that part of this interpretation which reads like a rule and is a rule, and which many man can understand, I have no objection to incorporating it, if that is what the Senator from Wisconsin desires. But I do not think this sentence belongs, because it says that normally it allows of exceptions. Therefore, what is your guideline?

In my judgment, this has to be precise enough to be a guide to Members who are going to do the reporting.

So, in conclusion, my feeling is that if you eliminate that sentence—"normally" is hardly a statutory word—then I would see no reason why what Senator SCHMITT has said he will take should not be allowed to be incorporated in the rule.

Mr. RIBICOFF. Even if this were deleted from the rule, would the Senator from New York and the Senator from New Mexico be willing to accept this interpretation? That is the interpretation the House places upon it.

Mr. JAVITS. We accepted the whole interpretation of the House. The only question is, if we write it in the rule and the House tomorrow says something else is "normally" or we say something else is "normally," we have changed this rule. This way, by omitting it, we accept the situation as it stands.

Mr. RIBICOFF. It is not a question of following the House. It is the understanding in the colloquy, in the interpretation of this rule. We take this interpretation as it pertains to the rule we are accepting, even if we delete this language.

Mr. JAVITS. That is understood now. All I am saying is that it is not the kind of sentence you can live with on a continuous basis. What is normal today might not be normal tomorrow.

Mr. RIBICOFF. I would be willing to delete that sentence on the proviso that the Senator from New Mexico and the Senator from New York would be willing, for the purpose of interpretation, to agree that this is how we interpret it at the present time.

Mr. JAVITS. That is OK.

Mr. RIBICOFF. If that were the case. I would hope, and I anticipate, that the House, through its committee, would place their rule in statutory language.

We will be faced in the Senate sometime in September with either taking the House bill or a bill that we have, and I would hope again—and I have urged our committee—and I would urge the leadership to place us in position to adopt rules and regulations in statutory form which pertain to all branches of government.

Mr. JAVITS. I say to the Senator he and I do not disagree, and I hope we will be able to work, on the whole, in that as cooperatively as we have in this.

May I also make clear that it is understood, if Senator RIBICOFF will please bear with me, if Senator RIBICOFF is agreeable, not that he is running the Senate, but I think we are debating it and people are listening to him and listening to me, that we deal with this question of reasonable diligence on page 12, and that we deal with this gift question on page 21 as we have discussed in this debate. That would dispose of all of those amendments.

Mr. RIBICOFF. I think what bothers me, I say to the Senator from New York, is that we put this clause in at this request.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. ROBERT C. BYRD. Mr. President, may we have order? There is an effort here being made to work this out, to resolve this amendment, and I think we are close to it. I hope the Chair will insist on order in the Senate.

Mr. RIBICOFF. I think we are getting away from the proposal of the Senator from New Mexico, and now we are going to another section.

Mr. JAVITS. I thought it was understood when we were discussing this with Senator NELSON that all these matters hang together as disposing of the spouse issue, and Senator NELSON said—I am sorry he is not here—but he agreed that this question of exercising reasonable diligence should be omitted, and that knowingly permitting your spouse to accept a gift made no sense. So if we are going to dispose of it, let us dispose of the whole thing.

Mr. RIBICOFF. Senator NELSON is not here, and so far as a gift is concerned, that is of no concern. But "information within his knowledge," that I would be guided by whatever Senator NELSON thinks.

Mr. NELSON. That is twice that two Members have said "Senator NELSON is not here."

Mr. RIBICOFF. I was looking at the cockpit and the Senator was not in the cockpit. [Laughter.]

Mr. NELSON. I had expressed my personal opinion on the phrase referred to by the Senator from New York——

Mr. RIBICOFF. I am sorry, I did not hear it.

Mr. NELSON. The "due diligence" phrase, I think, is a value judgment thing. I do not know how you judge that. Somebody might say, "I was duly diligent," and it cannot be disputed. I agree with the Senator from New York on that.

Mr. RIBICOFF. It does not bother me me at all to delete that section on page 12, subsection (e). I think the important provisions are those suggested by the Senator from New Mexico that seek to work his will on page 10, after line 21. That is what is of concern.

Mr. JAVITS. Mr. President, we are agreed on all of those things.

I ask unanimous consent that these three amendments may be considered en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. RIBICOFF. Do we know what these amendments are?

Mr. JAVITS. These are the amendments we just discussed.

Mr. NELSON. I was making a telephone call so I am not sure.

Mr. JAVITS. We just discussed three amendments: One amendment of Senator SCHMITT with the last sentence omitted; the other amendments relate to the gift business, page 21, line 4, and the last amendment strikes out this clause after the semicolon on page 12, lines 8 through 10.

Mr. RIBICOFF. May I suggest since it is 8:25 p.m. and we are dealing with very complex problems, that instead of trying to put it together in this way without anybody seeing it, that we adjourn in accordance with the wishes of the majority leader and have this the pending order of business when we come back. Then we can let the staffs work out the language on the basis of the colloquy; Senator NELSON's staff, Senator CLARK's staff, Senator SCHMITT's staff, Senator JAVITS' staff, and my staff. Let us put this all in language and tie it together and we will have an opportunity in the morning to take a look at it.

Mr. JAVITS. Well now, Mr. President——

The PRESIDING OFFICER. Will the Senate please be in order and will the Senators please take their seats.

Mr. JAVITS. That is all right if we are agreed. Nobody is trying to rush anything through on language. But if we are agreed, let me restate what I understand to be our agreement: That the Schmitt amendment will be amended to include the constructive control provisions, that is their interpretation which Senator RIBICOFF has read, except for the last sentence, the last sentence reading "Normally, in the absence of specific property divisions agreements, the interests of a spouse or dependent are constructively controlled by the reporting individual." That is stricken.

Second, we are agreed that page 12, lines 8 to 10, after the semicolon, dealing with reasonable diligence, reading as follows:

however, it is the responsibility of a reporting individual to exercise reasonable diligence to obtain the information necessary to comply with this rule.

That is to be stricken.

At page 21, line 24——

Mr. RIBICOFF. Hold it just a second.

Mr. JAVITS. Does the Senator want me to wait?

Mr. RIBICOFF. I have it.

Mr. JAVITS. Page 21, line 24, the words "or knowlingly permit his spouse or dependent to accept, directly or indirectly," be stricken.

If we understand each other on that score as to the drafting, and so on, I have no quarrel.

Mr. SCHMITT. I have no quarrel with that agreement. Also I do hope we realize that, as the Senator from New York has mentioned, in striking a sentence, the last sentence of the proposal of the Senator from Connecticut, we are doing so in order to not unduly restrict the interpretation of the rule. Is that the understanding of the Senator from New York.

Mr. JAVITS. My understanding is we are accepting that statement, that is "normally, in the absence of specific property division agreements, the interests of the spouse or the dependent are constructively controlled by the reporting individual," which is the understanding now as we adopt this rule.

Mr. RIBICOFF. The first two provisions would be acceptable. I do not know about Senator CLARK.

On page 21, line 24, to strike "or knowingly permit his spouse or dependent to accept," I can see striking that out, but I do not see striking out "directly or indirectly."

Mr. SCHMITT. I think that was an inadvertent inclusion by the Senator from New York.

Mr. JAVITS. That is what the amendment says. I read the "directly or indirectly," although it is not in my amendment, so I do not strike it.

Mr. President, if we are that agreed why can we not just do it and that ends what has already taken 2 hours of debate?

Mr. RIBICOFF. May I say to the Senator from New York——

Mr. SCHMITT. Mr. President, I agree with the Senator from New York. We have reached agreement here on the floor, and we should be able to proceed to other matters tomorrow.

SEVERAL SENATORS. Vote! Vote!

UP AMENDMENT NO. 92

Mr. JAVITS. Mr. President, I send the two additional amendments to the desk and ask that they be reported.

The PRESIDING OFFICER. Is there objection to considering the amendments en bloc? Without objection, it is so ordered.

The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. SCHMITT) for himself and Mr. JAVITS proposes an unprinted amendment number 92.

The amendment is as follows:

On page 10, delete lines 8 through 12.

On page 10, line 13, delete "(2)" and insert in lieu thereof "(c)(1)".

On page 10, after line 21, insert the following new paragraph:

"(2) For the purposes of subparagraph (a)(3) and subparagraphs (d) through (j) of paragraph (2) a reporting individual shall also report the interests of the spouse or dependents of that individual if such interests are within the constructive control of the reporting individual. For the purposes of this subparagraph, an interest is in the constructive control of a reporting individ-

ual if the enhancement of the interest would substantially benefit the reporting individual.

On page 21, line 24, strike the words "or knowingly permit his spouse or dependent to accept,".

On page 12, line 8, strike all after the semicolon to the end of (e) and insert a period.

Mr. JAVITS. Mr. President, Senator SCHMITT has sent up his amendment as a modification to his amendment.

The PRESIDING OFFICER. Without objection, the two amendments from the Senator from New Mexico are withdrawn.

Mr. SCHMITT. Mr. President, with this amendment as an amendment in the nature of a substitute, this is the amendment change as proposed by the Senator from Connecticut with the last sentence stricken.

The PRESIDING OFFICER. Without objection, the three amendments will be considered en bloc.

Who yields time?

Mr. SCHMITT. Does the Senator from Wisconsin have anything further?

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Let us vote on them all right now.

The PRESIDING OFFICER. Who yields time?

Mr. SCHMITT. Does the Senator from Wisconsin have anything further?

Mr. METZENBAUM. Will the Senator from Wisconsin yield 30 seconds?

Mr. NELSON. Yes. Do I have 30 seconds? I will yield it.

Mr. METZENBAUM. Mr. President, I do not know if all other Members of the Senate understand what these three amendments contain but I know I do not, and I sat here and tried to listen intently.

I, therefore, think that the suggestion the Senator from Connecticut made a few minutes ago, that we recess until tomorrow and have an opportunity to digest that which has been proposed rather than being asked to accept three amendments en bloc, be followed, and I suggest to the Senator from Connecticut that we proceed in that manner.

Mr. RIBICOFF. I think that is fair. We understand one another, and I think that in all fairness to the clerk and the Members of this body we should incorporate what we are talking about in one amendment and print it tonight. Everyone will have a chance to look at it, and the Senator from Wisconsin can accept it tomorrow if it carries out our intention, if it is satisfactory to Senators here.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SCHMITT. I yield.

Mr. JAVITS. Mr. President, I said before and repeat, we are not yet in agreement. We have been debating it. That suggestion is perfectly satisfactory to me.

The PRESIDING OFFICER. Who yields time?

Mr. SCHMITT. Mr. President, I concur in that suggestion if my amendment becomes the pending business tomorrow when we again treat resolution 110.

I ask unanimous consent that it be the pending business tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, what is the request?

The PRESIDING OFFICER. The request is for unanimous consent to make this the pending business tomorrow.

Mr. ROBERT C. BYRD. It is the pending business now. If we go out tonight it will be automatically the pending business tomorrow.

The PRESIDING OFFICER. The Senator is correct.

TIME-LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow there be a time limitation on the pending amendment, which has really been almost worked out, of 1 hour, to be equally divided between Mr. SCHMITT and Mr. NELSON.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object——

Mr. RIBICOFF. Mr. President, reserving the right to object, I ask unanimous consent that we be able to submit this amendment for printing tonight.

Mr. ROBERT C. BYRD. In the RECORD.

Mr. RIBICOFF. So it will be in the RECORD for the entire Senate to see, instead of bringing up an unprinted amendment tomorrow, and our respective staffs will draw this up and submit it to the clerk so it can be printed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Connecticut?

Mr. STEVENS. Mr. President, reserving the right to object, I did discuss with the majority leader the request of making my amendment No. 134 the pending business when we adjourn this evening.

I wonder if we may include the provision that my amendment 134 will become the pending business when this is disposed of?

Mr. SCHMITT. Mr. President, may we have order?

The PRESIDING OFFICER. Will the Chamber please be in order? Members please take their seats.

The pending request is the request from the Senator from Connecticut.

Is there objection to that?

Mr. JAVITS. Mr. President, may we hear that restated?

The PRESIDING OFFICER. That the amendment, the three amendments, be printed in the RECORD.

Mr. JAVITS. Fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I could not hear the majority leader. Is there to be a time limitation on this amendment?

Mr. ROBERT C. BYRD. On this amendment, 1 hour.

Mr. MAGNUSON. When do we start?

Mr. ROBERT C. BYRD. Tomorrow.

Mr. MAGNUSON. What time do we start tomorrow?

Mr. ROBERT C. BYRD. 12 o'clock.

Mr. MAGNUSON. 12 o'clock.

Mr. ROBERT C. BYRD. Yes.

Mr. MAGNUSON. So there will be a vote on it at 1 p.m.?

Mr. JAVITS. If there is a vote.

Mr. ROBERT C. BYRD. If there is a vote. They have about worked it out.

Mr. MAGNUSON. There may be some kind of vote. I am like the Senator from Ohio. I still do not understand what these three amendments do. There seems to be agreement among three, four, or five Senators here. I think there should be enough time. I do not know that I shall have any objection to it, but there should be enough time for us to look at it. I suggest that Senators leave the time limitation go and make it the pending business and then probably get the hours agreement tomorrow after we have a little time to look at this.

Mr. ROBERT C. BYRD. May I say to the distinguished Senator there is 1 hour time limitation on this amendment but under the resolution both the majority leader and minority leader may yield time from the time on the resolution to any Senator on any amendment. If any Senator wants more time than 1 hour, we can arrange it.

Mr. MAGNUSON. And meet at 12 o'clock?

Mr. ROBERT C. BYRD. Meet at 12 o'clock.

ORDER FOR RECESS UNTIL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 12 noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

OFFICIAL CONDUCT AMENDMENTS OF 1977

The Senate continued with the consideration of the resolution (S. Res. 110) to establish a Code of Official Conduct for the Members, officers, and employees of the U.S. Senate; and for other purposes.

ORDER FOR RECOGNITION OF SENATOR STEVENS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the pending amendment tomorrow, Mr. STEVENS be recognized to call up his amendment No. 134.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, there will be no more votes tonight.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SARBANES). Without objection, it is so ordered.

AMENDMENT NO. 153

Mr. ROBERT C. BYRD. Mr. President, I have the amendment which really amounts to amendments en bloc which have been agreed upon by Mr. JAVITS, Mr. SCHMITT, Mr. RIBICOFF, and Mr. NELSON.

I send them to the desk. I ask unani-

mous consent that they be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 10, delete lines 8 through 12.

On page 10, line 13, delete "(2)" and insert in lieu thereof "(c)(1)".

On page 10, after line 21, insert the following new paragraph:

"(2) For the purposes of subparagraph (a)(3) and subparagraphs (d) through (j) of paragraph (2) a reporting individual shall also report the interests of the spouse or dependents of that individual if such interests are within the constructive control of the reporting individual. For the purposes of this subparagraph, an interest is in the constructive control of a reporting individual if the enhancement of the interest would substantially benefit the reporting individual.

On page 12, line 8, delete "Knowledge; however, it is the responsibility" and delete lines 9 and 10 and insert in lieu thereof "knowledge.".

On page 21, line 24, delete "or knowingly permit his spouse or dependent to accept".

Mr. ROBERT C. BYRD. They will automatically be printed and be available at the desk, will they not?

The PRESIDING OFFICER. The Senator is correct.

Without objection, they will be substituted for the pending amendment.

Mr. ROBERT C. BYRD. Mr. President, are there any special orders for the recognition of Senators tomorrow?

The PRESIDING OFFICER. There are none.

ORDER FOR SENATE TO RESUME CONSIDERATION OF SENATE RESOLUTION 110 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, immediately after the two leaders or their designees have been recognized under the standing order, the Senate resumes the consideration of the pending code of ethics.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME-LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, the pending question at that time will be on the amendment by Mr. SCHMITT, is that correct, as modified?

The PRESIDING OFFICER. The majority leader is correct.

Mr. ROBERT C. BYRD. Following that amendment, there will be an amendment by Mr. STEVENS under the order previously entered. I ask unanimous consent that there be a 1-hour time limitation on the amendment by Mr. STEVENS, to be equally divided and controlled in accordance with the usual form.

The PRESIDING OFFICER. Without limitation, it is so ordered.

TIME-LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I understand Mr. MUSKIE has an amendment which is acceptable to the managers of the resolution. I ask unanimous consent that there be a 10-minute time limitation thereon and that it be called up upon the disposition of the Stevens amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR STEVENSON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. STEVENSON then be recognized to call up his amendment.

The PRESIDING OFFICER. Without objections, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR TOWER TOMORROW AND TIME-LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. TOWER then be recognized to call up two amendments, on each of which there be a 1-hour time limitation, the time to be divided and controlled in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HUDDLESTON TOMORROW AND TIME-LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. HUDDLESTON then be recognized to call up an amendment on which there be a time limitation of not to exceed 30 minutes, to be equally divided and controlled in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ROTH AND TIME-LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. ROTH then be recognized to call up an amendment and that there be a time limitation thereon of 1 hour, to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR DURKIN TOMORROW AND TIME-LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. DURKIN be recognized to call up an amendment at that time; that there be a time limitation thereon of 30 minutes, to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, Mr. DURKIN, I believe, has two additional amendments. I ask unanimous consent that at such time as they are called up, there be a time limitation on each amendment of 30 minutes, to be equally divided and controlled in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order, if Mr. DURKIN wishes to call up one of his two remaining amendments at that time, that he be allowed to do so. I think this pretty equally balances out between both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR WALLOP TOMORROW AND TIME-LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. WALLOP then be recognized to call up three amendments, on one of which there be a 30-minute time limitation and on a second of which there be a 1-hour limitation; that the time be equally divided and controlled in the usual form; and that it be the understanding that the time on his third amendment come out of the 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. It is my understanding that the third amendment is going to be acceptable and he is willing to take that out of the time on the 1-hour amendment.

ORDER FOR RECOGNITION OF SENATOR HATHAWAY TOMORROW AND TIME-LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, following the recognition of Senator WALLOP, I ask unanimous consent that Mr. HATHAWAY be recognized to call up an amendment; that there be a time limitation on Mr. HATHAWAY'S amendment of 30 minutes, to be divided and controlled in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I wish to modify the time agreement with respect to Mr. HATHAWAY. I understand that he wants 30 minutes on his side. So, instead of a 30-minute time limitation on the Hathaway amendment, I ask unanimous consent that that be a 1-hour time limitation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PERCY TOMORROW AND TIME-LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. PERCY then be recognized to call up three amendments, on each of which there be a time limitation of 10 minutes, to be equally divided and controlled in accordance with the usual form, and that he then be permitted to call up amendment No. 133, on which there be a time limitation of 1 hour, to be equally divided and controlled in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, there are two additional amendments Mr. Percy has, on each of which I believe it is agreed there will be a 30-minute time limitation, to be equally divided and controlled in the usual form. I hesitate to attempt to crank those additional two amendments into the pecking order at this point, because I feel that there may be some Senators on my side of the aisle who might want to be recognized. So if it is agreeable with the distinguished minority leader, we could just agree on the time with reference to the two last amendments by Mr. PERCY, the 30-minute amendment.

Mr. BAKER. If the Senator will yield, there are six amendments that the Senator from Illinois is requesting consideration of. I think in fairness, as we have now disposed of four, and we have arrived at time limitations on the other two, that we try to sequence the other two remaining amendments later in the day.

I ask the majority leader, if it is determined that it will work a great hardship on the Senator from Illinois, if we could consider scheduling the other two during the day on tomorrow.

Mr. ROBERT C. BYRD. We certainly will attempt to do that, I say to the distinguished minority leader.

So it is agreed, then, that on the fifth and sixth amendments by Mr. Percy, there will be a 30-minute time limitation on each, the time to be equally divided and controlled in accordance with the usual form, but we will not attempt to crank them into the list at the moment.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HELMS TOMORROW AND TIME-LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, hopefully, if all things go well, Mr. HELMS has six amendments. I ask unanimous consent that, following recognition of a Senator or so on my side of the aisle, Mr. HELMS then be recognized to call up his amendments. He has four, on each of which I ask unanimous consent that there be a time limitation of 20 minutes. He has two on each of which I ask unanimous consent that there be a time limitation of 40 minutes, in each case, the time to be equally divided and controlled in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE TOMORROW

Mr. ROBERT C. BYRD. I am sure that the distinguished minority leader will agree with me that we have reached the point here where we cannot—I do not think we dare attempt to crank Senators into sequence without knowing what other Senators may wish to call up amendments. We recognized Mr. PERCY there on four amendments and we recognized Mr. HELMS at some later point for six amendments; Mr. PERCY for two additional amendments. I think we probably had better let things rest as they are.

Mr. BAKER. Mr. President, if the majority leader will yield; I agree with him. I think that we have scheduled enough to keep us busy at least until this hour tomorrow.

May I inquire of the majority leader what his hopes or plans might be for the closing time of the Senate tomorrow?

Mr. ROBERT C. BYRD. Well, if we go through all—I hope that Senators will not consume the time that is allocated to each of those amendments, but they certainly may. In many instances, they may not. I cannot see our getting through that list of amendments by 9 o'clock tomorrow night. I cannot see it.

Mr. BAKER. Mr. President, I judge that if we do not finish this schedule by the end of the session tomorrow, it would be the majority leader's plan to go over to Friday with the same sequence.

Mr. ROBERT C. BYRD. Yes; unless there are reasons which are put forth by Senators and acceptable by others that their respective amendments be sandwiched in.

But according to the list here, it would require unanimous consent to change it. But any Senators whose amendments have not been reached on the listing that has been set forth in the RECORD would follow on Friday in that same sequence.

Mr. BAKER. I thank the majority leader.

I might say for the information of the majority leadership, that even though the list we have just agreed to is long, it does not encompass all the requests we have. At some time tomorrow, I would hope to be able to negotiate with the majority leader on amendments for Senator CURTIS, for Senator HANSEN, for Senator JAVITS, for Senator MCCLURE, for Senator DOLE, and for Senator HATFIELD, to be considered subsequent to the consideration of these measures.

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. And possibly others.

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. Mr. President, if the Senator will yield for one more moment, I did not quite hear the time limitation on the Stevenson amendment; was there a time limitation?

Mr. ROBERT C. BYRD. I did not request a time limitation on that. I had been asked, not by Mr. STEVENSON, he is willing to agree to an 80-minute time limitation, but there were other Senators who felt perhaps we might want to take the full 2 hours on that amendment.

Mr. BAKER. So it will be under the control of the general unanimous-consent agreement?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. Mr. President, I ask the Senator to yield further to request the Chair to advise us of the amount of time left on the resolution for the record.

The PRESIDING OFFICER. The Chair informs the distinguished minority leader in response to his question, there is a total of 1,764 minutes time remaining, of which 958 is under the control of the distinguished minority leader, the Senator from Tennessee, and 880 under the control of the distinguished majority leader, the Senator from West Virginia.

Mr. BAKER. I thank the Chair and I thank the majority leader for yielding.

TIME-LIMITATION AGREEMENT—H.R. 4876

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as H.R. 4876, an act making economic stimulus appropriations for the fiscal year ending September 30, 1977, is called up and made the pending business before the Senate, there be a time limitation thereon of 3 hours, to be equally divided between Mr. MCCLELLAN and Mr. YOUNG; that there be a time limitation on any amendment thereto of 30 minutes, with the exception of one amendment by Mr. SCHWEIKER on which there be a time limitation of 1 hour; that there be a time limitation on any debatable motion or appeal of 20 minutes; that there be a time limitation on any point of order, if such is submitted to the Senate for discussion, of 20 minutes; and that the agreement be in the usual form with respect to the control and division of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the agreement is as follows:

Ordered, That during the consideration of H.R. 4876 (Order No. 49), an act making economic stimulus appropriations for the fiscal year ending Sept. 30, 1977, and for other purposes, debate on any amendment except an amendment to be offered by the Senator from Pennsylvania (Mr. Schweiker) on which there shall be 1 hour, shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the resolution, and that debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the resolution: *Provided*, That in the event the manager of the bill is in favor of any such amendment, motion, appeal, or point of order, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

Ordered further, That on the question of agreeing to the said resolution, debate shall be limited to 3 hours, to be equally divided and controlled, respectively, by the Senator from Arkansas (Mr. McClellan) and the Senator from North Dakota (Mr. Young): *Provided*, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

ORDER FOR CONSIDERATION ON FRIDAY OF H.R. 4876, ECONOMIC STIMULUS APPROPRIATIONS ACT, 1977

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately following the prayer on Friday, the Senate proceed to the consideration of H.R. 4876.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS ON FRIDAY

Mr. ROBERT C. BYRD. Mr. President, if there should be requests for speeches on Friday, I believe that those Senators should be encouraged not to seek the orders for Friday morning, because it would infringe upon the meeting of committees. If we convene before 11 a.m. in order to accommodate Senators, it would, by that amount of time, infringe on the meeting of any committees.

So I hope we will not have any requests on my side of the aisle for any special orders of time on Friday. I hope

the distinguished minority leader will try to assist on his side.

Mr. BAKER. Mr. President, I would express a similar request, possibly for a different reason. I suspect that we are going to have an attendance problem by Friday afternoon, and I hope we can get on to the business at hand as soon as possible and do as much as possible with a maximum number of Senators present.

I join the majority leader in expressing the hope that Senators might postpone their special order requests to another day.

Mr. ROBERT C. BYRD. Mr. President, I hope we will not have an attendance problem. I cannot say that we will not. I hope we will not have an attendance problem. I hope that, once we have disposed of the economic stimulus appropriations bill, we can continue our action on amendments to the code of ethics measure.

ORDER FOR RECESS FROM TOMORROW UNTIL 11 A.M. ON FRIDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in recess until 11 a.m. on Friday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, on Friday, upon the disposition of the act making economic stimulus appropriations, the code of conduct measure would automatically be back before the Senate, would it not,

The PRESIDING OFFICER. The Senator is correct.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 86–380, appoints the Senator from Delaware (Mr. ROTH) to the Advisory Commission on Intergovernmental Relations.

ORDER FOR H.R. 3437 TO BE HELD AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 3437 be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAIVER OF THE CONGRESSIONAL BUDGET ACT WITH RESPECT TO CONSIDERATION OF S. 1025

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 121, waiver of section 402(a) of the Congressional Budget Act with respect to consideration of S. 1025, to amend the Securities and Exchange Act of 1934 to increase the amount authorized to be appropriated for the Securities and Exchange Commission for fiscal year 1977.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 121) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1025.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to, as follows:

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1025. Such waiver is necessary because the need for the additional funds arose after May 15, 1976. The supplemental request, transmitted to Congress on January 18, 1977, covers the pay increase which went into effect in October 1976, and additional funds needed to complete the modernization of the automated data processing and record system of the Securities and Exchange Commission.

S. 1025—SECURITIES AND EXCHANGE COMMISSION AUTHORIZATIONS

Mr. ROBERT C. BYRD. Mr. President, I understand that Calendar No. 48, S. 1025, has now been cleared for action by unanimous consent, now that the waiver has been disposed of.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. Is this correct?

Mr. BAKER. Mr. President, it is correct. We are cleared, pending only the adoption of the budget waiver, which was just done. We have no objection to proceeding with its disposition.

Mr. ROBERT C. BYRD. Mr. President, I would just ask the clerk to transfer Calendar No. 48 to the Unanimous Consent Calendar, so that it will be there on tomorrow.

The PRESIDING OFFICER. That will be done.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 12 o'clock noon tomorrow.

After the two leaders or their designees have been recognized under the standing order, the Senate will resume the consideration of the pending measure, Senate Resolution 110. The pending question at that time will be on the adoption of the amendment, as modified, by Mr. SCHMITT, on which there is a time agreement of 1 hour. There will be rollcall votes throughout the afternoon tomorrow and late into the day.

RECESS

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 12 meridian tomorrow.

The motion was agreed to; and at 9:21 p.m. the Senate recessed until tomorrow, March 24, 1977, at 12 meridian.

NOMINATIONS

Executive nominations received by the Senate March 23, 1977:

FEDERAL TRADE COMMISSION

Michael Pertschuk, of the District of Columbia, to be a Federal Trade Commissioner for the unexpired term of 7 years from September 26, 1970, vice Stephen A. Nye, resigned.

DEPARTMENT OF THE TREASURY

Robert Carswell, of New York, to be Deputy Secretary of the Treasury, vice George H. Dixon, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 23, 1977:

DEPARTMENT STATE

Lucy Wilson Benson, of Massachusetts, to be Under Secretary of State for Coordinating Security Assistance programs.

Hodding Carter III, of Mississippi, to be an Assistant Secretary of State.

Richard Holbrooke, of the District of Columbia, to be an Assistant Secretary of State.

Terence A. Todman, of the Virgin Islands, a Foreign Service officer of the class of career minister, to be an Assistant Secretary of State.

Patsy T. Mink, of Hawaii, to be an Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs.

U.S. INFORMATION AGENCY

John E. Reinhardt, of Maryland, a Foreign Service information officer of the class of Career Minister for Information, to be Director of the U.S. Information Agency.

AGENCY FOR INTERNATIONAL DEVELOPMENT

John J. Gilligan, of Ohio, to be Administrator of the Agency for International Development.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Jay Janis, of Florida, to be Under Secretary of Housing and Urban Development.

Lawrence B. Simons, of New York, to be an Assistant Secretary of Housing and Urban Development.

Robert Campbell Embry, Jr., of Maryland, to be an Assistant Secretary of Housing and Urban Development.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Thomas D. Morris, of the District of Columbia, to be Inspector General, Department of Health, Education, and Welfare.

Arabella Martinez, of the District of Columbia, to be an Assistant Secretary of Health, Education, and Welfare.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

THE PANAMA CANAL ISSUE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, March 23, 1977

Mr. HARRY F. BYRD, JR. Mr. President, there have been recent press reports that the U.S. negotiators have agreed to turn over to Panama the jurisdiction, defense, and operation of the Panama Canal.

This, if it is true, would be in direct contravention of President Carter's campaign pledge that he would "never give up complete or practical control over the Panama Canal Zone."

There has been a great deal of distortion of the facts surrounding U.S. rights of sovereignty over the Panama Canal Zone and I commend to my colleagues an article by Anthony Harrigan which appeared in the March 2, 1977, Farmville Herald entitled "The Panama Canal Issue."

I ask unanimous consent that the text of this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PANAMA CANAL ZONE

(By Anthony Harrigan)

The American Congress and people should hold President Carter to his campaign promise that he would "never give up complete or practical control over the Panama Canal Zone."

There is need to bring up the matter of Mr. Carter's promise because all the signs point to a major effort by the State Department to seek ratification of a treaty that diminishes or relinquishes America's sovereign control over the strategically vital Panama Canal Zone.

Indeed, a massive campaign is afoot to popularize U.S. relinquishment of authority in the Panama Canal Zone. A drumfire of propaganda is distorting history.

Evidence of this appeared recently in a shocking editorial in The New York Times (Feb. 14, 1977). The Times said of the Panama Canal:

"We stole it and removed the incriminating evidence from our history books . . . Our people sit in colonial luxury in the Canal Zone, defending this history and mythology more than the canal and driving politicians to demagogic fury against any change in the arrangement."

This is rewriting history with a vengence. The American record in connection with the Panama Canal is an open book. Lt. Gen. V. K. Krulak, editorial director of the Copley Newspapers, set forth this record in a recent article entitled "Panama: Strategic Pitfall."

He points out that as to the matter of sovereign control, there is no question whatever, adding that "The Canal Zone is not in any sense Panamanian territory." He observes that the 1903 treaty granted the United States "perpetual sovereignty over the Canal Zone to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority."

The Panama Canal is no more Panamanian territory than New Mexico is Mexican territory or Alaska is Russian territory.

In a lengthy proceeding, the U.S. Supreme Court rules: "It is hypocritical to contend that the title of the United States is imperfect, and that the territory described does not belong to this nation." So much for The New York Times' contention that the Canal Zone was stolen from the Panamanians.

As a matter of fact, the U.S. paid Panama $160 million for clear title to the Canal Zone. Since then, as Gen. Krulak reports, "The country has flourished and now, largely due to Canal related employment, the one and one-half million Panamanians have a living standard equaled by few other Latin American nations."

What about the contention of the giveaway advocates that the Panama Canal isn't strategically valuable to the United States? Gen. Krulak writes in Strategic Review that "In the past two and one-half years some 750 U.S. Navy ships transited the waterway bound east or west on affairs related to our national security."

The New York Times insists that the Panamanian regime of President Torrijos "will be fair and flexible." Gen. Krulak points out Panamanian control of the canal would mean Marxist control of the strategic waterway. He says: "The principal government officials in Panama are all Marxists, including the chief of state, Omar Torrijos, a National Guard lieutenant colonel who seized power by force from the elected president, Dr. Arnulfo Arias, in 1968." He adds that "hatred and defamation of the United States are as much a national policy (of Panama) as are close ties with the communist world, most particularly the Soviet Union and Cuba."

U.S. Sen. Strom Thurmond (R-S. C.) has led the fight in the Senate against surrender of the Panama Canal. His resolution opposing such a surrender has been supported by approximately one-third of the Senate. It should command the support of all senators concerned about hemispheric security and America's sovereign rights.

A giveaway of the Panama Canal would not be a yielding of some foreign zone of influence. The Panama Canal is U.S. territory, and should be retained in perpetuity as the Panama Canal treaty provides.

Gen. Krulak has capsuled the Panama Canal issue in these words: "If the Congress concludes that the U. S. can risk sharing those 50 vital miles of lifeline with a hostile communist government; even worse, if it agrees to give the Canal away, it will have done this country more harm than a dozen succeeding Congresses could repair."

OPPORTUNITIES FOR ADOPTION ACT OF 1977

Hon. Yvonne Brathwaite Burke

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mrs. BURKE of California. Mr. Speaker, today I am introducing the Opportunities for Adoption Act of 1977 to improve the prospects of adoption for more than 100,000 children now considered unadoptable because of the lack of clear direction and objectives in our multiple public and private adoption agencies. Identical legislation, S. 961, has been introduced by Senator CRANSTON and cosponsored by Senators WILLIAMS, RIEGLE, RANDOLPH, PELL, BROOKE, CHURCH, DURKIN, HUMPHREY, and INOUYE. The Senate bill has been referred to the Human Resources Committee and the Subcommittee on Child and Human Development will hold hearings on April 4.

It is estimated that there are at least 320,000 children living in foster homes or in institutions across the country either because their legal status is uncertain or because they are considered difficult to place. In California alone, there are 27,849 children in foster homes. Many of these are "special needs" children, generally defined as those who have not been adopted due to their age—usually over 6 years—race, ethnic group, mental, physical or emotional disability, or because they are members of a sibling group.

Before discussing the substance of my bill, I would like to describe the California experience in the adoption of children with special needs.

Since it was established 27 years ago, the Los Angeles County Department of Adoptions has placed nearly 30,330 children, making it the largest adoption agency in the world. The total number of children placed has decreased since their peak year in 1968, when some 2,500 children were placed. However, of the total of 830 adoptions in 1974, 87.6 percent or 727 were special needs children. Of the 830 children, 186 were black children and 67 were white infants. During the period January to June 30, 1975, 420 children were placed of whom 359 were special needs children.

Los Angeles' adoption services have been quite successful for a number of reasons, among them the existence of three programs which have stressed recruitment and subsidy payments. In 1967, a unique recruitment program called Ben Hunter's Adoption Show, began broadcasting live on Station KTTV in Los Angeles every Thursday afternoon for 10 minutes. It has been the longest running public service show on U.S. television and has found more homes for the hard-to-place than any other recruitment program. In 1970, this program was awarded an Emmy by the Hollywood Chapter of the Academy of Television Arts and Sciences.

In 1969, the landmark legislation, "aid for the adoption of children," sponsored by California Lt. Gov. Mervin Dymally, began as a pilot program to increase the adoption of special needs children. Under the program, fees of services may be waived or reduced and some subsidies are made available for approved families, not to exceed the cost of foster care. The program became permanent in 1971.

In 1970, the Reach Out program began as a pilot project to identify and free for adoption, children who were in foster homes for extended periods of time and stood little chance of returning to their own homes. In 1971, more than one-third of all children placed were adopted by their foster families.

As has been recognized, the Department's services to children with special needs is outstanding. The legislation I

have proposed would allow the Los Angeles experience to be shared nationwide.

Briefly, my bill would address itself to three basic areas. First, it would promote the establishment of uniform adoption regulations in the United States in order to eliminate jurisdictional and legal obstacles to adoption. In all too many cases, it is difficult for adoptive parents to seek children in another State because of legal obstacles. My bill would open the prospective field for adoptive parents to the Nation as a whole, rather than just to individual States.

Second, the legislation would provide Federal financial assistance to States for the purpose of assisting adoption gencies and prospective adoptive parents in meeting certain costs of adoption in order to remove or alleviate the financial obstancles to adoption by qualified individuals.

Finally, the bill provides for the establishment of a National Office of Adoption Information and Services in the Department of Health, Education, and Welfare to insure quality standards for adoption services and to provide for a national adoption information exchange system to match children in need of adoption with prospective adoptive parents.

I would also call your attention to two provisions added in an effort to increase the likelihood of adoption for children with special needs.

The first, section 4(e), makes it possible for children with problems which will keep them dependent for an indefinite length of time to continue to receive a subsidy past their 18th birthday. Many children have remained unadoptable because of medical, psychological, or other problems which will keep them indefinitely dependent upon their adoptive parents.

The second provision, section 4(f), will enable a child, upon certification by the adoption agency, to continue to receive any supportive or supplemental aid to which he or she was entitled while in a foster care placement. This will further remove financial constraints which have denied foster children the love and security of a permanent family.

These two provisions will make the adoption process available to all families and will encourage the adoption of special needs children.

This Federal legislation will not interfere with the traditional role of the State and local agencies in domestic adoption policy. On the contrary, this legislation would act as a catalyst to draw this problem to national attention and to ease many of the obstacles which have heretofore interfered with the ability of this Nation to care for its unadopted children.

In addition, Federal subsidy is a concrete way to decrease overall expenditures for care of these children. Costs have been found to be much higher if a child remains in either an institution or a foster home. Under most State laws, the State must maintain guardianship and a caseworker must provide supervision until the child reaches age 18.

The grants provided by this bill would help agencies meet the costs of locating and freeing for adoption those children who have been in foster care for long periods. It would also provide aid for the placing of these children, provide prenatal and postnatal services to mothers voluntarily planning to place their children for adoption and would provide counseling services for children and parents.

By speeding up the process through subsidized adoption—currently practiced by 41 States and the District of Columbia—the States will actually save money. These savings can be measured by the cost involved to the State if a child is not adopted. For example, in Los Angeles, the actual cost of the subsidized adoption program for the first 2 years was $1,134,712. The cost of maintaining the same children in foster care to age 18 is projected to be $35,121,240. The Los Angeles County Department of Adoptions estimates its savings at $31,621,685 after administrative costs.

Even with a medical subsidy to provide for a child under subsidized adoption, the overall cost to the State would be less than if the child were to remain under State care.

The need for this legislation is clear. At present, adoptions in the United States largely present the picture of a system traveling in 50 different directions. Those parents wishing to adopt often are faced with one State pool of children from which to choose because of legal obstacles and redtape involved in attempting interstate adoptions. Faced with these problems, many families who are wedded to the idea that they must have a healthy white infant turn to the illegal markets for children.

The tragedy of adoption today is that the adopting public remains largely white—with the idea that adoption means a healthy white infant. We must change the myths prevalent in this Nation concerning so-called adoptable children. The Opportunities for Adoption Act will open the way for the American people to open their hearts to our children in need.

The Opportunities for Adoption Act has the support of many groups and individuals working in the area of adoptions. I would note with particular appreciation those who have assisted in shaping this legislation: Mrs. Elizabeth S. Cole, director, North American Center on Adoption of the Child Welfare League of America; the National Conference of Catholic Charities; the Black Child Development Institute; Peter W. Forsythe, vice president, the Edna McConnell Clark Foundation; the American Public Welfare Association; the American Academy of Pediatrics; the North American Council on Adoptable Children, and the Coalition on Children and Youth.

MILITARY UNIONS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, March 23, 1977

Mr. HARRY F. BYRD, JR. Mr. President, there are two bills currently before the Senate Armed Services Committee which would prohibit unionization within the U.S. military.

I believe this is a matter which requires the closest attention of the Congress.

The March 21, 1977, edition of the Richmond Times-Dispatch carried an editorial on this important matter and I ask unanimous consent that the text of this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BAN MILITARY UNIONS

With the Carter administration's secretary of labor having taken a sympathetic view of the unionization of the military forces, it was reassuring to hear the administration's secretary of defense tell a congressional committee Friday that collective bargaining in the military is "fundamentally incompatible" with the need for "an unencumbered command and control system."

But it was not reassuring to hear Defense Secretary Harold Brown decline to urge enactment of a law banning military unions. Both he and Navy Secretary W. Graham Claytor Jr. suggested that a ban against members of the armed forces joining unions might be unconstitutional.

This led Chairman John C. Stennis of the Senate Armed Services Committee to tell the Defense Department officials to "make up your minds which way you are going."

Secretary Brown did say he would support a law banning union organizing on military bases. But such a statute would not get to the root of the problem.

Even after Sen. Strom Thurmond, R–S.C., produced a flyer promoting a meeting to discuss military unionization, to be conducted by the American Federation of Government Employes for servicemen at the Oakland Army Base tomorrow, Secretary Brown said he believed the unionization threat to be "prospective and not immediate" and that "I think it is important not to overreact."

What Secretary Brown and the Carter administration should be doing is searching for ways to prohibit military unionization *now*, instead of putting the emphasis on going slow and not overreacting. Certainly no responsible member of Congress or any other governmental official favors passage of an unconstitutional law, but these officials should be making every reasonable effort to find ways to ban military unions, instead of risking the nation's security by tip-toeing around the issue.

We reject the idea that this nation cannot make it clear that unionization of the armed forces will not be tolerated. Even the present labor-sympathetic Congress must have sense enough to realize that failure to impose such a ban, by some lawful means, could lead to national disaster, given the labor bosses' announced intention to organize the men and women in uniform.

PERSONAL EXPLANATION

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I have long supported the Small Business Administration and its work. Unfortunately, I was not in the Chamber on Monday when the House voted on

the conference report on H.R. 2647, increasing SBA loan limitations and surety bond authorizations. Had I been present, I would have voted "yea" on rollcall 67.

THE "WORK TEST" RELATIVE TO THE FEDERAL-STATE UNEMPLOYMENT COMPENSATION SYSTEM

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. STEIGER. Mr. Speaker, 2 days ago the House passed H.R. 4800, the Emergency Unemployment Compensation Extension Act of 1977. In this connection we had quite a bit of discussion regarding the "suitable work" provisions of that bill.

For the information of the Members I would like to share a letter which I received from the Department of Labor concerning the administration of the "work test" under various regular State unemployment compensation programs.

Specifically, the letter provides an explanation of the provisions of each State law with regard to when a UC beneficiary is required to register with the Employment Service in order to be eligible to receive, or continue to receive, UC benefits. The letter also includes some limited discussion of how these provisions are in fact administered. Lastly, accompanying the letter is a State-by-State breakdown of the number of UC claimants filing initial claims for the 12-month period ending June 30, 1976, and the number of these claimants who were actually required to register for work with the Employment Service.

For reasons of economy, I have not inserted in the RECORD all of the attachments described in the letter but the letter itself and the attached chart will be of interest to those concerned with this aspect of the unemployment compensation program.

The material follows:

U.S. DEPARTMENT OF LABOR, EMPLOYMENT AND TRAINING ADMINISTRATION,

Washington, D.C., March 17, 1977.

Hon. WILLIAM A. STEIGER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN STEIGER: Thank you for your letter of February 25, 1977, in which you asked for information concerning application of the "work test."

You first ask for an explanation of the provisions of each State law with regard to when a UC beneficiary is required to register with the Employment Service.

In 17 States, registration is required by law for all claimants. In actuality, the requirement might be applied differently by the States, according to how "registration" is defined. Following are the States in this category:

Alaska, Arizona, Connecticut, Idaho, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, North Carolina, Puerto Rico, Rhode Island, Texas, Vermont, West Virginia.

In the 35 remaining States the law specifies certain categories of claimants who may not be required to register, such as those attached to regular jobs, or in circumstances with respect to which the agency finds that registration would be oppressive or inconsistent with the purposes of the act. While there are minor variations from State-to-State, the intent of the waiver provision is to relieve the Employment Service from the necessity to take unneeded work registrations and relieve claimants from the inconvenience of registering when no purpose would be served. The States in this category follow:

Alabama, Arkansas, California, Colorado, Delaware, District of Columbia, Florida, Georgia, Hawaii, Illinois, Indiana, and Kansas.

Louisiana, Maine, Maryland, Mississippi, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, and Ohio.

Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington, Wisconsin, and Wyoming.

You next asked for a description of how these State law provisions are administered. It is impossible to give a single categorical answer to this question. Practices vary widely from State-to-State, from time to time, and even within States. Primary considerations are to provide the best possible placement service to applicants and employers, to avoid unnecessary reporting and waiting for claimants, and to make the most effective use of Employment Service resources. These considerations must be applied in local areas where economic conditions may fluctuate widely, rapidly, and unpredictably.

The overall guidance from the Federal level is expressed in the Secretary's Standard for Claim Filing, Claimant Reporting, Job Finding, and Employment Services, which was revised most recently in August 1970. We believe this Standard to be still an effective guide for the States. Section 5002 covers responsibilities for provision of necessary services. You will note that considerable flexibility is built into the requirements, so that claimants who need and desire services may be handled separately from those on temporary layoff, for example.

When the Standard was published, an implementing and explanatory issuance, Unemployment Insurance Program Letter No. 1089, was released with it. The Program Letter expands further on the methods and goals of the work registration process for UI claimants. While economic conditions have changed radically since the guides were published, we think they still are effective and realistic.

A more recent publication, General Administration Letter No. 5–77, addresses the whole area of claimant availability for work. You will note that selective registration for work again is stressed.

In regard to actual processes now taking place in the various State agencies we do not have current or specific information. In general, we can say that claimants are screened by UI, and that those who are on short term layoff or subject to waiver under other provisions, are not required to register. All others are required to register.

Your third request is for the number of initial claimants and number required to register for work during the last calendar year. (The most recent data we have on Employment Service activities is for the 12 months ending June 30, 1976).

The table enclosed shows the new initial claims for the fiscal year and UI claimants who registered for work with the Employment Services during the same period. This data does not respond exactly to your question because the claims figures include an undetermined number of persons who filed more than one initial claim, and claimants later found to be ineligible. The table will, however, give you general information about the extent of work registration of UI claimants. We hope that this information is helpful to you and will be glad to furnish any further assistance that we can.

Sincerely,

LAWRENCE E. WEATHERFORD, Jr.,
Administrator, Unemployment Insurance Service.

UI CLAIMANTS FILING INITIAL CLAIMS AND REGISTERED WITH ES, JULY 1975 TO JUNE 1976

	Claimants filing initial claims [1]	UI claimants registered with ES [2]
Total	12,971,496	4,131,975
Alabama	223,269	77,550
Alaska	42,170	11,774
Arizona	121,586	14,531
Arkansas	138,616	39,640
California	1,619,151	237,203
Colorado	119,088	72,593
Connecticut	326,268	195,910
Delaware	44,950	25,831
District of Columbia	42,495	8,552
Florida	450,787	23,157
Georgia	362,924	65,577
Hawaii	56,965	34,820
Idaho	54,102	24,248
Illinois	638,200	139,308
Indiana	284,979	135,011
Iowa	113,702	24,280
Kansas	77,206	13,594
Kentucky	229,116	61,837
Louisiana	145,749	17,201
Maine	102,238	28,698
Maryland	199,316	123,276
Massachusetts	338,816	174,298
Michigan	891,217	316,766
Minnesota	176,873	86,228
Mississippi	81,714	43,416
Missouri	336,908	163,770
Montana	44,394	17,067
Nebraska	57,916	28,602
Nevada	56,987	13,721
New Hampshire	46,447	43,934
New Jersey	507,585	126,470
New Mexico	50,750	39,403
New York	1,039,022	186,734
North Carolina	334,505	107,523
North Dakota	22,378	15,407
Ohio	516,507	107,823
Oklahoma	124,989	44,070
Oregon	177,612	48,923
Pennsylvania	746,403	125,689
Puerto Rico	189,560	125,429
Rhode Island	86,538	35,232
South Carolina	222,843	57,383
South Dakota	16,139	6,660
Tennessee	257,582	51,198
Texas	360,639	225,373
Utah	54,822	50,821
Vermont	31,340	27,640
Virginia	181,233	129,040
Washington	275,581	77,344
West Virginia	109,629	32,407
Wisconsin	230,817	94,303
Wyoming	10,919	2,647

[1] New intrastate claim (1st claim) plus agent interstate claim filed in a "benefit year."

[2] A count of new applications filed by eligible UI claimants during the period plus 1st renewals (in same period) of applications filed during a preceding period.

REMOVING THE EARNINGS LIMITATION ON SOCIAL SECURITY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. GILMAN. Mr. Speaker, on January 12, 1977, I introduced H.R. 1768, legislation eliminating the earnings limitations on social security benefits paid to individuals 65 and over. Please see CONGRESSIONAL RECORD, January 13, 1977, 1110.

I had several prime reasons for introducing this legislation: First, many

senior citizens cannot retire on the combined social security benefits and the low earnings limitation; second, elderly citizens are penalized for their willingness to work; and, third, the earnings limitation, by discouraging many elderly citizens from working, deprives this Nation of the valuable skills and talents of many senior citizens.

Following introduction of this legislation, a number of my colleagues expressed interest in this legislation. Accordingly, I am reintroducing this bill which is cosponsored by the following 24 Members of the House:

LIST OF ADDITIONAL COSPONSORS OF H.R. 1768

Mr. Anderson of Illinois, Mr. Badillo, Mr. Broyhill, Mr. Burgener, Mr. Buchanan, Mrs. Collins, Mr. Corcoran of Illinois, Mr. Cornwell, Mr. Dicks.

Mr. Dornan, Mr. de la Garza, Mr. Edwards of Oklahoma, Mrs. Fenwick, Mr. Glickman, Mr. Hall, Mr. Horton, Mr. Jones of North Carolina.

Mr. Kindness, Mr. McCloskey, Mr. McKinney, Mr. John T. Myers, Mr. Patterson of California, Mr. Pritchard, Mr. Richmond.

AUTHORIZATION TRANSFER PROCEDURES

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. MOAKLEY. Mr. Speaker, this week the House will consider a bill—H.R. 3965—to authorize appropriations for research and development programs of the Federal Aviation Administration.

During consideration in the Committee on Rules, I expressed my concern that section 2 of the committee substitute could be read as permitting reprogramings to be instituted by letter from the Committee on Science and Technology without the customary review by the Committee on Appropriations.

This was clearly not the intent of the committee and agreement has been reached that the committee will offer a technical amendment clarifying the authority of the Committee on Appropriations. I insert the text of section 2 in the RECORD at this point, indicating the amendment by conventional typographical device:

SEC. 2. Notwithstanding the purposes for which funds are authorized in paragraphs (1)–(4) of the first section of this Act, funds authorized by such paragraphs may be authorized for any other program or project not excluded by section 4 of this Act for research, development, or demonstration under section 312(c) of the Federal Aviation Act of 1958 or section 14(d) of the Airport and Airway Development Act of 1970 if notice of such program or project has been given to the Speaker of the House of Representatives, the House Committee on Science and Technology, the President of the Senate and the Senate Commerce Committee in a manner containing a full and complete statement of the proposed program or project and the facts and circumstances relied on in support of such program or project and (a) a period of 30 days has passed after the date such notice was received, or (b) each such committee before the expiration of such period has transmitted to the Secretary written notice to the effect that such committee has no objection to the proposed action.

On the basis of the agreement to offer the amendment, I supported a rule and will support the bill. But I would like to express my grave reservations about the whole concept embodied by section 2. I can understand that this sort of flexibility may be necessary and desirable for R. & D. programs.

But I would strenuously object to any similar provision in larger or more controversial authorizations. It must be recognized as, essentially, a shortcircuiting of the legislative process and I think there are very few situations in which such an approach is desirable.

RELOCATION ASSISTANCE

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. DRINAN. Mr. Speaker, in 1970 the Congress enacted the Uniform Relocation Assistance and Real Property Acquisition Policies Act. The purpose of the statute was to insure that individuals and businesses, forced to move because of programs financed by Federal funds, would be properly compensated for the relocation.

Such relocations generally fall into three categories, those which result from: First, direct Federal action, such as the construction of a Federal building; second, State action using Federal funds, such as a highway construction program; or third, private action using Federal funds, such as a hospital expansion program. By the terms of the 1970 act, it was not clear whether relocations in all three categories would be covered by the statute. In fact, on December 11, 1970, a few days after the law became effective, Congressman Ryan of New York expressed the view that relocations required by private actions using Federal funds were not within the terms of the statute. (See 116 Cong. Rec. 41254–55.)

The application of the 1970 act to relocations arising out of Federal programs operated by private persons has been the subject of litigation. In 1971, Parlane Sportswear Co., a women's clothing manufacturer in Boston, sought relocation assistance from the Department of Health, Education, and Welfare because of impending displacement by Tufts University, a private college operating a cancer research center with Federal grants. The agency declined payment and the company initiated an action in the Federal court. Ultimately, its claim was denied because the court of appeals held that the relocation statute did not cover displacements by private organizations using Federal funds. *Parlane Sportswear Co., Inc.* v. *Weinberger* (513 F.2d 835 (1st Cir.), *cert. denied sub nom.*) *Parlane Sportswear Co., Inc.* v. *Mathews*, (423 U.S. 925 (1975).

Thus in Parlane the court decided what Congressman Ryan 5 years earlier had protested. He had said that it was unfair to exclude from the statute forced relocations that are connected with Federal programs providing assistance to private organizations. Whether the displacement is caused directly by Government action or indirectly through funds it provides does not warrant differing treatment of the displaced persons.

Today I am introducing a bill which would correct the inequities in the relocation act which the decision of the court of appeals and Congressman Ryan's comments revealed. The proposal would provide such assistance to persons displaced by private groups using Federal funds to the same extent they are covered by State displacements using Federal funds. Thus when a Federal agency awards a grant to a private organization, it would be required to include some assistance for persons forced to relocate by the acquisition of real property by the grantee.

A second part of the bill would allow persons already displaced by private organizations using Federal funds to file a claim with the Attorney General to recover the costs incurred by forced relocations since the enactment of the statute in 1970. Such persons, which would include both individuals and businesses, would have to seek such repayment within 3 years of the effective date of this bill. Because such payments are in the nature of judgments against the United States and because of the uncertain amounts involved, the bill does not fix an authorization level.

The text of the bill follows:

H.R. 5475

A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to extend relocation assistance to persons displaced as the result of real property acquisitions by private persons for federally assisted programs or projects, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) is amended by—

(1) redesignating sections 220 and 221, including any references thereto, as sections 221 and 222, respectively; and

(2) by adding immediately after section 219, the following new section:

"DISPLACEMENT BY PRIVATE PERSONS

"SEC. 220. Whenever real property is acquired by any person for any program or project for which such person has received Federal financial assistance and such acquisition will result in the displacement of any other person on or after the effective date of this section, such acquisition shall, for the purposes of this Act, be deemed an acquisition by a State agency of the State in which such property is located, and the person acquiring such property shall make all relocation payments and provide all assistance required of such a State agency by this Act when such State agency acquires real property (other than acquisition as the agent of the Federal Government as provided in section 208).".

SEC. 2. (a) Whenever real property was acquired by any person for any program or Federal financial assistance and such assistance resulted in the displacement of any other person after the effective date of the Uniform Relocation Assistance and Real

Property Acquisition Policies Act of 1970 and before the date of enactment of this Act such person who was displaced may submit a claim to the Attorney General for compensation from the United States in an amount equal to any compensation that person would have been eligible to receive from the person acquiring such property if the amendment made by the first section of this Act had been in effect at the time of such acquisition.

(b) The Attorney General shall, after a determination made on the record and after opportunity for a hearing, pay each person submitting a claim under subsection (a) of this section so much of such claim as the Attorney General determines is valid.

(c) No claim may be submitted for compensation pursuant to this section after the last day of the third year which begins after the date of enactment of this Act.

(d) For purposes of this section, the term "person" means any individual, partnership, corporation, or association.

PERICLES "SPUD" LABOVITIES

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. EARLY. Mr. Speaker, on April 1, 1977, Mr. Pericles "Spud" Labovities will be retiring after 25 years of dedicated service to the YMCA in Worcester, Mass. At this time he will be recognized by the countless friends that he has made through his association with the "Y" and his many years of unselfish dedication to our youth.

His most noteworthy contributions have been his direction of the Worcester Central Y Junior Church Basketball League, involving 42 different churches, over 2,000 players and 250 volunteers; the Senior Church Basketball League with 28 different churches, 1,500 players and 150 volunteers; and the Junior Church Cheerleaders Contest with 14 churches, 1,000 girls and 50 volunteers participating.

This league is the oldest and largest of its kind, participating every Friday and Saturday night. The league itself started in 1915 and has been under the direction of Spud since 1952. The YMCA Church League once was a very strong program throughout New England, but today the Worcester Central League stands as one of the few remaining and that is due to the many years of hard work and dedication that Spud has contributed.

I believe it is a great credit to our community to have a man of Spud's nature and he has been a great asset to the many young men and women who have come in contact with him through the Y League. Our communities need more people like this to help our youth and confirm in them the belief that there are people who care and are willing to give of their time and efforts to show their concern.

Spud certainly is a living testament of the YMCA slogan "Help the 'Y' to Help Youth—Be a Sustaining Member!" Many thanks, Spud Labovities, for all of your contributions.

FDA SACCHARIN BAN COUNTERPRODUCTIVE

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. BOLAND. Mr. Speaker, the proposed ban of the sugar substitute saccharin has caused a great deal of concern among a great many people. Not only are millions of users of saccharin concerned, but many well known health experts are questioning the data upon which the proposed ban is based. The matter is currently under study by a House Health Subcommittee and the Department of Health, Education, and Welfare.

One highly regarded expert in the field of cancer research is Dr. Kurt J. Isselbacher, chairman of the Harvard University Cancer Committee. Dr. Isselbacher recently testified before the House Interstate and Foreign Commerce Committee's Subcommittee on Health and the Environment. He believes as I do that the test results that provide the basis of this ban are unrealistic when applied to humans. For a human to ingest the amount of saccharin consumed by the rats in the Canadian tests, they would have to consume 56 saccharin tablets a day, or drink hundreds of diet sodas each day. The average saccharin user consumes one one-thousandth this amount or less in average use. Dr. Isselbacher concludes his testimony by calling the FDA ban "counterproductive," and suggests the FDA carefully weigh the health benefits gained by the millions of diabetics and overweight persons in the United States who use saccharin before instituting the ban.

Mr. Speaker, I believe each food agent should be examined individually by the FDA. Clearly there should not be hasty action taken on unrealistic data. I believe the U.S. Government should conduct comprehensive tests on saccharin before going ahead with this ban. In addition, I support legislation amending the Delaney clause of the Food, Drug and Cosmetic Act which retains the intent of the clause while at the same time providing a realistic formula for making decisions on the carcinogenicity of food additives.

Mr. Speaker, at this time I would like to insert a copy of Dr. Isselbacher's testimony on the saccharin issue:

TESTIMONY OF KURT J. ISSELBACHER, M.D.

Congressman Rogers and distinguished Members of the Subcommittee:

I am Kurt J. Isselbacher, M.D., Professor of Medicine and Chairman, Executive Committee of the Departments of Medicine, Harvard Medical School, Boston and Chairman of the Harvard University Cancer Committee.

I am here to express to you my personal concerns as a physician and clinical investigator about the FDA proposal to ban the use of saccharin in foods and beverages because saccharin has been found to cause malignant bladder tumors in rats. As Chairman of the Harvard University Cancer Committee, I can assure you that I am deeply concerned about the problem of environmental carcinogens. The issue before us today clearly emphasizes the complexity of the problem of determining whether a given chemical or agent poses a potential or real human hazard.

In the case of saccharin I believe (1) that the results of the available rat experiments appear to have been overinterpreted in regard to their application to man; and (2) that there is an extensive body of information on human consumption of saccharin over the last 70 years to provide some indication as to whether or not saccharin may have a role in producing human bladder cancer; finally (3) quantitative extrapolation from animal studies to evaluate the human hazard entails many uncertainties, and each case must be individually evaluated—taking into consideration many factors such as (a) whether the agent is a weak or strong carcinogen, (b) whether the results have been replicated in other species or other test systems, (c) how the data compare with the amounts that might be consumed by man, and (d) finally, an assessment of the possible social, economic or medical benefits.

A. The rat experiments.—

In some of the rat experiments the amounts of saccharin used were as much as 8,000 times the amounts calculated to have been consumed by the average, adult male in 1972 [2.5 *gm*/Kg/day (rat) versus 0.3 *mg*/Kg/day(man)][1]. I suspect there would be few individuals who could ingest even 1/1,000 of such tumor-producing dose (weight for weight in rats)—namely, 56 saccharin tablets a day. This raises the important question of the potency of saccharin as a carcinogen and balancing this against the amounts that might possibly be ingested by a human being during his or her lifetime.

If one examines the data indicating that cancer of the bladder also occured in second generation rats which have been continually fed on saccharin, it must be noted that, since saccharin crosses the placenta, the fetus must have been exposed to an even higher dose than that to which the adult animal was exposed.

We recognize that giving excessive doses of any drug or agent to an experimental animal can have adverse or toxic effects. Imagine if water, salt or sugar were to be introduced today as possible agents for use by us and fed to rats in these excessive doses. The animals would undoubtedly die before they could develop a malignancy!

The extrapolation of experimental carcinogenicity data to the human situation is strengthened by obtaining results in more than one species or more than one system. Apparently the feeding of saccharin to monkeys has not produced evidence of malignancy after 6.5 years. Extensive use is also currently being made of the "Ames Test" which monitors the development of bacterial mutations as a possible indication of carcinogenicity. The available data indicate that saccharin is not mutagenic in the Ames "Salmonella" system.

B. The Human Experience.—

Man has often been accused of rat-like and at other times mouse-like behavior, and perhaps it is expected that we might look askance at experiments in mice or rats. However, even with subhuman primates, such as baboons and monkeys, major discrepancies are known to occur, and adverse effects have been found in such primates, but not in man, presumably because of metabolic differences.

It is fortunate for us that saccharin has been used for over 70 years and that there are numerous well-designed epidemiologic studies by workers from Oxford[1,2,3] (England), Baltimore[4] and Boston[5] on the possible relationship between saccharin ingestion and bladder cancer. Many of these studies have been carried out in diabetics known to

consume more saccharin than the general population. In all of the studies, even with evidence of an above average saccharin intake, no increased incidence or mortality of bladder cancer has been demonstrated. It is recognized it may take 20 or more years for a carcinogen to produce cancer in man. However, in one of the reports, over 10 percent of the diabetics studied consumed saccharin for more than 25 years. Thus, clearly to date there has been no epidemic of bladder cancer as a result of saccharin consumption!

C. The Risk/Benefit Ratio—

While the "Delaney Clause" prohibits the use in food of any ingredient shown to have produced cancer in animals or man, it is evident that more than this must be considered. Actions must be based upon individual considerations.[6] The criteria appropriate for one agent may not necessarily apply to another.

I would submit to you that, in the case of saccharin, the available data indicate that the risk of humans for developing cancer from saccharin in the amounts ingested by the average individual is remote; the harm, however, which may occur to millions in the absence of a non-nutrient sugar substitute is great. In this country the problem of obesity is far greater than that of malnutrition. The problem is so great in fact that a significant number of patients with obesity are subjected to a special type of surgery (intestinal bypass) which in fact is associated with significant hazards, including death. Patients with these disorders need help, and here is an example where the medical clearly outweighs the remote risk based upon the rat data. Also, as you have heard and as you are aware, diabetics clearly benefit from the use of non-nutrient sweeteners or sugar substitutes. Patients with obesity and diabetes are indeed at risk—but not in my view from developing cancer as a result of the ingestion of saccharin—but at risk of developing the serious and well-recognized complications associated with these diseases.

On an anecdotal note, several days ago, a distinguished international chemist and former Presidential Science Advisor told me, "I'm not worried. I have stored up enough saccharin to last me a lifetime!" That's fine for him, but not for those of us who do not have such a stockpile.

Let me conclude by indicating to you that in my personal view given the current information, the banning of saccharin is counterproductive, and I believe is not indicated, until or unless some "safer" non-nutrient sugar substitute is available.

FOOTNOTES

[1] Armstrong, B. and Doll, R.: Bladder cancer mortality in England and Wales in relation to cigarette smoking and saccharin consumption. Brit. J. Prevent. and Social Med. *28*:233–240, 1974.

[2] Armstrong, B., Doll, R.: Bladder cancer mortality in diabetics in relation to saccharin consumption and smoking habits. Brit. J. of Preventive and Social Medicine. *29*:73–81, 1975.

[3] Armstrong, B., Lea, A. J., Adelstein, A. M., Donovan, J. W., White, G. C., and Ruttle, S.: Cancer mortality and saccharin consumption in diabetes. Brit. J. of Preventive and Social Med. *30*:151–157, 1976.

[4] Kessler, I, I.: Non-nutritive sweeteners and human bladder cancer. Preliminary findings. J. Urology. *115*:143–146, 1976.

[5] Simon, D., Yen, S., Cole, P.: Coffee drinking and cancer of the lower urinary tract. J. Nat. Cancer Institute. *54*:587–591, 1975.

[6] General criteria for assessing the evidence for carcinogenicity of chemical substances: Report of the Subcommittee on Environmental Carcinogenesis, National Cancer Advisory Board, J. Nat. Canc. Inst. *58*: 461–465, 1977.

THE CRITICAL NEED FOR ENERGY CONSERVATION

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. DRINAN. Mr. Speaker, I would like to bring to my colleagues' attention an article on energy conservation which recently appeared in the National Journal. This article indicates that for the first time, energy conservation is beginning to receive the attention which it clearly deserves as an important component of our national energy plan.

I am delighted to hear that President Carter has embarked upon a major energy conservation effort. Many of us in the Congress have repeatedly urged that conservation be the cornerstone of our energy policy. In view of the emphasis which has been placed on producing new energy sources, conservation has taken a back seat. This is clearly shown by the fact that while energy production receives more than 93 percent of the 1977 Federal energy research and development budget, conservation receives less than 7 percent.

The need for a major emphasis in the energy conservatives area is also emphasized by the fact that for the first time in 3 years total energy consumption increased in 1976. Fuel use declined in both 1974 and 1975, but then rose 4.8 percent above the 1975 level in this past calendar year. This increase in consumption greatly disturbs me, as it shows that without constant reminders, prodding and encouragement, America will return to its former practices of wasting valuable fuel supplies.

Mr. Speaker, my strong belief in energy conservation has led me to introduce two major pieces of legislation. My first bill, the Solar and Energy Conservation Commercialization Act, H.R. 3981, has already attracted the cosponship of over 50 Members of Congress. This bill encourages the purchase and installation of energy conservation and solar power equipment by offering low interest loans and grants to homeowners, small businesses and nonprofit organizations. For the homeowner, for example, low interest loans of up to $10,000 for solar devices and $4,000 for energy conservation equipment would be available under the provisions of the legislation.

My second bill, the Industrial Energy Conservation Act, H.R. 4711, has also drawn the support of many Members of Congress, with 40 cosponsors to date. H.R. 4711 directs the Energy Research and Development Administration or its successor to establish a system of research, development and demonstration in energy conserving industrial technologies. Low interest loans and loan guarantees would also be provided to companies to encourage the installation of energy efficient equipment and machinery.

In prior years, Mr. Speaker, there was great reluctance on the part of the administration to aggressively pursue energy conservation. But now, with President Carter's commitment to reducing U.S. fuel consumption, I am greatly encouraged that we will regain the initiative in cutting down our energy use. I am hopeful that the legislation which I have outlined above will be enacted into law as a result, thereby helping to mount a new offensive against energy waste.

The following article explores the subject of energy conservation in much greater depth, and I recommend its contents to my colleagues:

[From the National Journal, Mar. 12, 1977]

ENERGY CONSERVATION BEGINS AT HOME—WITH THE STATES AND CITIES

(By Neal R. Peirce and Jerry Hagstrom)

Winona, Minn., hopes to become energy self-sufficient by the year 2000 through conservation and the use of such elements as the sun and wind.

Pratt, Kan., burns the methane gas produced from feedlot wastes, crop residues and solid wastes to generate electricity.

In several states, homeowners provide information on their homes, and a computer shows how they're wasting energy, how much it's costing them, how energy could be conserved and how much retrofitting (insulation) and the like would cost. Other states provide small grants for insulation of homes.

Impressive, yes. But state and local government leaders say these grassroots efforts have only scratched the surface of what's possible in energy savings now that President Carter—and bad weather—are popularizing energy efficiency.

In his amendments to President Ford's fiscal 1978 budget. Carter proposed just what local officials had been demanding: federal government technical assistance and financial aid. And all winter—as the East has faced an energy crunch and the West experienced a drought and anticipates summer electricity shortages—energy conservation plans have been building.

Carter's emphasis on conservation and the energy problems of 1977 have created "an unparalleled opportunity for local governments to put together a coordinated and committed program of energy conservation that can have an astounding impact on the economy and the whole country," Phyllis Lamphere, Seattle city councilwoman and president of the National League of Cities, told National Journal.

Americans don't fully recognize, Lamphere said, the profound inflationary effects of "the old syndrome of more and more power generation" from fossil fuels and nuclear plants, both non-renewable resources that have been growing rapidly in cost.

"The new Administration seems committed to the proposition that the future of this country is closely tied to a commitment to energy conservation," Lamphere added.

CARTER'S PLANS

Carter's budget amendments, made public on Feb. 22, call for approximately the same amount of money for energy development that Ford's had but double the amount for conservation and research on short-term solutions to energy problems. To do this, Carter proposed cutting nuclear research and development efforts by $304 million in fiscal 1978, including a $199 million decrease in budget authority for the liquid metal fast breeder reactor.

The budget for conservation and research programs would be increased by $22 million in 1977 and $244 million in 1978, Carter said. Of the 1978 increase, $160 million is for research and development, including development of the electric car.

Much of the money is earmarked for programs approved by Congress last year, but

held back by the Ford Administration, which emphasized development of nuclear power, shale oil and synthetic fuel.

The newly funded programs include $2 billion in loan guarantees to encourage home insulation, accelerated implementation of weatherization assistance to provide insulation for low-income persons, grants to states to inform interested homeowners about ways to save energy, and development of an experimental energy extension service. Grants for offices to represent consumers before utility regulatory commissions also are included.

"A lot of the programs President Carter is talking about the states pioneered and figured out where they made sense," Edmond F. Rovner, director of state-federal relations for the National Governors' Conference told National Journal. "(The states) are ready to go, they're short of money to do it, and he's providing funds for them."

Rovner noted that the extension service was endorsed by the governors last year and "would at least put people out in the field to carry the message of the technologies and the implications of it from the state governments out to the ultimate users. It would work the same way the agricultural agents are the link between the technology and the users."

The White House did not consult with the Governors' Conference on the conservation programs, Rovner said, but Carter's transition team did, and several of Carter's energy advisers had worked closely with the governors in their pre-Carter posts. The loan guarantee program, Rovner pointed out, was "worked out" between the Governors' Conference and S. David Freeman, a member of the White House energy staff, when Freeman was a special energy and resources consultant to the Senate Commerce Committee. "It wasn't a discussion with Dave wearing his Carter Administration jacket, but it was the same guy," Rovner said.

The governors also worked with the Federal Energy Administration (FEA) in developing the weatherization program, Rovner said. Other conservation programs were familiar to John F. O'Leary, Carter's appointee to head the FEA, when O'Leary was director of New Mexico's Energy Resources Board.

The White House has consulted with the Governors' Conference "when new things are being done," Rovner said. "I talked with Freeman a couple of times when the natural gas bill was in its genesis and launching because we had never talked about it."

It's still too early to tell how the Carter energy proposals will be administered, but Rovner is hopeful that there will be a large measure of discretion at the state and local levels. Earlier versions of the weatherization and loan guarantee programs set general guidelines, but left the particulars up to the states, he said.

Many of these decisions won't be known, Rovner said, until the programs are sent to federal agencies for implementation.

"If the agency tries to decide that on weatherization, you can put storm doors on the windward side of the house and you can only repair a hole in the roof that's less than one foot by three feet . . . they're just going to frustrate the whole program," Rovner said.

"But if on the other hand, they say these are the general guidelines that we're looking for—that it's got to be cost effective, that there's got to be a payback within three to five years, that it's got to be within certain parameters and the average spent per house should not be over $200 with an outside limit of $350, then you've left some flexibility, which is what we in the (Governors') Conference were in the process of arguing out with FEA at one point."

"I think (the Carter Administration is) more likely to say, 'There will be misfires, but the misfires will be much smaller in proportion to the kind of ingenuity and serendipity we get by allowing people to tailor programs,' " Rovner concluded.

Conservation advocates are still waiting to see whether the Carter Administration will develop "one-stop shopping" for state and local energy conservation assistance. A single, focused federal program is necessary, the advocates say, to speed up energy planning.

ALLIANCE

Faith in grass-roots energy conservation has created an alliance among local officials concerned about energy supplies, advocates of local control over energy and opponents of nuclear development. Carter's plans would appear to begin to satisfy the goals of all three.

These elements are linked nationally by the Center for Science in the Public Interest, which serves as a clearinghouse for local citizen groups.

Founded six years ago by three scientists who had worked for Ralph Nader, the center opposes "centralized energy siting" because that decreases the extent to which local groups can be involved in energy planning. The center also officially opposes development of nuclear energy, but as a matter of policy encourages alternative sources of energy rather than hassling nuclear proponents.

The center stresses the use of "fairly simple, rather than complex" forms of energy, "much like the difference between driving a bicycle rather than a car," Alan Okagaki, co-director of the center's Local Energy Action Program, said in an interview.

Local control—and administration of energy programs—are high on the center's list of priorities, Okagaki said, because energy sources should be developed "within the constraints of your environment rather than trying to conquer it." That's why wood should be a major source of energy in the Northeast and solar could play a larger role in the Southwest, he added.

"There are sources of energy people don't think about besides oil and natural gas. People can make use of a resource that no one thought of as a resource before. We're asking people to be a little more clever," Okagaki said.

Environmentalist Barry Commoner, in a keynote address at the National League of Cities' annual meeting in Denver in December, said that "the key to the (cities') unemployment and inflation problems is a new energy policy." The basis for that policy, Commoner said, lies not in the development of nuclear plants, but in insulation and solar energy.

Cities are particularly vulnerable to rising prices of non-renewable resouces such as petroleum, natural gas, coal and uranium, Commoner told the city officials. "An investment that reduces the use of these sources becomes a uniquely cost-effective hedge against inflation."

Commoner pointed out that "nationwide, 24 per cent of all homes now use electric water heaters, which consume 16 per cent of all residential electricity, second in demand only to refrigeration." Based on a study in St. Louis, Commoner said, half of the hot water needs of the homes could be provided by solar energy at a total cost of about $10.5 billion.

"This investment could save about 30 billion kilowatt-hours of electricity worth about $1 billion (at three cents per kilowatt-hour) annually. This energy saving would eliminate the need for about seven million kilowatt nuclear power plants, costing about $1.3 billion each. So as a rough estimate, the nation could produce the same amount of hot water by investing $10 billion in solar collectors or in nuclear power plants," Commoner said.

"But the solar collectors are likely to be much more reliable and certainly much less risky than the nuclear power plants," Commoner concluded.

Even now, Santa Clara, Calif., and Ocala, Fla., are buying solar water heaters and leasing them to homeowners.

CURRENT EFFORTS

State and local leaders are proud of the efforts they have made so far, with little or no federal assistance.

When Seattle's public power company was asked to invest with other utilities in two new nuclear plants on the Columbia River, the city council undertook a year-long study and decided not to participate because the plants' costs were escalating rapidly. The city decided instead to invest in insulation and other energy-saving measures and by doing so, expects to save 160 megawatts by 1990.

A special Seattle energy office now reviews city codes to encourage conservation, develops strategies to cope with shortages and works to get businesses and homeowners to think of conservation. Solar and wind energy alternatives are being studied. This kind of intense city effort to deal with its own energy problems, Phyllis Lamphere said, "will become the pattern, not the exception."

Recognizing that kind of need, the Vermont General Assembly last year enabled towns to appoint energy coordinators. Thirty coordinators are already at work, examining insulation standards; exploring ways to exploit wood, water, wind, solar and organic energy sources; advising homeowners on purchasing solar units, woodstoves and windmills; and investigating whether local sanitary landfills are suitable for methane gas production.

Energy conservation proponents suggest a number of ways to carry the program further at the state and local level.

Commoner has proposed to the League of Cities that a lending agency be established to provide the financing to link the local customers' needs for energy-saving insulation and solar installations with local businesses that want to provide these goods. "What is called for is not some new federal bureaucracy, but rather, in each city or metropolitan region, a kind of urban energy bank, matched in size to the area that it serves and supplied with funds raised either in the bond market or provided federally or both," Commoner said.

Norman King, city manager of Claremont, Calif., said that the basic technology underlying conservation exists, but that cities don't know how to transfer such information into land development policies, codes and practices. King has suggested to the Energy Research and Development Administration several research projects, including:

Peak load electrical pricing—this system would charge consumers more for electricity during periods of heavy use. But technological questions relating to metering, consumer feedback and cost allocation remain. (For background on the proposals, see Vol. 8, No. 42, p. 1474.)

Protection for the poor—some policies designed to reduce consumption, such as higher gasoline taxes, are opposed by certain groups because further increases would hurt the poor. The federal government, King said, should try to find out how the poor would be protected without encouraging over-consumption.

User fees—proposals have been made for user fees on certain highways to reduce the use of the private car. But no way has been found to efficiently and conveniently impose the fee.

Just about everyone agrees that cumulatively, local self-start energy conservation measures could contribute immensely to relieving national energy shortages and holding down the cost of energy.

But the bottom line for state and local

leaders is how to make energy conservation popular in their communities.

"The American people are funny. You have to hit them over the head. We have a very practiced head-in-the-sand attitude," Lamphere said.

"But with strong presidential leadership, you create a climate in which state and local leaders can also exert leadership, even take some risks. If energy is looked on as a national resource . . . and distributed according to certain priorities, then everyone will begin to get the message," Lamphere said.

CARTER'S ENERGY CONSERVATION BUDGET

This table shows the revisions President Carter has proposed in the fiscal 1977 and 1978 budgets to provide more funds for local energy conservation. The figures show Carter's program priorities in 1978, but the numbers for 1977 can be misleading because certain existing programs will continue without specific requests from the new Administration. The revisions were proposed in the appropriations for the Energy Policy and Conservation Act (89 Stat 871) and the Energy Conservation and Production Act (90 Stat 1125). Figures are in millions of dollars.

[In millions]

	Fiscal 1977		Fiscal 1978	
	Ford	Carter	Ford	Carter
State energy conservation programs (EPCA)	$50	[1] 0	$50	$50
Supplemental program (ECPA)	0	$12.2	0	24
Weatherization (ECPA)	55	55	55	65
Conservation and renewable resources loan guarantees (ECPA)	0.9	1.8	20.0	20.0
Building conservation performance standards (ECPA)	1.2	[2] 0	5	12.5
Utility consumer services offices (ECPA)	0	2.0	0	2.0
Energy extension service	0	[3] 0	8.0	8.0

[1] Congress already has appropriated $25 million for this program.

[2] Carter did not ask Congress for increased funding for this program, but directed the Department of Housing and Urban Development and the Energy Research and Development Administration to reallocate enough existing research and development funds to bring the fiscal 1977 total to $5 million.

[3] Congress has already appropriated $7.5 million for this program.

Source: National Governor's Conference.

CUBA—ISLAND OF TERROR

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. McDONALD. Mr. Speaker, the clamor in the popular press to normalize relations with Cuba appears to be growing. There is no shortage of articles lauding Cuba, but a paucity of concrete reasons as to what the United States would really gain by this action. The folly of thinking that Castro has changed his long-range goals could really lead to disaster. The dangers, in fact, appear to greatly outweigh any naive hope for benefits. Castro has thousands of political prisoners in his jails and some have been there for more than a decade. America's Future, a fortnightly review of news, books, and public affairs, in its February 11, 1977, issue published an intelligent commentary on this matter, which I should like to call to the attention of my colleagues at this time.

[From America's Future, Feb. 17, 1977]

CUBA—ISLAND OF TERROR

The word in Washington is that the new Administration will soon be seeking to "normalize" relations with communist Cuba. The first step will be to ease and then lift the 15-year embargo on trade with Havana. This, presumably, will induce Fidel Castro to enter into talks leading to the establishment of full-scale diplomatic relations. Any such development would be hailed by the communist world as another major triumph over "imperialism," meaning the United States. It would be, in fact, tacit admission by Washington that its efforts to isolate and contain communism in the western hemisphere have failed.

It would also mark the formal scrapping of the Monroe Doctrine by which the United States for more than a century has prevented the intrusion of foreign powers into this hemisphere. For nothing can disguise the fact that Cuba is a satellite of the Soviet Union. More than 15,000 Cuban troops, mercenaries of Moscow, remain in Angola, 6,000 miles away, propping up a pro-Soviet communist regime imposed by force of arms after the bloody defeat of Angola's anti-communist majority. Several thousand Soviet military "advisers" and "technicians" have turned Cuba itself into a vast training ground for revolutionaries from throughout Latin America and other areas of the world. Only last month, the Soviet Union signed a $700 million, 20-year arms pact with Peru by which that strategic South American country will become a major new Soviet-allied beachhead on the South American continent. As with other such deals, Cuba will serve as the go-between.

Détente between Havana and Washington would have Moscow's fullest blessings. It costs the Soviets some $2 million a day to keep Castro going. Lifting of the U.S. trade embargo would ease this Soviet financial burden. And, who knows, judging by past history, it might lead to massive infusions of U.S. aid—once Washington forgives and forgets the $2 billion worth of American property confiscated by Castro after his takeover.

In their eagerness to re-establish relations with Fidel, American liberals argue that it's time to forget the old "cold war" days and to develop a new and more "progressive" U.S. foreign policy. It is an argument that ignores Cuba's transformation into a powerful Soviet military base only 90 miles from American shores. Russian missile-firing nuclear submarines now openly use newly-enlarged, Soviet constructed naval ports on Cuba's southern coast in scornful defiance of private agreements with Washington not to do so.

The cozy-up-to-Castro line also ignores the fact that Cuba today is one of the most monstrously repressive tyrannies on the face of the earth, totally dedicated to subverting and overthrowing free societies wherever possible, including that of the United States.

GREEK INDEPENDENCE DAY

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Ms. MIKULSKI. Mr. Speaker, it is a great privilege to address you on the eve of the 156th anniversary of the Greek War for independence. On March 25, 1821, Alexander Ypsilanti and his small force began their long and valiant struggle to free Greece from the tyranny of the Ottoman Empire.

The long war for independence stirred the imagination of Europe and America. Hope for the rebirth of democracy in the land where it was first practiced prompted the famous English poet, Lord Byron to write the following verse:

The mountains look on Marathon—
And Marathon looks on the sea;
And musing there an hour alone,
I dreamed that Greece might still be free:

After many long and tiring years of brutal fighting Greece was blessed with peace and freedom. Just as I am proud to speak of their valiant efforts to secure liberty in their native land, I am happy to bring forth the role of the Greeks in our own Nation.

In recent years America has noticed the ascent of the Greek-Americans as a precious part of the American mosaic. From the time of New Smyrna—first Greek settlement in North America—to the present, hundreds of thousands of Greeks have come to this country. They and their descendants, through hard work and great sacrifice, have become wonderful citizens and made a tremendous contribution to a better way of life for all Americans.

The Greeks progressed from working in the factories and mines to owning their own businesses and shops. The sons and daughters of these first Greek immigrants have become pillars of the American Nation. Names such as Cassevetes, Venetoulis, and Papanicolaou enrich our national heritage.

Recently both Greeks and Americans have been saddened by the appalling invasion of the beloved Island of Cyprus. Cyprus has fallen victim to Turkish aggression. I pray that these darkest hours of Cypriot history will soon pass. It is my sincerest wish that Cyprus will soon return to the peace, prosperity, and progress that once guided her.

I can reflect with pride and satisfaction on what Greece and Greek-Americans have given to America. The achievements of these people not only perpetuate the glory that was Greece, but their patriotism and pride in America will also perpetuate the glory that is

America, a land in which the noblest ideals of democracy live and flourish for the hope and for the future of all peoples of the world.

TESTIMONY OF HON. ANDY JACOBS, JR., BEFORE SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. JACOBS. Mr. Speaker, the following is testimony given by the Representative from the 11th District of Indiana regarding a certain silly decision:

TESTIMONY OF HON. ANDY JACOBS, JR., SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT, MARCH 21, 1977

Mr. Chairman, I am among those Americans who are grateful to Dr. Frances O. Kelsey for having the courage to trust herself when all men and women doubted her judgment against thalidomide.

That substance, however, did not involve common knowledge.

There is a point where common knowledge and common sense take precedence over the esoteric calculations of the "best and the brightest".

For example, aerodynamics tell us a bumble bee cannot fly. Our eyes tell us otherwise.

The Canadian rat flap tells us some rats have come down with bladder cancer after consuming saccharin in an amount equivalent to a human consumption of 800 diet drinks a day.

Common sense and human consumption of saccharin in somewhat lesser dosages, for 80 years, tell us in Congress to ban the ban.

H.R. 4943 would ban the ban and, as is the case with cigarettes which *have* been proved dangerous to human health, the bill would require a scientifically accurate warning about saccharin which *has not* been proved dangerous to human health.

It is the job of government not only to protect the public's health, but also to protect the public's freedom when it is threatened by mindless application of rigid rules.

And to allow the ban to stand would be to bang down one more nail on freedom's coffin—and quite likely a few on regular coffins, too.

For, in terms of body weight, without the freedom to choose saccharin, many people would be left only with the freedom to be fat, and to suffer heart attacks or diabetic deterioration.

When the farmer sued the railroad for flooding his farm, the country lawyer summed up to the jury by addressing the bright young railroad attorney: "Sir, I congratulate you on a brilliant presentation. You have proved with sophisticated scientific evidence that your client's elevated right of way could not possibly have flooded the farm of these good people. I just have one question. Have you ever been down on that farm when it was raining?"

Mr. Chairman, no doubt your record will be filled with a welter of scientific argument against the freedom of American citizens to choose saccharin. I urge the Committee and the Congress and the President to take such argument with a grain of common sense salt.

Perhaps we could cut a deal with the Canadian rats (you might even call it a rat pact): they don't eat our saccharin: we don't eat their de-con.

HOUSING COSTS—A MAJOR CHALLENGE

HON. JAMES J. BLANCHARD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. BLANCHARD. Mr. Speaker, the essence of one of the principal problems which confronts us here in Congress was captured recently by a newspaper editor in my congressional district, Grant Howell of the Daily Tribune in Royal Oak.

Sharply rising housing costs, spurred by growing scarcity of raw materials, are swiftly reaching the point where millions of Americans are being priced out of the single-family home market. In the process, as this writer points out, they are losing sight of the American dream.

I commend his thoughts to my colleagues, in hopes of encouraging their continued awareness of the very difficult choices which face us today and in the future in the housing field. The article follows:

[From the Royal Oak (Mich.) Daily Tribune, Mar. 11, 1977]

HOUSING BEING PRICED OUT

Lot after lot, long given over to an annual crop of weeds, sprouted homes. The pound of hammers and twang of saws assaulted the quiet of the neighborhoods.

It was one of the greatest boons in history. We hardly knew it. Vaguely, around 1950 or so it became apparent that more were living better than we of the Depression Era had ever dared hope. But as prosperity grew and spread, it was all taken for granted, just as is the increasing vigor and agility of adulthood, until it all begins to fade.

The fading time, perhaps, came in '73 or so when the recession, oil embargo, shortages and inflation impacted. The dire Club of Rome predictions about population growth meaning less for more set off a spate of gloom. But the American Experience—opening and settling a continent—creates a cultural inheritance of optimism for nearly all of us. We shall overcome.

Can we? In the style to which we've become accustomed? Last weeks report on "The Nation's Housing, 1975 to 1985" prepared by the Joint Center for Urban Studies of M.I.T. and Harvard is sobering:

In brief, one fourth of U.S. families could afford to buy a median-priced home as of 1975, half those who could afford a similar purchase five years earlier—in 1970. At present trends the average selling price for a typical home could reach $78,000 by the early 1980s. "Since 1970, sales prices of new and existing homes housing and the costs of home ownership (fuel, repairs and other operating costs) have all outpaced the growth in income."

Whatever will happen to the ideal of owning a home of one's own that has been a "cornerstone of national housing policy since the 1930s"?

Having recently visited two areas of highest housing costs in the nation—Washington, D.C., and Southern California—I wonder too. In each, home prices are an endless topic of conversation. One of the reasons advanced for that $13,000 raise for Congressmen is the far higher housing costs of Washington and its environs. For those who already own, such inflation is a mixed blessing—it has been increasing their equities at a far faster clip than the relative pittance left for mortgage reduction, from monthly payments after taxes and interest on hefty mortgages.

But inflation also outdistances the ability of those just starting out to get into the housing market in the first place, even those with reasonably decent, steady incomes.

That's a difference in magnitude. When we first started dreaming seriously of our own home, there was about a $500 gap between what we wanted and what we could "afford"—i.e. borrow. This was in the early days of the FHA when a $5,000 transaction would buy a brand new, four and one-half to five room bungalow in Royal Oak or Berkeley.

After the Second war, the gap widened a thousand, then several. I suppose we would be "looking" still had not an older, experienced friend introduced us to Leo Charlebois of Ferndale, a master carpenter. With Leo none of Mr. Blanding's dream house nightmares. He made a deal and his coterie of subcontractors respected it. A load of common brick, all we could afford, went back as too common despite a shortage; lumber came from an old and highly respected yard, and was inspected before use. Leo, himself, did the finish; nailed and glued, it has endured a quarter century, every mortise remains joined.

We thought we faced a lifetime of debt, and we worried about "extras." Leo's final bill was less than $200 over the agreed on price among other things that bought a solid, side drive of cement and a new sidewalk to boot. That debt, at 4 per cent, is just about what one puts down now.

Our experience with Leo was the end of an era. It soon became impossible for those in modest circumstances to build their own home. Building became a matter of mass development, rationalizing costs over many units. Mass production and marketing replaced one-on-one relationships, and now even that seems unable to keep costs within reach of the majority.

We were lucky. It may be that some future owner will find a home as well in the house that Leo built. Just as it may be that the Arabs with their oil pricing have done more to save cities than all our housing debt manipulation and subsidy programs to date by making conservation and real rehabilitation of older neighborhoods economic necessity.

South Oakland has rather precisely mirrored for a generation what's gone on in housing and for who. (One fourth the nations' families still are living in "housing deprivation" according to the report. In 1933, Mr. Roosevelt said one-third was ill-housed.) Else so much of value, newly created, will be diminished, and part of the American Experience mocked as empty.

—GRANT HOWELL.

A TRIBUTE TO ROBERT KLEPPERICH

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. VENTO. Mr. Speaker, I note that today my colleague, Mr. FRENZEL, has informed this body of the very fine work that the Close Up program has done in our State. I, too, echo his words in support of this program. Although I am new to this Congress, I have served for 6 years as a State legislator, and have had the opportunity to watch the enthusiasm and interest in our political process that has been generated by Close Up when our Minnesota participants return home.

I am especially proud that the leadership for this program in Minneosta has

come largely through the efforts of one of my constituents—Mr. Robert Klepperich. In addition to his teaching duties at Monroe High School, Bob Klepperich has given much of his time to numerous activities which have been of great benefit to his students at Monroe, and to all of us in the St. Paul community. In his activities on the citywide journalism committee, the Minnesota High School Press Association, and as a lector in his parish, he has always exemplified the value of concerned citizenship. The results of his efforts on the Close Up program are obvious to all of us who have been involved in Minnesota, and are exemplary of his involvement and leadership in our community.

CANADIAN HARP SEAL HUNT

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. AuCOIN. Mr. Speaker, yesterday, by a vote of 396 to 1, the House of Representatives expressed its outrage over the senseless slaughter of newborn harp seals which is presently taking place in the waters of Canada.

These animals, guilty only of bearing an incredibly soft white fur, are being clubbed, killed, and skinned on the spot so that a few unthinking, uncaring individuals can adorn themselves in coats made of harp seal fur.

The reaction of the American public to this cavalier disregard for life has been a mixture of disbelief and disgust. For a people conditioned to believing that animals share equally in this earth, the officially sanctioned massacre up north is unthinkable.

Moreover, the implications of this hunt for the future of the species are frightening. At one time there were some 10 million harp seals in Canada; today there are fewer than 1 million. If 90 percent of this year's pups are taken, as predicted, the day is not far off when the species will be virtually extinct.

That this House has raised its voice in protest is only right in view of its own past commitment to the preservation of nature's wildlife. As a member of the Merchant Marine and Fisheries Committee I am proud of our committee's work on the Marine Mammal Protection Act—which prohibits the importation of harp seal skins—the Endangered Species Act, and—more recently—the Fisheries Conservation and Management Act. These are comprehensive efforts aimed at conserving the wildlife which contribute so vitally to the health and enhancement of our environment and our lives.

We would be hyprocrites to the core if we proclaimed these measures only to condone by our silence the systematic effort to destroy the harp seals of Canada.

For this reason I want to state clearly and firmly my hope that the government of Canada will move swiftly to stop the annual harp seal hunt.

A CALL FOR NATIONAL ACTION

HON. THEODORE S. WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. WEISS. Mr. Speaker, Rev. Msgr. James J. Murray, executive director of the Catholic Charities of the Archdiocese of New York, made an important presentation in Washington last month on the New York City fiscal crisis.

His position that New York City's dilemma is symptomatic of a national urban crisis, is one that I believe is well taken and one with which I concur. I would like to share his statement with my colleagues as one that I believe we should keep in mind as we legislate programs that will have a direct impact on the urban scene.

The full statement follows:

A CALL FOR NATIONAL ACTION

(By Rev. Msgr. James J. Murray)

1. INTRODUCTION

The fiscal problems of New York City has been looked on by so many across the country—and even in New York State and parts of New York City—as a unique problem isolated to the City government itself.

Because we are the biggest and perhaps the most vulnerable, the primary attention of the media has been focused on the city and its fiscal problems, not on the human dimension.

Our points are three:

(1) that there is not a New York City crisis but rather a national urban crisis;

(2) that this national urban crisis is a fiscal one but affects the human lives of millions of American citizens and their families;

(3) that the root causes are national in scope, are beyond the ability of local governments to eradicate and call for federal action.

Before I address our first point let me say parenthetically that when I refer to an urban crisis, I am not just referring to cities with a population of over 200,000. I am also including local units of government particularly at the county level across the country. Just a brief example—Westchester County and Suffolk County, because of continued unemployment, have greatly increased their public assistance and medicaid costs. Breadwinners have exhausted Unemployment Insurance benefits; the jobs aren't there; their resources are depleted and they have to go on home relief. Taxpayers have become service and revenue recipients. And the counties don't have the wherewithal to solve this problem.

2. THE CRITICAL SITUATION NATIONALLY

Which cities are in trouble? A year ago last November your Joint Economic Committee, in a report, noted the appearance of danger signals for 22 of the largest central Cities in the United States.

A recent study for the National Urban Policy Roundtable listed 8 cities as being on the critical list; New York, Buffalo, Detroit, Newark, St. Louis, Boston, Cleveland, Philadelphia, with 10 others listed in serious condition.

A study recently released by Brookings would indicate that 29 cities are in a hardship situation from which they can't bounce back.

In simple terms, New York is like the child in the family who is always the first to get sick. When that child gets sick the parents know that it's not going to be over until all the children go through the sickness.

Many of these cities suffer from the same root causes—a long term socioeconomic decline. Their revenue bases are stagnant or declining because of the exodus of people and businesses at the very time that their expenses are going up because of inflation, recession, unemployment and a great increase in a service-dependent population.

Twelve of these sick cities have local tax bases that declined between 1970 and 1975. Five of these cities have a higher percentage of their population receiving welfare payments than New York has.

In short for all of them as a class, their economy is going nowhere, their tax payers are going elsewhere and their tax beneficiaries are left behind. They are finding it increasingly difficult to balance their budgets and more and more difficult to have access to the short-term money market at reasonable interest rates. Already this means, in more than 10 of the cities, that they have to commit more than 10% of their revenues to debt service for short-term borrowings.

At the same time that their tax base is being committed more to debt service and less to human services, their populations and their local economies are declining.

Seventy-three percent of cities with populations over 200,000 lost population in the 70's. And central cities lost population 4 times as fast between 1970 and 1975 as they did between 1960 and 1970. Four cities—Buffalo, Cleveland, Pittsburgh and St. Louis lost more than 20% of their population between 1960 and 1973.

The number of jobs in troubled cities has been going down. As bad as New York's economy is, eleven cities have lost a higher percentage of jobs. Detroit's job loss is 18.8% and Buffalo's is 15.8%.

If employment and jobs in New York City—whose job level has now declined to the level of 1950—had grown at the national rate we would now have 4.43 million jobs in New York City instead of 3.4 million.

3. NATIONAL PROBLEM—NATIONAL RESPONSE?

Gentlemen, these are not short-term problems. The sickness is there for many cities—and it's spreading fast.

Home remedies won't help. No sick city can control the national problems of housing, unemployment, inflation, recession. No sick city can control the municipal credit market. No sick city has the resources for the type of massive economic development programs that are necessary to close the gap between local expenditures and local revenues while continuing to maintain the quality of life of their families and individuals.

Which really is our third and final point—we are not just seeking federal action for New York City. Because we see a problem national in scope we are here to advocate federal initiatives not just for New York but as part of a national strategy to save our cities and the millions of people who live and work and raise their families in them—as well as for all the people—the aged, the poor and the handicapped—who need their cities, who can't afford to move away and who are entitled to have us maintain the quality of their lives.

Because we are so heavily into this issue affecting the central cities we would also appreciate your advice on how we can help to work on this not just for New York but for all other cities and local units of government which need help fast.

February 7, 1977

COST-OF-LIVING RAISE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. DERWINSKI. Mr. Speaker, a Chicago Tribute editorial, appearing in the

March 17 edition, sums up my views on the cost-of-living raise. I urge the Members to rally behind my bill to terminate the cost-of-living clause. I insert the editorial for the Members' attention:

THE SENATORS PASS UP A RAISE

United States senators, whose paychecks were fattened by 29 per cent as of Feb. 20, have decided they shouldn't help themselves to a $3,000 cost-of-living raise on top of that. By a 93-to-1 vote Tuesday, they approved and sent to the House a bill barring those who got the earlier raise from taking the second one, which would have gone into effect in October. [For the record, the "nay" vote came from Sen. Mike Gravel, Democrat of Alaska.]

Taxpyaers will welcome this gesture, as far as it goes. After someone has relieved you of your paycheck, you appreciate it if he doesn't demand a tip. But the Senate's tactfulness does not end the built-in abuses of this system.

Congress has arranged for a remarkable cozy system for itself. It does not have to vote pay raises for its members; the raises just happen unless the members take action to stop them. For example, the initial raise—from $44,600 a year to $57,500—came about under a 10-year-old law under which a private commission periodically recommends raises for Congress, the Vice President, federal judges, and other high government officials. The recommendation takes effect after 30 days, during which Congress intently looks somewhere else.

That arrangement at least keeps Congress from setting its own salary levels. From the public's standpoint, however, the cost-of-living "escalator" raises have nothing at all to recommend them. They serve only to insulate our lawmakers from the effects of inflation and keep them from having a personal stake in the nation's economic problems. In effect, the system makes members of Congress a privileged class who pay no penalty for their mistakes; if Congress' spending policies worsen the inflationary pinch on the rest of us—well, that's our problem.

The Senate's decision to deny itself an extra helping this time around may be welcome, but it is not satisfactory. The answer is not to put off cost-of-living raises to a more appropriate time. It is to abolish them.

WHO IS CONDUCTING THE CARTER ORCHESTRA?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. MICHEL. Mr. Speaker, today's Washington Post carried a front page story headlined: "Califano Hires $12,763 Chef to Cook His Meals at HEW." The chef's title is "Personal Assistant to the Secretary (Special Activities)" and his job description is 402 words long. All of this is occurring in an administration pledged to frugality, to cutting back, to eliminating unnecessary Government expenditures and also to the simplification of language in Government official forms. Why it should take 402 words to describe a cook puzzles me.

As Secretary of Health, Education, and Welfare, Mr. Califano seems to go his own way in other areas as well. He recently stated he is in favor of the quota system and reverse discrimination. President Carter, when asked his opinion of reverse discrimination, said: "I don't like that concept."

Once more we have an example of Carter conducting one tune while his chief appointees play another. Just who is conducting the Carter administration orchestra? And what tune is it supposed to be playing?

May I add, finally, Mr. Speaker, that the Post story did not state where Mr. Califano obtained his cook through the quota system. I suspect not, because when it comes to the palate of the Secretary of Health, Education, and Welfare I am sure only merit counts.

THE ARMS DEBATE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for March 23, 1977, into the CONGRESSIONAL RECORD:

THE ARMS DEBATE

An arms debate is reverberating through Washington.

The two sides are starkly drawn. The hawks say that the Russians are coming and that we must build new and more powerful weapons to scare them away. The doves say that there is no reason to panic because the Russians are prepared to cooperate in arms reduction.

Contending groups have been formed, issue papers written, advocates have taken to the lecture platform and the Congressional hearings rooms, and newspaper columnists are hurling charges and countercharges. The initial skirmish has resulted from President Carter's nomination of Paul Warnke to be the chief arms negotiator, but the basic problem is far broader than a single nomination. Its many facets will emerge in the coming months.

The importance of the debate over the strategic balance of power can scarcely be overstated. It involves not only huge outlays of money, but also the security of the nation. If it is not decided correctly we could all be killed. The key question is whether the United States and the Soviet Union will continue to try to best one another in various kinds of armaments, or whether they will break the established pattern and find ways to limit arms.

Many factors have brought this debate about. Among those factors are a serious and obvious Soviet buildup of forces, grave tensions in the world (especially in the Middle East and Southern Africa), last year's Presidential campaign in which arms control figured prominently, and the unemployment levels at home which make attractive some arms programs like the B–1 Bomber.

The debate over arms policy begins with what the defense analysts call mutually assured destruction, the doctrine that neither side can win no matter who attacks first. Belief in this doctrine has allegedly kept both sides from shooting first. However, the hawks claim that the Soviets are now moving beyond mutually assured destruction and are seeking the capability to win a war by evacuation schemes, civil defense efforts and massive new destructive power. The doves reject this claim and argue that the notion of superiority no longer has any meaningful application at a time when each adversary can destroy the other. The hawks think that the Russians are malign; the doves think that they are benign. Both approaches are probably flawed and the trick is to get the proper perspective.

A favorite bone of contention between the hawks and doves is the size of strategic arsenals, though no one wins the dispute because there are enough numbers to satisfy everyone and prove any point. The hawks emphasize the Soviet lead in sheer tonnage of nuclear bombs; the doves counter by citing the American lead in numbers of warheads and accuracy of delivery systems. The numbers do show that both sides have far more power than they need to inflict unacceptable damage on the other side even after absorbing a first strike. In the final analysis there are too many imponderables, too many intangibles and too many uncertainties to answer the question once and for all.

One of the problems with this debate is the average citizen's relation to it. He finds himself caught between the cliches of the politicians and the jargon of the experts with no way to find a clear view. But the strategic balance of power is too important to be left to the politicians and the experts. The average citizen must try to understand the debate and maintain control of the nation's direction.

Americans need some appreciation of the Soviet viewpoint. In the last five years the United States has more than doubled its ready-to-fire arsenal of nuclear warheads. In the same period technology has made our weapons vastly more accurate, lethal and defensible and has provided our conventional forces with impressive new weapons, including (in the European theater) 2,000 new tanks that are the best in the world. The Soviets also note that we have been willing to undertake military adventures in remote areas like the Dominican Republic, Lebanon, Korea and Vietnam. They worry, too, about authoritative reports that the United States is testing new weapons which are not publicly discussed. One such weapon, the cruise missile, has them extremely upset.

Despite the real hostility between the U.S. and the Soviet Union, both sides must be able to put aside their suspicions and concentrate on their mutual self-interest in avoiding a nuclear conflict. Neither the Soviets nor the Americans want to have their population, cities and industries incinerated. There is always the tendency to seek security and overwhelming armaments and to take no risks for peace. That approach will lead only to more and better weapons. Arms control, like defense policy, however, can be an appropriate way to further national security. It is necessary that the strategic debate be widened beyond the mere count of weapons to a deeper, less passionate and more objective view of ourselevs and our adversary.

(Much of the information in this report was drawn from a series of articles in the Washington Post.)

UNITED AUTO WORKERS URGE HOUSE TO SUPPORT DINGELL-BROYHILL, H.R. 4444

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. DINGELL. Mr. Speaker, I insert in the RECORD today the letter of March 18 from the United Auto Workers to Members of the House of Representatives re-

garding that union's full support of H.R. 4444, the Mobile Source Emission Control Amendments of 1977, to amend the Clean Air Act of 1970.

Representative JAMES BROYHILL of North Carolina and I are pleased, along with several other House Members, to be the cosponsors of H.R. 4444, and identical bills.

The UAW letter, signed by Mr. Howard G. Paster, legislative director, clearly sets forth the reasons calling for enactment of the automobile emission control schedule contained in H.R. 4444 and the companion Senate bill, S. 919, as introduced by Senators DON RIEGLE and ROBERT GRIFFIN of Michigan.

The UAW letter to House Members follows:

MARCH 18, 1977.

DEAR REPRESENTATIVE: The United Auto Workers urges you to cosponsor and to support actively H.R. 4444, a mobile source amendment to the Clean Air Act introduced by Representatives Dingell and Broyhill. This legislation embodies specific recommendations made by UAW President Leonard Woodcock on automobile emissions, as well as other sections dealing with related efforts to control pollution from mobile sources.

The auto emission provisions of H.R. 4444 are designed to ensure that the public health is protected and that the principles of the 1970 Clean Air Act are achieved, while taking into due consideration important, related questions of auto fuel efficiency. In this regard, I would remind you that the UAW, in recognition of the severity of the national energy problem, and to achieve the goal of energy conservation, did support the enactment of mandatory mileage standards which take effect in the 1978 model year.

Permit me to set out for you in summary fashion the basis for our recommendations, incorporated in H.R. 4444, on auto emissions:

(A) The emissions standards now in effect for the 1977 model year would remain in effect for the 1978 and 1979 model years because of the long lead time associated with auto production, certification to Federal standards for emissions and mileage, and conversion to meet new standards. The standards now in effect are: Hydrocarbons (HC), 1.5 grams per mile; Carbon Monoxide (CO), 15 grams per mile; and Oxides of Nitrogen (NO_x), 2 grams per mile. I would note that H.R. 4151, introduced by Representative Rogers, takes the same approach to the 1978 and 1979 model years, and that the House passed a similar provision last year.

(B) Regarding hydrocarbons, the Dingell-Broyhill bill, fully supported by the UAW, proposes to reduce HC emissions to .41 grams per mile in the 1980 model year. This is the original goal of the Clean Air Act and, because of the clear health danger associated with HC emissions which are strongly implicated in smog formation, we oppose any relaxation of the original goal in this regard. The welcome endorsement of this goal by Representatives Dingell and Broyhill and the subsequent coalescing around the UAW position has forced the automobile manufacturers to acknowledge for the first time that this goal—so crucial to the public health—is attainable. Also, this is consistent with Representative Rogers legislation.

(C) Regarding carbon monoxide, H.R. 4444 sets a standard of 9 grams per mile in the 1980 and subsequent model years. This is totally consistent with the need for air quality, although it is slightly higher than the original goal of 3.4 grams per mile. There are four reasons why we have come to the 9 gram standard:

(1) Every city in the country will meet air quality standards for CO by 1990 with the 9 gram standard.

(2) While a 3.4 gram standard will reduce CO contaminants, based on a worst case example from the early 1970's, by 83 percent by 1990, the 9 gram standard will reduce those contaminants by 80 percent, a statistically negligible difference.

(3) The California Air Resources Board has set a 9 gram standard for CO and is unlikely to set a lower standard because of its finding that the standard is appropriate for protecting the public health.

(4) With the foregoing evidence that the 9 gram standard is consistent with the public health it then becomes highly desirable since it will facilitate the movement to smaller, more energy efficient engines which find it far more difficult to meet the 3.4 standard.

(D) Regarding oxides of nitrogen, this is in many respects the most difficult problem because there is less evidence on the health consequences of NO_x standards, yet the strongest correlation between emission standards and mileage goals. H.R. 4444 would keep the present standard of 2 grams per mile through the 1981 model year, while Representative Rogers would keep it through the 1980 model year. Under our proposal the standard would be reduced to 1 gram per mile in the 1982 model year with authority for the EPA Administrator to raise the standard to no higher than 2 grams per mile if it is found to be consistent with public health needs and if the higher standard will permit substantial improvements in auto efficiency or the application of advanced or innovative technology. For example, diesel engines hold great promise for achieving our national goals of energy conservation, yet they cannot now meet 1 gram per mile standard for NO_x. In no event could EPA raise the standard above the 1 gram goal unless it was first shown that an increase would be consistent with public health requirements. The proposal of Congressman Rogers does permit the EPA Administrator to waive the NO_x standard up to 2 grams per mile in 1981 and 1982 and up to 1.5 grams in 1983 and 1984.

We believe that the Dingell-Broyhill legislation fully protects the public health and is totally consistent with the goals of the 1970 Clean Air Act. Moreover, H.R. 4444 is fully consistent with the important goals of energy conservation and automobile efficiency which were not as salient in 1970 as they are today. This legislation constitutes a responsible balance between interrelated and important national objectives and we urge that you give it your careful consideration, support, and cosponsorship.

Finally, it should be noted that H.R. 4444 deals only with mobile source provisions of the Clean Air Act and does not propose to amend nor to strike any provision relating to stationary sources.

Thank you very much.

Sincerely,

HOWARD G. PASTER,
Legislative Director.

THE PRESIDENT—AND CONGRESS—ARE NOT DOING ENOUGH TO AID METRIC CONVERSION

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. GOLDWATER. Mr. Speaker, many of our colleagues are concerned that the progress toward an orderly and comprehensive conversion to the metric system has been interrupted or unduly delayed by inaction by the executive branch of our Government as well as by the Congress.

At the third annual conference of the American National Metric Council, our colleague from Illinois, Congressman ROBERT MCCLORY, reported on the situation regarding metric conversion as it relates to the failure so far to name the members of the metric conversion board—and the lack of impetus in the Congress with respect to the metric conversion program.

Mr. Speaker, while disturbing, I feel that Mr. MCCLORY's remarks are timely and challenging to both the President and to the Members of this House as well as to Members of the other body. Our colleague has introduced a House concurrent resolution (H. Con. Res. 154) which might help us to get off of dead center and begin moving again toward a coordinated metric conversion program in our society. It is to be hoped that the Committee on Science and Technology will schedule a hearing on this measure at an early date.

Meanwhile, Mr. Speaker, I am pleased to attach to these remarks a copy of Mr. MCCLORY's address delivered at the American National Metric Council Conference last Monday at the McCormick Inn in Chicago as follows:

THE PRESIDENT—AND CONGRESS—ARE NOT DOING ENOUGH TO AID METRIC CONVERSION

Conversion to the metric system of weights and measures which has been a hotly debated subject almost since the establishment of our Nation seemed to be headed for a reasonably prompt and harmonious and effective solution following the enactment of The Metric Conversion Act of 1975 which was signed into law on December 23, 1975, by President Ford. This, indeed, seemed to be the end of the road toward our Nation's conversion to the metric system of weights and measures.

Some in this room had been struggling for more than ten years to bring about passage of that legislation representing a national commitment to move inexorably toward the use of metric standards in our industries, our educational institutions and in our everyday lives.

As many of you know, I favored a measure which would have been more persuasive. I wanted a target date—after which metric measurements would be the exclusive or almost exclusive system to be used in our country.

What we passed is a Bill intended to encourage a voluntary changeover to metric standards at some indefinite—undesignated—time in the future.

And—while not extending much power to a 17-member Conversion Board—the Act provided for such a Metric Conversion Board to be named by the President—subject to confirmation by the Senate.

Indeed, the establishment of the Metric Conversion Board is the principal authority contained in the 1975 Act. While the Board is charged with coordinating the promoting programs relating to conversion to the metric system—it has no power to compel anyone to do anything.

Very careful attention was given by President Ford to the credentials of each of the 17 members whom he named. But the Senate had little or no time to confirm the Board Members. Recently, President Carter withdrew the names from further consider-

ation—and he has given no indication as to which—if any—of those originally named will be included in his list.

As the 1975 Act provided, it was intended that both the Board and the departments and agencies of the federal government would reflect the policy of the United States ". . . to coordinate and plan the increasing use of the Metric System in the United States . . ." and ". . . to coordinate the voluntary conversion to the Metric System."

Without the Metric Conversion Board in operation, the coordination and stimulus which the Congress intended from this legislation is lacking. We seem to have experienced a kind of drift—a haphazard kind of action or relative inaction—in government agencies, in our State legislatures, some of our State educational systems—and even in industry.

Let me compliment the American National Metric Council for accomplishing privately what the Congress and the Executive Branch of our government have been unable or unwilling to do—so far.

The five coordinating committees of your organization representing broad economic groups of American business and industry, as well as the 37 sector subcommittees, have succeeded in keeping your members and other interested segments of our society informed and encouraged to move gradually and yet persistently toward metric standards in the areas of motor vehicles, farm equipment, computers, and many types of industrial products. Many industrial firms have already converted to metric measurements or have adopted plans which will result in an early conversion to metric standards.

If you live in the Los Angeles area, you can buy Pepsi Cola in metric-sized bottles. Coca-Cola is running a similar test in the Atlanta area.

The legislatures of 45 or more (possibly all 50) states have taken some steps to direct the schools within their jurisdictions to develop instructional programs which will utilize the metric system and will result in a metric changeover within their school systems. However, there is as yet no uniformity—and this indicates just one urgent need.

A number of states (22 in all, I believe) are revising their highway signs to indicate distances and speed limits in both metric and traditional units of measurement.

Signs on highways and in state parks have provided a fertile field for developing metric conversion programs for various states.

In addition, the National Governors Conference last year under the direction of Governor Robert Ray of Iowa established an Interstate Metric Committee in an effort to coordinate state metric conversion actions. So far, 40 Governors have named representatives to this Committee and there are numerous state activities giving support to metric conversion but without any apparent coordinated program.

It is interesting, for instance, that the State of Pennsylvania operated a pilot program to determine consumer reaction to buying gasoline by the liter. A similar test was conducted in Tallahassee, Florida. In both cases, the consumer reaction was favorable.

Boone, North Carolina, has capitalized on metric by characterizing itself as "the kilometer high city."

About the most ambitious state legislative action was that of the New York State legislature which amended the State's Vehicle and Traffic Laws to require that every new vehicle registered in the State after September 1, 1980, must have metric units on its speedometer.

Turning to the Federal government, I have learned that various executive agencies and departments are promoting interesting but somewhat disconnected programs. Most of these activities are in the Departments of Commerce, Defense, and the Interior, with the Department of Commerce (in which the Bureau of Standards is housed) the most involved in metric conversion programs.

Indeed, the Department of Commerce through its Interagency Committee on Standards Policy has established a Metrication Subcommittee. This group is setting up a mechanism to allow all federal government agencies with similar concerns to meet together to discuss methods and procedures for coordinating their metric activities in their respective fields of interest. I have no report on whether the Subcommittee has yet met or developed any metric conversion programs.

The Department of Defense has established a policy of employing the metric system in all of its activities, consistent with operational, economical, technical, and safety considerations. In addition, the metric system is accorded consideration in the procurement of all supplies and services, particularly in the design of new material.

The Department of the Interior issued an informational press release setting forth the Department's program to convert to the metric system with the assurance that all agencies within the Department are planning to be metric by 1980.

The Federal Highway Administration has formed a metric committee. The Federal Housing Administration has announced a policy of using metric in publications, reports and specifications. And the Department of HEW has funded several metric education projects.

The National Weather Service has developed plans for weather forecasting—but is awaiting enactment of specific legislation before giving effect to an overall conversion to metric units. However, this change might be made possible by Executive Order.

Several other federal government actions which may be of interest are these: The Maritime Administration has developed a program of metric conversion to provide for the orderly transition to metric in all facets of merchant shipping by 1980; both the Forest Service and the National Park Service are adding metric to all of their signs and brochures; and here's one that should not cause too much alarm—the Treasury Department is allowing the wine industry to convert to metric-sized bottles with indications that the changeover will be completed by January 1, 1979. Similar regulations for hard liquor require conversion by 1980.

I only offer this suggestion: If you have disciplined yourself to a quart a day, you'll have to increase your limit or leave a little in the bottle!

I am told that the Patent and Trademark Office is requiring the use of metric units in connection with patent applications.

That's about it—as far as a rough summary of federal government and state government action in fulfilling our Nation's commitment to increase use of the metric system and to coordinate the voluntary program to convert to the metric system. Again, I would say it is badly uncoordinated and seems to provide no assurance as to when or whether there will be an overall adoption of the metric system as our sole or predominant system of weights and measures.

A few days ago there was delivered to me a report entitled, "Realities of Metrication," prepared under the auspices of the International Brotherhood of Electrical Workers. In reporting on the role of the Federal Government with regard to metric conversion, this report charged that, "The status of metric conversion in the Federal Government is totally chaotic, lacking responsible leadership and direction."

My friends, I am not nearly as gloomy about the future of metrication or its current status as the author of this IBEW report. Nor do I agree with the author's penultimate conclusion that ". . . given today's economic conditions and the loss of confidence in Government and big business, the environment for metrication has never been worse and unless extreme caution is taken further deterioration is inevitable." However, there is a clear need for the President and the executive branch of our Government to act promptly and decisively.

Obviously there also must be some further action which may be taken in the Congress—besides encouraging Members of Congress to write to President Carter urging him to act promptly in naming the 17-member Metric Board.

My Senate colleague, Senator Claiborne Pell of Rhode Island, recently proposed a Senate resolution to require that in all legislation and reports of the United States Senate where units of measurement or weights are employed, the material shall include such weights and measurements in metric units. I have offered a similar resolution in the House of Representatives with respect to legislation and other legislative action occurring there.

More recently, it seemed to me that a concurrent resolution of the House and the Senate to reflect continued support for an orderly and coordinated conversion to the metric system would help to bring greater order into the essentially voluntary action which is taking place. Copies of my concurrent resolution together with remarks which accompanied it when presented to the House of Representatives last week are available at this council meeting.

I have talked to members of the House Committee on Science and Technology, including Chairman Olin Teague and Representative Barry Goldwater, Jr., who concur in the view that action on this or a similar concurrent resolution would be very much in order and would support the industrial and educational actions which are taking place on a purely voluntary basis.

Personally, I would like to see a target date established by our Nation as a time for virtual complete conversion to the metric system. In the absence of such a definitive commitment, it seems to me that we must take renewed action in the Congress and at the Federal level from time to time to keep the voluntary metric conversion programs on course and moving persistently and in coordinated fashion along an uninterrupted path toward a single uniform system from which the people of our Nation and of the world can all benefit.

THE SACCHARIN BAN

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Ms. MIKULSKI. Mr. Speaker, Monday I testified before the Health Subcommittee of the Interstate and Foreign Commerce Committee about the proposed ban on saccharin. I would like to insert in the RECORD the remarks I made before that subcommittee:

TESTIMONY OF THE HONORABLE BARBARA A. MIKULSKI

Mr. Chairman, Members of the committee, I commend you for having these hearings. The way my mail and phone calls are running, the proposed ban on saccharin is bigger

and has more opposition than the congressional pay raise.

People are outraged and sceptical. They are angry and disbelieving of the Canadian study that led the Food and Drug Administration to its conclusion. They feel a Canadian study, done on rats fed such large doses is ridiculous. I must agree with them. No one I know is going to, or has ever, consumed 800 cans of diet soda a day. They would die of gas before they would die of cancer.

It is my absolute belief that people will continue to use saccharin. I'm sure others will tell you about the health reasons for the continued use of artificial sweeteners. I will tell you what is going to happen. People will hoard and a black market will develop. This nation has once in its history tried prohibition on a substance that people liked and we know what those results were. We will see "bathtub" saccharin and illegal imports from Mexico and the Caribbean. The American people are ingenious and they will find a way to get it.

I understand the FDA floated a trial balloon suggestion to make saccharin available by prescription. No one knows better than this committee that the cost of health care is sky-rocketing. Forcing people to go to a physician to get a prescription and then to a pharmacy to get it filled would so outrageously add to the cost of health care as to be beyond good sense or fiscal responsibility.

The question still remains, what do we do now and what do we do in the future. I have three recommendations.

1. I believe this subcommittee and the Congress should authorize and appropriate sufficient funds, to enable the Food and Drug Administration to conduct its own study.

Newsweek magazine says that Dr. Phillipe Shubik of the Eppley Institute for Research in Cancer at the University of Nebraska raised questions about the Canadian study. Dr. Shubik, according to the article, noted that the animals were fed a commercial diet that was already contaminated by small amounts of a carcinogen. It is also noted that rats have many bladder ailments other than cancer which may say something about their urinary system in general.

It is my understanding that FDA claims its hands are tied by the language of the Delaney amendment. However, I note that the clause says "appropriate" study must be conducted. I believe there are serious questions about the appropriateness of the Canadian research and the actual language of the Delaney amendment gives the FDA enough room to consider the issue again.

2. My second recommendation is that FDA delay issuing any regulations until such new research is done.

Because saccharin is the last artificial sweeteners remaining on the market, the FDA has an obligation in the very name of public health, to be absolutely certain. The 10 million diabetics, especially the children, the millions with hypertension, heart disease and other cardiovascular diseases plus the countless millions who are overweight need that conclusive reassurance.

3. My third recommendation is that this committee examine the long-term validity of the Delaney amendment.

The state of the art of cancer detection has grown geometrically since 1958 when the Delaney amendment was enacted. I admit to no great knowledge in this field but I believe the questions to be raised should include: what is the quantity consumed? What is the cumulative effect? and what is the effect on humans?

For these reasons I think the health conscious and reasonable approach would be to delay any regulations banning saccharin until new and complete research is done.

MARY TYLER MOORE WILL BE SORELY MISSED

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. BOLAND. Mr. Speaker, it is a rare television show that becomes an American institution. In this decade, however, there has been one show that became more than an institution, it became part of our lives. That show is the Mary Tyler Moore Show. Although the last regular season edition of the Mary Tyler Moore Show has now been aired, we will not forget Mary and her friends and how they brightened our Saturday nights.

Ted Baxter, Lou Grant, Murray Slaughter, Georgette, Phyllis, Rhoda and, of course, Mary Richards seem like real people to so many of us. In many ways they are. The performers on the show, Mary Tyler Moore, Edward Asner, Gavin MacLeod, Ted Knight, Georgia Engel, Valerie Harper, and Cloris Leachman, created characters so close to the types of people we all know that it seems as if WJM–TV must really exist in Minneapolis. This has been the real strength of the Mary Tyler Moore Show. This show found humor and meaning in everyday life and in everyday people. It was a show that taught us so much in such an easy manner. The wit and wisdom of the Mary Tyler Moore Show was felt by people of all ages. I cannot think of a better show that could be enjoyed by all members of a family together.

Mr. Speaker, the sense of loss that we all feel is perhaps the greatest tribute that can be paid to Mary Tyler Moore and her friends. It is as if a good friend had moved away. I would like to congratulate all the cast members of the Mary Tyler Moore Show and wish them the best of luck in all future endeavors. I am sure we will be hearing a lot more from all of them. I am also sure we will have the good fortune of seeing Mary Tyler Moore back on the screen in another excellent show. It is funny, but I cannot help thinking I should wish Mary Richards the best of luck in finding a new job.

Mr. Speaker, at this time I would like to insert an editorial from today's Washington Post that includes some fine comments on the ending of the Mary Tyler Moore Show:

EXIT "MARY TYLER MOORE"

They never were much as a news team—Mary and Lou and Ted and Murray and the assorted hangers-on at WJM–TV. But, come to think of it, there never was much news in "The Mary Tyler Moore Show" version of Minneapolis. What mattered were not large, dramatic public events, but small personal crises and confusions, and the cameraderie of co-workers who happened to be good friends.

It was an unpromising concept for a situation comedy. The situations were so everyday, the comedy so mild. The characters were not hard-driving, stylish or snide. The tone stayed mostly in the temperate zone between gentle satire and general hilarity. The show celebrated quite ordinary things like middle age, the Middle West, modest ambitions and even staying home on Saturday night. All in all, its formula was about as unglamorous—and sometimes as stunning—as a bacon-lettuce-and-tomato sandwich on white toast.

That's why "The Mary Tyler Moore Show" collected such a loyal following, including people who make a point of "not watching television very much." It was extraordinary television, on the whole. Through superb writing and a splendid cast, the show often achieved connections that few programs make. Everybody has seen a Ted Baxter. Everybody knows or would like to know, someone like Mary Richards—incorrigibly optimistic, earnestly independent, solicitous about her friends, frequently less bewildered than bemused. Everybody knows about coping, but few people manage it so cheerfully.

We'll leave to others any portentous comments about the show's significance as a reflection of Our Times. We just want to salute it as first-class entertainment, all the more remarkable because it was sustained for seven seasons and 168 shows. Leo Durocher was wrong: Nice guys don't always finish last.

IMPORTED FOOTWEAR

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. MOAKLEY. Mr. Speaker, as of late, much attention has been focused on the critical state that the domestic shoe manufacturers find themselves in throughout the United States. Unemployment among shoe workers is well over 50 percent higher than the national average. The statistics are simply overwhelming. In a mere 10 years, the number of shoe manufacturing enterprises in this country has dropped from over 1,000 to just 650. Over 75,000 jobs have been lost nationwide.

The principal rationale for this situation is the avalanche of imported shoes now flooding the American market. The International Trade Commission, as we are all well aware, has found that the large numbers of imported footwear have caused grave injury to the nonrubber footwear industry in this country. The decision the President faces on April 8, or thereabouts, on the imposition of a tariff-quota system for shoe imports is of great import in the Northeast as well as throughout the rest of the Nation. The House of Representatives and the Senate of the Commonwealth of Massachusetts have forwarded to me a series of resolutions they unanimously passed which I thought might be of interest to my colleagues in the House:

RESOLUTIONS MEMORIALIZING THE GOVERNOR OF THE COMMONWEALTH AND THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO PROTECT THE DOMESTIC SHOE INDUSTRY

Whereas, On Thursday, March tenth, nineteen hundred and seventy-seven, management and labor representatives from the shoe companies of southeastern Massachusetts will visit the state house and urge Governor Michael S. Dukakis to take an active role in the fight to save the American shoe industry; and

Whereas, Hundreds of shoe workers, employed and unemployed, are concerned that the Commonwealth present a favorable climate in which a thriving and self-sufficient shoe industry can survive; and

Whereas, Of the present three hundred and fifty-six shoe companies in the United States,

nearly one hundred may be out of business if foreign imports continue to erode the United States shoe market, representing a loss of up to one hundred thousand jobs; and

Whereas, An international trade commission has twice recommended that a limit be imposed on footwear imports from foreign countries; and

Whereas, If foreign imports are allowed to dominate the American shoe market, prices of shoes, a necessary purchase for families, may skyrocket and be controlled by foreign monopolies; now therefore, be it

Resolved, That the Massachusetts Senate hereby joins with the shoe workers and industry representatives in urging Governor Michael S. Dukakis to do everything within his power to rejuvenate the shoe industry, and furthermore urges President Carter and the Congress of the United States to take the necessary steps to impose controls on foreign shoe imports; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Clerk of the Senate to the Governor, the President, and to the presiding officer of each branch of the Congress of the United States and to each member thereof from the Commonwealth.

RESOLUTIONS URGING THE GOVERNOR, THE PRESIDENT, AND CONGRESS TO AFFIRM THE FINDINGS OF THE INTERNATIONAL TRADE COMMISSION GOVERNING SHOE IMPORTS

Whereas, The International Trade Commission has reported that from fifty thousand to one hundred thousand jobs, and one hundred factories, are placed in direct jeopardy by current footwear imports from foreign countries; and

Whereas, The unstemmed erosion of the United States shoe market by foreign imports gravely threatens footwear concerns which are located in the Commonwealth communities of Whitman and Brockton; and

Whereas, The impartial International Trade Commission has twice recommended that a limit be imposed upon shoe imports from abroad; and

Whereas, The Commonwealth of Massachusetts, by ancient heritage the formidable bastion of the American shoe industry, assumes the mantle of leadership in the fight to preserve a favorable climate in which a thriving and self-sufficient American industry can survive, with consequent benefit to all citizen consumers; therefore be it

Resolved, That the Massachusetts House of Representatives, sensitive to the important position which the shoe industry occupies in the Commonwealth's economic life, unites in common purpose with shoe workers and industry representatives in urging Governor Dukakis, President Carter and the Congress of the United States to affirm, reinforce and implement the findings of the International Trade Commission governing shoe imports; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Clerk of the House of Representatives to the Governor, the President, and to the presiding officer of each branch of the Congress of the United States and to each member thereof from the Commonwealth.

ADDRESS OF SENATOR PERCY

HON. EDWARD W. PATTISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 21, 1977

Mr. PATTISON of New York. Mr. Speaker, one of our distinguished colleagues in the Senate, the Honorable CHARLES H. PERCY of Illinois, delivered a speech several weekends ago in Chicago on energy conservation which I now insert into the RECORD.

Senator PERCY has explored two of the most important issues facing our Nation and the world—energy conservation and economic growth—in a most thoughtful and eloquent way, and I believe that we would all benefit from reading his words.

The full text of his speech follows:

ADDRESS BY SENATOR CHARLES H. PERCY

Dick Robbins, Kathy Schuk, Lois McClure, Helen Bieker, James Alter, members of the Board of Directors and distinguished members of the Federation:

It is a pleasure to participate in this meeting. I know the Federation has already launched an energy conservation program and I commend you for your foresight, initiative and ambition.

For years, we seemed to do our best to ignore the need for a national energy policy. Some wondered if the costs and benefits of a comprehensive energy program could be fairly distributed throughout our society; only a handful knew that we were squandering enormous amounts of energy. And many assumed that conservation meant slower economic growth.

Record cold temperatures this winter, which caused fuel shortages, astronomical utility bills and increased unemployment, awakened the whole nation to the urgency of the energy crisis. The Administration, Congress and leaders in every sector of society are at last beginning to realize that we cannot achieve our basic goals as a nation without facing up to the energy problem.

To achieve steady economic growth with full employment and low inflation, our first priority should be energy conservation. Nearly half the energy we consume is wasted . . . produces absolutely nothing. That means we, as a nation, burn the equivalent of 7 million barrels of oil a day, at a cost of nearly $100 million, and receive in return—nothing. The largest and cheapest source of new energy for economic growth is "conservation energy"—the energy "produced" by cutting energy waste.

Last November, at the National Press Club, I called upon the Administration to set a target of zero growth in primary energy consumption over the next decade. I repeat that call today. For the past 25 years, energy demand has been growing at about four per cent a year, close to the same rate as our economy. Economic growth and energy growth do not need to proceed in lockstep.

We do not know just how rapidly this country or this planet may be running out of fossil fuels. But we do know for certain that it is becoming more and more difficult to pay the mounting costs of meeting huge increases in demand for new energy.

Three main questions dominate the debate about energy conservation. How much difference will it make if we launch an all out effort to cut waste and use the energy we have more efficiently? How can we begin this huge task? What advantages can we as a nation and as individuals expect to gain through conservation?

In the decade ending in 1974, demand for new energy led to an investment cost of more than $300 billion. For the decade ending in 1985, the Federal Energy Administration estimates that demand will rise less rapidly, mainly because of higher energy prices. But it is still the conventional wisdom that demand in this period will increase—and by as much as two or three per cent in a year.

This would mean a very large increase in energy consumption from the present level. The investment cost of meeting this demand with new electric power plants and other facilities has been estimated in the range of $650 billion to $1 trillion. That is about half to two-thirds of all the investment capital we are likely to have available in the next decade.

This fact alone should tell us that something is terribly wrong with our plans to meet future energy needs. Putting that much money into producing new energy would mean starving other key sectors of the economy that compete for scarce capital, such as health, education, housing and transportation. And by using up finite energy sources at a breakneck pace, we will exhaust raw materials needed for non-energy uses. This process has been mockingly called "strength through exhaustion."

A well planned conservation program will have as one of its prime goals the creation of more jobs. In almost every sector of our society, using less energy or using it more efficiently means putting people back to work.

Conservation will also help limit the environmental damage that results from oil spills, strip-mining and disposing of large quantities of nuclear waste.

Efforts to increase employment by encouraging energy thrift can also help fight inflation. The more we draw on reserves of nonrenewable fuels, the more difficult it will be to prevent fuel prices from rising. If free market condtions set the prices, the scarcity or inaccessibility of reserves will tend to drive prices up. If producer or distributor cartels set prices, they will often find it in their interest to charge more. Even if the Federal government exercises control over the prices of all the energy consumed, in the national interest the President might decide to raise prices to reflect real energy costs.

Catering to a two to three per cent annual energy demand growth will also increase our dependence on foreign sources. In January, for the first time in our history, we imported more than half of the oil we consumed. The Federal Energy Administration's Draft 1977 National Energy Outlook projects further increases in our dependence on foreign oil over the next decade. In the past three years, home heating bills have increased considerably because of the four-fold increase in the price of OPEC oil. Reducing our total demand for OPEC oil would be a real move toward less dependency.

Protecting our access to foreign energy supplies is one of the central aims of our foreign policy. This severely limits our political and military choices in a growing number of situations. Nothing would strengthen our world position more than to reduce our dependence on imported oil. Nothing would improve our relations more, with rich and poor nations alike, than correcting our extraordinarily wasteful habits. With only six per cent of the world's population, we consume 30 per cent of its energy resources. Many nations believe that we are taking more than our share of the world's patrimony, thus hastening the end of the age of fossil fuels before other energy sources can be developed to meet world needs.

By catering to endless demands for energy here at home, we risk destroying the essential resilience of our social and economic system. Resilience is the quality that allows a nation to recover rapidly from economic setbacks by correcting past errors and taking advantage of new technology.

Many of us take for granted the resilience of our economy, including the energy-producing sector. We grumble about higher fuel bills, but we tend to think of America as a leading producer of energy with virtually limitless reserves. If shortages occur, as they have this winter, many suspect they are caused by big producers holding back supplies. Some producers might be purposely withholding supplies. But that is not the root of the problem. Even the Arab oil embargo, the gas lines, and the power failures and brownouts in some of our cities failed to put across the message.

So let's say it loud and clear. We don't have the resilience we need when our response to

the OPEC embargo has been to steadily increase our dependence on foreign oil. We don't have the resilience we need when cold weather means factories and schools must close for lack of oil or natural gas. We don't have the resilience we need when we lock ourselves into highly expensive, centralized and inflexible power systems that take a decade or more to build.

The Atomic Industrial Forum forecasts that we will triple the number of nuclear power plants over the next decade. The average capacity of each new reactor will be 1000 megawatts. I have already indicated the enormous scope for conservation—which makes it highly questionable that we need this new capacity. Moreover, we are still a long way from solving the basic problem of radioactive waste disposal and providing adequate safeguards against nuclear accidents, sabotage and proliferation. Therefore, it will not increase our resilience as a nation to add all of these new reactors.

Our long-range planning has been based too much on past trends. Planning must result in forecasting future problems and requirements. We have concentrated on building large and complex systems that are vulnerable to a wide range of unforeseen circumstances. Business, industry, and consumers are paying more for less reliable service. They are at the mercy of vast regulatory bureaucracies that have insufficient awareness of public needs. Replacing this rigidity with resilience and self-reliance is one of the greatest needs for the entire nation and individual citizens.

The need for a national effort to save energy is so compelling that we all must do our part. Last month Senator Hubert Humphrey and I launched a private, non-profit, non-partisan organization called the Alliance to Save Energy. Its purpose is to develop a broadly-based constituency and to set quantitative goals for energy conservation in every sector of our society, including building construction, transportation, electrical power generation and industrial processes.

A number of groups and institutions such as your own federation are working in the area of energy conservation, but the Alliance to Save Energy is the first organization created solely for this purpose. It will not compete with existing groups, but will seek to supplement and strengthen the efforts of such groups as Illinois' Center for Alternative Energy.

President Carter has strongly endorsed the goals of the Alliance. Former President Ford and Vice President Mondale are Honorary Chairmen of the organization.

Alliance activities will be determined by a Board of Directors in consultation with an Advisory Board made up of individuals from all sectors of American life. ASE will generally operate by consensus with directors, advisors and members reserving the right to dissent from the organization's position and to express individual opinions. The Alliance will be funded by contributions from diverse sectors.

I am very pleased that Dick Robbins, your Executive Director, has agreed to serve on the Advisory Committee for the Illinois Conference on Energy Conservation to be held at the University of Illinois. This conference will help increase public awareness about the need to make energy conservation the centerpiece of our national energy program.

We will welcome suggestions from all of you about the types of activities this umbrella organization should emphasize. The following facts suggest the kinds of activities the Alliance can usefully pursue.

The American Institute of Architects estimates that a national commitment to upgrading the energy efficiency of buildings would, by 1990, save the equivalent of 12.5 million barrels of oil per day.

By adopting technologies now widely employed in other countries, the steel industry can reduce its huge fuel demands by about 50 per cent by 1995, according to a 1974 Ford Foundation study.

Recycled scrap aluminum requires only five per cent as much energy as aluminum refined from virgin ore.

Eric Hirst, a research engineer at the Oak Ridge National Laboratory, reported in the December 1976 issue of *Science* magazine that a vigorous conservation program in the residential sector could reduce energy use growth to almost zero by the year 2000—with no change in life-style and even with no increased use of solar energy.

Forty-five per cent of all industrial fuel, or about 20 per cent of the nation's fuel consumption, is used to generate process steam. If this steam were first used to generate electricity and then used as process steam, more electricity would be produced than the entire industrial sector now buys from utilities. This process, known as "cogeneration," produces much cheaper electricity than centralized power plants.

The transportation sector is one of the most rapidly growing areas of our society, yet there is tremendous scope for reducing energy consumption. Former Secretary of Transportation William Coleman, concluded, before he left office, that more efficient use of energy would actually reduce the total requirement for energy in transportation over the next decade.

Conservation is crucial to achieving our broad economic goals as a nation. "Conservation energy" is the cheapest, cleanest and most abundant source of new energy for economic growth. It is anti-inflationary. And investing in conservation is one of the best ways to tackle the unemployment problems while investing in new power plants is one of the least effective ways to create new jobs.

The appeal of conservation is non-partisan and non-ideological. Conservatives and liberals, oil companies and environmentalists, Israelis and Arab OPEC countries, are attracted equally by the prospect of stronger economic growth and energy self-reliance for America. By the same token, few Americans are attracted by the prospect of having our foreign policy mortgaged to foreign suppliers and our domestic life controlled by vast regulatory bureaucracies.

The concept of conservation is not revolutionary. It makes no radical or unfair demands on any sector of our society. It is *not* a prescription for a "no-growth" economy.

I believe we can all work together to solve our national energy problem. I am confident that the new Administration and Congress will face the energy crisis and act. But, the implementation and success of this effort to save depends on every American. With your cooperation we can get this important message to the people. Conservation means doing better, not doing without.

TRIBUTE TO MATEO "MATT" JIMINEZ, FIRE CHIEF, HAYWARD, CALIF.

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. EDWARDS of California. Mr. Speaker, it gives me great pleasure to rise today to extend my congratulations and pay tribute to an outstanding member of my constituency, and a good personal friend of mine, Matt Jiminez, fire chief of Hayward, Calif. It is with admiration, respect, and a touch of sadness that we see Matt retiring after 32 years with the Hayward Fire Department, 25 of which he served as chief.

Matt has shown us all what dedication and public service mean. He has seen the city of Hayward and its surrounding communities grow, and the complexities of fire fighting multiply. Matt has always been an innovator. From the one station, 9-man operation he joined in 1945, after World War II in the Navy, to the 6-station, 141-member team he now leads, his forward looking ideas have enabled him to bring the city of Hayward its high quality service. His dedication has been recognized and appreciated not only by his immediate community, but by the world, when he was named World Fire Chief in 1970, selected from 31 nations, and as he led the department last year to first place national honors in fire prevention education.

We will all miss his personal and professional integrity, unselfish dedication, and his leadership in the city of Hayward, and the fire fighting community of the world. I know his wife Bernice and his four children share a deep sense of pride for what Matt Jiminez has already accomplished and join with me in wishing him many more years of happiness and good health.

A TRIBUTE TO MINNESOTA CLOSE-UP'S BOB KLEPPERICH AND BILL LYNCH

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. FRENZEL. Mr. Speaker, during my past 5 years in office, I have been a strong supporter of the closeup program—a program which has afforded students and teachers in my district and across the Nation an opportunity to observe, question, and involve themselves in politics. I have participated in many sessions with these youngsters and am always stimulated by the effect this experience has on them. Through their week in Washington, they are motivated to go home and take a more active role in their community.

With all the negativism that has been expressed about student apathy and general lack of interest in the political process, it is more important than ever that we take notice of the success of the closeup program, a program which many of my colleagues have helped to support through the Ellender fellowship program.

As a member of the closeup board of advisers and as a Minnesotan, I am particularly pleased with the continued growth and success of the Minnesota closeup program. I have just met with the final Minnesota group for this year, and am reminded of the many people throughout the State who have made the program work. This year's trip to Washington is the culmination of many months of planning and hard work. The

combination of efforts between the Closeup Foundation and urban concerns workshops, a local political education program is a particularly exciting development.

The continued interest in our young people that has been demonstrated through the work of Mr. Glen Skovholt, of Honeywell, and Mr. David O'Connell, of urban concerns workshops, the chambers of commerce, Mr. Donn Waage, of Northwest Bancorporation is most gratifying.

But all of closeup's participants and friends are grateful, most of all, for the work of two dedicated teachers—Mr. Bob Klepperich and Mr. Bill Lynch. These two teachers have given unselfishly of themselves in developing the entire Minnesota closeup experience. Literally, they are closeup in Minnesota. They have given 100 percent and have affected the lives of thousands of students as a result. I am most pleased to have had the opportunity to be associated with them, and to see the closeup program develop under their guidance.

It is not possible to overstate the hard work and the successes of Bob Klepperich and Bill Lynch. The many students and teachers who have gotten involved as a result of their efforts, will never forget the sacrifices that they and their families have made. Nor will any of us who support closeup and are in a position to observe their contributions forget their accomplishments.

THE LIBRARY SERVICES AND CONSTRUCTION ACT

HON. JOSEPH D. EARLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. EARLY. Mr. Speaker, yesterday, for the second time, the House of Representatives overwhelmingly showed its support for the Library Services and Construction Act authorization. Last year, although the House passed the act by a vote of 378 to 7, the Senate failed to enact the new authorization.

I was detained in my district yesterday morning and did not arrive in Washington in time to vote on passage of the library services and construction bill. Had I been here, the measure would have had my full support, as it did in the 94th Congress.

I have requested this time, Mr. Speaker, to describe, for the record, the tremendous impact the Library Services and Construction Act has had on the libraries in the Third Congressional District of Massachusetts and the valuable extension of services it has helped to provide to the people of central Massachusetts.

As you know, the Library Services and Construction Act stands behind 20 years of improvements in the public libraries of the Nation. Its original intent has been modified through the years to meet the changing needs of State library systems to not only bring library resources and services to rural areas but to assist in collection expansion, building construction, nonprint media programing and interlibrary cooperation to name only a few of its contributions.

Priorities in long-range planning for title I funds, developed at the national level, have gone beyond the basics to focus on the special needs of those who are outside the mainstream of society. A growing number of LSCA grants have been awarded to libraries to establish special services to the handicapped, the institutionalized, the elderly, the economically disadvantaged, and the limited-English speaking. Title I grants have aided some 12 cities and towns in the Third District in 1976 alone—and some 200 cities and towns in the State of Massachusetts last year.

Under title III of the act, the Worcester area cooperating libraries was aided to generate cooperative ventures among different types of libraries and will hopefully lead to permanent service networks throughout the State that will bring wider and more efficient services to all citizens of the Commonwealth.

Mr. Speaker, the Library Services and Construction Act provides invaluable support to the libraries in central Massachusetts and throughout the State. I know its impact in my district and I have seen its benefits to the people of my area. There is a genuine necessity for Federal support of the public library systems in this country and I urge the Senate to promptly act to pass this legislation when it reaches that body.

BYELORUSSIAN INDEPENDENCE DAY MARKED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. BIAGGI. Mr. Speaker, on Friday, the 59th anniversary of Byelorussian Independence Day will be observed. It is an event which is marred by the reality of life in Byelorussia today, where freedom is nothing more than a hope.

As our own nation enters its third century of freedom, we take note of the fact that the people of Byelorussia have only enjoyed fleeting moments of freedom throughout their history, particularly in this century. Their formal proclamation of independence of March 25, 1918, was followed almost immediately by the Soviet Government crushing most of the newly declared freedoms of the Byelorussian people. By 1944, the Soviet Union had assumed full control over the Byelorussian nation, a control they have never relinguished.

Life for the people of Byelorussia over the past three decades has been harsh. It is a life charactrized by persecution and a complete deprivation of freedom by the Kremlin. Those few who dare to object are subjected to long periods of incarceration and their families and friends endure harassment by authorities. The right to emigrate, despite the declaration of Helsinki remains almost nonexistent.

The people of Byelorussia as well as millions of other captive peoples held great hopes when the policy of détente between the Soviet Union and the United States was established in the early 1970's. Yet the hopes for an improvement of life for the Byleorussians were never realized under détente.

However, with the advent of the Carter administration, hope springs anew throughout Eastern Europe. The President's outspoken stand in favor of human rights and self-determination have generated a new optimism throughout Byelorussia. It is a position which has already provoked strong responses from the Soviet Government, but it appears likely that our Government will not be intimidated in its pursuit of human rights.

Despite their years of oppression, the desire to be free remains in the hearts of many Byelorussians. Theirs has been a long and agonizing struggle which has yet to reach its fruition. Yet the struggle has been made more bearable by the support which their supporters and friends in this Nation provide. The cause of freedom is a just one, yet freedom continues to be elusive for the people of Byelorussia. It is the fervent hope of many in this Nation that the struggle for freedom and justice can still be won by the people of Byelorussia. They merit our continued support.

THE PAY RAISE CONTROVERSY

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. UDALL. Mr. Speaker, since the beginning of this Congress more has been written and spoken on the so-called congressional pay raise than on perhaps any of the other public issues. There are important and debatable issues involved, but I have rarely seen a matter on which more misinformation and distortion have been circulated, and what is worse, widely accepted by the public.

Recently, the Democratic Study Group published a detailed historical study, which is factual and objective, and should be widely read. The report should help to put to rest some of the more outrageous "facts" which have come to be accepted by large segments of the public. Just to list three:

First. One could read the majority of news accounts and congressional mail on this subject, and come to the conclusion that only Congressmen were affected. Fact: The adjustment covered 1,081 Federal judges, 865 Cabinet and top executive branch officials, and 20,000 other executive officials in the top career service.

Second. Twelve thousand five hundred dollars is a lot of money, and 28 percent is a large raise. But most Americans in this time of inflation have their salaries adjusted annually, or biannually, while congressional pay has been adjusted only 11 times since George Washington met with the first Congress in 1788. On any kind of annualized basis, the increases have been modest.

Third. My mail suggests that many citizens believe that congressional salaries are tax free, that no deductions are

taken out, and that there is a generous "free" retirement system. Out of the new salary, approximately $15,000 will be withheld for Federal taxes, 8 percent or $4,600 per year will be deducted for payments to the civil service retirement fund, $400 per year for health insurance, and other deductions as well.

I encourage our colleagues to read this report as it places in proper perspective the entire question of congressional pay:

THE PAY RAISE CONTROVERSY

This DSG Special Report deals with the continuing controversy over the recent pay raise for Members of Congress, Federal judges, Cabinet officers and other top officials of the Executive Branch.

Although the increase covered some 23,000 federal officials, virtually all of the controversy and criticism has focused on the 535 Members of Congress—in particular. Members of the House of Representatives—because they did not vote to increase their own pay.

This is precisely how the law—which was enacted in 1967 before 70% of the current House and 60% of the Senate were even elected to Congress—was intended to work. Nonetheless, the impression has been spread, by critics and the press, that Members of the 95th Congress concocted a scheme and engaged in devious tactics to "give themselves" an undeserved pay raise without a vote.

The debate over congressional pay increases is expected to continue over the next two years as Congress considers proposed changes in the pay adjustment procedure and takes action on possible future increases. This Report, therefore, is designed to clear up some of the misconceptions regarding the recent pay increase and the procedure whereby it took effect, in order that future debate may be conducted on the merits of the issues involved.

The Report contains the following sections:

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I. How Members' Pay Is Adjusted	3
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III. Criticisms and Responses	9

Appendix.—Comparison of Salary Increases For Various Groups Since 1969.

SECTION I—HOW CONGRESSIONAL SALARIES ARE ADJUSTED

Although Congress retains the authority to pass legislation setting salaries for Members of Congress and other top officials of the Federal Government, such salary adjustments today occur under two laws enacted within the past decade: The Quadrennial Commission Law (PL 90–206) enacted in 1967 and the Executive Salary Adjustment Act (PL 94–82) enacted in 1975. This section summarizes how these two laws operate and what has occurred with respect to congressional salaries since their enactment.

The Quadrennial Commission

The Quadrennial Commission is a blue-ribbon citizens' commission composed of nine members: Three, including the Chairman, appointed by the President and two each appointed by the Chief Justice of the Supreme Court, the Speaker of the House and the President Pro tempore of the Senate.

The Commission meets every four years to recommend pay levels for Members of Congress, the Judiciary and other high government officials. The Commission's recommendations are submitted to the President who can either accept them in toto or make any changes he sees fit. The President then submits the recommendations to Congress as part of the federal budget and they take effect automatically within 30 days unless either the House or the Senate passes a resolution of disapproval.

The Congress is not required to take any action whatsoever with respect to the President's pay recommendations, nor may Congress increase or decrease the proposed pay levels. It may only vote to disapprove all or some of the recommended adjustments.

Executive Salary Adjustment Act

This law provides that Members of Congress, federal judges, and other top government officials shall automatically receive the same government-wide percentage pay increase granted to civil service workers under the Federal Pay Comparability Act of 1970 (FPCA).

Under the FPCA, the Directors of the OMB and Civil Service and an Advisory Committee on Federal Pay recommend adjustments in federal employee pay scales to keep them comparable to those in the private sector. The President must issue an executive order putting the recommendations into force by October 1 of each year unless he deems the change inappropriate. In that case, the President must make an alternate proposal which takes effect automatically unless rejected by either House of Congress. If the President's proposal is rejected, then the original recommendation takes effect without further action by Congress.

Conflict of Interest

The Quadrennial Commission and Executive Salary Adjustment laws were specifically designed to take Congress out of the business of setting its own salaries, while at the same time retaining within Congress the power to veto unwarranted increases.

Prior to 1967, Members of Congress were in the unique and politically intolerable position of having to both set and vote on their own salary levels—a situation which many Members and congressional observers believe was a blatant conflict of interest in view of House Rule VIII, Clause 4, which provides that: "Every Member shall vote on each question put, unless he has a direct personal or pecuniary interest in the outcome of that question."

In addition, having Members vote on their own pay increases invited political grandstanding, both by potential opponents and Members themselves, thereby fueling public opposition to pay increases. As a result, congressional salaries historically have lagged far behind comparable positions of responsibility in the private sector.

For example, during the 180 years from the 1st Congress in 1789 to the 91st Congress when the first Quadrennial Commission pay raise took effect in 1969, Members of Congress received only eight permanent salary increases.[1]

This averages out to a pay increase every 22½ years, with two instances when there was a span of more than four decades between pay increases.

Congressional Vetoes of Pay Increases

Congress has informally or formally vetoed three proposed pay raises since 1968.

In 1969, the first Quadrennial Commission recommended a congressional salary of $50,000. At the urging of the Congress, President Johnson reduced that figure to $42,500.

In 1973, the second Quadrennial Commission recommended, and President Nixon approved, a congressional salary of $53,000. However, the Senate disapproved that pay level by a vote of 71 to 26. (The House Post Office Committee had also recommended disapproval, but the Senate action negated the need for a vote on the Floor of the House.)

In 1976, Congress passed an amendment to the FY 1977 Legislative Branch Appropriations bill to bar the use of any funds to pay for a 5% salary increase due October 1, 1976, under the Executive Salary Adjustment Act.

[1] This does not count pay adjustments which were designed to restore Members' pay to the level which prevailed before temporary pay reductions, such as occurred during the Depression.

Pay Raises Since 1969

Members of Congress have received two pay increases totalling $15,000, or 33%, over the past eight years.

In 1975, congressional salaries were increased from $42,500 to $44,600—a 5% raise—under the Executive Salary Adjustment Act. The 5% figure was recommended by President Ford in lieu of an 8.33% increase recommended to the President by the Directors of the Office of Management and Budget (OMB) and the Civil Service Commission.

The second increase since 1968 was the one which took effect on January 20 of this year. This increase, which raised Members' salaries to $57,500, was recommended by the Third Quadrennial Commission, chaired by Peter G. Peterson, former Republican Secretary of Commerce.[2] The Commission recommended that the proposed pay increases be tied to adoption of a new and more stringent code of ethics for all three branches of government. Both President Ford and President-elect Carter endorsed the proposed increase and the recommendation for a more stringent code of official conduct. The Senate, by a vote of 56 to 42, rejected an effort to disapprove the proposed pay increase. In the House, a special subcommittee of the Post Office & Civil Service Committee held hearings on the proposed pay increase and twice voted against sending a resolution of disapproval to the House Floor. Thus, there was no House vote on the matter.

In accord with the Commission's call for adoption of a new code of ethics, the House on March 2 approved H. Res. 287, which requires full financial disclosure by Members and their principal assistants, limits the amount of outside earned income Members may receive to 15% of their salary, places a $750.00 limit on any honorarium, prohibits acceptance of gifts totalling more than $100 in value in any calendar year, abolishes unofficial office accounts, prohibits conversion of political funds to personal funds, imposes new restrictions on use of the congressional frank, and prohibits official travel by "lame duck" Members of the House. The Senate is expected to pass a similar measure in the near future.

Overall, the 1977 increase affects 22,861 federal officials and will cost about $118 million. Thus, the 535 Members of Congress represent only 2% of the total number of officials covered by the increase, and the $7 million cost for congressional increases represents only 6% of the total cost.

Following is a breakdown of the increases for the three branches of the Federal Government:

Category	Number of officials affected	Percent salary increased	Cost of increase (millions)	Percent of total cost
Members of Congress and related officials	550	29	$7	6
Judges and other judicial officials	1,081	44	19	16
Cabinet and top executive officials	865	32	11	9
Other executive officials	20,365	10	81	69

SECTION II—ANTICIPATED LEGISLATIVE ACTION

Congressional pay is expected to be an issue throughout the 95th Congress. The

[2] Other members of the Commission are: Lane Kirkland, Secretary Treasurer, AFL–CIO; Norma Pace, Senior Vice President, American Paper Institute; Joseph F. Meglen, law partner, Meglen & Bradley; Bernard Segal, past President, American Bar Association; Edward H. Foley, former Undersecretary of the Treasury; Sherman Hazeltine, Chairman of the Board, First National Bank of Arizona; Charles T. Duncan, Dean, Howard Law School; and, Chesterfield Smith, past President, American Bar Association.

issue will be raised both in the form of Floor votes to prevent any additional pay increases this Congress and in the form of proposals to change the procedures for consideration of congressional pay increases.

Expected floor votes

The Senate has already passed—by a vote of 93 to 1—legislation to prevent the automatic increase which will occur October 1, 1977, under provisions of the Executive Salary Adjustment Act. Similar legislation has been introduced in the House, and either a House bill or the Senate bill (S. 964) is expected to come to a vote this year. Legislation to prevent a similar increase from occurring in October 1977 is also anticipated.

Other anti-pay raise efforts could involve amendments to Fiscal 1978 and 1979 Budget Resolutions, Legislative Branch Appropriations bills, and continuing and supplemental appropriations bills which appropriate funds for congressional salaries.

Last Congress, both the House and the Senate approved an amendment to the Fiscal 1977 Legislative Branch Appropriations Act striking funds to pay for the October 1976 comparability adjustment. Thus, while the salary level for Members of Congress increased in law to $46,800 in October 1976, Members did not receive that increase and continued to be paid at the $44,600 level until last month, when the 1977 pay increase took effect.

Proposed changes in pay raise procedures

Numerous bills have been introduced to change the present procedures for consideration and approval of congressional pay adjustments. The House Post Office & Civil Service Committee plans to hold hearings in the near future on the proposed changes. Following are changes which have been proposed:

Require Direct Vote on Pay.—Prohibit any pay raise from taking effect without a direct affirmative vote by the Members of Congress.

Defer Pay Raises.—Defer any pay raise until the Congress following the Congress in which the raise is approved, even if the increase is automatic (i.e., takes effect without a House or Senate vote).

Biennial Review.—Review and adjust salaries every two years rather than every four to avoid big increases as in 1977.

Permanent Commission.—Make the Quadrennial Commission a permanent body to continually review salary levels and other forms of compensation such as pensions, life insurance, etc. The Quadrennial Commission exists for only one year, too short a period to make a comprehensive study of compensation other than salaries.

Repeal Annual Comparability Adjustments.—Repeal provisions of the Executive Salary Cost-of-Living Adjustment Act which allows automatic adjustments in salaries of Members of Congress based on comparability increases for federal employees.

Separate Congressional Pay.—Divorce consideration of congressional pay recommendations from those of federal judges and executive branch officials.

Ease Procedures for Direct Vote on Pay.—Make it possible to obtain a direct vote by the full House on a pay raise via the discharge petition by reducing the period a pay bill must be in committee before a discharge motion can be filed from 30 legislative days to 10 calendar days. This would permit a majority to obtain a vote in the House without a resolution of disapproval from the Post Office & Civil Service Committee.

SECTION III—CRITICISMS AND RESPONSES

This section contains responses to the major criticisms which have been made with respect to the 1977 pay increase.

Size of the pay increase

Criticism.—The pay increase is too large. It is $12,900 over the former pay level, an increase of 29%.

Response.—Congressional salary increases tend to appear unreasonably large because they are few and far between and have lagged far behind those for comparable jobs in the private sector for most of our history. For example, during the entire history of Congress, Members have received only 11 permanent pay increases (including the 1977 increase—an average of one every 17 years).

All but one of the 11 increases was in excess of 25% and the average increase was nearly 50%. The 11 permanent increases were:

33% in 1818.
138% in 1856.[3]
67% in 1866.
50% in 1907.
33% in 1925.
25% in 1947.
80% in 1955.
33% in 1965.
42% in 1969.
5% in 1975.
29% in 1977.

Overall, the 11 increases shown above represent an average of $5,200 each. Had members of Congress received annual pay adjustments as do most Americans, the size of their pay increase would be only a fraction of that shown above. For example, if the total of all congressional pay increases since 1789 were divided into equal annual amounts, Members would have received an average annual raise of 2.12%.

Despite the size of the 1977 increase (29%), it is not out of line when compared to increases in the cost of living and pay increases received by other segments of society. The 29% increase is less than half the percent of increase in the cost of living since 1969 (61%). It is also less than half the percent of pay increase received since 1969 by blue collar workers (70%), civil service employees (66%), broadcasters and news reporters (over 80%), and business executives (60%). (See Appendix.) Had congressional salaries increased at the same rate as the pay of most Americans, Members of Congress would have received salary increases totaling $25,000 to $30,000 since 1969.

The pay of Members today, adjusted for inflation, is only slightly more than what they received in the 1930s when serving in Congress was only a part-time job. Today, Members are paid $57,500 per year—the equivalent of $13,750 in 1935 dollars—and Congress is in session for 10 or 11 months each year. In 1935, on the other hand, Members were paid $10,000 per year—the equivalent of $45,000 in today's dollars—and Congress usually was in session less than six months each year.

Thus in 1935 Members could spend half of each year augmenting their income through other occupations, while serving in Congress today is a full-time job with strict limits (effective next Congress) on the amount of outside income a Member may earn.

Also, as the length of the session has increased so has the workload of Members. In fact, the increase in workload over the past decade is unequalled in the history of Congress and has caused numerous Members to leave public service altogether. For example, the number of votes on which Members must be recorded has increased from about 200 per Congress during the early 1960s to nearly 1,300 last Congress. Since 1969 alone, the number of record votes has tripled, the number of committee meetings Members must attend has nearly doubled, and the volume of mail Members must answer has tripled—from an overall House total of 14 million in 1969 to more than 42 million in 1976. Finally, Members have had to increase by five-fold the number of trips home to meet with constituents and to attend to other matters in their districts.

No vote on the pay raise

Criticism.—Congress engaged in devious tactics to avoid a direct vote on the pay increase.

Response.—There was nothing devious about the way in which the pay raise took effect. It became effective under the established procedure which was designed to take Congress out of the conflict-of-interest position of setting and voting on its own salary levels, while leaving Congress the power to veto pay recommendations.

The procedure—which was adopted nearly 10 years ago when nearly 70% of the current Members of the House were not in Congress—does not require any action whatsoever on pay increases recommended by the Quadrennial Commission and the President. Nor does the law permit Congress to either increase or decrease the proposed pay levels. All Congress can do is permit the pay raises to take effect or veto them.

House consideration of the recent pay raise went according to the law. A House Post Office subcommittee considered disapproval resolutions and twice voted against reporting one to the House—which was why there was no vote on the pay raise on the House Floor. The Senate voted 56 to 42 to table a disapproval resolution.

A three-judge federal district court ruled against a constitutional challenge to the pay raise procedure. Rep. Pressler challenged the procedure on grounds that the Constitution requires Congress to vote affirmatively on any pay increase. The suit is currently on appeal to the Supreme Court.

Criticism.—The pay increase should not have been permitted to take effect until next Congress. Two types of deferral are advocated: President Carter, for example, has taken the position that *all* "pay increases for federal judges, Members of Congress, or top level employees in the Federal Government" should not "go into effect until after the next general election." Others contend that only congressional pay increases should be deferred until after the next election.

Response.—The concept of deferring congressional pay raises alone is based on two principles: 1) That Members of Congress should not personally benefit—or appear to benefit—from their vote in Congress, and 2) that elected officials should not receive a higher salary than that which existed at the time they were elected.

The first principle does not apply in the case of the 1977 pay increase because Congress did not vote to increase its pay. The pay increase took effect automatically, without an affirmative vote, in accord with the procedure established by law to take Congress out of the business of voting pay increases for itself.

The second principle might be made to apply to Members of the House, but it becomes unrealistic when applied to the Senate because only one-third of the Senate stands for election every two years. Thus, if the pay increase for Members of Congress were to be deferred until after their next election, it would mean that only one-third of the Senate would be eligible for the increase in 1979, while another one-third would not be eligible for the increase until 1981 and the 33 Senators who were elected or re-

[3] Members pay was increased from $8 per day to $3,000 per year. During the 38 years from 1818 to 1856, Congress was in session an average of 157 days per year. Thus, Members' pay averaged $1,256 per year.

elected last November would not be eligible to receive the increase until 1983.

Thus, while an across-the-board deferral policy might make some sense, there is no justification for singling out congressional salary increases for deferral while permitting those for Federal judges and Administration officials to take effect immediately.

DRAFT? NOT YET

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. STEIGER. Mr. Speaker, those debating whether the United States should return to the draft to bring people into the Nation's armed services sometimes give the impression it is the only alternative to the present all-volunteer military.

Nothing could be further from the truth. First, it should be emphasized that the Volunteer Army is a success and that veteran military officers and Defense Department officials say it is the best military force the Nation has ever had.

There are some problems, of course, as there are in any organization. But they are far from insurmountable, and they are minimal in comparison to the success of the volunteer concept.

What many forget, or choose to ignore, is that those problems which do exist are not remediable only by returning to conscription, and the even greater problems attendant with it. Rather, there are a whole range of management options that can and should be considered to correct those few problems with the volunteer force.

Some of those management options are discussed in the March 21 Air Force Times. There are other options as well, and I will attempt to expand on some of them in the weeks ahead. The Air Force Times articles follows:

DRAFT? NOT YET

The present debate over restoring the draft was predictable.

It did not take much of a prophet to guess that recruiting would falter when the draft died—if not immediately, then eventually.

The impact was delayed while the nation was in severe economic difficulties. High civilian unemployment replaced the draft as the force propelling many people into service.

Now, with some apparent improvement in the economy, recruiting has become more difficult.

We don't know why that fact comes as such a surprise. It may be because the Pentagon has been touting the all-volunteer force as such a howling success.

Things aren't all bad yet, but the reserves are in serious trouble, the Army and Marine Corps have missed some quotas and the Air Force and Navy are nervous about the future. Officials aren't actually saying we should restore the draft, but they seem to be sending signals—"If our ability to attract adequate numbers of qualified people deteriorates further . . ."

Well, we don't think it's time to throw in the towel quite yet. First, we think, Congress and the administration should take a hard look at service life from the standpoint of the young people whom the services are trying to recruit.

The military has a lot to offer. The old lures—training, travel, worthwhile service—still are there. The pay is the best it ever has been. The benefits, at least for career people, are not bad.

But what sort of life does service offer for the first two or three years of service—particularly to enlisted members? Bachelors can expect a barracks-and-mess-hall existence that has not changed greatly in several decades. Married EM can expect long family separations unless they can afford to move their dependents through a variety of assignments.

We aren't sure the services can offer what they will have to offer in a competitive labor market.

Before we go flying back to the draft as the answer, however, we can think of a number of steps to improve the attractions of the all-volunteer concept:

Extend full dependent-travel and transportation entitlements to all enlisteds.

Put all EM on basic allowance for subsistence and let them eat where they choose.

Equalize quarters allowance for married and single people (at the with-dependents rates) and let bachelors decide where they want to live.

Remove the inequities between officers and enlisteds in such systems as that for figuring travel per diem.

Except in the case of basic pay and major allowances, remove rank as a criterion for monetary benefits.

Establish a severance pay system for enlisteds similar to that for officers who are separated involuntarily.

Overhaul the Veterans Education Assistance Program and mesh it with the in-service tuition assistance program to provide an attractive education incentive.

Open more commissioning channels to qualified EM and provide a stable career program for those who choose to remain in the enlisted structure.

Provide an "open" service contract from which an enlisted can ask release (with due notice) but with the understanding that training and certain assignments will carry an additional commitment.

Few of these ideas are new. Some would be highly expensive to provide.

The choices, it seems to us, are coming down to these: (1) To offer a quality of life acceptable to qualified young people or (2) To use the power of the federal government to force them into service for whatever limited period the nation will tolerate.

We don't know whether the all-vol idea will work even with the suggested improvements, but it seems worth a try before considering a return to the draft. We do know that the draft, with its attendant high loss and replacement rates, is not a cheap solution.

We do not suggest merely throwing money at the problem. True, there would be a price tag on most of the items discussed. But, there also is a change of philosophy embodied in most of them. We think this approach at least would give recruiters some bargaining power.

COMMON SITUS BILL WOULD TURN THE CONSTRUCTION INDUSTRY INTO A NATIONWIDE CLOSED UNION SHOP

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. BURKE of Florida. Mr. Speaker, I would like to call the attention of all my colleagues to an editorial appearing in the Fort Lauderdale News on March 13, 1977, entitled "Common Situs Bill Nothing More Than Closed Union Shops." The editor rightly states that common situs picketing is nothing other than a form of economic coercion designed for the singular benefit of the building trades union. It is a measure which strikes at the very concept of freedom of choice both for the employer and for the worker. It is, in short, the first step in the attempt by the labor unions to repeal section 14b of the Taft-Hartley Act which would allow States to enact right-to-work legislation.

Mr. Speaker, we have heard a great deal of talk from labor unions about consumer rights, housing for the poor, and the general good that labor organizations do for the country. This talk has become all too familiar.

But, how can consumer rights be guaranteed when the costs of higher wages are necessarily passed on to him? Every time labor goes on strike and demands higher and higher wages, the consumer suffers. And it should not be forgotten that we are all consumers.

Furthermore, how do you get housing for the poor and for those just starting out in life when the costs of labor move continuously upward? Everytime labor strikes for higer wages, construction costs soar. The result is that those workers who are least able to afford these higher costs are forced to carry a disproportionate share of the burden.

Mr. Speaker, it is about time that the American people recognize that the labor unions do not represent all the workers. In fact, they represent only about 12 percent of the working men and women in the United States. And their policies are designed only for those few which they do represent. The rest of us are made to suffer their excesses.

In the final analysis, the attitude of the labor unions towards the American economy, the American worker, the American consumer and the American construction industry are shallow indeed. Instead of protecting the American worker, their policies actively work against the large segment of our working society.

Mr. Speaker, I urge my colleagues in the U.S. House of Representatives to give a careful reading to the following article. In addition, I urge each and everyone of you to join with me in voting against H.R. 4250 which would permit secondary boycotts in the construction industry. This is a bill which can only place additional burdens on the American taxpayer and which will stifle the hope of the many young and poor who are already finding it difficult to buy housing and those essentials necessary for a respectable life.

The article is as follows:

[From Fort Lauderdale News and Sun-Sentinel, March 13, 1977]

IT'S OUR OPINION—COMMON SITUS BILL NOTHING MORE THAN CLOSED UNION SHOPS

The controversial "common situs picketing bill" has returned with more vigor than ever, but it remains no more attractive.

The bill, which President Carter pledged to sign while he wooed the voters during his

campaign, would allow strikers to picket—and possibly shut down—an entire construction site in a dispute with only one contractor.

The legislation is one of organized labor's key goals in the 95th Congress and it should be fought to the bitter end.

Opponents of the bill—including most business leaders, contractors and so called "right-to-work" lobbyists—generated enough public furor over the bill in 1975 to force then President Gerald Ford to back down on an earlier pledge to sign the legislation.

Though President Carter says he will sign the bill, there is a great deal of opposition within his administration. Even his budget director, Bert Lance, is firmly against the bill and has clearly spelled out the evils in it. Lance's position on the controversial measure has provided some encouragement to opponents to prevail upon the president as they did with Ford.

With President Carter's backing and with the support from Secretary of Labor Ray Marshall, the sponsors of the bill and the unions feel they have clear sailing.

Passage of the common situs picketing bill is a prelude to an attempt to reach an even bigger goal: repeal of section 14b of the Taft-Hartley Act which allows states to enact "right-to-work" laws. Twenty states, including Florida, have such bans on requiring workers to join unions as a condition of holding their jobs.

The effect of the bill will be to coerce general contractors to use only union subcontractors, force nonunion workers off jobs, lessen the competition, increase construction costs and restrict freedom of choice for employers and workers.

As the fierce battle lines are being drawn, this is a time when labor and management should be sitting down together and trying to get answers to the problems of an economy that is running out of opportunities for real growth.

The union proposal goes in exactly the wrong direction. It all points to compulsory unionism for everyone, regardless of choice.

That certainly is sufficient reason to kill the bill, which is nothing more than a scheme for turning the construction industry into a nationwide closed shop.

SICK PAY EXCLUSION

HON. MICHAEL T. BLOUIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. BLOUIN. Mr. Speaker, as you are well aware, Congress passed a law last year called the Tax Reduction Act of 1976. Generally, I believe that new law was a significant and important step in the direction of a more equitable and just tax system for this country.

However, one section of the law is clearly unfair to some 1.2 million American taxpayers who are sick or disabled. This section repealed the personal income tax deduction for sick pay. Since the law was retroactive to January 1, 1976, it left many, if not most of these taxpayers, with sudden and unexpected tax bills for the previously uncollected tax on sick pay.

The House Ways and Means Committee is considering legislation now to repeal the retroactive nature of the sick pay exclusion section. Today I had the opportunity to submit testimony to the committee, supporting that legislation, and I would like to enter the text of my prepared remarks in the RECORD.

The text of my testimony follows:

SICK PAY EXCLUSION

Mr. Chairman and Members of the Committee, I appreciate the opportunity to add my remarks to the long list of my colleagues who have appeared before the Committee or submitted testimony on legislation to postpone that section of the 1976 Tax Reduction Act which eliminated, retroactively, personal income tax deductions for sick pay.

As you are well aware by this time, this particular section of the 1976 law was clearly unintentional and extremely unfortunate.

I, for one, and I think most of my colleagues in the House and Senate, simply did not realize the disastrous impact which this particular provision of the law would have on some 1.2 million American taxpayers who were accustomed to taking a personal tax deduction for sick pay.

I am particularly concerned because the retroactive nature of the provision left many American taxpayers with totally unexpected, and in some cases, severely burdensome tax bills which they did not anticipate. It is, as many of my colleagues have told you, simply unfair to these taxpayers who are already burdened by difficult and unusual medical and financial problems.

Faced with the sudden realization that their sick pay is no longer tax-deductible, and that they owe taxes on it retroactive to January 1, 1976, my constituents and others like them all across the country have reacted with surprise and anger. They are both confused and frustrated. And in not just a few cases, they are very worried that fragile and delicate budgets which once just met their needs will not be able to expand to accommodate these additional and unexpected taxes.

One of my constituents, a former Post Office employee in Marion, Iowa, who retired for medical reasons after 22 years of service, has been receiving monthly sick pay benefits and claiming his personal tax deduction since 1969. Suddenly, in October of last year, he discovered that he would owe over $1,100 in taxes on that sick pay for 1976. "I don't mind paying taxes," he wrote to me recently, "but why weren't we informed of this early in 1976 so we could have planned on it, or why wasn't this made effective Janauary 1, 1977? The big question is where the heck am I going to find $1,100 at this late date?" The question, obviously, for this man is not rhetorical.

Another of my constituents, from Clinton, Iowa, was more angry than confused. "All of a sudden I am faced with retroactive taxes! The 16th Amendment says taxes will be levied according to the ability to pay. What a laugh! I realize I may be getting incoherent, but you people disgust me. In any future elections, I will never vote for the incumbent."

And a Cedar Rapids, Iowa, constituent, who has been forced to retire after two recurring heart attacks, explained a situation which I am afraid is all too typical of American taxpayers who have been caught off guard by this change in the law. "I had worked . . . for 22 years and had built up nine months full-time pay and three months half-time pay," this man wrote. "With the existing tax laws in effect, it gave me a little extra money which we used to pay off all the bills we could so we would make it on Social Security and a small disability pension . . ."

"I have worked since I was 13 years old and never depended on anyone for help and I don't want to now," the man continued. With the change in the law last year, however, he now faces an extra $1,000 in taxes he did not expect to pay. "With all the medical bills I've had to pay, but was able to handle, it is just going to wipe us out. If I could go back to work it would still be bad, but could be handled; but now it's going to be a real problem."

What can we say to people like this, Mr. Chairman? I am hopeful that we can tell them that Congress has recognized its mistake that it has rescinded the retroactive application of the law.

This is the only fair solution. The cost of extending the personal income tax deduction for sick pay through 1976 would cost approxi- $380 million in anticipated federal revenue for fiscal 1977. That seems to be to be a small amount to pay for assuring that no one will face unexpected tax liability for sick pay they received in 1976.

It is the least we can do for individuals who are already in difficult financial circumstances because of illness or disability. It certainly is far less than we seem so eager to do for the giant multinational corporations and international oil companies who are so quick to plead the injustice of current or pending tax laws.

PUBLIC FINANCING OF CONGRESSIONAL ELECTIONS

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. FISHER. Mr. Speaker, last week I joined in sponsoring the legislation put forth by Representatives UDALL, ANDERSON, WIRTH, and BURTON to provide public financing for congressional campaigns. This legislation, endorsed by Common Cause, offers a reasonable, limited system of Government matching funds for congressional candidates who have shown their genuineness by raising an initial sum in small donations and who agree to abide by spending limits.

Under the provisions of the bill, matching funds from the dollar check-off would be available to candidates who agree to abide by a spending limit of $150,000 and who raise an initial $10,000 in donations of $100 or less. From that point candidates would receive $1 for each $1 raised, up to a ceiling of $100 for each contributor and $50,000 overall.

This legislation offers a good basis for discussion of the public financing issue. I believe some constructive changes could be made in its provisions. For example, the bill imposes limits on the size of campaign contributions. It allows a maximum of $2,500 from any one source in the primary and sets the same limit in the general election. I would prefer to see lower limits: $1,000 for groups and $500 for individuals in the primary and the same in the general election. These are the limits I have imposed in my two campaigns for the House and they have not prevented my raising the money necessary to run a proper campaign.

Under the bill, personal spending by candidates who accept matching funds would be limited to $25,000 for House elections. I would like to see that limit lowered. Candidates should be subject to the same limit imposed on other contributors—$500 in the primary election and an additional $500 in the general election.

I would like to see the House move in the direction of making matching funds available on a dollar for dollar basis up to the spending ceiling. A requirement to raise an initial sum in small contributions should be maintained as should an

upper limit on total campaign expenditures. Ideally, I would set the upper limit for expenditures at $100,000 rather than the $150,000 specified in the bill.

The strongest argument in favor of public financing for congressional campaigns is that it will go a long way toward removing the dependency of candidates, both incumbents and challengers, on large contributions from special interest groups in business, labor, professions, consumer affairs, and elsewhere. The success of public financing in the recent Presidential campaign encourages the introduction of public financing into congressional campaigns. I hope the committee will begin consideration of this matter as soon as possible.

REINTRODUCTION OF H.R. 3800

HON. MARK W. HANNAFORD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. HANNAFORD. Mr. Speaker, today I am reintroducing H.R. 3800, my bill to give civil service retirees a second chance to elect a survivor beneficiary. Joining me are 41 of our colleagues, including the chairman of the Post Office and Civil Service Committee, the chairman of the Compensation and Employee Benefits Subcommittee, and 9 other members of the Post Office and Civil Service Committee. This legislation is also fully supported by the National Association of Retired Federal Employees.

H.R. 3800 provides those retired civil service employees who did not elect a survivor annuity at the time of retirement with a second opportunity to elect this benefit for their spouse or an "insurable interest" survivor. According to the Congressional Research Service, as of 1975 there were nearly 380,000 civil service retirees who had not elected a survivor beneficiary. Many of these men and women find themselves in this situation as a result of misinformation or carelessness.

My bill does not provide a free benefit. Those who did elect a survivor annuity at retirement have had money withheld from their pensions every month to pay for the annuity. I am, therefore, requiring that anyone who takes advantage of this second-chance election must pay back into the fund a sum equal to the amount they would have paid had they elected this benefit at the time of retirement.

To ease the administrative burden on the Civil Service Commission, I have stipulated that retirees will have 1 year from date of enactment of H.R. 3800 or 1 year from date of retirement, whichever is later, to make use of this second-chance election. I am also requiring that persons retiring after enactment of the bill, who wish to make the second-chance election, must pay back any additional money they have received with the amount of interest it would have accrued had it remained in the retirement fund. This should serve to deter a person from not electing a survivor's benefit simply to use the additional money as an interest-free loan. However, the interest would not increase the amount owed by a great enough sum to discourage anyone from electing the annuity.

Mr. Speaker, I urge the Congress to act quickly and decisively in approving this measure. Civil service retirees have earned the right to provide their survivors with an annuity, and I believe that we should grant them this second opportunity to exercise that right.

SUMMARY OF BILL CLARIFYING THE SOCIAL SECURITY TAX STATUS OF THE MEMBERS OF CERTAIN MISSION SOCIETIES

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. CONABLE. Mr. Speaker, the status of members of certain mission societies under the Federal Insurance Contribution Act has become confusing as a result of an Internal Revenue Service ruling. In an effort to clarify the situation, I am today introducing a measure which would permit these individuals to pay social security taxes as self-employed persons. So that all Members might familiarize themselves with the need for this change, I ask that a statement on the bill be inserted in the RECORD at this point:

SUMMARY OF BILL CLARIFYING THE SOCIAL SECURITY TAX STATUS OF THE MEMBERS OF CERTAIN MISSION SOCIETIES

The Internal Revenue Code does not treat ministers and members of religious orders as regular employees for social security purposes. Instead, they are regarded as self-employed people. As a result, they pay less social security tax than the combined total that would be paid by the employer and the employee if they were treated as regular employees. In addition, ministers and members of religious orders are entitled to be exempted, on account of religious principles, from payment of tax entirely, even though they are self-employed.

The Internal Revenue Service has ruled that many Protestant missionaries are not "ministers" because those missionaries are not authorized to perform all the religious functions which ministers of their faith may perform in the United States. For example, many missionaries who are women are limited in authority by their churches, and so do not qualify as ministers. In addition, in almost all cases Protestant missionaries are not members of religious orders. On the other hand, in the Roman Catholic Church, such missionary functions are frequently performed by members of religious orders, who thereby avoid the combined social security taxes on employers and employees.

As a result of this distinction, American supporters of those Protestant missionaries must pay more support money than is needed for Catholic missionaries or for Protestant missionaries who meet the Service's definition of a minister. Furthermore, many Protestant missionaries and their churches are uncertain whether they should pay social security taxes as regular employees or as self-employed persons.

This bill would remedy the situation by placing missionary members of mission societies on a par with members of religious orders for purposes of the social security and self-employment taxes.

To prevent abuse, the bill defines a mission society as a tax-exempt organization that is sponsored or availed of by one or more churches or church denominations, and requires that more than half of the members of the society be religious missionaries in foreign countries.

"THE NEED TO PROHIBIT NUCLEAR FUEL REPROCESSING"

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. BINGHAM. Mr. Speaker, on March 21, 1977, I introduced H.R. 5234, the Plutonium Licensing Control Act. While an extensive statement on this bill can be found in Monday's RECORD at page 8227, I should like today to call my colleagues' attention to three related news articles regarding the reprocessing question. Two of these pieces are newspaper stories regarding Monday's release of a Ford Foundation study of all aspects of nuclear energy. On the specific question of reprocessing, the blue ribbon panel concluded as follows:

There is no compelling national interest to be served by reprocessing. There appears to be little, if any, economic incentive and it is unlikely that reprocessing and recycle could proceed without subsidy. The noneconomic benefits of reprocessing are small: fuel supply for LWRs would be little enhanced; present experience with reprocessing or plutonium stockpiles, has little present value since the introduction of breeders is sufficiently far in the future and uncertain; and contemporary waste management risks with reprocessing are likely larger than possible reductions in long-term hazards from disposal. Health hazards and new accident risks argue against reprocessing. But the most severe risks from reprocessing and recycle are the increased opportunities for the proliferation of national weapons capabilities and the terrorist danger associated with plutonium in the fuel cycle.

In these circumstances, we believe that reprocessing should be deferred indefinitely by the United States and no effort should be made to subsidize the completion or operation of existing facilities. The United States should work to reduce the cost and improve the availability of alternatives to reprocessing worldwide and seek to restrain separation and use of plutonium.

The third piece I wish to place in the RECORD is the lead editorial from this morning's Washington Post. This excellent statement concludes that that the Ford Foundation study was correct; plutonium reprocessing should be deferred indefinitely—at least well into the next century.

I commend these three articles to my colleagues' attention and urge them to join with me by cosponsoring the Plutonium Licensing Control Act:

[From the Washington Post, Mar. 22, 1977]

DEFER PLUTONIUM AS A-FUEL, U.S. URGED

(By Thomas O'Toole)

A panel of prestigious scientists recommended yesterday that the United States minimize the threat of nuclear weapons spread by putting off until the 21st century the use of plutonium and fast breeder power plants that burn plutonium as a nuclear fuel.

At the same time, the panel of 21 scientists urged that the United States continue to develop uranium and coal-fired power plants as the best ways to ensure an adequate supply of electricity for the rest of this century. The panel did not choose between nuclear and coal power, except to say that nuclear energy is cheaper and safer in some ways and coal is cheaper and safer in others.

"We see electrical energy coming from a mix of nuclear and coal for at least the next 20 years," said Spurgeon M. Keeny Jr., director of Washington operations for the Mitre Corp. and chairman of the panel financed by the Ford Foundation. There are social costs to nuclear power but it compares favorably economically and healthwise to coal, even when one considers the possibility of a nuclear accident."

Ford Foundation President McGeorge Bundy emphasized that the panelists who worked on the study for almost two years were deliberately chosen for their middle-of-the-road views on nuclear energy during the last six years of debates among scientists, utility officials, and the public over whether nuclear plants are safe and economical.

"We believed that the nuclear debates suffered from a shortage of dispassionate and disinterested analysis," Bundy said at a press conference held at the University Club. "So we went out and got people who were not sharply and publicly lined up on either side of the nuclear question.'

Eleven panelists are faculty members at Harvard University, Massachusetts Institute of Technology, Princeton University and Stanford Universtiy. Former Federal Energy Administrator John C. Sawhill served on the panel, as did Secretary of Defense Harold Brown and Deputy Under Secretary of State Joseph S. Nye in their former roles as president of Cal Tech and professor of government at Harvard, respectively.

All 21 panelists met yesterday afternoon with President Carter in the White House, a meeting that was said to signify Carter's approval of the panelists' conclusions and the double-spaced, 418-page report they turned over to him in the Oval Office.

"Their conclusions mesh very nicely with most of our conclusions," a key White House energy aide said yesterday. "There's very little question the country needs both coal and nuclear power to get away from scarce fuels like oil and natural gas for the next 20 years."

The panel identified as the most important issue on nuclear power whether to go ahead with the reprocessing of plutonium from spent nuclear fuel. The panel said plutonium can be used by other countries and by terrorists to make crude but workable atomic weapons.

"There is no compelling national interest to be served by reprocessing," the panel concluded. "There appears to be little if any economic incentive for reprocessing and the most severe risks are the increased opportunities for the proliferation of national weapons capabilities and the terrorist danger associated with plutonium."

The panel pointed out that the kind of uranium used in power plants can never be used to make weapons but that in five out of six cases each country making its first nuclear weapon did it with plutonium reprocessed from spent uranium fuel. Plutonium does not occur in nature. It is a by-product of uranium that has burned itself out making electricity.

To make sure plutonium is not spread around the world, the panel recommended "indefinite" deferral of plutonium recycling and of development of the fast breeder atomic power plant that would burn reprocessed plutonium to make still more plutonium.

If followed by the White House, both recommendations would serve to kill the $500 million plutonium reprocessing plant now under construction at Barnwell, S.C., and the $2 billion fast breeder demonstration plant now being built at Clinch River, Tenn.

An estimated $250 million has been spent by private industry on the Barnwell plant and $455 million of public and private funds on the Clinch River plant.

Despite the fact that Japan and Western Europe are developing their own fast breeders and plutonium reprocessing plants, the panel said its suggested policy is not isolationist.

"A breeder cannot operate without reprocessing, and reprocessing needs lots of breeders, maybe 20 to 50," said Dr. Richard L. Garwin of IBM's Thomas J. Watson Reserach Center at Yorktown Heights, N.Y. "Economically, the rest of the world would be better off without the breeder."

To move the world away from plutonium, the panel urged that the United States greatly expand the government-run factories that enrich uranium for power plants to make sure that foreign countries are assured uranium to make electricity for the next 30 years. There are three such factories.

"U.S. government policy should provide the entire world with a clear alternative to a plutonium economy," said panel chairman Keeny. "We should provide adequate enriched uranium to make other countries turn away from wanting their own enrichment facilities, which is another tempting way to make weapons."

The panel suggested that the United States keep research projects alive on plutonium recycling and the breeder "as insurance" against the day in the 21st century when the world begins to run out of cheap uranium. One way to do this, the panel said, is to bury the spent wastes of a nuclear plant together with its plutonium where it could be retrieved at a later date.

The report said the entire world can be supplied with adequate electricity for the next 30 years from coal and uranium, partly because the world's uranium reserves are underestimated.

Dr. Hans H. Landsberg, co-director of Resources for the Future said. "We think there is enough uranium to run the world's nuclear power plants well into the next century.

[From the New York Times, Mar. 22, 1977]

FORD PANEL URGES MAJOR POLICY SHIFT ON NUCLEAR POWER—CALLS FOR END TO BREEDER REACTOR PROGRAM AND A DELAY IN PLUTONIUM REPROCESSING

(By David Burnham)

WASHINGTON, March 21.—A panel of 21 scientists and economists today recommended major changes in the nuclear policy of the United States, including an indefinite postponement of plutonium reprocessing and the end of the cash program to build a commercial breeder reactor.

The panel, in making its negative recommendations on plutonium and the nation's major nuclear energy research project, said it had concluded that the most serious risk associated with nuclear power was that it would help an increasing number of nations arm themselves with atomic weapons.

The panel's study, undertaken with an $860,000 grant from the Ford Foundation, was made public while three teams within the Carter Administration continue to work on separate studies that touch on other aspects of nuclear energy.

ADMINISTRATION MEMBERS ON PANEL

Partly because the Ford Foundation panel included two top members of the Administration and partly because of previous comments of President Carter, the report's recommendations were widely seen as previewing what will probably be the Administration's own final positions on nuclear power.

For example, in a recent letter to Representative Tom Harkin, Democrat of Iowa, President Carter said flatly that "this Administration generally considers nuclear power a low-priority energy source and views the liquid metal fast breeder reactor as a potential security risk."

After a news conference this morning, members of the panel, headed by Spurgeon M. Keeny Jr., the director of Washington operations of the MITRE Corporation, met with President Carter at the White House and then briefed Congressional staff members at the Capitol.

The 418-page report, entitled "Nuclear Power Issues and Choices,' appeared to rest on two fundamental assumptions that somewhat contradict those held by the nuclear industry and by many energy experts in Congress and the Nixon and Ford Administrations.

The first key assumption is that conventional nuclear reactors, now generating about 10 percent of the electricity in the United States, will be about as expensive and dangerous to operate as electrical generating stations fired by coal.

For many years, nuclear proponents have argued that nuclear reactors would be substantially cheaper and have significantly fewer health consequences than coal-fueled stations.

The second key assumption of the study is that the current official estimates of uranium reserves and resources substantially underestimate the amount of uranium that will be available during the next two or three decades.

This assumption, disputed by some experts, is of major importance to the panel's recommendations to postpone plutonium recycling indefinitely and to slow the swift development of the breeder reactor because both new technologies have been held to be vital to the United States because of alleged potential shortages of uranium.

Plutonium recycling is a complex chemical process in which plutonium, a heavy grey metal rarely found in nature, and uranium are extracted from used reactor fuel so they can be re-used to fire reactors.

The breeder reactor is an experimental model that would be fueled with plutonium and which could, the engineers believe, be made to operate so that it would actually create more plutonium than it burns.

The study panel, whose members included Harold Brown, Secretary of Defense, and Joseph S. Nye Jr., deputy to the Undersecretary of Security Assistance in the State Department, argued that the importance of nuclear power to the United States had been considerably exaggerated.

"It is incorrect to argue that nuclear power is 'needed' now to allow society to continue its development as it is," the report said. "While nuclear power is one of the options that should be pursued, it is not as critical to future economic development as its advocates claim."

Concerning requirements of the next century, the panel said, "We believe that some mix of coal, solar, and fusion energy, assisted by conservation, would be capable of supplying society's long-term energy needs."

"But we also believe that the nuclear breeder will be competitive and is likely to prove eventually to be socially acceptable," the report continued. "Society does not have to act on these guesses today. Our children will be in a better position to worry about our grandchildren than we are."

The report was, however, far less easygoing about proliferation: "In our view, the most serious risk associated with nuclear power is the attendant increase in the number of countries that have access to technology, materials and facilities leading to a nuclear weapons capability," it said.

FEARS OF PROLIFERATION

"If widespread proliferation actually occurs, it will prove an extremely serious danger to United States security and to world peace and stability in general," the report added.

In an attempt to meet this hazard, the panel recommended a large number of different approaches, including intensive new diplomatic efforts to assure the rest of the world of adequate supplies of uranium for conventional reactors and of the United States policy decision to abandon the use of plutonium for at least the next few decades.

The United States has already invested more than $3.5 billion in general breeder research and in the planning and engineering of a demonstration commercial breeder reactor on the Clinch River in Tennessee.

If the Ford Foundation panel's recommendations are adopted by the Carter Administration, the big immediate losers would be the Clinch River Reactor—which so far has received $325 million from the government and $130 million from a consortium of private companies—and a reprocessing plant under construction in Barnwell, S.C., in which the Allied Chemical Corporation and General Atomic so far have invested about $200 million.

[From the Washington Post, Mar. 23, 1977]

JUDGMENT ON PLUTONIUM

The case for plutonium fuel and the breeder reactor has been growing steadily more dubious. With each re-examination, the risks become clearer and the benefits dimmer. The latest analysis, published this week by a research organization called the Mitre Corporation, is remarkable for its intelligence and balance. It deserves to be considered authoritative. It strongly urges the Carter administration to postpone plutonium fuel production "indefinitely" and to relegate the breeder technology to the laboratory as a standby for the middle of the next century. That judgment is unquestionably the right one.

The penalties for a mistake here would be monstrous. Plutonium is one of the most potent poisons ever devised and, in its fuel form, it can be fashioned into nuclear weapons relatively easily.

The technology is within the capacity of terrorist organizations as well as national governments of every kind. Putting the stuff into commercial use would be an irreversible decision.

Yet that is the direction in which U.S. policy has been heading, guided mainly by obsolete assumptions and blind momentum. A reprocessing plant for the manufacture of plutonium now stands, two-thirds completed, near the town of Barnwell, S.C., waiting for a federal policy on subsidies. A breeder reactor is under construction at Clinch River, Tenn., scheduled to go into operation in the early 1980s as a prototype for commercial plutonium-fueled reactors in the 1990s. The Mitre report is addressed primarily to President Carter and his energy advisers. If they follow its clear and forceful logic, they will abandon both of these projects.

The Mitre report is the work of a committee of 21 men who, collectively, know as much about these questions as anyone in the world. One member of the committee, Harold Brown, was president of the California Institute of Technology and is now Secretary of Defense. Another, Kenneth Arrow of Harvard, holds the Nobel Prize in economics. A third, Wolfgang Panofsky, is director of the Stanford Linear Accelerator Center. There's no need to run through the entire list. Their report has been published as a book, incidentally, by the Ballinger Co., under the title, "Nuclear Power Issues and Choices." But it covers a great deal more than nuclear issues alone—because, to get to the plutonium question, you first have to consider the future American economy, its requirements for energy and the various possible sources.

The nuclear reactors now being built by utilities around the country are fundamentally different from the plutonium breeder—and far less dangerous. The present commercial reactors are fueled with rods of uranium; when the fuel is spent, the fission process has left a residue of plutonium in the rod. But in that form, it's not explosive. It's the next step that takes the country over a new threshhold—the reprocessing procedure that refines the plutonium and mixes it into a new kind of fuel for the breeder, which, in turn, produces more plutonium than it consumes. It's this second fuel, the one that emerges from the reprocessing plant, that contains weapons-grade plutonium and presents truly extraordinary dangers.

The only conceivable reasons for resorting to the plutonium technology now would be either a looming shortage of uranium or the threat of energy prices so high that they could derail the nation's economic growth.

Plutonium recycling can be postponed indefinitely "at essentially no economic cost," the report finds. "The fears that energy scarcity will force fundamental changes in economic and social structures or the lifestyle of the industrialized world are not well founded."

The Mitre group, in other words, considered both possibilities and concluded that there was nothing to justify risking, in this century, the dire hazards of reliance on plutonium fuels.

TRIBUTE TO ST. BONAVENTURE TEAM

HON. WILLIAM F. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. WALSH. Mr. Speaker, when the reputation of eastern colleagiate basketball is at stake and when your alma mater has triumphed over adversity to reach the finals of the National Invitational Tournament, it is a drastic moment. But when the young coach of that team, St. Bonaventure University, is the son of one of your oldest friends and neighbors—in his own right, a great coach, too—then the drama is intensified even more.

I rise to pay tribute to the St. Bonaventure team—winners of the 1977 NIT, the very finest team in the East and quite possibly in the Nation; the team's outstanding junior star, Greg Sanders who was voted the tournament's most valuable player; and especially their fine coach, James Satalin.

Jim is the son of one the best-known and best-liked men in my city of Syracuse, N.Y., Frank Satalin, and his late wife, Loretta. She was a lovely woman and Frank is a wonderful man, and their children—who grew up with my own—were and are worthy of the fine upbringing they received.

Both Jim and his older brother Frank, Jr., played basketball for their father at St. John the Baptist Academy and excelled—as have so many others—from his teaching and coaching skill. Both went on to basketball stardom at my alma mater of St. Bonaventure, and Jim stayed on to assume the responsibilities as head coach.

What a job he and his players have done. All Bonaventure people are proud of them, but none are prouder than those of us from Syracuse.

THE HUMPHREY CREDO

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. UDALL. Mr. Speaker, each generation produces only a few really great and special people—men and women who have the ability and the opportunity to influence for the good of their Nation and the world.

HUBERT HUMPHREY is such a man. For three decades, he has been on the cutting edge of social and political and economic progress. He possesses perhaps the keenest mind and strongest constitution and biggest heart in American public life. He is the foremost advocate of full employment legislation, and that is appropriate, because he is probably the most fully employed man I know.

Recently, a group of his friends from all parts of the country and all walks of life paid tribute to this giant of our times. I had the honor of being master of ceremonies that night, and I got to hear the gentleman from Minnesota spell out his credo in moving, inspirational terms.

I would like to share those remarks with my colleagues:

OUTLINE OF REMARKS OF SENATOR HUBERT H. HUMPHREY

WASHINGTON, D.C.,
March 16, 1977.

Adlai Stevenson once said that the praise of an evening like this couldn't harm you . . . if you didn't inhale. I think this was one case where Adlai was wrong. I have breathed deeply and I like it. It is good for your health and even better for your spirit.

It has filled my heart and . . . loosened my tongue. I suppose I should really just say thank you, thank you from the bottom of my heart and then sit down.

It is an impulse I have had before—not often, I'll admit—but I almost always have been able to overcome it. And tonight, being among so many old friends, I can only say, "Sit back, I have a thousand ways to say thank you." But don't worry, I'm not going to use them all.

First, let me thank Murray Finley and Coretta Scott King for this marvelous tribute. I am moved and deeply grateful to both of you.

Second, let me thank Mo Udall, the congressional answer to Bob Hope, for being here. He not only is the tallest comedian on Capitol Hill, but the wisest one, too. He has raised the intellectual level of congressional debate and presidential politics. It has been one of my special pleasures to work with Mo through the years—on legislation, on politics—on matters of great importance to all our citizens, but particularly to the working people of this country.

I have said before, and I am delighted to say again tonight, that my own political life could not have been productive without the support, counsel and friendship of organized

labor. So it is with special appreciation that I thank you, Lane Kirkland, and my other labor friends with whom I have worked on interests through the years. If we have not always agreed, we have, nevertheless, been friends and we shall remain so.

A special thanks, too, to all of my friends in the business community who are with us tonight. We are grateful for the splendid cooperation in helping to reduce this terrible burden of unemployment.

And now to my friend, Fritz Mondale, Vice President of the United States, I have some words of advice and frankly some words of apprehension.

I have watched while the President has eliminated a number of things which have come to be known as parts of an Imperial Presidency. I applaud those actions.

What I am worried about now is the Imperial Vice President.

When you go overseas, you leave early, with ceremony and the President embracing you. You make the evening news. I used to leave after midnight, with no one from the press in sight

You go to Paris and Rome and Tokyo and London. I went to countries whose per capita income was under $200 per year.

I became an expert on hotels built by colonial powers in the nineteenth century. You have been seen smoking long Cuban cigars in elegant continental hotels.

I even have been told that when you come home to the Rockefeller-Mondale Mansion, Joan and Teddy and Eleanor and William hum a couple of bars of Ruffles and Flourishes.

When I used to get home to my humble apartment, Muriel greeted me, too. But all she ever said was, "Why are you late, Hubert."

I would not want you to feel that I am jealous. I am simply incredibly, totally, constantly envious. That's all.

Fritz, you know, seriously, how pleased I am to have you here tonight. Our friendship and association go back many years. I have had no better friend, no more constant colleague. You already have brought honor and distinction to yourself, our country, our State, the Senate of the United States and now to the office of the Vice Presidency.

Dore Schary, you and I have shared so many good times. It is a special pleasure to have you here expending your talents saying nice things about my life. You have been in the forefront for liberalism and decency in this country. You have been an exemplary public servant without being elected to office. I am pleased to be with you again tonight.

And to Lynda Robb, my son Skip, Jonas Salk, Averill Harriman, Mayor Gibson, Governor Shapp, Ed Muskie, Sargent Shriver and Lorne Greene, thank you all for your kind words. Each of you has been important in my life.

Three quotations provide a pretty good idea of why I ended up spending a lifetime in the political arena.

James Madison, one of the Founding Fathers, was on the right track when he wrote in the Federalist Papers: "What is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary."

Franklin D. Roosevelt spelled out what I always have believed to be a high purpose of the national government. He said: "The test of our progress is not whether we add to the abundance of those who have too much; it is whether we provide for those who have too little."

And finally, Adlai Stevenson reminded us that Democratic self-government never could be achieved easily or without sacrifice.

He wrote: "Democracy is not self-executing. We have to make it work, and to make it work we have to understand it . . . Democracy's need for wisdom will remain as perennial as its need for liberty . . . unending self-examination must be the perennial price of liberty because the work of self-government never ceases."

These three great American political leaders capture the principles which I always have attempted to follow:

First, government must play a major role in our quest for a just and open society. Government is not to be feared. Rather, it is to be molded into a responsive servant of all peoples.

Second, government bears a special responsibility to help the less fortunate and down-trodden among us. Governmental action sometimes is needed to secure legal and constitutional rights, such as during the civil rights struggles of the 1940's, 1950's, and 1960's.

At other times, the government must act to secure peoples' economic rights. Now is such a time. That is why I have been leading the fight to provide jobs, decent jobs, hopefully private sector jobs, for every American who is able and willing to work.

Finally, Government's efforts to achieve these goals are bound, at times, to be halting, partial, and unsatisfactory, by the very nature of the undertaking. Nothing comes quickly or easily. Many times, progress is difficult to measure.

So the real test of public service is whether you are willing to continue the struggle—to accept the defeat and press on with the job; and to welcome the victories, but use them as opportunities to work on the even more difficult jobs that lie ahead.

People often have called me an optimistic, as though that were not permitted of public officials. One should, of course, strive to avoid the blind, misplaced optimism of those who simply turn away from difficulties, hoping that, in the end, something will turn up.

But that is not the optimism in which I believe. I have seen enough to know that Madison, Roosevelt and Stevenson were right. Perseverance in the cause of democratic government can touch the lives of all people, even "those who have too little." The barriers of injustice and inequality can be pushed back. People can be given a chance to lead lives of happiness and dignity. We've seen it happen in our lifetime, and it is happening today.

So, amid the shortfalls and disappointments, I am one who continues to believe that the struggle is worth it. And the magnificient thing about America is that millions of our people share this belief. They ask only that their leaders' faith be as steadfast as their own.

In the years ahead, we must all keep the faith with our people as we reach out to achieve the dream of "life, liberty and the pursuit of happiness" for every last one of our citizens.

WHY SOUTH DAKOTA OBJECTS

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. ABDNOR. Mr. Speaker, South Dakotans, with their constitutionally mandated balanced State budget, have had little problem in understanding why New York City's fiscal difficulties have been so hard to resolve. We know that you cannot get something for nothing forever, a lesson which seems to have been lost on the directors of the Big Apple's finances.

This week, L. J. "Bud" Maher editorialized some good advice for our urban neighbors in the Huron Daily Plainsman:

COLLECT FINES FIRST

If New York City ever gets its financial act together, it might be because city officials learn to talk to one another. Almost at the same moment when Mayor Beame was pleading for a new $225 million loan from Washington to pay salaries and debt obligations, his comptroller revealed the city has $519 million in unpaid traffic tickets.

Even discounting the $79 million worth deemed uncollectible, the Big Apple need look no farther than its own motorists for the sustenance it needs at this time.

MR. HUNTSVILLE, ALABAMA

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. FLOWERS. Mr. Speaker, today is Dr. Wernher von Braun's 65th birthday and represents a time to pause and recall his successes.

Few men have been honored in their lifetimes with more awards than Dr. von Braun. His record of accomplishment has made him one of the most admired men of this generation. Throughout his years in Huntsville, where he lived during the period of America's entry into the space age, his efforts and successes in space exploration made Huntsville famous. The city showed its appreciation in many ways, one of which was to award him its "Citation of Appreciation as Outstanding Citizen and Public Servant, City of Huntsville, Ala."

Dr. von Braun's contribution to the national space effort provided the leadership the Nation needed to meet an intense schedule that included launching our first artificial satellite and our placing a man on the Moon and returning him safely.

He is a national hero with a record of accomplishing the seemingly impossible. Dr. von Braun is remembered and applauded in Alabama for his contributions to his country in its race to catch up and forge ahead in space exploration. We are grateful that he lived in our State during this eventful time of his remarkable career.

Parallel with his national accomplishments, this scholar-engineer-manager devoted hours of his time to civic activities in Huntsville. He helped establish the Alabama Space and Rocket Center, extended a helping hand for our youth, attended PTA meetings, founded the Rocket City Astronomical Laboratory, saw the city grow with space oriented industry, devoted time to improving the city's public library and was instrumental in establishing the Research Institute whose research programs are now a part of the University of Alabama.

While these are only a few of Dr. von Braun's local contributions, it is only fitting for them to be remembered on this special day. And it is only fitting to remember that as Dr. von Braun's career developed, he also maintained an

interest in a variety of spare time interests and hobbies—reading, amateur astronomy, sailing, hunting, soaring and flying. Over the years, he consistently maintained and developed them all.

Education has always been one of Dr. von Braun's strongest interests and one to which he devoted much of his personal time. His view was and is that when we neglect education, we risk the future freedom of the world. He is an educated man and made a large contribution to improving our Nation's educational system. His lifework has been for the betterment of mankind and he is the perfect example of what a dedicated, unselfish, educated person can accomplish within a short period of time.

I offer my congratulations to Dr. von Braun for his great successes for the Nation, for Huntsville and for Alabama. I know that his birthday will be remembered everywhere and I offer my best wishes on this important occasion.

THE ENERGY CRISIS: STUDENTS ASK CONGRESS WHY NO ACTION?

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. GILMAN. Mr. Speaker, this past winter once again stressed the need for a feasible national energy program—a program that is long overdue.

Orange, Rockland, and Ulster Counties in my 26th Congressional District of New York were impacted by a lack of energy reserves. The suffering and inconvenience caused by the severe, cold winter will long be remembered.

In the northern reaches of Orange County in Pine Bush, N.Y., ninth grade students of Crispell Middle School have taken steps to find out "just why we do not have any solutions to the energy crisis." Last Saturday (March 12) I met with six of those students and their teacher, Allen Warner, who presented me with a letter and petition signed by 138 Pine Bush area residents asking for congressional energy action.

I commend the Crispell School ninth grade class for undertaking this initiative in this valuable learning experience. These students have just withstood one of the most trying winters in memory, as bad as any of their ancestors had to bear. They now know what a crisis is—they seek action—they are deserving of some answers.

So that my colleagues can share the concern of these students, Mr. Speaker, I request publication at this point in the RECORD the context of the letter presented me by James Weiner, Joanne Flynn, Robert Gibbs, Carol Jean Bull, Barbara Brack, and Ann McNulty:

MARCH 4, 1977.

The Honorable BENJAMIN A. GILMAN,
The House of Representatives,
Washington, D.C.

DEAR MR. GILMAN: We, the ninth grade class of the Crispell Middle School, Pine Bush Central School System, would like to bring to your attention our feelings on the lack of action the U.S. Congress has shown in solving the energy crisis.

The energy situation has badly affected the American people in many ways. People have died from the cold and lack of heat. For example, Pinkey Carson, 66, and Herman Jackson, 62, were frozen to death in unheated rooms in a New York City residential hotel. Another way in which the energy crisis is hurting the American people is through the great rise in unemployment. The jobless rate has risen by over 1.5 million people and includes many people who have been out of work because factories did not have sufficient supplies of natural gas to remain open. Another problem, which many people do not consider major, is the worry that people have about losing their jobs or being able to heat their homes through the harsh winter. There has been a 7% increase in the amount of suicide victims and a 4% increase in the amount of nervous breakdowns in the past three months.

The economy has also been affected greatly by the energy crisis. Since there is no output because factories are closed, the cost of what is left to sell on the market goes up. Because people are out of work, they obviously have little money to buy these products and the nation is at a standstill of living. People do not have enough money for entertainment, such as restaurants and movie houses. These places close down and more people are out of work. This starts a never ending chain of events which compounds the initial problem.

Some people think that this energy crisis has been contrived. There is very little factual information to back this up. To date the only clear fact is that Texas was holding back natural gas until the decontrolling bill was passed. But, even if pipelines were open, there is still a small amount that can be piped. It is definitely clear that there is an energy crisis. We want to know why something has not been done before it got this far.

An article in the Feb. 7, 1977 edition of Newsweek helps explain the situation. It states: "Everything went smoothly enough until the late 1960's, but then soaring demand began to exceed new supply. Federal Power Commission Chairman John Nassikas warned in 1969 the 'Natural gas supplies are diminishing to critical levels.' Domestic production began falling in 1973 and the industry accelerated the depletion of its proven reserves. Even though the last three winters were mild, the pipeline industries were forced to curtail deliveries to industries with firm contracts in some cases cutting them off completely. 'The trend is decreasing supplies, dwindling reserves and declining exploration,' says David Foster, Executive Vice-President of the Natural Gas Supply Committee,' a Washington Lobbyist group."

Based on this article and another which appeared in Time on January 31, 1977, you can clearly see that an energy crisis could be definitely foreseen, and action to prevent the oncoming crisis could have been taken. We want an answer why this was not done. You have had since 1969 to do something and yet it had to come to two crises before something started to happen. You can also see that our known recoverable resources were dwindling.

We would like to know why:

(1) Research to find more natural gas, or,

(2) Research and development of a substitute for natural gas, or both, were not done.

We young people and our parents can conserve and cut down the amount we use, but there is going to come a time when there just won't be any natural gas left. We want something done before it gets that far.

Help might come from other nations, but experts say they expect virtually no help before 1990 and by then the gas production is estimated to have diminished to less than 15 trillion cubic feet which even though it sounds like a big number is very small for the entire nation. The amount of gas other nations could give us would only come to a mere 1.1 trillion cubic feet. Also, experts do not think that there are any large gas fields just waiting to be discovered. "There is still gas to find," says John McDonnell, a vice-president for marketing of Gulf Oil, "but we can't expect any of the bonanzas of the past."

According to that same article in *Newsweek*, "in the end, it is clear that the nation will just have to make do with less gas—which may mean allocating the available fuel to users that have no suitable alternative and switching everyone else to coal or electricity or solar power. More immediately, the Carter Administration is stressing conservation of all energy. And once the emergency allocation legislation clears Congress, it is likely the President will push for at least partial deregulation of gas prices; but unless the nation learns more from the current gas crisis than it did from the oil crunch of 1973–74, the outlook is not very hopeful."

Again we ask why has the United States Congress been dragging its feet when it comes to enacting any effective energy plan?

Very truly yours,

JAMES WEINER,
Representative, Ninth Grade Class
Crispell School.

GEORGIA HOUSE OF REPRESENTATIVES SUPPORTS REPUBLIC OF CHINA

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. McDONALD. Mr. Speaker, as in several years past, the Georgia House of Representatives has again gone on record in support of continued relations with the Republic of China, and the maintenance of our Mutual Defense Treaty with that nation. The resolution, which was read and adopted on March 7, 1977 points out the importance of Free China to the United States and I commend it to the attention of my colleagues. The text of the resolution follows:

RESOLUTION

Urging the Government of the United States to maintain its diplomatic relations and the Mutual Defense Treaty with the Republic of China; and for other purposes

Whereas, the Republic of China was a founding member of the United Nations and has always been a law abiding member of the community of nations; and

Whereas, the people of the Republic of China have built a successful, prosperous, free economy out of the ashes of a half century of revolution, invasion and civil war and now serve as an important trading partner of the American people; and

Whereas, the Republic of China is of great strategic importance in the defense of East Asia and the Pacific and has always utilized its military power in the interests of the free world; and

Whereas, the people of the Republic of China have been among the most trusted friends and allies of the people of the United States since the founding of the Chinese Republic in 1912; and

Whereas, President Jimmy Carter has repeatedly stated that he will pursue an open and just foreign policy, based on morality; and

Whereas, President Jimmy Carter has also repeatedly stated that he will not compromise the freedom and security of the people of the Republic of China and will stand by the U.S. commitments to that country.

Now, therefore, be it resolved by the House of Representatives that this Body strongly endorses the positions of President Jimmy Carter as stated above.

Be it further resolved that the Government of the United States and the Congress is hereby strongly urged to maintain its diplomatic relations and the Mutual Defense Treaty with the Republic of China.

Be it further resolved that the Clerk of the House of Representatives is hereby authorized and directed to transmit an appropriate copy of this Resolution to the President and the Secretary of State of the United States of America, the members of Congress from the State of Georgia and the Ambassador of the Republic of China to the United States.

TIGHTENING THE REINS OF GOVERNMENT AT THE TOP

HON. HERBERT E. HARRIS II

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. HARRIS. Mr. Speaker, I am introducing today, with my distinguished colleague, Mr. UDALL, legislation to bring some order to the topsy-turvy growth at the top levels of Government. This bill will help end unplanned, erratic growth of high-level positions in our Federal agencies.

NO CONTROLS EXIST

The problem is simply this: There is no real central control over how top positions in Federal agencies are created—not in the Congress, the White House or the Civil Service Commission The result has been a random mushrooming of top slots in practically every agency, with little forethought, coordination, or planning. Fundamentals of Government organization and sound personnel principles have been ignored as top positions have popped up in disparate fashion.

Currently, high-level jobs and salaries in the Federal Government are of two types. First are the executive level positions. These are the 600 or so political appointees, like the Cabinet Secretaries and their assistants, the chief administrators of agencies like the VA or GSA, and general counsels of departments. The second group is known as "supergrades"—grades 16, 17, and 18 of the general schedule. Examples of supergrade positions are certain bureau directors and their deputies, directors of regional offices, heads of congressional relations offices and personnel directors.

Executive level positions are created by Congress and signed into law by the President. For example, last year Congress sent to the President a bill that added a new Assistant Secretary in the Department of Agriculture. That bill also renamed the Under Secretary position "Deputy," upping the salary level from III to II and it elevated the Administrator of the Animal and Plant Inspection Service from GS–18 to executive level V.

The various congressional committees also often write into their legislation executive level and supergrade positions to carry out the law or program authorized by the main purposes of the bill. For example, in the Small Business Act amendments—H.R. 692—legislation with the primary goal of increasing loan and bond guarantee authority, the House included a provision adding a new executive level V position in SBA, an Associate Administrator. All executive-level positions are specifically enumerated by title and level in title 5 of the United States Code.

Supergrade positions come into existence somewhat differently. Congress originally created a supergrade pool controlled by a numerical lid with responsibility for the pool centralized in the Civil Service Commission, the President's "personnel director." From this pool, the Commission has allotted supergrade slots to the various agencies. The problem is that, over the years, Congress has actually circumvented the pool by writing into law additional mechanisms that allow the Civil Service Commission and other agencies to ignore the fixed limits of the pool and create additional supergrade positions.

Thus, supergrade jobs are added by agencies, irrespective of the parameters of the pool. For example, the Secretary of Defense and the Attorney General, under current law, can create supergrade positions on top of those allotted to their departments from the central pool. Similarly, the Director of the FBI can add up to 110 supergrade positions over and above those the FBI "gets" from the pool. The Secretary of Agriculture can add five supergrade hoof-and-mouth specialists to his top management team.

It is time to bring some order to the top layer of Government. This is why I have joined Congressman UDALL in cosponsoring this legislation. There is a need for somebody, some agency at the top to take charge of the supergrade sprawl.

Congress is as much the culprit as are the agencies. The substantive committees often feel, and justifiably, that, when they create a new Federal program or write a new law, they need to create top positions to administer the law. However, sometimes the creation of positions at particular salary levels can result from other motivations. One department may want a sixth assistant secretary because another department has six. Or creating an executive-level slot may be a reward to an individual or a group. An assistant secretary for animal protection or overseas marketing may or may not be justified. That is not the point. The point is that the creation of any top position should be considered in light of the total structure of Government and public need; it should not be established in a vacuum or from any single-interest point of view. Likewise, supergrade positions need coordination and direction at the top. The Civil Service Commission should be in charge of all the supergrade positions and how they are divvied up among the various agencies. Supergrade positions should not be allowed to just pop up like spring crocuses. Nor should they be "manufactured" to accommodate any one individual to respond to political motivations or popular fads.

STEMMING SUPERGRADE SPRAWL

This bill makes two basic changes. First, to deal with executive-level jobs, the bill would reaffirm the House rule that any legislation dealing with the Federal civil service would be referred to the House Post Office and Civil Service Committee; this currently is the committee's responsibility. The committee—as the personnel watchdog for the Congress—should judge the need for additional positions.

Second, the bill would establish a central "pool" with a limit of no more than 5,915 positions. Within this numerical, statutory limit, the Commission could then assign the positions to the various Government agencies. And most importantly, the bill repeals all the current "loophole" laws that permit agencies to create their own positions outside the pool.

The bill has several other provisions that deserve brief attention. It does not mandate the establishment of any supergrade positions. It provides that there will be no more than 5,915. It sets a limit. Also, the establishment of any supergrade positions by the Commission would require a majority vote of the Civil Service Commissioners. Therefore, the chairman could not unilaterally create a new position, nor could he or she delegate that to the staff of the Commission.

The bill does allow the Commission limited flexibility to go outside the official supergrade pool if unique circumstances dictate it. A majority of the Commissioners could create special scientific and professional positions within a limit of 1,238. There are sometimes special circumstances which require the Government to hire individuals with rare specialties. For example, sometimes NASA needs a physicist or the Geological Survey a seismologist or the Public Health Service a pediatric anesthesiologist. If in this situation the agency were limited by the lid, there would be a way to hire this highly specialized, hard-to-find individual. The Commission could establish a supergrade position to accommodate this unique need.

The bill does not eliminate any current jobs. It does place a strict limit on the total number of jobs in a meaningful way. It removes from the law loopholes that have allowed unbridled Government growth at the top. Additionally, it protects individuals currently holding the affected jobs. No person would be removed nor any job modified until the individual were no longer holding the job.

Mr. Speaker, I believe this bill represents a sound approach to Government. We have been fooling ourselves too long thinking there is someone calling the shots at the top. In reality, the situation has been a series of disparate acts, in which we the Congress have been a partner. Government can be rational, orderly, and responsive. This legislation would be an important step toward that end.

ON HUMAN RIGHTS

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. O'BRIEN. Mr. Speaker, I am a sponsor of a resolution identical to the resolution in opposition to harassment

of Soviet Jews and other minorities that was before us yesterday.

I think I am aware of the hazards the Congress and the administration face in pushing vigorously for a human rights policy. But I think a firm and unbending commitment to human rights is the most valuable thing America has to offer the world. Certainly, our commitment to human rights is more valuable than diplomatic accommodations that sacrifice human dignity in favor of political expediency.

Mr. Speaker, if a commitment to universal human rights jeopardizes some political deal desired by the State Department, so much the better.

For too long, America has been bashful about the rights we maintain. We often have presented our face to the world as merely the masters of a great engine of worldly goods. We have substituted a standard of living for a commitment to freedom.

It is my hope that in some small way today we can start to redress a balance in the world. Successful, yes, come share our success, but not success at any cost. We still hold certain truths to be self-evident.

NEW YORKERS MARK ITALIAN CULTURE WEEK

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. BIAGGI. Mr. Speaker, I wish to advise my colleagues that this week is the official celebration of Italian Culture Week in the State of New York. It is an occasion when the many and varied past and present contributions of Italo-Americans to the American cause are noted.

America as a pluralist society has provided the opportunities for all of its various ethnic religious and racial groups to contribute to the betterment of the Nation. Italo-Americans have contributed throughout and their impact is felt in virtually every facet of our society from the arts to the sports area, from the stage to the stock exchange. I am proud to be an Italo-American and look forward to participating in some of the ceremonies associated with Italian Culture Week.

At this point in the RECORD, I wish to insert the official proclamation issued by the Governor of the State of New York, Hon. Hugh Carey, declaring the week of March 18–24 as Italian Culture Week in the State of New York:

PROCLAMATION

America has benefited in its 200 years of independence from the contributions of those from Italy.

Those who came to America seeking a better life brought with them their customs and their culture. They provided a unique and a vital heritage that has enriched their neighbors.

As we celebrate our bicentennial, it is appropriate to recognize the Italian culture and the culture of other nations that contributed to the greatness of our country. Italian culture has brought understanding, a spirit of joy, and a rich tradition of music and art.

Now, therefore, I, Hugh L. Carey, Governor of the State of New York, do hereby proclaim the week of March 18–24, 1977, as "ITALIAN CULTURE WEEK" in New York State.

THE RETIRED SENIOR VOLUNTEER PROGRAM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. RANGEL. Mr. Speaker, many of our retired senior citizens are helping others lead a more meaningful and complete life through their efforts on behalf of RSVP, the retired senior volunteer program.

This nationwide service brings together volunteers representing a broad variety of skills and abilities with schools, hospitals, and other community organizations. With over 700 chapters and nearly 200,000 volunteers, RSVP reaches out into our society with the years-taught talents of our senior citizens providing needed assistance in areas like home improvement, income tax, and even broadcasting.

I would like to commend this worthy organization for the fine job it is doing and offer encouragement for their future endeavors. The following article, taken from Encore American and Worldwide News, details RSVP in an enlightening and informative way that I think my colleagues will find very interesting. The article follows:

RSVP RESPONDS TO THE COMMUNITY

Harold Taylor, who is sightless, once sang bass in the Hall Johnson choir; sang in the Hot Mikado at the 1936 World's Fair; and was part of a vaudeville act at the Harlem Cotton Club. At 75, he's still performing; he's part of a volunteer choral group from the A. Philip Randolph Senior Center in Harlem.

One of the choir's regular engagements is a monthly show for patients at the Meyer-Manhattan Psychiatric Hospital. "The patients there are mostly from Harlem and naturally all of us singers are from there," says Taylor, "So the patients realize we haven't forgotten them.

"Although I've lost my sight, I have not lost my heart," he adds. "I am quite willing and able to help others."

Taylor is one of some 200,000 volunteers serving with RSVP (Retired Senior Volunteer Program), a nationwide program for retired volunteers aged 65 or older. The program is administered by the federal agency ACTION, the grouping of volunteer agencies that includes the Peace Corps, VISTA, and Foster Grandparents. RSVP is sponsored locally by nonprofit private or public community organizations such as the Council for Human Services in Harrisburg, Pa., or the Community Service Society in New York. Funds to operate the service are provided jointly by ACTION and the local sponsor.

RSVP in New York City is the largest of the RSVP programs (by Sept. 30 of last year more than 5,000 volunteers were serving in 195 New York-area agencies), but there are more than 700 local RSVP programs throughout the country. RSVP does not offer a service program of its own; instead, the organization brings together volunteers representing a variety of skills and interests with eligible community organizations such as hospitals, schools, day care centers, family courts, nursing homes, libraries, and museums.

Among the Harrisburg programs available through RSVP:

Tax Assistance Volunteers assist older persons in completing real estate tax and rent rebate applications. In 1974 two volunteers—Sam and Peg Graeff—personally completed more than 1200 of these applications, gaining for the applicants more than $140,000 in rebates provided by law from the Pennsylvania state lottery funds.

Broadcasting Local radio station WMSP–FM offers a course leading to a third-class FCC license; volunteers also assist with office duties in the station and may help various community groups in preparing radio spots or programming.

"Spice of Life" Short-term assignments that make up the Spice of Life program might include manning a fair booth, counting funds for a service group's financial campaign, hosting a meeting for a charity organization, or helping a church launch its first newletter.

"Castle Guards" Property owners and renters who want to improve or repair their homes might learn the necessary skills from RSVP volunteers in this church-sponsored program.

Flower arranging Funeral homes provide large flower arrangements which volunteers rearrange into smaller bouquets for persons in hospitals or nursing homes.

Other volunteers might serve as receptionists or office assistants for service organizations; help with record-keeping in a nursing home; tutor children or adults in reading skills; prepare mailings for organizations such as the American Cancer Society; visit with hospitalized children; assist recreational therapists in a local hospital; provide bus route information or escort services to other community members; or help a health center in providing preventive dental care information.

Representatives emphasize that RSVP is not meant to be a "make-work" program for older persons; instead, they say, it provides a way for older volunteers to offer a needed service to their community, a service enhanced by the skills and human understanding developed in a lifetime of experience.

The only requirements for volunteers is that they be 65 or older and retired or semi-retired; no special education or skills are necessary. Generally volunteers come from previously established groups, such as senior centers and churches, but individuals may also serve with RSVP. Most volunteers work a few hours a week on a regular basis; some assignments take more time, and volunteers may work on more than one assignment. A few volunteers are residents of nursing homes who may assist by helping less able residents of the home, by knitting or sewing for outside organizations, or by assembling word game kits used by school volunteers teaching children to read.

RSVP provides free accident insurance to volunteers, reimburses out-of-pocket expenses when requested, and assists in arranging meals and transportation for volunteers. Recognition for volunteers comes from appreciation programs organized by some local chapters or through RSVP publications such as the Harrisburg newsletter *In Action*.

THE FDA AND THE SACCHARIN BAN

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. OTTINGER. Mr. Speaker, as a member of the House Commerce Committee's Subcommittee on Health and

the Environment, which has just completed 2 days of oversight hearings on the recently announced FDA ban on saccharin, I am distressed at the amount of misinformation that is being circulated on this subject.

Though no one feels more strongly than I do that the FDA often fails in its responsibility to the public, this is one time that I have applauded the agency for its actions. Statistics show that one out of every five Americans will contract some form of cancer. More than 350,000 people will die of the disease in this country this year. The Canadian tests which led to the U.S. ban were conducted according to well-established and accepted scientific techniques. The data that they yield are very significant for human beings consuming saccharin in reasonable amounts. Yet the FDA has been ridiculed by the press and industry, who seem to refuse to look at the scientific basis for the agency's decision. I'm sure the outcry would be just as strong, or perhaps even stronger, if the Government did not take action to protect Americans from environmental and chemical causes of cancer, which account for as much as 90 percent of cancers occurring in human beings.

On Sunday, there was a very good article in the New York Times which helps to explain in a clear and concise manner the reasons why FDA concluded that a ban on saccharin is warranted at this time. I am including it for the benefit of those who may wish to learn more about the nature of the testing that led to the ban and the reasons why these tests relate so strongly to the human population. I hope that this material will help to dispel some of the myths that are being spread by well-intentioned persons who simply have not looked at this issue from the scientific point of view.

Two points about the Canadian tests are particularly significant. The first is that they rule out the presence of an impurity in saccharin known as OTS—ortho-toluensulfonamide—as the cause of the malignant tumors produced in the animals used. The second is that the incidence of malignant tumors in the offspring of the test animals—rats that were exposed "in utero" to saccharin—was significantly higher than in the parent animals. Tests performed in the United States in 1971 and 1973 which showed similar results, but where OTS was not ruled out as the actual carcinogen, may now become significant because they tend to back up the theory that the fetus is highly susceptible to carcinogenic substances. This immediately brings to mind the tragic case of DES, where the daughters of women who took the drug were those who suffered the consequences.

Mr. Speaker, I hope that many Americans will take the time to review the background of FDA's decision and recognize the very real threat that saccharin may pose to health. Since cancer is an irreversible disease, prevention becomes of paramount importance. I hope that we will not act hastily to block the war on cancer by actions to hinder FDA's ability to remove from the market products that show strong evidence of being carcinogenic, particularly when the risks so outweigh the benefits. I will continue to look for and compile information on this topic for dissemination to my colleagues in the House:

[From the New York Times, Mar. 20, 1977]

FOR THE SACCHARIN BAN

(By Charles F. Wurster)

STONY BROOK, N.Y.—If society is to make progress in preventing cancer, then the Food and Drug Administration should be commended, not condemned, for banning saccharin.

Yet the F.D.A. has been attacked by allegations that the ban is unscientific, emotional, absurd and an irrational overreaction. It is none of these. Criticism approaching hysteria has been directed not at the hazard of cancer but at those who would protect us from it, and even at the law they upheld.

The assertion that saccharin has been safely used for decades without harm to humans is misleading. Although we know that most cancers are caused by environmental factors, we can identify only a small number of human carcinogens (cancer-causing substances). The exact cause of the overwhelming majority of cancers remains unknown.

Tumors do not come with labels naming the chemical that initiated carcinogenesis (cancer development) decades ago. More than 350,000 people die of cancer in this country annually. Saccharin could be causing thousands of cancers, yet we have no way of knowing it.

Chemicals cannot be tested for cancer-causing potential in human subjects. Such tests would require many thousands of people and take up to 40 years, followed by sacrifice, dissection and a search for tumors. With other carcinogens in the environment and cancer already present in our test group, this absurd, morally offensive and uncontrolled experiment would yield results difficult or impossible to interpret. Laboratory animals, usually mice or rats, are normally substituted for people. They yield meaningful results proved highly relevant to the human experience.

In the human population, very large numbers of people are exposed to low doses of chemicals, but the impact of seemingly low doses of a carcinogen may not be low at all. Exposure of 200 million Americans to doses that cause one cancer in every 10,000 people, for example, would result in 20,000 cancers—clearly a public-health disaster.

To detect the effect of low doses of a chemical that causes one tumor in every 10,000 exposed rats would require using hundreds of thousands of rats. Such vast experiments would be unwieldly and prohibitively expensive. But a dose 5,000 times higher is likely to cause cancer in about 5,000 of every 10,000 rats, or 50 percent of them. Administration of high dosages permits the cancer-causing effect to be readily apparent in a practical, manageable number of animals (30 to 50). The technique is routinely used in carcinogenic tests.

Statements that humans would need to drink 800 diet soft drinks or chew 6,700 wads of bubble gum daily to equal the saccharin dosage received by the rats are interesting anecdotes, but are totally irrelevant and without scientific credence.

Furthermore, the argument that anything can cause cancer if given in large enough doses is false. High doses of normally safe chemicals may be toxic, but they will not cause tumors. Relatively few chemicals cause cancer, even when fed at the highest possible doses.

We also hear that small amounts of a chemical are safe for man, even though large doses cause cancer in animals. There is not a shred of evidence for this argument. No safe threshold has been identified for any cancer-causing chemical. Furthermore, man may be hundreds of times more or less sensitive than rats or mice. It is therefore invalid to argue from animal data that the risk to man is small; it may be just the opposite. The price of this invalid extrapolation could be thousands of lives.

Cancer causation by a chemical at any dosage in laboratory animals is a warning of hazard to man. The absence of cancer in another strain or species does not prove the chemical safe; positive evidence is not nullified by negative evidence. A test of saccharin yielding no cancer in monkeys does not eliminate the danger to man indicated by cancer in rats.

We ignore cancer-causation in animals at our peril. The Delaney amendment to the Food, Drug and Cosmetic Act in 1958 (named for Representative James J. Delaney of Queens) recognizes this fact, and is an essential law for our protection. The amendment states that the F.D.A. must bar from the market any food additive found to cause cancer in human or animal. It wisely allows no human discretion based on dosage in administering the Act, since there is no valid scientific basis for such discretion.

We should support the F.D.A. when it upholds this law—in banning saccharin, it invoked the Delaney clause because the artificial sweetener had been found to cause malignant bladder tumors in laboratory animals.

It would be a tragedy if an uninformed public outcry against the saccharin ban were to sweep away the Delaney clause.

BURKE SAYS INFLATION CREATES LONGER WORKWEEK

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. BURKE of Florida. Mr. Speaker, I would like to call the attention of all Representatives to an article written by Michael Novak which appeared in the Washington Star on March 20, 1977. The article, entitled "The 80-Hour Work Week for the Inflation-Ridden," states that as a reult of inflation the reality of a 40-hour workweek has given way to an 80-hour workweek. It is becoming more and more common that both husband and wife are having to work in order to support a standard of living whch is today considered only average. In many instances, the husband is forced to work at two jobs just to make ends meet.

For years many liberal Members of the Congress have been trying to convince the American people that deficit spending would make us better off. They spent years trying to deny that their programs either caused or aggravated our problems. And strangely, they nearly succeeded. But now, the American people are beginning to see that this policy is without merit because it is adversely affecting their lives.

The truth of the matter is that one of the prime causes of inflation is uncontrolled Government spending. Government spending not only causes inflation, but it also causes higher interest rates and this misallocation of our national resources. Each time the Congress appropriates more money than is collected through tax receipts, the pressures leading to increased inflation are increased.

Mr. Speaker, inflation is one of the cruelest forms of thievery. It now forces our private citizens to seek extra employment just in order to maintain a standard of living. And yet in spite of the fact that one out of every two wives work along with their husbands—and many husbands are now holding two jobs—90 percent of our families have incomes under $22,000 per year.

I hope that you my colleagues will give a careful reading to the following article. It contains an insight to which we will all be forced to subscribe sooner or later.

The article is as follows:

THE 80-HOUR WORK WEEK FOR THE INFLATION-RIDDEN

(By Michael Novak)

Forty years ago, a Democratic Congress succeeded in passing legislation limiting the working week to 40 hours. Since that time, Democrats have been less concerned about inflation than about bringing new goods to their constituents. But the upshot of inflation is that, once again, many working people are putting in 80-hour weeks. Sweatshops have given way to treadmills.

About one out of every two wives is working. The ordinary family cannot survive on the single 40-hour wage.

Even though so many husbands and wives both work, 90 per cent of our people have incomes under $22,000 per year.

And even when wives are working, many men are holding down two or even three jobs. One man works an eight-hour shift at a tool factory, and then an eight-hour shift as a (low paid) fireman. On Saturday and Sunday nights, he plays the piano at a local bar. He lives with his family in a third-floor flat.

More millions of Americans are holding two jobs than are unemployed. They are not becoming rich.

Many find it even more difficult to send children to college than it was a generation ago. Still in the fourth generation after immigration to America, some families have not yet sent a single child through college.

Many families that work for more than 80 hours a week make too much money to permit their children to qualify for college scholarships, but not enough to be able to afford tuition for three or four children.

The recent, classical Democratic response to such hardships is to demand that the government "do something." But the government can't "do something" without first taking the money from someone. Necessarily, this will mean taking more money from precisely the same people the government wishes to help. Out of one pocket—through the hands of the bureaucracy—back into the other pocket.

Serious Democrats have some basic rethinking to do. Their hearts have for too long wandered toward trendier issues which win them glossy pictures in the media.

Most activists in Democratic politics are highly educated and articulate professionals. By income, they rank in the top 10 per cent. So do all who make more than $22,000 per year. The priorities of this constituency seldom include the raw economics of the working class. The lifestyle of the top 10 per cent keeps them out of touch with the sufferings of the other 90 per cent.

The Democratic party needs a new political criterion and measure for every single program: What will this program cost the men and women working 80 hours a week, and bringing home (say) $16,000 between them? (About half of all households fall below this level, half above.)

It is time for the Democrats to try to bring the balance between the costs of government and inflation back into some sane relationship, so that men and women will not have to work 80-hour weeks, just to stand still.

YOUTH UNEMPLOYMENT AND DROPOUTS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. HAWKINS. Mr. Speaker, unemployment continues to have a crippling effect upon the people of our Nation. Our young people are among the ones who are the most frustrated by the current unemployment situation. Now is the time to initiate a comprehensive employment program to cure the diseases that are promoted by a high jobless rate. George Curtin, columnist for the Los Angeles Citizen writes on how unemployment is a detriment to our society, particularly our young group. I wish to commend Mr. Curtin for his comments and submit his article as follows:

[From the Los Angeles Citizen, Mar. 4, 1977]

UNEMPLOYMENT AMONG YOUNG CREATING PERMANENT GROUP OF DROP-OUTS

(By George Curtin)

Among the most disturbing legacies of the Nixon-Ford years has been the lingering economic depression that continues to affect the life opportunities of millions of young Americans. The era of youth politics, largely a media invention in any event, has been replaced by a numbing indifference to the problems faced by millions of young workers.

While persons over the age of 25 suffer a 6 percent unemployment rate, joblessness in the 16–19 age group is nearly 20 percent, and for those between 20 and 24 the rate is almost 14 percent. The continuation of such unemployment trends portends serious consequences not only for the young but for society as well.

Unemployment among the young retards the development of skills and work habits which are essential to successful adult employment.

Unless jobs are provided that make allowances for the special needs of the young, the high rate of unemployment among youth will eventually create escalating unemployment rates further up the age scale and lead to the development of a permanent group of drop-outs surviving on the public dole.

But skill development and work habits are not the only things at stake. Youth unemployment impedes normal family formation, and the absence of legitimate work makes illegitimate activities seem all the more attractive.

The official youth unemployment statistics do not count those who are so discouraged that they have completely dropped out of the job market, nor does it count those forced into part time work instead of full time careers.

According to government figures over 200,000 of the 800,000 discouraged Americans who have given up looking for work are teenagers. Sam A. Levitan, director of George Washington University's Center for Social Policy Studies, estimates that at least that many more teenagers are potential candidates for juvenile crime as a result of the frustrations of unemployment.

The problem of unemployment is particularly severe among minority youth. The official rate of unemployment among black youth, for instance, is now over 40 percent. As Congressman Augustus Hawkins has pointed out, "It may be less costly in the long run to provide job oportunities for those in need, rather than expand our jails to house youth work may eventually turn to crime."

While the causes of youth unemployment are certainly complex, the solution is not nearly as difficult to understand nor to implement. Simply put, providing our economy with enough flexibility and sufficient jobs would go a long way towards guaranteeing everyone able to work the opportunity to do so. However, any program of full employment must be flexible enough to accomodate the many needs and problems unique to young people.

Such a program could include the updating and expansion of the role of vocational schools, the development of methods for combining education with work experience of an apprenticeship nature and the much needed improvement of vocational counseling.

It may also be necessary to establish a W.P.A. type program specifically to provide temporary employment and vocational training for those youth unable to find work in the private sector.

A youth corps program could also be utilized as a vehicle to provide high school equivalency training for those who lack it and college education for those who desire it. In this way, youth enrolled in the program would not be forced into careers with a limited potential.

But while special programs such as a federally financed youth corps are important and necessary, they are not adequate as a solution by themselves.

It's for this reason that the AFL–CIO has urged a comprehensive program for full employment that includes a 30 billion dollar job-creation stimulus to the economy; 2 billion of which is slated directly to youth employment and training.

Without a solution of this magnitude, it's inevitable that the tragic disregard for the welfare of millions of our young people will continue to sow the seeds for a future that is rife with unnecessary social conflict and divisiveness.

With a Democratic President and a Democratic Congress in Washington, the time is opportune for change. It is up to us to apply the appropriate political muscle to insure that our society guaranties all Americans the equality of opportunity that is their birthright.

CAMBODIA: "WHERE TERROR IS KING"

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. SOLARZ. Mr. Speaker, Anthony Lewis has written a perceptive article on the apparently subhuman situation within Cambodia today. Cambodia suffered immensely during the long Indochina war due to American bombers; it apparently is still suffering from being "the most tightly locked up country in the world, where the bloodiest revolution in history is now taking place."

It is obvious that American hands in the matter are by no means clean. Indeed, if it had not been for President Nixon's and Henry Kissinger's brutal bombing campaign which helped to lead to the deaths of 1 million of Cambodia's 7 million people, the present situation may never have come to pass.

But guilty conscience or no, the United States and the world cannot forever shut our eyes to the barbarity in the name of revolution taking place within Cambodia. As Lewis points out, the United States and the rest of the world ignored tribal genocide in Burundi; we have also closed our eyes to massive brutality by Pakistan in what was to become Bangladesh and to the starvation in Ethiopia.

With the Carter administration concerned about the protection of human rights throughout the world, I would hope that we would no longer pretend that the killing in Cambodia—where some estimates put the number of deaths at 1 million people since the Communist takeover of that country—does not exist.

Mr. Speaker, I commend the column from the March 21 New York Times to the attention of all Members:

WHERE TERROR IS KING

(By Anthony Lewis)

BOSTON, March 20.—Communist Vietnam and Laos welcomed President Carter's commission on Americans missing in Indochina, but the government of Cambodia would not allow a visit. It was a decision to be expected from "the most tightly locked up country in the world, where the bloodiest revolution in history is now taking place."

That description of Cambodia today comes from an article by Jean Lacouture in the March 31 issue of the New York Review of Books. It is an article whose painful honesty lends ghastly conviction to its terrible conclusions.

"Genocide," Lacouture writes, "usually has been carried out against a foreign population or an internal minority. The new masters of Phnom Penh have invented something original—auto-genocide. After Auschwitz and Gulag, we might have thought this century had produced the ultimate horror, but we are now seeing the suicide of a people in the name of revolution; worse: in the name of socialism. . . .

"A group of modern intellectuals, formed by Western thought, primarily Marxist thought, claim to seek to return to a rustic Golden Age, to an ideal rural and national civilization. And proclaiming these ideals, they are systematically massacring, isolating and starving city and village populations whose crime was to have been born when they were."

There have been many reports of mass killing and brutality in Cambodia since the Khmer Rouge took over in April, 1975. A book on the subject, "Murder of a Gentle Land" by John Barron and Anthony Paul, was condensed in the February Reader's Digest.

The smell of horror was too strong to be ignored by any fair-minded person, and it has not been ignored. But in this country, and the West generally, there has been less outcry about the savagery in Cambodia than its dimensions might have suggested. Why?

The reports from a sealed country were necessarily second-hand—largely from refugees—and many have seemed exaggerated. Americans generally were weary of everything about Indochina. And those of us who had been critics of the war may have felt skeptical about some of the Cambodian reports because they came from right-wing quarters that had been indifferent to the misery inflicted on Cambodia by American bombers. When Henry Kissinger cries for Cambodia, there is reason for skepticism.

But those explanations wither in the presence of Jean Lacouture. He is a leading French expert on Indochina. And he was a profound critic of the American War. He has no reason of ideology or ignorance to exaggerate the crimes committed by the Khmer Rouge.

Lacouture's article is in form a review of "Cambodge, année zero," a book just published in Paris. It is by Francois Ponchaud, a priest who was in Cambodia for 10 years, until three weeks after the Khmer Rouge took Phnom Penh—an informed and sympathetic witness.

Among other things, Ponchaud quotes from orders by the revolutionary government itself. Texts it distributed to local officials, he says, urged them to "cut down" corrupt elites and "carriers of germs," including "their offspring until the last one." Lacouture comments: "The strategy of Herod."

Cambodia may have lost as many as 1-million of 7-million people in the war. Some have estimated, on the basis of both refugee accounts and statements by Khmer Rouge leaders themselves, that another 1 million have been killed since. Lacouture sees that scale of killing when he asks: "What Oriental despot of medieval inquisitors ever boasted of having eliminated . . . one-quarter of their own population?"

American policy helped bring disaster on Cambodia, and Lacouture knows it. Today's reality, he says, should shame "those in the Nixon Administration who bombed and laid waste Cambodia, undermining Sihanouk's regime, and refused to pursue negotiations with him in Peking, making an unmitigated Khmer Rouge victory all the more likely." But he rightly sees that as no reason for silence about Cambodia today.

It is true also that there is not much hope of affecting the Cambodian government. Among the world's tyrannies, it may be the least likely to be moved by outside protest. Those of us in the West who are particularly concerned about human rights may naturally incline to exert influence where it may have an effect: in countries sensitive to our criticism or dependent on relations with us. But utility cannot be the only standard in these matters.

To remain silent in the face of barbarism as enormous as Cambodia's would be to compromise our own humanity. It would be to say that hundreds of thousands of Cambodians do not count in the human scale. It would be to repeat the West's corrupting mistake in 1972 of ignoring tribal genocide in Burundi. In today's world, we ignore mass murder anywhere at our own peril.

THE AUBURN-FOLSOM SOUTH PROJECT IN CALIFORNIA

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. JOHNSON of California. Mr. Speaker, one of the major water resource projects on the President's original list of water projects to be subjected to intensive review was the Auburn-Folsom South project in California. This project was authorized by the Congress nearly 12 years ago; initial funding was provided the following year. Had the Auburn Dam been constructed according to the original schedule, it would be in full operation today.

The severe drought which has hit California and the Western States is creating hardships for urban and rural areas alike. Household water supplies are cut back; grazing lands are threatened; orchards and vineyards may be destroyed in some areas; farmers will lose crops or not plant at all. It is too early to be able to estimate how serious the total damage will be.

Under the circumstances, the question occurs as to how drought conditions might have been alleviated if Auburn Dam were completed and in working order. I asked the Bureau of Reclamation to answer that question and have received a reply that I wish to share with my colleagues. It indicates that an additional 1 million acre-feet of water would have been available if Auburn Dam had been completed as scheduled in 1974, and that this would have significantly reduced the impact of the current drought. The full text of the Bureau's letter follows:

BUREAU OF RECLAMATION,
Washington, D.C., March 17, 1977.

Hon. HAROLD T. JOHNSON,
House of Representatives,
Washington, D.C.

DEAR MR. JOHNSON: This is in further response to your letter of February 24, 1977, regarding what the impact of a completed Auburn Dam would be on today's water and power supplies had the dam been completed in the early 1970's.

As you are aware, Auburn Dam was authorized by Public Law 89–161 dated September 1965. Preconstruction and rights-of-way funds were appropriated by the Congress for fiscal year 1966 by Public Law 89–309 dated October 31, 1965, and construction funds were appropriated by Public Law 89–689 dated October 15, 1966. If sufficient funds for the construction of Auburn Dam had been appropriated originally as scheduled, the facility could have been completed by January 1974.

A review of the operation of the Central Valley Project (CVP) and the American River hydrology demonstrates that if the dam had been completed by January 1974, Auburn Reservoir could have been filled by the summer of 1975 without impairing any of the project purposes. The filling of Auburn Reservoir during that period would not have adversely impacted the water quality in the Sacramento-San Joaquin Delta. Auburn Reservoir could have been at the maximum allowable flood control storage capacity on October 1, 1975, thus increasing the CVP carryover storage by 2,050,000 acre-feet. The following benefits would have been derived from the increased capacity.

WATER YEAR 1975–76

The Bureau of Reclamation was able to deliver 100 percent of the normal water supply to all CVP water users; therefore, Auburn Dam would have had no impact on water deliveries in water year 1975–1976. However, the total CVP carryover storage on October 1, 1976, would have been increased by 1,900,000 acre-feet. The resultant storage increase in both Shasta and Folsom Lakes would have increased recreational opportunities and thus reduced recreation concessionaires' losses.

WATER YEAR 1976–1977

Reclamation has estimated that there will be the following deficiencies in CVP water deficiencies during water year 1976–1977:

1. A 25-percent deficiency on all water-rights contractors;

2. A 50-percent deficiency on all municipal and industrial uses; and

3. A 75-percent deficiency on all other agricultural uses.

If Auburn Reservoir had been completed by January 1974, we estimate that there would have been an additional 1 million acre-feet available resulting in the following deficiencies:

1. A 25-percent deficiency on all water-rights contractors;

2. No deficiency on municipal and industrial uses; and

3. A 25-percent deficiency on all other agricultural uses.

Assuming a rather conservative estimate (3 acre-feet/acre) for water use, the increased deliveries would allow farmers to produce crops on approximately 400,000 more acres in water year 1976–1977. The carryover on October 1, 1977, would be increased an estimated 950,000 acre-feet.

The power supply benefits derived from Auburn Dam and Reservoir are much more difficult to estimate than the water supply benefits. One obvious power benefit which

would occur in 1977 if Auburn was available is increased capability of the CVP to help California meet its peak summer daily demand when air-conditioning use is at its maximum. Pacific Gas and Electric Company is considering using rolling blackouts this summer due to lack of peaking ability and not because of lack of energy, so the increased CVP peaking capability due to Auburn Dam would be significant. Reclamation's estimate of the increased peaking capability in the critical months of July, August, and September which would be available from Auburn Powerplant is 500,000 kilowatts.

We hope that the above information will be useful. Please feel free to contact us again if additional information is desired.

Sincerely yours,

D. D. ANDERSON,
Acting Commissioner.

Mr. Speaker, I also want to take this opportunity to share with my colleagues the statement that I presented at the special hearing on the Auburn Dam project which was held by the Department of the Interior in Sacramento, Calif., on March 21.

The analysis of project benefits versus costs is being used in the reevaluation of Auburn Dam and other water projects on the President's list. It is appropriate that it should be used as one of the key criteria, of course. But the way in which benefit/cost ratios are determined, and particularly the use of interest rates in determining such ratios, bears closer study.

This is the subject of the statement I presented in Sacramento last Monday. The full text follows:

ECONOMIC JUSTIFICATION AS INDICATED BY THE BENEFIT-COST EVALUATION

(Statement of HAROLD T. JOHNSON)

Within recent times, certainly within the careers of most of us, we have relied heavily on the benefit-cost evaluation as an indicator of whether a water project is good or bad. Apparently, the Executive Branch in eliminating funds from the FY 1977 Budget for Auburn Dam has relied, to some extent, on the benefit-cost ratio, an important element of which is the discount rate.

My records indicate that the benefit-cost ratio for the Auburn-Folsom South Unit at the time of authorization in 1965 showed a ratio of 3.56 to 1 based on total benefits and 2.58 to 1 based on direct (efficiency) benefits. The discount rate used for these computations was 3⅛ percent.

This contrasts to the benefit-cost ratio of precisely 1 to 1 apparently used by the President and his advisers as a partial basis for the deletion of Auburn from the Budget. Additional information available indicates that the recent computation makes use of a discount rate of 6⅜ percent which change in criteria alone would account for most of the change in the observed ratio.

The original discount rate (that in use in 1965) was based on an average long term cost of money concept making use of public securities having terms to maturity of 15 years or more. Evidently, the higher rate attempts to approximate the cost of current borrowing.

The differences in these two concepts is simple to distinguish and fairly easy to defend if one takes a narrow and simplistic approach to the issue. The use of the higher rate is valid if one assumes all other variables in the evaluation process are correctly stated and equally as capable of determination as is the discount rate.

This is the crux of the matter. Objective, long-term students of water resource decisions have long recognized that the evaluated benefits accruing to all of society far exceed the effects that are reflected by the conventional benefit-cost analysis. In other words, there is a clear justification for shaving the discount rate used for capitalizing costs until the measurement of project benefits is brought to the same level of sophistication and validity as has been the case with the cost factors.

These heretofore overlooked effects are well recognized by those of us who have had a first-hand personal exposure to water resource development, but they may have escaped the notice of others whose experience has been less specialized. In an effort to compensate for this lack of insight, I have prepared a supplementary statement on this subject which I offer for the record of this hearing and the edification of those now making decisions within the Executive Branch.

THE DISCOUNT RATE IN PUBLIC INVESTMENT EVALUATION

The Federal water resources agencies have used a discount rate since they began making economic analyses over 30 years ago. This rate has been based on a concept of long-term cost of money to the Federal Government. Senate Document 97 advocated such a concept as did the Bureau of the Budget in Circular A–47. The current action by the Administration apparently makes use of a long-term cost of money concept, but by selecting a different series and time period for the bond issue in the formula, a different and higher rate is obtained. Current thinking generally supports a higher rate than has been used traditionally in economic analysis, and we agree that if a current cost of money concept is to be used, a somewhat higher rate of interest is probably appropriate.

Although much more could be said regarding the conceptual or theoretical basis for selecting a discount rate, it is more relevant to address agency practices in making economic analyses. In this economic analysis process, the interest rate is only one component, albeit an important one. At the moment public interest centers on the interest rate, but it seems to me that the time is ripe to reevaluate or reassess the entire evaluation procedure.

We will not make much progress by developing a higher degree of sophistication in the use of interest rates while permitting the balance of our evaluation process to remain in the dark ages. It occurs to me that there are two basic reasons for reassessing the evaluation process at this time. First, I believe that our entire analysis can be best described as ultraconservative, and, secondly, the analysis is directed towards only the goal of economic efficiency and almost completely disregards the other objectives of resource development.

As I said, conservatism has consistently characterized our economic analysis. Let me cite a few examples. The benefits we ascribe to the power and municipal and industrial functions are based upon the cost of the most likely single-purpose project to exist in the absence of the multiple-purpose project. At very best this measures only the absolute minimum benefit level and does not begin to account for the full economic impact of such purposes. Our projections of recreation benefits have almost without exception been far below that which has actually been experienced. This can be attributable in a large part to our population projections which have been short of actual achievement. Our irrigation benefits which are increases in net farm income are based upon projections of crop yields, on-farm efficiencies, and technological improvements. These projections have not kept pace with current growth, much less the foreseeable future, thus understating the irrigation benefits. The foregoing areas are not meant to be conclusive, but they are certainly areas where conservatism has been the rule. Also these aspects of the analysis have been within the control of the estimating agency to adjust and modify.

Another aspect of our analysis that needs reconsideration is the secondary or indirect benefits. Historically, the Bureau of Reclamation has made an effort to evaluate secondary irrigation benefits. As you are aware, this has not been granted universal acclaim and such indirect effects never enter into the Executive Branch decisionmaking process. To the extent that secondary benefits are valid they should also be ascribed to all the purposes of water resource development projects. Some work has been done in this area but much remains. A common set of definitions should be the first order of business. We also need to develop tools in order to place a monetary value to secondary effects. Last, and most important, a sound conceptual framework for secondary benefits should be developed particularly in relationship to the socio-economic aspects of water resource development.

The major area in the analysis that leads to a conservative result is our inability to evaluate in monetary terms the intangible effects of resource development projects. Forty years ago almost all project effects could be said to be intangible since we had not developed tools with which we could place a monetary value on project accomplishments. We have progressed, if I may use that term, to the point where today many of the more readily quantifiable effects are measured in monetary terms. However, many project effects, largely socio-economic in nature, remain unevaluated. This again supports the contention that our analysis is conservative. Some of these effects that need to be measured in monetary terms are stabilization of income, creation of employment opportunity, economic flexibility, redistribution of income, population dispersal, resource preservation, preservation of ecological balance, environmental quality and the economic and social well being of people. Few people would deny that these are all positive important benefits and certainly desirable goals from the standpoint of the national government as well as from the local and regional point of view. Unfortunately, no matter how desirable they are and how much we emphasize them, until that time arrives when we can place monetary values on these effects, they will be largely ignored by the decision-makers.

One area is the intangible irrigation benefits resulting from the development of the so-called family-sized farm. Reclamation law limits the amount of water that can be delivered to a single ownership to not exceed 160 acres. A corporate-sized farm with several thousand acres would presumably be much more efficient in terms of producing food and fiber. Therefore, if it is in the national interest to develop family-sized units, the substantial intangible values and social goals being achieved, should be quantified.

Another important area is the economic flexibility inherent in virtually all water projects. This flexibility may take many forms, but two come to mind. Historically, most water resource developments in the West had their origin in single-purpose irrigation projects. At the time of their conception, irrigation development was a sufficient reason for project development. It was, as time has proved, to be the logical nucleus for multiple-purpose resource development. Many projects that were conceived as irrigation developments are now producing effects which include municipal and industrial water, fish and wildlife, and recreation which were not even dreamed of at the time the project was authorized. Another area, in a completely different context, provides flexibility for the irrigation

farmer. Under irrigation, the farm is able to produce a wide variety of crops and change the cropping pattern to accommodate different levels of supply and demand. Thus, irrigation provides the farmer with the potential to enhance and stabilize his income through flexibility of choice unavailable in a dry-land economy. Interest rates used to justify Auburn Dam, even though they are subject to criticism because they are too low, tend to compensate for the understated benefit values. This should not be construed as a defense of the process but is meant to emphasize the fact that updating for discount rates without giving attention to the numerous other facets of the analysis that need reassessing would probably result in an analysis even more subject to critism than the one currently being made.

The second basic reason that I see for reevaluating the total process relates to the goals and objectives of the water resource development. As is obvious by inspection of any contemporary analysis, economic efficiency is almost the sole criterion for measuring the desirability of resource development. I would like to quote from Professor Arthur Maass from Harvard University who has made the following observations:

"The major limitation of benefit-cost analysis, as it has been applied to public investments in the United States, is that it ranks projects and programs in terms only of economic efficiency. (At the national level this means that projects and programs are judged by the amount that they increase the national product.) But the objective of most public programs is not simply, not even principally, economic efficiency. The redistribution of income to classes or to regions is an important objective in government plans—witness the Appalachia program. And there are other objectives, too—the promotion of national self-sufficiency, for example.

"In other words, the objective functions of most government programs are complex; yet benefit-cost analysis has been adopted to only a single objective—economic efficiency. Thus, benefit-cost analysis may be largely irrelevant, or relevant to only a small part of the problem of evaluating public projects and programs. We should not settle for the current state of benefit-cost analysis, but rather find ways to make it applicable to the real issues of public investment.

"Now, in all complex objective functions for government programs, economic efficiency will be one term. A second will frequently be income redistribution, as has been noted—to classes (the poor) or to regions (depressed areas). These two objectives may be complementary in some ways: a program designed to transfer income from the rest of the Nation to Appalachia or from the wealthy to the poor, may also increase national product. But a government program that maximizes efficiency will not necessarily, indeed is not likely to, achieve a specified high level of income redistribution. Thus, a planner who is responsible for developing a program or project for both purposes will need to know the relative weights to assign to efficiency and income redistribution." [1]

If serious consideration is given to the recognition of the other goals and objectives in water resource development, the appropriate interest rate should be considered concurrently. Benefit-cost analysis and a cost of money concept for interest rates are closely related to the goal of economic efficiency. It may well be that consideration of other goals may lead to an interest rate based on a social rate of time preference or some other concept less oriented to the philosophy of profit maximization. In any event, benefit-cost analysis has been almost the sole basis for measuring the economic value of water resource projects. It is time we looked at these projects in terms of their relationship to all the national programs including poverty, employment, education, and even beautification.

In summary, I believe it is appropriate that we be concerned with the conceptual validity of the interest rate used in the economic analysis. At the same time, however, we should give serious consideration to the soundness of the total evaluation process; first as it relates to the benefit measurement problem, and, secondly, to the multiple goals and objectives of the water resource development program.

[1] Arthur Maass, "Benefit-Cost Analysis: Its Relevance to Public Investment Decision," Water Research (Baltimore: Johns Hopkins Press for RFF: A. V. Knecse and S. C. Smith, eds 1965), pp. 311–12.

ENERGY CONSERVATION TAX INCENTIVES BILL—H.R. 5500

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. McCORMACK. Mr. Speaker, this is to inform the Members that I have today submitted a new bill, H.R. 5500, the energy conservation tax incentives bill, designed to establish a positive program which can have an impact, in the near future, on reducing energy consumption in this Nation.

The insulation of residences and other buildings, the installation of solar heating equipment, the installation of heat pumps, and the use of electric vehicles are the four most significant options available to the average citizen who wishes to help conserve energy without lowering his standard of living. Our Federal demonstration programs, and the normal pressures of the marketplace, have brought solar heating systems for individual residences, including those for hot water, to the point where a number are now available from a number of reliable dealers. The same is true for home insulation, heat pumps, and to a lesser extent, for electric vehicles.

Solar heating and solar hot water systems are now competitive in those areas of the country where other sources of energy for the heating of buildings is expensive. The insulation of presently uninsulated homes can save vast amounts of energy. Heating and cooling systems using heat pumps are substantially economical and practical than most other heating and cooling systems, especially when combined with solar heating systems. The use of electric vehicles can save millions of gallons of gasoline and petroleum products in the not too distant future, and give us cleaner air and safer streets.

This country cannot wait any longer to provide the incentives required for massive application of these technologies by individual homeowners. H.R. 5500, by granting a tax credit of 25 percent of the cost incurred by an individual taxpayer, up to a tax credit of $2,500 for each energy conservation option, will provide that incentive.

The bill, as introduced, reads as follows:

H.R. 5500

A bill to encourage energy conservation in residences and in use of electric vehicles

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the Energy Conservation Tax Incentives Act of 1977".

SEC. 2. AMENDMENT OF INTERNAL REVENUE CODE OF 1954.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 3. ENERGY CONSERVATION EXPENDITURES.

(a) GENERAL RULE.—Subpart A of part IV of subchapter 1 (relating to credits allowable) is amended by inserting immediately before section 45 the following new section:

"SEC. 44B. ENERGY CONSERVATION EXPENDITURES.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 25 percent of that portion of the qualified energy conservation expenditures in each of the categories described in paragraph (b) as does not exceed $2,500 with respect to each category separately.

"(b) APPLICATION OF SECTION.—The qualified energy conservation expenditures to which this section applies are:

"(1) qualified insulation expenditures,

"(2) qualified residential solar energy equipment expenditures,

"(3) qualified residential heat pump equipment expenditures, and

"(4) qualified electric vehicle expenditures.

"(c) QUALIFIED ENERGY CONSERVATION EXPENDITURES.—For purposes of this section—

"(1) QUALIFIED INSULATION EXPENDITURES.—The term 'qualified insulation expenditures' means any amount paid or incurred by the taxpayer during the taxable year for insulation (including amounts paid or incurred as the cost of original installation of such insulation) installed on or after January 1, 1977, and before January 1, 1982, in a dwelling unit located in the United States which is—

"(A) Used by the taxpayer as his residence or leased (or held for lease) by him to other persons for use as their residence, and

"(B) in existence on January 1, 1977.

"(2) QUALIFIED RESIDENTIAL SOLAR ENERGY EQUIPMENT EXPENDITURES.—The term 'qualified solar energy equipment expenditures' means any amount paid or incurred by the taxpayer for any installation which occurs on or after January 1, 1977, and before January 1, 1982, of solar energy equipment in, on, or connected to any dwelling unit located in the United States which is used by the taxpayer as his residence or leased (or held for lease) by him to other persons for use as their residence.

"(3) QUALIFIED RESIDENTIAL HEAT PUMP EQUIPMENT EXPENDITURES.—The term 'qualified residential heat pump equipment expenditures' means any amount paid or incurred by the taxpayer for any installation which occurs on or after January 1, 1977, and before January 1, 1982, of heat pump equipment in, on, or connected to any dwelling unit located in the United States, but only if such installation is in connection with the replacement of existing electric resistance space heating by qualified heat pump equipment which constitutes the principal source of space heat for such dwelling unit.

"(4) QUALIFIED ELECTRIC VEHICLE EXPENDI-

TURES.—The term 'qualified electric vehicle expenditures' means any amount paid or incurred by an individual on or after January 1, 1977, and before January 1, 1982, for a new electric motor vehicle—

"(A) for the personal use of the taxpayer or any member of his family, and

"(B) the original use of which begins with the taxpayer or any member of his family.

"(d) DEFINITIONS.—For purposes of this section—

"(1) INSULATION.—The term 'insulation' means any insulation (including the insulation of furnaces or boilers not so equipped, and the ducts or steam and hot water piping extending therefrom), storm or thermal window or door, caulking, weatherstripping, or any other similar item—

"(A) specifically and primarily designed to reduce, when installed in or on a residence, the heat loss or gain of such residence,

"(B) the original use of which commences with the taxpayer (or his lessees),

"(C) which has a useful life to the taxpayer of at least 3 years,

"(D) which meets the criteria and standards for energy conserving improvements prescribed by the Secretary of Housing and Urban Development under section 2 of the National Housing Act, or such similar criteria and standards as the Secretary may prescribe.

"(2) RESIDENTIAL SOLAR ENERGY EQUIPMENT.—The term 'residential solar energy equipment' means equipment—

"(A) which, when installed in or on, or when connected to, a dwelling unit—

"(i) uses solar energy to heat or cool such dwelling unit or provide hot water for use within such building; and

"(ii) meets the latest technical standards prescribed by the Secretary of Housing and Urban Development under the Solar Heating and Cooling Demonstration Act of 1974;

"(B) the original use of which commences with the taxpayer or his lessees; and

"(C) which has a useful life of at least 3 years.

"(3) RESIDENTIAL HEAT PUMP EQUIPMENT.—The term 'residential heat pump equipment' means equipment—

"(A) which, when installed in or on, or when connected to, a dwelling unit uses a compressible refrigerant system which is reversible to move heat into and out of the building by rejecting or absorbing heat from water, the ground, or the air;

"(B) the original use of which commences with the taxpayer or his lessees; and

"(C) which has a useful life of at least 3 years.

"(4) ELECTRIC VEHICLE.—The term 'electric vehicle' means any highway vehicle which is powered primarily by an electric motor drawing current from rechargeable storage batteries or other portable sources of electric current.

"(e) LIMITATIONS.—

"(1) APPLICATION WITH OTHER CREDITS.—In determining the credits allowed under—

"(A) section 33 (relating to foreign tax credit),

"(B) section 37 (relating to credit for the elderly),

"(C) section 38 (relating to investment in certain depreciable property),

"(D) section 40 (relating to expenses of work incentive programs),

"(E) section 41 (relating to contributions to candidates for public office),

"(F) section 42 (relating to general tax credit),

"(G) section 44 (relating to purchase of new principal residence), and

"(H) section 44A (relating to expenses for household and dependent care services necessary for gainful employment),

the tax imposed by this chapter (before any other reductions except the reduction allowed under section 42) shall be reduced by the credits allowed by this section.

"(2) QUALIFYING EXPENDITURES IN PRIOR YEARS.—If the taxpayer made qualified energy conservation expenditures with respect to any dwelling unit in any prior taxable year, then subsection (a) shall be applied with respect to such dwelling unit for the taxable year by reducing the $2,500 limitation with respect to each category of such expenditures by the amount of such prior expenditures allowed as a credit under this section for such prior year.

"(3) VERIFICATION.—No credit shall be allowed under subsection (a) with respect to any qualified energy conservation expenditures unless such expenditures are verified in such manner as the Secretary shall prescribe by regulations.

"(4) DENIAL OF CREDIT.—No credit shall be allowed under subsection (a) for any amount paid or incurred with respect to a dwelling unit located in a unit of local government in which improvements resulting from energy conservation expenditures are taken into account for property tax assessment purposes.

"(5) PROPERTY ACQUIRED WITH FEDERAL FUNDS.—This section shall not apply to any property acquired by the taxpayer with amounts received by the taxpayer from the United States (or any agency or instrumentality thereof) under a grant, loan, or loan guarantee.

"(f) SPECIAL RULES.—For purposes of this section—

"(1) JOINT OCCUPANCY.—In the case of any dwelling unit which is jointly occupied and is used during any calendar year as a residence by two or more individuals—

"(A) the amount of the credit allowable under subsection (a) (after applying subsection (e)(2)) with respect to any qualified energy conservation expenditures paid or incurred during such calendar year by any of such individuals with respect to such dwelling unit shall be determined by treating all such individuals as one taxpayer whose taxable year is such calendar year; and

"(B) each of such individuals shall be allowed a credit under subsection (a) for the taxable year in which such calendar year ends in an amount which bears the same ratio to the amount determined under subparagraph (A) as the amount paid or incurred by such individual during such calendar year for such expenditures bears to the aggregate of the amounts paid by all of such individuals during such calendar year for such expenditures.

"(2) TENANT STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who holds stock as a tenant stockholder (as defined in section 216) in a cooperative housing corporation (as defined in such section), such individual—

"(A) shall be treated as owning the dwelling unit which he is entitled to occupy as such stockholder; and

"(B) shall be treated as having paid his tenant stockholder's proportionate share (as defined in section 216(b)(3)) of any qualified energy conservation expenditures paid or incurred by such corporation.

"(3) REDUCTION OF BASIS.—The basis of any property shall not be increased by the amount of any qualified energy conservation expenditures made with respect to such property to the extent of the amount of any credit allowed under this section with respect to such expenditures.

"(4) CARRYOVER OF UNUSED CREDIT.—If the amount of the credit determined under subsection (a) for a taxable year (including amounts carried over to that year under this subsection) exceeds the liability of the taxpayer for tax under this chapter for the taxable year, the excess shall be carried over to the first, second, and third taxable years (in that order) succeeding such taxable year and may be claimed as a credit in any such year to the extent the credit so claimed does not exceed the liability of the taxpayer for tax under this chapter in any such year.

"(5) TERMINATION.—This section shall not apply to any amount paid or incurred after December 31, 1981 except in the case of amounts paid after such date pursuant to a binding contract entered into before January 1, 1982.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The table of sections for such subpart A is amended by inserting immediately before the item relating to section 45 the following new item:

"SEC. 44B. "ENERGY CONSERVATION EXPENDITURES.".

(2) Subsection (a) of section 1016 (relating to adjustments to basis) is amended by striking out the period at the end of paragraph (23) and inserting in lieu thereof a semicolon and by inserting after paragraph (23) the following new paragraph:

"(24) to the extent provided in section 44B(f)(3), in the case of property with respect to which a credit has been allowed under section 44B.".

(3) Section 6096(b) (relating to designation of income tax payment to Presidential Election Campaign Fund) is amended by striking out "and 44A" and inserting in lieu thereof "44A, and 44B".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 1976.

AG RESEARCH VITAL

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. ABDNOR. Mr. Speaker, with headlines proclaiming that over 40 percent of the world's food is lost to pests, with severe drought plaguing many areas of our land, with conservation of resources becoming more and more vital, the role of agricultural research increases in importance. It is with this in mind that I have submitted the following statement to the House Agriculture Subcommittee on Department Investigations, Oversight and Research:

STATEMENT OF HON. JAMES ABDNOR BEFORE THE HOUSE AGRICULTURE SUBCOMMITTEE ON DEPARTMENT INVESTIGATIONS, OVERSIGHT AND RESEARCH, MARCH 21, 1977

Mr. Chairman, I want to commend the subcommittee for the early action on legislation of great importance. The world's capability to feed and clothe itself is, and has been, to a large extent, dependent upon American agricultural research.

The need for this research, in my view, is more urgent today than it has ever been. An illustration of this need is found in an article in the Sunday, March 6, edition of the Washington Post citing that over 40 percent of the world's food is lost to pests. I would like to include this article for the record:

OVER 40 PERCENT OF WORLD'S FOOD IS LOST TO PESTS

(By Thomas O'Toole)

DENVER.—Almost half of the food produced in the world today is lost to pests, despite the fact that world pesticide use will reach a record 4.1 billion pounds this year.

That amounts to more than a pound of pesticide for every man, woman and child

on earth, Dr. David Pimintel of Cornell University told the annual meeting of the American Association for the Advancement of Science, last month. He said that is an increase of 20 per cent in the last five years.

Progress is not being made against the world's pests, Pimintel and the University of California's Dr. Ray F. Smith said, because the pests are developing growing immunity to pesticides and because so much pesticides is being used that it is destroying the predators and parasites that are the natural enemies of the pests.

"Fully 90 per cent of all the eggs and larvae of crop pests would be destroyed by their own natural enemies if we made better use of pesticide," Smith said at a press conference. "We're not doing any better than half that, because of our overuse of pesticide."

The leading users of pesticide are the Central American countries of El Salvador, Guatemala, Honduras and Nicaragua, where 70 million pounds of insecticides are used to kill cotton pests every year. In El Salvador alone, an estimated 2,400 pounds are used on every square mile of cotton fields. The tiny country consumes one-fifth of the world's parathion, a leading insecticide.

Cotton yields have not increased in Central America, Pimintel said, because overuse of inseticide has killed off the parasites that destroy the boll weevil and bollworm. At the same time, the indiscriminate use of pesticide is responsible for 4,000 to 5,000 human poisonings every year in Central America, he said.

Moreover, mosquito populations along the coastal plains of Central America have grown so resistant to pesticides that they have begun to carry and spread malaria in all four countries, the scientists said, in El Salvador alone, the incidence of malaria rose from 25,000 cases three years ago to more than 80,000 last year.

Pimintel and Smith said that about 33 percent of the food lost in the world is lost to pests before it can be harvested. Another 9 per cent is lost after harvest, much of it to rats before it can be marketed.

Dr. Max Milner of the Massachusetts Institute of Technology said that in one recent year rate consumed 50 per cent of the sugar and corn and up to 90 per cent of the rice harvested in the Philippine Islands. Milner said that in India alone it would take a train 3,000 miles long to haul the grain eaten by rats in a single year.

CONTINUATION OF STATEMENT

Mr. Chairman, I shall not impose on your time with a recital of facts and figures on the accomplishments of past research. Let me endorse early enactment of legislation enhancing agriculture research, by repeating comments I made before the full committee on March 1.

"First and perhaps least controversial, it is entirely appropriate for the federal government to support and foster research to improve the efficiency of our agricultural production, processing, transportation and marketing systems. As far as consumer prices are concerned it appears that the most room for improvement is to be found once the product leaves the farm gate. According to USDA's data on the farm-retail price spread, middlemen receive over 60 percent of the consumer's dollar and farmers receive less than 30 percent.

"There remain improvements to be made on the farm as well. Research efforts to improve farm production efficiency might well be directed toward discovering ways to lower costs of inputs, particularly energy, and to increase conservation practices. Farmers have come a long way in learning to deal with the vagaries of Mother Nature but we've still got a long way to go, as the drought amply attests."

CBO PAPER ON FOREIGN AID

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. BONKER. Mr. Speaker, since the pathbreaking "New Directions" language of the Foreign Assistance Act of 1973, reaffirmed in the International Development and Food Assistance Act of 1975, it has been the stated priority of American bilateral assistance to improve the lives of the world's poorest people. Although humanitarian concern would have seemed an obvious motive of our economic aid, and probably the popular notion of why we dole out money abroad, in fact the program in its practical application has often been influenced by political considerations or oriented to prestige projects and glittering GNP statistics without so much concern for the trickle-down.

Even in fiscal year 1977, the category of security supporting assistance—arguably an implicit payment to Mideast countries for the Sinai pact, to Spain for military facilities, and to certain African countries for help on Angola and Rhodesia—makes for a 32-percent chunk of our economic aid. At the same time, the level of the remaining aid in real dollars continues its steady post-Marshall plan decline.

It is not surprising that Congress determined to reorient economic aid, frustrated as it was with the sort of abuses endured in Vietnam—the Joint Economic Committee in 1971 estimated that nearly $700 million in food-for-peace funds had translated to military assistance during the previous 6 years—the worsening distribution of income in certain countries we had been helping, sometimes despite increases in per capita GNP, and in general the inability to express concretely the charity for which we like to think the United States is known. Its explicit mandate was that:

Greatest emphasis shall be placed on countries and activities which effectively involve the poor in development, by expanding their access to the economy through services and institutions at the local level, increasing labor-intensive production, spreading productive investment and services out from major cities to small towns and outlying rural areas, and otherwise providing opportunities for the poor to better their lives through their own effort.

This is also the tack OECD's Development Assistance Committee has encouraged western industrialized countries generally to take.

Whether the Agency for International Development is complying its best with this new standard, and whether, in the first place, the standard is the optimal one for bettering the lot of the poor, can very much be debated.

In this connection, I urge the attention of my colleagues to a paper just published by the Congressional Budget Office entitled, "Bilateral Development Assistance: Background and Options." It should be useful this session, when, presented with an already mandated dramatic increase in multilateral development aid for fiscal year 1978, Congress will have to ponder once more some of the underlying assumptions and purposes of our foreign aid programs. Roughly the alternatives are to continue the present level of economic aid—which would imply cutting bilateral development assistance 50 percent—or continuing the present balance between multilateral and bilateral assistance—which would imply a 60 percent or $1.7 billion increase in the latter.

The intent of our economic aid program has never been particularly clear, and in any case, has been subject to great change over the years. Surely some Congressmen hope economic aid will win us certain strategic friendships or promote markets for our exports. But I think Congress in the main likes to believe at least in some small way we are doing our best to relieve human misery. Yet as the CBO study notes, U.S. aid amounts to less than 1 percent of the GNP of most recipient countries and is less than 15 percent of their total aid. Moreover, 40 percent of our economic assistance the past 10 years has gone to a select group of politically important States, and only half of fiscal year 1975 bilateral food and development aid went to LDC's with per capita incomes of less than $300. Much of the answer to the grinding poverty of the Third World seems to lie in indigenous policies of land tenure, development of intermediate technologies and the market conditions and political will to use them.

Some encouragement is offered, though, by the finding that 45 percent of fiscal year 1977 bilateral funds are being directed to rural development and food and nutrition, a considerably larger percentage than other donor nations provide. Moreover, Prof. Ray Prosterman of the University of Washington Law School, who undertook an exercise of "grading" AID's compliance with new directory legislation, estimates that in dollar terms for fiscal year 1977, 23 percent of the projects were fully consistent and 75 percent at least partly consistent. Finally, as CBO notes, though our projects may not in themselves have such a big impact on the developing world in relation to its almost incalculable problems, they can be helpful for their demonstration value or, by conditional grants, in encouraging certain budget priorities of the host government itself.

We have learned reluctantly that it is one thing to give poor countries money and another thing for them in turn to distribute it fairly and efficiently. Congress has yet to decide really what mix it wants to achieve between short-run and long-run effects, and between economic and sociological and political objectives. CBO's efforts will be helpful in the analysis.

EXCEPTIONAL SERVICE OF DR. JOHN L. McLUCAS, ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION AND FORMER SECRETARY OF THE AIR FORCE

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. McFALL. Mr. Speaker, one of the most distinguished members of our Nation's aviation and scientific community, Dr. John L. McLucas, will soon leave his post as Administrator of the Federal Aviation Administration. He does so, as is his nature, quietly and without fanfare.

But I cannot, nor must any of us, let this distinguished gentleman's career as an academician, an industrialist and inventor, and as a brillantly able Federal administrator of military and civil aeronautical affairs pass unheralded. And so I take this opportunity, Mr. Speaker, to acknowledge for all of us the exceptional service of Dr. John L. McLucas, former Secretary of the U.S. Air Force and presently Administrator of the Federal Aviation Administration.

I rise to honor his achievements and his devotion of more than 16 years to public service. I join with the entire aviation community, and all of the general public who are so dependent on our country's magnificent air transportation industry, in saluting him for his dedicated service to America. Our country owes a great debt of gratitude to men like him who do so much to promote the best interests of the Nation.

Prior to his assignment as Administrator of the FAA, Dr. McLucas was Secretary of the Air Force from July 1973 to November 1975 and Under Secretary from 1969 to 1973. He was president of Mitre Corporation during the years 1966 to 1969 and for 2 years prior to 1966 he held a key post in Paris with the North Atlantic Treaty Organization (NATO). His first position in the Pentagon was during 1962-64 when he was appointed Deputy Director of Defense Research and Engineering—Tactical Warfare Programs. In 1959, he joined the electronics firm of Haller, Raymond and Brown (HRB), Inc., in State College, Pa., as vice president and technical director. He became president of the firm in 1958 and remained in that position when it became HRB-Singer, Inc.

During his years at the Pentagon, Dr. McLucas established a solid reputation as an effective and cost-conscious administrator with particular expertise in the important research and development area. To help reduce procurement costs he fostered the prototype technique in the development of new military hardware. He also flew in virtually every aircraft in the Air Force inventory to obtain first-hand knowledge of the capabilities of military systems.

His superior work in this area earned him the Department of Defense Medal for Distinguished Service in 1964. In recognition of his substantial contributions to the national security, he received his second Department of Defense Medal for Distinguished Public Service in January 1973. He has been awarded similar medals for distinguished or outstanding service on four subsequent occasions. Then, on July 19, 1973, he was named Secretary of the Air Force, holding this post until named by President Ford to head the FAA in November 1975.

Through his personal and administrative leadership of the worldwide operations of the FAA, Dr. McLucas has contributed immeasurably to the enhancement of all aspects of air transportation and particularly to the field of aviation safety. It is interesting to note that in 1976, during his stewardship of the agency, the Nation's air carriers recorded the lowest accident total in commercial aviation history, and the fewest fatalities in more than 20 years. And in general aviation—all noncarrier flying—the fatal accident total was the lowest in 9 years.

In this connection, he established a new Office of Aviation Safety to afford more direct control and fast response to flight safety matters. And at his insistence the processing time for FAA procurements has been improved by 30 percent. Further, to streamline FAA operations, under his direction, accounting requirements for a uniform payroll system tailored specifically to FAA needs has been documented and will be installed in 1979.

Together with former Secretary of Transportation, William Coleman, Dr. McLucas developed a national aviation noise abatement policy, which lays out a comprehensive program for reducing noise levels at busy airports. A few weeks after the policy statement was adopted on November 18, 1976, the FAA issued new regulations requiring that all airline jets comply with Federal noise standards by January 1985.

Dr. McLucas holds patents on 10 electronic devices including an object locating system for ships and an aircraft collision warning system. In addition, he has been the founder or cofounded several small businesses.

His many contributions, particularly in such areas as financial management, congressional relations, and international affairs, will provide continuing improvements in aviation matters for years to come.

He has served with distinction under five Presidents of two parties, Mr. Speaker, and I know that all of us in this great House tender warmest good wishes to John L. McLucas for every future success and happiness.

MOBILE SOURCE EMISSION CONTROL AMENDMENTS OF 1977

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. BROYHILL. Mr. Speaker, the Health and Environment Subcommittee of the Interstate and Foreign Commerce Committee has been holding hearings and today will commence markup of clean air legislation. Much of the testimony presented at the hearings and much of the debate surrounding the clean air issue has been with regard to the question of establishing pollution reduction standards for automobiles. My colleague, JOHN DINGELL, and I have introduced in the House, H.R. 4444, to amend the Clean Air Act in order to establish a sound schedule of pollution reduction for the attainment of our clean air goals. While our legislation seeks to provide the automobile industry with workable, yet environmentally sound pollution standards, it also deals with several other aspects of the Clean Air Act which affect different segments of the automotive industry, namely, the aftermarket parts industry.

Since my colleagues may not be as familiar with the automotive "aftermarket" industry as they are with the rest of the industry, I am having printed in the RECORD a short section by section summary of H.R. 4444 as well as answers to the questions which have been asked most often regarding H.R. 4444 and the automotive aftermarket parts industry:

SECTION BY SECTION SUMMARY: DINGELL-BROYHILL/RIEGLE-GRIFFIN MOBILE SOURCE EMISSION CONTROL AMENDMENTS OF 1977

SECTION 1—SHORT TITLE

SECTION 2—LIGHT-DUTY MOTOR VEHICLE EMISSIONS

The new schedule of emission standards in this section is similar to the Dingell-Broyhill (Train-EPA) provision which was overwhelmingly adopted by the House on September 15, 1976, by a vote of 224 to 169, and which was previously introduced in the 95th Congress as H.R. 2380 and as S. 714, by Senators Riegle and Griffin. The new standards in this section reflect the agreement reached by Dingell-Broyhill/Riegle-Griffin and Mr. Leonard Woodcock of the United Auto Workers. This agreement provides that automobiles manufactured during model years 1978 and 1979 meet the same emissions standards applicable for model year 1977, that is: 1.5 grams per mile hydrocarbons, 15.0 gpm carbon monoxide, and 2.0 gpm oxides of nitrogen. For 1980 and subsequent model years the hydrocarbon standard requires a full 90 percent reduction from the levels omitted in model year 1970, or .41 gpm hydrocarbons. For 1980 and subsequent model years the carbon monoxide standard is 9.0 gpm. For 1980 and 1981 the oxides of nitrogen standard is 2.0 gpm. For 1982 and subsequent model years the NOx standard is 1.0 gpm which the EPA Administrator is permitted to revise up to 2.0 gpm for periods of two or more model years if he determines in a suspension proceeding that such standard should be revised due to (1) the lack of available, practicable, emission control technology to meet such standard during such period, (2) the cost of compliance with such standard, (3) the impact of such standard on motor vehicle fuel consumption. No such revision may be made if the Administrator determines that it would endanger public health.

Additionally, the Administrator may waive the standard of 1.0 gpm NOx up to 2.0 gpm during any period of four or more model years beginning with the model year 1982 if he determines that a waiver is necessary to permit the use of an innovative power train technology that can produce a substantial energy saving compared to conventional power trains. No waiver may be granted if the Administrator determines it would endanger public health.

AUTO EMISSIONS SCHEDULE

Dingell-Broyhill/Riegle-Griffin Woodcock (UAW)

	HC (gpm)	CO (gpm)	NO_x (gpm)
1978–79	1.5	15.0	2.0
1980–81	.41	9.0	2.0
1982 and thereafter	.41	9.0	[1] 1.0–2.0

[1] Suspension or waiver for NO_x based on EPA Administrator decision.

SECTION 3—TAMPERING

This section broadens the existing prohibition of the Clean Air Act against knowing removal or tampering with emission controls to cover any person engaged in the business of repairing, servicing, selling, leasing, or trading motor vehicles or engines or who operates a fleet of motor vehicles, and specifies the penalties for violations. This section also provides that the prohibition does not require use of manufacturer parts for maintenance or repair.

SECTION 4—TESTING BY SMALL MANUFACTURERS

This section which originated in the House and was accepted by the House and Senate Clean Air Conference during the 94th Congress, limits certification testing for vehicle manufacturers with projected annual sales of 300 or less to 5,000 miles or 160 hours.

SECTION 5—HIGH ALTITUDE PERFORMANCE ADJUSTMENTS

This section, which includes the same provision approved by the House and adopted by the Conference, exempts the adjustments of emission control systems of high altitude vehicles from the anti-tampering provision of existing law, if the adjustment does not adversely affect emission performance. The manufacturer is required to submit to the Administrator adjustment instructions.

In addition, this section adds a new provision which authorizes EPA to conduct a new rulemaking proceeding to determine the most appropriate method of implementing the Act's mobile source emission requirements for model year 1978 and thereafter with respect to light duty vehicles intended for principal use in high altitude areas. EPA is directed to consider the economic impact of any such regulation upon consumers, franchised dealers and the manufacturers, the state of the art of emission control technology, and the probable impact of such regulation on air quality in the affected areas.

SECTION 6—WARRANTIES AND MOTOR VEHICLE PARTS CERTIFICATION

This section provides that the performance warranty under the existing Clean Air Act shall not be invalidated on the basis of the use of parts that have been certified in accordance with regulations which EPA shall promulgate within two years.

This section further provides that the performance warranty mandated by law shall be for a period of 18 months or 18,000 miles, whichever first occurs. It also requires notification in the manufacturer's maintenance instructions that maintenance or repair may be performed using certified parts.

SECTION 7—PARTS STANDARDS: PREEMPTION OF STATE LAW

When the parts certification program provided for in Section 6 is finally implemented, the States, except California, are preempted from adopting or enforcing any requirement applicable to the same aspect of the part.

SECTION 8—SULPHUR EMISSIONS STUDY

This section originated in Senate and was adopted by the Conference. The Administrator is required to conduct a study of emissions of sulfur compounds from motor vehicles and aircraft. Health and welfare effects of such emissions are to be reviewed and alternative control strategies are to be analyzed. This study will be reported to Congress by January 1, 1978.

SECTION 9—DEFINITION OF EMISSION CONTROL DEVICE OR SYSTEM

This section defines, for the purposes of Section 207, the term "emission control device or system" to mean catalytic converters, thermal reactors, or other components installed on or in a vehicle for the purpose of reducing auto emissions.

SECTION 10—ADMINISTRATIVE PROCEDURES AND JUDICIAL REVIEW

This section establishes comprehensive procedures for informal rulemaking under the Clean Air Act, which would apply in lieu of the Administrative Procedure Act. The section (a) specifies the rules and actions to which such procedures will apply; (b) provides for establishment of a rulemaking docket for each of these rules or actions; (c) describes the material and data that are required for inclusion in the record and mandates that the Administrator must base any rule or other action solely on the information and data contained in the record; (d) establishes the procedures for participation in the rulemaking process, including cross-examination on material issues of disputed fact; (e) provides the standards of judicial review, including the "substantial evidence" test; (f) modifies certain deadlines for promulgation of rules; and (g) extends to 60 days the period of petitioning for judicial review of any such rule.

SECTION 11—AUTHORIZATIONS

This bill authorizes annual appropriations of $200,000,000 for fiscal year 1978, 1979, and 1980.

QUESTIONS AND ANSWERS ON CLEAN AIR ACT WARRANTY LANGUAGE

Question: If we reduce the length of the performance warranty as specified in H.R. 4444/S. 714 how can Congress assure that the vehicle Manufacturers will continue to produce durable emission systems?

Vehicle manufacturers will still be required to produce a durable system in order to pass the 50,000 mile EPA certification test under the production warranty. We propose no change in length of the production warranty. Under the production warranty, the EPA not only certifies that the car's emission control system will last for 50,000 miles, but if a substantial number of systems fail during their on-the-road operation, the EPA can recall the entire lot for repair at the manufacturer's expense. Reduction of the performance warranty will not let the manufacturers off the hook regarding their requirement to produce a durable emissions system.

Question: Doesn't the performance warranty guarantee that the emissions system will perform for five years/50,000 miles?

No, it only attempts to define who will pay for repairs if the system does not perform.

Question: Will consumers lose protection they now enjoy under the performance warranty?

No, consumers do not now have, nor have they ever had, any protection under the performance warranty. In fact, only the EPA, the industry and some concerned attorneys even know this warranty is planned. It has never been implemented because the EPA has not yet developed a correlatable "short test." If it is not significantly altered before it is implemented, consumers will react as they did to the seat belt interlock requirement when they are told that their cars must be repaired at the more expensive dealerships for their first five years of operation.

Question: How does the production warranty work?

If the EPA learns that five or more systems have malfunctioned due to defects in materials or workmanship (as opposed to improper maintenance), it will instigate an investigation which could lead to a recall of all of that model or engine type. This protects the consumer against shoddy workmanship or the possibility that the engines actually produced do not replicate the engine originally certified.

Question: Why doesn't Congress just insist that the manufacturers accept parts and labor from anyone as satisfying the maintenance requirements of the performance warranty?

Because the vehicle manufacturer has a legitimate legal right to protect his contingent liability under the warranty by demanding that adequate replacement parts be used and that they be properly installed. While the issue was being fought out in the courts, consumers would protect their interests by following the maintenance instructions to the letter and the aftermarket would be crippled, perhaps fatally. In addition, it is likely the courts would sustain the manufacturers on this point. It is difficult to believe that the courts would hold that the vehicle manufacturer could be held liable for service work done outside the franchised dealership where a mechanic either put on the wrong part or put it on up side down.

Question: Why not just delegate the authority to correct this problem to the EPA?

Because the EPA has not shown any sensitivity to this threat and because it would just be ducking the issue on the part of Congress. EPA thinks the problem can be corrected with a parts certification program. It can't.

Question: Won't a parts certification program completely solve the problems of the aftermarket industry?

No. In fact, the House Small Business Committee found that the certification program itself was anti-competitive. Their objections: the great cost of even self-certifying will destroy many smaller manufacturers; the vehicle manufacturers could control certification to limit competition; there are expensive problems of due process; and it would require at least partial exemption for the industry from present antitrust laws. Industry has been working with the EPA since 1972 trying to develop a workable voluntary parts certification program. The EPA effort to get a voluntary parts certification program off the ground has been hampered by EPA's proposal to include 430+parts in its definition of the emissions system.

Question: Section 9 of H.R. 4444 defines an "emission control device or system" for both the production and performance warranties. Why?

In November 1976, EPA issued a proposed rule which seeks to circumvent the will of Congress by using a "backdoor" approach through regulations under the production warranty which would in actuality make it into a performance warranty. EPA's intent is clearly expressed in its proposed production warranty regulations when it stated "(the production warranty) could potentially be applicable in some cases where no specific defect was identified; in essence becoming a type of performance warranty." (Federal Register, November 16, 1976, Page 50567). By carefully defining an "emission control device or system" the intended applications of the warranties by Congress are made clear.

Question: What evidence exists that the present 50,000 mile performance warranty has added to the cost of the cars, and has proved anticompetitive, and has induced business away from the independent dealer?

There can be no answer to this question until the 5 year, 50,000 mile performance warranty is implemented by the EPA. The fact is that there is no present 5 year, 50,000 mile performance warranty. The Act provides that when a feasible short test is developed, the EPA shall issue regulations mandating the performance warranty. Since

this has not been done, there cannot be said to be any additional cost added to the vehicle that would be attributable to the performance warranty nor can any anticompetitive effects be measured by something that is not implemented.

We have heard from many different sources that the problems posed by the warranty have not occurred even though the warranty has been on the books for six years. The reason for this is too often overlooked. There can be no problem until the EPA implements the warranty, and this has not been done as at this date. Thus, there has been no effect on competition, nor can there be until the warranty is implemented, but ASIA submits that this in no way means that the problem is not there.

Question: It has been six years since the 50,000 mile performance warranty was written into law. What percentage of the aftermarket business do the non-original equipment dealers presently hold?

This question is closely intertwined with the previous question. The 5 year, 50,000 mile performance warranty has been a part of the Clean Air Act for six years but, and this is vitally important—IT HAS NOT BEEN IN OPERATION FOR A SINGLE DAY—because it has not been implemented by the EPA, there can be no valid comparisons of the respective shares of aftermarket business before such implementation. At the present time, without the performance warranty in effect, free market conditions have the aftermarket doing 75 to 80% of all the repair work in the nation. After implementation of the performance warranty, the consumer loses his freedom of choice and a government mandated monopoly replaces that free market. Immediate remedial legislative action to eliminate this monopolistic effect is vitally needed.

Question: Since the performance warranty has not yet been implemented by EPA, is it a "real" problem to the aftermarket and consumers?

Indeed, the problem hangs very "real" over the head of the independent automotive aftermarket waiting to strike once the EPA develops the short, feasible test required for implementation of the warranty. Make no mistake about it, once the warranty is implemented, the result will be disaster for the independents and monopoly over all parts and services by the vehicle manufacturers. The consumer will suffer tremendously both from substantially increased costs of his vehicle and his loss of freedom of choice as to who services his vehicle and what parts are used. The economic fact of life is that the vehicle manufacturer, once he is faced with the tremendous legal obligation of the performance warranty must include the cost of that obligation in the price of the vehicle and the consumer who must pay that price has no choice except to return to the vehicle manufacturer not only for warranty work, but for all his maintenance and service, since to do otherwise might void his warranty and he cannot risk the loss of his substantial investment, regardless of any niceties in the law which he will not understand, nor will care to understand.

THE U.S. BREEDER PROGRAM IS PREMATURE AND COSTLY

HON. TOM HARKIN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. HARKIN. Mr. Speaker, a group of prominent Americans who are recognized as highly qualified and open-minded about the role of nuclear energy has just recommended canceling the Clinch River Breeder Reactor, saying that it is not necessary and may even be detrimental to the long-range prospects of breeder reactors.

This group of noted scientists and economists said that the delay in U.S. commitment to breeders would probably bring economic savings and opportunities to improve breeder development for future deployment. They argued that the present U.S. breeder program is "premature, costly, and will not provide us with optimum choices for our long-term energy future."

The group, called the Nuclear Energy Policy Study Group, made these statements in a report entitled Nuclear Power Issues and Choices, which was sponsored by the Ford Foundation and administered by the MITRE Corp. It included, among other notable scholars. Kenneth Arrow of Harvard University—Nobel laureate in economics—Harold Brown, now Secretary of Defense, Wolfgang Panofsky, director of the Stanford Linear Accelerator Center, Abram Chayes of Harvard Law School, and John Sawhill, president of New York University. In choosing participants the Ford Foundation insisted upon appointment of persons who were recognized as highly qualified in their own fields of investigation and analysis and recognized as open-minded on the general debate raging around nuclear power. Their opinions deserve careful attention.

The analysis of the breeder program is 29 pages long, and I urge every one of my colleagues to read it. I am entering at this point in the RECORD, several paragraphs from the introduction and conclusions of the chapter dealing with the breeder:

BREEDER REACTORS

Fast breeder reactors have long been considered the next step in the evolution of commercial fission technology, since they can extract about seventy times more energy from uranium resources than do the light-water reactors (LWRs) now in use. There is little doubt of eventual technical success in accomplishing this goal, but the economic and social conditions under which breeders might be preferable to alternative energy sources are uncertain.

There is not an impending absolute shortage of energy necessitating early breeder introduction. Breeders should therefore be evaluated on their economic and social merits relative to other present and future energy technologies. Breeders must compete first with existing fission technologies, notably LWRs, and with other converter reactors that might prove competitive. At present, LWRs have a definite economic advantage over breeders. In the absence of plutonium recycle, LWRs also have a significant advantage on domestic and international security grounds. Projections show that breeders will have higher capital costs than LWRs and will be competitive only if and when LWR fuel costs rise so high that breeders can overcome their capital cost disadvantage through a lower fuel cycle cost. Our analysis indicates that, social costs aside, breeders are not likely to develop even a competitive economic edge over conventional fission technologies until well into the next century.

Plutonium breeders involve potentially serious dangers of proliferation, theft and diversion, and of accidents and hazards to health. These risks argue for delay in worldwide commitment to breeders until their economic advantages are decisive. Delay in commitment is not only possible, but probably would bring economic savings and opportunities to improve breeder technology for future deployment. If alternative sources of energy are developed during the early decades of the next century, there is some chance that a commitment to plutonium breeders will not be necessary. If domestic and international security dangers are perceived as very important, breeders could be delayed until at least 2025 without severe economic penalty.

The present U.S. program, like those of other countries, is aimed at commercial introduction of plutonium breeders in the 1990s. In the United States, efforts to establish a broad industrial base for breeder commercialization are now getting underway. We believe that this effort, which goes far beyond research and development, is premature, costly, and will not provide us with optimum choices for our long-term energy future. It is our conclusion that the U.S. program should be restructured to reflect longer-term goals.

Abroad, most notably in France, breeders are viewed as a means of providing for greater independence in energy supply. While this is an argument which bears less weight in the United States with its ample supplies of uranium and coal, the economic conditions for breeder success will not be different abroad if there is a world market in low-enriched uranium which provides assurances and diversity of supply. Autarky through the use of breeders would then be achieved only at higher economic cost. Moreover, independence of foreign energy resources through breeder systems would be achievable for only a very limited number of countries. The large scale of a breeder economy, which requires large numbers of breeders (perhaps fifty to one hundred) to justify full fuel cycle facilities, will be beyond the reach of most countries. Breeder fuel cycle facilities would, therefore, be located in a few advanced countries, involving a form of energy dependence for other countries comparable to that of oil, coal, or uranium. This also implies that the plutonium commerce associated with breeders would be highly international in scope.

CONCLUSION

There is no question that the present version of the breeder stressed in the U.S. program, the plutonium-cycle LMFBR, will successfully generate power. It thus provides insurance against very high energy costs in the future. The hard question concerns the timetable on which a breeder might have sufficient economic merit, compared with other sources, to outweigh the potentially large social costs associated with a plutonium fuel cycle.

On the basis of our analysis, we conclude that there is little advantage in terms of economics or energy supply assurance in early commercial introduction of LMFBRs. Introduction of the breeder may be deferred for ten, twenty, or more years without seriously affecting the economic health or energy security of the United States. As long as there is a world market in low-enriched uranium, a similar conclusion appears to apply to other countries. The social costs associated with breeder introduction argue strongly for deferral.

The relaxation in the breeder timetable recommended here has implications for the nature of the U.S. strategy in research and development on fission alternatives. There is time to pursue a broader research and development program on the breeders and on more efficient converter reactors. Delay will permit the development of more successful breeders should they be needed. In such a program, the Clinch River project, as presently conceived, is not necessary and could be canceled without harming the long-term prospects of breeders. In fact, a premature demonstration could even be detrimental to these prospects.

It is important to continue work on the breeder, with a longer time horizon and an emphasis on its role as insurance. The goal should be to provide a range of more attrac-

tive choices at a series of decision points extending into the early decades of the next century.

HAM FISH, SR., CALLS FOR A STRENGTHENED NUCLEAR DEFENSE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. GILMAN. Mr. Speaker, today it was my pleasure to welcome back to Washington one of my constituents, former Congressman Hamilton Fish, Sr., who served with distinction in this able body for 25 years from 1920 to 1945.

Ex-Congressman Fish is a man who needs no introduction. His many accomplishments speak for themselves—a great author, historian, orator and congressional leader, a man who cared for his constituents. Let it suffice to say that this 88-year-old gentleman from New York is a good and loyal American, was a hard working, dedicated U.S. Congressman, and remains an active and concerned citizen.

His concern for our Nation brought him to Washington today to testify before the House Committee on Armed Services on the need for bolstering our defense posture. He is still saying things that must be said; and people are still listening to his wisdom.

I am proud that this patriot resides in my 26th Congressional District—just across the river from the 25th District represented by HAM FISH, Jr. I know that his views will be carefully considered by the members of the Armed Services Committee. At this point in the RECORD, Mr. Speaker, I have permission to insert for publication the full text of former Congressman Fish's testimony:

STRENGTHEN OUR NUCLEAR DEFENSE SO NO NATION WILL DARE LAUNCH A FIRST STRIKE

(By Hon. Hamilton Fish, Sr.)

The Soviet Union has produced during the last 12 years, a huge nuclear arsenal of monstrous weapons that can destroy the United States in a first strike and thereby Communize the world. This was and is Lenin's, the only god of the Communists, legacy to them and part of their creed and birthright.

I speak to you as Chairman of the first Congressional Committee to investigate Communist principles, policies and propaganda in 1930, as a student of Communist ideology ever since, and as author of a book entitled "The American People Are Living on Top of a Nuclear Volcano." I am not a book salesman and do not need any royalties. It is based on five years of study and research and relates clearly without fear or favor, the simple truth that the American people are living, unknown to themselves, in a fool's paradise that in case of a first nuclear strike, would dissolve in a cloud of fire, brimstone and ashes and become the graveyard of more than 100 million Americans. Dr. Edward Teller, best known nuclear physicist, said: "We are not prepared. If the Russians attack us, much more than half of our people will be killed."

The American people and the Congress must provide an adequate nuclear defense that will convince potential aggressors not to risk all-out retaliation and destruction.

I am not here advocating superiority, parity or equality but merely to urge a sufficient and adequate nuclear defense that will safeguard the lives of the American people and the existence of our nation. It can be done at very little cost—at approximately three percent of our total military and defense appropriations, or less than the cost of a new Nimitz aircraft carrier, that in case of a first nuclear strike, would be of no help whatever.

The issue is the survival not only of 100 million Americans or more, but also of freedom and religion throughout the world. Every top American and every top Communist in the Soviet Union realizes that we are morally opposed to using a first nuclear strike. But unfortunately that does not mean that a Godless, gangster nation will not use a first strike whenever it is to their benefit and advantage. It is absolutely necessary in order to survive in this nuclear age, that the United States maintain a sufficiently powerful nuclear deterrence as our insurance against both nuclear blackmail and nuclear destruction. I favor the building of additional Trident submarines and of B–1 bombers, but am fearful that many would be destroyed in a first strike on airfields.

We can no longer shut our eyes to the truth—that one of Russia's 300–SS 9's of 25 megaton hydrogen bombs, can wipe out New York City for forty miles around. That being so, with its new SS 18's, likewise of 25 megatons, with 8 MIRVS can destroy 100 million Americans or more, almost in the twinkling of an eye. We have no 25's, or 20's, 15's or 10's—a few obsolete 5's and 1,000 one or two megatons, most of which are not sufficiently protected against a first strike.

The Communist leaders in the Soviet Union have been preparing their enormous offensive weapons for a nuclear war as they think they can win it and that the profits of victory will outweigh the costs. They have already destroyed 30 million of their own people and if they could kill overnight 100 million Americans, while suffering a loss of 10 or 15 million, thus Communizing the entire world, it would be in their interest to do so. Every nation would surrender automatically within a week. China might hold out a little longer, but even they would be forced to surrender or die.

The members of the Politburo at Moscow are not in a position to object if we decommission 100 of our Minutemen and build 100–25 megaton weapons as a deterrence for survival. We should call them liberators for peace. Let Soviet Russia have their 300 huge hydrogen nuclear monsters, enough to destroy the world. But if we had only one-fourth that number ,of 25 megaton weapons for survival, as liberators for peace, well-protected in hidden places and in mountainous caves, no nation would ever dare attack us. Even if they could destroy one-fourth of them in a first attack, the other 75 could destroy all of Russia.

I want to again emphasize that I am not asking for superiority, parity or equality. I am only asking for sufficiency and an adequate number between 88 and 100, 25 megaton nuclear weapons to assure the safety, the lives and the existence of the United States and probably of the free world. Furthermore, when the Politburo at Moscow knows that we have such powerful nuclear weapons aimed at the Soviet Union, they would never attack us. That would end the Soviet's dream of nuclear world domination and open the way for substantial reductions and hopefully ultimately, the abolition of all nuclear weapons by mutual and total inspection.

In Europe, where the U.S. Army faces the tank-led Soviet divisions, Rumsfeld said, "Russian ground and air forces may have achieved blitzkrieg power for the first time". He further said "the Russians and their East European allies can attack Western Europe with 500,000 or more after little or no warning (my emphasis two million). The Soviets now outproduce the United States in tanks, armoured personnel carriers and artillery. He also said their output of tactical fighters, helicopters and navy ships is greater. Coming from far behind the United States, Rumsfeld said, the Russians have built 1,500 land-based intercontinental ballistic missiles (ICBM) compared to this country's 1,054 . . . and 800 submarine launch missiles compared with a U.S. total of 656. With this new family of increasingly accurate long-range missiles, he said the Russians could be in a position to destroy the bulk of the U.S. land-based ICBM force in a surprise attack. Secretary of Defense Brown virtually admits also that our Minutemen could be largely destroyed in a first attack.

In the interview with General Keegan, recently retired head of our Air Defense, he asserted his conviction that the Soviet Union had already achieved strategic military superiority over this country and that the United States was "incapable of carrying out its assigned wartime retaliatory tasks", and that the Russians have established "a significant lead by every criterion used to measure strategic balance."

The Chiefs of Staff made what is in my opinion, the usual noncommittal cover-up. Naturally they are not allowed, permitted or under the circumstances probably should not openly admit the highly dangerous situation confronting the American people. They are in the same position as a coach, assistant coaches, manager and captain of a football team, well known by them to be inferior but they have to publicly state that the team is in good condition, well-trained and will uphold the honor of the college in spite of the fact that it would be dismally defeated. In fact, if the service chiefs told the whole truth—that the Soviet Union has already achieved military superiority—they might be obliged to resign. A Princeton professor of Nuclear Science recently stated that Russia has 6 times the megatonnage explosive power than the U.S.

I am not here to blame them for keeping this terrifying nuclear situation from the public, but of course some unilateral defeatists will use the statement of the Chiefs of Staff as an alibi and excuse for not strengthening our nuclear defense so no nation would ever dare attack us. The Chiefs of Staff avoid a show-down by stating their concern "that recent U.S. and Soviet trends in military programs and Civil Defense could permit the U.S.S.R. to obtain superiority." Then the Joint Chiefs of Staff go on to say "as for an overall Soviet advantage, the Soviets have established a lead over the United States in throw-weight, war-head size and equivalent megatonnage." But they do not agree that the Soviets lead in technology. That is the old and usual alibi. At the same time, the annual Defense Department report FY 1978 issued by Secretary of Defense Donald Rumsfeld, openly admits that "Russian technology has improved greatly in the last few years and is an equal of ours in virtually all nuclear weapons including submarines." The Chiefs of Staff even admitted that General Keegan's statement was correct—that the Soviet Union had begun an effective civil defense shelter program.

Specifically, the Joint Chiefs supported General Keegan's claim about the hardening of the Soviet military command posts, air defense stations, industrial sites and storage bunkers for grain against nuclear attack. They rejected the Keegan assertion that the Soviet Union and the United States might emerge from a nuclear war with 35 to 40 Americans killed for every Russian, but tragically admitted that some current studies indicate the fatality ratio of ten to one Americans to Russians might occur. General Keegan asked to comment on the report, said over the telephone that he was surprised at the degree of support of the Joint Chiefs had

accorded his views. "Obviously," he said, "they could not admit to loss of superiority publicly. No one in our government or armed forces, no matter what they believe, would dare to do so."

It is my honest conviction as a former Colonel in our armed forces overseas and on the General Staff for years, that 90 percent of the retired officers in the Army, Navy and Air Force will agree with the statement of General Keegan. I have made it a policy ever since I left the Congress, 32 years ago, not to appear before Congressional committees to give my views as I believe that Members of Congress have the competency to write their own legislation without any suggestions from me. I did appear once before the Senate Committee on Foreign Affairs for an hour and opposed the SEATO Treaty unless it was amended in the Senate to provide that no troops be sent to the China mainland or Southeast Asia without a declaration of war by the Congress. If this had been done, the war in Vietnam would have ended within a year, as we had the right under International Law to blockade the harbors and if necessary to bomb the enemy country. Senator Pell, a distinguished Democratic Senator from Rhode Island, and a member of the Foreign Relations Committee, discovered my speech many years later, and inserted into the *Congressional Record* a statement entitled, "A Tribute to Hamilton Fish", for having prescience. I went to Harvard but I don't remember learning the use of that word, but I believe it means foresight, and I do know that the balance of his statement was highly laudatory.

Unless we have a strong nuclear defense, we are inviting suicide and the end of the greatest, freest, and very best nation in the world. I do not intend to remain silent on this issue and I would even oppose my own son if he were not in favor of strengthening our nuclear defense to protect the lives of the American people.

Lenin, the god of the Communists, once said, it would not matter a jot if ¾'s of the human race perish; the important thing is that the remaining quarter should be Communists. Maxim Litvinoff, who gave the Soviets' written pledge to abstain from subversion in the United States had this to say: "You know our principles; that promises that we make to capitalistic countries are not binding." General Twining wrote "Russia has manpower to burn and would be willing to burn it for success" and added "the Communist apparatus is so caught up in a web of its own making that if it curtails subversion and aggression and moves towards a genuine basis for freedom and world peace, it would destroy itself."

Karl Marx's idle dream that the state would wither away under Communism has been disproved by 60 years of history. The Soviet bureaucracy, instead, has strangled the freedom of nearly a billion people. Russian Communism is a despotic military dictatorship by a few arbitrary fanatical leaders representing less than six percent of the Soviet people, and nobody knows when they might decide to press the nuclear button.

General Douglas MacArthur, a few years before he died, made it very clear when he said: "I do not anticipate a war with Soviet Russia because as soon as one nation develops new weapons or builds greater nuclear power the other nation is bound, automatically, to equalize the new weapons and the additional power." Unfortunately and tragically he was wrong because we ignored the enormous Soviet build-up of gigantic, new and monstrous nuclear weapons of 25 megatons on a large scale. What we need now is sufficient nuclear weapons of 25 megatons and high destructive power and more new and powerful submarines, but not the present imaginary and false sufficiency.

My old friend, former chairman of your Committee, L. Mendel Rivers, in his last speech said, "I pray to God that the American people and the Congress in particular, will recognize that the fundamental question is national survival."

I appear before your Committee today without any axe to grind, but merely as one who loves this country with all his heart and mind, and firmly believes that the time has come that the American people must know the truth and act accordingly by demanding that the Congress immediately strengthen our nuclear defense to prevent a first strike and the death of 100 million Americans . . . and the balance who might even prefer to be dead. That issue is far greater than any other. Nothing that the Congress can do except to strengthen our nuclear defense will be of any avail in saving the lives of our people and the existence of our nation, and that goes for many other armaments—both military and naval—that could be temporarily put aside until we have an adequate and sufficient nuclear defense. If we do nothing, we invite a first strike of extermination or a disastrous surrender and slavery.

I am very grateful to the far-sighted and patriotic members of the House Armed Services Committee for permitting and inviting me to appear before you to speak on the single greatest issue affecting the security of the United States since the Declaration of Independence. This Committee is in a position, along with the Senate Committee on Armed Services, to do the greatest service to our country in the history of our nation. The issue is very simple—it amounts to survival—the survival of your religion, your homes, your freedoms, your lives and those of your children and your grandchildren and the very existence of the United States. Not more than two or three percent of our people have any idea that the Damocles sword of nuclear fire and brimstone that hovers over them may explode at any time within the next few years. All I am asking, in behalf of the American people, is that you give priority to strengthen our nuclear defense.

This is the theme of my remarks, repeated again and again because the American people have recently been subjected to the greatest cover-up in history and have little knowledge that their lives are at stake in an avalanche of monstrous deadly hydrogen bombs. Khrushchev once said: "We must realize we cannot co-exist eternally. One of us must go to the grave. We must push them into their own grave." In conclusion I call to the attention of this important and powerful Committee the famous words of Abraham Lincoln: "To sign by silence when you should protest makes cowards of men."

CIVIL ENERGY FROM LASER FUSION, A GROWING REALITY

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. PURSELL. Mr. Speaker, with this extension of remarks I am inserting the second of a series of installments regarding laser fusion and its possibilities for helping us solve our energy crisis. Last week, I inserted in the RECORD, two newspaper articles regarding a significant development in laser fusion. The substance of today's installment is the press release from Los Alamos which generated the two articles:

[From the Los Alamos Scientific Laboratory of the University of California Los Alamos, N. Mex.]

FUSION REACTIONS PRODUCED WITH CO_2 LASER

LOS ALAMOS, N. MEX., March 2, 1977.—Scientists for the first time have successfully used a carbon-dioxide (CO_2) laser system to produce a fusion reaction. Labeled a milestone, the achievement was reported by researchers at the Los Alamos (N.M.) Scientific Laboratory (LASL), who used the world's largest CO_2 laser system to induce thermonuclear reactions in microscopic fuel targets.

The experiment, according to Dr. Gene McCall, alternate division head of LASL's Laser Research and Technology Division, "presents the possibility that the CO_2 laser may indeed be the laser of choice for future laser-fusion power reactors."

Dr. Sidney Singer, chief of LASL's CO_2 Laser Systems Development Group, explains the significance of the event by saying, "It clears away an obstacle in deployment of carbon-dioxide lasers for fusion energy production."

The ideal fusion reactor laser system should have 3 essential elements, he explains. It must be efficient, it must have a high repetition rate, and, as it had been thought, it must have a short wavelength so that most of the laser's power is deposited close to the fuel pellet target for maximum effect. In addition, any such laser must be capable of being "scaled up" in size, to produce the huge amounts of energy needed for useful laser fusion.

Dr. Singer says the carbon dioxide laser has long been known to have 2 of the 3 essential elements. It has efficiency and a high repetition rate. In addition, he says, there are no realistic limits to the size of CO_2 systems. However, the carbon-dioxide wavelength, which is in the middle infrared segment of the spectrum (at 10 micrometers), has appeared undesirable, compared with the other leading contender for a fusion reactor system, the neodymium glass (Nd) laser.

"The glass laser operates at 1 micron, but it lacks the efficiency of the CO_2 laser and it also lacks the high repetitive capacity essential to sustained fusion reaction for power generation," Dr. Singer says.

"Now that we have induced fusion reactions in pellets using a CO_2 system, we have confirmed our contention that the comparatively long wavelength of this laser does not present a problem."

LASL's major effort in laser development has been in carbon dioxide systems, although some work has been done in both Nd and chemical lasers.

Dr. McCall says, "The success of the experiment was made possible by more than 5 years of concentrated theoretical and experimental work carried out by all of the groups in the Laboratory's Laser Research Division."

Dr. Singer sums up the recent achievement by saying, "A series of experiments which begin in October, 1976, when the two-beam CO_2 laser under development at the Laboratory was first used for target interaction, culminated in the detection of an unmistakable flux of 14-MeV (million-electron-volt) neutrons that are characteristic of thermonuclear processes (fusion reactions)."

Both scientists say that LASL researchers have long believed that wavelength was not an insurmountable obstacle to the achievement of fusion reactions.

"Our data implies that where the laser energy is deposited in relation to the target is not the limiting factor that it was theorized to be," they say.

A thermonuclear reaction was achieved when the 2 beams that comprise LASL's carbon-dioxide laser system each delivered about 200 joules of energy in 1 nanosecond (a billionth of a second) to a spherical target filled with deuterium-tritium (heavy isotopes of hydrogen) fuel. A joule is a unit of energy, specifically, 1 watt of energy delivered in 1 second. Dr. Singer says the LASL system will ultimately be capable of delivering up to 900 joules of energy, possibly within a year.

Development of CO_2 laser systems at LASL began in 1970, expanding a small program in existence since 1963. The two-beam sys-

tem with which fusion reactions were obtained is part of an integrated program involving development of an eight-beam system which is scheduled for completion in 1978, and the construction of a High Energy Gas Laser Facility (HEGLF), where it is hoped "scientific breakeven" fusion can be demonstrated. Breakeven is that point at which the energy extracted from fusion reactions is equal to the energy it took to produce them.

The HEGLF is now in the design stage. Construction should begin later this year, with completion scheduled in 1981.

The ramifications of the LASL achievement are important, McCall and Singer stress. McCall says, "For current lasers of a given power output (watts of energy delivered to a target), the CO_2 is more than 10 times as efficient as a neodymium glass laser at about one fourth the cost."

Dr. Singer adds, "The technology of the carbon-dioxide system is the most attractive of existing ultrahigh-energy systems, and although there are practical limits to scaling them up to the size needed for a fusion reactor, we feel we are well within these boundaries in the systems under development at LASL."

The researchers say the two-beam fusion demonstration may "lop 10 or even 20 years from the generally accepted time required for development of a fusion reactor (usually placed early in the next century), and ultimately result in a considerable dollar saving."

A laser system for a typical 1000-megawatt electrical generating plant would probably have to deliver as much as one million joules of light energy on target in less than 1 nanosecond. Repetitive firing of laser beams in rapid sequence, to deliver precise amounts of light energy on a succession of tiny deuterium-tritium fuel pellets, is the method most researchers envision for fusion reactors of the future.

LASL is operated by the University of California for the Energy Research and Development Administration.

U.S. POLICY IN HORN OF AFRICA

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. BONKER. Mr. Speaker, as a complex and explosive situation continues to develop in the Red Sea area, I think it is useful to have in mind two official statements of present American policy—which I do not necessarily endorse: First, testimony by Assistant Secretary of State Schaufele before the Senate Subcommittee on African Affairs on August 6, 1976; and, second, an explanation of a vote in the United Nations, by Mrs. Ersa Poston, U.S. Representative in Plenary, on December 1, 1976:

U.S. POLICY TOWARD THE HORN OF AFRICA

IMPORTANCE OF THE HORN OF AFRICA

The strategic importance of the Horn of Africa has gradually increased over the years. Located on the Strait of Bab el Mandeb it has always controlled access to the Indian Ocean by the coastal states of the Red Sea. Since the completion of the Suez Canal it has enjoyed a dominant position on one of the world's leading East-West maritime routes. In recent years the importance of the area has been further increased by its proximity to the Middle East oil fields and the Indian Ocean oil routes.

REGIONAL RELATIONS IN THE HORN

The Horn of Africa is characterized by the strained relations which have existed for a long time between the Somalis and the Ethiopians. Since attaining independence in 1960 Somalia has maintained a claim on large areas of Ethiopia populated by ethnic Somalis, as well as areas of Kenya and of the French Territory of the Afars and Issas (FTAI). This ancient hostility has been further exacerbated by Somalia's decision to turn to the Communist states, and particularly the Soviet Union, for economic and military assistance, as against Ethiopia's traditional ties with the West. The Ethiopian-Somali rivalry has been most recently fueled by the French decision to grant independence to the FTAI, whose capital and deep water port of Djibouti dominates the Strait of Bab el Mandeb. The new revolutionary regime of Ethiopia, already beset by an insurgency in the coastal province of Eritrea, and going through the travails of internal radicalization, greatly fears a Somali attempt to dominate or take over the post-independence FTAI, thus further impeding Ethiopian access to the sea. The rivalry over Djibouti and the outcome of the Eritrean secession and of Ethiopia's internal turmoil are also of importance to the coastal states of the Red Sea in view of their interest in continued and unimpeded access to the Indian Ocean. Finally, other states in the region such as Sudan, Saudi Arabia, Egypt, Israel and Kenya are concerned by the threat that political instability and increasing Soviet influence pose to the region.

U.S. INTERESTS IN THE HORN

The strategic importance of the Horn has led the United States to place high value on good relations with the countries of the area, access to ports and airfields, and regional stability. U.S. acquisition of a communications facility at Kagnew in Asmara in 1942, which was subsequently greatly expanded, also contributed to our interests in the area. At the present time our access to the area has been restricted essentially to Ethiopia and Djibouti, while major Soviet military facilities such as we enjoy nowhere in Africa have been constructed at Somalia.

U.S. RELATIONS WITH THE COUNTRIES OF THE HORN

Ethiopia

Our interests in the Horn of Africa were in the past concentrated on Ethiopia. As one of the few independent black African countries throughout the colonial period and as an ancient Christian kingdom it has long held a special fascination for Americans, strengthened during the 1930s as a result of its victimization by fascist colonialism. During the early post-World War II period our interests in Ethiopia were primarily continental and bilateral. We hoped that our longstanding relationship with Ethiopia would assist us in establishing good relations with the newly independent states of Africa, we developed our important communications facility at Kagnew in Asmara, and we benefitted from access to Ethiopian ports and airfields.

In the past few years the relationship with Ethiopia has also acquired increased regional and strategic importance. Although we have, over the past five years, reduced the number of employees from 3,000 to 35, the Kagnew Communications Station remains important to us, as does access to Ethiopias' airfields and ports, at a time when our interests and operations in this increasingly important area have grown. For these reasons, among others, although we remain concerned by the present disunity of the country, we have taken particular care to demonstrate by the constancy of our relationship that the ties between the United States and Ethiopia need not be disrupted by a change in its form of government.

We believe that our present policy toward Ethiopia will not only contribute to the stability of this second most populous country in black Africa but also assist black African states in maintaining the principle of territorial integrity, a cardinal principle of the Organization of African Unity. We believe we would incur much criticism from our friends in Africa and elsewhere were we to withdraw support from the Ethiopian Government during this time of difficulty—such a move would also be attributed to distaste for Ethiopia's brand of socialism. We are well aware that our military aid is a two-edged sword and that it is a major support of the present government with whose actions we do not always agree, particularly in the field of human rights. However, for the reasons given above, although we have conscientiously refrained from any advisory effort in the Ethiopian counter-insurgency operations, we have continued to supply Ethiopia with arms in accordance with our military assistance agreement with Ethiopia, which dates from May 1953.

The extent of our relationship with this nation of 28 million can be measured by the amount of aid we have provided. This has amounted to over $350 million in economic aid since 1952 and over $275 in military assistance to the country's 40,000 man defense force.

Whether we can continue this degree of cooperation with Ethiopia will depend largely on the course finally taken by the new revolutionary military regime which assumed power in 1974. It has deliberately decided to alter Ethiopia's previous reliance on the West, and has consequently strengthened its relations with the Socialist countries. To the extent that this does not lead to systematic opposition to the United States, it still leaves ample opportunity for continued cooperation, particularly as we are sympathetic to many of the new regime's ambitions to improve the living conditions of its people. But the situation is sufficiently volatile to bear close watching.

Somalia

Somalia is a country of 3.2 million people with an army of approximately 20,000. Composed of former British and Italian Somaliland, it gained its independence in 1960. Somali nationalists continue to claim the Somali-inhabited portions of northeast Kenya, eastern Ethiopia, and the French territory of the Afars and the Issas. Following independence, Somalia and the United States enjoyed a close and friendly relationship and the U.S. extended almost $80 million in aid between 1954 and 1970. However, following the overthrow of the civilian government in 1968, the Government of the Somali Democratic Republic turned increasingly to the Soviet Union both for military equipment and for economic and ideological support. In the process, our own relations with the Mogadiscio Government deteriorated and in 1970 the U.S. Government was obliged to terminate its aid program because of continued Somali-flag trade with North Viet-Nam. Nevertheless, we have sought to improve relations with the Government of the Somali Democratic Republic and to find grounds for mutual respect and cooperation. We have assured the Somali Government that their proclaimed policy of nonalignment is one with which, if impartially conducted, we have no quarrel. We also recently renewed economic assistance to the country and have aided Somalia in its attempts to recover from the recent drought. This summer Somalia is receiving 10,000 metric tons of relief grain. I must admit in all candor, as I have informed the Somali Ambassador in Washington, that we have not recently seen any reciprocal Somali gestures.

French Territory of the Afars and the Issas

The French Territory of the Afars and Issas has a population of approximately 180,000 divided between the Afar or Danakil people whose primary home is in Ethiopia, and the Issas and other Somali tribesmen. The French decision to grant independence to Djibouti has increased the tension between Somalia and Ethiopia. The railhead and port of Djibouti are vital communication links for Ethiopia. On the other hand, it is clear that some Somali nationalists are using the occasion to work for conditions which could lead to the eventual incorporation of the Territory into Somalia. The common distrust of the Ethiopian and Somali governments, and the traditional Somali claims on much of eastern Ethiopia make cooperation between these two governments in support of the independence of Djibouti a difficult undertaking. Political developments leading to independence have included the kidnappings of the French Ambassador to Mogadiscio by Somali nationalists, the capture of a school bus of French schoolchildren by another group of nationalists in February, and extensive political agitation against the former President of the FTAI Government, Ali Aref. He was finally forced to resign on July 17 and a replacement was elected by the FTAI Chamber of Deputies on July 29. Although an Afar, the New President, Abdallah Khamil, is thought to enjoy greater support among the Somali population than did his predecessor, and stands a better chance of leading a government of national unity to independence which will probably be granted within the next year. For our part we support the peaceful transition to independence and we encourage the states of the area to create the conditions necessary to maintain the long-term independence of Djibouti. In doing so, we join our aspirations with those of the international regional organizations and a number of states in the area, as well as with the governments most directly concerned.

Kenya

Because of the territorial dispute between Somalia and Kenya over the northeastern region of the latter, relations between Nairobi and Mogadiscio were not established until 1968. We have recently been led to agree to military sales to Nairobi, in part because of the discrepancy between the size and level of equipment of the armed forces of the two countries, and in part because of the Uganda threat to western Kenya. The addition of military sales fits in well with our previous relationship to Kenya. We have always found a cooperative reception in this stable country which has one of the few free economies in that region and is the only country on that part of the Indian Ocean which permits U.S. Naval visits.

Sudan

Our relations with the Sudan took a turn for the worse in June 1974 when the Sudanese Government turned over to Egypt the eight Palestinian terrorists whom Sudanese courts had convicted of killing, in 1973, our Ambassador and Deputy Chief of Mission in Khartoum. After nearly two years during which we suspended most of our bilateral programs with the Sudan we have now embarked on a course of normalizing our relations, on the grounds that the deliberate cooling of our relationship had lasted long enough and in recognition of the considerable assistance brought to us by the Sudanese Government in obtaining the release of American prisoners held by the Eritrean insurgent movement, which is in rebellion against the Ethiopian Government. We considered that further prolongation of the stand-down in our relations risked permanently jeopardizing our ability to build a cooperative relationship with this country which is of importance to us in both the African and Middle East contexts, and which has considerable economic potential. The convicted killers are still in Egyptian custody.

STATEMENT BY MRS. ERSA POSTON, U. S. REPRESENTATIVE IN PLENARY, IN EXPLANATION OF VOTE AFTER THE VOTE, ON DJIBOUTI, DECEMBER 1, 1976

Although the United States has abstained in the vote on the Djibouti resolution, we find the resolution in many respects to be a significant contribution to the passage of Djibouti to independence.

We are encouraged by the support which the steps announced by France have generally received, and we hope that this will enhance the possibilities for a peaceful transition to independence. We believe it is important to use this forum to support French efforts rather than to make unrealistic demands. Accordingly, we have reservations about operative paragraph 7. Until independence, France remains responsible for the security of the Territory and, until then, security decisions should be left to her judgment. After independence, the question can only be properly addressed by the successor government.

That being said, my government concurs in a number of points made in the resolution, particularly the reference to the solemn declarations of the Ethiopian and Somali delegations to recognize, respect, and honor the independence and sovereignty of Djibouti and its territorial integrity after its accession to independence. Given the geography and history of the area, we understand the concern of neighboring states and we therefore support moves by all parties to foster the long-term independence of Djibouti. At the same time, we wish to associate ourselves with the call upon all states to refrain from interfering in the internal affairs of the Territory and to abstain from any action likely to impede or adversely affect the present processes of the country's accession to independence.

We would urge, as this resolution recommends, that all member states, the specialized agencies and other organizations cooperate with the administering power to render all possible moral and material assistance to the people of the Territory. We are encouraged by the fact that Somalia and Ethiopia have cojoined to sponsor a common resolution, and we hope that further cooperation by all concerned will permit us to welcome the representatives of an independent Djibouti to the family of nations.

IT WILL BE BETTER NEXT YEAR

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. ABDNOR. Mr. Speaker, since the beginning of our Nation's history, the fortitude of our people in withstanding adversity has been its remarkable strength. Hardship, whether at the hands of Mother Nature or some other source, has always been faced with "it will be better next year." Such faith in the future has enabled our people to get through some remarkably tough times. It is this faith that is seeing the people of South Dakota through the worst drought in its history as well as other economic vicissitudes we have seen this past year.

The spirit of our people is demonstrated in a recent Associated Press feature, which I would like to share with my colleagues:

[From the Pierre (S. Dak.) Daily Capital Journal, Mar. 3, 1977]

MORT HAMILTON, KEN SUTTON TALK ABOUT RANCHING

(EDITOR'S NOTE.—The romance of home on the range is giving way to convenience and economics. The loneliness of the prairie is bridged by the telephone and color TV. But ranchers there are and, most of them say, ranchers there always will be.)

(By James Carrier)

BELLE FOURCHE, S.D.—Kent Robinson is a real cowboy. He wears the boots and the hat. He rides a horse and calls the cattle on his 3,000-acre ranch "doggies."

He also manages his herd by computer, reads Newsweek through bifocals and spends hours in an office in a $55,000 all-electric home.

His three children are learning the ropes of handling cattle, but they like to get out of the barn by 4 p.m. to watch reruns of Dobie Gillis on television.

The Robinsons are a ranching family in what the rest of America calls "The West." The Marlboro man lives here. Cattle are still branded, time is measured by the season, and they and their neighbors are only a generation away from the characters who shot their way into legends in the nearby towns of Deadwood and Sundance.

Ranchers say there is nothing like riding across your own land on a still summer night. You're your own boss, they say, and not too many people are anymore. But in the same breath they say they are beholden to the banker and have lost control of the market. They often speak of the pressures, the push, the lack of time.

To the Robinsons and hundreds of families like them who raise cattle on vast tracts of land, ranching is no longer just a way of life. It is a business.

If Robinson rides off into the sunset, it's because he has put in a 12-hour day doctoring new calves in the winter pasture and he's late for supper. And he's more likely driving a pickup truck, not riding a horse.

John Morris, who runs a 15,000-acre ranch seven miles from Cheyenne, Wyo., says he doesn't have time to spend on a horse. "It seems in the ranching business, bureaucracy and red tape keep someone on the telephone, going to the bank and managing—strictly business. So you find yourself more and more riding in a pickup, working behind a desk. There are just getting to be so many regulations, so many little reports . . ."

But each spring, the hassle of little reports and regulations fades as the rancher gets down to the heart of his effort.

Robinson's basic herd of 150 head, bearing the diamond-bar-E brand, swells to 400 with the birth of calves. It's his toughest time. The calves, dropped into the March snow, can catch pneumonia unless they are bedded onto straw and encouraged to rise.

He goes to bed at 10 p.m., rises at 1 a.m. and again at 4 to check on the new ones. Each calf might bring him $1,200 in 18 months, and as they grow, Robinson keeps careful records. The data, run through a Hereford association computer, tells him which calves perform below the herd norm. Those he culls.

Ranching, of necessity, is a big, remote business. The western ranges are good for little else but cattle or sheep grazing. In the arid northern Great Plains near Belle Fourche, soil experts recommend that each head of cattle be given 15 to 20 acres to graze. Any less would ruin the land.

With a basic purebred herd of 150 head, each requiring 20 acres, Robinson's 3,000 acres which stretch four miles along the Wyoming border near the geographic center of the United States, are barely enough.

The U.S. Agriculture Department says that

the average Northern Plains cattle ranch is about 11,500 acres. In the Southwest the average land base is about 18,000 acres.

Traditionally, ranches are calving grounds for America's voracious beef appetite. But in 1975, USDA estimates showed that they produced less than 40 per cent of the 43.7 million calves. The rest came from farms where cattle are part of a crop-animal operation and herds number less than 100 head.

The people who persist on the ranches, who have not abandoned the beef market for more lucrative wheat and corn, do so because they want to. And their persistence is never better tested than in the winter.

"There are times when we're snowed in two or three days at a time. But you don't have to punch a clock at 8 o'clock in the morning," said Morris. "You do what you have to do. Livestock has to be fed. If you take care of them, they take care of you."

This winter has been unusually cold but dry, without the usual blizzards on the Sourdough Flats behind Robinson's barns. Each morning, Kent trucks 3,000 pounds of hay to the winter pasture, a canyon filled with ponderosa pine and craggy shelter. He and his hired hand break the ice on the stock ponds.

"We've had 20 below quite a few nights," he said. "The cattle know which side of the canyon is out of the wind. But you've got to increase the feed when it's that cold and watch your water lines."

Throughout the West, a two-year drought appears to be continuing. There is little snow in the mountains for the reservoirs and none on the plains. The inevitable winds are blowing dirt instead of snow and breaking off short grass.

When blizzard conditions exist, the Robinsons and others subsist. If the power is off, they cook on a wood stove and bed down at dark. They have home canning, the morning milk and plenty of meat to keep them going.

But many ranchers with school-age children must abandon the ranch during winter or board their children in town. Either the schools are too far away or they teach only through junior high.

In many places, too, telephones are few and far between, and mail boxes can be miles away. For Ken Sutton, son of an old ranching clan in South Dakota, the only telephone system until 1969 was an eight-party company maintained by neighboring ranchers which hooked into an intermittent tribal line on the Standing Rock Indian Reservation.

But while Sutton and others cope without things the rest of America considers necessities, he found necessary what many consider a luxury—a private airplane.

"I had an airplane most of the time when I was there," said Sutton, who in 1972 turned to more profitable wheat farming. Sutton used his 90-horsepower plane to pick up parts in town, to hunt and to check pastures. One summer pasture was 6,400 acres and took an hour and a half to check by air.

"If I rode a saddle horse, I probably wouldn't get home for dinner," he said.

Airplanes also allow ranchers to escape their isolation.

The image of the land baron, the jet-set rancher, is true of only a minority. The average rancher leads a quiet social life—card parties, barbecues and bowling.

Eight miles from town, Barbara Robinson says she likes her life. "I don't feel isolated. I don't miss anything other than afternoon or morning coffees with the ladies, which I've never been used to."

The Robinson children, 11, 13, and 15, ride a bus to Belle Fourche schools, and except for their chores, have all the interests of any suburban child.

Ranchers say that ranch life is ideally suited to rearing children.

"They are not as sophisticated as city children, but they are more mature," said Mercelyn Hamilton, who runs a 7,000-acre spread near Hayes, S.D., with her husband. "They do things younger than most kids because they have to. They often raise their own cattle, show them at fairs and work long hours."

"The kids have more freedom and enough to do," said Robinson. "They know what work is, and they never get bored. If they do, I send them to the windbreak with a hoe."

But Robinson and his neighbors, many also second-generation ranchers, fear that their children may not want to carry on the family business, or be able to.

"We have advised our kids to learn something else, to learn another trade and to learn more about business," said Morris. "I think they would all love to come back to the ranch. I hope they can. But for young people to think of nothing but this is very, very foolish."

Land values and crippling estate taxes have kept many young families from ranching. The average rancher age is inching upward in South Dakota, and is now 50.5 years.

Ranches bought after the depression for 50 cents an acre, or the cost of delinquent taxes, now sell for $125 per acre.

"I don't think you can find a better life in the world than being a rancher," said George Kane, who has been in the business for 40 years. "It boils down to how many people can afford that kind of life. It's probably out of the picture for most people. It will have to be love and affection of land from one generation to another or somebody will have to have a lot of money."

But passing from father to son can be costly, and ranches sometimes must be sold to pay inheritance fees because there is no cash.

The Robinsons live comfortably, but they are not rich. Like most ranchers, their money is on the hoof or under pasture.

"I've acquired some wealth, but it isn't liquid," said Robinson. "A lot of places are well off, but if you hit them for $1,000 they'd have to go to the bank and borrow."

If Robinson were to cash it in, the ranch he shares with his father would be worth $1 million. As Sutton says. "It's sometimes difficult to feel sorry when you're worth a million dollars."

But the cattle business has been marginal. Inflation has driven equipment, labor and feed costs up and beef prices have not kept pace. A debt of $200,000 is not unusual in ranch country.

"The profit margin is so low that only the most efficient can survive," said Rod Horn, vice president of Production Credit Association of Lemmon, which lends money to ranchers.

"The average investment for a farmer-rancher in western South Dakota is three times that of the businessman on Main Street ($500,000). But his return is down to one or two per cent," said Horn.

The rancher also has fixed costs he didn't have 40 years ago. "The ranch is modernized, there is a monthly light bill," said Kane. "You used to grow your own vegetables, you had all the things you needed for self-support—milk, cream and butter. But this isn't the case anymore. The monthly bills come in like any other segment of the population.

"I can't see a rosy future for the family ranch," says Horn. "It will have to be run as a business, not as a way of life."

But the rancher, Morris says, "is the biggest gambler, the hardest head in America. He'll never give up."

Or, as one ranch wife put it, "we live in a big next-year country."

THE PAPERWORK BURDEN: ONE EXAMPLE

HON. PAUL S. TRIBLE, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. TRIBLE. Mr. Speaker, I would like to direct the attention of my colleagues to the burden which Federal paperwork is now placing on our economy.

We have known for years that Federal paperwork has been an increasingly heavy nuisance to small business. Recent studies have shown that this nuisance now costs the ultimate consumers $50 billion a year.

This $50 billion is made up of millions of forms filed out and millions of man hours wasted.

One of my friends wrote me recently, telling me how the paperwork burden forced his company to drop out of consideration for a small Government contract. The following letters tell the story:

AMERICAN INTERNATIONAL RENT-A-CAR,
Newport News, Va., February 11, 1977.

Hon. PAUL S. TRIBLE, Jr.,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN TRIBLE: On December 1, 1976, we were the low bidders to furnish government travelers 2 sub-compact automobiles when visiting the Peninsula area and 3 other sub-compacts when necessary in the Richmond area. This bid was through General Services Administration Bid No. 1FB3FPB6R4088, and was to begin on March 1, 1977. During Christmas week, we were visited by a representative of GSA and were not advised of any problem with the contract being awarded. On January 26, 1977, at the request of Ms. Pomerantz, the contracting officer, we agreed to extend the time limit of our bid until April 1, 1977.

We have had no further contact with anyone from GSA, but did receive a telephone call from the writer of the enclosed correspondence on February 7, 1977 inquiring if we desired to appeal the GSA decision to reject our bid. We had not been informed that our bid had been rejected, but if it had, then we certainly did want to appeal. On Wednesday, February 9, 1977, we received the enclosed package.

After screening the information requested, we decided that the benefit of the GSA contract for 2 sub-compacts on the Peninsula and 3 at Byrd Airport could not possibly outweigh the man hours necessary to report everything the Small Business Administration had requested.

I am forwarding this to you only because it was one of the things you touched on when you met with us in the legislative committee of the Peninsula Chamber of Commerce.

We are following with interest your progress in Congress and can only say—Keep up the good work.

Sincerely,

RALPH J. CROSS,
President.

SMALL BUSINESS ADMINISTRATION,
February 7, 1977.

Re Certificate of Competency.
Attention: R. J. Cross.
R. CROSS, Inc.,
T/A American International Rent-A-Car,
Newport News, Va.

GENTLEMEN: This letter is to advise you that the contracting officer has found your

firm to be non-responsible on the subject procurement. The Small Business Administration has been notified of the circumstances so that we may perform an independent survey to consider the issuance of a Certificate of Competency (COC).

The COC program is, in effect, an appeal procedure available only to a small business concern whose bid for a government procurement has been found to be non-responsible by the contracting agency based solely upon its findings that the firm lacks the necessary capacity and/or credit to successfully perform the contract. In an appeal, it is the responsibility of the small business concern to clearly demonstrate its competency (with sufficient documentary evidence and within the time limit) to obtain affirmative certification by the Small Business Administration.

The enclosed pamphlet will explain the COC Program of this Agency. Also enclosed are Forms 74, 74A, 74B, 355 and 912 for use in applying for a COC. A List of Data Requested is attached which is intended to assist you in presenting to us your production and financial capabilities to perform the proposed award.

Because of the short time limit allowed SBA to process a COC referral, it is imperative that these forms and Data Requested be completed and the number of copies required be submitted to reach the offices shown at the end of this letter no later than 4 p.m. on February 15, 1977.

If outside financing is required to function this proposed award, it is recommended that you contact your bank of account and the SBA District Office immediately.

If complete and acceptable forms and documentation are not submitted within the time frame specified, we will assume that you do not wish to appeal, and the contracting officer will be so notified in order that he may proceed with making an award. Specified questions regarding this COC application should be directed to the writer at 215/596/5978.

Sincerely,

H. P. MILLER,
COC Specialists.

ACTS OF BRAVERY BY TWO YOUNG PEOPLE

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. BROWN of Ohio. Mr. Speaker, two very uncommon acts of bravery were brought to my attention recently. These acts are unusual because they were performed by an 11-year-old girl, Violet Snell, and a 9-year-old boy, David Stinson, both of Fairborn, Ohio. Both of these young people acted in separate incidents to save the lives of others.

Violet Snell's quick action saved the lives of her three sisters when fire raged through their home. Young David Stinson was courageous enough to save the life of his invalid aunt from a fire she had started by accident.

I am most pleased to insert in the RECORD two articles from the Fairborn (Ohio) Daily Herald which describe these two feats of bravery. These young people have set the glowing example of calm, intelligent action in the face of danger, that young and old might do well to follow:

[From the Fairborn (Ohio) Herald, Feb. 4, 1977]

YOUTH SAID HE DID NOT PANIC WHEN FIRE THREATENED HIS, HIS INVALID AUNT'S LIFE

(By Margaret Grube)

Within two weeks, in two incidents of fire, two young Fairborn children have saved the lives of relatives.

The latest happening occurred Wednesday when 9-year-old David Stinson put out the fire at the home of his invalid aunt, Elvia B. Robbins, 152 Loretta ave. On Jan. 20, Violet Snell, 11 years of age, saved the lives of three of her sisters when fire gutted their home at 48 Rowland dr.

It's very unusual to have two instances like this within two weeks, commented Fire Chief Robert Johnson. He said the department probably will recommend both children for an award.

At the same time the chief cautioned anyone wearing a gown or clothing with nylon content to be extremely careful around open flame. "It only takes a second to ignite," said the chief, noting that a person wearing a garment with flared sleeves can easily catch the sleeve on fire simply by reaching over a lit burner on a range. "Be especially careful with cigarets," the chief added.

He also recommended that people know what to do when a person's clothing has caught on fire. "Put the individual on the floor, throw a blanket or anything over them and roll them to smother the flame," he said.

David, a third grade student at South elementary school, was visiting his aunt, a semi-invalid, when the fire occurred at her residence.

She was trying to light a fondue pot, David said, with a piece of paper towel. He said the pot was heated with canned heat. She couldn't get it lit so she pulled the paper towel out and another piece of paper towel nearby caught fire. It fell on the floor catching a rug on fire, a mat on the chair, then Mrs. Robbins' gown.

"She told me to move the table out of the way and I dragged her out of the chair, laid her on the floor. She told me to go out and yell 'fire.' I did but no one would answer.

"She told me to get a bucket. There was no bucket so I took the trash out of the trash can and filled it full of water. We called the fire department and I started to put out the fire. It was out by the time the fire department came. They got all the smoke out of the house."

Mrs. Robbins is in Miami Valley hospital with second and third degree burns on a leg and thigh. Firemen at the scene gave her first aid and then transported her first to the Air Force medical center, Wright-Patterson AFB, and later to Miami Valley hospital where she remains in fair condition today.

Firemen say she could have been fatally burned if it had not been for her nephew who said he didn't panic. Firemen also said because of her disability, had she been alone, she probably would have died in the fire.

Asked how he felt about being able to save someone, David, the youngest of four Stinson brothers, said:

"I feel proud of myself."

[From the Fairborn (Ohio) Daily Herald, Feb. 3, 1977]

YOUTH SAVES LIFE OF INVALID AUNT

A nine-year-old boy was credited with saving the life of his invalid aunt after her clothing caught fire late Wednesday afternoon.

The boy, David Stinson, was visiting his aunt, Alvea Robbins, 152 Loretta ave. It was reported she attempted to light a fondue with a piece of paper towelling and the paper fell into a waste basket starting it on fire.

Ms. Robbins, who is confined to crutches, came too close to the blaze and her gown caught fire. She reportedly fell to the floor and her nephew grabbed a pan of water dousing her burning clothing and also the fire in the waste basket.

In the meantime the fire department was called and arrived at the apartment at 5:56 p.m. They had been informed a woman was trapped in the burning building.

When they arrived they found the fire extinguished and Ms. Robbins suffering from severe burns. She was given first aid by the Fairborn rescue squad and taken to Air Force medical center, Wright-Patterson AFB and later transferred to Miami Valley hospital where she was reported in fair condition today.

Firemen at the scene said she could have been fatally burned if it had not been for the quick action of her nephew. Because of her disability if she had been alone she would probably have died in the resulting fire.

After the apartment fire was secured and Ms. Robbins taken to the hospital, Fairborn police cared for the youngster until his parents came to pick him up and take him home.

CAUTION IN ZAIRE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. MAZZOLI. Mr. Speaker, last week, the Carter administration announced that it had sent an emergency airlift of military and medical supplies to Zaire to help it repel apparent military thrusts by Angolan-based forces.

Administration officials contend that these shipments are of moderate size and consist only of supplies "already in the pipeline" as part of the $30 million in American military aid Zaire is scheduled to receive this year.

These statements notwithstanding, I will have grave doubts about these actions. When one considers the "worst case" outcome of our Nation's involvement in Zaire's border war, visions of another Vietnam keep coming to mind.

President Carter must proceed cautiously here. He has not consulted as fully with the Congress about his actions as I would have hoped. Certainly any action, other than expediting the movement of supplies to Zaire, should not be taken without full, frank, and prior consultation with the Congress.

I would like to call to my colleagues' attention the following two editorials which recently appeared in the Washington Post:

[From the Washington Post, Mar. 16, 1977]

WHY ZAIRE?

True, Zaire is one of Africa's largest and most populous and relatively most moderate states and it's been more friendly than not to American political and economic interests for nearly two decades. True, it deepened its claim on Washington by lending itself to the previous administration's secret involvement aborted when revealed, in the Angolan civil war. True (or so it appears) it's in some trouble at the moment now that Angola, tasting revenge, seems to be sponsoring attacks on the old Katanga part of Zaire (the

former Congo) by separatist-minded Katangese. And, true, it's better that the new administration should send emergency military aid openly rather than again go down the CIA path. Two planeloads of military gear were dispatched yesterday.

It's still a highly dubious proposition for the United States to deepen its involvement in the murk of Zaire in the way that it has. President Mobutu is not exactly what you'd call Jimmy Carter's type of foreign leader. He runs a crude police state of which the State Department, looking for a silver lining, has just said in its human rights report, "Generally, however, after interrogation non-political prisoners are not subject to repeated beatings." The United States professes not to know what kind of soup Zaire is really in, whether Cubans are training the Angolan mercenaries, or financing them, or merely offering moral support; or whether the emergency American military aid thus far sent or contemplated will do its intended job. There is an open-ended quality to Zaire's predicament—its long-developing economic predicament as well as its newly developing political one—and it raises the question of whether Zaire is for the United States still a good bet. We have had unhappy experiences with open-ended involvements of which Vietnam, of course, is Exhibit A.

The larger issue is how the United States intends to treat the disputes among black states which are endemic on the African continent. This is the first one to explode since Jimmy Carter became President—indeed, it is the first foreign military conflict of any kind in which he has involved the United States—and people are naturally looking at his policy for what precedents it may hold. We find his approach troubling. He has not explained the contingencies or stakes which require such an abrupt American response, nor the risks of delay. He has not indicated that the United States is moving by diplomatic means, say, by appealing to the Organization of African Unity or even to the United Nations, to seek a peaceful resolution of the dispute. He came to the White House promising to shoulder more responsibility for Africa's and the developing world's economic welfare. It is odd to see him reacting to his first challenge in the pattern of the previous administration: hustling more security assistance to a longtime client state which may or may not be under Cuban guns. Why doesn't Mr. Carter slow down and say what his policy is and where he thinks it will fetch us up.

[From the Washington Post, Mar. 18, 1977]

WHY ZAIRE? (II)

Why Zaire? We asked on Wednesday. The moment seemed right, since Secretary of State Vance was going up to the Hill that very day to explain why the administration had suddenly rushed two planes full of military gear to that jittery African nation. But, as far as we can see, he didn't really explain it at all. Breaking into the old Foggy Bottom mumble, he merely asserted that if the Katanga soldiers who've crossed from Angola into Zaire succeeded in threatening the copper mines, Zaire's stability would be imperiled. He provided no serious rationale at all for why the stability of Zaire is of such importance to the United States that the administration should ignore its own professed concern for human rights (Zaire is a real loser in that department), identify itself with one of Africa's more corrupt and ineffective governments, and accept an involvement in a dispute with such a raw, ragged, runny look to it. The stability of Zaire: is that what the Carter administration's brave new African policy means? Shades of John Foster Dulles, Dean Rusk, Henry Kissinger and the whole balance-of-power gang.

If Secretary Vance's performance on Zaire was dismal, however, that of the International Relations Committee was appalling. Where are the no's of yester-year? What happened to those vigilant tigers supposedly so ready to ensure that executive power is wisely and well used? Lapping cream out of the administration's saucer, that's what. Aside from some sharp questions by Rep. Don Bonker (D-Wash.)—questions which Mr. Vance slipped by—the rest of the committee simply ignored its responsibility to check on what is after all the Carter administration's first brush with a foreign firefight. It was enough to make you wonder where Congress had been for the past 10 or 20 years.

No, we do not think that Zaire is "another Vietnam." But we do think that the administration has reacted rashly and reflexively to an old client's dubious appeal for emergency aid. Is Angola, in helping a dissident group launch forays into Zaire, doing anything that Zaire has not done recently, and may even still be doing, to Angola? Cannot a way be sought—in particular, by Zaire's European or other African friends—to tame by diplomatic means the running dispute between Angola and Zaire? Are the United States' accumulated obligations to Zaire so overwhelming that the administration could not briefly pause to see what else might be done? At the least, could not the Secretary of State have deigned to spell out the considerations which seemed to him to make it necessary to fly to President Mobutu's aid? This is the Carter administration, isn't it?

SELLING ARMS TO THE ENEMY

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. SYMMS. Mr. Speaker, for sometime I have been concerned about the transfer of U.S. high technology to the Soviet Union—especially computer technology. During the last 4 years some of the best analyses of this technology transfer have been done by Miles Costick. His latest study entitled "United States-Soviet Computer Capabilities" is scheduled for publication in the spring of 1977 by the Georgetown University Center for Strategic and International Studies.

The March 1977 issue of Conservative Digest contains an article by Mr. Costick which highlights the issue of U.S. computer sales to Russia and outlines the dire consequences. I would like to commend this article to my colleagues in Congress:

[From Conservative Digest, March 1977]

SELLING ARMS TO THE ENEMY

(By Miles Costick)

During the last four years American companies have sold the Soviet Union more than $300 million worth of advanced computer equipment—material crucial to modernizing the Soviet military machine.

The giants of our computer industry—including Control Data, IBM, Sperry-Rand and General Electric—have sent Russia and East Europe computers, peripheral equipment, software and manufacturing know-how, and have even built computer component plants for Iron Curtain countries.

And a major new deal that will further erode U.S. security is in the works. Late last year Control Data received permission from the National Security Council, after intervention by Henry Kissinger, to sell very sophisticated computers to America's two biggest enemies.

The Soviet Union will receive the Cyber 7300, a large scientific computer ideal for military applications and about 15 years ahead of current Soviet computer capability.

And Communist China will acquire the Cyber 172, used in the U.S. for antisubmarine warfare, nuclear weapons calculations, and large phase-array radar systems that track ICBMs.

Computers are essential to modern warfare. Computers themselves are used for both navigation and weapons guidance in modern missiles, aircraft, tanks, high-performance satellite-based surveillance systems, ABM defense systems and submarines.

And without computers modern weapons systems could not be built, integrated, tested, deployed, kept combat-ready or operated.

All technologies revolutionizing warfare, such as giros, lasers, avionics, nucleonics, propulsion and computers themselves, are dependent on computers.

For example, the world's most advanced computers (ILLIAC IV, CDC STAR-100, Texas Instruments' ASC and Goodyear's STARAN IV) were built with the aid of several large computers.

In short, today's emerging technologies are as dependent on computers as the technologies of the first industrial revolution were dependent on energy.

In the present era of technological competition with the Soviet Union, the United States enjoys now and is expected to maintain a 10 to 12 year advantage in computer technology, provided there are no ill-considered exports to the Soviet Union and other communist countries.

HENRY SAID YES

Computer technology in the Soviet Union is almost totally dependent on Western imports, and there are several significant features of Western computer technology that the Soviets have failed thus far to acquire.

The first is mass production of high-quality computer components, subsystems, and systems. The second is reliability engineering and quality control. The third is the creative dynamism characteristic of the Western computer scene.

The fourth is computer software: Soviet software today is no further advanced than Western software was in 1960. However interesting Soviet work on the theory of automatic programing may be, it has not led to software that economizes programing time and makes computers more accessible to users.

The fifth area of weakness in Soviet computers is memory storage, both internal and external. Even the most advanced computers produced in the Soviet Union and East Germany have acute memory problems.

The Soviets are making every effort to close these gaps by buying them from us. And they have scored notable successes with this strategy. (They also continue to steal or illicitly buy secrets from private citizens.)

Control Data has been one of the Soviets' richest sources. The company recently agreed to develop jointly with Moscow the next generation of larger highspeed computers, the Cyber series, and to build a plant that can manufacture them.

The Cybers are high-speed, large-volume scientific computers, suitable for military and intelligence operations. Only 12 such installations exist in the world, and they belong to such organizations as the Atomic Energy Commission, the U.S. Air Force, NASA and the National Security Agency.

This Control Data-Soviet venture would create a serious competitor for U.S. computer sales overseas and would sharply upgrade Soviet military potential. American sources in Moscow put the agreement's ultimate worth at more than $500 million.

In the last dozen years Control Data has sold communist countries about 40 computer systems, and has established a joint opera-

tion with Romania, which it is now expanding to produce peripheral equipment, integrated circuits and software.

The company's strategy is to increase its share of the communist bloc computer market, and, in combination with communist computer producers, to increase penetration of the developing countries' markets.

And Control Data has an agreement pending to manufacture 100-megabit disk memory units in the Soviet Union, which would considerably enhance Soviet computer capabilities.

The granddaddy of computer companies, IBM, has frequently sold advanced computers to the Soviet Union and its satellites. It sold the USSR what is believed to be the largest industrial computer in the world for use at the Kama River truck plant, and in 1974 it sold Hungary the advanced 370–155.

This sale, which required the personal approval of Kissinger, violated U.S. policy in that the computer was more powerful than the buyer required, was unknown in the East, and could be copied or diverted for military purposes.

IBM has several other pending computer orders from the Soviet Union, including a triplex 36065 computer system for Soviet air traffic control, which would have obvious military uses.

Other firms selling computer equipment, know-how or manufacturing capability to the Soviet bloc include Singer Dataproducts and Willi Passer.

While America would never consent to give complex military technology directly to the Soviet Union, we have entered into commercial and scientific agreements which have the same effect.

As former Deputy Defense Secretary William Clements has said, "There have been some significant losses of advanced technology to the communist countries, particularly in electronic and very exotic, sophisticated machine tools."

And Britain's NATO envoy, Sir John Killick, recently stated, "Clearly something is amiss when the Soviet Union's all-consuming military machine continues to gather speed and strength, while its economy is increasingly dependent on Western exports."

Yet six high-technology trade associations have warned Congress against permitting the Department of Defense to control transfer of strategic technologies.

"In a civilian government such as ours, the control and administration must reside apart from the military," recently demanded Peter F. McCloskey, president of the Computer and Business Equipment Manufacturers' Association.

Control Data's William Norris puts it more bluntly, "Our biggest problem isn't the Soviets, it's the damn Defense Department!"

WHAT CAN YOU DO

If you believe that Control Data Corporation and other U.S. companies should not be allowed to sell advanced computer technology to the Soviet Union or other communist countries, write President Jimmy Carter, the White House, Washington, D.C.

BALANCE(S) OF POWER SERIES—PART V (ii) (a): ARE WE UNDERRATING SOVIET MILITARY MANPOWER?

HON. JOHN BRECKINRIDGE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. BRECKINRIDGE. Mr. Speaker, in large part, the basic measure of a nation's fighting capability is the talent and dedication of its fighting men. I am privileged today to continue my "Balance(s) of Power" series begun in the last Congress, and focusing on the manpower requirements of the Soviet Union. Col. William F. Scott, writing for Air Force magazine in April 1974, notes that "in a protracted conventional conflict—manpower could well be the decisive element when a rough parity in weapons exists." Colonel Scott provides a number of insights into Soviet training, the interaction of Soviet military and nonmilitary training organizations, as well as a glimpse at the realistic figures of Soviet military manpower capabilities. While the generally accepted figure is about 3½ million troops, this figure fails to take into account the large number of KGB troops and border patrols who are only by the most stringent definition, "paramilitary." While it is true that they perform functions which in large part do not exist in Western democracies—for example, massive border guard detachments for concentration camp guards—the fact remains that they are trained troops available for combat should the need arise.

Colonel Scott's assessment is not comforting; it is sobering. As I pointed out in my previous statement on U.S. manpower, our standing Army has declined to a point where the 775,000 men presently in the U.S. Army represents the lowest number of Army personnel on active duty since the dark, prewar days of 1940.

Colonel Scott's article follows:

ARE WE UNDERRATING SOVIET MILITARY MANPOWER?

During the past six months, the media have given much time and space to the rapidly increasing quality and quantity of Soviet weapons. There has been abundant comment on Secretary of Defense James R. Schlesinger's August 1973 revelation of four new Soviet ICBMs. Millions of words have been spent on the October Middle East war, which demonstrated both the sophistication of several Soviet conventional weapons that had not been used previously in combat, and the USSR's ability to provide enormous quantities of weapons to its client states.

Hardware is one part—a very important one—of a nation's military strength. Another essential is manpower. Beyond gross manpower figures announced by the USSR, little has been published in this country about the size, recruitment, training, and service commitments of Soviet military manpower. Much of what has appeared is inaccurate, incomplete, or both.

In a protracted conventional conflict—or in a general nuclear war as envisioned by Soviet military writers—manpower could well be the decisive element when a rough parity in weapons exists. Today, in many important categories of nuclear and conventional weapons, the US is in a position of numerical—and in some cases also of qualitative—inferiority to the USSR. We can ill afford to delude ourselves about the true size and quality of the USSR's pool of trained military people. This is especially true today, as pressure for further reduction of US troop strength continues, as uncertainty over our ability to recruit and retain capable young people in an all-volunteer force mounts, and as negotiations for force reductions in Europe proceed.

ORGANIZATION OF SOVIET ARMED FORCES

In order to assess the active-duty strength of the Soviet Union's entire military establishment, it is first necessary to examine how Soviet forces are organized.

Under the Ministry of Defense, roughly comparable to our Department of Defense, are five separate services: Strategic Rocket Forces, Ground Forces, Troops of National PVO (aerospace defense), Air Forces, and Navy. The strength of these forces is given by a number of analysts as 3,425,000. There is an undisclosed number of other troops, such as those in civil defense and in military construction which are separate entities under the Ministry of Defense.

In addition to Ministry of Defense organizations are additional forces that are usually referred to by Western writers as "paramilitary." They are units of the Committee of State Security (KGB) and of the Ministry of Internal Affairs (MVD). The former include the Border Guards and other specialized units, reported to number about 125,000. MVD troops are a backup for the regular police force that maintains order throughout the USSR and are said to have a strength of 175,000. By Soviet law, both are part of the armed forces of the USSR.

Only by the most general interpretation of the term can KGB and MVD troops be considered "paramilitary." They are equipped with tanks, armed vehicles, and in some cases aircraft and helicopters. The KGB has its own Navy. The 1969 battle between Soviet and Chinese forces on Damanskiy Island was fought by KGB troops—not by those of the Ministry of Defense.

The period of obligatory service is two years for those serving in the Strategic Rocket Troops, Ground Forces, Troops of National PVO, Air Forces, the air arm of the Navy, the MVD, and ground units of the Border Guard. Service in the Navy, excepting its air arm, and the naval units of the Border Guard is three years. Service in the specialized troops of the Ministry of Defense probably is two years. Only one year of service is required of certain categories of males with higher education.

These periods of obligatory service, which seem unreasonably short in an age of sophisticated weapons, are compensated for by an elaborate program of premilitary training that will be discussed later.

SOME INSIGHTS ON ACTUAL STRENGTH

Under Soviet law, "Information on the organization of the armed forces, their number, location, combat capability, armaments, equipment, combat training, the moral/political status of troops, their material and financial support is a military secret." According to the US press, all data on the Soviet armed forces used during the SALT I negotiations was provided by the United States. Hence, the number of Soviet youths called up each year under universal military service (which began in 1939 and was not terminated after World War II), as well as the total strength of the Soviet armed forces, has never been revealed.

The number of males reaching military age in the Soviet Union has varied widely during the past fifteen years. This variation may have impacted upon the size of the Soviet forces, and the length of service demanded of the recruits. It is estimated that in 1957 the number of eighteen-year-old males was 2,380,000. For a five-year period, this number showed a steady decline, reaching a low of 917,000 in 1962—the year of the Cuban missile crisis. With 20,000,000 deaths attributed to World War II, and with millions of men at the front, few babies were conceived in 1944 and 1945. Khrushchev's emphasis on nuclear weaponry in the early 1960s may have been in part an effort to compensate for his lack of military manpower. The decline in youth of military age which had started in 1957, was not recouped until 1973, at which time the number was estimated at 2,383,000.

It is not known what percentage of Soviet males are excused from military service for physical and other reasons. Age of parents, number of younger brothers and sisters, and other reasons may defer military service until age twenty-seven, after which the individual

is excused. A number of people who have spent considerable time in the Soviet environment suggest that fewer than thirty percent of Soviet youths are exempt from military training. If this is approximately correct—and it may be conservative—then as many as 3,300,000 conscripts may be in the Soviet armed forces at any one time. When this figure is combined with the officers, warrant officers, noncommissioned officers, and the recruits who have volunteered for additional service, the size of the Soviet armed forces may well be more than 4,500,000.

It seems almost certain that the KGB and MVD forces also are larger than usually reported. Some sources place the strength of the KGB at about 500,000. When the size of the Border Guards districts is taken into consideration, together with the tension along the Chinese border, a strength of 175,000 troops appears wide of the mark. It also seems likely that MVD troop strength is closer to 275,000 than to the 125,000 with which they generally are credited. A force larger than that would be needed just to guard and supervise the estimated 2,000,000 Soviet citizens who are in labor camps.

LEADERSHIP IN THE SOVIET ARMED FORCES

Critics of the military in the United States often point to the number of officers in our own armed forces, especially in the senior ranks. In the Soviet armed forces, the officer strength may be more than double that found in the United States.

An indication of the Soviet officer strength is reflected in their military school system. There are seventeen Soviet military academies that correspond roughly to our war colleges and staff colleges. These academies generally are headed by marshals or four-star generals. By regulation, an academy head is at the same rank level as the commander of a military district or fleet. Also, by regulation, heads of departments within the academies are general officers. Buildings and grounds of these academies are impressive. Course length at most academies is three years—considerably different from the much shorter courses at war colleges in this country.

There are 104 known "higher military schools" in the Soviet Union that are roughly the equivalent of the military academies in the United States. Insofar as is known, all of the schools are commanded by general or flag officers. Age of entry is between seventeen and twenty-one. After a four-year course (except for five years at certain naval schools), graduates receive engineering or equivalent degrees and are commissioned as lieutenants. Judging from the outside appearance of these schools their student body would appear to be between 500 and 1,000.

In addition, there are twenty-two other "military schools," with student entry also between ages seventeen and twenty-one, and which provide three-year courses. Graduates are commissioned as lieutenants and receive technical degrees.

Assuming an average student enrollment of 700 at the higher military schools and military schools, this total student body would be in excess of 88,000.

The Soviet officer educational program includes a study area that is seldom found in the United States—that of military science. Hundreds of officers hold this degree at the candidate level, a degree corresponding approximately to our Ph.D. A considerable number of officers are doctors of military science. The doctorate in the Soviet Union is awarded only after an individual is a recognized authority in his field and has defended a dissertation. Among the senior officers holding this degree are Chief Marshal of Tank Troops P. A. Rotmistrov and Marshal of Aviation G. V. Zimin.

Training and morale among the Soviet armed forces appear excellent. In particular, those troops assigned to the Soviet "Groups of Forces" in Germany and other Eastern European nations present a combat-ready appearance, as do the troops in Khabarovsk, the headquarters of the Far Eastern Military District. In contrast, many of the construction troops appear as laborers in military uniform.

SOVIET RESERVISTS

The Soviet armed forces are backed up by a reserve system that has no counterpart in the United States. When an individual finishes his universal military service he is "discharged into the reserves." He remains in the first category of reserves until age thirty-five, the second category until age forty-five, and the third until age fifty. In the Soviet Union there are at least 11,000,000 male reservists under thirty who have had military training, and additional millions in the second and third age categories. This is a far cry from the figure of 3,000,000 reserves that is often reported.

One purpose of the massive Soviet officer strength discussed earlier is to man the cadres from which new units could be formed by mobilization of the reserves. Soviet military spokesmen emphasize that their entire military structure is designed around the cadre system. Throughout the entire Soviet Union there are military commissariat offices, which keep detailed records for each area of all personnel and equipment that have a mobilization potential. Even bicycles are included. As a result of this organizational structure, combined with a highly disciplined and control society, the size of the Soviet armed forces probably could be doubled in less than two weeks.

There is a great difference in the training and use of Soviet and US reserve forces. For example, prior to the Soviet invasion of Czechoslovakia in 1968, a number of Sovietologists thought that the shortage of military transport organic to each division would limit the offensive capability of the Soviet forces. What was not realized at the time was that trucks and other vehicles used in the Soviet civilian economy have specific mobilization assignments. Also, selected drivers in the military reserve are assigned to specific trucks.

Certain categories of reserves were called up for maneuvers in the summer of 1968, along with vehicles. As they were withdrawing from their maneuver area in Poland, a change in the order of march was given, which took them into Czechoslovakia, completely surprising the West. A considerable part of the force was moved by trucks that, a few weeks earlier, might have been hauling bricks for the construction of a new Intourist hotel in Kiev.

PREMILITARY TRAINING

As suggested earlier, two years is an insufficient time in which to take a recruit from basic training to the mastery of sophisticated weapon systems. Accordingly, the Soviet leadership has provided a comprehensive premilitary training program, designed to assist the recruit in becoming effective as a soldier in a minimum period of time.

"Bringing up a future soldier begins, if you please, with childhood," according to a recent Soviet military journal. Children's books, glorifying war and military life, and attractively illustrated are sold at extremely low prices. Another Soviet spokesman wrote that "the formation of a soldier . . . begins at the first signs of maturity, during the time of adolescent dreams."

Twenty-five million Soviet boys and girls between the ages of eight and fifteen are members of the Pioneers, a Communist young peoples' organization. Their official handbook has thirty-five pages devoted to "war of the future." This book explains one of the military-sport games, Zarnitsa, first started in 1969, in which 15,000,000 Pioneers have participated in unit exercises at one time. The basic unit for the game is the battalion, consisting of a commander, his deputy for political matters, and detachments of soldiers. In each detachment there must be a commander, political officers, scouts, riflemen, medical corpsmen, cooks, and an editor for the battalion combat journal. These games are widely publicized in the Soviet press and on television.

Another phase of premilitary training is conducted by DOSAAF—the Volunteer Society for Cooperation with the Army, Aviation, and the Fleet. This organization may be joined by boys and girls fourteen years of age and above. DOSAAF has 308,000 separate groups and 2,700 major units. Its active membership officially is reported at 9,000,000, with another 5,000,000 taking part in its sports activities. Some sources believe that 40,000,000 people use DOSAAF's facilities. Currently, DOSAAF is headed by an active-duty marshal of aviation, with numerous other officers assigned, including political officers.

The 1967 modification to the military-service law, which reduced the average length of service from three to two years, places overall supervision of premilitary training in the Ministry of Defense, with specific help to be given by DOSAAF and the various ministries concerned with education. If not truly a nation-in-arms, the USSR is, at the least, a country in which most adults have had some military training and in which every effort is made to create interest in military affairs and to enhance the prestige of the military profession.

UNIVERSAL MILITARY SERVICE AND THE COMMUNIST PARTY

Many analysts in the West attempt to study conditions in the Soviet Union through a "mirror-image" of like conditions they believe exist in the United States and in other NATO nations. Some of these analysts feel that Soviet military leaders are in conflict with party leadership in seeking to maintain the size of the armed forces at a high level. In actual practice, this "mirror-imaging" seldom is applicable with respect to the Soviet Union. Party theoreticians appear to give full support to universal military service. The Soviet armed forces are the arm of the Communist Party, with the task of "protecting the gains of socialism" and of ensuring the "historic inevitability of the downfall of capitalism."

According to General Secretary Leonid Brezhnev, "In our country military service is not only a school of combat skill. It is also a good school of ideological and physical steeling, of discipline and organization." Universal military service provides the Party with the opportunity to have Soviet youths for a final period of intensive political indoctrination, under completely controlled conditions. All members of the Soviet armed forces, from officers to conscripts, are required to attend periods of political indoctrination each week. Political officers are told exactly what and how to teach. They are attempting to mold the "new Soviet man," one of the goals of Marxism-Leninism.

THE SOVIET ECONOMY AND THE MILITARY CONSCRIPT

In the United States, military manpower costs absorb slightly more than forty percent of the total military budget. (Total manpower costs—military and civilian—account for more than half of the US defense budget.

Soviet conscripts receive only token pay. The cost of their food is reduced by the maintenance of military farms, on which they themselves provide the labor. Soviet barracks for enlisted personnel are simple and spartan to an extreme. Men sleep on cots in huge, open bays. Their personal possessions are few. Food, clothing, and shelter are only a fraction of similar costs in the armed forces of the United States.

But that is not all. The Soviet conscript performs a valuable service to the Soviet economy by providing inexpensive and disciplined manpower. Military troops work on projects such as the buildings on Moscow's Kalinin Street or Moscow State University, and the ministry for which the work is performed pays some reimbursement to the Ministry of Defense. Payment is only a transfer of funds from one ministry to another. The labor itself is practically donated.

In addition to performing construction work for the civilian economy and maintaining the military farms, conscripts frequently can be seen in fields helping with the sowing and harvesting and doing a wide variety of other manual tasks. In pouring rain and in bitter cold they lay pipe, dig ditches, build railroads and roads in areas seemingly far removed from military installations.

Thus, the Soviet military conscript is not completely out of the Soviet labor pool during his period of obligatory service. During his military-training period he also may make contributions to the economy.

IMPLICATIONS FOR THE UNITED STATES

From this brief discussion of Soviet military manpower, several significant facts emerge:

A basic tenet of Soviet military doctrine is that the entire Soviet people be prepared for the eventuality of war.

The Communist Party gives full support to universal military service and the maintenance of large forces, for reasons that are both political and military.

Soviet military manpower costs are dramatically lower than those of the US.

Active-duty military forces of the USSR probably are about a million larger than usually reported, and roughtly twice as large as those of the U.S.*

Soviet active-duty forces are backed by reserves that may be from two to three times larger than generally recognized, and greater than those of the US by an order of magnitude.

Faulty information about the size and organization of the Soviet armed forces may lead to inadequate force programming on our own part. We might well ponder the desirability of an all-volunteer force—and its implications for the preparedness of this nation—when contrasted to the system of universal military service in the Soviet Union.

*In April, 1974.

SOUTH YEMEN AND THE UNITED STATES

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. BONKER. Mr. Speaker, I want to call attention to a report which appeared in the Washington Post of February 22, 1977, to the effect that South Yemen is to some extent being brought to heel by a carrot approach of Saudi Arabia. For one, the People's Democratic Republic of Yemen—as it is more formally known—apparently was persuaded to end its support of the agitation in Oman's Dhofar province, something that worried the United States and Iran as well as the Saudis; and it has even taken steps to a reconciliation with more Western-oriented North Yemen.

This has importance for the stability of the region, and the interests of the United States, because the Soviet influence in the Marxist state of South Yemen has been rumored to be considerable and potentially a major challenge to ocean-going transit in the area. Taken together with an apparent Soviet presence in Somalia and accessibility to prospective new states in Eritrea and Djibouti, it has caused serious concern to some of our strategic thinkers.

In such circumstances, it is critical to know just what the Soviet threat is in the area, before we determine the nature of, or even need for, a response. It is all too easy for American action to be construed by an adversary, however unfairly, as provocation prompting counter-action. The Soviet presence in Aden and that region generally—and the danger of that presence—should clearly be established, and milder methods to countervail it examined, before we find ourselves launching into a spiraling Indian Ocean involvement, or continuing too blindly to support a seemingly anti-American and brutal government in Ethiopia in the hopes of maintaining influence in the Red Sea. The article follows:

[From the Washington Post, Feb. 22, 1977]

YEMENI LEADERS MEET; TENSIONS APPEAR EASED

(By Thomas W. Lippman)

CAIRO, February 21.—Another of the localized conflicts that make the Arab world so volatile and impede the unity that Arab leaders profess to seek was apparently defused this past week with an amicable meeting between the heads of state of North and South Yemen.

Official accounts of their talks said they agreed on "genuine and sound steps" toward unification.

Diplomatic specialists in Yemeni affairs said they doubt that this will actually result in a merger of the two states, which have quite different economic and political orientations. Rather, they said, it indicates that the two may turn away from their former hostility to cooperation on matters of mutual interest.

For Marxist South Yemen, the talks mark another step out of its long diplomatic isolation, a process that began when it established diplomatic relations with Saudi Arabia a year ago and, in exchange for Saudi economic aid, cut off active military support for the Communist-dominated insurgency in neighboring Oman.

Before that, South Yemen—the poorest Arab country—was a pariah on the Arabian peninsula, almost wholly dependent on the Soviet Union.

Improved relations between the two Yemens certainly have the support and probably the active encouragement of Saudi Arabia, which provides economic aid to both. The border between the Yemens meets the sea at the narrow Bab el Mandeb strait, the entrance to the Red Sea which is of vital strategic importance for Saudi Arabia and its allies, Egypt and Sudan.

The Saudis have been working actively for regional efforts at protecting the strait, which they see as possibly threatened by the chaos in Ethiopia and by potential struggles among the African states on the west side of the strait over the French Territory of the Afars and Issas, which is to become independent this summer.

Ibrahim Hamdi, president of the Yemen Arab Republic, or North Yemen, and Salem Rubaya Ali, head of state of the People's Democratic Republic of Yemen, or South Yemen, met at the border town of Qatabah. It was believed to be their first meeting on Yemeni soil since 1974, when Hamdi took power in North Yemen in a coup—a move that effectively ended previous negotiations toward a merger.

Those talks began after a border war between the Yemens in 1972. Despite historic tribal and religious ties, the two countries were uneasy neighbors after South Yemen, the former British colony of Aden, gained independence in 1967.

An Arab League mediation mission helped end that war with a peace agreement in which the Yemens agreed to establish a single state with its capital at Sanaa, now the capital of North Yemen. That agreement went the way of so many similar accords among Arab neighbors, with no real merger ever actually effected. By the spring of 1975, after the pro-Saudi, pro-Western Hamdi had taken power in Sanaa, North Yemen was accusing South Yemen of "acts of sabotage" over the border.

Then came Saudi Arabia's opening toward South Yemen, and with it Saudi pressure for a lessening of tensions on the peninsula. In October, the two Yemeni heads of state held a fence-mending session at the summit conference in Cairo, where other Arab leaders are said to have suggested that they renew their cooperation.

The outcome of their meeting last week fits in with the pattern of events in the Arabian peninsula that has developed over the past three years—a lowering of hostility and tension under the diplomatic patronage of Saudi Arabia, and a steady lessening of Soviet influence.

Particularly in North Yemen, which formerly was pro-Soviet and received substantial Soviet military assistance, the turn to the West under Hamdi has been dramatic. Last year he turned to the United States for arms, and he is currently courting France assiduously.

Foreign Minister Abdulla Asnaj was in France last week for talks covering, among other things, the proposed independence of the French colony across the Bab el Mandeb. French Foreign Minister Louis de Guiringaud is understood to have accepted an invitation to visit Sanaa.

END OF A REMARKABLE ERA

HON. JAMES ABDNOR

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 23, 1977

Mr. ABDNOR. Mr. Speaker, publication of the March 17, 1977, edition of the DeSmet (S. Dak.) News brings to a close a remarkable era in South Dakota journalism. After nearly 94 years the Sherwood family is no longer in the publishing business.

The involvement of the Sherwoods with DeSmet and the new-community service profession dates back to a time before South Dakota became a State. With the founding of nearly every community came the establishment of its link to the outside world—its newspaper.

Carter P. Sherwood had come west from Wisconsin in 1882 when homesteading was at its height in Kingsbury County. Along with Mark A. Brown he founded the DeSmet Leader. By the end of 1883 Sherwood was the sole owner and continued as its publisher until his death in 1929. Since that time his son, Aubrey Sherwood, who had associated with the venture in 1919, has been the publisher supervising its weekly publication, and

ushering it from the letterpress into the offset era.

In a feature article, Sunday, March 13, 1977, the Huron (S. Dak.) Daily Plainsman traced the Sherwood era in DeSmet and the many contributions the family has and is still making to not only the DeSmet community but to all of South Dakota. I commend this remarkable record of service to the attention of my colleagues:

AUBREY SHERWOOD RETIRES: END OF ERA AT DE SMET NEWS

(By Chuck Raasch)

DE SMET.—An era that stretches back to the homestead days is coming to an end in De Smet this week.

On Thursday, The De Smet News, the weekly publication that has served this county seat city for almost a century, will be taken over by Dale Biegan, a former Brookings resident who is purchasing the operation. And for the first time since 1883—almost 94 years—the paper will not be published by a member of the Sherwood family.

Aubrey Sherwood, 82, has been the publisher of The News since 1929, and has been affiliated with the paper on a full-time basis since 1919. Before that, his father had published the newspaper since 1883, when he had come west from Wisconsin and bought the fledgling operation.

Under the Sherwood name, The News has become one of the most respected and innovative weekly newspapers in South Dakota, acting as the voice of one of Central South Dakota's most progressive communities.

Listening to him speak, one gets the impression that as he looks back over his 50-plus years in country journalism, Aubrey Sherwood wouldn't have wanted it any other way.

But, he says, that was not always the case.

A graduate of De Smet schools, Sherwood went on to South Dakota State College in Brookings, graduating with a degree in agriculture in 1917. (He says that oftentimes people say he has a degree in journalism, but points to the fact that State College didn't offer such a degree in 1917). Sherwood had several offers—one as a writer for the Dakota Farmer magazine, one as an extension field entomologist (the first ever in South Dakota), and another as a graduate assistant in journalism at the University of Wisconsin.

However, he took a teaching job in Minnesota for six months, went to the service in June of 1918, and learned airplane mechanics instead.

He says that at that time, being a printer and journalist was the last thing on his mind. But a case of the influenza changed all that, because in 1919, he returned home sick with the flu, stayed at his parents' house several weeks to recover, and decided to go into the publishing business with his father.

He says that his going into the newspaper business was "partly need and partly possibility. If I was trained to be an editor for Dakota Farmer, why couldn't I edit and write for a weekly newspaper?" he said. "But my father said 'why do you want to give up a good job and come into a little news office?' And I guess, strictly from a financial standpoint, it was probably not the right thing to do. But there's never been a time when I've regretted it."

Sherwood described his father as a good printer, who didn't know much about journalism. "We were a darned good team together," he said. "Dad would run the shop and I'd take care of the news I could run all over the county chasing down a story, and he'd hold down the base."

In 1925, his father gave him half-interest into the newspaper as a wedding present. In 1929, his father died after 46 years of publishing, and Aubrey took the operation over.

The changes in journalism have been "tremendous" since he started in the business, according to Sherwood. He said that his father put advertisements and editorials on page one, news and stories were usually short and most didn't have headlines.

Sherwood said when he started writing the news, the paper bought a linotype typesetting machine and one of the first self-feeding presses in the area. In 1969, The News became the first paper in South Dakota to convert to an offset printing operation, even before all of the state's daily newspapers.

Country journalism is a special field, according to Sherwood, and he says that even after almost 60 years in the business, he still enjoys it.

"There is no better field than a country newspaper—it's the most interesting work there is," said Sherwood. "Weekly newspapers are different than dailies, because a country editor writes for the people he meets every day on the street. You deal with your people from birth to death, through joys and sorrows—it's the most humanizing job in the field."

"I've been a community-promoting editor through the years, no doubt about that," he continued. "But it's all been honest and optimistic. The old joke was that when a country editor's friends got into trouble, he left town so he wouldn't have to print that news. But if it was in the courts, even if it was a friend, we printed it—we never left town."

Through the years, Sherwood cultivated a deep friendship with artist Harvey Dunn, a man for whom Sherwood had endless praise.

"I used to visit with Harvey on our front porch—sometimes until midnight," he said. "That man had a dominating personality, and he had eyes that could just look right through you. But you'll never find a kinder and more likable sort."

Sherwood was instrumental in having Dunn leave a large collection of his paintings in South Dakota, and donated the Dunn painting "Argument with a Sheep Man" to the Alumni Center at South Dakota State University.

He also served as the first president of the Laura Ingalls Wilder Memorial Society, and has written a short book on Harvey Dunn.

Now that he is selling his newspaper, Sherwood is moving into an office a few doors down the street, where he will sell Dunn prints and continue to work on the Wilder society, along with helping to promote various civic and area projects.

He will also, he says, be of any assistance to Biegan that he possibly can.

"I've had these keys a long, long time, and it's kind of hard to give them up," he said, pointing to a key for The News office. "When you're in something that long, your mind kind of stays there. I'll stay busy, and I'll help Dale as much as he wants me."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings when scheduled, and any cancellations or changes in meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the office of the Senate Daily Digest will prepare such information daily for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, March 24, may be found in the Daily Digest section of today's RECORD.

The schedule follows:

MEETINGS SCHEDULED

MARCH 25

9:00 a.m.

Agriculture, Nutrition, and Forestry
Subcommittee on Nutrition
To hold oversight hearings on the food stamp program.
322 Russell Building

Foreign Relations
Foreign Assistance Subcommittee
To hold hearings on proposed legislation to authorize funds for bilateral development assistance.
4221 Dirksen Building

9:30 a.m.

Armed Services
To hold hearings on the nomination of William James Perry, of California, to be Director of Defense Research and Engineering; to receive a report from Research and Development Subcommittee on the nominations of David E. McGiffert, of the District of Columbia, to be an Assistant Secretary, and Gerald Paul Dinneen, of Massachusetts, to be an Assistant Secretary, both of the Department of Defense; to be followed by closed hearings to receive testimony on the fiscal year 1978 authorization requests for the Energy Research and Development Administration with respect to national security programs.
212 Russell Building

Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

Human Resources
Alcoholism and Narcotics Subcommittee
To continue oversight hearings on existing alcohol and drug abuse education programs, and proposed legislation to extend such programs.
Until 12:30 p.m. 1224 Dirksen Building

10:00 a.m.

Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment, to hear congressional witnesses.
1223 Dirksen Building

Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 of the Department of the Interior.
1114 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for programs for education of the handicapped, and for occupational, vocational, and adult education programs.
S-128, Capitol

Banking, Housing, and Urban Affairs
To hold hearings on S. 406, the proposed Community Reinvestment Act.
5302 Dirksen Building

Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee

To hold oversight hearings on ocean shipping practices.
235 Russell Building
Energy and Natural Resources
Subcommittee on Energy Research and Development
To continue hearings on proposed authorizations for fiscal year 1978 for the Energy Research and Development Administration.
3110 Dirksen Building
Governmental Affairs
To continue hearings on S. 591 and 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
3302 Dirksen Building
Human Resources
To hold hearings on the nominations of Mary Berry of Colorado, to be Assistant Secretary of HEW for Education, and Ernest L. Boyer, of New York, to be Commissioner of Education.
Until 12 noon 4232 Dirksen Building
11:00 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for 1977 from officials of Amvets.
Until Noon. 1202 Dirksen Building
1:30 p.m.
Environment and Public Works
To consider the nominations of James Gustave Speth, of the District of Columbia, to be a Member of the Council on Environmental Quality; and Robert L. Herbst, of Minnesota, to be Assistant Secretary of the Interior for Fish and Wildlife; and to resume consideration of bills proposing amendments to the Clean Air Act (S. 251, 252, 253), 1:30 p.m.
4200 Dirksen Building

MARCH 28

9:00 a.m.
Appropriations
Agriculture Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear public witnesses.
6202 Dirksen Building
9:30 a.m.
Commerce, Science, and Transportation
Subcommittee on Aviation
To hold hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building
10:00 a.m.
Appropriation
HUD—Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development.
1318 Dirksen Building
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Federal Aviation Administration.
1224 Dirksen Building
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings to inquire into domestic communications common carrier policies (i.e., telephone, computer, etc.)
235 Russell Building
Energy and Natural Resources
Subcommittee on Energy Research and Development
To continue hearings on proposed authorizations for fiscal year 1978 for Energy Research and Development Administration's nuclear budget.
3110 Dirksen Building
Governmental Affairs
Energy Subcommittee
To hold hearings on S. 897, to strengthen U.S. policies on nuclear nonproliferation, and to reorganize certain nuclear export functions.
3302 Dirksen Building
Governmental Affairs
Subcommittee on Intergovernmental Relations
To resume hearings on S. 2, to require reauthorization of Government programs at least every 5 years (proposed Sunset Act).
6226 Dirksen Building
1:30 p.m.
Appropriations
Agriculture Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear public witnesses.
6202 Dirksen Building
2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

MARCH 29

9:00 a.m.
Appropriations
Agriculture Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear public witnesses.
6202 Dirksen Building
9:30 a.m.
Agriculture, Nutrition, and Forestry
Subcommittee on Rural Development
To hold hearings on medicare reimbursements for rural health care clinics.
322 Russell Building
Commerce, Science, and Transportation
Subcommitte on Aviation
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building
10:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment, to hear congressional witnesses.
1223 Dirksen Building
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development.
1318 Dirksen Building
Appropriations
Labor-HEW Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Office of Human Development.
S-128, Capitol
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced
Energy and Natural Resources
Energy Production and Supply Subcommittee
To continue hearings on S. 977, to conserve gas and oil by fostering increased utilization of coal in electric generating facilities and in major industrial installations.
3110 Dirksen Building
Government Affairs
To continue hearings on S. 591 and S. 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
3302 Dirksen Building
Governmental Affairs
Subcommittee on Intergovernmental Relations
To continue hearings on S. 2, to require authorization of Government programs at least every 5 years (proposed Sunset Act).
6226 Dirksen Building
Select Intelligence
Subcommittee on Budget Authorization
To resume closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407 Capitol
1:30 p.m.
Appropriations
Agriculture Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear public witnesses.
6202 Dirksen Building
2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Technical Institute for the Deaf; the American Printing House for the Blind; Gallaudet College, and Howard University.
S-128, Capitol
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced
Commerce, Science, and Transportation
To hold hearings on the nomination of Joan Buckler Claybrook, of Maryland, to be Administrator of the National Highway Traffic Safety Administration.
5110 Dirksen Building

MARCH 30

9:00 a.m.
Appropriations
Agriculture Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of Agriculture, to hear Secretary Bergland.
1224 Dirksen Building
9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the National Park Service.
1114 Dirksen Building
Commerce, Science, and Transportation
Subcommittee on Aviation
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
235 Russell Building
10:00 a.m.
Agriculture, Nutrition, and Forestry
Subcommittee on Agriculture Production, Marketing and Stabilization of Prices
To hold oversight hearings on problems of flue-cured tobacco farmers.
322 Russell Building
Appropriations
Defense Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1978 for the Defense Establishment, to hear congressional witnesses.
1223 Dirksen Building

Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear officials of the Export-Import Bank, and Overseas Private Investment Corporation.
1318 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Social and Rehabilitation Service.
S-128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

Banking, Housing, and Urban Affairs
To make up S. 305, to require issuers of securities to maintain records, and to prohibit the payment of overseas bribes by any U.S. business concern.
5302 Dirksen Building

Energy and Natural Resources
Subcommittee on Public Lands and Resources
To consider S. 7, to establish ir the Department of the Interior an Office of Surface Mining Reclamation and Enforcement to administer programs to control surface coal mining operations.
3110 Dirksen Building

Governmental Affairs
To continue hearings on S. 591, and 826, to establish a Department of Energy in the Federal Government to direct coordinated national energy policy.
3302 Dirksen Building

Governmental Affairs
Subcommittee on Intergovernmental Relations
To continue hearings on S. 2, to require reauthorization of Government programs at least every 5 years (proposed Sunset Act).
6226 Dirksen Building

Select Intelligence
Subcommittee on Budget Authorization
To continue closed hearings on proposed fiscal year 1978 authorization, for Government intelligence activities.
S-407, Capitol

10:30 a.m.
Commerce, Science and Transportation
To consider the nomination of Michael Pertschuk, of the District of Columbia, to be a Federal Trade Commissioner.
5110 Dirksen Building

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

Foreign Relations
Subcommittee on Foreign Economic Policy
To meet in closed session to receive a staff report on U.S. Foreign Economic Policy Issues: The United Kingdom, France, and West Germany.
S-116, Capitol

MARCH 31

9:00 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation to amend and extend the Agriculture and Consumer Protection Act.

Select Nutrition and Human Needs
To continue hearings to examine the relationship between diet and health, to receive testimony on the need for fiber in diet.
Until: 1 p.m. 3302 Dirksen Building

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Bureau of Outdoor Recreation and the Land and Water Conservation Fund.
1114 Dirksen Building

Commerce, Science, and Transportation
Subcommittee on Aviation
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the defense establishment, to hear public witnesses.
1223 Dirksen Building

Appropriations
Labor-HEW subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Social Security Administration.
S-128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for National Highway Traffic Safety Administration.
1224 Dirksen Building

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To consider S. 365, authorizing funds for fiscal year 1978 for NASA.
235 Russell Building

Energy and Natural Resources
Subcommittee on Public Lands and Resources
To consider S. 7, to establish in the Department of the Interior an Office of Surface Mining Reclamation and Enforcement to administer programs to control surface coal mining operations.
3110 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To hold hearings on national water policy in light of current drought situations.
4200 Dirksen Building

Foreign Relations
Subcommittee on Oceans and International Environment
To hold hearings on S. Res. 49, favoring international agreement to a treaty requiring the propagation of an international environmental impact statement for any major project expected to have significant adverse effect on the physical environment.
4221 Dirksen Building

Government Affairs
To continue hearings on S. 591 and S. 826, to establish a Department of Energy in the Federal Government to direct a coordinated national energy policy.
3302 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Office of Civil Rights, Inspector General, Policy Research, and General Management.
S-128, Capitol

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

Select Intelligence
Subcommittee on Budget Authorization
To continue closed hearings on proposed fiscal year 1978 authorizations for Government intelligence activities.
S-407, Capitol

3:30 p.m.
Foreign Relations
To receive a briefing (in closed session) from officials of the Central Intelligence Agency on the general world situation.
S-116, Capitol

APRIL 1

9:3^ a.m.
Commerce, Science, and Transportation
Subcommittee on Aviation
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

Environmental and Public Works
Water Resources Subcommittee
To hold hearings on the proposed replacement of Lock and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Energy and Natural Resources
Subcommittee on Energy Research and Development
To hold hearings on S. 419, to test the commercial, environmental, and social viability of various oil-shale technologies.
3110 Dirksen Building

APRIL 4

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
HUD—Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Treasury on funds for New York financing.
1318 Dirksen Building

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Commerce, Science, and Transportation
To hold hearings on S. 263, to provide for interim regulatory reform of the Interstate Commerce Commission, Federal Trade Commission, Federal Power Commission, Federal Communications Commission, Civil Aeronautics Board, Federal Maritime Commission, and Consumer Product Safety Commission.
235 Russell Building

Energy and Natural Resources
Subcommittee on Energy Conservation and Regulation
To hold oversight hearings to determine status of national efforts in energy conservation.
3110 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Development
To resume hearings on proposed authorizations for fiscal year 1978 for Energy Research and Development Administration.
S–407, Capitol

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

APRIL 5

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Forest Service.
1114 Dirksen Building

Select Small Business
Monopoly Subcommittee
To resume hearings on alleged restrictive and anticompetitive practices in the eye glass industry.
318 Russell Building

10:00 a.m.
Appropriations
HUD—Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission.
Room to be announced

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Commerce, Science, and Transportation
To hold hearings on S. 263, to provide for interim regulatory reform of the Interstate Commerce Commission, Federal Trade Commission, Federal Power Commission, Federal Communications Commission, Civil Aeronautics Board, Federal Maritime Commission, and Consumer Product Safety Commission.
235 Russell Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 562, the proposed Union Station Improvement Act.
5110 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Production and Supply
To resume hearings on S. 977, to conserve gas and oil by fostering increased utilization of coal in electric generating facilities and in major industrial installations.
3110 Dirksen Building

Energy and Natural Resources
Subcommittee on Energy Research and Development
To continue hearings on proposed authorizations for fiscal year 1978 for Energy Research and Development Administration.
Room to be announced

2:00 p.m.
Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

APRIL 6

9:00 a.m.
Energy and Natural Resources
Parks and Recreation Subcommittee
To hold hearings on S. 393, the proposed Montana Wilderness Study Act.
Room to be announced

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior, to hear Congressional witnesses.
1114 Dirksen Building

Commerce, Science, and Transportation
Communications Subcommittee
To hold oversight hearings on rural telecommunications policy.
235 Russell Building

Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

Select Small Business
Monopoly Subcommittee
To continue hearings on alleged restrictive and anticompetitive practices in the eye glass industry.
318 Russell Building

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for foreign aid programs, to hear public witnesses.
1318 Dirksen Building

Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Consumer Product Safety Commission, Office of Consumer Affairs, and Consumer Information Center.
Room to be announced

Appropriations
Public Works Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for public works projects, to hear Members of Congress and public witnesses.
Room to be announced

Budget
To mark up proposed first concurrent resolution setting forth recommended levels of total budget outlays, Federal revenues, and new budget authority.
357 Russell Building

Energy and Natural Resources
Subcommittee on Energy Conservation and Regulation
To continue oversight hearings to determine status of national effort in energy conservation.
3110 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To hold hearings on the benefits from and technological uses of genetic engineering-Deoxyribonucleic Acid (DNA) research.
6202 Dirksen Building

2:30 p.m.
Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings on proposed authorizations for fiscal year 1978 for the Coast Guard.
5110 Dirksen Building

APRIL 7

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on bills proposing regulatory reform in the air transportation industry, including S. 292 and S. 689.
5110 Dirksen Building

10:00 a.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for military construction programs, on funds for NATO and classified programs.
S–146, Capitol

Energy and Natural Resources
Subcommittee on Energy Production and Supply
To resume hearings on S. 419, to test the commercial, environmental, and social viability of various oil-shale technologies.
3110 Dirksen Building

APRIL 18

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of Housing and Urban Development and Independent Agencies, to hear public witnesses.
1318 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To resume hearings on the national water policy in view of current drought situations.
4200 Dirksen Building

Judiciary
To hold hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

APRIL 19

9:30 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and Related Agencies, to hear public witnesses.
1114 Dirksen Building

Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Aviation Administration.
1224 Dirksen Building

Commerce, Science, and Technology
Science, Technology, and Space Subcommittee

To hold hearings on S. 126, to establish an Earthquake Hazards Reduction Program.
5110 Dirksen Building

Environment and Public Works
To resume hearings on the proposed replacement of Lock and Dam 26, Alton, Ill.
4200 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

Commerce, Science, and Technology
Consumer Subcommittee
To hold oversight hearings on activities of the Consumer Product Safety Commission.
235 Russell Building

Energy and Natural Resources
To resume hearings on S. 9, to establish a policy for the management of oil and natural gas in the Outer Continental Shelf.
3110 Dirksen Building

Governmental Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine governmental accounting and auditing practices and procedures.
3302 Dirksen Building

Judiciary
To continue hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

3:00 p.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimate for fiscal year 1978 for the Department of Housing and Urban Development, to hear public witnesses.
1318 Dirksen Building

APRIL 20

9:30 a.m.
Environment and Public Works
Water Resources Subcommittee
To continue hearings on the proposed replacement of Lock and Dam 26, Alton Ill.
4200 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

Commerce, Science and Technology
Consumer Subcommittee
To continue oversight hearings on activities of the Consumer Product Safety Commission.
235 Russell Building

Judiciary
To continue hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

APRIL 21

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Department of the Interior and related agencies, to hear public witnesses.
1114 Dirksen Building

Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

Commerce, Science, and Technology
Consumer Subcommittee
To continue oversight hearings on activities of the Consumer Product Safety Commission.
5110 Dirksen Building

Governmental Affairs
Subcommittee on Reports, Accounting and Management
To hold hearings to examine Government accounting and auditing practices and procedures.
3302 Dirksen Building

APRIL 22

10:00 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on proposed housing and community development legislation with a view to reporting its final recommendations thereon to the Budget Committee by May 15.
5302 Dirksen Building

APRIL 25

10:00 a.m.
Judiciary
To resume hearings on S. 825, to foster competition and consumer protection policies in the development of product standards.
2228 Dirksen Building

APRIL 26

9:30 a.m
Small Business
To hold hearings on the problems of small business as they relate to product liability.
1202 Dirksen Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Urban Mass Transportation Administration.
1224 Dirksen Building

2:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the Urban Mass Transportation Administration.
1224 Dirksen Building

Commerce, Science, and Technology
Consumer Subcommittee
To hold hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

APRIL 28

10:00 a.m.
Appropriations
Transportation Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1978 for the National Highway Traffic Safety Administration.
1224 Dirksen Building

Commerce, Science, and Technology
Consumer Subcommittee
To continue hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

APRIL 29

10:00 a.m.
Commerce, Science, and Technology
Consumer Subcommittee
To continue hearings on S. 403, the proposed National Product Liability Insurance Act.
5110 Dirksen Building

MAY 3

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on U.S. monetary policy.
5302 Dirksen Building

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation amending the Federal Trade Commission Act.
235 Russell Building

MAY 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1978 for the Federal Highway Administration.
1224 Dirksen Building

Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building

Consumer, Science, and Transportation
Consumer Subcommittee
To continue hearings on proposed legislation amending the Federal Trade Commission Act.
235 Russell Building

MAY 5

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee by May 15.
5302 Dirksen Building

MAY 6

10:00 a.m.
Banking, Housing, and Urban Affairs
To consider all proposed legislation under its jurisdiction with a view to reporting its final recommendations to the Budget Committee on May 15.
5302 Dirksen Building

MAY 10

10:00 a.m.
Appropriations
Transportation Subcommittee
To resume hearings on proposed budget estimate for fiscal year 1978 for the Federal Railroad Administration (Northeast Corridor).
1224 Dirksen Building

Banking, Housing, and Urban Affairs
To resume oversight hearings on U.S. monetary policy.
5302 Dirksen Building

Government Affairs
Subcommittee on Reports, Accounting, and Management
To hold hearings to examine Government accounting and auditing practices and procedures.

MAY 12

10:00 a.m.
Government Affairs
Subcommittee on Reports, Accounting, and Management.

To continue hearings to examine Government accounting and auditing practices and procedures.

3302 Dirksen Building

MAY 18

10:00 a.m.

Appropriations

Transportation Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary of Transportation Adams.

1224 Dirksen Building

2:00 p.m.

Appropriations

Transportation Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1978 for DOT, to hear Secretary of Transportation Adams.

1224 Dirksen Building

MAY 24

10:00 a.m.

Governmental Affairs

Subcommittee on Reports, Accounting and Management.

To resume hearings to examine Government accounting and auditing practices and procedures.

3302 Dirksen Building

MAY 26

10:00 a.m.

Governmental Affairs

Subcommittee on Reports, Accounting, and Management

To continue hearings to examine Government accounting and auditing practices and procedures.

3302 Dirksen Building